

HOUSE BILL NO. HB0129

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 ARTICLE 2

5 SPECIAL PROJECT AREAS

6
7 **11-16-201. Definitions**

8
9 As used in this article "petition" means a petition to
10 designate a special project area under this article.

11
12 **11-16-202. Special project area designation;**
13 **petition; number of signatures required; contents of**
14 **designation petition.**

15
16 (a) In carrying out provisions set forth in W.S.
17 11-16-122, the district board of supervisors, acting
18 pursuant to a petition and in accordance with this article,
19 with the approval of the county commissioners of the
20 counties in which the project area is to be located, may
21 designate a special project area for the development and
22 execution of plans and projects relating to any of the
23 purposes set forth in W.S. 11-16-122. The conservation
24 district in which project areas are designated shall

1 cooperate, advise and consult with the commission in
2 matters pertaining to the designation, operation and
3 maintenance of the project. The board of county
4 commissioners shall, by resolution, approve any special
5 project area under this article prior to the board of
6 supervisors proceeding to hearing on the petition under
7 W.S. 22-29-109.

8

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

16

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

22

23 (d) A petition to designate a special project area
24 shall be filed with the board of supervisors of the

1 conservation district in which the proposed special project
2 area is situated. The petition shall be signed by not less
3 than twenty-five percent (25%) of the landowners owning at
4 least twenty-five percent (25%) of the assessed valuation
5 of property within the area proposed to be established as a
6 special project area, as shown by the assessment records of
7 the property in said area. A copy of the petition shall be
8 furnished to the commission. If a proposed special project
9 area is situated in more than one (1) conservation
10 district, copies of the petition shall be presented to the
11 boards of county commissioners of all counties and to the
12 board of supervisors of all the conservation districts in
13 which any part of the proposed special project area is
14 situated.

15

16 (e) The petition for designation shall state:

17

18 (i) The proposed name for the special project
19 area;

20

21 (ii) The boundaries of the area, including a
22 map, with a metes and bounds or aliquant calls description
23 of the lands situate therein;

24

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

3

4 (iv) Generally the purpose of the proposed
5 special project area and the services to be provided,
6 acquired, operated or constructed;

7

8 (v) In detail, the proposed method for financing
9 improvements or services to be provided within the first
10 year of designation;

11

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

15

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

20

21 (a) A petition to designate a special project area
22 shall:

23

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

3

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

7

8 (iii) Be subject to the provisions of W.S.
9 22-29-108;

10

11 (iv) Be transmitted by any one (1) of the
12 district boards to and approved by each board of county
13 commissioners in which the proposed special project area
14 lies.

15

16 (b) Before the petition is filed, sponsors of the
17 petition shall provide each county assessor of a county in
18 which the special project area lies and the department of
19 revenue notice of the petition and proposed boundaries of
20 the special project area. The assessor and the department
21 shall review, within sixty (60) days of receiving notice of
22 the petition, the boundaries of the proposed special
23 project area for any conflict, overlap, gap or other

1 boundary issue and make written comments thereon to be
2 submitted with the petition.

3

4 (c) If the petition satisfies all requirements the
5 district board shall proceed as provided by W.S. 22-29-109,
6 with the district board undertaking the duties of the board
7 of county commissioners under that section. References
8 within that section to the term "district" shall be
9 construed as references to the special project area for
10 purposes of this subsection.

11

12 **11-16-204. District to publish proclamation; filing**
13 **period.**

14

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

1 other pertinent election information. Minor errors in the
2 proclamation shall not invalidate the forthcoming election.

3

4 (b) Not more than thirty-nine (39) and not less than
5 thirty (30) days before the designation election,
6 candidates may file an application for election in the
7 office of the conservation district. The application shall
8 be in substantially the following form:

9

10 APPLICATION FOR ELECTION SPECIAL PROJECT AREA ADVISORY
11 BOARD MEMBER

12

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

22 Dated

23

24 Signature of Candidate

1

2

Residence Address

3

4

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6

7

8

9

(c) The district secretary shall publish a sample ballot with the question of designation and candidates for the advisory board at least once in a newspaper of general circulation in each county in which all or part of the proposed special project area is located, at least ten (10) days prior to the election.

