

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 Consolidated Filing:

An AAG, Alabama Affiliated Group, may elect to file an Alabama consolidated return. An Alabama consolidated return means an Alabama corporate income tax return filed by or on behalf of the members of an AAG. The election is made by filing Form 20C-CRE (Election to File Consolidated Corporate Income Tax Return). The completed election form must be submitted to the Department on or before the due date, with extensions, for the first taxable year for which the election is applicable. If the common parent (for federal income tax purposes) is not a member of the AAG, the members shall designate to the Department which member of the group shall serve as the AAG's common parent for Alabama. (The parent must be an Alabama nexus group member). The consolidated election is binding and irrevocable for a period of 120 consecutive months (10 years), beginning with the first month of the taxable year for which the election is made and ending with the conclusion of the taxable year in which the 120th consecutive month expires.

In accordance with §40-18-39, for tax periods beginning January 1, 2002, and after, AAG means a group of corporations, each member of which is subject to tax under §40-18-31 and Public Law 86-272 which are members of an Affiliated Group for Federal purposes and file a Federal Consolidated Corporate Income Tax Return. Each member (including the Alabama designated common parent corporation) shall allocate and apportion their Alabama taxable income and losses separately, using separate apportionment factors and file using the Proforma Form 20C. The sum of the separate company Alabama taxable income amounts (Sum of line 14, of all Proforma Form 20C's) are then brought forward to line 1 of the Alabama Consolidated Corporate Income Tax Return (Form 20C-C) and reported on this single Alabama return for the AAG. Form 20C-C, Consolidated Corporate Income Tax Return, must be filed by all AAGs with a binding consolidated election. All transactions between and among members of the AAG shall be reported on an arm's length basis. In addition to the separate company calculation, there may be additional expense items with limitations based on Ala-

bama consolidated taxable income. Credits are not allowed to exceed Alabama consolidated taxable income.

Estimate/Extension/Informational Requirements for AAG's:

All payments made on behalf of or for the AAG are to be paid for and credited to the account of the AAG parent corporation. Any AAG, which has an Alabama income tax liability in the excess of \$500 must pay estimated tax. The first payment is due by the 15th day of the 4th month of the taxable year. The 2nd, 3rd, and 4th payments are due by the 15th day of the 6th, 9th, and 12th months, respectively. If an installment is due on a Saturday, Sunday, or state holiday, payments made on the next day that is not a Saturday, Sunday, or legal holiday are considered made on the due date to the extent the payment is applied against that required installment.

The amount of required installments shall be 25 percent of the required annual payment. Required annual payment generally means the lesser of a) 100 percent of the tax shown on the return for the taxable year, or b) 100 percent of the tax shown on the return of the corporation for the preceding taxable year. The prior period exception shall not apply if the preceding taxable year was not a taxable year of 12 months or the corporation did not file a return for such preceding taxable year showing a liability for tax. Refer to Alabama Code Section 40-18-80-1.

Form 2220AL. Relief from the interest and penalty due on underpayment of estimated tax may be granted to eligible taxpayers who file Alabama Form 2220AL and meet one of the exceptions below.

- A corporation computed their required quarterly installments using an approved federal method (**annualized or seasonal**).
- A **Large Corporation** is allowed to base its first quarter installment on the prior year tax liability.
- An exception if the corporation's main source of Alabama Taxable Income is the result of Schedule K-1 income generated from a Pass Through Entity.

Remit estimated tax and automatic extension payments using Form BIT-V, if the payment is less than \$750, and/or is mailed to the Department. Payments over \$750 must be remitted electronically. Form BIT-V is not required if the payment is made electronically. To obtain Form BIT-V visit our Web site at www.revenue.alabama.gov.

Where To File/Payment of Tax:

The total amount of the AAG's income 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. Payments of \$750 or more must be made electronically. Payments less than \$750, may be remitted with Form BIT-V. **DO NOT MAIL FORM BIT-V IF THE PAYMENT WAS REMITTED ELECTRONICALLY.**

ELECTRONIC PAYMENT. §41-1-20 requires electronic payments for all single business tax payments of \$750 or more. Substantial penalties will be assessed for noncompliance.

Electronic Payment Options available:

My Alabama Taxes (MAT) – Taxpayers who have an account with the Alabama Department of Revenue may register and make e-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 e-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 e-payments for estimated and automatic extension payments 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)

• **Official Payments** – The Department will accept electronic check (e-check) and credit card payments through Official Payments Corporation on the Internet. Visit www.officialpayments.com/echeck. A convenience fee may be charged for the use of this service and will be automatically calculated, if applicable. The fee is based on the amount of the tax payment and is paid directly to Official Payments Corporation.

