

Established Local Applicant

The University of Wyoming (“UW”) is a public institution of higher education in the State of Wyoming and qualifies as a state governmental entity. It has been established as a state educational institution by Title 21 of the Wyoming Code, and Section 97-7-015 of the Wyoming Constitution. *See* WYO. STAT. ANN. § 21-17-101, *et seq.* and attached excerpts from Wyoming Statutes and Constitution. As a state governmental entity, UW is considered a local entity for purposes of the FCC noncommercial point system determination “throughout the area within which their authority extends.” *Reexamination of the Comparative Standards for Noncommercial Educational Applicants*, Report and Order, 20 CR 301, 65 FR 36375, 15 FCC Rcd 7386, (2000) at paragraph 54.¹

Accordingly, as a statewide public university, UW qualifies as a local entity applicant throughout the state of Wyoming, including the community of licensed proposed herein. UW has been in existence since 1887 and is therefore an “established” local entity pursuant to Section 73.7003(b)(1) of the FCC’s Rules, which requires continuous local applicant qualification for no fewer than two years. See attached excerpts from <http://www.uwyo.edu/education/deans-office/about/history.html> .

¹ “. . . For example, the New York State government would be considered local throughout New York State, including New York City, but the New York City Board of Education would be local only in New York City.” *Id.*

CHAPTER 17 - UNIVERSITY OF WYOMING

ARTICLE 1 - IN GENERAL

21-17-101. Establishment.

There is established in this state, at the city of Laramie, an institution of learning to be known as "The University of Wyoming".

21-17-102. Objects; departments.

(a) The objects of the university are to provide an efficient means of imparting to men and women, without regard to color, on equal terms, a liberal education, together with a thorough knowledge of the various branches connected with the scientific, industrial and professional pursuits. To this end it shall embrace colleges or departments of letters, of science and of the arts together with such professional or other departments as in course of time may be connected therewith. The department of letters shall embrace a liberal course of instruction in language, literature and philosophy, together with such courses or parts of courses in the college or department of science as are deemed necessary.

(b) The college, or department of science, shall embrace courses of instruction in the mathematical, physical and natural sciences, together with such courses in language, literature and philosophy as shall constitute a liberal education. The college or department of the arts shall embrace courses of instruction in the practical and fine arts and especially in the applications of science to the arts of mining and metallurgy, mechanics, engineering, architecture, agriculture and commerce, together with instruction in military tactics, and in such branches in the department of letters, as are necessary to a proper fitness of students for their chosen pursuits, and as soon as the income of the university will allow, in such order as the wants of the public shall seem to require, the courses in the sciences and their practical applications shall be expanded into full and distinct schools or departments.

21-17-103. Powers and duties of the faculty.

The president and professors of the university shall be styled "the faculty", and may enforce rules and regulations adopted by the trustees for the government of students, reward and censure students as they may deserve, and generally exercise such

Constitution of the State of Wyoming

Includes All Amendments Through November 16, 2016.

The Constitution of the State of Wyoming was adopted in Convention at Cheyenne, Wyoming on September 30, 1889 and ratified by the people of Wyoming on November 5, 1889.



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state. The oath to members of the senate and house of representatives shall be administered by one of the judges of the supreme court or a justice of the peace, in the hall of the house to which the members shall be elected.

Sec. 22. Absent voter ballots, voting and registration. The provisions of section 11 of article 6 of this constitution, which provides that the ballots therein mentioned shall be delivered on election day to the voters within the polling place by sworn public officials, and that only such ballots so delivered shall be received and counted, shall not be applicable to, affect or invalidate absent voter ballots and voting thereof and registration therefor, as provided by article 14, of chapter 36, Wyoming Revised Statutes, 1931, and other acts of the legislature of the State of Wyoming, amendatory thereof or related thereto, whether heretofore or hereafter enacted.

This section was added by an amendment proposed at the 1944 special session of the legislature, ratified by a vote of the people at the general election held on November 7, 1944, and proclaimed in effect on December 6, 1944.

ARTICLE 7

EDUCATION; STATE INSTITUTIONS; PROMOTION OF HEALTH AND

Sec. 1. Legislature to provide for public schools. The legislature shall provide for the establishment and maintenance of a complete and uniform system of public instruction, embracing free elementary schools of every needed kind and grade, a university with such technical and professional departments as the public good may require and the means of the state allow, and such other institutions as may be necessary.

