

WORKING DRAFT

HOUSE BILL NO. _____

Conservation districts.

Sponsored by: Joint Corporations, Elections and Political
Subdivisions Interim Committee

A BILL

for

1 AN ACT relating to conservation districts; expanding
2 purposes of conservation districts generally; authorizing
3 the establishment of special project areas within
4 conservation districts; providing for administration and
5 funding of special project areas; making conforming
6 amendments; 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. 11-16-135 and 11-16-201 through
11 11-16-216 are created to read:

12

13 **11-16-135. Existing water rights preserved.**

14

1 Nothing in this act shall be so construed as to in any
2 manner impair existing water rights, appropriations or
3 priorities.

4

5 ***** STAFF COMMENTS *****

6 **The new article created in this section of the**
7 **bill (11-16-200's) deal with the special project**
8 **areas.**

9

10 **11-16-201. Definitions**

11

12 As used in this article "petition" means a petition to
13 designate a special project area under this article.

14

15 **11-16-202. Special project area designation;**
16 **petition; number of signatures required; contents of**
17 **designation petition**

18

19 (a) In carrying out provisions set forth in W.S.
20 11-16-122, the district board of supervisors may designate
21 a special project area for the development and execution of
22 plans and projects relating to any of the purposes set
23 forth in W.S. 11-16-122. The conservation district in
24 which project areas are designated shall cooperate, advise
25 and consult with the commission in matters pertaining to
26 the designation, operation and maintenance of the project.

***** STAFF COMMENTS *****

1
2 In W.S. 11-16-101 through 11-16-216 "commission"
3 means the state board of agriculture. That
4 definition could be changed, but it more than
5 doubles the size of the bill and results in three
6 "boards" being referenced, the board of ag, the
7 conservation district board of supervisors and
8 the advisory board for special project areas.
9

10 (b) The land area embraced in a special project area
11 must lie within the boundaries of a conservation district.
12 A special project area may embrace land lying in one (1) or
13 more conservation districts upon the adoption of
14 resolutions of the affected conservation district boards of
15 supervisors. A special project area may encompass an
16 entire district.
17

18 (c) If a proposed special project area is situated in
19 more than one (1) conservation district, the supervisors of
20 each of the districts shall act jointly as a board of
21 supervisors with respect to all matters concerning the
22 special project area, including its designation.
23

24 (d) A petition to designate a special project area
25 shall be filed with the board of supervisors of the
26 conservation district in which the proposed special project
27 area is situated. The petition shall be signed by not less
28 than twenty-five percent (25%) of the landowners owning at

1 least twenty-five percent (25%) of the assessed valuation
2 of property within the area proposed to be established as a
3 special project area, as shown by the assessment records of
4 the property in said area. A copy of the petition shall be
5 furnished to the commission. If a proposed special project
6 area is situated in more than one (1) conservation
7 district, copies of the petition shall be presented to the
8 board of supervisors of all the conservation districts in
9 which any part of the proposed special project area is
10 situated.

11

12 (e) The petition for designation shall state:

13

14 (i) The proposed name for the special project
15 area;

16

17 (ii) The boundaries of the area, including a
18 map, with a metes and bounds description of the lands
19 situate therein;

20

21 (iii) A request that a special project area be
22 formed pursuant to this act;

23

1 (iv) Generally the purpose of the proposed
2 special project area and the services to be provided,
3 acquired, operated or constructed;

4

5 (v) In detail, the proposed method for financing
6 improvements or services to be provided within the first
7 year of designation;

8

9 (vi) The number and names of persons willing to
10 serve, or apply for election, as the advisory board for the
11 special project area.

12

13 **11-16-203. Requirements for signers of petition;**
14 **requirements of filing petition and certification of**
15 **signatures; review by the county assessor and department of**
16 **revenue.**

17

18 (a) A petition to designate a special project area
19 shall:

20

21 (i) Meet the requirements and be subject to the
22 provisions of W.S. 22-29-106;

23

1 (ii) Be filed in accordance with W.S. 22-29-107
2 with the secretary of the district board of all districts
3 included within the special project area;

4
5 (iii) Be subject to the provisions of W.S.
6 22-29-108;

7
8 (iv) Be transmitted by any one (1) of the
9 district boards to each board of county commissioners in
10 which the proposed special project area lies.

11
12 (b) Before the petition is filed, sponsors of the
13 petition shall provide each county assessor of a county in
14 which the special project area lies and the department of
15 revenue notice of the petition and proposed boundaries of
16 the special project area. The assessor and the department
17 shall review, within sixty (60) days of receiving notice of
18 the petition, the boundaries of the proposed special
19 project area for any conflict, overlap, gap or other
20 boundary issue and make written comments thereon to be
21 submitted with the petition.

22
23 (c) If the petition satisfies all requirements the
24 district board shall proceed as provided by W.S. 22-29-109,

1 with the district board undertaking the duties of the board
2 of county commissioners under that section. References
3 within that section to the term "district" shall be
4 construed as references to the special project area for
5 purposes of this subsection.

