



Walker River Paiute Tribe

1022 Hospital Road • P.O. Box 220 • Schurz, Nevada 89427

Telephone: (775) 773-2306

Fax: (775) 773-2585

**RESOLUTION OF THE GOVERNING BODY
OF THE
WALKER RIVER PAIUTE TRIBE
RESOLUTION NO. WR-03-2023**

BE IT RESOLVED BY THE TRIBAL COUNCIL OF THE WALKER RIVER PAIUTE TRIBE THAT:

WHEREAS, the governing body of the Walker River Paiute Tribe (“Tribe”) is organized under the provisions of the Indian Reorganization Act of June, 1934, as amended, to exercise certain rights of home rule and to be responsible for the promotion of the economic and social welfare of its members, and

WHEREAS, the Tribe’s Constitution and By-Laws provides in Article II, Section 4 that the Walker River Paiute Tribal Council has the power to adopt ordinances, subject to the approval of the Secretary of the Interior, governing membership procedures, enrollment procedures, loss of membership and adoption of Tribal members, and

WHEREAS, pursuant to this power, the Tribal Council previously adopted the Tribe’s enrollment ordinance through passage of Title 13 of the Law & Order Code to govern Tribal enrollment matters, and

WHEREAS, the Tribal Council has recognized the importance of reviewing and updating the Law & Order Code to ensure the Code meets the Tribe’s needs and best serves to protect the interests of the Tribe and its members, and

WHEREAS, to meet this goal, the Tribal Council has reviewed proposed revisions to Title 13 to update and clarify certain provisions and to correct typos, and

WHEREAS, the new proposed Title 13 was posted for at least thirty days to allow for public comment, the Tribal Council considered the comments and is now prepared to take action to approve the new version of Title 13, and

WHEREAS, Title 13 requires the Tribal Council to approve an enrollment application form and the Tribal Council had a new form prepared, which is attached, and

NOW THEREFORE BE IT RESOLVED, by the Walker River Paiute Tribal Council, the governing body of the Walker River Paiute Tribe, hereby adopts, approves and promulgates the

attached Title 13, Enrollment Procedures of the Tribe's Law and Order Code, which shall go into effect as stated in the Tribe's Constitution, and which shall supersede and replace any and all prior versions of Tribe's enrollment ordinance, and

BE IT FURTHER RESOLVED, that the Walker River Paiute Tribal Council hereby adopts and approves for use the attached enrollment application form, and

BE IT FURTHER RESOLVED, that the Tribal Chairwoman or her designee is hereby authorized to effectuate any and all administrative actions necessary for the implementation of this resolution and the approved Title 13, Enrollment Procedures of the Law & Order Code, and

BE IT FINALLY RESOLVED, that nothing in this resolution shall be construed as a waiver of the sovereign immunity of the Tribe.

CERTIFICATION

It is hereby certified that the foregoing Resolution of the Walker River Paiute Tribal Council, composed of seven members, of whom 7, constituting a quorum, were present at a meeting held on the 12th day of January, 2023, and that the foregoing resolution was adopted by the affirmative vote of 6-FOR, 0-AGAINST, and 0-ABSTENTIONS, pursuant to the authority contained in Article VI, Section 1(e), of the Constitution and By-Laws of the Walker River Paiute Tribe, approved March 26, 1937.


Gina L. Wachsmuth, Tribal Council Secretary
WALKER RIVER PAIUTE TRIBE



Walker River Paiute Tribe

Title 13 Enrollment Procedures

Title 13 Approved by Walker River Tribal Council on January 12, 2023
Resolution No.: WR-03-2023
Effective: January 12, 2023

WALKER RIVER PAIUTE TRIBE
LAW AND ORDER CODE
Title 13 – Enrollment Procedures
Table of Contents

