

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

24

1 (b) The land area embraced in a special project area
2 must lie within the boundaries of a conservation district.
3 A special project area may embrace land lying in one (1) or
4 more conservation districts upon the adoption of
5 resolutions of the affected conservation district boards of
6 supervisors. A special project area may encompass an
7 entire district.

8

9 (c) If a proposed special project area is situated in
10 more than one (1) conservation district, the supervisors of
11 each of the districts shall act jointly as a board of
12 supervisors with respect to all matters concerning the
13 special project area, including its designation.

14

15 (d) A petition to designate a special project area
16 shall be filed with the board of supervisors of the
17 conservation district in which the proposed special project
18 area is situated. The petition shall be signed by not less
19 than twenty-five percent (25%) of the landowners owning at
20 least twenty-five percent (25%) of the assessed valuation
21 of property within the area proposed to be established as a
22 special project area, as shown by the assessment records of
23 the property in said area. A copy of the petition shall be
24 furnished to the commission. If a proposed special project

1 area is situated in more than one (1) conservation
2 district, copies of the petition shall be presented to the
3 board of supervisors of all the conservation districts in
4 which any part of the proposed special project area is
5 situated.

6

7 (e) The petition for designation shall state:

8

9 (i) The proposed name for the special project
10 area;

11

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

15

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

18

19 (iv) Generally the purpose of the proposed
20 special project area and the services to be provided,
21 acquired, operated or constructed;

22

1 (v) In detail, the proposed method for financing
2 improvements or services to be provided within the first
3 year of designation;

4
5 (vi) The number and names of persons willing to
6 serve, or apply for election, as the advisory board for the
7 special project area.

8
9 **11-16-203. Requirements for signers of petition;**
10 **requirements of filing petition and certification of**
11 **signatures; review by the county assessor and department of**
12 **revenue.**

13
14 (a) A petition to designate a special project area
15 shall:

16
17 (i) Meet the requirements and be subject to the
18 provisions of W.S. 22-29-106;

19
20 (ii) Be filed in accordance with W.S. 22-29-107
21 with the secretary of the district board of all districts
22 included within the special project area;

23

1 (iii) Be subject to the provisions of W.S.
2 22-29-108;

3

4 (iv) Be transmitted by any one (1) of the
5 district boards to each board of county commissioners in
6 which the proposed special project area lies.

7

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

18

19 (c) If the petition satisfies all requirements the
20 district board shall proceed as provided by W.S. 22-29-109,
21 with the district board undertaking the duties of the board
22 of county commissioners under that section. References
23 within that section to the term "district" shall be

1 construed as references to the special project area for
2 purposes of this subsection.

3

4 **11-16-204. District to publish proclamation; filing**
5 **period.**

6

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

18

19 (b) Not more than thirty-nine (39) and not less than
20 thirty (30) days before the designation election,
21 candidates may file an application for election in the
22 office of the conservation district. The application shall
23 be in substantially the following form:

24

1 APPLICATION FOR ELECTION SPECIAL PROJECT AREA ADVISORY
2 BOARD MEMBER

3

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

13 Dated

14

15 Signature of Candidate

16

17 Residence Address

18

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

1

2 (d) A district secretary receiving an application for
3 election shall determine whether the person seeking
4 election is an eligible candidate.

5

6 **11-16-205. Election prerequisite to designation;**
7 **voting; ballots; right of landowners to vote; proxies;**
8 **initial advisory board election.**

9

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

20

21 (b) A written authorization for voting purposes shall
22 be filed with the conservation district board of
23 supervisors conducting the referendum not later than thirty
24 (30) days prior to the election.

1

2 (c) The electors shall vote on the designation of the
3 special project area and for the initial advisory board
4 members. Votes for write-in candidates for advisory board
5 members shall be permitted.

6

7 (d) The election shall be conducted under the
8 direction of the district secretary and shall be at the
9 expense of the district.

10

11 (e) The designation of the special project area is
12 approved if at least a majority of the votes cast in the
13 election, which affirmative votes represent a majority of
14 the acreage contained in the proposed special project area,
15 favor designation of the special project area.

