

Sponsored By: Select Water Committee

AN ACT relating to water development projects; authorizing construction of designated water projects; describing projects; specifying terms and conditions of funding for projects; providing appropriations; modifying project descriptions, amounts and terms of appropriations for specified prior projects; and providing for an effective date.

1/31/2018 Bill Number Assigned
 2/9/2018 H Received for Introduction
 2/12/2018 H Introduced and Referred to H05 - Agriculture 58-1-1-0-0

ROLL CALL

Ayes: Representative(s) Allen, Barlow, Biteman, Blackburn, Blake, Bovee, Brown, Burkhart, Byrd, Clausen, Clem, Connolly, Court, Dayton, Edwards, Eklund, Eyre, Flitner, Freeman, Furphy, Gierau, Gray, Greear, Haley, Hallinan, Halverson, Harshman, Henderson, Hunt, Jennings, Kinner, Kirkbride, Larsen, Laursen, Lindholm, Lone, Loucks, MacGuire, Madden, Miller, Nicholas, Northrup, Obermueller, Olsen, Paxton, Pelkey, Piiparinen, Pownall, Salazar, Simpson, Sommers, Steinmetz, Stith, Sweeney, Walters, Wilson, Winters, Zwonitzer

Nays: Representative Schwartz

Excused: Representative Crank

Ayes 58 **Nays** 1 **Excused** 1 **Absent** 0 **Conflicts** 0

2/14/2018 H05 - Agriculture:Recommend Do Pass 9-0-0-0-0

ROLL CALL

Ayes: Representative(s) Blake, Clausen, Gray, Haley, Henderson, Hunt, Laursen, Simpson, Steinmetz

Ayes 9 **Nays** 0 **Excused** 0 **Absent** 0 **Conflicts** 0

2/20/2018 H02 - Appropriations:Recommend Amend and Do Pass 5-2-0-0-0

ROLL CALL

Ayes: Representative(s) Burkhart, Larsen, Sommers, Walters, Wilson

Nays: Representative(s) Nicholas, Schwartz

Ayes 5 **Nays** 2 **Excused** 0 **Absent** 0 **Conflicts** 0

2/20/2018 H Placed on General File

HB0078HS001/ADOPTED

Page 37-line 1 After "exceed" delete balance of line.
 Page 37-line 2 Delete line through "\$36,240,000.00" and insert "nine million sixty thousand dollars (\$9,060,000.00)".
 Page 37-line 10 After "exceed" delete balance of line.
 Page 37-line 11 Delete line through "\$3,760,000.00" and insert "nine hundred forty thousand dollars (\$940,000.00)".
 Page 37-line 18 Delete "forty".
 Page 37-line 19 Delete line through "\$40,000,000.00" and insert "ten million dollars (\$10,000,000.00)".
 NICHOLAS, CHAIRMAN

2/20/2018 H COW:Passed

HB0078H2001/ADOPTED

Page 39-line 1 After "(vii)" delete "8". HUNT

2/21/2018 H 2nd Reading:Passed

HB0078H3001/ADOPTED

Page 17-line 4 Delete "eighty thousand dollars (\$80,000.00)" and insert "one hundred thirty thousand dollars (\$130,000.00)".

Page 17-lines 17 through 20 Delete entirely and insert:

"(B) The project operations budget shall not exceed four hundred eighty thousand dollars (\$480,000.00) of which the state of Wyoming shall participate at a rate of twenty-five percent (25%) of actual project operations costs;"

Page 18-line 2 Delete "eighty-six percent (86%)" insert "seventy-five percent (75%)". BLAKE

HB0078H3002/ADOPTED

Page 1-line 11 Delete "99-3-2305" and insert "99-3-2304".

Page 35-lines 18 through 22 Delete entirely.

Page 36-lines 1 through 23 Delete entirely.

Page 37-lines 1 through 23 Delete entirely including the House standing committee amendment (HB0078HS001/A) to these lines.

