



# NORTH DAKOTA 2015 S CORPORATION INCOME TAX

RYAN RAUSCHENBERGER, TAX COMMISSIONER

## FORM 60

**INCLUDES:**  
SCHEDULE FACT  
SCHEDULE BG  
SCHEDULE K  
SCHEDULE KS  
SCHEDULE K-1

Dear Taxpayer,

Form 60, the North Dakota S Corporation Income Tax Return, may be filed electronically through the Modernized E-File (MeF) system. MeF allows the North Dakota and federal S corporation returns to be submitted at the same time. For a list of the software vendors who support the electronic filing of the 2015 North Dakota Form 60, go to our website at [www.nd.gov/tax](http://www.nd.gov/tax).

If you choose to file on paper, the booklet contains the forms and instructions you will need to file the 2015 North Dakota S corporation income tax return. This year's forms and instructions contain a number of changes resulting from legislation passed by the 2015 North Dakota Legislature. See page 1 of this booklet for information on these changes.

The instructions in this booklet are intended to help you prepare an accurate and complete return. I invite your comments on where improvements may be made to the forms and instructions so that we can provide better service to North Dakota's taxpayers.

If you have any questions or need any forms mentioned in this booklet, go to our website or contact our office. You will find contact information on the inside front cover of this booklet.

Thank you,

Ryan Rauschenberger,  
Tax Commissioner

### [WWW.ND.GOV/TAX](http://WWW.ND.GOV/TAX)

- Download Tax Forms
- View and Print Guidelines
- Find Answers with our FAQs
- Email Additional Tax Questions to [individualtax@nd.gov](mailto:individualtax@nd.gov)

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## Required forms

The following forms are needed to complete Form 60:

<b>Form 60</b>	S corporation return
<b>Schedule FACT</b>	Calculation of North Dakota apportionment factor
<b>Schedule BG</b>	Tax on excess net passive income and built-in gains
<b>Schedule K</b>	Total North Dakota adjustments, credits, and other items distributable to shareholders
<b>Schedule KS</b>	Shareholder information
<b>Schedule K-1</b>	Shareholder's share of North Dakota income (loss), deductions, adjustments, credits, and other items

The following forms may be needed:

<b>Form 60-PV</b>	S corporation return payment voucher
<b>Form 60-EXT</b>	S corporation extension payment voucher
<b>Form 101</b>	Application for extension of time to file a North Dakota income tax return
<b>Form PWA</b>	Passthrough entity withholding adjustment
<b>Form PWE</b>	Nonresident passthrough entity member exemption and certification

Download these forms from our website at [www.nd.gov/tax](http://www.nd.gov/tax).



## Taxpayer Bill of Rights

You may get a copy of the North Dakota Taxpayer Bill of Rights by contacting the Office of State Tax Commissioner or by going to our website at

[www.nd.gov/tax](http://www.nd.gov/tax)

## Need help?

You can download forms and find other information on our website at:

[www.nd.gov/tax](http://www.nd.gov/tax)

### E-mail

Individual, estate, trust, partnership, and S corporation income tax—

[individualltax@nd.gov](mailto:individualltax@nd.gov)

### Call

Individual income tax—

Questions **701.328.1247**

Forms **701.328.1243**

S Corporation income tax—

Questions **701.328.1258**

Forms **701.328.1243**

Speech/hearing impaired

TDD **800.366.6888**

### Write

Office of State Tax Commissioner  
600 E. Boulevard Ave., Dept. 127  
Bismarck, ND 58505-0599

### Walk-in service

State Capitol, 16th Floor  
Monday through Friday  
8:00 a.m. to 5:00 p.m.  
(except holidays)

## Privacy Act Notification

In compliance with the Privacy Act of 1974, disclosure of a Federal Employer Identification Number (FEIN) or social security number on this form is required under N.D.C.C. §§ 57-01-15 and 57-38-32, and will be used for tax reporting, identification, and administration of North Dakota tax laws. Disclosure is mandatory. Failure to provide the FEIN or social security number may delay or prevent the processing of this form.

## Changes affecting S corporations

Developments, updates, and items of interest relating to S corporation income tax

### 2015 legislative changes

#### Tax rate for nonresident shareholder withholding and composite filing

As a result of an income tax rate reduction, the tax rate for purposes of nonresident shareholder withholding and composite filing is reduced from 3.22% to 2.90%, effective for tax years 2015 and after. The 2015 Form 60, Schedule KP, columns 7 and 8, and their instructions have been revised to incorporate this change.

#### Private school credit from a passthrough entity

For tax years 2015 and after, an S corporation is allowed an income tax credit equal to 50 percent of charitable contributions made to a nonprofit, private institution of primary, secondary, or higher education in North Dakota. A separate credit is allowed for contributing to each type of school—primary, secondary, or higher education. The corporation must pass the credit through to its shareholders based on their respective interests in the corporation. Three new lines have been added to Form 60, Schedule K, and Schedule K-1 (Form 60) to accommodate the three new credits—see the 2015 Form 60, Schedules K and K-1, lines 19 through 21.

For each type of credit received from an S corporation, the amount that a shareholder may claim is limited to the lesser of the following:

- The amount of the credit received from the corporation.
- 20 percent of the shareholder's income tax (before credits) for the tax year.
- \$2,500.

The amount of the credit in excess of the above limitation is not allowed in any tax year.

#### Income tax withholding from oil and gas royalty income

Effective for payments made on or after January 1, 2016, the law governing the withholding of income tax from oil and gas royalty payments was revised as follows:

- The amount of income tax to withhold must be calculated on the gross proceeds instead of the net proceeds.
- The rate of withholding equals the highest marginal individual income tax rate reduced by 0.75%.

Note: The highest marginal income tax rate for individuals was reduced to 2.90% for tax years 2015 and after. Accordingly, the withholding rate for oil and gas royalty payments made on or after January 1, 2016, will be 2.15% (2.90% - 0.75%).

#### Housing incentive fund credit

The income tax credit allowed for making a contribution to the North Dakota Housing Incentive Fund was extended to the 2015 and 2016 tax years. The credit equals the amount contributed to the fund. Upon receipt of a qualifying contribution from a taxpayer, the North Dakota Housing Finance Agency issues a tax credit certificate to the taxpayer, which the taxpayer must attach to the North Dakota income tax return to substantiate the credit.

#### Automation tax credit

The law governing the income tax credit allowed to a primary sector business for purchasing machinery and equipment to automate a manufacturing process in North Dakota was revised as follows:

- The availability of the credit was extended to the 2016 and 2017 tax years.
- A purchase includes the acquisition of qualifying machinery and equipment by means of a capital lease.
- The maximum amount of credits allowed for all qualifying purchases by all taxpayers was reduced to \$500,000 for each of the calendar years 2016 and 2017. (*The maximum amount for the 2015 calendar year is \$2 million.*)
- If any credits allowed for a calendar year go unclaimed, the amount of the unclaimed credits are rolled over and added to the following calendar year's maximum credit amount. (*The last year to which unclaimed credits may be rolled over is the 2017 calendar year.*)

- If the total credits attributable to qualifying purchases during a calendar year exceed the maximum amount of credits allowed for the calendar year, the maximum amount of credits allowed must be prorated among the qualifying taxpayers.

To participate, a taxpayer must file an application form with the North Dakota Commerce Department.

### Other items to note

#### Geothermal energy device tax credit

The income tax credit for installing a geothermal energy device expired on December 31, 2014, and is not allowed for a device installed on or after January 1, 2015. If an S corporation installed a geothermal energy device before January 1, 2015, the corporation is allowed to claim the credit for that installation over its entire 5-year credit period. For each year, the credit allowed to an S corporation is passed through to its shareholders based on their respective interests in the corporation. The instructions to the 2015 Form 60, Schedule K, line 9, have been revised to incorporate this change.

#### Qualified endowment income tax credit

The law governing the income tax credit for contributing to an endowment fund was revised to expand the definition of a qualified endowment fund to include one held by an organization that meets all of the following:

- It is a tax-exempt charitable organization under federal income tax law.
- It is incorporated or established outside North Dakota and does not have a physical location in North Dakota.
- Its purpose is to support a hospital, nursing home, medical facility, or a facility providing any combination of these services that is physically located outside North Dakota but within 5 miles of a North Dakota city with population of 5,000 or more that does not have a hospital.

