

Santee Sioux Nation



CONSTITUTION AND BYLAWS OF THE SANTEE SIOUX NATION

PREAMBLE

We, the Santee Sioux Nation, in order to organize for the common welfare for the Nation and its posterity and to insure domestic tranquility, to enjoy certain rights of self-government and self-determination, to conserve and develop our land and natural resources, to protect the nation's sovereignty, traditional values of respect, generosity, bravery, wisdom, that guide our nation, do ordain and establish this constitution for the general health, safety, welfare, and integrity of the nation according to the Act of Congress, dated June 18, 1934 (48 Stat. 984). *(As changed by amendment A, effective August 30, 2002).*

ARTICLE 1- TERRITORY

This constitution shall apply to the lands embraced in the Santee Reservation, the same as is described under the Executive order of August 31, 1869, and to any and all future additions of land acquired within or without said boundary lines by the Secretary of Interior for the nation, and, that such jurisdiction shall extend to lands held in trust by the United States for the Santee Sioux Nation or the members thereof.

(As changed by Amendment A, effective August 30, 2002)

ARTICLE II- MEMBERSHIP

The membership of the Santee Sioux Nation shall consist as follows:

- (a) All persons of Indian blood whose names appear or are entitled to appear on the official census roll of the Santee Sioux Tribe of Nebraska as of April 1, 1934, with the supplement thereto of January 1, 1935, provided that within one year from the adoption and approval of this constitution and bylaws, additions and eliminations may be made in said roll and supplement by the tribal council, subject to the approval of the Secretary of the Interior. Persons enumerated in the "McLaughlin roll" made under the Act of March 4, 1917 (39

Stat 1195), or their descendants, shall not be considered, by virtue of such enrollment, to have established membership in the Santee Sioux Nation under this section.

- (b) All children born prior to the effective date of this amendment to any member of the Santee Sioux Tribe of Nebraska who is a resident of the Santee Sioux Reservation at the time of the birth of said children. After the effective date of this amendment all children who are $\frac{1}{4}$ Sioux blood of the entire Sioux Nation, provided that said children are at least $\frac{1}{8}$ Santee Sioux Blood, may be admitted under ordinances of the Council.
- (c) Prior to the effective date of this amendment, all children of any member who is not a resident of the reservation at the time of birth of said children may be admitted to membership by the tribal council under ordinances made by the tribal council. After the effective date of this amendment, all children who are $\frac{1}{4}$ Sioux Blood of the entire Sioux Nation and provided said children are at least $\frac{1}{8}$ Santee Sioux Nation Blood may be admitted under ordinances of the council.

SECTION 2.

The administration of the foregoing powers, and of all bylaws and ordinances affecting membership, shall be vested in an enrollment committee. The act of such committee shall be subject to review by the Council.

Section 3.

Adoption-Request for adoption of an Indian who is a nonmember of the nation shall be made by written application to the enrollment committee who shall make recommendation to the Council. The decision of the Council shall be subject to popular vote at the next annual election.

SECTION 4.

Those individuals who received per cap payment, pursuant to the Mississippi Sioux Judgement funds, and from the Santee Sioux Tribe of Nebraska, as lineal descendants, are not eligible for enrollment under this constitution.

SECTION 5

Nothing contained in this article shall be construed to deprive any Santee Sioux Indian of any vested right.

SECTION 6.

Any member can relinquish membership by submitting a written, signed and notarized statement in accordance with ordinances adopted by the Council so long as such relinquishment is not effective until acceptance from another tribe or nation. Procedures for disenrollment's shall be adopted by the Council in accordance with applicable law.

(Article II changed in its entirety by Amendment B, effective August 30, 2002).

ARTICLE III- GOVERNING BODY

SECTION 1. The governing body under this constitution and bylaws shall be a tribal council hereinafter known as the Council, composed of eight members elected by the people as follows: (1) One Chairperson, (1) one Vice-Chairperson, (1) one Treasurer, (1) one Secretary and (4) four Councilpersons.

