

Fifty-sixth
Legislative Assembly
of North Dakota

ENGROSSED SENATE CONCURRENT
RESOLUTION NO. 4053

Introduced by

Senators T. Mathern, G. Nelson

Representatives Boucher, Dorso

(Approved by the Delayed Bills Committee)

1 A concurrent resolution urging Congress to act quickly to fulfill its obligation under the Internet
2 Tax Freedom Act with regard to balanced membership of the Advisory Commission on
3 Electronic Commerce and urging the Advisory Commission on Electronic Commerce to be
4 mindful in its deliberations of the impact of Internet usage and Internet sales transactions on
5 telecommunications, traditional retail businesses, and state and local tax bases.

6 **WHEREAS**, the Internet Tax Freedom Act was signed into law on October 21, 1998,
7 and provided for establishment of the Advisory Commission on Electronic Commerce, to
8 include 16 members appointed by Congressional leadership, eight of whom are to represent
9 state and local governments and eight of whom are to represent industry and consumer
10 groups; and

11 **WHEREAS**, equal representation for state and local governments is critical to North
12 Dakota and other states because sales taxes have traditionally been a state prerogative and
13 the participation of state and local governments is essential to the validity of recommendations
14 of the Advisory Commission because the enormous growth in Internet usage and Internet sales
15 transactions seriously impacts telecommunications, traditional retail businesses, and state and
16 local tax bases; and

17 **WHEREAS**, appointments to the Advisory Commission on Electronic Commerce were
18 made by Congressional leaders without consultations among themselves and resulted in an
19 imbalance in the membership of the Advisory Commission on Electronic Commerce, with fewer
20 than eight members representing state and local governments, which does not comply with the
21 Internet Tax Freedom Act; and

22 **WHEREAS**, the failure of Congress to comply with its own legislation and appoint a
23 balanced commission must be corrected as soon as possible because the Advisory
24 Commission on Electronic Commerce has a limited time to complete its work and much of that
25 time has already been lost;

1 **NOW, THEREFORE, BE IT RESOLVED BY THE SENATE OF NORTH DAKOTA,**
2 **THE HOUSE OF REPRESENTATIVES CONCURRING THEREIN:**

3 That the Fifty-sixth Legislative Assembly urges the Congress of the United States to act
4 quickly to fulfill its obligation under the Internet Tax Freedom Act with regard to balanced
5 membership of the Advisory Commission on Electronic Commerce and urges the Advisory
6 Commission on Electronic Commerce to be mindful in its deliberations of the impact of Internet
7 usage and Internet sales transactions on telecommunications, traditional retail businesses, and
8 state and local tax bases; and

9 **BE IT FURTHER RESOLVED,** that the Secretary of State forward copies of this
10 resolution to the Majority and Minority Leaders of the United States Senate, the Speaker of the
11 United States House of Representatives, the Minority Leader of the United States House of
12 Representatives, to each member of the Advisory Commission on Electronic Commerce, and to
13 each member of the North Dakota Congressional Delegation.