

SENATE JOINT RESOLUTION NO. 4—SENATOR WOODHOUSE

PREFILED JANUARY 30, 2015

Referred to Committee on Legislative Operations and Elections

SUMMARY—Urges Congress to enact the Marketplace Fairness Act. (BDR R-98)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State: No.

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EXPLANATION – Matter in *bolded italics* is new; matter between brackets ~~omitted material~~ is material to be omitted.

SENATE JOINT RESOLUTION—Urging Congress to enact the Marketplace Fairness Act.

1 WHEREAS, In the case of *National Bellas Hess, Inc. v.*
2 *Department of Revenue*, 386 U.S. 753 (1967), the United States
3 Supreme Court held, in relevant part, that Congress alone has the
4 power to regulate and control the taxation of commerce which is
5 conducted between a business that is located within one state and a
6 customer who is located in another state and who communicates
7 with and purchases from the business using only remote means; and

8 WHEREAS, The United States Supreme Court established in
9 *Quill Corporation v. North Dakota*, 504 U.S. 298 (1992), that a state
10 government cannot, of its own accord, require out-of-state retailers
11 to collect sales tax on sales within the state; and

12 WHEREAS, The United States Supreme Court also announced in
13 *Quill* that Congress could exercise its authority under the Commerce
14 Clause of the United States Constitution to decide whether, when
15 and to what extent the states may require the collection of sales tax
16 on remote sales; and

17 WHEREAS, The State of Nevada and municipalities within this
18 State receive significant operating revenue from sales taxes
19 collected by brick-and-mortar businesses and online vendors with a
20 nexus to the State and from use taxes on purchases made online
21 through vendors without a brick-and-mortar location in the State;
22 and



1 WHEREAS, Remittance of use taxes not collected by a vendor
2 from online purchases imposes an undue burden and widely
3 unknown obligation on consumers; and

4 WHEREAS, The unequal taxation schemes as between online and
5 traditional retailers create a disadvantage for Nevada-based retailers,
6 who are rooted and invested in the Nevada community and employ
7 residents of this State; and

8 WHEREAS, The tax collection loophole for online retailers
9 deprives local governments of revenue that could be used to fund
10 necessities such as schools, police departments and fire departments,
11 and other important infrastructure; and

12 WHEREAS, The Marketplace Fairness Act was introduced in the
13 112th Congress, and again in the 113th Congress, to provide states
14 with the authority to require out-of-state retailers, such as online and
15 catalog retailers, to collect and remit sales tax on purchases shipped
16 into the state; and

17 WHEREAS, The State of Nevada has enacted the Simplified
18 Sales and Use Tax Administration Act, chapter 360B of NRS, which
19 is in compliance with the Marketplace Fairness Act; now, therefore,
20 be it

21 RESOLVED BY THE SENATE AND ASSEMBLY OF THE STATE OF
22 NEVADA, JOINTLY, That the members of the 78th Session of the
23 Nevada Legislature urge Congress to enact the Marketplace Fairness
24 Act without further delay; and be it further

25 RESOLVED, That the Secretary of the Senate prepare and
26 transmit a copy of this resolution to the Vice President of the United
27 States as the presiding officer of the United States Senate, the
28 Speaker of the House of Representatives, each member of the
29 Nevada Congressional Delegation and the Executive Director of
30 the Department of Taxation; and be it further

31 RESOLVED, That this act becomes effective upon passage.

