

CHAPTER 3. - SHOSHONE-BANNOCK TRIBES ENROLLMENT ACT

PART I. - GENERALLY

Sec. 2-3-1. - Short Title.

This Act may be cited as the "Shoshone-Bannock Tribes Enrollment Act" or the "Enrollment Act."

(Ord. of 3-23-2007, § 101)

Sec. 2-3-2. - Findings.

The Fort Hall Business Council, governing body of the Shoshone-Bannock Tribes, affirms its authority and commitment to preserve, protect and promote the Shoshone and Bannock peoples distinct cultural identity. It is a primary Tribal intent that the Shoshone and Bannock blood lines be preserved. In keeping with this intent, the Fort Hall Business Council finds that:

- (1) A fundamental inherent sovereign authority of an Indian tribe is to determine its own membership, including the power to grant, deny, revoke and qualify membership;
- (2) Tribal membership is central to the Shoshone-Bannock Tribes existence as an independent political community and preservation of the cultural integrity and vitality of our people; and
- (3) Retention of the Shoshone and Bannock blood lines are critical to maintaining the Tribes as culturally distinct people for which the Fort Hall Reservation was reserved by the Fort Bridger Treaty of 1868.

(Ord. of 3-23-2007, § 102)

Sec. 2-3-3. - Authorities.

This Act is enacted pursuant to the inherent sovereign powers of the Shoshone-Bannock Tribes delegated to the Fort Hall Business Council, and its powers delegated by the Constitution and Bylaws of the Shoshone-Bannock Tribes Article II, Section 2, Article VI, Section 1(j), (k), (o), (r), (s) to establish criteria and standards for enrollment of members in the Shoshone-Bannock Tribes.

(Ord. of 3-23-2007, § 103)

Sec. 2-3-4. - Applicability.

This Act and regulations or rules promulgated hereunder shall apply to all persons seeking enrollment in the Shoshone-Bannock Tribes.

(Ord. of 3-23-2007, § 104)

PART II. - DEFINITIONS

Sec. 2-3-5. - Definitions.

The following words, terms and phrases, when used in this Chapter, shall have the meanings ascribed to them in this Section, except where the context clearly indicates a different meaning:

Appellant means an applicant appealing to the Fort Hall Business Council from an Enrollment Committee's decision.

Applicant means a person seeking enrollment.

Constitution means the Constitution for the Shoshone-Bannock Tribes of the Fort Hall Reservation, duly ratified by the Shoshone-Bannock membership on March 31, 1936, and any amendments thereto.

Descendant means a lineal descendant of an enrolled member of the Tribes.

Dual Enrollment means enrollment or membership in more than one:

- (1) Federally recognized Indian tribe;
- (2) State-recognized tribe from which any benefits are received or voting rights are extended; or
- (3) Any Canadian band or tribe from which any benefits are received or voting rights are extended.

Enrolled Member means a person enrolled in the Shoshone-Bannock Tribes, pursuant to the Constitution for the Shoshone-Bannock Tribes.

Enrollment Committee means a committee appointed by the Fort Hall Business Council with the authority to approve or deny enrollment applications or disenroll Tribal members. The Enrollment Committee also reviews all enrollment applications and investigates, researches, and develops necessary information for its determinations.

Enrollment Department means a Tribal department that acts as the administrative support staff to the Enrollment Committee. The Enrollment Department shall also maintain all enrollment documents and records.

Fort Hall Business Council means the elected, governing body of the Shoshone-Bannock Tribes that serves as the body to whom enrollment denials or disenrollments are appealed.

Relinquishment means the voluntary membership withdrawal from the Shoshone-Bannock Tribes.

Reservation means all lands within the present confines of the Fort Hall Reservation, and such other lands without such boundaries as may be added by purchase, exchange, transfer, gift, grant, legislation or administrative action, or which are under the jurisdiction of the Tribes.

Residence.

- (1) The term "residence" means the enrolled Tribal member's true, fixed, principal, and permanent home; the place where an enrolled Tribal member actually lives.
- (2) Temporary absences by an enrolled Tribal member for purposes of business, vacation, military service, temporary housing, incarceration, education, or health reasons may not result in a loss of residence. If, however, an enrolled Tribal member actually moves to another place and uses that place as his or her fixed place of abode, the new location is deemed to be his or her residence, despite doubtful, vague, or equivocal intent to return to his or her former residence.

Sponsor means the applicant's parent, legal guardian, next of kin, or the applicant's spouse or other person authorized to file an application for enrollment on behalf of another person; providing the applicant is 17 years of age or younger or is considered mentally incompetent.

Traditions and Customs means for purposes of this Act the customs, practices and traditions of the Shoshone-Bannock Tribes including the sundance, sweat ceremony, the Native American Church practices and as defined by Tribal elder advisors who may be consulted by the Enrollment Committee.

(Ord. of 3-23-2007, § 201)

PART III. - ENROLLMENT COMMITTEE

Sec. 2-3-6. - Committee Members.

