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**INDIANA**

IT-65

Partnership Return Booklet

[www.intax.in.gov](http://www.intax.in.gov)



# Effective Jan. 1, 2013

## Indiana businesses must report and pay sales and withholding taxes electronically

ALL businesses in Indiana must file and pay their sales and withholding taxes electronically. Businesses currently filing paper coupons will need to transition to filing via the state's INtax program or use a third-party vendor to electronically transmit forms ST-103 and WH-1. This is required by Indiana law.

Did you know?

- Service providers can also use INtax.
- We offer a range of sophisticated tutorials to help you learn how to use INtax.
- We have a special hotline for questions specifically related to INtax. Call (317) 232-2337.

To learn more and get started, visit [www.intax.in.gov](http://www.intax.in.gov).



Tippecanoe Battlefield State Memorial

**About the Cover:** This year, Indiana's tax booklets commemorate veterans with photographs of Indiana war and veterans memorials. This cover features the Tippecanoe Battlefield State Memorial, which was erected in 1908 in Tippecanoe, Ind. At this site Gov. William Henry Harrison defeated a party of Indians led by "The Prophet," half-brother of the Shawnee Chief Tecumseh. Harrison's success at this site helped suppress the Indian threat in the old Northwest and helped Harrison win the presidency.

Indiana Department of Revenue  
**2013 IT-65 - Indiana Partnership Return Booklet**

## **What's New for 2013**

### ***Several Addbacks Eliminated***

The following addbacks have been eliminated retroactively for tax years beginning after Dec. 31, 2011:

- Qualified advanced mine safety equipment
- Qualified leasehold property
- Qualified restaurant property
- Qualified retail improvement property
- Seven-year property for a motorsports entertainment complex

See the instructions beginning on page 9 for information on how to update your tax filing if you reported any of these addbacks on your 2012 state tax return.

The following addbacks have been eliminated for tax years beginning after Dec. 31, 2012:

- Additional business startup expenditures
- Expensing of environmental remediation costs
- Oil and gas well depletion deduction
- Qualified electric utility amortization

See the instructions beginning on page 9 for information on how the elimination of these addbacks might impact your state tax filing.

### ***Nonresident Partners Can Opt Out of Composite Return***

Nonresident partners can now opt out of the composite return. To do so, they must complete an affidavit, IN-COMPA, stating that they want to opt out and submit that to the partnership. The partnership must continue to remit the withholding taxes for those partners who opt out by using the WH-1. For all partners included on the composite return, the partnership should remit withholding by using the newly created Form IT-6WTH.

The IN-COMPA must be completed and submitted to the partnership every year that the partner wishes to opt out of the composite return. It must be submitted to the partnership by the 15th day of the 4th month following the close of the partnership's tax year.

### ***School Scholarship Credit Changes***

Effective Jan. 1, 2013, the school scholarship tax credit can now be carried forward for nine years after the unused credit year. The maximum annual credit for all taxpayers has also increased from \$5 million to \$7.5 million.

### ***References to the Internal Revenue Code***

Public Law (PL) 205-2013, SEC. 53 updates references to the Internal Revenue Code in certain Indiana tax statutes. For tax year 2013, any reference to the Internal Revenue Code and subsequent regulations means the Internal Revenue Code (IRC) of 1986, as amended and in effect on Jan. 1, 2013.

## **Who Must File and When**

Partnerships conducting business within Indiana must file an annual return (Form IT-65) and an information return (IT-65 IN K-1) with the department. These forms must disclose each partner's share of distributed and undistributed income. These forms are due on or before the 15th day of the fourth month following the close of the partnership's tax year.

Enclose with Form IT-65 the first four pages of the U.S. Partnership Return of Income, Form 1065 or 1065B. Also enclose Schedule M-3. Federal Schedules K-1 should not be enclosed but must be made available for inspection upon request by the department.

Any partnership doing business in Indiana or deriving gross income from sources within Indiana is required to file a return. The following activities occurring in Indiana constitute doing business or deriving income from Indiana sources:

1. The maintenance of an office, a warehouse, a construction site, or another place of business;
2. The maintenance of an inventory of merchandise or material for sale, distribution, or manufacture, or consigned goods;
3. The sale or distribution of merchandise to customers directly from company-owned or -operated vehicles when the title of merchandise is transferred from the seller or distributor to the customer at the time of sale or distribution;
4. The rendering of a service to customers in Indiana;
5. The ownership, rental, or operation of a business or property (real or personal) in Indiana;
6. The acceptance of orders in Indiana with no right of approval or rejection in another state;
7. Interstate transportation; or
8. The maintenance of a public utility.

The term "partnership" includes a syndicate, group, pool, joint venture, limited liability company, limited liability partnership, or other unincorporated organization that is not, within the meaning of Indiana Code (IC) 6-3-1, a corporation, a trust, or an estate. Banks with common trust funds filing U.S. Form 1065 must file partnership Form IT-65 and comply with the provisions of Treas. Reg. 1.6032-1 when reporting for Indiana purposes.

### ***Utility Receipts Tax***

A Utility Receipts Tax is imposed at the rate of 1.4 percent of the taxable receipts from the retail sale of utility services. Use Form URT-1 for this tax. Gross receipts are defined as the value received for the retail sale of utility services. The utility services subject to tax include

- Electric energy;
- Natural gas;
- Water;
- Steam;
- Sewage; and
- Telecommunications.

If you have more than \$1,000 in gross receipts from the sale of utility services, you may be required to file Form URT-1 (Utility Receipts Tax Return), in addition to Form IT-65. Refer to Commissioner's Directive #18 at [www.in.gov/dor/3617.htm](http://www.in.gov/dor/3617.htm).

## **Utility Services Use Tax**

An excise tax known as the utility services use tax is imposed on the retail consumption of utility services in Indiana where the utility receipts tax is not paid by the utility providing the service. This tax is imposed at the rate of 1.4 percent.

You might be liable for this tax if you purchase utility services from outside Indiana (or anywhere if for resale) and become the end user in Indiana of any part of the purchase. The person who consumes the utility service is liable for the utility services use tax. The tax is based on the price of the purchase. Unless the seller of the utility service is registered with the department to collect the utility services use tax on your behalf, you must remit this tax on Form USU-103. For more information, get Commissioner's Directive #32 at [www.in.gov/dor/3617.htm](http://www.in.gov/dor/3617.htm).

## **General Filing Instructions**

### **Liability of the Partnership**

Partnerships as entities are not subject to income taxes. However, publicly traded partnerships treated as corporations pursuant to IRC Section 7704 are classified for Indiana tax purposes in the same manner as they are classified for federal tax purposes. A limited liability company classified as a corporation for federal tax purposes should file Form IT-20.

Partnerships are considered to be the taxpayer with respect to the payment of amounts required to be withheld at source. See the section "Withholding Tax Liabilities of Partnerships" for more information.

Partnerships are subject to the use tax. Use tax is due on the storage, use, or consumption of tangible personal property purchased in a transaction in Indiana or elsewhere. The exception is if the transaction is exempt from the sales and use tax by law or the sales tax due and paid on the transaction equals the use tax due. See the instructions for the Sales/Use Tax Worksheet on page 16.

You must enclose an apportionment schedule with your return if the partnership is doing business both within and outside Indiana and has any partners not domiciled in Indiana. See the instructions for IT-65 Schedule E Apportionment of Income for Indiana on page 17.

Any partnership that has nonresident partners must also file a composite return for all its nonresident partners unless the nonresident partner has filed the IN-COMPA (Indiana Composite Filing Opt-out Affidavit) with the partnership to opt out of the composite filing. Any partnership that fails to file a composite return that includes all its qualifying nonresident partners will be assessed a penalty of \$500.

A partnership is required to withhold state income tax if the nonresident individual partner has filed the affidavit with the partnership to opt out of the composite filing. A partnership is also required to withhold state income tax if the nonresident partner is not an individual.

To avoid penalty and interest charges for delinquent filing of returns, a partnership should verify its tax status and withholding responsibilities before commencing business in Indiana.

## **Withholding Tax Liabilities of Partnerships**

The following instances require the partnership to register with the department and become an Indiana withholding agent on behalf of each of the following:

### **Withholding on Residents**

A partnership must withhold for Indiana tax purposes if:

- It is making payments of salaries, wages, tips, fees, bonuses, and commissions;
- These payments are subject to Indiana state and/or county income taxes; and
- The partnership is required by the IRC to withhold federal taxes on these types of payments

The partnership must remit payment of amounts withheld to the department via electronic method by the due date. If a return and/or payment of the proper amount of tax withheld is not made by the due date, penalty and interest will be added. A partner may be personally subject to criminal prosecution if the failure to pay and/or file a withholding return is due to fraud or tax evasion.

### **Withholding on Nonresidents**

**Employees** – A partnership must withhold Indiana state and/or county income taxes from employees who work in Indiana but are not residents of Indiana. However, withholding on compensation of nonresident team members of certain professional sports organizations is based on duty days performed in Indiana.

