

HOUSE BILL NO. HB0131

Community colleges-statewide levy.

Sponsored by: Representative(s) Jorgensen, Cohee, Hales,
Illoway and Teeters

A BILL

for

1 AN ACT relating to community colleges; enumerating
2 territory comprising districts commensurate with existing
3 college service areas; imposing a statewide mill levy for
4 credit to the state general fund and eliminating the
5 mandatory district four mill levy; continuously
6 appropriating equal general fund amounts to the community
7 college commission for the regular support and operation of
8 community colleges; accordingly modifying community college
9 commission membership; eliminating district annexation and
10 formation provisions and requiring district election
11 subdistricts; providing for equitable allocation of assets
12 and debt of existing districts; prescribing transition and
13 timelines for enlarged board and accordingly specifying
14 taxing authority; prescribing transition for commission
15 membership; and providing for effective dates.

16

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

2

3 **Section 1.** W.S. 21-18-102(a)(viii), 21-18-205(c) and
4 by creating a new subsection (h), 21-18-301, 21-18-303(b),
5 21-18-304(a)(x), 21-18-308(b), 21-18-309, 21-18-311(b),
6 (c), (f) and (h), 39-13-104(a)(i), (e)(i), (k)(i)(C) and by
7 creating a new subsection (n) and 39-13-111(a) by creating
8 a new paragraph (iv) are amended to read:

9

10 **21-18-102. Definitions.**

11

12 (a) As used in this act:

13

14 (viii) "Community college district" means a body
15 corporate established by ~~statute~~ W.S. 21-18-301 as a
16 special district political subdivision of ~~a county or~~
17 ~~counties that establishes or maintains~~ the state to
18 maintain a community college within the college system;

19

20 **21-18-205. Appropriation and distribution of state**
21 **funds; restrictions; budget authority.**

22

23 (c) State funding for the assistance of community
24 colleges shall be appropriated to the community college

1 commission unless otherwise specified by law. Subject to
2 the provisions of this section, funds appropriated for each
3 biennium under this subsection and funds appropriated under
4 subsection (h) of this section shall be distributed by the
5 commission to community colleges in amounts determined by a
6 funding allocation model adopted by rule of the commission.
7 Funding allocation model components for fixed and variable
8 costs shall be defined by and computed in accordance with
9 guidelines and procedures prescribed by rule and regulation
10 of the commission, applied to the distribution of state
11 appropriations for each biennial budget period and
12 reallocated at a schedule specified by rule and regulation
13 of the commission, but in no event less than once every
14 four (4) years. The commission may maintain a contingency
15 reserve account utilizing any revenue derived under W.S.
16 9-4-601(b)(iv)(A) to be distributed as a component of the
17 funding allocation model for specific use by the colleges
18 for emergency repairs and preventive maintenance.

19

20 (h) There is continuously appropriated from the
21 general fund to the community college commission an amount
22 equal to the amount of tax collected under W.S.
23 39-13-104(n). The amounts appropriated under this
24 subsection shall be expended by the commission for the

1 regular support and operation of community colleges in
2 accordance with and in addition to other appropriations
3 available under subsection (c) of this section. The state
4 treasurer shall make the general fund payment required by
5 this subsection upon receipt of revenues transferred and
6 deposited in accordance with W.S. 39-13-111(a)(iv).

7
8 **21-18-301. Community college district to be body**
9 **corporate; name; districts enumerated.**

10
11 (a) Each community college district which is formed
12 under this act is a body corporate by the name and style of
13 "... Community College District, State of Wyoming", the
14 blank space to contain the ~~chosen~~ name of the district
15 specified under subsection (b) of this section, and in that
16 name the district may hold property and be a party to suits
17 and contracts.

18
19 (b) The state shall be divided into community college
20 districts identified as follows:

21
22 (i) Casper college district comprised of Natrona
23 county;

24

1 (ii) Central Wyoming college district comprised
2 of Fremont, Hot Springs and Teton counties;

3
4 (iii) Eastern Wyoming college district comprised
5 of Converse, Crook, Goshen, Niobrara, Platte and Weston
6 counties;

7
8 (iv) Laramie county community college district
9 comprised of Albany and Laramie counties;

10
11 (v) Northwest college district comprised of Big
12 Horn, Park and Washakie counties;

13
14 (vi) Sheridan college district comprised of
15 Campbell, Johnson and Sheridan counties;

16
17 (vii) Western Wyoming community college district
18 comprised of Carbon, Lincoln, Sublette, Sweetwater and
19 Uinta counties.

