

2009

General Affairs Committee
and
Judiciary Committee

LR 199
Interim Study Report

**Interim study to examine the situation in Whiteclay, Nebraska,
regarding the sale of alcohol and its secondary effects**

Nebraska Legislature
One Hundred First Legislature
First Session

The General Affairs Committee, along with Senators Brad Ashford and Scott Lautenbaugh, introduced LR 199, May 18, 2009, to examine and review the situation in Whiteclay, Nebraska, regarding the sale of alcohol and its secondary effects. On Friday, September 25, 2009, the General Affairs and Judiciary Committees held their first interim study hearing on LR 199 at the State Capitol in Lincoln. The General Affairs and Judiciary Committees held their second hearing Friday, December 11, 2009, via videoconference between Lincoln and Chadron. The Committee members heard testimony from 17 people in Lincoln during the first hearing and 20 people in Chadron during the second hearing.

The situation in Whiteclay, Nebraska presents a complex problem that will likely require a multi-faceted approach to resolve. The following are the Committee members' recommendations (in no particular order):

1. Request a meeting to discuss the situation and consider solutions between Senators and the following groups:
 - a. Nebraska Governor and Nebraska Attorney General.
 - b. Tribal officials.
 - c. South Dakota officials.
 - d. Nebraska Federal Delegation to further discuss the situation and consider solutions.
2. Use state alcohol tax revenue from the sale of alcohol in Whiteclay (approximately \$122,500 last fiscal year) and/or general funds to help build and/or fund a detoxification center and/or homeless shelter.
3. Establish an agreement between Nebraska and the Tribal authorities to help eliminate the liability problems and pay the costs when the reservation ambulance goes into Whiteclay for an emergency.
4. Create buffer zone where liquor cannot be sold, thus closing all the beer outlets in Whiteclay.
5. Limit alcohol sales to one store.
6. Limit hours of sale of alcohol in Whiteclay.
7. Have a full-time law enforcement officer in Whiteclay (State Sheriff).
8. Create a safe house for children whose parents are drinking or using drugs.
9. Help create day labor programs, perhaps a recycling center, to provide jobs for street people in Whiteclay.
10. Work with South Dakota to reimburse households for alcohol-related accidents and deaths.
11. Providing and maintaining a public restroom.
12. Providing grants to non-profit organizations working to improve the situation in and around Whiteclay.
13. Dram Shop legislation
14. Encourage President Barack Obama to rescind President Theodore Roosevelt's January 25, 1904 executive order that would return 50 square miles back to the Pine Ridge Reservation.
15. Create a 5-mile alcohol-free buffer zone around the reservation.
16. Request that the BIA increase the Reservation's law enforcement presence.
17. Cross deputization between Nebraska State Patrol and tribal police - this was attempted, but the program was terminated.
18. Request a full report from the State Patrol of all previous investigations regarding the sale of alcohol in Whiteclay.

19. Request a meeting between Senators and the U.S. Attorney to look into alleged violations of liquor license holders.
20. Examine the potential for economic development in Whiteclay.
21. Fund a revitalization and beatification projects in Whiteclay.

ONE HUNDRED FIRST LEGISLATURE

FIRST SESSION

LEGISLATIVE RESOLUTION 199

Introduced by General Affairs Committee Karpisek, 32, Chairperson; Coash, 27; Cook, 13; Dierks, 40; Dubas, 34; Friend, 10; Price, 3; Rogert, 16; Ashford, 20; Lautenbaugh, 18.

PURPOSE: The purpose of this interim study is to examine and review the situation in Whiteclay, Nebraska, regarding the sale of alcohol and its secondary effects. The study shall also include recommendations for what, if anything, should be done to address the issues regarding alcohol sales in Whiteclay. The study may include, but is not limited to, the following:

(1) An examination of whether the Whiteclay alcohol licensees are violating the Nebraska Liquor Control Act;

(2) An examination of the socioeconomic impact of alcohol and related issues on the Whiteclay area;

(3) An examination of whether the Nebraska Liquor Control Act is effective in its current form or whether changes should be made to more effectively address the issues in Whiteclay;

(4) An examination of whether law enforcement efforts to enforce the Nebraska Liquor Control Act and other state and federal statutes are effective; and

(5) An examination of the relationship between local and state authorities, Pine Ridge Native American authorities, the State of South Dakota, and the federal Bureau of Indian Affairs.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED FIRST LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the General Affairs and Judiciary Committees of the Legislature shall be designated to conduct a joint interim study to carry out the purposes of this resolution.

2. That the committees shall upon the conclusion of their study make a report of their findings, together with their recommendations, to the Legislative Council or Legislature.