



# Western Interstate Energy Board

*An Instrumentality of the States*

## Summary

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As an Interstate Compact Organization, the Western Interstate Energy Board (WIEB) is occasionally asked by new or prospective members, employees, and partners to clarify the history, legal basis, and tax status of the organization. The following is a high-level summary of these topics and includes references and attachments with supporting materials.

Attachments:

1. Western Interstate Nuclear Compact
2. Resolution of the Western Interstate Nuclear Board
3. IRS Letter of Determination
4. Colorado Letter of Determination
5. Colorado Unincorporated Nonprofit Association Certificate
6. Colorado Tax Letter

## WIEB Overview

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The Western Interstate Energy Board (WIEB or Board) is an organization that was created by the Western Governors. WIEB's purpose is to provide the tools and framework necessary to support cooperative efforts in the energy field and to enhance the economy of the West.

The legal basis for WIEB is the Western Interstate Nuclear Compact (**Attachment 1**), which was enacted by the compact-member states and ratified by Congress in 1970, at a time when it was believed that nuclear power was going to be "too cheap to meter." The western state governors had the foresight to write the Compact broadly, to encompass nuclear "and related fields," therefore covering all energy matters, including both electricity and non-electricity.

In 1977, the governors, wanting to expand regional energy discussions beyond the Compact's signatory states, allowed additional western states and provinces to join WIEB and participate in this work. WIEB is now an organization of 11 western states and two western Canadian provinces that works to promote energy policy that is developed through the cooperative efforts of WIEB member states and provinces and in collaboration with the federal government.

The Governor of each state and Premier of each province appoints a member to WIEB. Many of these appointees serve as the Energy Office Director for their state or province. The President of the United States may also appoint a federal representative to WIEB. Actions of the WIEB Board require approval by a majority of Board members. In practice though, decision-making is almost always done by consensus.

## WIEB Legal Basis

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The legal basis of the Western Interstate Energy Board (WIEB) is the Western Interstate Nuclear Compact (Compact). Upon petition of the Western Governors, Congress approved the Compact in 1970 “to provide the instruments and framework for [cooperative efforts] in nuclear and related fields, to enhance the economy of the West and contribute to the individual and community well-being of the region’s people.” The Western Governors wrote the Compact broadly to cover a diverse scope of energy-related matters, including both electricity and non-electricity matters.

The Compact<sup>1</sup> and enabling legislation and by resolution (**Attachment 2**) of the Compact-member states<sup>2</sup> created the Western Interstate Nuclear Board (WINB) and granted WINB the right to enter into supplementary agreements<sup>3</sup> and to hold and receive property “from any state or the United States or any subdivision or agency thereof, or interstate agency, or from any institution, person, firm, or corporation[.]”<sup>4</sup> WINB is a Governmental Entity (**Attachment 3**)—more specifically an Instrumentality of the States (**Attachment 4**)—and an unincorporated non-profit organization (**Attachment 5**) that operates under the name of the Western Interstate Energy Board<sup>5</sup>; hiring employees, contracting with federal and state governmental agencies, National labs, and other entities, and conducting all of the organization’s business as WIEB. In addition to funding from the US Department of Energy<sup>6</sup>, WIEB receives and administers funding from the North American Electric Reliability Corporation (NERC)—approved by the Federal Energy Regulatory Commission—to provide staff support to the Western Interconnection Regional Advisory Body (WIRAB).

## An Instrumentality of the States

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WIEB has been recognized and done business as an Instrumentality of the States since its founding (**Attachments 3 and 4**).

Per the Internal Revenue Service<sup>7</sup> (IRS), “[a]n interstate instrumentality is an independent legal entity organized by two or more states to carry on governmental functions. Examples include a regional planning authority, transportation system or water district. For purposes of Section 218, an interstate instrumentality is treated as a state.”

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<sup>1</sup> Western Interstate Nuclear Compact, Pub. L. No. 91-461 (1970).

<sup>2</sup> Ariz. Rev. Stat. § 30-701 et seq.; Calif. Gov. Code § 67400 et seq.; Colo. Rev. Stat. § 24-60-1401 et seq.; Idaho Code § 39-3020 et seq.; Mont. Code Ann. § 90-5-201; Nev. Rev. Stat. § 459.001 et seq.; N.M. Stat. § 11-9-1; Utah Code § 19-11-101 et seq.; Wash. Rev. Code § 43.21F.400; Wyo. Stat. § 9-6-101 et seq.

