

An Act

Legislative Act 24-08

A LEGISLATIVE ACT AMENDING LA# 01-01, "THE CHEROKEE NATION MOTOR VEHICLE LICENSING AND TAX CODE"; AMENDING DEFINITIONS FOR FARM TRACTORS, FARM TRAILERS AND FARM TRUCKS

BE IT ENACTED BY THE CHEROKEE NATION:

Section 1. Title and Codification

Example: This act shall be known as the "The Second Cherokee Nation Motor Vehicle Code Amendment Act of 2008" and codified as _____ (Title) _____ (Section) _____ of the Cherokee Nation Code Annotated.

Section 2. Purpose

The purpose of this act is to amend LA# 01-01, the Cherokee Nation Motor Vehicle Licensing and Tax Code, to amend definitions for farm tractors, farm trailers and farm trucks.

Section 3: Legislative History

Legislative Act #01-01, "The Cherokee Nation Motor Vehicle and Licensing Tax Code" of 2001, as amended by Legislative Acts 27-01, 34-01, 34-02, 04-03, 19-03, 25-04, 29-04, 03-05, and 07-06.

Section 4. Definitions

Section 103 of LA#01-01 is hereby amended as follows:

G. "Farm Tractor" shall mean any vehicle owned by a farmer and used primarily for pulling or towing farming equipment, tilling the soil or in other agricultural activities. Provided that no vehicle shall be registered as a farm tractor unless the applicant produces an income tax "Schedule F" for the preceding year or presents a valid exemption card issued pursuant to the provisions of Section 1358.1 of Title 68 of Oklahoma Statutes. Provided further that said Schedule F or exemption card must pertain to the applicant, the applicant's spouse, or a business entity owned and controlled by the applicant or the applicant's spouse. Provided further that an applicant or applicant's spouse shall not be eligible to register more than four tractors as "Farm Tractors". Businesses shall not be included in said limitation.

H. "Farm Trailer" shall mean any trailer owned by a farmer and used primarily for the purpose of transporting farm animals or products to market or for the purpose of transporting

to the farm material or things to be used thereon, and not for commercial or industrial purposes. Provided that no vehicle shall be registered as a farm trailer unless the applicant produces an income tax "Schedule F" for the preceding year or presents a valid exemption card issued pursuant to the provisions of Section 1358.1 of Title 68 of Oklahoma Statutes. Provided further that said Schedule F or exemption card must pertain to the applicant, the applicant's spouse, or a business entity owned and controlled by the applicant or the applicant's spouse. Provided further that an applicant or applicant's spouse shall not be eligible to register more than four trailers as "Farm Trailers". Businesses shall not be included in said limitation.

I. "Farm Truck" shall mean any vehicle equipped with four or more wheels and a cargo area for the conveyance of property that is used primarily for agricultural purposes, but not for commercial or industrial purposes. Vans and sport utility vehicles shall not be eligible to carry a "Farm Truck" tag. Provided that no vehicle shall be registered as a farm truck unless the applicant produces an income tax "Schedule F" for the preceding year or presents a valid exemption card issued pursuant to the provisions of Section 1358.1 of Title 68 of Oklahoma Statutes. Provided further that said Schedule F or exemption card must pertain to the applicant, the applicant's spouse, or a business entity owned and controlled by the applicant or the applicant's spouse. Provided further that an applicant or applicant's spouse shall not be eligible to register more than four trucks as "Farm Trucks". Businesses shall not be included in said limitation.

Section 6. Provisions as cumulative

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

Section 7. Severability

The provisions of this act are severable and if any part of 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 8. Effective Date

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

Section 9. Self-Help Contributions

To the extent that this Act involves programs or services to citizens of the Nation or others, self-help contributions shall be required, unless specifically prohibited by the funding agency, or a waiver is granted due to physical or mental incapacity of the participant to contribute.

Enacted by the Council of the Cherokee Nation on the 13th day of October, 2008.

Meredith A. Frailey
Meredith A. Frailey, Speaker
Council of the Cherokee Nation

ATTEST:

Don Garvin
Don Garvin, Secretary
Council of the Cherokee Nation

Approved and signed by the Principal Chief this 15th day of October, 2008.

Chadwick Smith
Chadwick Smith, Principal Chief
Cherokee Nation

ATTEST:

Melanie Knight
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>Yea</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 9/15/08
 Signature Date

Department Director:
Sharon Swepton 9/15/08
 Signature Date

Executive Director:
Sharon Swepton 9/15/08
 Signature Date

Controller (if needed):
 Signature Date

Government Resources Group:
Gita May 9/18/08
 Signature Date

Administration Approval:
Melinda A 9/15/08
 Signature Date

Act

Resolution

TITLE: A LEGISLATIVE ACT AMENDING LA# 01-01, "THE CHEROKEE NATION MOTOR VEHICLE LICENSING AND TAX CODE"; AMMENDING AND DEFINITIONS FOR FARM TRACTORS, FARM TRAILERS AND FARM TRUCKS

Department Contact: Sharon Swepton
Tax Administrator

Resolution Presenter: Sharon Swepton

Sponsor: Meredith A. Frailey

NARRATIVE:
 The purpose of this act is to amend LA# 01-01, the Cherokee Nation Motor Vehicle Licensing and Tax Code, to amend definitions for farm tractors, farm trailers and farm trucks.

LEGISLATIVE CLEARANCE

Legislative Aide:
Shelli Brittan 9-15-08
 Signature/Initial Date

Standing Committee:
Rules
 Signature/Initial

9-25-08
 Next Meeting Date

Chairperson:
Frailey
 Signature/Initial Date

Returned to Presenter: _____
Date

09-15-08 P05:20 KU