

WORKING DRAFT

HOUSE BILL NO. _____

Fire protection districts-boundary changes.

Sponsored by: Joint Corporations, Elections and Political
Subdivisions Interim Committee

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 fifty
8 percent (50%) or more of the privately owned lands of an
9 area proposed to be detracted from the original fire
10 protection district, who constitute fifty percent (50%) or
11 more of the taxpayers within the proposed detracted area
12 based upon the last-completed assessment roll, the county
13 commissioners shall, within ten (10) days from the receipt
14 of the petition, give notice of the hearing on the petition
15 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 signed by:

23

1 (i) The owners of twenty percent (20%) or more
2 of the area of the privately owned lands included within
3 the entire original district who constitute twenty percent
4 (20%) or more of the taxpayers who are landowners within
5 the entire original district based upon the last-completed
6 assessment roll; or

7

8 (ii) The owners of a twenty percent (20%) or
9 more of the area of the privately owned lands included
10 within the area of the proposed detracted area who
11 constitute twenty percent (20%) or more of taxpayers who
12 are landowners within the proposed detracted area based
13 upon the last-completed assessment roll.

14

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

18

19 (c) Upon allowance of a petition for division of a
20 fire protection district, the board of county commissions
21 shall appoint members to the newly formed board who are
22 residents and property owners within the newly formed
23 district and who shall serve on the board until the initial

1 election of directors, at which time the members of the
2 board shall be elected in accordance with W.S. 35-9-202(a).

3

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

10

11 **35-9-215. Distribution of assets and liabilities**
12 **following division.**

13

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

1

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

7

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

10

11 **35-9-202. Election of board of directors.**

12

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

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

6

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

9

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

21

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

24

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 July 1, 2007.

7

8

(END)