

IDAHO

2009

Partnership Income Tax

Instructions for:

Form 65

Partnership Return of Income

Form 41ES

Estimated Tax Payment/Extension of Time Payment

Form 44

Idaho Business Income Tax Credits
and Credit Recapture

Form 42

Supplemental Schedule for
Multistate & Multinational Businesses

For more information:

tax.idaho.gov

(208) 334-7660 in the Boise area
(800) 972-7660 toll free

Hearing Impaired (TDD):
(800) 377-3529

Boise

800 Park Blvd. Plaza IV

Idaho Falls

150 Shoup Ave. Ste. 16

Pocatello

611 Wilson Ave. Ste. 5

Coeur d'Alene

1910 Northwest Blvd. Ste. 100

Lewiston

1118 F St.

Twin Falls

440 Falls Ave.

UPDATES FOR 2009

CONFORMITY TO INTERNAL REVENUE CODE (IRC)

In general, Idaho law conforms to the IRC. This includes the federal law changes made during 2008 and by the "American Recovery and Reinvestment Tax Act of 2009." As a result, Idaho conforms to the following federal deductions for 2009:

- Bonus first-year depreciation for purchases of qualified property
- The increased IRC section 179 expensing amounts for depreciable assets

There are some continuing differences between Idaho and federal law. For example, Idaho law has its own net operating loss (NOL) provisions, so the carryback period for Idaho NOLs continues to be two years.

NEW FORM - IDAHO K-1

Idaho has a new form for reporting the pass-through owners' share of Idaho adjustments, credits, and credit recapture, etc. from the pass-through entity. Form ID K-1 provides detailed information on the owner's share of Idaho amounts the shareholder, partner, or beneficiary needs to complete the Idaho income tax return. All Forms ID K-1 must be attached to the Idaho Form 65.

DEDUCTION EXPANDED FOR CONTRIBUTIONS OF TECHNOLOGICAL EQUIPMENT

Donations made to nonprofit private elementary or secondary schools on or after January 1, 2009, now qualify for the technological equipment deduction.

E-FILE YOUR BUSINESS RETURN

The Tax Commission, with the Internal Revenue Service (IRS), provides electronic filing of federal and state partnership returns of income. The Federal/State MeF E-File Program provides one-stop electronic filing of returns in a single transmission. Taxpayers who file online get faster refunds, make fewer errors, and receive confirmation that their return was received. To e-file your return, visit our Web site at tax.idaho.gov to find a commercial software package for a fee or ask your tax preparer to e-file your return.

ASSEMBLING THE RETURN

Assembling your return in the proper order ensures that your tax return is correctly processed. See Assembling the Return under General Information for the order to arrange the forms and schedules included in your return.

GENERAL INFORMATION

WHO MUST FILE FORM 65

- A partnership transacting business in Idaho
- A limited liability company treated as a partnership for federal income tax purposes and transacting business in Idaho

TRANSACTING BUSINESS

Transacting business in Idaho is indicated by, but not limited to, the following activities:

- Owning or leasing, as lessor or lessee, any property in Idaho
- Soliciting business in Idaho
- Being a member of a partnership or S corporation with business in Idaho
- Any Idaho activity from which income is received, realized, or derived
- Having an agent, such as a collector, repair person, delivery person, etc., acting on your behalf in Idaho

WHAT TO FILE

A complete copy of the federal income tax return must be attached to the Idaho income tax return. All Schedules K-1 and Idaho Forms ID K-1 must be attached to the return or submitted with the return on compact disc in Word, Excel, or PDF format. Failure to attach a complete copy of the federal return may cause the return to be delinquent.

WHEN TO FILE

Your return is due on or before the 15th day of the fourth month following the close of your tax year. For a calendar year filer, this is April 15. If the last day for filing a return falls on a Saturday, Sunday or legal holiday, the return is timely if it is filed on the next work day.

WHERE TO FILE

Mail the return and payment to:

Idaho State Tax Commission
PO Box 56
Boise ID 83756-0056

If you are sending your return using a delivery service that requires a physical address, use the following:

Idaho State Tax Commission
800 Park Blvd Plaza IV
Boise ID 83712-7742

ACCOUNTING METHODS

You must use the same accounting method that is used for federal tax purposes. A change of accounting method must have prior approval from the IRS. Attach a copy of the federal approval to your return.

ACCOUNTING PERIOD

You must use the same accounting period that is used for federal tax purposes. A change to the annual accounting period must have prior approval from the IRS. Attach a copy of the federal approval to your return.

AMENDED RETURNS

If you discover an error on your return after it is filed, use Form 65 to amend your return. Check the box at the top of the form and enter the reason for amending. Complete the entire form using the corrected amounts.

If you amend your federal return, an amended Idaho income tax return must be filed. The statute of limitations for receiving a refund is three years from the due date of the return or the date the return was filed, whichever is later.

If you are amending a return for tax years beginning prior to 2001, complete a new return using the corrected numbers on the form for the applicable year. Write AMENDED at the top of the form and attach an explanation of why the return is being amended.

Amended returns claiming refunds that aren't filed on the form for the applicable year will be returned to the taxpayer.

ASSEMBLING THE RETURN

To ensure that your return is correctly processed, attach all forms and schedules in the following order:

1. Form 65, pages 1 and 2
2. Form 42

GENERAL INFORMATION

3. Form 75
4. Form 44
5. Forms ID K-1
6. Additional schedules in alphabetical order
7. Additional forms in numerical order
8. Complete copy of federal return

BONUS DEPRECIATION

For Property Placed In Service Prior To 2008

If you are depreciating property for which you claimed bonus depreciation for federal purposes:

- Complete and attach a separate federal Form 4562 or detailed computation for Idaho depreciation purposes as if you hadn't claimed the special depreciation allowance.
- Use the Idaho depreciation amounts to compute the Idaho adjusted basis and any gains or losses from the sale or exchange of the property.
- Enter the differences between the Idaho and federal depreciation amounts, and gains and losses from sales or other exchanges of the property, on the bonus depreciation subtraction line.

For Property Placed In Service After 2007

Idaho conforms to the federal bonus depreciation provisions. The amounts you use for federal will also be used for Idaho. No additional forms or computations are needed for Idaho.

CHECK-THE-BOX REGULATIONS

Idaho follows the federal entity classification (check-the-box) regulations. Therefore, if an entity is classified or taxed as a partnership for federal income tax purposes, it will be treated as a partnership for Idaho income tax purposes.

ELECTRONIC FUNDS TRANSFERS

Tax payments of \$100,000 or more must be paid by electronic funds transfer. If you are making an electronic funds transfer for the first time, contact the Tax Commission at (208) 334-7660 or (800) 972-7660 for further information.

EXTENSION OF TIME TO FILE

If you can't file your return by the due date, Idaho allows you an automatic six-month extension of time to file. To avoid paying a penalty, the amount of tax payments you have made must be at least 80% of the current year's tax liability or 100% of the total tax reported last year. Use Form 41ES to make your payment.

Even though an extension gives you more time to file, the tax is due on the original due date of the return. You must pay interest on any tax paid after the due date.

FEDERAL AUDIT

If your federal taxable income or tax credits change because of a federal audit, you must send written notice to the Tax Commission within 60 days of the final federal determination. You must include copies of all schedules supplied by the IRS.

If you owe additional Idaho tax and don't send written notice within 60 days, a 5% negligence penalty will be imposed. Interest applies on any tax due.

