

**2010 Credit for Increased Research Activities - Individuals**

Obtain additional information or assistance by calling one of the numbers listed below:

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

Obtain tax rulings, tax procedures, tax forms and instructions, and other tax information by accessing the department's Internet home page at [www.azdor.gov](http://www.azdor.gov).

**General Instructions**

NOTE: THE 2010 FORM 308-I IS USED BY INDIVIDUAL TAXPAYERS. THE 2010 FORM 308 IS USED BY TAXPAYERS THAT ARE CORPORATIONS, S CORPORATIONS, OR PARTNERSHIPS.

ARS § 43-1074.01 provides an individual income tax credit for increased research activities in a taxable year. The credit for increased research activities applies to taxable years beginning January 1, 2001 and later. For taxable years beginning from and after December 31, 2009, a portion of the current year's excess credit may be refundable to qualified taxpayers.

The Arizona tax credit for individuals is allowed in an amount computed pursuant to IRC § 41 with the following exceptions:

- Qualified research includes only research conducted in Arizona. The term "qualified research," for purposes of the Arizona tax credit, means qualified research, as defined in IRC § 41, that is conducted in Arizona.
- The amount of the credit is based on the federal regular credit computation method for Arizona qualified research expenses. Taxpayers CANNOT use the federal alternative credit computation method. The allowable current taxable year credit is a percentage of the excess, if any, of the Arizona qualified research expenses for the taxable year over the base amount.

For 2010, if the allowable expenses do not exceed \$2,500,000, the allowable credit is 22 percent of this amount. If the allowable expenses exceed \$2,500,000, the allowable credit amount is \$550,000 plus 13 percent of the amount of expenses over \$2,500,000, subject to certain limitations. The allowable credit limitation is the *lesser* of the amount computed above, or (a) \$1,500,000 (for taxable years beginning January 1, 2001 through December 31, 2001) or (b) \$2,500,000 (for taxable years beginning January 1, 2002 through December 31, 2002). For years beginning January 1, 2003 and later, the \$1,500,000 and \$2,500,000 limitations no longer apply.

- If two or more taxpayers, including shareholders of an S corporation and partners in a partnership, share in the eligible expenses, each taxpayer is eligible to receive a proportionate share of the credit.
- The termination provisions of IRC § 41 do not apply.

**REFUND OF 75% OF CURRENT YEAR'S EXCESS CREDIT**

If the current taxable year's credit for increased research activities exceeds your income tax liability for taxable years beginning from and after December 31, 2009, a portion of the excess credit may be refundable, if you qualify.

The amount of credit that is refundable is limited to 75% of the excess credit. The excess credit is the current year's credit less the current year's tax liability. The 75% refund is only available for the current year's excess credit for increased research activities. Once the taxpayer files a return with the department and carries the excess credit for increased research activities forward, the taxpayer may not claim a refund later for that taxable year.

Taxpayers must apply to the Arizona Department of Commerce and receive a Certificate of Qualification to receive a refund. Taxpayers must have less than 150 full-time employees to qualify. The refund is the lesser of (a) 75% of the excess credit; or (b) the maximum refund on the Certificate of Qualification from the Department of Commerce. Any additional amount is waived.

If two or more taxpayers, including shareholders of an S corporation and partners in a partnership, share in the eligible expenses, each taxpayer is eligible to claim a proportionate share of the refund. An S corporation must apply for the Certificate of Qualification on behalf of its shareholders. A partnership must apply for the Certification of Qualification on behalf of its partners.

Carryovers from the credit for increased research activities from previous taxable years will be carried over to the following taxable year, subject to the 15 year carryover period and annual limitations on use of those carryovers.

**CARRYOVER OF UNUSED CREDIT**

If the current taxable year's credit for increased research activities exceeds your income tax liability for the current taxable year, you may carry forward the unused credit to the next 15 consecutive taxable years.

