

## HOUSE BILL NO. HB0060

Colorado river authority.

Sponsored by: Representative(s) Sommers and Senator(s)  
Hicks

A BILL

for

1 AN ACT relating to water; establishing the Colorado River  
2 authority within the office of state engineer; establishing  
3 the river commissioner; providing the powers and duties of  
4 the authority and the commissioner; providing rulemaking  
5 authority; specifying duties of the attorney general;  
6 authorizing employees; making conforming changes;  
7 specifying initial terms of authority members; providing an  
8 appropriation; and providing for an effective date.

9

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

11

12 **Section 1.** W.S. 41-11-301 through 41-11-307 are  
13 created to read:

14

15

ARTICLE 3

1 COLORADO RIVER AUTHORITY AND RIVER COMMISSIONER

2

3 **41-11-301. Short title.**

4

5 This article shall be known and may be cited as the  
6 "Colorado River Authority of Wyoming Act."

7

8 **41-11-302. Definitions.**

9

10 (a) As used in this article:

11

12 (i) "Authority" means the Colorado River  
13 authority of Wyoming;

14

15 (ii) "Chair" means the chairperson of the  
16 authority as specified under W.S. 41-11-306;

17

18 (iii) "Colorado River basin states" means  
19 Arizona, California, Colorado, Nevada, New Mexico, Utah and  
20 Wyoming;

21

1           (iv) "Colorado River system" means the entire  
2 drainage of the Colorado River in Wyoming including any  
3 tributaries of the Colorado River;

4

5           (v) "Law of the river" means the compacts,  
6 federal laws, treaties, court decisions and decrees,  
7 contracts and regulatory guidelines that underlie and  
8 authorize the management of the Colorado River;

9

10           (vi) "River commissioner" means the person  
11 appointed as the river commissioner under W.S. 41-11-306.

12

13           **41-11-303. Applicability of article.**

14

15           (a) This article shall not be interpreted to  
16 override, supersede or modify:

17

18           (i) Any water right within Wyoming;

19

20           (ii) The role or authority of the state  
21 engineer.

22

23           **41-11-304. Colorado River authority of Wyoming.**

1

2 (a) There is created the Colorado River authority of  
3 Wyoming within the interstate streams division of the  
4 office of state engineer.

5

6 (b) The authority shall be composed of nine (9)  
7 members as follows:

8

9 (i) Two (2) members representing the upper Green  
10 River basin, appointed by the board of county commissioners  
11 of Sublette county;

12

13 (ii) Three (3) members representing the lower  
14 Green River basin, with one (1) member appointed by the  
15 board of county commissioners of Lincoln county, one (1)  
16 member appointed by the board of county commissioners of  
17 Sweetwater county and one (1) member appointed by the board  
18 of county commissioners of Uinta county;

19

20 (iii) One (1) member representing the Little  
21 Snake River basin, appointed by the board of county  
22 commissioners of Carbon county;

23

1           (iv) The state engineer;

2

3           (v) One (1) at-large member appointed by the  
4 governor;

5

6           (vi) The governor or the governor's designee.

7

8           (c) Appointed authority members shall be appointed  
9 for a term of six (6) years. Authority members may be  
10 reappointed for additional terms. Each authority member  
11 appointed under subsection (b) of this section shall be a  
12 resident of Wyoming and shall have experience and a general  
13 knowledge of Colorado River matters. Members appointed  
14 under paragraphs (b)(i), (ii) and (iii) of this section  
15 shall have knowledge of issues in the area that the member  
16 is appointed to represent.

17

18           (d) The vacancy of any appointed member shall be  
19 filled by the applicable appointing entity for the balance  
20 of the unfilled term.

21

22           (e) Members of the authority shall not receive  
23 compensation for their services, provided that state

1 employees who are authority members shall suffer no loss of  
2 wages for the time devoted to attending meetings of the  
3 authority. All members shall be provided per diem and  
4 travel expenses incurred for attending meetings at the  
5 rates provided under W.S. 9-3-102 and 9-3-103.

