

STATE-TRIBAL RELATIONS COMMITTEE

Study Assignment

The State-Tribal Relations Committee selected its study topics for the 2001 Interim at its first meeting: racial profiling by law enforcement personnel in South Dakota; Native American health care, with particular attention to the issue of the licensure and practice of Indian Health Service physicians in South Dakota and an update on the subject of care for the elderly on Indian reservations; and economic development on Indian reservations.

Summary of Interim

The first meeting was held in the Capitol on June 12, with the primary task of selecting study topics for the 2001 Interim. Unlike other interim committees, which are temporary and are established to study particular issues, the State-Tribal Relations Committee is ongoing and selects its study topics at the beginning of the interim. Committee members selected Senator J.E. "Jim" Putnam as Chair and Representative Stan Adelstein as Vice Chair. As noted above, the committee chose to study racial profiling, health care and physician licensure issues, and economic development for the 2001 Interim. At the first meeting, the committee also heard additional informational presentations. Mr. Webster Two Hawk, Commissioner of Tribal Government Relations, and representatives of the Department of Game, Fish and Parks discussed land management issues at Bear Butte related to use of the area and development issues posed by the annual Sturgis rally. They also discussed the acquisition of Spirit Mound by a Vermillion group for cultural and historical purposes.

At the second meeting, which was held in Pierre on July 9, Reuben Bezpaletz of the Legislative Research Council briefed the committee on the results of the 2000 Census and implications for the Native American population and demographic trends. South Dakota's Native American population is becoming younger and more concentrated, which will have political as well as socioeconomic impacts. The primary focus of the second meeting was on issues related to the licensure and credentialing of Indian Health Service (IHS) physicians and the possibility of allowing certain IHS physicians who are not licensed in South Dakota to treat Native American patients in facilities outside IHS facilities. Current South Dakota law exempts IHS physicians "in the actual performance of their duties" from South Dakota licensure requirements. There are conflicting opinions on whether this exemption would apply to IHS physicians treating Native American patients in facilities outside the physical boundaries of IHS facilities, such as nursing homes. A proposal of the Sisseton-Wahpeton Sioux Tribe would involve joint use of hospital facilities in Sisseton by tribal members and the general public, which would create savings and efficiencies for both the tribe and the community. The licensing issue, however, could prevent the proposal from being implemented because of the difficulty of obtaining IHS physicians who are licensed in South Dakota. The committee heard presentations in support of the proposal by members of the Sisseton-Wahpeton Sioux Tribe, the Indian Health Service, and the community of Sisseton, while the South Dakota Board of Medical and Osteopathic Examiners and the South Dakota Association of Health Care Organizations expressed reservations about the proposal based on liability and billing issues. The committee requested that an Attorney General's opinion on the matter be obtained. The committee also heard public testimony on nursing home and elderly care issues.

The third meeting was held on August 27 at Agency Village, headquarters of the Sisseton-Wahpeton Sioux Tribe, in the Tribal Council Chambers. The meeting focused on economic development issues and activities for the Tribe. The committee heard presentations by tribal economic development and planning officials and by representatives of the Dakota Western Corporation, a tribally owned manufacturing firm. The committee also was briefed by the Sisseton-Wahpeton Tribal Gaming Commission and heard additional testimony and updates on physician licensure issues and on the status of federal legislation that would address elderly care issues. The committee requested that letters be sent to South Dakota's congressional delegation requesting their support of federal legislation to provide elderly care for Native Americans and requesting them to inform the committee of their efforts on this issue. The committee also toured the Dakota Western plant as well as an economic development project at the Long Hollow District and the Dakota Magic Casino, one of the tribe's three casinos.

The topic of the fourth meeting, which was held in Pierre on October 17, was racial profiling. The committee first heard presentations by representatives of the South Dakota Sheriffs' Association, the South Dakota Chiefs of Police Association, and the South Dakota Peace Officers' Association. They described their organizations' policies and efforts to prevent racial profiling, and they discussed methods of improving the situation, particularly increased training for law enforcement personnel and the use of video cameras in police cars. The Pierre Indian Council briefed the committee on its joint efforts with the Pierre Police Department to reduce racial profiling in the Pierre area, and they were pleased with the department's response and cooperative efforts and felt that progress has been made. The committee also heard presentations by the Mobridge Race Relations Organization and the American Civil Liberties Union. The remainder of the meeting was devoted to public testimony.

Listing of Legislation Adopted

None.

Summary of Meeting Dates & Places and Listing of Committee Members

The committee met in the State Capitol in Pierre on June 12, July 9, and October 17, and at Agency Village on the Sisseton-Wahpeton Reservation on August 27.

Members of the committee include Senator J.E. "Jim" Putnam (Chair) and Representative Stan Adelstein (Vice Chair); Senators Arnold Brown, Patricia de Hueck, Richard Hagen, and Ron Volesky; and Representatives Jean Hunhoff, Barry Jensen, Paul Valandra, and Thomas Van Norman.

Committee staff members were Tom Magedanz, Principal Research Analyst; Reuben Bezpaletz, Chief Analyst for Research and Legal Services; and Phyllis Petersen, Senior Legislative Secretary.