



2009

Nebraska

S Corporation

Income Tax Booklet

Included in this Booklet:

Form 1120-SN,

Schedules I, II, III, and IV,

and Business Classification Codes.

Questions?

www.revenue.ne.gov

(800) 742-7474 (toll free in NE or IA) or (402) 471-5729

2009 Nebraska S Corporation Income Tax INSTRUCTIONS

Important Information for All Filers

Purpose: The [Nebraska S Corporation Income Tax Return, Form 1120-SN](#), is not simply an informational return. The Form 1120-SN and schedules are necessary to calculate taxable income and credits that will be passed through to the shareholders. The shareholders will use these amounts to complete their income tax filing. The form and schedules are also necessary to calculate and pay tax on behalf of nonresident individual shareholders. The Form 1120-SN may also be filed to report and pay any recapture of incentive credits.

Form 12N. If [Nebraska Nonresident Income Tax Agreement, Form 12N](#) is used, it must be filed for the nonresident shareholder **each year**.

Enter All Amounts as Whole Dollars. Do not include cents on the return or schedules. Do not change the pre-printed zeros in the cents column of the [Form 1120-SN](#) or [Schedules](#). Round any amount from 50 cents to 99 cents to the next higher dollar. Round any amount less than 50 cents to the next lower dollar.

Qualified Subchapter S Subsidiaries. Any subsidiary of an S corporation which is treated as a Qualified Subchapter S Subsidiary (QSSS) for federal income tax purposes will be treated in the same manner for Nebraska income tax purposes. All of the assets, liabilities, and items of income, deduction, and credit of the QSSS will be considered to be those of its parent.

Penalty and Interest. Either or both may be imposed in the following circumstances:

1. Failure to file a return and pay the tax due on or before the due date;
2. Failure to pay the tax due on or before the due date;
3. Failure to file an amended Nebraska return of income to report changes made to your federal return;
4. Preparing or filing a fraudulent return of income; or
5. Understatement of income on an income tax return.

Filing a false or fraudulent Nebraska return is subject to penalty, even if the amounts reported are taken from your federal return. Unpaid tax is subject to interest at the statutory rate of five percent from the original due date to the date the tax is paid. See [Revenue Ruling 99-08-4](#) for applicable interest rates.

Reporting Changes or Corrections. If information on a Nebraska S corporation return previously filed is incorrect, a Form 1120-SN with the "Amended Return" box checked must be filed. When filing an amended return, remember:

1. Changes made by the Internal Revenue Service (IRS) or another state must be reported to the Nebraska Department of Revenue (Department) within 60 days;
2. Form 1120-SN is year-specific. Please be sure to use the correct form for the tax year you are amending. The appropriate forms can be found on our [Web site](#);
3. You must attach a copy of the related federal or other state amended return and all related schedules or other documentation to explain the changes shown on the amended Nebraska return; and
4. Show only the corrected figures on the Amended Return.

An S corporation will not receive a refund of any tax due with its original return when the Nebraska source income for its nonresident individual shareholders is reduced. Individual shareholders may file a claim for refund resulting from the reduced Nebraska source income.

Nebraska Extension of Time. An extension to file may only be obtained by:

1. Attaching a copy of a timely-filed Application for Automatic Extension of Time to File Certain Business Income Tax, Information, and Other Returns, Federal Form 7004, to the Nebraska return when filed;

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2. Attaching a schedule to your Nebraska return listing your federal confirmation number and providing an explanation that your electronic request for automatic federal extension was not denied; or
 3. Filing a [Nebraska Application for Extension of Time to File Corporation, Fiduciary or Partnership Return, Form 7004N](#), on or before the due date of the return, when you need to make a tentative Nebraska payment or when a federal extension is not being requested. When a federal extension of time has been granted, and additional time is necessary to file the Nebraska return, the Nebraska Form 7004N must be filed on or before the date the federal extension expires. Remember to attach proof of the federal extension to the Form 7004N.

Failure to attach the applicable extension document may result in a late filing penalty. An extension of time only extends the date to file the return. It does not extend the due date to pay the tax. Any tax not paid by the original due date is subject to interest. By requesting an extension of time to file your federal return using the Federal Form 7004, you are granted an automatic 6-month extension. When a federal extension of time has been granted and additional time is necessary to file the Nebraska return, the Nebraska [Form 7004N](#) needs to be filed on or before the date the federal extension expires. An extension of time cannot exceed a total of seven months after the original due date of the return.

Consumer's Use Tax. An S corporation owes consumer's use tax when the proper sales tax has not been paid on purchases delivered into Nebraska. This often occurs when purchases are made from out-of-state, mail order, or Internet sellers. Use tax is also due when items purchased for resale are withdrawn from inventory for business or personal use.

EXAMPLE 1:

A computer is ordered for office staff from a seller in South Dakota over the Internet for \$1,470, plus \$30 shipping and handling charges. The computer is shipped to the Omaha, Nebraska business office and sales tax is not charged or collected by the seller. Consumer's use tax is due on the cost of the computer and the shipping and handling charges. The total state (5.5%) and local (1.5%) use tax owed is \$105 ($\$1,500 \times .07 = \105).