# Form 60 Instructions

# 2015

## North Dakota S Corporation Income Tax Return

"N.D.C.C." references are to the North Dakota Century Code, which contains North Dakota's statutes.

"N.D. Admin. Code" references are to the North Dakota Administrative Code, which contains North Dakota's rules.

## General instructions

### Who must file

A 2015 Form 60, *S Corporation Income Tax Return*, must be filed by a corporation that meets both of the following:

- It is required to file a 2015 Form 1120S, *U.S. Income Tax Return for an S Corporation*.
- It carries on business, or derives gross income from sources, in North Dakota during the 2015 tax year.

### Exception for certain S corporations.

An S corporation must file Form 40, *North Dakota Corporation Income Tax Return*, for the 2015 tax year if all of the following apply:

- The corporation is a bank or other financial institution that formerly was subject to the North Dakota financial institution tax under N.D.C.C. ch. 57-35.3 and filed Form 35 for tax years prior to 2013.
- The corporation made an election under N.D.C.C. § 57-38-01.35 to be taxed as a C corporation for the 2013 tax year and filed a 2013 Form 40.
- The corporation's North Dakota net tax liability on the 2014 Form 40 (page 1, line 20) is zero and the corporation is not revoking the election for 2015, which is done by filing Form 60 for the 2015 tax year.

See the instructions to Form 40 for more information.

**Nonfiler penalty.** If an S corporation does not file Form 60 as required, a minimum \$500 penalty may be assessed if the failure continues after receiving a thirty-day notice to file from the Office of State Tax Commissioner.

### When and where to file

The 2015 Form 60 must be filed on or before (1) April 15, 2016, if filing for the 2015 calendar year, or (2) the 15th day of the 4th month following the end of the tax year, if filing for a fiscal year beginning in the 2015 calendar year. If the due date falls on a

Saturday, Sunday, or holiday, the return may be filed on or before the next day that is not a Saturday, Sunday, or holiday.

*Note: Use the 2014 Form 60 if filing for a fiscal year beginning in the 2014 calendar year.*

Mail Form 60 and all required attachments to:

Office of State Tax Commissioner  
600 East Boulevard Ave., Dept. 127  
Bismarck, ND 58505-0599

### Extension of time to file

An extension of time to file Form 60 may be obtained in one of the following ways:

- Obtain a federal extension.
- Separately apply for a North Dakota extension.

**Federal extension.** If an extension of time to file the federal corporation return is obtained, it is automatically accepted as an extension of time to file Form 60. If this applies, a separate North Dakota extension does not have to be applied for, nor does the Office of State Tax Commissioner have to be notified that a federal extension has been obtained prior to filing Form 60. The extension period for North Dakota purposes is the same number of months as the federal extension.

**North Dakota extension.** If a federal extension is not obtained, but additional time is needed to complete and file Form 60, a separate North Dakota extension may be applied for by filing Form 101, *Application for Extension of Time to File a North Dakota Tax Return*. This is not an automatic extension—there must be good cause to request a North Dakota extension. Form 101 must be postmarked on or before the due date of Form 60. Notification of whether the extension is accepted or rejected will be provided by the Office of State Tax Commissioner.

**Extension interest.** If Form 60 is filed on or before the extended due date, and the total amount of tax due is paid with the return, no penalty will be charged. Interest on the tax due will be charged at the rate of 12% per year from the original due date of the return to the earlier of the date the return is filed or the extended due date.

**Prepayment of tax due.** If an extension of time to file Form 60 is obtained, any tax expected to be due may be paid on or before the regular due date to avoid paying extension interest. For more information, including payment options, obtain the 2015 Form 60-EXT.

Alternatively, a check or money order may be sent with a letter containing the following: (1) name of corporation, (2) last four digits of the corporation's FEIN, (3) corporation's address and phone number, and (4) statement that the payment is a 2015 Form 60-EXT payment.

### Penalty and interest

The tax due must be paid by the due date (without extension) of Form 60 to avoid penalty and interest charges. However, if an extension of time to file the return was obtained, the tax due may be paid by the extended due date of the return without penalty, but extension interest will apply at the rate of 12% per year—see "Extension interest" and "Prepayment of tax due" on this page.

If Form 60 is filed on or before its due date (or extended due date), but the total amount of tax due is not paid with the return, a penalty equal to 5% of the unpaid tax or \$5.00, whichever is greater, must be paid.

If Form 60 is not filed on or before its due date (or extended due date), a penalty equal to 5% of the tax due or \$5.00, whichever is greater, for the month in which the return was due plus 5% of the tax due for each additional month (or fraction of a month) during which the return remains delinquent must be paid. This penalty may not exceed 25% of the tax due.

In addition to any penalty, interest must be paid at the rate of 1% per month (or fraction of a month), except for the month in which the tax was due, on any tax due that remains unpaid after the due date (or extended due date) of the return.

### Estimated tax payment (for 2016)

An S corporation may, but is not required to, make estimated income tax payments. For more information, including payment options, obtain the 2016 Form 60-ES.

## Withholding from nonresident shareholders

An S corporation must withhold North Dakota income tax at the rate of 2.90% from the year-end distributive share of North Dakota income of a nonresident shareholder.

**Nonresident shareholder.** For purposes of this withholding requirement, a nonresident shareholder means:

- An individual who is not domiciled in North Dakota.
- A trust, including a grantor trust, that is not organized under North Dakota law. This only includes trusts that are subject to income tax.

**Exception from withholding.** No withholding is required if any of the following apply:

- The distributive share of North Dakota income is less than \$1,000.
- The nonresident shareholder elects to include the distributive share in a composite filing—see “Composite filing” on this page.
- The nonresident shareholder is a trust and elects exemption from withholding on its distributive share of North Dakota income. For more information, obtain Form PWE.

**Withholding procedure.** This withholding requirement applies to a nonresident shareholder’s year-end distributive share of North Dakota income, which is determined at the end of the S corporation’s tax year and reported on Form 60, Schedule KS, Column 6. The requirement does not apply to actual distributions made to a nonresident shareholder during the tax year. The withholding amount is calculated and reported on Schedule KS, Column 7. If a nonresident shareholder meets certain conditions, an amount less than the amount calculated at the 2.90% tax rate may be withheld. For the qualifying conditions, see Form PWA. An S corporation must submit a payment for the the total amount of withholding reported on Schedule KS, Column 7, with Form 60 when it is filed.

## Composite filing

A composite filing method is available to an S corporation with one or more eligible nonresident shareholders. Under this method, an S corporation calculates the North Dakota income tax on an eligible nonresident shareholder’s year-end distributive share of North Dakota income and pays the tax

with Form 60. The tax is calculated at the highest individual income tax rate (which is 2.90% for the 2015 tax year), and no adjustments, deductions, or tax credits are allowed in calculating the tax. A composite filing satisfies the North Dakota income tax filing and payment obligations of the eligible nonresident shareholders included in it, which means they do not have to separately file their own North Dakota income tax returns. The composite filing method is optional and does not require prior approval from the Office of State Tax Commissioner, and a choice to use it may be made on a year-to-year basis.

**Eligible nonresident shareholder.** For this purpose, a nonresident shareholder has the same meaning as that used for withholding income tax from nonresident shareholders—see “Withholding from nonresident shareholders” on this page. A nonresident shareholder is eligible to be included in a composite filing if both of the following apply:

- The nonresident shareholder’s only source of income within North Dakota is one or more passthrough entities. A passthrough entity includes a trust, partnership, S corporation, limited liability company treated like a partnership or S corporation, and any other similar entity.
- The nonresident shareholder elects to be included in a composite filing. An election is indicated by the S corporation’s calculation and reporting of a tax amount for the nonresident shareholder on Form 60, Schedule KS, Column 8. (If the distributive share is a loss, the tax is zero.)

The distributive share of North Dakota income included in a composite return is subject to tax even if it is under \$1,000.

### Composite filing method procedure.

The tax under the composite filing method is calculated and reported on Form 60, Schedule KS, Column 8. An S corporation must submit a payment for the total tax reported on Schedule KS, Column 8, with Form 60 when it is filed.

## Correcting a previously filed return

If a corporation needs to correct an error on Form 60 after it is filed, the corporation must file an amended return. There is no special form for this purpose. See “How to prepare an amended 2015 return” below.

