SENATE JOINT RESOLUTION NO. SJ0004

School capital construction-constitutional amendment.

Sponsored by: Senator(s) Scott, Biteman, Ellis and Salazar

A JOINT RESOLUTION

for

1   A JOINT RESOLUTION proposing to amend the Wyoming

2   Constitution to transfer responsibility to construct school

3   facilities to school districts by providing mandatory and

4   optional state funding mechanisms; and to provide a ballot

5   statement.

6

7   *BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF WYOMING,*

8   two-thirds of all the members of the two houses, voting

9   separately, concurring therein:

10

11   **Section 1.** The following proposal to amend Wyoming

12   Constitution, Article 7 by creating a new Section 24 is

13   proposed for submission to the electors of the State of

14   Wyoming at the next general election for approval or rejection

15   to become valid as a part of the Constitution if ratified by

16   a majority of the electors at the election:

1

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

3

4   (a) The legislature shall by law provide a system for

5 public school capital construction subject to the following:

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7   (i) The local school districts shall be primarily

8 responsible for providing school facilities through bonds or

9 other means;

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11   (ii) The decision of the voters in an election

12 authorizing capital expenditures, however financed, shall be

13 final and neither a school district nor the state may be

14 required to fund any capital expenditure rejected by the

15 voters;

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17   (iii) The cost of paying bonds and interest shall

18 be equalized so that the needed district mill levy does not

19 exceed what the mill levy would be if the district had the

20 state average per person assessed valuation, the applicable

21 federal census information being used to determine the number

22 of persons. Equalization may be provided for capital

23 construction financed by other means;

1

2   (iv) Financing of the equalization may include

3   appropriations, dedicated sources of funds and shall include,

4   if necessary, a statewide mill levy set to assure payment of

5   the equalization. Compliance with the debt limitation imposed

6   by article 16, section 5 of this constitution shall be

7   determined using only the school district's share of the

8   payment for the debt;

9

10   (v) A means shall be provided to decide which

11   facilities are not needed for education and are not subject

12   to equalization;

13

14   (vi) The legislature may appropriate funds to

15   relieve hardship.

16

17   **Section 2.** That the Secretary of State shall endorse

18   the following statement on the proposed amendment:

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20   In 2001, the Wyoming Supreme Court decided in *State v.*

21   *Campbell County School District* that providing school

22   facilities was the responsibility of the state not an

23   individual school district. School districts had previously

1 provided school facilities and normally financed the

2 construction of these facilities through local bond issues

3 approved by the voters and repaid by a local property tax.

4 The system enacted by the legislature to comply with the

5 Wyoming Supreme Court decision no longer works because the

6 funding source the legislature relied on (primarily bidding

7 bonuses from new coal leases) no longer yields significant

8 revenue. The legislature also reports the new system has been

9 expensive because the legislature is not as good a judge of

10 the need for local school facilities as the voters of the

11 school districts. This amendment will return school capital

12 construction to a local system with the addition of mandatory

13 state aid to raise the amount raised by the local tax up to

14 what a statewide levy would raise on a per person basis. This

15 provision is intended to provide fairness and to enable

16 districts with low property values to construct needed school

17 facilities. The amendment also authorizes, but does not

18 require, the legislature to appropriate additional funds to

19 relieve undue hardships.

20

21   (END)