



## Legislation Text

File #: 08-148, Version: 1

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### **ACT RELATING TO AND APPROVING A CERTAIN COMPACT WIT THE STATE OF OKLAHOMA TO BE KNOWN AS THE "CHEROKEE NATION/STATE TOBACCO TAX COMPACT ACT OF 2008" BE IT ENACTED BY THE CHEROKEE NATION:**

#### **Section 1. Title**

This Act shall be known as the "CHEROKEE NATION/ STATE TOBACCO TAX COMPACT ACT of 2008."

#### **Section 2. Purpose**

The Nation and the State agree to enter into a compact for the mutual benefit of both sovereign governments. In recognition of the sovereign authority of the Cherokee Nation to exercise the powers of self government and the sovereign authority of the State of Oklahoma to act as an independent sovereign state, this law authorizes the Principal Chief to approve a compact and to take the necessary action to implement the requirements of its provisions as authorized and approved by the Council of the Cherokee Nation.

#### **Section 3. Approval of Compact; Authority to Execute, Effective Date**

The Compact that has been negotiated by the Principal Chief and the Governor of the State of Oklahoma, a copy of which is attached hereto and incorporated herein by reference, is hereby ratified and becomes effective as agreed to under the terms of the compact. Title 68, Chapter 4 of the Cherokee Nation Code Annotated is hereby amended to include the tax rates agreed to under the terms of this compact.

#### **Section 4. Provisions as cumulative**

The provisions of this act shall be cumulative to existing law except as the terms of this compact shall supersede provisions of the previous Tobacco Tax Compact approved by LA 3-92, effective May 11, 1992; by LA 44-2003, effective December 30, 2003; and by LA 07-04, effective March 15, 2004

#### **Section 5. Severability**

The provisions of this act are severable and if any part of 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.

#### **Section 6. Emergency declared**

It being immediately necessary for the welfare of the Cherokee Nation, the Council hereby declares that an emergency exists, by reason whereof this act shall take effect and be in full force after its passage and approval.

#### **Section 7. Self-Help Contributions**

To the extent that this Act involves programs or services to citizens of the Nation or others, self-help contributions shall be required, unless specifically prohibited by the funding agency, or a waiver is granted due to physical or mental incapacity of the participant to contribute.

