

Water Bill  
HB 0103

5 2

87 LSO - 0302

# HOUSE BILL 0103

HOUSE BILL 0103

HB0103

AN ACT to authorize the Shoshone municipal pipeline project; describing the project; providing restrictions on the sale of water, sale of the project and the operation of the project; providing for an appropriation; and providing for an effective date.

Introduced by:

*John Murto* *Craig Thomas*

DATE	ACTION	DATE	ACTION
JAN 14 1987	READ FIRST TIME	FEB 24 1987	READ THIRD TIME <i>Consent LRT</i>
	REFERRED TO COM. NO. <i>5</i>		<i>27</i> AYES <i>0</i> PASSED <i>1</i> EXCUSED <i>2</i> ABSENT
	DELIVERED TO COM. NO. <i>5</i>		SENT TO HOUSE
JAN 26 1987	RETURNED	FEB 24 1987	RECEIVED FROM SENATE
	Recommended do <i>pass</i> <i>9 ayes</i>		SENT TO LSO FOR ENROLLING
JAN 28 1987	CONSIDERED IN COM. OF WHOLE		RECEIVED FROM LSO ENROLLED
	Recommended do <i>pass</i>		HEA NO. <i>66</i>
JAN 30 1987	READ SECOND TIME		SIGNED BY SPEAKER <i>2-25-87</i>
JAN 31 1987	READ THIRD TIME		SIGNED BY PRESIDENT <i>2-25-87</i>
	<b>PASSED</b>		APPROVE BY GOVERNOR <i>2-28-87</i>
	Ayes <i>51</i> Noes <i>11</i> Excused <i>2</i> Absent <i>0</i>		CHAPTER NO. <i>116</i> SESSION LAWS OF WYOMING
	Sent to Senate		
FEB 2 1987	Received from House		
	Read first time		
	Referred to Com. No. <i>5</i>		
	Delivered to Com. No. <i>5</i>		
FEB 10 1987	STANDING COMM. REPORT		
	RECOMMENDED DO PASS		
FEB 10 1987	RE-REFER TO COM. NO. <i>2</i>		
FEB 17 1987	STANDING COMM. REPORT		
	RECOMMENDED DO PASS		
FEB 20 1987	CONSIDERED IN COM. OF WHOLE		
	<b>DO PASS</b>		
FEB 23 1987	READ SECOND TIME		
	<b>DO PASS</b>		

CONTINUED ON BACK

Consent List

# HB 103 3rd Date 2/24/87

# SENATE ROLL CALL

## FORTY-NINTH WYOMING LEGISLATURE

	Excused	Absent	Ayes	Noes
ARNEY			✓	
BURNETT				
CUNDALL				
DIXON				
DUSL				
EDDINS				
FANOS				
FRISBY				
GRIEVE				
HEALY				
HERBST				
HICKEY				
<del>HICKLEY</del> Whaley				
KINNEY				
LARSON				
MADER			✓	
NORRIS				
PERRY			✓	
PREVEDEL		✓		
REESE	✓			
SCHMIDT			✓	
SCOTT			✓	
STROOCK			✓	
SULLIVAN			✓	
TRUE			✓	
<del>TURNER</del>				
TWIFORD			✓	
VINICH			✓	
WIEDERSPAHN		✓		
ZIMMER			✓	
MR. PRESIDENT			✓	

