

**RESOLUTION OF THE TOHONO O'ODHAM LEGISLATIVE COUNCIL  
(Amending Chapter 15 of the Nation's Criminal Code)**

**RESOLUTION NO. 92-007**

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3 **WHEREAS,** *Chapter 15 of the Nation's Criminal Code makes it unlawful to*  
4 *conduct within the Tohono O'odham Nation a game of chance,*  
5 *including but not limited to roulette, 21, poker, stud poker, draw*  
6 *poker, or any similar game played with cards, dice or other*  
7 *devices (Section 15.1(A)), and further makes it unlawful to*  
8 *conduct within the Tohono O'odham Nation a game of chance,*  
9 *raffle or lottery to win money or other valuable consideration, or*  
10 *to keep, maintain, employ or carry on a lottery or raffle (Sections*  
11 *15.2(A), 15.3(A)); and*

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14 **WHEREAS,** *pursuant to Section 15.3(B) of the Nation's Criminal Code, bingo*  
15 *games, raffles or lotteries conducted or operated in accordance*  
16 *with the provisions of Ordinance No. 12-82 (referred to as the*  
17 *Bingo Ordinance) are exempt from the application of Section 15.3*  
18 *of the Nation's Criminal Code; and*

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21 **WHEREAS,** *Ordinance No. 12-82 authorizes the conduct and playing of the*  
22 *game of bingo within the Tohono O'odham Nation; and*

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24 **WHEREAS,** *the Bingo Ordinance was amended by Resolution No. 06-85 to*  
25 *authorize the installation and operation of bingo video equipment*  
26 *at the Nation's bingo operation located at San Xavier District*  
27 *(known as Papago Bingo); and*  
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**WHEREAS,** *subsequent to the enactment of the Bingo Ordinance and the passage of Resolution No. 06-85, the United States government enacted a law in 1988 known as the Indian Gaming Regulatory Act, 25 U.S.C. §2701 et seq., to regulate the conduct of gaming on Indian reservations and Indian lands; and*

**WHEREAS,** *Congress expressly stated that the purpose of the Act is to promote tribal economic development, self-sufficiency and strong tribal governments, and established the National Indian Gaming Commission to protect gaming as a means of generating tribal revenue; and*

**WHEREAS,** *the Indian Gaming Regulatory Act authorizes Indian tribes to conduct games of chance on Indian lands (as that term is defined in 25 U.S.C. §2703(4)) if such Indian gaming is located within a State that permits such gaming for any purpose by any person, organization or entity (25 U.S.C. §§2710(b)(1)(A) and 2710(d)(1)(B)); and*

**WHEREAS,** *the laws of the State of Arizona authorize the conduct of bingo, lottery, parimutuel wagering, charitable organization "casino nights", amusement gambling, regulated gambling, and social gambling; and*

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**WHEREAS, the Nation's share of profits from tribal gaming operations are used to provide essential services to the O'odham People; and**

**WHEREAS, by Resolution No. 92-006 the Legislative Council amended the Bingo Ordinance to permit and authorize the conduct of all types of games described as Class II and Class III games under the Indian Gaming Regulatory Act, which games may include games of chance, raffles or lotteries, as described in Sections 15.1(A), 15.2(A), and 15.3(A) of the Nation's Criminal Code; and**

**WHEREAS, as a result of the above-described amendment to the Bingo Ordinance, Chapter 15 of the Nation's Criminal Code must likewise be amended.**

**NOW, THEREFORE, BE IT RESOLVED that Chapter 15 of the Nation's Criminal Code is hereby amended in the following respects:**

- 1. Section 15.3(B) is deleted in its entirety.**
- 2. The following provision is added as Section 15.4: Section 15.4 Exemption**

**The provisions of this Chapter do not apply to games of chance, raffles or lotteries conducted or operated in accordance with the provisions of Ordinance No. 12-82, as amended by Resolution No. 92-006.**



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The foregoing Resolution was passed by the Tohono O'Odham Legislative Council on the 6TH. day of JANUARY, 1992 at a meeting at which a quorum was present with a vote of 1,398.5 FOR; -0- AGAINST; 325.5 NOT VOTING; and 01 ABSENT, pursuant to the powers vested in the Council by Section 1 (c) 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**

Mary Ann Antone  
Mary Ann Antone, Legislative Chairwoman

7<sup>th</sup> day of January, 1992

**ATTEST:**

Teresa M. Choyguha  
Teresa M. Choyguha, Legislative Secretary

7<sup>th</sup> day of January, 1992

Said Resolution was submitted for approval to the office of the Chairman of the Tohono O'Odham Nation on the 07<sup>th</sup> day of January, 1992, at 3:14 o'clock, P. 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.

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**TOHONO O'ODHAM LEGISLATIVE COUNCIL**

Mary Ann Antone  
**Mary Ann Antone, Legislative Chairwoman**

**APPROVED** on the 7 day of January, 1992

**DISAPPROVED**) at 4:10 o'clock, P..M.

Josiah Moore  
**JOSIAH MOORE, Chairman**  
**TOHONO O'ODHAM NATION**

Returned to the Legislative Secretary on the 7<sup>th</sup> day of January,  
1992, at 4:40 o'clock, P..M.

Teresa M. Choyguha  
**Teresa M. Choyguha, Legislative Secretary**

MOVED: COUNCILMAN JOHN RENOSUBJECT: AMENDING CHAPTER 15 OF THE NATION'SSECOND: COUNCILWOMAN JOANNE PRESTONCRIMINAL CODEDATE: JANUARY 6, 1992

DISTRICTS	REPRESENTATIVES	# OF VOTES	FOR	AGAINST	NOT VOTING	ABSENT
CHUKUT KUK 163.0	1. Kenneth Williams (Harriet Toro)	81.5	X			
	2. Alberta M. Lopez (Berdella Jose)	81.5	X			
HICKIWAN 125.0	1. Lloyd Francisco (Billy C. Manuel)	62.5	X			
	2. Manuel Osequeda, Jr. ( )	62.5	X			
GU VO 114.0	1. Virgil Lewis (Michael Flores)	57.0			X	
	2. Emilio Lewis (Anthony Flores)	57.0	X			
SAN LUCY 106.0	1. Albert Manuel, Jr. (Max P. Jose)	53.0			X	
	2. John Reno ( )	53.0	X			
PISINEMO 119.0	1. Johnson Jose ( )	59.5	X			
	2. Chester Antone (Fernando Valentine)	59.5	X			
GU ACHI 166.0	1. Alex Ramon (Fernando Joaquin)	83.0			X	
	2. Willard Anita ( )	83.0	X			
BABOQUIVARI 229.0	1. Earl A. Francisco (Kenneth Chico, Sr.)	114.5	X			
	** 2. Frances Miguel ( )	114.5	X			
SAN XAVIER 127.0	1. Joanne C. Preston (Carmelita Mattias)	63.5	X			
	** 2. Eugene Enis, Sr. (Michael R. Rios)	63.5	X			
SCHUK TOAK 107.0	1. JoAnn Francisco (David Valenzuela Sr.)	53.5			X	
	2. Frances Francisco (Joseph Juan)	53.5	X			
SELLS 310.0	1. Joseph T. Joaquin (Larry Garcia)	155.0	X			
	2. Andrew Patricio (Lucille Encinas)	155.0	X			X
SIF OIDAK 158.0	1. Mary Ann Antone (Nina Jose)	79.0			X	
	2. Willard Juan, Sr. (Delbert Thomas)	79.0	X			
TOTAL		1,724.0	1,398.5	-0-	325.5	01

\*\*PASSED VOTES