<sup>3</sup> Western Interstate Nuclear Compact, Pub. L. No. 91-461, Art. II(h) (1970).

<sup>4</sup> Id. at Art. VII.

<sup>5</sup> Nearly immediately upon its establishment in 1970, the WINB members recognized the need for active engagement on energy topics beyond just nuclear issues. This was formalized in September 1977, when the Board formally adopted the name “Western Interstate Energy Board/WINB” to more accurately reflect the scope of activities undertaken.

<sup>6</sup> WIEB currently has cooperative agreements with the US Department of Energy’s Office of Energy, the Office of Nuclear Energy, and the Office of Environmental Management.

<sup>7</sup> IRS.gov (<https://www.irs.gov/government-entities/federal-state-local-governments/government-entities-and-their-federal-tax-obligations#:~:text=Indian%20Tribal%20Governments,-.Instrumentalities,authority%2C%20taxation%20and%20eminent%20domain>)

## WIEB Tax Exempt Status

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Following enactment of the Compact by 12 states and ratification by Congress, WINB established its headquarters in Denver, Colorado. WINB received tax exempt status from the State of Colorado in 1974 (**Attachment 5**).

# Attachments

## 1. Western Interstate Nuclear Compact ([link](#))



PERMANENT FILE COPY-DO NOT REMOVE

Public Law 91-461  
91st Congress, S. 1628  
October 16, 1970

### An Act

84 STAT. 979

Granting the consent of Congress to the Western Interstate Nuclear Compact, and related purposes.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That it is hereby declared to be the national policy to encourage and recognize the performance of functions by the States with respect to the peaceful use of nuclear energy in its several forms. The Federal Government recognizes that many programs in nuclear fields can benefit from cooperation among the States, as well as between the Federal Government and the States. The importance of the interstate compact as one means for promoting such cooperation is hereby declared as part of the intention of Congress, already expressed in part in Public Law 86-373 and 87-563, to facilitate the use of State jurisdiction in and over portions of the development and regulatory nuclear field.

Western Interstate Nuclear Compact. Consent of Congress.

73 Stat. 688,  
42 USC 2021.  
76 Stat. 249.

SEC. 2. The Congress hereby consents to the Western Interstate Nuclear Compact, which compact is as follows:

#### "ARTICLE I. POLICY AND PURPOSE

"The party states recognize that the proper employment of scientific and technological discoveries and advances in nuclear and related fields and direct and collateral application and adaptation of processes and techniques developed in connection therewith, properly correlated with the other resources of the region, can assist substantially in the industrial progress of the West and the further development of the economy of the region. They also recognize that optimum benefit from nuclear and related scientific or technological resources, facilities and skills requires systematic encouragement, guidance, assistance, and promotion from the party states on a cooperative basis. It is the policy of the party states to undertake such cooperation on a continuing basis. It is the purpose of this compact to provide the instruments and framework for such a cooperative effort in nuclear and related fields, to enhance the economy of the West and contribute to the individual and community well-being of the region's people.

#### "ARTICLE II. THE BOARD

"(a) There is hereby created an agency of the party states to be known as the 'Western Interstate Nuclear Board' (hereinafter called the Board). The Board shall be composed of one member from each party state designated or appointed in accordance with the law of the state which he represents and serving and subject to removal in accordance with such law. Any member of the Board may provide for the discharge of his duties and the performance of his functions thereon (either for the duration of his membership or for any lesser period of time) by a deputy or assistant, if the laws of his state make specific provisions therefor. The federal government may be represented without vote if provision is made by federal law for such representation.

"(b) The Board members of the party states shall each be entitled to one vote on the Board. No action of the Board shall be binding unless taken at a meeting at which a majority of all members representing the party states are present and unless a majority of the total number of votes on the Board are cast in favor thereof.

"(c) The Board shall have a seal.

"(d) The Board shall elect annually, from among its members, a chairman, a vice chairman, and a treasurer. The Board shall appoint and fix the compensation of an Executive Director who shall serve at its pleasure and who shall also act as Secretary, and who, together with the Treasurer, and such other personnel as the Board may direct, shall be bonded in such amounts as the Board may require.

