"Buy North Dakota Products"



# 40 Corporation income tax return

2011

	Mark One: O Cale	ndar Year Janua	ry 1, 2011, through Decer	nber 31, 2011				
	○ Fisca	ıl Year beginnin	g	, 2011 and	ending		,	
-	Is a federal extension attached?	Name					Federal emplo	oyer identification no.
Dat	te of incorporation	Mailing address					Is this a farming  Yes O	or ranching corporation?
<b>≻</b>	Final return	City, State, Zip	Code		Phone numl	ber	Business co	de (see instructions)
	Computation	of tax liab	aility					
>	Income from (Mark a. O Single Corp. Entity	the <b>ONE</b> circle b. O Combined Report Method	e that identifies the filing n b1. O Combined Report Method Consol. Return	c. O Water's Edge Wate Method C	c1. O er's Edge Method lonsol. Return	d. O Other	(LA) 1	d off to dollars
			Schedule SA, line 9)					
4 5 6	North Dakota apportionment Fac Income apportioned	rtionable income tor (Factor from I to North Dako	om Schedule SA, line 17) e (Subtract line 3 from the a Schedule FACT or CR) ta (Line 4 multiplied by lin	sum of lines 1 and 	2)		4 (LE) 5	
			less re				(LF) 7	
			ınd 7)					
	-		ousiness (Attach worksheet	-	=			
		_	n (Amount from Sch. RZ -		-			
			exemptions (Subtract lines				11	
		-	tach worksheet - for conso		-			
		-	11)					
			Dakota from sale of North					
			instructions)					
			(2.50/ -61:				(EE) 16	
			tion (3.5% of line 15 - <b>Wa</b> and 17)					
10	Tax credits	e (Auu iines 10	una 17)				(LJ) 18	
10		mount from Sch	edule TC, line 25)				(AZ) 19	
.,	Balance due						`	
20			9 from ln. 18) (Corp. filing	a consol. rtn ent	er amt. from Sch.	CR. Part 1. li	n. 20a) <b>20</b>	
			ts and payment with extens		-			
			nter difference as BALA					
			lue on line 22					
	b. Interest and unde	erpayment of est	imated tax (Attach Form 4	(0-UT)			(UT) 22b	
	c. Total payment du	ie (Add lines 22,	22a, and 22b - Pay to NI	) State Tax Commi	ssioner)		22c	
23			nter difference less line 2				(11/) 22	
			to 2012 estimated tax (Mi				(AI) 23a	
	b. Amount of line 2	3 to be <b>REFUN</b>	<b>DED</b> (Subtract line 23a f	rom line 23) (No re	efund under \$5) <sub>-</sub>		23b	
			ry Code § 12.1-11-02, which prov tatements, has been examined by r					r, that this  O I authorize the North Dakota
Dat	e: Signa	ture of Officer:		Title:				Office of State Tax Commissioner
Dat	e:Signa	ture of Preparer:		Address:	<b>)</b>	►FEIN:		to discuss this
			oner, 600 E. Boulevard A	·				tax return with the preparer.
	\$ 0 to \$ 25,0 \$ 25,000 to \$ 50,00	<b>Tax Ra</b> 00	ate Table . 1.68% of North Dakota 7.00 + 4.23% of amount 6.50 + 5.15% of amount 6	axable Income			NOT WRITE IN	

