

**Streamlined Sales Tax Governing Board, Inc.**  
**State and Local Advisory Council**

**SLAC REQUEST & ASSIGNMENT FORM**

1. **Name(s) of Requestor(s):** Ellen Thompson
2. **Contact Person: Name** Ellen Thompson  
**Address** Nebraska Department of Revenue  
301 Centennial Mall South  
Lincoln, NE 68509  
**Telephone** 402-471-5679  
**Email** Ellen.Thompson@Nebraska.gov

(Add additional pages if necessary)

3. **Agreement Section(s), Rules, or Tax Administration Practice(s) involved (if any):**  
\_\_\_\_ See attached.

4. **Question, Issue, or Topic for discussion:**  
\_\_\_\_\_ See attached.

5. **Statement of Background Facts:** \_\_\_\_\_ See attached.

6. **Proposed Resolution/Outcome/Solution:**  
See attached.

- 
7. **Date Submitted by:** \_\_\_\_\_

8. **Approved by:** \_\_\_\_\_  
**Date:** \_\_\_\_\_

9. **Approved with Modifications:**  
\_\_\_\_\_  
\_\_\_\_\_

10. **Denied by:** \_\_\_\_\_  
**Date:** \_\_\_\_\_

Submit to: Executive Director  
Streamlined Sales Tax Governing Board  
100 Majestic Dr., Suite 400  
Westby, WI 54667  
(email to: [Craig.Johnson@SSTGB.org](mailto:Craig.Johnson@SSTGB.org))

## **Instructions**

The scope of work for the State and Local Advisory Council (SLAC) is to advise the Governing Board on matters pertaining to the administration of the Streamlined Sales and Use Tax Agreement (Agreement). Matters relating to noncompliance of members with the Agreement, interpretive rules clarifying Agreement language, and revisions or additions to the Agreement are all within the scope of a SLAC work assignment. This form, as submitted by a requestor, is a public document and shall be published on the Streamlined Governing Board's website.

Any state and person making a request for a SLAC work assignment must do so by completing the **SLAC REQUEST & ASSIGNMENT FORM** and submitting it to the Executive Director of the Streamlined Sales Tax Governing Board. The Governing Board will take up the request at its next scheduled meeting or as applicable the SLAC Chair will take up at the next SLAC Steering Committee meeting and will provide its decision on the request at such meeting. The Governing Board or as applicable the SLAC may determine it will not approve the request. If the request is approved, it will be assigned to a SLAC workgroup. The Governing Board may also modify the request and approve the request in the modified format.

The Governing Board is not required to use this form to refer matters to SLAC. If the Governing Board refers an item to SLAC without use of this form, the Governing Board should provide written guidance to the SLAC Chair as to the expectations regarding the assigned task.

**(Note:** States or other persons requesting an interpretive opinion of existing Agreement provisions or definitions should not use this form, but should instead complete and submit the **INTERPRETATION/DEFINITION REQUEST** form.)

### **Specific Line Instructions**

**Lines 1 & 2.** Provide the name(s) and contact information of the state or parties submitting the Request.

**Line 3.** Identify the section(s) of the Streamlined Sales and Use Tax Agreement, the Streamlined Rules, or Tax Administration Practices, if any, which are affected or involved with the issue.

**Line 4.** Identify the question, issue, or topic you believe requires a study or resolution by SLAC.

**Line 5.** Provide a detailed description of the issue and supporting facts. Please be as descriptive as possible and provide examples of actual transactions.

**Line 6.** Provide a description of the anticipated outcome from the workgroup. For example: Development of an interpretive rule pertaining to Section XXX of the Agreement.

**Line 9.** If the Governing Board determines the request will be addressed by SLAC but in a modified format, the modifications to the request will be explained here.

## **Attachment:**

### Agreement (SSUTA) Section(s) Involved

Section 502.D. of the SSUTA provides that member states are not responsible for the classification of items or transactions within the product categories certified. In addition, relief from liability is not provided for a CSP that has incorrectly classified an item or transaction into a product category certified by a member state.

### Certified Service Provider (CSP) Contract Sections Involved

Section B.1.(1) of the CSP contract with the Governing Board requires the CSP to perform the product mapping which is defined as classification of an item or transaction within a certified category.

Section E.3.(a) of the CSP contract requires member states to review and certify that the CAS utilized by the CSP accurately reflects the taxability of the product categories. Liability relief is provided to CSPs and sellers relying on the certification of erroneous data on the taxability of a category of items or transactions.

Section E.4.(e) of the CSP contract provides that “‘Product categories’ does not include individual products.”

### Issues

The SSUTA, while providing that member states are not responsible for the mapping of items or transactions with product categories, requires states to “certify” the “product categories” of CSPs. The terms certify and product categories are not defined terms. In addition, two sections within the CSP contract, for the years 2015 – 2017, also refer to member states certifying product categories.

The liability relief provided to CSPs for erroneous data provided on product categories reviewed by the states is dependent on meaning of the terms “certified” and “product categories”. It is often not possible to make a taxability determination with only a product description. Member states should have a clear understanding of these terms and what, if any, impact these terms may have related to liability relief, the mapping of individual items by the CSPs, the review of the mapping by states, and the transactions processed by the CSPs.

### Proposed Solutions

1. Develop definitions and rules for the terms “certify” and “product categories” as they relate to CSPs.
2. Clarify the liability relief states are giving when they review and certify product categories or respond to CSP Change Requests.

3. Develop a standardized format or set of data elements for CSPs to use when making requests of member states on taxability determinations for product categories, individual items within product categories, and transactions involving these products. The standardized format, along with instructions, may provide member states with sufficient information to allow the states to make a taxability determination. The standardized format may include certain presumptions regarding the request, such as no entity-based or use-based exemptions apply. However, in some cases it may not be possible to respond with “taxable” or “exempt” because taxability is based on the facts and circumstances of a transaction.