

UNITED STATES
DEPARTMENT OF THE INTERIOR
OFFICE OF INDIAN AFFAIRS



CONSTITUTION AND BY-LAWS OF THE
YERINGTON PAIUTE TRIBE
" NEVADA



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CONSTITUTION AND BY-LAWS OF THE YERINGTON PAIUTE TRIBE

PREAMBLE

We, the Indians residing on the Indian Reservation at Yerington, Nevada, known as the Yerington Colony Site, in order to establish a legal organization and secure certain privileges and powers offered to us by the Indian Reorganization Act, and to create governing units through which we may properly assume our new responsibilities, do hereby ordain and establish this Constitution and By-laws for the Yerington Paiute Tribe.

ARTICLE I—TERRITORY

The jurisdiction of the Yerington Paiute Tribe shall extend to the present Colony Site and to such other land as may hereafter be acquired by the Tribe, or by the United States in trust for said Tribe.

ARTICLE II—MEMBERSHIP

SECTION 1. The membership of the Yerington Paiute Tribe shall consist of the following:

(a) Any person of Paiute Indian blood who is a resident of the Yerington Colony Site at the time of the adoption of this Constitution and By-laws shall be a member of the Tribe.

(b) Any Paiute Indian residing in Smith and Mason Valleys at the time of the adoption of this Constitution and By-laws, whose name appears on the official Indian census roll of Smith and Mason Valleys as of January 1, 1935, shall be a member of the Tribe upon written application to the Yerington Paiute Tribal Council.

(c) Any child, born to a member of the Yerington Paiute Tribe, provided such member is a resident of lands within the jurisdiction of the Tribe at the time of birth of said child, shall be a member of the Tribe.

SEC. 2. The Tribal Council except as provided in section 1 (b) of this Article, shall have the power, by an affirmative vote of two-thirds to admit to tribal membership:

(a) Persons of Paiute Indian blood married to a member of the Yerington Paiute Tribe.

(b) Any person of one-half or more Indian blood married to a member of the Tribe.

SEC. 3. The Tribal Council shall cancel the membership of any adult person who makes application to sever his or her tribal relations, and thereafter such person shall cease to hold membership in the Tribe.

ARTICLE III—GOVERNING BODY

SECTION 1. The governing body of the Yerington Paiute Tribe shall consist of a council known as the Yerington Paiute Tribal Council.

SEC. 2. The Tribal Council shall be composed of seven councilmen elected by secret ballot.

SEC. 3. The Tribal Council so organized shall elect from its own members, (a) a chairman and (b) a vice-chairman; and from within or without its own members, (c) a secretary, (d) a treasurer and such other officers and committees as may be deemed necessary.

SEC. 4. Councilmen shall hold office for a term of two years or until their successors are elected.

ARTICLE IV—NOMINATIONS AND ELECTIONS

SECTION 1. All enrolled members of the Yerington Paiute Tribe who are 21 years of age or over, and who have maintained a legal residence on lands within the jurisdiction of the Tribe for a period of one year immediately prior to any election, are qualified voters at such election.

SEC. 2. Within 30 days after the ratification and approval of this Constitution and By-laws, an election shall be conducted by the Constitution Committee for the purpose of electing the members of the Council, and thereafter elections shall be held every two years on the first Saturday in December.

SEC. 3. The Tribal Council, or a board appointed by the Council, shall determine rules and regulations governing elections, and shall certify to the election of the members of the Council within one day after the election returns.

ARTICLE V—VACANCIES AND REMOVAL FROM OFFICE

SECTION 1. If a councilman or other official shall die, resign, permanently leave the colony, or be removed from office, the Council shall declare the office vacant and appoint a successor to fill the vacancy until the next regular election.

SEC. 2. Any councilman who is proven guilty of improper conduct or gross neglect of duty may be expelled from the Council by a two-thirds vote of the Council members: *Provided*, That the accused member is given full opportunity to reply to any and all charges at a designated Council meeting, and provided, further, that the accused member shall have been given a written statement of the charges against him at least five days before the meeting at which he is to be given an opportunity to reply.

SEC. 3. Upon a petition of at least one-third of the eligible voters of the Yerington Paiute Tribe it shall be the duty of the Tribal Council to call a special election to consider the recall of a member of the Council. In the event that a majority of those voting favor such recall, the office of said member shall be declared vacant and the Tribal Council shall proceed to fill the vacancy until the next regular election, when a new member shall be elected.

ARTICLE VI—POWERS OF THE COUNCIL

SECTION 1. The Tribal Council shall have the following powers:

(a) To employ representatives or legal counsel, the choice of counsel and fixing of fees, to be subject to the approval of the Secretary of the Interior.

(b) To prevent the sale, disposition, lease, or encumbrance of any tribal assets without the consent of the Council.

(c) To negotiate with Federal, State, and local governments on behalf of the Tribe.

