

# An Act

## Legislative Act 03-09

### **A LEGISLATIVE ACT AMENDING TITLE 68 CHAPTER 3 OF THE CHEROKEE NATION CODE ANNOTATED – SALES TAX; ADDING EXEMPTIONS FOR ONE HUNDRED PERCENT (100%) PERMANENTLY DISABLED VETERANS**

#### **BE IT ENACTED BY THE CHEROKEE NATION:**

#### **Section 1. Title and Codification**

This act shall be known as the “Sales Tax Exemption Act of 2008” and codified as (Title) 68 (Section) 3 of the Cherokee Nation Code Annotated (CNCA).

#### **Section 2. Purpose**

The purpose of this Act is to exempt non-profit organizations from Sales Tax.

#### **Section 3. Substantive provisions**

##### **A. The following sections of CNCA Title 68 shall be amended as follows:**

##### **§ 32. Tax Levy—Rate**

A. There is hereby levied a sales tax of six percent (6%) on the gross receipts or gross proceeds of all items of value or goods or services bought, sold, rented, leased or exchanged, or any combination thereof, on all transactions on, through, by or with any business enterprise which is located on tribal lands.

Exempt from this tax are sales to Oklahoma public schools, and to an organization which is exempt from taxation pursuant to the provisions of the Internal Revenue Code, 26 U.S.C., Section 501 (c)(3). Also, exempt from this tax are sales of tangible personal property or services to persons who have been honorably discharged from active service in any branch of the Armed Forces of the United States or Oklahoma National Guard and who have been certified by the United States Department of Veterans Affairs or its successor to be in receipt of disability compensation at the one-hundred-percent rate and the disability shall be permanent and have been sustained through military action or accident or resulting from disease contracted while in such active service; provided, sales for the benefit of the person to a spouse of the eligible person or to a member of the household in which the eligible person resides and who is authorized to make purchases on the person's behalf, when such person is not present at the sale, shall also be exempt for purposes of this paragraph.

B. The Commission is hereby directed to make such assessments effective upon the first full month following the effective date as defined in Section 5 of this act and continuing monthly thereafter.

**Section 4. Provisions as cumulative**

The provisions of this act shall be cumulative to existing law.

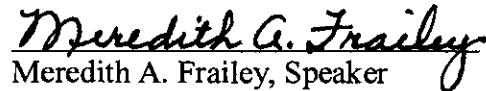
**Section 5. Severability**

The provisions of this act are severable and if any part of a provision hereof shall be held void, the decision of the court so holding shall not affect or impair any of the remaining parts or provisions of this act.


**Section 6. Effective Date**

The provisions of this act shall become effective thirty (30) days from and after the date of its passage and approval.


Enacted by the Council of the Cherokee Nation on the 17<sup>th</sup> day of February, 2009.

  
Meredith A. Frailey, Speaker  
Council of the Cherokee Nation

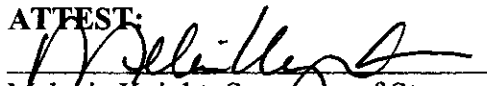
**ATTEST:**

  
Don Garvin, Secretary  
Council of the Cherokee Nation

Approved and signed by the Principal Chief on this 23rd day of February, 2009.

  
Chadwick Smith, Principal Chief  
Cherokee Nation

**ATTEST:**

  
Melanie Knight, Secretary of State  
Cherokee Nation

**YEAS AND NAYS AS RECORDED:**

Tina Glory Jordan	<u>Yea</u>	Meredith A. Frailey	<u>Yea</u>
Bill John Baker	<u>Yea</u>	Chris Soap	<u>Yea</u>
Joe Crittenden	<u>Yea</u>	Cara Cowan Watts	<u>Yea</u>
Jodie Fishinghawk	<u>Yea</u>	Buel Anglen	<u>Yea</u>
Janelle Lattimore Fullbright	<u>Yea</u>	Bradley Cobb	<u>Yea</u>
David W. Thornton, Sr.	<u>Yea</u>	Charles Hoskin, Jr.	<u>Yea</u>
Don Garvin	<u>Yea</u>	Julia Coates	<u>Absent</u>
Harley L. Buzzard	<u>Yea</u>	Jack D. Baker	<u>Yea</u>
Curtis G. Snell	<u>Yea</u>		

# Cherokee Nation Act/Resolution Proposal Form

**ADMINISTRATIVE CLEARANCE:**

**Program/Project Manager:**  
Sharon Swepton 4/15/09  
 Signature Date

**Department Director:**  
Sharon Swepton 4/15/09  
 Signature Date

**Group Leader:**  
Sharon Swepton 4/15/09  
 Signature Date

**Finance Approval (if needed):**  
 Signature Date

**Government Resources Group:**  
Gita Mays  
 Signature Date

**Administration Approval:**  
Melinda Light 4/15/09  
 Signature Date

Act                       Resolution

**TITLE:** (Sales Tax Exemption for 100% Permanently disabled Veterans)

**Department Contact:** Sharon Swepton

**Resolution Presenter:** Sharon Swepton

**Council Sponsor:** Chuck Hoskins Jr.

**NARRATIVE:**  
*(See Attached Outline for Information Needed)*  
 The purpose of this Act/Resolution is to allow the exemption of sales tax on all transactions by or with any business enterprise which is located on tribal lands for one hundred percent (100%) permanently disabled veterans.

**LEGISLATIVE CLEARANCE**

**Legislative Aide:**  
Shelli Brittain 4/19/09  
 Signature/Initial Date

**Standing Committee:**  
Rules

1-29-09

Next Meeting Date

**Chairperson:**  
Trailer  
 Signature/Initial Date

**Returned to Presenter:** \_\_\_\_\_  
 Date

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