The amount of credit carryover that you may use to reduce your current year's tax liability is limited to the amount of tax liability that remains after you have used your current year's credit. If the carryovers are from taxable years beginning January 1, 2001 through December 31, 2002, the amount of credit carryover that may be used is further limited. This is addressed in the instructions for Part VII of Form 308-I.

If you have other nonrefundable tax credits that you are using to reduce your tax liability, you may not be able to use all of your credit for increased research activities to reduce your tax this year. You will be applying these limitations when you complete Form 301, *Nonrefundable Individual Tax Credits and Recapture*.

**DO YOU HAVE TO MAKE OTHER ADJUSTMENTS TO ARIZONA GROSS INCOME OR TO THE ARIZONA TAX CREDIT FOR INCREASED RESEARCH ACTIVITIES?**

- If you claim an Arizona credit for increased research activities for the taxable year, Arizona statutes do not require you to make an addition to Arizona gross income for the amount of qualified research expenses equal to the amount of the allowable Arizona credit.

- If you claim a reduced federal credit for increased research expenses and claim the Arizona credit for increased research activities, Arizona statutes do not require you to reduce the Arizona credit for increased research activities in a manner similar to the federal reduction method.
- If you reduce the amount of the deduction for qualified research activities in the computation of federal adjusted gross income, Arizona statutes do not allow you to take a subtraction from Arizona gross income for the amount of the expense reduction.
- If you adjust the federal asset basis of capitalized research expenses and reduce the amount of amortization deductible in the computation of federal adjusted gross income, Arizona statutes do not allow you to take a subtraction from Arizona gross income for additional amortization.

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### Specific Instructions

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Complete the name and taxpayer identification number section at the top of the form. Indicate the period covered by the taxable year. Attach the completed form to the tax return.

All returns, statements, and other documents filed with the department require a taxpayer identification number (TIN). The TIN for an individual is the taxpayer's social security number or an IRS individual taxpayer identification number. Taxpayers that fail to include their TIN may be subject to a penalty.

#### Part I - Qualification for Refund of Current Taxable Year's Excess Credit

##### Line 1 -

If your sole proprietorship applied to the Arizona Department of Commerce and received a Certificate of Qualification related to the credit for increased research activities, check the "Yes" box. Otherwise, check the "No" box, and skip line 2.

##### Line 2 -

If you checked the "Yes" box on line 1, enter the maximum refund amount for taxable year 2010 on your Certificate of Qualification from the Arizona Department of Commerce.

##### Line 3 -

If the entity from which you are claiming a pass through credit for increased research activities applied to the Arizona Department of Commerce and received a Certificate of Qualification, check the "Yes" box. Otherwise, check the "No" box, and skip line 4. Also, skip Part IV.

##### Line 4 -

If you checked the "Yes" box on line 3, enter your share of the maximum refund amount for taxable year 2010. Shareholders of an S corporation, enter the amount from Form 308, Part III, line 27. Partners of a partnership, enter the amount from Form 308, Part IV, line 31.

#### Part II - Current Taxable Year's Credit Calculation (Sole Proprietorships Only)

**NOTE: Complete this part only if you operate a business as a sole proprietorship and your sole proprietorship incurred qualified research expenses during the taxable year.**

##### Line 5 -

Enter total wages paid or incurred for qualified services performed in Arizona. Do not include the amount of such wages paid to employees that were used in the calculation of the federal work opportunity credit. Wages include any wages paid or incurred to an employee for qualified services performed by such employee. Qualified services consist of engaging in qualified research or engaging in the direct supervision or direct support of research activities that constitute qualified research.

##### Line 6 -

Enter the cost of supplies paid or incurred for use in the conduct of qualified research in Arizona. Supplies include expenditures for any tangible property other than land or improvements to land, and property of a character subject to the allowance for depreciation.

##### Line 7 -

Enter the amount paid or incurred to rent or lease the right to use computers in the conduct of qualified research in Arizona.

