

Governing Statute

The following are excerpts from the Wyoming state statutes which establish and govern community colleges in Wyoming, such as Central Wyoming College, which is one of seven community colleges so established.

These statutory provisions may be found in Chapter 18 of Title 21 (Education) of the Wyoming Statutes Annotated. As set forth therein, community colleges are set up as instrumentalities of the State of Wyoming.

Document:

Wyo. Stat. § 21-18-101



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Wyo. Stat. § 21-18-101

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Current through 2021 General Session of the Wyoming Legislature. Subject to revisions by LSO.

[Wyoming Statutes Annotated](#) [Title 21 Education](#) [Chapter 18 Community Colleges](#) [Article 1. Generally](#)

§ 21-18-101. Short title.

This act shall be known and may be cited as the "Wyoming Community College System Code."

History

Laws 1967, ch. 217, § 1; W.S. 1957, § 21-471; Laws 1977, ch. 169, § 1; Rev. W.S. 1957, § 21-3-201; W.S. 1977, § 21-18-201; Laws 1985, ch. 208, § 3; 2000, ch. 73, § 1.

▼ Annotations

Notes

Editor's notes. —

Former § 21-18-101 was renumbered by Laws 1985, ch. 208, § 3, effective July 1, 1985. For present provision, see § 21-18-103.

Meaning of "this act." —

For the definition of "this act," referred to in this section, see § 21-18-102(a)(xvi).

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Wyo. Stat. § 21-18-102

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Wyoming Statutes Annotated Title 21 Education (Chs. 1 – 24) Chapter 18 Community Colleges (Arts. 1 – 4) Article 1. Generally (§§ 21-18-101 – 21-18-105).

§ 21-18-102. Definitions.

(a) As used in this act:

(i) "Academic program" means those programs approved by the commission which provide credits:

(A) Resulting in a two (2) year associate degree;

(B) Resulting in an applied baccalaureate degree;

(C) Resulting in a credit bearing credential such as a certificate; or

(D) Which may be transferred to an accredited four (4) year college or university.

(ii) "Administrative computing," means hardware and software components that support data processing activities for daily business operations and provide support for management information systems. Administrative computing shall be distinct from academic computing operations that support instructional programs;

(iii) "Assessed value" means the total assessed value of any community college district;

(iv) "Biennial funding report" means the current funds estimated by each college to be expended in a biennial period. For purposes of this paragraph, "current funds" shall be as defined by the national association of college and university business officers;

(v) "College system" means the community colleges and the community college commission established pursuant to this act;

(vi) "Commission" means the community college commission of Wyoming;

(vii) "Community college" means an institution established under this act;

(viii) "Community college district" means a body corporate established by statute as a subdivision of a county or counties that establishes or maintains a community college;

(ix) "Community service programs" means all programs, class activities and services sponsored by a college which are not for credit or part of an academic, vocational-technical or continuing education program;

(x) "Continuing education programs" means those programs, class activities and services sponsored by a college which provide job skills necessary to remain in or advance as a member of the work force which do not result in degrees or certificates;

(xi) "Coordination" means to facilitate collaborative interaction among state government, the





(xii) "Full-time equivalency" means the number of approved academic or vocational-technical credit hours for each class for which students are enrolled divided by twelve (12). In calculating full-time equivalency, the census date of student enrollment as audited by the commission shall be used;

(xiii) "Governing board" or "board" means the community college district board;

(xiv) "School district" means any school district established pursuant to the laws of this state excluding community colleges and community college districts;

(xv) "Vocational-technical programs" means those programs approved by the commission which provide job skills necessary to enter, remain in or advance as a member of the work force and result in degrees or certificates;

(xvi) "Annual weighted average enrollment" means the total of three (3) consecutive academic years full-time weighted equivalency enrollment in which the most recent academic year is multiplied by one-half (.5) and the immediately preceding two (2) academic years are multiplied by one-quarter (.25);

(xvii) "Distance education class" means a class in which the instructor and a majority of students are physically separated by time or space, and a communications source other than face to face in class instruction is used to provide synchronous or asynchronous instruction. A class which qualifies as a distance education class shall not be considered a level one, level two or level three class;

(xviii) "Full-time weighted equivalency enrollment" means full-time equivalency with credit hours for each class assigned a weighting system as follows:

(A) Each distance education class credit hour shall be multiplied by eight-tenths (.8);

(B) Each level one class credit hour shall be multiplied by one (1);

(C) Each level two class credit hour shall be multiplied by one and one-quarter (1.25);

(D) Each level three class credit hour shall be multiplied by one and one-half (1.5).

