



Council of the Cherokee Nation

Cherokee Nation Tribal
Council
17763 S. Muskogee Ave.
Tahlequah, OK 74464

Legislation Details (With Text)

File #: 09-072 **Version:** 1 **Name:** Tobacco Retail Hardship Act of 2009
Type: Legislative Act **Status:** Failed
File created: 5/18/2009 **In control:** Executive and Finance Committee
On agenda: 5/28/2009 **Final action:** 6/15/2009
Enactment date: 6/15/2009 **Enactment #:** N/A
Title: A LEGISLATIVE ACT MAKING AVAILABLE FUNDS FOR LOANS/REBATES OF TOBACCO/SMOKE SHOP OWNERS
Sponsors: Chuck Hoskin Jr.
Indexes: Smoke Shop, tobacco
Code sections: Title 68 - Revenue and Taxation
Attachments:

Date	Ver.	Action By	Action	Result
6/15/2009	1	TRIBAL COUNCIL	Approved	Fail
5/28/2009	1	EXECUTIVE AND FINANCE COMMITTEE	Approved and Forwarded to Council	Pass

A LEGISLATIVE ACT MAKING AVAILABLE FUNDS FOR LOANS/REBATES OF TOBACCO/SMOKE SHOP OWNERS

BE IT ENACTED BY THE CHEROKEE NATION:

Section 1: Title and Codification

This Act shall be known as the "Tobacco Retail Hardship Act of 2009" and codified under Title _____ of the Cherokee Nation Code Annotated.

Section 2: Purpose

The purpose of this Act is to make available funds already set aside for loans to Tobacco Retail stores that demonstrate significant hardship due to interpretations of the Tobacco Compact between the Cherokee Nation and State of Oklahoma.

Section 3: Legislative History

Legislative Act 05-06

Article VI Section 7 of the Cherokee Nation Constitution

200_ Tobacco Compact between the Cherokee Nation and the State of Oklahoma

Section 4: Definitions

Tobacco Retail Stores: means an establishment that sells tobacco items, that is licensed by

the Cherokee Nation.

Tobacco Compact: means the agreement entered into between the Cherokee Nation and the State of Oklahoma concerning the taxation of tobacco products on Indian Country

Hardship: means demonstration of adverse affects caused by the interpretation or affects of the Tobacco Compact to Tobacco Retail Stores.

Section 5:

1. The Cherokee Nation shall make available funds in the amount of one million dollars (\$1,000,000.00) for the loans to Tobacco Retail Stores, licensed by the Cherokee Nation. These funds will be loaned to Tobacco Retail Stores upon a demonstration that they have incurred undue hardship as a result of interpretation or affects of the Tobacco Compact between the Cherokee Nation and the State of Oklahoma.
2. Funds available for this Act shall be the funds appropriated by the Cherokee Nation in Legislative Act _____ and are still in a reserve account. The original purpose of these funds was to allow for emergency loans to Tobacco Retail Stores.
3. The Cherokee Nation Tax Commission shall create policies and procedures and applications to administer these loans.

SECTION 6: SUNSET

Being a temporary measure:

- A. No loans shall be issued under this Act after 18 months after the effective date of this Act.
- B. For the sole purpose of administering loans issued under this Act, this Act shall remain effective until all such loans have been fully administered, at which time the Act shall expire.

SECTION 7. SEVERABILITY

The provisions of this Act are severable and if any part or provision hereof shall be held void, the decision of the court so holding shall not affect or impair any of the remaining parts or provisions of this Act.