

Read #5

#5
95 LSO-0037

HOUSE BILL 0164

HOUSE BILL 0164

HB0164

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.

Joe Reed
Introduced by:

HOUSE ACTION ON HOUSE BILL

- 1/10 Introduced
Aye ___ No ___ Ex ___ Ab ___
- Read First Time and Ref. to Committee No. 5
- Failed Introduction
Aye ___ No ___ Ex ___ Ab ___
- 1/31 Returned from Committee No. 5
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. _____
- 2/3 Considered in Comm. of Whole
 Amended
 Recommended Do Pass
 Failed Comm. of Whole
 Indefinitely Postponed
 Other: _____
- 2/6 Read Second Time
 Amended
 Do Pass
 Do Not Pass
 Accelerated to 3rd Rdg.
- 2/7 Read Third Time
 Amended
 Passed Failed
Aye 59 No 1 Ex 0 Ab 0
 Held for Reconsideration
 Motion to Reconsider
 Passed Failed
Aye ___ No ___ Ex ___ Ab ___
 Third Reading Vote
(On Reconsideration)
 Passed Failed
Aye ___ No ___ Ex ___ Ab ___
- 2/7 Sent to Senate (No Amendments)
- Sent to LSO for Engrossing
- ENGROSSED
- Sent to Senate

SENATE ACTION ON HOUSE BILL

- 2/8 Received. Read First Time.
- 2/16 Referred to Committee No. 5
Returned from Committee No. 5
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. _____
- 2/20 Considered in Comm. of Whole
 Amended
 Recommended Do Pass
 Failed Comm. of Whole
 Indefinitely Postponed
 Other: _____
- 2/21 Read Second Time
 Amended
 Do Pass
 Do Not Pass
 Accelerated to 3rd Rdg.
- 2/22 Read Third Time
 Amended
 Passed Failed
Aye 30 No 0 Ex 0 Ab 0
 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
- 2/22 Sent for Enrolling
HEA No. 93
- 2/23 Signed by Speaker
- 2/23 Signed by President
- 2/24 Approved by Governor
Chapter No. 151

HOUSE BILL NO. 0164

Irrigation districts-elections.

Sponsored by: Representative(s) REED and DEWITT and Senator(s)
COE

A BILL

for

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

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

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

9 41-7-302. OATH AND BOND; QUORUM; TERM; REMOVAL;
10 VACANCIES. Before entering upon their duties, such commis-
11 sioners shall take and subscribe an oath to support the

=====
LEGEND: Underlined = New text added to existing statutes
Stricken = Text deleted from existing statutes
=====

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

1 constitution of the United States and the constitution of
2 the state of Wyoming, to faithfully and impartially dis-
3 charge their duties as such commissioners and to render a
4 true account of their doing to the court by which they are
5 appointed whenever required by law or the order of the
6 court. ; -and Commissioners shall execute a bond running to
7 the clerk of said court and his successors in office as
8 obligees, to be filed with said the clerk for the benefit
9 of the parties interested, in an amount to be fixed by the
10 court or presiding judge, and with sureties to be approved
11 by the court or presiding judge, conditioned for the
12 faithful discharge of their duties as such commissioners
13 and the faithful accounting of all moneys monies which
14 shall come into their hands as such commissioners. A
15 majority shall constitute a quorum and a concurrence of a
16 majority in any matter within their duties shall be suffi-
17 cient to its determination. The commissioners appointed
18 shall hold their office until the ~~third--Tuesday--in--the~~
19 ~~second--succeeding--February~~ first regular meeting of the
20 commissioners following the date of the order organizing
21 such the district and until their respective successors
22 are qualified; --except under the provisions of W.S.
23 41-7-316. The commissioners appointed by the secretary of
24 the interior, -whe shall be subject to removal from office

1 and any commissioner appointed by the secretary of the
2 interior to fill a vacancy filled-by-said-secretary-of-the
3 interior,-which-commissioners shall hold office until less
4 than a majority of the lands within the district are
5 unentered public lands, after which they the commissioners
6 shall be elected as otherwise provided in this article
7 chapter. If the office of any commissioner so appointed
8 shall become vacant by reason of death, or other cause,
9 the court or judge thereof shall appoint a qualified per-
10 son to fill such the vacancy.

11 41-7-304. FINANCIAL RECORDS AND REPORTS; COMPENSATION
12 AND EXPENSES; SUIT ON BONDS. The commissioners shall keep
13 an accurate record of all moneys monies collected on
14 account of the work under their charge and of all payments
15 made by them, and shall take vouchers for such payments
16 and shall keep full, accurate and true minutes of all
17 their proceedings. On or before the tenth day of January
18 each year they in a district which uses a calendar year
19 for elections under W.S. 41-7-316, and on or before the
20 tenth day of July each year in a district which uses a
21 fiscal year for elections under W.S. 41-7-316, the commis-
22 sioners shall file in the office of the clerk of the court
23 having jurisdiction in the matter, an itemized statement

1 of all their receipts and disbursements, for the preceding
2 fiscal year, and leave said the report in such the office
3 for examination by parties interested at all times, ; and
4 include a copy thereof in the regular call for the annual
5 meeting hereinafter provided. They shall receive for their
6 services, -such compensation as the court or presiding
7 judge thereof may determine. They shall also be reimbursed
8 for their actual reasonable expenses. Suit may also be
9 brought upon their bonds, and the amount recovered shall
10 be applied to the construction of the work or to the party
11 injured, as justice may require.

