

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 22

BY STATE AFFAIRS COMMITTEE

AN ACT

1 RELATING TO SALES AND USE TAX; AMENDING CHAPTER 36, TITLE 63, IDAHO CODE, BY
2 THE ADDITION OF A NEW SECTION 63-3642, IDAHO CODE, TO PROVIDE FOR THE
3 WITHHOLDING OF SALES AND USE TAX FROM CITY AND COUNTY GOVERNMENTS IN
4 CERTAIN INSTANCES; AND DECLARING AN EMERGENCY.
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6 Be It Enacted by the Legislature of the State of Idaho:

7 SECTION 1. That Chapter 36, Title 63, Idaho Code, be, and the same is
8 hereby amended by the addition thereto of a NEW SECTION, to be known and des-
9 ignated as Section 63-3642, Idaho Code, and to read as follows:

10 63-3642. SALES AND USE TAX WITHHOLDING -- CITY AND COUNTY GOVERN-
11 MENTS. (1) Any mayor, council, board of commissioners, or any other govern-
12 ing body of a city or county governmental entity that issues an ordinance,
13 resolution, executive order, proclamation, or similar official directive
14 refusing to investigate or enforce any felony provided for in Idaho Code
15 shall not be eligible to receive sales and use tax revenue distributions pur-
16 suant to section 63-3638, Idaho Code. Such funds shall be held back until the
17 city or county governmental entity has certified to the state tax commission
18 that such ordinance, resolution, executive order, proclamation, or similar
19 official directive has been repealed or rescinded.

20 (2) If a repeal or rescission is certified within one hundred eighty
21 (180) days of the holdback, the state tax commission shall restore the with-
22 held moneys to the city or county governmental entity. If compliance is not
23 certified within one hundred eighty (180) days, the withheld moneys shall be
24 forfeited and deposited in the general fund by the state tax commission.

25 SECTION 2. An emergency existing therefor, which emergency is hereby
26 declared to exist, this act shall be in full force and effect on and after its
27 passage and approval.