

2012 VERMONT CORPORATE INCOME TAX RETURN INSTRUCTIONS

“MIXED FORMS” WARNING - The Department of Taxes CANNOT process a return package which includes Vermont forms and schedules from multiple sources. All forms and schedules must be from the same software vendor, or all original Department issued forms. Filing a package of forms from different sources will result in delayed processing, a request for a processable return, and the assessment of a manual processing fee.

NOTE: Affiliated businesses conducting **Unitary** operations subject to the combined reporting requirements of 32 V.S.A. §5862(d) must file **Form CO-411-U**, not CO-411. This is a different form than the corporate income tax return, and has its own instructions.

NEW for 2012:

- For tax years beginning January 1, 2012 and later, minimum tax structure has changed. Minimum tax is no longer \$250, but is \$300, \$500, or \$750 depending on Vermont Gross Receipts. See instructions, Lines 1 and 18, for details.
- Clarification - Vermont Net Operating Loss may not be carried back, but is available to carry forward even if the company has elected to carry back the operating loss for federal purposes.

Please include **ONLY** the following forms and schedules with your return:

- Form CO-411 - Vermont Corporate Income Tax Return,
- All Applicable Vermont schedules and statements, as described in the instructions below
- The first five pages of the federal corporate tax return
- Vermont Net Operating Loss statement and summary, if applicable. (See specific instructions below)
- Federal Form 4562 as filed and pro-forma, if company has elected to take special “bonus” depreciation {IRC 168(k)}

- Federal statements regarding other income and deductions, net operating losses, and taxes and licenses
- Copy of the federal extension filed, if granted

PLEASE DO NOT SUBMIT A COMPLETE COPY OF YOUR FEDERAL CORPORATE INCOME TAX RETURN.

FILING INSTRUCTIONS

Please use blue or black ink only.

Please do not staple or bind your return. You may use binder clips, paper clips or rubber bands.

If you are submitting a check with your return, please paper clip your check to the first page of the return. Please do not staple the check to the return, or place it in between pages of the return.

Substitute Forms - All substitute forms must be approved by the Department of Taxes prior to use. If you use computer generated returns, the software company is responsible for requesting approval from the Department and receiving an assigned bar code.

A \$25 fee will be assessed for a taxpayer or preparer who files returns that cannot be processed or require special steps to process.

Call (802) 828-2512 for further information on substitute forms.

Form Summary List

Form S-1 Registration For use by all taxable entities registering to do business in Vermont.

Form BA-402 Apportionment & Allocation Schedule For use by all taxable entities having activity (losses or income) in Vermont and at least one other state/province.

Form BA-403 Application for Extension of Time to File Vermont Corporate/Business Income Tax Return For use by all taxable entities requesting more time to file their Vermont Corporate or Business Income Tax Return.

Form BA-404 Tax Credits Earned, Applied, Expired, and Carried Forward Required by those entities awarded Economic Advancement Tax Incentive (EATI) Credits or claiming credit incentives for New Jobs; Charitable Housing; Rehabilitation of Certified Historic Buildings; Older or Historic Buildings Rehabilitation; Affordable Housing; Platform Lifts, Elevators, Sprinkler Systems; Code Improvements to Commercial Buildings; Business Solar Energy Investments, and Qualified Sale of Mobile Home Park. This form is required of each separate entity claiming credits if a consolidated return or combined report is filed. Be sure to include all documentation required per the guidelines of the credit you are claiming.

Form BA-405 Expired EATI Credit: Annual Activity Report Required by those entities awarded Economic Advancement Tax Incentives (EATI) credits, for use for each of the six years following the end of the EATI authorization period. This form is required of each separate entity claiming credits if a consolidated return or combined report is filed.

Schedule BA-410 Affiliation Schedule For use by those entities electing to file a Vermont consolidated return per 32 V.S.A. §5862(c).

