

Walker River Paiute Tribe

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Tribal Enrollment Ordinance Revisions

The Walker River Paiute Tribal Enrollment Committee has been making suggested revisions to update the Tribal Enrollment Ordinance

Please review these revisions and provide comments in writing by Wednesday, May 18, 2022. There is a 30-day timeframe in which to review such changes to this ordinance.

Comments should be submitted via of email to: dsavage@wrpt.org or mail to: Enrollment Office, P.O. Box 220, Schurz, NV 89427. Please add your name and contact information to your comments.

Only comments received by May 18, 2022, will be reviewed by the Enrollment Committee, and considered approval. Revisions will need to be approved via of a Tribal Resolution at a Tribal Council meeting.



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Title 13 Enrollment Procedures

Title 13 Approved by Walker River Tribal Council on

. 2021

Resolution No.: WR- -202

Effective:

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Post Office Box 225, Schurz, NV 89427 * Telephone: (775) 773-2232 • Fax: (775) 773-2333

WALKER RIVER PAIUTE TRIBE

LAW AND ORDER CODE

Title 13 – Enrollment Procedures

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(Adopted by WR-01-81)

13-10 DEFINITIONS OF TERMS AS USED IN THIS ORDINANCE Formatted: Line spacing: Multiple 1.08 li 13-10-010 Applicant - The person seeking to be enrolled. 13-10-020 Sponsor - The applicant's spouse, parent(s), legal guardian, next of kin or other person authorized to file enrollment documents on behalf of the applicant. Formatted: Indent: Hanging: 1", Line spacing: Multiple 1.08 li 13-10-030 Appellant - The person who is appealing the Walker River Paiute Tribal Council's Formatted: Line spacing: Multiple 1.08 li decision to reject said person's application for enrollment. Formatted: Indent: Hanging: 1", Line spacing: Multiple 13-10-040 Member - A member of the Walker River Paiute Tribe. Formatted: Line spacing: Multiple 1.08 li 13-10-050 <u>Tribe</u> – The Walker River Paiute Tribe. 13-10-060 Secretary - The Secretary of the Interior. 13-10-070 Commissioner The Commissioner of Indian Affairs. 13-10-080 Census Roll - The January 1, 1935 Census Roll of the Walker River Paiute Tribe. 13-10-090 Superintendent - The Superintendent of the Western Nevada Agency. 13-10-100 Allotment Roll - The allottees of the Walker River Paiute Tribe who received allotments on the Walker River Reservation from 1906 through 1926. Formatted: Indent: Hanging: 1", Line spacing: Multiple 1.08 li 13-10-110 Enrollment Committee - A committee established by the Walker River Paiute Tribal Formatted: Line spacing: Multiple 1.08 li Council with the authority to recommend to the Council whether enrollment Formatted: Indent: Hanging: 1", Line spacing: Multiple 1.08 li applications or adoption petitions should be approved or rejected to initiate disenrollment procedures. 13-10-120 Court - The Tribal Court or Court of Indian Offenses having the jurisdiction over the Formatted: Line spacing: Multiple 1.08 li Walker River Paiute Tribe. Formatted: Indent: Hanging: 1", Line spacing: Multiple LAW AND ORDER CODE Formatted: Line spacing: Multiple 1.08 li