6

7 (f) Five (5) members of the authority constitute a  
8 quorum to conduct authority business. An affirmative vote  
9 of at least five (5) members is required to pass authority  
10 business.

11

12 (g) The authority shall meet not less than one (1)  
13 time per year. The authority shall meet at additional times  
14 at the call of the chair or at the request of five (5) or  
15 more members.

16

17 **41-11-305. Authority powers and duties.**

18

19 (a) The mission of the authority is to protect,  
20 conserve, use and develop Wyoming's waters in the Colorado  
21 River system.

22

1           (b) The authority may advise, support, gather  
2 information and provide input to the river commissioner.

3

4           (c) The authority may develop a management plan to  
5 ensure that Wyoming can protect and develop the Colorado  
6 River system and to ensure that Wyoming can operate within  
7 the state's apportionment of the Colorado River system  
8 under the law of the river.

9

10          (d) The authority may authorize the creation of  
11 advisory councils composed of interested persons to consult  
12 with the authority. The authority may consider input from  
13 the advisory councils that directly relates to the mission  
14 and objectives of the authority. The authority shall  
15 establish rules related to authorized advisory councils  
16 including the membership, leadership and authorized areas  
17 of interest for each advisory council.

18

19          (e) The authority may consult with other interested  
20 persons including water divisions established by W.S.  
21 41-3-501 and any interested irrigation district, watershed  
22 improvement district, conservation district, conservancy  
23 district or other person as determined by the authority.

1

2           **41-11-306. River commissioner; appointment; duties.**

3

4           (a) If the governor has appointed a river  
5 commissioner related to the Colorado River before July 1,  
6 2023, that appointment shall expire on June 30, 2028. If  
7 the river commissioner appointed by the governor before  
8 July 1, 2023 is also a member of the authority, the river  
9 commissioner shall serve as the chair of the authority  
10 until June 30, 2028.

11

12           (b) After June 30, 2028 the authority shall elect a  
13 chair from among its members who shall, with the approval  
14 of the governor, serve as the river commissioner. If the  
15 authority and the governor cannot agree, the governor may  
16 select another member of the authority to serve as the  
17 river commissioner. The term of the river commissioner and  
18 the chair shall be for three (3) years. The river  
19 commissioner and the chair may be re-elected for subsequent  
20 terms. If there is a vacancy in the river commissioner, the  
21 position shall be elected, with the approval of the  
22 governor, from the members of the authority for the balance  
23 of the term.



1

2 (c) The authority, with the approval of the governor,  
3 may remove the river commissioner if the authority finds  
4 that the river commissioner has engaged in neglect of duty  
5 or malfeasance in office. If the commissioner is removed  
6 under this subsection, the removed river commissioner shall  
7 not serve as a member of the authority. The governor may  
8 remove any member he appoints as provided in W.S. 9-1-202.

9

10 (d) The river commissioner:

11

12 (i) Shall represent the state and Wyoming users  
13 of the waters of the Colorado River system in consultations  
14 or negotiations with:

15

16 (A) The upper Colorado River commission;

17

18 (B) Colorado River basin states; and

19

20 (C) The government of the United States.

21

22 (ii) May make and enter into a compact between  
23 Wyoming and Colorado River basin states, either jointly or

1 severally. A compact that defines the rights of the states  
2 or of the United States in the waters of the Colorado River  
3 system is not binding on Wyoming until ratified and  
4 approved by:

5

6 (A) The Wyoming state legislature by joint  
7 resolution;

8

9 (B) The governor of Wyoming;

10

11 (C) The appropriate federal agency, if  
12 federal agency approval is required.