Form CO-411 Corporate Income Tax Return Required by those entities filing federally as a C Corporation to report Vermont income tax liability. (If required to file a combined report for an affiliated group of corporations conducting unitary business {32 V.S.A. §5862(d)}, use Form CO-411-U and Schedule(s) CO-421.)

Form CO-414 Corporate Estimated Tax Payment Voucher

Additional Information:

(Available at the website listed above, in the “Publications” section)

Regulation §1.5833-1 Allocation and Apportionment of Income

Regulation §1.5862(d) Unitary-Combined Reporting (For Unitary-Combined Filers Only)

VT Technical Bulletin 35 (TB-35) Net operating losses

VT Technical Bulletin 36 (TB-36) Intercompany transactions in unitary group returns.

VT Technical Bulletin 40 (TB-40) Conversion to Initial Vermont Net Operating Loss

VT Technical Bulletin 45 (TB-45) Business Solar Tax Credit

VT Technical Bulletin 59 (TB-59) Unrelated Business Income

Filing Requirements

C Corporations must file **Form CO-411, Vermont Corporate Income Tax Return**, if they were incorporated under the laws of the State of Vermont, or received income allocable or apportioned to Vermont

including income received as a shareholder, partner, or member. Corporations having an existing Vermont Income Tax Account, but not otherwise doing business in the state, are not required to pay the minimum tax, but must file **Form CO-411**, completed through Line 11.

Unitary Combined Reporting is required for taxable years beginning on or after January 1, 2006 for members of an affiliated group of two or more corporations engaged in unitary business with one or more members of that group. Beginning with tax years starting January 1, 2008, unitary groups must file Form **CO-411-U and Schedule(s) CO-421**, not Form CO-411. See separate instructions for that form.

Consolidated Returns

Vermont corporations that file federal tax on a consolidated basis may elect to file a single consolidated Vermont return, elected under 32 V.S.A. §5862(c), provided that the consolidated members have the same fiscal year. The Vermont consolidated group includes only the members of the federal consolidated group that are taxable in Vermont, and may not contain all of the corporations in the Federal group. The consolidated return must be filed by the parent corporation of the group if that company has nexus (taxable presence) in Vermont. If the parent of the federal group does not have nexus in Vermont, the parent for Vermont purposes is the group member that conducts the most activity and has the most stable presence in Vermont *over time*. The intention is that a group have the same Parent corporation from year to year, rather than to have the Parent corporation change due to fluctuation in activity levels.

The election is made by filing **Schedule BA-410, Affiliation Schedule**, with **Form CO-411**. Once the election to file on a consolidated basis is made, the group must continue to file consolidated and file **Schedule BA-410** each year with the corporate tax return until the Commissioner of Taxes authorizes separate filing. The Vermont Affiliation Schedule, **Schedule BA-410**, is used by both Corporate and Business Income Tax filers.

If filing a Vermont consolidated return, review Regulation §1.5862(d) to determine if the corporations are conducting unitary business and a combined report (Form CO-411-U) is required. Generally, this will be the case. Examples of when a consolidated group would file Form CO-411 rather than Form CO-411-U include: 1) If all members of the group conduct all their business within Vermont; 2) If the members of the consolidated group truly have no interconnection other than common ownership (i.e., no common lines of business, no shared resources, no common management).

Subchapter S Corporations, Partnerships, and Limited Liability Companies (LLC's) electing not to be taxed as a corporation file **Form BI-471, Vermont Business Income Tax Return**. See separate instructions for that form.

Filing Dates and Payments

Returns must be filed by the 15th day of the third month following the corporation's year-end, or the extended due date. The Vermont extended due date is thirty days beyond the extended Federal due date. Corporations needing a Vermont extension should file **Form BA-403, Application for Extension of Time to File Vermont Corporate/Business Income Tax Return**, by the original due date, and mark the "Extended Return" box in Part A when filing their corporate return. The BA-403 requires that you indicate which Federal Income Tax Form will be filed.

