



State of Georgia Department of Revenue

2009 Partnership Income Tax Forms and General Instructions

File Form 700 electronically. Visit our website www.dor.ga.gov for more information.

ELECTRONIC FILING



The Georgia Department of Revenue accepts Visa, American Express, MasterCard, and Discover credit cards for payment of:

- ✓ Current-year individual and corporate tax payments;
- ✓ Liabilities on Department of Revenue-issued assessment notices;
- ✓ Individual and corporate estimated tax payments.

FROM THE COMMISSIONER

This booklet is designed to provide information and assist partnerships in filing their Georgia partnership tax returns. On Page 1 is a "Federal Tax Changes" section that I recommend you review to determine if the changes affect your return.

This booklet contains the forms and schedules required by most partnerships. If you need additional forms, we encourage you to visit our website at www.dor.ga.gov. There you can download forms and always obtain up-to-date tax information and news from the Department of Revenue. Forms are also available via fax-on-demand at 404-417-6011. A list of useful telephone numbers is on Page 8.

The Department of Revenue, as outlined in the Taxpayer Bill of Rights, will provide "fair, courteous and timely service" to the taxpayers of Georgia. Our mission is to provide the best customer service and operational performance of any state taxing authority and the IRS. We welcome your comments and suggestions on how to better accomplish that mission.

Bart L. Graham
Commissioner

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NEW INFORMATION

FEDERAL TAX CHANGES

The Governor signed House Bill 1138 into law. Consequently, for taxable years beginning on or after January 1, 2009, except as discussed below, Georgia has adopted the provisions of all federal acts (as they relate to the computation of Federal Adjusted Gross Income (AGI) or federal taxable income for non-individuals) that were enacted **on or before** January 1, 2010. For 2009, the I.R.C. Section 179 deduction is now **\$250,000** and the related phase out is **\$800,000**.

House Bill 1138 also adopts Public Law 111-126, signed by the President on January 22, 2010. This bill allows a taxpayer, who makes a charitable contribution to the Haitian earthquake victims after Jan. 11, 2010, and before Mar. 1, 2010, to elect to claim a charitable deduction on their 2009 tax return (instead of having to wait to claim the deduction on their 2010 tax return).

Georgia has **not** adopted I.R.C. Section 168(k) (the 30% and 50% bonus depreciation rules) except for I.R.C. Section 168(k)(2)(A)(i) (the definition of qualified property), I.R.C. Section 168(k)(2)(D)(i) (exceptions to the definition of qualified property), and I.R.C. Section 168(k)(2)(E) (special rules for qualified property) and Georgia has not adopted I.R.C. Section 199 (federal deduction for income attributable to domestic production activities).

Georgia has also **not** adopted the following:

- The exclusion of \$2,400 of unemployment income, I.R.C. Section 85(c).
- Additional itemized deduction for the sales tax on the purchase of a new vehicle in 2009, I.R.C. Sections 164(a)(6) and 164(b)(6). Please note: Georgia also does not allow the increased standard deduction for sales tax on the purchase of a new vehicle in 2009 because Georgia has its own standard deduction.
- The election to increase the normal two year net operating loss carryback to 3, 4, or 5 years for tax years 2008 and 2009, I.R.C. Sections 172(b)(1)(H) and 810(b)(4).
- The transition rule that would allow a taxpayer to revoke a prior election to forego the net operating loss carryback period.
- Debt discharge income from reacquisitions of business debt at a discount in 2009 and 2010 which is deferred for up to five years, then included ratably over five years, I.R.C. Section 108(i).
- Modified rules for high yield original issue discount obligations, I.R.C. Sections 163(e)(5)(F) and 163(i)(1).
- New York Liberty Zone Benefits, I.R.C. Section 1400L.
- 50% first year depreciation for post 8/28/2006 Gulf Opportunity Zone property, I.R.C. Section 1400N(d)(1).
- 50% bonus depreciation for most tangible property and computer software bought after May 4, 2007 and placed in service in the Kansas Disaster Area before Jan. 1, 2009 (before Jan. 1, 2010 for buildings), I.R.C. Section 1400N(d)(1).
- 50% bonus depreciation for "qualified reuse and recycling property", I.R.C. Section 168(m).
- 50% bonus depreciation in connection with disasters federally declared after 2007 and occurring before 2010, I.R.C. Section 168(n).
- Increased (\$8,000) first-year depreciation limit for passenger automobiles if the passenger automobile is "qualified property," I.R.C. Section 168(k).
- 15 year straight-line cost recovery period for certain improvements to retail space, I.R.C. Sections 168(e)(3)(E)(ix), 168(e)(8), and 168(b)(3)(l).
- Modified rules relating to the 15 year straight-line cost recovery for qualified restaurant property (allowing buildings to now be included) placed in service after Dec. 31, 2008 and before Jan. 1, 2010, I.R.C. Section 168(e)(7).
- 5 year depreciation life for most new farming machinery and equipment placed in service before January 1, 2010, I.R.C. Section 168(e)(3)(B)(vii).
- Special rules relating to Gulf Opportunity Zone public utility casualty losses, I.R.C. Section 1400N(j).

- 5 year carryback of NOLs attributable to Gulf Opportunity Zone losses, I.R.C. Section 1400N(k).
- 5 year carryback of NOLs incurred in the Kansas disaster area after May 3, 2007, and before 2010, I.R.C. Section 1400N(k).
- 5 year carryback of certain disaster losses, I.R.C. Sections 172(b)(1)(J) and 172(j).
- The election to deduct public utility property losses attributable to May 4, 2007 Kansas storms and tornadoes in the fifth tax year before the year of the loss, I.R.C. Section 1400N(o).
- Special rules relating to a financial institution being able to use ordinary gain or loss treatment for the sale or exchange of certain preferred stock after Dec. 31, 2007, I.R.C. Section 1221.
- Temporary tax relief provisions relating to the Midwestern disaster area, I.R.C. Sections 1400N(f) and 1400N(k).

Depreciation Differences. Depreciation differences due to the Federal acts mentioned above should be treated as follows (If the taxpayer has depreciation differences from more than one Federal act, it is not necessary to make a separate adjustment for each act):

A. Depreciation must be computed one way for Federal purposes and another way for Georgia purposes. To compute depreciation for Federal purposes, taxpayers should use the current year IRS Form 4562 and attach it to the Georgia return. This should be entered on the other addition line of the return.

B. Depreciation must also be computed for Georgia purposes. Taxpayers should use Georgia Form 4562 to compute depreciation for Georgia purposes and attach it to the Georgia return. This should be entered on the other subtraction line of the return.

Federal deduction for income attributable to domestic production activities (IRC Section 199). This adjustment should be entered on the addition line of the applicable return. An adjustment to the Georgia partnership or S Corporation return is not required if the partnership or S Corporation is not allowed the Section 199 deduction directly, but instead passes through the information, needed to compute the deduction, to the partners or shareholders.