"(e) The Executive Director, with the approval of the Board, shall appoint and remove or discharge such personnel as may be necessary for the performance of the Board's functions irrespective of the civil service, personnel or other merit system laws of any of the party states.

"(f) The Board may establish and maintain, independently or in conjunction with any one or more of the party states, or its institutions or subdivisions, a suitable retirement system for its full-time employees. Employees of the Board shall be eligible for social security coverage in respect of old age and survivors insurance provided that the Board takes such steps as may be necessary pursuant to federal law to participate in such program of insurance as a governmental agency or unit. The Board may establish and maintain or participate in such additional programs of employee benefits as may be appropriate.

"(g) The Board may borrow, accept, or contract for the services of personnel from any state or the United States or any subdivision or agency thereof, from any interstate agency, or from any institution, person, firm or corporation.

"(h) The Board may accept for any of its purposes and functions under this compact any and all donations, and grants of money, equipment, supplies, materials and services (conditional or otherwise) from any state or the United States or any subdivision or agency thereof, or interstate agency, or from any institution, person, firm, or corporation, and may receive, utilize, and dispose of the same. The nature, amount and conditions, if any, attendant upon any donation or grant accepted pursuant to this paragraph or upon any borrowing pursuant to paragraph (g) of this Article, together with the identity of the donor, grantor or lender, shall be detailed in the annual report of the Board.

"(i) The Board may establish and maintain such facilities as may be necessary for the transacting of its business. The Board may acquire, hold, and convey real and personal property and any interest therein.

"(j) The Board shall adopt bylaws, rules, and regulations for the conduct of its business, and shall have the power to amend and rescind these bylaws, rules, and regulations. The Board shall publish its bylaws, rules, and regulations in convenient form and shall file a copy thereof, and shall also file a copy of any amendment thereto, with the appropriate agency or officer in each of the party states.

"(k) The Board annually shall make to the governor of each party state, a report covering the activities of the Board for the preceding year, and embodying such recommendations as may have been adopted by the Board, which report shall be transmitted to the legislature of said state. The Board may issue such additional reports as it may deem desirable.

#### "ARTICLE III. FINANCES

"(a) The Board shall submit to the governor or designated officer or officers of each party state a budget of its estimated expenditures for such period as may be required by the laws of that jurisdiction for presentation to the legislature thereof.

"(b) Each of the Board's budgets of estimated expenditures shall contain specific recommendations of the amount or amounts to be appropriated by each of the party states. Each of the Board's requests

for appropriations pursuant to a budget of estimated expenditures shall be apportioned equally among the party states. Subject to appropriation by their respective legislatures, the Board shall be provided with such funds by each of the party states as are necessary to provide the means of establishing and maintaining facilities, a staff of personnel, and such activities as may be necessary to fulfill the powers and duties imposed upon and entrusted to the Board.

"(c) The Board may meet any of its obligations in whole or in part with funds available to it under Article II (h) of this compact, provided that the Board takes specific action setting aside such funds prior to the incurring of any obligation to be met in whole or in part in this manner. Except where the Board makes use of funds available to it under Article II (h) hereof, the Board shall not incur any obligation prior to the allotment of funds by the party jurisdictions adequate to the meet the same.

"(d) Any expenses and any other costs for each member of the Board in attending Board meetings shall be met by the Board.

"(e) The Board shall keep accurate accounts of all receipts and disbursements. The receipts and disbursements of the Board shall be subject to the audit and accounting procedures established under its bylaws. However, all receipts and disbursements of funds handled by the Board shall be audited yearly by a certified or licensed public accountant and the report of the audit shall be included in and become a part of the annual report of the Board.

"(f) The Accounts of the Board shall be open at any reasonable time for inspection to persons authorized by the Board, and duly designated representatives of governments contributing to the Board's support.

#### "ARTICLE IV. ADVISORY COMMITTEES

"The Board may establish such advisory and technical committees as it may deem necessary, membership on which may include but not be limited to private citizens, expert and lay personnel, representatives of industry, labor, commerce, agriculture, civic associations, medicine, education, voluntary health agencies, and officials of local, State and Federal Government, and may cooperate with and use the services of any such committees and the organizations which they represent in furthering any of its activities under this compact.

