

**SENATE FILE** 24

**Title:** AN ACT to create W.S. 15.1-426.1; and to amend W.S. 9-18.16(b)(iv) and (c), 9-18.17(a) and (b), 9-18.18(a)(iii) and 9-18.19(a) relating to joint powers boards; providing for joint powers board agreements between two or more cities or towns to undertake projects for the generation and transmission of electric power; providing for the acquisition of percentage undivided interests with other entities in such projects; providing for the sale of surplus capacity of joint powers boards; providing for severability; and providing for an effective date.

**SENATE FILE 24**

**Sponsored by:**

John D. Smith  
Pres. W. A. A. A.

[illegible]

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1976

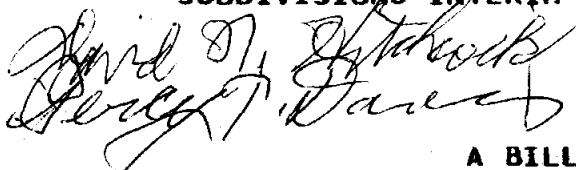
STATE OF WYOMING

76LSO-073.01

SENATE FILE NO. 24

Joint powers boards for electric energy.

Sponsored by: JOINT CORPORATIONS, ELECTIONS AND POLITICAL  
SUBDIVISIONS INTERIM COMMITTEE



A BILL

for

1 AN ACT to create W.S. 15.1-426.1; and to amend W.S.  
2 9-18.16(b)(iv) and (c), 9-18.17(a) and (b),  
3 9-18.18(a)(iii) and 9-18.19(a) relating to joint powers  
4 boards; providing for joint powers board agreements  
5 between two or more cities or towns to undertake projects  
6 for the generation and transmission of electric power;  
7 providing for the aquisition of percentage undivided  
8 interests with other entities in such projects; providing  
9 for the sale of surplus capacity of joint powers boards;  
10 providing for severability; and providing for an effective  
11 date.

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

13 Section 1. W.S. 15.1-426.1 is created to read:

14 15.1-426.1. Entry into agreement for joint powers  
15 board authorized.

1           (a) Two (2) or more cities or towns may enter into  
2 an agreement pursuant to W.S. 9-18.13 through 9-18.20 for  
3 a joint powers board to supply their need for electric  
4 power. This joint powers board may plan, create, expand,  
5 finance or operate electrical systems owned by municipal-  
6 ities or construct or operate any facilities within or  
7 without the state useful in connection with the generation  
8 or transmission of electric energy.

9           (b) The joint powers board may acquire a percentage  
10 undivided interest as a tenant in common with any other  
11 public or private entities within or without the state in  
12 any such facility, and may designate one (1) of the other  
13 participating entities as its agent, or may act as agent  
14 for any other participating entity in connection with the  
15 planning, acquisition, construction or operation of any  
16 such facility.

17           Section 2. W.S. 9-18.16(b)(iv) and (c), 9-18.17(a)  
18 and (b), 9-18.18(a)(iii) and 9-18.19(a) are amended to  
19 read:

20           9-18.16. Agreements among agencies.

21           (b) Agreements ~~hereunder~~ shall provide:

22                   (iv) For the percent ownership of any facility

1 by each participating agency, UNLESS THE FACILITY IS TO BE  
2 OWNED BY A JOINT POWERS BOARD, IN WHICH CASE THE AGREEMENT  
3 SHALL INDICATE THE INTEREST OF EACH PARTICIPATING AGENCY  
4 IN THE SERVICES OR PRODUCT OF THE JOINT POWERS BOARD OR  
5 THE METHOD BY WHICH THE INTEREST MAY BE DETERMINED;

6 (c) If the agreement does not establish a separate  
7 legal entity to conduct the joint or cooperative under-  
8 taking, the agreement may provide for an administrator or  
9 joint ADMINISTRATIVE board responsible for administering  
10 the joint or cooperative undertaking and representation of  
11 participating agencies on any joint ADMINISTRATIVE board.

12 9-18.17. Joint powers boards.