Other Differences. Other differences should be placed on the other addition or subtraction line of the applicable return. Attach a statement to the return explaining these differences.

All flowthrough entities (partnerships, S Corporations, limited liability companies, limited liability partnerships, fiduciaries) that own property in Georgia, do business in Georgia, receive income from Georgia sources, or that have Georgia resident owners/beneficiaries should notify them of the required adjustments. Depreciation differences may also be reported to you by these types of entities. Additionally, the provisions listed above may have an indirect effect on the calculation of Georgia taxable income. Adjustments for the items listed below should be added or subtracted on your Georgia income tax form.

1. When property is sold for which the bonus depreciation was claimed, there will be a difference in the gain or loss on the sale of the property.
2. The depreciation adjustment may be different if the taxpayer is subject to the passive loss rules and is not able to claim the additional depreciation on the Federal return.
3. Other Federal items that are computed based on Federal Adjusted Gross Income or Federal Taxable Income will have to be recomputed if the provisions of the Federal Acts are claimed.

Furthermore, in 2003 the IRS started requiring separate reporting, to shareholders of S Corporations and partners of partnerships, for the gain from asset sales for which an I.R.C. Section 179 deduction was claimed. Georgia follows the separate reporting treatment of the gain and the Section 179 deduction. Accordingly, the gain should not be reported directly on the S Corporation or partnership return, but the gain, along with any Georgia adjustment to the gain (due to the Federal acts), should be reported separately to the shareholders or partners.

2009 LEGISLATION

HB 74 (O.C.G.A. § 48-1-2) This bill updates and conforms Georgia's adoption of certain portions of the Internal Revenue Code ("IRC") to the IRC as amended through January 1, 2009. In addition to the "annual update", this bill also adds a new code section to make this same update applicable retroactively to the 2008 tax year. This bill thus incorporates most but not all of the provisions of the federal tax bills that were passed during 2008 for purposes of both the Georgia 2008 and 2009 tax years. Please see the "Federal Tax Changes" section for more information.

HB 186 (O.C.G.A. § 48-7-29.11) This bill extends the Telework Tax Credit for an additional two years. The Telework Credit first became effective in 2008. For 2008 and 2009 a maximum credit of \$2 million was allowed. This bill extends the credit to calendar years 2010 and 2011. It specifies that in no event shall the aggregate amount of tax credits approved by the Commissioner for credits earned in calendar years 2010 or 2011 exceed a \$2.5 million cap. This bill specifies that the Commissioner shall make available a public report on or before December 31, 2012, for credits allowed in calendar year 2010; and on or before December 31, 2013, for credits allowed in calendar year 2011. This bill is effective May 11, 2009.

HB 334 (O.C.G.A. §§ 48-2-32 and 48-2-44.1)

This bill amends and revises O.C.G.A. § 48-2-32(f)(2.1) relating to payments required to be remitted via electronic funds transfer (EFT) for any return, report, or other document pertaining to sales tax, use tax, withholding tax, or motor fuel distributor tax:

1. The former \$5,000 payment threshold has been lowered to \$1,000 for returns required to be filed for tax periods beginning on or after January 1, 2010, but prior to January 1, 2011.
2. It then lowers the \$1,000 payment threshold to \$500 for returns required to be filed for tax periods beginning on or after January 1, 2011.

This bill also adds a new O.C.G.A. § 48-2-44.1, which imposes a penalty for any sales tax, use tax, withholding tax, or motor fuel distributor tax return which is required to be filed electronically and is not:

1. The taxpayer will have been considered not to have filed the required return, which is similar to the Internal Revenue Code electronic filing provisions. However, any such taxpayer whose electronic filing was first transmitted on or before the due date of the return, including any extensions, and which was rejected shall be allowed to perfect the electronic filing under rules consistent with those applied by the Internal Revenue Service with respect to rejections of returns which are required to be electronically transmitted or filed.
2. Vendors compensation will be forfeited by taxpayers failing to make the required filing as provided for in O.C.G.A. § 48-8-50.
3. The penalty is the greater of \$25 for each such return, or 5% of the tax due on each such return (before applying any payments or credits).
4. The penalty will not be imposed if the failure to file was due to reasonable cause and not due to gross or willful neglect or disregard for the law. This bill is effective January 1, 2010.

HB 379 (O.C.G.A. §§ 48-7-21, 48-7-27, and 48-7-28.4) This bill establishes a new Code Section which requires expenses paid to captive real estate investment trusts to be added back to Georgia income. This bill does allow the adjustment to be reduced to the extent the captive real estate investment trust has expenses that were paid to unrelated third parties. It also allows the adjustment to be reduced to the extent the captive real estate investment trust's income is taxed by another state. This bill is effective for tax years beginning on or after January 1, 2010.

HB 410 (O.C.G.A. §§ 33-8-4, 33-8-8.1, 33-8-8.2, 48-7-27 and 48-7-29.13) Sections 4 and 5 of this bill change the individual income tax deduction and the income tax credit for high deductible health plans that were enacted in HB 977 during the 2008 Legislative Session. Previously, the high deductible health plan had to be established and used with a health savings account. Now, the high deductible health plan only needs to be a high deductible health plan as defined in Section 223 of the Internal Revenue Code. The income tax provisions of this bill are effective for tax years beginning on or after January 1, 2009.

HB 438 (O.C.G.A. § 48-7-40.24) This bill makes changes to the credit provided by O.C.G.A. § 48-7-40.24. This bill is effective for tax years beginning on or after January 1, 2009. The changes are summarized as follows:

1. This bill broadens the definition of business enterprise from any business or the headquarters of any such business which is engaged in manufacturing, to any enterprise or organization which is registered and authorized to use the federal employment verification system known as "E-Verify" or any successor federal employment verification system and is engaged in or carrying on any business activities within this state. Retail businesses are still not included in the definition of a business enterprise.
2. This bill provides a new requirement that an "eligible full-time employee" must: (1) possess a valid Georgia driver's license or identification card issued by the Georgia Department of Driver Services; or (2) submit a notarized affidavit swearing to be a United States citizen or lawfully present alien authorized to work in the United States.
3. It specifies that a "qualified project" means a project which meets the job creation requirement and either the payroll requirement or qualified investment property requirement. Current law requires that they meet both the job creation requirement and the investment property requirement and does not include a payroll requirement.
4. If the taxpayer selects the qualified investment property requirement, the property must involve the construction of one or more new facilities in this state or the expansion of one or more existing facilities in this state. For purposes of this paragraph, the term facilities means all facilities comprising a single project, including noncontiguous parcels of land, improvements to such land, buildings, building improvements, and any personal property that is used in the facility or facilities. Current law requires that the facilities be contiguous to the manufacturing facility.
5. It provides that projects certified by the panel before January 1, 2009, shall be governed by this code section as it was in effect for the taxable year the project was certified.

