

**RESOLUTION OF THE TOHONO O'ODHAM LEGISLATIVE COUNCIL  
(Electing to Carry Out Subtitle A-Sex Offender Registration and Notification of the  
Adam Walsh Child Protection and Safety Act of 2006)**

**RESOLUTION NO. 07-453**

1 **WHEREAS, the “Adam Walsh Child Protection and Safety Act of 2006,” P.L. 109-248 (42 U.S.C. §**  
2 **16901 et seq.) (the “Adam Walsh Act”), was enacted on July 27, 2006 with the purpose**  
3 **of establishing a comprehensive national system for registration and public**  
4 **awareness of sex offenders and offenders against children to better protect the public**  
5 **from such predators; and**

6 **WHEREAS, Section 127 of the Adam Walsh Act requires that all federally recognized Indian tribes**  
7 **affirmatively elect to carry out the mandates of Subtitle A-Sex Offender Registration**  
8 **and Notification by July 27, 2007, or be treated as having implicitly delegated the**  
9 **inherent tribal authority to perform sex offender registration and notification within**  
10 **tribal jurisdictions to the state; and**

11 **WHEREAS, the Tohono O’odham Nation has a compelling interest in protecting and fostering**  
12 **tribal sovereignty and tribal jurisdiction over matters within its lands that affect its**  
13 **people; and**

14 **WHEREAS, the Tohono O’odham Legislative Council is vested with the power to “govern the**  
15 **conduct of members of the Tohono O’odham Nation and other persons within its**  
16 **jurisdiction”; “promote, protect and provide for public health, peace, morals,**  
17 **education and general welfare of the Tohono O’odham Nation and its members”;**  
18 **“provide for the maintenance of law and order and the administration of justice; to**  
19 **establish law enforcement agencies; and to enact criminal and civil laws governing the**  
20 **conduct of any person within the Tohono O’odham Nation consistent with federal law”**  
21 **(Constitution of the Tohono O’odham Nation, Article VI, Section 1(c)(1), (2) and (6)); and**

22 **WHEREAS, the Tohono O’odham Nation has a compelling interest in safeguarding the lives and**  
23 **health of its children, members and guests on tribal lands, as evidenced by the Tohono**  
24 **O’odham Legislative Council’s adoption of Ordinance 2000-02, titled “Sex Offender**  
25 **Registration and Notification Law” (Tohono O’odham Code Title 7, Chapter 3); and**

26 **WHEREAS, the Tohono O’odham Nation Sex Offender Registration and Notification Law**  
27 **substantially complies with the requirements of the Adam Walsh Act and the Tohono**  
28 **O’odham Nation will do what is necessary to carry out the additional requirements of**  
29 **the Act within the implementation period provided in Section 124 of the Act.**

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1 **NOW, THEREFORE, BE IT RESOLVED that the Tohono O'odham Legislative Council affirmatively**  
2 **elects to carry out Adam Walsh Act Subtitle A-Sex Offender Registration and**  
3 **Notification as a jurisdiction subject to its provisions as provided by Section 127 and**  
4 **subject to the implementation deadlines provided in Section 124 of the Act.**

5 **BE IT FINALLY RESOLVED that the Tohono O'odham Nation has not consented and does not**  
6 **consent to any exercise of state jurisdiction over the Nation's sex offender registry and**  
7 **notification system or over the Nation's functions under Subtitle A of the Adam Walsh**  
8 **Act.**

9 **The foregoing Resolution was passed by the Tohono O'odham Legislative Council on the 12<sup>TH</sup>. Day**  
10 **of JULY, 2007 at a meeting at which a quorum was present with a vote of 2,534.5 FOR; -0- AGAINST;**  
11 **-0- NOT VOTING; and [01] ABSENT, pursuant to the powers vested in the Council by Section 1(c)(1),**  
12 **(2) and (6) of Article VI of the Constitution of the Tohono O'Odham Nation, adopted by the Tohono**  
13 **O'Odham Nation on January 18, 1986; and approved by the Acting Deputy Assistant Secretary -**  
14 **Indian Affairs (Operations) on March 6, 1986, pursuant to Section 16 of the Act of June 18, 1934 (48**  
15 **Stat. 984).**

