

RESOLUTION OF THE TOHONO O'ODHAM LEGISLATIVE COUNCIL
(Amending and Codifying Tobacco Tax Ordinance, Ordinance No. 95-149 as
Chapter 1, Title 22 of the Tohono O'odham Code)

RESOLUTION NO. 06-812

- 1 **WHEREAS, the Legislative Council is vested with the power to levy taxes and to enact laws**
2 **governing the conduct of persons within the Nation's jurisdiction (Constitution of**
3 **the Tohono O'odham Nation, Article VI, Section 1(d)(4) and (c)(1)); and**
- 4 **WHEREAS, by Resolution No. 95-148 the Legislative Council enacted the Tobacco Tax Ordinance,**
5 **Ordinance No. 95-149, which levies a tax upon every person engaging in the business**
6 **of selling tobacco products within the Tohono O'odham Nation; and**
- 7 **WHEREAS, one purpose of the Ordinance is "to resist the attempts of the State of Arizona to**
8 **impose state taxes upon on-reservation activities" (Ordinance No. 95-149, Section**
9 **1(1)); and**
- 10 **WHEREAS, because the Nation's tax is currently levied at a rate equal to the Arizona tobacco tax,**
11 **the State of Arizona does not collect its tobacco tax on the Nation (A.R.S. §42-3302);**
12 **and**
- 13 **WHEREAS, on November 7, 2006, Arizona voters approved Proposition 203, which will amend**
14 **Arizona law to increase the state tax on tobacco sales; and**
- 15 **WHEREAS, in order to ensure that the State of Arizona is prevented from collecting the amount**
16 **of the increased tax on the Nation and to accomplish the Ordinance's other**
17 **purposes, it is necessary to amend Section 2(B) of the Tobacco Tax Ordinance to**
18 **increase the tax rates therein as follows:**
- 19 **"1. On each cigarette, 9 cents.**
 - 20 **2. On smoking tobacco, snuff, fine cut chewing tobacco, cut and granulated**
21 **tobacco, shorts and refuse of fine cut chewing tobacco, and refuse, scraps,**
22 **clippings, cuttings and sweepings of tobacco, excluding tobacco powder or**
23 **tobacco products used exclusively for agricultural or horticultural purposes**
24 **and unfit for human consumption, 20.3 cents per ounce or major fraction**
25 **thereof.**
 - 26 **3. On all cavendish, plug or twist tobacco, 5 cents per ounce or fractional part**
27 **thereof.**
 - 28 **4. On each twenty small cigars or fractional part thereof weighing not more**
29 **than three pounds per thousand, 40.1 cents.**

RESOLUTION NO. 06-812

(Amending and Codifying Tobacco Tax Ordinance, Ordinance No. 95-149 as Chapter 1, Title 22 of the Tohono O'odham Code)

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ATTEST:

Lucille Lopez

Lucille Lopez, Acting Legislative Secretary

07 day of December, 2006.

Said Resolution was submitted for approval to the office of the Chairwoman of the Tohono O'Odham Nation on the 7 day of December, 2006 at 5:47 o'clock, P. M., pursuant to the provisions of Section 5 of Article VII of the Constitution and will become effective upon her approval or upon her failure to either approve or disapprove it within 48 hours of submittal.

TOHONO O'ODHAM LEGISLATIVE COUNCIL

Verlon M. Jose

Verlon M. Jose, Legislative Chairman

APPROVED

on the 8th day of December, 2006

DISAPPROVED

at 11:05 o'clock, A. M.

Vivian Juan Saunders

VIVIAN JUAN-SAUNDERS, CHAIRWOMAN
TOHONO O'ODHAM NATION

Returned to the Legislative Secretary on the 08 day of

December, 2006, at 11:08 o'clock, A. M.

Lucille Lopez

Lucille Lopez, Acting Legislative Secretary

ACTION: AMENDING AND CODIFYING TOBACCO TAX ORDINANCE, ORDINANCE NO. 95-149 AS CHAPTER 1, TITLE 22 OF THE TOHONO O'ODHAM CODE

MOVED: COUNCILWOMAN FELICIA NUNEZ

SECOND: COUNCILWOMAN OLIVIA LISTON

DATE: DECEMBER 07, 2006

DISTRICT	LEGISLATIVE REPRESENTATIVES	# OF VOTES	FOR	AGAINST	NOT VOTING	ABSENT
BABOQUIVARI 310.8	1. FRANCES MIGUEL (<i>Absent</i>) (Vernon J. Smith) (<i>Present</i>)	155.40	X			
	2. FRANCES G. ANTONE (Lucilda J. Valenzuela (Norris))	155.40	X			
CHUKUT KUK 258.7	1. ETHEL GARCIA ()	129.35	X			
	2. VERLON M. JOSE (David Garcia)	129.35	X			
GU ACHI 221.6	1. TIMOTHY L. JOAQUIN (Jonas Robles)	110.80	X			
	2. CYNTHIA E. MANUEL (Louis L. Johnson)	110.80	X			
GU VO 193.1	1. RAYMOND VICTOR ()	96.55	X			
	2. MICHAEL FLORES (Grace Manuel)	96.55	X			
HICKIWAN 167.4	1. (Vacant) ()	83.70	X			
	2. SANDRA ORTEGA ()	83.70	X			
PISINEMO 171.8	1. BARBARA SALVICIO ()	85.90	X			
	2. GERALD FAYUANT ()	85.90	X			
SAN LUCY 169.0	1. (Vacant) ()	84.50	X			
	2. GLORIA RAMIREZ ()	84.50	X			
SAN XAVIER 193.8	1. FELICIA NUÑEZ ()	96.90	X			
	2. OLIVIA VILLEGAS-LISTON (Eileen A. Estrada-Lopez)	96.90	X			
SCHUK TOAK 146.9	1. FRANCES B. CONDE ()	73.45	X			X
	2. PHYLLIS JUAN ()	73.45	X			
SELLS 421.0	1. MARLENE SARAFICIO-JUAN ()	210.50	X			
	2. EVELYN B. JUAN MANUEL (<i>Absent</i>) (Kimberly Listo) (<i>Present</i>)	210.50	X			
SIF OIDAK 186.7	1. WAVALENE ROMERO (Isidro Lopez)	93.35	X			
	2. DARLENE ANDREW (Rita Wilson)	93.35	X			
TOTAL		2,440.80	2,440.80	-0-	-0-	[01]

**PASSED VOTES