INSTRUCTIONS FOR 2005 KENTUCKY FORM 740-NP
NONRESIDENT OR PART-YEAR RESIDENT INCOME TAX RETURN

TAXPAYER ASSISTANCE

Automated Refund and Tax Information System

Information may be obtained on the status of income tax refunds by using the department's automated refund and tax information system (ARTIS). This service is available 24 hours a day.

A touch-tone telephone and the following information from your return will be required:

- Social Security number shown first on your label or listed first on your return.
- The exact whole-dollar amount to be refunded to you.

Once you have the required information, call **(502) 564-1600** and follow the recorded instructions.

If during the call you do not receive a refund mailing date, please allow seven days before calling again.

Information and forms are available from the following Kentucky Taxpayer Service Centers:

Ashland
134 Sixteenth Street, 41101-7670
(606) 920-2037

Bowling Green
201 West Professional Park Court, 42104-3278
(270) 746-7470

Central Kentucky (Frankfort)
200 Fair Oaks Lane, 40620-0001
(502) 564-4581 (General Information)
(502) 564-3058 (Telecommunication Device for the Deaf)
(502) 564-3658 (Forms)
www.revenue.ky.gov (Internet)

Corbin
15100 North US 25E
Suite 2, 40701-6188
(606) 528-3322

Hopkinsville
181 Hammond Drive, 42240-7926
(270) 889-6521

Louisville
620 South Third Street, Suite 102, 40202-2446
(502) 595-4512

Northern Kentucky
Turfway Ridge Office Park
7310 Turfway Road, Suite 190
Florence, 41042-4871
(859) 371-9049

Owensboro
311 West Second Street, 42301-0734
(270) 687-7301

Paducah
Clark Business Complex, Suite G,
2928 Park Avenue, 42001-4024
(270) 575-7148

Pikeville
Uniplex Center
126 Trivette Drive, Suite 203, 41501-1275
(606) 433-7675

WHO MUST FILE FORM 740-NP—Form 740-NP must be used by full-year nonresidents who had income from Kentucky sources and by part-year residents who had income while a Kentucky resident or from Kentucky sources while a nonresident. These persons must file Form 740-NP if (1) they had **any *gross*** income from Kentucky sources ***and gross income from all sources*** in excess of modified gross income for their family size, or (2) Kentucky gross receipts from self-employment in excess of modified gross income for their family size listed on page 2 in Chart A.

Individuals who are residents of Kentucky for the entire tax year must use Form 740 or Form 740-EZ. Persons who maintain a permanent residence in Kentucky (i.e., are domiciled in Kentucky) are considered residents. Persons not domiciled in Kentucky but who live in Kentucky for more than 183 days during the tax year are also considered residents.

Full-year nonresidents must report all income from Kentucky sources (including distributive share income, Schedule K-1), from activities carried on in Kentucky or from the performance of services in Kentucky and from property located in Kentucky.

Persons moving into Kentucky must report income received from Kentucky sources prior to becoming residents and income received from all sources after becoming Kentucky residents.

Residents moving out of Kentucky during the year must report income from all sources while a resident and from Kentucky sources while a nonresident.

Reciprocal States—Kentucky has reciprocal agreements with specific states. These agreements provide that taxpayers be taxed by their state of residence, and not the state where income is earned. **Reciprocity does not apply to persons who live in Kentucky for more than 183 days during the tax year.** The states and types of exemptions are as follows:

Illinois, Ohio, West Virginia—wages and salaries
Indiana—wages, salaries and commissions
Michigan, Wisconsin—income from personal services (including salaries and wages)
Virginia—commuting daily, salaries and wages

Taxpayers who qualify for this exemption and have no other Kentucky taxable income should file Form 740-NP-R, Kentucky Income Tax Return, Nonresident–Reciprocal State, to obtain a refund. Also, nonresidents who qualify for the exemption should file Form 42A809, Certificate of Nonresidence, with their employer to exempt their future wages from Kentucky withholding.

Gambling income and distributive share income (Schedule K-1) are not exempt under reciprocal agreements. This income is fully taxable. **A complete return must be filed if filing requirements are met**.

Military Personnel—Members of the Armed Forces are required to file state income tax returns with their state of legal domicile, which usually is the state of residence prior to entering military service. Nonresident military personnel with civilian jobs in Kentucky are required to report this income on Form 740-NP except residents of reciprocal states (see reciprocal states above). Any income from nonmilitary Kentucky sources is also taxable.

Any income earned in a **combat zone** that is exempt for federal tax purposes is also exempt for Kentucky tax purposes.

A **civilian spouse** who lives or works in Kentucky may be required to file as resident, part-year resident or nonresident based on the situation (see above).

Military Personnel Eligible for Combat Zone Extension—Members of the Army, Navy, Marines, Air Force, or Public Health Service of the United States government who serve in an area designated as a combat zone by presidential proclamation shall not be required to file an income tax return and pay the taxes, which would otherwise become due during the period of service, until 12 months after the service is completed. Members of the National Guard or any branch of the Reserves called to active duty to serve in a combat zone are granted the same extension.

Chart A

If Your **Family Size** is:		Your ***Modified Gross Income*** *is greater than*:
One	***and***	$ 9,570
Two	***and***	$12,830
Three	***and***	$16,090
Four or More	***and***	$19,350

MODIFIED GROSS INCOME AND FAMILY SIZE (Use With Chart A)

Family Size—Consists of yourself, your spouse if married and living in the same household and qualifying children. Family size is limited to four.

Qualifying Dependent Child—Means a qualifying child as defined in Internal Revenue Code Section 152(c), and includes a child who lives in the household but cannot be claimed as a dependent if the provisions of Internal Revenue Code Section 152(e)(2) and 152(e)(4) apply. In general, to be a taxpayer's qualifying child, a person must satisfy four tests:

- **Relationship**—The taxpayer's child or stepchild (whether by blood or adoption), foster child, sibling or stepsibling, or a descendant of one of these.
- **Residence**—Has the same principal residence as the taxpayer for more than half the tax year. A qualifying child is determined without regard to the exception for children of divorced or separated parents. Other federal exceptions apply.
- **Age**—Must be under the age of 19 at the end of the tax year, or under the age of 24 if a full-time student for at least five months of the year, or be permanently and totally disabled at any time during the year.
- **Support**—Did not provide more than one-half of his/her own support for the year.

Modified Gross Income—Consists of your federal adjusted gross income, your spouse's federal adjusted gross income if living in the same household, plus any tax-exempt interest from municipal bonds (non-Kentucky) or any lump-sum distribution amount taxed on Form 4972-K.

WHEN TO FILE—April 17, 2006, is the filing deadline for persons reporting income for calendar year 2005. To avoid penalties and interest, returns must be postmarked no later than April 17.

SSN NEEDED—Put Your Social Security Number on Your Return—To protect your privacy, your Social Security number (SSN) is not printed on the peel-off label. This means that you must enter your SSN in the appropriate boxes on your return. If you are married filing a joint return, also enter your spouse's SSN.

ADDRESS LABELS—Use the preprinted, bar-coded labels provided. The primary Social Security number has been converted to UPC bar code that can be read by scanners. This will enable us to tell you that your return has been received. If the address is incorrect, draw a line through the incorrect information and print the correct address. If the name is incorrect, discard the labels and print the requested information in the blocks provided.

COMPUTER-GENERATED RETURNS—Most software packages produce a 2-D bar code that contains all of the information needed to process your return. The bar code is printed in the upper right-hand corner of the return. This bar code should not be covered up or marked through. Last minute changes should be entered into the program and the return printed again so that the bar code also contains the correct information. Using the bar code reduces data entry errors for the department and results in a faster refund for you.

Check to be sure your software generates an acceptable form. A list of vendors whose software has been approved is posted on the Internet at **www.revenue.ky.gov**, the Department of Revenue's Web site.

AMENDED RETURNS—If you discover that you omitted deductions or otherwise improperly prepared your return, you may obtain a refund by filing an amended return within four years of the due date of the original return. You are required to file an amended return to report omitted income.

When filing an amended return, check the box on Form 740-NP and attach a detailed explanation of the changes to income, deductions and tax. Submit a completed Kentucky return and corrected federal schedules, if applicable. If you do not attach the required information, processing of your amended return may be delayed.

