

# Composite Return and Withholding

## State Statute Summary (1/2/14)

State	Statute/ Rule	Exemption				Language used to address exemption or reporting
		Full	< \$500	< \$1,000	Othe r	
Alabama	<a href="#">§40-18-24.2. (c) (3) b.</a>				X	b. The pass-through entity is a qualified investment partnership, or a publicly traded partnership as defined by 26 U.S.C. §7704(b) that is treated as a partnership for federal income tax purposes, which provides for inspection by the Department of Revenue upon reasonable notice a list of the names of each of its nonresident owners or unit holders together with their addresses, taxpayer identification numbers, and other information reasonably requested by the Department.
	<a href="#">810-3-24.2-.01 (2)(m.)</a>				X	2.(m) An annual composite return is due for a publicly-traded partnership that is treated as a partnership in accordance with 26 U.S.C. §7704(c). If a composite return is not timely and properly filed by the publicly-traded partnership for a taxable year, then a composite payment is due for the tax year from the partnership in accordance with §40- 18-24.2, Code of Alabama 1975.
Alaska	No composite return and withholding provision					
Arizona	No composite return and withholding provision					
Arkansas	<a href="#">Title 26, Subtitle 5, Chapter 51, Subchapter 9-919 ( c ) (4) A. and B.</a>		X			(A) Is a publicly traded partnership as defined by 26 U.S.C. § 7704(b) of the Internal Revenue Code, as in effect on January 1, 2005, that is treated as a partnership for the purposes of federal income taxation; and (B) Has agreed to file an annual information return reporting the name, address, and taxpayer identification number of each member with an annual Arkansas income greater than five hundred dollars (\$500) along with any other information requested by the director;

	Rule 2006-3 (E)(4)		X			4. When a pass-through entity is a publicly traded partnership, as defined by Section 7704(b) of the Internal Revenue Code (as in effect on January 1, 2005), and is treated as a partnership for purposes of the Internal Revenue Code. Provided, however, that the publicly traded partnership has agreed to file an annual information return reporting the name, address, taxpayer identification number, and any other information requested by the Department of each member with an annual Arkansas income greater than \$500;
California	RTC 18662 (a)	N/A				(a) The Franchise Tax Board may, by regulation, require any person, in whatever capacity acting, including lessees or mortgagors of real or personal property, fiduciaries, employers, and any officer or department of the state or any political subdivision or agency of the state, or any city organized under a freeholder's charter, or any political body not a subdivision or agency of the state, having the control, receipt, custody, disposal, or payment of items of income specified in subdivision (b), to withhold an amount, determined by the Franchise Tax Board to reasonably represent the amount of tax due when the items of income are included with other income of the taxpayer, and to transmit the amount withheld to the Franchise Tax Board at the time as it may designate.
	FTB 1017	X				Question 105: Is withholding required when a partnership makes distribution of California source income to domestic nonresident partners that are partnerships, publicly traded partnerships, or master limited partnerships? Yes. Unless the partnership receives a waiver, the partnership is required to withhold on all California source income distributions made to these domestic nonresident partners. Waivers are generally approved on distributions by publicly traded partnerships and on distributions to brokerage firms and tiered partnerships upon written request.
Colorado	Title 39, Article 22, Part 601 (5)	X				(e.5) Paragraphs (d) and (e) of this subsection (5) shall not apply to a publicly traded partnership, as defined in section 7704 (b) of the internal revenue code, that meets any of the exceptions under section 7704 (c) of the internal revenue code and is not treated as a corporation under section 7704 (a) of the internal revenue code.

Connecticut	Title 12 Chapter 229 Section 719 (b) ( C )		X			(B) Notwithstanding any provision of subparagraph (A) of this subdivision, a partnership shall not be required to make a payment on account of the income tax imposed on a partner for a taxable year pursuant to this chapter if : (iii) the partnership is a publicly traded partnership, as defined in Section 7704(b) of the Internal Revenue Code, that is treated as a partnership for federal income tax purposes and that has agreed to file the annual return pursuant to section 12-726, and to report therewith the name, address, Social Security number or federal employer identification number, and other information required by the department concerning each unitholder whose distributive share of partnership income, to the extent derived from or connected with sources within this state, as reflected on such annual return, is more than five hundred dollars.
	IP 2005 (13.1)		X			Question 19. What are the requirements for a publicly traded partnership? A publicly traded partnership must report the name, address, social security number, or federal employer identification number to DRS for each unitholder whose distributive share of partnership income derived from or connected with Connecticut sources exceeds \$500. A publicly traded partnership fulfills this requirement by filing Form CT-1065/CT-1120SI, and completing Parts II, III, IV, V and VI. In completing those parts, the partnership only reports for those unitholders whose distributive share of the partnership's income derived from or connected with Connecticut sources exceeds \$500. The partnership also furnishes a Schedule CT K-1 to each such unitholder (see Question 13). A publicly traded partnership is not required to make composite income tax payments, including estimated composite income tax payments, on behalf of its unitholders.
Delaware	No composite return and withholding provision					
District of Columbia	No composite return and withholding provision					
Florida	No composite return and withholding provision					
Georgia	Title 48, Chapter 7 Section 129 (e)(1)(E)	X				(e)(1) Notwithstanding subsection (a) of this Code section, a partnership, Subchapter "S" corporation, or limited liability company shall not be required to deduct and withhold tax for a nonresident member if: (E) The partnership is a publicly traded partnership as defined in Section 7704 of the Internal Revenue Code of 1986;

