The Senate convened at 9:00 a.m., pursuant to adjournment, the President presiding.

The prayer was offered by the Chaplain, Barb Frerichs, followed by the Pledge of Allegiance led by Senate page Natalie Fawcett.

Roll Call: All members present except Sens. Curd, Foster, Novstrup, Ernie Otten, Partridge, Rusch, Schoenbeck, V.J. Smith, Soholt, Stalzer, Steinhauer, Sutton, White, Wismer, and Youngberg who were excused.

APPROVAL OF THE JOURNAL

MR. PRESIDENT:

The Committee on Legislative Procedure respectfully reports that the Secretary of the Senate has had under consideration the Senate Journal of the third day.

All errors, typographical or otherwise, are duly marked in the temporary journal for correction.

And we hereby move the adoption of the report.

Respectfully submitted,
Brock L. Greenfield, Chair

Which motion prevailed.
MESSAGES FROM THE HOUSE

MR. PRESIDENT:

I have the honor to inform your honorable body that the House has adopted the report of the Joint-Select Committee relative to making arrangements for a memorial recognition of deceased former members of the Senate and House.

Respectfully,
Mary Lou Goehring, Chief Clerk

MOTIONS AND RESOLUTIONS

Sen. Langer moved that SB 25 be deferred to Tuesday, January 21, 2020, the 5th legislative day.
Which motion prevailed.

CONSIDERATION OF REPORTS OF COMMITTEES

Sen. Langer moved that the report of the Standing Committee on Judiciary on SB 27 as found on page 32 of the Senate Journal be adopted.
Which motion prevailed.

FIRST READING OF SENATE BILLS AND JOINT RESOLUTIONS

SB 51: FOR AN ACT ENTITLED, An Act to authorize the possession of a concealed pistol by employees in county courthouses.
Introduced by: Senator Russell
Was read the first time and referred to the Committee on Judiciary.

Sen. Langer moved that the Senate do now adjourn, which motion prevailed and at 9:09 a.m. the Senate adjourned.

Kay Johnson, Secretary
Pursuant to the Communication found on page 7 of the Senate Journal, the following is Chairman Lester Thompson Jr.’s State of the Tribes Address which was delivered at the Joint Session on January 16, 2020.

State of the Tribes Address

Good afternoon, my name is Lester Thompson Jr., Chairman of the Hunkpati Nation, located on the Crow Creek Indian Reservation of South Dakota. I want to start my discussion today by expressing my gratitude for the opportunity to stand before you and speak about topics important to my people, my government, my sister tribes, and to all South Dakotans. Thank you to the Legislature for affording leaders of tribal nations to present our issues and interests to you on an annual basis through this address. I recognize the value of this time and the continued interest you place in listening to and addressing issues facing Indian Country. In particular, I wish to thank those who serve on the State-Tribal Relations Committee for working with myself and other tribal citizens to provide us an opportunity to regularly engage with the Legislature in an open dialogue about state programs and the effects those programs have for Native Americans in our state. Lastly, I wish to personally thank Speaker Haugaard; without your persistent and resolute interest in continuing and building a relationship between the tribes sharing South Dakota’s borders and the South Dakota Legislature this opportunity for elected tribal leaders to speak before this body would not remain. Thank you sir.

To achieve success, we must work in unison for the benefit of our citizens. Tribes and state government have an established history of working collaboratively with many successes as evidence. Whether it is joint MOU’s between law enforcement agencies to assist in Pow Wow Security or Motor Carrier Enforcement, funding for meth treatment centers to assist our afflicted, or economic development initiatives to expand trade, our tribal nations have joined efforts with the state to improve conditions for all South Dakotans. When the state and tribes work together, increased safety and prosperity follow.

However, when relationships collapse, miscommunication, distrust, and dishonesty lead to failures in government action. It is miscommunication, or a complete lack of communication, that has been the largest single obstacle in furthering our relationships. Legislation submitted and adopted without an opportunity for tribal engagement last session in Senate bills 189 and 190, the Riot Boosting and PEACE Fund legislation, only leads to further distrust and disrespect for all the citizens of South Dakota. Though we can disagree on policy objectives, any attempts to prevent our citizens voice from being heard we will continue to oppose!

