

Chapter 1
2009 South Dakota
Legislative Manual
The Mount Rushmore State



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Setting the Historical Stage by Robert F. Karolevitz*

*Summer heat or snows,
Mountain, plain or prairie fields,
South Dakota's people are
The grandest crop she grows.*

– *Badger Clark*

South Dakota lies in the very heartland of North America. A total of 77,047 square miles of diverse land area – approximately 370 miles long by 210 miles wide – constitutes the mid-continental commonwealth that is 16th among the 50 United States in size, 46th in population (2000 census: 754,844), 39th or 40th (with its twin, North Dakota) in admission to the Union.

The dam-harnessed Missouri River – which has been known popularly through the years as the "Big Muddy" or the "Old Mizzou" – divides the state into two distinct sections, geographically and philosophically.

It has been called a "land of savage extremes," with temperatures ranging from 40 degrees below zero to 116 above, although these low and high points are relatively infrequent. It offsets its eerie Badlands – called "hell with the fires burned out" by George Armstrong Custer – with the richly productive black loam of the southeastern corner of the state. It has known blizzards, floods, dust storms and drought – but one day of a South Dakota springtime or its matchless Indian summer makes one forget immediately the rigors of a chilling winter or a scorching July.

It is an expansive country with soaring eagles and darting prairie dogs. Beneath the earth are the splendors of Jewel Cave, and above it stand gnarled cottonwoods old enough to have witnessed the total period of organized government in the region. In April and May each year, the lavender-hued pasque – the official state flower – bursts from untilled sod on pastures and hillsides to signal a new planting season on farmlands lying under open skies in the center of the nation.

While its food and fiber production affects all the states, it physically adjoins six neighbors – North Dakota, which separates it from Canada; Minnesota and Iowa on the east; Montana and Wyoming on the west; and Nebraska to the south. Before 1889, it was part of the vast Dakota Territory. Earlier it was an undefined portion of the Louisiana Purchase from France in 1803 – and before that the Spanish claimed the prairie expanse.

Boundaries are important, of course, because they establish specific political land units and make the application of laws possible, but it must be remembered, too, that a state also means the people living within the particular borders. In other words, the geographic features of South Dakota are like a skeleton; to give it life, the flesh and blood of the citizenry must be added.

Without people there would have been no progress, no problems, no challenges, no achievement nor failures, no sorrow nor joy – the stuff of which history is made.

The parade of people – beginning with the Asiatic ancestors of the American Indians – has both brightened and bloodied the land, but viewed in proper context, the abrasions created by successive waves of newcomers (red and white included) are explainable and understandable – if not always defensible.

By knowing what lured or impelled various groups to migrate to the region which ultimately became South Dakota, one can grasp more readily the substance of the collision of cultures rather than belaboring the surface sore spots. The story is exciting and dramatic, often lighthearted and occasionally tragic. It is, after all, a continuing saga of people of many different backgrounds and the challenges they faced on a specific portion of the earth's real estate.

* Robert F. Karolevitz (1975). *Challenge: The South Dakota Story* (pp. 3-5). Brevet Press, Inc., Sioux Falls. Paragraph one edited.

Chronology

The State of South Dakota is a part of that vast domain which was acquired by the United States through the celebrated Louisiana Purchase in 1803. President Thomas Jefferson purchased the territory, which includes the present states of Missouri, Kansas, Nebraska, Iowa, Minnesota, North and South Dakota, Montana and Idaho, from France for fifteen million dollars and the assumption of certain claims held by citizens of the United States against France.

Although nine states eventually were organized out of the Louisiana Purchase, during their existence as territories, the boundaries of these divisions were subject to frequent and marked changes, with names appearing and disappearing.

South Dakota was originally part of what was called the Louisiana Territory. In 1812, the part of South Dakota lying west of the Missouri River became known as the "Mandan Territory," and the area lying east of the Missouri River became incorporated into the Missouri Territory. The eastern half of South Dakota was included in the Michigan Territory in 1834 and two years later it became part of the Wisconsin Territory. In 1849, after the organization of Wisconsin as a state, the area east of the Missouri River was included in the Minnesota Territory. The portion of South Dakota west of the Missouri River was included in the Nebraska Territory in 1854.

