

RESOLUTION OF THE TOHONO O'ODHAM LEGISLATIVE COUNCIL
(Request for Tribal State Compact - Gaming Activities)

RES. NO. 314-88

1 WHEREAS, on October 17, 1988, the Indian Gaming Regulatory Act
2 (S.555) was enacted into law providing for (1) a
3 statutory basis for operations of gaming by Indian
4 tribes, (2) a statutory basis for the regulation of
5 gaming by an Indian tribe, and (3) the establishment of
6 independent federal regulatory authority and standards
7 for gaming on Indian lands; and

8 WHEREAS, the Tohono O'Odham Nation has for many years owned and
9 operated a bingo hall on the San Xavier Reservation
10 wherein the game of bingo is played both electronically
11 and manually including other games similar to bingo; and

12 WHEREAS, the Indian Gaming Regulatory Act divides the gaming on
13 Indian lands into three classes, namely, Class I gaming,
14 meaning social games which are unregulated by the Act;
15 Class II gaming such as bingo and games similar to
16 bingo, excluding electronic or electromechanical bingo
17 machines, which are tribally and federally regulated;
18 and Class III gaming, meaning all forms of gaming that
19 are not Class I or Class II gaming; and

20 WHEREAS, the Act further provides that Class III gaming
21 activities are lawful on Indian lands if such activities
22 are (1) authorized by a tribal ordinance or resolution,
23 (2) located in a state that permits such gaming
24 activities, and (3) conducted in conformance with a
25 tribal-state compact entered into by the Indian tribe
26 and the State; and

27 WHEREAS, the Act further provides that for a period of one year
28 from the date of enactment of the Act, Class II gaming
29 includes electronic or electromechanical facsimiles of
30 any game of chance (bingo) that was legally operated on
31 Indian lands on or before May 1, 1988, if the Indian
32 tribe having jurisdiction over the lands on which such

1 gaming was operated requests the State, by no later than
2 the date that is 30 days after the date of enactment of
3 the Act, to negotiate a tribal-state compact under the
4 provisions of the Act; and

5 WHEREAS, prior to May 1, 1988, the Tohono O'Odham Nation has been
6 and still is operating video bingo on its reservation
7 and is eligible to continue its operation during this
8 one year period provided the nation requests the State
9 to negotiate a tribal-state compact under the provisions
10 of the Act; and

11 WHEREAS, this Council believes that it is in the best interest of
12 the Tohono O'Odham Nation for the nation to request the
13 State of Arizona to negotiate a tribal-state compact for
14 the operation of gaming activities which are allowable
15 under the provisions of the Act only by means of a
16 tribal-state compact.

17 NOW, THEREFORE, BE IT RESOLVED that the Tohono O'odham
18 Legislative Council does hereby authorize and direct
19 that a request be sent to the State of Arizona on or
20 before November 12, 1988, to negotiate a tribal-state
21 compact for the operation of gaming activities within
22 the Tohono O'Odham Nation which are allowable under the
23 provisions of the Indian Gaming Regulatory Act (S.555)
24 only by means of a tribal state compact.

25 BE IT FURTHER RESOLVED that the Chairman of the Nation is hereby
26 authorized to execute and send the above request,
27 registered mail return receipt requested, on or before
28 the date set forth hereinabove.

29 The foregoing Resolution was passed by the Tohono O'odham Council
30 on the 9th day of November, 1988 at a meeting at which a quorum
31 was present with a vote of 1,268.5 for; 126.0 against; 245.5
32 not voting; and 02 absent, pursuant to the powers vested in the
Council by Section 1 (a) of Article VI of the Constitution of
the Tohono O'odham Nation, adopted by the Tohono O'odham Nation
on January 18, 1986, and approved by the Acting Deputy Assistant
Secretary - Indian Affairs (Operations) on March 6, 1986,
pursuant to Section 16 of the Act of June 18, 1934 (48 Stat.
984).

TOHONO O'ODHAM LEGISLATIVE COUNCIL

Harriet Toro
Harriet Toro, Legislative Chairperson

9th day of November, 1988.

ATTEST:

Teresa M. Choyguha
Teresa M. Choyguha, Legislative Secretary

9th day of November, 1988.

Said Resolution was submitted for approval to the office of the Chairman of the Tohono O'odham Nation on the 10 day of Nov., 1988, at 8:36 o'clock, A.M., pursuant to the provisions of Section 5 of Article VII of the Constitution and will become effective upon his approval or upon his failure to either approve or disapprove it within 48 hours of submittal.

TOHONO O'ODHAM LEGISLATIVE COUNCIL

Harriet Toro
Harriet Toro, Legislative Chairperson

APPROVED) on the 10th day of November, 1988,
 DISAPPROVED) at 3:50 o'clock, P.M.

Enos J. Francisco, Jr.
ENOS J. FRANCISCO, JR., Chairman
TOHONO O'ODHAM NATION

Returned to the Legislative Secretary on the 10th day of November, 1988, at 4:14 o'clock, P.M.

Teresa M. Choyguha
Teresa M. Choyguha
Legislative Secretary

MOVED: Julia Carrillo

SUBJECT: Request for Tribal-

SECOND: Virgil Lewis

State Compact - Gaming

DATE: November 09, 1988

Activities

RESOLUTION #314-88

DISTRICTS	REPRESENTATIVES	# OF VOTES	FOR	AGAINST	NOT VOTING	ABSENT
SIF OIDAK 138.0	1. Nicholas Jose (Letitia Garcia)	69.0	X			
	2. Willard Juan, Sr. (Melissa Gregorio)	69.0	X			
SELLS 257.0	1. Andrew Patricio (Daniel Lopez)	128.5	X			
	2. Fred Stevens ()	128.5			X	
SCHUK TOAK 105.0	1. Julia Carrillo (JoAnn Francisco)	52.5	X			
	2. Joseph Juan (Frances Francisco)	52.5	X			
SAN XAVIER 126.0	1. Eugene Enis (Michael Rios)	63.0		X		X
	2. Tony Felix (Carmelita Mattias)	63.0		X		
BABOQUIVARI 241.0	1. Kenneth Chico, Sr. ()	120.5	X			X
	2. Joann Garcia (Frances Miguel)	120.5	X			
GU ACHI 158.0	1. Percy Lopez ()	79.0	X			
	2. Fernando Joaquin ()	79.0	X			
PISINEMO 116.0	1. Johnson Jose ()	58.0	X			
	2. Edward Manuel ()	58.0	X			
SAN LUCY 85.0	1. Max Jose (Dewey Ortega)	42.5	X			
	2. John Reno ()	42.5	X			
GU VO 117.0	1. Virgil Lewis (Roy Montana)	58.5			X	
	2. Cross Antone (Juan Joe Cipriano)	58.5			X	
HICKIWAN 128.0	1. Henry Ramon (Billy Manuel)	64.0	X			
	2. Lloyd Francisco (Eleanor Santos)	64.0	X			
CHUKUT KUK 169.0	1. Rosita Ruiz (Rosemary Lopez)	84.5	X			
	2. Harriet Toro ()	84.5	X			
TOTAL		1,640.0	1,268.5	126.0	245.5	02