



Minutes of the Executive Committee Teleconference
Thursday, March 1, 2012

I. Welcome and Introductions

The chair called the meeting to order at 1:02 p.m. Eastern. Following a roll call directed by the chair, it was determined that the following individuals attended the meeting:

Name	Affiliation	Name	Affiliation
Walter Anger	Arkansas	Members of the Public	
Richard Moon*	California SBE	Mitchell Bryk	Starwood Hotels
Glenn White*	Michigan	Jamie Fenwick	Time Warner Cable
Alana Barragan-Scott*	Missouri	Dan Shibley	CCH
Wood Miller		Todd Lard	COST
Rebecca Abbo	New Mexico	Mike Fannon	Hilton Hotels
Cory Fong*	North Dakota	Amy Hamilton	Tax Analysts
Myles Vosberg		Melissa Flood	Marriott International
Gary Humphrey	Oregon	Holly Walker	
Nancy Prosser*	Texas	Tom F.	Expedia
Bruce Johnson	Utah	Commission Staff	
Robert Carter	Kentucky	Joe Huddleston	
		Shirley Sicilian	
		Roxanne Bland	
		Greg Matson	
		Lila Disque	

*Executive Committee representative

The chair determined that a quorum was present.

II. Public Comment Period

The Chair invited public comment in accordance with the Commission's Public Participation Policy.

Mr. Humphrey announced that James Bucholz had been named interim director of the Oregon Department of Revenue effective that day [Note: Mr. Bucholz has been permanently appointed as of May 1st.]

Mr. Bryk thanked the committee for taking up the model statute on the tax collection responsibilities of accommodations intermediaries [item III. A. of this agenda], and asked for clarification on the process. The chair explained that the model was before the committee to determine whether to recommend it for adoption by the Commission,

which would result in a bylaw 7 survey process that would need to be completed before it would come before the full Commission at its annual meeting on August 1, 2012. He added that there were a range of options available, but that the bylaw 7 survey would be the next forward step in the process.

Ms. Fenwick expressed her appreciation for the Uniformity Committee and MTC staff's work on the model statutes for telecommunications transaction tax centralized administration [item III. B. of this agenda], and urged the committee to move it forward.

Ms. Flood expressed agreement with Mr. Bryk's remarks and expressed her appreciation for the thoughtful approach reflected in the model statute on the tax collection responsibilities of accommodations intermediaries

The chair thanked everyone for their comments.

III. Uniformity Items before the Executive Committee

A. Model Statute on the Tax Collection Responsibilities of Accommodations Intermediaries

The chair asked Ms. Sicilian to provide the background and history of this proposed model. Ms. Sicilian referred the committee to Ms. Bland's memo and recounted the procedural history and described the main options before the committee. Ms. Bland did not have any further information to add to her report.

The chair invited discussion of the proposed model. Ms. Prosser affirmed the need for a model statute on this issue, but offered a suggested change to the model for consistency and clarity. She made a motion to amend Option 2, Section 2(c) to insert the phrase "and tax due and collected on the discount room charge" immediately following "... the discount room charge ..." to make it consistent with Option 1, Section 2(b).

Mr. Johnson agreed that this was a helpful clarification, but also asked about California's opinion on the change. Mr. Moon explained that the Board of Equalization does not administer these taxes, and does not have an opinion.

The chair directed a roll call vote on motion to amend. The motion was approved by seven affirmative votes (Michigan, Missouri, New Mexico, North Dakota, Oregon, Texas, and Utah), and two abstentions (Arkansas and California).

Ms. Prosser moved that the model statute, as amended, be approved for public hearing. The chair directed a roll call vote on the motion, which was approved by eight affirmative votes (Arkansas, Michigan, Missouri, New Mexico, North Dakota, Oregon, Texas, and Utah), and one abstention (California).

B. Model Statutes for Telecommunications Transaction Tax Centralized Administration

The chair asked Ms. Sicilian to provide the background and history of this proposed model. Ms. Sicilian again referred the committee to Ms. Bland's memo on this item and recounted the procedural history and described the main options before the committee. Ms. Bland added that the current streamlined legislation does not address the issues addressed by this model.

The chair invited discussion. Mr. Johnson said that it is important to move forward with this proposal. The chair stated that moving forward was the right thing to do regardless of the federal legislation. Mr. Humphries said that he was in favor of moving it forward, but will be studying how the model would affect Oregon.

Mr. Johnson made a motion that the model be approved for public hearing. The chair directed a roll call vote on the motion, which was approved by eight affirmative votes (Arkansas, Michigan, Missouri, New Mexico, North Dakota, Oregon, Texas, and Utah), and one abstention (California).

IV. Adjournment

The chair noted the upcoming committee meetings the following week in Nashville, Tennessee, and the upcoming meeting of the Executive Committee in May. The meeting was adjourned by unanimous consent at 1:55 p.m. Eastern.