

2021 Nonresident and Out-of-State Partner's Share of Adjustment to Partnership Income

Arizona Form 165 Schedule K-1(NR)

Instructions for Partners

Part 1 - Distributive Share Items from Federal Form 1065, Schedule K-1

Column (c) is your Arizona source income.

- If you are a nonresident individual, use the line numbers on Schedule K-1(NR) to report the amounts in column (c) on your Arizona Form 140NR.
- If you are a nonresident trust or nonresident estate, add lines 4 through 16, column (c), and enter the total on Arizona Form 141AZ, page 2, Schedule A.

If Arizona Form 165 Schedule K-1(NR) shows a loss, you may only claim such losses on your Arizona nonresident return to the extent:

- Those losses are included in:
 - The federal adjusted gross income of an individual, or,
 - The federal taxable income of a trust or an estate.
- The loss is **not** considered to be a passive activity loss for federal purposes. (If it is, the loss will be treated as a passive activity loss for Arizona purposes.)

If the partnership passes through to you a passive activity loss derived from Arizona sources:

- Do not begin the Arizona return with the amounts shown in column (c) of Arizona Form 165 Schedule K-1(NR).
- You must first determine if any portion of the loss has been limited on your federal return due to federal passive activity loss rules.

In addition:

- Only the amount of passive activity loss derived from Arizona sources will be allowed on the Arizona return.
- Any portion of the passive activity loss not allowed on the federal return due to passive activity loss limitations will be limited on the Arizona return.
- That portion of the passive activity loss derived from Arizona sources required to be carried forward for federal purposes will be carried forward for Arizona purposes.

NOTE: *The amount of Internal Revenue Code (IRC) § 179 expense deductible is limited to the Arizona portion of the amount deducted on federal Form 1040, Schedule E.*

Part 2 - Partner's Distributive Share of the Adjustment of Partnership Income from Federal to Arizona Basis

Line 15

Nonresident Individuals, Estates and Trusts:

Line 15 reflects the amount of partnership income which must be adjusted to determine the difference between Internal Revenue Code § 702(a)(8) and Arizona Revised Statutes § 43-1401(2).

If the amount on line 15, column (c) is a positive number:

- Individual partners, enter this amount as an "other addition to income" on Arizona Form 140NR, line 29.
- Estates or trusts, enter this amount as an "other addition" on Arizona Form 141AZ, page 2, line B3.

If the amount on line 15, column (c) is a negative number:

- Individual partners, enter this amount as an "other subtraction from income" on Arizona Form 140NR, line 41.
- Estates or trusts, enter this amount as an "other subtraction" on Arizona Form 141AZ, page 2, line B9.

Corporate partners:

- If the amount on line 15 is positive, enter the amount from line 15, column (a) on Schedule A, line A8 of Form(s) 120 or 120A.
- If the amount on line 15 is negative, enter the amount from line 15, column (a) on Schedule B, line B10 of Form(s) 120 or 120A.

Partnerships that are partners:

- If the amount on line 15 is positive, enter the amount from line 15, column (a) on Schedule A, line A4 of Arizona Form 165.
- If the amount on line 15 is negative, enter the amount from line 15, column (a) on Schedule B, line B5 of Arizona Form 165.

Part 3 - Net Capital Gain (Loss) from Investment in a Qualified Small Business – Information Schedule

Arizona allows individuals, estates and trusts a subtraction from Arizona gross income for any net capital gain derived from investment in a qualified small business if:

- The gain is included in:
 - The individual's federal adjusted gross income, or
 - The federal taxable income of the estate or trust.
- The business in which the partnership invested is determined to be a qualified small business by the Arizona Commerce Authority.

Although the subtraction is only available to individuals, estates and trusts, a partner that is a pass-through entity (estate, partnership, S Corporation, or trust) will need this information to calculate the subtraction for the estate or trust, or to complete:

- Arizona Form 141AZ, Schedule K-1 or Schedule K-1(NR), for each beneficiary;
- Arizona Form 120S, Schedule K-1 or Schedule K-1(NR), for each shareholder; or,
- Arizona Form 165, Schedule K-1 or Schedule K-1(NR), for each partner.

Line 16

The amount on line 16, column (c), is your share of net capital gain (loss) from investment in a qualified small business that is apportioned to Arizona. To determine if you qualify to claim this subtraction from your Arizona tax return, see the instructions for Arizona Form 140NR or Arizona Form 141AZ.

