

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 providing for reports; 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 State Fiscal Recovery Fund established
15 under section 602 of title VI of the federal Social

1 Security Act, as created by section 9901 of the American
2 Rescue Plan Act 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 to determine whether the project for which an
20 entity has submitted an application is an eligible project.
21 The water development office may require an applicant
22 entity to submit any additional information necessary to
23 determine project eligibility;

1

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

15

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

1 project for inclusion in the program and grant award
2 amounts;

3

4 (iv) The Wyoming water development commission
5 and Wyoming water development office shall report the
6 approved projects and awarded grant amounts to the select
7 water committee;

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

18

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

22

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

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4 (B) The operation and maintenance of the
5 project;

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7 (C) All project expenditures in excess of
8 the total project grant award amount;

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

15

16 (E) Any additional consideration deemed
17 necessary by the Wyoming water development office to
18 protect the use of public funds;

19

20 (F) Expending grant funds prior to December
21 1, 2026.

22

1 (c) The Wyoming water development office shall report
2 to the joint appropriations committee a summary of grants
3 awarded under this act.

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5 (d) Grants under this act shall be awarded prior to
6 October 1, 2024. The program shall terminate on December
7 30, 2026.

8

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

15

16 **Section 3.** There is appropriated to the Wyoming water
17 development office ninety-five million dollars
18 (\$95,000,000.00) from any unexpended, unobligated American
19 Rescue Plan Act funds that were appropriated in 2021
20 Wyoming Session Laws, Chapter 166, Section 5(b). This
21 appropriation is for purposes of this act and that are
22 consistent with the terms of the American Rescue Plan Act,
23 excluding the provision of government services related to a

1 reduction in revenue. Any unexpended, unobligated funds
2 remaining from this appropriation on October 1, 2024, may
3 be transferred and expended upon approval by the governor
4 for any other purposes authorized by the legislature and
5 consistent with the terms of the American Rescue Plan Act.
6 Transfers and expenditures under this section shall be
7 reported to the legislature through the B-11 process as
8 authorized by W.S. 9-2-1005(b)(ii) and reported pursuant to
9 W.S. 9-2-1013(b).

10

11 **Section 4.**

12

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

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

20

21 (END)