6

7 **11-16-204. District to publish proclamation; filing**
8 **period.**

9

10 (a) Not more than fifty (50) and not less than forty
11 (40) days before the designation election, the district
12 secretary shall publish at least once in a newspaper of
13 general circulation in each county in which all or part of
14 the proposed special project area is situated a
15 proclamation setting forth the date of the election, which
16 district secretary is the filing officer, the question of
17 formation, what offices are to be filled including the
18 terms of the offices the filing period for the offices and
19 other pertinent election information. Minor errors in the
20 proclamation shall not invalidate the forthcoming election.

21

22 (b) Not more than thirty-nine (39) and not less than
23 thirty (30) days before the designation election,
24 candidates may file an application for election in the

1 office of the conservation district. The application shall
2 be in substantially the following form:

3

4 APPLICATION FOR ELECTION SPECIAL PROJECT AREA ADVISORY
5 BOARD MEMBER

6

7 I, swear or affirm that I was born on, (year);
8 that I have been a resident of special project area
9 since, residing at, that I am an elector or
10 landowner (check which one for eligibility) of said project
11 area and I do hereby request that my name,, be printed
12 on the ballot of the designation election to be held on
13 day of, (year) as a candidate for the office of
14 advisory board member for a term of years. I hereby
15 declare that if I am elected I will qualify for the office.

16 Dated

17

18 Signature of Candidate

19

20 Residence Address

21

22 (c) The district secretary shall publish a sample
23 ballot with the question of designation and candidates for
24 the advisory board at least once in a newspaper of general

1 circulation in each county in which all or part of the
2 proposed special project area is located, at least ten (10)
3 days prior to the election.

4

5 (d) A district secretary receiving an application for
6 election shall determine whether the person seeking
7 election is an eligible candidate.

8

9 **11-16-205. Election prerequisite to designation;**
10 **voting; ballots; right of landowners to vote; proxies;**
11 **initial advisory board election.**

12

13 (a) All qualified electors within the proposed
14 special project area and owners of land lying within the
15 boundaries of the proposed special project area, as
16 determined by written authorizations as specified in W.S.
17 11-16-102(a)(xvi) and subsection (b) of this section, shall
18 be eligible to vote in the election. In applying provisions
19 of the Special District Elections Act of 1994 to this
20 article, the terms "elector" or "voter" shall include
21 qualified electors and landowners as determined by written
22 authorizations.

23

1 (b) A written authorization for voting purposes shall
2 be filed with the conservation district board of
3 supervisors conducting the referendum not later than thirty
4 (30) days prior to the election.

5

6 (c) The electors shall vote on the designation of the
7 special project area and for the initial advisory board
8 members. Votes for write-in candidates for advisory board
9 members shall be permitted.

10

11 (d) The election shall be conducted under the
12 direction of the district secretary and shall be at the
13 expense of the district.

14

15 (e) The designation of the special project area is
16 approved if at least a majority of the votes cast in the
17 election, which affirmative votes represent a majority of
18 the acreage contained in the proposed special project area,
19 favor designation of the special project area.

20

21 (f) The district secretary shall conduct the election
22 in accordance with W.S. 22-29-113 through 22-29-116.

23

1 (g) An elector casting a ballot may vote for any
2 advisory board member candidate or other questions relating
3 to the special project area, regardless of whether he voted
4 against designation.

5

6 (h) If the proposition to designate the special
7 project area fails, the advisory board candidacy questions
8 are null and void.

9

10 (j) If the designation question is approved, the
11 district secretary shall send written notice of the
12 designation to the county commissioners, county clerk,
13 county assessor, department of audit and department of
14 revenue within ten (10) days of the canvass.

15

16 (k) A resolution of the board of supervisors
17 designating the special project area may be appealed to the
18 commission within sixty (60) days of the determination
19 issued by the conservation district board.

20

21 **11-16-206. Advisory board eligibility; subsequent**
22 **board election; terms; officers.**

23

1 (a) The advisory board of a special project area
2 shall consist of five (5) members. The first advisory board
3 elected concurrently with the designation election shall
4 serve the following terms, as indicated on the candidate
5 election application: two (2) members to serve terms of one
6 (1) year, two (2) members to serve terms of two (2) years,
7 and one (1) member to serve a term of three (3) years and
8 until their successors are elected at a regular subsequent
9 advisory board election. Thereafter, as these initial terms
10 expire, the members of the advisory board shall be elected
11 for terms of three (3) years. The board of supervisors of
12 the conservation district shall conduct these elections
13 annually. These elections shall be in accordance with the
14 Special District Elections Act of 1994. Vacancies occurring
15 before the expiration of a term shall be filled for the
16 unexpired term by appointment by the remaining members of
17 the advisory board with the approval of the board of
18 supervisors. The advisory board shall, under the
19 supervision of the board of supervisors, be the governing
20 body of the special project area.

21

22 (b) The advisory board shall annually elect from its
23 board members a chairman and vice chair. The conservation

1 district secretary, or his designee, shall act as secretary
2 and treasurer to the advisory board.

3

4 (c) Applications for election may be filed with the
5 board of supervisors by candidates for the advisory board
6 of the special project area as provided in W.S.
7 11-16-204(b). No person shall be eligible to be an advisory
8 board member of a special project area who is not an owner
9 of land or a taxpaying elector within the special project
10 area.

