

**2008 S Corporation Income Tax Return**

Obtain additional information or assistance, tax forms and instructions, and copies of tax rulings and tax procedures by contacting one of the numbers listed below:

Phoenix (602) 255-3381

From area codes 520 and 928, toll-free (800) 352-4090

Form Orders (602) 542-4260

Hearing impaired TDD user

Phoenix (602) 542-4021

From area codes 520 and 928, toll-free (800) 397-0256

Obtain tax rulings, tax procedures, tax forms and instructions, and other tax information by accessing the department's Internet home page at [www.azdor.gov](http://www.azdor.gov).

**General Instructions**

**Who Must Use Form 120S**

Corporations taxed as S corporations under Subchapter S of the Internal Revenue Code must file Form 120S. Qualified subchapter S subsidiaries are not treated as entities separate from the parent corporation, and would be included on a single Form 120S filed by the parent S corporation.

**Entity Classification under the Federal "Check-the-Box Rules"**

The federal tax classification of an entity under the federal "check-the-box rules" determines the entity's classification for Arizona tax purposes.

**Limited Liability Companies**

Only a limited liability company that makes a valid federal election to be taxed as an S corporation must file Form 120S. A single member limited liability company that is disregarded as an entity is treated as a branch or division of the owner, and is included in the tax return of its owner. Refer to Arizona Corporate Tax Ruling CTR 97-2 for further information.

**Taxable Year Covered by Return**

The S corporation must have the same taxable year for Arizona purposes as it has for federal purposes. Indicate the period covered by the taxable year on page 1 of the return and whether the taxable year is a calendar year or a fiscal year.

**Filing Original Returns**

Returns are due by the 15th day of the third month following the close of the taxable year. If the taxpayer has a valid federal or Arizona extension, file the return by the extended due date. If the taxpayer files under extension, the taxpayer must check the extension box on page 1 of the return. Send the return to the Arizona Department of Revenue, PO Box 29079, Phoenix AZ 85038-9079. One or more of the S corporation's officers (president, treasurer, or any other principal officer) must sign the return. The department requests that taxpayers attach a copy of the completed federal Form 1120-S to the Arizona return. ARS § 42-1112 prescribes the schedules required to be included.

The department normally determines the timeliness of a return by the postmark or other official mark of the U.S. Postal Service

stamped on the envelope in which the return is mailed. Refer to Arizona General Tax Ruling GTR 93-1 for further information. The department will also accept proof of mailing from a private delivery service included in the Internal Revenue Service list of designated private delivery services. Contact the private delivery service for information regarding how to obtain written proof of mailing.

**Filing Amended Returns**

Any taxpayer who files an amended return with the Internal Revenue Service must file an Arizona amended return within 90 days of its final determination by the IRS.

The taxpayer must report changes or corrections of the taxpayer's income by the Internal Revenue Service or as the result of renegotiation of a contract or subcontract with the United States to the department. The taxpayer must, within 90 days after the final determination of the change or correction, either:

- File a copy of the final determination with the department, concede the accuracy of the determination or state any errors, and request the department to recompute the tax owed to Arizona; or
- File an amended return as required by the department.

The taxpayer must include additional schedules that provide sufficient information for the department to recompute the taxpayer's net income subject to Arizona corporate income tax based on the Revenue Agent Report changes. The department may require the taxpayer to file an amended return if the department does not have the necessary information to recompute the tax owed to Arizona.

**NOTE:** *File amended returns for prior taxable years on the respective Form 120S for those taxable years. Use the 2008 Form 120S to amend only the taxable year 2008.*

Do not file an amended return until the original return has been processed.

**Payment of Tax**

The entire amount of any tax for which the S corporation itself is liable is due by the original due date of the return.

**Estimated Tax Payments**

S corporations that expect an Arizona corporate income tax liability for the taxable year of \$1,000 or more must make Arizona estimated tax payments. Use Form 120ES, *Corporation Estimated Tax Payment*.

The Arizona estimated tax payment calculation should include any tax from the recapture of tax credits. This requirement applies whether or not the S corporation itself is subject to tax at the corporate level.

An S corporation that fails to make the required estimated tax payments is subject to a penalty on any estimated tax payment which is late or underpaid. For exceptions to the estimated tax requirements, see the instructions for Form 220, *Underpayment of Estimated Tax by Corporations*.

The Arizona required annual payment of corporate estimated tax for an S corporation is the **smaller** of:

- (a) Ninety percent of the taxpayer's Arizona tax liability for the current taxable year; OR

(b) An amount equal to the sum of:

Ninety percent of the portion of the current taxable year's Arizona tax liability that is attributable to built-in gains income or certain capital gains income; **plus**

One hundred percent of the portion of the prior taxable year's Arizona tax liability that is attributable to excess net passive income.

**NOTE:** *In order for the taxpayer to base its estimated tax payments on the tax liability described in (b) above, the taxpayer's return filed for the prior taxable year must have been for a period of twelve months.*

Taxpayers required to make Arizona corporate estimated tax payments should use the 2009 Form 120W, *Estimated Tax Worksheet for Corporations*, to compute the required installments.