#### "ARTICLE V. POWERS

"The Board shall have power to—

"(a) Encourage and promote cooperation among the party states in the development and utilization of nuclear and related technologies and their application to industry and other fields.

"(b) Ascertain and analyze on a continuing basis the position of the West with respect to the employment in industry of nuclear and related scientific findings and technologies.

"(c) Encourage the development and use of scientific advances and discoveries in nuclear facilities, energy, materials, products, by-products, and all other appropriate adaptations of scientific and technological advances and discoveries.

"(d) Collect, correlate, and disseminate information relating to the peaceful uses of nuclear energy, materials, and products, and other products and processes resulting from the application of related science and technology.

"(e) Encourage the development and use of nuclear energy, facilities, installations, and products as part of a balanced economy.

"(f) Conduct, or cooperate in conducting, programs of training for state and local personnel engaged in any aspects of:

"1. Nuclear industry, medicine, or education, or the promotion or regulation thereof.

"2. Applying nuclear scientific advances or discoveries, and any industrial commercial or other processes resulting therefrom.

"3. The formulation or administration of measures designed to promote safety in any matter related to the development, use or disposal of nuclear energy, materials, products, by-products, installations, or wastes, or to safety in the production, use and disposal of any other substances peculiarly related thereto.

"(g) Organize and conduct, or assist and cooperate in organizing and conducting, demonstrations or research in any of the scientific, technological or industrial fields to which this compact relates.

"(h) Undertake such nonregulatory functions with respect to non-nuclear sources of radiation as may promote the economic development and general welfare of the West.

"(i) Study industrial, health, safety, and other standards, laws, codes, rules, regulations, and administrative practices in or related to nuclear fields.

"(j) Recommend such changes in, or amendments or additions to the laws, codes, rules, regulations, administrative procedures and practices or local laws or ordinances of the party states or their subdivisions in nuclear and related fields, as in its judgment may be appropriate. Any such recommendations shall be made through the appropriate state agency, with due consideration of the desirability of uniformity but shall also give appropriate weight to any special circumstances which may justify variations to meet local conditions.

"(k) Consider and make recommendations designed to facilitate the transportation of nuclear equipment, materials, products, by-products, wastes, and any other nuclear or related substances, in such manner and under such conditions as will make their availability or disposal practicable on an economic and efficient basis.

"(l) Consider and make recommendations with respect to the assumption of and protection against liability actually or potentially incurred in any phase of operations in nuclear and related fields.

"(m) Advise and consult with the federal government concerning the common position of the party states or assist party states with regard to individual problems where appropriate in respect to nuclear and related fields.

"(n) Cooperate with the Atomic Energy Commission, the National Aeronautics and Space Administration, the Office of Science and Technology, or any agencies successor thereto, any other officer or agency of the United States, and any other governmental unit or agency or officer thereof, and with any private persons or agencies in any of the fields of its interest.

"(o) Act as licensee, contractor or sub-contractor of the United States Government or any party state with respect to the conduct of any research activity requiring such license or contract and operate such research facility or undertake any program pursuant thereto, provided that this power shall be exercised only in connection with the implementation of one or more other powers conferred upon the Board by this compact.

"(p) Prepare, publish and distribute (with or without charge) such reports, bulletins, newsletters or other materials as it deems appropriate.

"(q) Ascertain from time to time such methods, practices, circumstances, and conditions as may bring about the prevention and control

of nuclear incidents in the area comprising the party states, to coordinate the nuclear incident prevention and control plans and the work relating thereto of the appropriate agencies of the party states and to facilitate the rendering of aid by the party states to each other in coping with nuclear incidents.

"The Board may formulate and, in accordance with need from time to time, revise a regional plan or regional plans for coping with nuclear incidents within the territory of the party states as a whole or within any subregion or subregions of the geographic area covered by this compact.

"Any nuclear incident plan in force pursuant to this paragraph shall designate the official or agency in each party state covered by the plan who shall coordinate requests for aid pursuant to Article VI of this compact and the furnishing of aid in response thereto.

