

Compliance Review and Interpretations Committee

November 6, 2012

Committee Participants

Chairman Myles Vosberg (VT)
Tim Jennrich (WA)
Craig Johnson (WI)
Deb Peters (SD)
Tom Atchley (AR)
Tony Mastin (OK)

Other participants

Scott Peterson, SSTGB
Pam Cook, SSTGB
Fred Nicely, BAC

Chairman Myles Vosberg called the meeting to order at 10:03 AM CST. Today's meeting is to discuss Oklahoma, Ohio, Tennessee, and Vermont. He reported that a quorum was available.

Oklahoma

Tony Mastin said they had made the changes on issues 1 through 3. On issue 4, regarding 318-D where the seller that registers under the agreement, if they notify Oklahoma that they do not anticipate making any sells to Oklahoma. He said they have rules drafted that are in the promulgation progress. That is their current policy. They have a document on their website on simplified electronic return that states the seller doesn't have to file the return if they let them know on registration. He said they will actually get it in a rule. It will be promulgated before the end of this year by their commission but will not be official until April or May. Tom Atchley asked what they did last year on the same issue and Tony said Oklahoma was not found out-of-compliance. He said this issue was brought up last year. Fred Nicely asked if the promulgation would go through their commission by December when the Governing Board votes. Mark Nebergall asked if Oklahoma had notified the public on their website and Tony confirmed. Mr. Nebergall asked if that information could be added to their Taxability Matrix and Tony agreed. He will send the update to The Certificate of Compliance to Scott Peterson by this afternoon. Tim Jennrich made a motion that Oklahoma be found not out-of-compliance on all issues. Pam Cook called roll, all committee members present voted yes and Oklahoma abstained. The motion passed.

Ohio

Phyllis Shambaugh said she would speak for Ohio; however she has not received a report stating there were issues with their Taxability Matrix or Certificate of Compliance. Pam Cook said there were changes on those and she should refer to the document prepared by Jane Page. Phyllis said she thought she had made all of the additions and changes that Jane had requested. In the most recent Taxability Matrix she has had a revision date of July 13, 2012. The last revised Certificate of Compliance revision was dated June 1, 2012. Pam said it was not really a compliance issue and would be picked up in next year's review. Chairman Vosberg said he thought all the requested changes had been made up to this point. Pam Cook read the issues which she stated had been corrected. Chairman Vosberg said the effective date for the Ohio legislation was September 5, 2012. The Committee is reviewing compliance as of August 1, 2012. Fred Nicely said he had no problems with Ohio's compliance since they did fix the catalog issue and are now in compliance with that. Tony Mastin moved that Ohio is not out-of-compliance. Pam Cook called roll, all committee members present voted yes and the motion passed.

Tennessee

Sherry Hathaway represented Tennessee. Chairman Vosberg said last year there was an issue regarding whether Tennessee was grandfathered in. The Governing Board referred the issue to the Executive Committee, which was to meet, but he wasn't sure if that occurred. Sherry said there haven't been any changes since last year. They had moved the corrected date to July 1, 2013. In the letter she submitted on August 1, there had been no changes. During the compliance review there were corrections and citations on the Taxability Matrix and Certificate of Compliance. Those have been corrected and all of the Tennessee checklists have been posted to their website. Pam said report issue 3 dealt with changes that should have been made to the statute that are not in with the legislation with the one effective July 13, 2013. Pam confirmed that they have been approved by the Board. Chairman Vosberg said they are in the same situation they were in last year. Pam said there is no legislation yet. Sherry agreed and said that was the same situation they were in last year. Sherry said they are well aware they need to make the legislative changes to meet these deadlines. She said she assumed those things would be made for the July 1, 2013 dates. Chairman Vosberg said until the Executive Committee reviews the grandfathering issue of Tennessee, he didn't think the Committee could do anything. Fred Nicely said last year he read the issue dealing with Tennessee's compliance with Rule 801.1, amendments for qualification for associate membership, Section 813. It was referred to the Executive Committee. He said Scott Peterson, Bruce Johnson and himself were to have a conversation discussing whether or not it was a requirement for Tennessee to be grandfathered in. He told Sherry in case there's an extension again he hoped Tennessee can come into compliance with 317 related to 90-day, 120-days and exemption administration. She said they are administering those provisions in compliance with the Agreement and they are working to try to meet the July 13 date. They are today administering their exemption administration in that way. Pam and Chairman Vosberg agreed to put a note in the report about this. Scott agreed and did not think there was a right motion for this. There were no questions or comments.

Vermont

Jeff Dooley said on the first two issues on making small changes on the Taxability Matrix and Certificate of Compliance. Those have been made in full. On the last issue, access to pre-written software there's a current moratorium that will expire on July 2013. The state's position is in line with the workgroup paper published by the SLAC on September 13, 2012. Chairman Vosberg said it will be noted on the report. Mark Nebergall said remote access computer software issue was reserved and being handled by SLAC. However, he added that the law has changed and there is a moratorium on that law. Vermont submitted a letter stating they are in compliance and it should be noted that Vermont changed its law and not because of the SLAC paper. Chairman Vosberg asked if the moratorium does not exempt remote access. The state said no tax is going to be charged on the remote access software going forward until 2013 and going back 6-years. Craig Johnson made a motion that Vermont is found not out-of-compliance. Pam Cook called roll, all committee members present voted yes and Vermont abstained. The motion passed.

With no Interpretation requests or further business, the meeting adjourned at 10:30 AM CST.