

SENATE JOINT RESOLUTION NO. SJ0007

School capital construction-constitutional amendment.

Sponsored by: Senator(s) Scott

A JOINT RESOLUTION

for

1 A JOINT RESOLUTION proposing to amend the Wyoming
2 Constitution to transfer responsibility for construction of
3 school facilities to school districts; to provide for
4 specified mandatory and optional state funding mechanisms;
5 and to 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 rejection
15 to become valid as a part of the Constitution if ratified by
16 a majority of the electors at the election:

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

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

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

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

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

19

20 (iv) The state financing of the equalization shall
21 assure the required payment by the state and may include
22 appropriations, dedicated sources of funds or a statewide
23 mill levy. Compliance with the debt limitation imposed by

1 article 16, section 5 of this constitution shall be determined
2 using only the local share of the payment for the debt;

3

4 (v) A means shall be provided to decide which
5 facilities are not needed for education and are not subject
6 to equalization;

7

8 (vi) The legislature may appropriate funds to
9 relieve hardship;

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

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

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19 In 2001, the Wyoming Supreme Court decided in the case of
20 *State v. Campbell County School District* that the provision
21 of school facilities was the responsibility of the state not
22 the individual school district. Before that decision, the
23 school districts had provided school facilities and normally

1 financed the construction of these facilities through local
2 bond issues approved by the voters at an election and repaid
3 by a local property tax. The system enacted by the legislature
4 to comply with the Wyoming Supreme Court decision no longer
5 works because the funding source the legislature relied on
6 (primarily bidding bonuses from new coal leases) no longer
7 yields significant revenue. The legislature also reports the
8 new system has been quite expensive because the legislature
9 is not as good a judge of the need for local school facilities
10 as the voters of the school districts. This amendment will
11 return school capital construction to a local system with the
12 addition of mandatory state aid to raise the amount raised by
13 the local tax up to what a statewide levy would raise on a
14 per person basis. This provision is intended to provide
15 fairness and to enable districts with low property values to
16 construct needed school facilities. The amendment also
17 authorizes, but does not require, the legislature to
18 appropriate additional funds to relieve undue hardships.

19

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(END)