

**DRAFT ONLY
NOT APPROVED FOR
INTRODUCTION**

HOUSE BILL NO. _____

Special districts-election conformity.

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

A BILL

for

1 AN ACT relating to and providing for an effective date.

2

3 *** Staff note: In an effort to focus the issues before
4 the committee, I have included only the Conservation
5 District Statutes as an example. There are multiple types
6 of special districts throughout Wyoming statutes with
7 individualized requirements in excess of the Special
8 District Elections Act of 1994. Each type of district will
9 need to be scrutinized by the committee to determine
10 whether the additional provisions are necessary or wise,
11 who should be considered an elector for each election and
12 whether enlargement, consolidation, merger, change of
13 boundaries and dissolution provisions of the SDEA should
14 apply. Additionally, a separate chart is attached showing
15 the different types of special districts, i.e. ones created
16 by local government bodies and ones created through court
17 proceedings.***

18

19 *** Staff note 2: In the interest of saving paper I have
20 removed all provisions that have been repealed in the past.
21 ***

22

1 ***** Staff note 3: It should be noted that this endeavor**
 2 **was undertaken in 1998 and most of the differences in**
 3 **current statutes resulted from intentional choices made**
 4 **either by the secretary of state's office or the committee.**
 5 **The reasons included: 1) Different types of districts and**
 6 **functions which allow for or require different treatment of**
 7 **landowners and voters; 2) Policy choices made at the time**
 8 **regarding the different types of districts; and 3)**
 9 **Districts wanting to keep certain provisions.**
 10

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

12

13 **Section 1.** W.S. 11-16-101 through 11-16-134 are
 14 amended to read:

15

16 **11-16-101. Short title.**

17

18 This act may be cited as the "Wyoming Conservation
 19 Districts Law."

20

21 **11-16-102. Definitions.**

22

23 (a) As used in this act:

24

25 (i) "Agency of this state" means any
 26 subdivision, agency or instrumentality, corporate or
 27 otherwise, of the government of this state;

28

1 (ii) "At large member" means any registered
2 voter and taxpayer within the county;

3

4 (iii) "Commission" or "state conservation
5 commission" means the state board of agriculture;

6

7 (iv) "Conservation" means development,
8 improvement, maintenance, preservation, protection and use
9 of natural resources, and the control and prevention of
10 floodwater and sediment damages, and the disposal of excess
11 waters;

12

13 (v) "District" or "conservation district" means
14 a governmental subdivision of this state, and a public body
15 corporate and politic, organized in accordance with this
16 act;

17

18 (vi) "Due notice" for those provisions other
19 than election and referendum provisions, means notice
20 published at least twice, with an interval of six (6) days
21 between the two (2) publication dates, in a newspaper of
22 general circulation within the boundaries of the proposed
23 or organized district, or by posting at five (5)

1 conspicuous places within the organized or proposed
2 district, such posting to include, where possible, posting
3 at public places where it may be customary to post notices
4 concerning county or municipal affairs generally. Except as
5 otherwise provided in this act, the notice of any hearing
6 required under this act shall fix the time, place and
7 purpose, which shall be not less than ten (10) or more than
8 fifteen (15) days after the first publication or first
9 posting of the notice. Any hearing held pursuant to such
10 notice may be adjourned from time to time without renewing
11 the notice for the adjourned dates. **Notice for any**
12 **election or referendum required by this act shall be as**
13 **specifically provided in this act, or if not specifically**
14 **provided in this act, as required in the Special District**
15 **Elections Act of 1994;**

16

17 ***** Staff note: Committee should consider**
18 **whether any notice requirements for elections should be**
19 **specifically provided in this act or should all be**
20 **consistent with the SDEA. *****

21

22 (vii) "Government" or "governmental" means the
23 government of this state, the government of the United
24 States, and any subdivision, agency or instrumentality,
25 corporate or otherwise, of either of them;

1

2 (x) "Renewable natural resources," "natural
3 resources" or "resources," means land, soil, water,
4 vegetation, trees, wild rivers, wilderness, natural beauty,
5 scenery and open space;

6

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

9

10 (xii) "This act" means W.S. 11-16-101 through
11 11-16-134.

12

13 **11-16-103. Legislative declarations and policy.**

14

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

1 erosion, it is necessary that land use practices
2 contributing to soil erosion be discouraged and that
3 appropriate soil conserving land use practices be adopted.

