

What's New

Railroad Modernization Act Credit of 2019- Section 37-11C-4 of the Code of Alabama provides for a refundable tax credit equal to 50 percent of an eligible taxpayer's qualified railroad rehabilitation expenditures. The Alabama Department of Commerce is the administering agency for the Rail Credit. For more information regarding eligibility and qualifications, please contact incentives@commerce.alabama.gov or 334-242-0400.

Issues Concerning the Preparation of Schedule FC

Fiduciary taxpayers must apply through My Alabama Taxes (MAT) at www.myalabamataxes.alabama.gov and receive approval before claiming credits generated by the trust or estate and before distributing credits to the beneficiaries. Once logged into MAT, a taxpayer will need to select Fiduciary Tax as their account type then select "Submit a Credit Claim" from the "I Want to" menu on the right margin of the page and follow a short series of instructions/steps to claim a credit. Any supporting documentation for the credit certificate is required to be attached in MAT. The process of "Submitting a Claim" through MAT must be completed to allow the recipients a credit claim. Taxpayers needing assistance with signing up for a My Alabama Taxes Account or with reserving a tax credit may call (334) 242-1170 Option 6.

Note: Any tax credits originating from an ownership interest in a Pass Through Entity (partnership, S-Corporation or disregarded entity) that flow through to a Fiduciary taxpayer will not need to be pre-certified by the Fiduciary tax filer unless the credit will flow through to the beneficiary or the Fiduciary is generating the credit.

Part A – Income Taxes Paid to other States

In accordance with §40-18-25(c) resident estates and trusts are allowed a credit for taxes paid to another state, for tax years beginning after December 31, 2004, if the resident estate or trust conducts a trade or business both in Alabama and in one or more other states or territories. The credit is limited to the lesser of the tax actually due to the other state or territory or the amount that would be due on the same income computed at the income tax rate in Alabama. When income tax is paid to more than one other state, the tax credit must be computed separately for each state. **A copy of the return as filed with the other state must be attached for the credit to be considered properly substantiated.**

- Line 1. Enter taxable income as shown on the other states return and list state.
- Line 2. Enter the tax due to the other state using Alabama tax rates.
- Line 3. Enter the tax due on the other state's return.
- Line 4. Enter the lesser of line 2 or 3.
- Lines 5-24: repeat the steps on each line
- Line 25. Enter the sum of lines 4, 8, 12, 16, 20 and 24. Enter the amount here and on Section C, Part A, Column 3.

**Part B – Full Employment Act of 2011 Credit
(MAT Approval Required)**

Sections 40-18-290 through 40-18-293 provide for a tax credit

against Alabama income tax for small businesses which employ 50 or fewer employees and create new jobs paying more than ten dollars (\$10) per hour. Employers will receive an income tax credit equal to one thousand dollars (\$1,000) and shall be available in the tax year during which the employee has completed 12 months of consecutive employment. The employer must have a net increase in the total number of full-time employees in Alabama on the last date of each tax year during which employees are hired for which the employer claims a credit, over the number employed in Alabama as of the last day of the tax year immediately preceding the first employment year. The income tax credit may be claimed for employees who are hired following June 9, 2011. This tax credit shall not exceed the amount of the taxpayer's state tax liability for which the credit is claimed. This credit is not refundable or transferable.

- Line 1. Enter the pro rata share of credit from Schedule K-1. Enter the FEIN number of the entity. If credit is from more than one entity attach schedule.
- Line 2. Enter the credit allocated to the beneficiaries.
- Line 3. Enter the credit allowable. Subtract line 2 from line 1. Enter the amount here and on Section C, Part B, Column 3.

Part C – Alabama New Markets Development Credit

Act Number 2012-483, passed by the Alabama Legislature during the 2012 Regular Session, establishes a tax credit to corporations/financial institutions that invest in businesses located in impoverished and low income communities. The credit allowance date is the date on which such investment is initially made and each of the six anniversary dates thereafter. The credit shall not exceed the amount of the taxpayer's state tax liability for the tax year for which the tax credit is claimed. Tax credits claimed under this act are not saleable or transferable. Any amount of tax credit that the taxpayer is prohibited from claiming in a taxable year may be carried forward to any of the taxpayer's subsequent taxable years.

- Line 1. Enter the amount of the New Markets Development Credit claimed from the Notice of Certification
- Line 2. Enter the amount of credit allocated to beneficiaries.
- Line 3. Enter the credit allowable. Subtract line 2 from line 1. Enter the amount here and on Section C, Part C, Column 3.