An extension of time to file does not extend the time to pay the tax due. Any tax due, including the Vermont minimum tax must be paid by the original due date of the return. Any tax due which is unpaid by the original due date will accrue interest and late payment penalties.

Estimating Taxes

Any corporation anticipating a Vermont tax liability over \$500 must make estimated payments on the 15th day of the 4th, 6th, 9th, and 12th months of the taxable year. Use payment voucher, **Form CO-414**. If payment is to be applied to a Vermont consolidated group, provide information for the Vermont parent.

Interest, Late Fees, and Penalties

Interest is charged on payments not made by the statutory due date. The rate of interest is established each year with reference to the average prime rate, **and is 4.8% annually for 2012**. If the filing is over 60 days late from the original due date, a \$50 late file penalty applies even if no

tax is due unless the return is timely filed under extension. The failure to pay an income tax liability when due will result in imposition of a penalty equal to 1% per month of the outstanding liability. Estimated payments not made when due are subject to interest and a late payment penalty of 1% for each month that the payment is late, up to a maximum of 25%.

Changes in Return Information

An amended Vermont income tax return must be filed whenever the taxpayer's federal tax return is amended or corrected, or whenever the information on the Vermont return, as previously filed, is incorrect. An amended return cannot be filed until the original income tax return has been filed. An amended Vermont return is due within 60 days after you become aware of any changes. This requirement may be the result of any information that makes your return materially false, inaccurate, or incomplete; you are notified by the Internal Revenue Service that your federal taxable income has been adjusted; or, you file an amended return with the Internal Revenue Service. If an amended return is not filed with Vermont within the prescribed time, late filing fees may be assessed and penalty may be assessed on any additional tax. Include a copy of the IRS report if the change is a result of a Federal audit.

Amending Returns

File an amended return by using the form from the affected tax year, marking the "Amended Return" box in the upper right corner. Include a brief statement or explanation summarizing the nature of the amendment(s). If that return required schedules for explanation, attach those same schedules, as amended, to clarify the change. Amended returns claiming a refund must be filed within **three years** from the date a return is required to be filed or **six months** after a refund was received from the United States with respect to a change in the amount of taxable income reported in a return filed under the laws of the United States.

Net Operating Losses

For taxable years beginning January 1, 2007 and later, there is created a Vermont Net Operating Loss (VNOL), defined as "any negative income after allocation and apportionment of Vermont net income pursuant to 32 V.S.A. §5833." The VNOL is available to carry forward to offset Vermont income for 10 years following the loss year. Carry backs are not available. Please see **Technical Bulletin #35** for a more detailed explanation of VNOL.

For any year in which a VNOL is generated, is available, or is applied, corporations must include a detailed schedule summarizing loss years, utilization years, expiration years, and available carryover.

For tax years 2007 and later, Form CO-411, Line 1 will no longer include any federal net operating loss deducted from taxable income. Corporations can receive the benefit of prior, unused operating losses by completing a one-time conversion to an **Initial** Vermont Net Operating Loss. For details on the conversion to an Initial VNOL, please see **Technical Bulletin 40**. In general, the conversion can only take place in 2007, and the Initial VNOL will expire periodically, based on the loss year(s) of the component portions. **For any year in which a part or all of an Initial VNOL is used or remains available, corporations must include a copy of the spreadsheet used to calculate the Initial VNOL in 2007, with updates to show amounts used.**

Carry backs -Vermont Net Operating Loss may not be carried back to a prior year return. VNOL remains available to carry forward even if the company has elected to carry back the operating loss for federal purposes.

For taxable years beginning before January 1, 2007, amendments for net operating loss (NOL) carry back and carry forward are permitted as allowed under the Internal Revenue Code, except NOL carry back refunds/credits are not available for Vermont for tax loss years beginning on or after January 1, 1995. NOLs are deducted on Federal Form 1120, Line 29a. When the deduction is taken on Line 29a of a pro-forma federal return, provide an explanation and schedule of how it was calculated.

