



2005 ASSEMBLY JOINT RESOLUTION 12

February 3, 2005 – Introduced by Representatives SHERMAN, BERCEAU, ZEPNICK, PARISI, POPE-ROBERTS, POCAN, FIELDS and LEHMAN, cosponsored by Senators JAUCH, MILLER, LASSA and WIRCH. Referred to Committee on Ways and Means.

1 **To amend** section 24 (3), (5), and (6) (a) of article IV and section 1 of article VIII of
2 the constitution; **relating to:** removing the general statement of the Wisconsin
3 Constitution that the rule of taxation shall be uniform (first consideration).

Analysis by the Legislative Reference Bureau

This proposed constitutional amendment, proposed to the 2005 legislature on first consideration, removes the general statement of the Wisconsin Constitution that the “rule of taxation shall be uniform,” which is subject to a number of exceptions: real estate taxes may be collected in more than one way; forests, minerals, agricultural land, undeveloped land, and certain kinds of personal property may be taxed differently than is other property; and nonuniform income taxes, privilege taxes, and occupational taxes may be imposed.

In addition to the substantive changes, this joint resolution makes stylistic changes and breaks this section 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 2 successive legislatures, and ratification by the people, before it can become effective.

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

5 **SECTION 1.** Section 24 (3), (5), and (6) (a) of article IV of the constitution are
6 amended to read:

1 [Article IV] Section 24 (3) The legislature may authorize the following bingo
2 games licensed by the state, but all profits shall accrue to the licensed organization
3 and no salaries, fees or profits may be paid to any other organization or person: bingo
4 games operated by religious, charitable, service, fraternal or veterans' organizations
5 or those to which contributions are deductible for federal or state income tax
6 purposes. All moneys received by the state that are attributable to bingo games shall
7 be used for property tax relief for residents of this state as provided by law. The
8 distribution of moneys that are attributable to bingo games may not vary based on
9 the income or age of the person provided the property tax relief. ~~The distribution of~~
10 ~~moneys that are attributable to bingo games shall not be subject to the uniformity~~
11 ~~requirement of section 1 of article VIII.~~ In this subsection, the distribution of all
12 moneys attributable to bingo games shall include any earnings on the moneys
13 received by the state that are attributable to bingo games, but shall not include any
14 moneys used for the regulation of, and enforcement of law relating to, bingo games.

15 (5) This section shall not prohibit pari-mutuel on-track betting as provided by
16 law. The state may not own or operate any facility or enterprise for pari-mutuel
17 betting, or lease any state-owned land to any other owner or operator for such
18 purposes. All moneys received by the state that are attributable to pari-mutuel
19 on-track betting shall be used for property tax relief for residents of this state as
20 provided by law. The distribution of moneys that are attributable to pari-mutuel
21 on-track betting may not vary based on the income or age of the person provided the
22 property tax relief. ~~The distribution of moneys that are attributable to pari-mutuel~~
23 ~~on-track betting shall not be subject to the uniformity requirement of section 1 of~~
24 ~~article VIII.~~ In this subsection, the distribution of all moneys attributable to
25 pari-mutuel on-track betting shall include any earnings on the moneys received by

1 the state that are attributable to pari-mutuel on-track betting, but shall not include
2 any moneys used for the regulation of, and enforcement of law relating to,
3 pari-mutuel on-track betting.

4 (6) (a) The legislature may authorize the creation of a lottery to be operated by
5 the state as provided by law. The expenditure of public funds or of revenues derived
6 from lottery operations to engage in promotional advertising of the Wisconsin state
7 lottery is prohibited. Any advertising of the state lottery shall indicate the odds of
8 a specific lottery ticket to be selected as the winning ticket for each prize amount
9 offered. The net proceeds of the state lottery shall be deposited in the treasury of the
10 state, to be used for property tax relief for residents of this state as provided by law.
11 The distribution of the net proceeds of the state lottery may not vary based on the
12 income or age of the person provided the property tax relief. ~~The distribution of the~~
13 ~~net proceeds of the state lottery shall not be subject to the uniformity requirement~~
14 ~~of section 1 of article VIII.~~ In this paragraph, the distribution of the net proceeds of
15 the state lottery shall include any earnings on the net proceeds of the state lottery.

16 **SECTION 2.** Section 1 of article VIII of the constitution is amended to read:

17 [Article VIII] Section 1. ~~(1) The rule of taxation shall be uniform but the~~
18 legislature may empower by law authorize cities, villages or towns to collect and
19 return taxes on real estate located therein by optional methods.

20 ~~(2) Taxes shall be levied upon such property with such classifications as to~~
21 forests and minerals including or separate or severed from the land, as the
22 legislature shall prescribe. ~~Taxation of agricultural land and undeveloped land, both~~
23 ~~as defined by law, need not be uniform with the taxation of each other nor with the~~
24 ~~taxation of other real property. Taxation of merchants' stock-in-trade,~~
25 ~~manufacturers' materials and finished products, and livestock need not be uniform~~

1 with the taxation of real property and other personal property, but the taxation of all
2 such merchants' stock-in-trade, manufacturers' materials and finished products
3 and livestock shall be uniform, except that the legislature may provide that the value
4 thereof shall be determined on an average basis. Taxes may also be imposed
5 prescribes by law.

6 (3) The legislature may by law impose taxes on incomes, privileges and
7 occupations, which taxes may be graduated and progressive, and reasonable
8 exemptions may be provided.

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

12 (END)