

WISCONSIN STATE
LEGISLATURE
COMMITTEE HEARING
RECORDS

1999-00

(session year)

Assembly

(Assembly, Senate or Joint)

Committee on
Campaigns &
Elections
(AC-CE)

File Naming Example:

Record of Comm. Proceedings ... RCP

- 05hr_AC-Ed_RCP_pt01a
- 05hr_AC-Ed_RCP_pt01b
- 05hr_AC-Ed_RCP_pt02

Published Documents

➤ Committee Hearings ... CH (Public Hearing Announcements)

➤ **

➤ Committee Reports ... CR

➤ **

➤ Executive Sessions ... ES

➤ **

➤ Record of Comm. Proceedings ... RCP

➤ **

*Information Collected For Or
Against Proposal*

➤ Appointments ... Appt

➤ **

➤ Clearinghouse Rules ... CRule

**

➤ Hearing Records ... HR (bills and resolutions)

➤ **99hr_ab0105_AC-CE_pt01**

➤ Miscellaneous ... Misc

➤ **

Vote Record

Assembly Committee on Campaigns and Elections

Date: 2/24/99
 Moved by: Walker Seconded by: Ladwig
 AB: 105 Clearinghouse Rule: _____
 AB: _____ Appointment: _____
 AJR: _____ SR: _____ Other: _____
 A: _____

A/S Amdt: _____
 A/S Amdt: _____ to A/S Amdt: _____
 A/S Sub Amdt: _____
 A/S Amdt: _____ to A/S Sub Amdt: _____
 A/S Amdt: _____ to A/S Amdt: _____ to A/S Sub Amdt: _____

Be recommended for:

- Passage *as amended*
- Introduction
- Adoption
- Rejection

- Indefinite Postponement
- Tabling
- Concurrence
- Nonconcurrence
- Confirmation

Committee Member

Rep. Stephen Freese, Chair
 Rep. Scott Suder
 Rep. Scott Walker
 Rep. Phil Montgomery
 Rep. Bonnie Ladwig
 Rep. David Travis
 Rep. David Cullen
 Rep. Mark Miller
 Rep. Gary Sherman

	<u>Aye</u>	<u>No</u>	<u>Absent</u>	<u>Not Voting</u>
Rep. Stephen Freese, Chair	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Rep. Scott Suder	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Rep. Scott Walker	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Rep. Phil Montgomery	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Rep. Bonnie Ladwig	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Rep. David Travis	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Rep. David Cullen	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Rep. Mark Miller	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Rep. Gary Sherman	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Totals: 11 2 _____ _____

Motion Carried

Motion Failed

Vote Record

Assembly Committee on Campaigns and Elections

Date: 2/24/99
 Moved by: Stephen Freese *unanimous consent for introduction*
 AB: 105 Seconded by: [Signature]
 AB: _____ Clearinghouse Rule: _____
 AJR: _____ Appointment: _____
 A: _____ SR: _____ Other: _____

A/S Amdt: LB 6103/A Amendment 1
 A/S Amdt: _____ to A/S Amdt: _____
 A/S Sub Amdt: _____
 A/S Amdt: _____ to A/S Sub Amdt: _____
 A/S Amdt: _____ to A/S Amdt: _____ to A/S Sub Amdt: _____

- Be recommended for:
- Passage
 - Introduction
 - Adoption
 - Rejection

- Indefinite Postponement
- Tabling
- Concurrence
- Nonconcurrence
- Confirmation

Committee Member	Aye	No	Absent	Not Voting
Rep. Stephen Freese, Chair	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Rep. Scott Suder	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Rep. Scott Walker	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Rep. Phil Montgomery	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Rep. Bonnie Ladwig	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Rep. David Travis	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Rep. David Cullen	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Rep. Mark Miller	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Rep. Gary Sherman	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Totals: _____

Motion Carried Motion Failed

Vote Record

Assembly Committee on Campaigns and Elections

Date: 2/24/99
 Moved by: Walker Seconded by: Montgomery
 AB: _____ Clearinghouse Rule: _____
 AB: _____ Appointment: _____
 AJR: _____ SR: _____
 A: _____ Other: _____

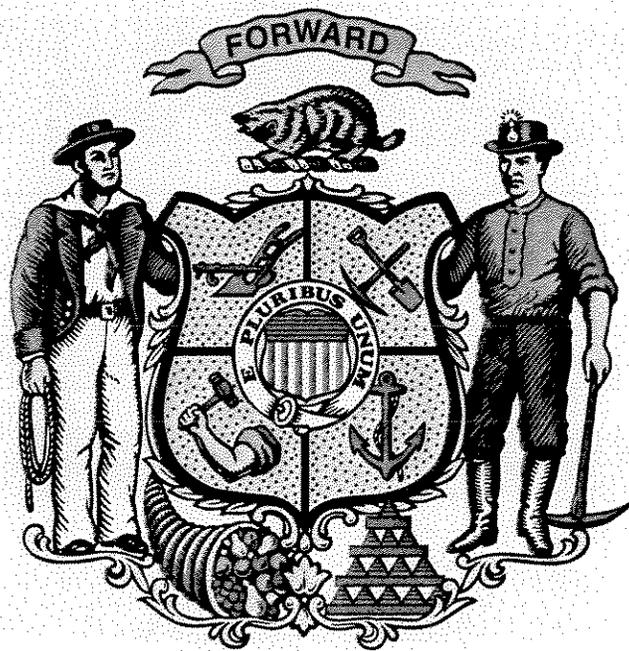
Assembly
 A/S Amdt: LRB 0103/1
 A/S Amdt: _____ to A/S Amdt: _____
 A/S Sub Amdt: _____
 A/S Amdt: _____ to A/S Sub Amdt: _____
 A/S Amdt: _____ to A/S Amdt: _____ to A/S Sub Amdt: _____

- Be recommended for:
- Passage
 - Introduction
 - Adoption
 - Rejection
 - Indefinite Postponement
 - Tabling
 - Concurrence
 - Nonconcurrence
 - Confirmation

<u>Committee Member</u>	<u>Aye</u>	<u>No</u>	<u>Absent</u>	<u>Not Voting</u>
Rep. Stephen Freese, Chair	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Rep. Scott Suder	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Rep. Scott Walker	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Rep. Phil Montgomery	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Rep. Bonnie Ladwig	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Rep. David Travis	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Rep. David Cullen	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Rep. Mark Miller	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Rep. Gary Sherman	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Totals: 8 1 _____ _____

Motion Carried Motion Failed



TO: All Legislators
FROM: Rep. Rick Skindrud
DATE: January 19, 1999
RE: Co-sponsorship of **LRB 1154**, relating to scheduling of referenda by local governments.

To protect taxpayers, I am introducing legislation that requires local government referendums be held concurrently with regularly scheduled elections. The proposal also provides that no referendum can be resubmitted on the same topic in any 12-month period.

There are several cases of local school districts holding spending referendums on Saturdays or other days not usually associated with elections. In turn, only a tiny percentage of voters go to the polls and decide million dollar spending questions. Often voters say no to a referendum and only 6 weeks later it's back. This proposal would save tax dollars by eliminating duplicate special elections while at the same time increasing voter participation.