Page 38-lines 1 through 15 Delete entirely. SCHWARTZ, NICHOLAS

2/22/2018 H 3rd Reading:Passed 53-6-0-0-1

ROLL CALL

Ayes: Representative(s) Allen, Barlow, Biteman, Blackburn, Blake, Bovee, Brown, Burkhardt, Byrd, Clausen, Connolly, Court, Dayton, Eklund, Eyre, Flitner, Freeman, Furphy, Gierau, Gray, Greear, Haley, Hallinan, Halverson, Harshman, Henderson, Hunt, Kinner, Kirkbride, Larsen, Laursen, Lindholm, MacGuire, Madden, Miller, Nicholas, Northrup, Obermueller, Olsen, Paxton, Pelkey, Piiparinen, Pownall, Salazar, Schwartz, Simpson, Sommers, Steinmetz, Stith, Sweeney, Walters, Wilson, Winters

Nays: Representative(s) Clem, Edwards, Jennings, Lone, Loucks, Zwonitzer

Conflicts: Representative Crank

Ayes 53 **Nays** 6 **Excused** 0 **Absent** 0 **Conflicts** 1

2/23/2018 S Received for Introduction

2/23/2018 S Introduced and Referred to S05 - Agriculture

3/2/2018 S05 - Agriculture:Recommend Amend and Do Pass 5-0-0-0-0

ROLL CALL

Ayes: Senator(s) Barnard, Emerich, Hicks, Meier, Moniz

Ayes 5 **Nays** 0 **Excused** 0 **Absent** 0 **Conflicts** 0

3/2/2018 S Rerefer to S02 - Appropriations

3/5/2018 S02 - Appropriations:Recommend Do Pass 5-0-0-0-0

ROLL CALL

(\$40,000,000.00) or as much thereof as is necessary to carry out the purpose of this subsection. This appropriation is a partial appropriation of the total seventy-three million dollars (\$73,000,000.00) required to complete the project. Additional appropriations and funding sources shall be identified to provide full funding for the project before any bids are let for construction, excluding land acquisition. Unexpended funds appropriated under this subsection shall revert to water development account III on July 1, 2028;

(viii) Special conditions: To the extent any funds loaned to the sponsor under paragraph (vi) of this subsection are expended for land acquisition and the project does not move forward to construction due to a failure to provide full funding for the project as provided in paragraph (vii) of this subsection, the commission shall use any unexpended grant funds appropriated under paragraph (v) of this subsection to reimburse loan funds expended on the project.". MONIZ, ACTING CHAIRMAN

3/5/2018 S COW:Passed

HB0078S2001/ADOPTED (TO ENGROSSED COPY)

Page 44-line 19 Delete "(A)".
Page 44-line 21 Delete ";"; reinsert stricken ".".
Page 45-lines 1 through 4 Delete entirely. VON FLATERN

**HB0078S2002.01/ADOPTED (TO ENGROSSED COPY)
(CORRECTED COPY)
[DIVIDED AMENDMENT]**

Page 1-line 11 Delete "99-3-2304" and insert "99-3-2305".
Page 35-after line 18 Insert:

"99-3-2305. Level III construction projects - dams and reservoirs.

(a) Authorization is granted for the Level III dams and reservoirs construction projects identified in this section subject to the general conditions specified in W.S. 99-3-106.

(b) Project - West Fork Reservoir:

(i) Project sponsor: Savery-Little Snake Water Conservancy District;

(ii) Project purpose: Agricultural water supply;

(iii) Project description: Construction of a new dam on the West Fork Battle Creek to create a reservoir impoundment of approximately ten thousand acre-feet (10,000 AF) and appurtenances necessary to make the project function in the manner intended;

(iv) Total project budget: Seventy-three million dollars (\$73,000,000.00);

(v) Project grant: The state of Wyoming shall grant to the sponsor from water development account III through the commission for project land procurement, construction engineering and construction of the project an amount not to exceed ten million dollars (\$10,000,000.00);