##### Line 8 -

Enter the total of:

- Seventy-five percent (.75) of any amount paid or incurred for qualified research performed in Arizona by a qualified research consortium on your sole proprietorship's behalf. "Qualified research consortium" is any qualifying organization as defined in IRC § 41(b)(3)(C)(ii).
- Sixty-five percent (.65) of any amount paid or incurred for qualified research performed in Arizona on your sole proprietorship's behalf, other than such amounts paid to a qualified research consortium. Prepaid contract research expenses are considered paid in the year the research is actually done.

##### Line 10 -

Enter the average annual Arizona gross receipts for the four taxable years preceding the taxable year for which the credit is being determined (the credit year). You may be required to annualize gross receipts for any short taxable year.

If 2010 is the first year the taxpayer is in business, the average annual Arizona gross receipts for the preceding taxable years is zero. If the taxpayer has been in business in Arizona for less than four taxable years prior to the credit year, then the average is the sum of annual Arizona gross receipts of the applicable period, divided by the number of taxable years.

Example: ABC Corporation began business in Arizona in 2008. Its annual Arizona gross receipts for 2008 were

\$100,000. Its annual Arizona gross receipts for 2009 were \$200,000. Therefore, ABC Corporation's average annual Arizona gross receipts for the 2010 credit year is \$150,000  $(\$100,000 \text{ plus } \$200,000) \text{ divided by } 2$ .

**Line 11 -**

Round off the percentage to the nearest one, one hundredth of one percent (four decimal places). Compute the fixed-base percentage as follows:

- **Existing firms** - An existing firm is one that had both Arizona gross receipts and Arizona qualified research expenses for at least three taxable years beginning after December 31, 1983, and before January 1, 1989. The fixed-base percentage is the ratio that the aggregate Arizona qualified research expenses for all taxable years beginning after 1983 and before 1989, bears to the aggregate Arizona gross receipts for such taxable years.
- **Start-up companies** - A start-up company is one that had both Arizona gross receipts and Arizona qualified research expenses either (1) for the first time in a taxable year beginning after December 31, 1983, or (2) for fewer than three taxable years beginning after 1983 and before 1989.

Fixed-Base Percentages for Taxable Years Beginning After 1993 in Which Start-Up Companies Incurred Arizona Qualified Research Expenses	
Taxable Year After 1993	Percentages for Taxable Years After 1993
1st through 5th	3 percent
6th	Divide the aggregate Arizona qualified research expenses for 4th and 5th taxable years by the aggregate Arizona gross receipts for 4th and 5th taxable years. Multiply the result by 1/6 (.1667).
7th	Divide the aggregate Arizona qualified research expenses for 5th and 6th taxable years by the aggregate Arizona gross receipts for 5th and 6th taxable years. Multiply the result by 1/3 (.3333).
8th	Divide the aggregate Arizona qualified research expenses for 5th through 7th taxable years by the aggregate Arizona gross receipts for 5th through 7th taxable years. Multiply the result by 1/2 (.50).
9th	Divide the aggregate Arizona qualified research expenses for 5th through 8th taxable years by the aggregate Arizona gross receipts for 5th through 8th taxable years. Multiply the result by 2/3 (.6667).
10th	Divide the aggregate Arizona qualified research expenses for 5th through 9th taxable years by the aggregate Arizona gross receipts for 5th through 9th taxable years. Multiply the result by 5/6 (.8333).
All years after 10th	Divide the aggregate Arizona qualified research expenses for any 5 taxable years selected by the taxpayer from among the 5th through 10th taxable years by the aggregate Arizona gross receipts for the selected taxable years.

If the percentage computation involves *de minimis* amounts of gross receipts and qualified expenses in a taxable year or short taxable years are involved, the amounts may be

annualized or disregarded. Refer to IRC §§ 41(c)(3) and 41(f)(4) for details.

**NOTE:** *The maximum percentage that can be entered on line 11 is 16 percent (.16).*

**Line 14 -**

Multiply line 9 by 50 percent (.50). The base amount cannot be less than 50 percent of the current year qualified research expenses. This rule applies both to existing and start-up companies.

