

The Colorado Soil Conservation Act of 1937  
(below) details the formation  
and powers of conservation districts in the  
State of Colorado.

## SOIL CONSERVATION

### Conservation Districts

#### ARTICLE 70

##### Conservation Districts

**35-70-101. Short title.** This article shall be known and may be cited as the "Colorado Soil Conservation Act".

**Source:** L. 37: p. 1170, § 2. CSA: C. 149A, § 2. L. 41: p. 688, § 1. CRS 53: § 128-1-2. C.R.S. 1963: § 128-1-2.

**35-70-102. Legislative declaration.** The general assembly finds and declares that the state of Colorado, through wind and water erosion and depletion of subsurface water resources, has lost for agricultural and livestock uses approximately six million acres, or one-tenth of the total area of the state; that these losses range from severe damage to complete destruction of the

topsoils of these areas; that these losses have been caused by improper farm and range practices, by increasing the rate of withdrawal from underground water reserves without adequate attention to recharging such reserves, and by failure to conserve to the full the precious rainfall and snowpacks that could help replenish underground water reserves, and that the areas of land thus destroyed will increase until and unless a constructive method of land use providing for the conservation and preservation of natural resources, including adequate underground water reserves, the control of wind and water erosion, and the reduction of damage resulting from floods, is established by law over the entire state. It is to accomplish this purpose and to insure the health, prosperity, and welfare of the state of Colorado and its people that this article is created, and it shall be construed liberally in order that the purposes expressed in this article may be accomplished.

**Source:** L. 37: p. 1169, § 1. CSA: C. 149A, § 1. L. 41: p. 688, § 1. CRS 53: § 128-1-1. L. 55: p. 847, § 1. C.R.S. 1963: § 128-1-1.

**35-70-102.5. Legislative declaration - change of name - continuity of existence. (1)**

The general assembly hereby finds and declares that:

(a) Upon creation in this article, the name "soil conservation district" best reflected the activities of such districts throughout this state;

(b) To better reflect the current activities of the soil conservation districts in this state, each such district should be referred to as a "conservation district"; and

(c) The name of the state board governing all such districts should accordingly be changed from the "soil conservation board" to the "conservation board".

(2) (a) On and after July 1, 2002, the conservation board shall execute, administer, perform, and enforce the rights, powers, duties, functions, and obligations vested in the soil conservation board prior to July 1, 2002, and all employees of the soil conservation board shall be transferred to the conservation board and shall become employees thereof. Such employees shall retain all rights to the state personnel system and retirement benefits under the laws of this state, and their services shall be deemed to have been continuous. All transfers and any abolishment of positions in the state personnel system shall be made and processed in accordance with state personnel system laws and rules and regulations.

(b) On July 1, 2002, all items of property, real and personal, including office furniture and fixtures, books, documents, and records of the soil conservation board are transferred to the conservation board and shall become the property thereof.

(c) Whenever the soil conservation board is referred to or designated by any contract or other document, such reference or designation shall be deemed to apply to the conservation board. All contracts entered into by the soil conservation board prior to July 1, 2002, are hereby validated, with the conservation board succeeding to all the rights and obligations of such contracts. Any appropriations of funds from prior fiscal years open to satisfy obligations incurred under such contracts are hereby transferred and appropriated to the conservation board for the payment of such obligations.

(d) Each soil conservation district duly organized pursuant to this article prior to July 1, 2002, is hereby recognized as a duly organized conservation district, and its existence shall be deemed to have been continuous. Whenever a soil conservation district is referred to or designated by any contract or other document, such reference or designation shall be deemed to

apply to the conservation district. All contracts entered into by such soil conservation district prior to July 1, 2002, are hereby validated, with the conservation district succeeding to all the rights and obligations of such contracts.

(3) On and after July 1, 2002, when any provision of the Colorado Revised Statutes refers to the soil conservation board or to a soil conservation district, said law shall be construed as referring to the conservation board or to a conservation district, respectively. The revisor of statutes is authorized to change all references in the Colorado Revised Statutes to the soil conservation board and to soil conservation districts to refer to the conservation board and conservation districts.

**Source: L. 2002:** Entire section added, p. 512, § 1, effective July 1.

**35-70-103. State conservation board - composition - powers.** (1) (a) There is hereby created in the department of agriculture the state conservation board, referred to in this article as the "state board", which shall consist of nine members. One member shall be a qualified elector of the state appointed by the governor from the state at large for a term commencing January 1, 1974. The remaining eight positions on the state board shall be filled by elections held within the areas described in this section. The boards of supervisors of local conservation districts within each such area shall elect the number of members specified in this subsection (1) between November 1 and December 31 in 1973 for terms commencing January 1, 1974, and within such dates in succeeding years as necessary to fill expiring terms. A candidate shall be or shall have been an elected supervisor of a local conservation district. The number of members to be elected and the areas from which they are to be elected are as follows:

- (I) The White-Yampa and North Platte river watersheds, one member;
- (II) The San Juan basin, one member;
- (III) The Arkansas river watershed, two members, one from the upper Arkansas river watershed and one member from the lower Arkansas river watershed;
- (IV) The Rio Grande watershed, one member;
- (V) The Republican and South Platte river watersheds, two members, one from the upper South Platte river watershed and one member from the Republican river and lower South Platte river watersheds;
- (VI) The Colorado, Gunnison, and Dolores river watersheds, one member.

(b) The state board created in paragraph (a) of this subsection (1) shall, on and after July 1, 2000, execute, administer, perform, and enforce the rights, powers, duties, functions, and obligations vested in the former state board in the department of natural resources. On July 1, 2000, all employees of the former state board whose principal duties are concerned with the duties and functions transferred to the state board created in paragraph (a) of this subsection (1) and whose employment in the former state board is deemed necessary by the commissioner of agriculture to carry out the purposes of this article shall be transferred to the state board created in paragraph (a) of this subsection (1) and shall become employees thereof. Such employees shall retain all rights to the state personnel system and retirement benefits under the laws of this state, and their services shall be deemed to have been continuous. All transfers and any abolishment of positions in the state personnel system shall be made and processed in accordance with state personnel system laws and rules.

(c) On July 1, 2000, all items of property, real and personal, including office furniture and fixtures, books, documents, and records of the former state board in the department of natural resources pertaining to the duties and functions transferred to the state board in the department of agriculture shall become the property of the state board created in paragraph (a) of this subsection (1).

(d) All contracts entered into by the former state board prior to July 1, 2000, in connection with the duties and functions transferred to the state board, created in paragraph (a) of this subsection (1), are hereby validated. Any appropriations of moneys for the fiscal year beginning July 1, 2000, and from prior fiscal years open to satisfy obligations incurred under such contracts are hereby transferred and appropriated to the state board created in paragraph (a) of this subsection (1) for the payment of such obligations.

(e) All rules, regulations, rates, orders, agreements, and awards of the state board lawfully adopted prior to July 1, 2000, shall continue to be effective until revised, amended, repealed, or nullified pursuant to law.

(2) At the first regular meeting of the state board in 1974, the nine elected and appointed members of the state board shall by lot determine which three shall hold office for terms of three years, which three for terms of two years, and which three for terms of one year. Thereafter, all such elected and appointed members shall hold office for terms of four years.

