2007 SENATE JOINT RESOLUTION 80

January 15, 2008 – Introduced by Senators HANSEN, BRESKE, WIRCH, DECKER, KREITLOW, JAUCH, MILLER, CARPENTER, ROBSON, LASSA, ERPENBACH, LEHMAN and COGGS, cosponsored by Representatives SOLETSKI, HILGENBERG, SHERIDAN, POCAN, TURNER, BLACK, BERCEAU, POPE-ROBERTS, SEIDEL, HEBL, BOYLE, TOLES, STASKUNAS and FIELDS. Referred to Committee on Tax Fairness and Family Prosperity.

To renumber and amend section 1 of article VIII; and to create section 1 (1) (e) of article VIII of the constitution; relating to: providing property tax relief to persons who have their principal dwelling in this state (first consideration).

Analysis by the Legislative Reference Bureau

This proposed constitutional amendment, proposed to the 2007 legislature on first consideration, excepts from the requirement of the “uniformity clause” a property tax credit provided to individuals who own property in this state that the individual uses as his or her principal dwelling, if the credit is determined by multiplying the school tax rate applicable to the property by the property’s fair market value. The fair market value, however, may not exceed $60,000, as adjusted by the annual change in inflation.

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 stylistic changes and breaks section 1 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.

Resolved by the senate, the assembly concurring, That:
SECTION 1. Section 1 of article VIII of the constitution is amended to read:

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

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

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

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

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

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

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

[Article VIII] Section 1 (1) (e) The legislature shall provide by law a property tax credit to individuals who own property in this state that the individual uses as his or her principal dwelling, if the credit is determined by multiplying the school tax rate applicable to the property by the property’s fair market value. The fair market
value, however, may not exceed $60,000, as adjusted by the annual change in inflation.

SECTION 3. Numbering of new provisions. (1) The new subsection (1) of section 1 of article VIII of the constitution resulting from the amendment of section 1 of article VIII of the constitution by this joint resolution shall be designated by the next higher open whole subsection number in that section in that article if, before the ratification by the people of the amendment proposed in this joint resolution, any other ratified amendment has created a subsection (1) of section 1 of article VIII of the constitution of this state. If one or more joint resolutions create a subsection (1) of section 1 of article VIII simultaneously with the ratification by the people of the amendment proposed in this joint resolution, the subsections created shall be numbered and placed in a sequence so that the subsections created by the joint resolution having the lowest enrolled joint resolution number have the numbers designated in that joint resolution and the subsections created by the other joint resolutions have numbers that are in the same ascending order as are the numbers of the enrolled joint resolutions creating the subsections.

(2) The new subsection (2) of section 1 of article VIII of the constitution resulting from the amendment of section 1 of article VIII of the constitution by this joint resolution shall be designated by the next higher open whole subsection number in that section in that article if, before the ratification by the people of the amendment proposed in this joint resolution, any other ratified amendment has created a subsection (2) of section 1 of article VIII of the constitution of this state. If one or more joint resolutions create a subsection (2) of section 1 of article VIII simultaneously with the ratification by the people of the amendment proposed in this joint resolution, the subsections created shall be numbered and placed in a sequence
so that the subsections created by the joint resolution having the lowest enrolled joint
resolution number have the numbers designated in that joint resolution and the
subsections created by the other joint resolutions have numbers that are in the same
ascending order as are the numbers of the enrolled joint resolutions creating the
subsections.

(3) The new paragraph (e) of subsection (1) of section 1 of article VIII of the
constitution created in this joint resolution shall be designated by the next higher
open whole paragraph letter in that subsection in that section in that article if, before
the ratification by the people of the amendment proposed in this joint resolution, any
other ratified amendment has created a paragraph (e) of subsection (1) of section 1
of article VIII of the constitution of this state. If one or more joint resolutions create
a paragraph (e) of subsection (1) of section 1 of article VIII simultaneously with the
ratification by the people of the amendment proposed in this joint resolution, the
paragraphs created shall be lettered and placed in a sequence so that the paragraphs
created by the joint resolution having the lowest enrolled joint resolution number
have the letters designated in that joint resolution and the paragraphs created by
the other joint resolutions have letters that are in the same ascending order as are
the letters of the enrolled joint resolutions creating the paragraphs.

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

(END)