

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 370

BY REVENUE AND TAXATION COMMITTEE

AN ACT

1 RELATING TO CIGARETTE TAXES; AMENDING SECTION 63-2511, IDAHO CODE, TO RE-  
2 MOVE REFERENCE TO VENDING MACHINE OPERATORS; AMENDING SECTION 63-2516,  
3 IDAHO CODE, TO PROVIDE THAT ANY REFERENCE TO TAXABLE YEAR IN THE INCOME  
4 TAX ACT SHALL BE, FOR THE PURPOSES OF THE CIGARETTE TAX ACT, CONSIDERED  
5 A TAXABLE PERIOD; AND AMENDING SECTION 63-2563, IDAHO CODE, TO PROVIDE  
6 THAT ANY REFERENCE TO TAXABLE YEAR IN THE INCOME TAX ACT SHALL BE, FOR  
7 THE PURPOSES OF THE CIGARETTE TAX ACT, CONSIDERED A TAXABLE PERIOD.  
8

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

10 SECTION 1. That Section 63-2511, Idaho Code, be, and the same is hereby  
11 amended to read as follows:

12 63-2511. RECORDS TO BE KEPT -- INSPECTION. Each wholesaler of ciga-  
13 rettes shall keep and preserve for a period of four (4) years, records show-  
14 ing the purchase and sale of cigarettes, as well as separate invoices and  
15 records of stamps purchased. All records and stocks of cigarettes on hand  
16 shall be open to inspection by the state tax commission or authorized employ-  
17 ees at all reasonable times. Additionally, the state tax commission may re-  
18 quire reports to be submitted to it from time to time concerning the purchase  
19 and sale of cigarettes and stamps.

20 All retailers ~~and vending machine operators~~ shall permit the state tax  
21 commission or authorized employees to inspect all cigarettes on hand.

22 SECTION 2. That Section 63-2516, Idaho Code, be, and the same is hereby  
23 amended to read as follows:

24 63-2516. COLLECTION AND ENFORCEMENT -- ACTIONS AGAINST STATE OF  
25 IDAHO. In addition to the enforcement and penalty provisions in this act  
26 otherwise provided, the deficiency in tax and notice of deficiency as well  
27 as the collection and enforcement procedures provided by the Idaho income  
28 tax act, sections 63-3030A, 63-3038, 63-3039, 63-3040, 63-3042, 63-3043,  
29 63-3044, 63-3045, 63-3045A, 63-3046, 63-3047, 63-3048 through 63-3065,  
30 63-3068, 63-3071, 63-3073, 63-3075 and 63-3078, Idaho Code, shall apply and  
31 be available to the state tax commission for enforcement of the provisions  
32 of this act and the assessment and collection of any amounts due, and said  
33 sections shall for this purpose be considered a part of this act and wherever  
34 liens or any other proceedings are defined as income tax liens or proceedings  
35 they shall, when applied in enforcement or collection under this act, be  
36 described as cigarette tax liens and proceedings. Any reference to taxable  
37 year in the income tax act shall be, for the purposes of this act, considered  
38 a taxable period.

39 The state tax commission may be made a party defendant in an action at  
40 law or in equity by any person aggrieved by the unlawful seizure or sale of

1 his property, or in any suit for refund or to recover an overpayment, but  
2 only the state of Idaho shall be responsible for any final judgment secured  
3 against the state tax commission, and said judgment shall be paid as provided  
4 for payment of cigarette tax refunds.

5 SECTION 3. That Section 63-2563, Idaho Code, be, and the same is hereby  
6 amended to read as follows:

7 63-2563. COLLECTION AND ENFORCEMENT. The collection and enforcement  
8 procedures provided by the Idaho income tax act, sections 63-3038, 63-3039,  
9 63-3042 through 63-3045A, 63-3047 through 63-3065A, 63-3068, 63-3071,  
10 63-3075 and 63-3078, Idaho Code, shall apply and be available to the com-  
11 mission for the enforcement of this act and collection of any amounts due  
12 under this act and said sections shall, for this purpose, be considered  
13 part of this act and wherever liens or any other proceedings are defined as  
14 income tax liens or proceedings, they shall, when applied in enforcement or  
15 collection under this act, be described as tobacco products tax liens and  
16 proceedings. Any reference to taxable year in the income tax act shall be,  
17 for the purposes of this act, considered a taxable period.

18 The state tax commission may be made a party defendant in an action at  
19 law or in equity by any person aggrieved by the unlawful seizure or sale of  
20 his property, or in any suit for refund or to recover an overpayment, but  
21 only the state of Idaho shall be responsible for any final judgment secured  
22 against the state tax commission, and said judgment shall be paid or satis-  
23 fied out of the tobacco products tax refund fund.