#### 2011 Form 40, page 2



Name as shown on return Federal employer I.D. Schedule SA: Statutory adjustments This schedule is to be used by all corporations regardless of filing method. **Additions** (CA) 1 \_\_\_\_\_ 1 Federal net operating loss deduction (Federal Form 1120, line 29a) 2 Special deductions (Federal Form 1120, line 29b) (CB) 2 **3** All income taxes, franchise or privilege taxes measured by income, which were deducted to determine (CC) 3 \_\_ (CF) 4 \_\_\_\_\_ 4 Interest on state and local obligations (Excluding North Dakota obligations) (CD) 5 5 Contribution to endowment fund credit adjustment -----(CE) 6 \_ **6** Contribution to housing incentive fund credit adjustment **7** Domestic production activity deduction \_\_\_\_\_\_ (CQ) 7 \_\_\_\_\_ (CG) 8 \_\_\_\_\_ 8 Other additions (Attach worksheet) **9** Total additions (Add lines 1 through 8. Enter amount here and on Form 40, page 1, line 2) \_\_\_\_\_\_ Subtractions (CH) 10 **10** Tax refunds received in 2011 (Attach worksheet) 11 Interest on United States obligations (Attach statement regarding obligations) (CI) 11 12 Allocable income (Attach worksheet) \_\_\_\_\_ (LS) 12 13 Related expenses (Attach worksheet) \_\_\_\_\_ (LT) 13\_\_\_\_ (LD) 14 **14** Balance (Subtract line 13 from line 12) (CM) 15\_\_\_\_ **15** IC-DISC distribution to a non-corporate owner (see instructions) (CO) 16 **16** Others subtractions (Attach worksheet) 17 Total subtractions (Add lines 10, 11, 14, 15 and 16. Enter amount here and on Form 40, page 1, line 3) The following questions must be answered Yes No 1 Has the IRS issued a Final Determination which affects any previously filed North Dakota return? 2 If the answer to the above question is yes, have all such adjustments been reported to North Dakota? ------**>** 2 **>**3 3 Is this return for a tax-exempt organization required to report unrelated business taxable income?\_\_\_\_\_ 4 Has this corporation filed as a cooperative, a Foreign Sales Corporation, or a Domestic International Sales Corporation for federal purposes? 5 Does this corporation use the combined report method in any other states? If yes, attach a statement showing all states where the combined report method is used. **6** Does this corporation file its federal income tax return as a member of a consolidated group? If yes, please enter the Federal Employer I.D. No. under which the consolidated return is filed. 7 Does the numerator of the apportionment factor on page 1, line 5 include the property, payroll and/or sales of more than one corporation required to file in this state? If yes: ------• Filing method circle on page 1, line 1 must have been marked b1 or c1. • How many corporations are included in the numerator? Complete North Dakota Schedule CR, Parts I, II and III reporting the activities of each company apportioning income to North Dakota. 8 Is this a limited liability company? **9** Are any single member LLC's included in corporations reporting on this return? (If yes, attach worksheet with names and Federal Employer I.D. Numbers of all single member LLC's) 10 Is this corporation or any of its affiliates included in this return considered to be a captive real estate investment trust (REIT)? (If yes, attach worksheet with names and Federal I.D. numbers of all captive **▶**10 REITS) **11** Has this corporation changed names, been involved in a merger, reorganization or takeover during this tax year? If so, provide former name and details of change. \_\_\_\_\_ > \_ (former name)

#### 2011 Form 40, page 3



Name as shown on return Federal employer I.D.

## Schedule FACT: Apportionment factor for corporations not filing a consolidated state return

This schedule is to be used for corporations not filing a consolidated tax return, i.e., only corporations using filing method a, b, c, or d on page 1, line 1 are to use this schedule.

Corporations filing a consolidated North Dakota tax return, i.e., those corporations using filing method b1 or c1 on page 1, line 1, use Schedule CR, Part II -- do not use this schedule.

sonal property used in the business. (Exclude value of construction in progress)	(Use 6-digit
1 Inventories 1 2 Buildings and other fixed depreciable assets 2	decimal only)
3 Depletable assets 3	(North Dakota divided
4 Land 4	$by\ Total = Factor)$
5 Other assets (Attach detail) 5	
<b>6</b> Rented property ( <i>Annual rental x 8</i> ) <b>6 (BL)</b>	
7 Total Property (Add lines 1 through 6) (BH) 7 (BA)	
Payroll Factor:	
8 Wages, salaries, commissions and other compensation of employees which were included in the Federal Form 1120.  (If the amount reported in Column (2) does not agree with the total compensation reported for North Dakota unemployment insurance purposes, attach an explanation)	
Sales Factor:	
9 Gross receipts or sales, less returns and allowances (Federal Form 1120, line 1e) 9	
10 Sales delivered or shipped to North Dakota destinations (BM) 10	
11 Sales shipped from North Dakota to: (a) The United States Government 11a	
(b) Purchasers in a state or foreign country where the taxpayer was not subject to a net income tax or a tax measured by net income or, if subject, did not actually pay such tax	
<b>12</b> Total sales (Add lines 9 through 11) (BK) <b>12</b> (BE)	
<b>13</b> Sum of factors ( <i>Add lines 7, 8 and 12</i> )	13
<b>14</b> Divide line 13 by the number of factors having an amount greater than zero in column 1, on lines 7, 8 and 12 (Enter factor here and on Form 40, page 1, line 5)	14

#### 2011 Form 40, page 4



Name as shown on return Federal employer I.D.

