

HOUSE BILL NO. HB0128

Notice requirements.

Sponsored by: Representative(s) Greear

A BILL

for

1 AN ACT relating to time requirements; amending specified  
2 time requirements for issuance of notice to business days;  
3 creating a definition; and providing for an effective date.

4

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

6

7       **Section 1.** W.S. 8-1-102(a) by creating a new  
8 paragraph (xvii), 22-29-103(e) (i), 22-29-107(b),  
9 22-29-109(a) (ii) (intro) and (d), 22-29-110(c),  
10 22-29-111(h), 22-29-112(e), 22-29-114(e) (intro), 22-29-118,  
11 22-29-401(a) (iv), 22-29-404(a) and 22-29-501(b) and (e) are  
12 amended to read:

13

14       **8-1-102. Definitions.**

15

1 (a) As used in the statutes unless the legislature  
2 clearly specifies a different meaning or interpretation or  
3 the context clearly requires a different meaning:  
4

5 (xvii) "Business day" means any day other than  
6 Saturday, Sunday or a legal holiday in this state as  
7 designated in W.S. 8-4-101.  
8

9 **22-29-103. Applicability to special districts;**  
10 **general provisions.**  
11

12 (e) All special districts shall file a copy of the  
13 document authorizing formation or modification of  
14 boundaries, a citation to the law under which it is formed  
15 and a copy of an official map or legal description  
16 designating the geographical boundaries of the district or  
17 the changes to its geographical boundaries with the  
18 department of revenue, the county assessor and the county  
19 clerk in the county or counties within which the entity is  
20 located in accordance with the department's rules adopted  
21 pursuant to W.S. 39-11-102(c)(xxiv) regarding tax districts  
22 and as follows:  
23

1           (i) Within ten (10) business days after the  
2 effective date of formation; and

3  
4           **22-29-107. Requirements of filing petition; validity**  
5 **and certification of signatures.**

6  
7           (b) Within ten (10) business days after the date a  
8 petition is offered for filing, the county clerk or  
9 district secretary, as the case may be, shall examine the  
10 petition and determine whether it is signed by the  
11 requisite number of qualified signers. If the requisite  
12 number of qualified signers have signed the petition, the  
13 county clerk or district secretary shall file the petition.  
14 If the requisite number have not signed, the county clerk  
15 or district secretary shall so notify the chief petitioners  
16 and may return the petition to the petitioners.

17  
18           **22-29-109. County commissioners' action on formation**  
19 **petition.**

20  
21           (a) A petition for formation of a district shall be  
22 filed with the county commissioners. Before the petition  
23 is filed, the county assessor and the department of revenue

1 shall review, within sixty (60) days of receiving notice of  
2 the petition, the boundaries of the proposed district for  
3 any conflict, overlap, gap or other boundary issue and make  
4 written comments thereon to be submitted with the petition.  
5 Further, the petition shall be approved by any agency  
6 required by the principal act to approve the petition. If  
7 the petition satisfies all requirements of the principal  
8 act, the county commissioners shall:

9

10 (ii) The county commissioners shall cause notice  
11 of the hearing to be posted in at least three (3) public  
12 places and published by two (2) insertions in a newspaper  
13 of general circulation in that county or counties in which  
14 all or any part of the district is proposed to be located.  
15 The last of the notices shall be published at least ten  
16 (10) business days prior to the hearing. The notice shall  
17 state:

18

19 (d) If the county commissioners determine, after  
20 consultation with the county assessor, that any land has  
21 been improperly omitted from the proposed district and that  
22 the owner has not appeared at the hearing, the  
23 commissioners shall continue the hearing and shall order

1 notice given to the nonappearing owner requiring the owner  
2 to appear before it and show cause, if any, why the land of  
3 the owner should not be included in the proposed district.  
4 The notice shall be given either by posting and  
5 publication, in the same manner as notice of the original  
6 hearing and for the same period, or by personal service on  
7 each nonappearing owner. If notice is given by personal  
8 service, service shall be made at least ten (10) business  
9 days prior to the date fixed for the further hearing.

10

11 **22-29-110. County clerk to publish proclamation;**  
12 **filing period.**

13

14 (c) The county clerk shall publish a sample ballot  
15 with the question of formation and candidates for directors  
16 together with any other ballot proposition at least once in  
17 a newspaper of general circulation in each county in which  
18 all or part of the proposed district is located, at least  
19 ten (10) business days prior to the election.

20

21 **22-29-111. Formation and initial director election.**

22

1           (h) If the formation question is approved, the county  
2 clerk shall send written notice of the formation to the  
3 public funds division of the department of audit within ten  
4 (10) business days of the canvass.

