

**RESOLUTION OF THE TOHONO O'ODHAM LEGISLATIVE COUNCIL
(Enacting Seatbelt and Child Restraint Laws as Sections of the Traffic Code of the
Tohono O'odham Nation)**

RESOLUTION NO. 05-438

1 **WHEREAS, the Legislative Council is vested with the power “to enact criminal and civil laws**
2 **governing the conduct of any person within the Tohono O’odham Nation” and to**
3 **provide laws “to promote, protect and provide for public health, peace, morals,**
4 **education and general welfare of the Tohono O’odham Nation and its members”**
5 **(Constitution of the Tohono O’odham Nation, Article VI, Section 1(c)(6) and 1(c)(2)); and**
6 **WHEREAS, seatbelt and child restraint laws have proven effective in reducing the number of**
7 **traffic fatalities and serious injuries to children and adults in other jurisdictions; and**
8 **WHEREAS, on June 27, 2005, the Council enacted the Traffic Code of the Tohono O’odham Nation**
9 **and directed the Domestic Affairs Committee “to make recommendations to the**
10 **Council within 90 days for enacting new and updated traffic laws, including but not**
11 **limited to seatbelt and child restraint laws” (Resolution No. 05-361); and**
12 **WHEREAS, in response, the Domestic Affairs Committee has drafted seatbelt and child restraint**
13 **provisions designed to protect the health and safety of the public; and**
14 **WHEREAS, if enacted, Traffic Code Section 1001 (“Section 1001”), requiring primary vehicle**
15 **restraints, and Traffic Code Section 1002 (“Section 1002”), requiring child passenger**
16 **restraint systems, would be added to the Traffic Code; and**
17 **WHEREAS, fines for violating Section 1002 child restraint provisions would not be imposed if the**
18 **vehicle is later equipped with a child passenger restraint system; and**
19 **WHEREAS, the Tohono O’odham Department of Health & Human Services provides child restraint**
20 **systems to members of the Nation free of charge; and**
21 **WHEREAS, fines that are collected would be expended to promote child passenger safety**
22 **prevention measures; and**
23 **WHEREAS, it is in the Nation’s best interest to enact Section 1001 and Section 1002, which are**
24 **hereby incorporated by this reference, as civil laws of the Nation in order to protect**
25 **the public health, safety, and welfare.**
26 **NOW, THEREFORE, BE IT RESOLVED that the Legislative Council hereby enacts Section**
27 **1001 and Section 1002, which are hereby added to the Traffic Code of the Tohono**
28 **O’odham Nation, provided that the severability clause adopted and made part of the**

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1 Traffic Code pursuant to Resolution No. 05-361 shall apply to Section 1001, Section
2 1002, and to any provisions of the Traffic Code that are added or amended in the
3 future.

4 The foregoing Resolution was passed by the Tohono O'odham Legislative Council on the 02ND. Day
5 of AUGUST, 2005 at a meeting at which a quorum was present with a vote of 2,440.80 FOR; -0-
6 AGAINST; -0- NOT VOTING; and [01] ABSENT, pursuant to the powers vested in the Council by
7 Section 1 (c)(1), 1(c)(2) and 1(c)(6) of Article VI of the Constitution of the Tohono O'Odham Nation,
8 adopted by the Tohono O'Odham Nation on January 18, 1986; and approved by the Acting Deputy
9 Assistant Secretary - Indian Affairs (Operations) on March 6, 1986, pursuant to Section 16 of the Act
10 of June 18, 1934 (48 Stat. 984).

11 TOHONO O'ODHAM LEGISLATIVE COUNCIL

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14 Evelyn B. Juan Manuel, Legislative Chairwoman

15 2nd day of August, 2005

16 ATTEST:

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18 Lucille Lopez, Acting Legislative Secretary

19 2nd day of August, 2005.

20 Said Resolution was submitted for approval to the office of the Chairwoman of the Tohono
21 O'Odham Nation on the 2nd day of August, 2005 at 4:50 o'clock, P.M.,
22 pursuant to the provisions of Section 5 of Article VII of the Constitution and will become effective
23 upon her approval or upon her failure to either approve or disapprove it within 48 hours of
24 submittal.

25 TOHONO O'ODHAM LEGISLATIVE COUNCIL

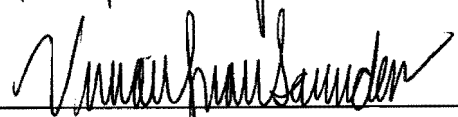
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27 _____
28 Evelyn B. Juan Manuel, Legislative Chairwoman

29 APPROVED

30 on the 3 day of August, 2005

31 DISAPPROVED

32 at 12:59 o'clock, P.M.

33 
34 _____
35 VIVIAN JUAN-SAUNDERS, CHAIRWOMAN
36 TOHONO O'ODHAM NATION

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Returned to the Legislative Secretary on the 03rd day of

August, 2005, at 2:02 o'clock, P.M.


Lucille Lopez, Acting Legislative Secretary