

ENROLLED ACT NO. 40, SENATE

SIXTY-FOURTH LEGISLATURE OF THE STATE OF WYOMING
2017 GENERAL SESSION

AN ACT relating to special districts; amending special district elections as specified; conforming provisions; and providing for an effective date.

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

Section **1.** W.S. 22-29-103(a)(iii), 35-2-401(d)(intro), 35-9-202(a), (b)(ii), (iii) and by creating a new subsection (e), 35-9-210(a)(i) and (ii), 35-9-211(a)(i) and (ii)(A) and 41-18-112(a) are amended to read:

22-29-103. Applicability to special districts; general provisions.

(a) This act applies to the following districts as specified in subsection (b) of this section:

(iii) Fire protection districts, including county commission fire protection districts;

35-2-401. Establishment of hospital district.

(d) A special hospital district may be ~~created and subsequent district elections held through the following procedure:~~ established and subsequent elections held under the procedures for petitioning, hearing and election of special districts as set forth in the Special District Elections Act of 1994.

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

(a) The election of the initial board of directors shall be held by the board of county commissioners at the same time as the election for formation of the district, or

ENROLLED ACT NO. 40, SENATE

SIXTY-FOURTH LEGISLATURE OF THE STATE OF WYOMING
2017 GENERAL SESSION

at the next general election in the case of a district created pursuant to W.S. 35-9-213. There shall be elected a board of directors consisting of either three (3) or five (5) members, the number of which is to be designated by the county commissioners pursuant to subsection (e) of this section, who are residents living within the district who shall serve without compensation. Within ten (10) days after each election the board shall meet and select a president and a secretary-treasurer. The first elected board shall serve until the next director election as provided in W.S. 22-29-112. At the first director election of a three (3) member board, one (1) member of the board shall be elected for two (2) years, and two (2) members for four (4) years, for staggered terms. Thereafter, directors shall be elected for four (4) year terms. At the first director election of a five (5) member board, two (2) members of the board shall be elected for two (2) years and three (3) members for four (4) years. Biennial elections shall be held in accordance with the Special District Election Act of 1994.

(b) The board is authorized to:

(ii) ~~To~~ Divide the district into director districts and provide for the election of a director from each director district to be chosen by ~~the~~ all voters of the fire protection district. The board may provide for district directors to be apportioned in any combination of single member, multi-member or at-large representation; and

(iii) ~~To~~ Fix the initial term of the additional directors so that the term of not more than three (3) directors shall expire in any one (1) year.

ENROLLED ACT NO. 40, SENATE

SIXTY-FOURTH LEGISLATURE OF THE STATE OF WYOMING
2017 GENERAL SESSION

(e) The board of county commissioners may provide for the election of an initial board of directors with five (5) members if the assessed valuation of property of the district exceeds three million dollars (\$3,000,000.00) at the time the district is formed.

35-9-210. District formation initiated by resolution of county commissioners; procedures; conditions.

(a) A fire protection district comprised of lands within unincorporated areas of the county which are not within existing fire protection districts may be created under the following procedure:

(i) The board of county commissioners may, by resolution, identify lands to be included within the proposed district and submit the question of establishing the district to the electors of the proposed district at the next general election. The board shall provide notice that it will consider a resolution under this paragraph at least thirty (30) days prior to the meeting at which the resolution will be considered. Notice of the election shall be given as required by W.S. 22-29-110;

(ii) If the establishment of the district is defeated at the election, the board may refuse to provide fire and public safety protection to the area within the proposed district commencing with the succeeding fiscal year. If a majority of the voters in the proposed district voting at the election vote for the establishment of the district, the board of county commissioners shall enter that fact upon its records and the district is established. ~~Following establishment of the district,~~ The board shall hold an election for a district board of directors under

ENROLLED ACT NO. 40, SENATE

SIXTY-FOURTH LEGISLATURE OF THE STATE OF WYOMING
2017 GENERAL SESSION

W.S. 35-9-202. Districts formed under this subsection are otherwise subject to W.S. 35-9-201 through 35-9-208.

