

**Wyoming Association of Conservation Districts  
Legislative Update #9  
March 9, 2012**

**Legislative action on tracked bills is in Red.**

The session ends this week and they are working through the last of the bills in both houses. Those bills that were previously reported as having died have been removed from this update.

**BUDGETS:**

The budget bill has both houses and is now to conference committee for reconciliation between the two bills. The compromise bill will go to both houses for concurrence.

**HOUSE BILLS**

**HB 17 – Budget Hearings**

**Sponsor: Gingery**

**Summary:** This bill would amend when counties, school districts community colleges and special purpose districts are required to have their budget hearing. This bill would affect districts and change the budget hearing from “within” 5 days of the third Thursday to “not later than” 5 days “after” the third Thursday in July.

**WACD POSITION: Support – This will allow districts more flexibility in when they hold their budget hearings. This bill passed both houses and now is House Enrolled Act (HEA) 27.**

**HB 18 - Notification of public land tenants-water rights changes**

**Sponsor – Joint Ag Committee**

**Summary:** This bill is in response to legislation that failed last year that would have amended water law to require that water rights on public lands be issued jointly to the land management agency as well as the leasee. The State Engineer had a number of concerns with that approach. This bill would create new section in water law that would require a change in place of use, of a water right is on state or public land, the petitioner shall seek consent for the proposed change from the affected tenant of the land. Proof of consent shall be attached to the petition. In allowing the change in use or change in place of use the board of control or in the case of use under adjudicated surface or groundwater permits only, the state engineer, shall consider all facts including: The economic loss to the tenant caused by the change, whether other sources of water are available to tenant, whether other sources of water are available to petitioner.

The bill would also require tenant notification and seeking of consent under voluntary relinquishment of water rights as well as when a public land management agency seeks to cancel or eliminate a use or place of use on public/state lands.

If consent is not obtained from tenant, tenant may request a hearing.

**WACD POSITION: PENDING – The board discussed this bill again and decided to monitor its progress/discussion. The Association also visited with State Engineer in regard to MOU’s that are being developed between State and Forest Service & BLM and believe that will address a lot of the concerns and negate the need to change water law. This bill was not acted on in Senate Ag subsequently it died. Apparently there were concerns with some of the amended language and therefore the bill did not move forward.**

**HB 41 Omnibus Water Bill – Planning****Sponsor: Select Water Committee****Summary: This bill contains planning funds and authorizations for a number of water projects throughout the state. They include:**

Bear River Hydrology Model Lincoln/Uinta Counties \$50,000

Guernsey Master Plan Platte County 125,000

Lovell Master Plan Big Horn County 110,000

Middle North Platte Watershed Natrona County 250,000

North Platte Water Yield Analysis Carbon County 75,000

Statewide Water Research Statewide 400,000

Sundance Master Plan Crook County 150,000

Gillette Regional Connections Campbell County \$500,000

Greybull Valley Hydropower Big Horn County 85,000

Indian Paintbrush Water Supply Teton County 375,000

Weather Modification Pilot Program Albany/Carbon/Fremont/Sublette Counties 2,400,000

Badwater-Poison Creek Watershed Fremont/Natrona Counties \$250,000

Upper Green River Watershed Sublette/Lincoln/Teton Counties 300,000

Nowood River Storage Washakie/Big Horn Counties \$350,000

Shell Valley Storage Big Horn County 350,000

Sheridan Supplemental Storage Sheridan County 250,000

Austin Wall Canals Uinta County \$150,000

Basin/Big Horn Canal Big Horn County 150,000

Hawk Springs Master Plan Goshen County 200,000

Lakeview Irrigation Master Plan Park County 250,000

**WACD POSITION: Monitor . This bill is complete and is now House Enrolled Act (HEA) 23.****HB 71 - State Coordinator****Sponsor: Jaggi**

The bill would modify the state planning coordinator position. The state coordinator, serving at the pleasure of the Governor, would be responsible for the coordination of state positions regarding federal actions. <http://legisweb.state.wy.us/2012/Introduced/HB0071.pdf>