If the final federal determination results in an Idaho refund, you must file an amended Idaho income tax return with the written notice. See Amended Returns on page 1. If the statute of limitations is closed, you have one year from the date of the final determination to file for the refund.

FORMS

Forms are available at all Tax Commission offices or may be obtained:

- By internet. Download, view, or print Idaho income tax forms and publications from our Web site at tax.idaho.gov. Some forms can't be saved electronically at this time.
- By calling (208) 334-7660 in the Boise area or (800) 972-7660.
- By mail. Write to:

Idaho State Tax Commission
PO Box 36
Boise ID 83722-0410

You may use photocopies of these tax forms. Your copy must be legible.

INTEREST

Interest applies on delinquent tax from the due date of the return until the tax is paid at the rate of 5% per year (rate effective for 2010).

PAYMENTS

Make your check, cashier's check, or money order payable to the Idaho State Tax Commission and attach it to the tax return. Write your federal employer identification number on your check, cashier's check, or money order.

To pay by credit card, debit card, or e-check, visit our Web site at tax.idaho.gov.

For payments of \$100,000 or more, see Electronic Funds Transfers.

PENALTIES

A penalty will be imposed against a partnership that is required to file, but fails to file, an Idaho return. The penalty is \$10 times the number of persons who are partners during any part of the tax year for each month the return isn't filed, up to five months.

Penalties may be imposed on the tax due as follows:

- 0.5% per month or fraction of a month to a maximum of 25% for failure to pay the tax due (if return is filed)
- 2% per month or fraction of a month for failure to meet the extension criteria (the return must be filed by the extended due date and taxes must be paid by the earlier of the date the return is filed or the extended due date)
- 5% per month or fraction of a month to a maximum of 25% for failure to file the return timely
- 5% for negligence or disregard of rules
- 10% for substantial understatement of tax
- 50% for filing a false or fraudulent return

The minimum penalty is \$10.

PERMANENT BUILDING FUND TAX

A partnership is required to pay the permanent building fund tax for each individual partner who meets the Idaho filing requirement but doesn't report his partnership income on an Idaho individual return. If all partners file Idaho individual income tax returns, the partnership isn't required to pay the permanent building fund tax.

ROUNDING

Round the amounts on the return to the nearest whole dollar.

SIGNATURE

The return must be signed by an authorized individual on behalf of the partnership.

TAX DUE FOR NONFILING PARTNERS

An individual partner may elect to have the partnership pay the tax on his income from that partnership. This income includes the individual's share of income (including guaranteed payments for services), loss, and deduction.

GENERAL INFORMATION

Not all deductions allowed on an individual return are allowed when a partnership pays the tax for an individual partner. For example, partnerships aren't allowed deductions for carryovers or carrybacks of net operating losses, capital losses or personal exemptions. Deductions that are subject to limitations or elections at the individual level aren't allowed to be deducted by the partnership. Examples include Section 179 deduction, research and experimental expenses, and mining exploration and development costs. Partners can't bypass limitations on expense deductions by electing to pay tax at the partnership level.

The partnership will be taxed on this income at the corporate rate of 7.6%. An individual can't make the election if he must report other income that isn't subject to this election and meets the Idaho filing requirement.

An individual partner makes the election by not filing an Idaho Individual Income Tax Return. The partnership includes his share of the partnership income and his compensation from the partnership in computing Idaho taxable income.

You don't need permission from the Tax Commission to make the election nor do you need to file any statement or form.

If an individual who meets the Idaho filing requirement doesn't make the election, and doesn't file his Idaho individual income tax return or doesn't pay the tax due, the partnership will be taxed on the income at the corporate rate.

TAX PERIOD/YEAR COVERED BY RETURN

Use the 2009 form to file your tax return for calendar year 2009 or the fiscal year beginning in 2009.

TAX PREPARER CONTACT BOX

This box applies only if you paid a tax preparer to complete your return. If you check the box, you are authorizing the Tax Commission to discuss your return with the paid preparer identified on your return.

You are also authorizing the paid preparer to:

- Give the Tax Commission any information that is missing from your return, and
- Call the Tax Commission for information about the processing of your return or the status of your refund or payments.

You are not authorizing the paid preparer to receive any refund check, bind you to anything including any additional tax liability, or otherwise represent you before the Tax Commission.

This authorization is valid for up to 180 days from the date the Tax Commission receives the return. If you want the Tax Commission to contact you rather than your preparer, leave the box blank.

GENERAL INFORMATION FOR MULTISTATE & MULTINATIONAL TAXPAYERS

The following instructions apply to partnerships that operate in Idaho and another state or country (multistate/multinational taxpayers). These instructions also apply to partnerships that are members of a partnership operating in Idaho and another state or country.

ALLOCATION AND APPORTIONMENT OF INCOME

Business Income. Business income includes income from transactions or activity in the regular course of your trade or business. Business income also includes income from tangible or intangible property if the acquisition, management, or disposition of the property is an integral part of your regular trade or business operations. Business income may result even though the income was derived from an occasional

or extraordinary transaction. All business income must be apportioned using the apportionment formula.

Nonbusiness Income. Nonbusiness income is all income other than business income and must be allocated, not apportioned. Allocation is the assignment of nonbusiness income to a specific state.

Apportionment Formula. The apportionment formula consists of three factors: property, payroll, and sales. These three percentages are averaged to arrive at the Idaho apportionment factor. For most taxpayers, the sales factor is double weighted.

Electrical and telephone utilities must use a single-weighted sales factor. See the instructions for Form 42.

EXCEPTIONS TO APPORTIONMENT FORMULA

The apportionment formula is presumed to be the correct way to apportion business income. However, if the allocation and apportionment provisions don't fairly represent your business activity in Idaho, you can ask the Tax Commission for permission to use separate accounting, exclude one or more factors, or include one or more additional factors.

Separate Accounting. Separate accounting means allocating income and related expenses to the state where the activity occurred. You must receive prior approval from the Tax Commission to use separate accounting. Permission won't be granted just because you can identify income and expenses by location or because the standard apportionment formula results in more tax to Idaho than another method.

In your request to use separate accounting you must explain in detail why the standard allocation and apportionment provisions don't fairly represent the extent of your business activity in Idaho. You must also show that your business has unique and nonrecurring situations that produce inconsistent results. If you have a unitary business, the law assumes that unitary filing and apportionment more accurately reflects your income, unless you can prove otherwise.

You must submit a written request at least 30 days prior to the due date for filing the return, not including extensions. Mail your request to:

Income Tax Policy
Idaho State Tax Commission
PO Box 36
Boise ID 83722-0410

Exclusion of a Factor. If any of the factors (property, payroll, or sales) don't apply to your business, use the remaining factors to compute the Idaho apportionment factor. To determine the average percentage, divide only by the number of factors used.

For example, if your partnership has no employees anywhere, the number of factors is reduced by one.

MODIFIED FACTORS FOR CERTAIN INDUSTRIES

The following businesses must use special rules in computing the apportionment factors:

- Airlines
- Trucking Companies
- Railroads
- Construction Contractors
- Television and Radio Broadcasters
- Publishers
- Financial Institutions

See the instructions for Form 42.

GENERAL INFORMATION

MULTISTATE CORPORATE MEMBERS OF PARTNERSHIPS

If a corporation required to file an Idaho income tax return is a member of an operating partnership or joint venture, the corporation must apportion its share of the partnership's business income or loss along with all other net business

income or loss of the corporation. The corporation's share of the partnership's property, payroll and sales is determined in the same proportion as the partnership's income is distributed and must be included in the corporation's apportionment computation.

