

Miller

#6

93 LSO -0566

SENATE FILE

0115

TM

SF0115

AN ACT to create W.S. 11-16-135 and 11-16-136; and to amend W.S. 11-16-102(a)(xii), 11-16-134(b) and (c) and by creating a new subsection (d) relating to conservation districts; removing requirement for conservation district tax to be approved every four years; providing for termination of tax by petition; specifying procedure; and providing for an effective date.

SENATE FILE 0115

Charles Miller

Introduced by:

SENATE ACTION ON SENATE FILE

1/20 ☒ Introduced
Aye ___ No ___ Ex ___ Ab ___
☒ Read First Time and Ref. to
Committee No. 6
☐ Failed Introduction
Aye ___ No ___ Ex ___ Ab ___
2/9 Returned from Committee No. ___
with Recommendation:
☐ Do Pass; ☐ Amend & Do
Pass; ☐ Do Not Pass;
☒ W/O Recomm; ☐ Re-Refer
to Committee No. ___
☒ Re-referred to Committee No. ___
Returned from Committee No. ___
with Recommendation:
☐ Do Pass; ☐ Amend & Do
Pass; ☐ Do Not Pass;
☐ W/O Recomm; ☐ Re-Refer
to Committee No. ___
☒ Considered in Comm. of Whole
☐ Amended
☐ Recommended Do Pass
☐ Failed Comm. of Whole
☐ Indefinitely Postponed
☐ Other: ___
☒ Read Second Time
☐ Amended
☐ Do Pass
☐ Do Not Pass
☐ Accelerated to 3rd Rdg.
☒ Read Third Time
☐ Amended
☐ Passed ☐ Failed
Aye ___ No ___ Ex ___ Ab ___
☐ Held for Reconsideration
___ / ___ Motion to Reconsider
☐ Passed ☐ Failed
Aye ___ No ___ Ex ___ Ab ___
___ / ___ Third Reading Vote
(On Reconsideration)
☐ Passed ☐ Failed
Aye ___ No ___ Ex ___ Ab ___
☒ Sent to House (No Amendments)
☒ Sent to LSO for Engrossing
ENGROSSED
___ / ___ Sent to House

SENATE ACTION CONT'D

☒ Received from House with
Request to Concur in Amendments.
☐ Senate Concurred in House
Amendments.
☐ Senate Did not Concur in House
Amendments.
___ / ___ JCC# ___
Senate Members House Members
___ Ch. ___ Ch.
___ / ___ ☐ Request for New Committee.
___ / ___ ☐ Senate Did Not Adopt JCC# ___
___ / ___ ☐ Senate Adopted JCC# ___
☐ House Adopted
☐ House Did not Adopt
___ / ___ JCC# ___
Senate Members House Members
___ Ch. ___ Ch.
___ / ___ ☐ Request for New Committee.
___ / ___ ☐ Senate Did Not Adopt JCC# ___
___ / ___ ☐ Senate Adopted JCC# ___
☐ House Adopted
☐ House Did not Adopt
___ / ___ JCC# ___
Senate Members House Members
___ Ch. ___ Ch.
___ / ___ ☐ Request for New Committee.
___ / ___ ☐ Senate Did Not Adopt JCC# ___
___ / ___ ☐ Senate Adopted JCC# ___
☐ House Adopted
☐ House Did not Adopt
___ / ___ Sent for Enrolling
Received from LSO
SEA No. ___
Signed by President
Signed by Speaker
Approved by Governor
Chapter No. ___

(SEE REVERSE SIDE OF BILL JACKET FOR
SUMMARY OF HOUSE ACTION)

HOUSE ACTION ON SENATE FILE

☒ Received from Senate
☒ Read First Time and Ref. to Committee No. _____
☒ Returned from Committee No. _____
 with Recommendation:
 ☐ Do Pass; ☐ Amend & Do Pass; ☐ Do Not Pass;
 ☐ W/O Recomm; ☐ Re-Refer to Committee No. _____
☒ Re-referred to Committee No. _____
☒ Returned from Committee No. _____
 with Recommendation:
 ☐ Do Pass; ☐ Amend & Do Pass; ☐ Do Not Pass;
 ☐ W/O Recomm; ☐ Re-Refer to Committee No. _____
☒ Considered in Comm. of Whole
 ☐ Amended
 ☐ Recommended Do Pass
 ☐ Failed Comm. of Whole
 ☐ Indefinitely Postponed
 ☐ Other: _____
☒ Read Second Time
 ☐ Amended
 ☐ Do Pass
 ☐ Do Not Pass
 ☐ Accelerated to 3rd Rdg.
☒ Read Third Time
 ☐ Amended
 ☐ Passed ☐ Failed
 Aye ___ No ___ Ex ___ Ab ___
 ☐ Held for Reconsideration
 ___ / ___ Motion to Reconsider
 ☐ Passed ☐ Failed
 Aye ___ No ___ Ex ___ Ab ___
 ___ / ___ Third Reading Vote (On Reconsideration)
 ☐ Passed ☐ Failed
 Aye ___ No ___ Ex ___ Ab ___
☒ Sent to Senate
☒ Sent to LSO for ENROLLING

