

HOUSE BILL NO. HB0150

Early childhood development special districts.

Sponsored by: Representative(s) Yin, Berger, Byron and Storer and Senator(s) Schuler

A BILL

for

1 AN ACT relating to special districts; authorizing the
2 creation of early childhood development special districts;
3 providing for the formation, functions and powers of early
4 childhood development special districts; authorizing the
5 imposition of assessments; making conforming amendments;
6 providing definitions; and providing for an effective date.

7

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

9

10 **Section 1.** W.S. 18-17-101 through 18-17-111 are
11 created to read:

12

13

CHAPTER 17

14

EARLY CHILDHOOD DEVELOPMENT SPECIAL DISTRICTS

15

1 **18-17-101. Definitions; applicability.**

2

3 (a) As used in this act:

4

5 (i) "District" means an early childhood
6 development special district as organized under the terms
7 of this act;

8

9 (ii) "Early childhood development services"
10 means services provided to children from birth through
11 eight (8) years of age, including but not limited to early
12 care services, educational services, health services,
13 mental health services and developmental services,
14 including prevention and intervention;

15

16 (iii) "Elector" or "voter" means a person who is
17 a qualified elector or a landowner in the district;

18

19 (iv) "Qualified elector" means a natural person
20 who:

21

22 (A) Is a citizen of the United States;

23

1 (B) Is a bona fide resident of the district
2 or proposed district;

3

4 (C) Will be at least eighteen (18) years of
5 age on the day of the election at which he may vote;

6

7 (D) Is not currently adjudicated mentally
8 incompetent;

9

10 (E) Has not been convicted of a felony or
11 if convicted has had his civil rights or voting rights
12 restored; and

13

14 (F) Is registered to vote.

15

16 (v) "Resident" or "residence" means as defined
17 in the Wyoming Election Code;

18

19 (vi) "This act" means W.S. 18-17-101 through
20 18-17-111.

21

1 (b) Unless in conflict with a provision of this act,
2 the Special District Elections Act of 1994 shall govern
3 early childhood development special districts.

4

5 **18-17-102. Districts authorized; general function.**

6

7 (a) An early childhood development special district,
8 with boundaries of any area within county boundaries, may
9 be formed in any county as provided by this act.

10

11 (b) Any board of county commissioners shall submit
12 the question of establishing a district to the county clerk
13 not later than the first Monday in June in even-numbered
14 years for submission of the question of establishing the
15 district to the resident electors of the proposed district
16 at the next primary election if:

17

18 (i) A majority of the board of county
19 commissioners adopt a resolution favoring establishing a
20 district; or

21

22 (ii) The board of county commissioners receives
23 a petition for the establishment of a district signed by

1 qualified electors resident in the proposed district equal
2 in number to at least fifteen percent (15%) of the
3 qualified electors resident in the proposed district who
4 voted in the last general election. The county clerk shall
5 verify the signatures before consideration by the board
6 pursuant to this paragraph. The petition shall state:

7

8 (A) The proposed name of the district;

9

10 (B) A description of the territory proposed
11 to be organized as a district, which description need not
12 be given by metes and bounds or by legal subdivisions, but
13 is sufficient if generally accurate;

14

15 (C) A request that the board of county
16 commissioners define the boundaries for the district. When
17 more than one (1) petition is filed covering parts of the
18 same territory, the board may consolidate all or any such
19 petitions, or may exclude from any petition areas in
20 conflict with another petition or petitions.

21

22 (c) The ballot proposition for formation of a
23 district shall appear substantially as follows:

1

2 Shall the (name of district) early childhood development
3 special district be established with a maximum levy of
4 mills (not to exceed two (2) mills) to be imposed on the
5 taxable property of the district?

6 Yes No

7

8 (d) If the proposition to authorize a mill levy is
9 approved by the qualified electors of the proposed
10 district, the proposition to continue to impose a levy in
11 the same or at a different amount not to exceed two (2)
12 mills shall be submitted to the resident qualified electors
13 within the proposed district at the first general election
14 held two (2) years after the election authorizing the
15 district and every four (4) years thereafter, until
16 defeated. If the proposition to impose or continue a mill
17 levy is defeated, the proposition shall not be submitted
18 again to the electors for a period of not less than two (2)
19 years.