#### **ESTIMATED TAX PAYMENTS BY ELECTRONIC FUNDS TRANSFER.**

Taxpayers whose Arizona corporate income tax liability for the preceding taxable year was \$20,000 or more must make Arizona corporate estimated tax payments via electronic funds transfer. Taxpayers whose Arizona corporate income tax liability for the preceding taxable year was less than \$20,000 may elect voluntary participation in the electronic funds transfer program. If a taxpayer makes its estimated tax payments by electronic funds transfer (EFT), the taxpayer should not submit Form 120ES to the department. Taxpayers who make estimated tax payments via electronic funds transfer must complete the department's electronic funds transfer authorization agreement at least 30 days prior to initiation of the first applicable transaction.

Refer to ARS § 42-1129 and the related Arizona Administrative Code rules (AAC R15-10-301 through R15-10-307) for detailed information. Obtain additional information by contacting the EFT Helpline at (602) 542-2040 in Phoenix or at (800) 572-7037 (toll-free). The FAX line is (602) 716-7986.

#### **Extension of Time to File a Return**

The S corporation can apply for an Arizona extension by filing a completed Form 120EXT by the original due date of the return. The S corporation can use a valid federal extension rather than applying for an Arizona extension. The Form 120EXT must be used to transmit any extension payments, whether the S corporation uses a valid federal extension or requests an Arizona extension. The S corporation must pay at least 90 percent of the tax liability (including the \$50 minimum tax) by the original due date of the return.

The department grants an Arizona extension for a period of six months. Arizona law provides that six months is the maximum extension of time to file that the department may grant. However, Arizona law provides that the department may accept the federal extension for the same period of time as covered by the federal extension.

Either the Arizona or federal extension provide an extension of time to file, but do not provide an extension of time to pay. Payment of one hundred percent of the tax liability is due by the original due date to avoid penalty.

#### **Penalties and Interest**

**A. Late Filing Penalty.** A return filed after the original due date is subject to the late filing penalty unless the S corporation has a valid federal or Arizona extension. A return filed after its extended due date is also subject to the late filing penalty. The

late filing penalty is 4½ percent (.045) of the amount of tax required to be shown on the return. "Amount of tax required to be shown on the return" is the amount of tax imposed less the amount of any part of the tax paid on or before the beginning of the month and the amount of any credit against the tax which may be claimed on the return. The penalty period is each month or fraction of a month between the due date of the return and the date the S corporation filed the return. The maximum penalty is 25 percent of the tax found to be remaining due.

**B. Extension Underpayment Penalty.** The department imposes the extension underpayment penalty on any late or underpaid extension payments. The extension underpayment penalty is one-half of one percent (.005) of the tax not paid. The penalty period is each 30 day period or fraction thereof between the original due date of the return and the date the S corporation paid the tax. The maximum penalty is 25 percent of the tax not paid.

**C. Late Payment Penalty.** The department imposes the late payment penalty on any amount shown as tax on a return that is not paid by the date prescribed for its payment. "Amount of tax shown on the return" is the amount of tax imposed shown on the return less the amount of any part of the tax paid on or before the beginning of the month and the amount of any credit against the tax which may be claimed on the return. The late payment penalty is one-half of one percent (.005) of the unpaid tax for each month or fraction of a month that the tax remains unpaid, not to exceed 10 percent of the unpaid tax. The late payment penalty will be imposed on any amount not paid by the original due date of the return, without regard to a proper extension to file.

**NOTE:** *If more than one of the penalties described in A, B, or C apply, the maximum combined penalty is 25 percent. For more information on the application of the various penalties, including examples, please refer to Arizona Corporate Income Tax Ruling CTR 07-2.*

**D. Information Return Penalty.** This form is an information return when no tax liability is due. The penalty for failing to file, filing late (including extensions) or filing an incomplete information return is \$100 for each month, or fraction of a month, that the failure continues, up to a maximum penalty of \$500.

**E. Interest.** The department assesses interest on any portion of the tax, whether determined by the department or the taxpayer, not paid by the date prescribed for its payment. The department applies interest, compounded annually, in the same manner and at the same time as prescribed by IRC § 6621, except that the Arizona rate of interest for both underpayments and overpayments *for all taxpayers* is the federal underpayment rate under IRC § 6621(a)(2). On January 1 of each year, the department adds any interest outstanding as of that date to the principal amount of the tax. It is then a part of the principal amount of the tax and accrues interest until paid.

**F. Underpayment of Estimated Tax Penalty.** The department imposes the underpayment of estimated tax penalty on any late payment or underpayment of a required installment of estimated tax. Refer to Form 220 for further details. The penalty imposed is the penalty prescribed by ARS § 43-582, for the applicable period.

#### **Furnishing Data**

The department requests that S corporations attach a copy of the federal return (along with all schedules and attachments) to

the Arizona return. ARS § 42-1112 prescribes the schedules required to be included.

Do not send in a blank Arizona return with a copy of the federal return; the return will not process accurately. The taxpayer must furnish complete data. Answer all questions on the return. Complete all applicable schedules and attach all appropriate supplementary schedules.

**Records**

Every S corporation should maintain books and records substantiating information reported on the return and keep these documents for inspection. Refer to Arizona General Tax Ruling GTR 96-1 for more information about record retention requirements.

**IRC § 7519 Required Payments**

Taxpayers cannot deduct the federal required payments on their Arizona tax returns as an ordinary and necessary business expense or otherwise.