(xix) "Level one class" means a class guided by an instructor through course material via classroom lecture, limited field trips, multimedia, text book reading, written assignments and one-on-one tutorial wherein students rely on the instructor to lead the class and assign appropriate homework and tests based on class lecture;

(xx) "Level two class" means a class taught in a laboratory setting, supplemented but not solely based on lecture, textbook reading, field trips, writing assignments and the use of multimedia;

(xxi) "Level three class" means a class that is highly technical and requires significant ancillary equipment. Level three classes incorporate all methods of instruction with the primary emphasis of instruction centering on equipment and hands-on experiences;

(xxii) "Standard budget base amount" means a base budget amount of one hundred ninety-four million seven hundred two thousand one hundred thirty-one dollars (\$194,702,131.00) adjusted by all increases and decreases enacted pursuant to W.S. 21-18-203(e);

(xxiii) "This act" means W.S. 21-18-101 through 21-18-409.



History

▼ Annotations

Notes

Effective Dates

Laws 2019, ch. 176 § 4, makes the act effective immediately upon completion of all acts necessary for a bill to become law as provided by art. 4, § 8 of the Wyo. Const.
Approved March 8, 2019.

The 2016 amendment, effective July 1, 2016, inserted "In calculating full-time equivalency, the census date of student enrollment as audited by the commission shall be used" at the end of (a)(xii), added (a)(xvi) through (a)(xxii), and renumbered (a)(xvi) as (a)(xxiii).

The 2018 amendment, effective July 1, 2018, in (a)(xxiii), substituted "through 21-18-319" for "through 21-18-317."

The 2019 amendment, in (a)(xxiii), substituted "W.S. 21-18-101 through 21-18-409" for "W.S. 21-18-101 through 21-18-319."

Editor's notes. —

There is no subsection (b) in this section as it appears in the printed acts.

Research References & Practice Aids

Law reviews. —

For case note, "Constitutional Law — A Narrow Reapportionment Holding with Broad Implications for Wyoming. *Brown v. Thomson*, 462 U.S. 835, 103 S. Ct. 2690, 77 L. Ed. 2d 214, 1983 U.S. LEXIS 78 (1983)," see XIX Land & Water L. Rev. 253 (1984).

Hierarchy Notes:

Wyo. Stat. Title 21

Wyo. Stat. Title 21, Ch. 18

Wyo. Stat. Title 21, Ch. 18, Art. 1



Document:

Wyo. Stat. § 21-18-105


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Wyo. Stat. § 21-18-105

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§ 21-18-105. Budget authority.

(a) The community college commission shall include in its budget request funding for Wyoming public television.

(i) and (ii) Repealed by Laws 1995, ch. 20, § 2.

(iii) Repealed by Laws 2000, ch. 33, § 2.

(iv) Repealed by Laws 1997, ch. 178, § 2.

(b) The central Wyoming community college district board shall oversee the operations of Wyoming public television. The board shall assist Wyoming public television to provide educational, cultural and informational programming to the residents of this state.

(c) In addition to subsection (a) of this section, the community college commission shall administer and shall include in its budget request funding for the following programs:

(i) Adult basic education program; and

(ii) High school equivalency certification program.

History

Laws 1991, ch. 228, § 1; 1995, ch. 20, § 2; 1997, ch. 178, § 2; 2000, ch. 33, §§ 1, 2; 2003, ch. 152, § 1; 2006, ch. 11, § 1; 2013, ch. 25, § 1.

▼ Annotations

Notes

The 2006 amendment, effective July 1, 2006, added (c).