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

19

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21

22

23

24

(a) All qualified electors within the proposed special project area and owners of land lying within the boundaries of the proposed special project area, as determined by written authorizations as specified in W.S. 11-16-102(a)(xviii) and subsection (b) of this section, shall be eligible to vote in the election. In applying

1 provisions of the Special District Elections Act of 1994 to
2 this article, the terms "elector" or "voter" shall include
3 qualified electors and landowners as determined by written
4 authorizations.

5

6 (b) A written authorization for voting purposes shall
7 be filed with the conservation district board of
8 supervisors conducting the referendum not later than thirty
9 (30) days prior to the election.

10

11 (c) The electors shall vote on the designation of the
12 special project area and for the initial advisory board
13 members. Votes for write-in candidates for advisory board
14 members shall be permitted.

15

16 (d) The election shall be conducted under the
17 direction of the district secretary and shall be at the
18 expense of the district.

19

20 (e) The designation of the special project area is
21 approved if at least a majority of the votes cast in the
22 election, which affirmative votes represent a majority of
23 the acreage contained in the proposed special project area,
24 favor designation of the special project area.

1

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

4

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

9

10 (h) If the proposition to designate the special
11 project area fails, the advisory board candidacy questions
12 are null and void.

13

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

19

20 (k) A resolution of the board of supervisors
21 designating the special project area may be appealed to the
22 commission within sixty (60) days of the determination
23 issued by the conservation district board.

24

1 **11-16-206. Advisory board eligibility; subsequent**
2 **board election; terms; officers.**

3

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

24

1 (b) The advisory board shall annually elect from its
2 board members a chairman and vice chair. The conservation
3 district secretary, or his designee, shall act as secretary
4 and treasurer to the advisory board.

5

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

13

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

24

1 **11-16-207. Enlargement petitions.**

2

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

1

2

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

3

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

15

16

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

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23

24

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

1 through 11-16-206. The existing special project areas
2 included in the consolidation shall be considered joined
3 into a single new special project area.

4

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

11

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

15

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

21

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

1

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

18

19 **11-16-210. Hearing on proposed projects.**

20

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

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

9

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

14

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

1 benefited shall be described as to boundaries, ownership,
2 approximate acreage and if the board determines that lands
3 will receive benefits not proportionate to acreage a
4 description of those benefits conferred on specific lands.

5

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

8

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

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

5

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

19

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

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

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. Dissolution; supervision upon**
24 **discontinuance.**

1

2 (a) A special project area formed pursuant to this
3 article shall be dissolved after completion of the project
4 for which the special project area was formed and
5 collection of all assessments levied for the project.
6 Dissolution shall occur pursuant to the dissolution process
7 provided under W.S. 22-29-401.

8

9 (b) If any conservation district in which a special
10 project area is designated is discontinued, the commission
11 shall thereafter serve in the same supervising capacity
12 over the special project area as was theretofore served by
13 the board of supervisors of the district.

14

15 **Section 2.** W.S. 11-16-102(a) by creating a new
16 paragraph (i), by renumbering (i) through (vi) as (ii)
17 through (vii), by renumbering (vii) as (x), by creating new
18 paragraphs (xi) and (xii), by renumbering (x) as (xiii), by
19 creating new paragraphs (xiv) and (xv), by renumbering (xi)
20 as (xvi), by creating new paragraphs (xvii) and (xviii) and
21 by amending and renumbering (xii) as (xix), 11-16-103(a)
22 and (b), 11-16-105(a)(ii), 11-16-112, 11-16-117(d),
23 11-16-121(b), 11-16-122(b)(v) through (viii), (xiv), (xvi),

1 (xix), (xx) and by creating new subsections (d) through (f)
2 and 11-16-133(a) are amended to read:

3

4 **11-16-102. Definitions.**

5

6 (a) As used in this act:

7

8 (i) "Advisory board" means the advisory board
9 elected to govern the projects and activities, under the
10 supervision of the board of supervisors, within a special
11 project area;