(vi) Appropriation: There is appropriated from water development account III to the commission ten million dollars (\$10,000,000.00) or as much thereof as is necessary to carry out the purpose of this subsection. This appropriation is a partial appropriation of the total seventy-three million dollars (\$73,000,000.00) required to complete the project. Additional appropriations and funding sources shall be identified to provide full

funding for the project before any bids are let for construction, excluding land acquisition. Unexpended funds appropriated under this subsection shall revert to water development account III on July 1, 2021;

(viii) Special conditions: Funds from this appropriation shall not be expended until the project sponsor and the Wyoming water development commission have secured additional funding commitments from project beneficiaries in both Wyoming and Colorado on a pro rata basis. Funds from this appropriation shall not be expended until the expenditure is approved by the legislature.". HICKS

ROLL CALL

Ayes: Senator(s) Agar, Anderson, Anselmi-Dalton, Baldwin, Barnard, Bebout, Boner, Bouchard, Christensen, Coe, Dockstader, Driskill, Emerich, Hicks, Kinskey, Landen, Meier, Moniz, Nethercott, Pappas, Perkins, Peterson, Scott, Von Flatern, Wasserburger

Nays: Senator(s) Burns, Case, Ellis, Hastert, Rothfuss

Ayes 25 **Nays** 5 **Excused** 0 **Absent** 0 **Conflicts** 0

HB0078S2002.02/ADOPTED **(TO ENGROSSED COPY)**
(CORRECTED COPY)
[DIVIDED AMENDMENT]

Page 35-after line 18 Insert:

"(m) Project - Ferris-Haggarty Remediation:

(i) Project sponsor: The state of Wyoming;

(ii) Project purpose: Remediation of copper effluent from the Ferris-Haggarty mine;

(iii) Special conditions: All expenditures of abandoned mine land funds and all other project activities conducted by the state of Wyoming for the remediation of copper effluent from the Ferris-Haggarty mine shall cease until such time as a storage project on the West Fork of Battle Creek is authorized by the Wyoming legislature.". HICKS

ROLL CALL

Ayes: Senator(s) Agar, Barnard, Bebout, Boner, Bouchard, Christensen, Dockstader, Driskill, Emerich, Hicks, Kinskey, Meier, Moniz, Nethercott, Pappas, Perkins, Wasserburger

Nays: Senator(s) Anderson, Anselmi-Dalton, Baldwin, Burns, Case, Coe, Ellis, Hastert, Landen, Peterson, Rothfuss, Scott, Von Flatern

Ayes 17 **Nays** 13 **Excused** 0 **Absent** 0 **Conflicts** 0

HB0078S2003/FAILED **(TO ENGROSSED COPY)**

Page 3-line 11 Delete "grant" and insert "authorize"; after "from" insert "previous appropriations from"; after "account I" insert "and abandoned mine land funds".

Page 3-line 12 Delete "through the commission" and insert "for the Gillette Madison pipeline project"; before "design" delete "the".

Page 3-lines 19 through 23 Delete entirely.

Page 4-lines 1 and 2 Delete entirely.

Page 4-line 4 Delete "(vii)" and insert "(vi)".

Page 43-line 21 Strike "grant" and insert "authorize"; after "from" insert "previous appropriations from"; after "account I" insert "and abandoned mine land funds".

Page 43-line22 Strike "through the commission" and insert "for the Gillette Madison pipeline project"; before "design" strike "the".

Page 44-lines 8 through 15 Delete entirely. HICKS

ROLL CALL

Ayes: Senator(s) Agar, Barnard, Bebout, Bouchard, Burns, Emerich, Hicks, Kinskey, Meier, Moniz, Scott

Nays: Senator(s) Anderson, Anselmi-Dalton, Baldwin, Boner, Case, Christensen, Coe, Dockstader, Driskill, Ellis, Hastert, Landen, Nethercott, Pappas, Perkins, Peterson, Rothfuss, Von Flatern, Wasserburger

Ayes 11 **Nays** 19 **Excused** 0 **Absent** 0 **Conflicts** 0

3/6/2018 S 2nd Reading:Passed

HB0078S3001/ADOPTED (TO ENGROSSED COPY)

Page 4-line 6 Delete "(A)".

