

## HOUSE BILL NO. HB0081

Emergency water projects account.

Sponsored by: Select Water Committee

A BILL

for

1 AN ACT relating to funding for emergency water projects;  
2 creating an emergency water projects account; authorizing  
3 emergency water project grants and loans; providing a  
4 continuous appropriation and providing an additional  
5 appropriation; providing for administration; and providing  
6 for an effective date.

7

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

9

10 **Section 1.** W.S. 9-4-311(b), 9-4-715(p) by creating a  
11 new paragraph (viii) and 41-2-124 by creating new  
12 subsections (f) through (k) are amended to read:

13

14 **9-4-311. Carey Act revenue.**

15

1           (b) The ~~interest~~income received from investments of  
2 the account, ~~and~~ shall be deposited by the state treasurer  
3 in the emergency water projects account as provided in W.S.  
4 41-2-124(f), provided that anytime the unencumbered,  
5 unobligated balance in the emergency water projects account  
6 equals or exceeds ten million dollars (\$10,000,000.00) the  
7 income received from investments shall be deposited in the  
8 general fund. All monies derived from rentals of the lands  
9 acquired under Public Law 582 (68 Stat. 703) and from  
10 timber sales therefrom shall be deposited by the state  
11 treasurer in the general fund, and shall be expended  
12 therefrom only upon appropriation.

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14           **9-4-715. Permissible investments.**

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16           (p) There is created the pool A investment account.  
17 The state treasurer, or his designee, which shall be  
18 registered under the Investment Advisor's Act of 1940 as  
19 amended if required to be registered by the terms of that  
20 act as amended, pursuant to subsections (c) and (d) of this  
21 section and after consultation with the state agency or  
22 agencies receiving or administering investment earnings  
23 from the monies invested in the pool A investment account,

1 may invest up to seventy percent (70%) of the monies  
2 comprising the pool A investment account in equities  
3 including stocks of corporations. The state loan and  
4 investment board, in consultation with the state agency or  
5 agencies receiving or administering investment earnings  
6 from the monies invested in the pool A investment account,  
7 shall annually review the state investment policy  
8 statements for the investment pool created by this  
9 subsection as required under W.S. 9-4-716. Monies in the  
10 following funds shall be invested in the pool A investment  
11 account:

12

13 (viii) The emergency water projects account  
14 created by W.S. 41-2-124(f), including the voluntary pool  
15 program subaccount within that account.

16

17 **41-2-124. Accounts created; unexpended balance.**

18

19 (f) There is created the emergency water projects  
20 account. All funds in the account are continuously  
21 appropriated to the water development commission for the  
22 purpose of funding emergency water projects as authorized  
23 by this subsection and subsections (g) and (h) of this

1 section. Funds within the account shall be invested in the  
2 pool A investment account by the state treasurer pursuant  
3 to W.S. 9-4-715(p). Earnings from funds in the account  
4 shall be deposited in the account. Notwithstanding W.S.  
5 9-1-417, if the state loan and investment board determines  
6 that funds in the account are insufficient to make payment  
7 for the full cost of addressing emergency water projects  
8 which may occur in any year, the board is authorized to  
9 obtain a loan from the legislative stabilization reserve  
10 account of up to two million dollars (\$2,000,000.00) which  
11 loan shall be repaid by interest earnings or loan  
12 repayments from the emergency water projects account.

13

14 (g) Emergency water projects funded from the  
15 emergency water projects account under subsection (f) of  
16 this section shall be limited as follows:

17

18 (i) Emergency water projects shall consist only  
19 of repair, replacement or maintenance that is required for  
20 irrigation infrastructure which is rendered or likely to be  
21 rendered permanently inoperable due to an act of God  
22 including fire, earthquake, hurricane, storm or other  
23 similar natural disaster or phenomena or an unforeseen or

1 impending natural or man-made event that requires immediate  
2 action to prevent a threat to or loss of life or property;

3  
4 (ii) Only political subdivisions that own or  
5 have the legal responsibility to operate or maintain  
6 irrigation infrastructure shall be eligible for emergency  
7 water project funding.

8  
9 (h) The commission shall adopt rules providing for  
10 eligibility determination, procedures and criteria for the  
11 application and award of funds from the emergency water  
12 projects account. The total amount awarded under this  
13 subsection shall not exceed three million dollars  
14 (\$3,000,000.00) per fiscal biennium. The maximum grant  
15 amount awarded for each emergency project shall not exceed  
16 seventy-five percent (75%) of the total emergency project  
17 costs, the remaining twenty-five percent (25%) may be  
18 funded by the commission in the form of a loan. The term of  
19 a loan shall not exceed fifty (50) years and interest shall  
20 provide a reasonable return and shall not be less than four  
21 percent (4%). The commission shall include the total amount  
22 of all emergency water project grant or loan funds provided  
23 under this subsection and subtract that total from the

1 maximum allowable grant under W.S. 41-2-121(a)(ii)(I) for a  
2 subsequent water development project involving the same  
3 entity and project components. All emergency water projects  
4 account funds awarded under this subsection shall be  
5 approved by the state loan and investment board after  
6 review and recommendation by the water development  
7 commission prior to the release of funds.

8  
9 (j) The water development commission shall adopt  
10 rules authorizing a voluntary pool program within the  
11 emergency water projects account. Participant contributions  
12 to the voluntary pool program shall be deposited in a  
13 subaccount and funds within the subaccount shall be  
14 expended only for emergency projects involving a  
15 participant in the voluntary pool program. Expenditures  
16 from the voluntary pool program may be credited in whole or  
17 in part to the twenty-five percent (25%) loan for funding  
18 an emergency project of a participant.

19  
20 (k) As used in this section, "irrigation  
21 infrastructure" includes dams, canals, ditches, pipelines,  
22 aqueducts, tunnels, pumping stations, drainage and flow  
23 regulating structures.

1

2           **Section 2.** There is appropriated five million dollars  
3 (\$5,000,000.00) from water development account I to the  
4 emergency water projects account for the purpose of funding  
5 emergency water projects.

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7           **Section 3.** This act is effective July 1, 2020.

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9

(END)