



MULTISTATE TAX COMMISSION

MINUTES OF EXECUTIVE COMMITTEE MEETING

The Hotel Contessa
306 West Market Street
San Antonio, Texas

Thursday, November 7, 2019
8:30 a.m. to 12:00 noon Central Time

I. Welcome and Introductions

Vice Chair Nia Ray, Oregon, convened the meeting at 8:30 a.m. central time and asked those in attendance to introduce themselves. The following people attended the meeting:

Tom Shaner	Idaho State Tax Commission
Phil Skinner	Idaho State Tax Commission
Miranda Scroggins	Louisiana Department of Revenue
Renee Nacrelli	Maryland Office of the Attorney General
Maria Sanders	Missouri Department of Revenue
Lee Baerlocher	Montana Department of Revenue
Keith Broussard	Montana Department of Revenue
Mark Schoenfield	Montana Department of Revenue
John Ficara	New Jersey Division of Taxation
Dan Armer	New Mexico Taxation and Revenue Department
Dee Wald	North Dakota Office of State Tax Commissioner
Nia Ray	Oregon Department of Revenue
Tommy Hoyt	Texas Comptroller of Public Accounts
Nancy Prosser	Texas Comptroller of Public Accounts
Frank Hales	Utah State Tax Commission

John Valentine	Utah State Tax Commission
Gil Brewer	Washington Department of Revenue
Adam Wolfson	Washington Department of Revenue
Christie Comanita	Streamlined Sales Tax Governing Board
Will Rice	FAST Enterprises
John Vecchiarelli	FAST Enterprises
John Mollenkamp	Intuit
Jerry Johnson	TaxCloud
Chris Barber	Multistate Tax Commission
Holly Coon	Multistate Tax Commission
Richard Cram	Multistate Tax Commission
Lila Disque	Multistate Tax Commission
Brian Hamer	Multistate Tax Commission
Helen Hecht	Multistate Tax Commission
Greg Matson	Multistate Tax Commission
Thomas Shimkin	Multistate Tax Commission
Marshall Stranburg	Multistate Tax Commission

The following people were on the phone: Keith Richardson, District of Columbia Office of Tax and Revenue; Brendon Reese, Colorado Department of Revenue; Michael Hale, Kansas Department of Revenue; Matt Cate, Rhode Island Department of Revenue; Paul Williams, Law 360; Amy Hamilton, Tax Analysts; Wendy Margolis, Multistate Tax Commission; and Bill Six, Multistate Tax Commission.

Vice Chair Ray confirmed the presence of a quorum.

II. Initial Public Comment Period

There were no comments at this time.

III. Approval of Minutes of Executive Committee Meeting on August 8, 2019

Nancy Prosser, Texas, moved for approval of the minutes as written. The motion was approved by unanimous voice vote.

IV. Report of the Chair

Vice Chair Ray noted that when Walter Anger left the Arkansas Department of Finance and Administration, a vacancy was created in one of this committee's four at-large positions. The Chair has appointed Stephanie Schardin Clarke, Secretary of Taxation and Revenue, New Mexico Taxation and Revenue Department, to complete the unexpired term. The Commission's bylaws require the Executive Committee to confirm by vote this appointment. John Valentine, Utah, moved to approve the appointment. The motion passed by unanimous voice vote.

V. Report of the Treasurer

A. Financial Report for the Period July 1, 2019 – September 30, 2019

Ms. Prosser presented on behalf of Glenn Hegar. She noted no significant issues or items of concern are reflected in the financial report. Mr. Valentine moved to approve the financial report. The motion passed by unanimous voice vote.

B. Approval of audited financial statements as reported in the independent auditor report for fiscal year July 1, 2018 – June 30, 2019

Ms. Prosser again presented on behalf of Glenn Hegar. She noted no significant issues or items of concern are reflected in the audited financial statements. Dee Wald, North Dakota, moved to approve. The motion passed by unanimous voice vote.