(d) To issue and revoke permits for the use of home sites within the reservation, subject to review by the Secretary of the Interior.

(e) To manage all economic affairs and enterprises of the Yerington Paiute Tribe in accordance with the terms of a charter that may be issued to the Tribe by the Secretary of the Interior.

(f) To promulgate and enforce ordinances which provide assessments or license fees for the use of tribal privileges upon non-members doing business within the reservation, subject to the approval of the Secretary of the Interior, and the same may also apply to members of the Tribe without such review, provided such ordinances have been approved by a referendum vote of the Tribe.

(g) To regulate the disposition of home and property improvements made upon the lands of the Tribe.

(h) To promulgate and enforce ordinances, which shall be subject to review by the Secretary of the Interior, governing the conduct of members of the Tribe, and providing for the maintenance of law and order and the administration of justice by the establishment of an Indian Court, and defining its duties and powers.

(i) To promulgate and enforce ordinances which are intended to safeguard and promote the peace, safety, morals, and general welfare of the Yerington Paiute Tribe, by regulating the conduct of trade and use and disposition of the property of the Tribe, providing that any ordinance directly affecting non-members of the Tribe shall be subject to review by the Secretary of the Interior.

(j) To create and maintain a tribal fund by accepting grants or donations from any person, State, or the United States, and from tribal enterprises.

(k) To charter subordinate organizations for economic purposes and regulate by ordinance the activities of cooperative associations of members of the Yerington Paiute Tribe, provided that any such ordinance shall be subject to review by the Secretary of the Interior.

(l) To delegate to subordinate boards or to cooperative associations which are open to all members of the Tribe any of the foregoing powers, reserving the right to review any action taken by virtue of such delegated powers.

(m) To cultivate and preserve native arts, crafts, and culture.

SEC. 2. Any resolution or ordinance which by the terms of this Constitution is subject to review by the Secretary of the Interior shall be presented to the superintendent in charge of the reservation, who shall within ten days thereafter approve or disapprove the same.

If the superintendent shall approve any ordinance or resolution, it shall thereupon become effective, but the superintendent shall transmit a copy of the same, bearing his endorsement, to the Secretary of the Interior, who may within 90 days from the date of enactment, rescind the said ordinance or resolution for any cause, by notifying the Tribal Council of such decision.

If the superintendent shall refuse to approve any ordinance or resolution submitted to him within ten days after its enactment he shall advise the Tribal Council of his reasons therefor. If these reasons appear to the Tribal Council insufficient, it may, by

a majority vote, refer the ordinance or resolution to the Secretary of the Interior, who may, within 90 days from the date of its enactment, approve the same in writing, whereupon the said ordinance or resolution shall become effective.

SEC. 3. The Council of the Tribe may exercise such further powers as may in the future be delegated to it by the Government, whether through order of the Secretary of the Interior or by Congress.

SEC. 4. Any rights and powers heretofore vested in the Indians residing on the Yerington Indian Reservation, but not expressly referred to in this Constitution, shall not be abridged by this Article, but may be exercised by the people of the Yerington Paiute Tribe through the adoption of appropriate by-laws and constitutional amendments.

ARTICLE VII—REFERENDUM

Upon petition by at least one-third of the eligible voters of the Yerington Paiute Tribe or upon the request of a majority of the members of the Tribal Council any enacted or proposed ordinance or resolution shall be submitted to popular referendum, and the vote of a majority of those voting in such referendum shall be conclusive and binding on the Council provided that at least 30 per cent of the eligible voters shall vote in such election.

ARTICLE VIII—AMENDMENTS

SECTION 1. Amendments to the Constitution and By-laws may be ratified and approved in the same manner as this Constitution and By-laws shall be ratified and approved.

SEC. 2. It shall be the duty of the Secretary of the Interior, upon receipt of a written resolution approved by a majority vote of the Council or upon receipt of a petition signed by twenty-five per cent of the members of the Tribe, to call a special election for the adoption of any proposed amendment to this Constitution and By-laws.

BY-LAWS OF THE YERINGTON PAIUTE TRIBE

ARTICLE I—THE TRIBAL COUNCIL

SECTION 1. The Chairman of the Council shall preside over all meetings of the Council, perform all duties of the Chairman and exercise any authority delegated to him by the Council.

SEC. 2. The Vice-Chairman shall assist the Chairman when called upon to do so, and in the absence of the Chairman shall preside, and when so presiding shall have all the privileges, duties, and responsibilities of the Chairman.

SEC. 3. The Council Secretary shall keep minutes of all meetings and shall forward a copy of the minutes of all meetings to the Superintendent of the Carson Indian Agency, and shall perform such other duties as may be required of the office.

