

TITLE 47
TRIBAL MEMBERSHIP

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TITLE 47

TRIBAL MEMBERSHIP

47.01.01 GENERAL PROVISIONS

47.01.02 Purpose

An Ordinance to provide for the adoption of members when the resources of the Community make such adoptions feasible, for the abandonment of membership and for the maintenance of a current membership roll of the Nisqually Indian Community.

HISTORICAL AND STATUTORY NOTES

1. The following is a re-type of General Council Resolutions No. A211974 governing the adoption of members into the Nisqually Indian Tribe, governing the abandonment of membership, and the maintenance of a current membership roll. Approved by Nisqually Community Council on June 1, 1974.
2. Title number changed from "Ordinance A21974" to "Title 47" as part of 2003 formatting amendments.
3. Section numbers changed and certain section headings added to this Title as part of 2003 formatting amendments. No change is intended to alter the interpretation or meaning of any section.
4. Title Certified by Bureau of Indian Affairs Director on July 1, 1974. The following language certified: "CERTIFICATE[:] I certify that the above Ordinance was adopted at a (regular) (special) meeting of the Community Council of the Nisqually Indian Community of the Nisqually Reservation, held on the 1 day of June, 1974 at Yelm, Washington, at which a quorum was present and was adopted by a vote of 20 for 0 against. APPROVED: [BIA stamped Jul 1 1974] [Superintendent, BIA] [Area Director] [Marie Sanchez] Nisqually Indian Community Secretary[.]"
5. Historical Note (1) corrected in 2009 to delete reference to General Council Resolution No. A20-1974.

47.01.03 Enactment

BE IT ENACTED BY the Community Council of the Nisqually Indian Community that the following regulations shall govern the adoption of members, abandonment of membership and the maintenance of a current membership roll of the Nisqually Indian Community.

HISTORICAL AND STATUTORY NOTES

Colon at end of paragraph changed to period to provide formatting consistency in 2003 amendments to the Tribal Code.

47.02 ADOPTION OF MEMBERS

47.02.01 Adoption of Members

- (a) A person of Indian blood may be adopted as a member of the Nisqually Indian Community by a majority vote of the Nisqually Community Council at such time as the Community Council determines that the resources of the community make such an adoption feasible.

- (b) Applicants who for any purposes whatsoever are recognized as members of any other tribe, band, or Indian community shall be required to furnish written relinquishment of membership in that other tribe, band, or Indian Community before consideration will be given to adoption into the Nisqually Indian Community.
- (c) Any person adopted by the Nisqually Indian Community shall acquire full membership rights and privileges which are accorded to all members.
- (d) Applicants must be submitted on Bureau of Indian Affairs forms and accompanied by a birth certificate or other proof of birth to the Nisqually Tribal Office unless otherwise provided.
- (e) Should any application be rejected or disapproved by the Nisqually Community Council, the applicant may file an appeal through the Tribal Secretary to the Community Council. The Tribal Secretary shall submit the application at the next regular or special meeting of the Community Council. Adoption shall be granted if a two-thirds-majority of the qualified voters present at the meeting vote in favor of the adoption. No action shall be taken unless a quorum consisting of 25% of the eligible voting members are present.

47.02.02 Adoption Criteria

- (a) The following criteria shall be used in determining those who may be eligible for adoption as members of the Nisqually Indian Community:
 - (i) Must be a direct lineal descendant of a member of the Nisqually Indian Tribe, as shown by DNA testing approved by the Enrollment Committee. For purposes of this Title 47, “direct lineal descendant” means the applicant must have either a biological parent or a biological grandparent who is a member of the Nisqually Indian Tribe.
 - (ii) Are not recognized for any purpose whatsoever as a member of any other tribe, band or community or Indians or Alaskan natives.
 - (iii) Shall have been a bona fide resident of that area encompassing the Nisqually Reservation, Yelm, Lower Nisqually, Lacey, Tumwater, and Olympia for a period of one year or more.
 - (iv) Shall have been a constructive and active participant in community activities for a period of one year or more. That those activities must have been directed toward the improvement of the health, education and economic well-being of the members and the strengthening of the sovereignty of the tribal entity. Special consideration may be given to children.
 - (v) Shall not have been terminated as an Indian by Congressional Act.

- (b) The roll submitted for the approval of the Secretary of Interior or his designee as of July 31, 1974 shall not include more than five adoptive members. The number to be adopted in future years shall be established on a year to year basis.

HISTORICAL AND STATUTORY NOTES

This section is a codification of Resolution No. A20-1974 dated June 1, 1974 and reaffirmed by the Nisqually General Council on October 10, 2009. It was added as part of the 2009 updating and reformatting of the Nisqually Law and Order Code. Section 47.02.02(a)(i) was added by motion by the Nisqually General Council on April 13, 2024 (clarified by the Nisqually General Council by vote on October 19, 2024), and the remaining parts of Section 47.02.02(a) were renumbered accordingly.

47.03 SPECIAL PROVISIONS

47.03.01 Special Provisions

- (a) Under those circumstances when the record of birth establishing the name of the natural parent or parents of an applicant is not available due to the actions of a court of law, application for membership in the Nisqually Indian Community may be submitted with a written request that the Western Washington Agency, Bureau of Indian Affairs, certify to the eligibility for enrollment or adoption.
- (b) It is understood that the documents required to establish eligibility under those circumstances shall be retained by the Bureau Indian Affairs and shall at all times remain confidential to that agency.

47.04 ABANDONMENT OF MEMBERSHIP

47.04.01 Abandonment of Membership

- (a) No person shall be removed from the membership roll of the Nisqually Indian Community unless a written certified statement of relinquishment is filed with the Community Council and the Bureau of Indian Affairs.
- (b) Deceased members name shall automatically be removed from the rolls of the Nisqually Indian Community for purposes of maintaining a current membership roll. This in no way shall effect the enrollment of descendants of the deceased.

ANNOTATION

Tribal Council Resolution 67-1998, dated 10/21/98, provides that:

1. That the Nisqually Indian Tribe will recognize an individual's right to relinquish

membership, or the right of a custodial parent to relinquish their child's membership; and,

2. That the Tribal Enrollment Office will maintain a roll specifying minors whose custodial parent has relinquished their right to membership so that said minor may have the ability to apply for enrollment as he or she reaches the age of adulthood, that age being 18, without fear of rejection by the Nisqually Indian Tribe.

47.05 MAINTENANCE OF A CURRENT MEMBERSHIP

47.05.01 Maintenance of a Current Membership

- (a) The Nisqually Community Council shall maintain a current membership roll of the Tribe in accordance with the following provisions:
 - (i) Applicants for enrollment shall be available at the offices of the Nisqually Indian Community.
 - (ii) Applicants may be submitted to the Western Washington Agency, Bureau of Indian Affairs, with proper documentation, until July 31, 1974 for the 1974 roll and from January 1 through June 30 of each year thereafter. A current roll will be prepared for the Community Council within ninety days after the specified closing date of each year.
 - (iii) Any member of the Nisqually Indian Community shall be entitled to inspect the official membership roll of the Community, provided, that at least one week's notice is given to the person who is authorized to maintain the roll.
 - (iv) The Nisqually Community Council shall provide copies of the roll to the Bureau of Indian Affairs for safekeeping and issue a certificate of membership to any person who is enrolled.