



Lower Sioux Indian Community

P.O. Box 308 • RR#1 • Morton, MN 56270

CONSTITUTION OF THE LOWER SIOUX INDIAN COMMUNITY IN MINNESOTA

(As Amended Through January 1, 2001)

PREAMBLE

We, the Minnesota Mdewakanton Sioux residing on the Lower Sioux Reservation under the Pipestone jurisdiction in the State of Minnesota, in order to form a more perfect union, develop our natural resources, insure our domestic tranquility, promote the general welfare, to enjoy certain rights of home rule, to provide education in schools of higher learning including vocational, trade, high schools, and colleges for our people, and to secure the opportunities offered us under the Indian Reorganization Act, do hereby establish the following Constitution and Bylaws; and we solemnly affirm that it is our earnest intention faithfully to support, respect and promote the integrity of the Constitution of the United States and the Constitution of the State of Minnesota, together with all laws pertaining thereto which are the constituted authority of our commonwealth.

ARTICLE I--NAME

SECTION 1. The name of this organization shall be the "Lower Sioux Indian Community in the State of Minnesota."

ARTICLE II--TERRITORY

SECTION 1. The territory of the Lower Sioux Indian Community shall be all the land now held in trust by the United States for the Minnesota Mdewakanton Sioux Indians within the confines of the Lower Sioux Indian Reservation, and shall include such other lands as may in the future be acquired within or without said boundary lines by the Department of the Interior or by the Community for our use in the State of Minnesota.

ARTICLE III--MEMBERSHIP

SECTION 1. Membership in the Lower Sioux Indian Community in the State of Minnesota shall consist of the following:

(a) The bona fide Indian residents of the Lower Sioux Reservation whose names appear on, or are entitled to appear on the official census roll of the Minnesota Mdewakanton Sioux Indians as of April 1, 1934, with the official supplement thereto of January 1, 1935.

(b) The bona fide Indian residents of the Lower Sioux Reservation whose names appear on various other Sioux Indian rolls, provided that such persons transfer their enrollment to the Minnesota Sioux rolls, with the approval of the Secretary of the Interior.

(c) All children of any member who is a resident of the Lower Sioux Reservation at the time of the birth of said children.

SEC. 2. *Adoption*--All nonmembers seeking to become members of the Community must pay a fee of \$2, which fee must accompany the application to a Membership Committee whose decision shall be subject to the approval of the Community Council. Notice of such application for adoption must be publicly posted for a period of thirty (30) days. Any and all protests against the admission of such applicant or applicants shall be made in writing and filed with the Community Council before the expiration of the period of posting. The decision of the Community Council shall be subject to a popular vote at the next annual election.

SEC. 3. Any person who is a member of the Community, but has removed therefrom for a period of two (2) years, shall automatically forfeit all rights and privileges to the benefits of said community such as land assignments and sharing in community profits.

(a) Any member who does not have the rights and privileges of membership may acquire such rights and privileges by establishing residency in the Community for a period of five continuous years; provided that, if a member was a bona fide resident of the Community on the date this subsection (a) was approved by the required Community Vote, such member may acquire the rights and privileges of membership under such Community law as was in effect prior to the date of such vote.

SEC. 4. The Community Council may make ordinances governing the acquisition and loss of membership, subject to review by the Secretary of the Interior.

SEC. 5. The administration of the foregoing powers and of all bylaws and ordinances affecting community membership, shall be vested in a Membership Committee. The acts of such committee shall be subject to review by the Community Council.

SEC. 6. Nothing contained in this article shall be construed to deprive any Minnesota Mdewakanton Sioux Indian of any vested right.

ARTICLE IV--GOVERNING BODY

SECTION 1. The governing body of the Community organization shall be called "The Community Council of the Lower Sioux Indian Reservation", and shall be composed of five members who shall be duly elected by secret ballot by the qualified voters of the Community.

SEC. 2. The first election of councilmen under this Constitution and Bylaws shall be called and conducted by a provisional election committee appointed by the present community committee under such rules and regulations as the community committee may prescribe. At said first election, councilmen shall be elected for a term of two (2) years. Each elective officer shall have the right of reelection at the expiration of his term of office.

