



1997 ASSEMBLY BILL 310

April 24, 1997 - Introduced by Representatives SKINDRUD, JENSEN, DUFF, AINSWORTH, HAHN, HANDRICK, GARD, GROTHMAN, FREESE, NASS, LADWIG, POWERS, SERATTI, SYKORA, WARD and ZUKOWSKI, cosponsored by Senators DRZEWIECKI, ELLIS, COWLES, WEEDEN and ZIEN. Referred to Committee on Elections and Constitutional Law.

1 **AN ACT to amend** 5.02 (20r), 7.15 (2) (d), 8.05 (3) (d) and (e), 8.06, 9.20 (4), 24.66
2 (3) (b), 24.66 (4), 32.72 (1), 59.08 (7) (b), 60.62 (2), 60.74 (5) (b), 61.187 (1), 61.46
3 (1), 62.09 (1) (a), 64.03 (1), 64.39 (3), 66.01 (8), 66.059 (2m) (b), 66.061 (1) (c),
4 66.075 (5), 66.504 (2), 66.521 (10) (d), 66.77 (3) (a) 1., 66.94 (4), 67.05 (4) and (5),
5 67.05 (6a) (a) 2. a., 67.05 (6m) (b), 67.10 (5) (b), 67.12 (12) (e) 5., 81.01 (3) (b),
6 86.21 (2) (a), 117.20, 119.48 (4) (b) and (c), 119.49 (1) (b) and (2), 121.91 (3) (a),
7 197.04 (1) and (2), 197.10 (2) and 198.19 (1); and **to create** 8.065 of the statutes;
8 **relating to:** scheduling of referenda by local governments.

Analysis by the Legislative Reference Bureau

Under current law, referenda are authorized or required to be held by local governments under various laws for various purposes. In some cases, these referenda are authorized or required to be held at special elections when no offices appear on the ballot. In most cases, there is no limitation upon the frequency that questions relating to the same subject matter may be submitted.

This bill provides that, unless a more restrictive limitation applies currently, a referendum by a local government may only be held concurrently with the spring primary (held in most election districts in each year), the spring election (held in each year), or on the first Tuesday after the first Monday in November of an

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odd-numbered year (no election is currently held on that date), the September primary (held in each even-numbered year) or general election (held in each even-numbered year). The bill also provides that, unless a more restrictive limitation applies currently, no referendum submitted by the same local government relating to substantially similar subject matter or relating to authorization for the borrowing of money may be held more than once in any 12-month period. The requirement applies to all referenda, including referenda concerning direct legislation (initiative) in cities and villages.

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:

1 **SECTION 1.** 5.02 (20r) of the statutes is amended to read:

2 5.02 **(20r)** “Special referendum” means any a referendum held at a special
3 election which is not held concurrently with the elections described in sub. (5), (18),
4 ~~(21) or (22)~~ on the first Tuesday after the first Monday in November of an
5 odd-numbered year.

6 **SECTION 2.** 7.15 (2) (d) of the statutes is amended to read:

7 7.15 **(2)** (d) Whenever the governing body of any municipality submits any
8 question to a vote of the electors or whenever a proper recall petition and certificate
9 are filed under s. 9.10, the municipal clerk shall issue a call for the election and
10 prepare and distribute ballots as required in the authorization of submission or as
11 provided in s. 9.10. The date of the referendum shall be established in accordance
12 with s. 8.065, and shall be fixed by the municipal clerk or board of election
13 commissioners unless otherwise provided by law or unless the governing body fixes
14 a date. The ballot for any referendum shall conform to s. 5.64 (2). If there is already
15 an official municipal referendum ballot for the election, the question may appear on
16 the same ballot.

17 **SECTION 3.** 8.05 (3) (d) and (e) of the statutes are amended to read:

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1 8.05 (3) (d) The question of adoption of the nonpartisan primary under this
2 subsection may be submitted to the electors at any regular election specified in s.
3 8.065 held in the town ~~or at a special election called for the purpose~~. When a petition
4 conforming to the requirements of s. 8.40 signed by at least 20 electors of the town
5 is filed with the town clerk so requesting, the question shall be submitted to a vote.

6 (e) Petitions requesting a vote on the question at a regular town election shall
7 be filed no later than 5 p.m. the last Tuesday in February. When the petition is filed,
8 the clerk shall check its sufficiency. ~~Whether at a regular or special election, the~~ The
9 clerk shall give separate notice by one publication in a newspaper at least 5 days
10 before the election.

11 **SECTION 4.** 8.06 of the statutes is amended to read:

12 **8.06 Special elections may be called.** Towns, cities, villages and school
13 districts may call special elections for any purpose whenever such action is
14 authorized or required by law. If an election is called for a special referendum, the
15 election shall be called and noticed ~~under~~ as provided in s. 8.55.

16 **SECTION 5.** 8.065 of the statutes is created to read:

17 **8.065 Scheduling of referenda. (1)** In this section, "local governmental
18 unit" has the meaning given in s. 16.97 (7).