COMPOSITE RETURNS—A general partnership may file a composite income tax return on behalf of electing nonresident individual partners reporting and paying income tax at the highest marginal rate in KRS 141.020 on the partners' pro rata or distributive shares of income from sources within this state.

The partners' pro rata or distributive shares of income shall include all items of income or deduction used to compute adjusted gross income on the Kentucky return that is passed through to the partner by the partnership, including but not limited to interest, dividend, capital gains and losses, guaranteed payments, and rents.

File with the Department of Revenue, Form 740-NP, Kentucky Nonresident Tax Return, attaching a schedule reporting the name, address, social security number, net distributive share income, and the tax paid for each electing nonresident individual partner. Check the box labeled Composite Return on Form 740-NP.

CONFIDENTIALITY—Kentucky Revised Statute 131.190 requires the Department of Revenue to maintain strict confidentiality of all taxpayer records. No employee of the Department of Revenue may divulge any information regarding the tax returns, schedules or reports required to be filed. However, the Department of Revenue is not prohibited from providing evidence to or testifying in any court of law concerning official tax records.

Further, the department may provide official information on a confidential basis to the Internal Revenue Service or to any other governmental agency with which it has an exchange of information agreement whereby the department shall receive similar or useful information in return.

REPORTING PERIODS AND ACCOUNTING PROCEDURES—Kentucky law requires taxpayers to report income on the same calendar or fiscal year and to use the same methods of accounting as required for federal income tax purposes. Any federally approved change in accounting period or methods must be reported to the Kentucky Department of Revenue. Attach a copy of the federal approval.

Changes to federal income tax law made after the Internal Revenue Code reference date contained in KRS 141.010(3) shall not apply for purposes of Chapter 141 unless adopted by the General Assembly.

POLITICAL PARTY FUND DESIGNATION—You may designate that a portion of your taxes will be paid to either the Democratic or Republican parties if you have a tax liability of at least $2 ($4 for married persons filing joint returns). *This designation will not increase your tax or decrease your refund*. You may make this designation by checking the applicable box. A husband and wife may each make a designation. Persons making no designation should check the "No Designation" box.

FILING STATUS – ***Legal liabilities are affected by the choice of filing methods***. Married persons who file joint returns are jointly and severally liable for all income taxes due for the period covered by the return. If married, you may file separate or joint returns. **Most married persons pay less tax if they file separate returns.**

Filing Status 1, Single—Use this filing status if you are unmarried, divorced, widowed, legally separated by court decree, or if you filed as "Head of Household" or "Qualifying Widow(er)" on your federal return.

Filing Status 2, Married Filing Joint Return—Use this filing status if you and your spouse choose to file a joint return even if one spouse had no income. Jointly means that you and your spouse add your incomes together and report the total on page 3, Section D, Column B, Lines 1 through 33.

Filing Status 3, Married Filing Separate Returns—If using this filing status, you and your spouse must file two separate tax forms. The husband's income is reported on one tax form, the wife's on the other. When filing separate returns, the name and Social Security number of each spouse must be entered on both returns. Enter the spouse's Social Security number in the block provided, and enter the name on page 1, Line 3.

DETERMINING YOUR INCOME

SECTION D—INCOME/ADJUSTMENTS TO INCOME

A copy of pages 1 and 2 of your federal income tax return and all supporting schedules must be filed with Kentucky Form 740-NP. ***Please clearly identify as "Copy."***

INSTRUCTIONS FOR COLUMN A

All entries in Column A should be amounts reported for federal income tax purposes.

Depreciation—Assets Purchased After September 10, 2001

Effective for taxable years ending after September 10, 2001, an individual that for federal income tax purposes elects to utilize the 30 percent or the 50 percent special depreciation allowance or the increased 179 deduction will have a different depreciation and Section 179 deduction for Kentucky purposes than for federal purposes. The differences will continue through the life of the assets. There will be recapture and basis differences for Kentucky and federal income tax purposes until the assets are sold or fully depreciated.

INSTRUCTIONS FOR COLUMN B

Depreciation, Section 179 Deduction and Gains/Losses From Disposition of Assets—*Important: Follow the instructions for Reporting Depreciation and Section 179 Deduction Differences if you have elected for federal income tax purposes to take the 30 percent or the 50 percent special depreciation allowance or the increased Section 179 deduction for property placed in service after September 10, 2001.* **A copy of the federal Form 4562 filed for federal income tax purposes <u>must</u> be submitted with Form 740-NP to verify that no adjustments are required.**

Reporting Depreciation and Section 179 Deduction Differences for property placed in service after September 10, 2001—**Create a Kentucky Form 4562** by entering **Kentucky** at the top center of a federal Form 4562 above Depreciation and Amortization. In Part I replace the $102,000 maximum amount on Line 1 with the Kentucky limit of $25,000 and replace the $410,000 threshold amount on Line 3 with the Kentucky phase-out threshold of $200,000. In Part II, strikethrough and ignore Line 14, Special depreciation allowance for qualified property placed in service during the tax year. Use the **created Kentucky Form 4562** to compute Kentucky depreciation and Section 179 deduction in accordance with the IRC in effect on December 31, 2001.

Note: In determining the Section 179 deduction for Kentucky the income limitation on Line 11 is Kentucky net income before the Section 179 deduction instead of federal taxable income. Adjust federal Schedules C, E and F for the difference in allowable depreciation and report in Column B the Kentucky income (loss) from business, farming or rental property. **Attach Kentucky Form 4562 and federal Form 4562**.

Line 1, Wages, Salaries, Tips, etc.—Enter all wages, salaries, tips, bonuses, commissions or other compensation received for personal services from Kentucky sources while a nonresident and from all sources while a resident of Kentucky. Do not include in this amount any reimbursement for moving expenses included in Kentucky wages on your wage and tax statement.

Line 2, Moving Expense Reimbursement—See instructions for Schedule ME.

Line 3, Interest—Interest income received while a Kentucky resident must be reported, except for the following: (a) income from bonds issued by the Commonwealth of Kentucky and its political subdivisions; and (b) income from U.S. government bonds or securities. Interest income from bonds issued by other states and their political subdivisions is taxable to Kentucky and must be included on Line 3.

Line 4, Dividends—Report dividends received while a resident of Kentucky.

Line 5, Taxable Refunds, Credits or Offsets of Local Income Taxes—Enter the amount of taxable local income tax refund or credit reported on your federal return.

Line 6, Alimony Received—Generally, alimony payments taxable for federal purposes are also taxable for Kentucky. Only alimony payments allowable as a deduction for the payer are required to be reported as income by the recipient on Line 6. See instructions for Section D, Line 26.

Lines 7 and 12, Profit or (Loss) from Business or Farming—*For income taxable to Kentucky*, complete and attach federal Schedule C or C-EZ for business income or federal Schedule F for farming and Form 4562, Depreciation and Amortization. Do not adjust wages by the federal work opportunity credit from federal Form 5884. For passive activities, see Form 8582-K. Do not include income from the national tobacco settlement agreement. Adjust income for the difference in allowable depreciation and report in Column B.

Note: Individual owners of disregarded single member LLCs (SMLLCs) that file on Schedules C, E, or F for federal income tax shall file Form 725, Kentucky Single Member LLC Corporation Income Tax Return, to compute and pay the corporation income tax. The individual member shall report income or loss from the entity and determine credit in the same manner as other PTEs.

Lines 8 and 9, Gain or (Loss) from Sale or Exchange of Assets—Gains (losses) on sales of assets (including installment sales) while a Kentucky resident must be reported on the Kentucky return. Gains (losses) on sales of tangible assets located in Kentucky must be reported regardless of state of residence. Generally, gains (losses) on sales of intangible assets are reported to the state of residence.

Determining and Reporting Differences in Gain or Loss From Disposition of Assets—If during the year you dispose of assets placed in service after September 10, 2001, on which the 30 percent or the 50 percent special depreciation allowance or the increased Section 179 deduction was taken for federal income tax purposes, you will need to determine and report the difference in the amount of gain or loss on the assets as follows:

Create a Kentucky form by entering **Kentucky** at the top center of a federal Schedule D, federal Form 4797 and other applicable federal forms. Compute Kentucky gain or loss from the disposed assets using the Kentucky basis. Enter the Kentucky gain or loss on the appropriate line. **Attach the *created* Kentucky Schedule D, Kentucky Form 4797 and other forms or schedules to support the deduction.**

Line 10(a), Federally Taxable IRA Distributions, Pensions and Annuities—Enter on Line 10(a), Column A, the total of IRA distributions, pensions and annuities received for the entire year. Enter on Line 10(a), Column B, the total of IRA distributions, pensions and annuities received while a resident of Kentucky.

