

**LEGISLATIVE SERVICES AGENCY
OFFICE OF FISCAL AND MANAGEMENT ANALYSIS
FISCAL IMPACT STATEMENT**

LS 7048
BILL NUMBER: SB 259

NOTE PREPARED: Jan 26, 2026
BILL AMENDED: Jan 20, 2026

SUBJECT: Partnership Composite Returns.

FIRST AUTHOR: Sen. Baldwin
FIRST SPONSOR: Rep. Snow

BILL STATUS: As Passed Senate

FUNDS AFFECTED: X **GENERAL**
DEDICATED
FEDERAL

IMPACT: State

Summary of Legislation: The bill removes penalty provisions that apply if a pass through entity fails to include in a composite return nonresident partners, nonresident shareholders, or nonresident beneficiaries that do not have distributive share income of greater than \$0. It makes conforming changes.

Effective Date: Upon passage.

Explanation of State Expenditures: *Department of State Revenue (DOR):* The DOR should be able to make these changes within current resource levels.

Explanation of State Revenues: *Penalty Provision:* Removing penalties for a pass through entity that does not list nonresident partners, nonresident shareholders, or nonresident beneficiaries that do not have distributive share income of greater than \$0 on a composite return will result in loss of revenues for the state General Fund. According to the DOR, in tax year 2024, the DOR imposed about \$7 M in penalties under this provision for taxpayers described in the bill. The penalty also increases compliance in timely payments of taxes owed by nonresident taxpayers. The fiscal impact from removing the penalty will be significant but indeterminable. The impact could begin in FY 2026, but the full year impact will occur in FY 2027.

Additional Information - Under current law, if a pass through entity fails to include all nonresident partners, nonresident shareholders, or nonresident beneficiaries in a composite return, a penalty of \$500 per pass through entity is imposed. A "pass through entity" is defined as:

- (1) a corporation that is exempt from the adjusted gross income tax;
- (2) a partnership;
- (3) a trust;
- (4) an estate;
- (5) a limited liability company; or
- (6) a limited liability partnership.

Until tax year 2023, the DOR relied on self reporting with limited imposition of penalty primarily assessed for failure to include nonresident owners with positive income. The average annual collection during 2020

to 2023 period was about \$200,000 annually. However starting tax year 2024, the DOR also started fully enforcing the penalty on composite returns that failed to include nonresident owners with zero or negative income. In tax year 2024, the total penalty imposed under this statute was about \$9.5 M, of which about \$7 M was imposed for not including partners, shareholders, or beneficiaries with negative or zero in distributive share income.

Explanation of Local Expenditures:

Explanation of Local Revenues:

State Agencies Affected: Department of State Revenue.

Local Agencies Affected:

Information Sources: DOR Income Tax Information Bulletin #72,
<https://www.in.gov/dor/files/reference/ib72.pdf>

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