- (a) The Enrollment Committee of the Shoshone-Bannock Tribes shall consist of five members established with the authority to approve or deny applications for enrollment or disenroll Tribal members, and perform other duties as outlined in this Part.
- (b) The five members of the Enrollment Committee shall be appointed by the Fort Hall Business Council from a list of nominees, that shall meet the following qualifications:
 - (1) Enrolled member of the Shoshone-Bannock Tribes;
 - (2) Must be a resident of the Fort Hall Reservation five consecutive years prior to being appointed (verification shall be made from the current voting list of the Shoshone-Bannock Tribes or other Tribal documentation);
 - (3) Must be at least 40 years of age;
 - (4) Must not be a current full-time employee of the Shoshone-Bannock Tribes, including, but not limited to, the Tribal Government, Tribal Gaming, Tribal Enterprises, Tribal Housing, or the Tribal School District;
 - (5) Must possess a working knowledge of the Tribal history, culture and traditions; and
 - (6) Shall comply with the Tribes' Substance Abuse Policy, including pre-employment and random drug and alcohol testing.
- (c) The Fort Hall Business Council shall strive to appoint one nominee from each of the following five Reservation districts to serve on the Enrollment Committee, but if no applicant applies for the position from a district, a nominee shall be appointed to serve on the Enrollment Committee as an at-large position:
 - (1) Bannock Creek;
 - (2) Fort Hall;
 - (3) Gibson;
 - (4) Lincoln Creek;
 - (5) Ross Fork.
- (d) One alternate shall be appointed in the event that the appointed individual is unable to attend for an extended period of time any meetings or hearings as scheduled, or is unwilling or unable to serve. An alternate shall not serve in the place of a committee member who has recused himself or herself from any particular matter, unless the service of the alternate is necessary in order to form a quorum.
- (e) The term of appointment for members of the Enrollment Committee shall be three years, except that the initial appointment for two members shall be for a term of two years. The Fort Hall Business Council will decide, at its own discretion, or by a random method of selection, which member or members of the Enrollment Committee shall serve the respective initial terms.
- (f) The Enrollment Department shall monitor the Enrollment Committee's terms of service and shall notify the Fort Hall Business Council at least 60 days prior to the expiration of any member's term when such term is due to expire.
- (g) There shall not be any limit to the number of terms a person may be appointed to serve on the Enrollment Committee as long as they meet the other requirements.
- (h) The alternate Enrollment Committee member shall automatically complete any respective term in the event of a vacancy. The Chairperson of the Enrollment Committee shall notify the alternate in writing that he or she is to complete the term of the vacancy. The Chairperson is to give written notice to the Fort Hall Business Council that an alternate needs to be appointed for the vacant district.

(Ord. of 3-23-2007, § 301)

Sec. 2-3-7. - Duties and Responsibilities of the Enrollment Committee.

The Shoshone-Bannock Enrollment Committee shall have the following duties and responsibilities:

- (1) Review and make a determination of approval or denial of enrollment applicants for membership in the Shoshone-Bannock Tribes;
- (2) Review and make a determination of disenrollment of a Tribal member;
- (3) Ensure that all information and documentation received from the Enrollment Department is considered in making a determination with regard to enrollment;
- (4) Promulgate enrollment regulations and ensure that prior to approval of such proposed regulations that the Fort Hall Business Council and the Tribal membership are provided an opportunity to review and comment upon the proposed regulations;
- (5) Communicate and work with the Tribal Enrollment Department in processing enrollment applications;
- (6) Conduct hearings in regard to enrollment applications and disenrollment;
- (7) Establish rules and internal operating procedures that will ensure an effective and fair enrollment process;
- (8) Protect and maintain the confidentiality of enrollment applicants and persons, and records as required by Tribal laws;
- (9) Ensure that all decisions concerning enrollment are in compliance with applicable enrollment laws of the Shoshone-Bannock Tribes; and
- (10) Perform other duties as necessary to implement the Enrollment Act and its regulations.

(Ord. of 3-23-2007, § 302)

Sec. 2-3-8. - Removal of Enrollment Committee Members.

Any member of the Enrollment Committee may be removed by the Fort Hall Business Council from serving on the Enrollment Committee by an affirmative vote of at least four Fort Hall Business Council members, under the following circumstances:

- (1) If he or she is absent from more than three consecutive meetings without a valid excuse;
- (2) He or she no longer meets the qualifications to be a member of the Enrollment Committee;
- (3) He or she otherwise violates the provisions of this Enrollment Act; or
- (4) He or she resigns from the Committee.

(Ord. of 3-23-2007, § 303)

Sec. 2-3-9. - Committee Officers and Meetings.

- (a) The Enrollment Committee shall elect from within its own members a Chairperson, Vice-Chairperson, Treasurer, and Secretary.
- (b) The Chairperson, Vice-Chairperson, Treasurer and Secretary shall serve in such capacity for a one-year term. When those terms expire, then the Enrollment Committee shall elect a new Chairperson, Vice-Chairperson, Treasurer or Secretary from its members at the next meeting.
- (c) The Chairperson shall preside over all meetings of the Enrollment Committee.

