

Instructions for Form 2106 Employee Business Expenses

Note Regarding the Georgia Form 2106:

Georgia will **not** provide a Form 2106 for tax year 2008. If a taxpayer has any depreciation differences due to the items mentioned below, he or she should add back the Federal Depreciation on Form 500, Schedule 1, Line 4. Then recompute the depreciation using the assumptions below. Subtract this Georgia depreciation on Form 500, Schedule 1, Line 10.

Assets Placed in Service during Tax Years Beginning on or after January 1, 2008. For tax years beginning on or after January 1, 2008, Georgia has now adopted the increased I.R.C. Section 179 deduction (**\$250,000 in 2008**) and the related phase out (**\$800,000 in 2008**) that were enacted during 2008. Georgia has not adopted the following depreciation provisions:

- The 30% and 50% bonus depreciation rules of I.R.C. Section 168(k) 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).
- 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).
- Temporary tax relief provisions relating to the Midwestern disaster area, I.R.C. Sections 1400N(f).

Georgia currently has **not** adopted any changes that occurred during 2009.

Assets Placed in Service during Tax Years Beginning on or after January 1, 2005 and before January 1, 2008. For tax years beginning on or after January 1, 2005 and before January 1, 2008, Georgia did adopt the increased I.R.C. Section 179 deduction amounts and the related phase outs that were enacted as part of Federal Acts passed on or before January 1, 2008. As such, for assets placed in service during 2005 through 2007, the only Georgia depreciation differences are due to I.R.C. Section 168(k) (30% and 50% bonus depreciation), I.R.C. Section 1400L (tax benefits for the New York Liberty Zone), and I.R.C. Section 1400(d)(1) (post 8/28/2006 Gulf Opportunity (GOZ) property).

Assets Placed in Service during Tax Years Beginning before January 1, 2005. For tax years beginning before January 1, 2005, Georgia did not adopt I.R.C. Section 168(k) (30% and 50% bonus depreciation), Section 1400L (tax benefits for the New York Liberty Zone), and I.R.C. 1400N(d)(1) (post 8/28/2006 Gulf Opportunity Zone (GOZ) property). Further, Georgia treated I.R.C. Section 179(b) as it was in effect before enactment of the Jobs and Growth Tax Relief Reconciliation Act of 2003. As such, Georgia continued to use a \$25,000 limit for the Section 179 deduction and a \$200,000 limit for the phase out of the Section 179 deduction. Assets placed in service during tax years beginning before January 1, 2005, should continue to be depreciated using the assumption that the bonus depreciation was not allowed and a lower Section 179 amount was used.