20
21 **21-18-303. District board generally; powers; board**
22 **approved additional mill levy.**

23

1 (b) In addition to ~~the levy imposed under W.S.~~
2 ~~21-18-304(a)(vii) and~~ any levy imposed under W.S.
3 21-18-311(f), the community college district board may
4 approve a levy of up to one (1) ~~additional~~ mill ~~levy~~ on the
5 assessed value of the district for a period not to exceed
6 two (2) years for the regular support and operation of the
7 college. A determination by the board shall be made at a
8 regular or special meeting following a public hearing
9 announced by the board. Notice of intent to levy all or a
10 portion of ~~the additional~~ one (1) mill shall be published
11 in a newspaper of general circulation within the district
12 at least thirty (30) days before the hearing date. Upon
13 approval, the board shall report the ~~additional~~ levy to the
14 board of county commissioners of each county within the
15 district. ~~in the same manner the necessary levy under W.S.~~
16 ~~21-18-304(a)(vii) is reported.~~ Any tax imposed under this
17 subsection may be renewed by the board for additional two
18 (2) year periods subject to public hearing requirements
19 specified under this section and shall be levied, collected
20 and distributed separate from ~~the tax imposed under W.S.~~
21 ~~21-18-304(a)(vii) and~~ any additional levy imposed under
22 W.S. 21-18-311(f) and the statewide levy imposed under W.S.
23 39-13-104(n). Revenues collected under this subsection
24 shall be forwarded to the treasurer of the community

1 college district board and shall not be restricted by the
2 commission in any manner but shall be identified in the
3 biennial funding report of the college under W.S.
4 21-18-205(b).

5

6 **21-18-304. District board generally; duties.**

7

8 (a) The community college district board shall:

9

10 (x) Conduct elections held by the community
11 college district for election of board members, the
12 issuance of bonds, the ~~questions~~question of any mill
13 ~~levies and annexations~~levy imposed under W.S. 21-18-311(f)
14 and any other community college election appropriately
15 within the jurisdiction of the district board, all in
16 accordance with the election procedures set forth in this
17 act;

18

19 **21-18-308. Number of board members; election;**
20 **subdistricts.**

21

22 (b) The community college district board ~~may~~shall by
23 resolution partition the community college district into
24 election subdistricts to provide for representation on the

1 district board in accordance with population such that the
2 total deviation in the population between the greatest and
3 least population shall not, to the extent practicable,
4 exceed ten percent (10%). Where population figures permit,
5 monetary evaluation and geographic factors may be
6 considered in determining subdistricts.

7

8 **21-18-309. Fiscal year.**

9

10 ~~The first regular election of a community college board~~
11 ~~following creation of a community college district shall~~
12 ~~not be held until the May election date authorized under~~
13 ~~W.S. 22-21-103 of the first fiscal year in which a special~~
14 ~~mill tax is levied and assessed against the taxable~~
15 ~~property of the district for the uses and purposes of the~~
16 ~~district.~~ The fiscal year of each community college
17 district shall begin on July 1 of each year and shall end
18 on June 30 of the following year.

19

20 **21-18-311. Additional mill levy in excess of the**
21 **statewide levy; distribution of additional levy revenues.**

22

23 (b) Whenever a community college district board
24 resolves to submit the question of ~~increasing the existing~~

1 assessing a tax levy to the electors of the district
2 pursuant to subsection (f) of this section, the board shall
3 give notice.

4
5 (c) An election for ~~increasing~~ the tax levy
6 authorized under subsection (f) of this section shall be
7 held on a date authorized under W.S. 22-21-103 and
8 otherwise conducted in all respects the same as a board
9 election.

10

11 (f) ~~If the qualified electors of any community~~
12 ~~college district have previously approved a tax levy of~~
13 ~~four (4) mills for the regular support and operation of a~~
14 ~~community college,~~ In addition to the statewide mill levy
15 imposed under W.S. 39-13-104(n), the community college
16 district board may submit to the electors of the district a
17 proposition calling for ~~an additional~~ a mill levy of not to
18 exceed five (5) mills on the assessed value of the district
19 for community college purposes. ~~For elections held~~
20 ~~pursuant to this subsection on or after April 1, 2007,~~ The
21 additional mills may be used for the regular support and
22 operation and for the capital outlay needs of a community
23 college as provided under subsection (h) of this section.
24 The proposition shall be submitted at an election held on a

1 date authorized under W.S. 22-21-103. Subsections (b) and
2 (c) of this section apply to any election held under this
3 subsection. At the election, the ballot shall contain the
4 words "for the ~~additional~~.... mill levy (not to exceed
5 five (5) mills) of the Community College District" and
6 "against the ~~additional~~.... mill levy (not to exceed five
7 (5) mills) of the Community College District".
8 Following the election, each county clerk of the counties
9 involved shall immediately give notice of the election
10 result to the county commissioners and:

11

12 (i) If the ~~additional~~ levy is approved by the
13 district electors, each involved board of county
14 commissioners shall levy the ~~additional~~ tax and the same
15 proposition shall be submitted at each second general
16 election following approval of the ~~additional~~ levy until
17 the proposition is defeated. The tax shall be levied and
18 collected separate from the ~~four (4)~~ statewide mill levy
19 imposed under W.S. ~~21-18-304(a)(vii)~~, 39-13-104(n) and any
20 levy imposed under W.S. 21-18-303(b) ~~;~~ ~~and for elections~~
21 ~~held pursuant to this subsection before April 1, 2007,~~
22 ~~shall be distributed in accordance with subsection (g) of~~
23 ~~this section;~~

24

1 (ii) If the ~~additional~~-levy is defeated, the
2 proposition shall not again be submitted to the district
3 electors for at least eleven (11) months. If the
4 proposition is defeated at any general election following
5 initial adoption of the ~~additional~~-levy, the ~~additional~~-tax
6 is repealed effective December 31 of that calendar year in
7 which defeated and the levy imposed by the county
8 commissioners for the following calendar year shall not
9 exceed ~~the any~~ levy authorized under W.S. 21-18-303(b) ~~. and~~
10 ~~21-18-304(a)(vii).~~

11

12 (h) The county treasurer shall distribute revenues
13 collected under any ~~additional~~-levy authorized under
14 subsection (f) of this section ~~at an election held on or~~
15 ~~after April 1, 2007,~~ to the treasurer of the appropriate
16 community college district board of trustees. ~~in the same~~
17 ~~manner as revenues from the levy imposed under W.S.~~
18 ~~21-18-304(a)(vii).~~ Revenues distributed pursuant to this
19 subsection shall be included within the district's
20 estimated and reportable revenues for purposes of the
21 biennial funding report of the district under W.S.
22 21-18-205(b) but shall not be restricted by the commission
23 in any manner. The revenues may be used for the regular
24 support and operation of a community college and subject to

1 approval of the commission and legislature pursuant to W.S.
2 21-18-205(g), for purposes of capital outlay for district
3 capital facility repair, maintenance, construction and
4 renovation needs.

5

6 **39-13-104. Taxation rate.**

7

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

11

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

16

17 (e) There shall be annually levied and assessed upon
18 the taxable value of property within the limits of the
19 following special districts the following special district
20 taxes when applicable:

21

22 (i) Not to exceed ~~ten (10)~~ six (6) mills by a
23 community college district as provided by W.S.
24 ~~21-18-304(a)(vii)~~ 21-18-303(b) and 21-18-311(f) plus the

1 number of mills necessary for the payment of the community
2 college district debt plus interest thereon not to exceed
3 the limitations prescribed by W.S. 21-18-314(a);

4
5 (k) The following shall apply to the certification of
6 tax levies:

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

14
15 (C) On or before the first Monday in August
16 by the board for state purposes as provided by W.S.
17 9-4-302, 21-13-303, subsection (n) of this section and this
18 act.

19
20 (n) As authorized under paragraph (a)(i) of this
21 section, there shall be assessed and levied each year a
22 state tax of one (1) mill on the dollar of the assessed
23 valuation of the property within the state as certified on
24 August 10 under the provisions of subparagraph (k)(i)(C) of

1 this section, to be credited to the state general fund.
2 The tax authorized in this subsection shall be in addition
3 to any and all other taxes authorized by law.

4

5 **39-13-111. Distribution.**

6

7 (a) The following shall apply to the distribution of
8 tax collections:

9

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

14

15 **Section 2.** W.S. 21-18-103, 21-18-201(b)(ii),
16 21-18-202(b)(iv), (vi), (c)(viii) and (d)(iii),
17 21-18-205(a)(ii), 21-18-304(a)(vii), 21-18-308(c),
18 21-18-310, 21-18-311(a), (d), (e) and (g), 21-18-312 and
19 39-11-104(h) are repealed.

20

21 **Section 3.**

22

23 (a) In accordance with section 2 of this act, any
24 community college district tax levy imposed under W.S.

1 21-18-304(a)(vii) or 39-11-104(h)(i) prior to January 1,
2 2011, shall be repealed and shall not be levied effective
3 upon imposition of the statewide levy authorized under W.S.
4 39-13-104(n).

5
6 (b) Any optional levy under W.S. 21-18-303(b) imposed
7 by a community college district board elected prior to
8 January 1, 2011, shall be repealed and not be levied on the
9 assessed valuation of a district enlarged pursuant to this
10 act subsequent to the 2010 tax year. Any revenue collected
11 subsequent to January 1, 2011 from an optional mill levied
12 prior to January 1, 2011 shall be considered an asset of
13 the enlarged district and shall be allocated by the
14 enlarged board pursuant to section 4(a) of this act.

