



## *Burns Paiute Tribe*

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**BURNS PAIUTE TRIBE  
Burns Paiute Tribal Council**

**RESOLUTION NO. 17-13**

*Adopting Revised Enrollment Laws as Chapter 8.1  
of the Burns Paiute Tribal Code*

**WHEREAS**, the Burns Paiute Tribe (“Tribe”) is a federally recognized Indian Tribe and has adopted a Tribal Constitution (“Constitution”) designating the Burns Paiute Tribal Council as the elected governing body of the Tribe; and

**WHEREAS**, Article III of the Constitution governs the Tribe’s membership, and authorizes the Tribal Council to enact ordinances regulating admission to and loss of membership; and

**WHEREAS**, the Tribe adopted an Enrollment Ordinance in 1983, enacted a revised Enrollment Code in 1997, and proposed amendments to the Enrollment Code in 2007, but a record of whether the amendments were adopted is not available; and

**WHEREAS**, the Tribe has developed revised enrollment laws to set forth the duties of the Enrollment Committee, establish procedures for the development and maintenance of the Tribal Roll, and provide additional requirements for processing enrollment applications, requests for relinquishment, and disenrollments; and

**WHEREAS**, the Tribal community has been given the opportunity to review the proposed revised enrollment laws and provide their input; and

**WHEREAS**, the Tribal Council has reviewed the revised enrollment laws and considered the community’s input, and has voted to approve the adoption of the revised enrollment laws; and

**WHEREAS**, in an effort to include all Tribal laws in the Burns Paiute Tribal Code, the Enrollment Ordinance has been re-numbered and re-formatted as Chapter 8.1 of the Tribal Code.

**NOW THEREFORE BE IT RESOLVED**, that the Tribal Council hereby expressly, unequivocally, and irrevocably adopts Chapter 8.1 of the Tribal Code, which governs enrollment, and which is attached hereto and hereby incorporated into this Resolution; and

**BE IT FURTHER RESOLVED**, that any previously-enacted enrollment laws and any other Tribal laws, rules, or policies governing enrollments that are contrary to or inconsistent with the newly adopted Chapter 8.1 of the Tribal Code are hereby declared to be inapplicable and void to the extent of any such conflict or inconsistency.

### CERTIFICATION

We, the undersigned Chairperson and Secretary-Treasurer of the Burns Paiute Tribal Council, do hereby certify that: the Tribal Council is composed of seven (7) members, of whom five (5) constitute a quorum; that a quorum was present at a meeting thereof duly and regularly called, noticed, convened, and held on this 13th day of April, 2017; and that the foregoing Resolution was duly adopted by 3 affirmative votes, with 0 opposing, and 2 abstaining. The Chairperson's vote is not required except in the case of a tie.

  
\_\_\_\_\_  
Tribal Council Chairperson  
Joe DeLaRosa

Date: 4-13-17

  
\_\_\_\_\_  
ATTEST: Secretary-Treasurer  
Tracy Kennedy

Date: 4/13/17

## CHAPTER 8.1 ENROLLMENT

### GENERAL PROVISIONS

#### 8.1.1 Purpose

The purpose of this Code is to establish procedures for the development, maintenance, and correction of the membership roll of the Burns Paiute Tribe, the submission and evaluation of enrollment applications, and the relinquishment and loss of Tribal membership.

#### 8.1.2 Authority

Article III, Section 3 of the Tribe's Constitution gives the Burns Paiute Tribal Council the authority to enact laws regulating the admission to and loss of membership in the Burns Paiute Tribe.

#### 8.1.3 Definitions

- (a) "Burns Paiute 1940 Roll" means the Official Census roll of January 1, 1940, as may be amended in accordance with applicable law.
- (b) "Burden of proof" means the duty to persuade someone that something is true.
- (c) "Guardian" means the court-appointed legal guardian of a minor or incompetent person.
- (d) "Lineal descendant" means a person who is a direct descendant of a person listed on the Burns Paiute 1940 Roll, such as a child, grandchild, great-grand child, and so on. A lineal descendant is distinguished from a "collateral" descendant, which would be from the line of a brother, sister, aunt or uncle.
- (e) "Total degree of Indian blood" means an individual's total amount of Indian blood derived from any combination of federally-recognized Indian tribes within the United States.
- (f) "Tribal Roll" means the current membership roll of the Burns Paiute Tribe, as maintained and updated by the Enrollment Committee.

### ENROLLMENT COMMITTEE

#### 8.1.4 Enrollment Committee

- (a) The Tribal Council shall appoint an Enrollment Committee consisting of 5 members, including at least one elder.

(b) The appointment, oversight, ethical duties, and removal of Enrollment Committee members shall be governed by Sections 1.4.28 – 1.4.34 of the Burns Paiute Tribal Code.