19 **(2)** Unless otherwise required by law, a referendum held by any local
20 governmental unit that is authorized or required by law to hold a referendum may
21 only be held concurrently with the spring primary, spring election, September
22 primary or general election, or on the first Tuesday after the first Monday of
23 November of an odd-numbered year. Unless otherwise required by law, no
24 referendum submitted by the same local governmental unit relating to substantially

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1 similar subject matter or relating to authorization for the borrowing of money may
2 be held more than once in any 12-month period.

3 **SECTION 6.** 9.20 (4) of the statutes is amended to read:

4 9.20 (4) The common council or village board shall, without alteration, either
5 pass the ordinance or resolution within 30 days following the date of the clerk's final
6 certificate, or submit it to the electors at the next ~~spring or general~~ election specified
7 in s. 8.065, if the election is more than 6 weeks after the date of the council's or board's
8 action on the petition or the expiration of the 30-day period, whichever first occurs.
9 If there are 6 weeks or less before the election, the ordinance or resolution shall be
10 voted on at the next election specified in s. 8.065 thereafter. ~~The council or board by~~
11 ~~a three-fourths vote of the members-elect may order a special election for the~~
12 ~~purpose of voting on the ordinance or resolution at any time prior to the next election,~~
13 ~~but not more than one special election for direct legislation may be ordered in any~~
14 ~~6-month period.~~

15 **SECTION 7.** 24.66 (3) (b) of the statutes is amended to read:

16 24.66 (3) (b) *For long-term loans by unified school districts.* Every application
17 for a loan, the required repayment of which exceeds 10 years, shall be approved and
18 authorized for a unified school district by a majority vote of the members of the school
19 board at a regular or special meeting of the school board. Every vote so required shall
20 be by ayes and noes duly recorded. In addition, the application shall be approved for
21 a unified school district by a majority vote of the electors of the school district at a
22 ~~special election~~ referendum as provided under sub. (4).

23 **SECTION 8.** 24.66 (4) of the statutes is amended to read:

24 24.66 (4) **POPULAR VOTE, WHEN REQUIRED.** If any municipality is not empowered
25 by law to incur indebtedness for a particular purpose without first submitting the

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1 question to its electors, the application for a state trust fund loan for that purpose
2 must be approved and authorized by a majority vote of the electors at a special
3 election referendum called, in accordance with s. 8.065, and noticed and held in the
4 manner provided for other special elections referenda. The notice of the election
5 referendum shall state the amount of the proposed loan and the purpose for which
6 it will be used.

7 **SECTION 9.** 32.72 (1) of the statutes is amended to read:

8 32.72 (1) Sections 32.50 to 32.71 do not take effect in any city until the following
9 question is submitted to the electors of the city at a ~~special election~~ referendum called
10 in accordance with s. 8.065 and adopted by a majority vote of the electors voting:
11 “Shall subchapter II of chapter 32, Wisconsin Statutes, be effective in the city of
12, thus allowing the city to acquire and condemn property for street
13 widening and similar purposes, financed through assessments of benefits and
14 damages?”.

15 **SECTION 10.** 59.08 (7) (b) of the statutes is amended to read:

16 59.08 (7) (b) The question of the consolidation of the counties shall be submitted
17 to the voters at the next election specified in s. 8.065 to be held on ~~the first Tuesday~~
18 ~~in April, or the next regular election, or at a special election to be held on a date~~
19 specified in the order which shall be no sooner than 45 days after the day fixed in date
20 of the order issued under par. (a), which day date shall be the same in each of the
21 counties proposing to consolidate. A copy of the order shall be filed with the county
22 clerk of each of the counties. ~~If the question of consolidation is submitted at a special~~
23 ~~election, it shall be held not less than 30 days nor more than 60 days from the~~
24 ~~completion of the consolidation agreement, but not within 60 days of any spring or~~
25 ~~general election.~~

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1 **SECTION 11.** 60.62 (2) of the statutes is amended to read:

2 60.62 (2) If the county in which the town is located has enacted a zoning
3 ordinance under s. 59.69, the exercise of the authority under sub. (1) is subject to
4 approval by the town meeting or by a referendum vote of the electors of the town to
5 be held at the time of any regular or special election in accordance with s. 8.065.

6 **SECTION 12.** 60.74 (5) (b) of the statutes is amended to read:

7 60.74 (5) (b) A petition conforming to the requirements of s. 8.40 signed by
8 qualified electors of the district equal to at least 20% of the vote cast for governor in
9 the district at the last gubernatorial election, requesting a change to appointment
10 of commissioners, may be submitted to the town board, subject to sub. (5m) (a). Upon
11 receipt of the petition, the town board shall submit the question to a referendum at
12 the next regular spring election or general election, or shall call a special election for
13 that purpose specified in s. 8.065 to be held not sooner than 45 days after receipt of
14 the petition. The inspectors shall count the votes and submit a statement of the
15 results to the commission. The commission shall canvass the results of the election
16 and certify the results to the town board which has authority to appoint
17 commissioners.

