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Chamber makes changes

by J.D. Stetson

The Thermopolis-Hot Springs Chamber of Commerce Board of Directors voted to discontinue the chamber's tier membership system at their regular meeting Jan. 12 after determining it to be ineffective in raising revenue for the chamber.

The board decided it will honor the tier bracket for all of the members who have already paid to be on the tier system until June 30 or until the business' membership is up for renewal.

New members and those who renew membership before July 1 will pay a flat rate for membership of \$150, the board decided.

Between now and July 1, board members will discuss options to revamp the membership system for the 2011-12 year.

Chamber executive director Kathy Wallingford reported the chamber is operating on a "shoestring" budget, but it has received some donations and still has a \$10,000 certificate of deposit it can draw upon.

Wallingford added the chamber usually uses \$19,000 in funding from local government agencies during the winter while adding new memberships and other revenue sources are slow.

Four members of the Hot Springs County Lodging Tax Board attended the meeting during the discussion of the chamber's financial situation, the 3-on-3 Tournament and the tier system.

During the discussion, chamber board members talked about the cost of banners for 23 businesses who are entitled to have banners during the 3-on-3 Tournament because they joined at a higher membership tier.

Between cost of the banners and other benefits of the tier system, the chamber should have set aside \$11,500 for the tournament as event sponsorships, but because of the overall funding shortfall the board chose to use the money for chamber operations and to keep the doors open, Wallingford said.

Chamber president Donna Nally reported the chamber has found an additional \$12,000 in funds meant to be used as seed money for events and can be used to fund the 3-on-3, but Nally also said the money should not be used except for a last resort because it will fund other chamber events. Any funds taken from the account must be replenished

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Keen eye for craftsmanship



Wes Whipple adjusts the tip of a custom knife he had just forged out of an old metal file. See page 8 for a full story. — J.D. Stetson photo

Commissioners discuss options regarding BIA land use plans

The Hot Springs County Commissioners held a conference call with State Attorney General Bruce Salzberg Tuesday afternoon to discuss the county's options regarding a proposed land status change by the Northern Arapaho Tribe.

In December, the commissioners were advised by the Bureau of Indian Affairs (BIA) the Tribe was seeking a status change for land purchased south of Thermopolis in the Red Cut area at the mouth of Wind River Canyon.

The status change would amount to taking the land off tax registers for the county and placing the parcel in a land trust for the Tribe through the U.S. Government.

In a letter requesting an extension of the comment period for the status change, the commissioners pointed out the land in question had been misidentified by the BIA.

In addition, questions were raised regarding the intended use of the land by the Tribe and pointed out possible problems the status change would create, including who would ultimately be responsible for emergency services, water and other utility needs in the area.

The commissioners were denied access to the Tribe's application on more than one occasion.

Commissioner Mike Baker led the conference call with the attorney general, asking what position he felt the new governor would take in this matter.

Salzberg indicated he had not had time to discuss the issue with Gov. Matt Mead but planned to do so later in the week.

Baker questioned whether this proposed land trust would fall under the Johnson Ruling, which says the state has no authority when it comes to tribal gambling, should the Tribe decide to

build a casino on the property.

In correspondence, the BIA has indicated the land is agricultural at this time and it is their intent the land remain agricultural. However, according to the commissioners, the possibility of a casino has always been on the table.

Salzberg indicated until the BIA makes a decision on agricultural or gaming use, there is no way to know if the issue will fall under the Johnson Ruling or not.

"I'm not sure if gaming can occur within trust lands not currently in the tribal lands trust," he said.

Baker said in viewing the original tribal position taken in May, 2009, it clearly stated "agriculture or gaming."

"We clearly have two flawed representations in letters from the BIA," Baker said.

Salzberg said in their letter to the

BIA they had responded affirmatively to the land use remaining agricultural.

"Now you indicate in your letter that gaming is a possibility," he said. "That would make the considerations quite different. A completely different set of regulations would apply."

He suggested the commissioners file a formal request under the Freedom of Information Act to acquire everything within the Tribe's application and to file a formal complaint against the proposed land trust.

"If they can go ahead and do this," commissioner Brad Basse said, "what's to keep them from buying the old Ben Franklin building and putting a casino right in the middle of town?"

County attorney Jerry Williams said there really isn't anything to stop them. "This land was all tribal land before it was purchased from the Indians," Bak-

er said. "Where we're sitting today is an official diminishment of tribal lands. This (land trust) would be, in essence, a boundary change."

