

RESOLUTION OF THE
WHITE MOUNTAIN APACHE TRIBE OF THE
FORT APACHE INDIAN RESERVATION

- WHEREAS, the Tribal Council has been advised that Arizona State Senator, Jeff Hill, has introduced proposed legislation, known as Senate Bill 1006, which would levy a luxury use tax on cigarettes sold by individual Indians or tribal enterprises on Indian reservations to any retail customer who is not an enrolled member of the Tribe for whose benefit the reservation was established; and
- WHEREAS, the proposed luxury tax will have a detrimental impact upon reservation economies and will cause irreparable harm and injury to individual Indian retailers as well as tribal organizations which operate smoke shops on federally recognized reservations within the state of Arizona and who sell tobacco products to non-members of the affected tribes; and
- WHEREAS, the proposed Senate Bill 1006 appears to be the first step by the State of Arizona in an attempt to impose discriminatory and economically injurious taxes on Indian tribes who sell retail products to non-members of said tribes; and
- WHEREAS, the imposition of the tax, the tax reporting requirements, the precollection of taxes, and the transfer of tax monies to the State of Arizona, would constitute an unlawful infringement and usurpation of the tribe's sovereignty and a serious encroachment upon tribal self government, economic development, self-determination and tribal goals of economic self-sufficiency, all contrary to stated federal Indian policy; and
- WHEREAS, Senate Bill 1006 is contrary to President Reagan's stated policies of encouraging individual Indian initiatives and said legislation will make it impossible for individual Indians to maintain their smoke shops or for tribal organizations to operate smoke shops at a profit with the result being the closure of said smoke shops; and
- WHEREAS, the tax revenues generated by the sale of cigarettes will be small when compared to the economic injury and loss of livelihood inflicted upon the individual Indians and Indian tribes who market the cigarettes and other tobacco products; and

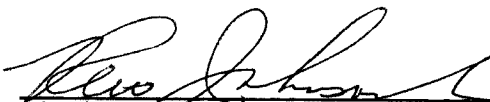
WHEREAS, the average unemployment rate on Indian reservations in the State of Arizona ranges between 27-40%, and said luxury use tax on cigarettes will further contribute to the poverty and unemployment rates on Indian reservations within the state of Arizona.

BE IT RESOLVED by the Tribal Council of the White Mountain Apache Tribe that it hereby opposes passage of the proposed luxury use tax bill submitted by State Senator Jeff Hill and further opposes any other proposed bill which would impose a tax on cigarettes sold by Indian tribes or individuals for the reasons set forth in this resolution.

BE IT FURTHER RESOLVED by the Tribal Council that it hereby respectfully requests that the Arizona Congressional Delegation utilize their good offices to oppose this proposed tax bill, which if enacted, would eliminate a valuable source of revenue and will only hinder the achievement of Indian self-sufficiency.

BE IT FURTHER RESOLVED by the Tribal Council that it hereby directs that this resolution be forwarded to State Senator Hill and appropriate members and committees of the state legislature with a request that the proposed tax bill and any other tax bill in respect to the sale of cigarettes on Indian reservations in the State of Arizona be withdrawn from consideration by the state legislature.

The foregoing resolution was on February 5, 1987, duly adopted by a vote of EIGHT for and ONE against by the Tribal Council of the White Mountain Apache Tribe, pursuant to authority vested in it by Article V, Section 1 (i) of the Amended Constitution and Bylaws of the Tribe, ratified by the Tribe June 27, 1958, and approved by the Secretary of the Interior on May 29, 1958, pursuant to Section 16 of the Act of June 18, 1934 (48 Stat. 984).


Chairman of the Tribal Council


Secretary of the Tribal Council

RECEIVED

FEB 23 1987

Fort Apache Indian Agency
Whiteriver, Arizona