

HOUSE BILL NO. HB0115

Special districts-boundary changes.

Sponsored by: Representative(s) Harvey and Senator(s)
Peterson

A BILL

for

1 AN ACT relating to fire protection districts; providing for
2 division of fire protection districts; providing for
3 petition to county commissioners; providing for protests;
4 providing for distribution of assets and liabilities
5 following division; making conforming amendments; and
6 providing for an effective date.

7

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

9

10 **Section 1.** W.S. 35-9-212 through 35-9-215 are created
11 to read:

12

13 **35-9-212. Division of fire protection district**
14 **authorized.**

15

1 Fire protection districts may be divided as provided in
2 W.S. 35-9-213 through 35-9-215.

3

4 **35-9-213. Petition for division; hearing and notice.**

5

6 (a) Whenever a petition in writing shall be made to
7 the county commissioners, signed by the owners of twenty
8 percent (20%) or more of the privately owned lands of an
9 area proposed to be detracted from the original fire
10 protection district who constitute twenty percent (20%) or
11 more of the taxpayers within the proposed detracted area
12 and whose names appear upon the last-completed assessment
13 roll, the county commissioners shall, within ten (10) days
14 from the receipt of the petition, give notice of the
15 hearing on the petition by:

16

17 (i) Mailing a copy of the notice by first-class
18 mail to each landowner in the district at the address shown
19 in the assessment roll;

20

21 (ii) Causing a notice thereof to be posted, at
22 least ten (10) days prior to the time appointed by them for
23 the consideration of the petition, in at least three (3)
24 public places within the proposed detracted area and also

1 in at least three (3) public places within the remaining
2 area; and

3

4 (iii) Publishing a notice at least twice in a
5 newspaper of general circulation in the area of the
6 district.

7

8 (b) The petition for detracting shall describe the
9 boundaries of the proposed detracted area and the
10 boundaries of the remaining area in the manner provided in
11 W.S. 22-29-103(e).

12

13 (c) The county commissioners shall, on the day fixed
14 for hearing the petition, or on any legally postponed day,
15 proceed to hear the petition.

16

17 **35-9-214. Decision on petition for division; protest.**

18

19 (a) The petition shall be granted and the original
20 districts shall thereupon be divided into separate
21 districts unless at the time of the hearing on the petition
22 protests shall be presented by:

23

1 (i) The owners of fifty percent (50%) or more of
2 the area of the privately owned lands included within the
3 entire original district who constitute a majority of the
4 taxpayers who are landowners of the entire original
5 district and whose names appear upon the last-completed
6 assessment roll; or

7
8 (ii) The owners of a fifty percent (50%) or more
9 of the area of the privately owned lands included within
10 the area of the proposed detracted area who constitute a
11 majority of taxpayers who are landowners of the proposed
12 detracted area.

13
14 (b) If the required amount of protests are presented
15 as provided in subsection (a) of this section, the petition
16 for division shall be disallowed.

17
18 (c) Upon allowance of a petition for division of a
19 fire protection district, the board of county commissions
20 shall appoint members to the newly formed board who are
21 residents and property owners within the newly formed
22 district and who shall serve on the board until the initial
23 election of directors, at which time the members of the
24 board shall be elected in accordance with W.S. 35-9-202(a).

1

2 (d) Until a board of directors for the newly formed
3 district shall be appointed and until the first tax
4 assessment is received by the newly formed district, the
5 original fire protection district shall remain responsible
6 for provision of fire protection services to the area
7 encompassing the newly detracted fire protection district.

8

9 **35-9-215. Distribution of assets and liabilities**
10 **following division.**

11

12 (a) Upon the division of fire protection districts,
13 money on hand shall be apportioned between the divided
14 areas according to their respective taxable valuations.
15 All other assets of the original district shall become the
16 property of the remaining area, but a reasonable value
17 shall be placed upon such other assets based on an
18 appraisal of those assets by a third party, and the
19 remaining area shall become indebted to the detracted area
20 for its proportionate share thereof, based upon taxable
21 valuations. The appraisal shall be paid by the districts in
22 proportion to their taxable valuations.

23

1 (b) Any detracted area shall remain liable for any
2 existing warrant and bonded indebtedness of the original
3 district, which indebtedness shall be apportioned between
4 the divided areas according to their respective taxable
5 valuations.

6
7 **Section 2.** W.S. 35-9-202(a), 35-9-208 and 35-9-209 by
8 creating a new subsection (k) are amended to read:

9
10 **35-9-202. Election of board of directors.**

11
12 (a) The election of the initial board of directors
13 shall be held by the board of county commissioners at the
14 same time as the election for formation of the district, or
15 at the next general election in the case of a district
16 created pursuant to W.S. 35-9-213. There shall be elected
17 a board of directors consisting of three (3) members who
18 are residents living within the district who shall serve
19 without compensation. Within ten (10) days after each
20 election the board shall meet and select a president and a
21 secretary-treasurer. The first elected board shall serve
22 until the next director election as provided in W.S.
23 22-29-112. At the first director election, one (1) member
24 of the board shall be elected for two (2) years, and two

1 (2) members for four (4) years, for staggered terms.
2 Thereafter, directors shall be elected for four (4) year
3 terms. Biennial elections shall be held in accordance with
4 the Special District Election Act of 1994.

5

6 **35-9-208. Issuance of bonds; payment of principal and**
7 **interest.**

8

9 The county treasurer where said district's funds are kept
10 may pay out of any ~~moneys~~monies belonging to said district
11 tax fund, and from the tax fund of a detracted district as
12 provided in W.S. 35-9-215(b), the interest and the
13 principal upon any bonds issued under this chapter by such
14 district, when the same becomes due, upon the presentation
15 at his office of the proper coupon or bond, which must show
16 the amount due, and each coupon must also show the number
17 of the bond to which it belonged, and all bonds and coupons
18 so paid must be reported to the district directors at their
19 first regular meeting thereafter.

20

21 **35-9-209. Procedure for proposing establishment of**
22 **fire protection district.**

23

1 (k) Notwithstanding subsection (j) of this section, a
2 fire protection district may be established through
3 division of an existing fire protection district pursuant
4 to W.S. 35-9-213 through 35-9-215.

5

6 **Section 3.** This act is effective May 1, 2006.

7

8 (END)