#### Schedule TC: Tax credits

This schedule is to be used by all corporations regardless of filing method.

Corporations filing a consolidated North Dakota tax return, i.e., those corporations using filing method b1 or c1 on page 1, line 1, report each corporation's separate credits on Schedule CR, Part I, line 19 under each corporation's separate column, and on Schedule CR, Part III - Tax Credits. Report the total credit(s) here.

1 Contributions to nonprofit private colleges credit	(LK) 1
2 Contributions to nonprofit private high schools credit	
3 Geothermal, solar, wind, biomass energy device credits (attach worksheet)	(LM) 3
4 Employment of the developmentally disabled or chronically mentally ill credit	(LX) 4
5 Research and experimental expenditure credits generated by taxpayer (attach worksheet)	
<b>6</b> Research and experimental expenditure credits purchased by taxpayer (attach worksheet)	
7 Wage and Salary credits for a new industry (attach worksheet)	
8 Payment to a certified nonprofit development corporation credit	
9 Renaissance Zone credits (Enter amount from Schedule RZ)	
10 Biodiesel or green diesel fuel production credit (attach worksheet)	
11 Soybean and canola crushing equipment costs credit (attach worksheet)	
12 Seed capital business investment credit (attach worksheet)	
13 Biodiesel or green diesel fuel blending credit (attach worksheet)	
14 Biodiesel or green diesel fuel sales equipment costs credit (attach worksheet)	
<b>15</b> Agricultural commodity processing facility investment credit (attach worksheet)	(TE) 15
<b>16</b> Endowment fund contribution credit (attach worksheet)	(TG) 16
17 Microbusiness investment and employment credit (attach worksheet)  a. total amount of new investment (TL)	
<b>18</b> Internship employment credit (attach worksheet)	(TI) 18
<b>19</b> Angel fund investment credit (attach worksheet) – – – – – – – – – – – – – – – – – – –	(TJ) 19
20 Angel fund investment credit purchased by taxpayer (attach worksheet)	
21 Workforce recruitment credit (attach worksheet)  a. Number of qualified employees hired (TT)	
22 Wages paid to a mobilized military employee credit (attach Schedule ME)	(TQ) 22
23 Housing incentive fund credit (attach worksheet)	(TU) 23
24 Unused property tax credits carried forward from 2007 and 2008	(TP) 24
25 Total tax credits (Add lines 1 through 24. Enter amount here and on Form 40, page 1, line 19)	25
Schedule WW: Combined report method income schedule	
his schedule is to be used by all corporations using filing methods b or b1 on Page	1, Line 1.
1 Federal taxable income (consolidated Federal Form 1120, line 30) (LP) 1	
2 Taxable income or loss included on line 1 from <b>nonunitary</b> corporations (Attach worksheet) (WN) 2	
<ul> <li>3 Balance (Subtract line 2 from line 1)</li> <li>4 Taxable income or loss not included on line 1 from unitary corporations required to file a federal income tax</li> </ul>	3
return (Attach worksheet)	(WU) 4
5 Book income before income taxes of unitary foreign corporations (Attach worksheet) 5	
6 Optional: Book to tax reconciliation (Attach worksheet)6	
7 Subtotal (Add lines 5 and 6)	
8 Income or loss from Foreign Sales Corporations and Interest Charge DISCs (Attach worksheet)	
<b>9</b> Income or loss from Internal Revenue Code of 1986, as amended, Section 936 Possession Corporations	
10 Intercompany eliminations for members of the unitary group (Attach worksheet)	10
11 Total income (Add lines 3, 4, 7, 8 and 9 then subtract line 10. Enter amount here and on Form 40, page 1, line 1, and mark circle h or bl on Form 40, page 1, line 1)	(WW) 11

#### 2011 Form 40, page 5



Name as shown on return Federal employer I.D.

