

2001 DRAFTING REQUEST

Bill

Received: 12/20/2000

Received By: grantpr

Wanted: As time permits

Identical to LRB:

For: Administration-Budget 6-1923

By/Representing: Maternowski

This file may be shown to any legislator: NO

Drafter: kuesejt

May Contact:

Alt. Drafters: rmarchan

Subject: Elections - school elections

Extra Copies: MJL - 1
PG - 1

Pre Topic:

DOA:.....Maternowski -

Topic:

Scheduling of school district referenda

Instructions:

See Attached.

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	kuesejt 01/08/2001 rmarchan 01/08/2001	gilfokm 01/08/2001		_____			
/1			jfrantze 01/09/2001	_____	lrb_docadmin 01/09/2001		Local

FE Sent For:

<END>

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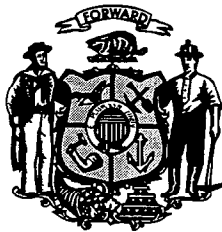
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1?	kuesejt	11-1/8-01 King	6/9	6/9 1/9			

FE Sent For:


<END>

TOMMY G. THOMPSON
GOVERNOR

GEORGE LIGHTBOURN
SECRETARY



Division of Executive Budget and Finance
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Date: December 20, 2000
To: Stephen Miller, Chief
Legislative Reference Bureau
From: Peter Matcrnowski 
Subject: 2001-2003 Budget Drafting Requests

Please draft the following items for possible inclusion in the Governor's 2001-2003 biennial budget bill.

1. **Limit dates of school districts referenda to spring and fall elections.** Under current law, a school board must seek voter approval at referendum in order to incur debt, to exceed its controlled revenue limit or to exceed the levy rate limit for a school construction fund (applicable only to MPS). Provide that school district referenda can only be held on the statutory spring and fall election dates. (See 99-01 biennial budget draft LRB-1193/1)
2. **Direct DPI vocational education consultants to work with the GWBLE.** Under current law, the State Superintendent is required to employ 9.5 vocational education consultants, (s. 115.001 (30)). Require the State Superintendent to ensure the vocational education consultants coordinate their activities with the staff of the Governor's Work Based Learning Board and support their activities under s. 106.12 (2).
3. **Certification of bond sales.** Require that before issuing long-term debt the terms and conditions of the sale must be 'certified' by the Department of Administration. School boards would be required to receive certification for both competitive and negotiated bond sales. The department would determine the information that districts would be required to submit and the guidelines the proposed sale would need to meet to be certified.
4. **Require the State Superintendent to ensure maximum flow through of federal funds to LEAs.** Under s. 115.28 (9), the State Superintendent is authorized to accept federal education aids. Require the State Superintendent to distribute to school districts (LEAs) the maximum amount of federal funding received that is consistent with federal guidelines. The department can retain funds for program administration as defined by federal law.
5. **District consolidation and treatment of staff.** S. 117.25, specifies the rights retained by employees of school districts that are consolidated. Modify the section to

-1598/11
LRB-1193/2
JTK:km
+RJM King

SOON

DOA:.....Pahnke - Scheduling of school district referenda

FOR 1999-01 BUDGET - NOT READY FOR INTRODUCTION

→ DOA - BUD

LPS: Proof Amended Stats.
w/FOLIO

DON'T
GEN. CAT.

1 AN ACT ... relating to: scheduling of certain referenda by school districts.

(MPS)

Analysis by the Legislative Reference Bureau
EDUCATION

PRIMARY AND SECONDARY EDUCATION

Under current law, referenda are required or authorized to be held by school districts in order to incur debt or exceed state revenue limits, or to exceed the levy rate limit for a school construction fund that is applicable only to the Milwaukee Public Schools. Currently, these referenda are required or authorized to be held at special elections when no offices appear on the ballot.

This bill provides that such referenda must be held concurrently with the spring election (held in each year) or the general election (held in each even-numbered year), or on the Tuesday after the first Monday in November in an odd-numbered year.

