SENATE JOINT RESOLUTION NO. SJ0004

Public school financing.

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

A JOINT RESOLUTION

for

A JOINT RESOLUTION proposing to amend the Wyoming constitution to specify that the legislature has the authority to determine the amount of public school funding; requiring the legislature to take into consideration currently available revenues and funding requirements when funding the public schools; further defining the roles of the legislature and judiciary in the creation and review of the state's school finance system; and providing 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, Section 9 is proposed for

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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 9  Taxation for schools.

(a) The legislature shall make such further provision
by taxation or otherwise, as the legislature rationally
determines necessary together with the income arising from
the general school fund will to create and maintain a
thorough and efficient system of public schools, adequate
to the proper instruction of all youth of the state,
between the ages of six and twenty-one years, free of
charge; and in view of such provision so made, the
legislature shall require that every child of sufficient
physical and mental ability shall attend a public school
during the period between six and eighteen years for a time
equivalent to three years, unless educated by other means.

In determining the amount of funding to provide for the
public schools, the legislature shall take into
consideration currently available revenues and other
funding requirements that provide for the health, safety and welfare of citizens of Wyoming.

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

Section 2. That the Secretary of State shall endorse the following statement on the proposed amendment:
This amendment would provide that the amount of funding appropriated to create and maintain the public school system must be rationally determined by the legislature to ensure it is adequate, thorough and efficient, while taking into account currently available revenues without additional taxation and funding requirements that provide for the health, safety and welfare of citizens of the state. The amendment would also provide that the judiciary could still declare the school funding system in violation of the constitution, though the judiciary could not command the legislature to generate revenue to fund the public school system.

(END)