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STROEBEL WORKING ON FIVE BILLS TO CHANGE SCHOOL REFERENDUM PROCESS

One Republican senator who's spearheaded legislation to alter the school referendum process is preparing to introduce five bills next session, including one to combat "electioneering" efforts once the referendum is officially on the ballot.

The push comes as Wisconsin is poised to potentially set a new state record for school referendums, which Sen. Duey Stroebel expects to lead to "renewed interest" in his calls come January.

That's especially because the current budget pumped \$636 million into K-12, a figure Stroebel said many thought would stem the referendum asks from districts.

"I think last session a lot of people thought with the record spending on education that these situations would be mitigated," the Saukville Republican told WisPolitics.com in an interview this week. "But they've been far from mitigated. They've even been enhanced further."

But Dan Rossmiller, of the Wisconsin Association of School Boards, noted the "overwhelming amount of money on the ballot" is for facilities, rather than operating budgets.

And he said districts are largely continuing to go to referendum, because some felt the new resources weren't "sufficient to meet their needs." Others, he said, are experiencing declining enrollment and butting up against the revenue limit ceiling, and as such their overall revenues are continuing to decline.

"What they (the Legislature) did with the money in the budget was they provided what was basically an increase in resources that simply allowed schools to keep pace with inflation," he said. "That doesn't allow us to innovate with things it essentially lets us tread water. It lets us stay in the same place we were before."

Stroebel's comments come on the heels of a new report from the Wisconsin Policy Forum that shows voters next month will be asked to approve some \$1.4 billion in school referendums -- a figure that could contribute to setting a state record when paired with the \$648 million in referendums voters already signed off on this year. If all of the upcoming asks are approved, this year would be the highest since at least 1999 for money raised through school referendums.

Among the bills Stroebel is looking to introduce next session are a few he previously floated: SB 236, which would require school districts to bid out projects if they exceed \$75,000; another included in the 2017 state Senate budget proposal that would modify shared costs for districts that go to referendum for operating or debt service costs; and SB 187 to compel districts to disclose the total amount of debt and interest payments related to the asks.

But he's also looking at two new pieces of legislation, including one that would require funds voters approve via referendum to be used only for what's stated in the description or listing on the ballot.

The other aims to put a cap on what Stroebel sees as "electioneering" efforts from districts, their employees or third parties they may collaborate with, including general contractors, during the school referendum process.

Stroebel highlighted the effort along with his own SB 236 on bidding, which passed the Senate this session but was never taken up in the Assembly

He criticized so-called "pre-referendum services" he said construction companies offer districts to help them pass school referendums. The bills, he says, would keep referendum costs down and shed more light on the process.

The electioneering bill, Stroebel said, would seek, among other things, to outline the appropriate relationship between a general contractor and school district, including "permissible" communications, who's able to be involved in those discussions, how the efforts are paid for and how those figures can be disclosed.

Asked about the potential impact on campaign finance law, Stroebel responded: "We don't think there's a need to go there, either, to introduce some reasonable legislation." Still, he cautioned the bill's still early on in the drafting process and details have yet to be worked out.

As an example of a provision that could be in the bill, Stroebel mentioned dictating what school districts and general contractors are able to say about an upcoming referendum and lay out instances "where you're venturing into that electioneering area."

"I believe the general contractors should say, 'We can deliver you the best building at the most reasonable price,'" he continued. "But unfortunately I think some of them are actually leading with, 'We'll get your referendum passed. Give me the contract.' And that's really not the purpose that they're supposed to be serving."

Rossmiller, of WASB, said many school districts have independently adopted competitive bidding policies. But he added a competitive bidding requirement could be an issue with some districts. That's because, he said, the districts' construction season largely runs over the summer months when students aren't in school, leading to multiple districts competing for proposals during a "compressed" construction timeline. That means, he said, there would likely be limited or singular bids in certain districts because construction companies are "booked up."

He also noted districts are already prohibited from using tax dollars to advocate for a referendum's approval; instead, they can only weigh in for informational purposes. But Rossmiller added he'd need to see the language of the bill before weighing in on it.

John Gard, a lobbyist for the Wisconsin Construction Group that lists its lobbying interests as "school construction and school referendums," declined to comment on the electioneering-related language without seeing it.

The former Assembly speaker registered as a lobbyist for the Wisconsin Construction Group on Oct. 4, one day after the Wisconsin Policy Forum released its report detailing the school referendum asks this year.

Gard said "a majority" of the more than 400 school districts across the state don't have experts on staff to weigh in on potential projects, meaning districts regularly consult with contractors over potential referendum asks.

That system, Gard said in an interview, has "resulted in a fairly good balance" of meeting districts' needs, while involving the taxpayers and serving students.

He added the issue also involves providing and maintaining local control, as well as "making people appreciate that this is a unique situation where districts just don't have staff on hand."

"This idea that fundamentally changing the law is somehow magically going to drive down costs is not, I think, an accurate depiction of how this thing works," he said.

Stroebel, though, countered he doesn't see a problem with consultants or general contractors providing consulting services to districts, but said it's "morphed into, 'here's my back office PR machine. We'll make sure you get your referendum passed.'"

"You have the issues with when they start becoming a behind-the-scenes advocate for something that's going to line their pockets," he said. "That's wh