11

12 (d) The board of supervisors in which the designation
13 for a special project area has been adopted shall
14 thereafter for all purposes of this article maintain and
15 have original and exclusive jurisdiction as to any all
16 proceedings concerning the special project area and its
17 advisory board within the boundaries of the special project
18 area, including any territory which may be proposed to be
19 included in the special project area and of the property
20 proposed to be included in the special project area or
21 affected by the district.

22

23 **11-16-207. Enlargement petitions.**

24

1 (a) When the voters of an area wish to join a special
2 project area, they may file an enlargement petition with
3 the board of supervisors. If there are no voters within an
4 area proposed to be included in a special project area, the
5 landowners of the area may file an enlargement petition
6 with the board of supervisors. Petitions for including
7 additional territory within an existing special project
8 area may be filed with the board of supervisors, and in
9 such cases the proceedings herein provided for with respect
10 to petitions to designate a special project area shall be
11 observed to the extent deemed practicable in acting upon
12 petitions for the inclusion. In determining whether the
13 designation of a special project area, including such
14 additional territory, will be administratively practicable
15 and feasible, the board of supervisors shall advise and
16 consult with the advisory board of the existing special
17 project area. Where the total number of owners of land in
18 the area proposed for inclusion shall be less than ten
19 (10), the petition may be filed when signed by a majority
20 of the owners of land in the area, representing a majority
21 of the acreage contained in the area, and in such case no
22 election need be held.

23

24 **11-16-208. Withdrawal from special project area.**

1

2 The owner or owners of land which has not been, is not, and
3 cannot be benefited by its inclusion in the special project
4 area may petition the board of supervisors to have the land
5 withdrawn. The petition shall describe the land and state
6 the reasons why it should be withdrawn. A hearing shall be
7 held within thirty (30) days after the petition is
8 received. Due notice of the hearing shall be given by the
9 board of supervisors. If it is determined by the board of
10 supervisors that the land has not been, is not, and cannot
11 be benefited by its inclusion in the special project area,
12 the land shall be withdrawn from the special project area.

13

14 **11-16-209. Consolidation of special project areas;**
15 **districts.**

16

17 (a) Two (2) or more special project areas may
18 consolidate and form a new special project area if the
19 consolidation is first approved by the boards of
20 supervisors and approved by the voters. The process for
21 considering a merger shall follow the same provisions for a
22 project area designation as set forth in W.S. 11-16-202
23 through 11-16-206. The existing special project areas

1 included in the consolidation shall be considered joined
2 into a single new special project area.

3

4 (b) If the consolidation is approved, the advisory
5 board members and officers of the consolidating special
6 project area or district shall transfer to the board of
7 supervisors wherein lies the special project area, all
8 funds, property, contracts and records of the consolidating
9 districts. Upon the effective date of the consolidation:

10

11 (i) The successor conservation district shall
12 succeed to all the property, contracts, rights and powers
13 of the consolidating district; and

14

15 (ii) Uncollected taxes, assessments or charges
16 levied by the consolidating special project area shall
17 become the property of the conservation district and upon
18 collection shall be credited to the account of the
19 conservation district; and

20

21 (iii) The conservation district shall become
22 liable for all the obligations, legal or contractual, of
23 the consolidating special project area.

24

1 (c) The board of directors of a watershed improvement
2 district within a conservation district may also petition
3 to be formed as a special project area of the district.
4 The petition shall be submitted, acted upon by the board of
5 supervisors and the area designated as provided in W.S. 11-
6 16-202 through 11-16-206. If the designation is approved
7 by the board of supervisors, the issue shall be presented
8 to a referendum of the watershed improvement district as
9 provided in W.S. 41-8-108 and to the voters of the district
10 as provided in W.S. 22-29-305. If the referendum passes in
11 the watershed improvement district and the conservation
12 district, the watershed improvement district shall be
13 designated as a special project area of the conservation
14 district. The watershed improvement district shall be
15 dissolved and the provisions of subsection (b) of this
16 section shall be effective.

17

18 **11-16-210. Hearing on proposed projects.**

19

20 (a) Before any contract shall be let or work begun
21 upon any improvement or project within the special project
22 area, the cost of which cannot be exclusively financed by
23 funds on hand, grants in aid, or financial assistance or
24 gifts to the district, or before any contract may be

1 entered into by the district with any governmental agency
2 or body which will obligate the district to contribute
3 financially beyond the extent of funds of the district then
4 on hand, it shall be the duty of the board of supervisors
5 to set a time and place within the district for a public
6 hearing upon such proposal. Due notice of such hearing
7 shall be given by the board of supervisors.

8

9 (b) At the time and place fixed for such hearing any
10 owner of land situated within the special project area, or
11 any other interested person, may appear and be heard as to
12 his objections to such proposal.

13

14 (c) Following the public hearing the board of
15 supervisors shall, by order or resolution, either affirm
16 the proposal with or without modification or amendments, or
17 disapprove the proposal. If the board of supervisors
18 affirms the proposal, it shall determine the probable cost
19 of and the proposed method of financing the improvement or
20 project, the benefits to be derived therefrom, and whether
21 the benefits will be conferred upon all land within the
22 special project area or upon only certain land within the
23 special project area, in which latter case the land to be
24 benefited shall be described as to boundaries, ownership,

1 approximate acreage and if the board determines that lands
2 will receive benefits not proportionate to acreage a
3 description of those benefits conferred on specific lands.

