

1995

3805V

Attach to your California tax return.

Name(s) as shown on return

Social security number

Federal employer identification number

PART I Computation of current year NOL. If you do not have a current year NOL, go to Part II.

Section A - Individuals, Estates and Trusts

Table with 24 rows for Section A. Rows include: 1 Adjusted gross income, 2 Enter itemized deductions, 3a Combine line 1 and line 2, 3b 1995 disaster loss included, 3c Combine line 3a and line 3b, 4 Enter your nonbusiness capital losses, 5 Enter your nonbusiness capital gains, 6 If line 4 is greater than line 5, 7 If line 4 is less than line 5, 8 Nonbusiness deductions, 9 Nonbusiness income, 10 Add line 7 and line 9, 11 If line 8 is greater than line 10, 12 If line 8 is less than line 10, 13 Enter your business capital losses, 14 Enter your business capital gains, 15 Add line 12 and line 14, 16 If line 13 is greater than line 15, 17 Add line 6 and line 16, 18 NOL and disaster loss carryovers, 19 Add line 11, line 17 and line 18, 20 Combine line 3c and line 19, 21 Enter as a positive number the amount from line 20, 22 Decrease the loss on line 20, 23 General NOL, 24 1995 NOL carryover.

Section B - Nonresidents and Part-Year Residents Only - Computation of Current Year California NOL

Do not complete this section if line 20 is zero.

Note: Enter amounts on line 25 through line 30 as if they were all positive numbers.

Table with 7 rows for Section B. Rows include: 25 Enter the NOL from all sources, 26 Enter the California adjusted gross income, 27 California Source NOL amount, 28 If line 26 is more than line 27, 29 Enter the smaller of line 25 or line 28, 30 Enter as a positive number the amount from line 29, 31 Subtract line 30 from line 29, 32 General NOL, 33 1995 NOL carryover.

PART II Determining 1995 Modified Taxable Income (MTI). Be sure to read the instructions for Part II.

- 1 Taxable income. See instructions **1** _____
- Note:** Enter amounts on line 2 through line 4 as if they were all **positive** numbers.
- 2 Capital loss deduction included in line 1 **2** _____
- 3 Disaster loss carryover included in line 1 **3** _____
- 4 Net operating loss carryover included in line 1 **4** _____
- 5 MTI combine line 1 through line 4. If line 5 is zero or less, enter -0- **5** _____

PART III NOL carryover and disaster loss carryover limitations. See Instructions.

	(g) Available Balance	
1 Modified Taxable Income from Part II, line 5		

Prior Year NOLs

(a) Year of loss	(b) Code	(c) Type of NOL (See below)	(d) Total Loss	(e) Carryover from 1994	(f) Amount used in 1995		(h) Carryover to 1996 (col. (e) - col. (f))
2							

Current Year NOLs

3	1995	15	DIS				
4	1995						
	1995						
	1995						
	1995						

Type of NOL: General (GEN), New Business (NB), Eligible Small Business (ESB), Title 11 (T11), or Disaster (DIS).

- 5 NOL carryover. Add the carryover amounts in column (h) that were not the result of a disaster loss. **5** _____
- 6 Disaster loss carryover. Enter the total loss carryover amounts in (h) that are the result of disaster losses **6** _____

1995 Instructions for Form FTB 3805V

Net Operating Loss (NOL) Computation and NOL and Disaster Loss Limitations — Individuals, Estates and Trusts

References in these instructions are to the Internal Revenue Code (IRC) as of **January 1, 1993**, and the California Revenue and Taxation Code (R&TC).

In general, California did not conform its law to changes made to the IRC by the federal Revenue Reconciliation Act of 1993 (Public Law 103-66). California legislation did adopt specific provisions of the 1993 federal changes and these provisions are specifically identified when appropriate. All other references in these instructions are to the IRC as it existed on January 1, 1993.

General Information

A Purpose of Form

Use form FTB 3805V to figure the current year NOL and to limit the NOL and disaster loss carryover deductions.

Form FTB 3805V is divided into three parts:

- Use Part I to figure the current year NOL, if any, to be carried over to future years.
- Use Part II to calculate your modified taxable income (MTI). MTI is the amount of your taxable income that can be offset by your prior year's loss carryover.
- Use Part III to calculate:
 1. how much of your 1995 disaster loss and prior years' NOL carryovers have been used in 1995, and
 2. the amount of loss carryovers remaining to be carried over to future years.

