

OKLAHOMA TAX COMMISSION

TAX POLICY AND RESEARCH DIVISION
TONY MASTIN, DIRECTOR

PHONE (405) 521-3133
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October 7, 2004

Re: Sales Tax Exemption for the

Our File No. LR-04-155

Dear :

I am writing in response to the request of the for an Oklahoma tax exemption certificate. The Oklahoma Tax Commission recognizes that it does not have jurisdiction to tax transactions which occur within "Indian country" as defined by federal law, where the incidence of the tax falls on a tribe or tribal member. *Oklahoma Tax Commission v. Chickasaw Nation*, 115 S. Ct. 2214 (1995). Therefore, it is the position of the Oklahoma Tax Commission that sales to a federally-recognized Indian tribe in Indian country under that tribe's governance are not subject to the levy of sales tax. Likewise, a tribe's out-of-state purchases of tangible personal property which are brought into this State for its use or consumption in Indian country governed by that tribe are not subject to use tax. The purchase by the described in your correspondence does not meet the requirements for exemption.

This response applies only to the circumstances discussed in your correspondence of July 2, 2004. Pursuant to Commission Rule 710:1-3-73(e), this Letter ruling may be generally relied upon only by the entity to whom it is issued, assuming that all pertinent facts have been accurately and completely stated, and there has been no change in applicable law.

Sincerely,

OKLAHOMA TAX COMMISSION



Christy J. Caesar
Tax Policy Analyst