**Rounding Dollar Amounts**

Taxpayers must round amounts to the nearest whole dollar. If 50 cents or more, round up to the next dollar. If less than 50 cents, round down.

**Specific Instructions**

Type or print the required information in the name, address, and information boxes on the top of page 1.

**Information question A:** (Multistate S Corporations only) check one box to indicate the apportionment formula used by the taxpayer. Air carriers must check the air carrier box and complete Schedule ACA. All non-air carrier taxpayers may choose between the standard sales factor formula or the enhanced sales factor formula, and complete Schedule A. See pages 6 through 8 of these instructions for more information.

**Information question G:** Enter the total number of entity shareholders (exempt organizations, trusts, estates). **NOTE:** *The total of the amounts entered for information questions E, F, and G should equal the total number of shareholders.*

Indicate the period covered by the taxable year on page 1 of the return and whether the taxable year is a calendar year or a fiscal year. Indicate whether this return is an original or an amended return.

Enter the S corporation's employer identification number, and Arizona transaction privilege tax number. Subsidiaries would enter the parent S corporation's TIN.

All returns, statements, and other documents filed with the department require a taxpayer identification number (TIN). Taxpayers and paid preparers that fail to include their TIN may be subject to a penalty. Paid tax return preparers must include their TIN where requested. The TIN for a paid tax return preparer is the individual's social security number, preparer identification number or the employer identification number of their business.

**Line 1 - Total Distributive Income (Loss)**

Enter the net total of the pro rata share items of nonseparately computed income (loss) and separately stated income (loss) and deductions (from federal Form 1120-S, Schedule K).

**Income Subject to Federal and Arizona Corporate Income Taxes**

Was the S corporation subject to the FEDERAL excess net passive income tax, capital gains tax, or built-in gains tax on its federal Form 1120-S? If so, the S corporation is subject to Arizona corporate income tax on this income.

Enter the amount of income which was subject to the federal excess net passive or capital/built-in gains income tax from the federal worksheet included in the instructions for Form 1120-S. (Refer to the instructions for the computation of these taxes in the federal Form 1120-S.)

**Lines 5 through 10 - Apportionment Computation (Multistate S Corporations Only)**

An S corporation that has income from business activity taxable in more than one state is a multistate S corporation. An S corporation that has income from business activity that is taxable entirely within Arizona is a wholly Arizona S corporation. Wholly Arizona S corporations should skip lines 5 through 10 and go directly to line 11.

Any S corporation that has income from business activity that is taxable both within and without Arizona must allocate and apportion its net income according to the Uniform Division of Income for Tax Purposes Act (UDITPA), ARS §§ 43-1131 through 43-1150. The instructions for Schedules ACA and A have more detailed information regarding apportionment of income. Carry out the decimal on line 7 to six places.

**Line 5 - Nonapportionable or Allocable Income (Multistate S Corporations Only)**

Nonbusiness income is nonapportionable and specifically allocable to a particular state. "Business income" means income arising from transactions and activity in the regular course of the taxpayer's trade or business, and includes income from tangible and intangible property if the acquisition, management, and disposition of the property constitute integral parts of the taxpayer's regular trade or business operations. (ARS § 43-1131(1)).

"Nonbusiness income" means all income other than business income. (ARS § 43-1131(4)). Refer to ARS §§ 43-1134 through 43-1138 for the methods of allocating certain types of nonbusiness income.

Enter the total amount of all income (loss) which is nonapportionable or specifically allocable to Arizona. Attach a schedule that details the amount of nonapportionable income subtracted on page 1, line 5.

**Line 7 - Arizona Apportionment Ratio (Multistate S Corporations Only)**

Compute the apportionment factors according to the instructions for Schedule ACA or A. Enter the average apportionment ratio from Schedule ACA, line 3, or from Schedule A, line A5, column C, on page 1, line 7.

**Line 9 - Other Income Allocated to Arizona (Multistate S Corporations Only)**

Enter the total amount of all income (loss) that is specifically allocable to Arizona. DO NOT include the amount of any nonbusiness income which is allocable to another state on this line. Attach a schedule that details the amount of income that is allocable to Arizona.

**Arizona Tax Liability Computation**

Is the S corporation subject to federal and Arizona corporate income tax, or subject to Arizona corporate income tax from the

recapture of the Arizona credits for environmental technology facilities or healthy forest enterprises? If the answer for any of this is yes, the S corporation must complete lines 12 through 33.

#### Line 12 - Arizona Tax

The S corporation is subject to the tax computed on line 12 only if it has income subject to tax at the corporate level on the federal Form 1120-S, even if line 11 is zero or a negative amount. Pursuant to A.R.S. § 43-1111, the amount of the tax is the greater of \$50 or 6.968 percent of the net income subject to Arizona corporate income tax (line 11).

#### Line 13 - Tax from Recapture of Tax Credits

Enter the amount of tax due from the recapture of tax credits from Form 300, Part II, line 22.

#### Line 14 - Subtotal

Add lines 12 and 13. This is the amount of tax to which the Clean Elections Fund tax reduction and the total amount of tax credits claimed by the taxpayer may be applied.

#### Line 15 - Clean Elections Fund Tax Reduction

Check the box on line 15 to send five dollars to the Clean Elections Fund. Enter the amount of the tax reduction on line 15.