If you would like to co-sponsor **LRB 1154**, please contact my office at 266-3520 by **Tuesday, February 2, 1999**. The LRB analysis is printed below.

Analysis by the Legislative Reference Bureau

Under current law, referenda are authorized or required to be held by local governments under various laws for various purposes. In some cases, these referenda are authorized or required to be held at special elections when no offices appear on the ballot. In most cases, there is no limitation upon the frequency that questions relating to the same subject matter may be submitted.

This bill provides that, unless a more restrictive limitation applies currently, a referendum by a local government may only be held concurrently with the spring primary (held in most election districts in each year), the spring election (held in each year), or on the first Tuesday after the first Monday in November of an odd-numbered year (no election is currently held on that date), the September primary (held in each even-numbered year) or general election (held each even-numbered year). The bill also provides that, unless a more restrictive limitation applies currently, no referendum submitted by the same local government relating to substantially similar subject matter or relating to authorization for the borrowing of money may be held more than once in any 12-month period. However, the bill creates a state referendum appeal board consisting of the governor, the senate majority leader, the senate minority leader, the speaker of the assembly and the assembly minority leader or their designees, which is empowered to permit a local government to hold a referendum on a date that is not otherwise permitted if the board finds that an emergency exists which requires the referendum to be held on a date that is not otherwise permitted.

The bill applies to all referenda, including referenda concerning direct legislation (initiative) in cities and villages.

AB105, s. 4 - continued



Pg3Ln20 (2) Unless otherwise required by law or unless authorized under sub. (3), a
Pg3Ln21 referendum held by any local governmental unit that is authorized or required by
Pg3Ln22 law to hold a referendum may only be held concurrently with the spring primary,
Pg3Ln23 spring election, September primary or general election, or on the first Tuesday after
Pg3Ln24 the first Monday of November of an odd-numbered year. Unless otherwise required
Pg3Ln25 by law or unless authorized under sub. (3), no referendum submitted by the same
Pg4Ln1 local governmental unit relating to substantially similar subject matter or relating
Pg4Ln2 to authorization for the borrowing of money may be held more than once in any
Pg4Ln3 12-month period.

AB105

ASSEMBLY BILL 105

An Act to amend 7.15 (2) (d), 8.05 (3) (d) and (e), 8.06, 9.20 (4), 24.66 (3) (b), 24.66 (4), 32.72 (1), 59.08 (7) (b), 60.62 (2), 60(5) (b), 61.187 (1), 61.46 (1), 62.09 (1) (a), 64.03 (1), 64.39 (3), 66.01 (8), 66.059 (2m) (b), 66.061 (1) (c), 66.075 (5), 66.504 (2), 66.521 (10) (d), 66.77 (3) (a) 1., 66.94 (4), 67.05 (4) and (5), 67(6a) (a) 2. a., 67.05 (6m) (b), 67.10 (5) (b), 67.12 (12) (e) 5., 81.01 (3) (b), 86.21 (2) (a), 117.20, 119.48 (4) (b) and (c), 119(1) (b) and (2), 121.91 (3) (a), 197.04 (1) (b) and (2), 197.10 (2) and 198.19 (1); and to create 8.065 and 15.615 of the statutes; relating to: scheduling of referenda by local governments. (FE) 1999

- 02-09-99. A. Introduced by Representatives Skindrud, Jensen, Gard, Ainsworth, Duff, Freese, Grothman, Hahn, Handrick, Hoven, Kelso, Ladwig, F. Lasee, Nass, Pettis, Porter, Rhoades, Seratti, Sinicki, Sykora, Vrakas, Walker and Ward; cosponsored by Senators Drzewiecki, Ellis, Huelsman, Welch and Lazich.
- 02-09-99. A. Read first time and referred to committee on Campaigns and Elections. **62**
- 02-24-99. A. Public hearing held.
- 02-24-99. A. Executive action taken.
- 02-24-99. A. Assembly amendment 1 offered by committee on Campaigns and Elections. **83**
- 02-25-99. A. Report Assembly amendment 1 adoption recommended by committee on Campaigns and Elections, Ayes 8, Noes 1. **84**
- 02-25-99. A. Report passage as amended recommended by committee on Campaigns and Elections, Ayes 7, Noes 2. **84**
- 02-25-99. A. Referred to committee on Rules. **84**
- 02-25-99. A. Placed on calendar 3-2-99 by committee on Rules.
- 02-25-99. A. Fiscal estimate received.

Analysis by the Legislative Reference Bureau

AB105 

Under current law, referenda are authorized or required to be held by local governments under various laws for various purposes. In some cases, these referenda are authorized or required to be held at special elections when no offices appear on the ballot. In most cases, there is no limitation upon the frequency that questions relating to the same subject matter may be submitted.

AB105 

This bill provides that, unless a more restrictive limitation applies currently, a referendum by a local government may only be held concurrently with the spring primary (held in most election districts in each year), the spring election (held in each year), or on the first Tuesday after the first Monday in November of an odd-numbered year (no election is currently held on that date), the September primary (held in each even-numbered year) or general election (held in each even-numbered year). The bill also provides that, unless a more restrictive limitation applies currently, no referendum submitted by the same local government relating to substantially similar subject matter or relating to authorization for the borrowing of money may be held more than once in any 12-month period. However, the bill creates a state referendum appeal board consisting of the governor, the senate majority leader, the senate minority leader, the speaker of the assembly and the assembly minority leader or their designees, which is empowered to permit a local government to hold a referendum on a date that is not otherwise permitted if the board finds that an emergency exists which requires the referendum to be held on a date that is not otherwise permitted.

AB105 

The bill applies to all referenda, including referenda concerning direct legislation (initiative) in cities and villages.

For further information see the local fiscal estimate, which will be printed as an appendix to this bill.

AA1-AB105



LRBa0103/1
JTK::kmg::jf

1999 - 2000 LEGISLATURE

**ASSEMBLY AMENDMENT 1,
TO 1999 ASSEMBLY BILL 105** 

February 24, 1999 - Offered by Committee on Campaigns and Elections.

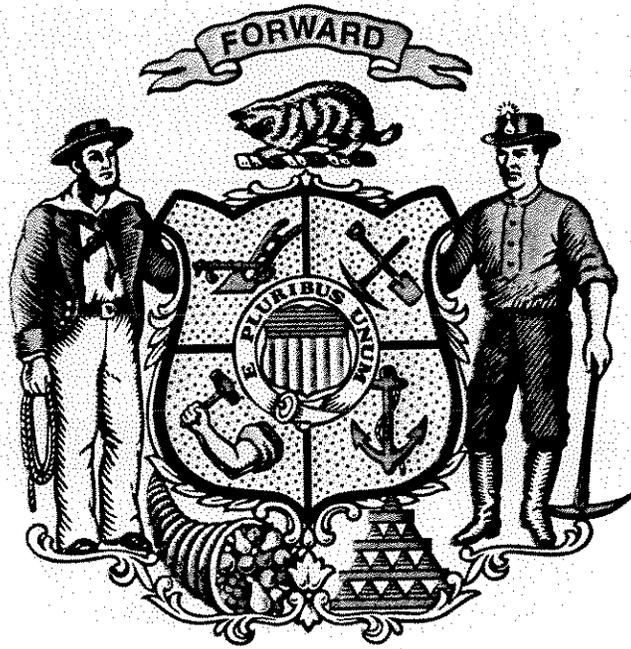
Pg1Ln1 At the locations indicated, amend the bill as follows:

AA1-AB105, Item 1. 

