

By Senator Ring

32-00309C-10

2010254

Senate Memorial

A memorial to the members of the Florida congressional delegation, urging them to co-sponsor the Main Street Fairness Act and to support its adoption by the Congress of the United States.

WHEREAS, in *National Bellas Hess, Inc. v. Department of Revenue of Illinois*, 386 U.S. 753 (1967) and *Quill v. North Dakota*, 504 U.S. 298 (1992), the Supreme Court of the United States held that the Commerce Clause of the United States Constitution limits the authority of states to require remote sellers to collect sales and use taxes from their customers, and

WHEREAS, the combined weight of the inability to collect sales and use taxes on remote sales through traditional carriers and the tax erosion due to electronic commerce threatens the future viability of the sales tax as a stable revenue source for state and local governments, and

WHEREAS, the Center for Business and Economic Research at the University of Tennessee estimates that states will lose as much as \$23 billion in 2012 if they are not able to collect taxes on remote sales, including sales over the Internet, and

WHEREAS, the University of Tennessee study also estimates that Florida will lose \$1.4 billion in 2012 because of the inability to require remote sellers to collect our state's sales and use taxes, and

WHEREAS, since 1999, state legislators, governors, local elected officials, state tax administrators, and representatives of the private sector have worked to develop a Streamlined Sales and Use Tax Collection System for the 21st Century, and

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30 WHEREAS, on November 12, 2002, state delegates unanimously
31 ratified the Streamlined Sales and Use Tax Agreement to
32 substantially simplify state and local sales tax systems, remove
33 the burdens to interstate commerce which were of concern to the
34 Supreme Court, and protect state sovereignty, and

35 WHEREAS, the Streamlined Sales and Use Tax Agreement
36 provides the states with a blueprint to create a simplified and
37 more uniform sales and use tax collection system and is
38 justification for Congress to permit states that are parties to
39 the agreement to collect sales and use taxes from remote
40 sellers, and

41 WHEREAS, as of October 1, 2009, 23 states, Arkansas,
42 Indiana, Iowa, Kansas, Kentucky, Michigan, Minnesota, Nebraska,
43 Nevada, New Jersey, North Carolina, North Dakota, Ohio,
44 Oklahoma, Rhode Island, South Dakota, Tennessee, Utah, Vermont,
45 Washington, West Virginia, Wisconsin, and Wyoming, representing
46 more than 35 percent of the total population of the United
47 States, enacted legislation to bring their state's sales and use
48 tax statutes into compliance with the agreement, and

49 WHEREAS, the Main Street Fairness Act will be introduced in
50 111th Congress to grant those states that comply with the
51 agreement the authority to require all sellers, regardless of
52 nexus, to collect those states' sales and use taxes, and

53 WHEREAS, the following unions, organizations, and
54 businesses support the Streamlined Sales and Use Tax Agreement
55 and the federal legislation granting states collection
56 authority: the Alabama Retail Association; American Booksellers
57 Association; Arizona Retailers Association; Arkansas Grocers and
58 Retail Merchants Association; Associated Industries of Florida;

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59 Best Buy, Inc.; California Retailers Association; Colorado
60 Retail Council; Connecticut Retail Merchants Association; the
61 Council on State Governments; Council of State Retail
62 Associations; the Council on State Taxation; Cracker Barrel Old
63 Country Store, Inc.; CTIA-The Wireless Association; Federation
64 of Tax Administrators; First Washington Realty, Inc.; Florida
65 Chamber of Commerce; Florida Tax Watch; Florida Retail
66 Federation; General Growth Properties, Inc.; Georgia Retail
67 Association; Retail Merchants Association of Hawaii; Home Depot;
68 Idaho Retailers Association; Illinois Retail Merchants
69 Association; Independent Music Retailers Association; Indiana
70 Retail Council; International Council of Shopping Centers;
71 International Union of Police; Iowa Retail Federation; J.C.
72 Penney Corporation, Inc.; Jack in the Box, Inc.; Jewelers of
73 America; Kansas Retail Council; Kentucky Retail Association;
74 Kimco Realty Corporation; K-Mart Corporation; Land's End;
75 Louisiana Retailers Association; Maine Merchants Association;
76 Maryland Retailers Association; Retailers' Association of
77 Massachusetts; Michigan Retailers Association; Minnesota
78 Retailers Association; Retail Association of Mississippi;
79 Missouri Retailers Association; National Association of Chain
80 Drug Stores; National Association of College Stores; National
81 Association of Industrial and Office Properties; National
82 Association of Real Estate Investment Trusts; National Bicycle
83 Dealers Association; National Conference of State Legislatures;
84 National Education Association; National Governors Association;
85 National Office Products Association; National Retail
86 Federation; Nebraska Retail Federation; Retail Federation of
87 Nevada; New England Independent Booksellers Association; New

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88 Jersey Retail Merchants Association; New Mexico Retail
89 Association; Retail Council of New York State, Inc.; Newspaper
90 Association of America; North American Retail Dealers
91 Association; North Carolina Retail Merchants Association; North
92 Dakota Retail Association; Northern California Independent
93 Booksellers; Ohio Council of Retail Merchants; Oklahoma Retail
94 Council; Pacific Northwest Booksellers Association; Pennsylvania
95 Retailers' Association; Performance Automotive Retailers;
96 Performance Warehouse Association; PETSMART, Inc.; RadioShack
97 Corporation; Real Estate Roundtable; Retail Industry Leaders
98 Association; Rhode Island Retail Federation; Ross Stores, Inc.;
99 Sears Holdings Corporation; Simon Property Group, Inc.; South
100 Carolina Retail Association; South Dakota Retailers Association;
101 Staples, Inc.; Target; Tennessee Retail Association; Gap Inc.;
102 the Macerich Company; the TJX Companies, Inc; US Telecom; Utah
103 Retail Merchants Association; Vermont Retail Association;
104 Virginia Retail Merchants Association; Wal-Mart; Washington
105 Retail Association; Weingarten Realty Investors; West Acres
106 Development, LLP; Westfield; Wisconsin Merchants Federation; and
107 Wyoming Retail Merchants Association, and

108 WHEREAS, until Congress enacts the Main Street Fairness
109 Act, participation by remote sellers under the Streamlined Sales
110 and Use Tax Agreement is voluntary only, and thus, without
111 congressional action, states are unlikely to close the revenue
112 gap between what is owed on remote transactions and what is
113 collected, and

114 WHEREAS, Congressman Roy Blunt of Missouri has termed this
115 federal legislation as "fiscal relief for the states that does
116 not cost the Federal Government a single cent," and this

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117 legislation ensures the viability of the sales and use tax as a
118 state revenue source, NOW, THEREFORE,

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120 Be It Resolved by the Legislature of the State of Florida:

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122 That the Legislature of the State of Florida:

123 (1) Calls upon the members of the Florida Congressional
124 delegation to join as co-sponsors of the Main Street Fairness
125 Act and support its swift adoption by the Congress of the United
126 States.

127 (2) Urges President Barak Obama to sign the Main Street
128 Fairness Act into law upon its passage by Congress.

129 BE IT FURTHER RESOLVED that copies of this memorial be
130 dispatched to the President of the United States, to the
131 President of the United States Senate, to the Speaker of the
132 United States House of Representatives, and to each member of
133 the Florida delegation to the United States Congress.