B Who Must File

Individuals, estates or trusts must use form FTB 3805V to calculate the NOL. Corporations use form FTB 3805Q, Net Operating Loss (NOL) Computation and NOL and Disaster Loss Limitations — Corporations.

C Types of NOLs

Net Operating Losses and Disaster Losses

If your deductions for the year exceed your income, you may have an NOL carryover. The California NOL is generally figured the same way as the federal NOL. The differences for California are:

- an NOL may only be carried over to future years (no carrybacks are allowed);
- you can elect to carry over 100 percent of your NOL from an activity within an enterprise zone, a program area, the Los Angeles Revitalization Zone (LARZ) or a local area military base recovery area (LAMBRA) to offset income earned solely within the zone or area. Get form FTB 3805Z, Enterprise Zone/Program Area Business Booklet, form FTB 3806, Los Angeles Revitalization Zone Booklet or form FTB 3807, Local Area Military Base Recovery Area Booklet for more information; and

- The carryover period and percentages differ from federal allowances because California has established different categories of NOL. The following table shows the percentages and carryover periods for the various kinds of losses.

Type of NOL	% of NOL That Can Be Carried Over	Carryover Period
General NOL	50	5 Years
New Business — 1/1/94		
NOL Incurred:		
Year 1	100	8 Years
Year 2	100	7 Years
Year 3	100	6 Years
Eligible Small Business Gross receipts < \$1 million	100	5 Years
Taxpayer in Chapter 11 Bankruptcy	50	10 Years
Disaster Losses	100	5 Years
	50	10 Years

General NOL carryover is the general NOL available as a result of a loss incurred in years after 1986 and allowed under R&TC Section 17276. This category does not include losses incurred from activities that qualify as a new business, an eligible small business, an enterprise zone, program area, LARZ, LAMBRA or disaster loss. The carryover period for general NOLs is 5 years (6 years for losses incurred in 1991, 7 years for losses incurred in 1987 through 1990.) 1995 is the 7th and final carryover year for General NOLs incurred in 1988.

New Business NOL is the NOL incurred by a trade or business that first commenced in California on or after January 1, 1994. For taxable years beginning on or after January 1, 1994, taxpayers engaged in a new business may carryover 100 percent of an NOL incurred in the first three years of operation for an extended period but only to the extent of the net loss from the new business. If a taxpayer's NOL exceeds the net loss from the new business the excess may be carried over at 50 percent as a general NOL.

The carryover period for new business NOLs is based on when the loss occurred.

Loss occurred	Carryover Period
1st year of business activity. . . .	8 years
2nd year of business activity. . . .	7 years
3rd year of business activity. . . .	6 years

If a taxpayer acquires assets of an existing trade or business which is doing business in California, the trade or business thereafter conducted by the taxpayer or related person is not a new business if the fair market value of the acquired assets exceeds twenty per-

cent of the fair market value of the total assets of the trade or business conducted by the taxpayer or any related person.

If a taxpayer or related person has been engaged in a trade or business in California within the preceding 36 months and thereafter commences an additional trade or business in this state, the additional trade or business qualifies as a new business only if the activity is classified under a different division of the Standard Industrial Classification (SIC) manual, 1987 edition.

For taxpayers who first commence doing business in this state after December 31, 1993, business activities conducted by the taxpayer or related persons wholly outside California are disregarded in determining whether the trade or business conducted within California is a new business. Related persons are defined in the IRC Section 267 or 318.

Eligible Small Business NOL is the NOL incurred by a trade or business whose gross receipts less returns and allowances is less than \$1 million during the taxable year. For income years beginning on or after January 1, 1994, taxpayers engaged in an eligible small business may carry over 100 percent of an NOL but only to the extent of the net loss from an eligible small business. If a taxpayer's NOL exceeds the net loss from an eligible small business the excess may be carried over at 50 percent as a general NOL.

The carryover period for an eligible small business NOL is five years.

Title II Bankruptcy NOL carryover is the NOL incurred from 1987 through 1993 by taxpayers who were under the jurisdiction of the court in Title 11 bankruptcy proceedings prior to January 1, 1994.

Disaster Losses are casualty losses in a certain area of California declared by the President of the United States or the Governor of California to be in a state of disaster, and that has had special legislation enacted to authorize such relief (R&TC Sections 17207 and 17208).