For more information, get Income Tax Information Bulletin #88 at [www.in.gov/dor/3650.htm](http://www.in.gov/dor/3650.htm).

If an employee resides in a state that has entered into a reciprocal agreement with Indiana, an exception from withholding applies. However, this does not affect county taxation.

For purposes of withholding county income taxes, the term "nonresident" refers to a nonresident of the county where the partnership has locations or is located.

**Individual Partners** – A partnership must withhold state income tax at the rate of 3.4 percent on the apportioned distributive shares of partnership income (on current-year earnings derived from Indiana sources). It must do this each time it pays or credits any of its nonresident and part-year resident individual partners.

A partnership is required to withhold state income tax if the nonresident individual partner has filed the affidavit with the partnership to opt out of the composite filing. A partnership is also required to withhold state income tax if the nonresident partner is not an individual.

This does not apply to residents of reverse credit states who are subject to and pay income taxes at rates of 3.4 percent or higher to their resident states. The reverse credit states are

- Arizona;
- California [see note];
- Oregon; and
- Washington, D.C.

**Note:** Indiana state withholding is required whenever a California resident partner is included in an Indiana composite tax return.

Withholding at the appropriate adopting county's nonresident tax rate is required on each Indiana nonresident partner whose principal place of business or employment on January 1 is located in an Indiana county that has adopted a county income tax. Use Departmental Notice #1 ([www.in.gov/dor/3618.htm](http://www.in.gov/dor/3618.htm)) to determine county tax withholding rates. To verify a county's rate, visit the department's website or call our main tax line at (317) 232-0129.

**Corporate Partners** – Partnerships must withhold on income distributions to all corporate partners that are not registered with the Indiana Secretary of State. This withholding must be an amount reflecting the ultimate Indiana tax liability due by respective partners because of the partnership's activities.

A corporation is subject to AGI tax at the current rate. (**Note:** Beginning on July 1, 2012, the corporate tax rate began decreasing by 0.5% each year, until July 1, 2015, when it will be 6.5%. The rate is as follows: 8% from July 2012 to July 2013, 7.5% from July 2013 to July 2014, 7% July 2014 to July 2015, and 6.5% from July 2015 forward.)

A partnership must withhold and remit the Indiana Financial Institution Tax (FIT) if:

- The partnership conducts the business of a financial institution;
- The partnership has nonresident corporate partners; and
- The partners transact the business of a financial institution.

An FIT must be withheld on the respective nonresident corporate partner's share of partnership income as computed under IC 6-5.5-4. However, if a written declaration that the partner is not subject to the FIT exists, the withholding is not required. In this instance only, corporate AGI tax must be withheld from the nonresident corporate partner's distributive share of income apportioned to Indiana.

**Caution:** The withholding provisions on nonresidents do not apply to partners who are any one of the following entities:

An Indiana-domiciled corporation registered with the Indiana Secretary of State;

- A non-Indiana domiciliary corporation registered with the Indiana Secretary of State;
- A nontaxable trust or estate;
- An S corporation; or
- A wholly exempt nonprofit organization with no unrelated trade or business partnership income.

A partnership must withhold tax from income distributions to an S corporation, a fiduciary, or another partnership passing through Indiana income to:

- A nonresident shareholder;
- A beneficiary; or
- A partner.

It must also designate as a "Nominee" the ultimate recipient as if there were no other intermediary entities. The upper-tier partnership passing through Indiana income to its partners must withhold tax for nonresident nominees on a final pro rata basis without reapportioning the income at the lower level.

A partnership must withhold tax from income distributions to a fiduciary. A trust and estate must withhold state income taxes for all its nonresident individual beneficiaries if they have opted out of the composite filing. A trust and estate is also required to withhold state income tax if the nonresident beneficiary is not an individual. See Income Tax Information Bulletin #85 at [www.in.gov/dor/3650.htm](http://www.in.gov/dor/3650.htm) for more information.

**Withholding Amounts on Nonresident Partners** – In Section C of the BT-1 (Business Tax Application), if only nonresident withholding is indicated, then a partnership's withholding of state and/or county tax from nonresident partners is payable monthly if the monthly average is less than \$50. This must be filed by the last day of the month following the end of each month in which a distribution was made. Effective Jan. 1, 2013, quarterly filing is no longer available due to legislative mandate.

In Section C of the BT-1 (Business Tax Application), if nonresident withholding and one-time distribution are both indicated, then a partnership's withholding of state and/or county tax from nonresident partners is payable by the 15th day of the fourth month following the close of the tax period.

The BT-1 is available online at <https://secure.in.gov/apps/dor/bt1/>, and INtax can be accessed at <https://www.intax.in.gov>. Once registered, the partnership can use INtax, the department's online tool for remitting sales and withholding taxes.

The partnership is liable for any delinquent penalty and interest in addition to the amount withheld or required to be withheld and paid to the department.

**Note:** Compliance with the act of withholding will not relieve any non-Indiana-domiciled partner from annual filing requirements (except individuals included in a composite return) or the payment of any unpaid tax, penalties, and interest.

## How to Register as a Withholding Agent

A partnership with any withholding liability as previously described is required to register as an Indiana withholding agent. The department assigns an Indiana TID. This TID consists of:

- A 10-digit number exclusive to the taxpayer; and
- A 3-digit number for the location being registered.

The partnership has two options:

- It can complete the BT-1 online at <https://secure.in.gov/apps/dor/bt1/> or
- The second option is to visit either the department's downtown Indianapolis office or one of the district offices located throughout the state to use the department's kiosks to register online.

**Note:** Effective Jan. 1, 2013, all businesses must electronically file and remit sales and/or withholding taxes. Businesses can file and remit their withholding taxes through INtax ([www.intax.in.gov](http://www.intax.in.gov)) or a third-party vendor; they can also use INtax to file and remit their sales tax.

## Noncomposite Withholding Payment

**Form WH-1** – Amounts withheld from employees and/or nonresident partners who are not individuals or who opted out of the composite return should be included in the remittance with Form WH-1. The nonresident withholding account will be separate from any existing employees withholding account.

Businesses currently filing paper coupons will need to transition to filing via the state's INtax program or use a third-party vendor to electronically transmit Form WH-1.

**Form WH-3** – The withholding agent must complete and file an annual Withholding Tax Reconciliation Return, Form WH-3. This must be filed by the end of the second month following the close of the tax period for nonresident withholding accounts. It must be filed by the 15th day of the fourth month following the close of the tax period for nonresident and one-time distribution withholding accounts. The agent must include the following:

- The Indiana taxpayer identification number (TID);
- The partnership's name; and
- The calendar year.

Form WH-3 is used to reconcile the monthly or annual WH-1 returns. When remitting this form, the business must also remit the supporting W-2 and WH-18 reports. Effective Jan. 1, 2013, the way in which you must submit the WH-3 depends on the number of wage statements you file in a year. Follow these guidelines:

- If you are filing **fewer than 25** wage statements for your entire tax year, you can still file paper copies of the withholding forms (WH-1, WH-18, WH-3, W-2s, W-2Gs, and 1099s). You can also submit them via the state's online INtax application ([www.intax.in.gov](http://www.intax.in.gov)) or use a third-party vendor to electronically submit them.
- If you are filing **more than 25 but fewer than 3,500** wage statements, you must file all of your withholding forms electronically. You can either use the state's online INtax application ([www.intax.in.gov](http://www.intax.in.gov)) or use a third-party vendor to electronically submit them.
- If you are filing **more than 3,500** wage statements, you must either have a third-party vendor submit them for you or file using bulk upload. For more information, see the department's *Bulk Upload Guide* at [www.in.gov/dor/files/bulk-upload-guide.pdf](http://www.in.gov/dor/files/bulk-upload-guide.pdf).

**How Fill to Out Form WH-3** – On Form WH-3, the withholding agent enters the total annual amount of state and county income taxes or other taxes withheld from employees and nonresidents receiving income subject to Indiana withholding. These amounts must match what is listed on federal Form W-2 and Indiana Form WH-18. The amount of county tax withheld during the year is separated according to the amounts withheld for each county.

If the withholding agent has overpaid the withholding liability for the year, it is entitled to a refund. Enter the amount to be refunded on Form WH-3. Also, provide an explanation. Nonresident withholding accounts should not use the WH-3 for claiming a refund. The entity claiming the credit may be entitled to a refund on the appropriate form filed with the department.

If the withholding agent has underpaid the payroll or nonresident partner withholding liability for the year, the agent does not submit the payment with Form WH-3. Instead, it completes Form WH-1U. **This is included with the WH-3 packet if you file fewer than 25 wage statements per year and still receive paper coupons.** The withholding agent submits the payment under separate cover and must indicate the Indiana TID and the period to which the payment should be applied. **If you file more than 25 wage statements per year or file fewer than 25 but filed electronically last year, you must make your payment for underpaid liabilities via INtax.**

## Composite Withholding Payments (Form IT-6WTH)

A partnership that files a composite return must withhold Indiana state and/or county income taxes from all nonresident individual partners. Amounts withheld from nonresident individual partners included in the composite return may be remitted using Form IT-6WTH. Payment is due the 15th day of the fourth month following the close of the partnership's tax period. To make additional payments, please contact the Corporate Tax Section at (317) 232-0129 for an additional Form IT-6WTH. The total payments are claimed as a credit on line 9 of Form IT-65.