EXAMPLE 2:

A motor vehicle repair shop in Scottsbluff, Nebraska provides motor vehicle repair service. The repair shop also owns a tow truck used for towing customer motor vehicles needing repair. The shop purchases oil and oil filters, tax-free, for resale using the Nebraska Resale or Exempt Sale Certificate, Form 13. When oil and oil filters are removed from tax-free inventory and used to change the oil in the business-owned tow truck, state and local use tax is due on the cost of the oil and oil filters.

For additional information, see the [Nebraska Consumer's Use Tax Information Guide](#) on our Web site.

Accounting Methods. The accounting method used for federal income tax purposes must be used for Nebraska income tax purposes. A taxpayer may not change the accounting method used to report income in prior years unless the change is approved by the IRS. A copy of this approval must accompany the first return which shows the change in the method of accounting.

Federal Return. A copy of the actual federal return and supporting schedules, as filed with the IRS, must be attached to this return. Copies of the K-1's may be submitted to the Department using CD-R media or report format.

Tax Period. A 2009 [Form 1120-SN](#) must be used to file for the calendar year 2009, or a fiscal year beginning in 2009. Space is provided at the top of the return to enter the beginning and ending dates for short-period or fiscal year filers. The taxable year for Nebraska must be the same as the taxable year used for the federal income tax return.

If the S corporation changes its federal taxable year, it must also change its Nebraska taxable year. A copy of the approval from the IRS to change accounting periods must accompany the first return that shows the change.

Final Return. Check the “Final Return” box at the top of the return if the S corporation ceased to exist during the 2009 tax year.

Nonresident Shareholder Withholding. S corporations must pay Nebraska income tax for each nonresident individual shareholder who does not complete a [Nebraska Nonresident Income Tax Agreement, Form 12N](#). For the purposes of Form 12N and the withholding requirements, an individual includes a nonresident grantor of a grantor trust.

Nonresident shareholders who sign the Form 12N agree to file a Nebraska Income Tax Return and pay all taxes due directly to the Department. This relieves the S corporation from paying tax on the shareholder’s behalf. All completed [Forms 12N](#) must be attached to the [Form 1120-SN](#).

If a Form 12N is not completed for a nonresident individual shareholder, the amount to be paid is 6.84 percent of the nonresident shareholder’s share of S corporation income from Nebraska sources. When calculating the payment for each nonresident individual shareholder, the S corporation cannot subtract any bonus depreciation or enhanced Section 179 expense deduction previously added back for the shareholder in prior tax years. Only the nonresident shareholder may recover these amounts by filing a [Nebraska Individual Income Tax Return, Form 1040N](#).

The S corporation reports the amount withheld from each nonresident shareholder on the [Statement of Nebraska Income Tax Withheld for Nonresident Individual, Form 14N](#). Attach each Form 14N to the S corporation return. Do not file Forms 14N for corporations, estates, or trusts (except grantor trusts) that are shareholders. Nebraska law does not allow payment of tax by an S corporation on behalf of these entities. These entities are required to file a Nebraska return.

The nonresident individual shareholder may claim the amount paid as a credit against his or her Nebraska income tax liability by attaching a copy of the Form 14N to the Form 1040N.

Nonresident individual shareholders do not have to file a return if:

- ◆ Their only connection with the state is conduct of the business activities of the S corporation, and
- ◆ The S corporation has withheld tax from all the Nebraska income attributable to the nonresident’s share of the S corporation’s income.

The full amount of the withholding, at the nonresident taxpayer’s option, is retained in lieu of filing an individual income tax return. Any nonresident may still file a Form 1040N and claim a refund if one is due.

No Composite Filing. The Department does not provide for the filing of “composite” income tax returns. S corporations with nonresident shareholders must either:

1. Obtain a Form 12N from the nonresident individual; or
2. Pay Nebraska income tax on the nonresident’s share of Nebraska income with Form 1120-SN.

Nonresident Shareholder – No Withholding Requirement. The S corporation is not required to withhold for any nonresident individual shareholder who completes and submits a Form 12N to the S corporation, before the original filing of the Form 1120-SN. For purposes of the Form 12N, an individual includes a nonresident grantor of a grantor trust. A complete Form 12N must:

1. Include all the requested information; and
2. Be signed and dated by the shareholder or the shareholder’s authorized representative (attach copy of power of attorney).

The S corporation is responsible for withholding and remitting tax for each nonresident individual shareholder who did not properly complete and submit a Form 12N to the S corporation. The Form 12N must be attached to the original S corporation return for each year.

Any nonresident shareholder who files Form 12N to avoid withholding, must file Form 1040N.

Shareholder’s Return. Both resident and nonresident shareholders are subject to the Nebraska income tax on their share of the S corporation income derived from sources within Nebraska.

Reporting Nebraska Source Income to Shareholders. An S corporation must provide all shareholders with a schedule listing the amounts and types of income and deductions to be included in each shareholder’s Nebraska tax return.

A Federal Schedule K-1 may be used for each shareholder, provided it is modified to include the shareholder's share of U.S. government interest and state and local obligations. The amounts reported on the K-1 must be calculated in the same manner as income is distributed. For S corporations apportioning income, the amount of Nebraska income must also be provided to each shareholder with a copy of the [Form 1120-SN, Nebraska Schedule I](#).