PRESENT \_\_\_\_\_

AYES	<u>27</u>
NOES	<u>0</u>
EXCUSED	<u>1</u>
ABSENT	<u>2</u>
TOTAL	<u>30</u>

#2113103 *Thud Rusing*

Date

1/31/87

HOUSE ROLL CALL

FORTY-NINTH WYOMING LEGISLATURE

	Ayes	Noes	Excused	Absent		Ayes	Noes	Excused	Absent
ARNOLD	✓				ODDE	✓			
BEBOUT	✓				O'TOOLE	✓			
BEHRENS	✓				PARKER	✓			
BIRLEFFI	✓				PERKINS, D.	✓			
BLACKWELL		✓			PERKINS, J.		✓		
BUDD	✓				PLANT	✓			
BURTON		✓			RANKINE	✓			
BYRD	✓				RATLIFF	✓			
CAMERON	✓				ROBERTSON	✓			
CHAMBERLAIN	✓				ROHRBACH	✓			
CROSS	✓				RYCKMAN	✓			
CROWLEY		✓			SCHWOPE	✓			
CUBIN	✓				SHREVE	✓			
DICKEY	✓				SIMONS	✓			
ENZI	✓				STAUFFER	✓			
FREUDENTHAL	✓				TATE	✓			
GERINGER	✓				TEMPEST	✓			
GRANT	✓				THOMAS		✓		
GUICE		✓			TIBBS	✓			
HAGEMAN	✓				TIPPETS	✓			
HANSEN		✓			TIPTON	✓			
HARRISON	✓				TYSDAL		✓		
HINES	✓				WALLIS			✓	
HONAKER		✓			WEAVER	✓			
HOWARD	✓				WILLFORD	✓			
HUMPHREY	✓				WOLFLEY	✓			
JENSEN	✓				ZIMMERMAN	✓			
LUMMIS	✓				ZUMBRUNNEN	✓			
MACMILLAN		✓			MR. SPEAKER		✓		
MALDONADO	✓				PRESENT				
MARTON	✓								AYES 51
MCILVAIN	✓								NOES 11
MEENAN									EXCUSED 2
MICHEL	✓								ABSENT
MILLER	✓								TOTAL 64
MURPHY			✓						LESS 13
									51

91B 110, 102, 103

#104, 105, 106

Consent *John*

Date

1/21/87

199, 208, 222, 321,

## HOUSE ROLL CALL

327

## FORTY-NINTH WYOMING LEGISLATURE

	Ayes	Noes	Excused	Absent		Ayes	Noes	Excused	Absent
ARNOLD	✓				ODDE	✓			
BEBOUT	✓				O'TOOLE	✓			
BEHRENS	✓				PARKER	✓			
BIRLEFFI	✓				PERKINS, D.	✓			
BLACKWELL	✓				PERKINS, J.	✓			
BUDD	✓				PLANT	✓			
BURTON	✓				RANKINE	✓			
BYRD	✓				RATLIFF	✓			
CAMERON	✓				ROBERTSON	✓			
CHAMBERLAIN	✓				ROHRBACH	✓			
CROSS	✓				RYCKMAN	✓			
CROWLEY	✓				SCHWOPE	✓			
CUBIN	✓				SHREVE	✓			
DICKEY	✓				SIMONS	✓			
ENZI	✓				STAUFFER	✓			
FREUDENTHAL	✓				TATE	✓			
GERINGER	✓				TEMPEST	✓			
GRANT	✓				THOMAS	✓			
GUICE	✓				TIBBS	✓			
HAGEMAN	✓				TIPPETS	✓			
HANSEN	✓	✓			TIPTON	✓			
HARRISON	✓				TYSDAL	✓			
HINES	✓				WALLIS	✓			
HONAKER	✓				WEAVER	✓			
HOWARD	✓				WILLFORD	✓			
HUMPHREY	✓				WOLFLEY	✓			
JENSEN	✓				ZIMMERMAN	✓			
LUMMIS	✓				ZUMBRUNNEN	✓			
MACMILLAN	✓				MR. SPEAKER	✓			
MALDONADO	✓				PRESENT				
MARTON	✓								
MCILVAIN	✓								
MEENAN	✓								
MICHEL	✓								
MILLER	✓								
MURPHY	✓		✓						

AYES 61

NOES 1

EXCUSED 2

ABSENT

TOTAL 64

LESS

# THE LEGISLATURE OF THE STATE OF WYOMING

## House of Representatives

Cheyenne, ..... January 21 ....., 19 87 .....

Mr. Speaker:

Your Committee No. .... 5 ..... on AGRICULTURE .....  
 to whom was referred ..... HB ..... No. .... 0103 .....  
 respectfully reports same back to the House with the recommendation that HB 0103

DO PASS

### Ayes

Behrens  
 Dickey  
 Grant  
 Hageman  
 Hines  
 Humphrey  
 O'Toole  
 Wolfley  
 Simons

### Noes

0

### Excused

0

### Absent

0

..... MARLENE J. SIMONS

Chairman

House of Intro  
To Com. No. \_\_\_\_\_  
Stand Report Do Amd Not \_\_\_\_\_  
Com Whole Do Amd Not \_\_\_\_\_  
2nd Reading Amd \_\_\_\_\_  
3rd Reading Amd Pass Fail \_\_\_\_\_

Second House  
To Com No. \_\_\_\_\_  
Stand Report Do Amd Not \_\_\_\_\_  
Com Whole Do Amd Not \_\_\_\_\_  
2nd Reading Amd \_\_\_\_\_  
3rd Reading Amd Pass Fail \_\_\_\_\_

**INTRODUCED**

1987

STATE OF WYOMING

87LSO-0302.01

HOUSE BILL NO. 0103

Shoshone municipal pipeline project.