Sec. 2. School revenues. The following are declared to be perpetual funds for school purposes, of which the annual income only can be appropriated, to wit: Such per centum as has been or may hereafter be granted by congress on the sale of lands in this state; all moneys arising from the sale or lease of sections number sixteen and thirty-six in each township in the state, and the lands selected or that may be selected in lieu thereof; the proceeds of all lands that have been or may hereafter be granted to this state, where by the terms and conditions of the grant, the same are not to be otherwise appropriated; the net proceeds of lands and other property and effects that may come to the state by escheat or forfeiture, or from unclaimed dividends or distributive shares of the estates of deceased persons; all moneys, stocks, bonds, lands and other property now belonging to the common school funds. Provided, that the rents for the ordinary use of said lands shall be applied to the support of public schools and, when authorized by general law, not to exceed thirty-three and one-third (33 1/3) per centum

of oil, gas, coal, or other mineral royalties arising from the lease of any said school lands may be so applied.

This section was amended by a resolution adopted by the 1923 legislature, ratified by a vote of the people at the general election held on November 4, 1924, and proclaimed in effect on December 10, 1924. The amendment added the proviso clause.

Sec. 3. Other sources of school revenues. To the sources of revenue above mentioned shall be added all other grants, gifts and devises that have been or may hereafter be made to this state and not otherwise appropriated by the terms of the grant, gift or devise.

Sec. 4. Restriction in use of revenues. All money, stocks, bonds, lands and other property belonging to a county school fund, except such moneys and property as may be provided by law for current use in aid of public schools, shall belong to and be invested by the several counties as a county public school fund, in such manner as the legislature shall by law provide, the income of which shall be appropriated exclusively to the use and support of free public schools in the several counties of the state.

This section was amended by a resolution adopted by the 1969 legislature, ratified by a vote of the people at the general election held on November 3, 1970, and proclaimed in effect on December 3, 1970.

Sec. 5. Fines and penalties to belong to public school fund. All fines and penalties under general laws of the state shall belong to the public school fund of the respective counties and be paid over to the custodians of such funds for the current support of the public schools therein.

Sec. 6. State to keep school funds; investment. All funds belonging to the state for public school purposes, the interest and income of which only are to be used, shall be deemed trust funds in the care of the state, which shall keep them for the exclusive benefit of the public schools. The legislature shall provide by law for the investment of such trust funds.

This section was amended by a resolution adopted by the 1915 and 1969 legislatures. The latest amendment was ratified by a vote of the people at the general election held on November 3, 1970, and proclaimed in effect on December 3, 1970.

Sec. 7. Application of school funds. The income arising from the funds mentioned in the preceding section, together with all the rents of the unsold school lands and such other means as the legislature may provide, shall be exclusively applied to the support of free schools in every county in the state.

Sec. 8. Distribution of school funds. Provision shall be made by general law for the equitable allocation of such income among all school districts in the state. But no appropriation shall be made from said fund to any district for the year in which a school has not been maintained for at least

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three (3) months; nor shall any portion of any public school fund ever be used to support or assist any private school, or any school, academy, seminary, college or other institution of learning controlled by any church or sectarian organization or religious denomination whatsoever.

This section was amended by a resolution adopted by the 1978 legislature, ratified by a vote of the people at the general election held on November 7, 1978, and proclaimed in effect on November 25, 1978.

Sec. 9. Taxation for schools. The legislature shall make such further provision by taxation or otherwise, as with the income arising from the general school fund will create and maintain a thorough and efficient system of public schools, adequate to the proper instruction of all youth of the state, between the ages of six and twenty-one years, free of charge; and in view of such provision so made, the legislature shall require that every child of sufficient physical and mental ability shall attend a public school during the period between six and eighteen years for a time equivalent to three years, unless educated by other means.

Sec. 10. No discrimination between pupils. In none of the public schools so established and maintained shall distinction or discrimination be made on account of sex, race or color.

Sec. 11. Textbooks. Neither the legislature nor the superintendent of public instruction shall have power to prescribe text books to be used in the public schools.

Sec. 12. Sectarianism prohibited. No sectarian instruction, qualifications or tests shall be imparted, exacted, applied or in any manner tolerated in the schools of any grade or character controlled by the state, nor shall attendance be required at any religious service therein, nor shall any sectarian tenets or doctrines be taught or favored in any public school or institution that may be established under this constitution.

