

*This booklet is designed to address the laws for the majority of tax filing situations. If you have a unique situation that is not addressed in the booklet, please refer to Title 15 of Montana law found at [mt.gov](http://mt.gov) or call us with your questions.*

## WHAT'S NEW FOR 2016?

### Montana Due Date

The due date for a Montana partnership return is different than the due date for a federal partnership return. The due date for filing a Montana partnership return is April 17, 2017. This is also the due date for any payments normally due April 15.

### Legislative Changes

**Pass-Through Entity Backup Withholding** – The 2015 Montana legislature passed legislation revising the requirements of a pass-through entity to remit tax or pay composite tax on behalf of its owners.

- Beginning in tax year 2016, pass-through entities are required to withhold on behalf of their owners that are also pass-through entities, also known as a second-tier pass-through entity. An owner that qualifies as a domestic second-tier pass-through entity may file Form PT-AGR to request a waiver from the withholding requirement. A domestic second-tier pass-through entity is a pass-through entity whose interest is entirely held, either directly or indirectly, by one or more resident individuals.
- The second tier pass-through entity owner statement, Form PT-STM, has been eliminated. Multi-year waiver requests filed in preceding tax years will be void for tax year 2016. The pass-through entity owner tax agreement, Form PT-AGR, has been expanded and now includes the new entity type, domestic second-tier pass-through entity.
- Withholding is only required on behalf of owners whose distributive share of Montana source income is \$1,000 or more.

**Information Late File Penalty** – The information late file penalty may not exceed \$2,500. This penalty is calculated at a rate of \$10 per month per partner for up to five months. Prior to tax year 2016, there was no limit to the amount that could be assessed.

**Credit for Unlocking Public Lands Program** – The credit for unlocking state lands program was revised to include specific federal land and was renamed to apply to public lands. The new program increased the amount of credit available for each qualified access from \$500 to \$750. It also increased the maximum credit that a taxpayer may claim from \$2,000 to \$3,000.

### New Credits

**Innovative Educational Program Credit** – For tax periods beginning on or after January 1, 2016, a partnership may

claim a credit for contributions made to the educational improvement account provided for in 20-9-905, MCA, for the purpose of providing supplemental funding to public schools for innovative educational programs and technology deficiencies. The amount of the credit allowed is equal to the amount of the donation, not to exceed \$150. This credit may not be claimed for any contributions deducted in the calculation of Montana taxable income. This credit must be attributed to each partner using the same proportion as used to report the entity's income or loss. See 15-30-3110, MCA.

**Student Scholarship Organization Credit** – For tax periods beginning on or after January 1, 2016, a partnership may claim a credit for contributions made to a student scholarship organization. The donor may not direct or designate contributions to a parent, legal guardian, or specific qualified education provider. The amount of the credit allowed is equal to the amount of the donation, not to exceed \$150. This credit may not be claimed for any contributions deducted in the calculation of Montana taxable income. This credit must be attributed to each partner using the same proportion as used to report the entity's income or loss. See 15-30-3111, MCA.

**Expiration of Credit** – The Insure Montana program ended on December 31, 2015. Since the program is no longer accepting applications, the credit is no longer available for tax years beginning after December 31, 2015.

## FORM PR-1 INSTRUCTIONS

### Heading

#### Tax Year

You must use the same tax year used for federal income tax purposes (as indicated on the federal return) for Montana income tax purposes. If the partnership has a fiscal year, enter the beginning and ending dates of the fiscal year. Use the 2015 Form PR-1 if the partnership's fiscal year began in the 2015 calendar year.

#### Name and Address

Enter the partnership's name (as it appears in the partnership agreement or other formation documents) and mailing address in the spaces provided.

#### Federal Employer Identification Number (FEIN)

Enter the FEIN from page 1 of federal Form 1065. Montana uses the FEIN for identification purposes. If the partnership changed its FEIN during the tax year, include a statement with the tax return that identifies the previous FEIN.

#### Schedule K-1 and Partner Information

The partnership has to include with the Form PR-1 a Montana Schedule K-1 for each partner. Enter the number of included Montana Schedule(s) K-1. Also enter the number of resident, nonresident and other types of partners. An example of an other type of partner is a partner that is a foreign C corporation.

**Important**

If the entity has more than 100 partners during the tax year, then it must file Form PR-1 electronically. The partnership may be eligible to receive a hardship waiver by completing the Partnership E-file Waiver Request (Form PWR). The partnership must submit the request at least 30 days prior to the due date of the return including extensions. For more information about e-filing, go to [revenue.mt.gov](http://revenue.mt.gov) or call toll free (866) 859-2254 (in Helena 444-6900).

**Date Registered in Montana**

If the partnership registered with the Secretary of State to do business in Montana, enter the registration date.

**MT Secretary of State ID Number**

Enter the partnership's Montana Secretary of State Identification number. The identification number begins with a letter followed by six or seven digits. When the partnership registered to do business in Montana, it received this number. Enter the letter, followed by the next six or seven digits of the number. For example, if your number is C123456, enter C123456 in the spaces provided. If your number is seven digits, enter the letter followed by the next seven digits of the number. Leave any extra boxes blank. To find the partnership's identification number, visit the Montana Secretary of State's website at [sos.mt.gov](http://sos.mt.gov) and search for the partnership's business name under the Business Services section. If your partnership is not registered with the Secretary of State and does not have an identification number, leave this area blank.

**State Formed In**

Enter the state in which the partnership was formed and the date it was formed. If the partnership was formed in a foreign country, enter that country.

**Federal Business Code/NAICS**

Enter the Principal Business Code from page 1, Box C, of federal Form 1065. The Principal Business Activity Code is based on the North American Industry Classification System (NAICS). For further information, visit [naics.com](http://naics.com).

**Line Instructions****Lines 1 through 11 – Partners' Distributive Share of Income Items**

Enter the amounts reported on the federal Form 1065, Schedule K, Partners' Distributive Share Items, lines 1 through 11.

**Line 6 – Ordinary Dividends**

Enter the total amount of ordinary dividends reported on the federal Form 1065, Schedule K, line 6a. Montana taxes dividends as ordinary income and does not apply the federally qualified dividend tax rate.

**Line 13a-e – Partners' Distributive Share of Deduction Items**

Enter the amount of deductions reported on the federal Form 1065, Schedule K, Partners' Distributive Share Items, lines 12 and 13.

**Line 14 – Total Federal Deductions**

Add lines 13a through 13e.

**Line 15 – Federal Income from All Sources**

Subtract line 14 from line 12.

**Line 16 – Partners' Distributive Share of Montana Additions to Income**

To compute Montana income taxable to partners, certain items have to be added to income. You must include a detailed statement of each item with the tax return.

**Line 16a**

Enter the interest and mutual fund dividend income that the partnership received from bonds and obligations of another state, territory or political subdivision of another state (county, municipality, district, etc.).

**Line 16b**

State, local and foreign income taxes based on income or profits have to be added back to income.

**Line 16c**

Report all other additions.

**Line 17 – Partners' Distributive Share of Montana Deductions to Income**

To compute Montana income taxable to partners, certain items are deducted from income. You must include a detailed statement of each item with the tax return.

**Line 17a**

If the partnership received interest on United States government obligations and mutual fund dividends attributable to that interest, the partnership can subtract these amounts from total federal income as long as they are included on line 12, total federal income. In addition, if the partnership received interest on obligations from U.S. territory or government agency obligations that are specifically exempt by federal law or any mutual fund dividends attributable to this interest, the partnership can subtract these amounts from total federal income as long as they are included on line 12, total federal income.