18 **SECTION 13.** 61.187 (1) of the statutes is amended to read:

19 61.187 (1) PROCEDURE. Whenever a petition conforming to the requirements
20 of s. 8.40, signed by at least one-third as many electors of any village as voted for
21 village officers at the next preceding election therefor, shall be presented to the
22 village board praying for dissolution of the village corporation, such board shall
23 submit to the electors of such village, for determination by ballot in substantially the
24 manner provided by ss. 5.64 (2) and 10.02, at a general election or at a special election
25 called by them for that purpose the next election specified in s. 8.065 to be held not

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1 sooner than 45 days after presentation of the petition, the question whether or not
2 such village corporation shall be dissolved.

3 **SECTION 14.** 61.46 (1) of the statutes is amended to read:

4 61.46 (1) GENERAL; LIMITATION. The village board shall, on or before December
5 15 in each year, by resolution to be entered of record, determine the amount of
6 corporation taxes to be levied and assessed on the taxable property in such village
7 for the current year. Before levying any tax for any specified purpose, exceeding one
8 percent of the assessed valuation aforesaid, the village board shall, and in all other
9 cases may in its discretion, submit the question of levying the same to the village
10 electors at ~~any general or special~~ the next election specified in s. 8.065 to be held no
11 sooner than 45 days after submission by giving 10 days' notice thereof prior to such
12 election by publication in a newspaper published in the village, if any, and if there
13 is none, then by posting notices in 3 public places in said village, setting forth in such
14 notices the object and purposes for which such taxes are to be raised and the amount
15 of the proposed tax.

16 **SECTION 15.** 62.09 (1) (a) of the statutes is amended to read:

17 62.09 (1) (a) The officers shall be a mayor, treasurer, clerk, comptroller,
18 attorney, engineer, one or more assessors unless the city is assessed by a county
19 assessor under s. 70.99, one or more constables as determined by the common
20 council, a local health officer, as defined in s. 250.01 (5), or local board of health, as
21 defined in s. 250.01 (3), street commissioner, board of police and fire commissioners
22 except in cities where not applicable, chief of police, chief of the fire department,
23 board of public works, 2 alderpersons from each aldermanic district, and such other
24 officers or boards as are created by law or by the council. If one alderperson from each
25 aldermanic district is provided under s. 66.018 (1), the council may, by ordinance

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1 adopted by a two-thirds vote of all its members and approved by the electors at a
2 ~~general or special~~ any election specified in s. 8.065, provide that there shall be 2
3 alderpersons from each aldermanic district.

4 **SECTION 16.** 64.03 (1) of the statutes is amended to read:

5 64.03 (1) Every ordinance or resolution for the adoption of ss. 64.01 to 64.15,
6 and every petition for a ~~special election~~ referendum on the same, shall state the
7 number of members of which the council herein provided for shall be composed, the
8 term of office of its members, which term shall not exceed 2 years, whether they shall
9 be nominated and elected from aldermanic districts or from the city at large, and the
10 compensation, if any, which they shall receive.

11 **SECTION 17.** 64.39 (3) of the statutes is amended to read:

12 64.39 (3) Upon filing such petition, the mayor shall, by proclamation, submit
13 the questions prescribed in sub. (1) at a ~~special~~ the next election specified in s. 8.065
14 to be held at a time specified therein and within 2 months not sooner than 45 days
15 after such petition is filed. The election upon such question shall be conducted, the
16 vote canvassed, and the result declared in the same manner as provided by law for
17 other city elections.

18 **SECTION 18.** 66.01 (8) of the statutes is amended to read:

19 66.01 (8) Every charter, charter amendment or charter ordinance enacted or
20 approved by a vote of the electors shall control and prevail over any prior or
21 subsequent act of the legislative body of the city or village. Whenever the electors
22 of any city or village by a majority vote have adopted or determined to continue to
23 operate under either ch. 62 or 64, or have determined the method of selection of
24 members of the governing board, the question shall not again be submitted to the
25 electors, nor action taken thereon within a period of 2 years. Any election to change

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1 or amend the charter of any city or village, other than a ~~special~~ an election as
2 provided in called under s. 9.20 (4), shall be held at the time provided by statute for
3 holding the spring election.

4 **SECTION 19.** 66.059 (2m) (b) of the statutes is amended to read:

5 66.059 **(2m)** (b) If a referendum is to be held on a resolution, the municipal
6 governing body shall direct the municipal clerk to ~~call a special election for the~~
7 ~~purpose of submitting~~ submit the resolution to the electors for approval of the
8 electors at a referendum ~~on approval or rejection. In lieu of a special election, the~~
9 ~~municipal governing body may specify that the election be held at the next~~
10 ~~succeeding spring primary or election or September primary or general election~~
11 called in accordance with s. 8.065.

