



MULTISTATE TAX COMMISSION

PUBLIC NOTICE & AGENDA

Multistate Tax Commission Executive Committee Meeting

The Westin Denver Downtown
1672 Lawrence Street
Denver, Colorado 80202

Thursday, December 6, 2012

8:30 a.m. to 5:00 p.m. Mountain Time

Note: Participation in the open sessions of this Executive Committee meeting via teleconferencing will be available by using the following dial-in number: 1-800-442-5794, participant passcode 626121.

I. Welcome and Introductions

II. Public Comment Period

In accordance with its Public Participation Policy, the Commission provides this opportunity for members of the public to address the Commission directly on this agenda. The Chair may also provide for public comment before or during the committee's discussion of specific agenda items.

III. Approval of Minutes of the Executive Committee Meeting on August 2, 2012

IV. Report of the Chair

V. Report of the Treasurer

A. Financial Report for the 4-month period July 1, 2012 – October 31, 2012

B. Approval of audited financial statements as reported in the independent auditor report for fiscal year July 1, 2011 – June 30, 2012

VI. Report of the Executive Director

If you would like additional information about this meeting, contact Gregory S. Matson, Deputy Executive Director, Multistate Tax Commission, 444 North Capitol Street, N.W., Suite 425 Washington, D.C. 20001 | Tel: (202) 624-8699 | Fax: (202) 624-8819 | e-mail: gmatson@mtc.gov

VII. Committee & Program Reports

- A. Audit Committee
- B. Litigation Committee
- C. Nexus Committee
- D. Uniformity Committee
- E. Training Program
- F. Other Committee & Program Business (if any)

VIII. Report regarding Complaint Filed July 26, 2012, pursuant to Commission Public Participation Policy §24

IX. Strategic Planning Report

X. Uniformity

- A. Uniformity Proposals before the Committee
 - 1. Proposal Regarding Partnership or Pass-through Entity Income Ultimately Realized by an Entity that is not Subject to Income Tax
- B. Uniformity Proposals pending before the Committee from prior meeting
 - 1. Model Sales and Use Tax Notice and Reporting Statute
 - 2. Recommended Amendments to Compact Article IV [UDITPA]
 - a. Section 17, Sales factor sourcing for services and intangibles
 - b. Section 1(g), Definition of “sales”
 - c. Section 1(a), Definition of “business income”
 - d. Section 9, Factor weighting
 - e. Section 18, Distortion relief
- C. Other Uniformity Matters (if any)

XI. Federal Issues with State Tax Implications

- A. H.R. 1002/S. 543, the Wireless Tax Fairness Act
- B. H.R. 1439, the Business Activity Tax Simplification Act
- C. H.R. 1804, the State Video Tax Fairness Act
- D. H.R. 1860/S. 971, the Digital Goods and Services Tax Fairness Act
- E. H.R. 1864, the Mobile Workforce State Income Tax Simplification Act
- F. H.R. 2469, the End Discriminatory State Taxes for Automobile Renters Act
- G. H.R. 2701/S. 1452, the Main Street Fairness Act
- H. H.R. 3179, the Marketplace Equity Act
- I. S. 1811, the Telecommuter Tax Fairness Act
- J. S. 1832, the Marketplace Fairness Act

- K. S. 1934, A bill to amend the Internal Revenue Code of 1986 to repeal certain communications taxes, and for other purposes
- L. H.RES. 95/S.RES. 309, Supporting the preservation of Internet entrepreneurs and small businesses
- M. Other Federal Legislative Activity

XII. Upcoming Meetings & Events

----- **CLOSED SESSION** -----

I. Nexus Committee & National Nexus Program

A. Approval of Minutes of Closed Session on August 2, 2012

B. Report on Confidential Matters

Pursuant to the Commission's Public Participation Policy, Section 15, Subsection (c), this item is scheduled for a closed session because it involves confidential taxpayer information, the disclosure of which is prohibited by law. Pursuant to the Commission's Public Participation Policy, Section 16, consideration of minutes is scheduled for a confidential session because that policy requires that the minute book of a closed session be kept confidential.

II. Audit Committee & Joint Audit Program

A. Approval of Minutes of Closed Session on August 2, 2012

B. Report on Confidential Matters

Pursuant to the Commission's Public Participation Policy, Section 15, Subsection (c), this item is scheduled for a closed session because it involves confidential taxpayer information, the disclosure of which is prohibited by law. Pursuant to the Commission's Public Participation Policy, Section 16, consideration of minutes is scheduled for a confidential session because that policy requires that the minute book of a closed session be kept confidential.

III. Items Related to Pending Litigation & Commission Personnel Matters (if any)

A. Approval of Minutes of Closed Session on August 2, 2012

B. Other Confidential Matters

Pursuant to the Commission's Public Participation Policy, section 15, subsection (f), an item relating to pending litigation may be scheduled for a closed session if it involves a current adjudicatory proceeding to which the Commission or a member State is a party; if it involves significant exposure to litigation against the Commission or a member State, if this body needs to decide if a significant exposure to litigation exists; or if the Commission or a member State is initiating

or making a decision to initiate litigation. Pursuant to section 15, subsection (a) and (e), an item may be scheduled for a confidential session because it involves confidential personnel information or the discharging of responsibilities related to salaries, salary schedules, or compensation paid in the form of fringe benefits.

----- **PUBLIC SESSION RECONVENED** -----

XIII. Resumption of Public Session and Reports from Closed Session (if any)

XIV. Adjournment