

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>

Georgia enacts a pass-through entity-level tax election

On May 4, 2021, Georgia enacted House Bill 149 (H.B. 149), which provides an entity-level tax election for S-corporations and partnerships. This annual election must be made on or before the due date for filing the applicable income tax return, including extensions. The election will be available for tax years beginning on or after January 1, 2022.

URL: <https://www.legis.ga.gov/legislation/59024>

This Multistate Tax Alert discusses this new pass-through entity-level tax in more detail, including some related taxpayer considerations.

[Issued May 13, 2021]

URL: <https://www2.deloitte.com/content/dam/Deloitte/us/Documents/Tax/us-georgia-enacts-a-pass-through-entity-level-tax.pdf>

Georgia enacts judicial deference law

On April 29, 2021, Georgia enacted Senate Bill 185 (S.B. 185), changing the judicial standard of deference accorded to non-regulatory actions of the Georgia Department of Revenue (Department). S.B. 185 requires that all questions of tax law decided by a court or the Georgia Tax Tribunal be made without any deference to any determination or interpretation made by the Department, with the exception of the judicial standard of deference accorded to rules and regulations promulgated by the Department pursuant to the Georgia Administrative Procedure Act.

URL: <https://www.legis.ga.gov/api/legislation/document/20212022/197699>

This Multistate Tax Alert discusses this new law in more detail, including some related taxpayer considerations.

[Issued May 13, 2021]

URL: <https://www2.deloitte.com/content/dam/Deloitte/us/Documents/Tax/us-georgia-enacts-judicial-deference-law.pdf>

Montana enacted legislation modifies corporate apportionment factor, overhauls individual income tax law, and eliminates numerous tax credits

On May 11, 2021, Montana Governor Greg Gianforte signed into law Senate Bill 376, which provides for a double-weighted sales factor for corporate income tax apportionment purposes. Additionally on May 6, 2021, Governor Greg Gianforte signed into law Senate Bill 159 and Senate Bill 399, which substantially revises the

individual income tax law and eliminates numerous state tax credits, including some available to corporate taxpayers.

URL:
[http://laws.leg.mt.gov/legprd/LAW0203W\\$BSRV.ActionQuery?P_SESS=20211&P_BLTP_BILL_TYP_CD=SB&P_BILL_NO=376&P_BILL_DFT_NO=&P_CHPT_NO=&Z_ACTION=Find&P_ENTY_ID_SEQ2=&P_SBJT_SBJ_CD=&P_ENTY_ID_SEQ=](http://laws.leg.mt.gov/legprd/LAW0203W$BSRV.ActionQuery?P_SESS=20211&P_BLTP_BILL_TYP_CD=SB&P_BILL_NO=376&P_BILL_DFT_NO=&P_CHPT_NO=&Z_ACTION=Find&P_ENTY_ID_SEQ2=&P_SBJT_SBJ_CD=&P_ENTY_ID_SEQ=)

URL:
[http://laws.leg.mt.gov/legprd/LAW0203W\\$BSRV.ActionQuery?P_SESS=20211&P_BLTP_BILL_TYP_CD=SB&P_BILL_NO=159&P_BILL_DFT_NO=&P_CHPT_NO=&Z_ACTION=Find&P_ENTY_ID_SEQ2=&P_SBJT_SBJ_CD=&P_ENTY_ID_SEQ=](http://laws.leg.mt.gov/legprd/LAW0203W$BSRV.ActionQuery?P_SESS=20211&P_BLTP_BILL_TYP_CD=SB&P_BILL_NO=159&P_BILL_DFT_NO=&P_CHPT_NO=&Z_ACTION=Find&P_ENTY_ID_SEQ2=&P_SBJT_SBJ_CD=&P_ENTY_ID_SEQ=)

URL:
[http://laws.leg.mt.gov/legprd/LAW0203W\\$BSRV.ActionQuery?P_SESS=20211&P_BLTP_BILL_TYP_CD=SB&P_BILL_NO=399&P_BILL_DFT_NO=&P_CHPT_NO=&Z_ACTION=Find&P_ENTY_ID_SEQ2=&P_SBJT_SBJ_CD=&P_ENTY_ID_SEQ=](http://laws.leg.mt.gov/legprd/LAW0203W$BSRV.ActionQuery?P_SESS=20211&P_BLTP_BILL_TYP_CD=SB&P_BILL_NO=399&P_BILL_DFT_NO=&P_CHPT_NO=&Z_ACTION=Find&P_ENTY_ID_SEQ2=&P_SBJT_SBJ_CD=&P_ENTY_ID_SEQ=)

This Multistate Tax Alert discusses these recently enacted provisions.

[Issued May 18, 2021]

URL: <https://www2.deloitte.com/content/dam/Deloitte/us/Documents/Tax/us-tax-mta-montana-enacted-legislation-modifies-corporate-apportionment-factor-overhauls-individual-income-tax-law.pdf>

Virginia budget bill requires corporations to file an informational report on unitary combined reporting

Virginia House Bill H.B. 1800, Virginia's Bi-annual Budget Bill, contained amendments from Governor Ralph Northam requiring Virginia corporate taxpayers that are members of a unitary business group to file an informational report with the Department of Taxation (Department) for the unitary group reflecting the combined net income and tax of the unitary group. Corporations must file the report with the Department on or before July 1, 2021.

URL: <https://budget.lis.virginia.gov/bill/2021/2/>

This Multistate Tax Alert discusses this new reporting requirement in further detail.

[Issued May 12, 2021]

URL: <https://www2.deloitte.com/content/dam/Deloitte/us/Documents/Tax/us-tax-mta-virginia-budget-bill-requires-corporations-to-file-an-informational-report-on-unitary-combined-reporting.pdf>

Washington law imposes new excise tax on capital gains

On May 4, 2021, Washington Governor Jay Inslee signed Senate Bill 5096 (WA SB 5096) imposing a new excise tax on long-term capital gains earned by individuals from the sale or exchange of certain capital assets.

URL: <http://lawfilesex.leg.wa.gov/biennium/2021-22/Pdf/Bills/Senate%20Passed%20Legislature/5096-S.PL.pdf>

This Multistate Tax Alert summarizes some of the significant provisions of WA SB 5096.

[Issued May 13, 2021]

URL: <https://www2.deloitte.com/content/dam/Deloitte/us/Documents/Tax/washington-law-imposes-new-excise-tax-on-capital-gains.pdf>

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