



State of Georgia Department of Revenue

2010 Partnership Income Tax Forms and General Instructions

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- ✓ 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. A list of useful telephone numbers is on Page 6.

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

INDEX

Adjustments to Federal Income	3
Amended Returns	3
Computation of Income for Georgia Purposes	4
Corporate Partners of Partnerships	6
Federal Audit	3
Federal Tax Changes	1
Filing Requirements	3
Georgia County Code Numbers	5
Guaranteed Payments	6
Income Apportionment and Allocation	3
Income to Partners	4
Net Worth Tax	6
Partnerships with Nonresident Partners	6
Tax Credits	7-9
Telephone Assistance	6
When and Where to File	3

NEW INFORMATION

FEDERAL TAX CHANGES

The Governor signed House Bill 168 into law. Consequently, for taxable years beginning on or after January 1, 2010, with exceptions 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, 2011. For 2010 and 2011, 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; 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)(I).
- 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.

The Georgia Tax Center (GTC) is the new on-line Georgia Integrated Tax System that will replace the current e-File & e-Pay system for Corporate Tax payment submission. GTC will allow taxpayers to register their businesses and access their accounts online for easier filing, single file uploads and bulk file uploads. Please visit the GTC website at <https://gtc.dor.ga.gov>.

2010 LEGISLATION:

HB 168 (O.C.G.A. § 46-5-167) This bill modernizes Georgia's telecommunications laws. Only one provision applies to income tax:

■ Certain Georgia-headquartered telephone companies will be able to apply unused Georgia net operating loss carryforwards (from tax years prior to 2010) on a full dollar-for-dollar basis to reduce up to 50 percent of the company's contribution to the Universal Access Fund.

■ The company must notify the Department of its election and its agreeing to forego any rights or claims to the Georgia net operating loss so used.

This bill became effective upon its approval by the Governor on June 4, 2010.

HB 244 (O.C.G.A. § 48-7-29.14) The portion of this bill that relates to income tax, changes the name of the "Georgia Environmental Facilities Authority" to the "Georgia Environmental Finance Authority" for purposes of the Clean Energy Property Tax Credit. This bill became effective on July 1, 2010.

HB 1069 (O.C.G.A. §§ 48-7-40.29, 48-7-40.30, 48-7-29.14, 48-7A-1, and 48-7A-3) The portions of the bill that relate to income tax are as follows:

1. Energy or Water Efficient Equipment Credit - This section establishes an income tax credit for energy or water efficient equipment purchased for business or residential use. The credit is funded with federal funds and is 25% of the cost of the equipment or \$2,500, whichever is less. This becomes effective on January 1 of the year following the year in which federal funds are made available and in which the state auditor certifies in writing to DNR and DOR that such funds have been received, have been deposited in the general fund, and are available for purposes of the credit.

2. Qualified Investor Credit - This section provides a 35% credit for amounts invested in certain Georgia headquartered small businesses. However, the aggregate amount of credit allowed an individual for one or more qualified investments in a single taxable year, whether made directly or by a pass-through entity and allocated to such individual, shall not exceed \$50,000.00. The credit is available for investments made in 2011, 2012, and 2013. The credit is claimed 2 years later, in 2013, 2014, and 2015 respectively. The taxpayer must get approval before claiming the credit. This becomes effective January 1, 2011.

3. Clean Energy Property Credit - This section provides that a taxpayer, who was denied the clean energy property income or premium tax credit because the annual cap had been reached, can reapply the following year and will have priority over other taxpayers for credit allocation in the year of such reapplication. This portion of the bill became effective upon its approval by the Governor on June 4, 2010 and is applicable to all taxable years beginning on or after January 1, 2010.

4. Individual Low Income Credit - This section makes the credit nonrefundable; thus if a taxpayer does not have a tax liability, they will not be entitled to the credit. This portion of the bill became effective upon its approval by the Governor on June 4, 2010 and is applicable to all taxable years beginning on or after January 1, 2010.

HB 1138 (O.C.G.A. §§ 48-1-2, 48-7-21, and 48-7-54)

Section 1 of this bill conforms Georgia's adoption of certain portions of the Internal Revenue Code ("IRC") to the IRC as amended through January 1, 2010. This bill thus incorporates most but not all of the provisions of the federal tax bills that were passed during 2009 for purposes of both the Georgia 2009 and 2010 tax years. Please see the "Federal Tax Changes" section for more information.

Section 2 of this bill adopts the Federal 338 election for Georgia purposes and thus brings Georgia law into conformity with Federal law.

Section 3 of this bill requires return preparers who are required to file individual returns electronically for federal purposes to also file them electronically for Georgia purposes. The new rules apply to returns filed after December 31, 2010.

This bill became effective upon its approval by the Governor on June 3, 2010. The IRC update is applicable for all tax years beginning on or after January 1, 2009. The adoption of the IRC Sec. 338 asset sale treatment applies with respect to stock sales occurring on or after the effective date.

HB 1198 (O.C.G.A. § 48-7-1) This bill requires a nonresident, who receives deferred compensation or income from the exercise of stock options that were earned in Georgia in a prior year, to pay tax on the income, but only if the prior year's income exceeds the lesser of:

■ 5 percent of the income received by the person in all places during the current taxable year; or

■ \$5,000.00.

Note that the income is not taxed if federal law prohibits the state from taxing it. Federal law prohibits 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.

The bill is effective on January 1, 2011 and is applicable to all taxable years beginning on or after January 1, 2011.

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 corporation 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.

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

GENERAL INFORMATION (continued)

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 6.

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 3.

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 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 \$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	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 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. The credit shall be 10% of the additional research expense over the "base amount"; provided that the business enterprise for the same 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	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. 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. For taxable years beginning on or after January 1, 2010, if a taxpayer is denied the Clean Energy Property Tax credit because the credit cap has been reached, that taxpayer can reapply the following year and receive priority for that following year's credit allocation. 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. § 48-7-40.15 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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