



# State of Georgia Department of Revenue

## 2012 Partnership Income Tax Forms and General Instructions

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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. Beginning on Page 1 is a "New Information" 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](http://www.dor.ga.gov). There you can download forms and always obtain up-to-date tax information and news from the Department of Revenue. 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.

Douglas J. MacGinnitie  
Commissioner

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# NEW INFORMATION

## FEDERAL TAX CHANGES

The Governor signed House Bill 266 into law. Consequently, for taxable years beginning on or after January 1, 2012, 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) for individuals or federal taxable income for non-individuals) that were enacted **on or before** January 3, 2013. For 2012, the I.R.C. Section 179 deduction is **\$250,000** and the related phase out is **\$800,000**. Georgia has not adopted the Section 179 deduction for certain real property.

### **Exceptions**

Georgia has **not** adopted I.R.C. Section 168(k) (the 30%, 50% and 100% 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 for 2009, 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.
- Deferral of debt income from reacquisitions of business debt at a discount in 2009 and 2010 which is federally 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, 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, 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), I.R.C. Section 168(e)(7).
- 5 year depreciation life for most new farming machinery and equipment, 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, 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.

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.

# NEW INFORMATION

## 2012 Legislation

**HB 100 (Numerous Sections)** This bill creates the Georgia Tax Tribunal which is an independent and autonomous division within the Office of State Administrative Hearings operating under the sole direction of the chief tribunal judge. The Tribunal will also have a small claims division. Although appeals to the Office of State Administrative Hearings that were previously provided pursuant to O.C.G.A. § 50-13-12 are eliminated, the taxpayer will retain the option of appealing directly to Superior Court instead of the Georgia Tax Tribunal. Petitions for appeal of Tribunal decisions will be heard by the Superior Court of Fulton County, sitting as a reviewing court. Taxpayers can file petitions in the Georgia Tax Tribunal beginning January 1, 2013.

**HB 846 (O.C.G.A. §§48-2-15.2, 48-2-55, and 48-3-7)** Section 1 authorizes the publication of redacted letter rulings, effective for letter rulings requested after May 1, 2012. Section 2 of the bill modernizes the provisions governing the Commissioner's levy and sale of personal property. Section 3 of the bill authorizes the commissioner to electronically store, retrieve, and transmit tax executions. House Bill 846 became effective upon its approval by the Governor on May 1, 2012.

**HB 386 (O.C.G.A. §§48-7-26, 48-7-27, and 48-7-29.12)** The income tax portions of this bill provide as follows:  
Section 2-1 of the bill amends Code Section 48-7-26 by raising the personal exemption for married taxpayers filing a joint return from \$5,400 to \$7,400 and for a married taxpayer filing a separate return from \$2,700 to \$3,700.

Section 2-2 caps the retirement exclusion at \$65,000 for 2012 and later for a taxpayer who is age 65 or more (it was previously slated to gradually rise to an unlimited amount by tax year 2016 for a taxpayer who is age 65 or more).

Section 3-1 of the bill amends Code Section 48-7-29.12 (conservation tax credit):

·Specifies that for each application for certification, DNR shall require submission of an appraisal of the qualified donation by the taxpayer along with a nonrefundable \$5,000. application fee; provided, however, that the nonrefundable application fee for property donated to the state shall be 1 percent of the total value of the donation, unless such donation is being made to qualify the state for a federal or state grant.

·Specifies that appraisals received by DNR shall be forwarded to the State Properties Commission for review. The State Properties Commission shall approve the appraisal amount submitted or recommend a lower amount based on its review and inform DNR of its determination. Upon receipt of the State Properties Commission's determination, DNR may proceed with the certification process.

·Specifies that "fair market value" is as determined by the State Properties Commission. Current law states that fair market value means the value of the donated property established by a property appraisal or appraisals meeting the requirements of Section 170 of Title 26 of the United States Code, to be

submitted in such manner as the Commissioner may by regulation require.

·Requires the taxpayer to file a copy of the State Property Commission's determination with their tax return to claim the credit.

·Changes the definition of "qualified donation" to specify that beginning on January 1, 2014, the bona fide charitable non-profit organization must be accredited by the Land Trust Accreditation Commission; to specify that the qualified donation must be for use in a manner consistent with at least two conservation purposes which are now defined in the law; and to eliminate the requirement that the conservation easement must meet the requirements under paragraph (4) of Code Section 12-6A-2.