Line 10(b), Pension Income Exclusion—You may exclude up to $41,110 of pension income **reported on Line 10(a), Column B**. If Line 10(a), Column B, is more than $41,110 and is from the federal government, Commonwealth of Kentucky or Kentucky local governments, complete Schedule P.

Line 11, Income from Schedule E—Enter income from rents, royalties, general partnerships, estates, trusts, S corporations and REMICs. Nonresident individuals receiving a Kentucky Schedule K-1 from a general partnership, estate, trust or S corporation must report their distributive share of the income, gains or losses, etc., as reflected on the K-1. Shareholders and partners should multiply their distributive share items by the taxable percentage from Schedules K-1; Form 720S, Line B(2); Form 765, Line D(2) and Form 765-GP, Line C(2).

Part-year residents not receiving a Kentucky Schedule K-1, but receiving a federal K-1 from a partnership, estate, trust or S corporation, must report the same amount of distributive income, gains or losses, etc., as reported for federal income tax purposes from entities whose taxable years end during their period of residence.

Do not include in Column B the net income from an S corporation subject to the franchise tax imposed under KRS 136.505 or the capital stock tax imposed under KRS 136.300.

Report income from real estate mortgage investment conduits (REMICs) as follows: (1) if the REMIC is a corporation, include only distributions of cash or property during the taxable year; or (2) if other than a corporation, report the same amount as reported for federal income tax purposes for the taxable year.

Note: Individual owners of disregarded single member LLCs (SMLLCs) that file on Schedules C, E, or F for federal income tax shall file Form 725, Kentucky Single Member LLC Corporation Income Tax Return, to compute and pay the corporation income tax. The individual member shall report income or loss from the entity and determine credit in the same manner as other PTEs.

Line 13, Unemployment Compensation—Report income from unemployment compensation while a resident or from Kentucky sources while a nonresident.

Line 14, Taxable Social Security Benefits—Social Security benefits are not taxable for Kentucky.

Line 15, Gambling Winnings—Report income from lottery winnings and gambling received while a Kentucky resident or from Kentucky sources while a nonresident.

Line 16, Other Income—Report income from prizes, awards, or any sources not listed above while a Kentucky resident or from Kentucky sources while a nonresident.

Retirement Income (For persons moving out of Kentucky)—Include differences in pension (3-year recovery rule) and IRA bases received while a resident of Kentucky (also include differences on Schedule P, Line 2).

Net Operating Loss Deduction—A Kentucky net operating loss deduction (KNOLD) must be computed using Kentucky income and deduction amounts. The federal net operating loss deduction is not allowed. The KNOLD should be included as a negative amount on Line 16. If the loss is from a business outside Kentucky, none of the loss may be used. Kentucky returns must be filed for the year of the loss and for all years for which the loss is utilized. Attach schedule showing computation.

Note: For 2005 and future years, the carryback of net operating losses to prior years will no longer be allowed. Net operating losses will be available for carryforward only.

Artistic Charitable Contributions—A deduction is allowed for "qualified artistic charitable contributions" of any literary, musical, artistic or scholarly composition, letter or memorandum, or similar property.

An amount equal to the fair market value of the property on the date contributed is allowable as a deduction. However, the deduction is limited to the amount of the taxpayer's Kentucky artistic adjusted gross income for the taxable year. This amount should be included as a negative amount on Line 16.

The following requirements for a deduction must be met:

(a) The property must have been created by the personal efforts of the taxpayer at least one year prior to the date contributed. The creation of this property cannot be related to the performance of duties while an officer or employee of the United States, any state or political subdivision thereof.

(b) A written appraisal of the fair market value of the contributed property must be made by a qualified independent appraiser within one year of the date of the contribution. A copy of the appraisal must be attached to the tax return.

(c) The contribution must be made to a qualified tax-exempt organization.

ADJUSTMENTS TO INCOME

Line 18, Educator Expenses—Deduct up to $250 for teachers and other educators for their out-of-pocket expenses incurred while a Kentucky resident or expenses for use in an educational classroom.

Line 19, Certain Business Expenses of Reservists, Performing Artists and Fee-Basis Government Officials—Deduct out-of-pocket expenses for members of the National Guard or Reserves.

Line 20, Health Savings Account (HSA) Deduction—Persons moving into and out of Kentucky may deduct the total of health savings account contributions paid while a resident of Kentucky. Contributions deducted by full-year nonresidents are limited to the percentage of their Kentucky total income (Line 17, Column B) to their federal total income (Line 17, Column A). Do not claim amounts as an itemized deduction.

Line 21, Moving Expenses—Enter allowable moving expense deduction (attach Schedule ME).

Line 22, Deduction for One-Half of Self-Employment Tax—You may deduct one-half of the self-employment tax imposed under IRC Section 1401 provided the self-employment income is included in Column B as Kentucky income for the taxable year.

Line 23, Self-Employed SEP, SIMPLE and Qualified Plans Deduction—Self-employed persons may deduct qualified payments to a Keogh retirement plan, a Simplified Employee Pension (SEP) or a SIMPLE plan. However, Kentucky self-employment earnings must be used to compute the deduction.

Line 24, Self-Employed Health Insurance Deduction—For Kentucky purposes, see Section D, Line 32 for the allowable health insurance deduction.

Line 25, Penalty on Early Withdrawal of Savings—You may deduct the interest penalty only if the interest income has been reported to Kentucky.

Line 26, Alimony Paid—Persons moving into or out of Kentucky may deduct the amount of alimony paid while a resident of Kentucky. However, the deduction cannot exceed Kentucky income. Alimony paid by full-year nonresidents is limited to the percentage of their Kentucky total income to their federal total income. Enter the recipient's name and Social Security number.

Line 27, Individual Retirement Arrangements (IRAs)—Taxpayers who meet the federal qualifications may deduct up to $4,000 ($4,500 if over age 50) of earned income which has been contributed to an IRA. Persons moving into Kentucky may deduct up to the full amount of their IRA contributions. However, the deduction cannot exceed income earned in Kentucky. Contributions made by full-year nonresidents and persons who moved out of the state during the year are limited to the percentage of their Kentucky earned income to their federal earned income. Use federal worksheets and instructions with the above limitations.

Line 28, Student Loan Interest Deduction—Federal limitations apply. Student loan interest deduction is limited to the percentage of Kentucky total income (Line 17, Column B) to federal total income (Line 17, Column A). Enter in Column A, the total of student loan interest from your federal return. Enter in Column B, the allowable deduction with the above limitation.

Line 29, Tuition and Fees Deduction—Federal limitations apply. The tuition and fees deduction is limited to the percentage of Kentucky total income (Line 17, Column B) to federal total income (Line 17, Column A). Enter in Column A, the tuition and fees deduction from your federal return. Enter in Column B, the allowable deduction with the above limitation.

Line 30, Domestic Production Activities Deduction—Federal limitations apply. Provision 102 of the American Jobs Creation Act of 2004 passed October 22, 2004, added a deduction based on domestic production activities available to corporations, individuals, S corporations and partnerships. This provision created a new Internal Revenue Code (IRC) Section 199. For the pass-through entities, the deduction is based on the activities of the partnership or S corporation, and it is computed at the individual partner or shareholder level. The partner or shareholder is allocated its share of items to compute the deduction via the K-1. This deduction is available for tax years beginning after December 31, 2004.

Line 31, Long-Term Care Insurance Premiums—Persons moving into and out of Kentucky may deduct the total of long-term care insurance premiums paid while a resident of Kentucky. Long-term care insurance premiums deducted by full-year nonresidents are limited to the percentage of their Kentucky total income (Line 17, Column B) to their federal total income (Line 17, Column A). Do not claim amounts as an itemized deduction.

