

NINETY-SEVENTH LEGISLATURE

FIRST SESSION

LEGISLATIVE RESOLUTION 17

Introduced by Chambers, 11

Committee: Judiciary

1 WHEREAS, pursuant to Public Law 280, the State of
2 Nebraska was granted criminal and civil jurisdiction over the
3 Santee Sioux Reservation in 1953; and

4 WHEREAS, Public Law 90-284 adopted as an Act of Congress
5 on April 11, 1968, contains a number of provisions dealing with
6 civil rights and jurisdiction of Indians; and

7 WHEREAS, Section 403(a) of Public Law 90-284 provides
8 that the United States is authorized to accept a retrocession of
9 all or any measure of the jurisdiction acquired by a state pursuant
10 to Public Law 280 of 1953; and

11 WHEREAS, the Santee Sioux Tribe has petitioned the State
12 of Nebraska to effectuate retrocession of criminal and civil
13 jurisdiction over the Santee Sioux Reservation to the United States
14 and has demonstrated the capability to assume its portion of
15 associated responsibilities; and

16 WHEREAS, the Bureau of Indian Affairs has confirmed that
17 it will detail law enforcement personnel to the Santee Sioux
18 Reservation immediately upon the effective date of retrocession;
19 and

20 WHEREAS, the Nebraska State Patrol, the Santee Sioux

1 Tribe, and the Bureau of Indian Affairs have agreed to enter into a
2 cross-deputization agreement to be effective on the effective date
3 of retrocession to fully empower (1) all officers of the Nebraska
4 State Patrol to enforce all federal and tribal laws within the
5 exterior boundaries of the Santee Sioux Reservation and (2) the
6 Bureau of Indian Affairs and tribal officers to enforce all state
7 laws within the Santee Sioux Reservation; and

8 WHEREAS, the Santee Sioux Tribe, acting through the
9 Tribal Council, adopted all Nebraska motor vehicle and related laws
10 as tribal law by a unanimous vote, Resolution number 2001-41A on
11 May 24, 2001, and the Legislature deems this adoption irrevocable.

12 NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE
13 NINETY-SEVENTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

14 1. That the Legislature retrocedes criminal and civil
15 jurisdiction over the Santee Sioux Reservation acquired by the
16 State of Nebraska pursuant to Public Law 280 of 1953, such
17 retrocession to be effective at 12:01 A.M., July 1, 2001.

18 2. That the State of Nebraska and its political
19 subdivisions shall take all necessary action to effectuate this
20 resolution, including cooperative agreements with the Santee Sioux
21 Tribe, the Bureau of Indian Affairs, or the Department of Interior
22 deemed by the affected parties to be necessary to enhance the
23 efficiency and effectiveness of criminal law enforcement on the
24 Santee Sioux Reservation.