	<a href="#">Chapter 560-7-8-.34-2 (c) and (d).</a>			X		<p>(c) <b>Annual Distributions Less than \$1,000.00.</b> An Entity is not required to withhold tax for a nonresident member if the aggregate annual nonresident member's share of taxable income sourced to this state is less than \$1000.</p> <p>(d) <b>Withholding Under other Provisions of Law, Ordering etc.</b> The nonresident member's share of taxable income sourced to this state is not subject to withholding under O.C.G.A. § 48-7-129 if such income is subject to withholding under other provisions of Georgia law. The nonresident member's share of taxable income sourced to this state shall not include payments to a member in a capacity other than as a member (e.g., salaries from Subchapter „S" corporations, rents, or royalties).</p> <p>Note: Language in the Administrative Code is not directly related to the PTP exemption found in the statute. However, the rules cite several limitations that would also result in relief to PTPs.</p>
Hawaii	No composite return and withholding provision					
Idaho	<a href="#">Title 63, Chapter 30 Section 3036B</a>			X		<p>(3) A pass-through entity is not required to withhold taxes under this section:</p> <p>(b) If the pass-through entity is a publicly traded partnership, as defined in section 7704(b) of the Internal Revenue Code, that is treated as a partnership for purposes of the Internal Revenue Code and that has agreed to file an annual information return reporting the name, address, taxpayer identification number and other information requested by the state tax commission concerning each unitholder whose distributive share of partnership income from Idaho sources is more than five hundred dollars (\$500);</p>

Illinois	Chapter 35, Section 709.5	X			(a) In general. For each taxable year ending on or after December 31, 2008, every partnership (other than a publicly traded partnership under Section 7704 of the Internal Revenue Code or investment partnership), Subchapter S corporation, and trust must withhold from each nonresident partner, shareholder, or beneficiary (other than a partner, shareholder, or beneficiary who is exempt from tax under Section 501(a) of the Internal Revenue Code or under Section 205 of this Act, who is included on a composite return filed by the partnership or Subchapter S corporation for the taxable year under subsection (f) of Section 502 of this Act), or who is a retired partner, to the extent that partner's distributions are exempt from tax under Section 203(a)(2)(F) of this Act) an amount equal to the distributable share of the business income of the partnership, Subchapter S corporation, or trust apportionable to Illinois of that partner, shareholder, or beneficiary under Sections 702 and 704 and Subchapter S of the Internal Revenue Code, whether or not distributed, multiplied by the applicable rates of tax for that partner or shareholder under subsections (a) through (d) of Section 201 of this Act.
Indiana	Title 6 Article 3 Chapter 4 Section 12		N/A		Sec. 12. (a) Every partnership shall, at the time that the partnership pays or credits amounts to any of its nonresident partners on account of their distributive shares of partnership income, for a taxable year of the partnership, deduct and retain therefrom the amount prescribed in the withholding instructions referred to in section 8 of this chapter. Such partnership so paying or crediting any nonresident partner: (1) shall be liable to the state of Indiana for the payment of the tax required to be deducted and retained under this section and shall not be liable to such partner for the amount deducted from such payment or credit and paid over in compliance or intended compliance with this section; and (2) shall make return of and payment to the department monthly whenever the amount of tax due under IC 6-3 and IC 6-3.5 exceeds an aggregate amount of fifty dollars (\$50) per month with such payment due on the thirtieth day of the following month, unless an earlier date is specified by section 8.1 of this chapter. Where the aggregate amount due under IC 6-3 and IC 6-3.5 does not exceed fifty dollars (\$50) per month, then such partnership shall make return and payment to the department quarterly, on such dates and in such manner as the department shall prescribe, of the amount of tax which, under IC 6-3 and IC 6-3.5, it is required to withhold.

Iowa	Title 10, Subtitle 1, Chapter 422.16 (12)(c)		X		<p>c. Notwithstanding this subsection, withholding agents are not required to withhold state income tax from a partner's pro rata share of income from a publicly traded partnership, as defined in section 7704(b) of the Internal Revenue Code, provided that the publicly traded partnership files with the department an information return that reports the name, address, taxpayer identification number, and any other information requested by the department for each unit holder with an income in this state from the publicly traded partnership in excess of five hundred dollars.</p>
	<a href="#">Title 701, Chapter 46.4</a>		X		<p>46.4(1) <i>General rules.</i> Payers of Iowa income to nonresidents are required to withhold Iowa income tax and to remit the tax to the department on all payments of Iowa income to nonresidents except... (7); and partnership distributions from certain publicly traded partnerships described in subrule <b>46.4(8)</b>.</p> <p>46.4(8) <i>Exemption from withholding of partnership distributions made to nonresidents of certain publicly traded partnerships.</i> For tax years beginning on or after January 1, 2008, a nonresident who is a partner in a publicly traded partnership as defined in Section 7704(b) of the Internal Revenue Code is not subject to state withholding tax on the partner's pro rata share, provided that the publicly traded partnership submits the following information to the department for each partner whose Iowa income from the partnership exceeded \$500:</p> <ol style="list-style-type: none"> <li>a. <i>Partner's name.</i></li> <li>b. <i>Partner's address.</i></li> <li>c. <i>Partner's taxpayer identification number.</i></li> <li>d. <i>Partner's pro rata share of Iowa income from the partnership for the tax year.</i></li> </ol> <p>A partnership is a publicly traded partnership if the interests in the partnership are traded on an established securities market or the interests in the partnership are readily traded on a secondary market or its substantial equivalent.</p>