NEW INFORMATION

2009 LEGISLATION (CONTINUED)

HB 439 (O.C.G.A. §§ 48-7-40, 48-7-40.1, 48-7-40.5, 48-7-40.12, 48-7-40.15 and 48-7-40.17) This bill changes a number of income tax credits. This bill is effective for tax years beginning on or after January 1, 2009. The changes are summarized as follows: This bill amends O.C.G.A. § 48-7-40, jobs tax credit:

1. Adds to the definition of a business enterprise a business or headquarters of a business that provides services for the elderly and persons with disabilities.
2. Allows the credit to be claimed beginning with the year the job is created as opposed to the year after the job is created.
3. Allows the credit to be claimed against withholding tax for a business enterprise engaged in a competitive project (as certified by the Department of Economic Development) which is located in a tier 2, 3, or 4 county.
4. Allows the additional \$500.00 tax credit to be claimed in the year the job is created as opposed to the year after the job is created.
5. Provides that additional new full-time jobs created in the 4 years after the initial year shall be eligible for the credit.
6. Requires that the credit be claimed within 1 year instead of the normal 3 year statute of limitation period.
7. Provides that taxpayers that initially claimed this credit for any taxable year beginning before January 1, 2009, shall be governed, for purposes of all such credits claimed as well as any credits claimed in subsequent taxable years related to such initial claim, by this code section as it was in effect for the taxable year in which the taxpayer made such claim.

This bill amends O.C.G.A. § 48-7-40.1, jobs tax credits for business enterprises in less developed areas:

1. Allows the credit to be claimed beginning with the year the job is created as opposed to the year after the job is created.
2. Provides that additional new full-time jobs created in the 4 years after the initial year shall be eligible for the credit.
3. Requires that the credit be claimed within 1 year instead of the normal 3 year statute of limitation period.
4. Provides that taxpayers that initially claimed this credit for any taxable year beginning before January 1, 2009, shall be governed, for purposes of all such credits claimed as well as any credits claimed in subsequent taxable years related to such initial claim, by this code section as it was in effect for the taxable year in which the taxpayer made such claim.

This bill amends O.C.G.A. § 48-7-40.5, tax credits for approved retraining:

1. Provides that approved retraining shall not include any retraining on commercially, mass produced software packages for word processing, data base management, presentations, spreadsheets, e-mail, personal information management, or computer operating systems except a retraining tax credit shall be allowable for those providing support or training on such software.
2. Provides a cap of \$1,250 per year per full-time employee who has successfully completed more than one approved retraining program.
3. Requires that the credit be claimed within 1 year instead of the normal 3 year statute of limitation period.

This bill amends O.C.G.A. § 48-7-40.12, tax credit for qualified research expenses:

1. Changes the definition of base amount to use a calculation based on "Georgia gross receipts" instead of "Georgia taxable net income."
2. Specifies that "Georgia gross receipts" shall be the numerator of the gross receipts factor provided in subsection (d) of Code Section 48-7-31.
3. Specifies that a business enterprise need not have had a positive taxable net income for the preceding three taxable years in order to claim the research tax credit.
4. Allows the credit to be claimed against withholding tax in the first five years of a newly formed business enterprise's operations in this state.

This bill amends O.C.G.A. § 48-7-40.15, the port activity tax credit:

1. Specifies that the current definition of "base year port traffic" shall apply to taxable years beginning prior to January 1, 2010.
2. Specifies that for all taxable years beginning on or after January 1, 2010, "base year port traffic" means the amount of imports and exports during the second preceding 12 month period. For example, if the taxpayer is trying to claim the credit for 2010, they would compare 2009 to 2008 and if the increase is more than 10% they would qualify.
3. Specifies that the current definition of "port traffic" shall apply to taxable years beginning prior to January 1, 2010.
4. Specifies that for all taxable years beginning on or after January 1, 2010, "port traffic" means the amount of imports and exports as opposed to the current law which only allows exports.

This bill amends O.C.G.A. § 48-7-40.17, by changing the headquarters job tax credit into the quality jobs tax credit:

1. Defines the term "new quality job" to mean a job that: 1) Has a regular work week of 30 hours or more; 2) Is not a job that is or was already located in Georgia regardless of which taxpayer the individual performed services for; 3) Pays at or above 110 percent of the average wage of the county in which it is located; and 4) is located in Georgia;
2. Changes the headquarters credit so that it applies to all taxpayers creating at least 50 "new quality jobs" instead of the current law which allows the credit based on a taxpayer moving their headquarters to Georgia.
3. Specifies that the credit amount shall be based on the pay of the new quality job and provides different credit amounts depending upon the pay.
4. Requires that the credit be claimed within 1 year instead of the normal 3 year statute of limitation period.
5. Provides that taxpayers that initially claimed the headquarters job tax credit for any taxable year beginning before January 1, 2009, shall be governed, for purposes of all such credits claimed as well as any credits claimed in subsequent taxable years related to such initial claim, by this code section as it was in effect for the taxable year in which the taxpayer made such claim.

NEW INFORMATION

2009 LEGISLATION (CONTINUED)

HB 444 (O.C.G.A. § 48-2-62) This bill adds a new O.C.G.A. § 48-2-62 to provide for preparer penalties that are modeled after the IRS preparer penalties. This bill is effective May 4, 2009.

This bill specifically:

1. Defines 'tax return preparer' as any person who prepares for compensation, or who employs one or more persons to prepare for compensation, any return of tax imposed under Chapter 7, 7A, or 8 (income and sales taxes) or any claim for refund of such taxes.
2. Provides various civil penalties for certain actions such as:
 - a. Preparing a return with a position that does not have a reasonable basis, \$500 per return.
 - b. Preparing a return with a willful attempt to understate the liability and a reckless or intentional disregard of the law, greater of \$5,000 or 50% of the income to be derived, per return.
 - c. Failure to sign a return, \$50 per return with a maximum of \$25,000 per year.
 - d. Failure to furnish the tax preparer's identification number, \$50 per return with a maximum of \$25,000 per year.
 - e. Fraudulently endorsing any check which is issued to a taxpayer, \$500 per check.
3. In addition, the bill allows the Commissioner to seek an injunction to stop a tax return preparer from preparing returns when the preparer has demonstrated a pattern of committing certain of the actions described above.

HB 473 (O.C.G.A. §§ 50-23-21 and 50-25-8) The portion of this bill that relates to the Department of Revenue specifies that a person receiving a grant from GEFA under O.C.G.A. § 50-23-21 shall not be eligible to claim any tax credit under O.C.G.A. § 48-7-29.14 (Clean Energy Property Tax Credit), or any other grant under O.C.G.A. § 50-23-21, with respect to the same clean energy property. This bill is effective May 22, 2009.