Pg1Ln2 **1.** Page 3, Line 24: delete the material beginning with "Unless" and ending
Pg1Ln3 with "period." on page 4, line 3.

Pg1Ln4

(End)





Wisconsin Manufacturers & Commerce

Wisconsin Manufacturers
Association • 1911
Wisconsin Council
of Safety • 1923
Wisconsin State Chamber
of Commerce • 1929

James S. Haney
President

James A. Buchen
Vice President
Government Relations

James R. Morgan
Vice President
Education and Programs

Michael R. Shoys
Vice President
WMC Service Corp.

AB105

TO: Members of the Assembly Committee on Campaigns & Elections

FROM: Joan Hansen, Director, Tax & Corporate Policy

DATE: February 24, 1999

RE: 1999 Assembly Bill 105

Wisconsin Manufacturers & Commerce (WMC) supports Assembly Bill 105 requiring local government referenda to be scheduled in conjunction with other regularly scheduled elections.

We believe the provisions contained in AB 105 are a better public policy approach to referenda elections for many reasons.

Currently, a school district may hold a special referendum election that does not necessarily coincide with a regularly scheduled election. If the spending item on the ballot passes, then the state on average covers 2/3 of the cost.

Because all state taxpayers fund these costs, the school districts should be required to schedule referenda elections concurrently with set elections so the greatest number of affected taxpayers are involved in and aware of proposed referenda ballots.

In many cases, the majority of voters are unaware of a school referendum ballot and the effect it may have on them as a property taxpayer. By requiring referenda elections to be scheduled at regular elections, it ensures that more voters are aware of the issue and have a voice in the process. It will also more accurately reflect the wishes of the taxpayers.

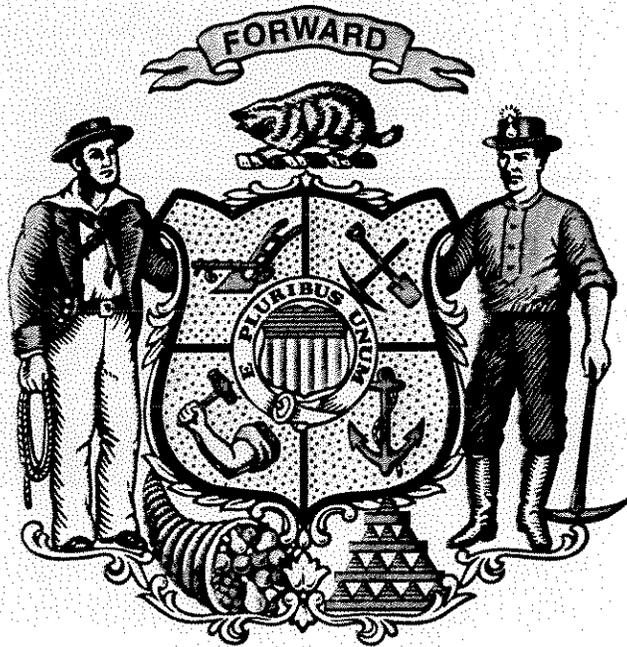
Furthermore, AB 105 helps local government save money if all elections are scheduled simultaneously. Current law now requires the governmental unit responsible for calling the election to pay for all the costs associated with the election. Fewer elections should mean lower costs.

Finally, in many cases, a school district has no limitation regarding how often questions relating to the same subject matter may appear on the ballot. In other words, the same question can be asked several times a year until it almost certainly passes. A better public policy approach to this issue would be to limit the referendum ballot on a particular spending item to once a year.

Again, WMC strongly supports AB 105 and appreciates the opportunity to appear before the Committee today.



501 East Washington Avenue
Madison, WI 53703-2944
P.O. Box 352
Madison, WI 53701-0352
Phone: (608) 258-3400
Fax: (608) 258-3413
www.wmc.org



AB 105

Committee Assignments:
Chair, State Affairs Committee

Member:
Agriculture Committee
Insurance Committee
Small Business Committee
Tourism Committee
Governor's Council on Tourism



DATE: February 24, 1999
TO: Assembly Committee on Campaigns and Elections
FROM: Rep. Rick Skindrud
RE: Assembly Bill 105

This proposal requires that referendums be held concurrently with regularly scheduled elections. The proposal also provides that no referendums can be resubmitted on the same topic in any 12-month period.

Under the proposal, a referendum by a local government may only be held concurrently with the spring primary, the spring election (held each year), the September primary (even-numbered years), the general election (even-numbered years), or on the first Tuesday after the first Monday in November of an odd-numbered year.

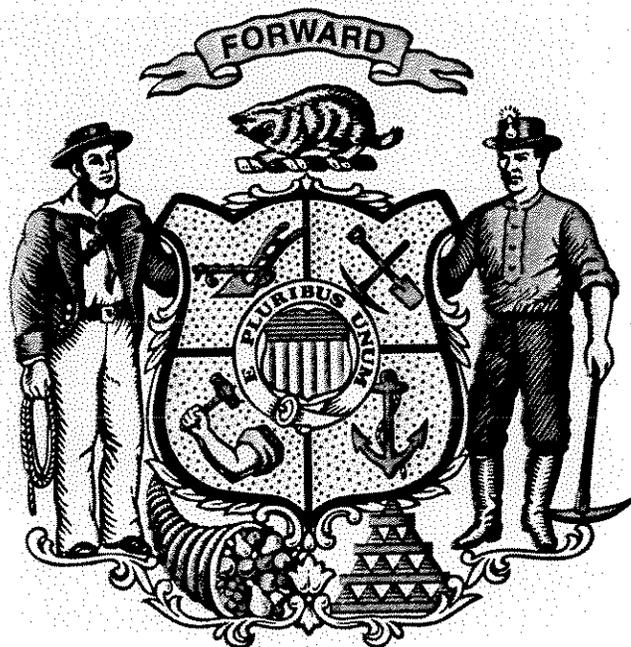
People are getting disgusted about going to the polls so often. Every time they say no to a referendum it comes back, sometimes only 6 weeks later. We need more than a tiny percentage of voters going to the polls when a referendum can authorize the spending of millions of dollars.

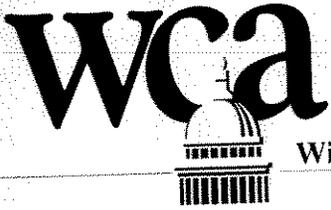
There are several cases of school districts holding referendums on Saturdays or other days not associated with elections. According to a non-partisan report, 129 school districts have had a combined 282 failed referendums. Of these, only 15 districts did not hold another referendum. In 76 of the 129 districts, the failed referendum eventually passed on the second, third, fourth, fifth or even sixth attempt.

