

HOUSE BILL NO. HB0279

Fire protection districts-mutually agreed division.

Sponsored by: Representative(s) Brown, Gentile, Gilmore,
Harvey, Illoway, Martin, Miller, Quarberg,
Walsh and Zwonitzer, Dn.

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 is made to the
7 county commissioners, signed by the owners of fifty percent
8 (50%) or more of the privately owned lands of an area
9 proposed to be detracted from the original fire protection
10 district, who constitute fifty percent (50%) or more of the
11 taxpayers within the proposed detracted area based upon the
12 last completed assessment roll, the county commissioners
13 shall, within twenty (20) days from the receipt of the
14 petition, give notice of the hearing on the petition by:

15

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

19

20 (ii) Causing a notice thereof to be posted, at
21 least twenty (20) days prior to the time appointed by them
22 for the consideration of the petition, in at least three
23 (3) public places within the proposed detracted area and

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

3

4 (iii) Publishing a notice in the newspapers of
5 general circulation in the area of the district.

6

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

11

12 (c) The county commissioners shall, on the day fixed
13 for hearing the petition, or on any legally postponed day,
14 proceed to hear the petition. Prior to the hearing the
15 commissioners shall appoint an individual or group of
16 individuals from the persons signing the petition to act in
17 negotiations on behalf of the proposed detracted area.

18

19 (d) If the detracting district is within two (2) or
20 more counties, the county commissioners for purposes of
21 W.S. 35-9-213 and 35-9-214 are the county commissioners of
22 the county where the majority of the detracting district
23 property lies.

24

1 **35-9-214. Decision on petition for division; protest.**

2

3 (a) The petition may be granted and the original
4 districts may thereupon be divided into separate districts
5 if at the time of the hearing on the petition the county
6 commissioners determine:

7

8 (i) Protests have not been signed by:

9

10 (A) The owners of twenty percent (20%) or
11 more of the area of the privately owned lands included
12 within the entire original district who constitute twenty
13 percent (20%) or more of the taxpayers who are landowners
14 within the entire original district based upon the last
15 completed assessment roll; or

16

17 (B) The owners of twenty percent (20%) or
18 more of the area of the privately owned lands included
19 within the area of the proposed detracted area who
20 constitute twenty percent (20%) or more of taxpayers who
21 are landowners within the proposed detracted area based
22 upon the last completed assessment roll.

23

1 (ii) The districts have in place standard
2 operating procedures that ensure that both districts have
3 the ability to provide fire protection to the satisfaction
4 of the commissioners;

5
6 (iii) The boundary changes are in the best
7 interests of the public; and

8
9 (iv) The mutual agreement negotiated pursuant to
10 W.S. 35-9-215(a) regarding the distribution of assets is
11 acceptable to the commissioners.

12
13 (b) If the required amount of protests are presented
14 as provided in paragraph (a)(i) of this section, the
15 petition for division shall be disallowed.

16
17 (c) Upon allowance of a petition for division of a
18 fire protection district, the board of county commissioners
19 shall appoint members to the newly formed board who are
20 residents and property owners within the newly formed
21 district and who shall serve on the board until the initial
22 election of directors, at which time the members of the
23 board shall be elected in accordance with W.S. 35-9-202(a).

24

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

7
8 **35-9-215. Distribution of assets and liabilities**
9 **following division.**

10
11 (a) The division of the assets of the fire protection
12 districts shall be apportioned through a mutual agreement
13 signed by the president of the original fire protection
14 district board and the person or persons appointed to
15 represent the detracted district pursuant to W.S.
16 35-9-213(c).

17
18 (b) Any detracted area shall remain liable for any
19 existing warrant and bonded indebtedness of the original
20 district, which indebtedness shall be apportioned between
21 the divided areas according to their respective taxable
22 valuations.

23

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

3
4 **35-9-202. Election of board of directors.**

5
6 (a) The election of the initial board of directors
7 shall be held by the board of county commissioners at the
8 same time as the election for formation of the district, or
9 at the next general election in the case of a district
10 created pursuant to W.S. 35-9-213. There shall be elected
11 a board of directors consisting of three (3) members who
12 are residents living within the district who shall serve
13 without compensation. Within ten (10) days after each
14 election the board shall meet and select a president and a
15 secretary-treasurer. The first elected board shall serve
16 until the next director election as provided in W.S.
17 22-29-112. At the first director election, one (1) member
18 of the board shall be elected for two (2) years, and two
19 (2) members for four (4) years, for staggered terms.
20 Thereafter, directors shall be elected for four (4) year
21 terms. Biennial elections shall be held in accordance with
22 the Special District Election Act of 1994.

1 **35-9-208. Issuance of bonds; payment of principal and**
2 **interest.**

3
4 The county treasurer where said district's funds are kept
5 may pay out of any ~~moneys~~monies belonging to said district
6 tax fund, and from the tax fund of a detracted district as
7 provided in W.S. 35-9-215(b), the interest and the
8 principal upon any bonds issued under this chapter by such
9 district, when the same becomes due, upon the presentation
10 at his office of the proper coupon or bond, which must show
11 the amount due, and each coupon must also show the number
12 of the bond to which it belonged, and all bonds and coupons
13 so paid must be reported to the district directors at their
14 first regular meeting thereafter.

15

16 **35-9-209. Procedure for proposing establishment of**
17 **fire protection district.**

18

19 (k) Notwithstanding subsection (j) of this section, a
20 fire protection district may be established through
21 division of an existing fire protection district pursuant
22 to W.S. 35-9-213 through 35-9-215.

23

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.

5

6

(END)