Customer service support, making a payment using, Official Payment call toll-free 1-800-487-4567 form 7:00 a.m. through 7:00 p.m. (Central Standard Time)

• **Link2Gov** – The Department will accept credit and debit card payments through Link2Gov. There is a convenience fee for this service. The fee is based on the amount of the tax payment and is paid directly to Link2Gov.

Customer service support, making a payment using, Link2Gov call toll-free 1-866-972-9829 form 7:00 a.m. through 7:00 p.m. (Central Standard Time)

• **Value Payment Systems** – The Department will accept credit and debit card payments through Value Payment Systems. Value Payment Systems does not accept the American Express card but has a program called BillMeLater. There is a convenience fee for this service. The fee is based on the amount of the tax payment and is paid directly to Value Payment Systems.

Customer service support, making a payment using, Value Payment System call toll-free 1-888-877-0450 form 7:00 a.m. through 7:00 p.m. (Central Standard Time)

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

Write the AAG's federal employer identification number, the income tax form number or type of payment (i.e. Form 20C-C, automatic extension payment, estimated tax payment, etc.), and the tax year end on the check. Remit with a properly completed Form BIT-V if the payment is not made electronically.

Tax due and not paid on or before the due date will be subject to a failure to timely pay penalty of 1% per month, up to 25%, and will accrue interest at the rate provided in §40-1-44.

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

How To File:

DO NOT file Form 20C-C if you are not the parent of the Alabama Affiliated Group. Taxpayers filing consolidated Alabama corporate returns will submit completed proforma Forms 20C for each separate company included in the consolidated corporate group (including the Alabama designated common parent). A proforma Form 20C is a completed Form 20C with filing status 5 checked. See Alabama Form 20C Instructions for general instructions for using Form 20C Proforma returns.

REQUIRED ATTACHMENTS. For the return to be considered complete and properly filed, a signed copy of the consolidated federal return (Form 1120) must be attached. Failure to attach the complete consolidated federal return, as filed with the IRS, with the necessary supporting schedules, forms and statements (ex: Schedule D, Schedule UTP, Form 8886, Form 4797, balance sheet, supporting statements for other income and other deductions) may result in the imposition of delinquent and/or frivolous return penalties. In addition to the signed copy of the consolidated federal return, the following are required: 1) Federal Form 851, the federal affiliations schedule should be included and the names of those entities subject to Alabama tax should be identified. The names of the en-

titles subject to Alabama tax can either be underlined, or identified by using an (*) asterisk beside the name of the entity. 2) Copies of the supporting schedules, forms and statements filed as an attachment with the consolidated federal form should be included with the Alabama Form 20C-C. This would include items such as the consolidating income spreadsheets (including the column that identifies any eliminations or adjustments that occur as a result of the federal consolidation rules); the consolidating balance sheets (by separate company) for the beginning of the year and the end of the year; supporting statements for other income and other deductions (by separate company). **These supporting statements, forms and schedules should be copies of the actual documents provided to the Internal Revenue Service, not reproduced versions for state tax purposes.** 3) a Proforma U.S. Corporation Income Tax Return Form 1120, with supporting statements, for each separate entity to support any differences in Form 20C, line 1, Federal Taxable Income due to capital gains, charitable contribution and federal SRLY NOLs. The taxpayer is also required to include copies of Schedules K-1 for each entity the corporation held an interest in during the taxable year. Itemized depreciation schedules are not required to be attached to Form 20C, but should be maintained and available upon request.

Period Covered:

File the 2014 consolidated return for calendar year 2014 and for fiscal years or short-years that begin in 2014.

Signature:

The return must be signed by an authorized officer of the corporation. If the property or business is being operated by a receiver trustee in bankruptcy, or an assignee, such person shall sign for the corporation. Enter the date signed and the title of the person whose signature is affixed. If the return is prepared by anyone other than an employee of the taxpayer, enter the signature and identification information of the preparer.

PAID PREPARER AUTHORIZATION. Above the return signature area is a check box which can be used to authorize the Alabama Department of Revenue to discuss the Alabama Form 20C-C and its 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 20C-C must sign and provide the information requested in the Paid Preparer's Use Only section of the Form 20C-C. The signature can be made by hand, rubber stamp, mechanical device, or a computer software program. Paid preparers must provide the taxpayer with a copy of the prepared return.

Any questions concerning the preparation of the Alabama Form 20C-C should be directed to the Corporate Income Tax Section 334-242-1200.

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

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 on this line.