12 **SECTION 20.** 66.061 (1) (c) of the statutes is amended to read:

13 66.061 **(1)** (c) No such ordinance shall be operative until 60 days after passage
14 and publication unless sooner approved by a referendum. Within that time electors
15 equal in number to 20 per cent of those voting at the last regular municipal election,
16 may demand a referendum. The demand shall be in writing and filed with the clerk.
17 Each signer shall state his or her occupation and residence and signatures shall be
18 verified by the affidavit of an elector. The referendum shall be held at the next
19 ~~regular municipal election, or at a special election within 90 days of the~~ specified in
20 s. 8.065 to be held not sooner than 45 days after filing of the demand, and the
21 ordinance shall not be effective unless approved by a majority of the votes cast
22 thereon. This paragraph shall not apply to extensions by a utility previously
23 franchised by the village or city.

24 **SECTION 21.** 66.075 (5) of the statutes is amended to read:

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1 66.075 (5) The provisions of this section shall apply only to such counties, cities,
2 villages and towns as shall have adopted the same at any general or municipal
3 election at which the question of the establishment of such county or municipal
4 slaughterhouse shall have been submitted to the voters of such county, city, village
5 or town. Such question shall, upon the filing of a petition conforming to the
6 requirements of s. 8.40 by electors of such county, city, village or town equal in
7 number to at least 10% of all the votes cast in such county, city, village or town for
8 governor at the last preceding general election, be submitted to the electors of such
9 county, city, village or town at the next ensuing election specified in s. 8.065 to be held
10 not sooner than 45 days after filing of the petition, and if a majority of votes cast shall
11 be in favor of the establishment of such slaughterhouse, the provisions of this section
12 shall apply to such county, city, village or town.

13 **SECTION 22.** 66.504 (2) of the statutes is amended to read:

14 66.504 (2) FACILITIES AUTHORIZED. A municipality may enter into a joint
15 contract with a nonprofit corporation organized for civic purposes and located in the
16 municipality to construct or otherwise acquire, equip, furnish, operate and maintain
17 a facility to be used for municipal and civic activities if a majority of the voters voting
18 in a referendum at a ~~special election or at a spring primary or election or September~~
19 ~~primary or general~~ an election specified in s. 8.065 approve the question of entering
20 into the joint contract.

21 **SECTION 23.** 66.521 (10) (d) of the statutes is amended to read:

22 66.521 (10) (d) The governing body may issue bonds under this section without
23 submitting the proposition to the electors of the municipality for approval unless
24 within 30 days from the date of publication of notice of adoption of the initial
25 resolution for such bonds, a petition conforming to the requirements of s. 8.40, and

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1 signed by a number of electors of the municipality equal to not less than 5% of the
2 registered electors ~~of the municipality~~, or, if there is no registration of electors in the
3 municipality, by 10% of the number of electors of the municipality voting for the office
4 of governor at the last general election as determined under s. 115.01 (13), is filed
5 with the clerk of the municipality requesting a referendum upon the question of the
6 issuance of the bonds. If such a petition is filed, the bonds shall not be issued until
7 approved by a majority of the electors of the municipality voting thereon at a ~~general~~
8 ~~or special election~~ referendum called in accordance with s. 8.065.

9 **SECTION 24.** 66.77 (3) (a) 1. of the statutes is amended to read:

10 66.77 (3) (a) 1. If the governing body of a county wishes to exceed the operating
11 levy rate limit otherwise applicable to the county under this section, it shall adopt
12 a resolution to that effect. The resolution shall specify either the operating levy rate
13 or the operating levy that the governing body wishes to impose for either a specified
14 number of years or an indefinite period. The governing body shall ~~call a special~~
15 ~~referendum for the purpose of submitting the resolution to the electors of the county~~
16 ~~for approval or rejection. In lieu of a special referendum, the governing body may~~
17 ~~specify that~~ provide for the referendum to be held at the next succeeding spring
18 primary ~~or election or September primary or general election to be held~~ specified in
19 s. 8.065 that occurs not earlier than 30 days after the adoption of the resolution of
20 the governing body.

21 **SECTION 25.** 66.94 (4) of the statutes is amended to read:

22 66.94 (4) MANNER OF ADOPTION. This section may be adopted by any city, village
23 or town within the metropolitan district in the following manner: The governing body
24 of any municipality, by ordinance passed at least 30 days prior to submission of the
25 question, may direct that the question of the adoption of this section be submitted

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1 to the electors therein at any ~~general, special, judicial or local~~ election specified in
2 s. 8.065. The clerk of such municipality or the election commission of any city of the
3 first class shall thereupon submit the question to popular vote. Public notice of the
4 election shall be given in the same manner as in case of a regular municipal election
5 except that such notice shall be published or posted at least 20 days prior to the
6 election. If a majority of those voting on the question vote in the affirmative thereon,
7 this section shall be adopted in such municipality. The proposition on the ballot to
8 be used at such election shall be in substantially the following form:

9 Shall section 66.94 of the Wisconsin statutes which creates a metropolitan
10 transit authority for ownership and operation of a public mass transportation system
11 in the metropolitan district be adopted?