(3) (a) Any vacancies occurring in the elective positions on the state board shall be filled by the board by the appointment of a person who would be qualified to stand for election for the board and who is from the same area in which the vacancy occurred, and such appointee shall hold office until the expiration of the term of the office to which he was appointed.

(b) The director of extension work, the director of the state experiment station, the commissioner of agriculture, and the executive director of the department of natural resources shall serve in an advisory capacity to the state board at its request.

(4) Members of the state board shall serve without pay except for their actual traveling and living expenses while on official business of the state board.

(5) The state board has the following powers and duties:

(a) To promote and assist in the organization of conservation districts in any section of the state where erosion damage exists or is threatened;

(b) To accept petitions for the organization of conservation districts and to examine such petitions, determine their sufficiency, and find whether, in its judgment, the organization of such districts is required for the preservation of the health, prosperity, and welfare of the state of Colorado and its people. If, in the opinion of the state board, it is for the best interests of the state that such districts be organized, it shall proceed to hold a hearing and call an election of the landowners within such proposed district, as provided in section 35-70-105.

(c) To prepare and present to the qualified voters uniform bylaws for the conduct of the business of such districts; but, before such bylaws become effective as to any district, they shall first be approved by the qualified voters within each district. Any bylaws so presented and approved shall be consistent with all the provisions of this article.

(d) To act in an advisory capacity with the board of supervisors of each district and to coordinate the programs of all conservation districts;

(e) To act as the state board of appeals;

(f) To prepare a uniform and adequate system of accounting for districts, which may be adopted and used by all districts within the state;

(g) To administer and disburse any funds that may be made available to the state board for the purpose of assisting conservation districts in the conservation of soil and water resources of the state of Colorado and to defray expenses of the state board and its duly appointed or employed agents in carrying out the provisions of this article;

(h) To loan money to conservation districts to assist such districts in furthering the purposes of this article, such loans to be in such amounts and for such terms as the state board may prescribe by rule in order to fully protect the funds and interest of the state board.

(6) In addition to the powers and duties granted to the state board in other sections of this article, the board has the following powers and duties:

(a) To undertake studies of watershed planning and to undertake development of watershed flood prevention and underground water storage projects, both on its own initiative and in response to requests submitted to the board by one or more soil or water conservation districts, flood prevention or control districts, boards of county commissioners, municipalities, drainage or irrigation districts, or other legally constituted bodies having authority under state law to carry out, maintain, and operate the works of improvement;

(b) To hold public hearings at any point within or without each proposed watershed for the purpose of determining the extent of public interest, the degree of anticipated cooperation, and any other data and information needed by the state board in making decisions as to each project;

(c) To plan, in cooperation with the United States government or any of its agencies, the state of Colorado or any of its political subdivisions, and private individuals or corporations, conservation districts, and others, watershed improvement, underground water storage and flood prevention projects, conservation and erosion control practices, and other projects not inconsistent with this article;

(d) Within the limits of available funds, to administer, direct, and operate such watershed improvement, underground water storage and flood prevention projects, conservation and erosion control projects, and other similar activities;

(e) To administer and expend funds made available to the state board by the United States government or any of its agencies or by the state of Colorado or any of its political subdivisions or funds derived from any other source for the purpose of planning, developing, and putting into operation practices and projects undertaken in accordance with this subsection (6);

(f) To obtain options upon and to acquire, or acquire control of, by purchase, exchange, lease, gift, grant, bequest, devise, or otherwise, any property, real or personal, or rights or interests therein; to maintain, administer, and improve any properties acquired, to receive income from such properties, and to expend such income in carrying out the purposes and provisions of this article; and to sell, lease, or otherwise dispose of any of its property or interests therein in furtherance of the purposes and provisions of this article;

(g) To erect suitable structures and maintain any facilities, so as to arrest or prevent the erosion of soils or lands, to improve the watershed and prevent floods, and to increase underground water reserves, with due consideration to established water rights;

(h) To accept grants, services, and materials and to borrow money from the United States or from any corporation or agency created or designed by the United States to lend or grant money, or from the state of Colorado or any of its subdivisions, or from any other source; but in no event shall the state board pledge the faith or credit of the state of Colorado or any

county or other political subdivision. In connection with such grants or loans, it may enter into such agreements or contracts as may be required for such purposes.

(i) To report annually at such times and on such matters as the commissioner of agriculture may require. Publications circulated in quantity outside the executive branch are subject to the approval and control of the commissioner of agriculture.

(j) To place any funds it receives pursuant to paragraph (e) of this subsection (6) into a trust and to administer and expend any moneys in such trust.

**Source:** **L. 37:** p. 1170, § 3. **CSA:** C. 149A, § 3. **L. 41:** p. 689, § 1. **L. 45:** p. 624, § 1. **L. 49:** p. 663, § 1. **CRS 53:** § 128-1-3. **L. 55:** p. 848, § 2. **L. 59:** p. 709, § 1. **C.R.S. 1963:** § 128-1-3. **L. 64:** p. 172, § 140. **L. 73:** p. 1353, § 1. **L. 77:** (5)(e) amended, p. 289, § 68, effective June 29. **L. 82:** (1)(c) and (1)(e) amended and (6)(j) added, p. 527, §§ 1, 2, effective January 1, 1983. **L. 2000:** (1) and (6)(i) amended, p. 558, § 8, effective July 1. **L. 2002:** IP(1)(a), (5)(a), (5)(d), (5)(g), (5)(h), and (6)(c) amended, pp. 515, 519, §§ 8, 17, effective July 1. **L. 2011:** (2) amended, (HB 11-1040), ch. 47, p. 123, § 1, effective August 10.

**35-70-104. Petition for organization of district - qualified electors.** (1) Proceedings to determine whether or not a conservation district shall be organized shall be instituted by a petition addressed to the state board and signed by not less than twenty-five percent of the owners of land within the district and who own not less than half of the area to be included within the proposed district. A determination after hearing by the state board that the requisite number of landowners have signed such petition and that such petition has been signed by landowners who own not less than half of the area to be included within the proposed district shall be final and conclusive unless objection is made to the sufficiency of such petition and appeal is taken from the determination of the board.

(2) The petition shall include:

- (a) The name of the proposed district;
- (b) Two maps or plats showing the boundaries of the proposed district;
- (c) Narrative statement giving the legal description of the area to be included within the proposed district by legal subdivisions or by metes and bounds;
- (d) Brief statements of the character of the lands within the boundaries of the proposed district and the need for the establishment of such district.

(3) Every person who is a qualified elector of this state and who owns land within the proposed or existing district is entitled to vote at any election of a proposed or existing district on any matter concerning the organization, operation, consolidation, or dissolution of such district.

(4) (a) (I) A "qualified voter" or "qualified elector", as referred to in this article, means any 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.

