

RESOLUTION OF THE TOHONO O'ODHAM LEGISLATIVE COUNCIL
(Repealing Tobacco Tax Increases)

RESOLUTION NO. 07-133

1 **WHEREAS, the Tohono O'odham Legislative Council is vested with the power to levy taxes on any**
2 **person or entity doing business within the Nation (Constitution of the Tohono**
3 **O'odham Nation, Article VI, Section 1(d)(4)); and**

4 **WHEREAS, federal and state court opinions and Arizona statutes permit the State of Arizona to**
5 **tax certain sales of tobacco products on Indian reservations within Arizona; and**

6 **WHEREAS, pursuant to A.R.S. §42-3302, if an Indian tribe within Arizona levies a tobacco tax at**
7 **a rate equal to the Arizona tobacco tax, the State of Arizona tax rate will be zero**
8 **percent; and**

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

12 **WHEREAS, in response to tobacco tax increases enacted by Arizona voters in 2002, the Nation**
13 **increased its tobacco tax rates to match Arizona tax rates (Resolution No. 02-565); and**

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

16 **WHEREAS, in response, the Legislative Council passed Resolutions No. 06-812 and No. 06-839 to**
17 **(1) codify its tobacco tax law as Tohono O'odham Code Title 22, Chapter 1 and (2)**
18 **increase the Nation's tobacco tax rate to match the increases in the state tax that**
19 **became effective December 7, 2006; and**

20 **WHEREAS, after the Arizona tax increases took effect and the Nation increased its tax, the**
21 **Arizona Attorney General issued opinions determining that the tax increases levied**
22 **by Propositions 201 and 203 would not apply to on-reservation sales by tribal**
23 **members and tribal entities; and**

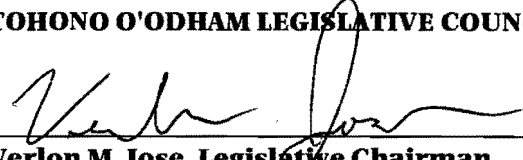
24 **WHEREAS, it is therefore in the Nation's best interest to repeal the tax increases imposed by**
25 **Resolutions No. 06-812 and No. 06-839.**

26 **NOW, THEREFORE, BE IT RESOLVED by the Tohono O'odham Legislative Council that it**
27 **hereby repeals the tobacco tax increases imposed by Resolutions No 06-812 and No.**
28 **06-839; provided that the Nation's Tobacco Tax shall remain codified as Tohono**
29 **O'odham Code Title 22, Chapter 1, as dated for reference January 2007.**

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The foregoing Resolution was passed by the Tohono O'odham Legislative Council on the 07TH Day of MARCH, 2007 at a meeting at which a quorum was present with a vote of 1,173.5 FOR; 516.6 AGAINST; 583.3 NOT VOTING; and 167.4 [03] ABSENT, pursuant to the powers vested in the Council by Section 1 (c)(1), (c)(2), and (d)(4) 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


Verlon M. Jose, Legislative Chairman

14 day of March, 2007


ATTEST:


Lucille Lopez, Acting Legislative Secretary

07 day of March, 2007.

Said Resolution was submitted for approval to the office of the Chairwoman of the Tohono O'Odham Nation on the 14 day of March, 2007 at 11:28 o'clock, a.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

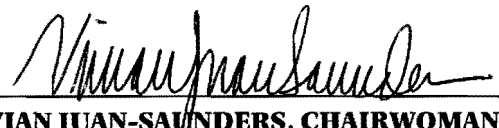

Verlon M. Jose, Legislative Chairman

APPROVED

on the 16 day of March, 2007

DISAPPROVED

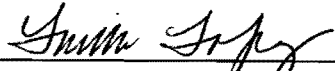
at 11:03 o'clock, a.M.


VIVIAN JUAN-SAUNDERS, CHAIRWOMAN
TOHONO O'ODHAM NATION

RESOLUTION NO. 07-133
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Returned to the Legislative Secretary on the 16 day of
March, 2007, at 11:13 o'clock, A.M.



Lucille Lopez, Acting Legislative Secretary

ACTION: REPEALING TOBACCO TAX INCREASES

MOVED: COUNCILWOMAN OLIVIA VILLEGAS-LISTON

SECOND: COUNCILWOMAN FELICIA NUNEZ

DATE: MARCH 07, 2007

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			
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. SHIRLEY SANTOS-MOLINA ()	83.70				X
	2. SANDRA ORTEGA ()	83.70				X
PISINEMO 171.8	1. BARBARA SALVICIO ()	85.90	X			X
	2. GERALD FAYUANT ()	85.90	X			
SAN LUCY 169.0	1. LORRAINE EILER ()	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	
	2. PHYLLIS JUAN ()	73.45			X	
SELLS 421.0	1. MARLENE SARAFICIO-JUAN ()	210.50			X	
	2. EVELYN B. JUAN MANUEL (Kimberly Listo)	210.50		X		
SIF OIDAK 186.7	1. WAVALENE ROMERO (Isidro Lopez)	93.35	X			
	2. DARLENÉ ANDREW (Rita Wilson)	93.35	X			
TOTAL		2,440.80	1,173.5	516.6	583.3	167.4 [03]

**PASSED VOTES