

Harrison

94LSO - 0130

# HOUSE BILL

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HB0013

AN ACT to create W.S. 18-9-301 through 18-9-319; and to amend W.S. 39-2-402(e) by creating a new paragraph (xiii) relating to special fair districts; providing for the establishment of special fair districts; specifying a fair district's powers and duties; authorizing appointments or elections and a mill levy; providing authorization for bonds; and providing for an effective date.

HOUSE BILL 0013

Introduced by: *Ray Harrison*

## HOUSE ACTION ON HOUSE BILL

☐ Introduced  
Aye \_\_\_ No \_\_\_ Ex \_\_\_ Ab \_\_\_

☐ Read First Time and Ref. to  
Committee No. \_\_\_

☐ Failed Introduction  
Aye \_\_\_ No \_\_\_ Ex \_\_\_ Ab \_\_\_

☐ 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 (No Amendments)

☐ Sent to LSO for Engrossing  
ENGROSSED  
Sent to Senate

## SENATE ACTION ON HOUSE BILL

☐ Received. Read First Time.  
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. \_\_\_

☐ 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

☐ Sent for Enrolling  
HEA No. \_\_\_

☐ Signed by Speaker

☐ Signed by President

☐ Approved by Governor

☐ Chapter No. \_\_\_

**NOTES: ADDITIONAL SENATE/HOUSE ACTION**

7/17 Withdrawn on Request  
by Sponsor

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[illegible]

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

1994

STATE OF WYOMING

94LSO-0130.01

HOUSE BILL NO. 0013

Special fair districts.

Sponsored by: Representative(s) HARRISON

A BILL

for

1 AN ACT to create W.S. 18-9-301 through 18-9-319; and to  
 2 amend W.S. 39-2-402(e) by creating a new paragraph (xiii)  
 3 relating to special fair districts; providing for the  
 4 establishment of special fair districts; specifying a fair  
 5 district's powers and duties; authorizing appointments or  
 6 elections and a mill levy; providing authorization for  
 7 bonds; and providing for an effective date.

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

9 Section 1. W.S. 18-9-301 through 18-9-319 are created  
 10 to read:

11 ARTICLE 3

- 1 -

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

HB 123

1

## SPECIAL FAIR DISTRICTS

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3

18-9-301. Petition of property owners; public hearing; written protests; election.

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(a) A special fair district may be formed in one (1) or more counties or any part of a county as provided by this section.

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(b) Whenever a board or boards of county commissioners receive a petition for the establishment of a special fair district signed by at least twenty-five percent (25%) of the property owners owning at least twenty-five percent (25%) of the assessed valuation of property within the area of the proposed special fair district as shown by the assessment records they shall within ninety (90) days after receiving the petition hold a public hearing. The notice of the hearing shall include a description of the proposed district, its boundaries and the date, time and place of the hearing. The notice shall be given by publication once a week for three (3) consecutive weeks in a newspaper of general circulation published in the county or counties in which any part of the proposed district is located. The last notice shall be published at least twenty (20) days prior to the hearing. Any person may

1 appear at the hearing and be heard concerning any matters  
2 affecting the creation of the district, and a record of  
3 the proceedings shall be made and kept as a part of the  
4 public records of the board of county commissioners.

5 (c) If the board of county commissioners receive  
6 within thirty (30) days after the hearing written protests  
7 signed by the owners of at least thirty-five percent (35%)  
8 of assessed valuation of property within any separate  
9 county, city or town or unincorporated area of a school  
10 district included in the proposed district, the proposal  
11 and the district shall fail.

12 (d) If the number of written protests described in  
13 subsection (c) of this section is insufficient to defeat  
14 the establishment of the district, the respective boards  
15 of county commissioners shall order an election to be held  
16 within sixty (60) days after the expiration of the thirty  
17 (30) day protest period upon the question of establishment  
18 of the district. They shall publish a notice of election  
19 stating the purpose, time and place in a local newspaper  
20 published in each county. The notice shall be published  
21 once weekly for four (4) consecutive weeks preceding the  
22 day of election. The qualifications of all electors are  
23 the same as provided by law for general elections. The

1 voting and ballot boxes shall insofar as practicable be  
2 conducted in the same manner as provided by law for county  
3 bond elections.

