



MULTISTATE TAX COMMISSION

Uniformity Committee

MEETING MINUTES for the Meeting of Wednesday, April 20, 2022

DRAFT

Hotel Albuquerque Old Town
800 Rio Grande Boulevard, NW
Albuquerque, New Mexico 87104

I. Welcome and Introductions Chair, Maria Sanders (Missouri)

Those attending in person and remotely included:

A. Chittiappa	Pillsbury	Simran Sidhu	Georgia
Alan S. Kline	New Jersey	Stephanie Do - COST	COST
Alana Stamas	Iowa	Teresa Miller	Iowa
Andrew Soubel	Wolterskluwer	Tim Reilly	Iowa
Andrew White	Hawaii	Todd Lard	TEI
Anita Fuoss	South Dakota	Victoria Nichols	Kentucky
April Begordis	Minnesota	Will Rice	GenTax
Ashley McGhee	North Carolina	Zachary Atkins	Pillsbury
Brad Asher	Kentucky	Zack Waldmeier	Iowa
Brandon Newton		Phillip Ashley	Texas
Brett Goldberg	Massachusetts	Karolyn Bishop	Washington
Brian Larsen	Wisconsin	Michael Bologna	Bloomberg
Bridgette Thomas	Mississippi	Timea Boros	Alabama
Carlos Anguiano	AT&T	Shannon Brandt	Texas
Catalina Baron	Eversheds	Gil Brewer	Washington
Charla Wagner	Kansas	Claudette Chavez	New Mexico
Charles Dendy	North Dakota	Richard Anklam	NMTRI
Chris Barber	MTC	Daniel Coleman	New Mexico
Clara Cooper		Christie Comanita	Streamlined
Colleen Chipman	New Jersey	Nikki Dobay	Eversheds
Craig Johnson	Streamlined	Jessie Eisenmenger	Amazon

Uniformity Committee Meeting – Minutes, Wednesday, April 20, 2022

Dave Steines	Wisconsin	Cathy Felix	MTC
David Foos	Michigan	Bruce Fort	MTC
Deanna Munds-Smith	Arkansas	Jen Galbreath	Amazon
Deborah Bierbaum	Multistate Assoc.	Vickie Gardino	New Mexico
Debra Guillory	Louisiana	Andrew Gidiere	Alabama
Edward Bernert	Baker Law	Felicia Gillis	Arizona
Elissa Borges	District of Columbia	Jenelle Gonzales-Wessels	New Mexico
Ferdinand Hogroian	PWC	Christina Hall	Alabama
Greg Matson	MTC	Brian Hamer	MTC
Jonathan Hague	MWE	Virgil Helton	Fast
Hal Jones	Tennessee	Angie Hillas	Utah
Heidi Thomas	Early Warning	Nathan Hoepfner	Kansas
Jayne Carson		Debra Houck	Pennsylvania
Joe Huddleston	EY	Jarvis Bretton	Idaho
Joe Wasicak	Wisconsin	Bruce Johnson	TaxCloud
John Ficara	New Jersey	Russel Johnson	Colorado
John Vecchiarelli	GenTax	Bryan Kelly	Washington
John Wilson	Wisconsin	Erica Kenney	COST
Jonathan White	Hawaii	Rebecca Kulekowskis	Illinois
Joseph Royston	Oregon	Katie Lolley	Oregon
Karen Boucher		Angela Matelski	Michigan
Karl Frieden	COST	Jonathan May	Pennsylvania
Kathleen Haller	New Jersey	Perla Mejia	New Mexico
Katie Frank	California FTB	David Merrien	Montana
Krystal Bolton	Louisiana	John Mollenkamp	Intuit
Kurt Konek	Iowa	Keyarrow Moore	Alabama
Latonia Dooley	Kentucky	Renee Nacrelli	Maryland
Laurie McElhatton	California FTB	Brian Oliner	Maryland
Lila Disque	MTC	Emily Oster	New Mexico
Lisa Gallegos	New Mexico	Manishaban Patel	Arizona
Maria Koklanaris	Law360	Scott Pattison	MTC
Mark Chaiken	New Mexico	Josh Pens	Colorado
Matthew Largent	Washington	Matt Peyerl	North Dakota
Michael Hale	Kansas	Mitch Porcello	Tennessee
Michael Kemp	Minnesota	Richard Prinszano	Pennsylvania Wharton Budget Model
Michael Mertens	Iowa	Nancy Prosser	MTC
Nikki Wooten	South Carolina	Helen Hecht	MTC
Olivia Schulte	Deloitte	Brendon Reese	Colorado

