

**RESOLUTION OF THE TOHONO O'ODHAM LEGISLATIVE COUNCIL  
(Amending Chapter 2 of the Tohono O'Odham Law and Order Code)**

**RESOLUTION NO. 92-425**

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3 **WHEREAS,** *on April 7, 1945 the Tohono O'Odham Nation (then known as the*  
4 *Papago Tribe) adopted Chapter 2 of the Law and Order Code by*  
5 *Tribal Council Resolution, which was approved by the Secretary*  
6 *of the Interior on July 27, 1945; and*

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8 **WHEREAS,** *Chapter 2 of the Law and Order Code entitled "Civil Actions" has*  
9 *not been amended since its enactment; and*

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11 **WHEREAS,** *the Tohono O'Odham people adopted a new Constitution by*  
12 *popular vote on January 18, 1986 which was approved by the*  
13 *Secretary of the Interior on March 6, 1986; and*

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15 **WHEREAS,** *the Tohono O'Odham Constitution defines the jurisdiction of the*  
16 *Nation, and consequently its courts, to "extend to all persons and*  
17 *activities carried on within the boundaries of the Tohono*  
18 *O'Odham Nation consistent with federal law" (Art. I, Sec. 2),*  
19 *and to members of the Nation whether within or beyond the*  
20 *geographical boundaries of the Nation (Art. I, Sec. 3); and*

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23 **WHEREAS,** *the Tohono O'Odham Legislative Council finds that amendment*  
24 *of Chapter 2, "Civil Actions", of the Law and Order Code is*  
25 *necessary to bring the ordinance into conformity with the Tohono*  
26 *O'Odham Constitution, and to clarify the law regarding the extent*  
27 *of the Nation's jurisdiction; and*  
28

**RESOLUTION NO. 92-425**

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**Page 2 of 4**

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**WHEREAS, Title I of the Laws of the Tohono O'Odham Nation is reserved for the Criminal Code and Title II has been reserved to codify the activities, authority, duties, rules and procedures of the Judicial Branch, and former Chapter 2, "Civil Actions", needs to be redesignated and incorporated in the existing system of codification of the Laws of the Tohono O'Odham Nation.**

**NOW, THEREFORE, BE IT RESOLVED that Chapter 2, "Civil Actions", of the Law and Order Code is amended as provided in Exhibit A (attached hereto) and integrated into the Laws of Tohono O'Odham Nation as Title III, Civil Actions.**

**BE IT FURTHER RESOLVED that any other provision of Tohono O'Odham law in conflict with Title III as amended is hereby expressly repealed.**

**The foregoing Resolution was passed by the Tohono O'Odham Legislative Council on the 13TH. day of OCTOBER, 1992 at a meeting at which a quorum was present with a vote of 896.0 FOR; 246.0 AGAINST; 310.0 NOT VOTING; and 272.0 [13] ABSENT, pursuant to the powers vested in the Council by Section 1 (c)(6) 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).**

**RESOLUTION NO. 92-425**

**(Amending Chapter 2 of the Tohono O'Odham Law and Order Code)**

**Page 3 of 4**

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**TOHONO O'ODHAM LEGISLATIVE COUNCIL**

Joanne C. Preston  
for **Mary Ann Antone, Legislative Chairwoman**  
14<sup>th</sup> day of October, 1992

**ATTEST:**

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

14<sup>th</sup> day of October, 1992.

Said Resolution was submitted for approval to the office of the Chairman of the Tohono O'Odham Nation on the 14<sup>th</sup> day of October, 1992, at 2:20 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.

**TOHONO O'ODHAM LEGISLATIVE COUNCIL**

Joanne C. Preston  
for **Mary Ann Antone, Legislative Chairwoman**

**APPROVED** on the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_

**DISAPPROVED** at \_\_\_\_\_ o'clock, \_\_\_\_\_.M.

EXCEEDED 48 HOURS

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

**RESOLUTION NO. 92-425**

**(Amending Chapter 2 of the Tohono O'Odham Law and Order Code)**

**Page 4 of 4**

1  
2  
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Returned to the Legislative Secretary on the 16<sup>th</sup> day of October,  
19 92, at 4:45 o'clock, P.M.

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

MOVED: COUNCILWOMAN ALBERTA LOPEZSUBJECT: AMENDING CHAPTER 2 OF THE TOHONO O'ODHAMSECOND: COUNCILMAN EARL A. FRANCISCOLAW AND ORDER CODEDATE: OCTOBER 13, 1992

DISTRICTS	REPRESENTATIVES	# OF VOTES	FOR	AGAINST	NOT VOTING	ABSENT
CHUKUT KUK 163.0	1. Kenneth Williams (Harriet Toro)	81.5	X			X
	2. Alberta M. Lopez (Berdella Jose)	81.5	X			
HICKIWAN 125.0	1. Lloyd Francisco (Billy C. Manuel)	62.5	X			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			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			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		X
SCHUK TOAK 107.0	1. JoAnn Francisco (David Valenzuela Sr.)	53.5	X			
	2. Frances Francisco (Joseph Juan)	53.5	X			X
SELLS 310.0	1. Joseph T. Joaquin (Larry Garcia)	155.0			X	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	896.0	246.0	310.0	272.0 [13]

\*\*PASSED VOTES