Each S corporation will determine the Nebraska portion of income subject to tax by using either the standard apportionment formula, or an approved alternative method. S corporations that are partners in a partnership should refer to [Corporate Income Tax Regulation 24-056](#) for information on calculating their apportionment factors.

The amount of income or deductions reportable to the shareholders is the amount on each line of the Federal Schedule K-1 multiplied by the apportionment factor determined on Apportionment of Income, Nebraska Schedule I.

For S corporations using an approved alternative method to determine income attributable to Nebraska, the amount reportable to the shareholders is determined in accordance with the method previously approved by the Tax Commissioner.

Withholding on Contractors. Construction contractors are required to withhold five percent of any payment or payments exceeding \$600 from their construction subcontractors that are not registered on the appropriate Nebraska Contractor Database. S corporations having withholding as described above are required to distribute the withholding to their shareholders in the same manner as income is distributed. No credit will be allowed on the [S Corporation Income Tax Return, Form 1120-SN](#), for contractor withholding. For additional information see the [Revenue Contractor Database](#).

Nebraska Community Development Assistance Act Credit. This credit is allowable for contributions to approved projects of community betterment organizations recognized by the Nebraska Department of Economic Development. Attach the [2009 Nebraska Community Development Assistance Act Credit Computation, Form CDN](#), and a copy of [Form 1099NTC](#) to the [Form 1120-SN](#) and also provide each shareholder a copy of the Form 1099NTC. Each shareholder is allowed a share of the credit calculated by using the same method used for reporting income from the S corporation.

For more details regarding this credit, see the [Nebraska Department of Economic Development's Web site](#) or contact the Nebraska Department of Economic Development, Community and Rural Development Division, P.O. Box 94666, Lincoln, Nebraska 68509-4666; (402) 471-3775; or (800) 426-6505, extension 6587.

Beginning Farmer Credit. This credit is available to owners of agricultural assets which are rented to qualifying beginning farmers or livestock producers. Each shareholder eligible for the credit will receive a copy of the [Statement of Nebraska Tax Credit, Form 1099BFC](#), from the Nebraska Department of Agriculture. Each shareholder is allowed a share of the credit calculated by using the same method used for reporting income from the S corporation. The Form 1099BFC must be filed with the shareholder's individual income tax return. Form 1099BFC is not filed with Form 1120-SN. For more details regarding this credit, see the [Nebraska Department of Agriculture's Web site](#), or contact the Nebraska Department of Agriculture, P.O. Box 94947, Lincoln, NE 68509-4947; (402) 471-6890; or (800) 446-4071.

Form 3800N Credits. Nebraska provides several tax incentive credits that may be earned by entities conducting business in this state. For additional information on each of the tax credits available, see [Form 3800N](#), or contact the Nebraska Department of Revenue, P.O. Box 94818, Lincoln, Nebraska 68509-4818; (402) 471-5729; or (800) 742-7474 (toll free in Nebraska and Iowa).

Nebraska Endowment Credit. This credit is calculated at 15 percent of a planned gift to a qualified Nebraska charitable endowment for Nebraska charitable purposes (other requirements also apply). **Most charitable donations will not qualify for this credit.** Each shareholder is allowed a share of the credit calculated by using the same method used for reporting income from the S corporation. The credit cannot be carried back or forward, and can only be claimed in the tax year in which the planned gift is made. The credit applies to the same tax year end used to report income. The credit cannot be used to offset nonresident withholding.

For more details regarding this credit, see [Nebraska Endowment Credit](#) on our Web site.

Who Must File?

The [Nebraska S Corporation Income Tax Return, Form 1120-SN](#), must be filed by every S corporation, as defined by Section 1361 of the Internal Revenue Code (IRC) unless all of the S corporation's shareholders are Nebraska residents and all of its income is derived from Nebraska sources.

Financial institutions which maintain a permanent place of business in this state and actively solicit deposits from residents of this state must file a [Nebraska Financial Institution Tax Return, Form 1120NF](#). Financial institutions organized as S corporations must also file a Nebraska S Corporation Income Tax Return, Form 1120-SN.

When and Where to File?

This return must be filed on or before the 15th day of the third month following the close of the taxable year.

The return must be filed with the:

Nebraska Department of Revenue
P.O. Box 94818
Lincoln, NE 68509-4818

How to Complete your Form 1120-SN

Business Classification Code. Enter the six-digit code that best describes your principal business activity in Nebraska. The business classification codes may be found at the back of this booklet.

Nebraska Identification Number. Enter your Nebraska identification number. If you have not been assigned a Nebraska identification number, leave this field blank. A Nebraska identification number will be assigned when the return is received. The Department will send notification of the assigned Nebraska identification number to the address shown on the return.

Federal Identification Number. Enter the federal identification number assigned to the S corporation by the IRS.

LINE 1 **Ordinary Business Income.** Enter the ordinary business income or loss as shown on line 21 of Federal Form 1120S.