4

5 **11-16-211. Appointment of appraisers and appraisal of**
6 **benefited property.**

7

8 (a) If the board of supervisors determines that the
9 proposed improvement or project should be constructed and
10 that the costs thereof should be paid by special assessment
11 against the land benefited by such improvement or project,
12 it shall appoint three (3) qualified and disinterested
13 residents of the state to act as appraisers. The appraisers
14 shall inspect the plans and specifications of the proposed
15 improvement or project and examine all land likely to be
16 benefited thereby. The appraisers shall make and file with
17 the board of supervisors a detailed report showing all
18 tracts of land within the special project area found to be
19 benefited, together with the acreage thereof, the name of
20 the record owner of each tract, the amount each tract will
21 be benefited which need not be limited to a strict
22 proportional benefit per acre, and the amount of assessment
23 to be levied against each tract, which assessment against
24 each tract shall be in proportion to the benefits accruing

1 to such tract. Any necessary expenses connected with making
2 the appraisal by the three (3) appraisers shall be paid by
3 the conservation district.

4

5 (b) Upon receiving the report of the appraisers the
6 board of supervisors shall fix a time and place within the
7 special project area for hearing any complaint that may be
8 made regarding the benefits appraised to any tract of land
9 or the assessment proposed to be levied against any tract
10 of land. Due notice of such hearing shall be given by the
11 board of supervisors. At the time and place fixed for such
12 hearing the board of supervisors shall consider the report
13 of the appraisers and consider and hear any objections
14 filed or voiced thereto. The board of supervisors shall, by
15 order or resolution, reject the report of the appraisers or
16 accept the report and ratify it with or without
17 modification or amendments.

18

19 (c) Any owner of land or person having an interest
20 therein upon which an assessment is proposed to be levied
21 may, within thirty (30) days from such order or resolution
22 of the board of supervisors accepting the report of the
23 appraisers, file with the clerk of the district court a
24 written notice making demand for trial by the court. The

1 notice shall state definitely from what part of such order
2 or resolution the appeal is taken and shall set forth any
3 other objections of the appellant. In case more than one
4 (1) appeal is taken, the court may, upon finding that the
5 appeals may be consolidated without injury to the interests
6 of anyone, consolidate and try the appeals together. Any
7 hearing on appeal provided for in this section in the
8 district court shall be de novo, and the district court
9 shall consider not only the question of procedure but also
10 the merits of the point or points appealed from, including
11 but not limited to eminent domain proceedings.

12

13 (d) If no appeal is taken within the time prescribed
14 in this section from such order or resolution of the board
15 of supervisors accepting the report of the appraisers, or
16 after the finding of the court in case an appeal is taken
17 from such order or resolution of the board of supervisors,
18 then such assessments shall be final and conclusive and
19 shall constitute perpetual liens upon the land so assessed
20 until they are fully paid.

21

22 (e) In case land belonging to the state, or a county,
23 school district, or other public corporation is benefited
24 by any improvement or project constructed under the

1 provisions of this article, all of such benefits shall be
2 assessed against such land and the assessments shall be
3 paid by the proper authorities at the same time as the
4 assessments are called and paid in the cases of private
5 persons.

6

7 **11-16-212. Assessments generally.**

8

9 (a) The board of supervisors shall, on or before the
10 third Monday in July of each year, certify to the board of
11 county commissioners of the county within the special
12 project area in which assessed land is located the amount
13 of the annual installments of assessments against the land,
14 together with a fair proportionate amount of the estimated
15 operating and maintenance charges apportioned to the land
16 for the next succeeding year. Thereupon the county
17 commissioners shall certify to and deliver the assessment
18 roll to the county assessor of the county and the county
19 assessor shall extend the amounts so certified on the tax
20 roll as a flat special assessment against the land
21 benefited. The assessments shall be subject to the same
22 interest and penalties in case of delinquency as in the
23 case of general taxes, and shall be collected at the same
24 time and in the same manner as in the case of general

1 taxes; provided, that the assessments shall become due and
2 payable only at the times and in the amounts as may be
3 determined by the board of supervisors.

4

5 (b) The board of supervisors in making the annual
6 assessments and levies as provided in this article, shall
7 take into account the maturing indebtedness for the ensuing
8 year as provided in its contracts, the maturing of bonds
9 and interests on all bonds, and deficiencies and defaults
10 of prior years, and shall make ample provisions for the
11 payment thereof; provided however, that no one (1) yearly
12 call for assessment by the board of supervisors shall be in
13 an amount to exceed ten percent (10%) of the actual amount
14 necessary to defray the cost of the construction of the
15 improvement or project.

16

17 **11-16-213. Levy, collection and disposition of taxes**
18 **and special assessments; expenditure of funds.**

19

20 It shall be the duty of the officer or body having
21 authority to levy taxes within each county, to levy the
22 taxes and special assessments as provided in this article,
23 and it shall be the duty of all county officials, charged
24 with the duty of collecting taxes, to collect the taxes and

1 special assessments as provided in this article in the
2 time, form and manner and with like interest and penalties
3 as city or county taxes are collected, and when collected
4 to pay the same to the board of supervisors ordering their
5 levy and collection and the payments of such collections
6 shall be made through the treasurer of the conservation
7 district and deposited in the depository thereof to the
8 credit of such district. All expenditures of such funds
9 shall be made by the board of supervisors upon order of the
10 board, with the guidance of the advisory board.