16

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

19

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

24

1 (h) If the proposition to designate the special
2 project area fails, the advisory board candidacy questions
3 are null and void.

4

5 (j) If the designation question is approved, the
6 district secretary shall send written notice of the
7 designation to the county commissioners, county clerk,
8 county assessor, department of audit and department of
9 revenue within ten (10) days of the canvass.

10

11 (k) A resolution of the board of supervisors
12 designating the special project area may be appealed to the
13 commission within sixty (60) days of the determination
14 issued by the conservation district board.

15

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

18

19 (a) The advisory board of a special project area
20 shall consist of five (5) members. The first advisory board
21 elected concurrently with the designation election shall
22 serve the following terms, as indicated on the candidate
23 election application: two (2) members to serve terms of one
24 (1) year, two (2) members to serve terms of two (2) years,

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

15

16 (b) The advisory board shall annually elect from its
17 board members a chairman and vice chair. The conservation
18 district secretary, or his designee, shall act as secretary
19 and treasurer to the advisory board.

20

21 (c) Applications for election may be filed with the
22 board of supervisors by candidates for the advisory board
23 of the special project area as provided in W.S.
24 11-16-204(b). No person shall be eligible to be an advisory

1 board member of a special project area who is not an owner
2 of land or a taxpaying elector within the special project
3 area.

4
5 (d) The board of supervisors in which the designation
6 for a special project area has been adopted shall
7 thereafter for all purposes of this article maintain and
8 have original and exclusive jurisdiction as to any and all
9 proceedings concerning the special project area and its
10 advisory board within the boundaries of the special project
11 area, including any territory which may be proposed to be
12 included in the special project area and of the property
13 proposed to be included in the special project area or
14 affected by the district.

15

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

17

18 When the voters of an area wish to join a special project
19 area, they may file an enlargement petition with the board
20 of supervisors. If there are no voters within an area
21 proposed to be included in a special project area, the
22 landowners of the area may file an enlargement petition
23 with the board of supervisors. Petitions for including
24 additional territory within an existing special project

1 area may be filed with the board of supervisors, and in
2 such cases the proceedings herein provided for with respect
3 to petitions to designate a special project area shall be
4 observed to the extent deemed practicable in acting upon
5 petitions for the inclusion. In determining whether the
6 designation of a special project area, including such
7 additional territory, will be administratively practicable
8 and feasible, the board of supervisors shall advise and
9 consult with the advisory board of the existing special
10 project area. Where the total number of owners of land in
11 the area proposed for inclusion shall be less than ten
12 (10), the petition may be filed when signed by a majority
13 of the owners of land in the area, representing a majority
14 of the acreage contained in the area, and in such case no
15 election need be held.

16

17 **11-16-208. Withdrawal from special project area.**

18

19 The owner or owners of land which has not been, is not, and
20 cannot be benefited by its inclusion in the special project
21 area may petition the board of supervisors to have the land
22 withdrawn. The petition shall describe the land and state
23 the reasons why it should be withdrawn. A hearing shall be
24 held within thirty (30) days after the petition is

1 received. Due notice of the hearing shall be given by the
2 board of supervisors. If it is determined by the board of
3 supervisors that the land has not been, is not, and cannot
4 be benefited by its inclusion in the special project area,
5 the land shall be withdrawn from the special project area.

6

7 **11-16-209. Consolidation of special project areas;**
8 **districts.**

9

10 (a) Two (2) or more special project areas may
11 consolidate and form a new special project area if the
12 consolidation is first approved by the boards of
13 supervisors and approved by the voters. The process for
14 considering a merger shall follow the same provisions for a
15 project area designation as set forth in W.S. 11-16-202
16 through 11-16-206. The existing special project areas
17 included in the consolidation shall be considered joined
18 into a single new special project area.