Interest on obligations that are only guaranteed by the United States government is not tax exempt. If the partnership received interest or mutual fund dividends attributable to Government National Mortgage Association (Ginnie Mae) bonds, Federal National Mortgage Association (Fannie Mae) bonds or Federal Home Loan Mortgage Corporation (FHLMAC) securities, the partnership cannot subtract the interest or mutual fund dividends.

United States obligations that are exempt include:

- Series E, EE, F, G and H savings bonds
- U.S. treasury bills
- U.S. government notes
- U.S. government certificates

Refer to the partnership's federal Form 1099-DIV to determine what percentage of the dividends qualify for an exemption from Montana individual income tax.

### Line 17b

Deduct an additional amount equal to 10% of the expenditures for the purchase of qualified recycled material that was otherwise deductible as business-related expenses in Montana, as computed on Montana Form RCYL, Part V. Form RCYL has to be included with the tax return if the partnership files a paper return. If the partnership files electronically, the partnership represents that it has a copy in its records.

### Line 17c

Report other deductions on this line, including the following:

- The amount of contributions made by a small business to its independent liability fund. See 33-27-117(1), MCA.
- A portion of an investment made in a building for the purpose of conserving energy. To qualify, the building has to be used in the partnership's business and the result of the investment has to be a substantial reduction in the amount of energy needed to render the building usable. See 15-32-103, MCA.
- Documented expenses for the donation of mineral exploration information to the Montana Tech Foundation. See 15-32-510, MCA.
- Nonbusiness income that is allocated to a specific state. This income is not included in computing the partnership's income apportioned to Montana. Nonbusiness income that is allocated to Montana is entered on line 20.
- Distributive items of income (loss) that the partnership received from a pass-through entity.

Do not include separately stated deductions that are subjected to an election or limitation on a partner's income tax return (e.g., depletion from oil and gas).

### Line 18

Add lines 15 and 16, then subtract line 17.

**All partnerships must complete lines 19 through 21.**

### Line 19 – Income Apportioned to Montana

*For partnerships without multistate activity*, enter 100% as the apportionment percentage and multiply the amount that is reported on line 18 by 100%. Enter the result on line 19.

*For multistate partnerships*, multiply the amount that is reported on line 18 by the apportionment percentage

reported on line 5 of Schedule I, Apportionment Factors for Multistate Partnerships. Enter the result on line 19. See the instructions for Schedule I on page 6.

### Line 20 – Income Allocated to Montana

For both multistate partnerships and partnerships without multistate activity, report Montana source income subject to allocation on this line. See FAQ 18 for "allocation of income" on page 16.

For the amount reported on line 20, the partnership must include each of the following with Form PR-1:

- a statement showing each item of Montana source income subject to allocation and its related expenses
- a statement explaining the reason for treating the item of income as Montana source income subject to allocation
- a copy of other state's income tax or information return if the partnership allocates to a state other than Montana. (If the partnership is not required to file an income tax or information return with the other state, the partnership must indicate this in a statement.)

### Line 21 – Total Montana Source Income

Add the amounts on lines 19 and 20.

### Line 22 – Total Montana Composite Return Tax

Enter the total amount of composite tax reported on Schedule III, column E. See instructions on page 9.

### Line 23 – Total Partner Withholding from Schedule III

Enter the total from Schedule III, column F. This is the total amount of tax the partnership paid to Montana on behalf of its partners. The partners will claim this amount as a refundable credit on their own Montana tax returns. This amount does not include pass-through withholding amounts paid by another pass-through entity on behalf of the partnership and reported to the partnership on a Montana Schedule K-1.

### Line 24a – Total Montana Mineral Royalty Tax Withheld

Enter the total amount of mineral royalty tax the partnership paid and/or the total amount of Montana mineral royalty tax withheld on behalf of the partnership by a lower-tier pass-through entity. These amounts will be reported on federal Form(s) 1099 and Montana Schedule(s) K-1. Attach copies of the Form(s) 1099 and Montana Schedule(s) K-1 you received that report amounts withheld on your behalf.

Royalty payments made to owners of Montana mineral rights are subject to withholding if certain thresholds are met. This withholding should not be confused with the amounts deducted from the partnership's royalty payments for production taxes. For more information, visit [revenue.mt.gov/home/businesses](http://revenue.mt.gov/home/businesses) and select the *General Tax Information/Special Programs* tab.

**Line 24b – Mineral Royalty Tax Withheld Distributed to Partners**

Enter the amount of mineral royalty tax withheld reported on line 24a that is distributed to partners.

**Line 24c - Montana Mineral Royalty Tax Withheld Attributable to Partnership**

Subtract line 24b from 24a. This is the amount of Montana mineral royalty tax withheld that is attributable to the partnership.

**Line 25a – Total Montana Pass-Through Withholding**

If the partnership has an ownership interest in a pass-through entity that had Montana source income and the pass-through entity paid Montana income tax on behalf of the partnership, enter the amount here. This amount is reported to the partnership on a Montana Schedule K-1. Attach copies of the Montana Schedule(s) K-1 you received that report amounts withheld on your behalf.

**Line 25b - Montana Pass-Through Withholding Distributed to Partners**

Enter the amount of Montana pass-through withholding reported on line 25a that is distributable to partners. This amount is distributable to partners who have filed a valid consent agreement or are not included in a composite return and must be reported to each applicable partner on a Montana Schedule K-1.

**Line 25c - Montana Pass-Through Withholding Attributable to Partnership**

Subtract line 25b from line 25a. This is the amount of Montana pass-through withholding that is attributable to the partnership and will apply to the composite tax reported on line 22 and/or pass-through withholding reported on line 23.

**Line 26 - Total Withholding Payments Attributable to Partnership**

Add lines 24c and 25c. This is the total withholding payments attributable to the partnership.

**Line 27 - Return Payments****Line 27a – 2015 Overpayment Applied to 2016**

Enter any overpayments from 2015 that were credited to 2016.

**Line 27b – 2016 Estimated Tax Payments**

Enter the total Montana estimated tax payments that the partnership made for 2016.

**Line 27c – 2016 Extension Payment**

Enter any extension payment for 2016 made on or before April 17, 2017.

**Line 27d – For Amended Tax Returns Only – Payments Made with Original Return**

Enter any payments the partnership made when it filed its original tax return and any subsequent payments that were applied to the partnership's 2016 tax liability.

**Line 27e – For Amended Tax Returns Only – Previously Issued Refunds**

Enter the amount of any refund the partnership received when it filed its original tax return or a previously amended tax return.

**Line 27f – Total Return Payments**

Add lines 27a through 27d and then subtract line 27e. This is the partnership's total return payments.

**Line 28 – Amount Due or (Overpaid)**

Add lines 22 and 23; from this total, subtract the sum of lines 26 and 27f.

**Line 29 – Penalties and Interest****Line 29a – Partnership Information Tax Return Late Filing Penalty**

A partnership is charged a late filing penalty if it files Form PR-1 after the due date, including the automatic five-month extension. The penalty is \$10 multiplied by the number of partners at the close of the tax year for each month or fraction of a month that the entity does not file the partnership information return. This penalty is calculated for up to five months and may not exceed \$2,500. See 15-30-3302, MCA.

**Important**

A late filing penalty is not imposed on an entity that has ten or fewer partners if the partners have filed the required returns or other required reports timely and have paid all taxes when due.

**Line 29b – Interest on Underpayment of Estimated Composite Taxes**

The partnership is required to make estimated tax payments throughout the year if it expects to owe a composite income tax liability of at least \$500. If the partnership was required to make estimated composite tax payments and it did not pay the required amounts, it will have to pay interest on any underpayment. To calculate the underpayment interest, complete Worksheet I. See 15-30-3312, MCA.