- (d) The Vice-Chairperson shall preside when the Chairperson is not in attendance or has recused him/herself during a meeting.
- (e) The Secretary's duties shall include being responsible for recording all minutes in every Enrollment Committee meeting and maintaining all official records of the Enrollment Committee. All official records of the Enrollment Committee shall be maintained in the Enrollment Department. In the event the Secretary is unavailable for an official Enrollment Committee meeting, such meeting minutes may be taken by an acting Secretary as assigned by the Chairperson.
- (f) The Treasurer's duties include being responsible for the Committee's annual budget and sharing financial information to the Enrollment Committee. The Enrollment Department shall provide to the Treasurer the Enrollment Committee's budget on a monthly basis, and shall not make any revisions to the budget affecting the Enrollment Committee without the Committee's review and consent.
- (g) Regular meetings of the Enrollment Committee shall be held to meet on Enrollment matters.
- (h) A quorum of the Enrollment Committee shall consist of three members or more in order to conduct official enrollment business.
- (i) The Enrollment Committee shall be paid a set fee as established by the Fort Hall Business Council for Committee members and in accordance with an approved budget. From time to time, the Chairperson shall be on call to sign necessary enrollment documents and shall be paid according to time served for that purpose; such payments shall be in accordance with the approved budget or as established by the Fort Hall Business Council.
- (j) The members of the Enrollment Committee shall not be subject to the Shoshone-Bannock Tribes' Personnel Policies and Procedures Manual. The Enrollment Committee shall be governed by separate policies and procedures for committee members approved by the Fort Hall Business Council.

(Ord. of 3-23-2007, § 304)

Sec. 2-3-10. - Recusal of Enrollment Committee Members.

- (a) No member of the Enrollment Committee shall participate in any action or decision involving an applicant that is a spouse or related to the member to the second degree of relationship, including, step, half, adoptive and in-law relationships (i.e., children, parents, siblings, grandparents, stepchildren, parents-in-law, etc.).
- (b) A member of the Enrollment Committee may voluntarily recuse himself or herself and decline to participate in any formal action or decision by the Enrollment Committee when the member, in his or her own discretion, believes:
 - (1) That he or she cannot act fairly or without bias; or
 - (2) That there would be an appearance that he or she could not act fairly or without bias.
- (c) The Enrollment Committee may involuntarily recuse a member of the Enrollment Committee by an affirmative vote of two members of the Enrollment Committee when there is a belief:
 - (1) That he or she cannot act fairly or without bias; or
 - (2) That there would be an appearance that he or she could not act fairly or without bias.
- (d) When a member of the Enrollment Committee has recused himself/herself or been recused by a vote of the Enrollment Committee, he/she shall be required to leave the room during the discussion and any decision-making process regarding the reason for the recusal.

(Ord. of 3-23-2007, § 305)

PART IV. - ENROLLMENT STANDARDS

Sec. 2-3-11. - Persons Considered for Enrollment.

Any person may be considered for enrollment in accordance with the Constitution, Article II, and the applicable Sections of this Act, provided he or she files a written enrollment application in accordance with this Act.

(Ord. of 3-23-2007, § 401)

Sec. 2-3-12. - Eligibility for Enrollment.

To qualify for enrollment, an applicant must meet the following requirements: Any applicant must be born to an enrolled member of the Shoshone-Bannock Tribes, when such applicant's enrolled member parent or parents resided on the Reservation at the time of the applicant's birth.

(Ord. of 3-23-2007, § 402)

Sec. 2-3-13. - Residency.

The meaning of the term "residence" in regard to enrollment is purely a question of fact. Each case must depend on its particular facts and circumstances, and the question should be determined as one of fact. The Enrollment Committee shall use the definition of "residence" set for in Section 2-3-5 as guidance.

(Ord. of 3-23-2007, § 403)

Sec. 2-3-14. - Minors and Adopted Children Exceptions.

- (a) Any enrolled member minor child whose parents voluntarily relinquished the child's membership in the Shoshone-Bannock Tribes shall be given the opportunity to reapply for membership when he or she reaches the age of 18 or a sponsor assists the minor before the age of 18 pursuant to Section 2-3-20.
- (b) Applicants who were adopted, removed or placed in homes off the Reservation prior to their enrollment in the Shoshone-Bannock Tribes have returned to the Reservation and been enrolled in the Tribes. Often these applicants have children who were born prior to the adopted, removed or placed applicant being enrolled in the Tribes. In these circumstances the children born to the applicant may be considered eligible for enrollment, provided that, no future generations, e.g., grandchildren or great-grandchildren, shall be considered eligible for enrollment under this exception.

(Ord. of 3-23-2007, § 404)

Sec. 2-3-15. - Adoption of Members.

- (a) No future adoption of members shall be made by the Shoshone-Bannock Tribes.
- (b) Any children of an individual adopted into the Shoshone-Bannock Tribes shall not be considered eligible for enrollment in the Shoshone-Bannock Tribes if they do not have Shoshone-Bannock Tribal blood. Any such enrollment of children shall be an error and these enrollments will be reviewed for disenrollment.