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

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

2 SECTION 1. 24.66 (3) (b) of the statutes is amended to read:

1 24.66 (3) (b) *For long-term loans by unified school districts.* Every application
 2 for a loan, the required repayment of which exceeds 10 years, shall be approved and
 3 authorized for a unified school district by a majority vote of the members of the school
 4 board at a regular or special meeting of the school board. Every vote so required shall
 5 be by ayes and noes duly recorded. In addition, the application shall be approved for
 6 a unified school district by a majority vote of the electors of the school district at a
 7 ~~special election~~ referendum as provided under sub. (4) (b).

8 **SECTION 2.** 24.66 (4) of the statutes is renumbered 24.66 (4) (a) and amended
 9 to read:

10 24.66 (4) (a) If any municipality other than a school district is not empowered
 11 by law to incur indebtedness for a particular purpose without first submitting the
 12 question to its electors, the application for a state trust fund loan for that purpose
 13 must be approved and authorized by a majority vote of the electors at a special
 14 election called, noticed and held in the manner provided for other special elections.

15 The question to be voted on shall be filed as provided in s. 8.37.
 The notice of the election shall state the amount of the proposed loan and the purpose
 16 for which it will be used.

17 **SECTION 3.** 24.66 (4) (b) of the statutes is created to read:

18 24.66 (4) (b) If any school district is not empowered by law to incur
 19 indebtedness for a particular purpose without first submitting the question to its
 20 electors, the application for a state trust fund loan for that purpose must be approved
 21 and authorized by a majority vote of the electors at the next regularly scheduled
 22 spring election or general election that occurs not sooner than ~~45~~⁴² days after the
 23 ~~adoption~~^{filing} of the resolution under sub. (5) or at a special election held on the Tuesday
 24 after the first Monday in November in an odd-numbered year if that date occurs not
 25 sooner than ~~45~~⁴² days after the ~~adoption~~^{filing} of the resolution under sub. (5). The

1

referendum shall be called, noticed, and held in the manner provided for other referenda. The notice of the referendum shall state the amount of the proposed loan and the purpose for which it will be used.

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^{66.0921}
~~66.504~~ SECTION 4. (2) of the statutes is amended to read:

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~~66.504~~ (2) FACILITIES AUTHORIZED. A municipality may enter into a joint contract with a nonprofit corporation organized for civic purposes and located in the municipality to construct or otherwise acquire, equip, furnish, operate and maintain a facility to be used for municipal and civic activities if a majority of the voters voting in a referendum authorize the municipality to enter into the joint contract. The referendum shall be held at a special election or at a spring primary or election or September primary or general election approve the question of entering into the joint contract or, if the municipality is a school district, at the next spring election or

13

general election to be held not earlier than ⁴²~~45~~ days after submittal of the issue or at a special election held on the Tuesday after the first Monday in November in an

15
16

odd-numbered year if that date occurs not earlier than ⁴²~~45~~ days after submittal of the issue.

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SECTION 5. 67.05 (6a) (a) 2. a. of the statutes is amended to read:

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67.05 (6a) (a) 2. a. Direct the school district clerk to call a ~~special election referendum~~ for the purpose of submitting the resolution to the electors for approval or rejection, ~~or direct that the resolution be submitted at the next regularly scheduled primary or spring election or general election~~ to be held not earlier than

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45 days after the adoption of the resolution or at a special election held on the Tuesday after the first Monday in November in an odd-numbered year if that date

24

occurs not earlier than ⁴²~~45~~ days after the adoption of the resolution. The resolution

1 shall not be effective unless adopted by a majority of the school district electors voting
2 at the referendum.

3 **SECTION 6.** 119.48 (4) (b) of the statutes is amended to read:

4 119.48 (4) (b) The communication shall state the purposes for which the funds
5 from the increase in the levy rate will be used and shall request the common council
6 to submit to the voters of the city the question of exceeding the levy rate specified in
7 s. 65.07 (1) (f) ~~at the September election or a special election.~~

8 **SECTION 7.** 119.48 (4) (c) of the statutes is amended to read:

9 119.48 (4) (c) Upon receipt of the communication, the common council shall
10 *file the communication as provided in s. 65.07 and shall*
cause the question of exceeding the levy rate specified under s. 65.07 (1) (f) to be