·Changes the per property credit limitation for partners in a partnership from \$1 million to \$500,000 (note the per taxpayer limitations still apply).

·Requires that the certification issued by the Department of Natural Resources (DNR) specify that the donated property meets certain additional requirements which are now specified in the law.

·Provides that the appraisal required shall be a full narrative appraisal and include:

oA certification page, as established by the Uniform Standards of Professional Appraisal Practice, signed by the appraiser; and

oAn affidavit signed by the appraiser which includes a statement specifying:

·The value of the unencumbered property, the total value of the qualified donation in gross, and an accompanying statement identifying the methods used to determine such values;

·Whether a subdivision analysis was used in the appraisal;

·Whether the landowner or related persons own any other property, the value of which is increased as a result of the donation; and

·That the appraiser is certified pursuant to Chapter 39A of Title 43.

Specifies that a final determination by DNR or the State Properties Commission shall be subject to review and appeal under Chapter 13 of Title 50, the Georgia Administrative Procedure Act.

·Changes the qualified donation limitation from stating that only one qualified donation may be made with respect to any real property that was, in the year prior to donation, within the same tax parcel of record, to stating that only one qualified donation may be made with respect to any real property that was, in the five years prior to the donation, within the same tax parcel of record (but retains the exception for a donation by a person who is not a related person with respect to any prior eligible donors of any portion of such parcel).

·Provides any tax credits earned by a taxpayer in a taxable year beginning on or after January 1, 2013, previously claimed and not used may be transferred or sold in whole or in part by the taxpayer to another Georgia taxpayer but the transferor may make only a single transfer or sale of tax credits earned in a taxable year; however the transfer or sale may involve one or more transferees.

## NEW INFORMATION (continued)

- Changes the penalty relating to an appraisal that has a substantial valuation misstatement.

- Specifies that no credit shall be allowed with respect to any amount deducted from taxable net income by the taxpayer as a charitable contribution.

The income tax portions of this bill are applicable to taxable years beginning on or after January 1, 2013.

**HB 729 (O.C.G.A. § 48-1-2)** The income tax portion of this bill (see Section 1), for taxable years beginning on or after January 1, 2011, adopts certain provisions of all federal acts (as they relate to the computation of Federal Adjusted Gross Income (AGI) for individuals or federal taxable income for non-individuals) that were enacted on or before January 1, 2012. Please see the federal tax change section for more information.

**HB 808 (O.C.G.A. § 48-7-27)** This bill provides an exclusion for disability income received by a disabled veteran who is a citizen and resident of Georgia to the extent the income is included in Federal Adjusted Gross Income. "Disabled veteran" means:

- Any wartime veteran who was discharged under honorable conditions and who has been adjudicated by the United States Department of Veterans Affairs as being at least 90 percent totally

and permanently disabled and entitled to receive service connected benefits; or

- Any veteran who is receiving or who is entitled to receive a statutory award from the United States Department of Veterans Affairs for:

1. Loss or permanent loss of use of one or both feet;
2. Loss or permanent loss of use of one or both hands;
3. Loss of sight in one or both eyes; or
4. Permanent impairment of vision of both eyes of the following status: Central visual acuity of 20/200 or less in the better eye, with corrective glasses, or central visual acuity of more than 20/200 if there is a field defect in which the peripheral field has contracted to such an extent that the widest diameter of visual field subtends on angular distance no greater than 20 degrees in the better eye.

This bill is applicable to taxable years beginning on or after January 1, 2013.

**HB 868 (O.C.G.A. §§ 48-7-40, 48-7-40.1, 48-7-40.12, 48-7-40.15, 48-7-40.17, and 48-7-40.24)** This bill changes certain provisions regarding the following state income tax credits.

The bill amends Code Section 48-7-40 (job tax credit):

- Adds "the manufacturing of alternative energy products for use in solar, wind, battery, bioenergy, biofuel, and electric vehicle enterprises" and "biomedical manufacturing" to the definitions of a "business enterprise" and "existing business enterprise".

- Changes the job creation requirement for a tier 1 county from five jobs to two jobs.

- Allows the existing business enterprise tax credit to be carried forward.

- Specifies that taxpayers that initially claimed this credit for any taxable year beginning before January 1, 2012, 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 initial claim.