12 YES NO

13 **SECTION 26.** 67.05 (4) and (5) of the statutes are amended to read:

14 67.05 (4) PERMISSIVE REFERENDUM IN COUNTIES. If a county board adopts an
15 initial resolution for an issue of county bonds to provide for the original construction
16 or for the improvement and maintenance of highways, to provide railroad aid, or to
17 construct, acquire or maintain, or to aid in constructing, acquiring or maintaining
18 a bridge over or across any stream or other body of water bordering upon or
19 intersecting any part of the county, the county clerk is not required to submit the
20 resolution for approval to the electors of the county at a ~~special election~~ referendum
21 unless within 30 days after the adoption thereof there is filed with the clerk a petition
22 conforming to the requirements of s. 8.40 and requesting such submission, signed by
23 electors numbering at least 10% of the votes cast in the county for governor at the
24 last general election. If a petition is filed, the question submitted shall be whether
25 the resolution shall be or shall not be approved. No such resolution of a county board

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1 other than those specified in this subsection need be submitted to county electors,
2 except as provided otherwise in sub. (7).

3 **(5) REFERENDUM IN TOWNS, VILLAGES AND CITIES.** (a) Whenever an initial
4 resolution has been so adopted by the governing body of a town, the clerk of the
5 municipality shall immediately record the resolution and call a ~~special election~~
6 referendum in accordance with s. 8.065 for the purpose of submitting the resolution
7 to the electors of the municipality for approval. This paragraph does not apply to
8 bonds issued to finance low-interest mortgage loans under s. 66.38, unless a number
9 of electors equal to at least 15% of the votes cast for governor at the last general
10 election in their town sign and file a petition conforming to the requirements of s. 8.40
11 with the town clerk requesting submission of the resolution. Whenever a number of
12 electors cannot be determined on the basis of reported statistics, the number shall
13 be determined in accordance with s. 60.74 (6). If a petition is filed, the question
14 submitted shall be whether the resolution shall or shall not be approved. This
15 paragraph is limited in its scope by sub. (7).

16 (b) No city or village may issue any bonds for any purposes other than for water
17 systems, lighting works, gas works, bridges, street lighting, street improvements,
18 street improvement funding, hospitals, airports, harbor improvements, river
19 improvements, breakwaters and protection piers, sewerage, garbage disposal,
20 rubbish or refuse disposal, any combination of sewage, garbage or refuse or rubbish
21 disposal, parks and public grounds, swimming pools and band shells thereon,
22 veterans housing projects, paying the municipality's portion of the cost of abolishing
23 grade crossings, for the construction of police facilities and combined fire and police
24 safety buildings, for the purchase of sites for engine houses, for fire engines and other
25 equipment of the fire department, for construction of engine houses, and for pumps,

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1 water mains, reservoirs and all other reasonable facilities for fire protection
2 apparatus or equipment for fire protection, for parking lots or other parking
3 facilities, for school purposes, for libraries, for buildings for the housing of machinery
4 and equipment, for acquiring and developing sites for industry and commerce as will
5 expand the municipal tax base, for financing the cost of low-interest mortgage loans
6 under s. 66.38, for providing financial assistance to blight elimination, slum
7 clearance, community development, redevelopment and urban renewal programs
8 and projects under ss. 66.405 to 66.425, 66.43, 66.431, 66.4325, 66.435 and 66.46 or
9 for university of Wisconsin system centers until the proposition for their issue for the
10 special purpose thereof has been submitted to the electors of the city or village and
11 adopted by a majority vote. Except as provided under sub. (15), if the common council
12 of any city or the village board of any village declares its purpose to raise money by
13 issuing bonds for any purpose other than those above specified, it shall direct by
14 resolution, which shall be recorded at length in the record of its proceedings, the clerk
15 to call a ~~special election~~ referendum in accordance with s. 8.065 for the purpose of
16 submitting the question of bonding to the city or village electors. If a number of
17 electors of a city or village equal to at least 15% of the votes cast for governor at the
18 last general election in their city or village sign and file a petition conforming to the
19 requirements of s. 8.40 with the city or village clerk requesting submission of the
20 resolution, the city or village may not issue bonds for financing the cost of
21 low-interest mortgage loans under s. 66.38 ~~without calling a special election to~~
22 ~~submit the question of bonding to~~ unless the issuance is approved by the city or
23 village electors for their approval at a referendum called in accordance with s. 8.065.

