



Legislative
Research
Council

MINUTES

State-Tribal Relations Committee

Third Meeting
Wednesday, September 16, 2009
Thursday, September 17, 2009

Rosebud Sioux Tribe
Rosebud, South Dakota

Wednesday, September 16, 2009
Rosebud Sioux Tribe Water Resources Conference Room

The third meeting of the Legislature's State-Tribal Relations Committee for 2009 began at the Rosebud Sioux Tribe Water Resources Conference Room in Rosebud at 9:30 am. **Senator Jim Bradford**, Chair, called the meeting to order.

A quorum was determined with the following members answering the roll call: Senators Jim Bradford, Dan Ahlers, and Craig Tieszen; and Representatives Kent Juhnke, Ed Iron Cloud III, Kevin Killer, Carol Pitts, and Dean Wink. Excused were Senators Ryan Maher and Russell Olson.

Staff member present was Tom Magedanz, Principal Research Analyst, Legislative Research Council.

(NOTE: All material distributed at the meeting is attached to the original minutes on file in the Legislative Research Council (LRC). For the purpose of continuity, these minutes are not necessarily in chronological order.)

Senator Bradford welcomed everyone to the meeting and thanked the Rosebud Sioux Tribe for hosting this meeting.

An opening prayer was offered.

REPRESENTATIVE KENT JUHNKE MOVED, SECONDED BY SENATOR CRAIG TIESZEN, THAT THE MINUTES OF THE JUNE 9, 2009, MEETING OF THE STATE-TRIBAL RELATIONS COMMITTEE BE APPROVED. The motion prevailed on a voice vote.

Tribal President Rodney Bordeaux, Rosebud Sioux Tribe, welcomed the committee and gave a presentation on current status of the Rosebud Sioux Tribe. He also answered questions from the committee on topics related to the tribe and its activities. He distributed a letter and tribal resolution to the committee (**Document #1**) urging the state to reconsider its decision to close the driver license examining station in Mission because of the difficulty for reservation residents to travel to Winner in Tripp County for this purpose, and he requested the committee's help on this matter. He noted that some tribal facilities in Mission have high speed internet capabilities and could possibly be used for driver licensing purposes. Senator Bradford suggested that the committee would consider sending a letter of support to the appropriate state agency on the driver licensing station question. President

Bordeaux described projects that are currently underway for the tribe, including the Mini Wiconi Rural Water System, construction of a new airport in Rosebud, and completion of the Turtle Creek Crossing Market, a tribally-owned grocery store and supermarket in Mission. President Bordeaux also discussed preparations by the tribe to deal with a potential outbreak of H1N1 flu virus. He noted that the tribe will receive \$15 million in federal stimulus aid.

Tribal Council Member Leonard Wright discussed the need to move beyond competition with the state for federal funds. He also discussed 9-1-1 communication issues and the need for access to health care. **Tribal Council Member John Swift** also discussed issues affecting the tribe. **Representative Ed Iron Cloud III** noted the need for collaboration by the tribes and state agencies on a variety of serious issues that affect both the state and the tribes.

9-1-1 Emergency Communication Issues

Mr. Lee Axdahl, South Dakota Department of Public Safety, discussed issues and problems related to the 9-1-1 emergency communications program in South Dakota. He provided a Power Point presentation on the South Dakota 9-1-1 Coordination Board (**Document #2**) and distributed proposed administrative rules dealing with the 9-1-1 program (**Document #3**). He noted that South Dakota's 9-1-1 program is operating using out-of-date technology and needs to be upgraded to an internet protocol in many areas of the state. It is also necessary to have two dispatchers on duty at all times in each 9-1-1 answering point. Many locations in South Dakota have only one dispatcher. These are problems statewide, not just in reservation areas. Senator Bradford stated that there is sometimes confusion between neighboring counties as to who handles particular 9-1-1 calls. Representative Iron Cloud asked about the governing structure for the 9-1-1 program. Mr. Axdahl explained the structure of the 9-1-1 Coordination board and noted that there are 34 Public Safety Answering Points in South Dakota. He also discussed the 9-1-1 surcharge and stated that costs vary widely in various service areas around the state.

