

**RESOLUTION OF THE TOHONO O'ODHAM LEGISLATIVE COUNCIL**  
**(Approving Comments to the 25 CFR Part 292 Proposed Rule on Gaming on Trust**  
**Lands Acquired After October 17, 1988)**

**RESOLUTION NO. 06-780**

1 **WHEREAS, the Indian Gaming Regulatory Act, 25 U.S.Code 2701-2721 (the "AIGRA"), as enacted**  
2 **by the U.S. Congress in 1988, contains a Section 20 which prohibits gaming on lands**  
3 **acquired after the date of enactment, October 17, 1988 ("after acquired lands"), with**  
4 **certain exceptions; and**

5 **WHEREAS, Section 20 of the IGRA includes an exception for lands taken into trust as part of a**  
6 **settlement of a land claim; and**

7 **WHEREAS, the Bureau of Indian Affairs has proposed regulations for a new part of the Code of**  
8 **Federal Regulations, 25 CFR Part 292, in the October 5, 2006 issue of the Federal**  
9 **Register, and has requested comments by December 4, 2006; and**

10 **WHEREAS, the proposed regulations would recognize newly acquired lands taken into trust as**  
11 **a result of court ordered land claim settlements only, and would not recognize**  
12 **congressionally enacted land claim settlements within the exception; and**

13 **WHEREAS, many Indian Tribes have acquired lands through congressionally enacted**  
14 **settlements rather than court ordered settlements, and such congressionally enacted**  
15 **settlements deserve recognition in the Section 20 exception to the same extent as**  
16 **court ordered settlements; and**

17 **WHEREAS, Congress's broad recognition of land claim settlements in general should not be**  
18 **narrowed by an administrative agency, thereby changing the meaning of the statute;**  
19 **and**

20 **WHEREAS, by Resolution No. 06-044 the Nation previously opposed changes to the land claims**  
21 **settlement exception in Section 20 of the IGRA, and took a position against the**  
22 **amendment to the IGRA embodied in S. 2078; and**

23 **WHEREAS, the Office of Attorney General has prepared comments to the proposed regulations,**  
24 **attached hereto, which request changes to the proposed regulations so that**  
25 **congressionally enacted land claim settlements will be recognized in the IGRA**  
26 **Section 20 exception.**

27 **NOW, THEREFORE, BE IT RESOLVED that the Tohono O'odham Legislative Council approves the**  
28 **attached letter providing comments on the proposed 25 CFR Part 292 rules, and**  
29 **authorizes and directs the Chairwoman of the Nation to sign the letter and ensure its**  
30 **delivery to the Bureau of Indian Affairs on or before December 4, 2006.**

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Page 2 of 3

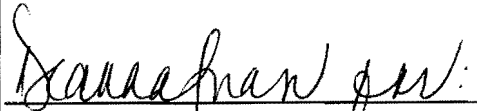
1 The foregoing Resolution was passed by the Tohono O'odham Legislative Council on the 29<sup>TH</sup>. Day  
2 of NOVEMBER, 2006 at a meeting at which a quorum was present with a vote of 2,122.65 FOR; -0-  
3 AGAINST; 318.15 NOT VOTING; and [04] ABSENT, pursuant to the powers vested in the Council by  
4 Section 1 (j) of Article VI of the Constitution of the Tohono O'Odham Nation, adopted by the Tohono  
5 O'Odham Nation on January 18, 1986; and approved by the Acting Deputy Assistant Secretary -  
6 Indian Affairs (Operations) on March 6, 1986, pursuant to Section 16 of the Act of June 18, 1934 (48  
7 Stat. 984).  
8  
9

10 TOHONO O'ODHAM LEGISLATIVE COUNCIL

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13 \_\_\_\_\_  
14 Verlon M. Jose, Legislative Chairman

15  
16 29 day of November, 2006  
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18

