

2012 Credit for Investment in Qualified Small Businesses

Arizona Form 338

CONTACTS FOR QUALIFIED SMALL BUSINESS CAPITAL INVESTMENT TAX CREDIT PROGRAM

Arizona Commerce Authority (ACA)

•Application forms •Program guidelines

Internet home page: www.azcommerce.com

Program Manager (602) 845-1200

Department of Revenue

•Tax forms and instructions •Information and assistance

Internet home page: www.azdor.gov

Taxpayer assistance (602) 255-3381

From area codes 520 and 928, toll-free (800) 352-4090

Hearing impaired TDD user

Phoenix (602) 542-4021

From area codes 520 and 928, toll-free (800) 397-0256

General Instructions

For taxable years beginning from and after December 31, 2006 through December 31, 2019, Arizona law allows a credit for investments made in qualified small businesses.

The amount of the credit is the amount determined and authorized by the Arizona Commerce Authority (ACA).

To claim this credit, you must attach a copy of the ACA's *Authorization of Tax Credits* to your income tax return.

You must claim the credit on a timely filed return filed for the tax year in which the credit is available. A timely filed return is a return that you file by the return's original or extended due date. If you fail to timely file a return claiming the credit for a taxable year, the credit expires for that taxable year and there is no carryforward of the expired credit.

If the allowable tax credit is more than your tax liability or if you have no tax liability, you may carry the unused credit forward for up to the next 3 consecutive tax years.

This credit is available to individuals only. A corporation, including an S corporation, may not claim this credit. However, an S corporation may pass the credit through to its individual shareholders. A partnership may pass the credit through to its individual partners. The total of the credits allowed all such owners may not exceed the amount that would have been allowed a sole owner.

The basis of any investment with respect to which you claim a credit must be reduced by the amount of the credit claimed with respect to the investment.

Qualified Small Business Capital Investment Program

The ACA administers the Qualified Small Business Capital Investment program. The ACA cannot allocate tax credits exceeding \$20 million during the life of the program. Tax credits are authorized on a first come, first served basis. Income tax credits are equal to 30% or 35% of the investment amount and are claimed over a three year period.

To seek a tax credit under this program, you must submit an application for an *Authorization of Tax Credits* to the ACA. To obtain an *Authorization of Tax Credits*, you must document that each investment and the small business meet the eligibility requirements. The ACA will issue an *Authorization of Tax Credits* after determining eligibility of the investor. For more information about this credit, visit the ACA's web site at: www.azcommerce.com.

Line-by-Line Instructions

Enter the names and taxpayer identification numbers (TIN) as shown on Form 140, 140PY, 140NR, 140X, 120S or 165. Fiscal year basis taxpayers must indicate the period covered by the taxable year. Attach the completed form to the tax return.

All returns, statements, and other documents filed with the Department of Revenue require a TIN. The TIN is either a correct social security number (SSN) or, for a business, the employer identification number (EIN). Taxpayers who fail to include a TIN may be subject to a penalty. Please check the return to be sure that all required identification numbers are accurate and written clearly. Missing, incorrect, or unclear identification numbers may cause delays in processing the returns.

Part I - Credit

Line 1 -

Enter the amount of credit shown for the taxable year on the ACA's *Authorization of Tax Credits*. On line 1, enter only the credit available for the current taxable year. You must attach a copy of each ACA's *Authorization of Tax Credits* to Form 338 when you file.

Part II - S Corporation: Individual Shareholder's Share of Credit

Lines 2 through 4 -

An S corporation cannot claim this credit, but it may pass the credit through to its individual shareholders. An S corporation passing the credit through to its individual shareholders, must complete lines 2 through 4.

An S corporation must complete Part I, line 1 of Form 338. Then, complete lines 2 through 4 separately for each individual shareholder. Each individual shareholder may claim only a pro rata share of the credit based on the shareholder's ownership interest in the S corporation. The S corporation must furnish each individual shareholder with a copy of the completed Form 338 **and** a copy of the ACA's *Authorization of Tax Credits*.

Each shareholder must complete Part IV and Part V.

Part III – Partnership: Individual Partner’s Share of Credit

Lines 5 through 7 -

A partnership must complete Part I, line 1 of Form 338. Then, complete lines 5 through 7 separately for each individual partner. Each individual partner may claim only a pro rata share of the credit based on the partner’s ownership interest in the partnership. The partnership must furnish each individual partner with a copy of the completed Form 338 **and** a copy of the ACA’s *Authorization of Tax Credits*.

Each partner must complete Part IV and Part V.

Part IV - Available Credit Carryover

Lines 8 through 11 -

Use Part IV to figure your total available credit carryover from taxable years 2009 through 2011. Complete lines 8 through 11 if you claimed the credit on a 2009, 2010, and/or 2011 return and the credit was more than your tax liability.

- In column (b), enter the credit originally computed for the taxable year listed in column (a).
- In column (c), enter the amount of the credit from that taxable year which you have already used.
- Subtract the amount in column (c) from the amount in column (b) and enter the difference in column (d).
- Add the amounts on lines 8 through 10 in column (d).

Enter the total on line 11, column (d).

Part V - Total Available Credit

Line 12 - Current Year’s Credit

If you are the investor, enter the amount from Part I, line 1. If you are receiving the credit as an S corporation shareholder, enter the amount from Part II, line 4. If you are receiving the credit as an individual partner in a partnership, enter the amount from Part III, line 7.

Line 13 - Available Credit Carryover

Enter the amount from Part IV, line 11, column (d).

Line 14 - Total Available Credit

Add the amounts on line 12 and line 13. Enter the total here and on Form 301, Part I, line 21.