Kansas	Chapter 79, Article 32, Subsection 100e	X				<p>(c) Partnerships are required to withhold tax at a rate equal to the maximum rate imposed on individuals pursuant to subsection (a) of K.S.A. 79-32,110 and amendments thereto, from a nonresident partner's share of Kansas taxable income of the partnership, whether distributed or un- distributed, and pay the withheld amount to the department in the manner prescribed by the department. For a taxable year beginning after 2002, the partnership shall make a return and pay over the withheld funds on or before the due date of the partnership's income tax return, including extensions. Taxes withheld in the name of the nonresident partner must be used as credit against taxes due at the time the nonresident files a return of tax or other applicable information return for the taxable year. <i>The provisions of this subsection shall not apply to any publicly traded partnership, as defined under section 7704 of the federal internal revenue code.</i></p> <p>Note: The existing composite return and withholding statute was amended in 2007 to exempt PTPs.</p>
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Kentucky	Title XI, Chapters <a href="#">141.010</a> <a href="#">(24)</a> and <a href="#">141.206 (1)</a> <a href="#">(a)</a> and <a href="#">(5)</a> <a href="#">(a)</a>	X			<p>For purposes of this paragraph, "corporation" shall not include any publicly traded partnership as defined by Section 7704(b) of the Internal Revenue Code that is treated as a partnership for federal tax purposes under Section 7704(c) of the Internal Revenue Code or its publicly traded partnership affiliates. As used in this paragraph, "publicly traded partnership affiliates" shall include any limited liability company or limited partnership for which at least eighty percent (80%) of the limited liability company member interests or limited partner interests are owned directly or indirectly by the publicly traded partnership;</p> <p>(1) As used in this section unless the context requires otherwise:  (a) For taxable years beginning after December 31, 2004, and before January 1, 2007, "pass-through entity" means a general partnership not subject to the tax imposed by KRS 141.040, including any publicly traded partnership as defined by Section 7704(b) of the Internal Revenue Code that is treated as a partnership for federal tax purposes under Section 7704(c) of the Internal Revenue Code and its publicly traded partnership affiliates. "Publicly traded partnership affiliates" shall include any limited liability company or limited partnership for which at least eighty percent (80%) of the limited liability company member interests or limited partner interests are owned directly or indirectly by the publicly traded partnership; and</p> <p>(5) (a) Every pass-through entity required to file a return under subsection (2) of this section, except publicly traded partnerships as defined in KRS 141.0401(6)(r), shall withhold Kentucky income tax on the distributive share, whether distributed or undistributed, of each:</p> <ol style="list-style-type: none"> <li>1. Nonresident individual partner, member, or shareholder; and</li> <li>2. Corporate partner or member that is doing business in Kentucky only through its ownership interest in a pass-through entity.</li> </ol> <p>Note: Prior to Kentucky enacting a business tax that was applied to all business (except those few who were granted exemptions including the publicly traded partnerships), the state of Kentucky required publicly traded partnerships with file composite returns and withholding. However, publicly traded partnerships were exempted from the requirement under 103 KAR 18:160 effective 11/25/2003.</p>
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Louisiana	Title 47, Section 201.1 (E.)	X			X	<p>A partnership, as such, shall not be subject to the income tax imposed by this Chapter, but those partnerships having any member who is not an individual or who is not a resident of Louisiana shall be required to file a partnership return of income. Persons carrying on business as partners shall be liable for income tax only in their separate or individual capacities.</p> <p>E. Exemption for publicly traded partnerships.  (1) A publicly traded partnership may request an exemption from the composite payment requirements provided for in this Section from the secretary of the Department of Revenue. The request for the exemption must be in writing and contain the partnership name, address, and account number. The secretary may request additional documentation before granting an exemption.  (2) If granted, the exemption shall be effective for three years from the date the exemption is granted. At the end of the three-year period the publicly traded partnership must submit a new exemption request to continue the exemption. The secretary may revoke the exemption if the secretary determines that the nonresident partners are not filing and paying individual income taxes on their own behalf.  (3) Publicly traded partnerships shall file a composite return that includes all nonresident partners who were partners on December thirty-first of the year prior to the due date of the return.  (4) For purposes of this Section, a "publicly traded partnership" is any partnership whose interests are regularly traded on an established securities market, regardless of the number of partners, except for partnerships treated as corporations under Internal Revenue Code Section 7704(a).</p>
	Title 61, Chapter 14, §1401 (Page 77)					<p>Note: Louisiana has promulgated rules relating to Title 47 of the Louisiana Code; However, no references are made to publicly traded partnerships.</p>

Maine	Title 36, Part 8, Chapter 827 §5250-B	N/A	<p>Except as provided by subsection 3, every pass-through entity that does business in this State must withhold income tax at the highest tax rate provided in this Part on the proportionate quarterly share of Maine source income of each nonresident member. The method for determining the amount of the share of income and for determining the amount of withholding for each nonresident member under this section must be prescribed by rules adopted by the assessor. Rules adopted pursuant to this section are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A</p> <p>Note: Maine also excludes any entity from remitting tax on behalf of any entity with less than \$1,000 of income attributable to the State of Maine.</p>
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Title 36,  
Rule 803

**SECTION 2. FILING OF RETURNS**

**803.06(B)(2)** Unless exempt pursuant to this rule or by the Assessor, either by ruling or in published instructions, a pass-through entity must withhold for its nonresident members, including members who are pass-through entities. To prevent multiple withholding on the same income, an upper-tier entity that recognizes distributive income is not required to withhold from nonresident member income generated by a lower-tier entity if the lower-tier entity has already withheld from that income. The upper-tier entity, however, must separately report to its members on Form 1099ME their proportionate distributive share of amounts withheld by the lower-tier entity.

(C) **1. Automatic exemptions.** A pass-through entity is not required to withhold tax for a nonresident member if any of the following applies:

**(a)** The nonresident member's Maine-source member income from the entity will be less than \$1,000 for the current year.

**(c)** The nonresident upper tier pass-through entity realizes income from a lower tier entity and the lower tier entity has already withheld from that income.

**(d)** The entity is a publicly traded partnership that is treated as a partnership under Code section 7704.

**(e)** The nonresident member is a publicly traded partnership that is treated as a partnership under Code section 7704.

