



State of Wisconsin
2011 - 2012 LEGISLATURE



LRB-1431/1
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2011 ASSEMBLY JOINT RESOLUTION 41

May 17, 2011 – Introduced by JOINT LEGISLATIVE COUNCIL. Referred to Committee on Urban and Local Affairs.

1 ***To renumber and amend*** section 1 of article VIII; and ***to create*** section 1 (1) (e)
2 of article VIII of the constitution; **relating to:** different property tax levy rates
3 for parts of cities, villages, towns, counties, and school districts added by
4 attachments to school districts, consolidations, and boundary changes under
5 cooperative agreements (first consideration).

JOINT LEGISLATIVE COUNCIL PREFATORY NOTE: This joint resolution was prepared for the Joint Legislative Council's Special Committee on Local Services Consolidation.

This proposed constitutional amendment, proposed to the 2011 legislature on first consideration, excepts from the requirement of the uniformity clause parts of cities, villages, towns, counties, and school districts added by attachments to school districts, by consolidations, and by boundary changes under cooperative agreements with other cities, villages, towns, counties, and school districts. The proposed constitutional amendment permits the governing body of the city, village, town, county, or school district to set different property tax levy rates on the parts for not more than 12 years, but the rates for each part must be uniform within that part.

The general statement of the Wisconsin Constitution that the "rule of taxation shall be uniform" is subject to other exceptions: real estate taxes may be collected in more than one way, and forests, minerals, agricultural land, undeveloped land, and certain kinds of personal property may be taxed differently than is other property.

In addition to the substantive changes, this joint resolution makes a stylistic change and breaks section 1 of article VIII of the constitution into subsections to facilitate future amendments and to avoid conflicts if other amendments to the section are proposed.

A constitutional amendment requires adoption by two successive legislatures, and ratification by the people, before it can become effective.

1 ***Resolved by the assembly, the senate concurring, That:***

2 **SECTION 1.** Section 1 of article VIII of the constitution is renumbered section
3 1 (1) (intro.) and amended to read:

4 [Article VIII] Section 1 (1) (intro.) The rule of taxation shall be uniform ~~but the~~
5 except as follows:

6 (a) The legislature may empower by law authorize cities, villages, or towns to
7 collect and return taxes on real estate located therein by optional methods.

8 (b) Taxes shall be levied upon such property with such classifications as to
9 forests and minerals including or separate or severed from the land, as the
10 legislature ~~shall prescribe~~ prescribes by law.

11 (c) Taxation of agricultural land and undeveloped land, both as defined by law,
12 need not be uniform with the taxation of each other nor with the taxation of other real
13 property.

14 (d) Taxation of merchants' stock-in-trade, manufacturers' materials and
15 finished products, and livestock need not be uniform with the taxation of real
16 property and other personal property, but the taxation of all such merchants'
17 stock-in-trade, manufacturers' materials and finished products, and livestock shall
18 be uniform, except that the legislature may provide by law that the value thereof
19 shall be determined on an average basis. ~~Taxes may also be imposed~~

20 (2) The legislature may by law impose taxes on incomes, privileges, and
21 occupations, which taxes may be graduated and progressive, and reasonable
22 exemptions may be provided.

23 **SECTION 2.** Section 1 (1) (e) of article VIII of the constitution is created to read:

24 [Article VIII] Section 1 (1) (e) If all or a portion of a city, village, or town becomes
25 part of another city, village, or town; if all or a portion of a county becomes part of

1 another county; or if all or a portion of a school district becomes part of another school
2 district, pursuant to agreement, consolidation, or other law that includes approval
3 of each of the governing bodies of the political subdivisions involved, the governing
4 body of the political subdivision may annually establish an amount of taxes on
5 property for the additional part so that the property tax rates for that part are
6 different from the rates in the remainder of the political subdivision or, if a new
7 political subdivision is formed, the governing body may annually establish an
8 amount of taxes on property for those parts previously in different political
9 subdivisions so that the property tax rates for those parts are different from each
10 other, but the rates for each part shall be uniform within that part. Different rates
11 may apply for not more than 12 years, beginning with the year the different rates
12 could first apply.

13 **SECTION 3. Numbering of new provisions.** If another constitutional
14 amendment ratified by the people creates the number of any provision created in this
15 joint resolution, the chief of the legislative reference bureau shall determine the
16 sequencing and the numbering of the provisions whose numbers conflict.

17 ***Be it further resolved, That*** this proposed amendment be referred to the
18 legislature to be chosen at the next general election and that it be published for 3
19 months previous to the time of holding such election.

20

(END)