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17 **TOHONO O'ODHAM LEGISLATIVE COUNCIL**

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20 *Verlon M. Jose*  
21 **Verlon M. Jose, Legislative Chairman**  
22  
23 *23<sup>rd</sup> day of July*, 2007  
24

25 **ATTEST:**

26  
27 *Lucille Lopez*  
28  
29 **Lucille Lopez, Acting Legislative Secretary**

30  
31 *12 day of July*, 2007.  
32

33 **Said Resolution was submitted for approval to the office of the Chairman of the Tohono O'Odham**  
34 **Nation on the 23<sup>rd</sup> day of July, 2007 at 12:05 o'clock, P.M.,**  
35 **pursuant to the provisions of Section 5 of Article VII of the Constitution and will become effective**  
36 **upon his approval or upon his failure to either approve or disapprove it within 48 hours of**  
37 **submittal.**

38  
39 **TOHONO O'ODHAM LEGISLATIVE COUNCIL**

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42 *Verlon M. Jose*  
43 **Verlon M. Jose, Legislative Chairman**  
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APPROVED

on the 23 day of July, 2007

DISAPPROVED

at 12:43 o'clock, P.M.

  
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NED NORRIS, JR., CHAIRMAN  
TOHONO O'ODHAM NATION

Returned to the Legislative Secretary on the 23 day of

July, 2007, at 12:46 o'clock, P.M.

  
\_\_\_\_\_  
Lucille Lopez, Acting Legislative Secretary

**ACTION: ELECTING TO CARRY OUT SUBTITLE A-SEX OFFENDER REGISTRATION AND NOTIFICATION OF THE ADAM WALSH CHILD PROTECTION AND SAFETY ACT OF 2006**

**MOVED: COUNCILMAN TIMOTHY JOAQUIN**

**SECOND: COUNCILWOMAN ETHEL GARCIA**

**DATE: JULY 12, 2007**

DISTRICT	LEGISLATIVE REPRESENTATIVES	# OF VOTES	FOR	AGAINST	NOT VOTING	ABSENT
<b>BABOQUIVARI</b> 316.9	1. FRANCES MIGUEL (Roberta Harvey)	158.45	X			
	2. FRANCES G. ANTONE ( )	158.45	X			
<b>CHUKUT KUK</b> 264.8	1. ETHEL GARCIA ( )	132.40	X			
	2. VERLON M. JOSE ( )	132.40	X			
<b>GU ACHI</b> 227.9	1. TIMOTHY L. JOAQUIN (Louis L. Johnson)	113.95	X			
	2. CYNTHIA E. MANUEL ( )	113.95	X			
<b>GU VO</b> 199.2	1. GRACE MANUEL ( )	99.60	X			
	2. MICHAEL FLORES ( )	99.60	X			
<b>HICKIWAN</b> 172.0	1. MICHELLE ORTEGA ( )	86.00	X			
	2. SANDRA ORTEGA ( )	86.00	X			
<b>PISINEMO</b> 182.4	1. CHESTER ANTONE ( )	91.20	X			X
	2. GERALD FAYUANT ( )	91.20	X			
<b>SAN LUCY</b> 181.1	1. LORRAINE EILER ( )	90.55	X			
	2. GLORIA RAMIREZ ( )	90.55	X			
<b>SAN XAVIER</b> 196.5	1. FELICIA NUÑEZ (Adam P. Andrews)	98.25	X			
	2. OLIVIA VILLEGAS-LISTON ** (Eileen A. Estrada-Lopez)	98.25	X			
<b>SCHUK TOAK</b> 154.6	1. FRANCES B. CONDE (Frederick Jose)	77.30	X			
	2. PHYLLIS CACHORA (Agnes Joaquin)	77.30	X			
<b>SELLS</b> 444.7	1. KIMBERLY LISTO ( )	222.35	X			
	2. EVELYN B. JUAN MANUEL ( )	222.35	X			
<b>SIF OIDAK</b> 194.4	1. WAVALENE ROMERO ( )	97.20	X			
	2. MARY LOPEZ ( )	97.20	X			
<b>TOTAL</b>		<b>2,534.5</b>	<b>2,534.5</b>	<b>-0-</b>	<b>-0-</b>	<b>[01]</b>

**\*\*PASSED VOTES**