12 41-7-316. ELECTION; WHEN HELD; TERM OF OFFICE; EXCEP-
13 TION.

14 (a) At any annual meeting of the irrigation district,
15 the district may elect to adopt either a calendar year
16 basis for their district elections or a fiscal year basis
17 for their district elections. If the district elects a
18 calendar year basis, on or after the first day of February
19 and before the third-Tuesday last day in February March
20 next preceding the expiration of the terms of office of
21 any irrigation district commissioner appointed in any
22 irrigation district, organized under the provisions of
23 this article chapter, and on or after the first day of

1 February and before the third-Tuesday last day in February
2 March of each year thereafter, an election shall be held
3 to elect a commissioner or commissioners for the district,
4 in the manner hereinafter prescribed by this section.

5 (b) If the district elects a fiscal year basis for
6 their district elections similar to that of the county in
7 which they are located, then on or after the first day of
8 August and before the last day of September next preceding
9 the expiration of the terms of office of any irrigation
10 district commissioner appointed or elected in any irriga-
11 tion district organized under the provisions of this chap-
12 ter, and on or after the first day of August and before
13 the last day in September of each year thereafter, an
14 election shall be held to elect a commissioner or commis-
15 sioners for the district, in the manner prescribed in this
16 section.

17 {b}(c) At the first election held in any such dis-
18 trict, one (1) commissioner shall be elected from each
19 commissioner district who shall be a landowner thereof.
20 Where the irrigation district is divided into three (3)
21 subdivisions, the commissioner from district number 1
22 shall serve as a commissioner for a term of one (1) year,
23 the commissioner from district number 2 shall serve as a

1 commissioner for a term of two (2) years, and the commis-
2 sioner from district number 3 shall serve as a commis-
3 sioner for a term of three (3) years. Where the district
4 is divided into five (5) subdivisions, the commissioners
5 from districts numbers 1 and 2 shall serve as commission-
6 ers for a term of one (1) year, commissioners from dis-
7 tricts numbers 3 and 4 shall serve as commissioners for a
8 term of two (2) years, and the commissioner from district
9 number 5 shall serve as a commissioner for a term of three
10 (3) years. Thereafter, all commissioners elected shall
11 serve for a term of three (3) years, and until their suc-
12 cessors are elected and qualified, except commissioners
13 elected to fill an unexpired term.

14 {e)(d) The term of an elected commissioner shall com-
15 mence upon the third-Tuesday-in-February date of the next
16 ensuing regular meeting of the commissioners held after
17 his election. If a majority of the commissioners are
18 appointed by the secretary of the interior as provided for
19 in this article chapter, then the remaining commissioners
20 shall be elected at large within the entire irrigation
21 district for terms of three (3) years each, ;-which The
22 terms however, shall be limited to and expire on the third
23 Tuesday-in-February date of the next regular meeting of

1 the commissioners held following the date when the
2 unentered public lands within the district constitute less
3 than the majority of the total acreage within the
4 district. ; After which the expiration of these terms, the
5 commissioners shall be elected in the same manner and for
6 the same terms as provided for herein in the case of first
7 election of commissioners.

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

9 (END)

THE LEGISLATURE OF THE STATE OF WYOMING

House of Representatives

Cheyenne, February 27, 19 95

Mr. Speaker:

Your Committee No. 5 on AGRICULTURE, PUBLIC LANDS & WATER RESOURCES

to whom was referred House Bill No. 0164

respectfully reports same back to the House with the recommendation that it

DO PASS

<u>AYES</u>	<u>NOES</u>	<u>EXCUSED</u>
Anderson 0		0
Diercks		
Eyre		
Huckfeldt		
Moore		
Morrow		
Philp		
Selby		
Gans		

Sylvia S. Gans
 SYLVIA S. GANS

Chairman

THE LEGISLATURE OF THE STATE OF WYOMING

Senate

Cheyenne, February 16, 1995

Mr. President:

Your Committee No. 5 on AGRICULTURE, PUBLIC LANDS & WATER RESOURCES
to whom was referred HB No. 0164

respectfully reports same back to the Senate with the recommendation that

it DO PASS.

