

**QUECHAN TRIBE OF THE
FORT YUMA INDIAN RESERVATION**

TOBACCO PRODUCTS TAX ACT

NO. QT-1-11

SECTION I TOBACCO PRODUCTS TAX LEVIED

There is levied and there shall be collected a privilege tax upon every person engaged in the retail business of selling tobacco products within the Arizona portion of the outer boundaries of the Fort Yuma Indian Reservation, for the purpose of raising revenue for governmental services, programs and operations of the Quechan Indian Tribe, on all cigarettes, cigars, smoking tobacco, plug tobacco, snuff, and other forms of tobacco in an amount equal to the Arizona tobacco tax rate for Indian reservation sales as established by ARS 42-3302, ARS 42-3251, and ARS 42-3251.01, as such laws may be amended from time to time.

As of the Effective Date of this enactment, the current Arizona tobacco tax rate for Reservation sales is as follows:

1. On each cigarette, 5.0 cents (\$1.00 per pack of 20).
2. On smoking tobacco, snuff, fine cut chewing tobacco, cut and granulated tobacco, shorts and refuse of fine cut chewing tobacco, and refuse, scraps, clippings, cuttings, and sweepings of tobacco, excluding tobacco powder or tobacco products used exclusively for agricultural or horticultural purposes and unfit for human consumption, 11.25 cents per ounce or major fraction of an ounce.
3. On all Cavendish, plug or twist tobacco, 2.75 cents per ounce or fractional part of an ounce.
4. On each twenty small cigars or fractional part thereof weighing not more than three pounds, per thousand, 22.25 cents.
5. On cigars of all descriptions except those included in paragraph 4 of this subsection, made of tobacco or any substitute therefore, if manufactured to retail at not more than 5.0 cents each, 11.0 cents on each three cigars, but if manufactured to retail at more than 5.0 cents each, 11.0 cents on each cigar.

The tax rates established above may be changed by further action of the Tribal Council whenever the Arizona tobacco tax rates for Indian reservation sales is changed by action of the Arizona state legislature.

**SECTION II LEGAL INCIDENCE OF TAX ON RETAIL
PURCHASER/CONSUMER**

It is the intent of the Council that the legal incidence of the Tobacco Products Tax is on the retail purchaser/consumer. The tax shall be collected at point of sale by the Tobacco Products retailer and remitted to the Tribe under such rules and regulations may be established under Section V, below.

SECTION III TRIBAL MEMBERS EXEMPT

Notwithstanding Section II above, the tax levied by this Act shall not apply to cigarettes, cigars, smoking tobacco, plug tobacco, snuff, and other forms of tobacco sold at retail within the Arizona portion of the exterior boundaries of the Fort Yuma Indian Reservation to enrolled members of the Quechan Indian Tribe.

SECTION IV EFFECTIVE DATE

This Act shall be effective at midnight of December 31, 2011.

SECTION V REGULATIONS

The Comptroller of the Tribe is authorized to adopt rules and regulations governing the administration of this Tobacco Products Tax Act, including collection and remittance to the Tribe and record keeping requirements.

The Comptroller shall cause a copy of this Act and the approving Resolution to be immediately transmitted to the Arizona Department of Revenue, Luxury Tax Section.

APPROVED BY RESOLUTION NO. R-260-11, DATED DECEMBER 21, 2011.

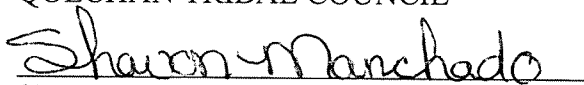
The foregoing Act was presented at a Special Council Meeting of the Quechan Tribal Council which convened on December 21, 2011, duly approved by a vote of 5 for, 0 against, 1 abstained, 0 absent by the Tribal Council of the Quechan Indian Tribe, pursuant to the authority vested in it by Section 16 of the Re-Organization Act of June 18, 1934 (48 Stat. 948) as amended by the Act of June 15, 1935 (49 Stat. 378) and Article IV of the Quechan Tribal Constitution and Bylaws.

QUECHAN INDIAN TRIBE

BY:



KEENY ESCALANTI, SR., PRESIDENT
QUECHAN TRIBAL COUNCIL



SHAVON MANCHADO, SECRETARY
QUECHAN TRIBAL COUNCIL