19

20 (b) If the consolidation is approved, the advisory
21 board members and officers of the consolidating special
22 project area or district shall transfer to the board of
23 supervisors wherein lies the special project area, all

1 funds, property, contracts and records of the consolidating
2 districts. Upon the effective date of the consolidation:

3

4 (i) The successor conservation district shall
5 succeed to all the property, contracts, rights and powers
6 of the consolidating district; and

7

8 (ii) Uncollected taxes, assessments or charges
9 levied by the consolidating special project area shall
10 become the property of the conservation district and upon
11 collection shall be credited to the account of the
12 conservation district; and

13

14 (iii) The conservation district shall become
15 liable for all the obligations, legal or contractual, of
16 the consolidating special project area.

17

18 (c) The board of directors of a watershed improvement
19 district within a conservation district may also petition
20 to be formed as a special project area of the district.
21 The petition shall be submitted, acted upon by the board of
22 supervisors and the area designated as provided in W.S.
23 11-16-202 through 11-16-206. If the designation is
24 approved by the board of supervisors, the issue shall be

1 presented to a referendum of the watershed improvement
2 district as provided in W.S. 41-8-108 and to the voters of
3 the district as provided in W.S. 22-29-305. If the
4 referendum passes in the watershed improvement district and
5 the conservation district, the watershed improvement
6 district shall be designated as a special project area of
7 the conservation district. The watershed improvement
8 district shall be dissolved and the provisions of
9 subsection (b) of this section shall be effective.

10

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

12

13 (a) Before any contract shall be let or work begun
14 upon any improvement or project within the special project
15 area, the cost of which cannot be exclusively financed by
16 funds on hand, grants in aid, or financial assistance or
17 gifts to the district, or before any contract may be
18 entered into by the district with any governmental agency
19 or body which will obligate the district to contribute
20 financially beyond the extent of funds of the district then
21 on hand, it shall be the duty of the board of supervisors
22 to set a time and place within the district for a public
23 hearing upon such proposal. Due notice of such hearing
24 shall be given by the board of supervisors.

1

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

6

7 (c) Following the public hearing the board of
8 supervisors shall, by order or resolution, either affirm
9 the proposal with or without modification or amendments, or
10 disapprove the proposal. If the board of supervisors
11 affirms the proposal, it shall determine the probable cost
12 of and the proposed method of financing the improvement or
13 project, the benefits to be derived therefrom, and whether
14 the benefits will be conferred upon all land within the
15 special project area or upon only certain land within the
16 special project area, in which latter case the land to be
17 benefited shall be described as to boundaries, ownership,
18 approximate acreage and if the board determines that lands
19 will receive benefits not proportionate to acreage a
20 description of those benefits conferred on specific lands.

21

22 **11-16-211. Appointment of appraisers and appraisal of**
23 **benefited property.**

24

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

21

22 (b) Upon receiving the report of the appraisers the
23 board of supervisors shall fix a time and place within the
24 special project area for hearing any complaint that may be

1 made regarding the benefits appraised to any tract of land
2 or the assessment proposed to be levied against any tract
3 of land. Due notice of such hearing shall be given by the
4 board of supervisors. At the time and place fixed for such
5 hearing the board of supervisors shall consider the report
6 of the appraisers and consider and hear any objections
7 filed or voiced thereto. The board of supervisors shall, by
8 order or resolution, reject the report of the appraisers or
9 accept the report and ratify it with or without
10 modification or amendments.

11

12 (c) Any owner of land or person having an interest
13 therein upon which an assessment is proposed to be levied
14 may, within thirty (30) days from such order or resolution
15 of the board of supervisors accepting the report of the
16 appraisers, file with the clerk of the district court a
17 written notice making demand for trial by the court. The
18 notice shall state definitely from what part of such order
19 or resolution the appeal is taken and shall set forth any
20 other objections of the appellant. In case more than one
21 (1) appeal is taken, the court may, upon finding that the
22 appeals may be consolidated without injury to the interests
23 of anyone, consolidate and try the appeals together. Any
24 hearing on appeal provided for in this section in the

1 district court shall be de novo, and the district court
2 shall consider not only the question of procedure but also
3 the merits of the point or points appealed from.