FORM 65 SPECIFIC INSTRUCTIONS

Instructions are for lines not fully explained on the form.

General information instructions beginning on page 1 also apply to this form.

The partnership must provide each partner with an Idaho Form ID K-1. This form shows the partner's distributive share of Idaho additions, subtractions, and credit information. For partners who aren't individuals, the Form ID K-1 also provides apportionment factor numerator and denominator amounts that will be needed to complete their Idaho income tax return. Form ID K-1 also identifies the distributive share of gross income to help determine Idaho filing requirements of individual partners. All Forms ID K-1 and the federal Schedules K-1, Form 1065 must be attached to the Idaho Form 65.

HEADING

File the 2009 return for calendar year 2009 or a fiscal year that begins in 2009. For a fiscal year, fill in the tax year space at the top of the form.

Write your partnership's business name, address, and federal employer identification number in the space provided.

AMENDED RETURN

This form can be used as an original return or as an amended return. If you are filing this form as an amended return, check the box at the top of the form. Enter the applicable reason(s) for amending, as listed below. Complete the entire form using the corrected amounts.

1. Federal Audit
2. Capital Loss
3. Federal Amended
4. Other - Attach an explanation

QUESTIONS 1-11

Mark the appropriate boxes and provide the requested information. Answer each question or the return will be considered incomplete. Incomplete returns will cause processing delays.

Question 1 NAME CHANGE

If the partnership changed its name since it last filed, check the "Yes" box and enter the name the way it appeared on the last return filed.

Question 2 FEDERAL AUDIT

If a federal audit was finalized during the tax year, enter the most recent tax year covered in the audit.

Question 3 FINAL RETURN

If this is the partnership's final return for Idaho, check the box that explains the reason. Enter the date the partnership dissolved or withdrew from Idaho.

Question 4 ELECTRICAL OR TELEPHONE UTILITY

If this return is for an electrical or telephone utility, check the "Yes" box. Electrical and telephone utilities apportion business income using a different apportionment factor calculation.

Question 5 OWNERSHIP CHANGE

Check the "Yes" box if a partner terminated his interest in the partnership or if a new partner acquired an interest in the partnership.

Question 6 CREDIT FOR QUALIFYING NEW EMPLOYEES

Enter the amount shown on Form 55, Part II, line 12. This is the credit for qualifying new employees the partnership earned for the tax year.

Question 7 INVESTMENT TAX CREDIT (ITC)

Enter the amount shown on Form 49, Part I, line 2. This is the Idaho ITC the partnership earned for the tax year.

Question 8 BROADBAND EQUIPMENT INVESTMENT CREDIT

Enter the amount shown on Form 68, line 2. This is the broadband equipment investment credit the partnership earned for the tax year.

Question 9 CREDIT FOR IDAHO RESEARCH ACTIVITIES

Enter the amount shown on Form 67, line 16. This is the credit for Idaho research activities the partnership earned for the tax year.

Question 10 BIOFUEL INFRASTRUCTURE INVESTMENT TAX CREDIT

Enter the amount shown on Form 71, line 2. This is the biofuel infrastructure investment tax credit earned for the tax year.

Question 11 PROPERTY TAX EXEMPTION

Check the "Yes" box if you elected the property tax exemption on personal property that qualifies for the investment tax credit. Attach a copy of your Form 49E.

INCOME

LINE 15 PORTFOLIO INCOME

Enter your net portfolio income or loss from Form 1065, Schedule K, lines 5, 6a, 7, 8, and 9a.

LINE 16 OTHER INCOME

Enter your other income from Form 1065, Schedule K, lines 10 and 11. Include any other income or loss required to be reported separately to partners from the federal Form 1065, Schedule K, line 20c.

ADDITIONS

LINE 18 INTEREST AND DIVIDENDS NOT TAXABLE UNDER INTERNAL REVENUE CODE (IRC)

Enter the interest and dividends net of applicable amortization received or accrued from obligations of any state or political subdivision excluded from federal income under the provisions of the IRC. Attach a schedule.

LINE 19 STATE, MUNICIPAL AND LOCAL TAXES

Enter the total of all state, municipal and local taxes measured by net income that have been paid or accrued during the tax year less any refunds that have been included in federal income. Attach a schedule of all taxes deducted on the federal return.

LINE 20 OTHER ADDITIONS

Enter any miscellaneous Idaho additions. If you have separately stated items that must be added back, include the amount. Attach a schedule identifying each addition.

SUBTRACTIONS**LINE 22 INTEREST FROM IDAHO MUNICIPAL SECURITIES**

Enter interest received from securities issued by the state of Idaho and its political subdivisions, if included on line 18.

LINE 23 INTEREST ON U.S. GOVERNMENT OBLIGATIONS

Interest income you received from obligations of the U.S. Government isn't subject to the Idaho tax. Deduct any U.S. Government interest included in portfolio income, line 15. Examples of obligations of the U.S. Government include:

- Banks for Cooperatives
- Federal Farm Credit Banks
- Federal Financing Bank
- Federal Homeowners Loan Bank
- Federal Intermediate Credit Bank
- Federal Land Bank
- Guam
- Puerto Rico
- Student Loan Marketing Association
- Tennessee Valley Authority Bonds
- Territory of Alaska
- Territory of Hawaii
- Territory of Samoa
- U.S. Series EE and HH Bonds
- U.S. Treasury Bills and Notes
- Virgin Islands

Interest income received from the Federal National Mortgage Association (FNMA) and the Government National Mortgage Association (GNMA) isn't paid by the U.S. Government and is subject to Idaho income tax.

If you have interest income from a mutual fund that invests in both nonexempt securities and exempt U.S. Government securities, you may deduct the portion of the interest earned that is attributable to direct U.S. Government obligations. This amount must be identified by the mutual fund to be deductible.

LINE 24 INTEREST EXPENSE OFFSET

Enter the amount from line 5 of the following computation. This is the interest expense offset.

- 1a. Interest expense. Total interest expense deducted in determining federal income
- b. Interest expense disallowed under IRC Sections 265 and 291.....
- c. Interest expense from a pass-through entity
- d. Intercompany interest expense
- e. Total interest expense. Add lines a through c and subtract line d
2. Total tax-exempt income (interest on qualifying obligations of the United States and interest on qualifying obligations of the state of Idaho, its cities, and political subdivisions).....
3. Total income. Refer to Rule 115, Idaho Income Tax Administrative Rules
4. Divide line 2 by line 3
5. Multiply line 1e by line 4

LINE 26 TECHNOLOGICAL EQUIPMENT DONATION

Enter the fair market value of technological equipment donated to a public or nonprofit private elementary or secondary school, public or nonprofit private college or university, public library, or library district located in Idaho. Items that qualify for this deduction are limited to computers, computer software, and scientific equipment or apparatus manufactured within five years of the date of donation. The amount deducted can't reduce Idaho taxable income to less than zero. Any unused deduction can't be carried to another year.

LINE 27 ALLOCATED INCOME

Enter the amount of nonbusiness income. A schedule detailing

the source of the income and explaining why the income was classified as nonbusiness must be attached.

