

**RESOLUTION OF THE TOHONO O'ODHAM LEGISLATIVE COUNCIL
(Amending Tobacco Tax Ordinance, Ordinance No. 95-149, to Increase Tax Rates)**

RESOLUTION NO. 02-565

1 **WHEREAS, by Resolution No. 95-148 the Legislative Council enacted the Tobacco Tax Ordinance,**
2 **Ordinance No. 95-149, which levies a tax upon every person engaging in the business**
3 **of selling tobacco products within the Tohono O'odham Nation; and**

4 **WHEREAS, one purpose of the Ordinance is "to resist the attempts of the State of Arizona to**
5 **impose state taxes upon on-reservation activities" (Ordinance No. 95-149, Section**
6 **1(1)); and**

7 **WHEREAS, because the Nation's tax is currently levied at a rate equal to the Arizona tobacco tax,**
8 **the State of Arizona does not collect its tobacco tax on the Nation; and**

9 **WHEREAS, on November 5, 2002, Arizona voters approved Proposition 303, which will amend**
10 **Arizona law to increase the state tax on tobacco sales; and**

11 **WHEREAS, in order to ensure that the State of Arizona is prevented from collecting the amount**
12 **of the increased tax on the Nation and to accomplish the Ordinance's other purposes,**
13 **it is necessary to amend Section 2(B) of the Tobacco Tax Ordinance to increase the tax**
14 **rates therein as follows:**

- 15 **"B. Such tax is levied on the sale of tobacco products in the following amounts:**
- 16 **1. On each cigarette, ~~2~~ 5 cents.**
 - 17 **2. On smoking tobacco, snuff, fine cut chewing tobacco, cut and granulated**
18 **tobacco, shorts and refuse of fine cut chewing tobacco, and refuse, scraps,**
19 **clippings, cuttings and sweepings of tobacco, excluding tobacco powder or**
20 **tobacco products used exclusively for agricultural or horticultural**
21 **purposes and unfit for human consumption, ~~4-5~~ 11.3 cents per ounce or**
22 **major fraction thereof.**
 - 23 **3. On all cavendish, plug or twist tobacco, ~~1-1~~ 2.8 cents per ounce or fractional**
24 **part thereof.**
 - 25 **4. On each twenty small cigars or fractional part thereof weighing not more**
26 **than three pounds per thousand, ~~8-9~~ 22.3 cents.**
 - 27 **5. On cigars of all descriptions except those included in paragraph 4 of this**
28 **subsection, made of tobacco or any tobacco substitute therefor, if**
29 **manufactured to retail at not more than 5 cents each, ~~4-4~~ 11.0 cents on each**

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1 **three cigars, but if manufactured to retail at more than 5 cents each, ~~4~~**
2 **11.0 cents on each cigar." ; and**

3 **WHEREAS, the Legislative Council Commerce and Budget and Finance Committees have**
4 **reviewed these proposed amendments and recommend their adoption.**

5 **NOW, THEREFORE, BE IT RESOLVED by the Tohono O'odham Legislative Council that it**
6 **hereby approves the above amendments to Section 2(B) of the Tobacco Tax**
7 **Ordinance, Ordinance No. 95-149.**

8 **BE IT FURTHER RESOLVED these amendments shall become effective at midnight on November**
9 **25, 2002.**

10 **BE IT FINALLY RESOLVED that the Tobacco Tax Ordinance shall be reprinted in its entirety**
11 **showing a revision date of November 25, 2002.**

12 **The foregoing Resolution was passed by the Tohono O'odham Legislative Council on the 25TH Day**
13 **of NOVEMBER, 2002 at a meeting at which a quorum was present with a vote of 2,417.5 FOR; -0-**
14 **AGAINST; -0- NOT VOTING; and [04] ABSENT, pursuant to the powers vested in the Council by**
15 **Section 1 (c)(1), (2) and (d)(4) of Article VI of the Constitution of the Tohono O'Odham Nation,**
16 **adopted by the Tohono O'Odham Nation on January 18, 1986; and approved by the Acting Deputy**
17 **Assistant Secretary - Indian Affairs (Operations) on March 6, 1986, pursuant to Section 16 of the Act**
18 **of June 18, 1934 (48 Stat. 984).**

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20 **TOHONO O'ODHAM LEGISLATIVE COUNCIL**

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24 **Rita A. Martinez, Legislative Chairwoman**

25
26 25th day of November, 2002

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28 **ATTEST:**

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32 **Julianna Saraficio, Acting Legislative Secretary**

33
34 25 day of November, 2002.

