

RESOLUTION OF THE TOHONO O'ODHAM LEGISLATIVE COUNCIL
(Approving Conforming Amendments to 21 Tohono O'odham Code Chapter 1 - Alcoholic Beverages Licensing and Control)

RESOLUTION NO. 15-015

1 **WHEREAS,** the Constitution of the Tohono O'odham Nation provides that "[a]ll legislative
2 powers of the Tohono O'odham Nation shall be vested in the Tohono O'odham
3 Council," and vests the Legislative Council with the power to "enact laws,
4 ordinances and resolutions necessary or incidental to the exercise of its
5 legislative powers" (Constitution, Article V, Section 1 and Article VI, Section 1(1));
6 and

7 **WHEREAS,** on April 6, 1982, the Papago Tribal Council enacted the Alcoholic Beverages
8 Licensing and Control Ordinance as Ordinance No. 05-82 for the regulation of
9 the introduction, sale, possession and consumption of alcoholic beverages
10 within the exterior boundaries of the Nation (21 T.O.C. Chapter 1); and

11 **WHEREAS,** Ordinance No. 05-82 was subsequently certified by the Assistant Secretary for
12 Indian Affairs as required by federal law and published in the Federal Register
13 at 47 FR 47687-02; and

14 **WHEREAS,** pursuant to Legislative Order No. 06-267, the Legislative Council authorized and
15 directed the Legislative Attorney's Office "to maintain a current compilation of
16 the Nation's existing laws of permanent and general interest as the Tohono
17 O'odham Code" and "to prepare codified versions of the Nation's existing laws
18 for inclusion in the Tohono O'odham Code, subject to approval by the Legislative
19 Council."; and

20 **WHEREAS,** by Resolution No. 14-513 the Legislative Council codified Ordinance No. 05-82 as
21 21 Tohono O'odham Code Chapter 1 - Alcoholic Beverages Licensing and
22 Control, to replace outdated references to the Papago Tribe and other outdated
23 terminology, incorporate exemptions adopted by Resolution No. 01-119 and
24 Resolution No. 04-514, and making other non-substantive changes; and

25 **WHEREAS,** 18 U.S.C. § 1161 provides that federal laws generally prohibiting the sale,
26 introduction, or possession of intoxicating liquor in Indian Country do not apply
27 if "such act or transaction is in conformity both with the laws of the State in
28 which such act or transaction occurs and with an ordinance duly adopted by the
29 tribe having jurisdiction over such area of Indian country, certified by the
30 Secretary of the Interior, and published in the Federal Register."; and

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Page 2 of 3

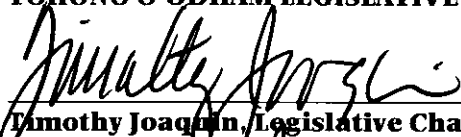
1 **WHEREAS, the Nation's chairperson has submitted amendments to 21 Tohono O'odham**
2 **Code Chapter 1 - Alcoholic Beverages Licensing and Control to the Bureau of**
3 **Indian Affairs Western Region Office for certification and, based on input from**
4 **the Western Region, the Commerce Committee recommends that the Legislative**
5 **Council adopt Tohono O'odham Alcoholic Beverages Licensing and Control**
6 **Ordinance Amendments as dated for reference January 2015, which are**
7 **incorporated by this reference, to ensure the Nation's law complies with the**
8 **requirements of federal and applicable state law.**

9 **NOW, THEREFORE, BE IT RESOLVED by the Tohono O'odham Legislative Council that, in**
10 **addition to the Ordinance No. 05-82 amendments codified in 21 Tohono**
11 **O'odham Code Chapter 1 - Alcoholic Beverages Licensing and Control as**
12 **approved by Resolution No. 14-513, the Legislative Council approves the Tohono**
13 **O'odham Alcoholic Beverages Licensing and Control Ordinance Amendments as**
14 **dated for reference January 2015.**

15 **BE IT FINALLY RESOLVED that the Legislative Council requests that the Secretary of the**
16 **Interior certify and publish in the Federal Register 21 Tohono O'odham Code**
17 **Chapter 1 - Alcoholic Beverages Licensing and Control as amended by this**
18 **resolution and Resolution No. 14-513.**

19 **The foregoing Resolution was passed by the Tohono O'odham Legislative Council on the 16TH**
20 **day of JANUARY, 2015 at a meeting at which a quorum was present with a vote of 2,841.2 FOR;**
21 **105.3 AGAINST; -0- NOT VOTING; and [02] ABSENT, pursuant to the powers vested in the Council**
22 **by Article V, Section 1; Article VI, Section 1(c)(2) and 1(1) of the Constitution of the Tohono**
23 **O'odham Nation, adopted by the Tohono O'odham Nation on January 18, 1986; and approved**
24 **by the Acting Deputy Assistant Secretary - Indian Affairs (Operations) on March 6, 1986,**
25 **pursuant to Section 16 of the Act of June 18, 1934 (48 Stat.984).**

