



# Legislative Research Council

# MINUTES

## State-Tribal Relations Committee

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**Representative Thomas Brunner, Chair**  
**Senator Ryan Maher, Vice Chair**

**First Meeting**  
**2012 Interim**  
**June 27, 2012**

**Room 412**  
**State Capitol**  
**Pierre, South Dakota**

### **Wednesday, June 27, 2012**

The first meeting of the State-Tribal Relations Committee for 2012 was called to order by the Chair, **Representative Thomas Brunner**, at 9:00 a.m. (CDT) in Room 412 of the State Capitol, Pierre, South Dakota.

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

Staff members present included Tom Magedanz, Principal Research Analyst; and Cindy Tryon, Legislative Secretary.

(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). This meeting was web cast live. The archived web cast is available at the LRC web site at <http://legis.state.sd.us> under "Interim Information – Current Interim – Minutes and Agendas.")

### **Department of Tribal Affairs**

**J.R. LaPlante, Secretary of the Department of Tribal Affairs**, addressed the committee to give a brief update/status report on the department. He introduced his staff: David Sahli, Intern; Kerry Westover, Executive Secretary; and Dorothy Kiyukan, Intergovernmental Tribal Liaison working with State Agencies and the Tribes. They will be adding one more staff member who will serve as a grant specialist.

Lt. Governor Matt Michels is the Executive Branch team leader assigned to their department. They have only been in existence as a department-level agency for about 16 months. Secretary LaPlante is the youngest member of the Governor's Cabinet. Secretary LaPlante said that one key to their department's successful transition is the involvement of this committee.

They are currently identifying points of contact in each state agency, and Ms. Kiyukan will be meeting with those contacts to establish lines of communication. One of the main reasons the Governor established the department is to increase tribal access to state government.

Their department will be physically moving in August to the Public Health building located at the corner of Chappelle and Dakota in Pierre. They plan to have an open house this fall and would like the committee to be a part of that. They are working on their website and have a consultant coming in to teach them how to better use social media.

Secretary LaPlante also said that they are helping with a pow wow to be held here in Pierre, July 13-15. He pointed out that pow wows are a place where people can come and learn about each other in a non-threatening environment. He said that we currently do not work together because we simply do not understand each other and what we don't understand we fear. We want to make life better for everyone. The Department of Tourism is also helping with the pow wow and has been doing a lot of the marketing. He asked that any committee members who attend the pow wow let him know they are there so they can be introduced.

He said that the Governor has completed his visits to every reservation in South Dakota and that those visits were well received by both tribal leadership and community members. The tribes reciprocated by accepting invitations to come to Pierre and meet with the Governor over dinner at the Governor's Mansion. The Governor has plans to again visit the Pine Ridge, Cheyenne River and Rosebud reservations this summer.

The department and the Governor's Office are working to establish relationships with each of the tribes. This can be challenging because of the turnover in leadership. There has been a 60% turnover of leadership of the Yankton Sioux tribe and 90% at Crow Creek just since Secretary LaPlante has been in office. And he said more elections will be held soon. Also, we cannot assume what the tribes want – they must provide us with their list of priorities.

Things are changing right now and federal resources are drying up. This will greatly affect state, tribal, and local governments, making our relationships even more important. We will have to find ways to share resources and to be partners.

**Senator Russell Olson** thanked Secretary LaPlante for meeting with the committee. He said that he is happy to hear about their department's growth and that their expansion is justified and important. He asked how they will maintain their relationship with the Department of Tourism once they are in another building. The promotion of tourism on the reservations is important.

Secretary LaPlante said that he and Secretary Hagen, Department of Tourism, have been discussing this but have no formal plan at this time. If the tribes wish, perhaps Secretary Hagen can join Secretary LaPlante on some of his visits to the reservations. The committee may want to invite Secretary Hagen to their next meeting to discuss tribal tourism further with him. Senator Olson told Secretary LaPlante to use the committee as his advocate in making sure tribal tourism is adequately marketed.

**Senator Ryan Maher** said he would like to have Secretary Hagen meet with the committee to talk about what they are doing in Indian Country. He said that Cheyenne River does not have a casino, yet they have visitors from all over the world, many there because of the prairie dog hunting. He added that the Department of Tourism has been extremely quiet on this resource and it can mean a lot of income for the tribes. He would like to see Tourism do more with this.

Secretary LaPlante said that there is great potential for tribal tourism and it is a very important development.

**Senator Billie Sutton** said that he would also like to see more promotion of the rodeos held on the reservations. He added that some outstanding rodeo cowboys are Native American.

**Representative Mike Verchio** said that he knows there are a lot of roadblocks regarding economic development on the reservations. He said that if each of the tribes will let the committee know what their challenges are, they will do what they can to help overcome the roadblocks. He added that he has some 40 years' experience with chamber and economic development work and would be happy to travel and meet with anyone if he can be of assistance with this.