The admission of Minnesota as a state in 1858 left all the country west of its boundaries along the Big Sioux River to the Missouri River without any organization, legal name or existence. This part was, by common consent, designated by the name of Dakota. Dakota is an Indian name that means "confederated" or "leagued together" and was originally derived from the great associated tribe of Indians, which is known in their own language as Dakotas.

In 1861, President James Buchanan signed the Organic Act, creating the Dakota Territory, which included the present states of North and South Dakota, Montana, Wyoming and a small part of Nebraska. By 1868, the Dakota Territory consisted of only what are North and South Dakota today. In 1889, the "Omnibus Bill" or the Enabling Act was adopted, which provided for the dividing of Dakota Territory into the states of North and South Dakota. This enabled the two Dakotas, Montana and Washington to formulate constitutions.

Today, South Dakota is located in the heartland of the United States. It is a rectangular area approximately 370 miles by 210 miles. Its 77,047 square miles make it the 16th largest in size among the fifty states. South Dakota has a population of around 796,000.

(The introductory material to the chronology was substantially derived from the "Introductory," *Revised Code of South Dakota*, 1903, and the "Dakota Historical Sketch," *South Dakota Manual*, 1905.)

(The total population estimate is from the Annual Estimates of the Population for Counties of South Dakota, April 1, 2000 to July 1, 2007 (CO-EST2007-01-46), Population Division, U.S. Census Bureau, released March 20, 2008.)

Events of 2007

Senator Tim Johnson continued his recovery from a 2006 brain hemorrhage. He began 2007 in a medically induced coma. As his health improved, he underwent physical and speech therapy in a Washington, D.C., area hospital and at his home. Senator Johnson returned to South Dakota in August for a welcome home event. This was followed in September by his return to the Senate Floor.

In July the National Science Foundation chose the closed Homestake Gold Mine at Lead as the site for a new deep underground physics lab. The State of South Dakota prevailed over three other sites. If built, the Deep Underground Science and Engineering Lab (DUSEL) will be the largest and deepest facility of its kind in the world. Work began immediately on preparing an interim lab, known as the Sanford Underground Laboratory, 4,850 feet underground. The main lab will be 7,400 feet underground.

The Federal Railroad Administration turned down a request from the Dakota, Minnesota and Eastern Railroad (DM&E) for a \$2.3 billion loan to fund a line expansion and rehabilitation. The project's goal was to provide access to haul coal from Wyoming. Later in the year, the Canadian Pacific Railway announced it was buying the DM&E.

Sioux Falls businessman and philanthropist, T. Denny Sanford, pledged \$400 million to Sioux Valley Health System. The money will assist in expanding the health system, including pediatric clinics and research centers focused on the needs of children. The "Sanford Project" will focus on establishing a world class research team to achieve significant progress in fighting Type I Diabetes.

On July 11, 2007, Elijah Page was executed by the State of South Dakota for the torture killing of Chester Allan Poage of Spearfish. This was the state's first execution in 60 years. The execution originally scheduled for August 29, 2006, was delayed over concerns regarding the legality of the lethal injection methodology provided in state law. The 2007 Legislature resolved those legal concerns.

The worst forest fire of the year was the Alabaugh Canyon Fire, which burned more than 15 square miles near Hot Springs. One man was killed when he became trapped in his home, two firefighters were burned and thirty-three homes were destroyed. The lightning caused blaze had the highest heat intensity measurement ever recorded for a Black Hills fire.

Hyperion Resources of Dallas, Texas announced it was considering an area near Elk Point for a \$10 billion oil refinery, which would be the first new U.S. refinery since 1976. The refinery capacity was estimated at 400,000 barrels a day.

South Dakota lost three soldiers as fighting against terrorist elements continued in Iraq and Afghanistan. Staff Sergeant Robb Roling of Sioux Falls, Staff Sergeant Zachary Tomczak of Huron and Corporal Tanner O'Leary of Eagle Butte were Army soldiers killed in the line of duty.

Events of 2008

South Dakota voters rejected a measure 55 to 45 percent on the general election ballot that would have banned most abortions in the state. The measure was less restrictive than a similar measure that was defeated in 2006.

Union County voters approved a rezoning ordinance 58 to 42 percent that would allow a new oil refinery in the county. The state Department of Environment and Natural Resources issued a draft air quality permit for the refinery.

