

2010 Credit for Taxes Paid to Another State or Country

Phone Numbers

If you have questions, please call one of the following numbers:

Phoenix	(602) 255-3381
From area codes 520 & 928 toll-free	(800) 352-4090
Hearing impaired TDD user	
Phoenix	(602) 542-4021
From area codes 520 & 928 toll-free	(800) 397-0256

You may also visit our web site at: www.azdor.gov

Purpose of Form

Use Form 309 to figure your credit for taxes paid to Arizona and another state or country on the same income.

If claiming a credit for more than one state or country, make a separate computation for each state or country.

If you are not sure what amounts you should enter on Form 309, the department has issued a procedure to help you figure out what amounts you should use. This procedure is ITP 08-1. To see this procedure, visit our web site at www.azdor.gov and click on legal research and then click on procedures.

NOTE: You must notify the department immediately if the other state or country credits or refunds taxes for which you have received an Arizona credit. In this case, you must file an amended return.

Complete this form only if you meet the following.

1. You are filing a 2010 Arizona income tax return.
 2. You paid a **net** income tax to another qualified state or country for 2010.
- If you are claiming a credit for taxes paid to another state, payroll taxes withheld from income do not constitute a net income tax. Having tax withheld from your pay by Arizona and another state does not by itself qualify you for this credit. You must file a net income tax return to the other state.
 - If you are claiming a credit for taxes paid to another country, a net income tax paid to another country includes those taxes that qualify for a credit under Internal Revenue Code Sections 901 and 903.

NOTE: To claim a credit for taxes paid to a foreign country, you must complete Arizona Form 309. You must complete Form 309 even if you did not have to complete federal Form 1116 to claim a credit on your federal return.

You may not claim this credit for the following.

1. Income taxes paid to any city or county.
2. Interest or penalties paid to another state or country.

NOTE: If you file an amended return after you claim this credit, be sure to recalculate the credit if required.

Application of Credit

Claim this credit only if the income was subject to tax in both Arizona and the other state or country in the same tax year.

You cannot apply this credit against interest or penalties payable to Arizona.

NOTE: You may use this credit only in the year incurred. You cannot carry the credit forward to the next year. You also cannot carry the credit back to a prior year.

Arizona Resident

Arizona residents are allowed a credit against Arizona income taxes for net income taxes imposed by and paid to another state or country if the following apply.

1. The income taxed in Arizona is derived from sources within another state or country. This income is subject to a net income tax in the other state or country regardless of your residence.
2. The other state or country does not allow Arizona residents a credit for taxes imposed on income subject to tax in both Arizona and the other state or country.

As an Arizona resident, nonresident returns filed with the following states qualify for the credit:

Alabama, Arkansas, Colorado, Connecticut, Delaware, Georgia, Hawaii, Idaho, Illinois, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota*, Mississippi, Missouri, Montana, Nebraska, New Jersey, New Mexico, New York, North Carolina, North Dakota, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, Utah, Vermont, West Virginia and Wisconsin.

***Minnesota** sources the sale of certain partnership interests to Minnesota. Minnesota allows an Arizona resident a credit for taxes paid to Minnesota for the sale of a partnership interest that is subject to Minnesota tax. As an Arizona resident, you cannot claim this credit for taxes paid to Minnesota on the sale of a partnership interest that is sourced to Minnesota.

NOTE: This list is subject to change at any time.

Important: As an Arizona resident, nonresident returns filed with the following states **DO NOT QUALIFY** for the credit:

Alaska, California, District of Columbia, Florida, Indiana, Nevada, New Hampshire, Oregon, South Dakota, Tennessee, Texas, Virginia, Washington and Wyoming.

Nonresident

A credit against Arizona income taxes is allowed for Arizona nonresidents who are not allowed a credit by their state or country of residence for taxes paid to Arizona if either:

1. The other state or country does not tax Arizona residents on income derived from sources within the other state or country.
2. The other state or country allows Arizona residents credit for taxes paid on income subject to tax by the other state or country and Arizona.

Arizona nonresidents who file resident returns with the following states qualify for the credit.

California, Indiana, Oregon and Virginia.

NOTE: This list is subject to change at any time.

Part-Year Residents

For that part of the year you were a resident of Arizona, follow the instructions for residents.

