



Monday
2008 Interim
June 9, 2008

Room LCR 2
State Capitol Building
Pierre, South Dakota

The second meeting of the Legislature's State-Tribal Relations Committee was called to order by Chair Representative Kent Juhnke at 9:00 a.m., June 9, 2008, in Room LCR 2 of the State Capitol, Pierre, South Dakota.

A quorum was determined with the following members answering the roll call: Senators Tom Dempster, Tom Katus, and Theresa Two Bulls; and Representatives Mark DeVries, Kent Juhnke, and Keri Weems. Excused were: Senators Julie Bartling and Cooper Garnos; and Representatives Jim Bradford and Thomas Van Norman.

Staff members present were Tom Magedanz, Principal Research Analyst, and Reta Rodman, Legislative Secretary.

(NOTE: For the sake of continuity, the following minutes are not necessarily in chronological order. Also, all referenced documents are on file with the Master Minutes.)

Opening Remarks

Representative Kent Juhnke, Chair, welcomed everyone to the meeting. He said the purpose of the meeting was to discuss study topics and meeting locations for the committee for the 2008 interim.

A prayer was offered by Senator Theresa Two Bulls.

Approval of Minutes

SENATOR TOM KATUS MOVED, SECONDED BY SENATOR TOM DEMPSTER, THAT THE MINUTES OF THE FEBRUARY 27, 2008, MEETING OF THE STATE-TRIBAL RELATIONS COMMITTEE BE APPROVED. The motion prevailed on a voice vote.

Kathi Mueller, Governor's Special Assistant for Health, distributed a document entitled "Zaniya Project Task Force Final Report" (**Document #1**). Ms. Mueller said the South Dakota Health Care Initiative was designed to create access to affordable and comprehensive health insurance for all South Dakotans. She introduced Daryl "KC" Russell, a member of the Lower Brule Sioux Tribe, as the state's first director of Indian Health Care Initiatives. Ms. Mueller said that Mr. Russell previously worked for the Indian Health Service in South Dakota but will now work with tribes and the federal government to address Native American health issues.

Mr. Daryl "KC" Russell distributed a document entitled "Governor's Indian Health Care Initiative" (**Document #2**). He said the initiative's goal is to lessen the disparity between

Native Americans and non-Natives in the area of health and health care. Mr. Russell reported that he will be meeting with federal, state, and private health officials and providers, and tribal governments to help identify Indian health issues and solutions to those problems. He said that American Indians in South Dakota have the highest death rate of any racial or ethnic group in the United States. Mr. Russell said he has been working closely with Roger Campbell, Commissioner, South Dakota Office of Tribal Government Relations, in visiting the Indian reservations to address these issues.

In response to questions by committee members, Mr. Russell said that the state can not be an adequate funding source and private resources must be explored. He said that tribal governments are excited to meet with him to address some of the needs related to diabetes along with other health issues and excited in general about the Indian Health Care Initiative. Mr. Russell said he will also be focusing on suicide, chemical dependency, and mental health issues. When asked what the Legislature could do to help Ms. Kathi Mueller responded by saying that they would stay in touch and that they are trying to work with private, federal, and state resources.

Mr. Larry Long, Attorney General, distributed a document entitled "Affidavit in Support of Complaint" (**Document #3**). Based on a request made to the committee through public testimony at the committee's October, 2007 meeting, an inquiry was sent to the Attorney General's office about the timing of the investigation and indictment of Mr. Ted Klautt. Attorney General Long described the events and time frame that led to the arrest of Mr. Klautt. He said that unless someone is willing to come forward with positive proof of a crime and also prepared to testify, that other information based on hearsay is not useable and no further steps can be taken legally. This was found to be the case in the Klautt investigation; therefore, delaying any arrest.