"Unless the party states concerned expressly otherwise agree, the Board shall not administer the summoning and dispatching of aid, but this function shall be undertaken directly by the designated agencies and officers of the party states.

"However, the plan or plans of the Board in force pursuant to this paragraph shall provide for reports to the Board concerning the occurrence of nuclear incidents and the requests for aid on account thereof, together with summaries of the actual working and effectiveness of mutual aid in particular instances.

"From time to time, the Board shall analyze the information gathered from reports of aid pursuant to Article VI and such other instances of mutual aid as may have come to its attention, so that experience in the rendering of such aid may be available.

"(r) Prepare, maintain, and implement a regional plan or regional plans for carrying out the duties, powers, or functions conferred upon the Board by this compact.

"(s) Undertake responsibilities imposed or necessarily involved with regional participation pursuant to such cooperative programs of the federal government as are useful in connection with the fields covered by this compact.

#### "ARTICLE VI. MUTUAL AID

"(a) Whenever a party state, or any state or local governmental authorities therein, request aid from any other party state pursuant to this compact in coping with a nuclear incident, it shall be the duty of the requested state to render all possible aid to the requesting state which is consonant with the maintenance of protection of its own people.

"(b) Whenever the officers or employees of any party state are rendering outside aid pursuant to the request of another party state under this compact, the officers or employees of such state shall, under the direction of the authorities of the state to which they are rendering aid, have the same powers, duties, rights, privileges and immunities as comparable officers and employees of the state to which they are rendering aid.

"(c) No party state or its officers or employees rendering outside aid pursuant to this compact shall be liable on account of any act or omission on their part while so engaged, or on account of the maintenance or use of any equipment or supplies in connection therewith.

"(d) All liability that may arise either under the laws of the requesting state or under the laws of the aiding state or under the laws of a third state on account of or in connection with a request for aid, shall be assumed and borne by the requesting state.

"(e) Any party state rendering outside aid pursuant to this compact shall be reimbursed by the party state receiving such aid for any loss or damage to, or expense incurred in the operation of any equipment answering a request for aid, and for the cost of all materials, transportation, wages, salaries and maintenance of officers, employees and equipment incurred in connection with such requests: provided that nothing herein contained shall prevent any assisting party state from assuming such loss, damage, expense or other cost or from loaning such equipment or from donating such services to the receiving party state without charge or cost.

"(f) Each party state shall provide for the payment of compensation and death benefits to injured officers and employees and the representatives of deceased officers and employees in case officers or employees sustain injuries or death while rendering outside aid pursuant to this compact, in the same manner and on the same terms as if the injury or death were sustained within the state by or in which the officer or employee was regularly employed.

#### "ARTICLE VII. SUPPLEMENTARY AGREEMENTS

"(a) To the extent that the Board has not undertaken an activity or project which would be within its power under the provisions of Article V of this compact, any two or more of the party states (acting by their duly constituted administrative officials) may enter into supplementary agreements for the undertaking and continuance of such an activity or project. Any such agreement shall specify the purpose or purposes; its duration and the procedure for termination thereof or withdrawal therefrom; the method of financing and allocating the costs of the activity or project; and such other matters as may be necessary or appropriate.

"No such supplementary agreement entered into pursuant to this article shall become effective prior to its submission to and approval by the Board. The Board shall give such approval unless it finds that the supplementary agreement or activity or project contemplated thereby is inconsistent with the provisions of this compact or a program or activity conducted by or participated in by the Board.

"(b) Unless all of the party states participate in a supplementary agreement, any cost or costs thereof shall be borne separately by the states party thereto. However, the Board may administer or otherwise assist in the operation of any supplementary agreement.

"(c) No party to a supplementary agreement entered into pursuant to this article shall be relieved thereby of any obligation or duty assumed by said party state under or pursuant to this compact, except that timely and proper performance of such obligation or duty by means of the supplementary agreement may be offered as performance pursuant to the compact.

"(d) The provisions to this Article shall apply to supplementary agreements and activities thereunder, but shall not be construed to repeal or impair any authority which officers or agencies of party states may have pursuant to other laws to undertake cooperative arrangements or projects.

