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Global Insights

From the Member and Collaborating Firms of Andersen Global

July 2021

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This edition of Global Insights contains tax, legal and business news, insights and perspectives we collected and compiled from our member firms and collaborating firms throughout the month of July.

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Global Webinars

Canada

Americans Doing Business in Canada: Tax 101

In our latest webinar, Partners Steven Flynn and Krista Rabidoux provide a review of key Canadian tax issues for Americans doing business in Canada. Learn More

Canada

Top Five Tax Issues When Moving to: Brazil, Canada, India, Israel, the UK or the U.S.

Six professionals of the Andersen Global International Private Client Services team provided a virtual briefing on the top five tax issues to consider if you are planning a move to Brazil, Canada, India, Israel, the United Kingdom or the United States. Learn More

Canada

Jonathan Garbutt Talks Capital Gains Taxes in Canada with Shiraz Ahmed on The Quarantine Broadcast

Andersen in Canada Principal Jonathan Garbutt joined Shiraz Ahmed as a guest on *The Quarantine Broadcast* produced by Sartorial Wealth of Raymond James Ltd. Learn More

El Salvador

Guide for Foreign Investors in El Salvador

In a podcast episode, Associate Francisco Murillo presents an infallible guide for foreign investors on factors to consider when investing in El Salvador. Learn More

Latin America

Digital Services Taxation: LatAm Update

The member firms and collaborating firms of Andersen Global in Latin America discuss updates on digital services taxation in the region. Learn More

Poland

Tax Credits for Innovation

A webinar was organized by Andersen in Poland in cooperation with the Polish Chamber of Commerce for Electronics and Telecommunications, which was devoted to current issues related to tax relief for innovation. **Learn More**

Poland

What's New in HR? Image and Other Data of Employees and Candidates – Why Do We Need the GDPR

This is the fourth webinar in the series What's new in HR? Learn More

Poland

Conference of PPP Leaders Forum

The conference aims to promote the implementation of public projects under the public-private partnership arrangement and to interpret the current legislation and tax rules, as well as identify the best practices resulting from effectively implemented ventures of strategic importance for local communities. Learn More

Spain

Patent Liberalization in Vaccines: How the Pandemic Has Changed the Rules of the Game for the Pharmaceutical Industry and the Consequences for Investment, the Industry and the Population Andersen presents the event Patent Liberalization: Impact on Industry and Society, the first meeting organized by the firm's Pharma and Life Sciences group, with the collaboration of Farmalndustria and the Spanish Patient Forum, Learn More

Global Webinars (continued)

Spain

Financing Projects for Economic Recovery: Leveraging European Funds

Andersen, together with the Fundación de Estudios Bursátiles y Financieros (Stock Market and Financial Studies Foundation or FEBF), organized this webinar to discuss the latest developments related to European funds for economic recovery. Learn More

Spain

Ensuring the Continuity and Survival of Companies: Objectives of Good Corporate Governance and Compliance

Andersen, with the collaboration of Telefónica, presented this event with the participation of Manuel Crespo de la Mata, Chief Compliance Officer of Telefónica, and José Ignacio Olleros and Santiago Fuentes from Andersen, Learn More

Uruguay

Post-Pandemic and SMEs

In a virtual meeting organized by the Diplomatic Forum in Mendoza, Andersen Partners Ana Inés Alfaro and María Cecilia Ricciardi spoke about the legal challenges for the survival of SMEs in Uruguay as well as tax and economic measures to contain the effects of the Coronavirus. Learn More

Africa

Namibia

• Challenging the Commencement of the Deeds Registries Act 2015

Abe Malherbe narrates the litigation matter brought by Bank Windhoek on an urgent basis against the registrar of deeds to halt the enforcement of the Deeds Registries Act and its regulations. Read More

Nigeria

The Petroleum Shipping Industry & the Burden of Tax Compliance in Nigeria

This article examines some of the unfavorable compliance requirements that may deter a non-resident shipping company from complying with provisions of the Companies Income Tax Act (CITA) and provides recommendations that may improve their compliance level in Nigeria. Read More

Wealth Succession Planning: Private Trusts or Wills

This article aims to review trust and wills as wealth succession tools. Read More

Business Process Solution: Catalyst for Growing a Successful Fintech/SME in Nigeria

This article discusses the impacts of effective business processes on startups in Nigeria and the selection of a suitable business process solution. Read More

Jack, Jeff & Mark

This article discusses the implications of the Nigerian government's recent actions regarding activities on its chances of benefitting from this innovative piece of legislation. Read More

Australia

• Five Common Challenges of Year-End Employee Share Scheme Reporting

The following presents the rules, timeline and basis of reporting to be considered by employers when reporting the Employee Share Scheme benefits for the eligible employees. Read More

• Are Your Employees Working From Home? Here Are Crucial Tax Considerations You Should Stay Across.