**Source:** L. 37: p. 1171, § 4. CSA: C. 149A, § 4. L. 41: p. 689, § 1. L. 45: p. 624, § 2. L. 49: p. 665, § 2. CRS 53: § 128-1-4. C.R.S. 1963: § 128-1-4. L. 73: p. 1354, § 2. L. 82: Entire section R&RE, p. 528, § 3, effective January 1, 1983. L. 95: (4) amended, p. 306, § 1, effective July 1. L. 2002: (1) amended, p. 519, § 18, effective July 1.

**35-70-104.1. Mobile home ownership - elections and petitions.** Notwithstanding any other provision of this article 70 to the contrary, for all elections and petitions that require ownership of real property or land, the ownership of a mobile home as defined in section 5-1-301 (29) or 38-12-201.5 (5), or a manufactured home as defined in section 42-1-102 (106)(b), is sufficient to qualify as ownership of real property or land for the purpose of voting rights and petitions.

**Source:** L. 82: Entire section added, p. 546, § 7, effective January 1, 1983. L. 94: Entire section amended, p. 706, § 11, effective April 19; entire section amended, p. 2567, § 82, effective January 1, 1995. L. 2001: Entire section amended, p. 1276, § 44, effective June 5. L. 2020: Entire section amended, (HB 20-1196), ch. 195, p. 927, § 19, effective June 30.

**Editor's note:** Amendments to this section by Senate Bill 94-092 and Senate Bill 94-001 were harmonized.

**35-70-105. Hearing on petition - election.** (1) Within sixty days after it receives a petition, the state board shall cause notice by publication to be made of the pendency of the petition. Such notice shall state:

(a) That a petition has been filed for the organization of a conservation district and the name of the proposed district;

(b) The date (not less than twenty days from the date of such notice), hour, and place that a hearing will be had to determine the sufficiency of the petition and the necessity and advisability of the formation of the proposed district;

(c) That said petition, map, or plat of the proposed district and related material are on file and may be seen and examined by any interested person at the office of the county clerk and recorder of each county in which the proposed district is located and the office of the state board or other designated place within the period between the date of the notice and the date of the hearing;

(d) That anytime after the filing of the petition for the organization of a conservation district, but no later than five days before the day fixed for the hearing thereon, the owner of any real property within the proposed district may file a petition with the state board stating reasons why said property should not be included therein and requesting that said real property be excluded therefrom. Such petition shall be duly verified and shall describe the property sought to be excluded. The state board shall hear said petition and all objections thereto at the time of the hearing on the petition for organization and shall determine whether, in the best public interest, said property should be excluded or included in the proposed district.

(2) If on hearing, in the opinion of the state board, the petition or map or plat is insufficient, the papers shall be returned to the petitioners for amendment. If, in the opinion of the state board, the organization of the district is not required for the preservation of the health, prosperity, and welfare of the state of Colorado and its people, it shall so advise the petitioners, and the district shall not be organized, but subsequent petitions covering the same or substantially the same territory may be filed after six months have expired from the date of denial of any such petition, and new hearings shall be held and determinations made thereon.

(3) If it appears upon hearing that it may be desirable to include within the proposed district territory outside of the area within which due notice has been given or to exclude territory within the district as proposed by the petition, the state board shall determine and define by metes and bounds or by legal subdivisions the boundaries of the proposed district, making such inclusions and exclusions as may be determined desirable. The proposal to include territory within which due notice has not been given shall be considered only at an adjourned hearing to be held after due notice thereof has been given throughout the entire area considered for inclusion in the district and such adjourned hearing held.

(4) If, following the hearing, it is the opinion of the state board that the petition and accompanying map or plat are sufficient and it appears that the organization of the proposed district is feasible and practicable and is required for the preservation of the health, prosperity, and welfare of the state of Colorado and its people, the state board shall make and record such determination.

(5) (a) If it is determined that the petition and the map or plat are sufficient and the proposed district is necessary, the state board shall call an election. The state board shall select the date, time, and place for the holding of the election, such date to be not less than twenty days nor more than forty days from the time the state board's determination becomes final.

(b) The state board shall give notice by publication of the date, time, and place of such election, together with a statement of the matters which will be considered at the election. This notice shall also describe the outer boundaries of the proposed district and any exclusions of land within such boundaries, state that the qualifications of voters shall be as described in section 35-70-104 (3), state that the petition is on file at the office of the county clerk and recorder, and state the procedures for nominating supervisors and the place where absent voters' ballots can be obtained. Such publication shall be made not less than ten days nor more than thirty days before the date of such election.

(c) At such election the qualified voter shall vote for or against the organization of the conservation district.

(d) The state board shall conduct the proceedings of the election provided for in this subsection (5) and shall be the judge of all matters in connection therewith. It has the authority to appoint one or more of its own members or other proper persons to act for it and in its stead in such matters. After the organizational election, all subsequent elections and administrative actions concerning the operation of the district, except as otherwise provided in this article, shall be conducted as provided in the local district's bylaws.

(e) (I) If the canvass of votes at any organization election discloses that one-half or more of the votes cast are against organization of the district, the result of the election shall be recorded in the minutes of the state board, and the proposal shall be dismissed. If the canvass discloses that more than one-half of the votes cast are for the organization of the district, the



result shall be recorded in the minutes of the state board, and the board shall proceed as provided in section 35-70-106.

(II) The candidates, according to the number of supervisors to be elected, receiving the most votes cast shall be elected. The supervisors elected shall take an oath or affirmation in accordance with section 24-12-101 and, if required by the state or local board, file a bond in the same manner as specified in section 32-1-901. Failure to take an oath or affirmation in accordance with section 24-12-101 or to furnish a bond, if required, except for good cause shown, shall create a vacancy in the office, and the vacancy shall be filled by the next candidate receiving the highest number of votes in the case of a new district or by the remaining supervisors as specified in section 35-70-107 (4).

(6) For the purposes of this section, "publication" means printing, once a week for two consecutive weeks, by two publications in one newspaper of general circulation in the proposed conservation district if there is such a newspaper, and, if not, then in a newspaper in the county in which the proposed conservation district is located. It is not necessary that publication be made on the same day of each week.

(7) (a) Except as may be otherwise provided in this article, the state board and each local district board of supervisors in the conduct of all elections shall follow, as much as practicable, the election procedures set forth in part 8 of article 1 of title 32, C.R.S.

(b) Whenever reference is made to the secretary or board of a special district, it shall be deemed to mean the secretary or board of supervisors of the local district or state board, as applicable.

**Source:** L. 37: p. 1172, § 5. CSA: C. 149A, § 5. L. 41: p. 691, § 1. L. 45: p. 627, § 3. L. 49: p. 667, § 3. CRS 53: § 128-1-5. L. 55: p. 849, § 3. C.R.S. 1963: § 128-1-5. L. 65: p. 1058, § 1. L. 82: (1) and (5) to (7) R&RE, p. 528, § 4, effective January 1, 1983. L. 95: (7)(a) amended, p. 1108, § 52, effective May 31. L. 96: (7)(a) amended, p. 1476, § 39, effective June 1. L. 2002: (1)(a), (1)(d), (5)(c), and (6) amended, p. 520, § 19, effective July 1. L. 2018: (5)(e)(II) amended, (HB 18-1138), ch. 88, p. 700, § 32, effective August 8.