The 2013 amendment, substituted "high school equivalency certification" for "general educational development" in (c)(ii).

Laws 2013, ch. 25, § 4, makes the act effective immediately upon completion of all acts necessary for a bill to become law as provided by art. 4, § 8, Wyo Const. Approved February 14, 2013.

Editor's notes. —

Laws 2006, ch. 11, § 3, effective July 1, 2006, provides: "The adult basic education program and the general educational development program shall be transferred from the department of workforce services to the community college commission. All positions, property and appropriated funds associated with these programs shall be transferred from the department to the commission. In addition, all rules and regulations promulgated by the department pertaining to both programs shall remain in effect and unaltered as rules and regulations of the commission until amended or repealed by the commission."

Research References & Practice Aids

Hierarchy Notes:

Wyo. Stat. Title 21

Wyo. Stat. Title 21, Ch. 18

Wyo. Stat. Title 21, Ch. 18, Art. 1



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Wyo. Stat. § 21-18-201**Copy Citation**

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Wyoming Statutes Annotated **Title 21 Education** **Chapter 18 Community Colleges** **Article 2. Community College Commission**

§ 21-18-201. Community college commission; created; composition; removal.

- (a) The Wyoming community college commission is created.
- (b) The commission consists of seven (7) appointed members:
 - (i) Repealed by Laws 2000, ch. 73, § 3.
 - (ii) No less than three (3) nor more than four (4) appointed members shall be from counties in which a community college district is located;
 - (iii) No more than seventy-five percent (75%) of the members shall be from the same political party.
- (c) The governor and the state superintendent of public instruction are ex officio nonvoting members of the commission.
- (d) Appointments to the commission shall be made by the governor with the advice and consent of the senate. Vacancies shall be filled by the governor as provided by W.S. 28-12-101. Commission members shall not be employees or trustees of a community college district. All terms of appointment shall be for four (4) years except appointments to fill unexpired terms. No person shall be appointed for more than two (2) full four (4) year terms plus any portion of a term served while filling a vacancy. The governor may remove any commission member as provided in W.S. 9-1-202.
- (e) A chairman and officers of the commission shall be elected biennially by the commission from its members.
- (f) The members of the commission shall be paid per diem and travel expenses while attending commission meetings at the same rate allowed members of the legislature. The commission shall meet at least four (4) times each fiscal year.
- (g) Any commissioner who does not attend at least fifty percent (50%) of scheduled commission meetings during any year commencing from the date of appointment is automatically removed from office. The director of the commission shall certify the name of any commissioner who has not attended at least fifty percent (50%) of scheduled meetings during each appointment year to the governor who shall appoint a successor to fill the vacancy within two (2) weeks from the date of certification.



Laws 1985, ch. 208, § 1; 1987, ch. 175, § 1; 2000, ch. 73, §§ 1, 3; 2005, ch. 242, § 2; 2013, ch. 1, § 2; 2015, ch. 30, § 1; 2016, ch. 119, § 1.

▼ Annotations

Notes

The 2005 amendment deleted "or their designees" following "public instruction" in (c).

Laws 2005, ch. 242, § 3, makes the act effective immediately upon completion of all acts necessary for a bill to become law as provided by art. 4, § 8, Wyo. Const. Approved March 11, 2005.

The 2013 amendment, added ", the director of the department of education" in (c).

Laws 2013, ch. 1, § 6, makes the act effective immediately upon completion of all acts necessary for a bill to become law as provided by art. 4, § 8, Wyo. Const. Approved January 29, 2013.

The 2015 amendment, in (c), deleted "the director of the department of education" preceding "and the state" and made a related change.

Laws 2015, ch. 30, § 7, makes the act effective immediately upon completion of all acts necessary for a bill to become law as provided by art. 4, § 8, Wyo. Const. Approved February 25, 2015.

The 2016 amendment, effective July 1, 2016, substituted "seventy-five percent (75%) of the" for "four (4)" in (b)(iii).

Editor's notes. —

Former § 21-18-201 was renumbered by Laws 1985, ch. 208, § 3, effective July 1, 1985. For present provision, see § 21-18-101.

