

HOUSE BILL NO. HB0099

Community colleges-statewide levy-2.

Sponsored by: Joint Education Interim Committee

A BILL

for

1 AN ACT relating to community colleges; imposing a statewide
2 mill levy for credit to the state general fund;
3 continuously appropriating equal general fund amounts to
4 the community college commission for the regular support
5 and operation of community colleges; excluding a portion of
6 the college district levy from the statewide levy;
7 designating college district service area counties and
8 expanding district board membership to include service area
9 county representation; increasing board membership and
10 requiring election subdistricts; providing for transition
11 and prescribing expanded board election; and providing for
12 effective dates.

13

14 *Be It Enacted by the Legislature of the State of Wyoming:*

15

16 **Section 1.** W.S. 21-18-102(a) by creating a new
17 paragraph (xvi) and by renumbering paragraph (xvi) as

1 (xvii), 21-18-205(c) and by creating a new subsection (h),
2 21-18-302(b), 21-18-304(a)(vii), 21-18-308,
3 21-18-310(f)(ii) and (j)(iv), 21-18-312(r),
4 39-13-104(a)(i), (k)(i)(C) and by creating a new subsection
5 (n) and 39-13-111(a) by creating a new paragraph (iv) are
6 amended to read:

7

8 **21-18-102. Definitions.**

9

10 (a) As used in this act:

11

12 (xvi) "Community college district service area
13 counties" means those counties within the state that are
14 outside the boundaries of a community college district but
15 are included within the service area of a community college
16 district, designated as follows:

17

18 (A) Central Wyoming college district
19 service area comprised of Hot Springs and Teton counties;

20

21 (B) Eastern Wyoming college district
22 service area comprised of Converse, Crook, Niobrara, Platte
23 and Weston counties;

24

1 (C) Laramie county community college
2 district service area comprised of Albany county;

3

4 (D) Northwest college district service area
5 comprised of Big Horn and Washakie counties;

6

7 (E) Northern Wyoming community college
8 district service area comprised of Campbell and Johnson
9 counties;

10

11 (F) Western Wyoming community college
12 district service area comprised of Carbon, Lincoln,
13 Sublette and Uinta counties.

14

15 ~~(xvi)~~ (xvii) "This act" means W.S. 21-18-101
16 through 21-18-317.

17

18 **21-18-205. Appropriation and distribution of state**
19 **funds; restrictions; budget authority.**

20

21 (c) State funding for the assistance of community
22 colleges shall be appropriated to the community college
23 commission unless otherwise specified by law. Subject to
24 the provisions of this section, funds appropriated for each

1 biennium under this subsection and funds appropriated under
2 subsection (h) of this section shall be distributed by the
3 commission to community colleges in amounts determined by a
4 funding allocation model adopted by rule of the commission.
5 The commission may maintain a contingency reserve account
6 utilizing any revenue derived under W.S. 9-4-601(b)(iv)(A)
7 to be distributed as a component of the funding allocation
8 model for specific use by the colleges for emergency
9 repairs and preventive maintenance.

10
11 (h) There is continuously appropriated from the
12 general fund to the community college commission an amount
13 equal to the amount of tax collected under W.S.
14 39-13-104(n). The amounts appropriated under this
15 subsection shall be expended by the commission for the
16 regular support and operation of community colleges in
17 accordance with and in addition to appropriations available
18 under subsection (c) of this section. The state treasurer
19 shall make the general fund payment required by this
20 subsection upon receipt of revenues transferred and
21 deposited in accordance with W.S. 39-13-111(a)(iv).

22
23 **21-18-302. District board generally; quorum;**
24 **organization; officers.**

1

2 (b) A majority of the community college district
3 board members constitutes a quorum for the transaction of
4 all business but a minimum of ~~three (3)~~ four (4) concurring
5 votes is required to decide any question.