5

6           **22-29-112. Subsequent director elections.**

7

8           (e) The name of all qualified candidates shall be  
9 published in a newspaper of general circulation in each  
10 county in which the district is located not later than ten  
11 (10) business days prior to the date of such election.

12

13           **22-29-114. Election procedures for elections other**  
14 **than mail ballot elections; canvass, recount and contests.**

15

16           (e) Any special district election conducted by the  
17 county clerk shall be canvassed by the county canvassing  
18 board or a canvassing board appointed by the county clerk,  
19 consisting of two (2) electors and the county clerk. If  
20 more than one (1) county is involved, the election shall be  
21 canvassed in accordance with chapter 16 of the Wyoming  
22 Election Code of 1973, as amended, by a canvassing board  
23 drawn from the membership of the appropriate county

1 canvassing boards appointed by the appropriate county  
2 commissioners. The commissioners shall notify the county  
3 clerks of the canvassing board appointments. Any special  
4 district election not conducted by a county clerk shall be  
5 canvassed by a special district canvassing board. The  
6 special district canvassing board shall consist of the  
7 district secretary and two (2) electors appointed by the  
8 district board. Any canvass shall be conducted in  
9 accordance with chapter 16 of the Wyoming Election Code of  
10 1973, as amended. The canvass shall be conducted within  
11 seven (7) business days of the election. The canvassing  
12 board shall have the authority to call for a special  
13 election in accordance with W.S. 22-16-122. The canvassing  
14 board shall:

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16 **22-29-118. Directors; oath of office.**

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18 All directors, whether elected or appointed, shall, within  
19 ten (10) business days after notification of election or  
20 appointment, take the oath of office provided in Wyoming  
21 constitution, article VI, section 20, before an officer  
22 authorized to administer oaths. The director shall also  
23 complete the written oath and without delay transmit a copy

1 of the oath in writing to the respective county clerks for  
2 the first election and to the secretary of the district  
3 thereafter.

4

5 **22-29-401. Dissolution procedure.**

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7 (a) Dissolution of a district may be initiated:

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9 (iv) Within five (5) business days after a  
10 petition is filed or a resolution of a county commission is  
11 adopted under this section, a copy shall be filed with the  
12 district secretary, if any, or with any other district  
13 officer who can with reasonable diligence be located;

14

15 **22-29-404. Election on dissolution; consent of**  
16 **creditors; content of notice.**

17

18 (a) Within ten (10) business days after the district  
19 directors file the plan of dissolution and liquidation  
20 required by W.S. 22-29-402, the district directors shall  
21 call an election to be held not less than ninety (90) days  
22 nor more than one hundred twenty (120) days after the  
23 filing of the plan of dissolution or liquidation for the

1 purpose of submitting to the voters of the district the  
2 question of whether the district shall be dissolved, its  
3 indebtedness liquidated and its assets disposed of in  
4 accordance with the plan proposed. No election shall be  
5 called until the consent of all known holders of valid  
6 indebtedness against the district is obtained or provision  
7 is made in the plan for payment of the nonconsenting  
8 holders. The notice of the election shall contain a brief  
9 summary of the plan of dissolution and liquidation and  
10 state that the plan of dissolution is available for  
11 examination at the office of the county clerk.

12

13 **22-29-501. Political action committees.**

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15 (b) A political action committee shall file a  
16 statement of formation within ten (10) business days after  
17 formation. The chairman and treasurer of a committee shall  
18 be separate individuals. The statement of formation shall  
19 list the name and mailing address of the committee, name  
20 and address of the committee chairman and treasurer, date  
21 the committee was formed and the purpose of the committee.  
22 The statement of formation shall be filed in the office of

1 the county clerk of the county or counties in which the  
2 district is located or is to be located.

3

4 (e) Every political action committee shall file a  
5 fully itemized statement of receipts and expenditures  
6 within ten (10) business days after any special district  
7 ballot proposition election. The statement shall set forth  
8 the full and complete record of receipts including cash,  
9 goods or services and of actual and promised expenditures,  
10 including all identifiable expenses as set forth in W.S.  
11 22-25-103. The date of each receipt of twenty-five dollars  
12 (\$25.00) or more, any expenditure or obligation, the name  
13 of the person from whom received or to whom paid and the  
14 purpose of each expenditure or obligation shall be listed.  
15 All receipts under twenty-five dollars (\$25.00) shall be  
16 reported but need not be itemized. Should the accumulation  
17 of receipts from an individual exceed the twenty-five  
18 dollar (\$25.00) threshold, all receipts from that  
19 individual shall be itemized.

20

21 **Section 2.** This act is effective July 1, 2015.

22

23

(END)