

Ponca Tribe of Nebraska Tax Commission

P.O. Box 288
Niobrara, NE 68760

SALES TAX SUMMARY

What sales are subject to sales tax?	All retail sales or leases of tangible personal property to another person on Tribal lands are subject to sales tax unless otherwise exempted. A sale is considered a retail sale unless the sale is made for the purpose of reselling the goods or further manufacturing or processing the goods before resale.
What is exempt from sales tax?	<p>The following are not subject to sales tax:</p> <ul style="list-style-type: none"> • Sales to the Tribe where the total amount of the transaction does not exceed the small purchase threshold of the Tribe (currently \$10,000.00) • Sales to another state or tribe if that state or tribe also exempts the Tribe from their sales tax • Food that is <u>not</u>: (1) soft drinks; or (2) prepared foods • Feminine hygiene products • Items paid for by food stamps • Residential heating fuels and other utilities • Automobiles, trucks, truck-tractors, semi-trailers, trailers, boats, travel trailers, motorcycles and all-terrain cycles • Complimentary goods provided to customers or employees • Medical supplies, medicines, and pharmaceutical products • Admissions to events and movies • Sales of gambling devices regulated by the gaming laws of the Tribe (see Tribe's Gaming Ordinance for definition of "gambling device") • Wagers or amounts paid as consideration for playing a gambling game or game of chance • Sales from vending machines • Cigarettes and tobacco products where Tribal tobacco taxes are paid on the cigarettes or tobacco • Liquor where Tribal liquor tax is paid on the liquor • Sales made outside Tribal lands <ul style="list-style-type: none"> • A sale is considered to be made on Tribal lands if: <ul style="list-style-type: none"> • The goods are delivered by a seller who is on Tribal lands (e.g., a store located on Tribal land selling to anyone, even by mail); or • The goods are delivered to a buyer who is on Tribal lands (e.g., a store off Tribal land delivering to someone on Tribal land) • Occasional sales. An "occasional sale" is: <ul style="list-style-type: none"> • A sale of an individual's own property at his or her residence or an online auction site, including garage sales, if the individual (1) does such sales for 7 days or less in a year; and (2) is not in the business of selling similar items • Sales of goods from an individual's primary residence or at an online auction site with gross receipts of less than \$10,000 per year (even if the individual is engaged in the business of selling goods) • Sales of goods for a period of less than 7 consecutive days at a time (e.g., powwows, flea markets, school fundraising event, etc.) • Sales of household goods or personal farm equipment at auction by an auctioneer so long as the auctioneer has 5 or fewer auctions per year • Sales made at public auction pursuant to the laws of the Tribe by a department or agency of the Tribe
How much is sales tax?	The amount of tax is 7% of the total charged for the goods. If the goods are sold for anything other than money, the amount charged is the fair market value of the goods.
Who pays sales tax?	Retailers add sales tax to the price they charge for goods sold and pay the tax to the Tax Commission. If not charged, the retailer must still pay the tax.
Are there any deductions from sales tax?	A retailer may deduct from the taxes due any sales tax actually paid to another state or tribal government if that state or tribe also allows a similar deduction or exemption for the Tribe's sales tax.
When are sales taxes due?	Retailers must pay sales tax by the 20th of each month for sales made during the previous month (e.g., pay by June 20 for sales in May).
Who files sales tax returns?	Retailers must file a sales tax return with the Tax Commission every month for all gross sales during the previous month. If a retailer has multiple locations, the retailer need only file a single return.
When are sales tax returns due?	Retailers must file their sales tax return by the 20th of each month for all sales made during the previous month (e.g., file by June 20 for sales in May).
Is a license required?	Yes. Any person who engages in retail sales on Tribal lands must obtain a retail sales tax license from the Commission for each retail location.
Are any retailers exempt?	A person only making occasional sales (see above) is not required to obtain a retail sales tax license, file sales tax returns, or collect or pay any sales tax.

This document is provided only to assist taxpayers and others with understanding the tax summarized. It is not legal advice and does not constitute a ruling or binding document of the Tax Commission or the Tribe.