4

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

16

17 **11-16-105. State board of agriculture; duties**
18 **generally.**

19

20 (a) The commission shall:

21

22 (i) Keep a record of its official actions, adopt
23 a seal, which shall be judicially noticed, and perform

1 acts, hold public hearings and promulgate rules and
2 regulations as necessary for the execution of its functions
3 under this act;

4

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

14

15 (iii) Keep the supervisors of the districts
16 organized under this act informed of the activities and
17 experiences of other districts and facilitate cooperation
18 and an interchange of advice and experience between the
19 districts;

20

21 (iv) Coordinate the programs of the several
22 conservation districts so far as this may be done by advice
23 and consultation;

1

2 (v) Recommend the appropriation of state funds
3 necessary to finance the activities of the commission and
4 the conservation districts; distribute to conservation
5 districts funds, equipment, supplies and services received
6 by the commission for that purpose from any source, subject
7 to conditions made applicable thereto by any state or
8 federal statute or local ordinance making available the
9 funds, property or services; issue regulations establishing
10 guidelines and suitable controls to govern the use by
11 conservation districts of such funds, property and
12 services; and review all budgets, administrative procedures
13 and operations of the districts and advise the districts
14 concerning their conformance with applicable laws and
15 regulations;

16

17 (vi) Disseminate information throughout the
18 state concerning the activities and programs of the
19 conservation districts and encourage the formation of such
20 districts in areas where their organization is desirable;
21 enlist the cooperation and collaboration of state, federal,
22 regional, interstate and local public and private agencies
23 with the conservation districts; facilitate arrangements

1 under which the conservation districts may serve county
2 governing bodies and other agencies as their local
3 operating agencies in the administration of any activity
4 concerned with the conservation of renewable natural
5 resources; and except as otherwise assigned by law, carry
6 out the policies of this state in programs at the state
7 level for the conservation of the renewable natural
8 resources of this state and represent the state in matters
9 affecting such resources.

10

11 (b) Whenever the commission determines that there
12 exists a substantial conflict between the resources
13 conservation program of a district and the proposed plans
14 or activities directly affecting resource conservation
15 prepared by any other local governmental unit or agency of
16 this state, and the conflict cannot be resolved through
17 consultation procedures, the commission shall submit a
18 report to the governor.

19

20 ***** Staff note: Unlike most other special districts,**
21 **conservation districts have oversight from a state agency**
22 **rather than solely a local governmental entity. *****

23

24 **11-16-106. Department of agriculture; when contracts**
25 **invalid.**

1

2 No contract of the state commission for the payment of
3 money is valid unless the commission has available at the
4 time the contract is made funds sufficient for the payment
5 thereof.

6

7 **11-16-107. Report to director; reports by district**
8 **supervisors to board.**

9

10 (a) On or before November 1 each even-numbered year,
11 the commission shall report to the director of the
12 department of agriculture the number and acreages of
13 districts in existence or in process of organization,
14 together with an estimate of the number and probable
15 acreages of the districts which may be organized during the
16 ensuing period; the balance of funds, if any, available to
17 the commission and to the districts; and the estimates of
18 the commission as to the sums needed for its administrative
19 and other expenses and for allocation among the several
20 districts during the ensuing period.

21

22 (b) The supervisors of the respective districts shall
23 submit to the commission such statements, estimates,

1 budgets and other information as the commission may
2 require. The director shall include the information
3 furnished by the commission in his report to the governor.
4

5 **11-16-108. Petition to form district; contents;**
6 **consolidation and exclusion.**

7
8 (a) Any ten (10) owners of land lying within the
9 limits of the proposed district may file a petition with
10 the commission asking that a conservation district be
11 organized to function in the territory described in the
12 petition. The petition shall meet all of the requirements
13 of W.S. 22-29-105(f). The commission shall act upon the
14 petition for formation in the same manner as set forth in
15 W.S. 22-29-109 for county commissioners in determining if a
16 petition for district formation shall be voted upon. When
17 more than one (1) petition is filed covering parts of the
18 same territory, the commission may consolidate all or any
19 such petitions, or may exclude from any petition areas in
20 conflict with another petition or petitions.
21

22 ***** Staff note: A copy of the SDEA is included in**
23 **the committee's package. Please note that the number of**
24 **electors required for formation is different in the SDEA.**
25 **The committee should consider if a different requirement is**

1 **necessary in this statute. The committee should also**
2 **consider whether petitioners should be limited to "owners**
3 **of land". Note that the requirements for processing the**
4 **petition do cross reference the SDEA. *****
5

6 **11-16-109. Notice and hearing on petition; approval**
7 **or denial; criteria.**
8