Specific Instructions

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 AAG's common parent's federal business code number, its federal employer identification number (FEIN), name, address (with complete zip code), state of incorporation, common federal parent corporation name and the federal parent's FEIN, etc.

If notification of Final IRS change is attached, check the box.

If Federal Form 1120-REIT was filed, check the box.

If the Alabama Form 2220AL (which is used to compute underpayment of es-

timated taxes based on an allowable federal method) is attached, check the box.

Enter the Alabama affiliated group's total combined assets. Total combined assets is the sum of each separate entity's tax year end assets before eliminations.

BE SURE TO FILL OUT ALL APPLICABLE LINES ON PAGE 1 even if detailed schedules are attached. Failure to properly complete the return may result in delinquency penalties.

Line 1. Alabama taxable income (sum of all Proforma Form 20Cs, line 14).

Line 1a. Consolidated NOL (from Form 20C-C, Schedule B).

Line 1b. Alabama consolidated taxable income.

Line 2a. Enter the amount of total tax due (6.5% of line 1b).

Line 2b. A consolidated filing fee is due from an Alabama affiliated group which elects to file an Alabama consolidated return. Using the table below enter the amount of tax due. The total assets referred to in the table is the Alabama affiliated group's total combined assets. In accordance with Alabama's separate entity reporting concept, this is the sum of each entity's tax year-end assets before eliminations.

Total Assets	Annual Fee
\$0 to \$2,500,000	\$5,000
\$2,500,001 to \$5,000,000	\$10,000
\$5,000,001 to \$7,500,000	\$15,000
\$7,500,001 to \$10,000,000	\$20,000
\$10,000,001 and over	\$25,000

Line 2c. Enter the amount of total tax due (sum of lines 2a and 2b).

Line 3. TAX PAYMENTS, CREDITS, AND DEFERRAL.

Line 3a. Enter the tax overpayment carried over from the prior period.

Note: If these payments were made by any corporation other than the AAG parent corporation, please attach a detailed list showing the name of the corporation who made the payment, including the FEIN of the corporation and the amount paid.

Line 3b. Enter the amount of estimated tax payments made for this tax period.

Line 3c. Enter the amount of any composite payments made on this line. Make sure you include the Name and FEIN of the entity making the payment on your behalf in the space provided. (Attach schedule if multiple payments were made.)

Line 3d. Enter the amount of any Automatic Extension payments.

Line 3e. This line is only to be used if the taxpayer is filing an AMENDED RETURN. The amount shown should be any payments made with the original return and/or any payments made because of adjustments to the return by the Alabama Department of Revenue.

Line 3f. Credits/Exemptions (sum of all Proforma Form 20Cs, line 5, Schedule F). Credits/Exemptions for AAGs cannot exceed tax due (line 2a, Form 20C-C) nor can they offset any of the consolidated filing fee. However, the Qualified Production Company rebate may exceed the tax and is refundable. For additional instructions for separate company computations for Schedule F, please see the Form 20C instructions.

Line 3g. LIFO Reserve Tax Deferral. (sum of all Proforma Form 20Cs, line 16g.)

Line 3h. Total Payments, Credits, and Deferral (add lines 3a through 3g and enter the total).

Line 4. Reductions/applications of overpayments

Line 4a. Credit to 2015 estimated tax. Enter the amount of the overpayment to be carried over to the 2015 estimated taxes.

Line 4b. Enter the amount of the overpayment you elect to contribute to the Penny Trust Fund.

Once the election is made to apply an overpayment to the next year's estimated tax and/or contribute to the Penny Trust Fund, the election may not be changed. The amount of overpayment applied to the estimated tax for the following year will not be refunded until after the following year's tax return has been filed. Contributions to the Penny Trust Fund are designated for the promotion of public schools and public health.

Line 4c. If this return is not filed on or before the due date (with extensions), enter a delinquent penalty of 10% of the tax due or \$50, whichever is greater.

Taxes not paid by the original due date will be subject to a late payment penalty of 1% per month for each month or fraction thereof that the tax remains unpaid, up to 25%, as provided in §40-2A-11.

Estimated tax payments not paid by each quarterly due date will be subject to interest on the underpayment – determined by applying the underpayment rate established by 26 U.S.C. §6621 (as provided by Alabama Code Section 40-18-80.1) to the underpayment for the period of underpayment. In addition, the 10% penalty provided for in Alabama Code Section 40-2A-11 applies to estimated tax payments not paid by the quarterly due date.

Line 4d. Enter the amount of interest due on the balance of tax due, computed from the due date (without extensions) of this return to the date paid. The Alabama interest rate is the same as provided in 26 U.S.C. §6621.