FORM CO-411
2012 CORPORATE INCOME TAX RETURN INSTRUCTIONS

HEADER INFORMATION – PLEASE COMPLETE ALL FIELDS THAT APPLY.

Name/Address Print or type the **Corporate name and address** in the space provided. Place an “X” in the Name/Address Change box if applicable since the last return has been filed. (If you provided updated information with an extension request or estimated payment, it is possible that we have not yet updated the account.) If the address is in a country other than the United States, place an “X” the “International Address” box beneath the address.

Place an “X” in the “Computer Generated” box if you plan on using pre-approved computer generated forms next year.

Box A Check all applicable boxes for the characteristic(s) of the return. Checking “Final Return” means you have ceased activity in Vermont and your corporate income tax account will be cancelled.

Box B Enter the corporation’s federal employer identification number. If filing a consolidated return, enter the FEIN of the parent corporation. If the parent of the federal group does not have nexus (taxable presence) in Vermont, the parent for Vermont purposes is the group member that conducts the most activity and has the most stable presence in Vermont.

Box C Enter the **beginning and ending dates of the fiscal year in the requested format (YYYYMMDD).**

Box D Enter the corporation’s primary NAICS (North American Industrial Classification System) code. See www.census.gov/naics if you do not know your company’s code.

Line-by-Line Instructions

For Negative Values Place an “X” in the pink box to the left of the line number containing the negative value.

Use whole dollar amounts for all values.

Line 1 Federal (or Recomputed Federal) Taxable Income Enter the amount from Federal Form 1120, Line 28 (taxable income), less Line 29b (special deductions). *Net Operating Loss* - For tax years starting January 1, 2007 and later, Vermont is no longer coupled to the federal net operating loss deduction. **Any federal NOL deduction (generally Federal Form 1120, Line 29a) should be added back to arrive at the income amount for Form CO-411, Line 1.**

Bonus Depreciation - Vermont does not allow the special bonus depreciation provision of the *Federal Jobs Creation and Worker Assistant Act of 2002*, the *Federal Jobs and Growth Tax Relief Reconciliation Act of 2003*, or the *Economic Stimulus Act of 2008*, or the 2009 and 2010 extension. {IRC 168(K)}. If taken in the current or in prior years, the federal taxable income must be recomputed without the 30% or 50% special bonus depreciation. Provide a *pro-forma* Federal Form 1120 or a detailed schedule/spreadsheet for the recomputed federal taxable income amount for Form CO-411, Line 1. Check the box under Line 1.

Consolidated Returns - If electing to file a Vermont consolidated return under 32 V.S.A. §5862(c) and the Vermont group is different from the federal group, complete a *pro-forma* federal return including only the members of the Vermont group. The Vermont group includes only VT nexus members of the federal consolidated group. All reported information should be based on the activity of the Vermont members only.

Line 2 Adjustments to Taxable Income

Add: (a) Enter the amount of **interest** received from non-Vermont **state and local obligations** that were exempted from Federal tax (i.e., Municipal Bonds).

Add: (b) Enter the amount of **state and local tax deductions** taken on the Federal return(s). State and local income taxes are taxes on or measured by income, franchise taxes measured by net income, franchise taxes for the privilege of doing business, and capital stock taxes. **Attach a statement showing a detail of the taxes claimed as deductions on the Federal return(s).**

Subtract: (c) Enter the amount of **interest** received from **U.S. Government obligations** included on the Federal return(s).

Subtract: (d) Enter the total amounts of **IRC Section 78 “gross up” foreign dividends** and other income included on Federal Form 1120, Line 28 which is excludable from state taxation. (Attach Federal Form 1118 to support “gross up” amounts as well as any appropriate schedules.)

Subtract: (e) Enter the **wage expense** associated with work opportunity credit disallowed on the Federal return by IRC Section 280C(a).