Page 4-line 8 Delete ";" and insert ".".

Page 4-lines 10 through 13 Delete entirely. VON FLATERN

ROLL CALL

Ayes: Senator(s) Anderson, Anselmi-Dalton, Bebout, Boner, Burns, Case, Christensen, Coe, Driskill, Ellis, Hastert, Landen, Perkins, Rothfuss, Von Flatern, Wasserburger

Nays: Senator(s) Agar, Baldwin, Barnard, Bouchard, Dockstader, Emerich, Hicks, Kinskey, Meier, Moniz, Nethercott, Pappas, Peterson, Scott

Ayes 16 **Nays** 14 **Excused** 0 **Absent** 0 **Conflicts** 0

HB0078S3002/ADOPTED (TO ENGROSSED COPY)

Delete the Von Flatern second reading amendment (HB0078S2001/AE) and the Von Flatern third reading amendment (HB0078S3001/AE) entirely and further amend as follows:

Page 4-lines 10 through 13 Delete entirely and insert:

"(B) The sponsor shall:

(I) Agree to allow for domestic, livestock and miscellaneous water use as provided in this subdivision for applicants in Crook County applying for taps within one-half (1/2) mile of the Gillette Madison pipeline and having legal access to the pipeline. Taps shall be installed at the same cost and fee as residential taps within the city of Gillette. Taps shall be installed within one hundred eighty (180) days of receipt of a complete application and fees. Water use under this subdivision shall be billed at the lowest rate charged by the regional water system regardless of use or location; and

(II) Apply for all necessary permits to allow for domestic, livestock and miscellaneous use of Gillette Madison pipeline water in Crook County."

Page 45-lines 1 through 4 Delete entirely and insert:

"(B) The sponsor shall:

(I) Agree to allow for domestic, livestock and miscellaneous water use as provided in this subdivision for applicants in Crook County applying for taps within one-half (1/2) mile of the Gillette Madison pipeline and having legal access to the pipeline. Taps shall be installed at the same cost and fee as residential taps within the city of Gillette. Taps shall be installed within one hundred eighty

(180) days of receipt of a complete application and fees. Water use under this subdivision shall be billed at the lowest rate charged by the regional water system regardless of use or location; and

(II) Apply for all necessary permits to allow for domestic, livestock and miscellaneous use of Gillette Madison pipeline water in Crook County." DRISKILL

3/7/2018 S 3rd Reading:Passed 26-4-0-0-0

ROLL CALL

Ayes: Senator(s) Agar, Anderson, Anselmi-Dalton, Baldwin, Barnard, Bebout, Boner, Bouchard, Burns, Christensen, Coe, Dockstader, Driskill, Ellis, Emerich, Hicks, Kinskey, Landen, Meier, Moniz, Nethercott, Pappas, Perkins, Peterson, Rothfuss, Wasserburger

Nays: Senator(s) Case, Hastert, Scott, Von Flatern

Ayes 26 **Nays** 4 **Excused** 0 **Absent** 0 **Conflicts** 0

3/7/2018 H Received for Concurrence

3/8/2018 H Concur:Failed 13-47-0-0-0

ROLL CALL

Ayes: Representative(s) Allen, Clausen, Edwards, Hallinan, Henderson, Hunt, Jennings, Kirkbride, Laursen, Lone, Paxton, Simpson, Steinmetz

Nays: Representative(s) Barlow, Biteman, Blackburn, Blake, Bovee, Brown, Burkhart, Byrd, Clem, Connolly, Court, Crank, Dayton, Eklund, Eyre, Flitner, Freeman, Furphy, Gierau, Gray, Greear, Haley, Halverson, Harshman, Kinner, Larsen, Lindholm, Loucks, MacGuire, Madden, Miller, Nicholas, Northrup, Obermueller, Olsen, Pelkey, Piiparinen, Pownall, Salazar, Schwartz, Sommers, Stith, Sweeney, Walters, Wilson, Winters, Zwonitzer