I'm not passing judgment on the merits of referendums. I'm simply concerned about the timing of these proposals.

Serving the Seventy-Ninth. New ideas for a new future...

Office: P.O. Box 8953, State Capitol • Madison, WI 53708-8953
(608) 266-3520 • Fax: (608) 266-7038 • Rep.Skindrud@legis.state.wi.us
District: 1261 LaFollette Road • Mt. Horeb, WI 53572 • (608) 832-4843





Wisconsin Counties Association

AB 105

MEMORANDUM

TO: Honorable Members of the Assembly Committee on Campaigns and Elections

FROM: Sarah Diedrick-Kasdorf, Legislative Associate 

DATE: February 24, 1999

RE: Opposition to Assembly Bill 105

The Wisconsin Counties Association opposes Assembly Bill 105 which limits the dates on which a local unit of government may hold a referendum. The Wisconsin Counties Association respectfully requests your support for an amendment to Assembly Bill 105 which would exempt referenda held under 66.77(3) Wis. Stats. from the limitations on referendum elections established under AB 105.

One of the effects of AB 105 on counties will be to limit county financing options under the tax rate limit. Under Wis. Stats. 66.77(3), a county must go to referendum in order to exceed their statutorily permissible operating levy. Given the timing of county budgets (and the state budget), it is conceivable that counties would be unable to accurately determine county operating levy needs in time to meet the noticing requirements for either the September primary or the November general election. Counties are not permitted to exceed their operating levy limits without passage of an authorizing referendum.

As you are aware, a substantial portion of county budgets is driven by mandated services. Counties cannot control the number of individuals served by our human services departments, nor the number of cases heard in the state courts, nor the number of inmates placed in our jails. We urge you to consider the unique circumstances under which counties operate and exempt counties from the limitations established in AB 105.

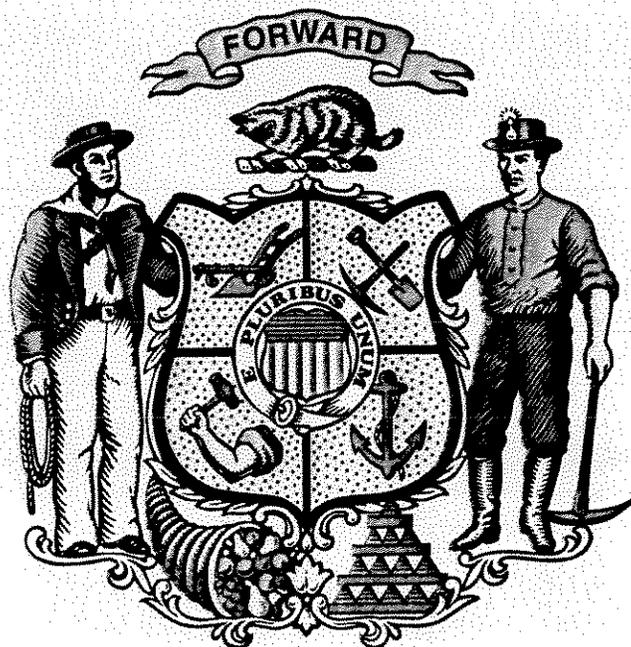
WCA could remove its opposition to the bill if the language contained in the 1999-2001 state biennial budget bill is adopted by the committee or if the committee adopts language similar to Assembly Substitute Amendment 1 to 1997 Assembly Bill 310 (the language which passed the committee last session).

Thank you for your consideration.

100 River Place, Suite 101 ♦ Monona, Wisconsin 53716-4016
608/224-5330 ♦ 800/922-1993 ♦ Fax: 608/224-5325

Mark M. Rogacki, Executive Director
Darla M. Hium, Deputy Director

Mark D. O'Connell, Legislative Director
Lynda L. Bradstreet, Administrative Director





State of Wisconsin Department of Public Instruction

Mailing Address: P.O. Box 7841, Madison, WI 53707-7841
125 South Webster Street, Madison, WI 53702
(608) 266-3390 TDD (608) 267-2427 FAX (608) 267-1052
Internet Address: www.dpi.state.wi.us

AB105

John T. Benson
State Superintendent

Steven B. Dold
Deputy State Superintendent

Assembly Bill 105

Testimony by Jerry Landmark, School Finance Consultant
Department of Public Instruction
February 24, 1999

Dear Chairperson and Members of the Committee on Campaigns and Elections:

Thank you for the opportunity to testify on Assembly Bill 105. The Department of Public Instruction opposes the bill.

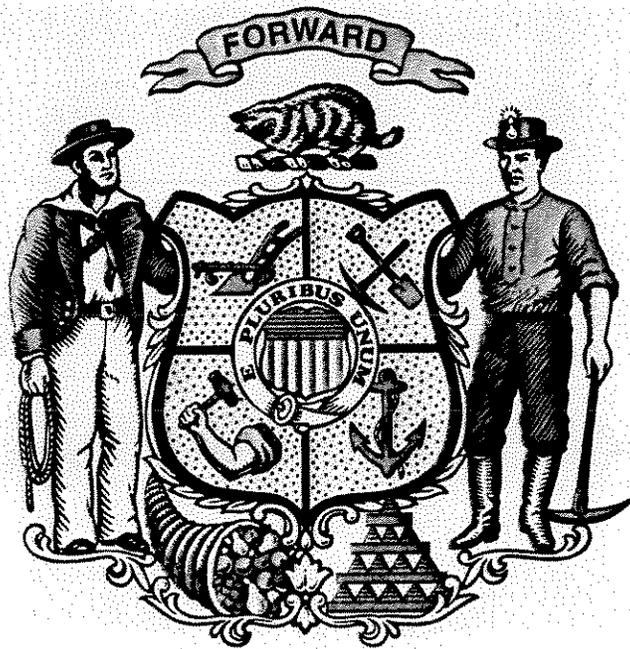
A local school board is restricted in a number of decisions that it makes. It must abide by revenue limits, which may restrict its ability to provide the resources it feels it needs to educate its students. It must abide by many state and federal standards and requirements, ranging from special education to asbestos remediation and replacing underground storage tanks. It is the only governmental unit that must have an approved referendum in order to build or consider major renovations to a building. Then, it must make sure it complies with other governmental rules and regulations to actually build. AB 105 further restricts a school board's ability to hold a referendum and will further erode a local school board's ability to make decisions that are best made at the local level.

A school district's budgeting process starts early. Districts are well into preparing a budget for the 1999-00 school year. Included in that budget deliberation must be whether to prepare to go to referendum or not. Limiting a board's ability to choose when it considers the best time to go to referendum may cost the district money. Bond counsel, architectural services, general contracting and other services all take time to acquire, and timing is critical. The timing after a successful referendum is also important, with a district trying to get a building completed in time for a fall opening, or an opening that makes sense to the district. Further restrictions will make the process even more difficult. Deciding to go to referendum to exceed the revenue limits is also a critical part of the budget process, and must be done in a timely manner. Reducing a school board's options will not only make it more difficult, but, possibly, more costly.