(Ord. of 3-23-2007, § 405)

Sec. 2-3-16. - Tribal Traditions—Kaihitsi.

- (a) After four generations when a Duma Newene family (The Shoshone-Bannock People) continues to marry other races, and other Indian Tribes, they are considered to have lost their Duma Newene identity ("Duma Newene wazip"), lost Shoshone-Bannock identity. The Tribal traditions also provide that if after four generations an individual family continues to marry outside the Duma Newene people they are "Kaihitsi," a person who has no Duma Newene bloodline or relatives. The Enrollment Committee shall review and consider whether an applicant's relationship as a Duma Newene member is consistent with the traditional concept of " Kaihitsi," and if not, may apply the traditional law to determine enrollment.
- (b) Legislative intent of Fort Hall Business Council. To ensure the continued existence and integrity of the Shoshone-Bannock Tribes, as a Tribal Nation, the Enrollment Committee strives to protect and preserve the distinct cultural identity and blood lines of the Tribes by upholding the Shoshone-Bannock Tribal Constitution and Enrollment laws and resolutions governing enrollment/membership eligibility. Equally important to the written laws are the Tribal traditions (or unwritten laws) of who we are as separate sovereign peoples. The importance of marrying within the Newene community is to ensure that traditions are passed on, the language is kept intact and the children continue to understand and practice the Tribal culture. When Tribal members marry outside the Newene community they lose their identity as a Newene and no longer participate in the traditions of the Tribes.
- (c) Preservation of the Tribes' right to determine their own membership based on Shoshone and Bannock Tribal values are paramount. And, preservation of the Newene is a high priority in Enrollment issues. The Tribes' efforts to determine their own norms and values in structuring their future — membership issue — is certainly an exercise of cultural sovereignty. The concept of cultural sovereignty is valuable because it permits us, as Indian people, to chart the course for the future.

(Ord. of 3-23-2007, § 406)

Sec. 2-3-17. – Enrolled in Another Indian Tribe.

- (a) A person who is enrolled in another Federally recognized, State, or Canadian tribe shall not be considered for enrollment into the Shoshone-Bannock Tribes.
- (b) All current and past applications for enrollment based on relinquishment from another Federal, State, or Canadian recognized tribe, are considered null and void, and any applications rejected for this reason will not be considered for enrollment into the Shoshone-Bannock Tribes.

(CITATION HERE)

PART V. - APPLICATION FOR ENROLLMENT

Sec. 2-3-18. - Written Application for Enrollment to Be Filed with the Enrollment Department.

A separate written application for enrollment shall be filed with the Enrollment Department by or on behalf of each person applying for enrollment as an enrolled member of the Shoshone-Bannock Tribes.

(Ord. of 3-23-2007, § 501)

Sec. 2-3-19. - Content and Form of Application for Enrollment.

The content and form of the written application for enrollment shall be approved by the Enrollment Committee and the Fort Hall Business Council and may be amended from time to time, as deemed necessary.

(Ord. of 3-23-2007, § 502)

Sec. 2-3-20. - Sponsoring an Application for Enrollment on Behalf of Another Person.

- (a) If the applicant is 18 years of age or older, he or she must submit his or her own application, no sponsors are allowed except as prescribed herein.
- (b) If the applicant is mentally incompetent, or a person in need of assistance, a member of the Armed Forces or other services of the United States government, an application for enrollment may be completed and filed by the applicant's parents, legal guardian, or next of kin as the sponsor of such person.
- (c) If the applicant is 17 years of age or younger, an application for enrollment may be completed and filed by the applicant's parent(s), legal guardian, or next of kin as the sponsor of such person.

(Ord. of 3-23-2007, § 503)

Sec. 2-3-21. - Application Requirements.

- (a) When an enrollment application is presented to the Enrollment Department, it shall be reviewed to ensure the application has the current address, current telephone number, is dated and signed, the family tree is completed according to the applicant's knowledge, and all required documents are attached. Every applicant shall submit a complete application and supply such information and documentation as required by the Enrollment Committee. It is the duty of the applicant to disclose and provide all information material to the enrollment application. Both parents' names are preferred on the application.
- (b) The burden of proving his or her eligibility for enrollment is on the applicant.
- (c) The application shall be issued a number and date stamped the day it was fully completed. The number issued shall be on all the applicable enrollment forms through completion of the enrollment process. Only the name given at birth shall be used throughout the enrollment process, unless the prospective enrollee has been legally adopted, in which case the adoptive name shall be used throughout the enrollment process. If a person has a legal name change, the person shall notify the Enrollment Department with the accompanying documentation.
- (d) The applicant/sponsor has an affirmative duty to keep the Enrollment Department informed of the applicant's physical and/or mailing address or any other contact information. If, at any point in the enrollment process, a notice of initial denial, notice of denial or a notice regarding a hearing date is returned to the Enrollment Department as undeliverable, the applicant for enrollment shall be considered notified or served.
- (e) Items that shall accompany an application prior to being forwarded to the Enrollment Committee include:
 - (1) Enrollment application with completed family tree, and verified by the Enrollment Department.
 - (2) Original, certified copy of birth certificate (hard copy) as issued by the vital statistics department of the state of the applicant's birth (copy to be made upon receipt of original); unless unavailable from the state, such birth certificate shall be a certified photocopy.
 - (3) Verification of residency, as established by the Enrollment Committee.
 - (4) Original social security card (copy to be made upon receipt of original).

