

HOUSE BILL NO. HB0188

County boards and special districts-board member elections.

Sponsored by: Representative(s) Haroldson and Senator(s)
Pappas

A BILL

for

1 AN ACT relating to counties and special districts;
2 requiring elections for county boards and special districts
3 with expenditures or an annual budget over a specified
4 amount; making conforming amendments; specifying
5 applicability; and providing for an effective date.

6

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

8

9 **Section 1.** W.S. 22-29-120 is created to read:

10

11 **22-29-120. County board and district directors; when**
12 **director election is required.**

13

14 (a) As used in this section:

15

1 (i) "County board" means any board for which the
2 board of county commissioners appoint the directors of the
3 board, including any board or district authorized under
4 title 18 of the Wyoming statutes;

5

6 (ii) "Director" includes directors, trustees,
7 supervisors or members of a county board or special
8 district.

9

10 (b) Beginning with the 2028 general election and each
11 general election thereafter and subject to subsection (e)
12 of this section, the directors of a county board or special
13 district shall be elected at each general election if:

14

15 (i) The directors are not otherwise subject to
16 election under this chapter or the applicable principal
17 act;

18

19 (ii) Under the terms of the applicable principal
20 act, the directors are appointed or required to be
21 appointed by the board of county commissioners or another
22 entity specified in the principal act; and

23

1 (iii) The average annual budget or the average
2 expenditures of the county board or special district for
3 the immediately preceding five (5) fiscal years, as
4 determined on January 1 of the year of the general
5 election, is not less than twenty million dollars
6 (\$20,000,000.00).

7

8 (c) Any election required under this section shall be
9 conducted in accordance with this act, unless the specific
10 provisions of the applicable principal act are effective
11 and controlling to the extent that they conflict with this
12 section and act.

13

14 (d) Any election required under this section shall be
15 for all directors of the special district or county board,
16 unless the terms of the members are otherwise specified in
17 the applicable principal act.

18

19 (e) The election specified in this section shall not
20 be required if any of the following occur:

21

22 (i) The average annual budget or average total
23 expenditures of the county board or special district for

1 the immediately preceding five (5) fiscal years, as
2 determined on January 1 of the year of the general
3 election, is or becomes less than twenty million dollars
4 (\$20,000,000.00); or

5

6 (ii) Another law is enacted to expressly provide
7 for the election of the directors of the county board or
8 special district.

9

10 (f) Upon an election no longer being required under
11 this section and the expiration of the term of directors
12 elected under this section, the directors of the county
13 board or special district shall be appointed in accordance
14 with the terms of the applicable principal act.

15

16 **Section 2.** W.S. 10-5-202(a), 11-16-113(a)(intro),
17 11-16-118(a), 18-7-103(b), 18-8-104(a) and (b), 18-9-102(a)
18 and (d), 18-9-201(a)(intro) and (c), 18-10-103(a),
19 18-11-102(a), 18-13-101(b), 18-14-101(b), 22-29-103 by
20 creating a new subsection (g) and 35-2-1202 by creating a
21 new subsection (b) are amended to read:

22

1 **10-5-202. Airport board; organization; corporate**
2 **powers; personal liability; compensation; appointment of**
3 **manager.**

4
5 (a) The authority and powers granted in W.S. 10-5-101
6 through 10-5-204 and the control of funds named may be
7 under the control of an airport board. Upon majority vote
8 of board members the board may issue revenue bonds, notes,
9 warrants and other revenue securities in the same manner
10 provided by W.S. 35-2-424 through 35-2-435 for trustees of
11 hospital districts for the purposes of W.S. 10-5-101
12 through 10-5-204. The board shall be appointed by the
13 municipal or county governing body and consist of five (5)
14 members, all of whom shall be qualified electors of the
15 county in which they serve. The selection of board members
16 shall be subject to the election requirements of W.S.
17 22-29-120. One (1) member of the board to be appointed for
18 one (1) year; one (1) for two (2) years; one (1) for three
19 (3) years; one (1) for four (4) years; and one (1) for five
20 (5) years, and in each case until the first Monday in
21 February following the expiration of the year. The
22 municipal or county governing body in their January meeting
23 of each year shall appoint a successor to the board member

1 whose term shall expire during the year. Thereafter
2 appointments for a full term shall be for five (5) years.
3 Vacancies for unexpired terms shall be filled by
4 appointment by the municipal or county governing body.