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13-10-130 <u>Relinquishment</u> – The voluntary withdrawal from membership in the Walker River					
Paiute Tribe.	Formatted: Indent: Hanging: 1", Line spacing: Multiple				
13-10-140 <u>Disenrollment</u> – An affirmative action by the Tribe to deprive a member of the	1.08 li Formatted: Line spacing: Multiple 1.08 li				
rights to Tribal membership.	Formatted: Indent: Hanging: 1", Line spacing: Multiple				
13-10-150 Adoption – Granting tribal Tribal membership to a person who does not meet the	1.08 li Formatted: Line spacing: Multiple 1.08 li				
automatic eligibility requirements for enrollment.	Formatted: Indent: Hanging: 1", Line spacing: Multiple				
13-10-160 Adopted Child – One whose natural parent's parental rights have been terminated	1.08 li Formatted: Line spacing: Multiple 1.08 li				
by a court order and given to another.	Formatted: Indent: Hanging: 1", Line spacing: Multiple				
13-10-170 Natural parent – Biological parent, not an adoptive parent.	1.08 li				
13-20 APPLICATION FOR ENROLLMENT	Formatted: Line spacing: Multiple 1.08 li				
13-20-010 Written Application for Enrollment Must Be Filed with the Enrollment Committee	Castaland Space Space Space 1.00 H				
for Appropriate Action – A separate written application for enrollment on an application	Formatted: Indent: Hanging: 1", Line spacing: Multiple				
for form approved by the Walker River Paiute Tribal Council must be filed with the					
Enrollment Committee by or on behalf of each person applying for enrollment as a					
member of the Walker River Paiute Tribe.					
13-20-020 Written Application Sponsoring an Application for Enrollment on Behalf of Another	Formatted: Line spacing: Multiple 1.08 li				
Person – If the person sought to be enrolled is a minor or other person in need of	Formatted: Indent: Hanging: 1", Line spacing: Multiple				
assistance: who is a member of the Armed Services, or other services of the United States	1.08 li				
Government, or a member of their immediate family who are stationed outside of					
the continental United States, an application for enrollment may be completed and					
filed by the sponsor of said person.					
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13-20-030 Enrollment Applications to Be Numbered in Sequential Order and Date – The					
Envellment Committee shell arrive as it different to the state of the					
and of the date	Formatted: Indent: Hanging: 1", Line spacing: Multiple 1.08 li				

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of each enrollment application received.

Proof of Paternity/Maternity - Proof of paternity/maternity for the parent who membership is based upon shall be provided for applicants born out of wedlock. The four legally acceptable documents of proof of fatherhood/motherhood are:

- 1. A notarized statement acknowledging paternity/maternity signed by the birth father and/or birth mother who membership is based upon.
- 2. The results of any test for taking of specimens for genetic identification (DNA) that is of a type acknowledged as reliable by an organization approved by the U.S. Department of Health and Human Services and performed by a laboratory that is accredited by such an organization. The costs for obtaining such tests shall be the sole responsibility of the applicant/sponsor. The Tribal Council shall consider whether the test results sufficiently prove paternity/maternity.
- 13-20-050

 Birth Certificate and Social Security Card- All applicants are required to submit an original state certified birth certificate and a copy of the Social Security Card along with their application for membership. These documents will be retained in the applicant's file.
- 13-20-060 Name Change If an applicant's name has been changed since the date of birth, he/she must submit a Certified Marriage Certificate, a Certified Decree of Divorce, or other Certified Court document confirming a name change.

13-30 ENROLLMENT STANDARDS

13-30-010 Persons Considered for Enrollment – In accordance with the Constitution and By-

Laws of the Walker River Paiute Tribe, Article II – Membership, persons <u>meeting the following</u> <u>criteria in the</u>

following section shall be considered for enrollment provided they file a

written application at the time and place announced by the Walker River Paiute

Tribal Council following the procedures stated herein.

(a) All persons of Indian Blood who received allotments on the Walker River Indian

—Reservation from 1906 through 1926. All persons of Indian blood whose names

----appear on the January 1, 1935 Official Census Roll of the Walker River Paiute

—Tribe: Provided, that corrections may be made at any time to said roll by the

(a) Tribal Council, subject to the approval of the Secretary of the Interior.

