

CHAPTER 151

IRRIGATION DISTRICTS-ELECTIONS

Original House Bill No. 164

AN ACT to amend W.S. 41-7-302, 41-7-304 and 41-7-316 relating to water; providing for the terms and election of irrigation district commissioners as specified; providing for financial reports as specified; and providing for an effective date.

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

**Section 1.** W.S. 41-7-302, 41-7-304 and 41-7-316 are amended to read:

41-7-302. OATH AND BOND; QUORUM; TERM; REMOVAL; VACANCIES. Before entering upon their duties, ~~such~~ commissioners shall take and subscribe an oath to support the constitution of the United States and the constitution of the state of Wyoming, to faithfully and impartially discharge their duties as ~~such~~ commissioners and to render a true account of their doing to the court by which they are appointed whenever required by law or the order of the court. ~~;~~ and Commissioners shall execute a bond running to the clerk of ~~said~~ court and his successors in office as obligees, to be filed with ~~said~~ the clerk for the benefit of the parties interested, in an amount to be fixed by the court or presiding judge, and with sureties to be approved by the court or presiding judge, conditioned for the faithful discharge of their duties as ~~such~~ commissioners and the faithful accounting of all ~~moneys~~ monies which shall come into their hands as ~~such~~ commissioners. A majority shall constitute a quorum and a concurrence of a majority in any matter within their duties shall be sufficient to its determination. The commissioners appointed shall hold their office until the ~~third Tuesday in the second succeeding February~~ first regular meeting of the commissioners following the date of the order organizing ~~such~~ the district and until their respective successors are qualified, except under the provisions of W.S. 41-7-316. The commissioners appointed by the secretary of the interior, ~~who~~ shall be subject to removal from office and any ~~commissioner~~ commissioner appointed by the secretary of the interior to fill a vacancy filled by said secretary of the interior, which commissioners shall hold office until less than a majority of the lands within the district are unentered public lands, after which they the commissioners shall be elected as otherwise provided in this article chapter. If the office of any commissioner so appointed shall become vacant by reason of death, or other cause, the court or judge thereof shall appoint a qualified person to fill ~~such~~ the vacancy.

41-7-304. FINANCIAL RECORDS AND REPORTS; COMPENSATION AND EXPENSES; SUIT ON BONDS. The commissioners shall keep an accurate record of all ~~moneys~~ monies collected on account of the work under their charge and of all payments made by them, and shall take vouchers for ~~such~~ payments and shall keep full, accurate and true minutes of all their proceedings. On or before the tenth day of January each year ~~they in a district which uses a calendar year for elections under W.S. 41-7-316,~~

and on or before the tenth day of July each year in a district which uses a fiscal year for elections under W.S. 41-7-316, the commissioners shall file in the office of the clerk of the court having jurisdiction in the matter, an itemized statement of all their receipts and disbursements, for the preceding fiscal year, and leave said the report in such the office for examination by parties interested at all times, ; and include a copy thereof in the regular call for the annual meeting hereinafter provided. They shall receive for their services, such compensation as the court or presiding judge thereof may determine. They shall also be reimbursed for their actual reasonable expenses. Suit may also be brought upon their bonds, and the amount recovered shall be applied to the construction of the work or to the party injured, as justice may require.

**41-7-316. ELECTION; WHEN HELD; TERM OF OFFICE; EXCEPTION.**

(a) At any annual meeting of the irrigation district, the district may elect to adopt either a calendar year basis for their district elections or a fiscal year basis for their district elections. If the district elects a calendar year basis, on or after the first day of February and before the third Tuesday last day in February March next preceding the expiration of the terms of office of any irrigation district commissioner appointed in any irrigation district, organized under the provisions of this article chapter, and on or after the first day of February and before the third Tuesday last day in February March of each year thereafter, an election shall be held to elect a commissioner or commissioners for the district, in the manner hereinafter prescribed by this section.

(b) If the district elects a fiscal year basis for their district elections similar to that of the county in which they are located, then on or after the first day of August and before the last day of September next preceding the expiration of the terms of office of any irrigation district commissioner appointed or elected in any irrigation district organized under the provisions of this chapter, and on or after the first day of August and before the last day in September of each year thereafter, an election shall be held to elect a commissioner or commissioners for the district, in the manner prescribed in this section.

~~(b)~~(c) At the first election held in any such district, one (1) commissioner shall be elected from each commissioner district who shall be a landowner thereof. Where the irrigation district is divided into three (3) subdivisions, the commissioner from district number 1 shall serve as a commissioner for a term of one (1) year, the commissioner from district number 2 shall serve as a commissioner for a term of two (2) years, and the commissioner from district number 3 shall serve as a commissioner for a term of three (3) years. Where the district is divided into five (5) subdivisions, the commissioners from districts numbers 1 and 2 shall serve as commissioners for a term of one (1) year, commissioners from districts numbers 3 and 4 shall serve as commissioners for a term of two (2) years, and the commissioner from district number 5 shall serve as a commissioner for a term of three (3) years. Thereafter, all commissioners elected shall serve for a term of three (3) years, and until their successors are elected and qualified, except commissioners elected to fill an unexpired term.

(e)(d) The term of an elected commissioner shall commence upon the third Tuesday in February date of the next ensuing regular meeting of the commissioners held after his election. If a majority of the commissioners are appointed by the secretary of the interior as provided for in this article chapter, then the remaining commissioners shall be elected at large within the entire irrigation district for terms of three (3) years each. ~~which~~ The terms however, shall be limited to and expire on the third Tuesday in February date of the next regular meeting of the commissioners held following the date when the unentered public lands within the district constitute less than the majority of the total acreage within the district. ~~After which~~ After the expiration of these terms, the commissioners shall be elected in the same manner and for the same terms as provided for herein in the case of first election of commissioners.

**Section 2.** This act is effective July 1, 1995.

Approved February 24, 1995.