**Worksheet I – Calculation of Underpayment Interest**

In 2016, the partnership was required to pay through estimated installments the smaller of:

- 90% of the current year's total composite tax liability, or
- an amount equal to 100% of the previous year's total composite tax liability.

If the partnership does not meet one of the two requirements, the composite tax is subject to underpayment interest.

Payments made with extensions are not considered estimated payments.

<b>Worksheet I - Short Method</b>	
1	Enter the total 2016 composite tax reported on line 22.
2	Enter 90% of line 1 above.
3	Enter the total of lines 26 and 27a that are attributable to composite filers.
4	Subtract line 3 from line 1. If the result is \$500 or less, stop here. The partnership does not owe interest on its underpayment.
5	Enter the 2015 composite tax from the 2015 Form PR-1, line 22.
6	Enter the smaller of line 2 or line 5.
7	Enter the total of line 3 and the amount reported on line 27b attributable to composite filers.
8	Subtract line 7 from line 6. If zero or less, stop here. The partnership does not owe interest on its underpayment.
9	Multiply line 8 by 0.05320 and enter the result.
10	If the amount on line 8 was paid on or after the due date, enter zero. If the amount on line 8 was paid before the due date, multiply the amount on line 8 by the number of days paid before the due date. Multiply the result by 0.0002192.
11	Subtract line 10 from line 9. This is the partnership's underpayment interest. Enter the result here and on line 29b.

### Line 29c – Composite Income Tax Return Late Filing Penalty

If the partnership is late in filing Form PR-1, a late filing penalty of \$50 or the amount of composite tax owing, whichever is smaller, will be charged. There is no late filing penalty for the composite tax return if there was an overpayment of composite tax and the partnership is receiving a refund.

### Line 29d – Late Payment Penalty

If the partnership does not pay all of its tax liability (line 28) by the due date of Form PR-1, it will need to pay a late payment penalty. The late payment penalty is 1.2% per month or part of a month on the unpaid amount from the original due date until it is paid. This penalty cannot exceed 12% of the partnership's tax liability on line 28.



If the partnership files an amended tax return that reflects an increased tax liability, it may have the late payment penalty waived. To receive the waiver, mark the

“Amended Return” box on Form PR-1 and pay the tax and applicable interest in full when the partnership files the amended return. By marking this box and paying all tax and interest, the partnership is treated as having requested a waiver of the late payment penalty.

### Line 29e – Interest

Compute interest on any tax liability (line 28) that the partnership has not paid by the due date of the tax return and enter the total on this line.

If the partnership does not pay 100% of its tax liability by April 17, 2017 (for a calendar year filer), interest is due at a rate of 8% per year, computed daily on the unpaid tax balance.

To calculate the interest, multiply line 28 by 0.02192% (0.0002192) times the number of days after April 17, 2017, the partnership's tax is paid.



A valid extension of time to file the partnership's tax return does not extend the due date to pay the partnership's income tax liability after April 17, 2017.

### Line 29f – Total Penalties and Interest

Add lines 29a through 29e and enter the total.

### Line 30

Add lines 28 and 29f; enter the result.

### Line 31 – Amount You Owe

If the amount on line 30 is greater than zero, enter it on this line. This is the amount due with the partnership's tax return. The partnership can pay the amount it owes by:

- electronic funds withdrawal when e-filing the partnership's joint federal/state tax return,
- e-check or credit/debit card – visit [revenue.mt.gov](http://revenue.mt.gov) for more information and instructions, or
- money order, personal check or cashier's check payable to the MONTANA DEPARTMENT OF REVENUE. Remember to use the included voucher, sign the check and write the partnership's FEIN and “Tax Year 2016” on the memo line. A payment voucher is also available at [revenue.mt.gov](http://revenue.mt.gov) under Forms.

Note: We may need to adjust your payment if it is not in U.S. funds.

By visiting our website, a partnership can schedule a payment by e-check and have funds withdrawn at a later date. Interest and penalties will be assessed on any amount not paid when due.

### Line 32 – Overpayment

If the amount on line 30 is less than zero, enter it on this line. This is the amount the partnership has overpaid.

### Line 33 – 2017 Estimated Tax Payments

All or part of the refund that the partnership reported on line 30 can be refunded or carried over as a 2017 estimated tax payment. Enter the amount of the refund reported

on line 30 that the partnership wants applied to its 2017 estimated tax.

### Line 34 – Refund

Subtract line 33 from line 32 and enter the result on this line. This is the amount of the refund that will be issued.

If the partnership is requesting a refund, mark the box located in the top portion of Form PR-1, page 1.

If the partnership would like to use direct deposit, enter the partnership's financial institution's routing number (RTN#) and the partnership's account number (ACCT#) in the spaces provided. The routing number will be nine digits and the account number can be up to 17 characters, including numbers and letters. Mark whether the partnership's account is a checking or savings account and if the partnership's refund will go to a bank outside of the United States and its territories (Midway Islands, Puerto Rico, American Samoa, U.S. Virgin Islands, Federated States of Micronesia, and Guam).

If the financial institution does not accept direct deposit, we will mail the partnership a refund check.

A sample of a personal check is provided for reference.

John Taxpayer Jane Taxpayer 23 Main Street Anyplace, MT 59000	1234
Pay to the Order of _____	\$ _____
Anyplace Bank Anyplace, MT 59000	Dollars
Routing Number: 123456789	Account Number: 9876543210
Do not include the check number in the account number.	
⑆ 123456789 ⑆ 9876543210 ⑆ 1234	

### Sign the Return

If the partnership is filing its return on paper, the return is not valid unless the general partner or limited liability company member manager signs the return. Unsigned returns cannot be processed and require us to contact the general partner or limited liability company member for a signature.

If the partnership is filing its return electronically, the general partner or limited liability company member manager does not sign the return. The act of filing electronically signifies the partner or member's declaration, under the penalty of false swearing, that:

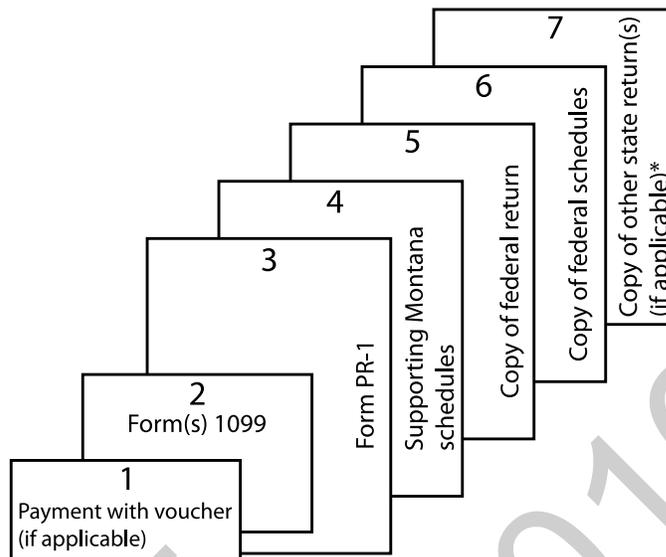
- The partner or member is authorized to file the return.
- The information in the return is true, correct and complete.
- The act of filing electronically is the partner's or member's signature.

### Paid Preparer

Paid preparers are required to sign the return and include his or her address and Preparer Tax Identification Number (PTIN) in the space provided.

### Assemble the Return

If the partnership is filing a return on paper, assemble the return, without using staples, according to the following diagram or list. Include all Forms 1099.



Please Do Not Use Staples

\*Include a copy of the return(s) from another state if the partnership is a multistate partnership.