(c) The Enrollment Committee is responsible for performing the duties set forth in this Code, and shall carry out other enrollment-related functions, as may be requested by the Tribal Council.

(d) The Enrollment Committee shall meet at least once every 3 calendar months, and as otherwise needed to perform its duties.

(e) All Enrollment Committee meetings shall be closed to the public, unless a Tribal member requests, in writing, to participate in a meeting. The Enrollment Clerk shall take minutes at all meetings.

(1) Minutes from all closed meetings are confidential and shall be stored in a safe location.

(2) Minutes from an open meeting shall be maintained at the Tribal Administrative Office and the Tribal Court, and shall be made available for inspection by interested Tribal members, in accordance with Article V, Section 10 of the Tribal Constitution.

#### 8.1.5 Enrollment Clerk

The Enrollment Committee shall select a member to serve as the Enrollment Clerk. The Enrollment Clerk is responsible for:

(a) Preparing and distributing enrollment application forms;

(b) Creating and maintaining files containing enrollment information and supporting documents for each applicant;

(c) Accepting and reviewing enrollment applications, and evaluating enrollment applications with the Enrollment Committee;

(d) Communicating with applicants, the Enrollment Committee, and the Tribal Council regarding enrollment-related matters; and

(e) Other duties, as needed to carry out the requirements of this Code.

### ENROLLMENT RECORDS AND CONFIDENTIALITY

#### 8.1.6 Enrollment Records

(a) The Enrollment Committee shall maintain appropriate records to support enrollment-related decisions and maintain the Tribal Roll as accurately as possible. These records shall include all information and documents received in support of applications for enrollment and loss of membership actions.

(b) All enrollment applications and supporting documents, and all enrollment-related correspondence, notes, and files are the property of the Burns Paiute Tribe and shall remain locked in the Enrollment Committee's filing cabinet when not in official use.

#### 8.1.7 Confidentiality

All enrollment-related information received by the Enrollment Committee is confidential. The release of confidential enrollment information by any member of the Enrollment Committee is prohibited and shall be grounds for removal from the Enrollment Committee; *provided that*:

(a) A person may view and/or request copies of her or her own enrollment file;

(b) A parent or guardian may view and/or request copies of the enrollment file of his or her child or ward, upon written request to the Enrollment Clerk.

(c) The Tribe's legal counsel may review enrollment-related information when evaluating an enrollment-related question or appeal. The Tribe's legal counsel shall maintain the confidentiality of all information received pursuant to this section.

(d) The Tribal Council may review enrollment-related information, except adoption records, when officially evaluating an enrollment appeal. The Tribal Council shall maintain the confidentiality of all information received pursuant to this section.

(e) The Enrollment Clerk may release enrollment-related information, except adoption records, where the release of such information is:

(1) Required to perform an official enrollment-related function;

(2) Made in accordance with a signed and notarized release of information form that is *substantially similar* to the form set forth in *Appendix B*; or

(3) Occurs pursuant to a valid court order.

(f) The Enrollment Clerk may verify that a person is or is not enrolled with the Burns Paiute Tribe when such verification is requested by a Tribal program, federal, state, or local agency, or other Indian Tribe, and accompanied by appropriate documentation. The verification shall be limited to confirming or denying enrollment or eligibility for enrollment. The Enrollment Clerk shall not provide any other information without a valid release of information from the subject of the request (or

the parent or guardian of a minor or incompetent person who is the subject of the request).

(g) The Enrollment Clerk may release enrollment-related information about a deceased Tribal member to the deceased member's her next of kin, for probate purposes, upon receipt of proof of death and the pending probate action.

(a) The Enrollment Clerk may provide individual Tribal members with information about their own enrollment status, and may provide enrollment status information to the parent or guardian of a minor or incompetent Tribal member. This information may include but is not limited to a Certificate of Degree of Indian Blood.

## MEMBERSHIP CRITERIA

### 8.1.8 Membership Criteria

(a) To be eligible for membership in the Burns Paiute Tribe, a person must:

(1) Be named on the Burns Paiute 1940 Roll; or

(2) Be a lineal descendent of a person named on the Burns Paiute 1940 Roll and possess at least 1/8 total degree of Indian blood.

(b) If an applicant's total degree of Indian blood is determined to be less than 1/8, the applicant is not eligible for enrollment, regardless of descent.

### 8.1.9 Adopted Children

(a) A child who has been adopted out of his or her biological family may be enrolled as a member of the Burns Paiute Tribe if he or she satisfies the Tribe's membership criteria through his or her biological family.

(b) A child who has been adopted by a Burns Paiute Tribal member is not eligible for enrollment unless the child meets satisfies the Tribe's membership criteria through his or her biological family.

### 8.1.10 Dual Membership Prohibited

No person who is an enrolled member of any other federally recognized Indian tribe, band, or Indian community is eligible for enrollment with the Burns Paiute Tribe.