24 **SECTION 27.** 67.05 (6a) (a) 2. a. of the statutes is amended to read:

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1 67.05 (6a) (a) 2. a. Direct the school district clerk to call a ~~special election~~
2 referendum in accordance with s. 8.065 for the purpose of submitting the resolution
3 to the electors for approval or rejection, ~~or direct that the resolution be submitted at~~
4 ~~the next regularly scheduled primary or election~~ permitted under s. 8.065 to be held
5 not earlier than 45 days after the adoption of the resolution. The resolution shall not
6 be effective unless adopted by a majority of the school district electors voting at the
7 referendum.

8 **SECTION 28.** 67.05 (6m) (b) of the statutes is amended to read:

9 67.05 (6m) (b) If a referendum is to be held on an initial resolution, the district
10 board shall direct the technical college district secretary to call a ~~special election~~
11 referendum in accordance with s. 8.065 for the purpose of submitting the initial
12 resolution to the electors for a referendum on approval or rejection. ~~In lieu of a~~
13 ~~special election, the district board may specify that the election be held at the next~~
14 ~~succeeding spring primary or election or September primary or general election.~~

15 **SECTION 29.** 67.10 (5) (b) of the statutes is amended to read:

16 67.10 (5) (b) Any city having ~~voted~~ approved the issuance of bonds at a special
17 referendum election held in accordance with s. 8.065 and having sold a portion
18 thereof may negotiate, sell or otherwise dispose of the same in the manner provided
19 by statute within 9 years of the date of the election voting the same.

20 **SECTION 30.** 67.12 (12) (e) 5. of the statutes is amended to read:

21 67.12 (12) (e) 5. Within 10 days of the adoption by a technical college district
22 board of a resolution under subd. 1. to issue a promissory note for a purpose under
23 s. 38.16 (2), the secretary of the district board shall publish a notice of such adoption
24 as a class 1 notice, under ch. 985. The notice need not set forth the full contents of
25 the resolution, but shall state the amount proposed to be borrowed, the method of

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1 borrowing, the purpose thereof, that the resolution was adopted under this
2 subsection and the place where and the hours during which the resolution is
3 available for public inspection. If the amount proposed to be borrowed is for building
4 remodeling or improvement and does not exceed \$500,000 or is for movable
5 equipment, the district board need not submit the resolution to the electors for
6 approval unless, within 30 days after the publication or posting, a petition
7 conforming to the requirements of s. 8.40 is filed with the secretary of the district
8 board requesting a referendum ~~at a special election~~ to be called for that purpose.
9 Such petition shall be signed by electors from each county lying wholly or partially
10 within the district. The number of electors from each county shall equal at least 1.5%
11 of the population of the county as determined under s. 16.96 (2) (c). If a county lies
12 in more than one district, the technical college system board shall apportion the
13 county's population as determined under s. 16.96 (2) (c) to the districts involved and
14 the petition shall be signed by electors equal to the appropriate percentage of the
15 apportioned population. ~~In lieu of a special election, the district board may specify~~
16 ~~that the referendum shall be held at the next succeeding spring primary or election~~
17 ~~or September primary or general election.~~ Any resolution to borrow amounts of
18 money in excess of \$500,000 for building remodeling or improvement shall be
19 submitted to the electors of the district for approval. Any referendum under this
20 subdivision shall be called at the next election authorized under s. 8.065 occurring
21 not sooner than 45 days after filing of a petition or adoption of a resolution requiring
22 the referendum. If a referendum is held or required under this subdivision, no
23 promissory note may be issued until the issuance is approved by a majority of the
24 district electors voting at such referendum. The referendum shall be noticed, called
25 and conducted under s. 67.05 (6a) insofar as applicable, except that the notice of

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1 ~~special election~~ referendum and ballot need not embody a copy of the resolution and
2 the question which shall appear on the ballot shall be "Shall ... (name of district) be
3 authorized to borrow the sum of \$... for (state purpose) by issuing its general
4 obligation promissory note (or notes) under section 67.12 (12) of the Wisconsin
5 Statutes?".

6 **SECTION 31.** 81.01 (3) (b) of the statutes is amended to read:

7 81.01 (3) (b) The town board by resolution submits to the electors of the town
8 as a referendum at a ~~general or special town~~ an election specified in s. 8.065 the
9 question of exceeding the \$10,000 limit set under this subsection. The board shall
10 abide by the majority vote of the electors of the town on the question. The question
11 shall read as follows:

12 Shall the town of ... spend \$... over the annual limit of \$10,000 for the
13 construction and repair of its highways and bridges?