SECTION 2. The Chairperson, the Vice-Chairperson, Treasurer and the Secretary shall be elected at large by popular vote of the members. One councilperson shall be elected from each district of the reservation at large by popular vote of the members as follows:

1. Santee District, one (1) delegate
2. Hobu Creek District, one (1) delegate.
3. Howe Creek District, one (1) delegate.
4. Bazile Creek District, one (1) delegate.

(a) The first election of officers and councilpersons under this amended Constitution and by-laws shall be called, held and conducted within thirty days after the adoption and approval of the amended Constitution by a provisional election committee appointed by the present tribal council in power under such rules and regulations as they may prescribe.

SECTION 3.

- (a) Primary elections shall be held on the last Tuesday of September.
- (b) General elections shall be held on the first Tuesday after the first Monday in November.

SECTION 4. The officers and councilpersons provided for in Section 2 of Article III shall be elected for the following terms of office:

- (a) The Chairperson first elected shall serve a four (4) year term.
- (b) The Vice-Chairperson first elected shall serve a three (3) year term.
- (c) The Treasurer first elected shall serve a two (2) year term.
- (d) The Secretary first elected shall serve a one (1) year term.
- (e) The Councilpersons first elected shall serve one, two, three and four year terms according to the lowest vote getter to highest; and thereafter the term of office for all elected officials shall be four years.

Section 5. The Council shall adopt resolutions and ordinances regulating the procedures of the council itself and of other agencies and officials provided that salaries shall not be changed by the Council effective for their present terms.

Section 6. The Council shall establish the manner of control of elections by ordinances.

SECTION 7. The Council shall have authority to appoint subordinate officers, boards and committees.

(Article III changed in its entirety by Amendment C, effective August 30, 2002).

ARTICLE IV- POWERS OF SELF GOVERNMENT

Section 1. Enumerated powers- The Council shall exercise the following powers, subject to any limitations imposed by the Constitution and bylaws of the Santee Sioux Nation, hereinafter referred to as "nation" in this article, and subject to any limitations imposed by the Constitution or statutes of the United States,

- (a) To negotiate with the federal, state and local government on behalf of the nation and to advise and consult with the representatives of the Interior Department on all activities of

the Department that may affect the Santee Sioux Nation as long as such consultation is required by federal law.

- (b) To employ counsel for the protection and advancement of the rights of the nation and its members.
- (c) To approve or veto any sale, disposition, lease, or encumbrance of tribal land, interest in tribal land, or other tribal assets which may be authorized or executed by the Secretary of the Interior, the Commissioner of Indian Affairs, or any other qualified official or agency of government, provided that any land shall never be leased for a period exceeding ten years, sold, or encumbered, except for governmental purposes, which lease may be for 25 years.
- (d) To make assignments of land to members of the nation and to regulate the leasing of assignments in conformity with ARTICLE VIII of this constitution.
- (e) To manage all economic affairs and enterprises of the nation in accordance with the terms of the Corporate Charter.
- (f) To appropriate for public purposes of the nation available funds within the exclusive control of the Council and any other available funds.
- (g) To levy taxes and regulatory fees upon persons under the jurisdiction of the nation.
- (h) To purchase lands of members of the nation for public purposes, under condemnation proceedings in courts created by the Council at fair market value.
- (i) To safeguard, regulate and promote the peace, safety, morals and general welfare of the nation by regulating the conduct of trade and the use and disposition of property upon the reservation.
- (j) To regulate the inheritance of property, real and personal, within the territory of the Santee Sioux Reservation under ordinances adopted by the Council.
- (k) To charter subordinate organizations for economic purposes and to regulate the activities of cooperative associations of members of the nation under ordinances adopted by the Council.
- (l) To protect and preserve the property, wildlife, natural resources, and mineral rights of the nation and its members.
- (m) To select and remove delegates to sit on the national council of the entire Sioux Nation.
- (n) To delegate to district governments, subordinate boards, or nation officials, or to cooperative associations which are open to all members of the nation any of the foregoing powers, reserving the right to review any actions taken by virtue of such delegated powers prior to and after such actions are taken.
- (o) To exclude from the restricted lands of the reservation, persons not legally entitled to enter or reside therein.
- (p) To govern the conduct of persons under the territorial jurisdiction of the nation as defined in Article I of the Constitution in the exercise of treaty rights and immunities.
- (q) To regulate commerce within the jurisdictional boundaries of the nation or on any after acquired lands.
- (r) To provide for the appointment of guardians and foster homes for orphan, minor, and/or mentally incompetent members of the nation and to administer funds or property which may be transferred or entrusted to the council or a court established by the Council for these purposes.
- (s) To establish a police force and court system through ordinances for the administration of justice and the resolution of disputes within the jurisdiction of the nation. Such court shall be independent of the Council.