Line 32, Health Insurance Premiums—Persons moving into and out of Kentucky can deduct 100 percent of medical and dental insurance premiums paid while a resident of Kentucky. Medical and dental insurance premiums deducted by full-year nonresidents are limited to the percentage of their Kentucky total income (Line 17, Column B) to their federal total income (Line 17, Column A).

Note: This deduction applies to premiums paid with after-tax dollars. Premiums paid with pretax income (cafeteria plans and vouchers already excluded from wage income) are not deductible again. Do not include long-term care insurance premiums deducted on Line 31. If you are eligible for the Health Coverage Tax Credit, you may not deduct premiums paid on your behalf (advance payments) and you must reduce the amount you paid by the amount of health coverage tax credit. (See federal Form 8885.)

INCOME/TAX

Note: These items are reported on page 1, Form 740-NP.

Line 7—Enter the percentage from page 3, Section D, Line 35.

Line 8—Enter federal Adjusted Gross Income from page 3, Section D, Column A, Line 34.

Line 9—Enter Kentucky Adjusted Gross Income from page 3, Section D, Column B, Line 34.

Line 10—Nonitemizers, enter the standard deduction of $1,910. If filing a joint return, only one $1,910 standard deduction is allowed.

Line 11—Itemizers, complete Schedule A and enter itemized deductions on Line 11. If one spouse itemizes deductions, the other must itemize. See specific instructions for Schedule A.

Line 12—Multiply Line 11 by the percentage on Line 7. If Line 12 does not exceed $1,910 and your filing status is 1 or 2, you should take the standard deduction. Married couples filing separate returns, see special rules under instructions for Schedule A.

Line 13—Subtract either Line 10 or 12 from Line 9. This is your Taxable Income.

Line 14—Use the tax table provided in the instructions to compute your tax. Enter this amount on Line 14.

If you had a **lump-sum distribution** from a qualified retirement plan, complete Schedule P and Form 4972-K and attach copies to Form 740-NP. The amount of tax computed on Form 4972-K should be included in the amount on this line.

Schedule J, Farm Income Averaging—If you elect Farm Income Averaging on your federal return, you may also use this method for Kentucky. Complete and attach Kentucky Schedule J and include tax in the amount on this line.

Line 15—Enter amount from page 2, Section A, Line 13. See instructions for Section A.

Line 17—Enter amount from page 2, Section B, Line 4. See instructions for Section B.

Line 18—Multiply the amount on Line 17 by the percentage on Line 7 and enter result here.

LINE 20 and LINE 21, Family Size Tax Credit— The new Family Size Tax Credit is based on modified gross income (MGI) and the size of the family. If your total MGI is $25,736 or less you may qualify for Kentucky Family Size Tax Credit.

STEP ONE—Determine your family size. Check the box on Line 20 to the right of the number that represents your family size.

Family Size—Consists of yourself, your spouse if married and living in the same household and qualifying children.

Family Size 1 is an individual either single, or married living apart from his or her spouse for the entire year. You may qualify for the Family Size Tax Credit even if you are claimed as a dependent on your parent's tax return.

Family Size 2 is an individual with one qualifying child or a married couple.

Family Size 3 is an individual with two qualifying children or a married couple with one qualifying child.

Family Size 4 is an individual with three or more qualifying children or a married couple with two or more qualifying children.

Qualifying Dependent Child—Means a qualifying child as defined in Internal Revenue Code Section 152(c), and includes a child who lives in the household but cannot be claimed as a dependent if the provisions of Internal Revenue Code Section 152(e)(2) and 152(e)(4) apply. In general, to be a taxpayer's qualifying child, a person must satisfy four tests:

Relationship—Must be the taxpayer's child or stepchild (whether by blood or adoption), foster child, sibling or stepsibling, or a descendant of one of these.

Residence—Has the same principal residence as the taxpayer for more than half the tax year. A qualifying child is determined without regard to the exception for children of divorced or separated parents.

Age—Must be under the age of 19 at the end of the tax year, or under the age of 24 if a full-time student for at least five months of the year, or be permanently and totally disabled at any time during the year.

Support—Did not provide more than one-half of his/her own support for the year.

STEP TWO—Determine modified gross income.

WORKSHEET FOR COMPUTATION OF MODIFIED GROSS INCOME FOR FAMILY SIZE TAX CREDIT

If federal adjusted gross income is $25,736 or less, you may qualify for the Family Size Tax Credit. See instructions.

(a) Enter your federal adjusted gross income from Line 34, Column A, but not less than zero .... (a) ______________________

(b) Enter your spouse's federal adjusted gross income if married filing separate returns and living in the same household, but not less than zero .... (b) ______________________

(c) Enter tax-exempt interest from municipal bonds (non-Kentucky) .... (c) ______________________

(d) Enter amount of lump-sum distributions not included in federal adjusted gross income (federal Form 4972) .... (d) ______________________

(e) Enter total of lines (a), (b), (c) and (d). This is your **Modified Gross Income**. Use this amount to determine if you qualify for the Family Size Tax Credit .... (e) ______________________

STEP THREE—Use the Family Size Table to look up the percentage of credit and enter in the space provided on Line 21.

Family Size	One		Two		Three		Four or More		Credit Percentage is
If MGI . . .	is over	is not over	is over	is not over	is over	is not over	is over	is not over	
	---	$ 9,570	---	$12,830	---	$16,090	---	$19,350	100
	9,570	9,953	12,830	13,343	16,090	16,734	19,350	20,124	90
	9,953	10,336	13,343	13,856	16,734	17,377	20,124	20,898	80
	10,336	10,718	13,856	14,370	17,377	18,021	20,898	21,672	70
	10,718	11,101	14,370	14,883	18,021	18,664	21,672	22,446	60
	11,101	11,484	14,883	15,396	18,664	19,308	22,446	23,220	50
	11,484	11,867	15,396	15,909	19,308	19,952	23,220	23,994	40
	11,867	12,154	15,909	16,294	19,952	20,434	23,994	24,575	30
	12,154	12,441	16,294	16,679	20,434	20,917	24,575	25,155	20
	12,441	12,728	16,679	17,064	20,917	21,400	25,155	25,736	10
	12,728	---	17,064	---	21,400	---	25,736	---	0

STEP FOUR—Multiply tax from Line 19 by the percentage and enter on Line 21. This is your **Family Size Tax Credit**.

LINE 23, Education Tuition Tax Credit—Complete Form 8863-K to claim this credit. You may claim 25 percent of the federal Hope and Lifetime Learning credit if:

a. the expenses claimed are from a Kentucky institution;

b. the expenses are for undergraduate studies; and

c. your Kentucky filing status is single, married filing separately on a combined return, or married filing a joint return.

Any unused credit may be carried forward up to five years.

Line 25, Child and Dependent Care Credit—**Full-year nonresidents are not entitled to this credit.** Part-year residents may be entitled to a credit for child and dependent care expenses paid while a resident of Kentucky. To determine this credit, complete the following worksheet.

a. Enter total credit calculated on federal Form 2441, Line 9 (or 1040A, Schedule 2, Line 9)	______________
b. Enter total child and dependent care expenses entered on Form 2441, Line 3 or Form 1040A, Schedule 2, Line 3	______________
c. Enter the amount included on Line b paid while a Kentucky resident	______________
d. Divide Line c by Line b. Enter result	___ . ___ ___
e. Multiply the amount on Line a by the decimal amount on Line d	______________
f. Percent of allowable credit for Kentucky	x .20
g. Multiply the amount on Line e by the decimal amount on Line f. This is your Child and Dependent Care Credit. Enter on Line 25	______________

Note: If you and your spouse are filing separate Kentucky returns, the child and dependent care credit calculated for Kentucky must be divided based on the percentage of each spouse's adjusted gross income to total Kentucky adjusted gross income (Line 9).

Line 27, Kentucky Use Tax—If, while a Kentucky resident, you made any out-of-state purchases of tangible personal property for use in Kentucky on which sales tax was not charged, you must report Kentucky use tax on those purchases, pursuant to KRS 139.330. Examples include catalog or Internet purchases such as clothing; sporting goods; flower bulbs, seeds and garden supplies; computer hardware and software; photographic equipment and film processing; book, tape, CD and video club purchases; magazine subscriptions; furniture; carpet; boats and boating equipment; etc. From your cancelled checks, invoices, credit card statements, etc., list on the following worksheet out-of-state purchases on which sales tax was not paid (use additional page if necessary).

