

## SENATE JOINT RESOLUTION NO. SJ0013

Legislative and executive authority-taxation and spending.

Sponsored by: Senator(s) Laursen, D and Scott and  
Representative(s) Heiner

## 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:*

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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.**

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4 The power of taxation and spending is reserved to the people  
5 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 materially exceed four  
10 (4) years. For the creation of debt authorized by this  
11 constitution, the legislature may by law delegate the payment  
12 of debt service and the establishment of taxation rates to  
13 accomplish that service to others as a ministerial task, and  
14 the judicial department may enforce the performance of these  
15 duties. For the operating costs of the public schools, the  
16 legislature shall provide a formula for funding, and that  
17 formula is subject to judicial review for constitutional  
18 compliance. The legislature shall fund the formula by  
19 appropriation and the amount of this appropriation shall not  
20 be subject to judicial review. In the event the appropriation  
21 is insufficient to fund the spending provided by the formula,  
22 the spending shall be reduced by a uniform percentage.

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

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4 The Wyoming Constitution divides the powers of government  
5 into three branches: the legislative, executive and judicial  
6 branches. No branch can exercise any powers properly  
7 belonging to the other branches unless the Constitution  
8 expressly permits it.

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10 This amendment would expressly provide that the power of  
11 taxation and spending belongs only to the legislative and  
12 executive branches of state government. The amendment would  
13 allow the legislature to delegate taxation and spending  
14 authority to political subdivisions and would allow the  
15 legislature to delegate the payment of debt service and  
16 taxation for paying debt, with the judiciary authorized to  
17 enforce duties associated with debt payment. For funding  
18 operational costs of public schools, the legislature would be  
19 required to develop a funding formula, which would be subject  
20 to judicial review. The amount of any appropriation based on  
21 the formula would not be subject to judicial review. If the  
22 legislature's appropriation would be insufficient to fund the

1 spending provided by the formula, then expenditures would be  
2 reduced uniformly.

3

4

(END)