SEC. 4. The Treasurer shall be the custodian of all moneys which may come under the jurisdiction or into the control of the Tribal Council. He shall pay out money only in accordance with the orders and resolutions of the Tribal Council. He shall keep account of all receipts and disbursements and shall report the same to the Council

at each regular meeting. He shall be bonded in such an amount as the Council may by resolution provide, subject to the approval of the Commissioner of Indian Affairs. The books of the Treasurer shall be subject to audit or inspection at the direction of the Council or the Commissioner of Indian Affairs. Until the Treasurer is bonded, the Council may make such provision for the custody and disbursement of funds as shall guarantee their safety and proper disbursement and use.

SEC. 5. Newly elected members who have been duly certified shall be installed at the first regular meeting of the Tribal Council.

SEC. 6. Each member of the Tribal Council and each officer or subordinate officer, elected or appointed under this Constitution and By-laws shall take an oath of office prior to assuming the duties thereof, by which oath he shall pledge himself to support and defend the Constitution of the United States and this Constitution and By-laws.

Oath: "I _____, do solemnly swear that I will support and defend the Constitution of the United States against all enemies; that I will carry out faithfully and impartially the duties of my office to the best of my ability; that I will cooperate, promote, and protect the best interests of my Tribe, in accordance with this Constitution and By-laws."

SEC. 7. Regular meetings of the Tribal Council shall be held every month, or at such other times as the Council may by resolution provide, on a day to be determined by the Council.

SEC. 8. Special meetings may be called by a written notice signed by the Chairman, or a majority of the Council, and when so called the Tribal Council shall have power to transact business as in the regular meetings.

SEC. 9. No business shall be transacted unless a quorum is present which shall consist of a majority of the Council membership.

SEC. 10. Order of business:

- (a) Call to order by the Chairman.
- (b) Roll call.
- (c) Reading of minutes of last meeting.
- (d) Unfinished business.
- (e) Reports.
- (f) New business.
- (g) Adjournment.

ARTICLE II—ORDINANCES AND RESOLUTIONS

SECTION 1. All final decisions of the Council on matters of general and permanent interest to the members of the Tribe shall be embodied in ordinances.

SEC. 2. All final decisions of the Council on matters of temporary interest (such as action on the tribal budget for a single year, or petitions to Congress or the Secretary of the Interior) or relating especially to particular individuals or officials (such as adoption of members, instructions for tribal employees or rules of order for the Council) shall be embodied in resolutions. Such resolutions shall be recorded in a special book which shall be open to public inspection.

SEC. 3. All questions of procedure (such as acceptance of Committee reports or invitations to outsiders to speak) shall be decided by action of the Council or by the ruling of the Chairman if no objec-

tion is heard. In all ordinances, resolutions or motions, the Council may act by a majority vote.

SEC. 4. Every ordinance shall begin with the words: "*Be it enacted by the Council of the Yerington Paiute Tribe.*"

SEC. 5. Every resolution shall begin with the words: "*Be it resolved by the Council of the Yerington Paiute Tribe.*"

ARTICLE III—ADOPTION

This Constitution and By-laws when ratified by a majority vote of the adult Indians residing on the Yerington Colony Site voting at a special election called for the purpose by the Secretary of the Interior, provided that at least thirty per cent of those entitled to vote shall vote in such election, shall be submitted to the Secretary of the Interior, and, if approved, shall be effective from the date of approval.

CERTIFICATION OF ADOPTION

Pursuant to an order, approved November 13, 1936, by the Secretary of the Interior, the attached Constitution and By-laws was submitted for ratification to the adult Indians residing on the Indian Reservation at Yerington, Nevada, and was on December 12, 1936, duly passed by a vote of 56 for, and 4 against, in an election in which over 30 per cent of those entitled to vote cast their ballots, in accordance with section 16 of the Indian Reorganization Act of June 18, 1934 (48 Stat. 984), as amended by the Act of June 15, 1935, (49 Stat. 378).

DENNIS BENDER,
Chairman of Election Board.

SHORTY JACKSON,
Secretary of Election Board.

ALIDA C. BOWLER,
Superintendent in Charge of the Reservation.

I, Harold L. Ickes, the Secretary of the Interior of the United States of America, by virtue of the authority granted me by the act of June 18, 1934 (48 Stat. 984), as amended, do hereby approve the attached Constitution and By-laws of the Yerington Paiute Tribe.

All rules and regulations heretofore promulgated by the Interior Department or by the Office of Indian Affairs, so far as they may be incompatible with any of the provisions of the said Constitution or By-laws are hereby declared inapplicable to the Yerington Paiute Tribe.

All officers and employees of the Interior Department are ordered to abide by the provisions of the said Constitution and By-laws.
Approval recommended December 28, 1936.

WILLIAM ZIMMERMAN, JR.,
Acting Commissioner of Indian Affairs.

HAROLD L. ICKES,
Secretary of the Interior.
[SEAL]

WASHINGTON, D. C., January 4, 1937.