Note: The items reported for use tax on Form 740-NP should be those purchased strictly for personal use. Any use tax liabilities accruing to a business such as mail-order office supplies must be reported on the sales and use tax return or the consumer's use tax return. The Department of Revenue routinely conducts compliance programs with other states regarding out-of-state purchases. Persons not reporting applicable use tax will be liable for the tax plus interest and penalties.

Description of Property Purchased	Date of Purchase	Purchase Price
		$
a. Total purchase price of property subject to use tax		$
b. Use tax rate—6%		x .06
c. Use tax (multiply amount on Line a by .06). Enter here and on Line 27. Keep this worksheet for your records		$

SIGN RETURN

Be sure to sign on page 1 after completion of pages 1, 2 and 3 of your return. Each return must be signed by the taxpayer. Joint and combined returns must be signed by both husband and wife. Returns that are not signed may be returned to you for signature.

Please enter a telephone number where you can be reached during regular working hours. You may be contacted for additional information needed to complete processing of your tax return.

LINE 30(a), Tax Withheld—Enter the amount of 2005 **Kentucky** income tax withheld by your employer(s). This amount is shown on wage and tax statements, including Forms 1099, W-2G and PTE-WH, which you must attach to Form 740-NP in the designated area. You will not be given credit for Kentucky income tax withheld unless you attach the wage and tax statements or other supporting documents reflecting Kentucky withholding.

Employers are required to give these statements to employees no later than January 31, 2006. If by March 1 you are unable to obtain a wage and tax statement from an employer, contact the Department of Revenue for instructions.

You may not claim credit for tax **withheld** by another state. Within certain limitations, Kentucky part-year residents may claim a credit for nonrefundable individual income tax **paid** to other states. See Section A, Line 4.

LINE 30(b), Estimated Tax Paid—Enter Kentucky estimated tax payments made for 2005 and amounts credited from the 2004 return.

Also, include on Line 30(b) payments prepaid with extension requests. Identify as "prepaid with extension."

LINE 30(c), Refundable Kentucky corporation tax credit (KRS 141.420(3)(c))—This amount is shown on Schedules K-1 from pass-through entities (PTEs) or Form 725 for single member limited liability companies. Copies of Schedules K-1 or Form 725 should be attached to your return.

For taxable years beginning after December 31, 2004, and before January 1, 2007, the portion of credit that represents 1 percent of the entity's taxable income in excess of $216,600 shall be refundable. The PTE shall compute and report the amount of nonrefundable and refundable credit available to the partners, members or shareholders.

Compare the amounts on Lines 29 and 31. If Line 31 is larger than Line 29, subtract Line 29 from Line 31. Enter the difference on Line 32. This is the **AMOUNT OVERPAID**.

If Line 31 is smaller than Line 29, you owe additional tax. Subtract Line 31 from Line 29. Enter on Line 40. For instructions on payment, see Line 42, Amount You Owe.

Line 32, Amount Overpaid—You have six choices regarding your overpayment: (a) on Line 33, you may contribute all or a portion of it to the **Nature and Wildlife Fund** for the purpose of acquiring land to preserve habitat for wildlife and natural areas of historic or scenic value; (b) on Line 34, you may contribute all or a portion of it to the **Child Victims' Trust Fund** to support local programs designed to prevent sexual abuse and exploitation of children; (c) on Line 35, you may contribute all or a portion of it to the **Veterans' Program Trust Fund** which was created solely for the benefit of veterans' programs; (d) on Line 36, you may contribute all or a portion of it to the **Breast Cancer Research and Education Trust Fund** which was created to fund breast cancer research and provide public education about breast cancer; (e) on Line 38, you may credit an amount toward payment of 2006 Kentucky income tax; or (f) you may receive a refund. *Amounts contributed on Line 37 and/or credited on Line 38 must be subtracted from the overpayment and cannot exceed it.* Any remaining amount will be refunded.

Line 40, Additional Tax Due—This is your additional tax due before penalties and interest.

Penalties and Interest

Line 41(a), Underpayment of Estimated Tax—If the amount owed is more than $500 and more than 30 percent of the income tax liability on Line 26, you may be subject to a penalty of 10 percent of the underpayment of estimated tax. The minimum penalty is $25.

The amount of the penalty may be calculated on Form 2210-K, which may be obtained from the Department of Revenue. Form 2210-K may also be used by qualifying farmers and others to claim exception to the penalty. If paying the penalty or claiming an exemption, complete Form 2210-K, attach it to your return and check the block below Line 41(a). Enter the amount of the penalty on Line 41(a). The minimum penalty is $25.

Line 41(b), Interest—Interest will be assessed at the "tax interest rate" from the original due date of the return until the date of payment.

Note: Penalties but not interest may be reduced or waived if reasonable cause for reduction or waiver can be shown.

Line 41(c), Late Payment Penalty—If the amount of tax due as shown on Line 40 is not paid by the original due date of the return, a penalty of 2 percent of the tax computed due may be assessed for each 30 days or fraction thereof that the tax is past due, not to exceed 20 percent. The minimum penalty is $10. However, if the amount timely paid is 75 percent of the tax determined due by the Department of Revenue, no late payment penalty will be assessed.

Line 41(d), Late Filing Penalty—If a return is not filed by the due date or the extended due date, a penalty of 2 percent of the total tax due for each 30 days or fraction thereof that a return is not filed may be assessed, not to exceed 20 percent. The minimum penalty is $10.

Line 42, Amount You Owe—Any tax shown due on Line 42 must be paid when the return is filed. Attach a check payable to Kentucky State Treasurer and mail the check and return to Kentucky Department of Revenue, Frankfort, KY 40619-0008. To help identify your payment write "KY Income Tax—2005" and your Social Security number on the face of the check.

Note: If you cannot pay your tax in full, file your return and pay as much as possible by April 17. Contact the Department of Revenue for additional payment information.

ESTIMATED TAX—If, during 2006, you expect to receive income from Kentucky sources from which no tax will be withheld, you may be required to make estimated tax installment payments. An underpayment penalty may be assessed if you fail to prepay at least 70 percent of your tax liability. For further information, obtain Form 740-ES from the Department of Revenue.

Pay by Credit Card or eCheck—Pay your 2005 Kentucky individual income tax by MasterCard or VISA credit card or by eCheck (electronic check) through April 17, 2006. Access the Department of Revenue's secure Web site (**www.revenue.ky.gov**) to make electronic payments over the Internet. Click on the **KY *E-Tax*** logo or choose **Electronic Services** from the menu, then click on **Electronic Payment**. If you do not have access to the Internet, you may call the Department of Revenue at (502) 564-4581 to make a payment.

To make a credit card payment, the following information is needed: credit card type, credit card number, expiration date, and the cardholder's address as it appears on the credit card billing statement. To make an eCheck payment, the following information is needed: bank name, bank account number, and bank routing number.

WHEN AND WHERE TO FILE—The income tax return for calendar year 2005 must be postmarked no later than April 17, 2006, to avoid penalties and interest. Mail to:

Refund/Other Returns

Kentucky Department of Revenue
Frankfort, KY 40618-0006

Pay Returns

Kentucky Department of Revenue
Frankfort, KY 40619-0008

EXTENSION OF TIME TO FILE

Taxpayers who are unable to file a return by April 17 may request an extension. Inability to pay is not an acceptable reason. Acceptable reasons include, but are not limited to, destruction of records by fire or flood and serious illness of the taxpayer. The request for the extension must be submitted in writing to the Department of Revenue on or before the due date of the return. The request must state a reasonable cause for the inability to file. Extensions are limited to six months. **A copy of the Kentucky extension request must be attached to the return.**

Individuals who receive a federal extension are not required to obtain a separate Kentucky extension. They can meet the requirements by attaching a copy of the application for automatic federal extension or the **approved** federal extension to the Kentucky return.

Kentucky residents who are in the military are often granted extensions for military service when serving outside the United States. Any extension granted for federal income tax purposes will be honored for Kentucky income tax purposes.