## Partner's Liability and Filing Requirements

A partner's share of profit or loss from a partnership is included in the partner's calculation of federal AGI. It is generally subject to the same rules for arriving at Indiana AGI. Thus, a partner's distributive share, before any modifications required by Indiana statutes, is the same ratio and amount as determined under IRC Section 704 and its prescribed regulations. The partners include their share of all partnership income, whether distributed or undistributed, on their separate or individual Indiana income or franchise tax returns. Each partner's distributive share of income is adjusted by modifications provided for in IC 6-3-1-3.5(a) or (b).

## Individual Partners

**Residents** – A resident partner reports the entire distributive share of partnership income (loss) as adjusted, no matter where the partnership's business is located or in which states it does business. Individual partners must complete Form IT-40, Indiana Individual Income Tax Return.

**Nonresidents** – The partner must complete Form IT-40PNR, Indiana Part-Year or Full-Year Nonresident Individual Income Tax Return. If the nonresident individual partner has filed the IN-COMPA affidavit with the partnership to opt out of the composite filing, he must complete Form IT-40PNR (Indiana Part-Year of Full-Year Nonresident Individual Income Tax Return). The partner must claim credit on that return by enclosing state Form WH-18 for amounts withheld by the partnership from his distributive share of income. The partner must claim credit on that return for amounts withheld by the partnership from the partner's distributive share of income. Form WH-18, copy C, must be enclosed with the return to verify any such withholding credit amount.

Nonresident partners are exempt from the filing requirements of an Indiana Individual Income Tax Return only if they are properly included as members of a composite return.

A part-year nonresident partner must file Form IT-40PNR and report:

- The total amount of income (loss) received while residing in Indiana; and
- That part of Indiana source income received while a nonresident.

A part-year nonresident partner also reports apportioned Indiana income (loss), as modified, on Form IT-40PNR.

**Note:** Passive losses may not exceed the limits imposed by IRC Section 469. Losses also may not exceed the partner's investment. See IRC Section 704.

## Corporate Partners

Corporate partners report their distributive share of the partnership income (loss) on one of the following:

- Form FIT-20;
- Form IT-20;
- Form IT-20S;
- Form IT20NP; or
- Form IT-41.

All distributions are fully taxable for AGI tax purposes. Taxable partnership income (loss) includes pro rata Indiana modifications. However, losses may not exceed the limits imposed by IRC Section 704.

Corporate partners doing business within and outside Indiana must also determine their taxable AGI from Indiana sources through the use of the allocation and apportionment provisions contained in IC 6-3-2-2(b)-(h). These generally follow the Uniform Division of Income for Tax Purposes Act. Thus, a multistate corporation must first determine what part of its AGI, which includes all partnership income, constitutes business income and what part is nonbusiness income. The relationship between the business of the corporate partner and the partnership controls the classification. Non-unitary partnership income distributions attributed at the partnership level to Indiana are treated as allocated income on the corporate partners' Indiana returns.

If the corporate partner's activities and the partnership's activities constitute a unitary business under established standards, disregarding ownership requirements, the business income of the unitary business attributable to Indiana is determined by a single-factor (sales) apportionment formula. The formula consists of the sales of the corporate partner and its actual share of the partnership's sales for any partnership year ending within or with the corporate partner's taxable year.

The partner's proportionate share of all of the partnership's (unapportioned) state income and other adjustments required under IC 6-3-1-3.5 must be added back in when determining AGI.

If the corporate partner's activities and the partnership's activities do not constitute a unitary business under established standards, the corporate partner's share of the partnership income attributable to Indiana is determined as follows:

- If the partnership derives income from sources within and outside Indiana, the income derived from sources within Indiana is determined by a single-factor apportionment formula consisting of the sales of the partnership; or

- If the partnership derives income from sources entirely within Indiana or entirely outside Indiana, the income is not subject to formula apportionment. See 45 IAC 3.1-1-153 for reporting requirements.

For non-unitary partners, taxable partnership distributions included in federal taxable income are deducted on the non-business and non-unitary income adjustment line of the corporation's return. Non-unitary partnership income attributed to Indiana is entered on the adjustment line used to report Indiana allocated non-business income and Indiana non-unitary partnership income. (This non-unitary partnership income includes apportioned pro rata modifications.) The corporate taxpayer's taxable income for Indiana equals:

- The apportioned business income, which includes unitary partnership income and non-unitary partnership income attributed to Indiana; plus
- The corporate partner's other non-business income allocated to Indiana; plus
- Modifications required by IC 6-3-1-3.5(b) for AGI.

Corporate partners subject to the Indiana financial institution franchise tax must include the corporation's percentage of partnership adjusted gross or apportioned income, as computed under IC 6-5.5-4. This is reported on Form FIT-20.

Use the worksheet on page 15 for *Attributing Partnership Income for Unitary Corporate Partners* to compute the portion of partnership income subject to tax under the Adjusted Gross Income Tax Act.

## Basis of Partner's Interest in Partnership

For Indiana income tax purposes, the basis of the partnership interest is generally the same as its basis for federal income tax purposes. Adjustments to income and loss under the Indiana Adjusted Gross Income Tax Act (for the addback of income taxes and the deduction from income for U.S. government obligations) are limited to current reporting. However, they may also affect the basis of the partner's interest.

## Indiana Partnership Income for Individuals

Examples: Taxpayer A is a resident of Indiana, and Taxpayer B is a nonresident of Indiana. Each has a 50 percent interest in ABC Company, an Indiana partnership doing business both within Indiana and outside Indiana.

ABC Company has income from operations of \$530,000 and expenses of \$500,000. Of these expenses, \$35,000 is an expense for state income tax. Taxpayers A and B each received a guaranteed payment of \$10,000.

*Computations for ABC Company for a Taxable Period:*

Income from operations	\$530,000
Expenses	- 500,000
Addback modifications	+ 35,000
Partnership income	\$65,000

Using the single-factor apportionment formula for periods beginning after Dec. 31, 2010, under IC 6-3-2-2(b), ABC Company determines its apportionment percentage as follows:

Indiana sales/receipts	5000.00
Divided by everywhere sales/receipts	<u>/41667.00</u>
Equals	.1200
Multiplied by 100	<u>x 100</u>
Equals Indiana apportionment percentage	12.00%

#### Computations for Taxpayers A and B:

Taxpayer A, as a resident of Indiana, must report his own entire share of partnership income to Indiana regardless of whether the partnership apportions its income. As a general rule, if Taxpayer A pays tax to another state (on a portion of partnership income), he can take a credit on his individual return.

Indiana adjusted partnership income for Taxpayer A is computed as follows:

Guaranteed payment	\$10,000
Distributive share (50% x \$65,000)	<u>+ 32,500</u>
Indiana adjusted distributive share of income	\$42,500

Taxpayer B, as a nonresident of Indiana, reports only her own share of partnership income and guaranteed payment apportioned to Indiana. As a general rule, if Taxpayer B is required to pay tax to another state on a portion of her income from ABC Company, she cannot take a credit on her Indiana return but must claim it from her state of residence.

Indiana adjusted partnership income for Taxpayer B is computed as follows:

Guaranteed payment	\$10,000
Distributive share (50% x 65,000)	<u>+ 32,500</u>
Total partnership share of income	\$42,500
Multiply by apportionment percentage	<u>x 24%</u>
Apportioned Indiana distributive share of income	\$10,200

### Accounting Periods and Methods

The accounting period for Form IT-65 and the method of accounting adopted must be the same as used for federal income tax purposes.

### Extended Filing Due Date

The initial due date for filing is the 15th day of the fourth month following the close of the partnership's tax year. The department accepts the federal extension of time application (Form 7004) or the federal electronic extension. If you have one, you do not need to contact the department prior to filing the annual return. Returns postmarked within 30 days after the last date indicated on the federal extension form are considered timely filed.

Do not file a separate copy of this form with the department to request an Indiana extension. If applicable, enclose a copy of the federal extension of time with the return when filing your state return. Check box Q1 on the front of the IT-65 return.

If a federal extension is not needed, a partnership can request a separate Indiana extension of time to file by writing to:

Indiana Department of Revenue  
Tax Administration  
100 N. Senate Ave.  
Indianapolis, IN 46204-2253

Any payment made after the original due date must include penalty and interest. **Caution:** The filing due date for the partnership return is different from the payment due date of income tax withholding and composite AGI tax on nonresident partners.