12

13 ~~(i)~~(ii) "Agency of this state" means any
14 subdivision, agency or instrumentality, corporate or
15 otherwise, of the government of this state;

16

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

19

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

22

23 ~~(iv)~~(v) "Conservation" means development,
24 improvement, maintenance, preservation, protection and use

1 of natural resources, and the control and prevention of
2 floodwater and sediment damages, and the disposal of excess
3 waters;

4

5 ~~(v)~~ (vi) "District" or "conservation district"
6 means a governmental subdivision of this state, and a
7 public body corporate and politic, organized in accordance
8 with this act;

9

10 ~~(vi)~~ (vii) "Due notice" for those provisions
11 other than election and referendum provisions, means notice
12 published at least twice, with an interval of six (6) days
13 between the two (2) publication dates, in a newspaper of
14 general circulation within the boundaries of the proposed
15 or organized district, or by posting at five (5)
16 conspicuous places within the organized or proposed
17 district, such posting to include, where possible, posting
18 at public places where it may be customary to post notices
19 concerning county or municipal affairs generally. Except as
20 otherwise provided in this act, the notice of any hearing
21 required under this act shall fix the time, place and
22 purpose, which shall be not less than ten (10) or more than
23 fifteen (15) days after the first publication or first
24 posting of the notice. Any hearing held pursuant to such

1 notice may be adjourned from time to time without renewing
2 the notice for the adjourned dates. Notice for any
3 election or referendum required by this act shall be as
4 specifically provided in this act, or if not specifically
5 provided in this act, as required in the Special District
6 Elections Act of 1994;

7

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

9

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

11

12 ~~(vii)~~ (x) "Government" or "governmental" means
13 the government of this state, the government of the United
14 States, and any subdivision, agency or instrumentality,
15 corporate or otherwise, of either of them;

16

17 (xi) "Land and natural resource conservation"
18 includes but is not limited to engineering operations,
19 range management, methods of cultivation, silviculture and
20 forestry practices, fuels reduction practices, growing of
21 grass or other vegetation, changes in use of land or any
22 measure which may be developed regarding land use practices
23 that reduce soil erosion, protect wildlife habitat, protect

1 water quality and water yield or conserve, develop, utilize
2 or dispose of water, including flood prevention;

3
4 (xii) "Qualified elector" means as defined by
5 W.S. 22-29-104(a)(v). For elections for special project
6 areas, a person shall also be a bona fide resident of the
7 special project area to be a "qualified elector";

8
9 ~~(x)~~ (xiii) "Renewable natural resources,"
10 "natural resources" or "resources," means land, soil,
11 water, air, vegetation, trees, wild rivers, wilderness,
12 natural beauty, scenery and open space;

13
14 (xiv) "Resource degradation control" includes
15 undertaking any of the activities described in W.S.
16 11-16-103;

17
18 (xv) "Special project area" means a specially
19 designated geographical area within one (1) or more
20 conservation districts designated for the purpose of
21 addressing a special natural resource management project or
22 program. A project may consist of any structure, facility
23 undertaking or system which a district is authorized to
24 acquire, improve, equip, maintain or operate. A project

1 may include all types of personal and real property,
2 including but not limited to land, improvements and
3 fixtures thereon, property of any nature appurtenant
4 thereto or used in connection therewith, and every estate,
5 interest and right therein, legal or equitable, including
6 terms for years, or any combination thereof.

7
8 ~~(xi)~~ (xvi) "Urban" or "urban member" means any
9 registered voter of an incorporated Wyoming municipality;

10
11 (xvii) "Voter" means a qualified elector;

12
13 (xviii) "Written authorization" means an
14 affidavit filed with the election official conducting the
15 election setting forth a general legal description of the
16 property owned, the street or common name address for the
17 property, the name or names of all owners of the property
18 described, and a statement that the person signing the
19 written authorization is the only person having authority
20 to act on behalf of the owner or owners of the property;

21
22 ~~(xi)~~ (xix) "This act" means W.S. 11-16-101
23 through ~~11-16-134~~ 11-16-217.