### File the Return

To learn more about e-filing options available to partnerships, see FAQ 9 on page 14. If the partnership files its return on paper, mail the return to:



Montana Department of Revenue  
PO Box 8021  
Helena, MT 59604-8021

## SCHEDULE I – APPORTIONMENT FACTORS FOR MULTISTATE PARTNERSHIPS INSTRUCTIONS

### Schedule I applies only to multistate partnerships.

A multistate partnership with income derived from its business activities must determine whether the income is business or nonbusiness income. After the partnership makes this determination, it will apply the apportionment factor calculated on Schedule I to identify the portion of the business income that is Montana source. The apportionment factor is the standard UDITPA (Uniform Division of Income for Tax Purposes Act) three-factor formula of property, payroll and sales.

When a partnership is engaged in business activities both inside and outside Montana, business income assignable to Montana has to be determined using the apportionment factor. Include only the partnership's own items of property, payroll and sales. Do not add in any property, payroll, or sales of another pass-through entity.

The partnership must ask the department if it can determine the amount of income that it attributes to

Montana on some basis other than the apportionment method. If the department allows the partnership to use an alternative method, the partnership will still need to complete and submit Schedule I. See Title 15, Ch. 31, part 3, MCA, and Title 15, Ch. 1, part 6, MCA, for additional filing information.

To calculate each of the separate factors in the apportionment factor, use the following formula: column B divided by column A, multiplied by 100. Round out to the fourth decimal (example: 25.5555%).

### Property Factor (Line 1)

The property factor is a fraction. The numerator is the average value of the partnership's real and tangible personal property owned, leased or rented and used in Montana in the production of business income during the tax period. Enter the numerator values in column B of Schedule I. The denominator is the average value of all of the partnership's real and tangible personal property owned, leased or rented and used in the production of business income during the tax period. Enter the denominator values in column A of Schedule I.

Property owned by the partnership is valued at its original cost. Real and tangible personal property that is used in the business includes land, buildings, machinery, equipment, stocks of goods, inventories and other tangible property actually used in connection with the production of the business income to be apportioned. It does not include money, accounts receivable, other intangible property, real property that is held for investment or nonbusiness purposes or idle property of any nature.

To the extent that it is utilized in Montana, migratory or mobile property has to be included in both the numerator and denominator.

Unless otherwise required, the average value of owned property is determined by averaging the values at the beginning and end of the tax period.

All property that the partnership rents has to be valued at eight times the net annual rental rate. Rental expense cannot be averaged. The partnership has to use its rental expense for the current year in the property factor.

If the partnership owns an interest in a pass-through entity, the value of the property owned by the pass-through entity cannot be included in the property factor.

### Payroll Factor (Line 2)

The payroll factor is a fraction. The numerator is the total amount that the partnership paid for compensation attributable to the production of business income during the tax period in Montana. Enter the numerator values in column B of Schedule I. The denominator is the total amount that the partnership paid for compensation attributable to the production of business income during the tax period. Enter the denominator values in column A of Schedule I.

Payroll is considered to be paid in Montana if:

- the base of operations is in Montana,

- there is no base of operations and the place from which the service is directed or controlled is in Montana, or
- the base of operations or the place from which the service is directed or controlled is not in a state where some part of the service is performed but the person who provides the service is located in Montana.

If the partnership owns an interest in a pass-through entity, no part of the pass-through entity's payroll is included in the payroll factor.

### Sales Factor (Line 3)

Sales mean all gross receipts of the partnership exclusive of nonbusiness income and inter-company transactions. The sales factor is a fraction. The numerator is the partnership's total sales in Montana during the tax period. Enter the numerator values in column B of Schedule I. The denominator is the partnership's total sales everywhere during the tax period. Enter the denominator values in column A of Schedule I.

Sales of tangible personal property are in Montana if:

- the property is delivered or shipped to a purchaser in Montana (other than the United States government), or
- the property is shipped from Montana and the partnership is not taxable in the state of the purchaser.

Sales other than sales of tangible personal property are in the state if:

- the income-producing activity is performed in Montana, or
- the income-producing activity is performed both inside and outside Montana and a greater proportion of the income-producing activity is performed in Montana than in any other state, based on costs of performance.

If the partnership owns an interest in a pass-through entity, no part of the pass-through entity's sales is included in the sales factor.

### Sum of Factors (Line 4)

Add lines 1, 2 and 3 in column C. Enter the result on line 4 in column C.

### Apportionment Factor (Line 5)

Divide line 4 by the number of factors present. A factor is present if the partnership has a value in column A for property, payroll or sales. Enter the apportionment factor on line 5 of Schedule I and also insert it on line 19, page 1 of Form PR-1. Round out to the fourth decimal (example: 25.5555%).

## SCHEDULE II – MONTANA PARTNERSHIP TAX CREDITS INSTRUCTIONS

A tax credit claimed by a partnership is passed through to its partners. The partnership identifies how much credit is available to each partner on Montana Schedule K-1. The partnership provides a copy of the Montana Schedule K-1 and a copy of the credit form that was used to calculate the credit to each partner.

Partners determine any necessary limitations when reporting the credit on their tax returns. Unused credits may not be redistributed to other partners. For example, if the ownership of the partnership consists of a resident partner and a nonresident partner, the nonresident partner's share of a credit could not be claimed by the resident partner even though the nonresident partner is not eligible to use it.

The tax credits cannot be taken as a credit against composite tax reported on Form PR-1.

For detailed tax credit instructions and forms, visit [revenue.mt.gov](http://revenue.mt.gov). If the partnership is eligible for a credit, include the appropriate form with the tax return. If the partnership files electronically, it represents that it kept a copy in the partnership's records and will provide a copy to the department if requested.

### Lines 1 through 16

Complete these lines for applicable tax credits:

1. Dependent care assistance credit (Form DCAC)
2. College contribution credit (Form CC)
3. Health insurance for uninsured Montanans credit (Form HI)
4. Recycle credit (Form RCYL)
5. Alternative energy production credit (Form AEPC)
6. Contractor's gross receipts tax credit
7. Alternative fuel credit (Form AFCR)
8. Infrastructure user fee credit (Form IUFC)
9. Historic property preservation credit (Federal Form 3468)
10. Mineral and coal exploration incentive credit (Form MINE-CRED)
11. Empowerment zone credit
12. Biodiesel blending and storage credit (Form BBSC)
13. Innovative Educational Program credit
14. Student Scholarship Organization credit
15. Emergency lodging credit (Form ELC)
16. Unlocking public lands credit

### Credit Recapture

#### Lines 17 through 20

Complete these lines if the following occurs:

17. The partnership's historical property preservation credit has to be recaptured.
18. The partnership's film production certification is revoked after it receives the credit.
19. The partnership's biodiesel sales are not at least 2% of all diesel sales by the end of the third year after the credit was initially claimed, or the facility ceases blending biodiesel for sale.
20. The partnership's biodiesel facility ceases operations for a period of 12 consecutive months within five years of claiming the credit.

## SCHEDULE III – MONTANA PARTNERSHIP INFORMATION INSTRUCTIONS

### Montana Partnership Information

Include all partners on this form. If you need more space, complete additional copies of Schedule III (available at [revenue.mt.gov](http://revenue.mt.gov) under Forms). We do not accept copies of federal Schedule K-1, spreadsheets or any other forms in place of a completed Schedule III. If Schedule III is not completed as an exact replica of the official form, the processing of the partnership's return will be delayed until we receive this information.

Complete columns A through D for all partners. Complete columns E, F or G if the partner is a nonresident individual, nonresident estate, nonresident trust, foreign C corporation, tax-exempt entity or a second-tier pass-through entity. A tax-exempt entity may still be subject to income tax if the entity has not been granted tax-exempt status in Montana or if the entity has a federal unrelated business income tax liability of more than \$100.