For that part of the year you were an Arizona nonresident, follow the instructions for nonresidents.

Dual Resident

You may be eligible to claim the credit if you are a full-year Arizona resident filing Arizona Form 140 and you are also considered to be a resident of another state under the laws of that other state. Figure your credit for taxes paid to Arizona and that other state on the same income that is taxable by both Arizona and the other state, but only on income that would be sourced to the other state if you had to report that income as a nonresident.

You may claim the credit as a dual resident if you meet the following.

1. You are filing a 2010 full-year Arizona resident income tax return.
2. You are considered to be a resident of another state under the laws of that other state.
3. You paid a **net** income tax to that other state.

An Arizona resident who is also considered to be a resident of another state under the laws of that state is allowed a credit against Arizona income taxes for net income taxes imposed by and paid to that other state if the following apply.

1. The other state taxes the income of the Arizona resident and does not allow the Arizona resident a credit for taxes imposed on income subject to tax in both Arizona and the other state.
2. The credit is allowed only for taxes imposed on income that would have been sourced to the other state if the Arizona resident had filed as a nonresident to the other state.

If you are an Arizona full-year resident and also considered to be a resident of another state under the laws of that other state, complete the *Schedule of Income Allocation*, on page 2 of Form 309 before you complete page 1 of Form 309.

Required Attachments

If you are claiming a credit for taxes paid to another state, you must attach a copy of the tax return filed to the other state.

If you are claiming a credit for taxes paid to a foreign country, attach the following information to your Arizona income tax return.

1. A copy of the tax return you filed to the foreign country. If you are claiming a credit for taxes paid to a foreign country for amounts withheld at the source, and are not required to file a return with that country, attach documentation showing the amount of tax imposed and paid.
2. If the tax is paid in a foreign currency, a statement substantiating the conversion rate on the date of payment. Identify your authority for your conversion rate.

Line-by-Line Instructions

Enter your name and SSN as shown on Arizona Form 140, Form 140NR, Form 140PY, or Form 140X.

Make sure that every return, statement, or document that you file with the department has your SSN. Failing to include the proper numbers may subject you or your preparer to a penalty. Make sure that all of the required identification numbers are clear and correct. Your return may take longer to process if identification numbers are missing, incorrect, or unclear.

If your name appears first on the return, make sure your SSN is the first number listed.

Part I - Computation of Income Subject to Tax by Both Arizona and the Other State or Country During 2010

If you are claiming a credit for income taxes paid to another state, enter in the space provided, the two-letter abbreviation for that state. See page 10 of these instructions for a list of state abbreviations.

If you are claiming a credit for income taxes paid to another country, enter the name of that country on the line provided.

In order for income to be taxed by both Arizona and another state or country, the following must exist.

For an Arizona resident:

1. The same income must be taxed by both Arizona and the other state or country; and
2. The income must have its source within the other state or country.

For a nonresident:

1. The same income must be taxed by both Arizona and the other state or country; and
2. The income must have its source within Arizona.

Lines 1 through 6 -

Provide a breakdown of your income which is subject to tax in both Arizona and the other state or country. Complete lines 1 through 5 separately for each income item listed in columns (a) through (c). If you have more than three items of income from the other state or country for which you are claiming the credit, complete additional schedules.

If you are an Arizona resident who is also considered to be a resident of another state under the laws of that other state, complete the *Schedule of Income Allocation*, on page 2 of Form 309 before you complete lines 1 through 6 of Form 309.

Line 1 -

Identify the income item from which the income subject to tax in both Arizona and the other state or country is derived. If you have more than one income item, complete column(s) (b) and (c) as necessary. Examples of such income are business income, partnership income, wages, etc. Enter an item in column (a) only if your Arizona adjusted gross income and the adjusted gross income of the return filed with the other state or country includes the income from that item.

If you are an Arizona resident and also considered to be a resident of another state, enter the income item and amount from column (d) of the *Schedule of Income Allocation*.

If you are claiming a credit for taxes paid to another country, and that country withheld at the source, and you are not required to file a return with that country, enter the item of income from which the foreign taxes were withheld.

Line 2 -

Enter the amount of income from the item listed on line 1 reportable to both Arizona and the other state or country. This is the amount of income derived from that item which you must include in the income reported to both Arizona and the other state or country.

