



State Tax Matters

June 6, 2014

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Administrative:

Louisiana: New Law Modifies “RAR” Deadlines, Extensions, Penalty Waivers & Other Administrative Rules

H.B. 798, signed by gov. 5/26/14. Effective July 1, 2014, new law modifies several administrative provisions, including:

URL: <http://www.legis.la.gov/legis/ViewDocument.aspx?d=908188&n=HB798%20Act>

- Changing the deadline for filing amended returns associated with federal income tax return adjustments made by the IRS (i.e., the RAR deadline) from 60 to 180 days after a final determination of such adjustments; and
- Allowing a state extension when a taxpayer receives an automatic federal income tax extension.

The new law also addresses penalty waivers and rules of the Board of Tax Appeals.

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Sales/Use:

Missouri: Amended Rule Addresses When Software is Considered Taxable Tangible Personal Property

Amended Rule 12 CSR 10-109.050, Mo. Dept. of Rev. (6/2/14). The Missouri Department of Revenue has issued a revised administrative rule addressing when the sale of software is treated as a taxable sale of tangible personal property and when the sale is treated as a nontaxable sale of a service. The rule addresses “information technology advances since the year 2000,” including software as a service (SaaS) – which is deemed nontaxable under the rule. The rule describes SaaS as “a model for enabling ubiquitous, convenient, and on-demand network access to a shared pool of configurable computing resources (e.g., networks, servers, storage, applications, and services) that can be rapidly provisioned and released with minimal management effort or service provider interaction.” The rule also states that the term “SaaS” includes platform as a

service (PaaS) model, infrastructure as a service (IaaS) model, and similar service models. It does *not* include any service model that gives the purchaser the right to use specifically identified tangible personal property.

URL: <http://www.sos.mo.gov/adrules/moreg/current/v39n11/v39n11.pdf>

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Articles: New York State Corporation Tax Reforms of 2014

This spring, New York enacted sweeping tax legislation that changes many aspects of its state tax law. In this article, Russell Banigan, Kenneth Jewell and Mary Jo Brady, of Deloitte Tax LLP, discuss New York's current tax provisions and explain the major changes coming to the state's corporate franchise tax in 2015.

URL: http://www.deloitte.com/view/en_US/us/Services/tax/Multistate-Tax/9d61de8c4a916410VgnVCM3000003456f70aRCRD.htm?id=us:em:na:stm:eng:tax:060614

Among the major changes discussed are the unification of Article 32 (Franchise Tax on Banking Corporations) into Article 9-A (Franchise Tax on Business Corporations) and the modifications to the net income tax base, the state's move to a bright-line statutory nexus threshold to determine whether out-of state corporations are subject to corporate franchise tax and apportionment and combined reporting reforms.

Multistate Tax Alerts

What's new in the States? Our Multistate Tax Alerts highlight selected state tax developments relevant to taxpayers, tax professionals, and other interested persons. Read our more recent alerts below or visit the archive for ones you may have missed.

Archives: http://www.deloitte.com/view/en_US/us/Services/tax/Multistate-Tax/multistate-tax-archive/index.htm?id=us:em:na:stm:eng:tax

No new alerts were issued this week. Be sure to refer to the archives to ensure that you are up to date on the most recent releases.

Have a question?

If you have needs specifically related to this newsletter's content, send us an email at clientsandmarketsdeloitte@deloitte.com to have a Deloitte Tax professional contact you.

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