This article discusses employee and employer's tax implications on the working from home arrangement.

Read More

Leaving Australia Soon? What Are the CGT Issues You Need to Consider?

The following article further explains CGT event I1 and the tax implications for Australian residents who are leaving Australia. Read More

OECD Provides Updated Guidance Concerning the Impact of COVID-19 on Tax Treaties

The Organization for Economic Co-operation and Development (OECD) has updated its existing guidance issued by the Secretariat in April 2020 in relation to the impact of COVID-19 on tax treaties. The following highlights three key issues. Read More

Single Touch Payroll Requirements for Micro Employers

This insight provides an overview of the Single Touch Payroll (STP) reporting for micro employers and the applicable changes from July 1, 2021 onwards. Read More

Monthly Tax Update: July 2021

The following provides the recent updates in legislation and tax developments in the areas of corporate tax, individual tax and international tax, as well as the ATO's recent activities and other news. Read More

Europe

Armenia

• Amendments to the Law on Joint Stock Companies Related to the Employees Stock Ownership Plan: Unresolved Issues

Among other changes introduced in the Republic of Armenia (RA) Law on joint-stock companies, the amendments on the regulation of employees' stock ownership plans have also been introduced. Read More

On Extensive Amendments of the Law of the Republic of Armenia on Joint Stock Companies
 Significant amendments of regulations of the joint-stock companies' activities have come into force on July 10, 2021. Read More

Austria

• Information Magazine: LGP News

This issue of the information magazine *LGP News*, with its topic Focus on Reform and Restructuring, covers with recent developments in the economy, law and society, among others. Read More

What Can Be Done Criminally Against Anonymous Hate Postings?

The following is a column on media law written by Gerald Ganzger about what can be done against anonymous hate postings and the regulations in Austria. Read More

Update: Coronavirus

The following provides updated FAQs about the new COVID-19 regulations in Austria. Read More

Cyprus

• <u>Directive for the Beneficial Ownership Register of Express Trusts</u>

The Directive provides information and guidance regarding the registration of express trusts and similar legal arrangements in the Cyprus Securities and Exchange Commission's (CySEC's) Beneficial Ownership Register.

Read More

Cyprus Implements the 5th Anti-Money Laundering Directive

The article analyzes the five key elements of the new law. Read More

Germany

Large German Companies Have a Positive View of ESG Challenges

Companies wanting to be competitive in the future will increasingly have to deal with environmental, social, and governance (ESG) aspects to consider the effects of their business models on the environment and society and vice versa. Read More

Italy

Green Bonds

Green Bonds are financial instruments, more precisely debt instruments, which issuance is linked to projects that have a positive environmental impact. The increase in the market is due to the entrance in the Green Bonds market of the emerging countries' companies and the increasing attention to environmental sustainability from the supranational institutions. Read More

• Tax Credits: New Offsettable Limit for 2021

The maximum limit of tax credits that may be offset in the F24 form is raised to EUR 2 million, only for 2021, notwithstanding the current regulations. Read More

Copyright on Fictional Characters

Characters in literature, comics, television or cinema must necessarily be distinguished from the actor who impersonates it and can be protected under Italian copyright law (Law No. 633 of 1941). Read More

Netherlands

• EU Negotiators Reached a Deal on Greater Tax Transparency

European Union negotiators reached a deal on rules that will force large multinational companies (MNCs) to further tax transparency and aim to fight tax avoidance by large MNCs. Read More

• Russian Dutch Treaty to Be Terminated?

