

~~(IV) IF THE FINANCIAL INSTITUTION ELECTS OR IS REQUIRED BY THE DEPARTMENT TO USE THE METHOD SET FORTH IN SUBPARAGRAPH (III) OF THIS PARAGRAPH, IT SHALL USE THIS METHOD ON ALL SUBSEQUENT RETURNS UNLESS THE FINANCIAL INSTITUTION RECEIVES PRIOR PERMISSION FROM THE DEPARTMENT TO USE, OR THE DEPARTMENT REQUIRES A DIFFERENT METHOD.~~

~~(V) THE FINANCIAL INSTITUTION SHALL HAVE THE BURDEN OF PROVING THAT AN INVESTMENT ASSET OR ACTIVITY OR TRADING ASSET OR ACTIVITY WAS PROPERLY ASSIGNED TO A REGULAR PLACE OF BUSINESS OUTSIDE OF THIS STATE BY DEMONSTRATING THAT THE DAY TO DAY DECISIONS REGARDING THE ASSET OR ACTIVITY OCCURRED AT A REGULAR PLACE OF BUSINESS OUTSIDE THIS STATE. WHERE THE DAY TO DAY DECISIONS REGARDING AN INVESTMENT ASSET OR ACTIVITY OR TRADING ASSET OR ACTIVITY OCCUR AT MORE THAN ONE REGULAR PLACE OF BUSINESS AND ONE SUCH REGULAR PLACE OF BUSINESS IS IN THIS STATE AND ONE SUCH REGULAR PLACE OF BUSINESS IS OUTSIDE THIS STATE, SUCH ASSET OR ACTIVITY SHALL BE CONSIDERED TO BE LOCATED AT THE REGULAR PLACE OF BUSINESS OF THE FINANCIAL INSTITUTION WHERE THE INVESTMENT OR TRADING POLICIES OR GUIDELINES WITH RESPECT TO THE ASSET OR ACTIVITY ARE ESTABLISHED. UNLESS THE FINANCIAL INSTITUTION DEMONSTRATES TO THE CONTRARY, SUCH POLICIES AND GUIDELINES SHALL BE PRESUMED TO BE ESTABLISHED AT THE COMMERCIAL DOMICILE OF THE FINANCIAL INSTITUTION.~~

~~(14) THE NUMERATOR OF THE RECEIPTS FACTOR INCLUDES ALL OTHER RECEIPTS NOT OTHERWISE APPORTIONED UNDER THIS SUBSECTION IF THE INCOME PRODUCING ACTIVITY IS PERFORMED IN THIS STATE. IF THE INCOME PRODUCING ACTIVITY IS PERFORMED BOTH WITHIN THIS STATE AND ONE OR MORE OTHER STATES, THE RECEIPTS DESCRIBED IN THIS PARAGRAPH ARE INCLUDED IN THE NUMERATOR OF THE RECEIPTS FACTOR IF MORE THAN 50% OF THE INCOME PRODUCING ACTIVITY IS PERFORMED WITHIN THIS STATE. IF MORE THAN 50% OF THE INCOME PRODUCING ACTIVITY IS NOT PERFORMED WITHIN ANY ONE STATE, THEN THE RECEIPTS DESCRIBED IN THIS PARAGRAPH SHALL BE INCLUDED IN THE NUMERATOR OF THE RECEIPTS FACTOR IF THE FINANCIAL INSTITUTION'S COMMERCIAL DOMICILE IS IN THIS STATE.~~

~~(15) ALL RECEIPTS WHICH WOULD BE ASSIGNED UNDER THIS SUBSECTION TO A STATE IN WHICH THE FINANCIAL INSTITUTION IS NOT TAXABLE SHALL BE INCLUDED IN THE NUMERATOR OF THE RECEIPTS FACTOR, IF THE FINANCIAL INSTITUTION'S COMMERCIAL DOMICILE IS IN THIS STATE.~~

~~(D) (1) THE PROPERTY FACTOR IS A FRACTION, THE NUMERATOR OF WHICH IS THE AVERAGE VALUE OF REAL PROPERTY AND TANGIBLE PERSONAL PROPERTY RENTED TO THE FINANCIAL INSTITUTION THAT IS LOCATED OR USED WITHIN THIS STATE DURING THE TAXABLE YEAR, THE AVERAGE VALUE OF THE FINANCIAL INSTITUTION REAL AND TANGIBLE PERSONAL PROPERTY OWNED THAT IS LOCATED OR USED WITHIN THIS STATE DURING THE TAXABLE YEAR, AND THE AVERAGE VALUE OF THE FINANCIAL INSTITUTION'S LOANS AND CREDIT CARD~~