### 8.1.11 Burden of Proof

(a) The applicant shall bear the burden of proving that he or she satisfies the Tribe's membership criteria. The burden of proof shall be by preponderance of the evidence.

(b) No applicant who proves his or her eligibility for enrollment, in accordance with this Code, shall be denied membership in the Burns Paiute Tribe.

## ENROLLMENT PROCEDURES

### 8.1.12 Enrollment Applications

(a) The Enrollment Committee shall develop and maintain an enrollment application form, and may update the form, as needed. The enrollment application form shall be substantially similar to the form included in Appendix C.

(b) No person shall be enrolled as a member of the Burns Paiute Tribe unless an enrollment application has been submitted and approved in accordance with this Chapter.

(c) The Enrollment Clerk shall provide enrollment application forms for prospective applicants upon request.

(d) Enrollment applications may be completed by the applicant, by the parent or guardian of a minor, or by the guardian of an incompetent person, and must be submitted to the Enrollment Clerk.

(e) Every enrollment application must include supporting documents, as follows:

(1) A completed family tree showing the applicant's lineal descent from an ancestor listed on the Burns Paiute 1940 Roll, on a form substantially similar to the form included in Appendix D, must be submitted. The family tree must list each family member's name, date of birth, tribe, and total degree of Indian blood, to the extent known. For non-Indians, the tribe and blood degree should be listed as "none."

(2) The applicant's original state-issued birth certificate or state-certified birth certificate must be submitted.

(3) A Certificate of Degree of Indian Blood ("CDIB") or other proof of Indian blood must be submitted for each of the applicant's parents who is an enrolled member of a federally recognized Indian tribe; *provided that* a CDIB is not required for a parent who is enrolled with the Burns Paiute Tribe.

(4) If an applicant's parent through whom lineal descent and/or Indian blood is traced is not listed on the applicant's birth certificate, other proof of parentage must be submitted. Proof of parentage may include but is not limited to DNA test results showing a probability of parentage of at least 95%, a paternity affidavit that includes a sworn written statement signed by the putative father acknowledging paternity of the child, a valid court decision determining paternity, or a probate determination regarding paternity made by an Administrative Law Judge.

(5) If the applicant has been adopted out of his or her biological family, a certified copy of the applicant's original birth certificate showing the applicant's biological parents, along with a copy of the applicant's adoption records or other proof of the adoption, must be submitted.

(6) If an applicant's name is different from the name listed on his or her birth certificate, at least one document that identifies the applicant by the name listed on the birth certificate, such as a marriage certificate, divorce certificate, or court order of name change, must be submitted

(7) A copy of the applicant's social security card must be submitted.

(8) If an applicant has been enrolled in another federally recognized Indian tribe, band, or Indian community in the past, a certification from the governing body of his or her former tribe, or from the Bureau of Indian Affairs office having administrative jurisdiction over that tribe, stating that the applicant is no longer a member of the tribe, must be submitted.

(9) Other information related to enrollment eligibility, such as historical records or other documents, may be submitted in support of an enrollment application.

#### 8.1.13 Processing Enrollment Applications

(a) Upon receipt of an enrollment application, the Enrollment Clerk shall:

(1) Mark it with the date received and create an enrollment file for the applicant. The enrollment file shall include the application, all supporting documentation, and all enrollment-related correspondence.

(2) Review the application and all supporting documentation to determine whether the application is complete.

(b) If the applicant is not complete, the Enrollment Clerk shall provide written notice to the applicant identifying the information needed to complete the application.

(c) The Enrollment Clerk shall place incomplete enrollment applications in a "pending" file. No review shall commence until the application is complete.

(d) If an enrollment application appears to be complete, the Enrollment Clerk shall schedule an Enrollment Committee meeting to review the application.

(1) The Enrollment Committee shall meet to review each enrollment application, calculate the applicant's total degree of Indian blood, and determine whether the applicant is listed on or is a lineal descendant of a person listed on the Burns Paiute 1940 Roll.

(2) At least 3 members of the Enrollment Committee must be present to review an enrollment application.

(e) If the Enrollment Committee finds that any of the information required by Section 8.1.12 is not sufficient or is not available, or that additional information is needed to determine an applicant's eligibility for enrollment, the Enrollment Clerk shall contact the applicant, in writing, to request the information needed.

(f) If a question exists regarding an applicant's paternity, the Enrollment Committee may require the applicant to submit DNA test results as proof of paternity. The applicant shall bear the cost of DNA testing.

#### 8.1.14 Acceptance or Rejection of Enrollment Applications

(a) After reviewing an enrollment application and supporting documents, the Enrollment Committee shall either accept or reject the application.

(b) The Enrollment Clerk shall inform each applicant, in writing, of the Enrollment Committee's decision within 10 business days of the decision.