NOTES: ADDITIONAL HOUSE / SENATE ACTION

3/3 Did on General File

House of Intro
 To Com. No. _____
 Stand Report Do Amd Not
 Com Whole Do Amd Not
 2nd Reading Amd
 3rd Reading Amd Pass Fail

Second House
 To Com No. _____
 Stand Report Do Amd Not
 Com Whole Do Amd Not
 2nd Reading Amd
 3rd Reading Amd Pass Fail

1993

STATE OF WYOMING

93LSO-0566.01

SENATE FILE NO. 0115

Conservation districts tax termination.



Sponsored by: Senator(s) MILLER

A BILL

for

1 AN ACT to create W.S. 11-16-135 and 11-16-136; and to
 2 amend W.S. 11-16-102(a)(xii), 11-16-134(b) and (c) and by
 3 creating a new subsection (d) relating to conservation
 4 districts; removing requirement for conservation district
 5 tax to be approved every four years; providing for termi-
 6 nation of tax by petition; specifying procedure; and pro-
 7 viding for an effective date.

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

9 Section 1. W.S. 11-16-135 and 11-16-136 are created
 10 to read:

11 11-16-135. Termination of tax; circulation of peti-

- 1 -

**NO SIGNIFICANT FISCAL OR
 PERSONNEL IMPACT AT STATE LEVEL**

SF 115

1 tion; requirements.

2 (a) A petition to terminate a tax under this act
3 shall be proposed by filing an application with the county
4 clerk of the county encompassing the largest portion of
5 land within the district. The application shall include:

6 (i) The tax sought to be terminated;

7 (ii) An affidavit of the sponsor of the petition
8 that he is a qualified registered elector of the district.

9 (b) Within seven (7) calendar days the county clerk
10 shall review the application and either certify it or
11 notify the sponsor in writing of the grounds for denial.
12 An application shall be denied if:

13 (i) The tax has not been levied for a period of
14 at least four (4) years;

15 (ii) The application is not substantially in the
16 required form; or

17 (iii) The application is not signed by a sponsor
18 who is a qualified registered elector of the district.

19 (c) If the application is certified, the county clerk
20 shall prescribe the form and prepare petitions containing:

1 (i) An impartial summary of the tax proposed to
2 be terminated;

3 (ii) Sufficient spaces for signatures and
4 addresses;

5 (iii) The warning required by subsection (e) of
6 this section.

7 (d) The petitions, for purposes of circulation, shall
8 be prepared by the county clerk at the sponsor's expense
9 in a number requested by the sponsor. The county clerk
10 shall inform the sponsor of the number of signatures of
11 qualified registered electors of the district required to
12 terminate the tax.

13 (e) Each petition shall include a statement of warn-
14 ing that a person who signs a name other than his own on
15 the petition, or who knowingly signs his name more than
16 once to the petition or who signs the petition knowing
17 that he is not a qualified registered elector of the dis-
18 trict, upon conviction is punishable by a fine of not more
19 than one thousand dollars (\$1,000.00) or by imprisonment
20 for not more than one (1) year or both.

21 (f) Any qualified registered elector of the district

1 may subscribe to the petition by signing his name and
2 listing his address. A person who has signed the petition
3 may withdraw his name only by giving written notice to the
4 county clerk before the time that the petition is filed.

5 (g) The petition may be filed with the county clerk
6 if signed by a sufficient number of qualified registered
7 electors of the district. The petition may be filed by
8 partial submissions. The sponsor shall provide written
9 notification of the final submission. The sponsor of a
10 petition may file the petition only within one (1) year
11 after the first set of petition forms are provided to the
12 sponsor. Any petition not submitted within the one (1)
13 year period is void for all purposes.

14 (h) Before a petition is filed, it shall be verified
15 by the sponsor who initiated it. The verification shall
16 be in affidavit form and shall state in substance that:

17 (i) The person signing the affidavit is a spon-
18 sor of the petition;

19 (ii) To the best of his knowledge, the signa-
20 tures are those of the persons whose names they purport to
21 be.

