



2025 SENATE BILL 81

February 26, 2025 - Introduced by Senators KAPENGA, NASS and TOMCZYK, cosponsored by Representatives DUCHOW, DITTRICH, ALLEN, BEHNKE, BRILL, DONOVAN, GOEBEN, GREEN, B. JACOBSON, KNODL, KREIBICH, MAXEY, MURPHY, NEYLON, O'CONNOR, WICHGERS, ZIMMERMAN and MELOTIK. Referred to Committee on Education.

- 1 **AN ACT to amend** 121.91 (3) (a) 1., 121.91 (3) (c) and 121.91 (7) of the statutes;
2 **relating to:** school district operating referenda.

Analysis by the Legislative Reference Bureau

This bill eliminates recurring operating referenda and limits a nonrecurring operating referendum to no more than four years.

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. If the operating referendum is for a recurring purpose, the school district's authority to raise excess revenue is permanent. Under the bill, an operating referendum to exceed a school district's revenue limit may be only for nonrecurring purposes and the referendum may not apply to more than four years.

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

SENATE BILL 81**SECTION 1**

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

121.91 (3) (a) 1. If a school board wishes to exceed the limit under sub. (2m) otherwise applicable to the school district in any school year for a nonrecurring purpose, it shall promptly adopt a resolution supporting inclusion in the final school district budget of an amount equal to the proposed excess revenue. The resolution shall specify ~~whether~~ that the proposed excess revenue is for a ~~recurring or nonrecurring purpose, or, if the proposed excess revenue is for both recurring and nonrecurring purposes,~~ the amount of the proposed excess revenue for each purpose for which the proposed excess revenue will be used, and the number of school years to which the resolution applies. A school board may not adopt a resolution under this subdivision that applies to more than 4 school years. The resolution shall be filed as provided in s. 8.37. Within 10 days after adopting the resolution, the school board shall notify the department that it will schedule a referendum for the purpose of submitting the resolution to the electors of the school district for approval or rejection and shall submit a copy of the resolution to the department. Except as provided in subd. 2., the school board shall schedule the referendum to be held at the next regularly scheduled spring primary or election or partisan primary or general election, provided such election is to be held not sooner than 70 days after the filing of the resolution of the school board. A school board may proceed under this subdivision and under s. 67.05 (6a) (a) 2. a. no more than 2 times in any calendar year. The school district clerk shall certify the results of the referendum to the department within 10 days after the referendum is held.

SECTION 2. 121.91 (3) (c) of the statutes is amended to read:

SENATE BILL 81**SECTION 2**

1 121.91 (3) (c) A referendum under this subsection shall be held in accordance
2 with chs. 5 to 12. The school district clerk shall provide the election officials with
3 all necessary election supplies. The form of the ballot shall correspond
4 substantially with the standard form for referendum ballots prescribed by the
5 elections commission under ss. 5.64 (2) and 7.08 (1) (a). The question submitted
6 shall be whether the limit under sub. (2m) may be exceeded by a specified amount.
7 ~~If the resolution provides that any of the excess revenue will be used for a~~
8 ~~nonrecurring purpose, the ballot in the election and shall so state that it and shall~~
9 ~~specify the amount that~~ will be used for a nonrecurring purpose. The limit
10 otherwise applicable to the school district under sub. (2m) is increased by the
11 amount approved by a majority of those voting on the question.

12 **SECTION 3.** 121.91 (7) of the statutes is amended to read:

13 121.91 (7) Except as provided in subs. (4) (f) 2. and (n) to (qe) and (8), if an
14 excess revenue is ~~approved under sub. (3) for a recurring purpose or~~ allowed under
15 sub. (4), the excess revenue shall be included in the base for determining the limit
16 for the next school year for purposes of this section. If an excess revenue is approved
17 under sub. (3) ~~for a nonrecurring purpose~~, the excess revenue shall not be included
18 in the base for determining the limit for the next school year for purposes of this
19 section.

20 **SECTION 4. Initial applicability.**

21 (1) This act first applies to a resolution under s. 121.91 (3) (a) adopted on the
22 effective date of this subsection.

23 **(END)**