Line 3 -

Enter that portion of income on line 2 included in your Arizona adjusted gross income. This amount is that portion of the amount of income included on line 2 that is also included in your Arizona gross income adjusted by any additions or subtractions related to that income required under Arizona law.

For example, during the tax year, Taxpayer A, a full-year Arizona resident, had schedule C business income of \$50,000 from State P. This \$50,000 of schedule C income is reportable to both Arizona and to State P. For federal purposes, Taxpayer A included the \$50,000 in federal adjusted gross income, but also reduced that schedule C business income by 1/2 of the self-employment tax related to that income (\$3,533) and by the amount of self-employed health insurance deduction (\$2,700). Therefore, only \$43,767 (\$50,000 - (\$3,533 + \$2,700)) of the \$50,000 schedule C income is included in Taxpayer A's Arizona gross income. Arizona law requires no further additions or subtractions related to this schedule C income included in Taxpayer A's Arizona gross income. Therefore, the amount of Schedule C income included in Taxpayer A's Arizona adjusted gross income would be \$43,767. Taxpayer A would enter \$43,767 on line 3.

Line 4 -

Enter that portion of income on line 2 which is included in the other state's or country's equivalent of Arizona adjusted gross income. If you are a full-year Arizona resident filing a nonresident return to the other state or country, this would be the other state's or country's income computed under the equivalent of A.R.S. § 43-1094 (adjusted gross income of a

nonresident). In other words, the income computed as if only source income were included, and then adjusted by any additions or subtractions related to that income required under the other state's or country's law.

For example, during the tax year, Taxpayer A, a full-year Arizona resident, had schedule C business income of \$50,000 from State P. This \$50,000 of schedule C income is reportable to both Arizona and to State P. For federal purposes, Taxpayer A included the \$50,000 in federal adjusted gross income, but also reduced that schedule C business income by 1/2 of the self-employment tax related to that income (\$3,533) and by the amount of self-employed health insurance deduction (\$2,700). Taxpayer A was required to make these same adjustments on the return filed to State P. Therefore, only \$43,767 (\$50,000 - (\$3,533 + \$2,700)) of the \$50,000 schedule C income is included in State P's equivalent of Arizona gross income. Additionally, State P law allows Taxpayer A to subtract an additional \$2,000 of depreciation related to the schedule C income. Therefore, the amount of Schedule C income included in State P's equivalent of Arizona adjusted gross income would be \$41,767 (\$43,767 - \$2,000). Taxpayer A would enter \$41,767 on line 4.

NOTE: *If you are claiming a credit for taxes paid to another country, and that country withheld at the source, and you are not required to file a return with that country, enter the amount of income subject to tax in that foreign country.*

Line 5 -

Enter the smaller of the amount entered on line 3 or line 4. This is the amount of income from that item which is subject to tax by both Arizona and the other state or country.

Line 6 -

Add line 5, columns (a) through (c). This is the total income subject to tax in both Arizona and the other state or country. Enter the amount from Part I, line 6, on Part II, line 8, and also on Part II, line 13.

NOTE: *The amounts on lines 2 through 5 may be the same. However, differences may occur due to the application of the other state's law. See the following example.*

The following example illustrates how to complete lines 1 through 6 of Arizona Form 309. If you are an Arizona resident that is also considered to be a resident of another state under the laws of that other state, see the example following the instructions for the *Schedule of Income Allocation* for an example of how to complete lines 1 through 6 of Form 309.

EXAMPLE:

Facts:

Mr. and Mrs. M are Arizona residents. Mr. M is an active duty military member who is stationed in State X. Mr. M receives wages from the military and from a part-time job in State X. Mrs. M receives wages from employment in State X. During the taxable year for which the credit is being claimed, Mr. and Mrs. M received the following income.