SEC. 2A. Beginning with the 1997 election of councilmen, the three candidates receiving the most votes shall be elected for a term of four years. The two candidates receiving the fourth and fifth most votes shall be elected for a term of two years. At the end of such two year terms, there shall be a new election for these two positions. The two candidates receiving the most votes in the new election for these two positions shall be elected for a term of four years. Thereafter there shall be an election every two years for the councilmen positions whose terms expire that year, and all councilmen shall be elected for four year terms. Each elected officer shall have the right of reelection at the expiration of his/her term of office. Every two years, after the election of new councilmen, the members of the Community Council shall meet and shall elect from their membership by secret ballot a President, a Vice President, a Secretary, a Treasurer, and an Assistant Treasurer, who shall hold office for a term of 2 years or until their successors are elected.

SEC. 3. The provisional election committee provided for in Section 2 of this article shall issue an election certificate to those members of the Community Council so elected. Said members of the Community Council receiving such certificates of election shall meet and organize for business and shall elect from their membership by secret ballot one President, a Vice President, a Secretary, a Treasurer, and an Assistant Secretary-Treasurer, who shall hold office for a term of 2 years or until their successor is elected. At the expiration of such term of office, election of officers shall be had for each succeeding term of 2 years.

SEC. 4. The Community Council shall have authority to appoint subordinate officers, boards, and committees.

SEC. 5. The Community Council shall at its first meeting after election choose and appoint from among the community members the following department chairmen:

(1) A Land Chairman: To him shall be referred all matters pertaining to the parceling, exchange, or distribution of all lands within the confines of the Lower Sioux Reservation. He shall handle all matters pertaining to said lands and their proper use in such manner as the Council prescribes and regulates. In all cases of assignment of acreage to anyone entitled to receive such, he shall make his recommendations and findings to the Council, and the Council shall take such action as they think proper.

(2) An Agricultural Chairman: He shall have charge and management of Community Farm Projects, the promotion of economical farm management, and shall cooperate in the adoption and promotion of any recommendations of Federal and State agricultural experts.

(3) A Forest and Conservation Chairman: He shall direct the management, protection, and cultivation of all wood lots and forest areas so that a sustained yield is insured, and shall have charge of and promote the conservation and protection of all wildlife and game within the confines of the reservation, in cooperation with constituted authorities.

(4) A Public Welfare Chairman: He shall have charge of all matters relative to the public welfare of the Community, such as public health, employment, safety, law and order, and other duties which the Council may prescribe.

ARTICLE V--POWERS

SECTION 1. *Enumerated Powers.*--The Community Council shall exercise the following powers, subject to any limitations imposed by the constitution or statutes of the United States, and subject further to all express restrictions upon such powers contained in this Constitution and Bylaws.

(a) To negotiate with the Federal, State, and local Governments on behalf of the Community, and to advise and consult with the representatives of the Interior Department on all activities of the Department that may affect the Lower Sioux Indian Community.

(b) To employ counsel for the protection and advancement of the rights of the Community and its members, the choice of counsel and the fixing of fees to be subject to the approval of the Secretary of the Interior.

(c) To approve or veto any sale, disposition, lease, or encumbrance of community lands, interests in lands, or other community assets.

(d) To advise the Secretary of the Interior with regard to all appropriation estimates or Federal projects for the benefit of the Community prior to the submission of such estimates to the Bureau of the Budget and to Congress.

(e) To make assignments of community land to members of the Community in conformity with Article IX of this Constitution.

(f) To manage all economic affairs and enterprises of the Community in accordance with the terms of a charter which may be issued to the Community by the Secretary of the Interior.

(g) To appropriate for public purposes of the Lower Sioux Indian Community available funds within the exclusive control of the Community and, subject to review by the Secretary of the Interior, any other available community funds.