Enacting a 12-month waiting period further exacerbates the timing problem and may increase costs. If a referendum fails, in some cases minor changes in an architectural plan or modification of a referendum question will be enough to cause people who voted "no" the first time to vote "yes" the next. If the modifications don't satisfy the voters, they will vote "no" again, as has been the case in many districts.

In addition, most districts already choose to use the regularly scheduled election days to hold a referendum because it fits their schedule and may be more cost-effective. In 1998, of the seventy-one successful referendums, fifty-nine were held on regularly-scheduled election days.

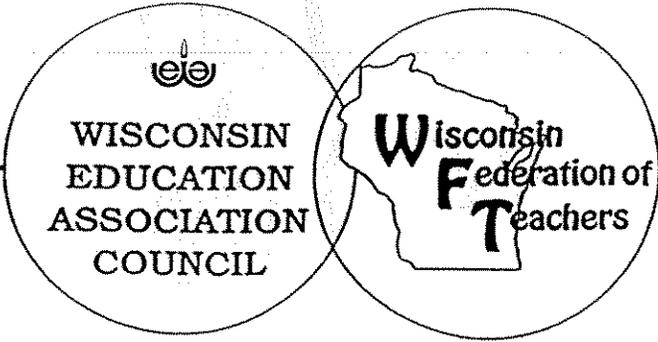
In closing, it is the Department's position to leave the choice up to the local school board and voters to decide when to hold a referendum.



AB 105

33 NOB HILL DRIVE
MADISON, WI 53713-2198

(608) 276-7711 • 1-800-362-8034
FAX: (608) 276-8203



1334 APPLGATE ROAD
MADISON, WI 53713-3184

(608) 277-7700 • 1-800-362-7390
FAX: (608) 277-7708

MEMORANDUM

TO: Members of the Assembly Campaigns
and Elections Committee

FROM: John Stocks, Director
WEAC Government Relations Division

DATE: February 25, 1999

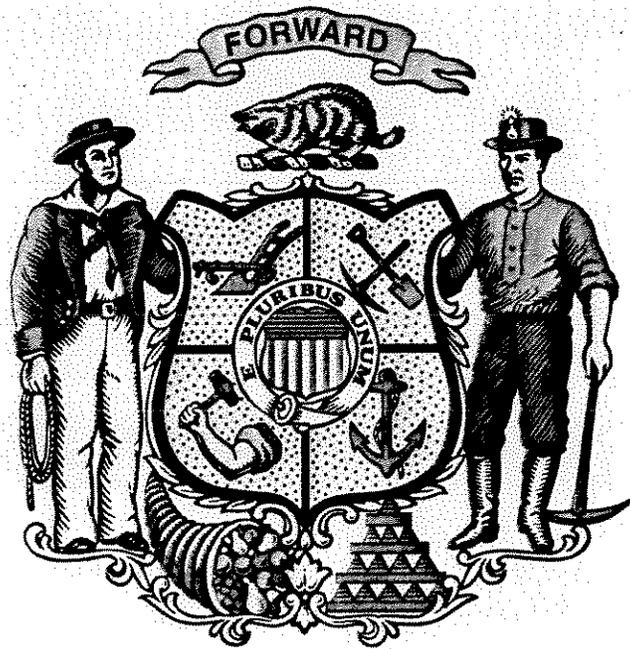
RE: Assembly Bill 105

Assembly Bill 105 provides that referenda by local governments be held concurrently with the spring and fall elections. It further provides that a particular subject referendum may be held only once in a twelve-month period.

The Wisconsin Education Association Council and the Wisconsin Federation of Teachers oppose Assembly Bill 105. First, this bill undermines the concept of local control. School districts should have the flexibility to schedule referenda when the need arises. Second, spring and fall elections do not coincide with school budget planning timelines. For instance, spring dates occur before a school district has the budget data necessary to determine whether there is a need for a referenda to exceed the revenue caps. Further, fall elections occur too soon before or after school districts are required to set their levy, thus occurring after revenue cap decisions have to be made.

For these reasons, I urge the committee to oppose Assembly Bill 105.

JS:ckf





BILL SUMMARY

AB 105: Scheduling of referenda by local governments

Date: March 2, 1999

BACKGROUND

Under current law, referenda are authorized or required to be held by local governments under various laws for various purposes. In some cases, these referenda are authorized or required to be held at special elections when no offices appear on the ballot. In most cases, there is no limitation upon the frequency that questions relating to the same subject matter may be submitted.

SUMMARY OF AB 105

Assembly Bill 105, provides that unless a more restrictive limitation applies currently, a referendum by a local government may only be held concurrently with the spring primary (held in most election districts in each year), the spring election (held in each year), or on the first Tuesday after the first Monday in November of an odd-numbered year (no election is currently held on that date), the September primary (held in each even-numbered year) or general election (held each even-numbered year). The bill also provides that, unless a more restrictive limitation applies currently, no referendum submitted by the local government relating to substantially similar subject matter or relating to authorization for the borrowing of money may be held more than once in any 12-month period. However, the bill creates a state referendum appeal board consisting of the governor, the senate majority leader, the senate minority leader, the speaker of the assembly and the assembly minority leader or their designees, which is empowered to permit a local government to hold a referendum on a date that is not otherwise permitted if the board finds that an emergency exists which requires the referendum to be held on a date that is not otherwise permitted. The bill applies to all referenda, including referenda concerning direct legislation (initiative) in cities and villages.

AS AMENDED BY COMMITTEE

AMENDMENTS

Assembly Amendment 1 to Assembly Bill 105 [adopted 8-1 Rep. Ladwig voted against]. AA1 removes the languages which would have prohibited a referendum submitted by the same local governmental unit relating to substantially similar subject matter or relating to authorization for the borrowing of money may be held more than once in any 12-month period. [Page3Ln20 (2) to Page 4Ln3 of the bill]

FISCAL EFFECT

For further information see the local fiscal estimate, which will be printed as an appendix to the bill.

PROS

1. Cost savings to property taxpayers. Because frequently scheduled referenda is cause for low voter turnout, a small percentage of voters are making the decision to spend millions of dollars for the majority of taxpayers.

2. Current law requires the governmental unit responsible for calling the election to pay for all the costs associated with election. Fewer elections should mean lower costs.

3. According to the bill's author, in a non-partisan report, 129 school districts have had a combined 282 failed referendums. Of these, only 15 districts did not hold another referendum. In 76 of the 129 districts, the failed referendum eventually passed on the second, third, fourth, fifth or even sixth attempt. In some cases, school districts are even holding referendums on Saturdays.

CONS

1. Effects on counties will be to limit financing options under the tax rate limit. Under Wis. Stats. 66.77(3), a county must go to referendum in order to exceed their statutory permissible operating levy. Given the timing of county budgets, it is conceivable that counties would be unable to accurately determine county operating levy needs in time to meet the noticing requirements for either the primary or general elections.

2. The bill undermines the concept of local control.

3. School district budgeting process starts early. Limiting a board's ability to choose when it considers the best time to go to referendum may cost the district money.

