



MULTISTATE TAX COMMISSION

To: MTC Uniformity Standing Subcommittee
From: Maria Sanders, Chair
Helen Hecht, Uniformity Counsel
Subject: Minutes of January 21, 2021 Meeting – DRAFT
Date: February 15, 2021

I. Welcome and Introductions – Maria Sanders, Chair

Members of the Subcommittee Present:

- Gil Brewer, Washington
- Michael Hale, Kansas
- Michael Fatale, Massachusetts
- Ray Langenberg, Texas
- Laurie McElhatton, California
- Ashley McGhee, North Carolina
- Phil Skinner, Idaho

Others in Attendance:

- Amy Hamilton, Tax Analysts
- Aziza Farooki, COST
- Beth Sosidka, AT&T
- Brian Hamer, MTC
- Bruce Fort, MTC
- Chris Barber, MTC
- Chris Sherlock, Alabama
- Christina Hall, Alabama
- Christopher Russell, Indiana
- Claudia Brousseau, Vermont
- David Merrien, Montana
- Nikki Dobay, Eversheds
- Dorita Calderon, CBH
- Doug Lindholm, COST



- Frank Hales, Utah
- Tommy Galloway, Alabama
- Geoff Fournier, Minnesota
- Amy Casey, Georgia
- Helen Hecht, MTC
- Jamie Fenwick, Charter
- John Gortakowski
- Kurt Konek, Iowa
- Lila Disque, MTC
- Matt Tidwell, Alabama
- Matthew Peyerl, North Dakota
- Melissa Gillis, Alabama
- Michael Kemp, Minnesota
- Michael Mertens, Iowa
- Nancy Prosser, MTC
- Olivia Schulte, Deloitte
- Rebecca Rodak, West Virginia
- Richard Cram, MTC
- Ruth Eaton, Vermont
- Sarah Watts, Kentucky
- Victoria Johnson, Oregon

II. Initial Public Comment – There was no initial public comment.

III. Approval of the Minutes – The draft minutes for the December call were approved without amendment.

IV. Report on Mobile Workforce Legislation Analysis

Nancy Prosser, MTC General Counsel, gave a report on analysis that the MTC has done comparing the MTC model Mobile Workforce Statute with the provisions of recent proposed federal legislation and a state bill drafted by the Council On State Taxation (COST). (That analysis has been posted on the MTC website, home page.) Ms. Prosser noted that states may be seeing this draft bill proposed in their state legislatures and also wanted to bring this to the Subcommittee’s attention in case there were issues with the MTC model that should be addressed.

Doug Lindholm, COST, commented on the analysis saying that it was the general intent for the COST draft to mirror the provisions in the federal



legislation. He noted that, in particular, the MTC model contained an exclusion from the protection for traveling employees that applied to employees who made over a certain dollar amount—a provision which the federal legislation and the COST draft do not contain. COST’s position is that this dollar threshold and was done for New York. Helen Hecht, MTC Uniformity Counsel, noted that the MTC’s model provision, which follows a specific federal provision, simply looks to the employee’s prior year earnings, which should be a workable approach. There was further informal discussion of the differences between the COST draft and MTC model.

The Commission has recommended that states wanting to address the issue of traveling employees consider the MTC model. States that want more information on this or other legislative issues should contact Thomas Shimkin, the MTC legislative counsel, at tshimking@mtc.gov.

V. Report of Staff on State Partnership Tax Rules - Issue Outline and State Survey

Helen Hecht, MTC gave a report on working draft which sets out context for the state partnership tax issues as well as a summary of a number of issues that have been identified that the Subcommittee may wish to consider. The report generally divided the issues into three categories—taxation of partnership income, taxation of gains from sale of partnership interests, and administrative and other issues.

Michael Fatale, Massachusetts, suggested that the Subcommittee consider focusing on the first category—taxation of partnership income—for now. Ms. Hecht commented that this made sense given that some of the questions in the first category would affect the issues in the second and third categories.

Two states commented, however, that they were primarily interested in questions having to do with the sale of partnership interests and hoped the Subcommittee would also look at those issues. Ms. Hecht agreed that once the issues related to the first category were analyzed further, it would make sense to consider taking up other issues. The Subcommittee accepted Mr. Fatale’s suggestion without objection.

VI. Other New Business

There was no other new business.



VII. Adjourn