Line 3 Net Taxable Income Add Lines 1, 2(a) and 2(b). Subtract Lines 2(c), 2(d), and 2(e). Enter the result here.

Line 4 Non-Business Income Allocated Everywhere Enter the amount from **Form BA-402, Part 1, Line 1a.**

Line 5 Net Apportionable Income Subtract Line 4 from Line 3. Enter the result here.

Line 6 Vermont Apportionment Percentage Enter 100% or the amount from **Form BA-402, Line 22.** Attach Form BA-402 if Line 6 is not 100%, or if any income is allocated to a jurisdiction other than Vermont. If no BA-402 is attached, line 6 will be adjusted to 100%.

Line 7 Net Income Apportioned to Vermont Multiply Line 5 by Line 6 and enter the result here.

Line 8 Total Net Income Allocated and Apportioned to Vermont If income is entirely sourced in Vermont; enter the amount from Line 3. If income is not entirely sourced in Vermont, add **Form BA-402, Part 1, Line 1b** and Line 7. Enter the result here.

If Line 8 is negative you have incurred a Vermont Net Operating Loss (VNOL), available to carry forward to offset Vermont net taxable income for up to 10 years. Include a statement/schedule to track the availability of the VNOL. The schedule must detail loss years, utilization years, expiration years and available carryover.

Vermont Net Operating Loss may not be carried back to a prior year return. VNOL remains available to carry forward even if the company has elected to carry back the operating loss for federal purposes.

Line 9 Vermont Net Operating Loss Summary Enter any deduction taken for a Vermont net operating loss (VNOL). VNOL would have been incurred as a negative amount after apportionment and allocation of VT income in 2007, or may have been converted from available pre-2007 NOLs into an “Initial VNOL” in 2007. For tracking, VNOL must be applied on a first-in first-out basis. Any converted Initial VNOL must be used first.

Provide a schedule detailing the origin of the VNOL. If VNOL used or carried over includes any Initial VNOL converted from remaining pre-2007 NOL, provide a copy of the conversion worksheet from the 2007 return, updating for amounts used.

Line 9 cannot be greater than Line 8; VNOL cannot reduce Vermont Net Taxable Income below 0.

Line 10 Vermont Net Taxable Income Subtract Line 9 from Line 8.

Line 11 Vermont Tax Compute the tax using the Vermont corporate income tax rates on page 2. Enter this amount or the minimum tax, whichever is more. The minimum tax is due even if the corporation operated at a loss. For tax years starting on and after January 1, 2012, structure of the minimum tax has changed. Minimum tax is based on Vermont Gross Receipts, reported on line 18, and defined in the instructions to line 18, below.

If Vermont Gross Receipts are:	Minimum Tax is:
\$2,000,000 or less	\$300
\$2,000,001 - \$5,000,000	\$500
\$5,000,001 and over	\$750

TAX COMPUTATION SCHEDULE

IF VERMONT NET INCOME IS

TAX IS

\$10,000 or less	6.0% (or minimum tax, per VT Gross Receipts).
\$10,001 to \$25,000	\$600 plus 7.0% of excess over \$10,000.
\$25,001 and over.....	\$1,650 plus 8.50% of excess over \$25,000

Exceptions to the minimum tax are:

1. **SMALL FARM CORPORATIONS** as defined in Title 32 V.S.A. §5832(2) (A), pay an annual entity tax of \$75.00. The entity must be solely owned by active participants and have gross receipts of less than \$100,000.
2. **INACTIVE CORPORATIONS** are not required to pay the annual entity tax. Inactive corporations are non-Vermont corporations with no taxable activity or investments in this state that file to keep the account active, or Vermont corporations which have neither receipts nor expenses other than minimal start-up or close-out expenses. If the account is to remain active with the VT Department of Taxes, then the minimum tax is due. **Check the appropriate box if an exception applies and provide documentation to support the claim.**
3. **HOMEOWNERS AND CONDOMINIUM ASSOCIATIONS** that file Federal Form 1120-H are not required to pay the Vermont minimum corporate tax. If the association does not make this election, then it is subject to the regular corporate rates and must pay the minimum tax and any additional income tax due based on the rates. Include a copy of the 1120-H if claiming this exception.