SENATOR THERESA TWO BULLS MOVED, SECONDED BY SENATOR TOM DEMPSTER, TO HAVE LEGISLATIVE RESEARCH COUNCIL STAFF DRAFT A LETTER TO THE TRIBAL ATTORNEY OF THE STANDING ROCK RESERVATION STATING THE COMMITTEE FINDS THAT PROPER LEGAL PROCEDURES WERE FOLLOWED IN THE TED KLAUDT INVESTIGATION. The motion carried on a voice vote.

Ms. Natasha Bothun, Department of Tourism and State Development, distributed two documents entitled "Tribal Tourism on the Reservations" (**Document #4**) and "Destination 2010: DRIVING FORWARD" (**Document #5**). Ms. Bothun discussed tourism efforts by the department related to Native American tourism resources in South Dakota. She said that State-Tribal Tourism Roundtable discussions are conducted on the reservations and in Pierre three times a year. She said that agendas are developed by contacting those involved in tribal tourism to see what topics people would like to discuss and then creating the agenda based on those topics. Ms. Bothun stated that the Great Sioux publication is being redone and should be completed in late July, 2008. There is at least one representative from each tribe that the department is in contact with, and they contact as many new businesses as possible to attend the meetings.

Ms. Aske Whitebird, Office of Tribal Government Relations, reported that state information centers get many questions about travel on the reservations; consequently, an issue forum

called “Do Reservations Have Roads” was scheduled which was very successful in clearing up misconceptions about travel and conditions on the reservations.

Ms. Whitebird and Ms. Bothun discussed the tourism conference with the committee the tourism conference. They said there are booths reserved specifically for tribal representatives and their brochures and materials. One drawback is that not every tribe has a tourism booth or tourism department. Both Ms. Whitebird and Ms. Bothun stated that it is a challenge to get the tribes located in the eastern part of South Dakota involved. Listed below are areas related to tourism on Indian reservations that the department is promoting:

- Familiarization tours are becoming more frequent to the reservations;
- State-tribal tourism roundtable discussions;
- Tourism conference;
- Additional brochures and materials related to tribal tourism at information centers;
- Increase numbers of partners;
- Cooperative marketing to promote tourism marketing programs and encourage the reservations to work together on tourism activities.

Ms. Stacey LaCompte, Executive Director, The Wakpa Sica Reconciliation Place, Ft. Pierre, addressed the committee and said her organization put together a brochure very much like the South Dakota map on tribal reservations, location of casinos, and other businesses. This information is also on their web site – South Dakota Indian Business Alliance.

Ms. Kerry Frei, Native Discovery, distributed brochures (**Documents #6-7-8-9 & 10**). Ms. Frei said Native Discovery is a cooperative effort of organizations from the Cheyenne River, Pine Ridge, and Rosebud Reservations. She stated that the goal of Native Discovery is to promote the tourism industry by promoting special events, various attractions, and talented artists. Ms. Frei reported that the organization was started in 2005 to boost the economy on the three reservations. She said Native Discovery does two preplanned tourist tours a year which includes the second full week of July on the Rosebud and Pine Ridge Reservations and the Cheyenne River Reservation at the end of July. The tour cost is \$1300 double occupancy, and they use 605 Tour Company located in Aberdeen. Ms. Bothun reported that the South Dakota Department of Tourism and Native Discovery have a very good working relationship.

Ms. Karen Kern, Executive Director, Great Lakes of South Dakota Tourism Association, distributed a document entitled “South Dakota Great Lakes” (**Document #11**). She said that Great Lakes works closely with the office of tourism and was formed in 1962 under Governor Nils Boe. Ms. Kern stated there are sixteen counties involved, and tourism in Indian Country is a very important and largely untapped resource for the reservations. In the discussion Ms. Kern said that some reservations are further along in the areas of tourism which produces many challenges. She said her goal is to work as a partner with the tribes, and Great Lakes is a membership-based organization.

Ms. Kern said she will make it a priority to go to the tribes and not expect them to come to Great Lakes. She stated that most reservations are open to tourism but do not know where to go to achieve the most tourism impact.

