

SUMMARY *of* PROCEEDINGS



SELECT COMMITTEE ON TRIBAL RELATIONS

COMMITTEE MEETING INFORMATION

October 2, 2024 | 9:00 AM
Frank B. Wise Business Center, Classroom 7
3 Ethete Road
Fort Washakie, Wyoming

COMMITTEE MEMBERS PRESENT

Senator Affie Ellis, Co-chairman
Representative Ember Oakley, Co-chairman
Senator Eric Barlow
Senator Cale Case
Representative Ken Chestek
Representative Sarah Penn

LEGISLATIVE SERVICE OFFICE STAFF

Lily Sharpe, Research/Evaluation Administrator
Donna Shippen, Senior Research Analyst
Eve Hamilton, Legislative Editor

OTHERS PRESENT AT MEETING

Please refer to [Appendix 1-02](#) to review the Committee Sign-in Sheet for a list of other individuals who attended the meeting.

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@wyoleg.gov. The Summary of Proceedings for each legislative committee meeting can be found on the Wyoming Legislature's website at www.wyoleg.gov.

EXECUTIVE SUMMARY

The Select Committee on Tribal Relations (Select Committee) met for one day in Fort Washakie to complete its interim work. The Select Committee received testimony on solid waste management, sales taxes on remote purchases, higher education opportunities, and Indigenous rock art imagery.

The Select Committee voted to sponsor the following bills for the 2025 General Session:

- 25LSO-0146 Wind River Reservation remote sales tax, as amended.
- 25LSO-0151 Tribal trust land sales and use tax exemption, as amended.
- 25LSO-0235 Petroglyph and pictograph protection, as amended.

CALL TO ORDER (WEDNESDAY, OCTOBER 2, 2024)

Co-chairman Ellis called the meeting to order at 10/2/2024 9:03 AM. The following sections summarize the Committee proceedings by topic. Please refer to [Appendix 1-01](#) to review the Committee Meeting Agenda.

The meeting can be viewed on YouTube – Select Committee on Tribal Relations Meeting, October 2, 2024 ([AM](#) and [PM](#)).

APPROVAL OF MINUTES

Senator Barlow moved to approve the minutes from August 26, 2024. The motion passed by voice vote.

SOLID WASTE MANAGEMENT

Donna Shippen, Senior Research Analyst, Legislative Service Office (LSO), presented a fact sheet on U.S. Environmental Protection Agency (EPA) environmental and climate justice grant program eligibility requirements. ([Appendix 2-01](#)).

Alison Ruhs, Tribal Waste Management Coordinator, EPA Region 8, provided an update on solid waste management on the Wind River Reservation and further information about the environmental and climate justice grants.

Director Verlon Timbana and Ron Perry, Wind River Intertribal Solid Waste, and Councilman Wayland Large, Eastern Shoshone Business Council and Wind River Intertribal Solid Waste Committee, provided an update on solid waste management on the Wind River Reservation. Director Timbana and Councilman Large presented information on recent transfer station clean-up efforts and security measures to discourage illegal dumping.

Co-chairman Karen Returns To War, Northern Arapaho Business Council, presented information on the Northern Arapaho Tribe's efforts to address illegal dumping and said the Tribe is working with the Wyoming Outdoor Council as their nonprofit partner for the EPA environmental and climate justice grant application.

Councilman Large said the Eastern Shoshone Tribe will also be pursuing the EPA grant.

Public Comment

Kit Wendtland, Special Counsel, Anita Roman, Northern Arapaho Tribal Liaison, and James Sorrels, Eastern Shoshone Tribal Liaison, Office of the Governor, presented an update on the Governor's efforts to aid the Tribes with solid waste issues and the recent grant summits held with each Tribe.

Mr. Wendtland said the Governor supports finding a way for the State to hold individuals who are not tribal members and who illegally dump on the Wind River Reservation accountable under state laws. At the suggestion of Chairman St. Clair, Eastern Shoshone Business Council, the Governor's Office has been examining the possibility the Wyoming Enforcement of Foreign Judgments Act and the Full Faith and Credit for Tribal Acts and Records statute could be utilized to collect civil fines for illegal dumping by individuals who are not tribal members. Fines could potentially generate fees for illegal dump clean-up. Mr. Wendtland said the idea would need to be further discussed with both Tribes.

Leslie Shakespeare, Superintendent, Wind River Agency, Bureau of Indian Affairs (BIA), provided information on how the BIA is working with the Tribes to create fire lines around transfer sites as a fire prevention measure. Superintendent Shakespeare also summarized past discussions with Fremont County regarding enforcement and prosecution of illegal dumping on the Wind River Reservation.

Chairman John St. Clair, Eastern Shoshone Business Council, provided testimony on enforcement of solid waste violations and said the Tribes are working to update the Tribal Code to add offenses and penalties relating to solid waste.