(b) All persons, one of whose natural parents is a member or is eligible to be a

(b) member of the Walker River Paiute Tribe;

(e)-Any person of one-half (1/2) or more Indian blood, married to a member of the

--- Walker River Paiute Tribe, may be adopted as a member of the Walker River

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-Paiute Tribe upon approval of his membership application by a majority vote in —a Walker River Tribal election in which at least thirty percent (30%) of those

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(c) eligible to vote cast a ballot;

(d)-Any person of one-half (1/2) or more Indian blood legally adopted by a member

-of the Walker River Paiute Tribe may be adopted as a member of the Walker —River Paiute Tribe upon approval of his membership application by a majority -vote in a Walker River Tribal Election in which at least thirty percent (30%) of

(d) those eligible to vote cast a ballot;

13-30-020 Persons Not Considered for Enrollment - In accordance with the Constitution and Bylaws of the Walker River Paiute Tribe, Article II - Membership, persons in the following sections described below shall not be considered for membership in the Walker River Paiute Tribe:

(a) Persons who are enrolled members of any other Federally recognized Indian

(a) Tribe shall not be eligible for membership in the Walker River Paiute Tribe;

(b)—No person shall be eligible for membership in the Walker River Paiute Tribe if such person has been allotted land, or possesses an assignment of land, on any other Indian Reservation or Colony, except that purchased allotments or land of any type which is acquired by inheritance shall not disqualify a person for (b) membership.

(c)—No person shall be eligible for Membership in the Walker River Paiute Tribe if -such person has relinquished membership in the Walker River Paiute Tribe,

-unless such person was a minor at the time of relinquishment, in which case, at LAW AND ORDER CODE

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(c) the age of 18 or thereafter, such person may then be eligible to apply for membership.

13-40 PROCESSING ENROLLMENT APPLICATIONS

The Enrollment Committee Shall Review All Applications and Make 13-40-010

Recommendations to the Walker River Paiute Tribal Council - The Enrollment

Committee shall review all applications for enrollment and shall consider the

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information provided in such applications together with all other information concerning the applicant's eligibility for membership, and make it²s recommendations to the Walker River Paiute Tribal Council as to whether the application should be approved or rejected.

The Enrollment Committee shall review all applications previously submitted and $\frac{1}{1}$

are on file as certified tribal members to ensure all required documents are included for tribal Tribal membership, and shall consider all information concerning eligibility for

membership, and make its recommendation to the Walker River Paiute Tribal Council as whether the applications should be approved.

The form for such written recommendation shall be approved by the Walker River Paiute Tribal Council.

Where the Committee requires additional information, it may request such information from the person filing the application and may request such person to appear before the Committee for a personal informal interview.

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13-40-020 <u>Notice of Hearing to Be Given When Application Is Being Recommended or Considered for Rejection</u> –

(a) Written notice required: Wwhenever the Enrollment Committee recommends

- -rejection or the Walker River Paiute Tribal Council considers that an application
- —for enrollment should be rejected, written notice that a hearing will be held
- ----concerning such application, in the manner hereinafter provided, before a final
- —determination of the applicant's eligibility for enrollment is made by the Walker
- (a) River Paiute Tribal Council.
- (b) Content of the Notice: Tthe written notice required to be given under this section
- (b) by the Walker River Paiute Tribal Council shall:
 - (1) Indicate the <u>*Tribal</u> membership requirement(s) which the applicant failed to

