

SENATE FILE NO. SF0016

Special districts elections.

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

A BILL

for

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

4

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

6

7 **Section 1.** W.S. 22-29-103(a)(iii), 22-29-110(a) and
8 (b), 35-2-401(d)(intro), 35-9-202(a), (b)(ii) and by
9 creating a new subsection (e), 35-9-210(a)(i) and (ii) and
10 35-9-211(a)(i) and (ii)(A) are amended to read:

11

12 **22-29-103. Applicability to special districts;**
13 **general provisions.**

14

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

3
4 (iii) Fire protection districts, including
5 county commission fire protection districts;

6
7 **22-29-110. County clerk to publish proclamation;**
8 **filing period.**

9
10 (a) Not more than ~~fifty (50)~~ one hundred one (101)
11 and not less than ~~forty (40)~~ ninety (90) days, before the
12 organizational election, the county clerk shall publish at
13 least once in a newspaper of general circulation in each
14 county in which all or part of the proposed district is
15 situated a proclamation setting forth the date of the
16 election, what county clerk is the filing officer, the
17 question of formation, what offices are to be filled
18 including the terms of the offices, the filing period for
19 the offices and other pertinent election information. Minor
20 errors in the proclamation shall not invalidate the
21 forthcoming election.

22

1 (b) Not more than ~~thirty-nine (39)~~ ninety (90) and
2 not less than ~~thirty (30)~~ seventy (70) days before the
3 formation election, candidates may file an application for
4 election in the office of the county clerk. The principal
5 act shall determine who is eligible to be a candidate. The
6 application shall be in substantially the following form:

7

8 APPLICATION FOR ELECTION

9 SPECIAL DISTRICT DIRECTOR

10

11 I, the undersigned, swear or affirm that I was born on
12, (year); that I have been a resident of district
13 since, residing at; that I am an elector or
14 landowner (check which one for eligibility) of said
15 district and I do hereby request that my name,, be
16 printed on the ballot of the formation (or other) election
17 to be held on day of, (year) as a candidate for
18 the office of director for a term of years. I hereby
19 declare that if I am elected, I will qualify for the
20 office.

21

22 Dated

23

Signature of Candidate

1

2 **35-2-401. Establishment of hospital district.**

3

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

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 either three (3) or five
19 (5) members, the number of which is to be designated by the
20 county commissioners pursuant to subsection (e) of this
21 section, who are residents living within the district who
22 shall serve without compensation. Within ten (10) days
23 after each election the board shall meet and select a

1 president and a secretary-treasurer. The first elected
2 board shall serve until the next director election as
3 provided in W.S. 22-29-112. At the first director election
4 of a three (3) member board, one (1) member of the board
5 shall be elected for two (2) years, and two (2) members for
6 four (4) years, for staggered terms. Thereafter, directors
7 shall be elected for four (4) year terms. At the first
8 director election of a five (5) member board, two (2)
9 members of the board shall be elected for two (2) years and
10 three (3) members for four (4) years. Biennial elections
11 shall be held in accordance with the Special District
12 Election Act of 1994.

13

14 (b) The board is authorized to:

15

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

22

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

6
7 **35-9-210. District formation initiated by resolution**
8 **of county commissioners; procedures; conditions.**

9
10 (a) A fire protection district comprised of lands
11 within unincorporated areas of the county which are not
12 within existing fire protection districts may be created
13 under the following procedure:

14
15 (i) The board of county commissioners may, by
16 resolution, identify lands to be included within the
17 proposed district and submit the question of establishing
18 the district to the electors of the proposed district at
19 the next general election. The board shall provide notice
20 that it will consider a resolution under this paragraph at
21 least thirty (30) days prior to the meeting at which the
22 resolution will be considered. Notice of the election shall
23 be given as required by W.S. 22-29-110;

1

2 (ii) If the establishment of the district is
3 defeated at the election, the board may refuse to provide
4 fire and public safety protection to the area within the
5 proposed district commencing with the succeeding fiscal
6 year. If a majority of the voters in the proposed district
7 voting at the election vote for the establishment of the
8 district, the board of county commissioners shall enter
9 that fact upon its records and the district is established.
10 ~~Following establishment of the district,~~ The board shall
11 hold an election for a district board of directors under
12 W.S. 35-9-202. Districts formed under this subsection are
13 otherwise subject to W.S. 35-9-201 through 35-9-208.

14

15 **35-9-211. Formation of county commission fire**
16 **protection districts; procedures; conditions.**

17

18 (a) As an alternative to the procedures provided by
19 W.S. 35-9-210, a county commission fire protection district
20 comprised of lands within unincorporated areas of the
21 county which are not within existing fire protection
22 districts and which are currently receiving fire protection
23 or public safety services from an existing fire department

1 funded by the county may be created under the following
2 procedure:

3
4 (i) The board of county commissioners may, by
5 resolution, identify lands to be included within the
6 proposed county commission fire protection district and
7 submit the question of establishing the district to the
8 electors of the proposed district at the next general
9 election. The board shall provide notice that it will
10 consider a resolution brought pursuant to this paragraph at
11 least thirty (30) days prior to the meeting at which the
12 resolution will be considered. Notice of the election to
13 establish the district shall be given as required by W.S.
14 22-29-110;

15
16 (ii) If the establishment of the district is
17 defeated at the election, the board may refuse to provide
18 fire and public safety protection to the area within the
19 proposed district commencing with the succeeding fiscal
20 year. If a majority of the voters in the proposed district
21 voting at the election vote for the establishment of the
22 district, the board of county commissioners shall enter

1 that fact upon its records and the district is established.

2 Following establishment of the district:

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

12
13 **Section 2.** W.S. 35-2-401(d)(i) through (iii) is
14 repealed.

15
16 **Section 3.** This act is effective July 1, 2017.

17
18 (END)