13

14 (iii) Shall represent the state in consultations  
15 with other states, the United States, foreign countries and  
16 private persons and negotiate and enter into agreements  
17 between the state and those entities, jointly or severally;

18

19 (iv) Shall represent the state as a member of  
20 any interstate or international commission or other body as  
21 may be established relating to the Colorado River system  
22 including any related transactions with Colorado River  
23 basin states, the federal government or a foreign country;

1

2 (v) May investigate past, present and potential  
3 uses of the water of the Colorado river system within and  
4 without the state;

5

6 (vi) Shall investigate, coordinate, collate and  
7 preserve information, facts and data bearing on the claims  
8 of states and of public or private agencies within and  
9 without the state related to the water and use of water in  
10 the Colorado River system;

11

12 (vii) Shall, if necessary, request that the  
13 governor and attorney general take legal action on behalf  
14 of the state and Wyoming users of the Colorado River system  
15 waters to ensure, conserve, protect and preserve Wyoming's  
16 allocation of the Colorado River system waters as  
17 authorized by the law of the river;

18

19 (viii) Shall report to the governor the  
20 measures, including any recommended legislative action,  
21 that the river commissioner determines necessary to carry  
22 out the duties of the river commissioner or the authority;

23

1           (ix) Shall perform the duties imposed by this  
2 article and take any other action the river commissioner  
3 considers necessary or expedient to carry out the purposes  
4 of this article.

5

6           (e) To safeguard the rights and interests of Wyoming,  
7 Wyoming's agencies and Wyoming's residents related to the  
8 waters of the Colorado River system, the river commissioner  
9 shall consult with the authority in exercising the powers  
10 and performing the duties of the river commissioner under  
11 this article. The river commissioner shall report and make  
12 recommendations to the authority at the request of the  
13 authority and at other times as determined by the river  
14 commissioner.

15

16           **41-11-307. Employees; duties of the attorney general.**

17

18           (a) The chair may employ an executive director of the  
19 authority. The executive director shall:

20

21           (i) Administer and carry out the policies of the  
22 authority;

23

1           (ii) Direct and supervise the technical and  
2 administrative activities of the authority;

3

4           (iii) Subject to the availability of funding,  
5 employ two (2) program managers and any additional  
6 employees necessary to carry out the functions and duties  
7 of the authority that are assigned to the executive  
8 director.

9

10          (b) The executive director may employ one (1) or more  
11 consultants or other professionals to advise the authority  
12 or the river commissioner. The executive director may, with  
13 the consent of the attorney general, employ or retain legal  
14 counsel to advise the authority or the river commissioner.

15

16          (c) Except as otherwise provided in subsection (b) of  
17 this section, the attorney general shall represent the  
18 river commissioner and the authority, including authority  
19 members and officers, in all matters related to the  
20 Colorado River system. At the request of the authority or  
21 the river commissioner and with the consent of the  
22 governor, the attorney general may initiate or join legal

1 actions to enforce or defend the state's rights in matters  
2 related to the Colorado River system.

3

4 **Section 2.** W.S. 41-11-201 by creating a new  
5 subsection (d) is amended to read:

6

7 **41-11-201. Appointment of commissioners to serve on**  
8 **joint commission; ratification of compacts; governor may**  
9 **serve as commissioner; applicability of article.**

10

11 (d) Nothing in this article shall apply to the  
12 appointment of the Colorado river commissioner or the  
13 Colorado river authority under article 3 of this chapter  
14 except as specifically provided in W.S. 41-11-306. The  
15 provisions of article 3 of this chapter shall control over  
16 any conflicting provisions of this article.

17

18 **Section 3.** On or before July 1, 2023, the entities  
19 appointing authority members under W.S. 41-11-304(b) shall  
20 appoint initial members to the Colorado River authority. To  
21 provide for staggered terms, of the initial members  
22 appointed to the Colorado River authority, one (1) member  
23 appointed by the board of county commissioners of Sublette

1 county, the member appointed by the board of county  
2 commissioners of Lincoln county, the member appointed by  
3 the board of county commissioners of Uinta county and the  
4 at-large member appointed by the governor shall be  
5 appointed for initial terms of three (3) years. All other  
6 initial members shall be appointed for terms of six (6)  
7 years as provided by W.S. 41-11-304(c).

8

9       **Section 4.** There is appropriated four hundred  
10 thousand dollars (\$400,000.00) from the general fund to the  
11 office of the state engineer. This appropriation shall only  
12 be expended to provide for an executive director and two  
13 (2) program managers as provided in W.S. 41-11-307(a).

14

15       **Section 5.** This act is effective July 1, 2023.

16

17

(END)