LINE 2 **Nebraska Adjustments Increasing Ordinary Business Income.** Enter the amount from line 7 of [Nebraska Schedule II](#). See the Schedule II instructions for additional information.

LINE 3 **Nebraska Adjustments Decreasing Ordinary Business Income.** Enter the amount from line 17 of Nebraska Schedule II. See the Schedule II instructions for additional information.

LINE 4 **Nebraska Adjusted Income.** If the S corporation does not have adjustments to ordinary business income, enter the line 1 amount on line 4. If the S corporation has adjustments to ordinary business income, line 4 equals line 1 plus line 2 minus line 3.

LINE 5 **Income Reported to Nebraska.** If all of the income earned by the S corporation is derived from Nebraska sources, enter the line 4 amount on line 5. If the S corporation earned income from both within and without Nebraska, enter the amount from line 3 of [Nebraska Schedule I](#). See the Nebraska Schedule I instructions for additional information.

LINE 6 **Percent of Ownership by Nonresident Individual Shareholders.** Enter the "TOTAL" percentage from column B of [Nebraska Schedule III](#). See the Schedule III instructions for additional information.

LINE 7	Percent of Ownership By Nonresident Individual Shareholders For Whom Nebraska Nonresident Income Tax Agreements, Forms 12N, are Attached. Enter the total ownership percentage for those individuals for whom a properly completed Form 12N is attached. See the Form 12N instructions for completion requirements.
LINE 8	Percent of Income Subject to Withholding. If the S corporation does not have nonresident individual shareholders, enter zero. Otherwise, line 8 equals line 6 minus line 7.
LINE 9	Income Reported to Nebraska Subject to Withholding. Multiply line 5 by line 8 percentage and enter the result on line 9.
LINE 10	Nebraska Income Tax Withheld for Nonresident Individual Shareholders. Line 10 equals line 9 multiplied by .0684 (Nebraska's highest individual income tax rate).
LINE 11	Form 3800N Credit and Recapture. Enter the net amount of any refundable Form 3800N credits and any recapture of credits. If the credits are larger than the recapture, enter as a negative number.
LINE 12	Tax Deposited with Form 7004N and 2009 Estimated Tax Payments. Add the total amount paid as estimated payments and any amount paid with the Nebraska extension request, Form 7004N . Enter the total on line 12.
LINE 13	<p>Tax Due. If line 10 plus line 11 minus line 12 is greater than zero, enter the result on line 13.</p> <p>Electronic Payment. Payment may be made by electronic funds transfer (EFT), or by credit card. Details for these payment options can be found at www.revenue.ne.gov.</p> <p>E-Pay. You may pay the amount withheld for nonresident shareholders electronically. It's secure, easy, and fast. See our Web site at www.revenue.ne.gov.</p> <p>Credit Card. Secure credit card payments can be initiated through Official Payments Corporation (OPC) at www.officialpayments.com, or via telephone at (800) 2PAY-TAX. Eligible credit cards include American Express, Discover, MasterCard, and VISA. A convenience fee (2.49% of the tax payment, \$1 minimum) is charged to the card you use. This fee is paid to the credit card vendor, not the state, and will appear on your credit card statement separately from the tax payment.</p> <p>Check or Money Order. Include your check or money order payable to the "Nebraska Department of Revenue" with your return. Checks written to the Department may be presented for payment electronically.</p>
LINE 14	<p>Overpayment. If line 10 plus line 11 minus line 12 is less than zero, enter the result on line 14.</p> <p>Note: An S corporation filing an amended return will not receive a refund of any tax due with its original return when the Nebraska source income for its nonresident individual shareholders is reduced. Instead, the shareholders may file a claim for refund resulting from the reduced Nebraska source income.</p>
LINE 15	Amount Credited to 2010 Estimated Tax. Enter the amount of overpayment shown on line 14 that you want credited as a tax year 2010 estimated payment for the S corporation.
LINE 16	Overpayment to be Refunded. Enter the amount of overpayment shown on line 14 that you want refunded. The overpayment to be refunded is calculated by subtracting line 15 from line 14.
LINE 17	<p>Direct Deposit. To have your refund directly deposited into your checking or savings account, enter the routing number and account number found on the bottom of the checks used with the account. The routing number is listed first and must be nine digits. The account number is listed to the right of the routing number and can be up to 17 digits. Enter these numbers in the boxes found on lines 17a and 17c and check one of the boxes for line 17b, Type of Account.</p> <p>The box on line 17d must be checked if the refund will go to a bank outside the United States. This is necessary to comply with new banking rules regarding International ACH Transactions (IAT's). These refunds cannot be processed as direct deposits and instead will be mailed.</p> <p>Sign and Date the Tax Return. This return must be signed by a corporate officer. Include your daytime phone number and e-mail address in case the Department needs to contact you about</p>

your account. By including your e-mail address, you are agreeing that the Department may use it to transmit confidential information through a secure Web site.

If the S corporation authorizes another person to sign the return, there must be a [Power of Attorney, Form 33](#), on file with the Department or attached to the return.

Any person who is paid for preparing a taxpayer's return must also sign the return as preparer. Additionally, the preparer must enter their Social Security Number or Preparer Tax Identification Number (PTIN) and their Federal Employer Identification Number.