4 18-9-302. When district considered established; fail-  
5 ure to establish district.

6 (a) If a majority of the voters in the proposed dis-  
7 trict in each county, each town or city, and the unincor-  
8 porated area of each school district included in the pro-  
9 posed district voting at the election vote for the estab-  
10 lishment of the proposed district, the board or boards of  
11 county commissioners shall enter the vote upon their  
12 records and the district is established.

13 (b) If the establishment of the district fails for  
14 the reason described in W.S. 18-9-301(c) or is defeated at  
15 a public election, no action to establish the district or  
16 any part thereof may again be commenced for a period of  
17 one (1) year.

18 18-9-303. District a body corporate; name; powers.

19 (a) Each district established is a body corporate by  
20 the name of "the .... fair district". The name shall be  
21 selected by the board of county commissioners of the

1 county in which the greater area of land within the dis-  
2 trict is located and will be entered in their records.

3 (b) The district may:

4 (i) Hold property and be a party to contracts;

5 (ii) Sue and be sued;

6 (iii) Through its governing board acquire prop-  
7 erty for fair purposes by gift, devise, bequest or pur-  
8 chase or contract for the acquisition by purchase or lease  
9 of real and personal property;

10 (iv) Convey, lease and otherwise dispose of  
11 property for fair purposes;

12 (v) Establish sinking funds for fair purposes;

13 (vi) Issue bonds for the purchase of real prop-  
14 erty, improvements and equipment as provided by W.S.  
15 18-9-314;

16 (vii) Make rules and regulations as necessary  
17 for the proper operation of the district.

18 18-9-304. Appointment or election of trustees; gener-  
19 ally.

1       (a) If a special fair district is established  
2 entirely within the boundaries of a single county, the  
3 county commissioners shall hold a public meeting for  
4 appointing a board of trustees for the district. Notice  
5 of the meeting shall be advertised in the official news-  
6 paper of the county at least two (2) times before the date  
7 of the meeting, with the last publication being at least  
8 ten (10) days prior to the date of the meeting. The  
9 notice shall solicit nominations for directors to be sub-  
10 mitted at least five (5) days before the date of the meet-  
11 ing. From the nominations submitted the county commis-  
12 sioners shall appoint the district board of trustees which  
13 shall consist of six (6) trustees who shall govern the  
14 district affairs and serve without compensation for a term  
15 of four (4) years. The county commissioners may remove an  
16 appointed trustee for repeated unexcused failure to attend  
17 meetings or for refusal or incapacity to act as a district  
18 trustee.

19       (b) If a special fair district is established within  
20 more than one (1) county, within forty (40) days after the  
21 district is established an election of six (6) trustees  
22 shall be held. The board of trustees elected shall govern  
23 the district affairs and serve without compensation. At



1 the first election three (3) members shall be elected to  
2 serve until the next succeeding district election and  
3 three (3) members elected to serve until the second suc-  
4 ceeding district election and until their successors are  
5 elected and qualified. The respective boards of county  
6 commissioners before the first election and before each  
7 succeeding election shall designate polling places and the  
8 date and hours of the election. Notice thereof shall be  
9 given by publication once weekly in a newspaper published  
10 in each county for not less than two (2) weeks preceding  
11 the election. The boards of county commissioners at the  
12 first election and the board of trustees of the district  
13 thereafter shall prepare and provide the necessary sup-  
14 plies for the election. The judges and clerks for the  
15 election shall be the same judges and clerks appointed to  
16 serve at the general election and shall receive no addi-  
17 tional compensation. The judges and clerks shall conduct  
18 the election in the manner prescribed by law for general  
19 elections insofar as the provisions are compatible with  
20 the provisions of this section, but no previous registra-  
21 tion of electors is required. The election officials shall  
22 canvass and return the vote as provided by law. The  
23 returns of the election shall be made to the respective  
24 county clerks for the first election and to the secretary

1 of the district for each election thereafter.

2 18-9-305. Election of trustees; when held; terms. In  
3 all special fair districts requiring an election in accor-  
4 dance with W.S. 18-9-304(b), elections after the first  
5 election shall be held at the same time as the state gen-  
6 eral election for the purpose of electing three (3)  
7 trustees who shall hold office for four (4) years and  
8 until their successors are duly elected and qualified.

