

Instructions to Pass-Through Entity

General Instructions. The Alabama Schedule K-1 is a required attachment to the Alabama Form 65. The Alabama Schedule K-1 is similar to the federal Schedule K-1 in that it is used to report the pass-through entity owners' share of income, deductions, credits and other items.

The format of the Alabama Schedule K-1 differs from that of the federal Schedule K-1; therefore, the federal Schedule K-1 cannot serve as a substitute for the Alabama Schedule K-1.

Heading Information. Enter in the upper left area of the form whether the Subchapter K entity is an Electing Pass-Through Entity or Qualified Investment Partnership (QIP). Provide the tax period information if the return is filed for other than the 2023 calendar year. Enter in the upper right area of the form if the Schedule K-1 is either a final K-1 or an amended K-1.

Part I – Information about the Pass-Through Entity.

Enter on line A the pass-through entity's Federal Employer Identification Number. Enter on line B the pass-through entity's name and mailing address (street address, city, state and zip code).

Part II – Information about the Pass-Through Entity Owner.

Line C. Enter the pass-through entity owner's social security number or federal identification number. If the partner is a disregarded entity, Line C will contain the TIN of the beneficial owner. Do not include the TIN of the disregarded entity.

Line D. Enter the name, the street address, city, state and zip code for the pass-through entity owner whose TIN is listed in Line C.

Line E1. Check the box that corresponds with the pass-through entity owner's status.

Line E2. State whether the partner is an individual, an S corporation, a C corporation, an estate, a trust, a partnership, a disregarded entity, an exempt organization, a foreign government, or a nominee (custodian). If the entity is a limited liability company (LLC) and it is treated as other than a disregarded entity for federal income tax purposes, the partnership must enter the LLC's classification for federal income tax purposes (that is, a corporation or partnership). If the partner is a nominee indicate the type of entity the nominee represents: I – Individual; C – Corporation; F – Estate or Trust; P – Partnership; DE – Disregarded Entity; E – Exempt Organization; IRA – Individual Retirement Arrangement; or FGOV – Foreign Government. Check the box if the owner is a nominee.

Line E3. Check the box if the partner is a retirement plan.

Line E4. Enter the pass-through entity owner's beginning and ending percentage of profit, loss and capital.

Line E5. Enter the pass-through entity owner's share of nonrecourse, qualified nonrecourse financing and recourse liabilities.

Line E6. Check the appropriate box to indicate if the pass-through entity owner is a nonresident. If a nonresident, provide the state of legal residence.

Line E7. Check the appropriate box to indicate if the pass-through entity owner is a single member LLC. List the name and FEIN of the disregarded entity.

Line E8. Enter the pass-through entity owner's capital account analysis.

Line F. Enter the pass through entity owner's pro rata share of the credit reported on Schedule K, Line 21. Credits shall be identified by the following codes and claimed in the order below:

- A: Alabama Enterprise Zone Credit
- B: Basic Skills Education Credit
- C: Coal Credit
- D: Full Employment Act of 2011 Credit
- E: Veteran's Employment Act-Employer Credit

- F: Veteran's Employment Act-Business Start-up Expenses Credit
- G: Qualified Irrigation System/Reservoir System Tax Credit
- H: 2013 Alabama Historic Rehabilitation Tax Credit
- I: Credit for Taxes Paid to Foreign Country
- J: Career-Technical Dual Enrollment Credit
- K: Investment Credit(Alabama Jobs Act)
- L: Alabama Accountability Act Credit
- M: Port Credit
- N: Growing Alabama Credit
- O: Apprenticeship Tax Credit
- R: Innovate Alabama Tax Credit
- S: Income Tax Capital Credit

If additional space is needed, please provide the requested information as an attachment to the Alabama Schedule K-1.

Part III – Partner's Share of Current Year Alabama Income, Deductions, Credits and Other Items.

Please note: The term "gross income," in the case of a resident individual, includes income from sources within and outside Alabama, and in the case of a nonresident individual, includes only income from property owned or business transacted in Alabama. The Alabama K-1 has two columns in some boxes of Part III. The first column of Part III is income allocated and apportioned to Alabama. This column should be completed for both resident and nonresident partners. The second column of Part III should be completed for resident partners only. This column should include the resident's share of income (loss) from all sources, including income (loss) earned from other states.

For example, a multistate entity has \$100,000.00 of income and 27% is allocated to Alabama. The entity has a nonresident and resident partner each receiving 50% of income (loss). On Schedule K-1, the entity would report \$13,500.00 in Column 1, Box G, for both the nonresident partner resident partner. The entity would report \$50,000.00, income from all sources, in Column 2, Box G, for the resident partner.