(h) To levy assessments upon members of the Community for the use of Community property and privileges, and to permit the performance of reservation labor in lieu thereof, and to levy license fees, subject to review by the Secretary of the Interior, upon nonmembers doing business within the reservation: *Provided, however,* That any such assessment upon members of the Community shall have the approval of the Community, at a special election at which at least thirty (30) percent of those entitled to vote shall vote.

(i) To safeguard and promote the peace, safety, morals, and general welfare of the Community by regulating the conduct of trade and the use and disposition of property upon the reservation, provided that any ordinance directly affecting nonmembers of the Community shall be subject to review by the Secretary of the Interior, and provided further that nonrestricted property of members which was obtained outside of any help or assistance of the United States Government or the Community may be disposed of without restriction.

(j) To establish ordinances, subject to review by the Secretary of the Interior, providing for the maintenance of law and order upon the Reservation and for the establishment of courts to enforce such ordinances.

(k) To regulate the manner of making nominations for Community officers and of holding community elections.

(l) To adopt resolutions regulating the procedure of the Community Council itself and of other Community agencies and Community officials.

(m) To encourage and foster the arts, crafts, traditions, and culture of the Mdewakanton Sioux Indians of Minnesota.

(n) To charter subordinate organizations for economic purposes and to regulate the activities of all such organizations under ordinances which shall be subject to review by the Secretary of the Interior.

(o) To protect and preserve the property, wildlife and natural resources of the Community.

(p) To delegate to subordinate boards, or community officials, or to cooperative associations, which are open to all members of the Community, any of the foregoing powers, reserving the right to review any action taken by virtue of such delegated powers.

(q) To select delegates to sit in the annual conference of the Minnesota Mdewakanton Sioux Indians and in the National Council of the entire Sioux Nation.

SEC. 2. Any resolution or ordinance which, by terms of this Constitution, is subject to review by the Secretary of the Interior, shall be presented to the Superintendent of this jurisdiction, who shall, within 10 days thereafter, approve or disapprove the same, if the Superintendent shall approve any ordinance or resolution, it shall thereupon become effective, but the Superintendent shall transmit a copy of the same, bearing his endorsement, to the Secretary of the Interior, who may, within 90 days from the date of its enactment, rescind the said ordinance or resolution for any cause by notifying the Community Council of such decision.

If the Superintendent shall refuse to approve any resolution or ordinance submitted to him within 10 days of its enactment, he shall advise the Community Council of his reasons therefor. If these reasons appear to the Community Council insufficient, it may, by a majority vote, refer the ordinance or resolution to the Secretary of the Interior, who may, within 90 days from the date of its enactment, approve the same in writing, whereupon the said ordinance or resolution shall become effective.

SEC. 3. *Future Powers.*--The Community Council may exercise such further powers as may in the future be delegated to the Community by the Secretary of the Interior, or by any duly authorized official or agency of government or by any member of the community.

SEC. 4. *Reserved Powers.*--Any rights and powers heretofore vested in the Minnesota Mdewakanton Sioux Indians in respect to any interests or affairs of the Lower Sioux Reservation, but not expressly referred to in this Constitution, shall not be abridged by this article, but may be exercised by the people of the Lower Sioux Indian Community of Minnesota, through the adoption of appropriate Bylaws and Constitutional amendments.

ARTICLE VI--ELECTIONS

SECTION 1. Upon adoption and final approval of this Constitution, an election shall be held for the selection of members of the Community Council as provided in Article IV. Elections thereafter shall be held every 2 years, and not less than 30 days before the expiration of the term of office, of the members of the council.

SEC. 2. The Community Council shall by ordinance establish the date and manner of control of the elections.

SEC. 3. At a meeting of the Council previous to any election, the Council shall appoint two judges and two clerks of election from among the qualified voters who are not candidates for office. It shall be the duty of these officers of election properly to conduct the election. They will certify the result of said election to the Community Council, who in turn will formally notify the successful candidates of their election. They shall also formally notify the Superintendent of the Pipestone jurisdiction as to the result of said election.

SEC. 4. Any qualified voter who is in good standing shall be considered as an eligible candidate for office.

SEC. 5. In order to acquire the right of franchise, a voter must qualify by having reached the age of 18 years of age or older, on the day of the election and be a member of the Community.