SUPPORTERS

- Rep. Rick Skindrud, author of the bill
- Rep. Mark Pettis
- Michael M. Birkley, WI Property Taxpayers, Inc.
- Joan Hanson, WMC
- Rep. Kitty Rhoades
- Frank Kirschbraun, Federation WI Taxpayers Assoc.
- Sen. Gary Drzewiecki, Senate author of the bill

OPPOSITION

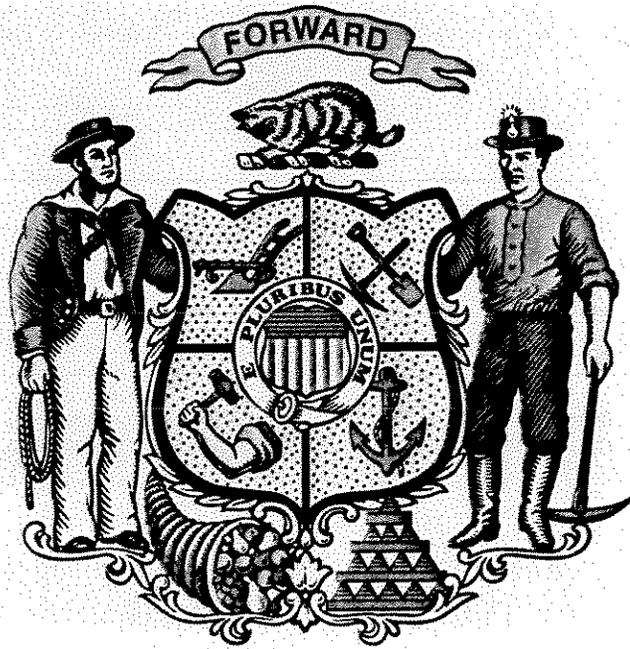
- Bill Cosh, WI Assoc. of School Boards
- Miles Turner, School Administrators Alliance
- Jerry Landmark, DPI
- Sarah Diedrick-Kasdorf, WI Counties Assoc.
- Joe Quick, Madison Metropolitan School District
- Mickey Beil, Milwaukee Public Schools
- Jack O'Meara, WEAC

HISTORY

Assembly Bill 105 was introduced on 02-09-99 and referred to the Assembly Committee on Campaigns and Elections. A public hearing was held on 02-24-99. On 02-24-99, the Committee voted 7-2 [Rep. Travis and Rep. Culler voted no to recommend passage of AB 105 as amended.

CONTACT: Terri S. Griffiths, Office of Rep. Stephen Freese

For further information see the local fiscal estimate, which will be printed as an appendix to this bill.





AB 105 Kept Alive in State Assembly

Can School Boards be Trusted to Schedule Referenda?

Can school board members be trusted to make important decisions for their communities? That was the question before the Assembly on Tuesday, March 2 as lawmakers debated a bill that would limit the dates on which school districts may go to referendum. The bill would also establish a state level referendum appeals panel, including the speaker of the assembly, the minority leader of the assembly, the senate majority leader and the senate minority leader.

In the end, lawmakers chose to postpone a final decision on AB 105 until March 16.

School officials with an interest in this issue are urged to contact their state representatives before March 16.

The WASB has voiced strong opposition to the bill. Although the association continues to oppose the measure, lawmakers have approved several amendments to address some of the major concerns of school board members. Key amendments would:

- Remove from the bill language that would prevent school boards from holding "similar" referenda within the same year.
- Clarify that four possible referendum dates should be available in both even- and odd-numbered years, during the spring primary, spring election, fall primary or fall election.
- Allow school boards to piggyback on special elections.

- Establish an effective date of Jan. 1, 2000 if law is signed by the governor.

(continued)

Take Action

The WASB strongly opposes AB 105. Please consider the following issues when talking to your legislators about this proposal:

- School districts are subject to the most strict referendum requirements of any local unit of government.
- Multiple factors are taken into consideration in scheduling referenda.
- School boards must certify their levies by Nov. 1, making fall revenue limit referenda untimely.
- In 1998, there were a total of 232 school referenda. Most of these, 169 referenda, were held on regular election dates.
- The success rate for passing school referenda on regular election dates is the same as the success rate on non-election dates.
- The cost of construction projects can increase over time.

For more information about state issues, please contact Senn Brown, Bill Cosh or Annette Talis at the WASB Madison office, 608-257-2622

Floor action on AB105 sparked intense debate in the Assembly where members of both parties argued vehemently on all sides of the issue. In the end, after a procedural motion to kill the bill failed on a 45-52 vote, AB 105 was kept alive for a final vote later this month.

Proponents of the bill said that local units of government have been scheduling special referendum elections on odd dates to suppress voter turnout.

Opponents of the bill argued that state officials should not interfere with the decisions of local policymakers who know what is best for their communities.

Rep. Luther Olsen (R-Berlin), a former school board member, made an impassioned appeal to lawmakers to oppose the measure.

"We have the best education system in the country," Olsen said, explaining that local control is a critical component of that success. "If we have an emergency in our community, do we need Madison's almighty power to decide if that's true? Gimme a break."

To defend his proposal, the bill's author, Rep. Rick Skindrud (R-Mount Horeb), pointed out that "The people are disgusted" with special referendum elections scheduled on odd dates and days of the week.

Minority Leader Shirley Krug (D-Milwaukee), who opposed AB 105, pointed out that an Assembly special election to replace outgoing Rep. Tom Ourada (R-Antigo) is scheduled for April 13, one week after the spring election on April 6.

"When it's for power, it's okay, but when it's for kids, it's not okay?" Krug asked.

Proposal Would Keep Open the School for Visually Handicapped

A proposal that would convert the Wisconsin School for the Visually Handicapped into a statewide service center for school districts with some residential programs for students was tentatively approved this week by a legislative study committee.

The Legislative Council Study Committee on the School for the Visually Handicapped is likely to make the following recommendations next month:

- Residential services should continue to be offered at the school in Janesville.
- WSVH should become a state service center for local school districts that serve visually impaired students.

- Regional consultants, on the staff of WSVH, should be based in West Allis, Portage, Oshkosh, Tomahawk and Turtle Lake to work with school districts and CESAs, providing coordinated services to visually impaired students statewide.
- A state commission should be organized to oversee the provision of services to all students with visual impairments.
- The UW-Whitewater should develop the state's only degree program for teachers of the visually impaired to address the shortage of trained staff in Wisconsin.

Counties, Schools and State May Coordinate Prevention Efforts

A state level council may be organized to coordinate county, school district and state programs aimed at preventing unhealthy behaviors.

The Legislative Council Study Committee on Programs for Prevention Services is currently mulling a legislative proposal that would establish a state Council on Prevention to coordinate efforts.

The proposed council could include representatives of the Department of Health and Family Services, the Department of Public Instruction, the Department of Corrections, the Department of Workforce Development, UW prevention experts, lawmakers, public members and others with an interest in this area.

Budget Proposal Would Consolidate Prevention Grants to School Districts

Alcohol and Other Drug Abuse (AODA) grant programs, such as DARE and FAST, would be consolidated into one comprehensive prevention grant program for school districts under a proposal in the governor's budget.