Laws 2016, ch. 119, § 2 state as follows: "Nothing in this act shall be deemed to affect the current term of any member of any authority, board, commission, committee or council. The governor shall make appointments in accordance with this act for any vacancy occurring on or after the effective date of this act."

2013 amendment unconstitutional. —

Senate Enrolled Act 1 (Laws 2013, Chapter 1), which amended this section, is



Wyo. Const. art. 7, § 14. Powers v. State, 2014 WY 15, 318 P.3d 300, 2014 Wyo. LEXIS 16 (Wyo. 2014), and Powers v. State, No. 180-673 (1st Jud. Dist. Ct. Apr. 18, 2014).

Research References & Practice Aids

Hierarchy Notes:

Wyo. Stat. Title 21

Wyo. Stat. Title 21, Ch. 18

Wyo. Stat. Title 21, Ch. 18, Art. 2

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Wyo. Stat. § 21-18-303

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Wyoming Statutes Annotated **Title 21 Education (Chs. 1 – 24).** **Chapter 18**
Community Colleges (Arts. 1 – 4). **Article 3. Community College Districts (§§ 21-**
18-301 – 21-18-319).

§ 21-18-303. District board generally; powers; board approved additional mill levy.

- (a) The community college district board may:
- (i) Sue and be sued in the name by which the district is designated;
 - (ii) Hold and convey property for the benefit of the district in the name by which the district is designated;
 - (iii) Employ legal counsel and bear the cost of litigation;
 - (iv) Construct or otherwise provide bookstores, vehicular parking facilities, recreational, or other facilities necessary and incidental to the community college, and may fix rates and provide for the collection of same;
 - (v) Issue general obligation bonds for community college purposes as specified in this act;
 - (vi) Issue revenue bonds for the purposes, and in the manner specified in this act;
 - (vii) Establish and collect charges, and rentals and student fees for services and facilities furnished, acquired, constructed, or purchased from the proceeds of revenue bonds;
 - (viii) Charge and collect fees and tuition;
 - (ix) Enter into agreements with any public or private agency, institution, person or corporation for the performance of acts or for the furnishing of services or facilities by or for the community college district or for the joint performance of an act or function or the joint furnishing of services and facilities by the district and the other party to the agreement;
 - (x) Insure against loss of property or revenue from any cause;
 - (xi) Insure against public liability or property damage concerning the facilities authorized by the governing board, and insure and hold harmless from liability all administrative and teaching personnel, and all other employees of the community college district;
 - (xii) Establish criteria for appointments to fill vacancies in the board not inconsistent with the provisions of this act and provide for the removal of a board member for cause or change of residence;
 - (xiii) Call special meetings at the discretion of the board president or a majority of the board without the necessity of publication of formal notice;
 - (xiv) Contribute to the financial support of the commission in funding or in-kind services as





imposed upon the treasurer and who may be empowered to satisfy debts of the district as they become due and owing;

(xvi) Confer degrees and certificates, including applied baccalaureate degrees approved by the commission, and grant diplomas as are usual for community colleges and authorized under its accreditation by the regional accrediting agency;

(xvii) Subject to all applicable laws and rules, determine the qualifications and responsibilities of bidders or respondents on contracts for the construction of public projects, facilities or structures over which the board controls the bidding process, through the use of standard forms and procedures adopted by the board;

(xviii) Enter into student learner agreements as defined by W.S. 27-14-102(a)(xxxiv) with any employer pursuant to W.S. 27-14-110.