**Cross references:** For the legislative declaration in HB 18-1138, see section 1 of chapter 88, Session Laws of Colorado 2018.

**35-70-106. Creation of district - certification.** Within sixty days after the holding of such election, if more than a majority of the votes cast are for organization of such proposed district, the state board shall certify to the division of local government in the department of local affairs a statement of such election and the result thereof, together with a map or plat showing the area included within such district. The director of said division shall thereupon execute and deliver to the state board a certificate declaring the area within the boundaries of such district to be a lawful conservation district under its name as shown in the records, and thereafter such district shall be a public body corporate and a political subdivision of the state of Colorado and shall have all the powers and duties imposed upon such districts under the provisions of this article. Because the district is a political subdivision of the state, the property of such district, both real and personal, shall be exempt from taxation pursuant to section 4 of article X of the state constitution.

**Source: L. 37:** p. 1176, § 6. **CSA:** C. 149A, § 6. **L. 41:** p. 694, § 1. **L. 49:** p. 672, § 4. **CRS 53:** § 128-1-6. **C.R.S. 1963:** § 128-1-6. **L. 73:** p. 1354, § 3. **L. 76:** Entire section amended, p. 604, § 25, effective July 1. **L. 82:** Entire section amended, p. 530, § 5, effective January 1, 1983. **L. 2002:** Entire section amended, p. 520, § 20, effective July 1. **L. 2007:** Entire section amended, p. 826, § 1, effective May 14.

**35-70-107. Board of supervisors - election - term.** (1) (a) (I) The governing body of the district shall consist of a board of 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. 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 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.

(2) The business of the district shall be transacted by the supervisors as provided in this article and in the district's bylaws. All special and regular meetings of the board of supervisors shall be held at locations which are within the boundaries of the district or which are within the boundaries of any county in which the district is located, in whole or in part, or in any county so long as the meeting location does not exceed twenty miles from the district boundaries. The provisions of this subsection (2) governing the location of meetings may be waived only if the following criteria are met:

(a) The proposed change of location of a meeting of the board appears on the agenda of a regular or special meeting of the board; and

(b) A resolution is adopted by the board stating the reason for which a meeting of the board is to be held in a location other than under the provisions of this subsection (2) and further stating the date, time, and place of such meeting.

(3) Members of the board of supervisors shall be entitled to travel and other expenses necessarily incurred in the discharge of their duties, such reimbursement to be payable only from the income of the district. No supervisor shall be personally liable for the consequences of his official acts; nor shall he receive, by virtue of his office, any benefits from the conduct of the affairs of the district other than the benefits any landowner may be entitled to receive from the operation of the district.

(4) If a vacancy occurs on the board of supervisors, the remaining supervisors shall appoint a successor for the remainder of the term of the seat vacated. In the event any supervisor ceases to be a qualified voter of and landowner in the district or the corporation which he

represents ceases to be an owner of lands within the district, the supervisors shall thereupon declare a vacancy and proceed to appoint a successor.

**Source:** L. 37: p. 1177, § 7. **CSA:** C. 149A, § 7. **L. 41:** p. 695, § 1. **L. 49:** p. 672, § 5. **CRS 53:** § 128-1-7. **C.R.S. 1963:** § 128-1-7. **L. 82:** Entire section R&RE, p. 530, § 6, effective January 1, 1983. **L. 84:** (1)(a) amended, p. 948, § 1, effective April 5. **L. 90:** (2) amended, p. 1500, § 12, effective July 1. **L. 95:** (1) amended, p. 306, § 2, effective July 1.

**35-70-108. Powers and duties of districts.** (1) A conservation district, in the exercise of its public powers, has the following powers and duties in addition to others granted in this article, which powers and duties may be exercised by the supervisors subject to the rules, regulations, and bylaws adopted by such district and to the direction of the qualified voters at any regular or regularly called special meeting of the district:

(a) To conduct surveys, investigations, and research relating to the character of soil conservation and the preventive and control measures needed. In order to avoid duplication of research activities, such work, where possible, shall be conducted in cooperation with the government of this state or any of its agencies or with the United States or any of its agencies.

(b) To conduct demonstrational projects within the district on lands owned or controlled by the United States or the state of Colorado or any of their agencies, with the consent of the agency administering and having jurisdiction thereof, and on any privately owned lands within the district, upon obtaining the consent of the owner of such lands;

(c) To erect structures and maintain any facilities to arrest or prevent the erosion of soils or lands within such district by reason of wind or water or from any other cause;

(d) To cooperate or enter into agreements with and, within the limit of its available funds, to furnish financial or other aid to any agency, governmental or otherwise, or any owner or occupant of lands within the district in the carrying on of erosion control, flood control, and water conservation practices within the district, subject to such conditions as the supervisors may deem necessary to advance the purpose of this article;

(e) To obtain options upon and to acquire or acquire control of, by purchase, exchange, lease, gift, grant, bequest, devise, or otherwise, any property, real or personal, or rights or interests therein; to acquire real property or any interest therein by eminent domain under the provisions of articles 1 to 7 of title 38, C.R.S., for projects designed exclusively for flood control, or sediment control, or both, as authorized under Public Law 566, enacted by the eighty-third congress (1954), but such power of eminent domain shall not be exercised by any district unless and until not less than two-thirds of the resident landowners owning at least fifty percent of the privately owned lands within the watershed area, as established by the watershed work plan map, shall, by petition filed with the supervisors of the district, approve the exercise of such power for any specified project; to maintain, administer, and improve any properties acquired, to receive income from such properties, and to expend such income in carrying out the purposes of this article; and to sell, lease, or otherwise dispose of any of its property or interests therein in furtherance of the purposes of this article;

(f) To make available to landowners and occupants within the district, on such terms as it shall prescribe, agricultural and engineering machinery and equipment, fertilizer, seeds and seedlings, and such other material or equipment as will assist such landowners or occupants to

carry on operations upon their lands for the conservation of soil or water resources and for the prevention and control of soil erosion and floods;

(g) Repealed.

(h) To accept grants, services, and materials and to borrow money from the United States or from any corporation or agency created or designed by the United States to loan or grant money, or from the state of Colorado or any of its subdivisions, or from any other source, but in no event shall such district pledge the faith or credit of the state of Colorado or any county or other political subdivision, except that of such district. In connection with such grants or loans, it may enter into such agreements or contracts as may be required for such purposes.

(i) To take over, by purchase, lease, or otherwise, and to administer any soil conservation, erosion control, or erosion prevention project located within its boundaries undertaken by the United States or any of its agencies, or by this state or any of its agencies; to manage, as agent of the United States or any of its agencies or of this state or any of its agencies, any soil conservation, erosion control, or erosion prevention project within its boundaries; and to act as agent for the United States or any of its agencies or for this state or any of its agencies in connection with the acquisition, construction, operation, or administration of any soil conservation, erosion control, or erosion prevention project within its boundaries;

(j) To sue and be sued in the name of the district; to have a seal which shall be judicially noticed; to have perpetual succession unless terminated as provided in this article; to make and execute contracts and other instruments necessary or convenient to the exercise of its powers; to make, and from time to time amend and repeal, rules and regulations, not inconsistent with this article, to carry into effect its purposes and powers;

(k) To prepare a plan for the care, treatment, and operation of the lands within the district. This plan may be known as the district program and plan of work and shall establish in general its objectives and serve as a guide for carrying out its work to attain its objectives. This plan, from time to time, may be amended to meet the needs of the district.