1 (j) In determining the sufficiency of the petition,
2 the county clerk shall not count signatures on petitions
3 not properly verified.

4 (k) Within not more than thirty (30) days of the date
5 all submissions of the petition are filed, the county
6 clerk shall review the petition and shall notify the
7 sponsor whether the petition was properly or improperly
8 filed. The petition shall be determined to be improperly
9 filed if:

10 (i) There is an insufficient number of signa-
11 tures of qualified registered electors of the district; or

12 (ii) The petition was not filed timely under
13 subsection (g) of this section.

14 11-16-136. Termination of tax; time of termination;
15 reimposing the tax.

16 (a) Immediately upon determining that the petition is
17 properly filed the county clerk shall certify the petition
18 to the commissioners. The tax shall not be levied begin-
19 ning with the fiscal year immediately following the certi-
20 fication of the petition if the petition is certified at
21 least thirty (30) days prior to the adoption of the budget

1 for that fiscal year. If the petition is certified after
2 the adoption of the budget the tax shall not be levied
3 beginning with the next fiscal year.

4 (b) A tax terminated under this act may be reimposed
5 in accordance with W.S. 11-16-133.

6 Section 2. W.S. 11-16-102(a)(xii), 11-16-134(b) and
7 (c) and by creating a new subsection (d) are amended to
8 read:

9 11-16-102. Definitions.

10 (a) As used in this act:

11 (xii) "This act" means W.S. 11-16-101 through
12 11-16-134 11-16-136.

13 11-16-134. Imposition of tax; vote of electors
14 required; termination of the tax.

15 (b) The proposition to impose a tax under this act
16 shall be at the expense of the county and may be submitted
17 to the electors of the county DISTRICT upon the receipt by
18 the board of county commissioners of a petition requesting
19 the election signed by a majority of the supervisors of
20 the district. The election shall be at the direction and

1 under the supervision of the board of county commission-
2 ers.

3 (c) Subject to the limitation of subsection (b) of
4 this section, the proposition to impose a tax under this
5 act may be submitted at any general election. A notice of
6 election shall be given by the county clerk in at least
7 one (1) newspaper of general circulation published in the
8 county wherein the election is to be held and shall spec-
9 ify the object of the election. The notice shall be pub-
10 lished at least once each week for a thirty (30) day
11 period preceding the election. At the election the bal-
12 lots shall contain the words "for the conservation dis-
13 trict tax" and "against the conservation district tax". If
14 the proposition is approved ~~the same proposition shall be~~
15 ~~submitted at the second following general election and~~
16 ~~thereafter at succeeding general elections every four (4)~~
17 ~~years until the proposition is defeated~~ THE TAX SHALL
18 REMAIN IN EFFECT UNTIL TERMINATED PURSUANT TO SUBSECTION
19 (d) OF THIS SECTION.

20 (d) A TAX IMPOSED UNDER THIS ACT SHALL BE TERMINATED
21 IF A PETITION MEETING THE REQUIREMENTS OF THIS SUBSECTION
22 AND W.S. 11-16-135 AND 11-16-136 IS FILED WITH THE COUNTY
23 CLERK OF THE COUNTY ENCOMPASSING THE LARGEST PORTION OF

1 THE LAND WITHIN THE DISTRICT AND THE COUNTY CLERK CERTI-
2 FIES TO THE BOARD OF COUNTY COMMISSIONERS THAT PETITION
3 CONTAINS THE LEGAL SIGNATURES OF A SUFFICIENT NUMBER OF
4 QUALIFIED REGISTERED ELECTORS OF THE DISTRICT TO TERMINATE
5 THE TAX. A PETITION CONTAINING THE LEGAL SIGNATURES OF
6 QUALIFIED REGISTERED ELECTORS OF THE DISTRICT EXCEEDING
7 THE NUMBER OF VOTES CAST IN FAVOR OF IMPOSING THE TAX AT
8 THE MOST RECENT ELECTION SHALL BE SUFFICIENT TO TERMINATE
9 THE TAX.

10 Section 3. This act is effective July 1, 1993.

11 (END)

THE LEGISLATURE OF THE STATE OF WYOMING

Senate

Cheyenne, February, 19 93.

Mr. President:

Your Committee No. 6 on TRAVEL, RECREATION & WILDLIFE
 to whom was referred SF No. 0075, 0115
 respectfully reports same back to the Senate ~~with the recommendation that~~

without recommendation.


 Henry H. R. "Hank" Coe

Chairman