



HB0104

Omnibus water bill-planning.

Sponsored By: Select Water Committee

AN ACT relating to water development projects; authorizing specified level I and level II studies; providing appropriations; requiring reports; providing for the reversion of unexpended funds; authorizing unobligated funds to be used to complete other designated projects as specified; providing an appropriation for the office of water programs; transferring funds from the general fund to water development account I; clarifying authority of the Wyoming water development commission regarding Inflation Reduction Act funding for drought mitigation projects and regional conservation partnership program funding; and providing for an effective date.

2/2/2024 Bill Number Assigned
2/7/2024 H Received for Introduction
2/14/2024 H Introduced and Referred to H05 - Agriculture 61-0-1-0-0

ROLL CALL

Ayes: Representative(s) Allemand, Allred, Andrew, Banks, Bear, Berger, Brown, Burkhart, Jr, Byron, Chadwick, Chestek, Clouston, Conrad, Crago, Davis, Eklund, Haroldson, Harshman, Heiner, Henderson, Hornok, Jennings, Knapp, Larsen, Lloyd, Larson, Jt, Lawley, Locke, Neiman, Newsome, Nicholas, Niemiec, Northrup, Oakley, Obermueller, O'hearn, Olsen, Ottman, Pendergraft, Penn, Provenza, Rodriguez-Williams, Sherwood, Singh, Slagle, Smith, Speaker Sommers, Stith, Storer, Strock, Styvar, Tarver, Trujillo, Walters, Ward, Washut, Western, Winter, Wylie, Yin, Zwonitzer, Dan, Zwonitzer, Dave

Excused: Representative Angelos
Ayes 61 **Nays** 0 **Excused** 1 **Absent** 0 **Conflicts** 0

2/20/2024 H05 - Agriculture:Recommend Do Pass 9-0-0-0-0

ROLL CALL

Ayes: Representative(s) Allemand, Allred, Banks, Conrad, Crago, Davis, Eklund, Slagle, Winter

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

2/20/2024 :Rerefer to H02 - Appropriations
2/21/2024 H02 - Appropriations:Recommend Do Pass 7-0-0-0-0

ROLL CALL

Ayes: Representative(s) Henderson, Larsen, Nicholas, Sherwood, Stith, Walters, Zwonitzer

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

2/21/2024 H Placed on General File
2/22/2024 H COW:Passed
2/23/2024 H 2nd Reading:Passed

HB0104H3001/FAILED

Page 1-above line 1 In the catch title, after "planning" insert "and rehabilitation".

Page 1-line 2 After "studies;" insert "authorizing specified rehabilitation projects;".

Page 1-line 7 After "general fund" insert "and the strategic investments and projects account".

Page 3-line 10 After "of funds" insert "from the general fund".

Page 3-line 11 Delete "section 5" and insert "section 6".

Page 5-after line 23 Insert and renumber as necessary:

"Section 4. GOSHEN IRRIGATION DISTRICT TUNNELS 1 AND 2 REHABILITATION.

(a) There is appropriated from water development account I, as created by W.S. 41-2-124(a)(i), to the water development commission thirty-four million six hundred thirty-nine thousand eight hundred sixty-seven dollars and five cents (\$34,639,867.05) or as much thereof as is necessary to carry out the purpose of this section and provide funding for irrigation district tunnel rehabilitation in Goshen County. Unexpended funds appropriated under this section shall revert to water development account I on July 1, 2029.

(b) The appropriation in subsection (a) of this section shall be reduced by one dollar (\$1.00) for each one dollar (\$1.00) appropriated in excess of twenty-one million eight hundred ten thousand dollars (\$21,810,000.00) for the same project in 2024 Senate File 0075, if enacted into law.

(c) The appropriation in this section shall not be transferred or expended for any other purpose."

Page 5-line 25 Delete "**Section 4.**" and insert "**Section 5.**".

Page 6-line 5 Delete "**Section 5.**" and insert "**Section 6.**".

Page 6-line 7 After "general fund" insert "and thirty-four million six hundred thirty-nine thousand eight hundred sixty-seven dollars and five cents (\$34,639,867.05) from the strategic investments and projects account".

Page 6-line 10 Delete "**Section 6.**" And insert "**Section 7.**".

