

SENATE JOINT RESOLUTION NO. SJ0003

School capital construction-constitutional amendment.

Sponsored by: Senator(s) Scott and Coe and
Representative(s) Allen, Miller and Northrup

A JOINT RESOLUTION

for

1 A JOINT RESOLUTION proposing to amend the Wyoming
2 Constitution to transfer responsibility to construct school
3 facilities to school districts; to provide for specified
4 mandatory and optional state funding mechanisms; and to
5 provide a ballot statement.

6

7 *BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF WYOMING,*
8 *two-thirds of all the members of the two houses, voting*
9 *separately, concurring therein:*

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11 **Section 1.** The following proposal to amend Wyoming
12 Constitution, Article 7 by creating a new Section 24 is
13 proposed for submission to the electors of the State of
14 Wyoming at the next general election for approval or
15 rejection to become valid as a part of the Constitution if
16 ratified by a majority of the electors at the election:

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2 **Article 7, Section 24. Provision of school**
3 **facilities.**

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5 (a) The legislature shall by law provide a system of
6 public school capital construction subject to the
7 following:

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9 (i) The local school districts are primarily
10 responsible for providing school facilities through bonds
11 or other means;

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13 (ii) The decision of the voters in an election
14 authorizing bonds is final;

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16 (iii) The cost of paying bonds shall be
17 equalized so that the needed mill levy does not exceed what
18 the mill levy would be if the district had the state
19 average per person assessed valuation, the federal census
20 being used to determine the number of persons;

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22 (iv) The state financing of the equalization
23 shall assure the required payment by the state and may

1 include appropriations, dedicated sources of funds or a
2 state-wide mill levy. Compliance with the debt limitation
3 imposed by article 16, section 5 of this constitution shall
4 be determined using only the local share of the payment for
5 the debt;

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7 (v) A means shall be provided to decide which
8 facilities are not needed for education and are not subject
9 to equalization;

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11 (vi) The legislature may appropriate funds to
12 relieve hardship;

13

14 (vii) If the use of bonds becomes financially
15 unwise or nondebt financing is desired, the legislature may
16 provide for different financing means with comparable
17 equalization provisions.

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19 **Section 2.** That the Secretary of State shall endorse
20 the following statement on the proposed amendment:

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1 In 2001, the Wyoming Supreme Court decided in the case of
2 *State v. Campbell County School District* that the provision
3 of school facilities was the responsibility of the state
4 not the individual school district. Prior to that decision,
5 the school districts had provided school facilities and
6 normally financed the construction of these facilities
7 through local bond issues approved by the voters at an
8 election and repaid by a local property tax. The system
9 enacted by the legislature to comply with the Wyoming
10 Supreme Court decision no longer works because the funding
11 source the legislature relied on (primarily bidding bonuses
12 from new coal leases) no longer yields significant revenue.
13 The legislature also reports the new system has been quite
14 expensive because the legislature is not as good a judge of
15 the need for local school facilities as the voters of the
16 school districts. This amendment will return school capital
17 construction to a local system with the addition of
18 mandatory state aid to raise the amount raised by the local
19 tax up to what a statewide levy would raise on a per person
20 basis. This provision is intended to provide fairness and
21 to enable districts with low property values to construct
22 needed school facilities. The amendment also authorizes,

1 but does not require, the legislature to appropriate
2 additional funds to relieve undue hardships.

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(END)