

Association of Importers & Exporters of Texas

(Founded in 1994 as IMPORT-EXPORT PRODUCE ASSOCIATION)

Federated to: U.S. Chamber of Commerce, Washington, D.C



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We applaud Governor Perry Veto

Comptroller Susan Combs should resign her position

We applaud pro-business Governor Perry vetoing the bill House Bill 2403 , by state Rep. John Otto, R-Dayton the bill would tighten the state's rules on when online businesses such as Amazon must collect sales tax,

Comptroller Susan Combs sent Amazon a notice stating the online retail giant owed \$269 million in sales taxes, which they failed to collect from 2005 to 2009. Other states have tried to do exactly what Combs was trying to do, and it failed miserably.

Combs accused Amazon of committing fraud in this case, and extended the audit period beyond the 4 year statute of limitation. Combs was looking to gain at the very least, \$269 million. Combs does not stand to win against this giant and money will be lost in the Federal Courts. Under a 1992 U.S. Supreme Court decision, retailers with a physical presence in a state — "nexus" in legal terms — can be required to collect sales taxes.

Combs, in this and cases such as aircraft, not only ignore the Texas Statute of Limitations but unlawful tax on interstate commerce, prohibited by the Article 1 Section 8 of the U.S. Constitution and use the Texas Attorney Office to expense tax payer money in battles such as, Comb's lost cause with Amazon.

Amazon has resources to defeat Combs threats, but for the thousands of small businesses across Texas this could be the end of them.

State Comptroller Susan Combs allowed the names, addresses, Social Security numbers and driver license numbers of more than 3 million Texans to be posted on the Internet. Access to this personal information was allowed by the comptroller's office for more than a year, without any safeguards in place. Texas teacher Retirees were of the many affected by this carelessness.

No responsible accountant would have allowed access to such private information of any person, especially when identity theft is so rampant. I think this behavior is an outrage, and there is no justifiable excuse. Combs is not an accountant but an attorney, her actions show her immanent intent on solving all matters in the court room, including the current situation regarding owners of aircrafts in Texas.

Starting in the spring of 2007 Texas Comptroller of Public Accounts sent all aircraft purchasers a notice of intent of collecting sales tax. That look back period was significant because, unless an exception applies, the statute of limitations in Section 111.201 of the Texas Tax Code prohibits the Comptroller from assessing tax more than 4 years after the date that a tax becomes due and payable.

Administrative and judicial decisions reflect the Comptroller's office unsuccessful exception to the otherwise applicable limitations deadline, resulting in the dismissal of a use tax assessment on aircraft purchases. The Attorney General continues suing small taxpayers, even when no practical recovery of taxes is possible.

Most business aircrafts are made in America. Aircraft producing companies, unions, Texas owned hangars and Texas Exporters don't appreciate the Comptroller's rhetoric or her plan to tax any private aircraft who visits Texas. How are corporate aircrafts are treated deep in places like Wichita, KS., where companies like Cessna, Hawker Beech craft and Bombardier Learjet have been manufacturing private aircraft for years?

State Comptroller Susan Combs should immediately resign her position and the Attorney General should stop wasting taxpayer dollars with merit less cases.

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