#### Line 16 - Nonrefundable Tax Credits

Enter the allowable nonrefundable tax credit amount from Form 300, Part II, line 43. This amount cannot be larger than the amount on line 14 less the amount on line 15. Attach the completed credit forms to the tax return with Form 300.

- **Defense Contracting Credits.** Taxpayers may claim carryovers of unused tax credits from taxable years 2006 and prior. The carryovers may be carried forward until tax year 2011. Complete Form 302 to claim the carryover of these tax credits.
- **Enterprise Zone Credit.** Taxpayers located in an enterprise zone may claim a credit for net increases in qualified employment positions. Complete Form 304 to claim this tax credit.
- **Environmental Technology Facility Credit.** This tax credit is for costs incurred in constructing a qualified environmental technology manufacturing, producing, or processing facility as described in ARS § 41-1514.02. Complete Form 305 to claim this tax credit.
- **Military Reuse Zone Credit.** This tax credit is for net increases in employment of full-time employees working in a military reuse zone established under Arizona law. Complete Form 306 to claim this tax credit.
- **Credit for Increased Research Activities.** This tax credit is for taxpayers who incur qualified research expenses for research conducted in Arizona. Complete Form 308 to claim this tax credit.
- **Pollution Control Credit.** This tax credit is for expenses incurred during the taxable year to purchase real or personal property used in the taxpayer's trade or business in Arizona to control or prevent pollution. Complete Form 315 to claim this tax credit.
- **Credit for Taxes Paid for Coal Consumed in Generating Electrical Power.** This tax credit is for a percentage of the amount paid by the seller or purchaser as transaction privilege tax or use tax for coal sold to

the taxpayer that is consumed in the generation of electrical power in Arizona. Complete Form 318 to claim this tax credit.

- **Credit for Solar Hot Water Heater Plumbing Stub Outs and Electric Vehicle Recharge Outlets.** This tax credit is for the installation of solar hot water heater plumbing stub outs and electric vehicle recharge outlets in houses or dwelling units constructed by the taxpayer. The houses or dwelling units must be located in Arizona. Complete Form 319 to claim this tax credit.
- **Credit for Employment of TANF Recipients.** This tax credit is for net increases in qualified employment for recipients of temporary assistance for needy families (TANF) who are residents of Arizona. Complete Form 320 to claim this tax credit.
- **Agricultural Pollution Control Equipment Credit.** This tax credit is for expenses incurred during the taxable year to purchase tangible personal property that is primarily used in the taxpayer's business in Arizona to control or prevent agricultural pollution. Complete Form 325 to claim this tax credit.
- **Credit for Donation of School Site.** This tax credit is for the donation of real property and improvements to an Arizona school district or Arizona charter school for use as a school or as a site for the construction of a school. Complete Form 331 to claim this tax credit.
- **Credit for Healthy Forest Enterprises.** This tax credit is for net increases in qualified employment positions in a healthy forest enterprise. Use Form 332 to claim this tax credit.
- **Credit for Employing National Guard Members.** This tax credit is for an employer who has an employee that is a member of the Arizona National Guard and the employee was placed on active duty. Use Form 333 to claim this tax credit.
- **Motion Picture Credits.** Two transferable tax credits exist related to motion pictures. Motion picture production companies that produce motion pictures, commercials, music videos, or television series completely or partially in Arizona may claim a tax credit for production costs. A tax credit for investments in motion picture infrastructure projects in Arizona is also available. Use Form 334 to claim these credits.
- **Credit for Corporate Contributions to School Tuition Organizations.** This credit is for corporations who make contributions to school tuition organizations which provide scholarships and tuition grants to children attending qualified nongovernmental schools. Use Form 335 to claim this credit.
- **Credit for Solar Energy Devices - Commercial and Industrial Applications.** This credit is available to taxpayers that install solar energy devices for commercial, industrial, or any other nonresidential purpose in the taxpayer's trade or business located in Arizona. The taxpayer or an exempt organization may transfer the credit to a third party that either financed, installed, or manufactured the qualifying solar energy device. Use Form 336 to figure this credit.

- Credit for Water Conservation System Stub Outs.** This tax credit is for the installation of water conservation system stub outs in houses or dwelling units constructed by the taxpayer. The houses or dwelling units must be located in Arizona. Complete Form 337 to claim this tax credit.

Complete the appropriate credit form for each tax credit. Attach the completed credit form to the tax return with Form 300.

**Line 17 - Credit Type**

Indicate which nonrefundable tax credits were claimed on line 16 by writing the applicable form number(s) in the space provided.

Nonrefundable Income Tax Credit	Form
Defense Contracting Credits	302
Enterprise Zone Credit	304
Environmental Technology Facility Credit	305
Military Reuse Zone Credit	306
Credit for Increased Research Activities	308
Pollution Control Credit	315
Credit for Taxes Paid for Coal Consumed in Generating Electrical Power	318
Credit for Solar Hot Water Heater Plumbing Stub Outs and Electric Vehicle Recharge Outlets	319
Credit for Employment of TANF Recipients	320
Agricultural Pollution Control Equipment Credit	325
Credit for Donation of School Site	331
Credit for Healthy Forest Enterprises	332
Credit for Employing National Guard Members	333
Motion Picture Credits	334
Credit for Corporate Contributions to School Tuition Organizations	335
Credit for Solar Energy Devices - Commercial and Industrial Applications	336
Credit for Water Conservation System Plumbing Stub Outs	337

4.		\$	610	00
5.	Enter the larger of line 3 or line 4.	\$		00
6.	Enter the smaller of line 1, line 2, or line 5 here and on 2008 Form 120S, line 19.	\$		00

**Line 18 - Arizona Tax Liability**

Subtract the sum of lines 15 and 16 from line 14. Line 18 cannot be a negative amount.

