



State of Wisconsin  
2013 - 2014 LEGISLATURE



LRB-1180/5  
PG:cjs:jf

DOA:.....Boggs, BB0343 – Impose limit on district levy

**FOR 2013-2015 BUDGET -- NOT READY FOR INTRODUCTION**

**AN ACT ...; relating to:** the budget.

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*Analysis by the Legislative Reference Bureau*

**EDUCATION**

**HIGHER EDUCATION**

This bill imposes a limit on the increase in a technical college district board's operating levy. Under the bill, no district board may increase its tax levy by a percentage that exceeds its valuation factor. The valuation factor is a percentage equal to the greater of zero percent or the percentage change in the district's equalized value due to the aggregate new construction, less improvements removed, in municipalities located in the district during the previous year.

If a district board's allowable levy is greater than its actual levy in any year, the district board may by a three-fourths vote increase its limit in the succeeding year by the difference, up to a maximum of 0.5 percent of its actual levy.

If a district board wishes to exceed its limit, it must adopt a resolution to that effect and hold a district-wide referendum. The limit is increased by the amount approved at the referendum.

If a district board exceeds its limit without the approval of the electors, the state technical college system board must reduce the district's aid payments by the amount of the excess.

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

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

**SECTION 1.** 38.16 (3) (a) 2. of the statutes is amended to read:

38.16 (3) (a) 2. “Excess levy” means the amount by which a district board’s tax levy exceeds the limit under par. (b) this subsection.

**SECTION 2.** 38.16 (3) (a) 2m. of the statutes is created to read:

38.16 (3) (a) 2m. “Municipality” means a city, village, or town.

**SECTION 3.** 38.16 (3) (a) 4. of the statutes is created to read:

38.16 (3) (a) 4. “Valuation factor” means a percentage equal to the greater of either zero percent or the percentage change in the district’s January 1 equalized value due to the aggregate new construction, less improvements removed, in municipalities wholly located in the district between the previous year and the current year, as determined by the department of revenue.

**SECTION 4.** 38.16 (3) (be) of the statutes is created to read:

38.16 (3) (be) Notwithstanding sub. (1), no district board may increase its tax levy in 2013 or in any year thereafter by a percentage that exceeds the district’s valuation factor, except as provided in pars. (bg) and (br).

**SECTION 5.** 38.16 (3) (bg) of the statutes is renumbered 38.16 (3) (bg) 1. and amended to read:

38.16 (3) (bg) 1. The limit otherwise applicable to a district board under par. (b) this subsection is increased by an amount equal to the amount of any refunded or rescinded property taxes paid by the district board in the year of the levy if the

refunded or rescinded property taxes result in a redetermination of the district's equalized valuation by the department of revenue under s. 74.41.

**SECTION 6.** 38.16 (3) (bg) 2. of the statutes is created to read:

38.16 (3) (bg) 2. If a district board's allowable levy under this subsection in 2013, or any year thereafter, is greater than its actual levy in that year, the limit otherwise applicable to the district board under this subsection in the succeeding year is increased by the difference between the prior year's allowable levy and the prior year's actual levy, as determined by the department of revenue, up to a maximum increase of 0.5 percent of the actual levy in that prior year, if the district board approves the increase by a three-fourths vote.

**SECTION 7.** 38.16 (3) (br) 1. of the statutes is amended to read:

38.16 (3) (br) 1. If a district board wishes to exceed the limit ~~under par. (b)~~ otherwise applicable to the district ~~in 2011 or 2012~~ under this subsection, it shall adopt a resolution supporting inclusion in the final district budget of an amount equal to the proposed excess levy. The resolution shall be filed as provided in s. 8.37. Within 10 days after adopting the resolution, the district board shall notify the board of the scheduled date of the referendum and submit a copy of the resolution to the board. The district board shall call a special referendum for the purpose of submitting the resolution to the electors of the district for approval or rejection. In lieu of a special referendum, the district board may specify that the referendum be held at the next succeeding spring primary or election or partisan primary or general election, if such election is to be held not sooner than ~~42~~ 70 days after the filing of the resolution of the district board. The district board shall certify the results of the referendum to the board within 10 days after the referendum is held.

**SECTION 8.** 38.16 (3) (br) 3. of the statutes is amended to read:

38.16 (3) (br) 3. The referendum shall be held in accordance with chs. 5 to 12. The district board shall provide the election officials with all necessary election supplies. The form of the ballot shall correspond substantially with the standard form for referendum ballots prescribed by the government accountability board under ss. 5.64 (2) and 7.08 (1) (a). The question submitted shall be whether the limit under ~~par. (b)~~ this subsection may be exceeded by a specified amount. The limit otherwise applicable to the district under ~~par. (b)~~ this subsection is increased by the amount approved by a majority of those voting on the question.

**SECTION 9.** 38.16 (3) (c) (intro.) of the statutes is amended to read:

38.16 (3) (c) (intro.) Except as provided in par. (d), if the board determines that a district board imposed an excess levy ~~in 2011 or 2012~~, the board shall do all of the following:

**SECTION 10.** 38.16 (3) (c) 3. of the statutes is amended to read:

38.16 (3) (c) 3. Ensure that the amount of the excess levy is not included in determining the limit ~~described under par. (b)~~ under this subsection for the district board for the following year.

**(END)**