**Part D – Veteran's Employment Act-Employee Credit
(MAT Approval Required)**

Act 2018-194 amends Sections 40-18-320 and 40-18-321 for all tax years beginning on or after January 1, 2018 to rename the Heroes for Hire Tax Credit Act of 2012 as the Veterans Employment Act. The act adds Sections 40-18-320.1 and 40-18-325 to the Code of Alabama, 1975. A qualified employer subject to the requirements of the act shall be eligible for an additional nonrefundable credit against the income tax or financial institution excise tax in the amount of \$2,000 for each new unemployed or combat veteran hired for a full-time position paying at least fourteen dollars per hour, where majority of the duties are at a business located within Alabama. The additional credit shall only be available in the tax year during which the employee has completed 12 months of consecutive employment.

- Line 1. Enter the pro rata share of credit from Schedule K-1. Enter the FEIN number of the entity. If credit is from more than

one entity attach schedule.

Line 2. Enter the credit allocated to the beneficiaries.

Line 3. Enter the credit allowable. Subtract line 2 from line 1. Enter the amount here and on Section C, Part D, Column 3.

Part E – Veteran’s Employment Act-Business Start-up Expenses Credit (MAT Approval Required)

Section 40-18-323 allows for a nonrefundable credit against the income tax liability to unemployed veterans in an amount up to \$2,000 for expenses associated with one start-up business in which the veteran holds at least 50% ownership interest. The credit is only applicable for businesses: started after April 2, 2012, located within Alabama, and showing a net profit of at least \$3,000 for the year in which the credit is taken.

Line 1. Enter the pro rata share of credit from Schedule K-1. Enter the FEIN number of the entity. If credit is from more than one entity attach schedule.

Line 2. Enter the credit allocated to the beneficiaries.

Line 3. Enter the credit allowable. Subtract line 2 from line 1. Enter the amount here and on Section C, Part E, Column 3.

Part F – Qualified Irrigation System/Reservoir System Tax Credit (MAT Approval Required)

Act 2017-352 amends Section 40-18-342 to allow all tax years beginning after December 31, 2011 until tax year ending December 31, 2017 to authorize an agricultural trade or business to be eligible for an increased cap on the amount of a credit based on a lower percent of the costs of a project. The credit is equal to 20 percent of the accrued cost not to exceed \$10,000 or 10 percent of the accrued cost not to exceed \$50,000, whichever is greater. This credit is limited to only one purchase and installation of qualified irrigation equipment or one qualified reservoir per taxpayer. The credit shall not exceed the income tax liability in any year and shall be taken in the year in which the qualified irrigation equipment or the qualified reservoir is placed in service. The credit may be carried forward for 5 years.

Line 1. Enter the purchase and installation costs of the irrigation system.

Line 2. Enter the conversion costs to convert from fuel to electricity.

Line 3. Add lines 1 and 2.

Line 4. Multiply line 3 by 20% (.20) not to exceed \$10,000.

Line 5. Multiply line 3 by 10% (.10) not to exceed \$50,000.

Line 6. Enter the greater of line 4 or 5.

Line 7. Enter the cost of the construction reservoir.

Line 8. Multiply line 7 by 20% (.20) not to exceed \$10,000.

Line 9. Multiply line 7 by 10% (.10) not to exceed \$50,000.

Line 10. Enter the greater of line 8 or 9.

Line 11. Enter the amount from either line 6 or 10.

Line 12. Enter the pro rata share of credit from Schedule K-1. Enter the FEIN number of the entity. If credit is from more than one entity attach schedule.

Line 13. Enter the total of lines 11 and 12.

Line 14. Enter the credit allocated to the beneficiaries.

Line 15. Enter the credit allowable. Subtract line 14 from line 13. Enter the amount here and on Section C, Part F, Column 3.

Part G – 2013 Alabama Historic Rehabilitation Tax Credit (MAT Approval Required)

Act 2014-452 amends Act 2013-241. The act provides an income tax credit against the tax liability of the taxpayer for the rehabilitation,

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

Lines 1a-1c. Enter the Project Number(s) assigned by the Alabama Historic Tax Commission, the date the project(s) were placed in service, and the amount of credit.

Line 2. Add lines 1a-1c of the Amount of Credit column.

Line 3. Enter the credit allocated to beneficiaries.

Line 4. Enter the credit allowable. Subtract line 3 from line 2. Enter here and on Section C, Part G, Column 3.