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	- The observation of the observa		Formatted[2]
	—addressee more than twenty (20) days prior to the time fixed for the LAW AND ORDER CODE Title 13—ENROLLMENT PROCEDURES		spacing: single, Numbered + Level: 1 + Numbering Style: a, b, c, + Start at: 1 + Alignment: Left + Aligned at: 1.5" + Indent at: 1.75" Formatted [1]
	(a) concerning the applicant's eligibility for enrollment; (b) Such notice was sent by CERTIFIED MAIL, as provided in subsection C-Section 13-40-030(b) —above, it shall be presumed that such notice was received by the		Formatted: List Paragraph, Indent: Left: 1", Line spacing: single, Numbered + Level: 1 + Numbering Style: a, b, c, + Start at: 1 + Alignment: Left + Aligned at: 1.5" + Indent at: 1.75" Formatted: List Paragraph, Centered, Indent: Left: 1", Line
	 United States Post Office more than thirty (30) day prior to the time fixed for the Walker River Paiute Tribal Council to hold it hearing 	1	at: 1.75" Formatted: Indent: Left: 1", Line spacing: Multiple 1.08 li
20 10 010	(a)—It appears that the notice required under this section was deposited in a	11	Formatted: List Paragraph, Indent: Left: 1", Line spacing: single, Numbered + Level: 1 + Numbering Style: a, b, c, + Start at: 1 + Alignment: Left + Aligned at: 1.5" + Indent
13-40-040	Presumption of Notice – Presumption that the written notice was received when:	11	Formatted: Indent: Left: 1", Line spacing: Multiple 1.08 li
	or at such different address as the person may subsequently provide to (b) the Enrollment Committee.	1	Formatted: Line spacing: Multiple 1.08 li
	—to the person or sponsor filing the application for enrollment at the —address provided by such person in the application for enrollment form,		Formatted: List Paragraph, Indent: Left: 1", Line spacing: single, Numbered + Level: 1 + Numbering Style: a, b, c, + Start at: 1 + Alignment: Left + Aligned at: 1.5" + Indent at: 1.75"
	(b) Delivery to the United States Post Office by CERTIFIED MAIL with postage thereon fully prepaid and return receipt requested, addressed	1	Formatted: Indent: Left: 1.25", First line: 0.25", Line spacing: Multiple 1.08 li
	(a) Delivery to person or sponsor filing the application or;	4	Formatted: Line spacing: Multiple 1.08 li
enrollment. S	Service of Notice means:		Formatted: Indent: Left: 0", First line: 0", Line spacing: Multiple 1.08 li
	g to make its final determination of the applicant's eligibility for	1	Formatted: Line spacing: Multiple 1.08 li
	lays prior to the time fixed for the Walker River Paiute Tribal Council to	4	Formatted: List Paragraph, Line spacing: single, Numbered + Level: 1 + Numbering Style: 1, 2, 3, + Start at: 1 + Alignment: Left + Aligned at: 1.25" + Indent at: 1.5"
13-40-030 <u>least</u>	<u>Manner of Giving Notice</u> – The Notice required under this section shall be served <u>at</u>	4//	Formatted: List Paragraph, Left, Numbered + Level: 1 + Numbering Style: 1, 2, 3, + Start at: 1 + Alignment: Left + Aligned at: 1.25" + Indent at: 1.5"
	(3) be approved by the Walker River Tribal Council.	1/1	Formatted: List Paragraph, Numbered + Level: 1 + Numbering Style: 1, 2, 3, + Start at: 1 + Alignment: Left + Aligned at: 1.25" + Indent at: 1.5"
	—eligibility for enrollment. The content and form of such written notice shall LAW AND ORDER CODE Title 13 ENROLLMENT PROCEDURES	*	Formatted: List Paragraph, Centered, Line spacing: single, Numbered + Level: 1 + Numbering Style: 1, 2, 3, + Start at: 1 + Alignment: Left + Aligned at: 1.25" + Indent at: 1.5"
	—hearing to show why the application for enrollment should not be rejected —and to present additional evidence, <u>inif</u> any, concerning the applicant's		Formatted: List Paragraph, Line spacing: single, Numbered + Level: 1 + Numbering Style: 1, 2, 3, + Start at: 1 + Alignment: Left + Aligned at: 1.25" + Indent at: 1.5"
	—the Walker River Paiute Tribal Council at the time and place fixed for such	4	Formatted: Line spacing: Multiple 1.08 li
	—hearing to make its final determination of the applicants' eligibility for (2) enrollment. (3) Indicate that the person or sponsor filing the application may appear before	4	Formatted: List Paragraph, Line spacing: single, Numbered + Level: 1 + Numbering Style: 1, 2, 3, + Start at: 1 + Alignment: Left + Aligned at: 1.25" + Indent at: 1.5"
	hold a	***	at: 1 + Alignment: Left + Aligned at: 1.25" + Indent at: 1.5" Formatted: Line spacing: Multiple 1.08 li
	(1) establish or other reasons why the application is being rejected. (2) Fix a State the time and place for the Walker River Paiute Tribal Council to	*	Formatted: List Paragraph, Line spacing: single, Numbered + Level: 1 + Numbering Style: 1, 2, 3, + Start