(l) To cause annual audits to be made in accordance with the "Colorado Local Government Audit Law";

(m) To make contributions of information, data, statistics, funds, or other contributions valuable in the furtherance of land conservation to any state association or other organization representing the interests of conservation districts in the state in the accomplishment of that purpose;

(n) To sponsor, plan, construct, maintain, and operate flood prevention and watershed improvement projects for the development, conservation, control, and utilization of water resources and, in so doing, to have and exercise all of the authority and power otherwise granted in this article;

(o) To participate in the formulation and implementation of nonpoint source water pollution control programs related to agricultural practices in order to implement programs required or authorized under federal law and section 25-8-205 (5), C.R.S., enter into contracts and agreements, accept funds from any federal, state, or private sources, receive grants or loans, participate in education and demonstration programs, construct, operate, maintain, or replace facilities, and perform such other activities and adopt such rules and policies as the board deems necessary or desirable in connection with nonpoint source water pollution control programs related to agricultural practices.

**Source:** L. 37: p. 1178, § 8. CSA: C. 149A, § 8. L. 39: p. 549, § 1. L. 41: p. 696, § 1. L. 45: p. 632, § 4. L. 49: p. 673, § 6. CRS 53: § 128-1-8. L. 57: p. 760, § 1. C.R.S. 1963: § 128-1-8. L. 67: p. 305, § 1. L. 71: p. 1191, § 1. L. 82: (1)(g) repealed, p. 537, § 15, effective January 1, 1983. L. 88: (1)(o) added, p. 1023, § 2, effective April 6. L. 2002: IP(1) and (1)(m) amended, p. 520, § 21, effective July 1.

**Cross references:** For Public Law 566, see U.S. Code Congressional and Administrative News, 83rd Congress, 2d Session, Vol. 1, pg. 769, 68 Stat. 666; for the "Colorado Local Government Audit Law", see part 6 of article 1 of title 29.

### **35-70-109. Assessments - amendments to bylaws.**

(1) Repealed.

(2) If, in the judgment of the qualified voters of a district or the supervisors, a tax levy or assessment is essential to accomplish the purposes of the district as set forth in this article, the levy may be assessed as follows:

(a) The supervisors shall prepare a budget and distribute the amount thereof over the lands within the district in accordance with the valuation for assessment, but in no event shall the assessment on real property be in excess of one-half of one mill. Such tax levy or assessment shall be for the general purposes of the district and not for special purposes as provided for in paragraph (d) of this subsection (2).

(b) Prior to setting a date for an election as provided in paragraph (c) of this subsection (2), the supervisors shall hold a public hearing concerning the imposition of a tax levy or assessment. Thereafter, if the board of supervisors decides to proceed with an election, it shall give notice by publication, as provided in section 35-70-105 (6), setting forth the date of the election, the rate or amount of such levy or assessment, a statement as to why such levy or assessment is necessary, and other information concerning the holding of the election.

(c) No tax levy or assessment shall be imposed within a district unless it is first submitted to the qualified electors of the district and approved by a majority of the votes cast. Any such election shall be conducted as provided in section 35-70-105 (7). Any increase in the tax levy or assessment, if the existing levy or assessment does not equal the one-half mill maximum, shall also be proposed and approved at an election in the same manner as provided in this paragraph (c). An existing tax levy or assessment may be continued from year to year or decreased as determined by the board of supervisors and approved by the state board.

(d) If, in the judgment of the qualified voters of a portion of a district or in the judgment of the supervisors, a tax levy or assessment is required for special purposes on real property in said portion of a district for the installation, maintenance, and operation of flood prevention and watershed improvement measures and practices, an assessment or tax levy, in addition to any levy assessed pursuant to paragraph (a) of this subsection (2), for such portion of the district may be levied on real property as provided for in this subsection (2), but only the qualified voters owning lands within the aforesaid delineated parts of the district may vote upon the question as to whether or not such levy or assessment shall be imposed. Such tax levy or assessment for special purposes shall be administered in the same manner as set forth in paragraph (a) of this subsection (2) and, when combined with any other levy of the district pursuant to this article, shall be subject to the same one-half mill levy limit set forth in said paragraph (a).

(3) The bylaws of any conservation district may be altered, amended, or repealed or have 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.

**Source:** L. 37: p. 1182, § 9. **CSA:** C. 149A, § 9. **L. 41:** p. 699, § 1. **L. 45:** p. 632, § 5. **CRS 53:** § 128-1-9. **L. 55:** p. 849, § 4. **L. 57:** p. 761, § 1. **C.R.S. 1963:** § 128-1-9. **L. 82:** (1) repealed, (2) R&RE, and (3) amended, pp. 537, 531, 532, §§ 15, 7, 8, effective January 1, 1983. **L. 95:** (3) amended, p. 307, § 3, effective July 1. **L. 2002:** (3) amended, p. 521, § 22, effective July 1.

**35-70-110. Appeals to state board.** (1) If the owner of any lands within the district desires, he may appeal from any decision of the supervisors to the state board. To establish such an appeal, he must submit his appeal in writing to the state board within thirty days after the date of the action of the supervisors from which the appeal was taken. The notice of appeal shall state the particular part of the decision of the supervisors from which an appeal is being taken, if less than the entire decision is being appealed from, and shall state in simple and concise language the reasons why the owner considers the decision to be improper.

(2) Within twenty days following the receipt of such written appeal, the state board shall notify, in writing by registered mail, the person making such appeal and the local board of supervisors of the time and place it will hear the appeal. Such hearings shall be held not less than ten days nor more than a period spanning two consecutive meetings of the state board following the mailing of the notice.

(3) At the time and place set forth in the written notice for such meeting, the state board shall hear any persons in interest who desire to be heard in favor of or against the order as finally entered by the supervisors and shall make its decision thereon, which shall be entered in the minutes of the state board.

(4) and (5) Repealed.

(6) No action shall lie in any court of law to set aside or alter the final decision of the state board unless the petitioner or plaintiff therein alleges and shows to the court that the supervisors, in the rules or decision complained of, were guilty of gross carelessness or abuse of discretion, nor shall any action be maintained in such behalf unless the petitioner or plaintiff therein alleges and shows to the court that he has exhausted all rights of appeal provided in this section.

**Source:** L. 37: p. 1184, § 10. CSA: C. 149A, § 10. L. 41: p. 700, § 1. L. 45: p. 634, § 6. CRS 53: § 128-1-10. C.R.S. 1963: § 128-1-10. L. 82: (1) to (3) amended and (4) and (5) repealed, pp. 532, 537, §§ 9, 15, effective January 1, 1983.