South Dakota held the last presidential primary in the nation on June 3, 2008. The Democratic Party primary between Hillary Clinton and Barack Obama saw neither candidate lock up the nomination prior to South Dakota's primary. Both candidates spent time in South Dakota during the weeks leading up to the primary, giving the state a taste of the competitive nomination race. Senator Clinton carried South Dakota's primary, but Senator Obama cinched the nomination shortly thereafter. Senator John McCain won the state's three electoral votes in the general election.

Senator Tim Johnson continued his recovery from a 2006 brain hemorrhage. He ran for reelection, defeating State Representative Joel Dykstra. Representative Stephanie Herseth Sandlin carried every county in the state to win reelection over Rapid City businessman Chris Lien.

The economy was on everyone's mind in 2008. Gas prices skyrocketed past four dollars a gallon before retreating to less than two dollars. The first half of the year saw record crop prices, which tumbled significantly as harvest approached. The Dow Jones stock market index hit a high of 13,000 in May and fell to less than 7,600 in November. VeraSun Energy Corp, headquartered in Sioux Falls and the nation's number two ethanol producer, filed for bankruptcy after being battered by the rapidly falling corn and fuel markets.

The Eighth U.S. Circuit Court of Appeals overturned a lower court order that had prevented the state from enforcing a 2005 law requiring abortion providers to tell women seeking an abortion that the procedure ends a human life.

South Dakota lost two soldiers as fighting against terrorist elements continued in Iraq and Afghanistan. Specialist Estell Turner of Sioux Falls and Staff Sergeant Jeremy Vrooman of Sioux Falls were Army soldiers killed in the line of duty.



State Seal and State Emblems

The design of the **Great Seal of South Dakota** is provided for in Article XXI of the State Constitution. It bears the motto "Under God the People Rule" and the year in which the state was admitted to the Union, 1889.

The seal serves as a symbol of life in South Dakota. The plowman and the field of corn symbolizes farming, the smelting furnace depicts the mining industry, the cattle feeding on the plain represents ranching and dairying, the steamboat designates transportation and commerce, the trees indicate lumbering, the building portrays manufacturing, the river denotes the Missouri River, and the hills in the background identify the Black Hills.

State Flag and Pledge

The South Dakota flag features the state seal surrounded by a golden blazing sun in a field of sky blue. Letters reading "South Dakota, The Mount Rushmore State" – the official state nickname – are arranged in a circle around the sun.

The official pledge to the state flag is: "I pledge loyalty and support to the flag and state of South Dakota, land of sunshine, land of infinite variety."



The pledge to the flag and to the state may not preempt, replace or be recited before the pledge of allegiance to the flag of the United States.

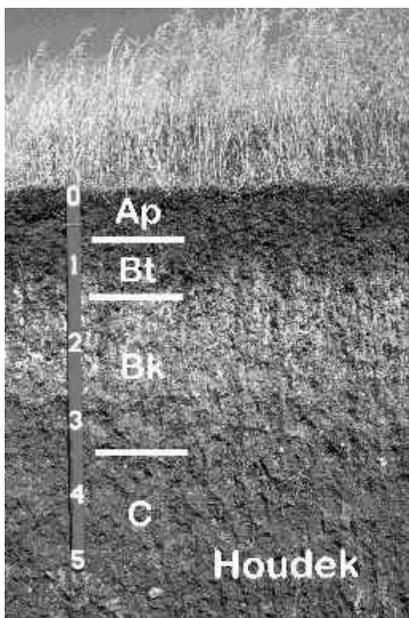


State Animal – Coyote (*Canis latrans*)

A natural predator of small game and rodents, the adaptable coyote hunts the open prairies and fields over the entire state, but occurs in greatest numbers along the Missouri River, its tributaries and in the Black Hills.

State Bird – Ring-Neck Pheasant (*Phasianus colchicus*)

The state bird was introduced to South Dakota in 1898. Easily recognized by its colorful plumage, the pheasant is also known for its delicious meat. Since it is primarily a Midwestern bird, pheasant is considered a delicacy in many states.



State Soil – Houdek Soil

This fine, loamy, mixed, mesic typic argiustolls was designated the state soil in 1990.

