

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 22, As Amended in the Senate

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 TO PROVIDE THAT THE ATTORNEY GENERAL SHALL HAVE
5 CERTAIN DUTIES; AND DECLARING AN EMERGENCY.
6

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

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

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19 lution, executive order, or proclamation has been repealed or rescinded.

20 (2) Upon presentation to the attorney general of an authenticated and
21 duly enacted ordinance, resolution, executive order, or proclamation of any
22 mayor, council, board of commissioners, or other governing body of a city
23 or county governmental entity refusing to investigate or enforce any felony
24 provided for in Idaho Code, the attorney general shall notify the state tax
25 commission and the governmental entity of the provisions of this section and
26 provide the governmental entity an opportunity to repeal or rescind the or-
27 dinance, resolution, executive order, or proclamation.

28 (3) If a repeal or rescission is certified within one hundred eighty
29 (180) days of the holdback, the state tax commission shall restore the with-
30 held moneys to the city or county governmental entity. If compliance is not
31 certified within one hundred eighty (180) days, the withheld moneys shall be
32 forfeited and deposited in the general fund by the state tax commission.

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