Williams suggested the move to find an attorney who specialized in tribal law as outside counsel.

While the Wyoming attorney general cannot advise the commissioners to seek special legal counsel, he did indicate it would not hurt for the commissioners to do so.

Baker and Basse will be in Cheyenne for several days for the legislative session and are requesting a special meeting with attorney Tom Sansonetti to further explore the situation. Sansonetti has extensive experience in tribal law in Wyoming.

The commissioners voted to give authority to Baker to retain Sansonetti as special counsel in the matter.

Boone & Crockett possibility



Lara Love, left, took this trophy mountain lion on Gooseberry Creek drainage. The lion green scores at 15-2/16". After 60 days the lion will be re-measured to see if it reaches the minimum 15" to make the Boone and Crockett All-time record book. Area 20 closed with the taking of this lion on Saturday. Ramsey Allen is holding up the cat.

Legislature into second week

Same-sex marriage bill advances in State House

by Joe Sovia

Proposed bills titled validity of marriages, no duty to retreat and exceeding speed limit while passing are topics of extensive discussion in the State House as the 61st Wyoming Legislature headed into its second week in Cheyenne.

House Bill 74, validity of marriages, was heard in the House on Monday, according to Rep. Lorraine Quarberg (R-HD28). It was approved 7-2 by the Education Committee. Currently, a same-sex marriage in another state is recognized in Wyoming, where only a marriage between a male and female can be legally consummated.

HB74 states marriages other than of a male and female are void and specifies Wyoming courts do not have jurisdiction over any domestic legal union involving parties who are not a male and female, or where there are more than two parties to the contract.

The bill must pass three votes by the full House before moving to the Senate for consideration.

Two pieces of legislation pertaining to motor vehicles are high-interest items. One is increasing the fuel tax in Wyoming by 10 cents a gallon, via a phased-in plan. Quarberg said she doesn't have a feel for the bill coming out of the Joint Transportation, Highways and Military Affairs Interim Committee.

With the strong position of the state financially, Quarberg is opposed to a tax hike.

"As long as we have that revenue to share, there is no reason to raise the fuel tax," she said. "This is not the time to raise taxes on people in Wyoming...We've been very generous sharing (revenue) with WYDOT (Wyoming Department of Transportation)."

HB33 pertains to a motor vehicle driver passing another vehicle on the left and the speed allowed. It states, "A driver of a passenger car, motorcycle or pickup truck, not towing any other vehicle, may exceed the speed limit by up to ten (10) miles an hour while passing another vehicle traveling at less than the legal maximum speed, in order to safely pass the vehicle." Drivers must reduce speed to the posted limit as soon as practicable after passing.

"People are getting ticketed" for speeding while passing other vehicles, Quarberg said and she supports the bill. "I think it's a good idea."

Quarberg said Monday that HB122, no duty to retreat, went to the House Judiciary Committee.

See Quarberg on page 9

Not much controversy brewing in State Senate

By Karla Pomeroy

The 2011 Wyoming Legislature is "just getting warmed up," according to Sen. Gerald Geis (R-SD20).

The first bills coming out of committee were up on third reading Monday. Geis said most of the bills have been fairly routine without much debate.

"There's been nothing controversial," he said. "This week we'll get into some of the heavy bills; some will die on the floor and some will die in committee."

Geis said one bill, which he sponsored already, was laid aside by the Senate Agriculture Committee. He said the committee voted 3-2 to not send the Senate File 0046 Stock Water Permit bill to the Committee of the Whole. Geis said after listening to testimony he also voted to not recommend the bill. The bill would have required the Forest Service to put grazing leases and other land leases on any water permit from the state.

"Farm Bureau and the Wool Growers Association came out against the bill. We also had two water experts (water law attorneys from Cheyenne) advise us to use caution," Geis said. The attorneys said the Forest Service could opt not to grant permits due to the law.

"When they talk I pay attention. The water is tied to the land and the Forest Service owns the land. We didn't want them denying any permits and they could. There was quite a lengthy debate in committee," he said.

Geis said he also pulled SF66 from committee consideration. The bill, Wyoming pet animal program, was opposed by commissioners across the state and is "too cumbersome with a \$2 million to \$3 million price tag."

Instead, the committee was scheduled to debate (if enough time) a smaller version of the bill, SF 100 Cruelty to Animals. The bill modifies the definition of cruelty to include animal hoarders and those who operate or own a puppy mill. An animal hoarder is a place with 15 or more "companion animals" that are kept in an overcrowded area. A puppy mill is defined as a dog or cat breeding facility with 50 or more animals.