If a specified disaster loss exceeds income in the year it is claimed, 100 percent of the excess may be carried over for up to 5 years. If any of the excess loss remains after the 5-year period, 50 percent of that remaining loss may be carried over for up to 10 additional years.

California has conformed to IRC Section 165(i) permitting the disaster loss to be taken against the previous year's income. If you made this election, see instructions for line 3, column (d) in Part III.

Following is a list of events that have had special legislation enacted:

Year	Code	Event
1995	15	Storms, flooding and other related casualties.
1994	14	San Luis Obispo fire and other related casualties.
1994	13	Los Angeles, Orange, and Ventura County Earthquake and related casualties.
1993	12	Storms, floods and other related casualties.
1992	11	Wildfires and other related casualties in Calaveras and Shasta Counties.
1992	10	San Bernardino County earthquake and other related casualties.
1992	9	Riots, arson and related casualties in California during April and May.
1992	8	Humboldt County earthquake and related casualties.
1992	7	Storms, floods and other related casualties.
1991	6	Oakland/Berkeley fire and other related casualties.
1990	5	Santa Barbara fires and other related casualties.
1989	4	Bay Area earthquake and other related casualties.
1987	3	Forest fires, October earthquake and other related casualties.
1986	2	Storms, floods, and other related casualties.
1985	1	Forest fires and related casualties occurring in California.

D Nonresidents and Part-Year Residents

Current Year Loss

Complete Part I, Section A, as though you were a full-year California resident for the current year and all prior years to figure your NOL from all sources for 1995.

You do not have a California NOL if you do not have an NOL from all sources. Your California NOL is limited to the amount of your negative California adjusted gross income (without regard to your net capital losses) or your NOL from all sources, whichever is the smaller loss.

Complete Part I, Section B, to figure how much of the 1995 NOL amount in Section A has a California source.

Note: You may not include your itemized deductions in your California NOL.

Carryover from prior years

If you had an NOL carryover from a prior year that you are deducting in 1995: complete Parts II and III as though you were a full-year California resident for the current year and all prior years to figure how much of your loss carryover has been used in 1995 and how much is left to carry over to 1996.

Specific Line Instructions

Part I — Current Year NOL

Use Part I to figure your current year NOL, if any, to carry over to future years.

If you have losses from more than one source and/or more than one category, it may be necessary to compute the allowable NOL carryover for each loss separately.

If you do not have a current year NOL, skip Part I and go to Part II.

If you have a current year NOL under R&TC Section 17276.2 relating to an enterprise zone, program area, LAMBRA or LARZ NOLs, you must elect to carry over only one of these

losses under 17276.2 or the loss under R&TC Section 17276 (relating to regular NOLs). The election is irrevocable. Get form FTB 3805Z, Enterprise Zone and Program Area Business Booklet, form FTB 3806, Los Angeles Revitalization Zone Booklet, or form FTB 3807, Local Agency Military Base Recovery Area Booklet for more information.

Section A — Individuals, Estates and Trusts

Line 3 — Estates or trusts, enter the amount from your 1995 Form 541, line 19, or Form 109, line 14.

Line 4 through Line 7 — You may deduct nonbusiness capital losses up to the amount of nonbusiness capital gains. You may not deduct any excess of nonbusiness capital losses over nonbusiness capital gains.

Nonbusiness capital losses and gains are losses and gains from other than a trade or business. These include sales of stock, metals and other appreciable assets as well as any recognized gain from the sale of your personal residence.

Line 8 — Enter deductions that are from other than a trade or business and are not related to your employment (such as taxes, medical expenses, alimony, charitable contributions and your contributions to individual retirement plans). If you do not itemize your deductions, your nonbusiness deductions include the standard deduction. A casualty loss is considered a “business expense” regardless of whether it is connected with a trade or business; do not include it as a nonbusiness deduction.

Line 9 — Enter income that is from other than a trade or business (such as dividends, pensions, annuities, income from an endowment or interest earned on investments).

Line 10 through Line 12 — You may subtract nonbusiness deductions only from nonbusiness income, including any nonbusiness capital gains that remain after deducting nonbusiness capital losses. If your nonbusiness deductions are larger than your nonbusiness income, you may not deduct the excess.

