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Senator Jim Bradford, Chair

First Meeting  
2014 Interim

Room 413, State Capitol  
Pierre, South Dakota

**Friday, May 23, 2014**

The first meeting of the State-Tribal Relations Committee for 2014 was called to order by **Senator Jim Bradford** at 10:00 a.m. in room 413 of the State Capitol in Pierre.

A quorum was determined with the following members answering the roll call: Senators Jim Bradford, Chuck Jones, Ernie Otten, Billie Sutton and Craig Tieszen; Representatives Troy Heinert, Lee Qualm, and Mike Verchio. Members excused: Representatives Kevin Killer and Elizabeth May.

Staff members present were Tom Magedanz, Principal Research Analyst; Amanda Reiss, Senior Legislative Attorney; Stephanie Gruba, Fiscal Analyst; and Cindy Tryon, Senior 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).*

An opening prayer was offered by Senator Jim Bradford, Committee Chair.

The committee presented Mr. Tom Magedanz, Principal Research Analyst for LRC and lead staffer for the committee for several years, gifts of appreciation for his years of service to the committee. Mr. Magedanz will be retiring June 8, 2014. Mr. Magedanz received an intricate hand-beaded bolo tie and a beautiful personalized star quilt.

**Department of Education**

**Dr. Melody Schopp, Secretary, SD Department of Education**, reported to the committee that Mr. Lowell Amiotte has been hired as the new Indian Education Director for the Department of Education. Mr. Amiotte is an Oglala Lakota Tribal member from Pine Ridge, SD, and has a lengthy resume in the education field.

Dr. Schopp talked about legislation that was passed that now allows students to receive dual credits for continuing education classes taken while they are in high school. Students who receive such credits are more apt to feel a connection to the university or technical institution from which they receive the credits and are more likely to attend that school after completing high school. Dr. Schopp said that students can also obtain a National Career Readiness certificate that shows what areas they are prepared for when deciding on a job after high school. Students are not required to obtain this certificate, but it is an option for them.

Dr. Schopp said that she will be requesting more dollars for the Jobs for America's Graduates (JAG) program in the future. She said that four new schools will be added to the five existing schools that offer the JAG program. The JAG program focuses on keeping kids in school and preparing them to be able to get a job following graduation. Dr. Schopp added that the JAG program is successful when the

person leading the program is truly passionate about making it work for the students. Dr. Schopp is on the national JAG board.

### **Office of Tribal Relations**

**Secretary JR LaPlante, Office of Tribal Relations**, updated the committee on projects on which the Department of Tribal Relations has been focusing. One major project has been the implementation of SB70 from the 2013 Legislative Session dealing with criminal justice and corrections issues. That legislation addressed incarceration issues and established the parole pilot program. Secretary LaPlante reported that three of the tribes are now working with the state in implementing the parole pilot program.

The Department of Tribal Relations continues to work with tribal identification cards. The department is educating businesses throughout South Dakota so that they know to accept these forms of identification. The department also addresses any complaints they receive regarding this program.

The Department of Tribal Relations is working on tribal housing through the Native American Home Ownership Coalition, as well as several other ongoing projects.

Secretary LaPlante pointed out that this is an election year and seven of the tribes are conducting elections this year. The Crow Creek Sioux Tribe has already held its election and Roxanne Sazue was elected their new Chairwoman.

Secretary LaPlante told the committee that he will be resigning his position effective August 1, 2014. He said that this has been an incredible learning experience and that he is very proud of the great strides they made in regard to home ownership, public safety agreements, tax compacts, and other important issues.

Secretary LaPlante said that the parole pilot project is extremely important, and it is just one example of what we are able to do together. He added that there are a lot of positive things going on and some of that is because of the supportive legislature and a supportive State-Tribal Relations Committee.

### **Overview of Tax Collection Agreements**

**Mr. David Wiest, Deputy Secretary, Department of Revenue**, gave a PowerPoint presentation, "State-Tribal Tax Collection Agreements" (*Document #1*). Mr. Wiest introduced Stacy Hegge, a new attorney with the Department of Revenue.

Mr. Wiest said that the state has some type of tax agreement with eight of the nine tribes located in South Dakota. The only tribe with which we do not have a tax agreement is the Lower Brule Sioux Tribe.

Under these agreements, taxes are generally collected by the state and distributed between the state and the tribe based on population and percentage of tribal members in the area. There are sometimes disputes as to whether or not certain land is under tribal jurisdiction, and occasionally disputes may arise as to whether or not someone is an enrolled member in the tribe. Also needing to be considered is the responsible party for paying the tax, i.e. sales tax – the business is responsible; fuel tax – the user is responsible. All of these questions need to be answered in order to determine tax responsibility. The state and the tribe work together to establish a workable system for tax collection and distribution via the tax collection agreement.

Mr. Wiest told the committee that the tax collection agreements were authorized by legislation passed in 1974. Since that time, the state has negotiated many different agreements with the different tribes. Most of the agreements are valid for five years. As the five years come to an end, the state and tribe meet again to review the compact and make any necessary revisions. The five-year timeframe is set in statute. The signers of the compacts are the Governor, Attorney General, Tribal President or Chair, and the Secretary of the Department of Revenue.

### **Election of Vice Chair**

**REPRESENTATIVE VERCHIO MOVED, SECONDED BY SENATOR TIESZEN, TO NOMINATE REPRESENTATIVE QUALM AS COMMITTEE VICE CHAIR.**

**SENATOR SUTTON MOVED, SECONDED BY SENATOR JONES, TO NOMINATE REPRESENTATIVE HEINERT AS COMMITTEE VICE CHAIR.**

Two secret ballot votes were held and both votes ended in a four-to-four tie.

**SENATOR JONES MOVED, SECONDED BY SENATOR SUTTON, THAT THE COMMITTEE HOLDS THE ELECTION FOR VICE CHAIR AT THE NEXT MEETING. The motion prevailed on a voice vote.**

### **Discussion of Study Topics**

At the next meeting, the committee would like to meet with Mr. Amiotte, the new Director of Indian Education, discuss Career and Technical Education (CTE) and the JAG program (perhaps visit the Wagner school); and discuss gaming. The committee would like to have the meeting at the Fort Randall Casino on September 11 with a dinner the evening before.

At the third interim meeting, the committee would like to focus on the banking and credit union issues encountered on tribal land.

### **Adjournment**

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

The committee adjourned at 2:20 p.m.

*This meeting is being held in a physically accessible location. Any individual needing assistance, pursuant to the Americans with Disabilities Act, should contact the Legislative Research Council (605-773-3251) in advance of the meeting to make further arrangements.*

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