**Line 19 - Clean Elections Fund Tax Credit**

A taxpayer may claim a tax credit on the 2008 tax return for:

- A donation made directly to the Clean Elections Fund during the taxable year 2008; and/or
- A donation made to the Clean Elections Fund on the taxpayer's 2007 tax return.

The 2008 tax credit is equal to the amount of the donation(s), but cannot exceed twenty percent of the tax on line 18 or six hundred ten dollars, whichever is higher. Any donation to the fund made with the original 2008 tax return must be claimed on the taxpayer's 2009 tax return. The unused portion of the tax credit may not be carried forward.

Calculation of 2008 Clean Elections Fund Tax Credit			
1.	Enter the amount donated directly to the fund during the taxable year 2008 PLUS the amount donated to the fund with the 2007 Form 120S.	\$	00
2.	Enter tax from 2008 Form 120S, line 18.	\$	00
3.	Multiply amount on line 2 by 20 percent (.20).	\$	00

## Tax Payments

### Line 21 - Extension Payments

*Original Returns:* Enter any payment made with the request for extension of time to file the income tax return.

*Amended Returns:* Enter any payment made with the request for an extension of time to file the original return. DO NOT include or enter the amount of any penalties or interest paid.

### Line 22 - Estimated Payments

*Original Returns:* Enter the total amount paid by the S corporation for the taxable year. Attach a schedule listing dates and payments made.

*Amended Returns:* Enter the total amount of estimated tax payments made by the S corporation for the taxable year. Do not include the amount of any penalties paid, or any reduction for the amount of an overpayment that was designated as an estimated tax payment for 2008 on a prior return.

### Line 23 - Total Payments

*Original Returns:* Add lines 21 and 22. Enter the total.

*Amended Returns:* Enter the total amount of tax payments made for the taxable year. Compute the total as follows:

- Add the amounts entered on lines 21 and 22.
- Add the amount of a payment sent with the original return (if any);
- Add the amount of any payments made after the original return was filed; and
- Subtract the amount of any overpayment of tax (from the original return, line 25) and the total amount of any overpayments from a Department of Revenue correction notice, a prior amended return, or an audit.
- Do not include or enter the amount of any penalties or interest paid.

## Computation of Total Due or Overpayment

### Line 24 - Balance of Tax Due

If the amount on line 20 is **larger** than the amount on line 23, there is a balance of tax due. Subtract line 23 from line 20, and enter the difference. Skip line 25.

### Line 25 - Overpayment of Tax

If the amount on line 23 is **larger** than the amount on line 20, there is an overpayment of tax. Subtract line 23 from line 20, and enter the difference as a positive number.

### Line 26 - Penalty and Interest

Calculate any penalty and interest due as a result of late filing or late payment of tax. Calculate interest on the amount shown on line 24 at the prevailing rate. The interest period is from the original due date of the return to the payment date. See the "Penalties and Interest" section on page 2 of these instructions. Do not include or enter the amount from Form 220. Do not include or enter the amount of the information return penalty for late or incomplete filing on this line.

### Line 27 - Estimated Tax Underpayment Penalty

*Original returns:* The S corporation DOES NOT HAVE TO COMPLETE Form 220, *Underpayment of Estimated Tax by Corporations*, if the S corporation made estimated tax payments equal to 90 percent of the current taxable year's tax liability, and paid in four equal installments. The department will compute the underpayment of estimated tax penalty based on this method and notify the S corporation of any amount due. If the S corporation elects to have the department compute the penalty, do not check the box on line 27 or enter an amount on line 27.

The S corporation MUST COMPLETE Form 220, even though no penalty is due, if it made its estimated tax payments based on any of the following methods:

- The annualized income installment method;
- The adjusted seasonal installment method; or
- An amount, paid in four equal installments, that is equal to the sum of:

Ninety percent of the portion of the current taxable year's Arizona tax liability that is attributable to built-in gains income or certain capital gains income; **plus**

One hundred percent of the portion of the prior taxable year's Arizona tax liability that is attributable to excess net passive income.

Enter the total penalty from Form 220, Part C, line 37. Attach the completed Form 220 to the return **and** check the box on line 27.

*Amended returns:* Do not recompute the estimated tax underpayment penalty. Enter the amount from line 27 of the original return or the amount from a Department of Revenue correction notice.

### Line 28 - Donation to Citizens Clean Elections Fund

*Original Returns:* Enter the amount of the donation to the fund made on this return.

*Amended Returns:* Enter the amount of the donation to the fund made on the original return. The amount of the donation cannot be adjusted on an amended return.