If a corporation paid too much tax because of an error on its 2015 Form 60, the corporation generally has three years from the due date of the return (excluding extensions) or the date the return was actually filed, whichever is later, in which to file an amended return to claim a refund of the overpayment. See N.D.C.C. § 57-38-40 for other time periods that may apply.

### How to prepare an amended 2015 return

1. Obtain a blank 2015 Form 60.
2. Enter the corporation’s name, current address, FEIN, etc., in the top portion of page 1 of Form 60.
3. Mark the “Amended return” circle at the top of page 1 of Form 60.
4. Complete Schedules FACT, BG, K, and KS using the corrected information. However, unless there is an increase in the amount reported on Schedule KS, Column 6, of the amended return, enter on Schedule KS, Column 7, the same amount reported on the previously filed return. Then complete lines 1 through 4 on page 1 of Form 60.
5. On line 6 of page 1 of Form 60, enter the total taxes due from the previously filed 2015 Form 60, page 1, line 4.
6. Complete line 8 (overpayment) or line 11 (tax due), whichever applies. If there is an overpayment on line 8, enter the full amount on line 10 (refund). On an amended return, the amount credited to the next year’s estimated tax (line 9) may not be increased or decreased.
7. Attach a statement explaining the reason(s) for filing the amended return. If it is because of changes the corporation or the IRS made to the corporation’s 2015 Federal Form 1120S, attach a copy of the amended federal return or IRS notice.
8. Complete and provide a corrected North Dakota Schedule K-1 (Form 60) to the shareholders, as required.

### Reporting federal changes

If the Internal Revenue Service (IRS) changes or audits the federal corporation return, or if a corporation files an amended federal corporation return, an amended North Dakota Form 60 must be filed within ninety days after the final determination of the IRS changes or the filing of the amended federal return. Enclose a copy of the IRS audit report or the amended federal corporation return with the amended North Dakota Form 60.

## W-2/1099 reporting requirement

Every corporation doing business in North Dakota that is required to file Federal Form 1099 or W-2 must also file one with the Office of State Tax Commissioner. For more information, obtain the guideline *Income Tax Withholding: Information Returns*.

## Use of information

All of the information on Form 60 and its attachments is confidential by law and cannot be given to others except as provided by state law. Information about the shareholders is required under state law so the Office of State Tax Commissioner can determine the shareholder's correct North Dakota taxable income and verify if the shareholder has filed a return and paid the tax.

# General instructions for completing Form 60

## Complete Form 60 as follows:

1. Complete Federal Form 1120S in its entirety.
2. Complete Items A through H at the top of page 1 of Form 60—see page 4.
3. Complete Schedule FACT on page 2 of Form 60—see page 5.
4. Complete Schedule BG, if required, on page 2 of Form 60—see page 5.
5. Complete Schedule K on page 3 of Form 60—see page 5.
6. Complete Schedule KS on page 5 of Form 60—see page 8.
7. Complete lines 1 through 13 on page 1 of Form 60—see page 9.
8. Complete Schedule K-1, if required, for the shareholders—see page 10.

**Rounding of numbers.** Numbers may be entered on the return in dollars and cents, or they may be rounded to the nearest whole dollar. If rounding, drop the cents if less than 50 cents and round up to the next whole dollar amount if 50 cents or higher. For example, \$25.36 becomes \$25.00, and \$25.50 becomes \$26.00.

**Fiscal year filers.** The tax year for North Dakota income tax purposes must be the same as the tax year used for federal income tax purposes. Use the 2015 Form 60 if the corporation's taxable year began in the 2015 calendar year. *Note: Use the 2014 Form 60 if the taxable year began in the 2014 calendar year.*

## Specific line instructions for page 1 of Form 60, Items A-H

**Complete Items A through H at the top of page 1 of Form 60. Then complete Schedule FACT, Schedule BG, Schedule K, and Schedule KS before completing lines 1 through 13 on page 1 of Form 60.**

### Item A Tax year

The same tax year used for federal income tax purposes (as indicated on the federal corporation return) must be used for North Dakota income tax purposes. Mark the applicable circle. If the corporation uses a fiscal year, enter the beginning and ending dates of the fiscal year. Use the 2015 Form 60 only if the corporation's tax year began in the 2015 calendar year.

### Item B Name and address

Enter the legal name of the corporation on the first line of the name and address area. If the corporation publicly operates under a fictitious or assumed name (which, in most states, must be recorded or registered with the state), enter that name on the second line of the name and address area.

### Item C Federal EIN

North Dakota uses the federal employer identification number (FEIN or federal EIN) for identification purposes. Enter the federal employer identification number from page 1 of Federal Form 1120S.

### Item D Business code number

Enter the business code from the NAICS code list found on the Office of State Tax Commissioner's web site at [www.nd.gov/tax](http://www.nd.gov/tax). Enter the code that most closely describes the industry from which the corporation derives the majority of its income.

### Item E Date incorporated

Enter the date the business incorporated from page 1 of Federal Form 1120S.

### Item F Indicators

Mark all applicable circles, as follows:

**Initial return.** Mark this circle if this is the first return filed in North Dakota by the corporation.

**Final return.** Mark this circle if this is the last return to be filed in North Dakota by the S corporation.

**Farming/ranching corporation.** Mark this circle if the corporation is registered as a farming or ranching corporation with the North Dakota Secretary of State.

**Composite return.** Mark this circle if one or more nonresident shareholders have elected to be included in a composite filing. See "Composite filing" on page 3 for more information.

**Amended return.** Mark this circle if this return is being filed to correct a previously filed 2015 Form 60. See "Correcting a previously filed return" on page 3 for more information.

**Extension.** Mark this circle if a federal or state extension of time to file the return was obtained. See "Extension of time to file" on page 2 for more information.

### Item G Number of shareholders

Enter the total number of shareholders. Also enter the number of each type of shareholder. For "Trust/estate shareholders," only include trusts that are not tax-exempt organizations for federal income tax purposes.

### Item H Qualified subchapter S subsidiary

Indicate whether the corporation is a parent of one or more qualified subchapter S subsidiaries. Attach a statement to Form 60 listing the name and federal employer identification number of each qualified subchapter S subsidiary.

## Instructions for Schedule FACT (Form 60, page 2)

All corporations must complete the applicable portions of Schedule FACT as follows:

- 100% North Dakota corporation**  
 If the corporation conducted all of its trade or business within North Dakota during the tax year, skip lines 1 through 13 and enter "1.000000" on line 14 of Schedule FACT.
- Multistate corporation**  
 If the corporation conducted its trade or business both within and without North Dakota during the tax year, complete lines 1 through 14 of Schedule FACT. However, if all of the shareholders consist of only North Dakota resident individuals, estates, and trusts, and the corporation is not required to complete Schedule BG, skip lines 1 through 13, and enter "1.000000" on line 14 of Schedule FACT.

If the corporation received a North Dakota Schedule K-1 (Form 58) from a partnership, and the S corporation is required to complete lines 1 through 14 of Schedule FACT, include the apportionment factor amounts from the North Dakota Schedule K-1 (Form 58), Part 6, lines 43 and 44, in the amounts entered on the corresponding lines of Schedule FACT.

For guidance on completing Schedule FACT, see N.D.C.C. § 57-38.1 and N.D. Admin. Code § 81-03-09.

## Instructions for Schedule BG (Form 60, page 2)

An S corporation that is subject to the federal income tax on excess net passive income or built-in gains is subject to North Dakota income tax on the same income and must complete Schedule BG.

### Line 4 Apportionment factor

If the corporation conducts its trade or business both within and without North Dakota during the tax year (multistate corporation), it must complete lines 1 through 14 of Schedule FACT to calculate an apportionment factor to enter on Schedule BG, line 4.

**Line 6 North Dakota NOL deduction**  
 If the corporation has always been an S corporation, enter zero on this line. However, if a corporation changed from a C corporation to an S corporation under an election first made on or after January 1, 1987, it may carry forward an unused North Dakota net operating loss incurred while a C corporation and deduct it from the apportioned built-in gain subject to North Dakota tax. Complete the **Line 6 Worksheet** on this page to calculate the amount to enter on Schedule BG, line 6. *Attach a copy of the worksheet to Form 60.*

## Instructions for Schedule K (Form 60, page 3)

All corporations must complete Schedule K. The purpose of this schedule is to show the total amount of North Dakota adjustments, credits, and other items distributable to its shareholders. These items may be applicable to the preparation of the shareholders' North Dakota income tax returns.