(b) In addition to the levy imposed under W.S. 21-18-304(a)(vii) and any levy imposed under W.S. 21-18-311(f), the community college district board may approve up to one (1) additional mill levy on the assessed value of the district for a period not to exceed two (2) years for the regular support and operation of the college. A determination by the board shall be made at a regular or special meeting following a public hearing announced by the board. Notice of intent to levy all or a portion of the additional one (1) mill shall be published in a newspaper of general circulation within the district at least thirty (30) days before the hearing date. Upon approval, the board shall report the additional levy to the board of county commissioners of each county within the district in the same manner the necessary levy under W.S. 21-18-304(a)(vii) is reported. Any tax imposed under this subsection may be renewed by the board for additional two (2) year periods subject to public hearing requirements specified under this section and shall be levied, collected and distributed separate from the tax imposed under W.S. 21-18-304(a)(vii) and any additional levy imposed under W.S. 21-18-311(f). Revenues collected under this subsection shall not be restricted by the commission in any manner but shall be identified in the biennial funding report of the college under W.S. 21-18-205(b).

(c) The community college district board shall procure the professional services of architects, engineers and surveyors in accordance with W.S. 9-23-105(f) through (h) and 9-23-106(g).

History

Laws 1967, ch. 217, § 5; W.S. 1957, § 21-475; Laws 1977, ch. 169, § 1; Rev. W.S. 1957, § 21-3-205; W.S. 1977, § 21-18-205; Laws 1985, ch. 208, § 4; 1990, ch. 40, § 1; 1991, ch. 197, § 1; 1993, ch. 188, § 1; 2000, ch. 33, § 1; ch. 73, § 1; 2013, ch. 132, § 1; 2019, ch. 199, § 1; 2020, ch. 30, § 1; 2021, ch. 160, § 2.



▼ Annotations



Laws 2019, ch. 199 § 3, makes the act effective immediately upon completion of all acts necessary for a bill to become law as provided by art. 4, § 8 of the Wyo. Const. Approved March 15, 2019.

The 2013 amendment, added (a)(xvii).

Laws 2013, ch. 132, § 2, made the act effective immediately upon completion of all acts necessary for a bill to become law as provided by art. 4, § 8 of the Wyo. Const. Approved March 13, 2013.

The 2019 amendment, in (a)(xvi), substituted "certificates, including applied baccalaureate degrees approved by the commission, and grant diplomas" for "certificates and grant diplomas."

The 2020 amendment, effective October 1, 2020, added (c).

The 2021 amendment, effective July 1, 2021, added (a)(xviii).

Meaning of "this act." —

For the definition of "this act," referred to in this section, see § 21-18-102(a)(xvi).

Research References & Practice Aids

Hierarchy Notes:

Wyo. Stat. Title 21

Wyo. Stat. Title 21, Ch. 18

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[Wyoming Statutes Annotated](#) [Title 21 Education](#) [Chapter 18 Community Colleges](#) [Article 3. Community College Districts](#)

§ 21-18-304. District board generally; duties.

(a) The community college district board shall:

(i) Prescribe and enforce rules and regulations for its own government and for government of the community college under its jurisdiction. Rules and regulations shall not be inconsistent with the rules and regulations of the community college commission;

(ii) Prescribe requirements for graduation;

(iii) Report annually the revenues and expenses of the community college district in accordance with the rules and regulations of the community college commission;

(iv) Submit such reports as the community college commission may require under W.S. 21-18-202;

(v) Require the treasurer and the assistant treasurer of the district board to give such bond in such penalty and with such sureties as the board shall direct and approve, conditioned upon the faithful application of all money and property which may come into their hands by virtue of their office. Each bond shall not exceed one and one-half (1 ½) times the amount of all college monies handled by the treasurer or assistant treasurer in any one (1) year. Bonds, after being approved by the board, shall be filed with the board, and no disbursements shall be made until the bonds are approved and filed. In case of breach of conditions of bonds, suit shall be brought thereon by the board for the benefit of the district;

(vi) Appoint a chief administrative officer of the community college who shall be given such official title as the board may determine;

(vii) At the first meeting of each fiscal year or at any appropriate time, make an estimate of the amount of funds required to be raised through a tax levy upon the property lying within the district for community college purposes, and present to the board of county commissioners of each county included within the district, a certified estimate of the tax required to raise the appropriate amount. The tax in any one (1) year shall not exceed four

(4) mills on the assessed value of the district, excluding any tax approved by the board and imposed under W.S. 21-18-303(b) and any tax approved by the district electors and imposed under W.S. 21-18-311(f). The tax shall be levied and collected in the same manner as other county taxes and when collected, the county treasurer shall forward the tax revenue to the treasurer of the community college district board;