11

12 **11-16-214. Lien of assessment; collection of**
13 **delinquent assessments.**

14

15 All taxes and assessments levied against any land under
16 this article together with all interest thereon and
17 penalties for default in payment thereof, and all costs of
18 collecting the same, shall, until paid, constitute a
19 perpetual lien upon such land on a parity with the tax lien
20 of general, state, county, city, town or school taxes and
21 no sale of such land to enforce any general, state, county,
22 city, town or school tax or other liens shall extinguish
23 the perpetual lien of such taxes and assessments. If the
24 taxes and assessments levied are not paid as herein

1 provided, then such land shall be sold at the regular tax
2 sale for the payment of said taxes and assessments,
3 interest and penalties, in the manner provided by the
4 statutes of this state for selling real property for
5 nonpayment of general taxes.

6

7 **11-16-215. Issuance of bonds.**

8

9 (a) Bonds authorized by W.S. 11-16-122(d)(vii) shall
10 not be issued until proposed by order or resolution of the
11 board of supervisors specifying the purpose for which the
12 funds are to be used, the rate of interest the bonds are to
13 bear, the amount of the proposed bond issue, terms of the
14 bonds, and the proposed method of payment and redemption of
15 the bonds prior to maturity. A copy of the order or
16 resolution shall be certified to the county clerk and
17 commission.

18

19 (b) The board of supervisors shall conduct a hearing
20 on such proposal after due notice of such hearing has been
21 given. If it appears that the proposal is within the scope
22 and purpose of W.S. 11-16-122(b) and meets all other
23 requirements of the law, the proposal shall be submitted to

1 the landowners of the project area by a referendum held
2 under the supervision of the board of supervisors.

3

4 (c) Any referendum held under this section shall be
5 held by mail ballot or on an election date authorized under
6 W.S. 22-21-103.

7

8 (d) If two-thirds (2/3) of the votes cast, which
9 votes represent a majority of the acreage contained in the
10 special project area are in favor of the proposed bond
11 issue, such bonds shall be authorized and may be issued.

12

13 (e) Bonds authorized and issued shall bear interest
14 payable annually, and shall be due and payable not more
15 than fifty (50) years from their dates. The form, terms and
16 provisions of the bonds, provision for their payment and
17 provisions for their retirement and calling not
18 inconsistent with law, shall be determined by the board of
19 supervisors. The bonds are exempt from all state, county,
20 municipal, school and other taxes imposed by a taxing
21 authority of this state.

22

23 **11-16-216. Supervision upon discontinuance.**

24

1 If any conservation district in which a special project
2 area is designated is discontinued, the commission shall
3 thereafter serve in the same supervising capacity over the
4 special project area as was theretofore served by the board
5 of supervisors of the district.

6
7 **Section 2.** W.S. 11-16-102(a) by creating a new
8 paragraph (i), by renumbering (i) through (vi) as (ii)
9 through (vii), by renumbering (vii) as (x), by creating new
10 paragraphs (xi) and (xii), by renumbering (x) as (xiii), by
11 creating new paragraphs (xiv) and (xv), by renumbering (xi)
12 as (xvi), by creating new paragraphs (xvii) and (xviii) and
13 by renumbering (xii) as (xix), 11-16-103, 11-16-105(a)(ii),
14 11-16-112, 11-16-117(d), 11-16-121(b), 11-16-122(b)(v)
15 through (viii), (xiv), (xvi), (xix), (xx) and by creating
16 new subsections (d) and (e) and 11-16-133(a) are amended to
17 read:

18
19 **11-16-102. Definitions.**

20
21 (a) As used in this act:

22
23 (i) "Advisory board" means the advisory board
24 elected to govern the projects and activities, under the

1 supervision of the board of supervisors, within a special
2 project area;

3

4 ~~(i)~~(ii) "Agency of this state" means any
5 subdivision, agency or instrumentality, corporate or
6 otherwise, of the government of this state;

7

8 ~~(ii)~~(iii) "At large member" means any registered
9 voter and taxpayer within the county;

10

11 ~~(iii)~~(iv) "Commission" or "state conservation
12 commission" means the state board of agriculture;

13

14 ~~(iv)~~(v) "Conservation" means development,
15 improvement, maintenance, preservation, protection and use
16 of natural resources, and the control and prevention of
17 floodwater and sediment damages, and the disposal of excess
18 waters;

19

20 ~~(v)~~(vi) "District" or "conservation district"
21 means a governmental subdivision of this state, and a
22 public body corporate and politic, organized in accordance
23 with this act;

24

1 ~~(vi)~~(vii) "Due notice" for those provisions
2 other than election and referendum provisions, means notice
3 published at least twice, with an interval of six (6) days
4 between the two (2) publication dates, in a newspaper of
5 general circulation within the boundaries of the proposed
6 or organized district, or by posting at five (5)
7 conspicuous places within the organized or proposed
8 district, such posting to include, where possible, posting
9 at public places where it may be customary to post notices
10 concerning county or municipal affairs generally. Except as
11 otherwise provided in this act, the notice of any hearing
12 required under this act shall fix the time, place and
13 purpose, which shall be not less than ten (10) or more than
14 fifteen (15) days after the first publication or first
15 posting of the notice. Any hearing held pursuant to such
16 notice may be adjourned from time to time without renewing
17 the notice for the adjourned dates. Notice for any
18 election or referendum required by this act shall be as
19 specifically provided in this act, or if not specifically
20 provided in this act, as required in the Special District
21 Elections Act of 1994;

22

23 (viii) Repealed by Laws 1987, ch. 21, § 3.