Bobbi Shongutsie, Eastern Shoshone Tribal Member, provided testimony on the clean-up efforts at transfer stations on the Wind River Reservation.

Shawn Brown, Northern Arapaho Solid Waste Manager, also provided updates regarding clean-up efforts on the Wind River Reservation.

SALES TAXES ON REMOTE PURCHASES

Bill Drafts: 25LSO-0146, Wind River Reservation remote sales tax, and 25 LSO-0151, Tribal trust land sales and use tax exemptions.

Lily Sharpe, Research/Evaluation Administrator, LSO, provided an overview of 25LSO-0146, Wind River Reservation remote sales tax. The bill requires the State to distribute sales tax collected on remote sales on the Reservation to the Tribes ([Appendix 3-01](#)).

Ms. Sharpe provided an overview of 25LSO-0151, Tribal trust land sales and use tax exemption, which would provide an exemption from sales and use taxes on purchases sourced to trust land owned by only one tribe ([Appendix 3-02](#)).

Director Clarence Aragon and LaJuana St. Clair, Wind River Tax Commission, provided testimony on the proposed bill drafts. Director Aragon said the Commission is in favor of a revenue sharing agreement with the State if it benefits the Tribes and both Tribes agree to it. Director Aragon suggested delaying further discussion of the bill drafts until this Tribal Business Council elections are concluded.

Bret Fanning, Excise Tax Administrator, Wyoming Department of Revenue, provided testimony on the bill drafts. Mr. Fanning suggested the effective date of 25LSO-0146 be changed to 2026 to allow the Department time for necessary software programming. Mr. Fanning also noted the provision in 25LSO-0146 regarding retention of one percent of revenues to cover administrative costs is not consistent with other sales tax provisions.

Public Comment

Vice Chairman Mike Ute, Eastern Shoshone Business Council, provided public comment on the bill drafts. Vice Chairman Ute said the Eastern Shoshone Business Council may be able to provide its position on the proposed legislation after its meeting next week.

Jared White Bull, Northern Arapaho Business Council, provided comment on the bill drafts. Councilman White Bull believes the Northern Arapaho Business Council is in favor of the bill drafts, but he is unable to provide a definitive answer at this time. Mr. White Bull noted that 25LSO-0151 does not exempt trust lands held in trust by both Tribes from sales and use tax collection, which could impact businesses that lease joint Tribal trust lands.

Committee Directives

The Committee discussed whether to move forward with the bill drafts without knowing whether the Northern Arapaho and Eastern Shoshone Business Councils support the legislation. Co-chairman Ellis said since this is the last Tribal Committee meeting of the interim, one option would be to move both bills and wait for future guidance from the Business Councils.

Co-chairman Ellis moved to sponsor 25LSO-0146. The motion passed unanimously by roll call vote. The Select Committee adopted the following amendments:

Page 2-lines 14-15 Delete entirely and insert "deduct one percent (1%) to cover all administrative expenses and costs for deposit by the state treasurer into the general fund for that amount.".

Page 2-line 20 After "paid" insert "until such time as an agreement is reached with the Eastern Shoshone Tribe and the Northern Arapaho Tribe".

Page 3-line 7 Delete "July 1, 2024" and insert "January 1, 2026."

Senator Barlow moved to sponsor 25LSO-0151. The motion passed unanimously by roll call vote. The Select Committee adopted the following amendment:

Page 3-line 2 Delete "July 1, 2025" and insert "immediately upon completion of all acts necessary for a bill to become law as provided by Article 4, Section 8 of the Wyoming Constitution".

K-12 INDIAN EDUCATION FOR ALL

Scott Ratliff, Tribal Liaison, Senator Cynthia Lummis Office, provided an update on Indian Education for All.

HIGHER EDUCATION UPDATE

Ed Seidel, President, and Mike Smith, Vice President of Governmental Affairs and Community Engagement, University of Wyoming (University), provided an update on the September 26, 2024, Board of Trustees meeting. Chairwomen Ellis and Oakley and Tribal representatives met with the Trustees to discuss University support to Tribal students. President Seidel reported that the University has identified 20 Eastern Shoshone and 22 Northern Arapaho enrolled students, 29 of whom are undergraduates. These numbers are much less than the 300+ self-identified Native American students reported to the Committee in May. President Seidel provided an estimated cost of offering tuition and fee waivers to approximately 40 enrolled Native students and options for funding through an endowment. He relayed that the University Foundation is eager to raise funds to support Tribal students.

President Seidel also stated the University is working with Central Wyoming College (CWC) on a cohort model to provide support and co-advising for Tribal students who transfer to the University from CWC.