- (5) Copy of marriage or divorce document of biological parents or an indication that the biological parents were not married at the time of the applicant's birth.
- (6) If the sponsor is a non-Indian claiming the father of the applicant is an enrolled Tribal member or the Tribal member father denies paternity, there must be a notarized paternity statement from the biological father (form to be provided) and paternity DNA test results demonstrating with a probability of 99.99 percent certainty the applicant's biological father is an enrolled Tribal member. A defaulted legal finding of paternity or a legal presumption of paternity based on the marital status of the alleged parents shall not be utilized to establish paternity without a notarized paternity statement acknowledging paternity. All costs of the paternity test shall be borne by the applicant.
- (7) If name of the applicant, who has not been legally adopted, is different from original birth certificate the applicant must submit sufficient documentation to establish the applicant's lawful identity, including, but not necessarily limited to, the following:
 - a. Legal document declaring a change of name; or
 - b. If the name change is solely the result of a change of last name based on a marriage or divorce, a copy of the marriage certificate or divorce decree.
- (8) Additional items if applicant was legally adopted:
 - a. Adoption decree if available;
 - b. Birth certificate if available showing birth parents names; and
 - c. Revised birth certificate.

If only the revised birth certificate is available, the application must also have a notarized affidavit of a relative declaring the applicant's relationship to the biological family.
- (9) The Enrollment Committee may require additional information, as needed, from an applicant in order to better determine the applicant's eligibility for enrollment and may request, in writing, such information to be submitted prior to the application being reviewed by the Enrollment Committee.
- (10) All applications for enrollment that remain incomplete for a period of two years shall be closed by the Enrollment Department and no further review will be taken. In the event an application is closed a new application must be completed with accompanying documents.

(Ord. of 3-23-2007, § 504)

Sec. 2-3-22. - Promulgation of Regulations.

The Enrollment Committee shall have the authority to propose and adopt future internal administrative regulations for enrollment matters, provided the regulations are published for a 45-day period to permit Tribal members and Fort Hall Business Council comments.

(Ord. of 3-23-2007, § 505)

PART VI. - APPEALS TO THE FORT HALL BUSINESS COUNCIL

Sec. 2-3-23. - Right of Appeal.

Any applicant/sponsor that has had an enrollment application denied by the Enrollment Committee after an enrollment hearing, or whose enrollment is suspended or disenrolled may appeal the specific reason for the decision to the Fort Hall Business Council by filing a Request for Appellate Review with the Fort Hall Business Council, through the Enrollment Department, within 45 days of the date the Notice of

Denial, or other official documentation, was signed. If the applicant has new evidence or information he/she may submit that information within 30 days to the Enrollment Committee for reconsideration. If the affected party is out of the United States, serving in any arm of the United States military, when they receive such documentation, the 30-day time-frame will commence upon the date the affected party next returns to the Fort Hall Reservation. If the affected party is out of the United States for any reason other than military service, they shall have 60 days to file a Request for Appellate Review.

(Ord. of 3-23-2007, § 601)

Sec. 2-3-24. - Review and Decision of Fort Hall Business Council.

- (a) The burden of proof of establishing eligibility is on the appellant. The appeal should include any supporting evidence previously furnished to the Enrollment Committee.
- (b) The Fort Hall Business Council shall consider only the information or evidence that was provided and reviewed by the Enrollment Committee.
- (c) The appellate decision of the Fort Hall Business Council shall be final and conclusive. Written notice of the decision shall be given to the appellant.

(Ord. of 3-23-2007, § 602)

Sec. 2-3-25. - Reapplication for Enrollment.

- (a) Anyone who has had an application for enrollment with the Shoshone-Bannock Tribes denied and upheld by an appellate decision of the Fort Hall Business Council may reapply for enrollment one time if new information or evidence becomes available; provided, however, a person who has been disenrolled based upon false information or error may not reapply.
- (b) The applicant/sponsor shall submit a written request to reapply to the Enrollment Committee containing a description of the new information or evidence, upon which time the Enrollment Committee shall either grant or deny the opportunity to reapply. A decision by the Enrollment Committee to deny the reapplication may be appealed to the Fort Hall Business Council in accordance with the appeals process described in this division.
- (c) No more than one reapplication process will be allowed, regardless of the circumstances. The new application must comply with the provisions of this Part.

(Ord. of 3-23-2007, § 603)

PART VII. - VOLUNTARY RELINQUISHMENT

Sec. 2-3-26. - Relinquishment from the Shoshone-Bannock Tribes.

