

CHAPTER 102

AGRICULTURE

SENATE BILL 95-120

BY SENATORS Ament, Bishop, Wattenberg, Lacy, Matsunaka, L. Powers, and R. Powers;
also REPRESENTATIVES Entz, Kerns, Taylor, Chlouber, George, and Schwarz.

AN ACT

CONCERNING PROCEDURAL CHANGES IN THE OPERATIONS OF THE ENTITIES AUTHORIZED BY STATE LAW TO REGULATE THE CONSERVATION OF SOIL UNDER THE "COLORADO SOIL CONSERVATION ACT".

Be it enacted by the General Assembly of the State of Colorado:

SECTION 1. 35-70-104 (4), Colorado Revised Statutes, 1984 Repl. Vol., is amended to read:

35-70-104. Petition for organization of district - qualified electors.
(4) (a) (I) A "qualified voter" or "qualified elector", as referred to in this article, means any ~~qualified elector~~ REGISTERED VOTER or corporation owning land within the proposed or existing district, as shown by the records in the office of the appropriate county clerk and recorder, and any heir or devisee of such land of a deceased landowner.

(II) (A) A LANDOWNER WHO IS A QUALIFIED VOTER OR QUALIFIED ELECTOR AS DEFINED IN THIS PARAGRAPH (a) MAY AUTHORIZE A FAMILY MEMBER WHO IS A REGISTERED VOTER AND A RENTER OR MANAGER OF THE LAND TO VOTE IN AN ELECTION ON BEHALF OF SUCH LANDOWNER.

(B) AUTHORIZATION PURSUANT TO THIS SUBPARAGRAPH (II) SHALL BE MADE PRIOR TO EVERY ELECTION OF THE DISTRICT.

(b) A corporation owning land within a proposed or existing district is entitled to vote if such corporation duly authorizes an agent to vote in the election in its behalf.

SECTION 2. 35-70-107 (1), Colorado Revised Statutes, 1984 Repl. Vol., is amended to read:

Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.

35-70-107. Board of supervisors - election - term. (1) (a) (I) The governing body of the district shall consist of a board of ~~five~~ supervisors, referred to in this article as "supervisors", who shall be elected by the qualified electors of the district at an election conducted as provided in section 35-70-105. ~~The terms of supervisors elected in 1984 and 1985 shall expire in 1988. Thereafter, each supervisor shall be elected for a four-year term. Supervisors elected in 1983 for three-year terms shall serve their full terms until 1986. Thereafter, each supervisor shall be elected for a four-year term. The supervisors of a district organized on or after January 1, 1984, shall serve initial staggered terms as follows: The terms of three supervisors of the newly created district shall expire at the time that the terms of three supervisors of existing districts shall expire, and the terms of the remaining two supervisors of the newly created districts shall expire at the time that the terms of the remaining two supervisors of existing districts shall expire. Thereafter, each supervisor shall be elected for a four-year term.~~ EACH BOARD SHALL CONSIST OF NOT LESS THAN FIVE AND NOT MORE THAN ELEVEN SUPERVISORS, WHICH NUMBER SHALL BE SPECIFIED IN THE BYLAWS OF THE DISTRICT.

(II) AT LEAST SIXTY-SIX PERCENT OF THE SUPERVISORS OF EACH DISTRICT SHALL BE AGRICULTURAL PRODUCERS WHO ARE LANDOWNERS IN THE DISTRICT; EXCEPT THAT, IF THE DISTRICT CANNOT FIND THE REQUISITE PERCENTAGE OF AGRICULTURAL PRODUCERS, THE DISTRICT MAY PETITION THE STATE BOARD FOR AN EXEMPTION FROM THE PERCENTAGE REQUIREMENT.

(III) EACH SUPERVISOR SHALL SERVE FOR A TERM OF FOUR YEARS; EXCEPT THAT EACH DISTRICT'S BOARD SHALL PROVIDE FOR THE STAGGERING OF SUPERVISORIAL TERMS SO THAT THE TERMS OF NO MORE THAN A SIMPLE MAJORITY OF SUPERVISORS EXPIRE AT ANY ONE TIME. SUPERVISORS SERVING ON JULY 1, 1995, SHALL CONTINUE TO SERVE THE TERMS FOR WHICH THEY WERE ELECTED OR APPOINTED.

(b) SUBJECT TO THE PROVISIONS OF PARAGRAPH (a) OF THIS SUBSECTION (1), no one shall be eligible to become a candidate for election as a member of the board of supervisors of any such district unless ~~he~~ SUCH PERSON is a landowner in and a qualified elector of the district, INCLUDING A RENTER OR MANAGER OF THE LANDOWNER'S LAND PURSUANT TO SECTION 35-70-104 (4), or the duly authorized representative of a corporation owning lands within the district.

SECTION 3. 35-70-109 (3), Colorado Revised Statutes, 1984 Repl. Vol., is amended to read:

35-70-109. Assessments - amendments to bylaws. (3) The bylaws of any soil conservation district may be altered, amended, or repealed or additions made thereto at any regular or regularly called special meeting of the district, upon compliance with the following requirements: A petition whose text sets forth the proposed amendment in full, signed by not less than three percent OR FIFTY of the qualified voters of the district, ~~WHICHEVER IS LESS~~, must be filed with the supervisors; the complete text of the proposed amendment must be published in the notice of the meeting at which it is to be considered, which notice must be published at least once in a newspaper of general circulation within each county in which property included within the district is located, not less than ten days prior to the said meeting; and those present at the said meeting at which the proposed amendment is to be

considered shall constitute a quorum for the consideration of the proposed amendment, and the affirmative vote of a TWO-THIRDS majority thereof shall be required to adopt the proposed amendment.

SECTION 4. 35-70-115 (9), Colorado Revised Statutes, 1984 Repl. Vol., is amended to read:

35-70-115. Additions and withdrawals. (9) (a) After a district has been formed and is in operation, the owner of land within the district may have ~~his~~ THE OWNER'S land withdrawn from the district by submitting a written and notarized statement of withdrawal to the supervisors of the district. Upon receipt of such statement by the supervisors, the land requested to be withdrawn shall be deemed withdrawn, and no further action shall be necessary for completion of the withdrawal; except that such land shall remain obligated for its proportionate share of the district's expenses and debts incurred prior to receipt of said statement.

(b) UPON RECEIPT OF A STATEMENT OF WITHDRAWAL PURSUANT TO PARAGRAPH (a) OF THIS SUBSECTION (9), THE SUPERVISORS SHALL FILE A CERTIFICATE WITH THE COUNTY CLERK AND RECORDER OF THE COUNTY IN WHICH SUCH LAND IS LOCATED THAT DESCRIBES THE LEGAL BOUNDARIES OF THE LAND BEING WITHDRAWN AND STATES SUCH LAND HAS BEEN WITHDRAWN FROM THE DISTRICT. THE OWNER OF THE WITHDRAWN LAND SHALL REIMBURSE TO THE DISTRICT ANY FEE CHARGED FOR RECORDING SUCH CERTIFICATE.

SECTION 5. Effective date. This act shall take effect July 1, 1995.

SECTION 6. Safety clause. The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety.

Approved: April 21, 1995