Also scheduled in committee:
• SF0058 – Landowner Rights in Wind Energy Development outlines the process for a landowner to be a party to the industrial siting process of wind energy development.

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Chamber

and board members should continue to seek funding and sponsorships for both chamber operations and 3-on-3.

The discussion then turned to how the chamber can cut costs of the 3-on-3. Some ideas suggested include charging more money for vendors and concessions during the tournament. Other ideas included seeking more donations from all sources and volunteers to cover the costs of cleanup, portable bathrooms, paramedics, electric generators and the hospitality rooms.

The board decided it would form a committee to explore the various ideas and report them back to the board.

Lodging Tax Board meeting

At the Tuesday meeting of the Lodging Tax Board, chamber board member Cindy Ellison ac-

companied Nally to discuss advertising for 3-on-3.

While the board chose in November not to fund 3-on-3 with regards to paying for the contract with World Events to facilitate the event as stipulated in the board's bylaws and state law, the board still has \$15,000 in its budget to pay for advertising expenses associated with 3-on-3.

"Ultimately, the Lodging Tax Board is not against the 3-on-3," said board chairwoman Angie Guyon.

Guyon explained she had provided the board with materials showing the decline in 3-on-3 teams coming to Thermopolis and the reason for the decline is the advertising for the event. She added that in the past, the Lodging Tax Board has budgeted \$20,000 for the event, of which only \$4,000 went toward advertising.

"It's not our responsibility to pay the fee to get

the 3-on-3 here in Thermopolis," she said. "Our problem is to spend \$20,000 to market and advertise this event. You spend that \$10,000 to \$15,000, whatever it is, to market and advertise this event and get the teams here to Thermopolis."

The Lodging Tax Board asked the chamber to prepare a package of anticipated advertising expenses to submit to the board for approval and to develop a strong marketing campaign for the event with presence in large communities such as Billings, Mont., Casper, Idaho Falls, Idaho, and other areas within a day's drive from Thermopolis.

"If we want it to last and to have 400 (teams), then we've got to have a marketing strategy, a strong one if we are going to invest that kind of money," said Lodging Tax Board member Ernest Cummings.

The board also asked whether the chamber has

Geis

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• SF0009 – Economic Analysis. Geis said he has talked to Gov. Matt Mead, who is in support of the bill, so he does not expect much debate. The bill passed the Legislature last year but was vetoed by Gov. Dave Freudenthal. It would provide for economic data collection in each county to show impacts from federal agency plans and management.

Second reading

One bill up on second reading Monday has prompted concern

over voter fraud. SF0023 allows for a mail ballot election under certain circumstances. Geis said since there is already absentee (mail) voting during regular elections he did not have concerns over the bill.

Another elections bill, SF0004 – Elections-Military and Overseas Voters, provides a timeline for ballots to be given to military and overseas voters and allows for ballots to be submitted electronically.

Also on second reading is a

bill (SF0026) establishing new speed limits for county roads – 65 mph on paved roads and 45 mph on unpaved roads.

The bill omits the requirement for an engineering study or traffic investigation in order to adjust speed limits locally.

Geis said legislation on second reading allows disabled persons to apply for the handicap placards to hang in the cars or for specialized license plates. It would be an amendment to a current bill.

injury to himself or another or to prevent the commission of a violent felony."

According to Quarberg, the State House was behind in its legislative action after dealing with a contested election in House District 45 (Albany County). Seth Carson, a House representative in 2009-10, filed a complaint, saying Rep. Matt Greene had not established residency requirements in the district. Greene moved out of his out-of-district residence just be-

fore being deployed to Afghanistan and returned to live in the district in which he was elected. A nine-person committee sent the issue to the House floor for a will call vote. The body determined Carson had not provided a "burden of proof" and the result was Greene was allowed to retain his House seat.

"I felt his intent was clear," Quarberg said, adding it was determined Greene had begun looking for a residence in the district before leaving for Afghanistan.

Quarberg

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She is a co-sponsor of the bill.

"I'm pretty confident we'll get a hearing," she said. "It's getting an unbelievable amount of support."

HB122 states, "A person who is not engaged in an unlawful activity and who is attacked in a place where he has a right to be, has no duty to retreat and has the right to stand his ground and meet force with force, including deadly force if he reasonably believes it is necessary to do so to prevent death or serious bodily