### Amended Returns

If the partnership files an amended federal return and the change(s) affects the Indiana income or the taxable income reportable by the partners, both the partnership and the partners must file amended Indiana returns. They must do so within 180 days after the filing of the amended federal return.

Adjustments made by the IRS affecting the reportable Indiana income must be followed with an amended partnership return. This must be filed within 180 days after the adjustment becomes final. **Check the box at the top of Form IT-65 if you are filing an amended return.**

## Instructions for Completing Form IT-65

### Filing Period and Identification

File a 2013 partnership return for a tax year ending on Dec. 31, 2013; a short tax year beginning and ending in 2013; or a fiscal year beginning in 2013 and ending in 2014. For a fiscal or short tax year, fill in both the beginning month, day, and year and the ending month, day, and year at the top of the form.

### Identification Section

Check the box at the top of the form if you are filing an amended return. For a name change, check the box at the top of the return. You must enclose with the return copies of amended articles filed with the Indiana Secretary of State.

The federal identification number shown in the box at the upper-right corner of the return must be accurate. It must also be the same as what's used on the U.S. Return of Partnership Income. Please use the correct legal name of the partnership and its current mailing address. List the name of the county in Indiana where you have a primary business location. Enter "O.O.S." in the county box D for an address outside Indiana. *For foreign addresses, please note the following:*

- Be sure to enter the name of the city, town, or village in the box labeled City;
- Be sure to enter the name of the state or province in the box labeled State; and
- Be sure to enter the postal code and the 2-digit country code in the box labeled ZIP Code.

Enter your principal business activity code in the designated block of the return. Use the six-digit activity code as reported on the federal tax return. This number is derived from the North American Industry Classification System (NAICS). A link to a list of these codes is available on the department's website at [www.in.gov/dor/3742.htm](http://www.in.gov/dor/3742.htm).

### Questions K through S and Other Fill-in Lines

All corporations filing an Indiana corporation income tax return must complete the top portion of the form. This includes questions K through S. Check or complete all the boxes that apply to your return:



- K. Indicate the date and place the partnership was organized.
- L. Indicate the partnership's state of commercial domicile.
- M. Indicate the year the initial Indiana return was filed.
- N. Indicate the accounting method used.
- O. Check box O-1 if you are filing an initial return.  
Check box O-2 only if the partnership is dissolved, is liquidated, or has withdrawn from the state. Also, you must timely file Form BC-100 to close out any sales and withholding accounts. Go to [www.in.gov/dor/3731.htm](http://www.in.gov/dor/3731.htm) to complete this form online.  
Check box O-3 if the partnership is in bankruptcy.  
Check box O-4 if you are filing as a composite return for nonresident partners.
- P. Enter the number of partners in the partnership in entry box P-1. Enter in entry box P-2 the number of all partners who are nonresidents of Indiana.
- Q. Check the box if you have a valid extension of time or an electronic federal extension of time to file your return. If applicable, enclose a copy of federal Form 7004 when filing your state return.
- S. Check the box if this partnership is a member of any other partnership.

## Aggregate Partnership Distributive Share Income

**Note:** Please round all entries to the nearest whole dollar amount. Also, please do not use a comma in dollar amounts of four digits or more. For example, instead of entering "3,455" you should enter "3455."

**Line 1.** Enter the amount from the U.S. partnership return Schedule K:

- Net ordinary business income;
- Net income from real estate activities from Form 8825;
- Other rental income activities;
- Portfolio income and deductions;
- Royalties;
- Capital gains and losses;
- Guaranteed payments; and
- Other income.

You might be able to take the Section 179 deduction. You also might be able to deduct that portion of investment expenses that is included in federal Schedule K as part of line 13 and line 20 relating to investment portfolio (royalty) income and that flows to federal Schedule E. Do not deduct other expenses treated as federal itemized deductions.

**Use the Worksheet for Partnership Distributive Share Income, Deductions, and Credits** to help you calculate this figure. You must use the income worksheet if this partnership received any distributive income from one of the following:

- An owned partnership interest;
- An estate; or
- A trust.

See instructions on page 16 and worksheet on page 15.

If filing federal Form 1065B by an electing large partnership, use the amounts from line 1 through 8 of Schedule K. Convert distributive share of income items into a Form 1065 Schedule K format. Carry the figures to IT-65 and IT-65 IN K-1.

## Required Indiana State Modifications - Lines 2a through 2f

**Lines 2a through 2e.** Enter any addbacks and deductions here. Enter the name of the addback/deduction, its 3-digit code, and its amount. Use a negative sign for negative amounts (-). Attach additional sheets if necessary.

**The following are no longer required to be added back:**

- Additional business startup expenditures
- Expensing of environmental remediation costs
- Oil and gas well depletion deduction
- Qualified electric utility amortization

**The following are no longer required to be added back retroactive to tax year 2012:**

- Qualified advanced mine safety equipment
- Qualified leasehold property
- Qualified restaurant property
- Qualified retail improvement property
- Seven-year property for a motorsports entertainment complex

**Note:** With regard to a depreciation addback for property qualifying under IRC Sec. 168, the addback is eliminated retroactive to 2012 only for property placed in service in 2012.

If you reported any of the above-listed addbacks on your 2012 state tax return, you may be eligible for a refund or a reduction of any tax otherwise owed. You may file an amended 2012 state tax return and make an adjustment to reverse the reporting of the addback(s), or you can report the amount to be adjusted on lines 2a-2e of the current 2013 Indiana tax return using a special 3-digit code indicator (see the instructions for the specific addback for the 3-digit code).

## Adding Back Depreciation Expenses

Several of the discontinued addbacks were created by timing differences between federal and Indiana allowable expenses. Following is an example of how to report a difference.

*Example.* ABC Company has qualified restaurant equipment. For federal tax purposes, they use the accelerated 15-year recovery period for an asset placed in service in 2009. Since 2009, ABC Company has been adding back the depreciation expense taken for federal purposes that exceeded the amount allowable for Indiana purposes. The accumulated depreciation on such an asset through 2012 is, therefore, different for federal and state purposes. This difference will remain until the asset is fully depreciated or until the time of its disposition.

So, in this example, the asset was acquired in January 2009 at a purchase price of \$120,000. This normally would have a 25-year recovery period, but IRC Sec. 168 allows for a 15-year recovery period. Tax year 2012 is the last year ABC Company will have reported a qualified restaurant equipment addback until the end of the 15-year recovery period.

If this asset was sold before being fully depreciated, the catch-up modification would be reflected in the year of the sale. However, if this property is held through 2023 (the 15th year of depreciation), ABC Company will report a negative \$9,600 catch-up addback on their 2023 state tax return.

The following addbacks and deductions should be entered on lines 2a through 2e:

**Addback for Certain Taxes Deducted from Federal AGI (3-digit code: 100)** – The addback of all state taxes based on or measured by income, levied by any state, deducted on the federal return.

**Addback for Bonus Depreciation (3-digit code: 104)** – An amount attributable to bonus depreciation in excess of any regular depreciation that would be allowed if an election under IRC Section 168(k) had not been made as applied to property in the year that it was placed into service. Taxpayers that own property for which additional first-year special depreciation for qualified property was allowed in the current taxable year or in an earlier taxable year must add or subtract an amount necessary to make their AGI equal the amount computed without applying any bonus depreciation. The first-year special depreciation includes 50 percent bonus depreciation. The subsequent depreciation allowance must be calculated on the state's stepped-up basis until the property is disposed. Enclose a statement to explain your adjustment.

**Example:** If the IRC Section 179 deduction was elected on business equipment acquired during 2005 costing \$200,000, the capital expensing deduction was \$100,000. Also, it had a remaining basis of \$100,000. An additional 50 percent bonus depreciation of \$50,000 was elected. This left a basis of \$50,000 for a 5-year Modified Accelerated Cost Recovery System (MACRS) property (half-year convention) depreciation deduction of 20% (\$10,000). The total amount of federal deduction was \$160,000.

For state purposes, the bonus depreciation of \$50,000 was not allowed and must be added back. The IRC Section 179 deduction was capped at \$25,000. So the \$75,000 excess amount must be added back. These adjustments result in a stepped-up basis of \$175,000 for the state return. This is the amount on which you figure the allowable first-year MACRS property depreciation deduction of 20% (\$35,000) for 2005. This was a total state deduction of \$25,000 more than was already deducted under the General Depreciation System (GDS). The additional depreciation may be excluded in subsequent years from the amounts to be added back when excess IRC Section 179 deduction or bonus depreciation was elected.

Commissioner's Directive #19 ([www.in.gov/dor/3617.htm](http://www.in.gov/dor/3617.htm)) explains this initial required modification on the allowance of depreciation for state tax purposes.

**Addback for Section 179 Expense Excess (3-digit code: 105)** – Your share of the IRC Section 179 adjustment claimed for federal tax purposes that exceeds the amount recognized for state tax purposes.