(c) If the enrollment application is accepted, the Enrollment Clerk shall:

(1) Add the new Tribal member to the Tribal Roll and assign a roll number;

(2) Notify the Tribal Council, in writing, of the applicant's enrollment;

(3) Notify the new Tribal member that his or her enrollment application has been accepted, inform the member of his or her enrollment number, and provide a Certificate of Degree of Indian Blood.

(d) If the enrollment application is rejected, the notice of rejection must be sent by certified mail, return receipt requested, must explain why the application was rejected, and must notify the applicant of the appeals process. The applicant may re-apply by submitting a new enrollment application and supporting documents.

### LOSS OF MEMBERSHIP

#### 8.1.15 Relinquishing Membership

Relinquishment is an official act through which a Tribal member voluntarily and officially gives up his or her Tribal membership.

(a) Relinquishment may be requested by submitting a written relinquishment request, in a form substantially similar to the form set forth in Appendix E, to the Enrollment Clerk.

(1) Any Tribal member who is 18 years of age or older may ask to relinquish his or her Tribal membership.

(2) The guardian of an incapacitated adult Tribal member may ask to relinquish the ward's Tribal membership.

(3) The parent or guardian of a minor may ask to relinquish the child's Tribal membership. Before the Enrollment Clerk may accept a written request to relinquish a minor child's membership, a certification from another federally recognized Indian tribe, proving that the minor will be enrolled in that tribe upon relinquishment of Burns Paiute Tribal membership, must be submitted.

(b) No relinquishment will be processed until all debts and/or services owed to the Tribe are satisfied.

(c) A relinquishment of Burns Paiute Tribal membership is effective on the date the Enrollment Committee grants the relinquishment request. When the relinquishment is effective, the Enrollment Clerk shall:

(1) Remove the former member from the Tribal Roll;

(2) Provide written notice of the relinquishment to the person who submitted the request for relinquishment; and

(3) Note the date of relinquishment in the former member's enrollment file.

(d) Any person who has relinquished his or her membership in the Burns Paiute Tribe may not re-apply for enrollment until at least 10 years have passed since the date of relinquishment; *provided that* a minor may reapply after reaching the age of at least 18 years.

(e) The Enrollment Clerk shall notify the Tribe's General Manager when a member relinquishes his or her membership. The General Manager shall notify Tribal Departments, as needed, to ensure that the individual no longer receives services or other benefits provided to Tribal members.

#### 8.1.16 Deceased Members

When a Tribal member passes away, his or her next of kin shall provide proof of death to the Enrollment Clerk. The Enrollment Clerk shall note the date of death in the enrollment file, file the proof of death in the enrollment file, remove the deceased Tribal member from the Tribal Roll, and notify the Tribe's General Manager of the death.

### 8.1.17 Loss of Membership

(a) Any person may involuntarily have his or her name removed from the Tribal Roll if he or she fails to meet the criteria for membership in the Burns Paiute Tribe. Grounds for disenrolling a Tribal member shall be that:

(1) He or she is enrolled in another federally recognized Tribe, band, or Indian community; or

(2) His or her enrollment was procured by fraud or was not supported by substantial evidence on the record, or he or she was otherwise enrolled in error.

(b) If the Enrollment Committee finds that grounds to disenroll a Tribal member exist, the Enrollment Clerk shall notify the Tribal member of the proposed disenrollment, the reason for the disenrollment, and the opportunity to present arguments and evidence against disenrollment.

(1) The notice shall be mailed to the Tribal member's last known address by registered mail, return receipt requested.

(2) The Enrollment Clerk shall provide a copy of the notice to the Burns Paiute Tribal Council.

(c) A Tribal member facing disenrollment may, within 30 calendar days of the notice of disenrollment, request a hearing with the Tribal Council to provide arguments and evidence against disenrollment.

(d) If a hearing is not requested by the deadline, the Tribal Council shall consider the request for disenrollment at its next regularly scheduled meeting.

(e) If, after a disenrollment hearing is held or a hearing is not requested, the Tribal Council may, by majority vote, remove a Tribal member who is found to be ineligible for membership from the Tribal Roll. If the Tribal Council votes to remove a member from the Tribal Roll, the Tribal Council shall:

(1) Acknowledge the disenrollment through a Tribal Council Resolution;

(2) Request that the Enrollment Committee remove the disenrolled individual from the Tribal Roll; and

(3) Notify the Tribe's General Manager of the disenrollment. The General Manager shall notify Tribal Departments, as needed, to ensure that the individual no longer receives services or other benefits provided to Tribal members.

#### 8.1.18 Re-Applying Following Disenrollment

- (a) Any adult who is disenrolled due to their providing false information or forged documents shall be barred from applying for enrollment in the future.
- (b) If fraudulent information was presented on behalf of a minor child and the minor child is denied enrollment or is disenrolled, the child may reapply for enrollment at any time after reaching the age of 18 years.