35-9-211. Formation of county commission fire protection districts; procedures; conditions.

(a) As an alternative to the procedures provided by W.S. 35-9-210, a county commission fire protection district comprised of lands within unincorporated areas of the county which are not within existing fire protection districts and which are currently receiving fire protection or public safety services from an existing fire department funded by the county may be created under the following procedure:

(i) The board of county commissioners may, by resolution, identify lands to be included within the proposed county commission fire protection district and submit the question of establishing the district to the electors of the proposed district at the next general election. The board shall provide notice that it will consider a resolution brought pursuant to this paragraph at least thirty (30) days prior to the meeting at which the resolution will be considered. Notice of the election to establish the district shall be given as required by W.S. 22-29-110;

(ii) If the establishment of the district is defeated at the election, the board may refuse to provide fire and public safety protection to the area within the proposed district commencing with the succeeding fiscal year. If a majority of the voters in the proposed district voting at the election vote for the establishment of the district, the board of county commissioners shall enter

ENROLLED ACT NO. 40, SENATE

SIXTY-FOURTH LEGISLATURE OF THE STATE OF WYOMING
2017 GENERAL SESSION

that fact upon its records and the district is established.
Following establishment of the district:

(A) Pursuant to the assessed property valuation requirements of W.S. 35-9-202(e) the board of county commissions shall appoint either three (3) or five (5) members to the board who are residents and property owners within the district and who shall serve on the board until the next election of directors, at which time the members of the board shall be elected in accordance with W.S. ~~35-9-202(a)~~ 35-9-202;

41-8-112. Board of directors; eligibility; election; terms; officers.

(a) Within thirty (30) days after a watershed improvement district is created, the board of supervisors shall conduct an election to be held for the election of a board of directors of the watershed improvement district. Notice of the election shall be given by the board of supervisors as provided in the Special District Elections Act of 1994. The board of directors shall consist of five (5) members. The first board of directors shall determine by lot from among its membership, ~~two (2)~~ three (3) members to serve terms of ~~one (1) year,~~ four (4) years and two (2) members to serve terms of two (2) years, ~~and one (1) member to serve a term of three (3) years and~~ until their successors are elected at a regular subsequent director election. Thereafter, as these initial terms expire, the members of the board of directors shall be elected for terms of ~~three (3)~~ four (4) years. For a board of directors existing prior to July 1, 2017, beginning January 1, 2018, at the first regular subsequent director election, the board shall determine by lot from among its membership, three (3) members to serve terms of four (4) years and two

ENROLLED ACT NO. 40, SENATE

SIXTY-FOURTH LEGISLATURE OF THE STATE OF WYOMING
2017 GENERAL SESSION

(2) members to serve terms of two (2) years. Thereafter, as these initial terms expire, the members of the board of directors shall be elected for terms of four (4) years. No current term of any director shall be affected by any modification made under this subsection. The board of supervisors of the conservation district shall conduct these elections annually~~every other year~~. These elections shall be in accordance with the Special District Elections Act of 1994. Vacancies occurring before the expiration of a term shall be filled for the unexpired term by appointment by the remaining members of the board of directors with the approval of the board of supervisors. The board of directors shall, under the supervision of the board of supervisors, be the governing body of the watershed improvement district.

Section 2. W.S. 35-2-401(d)(i) through (iii) is repealed.

ORIGINAL SENATE
FILE NO. SF0016

ENGROSSED

ENROLLED ACT NO. 40, SENATE

SIXTY-FOURTH LEGISLATURE OF THE STATE OF WYOMING
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Section 3. This act is effective July 1, 2017.

(END)

Speaker of the House

President of the Senate

Governor

TIME APPROVED: _____

DATE APPROVED: _____

I hereby certify that this act originated in the Senate.

Chief Clerk