



State of Vermont
Department of Taxes
133 State Street
Montpelier, VT 05633-1401

Agency of Administration

November 1, 2021

Hon. Mark MacDonald, Chair
Legislative Committee on Administrative Rules
Vermont State House
Montpelier, Vermont 05602

Re: Modifications to Final Proposed Rule, 21-P21, Department of Taxes Allocation and Apportionment of Vermont Net Income by Corporations

Dear Chair MacDonald and Members:

After the close of the deadline for comment and submitting the final proposal to LCAR, the Department of Taxes identified one typographical error and was notified of two more by Legislative Counsel. We intend to correct these errors and we ask that the committee support these modifications when considering the rule at the hearing scheduled for Thursday, November 4.

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Section C(2) should read “Accounting Method” not “Accoutig Method”.

Section D(1)(G)(4)

Two terms were reversed when referencing statutes. The text should read:

“4. In a case in which a taxpayer can ascertain the state or states to which receipts from a sale are to be assigned pursuant to the applicable rules set forth in Section D, but the taxpayer is not taxable in one or more of those states, the receipts that would otherwise be assigned to those states where the taxpayer is not taxable must be ~~excluded~~ apportioned pursuant to 32 V.S.A. § 5833(a)(3)(A) for tangible personal property or ~~apportioned~~ excluded pursuant to 32 V.S.A. § 5833(a)(3)(B) for sales other than tangible personal property.”

Section G(4)(B)

This section should read:

“B. Definitions.

As used in this Section G(34) unless the context otherwise requires:”

Sincerely,

Will S. Baker
Assistant Attorney General
Vermont Department of Taxes

