

RESOLUTION OF THE TOHONO O'ODHAM LEGISLATIVE COUNCIL
(Amending Tohono O'odham Code Title 22, Chapter 1 - Tobacco Tax)

RESOLUTION NO. 06-839

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, if the Nation's tax on tobacco products is levied at a rate equal to or greater than the**
5 **Arizona tobacco tax, the State of Arizona tobacco tax rate on on-reservation sales to**
6 **nonmembers is zero (A.R.S. §42-3302); and**

7 **WHEREAS, on November 7, 2006, Arizona voters approved Propositions 201 and 203, which**
8 **amend Arizona law to increase the state tax on tobacco sales; and**

9 **WHEREAS, pursuant to Resolution No. 06-812 the Legislative Council (1) amended the Nation's**
10 **Tobacco Tax Ordinance, Ordinance No. 95-149, to match tobacco tax increases made**
11 **by Proposition 203 and (2) codified Ordinance No. 95-149 as Tohono O'odham Code**
12 **Title 22 - Taxation, Chapter 1- Tobacco Tax; and**

13 **WHEREAS, Resolution No. 06-812 incorporated the increased tax assessed in Proposition 203,**
14 **but did not include the two cents per pack of cigarettes tax increase that was**
15 **assessed in Proposition 201; and**

16 **WHEREAS, it is therefore necessary to amend Title 22- Taxation, Chapter 1 - Tobacco Tax,**
17 **Section 1102 (B)(1) to increase the tax on each cigarette from 9 cents to 9.1 cents in**
18 **order preclude the State of Arizona from imposing its tax.**

19 **NOW, THEREFORE, BE IT RESOLVED by the Tohono O'odham Legislative Council that Tohono**
20 **O'odham Code Title 22 - Taxation, Chapter 1 - Tobacco Tax is amended to increase**
21 **the tax on cigarettes in Section 1102 (B)(1) to 9.1 cents effective December 7, 2006.**

22 **The foregoing Resolution was passed by the Tohono O'odham Legislative Council on the 11TH. Day**
23 **of DECEMBER, 2006 at a meeting at which a quorum was present with a vote of 2,271.8 FOR; -0-**
24 **AGAINST; 169.0 NOT VOTING; and [06] ABSENT, pursuant to the powers vested in the Council by**
25 **Section 1 (c)(1)(2)&(d)(4) of Article VI of the Constitution of the Tohono O'Odham Nation, adopted**
26 **by the Tohono O'Odham Nation on January 18, 1986; and approved by the Acting Deputy Assistant**
27 **Secretary - Indian Affairs (Operations) on March 6, 1986, pursuant to Section 16 of the Act of June**
28 **18, 1934 (48 Stat. 984).**
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30 **TOHONO O'ODHAM LEGISLATIVE COUNCIL**

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35 **Verlon M. Jose, Legislative Chairman**

36 14 day of December, 2006

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(Amending Tohono O'odham Code Title 22, Chapter 1 - Tobacco Tax)

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ATTEST:

Lucille Lopez
Lucille Lopez, Acting Legislative Secretary

11 day of December, 2006.

Said Resolution was submitted for approval to the office of the Chairwoman of the Tohono O'odham Nation on the 14 day of December, 2006 at 2:57 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 18 day of December, 2006

DISAPPROVED

at 9:35 o'clock, A.M.

Vivian Juan-Saunders
**VIVIAN JUAN-SAUNDERS, CHAIRWOMAN
TOHONO O'ODHAM NATION**

Returned to the Legislative Secretary on the 18 day of

December, 2006, at 11:03 o'clock, A.M.

Lucille Lopez
Lucille Lopez, Acting Legislative Secretary

ACTION: AMENDING TOHONO O'ODHAM CODE TITLE 22, CHAPTER 1 - TOBACCO TAX

MOVED: COUNCILWOMAN FELICIA NUNEZ

SECOND: COUNCILWOMAN MARLENE SARAFICIO

DATE: DECEMBER 11, 2006

DISTRICT	LEGISLATIVE REPRESENTATIVES	# OF VOTES	FOR	AGAINST	NOT VOTING	ABSENT
BABOQUIVARI 310.8	1. FRANCES MIGUEL (Vernon J. Smith)	155.40	X			
	2. FRANCES G. ANTONE (Lucilda J. Valenzuela (Norris))	155.40	X			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			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			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			X
SIF Oidak 186.7	1. WAVALENE ROMERO (Isidro Lopez)	93.35	X			
	2. DARLENE ANDREW (Rita Wilson)	93.35	X			X
TOTAL		2,440.80	2,271.8	-0-	169.0	[06]

**PASSED VOTES