Indiana adopted the former expensing limit provided by the Jobs Creation and Workers Assistance Act of 2002. Indiana has since specified an expensing cap of \$25,000. This modification affects the basis of the property if a higher Section 179 limit was applied. The increase to a \$100,000 deduction and a beginning \$400,000

phase-out limitation was not allowed for purposes of calculating Indiana AGI. The depreciation allowances in the year of purchase and in later years must be adjusted to reflect the additional first-year depreciation deduction until the property is sold. This first-year depreciation deduction includes the special depreciation allowance for 50% bonus depreciation property.

If a taxpayer placed any IRC Section 179 property in service in the current taxable year or in an earlier taxable year, you must add or subtract an amount necessary to make the taxpayer's AGI equal to the amount of AGI that would have been computed if an election had not been made for the year in which the property was placed in service to take deductions (as defined in IRC Section 179) in a total amount exceeding \$25,000.

**Note:** If the net amount determined for the net bonus depreciation allowance or excess IRC Section 179 deduction is a negative figure (because of a higher depreciation basis in subsequent years), use a negative sign to denote this. If the taxable income is a loss, this adjustment increases a loss when added back. Enclose a statement to explain your adjustment.

**Deduction for Interest on U.S. Government Obligations (3-digit code: 610)** – Deduct interest income, less related expenses, from certain obligations of the U.S. government included as income on the federal return. Request Income Tax Information Bulletin #19 at [www.in.gov/dor/3650.htm](http://www.in.gov/dor/3650.htm) for a list of eligible items.

**Deduction for Indiana Lottery Winnings (3-digit code: 606)** – Deduct Indiana lottery prize money. If you make a purchase of a winning Indiana lottery game or ticket, a portion of the prize money you receive and included in your federal taxable income should be excluded. The proceeds of up to \$1,200 are deductible from each winning lottery game or ticket paid through the Hoosier State Lottery Commission. Explain the deduction on an enclosed statement.

**Addback for Deferral of Business Indebtedness Discharge and Reacquisition (3-digit code: 107)** – Add back the deduction for deferral of business indebtedness discharge and reacquisition. Enter an amount equal to the amount claimed as a deferral of income arising from business indebtedness discharged in connection with the reacquisition after Dec. 31, 2008, and before Jan. 1, 2011, of an applicable debt instrument (as provided in Section 108(i) of the IRC) for federal income tax purposes.

**Addback for Qualified Restaurant Property (3-digit code: 108; 3-digit code for 2012 adjustment: 300\*)** – Add back the deduction for qualified restaurant property. Enter an amount equal to the amount you claimed as a deduction for federal income tax purposes for qualified restaurant property. The property must have been placed in service during the taxable year. It also must have been classified as a 15-year property under Section 168(e)(3)(E)(v) of the IRC. *\*This is no longer required to be added back. If you added this back on your 2012 return, you can either file an amended return or make your adjustment on lines 2a-2e of your 2013 return. Enter code 300 along with the amount you added back in 2012 (enter this as a negative amount if it was a positive amount on your 2012 return).*

**Addback for Qualified Retail Improvement Property (3-digit code: 109; 3-digit code for 2012 adjustment: 301\*)** – *\*This is no longer required to be added back. If you added this back on your 2012 return, you can either file an amended return or make your adjustment on lines 2a-2e of your 2013 return. Enter code 301 along with the amount you added back in 2012 (enter this as a negative amount if it was a positive amount on your 2012 return).*

**Addback for Qualified Disaster Assistance Property (3-digit code: 110)** – Add back the deduction for qualified disaster assistance property. Add or subtract an amount equal to the amount claimed as a deduction for the special allowance for qualified disaster assistance property under Section 168(n) of the IRC for federal income tax purposes.

**Addback for Qualified Refinery Property (3-digit code: 111)** – Add back the deduction for qualified refinery property. Enter an amount equal to the amount you claimed as a deduction for expense costs for qualified refinery property under Section 179C of the IRC for federal income tax purposes.

**Addback for Qualified Film or Television Production (3-digit code: 112)** – Add back the deduction for qualified film or television production. Enter an amount equal to the amount you claimed as a deduction for expense costs for qualified film or television production under Section 181 of the IRC for federal income tax purposes.

**Addback for Qualified Preferred Stock (3-digit code: 113)** – Add back the deduction for qualified preferred stock. Enter an amount equal to the amount you claimed as a deduction for a loss from the sale or exchange of preferred stock. Do this only if that loss was treated as an ordinary loss under Section 301 of the Emergency Economic Stabilization Act of 2008 in the current taxable year or in an earlier taxable year. The stock must be preferred stock in one of the following:

- The Federal National Mortgage Association, established under the Federal National Mortgage Association Charter Act (12 U.S.C. 1716 et seq.); or
- The Federal Home Loan Mortgage Corporation, established under the Federal Home Loan Mortgage Corporation Act (12 U.S.C. 1451 et seq.)

**Addback for Advanced Mine Safety Equipment (3-digit code: 126; 3-digit code for 2012 adjustment: 304\*)** – *This is no longer required to be added back. If you added this back on your 2012 return, you can either file an amended return or make your adjustment on lines 2a-2e of your 2013 return. Enter code 304 along with the amount you added back in 2012 (enter this as a negative amount if it was a positive amount on your 2012 return).*

**Addback for Qualified Leasehold Improvement Property (3-digit code: 129; 3-digit code for 2012 adjustment: 306\*)** – Add back the deduction for qualified leasehold improvement property. If you excluded income because of qualified leasehold improvement property (as provided in Section 168(e)(3)(E)(iv) of the IRC) placed into service in the taxable year, add the amount claimed as a deduction. *\*This is no longer required to be added back. If you added this back on your 2012 return, you can either file an amended return or make your adjustment on lines 2a-2e of your 2013 return. Enter code 306 along with the amount you added back in 2012 (enter this as a negative amount if it was a positive amount on your 2012 return).*

**Addback for Motorsports Entertainment Complex (3-digit code: 130; 3-digit code for 2012 adjustment: 307\*)** – Add back the deduction for a motorsports entertainment complex. If you excluded income because of any motorsports entertainment complex (as provided in Section 168(e)(3)(C)(ii) of the IRC) placed into service in the taxable year, add the amount claimed as a deduction. *\*This is no longer required to be added back. If you added this back on your 2012 return, you can either file an amended return or make your adjustment on lines 2a-2e of your 2013 return. Enter code 307 along with the amount you added back in 2012 (enter this as a negative amount if it was a positive amount on your 2012 return).*

**Addback for trade or business deductions based on employment of an unauthorized alien (3-digit code: 132)** – For taxable years beginning after June 30, 2011, add back the amount allowed under the IRC for wages, reimbursements, or other payments made for services provided in Indiana by a financial institution if the person was prohibited from being hired as an employee because the person was an unauthorized alien.

**Addback of OOS Municipal Obligation Interest (3-digit code: 137)** – Interest earned from a direct obligation of a state or political subdivision other than Indiana (out of state, or OOS) is taxable by Indiana if the obligation is acquired after Dec. 31, 2011. Interest earned from obligations held or acquired before Jan. 1, 2012, is not subject to Indiana income tax and should not be reported as an addback. **Note:** Interest earned from obligations of Puerto Rico, Guam, Virgin Islands, American Samoa, or Northern Mariana is not included in federal gross income and is exempt under federal law. There is no addback for interest earned on these obligations. For more information, see Information Bulletin #19 at [www.in.gov/dor/3650.htm](http://www.in.gov/dor/3650.htm).

**Line 2f.** Enter the total amount of addbacks and deductions from any additional sheets. If you need to claim more than five addbacks and/or deductions, attach additional sheets detailing them. Total the amounts from the additional sheets and enter the total here (use a negative sign to denote a negative amount).

**Line 3.** Add lines 1 through 2f.

## **Apportionment of Income**

Partnerships deriving income from sources within and outside Indiana and having non-Indiana-domiciled partners or non-unitary corporate partners must complete line 4.

**Line 4.** Enter the Indiana apportionment percentage if the partnership has any multistate business activities. If apportioning income, enter the Indiana percentage (rounded to two decimal places) from line 9 of Schedule E, Apportionment of Income for Indiana. Do not enter 100 percent.

*Before continuing to lines 5 through 16, complete IT-65 Schedule IN K-1 for each partner.*

## **Summary of Calculations for IT-65**

**Sales/Use Tax Worksheet** - IC 6-2.5-3-2 imposes a use tax on the use, storage, or consumption of tangible personal property in Indiana that was purchased or rented in a retail transaction, wherever

located, and sales tax was not paid. This rate is 7 percent. Examples of taxable items include

- Magazine subscriptions;
- Office supplies;
- Electronic components; and
- Rental equipment.

Any property purchased free of tax by use of an exemption certificate is subject to the use tax. In addition, any property purchased from out of state and converted to a nonexempt use by the business is subject to the use tax. Complete the Sales/Use Tax Worksheet on page 16 to compute any sales/use tax liability. For more information about use tax, call (317) 232-0129.