Coralina Daly, Vice President of Student Affairs, and Kathy Wells, Vice President of Academic Affairs, Central Wyoming College, provided an update on how CWC is supporting students from the Wind River Reservation, including the Bachelor's in Tribal Leadership program, Hathaway scholarship utilization, conversations with University about establishing a cohort model, and partnerships with community employers and Fremont County school districts.

Public Comment

There was no public comment on this topic.

INDIGENOUS ROCK ART IMAGERY

Bill Draft: 25LSO-0235 Petroglyph and pictograph protection.

Ms. Sharpe provided an overview of 25LSO-0235, Petroglyph and pictograph protection, which would create a misdemeanor offense for injury of petroglyphs and pictographs, provide penalties, and require surveying of petroglyphs and pictographs on state lands ([Appendix 6-01](#)).

Dr. Spencer Pelton, State Archaeologist, Office of the State Archaeologist, spoke in favor of the bill draft. Dr. Pelton suggested language in Section 3 be amended to clarify the appropriation is for the survey of all "known" rock image sites. Dr. Pelton also suggested the survey timeline be extended from one year to two years to allow archaeologists to reach all the sites while avoiding winter weather. Dr. Pelton provided revised cost estimates to survey and create 3-D models of known rock image sites ([Appendix 6-02](#)).

Brian Beadles, Deputy State Historic Preservation Officer, Wyoming State Historic Preservation Office, spoke about the proposed documentation timeline, and suggested extending the timeline so his staff can properly document the rock art sites. Mr. Beadles also noted that known rock art sites include historic inscriptions from Wyoming's exploration and settlement period.

Dr. Pelton recommended the bill draft be amended to include "historic inscriptions" following all references to pictographs and petroglyphs.

Jason Crowder, Interim Director, Office of State Lands and Investments, provided testimony on the bill draft. Director Crowder noted that W.S. 36-1-116 already creates a misdemeanor for illegally excavating or removing archaeological deposits and expressed concern that adding a misdemeanor for defacing petroglyphs and pictographs could create some conflict or confusion.

Ms. Sharpe provided further clarification regarding the existing misdemeanor and the proposed misdemeanor.

Public Comment

There was no public comment on this topic.

Committee Directives

Senator Case moved to sponsor 25LSO-0235. The motion passed unanimously by voice vote. The Select Committee adopted the following amendments:

Page 1-above line 1 Delete the catch title entirely and insert "Petroglyphs, pictographs and historic inscriptions protection."

Page 2-line 4 Delete entirely and insert "mars or harms petroglyphs, pictographs or historic inscriptions without consent of".

Page 2-lines 10 and 11 Delete entirely and insert:

"**Section 2.** There is appropriated four hundred forty-one thousand three hundred forty dollars (\$441,340.00) from the".

Page 2-line 13 Delete "surveying and documenting," and insert "surveying, documenting and three-dimensional modeling,".

Page 2-line 14 After "all" insert "known".

Page 2-line 17 Delete "June 30, 2026" and insert "June 30, 2028."

Page 2-lines 20 Delete entirely and insert "shall not revert until June 30, 2028."

Page 2-line 21 Delete "law on June 30, 2026."

Page 3-line 4 Delete entirely and insert:

"Section 3.

(a) Except as provided in subsection (b) of this section, this act is effective July 1, 2025.

(b) Section 2 of this act is effective immediately upon completion of all acts necessary for a bill to become law as provided by Article 4, Section 8 of the Wyoming Constitution."

PUBLIC COMMENT

Wade LeBeau, Eastern Shoshone Tribal Member, provided public comment on Eastern Shoshone Tribal government and distributed copies of freedom of information act responses received from the U.S. Department of Interior Office of Federal Acknowledgment.

MEETING ADJOURNMENT

There being no further business, Co-chairman Oakley adjourned the meeting at 2:38 PM.

Respectfully submitted,

Senator Affie Ellis and Representative Ember Oakley

Committee Meeting Materials Index

Index Number	Agenda Item	Document Description	Document Provider
1-01		Agenda	Legislative Service Office
1-02		Sign-In Sheet	Legislative Service Office
2-01	Solid Waste Management	EPA Environmental and Climate Justice Community Change Program Grants	Legislative Service Office
3-01	Sales and Use Taxes on Remote Purchases	25LSO-0146 v0.3 Wind River Reservation remote sales tax.	Legislative Service Office
3-02	Sales and Use Taxes on Remote Purchases	25LSO-0151 v0.3 Tribal trust land sales and use tax exemption.	Legislative Service Office
6-01	Indigenous Rock Art Imagery	25LSO-0235 v0.2 Petroglyph and pictograph protection.	Legislative Service Office
6-02	Indigenous Rock Art Imagery	Cost Estimate for Rock Image Documentation on State Lands	Office of the State Archaeologist