If the corporation is a partner in a North Dakota partnership, include on the applicable lines of Schedule K the adjustments, credits, etc., shown on the North Dakota Schedule K-1 (Form 58) received from the partnership.

**Line 1 Interest from U.S. obligations**  
 Enter on this line interest income from U.S. obligations and from securities the interest of which is specifically exempted from state income tax by federal statute. Include the portion of dividend income from a mutual fund attributable to the fund's investment in the same kinds of securities.

Do not enter on this line interest income from securities of the Federal Home Loan Mortgage Corporation (Freddie Mac), Federal National Mortgage Association (Fannie Mae), or Government National Mortgage Association (Ginnie Mae), nor from a federal income tax refund or repurchase agreement. **Attach a statement identifying the specific securities from which the interest was derived.**

### Line 6 Worksheet (for Schedule BG) North Dakota net operating loss deduction

- Net recognized built-in gain from Form 60, Schedule BG, line 2 ..... **1** \_\_\_\_\_
- Apportionment factor from Schedule BG, line 4 ..... **2** \_\_\_\_\_
- North Dakota apportioned built-in gain. Multiply line 1 by line 2 ..... **3** \_\_\_\_\_
- Accumulated North Dakota net operating loss as of the end of the last tax year as a C corporation. *Enter as a positive number* ..... **4** \_\_\_\_\_
- Portion of line 4 that was previously deducted for North Dakota income tax purposes by the corporation. *Enter as a positive number* ..... **5** \_\_\_\_\_
- Remaining North Dakota net operating loss. Subtract line 5 from line 4. If less than zero, enter -0- ..... **6** \_\_\_\_\_
- North Dakota net operating loss deduction. Enter smaller of line 3 or line 6. Enter result on Schedule BG, line 6 ..... **7** \_\_\_\_\_

### 2015 Corporation Tax Rate Schedule

If the amount on Schedule BG, line 7 is:		The tax is equal to:
Over \$ 0	But not over \$ 25,000	1.41% of the amount on line 7
25,000	50,000	\$ 352.50 + 3.55% of the amount over \$ 25,000
50,000		1,240.00 + 4.31% of the amount over 50,000

**Line 2a**  
**Renaissance zone exemption**  
**(Projects approved before 8/1/13)**

Enter on this line the amount from Schedule RZ, Part 7, line 1c. **Attach Schedule RZ.**

**Line 2b**  
**Renaissance zone exemption**  
**(Projects approved after 7/31/13)**

Enter on this line the amount from Schedule RZ, Part 7, line 1h. **Attach Schedule RZ.**

**Line 3**  
**New or expanding business income exemption**

If the corporation qualified for the new or expanding business income exemption under N.D.C.C. ch. 40-57.1, enter the exempt portion of the corporation's trade or business income. See N.D. Admin. Code § 81-03-01.1-06 for guidance on calculating the amount of the exempt income. **Attach a statement showing the calculation of the exempt income.**

**Line 4a**  
**Renaissance zone historic property preservation tax credit**

Enter on this line the amount from Schedule RZ, Part 7, line 4. **Attach Schedule RZ.**

**Line 4b**  
**Renaissance fund organization investment tax credit**

Enter on this line the amount from Schedule RZ, Part 7, line 5. **Attach Schedule RZ.**

**Line 4c**  
**Renaissance zone nonparticipating property owner tax credit**

Enter on this line the amount from Schedule RZ, Part 7, line 6. **Attach Schedule RZ.**

**Line 5**  
**Seed capital investment tax credit**

If the corporation invested in a qualified business for purposes of the seed capital investment tax credit, multiply the total amount invested during the 2015 tax year by 45% and enter the result on this line.

**Line 6**  
**Ag commodity investment tax credit**

If the corporation invested in a qualified business for purposes of the agricultural commodity processing facility investment tax credit, multiply the total amount invested during the 2015 tax year by 30% and enter the result on this line.

**Line 7**  
**Biodiesel or green diesel fuel blending tax credit**

If the corporation is a licensed supplier of biodiesel or green diesel fuel, it is allowed a credit equal to five cents per gallon for blending biodiesel or green diesel fuel having at least a 5% blend ("B5") that meets ASTM specifications. The blending must be done in North Dakota. For this purpose, a "supplier" means a person who distributes the biodiesel or green diesel fuel from a terminal in North Dakota. Enter the credit on this line. **Attach a statement showing the calculation of the credit.**

**Line 8**  
**Biodiesel or green diesel fuel sales equipment tax credit**

If the corporation is a licensed seller of biodiesel or green diesel fuel, it is allowed a credit equal to 10% of the costs to adapt or add equipment to its North Dakota facility to enable it to sell diesel fuel having at least a 2% biodiesel or green diesel blend ("B2") that meets ASTM specifications. For this purpose, a "seller" means a person who acquires the fuel from a wholesale supplier or distributor for resale to a consumer at a retail location. Except for costs incurred before January 1, 2005, include eligible costs incurred before the tax year in which sales of the eligible biodiesel or green diesel fuel begin. The credit is allowed in each of five tax years, starting with the tax year in which sales of the eligible biodiesel or green diesel fuel begin. Enter the credit on this line. **Attach a statement showing the calculation of the credit.**

**Line 9**  
**Geothermal energy device tax credit**

*Note: The geothermal energy device income tax credit expired on December 31, 2014, and the credit is not allowed for a geothermal energy device installed on or after January 1, 2015.*

Complete this line only if any of the following apply:

- The corporation installed a qualifying geothermal energy device on or after January 1, 2009, and before January 1, 2015, and the 2015 tax year is one of the five tax years in which the credit is allowed for the installation.
- The corporation owns an interest in a partnership that installed a qualifying geothermal energy device on or after January 1, 2009, and before January 1,

2015, and the corporation is claiming its share of the allowable credit shown on a North Dakota Schedule K-1 received from the partnership.

For more information, see N.D.C.C. § 57-38-01.8. **Attach a statement describing the device, a detailed list of the costs of acquisition and installation, and the date the device was completely installed.**

**Line 10**  
**Employer internship program credit**

If the corporation hired an eligible college student under a qualifying internship program set up in North Dakota, it is allowed a credit equal to 10% of the compensation paid to the intern. For details, see N.D.C.C. § 57-38-01.24. The corporation is allowed no more than \$3,000 of credits for all tax years.

**Line 10a.** Enter the allowable credit on this line.

**Line 10b.** Enter the number of eligible interns hired during the 2015 tax year. *Disregard this line if the credit is from a passthrough entity.*

**Line 10c.** Enter on this line the total compensation paid to eligible interns during the 2015 tax year (as shown on their 2015 Form W-2s). *Disregard this line if the credit is from a passthrough entity.*

**Line 11**  
**Microbusiness tax credit**

If the corporation is certified as a microbusiness by the North Dakota Commerce Department, it is allowed a tax credit equal to 20% of the eligible cost of new property and employment. For details, see N.D.C.C. § 57-38-01.27. The corporation is allowed no more than \$10,000 of tax credits for all tax years.

**Line 11a.** Enter the allowable credit on this line.

**Line 11b.** Enter on this line the amount of qualifying new investment in property made during the 2015 tax year on which the credit is based. *Disregard this line if the credit is from a passthrough entity.*

**Line 11c.** Enter on this line the amount of compensation paid for qualifying new employment during the 2015 tax year on which the credit is based. *Disregard this line if the credit is from a passthrough entity.*

**Line 12****Research expense tax credit**

A credit is allowed for conducting qualified research in North Dakota. For details, see N.D.C.C. § 57-38-30.5. Enter the credit on this line.

**Line 13****Endowment fund tax credit**

If the corporation made a charitable contribution to a qualified endowment fund in North Dakota, it is allowed a tax credit equal to 40% of the contribution, up to a maximum credit of \$10,000. For details, see N.D.C.C. § 57-38-01.21.

**Line 13a.** Enter the allowable credit on this line.

**Line 13b.** Enter on this line the amount of the qualifying contribution made during the 2015 tax year on which the credit is based.