9 After the hearing, if the commission determines, upon the
10 facts presented at the hearing and other relevant facts
11 that are available, that there is need in the interest of
12 the public health, safety and welfare for a conservation
13 district to function in the territory considered at the
14 hearing, it shall record such determination and define by
15 metes and bounds or by legal subdivisions the boundaries of
16 the district. In making the determination and defining the
17 boundaries, the commission shall give weight and
18 consideration to the topography of the area considered and
19 of the state, the composition of soils therein, the
20 distribution of erosion, the carrying capacity and
21 condition of grazing lands, the numbers of livestock
22 grazed, the prevailing land use and management practices,
23 the desirability and necessity of including within the
24 district the particular lands under consideration and the
25 benefits such land may receive from being included within

1 the district, the relation of the proposed district to
2 existing watersheds and agricultural regions and to other
3 conservation districts already organized or proposed for
4 organization, and such other physical, geographical and
5 economic factors as are relevant, having due regard to the
6 legislative policy set forth in W.S. 11-16-103. The
7 territory included within the district need not be
8 contiguous. If the commission determines there is no need
9 for a conservation district to function in the territory
10 considered at the hearing, it shall record such
11 determination and deny the petition. Any owner of lands
12 within a proposed district which is less than a countywide
13 district may have his owned and leased lands excluded from
14 the proposed district upon presentation of a petition and
15 description of the lands to the commission not less than
16 seven (7) days prior to the holding of the referendum for
17 the organization of the district.

18

19 ***** Staff note: The SDEA does not provide guidance on**
20 **whether lands should be included within a district. This**
21 **provision gives those specifics. There is a similar**
22 **relevant provision within each special district statutes.**
23 **The SDEA and most district statutes do not include the**
24 **provision for exclusion of certain lands like this section**
25 **does. *****

26

27 **11-16-110. Canvass of ballots.**

1

2 (e) Immediately after the polls close, the referendum
3 officers shall canvass the ballots. The results disclosed
4 by the canvass shall be certified by the commission.

5

6 (f) If a majority of the qualified electors voting in
7 the referendum favor the formation of the district, the
8 proposal to organize the proposed district shall carry and
9 the commission shall proceed to make the determination
10 required in W.S. 11-16-112. If the majority of the
11 qualified electors voting in the referendum are against the
12 organization of the district, the proposal to form the
13 district shall fail and the commission shall deny the
14 petition. The commission shall promptly make public the
15 result of the referendum.

16

17 ***** Staff note: This provision does not add anything**
18 **above and beyond the SDEA. Repeal of this section would**
19 **revert questions about canvassing of elections to the SDEA.**
20 *******

21

22 **11-16-111. Board of agriculture to provide for**
23 **issuance of notices, conduct of hearings and referenda.**

24

1 The commission shall provide for the issuance of notices
2 and the conduct of hearings and referenda by appropriate
3 regulations. It shall provide for registration prior to the
4 date of the referendum of all eligible voters, or prescribe
5 some other appropriate procedure for the determination of
6 those eligible as voters in the referendum.

7

8 ***** Staff note: Unlike most other districts, conservation**
9 **districts are overseen by a state agency. This provision**
10 **is different from the SDEA in that it places responsibility**
11 **for the election on the board of agriculture rather than**
12 **the local government. *****

13

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

16

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

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

10

11 ***** Staff note: Repeal of this provision in order to**
12 **default to the SDEA would remove the board of agriculture's**
13 **ability to override the election and make its own**
14 **determination of practicability. *****

15

16 **11-16-113. Establishment of district.**

17

18 (a) If the commission determines the operation of the
19 proposed district is administratively practicable, it shall
20 appoint two (2) supervisors who are owners of land in the
21 district to act with three (3) supervisors elected as
22 provided hereinafter as the governing body of the district.
23 The district shall be a governmental subdivision of this
24 state and a public body corporate and politic. The two (2)
25 appointed supervisors shall present to the secretary of

1 state an application signed by them setting forth by
2 recital only and not in detail:

3

4 (i) That a petition for the creation of the
5 district was filed with the commission pursuant to the
6 provisions of this act, and the proceedings specified in
7 the act were taken pursuant to the petition;

8

9 (ii) That the application is filed to complete
10 the organization of the district as a governmental
11 subdivision and a public body, corporate and politic, under
12 this act;

13

14 (iii) That the commission has appointed them as
15 supervisors;

16

17 (iv) The name and official residence of each
18 supervisor and a certified copy of the appointment
19 evidencing his right to office;

20

21 (v) The term of office of each supervisor;

22

23 (vi) The name of the district; and

1

2 (vii) The location of the principal office of
3 the supervisors of the district.