ARTICLE VII--REMOVAL

SECTION 1. The removal from office of a member of the Community Council shall be as follows: In the event of a complaint in writing, charging improper conduct or neglect of duty, signed by 25 members of the Community, against a member of the Community Council, it shall be the duty of the Community Council, if such complaint is considered of sufficient merit, to appoint a committee of 5 members of the Community, independent of its own membership and those making the complaints, to hold a public hearing and make written report to the Community Council of its findings, a copy of such report to be furnished the accused. Upon receipt of such report, the Community Council shall meet in executive session to consider such report and hear testimony of the accused. If satisfied of the truth of the complaint, the Community Council may remove such accused officer.

SEC. 2. In the event of the death, removal from the Community, resignation, or conviction of a felony or misdemeanor involving dishonesty of any member of the Community Council, the remaining members shall declare that a vacancy exists and shall formally call a special election for the filling of such vacancy. At such election, any councilman removed by the Council may refer his case to the people by seeking reelection. However, if such vacancy occurs within 90 days before a general election, the Council may appoint some qualified member of the Community to complete the unexpired term.

ARTICLE VIII--REFERENDUM

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

ARTICLE IX--LAND

SECTION 1. *Land Assignments.*--The land within the territory of the Lower Sioux Indian Community which was purchased by the United States for the Mdewakanton Sioux residing in the State of Minnesota on May 20, 1886, and their descendants, may be assigned to any Minnesota Mdewakanton Sioux entitled thereto, and may not be assigned to any other person although such person is a member of this Community. However, land purchased by or for the Lower Sioux Indian Community may be assigned to any member of the Community.

SEC. 2. All applications for the assignment of land shall be made to the Community Council. In the case of an application for an assignment of the land, above referred to, bought for certain Mdewakanton Sioux of Minnesota, the Council shall recommend to the Superintendent of the jurisdiction what action shall be taken. If the Superintendent, after consultation with the Council and the interested parties, disagrees with the final recommendation of the Council, he shall refer the case to the Commissioner of Indian Affairs.

All assignments under this section shall be granted by or under the direction of the Secretary of the Interior, and evidenced by a Certificate of Assignment, which certificate shall be of the same force and effect as certificates of assignment issued previous to the organization of this Community. Such an assignment shall be known as a "Minnesota Mdewakanton Sioux Assignment."

SEC. 3. In the case of an application for an assignment of land which has been bought by or for this Community, the Council may approve or reject such application. The action of the Council shall be final and such action shall be reported to the Superintendent of the Pipestone jurisdiction within 10 days. An assignment under this section shall be known as a "Community Assignment."

SEC. 4. In any assignment of land, preference shall be given, first, to heads of families of Indian blood who are without land; and, secondly, to heads of families of Indian blood which shall have already received assignments consisting of less than an economic unit of agricultural land or other land of equal value, such economic unit to be determined by the Community Council in ordinances which shall be subject to review by the Secretary of the Interior or his designated representatives. If either the husband or wife is not of Indian blood, such person is not to be considered as the head of a family under this section.

The Community Council may, if it sees fit, charge a fee of \$5 on approval of an assignment made under section 3.

SEC. 5. No family shall at any time hold more than one assignment of land; *Provided, however,* That the Community Council may take into consideration the economic needs of a large and a small family, a family being defined as a husband and wife, living together as such, whether there be children or not. In the event of a legal divorce or separation and there be children, the parent who provides for and maintains a home for the children shall be considered as the head of the family.

SEC. 6. If the holder of any land assignment absents himself, with his family, from residence upon his assignment for a period of 2 years, such absence becomes evidence that he has relinquished his claim to such assignment. It shall then be the duty of the Community Council, provided reasonable notice has been given, to declare the assignment vacated and notify the Superintendent of the Pipestone jurisdiction.

Any holder of a land assignment, excepting the aged and disabled within the confines of the community area, shall personally cultivate and use said land to the best of his ability, and cooperate with Federal and State experts for the proper development of the land.

