



MTC Uniformity Committee
Minutes of November 15, 2022 Meeting
DRAFT – For approval at Meeting on April 25, 2023

I. Welcome and Introductions

Maria Sanders (Missouri), Chair, welcomed everyone and asked those in the room and state participants attending remotely to introduce themselves.

(See attendee list below.)

II. Approval of the Minutes

Maria Sanders, Chair, asked for any comments on the minutes of the August 2, 2022 Meeting. There were none. Brenden Reese moved approval and the motion passed without objection.

III. Initial Public Comment

Maria Sanders, Chair, asked if there was any initial public comment. There was none.

IV. Uniformity Developments

Helen Hecht, MTC, gave the uniformity developments report. (See that report on the MTC website on the meeting page.)

V. Project Status Report – Sales Tax on Digital Products

Gil Brewer (Washington), Work Group Chair and Nancy Prosser, MTC, gave the project status report. (See a copy of that report on the meeting page on the MTC website.)

Gil Brewer noted that he was thankful for those who had volunteered to participate in the work group. Nancy noted that the work group is looking at how we might understand the categories of digital products and, perhaps, possible definitions. She encouraged states to look at the Arizona research posted on the website and to let us know whether those descriptions are still accurate. She also noted the importance of ITFA and the upcoming presentation.

VI. Discussion – Internet Tax Freedom Act

Deborah Bierbaum, Multistate Associates, and Harley Duncan, KPMG, moderated by Jonathan White

Deborah and Harley gave their recollections of the passage of ITFA and amendments over the years.

The 1998 bill was focused on: (1) The problem was telecom taxes. (2) Also, states were looking at specialty taxes and taxing this new service. (3) The federal government didn't want the states burdening the new industry. The 1998 bill ended up grandfathering states that had spoken early and had taxes in place.

Early discussions, after the 1998 bill, didn't achieve agreement, in part because of questions about nexus and jurisdiction. Then discussions were convened around the federal legislation and they branched out onto other issues, including the simplification of telecom taxes and the simplification of sales and use taxes.

The states and Internet industry had only limited interactions. Early discussions, after the 1998 bill, didn't achieve agreement, in part because of questions about nexus and jurisdiction. Then discussions were

convened around the federal legislation and they branched out onto other issues, including the simplification of telecom taxes and the simplification of sales and use taxes.

In the 2004 amendment – the changes focused on making sure that the states didn't try to work around the limits on taxing Internet access by putting the tax on the provider. The other question was how the service was provided and creating equitable rules for different technology. There was also a question of whether VOIP could be taxed as telecom. The general focus was where to draw the line and updating the definitions. The state perspective was beginning to shift, recognizing that their law needed to be clear, but also wanting the bill to go away in time. The (2004 bill/ MTSA) also had a bundling rule (by that time Streamlined had also had a rule). The bill also provided the industry the choice as to whether to unbundle or not. Streamlined also had a "telecom" definition.

VII. Project Status Report – State Taxation of Partnerships

Laurie McElhatton (California), Vice Chair of the Committee and Work Group Chair, and Helen Hecht, Chris Barber, Jennifer Stosberg of the MTC gave the status report of the project. (Available on the meeting page on the MTC website.)

The committee also engaged in a discussion of the principles being proposed to guide the work on sourcing of partnership income and participated in a polling exercise to get reactions to certain situations.

VIII. State Roundtable

The state representatives at the meeting gave reports of developments of interest in their states.

IX. Project Status Report – Regulation Review Project

Katie Frank, (California), Work Group Chair, and Brian Hamer, MTC, gave a status report on the project and the formation of the work group that was beginning to meet and review existing model sourcing regulations.

X. Update on Universal POA Discussions

Nikki Dobay, Eversheds Sutherland, and Bruce Fort, MTC, reviewed the draft universal power of attorney form and instructions with the members of the committee. (See information on this project on the MTC website.)

XI. New Business - Marketplace Implementation Issues

Jeff Friedman, Eversheds Sutherland, raised issues with the committee on the steps that states are taking to enforce collection of sales taxes by both marketplaces and vendors and asked that states consider simplifying the reporting where multiple taxpayers may have filing obligations. (See information on the meeting page on the MTC website.)

