

**DRAFT ONLY
NOT APPROVED FOR
INTRODUCTION**

HOUSE JOINT RESOLUTION NO.

Common school account-investments and earnings.

Sponsored by: Select Committee on Capital Financing &
Investments

A JOINT RESOLUTION

for

1 A JOINT RESOLUTION proposing to amend the Wyoming
2 Constitution to specify the treatment of all investment
3 earnings from the common school account within the permanent
4 land fund; and specifying that all investment earnings are
5 available for appropriation and shall be utilized for the
6 exclusive benefit of public schools.

7

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

11

1 **Section 1.** The following proposal to amend Article 7,
2 Sections 2, 6, 7, 8 and 9 and Article 18, Section 6 of the
3 Wyoming Constitution is proposed for submission to the
4 electors of the State of Wyoming at the next general election
5 for approval or rejection to become valid as a part of the
6 Constitution if ratified by a majority of the electors at the
7 election:

8

9 **Article 7, Section 2 School revenues.**

10

11 The following are declared to be perpetual funds for school
12 purposes, of which the annual ~~income~~earnings only can be
13 appropriated, to wit: Such per centum as has been or may
14 hereafter be granted by congress on the sale of lands in this
15 state; all moneys arising from the sale or lease of sections
16 number sixteen and thirty-six in each township in the state,
17 and the lands selected or that may be selected in lieu
18 thereof; the proceeds of all lands that have been or may
19 hereafter be granted to this state, where by the terms and
20 conditions of the grant, the same are not to be otherwise
21 appropriated; the net proceeds of lands and other property
22 and effects that may come to the state by escheat or
23 forfeiture, or from unclaimed dividends or distributive

1 shares of the estates of deceased persons; all moneys, stocks,
2 bonds, lands and other property now belonging to the common
3 school funds. Provided, that the rents for the ordinary use
4 of said lands shall be applied to the support of public
5 schools and, when authorized by general law, not to exceed
6 thirty-three and one-third (33 1/3) per centum of oil, gas,
7 coal, or other mineral royalties arising from the lease of
8 any said school lands may be so applied.

9

10 **Article 7, Section 6 State to keep school funds;**
11 **investment.**

12

13 All funds belonging to the state for public school purposes,
14 the ~~interest and income~~ earnings of which only are to be used,
15 shall be deemed trust funds in the care of the state, which
16 shall keep them for the exclusive benefit of the public
17 schools. The legislature shall provide by law for the
18 investment of such trust funds.

19

20 **Article 7, Section 7 Application of school funds.**

21

22 The ~~income~~ earnings arising from the funds mentioned in the
23 preceding section, together with all the rents of the unsold

1 school lands and such other means as the legislature may
2 provide, shall be exclusively applied to the support of free
3 schools in every county in the state.

4

5 **Article 7, Section 8 Distribution of school funds.**

6

7 Provision shall be made by general law for the equitable
8 allocation of such ~~income~~-earnings among all school districts
9 in the state. But no appropriation shall be made from said
10 fund to any district for the year in which a school has not
11 been maintained for at least three (3) months; nor shall any
12 portion of any public school fund ever be used to support or
13 assist any private school, or any school, academy, seminary,
14 college or other institution of learning controlled by any
15 church or sectarian organization or religious denomination
16 whatsoever.

17

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

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20 The legislature shall make such further provision by taxation
21 or otherwise, as with the ~~income~~-earnings arising from the
22 general school fund will create and maintain a thorough and
23 efficient system of public schools, adequate to the proper

1 instruction of all youth of the state, between the ages of
2 six and twenty-one years, free of charge; and in view of such
3 provision so made, the legislature shall require that every
4 child of sufficient physical and mental ability shall attend
5 a public school during the period between six and eighteen
6 years for a time equivalent to three years, unless educated
7 by other means.

8

9 **Article 18, Section 6 Disposition of unexpended**
10 **earnings of perpetual school fund.**

11

12 If any portion of the ~~interest or income~~ earnings of the
13 perpetual school fund be not expended during any year, said
14 portion shall be added to and become a part of the said school
15 fund.

16

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

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20 When Wyoming joined the Union in 1890, the federal government
21 granted certain lands to the state for public-school
22 purposes. The proceeds from the sale and rental of those lands
23 constitute a perpetual school fund (the Common School Account

1 within the Permanent Land Fund), which is one of Wyoming's
2 permanent funds that hold public money for the benefit of
3 current and future generations. Currently, the interest and
4 income from investments of the perpetual school fund must be
5 used for the exclusive benefit of the public schools in
6 Wyoming. The Wyoming Constitution does not currently specify
7 the use or disposition of other types of gains that are not
8 interest or income.

9

10 This amendment would specify that all investment earnings
11 from the perpetual school fund, not just interest and income,
12 shall be applied for the exclusive benefit of the public
13 schools in Wyoming. Any earnings that are unspent during any
14 year, instead of just interest and income, must be retained
15 in the perpetual school fund.

16

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(END)