13 (a) An agreement pursuant to this act may create a  
14 joint powers board to conduct a joint or cooperative  
15 undertaking. A joint powers board shall consist of not  
16 less than five (5) and not more than ten (10) members, all  
17 of whom shall be qualified electors of the ~~county or coun-~~  
18 ties in which the ~~facility~~ BOARD operates. Members of a  
19 joint powers board shall be appointed by the governing  
20 bodies of the participating agencies in any proportion or  
21 number the bodies ~~meeting in joint session~~ feel would ade-  
22 quately reflect their interest. The initial appointments  
23 shall be by mutual agreement with staggered terms of one

1 (1), two (2) and three (3) years with right of reappoint-  
2 ment. Thereafter, appointments for a full term shall be  
3 for three-year staggered terms. Vacancies for unexpired  
4 terms shall be filled by appointment by THE governing body  
5 BODIES of the participating agencies, ~~acting jointly~~.  
6 Members of the board may be removed for cause by ~~the joint~~  
7 ~~action of~~ the governing bodies of the participating agen-  
8 cies.

9 (b) Promptly following appointment of its members, a  
10 joint powers board shall meet, organize and elect from its  
11 membership a chairman, vice-chairman, secretary and treas-  
12 urer. The secretary of a joint powers board shall notify  
13 the participating agencies of the board's organization and  
14 shall file a certificate showing its organization with the  
15 county clerk and the secretary of state. Upon filing the  
16 certificate, the joint powers board shall automatically  
17 become a body corporate AND POLITICAL AND A PUBLIC  
18 CORPORATION with power to sue and be sued, ~~under the name~~  
19 ~~and the style of "Joint Powers Board"~~. The corpora-  
20 tion shall have perpetual existence unless otherwise  
21 specified by the agreement providing for the corporation.  
22 No individual member of a joint powers board shall be  
23 personally liable for any actions or procedure of a joint  
24 powers board. When actually engaged in the performance of

1 their duties, members of a joint powers board shall  
2 receive no compensation except per diem and mileage allow-  
3 ances authorized for state employees.

4 9-18.18. Financing joint projects.

5 (a) Any joint project undertaken pursuant to this  
6 act may be financed:

7 (iii) By revenue bonds issued by a joint  
8 powers board to be repaid solely from revenues provided by  
9 this section or any revenue received by a joint powers  
10 board from the OWNERSHIP<sub>2</sub> lease or operation of ANY prop-  
11 erty OR INTEREST IN PROPERTY OWNED<sub>2</sub> LEASED OR controlled  
12 by a THE board. Revenue securities may be issued upon  
13 majority approval of the members of a joint powers board  
14 and may be executed and delivered at any time, in such THE  
15 form<sub>2</sub> and denominations<sub>2</sub> in such AND amounts<sub>2</sub> negotiable  
16 or not<sub>2</sub> payable in such manner and at such place<sub>2</sub> redeemed  
17 or repurchased prior to maturity with or without premium<sub>2</sub>  
18 and may bear such interest WITHOUT LIMITATION as provided  
19 by resolution of a joint powers board authorizing the  
20 issue. Such THESE securities shall meet the PROCEDURAL  
21 requirements and provisions of sections W.S. 35-136.2  
22 through 35-136.5 of the statutes as provided for the issu-  
23 ance of bonds by hospital districts.



FISCAL NOTE

Fiscal Note No. 70  
 Requester Joint Corporations, Elections and Political  
Subdivisions Interim Committee

L.S.O. 76-073	Draft C1
Bill No.	Jt. Res. No.

**Part I. Fiscal Data:**

SHORT TITLE OF BILL:  JOINT POWERS BOARDS FOR ELECTRIC ENERGY	STATUTORY REFERENCE Nos. 15.1-426.1 9-18.16 et al	NAME OF FUND  None
AGENCY TITLE: SOURCE OF APPROPRIATION/REVENUE  NONE		New Program ( ) Change in Existing Program (X) Local Government Impact ( )

If more than one appropriation is involved, show overall effect below, but show breakdown by appropriation and fiscal year on a separate page. Round to nearest hundred dollars.

EFFECT OF PROPOSAL	FISCAL PERIODS		
	BIENNIAL INCREASE OR (-) DECREASE		
	First Biennial	Second Biennial	Third Biennial
Salaries & Number of Personnel	\$		
Supporting Expenses			
Permanent Property			
Aids to Localities			
Other			
ESTIMATED TOTAL COST	\$		
GENERAL FUND			
FEDERAL FUND			
OTHER			
ESTIMATED TOTAL REVENUE	\$		

Part II. Explain in a clear and concise manner what effect this measure will have on the costs and revenues of state government. Specify the source of funds for appropriations. Include effect on the current biennium and also the long-range fiscal effect, if any. Show how you arrived at the estimate. Use attached sheet and any additional sheets which you may need.

NO FISCAL IMPACT

Date <u>2/1/76</u>	Agency <u>Legislative Auditor Clearance</u>	Authorized Representative
Date		