**Line 14****Workforce recruitment tax credit**

If the corporation employs extraordinary recruitment methods to hire an employee to fill a hard-to-fill position in North Dakota, it is allowed a tax credit equal to 5% of the compensation paid during the first 12 months to the employee hired to fill that position. The credit may be claimed in the first taxable year beginning after the employee completes the first 12 consecutive months of employment. For details, see N.D.C.C. § 57-38-01.25.

**Line 14a.** Enter the allowable credit on this line.

**Line 14b.** Enter the number of eligible employees whose first 12 months of employment ended during the corporation's 2014 tax year.

**Line 14c.** Enter the total compensation paid to the eligible employees during their first 12 consecutive months of employment ending in the corporation's 2014 tax year.

**Line 15****Credit for wages paid to a mobilized employee**

Enter on this line the amount from Schedule ME, line 13. **Attach Schedule ME.**

**Line 16****Angel fund investment tax credit**

A credit is allowed for making a qualified investment in a North Dakota angel fund. The credit is equal to 45% of the total qualified investments made during the tax year, up to a maximum credit of \$45,000. Enter the allowable credit on this line.

**Line 17****Housing incentive fund tax credit**

A credit is allowed under for making a qualified contribution to the Housing Incentive Fund under N.D.C.C. § 57-38-01.32. Enter on this line the total credit amount shown on the credit certificate received from the North Dakota Housing Finance Agency.

**Line 18****Automation tax credit**

A credit is allowed under N.D.C.C. § 57-38-01.33 to a primary sector business for purchasing new or used automation machinery or equipment. Application must be made to the North Dakota Commerce Department for approval of the purchases. Enter on this line the amount of the credit shown on the credit approval letter received from the Office of State Tax Commissioner.

**Lines 19 through 21****Nonprofit private school tax credits**

Tax credits are allowed under N.D.C.C. § 57-38-01.7 for making charitable contributions to qualifying nonprofit private primary, secondary, and higher education schools located in North Dakota. A separate credit is allowed for each of the three categories of school—primary, secondary, and higher education. For each category of school, the credit equals 50% of the contributions made to all eligible schools within the category. *(Note: Additional limitations on the allowable credit apply at the shareholder level.)* An S corporation may elect, on a contribution by contribution basis, to treat a contribution as having been made during the 2015 tax year if it is made on or before the due date, including extensions, for filing the 2015 Form 60. **For a list of the eligible schools within each of the three categories of schools, see the table on page 12 of this booklet.**

To qualify, a contribution must be made directly to, or specifically designated for the exclusive use of, a qualifying school. If a contribution is made to an account or fund that benefits both qualifying and nonqualifying schools, the contribution will qualify only if the donor specifically designates it for the exclusive use of a qualifying school and the account or fund separately accounts for the funds on behalf of the qualifying school. The donor must obtain a statement from the administrator of the account or fund that identifies the qualifying school and shows the amount contributed to it.

If a contribution is made to a qualifying school that provides education in one or more grades in both the primary school category (kindergarten through 8th grades) and the secondary school category (9th through 12th grades), a separate credit is allowed for the portion of the contribution designated for the exclusive use of each school category. The donor must obtain a statement from the qualifying school that identifies the qualifying school and shows the amount contributed to each category of school. If the donor does not, or is unable to, obtain a statement showing how the contribution is allocated to each category of school, one-half of the total contribution will be deemed to have been made to each category of school.

**Line 19.** Enter on this line the allowable credit for contributions to qualified nonprofit private primary schools.

**Line 20.** Enter on this line the allowable credit for contributions to qualified nonprofit private high schools.

**Line 21.** Enter on this line the allowable credit for contributions to qualified nonprofit private colleges.

**Line 22****Allocable (nonbusiness) income**

Lines 22a and 22b apply only if the corporation meets all of the following:

- It is a multistate corporation, i.e., it carries on its business both within and without North Dakota.
- It has one or more nonresident individual, estate, or trust shareholders.
- It has nonbusiness income as defined under N.D. Admin. Code § 81-03-09-03.

Nonbusiness income is not apportioned using the apportionment factor (from Schedule FACT) but is allocated within or without North Dakota as provided under N.D.C.C. §§ 57-38.1-04 through 57-38.1-08 and N.D. Admin. Code § 81-03-09-09. Expenses must be attributed to the nonbusiness income in a manner that fairly distributes all of the corporation's expenses to its business and nonbusiness income.

If the corporation has an item of nonbusiness income subject to allocation, the corporation must take this into account when calculating the North Dakota distributive share of income or loss reportable on Schedule KS and Schedule K-1 (Form 60). See the instructions to Schedule KS, Column 6, for more information. In addition to completing lines 22a and 22b, the corporation must attach the following to Form 60:

- A statement on which each item of nonbusiness income is shown along with its related expenses.
- A statement explaining the basis for treating the item of income as nonbusiness income subject to allocation.
- If an item of nonbusiness income is allocated to a state other than North Dakota, a copy of that other state's income tax return must be attached. If the corporation is not required to file an income tax return with the other state, the corporation must indicate this in the attached statement.

**Line 22a.** Enter the total allocable income (less related expenses) from all sources within and without North Dakota.

**Line 22b.** Enter the portion of the amount on line 22a that is allocable to North Dakota.

**Line 23  
Disposition of I.R.C. Section 179 property**

Lines 23a through 23d apply only if the corporation sold, exchanged, or disposed of property for which an I.R.C. Section 179 deduction was passed through to the shareholders. *Note: The corporation is required to report this same information on a separate statement attached to Federal Form 1120S, Schedule K, line 17d.*

For lines 23a through 23d, multiply the corresponding combined amount for all shareholders as reported on Federal Form 1120S, Schedule K, line 17d, by the North Dakota apportionment factor from Schedule FACT, line 14, and enter the result. However, if the property disposed of is treated as a nonbusiness asset the gain or loss from which is subject to allocation under N.D.C.C. §§ 57-38.1-04 through 57-38.1-08, subtract the amounts for that asset before multiplying by the apportionment factor. Include the nonbusiness gain or loss from the disposition on Form 60, Schedule K, line 22.

**Instructions for  
Schedule KS  
(Form 60, page 5)**

Schedule KS must be completed to provide information about each shareholder. If the corporation has more than seven shareholders, complete and attach additional schedules as

**Column 6 Worksheet**

**For nonresident individual shareholders only—  
see instructions to Schedule KS, Column 6.**

1. Shareholder's amount from Column 5 .....	1 _____
2. Allocable income (less related expenses) included in the amount on line 1 .....	2 _____
3. Interest from U.S. obligations included in the amount on line 1 .....	3 _____
4. Add lines 2 and 3 .....	4 _____
5. Apportionable income (loss). Subtract line 4 from line 1 .....	5 _____
6. Apportionment factor from Schedule FACT, line 14 .....	6 _____
7. Multiply line 5 by line 6 .....	7 _____
8. Allocable income (less related expenses) <b>reportable to North Dakota</b> .....	8 _____
9. Add lines 7 and 8. Enter result in Column 6 .....	9 _____

needed to list all shareholders. If more than one Schedule KS is needed, complete lines 1 through 4 on only one of them, and include the combined amount for all of the schedules on that one schedule.

**All Shareholders  
(Columns 1 through 5)**

**Columns 1 and 2**

Enter the name, mailing address, and shareholder's identifying number as shown on the shareholder's Federal Schedule K-1. If the shareholder is a single member limited liability company (LLC) that is a disregarded entity for federal income tax purposes, enter the owner's name, address, and identifying number.

**Column 3**

Identify the entity type of the shareholder by entering the applicable code letter as follows:

Entity type	Code letter
Individual .....	<b>I</b>
Trust .....	<b>T</b>
Decedent's estate .....	<b>D</b>
Bankruptcy estate .....	<b>B</b>
Exempt organization .....	<b>O</b>

If the shareholder is a limited liability company (LLC) that is a disregarded entity for federal income tax purposes, enter the code letter for the type of entity of the LLC's owner.

*Note: The "Trust" entity type only applies to a trust that files Federal Form 1041 or, in lieu of filing Federal Form 1041, elects an alternative reporting method under the federal income tax regulations.*

**Column 4**

Enter the shareholder's stock ownership percentage as shown on the shareholder's Federal Schedule K-1.