Sponsored by: SELECT WATER COMMITTEE

A BILL

for

1 AN ACT to authorize the Shoshone municipal pipeline proj-  
2 ect; describing the project; providing restrictions on the  
3 sale of water, sale of the project and the operation of  
4 the project; providing for an appropriation; and providing  
5 for an effective date.

6 Be It Enacted by the Legislature of the State of Wyoming:

7 Section 1. Definitions.

8 (a) As used in this act:

9 (i) "Board" means the Shoshone municipal water

1 supply joint powers board;

2 (ii) "Commission" means the Wyoming water  
3 development commission;

4 (iii) "Project" means the Shoshone municipal  
5 pipeline project as described in Section 2 of this act;

6 (iv) "Water development account" means the  
7 account created by W.S. 39-6-302(c) and 39-6-305(g).

8 Section 2. Project Components.

9 (a) The Shoshone municipal pipeline project consists  
10 of the following components:

11 (i) A raw water supply pipeline from the Sho-  
12 shone River or facilities associated with the joint state  
13 of Wyoming and Bureau of Reclamation Buffalo Bill Dam  
14 project to the inlet of the proposed water treatment  
15 plant;

16 (ii) A backup supply facility which will  
17 deliver a continuous emergency raw water supply;

18 (iii) A transmission pipeline which will  
19 extend from the outlet of the proposed water treatment  
20 plant to Lovell and Frannie, Wyoming;

1           (iv) The pipes, valves and appurtenances nec-  
2   essary to provide treated water to the existing distribu-  
3   tion systems of the communities of Cody, Powell, Byron,  
4   Lovell, Deaver and Frannie;

5           (v) Pipeline capacity to deliver water to  
6   future rural water districts;

7           (vi) Appurtenances necessary to make the proj-  
8   ect complete and function in the manner intended with the  
9   exception of the proposed water treatment plant.

10           Section 3. Authorization.

11           (a) The commission is authorized to expend remaining  
12   funds in the appropriation for this project provided by  
13   Chapter 113, Section 9(b)(iii), 1986 Wyoming Session Laws,  
14   to perform the following:

15           (i) Prepare environmental impact statements or  
16   assessments, as required;

17           (ii) Perform final designs;

18           (iii) Prepare plans and specifications;

19           (iv) Obtain project lands and easements;



1                   (v) Procure the permit to construct from the  
2 department of environmental quality;

3                   (vi) Perform other incidental work required to  
4 prepare the project for construction.

5           (b) The commission shall contract with the board for  
6 the construction and operation of the project in a manner  
7 consistent with Sections 4 and 5 of this act and to admin-  
8 ister the contract on behalf of the state of Wyoming.

9           (c) Upon execution of the contract outlined in Sec-  
10 tion 3(b), the commission may authorize the board to  
11 acquire the necessary project lands and easements.

12           (d) Upon completion of tasks outlined in Section  
13 3(a) and (b) and compliance with Section 6 of this act,  
14 the board may construct and operate the project in a man-  
15 ner consistent with the terms and conditions outlined in  
16 the contract provided for in Sections 3(b) and 4 of this  
17 act.

18           Section 4. Project Financing.

19           (a) The state of Wyoming shall loan to the board  
20 from the water development account through the commission  
21 for the construction of the project an amount not to

1 exceed nine million one hundred eighty-seven thousand five  
2 hundred dollars (\$9,187,500.00) or twenty-five percent  
3 (25%) of the actual development costs, whichever is less,  
4 for a term of fifty (50) years at an annual interest rate  
5 of four percent (4%) provided:

6 (i) The board offers security as deemed ade-  
7 quate and acceptable to the attorney general;

8 (ii) The commission establishes a repayment  
9 schedule in accordance with the conditions prescribed in  
10 this act;

11 (iii) The board establishes a sinking fund for  
12 repair and maintenance of the project as deemed appropri-  
13 ate by the commission;

14 (iv) Upon substantial completion of the proj-  
15 ect as determined by the commission, the total amount of  
16 the loan shall be determined and the term of the loan  
17 shall commence. An additional amount not to exceed three  
18 hundred fifty thousand dollars (\$350,000.00) or twenty-  
19 five percent (25%) of the actual Level III costs, which-  
20 ever is less, shall be added to the principal loan balance  
21 at the time the loan amount for construction is deter-  
22 mined;

1                   (v) Payment of interest and principal and  
2 accrual of interest on the loan shall be deferred until  
3 one (1) year after substantial completion of the project  
4 as determined by the commission. The loan shall be amor-  
5 tized over the remaining forty-nine (49) years of the  
6 term;

7                   (vi) Principal and interest payments made in  
8 repayment of the loan shall be deposited in the Wyoming  
9 water development account funded by revenues under W.S.  
10 39-6-305(g).