#### Important

If the entity has more than 100 partners during the tax year, then it must file Form PR-1 electronically. The partnership may be eligible to receive a hardship waiver by completing the Partnership E-file Waiver Request (Form PWR). For more information about e-filing, go to [revenue.mt.gov](http://revenue.mt.gov) or call toll free (866) 859-2254 (in Helena 444-6900).

### Column A – Name and Address of Partner

Enter the name and complete mailing address of each partner. Include the street address or post office box, city, state and zip code.

### Column B – Entity Type and Identification Number

Enter the entity type code for each partner in the space provided. The entity type codes are:

- C** – C corporation
- D** – Disregarded entity
- E** – Estate
- F** – Foreign C corporation
- I** – Individual
- DOM** – Domestic 2nd Tier Pass-Through Entity
- P** – Partnership
- PTP** – Publicly traded partnership
- S** – S corporation
- T** – Trust
- TE** – Tax-exempt entity

The entity type codes are also located on the bottom of Schedule III.

If the partner is an individual or disregarded entity that does not have a federal employer identification number (FEIN), enter the social security number (SSN) as it appears on the federal Schedule K-1 in the appropriate

box. If the partner is a C corporation, a partnership, an S corporation, a disregarded entity, an estate or trust, enter the FEIN as it appears on the federal Schedule K-1 in the appropriate box.

### Column C – Residency Code

For each individual, estate or trust partner that is a resident, mark the 'R' box. For each individual, estate or trust partner that is a nonresident, mark the 'N' box.

### Column D – MT Distributive Share

Enter each partner's distributive share of Montana source income. A partner's distributive share is the portion of Montana source income reported on Form PR-1, line 21 that a partner is responsible for reporting on a personal return. In general, the distributive share of Montana source income (loss) is calculated for each partner by multiplying the amount reported on Form PR-1 by each partner's profit/loss percentage. However, this may not apply if the partnership agreement provides for special allocations or if guaranteed payments are made.

### Columns E through G

Complete columns E, F or G for each partner that is a nonresident individual, nonresident estate, nonresident trust, foreign C corporation, tax-exempt entity or second-tier pass-through entity.

### Column E – Composite Income Tax

If the partner elected to be included in a composite tax return and is an eligible participant, mark the checkbox in this column.

Enter the amount of composite income tax that was calculated for each partner on Schedule IV, column H. Transfer the total of this column to Form PR-1, line 22.

### Column F – Pass-Through Withholding

If the partnership has a partner who is a nonresident individual, nonresident estate, nonresident trust, foreign C corporation, tax-exempt entity or second-tier pass-through entity owner at any time during the year, the partnership has to pay taxes on behalf of the partner if:

- the nonresident individual, nonresident estate, nonresident trust, foreign C corporation or tax-exempt entity:
  - did not provide the partnership with a completed Form PT-AGR and did not file the Form PT-AGR, or
  - is not participating in the partnership's composite tax return.
  - was not compliant with their tax filing and payment obligations and the partnership was notified that it must withhold tax on behalf of the partner.
- the second-tier pass-through entity owner:
  - is not a domestic second-tier pass-through entity and did not provide the partnership with a completed Form PT-AGR that identified all of its owners and established that all Montana source income that

passes through to the domestic second-tier entity is accounted for on resident individual income tax returns that are filed with the state of Montana and,

- is not participating in the partnership's composite return.

Enter the amount of Montana tax the partnership paid on behalf of each partner. For a nonresident individual, nonresident estate, nonresident trust and a second-tier pass-through entity, the amount required to be paid is 6.9% multiplied by the partner's distributive share of Montana source income. For a foreign C corporation or tax-exempt entity, the amount it must pay is 6.75% multiplied by the partner's distributive share of Montana source income. Transfer the total of this column to Form PR-1, line 23.

### Column G – PT-AGR

**Form PT-AGR** is an agreement that a nonresident individual, nonresident estate, nonresident trust, foreign C corporation, domestic second-tier pass-through entity or tax-exempt entity has to complete if they do not participate in a composite return and do not want the partnership to pay taxes on their behalf. The partner agrees to timely file a Montana tax return, pay all taxes and be subject to the personal jurisdiction of Montana. The partner completes the agreement and either files it with the department or returns it to the partnership. If the partner files the agreement with the department, the partner must also send the partnership a copy of the agreement. A new Form PT-AGR does not have to be filed each year, but currently effective agreements for each new nonresident individual, nonresident estate, nonresident trust, foreign C corporation, domestic second-tier pass-through entity or tax-exempt entity partner have to be filed. Form PT-AGR is due by the due date, including extensions, of the partnership's return.

A domestic second-tier pass-through entity is a pass-through entity whose interest is entirely held, either directly or indirectly, by one or more resident individuals.

Enter the year that the agreement, Form PT-AGR, was provided to us. If the partnership or owner files the agreement with the department this year, enter "2016."

## SCHEDULE IV – MONTANA PARTNERSHIP COMPOSITE INCOME TAX SCHEDULE INSTRUCTIONS

If more space is needed, complete additional copies of Schedule IV (available at [revenue.mt.gov](http://revenue.mt.gov) under Forms). We do not accept copies of federal Schedule K-1, spreadsheets or any other forms in place of a completed Schedule IV. If you do not complete Schedule IV as an exact replica of the official form, the processing of the partnership's return will be delayed until we receive this information.

A partnership can elect to file a composite tax return and pay a composite tax on behalf of an eligible participating partner. Partners who are nonresidents, foreign C corporations, tax-exempt entities or second-tier pass-through entities and who properly elect to participate in the

composite tax return do not have to file a Montana income tax return. However, if the partner has other Montana source income, the partner is not eligible to participate unless that other income is from other pass-through entities that file a composite return on behalf of the partner.

The tax credits from Schedule II cannot be applied to reduce the partnership's composite tax liability.

Partners that receive separately stated deductions that are subject to an election or limitation at the partner level should consult with a tax professional prior to making an election to be included on a composite return. Certain deductions are not allowed in the composite tax calculation.

A partnership can include a partner in filing a composite tax return only if the partner has provided the partnership with a power of attorney that authorizes the partnership to file the composite return and act on the partner's behalf. The partnership does not submit the power of attorney with its tax return; the partnership retains the power of attorney as authorization from the partner. A power of attorney form may include any tax years or periods that have already ended as of the date the form is signed and up to three future tax periods that end after the current tax year.

If the partnership files a composite tax return, the partnership is responsible for:

- paying the composite tax liability,
- paying any additional tax, penalty and interest we assess for the composite tax liability,
- representing the participants in any appeals, claims for refunds, hearings or court proceedings, and
- making quarterly estimated payments of the composite tax liability.

### Part I

Enter the number of partners participating in the composite income tax return.

### Part II

The composite tax ratio is the ratio of the partnership's Montana source income to the partnership's income from all sources for federal income tax purposes.

### Column 1

Enter the amount from Form PR-1, line 15. This is the partnership's federal income from all sources.

### Column 2

Enter the amount from Form PR-1, line 21. This is the partnership's total Montana source income.

### Column 3

Divide column 2 by column 1. The result is the composite tax ratio. Round to 6 decimal places and do not enter more than 1.000000.

## Part III

### Column A – Name of Eligible Participating Partner

List the name of the participating partner as it appears on Form PR-1, Schedule III.

### Column B – Social Security Number (SSN) or Federal Employer Identification Number (FEIN)

Enter the SSN or FEIN of the participating partner as it appears on Form PR-1, Schedule III.

### Column C – Partner's Share of Federal Income from Entity

Enter the participating partner's share of the partnership's total federal income (loss) from all sources. For the purpose of calculating composite income tax, divide the partner's Montana distributive share as reported on Schedule III, column D by Form PR-1, line 21 to determine ownership percentage for Montana purposes. Multiply the percentage by Form PR-1, line 15 to calculate the partner's share of federal income.