**Column 5**

Enter the sum of the following items from the shareholder's Federal Schedule K-1 (Form 1120S), Part III:

- Box 1** Ordinary business income (loss)
- Box 2** Net rental real estate income (loss)
- Box 3** Other net rental income (loss)
- Box 4** Interest income
- Box 5a** Ordinary dividends
- Box 6** Royalties
- Box 7** Net short-term capital gain (loss)
- Box 8a** Net long-term capital gain (loss)
- Box 9** Net section 1231 gain (loss)
- Box 10** Other income (loss)
- Box 11** Section 179 deduction
- Box 12** Other deductions (*Only include the deductions allowed as a deduction from gross income in calculating adjusted gross income for federal income tax purposes.*)
- Box 17** Include the gain (loss) from I.R.C. Section 179 property disposition (*For purposes of calculating the gain or loss, include all of the Section 179 deduction passed through to the shareholder, regardless of whether or not the shareholder actually deducted all of it.*)

**Nonresident Shareholders Only  
(Columns 6 through 8)**

For purposes of Columns 6 through 8, a nonresident shareholder means:

- An individual who is not domiciled in North Dakota.
- A trust, including a grantor trust, that is not organized under North Dakota law. This only applies to trusts that are subject to income tax.

#### Column 6

Complete Column 6 for each nonresident shareholder. Multiply the shareholder's amount in Column 5 by the apportionment factor from Schedule FACT, line 14, and enter the result in Column 6. However, complete the **Column 6 Worksheet** on page 8 to calculate the amount to enter in Column 6 if either or both of the following apply:

- The corporation has an item of nonbusiness income subject to allocation. See the instructions to Form 60, Schedule K, line 22, on page 7 for more information.
- The amount in Column 5 includes interest from U.S. obligations.

#### Column 7

If a nonresident shareholder's distributive share of North Dakota income in Column 6 is \$1,000 or more, multiply the amount in Column 6 by 2.90% (.029) and enter the result in Column 7. However, the following exceptions apply:

- If the nonresident shareholder gives you a completed Form PWA, enter the amount from line 6 of Form PWA in Column 7 and fill in the circle under "Form PWA or Form PWE."
- If the nonresident shareholder gives you a completed Form PWE, leave Column 7 blank and fill in the circle under "Form PWA or Form PWE."
- If the nonresident shareholder elected to be included in a composite filing, leave Column 7 blank and see the instructions to Column 8.

See "Withholding from nonresident shareholders" on page 3 for more information.

#### Column 8

*Note: Leave Column 8 blank if Column 7 was completed for the nonresident shareholder.*

Complete Column 8 for each nonresident shareholder electing to be included in a composite filing. Multiply the amount in Column 6 by 2.90% (.029) and enter the result in Column 8. If the amount in

Column 6 is zero or less, enter zero in Column 8. See "Composite filing" on page 3 for more information.

## Specific line instructions for page 1 of Form 60, lines 1-13

**Complete Schedule FACT, Schedule BG, Schedule K, and Schedule KS before completing lines 1 through 13 on page 1 of Form 60.**

#### Line 5 Income tax withholding

Enter the North Dakota income tax withholding shown on a 2015 Form 1099 or North Dakota Schedule K-1. Be sure the state identified on the Form 1099 is North Dakota. Also enter the North Dakota income tax withholding shown on a 2014 North Dakota Schedule K-1 if the entity that issued it has a fiscal tax year ending in the corporation's 2015 tax year. Do not enter on this line North Dakota extraction or production taxes withheld from mineral interest income, such as an oil or gas royalty, because they are not income taxes. **Attach a copy of the Form 1099 or North Dakota Schedule K-1.**

#### Line 6 Estimated tax payments

Enter the amount paid with the 2015 Forms 60-EXT and 60-ES plus any overpayment applied from the 2014 Form 60. However, if filing an amended return, do not enter any previously paid estimated tax amount; instead, enter the amount of the total taxes due from line 4 of the previously filed original or amended return.

#### Line 9 Application of overpayment to 2016

If there is an overpayment on line 8, the corporation may elect to apply part or all of it as an estimated payment toward its 2016 tax liability. To make the election, enter the portion of line 8 to be applied on line 9. If this election is made, the election and the amount applied may not be changed after the return is filed. If this is an amended return, do not make an entry on this line.

#### Line 11 Tax due

A tax due must be paid in full with the return when it is filed. See the instructions to line 13 for payment options.

#### Line 12 Penalty and interest

The Office of State Tax Commissioner will notify the corporation of any penalty and interest payable on a tax due shown on Form 60. However, the corporation may calculate the penalty and interest amounts and include them in the balance due on Form 60.

**Penalty.** Calculate the penalty amount as follows:

- If Form 60 is filed on or before the due date (or extended due date), but the total amount of tax due is not paid with the return, the penalty is equal to 5% of the unpaid tax or \$5.00, whichever is greater.
- If Form 60 is not filed on or before the due date (or extended due date), the penalty is equal to 5% of the tax due or \$5.00, whichever is greater, for the month in which the return was due plus 5% of the tax due for each additional month (or fraction of a month) during which the return remains delinquent, not to exceed 25% of the tax due.

**Interest.** Calculate the interest amount as follows:

- If an extension of time to file Form 60 was obtained, extension interest is calculated at the rate of 12% per year on any tax due from the due date of the return to the earlier of the extended due date or the date the return was filed.
- If the total amount of tax due is not paid by the due date (or extended due date) of the return, interest is calculated at the rate of 1% per month (or fraction of a month) on the unpaid tax, except for the month in which the return was due.

#### Line 13 Balance due

The balance due must be paid in full with the return. The payment must be made electronically in one of the following ways.

- **Online**—A payment may be made online with a debit or credit card or electronic check. North Dakota contracts with a national payment service to provide this option. There is a fee for this service, none of which goes to the State of North Dakota.

- **Electronic funds transfer**—A payment may be made by means of an Automated Clearing House (ACH) credit transaction that the taxpayer initiates through its banking institution.

For more information and to make an electronic payment, go to our website at [www.nd.gov/tax](http://www.nd.gov/tax).

If paying by check or money order, make it payable to “ND State Tax Commissioner,” and write the last four digits of the corporation’s FEIN and “2015 Form 60” on the check or money order. A check must be drawn on a U.S. or Canadian bank, be in U.S. dollars, and use a standard 9-digit routing number. A check drawn on a foreign bank (except one in Canada) cannot be accepted.

## Instructions for Schedule K-1

With the exception of the taxes on excess net passive income and built-in gains (calculated on Schedule BG), an S corporation is not subject to North Dakota income tax. Instead, the shareholders are responsible for reporting and paying any applicable North Dakota income tax on their shares of the corporation’s income reportable to North Dakota.

North Dakota Schedule K-1 (Form 60) must be used by an S corporation to provide its shareholders with information they will need to complete a North Dakota income tax return. The information to be included in the schedule will depend on the type of shareholder.

North Dakota Schedule K-1 (Form 60) must be completed and given to:

- Each nonresident shareholder for which the corporation is required to report the North Dakota distributive share of income on Form 60, Schedule KS, Column 6.
- Each shareholder to which a share of a North Dakota adjustment or tax credit from Form 60, Schedule K, lines 1 through 21, is distributable.
- Each shareholder that is a qualified subchapter S trust (QSST) or an electing small business trust (ESBT) with a nonresident individual or estate beneficiary.

If there are no North Dakota adjustments or tax credits on Form 60, Schedule K, lines 1 through 21, a North Dakota Schedule K-1 does not have to be given to a North Dakota resident individual, estate, or trust.

In addition to the North Dakota Schedule K-1 (Form 60), the corporation must provide the shareholder with a copy of the *Shareholder’s Instructions for North Dakota Schedule K-1 (Form 60)*.

A copy of all North Dakota Schedule K-1 forms must be enclosed with Form 60 along with any required supplemental statements.

**Amended schedule.** If a corporation files an amended Federal Form 1120S, or if the IRS makes any changes to the Federal Form 1120S, the corporation must file an amended Form 60 for the same tax year, and must issue amended North Dakota Schedule K-1 forms to its shareholders. Fill in the “Amended” circle at the top of the North Dakota Schedule K-1 (Form 60).

**Final schedule.** Fill in the “Final” circle at the top of the North Dakota Schedule K-1 if it is the last one to be issued by the corporation to the shareholder.

## Part 2 Shareholder information

### Item E

Enter the code letter for the shareholder from Form 60, Schedule KS, Column 3.

