



OSAGE NATION CONGRESS

16th Special Session of the 1st Congress

RESOLUTION NUMBER ONCR - 09-01

AS INTRODUCED

December 1, 2008

SPONSOR: Anthony Shackelford

SPONSOR SIGNATURE:

A Resolution

To support the execution of an inter-governmental Tobacco Tax Compact between the Osage Nation and the State of Oklahoma and authorize a limited waiver of sovereign immunity therein.

Be it resolved by the Congress of the Osage Nation:

WHEREAS,

- 1. The Osage Nation is a federally-recognized Indian Nation with an historic and continuing government-to-government relationship with the United States of America and the State of Oklahoma;
- 2. The Osage Nation has increased its economic development by entering into previous compacts with the State of Oklahoma;
- 3. The Osage Nation and the State of Oklahoma have mutually agreed to the terms of a new Tobacco Tax Compact;
- 4. Article XIX of the Constitution of the Osage Nation states that the Osage Nation and all administrative offices, departments, agencies, and instrumentalities of the Osage Nation shall be immune from suit or process in any forum except to the extent that the Osage Nation Congress expressly waives its sovereign immunity;
- 5. The execution of a new Tobacco Tax Compact with the State of Oklahoma, will resolve existing arbitration proceedings and litigation between the Osage Nation and the State of Oklahoma, to-wit: *Osage Nation v. Oklahoma Tax Commission*, U.S. District Court for the Northern District of Oklahoma (Case No. 06-CV-067-TCK-FHM) and *Osage Nation v. Brad Henry, et al.*, U.S. District Court for the Northern District of Oklahoma (Case No. 06-CV-220-TCK-FHM).

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48 **NOW, THEREFORE, BE IT RESOLVED,**

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50 Pursuant to Article XIX of the Constitution of the Osage Nation, the Osage
51 Nation Congress hereby authorizes the execution of a Tobacco Tax Compact with the
52 State of Oklahoma, attached as Sealed Report #1, and further authorizes a limited waiver
53 of sovereign immunity therein for money damages upon a showing of the Osage Nation's
54 acquiescence to the wrongdoing of any Osage Nation licensed retailer.

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