Recessed for lunch at 11:40 am to reconvene at 1:00 p.m.

The State-Tribal Relations Committee reconvened with **Senator Theresa Two Bulls** assuming the chair.

Mr. Ivan Sorbel, Pine Ridge Chamber of Commerce, distributed a document entitled "Discover Lakota Country" (**Document #12**). Mr. Sorbel said that there are very few Chambers of Commerce located on Indian reservations. He stated that the Pine Ridge Reservation has had a Chamber of Commerce for eight years and that the main focus of the Pine Ridge Chamber of Commerce is economic development. The Chamber produces annually 20,000 brochures and has 125 members compared to 70 members in 2001.

Mr. Sorbel said that the Chamber of Commerce has a partnership with Native Discovery with a goal to draw tourists off the interstate and onto the reservation for economic development. He said a study was completed to see whether their marketing efforts were targeting the appropriate people, but discovered that a lot of tourists are coming to Pine Ridge by word-of-mouth. Pow Wows and rodeos are great areas for economic development. Mr. Sorbel said that in 2001 and 2002 they saw a 50% increase in sales tax revenues.

A general discussion among the presenters and the committee members produced the following information:

- Campground ownership in tribal areas is 95% private ownership with 80% of those owners being Native American individuals;
- Tribal parks and recreation activity is doing very well, and people are encouraged to stop and learn about the Indian reservation;
- Hunting is a big source of revenue on tribal land and requires a tribal license;
- Tribes are starting to realize that tourism is an important industry to develop;
- Reservation roads vary in terms of quality. Many are under the jurisdiction of the Bureau of Indian Affairs although roads fall under a variety of jurisdictions. Motor fuel tax revenue provides a major source of funding to maintain roads on the Pine Ridge Reservation. The tribe has been handling road maintenance since 2004.

Mr. Sorbel discussed the need for a visitor center for the Pine Ridge Reservation possible funding arrangements.

Ms. Mikki LaRoche, Tourism Coordinator, Lower Brule Sioux Tribe, distributed a document entitled "KUL WICASA OYATE" (**Document #13**). She said the Lower Brule Sioux Tribe Tourism Department's 2007 accomplishments include: coordination with the State of South Dakota Tourism Department, marketing bus tours, international and domestic marketing, hosting childrens tours of the Buffalo Center for South Dakota Discovery Center, and coordination with the Great Lakes of South Dakota Tourism. Ms. LaRoche also stated that additional accomplishments of the Lower Brule Sioux Tribe Tourism Department are: Lower Brule RV park and campgrounds listed in the South Dakota official 2008 campground guide, opening of the hospitality office in the Tribal Administration Office, and billboard signage on Route 83 advertising the Buffalo Center.

Ms. LaRoche said that tourism activities at Lower Brule produced the following results:

- Increased visitation/sales at the Buffalo Interpretive Center;
- Increased bus tours;
- Increased visitation at the Tribal Administration Office;

- Increased visitation at the Narrows Site.

Ms. LaRoche said that tourism has the potential to enhance a tribe's economy and to promote overall awareness of tribal programs and businesses. She said that projects for 2008 on the Lower Brule Reservation include construction of the Narrows Earthlodge Byway Facility and the Buffalo Interpretive Center. Ms. LaRoche reported that one current effort to increase tourism on the reservation is the distribution of brochures at Visitor Information Centers around the state. An invitation was extended to the State-Tribal Relations Committee to attend the Lower Brule Pow Wow which is August 8th and 9th, 2008.

Mr. Clarence Skye, United Sioux Tribes, said that tourism on reservations is very important. He discussed earlier tourism and economic development efforts and stated that each tribe is made up differently. Mr. Skye said that agriculture was a major focus on the Indian reservations in earlier years, but noted that the winter of 1996-97 was very hard on cattle operations. He reported that in 1996 and 1997 there were 360 Indian cattle operators and now there are only 11 operators left. He discussed current economic development efforts and challenges. He noted that tribally-owned businesses are increasing and there is a need to partner with outside groups and resources.