SEC. 7. The Community Council may make all further regulations, by ordinances, as shall be necessary governing the use, lease under exceptional conditions, and inheritance of assigned land; *Provided, however,* That such ordinances shall be subject to review by the Secretary of the Interior insofar as they may affect "Minnesota Mdewakanton Sioux Assignments."

SEC. 8. Any holder of a land assignment who willfully neglects to make proper use of his assignment according to the ordinances prescribed by the Community Council governing the use and cultivation of such land, shall have his assignment subject to cancellation. It shall be the duty of the Community Council to warn such a person of the possibility of the loss of his assignment. If the assignee continues to neglect to make proper use of his land, it shall be the duty of the Community Council to notify the Superintendent of the Pipestone jurisdiction, who shall then take such action as he may deem necessary looking toward the proper cultivation and improvement of the land.

SEC. 9. Any member of this Community who shall transfer any land of which he is the owner to the United States in trust for this Community shall be entitled to an assignment of the same land or of other available land of equal value.

SEC. 10. Improvements of any character made upon assigned land may be willed to and inherited by members of the Lower Sioux Indian Community, and if the improvements are made upon any "Minnesota Mdewakanton Sioux Assignments", they may also be willed to and inherited by any Minnesota Mdewakanton Sioux Indian entitled to such an assignment. When improvements are not possible of fair division, the Community 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 community or assigned land without the consent of the Community Council.

SEC. 11. No member of the Lower Sioux Indian Community may use or occupy community lands except under an assignment or lease.

SEC. 12. Unassigned land shall be managed by the Community Council for the benefit of the members of the entire Community, in accordance with the regulations prescribed by the Secretary of the Interior under section 6 of the Act of June 18, 1934 (48 Stat. 984).

SEC. 13. Community funds may be used, with the consent of the Secretary of the Interior, to acquire land for the Lower Sioux Indian Community.

ARTICLE X--GAME LAWS

SECTION 1. It is hereby understood that any and all treaties assuring the rights and privileges of people of Indian blood the right to hunt and fish are not affected by anything in this Constitution.

ARTICLE XI--COURT OF DOMESTIC RELATIONS

SECTION 1. The Community Council is hereby authorized to establish a Court of Domestic Relations for the proper handling of all misdemeanors and disputes, and for the maintenance of Law and Order within the limits and jurisdiction of the Community.

ARTICLE XII--MINERAL RIGHTS

SECTION 1. The Lower Sioux Indian Community shall have authority to protect and develop all mineral resources to which it now has, or hereafter shall have, title.

ARTICLE XIII--AMENDMENTS

This Constitution and Bylaws may be amended by a majority vote of the qualified voters of the Lower Sioux Indian Community voting at an election called for that purpose by the Secretary of the Interior, provided that at least 30 percent of those entitled to vote shall vote in such election; but no amendments 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 proposed amendment upon receipt of a written resolution of the Community Council signed by at least three members of the Council.

[Approved originally by voters of the Lower Sioux Reservation May 16, 1936, pursuant to a ratification vote authorized by the Secretary of the Interior by order dated April 23, 1936.]


[Approved originally by the Secretary of the Interior June 11, 1936.]

[Article VI-Elections, Section 5 of the original constitution was amended to change the voting age from 21 years to 18 years--the amendment being approved by the Secretary of the Interior June 28, 1977.]

[Article IV was amended by adding new Subsection 2A pursuant to a vote June 3, 1997, as authorized by the Secretary of the Interior. The Secretary of the Interior approved the amendment July 3, 1997.]

[Article III was amended by adding new Subsection 3(a) pursuant to a vote November 17, 1998, as authorized by the Secretary of the Interior. The Secretary of the Interior approved the amendment November 23, 1998.]

I CERTIFY THAT THE FOREGOING CONSTITUTION OF THE LOWER SIOUX INDIAN COMMUNITY IN MINNESOTA IS AN ACCURATE COPY OF SUCH CONSTITUTION AS DULY ADOPTED AND AMENDED THROUGH JANUARY 1, 2001.


