

SENATE FILE NO. SF0091

Small water projects.

Sponsored by: Senator(s) Hicks, Driskill and Meier and
Representative(s) Blake, Hunt and Paxton

A BILL

for

1 AN ACT relating to water development; providing for
2 recommendation of small water projects by the water
3 development commission; requiring review of small water
4 projects by the select water committee; requiring
5 legislative approval of funding for small water projects;
6 providing for reversion of appropriations; and providing
7 for an effective date.

8

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

10

11 **Section 1.** W.S. 28-11-101(b)(v), 41-2-112(b) by
12 creating a new paragraph (viii), 41-2-113(a) by creating a
13 new paragraph (iv), 41-2-123(f), 99-3-1903(k)(ix) and
14 99-3-1904(m)(ix) are amended to read:

15

1 **28-11-101. Appointment of members; powers and duties;**
2 **related duties of water development commission.**

3
4 (b) The select committee shall:

5
6 (v) Review the budgets of all projects including
7 small water projects and make recommendations.

8
9 **41-2-112. Wyoming water development program.**

10
11 (b) In developing financing recommendations under the
12 Wyoming water development program, the commission shall:

13
14 (viii) Consider recommendations related to small
15 water projects which shall be administered as follows:

16
17 (A) The commission shall establish
18 eligibility criteria and administration procedures for
19 development of small projects;

20
21 (B) The commission may recommend funding
22 projects with grants in an amount not to exceed fifty
23 percent (50%) of the construction cost of a project with a

1 maximum grant awarded limited to thirty-five thousand
2 dollars (\$35,000.00);

3
4 (C) The project sponsors shall substantiate
5 the public benefit that will be derived from proposed
6 projects;

7
8 (D) The commission may make monthly
9 progress payments for no more than fifty percent (50%) of
10 eligible monthly project expenses;

11
12 (E) An appropriate land management or
13 resource management entity shall certify that the proposed
14 project will meet expectations and that appropriate
15 engineering standards, as approved by the commission, will
16 be adhered to;

17
18 (F) The establishment of criteria and
19 administrative procedures for the development of small
20 projects under this subsection and decisions of the
21 commission relating to the recommendations and
22 prioritization of small water projects are specifically
23 exempt from the provisions of the Wyoming Administrative

1 Procedure Act including judicial review under W.S. 16-3-114
2 and 16-3-115.

3
4 **41-2-113. Definitions.**

5
6 (a) As used in W.S. 41-1-106 through 41-1-108 and
7 41-2-107 through 41-2-118:

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9 (iv) "Small water project" means the
10 construction, rehabilitation or replacement of small dams,
11 windmills, springs, pipelines or other projects to impound,
12 develop or convey water for livestock, wildlife,
13 environmental and recreational purposes where the estimated
14 costs including permit procurement and project land
15 procurement are one hundred thirty-five thousand dollars
16 (\$135,000.00) or less, and where the maximum financial
17 contribution requested from the state is thirty-five
18 thousand dollars (\$35,000.00) or less.

19
20 **41-2-123. Project studies generally; hearings;**
21 **reimbursement of costs; source of funding; use of**
22 **unobligated funds; recommendations to legislature.**
23

(f) All recommendations, including proposed legislation, from the water development commission to the legislature required by law regarding specific water projects including small water projects shall be presented to the select water committee created by W.S. 28-11-101 not later than fifteen (15) days prior to commencement of the legislature to which the reports are due. The committee shall review and make recommendations to the legislature regarding commission recommendations and proposed legislation.

99-3-1903. Level III construction projects - new development.

(k) Project - Small Water Development Projects - 2014:

(ix) No new project shall be authorized under this subsection on or after July 1, ~~2025~~2017.

99-3-1904. Level III construction projects - rehabilitation.

1 (m) Project - Small Water Development
2 Projects - 2014:

3
4 (ix) No new project shall be authorized under
5 this subsection on or after July 1, ~~2025~~2017.

6
7 **Section 2.**

8
9 (a) Any funds remaining unobligated from the
10 appropriation in W.S. 99-3-1903(k)(vi) shall revert to
11 water development account I on July 1, 2017.

12
13 (b) Any funds remaining unobligated from the
14 appropriation in W.S. 99-3-1904(m)(vi) shall revert to
15 water development account II on July 1, 2017.

16
17 **Section 3.** This act is effective immediately upon
18 completion of all acts necessary for a bill to become law
19 as provided by Article 4, Section 8 of the Wyoming
20 Constitution.

21
22 (END)