**Senator Jim Bradford** said that we now have more Native Americans living in Rapid City than on the reservations. Those people do not know where to go to receive fair representation. Because they cannot get the representation they need, many end up incarcerated. We need to help them. He added that Secretary LaPlante has accomplished a lot in the 16 months he has been there and that he is glad to see he has some help.

Secretary LaPlante said that the department wants to be an advocate and friend in state government. His office wants to help address those issues. He said he is a member of the Governor's Criminal Justice Reform Initiative Committee. He works with the Department of Corrections on these issues and he meets with Chief Justice Gilbertson on a regular basis to discuss these issues.

Senator Maher said that home lending in Indian Country has come to a screeching halt because of the Dodd-Frank bill. This is true for both Native and non-Native people in those areas.

Secretary LaPlante said that this has been an issue in Indian Country for a long time, well before the Dodd-Frank bill. There has been some action on this issue and he continues to work on that.

**Representative Patricia Stricherz** asked about the current status of the tribal ID issue. She also said that she had heard one of the problems is that there is no expiration date on the ID's and wondered if they could change that.

Secretary LaPlante said that they are continuing with education on this issue. They are putting out a poster and brochure that introduces businesses to all the tribal IDs and an accurate description of the laws. They are moving in the right direction. He added that they are looking into the expiration date issue.

**Representative Kevin Killer** asked the Secretary about programming around youth engagement. Secretary LaPlante said that they want to add a youth component to the department's activities. We need to be engaged with young people and teach them the principles of government. Native American Youth Leadership Camp is something he would like to see for next year. It's important to invest in our youth.

## Office of Indian Education, Department of Education

**Roger Campbell, Director of the Office of Indian Education**, introduced himself to the committee. He demonstrated the features of his office's website and gave an overview of the office. There has been someone in his position in some capacity since 1936. It is now officially established through the Indian Education Act passed by the Legislature in 2007. Prior to that, there was an advisory committee and that committee still exists. The committee member list can be found on the website.

Each year, \$5 million in grants go through his office. Of that, \$3.43 million is for the GEARUP Project, which has the goal of preparing low-income American Indian students to succeed in postsecondary education. Another \$1.5 million is for the SD College Access program which assists with transitioning to postsecondary education. He said that they are requesting to use \$250,000 of those dollars for a scholarship fund. There is no need-based scholarship program at this time.

Mr. Campbell distributed the printed copy of *Oceti Sakowin Essential Understanding and Standards (Document #1)*. This document is also available on-line. It provides a resource for developing curriculum and course work in the history and culture of the Oceti Sakowin.

He also distributed the Native American Education Fact Sheet *(Document #2)*. This document provides a lot of information regarding education within the nine tribal communities. He said that he is trying to keep things coordinated between the federal, tribal and state governments regarding Native American education in South Dakota.

For the ninth year, on September 23-25, 2012, in Chamberlain, his office will conduct the South Dakota Indian Education Summit. Mr. Campbell raises the money needed for the summit which works on bringing together different people involved in Indian education. They study different types of education models and it is open to all educators in South Dakota.

Senator Maher asked whether the curriculum in the first document Mr. Campbell distributed is being implemented now. Mr. Campbell said it was adopted as a standard in 2011. It is used at the discretion of any educator. The curriculum is not mandated, but it is actively being used in classrooms across the state.

Senator Bradford asked what affect the law had that says everyone must stay in school until age 18. He said he would like to see a follow-up on that law and how it is enforced.

Mr. Campbell said that the biggest challenge is with the enforcement. He said he has heard comments about the difficulty of having students forced to be in a classroom.

## Department of Corrections

**Laurie Feiler, Deputy Secretary, Department of Corrections**, addressed the committee. She distributed three handouts *(Documents #3, #4, and #5)*. She said that the Department of Corrections is about safety and security. They are responsible for the adult prison system and parole. They have 16 JCA and 10 parole offices throughout the state. The state run juvenile program is located in Custer.

The adult inmate population averaged 3537 during FY12. The growth rate over the past five years is about 5% for women and 1% for men. The average number of parolees for FY12 was 2830 and those numbers have essentially stayed the same over the past five years. The department currently employs 36 parole agents. The racial breakdown of inmates is 60.8% Caucasian, 29.3% Native American, 5.9% African American, 3.2% Hispanic. As of May 31, 2012, of the 759 incarcerated, 291 were Native American.

Ms. Feiler said that the department created a cultural awareness group about nine years ago. The group meets and discusses what is being done as far as cultural activities. Each of the tribes has a tribal liaison with the prisons. She said that staff will go out to experience different cultural activities and they attend workshops to help them plan activities.

The department also sponsors a Reentry Council. About half of those incarcerated are recidivists and the council is focused on helping offenders reenter the community and not reoffend. The rate of recidivism is higher for the Native American population, although the percentages are starting to go down.

Representative Killer asked whether there is an opportunity for juvenile offenders to earn a high school diploma while incarcerated. Ms. Feiler said there is; they have the option of going after a diploma or their GED.