#### 8.1.19 Recovery of Tribal Benefits; Prosecution

If a person is disenrolled due to dual enrollment or because he or she was enrolled based on false or fraudulent action for which he or she is culpable, the Tribe shall have the right to recover the value of all services and benefits provided during the person's membership and/or pursue prosecution.

### TRIBAL ROLL

#### 8.1.20 Burns Paiute Tribal Roll

- (a) All original Tribal Rolls and census rolls shall be kept under security.
- (b) During the first week of December, the Enrollment Clerk shall provide the Tribal Council with an updated Tribal Roll, as well as:
  - (1) The names of any members removed from the Tribal Roll and the reason for their removal; and
  - (2) The current number of enrolled Tribal members.

#### 8.1.21 Corrections

- (a) Corrections to the Tribal Roll may be initiated by an enrolled tribal member who wishes to correct his or her own record, or by the parent or guardian of a minor or incompetent person who wishes to correct the child or ward's record.
- (b) A person seeking to correct an enrollment record must:
  - (1) Submit documents supporting the correction to the Enrollment Clerk; and
  - (2) Prove, by a preponderance of the evidence, that there is a true error to be corrected.
- (c) Upon receipt of a request for a correction, the Enrollment Committee shall meet to review the request. If the Enrollment Committee determines that there is a true error to be corrected, the Enrollment Clerk shall correct the Tribal Roll and notify the

party of the decision. Future enrollment applications shall be evaluating using the corrected Tribal Roll.

## APPEALS

### 8.1.22 Grounds for Appeal

Any individual may appeal a decision:

- (a) Denying the individual's application for enrollment or an application for enrollment filed by the individual on behalf of a minor or incompetent person;
- (b) Adjusting the individual's blood quantum or adjusting the blood quantum of the individual's minor child or ward; or
- (c) Disenrolling the individual or the individual's minor child or ward.

### 8.1.23 Appeals Process

- (a) To appeal an Enrollment Committee decision denying an enrollment application or a correction, the appellant must submit a request for reconsideration to the Enrollment Clerk explaining why the individual believes that the Enrollment Committee's decision was incorrect. Supporting documents may be submitted.
- (b) The Enrollment Committee shall meet to review the request for reconsideration within 15 business days of receipt. At least 3 members of the Enrollment Committee must be present to review a request for reconsideration.
- (c) The Enrollment Clerk shall notify the appellant, in writing, of the Enrollment Committee's decision.
- (d) If an appellant is not satisfied with the Enrollment Committee's decision on a request for reconsideration, or if an appellant is challenging a loss of membership, he or she may appeal to the Tribal Council.

(1) The Enrollment Committee shall provide a copy of all documents related to the appeal, to the Tribal Council.

(2) The Tribal Council shall set a date for a hearing and give the appellant and the Enrollment Committee 30 calendar days notice of the hearing.

(3) A quorum of the Tribal Council must be present to review an enrollment appeal.

(e) The decision of the Tribal Council shall be final; *provided that* the Burns Paiute Tribal Court shall have exclusive jurisdiction to review enrollment appeals.

(1) The Burns Paiute Tribe hereby makes a limited waiver of its immunity from suit to enable the Burns Paiute Tribal Court to hear enrollment appeals and issue judgments as provided herein.

(2) Tribal Court review of Tribal enrollment matters may proceed only in the Burns Paiute Tribal Court. No appeal may be brought under this subsection unless it is filed within one year of the final decision of the Tribal Council.

(3) The only grounds for Tribal Court review of a Tribal Council enrollment decision under this subsection shall be that the decision is unsupported by the facts, or that the Tribal Council has, by its actions, violated the Constitution of the Burns Paiute Tribe or the requirements of this Code.

(4) The only remedies that the Tribal Court may order in an enrollment appeal are injunctive: the Court may order the Enrollment Committee to re-open an enrollment application, approve an enrollment, correct an individual's enrollment record, and reinstate the membership of a person who has been removed from the Tribal roll.

#### 8.1.24 Sovereign Immunity

Except for the limited waiver of sovereign immunity set forth in Section 8.1.23(e), nothing in this Code shall be construed to waive, in any other manner, the sovereign immunity of the Burns Paiute Tribe or its officers or employees to suit in any action arising out of the performance of their duties pursuant to this Ordinance; nor does the limited waiver permit the payment of monetary damages or attorneys fees related to claims arising from enrollment matters.