### Line 29 - Information Return Penalty

*Original Returns:* If no tax liability is due, and this return is filed late (including extension) or incomplete, enter the amount of the information return penalty on this line. The information return penalty is \$100 for each month, or fraction of a month, that the failure continues, up to a maximum penalty of \$500.

*Amended Returns:* Do not recompute the information return penalty. Enter the amount from line 29 of the original return or the amount from a Department of Revenue correction notice.

### Line 30 - Total Due

If the taxpayer had a balance of tax due on line 24, add line 24 and lines 26 through line 28. Enter the total on line 30. S corporation's that do not have a tax liability, enter the amount from line 29. This is the total amount due. Payments can be made via check or money order.

Make checks payable to Arizona Department of Revenue. Write the taxpayer's EIN on the front of the check or money order. Attach the check or money order to the return.

**Line 31 - Overpayment**

If the taxpayer had an overpayment of tax on line 25, subtract the total of lines 26 through line 28 from line 25. Enter a positive difference on line 31. This is the total overpayment. If the difference is negative, enter the difference as a positive number on line 30.

**Line 32 - Overpayment Applied to Estimated Tax**

*Original Returns:* The taxpayer may apply part or all of an overpayment reported on line 31 as a 2009 estimated tax payment. Enter the applicable amount on line 32.

*Amended Returns:* The taxpayer may apply part or all of an overpayment reported on line 31 as a 2009 estimated tax payment, if this amended return is filed during the taxpayer's taxable year 2009. Enter the applicable amount on line 32.

**Line 33 - Refund**

Subtract line 32 from line 31. Enter the difference. This is the net refund amount.

**Schedule ACA - Air Carrier Apportionment  
Formula  
(Multistate S Corporation Air Carriers Only)**

ARS §§ 43-1131 through 43-1150 govern the apportionment of income. An S corporation that engages in activities both within and without Arizona must apportion its business income.

Effective for taxable years beginning from and after December 31, 2000, ARS § 43-1139(B) requires a taxpayer that is a qualifying air carrier to use revenue miles to apportion its business income to Arizona. The taxpayer must be engaged in air commerce. "Air commerce" means transporting persons or property for hire by aircraft in interstate, intrastate or international transportation. The taxpayer must complete Schedule ACA. Check the box for information question A on page 1. Do not complete Schedule A.

**Schedule A - Apportionment Formula  
(Non-Air Carrier Multistate S Corporations Only)**

ARS §§ 43-1131 through 43-1150 govern the apportionment of income. An S corporation that engages in activities both within and without Arizona must apportion its business income. The S corporation (other than a multistate air carrier) must base the apportionment on property, payroll, and sales in Arizona as compared with everywhere. "Everywhere" means the property, payroll, and sales factors related to the whole unitary business. Complete Schedule A as directed on the form.

For tax years beginning from and after December 31, 2006, non-air carrier multistate S corporations have the opportunity to choose one of two apportionment formulae for calculating the apportionment ratio. Non-air carrier multistate S corporations may select the enhanced sales factor formula in exchange for participating in an economic impact analysis conducted by the

Joint Legislative Budget Committee. The department is required to provide the identity of S corporations that use the enhanced sales factor formula to the Joint Legislative Budget Committee. The standard sales factor formula must be used by non-air carrier multistate S corporations not selecting to use the enhanced sales factor formula.

The numerator of the fraction of the standard sales factor formula is the property factor plus the payroll factor plus two times the sales factor. The denominator of the fraction is four. For tax years beginning from and after December 31, 2007 through December 31, 2008, the numerator of the fraction of the enhanced sales factor formula is 1.5 times the property factor plus 1.5 times the payroll factor plus 7 times the sales factor. The denominator of the fraction is 10.

Taxpayers using any of the aforementioned apportionment methods shall complete lines 5 through 10 on page 1.

Detailed instructions for the standard sales factor formula begin below while detailed instructions for the enhanced sales factor formula begin in the next column.

**Standard Sales Factor Formula**

Check the box for information question A on page 1 of the return to indicate that the standard double weighting of the sales factor will be used to calculate the apportionment ratio on the S corporation's return. Use the numbers located on the left-hand side of Schedule A, column A, to weight the property, payroll, and sales factors.

**Line A1 - Property Factor**

The value of tangible personal property and real property owned by the taxpayer is its original cost. The taxpayer normally determines the average value of its owned property by averaging the values at the beginning and ending of the tax period.

The value of tangible personal property and real property rented by the taxpayer is eight times its net annual rental rate, less the aggregate annual subrental rates paid by subtenants of the taxpayer.

Report real property situated and tangible personal property permanently located in Arizona, if connected with the business, as property within Arizona. Allocate the value of mobile property to Arizona based on the total time that the property was within Arizona.

Compute the property factor by carrying the total owned and rented property numbers on line A1(c), columns A and B, to line A1(e), columns A and B. Next, on line A1(e), divide column A by column B and put the resulting ratio in column C. Express the ratio as a decimal carried out to six places. The property factor on line A1(e), column C, will never exceed 100 percent.

**Line A2 - Payroll Factor**

Report salaries, wages, or other compensation of officers, employees, etc. as within Arizona, if performance of the services occurs here. This rule applies regardless of where payment is made or control exercised. This rule also applies

regardless of whether the performance of the services is partly or wholly in connection with the apportionable business carried on outside the state or in interstate or foreign commerce.

