

RESOLUTION OF THE TOHONO O'ODHAM LEGISLATIVE COUNCIL
(Endorsing in Principle the "Indian Tribal Courts Act
of 1991" Substitute Bill S.1752 Pending before
the United States Senate)

RES. NO. 92-176

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4 **WHEREAS,** *there is now pending before the United States Senate a bill*
5 *entitled the "Indian Tribal Courts Act of 1991", S.1752*
6 *(Substitute), which has as its goal the development and*
7 *enhancement of tribal courts through a new appropriation of*
8 *funds to place tribal courts at a funding level equivalent to their*
9 *counterparts in state judicial systems; and*

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11 **WHEREAS,** *the Tohono O'odham Constitution reserves to the Tohono*
12 *O'odham Legislative Council the power to consult with the*
13 *Congress of the United States regarding federal activities and*
14 *appropriations that affect the Tohono O'odham Nation; and*

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16 **WHEREAS,** *the Tohono O'odham Legislative Council has reviewed substitute*
17 *bill S.1752 and agrees with the findings and purposes expressed*
18 *therein; and*

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20 **WHEREAS,** *the Tohono O'odham Legislative Council endorses the concept of*
21 *increased funding to tribal courts, and finds that additional*
22 *funding is critical to the continued development of the Tohono*
23 *O'odham Judicial Branch and its ability to respond to a caseload*
24 *growing in number and complexity; and*

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26 **WHEREAS,** *the Legislative Council finds that the substitute bill accords proper*
27 *deference to tribal governments and their role in tribal decision*
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making, and is not inconsistent with the Tohono O'odham Constitution and the delegation of powers provided for therein; and

WHEREAS, *the Tohono O'odham Legislative Council is concerned about the establishment of an independent, non-federal Conference as the vehicle for the distribution of federal funds under the substitute bill, the implications of such an approach for the government-to-government relationship existing between the Nation and the United States, and what processes will be available for review of that entity's actions in making rules and establishing funding criteria; and*

WHEREAS, *the Tohono O'odham Legislative Council finds that the United States and the Nation have established a practice of carrying on the government-to-government relationship through the Bureau of Indian Affairs, and that despite its shortcomings, the BIA is the proper agency, in consultation with Indian governments, to administer federal funds granted to Indian nations and possesses the expertise and administrative mechanisms necessary to carry out such a task.*

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NOW, THEREFORE, BE IT RESOLVED:

- 1. That the Tohono O'odham Legislative Council endorses in principle substitute bill S.1752 and increased funding for tribal courts; and**
- 2. That the Tohono O'odham Legislative Council directs its Judiciary Committee to submit written comments regarding substitute bill S.1752 to the United States Senate, consistent with this resolution.**

The foregoing Resolution was passed by the Tohono O'Odham Legislative Council on the 5TH day of May, 1992 at a meeting at which a quorum was present with a vote of 1,524.5 FOR; 199.5 AGAINST; -0- NOT VOTING; and 02 ABSENT, pursuant to the powers vested in the Council by Section 1(c)(6) & (j) 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, Legislative Chairwoman

6th day of May, 1992

RESOLUTION NO. 92-176

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ATTEST:

Juliana Sarajicio for
Teresa M. Choyguha, Legislative Secretary

6TH day of May, 1992.

Said Resolution was submitted for approval to the office of the Chairman of the Tohono O'Odham Nation on the 6th day of May, 1992, at 8:39 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

Mary Ann Antone
Mary Ann Antone, Legislative Chairwoman

APPROVED on the 6 day of May, 1992

DISAPPROVED) at 8:56 o'clock, A.M.

Josiah Moore
JOSIAH MOORE, Chairman
TOHONO O'ODHAM NATION

Returned to the Legislative Secretary on the 6TH day of May,
1992, at 9:47 o'clock, A.M.

Juliana Sarajicio
Teresa M. Choyguha, Legislative Secretary
for

MOVED: COUNCILMAN EARL A. FRANCISCOSUBJECT: ENDORISING IN PRINCIPLE THE "INDIAN TRIBALSECOND: COUNCILMAN JOHN RENOCOURTS ACT OF 1991" SUBSTITUTE BILL S.1752DATE: MAY 05, 1992PENDING BEFORE THE UNITED STATES SENATE

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. 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			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			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			
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	1,524.5	199.5	-0-	02

**PASSED VOTES