		<u>Page</u>
<u>13-10</u>	<u>DEFINITIONS OF TERMS</u>	4
13-10-010	Applicant	4
13-10-020	Sponsor	4
13-10-030	Appellant	4
13-10-040	Member	4
13-10-050	Tribe	4
13-10-060	Secretary	4
13-10-080	Census Roll	4
13-10-090	Superintendent	4
13-10-100	Allotment Roll	4
13-10-110	Enrollment Committee	4
13-10-120	Court	4
13-10-130	Relinquishment	4
13-10-140	Disenrollment	4
13-10-150	Adoption	4
13-10-160	Adopted Child	4
13-10-170	Natural Parent	4
13-10-180	Descendent	4
<u>13-20</u>	<u>APPLICATIONS FOR ENROLLMENT</u>	5
13-20-010	Written Application for Enrollment Must Be Filed with the Enrollment Committee for Appropriate Action	5
13-20-020	Written Application Sponsoring an Application for Enrollment on Behalf of Another Person	5
13-20-030	Enrollment Applications to Be Numbered in Sequential Order and Date	5
13-20-040	Proof of Paternity/Maternity	5
13-20-050	Birth Certificate	5
13-20-060	Name Change	5
<u>13-30</u>	<u>ENROLLMENT STANDARDS</u>	5
13-30-010	Persons Considered for Enrollment	5
13-30-020	Persons Not Considered for Enrollment	6
<u>13-40</u>	<u>PROCESSING ENROLLMENT APPLICATIONS</u>	6
13-40-010	The Enrollment Committee Shall Review All Applications and Make Recommendations to the Walker River Paiute Tribal Council	6
13-40-020	Notice of Hearing to Be Given When Application Is Being Recommended or Considered for Rejection	7
13-40-030	Manner of Giving Notice	7

13-40-040	Presumption of Notice	8
<u>13-50</u>	<u>DETERMINATION OF ELIGIBILITY</u>	8
13-50-010	Review by Tribal Council	8
13-50-020	Notice of Rejection Hearing	8
13-50-030	Notice in Writing	8
13-50-040	Serving Notice to Applicant	9
<u>13-60</u>	<u>APPEALS</u>	9
13-60-010	Right of Appeal	9
13-60-020	Commencing an Appeal	9
13-60-030	Appellate Review	9
13-60-040	Hearing by the Court	10
13-60-050	Decision by the Court	10
13-60-060	Notice of Court Decision	10
13-60-070	Content of Notice of Rejection	10
13-60-080	Content of Notice of Approval	10
13-60-090	Manner of Giving Notice	10
13-60-100	Final Appeals	11
<u>13-70</u>	<u>MISCELLANEOUS</u>	11
13-70-010	Tribal Membership Roll	11
13-70-020	Upkeep of Roll	11
13-70-030	Motion of Decisions to Superintendent	12
13-70-040	Repeal of Prior Ordinances and Resolution	12
13-70-050	Automatic Membership	12
<u>13-80</u>	<u>DISENROLLMENT PROCEDURES</u>	12
13-80-010	Persons Who Shall Be Considered for Disenrollment	12
13-80-020	Notice of Hearing	12
13-80-030	Manner of Giving Notice	13
13-80-040	Presumption of Notice	13
13-80-050	Procedures After Disenrollment	13
13-80-060	Appeal After Disenrollment	13
13-80-070	Appellate Review	13
13-80-080	Decision of the Court	14
13-80-090	Notice of Court Decision	14
13-80-100	Final Appeals	14
<u>13-90</u>	<u>RELINQUISHMENT PROCEDURES</u>	14
13-90-010	Acceptable Proof of Relinquishment	14
13-90-020	Relinquishment of Minor Child	14
13-90-030	Relinquishment Requirements	14
13-90-040	Review and Recommendation	14

LAW AND ORDER CODE

Title 13

ENROLLMENT PROCEDURES

13-10 DEFINITIONS OF TERMS AS USED IN THIS ORDINANCE

- 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.
- 13-10-030 Appellant – The person who is appealing the Walker River Paiute Tribal Council’s decision to reject said person’s application for enrollment.
- 13-10-040 Member – A member of the Walker River Paiute Tribe.
- 13-10-050 Tribe – The Walker River Paiute Tribe.
- 13-10-060 Secretary – The Secretary of the Interior.
- 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.
- 13-10-110 Enrollment Committee – A committee established by the Walker River Paiute Tribal Council with the authority to recommend to the Council whether enrollment applications or adoption petitions should be approved or rejected to initiate disenrollment procedures.
- 13-10-120 Court – The Tribal Court having the jurisdiction over the Walker River Paiute Tribe.
- 13-10-130 Relinquishment – The voluntary withdrawal from membership in the Walker River Paiute Tribe.
- 13-10-140 Disenrollment – An affirmative action by the Tribe to deprive a member of the rights to Tribal membership.
- 13-10-150 Adoption – Granting Tribal membership to a person who does not meet the automatic eligibility requirements for enrollment.
- 13-10-160 Adopted Child – One whose natural parent’s parental rights have been terminated by a court order and given to another.
- 13-10-170 Natural parent – Biological parent, not an adoptive parent.
- 13-10-180 Descendent – A person who is the natural lineal descendent of the ancestor through whom enrollment rights are claimed, namely, the children, grandchildren, etc.