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(b) hearing by the Walker River Paiute Tribal Council.

13-50 DETERMINATION OF ELIGIBILITY

13-50-010 Review by Tribal Council - The Walker River Paiute Tribal Council shall review each application for enrollment, together with the recommendation of the Enrollment Committee and determine whether the applicant is eligible to be enrolled as a member of the $\underline{\mathsf{T}}$ tribe. The person or sponsor filing an application has the burden of proof asto establishing to the satisfaction of the Walker River Paiute Tribal Council that the applicant meets all the requirements for tribal Tribal membership. The Walker River Paiute Tribal Council shall consider all relevant evidence regarding the applicant's eligibility for enrollment, but the relevancy, weight and sufficiency of such evidence shall be determined by the Walker River Paiute Tribal Council. Notice of Rejection Hearing - Before making a determination that an application for 13-50-020

enrollment should be rejected, the Walker River Paiute Tribal Council shall hold a hearing concerning the applicant's eligibility for enrollment, and the person or sponsor filling the application shall be given written notice of the hearing, in accordance with the provisions of sSection 13-50-03040-020, of this oOrdinance. The manner of holding such hearing or any other matters pertaining to enrollment procedures shall be determined by the Walker River Paiute Tribal Council.

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13-50-030 Notice in Writing - The determination as to whether an application for enrollment is approved or rejected by the Walker River Paiute Tribal Council, shall be reduced to writing and signed by the Chairman of the Walker River Paiute Tribe. Such determination shall also set forth findings of fact indicating whether the Enrollment

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Committee recommended that the application be approved or rejected, the membership requirements which the Walker River Paiute Tribal Council found to be established and those found not to be established. If the application is rejected, the Walker River Paiute Tribal Council shall also make special findings of fact concerning the written notice of hearing which was given to the person or sponsor filing the application and whether such person was present at such hearing. 13-50-040 Serving Notice to Applicant - Every person or sponsor filing an application for enrollment shall be served with written notice of acceptance or rejection by the Walker River Paiute Tribal Council, attached with a copy of the determination of the

> (a) Content of notice of rejection – If the Walker River Paiute Tribal Council -rejected the application for enrollment, the written notice shall provide that the rejection of the application for enrollment:

(1)-May be appealed to the Court, in accordance with the appeal

(1) procedures established by this Ordinance and,

(2) The notice shall indicate the time within which an appeal may be

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(2) commenced and the procedure for commencing such appeal. (b) Content of notice of approval – If the Walker River Paiute Tribal Council -approved the application for enrollment, the written notice shall state that the application was approved and the *Tribal resolution number and the date of its enactment whereby the approval of such application was commemorated.

(c) Manner of giving notice – The notice required to be given under this -section shall be given promptly after the Walker River Paiute Tribal Council makes its determination as to whether the application for enrollment is approved or rejected and shall be sent by CERTIFIED MAIL, with postage thereon fully prepaid, with a return receipt requested, to the address provided by such person or sponsor filing the application or at such different address as may be provided to the Walker River Paiute Tribal Council in writing.

13-60 APPEALS

applicant's eligibility or in-eligibility.

