

Multistate Tax Alerts

Throughout the week, we highlight selected developments involving state tax legislative, judicial, and administrative matters. The alerts provide a brief summary of specific multistate developments relevant to taxpayers, tax professionals, and other interested persons. Read the recent alerts below or visit the archive.

Archive: <https://www2.deloitte.com/us/en/pages/tax/articles/multistate-tax-alert-archive.html?id=us:2em:3na:stm:awa:tax>

California court declares Franchise Tax Board P.L. 86-272 guidance invalid

On December 13, 2023, the San Francisco Superior Court granted the American Catalog Mailers Association's motion for summary judgment, concluding that the California Franchise Tax Board's (FTB) Technical Advice Memorandum 2022-01 (TAM 2022-01) and Publication 1050 were void because they constituted regulations that were required to be adopted, but were not adopted, in compliance with the California Administrative Procedure Act. TAM 2022-01 and Publication 1050 provided the FTB's interpretation on the manner in which Public Law 86-272 (15 USC. sections 381-384) applies to certain activities conducted via the internet.

URL: <https://www.ftb.ca.gov/tax-pros/law/technical-advice-memorandums/2022-01.pdf>

URL: <https://www.ftb.ca.gov/forms/misc/1050.pdf>

This Multistate Tax Alert summarizes the court's decision and provides some taxpayer considerations.

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URL: <https://www2.deloitte.com/content/dam/Deloitte/us/Documents/Tax/us-tax-multistate-tax-alert-california-court-declares-franchise-tax-board-pl-86-272-guidance-invalid.pdf>

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