Line 12 Credits Enter the total amount of Vermont tax credits claimed from Form BA-404, Part II, Column C, Line 23. If Economic Advancement Tax Incentives (EATI) credits are claimed, credit calculation schedules (the §5930 series forms), the EATI Annual Activity Report, and copies of the original certificates of eligibility must be attached to the return. If this is a consolidated return, the credit(s) are applied to each subsidiary's share of Vermont tax. After these credits are calculated for each eligible subsidiary, they are summarized on this line for the consolidated return.

Credits in the EATI program are authorized by the VT Economic Progress Council (VEPC) {(802) 828-5256} and include **payroll, workforce development, research and development, export, capital investment, high-tech business, sustainable technology research & development and sustainable technology export credits.** The Downtown Development Board {(802) 828-3047} authorizes tax credits for **facade and code compliance work** on older or historic buildings and for the installation of **platform lifts, elevators or sprinkler systems** for qualified buildings located within Designated Downtown districts. For buildings located within designated Village Centers, the Downtown Development Board authorizes tax credits for the **Substantial Rehabilitation of Certified Historic Buildings** and for **Code Improvements to Commercial Buildings.** The Vermont Housing Finance Agency {(802) 864-5746} authorizes the **Affordable Housing** incentives. For details regarding the **Vermont Business Solar Tax Credit**, see Technical Bulletin 45. Claiming these non-EATI credits requires a credit calculation schedule, a copy of the original authorizing document (as applicable), and substantiating documentation which must be attached to the return. The VT Department of Taxes has final authority in applying any credits against tax liability. Call (802) 828-5723 if you have questions regarding credit calculations or requirements. **Check our website <http://tax.vermont.gov> for the latest information on these credits.**

NOTE: Line 12 generally cannot be more than 80% of Line 11, and cannot reduce tax below the minimum tax.

Line 13 Tax Apply Line 12 Credit against the Line 11 Liability and enter the amount of Vermont tax due. Subtract Line 12 from Line 11 and enter the result **but not less than the minimum tax.**

Line 14 Payments

- (a) Enter the total amount of Estimated Payments and payments with Extension made for this tax year.
- (b) Enter the amount of estimated payments made on behalf of this company by pass-through business (S-Corp, Partnership, or LLC) of which this corporation is a shareholder, partner, or member. Payments would have been made by the pass-through business using Vermont Form WH-435. The entity's business income tax return must be filed in order to receive credits for the payments.
- (c) Enter the amount of real estate withholding (REW) on sales (**Form RW-171, Schedule A**). REW would have been paid on your behalf by the buyer of VT real estate that you sold.
- (d) Enter the amount of prior year overpayment applied to the current year taxes.
- (e) Total Payments - Add Lines 14(a) through 14(d). Enter the result here.

NOTE: If any payments were made by another entity on behalf of this company; provide a statement identifying amount and type of payment(s), and the payor's name and FEIN.

Line 15 Balance Due - Subtract Line 14(e) from Line 13. If the amount on Line 15 plus applicable penalties, late fees and interest is **greater than** the amount on Line 14(e), enter the difference here. **This is the amount due with the return.**

If the amount on Line 13 is **less than** Line 14(e), the difference is an overpayment to be either refunded or carried forward to the next tax year.

Line 16 Overpayment to be Applied to next year - Enter the amount of overpayment to be **applied** toward next year's corporate income taxes.

Line 17 Overpayment to be Refunded - Enter the amount of the overpayment to be **refunded.**

Line 18 Vermont Gross Receipts - Enter the total gross receipts for the corporation attributable to Vermont. Gross receipts are the total amounts the organization received from all Vermont sources during its annual accounting period, without subtracting any costs or expenses. The amount of the gross receipts may not be less than \$0.