Delivery of County Services

The committee heard testimony on issues related to the delivery of county services and the contractual relationship between Todd and Tripp counties. **Representative Larry Lucas** stated that Todd County, which includes the Rosebud Reservation, was an unorganized county until 1981 and adopted a home rule charter in 1983. Under its home rule charter, Todd County elects five county commissioners and contracts with neighboring Tripp County for services by the register of deeds, auditor, and county treasurer. Todd County contracts with individuals for such offices as sheriff and states attorney. Generally, the relationship works well, although the long distance required to travel to the Tripp County seat in Winner can be a hardship for some reservation residents. He suggested the use of Tripp County "satellite offices" that could be open in Todd County on a part-time basis to alleviate some of these problems. **Representative Kent Juhnke** asked about the details of the contracts between the two counties. County officials responded that it is a five-year contract for a fixed dollar amount that specifies the services that will be provided. Election activities account for a significant amount of the services that are involved. Several officials from the two counties discussed practical aspects of handling county services for Todd County and how they have proceeded in the past. They noted that the two counties should also work with the tribe as well as with each other.

Health Care Issues

Mr. Paul Valandra, Rosebud Sioux Tribe, provided an overview of health care issues facing the tribes, including an urgent need to provide adequate funding for the Indian Health Service (IHS) and issues related to the administration by the state of Medicaid funds and potential ways of maximizing services and funding. The IHS has been funded at less than half of what is needed for a long time, and Native American health care has not received much attention during the current discussion of health care

reform nationally. One problem resulting from inadequate IHS funding is that tribal members do not receive preventative care and instead wait until serious conditions develop and they must be flown to outside emergency facilities. Preventative care would be better for the patient and cheaper than emergency flights and outside emergency care. IHS facilities need more specialists available locally, possibly by sharing facilities and personnel with other entities.

Mr. Earl Cournoyer, Administrator, Rosebud IHS Health Center Hospital and Clinic, discussed the operations and issues facing the Rosebud IHS facility. His facility has 32,000 patients listed and an active user population of 13,100. Approximately 66% of the facility's patients are funded through Medicaid, with 11% using private insurance. Like other IHS facilities, the Rosebud facility faces serious financial and budget difficulties each year. Another problem for IHS facilities is recruitment of personnel, particularly doctors, physicians' assistants, and nurses. IHS facilities frequently contract with people for emergency care, but this practice results in frequent turnover of medical personnel and causes poor continuity for patient care and no chance to build a proper doctor-patient relationship.

Senator Dan Ahlers asked whether the problems in recruitment and continuity result from location or other factors. Mr. Cournoyer stated that location is a factor, but the federal government also has difficulty competing with the private sector in attracting medical personnel. The location of IHS facilities also makes it necessary to look at "recruitment" of spouses and children. Many staff commute from long distances off the reservation while their families live in other communities. Also, there is a national shortage of doctors in the United States, which makes it even more difficult to attract medical staff. **Mr. Joseph Rosales**, Tribal Council Member, Oglala Sioux Tribe, stated that health care is a major problem around the nation and that many deaths of Native Americans related to things such as diabetes, diet, drugs and alcohol, and suicide could be prevented with proper education and adequate funding. These are serious issues that must be addressed.

Dr. Jorge Reyno and **Dr. Sandra Ogunremi**, Rapid City Regional Hospital, described their project to establish the Pine Ridge Specialty Clinic through grant funding provided by the South Dakota Department of Social Services. (**Document #4**) They noted disparities between Native Americans and the general population in such areas as alcohol, diabetes, tuberculosis, accidents, pneumonia, infant mortality, and suicide. Life expectancy on the Pine Ridge Reservation is 48 years for men and 52 years for women. There is a serious need for medical specialty services on the reservations, and their project attempts to partner with medical specialists in Rapid City to have specialists available at Pine Ridge on a part-time basis. They have had a good response from specialists in Rapid City, with salaries and other expenses being paid by the Department of Social Services grant. Senator Ahlers asked specifically what the state could do to assist with these issues. Dr. Reyno answered that the state could provide support, encourage collaboration, and help in seeking additional federal support. He noted that this approach is fiscally positive too, because the preventative nature of the program will minimize emergency room visits and air evacuations and prevent the need for more expensive care. **Senator Craig Tieszen** asked about how the project is organized and how it operates. Dr. Ogunremi stated that the clinic operates in the Pine Ridge IHS Hospital on Tuesdays and Thursdays with staff coming from Rapid City on those days. The project is supported by Rapid City Regional Hospital with much interaction between Pine Ridge and Rapid City staff and sharing of labs and other facilities to reduce costs. Representative Iron Cloud asked how they make the community aware of the clinic and the services it offers. Dr. Ogunremi answered that they have held two wellness events hosting community members and informing them of the clinic's services.