6

7 **21-18-304. District board generally; duties.**

8

9 (a) The community college district board shall:

10

11 (vii) At the first meeting of each fiscal year
12 or at any appropriate time, make an estimate of the amount
13 of funds required to be raised through a tax levy upon the
14 property lying within the district for community college
15 purposes, and present to the board of county commissioners
16 of each county included within the district, a certified
17 estimate of the tax required to raise the appropriate
18 amount. The tax in any one (1) year shall not exceed four
19 (4) mills on the assessed value of the district, excluding
20 any tax approved by the board and imposed under W.S.
21 21-18-303(b) and any tax approved by the district electors
22 and imposed under W.S. 21-18-311(f), and one (1) of the
23 four (4) mills of this tax shall be in lieu of the
24 statewide tax imposed under W.S. 39-13-104(n). The tax

1 shall be levied and collected in the same manner as other
2 county taxes and when collected, the county treasurer shall
3 forward the tax revenue to the treasurer of the community
4 college district board;

5

6 **21-18-308. Number of board members; election;**
7 **subdistricts; representation of district service area**
8 **counties; apportionment.**

9

10 (a) Each community college district board shall
11 consist of ~~seven (7)~~ nine (9) members to be elected as
12 provided by law.

13

14 (b) The community college district board ~~may~~ shall by
15 resolution partition the community college district into
16 election subdistricts to provide for representation on the
17 district board in accordance with population. Where
18 population figures permit, monetary evaluation and
19 geographic factors may be considered in determining
20 subdistricts. If the district has designated service area
21 counties under W.S. 21-18-102(a)(xvi), the district board
22 shall partition the boundaries of the territory comprising
23 the community college district and the service area
24 counties into election subdistricts in accordance with this

1 subsection such that representation for the area within the
2 boundaries of the college district shall be a simple
3 majority of the total board membership.

4
5 (c) The community college district board shall
6 subject to district representation requirements imposed
7 under subsection (b) of this section for those districts
8 with designated service area counties, and by resolution,
9 designate the number of members of the district board which
10 shall be elected from each election subdistrict ~~if any,~~ in
11 accordance with the population of the community college
12 district and if applicable, the population of the
13 designated service area counties, and the respective
14 election subdistricts.

15
16 **21-18-310. Annexation of additional counties into**
17 **district; annexation election.**

18
19 (f) If the annexation is approved by the voters of
20 the county to be annexed:

21
22 (ii) The community college district board shall
23 pursuant to W.S. 21-18-308, immediately and by resolution
24 partition the enlarged district into election subdistricts

1 to provide for board representation based upon population
2 and shall designate the number of board members to be
3 elected from each subdistrict in accordance with the
4 population of the enlarged district and the respective
5 election subdistricts. In accordance with W.S.
6 21-18-308(a), the board of the enlarged district shall be
7 comprised of not more than ~~seven (7)~~ nine (9) members;

8

9 (j) If a proposition for continuing annexation under
10 subsection (h) of this section is not approved, the county
11 for which continued annexation is not approved shall be
12 eliminated from the established community college district
13 and:

14

15 (iv) An election of members of the board of
16 trustees of the reduced district shall be held as
17 determined by the board of county commissioners, on a date
18 which is not less than sixty (60) days following the date
19 continued annexation is defeated. The board of the reduced
20 district shall be comprised of not more than ~~seven (7)~~ nine
21 (9) members and the election shall be held in accordance
22 with law. Terms of office of board members filled prior to
23 the date continued annexation is defeated shall expire at
24 12:00 noon of the first day immediately following the

1 election of board members of the reduced district. The
2 initial terms of office of trustees to be elected shall
3 begin on the first day immediately following the election
4 and shall be staggered in the manner prescribed under
5 subsection (f) of this section.

6

7 **21-18-312. Formation of districts.**

8

9 (r) If the election for establishment carries, the
10 community college commission shall notify by registered
11 mail the ~~seven (7)~~ nine (9) candidates who receive the
12 highest number of votes in the entire election.

