



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**

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

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

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

