



TOHONO O'ODHAM NATION
LEGISLATIVE ATTORNEY'S OFFICE

Introduction to the First Edition of the Tohono O'odham Code

The Tohono O'odham Code (1st ed. 2006) is an attempt to compile the Nation's laws of permanent and general interest within a single body of laws. It should be noted that this first edition is an unofficial compilation that has not been formally adopted or approved by the Legislative Council.

The Legislative Attorney's Office does not offer an opinion whether any law or rule appearing in the Code is constitutional or otherwise valid, although a great deal of effort was made to ensure that the most current version of each enactment does appear for the reader's review.

The Code comprises 81 chapters and articles, including 70 ordinances, resolutions, codes, statutes, or other legislative enactments, seven rules of court, and four reserved chapters totaling more than 1400 pages. The Code is divided into 25 titles organized by subject, with each title being subdivided into chapters and articles. Each chapter or article contains a single law or rule that is preceded by its legislative history and that is followed by any amending legislation or orders. Similar histories are also provided for rules-including codes, cannons, and administrative orders-issued by the Tohono O'odham Judicial Court.¹

Legislative histories describe the enactment, adoption, and amendment of the laws within the Code. In some cases, significant related legislation is also described and may appear at the end of the relevant chapter or article. As the legislative histories reflect, both the form of Nation's laws and process for enacting them has varied considerably since the approval of the

¹ Judicial Court rules, including those appearing in Title 6, Chapter 3, are not enacted by the Legislative Council but are adopted by the chief judge in accordance with Article VIII, Section 10(d) of the Constitution of the Tohono O'odham Nation and § 1-106 of Ordinance No. 01-89.

Nation's first Constitution and Bylaws in 1937.²

Ordinances have often, but not always, been “ordained,” “enacted,” or “approved” by a companion resolution. Older ordinances and resolutions often lack the descriptive titles that now appear in every law. The legislative secretary’s resolution numbering system has also changed over time, although a uniform system reflecting the calendar year and chronological order of a resolution’s passage was instituted in January 1991 and remains in use. All these variations are reflected in the legislative histories, which describe the unique record of each enactment using the terminology of the laws themselves.

Given these variations, an effort has been made to organize the Code in a way that makes the laws and rules as readily identifiable as possible. The master table of contents following this Introduction includes both the descriptive names assigned to titles, chapters, and articles, as well as the proper name and/or corresponding number, if any, of each law or rule. The table of contents appearing in the electronic version of this Code is hyperlinked to allow the reader to move directly from the table to the selected law or rule.

Master page numbers have been superimposed on each document beginning after the master table of contents. These appear in the extreme lower right corner on each page. Because these page numbers do not correspond to the original pagination in the laws or rules as enacted, both a master page number and original page number commonly appear on a single page.

This first edition of the Tohono O’odham Code has been created as a reference, current compilation, and as a foundation for ultimately developing a true code that is uniformly organized and numbered, and adopted by the Legislative Council. Until that time, the Code will be refined, expanded, and republished as additional materials become available. Suggested additions and corrections are welcome and should be referred in writing to the Legislative Attorney’s Office.

May 1, 2006

² The Constitution and By-laws of the Papago Tribe were ratified by the adult Indians of the Papago Tribe on December 12, 1936 in accordance with Section 16 of the Indian Reorganization Act of June 18, 1934 (48 Stat. 984) as amended, and were approved by the Secretary of the Interior and became effective on June 18, 1937.