



Council of the Cherokee Nation

Cherokee Nation Tribal
Council
17763 S. Muskogee Ave.
Tahlequah, OK 74464

Legislation Details (With Text)

File #: 09-004 **Version:** 1 **Name:** Sales Tax Exemption Act of 2008
Type: Legislative Act **Status:** Passed
File created: 1/19/2009 **In control:** EXECUTIVE AND FINANCE COMMITTEE
On agenda: 1/29/2009 **Final action:** 2/17/2009
Enactment date: 2/17/2009 **Enactment #:** LA-03-09

Title: 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

Sponsors: Chuck Hoskin Jr.

Indexes: Disabled Veterans, Tax Commission

Code sections: Title 68 - Revenue and Taxation

Attachments: 1. LA-03-09

Date	Ver.	Action By	Action	Result
2/26/2009	1	OFFICE OF THE CHIEF	Signed	
2/17/2009	1	TRIBAL COUNCIL	Approved	Pass
2/5/2009	1	RULES COMMITTEE	Approved and Forwarded to Council	Pass

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.