



Third Meeting - Oglala Sioux Tribe
Friday, July 11, 2008

Oglala Lakota College
Kyle, SD

The third meeting of the Legislature's State-Tribal Relations Committee for 2008 began at the Badlands National Park Visitors Center near Interior at 9:30 am (MDT).

Park Superintendent Paige Baker discussed the organizational structure of Badlands National Park and gave an overview of issues in which the Park is involved. In the area of natural resources these include fire prevention and control, prairie dog and black-footed ferret issues, the Intertribal Bison Council, and exotic plant control. The park is also involved with major education efforts, including an interpretive center, a night sky program, walking tours and other activities to inform the public about the Badlands. Another issue for the park is law enforcement, particularly in the need to protect fossils and artifacts. The park also works with the Oglala Sioux Tribe since the south half of the park is on the Pine Ridge Reservation. The park has prepared a General Management Plan (**Document #1**) for the management of the South Unit of the park and is negotiating with the tribe about how the unit is to be administered and managed.

The committee then proceeded to Kyle and toured the Lakota Trade Center in Kyle and received an orientation from **Mr. Ivan Sorbel**, Director, Pine Ridge Area Chamber of Commerce.

The committee traveled to Oglala Lakota College near Kyle and toured OLC's museum and historical center before beginning the formal portion of the meeting.

Opening Remarks

Representative Kent Juhnke, Chair, called the meeting to order at 1 pm (MDT). Representative Juhnke welcomed everyone to the meeting and thanked Oglala Lakota College for hosting this meeting. An opening prayer was offered.

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

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

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

REPRESENTATIVE KERI WEEMS MOVED, SECONDED BY SENATOR COOPER GARNOS, THAT THE MINUTES OF THE JUNE 9, 2008, MEETING OF THE STATE-TRIBAL RELATIONS COMMITTEE BE APPROVED. The motion prevailed on a voice vote.

Mr. Tom Short Bull, President, Oglala Lakota College, Kyle, welcomed the committee and provided an overview of the operations and composition of the college. He noted that he was a member of Governor Kneip's Task Force on Indian-State Relations from 1973-1975. The task force issued a major report and sponsored eight bills in the 1974 Legislative Session. He said that tribal tax agreements in South Dakota are a product of the task force's work. He also discussed the issue of nontribal members attending tribal colleges and the need for financial assistance from the state because of the educational opportunities provided by the tribal colleges to non-Indian students and communities. He noted that Montana and North Dakota both provide funding to offset part of the cost of education of non-Indian students at tribal colleges and would like to see the same approach instituted in South Dakota. He stated that prejudice and racism remain at the root of many problems and obstacles in South Dakota and feels that these play a part in the tribal college funding debate as well. **Senator Cooper Garnos** asked what is the best tool to combat racism and prejudice, and President Short Bull answered that people and groups need to interact with each other. He noted that South Dakota's racial composition is changing and that Native Americans as a percentage of South Dakota's population continues to increase. He said that language and cultural preservation are important and that Native Americans want to compete in the outside world but retain their cultural heritage.

President John Yellowbird Steele, President, Oglala Sioux Tribe, Pine Ridge, welcomed the committee to the Pine Ridge Reservation and discussed numerous issues and activities involving the Oglala Sioux Tribe. He stated that the tribal council has passed a uniform commercial code and secured transactions act and is entering into an agreement with the state to implement the code. The tribe also has a tax compact with the state that provides 96% of affected tax revenues to the tribe and 4% to the state. He stated that many parts of the reservation live under Third World conditions and that part of the reason for those conditions is the relationship between the tribe and the state, as well as federal neglect. He said that as neighbors, Native Americans and non-Natives need to understand each other and work together. He cited the Mni Wiconi rural water project as an example of what can be accomplished when the groups work together. He stated that there are individuals in the state system who obstruct progress and obstruct the building of a relationship between the state and the tribes. He provided background historical information and stressed the need for basic infrastructure on the reservation. He also discussed education, health care issues, food stamps, and TANF questions. He discussed tourism and said that the state should make more effort to direct tourists to reservation areas. He stated that he is optimistic for the future and stressed the need for infrastructure to spur economic development.

Mr. Roger Campbell, Director, Office of Tribal Government Relations, Pierre, discussed his role as a liaison between the state and the nine tribal governments in South Dakota. He is involved with coordination of technical assistance and manpower, the current sunset review of

the Department of Tourism and State Development, the Zaniya task force on health and insurability, and economic development and tourism activities. He informed the committee of an Indian Education Summit to be held in Rapid City in September and a Governors Interstate Indian Council national meeting to be held in Rapid City in October and invited the committee to attend these events.