13-60-010 Right of Appeal - Any such person or sponsor filing an application for enrollment

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which has been rejected by the Walker River Paiute Tribal Council may appeal such rejection to the Court in the manner herein provided

13-60-020 Commencing an Appeal - To commence an appeal, such person or sponsor must clearly express an intent to appeal such rejection to the Court in a written form, a

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copy of which must be served on the Walker River Paiute Tribal Council before the close of business on the 30th day after the notice of rejection is received by the person filing the application for enrollment; unless such notice of rejection is delivered to an address outside of the continental United States, in which case there shall be sixty (60) days in which to file such an appeal.

13-60-030 Appellate Review - Upon an appeal being commenced, the Walker River Paiute val Council shall transmit copies of all documents pertaining to the application for enrollment, together with all documentary evidence presented concerning the applicant's eligibility to the Court. The burden of proof of establishing eligibility is on the applicant.

> The appeal should include any and all supporting evidence not previously furnished and may include a copy of or reference to any Tribal or Bureau records having a direct bearing on the appellant's eligibility. Appellant may furnish affidavits from person(s) having personal knowledge of the facts at issue. An appellant may request additional time to submit supporting evidence. A period considered reasonable for such submission may be granted by the Court. If the appellant does not wish to make a personal appearance at the hearing, he/she may send a representative in his/her place.

13-60-040 Hearing By The Court - The Court will consider the record as presented, together 1 such additional information that may be considered pertinent. It will allow oral

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presentations to be made. Any such additional information shall be specifically identified in the decision.

13-60-050 Decision of the Court — The determination as to whether an application for enrollment is approved or rejected by the Court shall be in written form and signed by the Judge. Such determination shall also set forth finding of fact, stating whether the Enrollment Committee recommended that the application be approved or rejected, that the Walker River Paiute Tribal Council rejected the application, the membership requirements which the Court found to be established and those found not the be established. The Court shall also make special findings of fact concerning the written notice of the Court Hearing which was given to the person or sponsor filing the appeal and whether such person or sponsor was present at the Court hearing.

13-60-060 Notice of Court Decision – Every person or sponsor filing an appeal to the Court shall be served with written notice of the Court's decision, accompanied with a Court copy of the decision. The Walker River Paiute Tribal Council shall also be served with copies of the Court's decision.

13-60-080 <u>Content of Notice of Approval</u> – If the Court approved the application for enrollment, the written Notice shall state that the application was approved.

13-60-090 <u>Manner of Giving Notice</u> – The notice required to be given under this <u>S</u>section shall be served promptly by the Court after it makes its determination as to whether the application for enrollment is approved or rejected; and shall send by certified mail,

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with postage thereon fully prepaid, with a return receipt requested, to the person or sponsor filing the appeal, to the address provided by such person or sponsor, or at such different

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address as may have been provided to the Court in writing and a copy of the Court²/₂s decision <u>shall</u> be sent to the Walker River Paiute Tribal Council.

13-060-100 FINAL APPEALS Final Appeals -

ie Tribal Court rejected the appeal, the written notice to the applicant shall

provide that the Court's decision to uphold the Walker River Paiute Tribal Council's decision to reject the application for enrollment may be appealed to thean Appellate

Court established by the Western Nevada Agency, Bureau of Indian Affairsutilized by the Tribal Court.

(a)-Appellate Review: The Walker River Tribal Court and applicant shall

- (a) comply with the provision of 13-60-040 court of appeals shall follow its regular appeal procedures for appeals addressing enrollment.
- (b) Hearing by the Court: The Appellate Court shall comply with hearing procedures pursuant to Sec. 13-60-040.

(e) (eb) Notice of Appellate Court decision: If the Appellate Court rejects the —appeal, the written notice shall provide that the Court's decision to uphold the Walker River Tribal Court's decision to reject the application for enrollment is final. If the Appellate Court approved the application for enrollment, the written notice shall state that the application was approved.