4

5 (d) If no appeal is taken within the time prescribed
6 in this section from such order or resolution of the board
7 of supervisors accepting the report of the appraisers, or
8 after the finding of the court in case an appeal is taken
9 from such order or resolution of the board of supervisors,
10 then such assessments shall be final and conclusive and
11 shall constitute perpetual liens upon the land so assessed
12 until they are fully paid.

13

14 (e) In case land belonging to the state, or a county,
15 school district, or other public corporation is benefited
16 by any improvement or project constructed under the
17 provisions of this article, all of such benefits shall be
18 assessed against such land and the assessments shall be
19 paid by the proper authorities at the same time as the
20 assessments are called and paid in the cases of private
21 persons.

22

23 **11-16-212. Assessments generally.**

24

1 (a) The board of supervisors shall, on or before the
2 third Monday in July of each year, certify to the board of
3 county commissioners of the county within the special
4 project area in which assessed land is located the amount
5 of the annual installments of assessments against the land,
6 together with a fair proportionate amount of the estimated
7 operating and maintenance charges apportioned to the land
8 for the next succeeding year. Thereupon the county
9 commissioners shall certify to and deliver the assessment
10 roll to the county assessor of the county and the county
11 assessor shall extend the amounts so certified on the tax
12 roll as a flat special assessment against the land
13 benefited. The assessments shall be subject to the same
14 interest and penalties in case of delinquency as in the
15 case of general taxes, and shall be collected at the same
16 time and in the same manner as in the case of general
17 taxes; provided, that the assessments shall become due and
18 payable only at the times and in the amounts as may be
19 determined by the board of supervisors.

20

21 (b) The board of supervisors in making the annual
22 assessments and levies as provided in this article, shall
23 take into account the maturing indebtedness for the ensuing
24 year as provided in its contracts, the maturing of bonds

1 and interests on all bonds, and deficiencies and defaults
2 of prior years, and shall make ample provisions for the
3 payment thereof; provided however, that no one (1) yearly
4 call for assessment by the board of supervisors shall be in
5 an amount to exceed ten percent (10%) of the actual amount
6 necessary to defray the cost of the construction of the
7 improvement or project.

8

9 **11-16-213. Levy, collection and disposition of taxes**
10 **and special assessments; expenditure of funds.**

11

12 It shall be the duty of the officer or body having
13 authority to levy taxes within each county, to levy the
14 taxes and special assessments as provided in this article,
15 and it shall be the duty of all county officials, charged
16 with the duty of collecting taxes, to collect the taxes and
17 special assessments as provided in this article in the
18 time, form and manner and with like interest and penalties
19 as city or county taxes are collected, and when collected
20 to pay the same to the board of supervisors ordering their
21 levy and collection and the payments of such collections
22 shall be made through the treasurer of the conservation
23 district and deposited in the depository thereof to the
24 credit of such district. All expenditures of such funds

1 shall be made by the board of supervisors upon order of the
2 board, with the guidance of the advisory board.

3

4 **11-16-214. Lien of assessment; collection of**
5 **delinquent assessments.**

6

7 All taxes and assessments levied against any land under
8 this article together with all interest thereon and
9 penalties for default in payment thereof, and all costs of
10 collecting the same, shall, until paid, constitute a
11 perpetual lien upon such land on a parity with the tax lien
12 of general, state, county, city, town or school taxes and
13 no sale of such land to enforce any general, state, county,
14 city, town or school tax or other liens shall extinguish
15 the perpetual lien of such taxes and assessments. If the
16 taxes and assessments levied are not paid as herein
17 provided, then such land shall be sold at the regular tax
18 sale for the payment of said taxes and assessments,
19 interest and penalties, in the manner provided by the
20 statutes of this state for selling real property for
21 nonpayment of general taxes.

22

23 **11-16-215. Issuance of bonds.**

24

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

10

11 (b) The board of supervisors shall conduct a hearing
12 on such proposal after due notice of such hearing has been
13 given. If it appears that the proposal is within the scope
14 and purpose of W.S. 11-16-122(b) and meets all other
15 requirements of the law, the proposal shall be submitted to
16 the landowners of the project area by a referendum held
17 under the supervision of the board of supervisors.