XII. The committee adjourned.

ATTENDEE LIST		
Andrienne	Albritton	RSM US LLP
Steven	Alvarez	Georgia Department of Revenue
CARLOS	Anguiano	AT&T
Phillip	Ashley	Texas Comptroller of Public Accounts
Chris	Barber	Multistate Tax Commission
Karolyn	Bishop	Washington State Department of Revenue
Sharonne	Bonardi	Federation of Tax Administrators
Michele	Borens	Eversheds Sutherland LLP (US)
Shannon	Brandt	Texas Comptroller of Public Accounts
Gil	Brewer	Department of Revenue
Susan	Carlson	MTC
Mark	Chaiken	Taxation and Revenue Dept.
Claudette	Chavez	State of New Mexico
Colleen	Chipman	New Jersey Taxation
Holly	Coon	Multistate Tax Commission
Richard	Cram	Multistate Tax Commission
Cassondra	Diemert	MNDOR
David	Dierken	Erie Insurance
Lila	Disque	Multistate Tax Commission
Nikki	Dobay	Eversheds Sutherland
Latonia	Dooley	KY DOR
Jessie	Eisenmenger	Amazon
Cathy	Felix	Multistate Tax Commission
Shannon	Fleischer	North Dakota Office of State Tax Commissioner
Brian	Fliflet	Illinois Department of Revenue
Bruce	Fort	Multistate Tax Commission
Sherre	Franklin	New Mexico Taxation and Revenue
Karl	Frieden	Council on State Taxation
Jeff	Friedman	Eversheds-Sutherland
Kelsey	Gallacher	Utah State Tax Commission
Vicki	Gardino	Alabama Department of Revenue
Don	Gardino	Alabama Department of Revenue
Paul	Gehring	Arkansas Department of Finance and Administration
Joan	Grochala	NJ Division of Taxation
Debra	Guillory	Louisiana Department of Revenue
Trang	Ha	DC government
Michael	Hale	Kansas Department of Revenue
Frank	Hales	Utah State Tax Commission
Christina	Hall	Alabama Department of Revenue
Brian	Hamer	Multistate Tax Commission
Helen	Hecht	Multistate Tax Commission
Angie	Hillas	Utah State Tax Commission
Melanie	Hoskins	Walmart
Debra	Houck	Pennsylvania Department of Revenue
Meg	Inouye	Idaho State Tax Commission
Swamidoss	John	Office of Tax and Revenue DC government
Hal	Jones	Tennessee Department of Revenue
Charlie	Kearns	Eversheds Sutherland
Bryan	Kelly	Washington State Dept of Revenue
Robert	Kindred	District of Columbia Office of Tax & Revenue
Alan	Kline	NJ Taxation
Stephen	Klos	Virginia Department of Taxation
Kurt	Konek	Iowa Department of Revenue
Ray	Langenberg	Texas Comptroller of Public Accounts
Alan	Levine	Office of Tax and Revenue, Washington, DC
Katie	Lolley	Oregon Department of Revenue
Mikey	Lucas	Oregon DOR
Angela	Matelski	Michigan Department of Treasury - Tax Policy

Greg	Matson	Multistate Tax Commission
Jonathan	May	PA Dept of Revenue
Ashley	McGhee	NC Department of Revenue
David	Merrien	Montana Department of Revenue
Wendy	Miller	Wisconsin Department of Revenue
Taylor	Murray	Kansas Department of Revenue
Valerie	Newson	Utah State Tax Commission
Victoria	Nichols	KY Dept of Revenue
Brian	Oliner	Federation of Tax Administrators
Amber	Ortiz	Idaho State Tax Commission
Sarah	Pai	Texas Comptroller of Public Accounts
Scott	Pattison	MTC
Ali	Pazand	Multistate Tax Commission
Josh	Pens	Colorado Department of Revenue
Nicholas	Polimeros	MTC
Nicole	Power	Stripe
Nancy	Prosser	Multistate Tax Commission
Brendon	Reese	Colorado Department of Revenue
Shelley	Robinson	Utah State Tax Commission
Lee Ann	Rouse	Alabama Department of Revenue
Joe	Royston	Oregon Department of Revenue
John	Sagaser	Maine Revenue Services, Office of Tax Policy
Maria	Sanders	Missouri Department of Revenue
James	Savage	Virginia Department of Taxation
Mark	Schoenfeld	Montana Department of Revenue
Tom	Shaner	Idaho State Tax Commission
Jeff	Silver	Multistate Tax Commission
Brian	Smith	Avalara
Alicia		
Austin	Smith	Arkansas Department of Finance and Administration
Kathy	Smith	South Dakota Department of Revenue
Alana	Stamas	Iowa Department of Revenue
Jenn	Stosberg	Multistate Tax Commission
John	Stringer	Mississippi Department of Revenue
Bridgette	Thomas	Mississippi Department of Revenue
Esther	Van Mourik	Colorado Department of Revenue
Donnita	Wald	North Dakota Office of State Tax Commissioner
Joseph	Wasicak	Wisconsin Department of Revenue
Jonathan	White	Multistate Tax Commission
Jonathan	Wike	Tennessee Attorney General's Office
Michael	Williams	Alaska Dept. of Revenue
Steve	Yang	MTC
Aaron	Yost	Idaho State Tax Commission
Mark	Zimmer	Wisconsin Department of Revenue