**Line 16 -**

Calculate the allowable credit amount according to the instructions in the following table. Enter the result.

Calculation of Current Taxable Year's Credit	
If the amount on line 15 is:	Credit Calculation
Equal to or less than \$2,500,000	Multiply the amount on line 15 by 22 percent (.22)
More than \$2,500,000	\$550,000 plus 13 percent (.13) of the amount on line 15 over \$2,500,000

**Part III - Current Taxable Year's Credit Passed Through From S Corporations and Partnerships**

**Line 17 -**

Enter the aggregate amount you received from S corporations and partnerships from Form 308, Part III, line 26, and Part IV, line 30. Attach a copy of Form 308 received from S corporations or partnerships to your return.

If you checked the "Yes" box on line 3, complete Part IV to calculate the amount of the current year's excess credit that is refundable to you.

Complete Parts V and/or VI to compute the available carryover of the credit passed through by S corporations or partnerships from prior taxable years. You should complete Parts V and/or VI only if your allowable credit for increased research activities for prior taxable years exceeded your Arizona income tax liability for those taxable years.

**Part IV - Refundable Portion of the Current Taxable Year's Excess Credit**

Only complete this section if you checked the "Yes" box in Part I, line 1 or line 3, and elect to receive a refund of 75% of your excess credit. The excess credit is the current taxable year's credit for increased research activities less the current taxable year's tax liability. Carryovers of the credit for increased research activities from previous taxable years will carry over for possible use in the next taxable year, provided they do not expire this taxable year.

**Line 18a -**

Enter the amount from Part II, line 16.

**Line 18b -**

Enter the amount from Part III, line 17.

**Line 18c -**

Add the amount on line 18a to line 18b. Enter the result. This is the current year's tax credit for increased research activities.

**Line 19a -**

Enter the amount from Form 140, line 25; or Form 140PY, line 28; or Form 140NR, line 28; or Form 140X, line 30. This is the your reduced tax.

**Line 19b -**

Enter the current year's nonrefundable tax credits from Form 301, excluding the credit or carryovers for increased research activities.

**Line 19c -**

Subtract line 19b from line 19a. Enter the difference. If the difference is more than zero, also enter it on Form 301, Part I, line 6, and Part II, line 40. If the difference is less than zero, enter zero. This is the current year's tax liability.

**Line 20 -**

Subtract the amount on line 19c from line 18c. Enter the difference. If the result is less than zero, enter zero. This is the current year's excess credit.

**Line 21 -**

Multiply the amount on line 20 by 75% (.75) and enter the result. This is your tentative refundable credit.

**Line 22 -**

Enter the amount from Part I, line 2 or line 4. This is the maximum refundable credit.

**Line 23 -**

Enter the lesser of line 21 or line 22. Complete Part V and Part VI if you have carryovers from prior taxable years. Skip Part VII and Part VIII.

Enter the amount on line 23 on Form 140, line 36; or Form 140NR, line 36; or Form 140PY, line 38; or Form 140X, line 40(c). On the same line, be sure to check box 308-I indicating you are claiming a refundable credit for increased research activities.

**Part V - Available Pre-2003 Credit Carryover**

Use Part V to compute the carryover of the credit for increased research activities from taxable years beginning January 1, 2001 through December 31, 2002. Since the credit for increased research activities applies only to individuals for taxable years beginning after December 31, 2000, there is no available credit carryover from taxable years beginning prior to January 1, 2001. Compute the total available carryover of the credit for increased research activities on Part V, lines 24 through 26.

In column (b), enter the credit originally computed for taxable year 2001 and 2002. In column (c), enter the amount of the credit from taxable years 2001 and 2002 which has already been used. Subtract the amount in column (c) from column (b) and enter the difference in column (d). Add the amounts entered on lines 24 and 25 in column (d). Enter the total on line 26, column (d). This is the total credit carryover available for years beginning before January 1, 2003.