Mr. M's military wages	\$ 15,000
Mr. M's part-time employment wages	\$ 5,000
Mrs. M's part-time employment wages	\$ 5,000
Rental income from AZ property	\$ 20,000
Total income	\$ 45,000

As Reported on State X Return		As Reported on Arizona Return	
Federal adjusted gross income	\$ 45,000	Federal adjusted gross income	\$ 45,000
Less non-state X income (military & rental income)	(35,000)	Less subtractions from income (military income of \$15,000 and dependent exemption of \$2,300)	(17,300)
Less subtraction for two-earner income	(1,000)	Arizona adjusted gross income	\$ 27,700
State X adjusted gross income	\$ 9,000		

Mr. and Mrs. M must include Mr. M's part-time employment wages of \$5,000 and Mrs. M's part-time employment wages of \$5,000 in both the Arizona gross income and the State X's equivalent of Arizona gross income. Therefore, the amount of wage income reportable to both Arizona and State X is \$10,000. For Arizona purposes, there are no additions or subtractions related to that \$10,000 wage income included in Arizona gross income, so the entire \$10,000 of wage income is included in Arizona adjusted gross income. However, under State X law, \$1,000 of the \$10,000 wage income is subtracted from State X's equivalent of Arizona adjusted gross income, so only \$9,000 of that \$10,000 is included in State X's equivalent of Arizona adjusted gross income. Mr. and Mrs. M complete lines 1 through 6 of Arizona Form 309 as follows:

1. Description of income items.	(a) wages
2. Amount of income from item listed on line 1, reportable to both Arizona and the other state or country.	\$10,000
3. Portion of income on line 2 included in Arizona adjusted gross income.	\$10,000
4. Portion of income included on line 2 included in the other state's or country's equivalent of Arizona adjusted gross income.	\$ 9,000
5. Income subject to tax by both Arizona and the other state or country. Enter the smaller of the amount entered on line 3 or 4.	\$ 9,000
6. Total income subject to tax in both Arizona and the other state or country.	\$ 9,000

Part II - Computation of Other State or Country Tax Credit

Line 7 -

Enter your Arizona tax liability less any credits. However, do not reduce your Arizona tax liability by the other state tax credit.

For 2010, use the chart below to help you figure your Arizona tax liability prior to tax credits.

Form	
140	Subtract line 21 from line 25.
140PY	Subtract line 24 from line 28.
140NR	Subtract line 24 from line 28.
140X	Subtract line 27 from line 30.

NOTE: If you are taking other tax credits, you must reduce your Arizona tax by the amount of those other tax credits. For the purpose of this computation, be sure to reduce your Arizona tax by both refundable and nonrefundable credits.

Line 9 - Entire Income Upon Which Arizona Tax is Imposed

Enter your entire income upon which Arizona tax is imposed. This is the Arizona adjusted gross income excluding allowable exemptions for age 65 or over, blind, dependents, or qualifying parents and ancestors.

Use the appropriate worksheet below to figure your entire income upon which Arizona tax is imposed.

Worksheet for Arizona Residents	
1. Enter the amount from Arizona Form 140, page 1, line 16.	
2. Enter the amount from Arizona Form 140, page 2, line C17.	
3. Add the amount on lines 1 and 2. Enter the total here and on line 9 of Arizona Form 309.	

Worksheet for Arizona Nonresidents	
1. Enter the amount from Arizona Form 140NR, page 1, line 19.	
2. Enter the amount from Arizona Form 140NR, Page 2, line D26.	
3. Add the amounts on lines 1 and 2. Enter the total here and on line 9 of Arizona Form 309.	

Worksheet for Arizona Part-Year Residents With No Arizona Source Income for the Period of the Year in Which You Were an Arizona Nonresident	
1. Enter the amount from Arizona Form 140PY, page 1, line 19.	
2. Enter the amount from Arizona Form 140PY, page 2, line D30.	
3. Add the amounts on lines 1 and 2. Enter the total here and on line 9 of Arizona Form 309.	

Part-Year Residents With Arizona Source Income for the Period of the Year in Which You Were an Arizona Nonresident.

If you have Arizona source income for the period of the year in which you were an Arizona nonresident, you must separately determine the amount of Arizona adjusted gross income for the period in which you were a resident and the amount of Arizona adjusted gross income for the period in which you were a nonresident. These figures are not separately stated on any particular line on your Arizona Form 140PY.

Line 12 -

Enter the amount of income tax paid to the other state or foreign country. Do not include federal income taxes or any taxes paid to a city or county. Also, do not include any amount paid to the other state or foreign country for penalty or interest. Amounts of tax paid or accrued to a foreign country do not include amounts that are reasonably certain to be refunded, credited, rebated, abated, or forgiven.

