

ORIGINAL SENATE
FILE NO. SF0051

ENROLLED ACT NO. 67, SENATE

SIXTY-THIRD LEGISLATURE OF THE STATE OF WYOMING
2015 GENERAL SESSION

AN ACT relating to water development; providing amendments to the water development program; providing for contingencies; clarifying authority of the Wyoming water development commission regarding specified interstate projects and programs; and providing for an effective date.

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

Section 1. W.S. 41-2-118(a)(xiii), (xiv) and by creating a new paragraph (xv), 99-3-1106(a)(intro), (iii), (vii), (b)(intro), (iii), (iv) and (vii) and 99-3-1304(j)(intro), (iii) and (vii) are amended to read:

41-2-118. Powers, duties, salaries and expenses of commission.

(a) The commission shall:

(xiii) Represent or advocate the state's interests in negotiations and construction of water projects assigned by the legislature or the governor; ~~and~~

(xiv) Have authority to temporarily defer the principal amount due on debt service payments for money loaned to an irrigation district, watershed improvement district, conservation district or a conservancy district for construction of water development projects whenever the governor has declared that a drought emergency exists within the affected district's service area. The district shall be eligible for the temporary deferral of the principal amount due, provided the interest payments on the remaining principal amount are paid and current. The commission shall amend the amortization schedule to reflect the length of time from the date the affected district seeks the temporary deferral to the date the governor

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declares the emergency drought condition no longer exists;~~i-~~
and

(xv) With the approval of the governor, have the authority to enter into contracts and agreements with the United States of America or its duly authorized representative agency to accept federal funds through grants or matching funds or from other sources for project costs pertaining to the utilization of Wyoming's water resources.

99-3-1106. Sponsor's contingency funds.

There are created the following sponsor's inflation
contingency funds:

(a) Project - Sponsor's ~~Inflation~~Contingency Fund -
New Development:

(iii) Project description: The establishment of a fund to provide supplemental funding for sponsors' existing Level III new development construction projects where construction budgets have been rendered insufficient due to inflation, ~~and the rapid~~ or an unexpected increase in material cost, change in materials or increase in the quantities of materials necessary to complete the final project design;

(vii) Appropriation: There is appropriated from water development account I to the commission two million dollars (\$2,000,000.00) or as much thereof as is necessary to carry out the purpose of this subsection. Unexpended funds appropriated under this subsection shall revert to water development account I on July 1, ~~2015-2017~~; and

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(b) Project - Sponsor's ~~Inflation~~ Contingency
Fund - Rehabilitation:

(iii) Project description: The establishment of a fund to provide supplemental funding for sponsors' existing Level III rehabilitation construction projects where construction budgets have been rendered insufficient due to inflation, ~~and the rapid or an unexpected~~ increase in material cost, change in materials or increase in the quantities of materials necessary to complete the final project design;

(iv) Total project budget: ~~Eight hundred thousand dollars (\$800,000.00)~~ One million three hundred thousand dollars (\$1,300,000.00);

(vii) Appropriation: There is appropriated from water development account II to the commission ~~eight hundred thousand dollars (\$800,000.00)~~ one million three hundred thousand dollars (\$1,300,000.00) or as much thereof as is necessary to carry out the purpose of this subsection. Unexpended funds appropriated under this subsection shall revert to water development account II on July 1, ~~2015-2017~~; and

99-3-1304. Level III construction projects - rehabilitation.

(j) Project Sponsor's ~~Inflation~~ Contingency
Fund - Rehabilitation:

(iii) Project description: The establishment of a fund to provide supplemental funding for sponsors' existing Level III rehabilitation construction projects where construction budgets have been rendered insufficient

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due to inflation, ~~and the rapid~~ or an unexpected increase in material cost, change in materials or increase in the quantities of materials necessary to complete the final project design;

(vii) Appropriation: There is appropriated from water development account II to the commission five hundred thousand dollars (\$500,000.00) or as much thereof as is necessary to carry out the purpose of this subsection. Unexpended funds appropriated under this subsection shall revert to water development account ~~I-II~~ on July 1, 2013 2017;

Section 2. Upper Colorado River Basin Fund Memorandum of Agreement.

(a) Pursuant to a Memorandum of Agreement (MOA) entered into on January 24, 2011, by and among the states of Colorado, New Mexico, Utah and Wyoming; the Colorado River Energy Distributors Association, Inc. (CREDA); the Department of the Interior, Bureau of Reclamation; and the Department of Energy, Western Area Power Administration, the state of Wyoming has certain specified rights to apply for and recommend the expenditure of a percentage of collected revenues defined under section 5(e) of the Colorado River Storage Project Act, codified beginning at 43 U.S.C. § 620, as amended and supplemented, identified in the MOA as CRSPA. The MOA will expire on September 30, 2025, unless modified or extended.