9 18-9-306. Voters generally. At all special fair dis-  
10 trict elections no person shall vote unless his name  
11 appears on the poll list of voters who voted at the last  
12 general county election in a precinct which is wholly or  
13 partially included in the fair district or until he has  
14 taken and subscribed before an election official the fol-  
15 lowing oath:

16 State of Wyoming )  
17 ) ss  
18 County of )

19 I do solemnly swear (or affirm) that I am a citizen of  
20 the United States; that I am of the age of eighteen (18)  
21 years; that I have been actually and not constructively a  
22 resident of this state for one (1) year, and of this

1 county sixty (60) days and of .... Fair District of the  
2 county ten (10) days next preceding this day; and that I  
3 am an actual and bona fide resident of the fair district.

4 18-9-307. Voter's list. Upon request of the secretary  
5 of the board of trustees of any special fair district made  
6 at least fifteen (15) days before a district election, the  
7 county clerks of the counties wherein the special fair  
8 district is located shall prepare, certify and deliver to  
9 the secretary at least three (3) days before the district  
10 elections a list of all voters who reside within the  
11 boundaries of the district whose names appear on the poll  
12 list as voting at the last general county election.

13 18-9-308. Composition and duties of canvassing board;  
14 qualification of newly elected members. The respective  
15 boards of county commissioners for the first election, and  
16 the board of trustees of the district thereafter shall act  
17 as a canvassing board, declare the person or persons  
18 receiving the largest number of votes elected and notify  
19 those persons thereof. The newly elected members of the  
20 board of trustees shall qualify and take office within ten  
21 (10) days after the notice. In case of a failure to qual-  
22 ify the board of trustees may declare a vacancy and fill  
23 the vacancy as provided by law.



1     than the Saturday preceding the election. In nominating  
2     trustees for the first election the petition shall be  
3     addressed to the county clerk.

4         18-9-310. Vacancies on district board of trustees. If  
5     a vacancy occurs on any special fair district board of  
6     trustees, the vacancy shall be filled by appointment made  
7     by the board of trustees. The appointee may hold the  
8     office until the next district election following his  
9     appointment. At the next election the vacancy shall be  
10    filled in the same manner as provided by law for the elec-  
11    tion of district trustees.

12        18-9-311. Oath of trustees. All trustees shall within  
13    ten (10) days after their election appear before some per-  
14    son qualified to administer oaths and take an oath for the  
15    faithful performance of their duties in accordance with  
16    law and shall transmit a written copy of the oath to the  
17    respective county clerks for the first election and to the  
18    secretary of the district thereafter.

19        18-9-312. President, treasurer and secretary of dis-  
20    trict; meetings of board; conflict of interest. Each year  
21    the board of trustees shall as soon as they are qualified  
22    elect a president, treasurer and secretary of the dis-

1     trict. The board of trustees may hold regular or special  
2     meetings as they determine. No trustee shall be directly  
3     or indirectly interested financially in any contract, work  
4     done or property purchased by the district.

5             18-9-313. Administration of finances; assessments and  
6     taxation.

7             (a) The board of trustees of special fair districts  
8     shall administer the finances of the district according to  
9     the provisions of the Uniform Municipal Fiscal Procedures  
10    Act. Annually, each county assessor shall provide the  
11    board of county commissioners with the total assessed  
12    value of all taxable property within a special fair dis-  
13    trict in his county.

14            (b) The board of county commissioners at the same  
15    time they levy for county purposes shall levy a tax not  
16    exceeding one (1) mill upon the taxable property in the  
17    district in its county for its proportionate share based  
18    on the assessed valuation and the estimated amount of  
19    funds needed by each district. The taxes shall be col-  
20    lected at the same time and in the same manner as state  
21    and county taxes. The tax levy provided by this section  
22    shall not be construed as being a part of the general

1 county mill levy.

2 18-9-314. Coupon bonds; generally. The board of  
3 trustees of special fair districts may submit to the elec-  
4 tors of the district the question whether the board shall  
5 be authorized to issue coupon bonds of the district to a  
6 certain amount, not to exceed two percent (2%) of the  
7 assessed value of the taxable property in the district,  
8 bearing interest at a certain rate, payable and redeemable  
9 at a certain time not exceeding twenty-five (25) years,  
10 for constructing or acquiring property for fair purposes.

