

## HOUSE BILL NO. HB0140

Conservation easements amendments.

Sponsored by: Representative(s) Ottman, Blackburn, Duncan, Fortner, Haroldson, Laursen, Neiman, Romero-Martinez, Styvar, Sweeney, Williams and Winter

A BILL

for

1 AN ACT relating to property; requiring a conservation  
 2 easement permit granted by a board of county commissioners  
 3 prior to creating a conservation easement as specified;  
 4 limiting the duration of conservation easements to thirty  
 5 (30) years; creating a permit process; providing  
 6 definitions; requiring rulemaking; specifying  
 7 applicability; and providing for effective dates.

8

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

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11 **Section 1.** W.S. 18-5-601 through 18-5-607 is created  
 12 to read:

13

14

ARTICLE 6

1 CONSERVATION EASEMENT PERMIT

2

3 **18-5-601. Definitions.**

4

5 (a) As used in this article:

6

7 (i) "Board" means the board of county  
8 commissioners;

9

10 (ii) "Conservation easement" means as defined in  
11 W.S. 34-1-201(b)(i).

12

13 **18-5-602. Permit required.**

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15 No person shall grant a conservation easement without first  
16 obtaining a permit pursuant to this article from the board  
17 of the county in which the land subject to the conservation  
18 easement is located.

19

20 **18-5-603. Enforcement; rules and regulations.**

21

22 Each board shall enforce this article and in accordance  
23 with the Wyoming Administrative Procedure Act shall adopt

1 such rules and regulations as necessary to implement the  
2 provisions of this article.

3

4 **18-5-604. Minimum requirements for conservation**  
5 **easement permits.**

6

7 (a) The board shall consider and shall require the  
8 following information to be submitted with each application  
9 for a conservation easement permit:

10

11 (i) Evidence satisfactory to the board that the  
12 proposed conservation easement complies with any applicable  
13 zoning or land use regulations; and

14

15 (ii) A survey submitted by the applicant  
16 containing the following:

17

18 (A) Date of preparation, scale and north  
19 arrow;

20

21 (B) The location of the property;

22

1                   (C) The location and dimension of the  
2 proposed conservation easement.

3

4           **18-5-605. Planning commission may receive**  
5 **applications and make recommendations.**

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7 The board may allow a county planning and zoning commission  
8 authorized under W.S. 18-5-201 through 18-5-206 to receive  
9 and evaluate applications for conservation easement permits  
10 under this article. If so authorized the planning and  
11 zoning commission shall receive the permit applications  
12 required by this article and shall make findings and  
13 recommendations to the board concerning an application  
14 within forty-five (45) days of receipt. If no action is  
15 taken on the application by the planning and zoning  
16 commission within that time the application is deemed to be  
17 recommended by the planning and zoning commission.

18

19           **18-5-606. Approval by the board.**

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21           (a) The board shall approve or disapprove a  
22 conservation easement application and issue a conservation  
23 easement permit or ruling:

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2 (i) Within forty-five (45) days after receiving  
3 a report from the planning and zoning commission; or

4

5 (ii) If no planning and zoning commission has  
6 reviewed the application, within sixty (60) days of the  
7 initial receipt of the application.

8

9 **18-5-607. Permit fee.**

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11 Each application for a conservation easement permit shall  
12 be accompanied by a reasonable fee not to exceed the cost  
13 of processing the application as determined by the board.  
14 All fees collected shall be credited to the county general  
15 fund.

16

17 **Section 2.** W.S. 9-15-103 by creating a new subsection  
18 (s) and 34-1-202(c) and by creating a new subsection (f)  
19 are amended to read:

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21 **9-15-103. Wyoming wildlife and natural resource trust**  
22 **account created; income account created; expenditures;**  
23 **purposes.**

1

2 (s) No funds shall be disbursed under this act for  
3 the purchase of easements that are not in compliance with  
4 the duration requirements of W.S. 34-1-202(c) or that fail  
5 to obtain a conservation easement permit pursuant to W.S.  
6 18-5-601 through 18-5-606.

7

8 **34-1-202. Creation; conveyance; acceptance and**  
9 **duration.**

10

11 (c) Except as provided by W.S. 34-1-203(b), a  
12 conservation easement is unlimited in duration unless the  
13 instrument creating the easement provides otherwise.  
14 Beginning July 1, 2022, no conservation easement shall be  
15 created with a duration greater than thirty (30) years but  
16 may allow an opportunity for renewal.

17

18 (f) No conservation easement shall be created without  
19 a conservation easement permit granted pursuant to W.S.  
20 18-5-601 through 18-5-606.

21

22 **Section 3.** This act applies to all conservation  
23 easements created on and after July 1, 2022.

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2           **Section 4.** The board of county commissioners in each  
3 county shall adopt any rules necessary to implement this  
4 act.

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6           **Section 5.**

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8           (a) Except as provided in subsection (b) of this  
9 section, this act is effective July 1, 2022.

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11           (b) Sections 4 and 5 of this act are effective  
12 immediately upon completion of all acts necessary for a  
13 bill to become law as provided by Article 4, Section 8 of  
14 the Wyoming Constitution.

15

16

(END)