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# HOWARD MARKLEIN

STATE REPRESENTATIVE • 51<sup>ST</sup> ASSEMBLY DISTRICT

February 4, 2014

## Assembly Bill 645 Testimony

Thank you, Chair Bernier, all the committee members on the Assembly Campaigns and Elections Committee for allowing me to testify in favor of Assembly Bill 645, which amends the information contained in referendum questions to authorize exceeding county levy limits.

Part of Green County is in my district. The Pleasant View nursing home in Monroe is run by the county. Pleasant View has the capacity to serve 130 Green County residents. The citizens of Green County passed a five year referendum in 2009 to exceed the tax levy limit by \$890,000 to continue to run Pleasant View Nursing Home. The referendum expires at the end of 2014. The County would like to go to referendum again in 2014 for \$790,000, a reduction from the prior referendum.

Under current law, the interpretation taken by the Department of Revenue is that Green County must use the assessment numbers from the current year for the referendum question. Since these numbers are not released by the Department of Revenue until August 15, Green County could not have a referendum for the nursing home until the November general election. The election results will take time to finalize, and the County budget needs to be approved by the County Board in November. The fate of the continued operation of the nursing home will be uncertain until the referendum and budget issues are resolved. Should the referendum fail, the nursing home would have just over a month to make alternative plans.

Under this bill, Green County would be allowed to use the most recent assessment values released by the Department of Revenue. This would give the county the opportunity to place the referendum question on the August ballot. This change leaves time for the county to meet its budget deadlines. More importantly, it allows the County to make alternative plans should the referendum fail.

You will hear testimony today from Green County. The timely passage of this legislation is crucial, as the county needs the referendum question to be heard in August for the nursing home to appropriately plan.

I urge the passage of this legislation to provide Green County residents with the opportunity to use their vote to save their county nursing home. I would be happy to take any questions from committee members at this time.



45th Assembly District  
State Representative

**Janis Ringhand**

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**Testimony of Rep. Janis Ringhand  
Before the Assembly Committee on Campaigns and Elections  
Regarding Assembly Bill 645**

Good Morning Chairwoman Bernier and committee members. I appreciate having the opportunity to speak with you today about Assembly Bill 645.

For the past two legislative sessions, I have proudly represented Green County here in the State Assembly and I have worked hard to get to know this community. While Green County may be known for their artisan cheeses or being home to New Glarus Brewing, they are particularly proud of their county nursing home, Pleasant View, which is located in Monroe.

Being able to continue to provide the necessary care for their aging loved ones, is a top priority for Green County residents. When faced with the decision of potentially closing Pleasant View in 2009, Green County passed a referendum with nearly 75 percent of the vote which allowed exceeding the property tax levy limit for \$890,000 a year for five years. With the referendum expiring this year, they are once again having to face this critical decision.

As many of you know, under current law a county referendum must include the assessment numbers of the current year. So in this situation, since Green County wishes to have a countywide referendum this year, they have to use the assessment numbers from 2014. Unfortunately, these numbers are not released until August 15, so the referendum could not be held in any election prior to August 15, 2014, leaving only the November general election.

With the County Board having to finalize their budget in November, this leaves just weeks to finalize election results, pass the budget or worst case scenario, create an alternative funding plan for the nursing home should the referendum fail. Assembly Bill 645 provides Green County officials the timing and flexibility to efficiently and responsibly manage their finances. Please give Green County residents the opportunity to keep Pleasant View's doors open.

Thank you for your consideration. I would be happy to answer any questions that you may have.

February 4, 2014

### **Assembly Bill 645 Testimony**

Thank you, Chair Bernier, and all the members of the Assembly Campaigns and Elections Committee for allowing me to testify in favor of Assembly Bill 645, which amends portions of Wis. Stat. § 66.0602(4)(c) relating to the form of the referendum question required by law for Green County to exceed its levy limits.

Pleasant View Nursing Home is a Green County owned and operated nursing home just outside of Monroe. On October 6, 2009, by a margin of 74% to 26% the voters of Green County approved a referendum allowing the County to exceed its levy limits by \$890,000 for five years in order to continue operating Pleasant View Nursing Home.

With the referendum set to expire at the end of fiscal year 2014, in early November of last year the Green County Finance Committee determined that the County needed to exceed its levy limits by \$790,000 per year in order to continue operating the nursing home. The Finance Committee directed me to prepare the referendum question to insert into a resolution authorizing the question to be put to the voters in the spring primary or spring election in February or April of 2014.

I immediately discovered a problem. Wis. Stat. § 66.0602(4)(a) clearly authorizes levy limit referendums in even-numbered years to be held “at the next succeeding spring primary or election or partisan primary or general election.” However, the way Wis. Stat. § 66.0602(c) is worded requires a county to know what its levy limit will be in 2015 if it wishes to hold a referendum in 2014. Counties do not receive the necessary levy limit information until August 15<sup>th</sup> when the numbers are released by the Department of Revenue each year. The statute uses the words “the question shall be submitted as follows:” which does not allow for deviation.

I contacted the Department of Revenue’s legal counsel about my concerns. On December 4, 2013, Attorney John Evans sent me an email stating “Brian, I have reviewed everything that I could find. It is the Department's position that the statutory language mandates a November referendum after the August 15 values are known. The Department does not see a spring referendum as viable.” So although the Legislature has clearly authorized counties to hold levy limit referendums in both spring and fall of even-numbered years, the language of the required referendum question leaves only the November general election as a viable option.

This is very problematic. Green County begins our budget process in September after the levy numbers are received by the Department of Revenue on August 15<sup>th</sup>. A proposed budget is given to the County Board on the third Tuesday in October for approval on the second Tuesday in November. Because we will not know if the referendum succeeds or fails until November 4<sup>th</sup>, we will have to create two separate budgets. More importantly, the County cannot continue to operate Pleasant View Nursing Home if the referendum fails. The nursing home will have to be

either sold or closed. If we close the nursing home we are obligated to find new homes for its up to 130 residents. The County will be spending money out of its contingency fund for each day the nursing home remains open or is not sold. Every day earlier than November 4<sup>th</sup> that we know the fate of the referendum is vital.

Assembly Bill 645 will allow us to put the referendum to the voters of Green County on August 12, 2014, just before we begin our budget process. The bill only affects Green County. I urge you to support the passage of this legislation and I thank you for your time. I would be happy to answer any questions the committee members may have at this time.

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