## APPENDIX A: LEGISLATIVE HISTORY

### **Membership Requirements - Burns Paiute Tribal Constitution**

The Burns Paiute Tribe adopted a Constitution and Bylaws on February 19, 1988, which was approved by the Secretary of the Interior on June 3, 1988. Article III of the Constitution governs membership, and originally read:

Section 1. Members. The membership of the Burns Paiute Tribe shall consist of:

(a) All persons of Paiute blood whose names appear on the official census roll of the community as of January 1, 1940. This roll may be corrected by the Burns Paiute General Council subject to approval by the Secretary of the Interior.

(b) All lineal descendants of persons who qualify for membership under subsection 1(a) above; provided, that such descendants possess at least one-fourth (1/4) degree Burns Paiute blood.

Section 2. Dual Enrollment. No person shall qualify for membership in the Burns Paiute Tribe who is a member of any other organized tribe, band or Indian community officially recognized by the Secretary of the Interior unless he or she has relinquished in writing his or her membership in such tribe, band or community.

Section 3. Adoption. The tribal council shall have the power to enact ordinances governing the adoption of persons as members; however, each individual adoption must be voted upon by the general council. Adoption ordinances shall be subject to approval of the Secretary of the Interior.

Section 4. Regulation of Membership. The tribal council shall have the power to enact ordinances regulating admission to and loss of membership, provided, however, that any person who may lose his or her tribal membership is entitled to a hearing before the Tribal Council and to thirty (30) days notice of such hearing.

### **Initial Enrollment Ordinance**

The Burns Paiute Tribe adopted an Enrollment Ordinance in 1983.

### **Amended Requirements for Membership - Tribal Constitution**

Pursuant to a Secretarial Election held on June 18, 1997, the General Council amended Article III, Section 1(b) of the Tribal Constitution to read: "All lineal descendants of persons who qualify for membership under subsection 1(a) above; provided that such descendants possess at least one-eighth (1/8) Indian Blood and be a descendent from the 1940 roll."

## **Revised Enrollment Laws**

The Tribal Council of the Burns Paiute Tribe enacted a revised “Enrollment Code” on August 19, 1997. According to Section 1 of that Code, its purpose was to establish procedures for development and maintenance of the membership of the Burns Paiute Tribe and to provide an orderly method for considering enrollment application pursuant to Article II of the Constitution of the Burns Paiute Tribe.

The Tribe’s Enrollment Committee proposed amendments to the Enrollment Code in 2007, but a record of whether the amendments were adopted is not available.

In December 2016, the Tribe’s Election Committee and Tribal Council began developing amendments to the Tribe’s enrollment laws, in an effort to clarify enrollment procedures and Enrollment Committee duties. In addition, the Code was re-numbered and re-formatted, and became Chapter 8.1 of the Tribal Code.

The Tribal Council adopted the new Chapter 8.1 of the Tribal Code on April 13, 2017, through Tribal Council Resolution 2017-13.

APPENDIX B: RELEASE OF INFORMATION FORM

AUTHORIZATION TO RELEASE INFORMATION

To: ENROLLMENT COMMITTEE, BURNS PAIUTE TRIBE

I am requesting the release of the following information, which is on file with the Enrollment Committee:

\_\_\_\_\_

The following is my information:

Name (Maiden and any AKA's): \_\_\_\_\_

Enrollment Number: \_\_\_\_\_ Date of Birth: \_\_\_\_\_

Address: \_\_\_\_\_

Phone / Email: \_\_\_\_\_

Please release this information to:

Name: \_\_\_\_\_

Title / Agency: \_\_\_\_\_

Address: \_\_\_\_\_

Email / Fax: \_\_\_\_\_

***\* Please sign this form in front of a Notary Public \****

Signature: \_\_\_\_\_

Date: \_\_\_\_\_

STATE OF \_\_\_\_\_

COUNTY OF \_\_\_\_\_

This instrument was acknowledged before me on \_\_\_\_\_ (date) by  
\_\_\_\_\_ (name of person).

NOTARY PUBLIC: \_\_\_\_\_

Print name: \_\_\_\_\_

My appointment expires: \_\_\_\_\_

# APPENDIX C: ENROLLMENT APPLICATION FORM



## Burns Paiute Tribe Enrollment Application

DATE ISSUED: \_\_\_\_\_ DATE RECEIVED: \_\_\_\_\_

The above is for Official Use Only

ALL QUESTIONS IN THIS APPLICATION MUST BE ANSWERED.