Line 14 - Entire Income Upon Which Other State's or Country's Income Tax is Imposed

Enter the entire income upon which the other state's or country's income tax is imposed. This is the other state's or country's equivalent of Arizona adjusted gross income, but does not include exemptions allowable under the equivalent of A.R.S. § 43-1023. Such income must include items of income and loss, but not exemptions and itemized or standard deductions. Such income must also be adjusted by any additions or subtractions required under the other state's law which relate to the income from sources within the other state. This amount may not be shown on a specific line of the return filed with the other state.

If you are claiming a credit for taxes paid to another country, and that country withheld at the source, and you are not required to file a return with that country, enter the amount of income subject to tax in that foreign country.

NOTE FOR ARIZONA RESIDENTS ONLY: *Since the other state can only tax a nonresident on income which is sourced to that state, the entire income upon which the other state's income tax is imposed includes only income sourced to that other state under its income tax laws. Source income is generally income derived from property located within a state or from an activity carried on within a state when the income recipient is a nonresident.*

NOTE: *You may not be able to take the entire income upon which the other state's or country's tax is imposed from a specific line on the return filed to the other state or country. If you must determine this amount, attach a schedule.*

The example following line 17 illustrates how an Arizona resident figures the entire income subject to tax in the other state or country.

If you have questions concerning what amount to enter on line 14, call one of the phone numbers listed at the beginning of these instructions.

Line 17 -

Enter the smaller of line 11 or line 16. If this is the only state or country for which you are claiming a credit, also enter this amount on Arizona Form 301, Part I, line 7.

If you are claiming a credit for more than one state or country, make a separate computation for each. Enter the total from all Arizona Forms 309 on Arizona Form 301, Part I, line 7.

EXAMPLE:

The following example will illustrate how to figure a credit for taxes paid to another state.

Facts: Mr. and Mrs. F are Arizona residents who derive income from a farm in State XY. During the taxable year for which the credit is being claimed, Mr. and Mrs. F had the following income.

Interest income	\$ 38,000
Dividend income	\$ 4,000
Farm income from State XY	<u>\$ 16,000</u>
Total income	<u>\$ 58,000</u>

As Reported on Arizona Return

Federal adjusted gross income	\$ 58,000
Less dependent exemption \$2,300	(2,300)
Arizona adjusted gross income	\$ 55,700
Itemized deductions	12,000
Personal exemption	6,300
Arizona taxable income	37,400
Arizona tax	1,020
Clean Elections Fund tax reduction	10
Balance of Arizona tax	1,010
Credit for Contributions to Public Schools	300
Arizona tax liability	710

As Reported on State XY Return		As Reported on State XY Income Allocation Schedule		
1. Federal adjusted gross income	\$ 58,000		<i>Column A</i> Income from federal return	<i>Column B</i> Income from Column A from State XY sources
2. Plus State XY additions	0	1. Wages		
3. Less State XY subtractions	0	2. Interest	38,000	
4. State XY adjusted gross income	<u>\$ 58,000</u>	3. Dividends	4,000	
5. Itemized Deductions	(11,000)	4. Farm Income	16,000	16,000
6. Exemptions	(3,000)	5. Capital Gains		
7. State XY taxable income	\$ 44,000	6. Rents, Sub S, Royalties, Partnership		
8. State XY tax	1,760	7. Other Income		
9. Percentage from Income Allocation Schedule	0.2759	8. Total income	58,000	16,000
10. State XY tax on income sourced to State XY. Multiply line 8 by line 9	\$ 485	9. Tax proration Divide line 8 Column B by Line 8 Column A	16,000/58,000 = .2759	

Credit Computation:

Mr. and Mrs. F complete the Arizona Form 309 as follows:

Arizona Form 309**Part I - Computation of Income Subject to Tax by Both Arizona and the Other State or Country**

1. Description of income item(s)	(a) Farm income	(b)
2. Amount of income from item listed on line 1, reportable to both Arizona and the other state or country.	\$16,000	
3. Portion of income on line 2 included in Arizona adjusted gross income.	\$16,000	
4. Portion of income on line 2 included in State XY's equivalent of Arizona adjusted gross income.	\$16,000	
5. Income subject to tax by both Arizona and the other state or country. Enter the lesser of amount entered on line 3 or line 4.	\$16,000	
*6. Total income subject to tax in both Arizona and the other state or country.		\$16,000

