



MULTISTATE TAX COMMISSION

To: Executive Committee  
From: Joe Huddleston  
Date: May 1, 2014  
Subject: Suggested Amendments to Public Participation Policy Section 5(b)

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Attached are suggested amendments to the Commission's Public Participation Policy (PPP), section 5, *Required open and public meetings* (specifically 5(b) dealing with teleconferences). The amendments are designed to incorporate current practice and informal policies into the PPP. These suggested amendments were brought before the committee at its meeting in December 2013, along with suggested amendments to section 14, *Opportunity for public to address the Commission*. Based on the discussion at that meeting, and subsequent comment and reflection, I recommend only moving forward with the section 5 amendments at this time. There is no linkage between the amendments for the two sections, i.e., they were not a purposely packaged or related to each other, other than in timing.

Action by the committee at this meeting will allow enough time for the requisite noticed required for the Commission to adopt any amendments at its annual meeting in July 2014, if the amendments are approved.

**Amendments to Section 5(b)**

These amendments are suggested primarily for two reasons: (1) to confirm the Commission's current practice with respect to providing public access via telecommunication to the portions of all commission meetings open to the public, and (2) to make it clear that the telecommunications tools now widely available may be used to ensure the orderly conduct of commission meetings. Clarification with respect to required roll-call voting is also achieved (conforming to our long-standing practices).

A clean version of section 5 after the amendments follows, and is followed by a redline version that shows the amendments.

## Executive Director Recommended Amendments to MTC Public Participation Policy

CLEAN VERSION

May 1, 2014

### Section 5. Required open and public meetings

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(b) Nothing in this policy shall be construed to prohibit the Commission or a Commission body from holding an open or closed meeting using telecommunication, subject to all of the following:

(1) Whether the meeting is conducted entirely by telecommunication or by telecommunication in connection with an in-person meeting —

(A) The meeting must comply with all requirements of this policy applicable to other meetings.

(B) The senior member of the Commission or Commission body or Commission staff who is participating may use telecommunication features and controls to ensure the orderly conduct of the meeting.

(2) If the meeting is being conducted by telecommunications in connection with an in-person meeting —

(A) The portion of the in-person meeting that is required to be open to the public will be audible to those joining by telecommunication.

(B) The public will be provided with telecommunication access information in addition to location information in the notice of the meeting.

(C) At least one member of the Commission or Commission body or an employee of the Commission or a member State will be physically present at a location specified in the notice of the meeting.

(3) If the meeting is being conducted entirely by telecommunications —

(A) The public will be provided with telecommunication access information for the portion of the meeting that is required to be open to the public in the notice of the meeting.

(B) All votes taken during the meeting shall be by roll call.

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**Section 5. Required open and public meetings**

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(b)(4) Nothing in this policy shall be construed to prohibit the Commission or a Commission body from holding an open or closed meeting ~~by teleconference if the convening at one location of a quorum of the Commission or the Commission body is difficult or impossible~~ using telecommunication, subject to all of the following:

~~(A) The teleconferencing~~ (1) Whether the meeting shall be conducted entirely by telecommunication or by telecommunication in connection with an in-person meeting —

(A) The meeting must comply with all requirements of this policy applicable to other meetings.

(B) The senior member of the Commission or Commission body or Commission staff who is participating may use telecommunication features and controls to ensure the orderly conduct of the meeting.

(2) If the meeting is being conducted by telecommunications in connection with an in-person meeting —

(A) The portion of the teleconferenced in-person meeting that is required to be open to the public shall will be audible to the those joining by telecommunication.

(B) The public at the will be provided with telecommunication access information in addition to location specified information in the notice of the meeting.

~~(C) Each teleconference location shall be identified in the notice of the meeting and shall be accessible to the public.~~

~~(D) All votes taken during a teleconferenced meeting shall be by roll call.~~

~~(E)~~ (C) At least one member of the Commission or Commission body or ~~of~~ an employee of the Commission or a member State shall will be physically present at ~~the~~ a location specified in the notice of the meeting.

**Executive Director Recommended Amendments to MTC Public Participation Policy**

REDLINE VERSION

May 1, 2014

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~~——— (2) For the purposes of this section, “teleconference” means a conference of individuals in different locations, connected by electronic means, through either audio or video, or both.~~

~~(3) If the meeting is being conducted entirely by telecommunications —~~

~~(A) The public will be provided with telecommunication access information for the portion of the meeting that is required to be open to the public in the notice of the meeting.~~

~~(B) All votes taken during the meeting shall be by roll call.~~

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