- (t) To establish a financial institution to promote the thrift and self-reliance of members and to support the maintenance of essential government services and economic and community development.

SECTION 2. Future Powers- The Council may exercise such further powers as may in the future be delegated to the nation by individual members of the nation, the Secretary of the Interior, or by any duly authorized official or agency of the state or federal government.

SECTION 3. Reserved Powers- Any rights and powers heretofore vested in the Santee Sioux Nation, but not expressly referred to in this constitution, shall not be abridged by this article, but may be exercised by the people of the Santee Sioux Nation, through the adoption of appropriate bylaws and constitutional amendments.

(Article IV changed in its entirety by Amendment D, effective August 26 2002)

ARTICLE V. REMOVAL

SECTION 1. The removal from office of a member of the tribal council shall be as follows: In the event of a complaint in writing specifying improper conduct or neglect of duty from twenty-five members of the tribe against a member of the tribal council, it shall be the duty of the tribal council, if such complaint is considered of sufficient merit, to appoint a committee of five members of the tribe, independent of its own membership and those making such complaints, to hold a public hearing and make written report to the tribal council of its findings, a copy of such report to be furnished to the accused. Upon receipt of such reports, the tribal council shall meet in executive session to consider such report and hear testimony of the accused. The tribal council shall exercise the right of removing such accused officer. If the tribal council shall expel a member, that member may seek reelection at the next annual election.

SECTION 2. Temporary vacancies, by reason of death, removal from office, forced absence, or resignation, in the tribal council shall be filled by said council until the next annual election where his successor shall be elected for the duration of the unexpired term.

ARTICLE VI- REFERENDUM

Section 1. Any exercise of any enumerated powers lodged in the tribal council shall be subject to a referendum vote of the people upon a written petition signed by not less than 25% of the total number of voters in the last annual election, provided that not less than 30 percent of the eligible voters voting shall vote in any such election.

ARTICLE VII- LAND

Section 1. Allotted lands, including heirship lands, within the Santee Sioux Reservation shall continue to be held as heretofore by their present owners. This constitution does not compel any owner of an allotment or inherited land to convey his land to the tribe and it is understood that the tribal council has no power to compel any owner of such land to convey his land to the tribe. But it is recognized that under existing law, such lands may be condemned for public purposes,

such as roads, public buildings, or other public improvements, upon payment of adequate compensation by any agency of the State of Nebraska or of the Federal Government or by the tribe itself. It is further recognized that under existing law, such lands may be inherited by the heirs of the present owners, whether or not they are members of the Santee Sioux Nation. Likewise, it is recognized that under existing law, the Secretary of Interior may, in his discretion, remove restrictions upon such land, upon application by the Indian owner, whereupon the land will become subject to State taxes and may then be mortgaged or sold. The right of the individual Indian to hold or to lose his land, as under existing law, shall not be abrogated by anything contained in this constitution, but the owner of restricted land may, with the approval of the Secretary of the Interior, voluntarily convey his land to the Santee Sioux Nation, either in exchange for money payment or in exchange for an assignment covering the same land or other land, as hereinafter provided.

SEC 2. Tribal lands of the Santee Sioux Nation and all lands which may hereafter be acquired by the Santee Sioux Nation or by the United States in trust for the Santee Sioux Nation shall be held as tribal lands, and no part of such lands shall be mortgaged or sold.

