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

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

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

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

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

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

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

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

(iv) The state financing of the equalization shall assure the required payment by the state and may
include appropriations, dedicated sources of funds or a state-wide mill levy. Compliance with the debt limitation imposed by article 16, section 5 of this constitution shall be determined using only the local share of the payment for the debt;

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

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

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

Section 2. That the Secretary of State shall endorse the following statement on the proposed amendment:
In 2001, the Wyoming Supreme Court decided in the case of
State v. Campbell County School District that the provision
of school facilities was the responsibility of the state
not the individual school district. Prior to that decision,
the school districts had provided school facilities and
normally financed the construction of these facilities
through local bond issues approved by the voters at an
election and repaid by a local property tax. The system
enacted by the legislature to comply with the Wyoming
Supreme Court decision no longer works because the funding
source the legislature relied on (primarily bidding bonuses
from new coal leases) no longer yields significant revenue.
The legislature also reports the new system has been quite
expensive because the legislature is not as good a judge of
the need for local school facilities as the voters of the
school districts. This amendment will return school capital
construction to a local system with the addition of
mandatory state aid to raise the amount raised by the local
tax up to what a statewide levy would raise on a per person
basis. This provision is intended to provide fairness and
to enable districts with low property values to construct
needed school facilities. The amendment also authorizes,
but does not require, the legislature to appropriate additional funds to relieve undue hardships. 

(END)