- (a) Enrolled members authorized to relinquish. Any adult enrolled member, 18 years of age or older, may sever his or her Tribal relations with the Shoshone-Bannock Tribes upon completing and submitting a Shoshone-Bannock Relinquishment Form to the Enrollment Committee.
- (b) Enrolled members not authorized to relinquish. Any parent or guardian of a minor enrolled member of the Shoshone-Bannock Tribes may not sever the child's enrollment when the child is less than 18 years of age.
- (c) Before any enrolled member may relinquish membership from the Shoshone-Bannock Tribes, the Enrollment Department will check with other Tribal departments and entities to determine whether or not the enrolled member has outstanding debts to the Shoshone-Bannock Tribes or is liable to the

Shoshone-Bannock Tribes for other consideration prior to recommendation for relinquishment. The Enrollment Department shall inform the Enrollment Committee of its findings.

(Ord. of 3-23-2007, § 701)

PART VIII. - DUAL ENROLLMENT

Sec. 2-3-27. - Dual Enrollment Prohibited.

Dual enrollment is prohibited by the Shoshone-Bannock Tribes, regardless of the policies of any other federally recognized Indian tribe, state recognized tribe or any Canadian band or tribe. Anyone who is or becomes a dual enrollee with the Shoshone-Bannock Tribes may be prosecuted criminally for fraud or any other applicable criminal or civil code violation.

(Ord. of 3-23-2007, § 801)

Sec. 2-3-28. - Notice of Dual Enrollment.

The Enrollment Department shall immediately notify the Enrollment Committee and send a Notice of Dual Enrollment to any enrolled member when the Enrollment Department receives evidence or has reason to believe that the enrolled member is presently enrolled in more than one federally recognized Indian tribe, state recognized or incorporated tribe or any Canadian band or tribe.

(Ord. of 3-23-2007, § 802)

Sec. 2-3-29. - Suspension of Enrollment.

Once a dual enrollment allegation has been verified, the Enrollment Committee shall immediately suspend the enrollment status of the dual enrollee, including all enrollment rights or privileges afforded to an enrolled member of the Shoshone-Bannock Tribes, including, but not limited to, Tribal distributions, voting, and Treaty hunting/fishing/gathering rights, until such time as the terms of this Act have been complied with. The Enrollment Committee shall also refer the issue to the Tribal Prosecutor's Office for their review and possible prosecution. Additionally, any Tribal Enrollment Identification must be returned to the Enrollment Department.

(Ord. of 3-23-2007, § 803)

Sec. 2-3-30. - Reinstatement of Enrollment.

The enrolled member/dual enrollee, shall, within 30 days from the date that the Notice of Dual Enrollment is received by certified mail, furnish the Enrollment Committee written evidence of relinquishment of membership in any other federally recognized Indian tribe(s), state recognized or incorporated tribe, or Canadian band or tribe he or she is/was enrolled/registered with, if they wish to retain enrollment in the Shoshone-Bannock Tribes. Such 30 days may be extended for good cause, upon written request, at the discretion of the Enrollment Committee. After such documentation is received by the Enrollment Committee, they shall review it and conduct a vote on whether to reinstate the person's enrollment status. In the event that the Enrollment Committee determines that the documentation does not clearly indicate that the person has complied with this Act and the person's enrollment status is not reinstated, the person may appeal such decision in accordance with the appeals provisions Section 2-3-23.

(Ord. of 3-23-2007, § 804)

Sec. 2-3-31. - Voluntary Relinquishment of Dual Enrollment.

An enrolled member/dual enrollee desiring to terminate his or her enrollment in the Shoshone-Bannock Tribes and retain his/her enrollment/membership in another federally recognized Indian tribe, state recognized or incorporated tribe, or Canadian band or tribe shall complete and sign a relinquishment form, and return it to the Shoshone-Bannock Tribes' Enrollment Department. Upon receipt of the relinquishment form, it shall be presented to the Enrollment Committee at the next enrollment meeting date for their consideration. The Enrollment Committee will review the relinquishment request and verify the forms prior to approving the relinquishment of enrollment with the Shoshone-Bannock Tribes. The Enrollment Committee will make a recommendation to the Fort Hall Business Council which will pass a resolution approving such relinquishment. Any dual enrollee who wishes to relinquish from the Shoshone-Bannock Tribes shall be required to pay back any monetary benefits (i.e., per capita payments) received during the term of their dual enrollment before they are allowed to relinquish.

(Ord. of 3-23-2007, § 805)

Sec. 2-3-32. - Removal After Notification.

In the event the enrolled member/dual enrollee fails to indicate his/her preference or fails to respond to the Notice of Dual Enrollment within 30 days from the date of their receipt of such notice, his or her name shall be permanently removed from the Shoshone-Bannock Tribes' membership records, provided, the Enrollment Committee approves the removal. The Enrollment Committee shall notify in writing the member that his or her name has been removed from the Tribal records, and forward a recommendation to the Fort Hall Business Council to pass a resolution removing the individual. A member who is removed from the Shoshone-Bannock Tribes' enrollment may appeal such decision according to Section 2-3-23.

(Ord. of 3-23-2007, § 806)

Sec. 2-3-33. - Certified Mail.

All communications by the Enrollment Department and the Enrollment Committee to Tribal members/dual enrollees that are required by this Part shall be notified by certified mail, return-receipt requested.

