

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 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 Capital Projects Fund established under
15 section 604 of title VI of the federal Social Security Act,

1 as created by section 9901 of the American Rescue Plan Act
2 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
22 to the Wyoming water development office in the
23 establishment and administration of this temporary program.

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

7

8 (i) The Wyoming water development office, in
9 consultation with the office of state lands and investments
10 and the department of environmental quality, shall develop
11 an application process, including required documentation
12 and application deadlines, for entities to apply to receive
13 a grant under this act for eligible projects. Any entity
14 may apply for grant funding pursuant to the application
15 process established by the office. Upon receipt of an
16 application, the Wyoming water development office, in
17 consultation with the office of state lands and investments
18 and the department of environmental quality, shall review
19 applications on a rolling-basis to determine whether the
20 project for which an entity has submitted an application is
21 an eligible project. The water development office may
22 require an applicant entity to submit any additional
23 information necessary to determine project eligibility;

1

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

16

17 (iii) Upon determination by the Wyoming water
18 development office that an entity has submitted a grant
19 application for an eligible project, the water development
20 office shall forward the determination of eligibility and
21 potential prioritization, including funding recommendation,
22 to the Wyoming water development commission. The Wyoming
23 water development commission shall make the final decision

1 regarding approval and prioritization of the eligible
2 project for inclusion in the program and grant award
3 amounts;

4

5 (iv) The Wyoming water development commission
6 and Wyoming water development office shall not enter into
7 any contract with an entity for an eligible project and
8 grant award under the program until the contract has been
9 submitted to the legislative service office for
10 distribution to members of the select water committee for
11 review and recommendation;

12

13 (v) Decisions of the Wyoming water development
14 commission, Wyoming water development office, office of
15 state lands and investments and department of environmental
16 quality relating to determinations of project eligibility
17 and prioritization, including recommendations relating to
18 grant award amounts, are specifically exempt from all
19 provisions of the Wyoming Administrative Procedure Act
20 including provisions for judicial review under W.S.
21 16-3-114 and 16-3-115;

22

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

4

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

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8 (B) The operation and maintenance of the
9 project;

10

11 (C) All project expenditures in excess of
12 the total project grant award amount;

13

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

19

20 (E) Any additional consideration deemed
21 necessary by the Wyoming water development office to
22 protect the use of public funds;

23

1 (F) Expending grant funds prior to December
2 1, 2026.

3

4 (c) The Wyoming water development office shall
5 include a summary of grants awarded under this act in its
6 annual report submitted to the legislature pursuant to W.S.
7 41-2-118(a)(iii).

8

9 (d) Grants under this act shall be awarded prior to
10 October 1, 2024. The program shall terminate on December
11 30, 2026.

12

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

19

20 **Section 3.** There is appropriated to the Wyoming water
21 development office ninety-five million dollars
22 (\$95,000,000.00) from any unexpended, unobligated American
23 Rescue Plan Act funds that were appropriated in 2021

1 Wyoming Session Laws, Chapter 166, Section 5(b). This
2 appropriation is for purposes of this act and that are
3 consistent with the terms of the American Rescue Plan Act,
4 excluding the provision of government services related to a
5 reduction in revenue. Any unexpended, unobligated funds
6 remaining from this appropriation on October 1, 2024, may
7 be transferred and expended upon approval by the governor
8 for any other purposes authorized by the legislature and
9 consistent with the terms of the American Rescue Plan Act.
10 Transfers and expenditures under this section shall be
11 reported to the legislature through the B-11 process as
12 authorized by W.S. 9-2-1005(b)(ii) and reported pursuant to
13 W.S. 9-2-1013(b).

14

15 **Section 4.**

16

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

19

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

5

6

(END)