HB 485 (O.C.G.A. §§ 48-2-8, 48-2-35, 48-2-35.1, 48-2-55, 48-7-29.16, and 48-7-40.15A) The provisions of this bill are summarized as follows:

1. Amends the qualified education expense tax credit to allow preapproved taxpayers that claim the credit to file electronically. The bill does not require the Student Scholarship Organization's letter of confirmation to be attached to the return; the taxpayer must make it available upon request by the Commissioner. This provision of the bill is effective for tax years beginning on or after January 1, 2008.
2. The administrative provisions of this bill are as follows and are effective May 5, 2009:
 - a. The Commissioner can serve subpoenas by registered or certified mail or statutory overnight delivery as opposed to the current practice of service by a marshal.
 - b. Requires taxpayers to list specific transactions within a refund claim. Gives taxpayers the same right to administratively protest a refund claim denial as they currently have for protests of tax assessments.
 - c. Allows taxpayers the option of getting a sales tax refund directly from the vendor or the taxpayer may still seek a refund directly from the Department.
 - d. The Commissioner can serve summons of garnishment by registered or certified mail or statutory overnight delivery as opposed to the current practice of service by a marshal.

3. Creates O.C.G.A. § 48-7-40.15A which establishes a new port tax credit.

These provisions of the bill are effective May 5, 2009:

- a. The definitions of "base year port traffic" and "port traffic" include imports and exports of product.
- b. Allows the credit to any business enterprise located in a tier two or three county established pursuant to O.C.G.A. § 48-7-40 and in a less developed area established pursuant to O.C.G.A. § 48-7-40.1 and which qualifies and receives the tax credit under O.C.G.A. § 48-7-40.1 and which:
 1. Consists of a distribution facility of greater than 650,000 square feet in operation in this state prior to December 31, 2008;
 2. Distributes product to retail stores owned by the same legal entity or its subsidiaries as such distribution facility; and
 3. Has a minimum of 8 retail stores in this state in the first year of operations.
- c. Provides that no business enterprise shall be authorized to claim both this credit and the port credit provided in O.C.G.A. § 48-7-40.15, unless such business enterprise has increased its port traffic of products during the previous twelve month period by more than 20 percent above its base year port traffic, and also has increased employment by 400 or more no sooner than January 1, 1998.
- d. Provides that this tax credit, in addition to the tax credit under O.C.G.A. § 48-7-40, shall be limited to an amount not greater than 50 percent of the taxpayer's state income tax liability which is attributable to income derived from operations in this state for that taxable year.
- e. Specifies that the sale, merger, acquisition, or bankruptcy of any taxpayer shall not create new eligibility for any succeeding taxpayer, but any unused credit may be transferred and continued by any transferee of the taxpayer.
- f. Provides that no credit may be claimed and allowed under this code section for any jobs created on or after January 1, 2015.

GENERAL INFORMATION

FILING REQUIREMENTS

A partnership, limited liability company, syndicate, group, pool, joint venture and unincorporated organization which is engaged in business or derives income from property located in Georgia or has members domiciled in Georgia, and which is required to file a Federal Income Tax return on Form 1065, is required to file a Georgia Income Tax return on Form 700.

WHEN AND WHERE TO FILE

Form 700 must be filed on or before the 15th day of the fourth month following the close of the taxable year. Mail the form to: Georgia Department of Revenue, P.O. Box 740315, Atlanta, Georgia 30374-0315. If you list a credit on Form 700, Schedule 2, mail your return to: Georgia Department of Revenue, P. O. Box 49431, Atlanta, Georgia 30359-1431.

FEDERAL AUDIT

If the Internal Revenue Service has adjusted net income within the last five years, a detailed statement of these adjustments must be submitted under separate cover to: Georgia Department of Revenue, Processing Center, P.O. Box 740315, Atlanta, Georgia 30374-0315.

AMENDED RETURNS

If a partnership becomes aware of changes it must make after filing its return, it should file an amended Form 700. Check the amended box on Form 700 and submit an amended K-1 for each partner and a complete copy of the amended Federal partnership return, including schedules, if applicable.

RELATION TO THE FEDERAL RETURN

The Georgia return correlates to the Federal return in most respects (see information below about Federal tax changes). The accounting period and method used for the Georgia return must be the same as on the Federal return.

A complete copy of the Federal return and all supporting schedules must be attached to the Georgia return. Otherwise, your return will be deemed incomplete.

ADJUSTMENTS TO FEDERAL INCOME (Schedules 4 and 5)

To determine the total income for Georgia purposes, certain adjustments as provided by Georgia law are included in the computations for Schedules 4 and 5. The total additions to Federal Income should be placed on Line 9 of Schedule 7, and listed in Schedule 4. Georgia does not allow the Federal deduction for income attributable to domestic production activities (IRC Section 199). An adjustment to the Georgia partnership return is not required if the partnership is not allowed the Section 199 deduction directly, but instead passes the information needed to compute the deduction to the partners. **A partnership must add back all intangible expense and related interest expense directly or indirectly paid to a related member. All such expense must be listed as an addition to Federal income even if the taxpayer qualifies for an exception. If the taxpayer qualifies for a full or partial exception, Form IT Addback must be completed in order for the taxpayer to take a subtraction on Schedule 5 for all or any portion of the addition listed on Schedule 4.**

A taxpayer must addback payments of more than \$600 in a taxable year made to employees who are not authorized employees and who are not excepted by O.C.G.A. § 48-7-21.1. An authorized employee is someone legally allowed to work in the United States.

The total subtractions from Federal income should be shown on Line 11 of Schedule 7, and listed in Schedule 5. The more commonly used items are listed in each schedule.

Additionally, adjustments due to other Federal tax changes should be reported as stated on page 1.

U.S. obligation income must be reduced by direct and indirect interest expense. To arrive at such reduction, the total interest expense is multiplied by a fraction, the numerator of which is the taxpayer's average adjusted basis of the U.S. obligations, and the denominator of which is the average adjusted basis of all assets of the taxpayer.

Any expense that is subject to further limitation (e.g., Section 179 Deduction, Charitable Contributions, etc.) is not deductible in calculating total income for Georgia purposes. However, these expenses may be deductible on the partner's income tax return.

Where salaries and wages are reduced in computing Federal taxable income because a federal jobs tax credit has been taken, which required the elimination of the salary and wages deduction, the eliminated salary and wage deduction shall be subtracted from Georgia taxable income. Regulation 560-7-7-.05 defines the term "federal jobs tax credit".

Taxpayers who are parties to state contracts may subtract from Federal taxable income or Federal adjusted gross income 10% of qualified payments to minority subcontractors or \$100,000, whichever is less, per taxable year.

A list of certified minority subcontractors will be maintained by the Commissioner of the Department of Administrative Services for the Revenue Department and general public. To register your business as a minority subcontractor or to view the list, call 404-656-6315 or visit <http://ssl.doas.state.ga.us/VendorDB/mainframe.jsp>.

