

Income/Franchise:

Tennessee: Updated Manual Reflects Repealed Alternative Property Base and Related Refund Guidance

Franchise and Excise Tax Manual, Tenn. Dept. of Rev. (updated 6/24); *Tax Manual Updates*, Tenn. Dept. of Rev. (6/24). The Tennessee Department of Revenue (Department) updated its Tennessee franchise and excise tax manual to reflect legislation that, for tax years ending on or after January 1, 2024, eliminates the Tennessee statutory provision requiring that the franchise tax base must not be less than the actual value of the real or tangible property owned or used by a taxpayer in the State, and which authorizes refunds for taxpayers who properly file a refund claim on the prescribed forms for taxes previously paid using the real and tangible property base measure of the franchise tax [see S.B. 2103 / H.B. 1893 (2024), and previously issued Multistate Tax Alert for more details on this Tennessee law change]. To obtain a refund, eligible taxpayers must amend their franchise and excise tax returns for all eligible tax periods and file a Claim for Refund of Franchise Tax Paid on Property Measure (Schedule G) form, where both the amended returns and the refund claim form must be submitted by November 30, 2024. The updated manual also clarifies the Department's position on the recovery of depreciation expenses forgone due to the taxpayer taking a related federal income tax credit. Please contact us with any questions.

URL: https://www.tn.gov/content/dam/tn/revenue/documents/tax_manuals/June-2024/Franchise-Excise-Tax-Manual.pdf

URL: https://www.tn.gov/content/dam/tn/revenue/documents/tax_manuals/June-2024/Tax-Manual-Updates.pdf

URL: <https://wapp.capitol.tn.gov/apps/BillInfo/Default.aspx?BillNumber=SB2103>

URL: <https://www2.deloitte.com/content/dam/Deloitte/us/Documents/Tax/multistate-tax-alert-tennessee-repeals-franchise-taxes-alternative-property-base-and-authorizes-refunds.pdf>

— Amber Rutherford (Nashville)
Managing Director
Deloitte Tax LLP
amberrutherford@deloitte.com

Joe Garrett (Birmingham)
Managing Director
Deloitte Tax LLP
jogarrett@deloitte.com

This communication contains general information only, and none of Deloitte Touche Tohmatsu Limited (“DTTL”), its global network of member firms or their related entities (collectively, the “Deloitte organization”) is, by means of this communication, rendering professional advice or services. Before making any decision or taking any action that may affect your finances or your business, you should consult a qualified professional adviser.

No representations, warranties or undertakings (express or implied) are given as to the accuracy or completeness of the information in this communication, and none of DTTL, its member firms, related entities, employees or agents shall be liable or responsible for any loss or damage whatsoever arising directly or indirectly in connection with any person relying on this communication. DTTL and each of its member firms, and their related entities, are legally separate and independent entities.

About Deloitte

Deloitte refers to one or more of Deloitte Touche Tohmatsu Limited (“DTTL”), its global network of member firms, and their related entities (collectively, the “Deloitte organization”). DTTL (also referred to as “Deloitte Global”) and each of its member firms and related entities are legally separate and independent entities, which cannot obligate or bind each other in respect of third parties. DTTL and each DTTL member firm and related entity is liable only for its own acts and omissions, and not those of each other. DTTL does not provide services to clients. Please see www.deloitte.com/about to learn more.

Deloitte provides industry-leading audit and assurance, tax and legal, consulting, financial advisory, and risk advisory services to nearly 90% of the Fortune Global 500® and thousands of private companies. Our professionals deliver measurable and lasting results that help reinforce public trust in capital markets, enable clients to transform and thrive, and lead the way toward a stronger economy, a more equitable society and a sustainable world. Building on its 175-plus year history, Deloitte spans more than 150 countries and territories. Learn how Deloitte’s approximately 415,000 people worldwide make an impact that matters at www.deloitte.com.