11               (b) The state of Wyoming shall grant to the board  
12 from the water development account through the commission  
13 for the construction of the project an amount not to  
14 exceed twenty-seven million five hundred sixty-two thou-  
15 sand five hundred dollars (\$27,562,500.00) or seventy-five  
16 percent (75%) of the development costs, whichever is less.

17               (c) The board shall supervise construction of the  
18 project and submit all requests for payment to the commis-  
19 sion for approval.

20               (d) The commission shall, upon review and approval  
21 of the board's request, make payments directly to the  
22 board.

1           Section 5. Terms; management plan; restriction on  
2           sale of water and the project; loan acceleration.

3           (a) There shall be no lease, sale, assignment or  
4           transfer of ownership of water from the project for pur-  
5           poses other than the board's municipal or domestic use  
6           without written prior approval of the commission and the  
7           state engineer or board of control. If such a transaction  
8           is approved, the revenues generated by the lease, sale,  
9           assignment or transfer of ownership of water from the  
10          project shall be utilized to retire principal on the loan  
11          described in Section 4(a) of this act. After that loan is  
12          paid in full the board shall receive twenty-five percent  
13          (25%) of the revenues generated by the lease, sale,  
14          assignment or transfer of ownership of water from the  
15          project and the state of Wyoming shall receive seventy-  
16          five percent (75%) of the revenues generated by the lease,  
17          sale, assignment or transfer of ownership of water from  
18          the project.

19          (b) There shall be no lease, sale, assignment or  
20          transfer of ownership of the project until the loan  
21          described in Section 4(a) is paid in full, and until prior  
22          written approval is obtained from the commission. If  
23          these conditions are met, the board shall receive twenty-

1 five percent (25%) and the state of Wyoming shall receive  
2 seventy-five percent (75%) of the revenues generated by  
3 the lease, sale, assignment or transfer of ownership of  
4 the project. Before the board may lease, sell, assign or  
5 transfer ownership of the project, the state of Wyoming  
6 shall be given a one (1) year first right of refusal  
7 option to purchase the board's interest in the project for  
8 an amount equal to the principal, interest, maintenance  
9 and replacement costs incurred by the board at the date  
10 the option is exercised.

11 (c) After the loan described in Section 4(a) of this  
12 act is paid in full, the board may purchase the position  
13 of the state of Wyoming, as described in subsections (a)  
14 and (b) of this section, for the amount of the grant  
15 described in Section 4(b) of this act plus the interest  
16 that would have accrued on the grant amount in the water  
17 development account from the date the project was substan-  
18 tially completed as defined by the commission. The inter-  
19 est that would have accrued on the grant amount shall be  
20 established by the state auditor.

21 (d) Any revenues generated by the state from the  
22 lease, sale, assignment or transfer of ownership of proj-  
23 ect water or the project itself shall be deposited in the

1 Wyoming water development account funded by revenues under  
2 W.S. 39-6-305(g).

3 (e) The board shall be responsible for operation and  
4 maintenance of the project.

5 Section 6. There is appropriated from that portion  
6 of the water development account funded by revenues under  
7 W.S. 39-6-305(g) to the commission thirty-six million  
8 seven hundred fifty thousand dollars (\$36,750,000.00) or  
9 as much thereof as is necessary to carry out the purpose  
10 of this act. If the board has not obtained financing for  
11 the proposed water treatment plant by July 1, 1988, the  
12 funds appropriated under this section shall revert to the  
13 water development account funded by revenues under W.S.  
14 39-6-305(g). In any event, unexpended funds appropriated  
15 under this section shall revert to the water development  
16 account funded by revenues under W.S. 39-6-305(g) on July  
17 1, 1992.

1           Section 7. This act is effective immediately upon  
2 completion of all acts necessary for a bill to become law  
3 as provided by Article 4, Section 8 of the Wyoming Consti-  
4 tution.

5 (END)

Shoshone municipal pipeline project.

87LSO-0302.C2

FISCAL NOTE

<u>Anticipated REVENUE to:</u>	<u>FY 19</u>	<u>FY 19</u>	<u>FY 19</u>
_____	_____	_____	_____
_____	_____	_____	_____
TOTAL ESTIMATED REVENUE	_____	_____	_____

=====

<u>Anticipated COST to:</u>	<u>FY 1987</u>	<u>FY 19</u>	<u>FY 19</u>
Water Development			
Account I	\$36,750,000.00		
TOTAL ESTIMATED COST	\$36,750,000.00		

=====

This bill provides for an appropriation of \$36,750,000 from the Water Development Account I.