**Note:** If you are a registered retail sales or out-of-state use tax agent for Indiana, you must report your nonexempt purchases used in your Indiana business. You do this on Form ST-103, Indiana Annual, Quarterly, or Monthly Sales and Use Tax Voucher. If you do not pay your use tax by the original due date of the return, interest will be added to the amount due. A 10 percent penalty or \$5, whichever is greater, is charged on each unpaid use tax liability.

**Caution:** Do not report your totals from Form ST-103 on this worksheet or on Form IT-65.

**Line 5.** Enter the use tax due from the Sales/Use Tax worksheet.

**Line 6.** Enter the total tax liability of the nonresident members from line 15G of Schedule IT-65COMP (columns D plus E minus F). Enclose composite Schedule IT-65COMP.

**Line 7.** Total tax: Add the tax shown on lines 5 and 6.

**Line 8.** Enter the total amount of withholding. Be sure to attach any WH-18 statements.

**Line 9.** Enter the total composite withholding payments from Form IT-6WTH. Amounts withheld from nonresident individual partners included in the composite return may be remitted using Form IT-6WTH.

**Line 10.** Enter any other payments and credits belonging to the partnership. A detailed explanation must be enclosed for any credits claimed on this line.

**Line 11.** Economic Development for a Growing Economy credit: Enter the amount of Economic Development for a Growing Economy (EDGE) credit you are claiming from line 19 of Schedule IN-EDGE. You must complete Schedule IN-EDGE and enclose it with your return. Otherwise, this credit will not be allowed.

**Line 12.** EDGE-R credit: Enter the amount of EDGE-R credit you are claiming from line 19 of Schedule IN-EDGE-R. You must complete Schedule IN-EDGE-R and enclose it with your return. Otherwise, this credit will not be allowed.

**Line 13.** Subtotal: Subtract lines 8 – 12 from line 7. If a balance due remains, proceed to lines 14 – 16.

**Line 14.** Enter the total interest due.

**Caution:** Two separate calculations of interest and penalty might be required:

1. Interest is computed on the net amount of the composite tax on line 13 paid after the 15th day of the third month following the end of the partnership's taxable year. Interest is calculated from the day following the due date for payment of the composite tax to the actual date the balance is paid with the IT-65 return.
2. Interest on use tax is calculated on the amount of use tax on line 13 that is paid after the original due date of the IT-65 return.

Contact the department for the current rate of interest by calling (317) 232-0129, or you can get Departmental Notice #3 at [www.in.gov/dor/3618.htm](http://www.in.gov/dor/3618.htm).

**Line 15.** Enter the total penalty due. The penalty for late payment is 10 percent of the amount (but not less than \$5) of any composite tax due on line 13 paid after the 15th day of the third month following the end of the partnership's taxable year. (See the caution note for line 14.) The penalty is still due on use tax paid after the original due date of the return.

If a return showing no liability on line 7 is filed late, the penalty for failure to file by the due date is \$10 per day the return is past due, up to a maximum of \$250. In addition, a separate \$10 penalty is assessed on each Schedule IN K-1 information return that is filed late.

**Line 16.** A penalty of \$500 is assessed to any partnership that fails to file a composite return for all its qualifying nonresident partners\* (PL 211-2007 SEC. 27, 44, 58). If you fail to include all your qualifying nonresident partners on your composite return, please remit that penalty here.

**\*Exception:** Certain partners will not be included in the composite filing. See the exceptions listed under "Filing Requirements for Composite Return" on page 19.

Keep track of the names of the partners not included on the composite return and who do not meet the above exception because the department may request this information at a later date.

**Line 17.** Amount due: If line 13 is greater than zero, add lines 13 – 16 and enclose a separate remittance for the total amount owed for each Form IT-65 filed. Please pay in U.S. funds. If paying by check, make your check payable to Indiana Department of Revenue.

**Line 18.** Overpayment: If the total of lines 8 – 12 exceeds line 7, subtract the total of lines 14 – 16 from line 13. If the result is less than zero, this is your net overpayment. If penalties and interest are due because of a delinquent filing or payment, the overpayment must be reduced by these charges. If the result is a balance due, enter the difference on line 17.

**Line 19.** Enter the same amount from line 18 to be refunded directly to you. An overpayment credit may not be carried over to the following year.

## ***Certification of Signatures and Authorization Section***

Be sure to sign and date your return and print your name on it. If a paid preparer completes your return, you can designate him as your personal representative and authorize the department to discuss your tax return with the preparer by checking the authorization box. Next, enter:

- The name of the individual you are designating as your personal representative; and
- The individual's telephone number.

If you complete this area, you are authorizing the department to contact your personal representative, instead of you, about this tax return. After your return is filed, the department will communicate primarily with your designated personal representative.

**Note:** You can decide at any time to revoke the authorization for the department to be in contact with your personal representative. To do so, you must tell us in a signed statement. Include your name, your Social Security number, and the year of your tax return. Mail your statement to Indiana Department of Revenue, P.O. Box 7206, Indianapolis, IN 46207-7206.

### **Corporate Officer Information**

An officer of the organization must sign and date the tax return and enter his or her name and title.

## **Paid Preparer Information**

Fill out this area if a paid preparer completed this tax return. The paid preparer must sign and date the return. In addition, please enter the following:

- The paid preparer's email address;
- The name of the firm the paid preparer is employed by;
- The paid preparer's PTIN (personal tax identification number). This must be his or her PTIN; do not enter an FID or Social Security number;
- The paid preparer's telephone number;
- The paid preparer's complete address.

**Note:** You need to complete this area even if the paid preparer is the same individual designated as your personal representative.

**Be sure to keep a copy of your completed return.**

## ***Mailing Options***

If you owe taxes, please mail your completed return to:

**Indiana Department of Revenue  
P.O. Box 7205  
Indianapolis, IN 46207-7205**

If you do not owe taxes, please mail your completed return to:

**Indiana Department of Revenue  
P.O. Box 7147  
Indianapolis, IN 46207-7147**



Indiana Department of Revenue  
**Indiana Partnership Return**  
for Calendar Year Ending December 31, 2013

**2013**

or Other Tax Year Beginning   2013 and Ending

Check box if amended.

Check box if name changed.

Name of Partnership  Federal Identification Number

Number and Street  Indiana County or O.O.S.  Principal Business Activity Code

City  State  ZIP Code

Telephone Number  K. Date of organization    In the State of  L. State of commercial domicile  M. Year of initial Indiana return

N. Accounting method: Cash  Accrual  Other

O. Check all boxes that apply to entity:  Initial Return  Final Return  In Bankruptcy  Composite Return

P. Enter total number of partners:  Enter number of nonresident partners:

Q. I have on file a valid extension of time to file my return (federal Form 7004 or an electronic extension of time).  Y

R. This is a limited liability company electing partnership treatment on the federal return.  Y

S. This partnership is a member of another partnership(s).  Y

**Round all entries**

**Aggregate Partnership Distributive Share Income (see worksheet)**

1. Total net income (loss) from U.S. partnership return, Form 1065 Schedule K, lines 1 through 11 less line 12, and a portion of line 13 related to investment income (see instructions); use minus sign for negative amounts  1  .00
2. a. Enter name of addback or deduction (see instructions)  Code. No.  2a  .00
- b. Enter name of addback or deduction  Code. No.  2b  .00
- c. Enter name of addback or deduction  Code. No.  2c  .00
- d. Enter name of addback or deduction  Code. No.  2d  .00
- e. Enter name of addback or deduction  Code. No.  2e  .00
- f. Enter the total amount of addbacks and deductions from any additional sheets (use a minus sign for negative amount)  2f  .00
3. Total partnership income, as adjusted (add lines 1 through 2f)  3  .00
4. Enter percentage for Indiana apportioned adjusted gross income from IT-65 Schedule E line 9, if applicable  4  %

**Summary of Calculations**

5. Sales/use tax due on purchases subject to use tax from Sales/Use Tax worksheet (from page 16)  5  .00
6. Total composite tax from completed Schedule IT-65COMP (15G). Attach schedule  6  .00



7. Total tax (add lines 5 and 6). Caution: If line 7 is zero, see line 15 late file penalty _____	7		.00
8. Total amount of withholding (attach WH-18 statement(s) for composite members) _____	8		.00
9. Total composite withholding IT-6WTH payments (see instructions) _____	9		.00
10. Other payments/credits belonging to the partnership (attach documentation) _____	10		.00
11. EDGE credit. Enter the total EDGE credit amount claimed (line 19 on Schedule IN-EDGE) _____	11		.00
12. EDGE-R credit. Enter the total EDGE-R credit amount claimed (line 19 on Schedule IN-EDGE-R) _____	12		.00
13. Subtotal (line 7 minus lines 8-12). If total is greater than zero, proceed to lines 14-16 _____	13		.00
14. Interest: Enter total interest due; see instructions (contact the department for current interest rate) _____	14		.00
15. Penalty: If paying late, enter 10% of line 13. If line 7 is zero, enter \$10 per day filed past the due date; see instructions _____	15		.00
16. Penalty: If failing to include all nonresident partners on composite return, enter \$500; see instructions _____	16		.00
17. Total Amount Due (add lines 13-16). If less than zero, enter on line 18. Make payment in U.S. funds _____	17		.00
18. Overpayment (add lines 8-12, and then subtract lines 7, 14, 15, and 16) _____	18		.00
19. Refund: Amount from line 18. No carryforward allowed. Enter as a positive figure _____	19		.00

**Certification of Signatures and Authorization Section**

Under penalties of perjury, I declare I have examined this return, including all accompanying schedules and statements, and to the best of my knowledge and belief it is true, correct, and complete.