The bill amends Code Section 48-7-40.1 (job tax credit for business enterprises in less developed areas):

- Adds "the manufacturing of alternative energy products for use in solar, wind, battery, bioenergy, biofuel, and electric vehicle enterprises" and "biomedical manufacturing" to the definition of a "business enterprise".

- Specifies that taxpayers that initially claimed this credit for any taxable year beginning before January 1, 2012, 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 initial claim.

The bill amends Code Section 48-7-40.12 (research tax credit):

- Provides that where the amount of credit exceeds 50 percent of the business enterprise's remaining Georgia net income tax liability after all other credits have been applied in a taxable year, the excess credit can be used against payroll withholding.

The bill amends Code Section 48-7-40.15 (port activity tax credit):

- Changes the NAICS Code for broadcasting from 516 to 519 in the definition of "broadcasting".

- Adds "the manufacturing of alternative energy products for use in solar, wind, battery, bioenergy, biofuel, and electric vehicle enterprises" and "biomedical manufacturing" to the definition of a "business enterprise".

- Allows a business enterprise under Code Section 48-7-40.1 (job tax credit for business enterprises in less developed areas) to claim the port activity tax credit.

The bill amends Code Section 48-7-40.17 (quality jobs tax credit):

- Eliminates the requirement that a new quality job have no predetermined end date from the definition of "new quality job."

- Specifies that taxpayers that initially claimed this credit for any taxable year beginning before January 1, 2012, 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 initial claim.

The bill amends Code Section 48-7-40.24 (mega tax credit).

This bill is applicable to taxable years beginning on or after January 1, 2012.



## NEW INFORMATION (continued)

**HB 965 (O.C.G.A. §§ 48-7-114 and 48-7-129)** This bill makes the following changes:

Section 1 of the bill amends O.C.G.A. § 48-7-114(e) to provide that fiduciaries shall not be required to pay estimated tax with respect to any taxable year ending before the date two years after the date of the decedent's death in the case of:

1. The estate of such decedent; or
2. A testamentary trust as defined in IRC Section 6654(l)(2)(B).

Section 2 of the bill amends O.C.G.A. § 48-7-129, relating to nonresident withholding for partnerships, Subchapter 'S' corporations, and limited liability companies. Currently withholding is required on any monthly "distributions paid" and on annual "distributions credited but not paid". This bill changes the requirement such that withholding will only be required annually on the nonresident member's share of the taxable income sourced to this state, whether distributed or not. The payment is due on or before the due date (without extensions) for filing the income tax return of the entity.

This bill became effective when the Governor signed the bill and Section 2 is applicable to taxable years beginning on or after January 1, 2012.

**HB 1027 (O.C.G.A. §§ 48-7-40.24 and 48-7-40.26)** This bill makes the following changes:

Section 1 of the bill amends Code Section 48-7-40.24 (mega tax credit):

- Defines the term "affiliate".
- Includes the term "taxpayer", and adds the phrase "and its affiliates" to the definition of "business enterprise".
- Section 1 is applicable to taxable years beginning on or after January 1, 2012.

Section 2 of the bill amends Code Section 48-7-40.26 (film tax credit):

- Changes the definition of "multimarket commercial distribution" to specify that the term means "paid" commercial distribution.
- Includes expenditures (excluding license fees) incurred with Georgia companies for sound recordings and musical compositions in the definition of "production expenditures".
- Eliminates the requirement that a travel agency or travel company must be "based" in Georgia from the definition of "production expenditures"; eliminates the requirement that an insurance agency or company must be "based" in Georgia from the definition of "production expenditures".
- Specifies that the term "production expenditures" shall not include postproduction expenditures for footage shot outside of Georgia, marketing, story rights, or distribution, but shall not affect other qualified story rights; and specifies that payments to a loan-out company that have met their withholding tax obligations as newly specified in the law are included in the definition of "production expenditures".

- Changes the definition of "qualified Georgia promotion" to specify that it includes a qualified movie production which includes a five-second long static or animated logo that promotes Georgia in the end credits before the below-the-line crew crawl for the life of the project and which includes a link to Georgia on the project's web page; and to specify that it includes a qualified TV production which includes an embedded five-second long Georgia promotion during each broadcast worldwide for the life of the project and which includes a link to Georgia on the project's web page.

- Defines the term "qualified interactive entertainment production company".