(viii) Control and disburse, or cause to be disbursed, all monies received from any source to maintain the community college;

(ix) Keep a record of all the official acts performed by the board and keep a record of all warrants issued against the monies belonging to the community college district. Payments of money shall be made upon warrant drawn against funds belonging to the community college district and the warrants so drawn must specify upon their face the purposes for which funds are called for by warrants. The board shall provide, at the expense of the district, a seal, upon which shall be engraved the words, "..... Community College District, State of Wyoming", the blank space to contain the legal name of the college district. The seal shall be kept in the possession of the secretary, shall be affixed to all communications or notices required by law to be sent or published by the board and to all warrants drawn upon the district;

(x) Conduct elections held by the community college district for election of board members, the issuance of bonds, the questions of mill levies and annexations and any other community college election appropriately within the jurisdiction of the district board, all in accordance with the election procedures set forth in this act;

(xi) Develop and maintain a comprehensive plan of district buildings addressing district long-term building needs, clearly distinguishing those building needs associated with education space needs attached to the statewide college system strategic plan developed by the community college commission under W.S. 21-18-202(a)(v) from other district needs which may be included within the district's long-term plan. Building plans and capital construction requests shall be submitted to the commission in a form and format specified by commission rule and regulation. In addition, the board shall provide planning, design and other information required by the state construction department under W.S. 21-18-225(g) and shall cooperate with the department and the commission as necessary to undertake any building construction project receiving state funds and addressing needs prioritized by the commission in accordance with W.S. 21-18-225.

History

Laws 1967, ch. 217, § 6; W.S. 1957, § 21-476; Laws 1977, ch. 169, § 1; Rev. W.S. 1957, § 21-3-206; W.S. 1977, § 21-18-206; Laws 1985, ch. 208, § 4; 1989, ch. 248, § 2; 1990, ch. 40, § 1; 2000, ch. 73, § 1; 2009, ch. 211, § 2; 2016, ch. 105, § 3.

▼ Annotations
Notes

The 2009 amendment, effective July 1, 2009, added (a)(xi).

The 2016 amendment, effective July 1, 2016, in (a)(xi) substituted "state construction department" for "department of administration and information."

Editor's notes. —

There is no subsection (b) in this section as it appears in the printed acts.

Meaning of "this act." —

For the definition of "this act," referred to in subsection (a)(x), see § 21-18-102(a)(xvi).

Limited power of board to re-rate teachers. —

When the community college district board has once adopted a policy and, without fraud, error or mistake, rates a teacher under that policy, although the board may later change its policy as to new entrants into the department, it has no power years later to go back and review that teacher's case and to re-rate that teacher retrospectively on the theory that the original rating was too high. *Northern Wyo. Community College Dist. v. Nipps*, 582 P.2d 83, 1978 Wyo. LEXIS 222 (Wyo. 1978).

And limited court review of board's application of regulations. —

The courts may set aside the community college district board's application of regulations only where the board acts arbitrarily or fraudulently, or where there is an illegal exercise of discretion; and the burden of proving such defects is on the complainant. *Northern Wyo. Community College Dist. v. Nipps*, 582 P.2d 83, 1978 Wyo. LEXIS 222 (Wyo. 1978).

Cited in

Long v. Laramie County Community College Dist., 840 F.2d 743, 1988 U.S. App. LEXIS 2079 (10th Cir. 1988).

Research References & Practice Aids

Hierarchy Notes:

Wyo. Stat. Title 21

Wyo. Stat. Title 21, Ch. 18

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Wyo. Stat. § 21-18-308

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[Wyoming Statutes Annotated](#) [Title 21 Education](#) [Chapter 18 Community Colleges](#) [Article 3. Community College Districts](#)

§ 21-18-308. Number of board members; election; subdistricts; apportionment.