5

6 **11-16-113. Establishment of district.**

7

8 (a) If the commission determines the operation of the
9 proposed district is administratively practicable, it shall
10 appoint two (2) supervisors who are owners of land in the
11 district and who shall be subject to the election
12 requirements of W.S. 22-29-120, to act with three (3)
13 supervisors elected as provided hereinafter as the
14 governing body of the district. The district shall be a
15 governmental subdivision of this state and a public body
16 corporate and politic. The two (2) ~~appointed~~ landowner
17 supervisors shall present to the secretary of state an
18 application signed by them setting forth by recital only
19 and not in detail:

20

21 **11-16-118. District supervisors; term; vacancies;**
22 **expenses; removal; quorum; bond required of employees;**

1 **areas included in district; cooperative agreement with**
2 **city.**

3
4 (a) The term of the two (2) landowner supervisors
5 appointed or elected extends from their appointment or
6 election until the second annual election held in the
7 district. A supervisor shall hold office from his election
8 or appointment and taking of the oath of office until his
9 successor has been elected or appointed, and qualified.
10 Vacancies shall be filled for the unexpired term. Vacancies
11 in the office of any supervisor shall be filled by
12 appointment by the commission upon the recommendations of
13 the district supervisors, the appointee to serve until the
14 next election at which time the vacancy shall be filled by
15 the electors for the unexpired term. A supervisor shall
16 receive no compensation for his services, but is entitled
17 to expenses, including traveling expenses, necessarily
18 incurred in the discharge of his duties. Any supervisor may
19 be removed by the commission upon notice and hearing, for
20 neglect of duty or malfeasance in office.

21

1 **18-7-103. Library fund under control of board of**
2 **directors; appointment, powers, duties, terms of directors;**
3 **manner of filling vacancies on board.**

4
5 (b) Except as otherwise specified in this subsection,
6 the county library board of directors shall be appointed by
7 the county commissioners and shall be composed of not less
8 than three (3) and not more than five (5) competent and
9 responsible residents who are representative of the entire
10 county and who shall serve without compensation. Before
11 entering upon his duties the treasurer of the county
12 library board shall execute and deposit with the county
13 commissioners a good and sufficient bond for the faithful
14 performance of his duties in an amount required by the
15 county commissioners. The bond shall be payable to the
16 people of the state of Wyoming and be approved by the
17 county commissioners. One (1) director shall be appointed
18 for one (1) year, one (1) director (or two (2) if the board
19 consists of four (4) or five (5) members) shall be
20 appointed for two (2) years, and one (1) director (or two
21 (2), if the board consists of five (5) directors) shall be
22 appointed for three (3) years, each term to commence on
23 July 1 following the appointment. Thereafter the county

1 commissioners shall before July 1 of each year appoint a
2 director or directors to replace the retiring director or
3 directors for a term of three (3) years and until a
4 successor is appointed. A director may be appointed for two
5 (2) consecutive terms and shall not be eligible for
6 reappointment until two (2) years after the expiration of
7 his second term. The appointment of directors under this
8 subsection shall be subject to the election requirements of
9 W.S. 22-29-120.

10
11 **18-8-104. Hospital generally under control of board**
12 **of trustees; appointment, powers and duties of trustees;**
13 **incorporation; use of funds for erection of hospital; term**
14 **of lease; consolidation of hospitals; acquisition of land;**
15 **removal of board member; filling of vacancies.**

16
17 (a) The erection, management and control of the
18 county memorial hospital, county memorial hospital fund and
19 all property and funds received for the benefit of the
20 hospital shall be by a board of trustees composed of at
21 least five (5) but not more than eleven (11) competent and
22 responsible citizens of the county appointed by the board
23 of county commissioners. The appointment of trustees shall

1 be subject to the election requirements of W.S. 22-29-120.