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37 **Said Resolution was submitted for approval to the office of the Chairman of the Tohono O'Odham**
38 **Nation on the 25th day of November, 2002 at 4:56 o'clock, P.M.,**
39 **pursuant to the provisions of Section 5 of Article VII of the Constitution and will become effective**
40 **upon his approval or upon his failure to either approve or disapprove it within 48 hours of**
41 **submittal.**

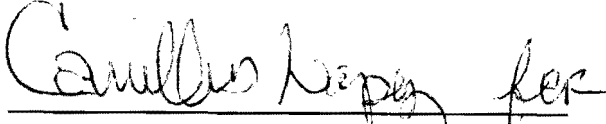
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TOHONO O'ODHAM LEGISLATIVE COUNCIL



Rita A. Martinez, Legislative Chairwoman

APPROVED

on the 25th day of November, 20 02

DISAPPROVED

at 4:59 o'clock, P.M.



EDWARD D. MANUEL, Chairman

TOHONO O'ODHAM NATION

Returned to the Legislative Secretary on the 25 day of

November, 20 02, at 5:03 o'clock, P.M.



Julianna Saraficio, Acting Legislative Secretary

ACTION: AMENDING TOBACCO TAX ORDINANCE, ORDINANCE NO. 95-149, TO INCREASE TAX RATES

MOVED: COUNCILWOMAN FERN SALCIDO

SECOND: COUNCILMAN ISIDRO LOPEZ

DATE: NOVEMBER 25, 2002

DISTRICT	LEGISLATIVE REPRESENTATIVES	# OF VOTES	FOR	AGAINST	NOT VOTING	ABSENT
BABOQUIVARI 317.7	1. FRANCES MIGUEL ()	158.85	X			
	2. FRANCES G. ANTONE (Lucilda Norris-Valenzuela)	158.85	X			
CHUKUT KUK 248.1	1. KENNETH WILLIAMS (Juanita Homer)	124.05	X			X
	2. DAVID GARCIA (Mary Audrey Juan)	124.05	X			
GU ACHI 230.7	1. CAMILLUS LOPEZ ()	115.35	X			
	2. JEROME JOAQUIN ()	115.35	X			
GU VO 188.3	1. FERN SALCIDO ()	94.15	X			
	2. EMILIO LEWIS (Michael Flores)	94.15	X			
HICKIWAN 167.3	1. SHIRLEY MOLINA ()	83.65	X			
	2. SANDRA ORTEGA ()	83.65	X			
PISINEMO 174.7	1. BARBARA SALVICIO (Alex Antone)	87.35	X			
	2. PATRICIA CRUZ (Johnson Jose)	87.35	X			
SAN LUCY 160.7	1. ALBERT MANUEL, JR. (John W. Lawson, Sr.)	80.35	X			X
	2. GLORIA RAMIREZ ()	80.35	X			
SAN XAVIER 184.7	1. FELICIA NUÑEZ ()	92.35	X			
	2. DENNIS RAMON ()	92.35	X			
SCHUK TOAK 144.5	1. MARY FLORES ()	72.25	X			
	2. AMBROSE ENCINAS (Frances B. Conde(Francisco))	72.25	X			X
SELLS 416.1	1. DENNIS E. JOSE ()	208.05	X			
	2. EVELYN JUAN ()	208.05	X			X
SIF OIDAK 184.7	1. ISIDRO LOPEZ ()	92.35	X			
	2. RITA MARTINEZ (Nicholas Jose)	92.35	X			
TOTAL		2,417.5	2,417.5	-0-	-0-	[04]

**PASSED VOTES