

December 6, 2013

- **Supreme Court Declines Case on Making Online Retailers Collect Sales Taxes**
- **DC: Council Approves Minimum Wage Hike**
- **MA: Brookline Imposes Ban on Plastic/Polystyrene Containers**
- **Register Now for SLS 2014: The ICSC Federal Fly-In**

## **Supreme Court Declines Case on Making Online Retailers Collect Sales Taxes**

The Supreme Court on Monday declined to get involved in state efforts to force online retailers to collect sales tax from customers even in places where the companies do not have a physical presence.

As is its custom, the court gave no explanation for turning down petitions from Amazon and Overstock.com to review a decision by New York's highest court to uphold that state's 2008 law requiring sales tax collections. In that ruling the New York Court of Appeals said Amazon's relationship with third-party affiliates in the state that receive commissions for sending Web traffic its way satisfied the "substantial nexus" necessary to force the company to collect taxes.

ICSC has been a leader in the fight to level the playing field for online and brick-and-mortar retailers in the 20 years since the Supreme Court ruled in *Quill v. North Dakota* that a state's efforts to require tax collections from out-of-state companies violated the Commerce Clause of the Constitution.

The Supreme Court's Quill decision said that Congress was in a better position than the court to address this interstate matter and provide uniformity in state tax collection requirements, but there has been little progress. This recent denial to hear the online retailers' appeal to the New York law does not undo the Quill ruling. However, this action does create more uncertainty and inconsistency across the states as some state courts have upheld similar laws while others have rejected them. It also underscores the need for Congress to address the issue. The Senate in the spring passed the Marketplace Fairness Act of 2013, which requires companies that surpass \$1 million in Internet sales outside the states where they are located to collect every state's sales tax. ICSC, along with other members of the Marketplace Fairness Coalition, are currently working with House members on passage of the measure.

In response to Monday's development, ICSC said in a statement: "Today's Supreme Court deferral is further evidence that the House of Representatives must act immediately to preserve jobs and local economies across the U.S."

It is especially important for your Representatives to hear from you on this issue. [Please take a moment to click here and send them a letter asking them to support the Marketplace Fairness Act.](#)

### **DC: Council Approves Minimum Wage Hike**

The D.C. Council voted unanimously this week to increase the District of Columbia's minimum wage to \$11.50 an hour, making it one of the nation's highest. In November, Maryland's Montgomery and Prince George's counties also approved raising their minimum wages to \$11.50. California, Connecticut, New Jersey, New York and Rhode Island have raised their minimum wages this year.

The DC bill would increase the district's lowest wage to \$9.50 on Jan. 1, \$10.50 in July 2015 and \$11.50 in July 2016, with future increases tied to the Consumer Price Index to keep up with inflation.

The council bill must clear one more vote before it goes to Mayor Vincent Gray (D). The mayor has previously stated that he supported increasing the city's minimum wage from its current \$8.25 to \$10 an hour, but not higher. This week he said he wants to continue working with the council to find consensus on the appropriate increase and whether future increases should be tied to inflation.

### **MA: Brookline Imposes Ban on Plastic/Polystyrene Containers**

A ban on the use of plastic and polystyrene by retailers and restaurants went into effect on Dec. 1 in Brookline, Massachusetts. In an effort to ease the impact of the ban on the Brookline business community the town is allowing

businesses to use up their current inventories and will not enforce the measure until January. The early stages of enforcement will be marked by warnings rather than the \$50 fine that will eventually be a result of violations.

Brookline will likely receive a wave of applications for six-month waivers from businesses who have yet to find an appropriate solution to their current packaging practices. The town has been working with local businesses to implement the ban in order to obtain the desired environmental benefits without causing excessive hardships on the business community.

Also in Massachusetts, Nantucket has already banned plastic bags for years and Manchester-by-the-sea and Great Barrington have approved similar bans. Somerville approved a ban on polystyrene, which will take effect next year.

### **Register Now for SLS 2014: The ICSC Federal Fly-In**

For more than 20 years the shopping center industry has assembled in Washington, DC to deliver its legislative agenda to Capitol Hill. This year ICSC will hold the 2014 Strategic Leadership Summit on March 25-26. We invite you to participate in this important event. Make your voice heard during the second session of the 113th Congress on critical legislation ranging from sales tax fairness to tax reform to the environment. SLS provides an opportunity to have face-to-face meetings with Members of Congress or their staff where you can articulate your views on issues of importance to your company and the shopping center industry. [Click here to register and for more information.](#)

#### **ICSC Global Public Policy**

555 12th Street, N.W., Suite 660  
Washington, DC 20004  
202-626-1400

GPP E-News is a legislative newsletter from the ICSC office of Global Public Policy.  
For inquiries about the Global Public Policy office, contact [gpp@icsc.org](mailto:gpp@icsc.org) or call +1 202 626 1400.

If you no longer wish to receive e-mail from us, please click [here](#).