Line G – Enter the pass-through entity owner's pro rata share of the ordinary income (loss) apportioned to Alabama from Schedule K, Line 1.

Line G2 – Alabama residents only-subtract the pro rata share of Business Health Insurance Premium Deduction (page 1, line 30) from the pro rata share of federal ordinary business income (page 1, line 24).

Line H – Enter the pass-through entity owner's pro rata share of net rental real estate income (loss) apportioned to Alabama from Schedule K, Lines 2 and 3c.

Line I – Enter the pass-through entity owner's pro rata share of guaranteed payments apportioned to Alabama from Schedule K, Line 4.

Line J – Enter the pass-through entity owner's pro rata share of the portfolio income apportioned to Alabama from Schedule K, Lines 5-7. Check the box if the entity is a QIP and the income is tax exempt for the nonresident owner.

Line K – Enter the pass-through entity owner's pro rata share of net capital gain (loss) apportioned to Alabama from Schedule K, Lines 8d and 9.

Line L – Enter the pass-through entity owner's pro rata share of other income (loss) apportioned to Alabama from Schedule K, Line 10.

Line M – Enter the pass-through entity owner's pro rata share of the nonbusiness items apportioned to Alabama from Schedule K, Line 11 minus Line 17. The nature and amount of each different separately stated business item must be provided to the pass-through entity owner with the Alabama Schedule K-1.

Line M2 – Enter the pass-through entity owner's pro rata share of the nonbusiness items from Schedule B, Column E, Line 1h. The nature and amount of each different separately stated business item must be provided to the pass-through entity owner with the Alabama Schedule K-1.

Line N – Enter the pass-through entity owner's pro rata share of the section 179

expense apportioned to Alabama from Schedule K, Line 12. Estates and trusts are not eligible for the section 179 deduction. Enter the pro rata share of the 179 deduction and check the box to indicate that the estate or trust is ineligible for the Section 179 deduction.

Line O – Enter the pass-through entity owner's pro rata share of the charitable contributions apportioned to Alabama from Schedule K, Line 13a.

Line P – Enter the pass-through entity owner's pro rata share of the investment interest expense apportioned to Alabama from Schedule K, Line 13b.

Line Q – Enter the pass-through entity owner's pro rata share of other deductions apportioned to Alabama from Schedule K, Line 14.

Line R – Enter the pass-through entity owner's pro rata share of oil and gas depletion apportioned to Alabama from Schedule K, Line 15.

Line S – Enter the pass-through entity owner's pro rata share of casualty losses apportioned to Alabama from Schedule K, Line 16.

Line T – Enter the pass-through entity owner's pro rata share of tax-exempt income apportioned to Alabama from Schedule K, Lines 18a and 18b.

Line U – Enter the pass-through entity owner's pro rata share of nondeductible expenses apportioned to Alabama from Schedule K, Line 18c.

Line V – Enter the pass-through entity owner's pro rata share of distributions apportioned to Alabama from Schedule K, Lines 19a and 19b.

Line W – Enter the pass-through entity owner's pro rata share of investment income apportioned to Alabama from Schedule K, Line 20a.

Line X – Enter the pass-through entity owner's pro rata share of investment expenses apportioned to Alabama from Schedule K, Line 20b.

Line Y – Enter the pass-through entity owner's pro rata share of other items and amounts apportioned to Alabama from Schedule K, Line 20c.

Line Z – Enter the amount of the Alabama Composite Payment/Electing Pass-Through Entity Credit made on behalf of the pass-through entity owner. Check the box if the nonresident member has certified exemption from the composite payment requirements. Schedule NRC-Exempt must be attached if the box on Column Z is checked.

Instructions to Pass-Through Entity Owner

Important information for pass-through entity owners that are not individuals. **Pass-through entity owners that are not individuals can create nexus (a presence subjecting the pass-through entity owner to Alabama income taxation) in Alabama by having an ownership interest in a pass-through entity doing business in Alabama. Also, having an ownership interest in a pass-through entity doing business in Alabama can subject the pass-through entity owner (which is a corporation or subchapter K entity) to the requirements of the Alabama Multistate Tax Compact.**

The remainder of these instructions are directed toward pass-through entity owners that are individual taxpayers.

Note: Nonresident owners would report income (loss) allocated and apportioned to Alabama as stated in Part III, Column 1 of Schedule K-1. Resident owners are required to report income from sources within and outside Alabama as indicated on Part III, Column 2 of Schedule K-1.