Allocate the compensation of officers and employees who perform services partly within and partly without Arizona to this state when:

- The services performed outside of Arizona are incidental to the employee's service within Arizona; or
- The employee's base of operation is in Arizona; or
- The employee has no base of operation in any state, but the direction or control of the employee is from Arizona; or
- The employee has no base of operation in any state and there is no direction or control from a state in which the employee performs some part of his services, but the employee's residence is in Arizona.

Compute the payroll factor by carrying total wages, line A2(a), columns A and B, to line A2(c), columns A and B. Next, on line A2(c), divide column A by column B and put the resulting ratio in column C. Express the ratio as a decimal carried out to six places. The payroll factor on line A2(c), column C, will never exceed 100 percent.

**Line A3 - Sales Factor**

The term "sales" includes all gross receipts from transactions and activities in the course of the regular trade or business that produce income.

Determine sales within Arizona on a destination sales basis.

**NOTE:** *Multiply the amount entered on line A3(c), column A, of Schedule A (total Arizona sales) by two (double weighted sales factor) on line A3(d), column A. Enter the amount on line A3(e), column A. Do not double the amount on line A3(c), column B, when carrying it down to line A3(e), column B of Schedule A (everywhere sales of the S corporation).*

The sales factor on line A3(e), column C, may, in certain circumstances, exceed 100 percent. However, since the total ratio (line A4, column C) is divided by four, the average ratio (line A5, column C) will not exceed 100 percent.

**Line A5 - Average Ratio**

Divide the total ratio, line A4, column C, by four. Enter the average ratio here and on page 1, line 7. Express the ratio as a decimal carried out to six places.

**NOTE:** *If both the numerator and denominator of a factor are zero, the taxpayer must exclude the factor from the apportionment ratio. Do not exclude a factor if the numerator is zero and the denominator is greater than zero. If the property or payroll factor is excluded, determine the average ratio (line A5, column C) by dividing the total ratio by three. If the sales factor is excluded, determine the average ratio by dividing the total ratio by two.*

**Enhanced Sales Factor Formula**

Check the box for information question A on page 1 to indicate that the enhanced sales factor formula will be used to calculate the apportionment ratio on the S corporation's return. Use the numbers located on the right-hand side of column A to weight the property, payroll, and sales factors at

1.5, 1.5, and 7 times, respectively.

**Line A1 - Property Factor**

The value of tangible personal property and real property owned by the taxpayer is its original cost. The taxpayer normally determines the average value of its owned property by averaging the values at the beginning and ending of the tax period.

The value of tangible personal property and real property rented by the taxpayer is eight times its net annual rental rate, less the aggregate annual subrental rates paid by subtenants of the taxpayer.

Report real property situated and tangible personal property permanently located in Arizona, if connected with the business, as property within Arizona. Allocate the value of mobile property to Arizona based on the total time that the property was within Arizona.

Compute the property factor numerator by multiplying the total amount of Arizona property (line A1(c), column A) by 1.5. Do not multiply the property factor denominator by 1.5. Next, for line A1(e), divide column A by column B and put the resulting ratio in column C. Express the ratio as a decimal carried out to six places. The property factor on line A1(e), column C, may exceed 100 percent.

**Line A2 - Payroll Factor**

Report salaries, wages, or other compensation of officers, employees, etc. as within Arizona, if performance of the services occurs here. This rule applies regardless of where payment is made or control exercised. This rule also applies regardless of whether the performance of the services is partly or wholly in connection with the apportionable business carried on outside the state or in interstate or foreign commerce.

Allocate the compensation of officers and employees who perform services partly within and partly without Arizona to this state when:

- The services performed outside of Arizona are incidental to the employee's service within Arizona; or
- The employee's base of operation is in Arizona; or
- The employee has no base of operation in any state, but the direction or control of the employee is from Arizona; or
- The employee has no base of operation in any state and there is no direction or control from a state in which the employee performs some part of his services, but the employee's residence is in Arizona.

Compute the payroll factor numerator by multiplying the total amount of Arizona payroll (line A2(a), column A) by 1.5. Do not multiply the payroll factor denominator by 1.5. Next, for line A2(c), divide column A by column B and put the resulting ratio in column C. Express the ratio as a decimal carried out to six places. The payroll factor on line A2(c), column C, may exceed 100 percent.

**Line A3 - Sales Factor**

The term "sales" includes all gross receipts from transactions and activities in the course of the regular trade or business that produce income.

Determine sales within Arizona on a destination sales basis.

**NOTE:** Multiply the amount entered on line A3(c), column A, of Schedule A (the total Arizona sales) by 7 (enhanced sales factor) on line A3(d), column A. Enter the amount on line A3(e), column A. Do not multiply the amount on line A3(c), column B, by 7 when carrying the number down to line A3(e), column B, of Schedule A (the everywhere sales of the S corporation).

The sales factor on line A3(e), column C, may, in certain circumstances, exceed 100 percent. However, since the total ratio (line A4, column C) is divided by 10, the average ratio (line A5, column C) will not exceed 100 percent.

### Line A5 - Average Ratio

Divide the total ratio, line A4, column C, by 10. Enter the average ratio here and on page 1, line 7. Express the ratio as a decimal carried out to six places.

