



HB0097

Omnibus water bill - construction.

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; providing for a sponsor's contingency fund; modifying project descriptions, amounts and terms of appropriations for specified prior projects; transferring funds from the Buffalo Bill dam account to water development account II; and providing for an effective date.

2/4/2020 Bill Number Assigned  
2/7/2020 H Received for Introduction  
2/10/2020 H Introduced and Referred to H05 - Agriculture 59-0-1-0-0

**ROLL CALL**

**Ayes:** Representative(s) Barlow, Blackburn, Blake, Brown, Burkhart, Burlingame, Clausen, Clem, Clifford, Connolly, Crank, Dayton-Selman, Duncan, Edwards, Eklund, Eyre, Flitner, Freeman, Furphy, Gray, Haley, Hallinan, Harshman, Henderson, Hunt, Jennings, Kinner, Kirkbride, Larsen Lloyd, Laursen Dan, Lindholm, Loucks, Macguire, Miller, Newsome, Nicholas, Northrup, Obermueller, Olsen, Paxton, Pelkey, Piiparinen, Pownall, Roscoe, Salazar, Schwartz, Simpson, Sommers, Stith, Styvar, Sweeney, Tass, Walters, Washut, Western, Wilson, Winter, Yin, Zwonitzer

**Excused:** Representative Greear

**Ayes** 59    **Nays** 0    **Excused** 1    **Absent** 0    **Conflicts** 0

2/13/2020 H05 - Agriculture:Recommend Amend and Do Pass 9-0-0-0-0

**ROLL CALL**

**Ayes:** Representative(s) Blake, Clausen, Haley, Henderson, Hunt, Laursen, Simpson, Tass, Winter

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

2/13/2020 H05 - Agriculture:Rerefer to H02 - Appropriations  
2/17/2020 H02 - Appropriations:Recommend Do Pass 7-0-0-0-0

**ROLL CALL**

**Ayes:** Representative(s) Kinner, Larsen, Nicholas, Olsen, Schwartz, Sommers, Walters

**Ayes** 7    **Nays** 0    **Excused** 0    **Absent** 0    **Conflicts** 0

2/17/2020 H Placed on General File

**HB0097HS001/ADOPTED**

Page 13-line 6 After "Design" insert "and construction".

Page 60-after line 6 Insert:

**"Section 5.** Notwithstanding W.S. 41-2-121(a)(ii)(E)(I), the state of Wyoming shall grant to the Goshen Irrigation District from water development account II through the commission an amount not to exceed two hundred thousand dollars (\$200,000.00) to pay for the planning, permitting and design necessary to make the Goshen Irrigation District Tunnels 1 and 2 Rehabilitation Project function in the manner intended. There is appropriated from water development

account II to the commission two hundred thousand dollars (\$200,000.00) or as much thereof as is necessary to carry out the purpose of this section. Unexpended funds appropriated under this section shall revert to water development account II on July 1, 2025. Notwithstanding any state law pertaining to competitive bidding requirements and residency preferences, the department and the Goshen Irrigation District shall be authorized to continue working with its current engineer for the planning, permitting and design of the project."

Page 60-line 8 Delete "Section 5." and insert "Section 6." HUNT,  
CHAIRMAN

2/20/2020 H COW:Passed  
2/21/2020 H 2nd Reading:Laid Back

**HB0097H2001/FAILED**

Page 10-lines 18 through 22 Delete entirely.

Page 11-lines 1 and 2 Delete entirely and insert:

"(vi) Appropriation:

(A) There is appropriated from the Gillette Madison pipeline account created under W.S. 99-3-1405(a)(iv) up to three million eighty-eight thousand seven hundred dollars (\$3,088,700.00) or as much thereof as is available and necessary to carry out the purpose of this subsection;

(B) To the extent the appropriation in subparagraph (A) of this paragraph is less than three million eighty-eight thousand seven hundred dollars (\$3,088,700.00), there is appropriated from water development account I to the commission up to three million eighty-eight thousand seven hundred dollars (\$3,088,700.00) or as much thereof as is necessary to carry out the purpose of this subsection. Unexpended funds appropriated under this subparagraph shall revert to water development account I on July 1, 2025.". ZWONITZER

