

Multistate Tax Alerts

Throughout the week, we highlight selected developments involving state tax legislative, judicial, and administrative matters. The alerts provide a brief summary of specific multistate developments relevant to taxpayers, tax professionals, and other interested persons. Read the recent alerts below or visit the archive.

Archive: <https://www2.deloitte.com/us/en/pages/tax/articles/multistate-tax-alert-archive.html?id=us:2em:3na:stm:awa:tax>

US Supreme Court decision on unclaimed property

On February 28, 2023, in *Delaware v. Pennsylvania et al.*, the US Supreme Court ruled against Delaware in its dispute with 30 other states over the escheatment of unclaimed agent checks and teller's checks that has been ongoing since 2016.

URL: https://www.supremecourt.gov/opinions/22pdf/145orig_kjfl.pdf

This Multistate Tax Alert summarizes the decision and provides some considerations.

[Issued March 24, 2023]

URL: <https://www2.deloitte.com/content/dam/Deloitte/us/Documents/Tax/us-tax-multistate-tax-alert-for-us-supreme-court-decision-on-unclaimed-property.pdf>

Kentucky enacts pass-through entity tax election

On March 24, 2023, House Bill 360 (H.B. 360) was enacted into law. Under the legislation, pass-through entities may make an annual election to pay an entity level state tax for taxable years beginning on and after January 1, 2022.

URL: <https://apps.legislature.ky.gov/recorddocuments/bill/23RS/hb360/bill.pdf>

This Multistate Tax Alert summarizes some of the provisions of H.B. 360 related to the pass-through entity tax election.

[Issued March 27, 2023]

URL: <https://www2.deloitte.com/content/dam/Deloitte/us/Documents/Tax/us-multistate-tax-alert-kentucky-enacts-pass-through-entity-tax-election.pdf>

Washington Supreme Court upholds capital gains tax

In *Quinn v. State, No. 100769-8*, the Washington Supreme Court (Court) upheld the Washington State excise tax on long-term capital gains over \$250,000 in a 7-2 decision. The Court found the tax to be a valid "excise tax" under Washington law imposed on the activity of selling capital assets. The Court found the tax *not* to be a property tax on capital assets or an income tax on capital gains leading the Court to conclude that the tax was either not subject to, or was consistent with, various provisions of the Washington and US constitutions. This decision upholding the capital gains tax means that for taxpayers subject to this tax, returns for the 2022 tax year are due April 18, 2023, before any applicable extensions.

URL: <https://www.courts.wa.gov/opinions/pdf/1007698.pdf>

[URL: https://app.leg.wa.gov/RCW/default.aspx?cite=82.87.040](https://app.leg.wa.gov/RCW/default.aspx?cite=82.87.040)

This Multistate Tax Alert summarizes the recent decision and provides some taxpayer considerations.
[Issued March 27, 2023]

[URL: https://www2.deloitte.com/content/dam/Deloitte/us/Documents/Tax/us-multistate-tax-alert-washington-supreme-court-upholds-capital-gains-tax.pdf](https://www2.deloitte.com/content/dam/Deloitte/us/Documents/Tax/us-multistate-tax-alert-washington-supreme-court-upholds-capital-gains-tax.pdf)

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