**35-70-111. Certify assessments or tax.** If an assessment or tax has been voted as provided in section 35-70-109 (2), the supervisors shall, in accordance with the schedule prescribed by 39-5-128, C.R.S., certify to the board of county commissioners of the county in which any tract or parcel of land within the district may lie the amount of assessment or tax to be levied against such land as shown by the distribution of the budget of the district. Such assessment or tax shall be added to all other taxes levied or assessed against such land and shall be collected as are other property taxes. Assessments or taxes against any lands owned by the United States or the state of Colorado or any agency of either shall not be certified to the county commissioners as provided in this section, but such assessments or taxes shall be collected in accordance with agreements to be entered into by the supervisors and the public owner or agency controlling such lands.

**Source:** L. 37: p. 1185, § 11. CSA: C. 149A, § 11. L. 41: p. 701, § 1. L. 45: p. 636, § 7. CRS 53: § 128-1-11. C.R.S. 1963: § 128-1-11. L. 87: Entire section amended, p. 1408, § 6, effective April 22.

**35-70-112. Failure to observe ordinances. (Repealed)**

**Source:** L. 37: p. 1186, § 12. CSA: C. 149A, § 12. L. 41: p. 701, § 1. L. 45: p. 636, § 8. CRS 53: § 128-1-12. C.R.S. 1963: § 128-1-12. L. 82: Entire section repealed, p. 537, § 15, effective January 1, 1983.

**35-70-113. Boards of appeals. (Repealed)**

**Source:** L. 37: p. 1187, § 13. CSA: C. 149A, § 13. L. 41: p. 702, § 1. CRS 53: § 128-1-13. C.R.S. 1963: § 128-1-13. L. 73: p. 1355, §§ 4, 7. L. 82: Entire section repealed, p. 537, § 15, effective January 1, 1983.

**35-70-114. Land use ordinances - violations. (Repealed)**

**Source:** L. 37: p. 1188, § 14. CSA: C. 149A, § 14. L. 41: p. 703, § 1. L. 45: p. 637, § 9. CRS 53: § 128-1-14. L. 61: p. 763, § 1. C.R.S. 1963: § 128-1-14. L. 82: Entire section repealed, p. 537, § 15, effective January 1, 1983.

**35-70-115. Additions and withdrawals.** (1) (a) If any owner of lands adjoining or in the immediate vicinity of the boundary of an established conservation district desires to have his or her lands included within the district, the owner may petition the supervisors of the district, stating the legal description of the lands affected and the reasons why it is desired to have such lands included within the district and shall accompany the petition with two maps showing the outer boundaries of the lands petitioned to be included within the district.

(b) If the supervisors find that all of the owners of the lands within such proposed addition have signed the petition and if they approve the addition of such lands to the district, they shall notify the owners of such lands, in writing, of the fact that their lands are included in the district and are entitled to the services and subject to the authority of the district. The supervisors shall cause to be filed with the county clerk and recorder of the county in which any of such land may be located a certificate describing the legal boundaries of the land and stating that such land has been added to and included within such district, and the owner of such land shall pay to the district the cost of recording such certificate.

(c) When, in the opinion of the supervisors, there is public land owned by the United States government that, by reason of its topography, drainage, and other factors, should be included in the conservation district, the supervisors may file with the clerk and recorder of the county in which the land is situated a notice of inclusion of said land in the conservation district. A copy of said notice shall be served personally or by registered mail, return receipt requested, upon the head of the agency controlling said land, and, at the discretion of the board, information copies may be provided to local agency officials. Said notice shall describe the land to be included within the district and shall further state that said land shall, on the sixtieth day after personal service or delivery of said notice by registered mail, be deemed to be within the district until and unless the controlling agency files a statement with the county clerk and recorder withdrawing said land from the conservation district.

(d) All costs for including any such area within a conservation district shall be paid by the district, and no assessment of any sort shall be made against said land at any time on account of its inclusion within said district.

(2) In the event five or more owners of land adjoining or in the immediate vicinity of the boundary of an established conservation district desire to have their own and neighboring lands added to and included within such district, they shall first secure the written consent of the supervisors of such district and may then petition the state board substantially in the form and with the supporting data required by section 35-70-104, and thereafter the state board shall proceed as to the owners of land within the proposed addition substantially as provided in section 35-70-105 (5) and (7); except that the sole question to be voted upon at the meeting of the landowners shall be the question of whether or not the lands within the boundaries of the proposed addition to the district shall be so included.

(3) If a majority of the votes cast are against such inclusion, the state board shall record the fact in its minutes, and the election shall adjourn; but, if a majority of the votes cast are in favor of such inclusion, the state board shall note that fact in its minutes and shall certify to the director of the division of local government in the department of local affairs the fact that such additional lands have been included within such district, and the director of said division shall issue his certificate describing the legal boundaries of the lands and stating that such land has been added to and included within the district.

(4) Within thirty days after the date of such certificate, the supervisors of the district shall cause the same to be recorded in the books of the county clerk and recorder of the county in which the lands so added are located in whole or in part. From the date of such certificate, the lands thereby included within the district shall be entitled to the same services and subject to the same authority of the district as are other lands of the district.

(5) If the boundary line common to two adjoining conservation districts divides the land of any owner so that such land lies partially within each of such districts, the owner of such land,



with the written consent of the supervisors of both such districts, may have all of such land included in whichever of the two districts the owner selects and excluded from the other. No land shall be excluded from a district until and unless all lawful taxes and other charges of the district against such land have been paid. The supervisors of the district to which such land shall be transferred shall cause to be recorded in the books of the county clerk and recorder of the county in which the land so transferred lies in whole or in part a certificate of such transfer, together with the legal description of the land so transferred, and shall collect from the owner of such land the cost of recording such certificate.

(6) In all proceedings as to petitions and elections under the provisions of this section, the qualifications of landowners participating therein shall be as described in section 35-70-104.

(7) In the event that any lands included within a district cease to be used for agricultural purposes and are thereafter devoted exclusively to commercial or industrial uses or other uses related to urban development, or are subdivided for residential purposes, or become a part of the area included within an incorporated municipality, such lands may be withdrawn from a conservation district as follows:

(a) to (d) Repealed.

(e) When, in the opinion of the supervisors, lands included in a district cease to be used for agricultural purposes, the supervisors, on their own initiative, may, upon sixty days' written notice to the owner of lands involved, cause such lands to be withdrawn from the district; or the supervisors may, in lieu of such written notice, give notice of such withdrawal by publication, by causing notice of such withdrawal to be published not less than sixty days nor more than ninety days before the date on which the withdrawal of such lands from the district becomes final.

(f) Said notice shall be published in one issue of a newspaper of general circulation published within the district from which such lands are to be withdrawn, and, if there is no such newspaper within said district, one publication in a newspaper of general circulation throughout the state shall be sufficient. Said notice shall also be posted in a conspicuous place in the conservation district office of the district from which such lands are to be withdrawn. The written notice or, if notice is given by publication, both the publication and the posted notice shall state the reasons for the withdrawal and the date on which the withdrawal becomes final and shall describe the lands to be withdrawn with such certainty as to enable a property owner to determine whether his or her property is included in such lands.

(g) and (h) Repealed.