Sec. 13. Land commissioners. [Superseded by Article 18, Section 3 as amended 1922.]

This section has been superseded by Wyo. Const. Art. 18, Sec. 3, as amended in 1922, which incorporates as its first sentence the provisions of this section with this change, that the state auditor is made a member of the board.

Sec. 14. Supervision of schools entrusted to state superintendent of public instruction. The general supervision of the public schools shall be entrusted to the state superintendent of public instruction, whose powers and duties shall be prescribed by law.

Sec. 15. Establishment of university confirmed. The establishment of the University of Wyoming is hereby confirmed, and said

institution, with its several departments, is hereby declared to be the University of the State of Wyoming. All lands which have been heretofore granted or which may be granted hereafter by congress unto the university as such, or in aid of the instruction to be given in any of its departments, with all other grants, donations, or devises for said university, or for any of its departments, shall vest in said university, and be exclusively used for the purposes for which they were granted, donated or devised. The said lands may be leased on terms approved by the land commissioners, but may not be sold on terms not approved by congress.

Sec. 16. Tuition free. The university shall be equally open to students of both sexes, irrespective of race or color; and, in order that the instruction furnished may be as nearly free as possible, any amount in addition to the income from its grants of lands and other sources above mentioned, necessary to its support and maintenance in a condition of full efficiency shall be raised by taxation or otherwise, under provisions of the legislature.

Sec. 17. Government of university. The legislature shall provide by law for the management of the university, its lands and other property by a board of trustees, consisting of not less than seven members, to be appointed by the governor by and with the advice and consent of the senate, and the president of the university, and the superintendent of public instruction, as members ex officio, as such having the right to speak, but not to vote. The duties and powers of the trustees shall be prescribed by law.

Sec. 18. Establishment of institutions. Such charitable, reformatory and penal institutions as the claims of humanity and the public good may require, shall be established and supported by the state in such manner as the legislature may prescribe. They shall be supervised as prescribed by law.

This section was amended by a resolution adopted by the 1989 legislature, ratified by a vote of the people at the general election held on November 6, 1990, and proclaimed in effect on November 21, 1990.

Sec. 19. Territorial institutions pass to state. The property of all charitable and penal institutions belonging to the Territory of Wyoming shall, upon the adoption of this constitution, become the property of the State of Wyoming, and such of said institutions as are then in actual operation, shall thereafter have the supervision of the board of charities and reform as provided in the last preceding section of this article, under provisions of the legislature.

Sec. 20. Duty of legislature to protect and promote health and morality of people. As the health and morality of the people are essential to

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their well-being, and to the peace and permanence of the state, it shall be the duty of the legislature to protect and promote these vital interests by such measures for the encouragement of temperance and virtue, and such restrictions upon vice and immorality of every sort, as are deemed necessary to the public welfare.

Sec. 21. Buildings and property of territory pass to state. All public buildings and other property, belonging to the territory shall, upon the adoption of this constitution, become the property of the State of Wyoming.

Sec. 22. Construction and supervision. The construction, care and preservation of all public buildings of the state not under the control of the board or officers of public institutions by authority of law shall be entrusted to such officers or boards, and under such regulations as shall be prescribed by law.

Sec. 23. Permanent location. The legislature shall have no power to change or to locate the seat of government, the state university, or state hospital, but may provide by law for submitting the question of the permanent locations thereof respectively, to the qualified electors of the state, at some general election, and a majority of all votes upon said question cast at said election, shall be necessary to determine the location thereof; but until the same are respectively and permanently located, as herein provided, the location of the seat of government and said institutions shall be as follows: The seat of government shall be located at the City of Cheyenne, in the County of Laramie. The state university shall be centered at the City of Laramie, in the County of Albany. The state hospital shall be located at or near the City of Evanston, in the County of Uinta. A penitentiary shall be located at or near the City of Rawlins, in the County of Carbon. The legislature may provide by law the location of other public institutions, including correctional facilities.

This section was amended by a resolution adopted by the 1978 legislature, ratified by a vote of the people at the general election held on November 7, 1978, and proclaimed in effect on November 25, 1978.

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IRRIGATION AND WATER RIGHTS

Sec. 1. Water is state property. The water of all natural streams, springs, lakes or other collections of still water, within the boundaries of the state, are hereby declared to be the property of the state.

Sec. 2. Board of control. There shall be constituted a board of control, to be composed of the state engineer and superintendents of the