Economic Development

Mr. Ivan Sorbel, Director, Pine Ridge Area Chamber of Commerce, Kyle, described the makeup and activities of the Pine Ridge Area Chamber of Commerce, which has been in existence for eight years. The chamber deals with workforce development, marketing tools for businesses, and technical assistance, and they try to promote the economic setting on the Pine Ridge Reservation through a "shop local" program. Mr. Sorbel reported that sales tax revenues on the reservation have doubled since the 2003-2005 period, and sales tax revenues generate \$1 million per year. When the chamber was founded in 2001, there were 72 members; today there are 125 members, 70% of whom are located on the reservation. These are mostly private businesses and entrepreneurs.

Mr. Dowell Caselli-Smith, Executive Director of the Lakota Fund, Kyle, discussed the activities of the Lakota Fund and the need for access to capital on the reservation. The Lakota Fund initially worked in conjunction with the Ford Foundation and the First Nations Development Institute on micro lending projects. In 1994 they began offering small business loans in the amount of \$25,000, which has been increased to \$200,000. Over the last twenty years, the Lakota Fund has provided \$4.3 million in loans to 250 businesses, with a 14% default rate and an 8% delinquency rate currently. The Lakota Fund has a twelve-person staff and they provide technical assistance to prospective businesses. Mr. Caselli-Smith described some successful projects, including the electric company in Pine Ridge. He stated that infrastructure for water, sewer, and electricity remains a problem in many areas. Another problem is in the area of land title issues. He noted that the Oglala Sioux Tribe recently adopted their own uniform commercial code ordinance and that an agreement will be signed with the state at the end of this month. **Representative Jim Bradford** asked where the money for loans comes from, and Mr. Caselli-Smith stated that funding comes from private investors and agencies, grants, money from the US Department of Agriculture and the US Department of Housing and Urban Development, and a loan from Fannie Mae, among other sources. He stated that staff members can approve loans up to \$5000 and that loans in excess of \$5000 must be approved by the loan committee.

Ms. Mona Patton, Owner, Little Angel's, Inc. in Kyle, described her business operation and some of the challenges she faces as a business owner. She stated that infrastructure is a problem for small business on the reservation, and she noted that government infrastructure consists of schools and jails and similar facilities, but is not oriented toward the needs of the private sector for such things as water and sewer lines. She noted that cash flow is a problem as many customers wish to cash checks on certain days, and there is a lack of banking facilities on the reservation. In many ways, the reservation runs on a cash economy. This is gradually changing as more and more people use credit and debit cards. Another problem facing private businesses is land ownership and land ownership patterns in reservation areas.

Election Issues

Ms. Rosemary Rodriguez, Chair, US Election Assistance Commission, described the activities of the Election Assistance Commission (EAC). The EAC attempts to assist voters and state and local election officials through the federal Voting Rights Act and the Help America Vote Act. Activities range from responding to contacts from voters about where to vote, to helping election administrators, to operating language working groups to assist voters. Language working groups include Native American languages. EAC is also working on a project to have tribal college students serve as election poll workers. They are expecting a record turnout nationwide for the 2008 election, so there will be increased demands for assistance to voters.

Secretary Chris Nelson, South Dakota Secretary of State, discussed issues related to early voting and absentee voting in reservation areas and assistance available under the Help America Vote Act. He noted that special issues come into play for Shannon (Pine Ridge) and Todd (Rosebud) Counties because they do not operate their own county courthouses, but contract county administration out to neighboring counties. He discussed voting and absentee voting percentages in recent years in South Dakota and noted that absentee voting percentages have increased with recent statutory changes that allow absentee voting without requiring a reason for voting absentee. Secretary Nelson stated that under the Voting Rights Act, language assistance for Lakota speakers must be provided and that the counties must hire interpreters. Also, touch-screen machines must have Lakota text available on the machine, which was done in 2006 and will be done again in 2008. The Secretary of State's office also provides an internet site for information on where to go to vote and sample ballots.

Ms. Connie Whirlwind Horse, Chair, Shannon County Commission, described voting procedures and organizational aspects in Shannon County. The committee directed numerous election-related questions on specific issues to Mr. Nelson, Ms. Rodriguez, and Ms. Whirlwind Horse.

