

WORKING DRAFT

HOUSE BILL NO. _____

Joint powers boards.

Sponsored by: Joint Corporations, Elections and Political
Subdivisions Interim Committee

A BILL

for

1 AN ACT relating to joint powers boards; allowing for the
2 planning, acquiring, owning, leasing, assigning, selling,
3 creating, expanding, financing and operating of electrical
4 and natural gas systems by joint powers boards; removing
5 current related limitations; modifying provisions of the
6 joint powers act; making conforming amendments; and
7 providing for an effective date.

8

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

10

11 **Section 1.** W.S. 15-7-101(a)(vii), 15-7-202(a),
12 16-1-104(b), (c)(intro) and by creating new paragraphs
13 (xiii) and (xiv) are amended to read:

14

15

***** STAFF COMMENTS *****

1
2 The conforming amendment to W.S. 15-7-101(a) (vii)
3 immediately below was added to more clearly
4 afford municipalities powers over natural gas
5 supply, transmission and delivery systems.
6 Specifically, W.S. 16-1-104(c) below refers to
7 another provision of the Joint Powers Act (W.S.
8 16-1-104(a)) that requires that agencies wishing
9 to participate in a joint powers board have the
10 power, privilege or authority to act in the first
11 place. An examination of the statutes shows that
12 while cities and towns do seem to have some
13 measure of control over natural gas *distribution*
14 systems, there does not seem to be any clear
15 power, privilege or authority of either
16 municipalities or counties to exercise control
17 over natural gas supply, transmission or delivery
18 facilities. Additional changes to the draft may
19 be required to resolve other possible
20 ambiguities.
21

22 **15-7-101. Purposes.**

23

24 (a) In addition to all other powers provided by law,
25 any city or town may make public improvements as follows
26 for which bonds may be issued to the contractor or be sold
27 as provided in this chapter to:

28

29 (vii) Establish, construct, purchase or extend
30 propane, butane and natural gas supply, transmission,
31 distribution and delivery systems or lines and to carry
32 propane, butane and natural gas to the city or town, from
33 the place of origin or where the propane, butane or natural
34 gas is obtained;

1

2 **15-7-202. Joint board; agreement; purpose; powers;**
3 **prohibition.**

4

5 (a) Two (2) or more cities or towns may enter into an
6 agreement pursuant to W.S. 16-1-102 through 16-1-109 for a
7 joint powers board to supply their need for electric power.
8 The joint powers board may plan, acquire, own, lease,
9 assign, sell, create, expand, finance ~~or~~ and operate
10 ~~electrical systems owned by municipalities prior to March~~
11 ~~1, 1975,~~ electric light plants, electric power plants and
12 electric supply, transmission, distribution and delivery
13 facilities and construct and operate any facilities located
14 within or without the state for the generation or
15 transmission of electrical energy to supply those
16 ~~electrical systems~~ plants and facilities. No loans under
17 W.S. 16-1-109 shall be granted for facilities to be
18 constructed or operated outside the state.

19

20 **16-1-104. Joint powers, functions and facilities;**
21 **city-county airport board; eligible senior citizen centers.**

22

23 (b) A county may enter into and operate under a joint
24 powers agreement with one (1) or more counties, ~~cities~~

1 municipalities, school districts or community college
2 districts for the performance of any function that the
3 county, ~~city~~ municipality, school district or community
4 college district is authorized to perform. ~~, except the~~
5 ~~planning, expansion, creation, financing or operation of~~
6 ~~municipally owned electrical facilities.~~

7
8 (c) Specifically, without limiting but subject to the
9 provisions of subsection (a) of this section, two (2) or
10 more agencies may jointly plan, own, lease, assign, sell,
11 create, expand, finance and operate:

12
13 (xiii) Electric light plants, electric power
14 plants, and electric supply, transmission, distribution and
15 delivery facilities;

16
17 (xiv) Natural gas supply, transmission,
18 distribution and delivery facilities.

19
20 **Section 2.** W.S. 16-1-104(c) (xi) is repealed.

21
22 **Section 3.** This act is effective July 1, 2004.

23
24 (END)