24

1 **11-16-103. Legislative declarations and policy.**

2

3 (a) It is hereby declared that the farm and grazing
4 lands of Wyoming are among the basic assets of the state;
5 that improper land use practices cause and contribute to
6 serious erosion of these lands by wind and water; that
7 among the consequences which would result from such
8 conditions are the deterioration of soil and its fertility
9 and the silting and sedimentation of stream channels,
10 reservoirs, dams and ditches; that to conserve soil, ~~and~~
11 ~~soil and~~ water and vegetative resources, and prevent ~~and~~
12 ~~control soil erosion~~ resource degradation, it is necessary
13 that land use practices contributing to ~~soil erosion~~
14 resource degradation be discouraged and that appropriate
15 ~~soil conserving~~ land ~~use~~ management practices be adopted.

16

17 (b) It is hereby declared to be the policy of the
18 legislature to provide for the conservation of the soil,
19 ~~and soil and~~ water and vegetative resources of this state,
20 and for the control and prevention of ~~soil erosion~~ resource
21 degradation and for the protection of water quality, water
22 yield, flood prevention or the conservation, development,
23 utilization, and disposal of water. ~~, and thereby~~ The goal
24 of this policy is to stabilize ranching and farming

1 operations, to preserve natural resources, protect the tax
2 base, control floods, prevent impairment of dams and
3 reservoirs, preserve wildlife, protect public lands, and
4 protect and promote the health, safety and general welfare
5 of the people of this state.

6

7 **11-16-105. State board of agriculture; duties**
8 **generally.**

9

10 (a) The commission shall:

11

12 (ii) Assist and guide districts in the
13 preparation and carrying out of programs for resource
14 conservation authorized under this act, including the
15 process for designating special project areas, review
16 district programs, coordinate the programs of the several
17 districts and resolve any conflicts, and facilitate,
18 promote, assist, harmonize, coordinate and guide the
19 resource conservation programs and activities of districts
20 as they relate to other special purpose districts, counties
21 and other public agencies;

22

23 **11-16-112. Result of referendum; announcement;**
24 **practicability of district; determination; criteria.**

1

2 After making public the result of the referendum, the
3 commission shall consider and determine whether the
4 operation of the district within the defined boundaries is
5 administratively practicable. If the commission determines
6 the operation of the district is not administratively
7 practicable, it shall record the determination and deny the
8 petition. If the commission determines that the operation
9 of the district is administratively practicable, it shall
10 record the determination and proceed with the organization
11 of the district. In making the determination the commission
12 shall give regard to the attitudes of the voters lying
13 within the defined boundaries, the number of voters
14 eligible to vote in the referendum who voted, the
15 proportion of votes cast in favor of the creation of the
16 district to the total number of votes cast, the approximate
17 wealth and income of the owners of land of the proposed
18 district, the probable expense of carrying on ~~erosion-~~
19 ~~control-~~land and natural resource conservation operations
20 within the district, and other economic and social factors
21 as are relevant.

22

1 **11-16-117. Districts; termination; dissolution**
2 **procedures; determination by board of agriculture; legal**
3 **effects of dissolution.**

4
5 (d) Upon issuance of a certificate of dissolution all
6 ordinances and regulations adopted and in force within the
7 district are void. All contracts to which the district or
8 supervisors are parties remain in force and effect for the
9 period provided in such contracts. The commission shall be
10 substituted for the district or supervisors as party to the
11 contracts. The commission is entitled to all benefits and
12 subject to all liabilities under such contracts and has the
13 same right and liability to perform, require performance,
14 sue and be sued thereon, and to modify or terminate the
15 contracts as the supervisors of the district would have
16 had. Dissolution does not affect the lien of any judgment
17 entered, ~~or the pendency of any action instituted under~~
18 ~~W.S. 11-16-126,~~ and the commission succeeds to all rights
19 and obligations of the district or supervisors as to such
20 liens and actions.

21
22 **11-16-121. District supervisor; cooperation and**
23 **agreements between districts; agreements with districts in**
24 **adjoining states.**

1

2 (b) Any two (2) or more districts may engage in joint
3 activities by agreement for planning, financing,
4 constructing, operating, maintaining and administering any
5 program or project concerned with the conservation of
6 renewable natural resources. The districts concerned may
7 make available for purposes of the agreement any funds,
8 property, personnel, equipment or services available to
9 them under this act, except that funds from assessments for
10 special project areas shall be used only within those
11 project areas.