APPLICANT INFORMATION			
1. Full Name ( Include Maiden Name)		2. Sex <input type="checkbox"/> Female <input type="checkbox"/> Male	
3. Street Address:		4. County:	
5. City, State, Zip Code			
6. Date of Birth (mm/dd/yyyy):		7. Place of Birth: (city, state, county)	
8. Social Security No.:		9. Home Phone:	10. U.S. Citizen? <input type="checkbox"/> Yes <input type="checkbox"/> No
11. Are you currently a registered member of an other Tribe, Band or Nation? <input type="checkbox"/> Yes <input type="checkbox"/> No		12. Please list the name(s) of the Indian Tribe, Band you are enrolled member of:	
13. What Name, Relationship of the Burns Paiute Tribal Member through whom eligibility is claimed?			
MOTHER OF APPLICANT INFORMATION			
1. Full Name of Biological Mother: (Include Maiden Name)			
2. Street Address:		3. County:	
4. City, State, Zip Code			
5. Date of Birth: (mm/dd/yyyy)		6. Place of Birth: (city, state, county)	7. Married at Birth of Applicant? <input type="checkbox"/> Yes <input type="checkbox"/> No
8. Social Security No.:		9. Home Phone:	10. U.S. Citizen? <input type="checkbox"/> Yes <input type="checkbox"/> No
11. Is/Was the applicants mother a enrolled member of an Indian Tribe, Band, or Nation? <input type="checkbox"/> Yes <input type="checkbox"/> No		12. Please list the names of the Indian Tribe, Band, or Nation she is an enrolled member of:	
FATHER OF APPLICANT INFORMATION			
1. Full Name of Biological Father:			
2. Street Address:		3. County:	
4. City, State, Zip Code			
5. Date of Birth: (mm/dd/yyyy)		6. Place of Birth: (city, state, county)	7. Married at Birth of Applicant? <input type="checkbox"/> Yes <input type="checkbox"/> No
8. Social Security No.:		9. Home Phone:	10. U.S. Citizen? <input type="checkbox"/> Yes <input type="checkbox"/> No
11. Is/Was the applicants father a enrolled member of an Indian Tribe, Band, or Nation? <input type="checkbox"/> Yes <input type="checkbox"/> No		12. Please list the names of the Indian Tribe, Band, or Nation he is an enrolled member of:	
Eligibility Requirements			
To be eligible for enrollment in the Burns Paiute Indian Tribe, an applicant must meet the either of the following requirements:			
a. Be named on the official census roll of January 1, 1940; provided that roll may be corrected by the General Council of the Tribe subject to approval by the Secretary of Interior; or			
b. All final descendants of a persons who qualify for membership under subsection 1(a) above provided, that such descendants possess the blood quantum of one-eighth (1/8) Indian blood and be a descendant of the Burns Paiute 1940 roll.			
CERTIFICATION			

I certify that all the information submitted in this application for enrollment is complete and accurate to the best of my knowledge. I further understand that if any information in this application is found to be false that the provisions of each Section 1001, Title 18, USC provide for a fine not more than \$10,000 or imprisonment for not more than five years, or both for making false or fraudulent statements in connection with any matter within the jurisdiction of any agency department of the United States.

(check which applies)  
 Applicant is:  self  minor child  natural child  adopted child  mentally incompetent  other  
 If other please specify: \_\_\_\_\_

\_\_\_\_\_  
 Signature of Applicant (if applicant is a legal adult) Date

\_\_\_\_\_  
 Signature of Parent, Legal Guardian, Sponsor (if applicant is a minor child) Date

Relationship to Applicant: \_\_\_\_\_

**Attachments**

Application will not be considered complete without the following documents.  
 Incomplete application will be returned.

- \*\*Family History Tree
- \*\*Applicant's Birth Certificate - Original - (A copy will be made and original sent back).
- \*\*Marriage License/Divorce papers (if name is now different than on birth certificate)
- \*\*Appropriate documents if applicant has been adopted.
- \*\*Social Security Card - Original (a copy will be made and original sent back)

**Return Application To:**

Burns Paiute Tribe  
 Enrollment Committee  
 Attn: Beverly Bears  
 100 Pasigo Street  
 Burns, OR 97720  
 Phone: (541) 573-8016  
 Fax: (541) 573-2323

OFFICIAL USE ONLY	
Date Application Received: _____	Initials: _____
Date application approved: _____	Initials: _____
Degree of Blood: _____	Issued Enrollment No.: _____
File Date: _____	By Who: _____

# APPENDIX D: FAMILY TREE FORM

## FAMILY HISTORY

Burns Paiute Tribe blood  
 Tribe roll # \_\_\_\_\_  
 Degree/Tribe: Blood Degree /Other Indian