Interest at the "tax interest rate" applies to any income tax paid after the original due date of the return. If the amount of tax paid by the original due date is less than 75 percent of the tax due, a late payment penalty may be assessed (minimum penalty is $10). Interest and late payment penalty charges can be avoided by remitting payment with the Extension Payment Voucher by the due date.

If you wish to make a payment prior to the due date of your tax return, complete Section II of the Application for Extension of Time to File, Form 40A102, and remit with payment. Write "KY Income Tax—2005" and your Social Security number on the face of the check.

Personal Property—Kentucky taxpayers are reminded to report all taxable personal property, except motor vehicles, owned on January 1 to either the property valuation administrator in the county of residence (or location of business) or the Office of Property Valuation in Frankfort. Tangible personal property is to be reported on the Tangible Personal Property Tax Return, Form 62A500. The due date for these returns is May 15.

SECTION A—BUSINESS INCENTIVE AND OTHER TAX CREDITS

Line 1, Nonrefundable Kentucky Corporation Tax Credit (KRS 141.420(3))

Partners, members and shareholders of pass-through entities (PTEs), such as, limited liability companies (LLCs), partnerships with limited liability, and S corporations taxed as corporations, are entitled to a nonrefundable credit under KRS 141.420(3) for the tax paid by the PTE under KRS 141.040. The credit is limited to the tax savings if the income taxed on the corporation's return is omitted on the individual's return, or the proportionate share of tax paid by the entity less the required minimum tax of $175, whichever is less. The limitation is calculated separately for each PTE. If the PTE passes through a loss, the individual tax limitation is zero.

Individual owners of disregarded single member LLCs (SMLLCs) that file on Schedules C, E, or F for federal income tax shall file Form 725, Kentucky Single Member LLC Individually Owned Corporation Income Tax Return, to compute and pay the corporation income tax. The individual member shall report income or loss from the entity and determine credit in the same manner as other PTEs.

For PTEs including SMLLCs that are doing business both within and without Kentucky, the income that is omitted to determine the amount of allowable credit is that portion of the income subject to the corporation income tax.

Kentucky Corporation Tax Credit Worksheet

Complete a separate worksheet for each PTE. Retain for your records.

Name ____

Address ____

FEIN ____

1. Enter Kentucky taxable income from Form 740-NP, Line 13 .... ______________
2. Enter income included in Line 1 and taxed under KRS 141.040 .... ______________
3. Subtract Line 2 from Line 1 and enter total here .... ______________
4. Enter Kentucky tax on income amount on Line 1 .... ______________
5. Enter Kentucky tax on income amount on Line 3 .... ______________
6. Subtract Line 5 from Line 4. If Line 5 is larger than Line 4, enter zero. This is your tax savings if income is ignored .... ______________
7. Enter nonrefundable corporation tax paid on income reported on Kentucky return .... ______________
8. Enter the lesser of Line 6 or Line 7. This is your credit. Enter here and on Form 740-NP, Section A, Line 1 .. ______________

Line 2, Skills Training Investment Tax Credit—Enter the amount of credit certified by the Bluegrass State Skills Corporation. Attach a copy of the final authorizing resolution or Schedule K-1 in the first year claimed. The excess credit over the income tax liability in the year approved may be carried forward for three successive taxable years. For information regarding the application and approval process for this credit, contact the Cabinet for Economic Development, Bluegrass State Skills Corporation at (502) 564-2021, for information.

Line 3, Historic Preservation Restoration Tax Credit—This credit is available to owner-occupied residential and commercial preservation projects for structures that are listed in the National Register of Historic Places, or in a National Register historic district, up to $3 million annually. The credit is 30 percent of certified rehabilition expenses for owner-occupied residential properties, not to exceed $60,000 per project, and 20 percent for commercial and income-producing properties. To qualify, an owner must spend at least $20,000 on rehabilitation.

Individuals or businesses can apply the credit against their state income tax liability, carry the credit forward up to seven years or transfer it to a banking institution to leverage financing. For more information regarding this credit, visit the Kentucky Heritage Council's Web site at **www.heritage.ky.gov**, or call (502) 564-7005.

Line 4, Credit for Tax Paid to Another State—Kentucky residents are required to report all income received including income from sources outside Kentucky. Within certain limitations, a credit for income tax paid to another state may be claimed. The credit is **limited** to the amount of Kentucky tax savings had the income reported to the other state been omitted, or the amount of tax paid to the other state, **whichever is less**.

TIP*—Credit for taxes paid to another state may be reduced or eliminated if gambling losses are claimed on Schedule A.*

You may not claim credit for tax withheld by another state. You must file a return with the other state and pay tax on income also taxed by Kentucky in order to claim the credit. A copy of the other state's return including a schedule of income sources must be attached to verify this credit. **If you owe tax in more than one state, the credit for each state must be computed separately.**

Reciprocal States—Kentucky has reciprocal agreements with specific states. These agreements provide that taxpayers be taxed by their state of residence, and not the state where income is earned. Persons who live in Kentucky for more than 183 days during the tax year are considered residents and reciprocity does not apply. The states and types of exemptions are as follows:

Illinois, Ohio, West Virginia—wages and salaries

Indiana—wages, salaries and commissions

Michigan, Wisconsin—income from personal services (including salaries and wages)

Virginia—commuting daily, salaries and wages

Kentucky does not allow a credit for tax paid to a reciprocal state on the above income. If tax was withheld by a reciprocal state, you must file directly with the other state for a refund of those taxes.

Credit for Taxes Paid to Other State Worksheet

Kentucky residents/part-year residents only. Complete a separate worksheet for each state. See instructions for Form 740-NP, Section A, Line 4.

Name of other state .... ____________

1. List Kentucky taxable income from Form 740-NP, Line 13 .... ____________
2. List any gambling losses from Schedule A, Line 28 .... ____________
3. Add Lines 1 and 2 and enter total here .... ____________
4. List income reported to other state included on Kentucky return .... ____________
5. Subtract Line 4 from Line 3 and enter total here .... ____________
6. Adjusted gambling losses. Compute gambling losses allowed on Kentucky return if income from other state is ignored .... ____________
7. Subtract Line 6 from Line 5 and enter total here .... ____________
8. Enter Kentucky tax on income amount on Line 7 .... ____________
9. Enter Kentucky tax on income amount on Line 1 .... ____________
10. Subtract Line 8 from Line 9. This is the tax savings on return if other state's income is ignored .... ____________
11. Enter tax paid to other state on income claimed on Kentucky return ____________
12. Enter the lesser of Line 10 or Line 11. This is your credit for tax paid to other state. Carry this total to Form 740-NP, Section A, Line 4 .... ____________

Line 5, Employer's Unemployment Tax Credit—If you hired unemployed Kentucky residents to work for you during the last six months of 2004 or during 2005, you may be eligible to claim the unemployment tax credit. In order to claim a credit, each person hired must meet specific criteria. For each qualified person, you may claim a tax credit of $100. The period of unemployment must be certified by the Office of Employment and Training, Education Cabinet, 275 East Main Street, 2-WA, Frankfort, KY 40621-0001, and you must maintain a copy of the certification in your files.

Line 6, Recycling and/or Composting Tax Credit—Individuals who purchase recycling or composting equipment to be used exclusively in Kentucky for recycling or composting postconsumer waste materials, are entitled to a credit against the tax equal to 50 percent of the installed cost of the equipment. Application for this credit must be made on Schedule RC, which may be obtained from the Department of Revenue. A copy of Schedule RC and/or Schedule RC (K-1) reflecting the amount of credit approved by the Department of Revenue must be attached to the return.

Line 7, Kentucky Investment Fund Tax Credit—New Limits on Kentucky Investment Fund Act (KIFA) Credits—KIFA tax credits available to any single investment fund are limited to $1.3 million for all investors and all taxable years. Total KIFA tax credits available for all investors in all investment funds shall not exceed $5 million per fiscal year.

An investor whose cash contribution to an investment fund has been certified by the Kentucky Economic Development Finance Authority (KEDFA) is entitled to a nonrefundable credit against Kentucky income tax equal to 40 percent of the cash contribution. For investments before July 1, 2002, the amount of credit that may be claimed in any given year is limited to 25 percent of the total amount certified by the Kentucky Economic Development Finance Authority (KEDFA). For investments after June 30, 2002, the credit is claimed on the tax return filed for the tax year following the year in which the credit is granted and is limited in any tax year to 50 percent of the initial aggregate credit apportioned to the investor. Attach a copy of the certification by KEDFA in the first year claimed. Any excess credit may be carried forward. No credit may extend beyond 15 years of the initial certification.