12

13 **11-16-122. Powers and duties of districts and**
14 **supervisors thereof generally.**

15

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

19

20 (v) Conduct surveys, investigations and research
21 and disseminate information relating to ~~range management,~~
22 ~~the character of soil erosion, flood prevention or the~~
23 ~~conservation, development, utilization and disposal of~~
24 ~~water,~~ accepted management practices for land and natural

1 resource conservation and the preventive and control
2 measures and works of improvement needed; ~~but in order to~~
3 ~~avoid duplication of research activities, no district shall~~
4 ~~initiate any research program except in cooperation with~~
5 ~~the government of this state or its agencies, or with the~~
6 ~~United States or its agencies;~~

7
8 (vi) Conduct demonstration projects within the
9 district on lands owned or controlled by this state or its
10 agencies, with the cooperation of the agency administering
11 and having jurisdiction thereof, and on other lands within
12 the district with the consent of the owner or occupier of
13 the lands, to demonstrate ~~range management practices, the~~
14 ~~means, methods and measures by which soil and soil~~
15 ~~resources may be conserved, and soil erosion in the form of~~
16 ~~soil blowing and washing may be prevented and controlled~~
17 accepted management practices for land and natural resource
18 conservation and how works of improvement for ~~flood~~
19 ~~prevention or the conservation, development, utilization~~
20 ~~and disposal of water~~ those practices may be carried out;

21
22 (vii) ~~Carry out preventive and control measures~~
23 ~~and works of improvement~~ Implement and prescribe accepted
24 management practices for land and natural resource

1 conservation within the district, ~~including engineering~~
2 ~~operations, range management, methods of cultivation, the~~
3 ~~growing of grass or other vegetation, changes in use of~~
4 ~~land or any measure which may be developed for the control~~
5 ~~of erosion and better use of soil,~~ and works of improvement
6 for ~~flood prevention or the conservation, development,~~
7 ~~utilization and disposal of water~~ land and natural resource
8 conservation on lands owned or controlled by this state or
9 its agencies, with the cooperation of the agency
10 administering and having jurisdiction thereof, or on other
11 lands within the district with the consent of the owner or
12 occupier of the lands;

13

14 (viii) Cooperate, or enter into agreements with
15 and furnish financial or other aid to, any agency,
16 governmental or otherwise, or any owner or occupier of
17 lands within the district, in carrying on ~~range management~~
18 ~~or erosion control and prevention operations~~ accepted
19 management practices for land and natural resource
20 conservation and works of improvement for ~~flood prevention~~
21 ~~or the conservation, development, utilization and disposal~~
22 ~~of water~~ land and natural resource conservation within the
23 district, subject to such conditions as the supervisors
24 deem necessary;

1

2 (xiv) Make available on terms it prescribes, to
3 owners and occupiers of land within the district,
4 agricultural and engineering machinery and equipment,
5 fertilizer, seeds and seedlings, male breeding animals,
6 livestock supplies and such other material or equipment as
7 will assist the owners and occupiers of land to carry on
8 operations upon their lands and upon those owned or leased
9 by the district, ~~range improvement and stabilization, the~~
10 ~~conservation of soil and water resources, the prevention~~
11 ~~and control of soil erosion and for flood prevention or the~~
12 ~~conservation, development, utilization and disposal of~~
13 ~~water.~~ for implementation of accepted management practices
14 for land and natural resource conservation. The ~~assistance~~
15 ~~authorized by this paragraph shall be on a limited scale~~
16 ~~for demonstration purposes and the~~ district shall not be
17 deemed authorized to compete with private industry;

18

19 (xvi) Develop and implement comprehensive land
20 and resource use plans for ~~range improvement and~~
21 ~~stabilization, conservation of soil and water resources,~~
22 ~~control and prevention of soil erosion and for flood~~
23 ~~prevention or the conservation, development, utilization and~~
24 ~~disposal of water within the district, which~~ accepted