Senator Maher said that some things that are acceptable on the reservation are not acceptable off the reservation so offenders end up incarcerated for something they believed to be acceptable. Ms. Feiler said that DUI offenders make up 15-18% of the prison population no matter what the race.

Senator Bradford commended Ms. Feiler on the work she is doing. He pointed out that the female inmate population is increasing faster than the male population and asked whether she had any theories as to why that is.

Ms. Feiler said that there are increases in drug offenses, DUI offenses and an increase in parole violations. Representative Brunner asked whether they attribute that increase to the poor economy.

Ms. Feiler said that they do track the income of the parolees and they have seen a decrease in their wages. She said that she doesn't know whether this causes recidivism but it does cause stress and stress can lead one to revert back to old practices.

### **Public Testimony**

Chair Brunner opened the meeting to public testimony.

**Stacey LaCompte, Executive Director of the SD Indian Business Alliance (SDIBA)**, distributed handouts (**Documents #6, #7, & #8**). SDIBA has been in existence since 2007. Its mission is to enhance Indian business development by leveraging partnerships and resources of diverse institutions and organizations.

She said that they have been working with businesses on the Tribal ID issue, distributing posters, and educating the public.

SDIBA was awarded a grant from Citi to start the Native American entrepreneur investment fund. This grant allowed them to research and print a booklet about entrepreneurship on South Dakota's nine reservations. The grant money will allow them to work with up to forty businesses. This is a one-year program for now but they hope to be able to continue the work.

**Jim Cordry**, Mission, SD, is a member of the entrepreneur investment fund. He said they have members who live all over South Dakota. They hope to have their website on-line very soon. He also said that for the first time a local bank accepted his tribal ID for cashing a check, so the education efforts are working.

In response to Senator Maher's question, Ms. LaCompte said that their offices are located at the Wakpa Sica site located just north of Fort Pierre.

**Marletto Pacheco**, Rapid City, SD, introduced herself. She is with a group of concerned citizens, mostly Native American, who are trying to find ways to help the community. She said that the number of women being incarcerated really worries her and she wonders what is happening to their children while they are in prison. She said that there are also many incarcerated in the federal prisons and that creates additional challenges, as they are often moved from prison to prison.

She said that they need to work with these people before the sentencing; they need to work on restorative justice – a part of Native culture. She said there is a program in Canada called the Hollow Water Project that gives offenders an alternative to prison and it has been very successful.

She said they try to help anyone needing their assistance; they send out quarterly newsletters, have a prison postcard project, and try to help people communicate with the tribes. They can be contacted at PO Box 3285, Rapid City, SD 57709.

**Anthony Reider, President of the Flandreau Santee Sioux Tribe**, and **Steve Christensen, General Manager of the Royal River Casino**, introduced themselves to the committee and presented information on the Sioux Falls Area Casino Initiative (**Document #9**). President Reider said that the Royal River Casino in Flandreau took a 40% downturn when the Grand Casino opened in Iowa. This impact could put some tribal members on state assistance. The loss of income also negatively impacts the money they put back into the community.

The proposed new casino in Sioux Falls would be a \$70-100 million building project creating 700 new jobs as well as numerous other economic development opportunities for the state and local governments. They said that the Royal River casino will remain open in Flandreau.

In order to move forward with this, they need to acquire land that would be put into tribal trust. However, they do not want to do that until they know the Governor and the Mayor of Sioux Falls will work with them. To purchase land and place it in trust they have to show aboriginal ties to the area and must be within commuting distance from the reservation. The land they are considering meets both those federal requirements.

Senator Maher asked whether putting land into trust off the reservation requires county commission approval. President Reider was not sure about this and said he would get the answer and report back to the committee.

Senator Olson asked whose permission they need to have in order to proceed. President Reider said they need city approval and the Governor's signature.

Senator Bradford said that the state needs to cooperate with the Flandreau Santee on this project in order to keep our own people and their money within our borders.

Mr. Christian said this would be a great destination site for Sioux Falls and that it is important that they move forward with this project.

### **Committee Discussion**

Chair Brunner asked the committee what they would like to focus on for the next few meetings.

Representative Verchio said he would like to see more micro loans available – that more needs to be done with economic development. He would like to hear more from the tribes about chamber and economic development in their areas.

Senator Maher said he would like to have a report from Pat Costello, SD Economic Development, regarding economic development on tribal lands and a report from Jim Hagen, Secretary of Tourism, regarding tourism in those areas.

Chair Brunner said the next meeting will focus on economic development and micro loans.

Tom Magedanz, LRC Staff, also distributed a document dealing with State-Tribal gaming compacts, which was prepared by the SD Department of Revenue (**Document #10**).

### **Adjourn**

**REPRESENTATIVE VERCHIO MOVED, SECONDED BY SENATOR BRADFORD, TO ADJOURN. The motion prevailed unanimously on a voice vote.**

The committee adjourned at 12:15 p.m.



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