(b) The MOA provides that each signatory state, including the state of Wyoming, may apply for a percentage of collected revenues, accounted for under the terms of the MOA, as funding assistance for qualifying projects or activities within the Upper Colorado River Basin.

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Qualifying projects or activities are those which further the purposes of CRSPA, as amended and supplemented, are within the Bureau of Reclamation's authorities and are recommended by the signatory states and CREDA. It is the responsibility of each signatory state to prioritize and recommend proposed projects or activities within the state for participation under the MOA.

(c) The Wyoming water development commission shall evaluate, prioritize and recommend to the Bureau of Reclamation proposed qualifying projects within the state of Wyoming for participation under the MOA.

(d) The commission shall establish criteria and administrative procedures for the evaluation, prioritization and recommendation of proposed qualifying projects within the state of Wyoming for participation under the MOA.

(e) The establishment of criteria and administrative procedures for the evaluation, prioritization and recommendation of qualifying projects under this section, and the decisions of the commission relating to the evaluation, prioritization and recommendation to the Bureau of Reclamation of qualifying projects for participation under the MOA, are specifically exempt from the provisions of the Wyoming Administrative Procedure Act including judicial review under W.S. 16-3-114 and 16-3-115.

(f) The authority granted to the commission under this section and any criteria or administrative procedures established pursuant to this section shall be effective only so long as the MOA is in effect or collected revenues remain available to fund qualifying projects, whichever is later.

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Section 3. BSP - Colorado River Basin States Salinity Control Program.

(a) Congress created the Colorado River Basin Salinity Control Program (Program) in 1974 with the enactment of the Colorado River Basin Salinity Control Act, Public Law 93-320. The Program is a cooperative effort among water users in the Colorado River Basin, the seven Colorado River Basin states, the USDA - Natural Resources Conservation Service (NRCS), the Bureau of Reclamation and the Bureau of Land Management to reduce the amount of salt in the Colorado River and its impacts on water users.

(b) Section 205 of the Colorado River Basin Salinity Control Act directs the Bureau of Reclamation to expend funds from the Upper Colorado River Basin Fund and the Lower Colorado River Basin Development Fund. The Basin States Program (BSP) was created with the amendment of the original 1974 Act and provides that cost share obligations be met through an up-front cost share. Expenditures from the BSP may be used to cost share in the implementation of salinity control measures and the Bureau of Reclamation has determined Wyoming, through the Wyoming Water Development Commission, to be an appropriate partner in the BSP.

(c) Program project sponsors: Eligible public entities in the Green River and Little Snake River drainages in Wyoming; eligible private entities located in the Green River or Little Snake River drainages in Wyoming that qualify for on-farm federal assistance.

(d) Program purpose: Reduce salinity in the surface waters of the Colorado River and its tributaries in Wyoming.

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(e) Project description: Cost effectively reduce salinity and conduct planning studies for salinity control activities.

(f) Program budget: Two million eight hundred thousand dollars (\$2,800,000.00) total grant budget authorizing the Bureau of Reclamation to provide incremental grants for the Program.

(g) State appropriation: none.

(h) Special conditions:

(i) The Wyoming water development commission shall accept, evaluate and rank proposed qualifying projects within the state of Wyoming for participation in the Program;

(ii) The commission shall recommend its ranking of proposed qualifying projects to the Bureau of Reclamation. The Bureau of Reclamation retains final authority on all funding decisions;

(iii) With the concurrence of the Bureau of Reclamation, the commission may award grants to eligible project sponsors;

(iv) Project sponsors shall substantiate the public benefit that will accrue due to participation in the Program;

(v) The commission shall establish criteria and administrative procedures for the acceptance, evaluation

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and ranking of qualifying projects within the state of Wyoming for participation in the Program;

(vi) The establishment of criteria and administrative procedures for the acceptance, evaluation and ranking of qualifying projects under this section, and the decisions of the commission relating to the acceptance, evaluation and ranking of qualifying projects for participation under the Colorado River Basin States Program, are specifically exempt from the provisions of the Wyoming Administrative Procedure Act including judicial review under W.S. 16-3-114 and 16-3-115;

(vii) The authority granted to the commission under this section, and any criteria or administrative procedures established pursuant to this section, shall be effective only so long as the Colorado River Basin States Program is in operation or there are still Program grant dollars to be spent, whichever is later.

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Section 4. This act is effective immediately upon completion of all acts necessary for a bill to become law as provided by Article 4, Section 8 of the Wyoming Constitution.

(END)

Speaker of the House

President of the Senate

Governor

TIME APPROVED: _____

DATE APPROVED: _____

I hereby certify that this act originated in the Senate.

Chief Clerk