The Russian Federation Council adopted a draft law approving the denunciation of the double tax treaty between Russia and the Netherlands. Read More

• Cabinet Replaces BIK Scheme by Lowering Employer's Premium

The BIK scheme will be withdrawn as informal consultations with the European Commission show that there is a chance it will consider the entire BIK as illegal state aid. The cabinet proposes to reduce the General Unemployment Fund (Awf) premium for employers in 2021. Read More

• Business Tax Agenda for the 21st Century

The European Commission has released its business tax agenda for the 21st century, setting out a new framework for business taxation in the European Union and new proposals for 2021-2023. Read More

Netherlands (continued)

Where Is Your Company Managed and Controlled?

What does managed and controlled mean? How do you safeguard in which country an entity has its fiscal domicile? If the substance and nexus are not carefully maintained, this could have adverse tax consequences. Read More

• Pillar One and Pillar Two Agreement

On July 1, 2021, 130 countries and jurisdictions have joined a new two-pillar plan to reform international tax rules establishing a new framework for international tax reform. Read More

Poland

• Mandatory Withholding Tax Collection Mechanism Postponed Again

At the end of June, the Minister of Finance, Funds and Regional Policy published two regulations under which the obligation to collect the withholding tax on high-value payments (i.e., above PLN 2 million during a tax year to a single entity) was postponed again until December 31, 2021. Read More

Further Changes to the JPK_VAT Regulation

The regulation amending the so-called JPK_VAT with declaration regulation was published in the Journal of Laws. The regulation took effect on July 1, 2021, but its provisions will apply, with certain exceptions, to tax returns for July 2021 (i.e., JPK_VAT files) submitted after August 25, 2021. Read More

• New Reliefs to Support Innovation, Production and Investments – the Bill at the Stage of Pre-Consultations

The Ministry of Finance published a broadly discussed bill of tax incentives to support innovation, production and investments. The bill is currently in the process of preliminary consultations and taxpayers may comment on the proposed solutions. The new regulations are planned to take effect in 2022. Read More

Russia

• Registrars of the Registers of JSC Will Have to Submit the Information About Shareholders to the Federal Service of State Statistics

Starting September 1, 2021, registrars of the registers of JSC in Russia will be obliged to provide information about shareholders of joint-stock companies, which registers are managed by them. Read More

• New Tools for Corporate Financing in Russia-Convertible Loan

On June 23, 2021, the Federation Council approved the law *on convertible loan*. The new contractual structure has particular characteristics. Read More

Circle of Good

A foundation (Circle of Good or Fund) for support of children with severe life-threatening and chronic diseases, including rare (orphan) diseases, was established by the decree of the President of the Russian Federation.

Read More

The Law on "Landing" or What Threatens Large IT Companies in the Near Future

The federal law on the activities of foreign entities in the internet information and telecommunications network on the territory of the Russian Federation, also known as the law on landing, came into force on July 2, 2021, aiming to equalize foreign and Russian companies operating on the internet. Read More

New Requirements for Online Advertising Have Come Into Force

The federal law on amendments to the federal law 'on advertising' came into force on July 2, 2021 to tighten up control over online advertising in Russia. Read More

Slovakia

What Is a Small Building?

The following provides legal opinions for readers of the renowned national daily *Pravda* in Slovakia, explaining all obligations connected to building or renovating small buildings. Read More

• Latest Legislation Updates

The following presents the latest legislation updates that regulate the usage of the registration plate number and assign a new authorization for the road administrator in Slovakia. Read More

Slovenia

• New Rules Concerning VAT for E-Commerce

Partner Janja Ovsenik wrote about the new EU rules concerning VAT for e-commerce which all member states are expected to legislate from European Commission Directives and apply as of July 1, 2021. Read More

New Amendments to the Housing Act

Partner Petra Plevnik and Senior Associate Maša Kramar wrote about the amendments of the Slovenian Housing Act, which directly and significantly intervene in the conclusion of lease agreements for business premises and commercial buildings. Read More

Spain

• Real Estate Insights: News and Trends in Spain

Andersen in Spain's Real Estate practice publishes a new edition of its magazine, analyzing the latest news in real estate, the government's recovery plan to boost the sector, the impact of the COVID-19 crisis, new trends on sharing, such as coliving and coworking, and tax implications, among others. Read More