14 FOR SPENDING AGAINST SPENDING

15 **SECTION 32.** 86.21 (2) (a) of the statutes is amended to read:

16 86.21 (2) (a) Before any such toll bridge is constructed or acquired under this
17 section, a resolution authorizing the construction or acquisition thereof, and
18 specifying the method of payment therefor, shall be adopted by a majority of the
19 members of the governing body of such county, town, village or city at a regular
20 meeting, after publication of said resolution, as a class 2 notice, under ch. 985. The
21 resolution shall include a general description of the property it is proposed to acquire
22 or construct. Any county, town, village or city constructing or acquiring a toll bridge
23 under this section may provide for the payment of the same or any part thereof from
24 the general fund, from taxation, or from the proceeds of either municipal bonds,
25 revenue bonds or as otherwise provided by law. Such resolution shall not be effective

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1 until 15 days after its passage and publication. If within said 15 days a petition
2 conforming to the requirements of s. 8.40 is filed with the clerk of such municipality
3 signed by at least 20% of the electors thereof requesting that the question of
4 acquiring such toll bridge be submitted to the said electors, such question shall be
5 submitted at ~~any general or regular municipal~~ the next election specified in s. 8.065
6 ~~that may be~~ is held not less sooner than ~~10 nor more than 40~~ 45 days from the date
7 of filing such petition. ~~In case no such general or regular municipal election is to be~~
8 ~~held within such stated period, then the governing body of such municipality shall~~
9 ~~order a special election to be held within 30 days from the filing of such petition upon~~
10 ~~the question of whether such toll bridge shall be acquired by said municipality. The~~
11 question submitted to the electors shall specify the method of payment for such toll
12 bridge as provided in the resolution for the acquisition thereof. If no such petition
13 is filed, or if the majority of votes cast at such referendum election are in favor of the
14 acquisition of such toll bridge, then the resolution of the governing body for the
15 acquisition of such toll bridge shall be in effect.

16 **SECTION 33.** 117.20 of the statutes is amended to read:

17 **117.20 Referendum procedures.** (1) If a referendum is required under ss.
18 117.08 to 117.11, it shall be held ~~on the Tuesday after the first Monday in November~~
19 at the next general election to be held not sooner than 45 days following receipt of
20 the petition or adoption of the resolution under s. 117.08 (3) (a), 117.09 (3) (a), 117.10
21 (3) (a) or 117.11 (4) (a).

22 (2) The clerk of each affected school district shall publish notice, as required
23 under s. ~~8.55~~ 10.06 (4), in the territory of that school district. The procedures for
24 school board elections under s. 120.06 (5), (9), (11), (13) and (14) apply to a
25 referendum held under this section. The school board and school district clerk of each

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1 affected school district shall each perform, for that school district, the functions
2 assigned to the school board and the school district clerk, respectively, under those
3 subsections. The form of the ballot shall correspond to the form prescribed by the
4 elections board under ss. 5.64 (2) and 7.08 (1) (a). The clerk of each affected school
5 district shall file with the secretary of the board a certified statement prepared by
6 the school district board of canvassers of the results of the referendum in that school
7 district.

8 **SECTION 34.** 119.48 (4) (b) and (c) of the statutes are amended to read:

9 119.48 (4) (b) The communication shall state the purposes for which the funds
10 from the increase in the levy rate will be used and shall request the common council
11 to submit to the voters of the city the question of exceeding the levy rate specified in
12 s. 65.07 (1) (f) ~~at the September election or a special~~ an election specified in s. 8.065.

13 (c) Upon receipt of the communication, the common council shall cause the
14 question of exceeding the levy rate specified under s. 65.07 (1) (f) to be submitted to
15 the voters of the city ~~at the September election or at a special~~ next election specified
16 in s. 8.065 to be held not sooner than 45 days after receipt of the communication. The
17 question of exceeding the levy rate specified under s. 65.07 (1) (f) shall be submitted
18 upon a separate ballot or in some other manner so that the vote upon exceeding the
19 levy rate specified in s. 65.07 (1) (f) is taken separately from any other question
20 submitted to the voters. If a majority of the electors voting on the question favors
21 exceeding the levy rate specified under s. 65.07 (1) (f), the common council shall
22 approve the increase in the levy rate and shall levy and collect a tax equal to the
23 amount of money approved by the electors.

24 **SECTION 35.** 119.49 (1) (b) and (2) of the statutes are amended to read:

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1 119.49 (1) (b) The communication shall state the amount of funds needed under
2 par. (a) and the purposes for which the funds will be used and shall request the
3 common council to submit to the voters of the city at the next election specified in s.
4 8.065 to be held in the city not sooner than 45 days after receipt of the communication
5 the question of issuing school bonds in the amount and for the purposes stated in the
6 communication.

7 (2) Upon receipt of the communication, the common council shall cause the
8 question of issuing such school bonds in the stated amount and for the stated school
9 purposes to be submitted to the voters of the city at the next election ~~held in the city~~
10 specified in s. 8.065 that occurs not sooner than 45 days after the date of receipt of
11 the communication. The question of issuing such school bonds shall be submitted
12 upon a separate ballot or in some other manner so that the vote upon issuing such
13 school bonds is taken separately from any other question submitted to the voters.
14 If a majority of the electors voting on the school bond question favors issuing such
15 school bonds, the common council shall cause the school bonds to be issued
16 immediately or within the period permitted by law, in the amount requested by the
17 board and in the manner other bonds are issued.