Part H – Credit for Taxes paid to a Foreign Country

This credit can only be taken by resident beneficiaries. Section 40-18-21 provides a tax credit for taxes paid to a foreign country by the pass through entity. The amount of the credit allowable is 50 percent of the taxpayer's proportionate share of the income taxes paid or accrued to a foreign country by the entity; or the tax calculated at the Alabama tax rates on the taxpayer's proportionate share of the entity's income derived from the foreign country, whichever is less. A schedule should be completed for each beneficiary detailing the amounts required for each beneficiary to complete Schedule OC on the Form 40 return. This statement should include the country's name, the beneficiary's pro rata share of the entity and of the foreign income, and the pro rata share of the foreign income tax allocated to that beneficiary. The amount of the deduction on Schedule K-1 should be 50% of the proportionate share of the income taxes paid or accrued to a foreign country by the entity.

Line 1. Enter the name of the foreign country.

Line 2. Enter income from foreign operations.

Line 3. Enter tax due the foreign country as shown on that country's tax return.

Line 4. Multiply line 3 by 50% (.50).

Line 5. Enter the amount of Credit Applicable to Nonresident Beneficiaries.

Line 6. Subtract Line 5 from Line 4.

Part I – Career-Technical Dual Enrollment Credit (MAT Approval Required)

Act 2014-147 passed the Alabama Legislature during the 2014 Regular Session. The act provides a state income tax credit to businesses that make contributions for qualifying educational expenses directly associated with the Career-Technical Dual Enrollment Program. The tax credit may be claimed by the taxpayer in an amount equal to 50 percent (50%) of the total contribution or contributions made to the Department of Postsecondary Education during the taxable year for which the credit is claimed, but such credit is not to exceed an amount greater than 50 percent (.50%) of the taxpayer's total Alabama income tax liability, and in no case more than five hundred thousand dollars (\$500,000) for any given tax year. A taxpayer may carry forward all or part of a tax credit granted under this act for up to three (3) years

Line 1. Enter the pro rata share of credit from Schedule K-1. Enter the FEIN number of the entity. If the credit is from more

than one entity attach schedule.

- Line 2. Enter the amount of credit distributed to beneficiaries.
- Line 3. Enter the amount of credit applied to Form 41. Subtract line 2 from line 1.
- Line 4. Multiply the current tax liability on Section A by 50%(.50).
- Line 5. Credit Available. Enter the lesser of 3 or 4. Enter here and on Section C, Part I, Column 3.
- Line 6. Enter the maximum credit.
- Line 7. Enter the credit allowable. Enter the lesser of line 5 or line 6. Enter here and on Section C, Part I, Column 3.

Part J – Investment Credit(Alabama Jobs Act) (MAT Approval Required)

Act Number 2015-27 and Section 40-18-376 provide for an investment credit to certain businesses for approved projects that create new jobs in Alabama. The credit is an amount of 1.5 percent of a qualified capital investment annually, for a period of 10 years to be applied against the income tax, estimated income taxes, the financial institution excise tax, or the insurance premium tax, with additional offsets of utility gross receipts and utility service use taxes. The investment credit, provided for by the Alabama Jobs Act, may be claimed as a credit against taxes paid with a carryforward for earned but unused amounts to the extent allowed in the project agreement. Any unused portion of this credit may be carried forward for up to five years. The approval of this credit is managed through the Department of Commerce. Once they have approved and issued the certificate, you will be notified to fill out an allocation schedule through MAT.

- Lines 1a-1g. Enter the Project Numbers, Project Names, and Amount of Credit claimed from the certification issued by the Alabama Department of Commerce.
- Line 2. Enter the total available credit.
- Line 3. Enter the credit allocated to the beneficiaries.
- Line 4. Enter the credit allowable. Subtract line 3 from line 2. Enter here and on Section C, Part J, Column 3.

Part K – Alabama Accountability Act Tax Credit (MAT Approval Required)

Act 2015-434 authorizes a tax credit for contributions to entities that provide educational scholarships to qualifying schools. The credit is equal to 100% of the total contributions made to a scholarship granting organization for educational scholarships during the taxable year for which the credit is claimed up to 50% of the tax liability of the taxpayer. The credit may be carried forward for 3 years.

Note: Reserving a tax credit requires the use of the Department’s online portal for taxpayers, My Alabama Taxes. Once logged into MAT, a taxpayer will need to select “Report a donation to an SGO” from the menu on the right margin of the page and follow a short series of instructions/steps to record their donation and reserve their portion of the credit.

