

1 STATE OF OKLAHOMA

2 1st Extraordinary Session of the 59th Legislature (2023)

3 COMMITTEE SUBSTITUTE  
4 FOR

5 SENATE BILL NO. 26x

6 By: Thompson (Roger) and Hall  
7 of the Senate

8 and

9 Wallace and Martinez of the  
10 House

11 COMMITTEE SUBSTITUTE

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

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

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 1. As codified in Section 1221 of Title 74 of the Oklahoma  
2 Statutes, Oklahoma's standing policy is to work in a spirit of  
3 cooperation with all federally recognized Indian tribes in  
4 furtherance of federal policy for the benefit of both the State of  
5 Oklahoma and Tribal governments;

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

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

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

23 SUPPLEMENTAL TERM TO

24 TOBACCO PRODUCTS EXCISE TAX COMPACT

1                   Between the [NAME OF TRIBE]

2                   and the STATE OF OKLAHOMA

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

8                   C. Further and also consistent with such intent, the State of  
9 Oklahoma offers the following restoration of and supplemental term  
10 to any Tribe that is party to a State-Tribal tobacco products excise  
11 tax compact entered pursuant to Section 346 of Title 68 of the  
12 Oklahoma Statutes or otherwise and which was in effect as of January  
13 1, 2019, but which expired prior to the effective date of this act:

14                   RESTORATION OF AND SUPPLEMENTAL TERM TO  
15                   TOBACCO PRODUCTS EXCISE TAX COMPACT TERM

16                   Between the [NAME OF TRIBE]

17                   and the STATE OF OKLAHOMA

18                   Notwithstanding its expiration prior to the effective date  
19 of this act, the tobacco products excise tax compact between  
20 the [NAME OF TRIBE] and the STATE OF OKLAHOMA in effect on  
21 January 1, 2019, is hereby affirmed and restored to effect as  
22 of July 1, 2023, and shall remain in effect until December 31,  
23 2024, and any action to unilaterally terminate the compact  
24 prior to that date shall be null and void.

1 D. Tribal acceptance of an offer codified in either subsection  
2 B or C of this section shall be indicated by letter from the Tribal  
3 party's governing body or official reciting the terms set forth  
4 above and delivered to the Oklahoma Tax Commission. Such letter  
5 shall then be filed with the Secretary of State.

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

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