

# Recommended Changes to Multistate Tax Commission Public Participation Policy

## Section 2. "Multistate Tax Commission"; "Commission"; "Commission member"; "Commission body"; ~~and~~ "Member State" and "Day"

(a) As used in this policy, "Multistate Tax Commission" or "Commission" means the Commission or its Executive Committee established by Article VI of the Multistate Tax Compact.

(b) As used in this policy, "Commission member" means a member of the Commission as described in Article VI.1.(a) of the Multistate Tax Compact or an alternate designated pursuant to Article VI.1.(a) to represent a member when such person so designated is serving in that capacity.

(c) As used in this policy, "Commission body" means every committee, advisory committee, subcommittee, or similar multimember body of the Commission which is required by the Multistate Compact or the By-Laws of the Commission to conduct official meetings and every committee created by the Commission or its Executive Committee.

(d) As used in this policy, "Commission body" also means any board, commission, committee, or similar multimember body which exercises any authority of the Commission delegated to it by the Commission;

(e) As used in this policy, "Commission body" also means any advisory board, advisory commission, advisory committee, advisory subcommittee, or similar multimember advisory body of the Commission, if created by formal action of the Commission or of any member of the Commission when acting in their official capacity as a member of the Commission, and if the advisory body so created consists of three or more persons.

(f) As used in this policy, "Member State" means a party State of the Multistate Tax Compact, an associate or sovereignty member State of the Commission or any State participating in a Commission program. "State" means a State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, or any Territory or Possession of the United States or a subdivision of a State.

(g) As used in this policy, "day" means a calendar day.

## Section 8. Notice of meeting

(a) The Commission shall provide notice of a meeting of the Commission or a Commission body to any person who requests such notice in writing. Notice shall be given at least 10 days in advance of the meeting, and shall include the name, address, and telephone number of any person who can provide further information prior to the meeting, but need not include a list of witnesses expected to appear at the meeting. In counting the 10-day notice period, the day after the day that the notice is issued is day one. The notice requirement shall not preclude the acceptance of testimony at meetings, other than emergency meetings, from members of the public, provided, however, that no action is taken by the Commission or the Commission body at the same meeting on matters brought before the Commission or the Commission body by members of the public.

(b) The notice of a meeting of the Commission or a Commission body as defined in Section 2(c) and (d) shall include a specific agenda for the meeting, which shall include the items of business to be transacted or discussed, and no item shall be added to the agenda subsequent to the provision of this notice.

(c) The notice of a meeting of an advisory body of the Commission as defined in Section 2(e) shall include a brief, general description of the business to be transacted or discussed, and no item shall be added subsequent to the provision of the notice.

(d) Notice of a meeting of the Commission or a Commission body as defined in Section 2(c) and (d) which complies with this section shall also constitute notice of a meeting of an advisory body of the Commission as defined in Section 2(e), provided that the business to be discussed by the advisory body is covered by the notice of the meeting of the Commission or the Commission body, provided that the specific time and place of the advisory body's meeting is announced during the open and public meeting of the Commission or the Commission body, and provided that the advisory body's meeting is conducted within a reasonable time of, and nearby, the meeting of the Commission or the Commission body.

(e) A person may request, and shall be provided, notice pursuant to subdivision (a) for all meetings of the Commission or Commission bodies or for a specific meeting or meetings. In addition, at the Commission's discretion, a person may request, and may be provided, notice of only those meetings of the Commission or Commission body at which a particular subject or subjects specified in the request will be discussed.

(f) A request for notice of more than one meeting of the Commission or a Commission body shall be subject to the provisions of Section 27.

(g) In the event of a failure to provide notice of a meeting of the Commission or a Commission body pursuant to subdivision (a), and provided that a complaint has been made by any person pursuant to Section 24 within 10 days of the improperly noticed meeting, any action taken by the Commission or Commission body at the improperly noticed meeting is null and void. In the event the meeting is rescheduled and properly noticed following the complaint, any materials submitted by any person at the improperly noticed meeting may be relied on by the Commission or Commission body at the rescheduled meeting. Any person may respond to those materials and have the person's response considered by the Commission or Commission body prior to its vote or decision at the rescheduled meeting. Any person appearing at the improperly noticed meeting may appear at the rescheduled meeting, or may request that the person's previously submitted material be considered at the rescheduled meeting. Nothing in this section prohibits any person from supplementing, at the rescheduled meeting, material previously submitted at the improperly noticed meeting.