Nebraska Schedule I Instructions

Purpose: The Nebraska Schedule I is used to determine the amount of Nebraska source income ([Form 1120-SN](#), line 5, income reported to Nebraska) received by an S corporation that derives income from within and without Nebraska.

Nebraska source income is determined by apportioning the S corporation income using a single, sales only (gross receipts) factor. Apportionment refers to the division of business income between states by the use of a formula containing one or more apportionment factors.

Sales Factor. The sales factor is a fraction. The numerator is the total sales of the S corporation in Nebraska during the taxable year. The denominator is the total sales of the S corporation everywhere during the taxable year. Total sales includes gross sales of real and tangible personal property less returns and allowances, and all other items of gross receipts. The sales factor on this schedule must be calculated to five decimal places and rounded to four decimal places.

Gross receipts, if substantial in amount, realized from an incidental or occasional sale of a fixed asset used in connection with the S corporation's regular trade or business, are excluded from the sales factor if the inclusion of such receipts would not fairly reflect the extent of the S corporation's business activity in Nebraska.

An S corporation using an alternative method of apportionment or separate accounting must attach a copy of the Tax Commissioner's prior written approval of either method. The separate accounting or the alternative apportionment factor computation must be included. Enter the factor on line 2, [Nebraska Schedule I](#).

If the S corporation is a partner in a partnership or joint venture, see [Corporate Income Tax Regulation 24-056](#), Corporation as Partner in a Partnership or Joint Venture.

If an S corporation is a member of a unitary group which includes a C corporation, the apportionment factor for the S corporation will be the apportionment factor as determined for the unitary group. This factor will be applied to the income of the S corporation. Separate returns must be filed for the S corporation and the C corporation.

An S corporation that operates a trucking business and has income from within and without this state, must compute its sales factor in accordance with [Corporate Income Tax Regulation 24-059](#).

Computation of Nebraska Source Income

LINE 1	Nebraska Adjusted Income. Enter the amount from line 4 of Form 1120-SN.
LINE 2	Nebraska Apportionment Factor. Enter the amount from line 15, Nebraska Schedule I, Form 1120-SN .
LINE 3	Income Apportioned To Nebraska. Line 3 equals line 1 multiplied by line 2.

Computation of the Nebraska Sales Factor

Nebraska sales include all items of income received by the S corporation from Nebraska sources. The following types of sales are from Nebraska sources:

1. Sales of tangible personal property delivered in this state;
2. Sales of tangible personal property shipped from this state to the U.S. government;
3. Sales of other than tangible personal property if —
 - a. The income-producing activity is performed in Nebraska; or
 - b. The income-producing activity is performed both within and without Nebraska and a greater proportion of the income-producing activity is performed in Nebraska than in any other state, based on cost of performance;
4. Gross receipts from the sale, rental, or lease of real property if the real property is located in Nebraska;
5. Gross receipts from the rental, lease, or licensing of tangible personal property if the property is in Nebraska. If the property was both within and without Nebraska during the taxable year, then the gross receipts attributable to the period, or the percentage of time, the property was used in Nebraska, are considered in Nebraska;
6. Gross receipts from the performance of personal services if the personal services are performed in Nebraska. When the personal services are performed partly within and partly without Nebraska, a portion of the gross receipts from performance of the personal services shall be attributed to Nebraska. This is based on the ratio of time spent in performing personal services in this state to the total time spent in performing personal services everywhere; and
7. Gross receipts from interest or service charges arising from the sale of tangible personal property if the sale is attributed to Nebraska.

LINE 4	Sales or Gross Receipts Less Returns and Allowances. Enter the gross receipts, less any returns and allowances reported on the Federal Form 1120S.
LINE 5	Sales Delivered or Shipped to Purchasers in Nebraska: Shipped From Outside Nebraska. Delivery in Nebraska is determined without regard to the f.o.b. point or other conditions of the sale. The amount entered on this line should not include sales to the U.S. government.
LINE 6	Sales Delivered or Shipped to Purchasers in Nebraska: Shipped From Within Nebraska. Delivery in Nebraska is determined without regard to the f.o.b. point or other conditions of the sale. The amount entered on this line should not include sales to the U.S. government.
LINE 7	Sales Shipped From Nebraska to the U.S. Government. The U.S. government is the purchaser when it makes direct payment to the seller. The amount entered on this line includes all sales of tangible personal property to the U.S. government that are shipped from an office, store, warehouse, factory, or other place of business in this state. For other sales made to the U.S. government, use the rules for sales other than tangible personal property. For additional information see Nebraska Corporate Income Tax Regulation 24-040 .
LINE 8	Interest on Sales of Tangible Personal Property. In the TOTAL column, enter all interest or service charges received from the sale of tangible personal property. In the NEBRASKA column, enter all the interest or service charges related to the sale of tangible personal property delivered in Nebraska and from sales to the U.S. government shipped from Nebraska.
LINE 9	Interest, Dividends, and Royalties From Intangible Property. In the TOTAL column, enter all of the interest, dividend, and royalty income from intangible property received by the S corporation. In the NEBRASKA column, the amount entered is determined based on cost of performance. In general, S corporations organized and operating primarily in Nebraska will enter all of the interest, dividend, and royalty income received on intangible property because the greatest cost of performance is in this state. In general, S corporations organized and operating primarily outside

Nebraska will not include any interest, dividend, or royalty income on intangible property. Their greatest cost of performance is outside this state. For additional information, see [Regulation 24-040, Sales Factor: Sales Other Than Sales of Tangible Personal Property in This State](#).