11 submitted to the voters of the city at the ~~September election or at a special election~~
12 next regularly scheduled spring election or general election that occurs not sooner
13 than ~~45~~ ⁴² days after receipt of the communication or at a special election held on the

14 Tuesday after the first Monday in November in an odd-numbered year if that date
15 occurs not sooner than ~~45~~ ⁴² days after receipt of the communication. The question of

16 exceeding the levy rate specified under s. 65.07 (1) (f) shall be submitted ~~upon a~~
17 ~~separate ballot or in some other manner~~ so that the vote upon exceeding the levy rate

18 specified in s. 65.07 (1) (f) is taken separately from any other question submitted to
19 the voters. If a majority of the electors voting on the question favors exceeding the
20 levy rate specified under s. 65.07 (1) (f), the common council shall approve the
21 increase in the levy rate and shall levy and collect a tax equal to the amount of money
22 approved by the electors.

23 **SECTION 8.** 119.49 (1) (b) of the statutes is amended to read:

24 119.49 (1) (b) The communication shall state the amount of funds needed under
25 par. (a) and the purposes for which the funds will be used and shall request the

1 common council to submit to the voters of the city ~~at the next election held in the city~~
2 the question of issuing school bonds in the amount and for the purposes stated in the
3 communication.

4 SECTION 9. 119.49 (2) of the statutes is amended to read: ✓

5 (5) 119.49 (2) Upon receipt of the communication, the common council shall ~~cause~~ ✓
6 the question of issuing such school bonds in the stated amount and for the stated
7 school purposes to be submitted to the voters of the city at the next election held in
8 ~~the city~~ regularly scheduled spring election or general election that occurs not sooner
9 than ~~45~~ ⁴² days after receipt of the communication or at a special election held on the
10 Tuesday after the first Monday in November in an odd-numbered year if that date
11 occurs not sooner than ~~45~~ ⁴² days after receipt of the communication. The question of
12 issuing such school bonds shall be submitted ~~upon a separate ballot or in some other~~
13 ~~manner~~ so that the vote upon issuing such school bonds is taken separately from any
14 other question submitted to the voters. If a majority of the electors voting on the
15 school bond question favors issuing such school bonds, the common council shall
16 cause the school bonds to be issued immediately or within the period permitted by
17 law, in the amount requested by the board and in the manner other bonds are issued.

18 SECTION 10. 121.91 (3) (a) of the statutes is amended to read: ✓

19 121.91 (3) (a) If a school board wishes to exceed the limit under sub. (2m)
20 otherwise applicable to the school district in any school year, it shall promptly adopt ✓
21 a resolution supporting inclusion in the final school district budget of an amount
22 equal to the proposed excess revenue. The resolution shall specify whether the
23 proposed excess revenue is for a recurring or nonrecurring purpose, or, if the
24 proposed excess revenue is for both recurring and nonrecurring purposes, the
25 amount ~~of the proposed excess revenue for each purpose.~~ ^{The resolution shall be filed as provided in s. 8.27.} Within 10 days after

1 adopting the resolution, the school board shall notify the department of the
 2 scheduled date of the referendum and submit a copy of the resolution to the
 3 department. The school board shall call a ~~special~~ referendum for the purpose of
 4 submitting the resolution to the electors of the school district for approval or
 5 rejection. ~~In lieu of a special referendum, the school board may specify that the~~
 6 ~~referendum be held at the next succeeding spring primary or election or September~~
 7 ~~primary or general election, if such election is to be held not earlier than 35 days~~
 8 ~~after the adoption of the resolution of the school board, or at a special election held~~
 9 ~~on the Tuesday after the first Monday in November in an odd-numbered year if that~~
 10 ~~date occurs not earlier than 45 days after the adoption of the resolution of the school~~
 11 ~~board.~~ The school district clerk shall certify the results of the referendum to the
 12 department within 10 days after the referendum is held.

13 **SECTION 93⁴⁰. Initial applicability; public instruction.**

14 (1) SCHOOL DISTRICT REFERENDA. The treatment of sections 24.66 (3) (b) and (4)
 15 (b), ^{66.0421} ~~66.504~~ (2), 67.05 (6a) (a) 2. a., 119.48 (4) (b) and (c), 119.49 (1) (b) and (2),^v and
 16 121.91 (3) (a) of the statutes and the renumbering and amendment of section 24.66
 17 (4) of the statutes first apply with respect to referenda called on the effective date of
 18 this subsection.