INCOME APPORTIONMENT AND ALLOCATION (Schedules 6 and 1)

If any Partnership, domestic or foreign, is doing business or owns property both within and without Georgia, the average ratio as computed in Schedule 6 should be used to compute Georgia Net Income in Schedule 1. If the business income of the partnership is derived from Georgia sources, from property owned or business done within this State, and in part from property owned or business done without this State, the tax shall be imposed only on that portion of the business income which is reasonably attributable to Georgia sources and property owned and business done within this State, to be determined as follows:

(1) Interest received on bonds held for investment and income received from other intangible property held for investment are not subject to apportionment. Rentals received from real estate held purely for investment purposes and not used in the operation

GENERAL INFORMATION (continued)

of the business are also not subject to apportionment. All expenses connected with the interest and rentals from such investments are likewise not subject to apportionment but must be applied against the investment income. The net investment income from intangible property shall be allocated to Georgia if the partnership's situs is in Georgia, or the intangible property was acquired as income from property held in Georgia, or as a result of business done in Georgia. Net investment income from tangible property in Georgia shall be allocated to Georgia.

(2) Gains from the sale of tangible or intangible property not held, owned or used in connection with the trade or business of the partnership, nor for sale in the regular course of business, shall be allocated to Georgia if the property sold is real or tangible personal property situated in this State, or intangible property having an actual situs or a business situs within this State. Otherwise the gains shall not be allocated to this State.

(3) Net income of the above classes having been separately allocated and deducted, the remainder of net business income shall be apportioned as follows:

ONE FACTOR FORMULA

(a) Gross Receipts Formula. The gross receipts factor is the ratio of gross receipts from business done within this State to total gross receipts from business done everywhere.

Receipts derived from the sale of tangible personal property shall be deemed to have been derived from business done in Georgia if they were received from products shipped to customers in this State or products delivered within this State to customers.

When receipts are derived from business other than the sale of tangible personal property, receipts shall be deemed to have been derived in Georgia if received from customers within this state, or if the receipts are otherwise attributable to this State's marketplace.

■ For tax years beginning on or after January 1, 2008, the Georgia apportionment ratio shall be computed by applying only the gross receipts factor. See Rules and Regulation 560-7-7-.03(4)(d) for specific details.

■ For tax years beginning on or after January 1, 2006, a company whose net income is derived from the manufacture, production, or sale of tangible personal property, and from business other than the manufacture, production, or sale of tangible personal property, must include gross receipts from both activities in their receipts factor.

■ For tax years beginning on or after January 1, 2006, a company whose net income is derived from business other than the manufacture, production, or sale of tangible personal property, only includes in their receipts factor gross receipts from activities which constitute the taxpayer's regular trade or business.

(b) For the purpose of this section, the word "sale" shall include the extraction and recovery of natural resources and all processes of fabricating and curing.

(c) Apportionment of Income; Business Joint Venture and Business Partnerships. A corporation which is involved in a business joint venture, or is a partner in a business partnership, must include its pro rata share of the joint venture or partnership property, payroll, and gross receipts values in its own apportionment formula.

COMPUTATION OF TOTAL INCOME FOR GEORGIA PURPOSES (Schedule 7)

Schedule 7 reflects flow-through income from the federal return which is taxable to the individual partners. A resident partner is required to report his full share of partnership income or loss. A nonresident partner is required to report only his share of Georgia-apportioned and Georgia-allocated income.

Payments made to a partner for services rendered or interest on capital contributions are not deductible when computing the partnership's net income.

Schedule 7 is similar to the Federal Schedule K. Enter the total amounts from each category on Schedule 7 where applicable.

INCOME TO PARTNERS (Schedule 3)

This schedule provides space to show identifying information and income distributable to the individual partners.

Enter for each partner: 1. Name; 2. Street and Number; 3. City, State and Zip Code; 4. Social Security or Federal Identification Number; 5. Profit (Loss) sharing ratio; 6. Georgia Source Income. If the partnership has more than 5 partners, attach a separate schedule for the additional partners in the same format.

Total Georgia source income may differ from total net income because some of the partnership income (e.g., guaranteed payments) may not be based on the profit sharing ratio, or the partner is a Georgia resident. See example on page 8.

GEORGIA COUNTY CODE NUMBERS

001 - Appling	054 - Evans	107 - Newton
002 - Atkinson	055 - Fanning	108 - Oconee
003 - Bacon	056 - Fayette	109 - Oglethorpe
004 - Baker	057 - Floyd	110 - Paulding
005 - Baldwin	058 - Forsyth	111 - Peach
006 - Banks	059 - Franklin	112 - Pickens
007 - Barrow	060 - Fulton	113 - Pierce
008 - Bartow	061 - Gilmer	114 - Pike
009 - Ben Hill	062 - Glascock	115 - Polk
010 - Berrien	063 - Glynn	116 - Pulaski
011 - Bibb	064 - Gordon	117 - Putnam
012 - Bleckley	065 - Grady	118 - Quitman
013 - Brantley	066 - Greene	119 - Rabun
014 - Brooks	067 - Gwinnett	120 - Randolph
015 - Bryan	068 - Habersham	121 - Richmond
016 - Bulloch	069 - Hall	122 - Rockdale
017 - Burke	070 - Hancock	123 - Schley
018 - Butts	071 - Haralson	124 - Screven
019 - Calhoun	072 - Harris	125 - Seminole
020 - Camden	073 - Hart	126 - Spalding
021 - Candler	074 - Heard	127 - Stephens
022 - Carroll	075 - Henry	128 - Stewart
023 - Catoosa	076 - Houston	129 - Sumter
024 - Charlton	077 - Irwin	130 - Talbot
025 - Chatham	078 - Jackson	131 - Taliaferro
026 - Chattahoochee	079 - Jasper	132 - Tattnall
027 - Chattooga	080 - Jeff Davis	133 - Taylor
028 - Cherokee	081 - Jefferson	134 - Telfair
029 - Clarke	082 - Jenkins	135 - Terrell
030 - Clay	083 - Johnson	136 - Thomas
031 - Clayton	084 - Jones	137 - Tift
032 - Clinch	085 - Lamar	138 - Toombs
033 - Cobb	086 - Lanier	139 - Towns
034 - Coffee	087 - Laurens	140 - Treutlen
035 - Colquitt	088 - Lee	141 - Troup
036 - Columbia	089 - Liberty	142 - Turner
037 - Cook	090 - Lincoln	143 - Twiggs
038 - Coweta	091 - Long	144 - Union
039 - Crawford	092 - Lowndes	145 - Upson
040 - Crisp	093 - Lumpkin	146 - Walker
041 - Dade	094 - Macon	147 - Walton
042 - Dawson	095 - Madison	148 - Ware
043 - Decatur	096 - Marion	149 - Warren
044 - DeKalb	097 - McDuffie	150 - Washington
045 - Dodge	098 - McIntosh	151 - Wayne
046 - Dooly	099 - Meriwether	152 - Webster
047 - Dougherty	100 - Miller	153 - Wheeler
048 - Douglas	101 - Mitchell	154 - White
049 - Early	102 - Monroe	155 - Whitfield
050 - Echols	103 - Montgomery	156 - Wilcox
051 - Effingham	104 - Morgan	157 - Wilkes
052 - Elbert	105 - Murray	158 - Wilkinson
053 - Emanuel	106 - Muscogee	159 - Worth

ADDITIONAL INFORMATION

CORPORATE PARTNERS OF PARTNERSHIPS

A corporation will be considered to own property in Georgia, do business in Georgia, or have income from Georgia sources whenever the corporation is a partner, whether limited or general, in a partnership which owns property or does business in Georgia, or has income from Georgia sources.

