

AGREEMENT RELATING TO THE REFUND OF PRECOLLECTED
EXCISE TAXES ON CIGARETTES

THIS AGREEMENT, dated July 28, 1988, by and between the Department of Revenue of the State of Wisconsin (hereinafter referred to as the "State") and the Oneida Tribe of the Oneida Reservation (hereinafter referred to as the "Oneida Tribe", an Indian Tribe recognized and existing under a Constitution and Bylaws approved by the Secretary of Interior of the United States of America on December 21, 1936).

WHEREAS, the excise taxes on cigarettes are collected before the cigarettes are delivered to the Oneida Reservation; and

WHEREAS, the Indian residents of the Oneida Indians residing on the Oneida Reservation are not subject to the taxation laws of the State of Wisconsin on transactions occurring on the reservation; and

WHEREAS, the tribal council and the retailers approved by the tribal council wish to avoid the extensive record keeping requirements necessary for the sale of unstamped cigarettes on the reservation; and

WHEREAS, sec. 139.323, Wis. Stats., provides for refunding 70% of the taxes paid upon submission of a claim (Form CT-001), covering the purchase of cigarettes for sale on a designated Indian reservation or trust land, and

WHEREAS, s. 139.325 authorizes the State to enter into an agreement with the tribal council to provide for refunding of the cigarette tax imposed under s. 139.31(1) on cigarettes sold on the reservation to enrolled members of the tribe residing on the tribal reservation.

NOW, THEREFORE, the parties agree that a refund of the excise taxes will be made and to achieve that end, the parties agree to the following:

1. The tribal council shall be reimbursed and repaid seventy percent of the amount of tax paid, upon making and filing a claim with the department on all cigarettes purchased by an Indian tribal council or person authorized to sell cigarettes by the tribal council on the reservation where the purchasers business is located, upon which has paid the tax required under s. 139.31.
2. The equivalent of 30% of the precollected excise tax on cigarettes will be computed by multiplying the annual Wisconsin per capita consumption of cigarettes as published by the Tobacco Institute in this annual publication of "The Tax Burden on Tobacco" times the total population of the reservation times 30% of the current tax rate on each cigarette.
 - a. The Tribal Council will file a claim with the State on or before the 15th day of January, April, July, and October of each year for the preceding quarter on a form provided by the State.

- b. The State will process the claim for refund and issue a warrant payable to the Chairman and Treasurer of the Tribal Council within thirty days of the receipt of the claim form.
 - c. The annual Wisconsin per capita consumption of cigarettes figure is based on a July 1 to June 30 fiscal year and the revised figure for each year is not available until late in the calendar year. Therefore, the refund to be made in October of each year will be computed using the prior year per capita consumption figure.
3. This Agreement shall be continued in effect until subsequently terminated in writing by either party upon thirty (30) days notice to the other party.

IN WITNESS WHEREOF, the State and the Oneida Tribe have caused this Agreement to be executed and delivered by their duly authorized officers.

The Department of Revenue of the
State of Wisconsin

By *Jason A. Case*
Secretary of Revenue

Date Signed: *8/25/88*

The Tribal Council

By *Russell Towles*
Chairperson of the Tribal Council

Date Signed: *7-28-88*

By *Amel Cornelius*
Secretary of the Tribal Council

Date Signed: *July 27, 88*