(8) If the supervisors of one or more districts determine that the transfer of lands from one district to one or more other districts will increase the efficiency of the services provided by the districts to the owner of the land that is to be transferred, they shall proceed as follows:

(a) The supervisors of the district from which the land is to be transferred and the supervisors of the district into which the land is to be transferred shall forward their written request to the state board for approval of the transfer.

(b) If it is the opinion of the state board that the requested transfer is in the best interests of the districts involved, the state board shall make and record such determination and give written notices to the districts of its approval.

(9) (a) After a district has been formed and is in operation, the owner of land within the district may have 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.

(10) No land within a conservation district shall be deemed withdrawn from the district until the procedures set forth in subsection (9) of this section have been met.

**Source:** L. 37: p. 1189, § 15. CSA: C. 149A, § 15. L. 41: p. 703, § 1. L. 49: p. 674, § 7. CRS 53: § 128-1-15. L. 55: p. 850, § 5. L. 57: p. 762, § 1. L. 59: p. 710, § 1. L. 61: p. 765, § 1. L. 62: p. 264, § 1. C.R.S. 1963: § 128-1-15. L. 65: p. 1058, § 2. L. 73: p. 1355, §§ 5, 6. L. 76: (3) amended, p. 604, § 26, effective July 1. L. 82: (1)(b), (2), (3), and (4) amended, (10) added, (9) R&RE, and (7)(a) to (7)(d), (7)(g), and (7)(h) repealed, pp. 533, 534, 537, §§ 10, 11, 15, effective January 1, 1983. L. 95: (9) amended, p. 308, § 4, effective July 1. L. 2002: (1)(a), (1)(c), (1)(d), (2), (5), IP(7), (7)(f), and (10) amended, p. 521, § 23, effective July 1.

**35-70-116. County agents.** Any resident county extension agent whose jurisdiction lies wholly or in part in any established conservation district shall be ex officio a member of the board of supervisors of such district in an advisory capacity, but without the right to vote. Any county agent may serve in such capacity in more than one district.

**Source:** L. 37: p. 1189, § 16. CSA: C. 149A, § 16. L. 41: p. 705, § 1. CRS 53: § 128-1-16. C.R.S. 1963: § 128-1-16.

**35-70-117. Counties to cooperate.** The county commissioners of any county in which a conservation district lies in whole or in part shall cooperate with the supervisors of such district in carrying out the purposes of this article, and to that end may use the equipment of the county and persons employed by the county to do such physical work as may be required by the supervisors, and may make a reasonable charge therefor; and, if the county commissioners find that the benefits accruing to the county by reason of the program of a conservation district justify such action, they may make donations to such district of money, services, or the use of equipment.

**Source:** L. 37: p. 1190, § 17. CSA: C. 149A, § 17. L. 41: p. 705, § 1. CRS 53: § 128-1-17. C.R.S. 1963: § 128-1-17. L. 2002: Entire section amended, p. 522, § 24, effective July 1.

**35-70-118. Dissolution - procedure - conservation fund.** (1) No proceeding for the dissolution of a conservation district shall be initiated within five years after the date of the organization of the district. Anytime after the expiration of such five-year period, proceedings to determine whether or not a conservation district shall be dissolved may be instituted by a petition addressed to the state board, which shall be signed by not less than twenty-five percent of the owners of land within the district and approved by a majority of the supervisors of such district.

Such petition shall state the reasons for the dissolution and the proposed disposition of all contracts, assets, and liabilities held or owed by the district and shall request that the state board proceed to hold a hearing and call an election to determine whether or not such district shall be dissolved.

(2) Within sixty days after receipt of such petition, the state board shall give notice by publication, as specified in section 35-70-105 (6), of the filing of such petition; of the date (not less than twenty days after the date of such notice), time, and place when a hearing shall be had to determine the sufficiency of the petition and the advisability of dissolving the district; that all complaints and objections that may be made in writing concerning the sufficiency of the petition and the advisability of the dissolution of the district by the owners of any land within such district will be heard and determined before final action thereon; and that all owners of land within the district shall have the right to attend such hearing and be heard.

(3) (a) On hearing, if, in the opinion of the state board, the petition is insufficient or proper arrangements have not been made for the disposition of the contracts, assets, and liabilities of the district, the papers shall be returned to the petitioners for amendment. If, in the opinion of the state board, the dissolution of the district is not advisable, it shall so inform the petitioners, and the district shall not be dissolved; but subsequent petitions may be filed after six months have expired after the date of denial of such petition and new hearings and determinations made thereon.

(b) If, following the hearing, it is the opinion of the state board that the petition is sufficient and that the dissolution is advisable, the state board shall call an election in the manner provided for in section 35-70-105 (5) and (7), but the only question to be determined at such election shall be whether or not the district shall be dissolved.

(4) (a) If a majority of the votes cast are against dissolution of the district, the district shall continue to exist as though no petition had been filed and no election held. Thereafter, no petitions for dissolution shall be considered by the state board at intervals of less than three years.

(b) If a majority of the votes cast are for dissolution of the district, the state board shall, within sixty days after such election, certify to the division of local government in the department of local affairs a statement of such election and the result thereof. The director of said division thereupon shall execute and issue to the state board a certificate of dissolution, and thereafter the existence of the district shall cease. The state board shall forthwith cause the certificate of dissolution to be recorded in the books of the county clerk and recorder of the county in which such district was located in whole or in part.

(5) (a) Within thirty days after the division of local government has issued a certificate of dissolution, the supervisors shall proceed, as trustees, to sell the assets of the district at public or private sale, whichever may be approved by the state board. After paying any outstanding accounts of the district and the cost of such dissolution and sale, the remainder of the proceeds shall be paid over to the state board and shall be deposited with the state treasurer to the credit of such board in a fund to be known as the conservation fund. Such fund shall be expended by the state board as needed by the organizations of conservation districts and for carrying out the purposes of this article and not otherwise. If at any time after such fund is established there are no conservation districts in existence in the state, the state board shall so notify the controller, and any balance remaining in such fund shall be transferred to the general fund of the state.

(b) All contracts entered into by the district prior to dissolution shall remain in full force and effect until terminated by the terms thereof or by mutual agreement, but, in all such contracts, upon dissolution of such districts, the state board shall be substituted for the supervisors as the district's party to such contracts. The state board has the same right as the supervisors would have had to perform and require performance of such contract, sue and be sued thereon, and modify or terminate such contracts by mutual agreement or as provided in such contracts, but no member of the state board shall be subject to any personal liability therefor.

(c) Such dissolution shall not affect any lien or right of action theretofore held by the district, and the state board shall succeed to all the rights and obligations of the supervisors in such respect. Any funds coming into the hands of each county treasurer in payment of taxes or assessments levied against the lands within the district after dissolution of the district or remaining in such treasurer's hands at the time of such dissolution shall be treated as are other assets of the districts, as provided in this section.

**Source:** L. 37: p. 1190, § 18. CSA: C. 149A, § 18. L. 41: p. 706, § 1. L. 49: p. 675, § 8. CRS 53: § 128-1-18. L. 59: p. 713, § 1. C.R.S. 1963: § 128-1-18. L. 76: (4)(b) and (5)(a) amended, p. 605, § 27, effective July 1. L. 82: (1), (2), (3)(b), and (4) amended, p. 534, § 12, effective January 1, 1983. L. 2002: (1) and (5)(a) amended, p. 523, § 25, effective July 1.