### Item F

If the shareholder is an individual, estate, or trust, fill in the applicable circle to indicate the legal residency status of the shareholder for North Dakota income tax purposes. If an individual shareholder changed his or her legal residency to or from North Dakota during the tax year, check the part-year resident status. In the case of an estate or trust shareholder, only the full-year resident or full-year nonresident status will apply.

### Item G

For a nonresident shareholder, indicate whether the shareholder is included in a composite filing by filling in the applicable circle.

## Part 3

### All shareholders— North Dakota adjustments and tax credits

If there are any North Dakota adjustments or tax credits on Form 60, Schedule K, lines 1 through 21, complete this part for all shareholders.

#### Lines 1 through 21

Enter on the corresponding lines the shareholder’s share of each amount shown on Form 60, Schedule K, lines 1 through 21.

## Part 4

### Nonresident individual, estate, or trust shareholder only—North Dakota income (loss)

Complete Part 4 for a nonresident individual, estate, or trust shareholder.

#### Line 22

##### Corporation’s apportionment factor

Enter the corporation’s apportionment factor from Form 60, Schedule FACT, line 14.

#### Lines 23 through 35

##### Income and loss items

Except as provided under **Exception 1** and **Exception 2** below, multiply the corresponding amount from the shareholder’s Federal Schedule K-1, Part III, boxes 1 through 12, and any I.R.C. § 179 property disposition gain (loss) included in box 17 by the corporation’s apportionment factor from Schedule FACT, line 14, and enter the result on the corresponding line of Part 4, lines 23 through 35.

For “Other deductions” from box 12 of Federal Schedule K-1, only include deductions that are allowed as a deduction from gross income in calculating adjusted gross income for federal income tax purposes.

For purposes of calculating the gain or loss for I.R.C. § 179 property dispositions included in box 17 of Federal Schedule K-1, include all of the Section 179 deduction passed through to the shareholder, regardless of whether or not the shareholder actually deducted all of it.

##### Exception 1: Allocable (nonbusiness)

**income.** If the corporation treated any part of a distributable item of income from the shareholder’s Federal Schedule K-1 as nonbusiness income subject to allocation, calculate the amount to enter on the corresponding line of this part in the following steps:

1. Subtract the net nonbusiness income (gross amount less related expenses) from the applicable distributable amount shown on the Federal Schedule K-1.
2. Multiply the remaining distributive amount, if any, (from step 1) by the corporation's apportionment factor from Schedule FACT, line 14.
3. Add the result (from step 2) to the portion, if any, of the net nonbusiness income **allocable to North Dakota**, and enter the result on the corresponding line of Part 4.

*Note:* If any portion of the net nonbusiness income removed from the distributable amount (in step 1 above) is allocable outside North Dakota, do not enter it anywhere on North Dakota Schedule K-1 (Form 60).

If the calculation of any amount on lines 23 through 35 of Part 4 was affected by the removal or inclusion of net nonbusiness income, attach a statement to the shareholder's North Dakota Schedule K-1 (Form 60) identifying the net nonbusiness income and showing the calculation of the amount entered on the applicable line(s) of Part 4.

**Exception 2: Interest from U.S. obligations.** Do not include interest from U.S. obligations in determining the amount to enter on Part 4, line 26.

## Part 5 Nonresident shareholder only

Complete Part 5 for a nonresident shareholder for which an amount was required to be entered on Form 60, Schedule KS, Column 6.

### Line 36 ND distributive share of income (loss)

Enter the shareholder's North Dakota distributive share of income (loss) from Form 60, Schedule KS, Column 6.

### Line 37 ND income tax withheld

Enter the amount of North Dakota income tax withheld from the shareholder's North Dakota distributive share of income from Form 60, Schedule KS, Column 7.

### Line 38 ND composite income tax

Enter the amount of North Dakota composite income tax on the shareholder's North Dakota distributive share of income from Form 60, Schedule KS, Column 8.

## Before you file Form 60

### Signatures

The return must be signed and dated by a corporate officer or an authorized representative of the corporation.

If the corporation pays someone other than one of its employees to prepare the return, the paid preparer also must sign and date the return.

### Preparer authorization check-off

The corporation may authorize the North Dakota Office of State Tax Commissioner (Tax Department) to discuss matters pertaining to its 2015 Form 60 with the preparer who signed it. To do so, fill in the circle next to the signature area in the lower right-hand corner of page 1 of Form 60. This authorization applies only to the individual whose signature and printed name appears in the paid preparer section of the signature area. It does not apply to the firm, if any, shown in that section.

This authorization allows the Tax Department to contact the preparer to answer any questions that may arise during the processing of the corporation's return. It also authorizes the preparer to respond to questions and to provide any information missing from the return, to contact the Tax Department to inquire about the status of the return's processing and related refund or payment, and to respond to Tax Department notices that the corporation shares with the preparer pertaining to math errors or return preparation. *(Tax Department notices will be sent only to the corporation.)*

This authorization automatically expires on the due date (including extensions) for filing the 2016 Form 60.

This authorization does not authorize the preparer to receive a refund check, to bind the corporation in any way (including any additional tax liability), or to represent the corporation before the Tax Department for any other purpose.

### Assembling a paper return

Please assemble Form 60 and its required attachments in the following order:

1. Form 60.
2. Schedule FACT / Schedule BG.
2. Schedule K.
3. Schedule KS.
4. North Dakota Schedule K-1 forms.
5. Required supporting statements.
6. Complete copy of Form 1120S including Federal Schedule K-1 forms.

A balance due may be paid electronically (see page 9 of these instructions). If paying by check or money order, make it payable to "ND State Tax Commissioner" and enclose it with the return. Do not staple documents together.

### Qualified nonprofit private schools

(for Form 60, Schedule K, lines 19 through 21)

For purposes of the credits on Form 60, Schedule K, lines 19 through 21, the following lists the qualifying schools in each school category. *(Note: These lists are subject to change.)*

#### Primary Schools (Grades K through 8)

Academy for Children (Fargo)	Nativity Elementary School (Fargo)
Anne Carlsen Center (Jamestown)	New Testament Baptist Christian School (Larimore)
Bishop Ryan Catholic School (Minot)	Oak Grove Lutheran Elementary School (Fargo)
Brentwood Adventist Christian School (Bismarck)	Ojibwa Indian School (Belcourt)
Cathedral of the Holy Spirit Elementary School (Bismarck)	Our Redeemer's Christian School (Minot)
Children's Montessori Center (Fargo)	Prairie Learning Education Center (Raleigh)
Christ the King Elementary School (Mandan)	Prairie Voyager Adventist School (Grand Forks)
Dakota Adventist Academy (Bismarck)	Shanley High-Sullivan Middle School (Fargo)
Dakota Memorial School (Minot)	Shiloh Christian School (Bismarck)
Dakota Montessori School (Fargo)	St Alphonsus Elementary School (Langdon)
Dickinson Trinity Jr/High School (Dickinson)	St Anne Elementary School (Bismarck)
Forest River School (Fordville)	St Ann's Catholic School (Belcourt)
Grace Lutheran Elementary School (Fargo)	St Bernard Mission School (Fort Yates)
Grand Forks Montessori Academy (Grand Forks)	St Catherine Elementary School (Valley City)
Hillcrest SDA School (Jamestown)	St John's Academy (Jamestown)
Holy Family Elementary School (Grand Forks)	St John's Elementary School (Wahpeton)
Holy Spirit Elementary School (Fargo)	St Joseph Elementary School (Mandan)
Hope Christian Academy (Dickinson)	St Joseph Elementary School (Devils Lake)
Johnson Corners Christian Academy (Watford City)	St Joseph's Elementary School (Williston)
Light of Christ 7 <sup>th</sup> and 8 <sup>th</sup> Grade Academy (Bismarck)	St Mary's Elementary School (Bismarck)
Little Flower Elementary School (Rugby)	St Michael's Elementary School (Grand Forks)
Martin Luther School (Bismarck)	Trinity Christian School (Williston)
Missouri Valley Montessori School (Bismarck)	Trinity Elementary East School (Dickinson)
	Trinity Elementary West School (Dickinson)
	Victory Christian School (Jamestown)

#### High Schools (Grades 9 through 12)

Anne Carlsen Center (Jamestown)	New Testament Baptist Christian School (Larimore)
Bishop Ryan Catholic School (Minot)	Oak Grove Lutheran High School (Fargo)
Dakota Adventist Academy (Bismarck)	Our Redeemer's Christian School (Minot)
Dakota Memorial School (Minot)	Prairie Learning Education Center (Raleigh)
Dickinson Trinity Jr/High School (Dickinson)	Shanley High-Sullivan Middle School (Fargo)
Hope Christian Academy (Dickinson)	Shiloh Christian School (Bismarck)
Johnson Corners Christian Academy (Watford City)	St Mary's Central High School (Bismarck)
	Trinity Christian School (Williston)

#### Colleges (Education above 12th grade)

- Jamestown College (Jamestown)
- Trinity Bible College (Ellendale)
- United Tribes Technical College (Bismarck)
- University of Mary (Bismarck)
- ND Independent College Fund (Bismarck)

**2015****Shareholder's Instructions for North Dakota Schedule K-1 (Form 60)****Purpose of form**

North Dakota Schedule K-1 (Form 60) is a supplemental schedule provided by an S corporation to its shareholders. It provides information the shareholders may need to complete their North Dakota income tax returns.