Page 7-line 25 Delete "**Section 7.**" and insert "**Section 8.**". SMITH

2/26/2024 H 3rd Reading:Passed 62-0-0-0-0

ROLL CALL

Ayes: Representative(s) Allemand, Allred, Andrew, Angelos, Banks, Bear, Berger, Brown, Burkhart, Jr, Byron, Chadwick, Chestek, Clouston, Conrad, Crago, Davis, Eklund, Haroldson, Harshman, Heiner, Henderson, Hornok, Jennings, Knapp, Larsen, Lloyd, Larson, Jt, Lawley, Locke, Neiman, Newsome, Nicholas, Niemiec, Northrup, Oakley, Obermueller, O'hearn, Olsen, Ottman, Pendergraft, Penn, Provenza, Rodriguez-Williams, Sherwood, Singh, Slagle, Smith, Speaker Sommers, Stith, Storer, Strock, Styvar, Tarver, Trujillo, Walters, Ward, Washut, Western, Winter, Wylie, Yin, Zwonitzer, Dan, Zwonitzer, Dave

Ayes 62 Nays 0 Excused 0 Absent 0 Conflicts 0

2/27/2024 S Received for Introduction
 2/27/2024 S Introduced and Referred to S05 - Agriculture
 2/29/2024 S05 - Agriculture:Recommend Amend and Do Pass 6-0-0-0-0

ROLL CALL

Ayes: Senator(s) French, Hicks, Ide, Kolb, Laursen, Steinmetz
Ayes 6 **Nays** 0 **Excused** 0 **Absent** 0 **Conflicts** 0

2/29/2024 S05 - Agriculture:Rerefer to S02 - Appropriations
3/1/2024 S02 - Appropriations:Recommend Do Pass 5-0-0-0-0

ROLL CALL

Ayes: Senator(s) Anderson, Gierau, Kinskey, Nethercott, Salazar
Ayes 5 **Nays** 0 **Excused** 0 **Absent** 0 **Conflicts** 0

3/1/2024 S Placed on General File

HB0104SS001/ADOPTED

Page 1-line 8 After "account I;" insert "clarifying authority of the Wyoming water development commission regarding Inflation Reduction Act funding for drought mitigation projects and regional conservation partnership program funding;".

Page 6-after line 8 Insert and renumber as necessary:

"Section 6. INFLATION REDUCTION ACT DROUGHT MITIGATION IN THE RECLAMATION STATES.

(a) Section 50233 of Public Law 117-169, 136 Stat. 1818, (commonly known as the Inflation Reduction Act of 2022) appropriates four billion dollars (\$4,000,000,000.00) to the secretary of the interior, acting through the commissioner of the bureau of reclamation, to mitigate the impacts of drought in the reclamation states with priority given to the Colorado River Basin.

(b) The bureau of reclamation is authorized to contract with public entities such as the Wyoming water development commission through September 30, 2026, for grants, contracts or financial assistance agreements that provide for the conduct of activities to mitigate the impacts of drought.

(c) The water development commission shall continue to be authorized to contract with the bureau of reclamation and accept funding for grants, contracts and financial assistance agreements that provide for the conduct of the drought mitigation activities identified in the Inflation Reduction Act of 2022 and related to Wyoming's portion of the Colorado River Basin. The commission shall identify, evaluate, prioritize and recommend to the bureau of reclamation drought mitigation activities in accordance with criteria established for funding those activities.

(d) The water development commission shall be authorized to contract with Wyoming water right holders and others to implement the drought mitigation activities identified in this section.

(e) The identification, evaluation, prioritization and recommendation of qualifying drought mitigation activities under this section, and the decisions of the water development commission relating to the identification, evaluation, prioritization and recommendation to the bureau of reclamation of qualifying drought mitigation activities for funding under the Inflation Reduction Act of 2022, shall be 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 definition of "sponsor" as defined in the rules and regulations of the water development commission, Chapter 1, Section 3(i), shall not apply to qualifying drought mitigation activities within the state of Wyoming for Inflation Reduction Act of 2022 funding.

(g) The authority granted to the water development commission under this section shall be effective only when Inflation Reduction Act of 2022 funding for drought mitigation activities remains available.

Section 7. REGIONAL CONSERVATION PARTNERSHIP PROGRAM - FUNDING.

(a) Section 2701 of Public Law 115-334, 132 Stat. 4592, (commonly known as the Agricultural Improvement Act of 2018 or "Farm Bill") establishes the regional conservation partnership program (16 U.S.C. 3871 through 3871f, and 7 CFR 1464), appropriating three hundred million dollars (\$300,000,000.00) to the secretary of agriculture, for the purpose of furthering conservation, protection restoration and sustainable use of soil, water, wildlife, agricultural land and related natural resources on eligible land on a regional or watershed scale, and to encourage eligible partners to cooperate with producers in achieving conservation outcomes and benefits.