Be sure to sign and date the return. Provide a phone number to expedite resolution of any issues that may arise. Check the box if you authorize the VT Department of Taxes to contact your tax preparer directly with any questions.

Send **Form CO-411** with all required information to the "Tax Returns and Correspondence" address below.

NOTE: All appeals for any return adjustments, bills, assessments, and reduced refunds should be addressed to PO Box 1645, Montpelier, VT 05601-1645.

Contacting the Department

Appeals:

Vermont Department of Taxes
PO Box 1645
Montpelier, VT 05601-1645

Tax Returns and Correspondence:

Vermont Department of Taxes
133 State Street
Montpelier, VT 05633-1401

Taxpayer Services: (802) 828-5723

E-mail Address: tax-corpincome@state.vt.us

Website Address: <http://tax.vermont.gov>

Fax: (802) 828-5787

Forms: (802) 828-2515

2012 VERMONT NONPROFIT INCOME TAX RETURN INSTRUCTIONS

Starting in tax year 2010, nonprofit organizations with unrelated business income in Vermont are required to complete CO-411 and include a copy of their federal return.

Who must file? A nonprofit organization that carried out business in Vermont in 2010 and had unrelated business income of greater than \$1,000 is required to complete the Vermont Corporate Income Tax Return. If your nonprofit has affiliates that engaged in your unrelated business income, you will need to fill out CO-411U and follow the instructions for the use of that form. If you have no affiliates engaged in unrelated business activities, complete CO-411.

Carrying out business in Vermont for any tax year means:

- Owning property in Vermont that yielded rental income
- Having an office in Vermont where employees carried out unrelated business
- Carrying out services in Vermont that produced unrelated business income.

Unrelated business income is defined by the Internal Revenue Service. Publication 598 from the Internal Revenue Service provides the following general description:

Unrelated business income is the income from a trade or business regularly carried on by an exempt organization and not substantially related to the performance by the organization of its exempt purpose or function, except that the organization uses the profits derived from this activity.

The two key terms in this description are “regularly carried out” and “not substantially related to the performance ... of its exempt purpose or function.” Vermont uses the same definition of unrelated business income as does the Internal Revenue Service. If your income meets the requirements to report income on federal form 990-T, then you must complete Vermont corporate income tax forms as well.

How to file? The instructions for Vermont Form CO-411 and CO-411U are the same instructions that nonprofits need to follow for filing the state return. In addition, nonprofits shall include the first page of federal form 990 and the complete 990-T. The unrelated taxable income reported on Line 34 of 990-T is reported as taxable income on Line 1 of CO-411 or CO-411U.

Exceptions for nonprofits filing CO-411

Line 2a – Nonprofit organizations do not need to include interest of any kind in the calculation of net taxable income. Therefore report “0” on Line 2a even if your organization has interest on non-Vermont state and local obligations.

Line 2c – Interest on US Government obligations are not included in the calculation of Line 1 income and therefore should not be reported on Line 2c used for reducing the calculated Vermont Net Taxable Income.

Apportionment of income - If a nonprofit organization’s income is derived entirely from activities within the state, its Vermont net income is allocated entirely to Vermont. If the nonprofit organization’s income is derived from activities conducted both in Vermont and another state or states, its Vermont net income is apportioned as provided in 32 V.S.A. §5833 on Vermont Form BA-402. For example, income derived from sales of tangible personal property that occur in more than one state as a fundraising activity is apportioned between or among the states. In cases where the nonprofit organization is a part of an affiliated group and other members of the affiliated group report unrelated business income, the Vermont nonprofit organization must complete BA-402 and apportion the combined group’s unrelated business income.

See Technical Bulletin 59, Unrelated Business Income, at www.state.vt.us/tax/legal/tb.shtml for further information on this subject.