AYES: Senators Geis, Barton, Cathcart, Meier

EXCUSED: Senator Maxfield

Gerald E. Geis
GERALD E. GEIS Chairman

SENATE ROLL CALL - FIFTY-THIRD WYOMING LEGISLATURE

Date 2-22-95 Bill # HB 164 Intro _____ 3rd Rdg X Concur _____ Rules/Susp _____

Other Action: Consent List JCC# _____

Moved by: _____ Seconded by: _____

	Ayes	Noes	Excused	Absent	Conflict
APPLEGATE	✓				
BARTON	✓				
CAMERON	✓				
CATHCART	✓				
COE	✓				
EDWARDS					
ENZI	✓				
GEIS	✓				
GILBERTZ	✓				
GOODENOUGH	✓				
GRIEVE	✓				
HARRIS	✓				
HAWKS	✓				
KINNISON	✓				
KUNZ	✓				
LARSON	✓				
LAWLER	✓				
MAXFIELD	✓				
MEIER	✓				
MILLER	✓				
PECK	✓				
PHILLIPS	✓				
PICARD	✓				
PREVEDEL	✓				
SARCLETTI	✓				
SCHIFFER	✓				
SCOTT	✓				
TWIFORD	✓				
VINICH	✓				
ZIMMERMAN	✓				
MR. PRESIDENT	✓				

PRESENT _____ AYES 30
 NOES _____
 EXCUSED _____
 ABSENT _____
 CONFLICT _____
 TOTAL 30

Passed <u>X</u>
Failed _____

HOUSE ROLL CALL - FIFTY-THIRD WYOMING LEGISLATURE

Date 2-7-95 Bill # _____ Intro _____ 3rd Rdg _____ Concur _____ Rules/Susp _____

Other Action: _____ JCC# _____

Moved by: _____ Seconded by: _____

Ayes	Noes	Excused	Absent	Conflict		Ayes	Noes	Excused	Absent	Conflict	
✓					ANDERSON	✓					MORROW
✓					BADGETT	✓					NAGEL
✓					BAKER	✓					NELSON
✓					BARKER	✓					PARADY
✓					BATY	✓					PARK
✓					BEBOUT	✓					PASENEAUX
✓					BENSEL	✓					PERKINS
✓					BETTS	✓					PHILP
✓					BOSWELL	✓					REED
✓					BOWRON	✓					ROSE
✓					BURNS	✓					RYCKMAN
✓					CASE	✓					SELBY
✓					DEVIN	✓					SESSIONS
✓					DEWITT	✓					SHIPPY
✓					DIERCKS	✓					SHREVE
✓					ERB	✓					SIMONS
✓					EYRE	✓					STAFFORD
✓					GAMS	✓					STARK
✓					HAGEMAN	✓					TAYLOR-HORTON
✓					HANES	✓					TEMPEST
✓					HARRISON	✓					TIPTON
✓					HINCHEY	✓					TOMASSI
✓					HINES	✓					WASSERBURGER
✓					HUCKFELDT	✓					WILLFORD
✓					JOHNSON	✓					WOOLDRIDGE
✓					LAW	✓					ZANETTI
✓					LUTHI	✓					MR. SPEAKER
✓					MACMILLAN						
					MARTON						
✓					MASSIE						
✓					MCCONIGLEY						
✓					MCMURTREY						
✓					MOCKLER						
✓					MOORE						

AYES 60 PRESENT _____
 NOES _____
 EXCUSED _____
 ABSENT _____
 CONFLICT _____
 TOTAL 60
 LESS _____

Passed _____
Failed _____

HOUSE ROLL CALL - FIFTY-THIRD WYOMING LEGISLATURE

Date 2-7-75 Bill # HB 164 Intro _____ 3rd Rdg Concur _____ Rules/Susp _____

Other Action: _____ JCC# _____

Moved by: _____ Seconded by: _____

Ayes	Noes	Excused	Absent	Conflict		Ayes	Noes	Excused	Absent	Conflict		
					ANDERSON						MORROW	
					BADGETT						NAGEL	
					BAKER						NELSON	
					BARKER						PARADY	
					BATY						PARK	
					BEBOUT						PASENEAUX	
					BENSEL						PERKINS	
					BETTS						PHILP	
					BOSWELL						REED	
					BOWRON						ROSE	
					BURNS						RYCKMAN	
					CASE						SELBY	
					DEVIN						SESSIONS	
					DEWITT						SHIPPY	
					DIERCKS						SHREVE	
					ERB						SIMONS	
					EYRE						STAFFORD	
					GAMS						STARK	
					HAGEMAN						TAYLOR-HORTON	
					HANES						TEMPEST	
					HARRISON						TIPTON	
					HINCHEY						TOMASSI	
					HINES						WASSERBURGER	
					HUCKFELDT						WILLFORD	
					JOHNSON						WOOLDRIDGE	
					LAW						ZANETTI	
					LUTHI						MR. SPEAKER	
					MACMILLAN							
					MARTON							
					MASSIE							
					MCCONIGLEY							
					MCMURTREY							
					MOCKLER							
					MOORE							
						AYES	<u>59</u>	PRESENT				
						NOES	<u>1</u>					
						EXCUSED	<u> </u>					
						ABSENT	<u> </u>					
						CONFLICT	<u> </u>					
						TOTAL	<u>60</u>					
						LESS	<u> </u>					

Passed

Failed