LINE 10

Gross Rents. In the TOTAL column, enter all receipts from the rental or lease of real or tangible personal property.

In the NEBRASKA column, enter all receipts for the rental or lease of real or tangible personal property located in Nebraska. If the tangible personal property rented or leased is located or used both inside and outside this state, the Nebraska receipts are determined based on the ratio of time the tangible personal property was physically present or used in Nebraska over the total time or use of the tangible personal property everywhere.

LINE 11

Net Gain on Sales of Intangible Property. In the TOTAL column, enter the net gain on the sale of all intangible property made during the tax year.

In the NEBRASKA column, the amount entered is based on cost of performance. See the instructions for line 9, Nebraska column, above.

LINE 12

Gross Receipts From Sales of Tangible Personal Property and Real Property Not Included Above. In the TOTAL column, enter all receipts from sales of tangible personal property and real property not included above.

In the NEBRASKA column, enter the gross receipts from the sale of real property located in Nebraska. Also enter the gross receipts from tangible personal property delivered in this state or delivered to the U.S. government from a location in this state.

LINE 13

Other Income. In the TOTAL column, enter any other income not reported above that was received by the S corporation and is included in the amount reported on line 4, Form 1120-SN.

In the NEBRASKA column, enter any other income not reported above that was derived from Nebraska sources.

The amounts entered on this line include, but are not limited to, net farm income (loss) and the ordinary business income (loss) from partnerships. If the S corporation would be considered unitary with the partnership if the partnership was a corporation, enter the distributive share of the partnership's gross receipts. If the S corporation and the partnership would not be considered unitary, enter the distributive share of the income received from the partnership. See [Nebraska Corporate Income Tax Regulation 24-056](#) for additional information regarding the apportionment of income received from a partnership.

LINE 14

Total Sales or Gross Receipts. In the TOTAL column, add lines 4 and 8 through 13. Enter the total on line 14.

In the NEBRASKA column, add lines 5 through 13 and enter the total on line 14.

LINE 15

Nebraska Apportionment Factor. Compute the Nebraska apportionment factor by dividing line 14, NEBRASKA column, by line 14, TOTAL column; calculate to five decimal places and round to four decimal places.

Nebraska Schedule II Instructions

Adjustments to Ordinary Business Income

Purpose: The Nebraska Schedule II is used to adjust the S corporation's ordinary business income for items of income and deductions that are required under the IRC to be reported to the shareholder separately. The ordinary business income, plus or minus these adjustments, will estimate the income that was distributed to the shareholders, and become part of the shareholders' federal adjusted gross income. These adjustments to ordinary business income are necessary to calculate any required tax withholding on [Nebraska Schedule III – Nonresident Shareholder's Share of Nebraska Income](#).

LINES 1-4	The amounts on each of these lines come directly from Federal Form 1120S, Schedule K.
LINE 5	Non-Nebraska State and Local Bond Interest and Dividend Income. Enter all state and local bond interest which is exempt from federal tax and is not issued by Nebraska sources.
LINE 6	Other Income. Enter any other additions to income for the S corporation that are includible in the shareholder's federal income but are not reflected in lines 1 through 5 above (attach schedule).
LINE 7	Total Adjustments Increasing Ordinary Business Income. Enter the total of lines 1 through 7 above here and on line 2 of Form 1120-SN.
LINE 8	Income From U.S. Government Obligations. Enter all income from obligations of the U.S. government exempt from state taxation. A listing of the U.S. government securities that are exempt may be obtained by reviewing Corporate Income Tax Regulation 24-048 . Interest income from repurchase agreements involving U.S. government obligations is not U.S. government interest.
LINES 9-15	The amounts on each of these lines come directly from Federal Form 1120S, Schedule K.
LINE 16	Other Deductions. Enter any other deductions to income for the S corporation that are deductible in the shareholders' federal income, but are not reflected in lines 8 through 15 above (attach schedule). Do not include bonus depreciation.
LINE 17	Total Adjustments Decreasing Ordinary Business Income. Enter the total of lines 8 through 16 here and on line 3 of Form 1120-SN.

Nebraska Schedule III Instructions

Nonresident Individual Shareholder's Share of Nebraska Income

Purpose: The Schedule III is completed to identify the nonresident shareholders and calculate any withholding tax for the nonresident individual shareholders. No tax is withheld when the nonresident individual shareholder has completed a Form 12N.

This schedule is not necessary when the S corporation has a Nebraska loss; instead, attach a schedule showing each shareholder who owned stock during the taxable year, the dates of ownership, and the percent of ownership. Compute the share of the Nebraska loss by multiplying the loss by the percent of ownership for the portion of the year the stock was owned.

Nebraska Schedule III is also not necessary when all the S corporation's shareholders are Nebraska residents.

