



## 2025 ASSEMBLY BILL 457

September 26, 2025 - Introduced by Representatives NEDWESKI, DONOVAN, ALLEN, BEHNKE, DITTRICH, DUCHOW, B. JACOBSON, MAXEY, MELOTIK, MOSES, MURPHY, O'CONNOR, PENTERMAN, STEFFEN and WICHGERS, cosponsored by Senators HUTTON, NASS and TOMCZYK. Referred to Committee on Education.

1     **AN ACT to amend** 67.05 (6a) (a) 2. (intro.) and 121.91 (3) (a) 1.; **to create** 67.05  
2           (6a) (a) 3. and 121.91 (3) (a) 3. of the statutes; **relating to:** the conditions  
3           under which a school district may adopt a resolution to exceed its revenue  
4           limit.

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### *Analysis by the Legislative Reference Bureau*

This bill prohibits a school board from adopting a resolution to initiate an operating or capital referendum unless the Department of Public Instruction certifies that the school board is in compliance with all applicable requirements to submit financial information to DPI. If a school board adopts a resolution without the required certification, the resolution and any referendum on the resolution are void.

Current law generally limits the total amount of revenue a school district may receive from general school aids and property taxes in a school year. However, there are several exceptions to the revenue limit. One exception is for excess revenue approved by referendum for recurring and nonrecurring purposes. This type of referendum is often referred to as an operating referendum. If the operating referendum is for a nonrecurring purpose, a school district's authority to raise excess revenue is approved only for specific school years. Another exception to a school district revenue limit is an increase for funds needed to service general

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obligation debt issued by a school district, if the debt was approved by a referendum. This type of referendum is often referred to as a capital referendum.

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:*

1           **SECTION 1.** 67.05 (6a) (a) 2. (intro.) of the statutes is amended to read:

2           67.05 **(6a)** (a) 2. (intro.) Except as provided under pars. (b) and (c) and subs.  
3 (7) and (15), and subject to subd. 3. and the limit on the number of referendums that  
4 may be called in any calendar year under subd. 2. a., if the board of any school  
5 district, or the electors at a regularly called school district meeting, by a majority  
6 vote adopt an initial resolution to raise an amount of money by a bond issue, the  
7 school district clerk shall, within 10 days, publish notice of such adoption as a class  
8 1 notice under ch. 985 or post the notice as provided under s. 10.05. The notice shall  
9 state the maximum amount proposed to be borrowed, the purpose of the borrowing,  
10 that the resolution was adopted under this subdivision and the place where and the  
11 hours during which the resolution may be inspected. The school board shall also do  
12 one of the following:

13           **SECTION 2.** 67.05 (6a) (a) 3. of the statutes is created to read:

14           67.05 **(6a)** (a) 3. Beginning on the effective date of this subdivision .... [LRB  
15 inserts date], a school board may not adopt a initial resolution to raise an amount of  
16 money by a bond issue and a vote of the electors of a school district may not be held  
17 to adopt a initial resolution to raise an amount of money by a bond issue unless the  
18 department of public instruction certifies that, as of a date that is no earlier than 14  
19 days before the date on which the school board or the electors adopt the resolution,

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1 the school board of the school district is in compliance with all applicable  
2 requirements to submit financial information to the department of public  
3 instruction or the state superintendent of public instruction, including  
4 requirements to submit financial information under ss. 119.44 (1), 120.08, 120.14,  
5 and 121.05. If a school board or the electors of a school district adopt a resolution  
6 under subd. 2. in violation of this subdivision, the resolution and any referendum  
7 that submits the resolution to the electors of the school district is void.

8 **SECTION 3.** 121.91 (3) (a) 1. of the statutes is amended to read:

9 121.91 (3) (a) 1. ~~If~~ Subject to subd. 3., if a school board wishes to exceed the  
10 limit under sub. (2m) otherwise applicable to the school district in any school year,  
11 it shall promptly adopt a resolution supporting inclusion in the final school district  
12 budget of an amount equal to the proposed excess revenue. The resolution shall  
13 specify whether the proposed excess revenue is for a recurring or nonrecurring  
14 purpose, or, if the proposed excess revenue is for both recurring and nonrecurring  
15 purposes, the amount of the proposed excess revenue for each purpose. The  
16 resolution shall be filed as provided in s. 8.37. Within 10 days after adopting the  
17 resolution, the school board shall notify the department that it will schedule a  
18 referendum for the purpose of submitting the resolution to the electors of the school  
19 district for approval or rejection and shall submit a copy of the resolution to the  
20 department. Except as provided in subd. 2., the school board shall schedule the  
21 referendum to be held at the next regularly scheduled spring primary or election or  
22 partisan primary or general election, provided such election is to be held not sooner  
23 than 70 days after the filing of the resolution of the school board. A school board  
24 may proceed under this subdivision and under s. 67.05 (6a) (a) 2. a. no more than 2

**ASSEMBLY BILL 457****SECTION 3**

1 times in any calendar year. The school district clerk shall certify the results of the  
2 referendum to the department within 10 days after the referendum is held.

3 **SECTION 4.** 121.91 (3) (a) 3. of the statutes is created to read:

4 121.91 (3) (a) 3. Beginning on the effective date of this subdivision .... [LRB  
5 inserts date], a school board may not adopt a resolution under subd. 1. unless the  
6 department certifies that, as of a date that is no earlier than 14 days before the date  
7 on which the school board votes to adopt the resolution, the school board is in  
8 compliance with all applicable requirements to submit financial information to the  
9 department or the state superintendent, including requirements to submit  
10 financial information under ss. 119.44 (1), 120.08, 120.14, and 121.05. If a school  
11 board adopts a resolution under subd. 1. in violation of this subdivision, the  
12 resolution and any referendum that submits the resolution to the electors is void.

13 **(END)**