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28 **TOHONO O'ODHAM LEGISLATIVE COUNCIL**

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32 **Timothy Joaquin, Legislative Chairman**

33
34 16 day of January, 2015
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Page 3 of 3

1 **ATTEST:**

2 *Evonne Wilson*

3 _____
4 **Evonne Wilson, Legislative Secretary**

5 16 day of January, 2015

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8 **Said Resolution was submitted for approval to the office of the Chairman of the Tohono**
9 **O'odham Nation on the 16 day of January, 2015 at 11:41 o'clock, A .m.,**
10 **pursuant to the provisions of Section 5 of Article VII of the Constitution and will become**
11 **effective upon his approval or upon his failure to either approve or disapprove it within 48**
12 **hours of submittal.**

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15 **TOHONO O'ODHAM LEGISLATIVE COUNCIL**

16 *Timothy Joaquin*

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18 **Timothy Joaquin, Legislative Chairman**

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25 **APPROVED**

on the 16 day of January, 2015
at 12:55 o'clock, P .m.

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27 **DISAPPROVED**

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29 *Ned Norris, Jr.*

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31 **NED NORRIS, JR., CHAIRMAN**
32 **TOHONO O'ODHAM NATION**

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38 **Returned to the Legislative Secretary on the 16 day of**

39 January, 2015, at 1:06 o'clock, P .m.

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41 *Evonne Wilson*

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43 **Evonne Wilson, Legislative Secretary**
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ACTION: APPROVING CONFORMING AMENDMENTS TO 21 TOHONO O'ODHAM CODE CHAPTER 1 - ALCOHOLIC BEVERAGES LICENSING AND CONTROL

Moved: COUNCILWOMAN FRANCES MIGUEL

SECOND: COUNCILMAN BILLMAN LOPEZ

DATE: JANUARY 16, 2015

DISTRICT	LEGISLATIVE REPRESENTATIVES	# OF VOTES	FOR	AGAINST	NOT VOTING	ABSENT
SIF OIDAK 224.2	1. LUCINDA ALLEN (Nicholas Jose)	112.1	X			
	2. MARY LOPEZ ()	112.1	X			
SELLS 502.0	1. ARTHUR WILSON (Ophelia Patten)	251.0	X			
	2. BARBARA HAVIER (Beverly Rivas)	251.0	X			
SCHUK TOAK 174.2	1. FRANCES B. STEPHENS (Anthony J. Rios)	87.1	X			
	2. QUINTIN C. LOPEZ (John Fendenheim)	87.1	X			
SAN XAVIER 224.2	1. HILARION CAMPUS (Daniel L.A. Preston, III)	112.1	X			
	2. RACHEAL VILSON-STONER (Olivia Villegas-Liston)	112.1	X			
SAN LUCY 219.6	1. DIANA MANUEL (Gloria Ramirez)	109.8	X			
	2. JANA MONTANA ()	109.8	X			
PISINEMO 210.6	1. CHESTER ANTONE (Tony Murrietta)	105.3	X			
	2. EDWARD MANUEL, SR. ()	105.3		X		
HICKIWAN 196.9	1. LOUIS R. LOPEZ ()	98.45	X			X
	2. SANDRA ORTEGA (Manuel Osequeda, Jr.)	98.45	X			
HIA CED 19.6	1. PATRICK ANDREWS (Janice E. Paul)	9.8	X			
	2. VIRGINIA GARCIA ()	9.8	X			X
GU VO 241.0	1. GRACE MANUEL (Floyd Flores)	120.5	X			
	2. PAMELA ANGHILL (Jeffery Antone, Sr.)	120.5	X			
GU ACHI 257.3	1. TIMOTHY L. JOAQUIN ()	128.65	X			
	2. LORETTA LEWIS (Louis Johnson)	128.65	X			
CHUKUT KUK 319.2	1. ETHEL GARCIA (Marlakay C. Henry)	159.6	X			
	2. BILLMAN LOPEZ ()	159.6	X			
BABOQUIVARI 357.7	1. FRANCES MIGUEL (Robert Harvey)	178.85	X			
	2. VERNON J. SMITH (Gloria Zazueta)	178.85	X			
TOTAL		2,946.5	2,841.2	105.3	-0-	[02]