

1999 Assembly Bill 576

Date of enactment: **December 17, 1999**  
Date of publication\*: **December 31, 1999**

# 1999 WISCONSIN ACT 17

AN ACT *to amend* 121.07 (6) (a) (intro.) and 121.15 (3m) (a) 1.; and *to create* 120.135 and 121.91 (4) (h) of the statutes; **relating to**: authorizing a school board to create a capital improvement fund and adjusting a school district's revenue limit.

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

**SECTION 1.** 120.135 of the statutes is created to read:

**120.135 Capital improvement fund.** (1) By the first day of the 6th month commencing after the effective date of this subsection .... [revisor inserts date], by a two-thirds vote of the members elect, a school board may adopt a resolution creating a capital improvement fund for the purpose of financing the cost of acquiring and improving sites, constructing school facilities and major maintenance of or remodeling, renovating and improving school facilities if all of the following are true:

(a) A tax incremental district that is located in whole or in part in the school district is terminated before the maximum number of years that the tax incremental district would have existed under s. 66.46 (7) (am) or (ar).

(b) The value increment of the tax incremental district exceeds \$300,000,000.

(2) In each year in which the school board adopts a resolution by a two-thirds vote of the members elect expressing its intention to do so until the year after the year in which the tax incremental district would have been required to terminate under s. 66.46 (7) (am) or (ar), the school board may deposit into the capital improvement fund the percentage, not to exceed 100%, specified in the resolution of the school district's portion of the pos-

itive tax increment of the tax incremental district in that year, as determined by the department of revenue under s. 66.46.

(3) The school board shall use the balance of the school district's portion of the positive tax increment of the tax incremental district to reduce the levy that otherwise would be imposed.

(4) (a) Money in the capital improvement fund may not be used for any purpose or be transferred to any other fund without the approval of a majority of the electors of the school district voting on the question at a referendum. If a referendum is adopted authorizing the use of moneys in the fund, the legislative audit bureau shall conduct an audit to determine whether the moneys have been used only for the purposes specified in sub. (1).

(b) The school board may not deposit into the capital improvement fund any amount other than the percentage specified under sub. (2).

(5) The school board shall submit a report by January 1 of each odd-numbered year to the governor and the joint committee on finance describing the use of the moneys deposited into the fund under sub. (1) and the effects of that use.

**SECTION 2.** 121.07 (6) (a) (intro.) of the statutes, as affected by 1999 Wisconsin Act 9, 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

\* Section 991.11, WISCONSIN STATUTES 1997-98: 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 as designated" by the secretary of state [the date of publication may not be more than 10 working days after the date of enactment].

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 improvement fund created under s. 120.135 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 cost of the debt service fund" includes all of the following amounts:

**SECTION 3.** 121.15 (3m) (a) 1. of the statutes, as affected by 1999 Wisconsin Act 9, is amended to read:

121.15 (3m) (a) 1. "Partial school revenues" means the sum of state school aids, other than the amounts

appropriated under s. 20.255 (2) (bi) and (cv), property taxes levied for school districts and aid paid to school districts under s. 79.095 (4), less the amount of any revenue limit increase under s. 121.91 (4) (a) 2. due to a school board's increasing the services that it provides by adding responsibility for providing a service transferred to it from another school board ~~and~~, less the amount of any revenue limit increase under s. 121.91 (4) (a) 3. and less the amount of any revenue limit increase under s. 121.91 (4) (h).

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

121.91 (4) (h) The limit otherwise applicable to a school district under sub. (2m) in any school year is increased by an amount equal to the amount deposited into the capital improvement fund under s. 120.135 (2) in that school year.