Cybersecurity: New Paradigm in the World of Arbitration

The COVID-19 pandemic has increased the digitalization and remote processing of arbitration proceedings. Vicente Moret, Íñigo Rodríguez-Sastre and Elena Sevila analyze new regulations and protocols in this new context in *Wolters Kluwer*. Read More

• The Control of Foreign Subsidies to Third Country Operators in the EU and the European Commission Proposal

The article provides information on the proposal for a new regulation published by the European Commission that aims to address distortions caused by foreign subsidies in the single market granted by third countries to businesses. Read More

• The Figure of the Investor in the Preliminary Draft Bill for the Promotion of the Startups Ecosystem

The government approves the draft bill on startups, which aims to boost investment in the entrepreneurial ecosystem in Spain through tax benefits, investment support instruments and attracting talent. Read More

Ukraine

SK Arbitration Handbook

Sayenko Kharenko has released the first comprehensive collection of materials on international arbitration in Ukraine – *SK Arbitration Handbook*. Partner Olexander Droug, Counsel Volodymyr Yaremko and Senior Associate Andriy Stetsenko are the primary contacts. Read More

New Requirements on Disclosure of Ultimate Beneficial Owners by Ukrainian Companies
Partners Oleksandr Nikolaichyk and Vladimir Sayenko provide a brief overview of the requirements and legal
implications of non-compliance with Ukraine's new AML law. Read More

Ukraine (continued)

• VAT on Electronic Services Supplied by Non-Residents: Changes to Expect

The President of Ukraine has signed a so-called law *on Google Tax*, introducing VAT on the supply of electronic services by non-resident companies to the final customers in Ukraine. Partner Svitlana Musienko and Senior Associate Anton Kerimov-Varanytskyi summarize the key changes. Read More

• Gas Market of Ukraine: Import and Export

Due to the largest storage facilities and special conditions for foreign traders, Ukraine has the possibility to become a new gas hub in Eastern Europe. Maryna Hritsyshyna, Head of Energy Group, analyzes the opportunities and challenges facing Ukraine's gas market. Read More

Draft Data Protection Law Submitted to the Ukrainian Parliament

On June 7, 2021, the draft law *on personal data protection* was submitted to the Ukrainian Parliament. Counsel Ario Dehghani and Associate Yuliia Brusko provide a deep analysis of the upcoming changes. Read More

Risk and Compliance Management

Counsel Ario Dehghani and Associates Yuliia Brusko and Volodymyr Stetsenko co-authored the chapter on Ukraine for the latest edition of the *Risk and Compliance Management Guide* published by *Lexology*.

Read More

• Tips for Investors to Build Litigation Strategy in Ukraine

Associate Olena Solonska authored an article for *CEE Legal Matters*, providing tips for investors on how to develop an effective litigation strategy in Ukraine. Read More

• Data Residency Requirements

Counsel Ario Dehghani and Associate Yuliia Brusko co-authored the chapter on Ukraine for the *Data Residency Guide* published by *OneTrust DataGuidance*. Read More

Fighting Raiding in Ukraine

Partner Sergiy Smirnov and Counsel Zlata Simonenko analyze the law of Ukraine on amendments to certain laws of Ukraine on improving the mechanism of countering raiding, adopted by the Parliament in April 2021.

Read More

United Kingdom

The U.S.: President Biden's MIA

National Technical Director Andrew Parkes critiques President Biden's MIA Tax Plan and suggests an alternative strategy to implement tax policy. Read More

• Crypto and Blockchain: Tax Considerations of Founder, Shareholder, Adviser and Employee Tokens Partner Zoe Wyatt explains that the tax treatment of simple agreement for future tokens (SAFTs) differs depending on whether they are issued to token investors, founders, shareholders, advisers or employees, and provides some recommendations. Read More

• The UK: Recent HMRC Consultation Documents

Director Anthony Lampard and Manager Alice Wells discuss recurring themes such as adapting the tax system for the 21st century, improving standards of tax advice, improving the reporting of overseas income and gains, and the notification of uncertain tax treatment by large businesses. Read More

• The UK: Unexpected Consequences Arising From COVID-19

Director Anthony Lampard gives an overview of problems arising within HMRC and which are affecting the taxpayer as a result of the government's reaction to the pandemic. Read More

United Kingdom (continued)

News Sweep

Miles Dean, Head of International Tax, discusses recent developments ranging from DAC6 to Tooth. Read More

