State of Arizona
NPM Waiver Of Tribal Sovereign Immunity
By Native American Tribe

RESOLUTION OF THE _____
[Name of Tribe]

WHEREAS, _____ is owned by, chartered by, operated
[Insert Name of Manufacturer]

for the benefit of, and/or an "arm" of, the _____("the Tribe");
[Name of Tribe]

WHEREAS, _____ was formed for all business
[Insert Name of Manufacturer]

purposes allowed under the laws of the Tribe, including the manufacture of cigarettes as defined by A.R.S. § 44-7101(2)(d);

WHEREAS, the premises and manufacturing facility of the foregoing cigarette manufacturer are located on the Tribe's Reservation or other Indian Country;

WHEREAS, _____has applied to the State of Arizona to
[Insert Name of Manufacturer]

be placed on the Directory of cigarettes approved for stamping and sale, pursuant to A.R.S. § 44-7111(3)(b) ("Arizona Cigarette Directory");

WHEREAS, the State of Arizona requires that all tobacco product manufacturers on the Arizona Cigarette Directory either sign the Master Settlement Agreement and make payments pursuant to that agreement or make escrow deposits as required by the A.R.S. § 44-7101;

WHEREAS, because of the location of _____
[Insert Name of Manufacturer]

on the Tribe's Reservation or other Indian Country and because the manufacturer is owned by, chartered by, operated for the benefit of, or an "arm" of the Tribe, the manufacturer may be shielded by tribal sovereign immunity from full enforcement and remedies available against tobacco product manufacturers; and

WHEREAS, because the protection afforded by tribal sovereign immunity may include immunity from suit, liability, judgment and collection, including enforcement of judgments on tribal land by way of attachment of property or otherwise, the State of Arizona requires that the manufacturer and their owner(s) waive tribal sovereign immunity.

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THEREFORE, the _____ Indian Nation, through
[Name of Tribe]

_____
[Name of Tribal Entity or Official Authorized To Waive Tribal Sovereign Immunity]

has on this _____day of _____,20____, adopted this Resolution waiving the Tribe's
[Month]

sovereign immunity as follows:

The _____ hereby waives its sovereign immunity against suit, liability,
[Name of Tribe]

judgment and collection with respect to the obligations and duties of _____
[Insert Name of Manufacturer]

under the A.R.S. §§ 44-7101, 44-7111 and 36-798.06. The Tribe recognizes and agrees that the foregoing laws apply equally to everyone, including the Tribe, and are laws which impose their restrictions for a public purpose unrelated to revenue generation. In so waiving its immunity, the Tribe recognizes and agrees that any suits or administrative actions brought against _____
[Insert Name of Manufacturer]

and their owner(s) relating to the duties and obligations referenced above may be brought in the Arizona Superior Court, and that all such actions and proceedings shall be governed by Arizona's substantive and procedural law.

Finally, for the actions described in this waiver, the Tribe agrees to the jurisdiction of the Arizona Superior Court over the Tribe and the Tribe agrees to submit this waiver of sovereign immunity as part of the initial, supplemental, and annual certifications required by A.R.S. § 44-7111.

Adopted this _____ day of _____ 20 _____ .

_____	_____
_____	_____
_____	_____
_____	_____
[Signatures(s) of Tribal Official(s) authorized to adopt this Resolution]	[Printed Name(s)]

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Attached to this Resolution as Exhibit _____ is a letter from legal counsel for the Tribe to the Arizona Attorney General evidencing legal counsel's written legal opinion to the State of Arizona that the Tribal entity(ies) or officer(s) adopting this Resolution and waiving the Tribe's sovereign immunity is/are authorized under Tribal law to do so and have the ability to bind the Tribe, and that all procedures required by Tribal and Federal law (including, if applicable, the Foreign Sovereign Immunities Act of 1976 (28 U.S.C. section 1605(a)(1)), were followed and that the actions in waiving sovereign immunity are binding and enforceable under Tribal, Federal and Arizona State law.