Again, our citizens expect us to address issues that impact their quality of life.

Legislation should not seek division but solutions. By seeking assurances that any environmental threats are mitigated the need for “riot boosting” legislation is alleviated as well. While we are not North Dakota, we must learn from North Dakota’s mistakes before they repeat in our own state. We cannot accept another oil spill that would destroy South Dakota’s farms, ranches, parks, water supplies, and economy! It is imperative that pipeline companies understand that they cannot ignore the responsibility that comes with transporting an environmentally hazardous product. The SPOIL Act would create a liability fund to protect the livelihood of all South Dakotans impacted by a spill caused by a pipeline traversing the State. As elected officials, we all support economic development. I am also a realist- we all recognize that we need oil and oil products for transportation, heat, and many other common uses but we must ensure that we protect the small businesses as well as the large.
Legislation should be inclusive not exclusive, that is why we are seeking an amendment to the PEACE Act passed last year to include tribal jurisdictions as eligible entities to access the fund. Any pipeline construction, current and future development, traversing the state impacts all jurisdictions and all South Dakota citizens.

Our children are our future. Ensuring that every child has the best opportunity to learn in the capacity that fits their needs must be a priority. In the past 5 years, approximately one third of Native American students entering high schools in Rapid City end up graduating. This number offers a stark contrast to non-native graduation rates which are roughly triple. New educational opportunities, such as Native American community inspired charter schools, that properly address the achievement gap by meeting the needs of the individual student in a culturally appropriate manner is one of the many innovative solutions to address a growing educational crisis. Thus, we are proposing charter school legislation with a curriculum specifically focused on Oc(h)eti S(h)akowin essential understandings, and we ask your support.

South Dakota has been at the forefront of recognizing Tribal IDs within state businesses. However, current laws regarding Tribal ID acceptance have been restrictive. Many tribal members only have a tribal ID because they do not have easy access to obtain multiple forms of identification; their tribal ID should be allowed to serve as valid proof of identification and age verification for all types of transactions. We seek an amendment to the tribal identification law to include all commerce, not just banking and for the purchase of tobacco products.

Lastly, an issue that is very important to our citizens is that past conflicts are concluded so that new futures can be opened. Sometimes we forget that active laws still exist as though a conflict is still engaged. Under 1863 law, the Dakota people were forcibly removed from our ancestral homelands. Although the conflict has ended, this antiquated law still remains. I am asking the state legislature and the governor to take action similar to the State of Minnesota in adopting a resolution asking Congress to repeal the law that forcibly removed our people from their ancestral homes. To be clear, we are not seeking any restitution of property. To begin the process of healing we must bring closure to our historical trauma.

Before I conclude, this past year’s extreme weather has created unprecedented damage to the entire state. However, for tribal lands the resources to repair and restore roads, homes, and other critical infrastructure is extremely inadequate. The result is South Dakota families who are left without access to emergency services and common necessities. The state and tribes must work together to ensure FEMA disaster relief and other aid is coordinated to restore state roads, aqueducts, and tribal infrastructure as rapidly as possible to protect life and property for all South Dakotans. Disasters do not recognize jurisdictional boundaries.

The Tribal Chairs and Presidents have come to a consensus on these issues and legislative priorities. In the spirit of open dialogue and relationship building, my fellow Tribal Chairs and Presidents invite each of you to engage in the ongoing discussion at Wakpa Sica at 3:00pm today.
South Dakota is not just a name or a geographic location, we are a people. We are a people who pride ourselves in our strength and resolve in a changing world. Our state’s name, ‘Dakota’, reflects a people of strength and resolve, that is why the name was picked. A people who have welcomed others to their land while being expelled from their own. Although our history has been complicated, we must work together as leaders of tribal nations and state government to create a better future and address shared priorities. Together, we are all Dakota strong.