



State of Wisconsin
2005 - 2006 LEGISLATURE

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**ASSEMBLY SUBSTITUTE AMENDMENT 3,
TO 2005 ASSEMBLY JOINT RESOLUTION 77**

April 27, 2006 – Offered by Representatives F. LASEE, BIES, VUKMIR, NASS and
SUDER.

1 **To create** section 11 of article VIII of the constitution; **relating to:** creating fiscal
2 year allowable revenues for the state and local governmental units, returning
3 excess revenue to the taxpayers, requiring electoral approval for certain taxing
4 and spending decisions, and allowing local governmental units to exempt
5 themselves from certain state mandates (first consideration).

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

7 **SECTION 1.** Section 11 of article VIII of the constitution is created to read:

8 [Article VIII] Section 11 (1) In this section:

9 (a) “Economic development bond” means a bond issued to finance real property
10 improvements that are directly related to economic development.

11 (b) “Inflation-income factor” means the lesser of the average percentage
12 increase, if any, for the 3 most recent years available in the consumer price index for

1 Milwaukee–Racine, or its successor index, or the average percentage increase, if any,
2 in state personal income for the 3 most recent years available.

3 (c) “Revenue” means all moneys, except enterprise funds, bonding revenue,
4 moneys used for debt service on a minimum 80 percent self-funding economic
5 development bond, moneys received for the operation of sanitary sewers or a
6 telephone, gas, electric, or water utility, or nongovernmental moneys received for
7 medical care provided by hospitals, nursing homes, assisted living facilities, or other
8 medical facilities operated by any entity subject to this section, moneys received from
9 the federal government, gifts, damage awards, real or personal property sales,
10 unemployment insurance taxes, insurance premiums, employee payments for fringe
11 benefits, governmental property insurance, investment trusts, private purpose
12 trusts, college savings programs, or from tuition or fees paid by or on behalf of
13 students to support university or technical college functions.

14 (2) Beginning with the first fiscal year 180 days after ratification of this section,
15 the state, or a school district, technical college district, or other local governmental
16 unit that collects revenue, excluding a town that has less than \$1,000,000 in
17 allowable revenue, may not collect more in allowable revenue in any fiscal year than
18 the amount of its allowable revenue in the previous year, increased by the
19 inflation–income factor, plus:

20 (a) For the state, the estimated percentage of any increase in state population,
21 adjusted by the decennial census and corrected over a 3–year period as provided by
22 law.

23 (b) For school districts, the annual percentage increase in student enrollment,
24 if any, averaged over the previous 3 years available.

1 (c) For technical college districts and all other local governmental units, as
2 applied to revenues not provided by the state, the percentage increase, if any, from
3 the previous year in taxable property values attributable to new construction, less
4 the value of any taxable property removed or demolished, in that governmental unit.

5 (3) If the state increases any category of state aid to local governmental units
6 or the university by less than the inflation-income factor, the state's allowable
7 revenue shall be reduced by that amount.

8 (4) (a) Revenues collected in excess of allowable revenue shall be returned to
9 the taxpayers in the next fiscal year or, in the case of the state, deposited into a budget
10 stabilization fund, not to exceed 7 percent of that fiscal year's allowable revenue.

11 (b) The legislature by law may spend from the budget stabilization fund only
12 to provide tax relief, for an emergency event that causes real and personal property
13 damage exceeding 1.5 percent of allowable revenue or death, grave bodily harm, or
14 imminent threat of death or grave bodily harm to at least 0.1 percent of the state's
15 population, or in any fiscal year in which the amount of allowable revenue is greater
16 than the amount of collected revenue, but not to exceed allowable revenues.

17 (6) The legislature by law shall provide for revenue neutral adjustments to
18 allowable revenues to accommodate the transfer of services between and among
19 governmental units, including such transfers that occur as a result of annexation.

20 (7) Allowable revenues under this section may be reduced by law, ordinance,
21 or resolution, as appropriate, or by initiative and elector approval at a referendum.

22 (8) The state or any local governmental unit may do any of the following only
23 with the approval of the electorate at a referendum:

24 (a) Increase allowable revenue under this section. The ballot question shall
25 express the proposed excess as a dollar amount and as a percentage increase

1 compared with allowable revenues and shall indicate whether the excess is recurring
2 or nonrecurring.

3 (b) Incur debt service by an amount that exceeds 7 percent of allowable
4 revenue. The ballot question shall express the proposed increase as a dollar amount
5 and as a percentage of allowable revenues and shall indicate the time period for
6 which the debt service shall exceed 7 percent of allowable revenue.

7 (c) Exclude any tax, fee, or charge from allowable revenue. The ballot question
8 shall express the tax, fee, or charge as a dollar amount, as a percentage of allowable
9 revenues, and as estimated revenues for each of the next 3 years and shall indicate
10 the purpose.

11 (9) A local governmental unit may exempt itself from any new mandate
12 imposed by the state that is not fully funded by the state or from any mandate for
13 which the state reduces the percentage of the costs the state pays for the mandate.

14 (10) Any resident or any person who pays income or property taxes to this state
15 or to any local governmental unit, may bring a suit to enforce this section.

16 **SECTION 2. Numbering of new provision.** The new section 11 of article VIII
17 of the constitution created in this joint resolution shall be designated by the next
18 higher open whole section number in that article if, before the ratification by the
19 people of the amendment proposed in this joint resolution, any other ratified
20 amendment has created a section 11 of article VIII of the constitution of this state.
21 If one or more joint resolutions create a section 11 of article VIII simultaneously with
22 the ratification by the people of the amendment proposed in this joint resolution, the
23 sections created shall be numbered and placed in a sequence so that the sections
24 created by the joint resolution having the lowest enrolled joint resolution number
25 have the numbers designated in that joint resolution and the sections created by the

1 other joint resolutions have numbers that are in the same ascending order as are the
2 numbers of the enrolled joint resolutions creating the sections.

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

6 (END)