Partner's Montana distributive share (Schedule III, Column D)	\$7,200
Total Montana source income (Form PR-1, Line 21)	\$12,000
Result of Schedule III, Column C divided by Form PR-1, Line 21	60.00%
Total Federal income (Form PR-1, Line 15)	\$100,000
Partner's Share of Federal Income (for composite tax purposes)	\$60,000

### Column D – Standard Deduction

Each eligible participating partner is allowed one standard deduction equal to 20% of column C, but not less than \$1,980 or more than \$4,460.

### Column E – Exemption

Each participating partner is allowed one exemption of \$2,380.

### Column F – Calculate Montana Taxable Income

Subtract the amounts in column D and column E from column C. Enter the result in this column, but not less than \$0.

### Column G – Tax from Tax Table

If the result in column F is greater than \$0, use the tax table at the bottom of Schedule IV to calculate the tax on the amount in column F. Enter the result in this column. Enter \$0 if the amount in column F is \$0.

### Column H – Montana Composite Income Tax Liability

If the amount in column G is greater than \$0, multiply the amount in column G by the composite tax ratio from Part II and enter the result. If the amount in column G is \$0, enter \$0. This is the participant's Montana composite tax liability.

Example: Assume that Partnership ABC's composite tax ratio is 0.2500 (Part II). Also assume that Partner X is an eligible participant in the composite return. The federal income from all sources is \$60,000. The participating partner's composite tax liability is calculated in the following table.

Partner's share of partnership federal income from all sources (column C)	\$60,000
Standard deduction (column D)	(\$4,460)
Exemption allowance (column E)	(\$2,380)
Result of column C minus columns D and E (column F)	\$53,160
Using the tax rates shown on Schedule IV, the tax (column G) on \$53,160	\$3,113
The Montana composite income tax (column H) is \$3,113 x 00.2500	\$778

## SCHEDULE VI – REPORTING OF SPECIAL TRANSACTIONS INSTRUCTIONS

Mark the appropriate boxes indicating which forms were filed with the IRS. If any statements are answered yes, the partnership will have to include a copy of the applicable form.

For purposes of statement 5, "related party" has the same meaning given the term in Section 267(b) or Section 707(b) of the IRC; 26 USC 267(b) or 26 USC 707(b).

## MONTANA SCHEDULE K-1 INSTRUCTIONS

The partnership is required to use the Montana Schedule K-1 (Forms CLT-4S and PR-1), Partner's/Shareholder's Share of Income (Loss), Deductions, Credits, etc., to provide information that partners will need to complete their Montana income tax return. Each Montana Schedule K-1 must be an exact replica of the official form which can be found at [revenue.mt.gov](http://revenue.mt.gov) under Forms.

A Montana Schedule K-1 has to be completed for each partner who was an owner at any time during the tax year. The partnership is responsible for reporting all partners' applicable information on Montana Schedule K-1, including those partners who elect to participate in a composite tax return.

The partnership has to include a copy of each partner's Montana Schedule K-1 when filing Form PR-1 with the department. A copy is kept as part of the partnership's records and each partner is given their own separate copy (with a copy of the Partner's/Shareholder's Instructions).

### Part 1 – Pass-Through Entity Information

Mark the applicable boxes:

- Type of entity – mark the Form PR-1 box.
- Final Schedule K-1 – mark this box if this is the last Montana Schedule K-1 that the partnership will issue to the partner.

- Amended Schedule K-1 – mark this box if the partnership is amending the partner's Montana Schedule K-1.

Fill in the partnership's federal employer identification number (FEIN), name and address.

### Part 2 – Partner/Shareholder Information

Enter the name and address of the partner at the end of the tax year. Enter the partner's tax identification number (FEIN or SSN) as the partnership reported it for federal income tax purposes.

If the partner is a resident individual, estate or trust, mark the *Resident* box. If the partner is a nonresident individual, estate or trust, mark the *Nonresident* box. If residency status is unknown, treat the partner as a nonresident.

If the partner is included in a composite income tax return filed by the partnership, mark *Yes*. Partners that are included in a composite income tax return do not file a personal Montana income tax return. If the partner is not included in a composite income tax return filed by the partnership, mark *No*.

### Part 3 – Montana Adjustments

**A. Montana Additions to Income.** Fill in the partner's distributive share of Montana additions to income from the corresponding lines 16a through 16c on page 1 of Form PR-1. This is not an apportioned amount.

**B. Montana Deductions to Income.** Fill in the partner's distributive share of Montana deductions from the corresponding lines 17a through 17c on page 1 of Form PR-1. This is not an apportioned amount.

### Part 4 – Distributive Share of Montana Source Income (Loss)

#### Lines 1-13

Partners will need this information to calculate their Montana tax liability when they file their Montana income tax returns.

On each line, enter the total of the partner's distributable share of income apportioned to Montana.

### Part 5 – Supplemental Information

#### Line 1

Enter the amount of Montana composite income tax paid on the partner's behalf. This is the same amount as the amount reported for each partner on Schedule III, column E.

#### Line 2

Enter the amount of Montana income tax paid on behalf of the partner. This is the same amount as the amount reported for each partner on Schedule III, column F.

#### Line 3

If the partnership received federal Form 1099 because the partnership had Montana mineral royalty tax withheld from

its mineral royalty income in Montana, enter the partner's distributive portion of the amount withheld on this line.

#### Line 4

Enter each partner's distributive share of income (loss) allocated to Montana that is reported on Form PR-1, line 20. Include a schedule identifying each item and the amount that each partner receives.

#### Line 5

Enter each partner's distributive share of items other than those listed on lines 1 through 4 that are adjustments to the partner's Montana income tax return. List the type of item on this line. If additional space is needed, include a schedule. Also use this section to specify the Montana additions, subtractions and allocations reported in Part 3. If the partnership made a contribution that meets the requirements for a qualified endowment credit, report the amount of contribution distributed to the owner on this line.

## Part 6 – Montana Tax Credits and Recapture

#### Line 1

Enter each partner's distributive share of the contractor's gross receipts (CGR) tax credit. Also enter the CGR Account ID number on this line. The partnership received the CGR Account ID when it registered with the Department of Revenue. If the partnership does not have the CGR Account ID number on record, contact us. If the partner receives credit from more than one CGR account, mark the box indicating multiple accounts and include a schedule detailing how much credit each partner receives from each CGR account.

#### Line 2

Enter each partner's distributive share of the health insurance for uninsured Montanans credit.

#### Line 3

Enter each partner's distributive share of tax credits and tax credit recapture amounts that were not reported on lines 1 and 2. These tax credits and tax credit recapture amounts are reported on Schedule II. If you need additional space, include a schedule.

## FAQS—FREQUENTLY ASKED QUESTIONS

The answers to these questions are identified by number on pages 13-16.

### Filing Requirements

- 1 Who has to file the Montana Partnership Information and Composite Tax Return?
- 2 When is the partnership's information and composite tax return due?
- 3 What forms and schedules does the partnership have to include with the information and composite tax return?
- 4 Which tax year and accounting method should the partnership use to file its information and composite tax return?
- 5 Should the partnership file a composite tax return?
- 6 Who has to sign the tax return?
- 7 Can the partnership get an extension of time to file its information and composite tax return?
- 8 What does the box that asks, "May the DOR discuss this return with the tax preparer?" mean?
- 12 If the partnership files an information and composite tax return electronically, what information must it send in and what documents does it have to retain?
- 13 If the partnership mails its information and composite tax return, where does it send the return?

### Amended Returns

- 14 How does a partnership amend its tax return?
- 15 Can partnerships have net operating losses?