State Drink – Milk (*lac vaccun*)

Milk was adopted as the official state drink in 1986.

**State Insect – Honey Bee**

(*Apis mellifera* L)

South Dakota is a leader in honey production. In recognition of its importance to the state's farm economy, the honey bee was adopted as the state insect in 1978. The state's mild, clear, clover honey is often shipped out-of-state to be blended with darker honey.

**State Fossil – Triceratops**

A horned dinosaur of the late Cretaceous period (approximately 68 million years ago) is the state fossil. The Triceratops was a vegetation eating dinosaur and used its horns for defense. Discovered in Harding County in 1927, the skeleton is now on display in the Museum of Geology in Rapid City.





State Grass – Western Wheat

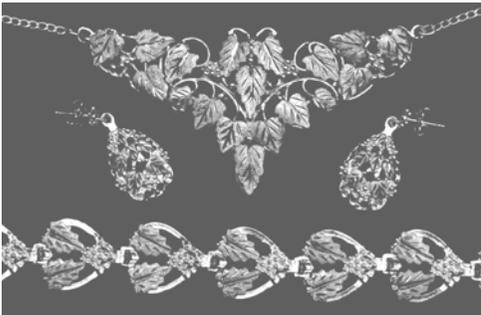
(*Agropyron smithii*)

This variety of wheat is a common grass to South Dakota. It is grown primarily as feed for livestock but also harvested for its seed.

State Flower – American Pasque

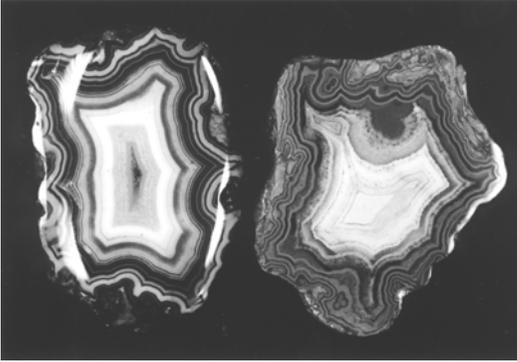
(*Pulsatilla hirsutissima*)

Also called the May Day flower, the Pasque grows wild throughout the state. The blooming of this five petal, lavender flower is one of the first signs of spring in South Dakota. The Pasque is a member of the anemone family.



State Jewelry – Black Hills Gold

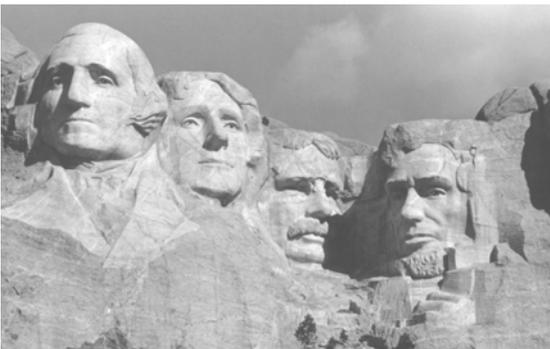
This beautiful jewelry is created and manufactured exclusively in the Black Hills. Each design incorporates the motif of grapes and leaves in tricolor combinations of green, rose and yellow gold.

**State Gemstone –
Fairburn Agate**

This semiprecious stone was first discovered near Fairburn, South Dakota. Found primarily in an area extending from Orella, Nebraska, to Farmingdale, South Dakota, it is used in jewelry and is a favorite of rock collectors.

State Mineral – Rose Quartz

This pink colored quartz was discovered near Custer, South Dakota, in the 1880s. It is mined in the southern Black Hills and is used primarily for ornaments and jewelry.

**State Nickname – Mount
Rushmore State**

The state nickname became official in 1992. Before that South Dakota was known as the "Sunshine State" or the "Coyote State."

State Fish – Walleye (*Stizostedion vitreum*)

Walleye is the fish most sought after by South Dakota anglers, not only because it is one of the most challenging adversaries, but also because of its delicious and delicate taste. Found in lakes and rivers across the state, walleyes are most common in the Missouri River system and in the glacial lakes area of northeastern South Dakota. The Museum of Wildlife, Science and Industry, located in the city of Webster, is designated as the site of the official State Fishing Museum for the State of South Dakota. Photograph is by South Dakota Tourism.