Ayes 13 **Nays** 47 **Excused** 0 **Absent** 0 **Conflicts** 0

3/8/2018 H Appointed JCC01 Members

Representative(s) Greear, Hunt, Lindholm

3/8/2018 S Appointed JCC01 Members

Senator(s) Driskill, Hicks, Meier

3/10/2018 H Adopted HB0078JC001: 51-5-4-0-0

HB0078JC001/HADOPTED

TO ENGROSSED COPY

Delete the following Senate amendments:

HB0078SS001.01/ACE

HB0078S2001/AE

HB0078S2002.01/ACE

HB0078S2002.02/ACE

HB0078S3001/AE

HB0078S3002/AE

Further amend the ENGROSSED COPY as follows:

Page 1-line 11 Delete "99-3-2304" and insert "99-3-2305".

Page 4-lines 10 through 13 Delete entirely and insert:

"(B) The sponsor shall:

(I) Agree to allow for domestic, livestock and miscellaneous water use as provided in this subdivision for applicants in Crook County applying for taps from existing eight (8) inch transmission lines. The eight (8) inch transmission line may be extended by Crook County or by water districts in Crook County to allow

for taps. Not more than two hundred (200) taps shall be allowed. Taps shall be installed within one hundred eighty (180) days of receipt of a complete application and fees which shall not exceed the residential rate for tap fees. Taps shall be billed at a rate equal to the local base residential rate charged by the regional water system regardless of use or location plus the local consumption rate. The maximum consumption from any one (1) tap shall not exceed one million (1,000,000) gallons per year; and

(II) Apply for all necessary permits to allow for domestic, livestock and miscellaneous use of Gillette Madison pipeline water in Crook County."

Page 17-line 4 After "office" delete balance of line.

Page 17-line 5 Delete "\$130,000.00" and insert "one hundred six thousand dollars (\$106,000.00)".

Page 17-lines 17 through 21 Delete entirely and insert:

"(B) The state of Wyoming shall participate at a rate of twenty percent (20%) of actual project operations costs not to exceed seventy thousand dollars (\$70,000.00);".

Page 18-line 4 Delete "seventy-five percent (75%)" and insert "eighty percent (80%)".

Page 35-after line 18 Insert:

"99-3-2305. Level III construction projects - dams and reservoirs.

(a) Authorization is granted for the Level III dams and reservoirs construction projects identified in this section subject to the general conditions specified in W.S. 99-3-106.

(b) Project - West Fork Reservoir:

(i) Project sponsor: Savery-Little Snake Water Conservancy District;

(ii) Project purpose: Agricultural water supply;

(iii) Project description: Construction of a new dam on the West Fork Battle Creek to create a reservoir impoundment of approximately ten thousand acre-feet (10,000 AF) and appurtenances necessary to make the project function in the manner intended;

(iv) Total project budget: Seventy-three million dollars (\$73,000,000.00);

(v) Project grant: The state of Wyoming shall grant to the sponsor from water development account III through the commission an amount not to exceed four million six hundred ninety-eight thousand dollars (\$4,698,000.00) to identify, investigate and acquire suitable lands for the purpose of an exchange of lands with the federal government. Funds granted under this section may be expended:

(A) For environmental and cultural investigations, title review for both surface and subsurface ownership, access and easement agreements, appraisals, purchase options and land procurements;

(B) To perfect agreements or other instruments for the financial participation of project beneficiaries in the state of Colorado on a pro rata basis.

(vi) Appropriation: There is appropriated from water development account III to the commission four million six hundred ninety-eight thousand dollars (\$4,698,000.00) or as much thereof as is necessary to carry out the purpose of this subsection. This appropriation is a partial appropriation of the total seventy-three million dollars (\$73,000,000.00) required for the project. Additional appropriations and funding sources shall be identified to provide full funding for the project before any bids are let for construction.

Unexpended funds appropriated under this subsection shall revert to water development account III on July 1, 2021;

(vii) Special conditions: Funds from this appropriation shall not be expended until the project sponsor and the Wyoming water development commission have secured additional funding commitments from project beneficiaries in both Wyoming and Colorado on a pro rata basis. Funds from this appropriation shall not be expended until the expenditure is approved by the legislature."