- (a) Each community college district board shall consist of seven (7) members to be elected as provided by law.
- (b) The community college district board may by resolution partition the community college district into election subdistricts to provide for representation on the district board in accordance with population. Where population figures permit, monetary evaluation and geographic factors may be considered in determining subdistricts.
- (c) The community college district board shall by resolution designate the number of members of the district board which shall be elected from each election subdistrict if any, in accordance with the population of the community college district and the respective election subdistricts.

History

Laws 1967, ch. 217, § 14; W.S. 1957, § 21-484; Laws 1974, ch. 8, § 1; 1977, ch. 169, § 1; Rev. W.S. 1957, § 21-3-216; W.S. 1977, § 21-18-216; Laws 1985, ch. 208, § 4.

▼ Annotations

Research References & Practice Aids

Cross references. —

As to conducting community college district elections, see §§ 22-22-101 to 22-22-304.



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[Wyoming Statutes Annotated](#) [Title 21 Education](#) [Chapter 18 Community Colleges](#) [Article 3. Community College Districts](#)

§ 21-18-312. Formation of districts.

(a) An application for the formation of a community college district may be submitted to the commission only when the following minimal prerequisites have been satisfied: the area to be formed into the district must be a territory having an assessed property valuation of not less than one hundred million dollars (\$100,000,000.00); there must be not less than fifteen hundred (1,500) students regularly enrolled in grades nine (9) through twelve (12). The territory of such district may encompass one (1) or more counties.

(b) No community college may be established in the state of Wyoming unless approved by the community college commission pursuant to the provisions of this act and approved by the legislature. No state funds for any purpose shall ever be distributed to any community college district which is formed without legislative approval.

(c) The application for the formation of a community college district shall be submitted in the form prescribed by the commission and subscribed by not less than five hundred (500) or twenty-five percent (25%), whichever is the smaller number of qualified electors residing within each of the counties situated in the area sought to be organized into a community college district.

(d) Whenever the community college commission receives a proper application for the formation of a community college district, it shall cause a survey to be conducted to consider the need for a community college in the proposed district, the need for the community college in the state, the financial ability of the proposed district to support a college, the educational soundness of the proposed community college plan and any other matters which might assist the commission in the disposition of the application. The county commissioners of the area within the proposed community college district shall reimburse the community college commission for all reasonable expenses incurred in making the survey. If the proposed district embraces more than one (1) county the costs of the survey shall be shared proportionately by the counties involved, according to population within the proposed district.

(e) The commission shall approve or disapprove the petition within ninety (90) days of receipt thereof. The commission shall furnish the legislature a copy of its survey findings and

recommendations and shall notify the county commissioners of the county wherein the proposed community college is to be located of its findings and recommendations.

(f) After receipt of notice that a petition for establishment of a community college has been approved by the commission, the county clerk of the county wherein the proposed community college is to be located shall conduct an election to determine the question of creation of a community college district with authority to levy a tax not to exceed four (4) mills and to elect the initial members of the community college district board. The election shall be held on the next election date authorized under W.S. 22-21-103 which is not less than sixty (60) days after the receipt of the notice by the county clerk. In the event two (2) or more counties are to be included in the proposed community college district, the county commissioners shall proceed in accordance with W.S. 22-22-103. The county clerk of the other county or counties involved shall conduct an election on that date as hereinafter provided. The county commissioners of the county or counties included within the proposed community college district shall pay all costs incident to the conduct of the election within their respective counties.

(g) The county clerk of the county wherein the proposed community college is to be located shall publish at least one (1) notice of election in a newspaper of general circulation in the proposed community college district. The publication shall be made no more than thirty (30) days nor fewer than fifteen (15) days prior to the date set for the election. The notice shall state that the purpose of the election is to determine the question of creation of a community college district with authority to levy a tax not to exceed four (4) mills on the dollar of assessed valuation of property located within the proposed district and to elect members of the initial community college district board.

(h) The county clerk, in conducting an election to determine the establishment of a community college district, has substantially the same duties and responsibilities as in the conduct of a regular college election except as otherwise provided.

