

HOUSE BILL NO. HB0008

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; providing
6 a sunset; and 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 35-9-216 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 35-9-216.

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 in a newspaper of
5 general circulation in the area of the district.

6

7 (b) The petition for detraction 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.

15

16 (d) If the district is within two (2) or more
17 counties, the county commissioners for purposes of W.S.
18 35-9-213 and 35-9-214 are the county commissioners of the
19 county where the majority of the district property lies.

20

21 **35-9-214. Decision on petition for division; protest.**

22

23 (a) The petition shall be granted and the original
24 districts shall thereupon be divided into separate

1 districts unless at the time of the hearing on the petition
2 protests shall be signed by:

3

4 (i) The owners of twenty percent (20%) or more
5 of the area of the privately owned lands included within
6 the entire original district who constitute twenty percent
7 (20%) or more of the taxpayers who are landowners within
8 the entire original district based upon the last completed
9 assessment roll; or

10

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

17

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

21

22 (c) Upon allowance of a petition for division of a
23 fire protection district, the board of county commissioners
24 shall appoint members to the newly formed board who are

1 residents and property owners within the newly formed
2 district and who shall serve on the board until the initial
3 election of directors, at which time the members of the
4 board shall be elected in accordance with W.S. 35-9-202(a).

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

12

13 **35-9-215. Distribution of assets and liabilities**
14 **following division.**

15

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

1 valuations. The appraisal shall be paid by the districts in
2 proportion to their taxable valuations.

3

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

9

10 **35-9-216. Sunset.**

11

12 W.S. 35-9-212 through 35-9-215 are repealed effective June
13 30, 2009.

14

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

17

18 **35-9-202. Election of board of directors.**

19

20 (a) The election of the initial board of directors
21 shall be held by the board of county commissioners at the
22 same time as the election for formation of the district, or
23 at the next general election in the case of a district
24 created pursuant to W.S. 35-9-213. There shall be elected

1 a board of directors consisting of three (3) members who
2 are residents living within the district who shall serve
3 without compensation. Within ten (10) days after each
4 election the board shall meet and select a president and a
5 secretary-treasurer. The first elected board shall serve
6 until the next director election as provided in W.S.
7 22-29-112. At the first director election, one (1) member
8 of the board shall be elected for two (2) years, and two
9 (2) members for four (4) years, for staggered terms.
10 Thereafter, directors shall be elected for four (4) year
11 terms. Biennial elections shall be held in accordance with
12 the Special District Election Act of 1994.

13

14 **35-9-208. Issuance of bonds; payment of principal and**
15 **interest.**

16

17 The county treasurer where said district's funds are kept
18 may pay out of any ~~moneys~~monies belonging to said district
19 tax fund, and from the tax fund of a detracted district as
20 provided in W.S. 35-9-215(b), the interest and the
21 principal upon any bonds issued under this chapter by such
22 district, when the same becomes due, upon the presentation
23 at his office of the proper coupon or bond, which must show
24 the amount due, and each coupon must also show the number

1 of the bond to which it belonged, and all bonds and coupons
2 so paid must be reported to the district directors at their
3 first regular meeting thereafter.

4

5 **35-9-209. Procedure for proposing establishment of**
6 **fire protection district.**

7

8 (k) Notwithstanding subsection (j) of this section, a
9 fire protection district may be established through
10 division of an existing fire protection district pursuant
11 to W.S. 35-9-213 through 35-9-215. This subsection is
12 repealed effective June 30, 2009.

13

14 **Section 3.** This act is effective immediately upon
15 completion of all acts necessary for a bill to become law
16 as provided by Article 4, Section 8 of the Wyoming
17 Constitution.

18

19

(END)