FATHER \_\_\_\_\_ BPT  
 Roll#: \_\_\_\_\_  
 Degree/Tribe: \_\_\_\_\_

GRANDFATHER \_\_\_\_\_ BPT  
 Roll#: \_\_\_\_\_  
 Degree/Tribe: \_\_\_\_\_

GREAT GRANDFATHER  
 Roll#: \_\_\_\_\_  
 Degree/Tribe: \_\_\_\_\_

GREAT GRANDMOTHER  
 Roll#: \_\_\_\_\_  
 Degree/Tribe: \_\_\_\_\_

GREAT GRANDFATHER  
 Roll#: \_\_\_\_\_  
 Degree/Tribe: \_\_\_\_\_

GREAT GRANDMOTHER  
 Roll#: \_\_\_\_\_  
 Degree/Tribe: \_\_\_\_\_

APPLICANT  
 Burns Paiute Blood  
 Degree/Tribe: \_\_\_\_\_

MOTHER \_\_\_\_\_ BPT  
 Roll#: \_\_\_\_\_  
 Degree/Tribe: \_\_\_\_\_

GRANDFATHER \_\_\_\_\_ BPT  
 Roll#: \_\_\_\_\_  
 Degree/Tribe: \_\_\_\_\_

GRANDMOTHER \_\_\_\_\_ BPT  
 Roll#: \_\_\_\_\_  
 Degree/Tribe: \_\_\_\_\_

GREAT GRANDFATHER  
 Roll#: \_\_\_\_\_  
 Degree/Tribe: \_\_\_\_\_

GREAT GRANDMOTHER  
 Roll#: \_\_\_\_\_  
 Degree/Tribe: \_\_\_\_\_

If not Indian, please list nationality of parent.

## APPENDIX E: RELINQUISHMENT REQUEST



Enrollment Committee, Burns Paiute Tribe  
100 Pasigo St., Burns, OR 97720  
Phone: (541) 573-8016  
Fax: (541) 573-2323

### **Instructions: Request to Relinquish Burns Paiute Tribal Membership**

Relinquishment is an official act through which a Tribal member voluntarily and officially gives up Tribal membership. If a Tribal member relinquishes membership, he or she is no longer eligible for services or benefits provided to Tribal members.

*\* If you relinquish membership in the Burns Paiute Tribe, you may not re-apply for enrollment until at least 10 years have passed since the date of relinquishment (except that a minor may reapply after reaching the age of at least 18 years).*

Relinquishment may be requested by submitting the attached **Request to Relinquish Burns Paiute Tribal Membership** to the Enrollment Clerk.  
Relinquishment may be requested as follows:

- Any Tribal member who is 18 years of age or older may ask to relinquish his or her Tribal membership.
- The guardian of an incapacitated adult Tribal member may ask to relinquish the ward's Tribal membership.
- The parent or guardian of a minor may ask to relinquish the child's Tribal membership. Before the Enrollment Clerk may accept a written request to relinquish a minor child's membership, a certification from another federally recognized Indian tribe, proving that the minor will be enrolled in that tribe upon relinquishment of Burns Paiute Tribal membership, must be submitted.

No relinquishment requests will be processed until all debts and/or services owed to the Tribe are satisfied.

A relinquishment of Burns Paiute Tribal membership is effective on the date the Enrollment Committee grants the relinquishment request.



**Enrollment Committee, Burns  
Paiute Tribe**  
 100 Pasigo St., Burns, OR 97720  
 Phone: (541) 573-8016  
 Fax: (541) 573-2323

**REQUEST TO RELINQUISH BURNS PAIUTE TRIBAL MEMBERSHIP**

*Please check one:*

**I am an enrolled member of the Burns Paiute Tribe, and hereby request to relinquish my Tribal membership.** Enrollment #: \_\_\_\_\_

**I hereby request to relinquish the Tribal membership of my minor child or minor ward, who is an enrolled member of the Burns Paiute Tribe.**

Name of child / ward: \_\_\_\_\_ Enrollment #: \_\_\_\_\_

- A copy of my child's birth certificate listing me as his/her parent or a copy the court order appointing me as the child's guardian is attached.
- A certification from another federally recognized Indian tribe, proving that the minor will be enrolled in that tribe upon relinquishment of Burns Paiute Tribal membership, is attached.

**I hereby request to relinquish the Tribal membership of an incapacitated adult, who is an enrolled member of the Burns Paiute Tribe.** I am his or her legal guardian. A copy of the court order appointing me as guardian is attached.

Name of ward: \_\_\_\_\_ Enrollment #: \_\_\_\_\_

I MAKE THIS RELINQUISHMENT REQUEST WITH THE FULL UNDERSTANDING OF THE CONSEQUENCES OF RELINQUISHING BURNS PAIUTE TRIBAL ENROLLMENT.

***\* Please sign this form in front of a Notary Public \****

Signature: \_\_\_\_\_

Date: \_\_\_\_\_

Printed name: \_\_\_\_\_

Phone number: \_\_\_\_\_

Address: \_\_\_\_\_

STATE OF \_\_\_\_\_

COUNTY OF \_\_\_\_\_

This instrument was acknowledged before my on \_\_\_\_\_ (date) by  
 \_\_\_\_\_ (name of person).

NOTARY PUBLIC: \_\_\_\_\_

Print name: \_\_\_\_\_

My appointment expires: \_\_\_\_\_