

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 2012

Alabama New Markets Development Act, Act Number 2012-483, passed by the Alabama Legislature during the 2012 Regular Session, establishes a financial institution excise tax credit for companies that invest in businesses located in impoverished and low income communities. For more information contact the Alabama Development Office at 1-800-248-0033 or the Alabama Department of Revenue Commissioner's Office at 334-242-1175. See instructions for Form ET-1, page 1, line 33b.

Full Employment Act of 2011, Act Number 2011-551, passed by the Alabama Legislature during the 2011 Regular Session, allows a financial institution excise tax credit for employers that create new jobs paying more than ten dollars (\$10) per hour. Employers will receive a financial institution excise tax credit equal to one thousand dollars (\$1,000) and shall be available in the tax year during which the employee has completed 12 months of consecutive employment. See the instructions for Form ET-1, page 1, line 33b.

Heroes for Hire Tax Credit Act of 2012. The Alabama Legislature passed Act Number 2012-168 during the 2011 Regular Session. The act provides qualified employers an additional credit against the state portion of the financial institution excise tax owed in the amount of \$1,000 for hiring recently deployed and now discharged unemployed veterans. This act is effective for all tax years beginning on or after January 1, 2012. See the instructions for Form ET-1 page 1, line 33b.

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 2013 Alabama Form ET-1C is due on April 15, 2013. 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 2012 Form ET-1C allows the taxpayer to engage in the business of being a financial institution in the State of Alabama for the 2013 calendar year. If the taxpayer is a calendar year taxpayer, the Alabama taxable income computed and shown due on the 2013 Form ET-1C is based on the operations of the 2012 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. Visit our Web site at www.revenue.alabama.gov and select e-services then extension.**

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

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). Section 41-1-20 requires electronic payment for all single business tax payments of \$750 or more. Please see our Web site at www.revenue.alabama.gov for further instructions on making electronic payments, or call the Alabama Department of Revenue EFT Hotline at (334) 242-0192 (option #7) or 1-800-322-4106 for additional information. Substantial penalties will be assessed for noncompliance.

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.