VI. Report of the Executive Director

Greg Matson, Executive Director, gave an update on the Commission's activities and recognized the work of the Uniformity Committee and staff support for those projects. He also noted that the Commission put on attorney training at these fall meetings. He further reported that demand for Commission training is growing and that the Commission is trying to determine how to provide training that will benefit all states. The Commission is also developing online training. Mr. Matson noted that the Commission also receives requests for speaking around the country. He would like the staff of the Commission to speak on Commission-specific issues. But he would also like to be able to refer state representatives for speaking engagements on other topics. Mr. Valentine noted that practitioners often see Commission staff speakers as spokespeople for the states.

With the departure of Director of Policy Elliott Dubin, Mr. Matson stated that he has been considering what to do with that position. Mr. Dubin, as an economist, worked

primarily on matters related to economic trends and forecasting. He noted a role the Commission has not had is a senior staff position focused on uniformity work. The position, therefore, is being converted to one that will focus on uniformity efforts. Ms. Hecht will step into that role and the Commission will shortly begin the search for a General Counsel.

Mr. Matson also asked for comments on the draft Annual Report of the Commission.

VII. Committee Reports

A. Audit Committee

Holly Coon, Joint Audit Program director, presented. She noted that the committee agreed to a comment received that would permit taxpayers to submit their own narrative to be included in the audit packet prepared for committee meetings.

B. Litigation Committee

Helen Hecht, General Counsel, gave the report, which is available online.

C. Nexus Committee

Richard Cram, National Nexus Program Director, stated that the nexus collections are off to a good start this year. The committee is considering the look-back period issue and how states differ. They are also looking at state rules for when owners must be included in voluntary disclosure agreements for pass-through entities. The committee also voted to make a voluntary disclosure request voidable if the resulting tax liability is less than \$500. Alabama gave the committee a presentation on their online voluntary disclosure application process.

D. State Intercompany Transactions Advisory Service Committee

Marshall Stranburg, Deputy Executive Director, said that the committee continues to encourage states to continue their case example discussions. He also noted that the committee's chair, Joe Garrett, recently left the Alabama Department of Revenue and the committee will be seeking a new chair.

E. Strategic Planning Steering Committee

John Ficara, New Jersey, gave the report for the committee. The committee considered a proposal to encourage the participation of sovereignty members, as well as increase the number of sovereignty members, by giving voting rights to sovereignty members. The proposal would be consistent with the Compact and the need for compact members to approve certain actions. The committee has referred this proposal to the Executive Committee.

F. Uniformity Committee

Tommy Hoyt, Texas, noted that the *Finnigan* work group will be looking at a consolidated filing option and will be producing a white paper. The committee approved the white paper produced by the *Wayfair* work group.

G. Other Committee Business (if any)

There was no other business.

VIII. Update of Commission's Mission, Vision, Values, and Goals

The Strategic Planning Committee approved and referred to this committee proposed updates to the Commission's mission, vision, values, and goals. Ms. Wald move to approve the updated mission, vision, values, and goals. The motion passed by unanimous voice vote.

IX. Uniformity

A. Draft Amendments to the Commission's Model Statute for Combined Reporting; *Finnigan* Method Option – Update and Possible Action

No update was presented on this matter.

B. Other Uniformity Matters (if any)

There were no other uniformity matters.

X. Federal Issues with State Tax Implications

Thomas Shimkin, Legislative Counsel and Director, reported on current activities in Congress. He noted that there were bills that Congress has introduced in the past that are still pending but nothing is likely to move.

XI. Upcoming Meetings & Events

Mr. Matson reminded those in attendance to mark their calendars for the upcoming Spring Committee Meetings to be on April 21 to 24, 2020, in Alexandria, Virginia. He also noted that the 53rd Annual Conference and Meetings has been set for July 27 to 30, 2020, in Little Rock, Arkansas. He also reminded all that the 54th Annual Conference and Meetings in 2021 will be held in Anchorage, Alaska.

----- CLOSED SESSION -----

XII. Consideration of Confidential Matters during Closed Session

----- PUBLIC SESSION RECONVENED -----

XIII. Resumption of Public Session and Reports from Closed Session (if any)

There were no reports from the closed session, and no further business.

XIV. Adjournment

The meeting adjourned at 9:39 a.m. central time through unanimous consent.