

## SENATE JOINT RESOLUTION NO. SJ0004

Public school financing.

Sponsored by: Senator(s) Ellis, Bebout, Coe and Perkins

## A JOINT RESOLUTION

for

1 A JOINT RESOLUTION proposing to amend the Wyoming  
2 constitution to specify that the legislature has the  
3 authority to determine the amount of public school funding;  
4 requiring the legislature to take into consideration  
5 currently available revenues and funding requirements when  
6 funding the public schools; further defining the roles of  
7 the legislature and judiciary in the creation and review of  
8 the state's school finance system; and providing a ballot  
9 statement.

10

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

14

15 **Section 1.** The following proposal to amend Wyoming  
16 Constitution, Article 7, Section 9 is proposed for

1 submission to the electors of the State of Wyoming at the  
2 next general election for approval or rejection to become  
3 valid as a part of the Constitution if ratified by a  
4 majority of the electors at the election:

5

6 **Article 7, Section 9 Taxation for schools.**

7

8 (a) The legislature shall make such further provision  
9 by taxation or otherwise, as the legislature rationally  
10 determines necessary together with the income arising from  
11 the general school fund ~~will~~to create and maintain a  
12 thorough and efficient system of public schools, adequate  
13 to the proper instruction of all youth of the state,  
14 between the ages of six and twenty-one years, free of  
15 charge; and in view of such provision so made, the  
16 legislature shall require that every child of sufficient  
17 physical and mental ability shall attend a public school  
18 during the period between six and eighteen years for a time  
19 equivalent to three years, unless educated by other means.  
20 In determining the amount of funding to provide for the  
21 public schools, the legislature shall take into  
22 consideration currently available revenues and other

1 funding requirements that provide for the health, safety  
2 and welfare of citizens of Wyoming.

3  
4 (b) It is the duty of the legislature to equitably  
5 allocate funding among the school districts in the state in  
6 a manner meeting constitutional requirements. It is the  
7 duty of the legislature to rationally determine the level  
8 of funding to ensure that the system of public schools is  
9 adequate, thorough and efficient. It is the province of  
10 the judiciary to declare a system of public school funding  
11 in violation of the constitution when presented with an  
12 appropriate case establishing the failure of the  
13 legislature to meet its duties. The legislature alone has  
14 the power to generate revenue, through taxation or  
15 otherwise, for the operation of the system of public  
16 schools. The judiciary shall not command the legislature to  
17 take any action to generate revenue, through taxation or  
18 otherwise in order to fulfill its duties to fully fund the  
19 public school system.

20  
21 **Section 2.** That the Secretary of State shall endorse  
22 the following statement on the proposed amendment:  
23

1 This amendment would provide that the amount of funding  
2 appropriated to create and maintain the public school  
3 system must be rationally determined by the legislature to  
4 ensure it is adequate, thorough and efficient, while taking  
5 into account currently available revenues without  
6 additional taxation and funding requirements that provide  
7 for the health, safety and welfare of citizens of the  
8 state. The amendment would also provide that the judiciary  
9 could still declare the school funding system in violation  
10 of the constitution, though the judiciary could not command  
11 the legislature to generate revenue to fund the public  
12 school system.

13

14

(END)