



Third Meeting
2010 Interim
October 13, 2011

Cheyenne River Sioux Tribe
CRST Bingo Hall
Agency Village, SD

Thursday, October 13, 2011

The third meeting of the Legislature's State-Tribal Relations Committee for 2011 began at the Cheyenne River Sioux Tribe Bingo Hall in Eagle Butte, South Dakota at 9:30 am. Representative Tom Brunner, Chair, called the meeting to order.

A quorum was determined with the following members answering the roll call: Senators Jim Bradford, Ryan Maher, and Craig Tieszen and Representatives Tom Brunner, Patricia Stricherz, and Mike Verchio. Senators Russell Olson and Billie Sutton and Representatives Ed Iron Cloud III and Kevin Killer were excused.

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

(NOTE: For purpose of continuity, the following minutes are not necessarily in chronological order. Also, all referenced documents distributed at the meeting are attached to the original minutes on file in the Legislative Research Council (LRC).

Approval of Minutes

REPRESENTATIVE MIKE VERCHIO MOVED, SECONDED BY SENATOR RYAN MAHER, THAT THE MINUTES OF THE MAY 26, 2011, MEETING OF THE STATE-TRIBAL RELATIONS COMMITTEE BE APPROVED. The motion prevailed unanimously on a voice vote.

Department of Tribal Relations

Secretary J.R. LaPlante, Department of Tribal Relations, updated committee members on the mission, values, goals, and activities of the Department of Tribal Affairs since its establishment as a cabinet-level department in January of 2011. He discussed the importance of fostering state-tribal partnerships in improving South Dakota's quality of life. He noted that since he started in his position in January he has visited every reservation in South Dakota, met with all nine tribes, and met with Native American communities in off-reservation areas. In addition, he and Governor Dugaard have travelled to all South Dakota reservations and met with tribal officials to identify issues with the tribes and to work toward a more effective state-tribal consultation policy. Secretary LaPlante also hopes to undertake a formal state-tribal relationship study, since the last such study was done in 1974-75. He also discussed state-tribal agreements in areas such as gaming, taxation, and natural resources. He stressed the need to deal with each tribe individually because each tribe is unique and stated that he would like to develop protocols on how to deal with the tribes. He discussed the issue of converting land into trust land, and identified other ongoing issues, such as Bear Butte, wind energy, social services, public safety and emergency

management, and appointment of Native Americans to state boards and commissions. He noted that the tribal identification card bill passed in the last legislative session (HB 1242 – 2011) may need additional work. **Senator Ryan Maher** asked about the Blood Run site on the Big Sioux River which contains burial sites and other sacred sites. Secretary LaPlante answered that he has contacted Game, Fish and Parks about Blood Run and is trying to get tribal participation and resolutions from tribal governments on this issue. **Senator Jim Bradford** commented on several issues including welfare and its financial impacts in South Dakota, the Indian Health Service and health care, and the need for additional staff at drivers license exam stations. **Senator Craig Tieszen** stated that he appreciates Secretary LaPlante's efforts with individual tribes and noted that the State-Tribal Relations Committee to a large extent is about building relationships.

Tribal Chairman Kevin Keckler – Cheyenne River Sioux Tribe

Chairman Kevin Keckler, Cheyenne River Sioux Tribe, welcomed the committee to Eagle Butte. Mr. Keckler became Tribal Chairman in December of 2010 after serving as a member of the tribal council for eight years. Chairman Keckler stated that Governor Daugaard met with CRST tribal officials in Eagle Butte earlier this year and noted that there have some positive results from that meeting. He discussed the land into trust issue and said that there are 13-15 pending applications for converting land into trust for areas within CRST reservation boundaries. He said that the tribe has a new tax collection agreement in place with the state. He stated that the Cheyenne River Sioux Tribe does not have a casino because of the low population base in the area, although the tribe does own land near Pierre and may consider gaming operations there sometime in the future. He also stated that the tribe has benefitted from being able to have tribal police officers trained at the state's police academy in Pierre. He noted that we need more work on emergency response capabilities.

Cheyenne River Sioux Tribe – Officials and Programs

Mr. Wayne Ducheneaux, Office of the Tribal Chairman, introduced tribal council members present and other tribal officials. There are twenty tribal government committees and six districts on the Cheyenne River Reservation.

Ms. Ardys Cook, Cheyenne River Tribal Council Member and Health Chair for the Tribal Council, discussed health care issues relating to the Indian Health Service and tribal health and noted that lack of adequate funding continues to be a problem with the IHS. She also discussed other issues, such as the possible loss of an ASC credit officer from Eagle Butte, and the proposed closing of some reservation post offices. She noted that closing the Cherry Creek post office would leave residents forty miles from the nearest post office.

Dr. Matt Stricherz, CRST Tribal Health, deals with behavioral health, psychology, mental health, and drug and alcohol programs. He stressed the need to continue to address behavioral health issues and to have access to state facilities when possible. He also discussed possible changes to state certification requirements for drug and alcohol counselors. Loss of state accreditation would remove level 1 counselors even though they are accredited by the IHS, which would mean loss of experienced entry level professionals. He also stressed the need for better federal funding for the Indian Health Service.

