

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 658

BY REVENUE AND TAXATION COMMITTEE

AN ACT

RELATING TO SALES AND USE TAXES; AMENDING TITLE 63, IDAHO CODE, BY THE ADDITION OF A NEW CHAPTER 46, TITLE 63, IDAHO CODE, TO PROVIDE DEFINITIONS, TO PROVIDE A STATEMENT OF FINDINGS AND INTENT, TO PROVIDE DUTIES OF THE STATE TAX COMMISSION AND TO PROVIDE FOR PERSONS TO CONSULT WITH THE COMMISSION, TO PROVIDE THAT THE AGREEMENT DOES NOT PREEMPT STATE LAW, TO PROVIDE FOR PROPOSED LEGISLATION TO IMPLEMENT THE PROVISIONS OF THE STREAMLINED SALES AND USE TAX AGREEMENT AND TO PROVIDE FOR DISTRIBUTION OF THE PROPOSED LEGISLATION.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That Title 63, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW CHAPTER, to be known and designated as Chapter 46, Title 63, Idaho Code, and to read as follows:

CHAPTER 46

IDAHO BUSINESS PROTECTION ACT

63-4601. DEFINITIONS. The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Agreement" means the streamlined sales and use tax agreement as adopted.

(2) "Commission" means the Idaho state tax commission.

(3) "Sales tax" means the tax levied by section 63-3619, Idaho Code, and local sales taxes levied in accordance with chapter 10, title 50, Idaho Code, chapter 26, title 63, Idaho Code, and section 67-4718 or 67-4917B, Idaho Code.

(4) "Seller" means any person making sales, leases or rentals of personal property or services.

(5) "State" means any state of the United States and the District of Columbia.

(6) "Use tax" means the tax levied by section 63-3621, Idaho Code, and local sales taxes levied in accordance with chapter 10, title 50, Idaho Code, chapter 26, title 63, Idaho Code, and section 67-4718 or 67-4917B, Idaho Code.

63-4602. STATEMENT OF FINDINGS AND INTENT. The legislature finds that a simplified sales and use tax system will reduce and, over time, eliminate the burden and cost for all vendors to collect this state's sales and use tax. The legislature further finds that this state should participate in multistate discussions to review or amend the terms of the agreement to simplify and modernize sales and use tax administration in order to substantially reduce the burden of tax compliance for all sellers and for all types of commerce.

1 63-4603. DUTIES OF THE COMMISSION. For the purposes of reviewing or
2 amending the agreement the state shall enter into multistate discussions.
3 For purposes of these discussions, the commission shall represent the
4 state. The governor may appoint up to four (4) persons to consult with the
5 commission at these discussions. The persons advising the commission shall
6 not be compensated and are not entitled to payment of travel expenses by
7 the state. The commission shall use its best efforts to consult with the
8 advisory group before any multistate discussions in which it is anticipated
9 that amendments may be proposed to the agreement.

10 63-4604. AGREEMENT NOT TO PREEMPT STATE LAW. No provision of the
11 agreement authorized by this chapter in whole or in part invalidates or
12 amends any provision of the laws of this state. Adoption of the agreement by
13 this state does not amend or modify any law of this state. Implementation of
14 any condition of the agreement in this state, whether adopted before, at, or
15 after membership of this state in the agreement, must be by the action of the
16 legislature or by administrative rules of the commission authorized by the
17 legislature.

18 63-4605. NECESSARY REMEDIAL LEGISLATION. The commission shall
19 prepare draft legislation conforming state law to the requirements of the
20 streamlined sales and use tax agreement and shall provide such legislation
21 to the advisory group established in section 63-4603, Idaho Code. The
22 advisory group shall provide the draft legislation, together with its
23 recommendation relating thereto, to the governor and to the senate local
24 government and taxation committee and the house of representatives revenue
25 and taxation committee.