**Part VI - Available Post-2002 Credit Carryover**

Use Part VI to compute the carryover of the credit for increased research activities from taxable years beginning on or after January 1, 2003.

In column (b), enter the credit originally computed for taxable years 2003 and subsequent years. In column (c), enter the amount that has already been used. Subtract the amount in column (c) from column (b) and enter the difference in column (d). Add the amounts entered on lines 27 through 33 in column (d). Enter the total on line 34, column (d). This is the total credit carryover available for years beginning on or after January 1, 2003.

**Part VII - Limitation of Credit Carryovers**

Use Part VII to figure the limitations on use of credit carryovers. Complete lines 35a through 38 if you claimed the credit on a prior year return and the credit was more than your tax.

LIMITATION FOR CREDIT CARRYOVERS FROM TAXABLE YEARS BEGINNING JANUARY 1, 2001 THROUGH DECEMBER 31, 2002. There is an additional limitation on how much you can use of your available credit carryovers included in the amount from Part V, line 26, column (d). To calculate the limitation, you must first compare the amount of your tax liability with \$500,000, and select the lower of those two numbers. Then, subtract your current year's credit for increased research activities from the number you selected. Use your entire current year's credit for increased research activities for this computation, even if you will not be able to claim that entire amount on your current year's tax return. If the result of your calculation is zero or less, you will not be able to use your credit carryforward from taxable years beginning January 1, 2001 through December 31, 2002, to reduce your current year's tax liability. However, you may still be able to use your credit carryover from 2003 and later.

LIMITATION FOR CREDIT CARRYOVERS FROM TAXABLE YEARS BEGINNING ON OR AFTER JANUARY 1, 2003. The amount of credit carryover from taxable years beginning on or after January 1, 2003, is only limited by the amount by which your current year's tax liability exceeds your current year's credit for increased research activities.

**Line 35a -**

Enter your tax liability from Form 301, Part II, line 32.

**Line 35b -**

Enter the current taxable year's credit from sole proprietorships from Part II, line 16.

**Line 35c -**

Enter the current taxable year's credit from pass through entities from Part III, line 17.

**Line 35d -**

Add lines 35b and 35c. Enter the result.

**Line 35e -**

Subtract line 35d from line 35a and enter the result. If the result is zero or less, enter zero.

**Line 36a -**

Enter your available pre-2003 credit carryover from Part V, line 26, column (d).

**Line 36b -**

If the amount on line 35a is lower than \$500,000, enter that number on line 36b. If it is not, enter \$500,000.

**Line 36c -**

Subtract line 35d from line 36b and enter the result. If the result is zero or less, enter zero.

**Line 36d -**

Compare the numbers on lines 36a and 36c, and enter the lowest number here. This is the amount of pre-2003 carryover you may use to reduce your current year's Arizona tax liability.

**Line 37 -**

Subtract line 36d from line 35e and enter the result.

**Line 38 -**

Compare the numbers on Part VI, line 34, column (d), and on Part VII, line 37, and enter the lowest number here. This is the amount of post-2002 carryover you may use to reduce your current year's Arizona tax liability.

**Part VIII - Total Available Nonrefundable Credit**

Complete this section to compute the total available credit for the taxable year. The total available credit is the sum of the current taxable year's credit for increased research activities and the available credit carryover(s).

**Line 39 -**

Enter the amount from Part VII, line 35d. This is the current taxable year's credit for increased research activities.

**Line 40 -**

Enter the amount from Part VII, line 36d. This is the amount of the pre-2003 carryover that you may use to reduce your current year's Arizona tax liability.

**Line 41 -**

Enter the amount from Part VII, line 38. This is the amount of the post-2002 carryover that you may use to reduce your current year's Arizona tax liability.

**Line 42 -**

Add the amounts on lines 39, 40, and 41. This is the total available credit for increased research activities that may be applied to your current taxable year's tax liability. Enter the total here and on Form 301, Part I, line 6.