Mr. Mike Jandreau, Chairman, Lower Brule Sioux Tribe, discussed tourism efforts by tribes in South Dakota and noted that there is both a domestic and international tourism market. He said that **Karen Kerns**, Great Lakes, and **Mikki LaRoche**, Office of Tourism, Lower Brule Sioux Tribe, have worked with the Lower Brule tribe to create avenues to bring a more positive image for the tribe and allowing them to move forward. Chairman Jandreau discussed barriers to tourism and economic development for Indian reservations. He said there is increasing state participation, but more improvement is needed and a new opportunity for better relations between the state and the tribes would be helpful.

Chairman Jandreau also expressed concern that the gaming situation has not been resolved. He emphasized that people need to work together.

Senator Dempster asked what the Legislature could do to bring unity between the state and the tribes. Chairman Jandreau responded that during the Kneip years the predecessor organization of the State-Tribal Relations Committee included tribal leaders and representatives of each tribe as full members. He would like to see a committee structure that would allow real discussion. **Representative Kent Juhnke**, chair, instructed Legislative Research staff to research how the committee was organized during the Kneip administration and report back to the committee.

The committee heard testimony from **Chairman Jandreau** and **Mr. Clarence Skye** on the subject of taking land into trust and related litigation that has been in the courts for 16 years. Mr. Jandreau indicated that the departments in the State of South Dakota and the tribes need to work together and discuss these issues. Mr. Skye suggested a comprehensive Indian affairs meeting to discuss problems and the status of Native American programs.

Senator Tom Dempster expressed interest in the structure of earlier versions of the State-Tribal Relations Committee. He also asked about situations in which federal funds have been returned because of inactivity.

Mr. Clarence Skye said that reconciliation between the state and the tribes is going to take time, but somebody has to take the initiative. **Senator Two Bulls** discussed the difficulty of finding the proper roles for tribal members and the state and noted that some Native Americans believe that dealing with the state contributes to the loss of tribal sovereignty.

Representative Kent Juhnke resumed the chair.

Committee Discussion

Senator Tom Katus presented to the State-Tribal Relations Committee a proposed agenda for July 11-12, 2008, in Rapid City, South Dakota (**Document #14**). A discussion among the members followed his presentation. This two day meeting will precede the CSG-Midwest Conference in Rapid City on July 13-16, 2008.

Representative Kent Juhnke, chair, suggested having a third two-day meeting in August sometime between the fourth and the fifteenth at two locations including one day with the Flandreau-Santee Sioux Tribe and one day with the Yankton Sioux Tribe.

Public Testimony

Ms. Faith Spotted Eagle, Lake Andes, South Dakota, showed the committee a video that was produced by young people on their reservation during the confrontation earlier this spring between Longview Farms, tribal members, and law enforcement personnel over a pr.

Senator Tom Dempster asked her to describe the process that occurred in developing the proposed concentrated animal feeding operation (CAFO). Ms. Spotted Eagle stated that a small notice was placed in the newspaper which met the requirements of the Department of Environment and Natural Resources. She said there are no county zoning ordinances at the present time in Charles Mix County. When asked by Senator Dempster whether a public hearing was held Ms. Spotted Eagle responded that no hearing was held until after the protests and ground was already broken for the project. Ms. Spotted Eagle told the committee that the Longview Farms matter is not an Indian-white issue but an environmental issue that affects their children. She pointed out that many farmers and Indians are working together on this issue. Committee members discussed further issues related to the proposed CAFO and to the confrontation in April.

REPRESENTATIVE MARK DEVRIES MOVED, SECONDED BY SENATOR TOM DEMPSTER TO ADJOURN THE MEETING. Motion prevailed on a voice vote.

Meeting adjourned at 4:40 pm.



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