19 (END)



State of Wisconsin
2001 - 2002 LEGISLATURE

LRB-1598/1
JTK&RJM:kmg:jf

DOA:.....Maternowski – Scheduling of school district referenda

FOR 2001-03 BUDGET — NOT READY FOR INTRODUCTION

1 **AN ACT ...; relating to:** scheduling of certain referenda by school districts.

Analysis by the Legislative Reference Bureau

EDUCATION

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Under current law, referenda are required or authorized to be held by school districts in order to incur debt or exceed state revenue limits, or to exceed the levy rate limit for a school construction fund that is applicable only to the Milwaukee Public Schools (MPS). Currently, these referenda are required or authorized to be held at special elections when no offices appear on the ballot.

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

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2 **SECTION 1.** 24.66 (3) (b) of the statutes is amended to read:

SECTION 1

1 24.66 (3) (b) *For long-term loans by unified school districts.* Every application
2 for a loan, the required repayment of which exceeds 10 years, shall be approved and
3 authorized for a unified school district by a majority vote of the members of the school
4 board at a regular or special meeting of the school board. Every vote so required shall
5 be by ayes and noes duly recorded. In addition, the application shall be approved for
6 a unified school district by a majority vote of the electors of the school district at a
7 ~~special election~~ referendum as provided under sub. (4) (b).

8 **SECTION 2.** 24.66 (4) of the statutes is renumbered 24.66 (4) (a) and amended
9 to read:

10 24.66 (4) (a) If any municipality other than a school district is not empowered
11 by law to incur indebtedness for a particular purpose without first submitting the
12 question to its electors, the application for a state trust fund loan for that purpose
13 must be approved and authorized by a majority vote of the electors at a special
14 election called, noticed and held in the manner provided for other special elections.
15 The question to be voted on shall be filed as provided in s. 8.37. The notice of the
16 election shall state the amount of the proposed loan and the purpose for which it will
17 be used.

18 **SECTION 3.** 24.66 (4) (b) of the statutes is created to read:

19 24.66 (4) (b) If any school district is not empowered by law to incur
20 indebtedness for a particular purpose without first submitting the question to its
21 electors, the application for a state trust fund loan for that purpose must be approved
22 and authorized by a majority vote of the electors at the next regularly scheduled
23 spring election or general election that occurs not sooner than 42 days after the filing
24 of the resolution under sub. (5) or at a special election held on the Tuesday after the
25 first Monday in November in an odd-numbered year if that date occurs not sooner

1 than 42 days after the filing of the resolution under sub. (5). The referendum shall
2 be called, noticed, and held in the manner provided for other referenda. The notice
3 of the referendum shall state the amount of the proposed loan and the purpose for
4 which it will be used.

5 **SECTION 4.** 66.0921 (2) of the statutes is amended to read:

6 66.0921 (2) FACILITIES AUTHORIZED. A municipality may enter into a joint
7 contract with a nonprofit corporation organized for civic purposes and located in the
8 municipality to construct or otherwise acquire, equip, furnish, operate and maintain
9 a facility to be used for municipal and civic activities if a majority of the voters voting
10 in a referendum authorize the municipality to enter into the joint contract. The
11 referendum shall be held at a special election or at a spring primary or election or
12 September primary or general election ~~approve the question of entering into the joint~~
13 ~~contract or, if the municipality is a school district, at the next spring election or~~
14 general election to be held not earlier than 42 days after submittal of the issue or at
15 a special election held on the Tuesday after the first Monday in November in an
16 odd-numbered year if that date occurs not earlier than 42 days after submittal of the
17 issue.

18 **SECTION 5.** 67.05 (6a) (a) 2. a. of the statutes is amended to read:

19 67.05 (6a) (a) 2. a. Direct the school district clerk to call a ~~special election~~
20 referendum for the purpose of submitting the resolution to the electors for approval
21 or rejection, ~~or direct that the resolution be submitted~~ at the next regularly
22 scheduled primary or spring election or general election to be held not earlier than
23 45 days after the adoption of the resolution or at a special election held on the
24 Tuesday after the first Monday in November in an odd-numbered year if that date
25 occurs not earlier than 45 days after the adoption of the resolution. The resolution

1 shall not be effective unless adopted by a majority of the school district electors voting
2 at the referendum.