SEC 3. Tribal lands shall not be allotted to individual Indians, but such tribal lands as are not required for school, agency, or other administrative use, may be assigned by the tribal council to members of the Santee Sioux Nation, or may be leased or otherwise used by the tribe as hereinafter provided.

SEC 4. Tribal lands may be leased by the tribal council with the approval of the Secretary of the Interior in accordance with law. Preference shall be given, first, to Indian cooperative associations and secondly, to individual Indians who are members of the Santee Sioux Nation. No lease of tribal lands to a nonmember shall be made by the tribal council unless it shall appear that no Indian cooperative association or individual member of the nation is able and willing to use the land and to pay a reasonable fee for such use.

Sec. 5. In any assignment of tribal lands which are now owned by the nation, or which may hereafter be acquired for the nation by the United States or purchased by the nation out of tribal funds, or which may be designed for the use of the nation, preference shall be given first, to heads of families which have no allotted lands or interests in allotted lands, but shall have already received assignments consisting of less than an economic unit of agricultural land or other or interests in land of equal value, such economic unit to be determined by the tribal council in ordinances which shall be subject to review by the Secretary of the Interior or his designated representative. Assignments under this section shall be known as "standard assignments."

No allotted member of the nation who may hereafter have the restrictions upon his land removed and whose land may thereafter be alienated shall be entitled to receive an assignment of land as a landless Indian.

The tribal council may, if it sees fit, charge a fee of \$5.00 on approval of an assignment made under this section.

SEC. 6. Any person holding a standard assignment of land who shall for a period of two years fail to use the lands so assigned or shall use the land for any unlawful purpose, may have his assignment cancelled by the tribal council after due notice and opportunity to be heard. Such land may then be available for reassignment. Powers of ejectment, in case of refusal to vacate, shall be lodged with the superintendent of the jurisdiction and with the tribal council.

Upon the death of any Indian holding a standard assignment, his heirs or other individuals designated him by written request shall have preference in the reassignment of land, provided such persons are eligible to receive a standard assignment.

SEC. 7. Any member of the Santee Sioux Nation who owns an allotment of land or any share in heirship land or any deeded land, may with the approval of the Secretary of the Interior, voluntarily transfer his interest in such land to the nation and receive therefor an assignment in the same land or other land of equal value, or he may receive a proportionate share in a until of agricultural or other land.

Assignments made under this section shall be known as "Exchange assignments."

SEC. 8. Exchange assignments may be used or leased by the assignee to Indian cooperative associations, to individual members of the tribe, or, if no individual Indian or Indian cooperative association is able and willing to lease the land at a reasonable fee, such assignments may be leased to non-Indians in the same manner as allotted lands.

SEC. 9. Upon the death of the holder of an exchange assignment, such lands shall be reassigned by the tribal council to his heirs or devisees, subject to the following conditions:

- (a) Such lands may not be reassigned to any heir or devisee who is not a member of the Santee Sioux Nation, except that a life assignment may be the surviving spouse or child of the holder of such assignment.
- (b) Such lands may not be reassigned to any heir or devisee who already owns or holds more than an economic unit of land. Such economic unit of land shall be determined by the tribal council.
- (c) Such land may not be subdivided into units too small for practical use. The tribal council shall determine the practical subdivision of the land in each case. If the land cannot be properly subdivided, the tribal council may issue to such heir or devisee a proportionate share in other lands or other interests in land of equal value.
- (d) If there are no eligible heirs or devisees of the decedent, the land shall be eligible for reassignment the same as other tribal lands.

SEC 10. Improvements of any character made upon assigned land may be willed to inherited by members of the Santee Sioux Nation. When improvements are not possible of fair divisions, the tribal council shall dispose of them under such regulations as it may provide for the benefit of such heirs. No permanent improvements may be removed from any tribal or assigned land without the consent of the tribal council.

SEC. 11. No member of the Santee Sioux Nation may use or occupy tribal lands except under an assignment or lease.