2/24/2020 H 2nd Reading:Passed  
2/25/2020 H 3rd Reading:Passed 59-0-1-0-0

**ROLL CALL**

**Ayes:** Representative(s) Barlow, Blake, Brown, Burkhart, Burlingame, Clausen, Clem, Clifford, Connolly, Crank, Dayton-Selman, Duncan, Edwards, Eklund, Eyre, Flitner, Freeman, Furphy, Gray, Greear, Haley, Hallinan, Harshman, Henderson, Hunt, Jennings, Kinner, Kirkbride, Larsen Lloyd, Laursen Dan, Lindholm, Loucks, Macguire, Miller, Newsome, Nicholas, Northrup, Obermueller, Olsen, Paxton, Pelkey, Piiparinen, Pownall, Roscoe, Salazar, Schwartz, Simpson, Sommers, Stith, Styvar, Sweeney, Tass, Walters, Washut, Western, Wilson, Winter, Yin, Zwonitzer

**Excused:** Representative Blackburn

**Ayes** 59    **Nays** 0    **Excused** 1    **Absent** 0    **Conflicts** 0

2/26/2020 S Received for Introduction  
2/26/2020 S Introduced and Referred to S05 - Agriculture  
2/28/2020 S05 - Agriculture:Recommend Do Pass 5-0-0-0-0

**ROLL CALL**

**Ayes:** Senator(s) Boner, Bouchard, Kost, Moniz, Steinmetz  
**Ayes** 5    **Nays** 0    **Excused** 0    **Absent** 0    **Conflicts** 0



(vii) Special conditions: Except as provided in paragraph (viii) of this subsection and subject to paragraph (ix) of this subsection, 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.

(viii) Special conditions: Notwithstanding paragraph (vii) of this paragraph, funds from this appropriation may be expended for items listed in subparagraph (v)(A) of this subsection provided that the project beneficiaries provide matching funds at a rate established by the Wyoming water development commission for this project;

(ix) Any federal funds obtained by the project sponsor to be used as matching funds as provided in this section shall be credited toward each state's pro rata share of the project.". HICKS

#### ROLL CALL

**Ayes:** Senator(s) Agar, Anderson, Anselmi-Dalton, Baldwin, Bebout, Biteman, Boner, Bouchard, Case, Coe, Dockstader, Driskill, Ellis, Gierau, Hicks, Hutchings, James, Kinskey, Kost, Landen, Moniz, Nethercott, Pappas, Perkins, Rothfuss, Schuler, Scott, Steinmetz, Von Flatern, Wasserburger

**Ayes** 30      **Nays** 0      **Excused** 0      **Absent** 0      **Conflicts** 0

3/4/2020      S 2nd Reading:Passed

3/5/2020      S 3rd Reading:Passed 29-1-0-0-0

#### ROLL CALL

**Ayes:** Senator(s) Agar, Anderson, Anselmi-Dalton, Baldwin, Bebout, Biteman, Boner, Bouchard, Case, Coe, Dockstader, Driskill, Ellis, Gierau, Hicks, Hutchings, James, Kinskey, Kost, Landen, Moniz, Nethercott, Pappas, Perkins, Rothfuss, Schuler, Steinmetz, Von Flatern, Wasserburger

**Nays:** Senator Scott

**Ayes** 29      **Nays** 1      **Excused** 0      **Absent** 0      **Conflicts** 0

3/5/2020      H Received for Concurrence

3/6/2020      H Concur:Failed 2-56-2-0-0

#### ROLL CALL

**Ayes:** Representative(s) Laursen Dan, Lindholm

**Nays:** Representative(s) Barlow, Blake, Brown, Burkhart, Burlingame, Clausen, Clem, Clifford, Connolly, Crank, Dayton-Selman, Duncan, Edwards, Eklund, Eyre, Flitner, Freeman, Furphy, Gray, Greear, Haley, Hallinan, Harshman, Henderson, Hunt, Jennings, Kinner, Kirkbride, Larsen Lloyd, Loucks, Macguire, Miller, Newsome, Nicholas, Northrup, Obermueller, Olsen, Paxton, Piiparinen, Pownall, Roscoe, Salazar, Schwartz, Simpson, Sommers, Stith, Styvar, Sweeney, Tass, Walters, Washut, Western, Wilson, Winter, Yin, Zwonitzer

**Excused:** Representative(s) Blackburn, Pelkey

**Ayes** 2      **Nays** 56      **Excused** 2      **Absent** 0      **Conflicts** 0

3/6/2020      H Appointed JCC01 Members

Representative(s) Hunt, Greear, Simpson

3/9/2020      S Appointed JCC01 Members

Senator(s) Driskill, Hicks, Scott

3/12/2020      H Adopted HB0097JC001: 44-8-8-0-0

**HB0097JC001/HADOPTEDSADOPTED (TO ENGROSSED COPY)**

Adopt the following Senate amendments:

HB0097SW001/ACE

Delete the following Senate amendments:

HB0097S2001/AE

Further amend the ENGROSSED COPY as follows:

Page 42-line 21                   After "(e)(iv) through (vii)," insert "99-3-2305(b)(vi), (vii) and by creating new paragraphs (viii) and (ix),".