Public Testimony

Ms. Rosalie Janis, Oglala Sioux Tribe Victim Services, Pine Ridge, discussed her organization's work with victims of violent crime. OST Victim Services receives a small pass-through grant from the SD Department of Social Services in conjunction with a larger grant from the US Department of Justice, which was recently reduced. She requested that the state portion be provided directly from the federal agency rather than through DSS and that no state match be required, which would ease part of the shortfall to her agency caused by the grant reduction. Committee members advised her to discuss the situation with the Department of Social Services.

Wounded Knee. The committee recessed at 4:30 pm and proceeded to Wounded Knee for a presentation on the 1890 Wounded Knee Massacre at the Wounded Knee Cemetery and Monument.

Saturday, July 12, 2008
Oglala Lakota College - He Sapa Center
Rapid City, SD

Chair Representative Juhnke resumed the meeting at 9:30 am (MDT) at Oglala Lakota College's He Sapa Center in Rapid City.

Education Issues

Ms. Dolores Riley, Director of Indian Education, Rapid City Area Schools, briefed the committee on programs in the Rapid City school system and distributed a summary of activities of the Office of Title VII and Indian Education (**Document #2**). She stated that federal funds are available for education costs for students who are enrolled members of Indian tribes. Currently, the 861 parents of students who are enrolled tribal members have submitted documentation to enable their children to participate in the programs. Activities include tutoring, cultural resources for classroom presentations, parent training, cultural activities for families, newsletters, parent advisory committees, attendance outreach, and summer school. She stated that low graduation rates for Native American students have been a problem. In Rapid City the graduation rate for Native American students is reported as 61%. She distributed a handout entitled "Rapid City Area Schools Interventions Overview 2007-2008 (**Document #3**).

Ms. Lourette Pourier, Project Manager, Society for the Advancement of Native Interests - Today (SANI-T), Rapid City, discussed education issues and stated that SANI-T has been working with the Rapid City school system since 2003 dealing with racial incidents and inequalities and meeting with the school administration. She distributed a pamphlet entitled "SANI-T" (**Document #4**). She stated that SANI-T has built relationships with Rapid City's Native American community, which is the key to improving parental involvement with education issues. She also noted that many families that move out of the Rapid City area and schools do so because they do not feel welcome and stated that the school system is not meeting the needs of Native American students. She discussed efforts to establish a charter school in Rapid City that could provide a more helpful alternative for Native American students. She distributed a handout entitled Hunkpatila Oyate ta Patan Eowayoaw (HOPE) (**Document #5**) and "Charter Schools" (**Document #6**). **Senator Tom Katus** stated that legislation was introduced in the 2008 session to authorize charter schools, but was opposed by the Rapid City School board and was defeated.

Mr. Joe Nathan, a charter school expert from Minneapolis, Minnesota, testified by conference telephone call and provided information and statistics on charter schools nationally. Forty states have charter school legislation in place, and there are approximately 4000 charter schools currently operating in the nation.

Ms. Susanna Mercado and **Ms. Ramona Herrington** of Rapid City discussed racial incidents that were directed at their children in the Rapid City schools. They are very concerned for their children and feel that the schools are not adequately addressing the needs of Native American students. They supported the idea of a charter school as a way to help their situation. **Ms. Lin Jennewein** of Rapid City discussed the need for charter schools and stated that legislation is

needed in South Dakota before even a pilot project or model charter school can be established.

Mr. Robert Cook, President-elect, National Indian Education Association, Rapid City, distributed NIEA Resolution 07-04 (**Document #7**) in support of charter schools for Native Hawaiians, American Indians, and Alaska Natives. He described model projects for ninth graders and stated that more staff and funding are needed for these programs. He also discussed other needed school improvements and other models for reconciliation between Native Americans and non-Natives. In response to a question from Senator Garnos, Mr. Cook stated that the most effective way for the non-Native community to understand the problems confronting Native Americans is to include more cultural knowledge in school curricula and that this should be mandated.

Update on Substance Abuse Counselor Accreditation Issues

Ms. Terryl Blue-White Eyes, Director, Oglala Sioux Tribe Alcohol-Drug Programs, discussed the current status of efforts to gain state accreditation for tribal substance abuse counselors. She said that there has been progress on the issue and that there have been meetings with the Department of Human Services, but that legislation will be needed to finish the process.

Restorative Justice

Ms. Phyllis Boernke, Center for Restorative Justice, Rapid City, described her organization and the restorative justice concept (**Documents #8 and #9**). Restorative justice involves the offender meeting and making restitution to the victim, looking at what happened, what harm or damage was done, and how to fix the harm or damage. Their organization works with Native and non-Native people, with courts, and with schools, and they receive 70-80 referrals from the court system each year. She discussed legislation in Colorado to authorize and implement the restorative justice concept (**Document #10**).

