

## HOUSE BILL NO. HB0298

Surface water drainage systems-2.

Sponsored by: Representative(s) Sweeney

A BILL

for

1 AN ACT relating to cities and towns; granting to cities and  
2 towns the authority to fund surface water drainage systems by  
3 service charges as specified; making conforming amendments;  
4 and providing for an effective date.

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

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8       **Section 1.** W.S. 16-10-103(a) and (c) and  
9 16-10-105(b)(intro), (e) and by creating a new subsection (f)  
10 are amended to read:

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12       **16-10-103. Powers.**

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14       (a) In addition to all other powers provided by law,  
15 any governing body may in accordance with the procedures set  
16 forth in W.S. 16-10-105(b) or (f) establish a surface water

1 drainage utility to design, plan, construct, reconstruct,  
2 acquire, operate, improve, extend or maintain a surface water  
3 drainage system, sometimes referred to as a storm water  
4 drainage system. To carry out this duty, any city or town  
5 may go beyond its corporate limits to hold and acquire  
6 property by agreement. To carry out this duty, a county may  
7 go beyond its boundaries to hold and acquire property by  
8 agreement.

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10 (c) In addition to other methods provided by law or  
11 ordinance, and subject to voter approval ~~as provided by W.S.~~  
12 ~~16-10-105(d)~~ if required by W.S. 16-10-105, a governing body  
13 may issue revenue bonds and may levy and collect service  
14 charges to finance the surface water drainage utility. A  
15 surface water drainage utility may be formed by the governing  
16 body of any city or town, or by the county in the  
17 unincorporated area of the county, as provided by this act,  
18 for all or a portion of the respective municipality by its  
19 governing body, or for all or a portion of the unincorporated  
20 area of a county by its governing body.

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22 **16-10-105. Ordinance or resolution for construction;**  
23 **required and authorized provisions.**

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2 (b) Subject to voter approval as provided by subsection  
3 (e) of this section or as otherwise provided in subsection  
4 (f) of this section, a city, town, county or joint powers  
5 board may fund the surface water drainage utility by general  
6 and special funds, revenue or other bonds and other forms of  
7 indebtedness, service charges or a combination of these  
8 sources. The resolution or ordinance establishing the  
9 utility, or a resolution or ordinance later adopted by the  
10 governing body, pursuant to this subsection, shall specify  
11 the means of financing the surface water drainage utility by  
12 one (1) or more of the following sources:

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14 (e) Except as otherwise provided in subsection (f) of  
15 this section, a governing body shall not fund a surface water  
16 utility until the proposition to impose the means of financing  
17 the surface water drainage utility has been submitted to and  
18 adopted by the electors within the proposed surface water  
19 drainage area under this subsection. Upon adoption of a  
20 resolution or ordinance pursuant to subsection (a) of this  
21 section, the proposition to impose the means of financing the  
22 surface water drainage utility shall be submitted to the  
23 electors within the proposed utility on an election date

1 determined by the governing body and authorized under W.S.  
2 22-21-103. A notice of election shall be given in at least  
3 one (1) newspaper of general circulation published in the  
4 county in which the election is to be held or in the city or  
5 town if only a city wide or town wide utility is proposed,  
6 and the notice shall specify the proposed means of financing  
7 the surface water drainage utility. At the election the  
8 ballots shall contain appropriate language explaining the  
9 proposed means of financing the surface water drainage  
10 utility. If the proposition is adopted, the governing body  
11 may proceed to issue revenue bonds or otherwise fund the  
12 surface water drainage utility as specified in the ballot  
13 proposition. If the proposition is defeated, a proposition to  
14 impose a means of financing the surface water drainage utility  
15 shall not again be submitted to the electors within the  
16 utility before the next election date authorized under W.S.  
17 22-21-103 and occurring not less than two (2) years after the  
18 election at which the proposition was defeated.

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20 (f) Without submitting a proposition as required by  
21 subsection (e) of this section, a city or town may fund a  
22 surface water drainage utility by assessing and collecting  
23 service charges, provided that:

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(i) The governing body of the city or town determines that there is a rational basis for the assessment of the service charges and publishes that determination on its official website;

(ii) After publication pursuant to paragraph (i) of this subsection, the governing body of the city or town adopts an ordinance authorizing the assessment of the service charges in accordance with W.S. 15-1-114 through 15-1-116;

(iii) No revenue bonds, other bonds or other forms of indebtedness shall be used to establish or fund the utility;

(iv) No service charges shall be levied without consent of the landowner against:

(A) Land assessed as agricultural land under W.S. 39-13-101(a);

1                   (B) Land located outside of municipal  
2 boundaries that is used for commercial or industrial  
3 purposes.

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5                   (v) Service charges shall only be collected to:

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7                   (A) Pay the cost of utility planning,  
8 engineering, designing, constructing, reconstructing,  
9 acquiring easements, operating improvements and extending and  
10 maintaining the surface water drainage system;

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12                   (B) Provide an adequate depreciation fund;

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14                   (C) Study surface water drainage  
15 requirements.

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17                   (vi) The governing body of the city or town  
18 publishes any service charges levied or other costs related  
19 to the utility in an annual financial report on its official  
20 website.

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1           **Section 2.** This act is effective July 1, 2019.

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(END)