13

14 **39-13-104. Taxation rate.**

15

16 (a) Authorized mill levies. There shall be annually
17 levied and assessed upon the taxable value of property
18 within Wyoming the following state taxes when applicable:

19

20 (i) Not to exceed four (4) mills as certified by
21 the board, one (1) of which shall be imposed in accordance
22 with subsection (n) of this section, to be credited to the
23 state general fund;

24

1 (k) The following shall apply to the certification of
2 tax levies:

3

4 (i) All governmental entities in Wyoming having
5 the power to levy or require the levy of ad valorem taxes
6 shall annually notify the board of county commissioners of
7 the county or counties in which the entity is located, of
8 the amount of tax to be collected against the taxable
9 property of the district, as follows:

10

11 (C) On or before the first Monday in August
12 by the board for state purposes as provided by W.S.
13 9-4-302, 21-13-303, subsection (n) of this section and this
14 act.

15

16 (n) As authorized under paragraph (a)(i) of this
17 section and except as otherwise provided in this
18 subsection, there shall be assessed and levied each year a
19 state tax of one (1) mill on the dollar of the assessed
20 valuation of the property within the state as certified on
21 August 10 under the provisions of subparagraph (k)(i)(C) of
22 this section, to be credited to the state general fund. In
23 those areas of the state within a community college
24 district subject to a mill levy imposed under W.S.

1 21-18-304(a)(vii), one (1) of the imposed four (4) mills
2 levied shall be subtracted from the tax assessed and levied
3 under this subsection for that year. Except as otherwise
4 specified in this subsection, the tax authorized in this
5 subsection shall be in addition to any and all other taxes
6 authorized by law.

7
8 **39-13-111. Distribution.**

9
10 (a) The following shall apply to the distribution of
11 tax collections:

12
13 (iv) The county treasurer shall transfer any
14 money collected from the tax imposed by W.S. 39-13-104(n)
15 to the state treasurer for deposit into the state general
16 fund.

17
18 **Section 2.**

19
20 (a) Not later than thirty (30) days following the
21 effective date of this act, the board of trustees of each
22 community college district shall by resolution partition
23 the territory of the district into election subdistricts
24 for representation on the expanded nine (9) member board,

1 as increased under W.S. 21-18-308(a), as amended under
2 Section 1 of this act. Election subdistricts shall be
3 established based upon population and other factors
4 specified under W.S. 21-18-308(b), as amended under Section
5 1 of this act. If the community college district is
6 assigned service area counties under W.S.
7 21-18-102(a)(xvi), as amended under Section 1 of this act,
8 the community college district board shall combine the
9 territory of the district and its designated service area
10 counties into election subdistricts and the board shall
11 designate the number of board members to be elected from
12 each subdistrict in accordance with the population of the
13 combined territory of the district and its service area
14 counties, subject to the simple majority district
15 representation requirement imposed under W.S. 21-18-308(b),
16 as amended by Section 1 of this act.

17

18 (b) An election of members to the expanded board of
19 trustees of a community college district pursuant to
20 subsection (a) of this section shall be held at the 2008
21 general election date specified under W.S. 22-2-104(a).
22 Nominations to the expanded board of trustees shall be
23 submitted on forms provided by the county clerk of the
24 county comprising the appropriate election subdistrict and

1 the election shall be otherwise conducted as provided by
2 law. Terms of office of board members filled prior to the
3 effective date of this act shall expire upon commencement
4 of the certification of the election of members to the
5 expanded board. Initial terms of trustees to be elected to
6 the expanded board shall begin upon certification of the
7 election results and shall be for not less than two (2) or
8 not less than four (4) years as determined by the board as
9 necessary to coincide with the terms of office prescribed
10 under W.S. 22-22-102. Not more than five (5) initial
11 members shall be elected for terms of not less than four
12 (4) years and the board shall designate and report to the
13 appropriate county clerk the length of term for each
14 trustee office to be filled in the election. Thereafter,
15 all terms shall be for four (4) years in accordance with
16 W.S. 22-22-102.

17

18 **Section 3.**

19

20 (a) Except as provided by subsection (b) of this
21 section, this act is effective July 1, 2008.

22

1 (b) Notwithstanding subsection (a) of this section,
2 W.S. 21-18-205(c) and (h), 21-18-304(a)(vii),
3 39-13-104(a)(i), (k)(i)(C) and (n) and 39-13-111(a)(iv), as
4 amended in Section 1 of this act, are effective January 1,
5 2009.

6

7

(END)