LIMITED LIABILITY COMPANY

Each limited liability company and foreign limited liability company shall be classified as a partnership for Georgia tax purposes unless classified otherwise for Federal income tax purposes, in which case the limited liability company or foreign limited liability company shall be classified for Georgia tax purposes in the same manner as it is classified for federal income tax purposes.

NET WORTH TAX

The partnership return is for information only. Therefore, partnerships are not subject to net worth tax.

INSTRUCTIONS FOR PARTNERSHIPS WITH NONRESIDENT PARTNERS

Nonresident partners of partnerships doing business both within and without Georgia shall compute their proportionate part of the partnership's allocated and apportioned income from the schedules on Form 700. Georgia net income computed on Line 7 of Schedule 1 should be multiplied by the percentage of ownership. This amount is further adjusted by the partner's share of the separately stated items mentioned in the Federal Tax Changes section on page 1 and the Adjustments to Federal Income section on page 5.

A partnership that owns property or does business within this State is required by O.C.G.A. § 48-7-129 to withhold on distributions paid or distributions credited to its nonresident partners. The withholding tax rate is 4%. Withholding is not required if the aggregate annual distributions paid or distributions credited to each partner are less than \$1,000. As an alternative to withholding, the partnership may file a composite return (Form IT CR) for its nonresident partners. Permission is not required to file a composite return. Please check the Composite Return Filed box on Page 1 of Form 700.

Subsection (c) of O.C.G.A. § 48-7-24 provides an exemption from Georgia income tax for a nonresident partner who receives income from a partnership which derives income exclusively from buying, selling, dealing in, and holding securities on its own behalf and not as a broker. Accordingly, withholding under O.C.G.A. § 48-7-129 would not apply to distributions paid or credited in this situation.

Note: This subsection does not apply to a family limited partnership or similar nontaxable entity, the majority interest of which is owned by one or more natural or naturalized citizens related to each other within the fourth degree of reckoning according to the laws of descent and distribution. Also, this subsection does not apply to a partner that participates in the

management of the partnership or that is engaged in a unitary business with another person (including entities) that participates in the management of the partnership.

GUARANTEED PAYMENT EXAMPLE

The following example illustrates how guaranteed payments should be treated when there is a nonresident partner: There are two partners in the partnership. Partner One is a resident of Georgia and owns 25% of the partnership. Partner One receives a guaranteed payment of \$10. Partner Two is a nonresident of Georgia and owns 75% of the partnership. Partner Two receives a guaranteed payment of \$40. The profit and loss sharing ratio is the same as the ownership percentage. The Georgia apportionment ratio on line 2, schedule 6, of Form 700 is 50%.

Ordinary income reported on	
line 1, schedule 7, of Form 700	\$100
Guaranteed payment reported on	
line 5, schedule 7, of Form 700	\$50
Total income for Georgia purposes,	
line 12, schedule 7, of Form 700	\$150

Partner One (resident) is required to report \$35 on the Georgia return. The entire \$10 guaranteed payment plus the share of the ordinary income of the partnership, which is \$25 (\$100 ordinary income placed on line 1, schedule 7, of Form 700 multiplied by the ownership percentage of 25%). Partner Two (nonresident) is required to report \$57.50 on the Georgia return. The Georgia portion of the guaranteed payment is \$20 (\$40 guaranteed payment multiplied by the Georgia ratio of 50%) plus the share of the Georgia portion of the ordinary income of the partnership, which is \$37.50 (\$100 ordinary income placed on line 1, schedule 7, of Form 700 multiplied by their ownership percentage of 75% multiplied by the Georgia ratio of 50%).

FREQUENTLY ASKED QUESTIONS

Answers to frequently asked questions regarding corporations, S Corporations, partnerships, LLC's, and nonresident withholding are available on our website at www.dor.ga.gov.

TELEPHONE ASSISTANCE

Compliance Division	(404) 417-6400
Composite Returns	(404) 417-2300
Employer Withholding Information	(404) 417-3210
Income Tax Forms	(404) 417-6011
Registration & Licensing Unit	(404) 417-4490
Taxpayer Services Division	(404) 417-2400

TAX CREDITS

Pass-Through Credits from Ownership of Sole Proprietorship, S Corp, LLC, LLP or Partnership Interest

NOTE: The credit type code numbers referenced below are subject to change from year to year. Please review the codes carefully to ensure you list the correct code number.