**WACD Position: Monitor**

**Status: The Joint Ag Committee held their meeting to discuss potential interim study topics on Monday 3/5/12 and this issue was one mentioned in the context of coordination on federal land planning. This topic apparently will be taken up by the Joint Minerals committee in the interim.**

**HB 90 – Baseline Scientific Assessments****Sponsor: Lubnau**

This bill directs the governor's office to supervise the collection of baseline scientific assessment data which may impact agricultural, mineral, geological, historical or environmental resources. The data collected shall be of sufficient quality and quantity to provide a scientifically defensible record of the ambient environment in a defined geographic area. The governor's office is directed to utilize agencies and "all interested local governments." \$500,000 is appropriated and the governor's office can transfer funds to the agencies or political entities of the state.

**WACD Position: Monitor**

**Status: This bill passed and now is HEA 36. To read the final version visit <http://legisweb.state.wy.us/2012/Enroll/HB0090.pdf>.**

## SENATE FILES

### SF 25 - Public Records

#### Sponsor: Joint Judiciary

**Summary:** This bill will modify the definition of public records to stipulate that a record is “any information created, accepted, or obtained by, or on behalf of any state agency or political subdivision, or a quorum or majority thereof in furtherance of its official function and transaction of public business. Without limiting the foregoing, the term "public records" includes any written communication or other information, whether in paper, electronic, or other physical form, received by or on behalf of a state agency or political subdivision in furtherance of the transaction of public business of the agency or subdivision, whether at a meeting or outside a meeting of the body, which is not privileged or confidential by law”.

The bill includes language to define application as a written request for a public record but allows the custodian of the record may at its discretion deem a verbal request to be an application, amends the provisions pertaining to rights of inspection to be during the business hours of the entity.

Includes language that stipulates that the custodian shall notify an applicant of availability of a public record within 7 business days of the acknowledged receipt of the request unless good cause exists preventing a response in that time period. If the applicant is not satisfied that good cause exists the applicant may petition district court. If a public record is readily available it shall be release immediately to the applicant so long as the release does not impair or impede the agency’s ability to discharge its duties.

If the records are in active use or storage the custodian will notify applicant within 7 days of acknowledged receipt of the request unless good cause exists preventing a response. Again, applicant can petition the court for a determination on good cause. Records readily available must be released immediately so long as does not impair agency’s ability to discharge duties.

The bill amends the grounds for denial of records provisions to specifically exempt information concerning an agriculture operation, farming or conservation practice, or the land itself if the information was provided by an ag producer, including geospatial information. Provided, however if otherwise permitted by law the inspection of the records shall be allowed in accordance with the following:

If the custodian determines that the information will not be subsequently disclosed except in accordance with subparagraph (C) of this paragraph, the custodian may allow the right of inspection

(I) When providing technical or financial assistance with respect to the agricultural operation, agricultural land, or farming or conservation practice; or

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(II) When responding to a disease or pest threat to agricultural operations, if the custodian determines that a threat to agricultural operations exists and the disclosure of information is necessary to assist in responding to the disease or pest threat as authorized by law.

(B) The custodian shall allow the right of inspection of payment information under a program of the state or of any agency, institution or political 15 subdivision of the state, including the names and addresses of recipients of payments;

(C) The custodian shall allow the right of inspection if the information has been transformed into a statistical or aggregate form without naming:

(I) Any individual owner, operator or 1 producer; or

(II) A specific data gathering site.

(D) The custodian shall allow the right of inspection if the disclosure of information is pursuant to the consent of the agricultural producer or owner of the agricultural land;

(E) As used in this paragraph:

(I) "Agricultural operation" means the production and marketing of agricultural products or livestock;

(II) "Agricultural producer" means any producer of livestock, crops or dairy products from an agricultural operation.

This bill also changes "knowingly" to "intentionally" in the penalty provisions.