Line F. Pass-through entity owners who are individuals would claim this amount on Schedule OC and/or Schedule NTC of Form 40 or Form 40NR. Refer to page 1, Line F instructions for applicable codes and ordering of credits.

Line G. Pass-through entity owners that are individuals would report this amount on Schedule E of the Alabama Form 40 or Alabama Form 40NR.

Line H. Pass-through entity owners that are individuals would report this amount on Schedule E of the Alabama Form 40 or Alabama Form 40NR.

Line I. Pass-through entity owners that are individuals would report this amount on Schedule E of the Alabama Form 40 or Alabama Form 40NR. The entire amount of guaranteed payments received by the owner of the Subchapter K entity should be reported on this line of the Schedule K-1, if the owner is an Alabama resident individual. The apportioned amount of the guaranteed payments received by the owner of the subchapter K entity should be reported on this line, if the owner is an individual, but not an Alabama resident.

Line J. Pass-through entity owners that are individuals would report this amount on the appropriate schedule of the Alabama Form 40 or Alabama Form 40NR filed by the individual, depending upon the nature of the portfolio income. Accompanying the Alabama Schedule K-1 should be an explanation of the different types and amounts of portfolio income making up the amount on Line J.

Line K. Pass-through entity owners that are individuals would report this amount on Schedule E of the Alabama Form 40 or Alabama Form 40NR.

Line L. Pass-through entity owners that are individuals would report this amount on Schedule E of the Alabama Form 40 or Alabama Form 40NR.

Line M. Pass-through entity owners that are individuals would report or claim these items on the appropriate schedule of the Alabama Form 40 or Alabama Form 40NR, as filed by the individual, depending upon the nature of the nonbusiness item. Accompanying the Alabama Schedule K-1 should be an explanation of the different types and amounts of other separately stated business items making up the amount on Line M.

Line N. Pass-through entity owners that are individuals would claim this amount on the Form 4562, Depreciation and Amortization, which accompanies the individual's Alabama Form 40 or Alabama Form 40NR.

Line O. Pass-through entity owners that are individuals would claim this amount on Schedule A of the Alabama Form 40 or Alabama Form 40NR.

Line P. Pass-through entity owners that are individuals would report this amount on the Alabama Form 4952A that accompanies the individuals' Alabama Form 40 or Alabama Form 40NR.

Line Q. Pass-through entity owners that are individuals would report or claim these items on the appropriate schedule of the Alabama Form 40 or Alabama Form 40NR, as filed by the individual, depending upon the nature of the other deductions.

Line R. Pass-through entity owners that are individuals should claim this amount on Schedule E of the Alabama Form 40 or Alabama Form 40NR. Accompanying the Alabama Schedule K-1 should be a computation of the amount reported on Line R. Alabama income tax law concerning oil and gas depletion differs from the federal law. Care should be exercised in claiming this deduction to ensure that the proper amount is deducted.

Line S. Pass-through entity owners that are individuals would claim this amount on the Form 4684 that accompanies the Alabama Form 40 or Alabama Form 40NR.

Line T. Pass-through entity owners that are individuals are encouraged to disclose the amount of Alabama exempt income on the Alabama Form 40 or Alabama Form 40NR, as filed by the individual. Accompanying the Alabama Schedule K-1 should be an explanation showing the different types of Alabama exempt income items and amounts making up the amount reported on Line T.

Line U. Pass-through entity owners that are individuals are encouraged to disclose the amount of nondeductible expenses on the Alabama Form 40 or Alabama Form 40NR, as filed by the individual.

Line V. Pass-through entity owners that are individuals would report the portion of this amount that represents reportable income on the Schedule D accompanying the Alabama Form 40 or Alabama Form 40NR. Accompanying the Alabama Schedule K-1 should be a detailed explanation of the amount on Line V.

Line W. Pass-through entity owners that are individuals would report this amount on the Alabama Form 4952A that accompanies the individuals' Alabama Form 40 or Alabama Form 40NR.

Line X. Pass-through entity owners that are individuals would report this amount on the Alabama Form 4952A that accompanies the individuals' Alabama Form 40 or Alabama Form 40NR.

Line Y. Pass-through entity owners that are individuals would report or claim these items on the appropriate schedule of the Alabama Form 40 or Alabama Form 40NR, filed by the individual, depending upon the nature of the other items. Accompanying the Alabama Schedule K-1 should be an explanation of the different types and amounts of other items making up the amount on Line Y.

Line Z. Pass-through entity owners that are individuals would claim this amount on the Alabama Form 40 or Alabama Form 40NR.