#### "ARTICLE VIII. OTHER LAWS AND RELATIONS

"Nothing in this compact shall be construed to—

"(a) Permit or require any person or other entity to avoid or refuse compliance with any law, rule, regulation, order or ordinance of a party state or subdivision thereof now or hereafter made, enacted or in force.

"(b) Limit, diminish, or otherwise impair jurisdiction exercised by the Atomic Energy Commission, any agency successor thereto, or any other federal department, agency or officer pursuant to and in conformity with any valid and operative act of Congress; nor limit, diminish, affect, or otherwise impair jurisdiction exercised by any officer or agency of a party state, except to the extent that the provisions of this compact may provide therefor.

"(c) Alter the relations between and respective internal responsibilities of the government of a party state and its subdivisions.

"(d) Permit or authorize the Board to own or operate any facility, reactor, or installation for industrial or commercial purposes.

#### "ARTICLE IX. ELIGIBLE PARTIES, ENTRY INTO FORCE AND WITHDRAWAL

"(a) Any or all of the states of Alaska, Arizona, California, Colorado, Hawaii, Idaho, Montana, Nevada, New Mexico, Oregon, Utah, Washington, and Wyoming shall be eligible to become party to this compact.

"(b) As to any eligible party state, this compact shall become effective when its legislature shall have enacted the same into law; *Provided*, That it shall not become initially effective until enacted into law by five states.

"(c) Any party state may withdraw from this compact by enacting a statute repealing the same, but no such withdrawal shall take effect until two years after the Governor of the withdrawing state has given notice in writing of the withdrawal to the Governors of all other party states. No withdrawal shall affect any liability already incurred by or chargeable to a party state prior to the time of such withdrawal.

"(d) Guam and American Samoa, or either of them may participate in the compact to such extent as may be mutually agreed by the Board and the duly constituted authorities of Guam or American Samoa, as the case may be. However, such participation shall not include the furnishing or receipt of mutual aid pursuant to Article VI, unless that Article has been enacted or otherwise adopted so as to have the full force and effect of law in the jurisdiction affected. Neither Guam nor American Samoa shall be entitled to voting participation on the Board, unless it has become a full party to the compact.

#### "ARTICLE X. SEVERABILITY AND CONSTRUCTION

"The provisions of this compact and of any supplementary agreement entered into hereunder shall be severable and if any phrase, clause, sentence or provision of this compact or such supplementary agreement is declared to be contrary to the constitution of any participating state or of the United States or the applicability thereof to any government, agency, person, or circumstance is held invalid, the validity of the remainder of this compact or such supplementary agreement and the applicability thereof to any government, agency, person or circumstance shall not be affected thereby. If this compact or any supplementary agreement entered into hereunder shall be held contrary to the constitution of any state participating therein, the compact or such supplementary agreement shall remain in full force and effect as to the remaining states and in full force and effect as to the state affected as to all severable matters. The provisions of this compact and of any supplementary agreement entered into pursuant thereto shall be liberally construed to effectuate the purposes thereof."

Sec. 3. Pursuant to Article II(a) of the Western Interstate Nuclear Compact, there shall be one representative of the Federal Government on the Western Interstate Nuclear Board. The representative

Federal representative, appointment.

shall be appointed by the President and he shall report to the President either directly or through such agency or official as the President may specify. His compensation shall be in such amount as the President shall specify: *Provided*, That if the representative be an employee of the United States, he shall serve without additional compensation. The compensation, travel expenses, office space, stenographic, and administrative services of the representative shall be paid from any available appropriations selected by the head of such agency or agencies as may be designated by the President to provide such expenses.

**Compensation.**

**Agency cooperation.**

**Reports to President and congressional committee.**

**Consent, extension.**

**Congressional right to disclosure and information.**

Sec. 4. The Atomic Energy Commission; the National Aeronautics and Space Administration; the Secretary of Health, Education, and Welfare; the Secretary of Commerce; the Secretary of Labor; the Secretary of Agriculture; and the heads of other departments and agencies of the Federal Government are authorized, within available appropriations and pursuant to law, to cooperate with the Western Interstate Nuclear Board.

Sec. 5. Copies of the annual reports made by the Western Interstate Nuclear Board pursuant to article II(k) of the Western Interstate Nuclear Compact shall be transmitted to the President and to the Joint Committee on Atomic Energy of the Congress.

