

HOUSE BILL 0110

HOUSE BILL 0110

HB0110

AN ACT to create W.S. 16-10-101 through 16-10-110; and to amend W.S. 1-26-805, 15-1-103(a)(xxx)(intro), 16-1-104(c)(i) and 18-2-101 relating to counties, cities and towns; providing for formation of a surface water drainage utility as specified; providing financing and indebtedness for the utility as specified; providing methods for administration of the utility; providing definitions; and providing for an effective date.

Introduced by: See B Chen

HOUSE ACTION ON HOUSE BILL

1/11 ☒ Introduced
Aye ___ No ___ Ex ___ Ab ___
☒ Read First Time and Ref. to Committee No. 7
☐ Failed Introduction
Aye ___ No ___ Ex ___ Ab ___
1/24 Returned from Committee No. 7
with Recommendation:
☐ Do Pass; ☒ Amend & Do Pass; ☐ Do Not Pass;
☐ W/O Recomm; ☐ Re-Refer to Committee No. ___
1/24 Re-referred to Committee No. ___
1/24 Returned from Committee No. ___
with Recommendation:
☐ Do Pass; ☐ Amend & Do Pass; ☐ Do Not Pass;
☐ W/O Recomm; ☐ Re-Refer to Committee No. ___
1/31 Considered in Comm. of Whole
☒ Amended
☒ Recommended Do Pass
☐ Failed Comm. of Whole
☐ Indefinitely Postponed
☐ Other: ___
2/1 Read Second Time
☒ Amended
☒ Do Pass
☐ Do Not Pass
☐ Accelerated to 3rd Rdg.
2/2 Read Third Time
☒ Amended
☒ Passed ☐ Failed
Aye 50 No 10 Ex 0 Ab 0
☐ Held for Reconsideration
☐ Motion to Reconsider
☐ Passed ☐ Failed
Aye ___ No ___ Ex ___ Ab ___
☐ Third Reading Vote
(On Reconsideration)
☐ Passed ☐ Failed
Aye ___ No ___ Ex ___ Ab ___
2/2 Sent to Senate (No Amendments)
2/2 Sent to LSG for Engrossing
2/2 ENGROSSED
2/3 Sent to Senate

SENATE ACTION ON HOUSE BILL

2/3 Received. Read First Time.
Referred to Committee No. 7
2/10 Returned from Committee No. 7
with Recommendation:
☐ Do Pass; ☒ Amend & Do Pass; ☐ Do Not Pass;
☐ W/O Recomm; ☐ Re-Refer to Committee No. ___
2/10 Re-referred to Committee No. ___
2/10 Returned from Committee No. ___
with Recommendation:
☐ Do Pass; ☐ Amend & Do Pass; ☐ Do Not Pass;
☐ W/O Recomm; ☐ Re-Refer to Committee No. ___
2/15 Considered in Comm. of Whole
☒ Amended
☒ Recommended Do Pass
☐ Failed Comm. of Whole
☐ Indefinitely Postponed
☐ Other: ___
2/16 Read Second Time
☒ Amended
☒ Do Pass
☐ Do Not Pass
☐ Accelerated to 3rd Rdg.
2/17 Read Third Time
☒ Amended
☒ Passed ☐ Failed
Aye 23 No 7 Ex 0 Ab 0
☐ Held for Reconsideration
☐ Motion to Reconsider
☐ Passed ☐ Failed
Aye ___ No ___ Ex ___ Ab ___
☐ Third Reading Vote
(On Reconsideration)
☐ Passed ☐ Failed
Aye ___ No ___ Ex ___ Ab ___
2/17 Sent to House
2/20 Sent for Enrolling
HEA No. 15
2/21 Signed by Speaker
2/21 Signed by President
2/23 Approved by Governor
Chapter No. 118

NOTES: ADDITIONAL HOUSE / SENATE ACTION

This image shows a single page of white paper with horizontal ruling lines. The lines are evenly spaced and run across the width of the page. There is no handwriting or other markings on the paper.

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AMENDMENT LIST

DATE 2-15-95 BILL NO. HJR 110 Circle One: COW 2nd 3rd

HJR 0110 SS01/AE Reier

SW01/ACE Reier
WCE

SW02/WE Reier

SW03/WE Reier

AMENDMENT LIST

DATE 2-16-95 BILL NO. H.R. 110 Circle One: COW 2nd 3rd

H.R. 01105201/AE Reier

5202/AE Applegate

AMENDMENT LIST

DATE 2-17-95 BILL NO. HB 110 Circle One: COW 2nd 3rd

HB 0110 S301 / A E Applegate

AMENDMENT LIST

AMENDMENT LIST

DATE 2/2 BILL NO. HB 110 Circle One: COW 2nd 3rd

HB 110 H 301 / A

AMENDMENT LIST

DATE 2/1 BILL NO. HB 110 Circle One: COW 2nd 3rd

HB 110 H 201 / A

HB 110 H 202 / A

HB 110 H 203 / W

AMENDMENT LIST

DATE 1/31

BILL NO. HB110

Circle One: COW 2nd 3rd

HB110H501/F

HB110HW01/A

THE LEGISLATURE OF THE STATE OF WYOMING

Senate

Cheyenne, February 9, 1995

Mr. President:

Your Committee No. 7 on CORPORATIONS, ELECTIONS & POLITICAL SUBDIVISIONS
to whom was referred House Bill No. 0110 ENG.

respectfully reports same back to the Senate with the recommendation that

it DO PASS with the following amendments:

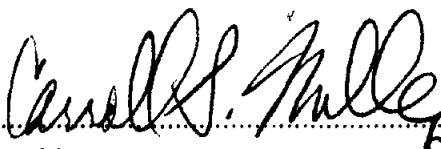
See SCHEDULE A.

11/25/10 12:21
TJ

AYES:

Senators

Applegate
Maxfield
Scott
Zimmerman
Miller


Carroll S. Miller Chairman

SENATE ROLL CALL - FIFTY-THIRD WYOMING LEGISLATURE

Date 2-17-95 Bill # HB 110 Intro 3rd Rdg X Concur Rules/Susp

Other Action: JCC#

Moved by: Seconded by:

	Ayes	Noes	Excused	Absent	Conflict
APPLEGATE	✓				
BARTON	✓				
CAMERON	✓				
CATHCART	✓				
COE	✓				
EDDINS					
ENZI	✓				
GEIS		✓			
GILBERTZ	✓				
GOODENOUGH	✓				
GRIEVE		✓			
HARRIS	✓				
HAWKS	✓				
KINNISON		✓			
KUNZ	✓				
LARSON	✓				
LAWLER	✓				
MAXFIELD	✓				
MEIER		✓			
MILLER	✓				
PECK	✓				
PHILLIPS	✓				
PICARD		✓			
PREVEDEL	✓				
SARCLETTI	✓				
SCHIFFER	✓				
SCOTT	✓				
TWIFORD		✓			
VINICH		✓			
ZIMMERMAN	✓				
MR. PRESIDENT	✓				