24

1 (ix) Repealed by Laws 1998, ch. 115, § 5.

2

3 ~~(vii)~~ (x) "Government" or "governmental" means
4 the government of this state, the government of the United
5 States, and any subdivision, agency or instrumentality,
6 corporate or otherwise, of either of them;

7

8 (xi) "Land and natural resource conservation"
9 includes but is not limited to engineering operations,
10 range management, methods of cultivation, silviculture and
11 forestry practices, fuels reduction practices, growing of
12 grass or other vegetation, changes in use of land or any
13 measure which may be developed regarding land use practices
14 that reduce soil erosion, protect wildlife habitat, protect
15 water quality and water yield or conserve, develop, utilize
16 or dispose of water, including flood prevention;

17

18 (xii) "Qualified elector" means as defined by
19 W.S. 22-29-104(a)(v). For elections for special project
20 areas, a person shall also be a bona fide resident of the
21 special project area to be a "qualified elector";

22

23 ~~(x)~~ (xiii) "Renewable natural resources,"
24 "natural resources" or "resources," means land, soil,

1 water, vegetation, trees, wild rivers, wilderness, natural
2 beauty, scenery and open space;

3

4 (xiv) "Resource degradation control" includes
5 undertaking any of the activities described in W.S. 11-16-
6 103;

7

8 (xv) "Special project area" means a specially
9 designated geographical area within one (1) or more
10 conservation districts designated for the purpose of
11 addressing a special natural resource management project or
12 program. A project may consist of any structure, facility
13 undertaking or system which a district is authorized to
14 acquire, improve, equip, maintain or operate. A project
15 may include all types of personal and real property,
16 including but not limited to land, improvements and
17 fixtures thereon, property of any nature appurtenant
18 thereto or used in connection therewith, and every estate,
19 interest and right therein, legal or equitable, including
20 terms for years, or any combination thereof.

21

22 ~~(xi)~~ (xvi) "Urban" or "urban member" means any
23 registered voter of an incorporated Wyoming municipality;

24

1 (xvii) "Voter" means a qualified elector;

2

3 (xviii) "Written authorization" means an
4 affidavit filed with the election official conducting the
5 election setting forth a general legal description of the
6 property owned, the street or common name address for the
7 property, the name or names of all owners of the property
8 described, and a statement that the person signing the
9 written authorization is the only person having authority
10 to act on behalf of the owner or owners of the property;

11

12 ~~(xii)~~ (xix) "This act" means W.S. 11-16-101
13 through ~~11-16-134~~ 11-16-217.

14

15 **11-16-103. Legislative declarations and policy.**

16

17 (a) It is hereby declared that the farm and grazing
18 lands of Wyoming are among the basic assets of the state;
19 that improper land use practices cause and contribute to
20 serious erosion of these lands by wind and water; that
21 among the consequences which would result from such
22 conditions are the deterioration of soil and its fertility
23 and the silting and sedimentation of stream channels,
24 reservoirs, dams and ditches; that to conserve soil, ~~and~~

1 ~~soil and~~ water and vegetative resources, and prevent ~~and~~
2 ~~control soil erosion~~ resource degradation, it is necessary
3 that land use practices contributing to ~~soil erosion~~
4 resource degradation be discouraged and that appropriate
5 ~~soil conserving~~ land use management practices be adopted.

6
7 (b) It is hereby declared to be the policy of the
8 legislature to provide for the conservation of the soil,
9 ~~and soil and~~ water and vegetative resources of this state,
10 and for the control and prevention of ~~soil erosion~~ resource
11 degradation and for the protection of water quality, water
12 yield, flood prevention or the conservation, development,
13 utilization, and disposal of water., ~~and thereby~~ The goal
14 of this policy is to stabilize ranching and farming
15 operations, to preserve natural resources, protect the tax
16 base, control floods, prevent impairment of dams and
17 reservoirs, preserve wildlife, protect public lands, and
18 protect and promote the health, safety and general welfare
19 of the people of this state.