**Resident individual, estate, and trust.** If you are a North Dakota resident individual, estate, or trust, your entire distributive share of income from the corporation is subject to North Dakota income tax. You received this schedule only to show your distributive share of the corporation's North Dakota statutory adjustments and tax credits (see Part 3).

**Nonresident individual, estate, or trust.** If you are a nonresident individual, estate, or trust, you are subject to North Dakota income tax on your distributive share of the corporation's income that is apportioned and allocated to North Dakota. You received this schedule to show your distributive share of North Dakota income, gains, losses, and deductions (see Part 4); North Dakota statutory adjustments and tax credits (see Part 3); and North Dakota income tax withheld or paid on your North Dakota distributive share of income (see Part 5).

**General instructions**

The instructions for Parts 3 through 5 of this schedule show where to report the information from Schedule K-1 (Form 60) on your North Dakota income tax return.

**Tax year.** References to a North Dakota form and line number contained in these instructions are references to the form in use for the 2015 calendar year. However, if you file your return on a calendar year basis, but the corporation files its return on a fiscal year basis, report the amounts on your return for the year in which the corporation's fiscal year ends. For example, if the corporation has a fiscal year ending in February 2016, report the amounts from the 2015 Schedule K-1 (Form 60) on your 2016 tax return. The corporation's tax year is shown at the top of the schedule.

**Composite filing election.** If you elected to include your North Dakota distributive share of income in a composite filing by the corporation, the information provided on the schedule is only for your information.

Retain the schedule for your tax records. The composite income tax paid by the corporation satisfies your North Dakota income tax filing and payment obligations with respect to your North Dakota distributive income from the corporation. If you later choose to revoke your composite filing election and file your own North Dakota income tax return, follow the instructions to Parts 3 through 5 to transfer the amounts from the schedule to your return.

**Amended Schedule K-1 (Form 60).** If you receive an amended North Dakota Schedule K-1 from the corporation, you generally must file an amended North Dakota income tax return to report the revised information. Attach a copy of the amended Schedule K-1 to your amended North Dakota income tax return. If you previously elected to be included in a composite filing, and you are not changing that election, no action is required and you should retain the amended Schedule K-1 for your tax records.

**Specific instructions****Part 3****All shareholders—North Dakota adjustments and tax credits**

The following lists show where to enter an amount from Part 3 of Schedule K-1 (Form 60) on the North Dakota income tax return. Use the list corresponding to your return. "Not applicable" in the right-hand column means that the item does not apply to your return.

**Lines 1–21**

*Form ND-1 filer:*

Include the amount

from this schedule: On:

Line 1	Form ND-1, line 7
Line 2a	Sch. RZ, Part 1, line 19a
Line 2b	Sch. RZ, Part 1, line 19b
Line 3	Form ND-1SA, line 2
Line 4a	Sch. RZ, Part 4, line 7
Line 4b	Sch. RZ, Part 5, line 4
Line 4c	Sch. RZ, Part 6, line 6
Line 5	Sch. ND-1TC, line 4
Line 6	Sch. ND-1TC, line 3
Line 7	Sch. ND-1TC, line 6
Line 8	Sch. ND-1TC, line 7
Line 9	Sch. ND-1TC, line 14b
Line 10	Sch. ND-1TC, line 8a
Line 11	Sch. ND-1TC, line 9a
Line 12	Sch. ND-1TC, line 10a

Line 13a	Sch. ND-1TC, line 12
Line 13b	See instructions to Form ND-1, line 4a
Line 14	Sch. ND-1TC, line 13a
Line 15	Sch. ND-1TC, line 15
Line 16	Sch. ND-1TC, line 11a
Line 17	Sch. ND-1TC, line 18
Line 18	Sch. ND-1TC, line 19
Line 19	Sch. ND-1TC, line 20
Line 20	Sch. ND-1TC, line 21
Line 21	Sch. ND-1TC, line 22

*Form 38 filer:*

Include the amount

from this schedule: On:

Line 1	Form 38, page 2, Part 1, line 4a
Line 2a	Sch. RZ, Part 1, line 19a
Line 2b	Sch. RZ, Part 1, line 19b
Line 3	Form 38, page 2, Part 1, line 4d
Line 4a	Sch. RZ, Part 4, line 7
Line 4b	Sch. RZ, Part 5, line 4
Line 4c	Sch. RZ, Part 6, line 6
Lines 5-8	Form 38, page 1, line 3
Line 9	Not applicable
Lines 10-12	Form 38, page 1, line 3
Line 13a	Form 38, page 1, line 3
Line 13b	See instructions to Form 38, page 2, Part 1, line 2
Lines 14-21	Form 38, page 1, line 3

**Part 4****Nonresident individual, estate, or trust shareholders only—North Dakota income (loss)****Line 22**

This is for the North Dakota Office of State Tax Commissioner's information only.

**Lines 23-35**

If you are a nonresident individual, estate, or trust, lines 23 through 35 of Part 4 show your share of the corporation's North Dakota income, gains, losses, and deductions that you must report on your North Dakota income tax return. Transfer these amounts to your North Dakota income tax return as instructed below based on the type of return you are filing.

If the full amount of any item is not included in your adjusted gross income on your federal income tax return because of limitations on the deductibility of a passive activity loss, capital loss, section 179 deduction, or for any other reason, enter on your North Dakota return only that portion of the item included in your federal adjusted gross income.

**Attach a statement to your North Dakota income tax return explaining any difference between an amount shown on North Dakota Schedule K-1 (Form 60) and the amount reported on your North Dakota income tax return.**

*Form ND-1 filer (nonresident only):*

Include the amount from this schedule: On Schedule ND-1NR, Column B:

Lines 23-25	Line 6
Lines 26-27	Line 2
Line 28	Line 6
Lines 29-31	Line 4
Line 32	Line 8
Lines 33-34	Line 6
Line 35	Line 4

*Form 38 filer (nonresident only):*

Include the amount from this schedule: On Tax Computation Schedule, Part 2, Column B:

Lines 23-25	Line 5
Line 26	Line 1
Line 27	Line 2
Line 28	Line 5

Lines 29-30	Line 4
Line 31	Line 4 or 7
Line 32	Line 8
Lines 33-34	Line 5
Line 35	Line 4 or 7

**Part 5  
Nonresident shareholders only**

**Line 36**

This is the net amount of your North Dakota distributive share of income (loss) from the corporation. Do not enter the amount from this line anywhere on your return. *It is for your information only.*

**Line 37**

This is the amount of North Dakota income tax withheld by the corporation from your North Dakota distributive share of income. Enter this amount on your return as follows:

- If an individual, enter on Form ND-1, line 26.
- If an estate or trust, enter on Form 38, page 1, line 8.

- If a partnership, enter on Form 58, page 1, line 4.
- If an S corporation, enter on Form 60, page 1, line 5.

**Attach a copy of North Dakota Schedule K-1 (Form 60) to your return.**

**Line 38**

If you elected to include your North Dakota distributive share of income (loss) in a composite filing, this is the amount of North Dakota composite income tax paid on your behalf by the corporation. For more information, see “Composite filing” on page 3 of these instructions.

**Note:** *If you later choose to file your own North Dakota income tax return, you may claim this amount as a tax payment on your return. Attach a copy of the North Dakota Schedule K-1 (Form 60) to your return to support the amount claimed.*