Paid Preparer's \_\_\_\_\_  
 Email Address \_\_\_\_\_

<p><b>I authorize the Department to discuss my return with my personal representative (see page 13).</b></p> <p><input type="checkbox"/> Y <input type="checkbox"/> N Date _____</p> <p><b>Personal Representative's Name</b> (please print)</p> <p>_____</p> <p>Telephone Number _____</p> <p>Signature of Corporate Officer _____</p> <p>Print or Type Name of Corporate Officer</p> <p>_____</p> <p>Title</p> <p>_____</p> <p>If you owe tax, please mail your return to IN Department of Revenue, PO Box 7205, Indianapolis, IN 46207-7205.</p>	<p><b>Paid Preparer: Firm's Name</b> (or yours if self-employed)</p> <p>_____</p> <p><b>Paid Preparer's Name</b></p> <p>_____</p> <p>PTIN _____</p> <p>Telephone Number _____</p> <p>Address _____</p> <p>City _____</p> <p>State _____ Zip Code+4 _____</p> <p>Paid Preparer's Signature _____</p> <p>Date _____</p> <p>If you do <b>not</b> owe any tax, mail it to IN Department of Revenue, PO Box 7147, Indianapolis, IN 46207-7147.</p>
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**IT-65 2013 Schedule IN K-1**

State Form 49181 (R13 / 8-13)

Indiana Department of Revenue

**Partner's Share of Indiana Adjusted Gross Income, Deductions, Modifications, and Credits**

Tax Year Beginning   2013 and Ending

<b>Name of Partnership</b> _____	<b>Federal Identification Number</b>
<p><b>Distributions</b> - Provide IN K-1 to each partner. Enclose IN K-1 with IT-65 return. For information on the acceptable electronic data file format, visit the Department's website at <a href="http://www.in.gov/dor/3772.htm">www.in.gov/dor/3772.htm</a> Pro rata amounts for lines 1 through 26 of any nonresident partner must be multiplied by the Indiana apportionment percent, if applicable, from IT-65, line 4.</p>	
<b>Part 1 – Partner's Identification Section</b>	
(a) If Partner Is an Individual (please print clearly) Last Name: _____ First Name: _____ a1 _____ a2 _____ a3 _____	Social Security Number:
(b) If Partner Is an Other Entity (please print clearly) Name: _____ b1 _____ b2 _____	Federal Identification Number:
(c) Partner's State of Residence or Commercial Domicile .....c1	
(d) Indiana Tax Withheld for Nonresident Partner (on WH-18) ..... d Enter federal ID number from pass-through WH-18 _____	00
(e) Partner's Federal Pro Rata Percentage..... e	. %
(f) Partner's Tax as Computed on IT-65COMP Column G..... f	00
<b>Part 2 - Distributive Share Amount</b> (use apportioned figures for nonresident partners)	
1. Ordinary business income (loss).....	00
2. Net rental real estate income (loss) .....	00
3. Other net rental income (loss).....	00
4. Guaranteed payments.....	00
5. Interest income.....	00
6. Ordinary dividends .....	00
7. Royalties .....	00
8. Net short-term capital gain (loss) .....	00
9. Net long-term capital gain (loss) .....	00
10. Net IRC Section 1231 gain (loss) .....	00
11. Other income (loss) .....	00
12. IRC Section 179 expense deduction.....	00
13a. Portion of expenses related to investment portfolio income, including investment interest expense and other (federal nonitemized) deductions.....	00
13b. Other information from line 20 of federal K-1 related to investment interest and expenses not listed elsewhere .....	00
<b>14. Total pro rata distributions</b> (Add lines 1 through 11; subtract lines 12, 13a, and 13b when applicable.) .....	00

Continued on next page ►



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**Part 3 - State Modifications** Add or subtract the following. Designate the distributive share amount of each modification for Indiana adjusted gross income from line 2 on the front of Form IT-65. For nonresidents, apply apportioned figures. (Use a minus sign to denote negative amounts.)

15. State income taxes deducted.....		00
16. Net bonus depreciation allowance .....		00
17. Excess IRC Section 179 deduction .....		00
18. Interest on U.S. obligations .....		00
19. Addback/ Deduction _____ Code: _____		00
20. Addback/ Deduction _____ Code: _____		00
21. Addback/ Deduction _____ Code: _____		00
22. Addback/ Deduction _____ Code: _____		00
23. Addback/ Deduction _____ Code: _____		00
24. Addback/ Deduction _____ Code: _____		00
25. Addback/ Deduction _____ Code: _____		00
26. Addback/ Deduction _____ Code: _____		00
27. Total distributive share of modifications (add lines 15 through 26 and carry total to Column B on Schedule IT-65COMP) .....		00

**Part 4 - Pro Rata Share of Indiana Pass-through Tax Credits from Partnership**

28. Enter the name of the tax credit program, its three-digit ID code, and the dollar amount of the partner's distributive share for each allowable credit. (Please enter all IEDC-approved credits on line 29, 30, or 31.)

Name of Credit:

ID Code:

a \_\_\_\_\_

b \_\_\_\_\_ c

d \_\_\_\_\_

e \_\_\_\_\_ f

29. EDGE credit. See instructions. Enter the IEDC project number below.

a \_\_\_\_\_ b

c \_\_\_\_\_ d

30. EDGE-R credit. See instructions. Enter the IEDC project number below.

a \_\_\_\_\_ b

c \_\_\_\_\_ d

31. For any other IEDC-approved credits, enter the three-digit ID code, the project number (if the credit has a program code), and the dollar amount of the distributive share for each credit.

ID Code: IEDC Project Number:

a \_\_\_\_\_ b \_\_\_\_\_ c

d \_\_\_\_\_ e \_\_\_\_\_ f

32. Total pass-through credits (add all amounts on lines 28 and 31 and enter on IT-65COMP; any amount on line 29 or 30 should be entered on Form IT-65) .....

00



## Worksheet for Partnership Distributive Share Income, Deductions and Credits

Use this worksheet to compute the entry for line 1 of Form IT-65 and to assist in computing amounts reported on IT-65 Schedule IN K-1. Enter the total distributive share of income from each item as reportable on Form 1065, Schedule K. Do not complete Column B and C entry lines unless the partnership received distributive share or tiered income from other entities.

### Distributive Share Amounts:

#### Partnership's Distributive Share of Items

A. Partnership Income All Sources	B. Distributions from Partnerships/ Estates/Trusts Everywhere	C. Distributions Attributed to Indiana
--	---	---