India

• Whether Entries in Balance Sheet Amount to Acknowledgment of Debt

The Hon'ble Supreme Court has held that entries in balance sheets amount to an acknowledgment of debt for the purpose of extending limitation under Section 18 of the Limitation Act, 1963. Read More

• In Seeking to Construe a Clause in Contract, There Is No Scope for Adopting Either a Liberal or a Narrow Approach

The Hon'ble Supreme Court upheld the decision of the Appellate Tribunal for Electricity which had passed an order reversing the findings of the Karnataka Electricity Regulatory Commission. Read More

An Arbitral Award Cannot Be Interfered With on Account of Disagreement Over Inference Drawn From Evidence

The Delhi High Court has reiterated the set principle that the scope of examination of an arbitral award under Section 34 of the 1996 Act is limited and does not warrant interference or re-examination of the evidence on record on the ground of patent illegality unless there has been some gross injustice or violation of public policy. Read More

Award-Holder's Claim Will Stand Extinguished on Approval of Award-Debtor's Resolution Plan Under Section 31 of the Insolvency and Bankruptcy Code, 2016

The Calcutta High Court reaffirms that a successful resolution applicant who takes over the business of the corporate debtor must receive the opportunity to start running the business of the corporate debtor on a fresh slate. Read More

• Implications of Goods and Services Tax on Director's Remuneration

The following provides a brief analysis of the implications of Goods and Services Tax on the director's remuneration. Read More

• Exemption in Respect of Financial Assistance for COVID-19 Victims

A brief analysis of the CBDT's recent press release announcing income-tax exemption in respect of financial assistance received by taxpayers for expenses incurred towards medical treatment of COVID-19 and by families of those unfortunate taxpayers who lost their lives due to COVID-19. Read More

• Guidelines Issued by CBDT Under Section 194-Q and 206(1H) of the Income-Tax Act, 1961 This is a brief analysis of the guidance issued by CBDT under Section 194-Q and 206(1H) of the Income-tax Act, 1961. Read More

• Redesigned Taxation on Reconstitution/Dissolution of the Firm - A New Jeopardy?

A brief analysis on the recently introduced substantive amendments on partnership taxation including insertion of new Section 9B and also substitution of existing Section 45(4), retrospectively from the previous year 2020-2021. Read More

Denial of Depreciation on Goodwill – Beginning of a New Saga!! (Part I)

Part one of the comprehensive analysis of the recent changes brought in relation to the claim of depreciation on goodwill and its implication on corporate reorganizations. Read More

• Denial of Depreciation on Goodwill - Beginning of a New Saga!! (Part II)

Part two of the comprehensive analysis of the recent changes brought in relation to the claim of depreciation on goodwill and its implication on corporate reorganizations. Read More

Latin America

• Transfer Pricing Outlook in Latin America

The following guide provides transfer pricing perspectives in Latin America, prepared by lawyers Ana Cristina Arosemena and Francisco Murillo. Read More

Chile

• Law No. 21.342 COVID-19 Protocol for Return to Face-to-Face Work

Law No. 21,342 was published on June 1, 2021, establishing new obligations for the employer of companies in Chile that wish to return or continue with face-to-face work. Read More

Costa Rica

<u>Draft Law to Attract International Workers and Remote Service Providers in Costa Rica</u>
 Adolfo Jimenez, expert in immigration law, explains the pros and cons of the draft law. Read More

• The OECD and Anticorruption in Costa Rica

Federico Campos analyzes anticorruption practices and the inclusion of Costa Rica in the Organization for Economic Co-operation and Development (OECD). Read More

Guatemala

Reforms to the Free Zones Law

On June 1, 2021, Decree No. 6-2021 of the Congress of the Republic of Guatemala was published in the Official Gazette, through which the reforms to the Free Zones Law were decreed. Read More

Uruguay

Entrance of Argentine Vehicles – New Residents in Uruguay

The National Budget Law established a special regime where certain foreign citizens with legal residence in Uruguay or in the process of obtaining it and moving to the country are allowed to bring a vehicle one time, free of all customs duties and exempt from import taxes. Read More