Maryland	<a href="#">Title 10, Subtitle 1 Section 102.1 (I)</a>		X			(i) <i>Additional exceptions.</i> - The tax imposed under subsection (b) of this section does not apply to a publicly-traded pass-through entity that has agreed to file with the Comptroller an annual information return reporting the name, address, taxpayer identification number, and other information requested by the Comptroller of each nonresident or nonresident entity member whose distributive share or pro-rata share of the pass-through entity's nonresident taxable income for the taxable year exceeds \$500.
Massachusetts	<a href="#">Title IX, Chapter 62, Section 17,</a>	X				Section 17. A partnership as such shall not be subject to the taxes imposed by this chapter. Individuals carrying on business as partners shall be liable for the taxes imposed by this chapter only in their separate or individual capacities.  (b) A nonresident of the commonwealth who is a member of a partnership that is engaged in the conduct of a trade or business in the commonwealth or that owns or leases real property in the commonwealth, except a nonresident limited partner of a limited partnership engaged exclusively in buying, selling, dealing in or holding securities on its own behalf and not as a broker, shall be subject to the taxes imposed by this chapter on his distributive share of the income received or earned by the partnership from sources taxable under this chapter. He shall include separately in his return his distributive share of such income or loss and of any item of deduction or credit.
	<a href="#">830 CMR 62B.2.2</a>		X			3 (e) <i>Publicly Traded Partnerships.</i> Notwithstanding the withholding requirement under 830 CMR 62B.2.2 (3)(a), publicly traded partnerships are not required to withhold on their members. A publicly traded partnership must, however, complete the annual schedule for pass-through entities under 830 CMR 62B.2.2 (8)(a), except that a publicly traded partnership need not include members receiving \$500 or less in the schedule, and need not report the method of compliance for those members included in the schedule.
Michigan	<a href="#">Chapter 206, Sections 12</a>				X	Section 12 (1) "Flow-through entity" means an S corporation, partnership, limited partnership, limited liability partnership, or limited liability company. Flow-through entity does not include a publicly traded partnership as that term is defined in section 7704 of the internal revenue code that has equity securities registered with the securities and exchange commission under section 12 of title I of the securities exchange act of 1934, chapter 404, 48 Stat. 881, 15 U.S.C. 78l.  <a href="#">Note: Chapter 206.355 Repealed. 2011, Act 38, Eff. Jan. 1, 2012.</a>

	Chapter 206, Section 701				X	(h) "Publicly traded partnership" means that term as defined under section 7704 of the internal revenue code.
	Chapter 206, Section 703	X				(3) Except as otherwise provided by this section, every flow-through entity in this state shall withhold a tax in an amount computed by applying the rate prescribed in section 51 to the distributive share of taxable income reasonably expected to accrue after allocation and apportionment under chapter 3 of each nonresident member who is an individual after deducting from that distributive income the same proportion of the total amount of personal and dependency exemptions of the individual allowed under this act. All of the taxes withheld under this section shall accrue to the state on April 15, July 15, and October 15 of the flow-through entity's tax year and January 15 of the following year, except a flow-through entity that is not on a calendar year basis shall substitute the appropriate due dates in the flow-through entity's fiscal year that correspond to those in a calendar year. Withholding for each period shall be equal to 1/4 of the total withholding calculated on the distributive share that is reasonably expected to accrue during the tax year of the flow-through entity. (10) Every publicly traded partnership that has equity securities registered with the securities and exchange commission under section 12 of title I of the securities and exchange act of 1934, 15 USC 78l, shall not be subject to withholding.
Minnesota	Chapter 290, Subdivision 92-4b d(5)	X				d) Notwithstanding paragraph (a), a partnership is not required to deduct and withhold tax for a nonresident partner if: (5) the partnership is a publicly traded partnership, as defined in section 7704(b) of the Internal Revenue Code.
	MNDOR Chapter 8092.0400	N/A				Note: Rule does not refer to PTP exemption.

Mississippi	Title 27, Chapter 7, Sections 25 and 33	N/A	<p>Section 25. In the event the individual partners fail to report and pay the taxes imposed according to this section, then the partnership and the general partners shall be jointly and severally liable for said tax liability and shall be assessed accordingly. However, the partnership and/or general partner shall not be liable if the partnership withholds five percent (5%) of the net gain or profit of the partnership for the tax year and remits the same to the commissioner. Such amounts paid to the commissioner shall be deemed to be payments of estimated tax of the partners and shall be allocated pro rata to the partners' taxpayer accounts. The commissioner may allow, or require, block or composite filing by a partnership, or withholding on a nonresident partner.</p>
Mississippi (continued)			<p>Section 33. Every partnership shall make a return for each taxable year, stating specifically the items of its gross income and the deductions allowed by this article, and shall include in the return the names and addresses of the individuals who would be entitled to share in the net income, if distributed, and the amount of the distributive share of each individual. The return shall contain an oath or be verified by a written declaration that it is made under the penalties of perjury.</p>