Omar Hussein		Mark Ross	Texas
Paul Williams	Law360	Maria Sanders	Missouri
Ray Langenberg	Texas	Stephanie Schardin Clarke	New Mexico
Rebecca Rodak	West Virginia	Tom Schaner	Idaho
Roburt Waldow	Deloitte	Larry Shinder	MTC
Ryan Maness	Multistate Assoc.	Jeff Silver	MTC
Stacey Greaud	Louisiana	Tiffany Southworth	Utah
Sal Tomaselli	Missouri	Katherine Talley	Montana
Scott Fryer	Arkansas	Matt Tidwell	Alabama
Scott Peterson	Avalara	Ester van Mourik	Colorado
Scott Fryer	Arkansas	Christy Vandevender	Alabama
Sherre Franklin	New Mexico	Dee Wald	North Dakota
Shirley Wei	Deloitte	Steve Yang	MTC

II. Approval of Minutes of November 9, 2021 Meeting

The minutes of the Uniformity Committee meeting of November 9, 2021 were approved as drafted, without objection.

III. Initial Public Comment

There were no public comments.

IV. Uniformity Developments

Helen Hecht, MTC Uniformity Counsel gave a report on uniformity developments. See a copy of that report with the agenda for the meeting, here:

<https://www.mtc.gov/Uniformity/Uniformity-Committee/2022/Agenda-4-2022>.

V. Partnership Project – Presentation, Richard Prisinzano of the Penn Wharton Budget Model; and Status Report, Laurie McElhatton, Committee Vice Chair and Chair of the Work Group (California), Helen Hecht and Chris Barber, MTC staff

The Committee heard a presentation from Richard Prisinzano, Director of Policy Analysis for the Penn Wharton Budget Model, on the growth of partnerships and the nature of partnership income and what kinds of taxpayers generally earn partnership income. He also spoke about the possible effects of federal proposals to tax wealth on the taxation of partners. See a copy of that presentation here:

<https://www.mtc.gov/Uniformity/Uniformity-Committee/2022/Agenda-4-2022>.

The work group chair, Laurie McElhatton, California, gave an overview of the work group's recent activities and staff summarized the draft white paper on the state tax treatment of investment partnership income. Ms. McElhatton noted that while the work group had initially intended to study all the major issues related to taxation of partnerships before drafting models, it might make more sense—given that the group has identified examples of detailed state rules that appear to be well-developed—to at least draft a model before moving on to other issues. The committee saw no issues with doing a draft model, but it also agreed the work group should be consulted before moving forward.

VI. State Roundtable

The state representatives present on the call discussed developments in their states that might be of interest to other states.

VII. Digital Products Project

Nancy Prosser, the MTC General Counsel, and Helen Hecht, presented the status of the staff's work on developing a detailed whitepaper outline addressing recommendations for how best to include digital products into the states' sales tax base. See that status report, here:

<https://www.mtc.gov/Uniformity/Uniformity-Committee/2022/Agenda-4-2022>

Staff hope to have all stakeholder interviews conducted by the next Uniformity Committee meeting in August and to have at least a draft of an outline of a white paper on the subject.

VIII. New Business

Item 1

Nikki Dobay, Eversheds-Sutherland, made a presentation on the double taxation that she believes results from digital ad taxes. See that presentation here:

<https://www.mtc.gov/Uniformity/Uniformity-Committee/2022/Agenda-4-2022>

Item 2

Ms. Dobay along with other representatives of the public reiterated the need for a uniform power of attorney (POA), previously proposed at the November, 2021

committee meeting. There was some additional discussion and the presenters again agreed that they would provide their research and other materials and MTC staff agreed to create a project page for this issue, including information from the Streamlined project. The MTC staff would then survey states to see if there was a possibility of developing a uniform form and procedures.

Item 3

Helen Hecht noted that at the last meeting, in November, the MTC staff had proposed going through its model special industry apportionment rules and the Section 17 market-based sourcing regulations to determine what updates, consolidation, or reconciliation may be needed. Upon further consideration, the staff would now propose to do this as part of the regular monthly standing subcommittee meetings in order to get additional input from the states. There was a brief discussion of this proposal and there was no objection.

IX. Adjourn

The meeting was adjourned without objection.