SEC. 12. Unassigned land shall be managed by the tribal council for the benefit of the members of the entire nation in conformity with such rules and regulations as the Secretary of the Interior may prescribe under section 6 of the act of June 18, 1934 (48 Stat, 984).

SEC. 13. Available tribal funds may be used, with the consent of the Secretary of the Interior, to acquire land for the Santee Sioux Nation.

SEC. 14. Applications for the assignment of land shall be made in writing. Such applications shall be submitted to the tribal council at regular or special sessions. The application will be placed in the hands of a proper committee who will call the matter up for the action at the next regular meeting of the tribal council. Any member of the tribe may object in writing to a proposed assignment. In the event of objection, the chairman of the tribal council shall set a date for hearing, advising both the applicant and the objector.

After the tribal council has taken action on any assignment, any member of the nation who is concerned in such action and who is dissatisfied therewith, may appeal to a board of review composed of the superintendent of the jurisdiction, the farmer, the social worker, and a committee appointed by the tribal council. The action of the board of review, after consultation with the tribal council and all interested parties, shall be final.

The secretary of the council shall furnish the superintendent or other officer in charge of the agency a complete record of all action taken by the tribal council on applications for assignment of land, and a complete record of assignments shall be kept in the agency office and shall be open for inspection by members of the nation.

The tribal council shall draw up one or more forms for standard and exchange assignments, which shall be subject to the approval of the Secretary of the Interior.

ARTICLE VIII. AMENDMENTS

This constitution and bylaws may be amended by a majority vote of the qualified voters of the Santee Sioux Nation voting at an election called for that purpose by the Secretary of the Interior, provided that at least thirty (30) per cent of those entitled to vote shall vote in such election; but no amendment shall become effective until it shall have been approved by the Secretary of the Interior. It shall be the duty of the Secretary of the Interior to call an election on any purposed amendment, upon receipt of a written resolution of the tribal council signed by at least seven of the membership of the tribal council.

BYLAWS
OF THE
SANTEE SIOUX NATION

ARTICLE 1-OATH

SECTION I. All officers when elected shall be duly installed and subscribe to an oath of office to support the constitution of the United States and this constitution. Such officers may be sworn in by any officer qualified to administer an oath.

ARTICLE II – ADOPTION OF CONSTITUTION AND BYLAWS

This constitution and bylaws, when ratified by a majority of the qualified voters of the Santee Sioux Nation, voting at a special election called for the purpose by the Secretary of the Interior, provided that at least thirty (30) per cent of those entitled to vote shall vote in such election, shall be submitted to the Secretary of the Interior, and if approved, shall be effective from the date of approval.

CERTIFICATION OF ADOPTION

Pursuant to an order, approved January 15, 1936, by the Secretary of the Interior, the attached constitution and bylaws was submitted for ratification to the members of the Santee Sioux Tribe of the Santee Sioux Nation of the State of Nebraska and was August 30, 2002, duly ratified by a vote of 323 for, and 38 against, in an election in which over 30 percent of those entitled to vote cast their ballots, in accordance with section 16 of the Indian Reorganization Act of June 18, 1934 (48 Stat. 984), as amended by the act of June 15, 1935 (Pub., No. 147, 74th Cong.).

TEALA C. WALKER
Chairman of Election Board
ROGER TRUDELL
Member, Election Board
THELMA THOMAS
Member, Election Board

TEALA C. WALKER
Acting Superintendent in Charge of the Reservation.

APPROVAL

I, Gerry E. Foell, Acting Regional Director, of the Great Plains Regional Office, Bureau of Indian Affairs, by virtue of the authority granted to me by 3 IAM 4.4, hereby approve the attached Amendment I (proposed Amendment A on the August 21, 2002, ballot). Amendment II (proposed Amendment B on the August 21, 2002, ballot)., Amendment III (proposed Amendment C on the August 21, 2002, ballot) and Amendment IV (proposed Amendment D on the August 21, 2002) to the Constitution and Bylaws of the Santee Sioux Nation.

GERRY E. FOELL
Acting Regional Director

Date: 8/30/2002
Great Plains Regional Office
Aberdeen, South Dakota