LINE 28 NONBUSINESS EXPENSE OFFSET

Expenses included in computing federal income that are related to the production of allocated nonbusiness income listed on line 27 must be added back. Related expenses include, but aren't limited to interest on indebtedness incurred or continued to purchase or carry the assets that produce the nonbusiness interest and dividend income. Interest expense related to business and nonbusiness income must be prorated. Complete the following computations to calculate the total amount of nonbusiness expense offset.

1. Expenses directly related to nonbusiness income.....
- 2a. Interest expense. Total interest expense deducted in determining federal income
- b. Interest expense disallowed under IRC Sections 265 and 291.....
- c. Interest expense from a pass-through entity
- d. Subtotal. Add lines a through c.....
- e. Interest expense included in line 1
- f. Interest expense on line 24 attributable to tax-exempt income.....
- g. Intercompany interest expense
- h. Total interest expense. Subtract lines e, f, and g from line d.....
3. Total nonbusiness income
4. Total income. Refer to Rule 115, Idaho Income Tax Administrative Rules
5. Divide line 3 by line 4
6. Multiply line 2h by line 5. This is the interest expense prorated to nonbusiness income.....
7. Other expenses related to both business and nonbusiness income.....
8. Multiply line 7 by line 5
9. Add lines 1, 6, and 8. Enter amount on line 28

LINE 30 BONUS DEPRECIATION

If you claimed federal bonus depreciation for property placed in service before 2008, you must complete a separate federal Form 4562 or detailed computation to compute your Idaho depreciation without claiming any amounts for the special depreciation allowance. If the federal depreciation is less than the Idaho depreciation, include the difference as a subtraction on this line. Attach the federal Form 4562 or detailed computation used to compute the Idaho depreciation.

If you sold or exchanged property on which you claimed the bonus depreciation, compute the difference in the Idaho gain or loss and the federal amount and subtract the difference. Attach all applicable forms.

Don't enter any amounts for property placed in service after 2007.

LINE 31 OTHER SUBTRACTIONS

Enter any miscellaneous Idaho deductions. Include any deductions from separately stated items you are required to report except for deductions not allowed to partnerships when paying the tax for electing partners. Attach a schedule identifying each deduction.

LINE 35 APPORTIONMENT FACTOR

If all the activity is in Idaho, enter 100%. If the partnership has multistate/multinational operations, enter the apportionment factor from Form 42, Part I, line 21. Attach Form 42.

LINE 37 INCOME ALLOCATED TO IDAHO

Enter the amount of nonbusiness income allocated to Idaho less the nonbusiness expense offset computed on line 28 that applies to this income. A schedule detailing the source of the income allocated to Idaho must be attached.

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LINE 38 IDAHO COMPENSATION OF PARTNERS

Add the guaranteed payments and other compensation reportable to Idaho of individual partners who elect to have the partnership pay the tax on this income. The election can't be made if the partner has other Idaho income to report. Don't include the amounts paid to a partner who doesn't meet the Idaho individual income tax filing requirements.

LINE 39 INCOME REPORTED ON PARTNERS' IDAHO RETURNS

Determine the amounts from lines 36 and 37 that are reported by the partners on their Idaho income tax returns. Don't enter amounts attributable to individual partners who have no other income reportable to Idaho and elect to report partnership income on the partnership return. Include amounts attributable to individual partners who don't meet the Idaho individual income tax filing requirements.

If lines 36 and 37 include separately stated items from lines 14, 20, and 31, include on line 39 the amounts reported.

CREDITS

Credits earned by the partnership are passed through to each partner based on that partner's distributive share of partnership profits. When a partnership has a fiscal year end other than that of the partner, the credit passes through in the same period that the partnership income or loss is required to be reported by the partner for federal tax purposes.

The partnership must provide each partner with an Idaho Form ID K-1. This form shows the partner's distributive share of credits earned, credits subject to recapture, and contribution information needed to calculate certain credits. Each partner uses this information to determine the amount of Idaho credit allowed, recapture required, and credit carryovers that exist on a partner's Idaho income tax return. Credits reported by each partner are subject to the limitations applicable to that partner. Copies of Form ID K-1 must be attached to the Idaho Partnership Return of Income for the year in which the credit is earned.

If an individual partner elects to have his share of the income taxed on the partnership's return, the tax may be offset by the credit allowed to that partner for that year. Credits applied to this tax are computed based on the credit limitations applicable to partnerships. For example, if a partnership pays the tax for three individual partners, the amount of credit for contributions to educational institutions is the lesser of the following amounts:

- 50% of the three partners' share of the amount donated,
- 20% of the tax computed for the three partners, or
- \$100

Credits allowed to a partner that aren't used to offset his tax can't be used to offset the tax computed for other partners. The following credits, however, are available to be transferred to another taxpayer rather than used by the partner who earns the credit:

- Broadband equipment investment credit
- Incentive investment tax credit

To claim a credit you acquired through a transfer, you must attach a copy of the Idaho Statement of Credit Transfer, Form 70, to each return on which you are claiming transferred credit.

LINE 42 CREDIT FOR CONTRIBUTIONS TO IDAHO EDUCATIONAL ENTITIES

If the partnership donated cash or goods to a qualified educational entity, it may claim a tax credit. If you claimed or earned the credit for qualifying new employees, enter the amount computed on Form 55, Part III, line 5. Otherwise, the credit is limited to the smallest of:

- One-half of the amount donated,
- 20% of the tax on line 41, or
- \$100

A qualified educational entity includes:

- A nonprofit corporation, fund, foundation, research park, trust, or association organized and operated exclusively for the benefit of Idaho colleges and universities
- A nonprofit, private or public Idaho school (elementary, secondary or higher education) or its foundation
- Idaho education public broadcast system foundations
- The Idaho State Historical Society or its foundation
- An Idaho public library or its foundation
- An Idaho library district or its foundation
- An Idaho public or private nonprofit museum
- The Idaho Commission for Libraries

LINE 43 CREDIT FOR CONTRIBUTIONS TO IDAHO YOUTH AND REHABILITATION FACILITIES

If the partnership donated cash or goods to a qualified center for independent living, to a youth or rehabilitation facility or their foundations, or to a nonprofit substance abuse center licensed by the Idaho Department of Health and Welfare, it may claim a tax credit. If you claimed or earned the credit for qualifying new employees, enter the amount computed on Form 55, Part III, line 9. Otherwise, the credit is limited to the smallest of:

- One-half of the amount donated,
- 20% of the tax on line 41
- \$100, or
- The tax on line 41 less the amounts on lines 42 and Form 44, Part I, line 1

The qualified youth or rehabilitation facilities and their foundations are:

- Anchor House
- The Arc, Inc., Boise
- The Children's Home Society of Idaho, Inc., Boise
- The Children's Village, Inc., Coeur d'Alene
- Dawn Enterprises, Inc., Blackfoot
- Development Workshop, Inc., Idaho Falls
- Gem Youth Services, Emmett
- High Reachers, Inc., Mountain Home
- Hope House, Inc., Nampa
- Idaho Drug Free Youth, Inc., Coeur d'Alene
- Idaho Elks Rehabilitation Hospital, Inc., Boise
- Idaho Youth Ranch
- Kinderhaven, Sandpoint
- Learning Lab, Inc., Boise
- Magic Valley Rehabilitation Services, Inc., Twin Falls
- New Day Products, Inc., Pocatello
- Northwest (North Idaho) Children's Home
- Opportunities Unlimited, Inc., Lewiston
- Panhandle Special Needs, Inc., Sandpoint
- Project P.A.T.C.H. (Planned Assistance for Troubled Children)
- Project Safe Place, in Idaho
- Shepherd's Home, Inc., McCall
- Transitional Employment Services for the Handicapped, Coeur d'Alene
- Walker Center, Gooding
- Western Idaho Training Co., Inc., Caldwell
- Winchester Occupational Workshop, Winchester
- Women's and Children's Alliance

The following are the qualified centers for independent living:

- Disability Action Center Northwest, Moscow and Coeur d'Alene
- Living Independence Network Corporation, Boise and Twin Falls
- Living Independently For Everyone, Inc., Blackfoot, Idaho Falls, and Pocatello

FORM 65

LINE 44 TOTAL BUSINESS INCOME TAX CREDITS

Enter the total business income tax credits allowed from Form 44, Part I, line 12. See page 8 for specific instructions. Attach Form 44.

OTHER TAXES

LINE 47 PERMANENT BUILDING FUND TAX

Partnerships that report taxable income on line 40 are required to pay the \$10 permanent building fund tax for each individual partner that elects to have the partnership pay the tax on his income from the partnership. Partnerships are also required to pay this tax for each individual partner who is required to file, but doesn't file, an Idaho individual income tax return. A nonresident individual partner is required to file if his share of the partnership's Idaho gross income is more than \$2,500.

LINE 48 TOTAL TAX FROM RECAPTURE OF INCOME TAX CREDITS

Enter the total tax from recapture of income tax credits from Form 44, Part II, line 7. See page 9 for specific instructions. Attach Form 44.

LINE 49 FUELS TAX DUE

If you buy gasoline, aircraft fuel, or special fuels (diesel, propane, natural gas) without paying the fuels tax and later use this fuel in licensed vehicles or aircraft, fuels tax is due. Add the amounts on Form 75, Section IV, lines 3 and 4 and enter the total. Attach Form 75.

LINE 50 SALES/USE TAX DUE

If you made purchases during the year without paying sales tax, you must report use tax due on such purchases. Examples include magazine subscriptions, out-of-state catalog purchases, merchandise purchased over the Internet, book and record clubs, purchases in a state where no sales tax was charged, etc. Multiply the total amount of such purchases by 6% (.06).

If you computed use tax on Form 75, add it to the use tax on other purchases and enter the total on line 50.

If you have a sales or use tax account, don't enter your sales or use tax on this line, but continue to report the tax on these purchases on your sales and use tax returns.

LINE 51 TAX FROM RECAPTURE OF QUALIFIED INVESTMENT EXEMPTION (QIE)

If you have claimed the QIE for property tax on property that ceases to qualify before the end of the five-year recapture period, you must recapture part or all of the property tax benefit. Enter the amount from Form 49ER, Part III, line 18. Attach Form 49ER.

PAYMENTS AND OTHER CREDITS

LINE 53 ESTIMATED TAX PAYMENTS

Enter the total amount of payments made and the amount applied from your 2008 return.

LINE 54 SPECIAL FUELS AND GASOLINE TAX REFUND

The special fuels (diesel, propane, or natural gas) tax refund is available to those who use the fuel for heating or in off-highway equipment and have paid the tax on the special fuels purchased. Enter the amount from Form 75, Section IV, line 2. Attach Form 75.

The gasoline tax refund is available to those who buy and use gasoline in off-highway equipment or auxiliary engines. Enter the amount from Form 75, Section IV, line 1. Attach Form 75.

REFUND OR PAYMENT DUE

LINE 57 PENALTY AND INTEREST

Penalty: If the partnership files a return after the due date or fails to pay the required amount by the due date, a penalty may be due. To avoid paying any late filing or late payment penalty, the partnership must:

- Pay by the original due date at least 80% of the tax due on the return or 100% of the total tax reported last year.
- File the return by the extended due date and pay the tax due by the earlier of the date the return is filed or the extended due date.

If the partnership pays at least 80% of the tax due on the return or 100% of the total tax reported last year by the original due date, but fails to file the return by the extended due date or pay the remaining tax by the earlier of the date the return is filed or the extended due date, the following penalties will apply:

- If the return is filed on or before the extended due date, a 0.5% per month late payment penalty will be computed on tax due from the date the return is filed to date of payment.
- If the return is filed after the extended due date, a 5% per month late filing penalty will be computed on tax due from the extended due date to the earlier of the date the return is filed or the date the tax is paid, plus a 0.5% per month late payment penalty will be computed on tax due from the date the return is filed to the date the tax is paid, if the tax is paid after the return is filed.

If the partnership doesn't pay at least 80% of the tax due on the return or 100% of the total tax reported last year by the original due date, the following penalties will apply unless the payment required to satisfy the extension criteria is \$50 or less:

- If the return is filed by the original due date, a 0.5% per month late payment penalty will be computed on tax due from the date the return is filed to the date of payment.
- If the return is filed on or before the extended due date, a 2% per month extension penalty will be computed on tax due from the original due date to the earlier of the date the tax is paid, or the date the return is filed, plus a 0.5% per month late payment penalty will be computed on tax due from the date the return is filed to the date the tax is paid, if paid after the return is filed.
- If the return is filed after the extended due date, but the tax is paid on or before the extended due date, a 2% per month extension penalty will be computed on tax due from the original due date to the date the tax is paid.
- If the return is filed and the tax is paid after the extended due date, the maximum 25% penalty will apply.

The minimum penalty is \$10. The maximum penalty is 25% of tax due.

Interest: Interest is charged from the due date until paid. The rate for 2010 is 5%.

LINE 60 REFUND

If you are filing an original return, you may receive all or part of the overpayment listed on line 59 as a refund, or apply all or part of the overpayment to your 2010 estimated tax. Enter the amount you wish to receive as a refund on this line. If you enter the total amount from line 59, you must enter zero on line 61.

LINE 61 ESTIMATED TAX

If you are filing an original return, you may apply all or part of the overpayment listed on line 59 as a credit against your 2010 estimated tax. The amount you list on this line plus the amount on line 60 must equal the overpayment listed on line 59. If you listed the total overpayment as the amount you want refunded to you on line 60, you must enter zero on this line.

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AMENDED RETURN ONLY

Complete lines 62 through 65 only if you are filing this return as an amended return.

LINE 62 TOTAL DUE OR OVERPAYMENT ON THIS RETURN

If the total due shown on line 58 is greater than zero, enter this

amount on line 62. The amount from line 58 should be entered as a positive amount.

If line 58 is zero, enter the amount of overpayment from line 59 on line 62. The amount from line 59 should be entered as a negative amount.

INSTRUCTIONS FOR FORM 44 IDAHO BUSINESS INCOME TAX CREDIT AND CREDIT RECAPTURE

Part I of Form 44 provides a listing of the Idaho business credits allowed and the credit carryover amounts.

Part II of Form 44 provides a listing of the tax from recapture of income tax credits.

The total of the business income tax credits allowed and the tax from recapture of income tax credits will be carried to the Form 65. You must attach Form 44 to your return if you are claiming any business income tax credits or have any tax from recapture of income tax credits.

PART I BUSINESS INCOME TAX CREDITS

Part I has two columns: the Credit Allowed column for the amount of credit allowed for the tax year and the Carryover column for the amount of carryover that exists at the end of the tax year.

The following credits are available to be transferred to another taxpayer rather than used by the taxpayer who earns the credit:

- Broadband equipment investment credit
- Incentive investment tax credit

To claim a credit you acquired through a transfer, you must attach a copy of the Idaho Statement of Credit Transfer, Form 70, to each return on which you are claiming transferred credit.

LINE 1 INVESTMENT TAX CREDIT (ITC)

If you acquire an asset for use in your business, you may have earned an ITC.

Credit Allowed: If you claimed or earned the credit for qualifying new employees, enter the allowable credit computed on Form 55, Part III, line 7. Otherwise, enter the credit allowed computed on Form 49, Part II, line 8.

Carryover: If you claimed or earned the credit for qualifying new employees, enter the amount of credit available less the allowable credit: Form 55, Part III, line 6a less the amount on line 7. Otherwise, enter the credit available less the credit allowed: Form 49, Part II, line 7 less the amount on line 8.

LINE 2 CREDIT FOR PRODUCTION EQUIPMENT USING POSTCONSUMER WASTE

If you purchased equipment that manufacturers a product from postconsumer or postindustrial waste, you may be entitled to a tax credit. The credit is 20% of your cost to purchase qualified equipment.

Qualified equipment is machinery or equipment in Idaho with a useful life of three years or more. In addition, 90% of the equipment's production must result in products utilizing post-consumer or postindustrial waste.

Product is any manufactured material that is composed of at least 50% of postconsumer or postindustrial waste and offered

for sale. Product doesn't include shredded material unless it is incorporated directly into the manufacturing process.

Postconsumer waste or postindustrial waste includes only glass, paper, or plastic that have been, or would have been, disposed of as solid waste. It doesn't include radioactive or hazardous waste.

Attach a schedule showing your computations, listing the qualified equipment, identifying the postconsumer or postindustrial waste products, and identifying the newly manufactured products.

Credit Allowed: If you claimed or earned the credit for qualifying new employees, enter the allowable credit computed on Form 55, Part III, line 11. Otherwise, enter the smallest of:

- \$30,000
- 20% of the cost to purchase qualified equipment plus the amount of credit carried forward, or
- The tax on line 41 less the amounts on lines 42 and 43, and Form 44, Part I, line 1

Carryover: Enter the amount of credit available less the amount allowed. Attach a schedule showing your computations. You may carry forward the unused portion of the credit up to seven years.

LINE 3 PROMOTER SPONSORED EVENT CREDIT

If you issued temporary sales tax permits to participants of a promoter sponsored event on behalf of the Tax Commission, you may claim a \$1 credit for each temporary permit issued during the tax year. Promoter sponsored events include swap meets, flea markets, gun shows, and fairs. You must have filed Form ST-124 with the Tax Commission to qualify for the credit.

Credit Allowed: If you claimed or earned the credit for qualifying new employees, enter the allowable credit computed on Form 55, Part III, line 13. Otherwise, enter the smaller of:

- \$1 for each temporary permit issued during the tax year, or
- The tax on line 41 less the amounts on lines 42 and 43, and Form 44, Part I, lines 1 and 2

LINE 4 CREDIT FOR QUALIFYING NEW EMPLOYEES

Idaho allows a credit for qualifying new employees.

Credit Allowed: Enter the allowable credit computed on Form 55, Part III, line 15. Attach Form 55.

Carryover: Enter the amount of credit carryover to future years as computed on Form 55, Part III, line 34.

LINE 5 CREDIT FOR IDAHO RESEARCH ACTIVITIES

If you incurred expenses for research conducted in Idaho, you may have earned the credit for Idaho research activities.

Credit Allowed: Enter the credit allowed computed on Form 67, line 29. Attach Form 67.

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Carryover: Enter the amount of credit carryover to future years as computed on Form 67, line 30.

LINE 6 BROADBAND EQUIPMENT INVESTMENT CREDIT

If the partnership acquired qualified broadband equipment to use in its business in Idaho, it may qualify for the broadband equipment investment credit. You may also claim this credit if you acquired the credit through a transfer.

Credit Allowed: Enter the credit allowed computed on Form 68, line 18. Attach Form 68.

Carryover: Enter the amount of credit carryover to future years as computed on Form 68, line 19.

LINE 7 INCENTIVE INVESTMENT TAX CREDIT

You may claim this credit if you have incentive investment tax credit carryover from the tax year beginning in 2001 or received the credit by transfer or unitary sharing.

Credit Allowed: Enter the credit allowed computed on Form 69, line 16. Attach Form 69.

Carryover: Enter the amount of credit carryover to future years as computed on Form 69, line 17.

LINE 8 SMALL EMPLOYER INVESTMENT TAX CREDIT

You may claim this credit if you have certified by filing Form 89SE that you have met, or will meet, the tax incentive criteria for this credit and you have acquired an asset for use in your business that otherwise qualifies for the ITC.

Credit Allowed: Enter the credit allowed computed on Form 83, line 28. Attach Form 83.

Carryover: Enter the amount of credit carryover to future years as computed on Form 83, line 29.

LINE 9 SMALL EMPLOYER REAL PROPERTY IMPROVEMENT TAX CREDIT

You may claim this credit if you have certified by filing Form 89SE that you have met, or will meet, the tax incentive criteria for this credit and you have acquired real property improvements for use in your business at the project site during the project period.

Credit Allowed: Enter the credit allowed computed on Form 84, line 26. Attach Form 84.

Carryover: Enter the amount of credit carryover to future years as computed on Form 84, line 27.

LINE 10 SMALL EMPLOYER NEW JOBS TAX CREDIT

You may claim this credit if you have certified by filing Form 89SE that you have met, or will meet, the tax incentive criteria for this credit and you have qualified new employees at the project site during the project period.

Credit Allowed: Enter the credit allowed computed on Form 85, line 35. Attach Form 85.

Carryover: Enter the amount of credit carryover to future years as computed on Form 85, line 36.

LINE 11 BIOFUEL INFRASTRUCTURE INVESTMENT TAX CREDIT

If the partnership placed in service qualified infrastructure used to sell biofuel, it may qualify for the biofuel infrastructure investment tax credit.

Credit Allowed: Enter the credit allowed computed on Form 71, line 30. Attach Form 71.

Carryover: Enter the amount of credit carryover to future years as computed on Form 71, line 31.

PART II TAX FROM RECAPTURE OF INCOME TAX CREDITS

LINE 1 TAX FROM RECAPTURE OF INVESTMENT TAX CREDIT

If you have claimed an ITC on property that ceases to qualify before the end of the five-year recapture period, you must compute the ITC recapture. This includes property moved outside of Idaho.

Enter the amount from Form 49R, Part III, line 15. Attach Form 49R.

LINE 2 TAX FROM RECAPTURE OF BROADBAND EQUIPMENT INVESTMENT CREDIT

If you have claimed a broadband equipment investment credit on property that ceases to qualify before the end of the five-year recapture period, you must compute the broadband equipment investment credit recapture. This includes property that ceases to qualify for the ITC.

Enter the amount from Form 68R, Part III, line 15. Attach Form 68R.

LINE 3 TAX FROM RECAPTURE OF SMALL EMPLOYER INVESTMENT TAX CREDIT

If you have claimed a small employer investment tax credit on property that ceases to qualify before the end of the five-year recapture period, you must compute the small employer investment tax credit recapture. This includes property moved outside of Idaho.

You must also compute recapture if you failed to meet the tax incentive criteria required to qualify for this credit at the project site during the project period.

Enter the amount from Form 83R, Part III, line 15. Attach Form 83R.

LINE 4 TAX FROM RECAPTURE OF SMALL EMPLOYER REAL PROPERTY IMPROVEMENT TAX CREDIT

If you have claimed a small employer real property improvement tax credit on property that ceases to qualify before the end of the five-year recapture period, you must compute the small employer real property improvement tax credit recapture.

You must also compute recapture if you failed to meet the tax incentive criteria required to qualify for this credit at the project site during the project period.

Enter the amount from Form 84R, Part III, line 15. Attach Form 84R.

LINE 5 TAX FROM RECAPTURE OF SMALL EMPLOYER NEW JOBS TAX CREDIT

If you have claimed a small employer new jobs tax credit and you failed to maintain the required level of new employees for the entire five-year recapture period, you must compute the small employer new jobs tax credit recapture.

You must also compute recapture if you failed to meet the tax incentive criteria required to qualify for this credit at the project site during the project period.

Enter the amount from Form 85R, line 13. Attach Form 85R.

LINE 6 TAX FROM RECAPTURE OF BIOFUEL INFRASTRUCTURE INVESTMENT TAX CREDIT

If you have claimed a biofuel infrastructure investment tax credit on property that ceases to qualify before the end of the five-

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year recapture period, you must compute biofuel infrastructure investment tax credit recapture. This includes property no longer used to sell biofuel in Idaho.

Enter the amount from Form 71R, Part III, line 15. Attach Form 71R.

INSTRUCTIONS FOR FORM 42 SUPPLEMENTAL SCHEDULE FOR MULTISTATE & MULTINATIONAL BUSINESSES

Part I of this form provides the computation of the Idaho apportionment factor and is to be used by taxpayers who have income from business activity that is taxable in Idaho and another state or country.

If the taxpayer is a partner in another partnership, the taxpayer must take into account the activity of the partnership in determining whether the taxpayer has income from business activity that is taxable in Idaho and another state or country. Include the taxpayer's share of the partnership's property, payroll, and sales numbers from Form ID K-1 in the amounts reported on Form 42.

Partnerships don't use Part II.

PART I APPORTIONMENT FORMULA GENERAL INFORMATION

If the taxpayer transacts business in Idaho and another state or country, attach a schedule showing apportionment detail by company.

PROPERTY FACTOR

The property factor is a fraction. The numerator is the average value of real and tangible personal property owned or rented and used in Idaho during the tax year to produce business income. The denominator is the average value of all the taxpayer's real and tangible personal property owned or rented and used during the tax year to produce business income. Property used in the production of nonbusiness income is excluded from the factor.

Property is included in the factor if it is actually used or capable of being used during the tax year in the regular course of the trade or business of the taxpayer. Property under construction is excluded.

Property owned by the taxpayer is valued at its original cost. Original cost is the basis of the property for federal income tax purposes (prior to any federal adjustments) when it was acquired by the taxpayer and adjusted for subsequent capital additions or improvements, special deductions or partial disposition because of sale, exchange, abandonment, etc. Depreciation doesn't reduce original cost.

The average value of property owned by the taxpayer is computed by averaging the values at the beginning and ending of the tax year. The Tax Commission may require or allow the averaging of monthly values to properly reflect the average values.

Property rented is valued at eight times the net annual rental rate. The net annual rental rate for any item of rented property is the total rents paid for the property, less the aggregate annual subrental rates paid by subtenants. Subrents aren't deducted when the subrents are business income.

SALES FACTOR

The sales factor is double weighted for all taxpayers except electrical and telephone utilities. Electrical and telephone utilities use a single-weighted sales factor.

The sales factor is a fraction. The numerator is the gross receipts derived during the tax year from transactions and

activities attributable to Idaho in the regular course of the taxpayer's trade or business. The denominator is the total gross receipts derived during the tax year from transactions and activities everywhere in the regular course of the corporation's trade or business. Receipts derived from the production of nonbusiness income are excluded from the sales factor.

Sales includes all gross receipts derived from transactions and activity in the regular course of trade or business. Gross receipts means gross sales, less returns and allowances. Gross receipts from sales of tangible personal property are assigned to Idaho if:

- property is delivered or shipped to a purchaser in Idaho regardless of F.O.B. point or other conditions of sales; or
- property is shipped from an office, store, warehouse, factory, or other place of storage in Idaho and the taxpayer isn't taxable in the state of the purchaser (throwback sales) or the purchaser is the U.S. Government.

Sales also includes gross receipts from services and all other gross receipts such as interest, dividends, rents, royalties, gross receipts from the sale of property, and other income derived by the taxpayer in the regular course of business. If gross receipts don't fairly represent the extent of your business activity in Idaho, you may petition, or may be required, to use another method to obtain an equitable result. Income from services is attributable to this state to the extent that the services are performed in Idaho.

Although the following amounts may be business income, gross receipts don't include such items as the repayment, maturity, or redemption of the principal of a loan, bond, mutual fund or certificate of deposit or similar marketable instrument, the principal amount received under a repurchase agreement, the proceeds from issuing your own stock or from the sale of treasury stock, damages or other amounts received from litigation, property acquired by an agent on behalf of another, tax refunds or other tax benefit recoveries, pension reversions, contributions to capital, income from the forgiveness of indebtedness, and amounts realized from exchanges of inventory that aren't recognized by the IRC.

PAYROLL FACTOR

The payroll factor is a fraction. The numerator is the compensation paid in Idaho during the tax year to produce business income. The denominator is the total compensation paid during the tax year to produce business income. Compensation connected with the production of nonbusiness income is excluded from the payroll factor.

The total amount paid to employees is determined on the basis of the taxpayer's accounting method. Under the accrual method, all compensation properly accrued is deemed to have been paid. If you are required to report compensation under the cash method for unemployment compensation purposes, you may use the cash method to include compensation paid to employees in the payroll factor.

Compensation means wages, salaries, commissions, and any other form of payment to employees for personal services. Payments made to an independent contractor, or any other person not properly classifiable as an employee, are excluded.

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Compensation is paid in Idaho if any one of the following tests are met:

- The individual's service is performed entirely within Idaho.
- The individual's service is performed both in and outside Idaho but the service performed outside Idaho is incidental to the individual's service in Idaho.
- Some of the service is performed in Idaho and the base of operations or, if there is no base of operations, the place from which the service is directed or controlled is in Idaho.
- Some of the service is performed in Idaho and the base of operations, or the place from which the service is directed or controlled, isn't in any state in which some part of the service is performed, but the individual's residence is in Idaho.

MODIFIED FACTORS FOR CERTAIN INDUSTRIES

Idaho has adopted the Multistate Tax Commission (MTC) regulations for the following special industries. Examples of the computations of these factors are found in the applicable MTC regulations on the Internet. The Tax Commission Web site has a link to these regulations at tax.idaho.gov.

Airlines

If you are in the business of transporting passengers, freight or mail by air, your apportionment factor should reflect the movement of your transportation equipment and personnel. Include transportation revenue, property ready for flight, and transportation payroll in the Idaho numerators based on the percentage of Idaho departures of aircraft weighted as to the value of aircraft by type to the total departures similarly weighted.

The value of nonflight property and nonflight payroll will be allocated to the state based on the general apportionment rules.

Railroads and Trucking Companies

If you are in the business of transporting passengers, freight, or mail by motor carrier or rail, your apportionment factor should reflect the movement of your transportation equipment and personnel. Include the transportation revenue, property, and payroll in the Idaho numerators based on the percentage of miles traveled in Idaho to miles traveled everywhere.

Other revenue, fixed property, and compensation of employees assigned to fixed locations are included in the factors based on the general apportionment rules. Per diem and mileage charges paid or received for the temporary use of railroad cars shouldn't be included in the sales or property factors.

Construction Contractors

You must use the same long-term contract accounting method for Idaho reporting purposes that you used for federal reporting purposes. If the percentage of completion method is used, the following special rules apply in addition to the general property, payroll, and sales factor rules.

The property factor denominator includes the average value of the taxpayer's cost of construction in progress (including materials and labor) to the extent the costs exceed progress billings. The portion of this amount attributable to construction projects in Idaho is included in the Idaho numerator. If progress billings exceed construction costs, don't include any value in the property factors for the taxpayer's equity in the project.

The sales factor includes only the portion of the gross contract price which corresponds to the percentage of the entire contract which was completed at the end of the tax year. For example, if the project was 30% complete at the end of the tax year, 30% of the bid price should be included in the gross receipts. Gross receipts from a construction project are attributable to Idaho if the construction is located in Idaho. Gross receipts from a construction project located partially in Idaho are included in the numerator based on ratio of construction costs for the project in Idaho for the tax year to the total of construction costs for that project for the tax year.

Compensation paid for work on a particular construction project is included in the payroll factor even though capitalized into the cost of construction. Compensation is attributable to the state where most of the employee's service is performed, regardless of where reported for unemployment tax purposes.

Publishers

If you are in the business of publishing, selling, licensing or distributing books, newspapers, magazines, periodicals, trade journals or other printed material, include outer-jurisdictional property in the property factor whether owned or rented if used in your business. Outer-jurisdictional property includes such items as orbiting satellites and undersea transmission cables that aren't physically located in any particular state. The portion of outer-jurisdictional property attributable to Idaho is computed using the ratio of Idaho usage to usage everywhere.

The sales numerator includes gross receipts from the sale of printed materials delivered or shipped to a purchaser or subscriber in Idaho. Gross receipts from the advertising and the sale, rental or other use of customer lists are included as Idaho sales as determined by a circulation factor.

If the purchaser or subscriber is the U.S. Government or you aren't taxable in the state, the gross receipts are attributable to Idaho if the printed material or other property is shipped from a business location in Idaho.

Broadcasters

If you are in the business of conducting television or radio broadcasts, either through a network or through an affiliated, unaffiliated or independent television or radio broadcasting station, your apportionment factor should exclude outer-jurisdictional, film and radio programming property. Outer-jurisdictional property includes orbiting satellites and undersea transmission cables that aren't physically located in any particular state. Film programming means performances, events, or productions telecast, live or otherwise, on television. It includes news and sporting events in the format of a motion picture, a video tape, or other medium. Radio programming means all performances, events, or productions broadcast live or otherwise on radio. It includes commercial, educational or artistic works, in the format of an audio tape, disc or other medium.

Audio or video cassettes, discs or similar medium containing film or radio programming that is intended for sale or rental for home viewing or listening is included in the property factor at original cost.

The value of property located or used in Idaho for part of the tax year is included in the Idaho property numerator based on the ratio that the number of days the property is located or used in Idaho bears to the total number of days you owned or rented the property during the tax year.

Idaho sales include advertising revenue from live television, film or radio programming in release to or by television and radio stations located in Idaho and receipts from live telecasts, films and radio programs based on the audience factor.

The payroll factor includes residual and profit participation payments paid to employees, directors, actors, newscasters, and other individuals in a role of employee. Include amounts paid to an individual, corporation, or other business entity for providing the services of directors, actors, newscasters, and other talent for a live television broadcast, film or radio program if payments were at least 25% of total compensation paid to employees and the extent of your business activity in Idaho wouldn't be fairly represented by not including the amounts. The portion of these amounts attributable to Idaho is determined according to the general apportionment rules.

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Financial Institutions

The apportionment factor of a financial institution should reflect the business of extending credit through loans and credit cards by including the value of these intangibles in the property factor.

A financial institution is a business that predominantly deals in money or moneyed capital in substantial competition with the business of national banks. Predominantly means more than 50% of gross income is attributable to dealings in money or moneyed capital. Money or moneyed capital includes coin, cash, currency, mortgages, deeds of trust, conditional sales contracts, loans, commercial paper, installment notes, credit cards, and accounts receivable.

A business is presumed to be a financial institution if it is one of the following:

- A corporation registered under state law as a bank holding company or registered under the Federal Bank Holding Company Act, as amended, or registered as a savings and loan holding company under the Federal National Housing Act, as amended
- A national bank organized under the National Bank Act
- A savings association or federal savings bank as defined in the Federal Deposit Insurance Act
- A bank or thrift institution incorporated or organized under the laws of any state
- A corporation organized under the provisions of Title 12 U.S.C. §§ 611 to 631
- An agency or branch of a foreign depository as defined in Title 12 U.S.C. § 3101
- A corporation whose voting stock is more than 50% owned by an entity presumed to be a financial institution (insurance companies excluded)
- A corporation that in the current year and immediately preceding two years, derived more than 50% of its total gross income for financial accounting purposes from finance leases

In addition to the property included under the standard property factor as discussed on page 10, the property factor must also include the average value of your loans and credit card receivables. Loans and credit card receivables are valued at their average outstanding principal balance, without regard to any reserve for bad debts.

Loans and credit card receivables are considered located in Idaho if they are properly assigned to a regular place of your business in this state; that is, if the loan has a preponderance of substantive contacts with that place of business. Substantive contacts include solicitation, investigation, negotiation, approval, and administration.

There are also special sales factor rules for attributing receipts to a state. The payroll factor is computed the same as under the standard apportionment rules. See page 10.

SPECIFIC INSTRUCTIONS

Instructions are for lines not fully explained on the form. Compute all percentages to four decimal places (00.0000%).

PROPERTY

LINES 1 through 4. Enter the beginning and end of the year total property and Idaho property amounts.

LINE 9. Divide Idaho property by total property (amounts on line 8).

SALES

LINES 11 and 12. Enter the amounts from line 10 that were delivered or shipped to Idaho purchasers (line 11) or that were throwback sales to Idaho (line 12). A sale made in a state that has no jurisdiction to tax the seller is a throwback sale.

LINE 14. Attach a detailed schedule.

LINE 16. Divide Idaho gross receipts by total gross receipts (amounts on line 15).

Electrical and telephone utilities. This is your single-weighted sales factor. Go to line 18.

LINE 17. For all taxpayers other than electrical and telephone utilities, multiply the amount on line 16 by 2. This is your double-weighted sales factor.

PAYROLL

LINE 19. Divide Idaho wages and salaries by total wages and salaries (amounts on line 18).

TOTAL PERCENTAGE

LINE 20. For all taxpayers other than electrical and telephone utilities, add the percentages on lines 9, 17, and 19. For electrical and telephone utilities, add the percentages on lines 9, 16, and 19.

IDAHO APPORTIONMENT FACTOR

LINE 21. For all taxpayers other than electrical and telephone utilities, divide the total on line 20 by 4. For electrical and telephone utilities, divide the total on line 20 by 3.

If any of the factors don't apply to your business, divide the total on line 20 by the number of factors used. For example, if your business has no employees anywhere, your factor is reduced by one.