

1 **Resolution 99-11**

2 **Resolution Regarding Adoption of Statement of Information Concerning Practices of**  
3 **Multistate Tax Commission and Signatory States under Public Law 86-272**  
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5 **WHEREAS**, on January 22, 1993, the Executive Committee of the Multistate Tax  
6 Commission by resolution directed that a two-phase process be followed in the review and  
7 modification of the 1986 "Information Concerning Practices of Multistate Tax Commission  
8 States under Public Law 86-272"("Guideline"); and  
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10 **WHEREAS**, Phase One was a modification of said Guideline that was limited to the  
11 requirements of the United States Supreme Court's decision in *Wisconsin Department of*  
12 *Revenue v. William Wrigley, Jr., Co.* 505 U.S. 214, 112 S.Ct. 2447; 120 L.Ed.2d 174 (1992).  
13 Phase Two was a modification of said Guideline based upon further input through a public  
14 hearing process conducted under Article VII of the Multistate Tax Compact; and  
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16 **WHEREAS**, on January 22, 1993, Phase One of said review was completed with the  
17 modifications made to said Guideline being approved by the Executive Committee; and  
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19 **WHEREAS**, the public hearing sessions on the Phase Two modifications to the  
20 Guideline were held on May 28, 1993 in Los Angeles, California, on June 29, 1993 in Salt  
21 Lake City, Utah, and on October 1, 1993 in Washington, D.C., with Alan H. Friedman,  
22 Hearing Officer, presiding; and  
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24 **WHEREAS**, time for public comment and for any additional testimony as made  
25 available through the public hearing process has expired; and  
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27 **WHEREAS**, pursuant to Article VII of the Multistate Tax Compact the Hearing Officer  
28 filed his Report dated March 21, 1994, recommending that the Multistate Tax Commission  
29 adopt the proposed "Statement of Information Concerning Practices of Multistate Tax  
30 Commission and Signatory States under Public Law 86-272" ("Statement") attached as  
31 Attachment 7 to said Report; and  
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33 **WHEREAS**, pursuant to Multistate Tax Commission Bylaw 7, and authorization by the  
34 Executive Committee of the Commission, said recommendation by the Hearing Officer has  
35 been circulated to the members of the Commission to determine whether affected member  
36 states would consider adoption of the proposed Statement; and  
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38 **WHEREAS**, a majority of the affected members of the Multistate Tax Commission  
39 surveyed pursuant to Bylaw 7 have affirmatively indicated their willingness to consider  
40 adoption of the proposed Statement; and  
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42 **WHEREAS**, a majority of said affected member states of the Commission have also  
43 agreed to a Hearing Officer recommendation that the Uniformity Committee of the  
44 Commission study further the "appropriateness and feasibility of establishing "de minimis"

45 gross receipts or apportionment factor standards for inclusion in the [Statement] at some  
46 future date"; and

47  
48 **WHEREAS**, the Multistate Tax Commission finds that adoption of the proposed  
49 Statement, as proposed by the Hearing Officer in Attachment 7 to said Report, furthers the  
50 goals of the Commission to promote uniformity in the administration of significant components  
51 of state tax systems and to avoid duplicative taxation; and

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53 **WHEREAS**, the adoption and publication of the proposed Statement describing the  
54 states' current practices under Public Law 86-272 provides one method by which to make  
55 generally available information concerning such practices.

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57 **NOW, THEREFORE, IT IS RESOLVED** that the Multistate Tax Commission hereby  
58 adopts the "Statement of Information Concerning Practices of Multistate Tax Commission and  
59 Signatory States under Public Law 86-272" attached hereto, with the qualification that any  
60 signatory state may find it necessary to make limited deletions or additions to render such  
61 Statement consistent with its respective laws and practices; and

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63 **IT IS FURTHER RESOLVED** that the Commission shall cause said Statement, along  
64 with each signatory state's additions or deletions, if any, to be published and otherwise made  
65 publicly available; and

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67 **IT IS FURTHER RESOLVED** that the Multistate Tax Commission recommends that  
68 the Statement be distributed to all interested states for their review and, should they approve  
69 thereof, their adoption of the Statement; and

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71 **IT IS FURTHER RESOLVED** that the Multistate Tax Commission member states,  
72 along with any other interested signatory states re-examine, from time to time, the Statement  
73 to determine what, if any, changes should be made thereto; and

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75 **IT IS FINALLY RESOLVED** that the Multistate Tax Commission's Uniformity  
76 Committee conduct a review of the appropriateness and feasibility of establishing "de minimis"  
77 gross receipts or apportionment factor standards for inclusion in the Statement at some future  
78 date.

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80 Originally adopted the 29<sup>th</sup> day of July 1994, by the Multistate Tax Commission.  
81 Reaffirmed the 30<sup>th</sup> day of July 1999.

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84  
85 Attest: \_\_\_\_\_

86 Dan R. Bucks  
87 Executive Director  
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