Line 4e. Enter the amount of total reductions. (Sum lines 4a, b, c and d.)

Line 5. Enter the amount of tax due, or the amount to be refunded. Refunds should be entered as a negative or in parenthesis.

Electronic Payment Indicator. Check the box if the payment shown due on this return was made electronically. Payments of \$750 or more must be made electronically.

Direct Deposit Information For Electronically Filed (e-filed) Returns

Direct Deposit is available for **Alabama Form 20C-C e-filed returns.**

Line 1. The routing number **must be nine** digits. The first two digits must be 01 through 12 or 21 through 32. Otherwise, the direct deposit will be rejected and a check sent instead. Your check may state that it is payable through a financial institution different from the one at which you have your checking account. If so, **do not** use the routing number on that check. Instead, contact your financial institution for the correct routing number to enter on line 1a.

Line 3. The account number can be up to 17 characters (both number and letters), to include hyphens but omit spaces and special symbols. Enter the number from left to right and leave any unused boxes blank. Be sure not to include the check number.

WARNING: Due to changes in the electronic banking rules, the Alabama Department of Revenue will no longer allow direct deposits to or through foreign financial institutions. If you use a foreign institution you will be issued a paper check.

If the direct deposit is rejected, a check will be mailed. The Department is not responsible if a financial institution rejects a direct deposit. If you are unsure of the routing number and/or account number, you should check with your financial institution to ensure they are correct. The Department is not responsible for a lost refund if you enter the wrong account information.

Instructions For Schedule AS

The information requested on this schedule is needed to identify each member of the AAG that is subject to the Alabama Corporation Income Tax and which may also be subject to the Alabama Business Privilege Tax.

If the AAG includes more members than the schedule can accommodate, make additional copies as needed and attach behind page 2 of Form 20C-C.

Attach a copy of Federal Form 851, Affiliations Schedule.

Complete Schedule AS, Alabama Affiliations Schedule, for each year a consolidated return is filed.

Column A – List all names of parent and subsidiary corporations included in the Alabama Consolidated Income Tax Return or the Alabama Affiliated Group members.

Column B – List the Federal Employer Identification Number (FEIN) for each corporation listed.

Column C – List the tax year end (MM/DD/YYYY) for each company included in Schedule AS.

Column D – Indicate whether the corporation listed filed a separate income tax return with Alabama in the prior tax period.

Column E – Indicate whether this corporation is new to the Federal Consolidated Group.

Column F – Indicate whether the corporation filed an Alabama Business Privilege Tax Return for the corresponding tax period.

Instructions for Schedule B

For taxable years beginning after December 31, 1984, a net operating loss (NOL) may be carried forward for a maximum of 15 years. There is no provision in Alabama tax law that allows corporations to carry a net operating loss back to prior taxable years.

Schedule B must be completed in order to claim the NOL deduction. **Copies of the Alabama corporate income tax returns (page 1 only) for all applicable years more than six years old must be attached, including tax periods where the NOL's were utilized.**

See §40-18-39(h) which states, "If, in a taxable year before the corporation became a member of an Alabama affiliated group that has elected to file an Alabama consolidated return, the corporation incurred a net operating loss, the deductibility of the loss on the Alabama consolidated return shall be limited to only the amount necessary to reduce to zero the Alabama taxable income, calculated on a separate return basis, of the corporation that incurred the NOL. Except as provided in the preceding sen-

tence, the separate return limitation year (SRLY) rules contained in 26 U.S.C. §1502 shall apply."

Note: Please complete Form 20C-C, Schedule B, for the AAG Consolidated portion of the NOL only. The separate company Proforma Form 20C, Schedule B, should be used to compute the separate company NOL's.

Note: Please begin the net operating loss schedule with the oldest loss year first, ending with the most current loss year. Please list loss years only. Tax years that utilize net operating losses should not be listed. The utilized losses are shown in column 3.

Column 1. Enter the tax year end (MM/DD/YYYY) in which the net operating loss was generated.

Column 2. Enter the amount of the net operating loss incurred by the corporation for the tax period in Column 1.

Column 3. Enter the amount of the net operating loss utilized in prior years for the loss listed in Column 2.

Column 4. Enter the amount of the net operating loss to be utilized in the current tax period, not to exceed the remaining balance for this loss period.

Column 5. Enter the remaining balance of the unused net operating loss for this loss period. (Column 2 – Column 3 – Column 4 = Column 5).

The Alabama net operating loss deduction is limited to net operating losses incurred by a corporation which did business in Alabama and filed Alabama corporate income tax returns in prior taxable years.