

INSTRUCTIONS FOR THE PREPARATION OF
ALABAMA DEPARTMENT OF REVENUE
Consolidated Financial Institution Excise Tax

2015

Alabama Financial Institutions Excise Tax law, regulations, forms and instructions are available on the Alabama Department of Revenue's Web site at www.revenue.alabama.gov.

What's New for 2014

Alabama Tax Tribunal, Act Number 2014-146 adds Chapter 2B to Title 40 of the Code of Alabama 1975; amends Sections 40-2A-3, 40-2A-4, 40-2A-5, 40-2A-7, 40-2A-8 and 40-18-27; repeals Section 40-2A-9; creates an independent executive branch agency, the Alabama Tax Tribunal; replaces the Administrative Law Division with the tribunal and Administrative Law Judge within the Department of Revenue for hearing appeals of tax matters and other matters of the Department of Revenue.

Rehabilitation, Preservation and Development of Historic Structures Credit, Act Number 2013-241 is available to corporations. The act provides an income tax credit against the tax liability of the taxpayer for the rehabilitation, preservation, and development of historic structures. The credit is equal to 25% of the qualified rehabilitation expenditures for certified historic structures. The act also provides a tax credit equal to 10% of the qualified rehabilitation expenditures for qualified pre-1936 non-historic structures. No tax credit claimed for any certified rehabilitation may exceed \$5,000,000 for all allowable property types except a certified historic residential structure, and \$50,000 for a certified historic residential structure. The entire credit may be claimed by the taxpayer in the taxable year in which the certified rehabilitation is placed in service. This credit is not refundable, but any unused portion of the credit may be carried forward for up to 10 additional tax years.

Rehabilitation, Preservation and Development of Historic Structures Credit, Act Number 2014-452 amends Act 2013-241, effective retroactively to May 15, 2013. The amended act allows for the credit to be transferred one time. In addition, the law was amended to allow pass through entities to claim the credit. The credit only applies to tax periods beginning on or after January 1, 2014.

General Information for Financial Institutions Filing a Consolidated Return

Alabama Form ET-1C must be filed by taxpayers meeting the definition of financial institutions (as defined in Section 40-16-1, *Code of Alabama 1975*) that have properly elected to file a consolidated financial institutions excise tax return.

Form ET-1C is an annual return due on April 15th of each excise tax year. The financial institutions excise tax is payable on or before April 15th of the excise tax year. The Alabama taxable income, computed and reported on the form, is for the last taxable year of the financial institution ended prior to April 1 of the excise tax year.

EXAMPLE: The 2015 Alabama Form ET-1C is due on April 15, 2015. If April 15 falls on a Saturday, Sunday, or state holiday, the return and payment will be due the following business day. Payment of the tax liability shown on the 2014 Form ET-1C allows the taxpayer to engage in the business of being a financial institution in the State of Alabama for the 2015 calendar year. If the taxpayer is a calendar year taxpayer, the Alabama taxable income computed and shown due on the 2015 Form ET-1C is based on the operations of the 2014 calendar year.

In order for the qualified corporate group to be able to file a consolidated return, the financial institution members must meet the definition of a financial institution found in Section 40-16-1 of the *Code of Alabama 1975*. The members must also meet the ownership requirement and filing requirement specified in Section 40-16-3, *Code of Alabama 1975*.

Annual Consolidated Filing Election and Fee

In order for a financial institution excise group to file a consolidated financial institution excise return, the parent of the group must meet the ownership and filing requirements, specified in Section 40-16-3, Code of Alabama and timely file an election to file consolidated (Form ET-C). Financial institutions that file federal Form 1120S (U.S. Income Tax Return for an S Corporation) are not required to file Alabama Form ET-1C nor are they required to make a consolidated election (Form ET-C) for Alabama purposes. Alabama treats an S Corporation and its qualified subchapter S subsidiaries as one entity. Form ET-1 should be filed instead of Form ET-1C. Form ET-C

must be received by the Department of Revenue on or before April 15 of the excise tax year. In addition to Form ET-C, the parent must also remit a \$6000 consolidated filing fee. Form ET-C and the required fee must both be remitted electronically. Please visit our Web site at www.revenue.alabama.gov and select E Services.

Extension to file Alabama Form ET-1C

Alabama Form ET-8, Application for Extension of Time for Filing Alabama Financial Institution Excise Return, may be used to request an extension for either 3 months or 6 months. If requesting a three (3) month extension, 50% of the estimated tax due must be remitted with the extension request on or before April 15th. The balance plus interest must be remitted with the return when filed on or before July 15th. If requesting a six (6) month extension, the entire estimated tax due must be remitted with the extension request by April 15th. The return will be due on or before October 15th. **Taxpayers who request extension of time to file Alabama Form ET-1C are encouraged to remit Alabama ET-8 and payment electronically. Payments of \$750 or more must be remitted electronically.**

NOTE: *The Alabama parent should remit Form ET-8 on behalf of all of the companies included in the consolidated election.*

Payment of Tax

The total amount of the excise tax liability for the period is due on or before the unextended due date of the return. If the return is to be filed under extension, any liability due should be remitted no later than the original due date of the return.