20

21 **18-17-103. When district considered established;**
22 **failure to establish district.**

23

1 If a majority of the electors in the proposed district
2 voting at the election vote for the establishment of the
3 proposed district, the board of county commissioners shall
4 enter that fact upon its records and the district is
5 established.

6

7 **18-17-104. District a body corporate; name; powers;**
8 **duties.**

9

10 (a) Each district established under this act is a
11 body corporate and shall be designated by the name of "the
12 early childhood development special district."

13

14 (b) The district may:

15

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

17

18 (ii) Sue and be sued;

19

20 (iii) Through its governing board, acquire
21 property for district purposes by gift, devise, bequest or
22 purchase or may contract for the acquisition, purchase or
23 lease of real or personal property;

1

2 (iv) Convey, lease and otherwise dispose of
3 property for district purposes;

4

5 (v) Establish sinking funds for district
6 purposes;

7

8 (vi) Provide early childhood development
9 services in accordance with this act;

10

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

13

14 (c) Before providing early childhood development
15 services under this act, each district shall establish and
16 publish a plan that describes:

17

18 (i) The early childhood development services to
19 be provided by the district;

20

21 (ii) The persons who will be eligible to receive
22 the early childhood development services to be provided by
23 the district;

1

2 (iii) The providers that will provide early
3 childhood development services in the district;

4

5 (iv) Options for financial aid for persons to
6 receive early childhood development services within the
7 district, if offered by the district or if available
8 through another state or federal program;

9

10 (v) Any other information required by the
11 district.

12

13 (d) The district shall make the plan available to the
14 public on a district or county website. The district may
15 amend the plan prepared under subsection (c) of this
16 section at any time.

17

18 (e) The district shall comply with all state and
19 federal law when providing early childhood development
20 services under this act.

21

22 **18-17-105. Election of trustees; generally.**

23

1 (a) The district shall be managed by a board of five
2 (5) trustees who shall serve without compensation.

3

4 (b) Members of the board shall be elected at the
5 general election immediately following the primary election
6 establishing the district. At the first board election,
7 three (3) members shall be elected for two (2) year terms
8 and two (2) members shall be elected for four (4) year
9 terms and until their successors are elected and qualified
10 at the regularly scheduled subsequent board election. The
11 board members shall decide by lot which members shall serve
12 these terms. Thereafter, members shall be elected for terms
13 of four (4) years.

14

15 **18-17-106. Candidates to file petition; printing**
16 **names of candidates on ballot; publication of names.**

17

18 (a) Candidates for the office of special district
19 trustee on the district's board of trustees shall file an
20 application in the office of the county clerk in
21 substantially the following form:

22

23

APPLICATION FOR ELECTION FOR

1 EARLY CHILDHOOD DEVELOPMENT SPECIAL DISTRICT TRUSTEE

2

3 I, the undersigned, certify that I was born on,
 4 (year); and that I have been a resident of the State of
 5 Wyoming since; that I am a registered voter of the
 6 early childhood development special district and I do
 7 hereby request that my name,, be printed on the ballot
 8 of the election to be held on the day of, (year),
 9 as a candidate for the office of for a term of four
 10 (4) years. I hereby declare that if I am elected, I will
 11 qualify for the office.

12

13 Dated:

14

15 (Signature of Candidate)

16

17 (Residence Address)

18

19 (b) Except for the election of the initial board of
 20 trustees, applications under subsection (a) of this section
 21 shall be filed not more than ninety-six (96) days and not
 22 later than seventy-four (74) days prior to the election.
 23 For the election of the initial board of trustees,

1 applications shall be filed not later than ten (10) days
2 after the primary election establishing the district.

3

4 (c) All names filed shall be printed on a ballot and
5 furnished to each elector at each polling place on the day
6 of election. Nothing in this section shall be construed to
7 prevent a voter from writing in the name of any qualified
8 person on the ballot. The names of all persons filing as
9 candidates shall be published in a newspaper of general
10 circulation in the county not later than the Saturday
11 preceding the election.

12

13 (d) The official ballot shall contain the following
14 information:

15

16 (i) The name of the district;

17

18 (ii) The number of offices to be filled, the
19 length of term for each office and the number and names of
20 candidates for each office for whom each voter is entitled
21 to vote.

22

1 (e) The names of candidates shall appear without
2 party designation, one (1) name to a line. The names of
3 candidates shall be rotated by precinct. Sufficient blank
4 lines for write-in candidates shall be provided for each
5 office.