**WACD POSITION:**

**SUPPORT. This bill is done and now is SEA 62. To read the final bill visit <http://legisweb.state.wy.us/2012/Enroll/SF0025.pdf>.**

**WACD & the Department of Ag will be working with the AG's office to update the Public Records training modules based on these statutory changes.**

**SF 27 – Public Meetings**

**Sponsor - Joint Judiciary Committee**

**SUMMARY:** The legislation as passed out of Judiciary would amend the definition "Action" to mean the transaction of official business including a collective decision, commitment or promise to make a positive or negative decision or an actual vote upon a motion, proposal, resolution, regulation, rule, order or ordinance at a meeting. It also amends definition of "Meeting" to include the term "expressed" purpose of discussion, deliberation, presentation of information or taking action regarding public business. The definition also was amended to include language that stipulates that an assembly includes "communicating in person by means of telephone or electronic communication or any other Manner such that all participating members are able to communicate with each other contemporaneously."

The language also stipulates that no meeting shall be conducted by electronic means or any other form of communication that does not permit the public to hear, read or otherwise discern meeting discussions contemporaneously and that communications outside a meeting, including sequential communications among member of an agency (board) shall not be used to circumvent the purposes of the act.

It adds language that requires those who want notice of meetings to request such notice in writing and renew that request annually.

Under the Special meetings provisions it allows the presiding officer of governing body to give notice to members and newspapers by "verbal, electronic or written means". It includes a new provision requiring at least 8 hours notice prior to the meeting. Proof of delivery of notice may be made by affidavit of the clerk or other employee responsible for distribution of the notice.

Under the emergency meeting requirements, new language is included that amends the requirement that any action taken at an emergency meeting has to be acted on at an open public meeting within 48 hours, to exclude weekends and holidays unless the event constituting the emergency continues to exist after 48 hours. In such case the governing body may reconsider and act upon the temporary action at the next regularly scheduled meeting of the agency but no later than 30 days of the emergency action being taken. This language was in response to WACD's request based on feedback from districts who were finding it impossible to comply with the 48 hour requirement due to emergency situations such as floods, etc.

Language also is added that clarifies that the day to day administrative activities of an agency, its officers and employees are not subject to the notice requirements.

The executive session provisions were amended to stipulate that a motion to hold an executive session which specifies the reasons (as allowed in current statute, i.e. Personnel action, legal discussions, etc) is sufficient notice of the issue to be considered in executive session.

The bill also amends the penalty section to modify that any member who “knowingly and willfully” to “knowingly and intentionally”. This change was questioned by the Committee and was requested during the Workgroups deliberations by some county prosecuting attorneys. The language change was left in however there will likely be more discussion related to this issue.

**WACD POSITION: SUPPORT. This bill has passed and now is SEA 63.**

**WACD will be working with the Department of Agriculture and the Attorney General’s office to update the training modules on Public Meetings.**

#### **SF 41 - Wolf Management**

**Sponsor: Jt. Travel, Recreation and Wildlife**

**Summary** – This bill would amend the statutes pertaining to Wyoming’s Wolf management Plan to allow the agreement reached between Governor Mead and Fish & Wildlife to continue to proceed. Details on that agreement can be found at:

<http://gf.state.wy.us/downloads/pdf/wolfplan2011/WyomingUSFWSAgreementFactSheet.pdf>

Joint Travel will meet November 8 & 9 in Thermopolis and act on this legislation. The Governor’s office has conducted considerable outreach with those most affected by the changes. The Stock Growers Association has come out in support of the modifications.

**WACD POSITION: Support. This bill has passed both houses and now is Senate Enrolled Act (SEA)26 and has been signed by the Governor.**

#### **SF 42 – Wildlife Trust - Large Project Funding**

**Sponsor: Select Natural Resource Committee**

**Summary:** This bill contains the projects that are \$200,000 or more that require legislative approval. The bill includes 12 easement projects and one watershed project – Greybull River Watershed.