	<p>Title 35, Part III, Subpart 9.01</p>	<p>N/A</p>	<p>101 Partnerships. Return 1. Every partnership, domestic or foreign, deriving income from property owned within the State of Mississippi, or business, trade, profession or occupation, carried on within the State shall make a return for each taxable year. The return shall include the names, addresses and social security numbers or identification numbers of all partners who are entitled to share in the partnership net income. The return shall be signed by any one of the partners and shall be filed on prescribed forms with the Commissioner on or before the due date as provided by statute.</p> <p>102 Nonresident Partner A nonresident individual, who is a member of a partnership owning property or doing business in the State of Mississippi, is subject to tax on his share of the partnership net income, whether distributed or not. If the partnership does business both within and without the state, it will be necessary to compute the income (or loss) of the partnership from sources within the state separately from the other income in order to determine the amount of income taxable to (or the amount of the loss deductible by) the nonresident partners. The nonresident partner is subject to tax only on such share of his income, whether or not distributed, as is assignable to Mississippi.</p> <p>103 Liability of Partnership 1. The partnership and general partners shall be jointly and severally liable for any tax not paid by the partners. Each partner in a partnership, whether general or limited, resident or nonresident, is responsible for paying tax on his share of the net gain or profit from the partnership. If the collection of such tax might not be otherwise reported by the partners, the Commissioner shall require the partnership or the general partners to remit the tax.</p> <p>2. However, the partnership may withhold five percent (5%) of the net gain or profit of the partnership and remit to the Commissioner. The remittance shall be deemed estimated payments of the partners and shall be allocated pro rata to the partners estimated tax account and would be available for refund to the partner if his individual return indicates his tax liability to be less than the five percent (5%) withheld.</p> <p>3. A partnership that elects to withhold the five percent (5%) should file the prescribed form with the Commissioner and remit the tax. This form shall be filed by the due date of the partnership return and a copy shall be provided to the partners after the form is submitted to the Commissioner.</p> <p>4. A partnership that has income from sources within and without Mississippi should withhold from Mississippi source income only.</p> <p>104 Composite Returns 1. A partnership is allowed to file a composite return on behalf of its partners in very limited circumstances. A composite return is a return</p>
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Missouri	<a href="#">Title 10, Chapter 143, Section 143.411</a>	N/A				<p>5. If a partnership pays or credits amounts to any of its nonresident individual partners on account of their distributive share of the partnership income for a taxable year of the partnership, the partnership shall either timely file with the department of revenue an agreement as provided in subsection 6 of this section or withhold Missouri income tax as provided in subsection 7 of this section. A partnership that timely files an agreement as provided in subsection 6 of this section with respect to a nonresident partner for a taxable year shall be considered to have timely filed such an agreement for each subsequent taxable year. A partnership that does not timely file such an agreement for a taxable year shall not be precluded from timely filing such an agreement for subsequent taxable years. A partnership is not required to deduct and withhold Missouri income tax for a nonresident partner if:</p> <p>(2) The nonresident partner not otherwise required to file a return had Missouri assignable federal adjusted gross income from the partnership of less than twelve hundred dollars;</p> <p>(3) An entity electing to be completely excluded from the partnership provisions of the IRC which has nonresident partners shall be required to file Form 65 containing only its name, address and required signature and attach a copy of federal Form 1065 and the statement required with that return for the first taxable year to which the exclusion applied.</p> <p>(5) The return shall be filed on or before the fifteenth day of the fourth month following the close of each taxable year. Taxable year means a year or period which would be a taxable year if the partnership were subject to tax under sections 143.011-143.996, RSMo.</p>
Montana	<a href="#">Title 15, Chapter 30, Part 3302</a>	X			<p>15-30-3302. Income or license tax involving pass-through entities -- information returns required.</p> <p>(4) A publicly traded partnership as defined in section 7704(b) of the Internal Revenue Code, 26 U.S.C. 7704(b), that is treated as a partnership for the purposes of the Internal Revenue Code is exempt from paying tax under Title 15, chapter 30, as long as it is in compliance with 15-30-1113.</p>	

	<a href="#">A.R.M. 42.9.105</a>				X	(7) A publicly traded partnership as defined in section 7704(b) of the IRC, that is treated as a partnership for federal purposes, is exempt from the requirements in (1) for tax years beginning after December 31, 2008, if certain information is provided to the department. This information includes the name, address, taxpayer identification number, and Montana source income of each partner that had an interest in the partnership during the tax year. This information must be provided in an electronic format approved by the department.
Nebraska	<a href="#">Chapter 77, Section 2727</a>		X			(c)Subdivision (a) of this subsection does not apply to a publicly traded partnership as defined by section 7704(b) of the Internal Revenue Code of 1986, as amended, that is treated as a partnership for the purposes of the code and that has agreed to file an annual information return with the Department of Revenue reporting the name, address, taxpayer identification number, and other information requested by the department of each unit holder with an income in the state in excess of five hundred dollars.
Nevada	No composite return and withholding provision					
New Hampshire	No composite return and withholding provision					
New Jersey	Title 54A:10- 4 (Definition)	X				(h) "Taxpayer" shall mean any corporation, and any partnership required, or consenting, to report or to pay taxes, interest or penalties under this act. "Taxpayer" shall not include a partnership that is listed on a United States national stock exchange.
New Jersey (continued)	Chapter 54:10A-15.11					12. a. (1) A partnership that is not a qualified investment partnership or an investment club and that is not listed on a United States national stock exchange shall, on or before the 15th day of the fourth month succeeding the close of each privilege period, remit a payment of tax. The amount of tax shall be equal to the sum of: all of the share of the entire net income of the partnership for that privilege period of all nonresident noncorporate partners, multiplied by an allocation factor determined, pursuant to section 6 of P.L.1945, c.162 (C.54:10A-6), based on the allocation fractions of the partnership for that privilege period, and multiplied by.0637 plus all of the share of the entire net income of the partnership for that privilege period of all nonresident corporate partners, multiplied by an allocation factor determined, pursuant to section 6 of P.L.1945, c.162 (C.54:10A-6), based on the allocation fractions of the partnership for that privilege period, and multiplied by.09.

	54A:8-6 Filing Fee				X	(2) (A) Each entity classified as a partnership for federal income tax purposes, other than an investment club, having any income derived from New Jersey sources, including but not limited to a partnership, a limited liability partnership, or a limited liability company, that has more than two owners shall at the prescribed time for making the return required under this subsection make a payment of a filing fee of \$150 for each owner of an interest in the entity, up to a maximum of \$250,000. For the purposes of this paragraph, "investment club" means an entity: that is classified as a partnership for federal income tax purposes; all of the owners of which are individuals; all of the assets of which are securities, cash, or cash equivalents; the market value of the total assets of which do not exceed, as measured on the last day of its taxable year, an amount equal to the lesser of \$250,000 or \$35,000 per owner of the entity; and which is not required to register itself or its membership interests with the federal Securities and Exchange Commission; provided that beginning with taxable years commencing on or after January 1, 2003 the director shall prescribe the total asset value amounts which shall apply by increasing the \$250,000 total asset amount and the per owner \$35,000 amount hereinabove by an inflation adjustment factor, which amounts shall be rounded to the next highest multiple of \$100. The inflation adjustment factor shall be equal to the factor calculated by dividing the consumer price index for urban wage earners and clerical workers for the nation, as prepared by the United States Department of Labor for September of the calendar year prior to the calendar year in which the taxable year begins, by that index for September of 2001;
New Mexico	Chapter 7-3A-2  Chapter 7, Article 3A, Section 5	X				H. "pass-through entity" means a personal services business or any other business association <b>other than:</b> (6) a publicly traded partnership as defined in Subsection (b) of Section 7704 of the Internal Revenue Code;  A. Every remitter or pass-through entity is liable for: 1) amounts required to be deducted and withheld by the Oil and Gas Proceeds and Pass-Through Entity Withholding Tax Act regardless of whether the amounts were in fact deducted and withheld; and

