

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.

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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 The provision of school buildings and other capital
6 facilities relevant to the education of the school children
7 is the responsibility of the local school district. For
8 provision of school facilities, a district may submit a
9 bond issue to the voters for approval. The judgment of the
10 people as expressed by the bond election is final. The
11 bonds shall be general obligations of the school district
12 and the costs including interest and principal shall be
13 paid through mill levies on the taxable property in the
14 district except that the state shall provide financing to
15 ensure that the mill levy raises as much per person as it
16 would if applied to the average per person valuation of the
17 state as a whole. The number of persons in a school
18 district shall be determined by the federal census. For the
19 purposes of complying with the indebtedness limitation
20 contained in article 16, section 5 of this constitution,
21 each district shall be deemed to have an assessed valuation
22 of not less than the statewide average per person valuation
23 multiplied by the population of the district. If the

1 legislature does not by appropriation provide sufficient
2 funds to meet the obligations of this section, it shall be
3 the duty of the state board of equalization to propose a
4 statewide mill levy to meet the state's obligation under
5 this section and the duty of the state board of land
6 commissioners to approve or modify and approve the
7 proposal. The legislature shall provide by law for the
8 implementation of the requirements of this section and may
9 regulate the terms and conditions of the bonds and the
10 dates for holding elections. The legislature may
11 appropriate funds to relieve undue hardships created by
12 needs for school capital construction, and may, by law,
13 provide a financing mechanism for maintenance of school
14 facilities.

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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
22 not the individual school district. Prior to that decision,
23 the school districts had provided school facilities and

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

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(END)