Part II - Computation of Other State or Country Tax Credit

**7	Arizona tax liability less any credits (except other state tax credit)	7	710	
8	Amount from Part I, line 6.....	8	16,000	
***9	Entire income upon which Arizona income tax is imposed.....	9	58,000	
10	Divide the amount on line 8 by the amount on line 9 (cannot be greater than 1)	10	.2759	
11	Multiply the amount on line 7 by the decimal on line 10	11	196	
12	Income tax paid to State XY (tax less credits).....	12	485	
13	Amount from Part I, line 6.....	13	16,000	
****14	Entire income upon which State XY income tax is imposed.....	14	16,000	
15	Divide the amount on line 13 by the amount on line 14 (cannot be greater than 1)	15	1.000	
16	Multiply the amount on line 12 by the decimal on line 15	16	485	
17	Other state or country tax credit. Enter the lesser of line 11 or line 16.....	17	196	

*** Lines 1 through 6 – Income subject to tax in both Arizona and State XY**

Mr. and Mrs. F must report State XY farm income of \$16,000 in both Arizona gross income and State XY's equivalent of Arizona gross income. There are no additions or subtractions related to the \$16,000 farm income required under either Arizona law, or State XY law. Therefore, \$16,000 of farm income is included in Arizona adjusted gross income and \$16,000 of farm income is included in State XY's equivalent of Arizona adjusted gross income.

****Line 7 – Arizona tax liability**

For the purpose of the credit, Mr. and Mrs. F compute the Arizona tax liability as follows:

Arizona tax	\$1,020
Less clean elections tax reduction	(10)
Less public school tax credit	(300)
Arizona tax Liability	<u>\$ 710</u>

*****Line 9 – Entire income upon which Arizona tax is imposed**

For the purpose of the credit, Mr. and Mrs. F compute the entire income upon which Arizona tax is imposed as follows:

Arizona adjusted gross income	\$55,700
Plus dependent, blind, age 65 or over, and qualifying parent and ancestor exemptions	<u>2,300</u>
Entire income upon which Arizona income tax is imposed	<u>\$58,000</u>

******Line 14 – Entire income upon which State XY tax is imposed**

This is the entire income upon which State XY tax is imposed. This is State XY's equivalent of Arizona adjusted gross income for these individuals. Since these individuals are nonresidents of State XY, State XY's equivalent of Arizona adjusted gross income (not including exemptions and standard or itemized deductions), includes only that income which is sourced to State XY. It should be noted that in this case, the entire income upon which State XY income tax is imposed had to be determined. This amount was

not separately shown on a specific line of the State XY return, since State XY computes its tax on the total income and then prorates that tax to reflect the tax attributable to income derived from sources within State XY. For the purpose of the credit, Mr. and Mrs. F compute the entire income upon which State XY tax is imposed as follows:

Mr. and Mrs. F's Farm income sourced to State XY (State XY'S equivalent of Arizona adjusted gross income computed under A.R.S. § 43-1094)	\$16,000
Plus State XY's equivalent of Arizona's dependent exemptions	<u>0</u>
Entire income upon which State XY tax is imposed	<u>\$16,000</u>

Form 309, Page 2 – Schedule of Income Allocation Instructions

Complete page 2, *Schedule of Income Allocation*, only if you are a full-year Arizona resident who is also considered a resident of another state under the laws of that other state.

All other taxpayers skip page 2, *Schedule of Income Allocation*.

NOTE: *If you are a full-year Arizona resident that is also considered to be a resident of another state under the laws of that other state, you must complete the Schedule of Income Allocation on page 2 of Form 309 before you complete page 1 of Form 309.*

Because the credit allowed for a full-year Arizona resident that is also considered to be a resident of another state is for taxes paid to that other state on income sourced to that other state, you must complete the *Schedule of Income Allocation*, before you can complete lines 1 through 6 of Form 309.

This schedule allocates income between income sourced to the other state and income from everywhere else that is taxable to the other state. Complete column (a) before completing columns (b) through (d). On lines 1 through 10 of column (a), for each line, enter the amounts reported on your federal income tax return. In column (b), enter the amounts listed in column (a) that are included in income reported on your Arizona return. In column (c), enter the amounts listed in column (a) that are included in income reported on the return filed with the other state. In column (d), enter the amounts listed in column (c) that would be sourced to the other state if you were a nonresident of that state filing a nonresident return to that state.

