

## SENATE JOINT RESOLUTION NO. SJ0005

School capital construction-constitutional amendment.

Sponsored by: Senator(s) Scott, Biteman, Brennan and  
Steinmetz

## 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 by providing mandatory and  
4 optional state funding mechanisms; and to provide a ballot  
5 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:

10

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 rejection

1 to become valid as a part of the Constitution if ratified by  
2 a majority of the electors at the election:

3

4 **Article 7, Section 24. Provision of school facilities.**

5

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

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

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13 (ii) The decision of the voters in an election  
14 authorizing capital expenditures for public school capital  
15 construction, however financed, shall be final and neither a  
16 school district nor the state shall be required to fund any  
17 capital expenditure rejected by the voters;

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19 (iii) The cost of paying bonds and interest shall  
20 be equalized so that the required district mill levy does not  
21 exceed what the mill levy would be if the district had an  
22 assessed valuation equal to the state average per person  
23 assessed valuation, with the applicable federal census

1 information being used to determine the number of persons.  
2 Equalization may be provided for capital construction  
3 financed by other means;

4

5 (iv) Financing of the equalization may include  
6 appropriations or dedicated sources of funds and shall  
7 include, if necessary, a statewide mill levy at a rate to  
8 ensure payment of the equalization. Compliance with the debt  
9 limitation imposed by article 16, section 5 of this  
10 constitution shall be determined using only the school  
11 district's share of the payment for the debt;

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13 (v) The Legislature shall provide a system to  
14 determine which facilities are not needed for education and  
15 therefore are not subject to equalization;

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17 (vi) The Legislature may appropriate funds to  
18 relieve hardship.

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

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1 In 2001, the Wyoming Supreme Court decided in *State v.*  
2 *Campbell County School District* that providing school  
3 facilities was the responsibility of the state, and not an  
4 individual school district. School districts had previously  
5 provided school facilities and had financed the construction  
6 of these facilities through local bond issues approved by the  
7 voters and repaid by a local property tax. The system enacted  
8 by the Legislature to comply with the Wyoming Supreme Court  
9 decision no longer works because the funding source the  
10 legislature relied on, primarily bidding bonuses from new  
11 coal leases, no longer yields significant revenue.

12

13 This amendment will return school capital construction to a  
14 local system with the addition of mandatory state  
15 equalization aid to raise the amount raised by the local tax  
16 up to what a statewide levy would raise on a per person basis.  
17 The amendment also authorizes, but does not require, the  
18 Legislature to appropriate additional funds to relieve undue  
19 hardships experienced by school districts seeking to complete  
20 capital projects.

21

22

(END)