Schedule WE: Water's edge method income schedule	Wantstanta
1 Federal taxable income (Consolidated Federal Form 1120, line 30) (LZ)	Worksheets 1 containing
2 Income or loss not included in line 1 from affiliated corporations required to file a federal income tax return	details of lines 2, 3, 4 and 5 are required
3 Income or loss from Foreign Sales Corporations and Interest Charge DISCs (Attach worksheet)	
4 Income or loss from Internal Revenue Code of 1986, as amended, Section 936 Possession Corporations (Attach worksheet)	4
<b>5</b> Reversal of intercompany eliminations between water's edge corporations and non-water's edge corporations ( <i>Attach worksheet</i> )	5
6 Intercompany eliminations for water's edge group corporations (Attach worksheet))	6
7 Total foreign dividends included in line 1 (Attach worksheet)	7
8 Taxable income or loss included on lines 1 or 2 from 80/20 corps. (Attach worksheet)	8
<b>9</b> Balance (Add lines 1-5 then subtract lines 6, 7 and 8)	9 <u> </u>
<b>10</b> Foreign dividends to be included in water's edge income (Multiply line 7 by 30%) (See general definitions)	10
11 Total net book income of 80/20 corporations (Attach worksheet) 1	1
<b>12</b> Net book income of 80/20 corporations to be included in water's edge income (Multiply line 11 by 30%)	12
<b>13</b> Total water's edge income (Add lines 9, 10 and 12. Enter amount here and on Form 40, page 1, line 1, and mark circle c or c1 on Form 40, page 1, line 1)	(WE) 13

#### Water's edge method election instructions -

A corporation required to file its North Dakota return using the worldwide unitary combined report method must do so unless it elects to apportion its income using the water's edge method.

A corporation elects and maintains the water's edge method election by marking the circle entitled "Water's Edge Method" on page 1, line 1, and completing Schedule WE.

A corporation electing the water's edge method must comply with all of the following

- The election must be made on the return as originally and timely filed;
- The water's edge election is binding for five consecutive taxable years upon making the election. Each subsequent year the water's edge circle is marked does NOT constitute a new five year election; and
- For the taxable years beginning prior to January 1, 2011, a domestic disclosure spreadsheet was required. However, for years after December 31, 2010, the requirement to file a domestic disclosure spreadsheet was repealed.

A corporation electing the water's edge method must include only the apportionment factors and statutory adjustments of the water's edge group.

#### Schedule WE general definitions -

"Water's edge group" includes affiliated corporations incorporated in the U.S., excluding 80/20 corporations, affiliated corporations incorporated in a possession of the U.S., IC DISCs, FSCs, export trade corporations and foreign affiliated corporations which meet a defined minimum of U.S. activity.

"Affiliated corporation" means a parent corporation and any corporation of which more than fifty percent of the voting stock is owned directly or indirectly by the parent corporation or another member of the water's edge group.

"Reversal of intercompany eliminations between water's edge corporations and 80/20 corporations" means the reversal of eliminations made between water's edge corporations and 80/20 corporations that are included in the federal consolidated return. Dividends, interest, royalties, capital gains and losses, intercompany profit on sales,

etc. between water's edge corporations and 80/20 corporations that have been eliminated in preparing the consolidated federal return must be reversed.

"Intercompany eliminations for water's edge group corporations" are eliminations of intercompany transactions between companies included in line 1 and companies included in line 2.

"80/20 corporation" is a corporation that is incorporated in the U.S., is eligible to be included in the federal consolidated return as defined in N.D.C.C. § 57-38.4-01(5) and has eighty percent or more of its average property and payroll assigned to locations in foreign countries.

"Foreign dividends" means any dividend received by a member of the water's edge group from any affiliated corporation incorporated outside the fifty states and District of Columbia, including amounts included in

income computed under sections 951 through 954 of the Internal Revenue Code (IRC) of 1986, as amended. IRC section 78 gross up is not a foreign dividend.

