

SENATE FILE NO. SF0100

Water and sewer districts-boundary changes.

Sponsored by: Senator(s) Ross and Representative(s)  
 Illoway, Lockhart and Lubnau

A BILL

for

1 AN ACT relating to water and sewer districts; providing for  
 2 the exclusion of property from districts; providing for the  
 3 enlargement of districts by the inclusion of real property;  
 4 and providing for an effective date.

5

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

7

8 **Section 1.** W.S. 41-10-158 and 41-10-159 are created  
 9 to read:

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11 **41-10-158. Change in boundaries of districts;**  
 12 **exclusion of real property from district.**

13

14 Any owner of real property located within a district's  
 15 boundaries may file with the board of county commissioners  
 16 for the county in which the district is situated an

1 exclusion petition praying that his lands be excluded from  
2 said district. Petitions shall describe the property by  
3 accurate legal description which the petitioner desires to  
4 have excluded. The petition shall be acknowledged in the  
5 same manner and form as required in case of a conveyance of  
6 land and shall be accompanied by a deposit of money  
7 sufficient to pay all costs of the exclusion proceedings.  
8 The county commissioners shall cause a notice of filing of  
9 the petition to be published, which notice shall state the  
10 filing of the petition, the name of the petitioner,  
11 description of the property mentioned in the petition, and  
12 the prayer of the petitioner. The notices shall notify all  
13 persons interested to appear at the office of the board at  
14 the time named in the notice, showing cause in writing, if  
15 they have any, why the petition should not be granted. The  
16 board, at the time and place mentioned in the notice or at  
17 the times to which the hearing of the petition may be  
18 adjourned, shall proceed to hear the petition and all  
19 objections thereto, presented in writing by any person  
20 showing cause why the prayer of the petition should not be  
21 granted. The filing by petition shall be deemed and taken  
22 as an assent by each and all the petitioners to the  
23 exclusion from the district of the property mentioned in  
24 the petition or any part thereof. The exclusion shall be

1 allowed if an owner of the real property does not at the  
2 time of the application take or use the services provided  
3 by the district at that property. Upon allowance of the  
4 petition, the board shall file for record a certified copy  
5 of its order making the change in the boundaries, as  
6 provided in W.S. 41-10-108.

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8 **41-10-159. Change in boundaries of districts;**  
9 **enlargement by inclusion of additional real property.**

10

11 (a) The boundaries of a district may be enlarged by  
12 the inclusion of additional real property by the filing  
13 with the board of county commissioners for the county in  
14 which the district is situated an enlargement petition  
15 praying that such lands be included in the district as  
16 provided in W.S. 22-29-301.

17

18 (b) If the petition is granted and approved in favor  
19 of inclusion, the board of county commissioners shall make  
20 an order to that effect and shall file for record a  
21 certified copy of its order making the change in the  
22 boundaries, as provided in W.S. 41-10-108.

23

1           (c) After the date of its inclusion in the district,  
2 the property shall be subject to all of the taxes and  
3 charges imposed by the district and shall be liable for its  
4 proportionate share of existing indebtedness of the  
5 district, but it shall not be liable for any taxes or  
6 charges levied or assessed prior to its inclusion in the  
7 district, nor shall its entry into the district be made  
8 subject or contingent upon the payment or assumption of any  
9 penalty, toll or charge, other than the tolls and charges,  
10 which are uniformly made, assessed or levied for the entire  
11 district.

12

13           (d) The cost of extending water or sewer lines into  
14 annexed or included territory may be required by the board  
15 of the district to be paid by the owners of property in the  
16 annexed or included territory. If the board of the  
17 district determines that bonds should be issued for the  
18 cost, it may submit only to the electors of the annexed or  
19 included territory by mail ballot or at an election held on  
20 a date authorized under W.S. 22-21-103, the question of  
21 issuing bonds for that purpose. If a majority of the  
22 qualified electors voting at the election vote in favor of  
23 the question submitted, the board of the district shall  
24 issue the bonds so authorized, but general taxes for the

1 payment of the cost of extending water or sewer lines into  
2 annexed or included territory or for the payment of the  
3 bonds and the interest thereon shall be certified and  
4 levied on and against the annexed or included property  
5 only. Taxes shall be levied on and against annexed or  
6 included property for its proportionate share of annual  
7 operation and maintenance charges of the entire district.  
8 In addition, in sanitation districts if taxes shall be  
9 levied for a main outlet or a sewage disposal plant, or in  
10 water districts if taxes shall be levied for water or water  
11 rights or facilities to convey water to the district, the  
12 annexed or included property shall be liable for its  
13 proportionate share of the cost thereof and taxes shall be  
14 certified and levied therefor. Nothing in this section  
15 shall prevent an agreement between the district and the  
16 owners of property sought to be annexed to or included in a  
17 district with respect to the terms and conditions on which  
18 the property may be annexed or included.

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20 **Section 2.** W.S. 41-10-120 is amended to read:

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22 **41-10-120. Change in boundaries of districts;**  
23 **generally.**

24

1           (a) The boundary of any district organized under the  
2 provisions of this act may be changed in the manner  
3 prescribed in ~~the Special District Elections Act of 1994~~  
4 W.S. 41-10-158 and 41-10-159, but the change of boundaries  
5 of the district shall not impair nor affect its  
6 organization, nor shall it affect, impair or discharge any  
7 contract, obligation, lien or charge on which it might be  
8 liable or chargeable had such change of boundaries not been  
9 made.

10

11           (b) Property included within or annexed to a district  
12 shall be subject to the payment of taxes and charges, as  
13 provided in ~~the Special District Elections Act of 1994~~ W.S.  
14 41-10-158 and 41-10-159. Real property excluded from a  
15 district shall thereafter be subject to the levy of taxes  
16 for the payment of its proportionate share of any  
17 indebtedness of the district outstanding at the time of  
18 such exclusion. Personal property may be excluded from a  
19 district on such terms and conditions as may be prescribed  
20 by the board of the district involved.

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1           **Section 3.**   This act is effective immediately upon  
2 completion of all acts necessary for a bill to become law  
3 as provided by Article 4, Section 8 of the Wyoming  
4 Constitution.

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(END)