4

5 (b) The application shall be subscribed and sworn to
6 by each supervisor before an officer authorized to
7 administer oaths, who shall certify upon the application
8 that he personally knows the supervisors and knows them to
9 be the officers affirmed in the application, and that each
10 has subscribed thereto in the officer's presence. The
11 application shall be accompanied by a certified statement
12 by the commission, setting forth the boundaries of the
13 district but otherwise containing no detail other than the
14 mere recitals that:

15

16 (i) A petition was filed, notice issued and
17 hearing held as required by law;

18

19 (ii) The commission determined that there is
20 need, in the interest of the public health, safety and
21 welfare, for a conservation district to function in the
22 proposed territory and did define the boundaries;

23

1 (iii) Notice was given and a referendum held on
2 the question of the creation of such district;

3

4 (iv) The result of the referendum showed a
5 majority of the votes cast in favor of the creation of the
6 district; and

7

8 (v) The commission did determine the operation
9 of the proposed district is administratively practicable.

10

11 (c) The secretary of state shall examine the
12 application and statement and if he finds the name proposed
13 for the district is not so similar to that of another
14 conservation district as to cause confusion or uncertainty,
15 he shall record them in an appropriate book in his office.
16 If the secretary of state finds the name proposed for the
17 district is so similar to that of any other conservation
18 district of this state as to lead to confusion, he shall
19 certify that fact to the commission, which shall submit a
20 new name for the district which is not subject to such
21 defects. Upon receipt of the new name the secretary of
22 state shall record the application and statement, with the
23 name so modified, in an appropriate book. When the

1 application and statement have been made, filed and
2 recorded, the district is a governmental subdivision of
3 this state and a public body corporate and politic. The
4 secretary of state shall issue to the supervisors a
5 certificate, under the seal of the state, of the
6 organization of the district, and shall record the
7 certificate with the application and statement. The
8 boundaries of the district shall include the territory
9 determined by the commission, but shall not include any
10 area included within the boundaries of another conservation
11 district organized under this act.

12

13 ***** Staff note: Repeal of this provision in order to**
14 **revert to the SDEA would require initial supervisors to be**
15 **elected rather than appointed by the board of agriculture.**
16 *******

17

18 **11-16-115. Districts; transfer of land; division or**
19 **consolidation; change in name.**

20

21 (a) Upon written request of the board of supervisors
22 of the conservation district or districts involved, with a
23 showing that the request is approved by a majority vote of
24 the members of each board involved the commission may, by
25 administrative order:

1

2 (i) Transfer lands from one district to another;

3

4 (ii) Divide a single district into two (2) or
5 more districts, each of which shall thereafter operate as a
6 separate district; or

7

8 (iii) Consolidate two (2) or more districts to
9 operate thereafter as a single district.

10

11 (b) The secretary of state shall make and issue a
12 corrected certificate of organization upon receipt of such
13 certification from the commission.

14

15 (c) Petitions for a change in the name of a
16 conservation district may be submitted to the commission by
17 the board of supervisors of a conservation district. If the
18 commission approves the change of name, it shall certify
19 the change to the secretary of state and shall notify the
20 board of supervisors of the conservation district of the
21 change, setting out in the notice the new name of the
22 district. The secretary of state shall make and issue a

1 corrected certificate of organization upon receipt of such
2 certification from the commission.

3

4 ***** Staff note: Repeal of this provision in order to**
5 **revert to the SDEA would require electors to make changes**
6 **to the district rather than leaving it to the decision of**
7 **the board of supervisors and the board of agriculture. *****

8

9 **11-16-116. Districts; proof of organization.**

10

11 In any suit, action or proceeding relating to any action of
12 the district, the district is deemed to have been
13 established in accordance with this act upon proof of the
14 issuance of the certificate by the secretary of state. A
15 copy of the certificate certified by the secretary of state
16 is admissible in evidence in any suit, action or proceeding
17 and is proof of the filing and contents thereof.