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4 119.48 (4) (b) The communication shall state the purposes for which the funds
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8 **SECTION 7.** 119.48 (4) (c) of the statutes is amended to read:

9 119.48 (4) (c) Upon receipt of the communication, the common council shall file
10 the communication as provided in s. 8.37 and shall cause the question of exceeding
11 the levy rate specified under s. 65.07 (1) (f) to be submitted to the voters of the city
12 at the September election or at a special election next regularly scheduled spring
13 election or general election that occurs not sooner than 42 days after receipt of the
14 communication or at a special election held on the Tuesday after the first Monday in
15 November in an odd-numbered year if that date occurs not sooner than 42 days after
16 receipt of the communication. The question of exceeding the levy rate specified under
17 s. 65.07 (1) (f) shall be submitted so that the vote upon exceeding the levy rate
18 specified in s. 65.07 (1) (f) is taken separately from any other question submitted to
19 the voters. If a majority of the electors voting on the question favors exceeding the
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3 communication.

4 **SECTION 9.** 119.49 (2) of the statutes is amended to read:

5 119.49 (2) Upon receipt of the communication, the common council shall file
6 the communication as provided in s. 8.37 and shall cause the question of issuing such
7 school bonds in the stated amount and for the stated school purposes to be submitted
8 to the voters of the city ~~at the next election held in the city~~ regularly scheduled spring
9 election or general election that occurs not sooner than 42 days after receipt of the
10 communication or at a special election held on the Tuesday after the first Monday in
11 November in an odd-numbered year if that date occurs not sooner than 42 days after
12 receipt of the communication. The question of issuing such school bonds shall be
13 submitted so that the vote upon issuing such school bonds is taken separately from
14 any other question submitted to the voters. If a majority of the electors voting on the
15 school bond question favors issuing such school bonds, the common council shall
16 cause the school bonds to be issued immediately or within the period permitted by
17 law, in the amount requested by the board and in the manner other bonds are issued.

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19 121.91 (3) (a) If a school board wishes to exceed the limit under sub. (2m)
20 otherwise applicable to the school district in any school year, it shall promptly adopt
21 a resolution supporting inclusion in the final school district budget of an amount
22 equal to the proposed excess revenue. The resolution shall specify whether the
23 proposed excess revenue is for a recurring or nonrecurring purpose, or, if the
24 proposed excess revenue is for both recurring and nonrecurring purposes, the
25 amount of the proposed excess revenue for each purpose. The resolution shall be filed

1 as provided in s. 8.37. Within 10 days after adopting the resolution, the school board
2 shall notify the department of the scheduled date of the referendum and submit a
3 copy of the resolution to the department. The school board shall call a ~~special~~
4 referendum for the purpose of submitting the resolution to the electors of the school
5 district for approval or rejection. ~~In lieu of a special referendum, the school board~~
6 ~~may specify that the referendum be held at the next succeeding spring primary or~~
7 ~~election or September primary or general election, if such election is to be held not~~
8 ~~sooner than 42 days after the filing of the resolution of the school board, or at a special~~
9 election held on the Tuesday after the first Monday in November in an
10 odd-numbered year if that date occurs not earlier than 42 days after the filing of the
11 resolution of the school board. The school district clerk shall certify the results of the
12 referendum to the department within 10 days after the referendum is held.

13 **SECTION 9340. Initial applicability; public instruction.**

14 (1) SCHOOL DISTRICT REFERENDA. The treatment of sections 24.66 (3) (b) and (4)
15 (b), 66.092 (2), 67.05 (6a) (a) 2. a., 119.48 (4) (b) and (c), 119.49 (1) (b) and (2), and
16 121.91 (3) (a) of the statutes and the renumbering and amendment of section 24.66
17 (4) of the statutes first apply with respect to referenda called on the effective date of
18 this subsection.

19 (END)