



Instructions for Form CT-185

Cooperative Agricultural Corporation Franchise Tax Return

Tax Law — Article 9, Section 185

CT-185-I

General Information

Who Must File Form CT-185

Form CT-185 must be filed by farmers, fruit growers and similar agricultural corporations organized and operated on a cooperative basis as described in Article 6 of the Cooperative Corporation Law of the State of New York. Receivers, liquidators, referees, trustees, assignees, and other fiduciaries, appointed by any court, who conduct the business of such a corporation must also file this form. Section 185 imposes a franchise tax on the net value of issued capital stock employed in New York State. The net value of issued capital stock may be allocated in and out of New York, based on the gross assets employed in New York (see Schedule E).

Tax Rate

You must pay the highest tax computed by one of the following three methods:

- allocated value of issued capital stock, multiplied by the tax rate of .001; or
- allocated value of issued capital stock, multiplied by a rate based on dividends equal to or in excess of 6%; or
- minimum tax of \$10.

If a corporation has more than one kind of stock, a combination of tax on capital stock using the tax rate of 1 mill and the dividend rate, as computed in Schedule D, is possible.

Foreign Corporations - Maintenance Fee

Foreign corporations authorized to do business in New York must pay an annual maintenance fee of \$300. This fee may be applied against the taxes due under Article 9. If the total tax payable with your return for December 31, 1998, is \$300 or more, you have satisfied the requirement to pay a maintenance fee. If the total tax payable is less than \$300, add the difference to produce a total tax and fee of \$300.

Foreign Corporations - License Fee

Foreign corporations must also file Form CT-240, *Foreign Corporation License Fee Return*, whether or not they are authorized to do business in New York State. Form CT-240 is required to be filed with the corporation's first franchise tax return or if the capital stock employed in New York State has increased since the last license fee return was filed.

When and Where to File

This return is due on March 15 following the close of the calendar tax year. If March 15 falls on a Saturday, Sunday, or legal holiday, the return is due on the next business day. Mail your return to: **NYS CORPORATION TAX, PROCESSING UNIT, PO BOX 22038, ALBANY NY 12201-2038.**

Private Delivery Services

The date recorded or marked by certain private delivery services, as designated by the U.S. Secretary of the Treasury or the Commissioner of Taxation and Finance, will be treated as a postmark, and that date will be considered to be the date of delivery in determining whether your return was filed on time. If you use one of these services, address your return to: NYS Processing Center, 431C Broadway, Menands, NY 12204. Designated delivery services are listed in Publication 55, *Designated Private Delivery Services*. (See **Need Help?** on the back of these instructions for information on ordering forms and publications.)

Extension of Time for Filing Tax Return

If you need more time to file your return, file Form CT-5.9, *Request for Three-Month Extension to File*, on or before March 15. An extension of time granted by the IRS to file a federal return does not extend the due date for filing Form CT-185.

Change of Business Information

If there have been any changes in your business name, identification number, mailing address, business address, telephone number or owner/officer information and you have not previously notified us, complete Form DTF-95, *Change of Business Information*. If you don't have a form, call toll free 1 800 462-8100. From areas outside the U.S. and outside Canada, call (518) 485-6800.

Amended Return

If you are filing an amended return, please write **Amended Return** across the top.

Final Return

Since the tax under section 185 is paid in advance, if you have terminated business since March 15, 1998, you do not have to file this return (due on March 15, 1999).

See Publication 110, *Information and Instructions for Termination of Business Corporations*, for the proper procedures to follow in terminating your business.

Specific Instructions

Whole Dollar Amounts - You may elect to show amounts in whole dollars rather than dollars and cents. Round an amount from 50 cents through 99 cents to the next higher dollar, and round any amount less than 50 cents to the next lower dollar.

Percentages - When computing allocation percentages, convert decimals into percentages by moving the decimal point two spaces to the right. Percentages should be carried out to four decimal places. For example: $5,000/7,500 = .6666666 = 66.6667\%$.

Negative amounts, if any, should be shown in parentheses.

Business Activity Code Number - Enter the business activity code number from your federal return. Please check the appropriate box for the type of code you are using. Check the box marked *NAICS* if you use the North American Industry Classification System. If you have entered a Principal Industrial Activity (PIA) or Standard Industrial Classification (SIC) code, check the box marked *Other*.

Line A - Make your payment in United States funds. A foreign check or foreign money order will only be accepted if payable through a United States bank or if marked **Payable in U.S. Funds**.

