

Draft Only  
Approval Pending  
**SUMMARY of  
PROCEEDINGS**



**SELECT COMMITTEE ON TRIBAL RELATIONS**

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**COMMITTEE MEETING INFORMATION**

November 14, 2008  
Best Western Inn  
Lander, Wyoming

**COMMITTEE MEMBERS PRESENT**

Senator Cale Case, Co-Chairman  
Representative Del McOmie, Co-Chairman  
Senator Rodney "Pete" Anderson  
Senator Wayne Johnson  
Representative Patrick Goggles

**COMMITTEE MEMBERS ABSENT**

Senator Bill Vasey

**LEGISLATIVE SERVICE OFFICE STAFF**

Ian D. Shaw, Staff Attorney  
Alex Kean, Research Analyst

**OTHERS PRESENT AT MEETING**

Please refer to **Appendix 1** to review the Committee Sign-in Sheet for a list of other individuals who attended the meeting.

**CALL TO ORDER (NOVEMBER 14, 2008)**

Co-Chairman Case called the meeting to order at 9:00 a.m. A quorum was present. The following sections summarize the Committee proceedings by topic. Please refer to **Appendix 2** to review the Committee Meeting Agenda.

*The Committee Meeting Summary of Proceedings (meeting minutes) is prepared by the Legislative Service Office (LSO) and is the official record of the proceedings of a legislative committee meeting. This document does not represent a transcript of the meeting; it is a digest of the meeting and provides a record of official actions taken by the Committee. All meeting materials and handouts provided to the Committee by the Legislative Service Office, public officials, lobbyists, and the public are on file at the Legislative Service Office and are part of the official record of the meeting. An index of these materials is provided at the end of this document and these materials are on file at the Legislative Service Office. For more information or to review meeting materials, please contact the Legislative Service Office at (307) 777-7881 or by e-mail at [lso@state.wy.us](mailto:lso@state.wy.us). The Summary of Proceedings for each legislative committee meeting can be found on the Wyoming Legislature's website at <http://legisweb.state.wy.us>.*

## **EXECUTIVE SUMMARY**

The meeting was held at the Best Western Inn in Lander, Wyoming and the Committee heard testimony regarding mental health services available to residents on the Wind River Indian Reservation, wildlife management on the Reservation, the status of unemployment insurance on the Reservation and Tribal water issues. The Committee considered legislation allowing the Tribes to participate in the Community Facilities Program and continued their work on the Tribal services study/report.

## **APPROVAL OF MINUTES**

Co-Chair McOmie, seconded by Representative Anderson, moved to approve the minutes of the Committee's August meeting. The motion passed and the minutes were approved.

## **REPORT ON THE TRIBAL RIGHT-OF-WAY SUMMIT**

Co-Chairmen McOmie and Case and Representative Goggles attended the Tribal Right-of-Way Summit on November 6<sup>th</sup> in Riverton and said that it was very successful. All the relevant players were present and evidenced a significant mood of cooperation. Among other things, the Summit dealt with highway and utility corridors and explored the different characteristics of each. The members of the Summit discussed the details of appraising all corridor lands and the benefits of having a single appraisal value all the various corridors.

The Committee voted to write a letter thanking the Public Service Commission and, specifically, Commissioner Mary Byrnes. The Committee also voted to send letters to Source Gas and Mike Kenney of Dubois Telephone.

## **MENTAL HEALTH SERVICES**

Dolores Jimerson of the Riverton Community Health Center, Catherine Keene of Wind River Health Systems, Allison Sage of With Eagle's Wings, Mary Flanderka with the Department of Health, Jeanie Kovacs-Coyhis of With Eagle's Wings, Dr. Phil Richter with Indian Health Services and Myron Littlebird of the Eastern Shoshone Recovery Program addressed the Committee. This panel discussed the availability of health care services to members of the Wind River Indian Reservation. Wind River Health Systems provided a handout to the Committee, included as **Appendix 3**. With Eagle's Wings provided a handout, included as **Appendix 4**. The Committee and the members of the panel discussed the causes of mental illness on the Reservation and the best methods for treatment. The Committee discussed the types of federal and state funding that is available. The Committee encouraged the panel members to get their office systems organized and their paperwork completed so as to comply with rules and regulations and qualify for more federal and state funding.

Co-Chair Case asked that the Committee continue considering whether the after school programs the Committee has been promoting might include after school mentoring programs, as suggested by the panel. The Committee asked that this issue be placed on a future agenda. Co-Chair McOmie explained that state money for after school programs is outside a school's block grant and not all available money has been awarded in the past. The Committee mentioned that with all available money, including impact aid, the issue may not be one of needing more money, but how available money is allocated. Dr. Richter suggested that available programs would be more successful if there were better law enforcement on the Reservation.

The Committee strongly urged the relevant parties to work together to maximize funding sources and to provide comprehensive care. Chairman Case suggested at least quarterly meeting between all the involved parties.

Jeanie Kovacs-Coyhis provided the Committee with a packet of information regarding With Eagle's Wing's financial status and funding. That information is included as **Appendix 5**.