	<p>Title 3, Chapter 3, Part 5</p>	<p>N/A</p>	<p>No specific rule provision relates to PTPs other than general references to the exclusions listed in 7-3A-2 of the NMSA.</p>
<p>New York</p>	<p>Tax, Article 22, Part 4 Section 658 (4)</p>	<p>X</p>	<p>4) Estimated tax of nonresident partners, members and shareholders.(A) General. Every entity which is a partnership, other than a publicly traded partnership as defined in section 7704 of the federal Internal Revenue Code, subchapter K limited liability company or an S corporation for which the election provided for in subsection (a) of section six hundred sixty of this article is in effect, which has partners, members or shareholders who are nonresident individuals, as defined under subsection (b) of section six hundred five of this article, or C corporations, and which has any income derived from New York sources, determined in accordance with the applicable rules of section six hundred thirty-one of this article as in the case of a nonresident individual, shall pay estimated tax on such income on behalf of such partners, members or shareholders in the manner and at the times prescribed by subsection (c) of section six hundred eighty-five of this article. For purposes of this paragraph, the term "estimated tax" shall mean a partner's, member's or shareholder's distributive share or pro rata share of the entity income derived from New York sources, multiplied by the highest rate of tax prescribed by section six hundred one of this article for the taxable year of any partner, member or shareholder who is an individual taxpayer, or paragraph (a) of subdivision one of section two hundred ten of this chapter for the taxable year of any partner, member or shareholder which is a C corporation, whether or not such C corporation is subject to tax under article nine, nine-A, thirty-two, or thirty-three of this chapter, and reduced by the distributive share or pro rata share of any credits determined under section one hundred eighty-seven, one hundred eighty-seven-a, six hundred six, fourteen hundred fifty-six or fifteen hundred eleven of this chapter, whichever is applicable, derived from the entity.</p>

North Carolina  North Carolina (continued)	G.S. Title 105, Chapter 154		X		<p><b>Section 28.8 (e)</b> Publicly Traded Partnership. – The information return and payment requirements under this section are modified as follows for a publicly traded partnership that is described in section 7704(c) of the Code:</p> <p>(1) The information return required under subsection (c) of this section is limited to partners whose distributive share of the partnership's net income during the tax year was more than five hundred dollars (\$500.00).</p> <p>(2) The payment requirements under subsection (d) of this section do not apply.</p>
	Title 17, 06B .3503	N/A			<p><b>PARTNERSHIP RETURNS</b> (a) When Required -- A North Carolina partnership return, Form D-403, must be filed by every partnership doing business in North Carolina if a federal partnership return was required to be filed. The partnership return must be filed on or before April 15 if on a calendar year basis and on or before the 15th day of the fourth month following the end of the fiscal year if on a fiscal year basis. For individual income tax purposes, the term "business carried on in this State" means the operation of any activity within North Carolina regularly, continuously, and systematically for the purpose of income or profit. A sporadic activity, a hobby, or an amusement diversion does not come within the definition of a business carried on in this State. Income from an intangible source, including gain realized from the sale of intangible property received in the course of a business carried on in this State so as to have a taxable situs here (including income in the distributive share of partnership income, whether distributed or not) is included in the numerator of the fraction used in determining the portion of federal taxable income that is taxable to North Carolina by a nonresident. The return must include the names and addresses of the individuals entitled to share in the net income of the partnership and must be signed by one of the partners and the individual preparing the return.</p> <p>(b) NC K-1 -- A partnership must provide a completed Schedule NC K-1, or similar schedule, to each person who was a partner in the partnership at any time during the year reflecting that partner's share of the partnership's income, adjustments, tax credits, and tax paid by the manager of the partnership. The schedule must be provided to each partner on or before the day on which the partnership return is required to be filed. When reporting the distributive share of tax credits, a list of the amount and type of tax credits must be provided each taxpayer.</p>

North Dakota	<a href="#">Chapter 57, Article 38, Section 31.1</a>		X			<p>c. Notwithstanding subdivision a, a passthrough entity is not required to withhold tax for a nonresident member if:</p> <p>(4) The entity is a publicly traded partnership as defined by section 7704(b) of the Internal Revenue Code which is treated as a partnership for the purposes of the Internal Revenue Code and which has agreed to file an annual information return reporting the name, address, taxpayer identification number, and other information requested by the tax commissioner of each unitholder with an income in the state in excess of five hundred dollars.</p> <p>(5) The member is a lower-tier passthrough entity that elects to be exempted from the withholding requirement under this subsection. The election must be made on a form and in a manner prescribed by the tax commissioner. The form must include a statement that the member certifies that the member will file any return and pay any tax required by this chapter on its distributive share of income from the source passthrough entity and that the member is subject to this state's jurisdiction for the collection of that tax and any applicable penalty and interest. The tax commissioner may revoke the exemption under this paragraph if the source passthrough entity or member fails to comply with the requirements of this paragraph. If the exemption is revoked, the source passthrough entity shall begin withholding from the member within sixty days of receiving notification of the revocation from the tax commissioner. The tax commissioner may prescribe any procedures and guidelines necessary to administer this paragraph.</p>
Ohio	<a href="#">Title 57, Section 5733, Subsection 40</a>	X				<p>(N) "Qualifying pass-through entity" means a pass-through entity as defined in section 5733.04 of the Revised Code, excluding: a person described in section 501(c) of the Internal Revenue Code; a partnership with equity securities registered with the United States securities and exchange commission under section 12 of the Securities Exchange Act of 1934, as amended; or a person described in division (C) of section 5733.09 of the Revised Code.</p>

