

State of Wisconsin



2013 Senate Bill 540

Date of enactment: **April 23, 2014**
Date of publication*: **April 24, 2014**

2013 WISCONSIN ACT 336

AN ACT *to renumber and amend* 121.07 (6) (a) 1. and 2.; *to amend* 119.04 (1) and 121.07 (6) (a) (intro.); and *to create* 120.137 and 121.07 (6) (a) 2m. of the statutes; **relating to**: authorizing a school board to create a capital improvement trust fund.

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

SECTION 1. 119.04 (1) of the statutes, as affected by [2013 Wisconsin Act 20](#), is amended to read:

119.04 (1) Subchapters IV, V and VII of ch. 115, ch. 121 and ss. 66.0235 (3) (c), 66.0603 (1m) to (3), 115.01 (1) and (2), 115.28, 115.31, 115.33, 115.34, 115.343, 115.345, 115.363, 115.365 (3), 115.38 (2), 115.415, 115.445, 118.001 to 118.04, 118.045, 118.06, 118.07, 118.075, 118.076, 118.10, 118.12, 118.125 to 118.14, 118.145 (4), 118.15, 118.153, 118.16, 118.162, 118.163, 118.164, 118.18, 118.19, 118.20, 118.223, 118.225, 118.24 (1), (2) (c) to (f), (6), (8), and (10), 118.245, 118.255, 118.258, 118.291, 118.292, 118.293, 118.30 to 118.43, 118.46, 118.51, 118.52, 118.53, 118.55, 118.56, 120.12 (2m), (4m), (5), and (15) to (27), 120.125, 120.13 (1), (2) (b) to (g), (3), (14), (17) to (19), (26), (34), (35), (37), (37m), and (38), [120.137](#), 120.14, 120.21 (3), and 120.25 are applicable to a 1st class city school district and board.

SECTION 2. 120.137 of the statutes is created to read:

120.137 Long-term capital improvement trust fund. (1) In this section, a "long-term capital improvement plan" is a capital improvement plan for at least a 10-year period.

(2) A school board that has approved a long-term capital improvement plan may create a long-term capital improvement trust fund for the purpose of financing the costs of the capital improvements included in the school board's approved long-term capital improvement plan.

(3) (a) A school board may not expend money deposited in a long-term capital improvement trust fund created under sub. (2) for a period of 5 years beginning on the date the trust fund is created.

(b) After the 5-year period described in par. (a), a school board may make expenditures from a long-term capital improvement trust fund solely for the purposes described in the school board's approved long-term capital improvement plan and may not transfer money from a long-term capital improvement trust fund to any other school district fund.

SECTION 3. 121.07 (6) (a) (intro.) of the statutes is amended to read:

121.07 (6) (a) (intro.) "Shared cost" is the sum of the net cost of the general fund and the net cost of the debt service fund, except that "shared cost" excludes any costs, including attorney fees, incurred by a school district as a result of its participation in a lawsuit commenced against the state, beginning with such costs incurred in the fiscal year in which the lawsuit is commenced, excludes any expenditures from a capital

* Section 991.11, WISCONSIN STATUTES: Effective date of acts. "Every act and every portion of an act enacted by the legislature over the governor's partial veto which does not expressly prescribe the time when it takes effect shall take effect on the day after its date of publication."

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improvement fund created under s. 120.135 or a capital improvement trust fund created under s. 120.137, and excludes the costs of transporting those transfer pupils for whom the school district operating under ch. 119 does not receive intradistrict transfer aid under s. 121.85 (6) as a result of s. 121.85 (6) (am). In this paragraph, “net:

1m. “Net cost of the debt service fund” includes all of the following amounts:

SECTION 4. 121.07 (6) (a) 1. and 2. of the statutes are renumbered 121.07 (6) (a) 1m. a. and b., and 121.07 (6) (a) 1m. a., as renumbered, is amended to read:

121.07 **(6)** (a) 1m. a. If a school board makes an expenditure from a capital expansion fund created under

s. 120.10 (10m), an amount determined by dividing the expenditure by the number of years in which the school district levied a tax for the capital project. This ~~subdivision~~ subd. 1m. a. applies for the number of years equal to the number of years in which the school district levied a tax for the capital project.

SECTION 5. 121.07 (6) (a) 2m. of the statutes is created to read:

121.07 **(6)** (a) 2m. “Net cost of the general fund” includes money deposited in a long-term capital improvement trust fund created under s. 120.137.