Roger Prescott, President
Lower Sioux Community Council



Lower Sioux Indian Community

P.O. Box 308 • RR#1 • Morton, MN 56270

BYLAWS OF THE LOWER SIOUX INDIAN COMMUNITY IN MINNESOTA

(As Amended Through January 1, 2001)

ARTICLE I-DUTIES OF OFFICERS

SECTION 1. The President of the Community Council shall preside at all meetings of the Council. He shall at all times have general supervision of the affairs of the Community. It shall also be the duty of the President to countersign all checks against funds of the organization.

SEC. 2. The Vice President shall preside at all meetings of the Community Council in the absence of the President and shall act in his stead in all matters pertaining to the office of President.

SEC. 3. The Secretary shall keep an accurate record of all proceedings of the Community Council and furnish copies thereof to the Superintendent and the Commissioner of Indian Affairs. He shall attend to the keeping of the official records of the Community Council and shall be responsible for the prompt and efficient handling of all correspondence pertaining to the business of the Community Council and the Community. All official records of the Secretary shall be open to inspection to the members of the Community at all reasonable times.

SEC. 4. The Treasurer shall be the custodian of all funds in the possession of the Community from any source. At such time as the Community Council or the Secretary of the Interior shall deem necessary, he shall give a bond with a surety company of recognized standing in an amount to be determined by the Community Council, such surety and bond to be approved by the Commissioner of Indian Affairs. He shall keep an accurate record of all community funds and shall disburse the same in accordance with the vote of the Community Council. The books of the Treasurer containing the financial status of the Community shall be open to audit and examination by duly authorized officers of the Secretary of the Interior at all times, and shall be open to inspection by members of the Community Council and its officers.

SEC. 5. The Assistant Secretary-Treasurer shall act as assistant to the Secretary and Treasurer of the Community, and shall be empowered to transact business in their stead in case of their absence from the Community or their inability through sickness or otherwise to perform the duties of their office. He shall give bond upon the same conditions as the Treasurer.

ARTICLE II--OATH

SECTION 1. All officers when elected shall be duly installed and shall 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 III--SALARIES

SECTION 1. No salaries from Community funds shall be paid nor changed in amount unless approved by the members of the Community at a referendum.

SEC. 2. The members of the Community Council or their designated representatives shall be reimbursed from funds within the exclusive control of the Community for any legitimate or reasonable expenditure or expense incurred by them and paid for from personal funds, while acting for the Community in its management, when approved by the Community Council.

ARTICLE IV--MEETINGS

SECTION 1. Stated meetings of the Community Council shall be held the first Friday of January, April, July, and October. Called meetings shall be held at the discretion of the President or upon request of three members of the Community Council. Three days' written notice of called meetings shall be given to all Council members.

SEC. 2. Three members shall constitute a quorum.

SEC. 3. The Community Council shall prescribe such rules of order for its meetings as it desires.

SEC. 4. The Meetings of the Community Council shall be public to all members of the Community except all executive sessions.

ARTICLE V--COOPERATION

SECTION 1. The Community Council shall work in very close cooperation with the Indian Service and various departments of the United States Government and the State of Minnesota in matters of charity, education, recreation, social work, and public health.


ARTICLE VI--ADOPTION OF CONSTITUTION AND BYLAWS

SECTION 1. This Constitution and Bylaws, when ratified by a majority of the qualified voters of the Minnesota Mdewakanton Sioux residing on the Lower Sioux Indian Reservation, voting at a special election called for the purpose by the Secretary of the Interior, provided, that at least 30 percent 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.

[Approved originally by voters of the Lower Sioux Reservation May 16, 1936, pursuant to a ratification vote authorized by the Secretary of the Interior by order dated April 23, 1936.]

[Approved originally by the Secretary of the Interior June 11, 1936.]

I CERTIFY THAT THE FOREGOING BYLAWS OF THE LOWER SIOUX INDIAN COMMUNITY IN MINNESOTA IS AN ACCURATE COPY OF SUCH BYLAWS AS DULY ADOPTED AND AMENDED THROUGH JANUARY 1, 2001.


Roger Prescott, President
Lower Sioux Community Council