20

21 **11-16-105. State board of agriculture; duties**
22 **generally.**

23

24 (a) The commission shall:

1

2 (ii) Assist and guide districts in the
3 preparation and carrying out of programs for resource
4 conservation authorized under this act, including the
5 process for designating special project areas, review
6 district programs, coordinate the programs of the several
7 districts and resolve any conflicts, and facilitate,
8 promote, assist, harmonize, coordinate and guide the
9 resource conservation programs and activities of districts
10 as they relate to other special purpose districts, counties
11 and other public agencies;

12

13 **11-16-112. Result of referendum; announcement;**
14 **practicability of district; determination; criteria.**

15

16 After making public the result of the referendum, the
17 commission shall consider and determine whether the
18 operation of the district within the defined boundaries is
19 administratively practicable. If the commission determines
20 the operation of the district is not administratively
21 practicable, it shall record the determination and deny the
22 petition. If the commission determines that the operation
23 of the district is administratively practicable, it shall
24 record the determination and proceed with the organization

1 of the district. In making the determination the commission
2 shall give regard to the attitudes of the voters lying
3 within the defined boundaries, the number of voters
4 eligible to vote in the referendum who voted, the
5 proportion of votes cast in favor of the creation of the
6 district to the total number of votes cast, the approximate
7 wealth and income of the owners of land of the proposed
8 district, the probable expense of carrying on ~~erosion~~
9 control-land and natural resource conservation operations
10 within the district, and other economic and social factors
11 as are relevant.

12

13 **11-16-117. Districts; termination; dissolution**
14 **procedures; determination by board of agriculture; legal**
15 **effects of dissolution.**

16

17 (d) Upon issuance of a certificate of dissolution all
18 ordinances and regulations adopted and in force within the
19 district are void. All contracts to which the district or
20 supervisors are parties remain in force and effect for the
21 period provided in such contracts. The commission shall be
22 substituted for the district or supervisors as party to the
23 contracts. The commission is entitled to all benefits and
24 subject to all liabilities under such contracts and has the

1 same right and liability to perform, require performance,
2 sue and be sued thereon, and to modify or terminate the
3 contracts as the supervisors of the district would have
4 had. Dissolution does not affect the lien of any judgment
5 entered, ~~or the pendency of any action instituted under~~
6 ~~W.S. 11-16-126~~, and the commission succeeds to all rights
7 and obligations of the district or supervisors as to such
8 liens and actions.

9
10 **11-16-121. District supervisor; cooperation and agreements**
11 **between districts; agreements with districts in adjoining**
12 **states.**

13
14 (b) Any two (2) or more districts may engage in joint
15 activities by agreement for planning, financing,
16 constructing, operating, maintaining and administering any
17 program or project concerned with the conservation of
18 renewable natural resources. The districts concerned may
19 make available for purposes of the agreement any funds,
20 property, personnel, equipment or services available to
21 them under this act, except that funds from assessments for
22 special project areas shall be used only within those
23 project areas.

24

1 **11-16-122. Powers and duties of districts and**
2 **supervisors thereof generally.**

3

4 (b) A conservation district organized under this act
5 and the supervisors thereof, in addition to other powers
6 granted by this act, may:

7

8 (v) Conduct surveys, investigations and research
9 and disseminate information relating to, ~~range management,~~
10 ~~the character of soil erosion, flood prevention or the~~
11 ~~conservation, development, utilization and disposal of~~
12 ~~water,~~ accepted management practices for land and natural
13 resource conservation and the preventive and control
14 measures and works of improvement needed; ~~but in order to~~
15 ~~avoid duplication of research activities, no district shall~~
16 ~~initiate any research program except in cooperation with~~
17 ~~the government of this state or its agencies, or with the~~
18 ~~United States or its agencies;~~

19

20 (vi) Conduct demonstration projects within the
21 district on lands owned or controlled by this state or its
22 agencies, with the cooperation of the agency administering
23 and having jurisdiction thereof, and on other lands within
24 the district with the consent of the owner or occupier of

1 the lands, to demonstrate ~~range management practices, the~~
2 ~~means, methods and measures by which soil and soil~~
3 ~~resources may be conserved, and soil erosion in the form of~~
4 ~~soil blowing and washing may be prevented and controlled~~
5 accepted management practices for land and natural resource
6 conservation and how works of improvement for flood
7 ~~prevention or the conservation, development, utilization~~
8 ~~and disposal of water~~ those practices may be carried out;

9
10 (vii) ~~Carry out preventive and control measures~~
11 ~~and works of improvement~~ Implement and prescribe accepted
12 management practices for land and natural resource
13 conservation within the district, ~~including engineering~~
14 ~~operations, range management, methods of cultivation, the~~
15 ~~growing of grass or other vegetation, changes in use of~~
16 ~~land or any measure which may be developed for the control~~
17 ~~of erosion and better use of soil,~~ and works of improvement
18 for ~~flood prevention or the conservation, development,~~
19 ~~utilization and disposal of water~~ for land and natural
20 resource conservation on lands owned or controlled by this
21 state or its agencies, with the cooperation of the agency
22 administering and having jurisdiction thereof, or on other
23 lands within the district with the consent of the owner or
24 occupier of the lands;

1

2 (viii) Cooperate, or enter into agreements with
3 and furnish financial or other aid to, any agency,
4 governmental or otherwise, or any owner or occupier of
5 lands within the district, in carrying on ~~range management~~
6 ~~or erosion control and prevention operations~~ accepted
7 management practices for land and natural resource
8 conservation and works of improvement for ~~flood prevention~~
9 ~~or the conservation, development, utilization and disposal~~
10 ~~of water~~ for land and natural resource conservation within
11 the district, subject to such conditions as the supervisors
12 deem necessary;