Oklahoma	Chapter 68, Section 2385.30		X		H. Notwithstanding the provisions of subsection A of this section, a pass-through entity is not required to withhold tax for a nonresident member if: 3. The entity is a publicly traded partnership, as defined by Section 7704(b) of the Internal Revenue Code, which is treated as a partnership for the purposes of the Internal Revenue Code, and which has agreed to file an annual information return reporting the name, address, taxpayer identification number and other information requested by the Tax Commission of each unitholder with an income in the state in excess of Five Hundred Dollars (\$500.00).
	OTC 710.50- 3-54		X		<b>(f) When pass-through entities are not required to withhold.</b> Withholding is not required in the following instances: (6) When a pass-through entity is a publicly traded partnership, as defined by Section 7704(b) of the Internal Revenue Code, and is treated as a partnership for purposes of the Internal Revenue Code. Provided the publicly traded partnership has agreed to file an annual information return reporting the name, address, taxpayer identification number, and other information requested by the Tax Commission of each unit-holder with an income in the state in excess of Five Hundred Dollars (\$500.00); or,
Oregon	Chapter 314, Section 784		X		1) A pass-through entity is not required to withhold taxes under ORS 314.781 on behalf of a nonresident owner if: (d) The pass-through entity is a publicly traded partnership, as defined in section 7704(b) of the Internal Revenue Code, that is treated as a partnership for federal tax purposes and that agrees to file an annual information return on the form and in the time and manner prescribed by the Department of Revenue and containing the information required by the department, including but not limited to the name, address and taxpayer identification number of each person with an ownership interest in the entity that results in the person receiving Oregon source income of more than \$500; or
	OAR 150, Chapter 314	N/A			There is no reference to PTPs in the Rule relating to the Oregon Income Tax.

<p>Pennsylvania</p> <p>Pennsylvania (continued)</p>	<p>Title 61, Chapter 117</p>	<p>N/A</p>			<p>§ 117.17. Partnership returns. (a) <i>In general.</i> Every partnership having any income derived from sources within this Commonwealth shall make a return for the taxable year setting forth all items of income, loss, and deduction. The return shall state specifically the items of partnership gross income and the deductions allowable and shall include the names and addresses of all the partners and the amount of the distributive shares of income, gain, loss, deduction, or credit allocated to each partner. The return shall be made for the taxable year of the partnership, irrespective of the taxable years of the partners.</p>
	<p>Title 72 § 7324</p>	<p>X</p>			<p>§ 7324. Section 324. General Rule.--(a) When a partnership, estate, trust or Pennsylvania S corporation receives income from sources within this Commonwealth for any taxable year and any portion of the income is allocable to a nonresident partner, beneficiary, member or shareholder thereof, the partnership, estate, trust or Pennsylvania S corporation shall pay a withholding tax under this section at the time and in the manner prescribed by the department; however, notwithstanding any other provision of this article, all such withholding tax shall be paid over on or before the fifteenth day of the fourth month following the end of the taxable year.</p> <p>(b) This section shall not apply to any publicly traded partnership as defined under section 7704 of the Internal Revenue Code of 1986 (Public Law 99-514, 26 U.S.C. § 7704) with equity securities registered with the Securities and Exchange Commission under section 12 of the Securities Exchange Act of 1934 (48 Stat. 881, 15 U.S.C. § 78a).</p>
<p>Rhode Island</p>	<p><a href="#">Chapter 44-11</a> <a href="#">Section 2.2</a></p>		<p>X</p>		<p>(c) Notwithstanding subsection (b), a pass-through entity is not required to withhold tax for a nonresident member if: (4) The entity is a publicly traded partnership as defined by Section 7704(b) of the Internal Revenue Code (26 U.S.C. § 7704(b)) that is treated as a partnership for the purposes of the Internal Revenue Code and that has agreed to file an annual information return reporting the name, address, taxpayer identification number and other information requested by the tax administrator of each unitholder with an income in the state in excess of \$500.</p>



South Carolina	<p>Title 12, Chapter 6, Section 5030 and</p> <p>Chapter 8, Section 590</p>	N/A	<p>12-6-5030 (A) partnership or "S" Corporation may file a composite individual income tax return on behalf of the nonresident partners or shareholders that are individuals, trusts, or estates in which the income is taxed to the trust or estate, or the department may require that a partnership or "S" Corporation file a composite individual income tax return on behalf of the nonresident partners or shareholders that are individuals, or trusts and estates in which the income is taxed to the trust or estate.</p> <p>12- 8-590 (C) Partnerships are required to withhold income taxes at a rate of five percent on a nonresident partner's share of South Carolina taxable income of the partnership, whether distributed or undistributed, and pay the withheld amount to the department in the manner prescribed by the department. For a taxable year beginning after 1991, the partnership shall make a return and pay over the withheld funds on or before the fifteenth day of the fourth month following the close of its tax year. Taxes withheld in the name of the nonresident partner must be used as credit against taxes due at the time the nonresident files income taxes for the taxable year.</p> <p>(D) A partnership required to withhold taxes on distributed or undistributed income shall make a return with each payment of tax to the department disclosing on the return the name, taxpayer identification number, the total amount of South Carolina taxable income paid or credited to each nonresident partner, the tax withheld for each nonresident partner, and other information the department requires. The partnership shall furnish to each nonresident partner a written statement as required by Section 12-8-1540(A) as proof of the amount of his share of distributed or undistributed income that has been withheld.</p>
South Dakota	No composite return and withholding provision		
Tennessee	No composite return and withholding provision		
Texas	No composite return and withholding provision		

Utah	59-10-1403.2		X		<p>(1)(a)(b) A pass-through entity is not required to pay or withhold a tax under Subsection (1)(a):</p> <p>(iii) if the pass-through entity is a publicly traded partnership:</p> <p>(A) as defined in Section 7704(b), Internal Revenue Code;</p> <p>(B) that is classified as a partnership for federal income tax purposes; and</p> <p>(C) that files an annual information return reporting the following with respect to each partner of the publicly traded partnership with income derived from or connected with Utah sources that exceeds \$500 in a taxable year:</p> <p>(I) the partner's name;</p> <p>(II) the partner's address;</p> <p>(III) the partner's taxpayer identification number; and</p> <p>(IV) other information required by the commission.</p>
	R865-9I-13	N/A			The rule does not reference PTPs.