Part A. Enter the name and address of each nonresident shareholder. If additional space is needed, attach a schedule using the same format as Nebraska Schedule III.

Part B. Complete for nonresident individual shareholders only.

Column A. Enter the social security number for each nonresident individual shareholder or nonresident grantor of a grantor trust in the same order they are identified in Part A.

Column B. Enter the pro rata interest of each nonresident who was a shareholder during the S corporation's taxable year.

Column C. Enter the amount from line 5, Form 1120-SN.

Column D. Place a check mark in this column if a properly completed and signed Nebraska Nonresident Income Tax Agreement, Form 12N, is attached. Do not complete columns E and G when this box is checked.

Column E. Enter the nonresident individual shareholder's share of Nebraska income reported by the S corporation. This amount is determined by multiplying the amount in column C by the column B percentage.

Column G. Enter 6.84 percent of column E. This is the amount of Nebraska income tax to be withheld for each nonresident individual shareholder who did not complete a Form 12N. Report the amount withheld from each nonresident individual shareholder on a Statement of Nebraska Income Tax Withheld for Nonresident Individual, Form 14N. The total of column G must equal the amount entered on line 10, Form 1120-SN.

Nebraska Schedule IV Instructions

Purpose: The Nebraska Schedule IV is used to identify the members of a unitary group and summarize the Nebraska sales or receipts for those members of the unitary group that have nexus in this state.

This schedule must be completed if the S corporation is a member of a unitary group and should include any Qualified Subchapter S Subsidiary (QSSS) and all C corporations which are part of the unitary group.

The total Nebraska Sales or Receipts reported on this schedule must agree with the TOTAL SALES OR GROSS RECEIPTS from line 14 of the Nebraska column of Nebraska Schedule I.

NOTE: For Nebraska income tax purposes, including the determination of nexus, the parent S corporation and all QSSSs will be treated as one entity.



Nebraska S Corporation Income Tax Return
for the calendar year January 1, 2009 through December 31, 2009 or
other taxable year beginning _____ and ending _____

FORM 1120-SN
2009

Please Type or Print

Name Doing Business As (dba) _____
 Legal Name _____
 Street or Other Mailing Address _____
 City _____ State _____ Zip Code _____
 Federal Identification Number _____ Nebraska Identification Number 24—

PLEASE DO NOT WRITE IN THIS SPACE

Business Classification Code _____
 Date Business Began in Nebraska _____
 Does the S corporation have nonresident individual shareholders?
 YES (Complete Schedule III) NO

Check applicable box(es):
 (1) Initial Return (2) Final Return (3) Amended Return: Reason for Amending _____ (4) Form 3800N Attached

Do not file if all shareholders are Nebraska residents and all income is derived from Nebraska sources.

1 Ordinary business income (line 21, Federal Form 1120S)	1		00
2 Nebraska adjustments increasing ordinary business income (line 7, Schedule II)	2		00
3 Nebraska adjustments decreasing ordinary business income (line 17, Schedule II)	3		00
4 Nebraska adjusted income (line 1 plus line 2 minus line 3)	4		00
5 Income reported to Nebraska (enter line 4 above or line 3, Schedule I, if applicable)	5		00

If line 5 shows a loss, omit lines 6 through 10

6 Percent of ownership by nonresident individual shareholders	6		%	
7 Percent of ownership by nonresident individual shareholders for whom Nebraska Nonresident Income Tax Agreements, Forms 12N, are attached	7		%	
8 Percent of income subject to withholding (line 6 minus line 7)	8		%	
9 Income reported to Nebraska subject to withholding (line 5 multiplied by line 8)	9			00
10 Nebraska income tax withheld for nonresident individual shareholders (multiply line 9 by .0684)	10			00
11 Form 3800N credit and recapture	11			00
12 Tax deposited with Form 7004N and 2009 estimated tax payments	12			00
13 TAX DUE if line 10 plus line 11 minus line 12 is greater than zero	13			00
14 Overpayment if line 10 plus line 11 minus line 12 is less than zero	14			00
15 Amount on line 14 you want credited to 2010 estimated tax	15			00
16 Overpayment to be REFUNDED (line 14 minus line 15). Complete lines 17a, 17b, and 17c to receive your refund electronically Also complete line 17d if appropriate (see instructions)	16			00

17a Routing Number _____ 17b Type of Account _____ 1 = Checking 2 = Savings
 (Enter 9 digits, first two digits must be 01 through 12, or 21 through 32;
 use an actual check or savings account number, not a deposit slip)



17c Account Number _____
 (Can be up to 17 characters. Omit hyphens, spaces, and special symbols. Enter from left to right and leave any unused boxes blank.)

17d Check this box if this refund will go to a bank account outside the United States (see instructions).

Under penalties of perjury, I declare that as taxpayer or preparer I have examined this return, including accompanying schedules and statements, and to the best of my knowledge and belief, it is correct and complete.

sign here Signature of Officer _____ Date _____ E-Mail Address _____
 Title _____ Phone Number _____
paid preparer's use only Preparer's Signature _____ Date _____ Preparer's Social Security Number or PTIN _____
 Firm's Name (or yours if self-employed), Address and Zip Code _____ EIN _____ Daytime Phone _____



**S CORPORATION WITH INCOME DERIVED FROM SOURCES BOTH
WITHIN AND WITHOUT NEBRASKA
NEBRASKA SCHEDULE I—Apportionment of Income**
• If you use this schedule, read instructions.