The following example illustrates how to complete Form 309 for an Arizona resident who is also considered to be a resident of another state under the laws of that other state.

EXAMPLE:

Facts:

Mr. and Mrs. R are Arizona residents who are temporarily living and working in State Z. They will be there for one year and then they will return to Arizona. During the current taxable year, Mr. and Mrs. R have been living and working in State Z for 10 and one-half months. Because Mr. and Mrs. R have been living in State Z for more than 183 days during the tax year, State Z considers Mr. and Mrs. R to be residents of State Z and taxes all of their income from the time they moved to State Z. Because Mr. and Mrs. R are Arizona residents who are temporarily out of Arizona, they are still full-year Arizona residents for Arizona income tax purposes and must file a full-year Arizona income tax return and include all income for the taxable year, wherever derived. For the taxable year, Mr. and Mrs. R have the following income.

Mr. R's wages from employment in Arizona	\$ 15,000
Mr. R's wages from employment in State Z	\$ 42,000
Mrs. R's wages from employment in State Z	\$ 5,000
Interest income	\$ 5,000
Rental income from AZ property	<u>\$ 20,000</u>
Total income	<u>\$ 87,000</u>

As Reported on State Z Return		As Reported on Arizona Return	
Wages (Mr. R's State Z wages \$42,000 + Mrs. R's State Z wages \$5,000)	\$ 47,000	Federal adjusted gross income	\$ 87,000
Interest income received after moving to State Z	4,375	Less subtractions from income (dependent exemption \$2,300)	(2,300)
Rental income from Arizona property received after moving to State Z	17,500	Arizona adjusted gross income	\$ 84,700
State Z gross income	68,875	Arizona itemized deductions	(12,000)
Plus additions to income	0	Arizona personal exemption	(6,300)
Less subtractions (dependent \$4,000)	(4,000)	Arizona taxable income	\$ 66,400
State Z adjusted gross income	\$ 64,875	Arizona tax	\$ 1,933
State Z itemized deductions	(9,500)		
State Z personal exemptions	(7,500)		
State Z taxable income	\$ 47,875		
State Z tax	\$ 2,154		

Before Mr. and Mrs. R can complete Arizona Form 309, they must complete the *Schedule of Income Allocation* on page 2 of Form 309. This will help Mr. and Mrs. R determine the income that is taxable in both Arizona and State Z that would be sourced to State Z if Mr. and Mrs. R were filing a nonresident return to State Z.

Schedule of Income Allocation

	(a) Reported on your 2010 Federal return	(b) Amount Entered in Column (a) Reported on Your 2010 Form 140	(c) Amount Entered in Column (a) Reported on Your Return Filed to Your Statutory State of Residence	(d) Amount Entered in Column (c) That Could be Sourced to Your Statutory State of Residence as Income of a Nonresident of that State
1. Wages, salaries, tips, etc	62,000	62,000	47,000	47,000
2. Interest	5,000	5,000	4,375	0
3. Dividends				
4. Business income (or loss) from federal Schedule C				
5. Gains (or losses) from federal Schedule D				
6. Rents, royalties, partnerships, estates, trusts, small business corporations from federal Schedule E	20,000	20,000	17,500	0
7. Other income reported on your federal return				
8. Total income: <i>Add lines 1 through 7</i>	87,000	87,000	68,875	47,000
9a. Other federal adjustments. <i>List</i>				
9b.				
9c.				
9d. Total adjustments. <i>Add lines 9a through 9c for each column.</i>	0	0	0	0
10. Adjusted gross income. <i>Subtract the sum of amounts entered on line 9d from line 8.</i>	87,000	87,000	68,875	47,000

If Mr. and Mrs. R had filed a nonresident return to State Z, they would have reported \$47,000 of wage income to State Z as State Z source income. Therefore, when Mr. and Mrs. R complete Form 309, they would complete lines 1 through 6 as follows:

	(a)	(b)
1. Description of Income Items	Wages	
2. Amount of income from item listed on line 1, reportable to both Arizona and State Z.	\$47,000	
3. Portion of income on line 2 included in Arizona adjusted gross income.	\$47,000	
4. Portion of income on line 2 included in State Z's equivalent of Arizona adjusted gross income.	\$47,000	
5. Income subject to tax by both Arizona and State Z. Enter the smaller of line 3 or line 4.	\$47,000	
6. *Total income subject to tax in both Arizona and State Z.	\$47,000	

Part II – Computation of Other State or Country Tax Credit		
7. Arizona tax liability less any credits (except other state tax credit).....	7	1,933
8. Amount from Part I, line 6.....	8	47,000
9. ** Entire income upon which Arizona income tax is imposed.....	9	87,000
10. Divide the amount on line 8 by the amount on line 9 (cannot be greater than 1).....	10	.5402
11. Multiply the amount on line 7 by the decimal on line 10.....	11	1,044
12. Income tax paid to State Z (tax less credits).....	12	2,154
13. Amount from Part I, line 6.....	13	47,000
14. ***Entire income upon which State Z's income tax is imposed.....	14	68,875
15. Divide the amount on line 13 by the amount on line 14 (cannot be greater than 1).....	15	.6824
16. Multiply the amount on line 12 by the decimal on line 15.....	16	1,470
17. Other state or country tax credit. Enter the smaller of line 11 or line 16.....	17	1,044

*** Lines 1 through 6 – Income subject to tax in both Arizona and State XY**

Before completing lines 1 through 6, Mr. and Mrs. R must complete page 2 of Arizona Form 309, *Schedule of Income Allocation*. Even though Mr. and Mrs. R must report wage income, interest income and rental income to State Z, only the wage income earned for services performed in State Z would be sourced to State Z if State Z were taxing Mr. and Mrs. R as nonresidents. Therefore, when Mr. and Mrs. R complete the *Schedule of Income Allocation*, Mr. and Mrs. R indicate that only \$47,000 of wages would be sourced to State Z as income of a nonresident of State Z.

Mr. and Mrs. R must report State Z wages of \$47,000 in Arizona gross income and \$47,000 of State Z wages in State Z's equivalent of Arizona gross income. There are no additions or subtractions related to the \$47,000 of State Z wages required under either Arizona law, or State Z law. Therefore, \$47,000 of State Z wage income is included in Arizona adjusted gross income and \$47,000 of State Z wage income is included in State Z's equivalent of Arizona adjusted gross income.

****Line 9 – Entire income upon which Arizona tax is imposed**

For the purpose of the credit, Mr. and Mrs. R compute the entire income upon which Arizona tax is imposed as follows:

Arizona adjusted gross income	\$84,700
Plus dependent, blind, age 65 or over, and qualifying Parent and ancestor exemptions	<u>2,300</u>
Entire income upon which Arizona income tax is imposed	<u>\$87,000</u>

*****Line 14 – Entire income upon which State Z tax is imposed**

This is the entire income upon which State Z tax is imposed. This is State Z's equivalent of Arizona adjusted gross income for these individuals. For the purpose of the credit, Mr. and Mrs. R compute the entire income upon which State XY tax is imposed as follows:

State Z's equivalent of Arizona adjusted gross income	\$64,875
State Z's equivalent of Arizona's dependent exemptions	<u>4,000</u>
Entire income upon which State Z's tax is imposed	<u>\$68,875</u>

List of State Abbreviations

State		State		State		State	
Alabama	AL	Indiana	IN	Mississippi	MS	Oklahoma	OK
Arkansas	AR	Iowa	IA	Missouri	MO	Oregon	OR
California	CA	Kansas	KS	Montana	MT	Pennsylvania	PA
Colorado	CO	Kentucky	KY	Nebraska	NE	Rhode Island	RI
Connecticut	CT	Louisiana	LA	New Jersey	NJ	South Carolina	SC
Delaware	DE	Maine	ME	New Mexico	NM	Utah	UT
Georgia	GA	Maryland	MD	New York	NY	Vermont	VT
Hawaii	HI	Massachusetts	MA	North Carolina	NC	Virginia	VA
Idaho	ID	Michigan	MI	North Dakota	ND	West Virginia	WV
Illinois	IL	Minnesota	MN	Ohio	OH	Wisconsin	WI