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HOUSE BILL NO. HB0006

ARPA funds for water and wastewater projects.

Sponsored by: Select Water Committee

A BILL

for

1 AN ACT relating to water and wastewater projects;
2 establishing a program to fund water and wastewater
3 projects; providing an appropriation; requiring rulemaking;
4 providing for reports; and providing for effective dates.

5

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

7

8 **Section 1.**

9

10 (a) As used in this act:

11

12 (i) "American Rescue Plan Act funds" means funds
13 appropriated or disbursed to the state of Wyoming through
14 the Coronavirus State Fiscal Recovery Fund established
15 under section 602 of title VI of the federal Social

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1 Security Act, as created by section 9901 of the American
2 Rescue Plan Act of 2021, P.L. No. 117-2;

3

4 (ii) "Entity" means a person or entity eligible
5 for funding pursuant to the American Rescue Plan Act of
6 2021, subject to any further eligibility requirements or
7 prioritization developed by the Wyoming water development
8 office;

9

10 (iii) "Eligible project" means those categories
11 and types of projects authorized to receive funding
12 pursuant to the American Rescue Plan Act of 2021, P.L. No.
13 117-2.

14

15 (b) The Wyoming statewide American Rescue Plan Act
16 water infrastructure program is hereby created. The Wyoming
17 water development office shall establish and administer
18 this temporary program for the purpose of providing grants
19 to entities for eligible projects. The office of state
20 lands and investments and department of environmental
21 quality shall consult with and provide technical assistance

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1 to the Wyoming water development office in the
2 establishment and administration of this temporary program.
3 The directors of the Wyoming water development office,
4 office of state lands and investments and department of
5 environmental quality may establish an informal working
6 group to facilitate any consultation and technical
7 assistance between the three agencies. Grants shall be
8 awarded under this act in accordance with the following:

9
10 (i) The Wyoming water development office, in
11 consultation with the office of state lands and investments
12 and the department of environmental quality, shall develop
13 an application process, including required documentation
14 and application deadlines, for entities to apply to receive
15 a grant under this act for eligible projects. Any entity
16 may apply for grant funding pursuant to the application
17 process established by the office. Upon receipt of an
18 application, the Wyoming water development office, in
19 consultation with the office of state lands and investments
20 and the department of environmental quality, shall review
21 applications to determine whether the project for which an

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1 entity has submitted an application is an eligible project.
2 The water development office may require an applicant
3 entity to submit any additional information necessary to
4 determine project eligibility;

5
6 (ii) The Wyoming water development office shall
7 evaluate and prioritize eligible projects for
8 recommendation to the Wyoming water development commission,
9 including a recommended grant award amount. The Wyoming
10 water development office, in consultation with the office
11 of state lands and investments and department of
12 environmental quality, shall develop criteria to evaluate
13 and prioritize projects and grant funding, provided that
14 grants awarded for each eligible project shall not exceed
15 eighty-five percent (85%) of the estimated project costs or
16 seven million five-hundred thousand dollars
17 (\$7,500,000.00), whichever is less;

18
19 (iii) Upon determination by the Wyoming water
20 development office that an entity has submitted a grant
21 application for an eligible project, the water development

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1 office shall forward the determination of eligibility and
2 potential prioritization, including funding recommendation,
3 to the Wyoming water development commission. The Wyoming
4 water development commission shall make the final decision
5 regarding approval and prioritization of the eligible
6 project for inclusion in the program and grant award
7 amounts;

8

9 (iv) The Wyoming water development commission
10 and Wyoming water development office shall report the
11 approved projects and awarded grant amounts to the select
12 water committee;

13

14 (v) Decisions of the Wyoming water development
15 commission, Wyoming water development office, office of
16 state lands and investments and department of environmental
17 quality relating to determinations of project eligibility
18 and prioritization, including recommendations relating to
19 grant award amounts, are specifically exempt from all
20 provisions of the Wyoming Administrative Procedure Act

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1 including provisions for judicial review under W.S.
2 16-3-114 and 16-3-115;

3

4 (vi) Subject to federal law, a grant awarded
5 under this act shall be conditioned upon an entity agreeing
6 to be responsible for:

7

8 (A) Compliance with all requirements of the
9 American Rescue Plan Act of 2021, P.L. No. 117-2;

10

11 (B) The operation and maintenance of the
12 project;

13

14 (C) All project expenditures in excess of
15 the total project grant award amount;

16

17 (D) Repaying the entirety, or a portion, of
18 the grant award if the entity abandons completion of the
19 project, or if a portion of the project is ultimately
20 determined to be ineligible for American Rescue Plan Act
21 funds;

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1

2 (E) Any additional consideration deemed
3 necessary by the Wyoming water development office to
4 protect the use of public funds;

5

6 (F) Expending grant funds prior to December
7 1, 2026.

8

9 (c) The Wyoming water development office shall report
10 to the joint appropriations committee a summary of grants
11 awarded under this act.

12

13 (d) Grants under this act shall be awarded prior to
14 October 1, 2024. The program shall terminate on December
15 30, 2026.

16

17 **Section 2.** The Wyoming water development office shall
18 promulgate rules necessary to administer the program
19 authorized by this act. The office of state lands and
20 investments and the department of environmental quality may

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1 promulgate rules necessary to assist with the program
2 authorized by this act.

3

4 **Section 3.** There is appropriated to the Wyoming water
5 development office ninety-five million dollars
6 (\$95,000,000.00) from any unexpended, unobligated American
7 Rescue Plan Act funds that were appropriated in 2021
8 Wyoming Session Laws, Chapter 166, Section 5(b). This
9 appropriation is for purposes of this act and that are
10 consistent with the terms of the American Rescue Plan Act,
11 excluding the provision of government services related to a
12 reduction in revenue. Any unexpended, unobligated funds
13 remaining from this appropriation on October 1, 2024, may
14 be transferred and expended upon approval by the governor
15 for any other purposes authorized by the legislature and
16 consistent with the terms of the American Rescue Plan Act.
17 Transfers and expenditures under this section shall be
18 reported to the legislature through the B-11 process as
19 authorized by W.S. 9-2-1005(b)(ii) and reported pursuant to
20 W.S. 9-2-1013(b).

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1 **Section 4.**

2

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

5

6 (b) Sections 2 and 4 of this act are effective
7 immediately upon completion of all acts necessary for a
8 bill to become law as provided by Article 4, Section 8 of
9 the Wyoming Constitution.

10

11

(END)