Line 1 - Enter the net value of issued capital stock. The net value of issued capital stock is the largest of the following:

- net value of assets at year end (total assets from Schedule A, column B, line 17, minus total liabilities from Schedule A, column B, line 18; or
- net value at average selling price of stock from Schedule C, Part I, column E; or
- net value at \$5.00 per share from Schedule C, Part II.

Line 6 - Enter the amount from line 3, 4, or 5, whichever is largest. If you are an authorized foreign corporation, see maintenance fee information above.

Line 7 - Enter the special additional mortgage recording tax credit, alternative fuels credit, or employment of persons with disabilities credit from Form CT-43, CT-40, or CT-41. These credits may not reduce your tax below the minimum tax, or if you are an authorized foreign corporation, they may not reduce the tax below the \$300 maintenance fee. Any unused credits may be carried forward. Attach the forms to your Form CT-185.

Line 9 - Enter total of all payments, including any overpayment carried over from a preceding period.

Line 11 - If you do not pay the franchise tax on or before the original due date (determined without regard to any extension of time to file), you must pay interest on the amount of underpayment from the original due date to the date paid.

Line 12 - Additional charges for late filing are computed on the amount of tax less any payment made on or before the due date, determined with regard to any extension of time for filing.

- A If you do not file a return when due or if the request for extension is invalid, add to the tax 5% (.05) **per month** up to 25% (.25) (section 1085(a)(1)(A)).
- B If you do not file a return within 60 days of the due date, the addition to tax in item A above cannot be less than the smaller of \$100 or 100% of the amount required to be shown as tax (section 1085(a)(1)(B)).
- C If you do not pay the tax shown on a return, add to the tax ½% (.005) per month up to 25% (.25) (section 1085(a)(2)).
- D The total of the additional charges in items A and C may not exceed 5% (.05) for any one month, except as provided for in item B above (section 1085(a)).

If you think you are not liable for these additional charges, attach a statement to your return explaining the delay in filing or payment or both (section 1085).

Note: You may have the interest (line 11) and penalty (line 12) computed for you by calling the Business Tax Information Center at the number listed in the **Need Help?** section.

Line 16 - Collection of debts from your refund — We will keep all or part of your refund if you owe a past-due legally enforceable debt to the Internal Revenue Service or a New York State agency. This includes any state department, board, bureau, division, commission, committee, public authority, public benefit corporation, council, office, or other entity performing a governmental or proprietary function for the state or a social services district. Any amount over your debt will be refunded.

If you have any questions about whether you owe a past-due legally enforceable debt to the Internal Revenue Service or a state agency, contact the IRS or that particular state agency.

For New York State tax liabilities **only** call 1 800 835-3554 (outside the U.S. and Canada call (518) 485-6800) or write to NYS TAX DEPARTMENT, TAX COMPLIANCE DIVISION, W A HARRIMAN CAMPUS, ALBANY NY 12227.

Schedules A and B

Complete these schedules using the information that appears on the balance sheet of your federal return. Attach a copy of your federal return.

Schedule C - Part I

Column B - Enter for each class of stock the number of shares issued and outstanding at year end. Do not include stock authorized but not issued or stock not outstanding.

Column C - Enter for each class of stock the highest and lowest selling price of the stock during the tax year.

Column D - Enter for each type of stock the average selling price.

Note: If the corporation did not sell any stock during the tax year, enter "0" on Schedule C, Part I, column E. However, you will be required to complete Schedule C, Part I, column B and enter the number of shares of stock issued and outstanding at year end in Schedule C, Part II.

Schedule D

Column B - The value of each class of par value stock is computed by multiplying the par value by the number of shares of such stock issued and outstanding at the end of the year. Do not include any additional paid-in capital, premium, or discount on the issuance of par value stock, or any capital arising from appreciation of assets, amounts not contributed by the stockholder, or retained earnings.

The value of each class of stock without nominal or par value is computed by multiplying the amount paid for the no par value stock, including any additional paid-in capital, premium, or discount on the issuance of the stock, by the number of shares issued and outstanding at the end of the year. Do not include any capital arising from appreciation of assets, amounts not contributed by the stockholder, or retained earnings.

Schedule E - Allocation Percentage/Issuer's Allocation Percentage

Your issuer's allocation percentage is used by corporate shareholders to compute their corporate franchise tax. It represents the amount of your issued capital stock employed within New York State compared to the total amount of issued capital stock employed everywhere. This percentage is also used to compute the amount you enter on line 2.