Based on a recommendation from the DPI, the governor would repeal \$4.5 million that is now allocated through separate grant programs and redistribute the funds through a consolidated prevention grant administered by the DPI.

The governor's budget would also establish a "Brighter Futures Initiative" within the DHFS. This program would combine funds from several community AODA grant programs, violence prevention funds, adolescent pregnancy prevention

(continued)

funds, and other targeted adolescent programs administered by that state department.

Under the Brighter Futures Initiative, the DHFS would award two types of grants.

One program would focus on youth violence, delinquent behavior, drug use, child abuse and neglect.

The second program would target issues related to nonmarital pregnancy as well as the promotion of healthy adolescent choices.

Teacher Licensure and Training to be Focus of Discussion at Hearings

The Department of Public Instruction will conduct nine public hearings to consider major revisions to the rules for teacher licensure.

Each of the hearings will be from 6 to 8 p.m. in the following locations:

- **March 8**—UW-Green Bay, University Union; UW-LaCrosse, Cartwright Center; UW-Milwaukee, University Union.
- **March 9**—UW-Superior, Rothwell Student Center.
- **March 10**—GEF 3, Room 041, 125 South Webster Street, Madison.
- **March 16**—UW-Oshkosh, Clow Building, Room 101.
- **March 17**—UW Barron County, Fine Arts Theater, Rice Lake.
- **March 18**—UW-Stout, Memorial Student Center, Menomonie.
- **March 23**—UW-Stevens Point, College of Professional Studies.

The proposed rules are the result of a five-year effort in Wisconsin to improve teacher training and provide greater accountability.

The DPI organized two task forces during the past five years to develop a performance-based professional development program for educators.

The upcoming hearings will focus on proposed DPI rules that would establish three-tiered licenses, including initial, professional and master educator credentials.

According to the proposed rules, a new teacher would be given a non-renewable initial educator license. He or she would have five years to design and complete a standards-based professional development plan. A three-person team made up of a professional colleague, an administrator and a representative from higher education would evaluate

the plan.

After the initial educator license expires, teachers would have to apply for professional educator licenses in order to continue teaching. Professional educator licenses would be granted to individuals who successfully complete their initial educator goals.

Finally, some teachers would be eligible for a master educator license if a portfolio of their work warrants this licensure level.

Federal Class Reduction Program Changes Sought by Kohl, Baldwin

A much ballyhooed class size reduction program authorized under Title VI of the federal Elementary and Secondary Education Act is hitting a few snags in Wisconsin.

The new federal entitlement will be distributed to districts based on a formula that addresses needs and student enrollment. Wisconsin's \$20.1 million share of the appropriation is expected to be available in July.

The problem some school officials have with the program is a provision in the federal law that requires districts to form consortia to share new teachers if their class size reduction award is less than the starting salary for a new teacher.

Based on preliminary estimates, a majority of school districts in Wisconsin will be receiving less than the \$25,806 average starting salary for a teacher. Some districts would need to form cooperative agreements with up to four partners in order to bring their combined allocations up to the starting salary of a teacher.

Many school officials have said that the red tape involved with forming consortia and sharing teachers makes the federal entitlement appear more burdensome than valuable.

In response to those concerns, U.S. Sen. Herb Kohl and U.S. Rep. Tammy Baldwin are working with the federal Department of Education to modify the provisions that would require districts with limited allocations to form consortia.

Kohl and Baldwin are pushing for changes in the law that will apply to future allocations. They are also seeking a waiver for the first year funding that will be distributed in July.



Assembly Sends School Attendance Bill Back to Education Committee

A bill that would repeal recently enacted provisions in state law that allow students to miss school for any reason with parental permission for up to 10 days each year was sent back to the Committee on Education when lawmakers failed to reach consensus during floor debate.

After a lengthy discussion of AB 61, sponsored by Rep. Marc Duff (R-New Berlin), members of the Assembly referred the bill to the committee for changes.

Legislators suggested that the committee should look at reducing the parental option days to five excused absences rather than repealing the law altogether. Legislators also asked the committee to consider provisions that would require homework to be made up in advance of the excused absences.

Assembly Approves Violence Tip Line

A toll-free school violence hotline may be established in Wisconsin following Assembly approval of AB 45 this week.

The bill must now be approved by the State Senate and be signed into law by the governor.

The bill, introduced by Rep. Carol Kelso (R-Green Bay) and cosponsored by Sen. Alberta Darling (R-River Hills), would direct the Department of Justice to maintain a hotline for people to provide information about dangerous weapons in schools.

The state is currently required to provide a drug tip hotline. Kelso's bill would expand that service to cover school violence.

WASB Day at the Capitol Offers Opportunity to Shape Legislation

Make sure that the voice of school members is heard in Madison by attending the WASB Day at the Capitol on March 17.

A wide variety of legislation related to public education is currently circulating in the halls of the Capitol. Meanwhile, the Legislature is beginning to review the 1999-2001 state biennial budget proposal submitted by the governor in February.

During the WASB Day at the Capitol, Speaker of the Assembly Scott Jensen (R-Waukesha) and Senate Majority Chuck Chvala (D-Madison) will discuss legislative priorities. Bob Wood, Chief of Staff to Governor Tommy Thompson, will also weigh into

the discussion along with Bob Lang, Director of the Legislative Fiscal Bureau.

The event will be held at the Monona Terrace Convention Center in Madison, one block away from the Capitol.

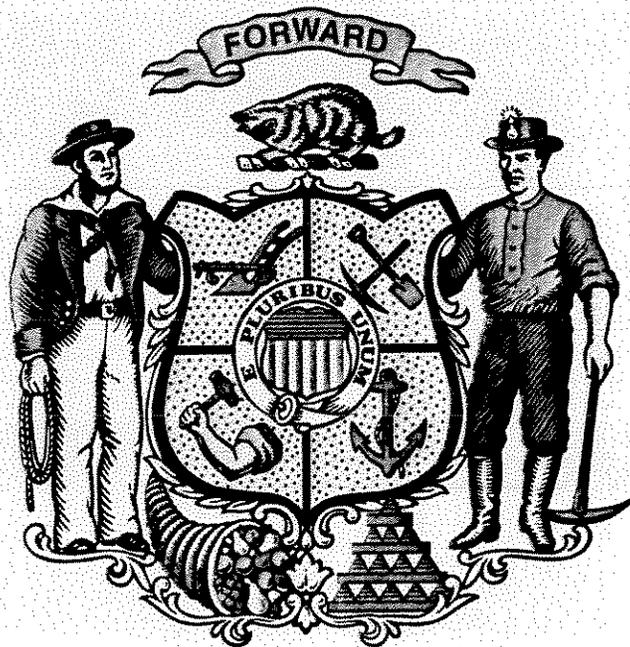
For more information, contact Senn Brown, Bill Cosh or Annette Talis at the WASB Madison office.