Page 45-lines 1 through 4 Delete entirely and insert:

"(B) The sponsor shall:

(I) Agree to allow for domestic, livestock and miscellaneous water use as provided in this subdivision for applicants in Crook County applying for taps from existing eight (8) inch transmission lines. The eight (8) inch transmission line may be extended by Crook County or by water districts in Crook County to allow for taps. Not more than two hundred (200) taps shall be allowed. Taps shall be installed within one hundred eighty (180) days of receipt of a complete application and fees which shall not exceed the residential rate for tap fees. Taps shall be billed at a rate equal to the local base residential rate charged by the regional water system regardless of use or location plus the local consumption rate. The maximum consumption from any one (1) tap shall not exceed one million (1,000,000) gallons per year; and

(II) Apply for all necessary permits to allow for domestic, livestock and miscellaneous use of Gillette Madison pipeline water in Crook County."

GREEAR, HUNT, LINDHOLM, DRISKILL, HICKS, MEIER

ROLL CALL

Ayes: Representative(s) Allen, Barlow, Blackburn, Blake, Bovee, Brown, Burkhardt, Byrd, Clausen, Connolly, Court, Dayton, Edwards, Eklund, Eyre, Flitner, Freeman, Furphy, Gierau, Greear, Haley, Hallinan, Halverson, Henderson, Hunt, Jennings, Kinner, Kirkbride, Laursen, Lindholm, Loucks, MacGuire, Madden, Miller, Northrup, Obermueller, Olsen, Paxton, Pelkey, Piiparinen, Pownall, Salazar, Schwartz, Simpson, Sommers, Steinmetz, Stith, Sweeney, Wilson, Winters, Zwonitzer

Nays: Representative(s) Biteman, Clem, Crank, Gray, Lone

Excused: Representative(s) Harshman, Larsen, Nicholas, Walters

Ayes 51 **Nays** 5 **Excused** 4 **Absent** 0 **Conflicts** 0

3/10/2018 S Adopted HB0078JC001: 28-1-1-0-0

HB0078JC001/HADOPTEDSADOPTED

TO ENGROSSED COPY

Delete the following Senate amendments:

HB0078SS001.01/ACE

HB0078S2001/AE

HB0078S2002.01/ACE

HB0078S2002.02/ACE

HB0078S3001/AE

HB0078S3002/AE

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(vi) Appropriation: There is appropriated from water development account III to the commission four million six hundred ninety-eight thousand dollars (\$4,698,000.00) or as much thereof as is necessary to carry out the purpose of this subsection. This

appropriation is a partial appropriation of the total seventy-three million dollars (\$73,000,000.00) required for the project. Additional appropriations and funding sources shall be identified to provide full funding for the project before any bids are let for construction. Unexpended funds appropriated under this subsection shall revert to water development account III on July 1, 2021;

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(II) Apply for all necessary permits to allow for domestic, livestock and miscellaneous use of Gillette Madison pipeline water in Crook County."

GREEAR, HUNT, LINDHOLM, DRISKILL, HICKS, MEIER

ROLL CALL

Ayes: Senator(s) Agar, Anderson, Anselmi-Dalton, Baldwin, Barnard, Bebout, Boner, Bouchard, Burns, Christensen, Coe, Dockstader, Driskill, Ellis, Emerich, Hastert, Hicks, Kinskey, Meier, Moniz, Nethercott, Pappas, Perkins, Peterson, Rothfuss, Scott, Von Flatern, Wasserburger

Nays: Senator Case

Excused: Senator Landen

Ayes 28 **Nays** 1 **Excused** 1 **Absent** 0 **Conflicts** 0

3/10/2018 Assigned Number HEA No. 0066
3/10/2018 H Speaker Signed HEA No. 0066
3/10/2018 S President Signed HEA No. 0066
3/14/2018 Governor Signed HEA No. 0066
3/14/2018 Assigned Chapter Number 121

Chapter No. 121 Session Laws of Wyoming 2018