PRESENT AYES 23
 NOES 7
 EXCUSED
 ABSENT
 CONFLICT
 TOTAL 30

Passed <u>X</u>
Failed <u> </u>

HOUSE ROLL CALL - FIFTY-THIRD WYOMING LEGISLATURE

Date 2-20-95 Bill # H8110 Intro 3rd Rdg Concur ✓ Rules/Susp

Other Action: Motion to Concur with Senate Amendment JCC# _____

Moved by: Rep. ~~Benson~~ JOHNSON Seconded by: _____

[illegible]

HOUSE ROLL CALL - FIFTY-THIRD WYOMING LEGISLATURE

Date 2-2-95 Bill # HB 110 Intro 3rd Rdg ✓ Concur Rules/Susp

Other Action: _____ **JCC#** _____

Moved by: _____ Seconded by: _____

Ayes	Noes	Excused	Absent	Conflict		Ayes	Noes	Excused	Absent	Conflict	
✓					ANDERSON	✓					MORROW
✓					BADGETT	✓					NAGEL
✓					BAKER	✓					NELSON
✓					BARKER	✓					PARADY
✓					BATY	✓					PARK
✓					BEBOUT	✓					PASENEAUX
✓					BENSEL	✓					PERKINS
	✓				BETTS		✓				PHILP
✓					BOSWELL	✓					REED
✓					BOWRON	✓					ROSE
✓					BURNS	✓					RYCKMAN
	✓				CASE	✓					SELBY
✓					DEVIN	✓					SESSIONS
✓					DEWITT	✓					SHIPPY
✓					DIERCKS	✓					SHREVE
	✓				ERB	✓					SIMONS
	✓				EYRE		✓				STAFFORD
✓					GAMS	✓	✓				STARK
✓					HAGEMAN	✓					TAYLOR-HORTON
✓					HANES	✓					TEMPEST
✓					HARRISON	✓					TIPTON
	✓				HINCHEY	✓					TOMASSI
✓					HINES		✓				WASSERBURGER
✓					HUCKFELDT	✓					WILLFORD
✓					JOHNSON	✓					WOOLDRIDGE
✓					LAW	✓					ZANETTI
✓					LUTHI	✓					MR. SPEAKER
✓					MACMILLAN						
					MARTON						
✓					MASSIE						
✓					MCCONIGLEY						
✓					MCMURTREY						
✓					MOCKLER						
	✓				MOORE						

AYES 50

NOES 10

EXCUSED _____

ABSENT _____

CONFLICT _____

TOTAL 60

LESS _____

PRESENT _____

Passed ✓

Failed _____

HOUSE ROLL CALL - FIFTY-THIRD WYOMING LEGISLATURE

Date 1-31-95 Bill # HB110 Intro _____ 3rd Rdg _____ Concur _____ Rules/Susp _____

Other Action: Committee of the Whole No Pass JCC# _____

Moved by: _____ Seconded by: _____

Ayes	Noes	Excused	Absent	Conflict		Ayes	Noes	Excused	Absent	Conflict	
✓					ANDERSON		✓				MORROW
✓					BADGETT	✓					NAGEL
	✓				BAKER	✓					NELSON
	✓				BARKER	✓	✗				PARADY
✓					BATY	✓					PARK
	✓				BEBOUT		✓				PASENEAUX
	✓				BENSEL	✓					PERKINS
	✓				BETTS		✓				PHILP
	✓				BOSWELL		✓				REED
✓					BOWRON		✓				ROSE
✓					BURNS	✓					RYCKMAN
✓					CASE	✓					SELBY
✓					DEVIN			✓			SESSIONS
✓					DEWITT	✓					SHIPPY
✓					DIERCKS		✓				SHREVE
	✓				ERB		✓				SIMONS
	✓				EYRE		✓				STAFFORD
	✓				GAMS		✓				STARK
✓					HAGEMAN		✓				TAYLOR-HORTON
✓					HANES	✓					TEMPEST
✓					HARRISON	✓					TIPTON
	✓				HINCHEY	✓					TOMASSI
	✓				HINES		✓				WASSERBURGER
✓					HUCKFELDT		✓				WILLFORD
✓					JOHNSON		✓				WOOLDRIDGE
✓					LAW	✓					ZANETTI
	✓				LUTHI						MR. SPEAKER
✓					MACMILLAN	<p>AYES <u>31</u></p> <p>NOES <u>28</u></p> <p>EXCUSED <u>1</u></p> <p>ABSENT _____</p> <p>CONFLICT _____</p> <p>TOTAL <u>60</u></p> <p>LESS _____</p>					
	✓				MARTON						
✓					MASSIE						
✓					MCCONIGLEY						
	✓				MCMURTREY						
✓					MOCKLER						
	✓				MOORE	<p>PRESENT _____</p> <div style="border: 1px solid black; padding: 5px; width: fit-content;"> <p>Passed <u>✓</u></p> <p>Failed _____</p> </div>					

THE LEGISLATURE OF THE STATE OF WYOMING

House of Representatives

HB 0110 H 501/

Cheyenne, January 23....., 19..95..

Mr. Speaker:

Your Committee No. 7 on CORPORATIONS, ELECTIONS & POLITICAL SUBDIVISIONS
to whom was referred House Bill No. 0110
respectfully reports same back to the House with the recommendation that it

DO PASS with the following amendments:

See attached Schedule A

AYES

Baty
Johnson
Selby
Sessions
Bowron

NOES

Boswell
Case
Stafford
Tomassi

EXCUSED


LES BOWRON

Chairman

DM

SENATE
WYOMING STATE LEGISLATURE

Concurred

Message No. 360

Concurrence Requested

Mr. Speaker:

February 17, 1995

H.B. No. 0110

Surface water drainage utility.

The House Bill listed above passed on third reading in an amended form as follows by the vote indicated.

HB0110SS01/AE

TO ENGROSSED COPY

Page 6-line 14

Delete ", and" insert ". No service charges may be levied against land assessed as agricultural land under W.S. 39-2-103(a)(i) without the consent of the landowner."; delete "proceeds" insert "Proceeds of the service charges".

Page 7-line 13

Delete "." insert ";;".

Page 7-After line 13 insert:

"(iv) Any other source of revenue including the capital facilities tax collected under W.S. 39-6-412(k) if so dedicated.". MILLER, CHAIRMAN

HB0110SW01/ACE

TO ENGROSSED COPY/CORRECTED COPY

Page 4-After line 18 insert:

"(d) No action shall be undertaken which would interfere with historical, appropriated or beneficial use of any Wyoming water right.". MEIER

HB0110S201/AE

TO ENGROSSED COPY

Page 9-line 20

After "utility" insert "levies its service charges, or absent a service charge,.". MEIER

HB0110S202/AE

TO ENGROSSED COPY

Page 3-After line 10 insert and renumber as necessary:

"(v) "Surface water drainage area" means the land area of a city, town or county, including any federal flood plain insurance area, served by a surface water drainage system which is under surface water drainage management;".

Page 5-line 17 Before "area" insert "surface water drainage".

Page 7-line 21 Delete "utility" insert "surface water drainage area". MEIER, APPLGATE

HB0110S301/AE

TO ENGROSSED COPY

Page 7-line 10 Delete "(iii)" insert:

"(c) The governing board shall by resolution or ordinance". Renumber as necessary.

Page 7-line 13 Delete the Senate Standing Committee Amendment (HB0110SS01/AE) to this line.

