May 17, 2011 – Introduced by Joint Legislative Council. Referred to Committee on Urban and Local Affairs.

To renumber and amend section 1 of article VIII; and to create section 1 (1) (e) of article VIII of the constitution; relating to: different property tax levy rates for parts of cities, villages, towns, counties, and school districts added by attachments to school districts, consolidations, and boundary changes under 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.
Resolved by the assembly, the senate concurring, That:

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

[Article VIII] Section 1 (1) (intro.) The rule of taxation shall be uniform but the except 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 by law.

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

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

*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)