Line 8, Coal Incentive Tax Credit—Effective for tax returns filed after July 15, 2001, an electric power company or a company that owns and operates a coal-fired electric generating plant may be entitled to a coal incentive tax credit. Application for this credit is made on Schedule CI, Application for Coal Incentive Tax Credit, and a copy of the credit certificate issued by the Kentucky Department of Revenue must be attached to the return on which the credit is claimed.

Line 9, Qualified Research Facility Tax Credit—A nonrefundable credit is allowed against individual and corporation income taxes equal to 5 percent of the cost of constructing and equipping new facilities or expanding or remodeling existing facilities in Kentucky for qualified research. "Qualified research" is defined to mean qualified research as defined in Section 41 of the IRC. Any unused credit may be carried forward 10 years. Complete and attach Schedule QR, Qualified Research Facility Tax Credit.

Line 10, Employer GED Incentive Tax Credit—KRS Chapter 151B.127 provides a nonrefundable income tax credit for employers who assist employees in completing a learning contract in which the employee agrees to obtain his or her high school equivalency diploma. The employer shall complete the lower portion of the GED-Incentive Program Final Report (Form DAEL-31) and attach a copy to the return to claim this credit. Shareholders and partners should attach a copy of Schedule K-1 showing the amount of credit distributed. For information regarding the program, contact the Education Cabinet, Kentucky Adult Education, Council on Postsecondary Education.

Line 11, Voluntary Environmental Remediation Credit (Brownfields)—This line should be completed only if the taxpayers have an agreed order with the Environmental and Public Protection Cabinet under the provisions of KRS 224.01-518 and have been approved for the credit by the Department of Revenue. Maximum credit allowed to be claimed per taxable year is 25 percent of approved credit. For more information regarding credit for voluntary environmental remediation property, contact the Environmental and Public Protection Cabinet at (502) 564-3350. To claim this credit, Schedule VERB must be attached.

Line 12, Biodiesel Credit—Producers and blenders of biodiesel are entitled to tax credit against taxes imposed by KRS 141.020 and KRS 141.040. The taxpayer must file a claim for biodiesel credit with the Department of Revenue by January 15 each year for biodiesel produced or blended in the previous calendar year. The department shall issue a credit certification to taxpayer by April 15. The credit certification must be attached to tax return on which credit is being claimed.

SECTION B—PERSONAL TAX CREDITS

Line 1(a), Yourself—You are always allowed to claim a tax credit for yourself (even if your parent(s) can claim a credit for you on their return). On Line 1(a), there are five boxes under three separate headings. Always check the box under "Check Regular" to claim a tax credit for yourself. *If 65 or older*, also check the next two boxes on the line. *If legally blind*, also check the last two boxes on the line.

Line 1(b), Your Spouse—Do not fill in Line 1(b) if (1) you are single; (2) you are married and you and your spouse are filing two separate returns; or (3) your spouse received more than half of his or her support from another taxpayer. However, if your spouse died during the taxable year, you may claim a credit for the deceased on Line 1(b).

Fill in Line 1(b) if you are married and (1) you and your spouse are filing a joint or combined return, or (2) if your spouse had no income or is not required to file a return. If you meet these criteria, check the first box on Line 1(b) for your spouse. *If your spouse is 65 or older*, also check the next two boxes. *If your spouse was legally blind at the end of the taxable year*, also check the last two boxes on Line 1(b).

Dependents—You are allowed to claim a tax credit for each person defined as a dependent in the Internal Revenue Code. Generally, dependents who qualify for federal purposes also qualify for Kentucky.

Line 2, Dependents Who Live With You

Use to claim tax credits for your dependent children, including stepchildren and legally adopted children, who lived with you during the taxable year. **If the dependent meets the requirements for a qualifying child under the provisions of IRC 152(c), check the box; this child qualifies to be counted to determine the family size.**

Dependents Who Did Not Live With You

Also use Line 2 to claim tax credits for your dependent children who did not live with you and to claim tax credits for other persons who qualify as dependents. **These dependents do not qualify to be counted to determine the family size.**

Children of Divorced or Separated Parents—Attach a copy of federal Form 8332 filed with your federal return. Children may only be counted for family size by the custodial parent.

Tax Credits for Individuals Supported by More Than One Taxpayer—Attach a copy of federal Form 2120 filed with your federal return.

Kentucky National Guard Members—Persons who were members of the Kentucky National Guard on December 31, 2005, may claim an additional credit on Line 2. Designate this credit with the initials "N.G." Kentucky law specifically restricts this credit to Kentucky National Guard members; military reserve members are not eligible.

SECTION C—FAMILY SIZE TAX CREDIT

Children may only be counted for family size by the custodial parent. Even if you have signed federal Form 8332 and may not claim the child as a dependent, you may count children who otherwise meet the requirements for the Family Size Tax Credit.

You must include in Section C the names and Social Security numbers of the qualifying children that are not claimed as dependents in Section B in order to count them in your total family size.

INSTRUCTIONS FOR SCHEDULE A

FORM 740-NP

You may itemize your deductions for Kentucky even if you do not itemize for federal purposes. Amounts entered on Schedule A should be total deductions for the taxable period. These amounts are prorated on Form 740-NP, page 1. If you do not itemize, a standard deduction of $1,910 is allowed and does not have to be prorated.

Special Rules for Married Couples—If one spouse itemizes deductions, the other must itemize. Married couples filing a joint federal return and who wish to file separate returns for Kentucky may: (a) file separate Schedules A showing the specific deductions claimed by each; (b) file a joint Schedule A, divide the total deductions between them based on the percentage of each spouse's income to total income, and attach a copy to each return; or (c) each spouse may claim the standard deduction of $1,910.

Limitations on Itemized Deductions for High-Income Taxpayers—If your adjusted gross income on Form 740-NP, Line 8, exceeds $145,950 ($72,975 if married filing separate returns), your itemized deductions are reduced by the lesser of:

(a) 3 percent of the amount by which your adjusted gross income exceeds $145,950 ($72,975 if married filing separate returns), or

(b) 80 percent of your total itemized deductions except medical and dental expenses, casualty and theft losses, gambling losses and investment interest.

Complete the itemized deductions limitation schedule on the reverse of Schedule A.

MEDICAL AND DENTAL EXPENSES

Federal rules apply. You may deduct only your medical and dental expenses that exceed 7.5 percent of Form 740-NP, Line 8. Do not include any expenses deducted on Form 740-NP, page 3, Section D, Column B, Line 31 or Line 32. Married taxpayers filing separate Forms 740-NP who choose to file one Schedule A and prorate the total must combine the Line 8 amounts from both returns.

TAXES

You may not deduct state or federal income taxes paid or withheld, otherwise federal rules apply.

INTEREST

You may deduct interest that you have paid during the taxable year on a home mortgage. You may not deduct interest paid on credit or charge card accounts, a life insurance loan, an automobile or other consumer loan, delinquent taxes or on a personal note held by a bank or individual.

Interest paid on business debts should be deducted as a business expense on the appropriate business income schedule.

You may not deduct interest on an indebtedness of another person when you are not legally liable for payment of the interest. Nor may you deduct interest paid on a gambling debt or any other nonenforceable obligation. Interest paid on money borrowed to buy tax-exempt securities or single premium life insurance is not deductible.

Line 10—List the interest and points (including "seller-paid points") paid on your home mortgage to financial institutions and reported to you on federal Form 1098.

Line 11—List other interest paid on your home mortgage and not reported to you on federal Form 1098. Show name and address.

Line 12—List points (including "seller-paid points") not reported to you on federal Form 1098. Points (including loan origination fees) charged only for the use of money and paid with funds other than those obtained from the lender are deductible over the life of the mortgage. However, points may be deducted in the year paid if all three of the following apply: (1) the loan was used to **buy, build or improve your main home,** and was secured by that home, (2) the points did not exceed the points usually charged in the area where the loan was made, and were figured as a percentage of the loan amount, and (3) if the loan was used to **buy or build** the home, you must have provided funds (see below) at least equal to the points charged. If the loan was used to **improve** the home, you must have paid the points with funds other than those obtained from the lender.