**NOTE:** If both the numerator and denominator of a factor are zero, the taxpayer must exclude the factor from the apportionment ratio. Do not exclude a factor if the numerator is zero and the denominator is greater than zero. If the property or payroll factor is excluded, determine the average ratio (line A5, column C) by dividing the total ratio by 8.5. If the sales factor is excluded, determine the average ratio by dividing the total ratio by 3.

## Schedule B - Other Information

Answer all questions (B1 through B6) as accurately and completely as possible.

**Question B3:** List the name, title and telephone number of the individual who Department of Revenue employees may contact to schedule an audit of this return. Confidential information may be disclosed to a principal officer, any person designated by a principal officer, any person designated in a resolution by the corporate board of directors or other similar governing body, or to an individual designated as an authorized representative in a valid power of attorney. A principal corporate officer of a parent corporation may execute a written authorization for a controlled subsidiary. If this individual is not a principal officer, or is not designated as an authorized representative in a valid power of attorney, the taxpayer understands and agrees that confidential information may be disclosed to this individual.

### ADMINISTRATIVE RELIEF REQUESTS

ARS § 43-1148 provides administrative relief if the allocation and apportionment provisions of UDITPA do not fairly represent the extent of the taxpayer's business activity in Arizona. The taxpayer may petition for an alternative method of computing its income attributable to Arizona, or the department may require an alternative method.

A departure from the allocation and apportionment provisions is allowed only in limited cases. Taxpayers seeking such relief should submit a letter to the Corporate Income Tax Audit Section 60 days prior to the filing of the return setting forth the relief that is requested and the justification for the relief.

### Certification

One or more of the following officers (president, treasurer, or any other principal officer) must sign the return.

**Paid preparers:** Sign and date the return. Complete the firm name and address lines (the preparer's name and address if self-employed). Enter the preparer's TIN, which is the firm's EIN, the individual preparer's social security number, or preparer identification number.

### Schedule K-1(NR) - S Corporation Instructions

Use this schedule for nonresident individual shareholders, nonresident estate shareholders, and nonresident trust shareholders.

Type or print the required information in the name, address, and information boxes on the top of the Arizona Form 120S, Schedule K-1(NR). Indicate the period covered by the taxable year on the schedule and whether the S corporation's taxable year is a calendar year or a fiscal year. Indicate whether this is an original or an amended schedule.

#### Column (a) - Distributive Share Amount

**Wholly Arizona S corporations** - in column (a), enter the distributive share amount for each line item from the federal Form 1120-S, Schedule K-1.

**Multistate S corporations** - in column (a), enter the nonresident shareholder's distributive share of the multistate S corporation's income (loss) that is subject to apportionment from the federal Form 1120-S, Schedule K-1.

#### Column (b) - Arizona Apportionment Ratio

**Wholly Arizona S corporations** - enter 100 percent.

**Multistate S corporations** - enter the average ratio amount from Form 120S, Schedule A, line A5, column C or Schedule ACA, line 3. (Refer to Schedule ACA or Schedule A instructions.)

#### Column (c) - Arizona Source Income

**Wholly Arizona S corporations** - multiply column (a) by column (b). Enter the result in column (c).

**Multistate S corporations** - attach a schedule that details (for each line item) the following computation:

- Step 1 The shareholder's distributive share of the S corporation's income subject to apportionment multiplied by the average ratio in column (b).
- Step 2 The shareholder's distributive share of the S corporation's income (loss) which is specifically allocable to Arizona.
- Step 3 The total of the amounts computed in steps 1 and 2 that is to be entered in column (c).

**NOTE:** Do not include the amount of any nonbusiness income allocable to another state in the total entered in column (c).

**All S corporations** - Column (c) is the shareholder's Arizona source income from the S corporation. Shareholders should refer to the Form 120S, Schedule K-1(NR) instructions for information on completing their Arizona tax returns.

### Shareholder Reporting Requirements

#### Exempt Organization Shareholders

Exempt organization shareholders must file Form 99T, *Arizona Exempt Organization Business Income Tax Return*, to report the income (loss) from the S corporation. This income (loss) is included in the organization's unrelated business taxable income from the federal Form 990-T.

#### Resident Individual Shareholders

Resident shareholders are taxable on their entire distributive share of income from the S corporation. The distributive share of income reported on the federal return will flow through to Form 140, *Resident Personal Income Tax Return*.

#### Nonresident Individual Shareholders

Nonresident shareholders of S corporations operating in Arizona are subject to Arizona income tax on their distributive share of the income (loss) earned by the S corporation in Arizona. Refer to the Form 120S, Schedule K-1(NR). Nonresident shareholders must file Form 140NR, *Nonresident Personal Income Tax Return*, to report this income (loss).

**Composite return:** The Arizona Department of Revenue will accept a composite return on Form 140NR for nonresident individual shareholders so long as the return includes ten or more participating members.

#### Estate and Trust Shareholders

Shareholders that are trusts or estates are taxable on their entire distributive share of income from the S corporation. Resident trust or estate distributive share income will flow through to Form 141AZ, *Arizona Fiduciary Income Tax Return*. Nonresident trust or estate distributive share income should be reported on Schedule A of Form 141AZ, *Arizona Fiduciary Income Tax Return*.