### **GAME & FISH, TRIBAL FISH AND GAME**

Kent Schmidlin of the Wyoming Game and Fish and Robert St.Clair of the Tribal Fish and Game spoke to the Committee about wildlife management on the Reservation and the close relationship between the Wyoming Game and Fish department and the Tribal Fish and Game department. The presenters discussed various topics including the Tribal fish and game code and bear, wolf, elk and sheep populations on the Reservation. They also discussed funding sources and a memorandum of understanding that has been signed between the Tribes, the Wyoming Game and Fish and U.S. Fish and Wildlife Service. The MOU focuses on chronic wasting disease, sage grouse, wolves and bears, but does not preclude cooperation on any topic. Mr. Schmidlin provided a copy of the memorandum to the Committee and it is included as **Appendix 6**.

### **DEPARTMENT OF EMPLOYMENT - UNEMPLOYMENT INSURANCE**

Richard Mitchell and Ronald Linford from the Wyoming Department of Employment, Unemployment Insurance Division, addressed the Committee. They explained how unemployment insurance works from both the employer and employee/claimant perspective. They provided a handout which is included as **Appendix 7**.

They explained that the Tribes have been informed that they could elect to pay unemployment tax based on a "reimbursement basis" rather than their current "tax basis" and that employers of their size often save money by make such an election. The Tribal casinos might also be able to take advantage of paying on a reimbursement basis if they are operated through their Tribal business councils.

The Eastern Shoshone Tribe paid approximately \$172,000 in unemployment taxes between October 2007 and September 2008. The Northern Arapaho Tribe paid approximately \$132,000 during the same period. During that time, 82 claims for benefits were filed against the Eastern Shoshone and 60 claims were filed against the Northern Arapahoe. The average benefit paid was \$2,100.

The discussion concluded by exploring what the Department can do to facilitate access to their services and the Department agreed to place applications and additional information at specific locations on the Reservation.

### **TRIBAL WATER ISSUES**

Gary Collins, Christopher Crofts and Eddie Wadda address the Committee. They explained that the Water Development Commission's contract with the Tribes for an irrigation improvement project has now been signed and is going forward. This was the contract discussed at the Committee's last meeting. The State agreed to leave the provision establishing jurisdiction for legal disputes more vague and inserted a provision regarding dispute resolution. The parties believe that this contract might serve as a template for future contracts between the State and the Tribes. The Committee thanked Mr. Crofts and the Tribal liaisons for their work on getting this contract signed.

The Committee then discussed the potential pilot water project at Ray Lake. The Committee had previously asked LSO to consider whether the Legislature can legislatively declare appropriation dates for

certain water within Ray Lake in a manner so as to allow a project to proceed without resolving long-standing water disputes. Ian Shaw addressed the Committee and explained concerns related to the respective powers of each branch of government and potential problems related to the prohibition against special legislation. LSO will continue to work on this subject and the Committee will allow LSO to consult with the Attorney General's Office and other experts to generate innovative ideas that might allow the project to go forward. The Committee asked that this subject be continued into next year and potentially be included as an interim topic.

### **COMMUNITY FACILITIES PROGRAM**

The Committee considered 09LSO287.w1, a bill allowing Tribes to participate in the Community Facilities Program. Representative Goggles, seconded by Senator Johnson, moved the bill and the motion passed on a roll call vote of the Committee, every Committee member voting "yes" and no member voting "no." The Committee adopted the following amendment to the bill:

Page 1-line 13 and 14 Delete line 13 and delete "30, 2011." on line 14.

### **TRIBAL SERVICES STUDY/REPORT**

Alex Kean, Research Analysis for LSO, informed the Committee that he has made changes to the Tribal services report as requested at the Committee's last meeting. The Committee approved a draft letter Mr. Kean developed asking each state agency for additional comments or information. The Committee also asked Mr. Kean to draft a letter to the Tribes asking for their comments. The Chairmen asked that the final draft of all letters be sent to them for their final approval and the Committee gave the Chairmen authority to finalize the letters and send them. The Chairmen also asked that a separate letter be prepared to Management Council giving them the study with a warning that it is not yet complete and that state agencies and the Tribes may still submit comments.

### **MISCELLANEOUS**

The Committee concluded the meeting with a brief discussion of miscellaneous issues. These issues included the status of School District #38 and threats to its accreditation if the new school board does not continue the District's revised practices and tries to replace the superintendent or other District employees. Mr. Wadda informed the Committee that the Department of Workforce Services is currently working to find funds to update an old survey on Reservation work force issues. The Committee was updated on the work of the U.S. Department of Justice to improve race relations on the Reservation, Job Corp. work on the Reservation and new criminal laws that were adopted by the Joint Business Council.

### **MEETING ADJOURNMENT**

There being no further business, Co-Chairman Case adjourned the meeting at 3:00 p.m.

Respectfully submitted,

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Senator Cale Case, Co-Chair

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Representative Del McOmie, Co-Chair

# Committee Meeting Materials Index

Appendix	Appendix Topic	Appendix Description	Appendix Provider
1	Committee Sign-In Sheet	Lists meeting attendees	Legislative Service Office
2	Committee Meeting Agenda	Provides an outline of the topics the Committee planned to address at meeting	Legislative Service Office
3	Mental Health	Wind River Health Systems issues outline	Wind River Health Systems
4	Mental Health	Services provided by With Eagle's Wings	With Eagle's Wings
5	Mental Health	Financial / funding information regarding With Eagle's Wings	With Eagle's Wings
6	Game and Fish	Memorandum of Understanding	Wyoming Game and Fish
7	Employment	Unemployment Insurance Summary	Department of Employment