

1 **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2 STATE OF OKLAHOMA

3 1st Session of the 59th Legislature (2023)

4 ENGROSSED SENATE

5 BILL NO. 26x

By: Thompson (Roger) and Hall
of the Senate

6 and

7 Wallace and Martinez of the
8 House

9
10 An Act relating to Tribal-State agreements; affirming
11 and offering supplemental compact term to preclude
12 the expiration or termination of any compact entered
13 pursuant to 68 O.S. Section 346 and in effect as of
14 January 1, 2023, until December 31, 2024, at the
15 earliest; enacting law to offer the restoration of
16 any compact entered into pursuant to 68 O.S. Section
17 346 and in effect as of January 1, 2019, but which
18 expired without renewal pursuant to its own terms
19 thereafter and to preclude the expiration or
20 termination thereof until December 31, 2024, at the
21 earliest; providing for codification; and providing
22 for severability.

23 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

24 SECTION 1. NEW LAW A new section of law to be codified
in the Oklahoma Statutes as Section 346.1 of Title 68, unless there
is created a duplication in numbering, reads as follows:

A. The Legislature finds that:

1. As codified in Section 1221 of Title 74 of the Oklahoma
Statutes, Oklahoma's standing policy is to work in a spirit of

1 cooperation with all federally recognized Indian tribes in
2 furtherance of federal policy for the benefit of both the State of
3 Oklahoma and Tribal governments;

4 2. Oklahoma has benefited from its implementation of this
5 policy through, among other things, the formation and entry of
6 intergovernmental agreements or compacts with Tribal nations on a
7 variety of subjects; and

8 3. As authorized by Section 346 of Title 68 of the Oklahoma
9 Statutes, Oklahoma entered numerous compacts with Tribal nations
10 relating to taxation of tobacco product sales, which agreements have
11 benefited all parties by reducing intergovernmental disputes,
12 increasing Oklahoma tax revenues, and providing a stable environment
13 for Tribal and non-Tribal economic activity.

14 B. Consistent with the Legislature's intent declared in
15 subsection B of Section 346 of Title 68 of the Oklahoma Statutes,
16 the State of Oklahoma offers the following supplemental term to any
17 Tribe that is party to a State-Tribal tobacco products sales tax
18 compact entered pursuant to Section 346 of Title 68 of the Oklahoma
19 Statutes or otherwise which was in effect on January 1, 2023, but is
20 set to expire prior to December 31, 2024:

21 SUPPLEMENTAL TERM TO

22 TOBACCO PRODUCTS EXCISE TAX COMPACT

23 Between the [NAME OF TRIBE]

24 and the STATE OF OKLAHOMA

1 The tobacco products excise tax compact between the [NAME
2 OF TRIBE] and the STATE OF OKLAHOMA is hereby affirmed and
3 shall be deemed in effect until December 31, 2024, and
4 restored, and any action to unilaterally terminate the compact
5 prior to that date shall be null and void.

6 C. Further and also consistent with such intent, the State of
7 Oklahoma offers the following restoration of and supplemental term
8 to any Tribe that is party to a State-Tribal tobacco products excise
9 tax compact entered pursuant to Section 346 of Title 68 of the
10 Oklahoma Statutes or otherwise and which was in effect as of January
11 1, 2019, but which expired prior to the effective date of this act:

12 RESTORATION OF AND SUPPLEMENTAL TERM TO
13 TOBACCO PRODUCTS EXCISE TAX COMPACT TERM
14 Between the [NAME OF TRIBE]
15 and the STATE OF OKLAHOMA

16 Notwithstanding its expiration prior to the effective date
17 of this act, the tobacco products excise tax compact between
18 the [NAME OF TRIBE] and the STATE OF OKLAHOMA in effect on
19 January 1, 2019, is hereby affirmed and restored to effect as
20 of July 1, 2023, and shall remain in effect until December 31,
21 2024, and any action to unilaterally terminate the compact
22 prior to that date shall be null and void.

23 D. Tribal acceptance of an offer codified in either subsection
24 B or C of this section shall be indicated by letter from the Tribal

1 party's governing body or official reciting the terms set forth
2 above and delivered to the Oklahoma Tax Commission. Such letter
3 shall then be filed with the Secretary of State.

4 SECTION 2. The provisions of this act are severable and if any
5 part or provision shall be held void the decision of the court so
6 holding shall not affect or impair any of the remaining parts or
7 provisions of this act.

8

9 COMMITTEE REPORT BY: COMMITTEE ON JOINT COMMITTEE ON APPROPRIATIONS
10 AND BUDGET, dated 05/23/2023 - DO PASS, As Amended.

11

12

13

14

15

16

17

18

19

20

21

22

23

24