Ms. Deleen Koual, CRST Health Department CEO, discussed the department's breast and cervical cancer programs which have been in effect for several years. She asked about participation in the state health exchanges that will be used in conjunction with the federal Affordable Health Care Act and wants to ensure that there will be tribal participation because many tribal members do not live on reservations and do not qualify for the IHS.

Ms. Arlene Black Bird, CRST Tribal Health BCCEDP, stated that Cheyenne River is the only tribe in South Dakota that provides mammogram and pap services and provides them for all women in Dewey and Ziebach counties, regardless of whether they are tribal members because there are no other providers in these counties. She said there are times when they need help in dealing with the state, and there is sometimes misunderstanding and lack of coordination between the IHS, contract health providers, and the state. Funding sometimes does not reach isolated rural areas.

Ms. Johnna Watt, Indian Health Service – Eagle Butte, discussed IHS operations. The new hospital will be in operation in November and will provide an outpatient clinic, an inpatient area, an emergency room, and other services. She is interested in establishing immunization and medical data exchanges between the state and IHS so that information can be cross-checked between the state and IHS data systems. Senator Bradford asked whether recruitment and retention of physicians and other medical professionals is a problem for Cheyenne river. Ms. Watt answered that retention of medical professionals is difficult because of the isolated area and lack housing. There is hope that the new hospital and new housing that has been constructed in conjunction with the new hospital will make retention easier.

Public Testimony

Mr. Jack Freeman, who has ranched in the area for fifty years, discussed land into trust issues and would like to see collaboration between the state and the tribes to find a way to consolidate scattered small tracts of land through a land exchange program. Such an exchange would be beneficial for both parties and would be similar to what the state does in trading school lands. He stated that it would be necessary to establish some form of joint committee or board to handle these exchanges.

Ms. Charlene Anderson, CRST Enrollment Department, stated that tribal identification cards are not being recognized in many places in spite of the provisions of HB 1242 which was passed in 2011. Tribal ID's need to be recognized and valid for all purposes in accordance with HB 1242. Senator Maher stated that an education campaign for businesses and the public is needed to familiarize them with tribal ID's and with applicable state law. Secretary LaPlante stated that he would be willing to assist with press releases and other educational activities related to tribal ID's.

SENATOR MAHER MOVED, SECOND BY REPRESENTATIVE VERCHIO, THAT IN ORDER TO EDUCATE THE PUBLIC AND BUSINESSES ABOUT THE TERMS OF SOUTH DAKOTA'S TRIBAL IDENTIFICATION CARD LAW ENACTED BY THE 2011 LEGISLATURE (HB 1242), THE COMMITTEE SUPPORTS AND ENCOURAGES EFFORTS BY THE DEPARTMENT OF TRIBAL RELATIONS, INCLUDING PRESS RELEASES AND EDUCATIONAL MEETINGS AND PRESENTATIONS WITH SUCH ORGANIZATIONS AS THE SOUTH DAKOTA RETAILERS ASSOCIATION, SOUTH DAKOTA BANKERS ASSOCIATION, SOUTH DAKOTA CHAMBER OF COMMERCE AND INDUSTRY, SOUTH

DAKOTA MUNICIPAL LEAGUE, SOUTH DAKOTA'S NINE NATIVE AMERICAN TRIBES, AND OTHER APPROPRIATE GROUPS. Motion carried by voice vote.

Committee Discussion

The committee engaged in further discussion with Chairman Keckler, Mr. Ducheneaux, and Secretary LaPlante on a variety of issues. Secretary LaPlante expressed an interest in arranging presentations by Tribal Chairs and other officials to the Legislature during the 2012 legislative session to foster understanding and develop relationships between the two groups.

SENATOR TIESZEN MOVED, SECOND BY SENATOR MAHER, THAT THE COMMITTEE SUPPORTS AND ENCOURAGES EFFORTS BY THE DEPARTMENT OF TRIBAL RELATIONS TO CONSULT WITH THE LEGISLATIVE RESEARCH COUNCIL AND THE LEGISLATURE TO ARRANGE FOR PRESENTATIONS AND EVENTS DURING THE LEGISLATIVE SESSION INVOLVING TRIBAL CHAIRS AND OFFICIALS FOR THE PURPOSE OF EXCHANGING INFORMATION AND IMPROVING UNDERSTANDING BETWEEN SOUTH DAKOTA'S NATIVE AMERICAN TRIBES AND THE LEGISLATURE. Motion carried by voice vote.

Adjournment

SENATOR MAHER MOVED, SECONDED BY REPRESENTATIVE VERCHIO, THAT THE MEETING BE ADJOURNED. The motion prevailed on a voice vote.

Tour of Facilities

Following the close of formal presentations, the committee toured several facilities in the eagle Butte area, including Cheyenne River's new Indian health Service hospital, new housing for medical related hospital staff, and CRST's new nursing home facility.



All Legislative Research Council committee minutes and agendas are available at the South Dakota Legislature's Homepage: <http://legis.state.sd.us>. Subscribe to receive electronic notification of meeting schedules and the availability of agendas and minutes at **MyLRC** (<http://legis.state.sd.us/mylrc/index.aspx>).