

# Rep. Cruz: Debunking “400 year veto” myth: Republicans refuse to hear Rep. Cruz’s plan to lower property taxes - fund our schools

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**Madison** – With more debate time still remaining on the bill to eliminate the so-called “400-year veto”, Rep. Cruz was cut off from finishing her speech on the Assembly floor. That speech thoroughly debunked the often-repeated myth blaming the governor’s veto for the state’s property tax increases. Instead, quoting the state constitution and the most recent relevant Supreme Court case, Cruz demonstrated the real villain behind skyrocketing property taxes: disinvestment in our public schools.

The full text of Rep. Cruz’s speech follows.

Mr. Speaker, colleagues—

I rise in opposition to Assembly Bill 391/Senate Bill 389.

This bill eliminates the \$325 per-pupil adjustment beginning in 2027 - 2028. That adjustment - modest as it is - has been one of the only predictable increases in district revenue limits in a system that has been systematically starved out for more than a decade.

Let’s pause to reflect on how we got here.

Since the 2009 - 2011 budget, Wisconsin has **decoupled school revenue limits from inflation**. According to the **Legislative Fiscal Bureau**, state aid has not kept pace with rising costs since that decision. For more than a decade, districts

have absorbed inflation in utilities, health care, transportation, technology, and salaries—without a corresponding adjustment in state support.

The results are not theoretical.

In just the past two years, **69 public schools have closed** across Wisconsin. Enrollment has declined for eleven straight years, yes—but the financial crisis districts face is not simply about fewer students. It is about a funding system that does not adjust for real-world costs and does not fully fund state mandates.

Consider special education. The state pledged reimbursement rates of 42% and 45%. Districts were ultimately reimbursed at **35%** because the Legislature set funding at a sum certain reimbursement – a fixed pot of money that proved inadequate – rather than a sum sufficient amount. Within the context of

this debate over rising property taxes, it's important to note that unaccountable voucher schools that receive public, taxpayer money, receive 90% special education reimbursement at a sum sufficient rate – even though they are not legally required to have certified teachers who can deliver the services stipulated in individualized education plans, or IEPs that outline the needs of special education students in the school setting.

Again, it's important to underscore: public school districts are legally required to serve students with disabilities. When the state underfunds that obligation, districts must divert money from general classrooms to cover the difference. This impacts every student in the public school system.

That is not efficiency. That is displacement.

Now, let's talk about the governor's so-called "400-year veto," upheld in *LeMieux v. Evers*. That veto allows the \$325 per-pupil increase to continue far into the future.

So let's take a moment to talk about what the "400-year veto" DOES and DOES NOT do –

Here is what it **does**:

- It preserves a \$325 annual per-pupil revenue limit increase.
- It provides predictability in the formula.

Here is what it **does not** do:

- It does not restore Tommy Thompson inflationary indexing lost in 2009.
- It does not increase categorical state aid to offset property taxes.
- It does not fix the special education shortfall.
- It does not address the structural pressures of declining enrollment.
- It does not reverse over a decade of cumulative underfunding.

In fact, because general state aid has not increased commensurately, districts relying on the \$325 adjustment often must raise more through local property taxes. So when we fail to increase state support, we shift the burden to homeowners and small businesses.

AB 391 would eliminate even that limited adjustment.

If the \$325 increase is insufficient – and it is – then zeroing it out is not reform. It is retreat.

We are already seeing the consequences:

- Record numbers of operational referendums.
- Consolidation discussions across counties.
- Districts contemplating dissolution.
- Families uprooted when neighborhood schools close.
- Larger class sizes and fewer staff.
- Disinvestment in communities – again.
- Local property taxpayers footing the state legislature's bills.

School closures are not abstract line items. They are children changing classrooms midstream. They are parents unable to reassure their kids about what next year will look like. They are communities losing anchors that have stood for generations.

And for property taxpayers, the path we are on offers two bad choices: repeated referendums or diminished services.

If this body truly wants relief for taxpayers and stability for schools, the answer is not eliminating the per-pupil adjustment. The answer is to:

- Reconnect school funding to inflation.
- Fully fund special education commitments.

- Increase state aid so local property taxes are not the backstop.
- Modernize the formula to reflect demographic realities.
- Fulfill our constitutional obligation to fully fund public schools

On this last point, I recently testified before the committee on Colleges and Universities on behalf of Assembly Dems who serve on the Education Committee against a bill that aims to further advance the privatization agenda. At that time, I was questioned as to whether or not the state constitution actually compels the legislature to fund public schools.

[PERMISSION TO READ FROM A PRINTED DOCUMENT]

Article X, Section 3 of the WI State Constitution reads:

*The legislature shall provide by law for the establishment of district schools, which shall be as nearly uniform as practicable; and such schools shall be free and without charge for tuition to all children between the ages of 4 and 20 years; and no sectarian instruction shall be allowed therein*

Moreover, calls to fully fund public schools made by myself and other public education advocates have been dismissed by members of this body with the assertion that this request is ill-defined. And for that demand, I would direct members of this body to the decision written in July of 2000 by Justice Patrick Crooks in the Vincent v. Voight case.

[PERMISSION TO READ FROM A PRINTED DOCUMENT]

A portion of that decision reads:

*"We further hold that Wisconsin students have a fundamental right to an equal opportunity for a sound basic education. An equal opportunity for a sound basic education is one that will equip students for their roles as citizens and enable them to succeed economically and personally. The legislature has articulated a standard for equal opportunity for a sound basic education in Wis. Stat. §§ 118.30(lg)(a) and 121.02(L) (1997-98) as the opportunity for students to be proficient in mathematics, science, reading and writing, geography, and history, and for them to receive instruction in the arts and music, vocational training, social sciences, health, physical education and foreign language, in accordance with their age and aptitude.*

*An equal opportunity for a sound basic education acknowledges that students and districts are not fungible and takes into account districts with disproportionate numbers of disabled students, economically disadvantaged students, and students with limited English language skills.*

*So long as the legislature is providing sufficient resources so that school districts offer students the equal opportunity for a sound basic education as required by the constitution, the state school finance system will pass constitutional muster.”*

AB 391 moves us in the opposite direction of what it is we are constitutionally obligated to do. It compounds a structural problem created in 2009 and deepened ever since.

We cannot continue a cycle of disinvestment and then express surprise when property tax bills skyrocket and schools close.

Our constitutional obligation is to provide for the education of our children. Not to cap it, starve it, and localize its cost.

For the sake of Wisconsin's students, families, educators, and property taxpayers, I urge a “no” vote on Assembly Bill 391.