(Ord. of 3-23-2007, § 807)

Sec. 2-3-34. - Notification.

Once the enrolled member/dual enrollee is relinquished or removed from the Membership Rolls of the Shoshone-Bannock Tribes by official action of the Enrollment Committee, the Enrollment Department shall send notices to appropriate Shoshone-Bannock Tribal departments, the Bureau of Indian Affairs, Fort Hall Agency, and the local Indian Health Service Office.

(Ord. of 3-23-2007, § 808)

PART IX. - DISENROLLMENT

Sec. 2-3-35. - Disenrollment.

In addition to the disenrollment of members based on dual enrollment in Part VIII of this Chapter, the Enrollment Committee may seek disenrollment of an enrolled Tribal member for the following reasons:

- (1) If the Tribal member is found to have been enrolled on the basis of false information, mistake or error;
- (2) If it is found that the Tribal member does not meet the requirements set forth in the Constitution, Article II, or Part IV of this Chapter; or
- (3) If it is found that the Tribal member is selling, receives a profit or monetary benefit from the provision or performance of Tribal ceremonial traditions, practices or customs to non-Indians.

(Ord. of 3-23-2007, § 901)

Sec. 2-3-36. - Notice of Disenrollment.

- (a) The Enrollment Department shall immediately notify the Enrollment Committee, or the Enrollment Committee may initiate such disenrollment on its own accord, and send a Notice of Disenrollment to an enrolled Tribal member when there is evidence or has reason to believe that the enrolled member should be disenrolled based on the reasons in this Section.
- (b) All communications by the Enrollment Department and the Enrollment Committee to the enrolled Tribal member that are required by this division shall be notified by certified mail, return-receipt requested.
- (c) The notice shall inform the person to respond to the notice by requesting a hearing with the Enrollment Committee to review the disenrollment.

(Ord. of 3-23-2007, § 902)

Sec. 2-3-37. - Hearing.

- (a) A person who is notified of a disenrollment by the Enrollment Committee or Department shall be given the opportunity to appear at a hearing before the Enrollment Committee. Once a response has been filed with the Enrollment Committee, the Enrollment Committee shall schedule a hearing within 30 days of receipt of the response, and notify the person of the date, time and place.
- (b) If the person is unable to attend the hearing on the date, time and place scheduled, the person shall immediately contact the Enrollment Committee or Department to reschedule. If the person fails to respond within 30 days after the notice is mailed, the person will automatically be disenrolled. The person and the Fort Hall Business Council shall be notified of the disenrollment. The person shall be given the opportunity to appeal the decision to the Fort Hall Business Council in accordance with Section 2-3-23.
- (c) If a hearing is requested, the Enrollment Committee shall show specific evidence that the person should be disenrolled. The person shall be given an opportunity to respond to the evidence at the hearing, and 30 days from the hearing to provide additional information to the Enrollment Committee. If the person provides further evidence that satisfies the Enrollment Committee, the process is terminated and the person shall maintain his or her Tribal membership status. If the Enrollment Committee is not satisfied by the additional evidence, the person will be disenrolled and the person and Fort Hall Business Council shall be notified of the disenrollment. The person shall be given the opportunity to appeal the decision to the Fort Hall Business Council in accordance with Section 2-3-22.
- (d) If the person does not appear at the hearing or fails to notify the Enrollment Committee to reschedule the hearing date or time, the Enrollment Committee may proceed with the hearing and issue a decision on the disenrollment of the person. The person shall be sent a copy of the Enrollment Committee decision with notice that the person has a right of appeal to the Fort Hall Business Council as provided under Section 2-3-23.

(Ord. of 3-23-2007, § 903)

Sec. 2-3-38. - Legislative Intent of the Fort Hall Business Council.

- (a) The Shoshone-Bannock Tribes' traditions of integrity, honesty, and respect for community and other members are reflected in this division. Long ago, if Tribal members violated the values and norms of the community they were banished or not considered part of the community.
- (b) It is the intent of the Fort Hall Business Council in enacting these provisions that the Enrollment Committee may utilize these provisions to determine if currently enrolled members should be disenrolled based on false information, mistake, or error, and whether the enrolled members properly meet the requirements of the Constitution and other effective laws relating to enrollment. If the Enrollment Committee determines that an individual should not be enrolled they may seek disenrollment of the individual based on the procedures of this division.
- (c) The Fort Hall Business Council as the elected body of the Tribes is vitally concerned about Tribal members inappropriately exploiting the traditional ceremonial practices and traditions of the Shoshone-Bannock Tribes by selling such traditions to non-Indians or other personal gain. The practices of some Tribal members to charge a fee for sweatlodge ceremonies, sundances ("Daagowenne"), Native American Church meetings, Ghost Dance ("Tso'ane-kappe") and similar practices occurring on and off the Fort Hall Reservation is a blatant disregard of the traditional teachings of the Tribes and is not condoned. Per a resolution passed by the Fort Hall Business Council in August 1999, any person who presents him or herself on the Internet as a "Spiritual," "Medicine Person" or "Healer" is not recognized by the Shoshone-Bannock Tribes in any official or unofficial capacity as leaders or agents of the Shoshone-Bannock Tribes. The Business Council does not recognize the federal government's (Bureau of Indian Affairs) determination or acknowledgement of individual's as spiritual persons.
- (d) This provision does not apply to the sale of Tribal arts and crafts. It does not apply to any persons who may teach the Tribal languages in an educational institution or setting and who receives a salary for such employment.