**35-70-119. Consolidation of districts.** (1) Two or more established districts may be consolidated into a single district by the following procedure:

(a) The supervisors of the districts desiring to consolidate, acting upon their own initiative or upon the petitions of a substantial number of the qualified landowners in their districts, may jointly prepare and submit to the state board a request for authority to consolidate. Such request shall be accompanied by maps showing the geographical boundaries and locations of the districts to be consolidated and of the proposed consolidated district. If the state board finds that the proposed consolidation is in the best interests of the districts affected, it shall notify the supervisors of the districts that they have authority to proceed.

(b) Upon receiving such notification to proceed, the supervisors of the districts shall hold a public hearing concerning the proposed consolidation. Thereafter, if the supervisors decide to proceed with the consolidation, each board of supervisors shall request that the state board prepare a notice of election on the proposed consolidation, setting forth the circumstances of the proposed consolidation and the date, time, and place of a special election to be held in each of the districts at which the question of consolidation will be voted upon. The notice shall be published as specified in section 35-70-105 (6), in a newspaper of general circulation in each of the districts not more than thirty days nor less than ten days before the election and posted at several places in each of the districts. The election shall be conducted by the state board as provided in section 35-70-105 (7).

(c) If a majority of the votes cast in each of the districts are against such consolidation, the state board shall dismiss the proceedings, and the district shall proceed as though no such election had been held. If a majority of the votes cast in each of the districts are in favor of consolidation, the board of supervisors of each district shall certify jointly that fact to the state board, which shall in turn certify it to the division of local government in the department of local

affairs. Upon such final certification, the districts so consolidated shall cease to exist as separate districts.

(d) (I) After an election approving a consolidated district, the supervisors of each board of a consolidated district shall constitute the organizational board of the consolidated district, regardless of the number of supervisors. This organizational board shall remain as the board of the consolidated district until such time as the first board of the consolidated district is selected as provided in this paragraph (d).

(II) The organizational board, within six months after the date of the consolidation election, shall select and determine the terms of the supervisors of the first board of the consolidated district. In making such determination, the organizational board shall fix the terms of the first board as follows: The terms of two directors of the first board having the fewest years to serve on the board to which they were originally elected shall expire at the first election after the consolidation, and the terms of the remaining three directors having the greatest number of years to serve on the board to which they were originally elected shall expire at the second election. If the terms of the supervisors so selected to the first board of the consolidated district expire on the same date, the terms of such supervisors shall be determined by the organizational board. Such terms shall be determined, however, so that the terms of three supervisors of the consolidated 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 consolidated district shall expire at the time that the terms of the remaining two supervisors of existing districts shall expire. Thereafter, each supervisor in office shall be elected for a four-year term.

(III) The members of the organizational board of the consolidated district not selected to act as the members of the first board of the consolidated district may act, however, as advisory members to the first board until such time as the terms of office for which they were originally elected would have expired. Advisory members may be compensated equally with compensation paid to the board of the consolidated district for each meeting attended. Advisory board members may not act as officers of nor bind the consolidated district and shall have no vote on any matters before the board of the consolidated district, but they may be employed by the board of the consolidated district in any capacity.

(e) A consolidated district has all of the rights, powers, and authority of each of the conservation districts consolidated. After consolidation the district may consolidate with any other conservation districts, and all actions and proceedings of the consolidated district shall be done without regard to the fact of consolidation.

(2) Any contract to which any district is a party remains the obligation of that district, and the assets or proceeds from the assets thereof shall be first available for the payment of any obligation thereunder, unless the other parties to the said contract agree and consent to the substitution of the new district as a party thereto. In either event, the consolidated district shall, in accordance with the terms of any agreement made between the consolidating districts, be an additional party to any such contract and liable thereon and with full right and authority to perform or require the performance of the said contract, including the right to enforce the said contract by any lawful action, as fully as though the consolidated district were an original party thereto. Upon consolidation of such districts, the consolidated district shall become and shall proceed in all things as a newly-organized district under the provisions of this article.

**Source:** L. 41: p. 707, § 1. CSA: C. 149B, § 19. CRS 53: § 128-1-19. L. 57: p. 764, § 1. C.R.S. 1963: § 128-1-19. L. 71: p. 1192, § 1. L. 76: (1)(c) amended, p. 605, § 28, effective July 1. L. 82: (1) R&RE, p. 535, § 13, effective January 1, 1983. L. 84: (1)(d)(II) amended, p. 949, § 2, effective April 5. L. 2002: (1)(e) amended, p. 523, § 26, effective July 1.

**35-70-120. Change of name.** The term "soil erosion district" as used in "The Colorado Soil Conservation Act of 1937" and "conservation district" as used in this article shall be deemed synonymous. Districts organized after April 3, 1941, shall be known as conservation districts, and districts organized before April 3, 1941, may be known either as soil erosion districts or as conservation districts, as determined by the supervisors of such districts. The change of name permitted by this section shall not affect in any way the rights or obligations of districts or landowners or impair the obligations of any contract to which any such district is a party at the time of such change of name.

**Source:** L. 41: p. 708, § 2. CSA: C. 149B, § 20. CRS 53: § 128-1-20. C.R.S. 1963: § 128-1-20. L. 2002: Entire section amended, p. 523, § 27, effective July 1.

**Editor's note:** "The Colorado Soil Conservation Act", enacted in 1937, first appeared in the 1941 and 1942 supplements to the 1935 Colorado Statutes Annotated before being compiled into volume 4B, 1949 replacement volume, of the 1935 Colorado Statutes Annotated.

**35-70-121. Cooperation between districts.** Whenever, by reason of location, similarity of problems, and need for mutual assistance, the purpose of this article may be more economically, completely, and satisfactorily performed and accomplished thereby, two or more conservation districts may cooperate with each other by the joint exercise of the powers granted in section 35-70-108. The nature and extent of such cooperation and the duties and obligations of and benefits to the respective cooperating districts and interests in property that may be jointly acquired and used shall be determined by contract to be entered into between or among the cooperating districts, subject to the bylaws adopted by each of such districts and to the direction of the qualified voters at any regular or regularly called special meeting of each such district.

**Source:** L. 49: p. 677, § 9. CSA: C. 149B, § 21. CRS 53: § 128-1-21. C.R.S. 1963: § 128-1-21. L. 82: Entire section amended, p. 537, § 14, effective January 1, 1983. L. 2002: Entire section amended, p. 524, § 28, effective July 1.

**35-70-122. Contributions for purposes of inclusion of conservation districts in the risk management fund.** Each conservation district shall contribute moneys, which shall be deposited in the risk management fund, for the conservation district's proportionate share, as determined by the executive director of the department of personnel, of potential claims arising from conservation districts.

**Source:** L. 87: Entire section added, p. 980, § 3, effective July 1. L. 96: Entire section amended, p. 1544, § 140, effective June 1. L. 2002: Entire section amended, p. 524, § 29, effective July 1.