Sec. 6. The consent to the Western Nuclear Compact given by this Act shall extend to any and all supplementary agreements entered into pursuant to article VII of such Compact: *Provided*, That any such supplementary agreement is only for the exercise of one or more of the powers conferred upon the Western Interstate Nuclear Board by article V of such compact.

Sec. 7. The right to alter, amend, or repeal this Act is expressly reserved.

Sec. 8. The right is hereby reserved to the Congress or any of its standing committees to require the disclosure and furnishing of such information or data by the Western Interstate Nuclear Board as is deemed appropriate by the Congress or any such Committee.

Approved October 16, 1970.

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**LEGISLATIVE HISTORY:**

HOUSE REPORT No. 91-1519 (Comm. on the Judiciary).  
 SENATE REPORT No. 91-966 (Comm. on the Judiciary).  
 CONGRESSIONAL RECORD, Vol. 116 (1970):  
 June 26, considered and passed Senate.  
 Oct. 5, considered and passed House.

## 2. Resolution of the Western Interstate Nuclear Board

### RESOLUTION

WHEREAS, in accordance with the Articles of the Western Interstate Nuclear Compact, the states of Alaska, Arizona, California, Colorado, Hawaii, Idaho, Montana, Nevada, New Mexico, Oregon, Utah, Washington, and Wyoming are eligible to become a party to the Compact, and

WHEREAS, the legislatures of Alaska, Arizona, California, Colorado, Idaho, Nevada, New Mexico, Oregon, Utah, Washington, and Wyoming have enacted the same into law thus making the Compact effective and creating the Western Interstate Nuclear Board, and

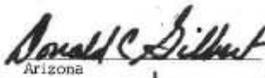
WHEREAS, representatives of the several states have convened to take the necessary action to initiate organizational procedures, and

WHEREAS, a majority of all members representing the party states are present,

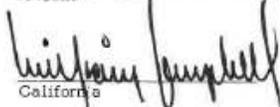
THEREFORE, BE IT RESOLVED that the Western Interstate Nuclear Compact is effective and the Western Interstate Nuclear Board legally created, constituted, formed, and established.

  
Alaska

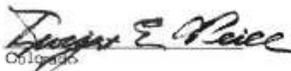
  
New Mexico

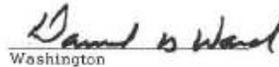
  
Arizona

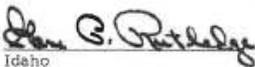
  
Oregon

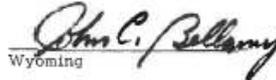
  
California

  
Utah

  
Colorado

  
Washington

  
Idaho

  
Wyoming

  
Nevada

Signed on this twenty second day of September 1969 at the First Meeting of the Western Interstate Nuclear Board, Seattle, Washington.

  
Daniel J. Evans, Governor

3. IRS Letter of Determination

OPTIONAL FORM NO. 10 (REV. 5-22-64)

UNITED STATES DEPARTMENT OF THE TREASURY

Department of the Treasury

District Director

Internal Revenue Service

Date:

May 11, 1970

In reply refer to:

A:FA:EO:CNP



Western Interstate Nuclear Board  
P. O. Box 239  
Wheat Ridge, Colorado 80033

Gentlemen:

Your application for exemption from Federal income tax as an organization described in section 501(c)(3) of the Internal Revenue Code has been considered.

The information submitted discloses you were created by an act of the Colorado Legislature to perform a governmental function. As a political subdivision of the State of Colorado, you are not subject to Federal income tax and are not, therefore, required to apply for tax exempt status. (A)

Accordingly, no action will be taken on your application and the matter will be considered closed.

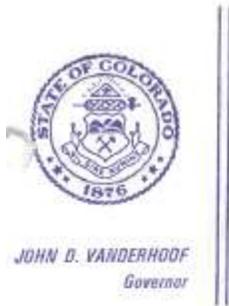
If we may be of further help, please let us know.

Sincerely yours,

*R. L. Phinney*  
R. L. PHINNEY  
District Director

(A) Compact accepted by St. of Colo.