11 18-9-315. Special election; ballots. The special  
12 election shall be conducted as near as practicable in the  
13 manner provided for the establishment of a fair district  
14 and as provided by W.S. 22-21-101 through 22-21-112.

15 18-9-316. Form; notice; bids; sale. If the proposal  
16 to issue bonds is approved, the board of trustees may  
17 issue bonds in a form as they decide and shall give notice  
18 by publication in some newspaper published in the counties  
19 in which the district is located and in some newspaper of  
20 general circulation in Cheyenne, Wyoming of its intention  
21 to issue and negotiate the bonds and to invite bidders  
22 therefor. In no case shall the bonds be sold for less than

1     their full or par value and the accrued interest thereon  
2     at the time of their delivery. The trustees may reject any  
3     bids or sell the bonds at private sale if they deem it for  
4     the best interest of the district.

5           18-9-317. Preparation and execution. After ascertain-  
6     ing the best terms and the lowest interest at which the  
7     bonds can be negotiated, the board shall secure the proper  
8     engraving and printing and consecutive numbering thereof  
9     and the bonds shall then be properly prepared and exe-  
10    cuted. They must bear the signature of the president of  
11    the board of trustees and be countersigned by the county  
12    treasurer of the county in which the funds of the district  
13    are kept, and the coupons attached to the bonds must be  
14    signed by the president, secretary and county treasurer.  
15    The secretary of the board shall endorse and sign in his  
16    official capacity a certificate upon every bond that it is  
17    within the lawful debt limit of the district and is issued  
18    according to law. When so executed the bonds shall be reg-  
19    istered by the county treasurer where the funds of the  
20    district are kept in a book provided for that purpose,  
21    which must show the number and amount of each bond and the  
22    person to whom it is issued.

23           18-9-318. Preparation and execution; full faith and



1     credit; payment of principal and interest.

2           (a) The full faith and credit of each fair district  
3     is solemnly pledged for the payment of the interest and  
4     the redemption of the principal of all bonds which are  
5     issued by the district.

6           (b) The county treasurer where the funds of the dis-  
7     trict are kept may pay out of the district tax fund the  
8     interest and principal due upon any bonds upon presenta-  
9     tion at his office of the proper coupon or bond which must  
10    show the amount due and each coupon must also show the  
11    number of the bond to which it belonged. All bonds and  
12    coupons so paid must be reported to the district trustees  
13    at their first regular meeting thereafter.

14           18-9-319. Existing county fairs not affected; fair  
15    may submit to electors question of organizing district.

16    All state or county fairs and any mill levy made pursuant  
17    to W.S. 18-9-101 and 18-9-102 shall not be affected by the  
18    provisions of W.S. 18-9-301 through 18-9-318. Any county  
19    fair, by a majority vote of the board of trustees may sub-  
20    mit to the qualified electors of the county, or any por-  
21    tion thereof, in which the fair is located the question of  
22    organizing a special fair district under the provisions of

1 and in accordance with the procedures specified in W.S.  
2 18-9-301 through 18-9-319.

3 Section 2. W.S. 39-2-402(e) by creating a new para-  
4 graph (xiii) is amended to read:

5 39-2-402. Authorized mill levies.

6 (e) There shall be annually levied and assessed upon  
7 the taxable value of property within the limits of the  
8 following special districts the following special district  
9 taxes when applicable:

10 (xiii) NOT TO EXCEED ONE (1) MILL BY A SPECIAL  
11 FAIR DISTRICT AS PROVIDED BY W.S. 18-9-313(b) PLUS THE  
12 NUMBER OF MILLS NECESSARY FOR THE PAYMENT OF THE DISTRICT  
13 DEBT PLUS INTEREST THEREON NOT TO EXCEED THE LIMITATIONS  
14 PRESCRIBED BY W.S. 18-9-314.

15 Section 3. This act is effective July 1, 1994.

16 (END)

Special fair districts.

94LSO-0130.L2

FISCAL NOTE

No significant fiscal or personnel impact.