15

16 **Section 4.**

17

18 (a) On and after January 1, 2011, the board of
19 trustees elected to the community college district enlarged
20 in accordance with W.S. 21-18-301, as amended under section
21 1 of this act, shall allocate equitably the assets and
22 debts of the community college district existing prior to
23 January 1, 2011. The equitable allocation shall be
24 according to benefits received by the additional areas of

1 the enlarged district not a part of the original district
2 from the additional assets brought into the enlarged
3 district.

4
5 (b) Not later than sixty (60) days following the
6 effective date of this section, the community college
7 district board existing prior to the effective date of this
8 section shall by resolution partition the district as
9 enlarged under W.S. 21-18-301, as amended under section 1
10 of this act, into election subdistricts to provide for
11 board representation based upon population. The board
12 shall designate the number of election subdistricts such
13 that the total deviation in the population between the
14 areas with the greatest and least population shall not, to
15 the extent practicable, exceed ten percent (10%). In
16 accordance with W.S. 21-18-308(a), the board of the
17 enlarged district shall be comprised of not more than seven
18 (7) members. Apportionment under this subsection shall be
19 completed in sufficient time to enable an election of the
20 board representing the enlarged district at the November
21 2010 general election.

22
23 (c) An election of members of the board of trustees
24 of a community college district enlarged pursuant to W.S.

1 21-18-301, as amended under section 1 of this act, shall be
2 held at the November 2010 general election. Nominations to
3 the board of the enlarged district shall be submitted on
4 forms provided by the county clerk of the county comprising
5 the appropriate election subdistrict and the election shall
6 be otherwise conducted as provided by law. Terms of office
7 of board members filled prior to the effective date of this
8 section shall expire upon commencement of the certification
9 of the election of board members of the enlarged district.
10 Initial terms of trustees to be elected to the enlarged
11 community college district board shall begin upon
12 certification of the election results and shall be for not
13 less than two (2) or not less than four (4) years as
14 determined by the existing board as necessary to coincide
15 with the terms of office prescribed under W.S. 22-22-102.
16 Not more than four (4) initial members shall be elected for
17 terms of not less than four (4) years and the existing
18 board shall designate and report to the appropriate county
19 clerk the length of term for each trustee office to be
20 filled in the election. Thereafter, all terms shall be for
21 four (4) years in accordance with W.S. 22-22-102.

22

23 (d) Upon certification of the results of an election
24 held under subsection (c) of this section, the board of a

1 district enlarged pursuant to W.S. 21-18-301, as amended
2 under section 1 of this act, may approve the levy
3 authorized under W.S. 21-18-303(b) for the 2011 tax year
4 within the enlarged district, subject to notice and hearing
5 requirements, time limitations and expenditure and
6 reporting requirements imposed by law. The district board
7 shall report to each board of county commissioners, as
8 applicable, the optional mill for those counties within the
9 enlarged district. Each board of county commissioners
10 shall levy the district mill tax determined under this
11 subsection in the manner provided by law for the 2011 tax
12 year.

13

14 (e) Any mills levied under W.S. 21-18-311(f) by a
15 community college district prior to January 1, 2011 shall
16 not be levied within any county added to the enlarged
17 district under W.S. 21-18-301, as amended by section 1 of
18 this act, until the question has been submitted to and
19 approved by the electors of the additional counties within
20 the enlarged district in accordance with W.S. 21-18-311(f).

21

22 **Section 5.** Notwithstanding W.S. 21-18-201(b), as
23 amended by the repeal of W.S. 21-18-201(b)(ii) under
24 section 2 of this act, terms of office of Wyoming community

1 college commission members appointed under W.S. 21-18-201
2 prior to the effective date of this section and for which
3 the term of office expires after January 1, 2011 shall not
4 be effected by this act and shall expire in accordance with
5 the term for which originally appointed. Appointments to
6 vacated or expired commission terms on and after the
7 effective date of this section shall be in accordance with
8 W.S. 21-18-201(b), as amended by the repeal of W.S.
9 21-18-201(b)(ii) under section 2 of this act.

10

11 **Section 6.**

12

13 (a) Except as provided in subsection (b) of this
14 section, this act is effective January 1, 2011.

15

16 (b) Notwithstanding subsection (a) of this section,
17 sections 3, 4 and 5 of this act are effective immediately
18 upon completion of all acts necessary for a bill to become
19 law as provided by Article 4, Section 8 of the Wyoming
20 Constitution.

21

22

(END)