18

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

22

23 (d) If two-thirds (2/3) of the votes cast, which
24 votes represent a majority of the acreage contained in the

1 special project area are in favor of the proposed bond
2 issue, such bonds shall be authorized and may be issued.

3

4 (e) Bonds authorized and issued shall bear interest
5 payable annually, and shall be due and payable not more
6 than fifty (50) years from their dates. The form, terms and
7 provisions of the bonds, provision for their payment and
8 provisions for their retirement and calling not
9 inconsistent with law, shall be determined by the board of
10 supervisors. The bonds are exempt from all state, county,
11 municipal, school and other taxes imposed by a taxing
12 authority of this state.

13

14 **11-16-216. Dissolution; supervision upon**
15 **discontinuance.**

16

17 (a) A special project area formed pursuant to this
18 article shall be dissolved after completion of the project
19 for which the special project area was formed and
20 collection of all assessments levied for the project.
21 Dissolution shall occur pursuant to the dissolution process
22 provided under W.S. 22-29-401.

23

1 (b) If any conservation district in which a special
2 project area is designated is discontinued, the commission
3 shall thereafter serve in the same supervising capacity
4 over the special project area as was theretofore served by
5 the board 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 amending and renumbering (xii) as (xix), 11-16-103(a)
14 and (b), 11-16-105(a)(ii), 11-16-112, 11-16-117(d),
15 11-16-121(b), 11-16-122(b)(v) through (viii), (xiv), (xvi),
16 (xix), (xx) and by creating new subsections (d) through (f)
17 and 11-16-133(a) are amended to 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, air, vegetation, trees, wild rivers, wilderness,
2 natural beauty, scenery and open space;

3

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

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**
11 **agreements between districts; agreements with districts in**
12 **adjoining 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~~ land and natural resource
20 conservation on lands owned or controlled by this state or
21 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~~ land and natural resource conservation within the
11 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, ~~range improvement and stabilization, the~~
22 ~~conservation of soil and water resources, the prevention~~
23 ~~and control of soil erosion and for flood prevention or the~~
24 ~~conservation, development, utilization and disposal of~~

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

23

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

17

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

24

1 (d) In carrying out works of improvement and resource
2 enhancement within special project areas, district
3 supervisors shall, after consulting with the advisory
4 board, have the authority to:

5
6 (i) Perform special works of improvement and
7 resource development;

8
9 (ii) Levy and collect assessments for special
10 benefits accruing to land and water resources;

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

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

23

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

4
5 (vi) Borrow such money as is necessary to carry
6 out the purposes and provisions of paragraphs (b) (vii) and
7 (viii) of this section and issue, negotiate, sell its bonds
8 or other evidence of indebtedness as provided in W.S.
9 11-16-215.

10
11 (e) Cooperate with, and receive from or grant
12 assistance to, towns, cities, counties, and state and
13 federal agencies in carrying out the purposes and
14 provisions of this act.

15
16 (f) No special district formed under this act shall
17 regulate any activity which is subject to regulation under
18 any issued state or federal permits.

19
20 **11-16-133. Tax levied on property in district;**
21 **maximum amount; soil and water conservation fund; other**
22 **appropriation authorized.**

23

1 (a) Subject to W.S. 11-16-134, the county
2 commissioners may annually levy a tax to carry out this
3 act. The tax shall be levied upon all property in the
4 district and shall not exceed one (1) mill on each one
5 dollar (\$1.00) of assessed valuation. The tax is not part
6 of the general county or city mill levies. The tax shall
7 be levied and collected as other county taxes and the
8 county treasurer shall remit the taxes collected to the
9 district to a separate fund to be known as the conservation
10 district fund, which shall be used only to carry out the
11 purposes of this act. The tax revenues within the fund
12 shall be used to carry out the purposes of W.S. 11-16-201
13 through 11-16-216 only to the extent the board of
14 supervisors find the activity funded within the special
15 project area is of a benefit to the residents of the
16 district generally.

17

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

19

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

21

22

(END)