Funds provided by you include down payments, escrow deposits, earnest money applied at closing, and other amounts actually paid at closing. They do not include amounts you borrowed as part of the overall transaction.

Seller-Paid Points—If you are the buyer, you may be able to deduct points the seller paid in 2005. You can do this if the loan was used to buy your main home and the points meet item 2 above. You must reduce your basis in the home by those points, even if you do not deduct them.

If you are the seller, you **cannot** deduct the points as interest. Instead, include them as an expense of sale on federal Form 2119, Sale of Your Home.

This generally does not apply to points paid to refinance your mortgage. Federal rules apply. See federal Publication 936 for more information.

Line 13, Interest on Investment Property—Investment interest is interest paid on money you borrowed that is allocable to property held for investment. It does not include any interest allocable to a passive activity.

Attach federal Form 4952, Investment Interest Expense Deduction.

Exception. You do not have to file federal Form 4952 if all three of the following apply:

(a) your investment interest is not more than your investment income from interest and ordinary dividends,

(b) you have no other deductible investment expenses, and

(c) you have no disallowed investment interest expense from 2004.

For more details, see federal Publication 550, Investment Income and Expenses.

CONTRIBUTIONS

You may deduct what you actually gave to organizations that are religious, charitable, educational, scientific or literary in purpose. You may also deduct what you gave to organizations that work to prevent cruelty to children or animals. In general, contributions deductible for federal income tax purposes are also deductible for Kentucky.

You are required to maintain receipts, cancelled checks or other reliable written documentation showing the name of the organization and the date and amount given to support claimed deductions for charitable contributions.

Separate contributions of $250 or more require written substantiation from the donee organization in addition to your proof of payment. It is your responsibility to secure substantiation. A letter or other documentation from the qualifying charitable organization that acknowledges receipt of the contribution and shows the date and amount constitutes a receipt. This substantiation should be kept in your files. Do not send it with your return.

In addition, enter on Line 16 the value of a leasehold interest property contributed to a charitable organization to provide temporary housing for the homeless. Attach Schedule HH.

CASUALTY AND THEFT LOSSES

Use Line 19 to report casualty or theft losses of property that is not trade, business, rent or royalty property. Attach federal Form 4684, Casualties and Thefts, or a similar statement to figure your loss. Enter on Line 19 the amount of loss from federal Form 4684.

Losses You MAY Deduct

You may be able to deduct all or part of each loss caused by theft, vandalism, fire, storm, and car, boat and other accidents or similar causes. You may also be able to deduct money you had in a financial institution but lost because of the insolvency or bankruptcy of the institution.

You may deduct nonbusiness casualty or theft losses only to the extent that:

(a) the amount of ***each*** separate casualty or theft loss is more than $100, and

(b) the total amount of ***all*** losses during the year is more than 10 percent of Form 740-NP, Line 8.

Note: Married taxpayers filing separate Forms 740-NP who choose to file one Schedule A and prorate the total must combine the Line 8 amounts from both returns.

Special rules apply if you had both gains and losses from nonbusiness casualties or thefts. See federal Form 4684 for details.

Losses You MAY NOT Deduct

Money or property misplaced or lost.

Breakage of china, glassware, furniture and similar items under normal conditions.

Progressive damage to property (buildings, clothes, trees, etc.) caused by termites, moths, other insects or disease.

Deduct the costs of proving you had a property loss as a miscellaneous deduction on Line 25. (Examples of these costs are appraisal fees and photographs used to establish the amount of your loss.)

For more details, see federal Publication 547, Nonbusiness Disasters, Casualties, and Thefts. It also gives information about federal disaster area losses.

LINES 23 THROUGH 30—MISCELLANEOUS DEDUCTIONS

Most miscellaneous deductions cannot be deducted in full. You must subtract 2 percent of your adjusted gross income from the total. Compute the 2 percent limit on Line 28.

Note: Married taxpayers filing separate Forms 740-NP who choose to file one Schedule A and prorate the total must combine the Line 8 amounts from both returns.

Generally, the 2 percent limit applies to job expenses you paid for which you were not reimbursed (Line 23). The limit also applies to certain expenses you paid to produce or collect taxable income (Line 25). See the instructions for Lines 23, 24 and 25 for examples of expenses to claim on these lines.

The 2 percent limit does not apply to certain other miscellaneous expenses that you may deduct. These expenses can be deducted in full on Line 30. The Line 30 instructions describe these expenses. Included are deductible gambling losses (to the extent of winnings) and certain job expenses of disabled employees. See federal Publication 529, Miscellaneous Deductions, for more information.

Expenses Subject to the 2 Percent Limit

Important: The increase in first-year luxury automobile depreciation caps, the 30 percent and **the 50 percent** special depreciation allowance, the additional New York Liberty Zone Section 179 deduction for property placed in service after September 10, 2001, and **the increased Section 179 deduction limits and thresholds for property placed in service after December 31, 2002**, are not allowable for Kentucky tax purposes. For passenger automobiles purchased after September 10, 2001, you must compute Kentucky depreciation in accordance with the IRC in effect on December 31, 2001.

Create a Kentucky Form 2106 by entering **Kentucky** at the top center of a federal Form 2106, Employee Business Expenses. Complete Section D—Depreciation of Vehicles in accordance with the IRC in effect on December 31, 2001. **Attach a copy of the federal Form 2106 filed for federal income tax purposes if no adjustments are required.**

Line 23—Use this line to report job-related expenses you paid for which you were not reimbursed. In some cases you MUST first fill out Form 2106, Employee Business Expenses, or Form 2106-EZ, Unreimbursed Employee Business Expenses. Fill out Form 2106-EZ if you claim any unreimbursed travel, transportation, meal or entertainment expenses for your job. Fill out Form 2106 if your employer paid you for any of your job-related expenses reportable on Line 23.

Enter the amount of unreimbursed employee business expenses from Form 2106 or 2106-EZ on Line 23 of Schedule A.

If you do not have to fill out Form 2106 or 2106-EZ, list the type and amount of your expenses in the space provided. If you need more space, attach a statement showing the type and amount of the expense. Enter one total on Line 23.

Line 24—Use this line to report tax return preparation fees paid during the taxable year including fees paid for filing your return electronically.

Line 25—Use this line for amounts you paid to produce or collect taxable income and manage or protect property held for earning income. List the type and amount of each expense in the space provided. If you need more space, attach a statement showing the type and amount of each expense. Enter one total on Line 25.

Expenses NOT Subject to the 2 Percent Limit

Line 30—Use this line to report miscellaneous deductions that are NOT subject to the 2 percent adjusted gross income limit. Only the expenses listed below can be deducted on Line 30.

Gambling losses to the extent of gambling winnings. Gambling winnings must be included on Form 740-NP, Section D, Line 15. (**Note**: Gambling losses must be verified by supplemental records. These include a diary and unredeemed tickets, payment slips and winning statements.)

Federal estate tax on income in respect of a decedent.

Amortizable bond premium on bonds acquired before October 23, 1986.

Deduction for repayment of amounts under a claim of right if more than $3,000. See federal Publication 525.

Unrecovered investment in a pension.

Impairment-related work expenses of a disabled person.

Casualty and theft losses of income-producing property.

List the type and amount of each expense. Enter one total on Line 30. For more information on these expenses, see federal Publication 529.

LINE 31—TOTAL ITEMIZED DEDUCTIONS

If the amount on Form 740-NP, Line 8, exceeds $145,950 ($72,975 if married filing separate returns), skip Lines 32 through 35 and complete the limitation schedule.

Dividing Deductions Between Spouses—Married taxpayers combining itemized deductions must divide the itemized deductions if filing separate Kentucky returns or if one spouse is not filing a Kentucky return. Complete Lines 32 through 35, Schedule A.

Kentucky Department of Revenue Mission Statement

The mission of the Kentucky Department of Revenue is to administer tax laws, collect revenue, and provide services in a fair, courteous, and efficient manner for the benefit of the Commonwealth and its citizens.

The Kentucky Department of Revenue does not discriminate on the basis of race, color, national origin, sex, religion, age or disability in employment or the provision of services.