<u>Credit TypeCode</u>	<u>Description</u>
101	Employer's Credit for Basic Skills Education. Businesses may benefit by providing or sponsoring basic skills education that enhances reading, writing, or mathematical skills up to and including the 12th grade or classes required to receive a GED certificate. The program is administered by the Department of Technical and Adult Education. This credit should be claimed on Form IT-BE . For more information, refer to O.C.G.A. § 48-7-41.
102	Employer's Credit for Approved Employee Retraining. This credit is for retraining programs that enhance the functional skills of employees otherwise unable to function effectively on the job due to skill deficiencies or who would be displaced because such deficiencies would inhibit their use of new technology. For more information, refer to O.C.G.A. § 48-7-40.5.
103	Employer's Job Tax Credit. This is a statewide job tax credit for certain business enterprises that have hired sufficient numbers of employees. This credit allows certain business enterprises to offset income taxes and, in some instances, receive a credit of withholding dollars which would otherwise be paid in accordance with O.C.G.A. § 48-7-103. There are currently four tiers in the state and the credit values are different for each county. For more information, refer to O.C.G.A. § 48-7-40 and 48-7-40.1.
104	Employer's Credit for Purchasing Child Care Property. This credit is allowed when an employer places into service qualified child care property. The credit cannot equal more than 50 percent of the employer's Georgia income tax liability for the tax year. This credit must be claimed on Form IT-CCC100 . For more information, refer to O.C.G.A. § 48-7-40.6.
105	Employer's Credit for Providing or Sponsoring Child Care for Employees. This is a credit for employer-provided or sponsored child care. The credit cannot be more than 50 percent of the taxpayer's total state income tax liability for that taxable year. This credit must be claimed on Form IT-CCC75 . For more information, refer to O.C.G.A. § 48-7-40.6.
106	Manufacturer's Investment Tax Credit. This credit is based on the same four tiers as the Employer's Jobs Tax Credit and requires certain minimum expenditures. Employers must purchase or acquire qualified investment property pursuant to an approved project plan. For more information, refer to O.C.G.A. §§ 48-7-40.2, 40.3, and 40.4.
107	Optional Investment Tax Credit. This credit is similar to the Manufacturer's Investment Tax Credit; however, there are higher spending thresholds as well as a ten-year calculation. For more information, refer to O.C.G.A. §§ 48-7-40.7, 40.8, and 40.9.
108	Qualified Transportation Credit. This is a credit of \$25 per employee for any "qualified transportation fringe benefit" provided by an employer to an employee as described in Section 132(f) of the IRC of 1986. For more information, refer to O.C.G.A. § 48-7-29.3.
109	Low Income Housing Credit. This is a credit against Georgia income taxes for taxpayers owning developments receiving the federal Low-Income Housing Tax Credit that are placed in service on or after January 1, 2001. Credit must be claimed on Form IT-HC and accompanied with Federal Form K-1 from the providing entity. For more information, refer to O.C.G.A. § 48-7-29.6.
110	Diesel Particulate Emission Reduction Technology Equipment. This is a credit given to any person who installs diesel particulate emission reduction equipment at any truck stop, depot, or other facility. For more information, refer to O.C.G.A. § 48-7-40.19.
111	Business Enterprise Vehicle Credit. This is a credit given to a business enterprise for the purchase of a motor vehicle that is used exclusively to provide transportation for its employees. In order to qualify, a business enterprise must certify that each vehicle carries an average daily ridership of not less than four employees for an entire taxable year. This credit cannot be claimed if the low and zero emission vehicle credit was claimed at the time the vehicle was purchased. For more information, refer to O.C.G.A. § 48-7-40.22.
112	Research Tax Credit. This credit is for expenses resulting from research conducted in Georgia by businesses engaged in the manufacturing, warehousing and distribution, processing, telecommunications, tourism, or research and development industries. For more information, refer to O.C.G.A. § 48-7-40.12.
113	Headquarters Tax Credit. This credit is for businesses establishing or relocating their headquarters to Georgia under certain conditions, and prior to January 1, 2009. The credit may be used to offset 100 percent of the Georgia income tax liability in a taxable year. If the credit exceeds the tax liability in a taxable year, the excess may be taken as a credit against withholding tax. For more information, refer to O.C.G.A. § 48-7-40.17.
114	Port Activity Tax Credit. This credit is for businesses engaged in manufacturing, warehousing and distribution, processing, telecommunications, tourism, or research and development that have increased their port traffic tonnage through Georgia ports in the previous 12 months. For more information, refer to O.C.G.A. § 48-7-40.15.
115	Bank Tax Credit. All financial institutions that conduct business or own property in Georgia are required to file a Georgia Financial Institutions Business Occupation Tax Return, Form 900. Effective on or after January 1, 2001, a depository financial institution with a Sub S election can pass through the credit to its shareholders on a pro rata basis. For more information, refer to O.C.G.A. § 48-7-29.7.

TAX CREDITS (continued)

<u>Credit Type Code</u>	<u>Description</u>
116	Low-Emission Vehicle Credit. This is a credit of the lesser of 10 percent of the cost of the vehicle or \$2,500 for the purchase or lease of a new low-emission vehicle. There is also a credit for the conversion of a standard vehicle to a low-emission vehicle which is equal to 10 percent of the cost of conversion, not to exceed \$2,500 per converted vehicle. Certification approved by the Environmental Protection Division of the Georgia Department of Natural Resources must be included with the return in order to claim the credit. A low emission vehicle is defined as an "alternative fuel" vehicle and does not include any gasoline powered vehicles or hybrids. Low speed vehicles do not qualify for this credit. For more information, refer to O.C.G.A. § 48-7-40.16.
117	Zero-Emission Vehicle Credit. This is a credit of the lesser of 20 percent of the cost of the vehicle or \$5,000, on the purchase or lease of a new zero-emission vehicle. There is also a credit for the conversion of a standard vehicle to a zero-emission vehicle which is equal to 10 percent of the cost of conversion, not to exceed \$2,500 per converted vehicle. Certification approved by the Environmental Protection Division of the Department of Natural Resources must be included with the return in order to claim the credit. A zero-emission vehicle is a motor vehicle that has zero tailpipe and evaporative emissions as defined by the Board of Natural Resources and includes electric vehicles whose drive train is powered solely by electricity, provided the electricity is not generated by an on-board combustion device. Low speed vehicles do not qualify for this credit. For more information, refer to O.C.G.A. § 48-7-40.16.
118	New Facilities Job Credit. This is a tax credit for business enterprises that build new facilities or expand an existing facility in Georgia. The credit is \$5,250 per job created. For more information refer to O.C.G.A. § 48-7-40.24.
119	Electric Vehicle Charger Credit. This is a credit for a business enterprise which purchases an electric vehicle charger located in Georgia. The credit allowed is the lesser of 10 percent of the cost of the charger or \$2,500. For more information, refer to O.C.G.A. § 48-7-40.16.
120	New Manufacturing Facilities Property Credit. This is an incentive for a manufacturer who has operated a manufacturing facility in this state for at least three years and who spends \$800 million on a new manufacturing facility in Georgia. The total credit allowed is \$50 million. For more information, refer to O.C.G.A. § 48-7-40.25.
121	Historic Rehabilitation Credit. A credit is available for the certified rehabilitation of a certified structure or historic home. Standards set by the Department of Natural Resources must be met. The credit must be claimed on Form IT-RHC . For more information, refer to O.C.G.A. § 48-7-29.8 or http://hpd.dnr.state.ga.us .
122	Film Tax Credit. This credit is equal to 20 percent of the base investment in the state, with an additional 10 percent credit for including a qualified Georgia promotion. Production companies which have at least \$500,000 of qualified expenditures in a state certified production may claim this credit by submitting Form IT-FC along with certification from the Film Office of the Georgia Department of Economic Development. This credit may be claimed against 100 percent of the production company's income tax liability and to offset withholding taxes. To claim a credit against withholding, the production company must submit Form IT-WH at least 30 days prior to filing the return on which the credit will be claimed or 30 days prior to the due date of the return if earlier. The Department will review the credit and notify the company of how it may be used. For more information, refer to O.C.G.A. § 48-7-40.26.
123	Teleworking Credit. Employers who permit their employees to telework will be allowed an income tax credit for expenses incurred up to \$1,200 per participating employee. The percentage of the credit for allowed expenditure ranges from 100%, 75% and 25% depending upon whether the business is located in a federal "nonattainment" area, and number of telework days per month required by the participating employees telework agreement. In addition, the employer will also be allowed a credit for conducting a telework assessment in the year of implementation for 100% of the cost of preparing the assessment, up to a maximum of \$20,000 per employer. However, such costs shall not be eligible for the credit if the employer has already deducted such expenses from income in any tax year. The aggregate maximum that can be claimed for this credit is \$2 million in 2008, \$2 million in 2009, \$2.5 million in 2010, and \$2.5 million in 2011. This credit is only available for calendar years 2008 through 2011 and became effective July 1, 2007. Costs incurred between July 1, 2007 and January 1, 2008 will be treated as being incurred on January 1, 2008. Taxpayer must request preapproval to claim this credit on Form IT-TW. For more information, refer to O.C.G.A. §48-7-29.11.
124	Land Conservation Credit. This provides for an income tax credit for the qualified donation of real property that qualifies as conservation land pursuant to Chapter 22 of Title 36. Property donated to increase building density levels or property that will be used, or is associated with the playing of golf shall not be eligible. Taxpayers will be able to claim a credit against their state income tax liability not exceeding 25 percent of the fair market value of the donated property, or 25 percent of the difference between the fair market value and the amount paid to the donor if the donation is effected by a sale of property for less than fair market value, up to a maximum credit of \$250,000 per individual, and \$500,000 per corporation, and \$1 million per partnership. However, the partners of the partnership are subject to the per individual and per corporation limits. The amount of the credit used in any one year may not exceed the taxpayer's income tax liability for that taxable year. Any unused portion of the credit may be carried forward for five succeeding years. The Department of Natural Resources will certify that such donated property is suitable for conservation purposes. A copy of this certificate must be filed with the taxpayer's tax return in order to claim the credit. This credit should be claimed on Form IT-CONSV. For more information, refer to O.C.G.A. §48-7-29.12.