19 ATTEST:

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22 \_\_\_\_\_

23 Lucille Lopez, Acting Legislative Secretary

24  
25 29<sup>th</sup> day of November, 2006.  
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27 Said Resolution was submitted for approval to the office of the Chairwoman of the Tohono  
28 O'Odham Nation on the 29 day of November, 2006 at 4:58 o'clock, P. .M.,  
29 pursuant to the provisions of Section 5 of Article VII of the Constitution and will become effective  
30 upon her approval or upon her failure to either approve or disapprove it within 48 hours of  
31 submittal.  
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34 TOHONO O'ODHAM LEGISLATIVE COUNCIL

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37 \_\_\_\_\_  
38 Verlon M. Jose, Legislative Chairman

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40  
41 on the 29 day of November, 2006

42  APPROVED

43  
44 at 5:07 o'clock, P. .M.

45  DISAPPROVED

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49 VIVIAN JUAN-SAUNDERS, CHAIRWOMAN  
50 TOHONO O'ODHAM NATION  
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**RESOLUTION NO. 06-780**

**(Approving Comments to the 25 CFR Part 292 Proposed Rule on Gaming on Trust Lands Acquired After October 17, 1988)**

**Page 3 of 3**

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Returned to the Legislative Secretary on the 21 day of

November, 2006, at 5:15 o'clock, P.M.

*Lucille Lopez*

**Lucille Lopez, Acting Legislative Secretary**

ACTION: APPROVING COMMENTS TO THE 25 CFR PART 292 PROPOSED RULE ON GAMING ON TRUST LANDS  
ACQUIRED AFTER OCTOBER 17, 1988

MOVED: COUNCILWOMAN OLIVIA LISTON

SECOND: COUNCILWOMAN FRANCES MIGUEL

DATE: NOVEMBER 29, 2006

DISTRICT	LEGISLATIVE REPRESENTATIVES	# OF VOTES	FOR	AGAINST	NOT VOTING	ABSENT
BABOQUIVARI 310.8	1. FRANCES MIGUEL (Vernon J. Smith) (	155.40	X			
	2. FRANCES G. ANTONE (Lucilda J. Valenzuela (Norris))	155.40	X			
CHUKUT KUK 258.7	1. ETHEL GARCIA ( )	129.35	X			X
	2. VERLON M. JOSE (David Garcia)	129.35	X			
GU ACHI 221.6	1. TIMOTHY L. JOAQUIN** (Jonas Robles)	110.80			X	
	2. CYNTHIA E. MANUEL (Louis L. Johnson)	110.80			X	
GU VO 193.1	1. RAYMOND VICTOR ( )	96.55			X	
	2. MICHAEL FLORES (Grace Manuel)	96.55	X			
HICKIWAN 167.4	1. DELMA GARCIA (Mary E. Sam)	83.70	X			
	2. SANDRA ORTEGA ( )	83.70	X			
PISINEMO 171.8	1. BARBARA SALVICIO ( )	85.90	X			
	2. GERALD FAYUANT ( )	85.90	X			X
SAN LUCY 169.0	1. JOHN W. LAWSON, SR. ( )	84.50	X			
	2. GLORIA RAMIREZ ( )	84.50	X			
SAN XAVIER 193.8	1. FELICIA NUÑEZ ( )	96.90	X			
	2. OLIVIA VILLEGAS-LISTON (Eileen A. Estrada-Lopez)	96.90	X			
SCHUK TOAK 146.9	1. FRANCES B. CONDE ( )	73.45	X			
	2. PHYLLIS JUAN ( )	73.45	X			X
SELLS 421.0	1. MARLENE SARAFICIO-JUAN ( )	210.50	X			
	2. EVELYN B. JUAN MANUEL (Kimberly Listo)	210.50	X			X
SIF OIDAK 186.7	1. WAVALENE ROMERO (Isidro Lopez)	93.35	X			
	2. DARLENE ANDREW (Rita Wilson)	93.35	X			
<b>TOTAL</b>		<b>2,440.80</b>	<b>2,122.65</b>	<b>-0-</b>	<b>318.15</b>	<b>[04]</b>

\*\*PASSED VOTES