

SENATE JOINT RESOLUTION NO. SJ0006

School capital construction-constitutional amendment.

Sponsored by: Senator(s) Scott, Biteman, Brennan, Olsen and Salazar and Representative(s) Andrew, Bear and Lien

A JOINT RESOLUTION

for

1 A JOINT RESOLUTION proposing to amend the Wyoming
2 Constitution to transfer responsibility to construct public
3 school facilities to school districts by providing mandatory
4 and optional state funding mechanisms.

5

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

9

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

1

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

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

6

7 (i) Each local school district shall be primarily
8 responsible for providing school facilities for the district
9 through bonds or other means;

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11 (ii) The decision of the voters in an election
12 authorizing capital expenditures for public school capital
13 construction, however financed, shall be final and neither a
14 school district nor the state shall be required to fund any
15 capital expenditure for public school capital construction
16 rejected by the voters;

17

18 (iii) The cost of paying bonds and interest shall
19 be equalized so that the required school district mill levy
20 does not exceed what the mill levy would be if the district
21 had an assessed valuation equal to the state average per
22 person assessed valuation, with the applicable federal census
23 information being used to determine the number of persons.

1 Equalization may be provided for capital construction
2 financed by other means;

3

4 (iv) Financing of the equalization may include
5 appropriations or dedicated sources of funds and shall
6 include, if necessary, a statewide mill levy at a rate to
7 ensure payment of the equalization. Compliance with the debt
8 limitation imposed by article 16, section 5 of this
9 constitution shall be determined using only the school
10 district's share of the payment for the debt;

11

12 (v) The legislature shall provide a system to
13 determine which capital facilities are not needed for
14 education and therefore are not subject to equalization;

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16 (vi) The legislature may appropriate funds to
17 relieve hardship.

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

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22 In 2001, the Wyoming Supreme Court decided in *State v.*
23 *Campbell County School District* that providing school

1 facilities was the responsibility of the state, and not an
2 individual school district. School districts had previously
3 provided school facilities and had financed the construction
4 of these facilities through local bond issues approved by the
5 voters and repaid by a local property tax. The system enacted
6 by the Legislature to comply with the Wyoming Supreme Court
7 decision primarily relied on bidding bonuses from new coal
8 leases, which no longer yields significant revenue.

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10 This amendment will return school capital construction to a
11 local system with the addition of mandatory state
12 equalization aid to raise the amount raised by the local tax
13 up to what a statewide levy would raise on a per person basis.
14 The amendment also authorizes, but does not require, the
15 Legislature to appropriate additional funds to relieve undue
16 hardships experienced by school districts seeking to complete
17 capital projects.

18

19

(END)