“Descendent” does not include collateral relatives such as aunts, uncles, cousins, etc., and it does not include an adopted person.

13-20 **APPLICATION FOR ENROLLMENT**

13-20-010 Written Application for Enrollment Must Be Filed with the Enrollment Committee for Appropriate Action – A separate written application for enrollment on an application 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 Person – If the person sought to be enrolled is a minor or other person in need of assistance who is a member of the Armed Services, or other services of the United States 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.

13-20-030 Enrollment Applications to Be Numbered in Sequential Order and Date – The Enrollment Committee shall assign an identifying number and shall record the date of each enrollment application received.

13-20-040 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 legally acceptable documents of proof of fatherhood/motherhood are 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 meeting the following criteria shall be considered for enrollment provided they file a written application 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 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 member of the Walker River Paiute Tribe;
- (c) 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 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 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 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 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 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 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 the age of 18 or thereafter such person may then be eligible to apply for membership.

13-40 **PROCESSING ENROLLMENT APPLICATIONS**

13-40-010 The Enrollment Committee Shall Review All Applications and Make Recommendations to the Walker River Paiute Tribal Council - The Enrollment Committee shall review all applications for enrollment and shall consider the information provided in such applications together with all other information concerning the applicant’s eligibility for membership, and make its 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 that are on file to ensure all required documents are included for 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.

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

- (a) Written notice required: Whenever 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 River Paiute Tribal Council.
- (b) Content of the Notice: The written notice required to be given under this section by the Walker River Paiute Tribal Council shall:
 - (1) Indicate the Tribal membership requirement(s) the applicant failed to establish or other reasons why the application is being rejected.
 - (2) State the time and place for the Walker River Paiute Tribal Council to hold a hearing to make its final determination of the applicants' eligibility for enrollment.
 - (3) Indicate that the person or sponsor filing the application may appear before the Walker River Paiute Tribal Council at the time and place fixed for such hearing to show why the application for enrollment should not be rejected and to present additional evidence, if any, concerning the applicant's eligibility for enrollment. The content and form of such written notice shall be approved by the Walker River Tribal Council.

13-40-030 Manner of Giving Notice – The Notice required under this section shall be served at least twenty (20) days prior to the time fixed for the Walker River Paiute Tribal Council to hold a hearing to make its final determination of the applicant's eligibility for enrollment. Service of Notice means:

- (a) Delivery to person or sponsor filing the application or;
- (b) Delivery to the United States Post Office by CERTIFIED MAIL with postage thereon fully prepaid and return receipt requested, addressed to the person or sponsor filing the application for enrollment at the address provided by such

person in the application for enrollment form, or at such different address as the person may subsequently provide to the Enrollment Committee.

13-40-040 Presumption of Notice – Presumption that the written notice was received when:

- (a) It appears that the notice required under this section was deposited in a United States Post Office more than thirty (30) day prior to the time fixed for the Walker River Paiute Tribal Council to hold its hearing concerning the applicant's eligibility for enrollment;
- (b) Such notice was sent by CERTIFIED MAIL, as provided in Section 13-40-030(b) above, it shall be presumed that such notice was received by the addressee more than twenty (20) days prior to the time fixed for the 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 Tribe. The person or sponsor filing an application has the burden of proof to establish to the satisfaction of the Walker River Paiute Tribal Council that the applicant meets all the requirements for 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.

13-50-020 Notice of Rejection Hearing – Before making a determination that an application for 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 filing the application shall be given written notice of the hearing, in accordance with the provisions of Section 13-40-020 of this Ordinance. The manner of holding such hearing or any other matters pertaining to enrollment procedures shall be determined by the Walker River Paiute Tribal Council.