Section 41-1-20 requires electronic payments for all single business tax payments of \$750 or more. Substantial penalties will be assessed for noncompliance. Payments of \$750 or more must be made electronically. Non-electronic payments must be remitted with Form FIE-V. **DO NOT MAIL FORM FIE-V IF THE PAYMENT IS REMITTED ELECTRONICALLY.**

Electronic Payment Options available:

My Alabama Taxes (MAT) – Taxpayers who have an account with the Alabama Department of Revenue may register and make electronic payments using MAT. Visit the Department's Web site at www.revenue.alabama.gov (click the MAT icon on the home page).

ACH Credit – Taxpayers making electronic payments via ACH Credit must be pre-approved by ADOR. To register, complete and submit Form EFT: 001 entitled EFT Authorization Agreement Form. Visit our Web site at www.revenue.alabama.gov/eservices.htm for additional information.

Technical assistance with making a payment using ACH Credit, call the toll free hotline (1-877-256-2447) from 8:00 a.m. through 5:00 p.m. (Central Standard Time)

Alabama Interactive – The Department will accept the Application for Extension of Time for Filing Alabama electronic payments for automatic extension payments and Election and Payment of Fee for Filing a Consolidated Financial Institution Excise Tax Return through Alabama Interactive. Visit www.alabamainteractive.org/taxestimation/ or www.alabamainteractive.org/taxextension/.

Technical assistance with making a payment using Alabama Interactive, call toll free (1-866-353-3468)

Make check or money order payable to: Alabama Department of Revenue

Preparation Instructions

Taxpayers filing consolidated financial institution excise tax returns will submit completed proforma Forms ET-1 for each of the separate companies included in the consolidated excise group. A proforma Form ET-1 is a completed Form ET-1 with filing status 4 checked. In addition to a proforma Form ET-1, the Alabama parent will complete Form ET-1C. Form ET-1C was designed to summarize the separate company information from each of the proforma Form ET-1 returns for each of the members of the consolidated excise group. All financial information for the group will be

summarized on the Form ET-1C. Tax due for the group will be computed on Form ET-1C. Petitions for refund for the consolidated group will also be requested using the Form ET-1C. Any tax payments for the consolidated group should be made by the Alabama parent and claimed on Form ET-1C.

NOTE: For line by line instructions for proforma Form ET-1, please see the instructions for Form ET-1. These instructions will only provide line by line instructions for the Form ET-1C.

REQUIRED ATTACHMENTS. For the Consolidated Financial Institutions Excise Tax return to be considered complete, **a complete signed copy of the applicable federal income tax return must be attached. Failure to attach the complete federal return and supporting schedules may result in the imposition of delinquent and/or frivolous return penalties.** A complete federal return includes consolidated income spreadsheets, consolidated balance sheets, consolidated Schedules M-1, M-2, M-3, Schedule UTP, as well as supporting schedules for each of these items broken down by each separate company included in the consolidated federal group.

If the parent of the consolidated excise group incurs a current year loss, a computation of the parent company loss allocation must be included as an attachment to the consolidated excise tax return. The parent company loss allocation must be made in accordance with Alabama excise tax regulation 810-9-1-.01(4)(j)2.

At the top, left-hand corner of page 1 check all applicable boxes if filing an initial, final, amended return, or address change.

At the top, right-hand corner of page 1 check the appropriate box indicating a calendar-year, fiscal-year, or short-year return. Fill in the blanks indicating the beginning and ending dates of the tax period if the return is for a fiscal year or a short year.

In the top, center block of page 1 enter the taxpayer's federal business code number, its federal employer identification number (FEIN), and its name and mailing address (with complete zip code). Below the address enter the state of incorporation, date of incorporation, the date the taxpayer qualified to do business in Alabama, and the nature of business being conducted in Alabama.

If this corporation is included in a consolidated federal income tax return, check the block, and enter the name and FEIN of the common parent corporation.

If a notification of final IRS change is attached to the return, check the box.

If the taxpayer is filing an Alabama Business Privilege Tax return, check the box and enter the FEIN used on the Form CPT (business privilege tax return). If the taxpayer does not file for business privilege tax purposes, do not check the box, leave the FEIN field blank, and attach a statement to the return explaining why the taxpayer does not file.

Filing Status. Form ET-1C will always be marked filing status 4, Alabama Consolidated Return. All members of the consolidated excise group should include completed Form ET-1 returns marked filing status 4, Proforma Return.