**FORM 1120-SN
Schedule I
2009**

Name as Shown on Form 1120-SN

Nebraska Identification Number
24—

1 Nebraska adjusted income (line 4, Form 1120-SN) **1** 00

2 Nebraska apportionment factor (line 15 below)..... **2** .

3 Income apportioned to Nebraska (line 1 multiplied by line 2). Enter on line 5, Form 1120-SN **3** 00

APPORTIONMENT FACTORS	TOTAL	NEBRASKA	NEBRASKA APPORTIONMENT FACTOR
Sales or Gross Receipts			

4 Sales or gross receipts less returns and allowances **4** 00

5 Sales delivered or shipped to purchasers in Nebraska:
Shipped from outside Nebraska **5** 00

6 Sales delivered or shipped to purchasers in Nebraska:
Shipped from within Nebraska **6** 00

7 Sales shipped from Nebraska to the U.S. government..... **7** 00

8 Interest on sales of tangible personal property **8** 00

9 Interest, dividends, and royalties from intangible property **9** 00

10 Gross rents..... **10** 00

11 Net gain on sales of intangible property **11** 00

12 Gross receipts from sales of tangible personal property and
real property not included above **12** 00

13 Other income (attach schedule) **13** 00

14 TOTAL SALES OR GROSS RECEIPTS..... **14** 00

15 Nebraska apportionment factor (divide line 14, NEBRASKA column, by line 14, TOTAL column, calculate to
at least five decimal places and round to four). Enter here and on line 2 above **15** .



S CORPORATION WITH OTHER INCOME AND DEDUCTIONS
NEBRASKA SCHEDULE II—Adjustments to Ordinary Business Income
 • Read instructions.
 • Enter amounts from Schedule K, Federal Form 1120S.

FORM 1120-SN
Schedule II

Name as Shown on Form 1120-SN

Nebraska Identification Number
 24—

ADJUSTMENTS INCREASING ORDINARY BUSINESS INCOME		TOTAL	
1 Net income from rental real estate activities	1		00
2 Net income from other rental activities.....	2		00
3 Portfolio income:			
a Interest income	3 a		00
b Dividend income	3 b		00
c Royalty income	3 c		00
d Net short-term capital gain	3 d		00
e Net long-term capital gain.....	3 e		00
f Other portfolio income	3 f		00
4 Net gain under Section 1231 (other than casualty or theft)	4		00
5 Non-Nebraska state and local bond interest and dividend income (see instructions)	5		00
6 Other income (attach schedule).....	6		00
7 TOTAL adjustments increasing ordinary business income (total of lines 1 through 6). Enter here and on line 2, Form 1120-SN.....	7		00
ADJUSTMENTS DECREASING ORDINARY BUSINESS INCOME		TOTAL	
8 Income from U.S. government obligations (see instructions)	8		00
9 Net loss from rental real estate activities	9		00
10 Net loss from other rental activities.....	10		00
11 Portfolio loss:			
a Net short-term capital loss.....	11 a		00
b Net long-term capital loss.....	11 b		00
c Other portfolio loss.....	11 c		00
12 Net loss under Section 1231.....	12		00
13 Other loss not included in lines 9 through 12.....	13		00
14 Charitable contributions	14		00
15 Section 179 expense deduction	15		00
16 Other deductions (attach schedule).....	16		00
17 TOTAL adjustments decreasing ordinary business income (total of lines 8 through 16). Enter here and on line 3, Form 1120-SN.....	17		00



NEBRASKA SCHEDULE III —
Nonresident Shareholder's Share of Nebraska Income
 • If you use this schedule, read instructions and attach this page to Form 1120-SN.

FORM 1120-SN
Schedule III

Name as Shown on Form 1120-SN

Nebraska Identification Number
 24—

PART A – NAME AND ADDRESS OF EACH NONRESIDENT SHAREHOLDER

Name	Street or Other Mailing Address	City	State	Zip Code
1				
2				
3				
4				
5				
6				
7				
8				
9				
10				

PART B – COMPLETE FOR NONRESIDENT INDIVIDUAL SHAREHOLDERS ONLY

• Do not include corporations, estates, or trusts.

(A) Social Security Number	(B) Percent of Ownership	(C) Nebraska Income Reported by S Corporation (Line 5, Form 1120-SN)	(D) Check if Form 12N Attached	COMPUTATION OF NEBRASKA WITHHOLDING TAX		
				(E) Column B Times Column C	(F) Rate	(G) Tax Withheld Column E x Column F (Attach Form 14N)
1		00		00	6.84%	00
2		00		00	6.84%	00
3		00		00	6.84%	00
4		00		00	6.84%	00
5		00		00	6.84%	00
6		00		00	6.84%	00
7		00		00	6.84%	00
8		00		00	6.84%	00
9		00		00	6.84%	00
10		00		00	6.84%	00
TOTALS				00		00