(j) Nominations to the initial community college district board are submitted on forms provided by the county clerk of the county wherein the proposed community college is to be located to be substantially the same as those required for the nomination of a candidate in a regular district board member election. All names so filed shall be printed in alphabetical order, without designation of party name or election subdistrict, on the ballot to be furnished the electors at each polling place on the day of the election by the county clerk of the county wherein the proposed community college is to be located. The names of all persons filing as candidates shall be published in a newspaper of general circulation in the proposed community college district not later than the Saturday preceding the date of the election. Nothing in this section prevents a voter from writing the name of any qualified person on such ballot.

(k) Absentee ballots are allowed in elections for the establishment of a community college district in the same manner as provided in the procedure for trustee elections.

(m) Any person who qualifies as a voter in a community college district board election is entitled to vote in an election on the question of establishment of a community college district.

(n) The question to be submitted to the voters to determine the establishment of a community college district shall be in substantially the following form:

(i) "Shall a community college district be created and established according to law,
encompassing _____ (name of the county or counties within the proposed community

encompassing (name of the county, or counties within the proposed community college district) to be known as Community College District for the operation and maintenance of a community college to be located at, Wyoming; and shall there

be levied a special tax not to exceed four (4) mills on the dollar of taxable valuation within the district for the operation and maintenance of said community college?"

Community college and special mill tax Yes ☐

Community college and special mill tax No ☐

(o) Immediately after the closing of the polls the election officers shall proceed to canvass the ballots. Results disclosed by the canvass shall be certified by the county clerk to the county commissioners of the county wherein the proposed community college is to be located. After all results have been received by the county commissioners of the county wherein the proposed community college is to be located the results shall immediately be certified to the commission.

(p) The vote necessary to authorize the establishment of a community college district is a majority of all votes cast within the proposed community college district.

(q) The county clerk shall prepare copies of the certification of election results and keep a copy of the certificate of election results on file.

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

History

Laws 1967, ch. 217, § 19; W.S. 1957, § 21-489; Laws 1977, ch. 169, § 1; Rev. W.S. 1957, § 21-3-220; W.S. 1977, § 21-18-220; Laws 1985, ch. 208, §§ 3, 4; 1996, ch. 97, § 2; 2000, ch. 73, § 1.

▼ Annotations

Notes

Editor's notes. —

There is no subsection (i) or (I), or paragraph (n)(ii) in this section as it appears in the printed acts.

Meaning of "this act." —

For definition of "this act," referred to in this section, see § 21-18-102(a)(xvi).

Posting of notice held not necessary. —

The legislature provided specifically for the method of annexation of a school district to

The legislature provided specifically for the method of annexation of a school district to an established community college district by means of an election and did not provide for any school district meeting as a requirement in the process, so notice by publication

is all that is required, and posting is unnecessary. *Reitveld v. Northern Wyo. Community College Dist.*, 344 P.2d 986 (Wyo. 1959). See now § 22-21-104, requiring posting where there is no newspaper for publication.

Presumption is in favor of validity of election. —

Every reasonable presumption will be indulged in favor of the validity of a community college district annexation election, and the one asserting that the election is irregular must bear the burden of showing that it is otherwise. *Reitveld v. Northern Wyo. Community College Dist.*, 344 P.2d 986, 1959 Wyo. LEXIS 55 (Wyo. 1959).

And an election is not to be set aside for mere informalities or irregularities unless they are shown to have affected the result of the election. *Reitveld v. Northern Wyo. Community College Dist.*, 344 P.2d 986, 1959 Wyo. LEXIS 55 (Wyo. 1959).

Commission's disapproval of county's application to form district was supported by substantial evidence and was not arbitrary or capricious, where, although the expression of findings was deficient in some areas and the financial soundness criterion was partially unsupported, the record sufficiently demonstrated a balance of the applicable criteria. *In re Campbell County*, 731 P.2d 1174, 1987 Wyo. LEXIS 388 (Wyo. 1987).

Research References & Practice Aids

Cross references. —

As to conducting community college district elections, see §§ 22-22-101 to 22-22-304.

Hierarchy Notes:

Wyo. Stat. Title 21

Wyo. Stat. Title 21, Ch. 18