Line 13 through Line 16 — You may deduct business capital losses only up to the total of business capital gains and any nonbusiness capital gains that remain after deducting nonbusiness capital losses and other nonbusiness deductions.

Line 17 — Add line 6 and line 16, and reduce this amount by the difference between line 7 and line 10 of Schedule D (540). For purposes of this computation, treat line 7 and line 10 of Schedule D (540) as positive amounts (estates and trusts use line 8 and line 10 of Schedule D (541)).

For purposes of this computation, net nonbusiness capital losses cannot offset net business capital gains. Complete the following:

Is line 5 greater than line 4? Yes No

Is line 13 greater than line 14? Yes No

If you answered “yes” to either or both of these questions, add line 6 and line 16, but do not enter an amount greater than your capital loss deduction.

If you answered “no” to both of these questions, reduce line 6 by the difference between line 7 and line 10 of Schedule D (Form 540) (estates and trusts use line 8 and line 10 of Schedule D (541)).

Line 18 — Enter the amount of your prior year NOL and disaster loss carryovers from Schedule CA (540 or 540NR) line 21(b) and line 21(d), column B or Form 541, line 15a.

Line 23 — Enter 50 percent of the amount on line 22 as a positive number. For taxpayers filing Form 540 or Form 541, this is your General NOL carryover to future years.

Line 24 — List the amounts from line 21 and line 23 on Part III, line 4, column (d) and column (h). If you have an NOL from more than one source, list each loss separately.

If you have an NOL or disaster loss from prior years (line 18), complete Part II and Part III, to determine the loss carryover to future years.

Form 540NR filers: Complete Part I, Section B, to determine your California NOL carryover.

Section B — Nonresidents and Part-Year Residents

Line 27 — Enter the amount of any NOL carried over from a prior year that is included on Schedule CA (540NR), line 21 (d), column B, plus any net capital loss amount on Schedule CA (540NR), line 13 column E.

Line 29 — Enter the smaller of line 25 or line 28. Your loss is limited to the lesser of negative California adjusted gross income (without deductions for net capital losses) or the NOL from all sources.

Line 33 — This is your deductible California NOL to be carried over to future years and entered on your Schedule CA (540NR) or, if you become a resident in the future, on your Schedule CA (540). When you complete Part III the second time to compute your California NOL carryover list the amounts from line 30 and line 32 on Part III, line 4, column (d) and column (h). If you have operating losses from more than one source, you need to list each loss separately.

Part II — Modified Taxable Income (MTI)

Use this part if:

- you are carrying over an NOL from years prior to 1995;
- you are carrying over a disaster loss from years prior to 1995;
- you have an unused 1995 disaster loss to carry over.

The purpose of this part is to figure your modified taxable income (MTI). You must make certain modifications to your taxable income to determine how much of your prior year loss carryover has been used this year and how much you can carry over to next year. Your carryover to next year is the excess of your NOL deduction over your MTI.

This part is used to determine what your 1995 income (loss) was before taking any NOL carryover, disaster loss or disaster loss carryover deductions. This adjusted amount is called your MTI.

If you are a nonresident or part-year resident filing **Form 540NR**, note the special instructions for the various lines since you must **complete Parts II and III twice**: once to figure your NOL from all sources to be carried over to future years, and once to figure your California NOL to be carried over to future years.

Line 1 – Form 540 filers: Subtract Form 540, line 18 from Form 540, line 17. If negative, use brackets.

Form 541 filers: Subtract Form 541, line 18 from Form 541, line 17. If negative, use brackets.

Form 540NR filers: To figure your MTI from all sources, subtract Form 540NR, line 18 from Form 540NR, line 17. If negative, use brackets. To figure your California MTI, enter the amount from your 1995 Form 540NR, line 20.

Line 2 – Enter the net capital loss deduction (as a positive number), from your 1995 Schedule D, line 8, or Schedule D (541), line 10.

Note for Form 540NR filers: To figure your MTI from all sources, enter your net capital loss from your 1995 Schedule D. To figure your California MTI, enter the net capital loss from your 1995 Schedule CA (540NR), line 13, column E, determined in accordance with Schedule D.

Line 3 – Enter the disaster loss deduction (as a positive number) included on your 1995 Form 540 or Form 541.

Note for Form 540NR filers: To figure your MTI from all sources, enter the disaster loss deduction amount from your 1995 Schedule CA (540NR), line 21(b), column B. To figure your California MTI, enter the amount of disaster loss carryover deduction included on your 1995 Schedule CA (540NR), line 21, column E.