18

19 **11-16-117. Districts; termination; dissolution**
20 **procedures; determination by board of agriculture; legal**
21 **effects of dissolution.**

22

23 (a) After five (5) years after the organization of a
24 district under this act, any ten (10) owners of land lying
25 within the district may petition the commission that the

1 operations of the district be discontinued and the
2 existence of the district terminated. The commission may
3 conduct public meetings and hearings upon the petition as
4 necessary in the consideration thereof. Within sixty (60)
5 days after a petition has been filed with the commission,
6 it shall give notice of a referendum as provided in the
7 Special District Elections Act of 1994. The commission
8 shall supervise the referendum and issue appropriate
9 regulations governing the conduct thereof. The question
10 shall be submitted by ballots upon which the words "For
11 terminating the existence of the (name of the
12 conservation district to be here inserted)" and "Against
13 terminating the existence of the (name of the
14 conservation district to be here inserted)" shall appear,
15 with a square before each proposition and a direction to
16 insert an X mark in the square before one (1) or the other
17 as the voter may favor or oppose dissolution of the
18 district. Qualified electors of the district are eligible
19 to vote in the referendum. No informalities in the conduct
20 of the referendum or related matters shall invalidate the
21 referendum or result if notice is given substantially as
22 herein provided and the referendum is fairly conducted.

23

1 (b) The commission shall publish the result of the
2 referendum. If a majority of the votes cast in the
3 referendum oppose dissolution of the district, the
4 commission shall determine whether the continued operation
5 of the district within the defined boundaries is
6 administratively practicable. If the commission determines
7 the continued operation of the district is administratively
8 practicable, it shall record its determination and deny the
9 petition. If a majority of the votes cast favor dissolution
10 of the district it shall certify that fact to the
11 supervisors of the district. In making the determination of
12 administrative practicality to continue the district the
13 commission shall consider those factors set forth in W.S.
14 11-16-112 for creation of the district.

15

16 (c) Upon receipt from the commission of a
17 certification that the majority of votes cast in the
18 referendum favor dissolution of the district, the
19 supervisors shall forthwith terminate the affairs of the
20 district. The supervisors shall dispose of all property
21 belonging to the district at public auction and pay the net
22 proceeds of the sales to the state treasurer. The
23 supervisors shall thereupon file a verified application

1 with the secretary of state for dissolution of the
2 district, and shall transmit with the application the
3 certificate of the commission that the majority of votes
4 cast at the referendum favored dissolution of the district.
5 The application shall recite that the property of the
6 district has been disposed of and the proceeds paid over as
7 provided by law, setting forth a full accounting of the
8 properties and proceeds of sale. The secretary of state
9 shall issue to the supervisors a certificate of dissolution
10 and shall record the certificate in an appropriate book in
11 his office. The secretary of state shall make no charge for
12 any service required of him by this act.

13

14 (d) Upon issuance of a certificate of dissolution all
15 ordinances and regulations adopted and in force within the
16 district are void. All contracts to which the district or
17 supervisors are parties remain in force and effect for the
18 period provided in such contracts. The commission shall be
19 substituted for the district or supervisors as party to the
20 contracts. The commission is entitled to all benefits and
21 subject to all liabilities under such contracts and has the
22 same right and liability to perform, require performance,
23 sue and be sued thereon, and to modify or terminate the

1 contracts as the supervisors of the district would have
2 had. Dissolution does not affect the lien of any judgment
3 entered or the pendency of any action instituted under W.S.
4 11-16-126 [repealed], and the commission succeeds to all
5 rights and obligations of the district or supervisors as to
6 such liens and actions.

7

8 ***** Staff note: Repeal of this provision in order to**
9 **revert to the SDEA would only change the number of electors**
10 **necessary to begin a dissolution process and the five year**
11 **waiting period in subsection (a). *****
12

13 **11-16-118. District supervisors; term; vacancies;**
14 **expenses; removal; quorum; bond required of employees;**
15 **areas included in district; cooperative agreement with**
16 **city.**

17

18 (a) The term of the two (2) supervisors appointed
19 extends from their appointment until the second annual
20 election held in the district. A supervisor shall hold
21 office from his election or appointment and taking of the
22 oath of office until his successor has been elected or
23 appointed, and qualified. Vacancies shall be filled for the
24 unexpired term. Vacancies in the office of any supervisor
25 shall be filled by appointment by the commission upon the

1 recommendations of the district supervisors, the appointee
2 to serve until the next election at which time the vacancy
3 shall be filled by the electors for the unexpired term. A
4 supervisor shall receive no compensation for his services,
5 but is entitled to expenses, including traveling expenses,
6 necessarily incurred in the discharge of his duties. Any
7 supervisor may be removed by the commission upon notice and
8 hearing, for neglect of duty or malfeasance in office.

9

10 ***** Staff note: The committee could revert to the**
11 **SDEA provisions for terms, vacancies and subsequent**
12 **elections if it chooses. Subsections (b) through (e) of**
13 **this section are outside the scope of the SDEA. *****

14

15 (b) A majority of the supervisors constitutes a
16 quorum and the concurrence of three (3) supervisors is
17 required for determination of any matter.

18

19 (c) The supervisors shall require a bond to be issued
20 for all employees and officers entrusted with funds or
21 property. The supervisors shall provide for keeping a full
22 and accurate record of all proceedings, resolutions,
23 regulations and orders issued or adopted. The accounts,
24 receipts and disbursements of the district shall be subject

1 to the audit and reporting requirements set forth in W.S.
2 9-1-507(a)(iii).

3

4 (d) All cities, towns, villages or other urban and
5 suburban areas lying wholly or partly within the exterior
6 boundaries of a conservation district shall, from the
7 effective date of this act, be included in the district. In
8 doubtful cases, the commission shall determine the district
9 which includes any urban or suburban area.

10

11 (e) By cooperative agreement with the city concerned,
12 a district may perform within the boundaries of the city
13 any work required or authorized under this act, through
14 such administrative and financial arrangements as the city
15 and the district agree upon.

16

17 **11-16-119. District supervisors; nomination;**
18 **qualifications; election; term.**

19

20 Within thirty (30) days after issuance by the secretary of
21 state of a certificate of organization of a conservation
22 district, applications for election under the Special
23 District Elections Act of 1994 may be filed with the

1 commission by candidates for supervisors, who shall be
2 owners of land within the district. The commission may
3 extend for not to exceed thirty (30) days the time within
4 which applications may be filed. The commission shall give
5 notice of an election to be held for the election of three
6 (3) supervisors for the district. All qualified electors
7 within the district are eligible to vote. The three (3)
8 supervisors first elected shall draw lots, one (1) for a
9 term of two (2) years, and two (2) for a term of three (3)
10 years. Thereafter supervisors shall be elected each year to
11 serve for a full term of three (3) years. The number of
12 supervisors elected each year shall be determined by the
13 number of supervisors whose terms expire at that time. The
14 commission shall provide for all elections, supervise the
15 conduct thereof, and prescribe regulations governing the
16 conduct of all elections, and shall make public the result
17 thereof.

18

19 **11-16-120. District supervisors; elections under**
20 **Election Code and for new districts.**

21

1 (a) District supervisors shall be elected in
2 subsequent elections under the Special District Elections
3 Act of 1994 and as hereinafter provided for new districts:
4

5 (i) At the first subsequent director election
6 following establishment of a new district, five (5)
7 supervisors, who reside within the district shall be
8 elected at large by a nonpartisan ballot. Three (3)
9 supervisors shall be rural residents, one (1) shall be a
10 resident of an urban area and one (1) shall be elected at
11 large. At the first subsequent director election, the at
12 large candidate receiving the largest number of votes shall
13 be elected for a four (4) year term, the urban candidate
14 receiving the largest number of votes shall be elected for
15 a four (4) year term, the rural candidate receiving the
16 largest number of votes shall serve a four (4) year term
17 and the two (2) candidates receiving the next highest
18 number of votes shall be elected for two (2) year terms. In
19 succeeding elections all supervisors shall be elected for
20 four (4) year terms.
21

22 ***** Staff note: This applies to elections after**
23 **the first appointments. The statutes cross references the**
24 **SDEA but then adds additional requirements. The committee**

1 **needs to decide if additional requirements are necessary**
2 **and proper. *****
3

4 **11-16-121. District supervisor; cooperation and**
5 **agreements between districts; agreements with districts in**
6 **adjoining states.**
7

8 (a) The supervisors of two (2) or more districts
9 organized under this act may cooperate in the exercise of
10 any or all powers conferred in this act.
11

12 (b) Any two (2) or more districts may engage in joint
13 activities by agreement for planning, financing,
14 constructing, operating, maintaining and administering any
15 program or project concerned with the conservation of
16 renewable natural resources. The districts concerned may
17 make available for purposes of the agreement any funds,
18 property, personnel, equipment or services available to
19 them under this act.
20

21 (c) Any district may enter into such agreements with
22 districts in an adjoining state if the law in the other
23 state permits such agreements.
24

1 (d) The commission may propose, guide and facilitate
2 the establishment and carrying out of such agreements.

3

4 **11-16-122. Powers and duties of districts and**
5 **supervisors thereof generally.**

6

7 (a) Each conservation district organized under this
8 act shall make an annual estimate of the funds required by
9 the district for conservation programs and present a
10 certified copy of the estimate, along with a budget showing
11 all anticipated income and expenses, to the county
12 commissioners.

13

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

17

18 (i) Employ personnel and determine their duties
19 and conditions of employment;

20

21 (ii) Call upon the attorney general of the state
22 for legal services or employ their own counsel and legal
23 staff;

1

2 (iii) Delegate to their chairman, to one (1) or
3 more supervisors or to one (1) or more agents or employees
4 such delegable powers and duties as they deem proper;

5

6 (iv) Furnish to the state conservation
7 commission upon request, copies of ordinances, rules,
8 regulations, orders, contracts, forms and other documents
9 they adopt or employ, and such other information concerning
10 their activities as it may require and to the county clerk
11 copies of ordinances, rules, regulations and orders it
12 adopts in accordance with law;

13

14 (v) Conduct surveys, investigations and research
15 and disseminate information relating to range management,
16 the character of soil erosion, flood prevention or the
17 conservation, development, utilization and disposal of
18 water, and the preventive and control measures and works of
19 improvement needed, but in order to avoid duplication of
20 research activities, no district shall initiate any
21 research program except in cooperation with the government
22 of this state or its agencies, or with the United States or
23 its agencies;

1

2 (vi) Conduct demonstration projects within the
3 district on lands owned or controlled by this state or its
4 agencies, with the cooperation of the agency administering
5 and having jurisdiction thereof, and on other lands within
6 the district with the consent of the owner or occupier of
7 the lands, to demonstrate range management practices, the
8 means, methods and measures by which soil and soil
9 resources may be conserved, and soil erosion in the form of
10 soil blowing and washing may be prevented and controlled
11 and works of improvement for flood prevention or the
12 conservation, development, utilization and disposal of
13 water may be carried out;

14

15 (vii) Carry out preventive and control measures
16 and works of improvement within the district, including
17 engineering operations, range management, methods of
18 cultivation, the growing of grass or other vegetation,
19 changes in use of land or any measure which may be
20 developed for the control of erosion and better use of
21 soil, and works of improvement for flood prevention or the
22 conservation, development, utilization and disposal of
23 water on lands owned or controlled by this state or its

1 agencies, with the cooperation of the agency administering
2 and having jurisdiction thereof, or on other lands within
3 the district with the consent of the owner or occupier of
4 the lands;

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

15
16 (xiv) Make available on terms it prescribes, to
17 owners and occupiers of land within the district,
18 agricultural and engineering machinery and equipment,
19 fertilizer, seeds and seedlings, male breeding animals,
20 livestock supplies and such other material or equipment as
21 will assist the owners and occupiers of land to carry on
22 operations upon their lands and upon those owned or leased
23 by the district, for range improvement and stabilization,

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

8

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

22

1 (xvii) Make public the plans and information and
2 bring them to the attention of owners and occupiers of land
3 within the district;

4
5 (xix) Manage, as agent of the United States or
6 any of its agencies, and enter into agreements with the
7 United States or any of its agencies, or this state or any
8 of its agencies, to effect cooperation with the United
9 States or any of its agencies under United States Public
10 Law 566 approved August 4, 1954, or amendments thereto, in
11 connection with the acquisition, construction, operation or
12 administration of any land utilization, soil conservation,
13 erosion control, erosion prevention, flood prevention
14 projects, conservation of water, water utilization,
15 disposal of water in watershed areas and other water
16 projects within 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 matters under United States
21 Public Law 566 approved August 4, 1954, or amendments
22 thereto;

23

1 (xxi) Accept donations, gifts and contributions
2 in money, services, materials or otherwise from any source
3 which will impose no financial obligation upon the state,
4 and use or expend the monies, services, materials or
5 contributions in carrying on its operations;

6

7 (xxii) Sue and be sued in the name of the
8 district;

9

10 (xxiii) Have a seal, which shall be judicially
11 noticed;

12

13 (xxiv) Have perpetual succession unless
14 terminated as hereinafter provided;

15

16 (xxv) Make and execute contracts and other
17 instruments necessary to the exercise of its powers;

18

19 (xxvi) Make, amend and repeal rules and
20 regulations not inconsistent with this act, to implement
21 its purposes and powers;

22

1 (xxvii) As a condition to extending any benefits
2 to or performance of work upon any land not owned or
3 controlled by the state or its agencies, require
4 contributions in money, services, materials or otherwise to
5 any operations conferring benefits and require owners and
6 occupiers of land to enter into and perform such agreements
7 or covenants as to the permanent use of such lands as will
8 prevent or control erosion and prevent flood water and
9 sediment damages thereon and promote the best use of such
10 lands.

11

12 (c) A conservation district shall not purchase or
13 hold title to farm lands as defined by W.S.
14 11-34-101(a)(ii).