2 The number of members of any board of trustees shall be an
3 odd number determined by the county commissioners. The
4 first board of trustees, or additional members to a board
5 of trustees, as soon as appointed shall draw lots for the
6 purpose of determining the term of each member of the
7 board. Up to two (2) members of the original board or
8 additional members of the board shall serve for a term of
9 one (1) year, up to two (2) for a term of two (2) years, up
10 to two (2) for a term of three (3) years, up to two (2) for
11 a term of four (4) years and up to two (2) for a term of
12 five (5) years after their appointment. Terms thereafter
13 shall be five (5) years, consecutively staggered. Each
14 trustee shall serve until the first Monday of July
15 following the expiration of their term and the board of
16 county commissioners annually at their meeting in June
17 shall appoint a successor to the trustee or trustees whose
18 term expires. As soon as the original board has determined
19 the terms of its members they shall organize by electing a
20 president, secretary and treasurer of the board. As soon as
21 they are organized they shall file with the county clerk
22 and the secretary of state a certificate showing their
23 organization, for which filing no fee or charge shall be

1 paid. Upon filing the certificate the board of trustees is
2 a body corporate with power to sue and be sued under the
3 name of "Board of Trustees of the Memorial Hospital of
4 County". No individual member of the board of trustees is
5 personally liable for any action or procedure of the board.
6 The corporation has perpetual existence and it is not
7 necessary to file any other or further certificate than
8 that filed upon the original organization of the board of
9 trustees.

10

11 (b) Annually upon the appointment or election of a
12 new member of the board, the trustees shall meet and
13 organize by electing a president, secretary and treasurer.
14 Each member of the board shall serve without compensation
15 and the treasurer of the board shall give bond in such
16 amount and with such sureties as approved by the board of
17 county commissioners conditioned for the faithful
18 performance of his duties and the full accounting for all
19 monies received as treasurer. The board may allow and pay
20 to the secretary such reasonable compensation as they deem
21 proper for secretarial, accounting and other services
22 required of him in addition to his general duties as a
23 member of the board.

1

2 **18-9-102. Board of trustees.**

3

4 (a) The board of trustees provided by W.S.
5 18-9-101(a)(iii) shall be composed of not less than five
6 (5) nor more than nine (9) competent citizens of the county
7 appointed by the board of county commissioners, subject to
8 the election requirements of W.S. 22-29-120. Trustees shall
9 serve five (5) year terms which shall be staggered. The
10 board of county commissioners shall annually appoint a
11 successor to the trustee whose term expires, subject to the
12 election requirements of W.S. 22-29-120. The term of each
13 succeeding trustee shall commence on the first Monday in
14 January next following the date of his appointment or
15 election. A trustee may be appointed or elected for
16 successive terms.

17

18 (d) Each year when a new member of the board is
19 appointed or elected, the trustees shall meet and again
20 organize by electing a chairman, secretary and treasurer.
21 Each member of the board shall serve without compensation
22 and the board treasurer shall give bond in such amount and
23 such securities as approved by the county commissioners

1 conditioned upon the faithful performance of his duties and
2 the accounting for all board monies. The board may pay the
3 secretary such compensation as proper for secretarial,
4 accounting and other services required of him apart from
5 his duties as a member of the board.

6

7 **18-9-201. Recreational facilities and systems of**
8 **public recreation; authority to establish and maintain;**
9 **joint action by political subdivision; tax levies; removal.**

10

11 (a) The governing body of any city, town, county or
12 school district either independently or jointly through any
13 combination thereof, may establish a system of public
14 recreation as provided by W.S. 18-9-101(a)(i) through (iii)
15 and, if it does so, shall appoint a board of trustees to
16 control, maintain and supervise the properties. The
17 appointment of trustees under this section shall be subject
18 to the election requirements of W.S. 22-29-120. In
19 administering properties under this section, the board may:

20

21 (c) The governing body which appointed the member of
22 the board of trustees may remove that member of the board
23 of trustees for cause without a public hearing unless the

1 trustee requests that the action be taken during a public
2 hearing. Members of the board of trustees who were elected
3 may be removed or suspended in accordance with W.S.
4 18-3-902 and 18-3-903. Vacancies on the board of trustees
5 shall be filled by the governing body for the balance of
6 the unexpired term created by the vacancy.

7

8 **18-10-103. Board of trustees; appointment;**
9 **composition; qualifications of members; terms of office;**
10 **vacancies; removal.**

11

12 (a) Each board of county commissioners of any county
13 owning, constructing or acquiring any museum or collection
14 of exhibits shall appoint a board of trustees for the
15 museum or collection composed of five (5) electors of the
16 county, subject to the election requirements of W.S.
17 22-29-120. The initial board of trustees shall be appointed
18 as follows: one (1) member for a one (1) year term, two (2)
19 for a two (2) year term and two (2) for a three (3) year
20 term, with each term commencing on July 1 of the year of
21 appointment. Thereafter the terms shall be three (3) years.
22 Vacancies shall be filled for unexpired terms.

