

## SENATE JOINT RESOLUTION NO. SJ0010

Legislative and executive authority-taxation and spending.

Sponsored by: Senator(s) Laursen, D, Biteman, McKeown and  
Smith, D and Representative(s) Allemand, Bear,  
Haroldson, Locke and Wharff

## A JOINT RESOLUTION

for

1 A JOINT RESOLUTION to amend the Wyoming Constitution to  
2 specify that the power and control of taxation and spending  
3 belongs to the legislative department and the executive  
4 department as specified.

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 by creating Article 2, Section 2 is proposed for  
12 submission to the electors of the State of Wyoming at the  
13 next general election for approval or rejection to become  
14 valid as a part of the Constitution if ratified by a majority  
15 of the electors at the election:

1

2           **Article 2, Section 2. Control of taxation and spending.**

3

4           (a) The power of taxation and spending is reserved to  
5 the people and to the legislative department and the executive  
6 department. The legislature may by law delegate local taxing  
7 and spending power to political subdivisions, provided that  
8 the power of taxation and spending is exercised by persons  
9 whose elected term of office does not exceed four (4) years.  
10 For the creation of debt authorized by this constitution, the  
11 legislature may by law delegate the payment of debt service  
12 and the establishment of taxation rates to accomplish that  
13 service to the executive branch as a ministerial task, and  
14 the judicial department may enforce the performance of these  
15 duties.

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17           (b) Notwithstanding any other provision of this  
18 constitution, for the operating costs of the public schools,  
19 the legislature shall provide a formula for funding, and that  
20 formula shall be subject to judicial review for  
21 constitutional compliance. The legislature shall fund the  
22 formula by appropriation and the amount of this appropriation  
23 shall not be subject to judicial review. In the event the

1 appropriation is insufficient to fund the spending provided  
2 by the formula, the spending shall be reduced by a uniform  
3 percentage.

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

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8 The Wyoming Constitution divides the powers of government  
9 into three branches: the legislative, executive and judicial  
10 branches. No branch shall exercise any powers properly  
11 belonging to the other branches unless the Constitution  
12 expressly permits it.

13

1 This amendment would expressly provide that the power of  
2 taxation and spending belongs only to the legislative and  
3 executive branches of state government. The amendment would  
4 allow the legislature to delegate taxation and spending  
5 authority to political subdivisions and would allow the  
6 legislature to delegate ministerial tasks to the executive  
7 branch, with the judicial branch authorized to enforce the  
8 performance of those delegated duties. For funding  
9 operational costs of public schools, the legislature would be  
10 required to develop a funding formula, which would be subject  
11 to judicial review. The amount of any appropriation based on  
12 the formula would not be subject to judicial review. If the  
13 legislature's appropriation is insufficient to fund the  
14 spending provided by the formula, then expenditures for  
15 school funding would be reduced uniformly.

16

17

(END)