

SENATE FILE NO. SF0025

Recreation facilities and systems-detraction.

Sponsored by: Senator(s) Peterson

A BILL

for

1 AN ACT relating to local governments; providing for
2 division of a system of public recreation; providing for
3 creation of a separate system of public recreation;
4 providing for a mill levy; and providing for an effective
5 date.

6

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

8

9 **Section 1.** W.S. 18-9-203 through 18-9-205 are created
10 to read:

11

12 **18-9-203. Petition for division of existing system of**
13 **public recreation and formation of new system.**

14

15 (a) Whenever a petition in writing is made to the
16 governing body of any city, town, county or school district
17 which has established a public recreation system as

1 provided in this article, signed by fifty (50) or more
2 qualified electors residing in an area proposed to be
3 detracted from an original existing system of public
4 recreation, the governing body shall, within twenty (20)
5 days from the receipt of the petition, give notice of the
6 hearing on the petition by:

7

8 (i) Mailing a copy of the notice by first class
9 mail to each qualified elector in the original existing
10 system of public recreation at the address shown in the
11 assessment roll;

12

13 (ii) Causing a notice thereof to be posted, at
14 least twenty (20) days prior to the time appointed by them
15 for the consideration of the petition, in at least three
16 (3) public places within the proposed detracted area and
17 also in at least three (3) public places within the
18 remaining area; and

19

20 (iii) Publishing a notice in the newspapers of
21 general circulation in the area of the system.

22

23 (b) The petition for division shall describe the
24 boundaries of the proposed detracted area and the

1 boundaries of the remaining area in the manner provided in
2 W.S. 22-29-103(e).

3

4 (c) The governing body shall, on the day fixed for
5 hearing the petition, or on any legally postponed day,
6 proceed to hear the petition. Prior to the hearing the
7 commissioners shall appoint an individual or group of
8 individuals from the persons signing the petition to act in
9 negotiations on behalf of the proposed detracted area.

10

11 (d) If the detracting area is within two (2) or more
12 local government boundaries, the governing body for
13 purposes of this section, is the governing body of the
14 local government where the majority of the property lying
15 within the detracting area's privately owned property lies.

16

17 **18-9-204. Procedures for petition for division from**
18 **system of public recreation.**

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20 (a) The petition may be granted and the original
21 existing system of public recreation may thereupon be
22 divided into separate systems of public recreation if at
23 the time of the hearing on the petition the governing body
24 determines:

1

2 (i) Protests have not been signed by fifty (50)
3 qualified electors in the existing recreation district
4 boundaries;

5

6 (ii) The boundary changes and splitting of the
7 system of public recreation are in the best interests of
8 the public; and

9

10 (iii) The mutual agreement negotiated pursuant
11 to the provisions of W.S. 18-9-205 regarding the
12 distribution of assets is acceptable to the governing body.

13

14 (b) If the required amount of protests are presented
15 as provided in paragraph (a)(i) of this section, the
16 petition for division shall be disallowed.

17

18 (c) Upon allowance of a petition for division of an
19 existing original system of public recreation, the
20 governing body shall appoint members to the newly formed
21 board who are residents within the newly formed system of
22 public recreation as provided in W.S. 18-9-201(a).

23

1 (d) Until the first tax assessment is received by the
2 newly formed system of public recreation, the original
3 existing system of public recreation shall remain
4 responsible for provision of services to the area
5 encompassing the newly detracted system of public
6 recreation.

7

8 **18-9-205. Apportionment of assets of divided system**
9 **of public recreation.**

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11 (a) The division of the assets of the divided system
12 of public recreation shall be apportioned as follows:

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14 (i) Through a mutual agreement signed by the
15 president of the original existing system of public
16 recreation governing board and the person or persons
17 appointed to represent the detracted area pursuant to W.S.
18 18-9-204(c);

19

20 (ii) If a mutual agreement cannot be reached as
21 provided in paragraph (i) of this subsection and the assets
22 are located entirely within one (1) local government
23 boundary, the governing body may impose an equitable
24 division of the assets;

1

2 (iii) If a mutual agreement cannot be reached as
3 provided in paragraph (i) of this subsection and the assets
4 are located in more than one (1) local government boundary,
5 the governing bodies of the local governments where the
6 property of the original existing system of public
7 recreation is located, may negotiate a division of the
8 assets, with each governing body having an equal vote
9 regardless of the number of commissioners on the respective
10 boards;

11

12 (iv) If a mutual agreement cannot be reached as
13 provided in paragraph (i), (ii) or (iii) of this
14 subsection, the district court of the county where a
15 majority of the original existing system of public
16 recreation's electors reside shall have jurisdiction to
17 equitably divide the system's assets, with each governing
18 body responsible to pay legal fees and costs in proportion
19 to the division of assets between or among the local
20 governments.

21

22 (b) Any system of public recreation within the
23 detracted area shall remain liable for its pro rata share
24 of any existing warrant and bonded indebtedness of the

1 original existing system of public recreation if such debt
2 is associated in whole, or in part, with assets which will
3 be owned by the system of public recreation within the
4 detracted area, otherwise, indebtedness shall be
5 apportioned between the divided areas according to their
6 respective taxable valuations.

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8 (c) New systems of public recreation created by a
9 division of an original existing system of public
10 recreation pursuant to W.S. 18-9-203 through 18-9-205 shall
11 not be treated as a new or reorganized taxing entity for
12 purposes of W.S. 39-13-104(m).

13

14 (d) The board of the newly established system of
15 public recreation may expend funds as provided in W.S.
16 18-9-201. A levy of up to and not exceeding one (1) mill
17 on the assessed valuation of the newly established system
18 of recreation is authorized to be imposed by the county
19 commissioners as provided in W.S. 18-9-201(b) and may be
20 assessed against property located within the boundaries of
21 the newly established system of public recreation.
22 Provided, however, a school district whose boundaries
23 overlap the newly established system of public recreation
24 shall not duplicate the levy against the private property

1 of the electorate located within the boundaries of the
2 newly formed system of public recreation which are subject
3 to the imposition of levy under this section.

4

5 **Section 2.** This act is effective July 1, 2013.

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7

(END)