Page 55-after line 11    Insert:

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

(b) Project - West Fork Reservoir:

(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~~ July 1, 2026;

(vii) Special conditions: Except as provided in paragraph (viii) of this subsection and subject to paragraph (ix) of this subsection, 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;

(viii) Special conditions: Notwithstanding paragraph (vii) of this paragraph, funds from this appropriation may be expended for items listed in subparagraph (v)(A) of this subsection provided that the project beneficiaries provide matching funds at a rate established by the Wyoming water development commission for this project;

(ix) Any federal funds obtained by the project sponsor to be used as matching funds as provided in this section shall only be expended if matched in the ratio of one dollar (\$1.00) of water development account III funds to not less than one dollar (\$1.00) of matching federal funds to be credited toward each state's pro rata share of the project. No more than one million two hundred fifty thousand dollars (\$1,250,000.00) from water development account III shall be expended for matching funds under this paragraph."

HUNT, SIMPSON, DRISKILL, HICKS, SCOTT

**ROLL CALL**

**Ayes:** Representative(s) Barlow, Blackburn, Brown, Clausen, Clem, Dayton-Selman, Duncan, Edwards, Eklund, Eyre, Flitner, Furphy, Haley, Hallinan, Harshman, Henderson, Hunt, Jennings, Kinner, Kirkbride, Larsen Lloyd, Laursen Dan, Loucks, Miller, Newsome, Northrup, Obermueller, Olsen, Paxton, Piiparinen, Pownall, Roscoe, Salazar, Simpson, Sommers, Stith, Sweeney, Tass, Walters, Washut, Western, Wilson, Winter, Zwonitzer

**Nays:** Representative(s) Blake, Burlingame, Clifford, Gray, Pelkey, Schwartz, Styvar, Yin

**Excused:** Representative(s) Burkhart, Connolly, Crank, Freeman, Greear, Lindholm, Macguire, Nicholas

**Ayes** 44      **Nays** 8      **Excused** 8      **Absent** 0      **Conflicts** 0

3/12/2020      S Adopted HB0097JC001: 26-2-2-0-0

**HB0097JC001/HADOPTEDSADOPTED (TO ENGROSSED COPY)**

Adopt the following Senate amendments:

HB0097SW001/ACE

Delete the following Senate amendments:

HB0097S2001/AE

Further amend the ENGROSSED COPY as follows:

Page 42-line 21                      After "(e)(iv) through (vii)," insert "99-3-2305(b)(vi), (vii) and by creating new paragraphs (viii) and (ix),".

Page 55-after line 11      Insert:

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

(b) Project - West Fork Reservoir:

(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~~July 1, 2026~~;

(vii) Special conditions: Except as provided in paragraph (viii) of this subsection and subject to paragraph (ix) of this subsection, 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;

(viii) Special conditions: Notwithstanding paragraph (vii) of this paragraph, funds from this appropriation may be expended for items listed in subparagraph (v)(A) of this subsection provided that the project beneficiaries provide matching funds at a rate established by the Wyoming water development commission for this project;

(ix) Any federal funds obtained by the project sponsor to be used as matching funds as provided in this section shall only be expended if matched in the ratio of one dollar (\$1.00) of water development account III funds to not less than one dollar (\$1.00) of matching federal funds to be credited toward each state's pro rata share of the project. No more than one million two hundred fifty thousand dollars (\$1,250,000.00) from water development account III shall be expended for matching funds under this paragraph."

HUNT, SIMPSON, DRISKILL, HICKS, SCOTT

**ROLL CALL**

**Ayes:** Senator(s) Anderson, Anselmi-Dalton, Baldwin, Bebout, Biteman, Boner, Bouchard, Coe, Dockstader, Driskill, Ellis, Gierau, Hicks, Hutchings, James, Kinskey, Kost, Landen, Moniz, Nethercott, Pappas, Perkins, Rothfuss, Schuler, Steinmetz, Von Flatern

**Nays:** Senator(s) Case, Scott

**Excused:** Senator(s) Agar, Wasserburger

**Ayes** 26      **Nays** 2      **Excused** 2      **Absent** 0      **Conflicts** 0

3/12/2020      Assigned Number HEA No. 0093  
3/12/2020      H Speaker Signed HEA No. 0093  
3/12/2020      S President Signed HEA No. 0093  
3/17/2020      Governor Signed HEA No. 0093  
3/17/2020      Assigned Chapter Number 113

Chapter No. 113      Session Laws of Wyoming 2020