

# *JOURNAL OF THE SENATE*

## *NINETY-FIFTH SESSION*

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FOURTH DAY

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STATE OF SOUTH DAKOTA  
Senate Chamber, Pierre  
Friday, January 17, 2020

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.

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**MESSAGES FROM THE HOUSE**

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MR. PRESIDENT:

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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.

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Respectfully,  
Mary Lou Goehring, Chief Clerk

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**MOTIONS AND RESOLUTIONS**

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Sen. Langer moved that **SB 25** be deferred to Tuesday, January 21, 2020, the 5<sup>th</sup> legislative day.

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Which motion prevailed.

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**CONSIDERATION OF REPORTS OF COMMITTEES**

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Sen. Langer moved that the report of the Standing Committee on

14

Judiciary on **SB 27** as found on page 32 of the Senate Journal be adopted.

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Which motion prevailed.

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**FIRST READING OF SENATE BILLS AND JOINT RESOLUTIONS**

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**SB 51:** FOR AN ACT ENTITLED, An Act to authorize the possession of a concealed pistol by employees in county courthouses.

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Introduced by: **Senator** Russell

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Was read the first time and referred to the Committee on Judiciary.

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

22

23

Kay Johnson, Secretary

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

4

#### **State of the Tribes Address**

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

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

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

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

34 Legislation should not seek division but solutions. By seeking assurances that any environmental  
35 threats are mitigated the need for "riot boosting" legislation is alleviated as well. While we are not  
36 North Dakota, we must learn from North Dakota's mistakes before they repeat in our own state. We  
37 cannot accept another oil spill that would destroy South Dakota's farms, ranches, parks, water  
38 supplies, and economy! It is imperative that pipeline companies understand that they cannot ignore  
39 the responsibility that comes with transporting an environmentally hazardous product. The SPOIL  
40 Act would create a liability fund to protect the livelihood of all South Dakotans impacted by a spill  
41 caused by a pipeline traversing the State. As elected officials, we all support economic development.  
42 I am also a realist- we all recognize that we need oil and oil products for transportation, heat, and  
43 many other common uses but we must ensure that we protect the small businesses as well as the  
44 large.

1 Legislation should be inclusive not exclusive, that is why we are seeking an amendment to the  
2 PEACE Act passed last year to include tribal jurisdictions as eligible entities to access the fund. Any  
3 pipeline construction, current and future development, traversing the state impacts all jurisdictions  
4 and all South Dakota citizens.

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

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

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

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

35 The Tribal Chairs and Presidents have come to a consensus on these issues and legislative priorities.  
36 In the spirit of open dialogue and relationship building, my fellow Tribal Chairs and Presidents invite  
37 each of you to engage in the ongoing discussion at Wakpa Sica at 3:00pm today.

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1 South Dakota is not just a name or a geographic location, we are a people. We are a people who  
2 pride ourselves in our strength and resolve in a changing world. Our state's name, 'Dakota', reflects  
3 a people of strength and resolve, that is why the name was picked. A people who have welcomed  
4 others to their land while being expelled from their own. Although our history has been complicated,  
5 we must work together as leaders of tribal nations and state government to create a better future  
6 and address shared priorities. Together, we are all Dakota strong.