Recent amendments to the Tax Law require most corporations doing business within New York State to provide the information needed to compute their issuer's allocation percentage. Section 1085(o) of the Tax Law provides for a penalty of \$500 for failure to provide information needed to compute your issuer's allocation percentage.

If you have assets outside New York State, complete Schedule E using the amounts shown on the balance sheet of your federal return. If all of your assets are located in New York State, enter 100% on line 41.

Line 35 - If the assets of any company whose stock is owned by this corporation are employed both within and outside New York State, you may allocate your holding on the basis of the percentage of employment by the issuer of the stock.

Line 36 - Bonds, loans and other securities are considered located where held.

Schedule F

Line 42 - If the common stock dividend rate in Schedule D, column D, is 6% or more, enter the value of common stock from Schedule D, column B. If the common stock dividend rate in Schedule D, column D, is less than 6%, enter "0" on lines 42, 43, and 44.

Line 45 - If the preferred stock dividend rate in Schedule D, column D, is 6% or more, enter the value of preferred stock from Schedule D, column B. If the preferred stock dividend rate in Schedule D, column D, is less than 6%, enter "0" on lines 45, 46, and 47.

Line 48 - If the no par value dividend rate in Schedule D, column D, is 6% or more, enter the value of no par value stock from Schedule D, column B. If the no par value dividend rate in Schedule D, column D, is less than 6%, enter "0" on lines 48, 49 and 50.

If you paid dividends of 6% or more on all classes of issued capital stock, do not complete lines 51 through 55.

Line 51 - If you did not pay dividends of 6% or more on all classes of stock, you must compute a tax on the dividends based on the value of the stock on which dividends of 6% or more were paid **plus** a tax at the "Capital Stock" rate on the remaining value of all capital stock. The remaining value of all capital stock depends on the class of capital stock on which the dividend was paid. If the dividend was paid on preferred stock, the remaining value of all capital stock is retained earnings plus common stock. If the dividend was paid on common stock, the remaining value of capital stock is preferred stock. Retained earnings are normally associated with common stock. The following examples show how the dividend rates and remaining value of capital stock are computed.

Example 1 — Dividend paid on preferred stock

Par value, common stock	\$10,000
Par value, preferred stock	50,000
Retained earnings	80,000
Dividends paid on preferred stock	3,300
Dividend rate ($\$3,300 \div \$50,000$)	6.6%
$6.6 \times .00025$ (tax rate)	.00165
Tax ($\$50,000 \times .00165$)	82.50
Remaining value of issued capital stock (common stock plus retained earnings $\$90,000 \times .001$)	90.00
Total tax	\$172.50

Example 2 — Dividend paid on common stock

Par value, common stock	\$10,000
Par value, preferred stock	50,000
Retained earnings	80,000
Dividends paid on common stock	3,000
Dividend rate ($\$3,000 \div \$10,000$)	30%
$30 \times .00025$ (tax rate)	.0075
Tax ($\$10,000 \times .0075$)	75
Remaining value of issued capital stock (preferred stock only, $\$50,000 \times .001$)	50
Total tax	\$ 125

Need Help?

Telephone Assistance is available from 8:30 a.m. to 4:25 p.m. (eastern time), Monday through Friday. **For business tax information and forms**, call the Business Tax Information Center at 1 800 972-1233. **For general information**, call toll free 1 800 225-5829. **To order forms and publications**, call toll free 1 800 462-8100. **From areas outside the U.S. and outside Canada**, call (518) 485-6800.

Fax-on-Demand Forms Ordering System - Most forms are available by fax 24 hours a day, 7 days a week. Call toll free from the U.S. and Canada 1 800 748-3676. You must use a Touch Tone phone to order by fax. A fax code is used to identify each form.

Internet Access - <http://www.tax.state.ny.us>
Access our website for forms, publications, and information.

Hotline for the Hearing and Speech Impaired - If you have access to a telecommunications device for the deaf (TDD), you can get answers to your New York State tax questions by calling toll free from the U.S. and Canada 1 800 634-2110. Assistance is available from 8:30 a.m. to 4:15 p.m. (eastern time), Monday through Friday. If you do not own a TDD, check with independent living centers or community action programs to find out where machines are available for public use.

Persons with Disabilities - In compliance with the Americans with Disabilities Act, we will ensure that our lobbies, offices, meeting rooms, and other facilities are accessible to persons with disabilities. If you have questions about special accommodations for persons with disabilities, please call the information numbers listed above.

Mailing Address - If you need to write, address your letter to: NYS Tax Department, Taxpayer Assistance Bureau, W A Harriman Campus, Albany NY 12227.