TAX CREDITS (continued)

<u>Credit Type Code</u>	<u>Description</u>
125	Qualified Education Expense Credit. This provides a tax credit for qualified educational expenses. The taxpayer must add back to Georgia taxable income that part of any federal charitable contribution deduction taken on a federal return for which a credit is allowed. The aggregate amount of tax credits allowed is \$50 million per tax year. Taxpayer must request preapproval to claim this credit on Form IT-QEE-TP1. For more information, refer to O.C.G.A. § 48-7-29.16.
126	Seed-Capital Fund Credit. This provides tax credits for certain qualified investments made on or after July 1, 2008. For more information, refer to O.C.G.A. §§ 48-7-40.27 and 48-7-40.28.
127	Clean Energy Property Credit. This provides a tax credit for the construction, purchase, or lease of clean energy property that is placed into service in Georgia between July 1, 2008 and December 31, 2012. The aggregate amount of tax credits allowed for both the clean energy property tax credit and the wood residuals tax credit is \$2.5 million for calendar years 2008, 2009, 2010, 2011, and 2012. A person receiving a grant from GEFA under O.C.G.A. § 50-23-21 shall not be eligible to claim this tax credit with respect to the same clean energy property. Taxpayer must request preapproval to claim these credits on Forms IT-CEP-AP. For more information, refer to O.C.G.A. § 48-7-29.14.
128	Wood Residuals Credit. This provides a tax credit for transporting or diverting wood residuals to a renewable biomass qualified facility on or after July 1, 2008. The aggregate amount of tax credits allowed for both the clean energy property tax credit and the wood residuals tax credit is \$2.5 million for calendar years 2008, 2009, 2010, 2011, and 2012. Taxpayers must request preapproval to claim this credit on Form IT-WR-AP. For more information, refer to O.C.G.A. § 48-7-29.14.
129	Qualified Health Insurance Expense Credit. Effective for taxable years beginning on or after January 1, 2009, an employer (but only an employer who employs 50 or fewer persons either directly or whose compensation is reported on Form 1099) is allowed a tax credit for qualified health insurance expenses in the amount of \$250.00 for each employee enrolled for twelve consecutive months in a qualified health insurance plan. Qualified health insurance means a high deductible health plan as defined by Section 223 of the Internal Revenue Code. The qualified health insurance must be made available to all employees and compensated individuals of the employer pursuant to the applicable provisions of Section 125 of the Internal Revenue Code. The total amount of the tax credit for a taxable year cannot exceed the employer's income tax liability. The qualified health insurance premium expense must equal at least \$250 annually.
130	Quality Jobs Credit. For tax years beginning on or after January 1, 2009, a taxpayer creating at least 50 "new quality jobs" may be entitled to a credit provided certain conditions are met. A "new quality job" means a job that: 1) Is located in this state; 2) Has a regular work week of 30 hours or more; 3) Is not a job that is or was already located in Georgia regardless of which taxpayer the individual performed services for; and 4) which pays at or above 110 percent of the average wage of the county in which it is located. The credit amount varies depending upon the pay of the new quality jobs. The credit must be claimed within 1 year instead of the normal 3 year statute of limitation period. The taxpayer may claim the credit in years one through five for new quality jobs created in year one and may continue to claim newly created jobs through year seven and claim the credit on each of those new quality jobs for five years. The credit may be used to offset 100 percent of the taxpayers Georgia income tax liability in the taxable year. Where the amount of such credit exceeds the taxpayer's tax liability in a taxable year, the excess may be taken as a credit against such taxpayer's quarterly or monthly withholding tax. To claim the credit against withholding, a taxpayer must file Form IT-WH at least 30 days prior to filing the return on which the applicable jobs are claimed or 30 days prior to the due date of the return if earlier. Once the income tax return is filed, the Department has 90 days to review the withholding credit being claimed and notify the business of the approved credit and when and how it may be claimed. For more information, refer to O.C.G.A. § 48-7-40.17.
131	Alternate Port Activity Tax Credit. O.C.G.A. § 48-7-40.15A provides an alternate port tax credit. The definitions of "base year port traffic" and "port traffic" include imports and exports of product. It allows the credit to any business enterprise located in a tier two or three county established pursuant to O.C.G.A. § 48-7-40 and in a less developed area established pursuant to O.C.G.A. § 48-7-40.1 and which qualifies and receives the tax credit under O.C.G.A. § 48-7-40.1 and which: 1. Consists of a distribution facility of greater than 650,000 square feet in operation in this state prior to December 31, 2008; 2. Distributes product to retail stores owned by the same legal entity or its subsidiaries as such distribution facility; and 3. Has a minimum of 8 retail stores in this state in the first year of operations. The business enterprise shall not be authorized to claim both this credit and the port credit provided in O.C.G.A. § 48-7-40.15, unless such business enterprise has increased its port traffic of products during the previous twelve month period by more than 20 percent above its base year port traffic, and also has increased employment by 400 or more no sooner than January 1, 1998. The tax credit, in addition to the tax credit under O.C.G.A. § 48-7-40, shall be limited to an amount not greater than 50 percent of the taxpayer's state income tax liability which is attributable to income derived from operations in this state for that taxable year. No credit may be claimed and allowed under this code section for any jobs created on or after January 1, 2015.

NOTE: The credit type code numbers referenced above are subject to change from year to year.

Please review the codes carefully to ensure you list the correct code number.

For more details about credits and the latest forms, visit our website at: <http://www.dor.ga.gov/inctax/taxcredits.aspx>

STATE OF GEORGIA
DEPARTMENT OF REVENUE
TAXPAYER SERVICES DIVISION
1800 CENTURY BLVD. NE
ATLANTA, GA 30345-3205

TO:
