

IDAHO

2017

Partnership Income Tax

Instructions for:

Form 65

Partnership Return of Income

Form 44

Idaho Business Income Tax Credits
and Credit Recapture

Form 42

Idaho Apportionment and
Combined Reporting Adjustments

For more information:

tax.idaho.gov

Questions:

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

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

Refund Information:

(208) 364-7389 in the Boise area
(888) 228-5770 toll-free

UPDATES FOR 2017

CONFORMITY TO INTERNAL REVENUE CODE (IRC)

Idaho conforms to the IRC as of January 1, 2017. Idaho doesn't conform to bonus depreciation for assets acquired after 2009.

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

TRANSACTIONING 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

Include a complete copy of the federal income tax return with the Idaho income tax return. Include or submit on compact disc in Word, Excel, or PDF format all federal Schedules K-1 and Idaho Forms ID K-1. Failure to include a complete copy of the federal return may cause delayed processing.

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 17, 2018. 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 business day.

WHERE TO FILE

Mail the return and payment to:

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

If you're 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's used for federal income tax purposes. If a change of accounting method requires prior approval from the Internal Revenue Service (IRS), include a copy of the federal approval with your return.

ACCOUNTING PERIOD

You must use the same accounting period that's used for federal income tax purposes. A change to the annual accounting period requires prior approval from the IRS. Include a copy of the federal approval with your return.

AMENDED RETURNS

If you discover an error on your return after it's 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, you must file an amended Idaho income tax return. 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're amending a return for tax years starting before 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 include 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.

GENERAL INFORMATION

ASSEMBLING THE RETURN

To make sure that your return is correctly processed, include all forms and schedules in the following order:

1. Form 65, pages 1 and 2
2. Form 42
3. Form 75
4. Form 44
5. Form PTE-12
6. Form(s) ID K-1
7. Additional schedules in alphabetical order
8. Additional forms in numerical order
9. Complete copy of federal return

BONUS DEPRECIATION

For Property Acquired Before 2008 or After 2009

If you claimed bonus depreciation for federal purposes:

- Complete and include 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 line

For Property Acquired During 2008 and 2009

Idaho law follows the federal bonus depreciation provisions. The amounts you use for federal purposes 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 is treated as a partnership for Idaho income tax purposes.

EFILE YOUR RETURN

The Tax Commission, with the IRS, provides electronic filing of federal and state partnership returns of income. The Federal/State MeF EFile 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 efile your return, visit our website at tax.idaho.gov to find a commercial software package for a fee or ask your tax preparer to efile your return.

ELECTRONIC FUNDS TRANSFERS

Payments of \$100,000 or more must be paid by electronic funds transfer. If you're making an electronic funds transfer for the first time, contact the Tax Commission at (208) 334-7660 or (800) 972-7660 for more 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've made must be at least 80% of the current year's tax due 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 (including an amended return) 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 is applied. 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**. 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 website at tax.idaho.gov. Some forms can't be saved electronically at this time.
- Calling (208) 334-7660 in the Boise area or (800) 972-7660.
- Mail. Write to:

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

You can 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 4% per year (rate effective for 2018).

PAYMENTS

Electronic payments. There's no fee when paying by ACH Debit. If you pay by credit card or e-check, our third-party provider charges a 3% convenience fee. American Express, Discover, MasterCard, and Visa are accepted. To make credit/debit card, e-check, and ACH Debit payments, use our Taxpayer Access Point (TAP) at tax.idaho.gov. For more information, visit our *E-pay* page at tax.idaho.gov/epay.

Check payments. Make your check or money order payable to the Idaho State Tax Commission. Write your federal employer identification number (EIN) on it and include it with your return. Don't staple your check to your return or send a check stub.

Payments of \$100,000 or more. Idaho law requires you to use ACH Debit or ACH Credit (electronic funds transfer) when making payments of \$100,000 or more. If you file a paper tax return, indicate on the report that you paid by one of these methods. If you're making an electronic funds transfer for the first time, read more at tax.idaho.gov/epay. To request our "ACH Credit Addenda and Bank Information" form, email us at eft@tax.idaho.gov or fax (208) 334-7625.

PENALTIES

Idaho law provides penalties for not filing tax returns by the due date, not paying tax due on time, and not pre-paying enough on extension returns. For more information or to estimate a penalty, see our *Penalties and Interest* page at tax.idaho.gov/penalties.

We apply a penalty on a partnership that's required to file, but doesn't file, an Idaho return. The penalty is \$10 per partner for each month the return isn't filed, up to five months.

GENERAL INFORMATION

PERMANENT BUILDING FUND TAX (PBF) A partnership must pay the PBF tax for each individual included in the composite return.

ROUNDING

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

SIGNATURE

An authorized individual must sign the return on behalf of the partnership.

TAX DUE FOR NONRESIDENT INDIVIDUAL PARTNERS

The partnership can pay the tax on a nonresident individual partner's share of income. This income includes the individual's share of income, loss, and deduction.

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.

The partnership is taxed on this income at the corporate rate of 7.4%.

For more information on pass-through entities, including Forms PTE-12 and PTE-01, see our *Pass-through Entity Guidance* page at tax.idaho.gov.

TAX PERIOD/YEAR COVERED BY RETURN

Use the 2017 form to file your tax return for calendar year 2017 or the fiscal year beginning in 2017.

TAX PREPARER CONTACT BOX

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

You're also authorizing the paid preparer to:

- Give the Tax Commission any information that's 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 aren't 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 the allocation and apportionment provisions 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 before 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

GENERAL INFORMATION

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.

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 are 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.

Include all Forms ID K-1 and a complete copy of federal Form 1065, including all federal Schedules K-1 with the Idaho Form 65.

HEADING

File the 2017 return for calendar year 2017 or a fiscal year that begins in 2017. For a fiscal year, fill in the tax year space at the top of the form.

Write the partnership's business name, address, and federal employer identification number (EIN) in the space provided. Don't include the dash when entering your EIN. Also, provide your NAICS (North American Industry Classification System) code, listed as the Business Code on your federal return.

AMENDED RETURN

You can use this form as an original return or as an amended return. If you're 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. Federal Amended
3. Other - Include an explanation

QUESTIONS 1-10

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 Composite Return

Check the "Yes" box if the partnership is filing a composite return. A composite return is a single return filed by an entity on behalf of two or more nonresident owners. It allows the entity to compute and report the income and tax attributable to nonresident shareholders or partners on a single tax return.

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's interest was terminated or if a new partner acquired an interest in the partnership.

Question 6 Investment Tax Credit (ITC)

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

Question 7 Broadband Equipment Investment Credit

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

Question 8 Credit for Idaho Research Activities

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

Question 10 Property Tax Exemption

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

FORM 65

INCOME

LINE 14 PORTFOLIO INCOME

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

LINE 15 OTHER ITEMS

Enter your other items from Form 1065, Schedule K. Include any other income, guaranteed payments, loss, or deductions (such as Section 179 or charitable contributions) required to be reported separately to partners from the federal Form 1065, Schedule K.

ADDITIONS

LINE 17 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. Include a schedule.

LINE 18 STATE, MUNICIPAL, AND LOCAL NET INCOME TAXES

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

LINE 19 BONUS DEPRECIATION

If you claimed bonus depreciation for federal purposes for property acquired before 2008 or after 2009:

- Complete a separate federal Form 4562 or detailed computation for Idaho depreciation purposes as if the special depreciation allowance hadn't been claimed
- Compute the Idaho adjusted basis and any gains or losses from the sale or exchange of property using the Idaho depreciation amounts
- If the federal depreciation (including gains and losses) is more than the Idaho depreciation (including gains and losses), include the difference as an addition on this line; otherwise, enter the difference on line 30

Don't enter any amounts for property acquired during 2008 and 2009.

LINE 20 OTHER ADDITIONS

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

SUBTRACTIONS

LINE 22 INTEREST FROM IDAHO MUNICIPAL SECURITIES

Enter interest income from securities issued by the state of Idaho and its political subdivisions, if included on line 17.

LINE 23 INTEREST ON U.S. GOVERNMENT OBLIGATIONS

Interest income from U.S. Government obligations isn't taxable by Idaho. Deduct any U.S. Government interest included in portfolio income, line 14. Examples of U.S. Government obligations 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 from the Federal National Mortgage Association (FNMA) and the Government National Mortgage Association (GNMA) isn't paid by the U.S. Government and is taxable by Idaho.

If you have interest income from a mutual fund that invests in both nonexempt securities and exempt U.S. Government securities, you can deduct the portion of the interest earned that's 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 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 lesser of cost or 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. Include a schedule detailing the source of the income and explaining why the income was classified as nonbusiness.

LINE 28 NONBUSINESS EXPENSE OFFSET

You must add back expenses included in computing federal income and related to the production of allocated nonbusiness income listed on line 27. Related expenses include interest on indebtedness incurred or continued to purchase or carry the assets that produce the nonbusiness interest and dividend income. Prorate interest expense related to business and nonbusiness income. Complete the following computations to calculate the total amount of nonbusiness expense offset.

FORM 65

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 indirect 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 or after 2009:

- Complete a separate federal Form 4562 or detailed computation for Idaho depreciation purposes as if the special depreciation allowance hadn't been claimed
- Compute the Idaho adjusted basis and any gains or losses from the sale or exchange of property using the Idaho depreciation amounts
- If the federal depreciation (including gains and losses) is less than the Idaho depreciation (including gains and losses), include the difference as a deduction on this line; otherwise, enter the difference on line 19

Don't enter any amounts for property acquired during 2008 and 2009.

LINE 31 OTHER SUBTRACTIONS

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

For nonresident individual owners, enter the amount of guaranteed payments that aren't subject to the Idaho apportionment factor. For details about reporting guaranteed payments, see our online *Guaranteed Payments Guidance* page at tax.idaho.gov.

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. Include Form 42.

LINE 36 NET BUSINESS INCOME APPORTIONED TO IDAHO

Multiply line 34 by the percent on line 35. Enter the amount and complete the rest of the lines in this section, using information from Form PTE-12.

LINE 37 INCOME ALLOCATED TO IDAHO

Enter the amount of nonbusiness income allocated to Idaho minus the nonbusiness expense offset from line 28 that applies to this income. Include a schedule detailing the source of the income allocated to Idaho.

For nonresident individual owners, enter the amount of guaranteed payments sourced as compensation for services performed in Idaho. This amount should not exceed the amount of guaranteed payments included on line 31.

LINES 38-41

Complete Form PTE-12. Refer to Form PTE-12 for instructions. The sum of lines 38-40 should be equal to the sum of lines 36 and 37.

CREDITS

Except for the Reimbursement Incentive Act credit, credits earned by the partnership pass 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 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 the partner's Idaho income tax return. Credits reported by each partner are subject to the limitations applicable to that partner. Include copies of Form ID K-1 with the Idaho Partnership Return of Income for the year in which the credit is earned.

If an individual partner's share of income is taxed on the partnership's return, the tax may be offset by that partner's distributive share of credits. 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
- 50% of the tax computed for the three partners or
- \$500

Credits allowed to a partner that aren't used to offset that partner's tax can't be used to offset the tax computed for other partners. The broadband equipment investment credit can be transferred to another taxpayer rather than used by the partner who earns the credit:

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

LINE 42 CREDIT FOR CONTRIBUTIONS TO IDAHO EDUCATIONAL ENTITIES

Donations made by a partnership to a qualified educational entity may qualify for a tax credit. Donations of goods or services don't qualify.

If the partnership pays the tax for one or more partners, determine each partner's distributive share of the following amounts and enter the total of these amounts on line 42. The credit is limited to the smallest of:

- One-half of the amount donated
- 50% of the tax on line 41 or
- \$500

Don't enter the total credit earned by the partnership if the partnership isn't paying the tax for all the partners.

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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
- Idaho Commission on Hispanic Affairs
- Idaho Commission for the Blind and Visually Impaired
- Idaho Council on Developmental Disabilities
- Idaho State Independent Living Council
- Idaho STEM Action Center
- Idaho Council for the Deaf and Hard of Hearing

LINE 43 CREDIT FOR CONTRIBUTIONS TO IDAHO YOUTH AND REHABILITATION FACILITIES

Donations made by a partnership to a qualified center for independent living, to a youth or rehabilitation facility or its foundation, or to a nonprofit substance abuse center licensed by the Idaho Department of Health and Welfare, may qualify for a tax credit.

If the partnership is paying the tax for one or more partners, determine each partner's distributive share of the following amounts and enter the total of these amounts on line 43. 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 line 42 and Form 44, Part I, line 1

Don't enter the total credit earned by the partnership if the partnership isn't paying the tax for all partners.

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
- 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)
- 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

LINE 44 TOTAL BUSINESS INCOME TAX CREDITS

If the partnership pays the tax for one or more partners, determine each partner's distributive share of the total business income tax credits allowed from Form 44, Part I, line 9, and enter the total of these amounts on line 44. Don't enter the total credit earned by the partnership if the partnership isn't paying the tax for all partners. See page 9 for Form 44 specific instructions. Include Form 44.

OTHER TAXES

LINE 47 PERMANENT BUILDING FUND (PBF) TAX

If a partnership reports income on line 40 and pays the tax on income paid to nonresident individual partners, it's required to pay the \$10 PBF tax for each partner. A partnership must pay the PBF tax for each individual included in the composite return.

A partnership with all resident partners doesn't pay the PBF.

LINE 48 TOTAL TAX FROM RECAPTURE OF INCOME TAX CREDITS

If the partnership pays the tax for one or more partners, include on line 48 those partners' distributive share of the total tax from recapture of income tax credits from Form 44, Part II, line 6. See page 9 for specific instructions. Include Form 44.

LINE 49 FUELS TAX DUE

If you buy gasoline, aircraft fuel, or special fuels (diesel, propane, or 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 on line 49. Include 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 those purchases. Examples include magazine subscriptions, out-of-state catalog purchases, merchandise bought over the internet, book and record club items, purchases in a state where no sales tax was charged, etc. Multiply the total amount of those 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. Instead, 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. Include Form 49ER.

LINE 53 DONATION TO OPPORTUNITY SCHOLARSHIP PROGRAM

You can make a voluntary donation to the Idaho Opportunity Scholarship Program. The amount designated will either reduce your refund or increase your tax due. Your choice to donate is irrevocable; you can't get a refund later.

FORM 65

REFUND OR PAYMENT DUE

Contributions help provide need-based scholarship funds to Idaho high school graduates who attend approved higher education institutions in Idaho. This need-based program is built on a shared responsibility model. Students must contribute to the cost of attendance, and apply for other financial aid sources including federal aid. Awards are renewable for up to four years and are based primarily on financial need with some academic consideration. Students must meet a minimum GPA while completing their studies to be eligible for renewal. For more information about the Idaho Opportunity Scholarship Program, please visit www.boardofed.idaho.gov/scholarship/opportunity.asp.

PAYMENTS AND OTHER CREDITS

LINE 55 ESTIMATED TAX PAYMENTS

Enter the total amount of payments made and the amount applied from your 2016 return.

Rollforwards are refund amounts from the prior year that are rolled forward to the taxpayer's current year account, rather than being refunded.

LINE 56 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. Include 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. Include Form 75.

LINE 57 REIMBURSEMENT INCENTIVE ACT CREDIT

Enter the total credit allowed from the Idaho Reimbursement Incentive Certificate. Include a copy of the certificate with the return.

LINE 60 PENALTY AND INTEREST

Penalty: Idaho law provides penalties for not filing tax returns by the due date, not paying tax due on time, and not pre-paying enough on extension returns. For more information or to calculate a penalty, see our *Penalties and Interest* page at tax.idaho.gov/penalties.

Interest: Interest is charged from the due date until paid. The rate for 2018 is 4%.

LINE 63 REFUND

If you're filing an original return, you can receive all or part of the overpayment listed on line 62 as a refund, or apply all or part of the overpayment to your 2018 estimated tax. Enter the amount you want to receive as a refund on this line. If you enter the total amount from line 62, you must enter zero on line 64.

LINE 64 ESTIMATED TAX

If you're filing an original return, you can apply all or part of the overpayment listed on line 62 as a credit against your 2018 estimated tax. The amount you list on this line plus the amount on line 63 must equal the overpayment listed on line 62. If you listed the total overpayment as the amount you want refunded to you on line 63, you must enter zero on this line.

If you're filing an amended return, you must enter the same amount as reported on the original return.

AMENDED RETURN ONLY

Complete lines 65 through 68 only if you're filing this return as an amended return.

LINE 65 TOTAL DUE OR OVERPAYMENT ON THIS RETURN

If the total due shown on line 61 is greater than zero, enter this amount on line 65 as a positive amount.

If line 61 is zero, enter the amount of overpayment from line 62 on line 65 as a negative amount.

INSTRUCTIONS FOR FORM 44

IDAHO BUSINESS INCOME TAX CREDIT AND CREDIT RECAPTURE

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

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

If the partnership pays the tax for one or more partners, those partners' distributive share of the total business credits and tax from recapture of income tax credits is carried to the Form 65. Don't include the total credit or tax from recapture if the partnership isn't paying the tax for all the partners.

You must include Form 44 with your return if you're 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 broadband equipment investment credit can be transferred to another taxpayer rather than used by the taxpayer who earns the credit.

To claim a credit you acquired through a transfer, you must include a copy of the Idaho Statement of Credit Transfer, Form 70, with each return on which you're 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: Enter the credit allowed from Form 49, Part II, line 8.

Carryover: 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 POST-CONSUMER WASTE

If you purchased equipment that manufactures a product from post-consumer or post-industrial waste, you may be eligible for 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 post-industrial waste.

Product is any manufactured material that is composed of at least 50% of post-consumer or post-industrial waste and offered for sale. Product doesn't include shredded material unless it's incorporated directly into the manufacturing process.

Post-consumer waste or post-industrial waste includes only glass, paper, or plastic that has been, or would have been, disposed of as solid waste. It doesn't include radioactive or hazardous waste.

Include a schedule showing your computations, listing the qualified equipment, identifying the post-consumer or post-industrial waste products, and identifying the newly manufactured products.

Credit Allowed: 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 minus the amount allowed. Include 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 can 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: 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 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 from Form 67, line 29. Include Form 67.

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

LINE 5 BROADBAND EQUIPMENT INVESTMENT CREDIT

If you acquired qualified broadband equipment to use in your Idaho business, 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 from Form 68, line 18. Include Form 68.

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

LINE 6 SMALL EMPLOYER INVESTMENT TAX CREDIT

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

Credit Allowed: Enter the credit allowed from Form 83, line 28. Include Form 83.

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

LINE 7 SMALL EMPLOYER REAL PROPERTY IMPROVEMENT TAX CREDIT

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

FORM 44

Credit Allowed: Enter the credit allowed from Form 84, line 26. Include Form 84.

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

LINE 8 SMALL EMPLOYER NEW JOBS TAX CREDIT

You can claim this credit if you've certified by filing Form 89SE that you've 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 from Form 85, line 35. Include Form 85.

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

PART II TAX FROM RECAPTURE OF INCOME TAX CREDITS

LINE 1 TAX FROM RECAPTURE OF INVESTMENT TAX CREDIT

If you've 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. Include Form 49R.

LINE 2 TAX FROM RECAPTURE OF BROADBAND EQUIPMENT INVESTMENT CREDIT

If you've 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. Include Form 68R.

LINE 3 TAX FROM RECAPTURE OF SMALL EMPLOYER INVESTMENT TAX CREDIT

If you've 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 didn't 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. Include Form 83R.

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

If you've 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 didn't 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. Include Form 84R.

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

If you've claimed a small employer new jobs tax credit and you didn't 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 didn't 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. Include Form 85R.

INSTRUCTIONS FOR FORM 42

IDAHO APPORTIONMENT AND COMBINED REPORTING ADJUSTMENTS

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

If a 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's 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, include 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. Exclude property used in the production of nonbusiness income from the factor.

Include property in the factor if it's actually used or capable of being used during the tax year in the regular course of the trade or business of the taxpayer. Exclude property under construction.

Value property owned by the taxpayer at its original cost. Original cost is the basis of the property for federal income tax purposes (before 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.

Value property rented 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. Exclude receipts derived from the production of nonbusiness income from the sales factor.

Sales includes all gross receipts derived from transactions and activities 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 in the regular course of business. If gross receipts don't fairly represent the extent of your business activity in Idaho, you can 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. The denominator is the total compensation paid during the tax year. Exclude compensation connected with the production of nonbusiness income 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 paid. If you're required to report compensation under the cash method for unemployment compensation purposes, you can 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. Exclude payments made to an independent contractor, or any other person not properly classifiable as an employee.

FORM 42

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 website has a link to these regulations at tax.idaho.gov.

Airlines

If you're 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.

Allocate the value of nonflight property and nonflight payroll to the state based on the general apportionment rules.

Railroads and Trucking Companies

If you're 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.

Include other revenue, fixed property, and compensation of employees assigned to fixed locations in the factors based on the general apportionment rules. Don't include per diem and mileage charges paid or received for the temporary use of railroad cars 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. Include the portion of this amount attributable to construction projects in Idaho 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 that corresponds to the percentage of the entire contract that was completed at the end of the tax year. For example, if the project was 30% complete at the end of the tax year, include

30% of the bid price 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.

Include compensation paid for work on a particular construction project 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're 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 items such as orbiting satellites and undersea transmission cables that aren't physically located in any particular state. Compute the portion of outer-jurisdictional property attributable to Idaho 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're 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.

Include 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 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.

FORM 42

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. Determine the portion of these amounts attributable to Idaho according to the general apportionment rules.

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.

Financial institution means:

- 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 production credit association organized under the Federal Farm Credit Act of 1933, all of whose stock held by the Federal Production Credit Corporation has been retired
- A corporation whose voting stock is more than 50% owned by 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 11, the property factor must also include the average value of 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're properly assigned to a regular place of business in this state; that is, if the loan has a majority of substantive contacts with that place of business. To determine the state in which the majority of substantive contacts relating to a loan have occurred, consideration shall be given to such activities as the solicitation, investigation, negotiation, approval, and administration of the loan.

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 11.

SPECIFIC INSTRUCTIONS

Instructions are for lines not fully explained on the form. Compute all percentages to four places to the right of the decimal point (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. Include 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.

These instructions don't provide a comprehensive explanation of Idaho tax laws or rules.
Costs associated with this publication are available from the Idaho State Tax Commission in accordance with Section 60-202, Idaho Code.