

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 Arapaho Indian  
3 Tribes and the state of Wyoming; authorizing the joint  
4 business council to participate in joint powers boards and  
5 to serve as sponsors for water development projects in the  
6 same manner as local governments; providing a statement of  
7 purpose; providing for a study; and providing for effective  
8 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 Arapaho 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);

11

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 Arapaho 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.

7

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 Arapaho 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:

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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 Arapaho 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:

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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 Arapaho 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.

3

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

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

21

22 (b) The joint business council of the Eastern  
23 Shoshone and Northern Arapaho Indian tribes may apply for  
24 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.

3  
4 **Section 2.**

5  
6 (a) The state of Wyoming recognizes that members of  
7 the Eastern Shoshone and Northern Arapaho Indian tribes are  
8 citizens both of the tribal government and of Wyoming, as  
9 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.**