- Changes the definition of "qualified production activities" to specify that commercials must be televised; to add a comma between "series" and "pilot"; to include video on demand, direct to DVD, digital platforms designed for the distribution of interactive games, and advertiser supported sites as part of multimarket commercial distribution; to eliminate corporations, live venues, the internet, or any other channel of exhibition from multimarket commercial distribution; and to specify that local interest programming, instructional videos, corporate videos, or projects not shot, recorded or originally created in Georgia shall not be included in the definition of "qualified production activities".

- Adds to the definition of "state certified production" by providing that, in the instance of a "work for hire" in which one production company hires another production company to produce a project or contribute elements of a project for pay, the hired company shall be considered a service provider for the hiring company, and the hiring company shall be entitled to the film tax credit.

- Allows a qualified interactive entertainment production company to claim the film tax credit.

- Specifies that in lieu of the inclusion of the Georgia promotional logo, the production company or qualified interactive entertainment production company may offer alternative marketing opportunities to be evaluated by the Georgia Department of Economic Development (DECD) to ensure that they offer equal or greater promotional value to the state of Georgia.

- Provides that DECD shall prepare an annual report detailing the marketing opportunities it has approved and specifies what must be included in the report and when the report must be submitted.

- Specifies that in no event shall the aggregate amount of tax credits allowed for qualified interactive entertainment production companies and affiliates exceed \$25 million. The maximum credit for any qualified interactive entertainment production company and its affiliates shall be \$5 million.

- Provides that the Commissioner shall allow the tax credits for qualified interactive entertainment production companies on a first come, first served basis based on the date the credits are claimed. When the \$25 million cap is reached, the tax credit for qualified interactive entertainment production companies shall expire.

- Section 2 is applicable to taxable years beginning on or after January 1, 2013.

# 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. If the due date falls on a weekend or holiday, the return is due on the next day that is not a weekend or holiday. Calendar year 2012 returns are due on April 15, 2013. Mail the form to: Georgia Department of Revenue, P.O. Box 740315, Atlanta, Georgia 30374-0315.

## WHEN ELECTRONIC FILING IS REQUIRED

Taxpayers that remit payments by electronic funds transfer, whether on a mandatory or voluntary basis, must file all associated returns electronically. Also, a nonindividual income tax return must be electronically filed when the federal counterpart of such return is required to be filed electronically pursuant to the Internal Revenue Code of 1986 or Internal Revenue Service regulations.

## 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 partnership must add back all captive REIT expenses 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 a taxpayer qualifies for a full or partial exception, Form IT-REIT must be completed.

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>.

A partnership may subtract Federally taxable interest received on Georgia municipal bonds designated as "Build America Bonds" under Section 54AA of the Internal Revenue Code of 1986.

"Recovery Zone Economic Development Bonds" under Section 1400U-2 of the Internal Revenue Code or any other bond treated as a "Qualified Bond" under Section 6431 (f) of the Internal Revenue Code are considered "Build America Bonds" for this purpose.

A partnership may subtract federally taxable interest received on Georgia municipal bonds issued by the State of Georgia and certain authorities or agencies of the State of Georgia for which there is a special exemption under Georgia law from Georgia tax on such interest.

## DEFERRED COMPENSATION

A nonresident, who receives deferred compensation or income from the exercise of stock options that were earned in Georgia in a prior year is required to pay tax on the income, but only if the prior year's income exceeds the lesser of: 1) 5 percent of the income received by the person in all places during the current taxable year; or 2) \$5,000. However, the income is not taxed if federal law prohibits the state from taxing it. Federal law prohibits

## GENERAL INFORMATION (continued)

state taxation of some types of retirement income including pensions as well as income received from nonqualified deferred compensation plans if the income is paid out over the life expectancy of the person or at least 10 years. An employer is required to withhold Georgia income tax on any amounts that are required to be included in the nonresident's income.

### 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 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 (Enter the ending percentage that is listed on the Federal K-1); 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 income 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 income 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 the annual partner's share of taxable income sourced to Georgia. The withholding tax rate is 4%. Withholding is not required if the annual partner's share of taxable income sourced to Georgia is less than \$1,000. Also there are various exemptions from nonresident withholding. See Regulation 560-7-8-.34 and Form NRW-Exemption. 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 in this situation.