### Multistate partnerships and partnerships with allocable items of Montana source income (loss)

- 16 How does a multistate partnership apportion its business income?
- 17 How does a partnership determine which income is business income?
- 18 How does a partnership allocate its nonbusiness income and the distributive items it receives from a pass-through entity?
- 19 How does a partnership determine what income is sourced to Montana?

### Filing and Payment Options

- 9 What options does a partnership have when filing its information and composite tax return electronically?
- 10 What options does a partnership have to pay its Montana taxes electronically?
- 11 What is the interest rate on unpaid taxes?

### Tax Records

- 20 How long does a partnership need to maintain tax records after it has filed the Montana information and composite tax return?

### 1 Who has to file the Montana Partnership Information and Composite Tax Return?

A partnership that has any amount of Montana source income, whether a gain or loss, has to file an annual Montana Partnership Information and Composite Tax Return (Form PR-1).

### 2 When is the partnership's information and composite tax return due?

The partnership's Montana filing period is the same as its federal filing period. Form PR-1 is due following the close of the tax year for:

- calendar year partnership – on or before April 15
- fiscal year partnership – on or before the 15th day of the fourth month

If the due date falls on a weekend or a holiday, the return is due on the next business day.

### 3 What forms and schedules does the partnership have to include with the information and composite tax return?

When the partnership files Form PR-1 on paper, it must include a complete copy of the federal Form 1065, U.S. Return of Partnership Income, with all federal Schedule(s) K-1, all statements and all documents.

#### Montana Resident Partners

If the ownership of the partnership consists only of Montana resident partners, the partnership is required to complete:

- Form PR-1, pages 1 and 2
- Schedule II, Montana Partnership Tax Credits, if applicable
- Schedule III, Montana Partnership Information
- Schedule VI, Reporting of Special Transactions, if applicable
- Montana Schedule K-1, Partner's/Shareholder's Share of Income (Loss), Deductions, Credits, etc. for each partner.

We do not accept copies of federal Schedule K-1 in place of a completed Schedule III. If Schedule III is not completed, including the partner's identification number, the processing of the partnership's return will be delayed until we receive this completed schedule. A partnership's return may be subject to a late filing penalty.

#### Nonresident Partners

When a partnership has a partner who is a nonresident (individual, estate, or trust), second-tier pass-through entity, or a foreign C corporation at any time during the year, it has additional filing and payment requirements:

- **Schedule III** Montana Partnership Information,
- **Form PT-AGR** (Montana Pass-Through Entity Owner Tax Agreement), if applicable, is an agreement that has to be completed by a nonresident individual, nonresident estate, nonresident trust, foreign C corporation, domestic second-tier pass-through entity

or tax-exempt entity that does not participate in a composite return and does not wish the partnership to pay tax on its behalf. By signing the agreement, the partner agrees to timely file a Montana tax return, to pay all taxes and to be subject to the personal jurisdiction of Montana. The partner completes the agreement and either files it with the department or returns it to the partnership. If the partner files the agreement with the department, the partner must also send the partnership a copy of the agreement. A new Form PT-AGR does not have to be filed each year, but currently effective agreements for each new nonresident, foreign C corporation, domestic second-tier pass-through entity or tax-exempt entity partner have to be filed. The partnership and owner need to retain these agreements as part of their tax records.

If a Form PT-AGR is not filed for any partner that is a nonresident, foreign C corporation, domestic second-tier pass-through entity or tax-exempt entity, and if that partner does not participate in a composite return filed by the partnership, then the partnership is required to pay tax on the partner's behalf. Form PT-AGR is due on or before the due date of the partnership's return, including extensions.

- **Schedule IV** (Montana Partnership Composite Income Tax Schedule), if applicable, is the composite tax return that the partnership completes and files on behalf of eligible partners who have elected to participate in the composite filing.
- **Montana Schedule K-1**, Partner's/Shareholder's Share of Income (Loss), Deductions, Credits, etc. for each partner.

### 4 Which tax year and accounting method should the partnership use to file its information and composite tax return?

The taxable year and accounting method for Montana have to be the same as the taxable year and accounting method used for federal income tax purposes. If the partnership changes its federal taxable year or accounting method, it must change its Montana taxable year and accounting method accordingly. A copy of the approval letter from the Internal Revenue Service (IRS) to change the accounting period or method must accompany the first tax return that reflects the change.

Mark the box *Final Return* on page 1 if the partnership ceased to exist during the 2016 tax year.

### 5 Should the partnership file a composite tax return?

A partnership may elect to file a composite tax return on Schedule IV on behalf of the eligible participating partners that consent to be included. If a composite return is filed, those partners do not have to prepare or file separate Montana returns. The composite tax rate ranges from 1% to 6.9%.

Partners can be included in a composite return if they meet all of the following criteria:

- they are a nonresident individual, nonresident estate, nonresident trust, foreign C corporation, tax-exempt entity or second-tier pass-through entity,
- they have no other Montana source income (other than Montana source income from another pass-through entity that is also electing to file a composite return on the partner's behalf), and
- they consent to be included in the return by providing the partnership with a written power of attorney, authorizing the partnership to file and act on their behalf.

## 6 Who has to sign the tax return?

Form PR-1 has to be signed and dated by a general partner or limited liability company member manager. This form is not considered to be complete unless it is signed. Unsigned tax forms will delay the processing of the partnership's return. If the partnership has paid someone to prepare this form, the paid preparer's PTIN or SSN, name, address and telephone number have to be included on the tax return.

If the partnership files Form PR-1 electronically, see FAQ 12 for more information about electronic signatures.

## 7 Can the partnership get an extension of time to file its information and composite tax return?

Yes. To receive an extension, the partnership has to mark the extension indicator box on Form PR-1, page 2, and include a copy of its federal extension Form 7004 with its completed Montana partnership return. Do not send copies of the federal extension before the partnership files its Form PR-1.

The automatic extension to file Form PR-1 with its supporting schedules is five months.

### Important

An extension of time to file is not an extension to pay. If the partnership does not pay the amount of tax due by the original due date, it will owe interest and penalties on any balance due.

## 8 What does the box that asks, "May the DOR discuss this return with the tax preparer?" mean?

If the partnership marks *yes*, we can discuss any concerns that we might have with the 2016 tax return—a missing schedule, for example—with the partnership's tax preparer. If the partnership does not mark the box, we cannot discuss the return with anyone but the general partner or limited liability company member manager or someone to whom the partnership has given a power of attorney that allows us to discuss the return with him or her.

If *yes* is marked on a return by the partnership, the partnership is authorizing us to call the tax preparer to answer any questions that arise while we are processing the 2016 tax return.

By marking the box, the partnership is also authorizing us to:

- Request that the tax preparer give us any information that is missing from the return.
- Respond to the tax preparer's call to us for information about the processing of the partnership's return or the status of the partnership's refund or payment(s).
- Discuss certain notices from us about math errors, offsets and return preparation. Note: The department will only send notices directly to the partnership, not to the tax preparer.

The partnership is not authorizing the tax preparer to receive any refund check, bind the partnership to anything (including any additional tax liability), receive any information about any other tax year or tax matter, or otherwise represent the partnership before the department.

Be aware that this authorization cannot be revoked. The authorization will, however, automatically end no later than the due date, without regard to extensions, for filing next year's (2017) tax return. This is April 17, 2018, for most partnerships.

If the partnership wants to expand or change the tax preparer's authorization (for example, to verify any estimated payments it will make in the future), it can use Form POA (Power of Attorney, Authorization to Disclose Tax Information). Form POA can be filed electronically and is available at [revenue.mt.gov](http://revenue.mt.gov).