"Net book income of an 80/20 corporation" means net book income for financial statement purposes. However, a corporation's net book income cannot be offset by a net book loss from another 80/20 corporation.

"Rescission of a water's edge election". A corporation's water's edge election is rescinded if:

- It has had more than 50% of its voting stock acquired by a nonaffiliated corporation;
- It was formed as the result of a reorganization or spinoff and is no longer a member of the water's edge group; or
- It is completely liquidated. The water's edge election of any corporation receiving liquidated assets is not affected.

#### 2011 Form 40, page 6



Name as shown on return Federal employer I.D.

•	oration Name of co	poration	reuei	ral Employer I.D.	
List only corporations apportioning income to	Λ <b>&gt;</b>		>		
North Dakota (i.e.,			<b>&gt;</b>		
naving a factor greater than -0- in North	В				
Dakota)	C –				
		Corporation A	Corporation B	(name)	
		(name)	(name)		
		FEIN	FEIN		
		➤Business Code	Business Code	<b>▶</b> Business Code	
4 North Dakota apportio	nable income (Enter amoun				
		(CX) 4			
<b>5</b> Apportionment factor (	Enter factor from part II, line	5) <b>(LE) 5</b>		_	
6 Income apportioned to	North Dakota (Line 4 multi	ied by line 5) <b>6</b>		_	
	orth Dakota \$				
8 North Dakota income (	Add lines 6 and 7)				
<b>9</b> Exemption for new and	d expanding business (Attac				
10 Renaissance zone inco	me exemption	(RE) 10			
11 ND income after incom	ne exemptions (Subtract lin				
12 North Dakota loss carr	yforward (Attach worksheet				
13 Subtotal (Subtract line	12 from line 11)				
	ed to ND from sale of ND				
<b>15</b> North Dakota taxable	income (See instructions) _				
<b>16</b> Income tax due (See ta.	x rate table on Form 40, Page				
17 Surtax on water's edge	method election (3.5% of l				
<b>18</b> Total income tax due (	Add lines 16 and 17)				
19 Tax credits (Enter each Part III, line 25)	company's credits from Sche				
20 Not income toy lightlit	v (Subtract line 10 from line	) <b>20</b>			

#### Instructions for consolidated return using the combined report method

All corporations filing a consolidated North Dakota return (i.e. unitary groups including more than one company on this return) must complete the three parts of Schedule CR and attach the completed schedule to Form 40 when filed.

Space has been provided for three corporations (corporations A, B & C) having activity within North Dakota. If space is

needed for additional corporations having activity within North Dakota, additional copies of Schedule CR can be obtained by photocopying both parts of this original schedule or by printing additional copies from our web site at www.nd.gov/tax.

Complete Form 40, page 1, lines 1-4 before starting to complete Schedule CR, part I.

Schedule CR has been designed so the instructions for Form 40 in the booklet also apply to the line numbers on Schedule CR. For example, the instructions for Form 40, page 1, lines 6-20 also apply to Schedule CR, part I, lines 6-20.

After completing Schedule CR, part I, total lines 6, 7, 9, 10, 12, 14, and 16-19 and enter each total on the corresponding line on page 1.

### 2011 Form 40, page 7



Name as shown on return Federal employer I.D.