Vermont	Title 32, Chapter 151, Section 5920	N/A	<p>(a) A partnership or limited liability company, which engages in activities in Vermont that would subject a C corporation to the requirement to file a return under section 5862 of this title, shall file with the commissioner an annual return, in the form prescribed by the commissioner, on or before the due date prescribed for the filing of the entity's federal return. The return shall set forth the name, address and Social Security or federal identification number of each partner or member; the partnership or limited liability company income attributable to Vermont and the income not attributable to Vermont with respect to each partner or member as determined under this chapter; and such other information as the commissioner may by rule prescribe. The partnership or limited liability company shall, on or before the day on which such return is filed, furnish to each person who was a partner or member during the year a copy of such information shown on the return as the commissioner may by rule prescribe.</p> <p>(b) The commissioner may permit a partnership or limited liability company to file composite returns and to make composite payments of tax on behalf of some or all of its nonresident partners or members.</p> <p>(c) With respect to each of its nonresident partners or nonresident members, a partnership or limited liability company shall for each taxable period be liable for all income taxes, together with related interest and penalties, imposed on the partner or member by Vermont with respect to the income of the partnership or limited liability company. A partnership or limited liability company shall declare estimated tax, and shall pay estimated tax, including applicable interest and penalties, on such liability in the manner and at the times specified in subchapter 5 of this chapter; provided, however, that a partnership or limited liability company with a single partner or member and a tax liability under this section of \$250.00 or less in the prior year, and a partnership or limited liability company with two or more partners or members and a tax liability under this section of \$500.00 or less in the prior year, may file the entire estimated amount on or before the fourth payment date, January 15. For purposes of this subsection, "estimated tax" as used in subchapter 5 of this chapter shall mean an amount equal to the next-to-lowest marginal tax rate prescribed under section 5822 of this title, multiplied by the partner's or member's pro rata share of the income attributable to Vermont.</p>
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	TB-05	X				<p><b>B. ESTIMATED TAX PAYMENTS</b>  Requirement: Effective for tax years beginning on or after January 1, 1997, every S Corporation, Partnership (other than a Publicly Traded Partnership<sup>1</sup>), and Limited Liability Company that engages in business in Vermont must declare estimated tax and pay estimated tax, with respect to its <b>nonresident</b> shareholders, partners and members.</p>
Virginia	<a href="#">Title 58.1, Chapter 3 Section 486.2</a>				X	<p>C. Withholding shall not be required:  3. When compliance will cause undue hardship on the pass-through entity. However, no pass-through entity shall be exempt under this subdivision from complying with the withholding requirements of this section unless the Tax Commissioner, in his discretion, approves in writing the pass-through entity's written petition for exemption from the withholding requirements of this section based on undue hardship. The Tax Commissioner may prescribe the form and contents of such a petition and specify standards for when a pass-through entity will not be required to comply with the withholding requirements of this section due to undue hardship. The standards for undue hardship, determined by the Tax Commissioner in his discretion, shall take into account (among other relevant factors) the ability of a pass-through entity to comply at reasonable cost with the withholding requirements of this section and the cost to the Commonwealth of collecting the tax directly from a nonresident owner who does not voluntarily file a return and pay the amount of tax due under this chapter with respect to his allocable Virginia taxable income.</p>
	<a href="#">Guidelines PD-07-150</a>	X				<p><b>Exceptions-</b> Publicly Traded Partnerships  A publicly traded partnership will not be required to pay the withholding tax if it is a publicly traded partnership as defined by § 7704 b of the Internal Revenue Code, as in effect on January 1, 2007, is treated as a partnership for the purposes of federal income taxation, and files Virginia Form 502 and the related schedules.</p>
Washington	No composite return and withholding provision					

West Virginia	<a href="#">Chapter 11, Section 21, Subsection 71a</a>	N/A			(a) <i>General rule.</i> -- For the privilege of doing business in this state or deriving rents or royalties from real or tangible personal property located in this state, including, but not limited to, natural resources in place and standing timber, a partnership, S corporation, estate or trust, which is treated as a pass-through entity for federal income tax purposes and which has taxable income for the taxable year derived from or connected with West Virginia sources any portion of which is allocable to a nonresident partner, nonresident shareholder, or nonresident beneficiary, as the case may be, shall pay a withholding tax under this section, except as provided in subsections (c) and (k) of this section.
	CSR Title 110, Series 21-51a			X	51a.1. Any return required under the West Virginia Personal Income Tax Act for nonresident individuals who are: (1) partners in a partnership deriving income from a West Virginia source or sources, (2) shareholders of a corporation which made an election under 26 U.S.C. 1362(a) (S corporations) for the taxable year, or (3) who have received a distribution from an estate or trust having income from a West Virginia source or sources, may, upon payment of a composite return processing fee of fifty dollars (\$50), file a composite return in accordance with the provisions of this regulation. The fifty (50) dollar filing fee must accompany the composite return.  Note: The State of West Virginia grants PTPs and exemption from this requirement through private letter rulings.
Wisconsin	<a href="#">Title 71, Chapter 775</a>		X		(3)(cm) A pass-through entity that is a publicly traded partnership, as defined under section 7704 (b) of the Internal Revenue Code, that is treated as a partnership under the Internal Revenue Code is not subject to the withholding under <a href="#">sub. (2)</a> , if the entity files with the department an information return that reports the name, address, taxpayer identification number, and any other information requested by the department for each unit holder with an income in this state from the entity in excess of \$500.
Wyoming	No composite return and withholding provision				