Judge Janine Kern, Rapid City, works with restorative justice concepts in the court system and stated that legislation could increase the effectiveness of this concept in South Dakota's legal system. She said that it is necessary to focus on children and families rather than building prisons. She also described the functioning of the Disproportionate Minority Contact Committee. In response to committee questions, Judge Kern stated that anecdotal evidence in South Dakota and evidence from other states suggest that restorative justice concepts are effective, but restorative justice opportunities are not uniform in South Dakota and are not available statewide, although legislation could make such programs available around the state.

Ms. Laurette Pourier, SANI-T, Rapid City, stated that we need new and more effective ways of handling cases in the judicial system, especially for juvenile offenders and that the current juvenile facility is like a prison. She feels that the Colorado legislation on restorative justice could help the situation in South Dakota. She also referred to the findings of the 2006 report of the South Dakota Equal Justice Commission. Representative Bradford discussed problems in the juvenile justice system and stated that it is vital that we get to kids early to prevent problems and more interaction is needed between the state and tribal court systems.

Tourism and Scenic Byways

Ms. Daphne Richards-Cook, Executive Director, Alliance of Tribal Tourism Advocates (ATTA), Rapid City, discussed efforts to improve the tourism industry in reservation areas and to work with the state on tourism activity. She distributed (**Document #11 & #12**) outlining ATTA's projects and activities, which include networking, provision of certified tour guides and interpreters, apprenticeship program, tourism codes and ordinances, reservation tour packages, Black Hills Powwow Garden and Indian Art Market, joint marketing ventures, and youth stewardship.

Ms. Denelle High Elk, Tourism Director, Cheyenne River Sioux Tribe, Eagle Butte, described the Cheyenne River Sioux Tribe's tourism program and activities and distributed (**Document #13**) which outlines the activities of the Tourism Division and the Scenic Byways program. She stated that in 2001 the tribal Game, Fish and Parks Department requested the tribal council to assist with tourism development and that the Tourism Division was involved with activities commemorating the Lewis and Clark bicentennial, including the "Tent of Many Voices" program to tell the Native story. She discussed other tourism programs and the need for related business resources such as hotels, gas stations, and restaurants needed to support tourism. She stated that the Cheyenne River Chamber of Commerce looks at logistics, resources, and potential activities to develop tourism and promote the local economy. Ms. High Elk also discussed the Scenic Byways program and stated that there are 450 miles of Native American Scenic Byways over five reservations in South Dakota designated as part of the National Scenic Byways program.

Cultural Awareness Training Resources

Ms. Sandy Burns and **Ms. Josie Chase**, Project Solutions, Rapid City, discussed a Native American cultural awareness training program that they facilitate. They distributed a power point program entitled "Native American Cultural Awareness Training" (**Document #14**). They explained how their program is structured and some of the obstacles and issues that they encounter in carrying out their program. Their training program focuses on historical events affecting Native Americans, such as attempts at forced assimilation and experiences with boarding schools, and interprets these in terms of historical trauma and unresolved grief. They also distributed a pamphlet entitled "Horse Nation Healing: Equine Assisted Psychotherapy" (**Document #15**).

Public Testimony

Mr. Marvin Kammerer, Meade County, informed the committee about the proposed US Air Force Powder River Training Complex, which will serve as an aircraft training area and bombing range, and expressed his concern and opposition to the proposed activity. He stated that the training area will create a fire threat from flares, noise problems from aircraft, and potentially dangerous situations with unexploded ordnance. He said that the training area will violate rural peoples' lifestyle and culture and affects reservation and nonreservation areas alike, tribes and private landowners. He said that Meade County has passed a resolution in opposition to the proposed facility and noted that the federal comment period ends August 4, 2008.

Committee Discussion

The committee will meet on Thursday, August 14, 2008 with the Flandreau Santee Sioux Tribe and on Friday, August 15, 2008 with the Yankton Sioux Tribe.

The committee directed staff to conduct research or to draft legislation for discussion dealing with charter schools, alternative schools, accreditation of substance abuse counselors, restorative justice, the staggering of benefit payments to the public, tuition waiver program for Native American secondary education teachers, a state and tribal relations commission structured like the Kneip administration task force, and cabinet level status for the state's Tribal Government Relations Director.

Adjournment

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

The meeting was adjourned at 5:15 pm (MDT).



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