(b) Section 2501 of Public Law 115-334, 132 Stat. 4592 designates the United States department of agriculture, natural resources conservation service (NRCS), as the lead agency in developing and establishing technical standards and requirements for conservation programs carried out under the regional conservation partnership program.

(c) Section 21001 of Public Law 117-169, 136 Stat. 1818, (commonly known as the Inflation Reduction Act of 2022) appropriates two hundred fifty million dollars (\$250,000,000.00) for fiscal year 2023 to the secretary of agriculture to carry out the regional conservation partnership program.

(d) The secretary of agriculture is authorized to enter into partnership agreements with the Wyoming water development commission to implement eligible regional conservation partnership program projects.

(e) NRCS has granted the Wyoming water development commission twenty-five million dollars (\$25,000,000.00) to manage regional conservation partnership program projects for the purpose of water efficiency and conservation in Wyoming's portion of the Colorado River Basin.

(f) The water development commission shall continue to be authorized to enter into partnership agreements with NRCS to implement regional conservation partnership program projects. The commission shall utilize the regional conservation partnership program funding to implement eligible regional conservation partnership program projects in Wyoming's portion of the Colorado River Basin. The commission shall identify, evaluate, prioritize and recommend to NRCS regional conservation partnership program projects in accordance with criteria established for funding those projects.

(g) The water development commission shall be authorized to contract with Wyoming water right holders and others to implement the regional conservation partnership program funding projects identified in this section.

(h) The identification, evaluation, prioritization and recommendation of qualifying regional conservation partnership program projects under this

section, and the decisions of the water development commission relating to the evaluation, prioritization and recommendation to the NRCS of qualifying regional conservation partnership program projects 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.

(j) The definition of "sponsor" as defined in the rules and regulations of the water development commission, Chapter 1, Section 3(i), shall not apply to qualifying projects within the state of Wyoming for regional conservation partnership program funding.

(k) The authority granted to the water development commission under this section and any criteria or administrative procedures established pursuant to this section shall be effective only when regional conservation partnership program funding remains available."

Page 6-line 10 Delete "**Section 6.**" and insert "**Section 8.**".

Page 7-line 25 Delete "**Section 7.**" and insert "**Section 9.**". STEINMETZ, CHAIRMAN

3/1/2024 S COW:Passed
3/4/2024 S 2nd Reading:Passed
3/5/2024 S 3rd Reading:Passed 31-0-0-0-0

ROLL CALL

Ayes: Senator(s) Anderson, Baldwin, Barlow, Biteman, Boner, Bouchard, Brennan, Case, Cooper, Dockstader, Ellis, French, Furphy, Gierau, Hicks, Hutchings, Ide, Jones, Kinskey, Kolb, Landen, Laursen, Mckeown, Nethercott, Pappas, President Driskill, Rothfuss, Salazar, Schuler, Scott, Steinmetz

Ayes 31 Nays 0 Excused 0 Absent 0 Conflicts 0

3/5/2024 H Received for Concurrence
3/6/2024 H Concur:Passed 62-0-0-0-0

ROLL CALL

Ayes: Representative(s) Allemand, Allred, Andrew, Angelos, Banks, Bear, Berger, Brown, Burkhart, Jr, Byron, Chadwick, Chestek, Clouston, Conrad, Crago, Davis, Eklund, Haroldson, Harshman, Heiner, Henderson, Hornok, Jennings, Knapp, Larsen, Lloyd, Larson, Jt, Lawley, Locke, Neiman, Newsome, Nicholas, Niemiec, Northrup, Oakley, Obermueller, O'hearn, Olsen, Ottman, Pendergraft, Penn, Provenza, Rodriguez-Williams, Sherwood, Singh, Slagle, Smith, Speaker Sommers, Stith, Storer, Strock, Styvar, Tarver, Trujillo, Walters, Ward, Washut, Western, Winter, Wylie, Yin, Zwonitzer, Dan, Zwonitzer, Dave

Ayes 62 Nays 0 Excused 0 Absent 0 Conflicts 0

3/6/2024 Assigned Number HEA No. 0048
3/7/2024 H Speaker Signed HEA No. 0048
3/8/2024 S President Signed HEA No. 0048