- Line 1. Enter the name of the Scholarship Granting Organization.
- Line 2. Enter the full address of the Scholarship Granting Organization.
- Line 3. Enter the credit allocated to beneficiaries.

Part L – Port Credit

Act 2016-102 provides an income tax credit in an amount equal to \$50 per TEU, \$3 per net ton, or \$0.04 per kilogram for air freight multiplied by the port user’s cargo volume in the 12 month period for which the commission has granted approval for the port user to claim the port credit minus the port users base cargo volume. The port credit shall only be available to the extent that a port facility user ships more

than 105 percent of its cargo volume from the 12 month period immediately preceding the port facility user’s application. The port credit shall only be available to the extent a port facility user ships more than 10 TEUs, for cargo measured by TEU, more than 75 net tons, for cargo measured by net ton, or more than 15,000 kilograms for air cargo measured by kilograms. This credit is not refundable, but any unused portion of the credit may be carried forward for up to 5 additional tax years.

- Line 1. Enter the amount of the Port Credit certified by the Department of Commerce.
- Line 2. Enter the credit allocated to beneficiaries.
- Line 3. Enter the credit allowable. Subtract line 2 from line 1. Enter here and on Section C, Part L, Column 3.

Part M – Apprenticeship Tax Credit Act (MAT Approval Required)

Act Number 2016-314 passed the Alabama Legislature during the 2016 Regular Session. This act provides for a tax credit for employers that employ an apprentice. Eligible employers that employ an apprentice for at least seven full months of the prior taxable year are allowed a credit equal up to \$1,000 for each apprentice employed, not to exceed five apprentices employed. This credit is nontransferable, nonrefundable, and not available for an individual apprentice for more than four taxable years.

- Line 1. Enter the pro rata share of credit from Schedule K-1. Enter the FEIN number of the entity. If credit is from more than one entity attach schedule.
- Line 2. Enter the credit allocated to the beneficiaries.
- Line 3. Enter the credit allowable. Subtract line 2 from line 1. Enter the amount here and on Section C, Part M, Column 3.

Part N – 2017 Alabama Historic Rehabilitation Tax Credit (MAT Approval Required)

Act 2017-380 provides a refundable income tax credit against the tax liability of the taxpayer for the rehabilitation, preservation, and development of historic structures. The tax credits can only be claimed by taxpayers holding a Tax Credit Certificate or a Transfer Tax Credit Certificate. The credit is equal to 25% of the qualified rehabilitation expenditures for certified historic structures. No tax credit claimed for any certified rehabilitation may exceed \$5,000,000 for all allowable property types except a certified historic residential structure, and \$50,000 for a certified historic residential structure. The entire credit must be claimed by the taxpayer in the taxable year in which the certified rehabilitation is placed in service. This credit is refundable and transferable but cannot be carried forward. The credit is required to be submitted through MAT.

Check applicable box for Historic Tax Commission Tax Credit Certificate or Transfer Credit Certificate received. If Transfer Credit Certificate was received, the taxpayer is not eligible for the refundable credit.

- Lines 2a-2c. Enter the Project Number(s) assigned by the Alabama Historic Tax Commission, the date the project(s) were placed in service, and the credit amount of each project.
- Line 3. Credit Allowable. Enter the sum of all project credits. Enter here and on Section C, Part N, Column 3.

Part O – Railroad Modernization Act of 2019 (MAT Approval Required)

The Railroad Modernization Act of 2019 creates a refundable in-

come tax credit beginning with tax years on or after December 31, 2019, for eligible taxpayers with qualified railroad reconstruction or replacement expenditures. Railroads that are classified as a Class II or Class III are eligible for the credit. Taxpayers must obtain pre-certification from the Department of Commerce prior to claiming the credit on their income tax return. The Act imposes an annual credit limit of \$3.7M, with an aggregate cap of \$1.1 over the life of the credit. The credit is required to be submitted through MAT.

Check applicable box for Department of Commerce Certificate or Transfer Credit Certificate received. If Transfer Credit Certificate was received, the taxpayer is not eligible for the refundable credit.

Line 2. Credit allowable. Enter the amount of credit reported on the Department of Commerce certificate. Enter here and on Section C, Part O, Column 3.