1 management practices for land and natural resource
2 conservation. The plans shall ~~include range management~~
3 ~~provisions and shall~~ specify in detail the acts,
4 procedures, performances and avoidances necessary or
5 desirable to carry out the plans, ~~including the~~
6 ~~specification of engineering operation, fence and~~
7 ~~stockwater developments, methods of cultivation, the~~
8 ~~growing of grass and other vegetation, cropping and range~~
9 ~~programs, tillage and grazing practices, and~~ or changes in
10 use of lands;

11

12 (xix) ~~Manage, as agent of the United States or~~
13 ~~any of its agencies, and~~ Enter into agreements with the
14 United States or any of its agencies, or this state or any
15 of its agencies, to effect cooperation or management, with
16 the United States or any of its agencies under United
17 States Public Law 566 approved August 4, 1954, the National
18 Environmental Policy Act, and any other pertinent law, rule
19 or policy recognizing local governments, or amendments
20 thereto, in connection with the acquisition, construction,
21 operation or administration of any ~~land utilization, soil~~
22 ~~conservation, erosion control, erosion prevention, flood~~
23 ~~prevention projects, conservation of water, water~~
24 ~~utilization, disposal of water in watershed areas and other~~

1 ~~water projects~~ project to implement accepted management
2 practices for land and natural resource conservation within
3 its boundaries;

4
5 (xx) Act as representative for local groups in
6 dealing with the United States or its representatives, in
7 ~~soil or water conservation~~ land and natural resource
8 conservation planning and management matters under United
9 States Public Law 566 approved August 4, 1954, or
10 amendments thereto;

11
12 (d) In carrying out works of improvement and resource
13 enhancement within special project areas, district
14 supervisors shall, after consulting with the advisory
15 board, have the authority to:

16
17 (i) Perform special works of improvement and
18 resource development;

19
20 (ii) Levy and collect assessments for special
21 benefits accruing to land and water resources;

22

1 (iii) Utilize assessments for the purpose of
2 administering programs and projects within a designated
3 special project area;

4
5 (iv) Acquire by purchase, exchange, lease, gift,
6 grant, bequest, devise or otherwise, any property, real or
7 personal, or rights or interests therein; maintain,
8 administer, and improve any such property; and sell, lease,
9 or otherwise dispose of any such property in furtherance of
10 the purposes and provisions of paragraphs (b)(vii) and
11 (viii) of this section;

12
13 (v) Construct, improve, operate and contract for
14 the maintenance of such structures as may be necessary for
15 the performance of any authorized function of the district;

16
17 (vi) Borrow such money as is necessary to carry
18 out the purposes and provisions of paragraphs (b)(vii) and
19 (viii) of this section and issue, negotiate, sell its bonds
20 or other evidence of indebtedness as provided in W.S.
21 11-16-215.

22
23 (e) Cooperate with, and receive from or grant
24 assistance to, towns, cities, counties, and state and

1 federal agencies in carrying out the purposes and
2 provisions of this act.

3

4 (f) No special district formed under this act shall
5 regulate any activity which is subject to regulation under
6 any state or federal permitting authority.

7

8 **11-16-133. Tax levied on property in district;**
9 **maximum amount; soil and water conservation fund; other**
10 **appropriation authorized.**

11

12 (a) Subject to W.S. 11-16-134, the county
13 commissioners may annually levy a tax to carry out this
14 act. The tax shall be levied upon all property in the
15 district and shall not exceed one (1) mill on each one
16 dollar (\$1.00) of assessed valuation. The tax is not part
17 of the general county or city mill levies. The tax shall
18 be levied and collected as other county taxes and the
19 county treasurer shall remit the taxes collected to the
20 district to a separate fund to be known as the conservation
21 district fund, which shall be used only to carry out the
22 purposes of this act. The tax revenues within the fund
23 shall be used to carry out the purposes of W.S. 11-16-201
24 through 11-16-216 only to the extent the board of

1 supervisors find the activity funded within the special
2 project area is of a benefit to the residents of the
3 district generally.

4

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

6

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

8

9

(END)