Easements include:

Munn Place – sponsor Wyoming Land Trust – Sublette County

Devils Tower – sponsor WSGALT – Crook County

North Cottonwood – Conservation fund – Sublette County

Luman Ranch – Wyoming Land Trust – Sublette County

Johnson sections – Wyoming Land Trust – Sublette County

Diamond G – Jackson Hole Land Trust – Fremont County

Wunder Ranch – Jackson Hole Land Trust – Fremont

Richie Ranch – Wyoming Game & Fish Commission – Sublette County

Mooncrest/MC Ranch – Wyoming Land Trust – Park County

Weber Ranch – Nature Conservancy – Carbon County

Double A Ranch – Nature Conservancy – Fremont

Three Bar X Ranch – Nature Conservancy – Fremont

**WACD POSITION: Monitor This bill has passed both Houses and is now SEA33.**

#### **SF 47 – Omnibus Water Bill Construction**

**Sponsor: Select Water Committee**

**Summary:** This bill contains water projects to be funded in the next year. They include:

Big Horn Regional Well Connection  
 Buffalo Northwest Pipeline  
 Casper Poplar Transmission Pipeline  
 Cody West Transmission Pipeline  
 Fort Laramie Storage Tank  
 Gillette Regional Extensions  
 Lander Water Supply  
 Lovell Transmission Pipeline  
 Northwest Rural Northern Expansion  
 Rolling Hills Water Supply  
 Sundance Storage Tank  
 Big Horn Canal Rehabilitation 2012  
 Fayette Irrigation Rehabilitation  
 Lake Hattie Dam  
 Lovell Canal Rehabilitation 2012  
 Midvale Rehabilitation 2012  
 Shell Canal Tunnel Rehabilitation  
 Amendments to previously funded projects

**WACD POSITION: Monitor** This bill has passed both houses and is now SEA 13.

#### **SF 55 - Purchase of Federal Lands**

**Sponsor: Bebout**

**Summary:** This bill allows the Board of Land Commissioners to purchase Federal lands using proceeds from the sale of state trust lands to the federal government. The bill is aimed at using the proceeds from selling land to the Federal Government to purchase other federal land. It is in response to the difficulty in trading for federal land. <http://legisweb.state.wy.us/2012/Introduced/SF0055.pdf>

**WACD POSITION: Monitor**

**Status:** This bill has passed both houses and now is SEA 28.

#### **SF 65 - Applied Agricultural Research Funding Program**

**Sponsor: Anderson**

**Summary:** The bill would create a grant program within the Department of Agriculture with an appropriation of \$200,000 for applied agriculture resource projects. It is aimed at developing information that will directly help producers.

<http://legisweb.state.wy.us/2012/Introduced/SF0065.pdf>

**WACD POSITION: Monitor**

**Status:** This bill passed and is now SEA 56.

#### **SF 77 - Expenditure of Public Funds and Government Competition**

**Sponsor: Case**

**Summary:** Directs the Department of Administration to develop a website that allows the public to lodge complaints where they think government is unfairly competing with the private sector.

<http://legisweb.state.wy.us/2012/Introduced/SF0077.pdf>

**WACD POSITION: Monitor**

**Status:** The bill passed and now is SEA 47.

#### **SF 84 - County Commissions – Special Expertise**

**Sponsor: Joint Minerals Committee**

**Summary:** The bill authorizes counties to participate in federal planning processes and declares that the counties have special expertise in certain areas. <http://legisweb.state.wy.us/2012/Introduced/SF0084.pdf>

**WACD POSITION: Monitor**

**Status:** The bill has passed both houses and now is SEA 15.

#### **SF 85 General Permits**

**Sponsor: Joint Minerals Committee**

**Summary** Authorizes the Department of Environmental Quality to issue General Permits. Stipulates that they will be issued in a manner prescribed by rule by the Environmental Quality Council. (*the bill is in response to a court case holding that general permits are rules and must go through rule making*)

<http://legisweb.state.wy.us/2012/Introduced/SF0085.pdf>

**WACD POSITION: Support**

**Status:** This bill passed and is now SEA 59.

#### **SF 86 – Greenhouse Gas Air Quality Regulation**

**Sponsor: Joint Minerals Committee**

**Summary:** Authorizes the Department of Environmental Quality to adopt regulations for greenhouse gasses which is not more stringent than federal regulations.

<http://legisweb.state.wy.us/2012/Introduced/SF0087.pdf>

**WACD POSITION: Monitor**

**Status:** The bill passed both houses and now is SEA 16.