Part 4 - Net Capital Gain (Loss) from the Exchange of Legal Tender - Information Schedule

For taxable years beginning from and after December 31, 2017, Arizona allows the exclusion from gross income the amount of net capital gain (loss) derived from the exchange of one kind of legal tender for another kind of legal tender.

- (a) "Legal tender" means a medium of exchange, including specie, that is authorized by the United States Constitution or Congress for the payment of debts, public charges, taxes and dues.
- (b) "Specie" means coins having precious metal content.

Line 17

The amount on line 17, column (c) is your share of net capital gain (loss) from the exchange of legal tender that is apportioned to Arizona.

Part 5 - Net Long-Term Capital Gain Subtraction – Information Schedule

Arizona allows a subtraction from Arizona gross income for a percentage of any net long-term capital gain if:

- The gain arises from assets acquired **after** December 31, 2011,
- The gain is included in:
 - The individual taxpayer's federal adjusted gross income, or,
 - The federal taxable income of the estate or trust.

In addition,

- Only include net long-term gains if you can verify the asset was acquired after December 31, 2011.
- If you cannot verify the asset was acquired after December 31, 2011, treat it as a capital gain asset acquired before January 1, 2012.
- An asset acquired by gift or inheritance is considered acquired on the date it was acquired by the gift-giver, or the deceased.

Although the subtraction is only available to individuals, estates and trusts, a partner that is a pass-through entity (estate, partnership, S Corporation, or trust) will need this information to:

- Calculate the subtraction for the estate or trust, or
- To complete:
 - Arizona Form 141AZ, Schedule K-1, or Schedule K-1(NR), for each beneficiary;
 - Arizona Form 120S, Schedule K-1, or Schedule K-1(NR), for each shareholder; or
 - Arizona Form 165, Schedule K-1, or Schedule K-1(NR), for each partner.

Line 18

Line 18, column (d) is your share of net long-term capital gain (loss) from assets acquired after December 31, 2011.

Line 19

Line 19 is your share of the partnership's net long-term capital gain from investment in a qualified small business that is included in the amount on line 18, column (d). *The amount on line 19 cannot be included in your subtraction for any net long-term capital gain from assets acquired after December 31, 2011.*

For more information, see the instructions for Arizona Form 140PY or Arizona Form 141AZ.

Line 20

Line 20 is your share of the partnership's net long-term capital gain (loss) from the exchange of legal tender that is included in the amount on line 18, column (d). *The amount on line 20 cannot be included in your subtraction for any net long-term capital gain from the exchange of legal tender from assets acquired after December 31, 2011.*

Worksheet for Long-Term Capital Gain Subtraction for Assets Acquired After December 31, 2011 (Worksheet)

To determine if you qualify to claim a subtraction from income on your Arizona personal income tax return:

- **Nonresident partner**, complete the worksheet included in the instructions for Arizona Form 140NR. Use only the amount of Arizona-sourced, net long-term capital gain (loss) entered on line 19, column (d), and line 20, column (d) to figure the subtraction on the Worksheet included in the instructions for Arizona Form 140NR
- **Nonresident Estate or Trust partner**, use only the amount of Arizona-sourced, net long-term capital gain (loss) entered on line 19, column (d), and line 20, column (d) to complete the Worksheet included in the instructions for Arizona Form 141AZ.
 - If the net long-term capital gain (loss) in Part 4 and Part 5 is distributed to the beneficiaries, the Worksheet will assist the estate or trust in completing the *Net Long-Term Capital Gain Subtraction – Information Schedule*, on Arizona Form 141AZ Schedule K-1, or Schedule K-1(NR) for each beneficiary,
- **Partnership or S Corporation partner**, use only the amount of Arizona-sourced, net long-term capital gain (loss) entered on line 19 column (d), and line 20 column (d) to figure the subtraction on the Worksheet. The Worksheet will assist the partnership or S Corporation in completing the *Net Long-Term Capital Gain Subtraction – Information Schedule*, on:
 - Arizona Form 165 Schedule K-1 or Schedule K-1(NR), for each partner, or
 - Arizona Form 120S, Schedule K-1 or Schedule K-1(NR) for each shareholder.
- **C Corporation or Exempt Organization partner**, this subtraction is not allowed for a C Corporation or an exempt organization. The information in Part 5 is informational only and is not required to be reported by the C Corporation or the exempt organization.