6

7 (f) Unless otherwise provided, a district election
8 shall be governed by the laws regulating statewide
9 elections and be conducted and canvassed by the same
10 election officials, using the same poll lists and at the
11 same times and polling places, as county elections.

12

13 **18-17-107. Vacancies on district board of trustees.**

14

15 If a vacancy occurs on any district board of trustees, the
16 vacancy shall be filled by appointment made by the board of
17 trustees. The appointee shall hold the office until his
18 successor is elected and qualified.

19

20 **18-17-108. Oath of trustees; bond.**

21

22 (a) All trustees shall, within ten (10) days after
23 their election, appear before a person qualified to

1 administer oaths and take an oath for the faithful
2 performance of their duties in accordance with law and then
3 shall transmit a written copy of the oath to the county
4 clerk for the first election of a district's trustees and
5 to the secretary of the district for each election of
6 trustees thereafter.

7

8 (b) Any district trustee authorized to handle funds,
9 prior to entering upon the duties of his office, shall
10 execute and file with the county clerk his bond with one
11 (1) or more sureties to be approved by the county clerk,
12 payable to the state of Wyoming in the penal sum of five
13 thousand dollars (\$5,000.00), conditioned upon the faithful
14 performance by the trustee of his official duties and the
15 faithful accounting by him for all funds and property of
16 the district that shall come into his possession or control
17 during his term of office. The premium, if any, on any
18 bond shall be paid out of the funds of the district.

19

20 **18-17-109. Selection of officers of board of**
21 **trustees; quorum; trustees not to be interested in**
22 **contracts, work done or property purchased by district.**

23

1 (a) Annually, not later than December 1, the board of
2 trustees shall choose from their number a president, a
3 treasurer and a secretary of the district.

4

5 (b) The board of trustees may hold regular, special
6 or recessed meetings as the board determines. All meetings
7 shall be in accordance with W.S. 16-4-401 through 16-4-408.

8

9 (c) A majority of trustees constitutes a quorum for
10 the transaction of board business.

11

12 (d) No trustee shall be directly or indirectly
13 interested financially in any contract, work done or
14 property purchased by the district.

15

16 **18-17-110. Administration of finances; assessment and**
17 **levy of taxes.**

18

19 The board of county commissioners, at the time of making
20 levies for county purposes, shall levy a tax for that year
21 upon the taxable property in the district for necessary
22 expenses of the district as determined by the district
23 board. In no case shall the tax for the district exceed in

1 any one (1) year the amount of two (2) mills on each dollar
2 of assessed valuation. The taxes shall be collected at the
3 same time and in the same manner as state and county taxes.
4 The tax levy provided by this section is not part of the
5 general county mill levy.

6

7 **18-17-111. Fund; disposition of revenue; contract**
8 **requirements.**

9

10 (a) The revenues collected under the tax levy
11 authorized by W.S. 18-17-110 shall be remitted by the
12 county treasurer to the district to a separate account and
13 shall be used solely for early childhood development
14 services and for the payment of bond premiums authorized by
15 W.S. 18-17-108(b), but shall not be used for the purchase
16 of real property or for capital construction expenditures.

17

18 (b) The district may provide directly or contract for
19 the provision of early childhood development services.
20 Contracts for the provision of early childhood development
21 services shall:

22

1 (ii) Require the provider, if an organization or
2 agency, to be incorporated under the laws of this state as
3 a nonprofit corporation prior to the receipt of any funds;

4
5 (ii) Specify the manner in which the funds are
6 expended and the programs or services provided;

7
8 (iii) Require the provider of the program or
9 services to present an annual budget for review by the
10 district or its trustees to determine compliance with this
11 act and for approval by the district.

12
13 **Section 2.** W.S. 39-13-104(e) by creating a new
14 paragraph (xv) is amended to read:

15
16 **39-13-104. Taxation rate.**

17
18 (e) There shall be annually levied and assessed upon
19 the taxable value of property within the limits of the
20 following special districts the following special district
21 taxes when applicable:

22

1 (xv) Not to exceed two (2) mills by an early
2 childhood development special district as provided by W.S.
3 18-17-110.

4

5 **Section 3.** This act is effective July 1, 2023.

6

7

(END)