

SENATE JOINT RESOLUTION NO. SJ0004

Public school financing.

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

A JOINT RESOLUTION

for

1 A JOINT RESOLUTION proposing to amend the Wyoming
2 constitution to specify that the legislature has the
3 authority to determine the amount of public school funding;
4 requiring the legislature to take into consideration other
5 funding requirements when funding the public schools;
6 further defining the roles of the legislature and judiciary
7 in the creation and review of the state's school finance
8 system; and providing a ballot statement.

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

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14 **Section 1.** The following proposal to amend Wyoming
15 Constitution, Article 7, Section 9 is proposed for
16 submission to the electors of the State of Wyoming at the

1 next general election for approval or rejection to become
2 valid as a part of the Constitution if ratified by a
3 majority of the electors at the election:

4

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

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7 (a) The legislature shall make such further provision
8 by taxation or otherwise, as the legislature rationally
9 determines necessary together with the income arising from
10 the general school fund ~~will~~to create and maintain a
11 thorough and efficient system of public schools, adequate
12 to the proper instruction of all youth of the state,
13 between the ages of six and twenty-one years, free of
14 charge; and in view of such provision so made, the
15 legislature shall require that every child of sufficient
16 physical and mental ability shall attend a public school
17 during the period between six and eighteen years for a time
18 equivalent to three years, unless educated by other means.
19 In determining the amount of funding to provide for the
20 public schools, the legislature shall take into
21 consideration other funding requirements that provide for
22 the health, safety and welfare of citizens of Wyoming.

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

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

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21 This amendment would provide that the amount of funding
22 appropriated to create and maintain the public school
23 system must be rationally determined by the legislature to

1 ensure it is adequate, thorough and efficient, while taking
2 into account funding requirements that provide for the
3 health, safety and welfare of citizens of the state. The
4 amendment would also provide that the judiciary could still
5 declare the school funding system in violation of the
6 constitution, though the judiciary could not command the
7 legislature to generate revenue to fund the public school
8 system.

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(END)