**Note:** This exemption 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

exemption 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 \$58 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 \$38 (\$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](http://www.dor.ga.gov).

## TELEPHONE ASSISTANCE

Compliance Division .....	404-417-6400
Composite Returns .....	1-877-423-6711
Employer Withholding Information .....	1-877-423-6711
Income Tax Forms .....	1-877-423-6711
Registration & Licensing Unit .....	1-877-423-6711
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 Type Code</u>	<u>Description</u>
101	<b>Employer's Credit for Basic Skills Education.</b> 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 <b>Form IT-BE</b> . For more information, refer to O.C.G.A. § 48-7-41.
102	<b>Employer's Credit for Approved Employee Retraining.</b> 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	<b>Employer's Job Tax Credit.</b> 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	<b>Employer's Credit for Purchasing Child Care Property.</b> 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 <b>Form IT-CCC100</b> . For more information, refer to O.C.G.A. § 48-7-40.6.
105	<b>Employer's Credit for Providing or Sponsoring Child Care for Employees.</b> 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 <b>Form IT-CCC75</b> . For more information, refer to O.C.G.A. § 48-7-40.6.
106	<b>Manufacturer's Investment Tax Credit.</b> 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	<b>Optional Investment Tax Credit.</b> 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	<b>Qualified Transportation Credit.</b> 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	<b>Low Income Housing Credit.</b> 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 <b>Form IT-HC</b> and accompanied with <b>Federal Form K-1</b> from the providing entity. For more information, refer to O.C.G.A. § 48-7-29.6.
110	<b>Diesel Particulate Emission Reduction Technology Equipment.</b> 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	<b>Business Enterprise Vehicle Credit.</b> 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	<b>Research Tax Credit.</b> 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. The credit shall be 10% of the additional research expense over the "base amount"; provided that the business enterprise for the taxable year claims and is allowed a research credit under I.R.C. Section 41. For more information, refer to O.C.G.A. § 48-7-40.12.
113	<b>Headquarters Tax Credit.</b> 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	<b>Port Activity Tax Credit.</b> 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	<b>Bank Tax Credit.</b> 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	<b>Low-Emission Vehicle Credit.</b> 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	<b>Zero-Emission Vehicle Credit.</b> 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	<b>New Facilities Job Credit.</b> 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	<b>Electric Vehicle Charger Credit.</b> 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	<b>New Manufacturing Facilities Property Credit.</b> 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	<b>Historic Rehabilitation Credit.</b> 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 <b>Form IT-RHC</b> . For more information, refer to O.C.G.A. § 48-7-29.8 or <a href="http://www.georgiashpo.org">http://www.georgiashpo.org</a> .
122	<b>Film Tax Credit.</b> 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 <b>Form IT-FC</b> 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 <b>Form IT-WH</b> 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	<b>Teleworking Credit.</b> 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	<b>Land Conservation Credit.</b> This provides for an income tax credit for the qualified donation of real property that qualifies as conservation land. 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. Note, the partnership amount drops to \$500,000 for 2013 and later. 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 ten 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. The taxpayer beginning January 1, 2012, has the option of selling the credit to a Georgia Taxpayer. 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	<b>Qualified Education Expense Credit.</b> 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 (which is indexed for inflation). 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	<b>Seed-Capital Fund Credit.</b> 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	<b>Clean Energy Property Credit.</b> 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, 2014. 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 \$5 million for calendar years 2012, 2013, and 2014. 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. If a taxpayer is denied the Clean Energy Property Tax Credit because the credit cap has been reached, that taxpayer shall be added to a waiting list and receive priority for the following years credit allocation. Credits claimed in calendar years 2012-2014 must be taken in four equal installments over four years. 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	<b>Wood Residuals Credit.</b> 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 \$5 million for calendar years 2012, 2013, and 2014. 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	<b>Qualified Health Insurance Expense Credit.</b> 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	<b>Quality Jobs Credit.</b> 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; 4) which pays at or above 110 percent of the average wage of the county in which it is located; and 5) For a taxpayer that initially claimed the credit in a taxable year beginning before January 1, 2012, the job has no predetermined end date. 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 120 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	<b>Alternate Port Activity Tax Credit.</b> O.C.G.A. § 48-7-40.15 A 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>  
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STATE OF GEORGIA  
DEPARTMENT OF REVENUE  
TAXPAYER SERVICES DIVISION  
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