Page 7-After line 13 delete the Senate Standing Committee Amendment (HB0110SS01/AE) to this line and further amend as follows:

"(iii) Any other source of revenue including the capital facilities tax collected under W.S. 39-6-412(k) if so dedicated.".

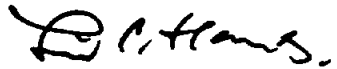
Page 7-line 16 Before "." insert "within the surface water drainage area". APPLGATE

Ayes 23 Noes 7 Excused 0 Absent 0

February 17, 1995

The Senate respectfully asks the House to concur by adopting the listed amendments.

Sincerely,

A handwritten signature in black ink, appearing to read "Liv C. Hanes".

Liv C. Hanes
Senate Chief Clerk

Bill Jacket Attached

2 Page 3-line 19 After "." delete balance of line.

3 Page 3-lines 20 and 21 Delete.

4 Page 4-lines 1 through 3 Delete.

5 Page 4-line 4 Delete the line through "." insert "To
6 carry out this duty, any city or town may
7 go beyond its corporate boundaries to hold
8 and to acquire by purchase, by agreement or
9 by eminent domain, all necessary land and
10 property. To carry out this duty, a county
11 may go beyond its boundaries to hold and to
12 acquire by purchase, by agreement or by
13 eminent domain, all necessary land and
14 property."; delete "con-".

15 Page 4-line 5 Delete "demnation" insert "eminent domain".

16 Page 4-line 7 After "The" delete balance of line.

17 Page 4-line 8 Delete "accordance with the".

18 Page 4-line 9 After "Act" insert ", provided that, the
19 power to acquire property by eminent domain
20 applicable to this section shall be
21 strictly limited to the acquisition of only
22 that property or portion of that property
23 necessary to accomplish the alleviation of
24 surface water drainage at issue".

25 Page 4-line 10 Delete "condemned" insert "acquired by emi-
26 nent domain".

27 Page 4-lines 12 through 14 Delete.

28 Page 4-line 15 Delete the line through "." insert "the
29 action, the proposing entity shall petition
30 the governing body of any county, city or
31 town within the boundaries of which the
32 property lies for a resolution or ordinance
33 causing the property to be acquired by emi-
34 nent domain to the degree required. Any
35 refusal by the second governing body to
36 consent to the acquisition by eminent
37 domain of the subject property shall be
38 considered a final administrative decision
39 of the second governing body which may be
40 appealed pursuant to the Wyoming Adminis-
41 trative Procedure Act.".

42 Page 4-line 16 Delete "condemnation" insert "action".

43 Page 4-line 19 Delete "condemnation"; after "." insert "No
44 construction relating to a surface water
45 drainage system shall be undertaken on
46 property within the boundaries of a govern-
47 ing body other than the governing body

1 establishing the surface water drainage
2 system unless both bodies agree to the con-
3 struction;".

4 Page 4-Before line 20 Insert:


5 "(iii) The governing body shall not create a
6 surface drainage utility outside its jurisdiction."

7 Page 5-line 4 After "act" delete "," insert ". The util-
8 ity may be formed".

9 Page 5-line 12 After "act" delete "," insert ". The util-
10 ity may be formed".

11 Page 8-After line 1 Insert:

12 "(c) The governing body shall not levy service charges
13 outside its jurisdiction without the approval of the govern-
14 ing body having jurisdiction over the affected
15 areas.". BOWRON, CHAIRMAN



2 Page 1-line 5 "providing for an election to form the
3 utility as specified;".

4 Page 5-line 9 After "UTILITY" insert "; ELECTION"; before
5 "Notwithstanding" insert "(a)".

6 Page 5-line 12 Before "as" insert "if approved by the
7 voters".

8 Page 5-After line 15 Insert:

9 "(b) Any resolution or ordinance adopted pursuant to
10 W.S. 16-10-105(a) shall not become effective until the prop-
11 osition to form a surface water drainage utility has been
12 submitted to and adopted by the electors within the proposed
13 utility under this subsection. Upon adoption of a resolu-
14 tion or ordinance pursuant to W.S. 16-5-105(a), the proposi-
15 tion to form a surface water drainage utility shall be sub-
16 mitted to the electors within the proposed utility at the
17 general election following the adoption of the resolution or
18 ordinance. A notice of election shall be given in at least
19 one (1) newspaper of general circulation published in the
20 county in which the election is to be held or in the city or
21 town if only a city wide or town wide utility is proposed,
22 and the notice shall specify the boundaries of the proposed
23 surface water drainage utility. At the election the ballots
24 shall contain the words "for the storm water drainage util-
25 ity" and "against the storm water drainage utility". If the
26 proposition to form the utility is adopted, the resolution
27 or ordinance shall become effective. If the proposition to
28 form the surface water drainage utility is defeated the
29 proposition shall not again be submitted to the electors of
30 the utility for at least one (1) year.". SELBY

SCHEDULE A

Page 3-line 19 After "." delete balance of line.

Page 3-lines 20 and 21 Delete.

Page 4-lines 1 through 3 Delete.

Page 4-line 4 Delete the line through "." insert "To carry out this duty, any city or town may go beyond its corporate boundaries to hold and to acquire by purchase, by agreement or by eminent domain, all necessary land and property. To carry out this duty, a county may go beyond its boundaries to hold and to acquire by purchase, by agreement or by eminent domain, all necessary land and property."; delete "con-".

Page 4-line 5 Delete "demnation" insert "eminent domain".

Page 4-line 7 After "The" delete balance of line.

Page 4-line 8 Delete "accordance with the".

Page 4-line 9 After "Act" insert ", provided that, the power to acquire property by eminent domain applicable to this section shall be strictly limited to the acquisition of only that property or portion of that property necessary to accomplish the alleviation of surface water drainage at issue".

Page 4-line 10 Delete "condemned" insert "acquired by eminent domain".

Page 4-lines 12 through 14 Delete.

Page 4-line 15 Delete the line through "." insert "the action, the proposing entity shall petition the governing body of any county, city or town within the boundaries of which the property lies for a resolution or ordinance causing the property to be acquired by eminent domain to the degree required. Any refusal by the second governing body to consent to the acquisition by eminent domain of the subject property shall be considered a final administrative decision of the second governing body which may be appealed pursuant to the Wyoming Administrative Procedure Act.".

Page 4-line 16 Delete "condemnation" insert "action".

Page 4-line 19 Delete "condemnation"; after "." insert "No construction relating to a surface water drainage system shall be undertaken on

property within the boundaries of a governing body other than the governing body establishing the surface water drainage system unless both bodies agree to the construction."

Page 4-Before line 20 Insert:

"(iii) The governing body shall not create a surface drainage utility outside its jurisdiction."

Page 5-line 4 After "act" delete "," insert ". The utility may be formed".

Page 5-line 12 After "act" delete "," insert ". The utility may be formed".

Page 8-After line 1 Insert:

"(c) The governing body shall not levy service charges outside its jurisdiction without the approval of the governing body having jurisdiction over the affected areas."

2 ✓ Page 4-line 20 After ", " insert "and subject to voter
3 approval as provided by W.S.
4 16-10-105(d),".

5 ✓ Page 6-After line 8 After "(b)" insert "Subject to voter
6 approval as provided by subsection (d) of
7 this section,".

8 ✓ Page 8-Before line 2 Insert:

9 "(d) A governing body shall not fund a surface water
10 utility until the proposition to impose the means of financ-
11 ing the surface water drainage utility has been submitted to
12 and adopted by the electors within the proposed utility
13 under this subsection. Upon adoption of a resolution or
14 ordinance pursuant to subsection (a) of this section, the
15 proposition to impose the means of financing the surface
16 water drainage utility shall be submitted to the electors
17 within the proposed utility at the general election follow-
18 ing the adoption of the resolution or ordinance. A notice
19 of election shall be given in at least one (1) newspaper of
20 general circulation published in the county in which the
21 election is to be held or in the city or town if only a city
22 wide or town wide utility is proposed, and the notice shall
23 specify the proposed means of financing the surface water
24 drainage utility. At the election the ballots shall contain
25 appropriate language explaining the proposed means of
26 financing the surface water drainage utility. If the propo-
27 sition is adopted, the governing body may proceed to issue
28 revenue bonds or otherwise fund the surface water drainage
29 utility as specified in the ballot proposition. If the
30 proposition is defeated, a proposition to impose a means of
31 financing the surface water drainage utility shall not again
32 be submitted to the electors within the utility for at least
33 one (1) year.". TAYLOR-HORTON, ANDERSON

Amended by
H301/A

before the next general election

1

HB0110H202/ A

Corrected Copy

C

2

Page 4-line 2

After ", " insert "and subject to voter
approval as provided by W.S.
16-10-105(d),".

3

4

5

Page 6-~~After~~ line 8 After "(b)" insert "Subject to voter
approval as provided by subsection (d) of
this section,".

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Page 8-Before line 2 Insert:

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"(d) A governing body shall not fund a surface water utility until the proposition to impose the means of financing the surface water drainage utility has been submitted to and adopted by the electors within the proposed utility under this subsection. Upon adoption of a resolution or ordinance pursuant to subsection (a) of this section, the proposition to impose the means of financing the surface water drainage utility shall be submitted to the electors within the proposed utility at the general election following the adoption of the resolution or ordinance. A notice of election shall be given in at least one (1) newspaper of general circulation published in the county in which the election is to be held or in the city or town if only a city wide or town wide utility is proposed, and the notice shall specify the proposed means of financing the surface water drainage utility. At the election the ballots shall contain appropriate language explaining the proposed means of financing the surface water drainage utility. If the proposition is adopted, the governing body may proceed to issue revenue bonds or otherwise fund the surface water drainage utility as specified in the ballot proposition. If the proposition is defeated, a proposition to impose a means of financing the surface water drainage utility shall not again be submitted to the electors within the utility, for at least one (1) year." TAYLOR-HORTON, ANDERSON

OK

Technical corrections provided
by House ATTY. JSP

1 HB0110H301/ *A*

2 ✓/Page 8-line 2

3 In the last sentence of the Taylor-Horton,
4 Anderson second reading amendment
5 (HB0110H202/A) to this line, after "be sub-
6 mitted to the electors within the utility"
7 delete "for at least one (1) year" insert
8 "before the next general
election". MACMILLAN

C

1 HB0110H201/A

2 ✓✓ Page 6-line 21

3 After "levied" insert "by the taxing
4 authority having jurisdiction where the
property is located". HINES

1 HB0110HW01/A

2 ☒ Delete the standing committee amendments (HB0110HS01/A) and
3 further amend as follows:

4 ☒ Page 3-line 20 Delete "and take," insert "to".

5 ☒ Page 3-line 21 After "by" delete balance of line.

6 ☒ Page 4-line 1 Delete the line through "property" insert
7 "agreement".

8 ☒ Page 4-line 2 Delete "and take," insert "to".

9 ☒ Page 4-line 3 After "by" delete balance of line.

10 ☒ Page 4-line 4 Delete the line through "property" insert
11 "agreement"; after "." delete balance of
12 line.


13 ☒ Page 4-lines 5 through 19 Delete and insert:

14 "(b) No construction relating to a surface water
15 drainage system shall be undertaken on property within the
16 boundaries of a governing body other than the governing body
17 establishing the surface water drainage system unless both
18 bodies agree to the construction."

19 ☒ Page 4-line 20 Delete "(b)" insert "(c)".

20 ☒ Page 8-After line 1 Insert:

21 "(c) The governing body shall not levy service charges
22 outside its jurisdiction without the approval of the govern-
23 ing body having jurisdiction of the affected areas." SELBY




2 Page 4-line 21 After "," insert "and subject to voter
3 approval as provided by W.S.
4 16-10-105(d),".

5 Page 6-line 8 After "(b)" insert "Subject to voter
6 approval as provided by subsection (d) of
7 this section,".

8 Page 8-Before line 2 Insert:

9 "(d) A governing body shall not fund a surface water
10 utility until the proposition to impose the means of financ-
11 ing the surface water drainage utility has been submitted to
12 and adopted by the electors within the proposed utility
13 under this subsection. Upon adoption of a resolution or
14 ordinance pursuant to subsection (a) of this section, the
15 proposition to impose the means of financing the surface
16 water drainage utility shall be submitted to the electors
17 within the proposed utility at the general election follow-
18 ing the adoption of the resolution or ordinance. A notice
19 of election shall be given in at least one (1) newspaper of
20 general circulation published in the county in which the
21 election is to be held or in the city or town if only a city
22 wide or town wide utility is proposed, and the notice shall
23 specify the proposed means of financing the surface water
24 drainage utility. At the election the ballots shall contain
25 appropriate language explaining the proposed means of
26 financing the surface water drainage utility. If the propo-
27 sition is adopted, the governing body may proceed to issue
28 revenue bonds or otherwise fund the surface water drainage
29 utility as specified in the ballot proposition. If the
30 proposition is defeated, a proposition to impose a means of
31 financing the surface water drainage utility shall not again
32 be submitted to the electors within the utility for at least
33 one (1) year.". TAYLOR-HORTON, ANDERSON



ENGROSSED

1995

STATE OF WYOMING

95LSO-0001.ENG

HOUSE BILL NO. 0110

Surface water drainage utility.

Sponsored by: JOINT CORPORATIONS, ELECTIONS AND POLITICAL
SUBDIVISIONS INTERIM COMMITTEE

A BILL

for

1 AN ACT to create W.S. 16-10-101 through 16-10-110; and to
2 amend W.S. 1-26-805, 15-1-103(a) (xxx) (intro),
3 16-1-104(c) (i) and 18-2-101(a) by creating (vi) relating
4 to counties, cities and towns; providing for formation of
5 a surface water drainage utility as specified; providing
6 financing and indebtedness for the utility as specified;
7 providing methods for administration of the utility; pro-
8 viding definitions; and providing for an effective date.

9 Be It Enacted by the Legislature of the State of Wyoming:

10 Section 1. W.S. 16-10-101 through 16-10-110 are cre-
11 ated to read:

=====
LEGEND: Underlined = New text added to existing statutes
Stricken = Text deleted from existing statutes
=====

1 CHAPTER 10

2 SURFACE WATER DRAINAGE

3 ARTICLE 1

4 SURFACE WATER DRAINAGE UTILITY ACT

5 16-10-101. SHORT TITLE. This act shall be known and
6 may be cited as the "Surface Water Drainage Utility Act."

7 16-10-102. DEFINITIONS.

8 (a) As used in this act:

9 (i) "Governing body" means the board of county
10 commissioners of a county, the governing body of a city or
11 town or a joint powers board;

12 (ii) "Surface water drainage system" means all
13 natural and man-made elements used to convey surface water
14 from the first point of impact with the surface of the
15 earth to a suitable area of disposal or controlled drain-
16 age. A surface water drainage system may include, but is
17 not limited to, all pipes, curbs, gutters, treatment
18 facilities, channels, streams, ditches, wetlands, deten-
19 tion and retention basins, ponds and other surface water
20 conveyances and facilities for surface water conveyances,

1 management and treatment, whether public or private;

2 (iii) "Surface water drainage utility" means an
3 enterprise fund function by which a governing body pro-
4 vides for public needs in the area of surface water drain-
5 age management and charges user fees to finance all or a
6 portion of its operations;

7 (iv) "Surface water drainage management" means
8 the planning, designing, construction, reconstruction,
9 acquisition, operation, improvement, extension or mainte-
10 nance of a surface water drainage system;

11 (v) "This act" means W.S. 16-10-101 through
12 16-10-110.

13 16-10-103. POWERS.

14 (a) In addition to all other powers provided by law,
15 any governing body may establish a surface water drainage
16 utility to design, plan, construct, reconstruct, acquire,
17 operate, improve, extend or maintain a surface water
18 drainage system, sometimes referred to as a storm water
19 drainage system. To carry out this duty, any city or town
20 may go beyond its corporate limits to hold and acquire
21 property by agreement. To carry out this duty, a county

1 may go beyond its boundaries to hold and acquire property
2 by agreement.

3 (b) No construction relating to a surface water
4 drainage system shall be undertaken on property within
5 the boundaries of a governing body other than the govern-
6 ing body establishing the surface water drainage system
7 unless both bodies agree to the construction.

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

19 16-10-104. FORMATION OF A SURFACE WATER DRAINAGE
20 UTILITY. Notwithstanding any other provision of law, a
21 surface water drainage utility may be formed by the gov-
22 erning body of any city or town, or by the county in the

1 unincorporated area of a county, as provided by this act,
2 for all or a portion of the respective municipality by its
3 governing body, or for all or a portion of the unincorpo-
4 rated area of a county by its governing body.

5 16-10-105. ORDINANCE OR RESOLUTION FOR CONSTRUCTION;
6 REQUIRED AND AUTHORIZED PROVISIONS.

7 (a) If the governing body of a city, town or county
8 desires to establish a surface water drainage utility pur-
9 suant to this act, a county shall do so by resolution and
10 a city or town shall do so by ordinance. The resolution or
11 ordinance shall provide for the administration of the sur-
12 face water drainage utility either by the governing body
13 of the city, town, county, joint powers board or other
14 board or entity selected by the applicable governing body,
15 including but not limited to a board of public utilities
16 formed pursuant to W.S. 15-7-401. The ordinance or reso-
17 lution shall contain the specific description of the area
18 to be served by the surface water drainage utility.

19 (b) Subject to voter approval as provided by subsec-
20 tion (d) of this section, a city, town, county or joint
21 powers board may fund the surface water drainage utility
22 by general and special funds, revenue or other bonds and

1 other forms of indebtedness, service charges or a combina-
2 tion of these sources. The resolution or ordinance estab-
3 lishing the utility, or a resolution or ordinance later
4 adopted by the governing body, shall specify the means of
5 financing the surface water drainage utility by one (1) or
6 more of the following sources:

7 (i) Revenue or other bonds may be issued meeting
8 the procedural requirements and provisions of W.S.
9 35-2-425 through 35-2-428 as provided for the issuance of
10 bonds by hospital districts;

11 (ii) Service charges may be levied by the taxing
12 authority having jurisdiction where the property is
13 located against landowners served by the surface water
14 drainage utility, and proceeds may be used to:

15 (A) Finance the surface water drainage
16 utility; and

17 (B) Pledge the revenues derived from any
18 service charges for use of the surface water drainage
19 utility, including but not limited to:

20 (I) Pay the cost of designing, plan-
21 ning, constructing, reconstructing, acquiring, operating,

1 improving, extending and maintaining the surface water
2 drainage system;

3 (II) Provide an adequate depreciation
4 fund;

5 (III) If revenue bonds or other forms
6 of indebtedness are issued, pay the principal and interest
7 of the bonds issued; and

8 (IV) Study surface water drainage
9 requirements.

10 (iii) Set the portion of costs to be charged
11 against landowners in the city, town, county or portion
12 thereof, if any, to be paid by the county, city or town as
13 a whole.

14 (c) The governing body shall not levy service charges
15 outside its jurisdiction without the approval of the gov-
16 erning body having jurisdiction of the affected areas.

17 (d) A governing body shall not fund a surface water
18 utility until the proposition to impose the means of
19 financing the surface water drainage utility has been sub-
20 mitted to and adopted by the electors within the proposed
21 utility under this subsection. Upon adoption of a resolu-

1 tion or ordinance pursuant to subsection (a) of this sec-
2 tion, the proposition to impose the means of financing the
3 surface water drainage utility shall be submitted to the
4 electors within the proposed utility at the general elec-
5 tion following the adoption of the resolution or ordi-
6 nance. A notice of election shall be given in at least
7 one (1) newspaper of general circulation published in the
8 county in which the election is to be held or in the city
9 or town if only a city wide or town wide utility is pro-
10 posed, and the notice shall specify the proposed means of
11 financing the surface water drainage utility. At the
12 election the ballots shall contain appropriate language
13 explaining the proposed means of financing the surface
14 water drainage utility. If the proposition is adopted,
15 the governing body may proceed to issue revenue bonds or
16 otherwise fund the surface water drainage utility as spec-
17 ified in the ballot proposition. If the proposition is
18 defeated, a proposition to impose a means of financing the
19 surface water drainage utility shall not again be submit-
20 ted to the electors within the utility before the next
21 general election.

22 16-10-106. AGREEMENTS AUTHORIZED. The state, or any
23 department of the state, may enter into agreements with

1 governing bodies to exercise authorities conferred by this
2 act.

3 16-10-107. SURFACE WATER DRAINAGE UTILITY BOARD.

4 (a) Any governing body which creates a surface water
5 drainage utility may establish a surface water drainage
6 utility board to exercise and perform all powers and
7 duties which the governing body could perform under this
8 act. The surface water drainage utility board shall man-
9 age, operate, maintain and control the surface water
10 drainage utility and promulgate all rules and regulations
11 necessary for the operation and maintenance of the surface
12 water drainage utility. The surface water drainage utility
13 board may also plan, design, improve, expand or enlarge
14 the surface water drainage system, study surface water
15 drainage requirements and design capital improvements as
16 provided in this act.

17 (b) A surface water drainage utility board created
18 pursuant to this act shall consist of five (5) members
19 appointed by the governing body. Members shall be resi-
20 dents of that portion of the county where the utility is
21 providing or will provide service. Upon creation of the
22 surface water drainage utility board, one (1) member of

1 the board shall be appointed for a term of two (2) years,
2 two (2) for a term of four (4) years and two (2) for a
3 term of six (6) years. Thereafter, each member shall be
4 appointed for a term of six (6) years.

5 (c) All meetings, records and accounts of the surface
6 water drainage utility board shall be managed and con-
7 ducted in accordance with the Public Records Act, W.S.
8 16-4-201 through 16-4-205, the Uniform Municipal Fiscal
9 Procedures Act, W.S. 16-4-101 through 16-4-124, and the
10 Public Meetings Act, W.S. 16-4-401 through 16-4-407. The
11 salaries, if any, of the members of the surface water
12 drainage utility board shall be fixed by the board of
13 county commissioners and by the city or town council, as
14 applicable.

15 (d) The surface water drainage utility board has
16 exclusive control of the surface water drainage utility.
17 The surface water drainage utility board may:

18 (i) Hire and discharge necessary personnel, and
19 provide for a system of personnel administration;

20 (ii) Purchase all materials and supplies neces-
21 sary for the purposes of the surface water drainage sys-
22 tem;

1 (iii) In the name of the county, city, town or
2 joint powers board, acquire and hold property and equip-
3 ment necessary and convenient for carrying out the pur-
4 poses of the surface water drainage utility board;

5 (iv) Issue vouchers or warrants in payment of
6 all claims and accounts incurred by the surface water
7 drainage utility board for the surface water drainage sys-
8 tem. When the vouchers or warrants are approved by the
9 surface water drainage utility board, the treasurer of the
10 applicable governing body shall pay and charge them
11 against the proper funds.

12 (e) The engineer of the county, city, town or joint
13 powers board and staff may provide staff assistance as
14 necessary.

15 16-10-108. REFUNDING REVENUE BONDS. A governing body
16 may issue refunding revenue bonds in the manner prescribed
17 by W.S. 16-5-101 through 16-5-119.

18 16-10-109. USE OF SURPLUS FUNDS.

19 (a) A governing body may use any surplus funds aris-
20 ing from the service charge for the purchase and cancella-
21 tion of any bonds or other forms of indebtedness issued

1 pursuant to this act. The purchase price of the bonds
2 shall not be either:

3 (i) Greater than par, plus a premium not to
4 exceed fifty percent (50%) of the face value of all
5 unearned interest coupons attached to any bond purchased;
6 or

7 (ii) More than the actual market price of the
8 bonds or other forms of indebtedness at the time of pur-
9 chase.

10 16-10-110. RECOVERY OF UNPAID CHARGES. If any service
11 charge is not paid within thirty (30) days after it is
12 due, the amount of the service charge, plus a penalty of
13 ten percent (10%) and a reasonable attorney's and collec-
14 tion agency's fee shall constitute a lien against the land
15 served and may be recovered in a civil action against the
16 landowner by the governing body.

17 Section 2. W.S. 1-26-805, 15-1-103(a)(xxx)(intro),
18 16-1-104(c)(i) and 18-2-101(a) by creating (vi) are
19 amended to read:

20 1-26-805. ACQUISITION OF PUBLIC UTILITY PLANTS BY
21 CITIES AND TOWNS; DEFINITION OF FACILITIES WHICH MAY BE

1 ACQUIRED. For the purposes of W.S. 1-26-804 through
2 1-26-809 "public utility service" means and includes com-
3 munication or transmission of intelligence or messages by
4 telephone service; electricity for light, heat, power and
5 like purposes; natural or artificial gas for heat, light,
6 power and like purposes; steam for heat, power and like
7 purposes; or water for municipal, domestic, agricultural,
8 irrigation, manufacturing and like purposes, including
9 surface water drainage in accordance with W.S. 16-10-103.

10 15-1-103. GENERAL POWERS OF GOVERNING BODIES.

11 (a) The governing bodies of all cities and towns may:

12 (xxx) Divide the city or town into suitable dis-
13 tricts for establishing a system of drainage including
14 surface water drainage, sanitary sewers and water mains
15 and:

16 16-1-104. JOINT POWERS, FUNCTIONS AND FACILITIES;
17 CITY-COUNTY AIRPORT BOARD.

18 (c) Specifically, without limiting but subject to the
19 provisions of subsection (a) of this section, two (2) or
20 more agencies may jointly plan, create, expand, finance
21 and operate:

1 (i) Water including surface water drainage,
2 sewerage, water and soil conservation, or solid waste
3 facilities;

4 18-2-101. GENERAL POWERS.

5 (a) Each organized county in the state is a body cor-
6 porate and politic. The powers of the county shall be
7 exercised by a board of county commissioners which may:

8 (vi) Establish a surface water drainage system,
9 utilities and drainage management.

10 Section 3. This act is effective July 1, 1995.

11 (END)

Page 9-line 20

After "utility" insert "levies its service
charges, or absent a service charge".
MEIER

ML

Page 5-line 18 After "utility" insert "within a federal flood plain insurance area".

Page 6-line 13 After "landowners" delete balance of line and insert "within a federal flood plain insurance area".

Page 6-line 14 Delete "drainage utility".

Page 7-line 11 After "landowners" insert "within a federal flood plain insurance area".

Page 7-line 14 Delete "shall not" insert "may".

Page 7-line 15 Delete "without" insert "with".

Page 7-line 16 After "areas" insert "within the drainage area". MEIER

After "UTILITY." delete line through
"law,". MEIER

Page 7-line 10 Delete "(iii)" insert:

"(c) The governing board shall by resolution or ordinance". Renumber as necessary.

Page 7-After line 9 insert:

"(iii) Any other source of revenue including the capital facilities tax collected under W.S. 39-6-412(k) if so dedicated.".

Page 7-line 13 Delete the Senate Standing Committee Amendment (HB0110SS01/AE) to this line.

Page 7-After line 13 delete the Senate Standing Committee Amendment (HB0110SS01/AE) to this line.

Page 7-line 16 Before "." insert "within the surface water drainage area". APPLEGATE

A handwritten signature in cursive script, appearing to read "D. M. ...", is written over the word "APPLEGATE" in the previous block.

✓ Page 7-line 10 Delete "(iii)" insert:

"(c) The governing board shall by resolution or ordinance". Renumber as necessary.

Page 7-line 9 insert:

✓ Page 7-line 13 Delete the Senate Standing Committee Amendment (HB0110SS01/AE) to this line.

✓ Page 7-After line 13 delete the Senate Standing Committee Amendment (HB0110SS01/AE) to this line. and further amend as follows:

{ "(iii) Any other source of revenue including the capital facilities tax collected under W.S. 39-6-412(k) if so dedicated."

✓ Page 7-line 16 Before "." insert "within the surface water drainage area". APPLEGATE

mq

*Technical correction approved by
Senate Attys -*

DBH

deleted by 5301/AE
+ Page 6-line 14 Delete ", and" insert ". No service charges may be levied against land assessed as agricultural land under W.S. 39-2-103(a)(i) without the consent of the landowner."; delete "proceeds" insert "Proceeds of the service charges".

deleted by 5301/AE
- Page 7-line 13 Delete "." insert ";".

deleted by 5301/AE
Page 7-After line 13 insert:

"(iv) Any other source of revenue including the capital facilities tax collected under W.S. 39-6-412(k) if so dedicated.". MILLER, CHAIRMAN

Dme

X Page 4-After line 18 insert:

"(d) No action shall be undertaken which would interfere with historical, appropriated or beneficial use of any Wyoming water right.". MEIER

~~A~~ Page 9-line 20

After "utility" insert "levies its service
charges, or absent a service charge,".
MEIER

Edine

✓ Page 3-After line 10 insert and renumber as necessary:

"(v) "Surface water drainage area" means the land area of a city, town or county, including any federal flood plain insurance area, served by a surface water drainage system which is under surface water drainage management;".

✓ Page 5-line 17 Before "area" insert "surface water drainage".

✓ Page 7-line 21 Delete "utility" insert "surface water drainage area". MEIER, APPLGATE

mlc

Page 6-line 14 Delete ", and" insert ". No service charges may be levied against land assessed as agricultural land under W.S. 39-2-103(a)(i) without the consent of the landowner."; delete "proceeds" insert "Proceeds of the service charges".

Page 7-line 13 Delete "." insert ";;".

Page 7-After line 13 insert:

"(iv) Any other source of revenue including the capital facilities tax collected under W.S. 39-6-412(k) if so dedicated.". MILLER, CHAIRMAN

INTRODUCED

1995

STATE OF WYOMING

95LSO-0001.01

HOUSE BILL NO. 0110

Surface water drainage utility.

Sponsored by: JOINT CORPORATIONS, ELECTIONS AND POLITICAL
SUBDIVISIONS INTERIM COMMITTEE

A BILL

for

1 AN ACT to create W.S. 16-10-101 through 16-10-110; and to
2 amend W.S. 1-26-805, 15-1-103(a) (xxx) (intro),
3 16-1-104(c) (i) and 18-2-101(a) by creating (vi) relating
4 to counties, cities and towns; providing for formation of
5 a surface water drainage utility as specified; providing
6 financing and indebtedness for the utility as specified;
7 providing methods for administration of the utility; pro-
8 viding definitions; and providing for an effective date.

9 Be It Enacted by the Legislature of the State of Wyoming:

10 Section 1. W.S. 16-10-101 through 16-10-110 are cre-
11 ated to read:

=====
LEGEND: Underlined = New text added to existing statutes
Stricken = Text deleted from existing statutes
=====

- 1 -

**NO SIGNIFICANT FISCAL OR
PERSONNEL IMPACT AT STATE LEVEL**

HB 110

1 CHAPTER 10

2 SURFACE WATER DRAINAGE

3 ARTICLE 1

4 SURFACE WATER DRAINAGE UTILITY ACT

5 16-10-101. SHORT TITLE. This act shall be known and
6 may be cited as the "Surface Water Drainage Utility Act."

7 16-10-102. DEFINITIONS.

8 (a) As used in this act:

9 (i) "Governing body" means the board of county
10 commissioners of a county, the governing body of a city or
11 town or a joint powers board;

12 (ii) "Surface water drainage system" means all
13 natural and man-made elements used to convey surface water
14 from the first point of impact with the surface of the
15 earth to a suitable area of disposal or controlled drain-
16 age. A surface water drainage system may include, but is
17 not limited to, all pipes, curbs, gutters, treatment
18 facilities, channels, streams, ditches, wetlands, deten-
19 tion and retention basins, ponds and other surface water
20 conveyances and facilities for surface water conveyances,

1 management and treatment, whether public or private;

(iii) "Surface water drainage utility" means an enterprise fund function by which a governing body provides for public needs in the area of surface water drainage management and charges user fees to finance all or a portion of its operations;

(iv) "Surface water drainage management" means the planning, designing, construction, reconstruction, acquisition, operation, improvement, extension or maintenance of a surface water drainage system;

11 (v) "This act" means W.S. 16-10-101 through
12 16-10-110.

13 16-10-103. POWERS.

(a) In addition to all other powers provided by law, any governing body may establish a surface water drainage utility to design, plan, construct, reconstruct, acquire, operate, improve, extend or maintain a surface water drainage system, sometimes referred to as a storm water drainage system. To carry out this duty, any city or town may go beyond its corporate limits and take, hold and acquire property by purchase or otherwise and may take and

1995

STATE OF WYOMING

95LSO-0001

The power to acquire or condemn property pursuant to this section shall be strictly limited to the acquisition of only that property or portion of the property necessary to accomplish the allocation of surface water drainage at issue

1 condemn all necessary land and property. To carry out
2 this duty, a county may go beyond its boundaries and take,
3 hold and acquire property by purchase or otherwise and may
4 take and condemn all necessary property. Any power of con-
5 demnation exercised under this act shall be subject to the
6 following:

7 (i) The condemnations shall be exercised in
8 accordance with the provisions of the Wyoming Eminent
9 Domain Act; the proposing entity shall participate

10 (ii) If the land or property to be condemned is
11 beyond the boundaries of the governmental entity proposing
12 the condemnation, the governing body of the county, city
13 or town within the boundaries of which the property lies,
14 shall have the right to participate in all discussions or
15 deliberations, regarding the condemnation. The governmen-
16 tal entity proposing the condemnation shall notify all
17 governing bodies entitled to participate in discussions
18 and deliberations under this paragraph prior to the pas-
19 sage of a resolution proposing the condemnation action.

20 (b) In addition to other methods provided by law or
21 ordinance, a governing body may issue revenue bonds and
22 may levy and collect service charges to finance the sur-

be deemed a final
Adm decision of
the 2nd S/B which
was appealed

Wm J. P. Bond
cedore 96-3-101 et seq

1 face water drainage utility. A surface water drainage
2 utility may be formed by the governing body of any city or
3 town, or by the county in the unincorporated area of the
4 county, as provided by this act, for all or a portion of
5 the respective municipality by its governing body, or for
6 all or a portion of the unincorporated area of a county by
7 its governing body.

8 16-10-104. FORMATION OF A SURFACE WATER DRAINAGE
9 UTILITY. Notwithstanding any other provision of law, a
10 surface water drainage utility may be formed by the gov-
11 erning body of any city or town, or by the county in the
12 unincorporated area of a county, as provided by this act,
13 for all or a portion of the respective municipality by its
14 governing body, or for all or a portion of the unincorpo-
15 rated area of a county by its governing body.

16 16-10-105. ORDINANCE OR RESOLUTION FOR CONSTRUCTION;
17 REQUIRED AND AUTHORIZED PROVISIONS.

18 (a) If the governing body of a city, town or county
19 desires to establish a surface water drainage utility pur-
20 suant to this act, a county shall do so by resolution and
21 a city or town shall do so by ordinance. The resolution or
22 ordinance shall provide for the administration of the sur-

1 face water drainage utility either by the governing body
2 of the city, town, county, joint powers board or other
3 board or entity selected by the applicable governing body,
4 including but not limited to a board of public utilities
5 formed pursuant to W.S. 15-7-401. The ordinance or reso-
6 lution shall contain the specific description of the area
7 to be served by the surface water drainage utility.

8 (b) A city, town, county or joint powers board may
9 fund the surface water drainage utility by general and
10 special funds, revenue or other bonds and other forms of
11 indebtedness, service charges or a combination of these
12 sources. The resolution or ordinance establishing the
13 utility, or a resolution or ordinance later adopted by the
14 governing body, shall specify the means of financing the
15 surface water drainage utility by one (1) or more of the
16 following sources:

17 (i) Revenue or other bonds may be issued meeting
18 the procedural requirements and provisions of W.S.
19 35-2-425 through 35-2-428 as provided for the issuance of
20 bonds by hospital districts;

21 (ii) Service charges may be levied against land-
22 owners served by the surface water drainage utility, and

1 proceeds may be used to:

2 (A) Finance the surface water drainage
3 utility; and

4 (B) Pledge the revenues derived from any
5 service charges for use of the surface water drainage
6 utility, including but not limited to:

7 (I) Pay the cost of designing, plan-
8 ning, constructing, reconstructing, acquiring, operating,
9 improving, extending and maintaining the surface water
10 drainage system;

11 (II) Provide an adequate depreciation
12 fund;

13 (III) If revenue bonds or other forms
14 of indebtedness are issued, pay the principal and interest
15 of the bonds issued; and

16 (IV) Study surface water drainage
17 requirements.

18 (iii) Set the portion of costs to be charged
19 against landowners in the city, town, county or portion
20 thereof, if any, to be paid by the county, city or town as

1 a whole.

2 16-10-106. AGREEMENTS AUTHORIZED. The state, or any
3 department of the state, may enter into agreements with
4 governing bodies to exercise authorities conferred by this
5 act.

6 16-10-107. SURFACE WATER DRAINAGE UTILITY BOARD.

7 (a) Any governing body which creates a surface water
8 drainage utility may establish a surface water drainage
9 utility board to exercise and perform all powers and
10 duties which the governing body could perform under this
11 act. The surface water drainage utility board shall man-
12 age, operate, maintain and control the surface water
13 drainage utility and promulgate all rules and regulations
14 necessary for the operation and maintenance of the surface
15 water drainage utility. The surface water drainage utility
16 board may also plan, design, improve, expand or enlarge
17 the surface water drainage system, study surface water
18 drainage requirements and design capital improvements as
19 provided in this act.

20 (b) A surface water drainage utility board created
21 pursuant to this act shall consist of five (5) members
22 appointed by the governing body. Members shall be resi-

1 dents of that portion of the county where the utility is
2 providing or will provide service. Upon creation of the
3 surface water drainage utility board, one (1) member of
4 the board shall be appointed for a term of two (2) years,
5 two (2) for a term of four (4) years and two (2) for a
6 term of six (6) years. Thereafter, each member shall be
7 appointed for a term of six (6) years.

8 (c) All meetings, records and accounts of the surface
9 water drainage utility board shall be managed and con-
10 ducted in accordance with the Public Records Act, W.S.
11 16-4-201 through 16-4-205, the Uniform Municipal Fiscal
12 Procedures Act, W.S. 16-4-101 through 16-4-124, and the
13 Public Meetings Act, W.S. 16-4-401 through 16-4-407. The
14 salaries, if any, of the members of the surface water
15 drainage utility board shall be fixed by the board of
16 county commissioners and by the city or town council, as
17 applicable.

18 (d) The surface water drainage utility board has
19 exclusive control of the surface water drainage utility.
20 The surface water drainage utility board may:

21 (i) Hire and discharge necessary personnel, and
22 provide for a system of personnel administration;

1 (ii) Purchase all materials and supplies neces-
2 sary for the purposes of the surface water drainage sys-
3 tem;

4 (iii) In the name of the county, city, town or
5 joint powers board, acquire and hold property and equip-
6 ment necessary and convenient for carrying out the pur-
7 poses of the surface water drainage utility board;

8 (iv) Issue vouchers or warrants in payment of
9 all claims and accounts incurred by the surface water
10 drainage utility board for the surface water drainage sys-
11 tem. When the vouchers or warrants are approved by the
12 surface water drainage utility board, the treasurer of the
13 applicable governing body shall pay and charge them
14 against the proper funds.

15 (e) The engineer of the county, city, town or joint
16 powers board and staff may provide staff assistance as
17 necessary.

18 16-10-108. REFUNDING REVENUE BONDS. A governing body
19 may issue refunding revenue bonds in the manner prescribed
20 by W.S. 16-5-101 through 16-5-119.

21 16-10-109. USE OF SURPLUS FUNDS.

1 (a) A governing body may use any surplus funds arising from the service charge for the purchase and cancellation of any bonds or other forms of indebtedness issued pursuant to this act. The purchase price of the bonds shall not be either:

6 (i) Greater than par, plus a premium not to exceed fifty percent (50%) of the face value of all unearned interest coupons attached to any bond purchased; or

10 (ii) More than the actual market price of the bonds or other forms of indebtedness at the time of purchase.

13 16-10-110. RECOVERY OF UNPAID CHARGES. If any service charge is not paid within thirty (30) days after it is due, the amount of the service charge, plus a penalty of ten percent (10%) and a reasonable attorney's ^{or} ~~and~~ collection agency's fee shall constitute a lien against the land served and may be recovered in a civil action against the landowner by the governing body.

20 Section 2. W.S. 1-26-805, 15-1-103(a) (xxx) (intro), 21 16-1-104(c) (i) and 18-2-101(a) by creating (vi) are 22 amended to read:

1 1-26-805. ACQUISITION OF PUBLIC UTILITY PLANTS BY
2 CITIES AND TOWNS; DEFINITION OF FACILITIES WHICH MAY BE
3 ACQUIRED. For the purposes of W.S. 1-26-804 through
4 1-26-809 "public utility service" means and includes com-
5 munication or transmission of intelligence or messages by
6 telephone service; electricity for light, heat, power and
7 like purposes; natural or artificial gas for heat, light,
8 power and like purposes; steam for heat, power and like
9 purposes; or water for municipal, domestic, agricultural,
10 irrigation, manufacturing and like purposes, including
11 surface water drainage in accordance with W.S. 16-10-103.

12 15-1-103. GENERAL POWERS OF GOVERNING BODIES.

13 (a) The governing bodies of all cities and towns may:

14 (xxx) Divide the city or town into suitable dis-
15 tricts for establishing a system of drainage including
16 surface water drainage, sanitary sewers and water mains
17 and:

18 16-1-104. JOINT POWERS, FUNCTIONS AND FACILITIES;
19 CITY-COUNTY AIRPORT BOARD.

20 (c) Specifically, without limiting but subject to the
21 provisions of subsection (a) of this section, two (2) or

1 more agencies may jointly plan, create, expand, finance
2 and operate:

3 (i) Water including surface water drainage,
4 sewerage, water and soil conservation; or solid waste
5 facilities;

6 18-2-101. GENERAL POWERS.

7 (a) Each organized county in the state is a body cor-
8 porate and politic. The powers of the county shall be
9 exercised by a board of county commissioners which may:

10 (vi) Establish a surface water drainage system,
11 utilities and drainage management.

12 Section 3. This act is effective July 1, 1995.

13 (END)