13-70 MISCELLANEOUS

13-70-010 <u>Tribal Membership Roll</u> – The Tribal <u>M</u>membership Roll shall contain the names of all

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enrolled members of the Walker River Paiute Tribe. For each such member, the roll shall indicate to the maximum extent possible, the person's:

- (a) Tribal Enrollment
- (b) Sex
- (c) Date of Birth
- (d) Degree of Indian Blood
- (e) Date of Enrollment
- (f) Name and Base Roll Number of Parents

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(g) Any notations made upon such roll shall indicate by whom such notations were made, the date and the authority for making such notations.

13-70-020 <u>Upkeep of Roll</u> – The Walker River Paiute Tribal Council shall cause the tribalTribal membership roll to be kept current and shall annually review the roll for such purposes. The names of all persons who are deceased and all persons who have relinquished their membership in the Walker River Paiute Tribe in whiting writing shall be noted in the roll. The names of all persons whose applications for enrollment have been approved by the Walker River Paiute Tribal Council or the Court shall be promptly added to ehthe membership roll.

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(a) Death. Any person with a copy of a Tribal member's death certificate should submit the certificate to the Enrollment Department to ensure the Tribal membership roll is maintained accurately.

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(b) Name Change. At any time a Tribal member's name is changed, the Tribal member is responsible for notifying the Enrollment Department of the name change and shall submit proper documentation of the name change, such as a Certified Marriage Certificate, a Certified Decree of Divorce, or other Certified Court document confirming a name change,

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13-70-030 Notice of Decisions to Superintendent – The www alker River Paiute Tribal Council shall furnish the Superintendent of the Western Nevada Indian Agency with a list of applications, names and their application numbers indicating those applications which were approved and those that were rejected. A separate statement shall accompany such listing stating the reason(s) for the rejection of each rejected

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application. 13-70-040

Repeal of Prior Ordinances and Resolutions – Any membership or enrollment ordinance or

resolution now in effect <u>is hereby replaced and superseded by this Ordinance.</u> herewith shall be repealed to the extent of absolving said

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membership ordinances and resolutions.

13-70-050 <u>Automatic Membership</u> – All persons of Indian blood whose names are listed in accordance with Article II –Membership, Section <u>A1(a)</u>, of the Constitution and Bylaws of the Walker River Paiute Tribe, are presently enrolled as members of the Walker

_River Paiute Tribe, are presently enrolled members of the Walker River Paiute Tribe. All persons of Indian blood whose names appear on the approved Base Roll of the Walker River Paiute Tribe as specified in Article II – Membership, Section A1(a) of the Constitution and Bylaws of the Walker River Paiute Tribe, shall constitute the Base membership of the Walker River Paiute Tribe and are considered members of the

Tribe. To keep all records current, information may be requested to update data on the base enrollees.

13-80 DISENROLLMENT PROCEDURES

13-80-010 <u>Persons who Shall Be Considered for Disenrollment</u> – Any member of the Walker River Paiute Tribe who:

(a) is an enrolled member of any other federally recognized tribe; and/or
 (b) has been allotted land, or possesses an assignment of land on any other
 — Indian Reservation or Colony, except if the land was purchased or

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(e) has been found not to be within the requirements for eligibility for

-membership in the Walker River Paiute Tribe, shall be considered for

—disenrollment from the Walker River Paiute Tribe. When the Tribal

—Council becomes informed that a person may be considered for

—disenrollment, the Tribal Council shall give notice to the member that

(c) procedures will be taken to disenroll such member.

13-80-020 Notice of Hearing -

en a member is being considered for disenrollment by the Walker River Paiute

Tribal Council, a written notice shall be served on the member.

(a) Written notice of a hearing is required whenever the Tribal Council considers the disenrollment of an enrolled member of the Walker River

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(a) Paiute Tribe, in the manner provided hereinafter, before final determination is made by the Walker River Paiute Tribal Council on the disenrollment.

(b) Content of Notice

The written notice required to be given under this section by the Walker River Paiute Tribal Council shall:

- Indicate the reason the enrolled member is being considered for disenrollment.
- (2) Fix a time and place for the <u>walkerWalker</u> River Tribal Council to hold a hearing to make its final determination on the action to disenroll the member.