## 9 What options does a partnership have when filing its information and composite tax return electronically?

File both the Montana and federal tax returns at the same time through a tax professional who is an Authorized IRS e-file Provider. For more information regarding electronic filing, visit [revenue.mt.gov](http://revenue.mt.gov) or [irs.gov](http://irs.gov).

### Important

If an entity has to file a Montana Partnership Information and Composite Tax Return (Form PR-1) for tax years beginning with 2014 or later and the entity has more than 100 partners during the tax year, then it must file Form PR-1 electronically. The partnership may be eligible to receive a hardship waiver by completing the Partnership E-file Waiver Request (Form PWR). The partnership must submit the request at least 30 days before the due date of the return, including extensions. For more information about e-filing, go to [revenue.mt.gov](http://revenue.mt.gov) or call the department toll free (866) 859-2254 (in Helena, 444-6900).

## 10 What options does a partnership have to pay its Montana taxes electronically?

The partnership can pay its Montana taxes electronically by using any of the following methods:

- Electronic funds withdrawal when e-filing the joint federal/state tax return. You can schedule the withdrawal date for any date you select. There is no fee for an electronic funds withdrawal.
- E-checks—there is no fee for an e-check payment. You can schedule an electronic payment by e-check to be withdrawn on any date you select by visiting our

website. Interest and late payment penalties will be assessed on any amount not paid when due.

- Credit/debit cards—a small fee is applied for a credit card payment.
- Schedule an ACH credit through your bank if the bank supports this process. View additional information on ACH credit payments at [revenue.mt.gov](http://revenue.mt.gov).

For more information regarding electronic payment options, visit [revenue.mt.gov](http://revenue.mt.gov).

### 11 What is the interest rate on unpaid taxes?

The current interest rate is 8%, and it will remain unchanged for individual income tax and composite income tax through December 31, 2017. Under Montana law, the interest rate for all unpaid income taxes depends on the rate set by the Internal Revenue Service and may fluctuate each year, but will not be less than 8%.

### 12 If the partnership files its information and composite tax return electronically, what information must it send in and what documents does it have to retain?

If the partnership files its return electronically, it does not have to mail in a paper copy of the return, any accompanying federal Form(s) 1099 or any other Montana supplemental forms. When the partnership files its return electronically, it represents that it has kept all the required documents as its tax record and that it will provide copies of these if we ask for them. The general partner or limited liability company member manager also does not have to sign a copy of the return and submit it to us. The act of completing and filing the return electronically is considered an authorized signature.

### 13 If the partnership mails its information and composite tax return, where does it send the return?

If the partnership chooses not to or is not required to file electronically, mail the return to:



Montana Department of Revenue  
PO Box 8021  
Helena, MT 59604-8021

### 14 How does a partnership amend its tax return?

Use Form PR-1 to amend an original tax return. Mark the box "Amended Return" on the form. Include the applicable forms and statements that explain in detail all the reason(s) for amending the tax return. Complete the entire Form PR-1 using the corrected amounts.

If the amended tax return results in a change to income or a change in the distribution of any income or other information provided to any partner, the partnership will also need to file any amended Montana Schedule(s) K-1 along with an amended Form PR-1. The partnership has to give a copy of the amended Montana Schedule K-1 to each partner.

If the partnership filed the original Form PR-1 electronically through the joint federal/state program, then it can e-file an amended Form PR-1 as long as the software supports amended filing.

#### Important

If the partnership files an amended tax return that shows it owes an increased amount of taxes, it may have the late payment penalty waived. Simply mark the *Amended Return* box on the tax form and pay the tax and applicable interest in full when the partnership files the amended return. By marking this box and paying all tax and interest in full, the partnership is requesting a waiver of the late payment penalty.

If the IRS changes or makes corrections to the partnership's federal Form 1065 or if the partnership amends its federal tax return, the partnership must file an amended Form PR-1 within 90 days after either receiving the IRS's notification of the corrections made to its federal Form 1065 or filing its amended federal tax return. Include a copy of the partnership's federal corrections or amended Form 1065 with the amended Form PR-1.

### 15 Can partnerships have net operating losses?

No. Partners use their separate shares of the partnership's business income and business deductions to figure a net operating loss (NOL). Partners who elect to be included in the composite tax return lose their ability to use their share of income and deductions for Montana NOL purposes.

### 16 How does a multistate partnership apportion its business income?

Montana requires multistate partnerships to determine the income reportable to Montana using the Multistate Tax Compact guidelines. "Business income" is apportioned using three equally weighted factors: the property factor, the payroll factor and the sales factor. Complete and include Schedule I with the partnership's information and composite tax return. Items of nonbusiness income from a partnership's operations are allocated to a state as provided in the Multistate Tax Compact guidelines.

### 17 How does a partnership determine which income is business income?

Income must be properly classified as either business or nonbusiness income. A partnership must substantiate whatever classification it places upon a particular item of income that is found on a return.

Interest income is business income if the note or obligation from which the taxpayer received the interest arose out of, or was created in, the regular course of the taxpayer's trade or business operation.

Dividends are business income if the stock from which the taxpayer received the dividends arose out of, or was acquired in, the regular course of the taxpayer's trade or business operations. If the partnership engages in the ownership, sale or other disposition of investments regularly and as part of the ordinary course of its business,

then the income arising from such transactions is presumptively business income.

Gain or loss from the sale, exchange or other disposition of real, tangible or intangible personal property constitutes business income if the property, while owned by the taxpayer, was used in the taxpayer's trade or business or was included in the apportionment factor.

Rental income from real and tangible property is business income if the property the taxpayer rents and receives income on is used in the taxpayer's trade or business, is incidental to the trade or business, or includable in the property factor.

If the partnership owns an interest in a pass-through entity, the distributive items that the partnership receives from the pass-through entity are not apportioned. Their status as Montana source income is determined by the pass-through entity that generated the income as part of its own operations. This Montana source income is allocated to Montana.

**18 How does a partnership allocate its nonbusiness income and the distributive items it receives from a pass-through entity?**

A partnership allocates to Montana nonbusiness income from its operations that are sourced to Montana and from distributive items of Montana source income that it receives from a pass-through entity in which it has an ownership interest.

Nonbusiness income means all income other than business income. The partnership can review our apportionment and allocation rules in Title 42, chapters 9 and 26 of the Administrative Rules of Montana. The rules are available at [revenue.mt.gov](http://revenue.mt.gov).

The character of income (loss) as business or nonbusiness income and as Montana source income is determined by the pass-through entity that generated it. The distributive items of Montana source income that the partnership receives from another pass-through entity retain their

character as Montana source income and are not included by the partnership in its business income subject to apportionment or otherwise subject to recharacterization by the partnership.

**19 How does the partnership determine what income is sourced to Montana?**

If a partnership is doing business only in Montana, all of its income is Montana source income. Montana source income includes the separately and nonseparately stated income, gain, loss, deduction or credit, or items of income, gain, loss, deduction or credit that it derived from a trade, business, occupation or profession carried on in Montana or that was derived from the sale or other transfer, or the rental, lease or other commercial exploitation of property located in Montana.

If a partnership is doing business both inside and outside of Montana, Montana source income is the sum of the multistate business income that is apportioned to Montana, nonbusiness income that is allocated to Montana and all Montana source income of any pass-through entity that has been passed through, directly or indirectly, to the partnership.

If a partnership has an interest in another pass-through entity that has Montana source income, that income retains its character and is also Montana source income.

**20 How long does a partnership need to maintain tax records after it has filed the Montana information and composite tax return?**

Partnerships should keep all tax records for at least as long as the statute of limitations in effect for the tax period. In most cases, the statute of limitations is three years from the date the return is filed for tax periods beginning on or after January 1, 2015, and five for periods beginning before then. Omitting a significant amount of income may extend the statute an additional two years. Partnerships should keep property records and carryover information even longer.