Part P – Income Tax Capital Credit (MAT Approval Required)

The capital credit is available to investing companies and their recipients involved in a qualified project undertaken by certain new businesses to be located in the state and certain expansions of certain existing businesses. To qualify for the capital credit, the project entity must be registered with and approved by the Commissioner's Office of the Alabama Department of Revenue by 12/31/2015. The capital credit claimed for the tax year shall not exceed 5 percent of the actual capital costs, as defined in the law, of the new business or expansion of an existing business for each of 20 years. The capital credit shall be provided to each investing company and its shareholders, partners, members, owners, or beneficiaries on Form K-RCC provided by the reporting company. Each recipient in the investing company will be allowed a capital credit according to the distributive share, whether or not distributed, of the project's Alabama taxable apportionable income. This capital credit CANNOT be carried forward or back by any recipient. The capital credit is limited to the individual's current tax year liability and is applied after all other deductions, losses, or credits permitted under Titles 40 and 41, Code of Alabama 1975. If the Capital Credit will be claimed on Form 41, the fiduciary must complete and attach Schedule KRCC-B with Schedule FC when filing their return. The return should include a copy of the Form K-RCC that was received from the distributing entity to verify the credit.

Check applicable box for KRCC received or KRCC issued.

Lines 1a-1g. Enter the project number, project names, and credit amount for each project.

Line 2. Enter the total capital credit amount.

Line 3. Enter the credit allocated to beneficiaries.

Line 4. Credit allowable. Enter here and on Section C, Part P, Column 3.

Section C – Current Credit Summary

For each credit available for utilization, repeat the steps on each line by row until all available current year credits have been used or no tax remains to be offset.

Column 1. Type of Credit generated.

Column 2. For applicable credits, enter the Credit Available from Section B.

Column 3. Enter the amount of credit allowable generated by the trust or estate from Section B.

Column 4. Enter the amount of the remaining tax to be offset.

Column 5. Enter the amount of the current credit utilized to offset the remaining tax due.

Column 6. Subtract Column 5 amount from Column 4 amount.

Column 7. Subtract Column 5 amount from Column 3 amount.

Column 8. For applicable credits, subtract Column 3 amount from Column 2 amount and add the difference to Column 7 amount.

Section D – Total Credits Allocated to Beneficiaries

Enter the total of Section B, Part B, line 2, Part C, line 2, Part D, line 2, Part E, line 2, Part F, line 14, Part G, line 3, Part H, line 6, Part I, line 2, Part J, line 3, Part K, line 3. Part L, line 2, Part M, line 2, and Part P, line 3. Enter total credits here and on Form 41, Schedule K, line 16 or Schedule G, line 24.

Section E – Credit Carry Forward Prior Years

For each carryforward available for utilization, repeat the steps on each line by column until all available prior year credit carry forward credits have been used or no tax remains to be offset. Begin Credit Carry Forward from Prior Years with the oldest year first and ending with the most current year. Tax years for which a credit was utilized should not be listed. The utilized credits are shown in column 4.

Column 1. Enter the Type of Credit generated.

Column 2. Enter the tax year end (MM/DD/YYYY) in which the credit was generated.

Column 3. Enter the amount of the credit generated by the trust or estate for the tax period in Column 2. Column 4. Enter the amount of the credit utilized in years prior for the Credit listed in Column 3.

Column 5. Subtract Column 4 amount from Column 3 amount. Enter the amount of the Credit available to be utilized in the current tax period, not to exceed the remaining tax to be offset.

Columns 6-8. Subtract the Remaining Tax to be Offset (Section C, Column 6) from the Amount Available to use this Period (Section D, Column 5). If the Remaining Tax to be Offset is less than or equal to the Amount Available to use this Period, enter the Remaining Tax to be Offset in Column 6 and enter the excess of the Amount Available to use this Period in Column 7. If the Remaining Tax to be Offset is greater than Section D, Column 5, enter the Amount Available to use this Period in Column 6 and enter the difference of the Remaining Tax to be Offset and the Amount used this Period in Column 8, then proceed to the next available prior year credit. For the remaining rows, the Amount used this Period in Column 6 is limited to the Remaining Tax to be Offset in Column 8 of the preceding row.

Section F – Total Nonrefundable Credits

Line 1. Enter the Total Current Credit from Section C, Column 5.

Line 2. Enter the Total Prior Year Credit Carryforward from Section E, Column 6.

Line 3. Add lines 1 and 2. Enter total here and on Form 41, line 8a.

Section G – Total Refundable Credits

Line 1. If Section B, Part N, Line 1a is checked, enter the refundable amount of 2017 Alabama Historic Rehabilitation Tax Credit from Section C, Part N, Column 7 here and on Form 41, Line 8f.

Line 2. If Section B, Part O, Line 1a is checked, enter the refundable amount of Railroad Modernization Act of 2019 from Section C, Part O, Column 7 here and on Form 41, Line 8g.