23

1 **18-11-102. Powers; management; rates; penalty for**
2 **violation of rules; removal.**

3
4 (a) Following the creation of a solid waste disposal
5 district the board of county commissioners shall appoint
6 not less than three (3) nor more than nine (9) residents of
7 the district to constitute the governing board of the
8 district, subject to the election requirements of W.S.
9 22-29-120. Appointees shall serve a term of three (3) years
10 and may be reappointed. Members of the governing board who
11 are elected under W.S. 22-29-120 shall serve a term of four
12 (4) years and may be reelected, subject to W.S. 22-29-120.

13 Terms of office shall be staggered. The governing board may
14 exercise all powers granted to cities and towns by W.S.
15 15-1-103(a)(xxi) and (xl) and shall adopt rules and
16 regulations in managing the disposal of solid wastes within
17 the district. Violation of a rule or regulation of the
18 governing board requiring disposal of solid wastes in
19 designated sites constitutes a misdemeanor punishable upon
20 conviction by a fine not to exceed seven hundred fifty
21 dollars (\$750.00) or imprisonment not exceeding six (6)
22 months or both. A governing board may also enforce its
23 rules and regulations by appropriate legal proceedings and

1 expend and generate revenue relative to the purpose of a
2 solid waste disposal district. The governing board may
3 permit persons or entities not included within the district
4 to utilize the facilities of the district. The governing
5 board may impose fees upon persons or entities included
6 within or outside of the district for the privilege of
7 utilizing the facilities of the district at rates
8 established by the governing board and any revenue
9 generated in this manner shall only be used to operate the
10 district.

11

12 **18-13-101. Day care centers; funding or operation**
13 **authorized.**

14

15 (b) A board of county commissioners may establish a
16 fund to promote, establish and maintain day care centers.
17 The money may only be expended upon resolution for the
18 establishment, promotion, maintenance and development of
19 day care centers and may be paid to corporations or
20 associations engaged in operating day care centers. A board
21 of county commissioners may also be the governing authority
22 of a day care center and appoint and supervise a board of

1 directors to operate a day care center, subject to the
2 election requirements of W.S. 22-29-120.

3

4 **18-14-101. Establishment; appointment; terms;**
5 **officers; meetings; compensation; establishment under joint**
6 **powers agreement.**

7

8 (b) A regional transportation authority established
9 by resolution of any board of county commissioners shall be
10 comprised of not less than five (5) nor more than nine (9)
11 residents of the county appointed by the board. The
12 appointment of members under this subsection shall be
13 subject to the election requirements of W.S. 22-29-120.
14 Appointees shall serve a term of three (3) years and may be
15 appointed for one (1) additional term. Members of the board
16 who are elected shall serve a term of four (4) years and
17 may be reelected for one (1) additional term, subject to
18 W.S. 22-29-120. Terms of office shall be staggered. The
19 board of county commissioners shall appoint a county
20 resident to fill the unexpired term of any vacancy
21 occurring on the authority. The authority shall elect from
22 its membership a chairman, secretary and a treasurer and
23 shall meet at least once every three (3) months at the call

1 of the chairman or upon the request of a majority of the
2 membership. Members shall serve without compensation but
3 shall be reimbursed for necessary travel and per diem
4 expenses in the manner and amount provided state employees.

5

6 **22-29-103. Applicability to special districts;**
7 **general provisions.**

8

9 (g) The election requirements of W.S. 22-29-120 shall
10 apply to the districts subject to this act unless the
11 applicable principal act expressly provides otherwise or
12 expressly provides for the election of members of the board
13 or district.

14

15 **35-2-1202. Body corporate; name and style; powers**
16 **generally; rules and regulations of trustees.**

17

18 (b) The selection of trustees for each district shall
19 be subject to the election requirements of W.S. 22-29-120.

20

21 **Section 3.** This act shall apply to all boards and
22 special districts specified in this act for which terms of
23 directors, supervisors or trustees end on and after July 1,

1 2026. Nothing in this act shall be construed to abrogate an
2 appointment made to a county board or special district
3 before July 1, 2026 or to require the election of a
4 director, supervisor or trustee who was appointed before
5 July 1, 2026 before the end of that director's,
6 supervisor's or trustee's term.

7

8 **Section 4.** This act is effective July 1, 2026.

9

10

(END)