Secretary Deb Bowman, South Dakota Department of Social Services, discussed the department's involvement in the provision of medical services for Native Americans, focusing on the role and organization of the Medicaid program and the Children's Health Insurance Program (CHIP). She distributed **Document #5** outlining the Medicaid and CHIP programs. She stated that funding is likely to be reduced over the next few years. Medicaid is a federal-state program in which the federal government mandates certain health care coverage and the states have discretion to cover additional

optional categories and services. Federal Medicaid funds are administered by the state and passed through to service providers. Medicaid constitutes one of the largest health care insurers in South Dakota. Nearly one of every eight persons in the state has health coverage through Medicaid or CHIP, and fifty percent of children born in South Dakota will be on Medicaid or CHIP during the first year of their lives. Medicaid covers approximately 53% of South Dakota's Native American population in one way or another. **Representative Dean Wink** asked what percentage of Medicaid funds are used for administrative costs. Secretary Bowman answered that South Dakota's administrative cost percentage is the lowest in the nation at approximately 2.3%. Senator Tieszen asked about prevention of fraud, and Secretary Bowman stated that the Department of Social Services has an Office of Recoveries and Investigations that deals with potential fraud issues and has been involved in prosecuting offenders. Mr. Valandra said that it is important to communicate with the Department of Social Services and they will try to help.

Public Testimony

Ms. Marceta Eagle Bear, Rosebud Drug and Alcohol Program, stated that her office has mistakenly been getting calls and bills for tribal members who are being treated under state-funded treatment programs and that there needs to be improved coordination between the state and the tribal treatment programs. She discussed earlier efforts to get state recognition and accreditation for tribal treatment programs and staff and noted that there are still problems in coordination and billing. Ms. Eagle Bear also discussed some issues related to the state Department of Human Services (DHS) in the area of alcohol/drug accreditation and difficulties in getting claims processed by the state. She also discussed a state contract with DHS that the tribe did not wish to sign, putting the program on hold for several months, at which point DHS indicated that it was not necessary to sign the contract.

Ms. Whitney Meek, Director, Rosebud Sioux Tribe Revenue Department, presented a letter to the committee (**Document #6**) discussing her concerns with the proposed tax collection agreement between the Rosebud Sioux Tribe and the state. She said that the tribe opposes taking trust lands in Mellette, Tripp, and Gregory counties out of the tax agreement. She would also like to see additional taxes included in the agreement, and she expressed concerns with some specific collection issues related to the cigarette tax. She noted that overall, the tax collection agreement is a good example of cooperation between the state and the tribe that works to the advantage of both parties.

The committee recessed at 5:30 pm until Thursday, September 17, 2009, the following day.

Thursday, September 17, 2009 – Rosebud Casino

The State-Tribal Relations committee reconvened at 9:15 am at the Rosebud Casino.

Committee Discussion

The committee discussed information from the previous day, as well as potential topics, dates, and locations for the committee's next meeting. The committee directed that a letter be sent to Representative Larry Lucas thanking him for his assistance in organizing this meeting. The committee also discussed sending a letter to the appropriate state agencies about the upcoming closure of the driver license examination station in Mission.

SENATOR CRAIG TIESZEN MOVED, SECONDED BY REPRESENTATIVE CAROL PITTS, THAT THE COMMITTEE SEND A LETTER TO THE APPROPRIATE STATE AGENCIES EXPRESSING CONCERN ABOUT THE PROPOSED CLOSING OF THE DRIVER LICENSE EXAMINATION STATION AT MISSION AND REQUESTING THAT THE CLOSURE BE POSTPONED BASED ON

TESTIMONY PROVIDED DURING THE COMMITTEE'S SEPTEMBER 16, 2009, MEETING. The motion prevailed on a voice vote.

The committee decided to hold its final meeting for the 2009 Interim in Pierre in late October or early November, with education issues being the primary topic for consideration.

Adjournment

MOTION BY SENATOR AHLERS, SECONDED BY REPRESENTATIVE WINK THAT THE MEETING BE ADJOURNED. The motion prevailed on a voice vote.

Tour of Facilities in the Rosebud Area

Following the formal adjournment, members of the committee toured facilities in the Rosebud area. These included the new, tribally-owned Turtle Creek Crossing grocery store and supermarket in Mission and the Rosebud Sioux Tribe's Juvenile Detention Center west of Mission.



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