(Ord. of 3-23-2007, § 903)

Sec. 2-3-39. - Enrollment of Disenrolled Tribal Member.

In the event a Tribal member is disenrolled under this division, such disenrollment shall not affect the enrollment of the member's children if the children are enrolled prior to the disenrollment of the parent. Once a Tribal member is disenrolled any children who are not enrolled may not be considered for enrollment after the disenrollment of the parent.

(Ord. of 3-23-2007, § 904)

PART X. - MISCELLANEOUS

Sec. 2-3-40. - Tribal Membership Roll.

The Tribal Membership Roll shall contain the names of all enrolled members of the Shoshone-Bannock Tribes of the Fort Hall Reservation, arranged in alphabetical order by their last name. For each such enrolled member, the Roll shall also indicate the enrolled member's enrollment number, sex, date of birth, degree of Shoshone-Bannock blood and other Indian blood, address, and the names and enrollment numbers, if applicable, of the enrolled member's parents. Any notations made upon such Roll shall indicate by whom such notations were made, the date the notations were made and the authority for making such notations. Any changes to the Tribal Membership Roll must be authorized by the Fort Hall Business Council.

(Ord. of 3-23-2007, § 1001)

Sec. 2-3-41. - Tribal Membership Roll to Be Kept Current.

The Enrollment Department shall promptly delete the names of all enrolled members who are deceased, all enrolled members who have relinquished their membership or disenrolled, and shall promptly add to the Rolls those approved for enrollment into the Shoshone-Bannock Tribes, as approved by the Enrollment Committee or the Fort Hall Business Council.

(Ord. of 3-23-2007, § 1002)

Sec. 2-3-42. - Addresses.

It shall be the responsibility of the applicant or enrolled member to inform the Enrollment Department of all address changes and otherwise ensure the Enrollment Department will at all times be able to locate the applicant or enrolled member. Failure to fully inform the Enrollment Department of the applicant's or enrolled member's current address will shield the Tribes from any argument for failure to adequately notify the applicant or enrolled member under the various provisions of this Act. The applicant or enrolled member shall be considered notified or served of notice at the current address on file in the Enrollment Department.

(Ord. of 3-23-2007, § 1003)

Sec. 2-3-43. - Repeal of Prior Conflicting Ordinances and Resolutions.

Any ordinance, resolution, or other law or regulation in conflict herewith, shall be repealed to the extent of such conflict. The Shoshone-Bannock Enrollment Procedures Act, ENRL-07-S2 is hereby repealed. Resolution No. 6, January 30, 1921, is not repealed.

(Ord. of 3-23-2007, § 1004)

Sec. 2-3-44. - Amendment.

This Act may be amended from time to time by the Fort Hall Business Council in accordance with the Constitution and Bylaws for the Shoshone-Bannock Tribes of the Fort Hall Reservation of Idaho.

(Ord. of 3-23-2007, § 1005)

Sec. 2-3-45. - Effective Date of Ordinance.

This Act shall take effect within the constitutionally required time frame, after the date of its enactment by the Fort Hall Business Council and approval by the Secretary of the Interior.

(Ord. of 3-23-2007, § 1006)

Sec. 2-3-46. - Severability.

If any provision contained in this Act shall be held by the Shoshone-Bannock Tribal Court to be illegal or otherwise invalid, the remaining provisions of this Act shall not be affected thereby and to this end the provisions of this Act are declared to be severable.

(Ord. of 3-23-2007, § 1007)

Sec. 2-3-47. - No Waiver of Sovereign Immunity.

Nothing herein shall be interpreted as waiving the sovereign immunity of the Tribes from suit or empowering the Enrollment Department, Enrollment Committee or any staff to waive the Tribes' or the Enrollment Department's or Enrollment Committee's immunity from suit. Any contract or agreement that provides for such waiver shall be void unless ratified by the Fort Hall Business Council.

(Ord. of 3-23-2007, § 1008)

Sec. 2-3-48. - Records and Tribal Privacy Act.

- (a) All records maintained by the Enrollment Committee and Enrollment Department are considered Tribal records, and these records may not be disclosed unless authorized by the Fort Hall Business Council in writing pursuant to the Shoshone-Bannock Tribes' Privacy Act.
- (b) No person may alter or destroy the enrollment records unless authorized by the Fort Hall Business Council in writing.
- (c) Nothing in this Act shall prohibit the Enrollment Committee from accessing and reviewing enrollment records or other information necessary for performance of their duties and responsibilities as long as all confidential information is preserved in accordance with the Tribal Privacy Act.

(Ord. of 3-23-2007, § 1009)