	edule CR, Part II: Computation of solidated return using the combine			ns filing a N	lorth Dakota	(Use 6-digit decimal only)
	erty Factor:			Nort	th Dakota Average Prop	erty ———
Average value at original cost of real and tangible personal property used in the business. (Exclude value of construction in progress)		Everywhere Average Property of All Corporations		Corporation A	Corporation B	Corporation C
Avera	ge Property:	Being Combined	(name)		(name)	(name)
				FEIN	FEIN	FEIN
1	Inventories	1				
2	Buildings and other depreciable assets	2				
3	Depletable assets	3	_			
4	Land	4				
5	Other assets (Attach detail)	5	_			
6	Rented property (Annual rental x 8)	6	(BL)	·		
7	Total average property (Add lines 1 through 6) (BH	) 7	(BA)			
	Property factor (Divide ND total average property by everywhere average property)	y total				
7b	Total property factor (Add amounts on line 7a, colum	nns A, B & C)			7b	
Wage	oll Factor: s, salaries, commissions and other ensation of employees which were included in ederal Form 1120.	Everywhere Payroll All Corporations Being Combined	I	Corporation A	– North Dakota Payroll - Corporation B	Corporation C
8	Payroll (BJ	) 8	(BC	E)		
8a	Payroll factor (Divide total ND payroll by total even	ywhere payroll)	8a			
8b	Total payroll factor (Add amounts on line 8a, column	nns A, B & C)				
Gross	s Factor: receipts or sales, less returns and allowances Federal Form 1120, line 1 (e).	Everywhere Sales All Corporations Being Combined			- North Dakota Sales —	
9	Everywhere sales	_9		Corporation A	Corporation B	Corporation C
	Sales delivered or shipped to North Dakota destinat		10 _			
	Sales shipped from North Dakota to:  (a) The United States Government		11a _			
	(b) Purchasers in a state or foreign country where t subject to a net income tax or a tax measured b subject, did not actually pay such tax	he taxpayer was not y net income, or if				
12	Total Sales (Add lines 9 through 11b) (BK)	12	(BE	)		
	Sales Factor (Divide total ND sales by total everywh					
13b	Sales Factor (Add amounts on line 13a, columns A,	B & C)			13b	
	Sum of the factors (Add lines 7a, 8a and 13a)					
	<b>Apportionment Factor</b> (Divide line 14 by the numb		_			
	having an amount greater than zero in the everywhelines 7, 8 and 12)	re column on				
15a	Total factor (Add amounts on lines 7b, 8b and 13b. here and on Form 40, page 1, line 5)	Divide the sum by three,	and en	nter the total amou	<sup>nt</sup> 15a	



Name as shown on return Federal employer I.D.

## Schedule CR, Part III: Tax credits for corporations filing a North Dakota consolidated return using the combined report method

		Corporation A	(name)	Corporation C(name)	
	-	(name)			
	-	FEIN		FEIN	
Contributions to nonprofit private colleges credit	(LK) 1				
2 Contributions to nonprofit private high schools credit					
3 Geothermal, solar, wind, biomass energy device credits (attach worksheet)					
<b>4</b> Employment of the developmentally disabled or chronically mentally is credit					
5 Research and experimental expenditure credits generated by taxpayer (attach worksheet)	(LY) 5_				
<b>6</b> Research and experimental expenditure credits purchased by taxpayer (attach worksheet)	(TO) 6_				
7 Wage and Salary credits for a new industry (attach worksheet)	(AK) 7_				
$\boldsymbol{8}\;$ Payment to a certified nonprofit development corporation credit	(AG) 8				
9 Renaissance Zone credits (Enter amount from Schedule RZ)	(RC) 9				
<b>10</b> Biodiesel or green diesel fuel production credit (attach worksheet)					
11 Soybean and canola crushing equipment costs credit (attach worksheet)	(TB) 11				
12 Seed capital business investment credit (attach worksheet)	(TS) 12				
13 Biodiesel or green diesel fuel blending credit (attach worksheet)	(TD) 13				
14 Biodiesel or green diesel fuel sales equipment costs credit (attach works					
15 Agricultural commodity processing facility investment credit  (attach worksheet)	(TE) 15_				
<b>16</b> Endowment fund contribution credit (attach worksheet)	(TG) 16_				
<b>17</b> Microbusiness investment and employment credit (attach worksheet)					
a. total amount of new investment (TL)					
b. total amount of new employment (TM)	(TH) 17_				
18 Internship employment credit (attach worksheet)					
19 Angel fund investment credit (attach worksheet)	(TJ) 19				
<b>20</b> Angel fund investment credit purchased by taxpayer (attach worksheet)	(TR) 20				
21 Workforce recruitment credit (attach worksheet) a. Number of qualified employees hired (TT)	(TW) 21		-		
<b>22</b> Wages paid to a mobilized military employee credit (attach Sch. ME)	(TQ) 22				
23 Housing incentive fund credit (attach worksheet)					
<b>24</b> Unused property tax credits carried forward from 2007 and 2008					
25 Total tax credits (Add lines 1 through 24. Enter amount here and on Form 40, page 1, line 19					