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 Committee recommended that the application be approved or rejected, the membership requirements 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 applicant's eligibility or ineligibility.
- (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 procedures established by this Ordinance and,
 - (2) The notice shall indicate the time within which an appeal may be 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**

13-60-010 Right of Appeal – Any person or sponsor filing an application for enrollment 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 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 Tribal 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 with such additional information that may be considered pertinent. It will allow oral 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 to 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 copy of the decision. The Walker River Paiute Tribal Council shall also be served with copies of the Court's decision.
- 13-60-070 Content of Notice of Rejection – If the Court rejected the appeal, the written notice 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 the Tribe's appellate court. The notice shall indicate the time within which an appeal may be commenced and the procedure for commencing the appeal.
- 13-60-080 Content of Notice of Approval – If the Court approved the application for enrollment, the written Notice shall state that the application was approved.
- 13-60-090 Manner of Giving Notice – The notice required to be given under this 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, 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 address as may have been provided to the Court in writing and a copy of the Court's decision shall be sent to the Walker River Paiute Tribal Council.

13-060-100 Final Appeals - If the 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 the Appellate Court utilized by the Tribal Court.

- (a) Appellate Review: The court of appeals shall follow its regular appeal procedures for appeals addressing enrollment.
- (b) 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 Tribal Membership Roll – The Tribal Membership Roll shall contain the names of all 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
- (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 Upkeep of Roll – The Walker River Paiute Tribal Council shall cause the Tribal 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 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 the membership roll.

- (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.
- (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.

- 13-70-030 Notice of Decisions to Superintendent – The Walker River Paiute Tribal Council shall furnish the Superintendent of the Western Nevada Indian Agency 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 application.
- 13-70-040 Repeal of Prior Ordinances and Resolutions – Any membership or enrollment ordinance now in effect is hereby replaced and superseded by this Ordinance.
- 13-70-050 Automatic Membership – All persons of Indian blood whose names are listed in accordance with Article II –Membership, Section 1(a) of the Constitution and Bylaws of the Walker River Paiute Tribe are presently enrolled as 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 1(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 Persons Who Shall Be Considered for Disenrollment – 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 acquired by inheritance; and/or
 - (c) 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 procedures will be taken to disenroll such member.
- 13-80-020 Notice of Hearing - When 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 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:

- (1) Indicate the reason the enrolled member is being considered for disenrollment.
- (2) Fix a time and place for the Walker River Tribal Council to hold a hearing to make its final determination on the action to disenroll the member.
- (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 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 Manner of Giving Notice - The notice required under this 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 Certified Mail – Restricted Delivery with postage thereon fully prepaid and return receipt requested, addressed to the member’s last known address.

13-80-040 Presumption of Notice – The Court shall presume the written notice was received when: Such notice was sent by CERTIFIED MAIL. 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 Procedures After Disenrollment – After the Walker River Paiute Tribal Council has disenrolled a member of the Walker River Paiute Tribe, a notice will be sent to the former member by CERTIFIED MAIL, return receipt requested, notifying the former member of the action.

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

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 Appellate Review – 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 Decision of the Court – 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 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.
- 13-80-100 Final Appeals – If the Tribal Court rejected the appeal, the written notice to the appellant shall provide that the Court’s decision to uphold the Walker River Paiute Tribal Council’s decision of disenrollment may be appealed to court of appeals for the Tribal Court.
- (a) Appellate Review – The court of appeals shall follow its regular appeal procedures for appeals addressing disenrollment.
- (b) Notice of Appellate Court decision – The decision of the Appellate Court will be submitted to the Walker River Paiute Tribal Council.

13-90 **RELINQUISHMENT PROCEDURES**

- 13-90-010 Acceptable Proof of Relinquishment - The only acceptable proof of relinquishment shall be a notarized statement signed by the person who is relinquishing their membership. Should the relinquishment involve a minor child, the form must be signed and notarized by the minor’s parent or legal guardian.
- 13-90-020 Relinquishment of Minor Child - Relinquishment of Tribal Membership shall be final except in the case of a person relinquished as a minor child, in which case, upon reaching eighteen (18) years of age, he/she shall be eligible to re-apply for membership.
- 13-90-030 Relinquishment Requirements –
- (a) The statement of relinquishment must specifically state the name of the Tribal member relinquishing his/her membership, and contain a place for the signature and address of the Tribal member relinquishing his/her membership. The statement must be notarized.
- (b) The statement of relinquishment must specifically state that the person is relinquishing their membership in the Walker River Paiute Tribe and the effective date of the relinquishment.
- (c) Copies of the relinquishment statement and action taken by the Tribal Council shall be furnished to the individual involved.
- 13-90-040 Review and Recommendation - The Enrollment Committee shall review all documents regarding relinquishment to ensure that the proper procedure is followed in presenting the information to the Walker River Tribal Council. All pertinent

information regarding the individual's relinquishment and resolution shall be placed in his/her file.