

Instructions for Form 6390

2022 Alaska Federal-Based Credits

GENERAL INSTRUCTIONS

Purpose of Form

Form 6390 orders and limits federal-based credits, on an as-if Alaska basis. This form is required if such credits are to be claimed on Form 6000, 6100, or 6150. Under AS 43.20.021(d), where a credit allowed under the Internal Revenue Code and is also allowed in computing Alaska income tax, it is limited to 18% of the amount of credit determined for federal income tax purposes, and apportioned, if applicable.

Adoption of the Internal Revenue Code

Under AS 43.20.021, Alaska adopts the Internal Revenue Code, Sections 1–1399 and 6001–7872, with full force and effect, unless excepted to or modified by provisions of Alaska law. In addition, AS 43.20.160 and AS 43.20.300 require the Department to apply, as far as practicable, the administrative and judicial interpretations of the federal income tax law.

Note that Alaska law does not adopt Internal Revenue Code Sections 1400–1400U, which grant tax benefits for activities in certain geographic zones, including those in “Enterprise Zones” and “Gulf Opportunity Zones.” If the taxpayer qualifies for special federal treatment under these code sections, this may require that the taxpayer recompute some federal-based credits for Alaska purposes.

Other Related Forms

Form 6395 is used to account for passive activity limitations on an as-if Alaska basis.

If You Need Help

If you have questions, need additional information or require other assistance, see our website at www.tax.alaska.gov, or call:

Juneau: 907-465-2320
Anchorage: 907-269-6620

In general, Form 6390 follows the function of federal Form 3800, accounting for various groups of credits that require special treatment under the Internal Revenue Code. Such groups include “specific credits,” carryforward of “eligible small business credits,” and passive/non-passive categories. See federal instructions for federal Form 3800 for more details.

From each of these baskets, Form 6390 removes any credits that are not allowable for Alaska purposes. Alaska does not allow credits for backup withholding, credit for employer social security and Medicare taxes paid on certain employee tips, and other federal credits that are tax reimbursements. See 15 AAC 20.145(f).

Finally, Form 6390 imposes tax liability limits based on Alaska tax, limits the credits to 18%, and apportions the credits, if appropriate.

Form 6390 must be attached to Form 6000, 6100, or 6150 to claim federal-based credits.

SPECIFIC INSTRUCTIONS

Line 2a: Alaska allows the federal investment credit only to the extent attributable to Alaska property. See AS 43.20.036(b). On line 2a enter the amount of federal investment credit (non-passive activities) that is not attributable to Alaska property.

Line 2b: Alaska does not allow credits for backup withholding, credit for employer social security and Medicare taxes paid on certain employee tips, and other federal credits that are tax reimbursements. See 15 AAC 20.145(f). Also note that Alaska does not adopt Internal Revenue Code Sections 1400–1400U, which may affect allowable federal-based credits.

Line 4: Use Form 6395 to calculate general business credits from a passive activity. Enter amount from Form 6395, line 17.

Line 9: Alaska allows unused federal-based credits to be carried forward, based on applicable federal rules. An entry on line 9 must be supported by a schedule, attached to the return, showing the individual unused credits, by year generated and used, which are available. The schedule must show credits on an as-if Alaska basis, based on prior years’ Forms 6390 (or equivalent), not federal credit carryover amounts.

Line 10: Alaska allows carryback of unused federal-based credits, based on applicable federal rules. An entry on line 10 must be supported by a schedule, attached to the return, showing the individual unused credits, by year generated and used, which are available for carryback.

Line 21: Use Form 6395 to calculate “specified credits” from a passive activity. Enter amount from Form 6395, line 18.

Lines 26a–26b: See instructions for line 9 above. Attach schedule of applicable credits, by year generated and used.

Lines 27: See instructions for line 10 above. Attach schedule of applicable credits, by year generated and used.