Middle East

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Egypt

• FRA Prohibits Use of Blank Signed Trust Receipts for Guarantees

The Financial Regulation Authority (FRA) issued Resolution No. 105 of 2021, regulating guarantees provided by the clients or agents of entities working in the field of non-banking financial activities. Read More

Consumer Protection and the Court's Authority to Assess Criminal Evidence

The Consumer Protection Law of 2018 definitively eliminated the capability of sellers to rely on the principle that *goods do not need to be returned or replaced after imposing penalties* when replacement of a product is refused if it is substantially defected during the first year from the date of purchase, without any cost to the consumer. Read More

New Legislation Protecting Women in Egyptian Society

The elimination of all forms of discrimination between citizens, including the promotion of equality between men and women in all civil, political, economic, social and cultural arenas, has become a subject repeatedly brought to the Egyptian legislator's attention in recent years. Read More

• Employment Law in Egypt – 2021 Guide

This book provides an overview of employer obligations and liabilities as per Labor Law No. 12 of 2003. Read More

Photographing a Criminal Prosecution Without Court Permission

The principle of public hearings is one of the well-established principles of the Egyptian legal system stipulated in the Criminal Procedural Law, in which the courtroom is open to those from the general public who want to attend trial proceedings, investigations, pleadings and judgments. Read More

Kuwait

Compliance With Circulars in Kuwait

The newsletter summarizes key aspects to be complied by foreign corporations while submitting the income tax declaration with the Ministry of Finance, Kuwait (MOF), focusing on Circular No. 14 of 2021 and Circular No. 1 of 2014. Read More

Do You Have Subcontractor or Royalty or Management Service Arrangements?

This newsletter summarizes the key aspects related to subcontractors' costs, royalty and management service fees, and availing tax treaties for exemptions by the foreign corporations while submitting income tax declaration with the Ministry of Finance, Kuwait (MOF). Read More

United Arab Emirates

Guideline for Insurance and Reinsurance for KSA

The Kingdom of Saudi Arabia government issues a guideline on insurance and reinsurance for the business sector. Read More

Automotive Sector for VAT Purposes

The Federal Tax Authority (FTA) has released a detailed guide on the automotive sector. Read More

Automotive Sector for VAT Purposes – Sale and Lease of Cars

The FTA has released a detailed guide for the automotive industry under leasing and selling. Read More

Automotive Sector for VAT Purposes – Import and Export

The FTA has released a detailed guide for importing and exporting vehicles. Read More

North America

United States

• <u>The Multistate Tax Commission – the Most Influential State Tax Policymaker You May Have Never Heard of</u>

The following provides a brief informational history on the Multistate Tax Commission (MTC) and an overview of a few impactful projects the MTC is currently working on from a state income tax perspective. Read More

 Maryland's New Digital Advertising Tax Draws Legal Challenges; Other States Propose Similar Measures

The article discusses Maryland's new law, the legal challenges filed against it, and the proposals that have been introduced in other states. Read More

• States and Localities Move to Further Align Indirect Tax Laws With Remote Vendor Collection Requirement Upheld by U.S. Supreme Court's Wayfair Ruling

The following offers a synopsis of legislative actions that further align state and local taxing jurisdictions with the U.S. Supreme Court's groundbreaking 2018 Wayfair ruling. Read More

• Recent Illinois Tax Tribunal Ruling Looks to Economic Substance of 80/20 Company Excluded From Combined Unitary Return

The article analyzes the Illinois Tax Tribunal's recent ruling regarding a multinational taxpayer that sought to exclude a profitable entity from its Illinois combined return by operation of the 80/20 Rule. Read More

• With the Ability to Expense Research and Experimental Costs Ending After 2021 – Now Is the Time to Prepare to Capitalize R&E

The following discusses the strategies taxpayers with research and experimental costs should start to develop to minimize the negative impacts of the new capitalization requirement and amortization rules that take effect beginning in 2022. Read More

• 2021 Policy Outlook Highlights Tax Legislative Priorities and Proposals

The 2021 Policy Outlook provides updated insights related to the Biden administration's most recent tax proposals as presented in the green book. Read More

• California and Arizona Join States With SALT Cap Workarounds

In response to the federal state and local (SALT) deduction USD \$10,000 cap enacted as part of the Tax Cuts and Jobs Act, California and Arizona enacted legislation providing for a pass-through entity workaround.

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