Study Committees to Meet at Capitol

- The Legislative Council Study Committee on the Children At Risk Program will meet on March 8 at 10 a.m. in room 225 Northwest, Capitol.
- The Legislative Council Study Committee on Local Government Funding will meet on March 11 at 10 a.m. in room 330 Southwest, Capitol.
- The Legislative Council Study Committee on School Discipline and Safety will meet on March 11 at 10 a.m. in the first floor chamber of 119 Martin Luther King, Jr. Blvd., Madison.
- The Legislative Council Study Committee on the School Calendar will meet on March 22 at 10 a.m. in room 417 North, Capitol.
- The Legislative Council Study Committee on Programs for Prevention Services will meet on March 12 at 10 a.m. in room 328 Northwest, Capitol.

Libraries, Residency Requirements Sent to Legislative Committees

- **The Senate Committee on Education** will meet Wednesday, March 10 at 10 a.m. in room 411 South, state Capitol. The DPI will offer a briefing on its proposed budget recommendations for public libraries. The committee will also hold public hearings on several bills relating to public libraries.
- **The Joint Committee on Finance** will begin holding budget briefings on the governor's proposal for the 1999-2001 biennium on Thursday, March 11 at 10 a.m. in room 411, South.
- **The Assembly Committee on Urban and Local Affairs** will meet on Tuesday, March 9 at 10 a.m. in room 417 North, Capitol. The committee will consider AB 123, sponsored by Rep. Scott Gunderson (R-Waterford), which would prohibit local units of government, including school districts, from imposing residency requirements.



Guidelines to Prob Cohen

Change seating chart

AB 105

Author ~~Speaking in favor~~
Rick Skindrud -

3rd time presented - cost a factor
purpose prevent single issue referendum

Pittis

Believes planning is
key issue.

Cosh - Against

Keep other
local districts to
the same election
criteria

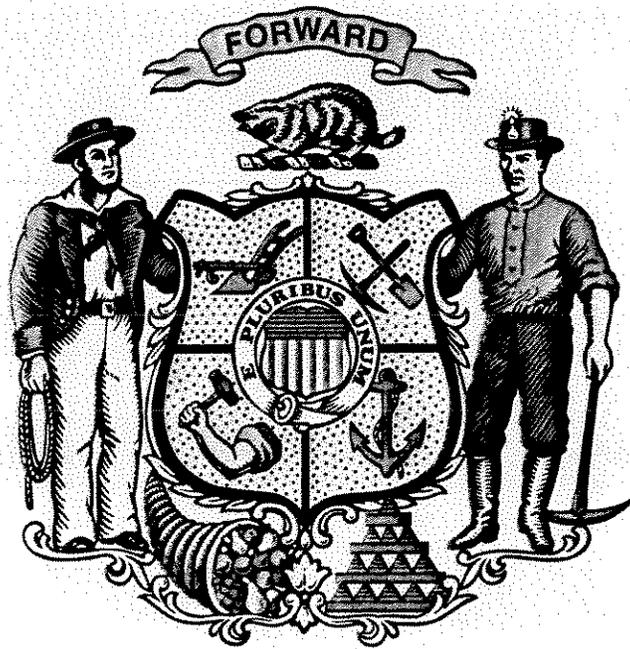
School districts experiencing 30%
growth their reports say.

prohibits referendum for a substantially
same issue

Birkley - favor

no one wants to keep local control more
than the property taxpayers
- would save taxpayers dollars

Miles Turner





State of Wisconsin
1999 - 2000 LEGISLATURE

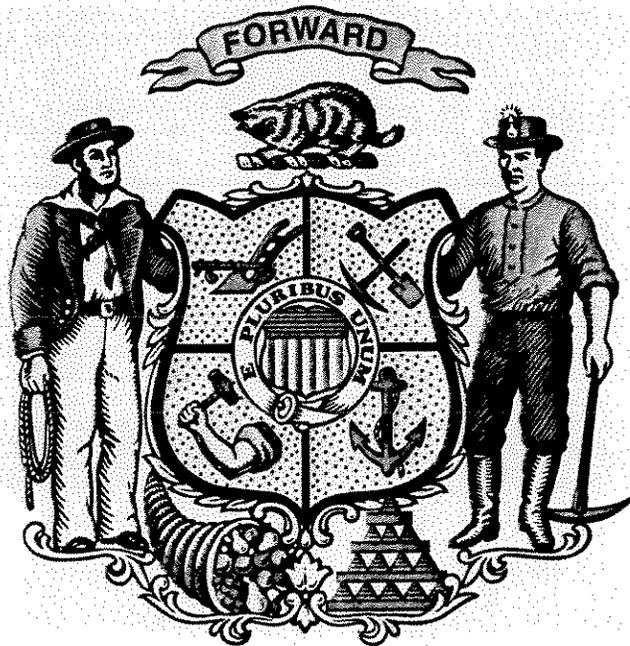
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**ASSEMBLY AMENDMENT ,
TO 1999 ASSEMBLY BILL 105**

WALKER

- 1 At the locations indicated, amend the bill as follows:
- 2 **1.** Page 3, line 24: delete the material beginning with "Unless" and ending
- 3 with "period." on page 4, line 3.
- 4 (END)



AB105

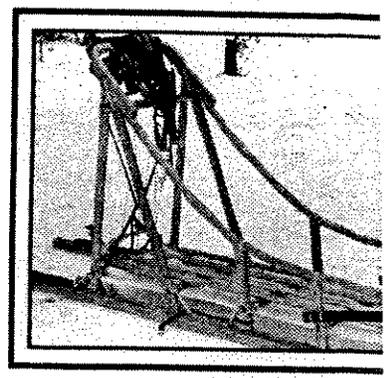
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BURNETT

Fourth school referendum fails

Largest margin of defeat yet

by Nancy Jappe

WEBSTER - For the fourth time, a referendum for a new high school in Webster has been defeated, this time by a margin of about two to one.

Referendum Item One that would have authorized the sale of \$8.75 million in school-building bonds was defeated by a vote of 1,184 to 566. A second referendum question that would allow \$100,000 a year for new-building expenses was defeated by a vote of 1,228 to 489.

When contacted before the vote, Webster School District Administrator Rusty Helland said there was no back-

up plan that would be put in place should the referendums fail. Helland said there was a prevalent wait-and-see attitude.

The same referendum questions were put to district voters in the election Nov. 3, 1998. Referendum question one was defeated by a vote of 1,332 to 1,099. Question two was defeated by a vote of 1,449 to 900.

The board of canvassers will meet in the administrative office at 2 p.m. Feb. 17 to determine the final results of this election.

Following are results by municipalities:

	Referenda #1		Referenda #2	
	Yes	No	Yes	No
Dairyland	7	60	5	61
Blaine	8	63	7	63
Jackson	83	163	71	169
Lincoln	25	42	22	44
Meenon	100	127	90	133
Oakland	93	177	82	185
Sand Lake	34	70	30	73
Swiss	52	176	39	182
Union	26	101	27	98
Village of Webster	116	94	97	106
Webb Lake	22	111	19	114
Totals	566	1,184	489	1,228



Grantsburg Fire Chief Greg Goldmann was on the wall outside a burned-out bedroom. The department was on the scene. The fire was confined to that bedroom a family because of the training and care t

House next station

Sheriff watches