4. Colorado Letter of Determination



STATE OF COLORADO  
DEPARTMENT OF LABOR AND EMPLOYMENT  
**DIVISION OF EMPLOYMENT**

1210 SHERMAN STREET | DENVER, COLORADO 80203  
AREA CODE 303. TELEPHONE 893-2400

April 17, 1974

Western Interstate Nuclear Board  
P.O. Box 15038  
Lakewood, Colorado - 80215

Attn: Alfred T. Whatley, Executive Director

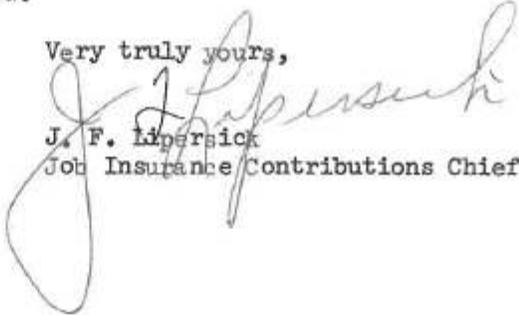
Dear Sir:

Thank you for your letter of April 5, 1974 and a copy of the Act pertaining to Western Interstate Nuclear Board and your Annual Report - 1972-1973.

In reviewing the information submitted and also the By-Laws you submitted to this Division on December 17, 1969, it is our opinion that your organization is a governmental instrumentality and exempt under the provisions of the Colorado Employment Security Act.

Your cooperation is appreciated.

Very truly yours,

  
J. F. Lipschick  
Job Insurance Contributions Chief

5. Colorado Unincorporated Nonprofit Association Certificate

OFFICE OF THE SECRETARY OF STATE  
OF THE STATE OF COLORADO

**CERTIFICATE OF FACT OF EXISTENCE**

I, Jena Griswold, as the Secretary of State of the State of Colorado, hereby certify that, according to the records of this office, a document for:

Western Interstate Energy Board

Colorado Unincorporated Nonprofit Association

(Entity ID # 20211722319 )

was filed in this office on 08/04/2021 with an effective date of 08/04/2021 .

I further certify that our records indicate that a dissolution document has not been filed.

This certificate reflects facts established or disclosed by documents delivered to this office on paper through 08/01/2022 that have been posted, and by documents delivered to this office electronically through 08/02/2022 @ 15:06:27 .

I have affixed hereto the Great Seal of the State of Colorado and duly generated, executed, and issued this official certificate at Denver, Colorado on 08/02/2022 @ 15:06:27 in accordance with applicable law. This certificate is assigned Confirmation Number 14207814 .



*Jena Griswold*

Secretary of State of the State of Colorado

\*\*\*\*\*End of Certificate\*\*\*\*\*

*Notice: A certificate issued electronically from the Colorado Secretary of State's Web site is fully and immediately valid and effective. However, as an option, the issuance and validity of a certificate obtained electronically may be established by visiting the Validate a Certificate page of the Secretary of State's Web site, <http://www.sos.state.co.us/biz/CertificateSearchCriteria.do> entering the certificate's confirmation number displayed on the certificate, and following the instructions displayed. Confirming the issuance of a certificate is merely optional and is not necessary to the valid and effective issuance of a certificate. For more information, visit our Web site, <http://www.sos.state.co.us/> click "Businesses, trademarks, trade names" and select "Frequently Asked Questions."*

5. Colorado Tax Letter



**State of Colorado**  
DEPARTMENT OF REVENUE  
STATE CAPITOL ANNEX  
1375 SHERMAN STREET  
DENVER, COLORADO 80203

303/892-3761  
IN REPLY REFER TO

July 29, 1974

Western Interstate Nuclear Board  
P.O. Box 15038  
Lakewood, CO 80215

Gentlemen:

After having reviewed the documents which you kindly forwarded in connection with your request for exemption from the imposition of Colorado sales and/or use tax, we find that the above organization does qualify for such exemption as a political subdivision of the State of Colorado. This exemption extends to purchases made from organization funds and does not extend to individuals of the organization.

There are no exemption numbers issued by the state of Colorado. Should any of your vendors require proof of the exemption, permission is herewith granted to reproduce this letter as required.

Yours very truly,

A handwritten signature in cursive script that reads "Joe A. Macias".

Joe A. Macias  
Supervisor  
Sales, Use, Cigarette, and  
Withholding Tax Section

JAM:cj