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- (3) Indicate that the member or legal guardian may appear before the Tribal Council at the time and place fixed for such hearing to show why the member should not be disenrolled. The member, at their own expense, shall be given the opportunity to provide
- (3) evidence and offer testimony as to why they should not be disenrolled. The form and content of such notice shall be approved by the Tribal Council.

13-80-030 <u>Manner of Giving Notice -</u> The notice required under this <u>S</u>section shall be served thirty (30) days prior to the time fixed for the Walker River Paiute Tribal Council to hold a hearing to make its final determination on the disenrollment.

Service of notice means:

Delivery to the United States Post Office by <u>Certified Mail – Restricted Delivery</u> with postage thereon fully prepaid and return receipt requested, addressed to the member's last known address.

13-80-040 <u>Presumption of Notice</u> – <u>The Court shall presume</u> <u>Presumption that</u> the written notice was received when:

Such notice was sent by <u>CERTIFIED MAIL</u>. It shall be presumed that such notice was received by the addressee more than thirty (30) days prior to the time fixed for the hearing by the Walker River Paiute Tribal Council.

13-80-050 <u>Procedures After Disenrollment</u> – After the Walker River Paiute Tribal Council has

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disenrolled a member of the Walker River Paiute Tribe, a notice will be sent to the <u>former</u> member by CERTIFIED MAIL, return receipt requested, notifying the <u>former</u> member of the action.

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13-80-060 <u>Appeal After Disenrollment</u> – After the **ww**alker River Paiute Tribal Council has disenrolled a member of the Walker River Paiute Tribe, a written notice shall be provided to the <u>former</u> member informing him/her that the decision of the Tribal Council may be appealed by the following <u>process</u>:

(a) (a) File a formal document with the Tribal Court clearly expressing an intent

to appeal such disenrollment action, a copy of which must be served on the Walker River Paiute Tribal Council before the close of business on the 30th day after the notice of disenrollment is received by the disenrolled person, unless such notice of disenrollment is delivered to an address outside of the continental United States, in which case there shall be sixty (60) days in which to file such an appeal.

13-80-070 <u>Appellate Review</u> – Upon an appeal being commenced, the Walker River Paiute Tribal Council shall transmit copies of all documents pertaining to the disenrolled person, together with all documentary evidence presented concerning the appellant to the Court.

13-80-080 <u>Decision of the Court</u> – The determination of the Court shall be submitted to the Walker River Paiute Tribal Council. Such determination shall also set forth the findings of fact.

13-80-090 <u>Notice of Court Decision</u> – Every person or sponsor filing an appeal to the Court shall be served with written notice of the Court's decision, accompanied with a Court

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copy of the decision.

13-80-100

Final Appeals - If the Tribal Court rejected the appeal, the written notice to the appellant shall provide that the \underline{eC} ourt's decision to uphold the Walker River Paiute Tribal Council's decision of disenrollment may be appealed to an Appellate Ccourt of appeals established by the Western Nevada Agency, Bureau of Indian Affairsfor the Tribal Court.

- (a) Appellate Review The court of appeals shall follow its regular appeal procedures for appeals addressing disenrollment The Walker River Tribal Court and applicant shall comply with the provision regarding the appellate procedures.
- (b)(a) Hearing by the Court The Appellate Court shall comply with hearing procedures.
- (e) Notice of Appellate Court decision The decision of the Appellate Court will be Formatted: Line spacing: Multiple 1.08 li submitted to the Walker River Paiute Tribal Council.

Amendments:

On August 27, 1985, an ordinance No. WR-85-01 was adopted. It amends section 13-60-070, Content of Notice of Rejection, in its entirety and adds 13-60-100, Final Appeals.

Amendment through Resolution No. WR-03-91 on June 13,1991 to add section 13-80 Disenrollment Procedures

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