

HOUSE BILL NO. HB0114

Tribal entities.

Sponsored by: Select Committee On Tribal Relations

A BILL

for

1 AN ACT relating to relations between the joint business
2 council of the Eastern Shoshone and Northern Arapahoe
3 Indian Tribes and the state of Wyoming; authorizing the
4 joint business council to participate in joint powers
5 boards and to serve as sponsors for water development
6 projects in the same manner as local governments; providing
7 a statement of purpose; providing for a study; and
8 providing for effective dates.

9

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

11

12 **Section 1.** W.S. 16-1-103(a)(i), 16-1-104(a),
13 41-2-114(a)(intro), (iv)(F) and (v)(D) and 41-2-1101 are
14 amended to read:

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16 **16-1-103. Definitions.**

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2 (a) As used in this act:

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4 (i) "Agencies" means Wyoming counties, municipal
5 corporations, school districts, community college
6 districts, the joint business council of the Eastern
7 Shoshone and Northern Arapahoe Indian tribes, joint powers
8 boards formed pursuant to this act or special districts
9 specifically involved in providing facilities or functions
10 enumerated in W.S. 16-1-104(c);

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12 **16-1-104. Joint powers, functions and facilities;**
13 **city-county airport board; eligible senior citizen centers.**

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15 (a) Any power, privilege or authority exercised or
16 capable of being exercised by an agency may be exercised
17 and enjoyed jointly with any other agency having a similar
18 power, privilege or authority. No cost shall be incurred,
19 debt accrued, nor money expended by any contracting party,
20 which will be in excess of limits prescribed by law. If the
21 joint business council of the Eastern Shoshone and Northern
22 Arapahoe Indian tribes participates in a joint powers board
23 under this act with political subdivisions and special
24 districts of Wyoming, the powers of the joint business

1 council, Wyoming political subdivisions and Wyoming special
2 districts are neither increased or decreased by that
3 participation. Rather the participation of the joint
4 business council is intended to facilitate implementation
5 of programs and projects designed to more effectively
6 benefit Wyoming's citizens.

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8 **41-2-114. Development of water projects;**
9 **rehabilitation of water projects.**

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11 (a) The commission shall, on the basis of the state
12 water plan or as otherwise directed by the legislature and
13 after consultation with and advice from state agencies and
14 officials, other appropriate agencies and officials, the
15 joint business council of the Eastern Shoshone and Northern
16 Arapahoe Indian tribes and members of the public, identify
17 and select potential projects to be studied for inclusion
18 in the Wyoming water development program pursuant to the
19 following schedule:

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21 (iv) Level III construction and operation plans
22 shall proceed as authorized and approved by the legislature
23 under the immediate direction and control of the
24 commission. Preference in the marketing of hydroelectric

1 power from any such project shall be given to utilities
2 serving Wyoming municipalities and to rural electric
3 cooperatives where economical and permissible under federal
4 law. Pursuant to legislative authorization for water
5 development projects and prior to completion of Level III
6 construction the commission may:

7

8 (F) Contract with, contribute to or receive
9 contributions from any legal subdivision of the state,
10 special district, the joint business council of the Eastern
11 Shoshone and Northern Arapahoe Indian tribes, private
12 corporation or person for the construction, operation,
13 management and maintenance of any project or any interest
14 in any facility or function of a project.

15

16 (v) After completion of Level III construction,
17 the commission:

18

19 (D) May contract with, contribute to or
20 receive contributions from any legal subdivision of the
21 state, special district, the joint business council of the
22 Eastern Shoshone and Northern Arapahoe Indian tribes,
23 private corporation or person for the operation, management

1 and maintenance of any project or any interest in any
2 facility or function of a project.

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4 **41-2-1101. Projects.**

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6 (a) The joint ~~tribal-business~~ council of the Eastern
7 Shoshone and Northern Arapahoe Indian tribes may apply to
8 the Wyoming state engineer for a grant or grants totaling
9 not more than one million three hundred thousand dollars
10 (\$1,300,000.00) for rehabilitation or expansion of existing
11 water delivery systems or for water storage projects within
12 the Wind River Indian Reservation as defined, budgeted and
13 prioritized by the tribes in consultation with the state
14 engineer. The state engineer shall review any proposal
15 submitted and shall grant the amount necessary to complete
16 the proposal to the joint ~~tribal-business~~ council when each
17 proposed project is initiated, provided that the state
18 engineer shall determine that the requirements of this
19 section have been met by the joint ~~tribal-business~~ council.

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21 (b) The joint business council of the Eastern
22 Shoshone and Northern Arapahoe Indian tribes may apply for
23 assistance from the state and serve as a sponsor for water

1 development programs and projects in the same manner as
2 political subdivisions and special districts.

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4 **Section 2.**

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6 (a) The state of Wyoming recognizes that members of
7 the Eastern Shoshone and Northern Arapahoe Indian tribes
8 are citizens both of the tribal government and of Wyoming,
9 as well as several of its political subdivisions. Those
10 citizens can best be served if the joint business council,
11 the state of Wyoming, and the state's political
12 subdivisions work cooperatively at every possible
13 opportunity.

14

15 (b) Not later than October 1, 2003, the tribal
16 relations select committee shall report its findings
17 regarding the success of water development pursuant to this
18 act and recommendations for future water development and
19 possible legislation to the joint judiciary interim
20 committee, the joint agriculture, public lands and water
21 resources interim committee, the governor and the joint
22 business council.

23

24 **Section 3.**