State Musical Instrument – Fiddle

The fiddle was designated the official state musical instrument in 1989. Wilbur Foss, a Scotland native, organized the South Dakota Old Time Fiddlers Association. The association has been in existence for over thirty years.

State Tree – Black Hills Spruce

(*Picea glauca densata*)

The Black Hills Spruce is a member of the evergreen family. The pyramid shaped tree is characterized by dense foliage of short, blue-green needles and slender cones.



State Dessert – Kuchen

This quintessential German Russian pastry is a sweet dough crust filled with custard, which is served plain or studded with fruit, such as prunes, peaches, blueberries and apples. Kuchen was designated as the official state dessert in 2000.



Try this recipe for Apple Kuchen and taste for yourself!

For the crust:

2 cups flour
 ½ cup sugar
 ¼ teaspoon kosher salt
 ½ teaspoon vanilla extract
 ½ pound (2 sticks) unsalted butter,
 cold and cut into pieces

For the topping:

2 tablespoons sugar
 1½ teaspoons ground cinnamon
 3 Granny Smith apples, peeled, if desired,
 cored, and thinly sliced

For the filling:

1 pound cream cheese, at room temperature
 ¾ cup sugar
 1 teaspoon vanilla extract
 1 egg, at room temperature

Preheat the oven to 450 degrees.

Lightly grease and flour a 9x13 inch pan.

Cooking Time: 45 to 55 minutes

Preheat oven to 400 degrees.

Place the flour, sugar and salt in a large bowl or food processor fitted with a steel blade and mix to combine. Add the vanilla and butter, a little at a time. Press into the baking pan and bake in oven until slightly golden but not brown, about 12 to 15 minutes. Cool.

Lower the oven temperature to 350 degrees.

To make the filling, mix the cream cheese, sugar and vanilla in mixer (preferably with a paddle) and beat until creamy. Add the egg. Mix to combine and pour over the cooled crust.

Place the sugar and cinnamon in a small bowl and mix to combine. Place the fruit on top of the filling in two or three columns. Sprinkle with the cinnamon sugar and transfer to the oven. Bake about 30 to 40 minutes until golden brown and firm. Cut into 20 to 24 pieces.

State Sport – Rodeo

Rodeo became the official sport of the State of South Dakota in 2003.



Photo S.D. Tourism



Photo S.D. Tourism

State Bread – Fry Bread

With House Bill 1205, the 2005 Legislature designated fry bread as the official bread of South Dakota.



State Song – "Hail South Dakota"

The official state song was adopted in 1943. It is a marching song, composed by Deecort Hammitt.

Hail! South Dakota, A great state of the land,
Health, wealth and beauty, That's what makes her grand;
She has her Black Hills, And mines with gold so rare,
And with her scenery, No other state can compare.

Come where the sun shines, And where life's worth your while,
You won't be here long, 'Till you'll wear a smile;
No state's so healthy, And no folk quite so true,
To South Dakota. We welcome you.

Hail! South Dakota, The state we love the best,
Land of our fathers, Builders of the west;
Home of the Badlands, and Rushmore's ageless shrine,
Black Hills and prairies, Farmland and Sunshine.
Hills, farms and prairies, Blessed with bright Sunshine.



State Hall of Fame – The South Dakota Hall of Fame is a nonprofit, governmental organization, recognizing South Dakotans who have contributed to our State’s progress, forged our way of life and shaped our values. The Hall of Fame honors those who built our great state and those who continue to contribute to future developments. It is dedicated exclusively to the preservation and extension of our state’s heritage.

The Hall of Fame was established in 1974 and was originally located in Fort Pierre. The State Legislature officially recognized the South Dakota Hall of Fame in 1996. The doors opened at its permanent location in Chamberlain on June 3, 2000.

Each year the South Dakota Hall of Fame hosts an induction ceremony, during which 15 individuals may be inducted into one of the following Categories of Recognition:

- Agricultural Industry
- Arts and Humanities
- Athletics
- Business Trade
- Communications
- Education and Cultural Affairs
- Governmental Affairs
- Indian Heritage
- Historical
- Military Affairs
- Professional
- Professional Cowboy
- Religion
- Transportation
- Unsung Heroes and Good Hearts



2008 Hall of Fame Inductees