Line 4 – Enter the NOL carryover deduction (as a positive number), from your 1995 Schedule CA (540), line 21 (d), column B, or Form 541, line 15a.

Note for Form 540NR filers: To figure your MTI from all sources, enter the amount from your 1995 Schedule CA (540NR), line 21 (d), column B. To figure your California MTI, enter the amount of NOL deduction included on your 1995 Schedule CA (540NR), line 21, column E.

Part III – Limitations

Note: Keep a copy of this schedule with your records until you use all losses or they expire.

Use this section to figure the NOL or disaster loss deduction actually taken in 1995 and the total disaster losses and net operating losses to be carried over to future years. Use this section to keep track of the expiration and limitations of any unused carryovers.

When to use an NOL carryover – Use your NOLs in the order the losses were incurred. There is no requirement to deduct net operating loss carryovers before disaster loss carryovers.

Line 1 – Enter the MTI from Part II, line 5. This is the maximum NOL carryover deduction you are allowed for 1995. NOL carryover amounts in excess of MTI may be eligible for carryover to 1996. See specific category explanations for the carryover limitations.

Line 2, Line 3 and Line 4

Column (a) – Enter the year(s), earliest first, the loss was incurred.

Column (b) – If the loss is due to a disaster, enter the disaster code from the list on page 1. If the loss is from a new business or eligible small business enter:

- the principal business code from federal Schedule C (Form 1040), line B;
- the agricultural activity code from Schedule F; or
- if this is a new farming enterprise. If the loss was from a new pass-through entity (partnership, Subchapter S corporation or limited liability company (LLC)), enter the California corporation number, the partnership's FEIN or the LLC's Secretary of State file number from the Schedule K-1.

Column (d) – Enter the amount of the initial loss for the year given in column a.

Note: If you incurred losses from more than one "new business" activity or eligible small business, you must determine the allowable carryover for **each** loss listed.

Note for Form 540NR filers: To figure your new business or eligible small business loss from all sources, enter the amount of the new business or eligible small business NOL included in Part I, line 21. To figure your California source new business NOL or eligible small business NOL, enter the amount of the new business or eligible small business NOL from Part I, line 30.

Column (e) – Enter the amount from your 1994 form FTB 3805V, Part III, column (g). You should have already reduced by 50 percent any remaining 1989 disaster loss carryover.

Column (f) – Enter the smaller of the amount in column (e) or the balance in column (g). If column (g) of the previous line has been reduced to zero, your remaining NOL carryover may be eligible for carryover to 1996. See the explanations for the specific NOL categories for carryover limitations.

Column (g) – Subtract column (f) from the balance in column (g) of the previous line and enter the result.

Column (h) – Subtract the amount in column (f) from the amount in column (e) and enter the result. Any remaining 1990 disaster loss carryover to 1996 must be reduced by 50 percent.

If you have a current year NOL under R&TC Section 17276.2 (relating to enterprise zone, program area, LAMBRA or LARZ NOLs), you must **elect** on your original return to carry over your loss under that section or under R&TC Section 17276 (relating to general NOLs). The election is **irrevocable**. Get form FTB 3805Z, form FTB 3807 or form FTB 3806.

Form 540NR filers: For purposes of figuring your NOL from California and all sources, the amount on this line will be carried over to your Schedule CA (540NR) in 1996.

Line 3 – Disaster loss carryover

Column (d) – Enter your 1995 disaster loss from Part I, line 3b. However, if you elected to claim your 1995 disaster loss on your 1994 return, enter on line 2 the carryover amount from your 1994 form FTB 3805V, Part III, Section E, column (g).

Column (f) – Enter the smaller of the amount in column (d) or the balance in column (g).

Column (h) – Subtract the amount in column (f) from the amount in column (d) and enter the result in column (h).

Line 4 – If you have a current year NOL from more than one source, list each loss separately.

If you operate one or more new businesses and one or more eligible small businesses, the following rules apply. Determine the amount of the loss attributable to the new business(es) and to the small business(es). The NOL is taken in the following order:

- the new business NOL;
- the small business NOL; and
- any remaining NOL (treat as an NOL under the general rules).

Line 5 – NOL carryover – Total the carryover amounts from column (h) that are NOT the result of a disaster loss.