15

16 **11-16-123. Applicability of provisions concerning**
17 **other agencies; validity of contracts of supervisors.**

18

19 (a) No provisions with respect to the acquisition,
20 operation or disposition of property by other public bodies
21 are applicable to a district organized hereunder unless the
22 legislature shall specifically so state.

23

1 (b) No contract of the district supervisors for the
2 payment of money is valid unless the supervisors have at
3 the time the contract is made funds in cash, securities or
4 deposits sufficient for the payment thereof.

5

6 **11-16-124. Administration of oaths by secretary or**
7 **treasurer of district.**

8

9 The secretary or treasurer of the district are severally
10 authorized to administer oaths within their district in any
11 matter pertaining to the business of their district where
12 an oath is required by law.

13

14 **11-16-132. Publicly owned lands to be administered in**
15 **cooperation with districts.**

16

17 Agencies of the state, county or any political subdivision
18 of the state which have jurisdiction over or are charged
19 with the administration of any state, county or other
20 publicly owned lands lying within the boundaries of any
21 district organized hereunder, shall cooperate to the
22 fullest extent with the supervisors of the district to
23 effect the programs and operations undertaken by the

1 supervisors under this act and may lease such lands to a
2 district. The supervisors of the districts shall be given
3 free access to enter and perform work upon the publicly
4 owned lands. The provisions of conservation ordinances have
5 the force and effect of law over all publicly owned lands,
6 and shall be in all respects observed by the agencies
7 administering the lands.

8

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

12

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

1

2 (b) Whether or not a tax levy is authorized under
3 W.S. 11-16-134, each board of county commissioners may make
4 appropriations from the county general fund to districts
5 established under this act for the purpose of providing
6 soil and water conservation programs.

7

8 **11-16-134. Imposition of tax; vote of electors**
9 **required.**

10

11 (a) No tax shall be imposed under W.S. 11-16-133
12 until the proposition to impose the tax is submitted to a
13 vote of the voters of the district and a majority of those
14 casting their ballots vote in favor of imposing the tax.
15 Any tax imposed under this act shall be levied in the year
16 following the election at which the imposition of the tax
17 is approved.

18

19 (b) The proposition to impose a tax under this act
20 shall be at the expense of the county and may be submitted
21 to the voters of the county upon the receipt by the board
22 of county commissioners of a petition requesting the
23 election signed by a majority of the supervisors of the

1 district. The election shall be at the direction and under
2 the supervision of the board of county commissioners.

3
4 (c) Subject to the limitation of subsection (b) of
5 this section, the proposition to impose a tax under this
6 act shall be submitted on an election date authorized under
7 W.S. 22-21-103, or by mail ballot pursuant to W.S.
8 22-29-115 and 22-29-116. A notice of election shall be
9 given by the county clerk in at least one (1) newspaper of
10 general circulation published in the county wherein the
11 election is to be held and shall specify the object of the
12 election. The notice shall be published at least once each
13 week for a thirty (30) day period preceding the election.
14 At the election the ballots shall contain the words "for
15 the conservation district tax" and "against the
16 conservation district tax". Upon the initial submission of
17 the conservation district tax, or any renewal thereof,
18 after July 1, 1995, the conservation district board of
19 supervisors shall choose one (1) of the following options
20 and the words of the chosen option shall be clearly printed
21 in the appropriate area on the election ballot:

22

1 (i) If this proposition is approved, the same
2 proposition shall be submitted at the second following
3 general election or by mail ballot pursuant to W.S.
4 22-29-115 and 22-29-116, and thereafter at succeeding
5 general elections or by mail ballot pursuant to W.S.
6 22-29-115 and 22-29-116, every four (4) years until the
7 proposition is defeated; or

8
9 (ii) If this proposition is approved, the tax
10 shall remain in effect until a petition to discontinue the
11 tax, signed by not less than ten percent (10%) of the
12 voters of the district, is received by the board of county
13 commissioners, and the proposal to discontinue the tax is
14 approved by the voters. The proposal to discontinue the
15 tax shall be submitted to the voters of the district at the
16 expense of the county at the next general election or by
17 mail ballot pursuant to W.S. 22-29-115 and 22-29-116 for
18 approval or disapproval.

19

20 ***** Under the SDEA a voter is a "qualified**
21 **elector" which is defined as a natural person residing in**
22 **the district. The committee should consider with this**
23 **section and with each additional district's statutory**
24 **framework if that definition is appropriate to the tax or**
25 **assessment levied. *****

26

1 **Section 2.** This act is effective July 1, 2010.

2

3

(END)