

**RESOLUTION OF THE TOHONO O'ODHAM LEGISLATIVE COUNCIL
(Repealing Resolution No. 94-113)**

RESOLUTION NO. 94-319

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3 **WHEREAS, by Resolution No. 94-113 the Legislative Council**
4 **approved support for the Arizona for a Healthy Future**
5 **coalition ("AHF") and granted AHF permission to use the**
6 **name of the Tohono O'odham as an endorser of its**
7 **Tobacco Tax and Health Care Act initiative; and**

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9 **WHEREAS, the Nation's concern about the impact of smoking on**
10 **the health of the Tohono O'odham has not diminished**
11 **in light of the statistics cited in Resolution No. 94-113;**
12 **and**

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14 **WHEREAS, subsequent to the approval of Resolution No. 94-113 the**
15 **Legislative Council and the Health and Human Services**
16 **Committee received additional information relating to**
17 **the jurisdictional implications of the Tobacco Tax and**
18 **Health Care Act initiative being sponsored by AHF; and**

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20 **WHEREAS, the Tobacco Tax and Health Care Act initiative is an**
21 **invidious attempt to increase the ability of the State of**
22 **Arizona to impose state taxes upon the on-reservation**
23 **sales of tobacco products beyond what is currently**
24 **allowed under existing federal law; and**

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26
27 **WHEREAS, the Nation has previously opposed attempts by the State**
28 **of Arizona to impose state taxes upon on-reservation**

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sales of tobacco (see, for example, Amicus Curiae Brief of the Tohono O'odham Nation filed June 3, 1991 in Arizona v. Dillon, Case No. 1-CA-TX-90-033); and

WHEREAS, the Tobacco Tax and Health Care Act initiative is incompatible with the Nation's stated opposition in Resolution No. 94-113 to the right of the state to levy taxes upon on-reservation activities; and

WHEREAS, the Health and Human Services Committee recommends that Resolution No. 94-113 be repealed and the Nation's support for the Tobacco Tax and Health Care Act initiative be withdrawn.

NOW, THEREFORE, BE IT RESOLVED THAT:

- 1. The Tohono O'odham Nation supports efforts to reduce the use of tobacco products by its members as a method of reducing the tobacco related illnesses of its members.**
- 2. The Nation does not support such efforts which diminish or intrude upon the Nation's right to make its own laws and to be ruled by them.**
- 3. Resolution No. 94-113 is hereby repealed.**
- 4. The Nation expressly withdraws the consent given in Resolution No. 94-113 to Arizona for a Healthy**

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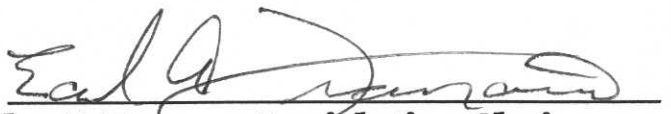
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Future to use the name of the Tohono O'odham as an endorser of its initiative campaign.

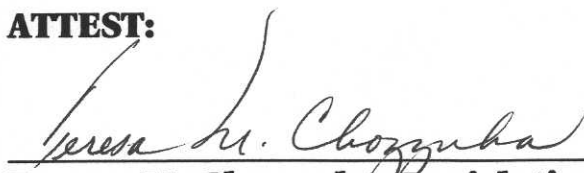
- 5. The Chairman of the Nation is authorized and directed to send written notification to the Arizona for a Healthy Future campaign that the Nation has withdrawn the consent to use the name of the Tohono O'odham Nation as an endorser of its campaign.**

The foregoing Resolution was passed by the Tohono O'Odham Legislative Council on the 4TH. day of AUGUST, 1994 at a meeting at which a quorum was present with a vote of 1,487.0 FOR; -0- AGAINST; -0- NOT VOTING; and 276.0 [09] ABSENT, pursuant to the powers vested in the Council by Section 1(c)(2) 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


For **Alex J. Ramon, Legislative Chairman**
8 day of Aug., 1994

ATTEST:


Teresa M. Choyguha, Legislative Secretary
8th day of August, 1994.

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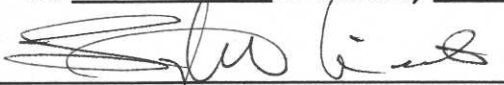
Said Resolution was submitted for approval to the office of the Chairman of the Tohono O'Odham Nation on the 8 day of Aug, 1994 at 11:50 o'clock, A.M., pursuant to the provisions of Section 5 of Article VII of the Constitution and will become effective upon his approval or upon his failure to either approve or disapprove it within 48 hours of submittal.

TOHONO O'ODHAM LEGISLATIVE COUNCIL


Alex J. Ramon, Legislative Chairman

APPROVED on the 9 day of August, 1994

DISAPPROVED at 5:55 o'clock, P.M.


SYLVESTER LISTO, Chairman
TOHONO O'ODHAM NATION

Returned to the Legislative Secretary on the 10th day of August, 1994, at 8:56 o'clock, A.M.


Teresa M. Choyguha, Legislative Secretary

ACTION: REPEALING RESOLUTION NO. 94-113

MOVED: COUNCILMAN DENNIS RAMON

SECOND: COUNCILMAN ANDREW PATRICIO

DATE: AUGUST 04, 1994

DISTRICT	LEGISLATIVE REPRESENTATIVES	# OF VOTES	FOR	AGAINST	NOT VOTING	ABSENT
SIF OIDAK 151.0	1. WILLARD JUAN, SR. (Delbert Thomas)	75.5	X			
	2. MARY ANN ANTONE (Nellie Miguel)	75.5	X			X
SELLS 290.0	1. ANDREW M. PATRICIO (Lucille Encinas)	145.0	X			
	2. JOSEPH T. JOAQUIN (Allen W. Garcia, Jr.)	145.0	X			X
SCHUK TOAK 113.0	1. FRANCES FRANCISCO ()	56.5	X			X
	2. KENNETH J. ANTONE ()	56.5	X			
SAN XAVIER 135.0	1. EUGENE ENIS, SR. ()	67.5	X			
	2. DENNIS RAMON ()	67.5	X			
BABOQUIVARI 230.0	1. FRANCES MIGUEL ()	115.0	X			X
	2. EARL A. FRANCISCO ()	115.0	X			
GU ACHI 180.0	1. WILLARD ANITA ()	90.0	X			X
	2. ALEX J. RAMON (Marian Johnson)	90.0	X			
PISINEMO 128.0	1. CHESTER ANTONE (Fernando Valentine)	64.0	X			
	2. JOHNSON M. JOSE (Roseleen Antone)	64.0	X			
SAN LUCY 98.0	1. JOHN RENO ()	49.0				X
	2. ALBERT MANUEL, JR. (Ernestine Marquez)	49.0				X
GU VO 124.0	1. EMILIO LEWIS ()	62.0	X			
	2. MICHAEL FLORES (Fern Salcido)	62.0	X			
HICKIWAN 136.0	1. MANUEL OSEQUEDA, JR. ()	68.0	X			
	2. LLOYD FRANCISCO ()	68.0	X			
CHUKUT KUK 178.0	1. (VACANT)	89.0				X
	2. KENNETH WILLIAMS ()	89.0				X
TOTAL		1,763.0	1,487.0	-0-	-0-	276.0 [09]

**PASSED VOTES