13

14 (xiv) Make available on terms it prescribes, to
15 owners and occupiers of land within the district,
16 agricultural and engineering machinery and equipment,
17 fertilizer, seeds and seedlings, male breeding animals,
18 livestock supplies and such other material or equipment as
19 will assist the owners and occupiers of land to carry on
20 operations upon their lands and upon those owned or leased
21 by the district, for implementation of accepted management
22 practices for land and natural resource conservation. ~~range~~
23 ~~improvement and stabilization, the conservation of soil and~~
24 ~~water resources, the prevention and control of soil erosion~~

1 ~~and for flood prevention or the conservation, development,~~
2 ~~utilization and disposal of water.~~ The assistance
3 ~~authorized by this paragraph shall be on a limited scale~~
4 ~~for demonstration purposes and the~~ district shall not be
5 deemed authorized to compete with private industry;

6
7 (xvi) Develop and implement comprehensive land
8 and resource use plans for accepted management practices
9 for land and natural resource conservation. ~~range~~
10 ~~improvement and stabilization, conservation of soil and~~
11 ~~water resources, control and prevention of soil erosion and~~
12 ~~for flood prevention or the conservation, development,~~
13 ~~utilization and disposal of water within the district,~~
14 ~~which~~ The plans shall ~~include range management provisions~~
15 ~~and shall~~ specify in detail the acts, procedures,
16 performances and avoidances necessary or desirable to carry
17 out the plans, ~~including the specification of engineering~~
18 ~~operation, fence and stockwater developments, methods of~~
19 ~~cultivation, the growing of grass and other vegetation,~~
20 ~~cropping and range programs, tillage and grazing practices,~~
21 ~~and or~~ changes in use of lands;

22
23 (xix) ~~Manage, as agent of the United States or~~
24 ~~any of its agencies, and~~ Enter into agreements with the

1 United States or any of its agencies, or this state or any
2 of its agencies, to effect cooperation or management, with
3 the United States or any of its agencies under United
4 States Public Law 566 approved August 4, 1954, the National
5 Environmental Policy Act, and any other pertinent law, rule
6 or policy recognizing local governments, or amendments
7 thereto, in connection with the acquisition, construction,
8 operation or administration of any ~~land utilization, soil~~
9 ~~conservation, erosion control, erosion prevention, flood~~
10 ~~prevention projects, conservation of water, water~~
11 ~~utilization, disposal of water in watershed areas and other~~
12 ~~water projects~~ project to implement accepted management
13 practices for land and natural resource conservation within
14 its boundaries;

15

16 (xx) Act as representative for local groups in
17 dealing with the United States or its representatives, in
18 ~~soil or water conservation~~ land and natural resource
19 conservation planning and management matters under United
20 States Public Law 566 approved August 4, 1954, or
21 amendments thereto;

22

23 (d) In carrying out works of improvement and resource
24 enhancement within special project areas, district

1 supervisors shall, after consulting with the advisory
2 board, have the authority to:

3
4 (i) Perform special works of improvement and
5 resource development;

6
7 (ii) Levy and collect assessment for special
8 benefits accruing to land and water resources;

9
10 (iii) Utilize assessments for the purpose of
11 administering programs and projects within a designated
12 special project area;

13
14 (iv) Acquire by purchase, exchange, lease, gift,
15 grant, bequest, devise or otherwise, any property, real or
16 personal, or rights or interests therein; maintain,
17 administer, and improve any such property; and sell, lease,
18 or otherwise dispose of any such property in furtherance of
19 the purposes and provisions of paragraphs (b)(vii) and
20 (viii) of this section;

21
22 (v) Exercise the power of eminent domain and in
23 the manner provided by W.S. 1-26-501 for the condemnation
24 of private property for public use;

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(vi) Construct, improve, operate and contract for the maintenance of such structures as may be necessary for the performance of any authorized function of the district;

(vii) Borrow such money as is necessary to carry out the purposes and provisions of paragraphs (b) (vii) and (viii) of this section and issue, negotiate, sell its bonds or other evidence of indebtedness as provided in W.S. 11-16-215.

(e) Cooperate with, and receive from or grant assistance to, towns, cities, counties, and state and federal agencies in carrying out the purposes and provisions of this act.

11-16-133. Tax levied on property in district; maximum amount; soil and water conservation fund; other appropriation authorized.

(a) Subject to W.S. 11-16-134, the county commissioners may annually levy a tax to carry out this

1 act. The tax shall be levied upon all property in the
2 district and shall not exceed one (1) mill on each one
3 dollar (\$1.00) of assessed valuation. The tax is not part
4 of the general county or city mill levies. The tax shall
5 be levied and collected as other county taxes and the
6 county treasurer shall remit the taxes collected to the
7 district to a separate fund to be known as the conservation
8 district fund, which shall be used only to carry out the
9 purposes of this act. The tax revenues within the fund
10 shall be used to carry out the purposes of W.S. 11-16-201
11 through 11-16-216 only to the extent the board of
12 supervisors find the activity funded within the special
13 project area is of a benefit to the residents of the
14 district generally.

15

16 **Section 3.** W.S. 11-16-123(b) is repealed.

17

18 **Section 4.** This act is effective July 1, 2005.

19

20

(END)

1