LINE 1. Enter the sum from line 31 of each of the proforma Form(s) ET-1 for each member of the consolidated excise group on line 1 of Form ET-1C.

LINE 2. Enter the amount of tax due for the consolidated excise group by multiplying line 1 by 6.5%, as specified in Section 40-16-4, *Code of Alabama 1975*.

Credits and Payments

LINE 3a. Enter the sum from Schedule F of the proforma returns included in the consolidated excise group. Please note: sales tax credits for each separate company in the consolidated group are limited to the individual tax liability for that separate company. Sales tax credits cannot reduce the company that incurred the sales tax expense's excise tax liability below zero.

LINE 3b. Enter the sum from Schedule G of the proforma returns included in the consolidated excise group. Allowable tax credits cannot reduce the excise tax liability below zero.

LINE 3c. Enter the amount of any tax remitted as an extension payment with Form ET-8.

LINE 3d. Enter the amount of any additional tax remitted.

LINE 3e. Add the amounts of lines 3a, 3b, 3c, and 3d. Enter the total of these four lines on line 3e.

LINE 4. Penalties Due. Enter the total amount of the penalty for failure to timely file the return and the penalty for failure to timely pay the tax shown due on the return, as specified in Section 40-2A-11, *Code of Alabama 1975*. The penalty for failure to timely file an Alabama Financial Institutions Excise Tax return by the due date is 10% of the tax shown due with the return or \$50, whichever is greater. The penalty for failure to timely pay the amount of tax shown due on an Alabama Form ET-1C is equal to 1% of the amount of tax shown due on the return for each month the tax is unpaid – not to exceed 25% of the amount shown due on the return.

LINE 5. Interest Due. Interest from April 15 to Date of Payment. Enter the amount of interest due on the amount of any tax due remitted after April 15. Compute the interest using IRS rates from April 15 of the excise tax year until the date of payment. The Alabama interest rate is the same as provided for in IRC Section 6621.

LINE 6. Total Payment Due/(Refund Due). Subtract line 3d from the total of lines 2, 4 and 5, and enter the result here. A negative amount represents an overpayment.

Indicate payment type by marking the appropriate box by either Electronic Payment, or Payment remitted with Payment Voucher (Form FIE-V).

SIGNATURE. The Alabama Form ET-1C must be signed by an authorized officer of the corporation. Enter the date signed and the title of the person whose signature is affixed.

PAID PREPARER AUTHORIZATION. Above the return signature area is a check box which will be used to authorize the Alabama Department of Revenue to discuss the Alabama Form ET-1C and attachments with the paid preparer – who is identified in the Paid Preparer's Use Only Section of the return. **To represent the taxpayer before the Alabama Department of Revenue for tax matters related to the return, this box must be checked.**

PAID PREPARER INFORMATION. Anyone who is paid to prepare the Alabama Form ET-1C must sign and provide the information requested in the Paid Preparer's Use Only Section of the Form ET-1C. The signature may be made by hand, by rubber stamp, by mechanical device, or a computer software program. Paid preparers must provide the taxpayer with a copy of the prepared return. Enter the taxpayer's representative to contact for information concerning the return along with the contact person's email address and telephone number. If the paid preparer will represent the taxpayer for tax matters related to the return, the authorization box on the return must be checked in addition to being notated in this section.

Mail Consolidated Returns and Payments to:

Alabama Department of Revenue
Consolidated Business Tax Compliance Unit (CBTCU)
P.O. Box 327437
Montgomery, AL 36132-7437
Telephone (334) 353-9448

Any questions concerning the preparation of the Alabama Form ET-1C should be directed to the Consolidated Business Tax Compliance Unit at (334) 353-9448.

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SCHEDULE AS – AFFILIATIONS SCHEDULE. Page 2 of Form ET-1C must be completed for every member of the consolidated excise group. If the consolidated group has more members than page 2 provides for, attach additional copies of page 2, as needed. Column A should list the name of the common Alabama parent, then the names of each of the subsidiaries included in the consolidated excise group. The common parent of the financial institutions excise group does not necessarily have to be the same group parent reported for federal income tax purposes. Column B should list the federal employer identification number (FEIN) of the company in column A. In column C, list the tax year end (MM/DD/YYYY) for each company included in Schedule AS. In column D, indicate if the taxpayer filed a separate company Alabama return for the previous tax year. If the taxpayer was part of a consolidated group with the same parent, indicate by marking the NO box. In column E, indicate if the company is new to the federal consolidated group, and in column F, indicate if the company files a business privilege tax return.

For each corporation listed on Schedule AS, a proforma Form ET-1C should be included as part of the consolidated filing for the consolidated excise group. In addition, the parent of the consolidated excise group must complete Form ET-1C. Failure to provide this information will result in rejection of the consolidated return.