18 **SECTION 36.** 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. (1), (2) or
20 (2m) otherwise applicable to the school district in any school year, it shall promptly
21 adopt a resolution supporting inclusion in the final school district budget of an
22 amount equal to the proposed excess revenue. The resolution shall specify whether
23 the 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 school board shall call

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1 a special referendum in accordance with s. 8.065 for the purpose of submitting the
2 resolution to the electors of the school district for approval or rejection. ~~In lieu of a~~
3 ~~special referendum, the school board may specify that the referendum be held at the~~
4 ~~next succeeding spring primary or election or September primary or general election,~~
5 ~~if such election is,~~ to be held not earlier sooner than 35 days after the adoption of the
6 resolution of the school board.

7 **SECTION 37.** 197.04 (1) and (2) of the statutes are amended to read:

8 197.04 (1) Any municipality having determined to acquire an existing plant or
9 any part of the equipment of a public utility may discontinue all proceedings to that
10 end at any time within 90 days after the final determination of compensation by the
11 commission, by a vote of the electors as herein provided, or by a resolution to that
12 effect by its municipal council, provided that such resolution shall not be of force and
13 effect until 90 days after its passage and publication. If within either of said 90-day
14 periods a petition conforming to the requirements of s. 8.40 shall be filed with the
15 clerk of such municipality, in a city of the first class signed by 5% and in all other
16 municipalities by 10% of the electors thereof, requesting that the question of
17 discontinuing said proceeding to acquire such plant or equipment be submitted to the
18 electors, such question shall be submitted to the said electors at any ~~general or~~
19 ~~regular municipal~~ the succeeding election specified in s. 8.065 that ~~may be~~ is held not
20 less than 30, ~~and not more than 35,~~ days from the date of the filing of the petition;
21 and if no general election or regular municipal election is to be held within the stated
22 periods, ~~then the governing body of the municipality shall order the holding of a~~
23 ~~special election for the purpose of submitting to the electors in case.~~ If the petition
24 is filed before the adoption of such resolution the question submitted shall be
25 whether said proceedings shall be discontinued, and ~~in case~~ if the petition is filed

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1 after the adoption of said resolution the question submitted shall be whether the
2 aforesaid resolution shall remain in effect and its adoption be ratified, and such
3 resolution shall not have force or effect unless a majority of the electors voting on
4 such question shall be in favor thereof.

5 (2) The municipal council may provide for the notice, the manner of holding
6 such election and the method of voting thereon and of making returns thereof and
7 the canvassing and determining of the result thereof; provided, that notice of the
8 submission of the question contemplated herein to the electors shall be given by a
9 brief notice of that fact once a week for three weeks in some newspaper of general
10 circulation published in the municipality, and if there be no such newspaper then
11 publication may be made in any newspaper of general circulation in the county seat
12 of the county wherein the municipality is located. ~~The notice of holding any special~~
13 ~~election shall be incorporated as a part of the aforesaid notice.~~

14 **SECTION 38.** 197.10 (2) of the statutes is amended to read:

15 197.10 (2) Such contract when adopted by the common council of said city and
16 accepted by the owner or owners of such public utility shall be submitted to the public
17 service commission for its approval and upon such approval the same shall be
18 submitted in such manner as the common council shall determine to a vote of the
19 electors of such city at the next ~~regular municipal election or at a special election~~
20 ~~called for that purpose~~ specified in s. 8.065 to be held not sooner than 45 days after
21 approval of the commission, and such contract shall not become binding upon such
22 city until approved by a majority vote of the qualified electors of such city voting
23 thereon. No bonds shall in any case be issued by said city under the contract or
24 contracts mentioned in sub. (1), until the proposition of their issue shall have been

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1 submitted to the people of such city and adopted by a majority of the electors voting
2 thereon.

3 **SECTION 39.** 198.19 (1) of the statutes is amended to read:

4 198.19 (1) Any territory, constituting one or more municipalities contiguous to
5 a district may be annexed to and become a part of such district to all intents and
6 purposes and with like effect as though originally included therein upon such terms
7 and conditions as the board of directors of the district shall fix by ordinance adopted
8 by the affirmative vote of two-thirds of the directors-elect, provided that before such
9 ordinance becomes effective the same shall be accepted and ratified by the
10 affirmative vote of a majority of the qualified electors entitled to vote and voting in
11 a ~~special election~~ referendum called and held for that purpose, in accordance with
12 s. 8.065, in each municipality proposed in such ordinance to be annexed to the
13 district. Such ordinance shall be published and such election shall be noticed, held
14 and conducted, as nearly as may be, in the manner provided by this chapter for the
15 noticing, holding and conduct of elections upon the organization of a municipal power
16 district, except that the returns of such election and the ballots therein shall be
17 delivered to the clerk of the district. The results of said election shall be canvassed
18 publicly by the directors of the district.

19 **SECTION 40. Initial applicability.**

20 (1) This act first applies with respect to referenda called on the effective date
21 of this subsection.

22 (END)