<ol style="list-style-type: none"> <li>1. Ordinary business income (loss) .....</li> <li>2. Net rental real estate income (loss) .....</li> <li>3. Other net rental income .....</li> <li>4. Guaranteed payments .....</li> <li>5. Interest Income .....</li> <li>6a. Ordinary dividends .....</li> <li>7. Royalties .....</li> <li>8. Net Short-term capital gain (loss) .....</li> <li>9a. Net long-term capital gain (loss) .....</li> <li>10. Net IRC Section 1231 gain (loss) .....</li> <li>11. Other income (loss) .....</li> </ol>	<table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 20%;"></td> <td style="width: 20%;"></td> <td style="width: 20%;"></td> <td style="width: 20%;"></td> <td style="width: 20%;"></td> </tr> <tr> <td></td> <td></td> <td style="text-align: center;">Enter for line 14B below total distributive share income received by the partnership from all other non- unitary partnerships, estates, and trusts. Enter for line 15B an amount equal to required state modifications for Indiana Adjusted Gross Income (see page 8 instructions).</td> <td></td> <td style="text-align: center;">Enter for line 14C below, total distributive share income received by the partnership from other partnerships, estates, and trusts that were derived from or allocated to Indiana. Enter for line 15C an amount equal to the Indiana modifications to adjusted gross income attributed to Indiana.</td> </tr> <tr> <td></td> <td></td> <td style="text-align: center;">↓</td> <td></td> <td style="text-align: center;">↓</td> </tr> <tr> <td style="text-align: center;">14A</td> <td></td> <td style="text-align: center;">14B</td> <td></td> <td style="text-align: center;">14 C</td> </tr> <tr> <td></td> <td></td> <td style="text-align: center;">15B</td> <td></td> <td style="text-align: center;">15 C</td> </tr> <tr> <td></td> <td></td> <td></td> <td></td> <td style="text-align: center;">16 C</td> </tr> <tr> <td></td> <td></td> <td></td> <td></td> <td style="text-align: center;">17 C</td> </tr> </table>								Enter for line 14B below total distributive share income received by the partnership from all other non- unitary partnerships, estates, and trusts. Enter for line 15B an amount equal to required state modifications for Indiana Adjusted Gross Income (see page 8 instructions).		Enter for line 14C below, total distributive share income received by the partnership from other partnerships, estates, and trusts that were derived from or allocated to Indiana. Enter for line 15C an amount equal to the Indiana modifications to adjusted gross income attributed to Indiana.			↓		↓	14A		14B		14 C			15B		15 C					16 C					17 C
		Enter for line 14B below total distributive share income received by the partnership from all other non- unitary partnerships, estates, and trusts. Enter for line 15B an amount equal to required state modifications for Indiana Adjusted Gross Income (see page 8 instructions).		Enter for line 14C below, total distributive share income received by the partnership from other partnerships, estates, and trusts that were derived from or allocated to Indiana. Enter for line 15C an amount equal to the Indiana modifications to adjusted gross income attributed to Indiana.																																
		↓		↓																																
14A		14B		14 C																																
		15B		15 C																																
				16 C																																
				17 C																																
<p><b>Less allowable deductions for state tax purposes:</b></p> <ol style="list-style-type: none"> <li>12. IRC Section 179 expense deduction .....</li> <li>13A. Portion of expenses related to investment portfolio income including investment interest expense and other (federal non-itemized) deductions .....</li> <li>13B. Other information from line 20 of federal K-1 related to investment interest and expenses not listed elsewhere .....</li> <li>14. <b>Carry total on line 14A to Form IT-65 line 1, on front page of return</b> .....</li> <li>15. Total of Indiana state modifications to distributive share income (see line 2, Form IT-65) .....</li> <li>16. Net other Indiana adjusted gross income distributions from partnerships, estates, and trusts (add line 14C and 15C) .....</li> <li>17. Enter amount of Indiana pass-through credits attributed from other partnerships, estates, and trusts, if any .....</li> </ol>																																				

### Worksheet for Attributing Partnership Income for Unitary Corporate Partners

Use the worksheet whenever partnership income is being distributed to a corporate partner having a unitary relationship with the partnership. A unitary business relationship means maintaining business activities or operations that are of mutual benefit, dependent upon, or contributory to one another in transacting business between a corporate partner and the partnership. Unity may be established whenever there is unity of operation and use evidenced by centralized management or executive force, centralized purchasing, advertising, accounting, or other controlled interaction between a corporate partner and the partnership.

If a corporate partner and a partnership maintain a unitary business relationship as described above, the partnership distribution shall be distributed to the partner without any apportionment by the partnership. If the partner derives income from sources both within and outside Indiana and is required to apportion its income, the partner's apportionment factor shall include the partner's proportionate share of the apportionment factor of the partnership.

Use the following table to show apportionment factor's values from the partnership assigned to the unitary corporate partner. Partnerships deriving income from sources both within and outside Indiana or having any corporate partners must complete the IT-65 Apportionment Schedule E.

Enter the partner's pro rata amounts as determined by the partnership entity's completed IT-65 Apportionment Schedule E. Duplicate this worksheet for each corporate partner. (These amounts are to be included with the corporate partner's own apportionment factor.)

IT-65 Apportionment Schedule E:	Receipts Factors	
Total from Indiana Sources	Line 1A	
Total from All States	Line 1B	



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**Schedule IT-65COMP**

Indiana Department of Revenue

State Form 49180  
(R12 / 8-13)

Name of Partnership	Federal Identification Number
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**Partners' Composite Indiana Adjusted Gross Income Tax Return**

Partnership's Tax Year **2013** or Other Year Beginning   2013 and Ending

See instructions on page 19. Enclose with Form IT-65 (use additional sheets if necessary).

For any partner who has opted out of the composite return, please check the box in Column H.

**Attach WH-18,  
copy C for each  
nonresident  
composite  
partner.**

	Enter Pro Rata Share		Composite Adjusted Gross Income Tax			Credits	Total Tax	Opt Out
	A	B	C	D	E	F	G	H
	Apportioned distributive income attributed to Indiana from IN K-1, line 14	Indiana modifications from IN K-1, line 27	Adjusted gross income (Add A + B)	State tax multiply C x 3.4% (cannot be less than zero)	County tax multiply C by nonresident county tax rate (if applicable)	Enter pro rata credits from IN K-1, line 32 (may not exceed D)	Enter partner's tax liability (D + E - F)	Check box if opted out
Name								
1.								
2.								
3.								
4.								
5.								
6.								
7.								
8.								
9.								
10.								
11.								
12.								
13. Subtotals for columns D, E, F, and G.....								
14. Carryover totals from additional sheets.....								
15. Total tax (13G + 14G).....								

Carry total tax and credits from line 15G to Summary of Calculations.

Enter total tax on Form IT-65, line 6.



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**Schedule E**

Form IT-20/20S/20NP/IT-65

State Form 49105

(R12 / 8-13)

**For Tax Year Beginning**

Name as shown on return

**Indiana Department of Revenue  
Apportionment of Income for Indiana**

2013 and Ending

Federal Identification Number

Each filing entity having income from sources both within and outside Indiana must complete an apportionment schedule except financial institutions and certain insurance companies that use a single receipts factor. Interstate transportation entities must use Schedule E-7. Combined unitary filers must use the apportioning method (relative formula percentage) as outlined in Information Bulletin #12 and Tax Policy Directive #6. Omit cents; percents should be rounded two decimal places; read apportionment instructions.

**Part I - Indiana Apportionment of Adjusted Gross Income**

**Sales/Receipts (less returns and allowances)**

Include all non-exempt apportioned gross business income. Do not use non-unitary partnership income of previously apportioned income that must be separately reported as allocated income.

	Column A Total Within Indiana	Column B Total Within and Outside Indiana	Column C Indiana Percentage
<b>Sales delivered or shipped to Indiana:</b>			
1. Shipped from within Indiana.....	00		
2. Shipped from outside Indiana.....	00		
<b>Sales shipped from Indiana to:</b>			
3. The United States government.....	00		
4. Purchasers in a state where the taxpayer is not subject to income tax (under P.L. 86-272).....	00		
<b>Other:</b>			
5. Interest & other receipts from extending credit attributed to Indiana.....	00		
6. Other gross business receipts not previously apportioned.....	00		
7. Direct premiums and annuities received for insurance upon property or risks in Indiana.....	00		
8. <b>Total Receipts:</b> Add column A receipts lines on 1A through 7A and enter in line 8A. Enter all receipts on line 8B.....	00	00	

**Apportionment of income for Indiana:**

9. **Apportionment Percentage:** Divide line 8A by line 8B (insert as percent, not decimal)..... 9 . %

**Part II - Business/Other Income Questionnaire**

1. List all business locations where the taxpayer has operations or partnership interests and indicate type of activities. This section must be completed - attach additional sheets if necessary.

(a) Location City and State	(b) Nature of Business Activity at Location	(c) Accepts Orders?		(d) Registered to Do Business?		(e) Files Returns in State?		Property in State					
		Yes	No	Yes	No	Yes	No	(f) Leased?	(g) Owned?				
		Yes	No	Yes	No	Yes	No	Yes	No	Yes	No	Yes	No

2. Briefly describe the nature of Indiana business activities, including the exact title and principal business activity of any partnership in which the taxpayer has an interest:

3. Indicate any partnership in which you have a unitary or general partnership relationship:

4. Briefly describe the nature of activities of sales personnel operating and soliciting business in Indiana:

5. Do Indiana receipts for line 3A include all sales shipped from Indiana to (1) the U.S. government; or (2) locations where this taxpayer's only activity in the state of the purchaser consists of the mere solicitation of orders?  Y  N If no, please explain:

6. List the source of any directly allocated income from partnerships, estates, and trusts not in the taxpayer's apportioned tax base:



## Sales/Use Tax Worksheet

List all purchases made during 2013 from out-of-state companies.

<b>Column A</b> Description of personal property purchased from out-of-state retailer	<b>Column B</b> Date of Purchase(s)	<b>Column C</b> Purchase Price
Magazine subscriptions:		
Mail order purchases:		
Internet purchases:		
Other purchases:		
1. Total purchase price of property subject to the sales/use tax .....	1	
2. Sales/use tax: Multiply line 1 by .07 (7%) .....	2	
3. Sales tax previously paid on the above items (up to 7% per item) .....	3	
4. Total amount due: Subtract line 3 from line 2. Carry to Form IT-65, line 5. If the amount is negative, enter zero and put no entry on line 5 of the IT-65.....	4	

## Instructions for IT-65 Schedule IN K-1

Enclose a copy of each partner's IN K-1 with Form IT-65. Also provide a completed copy of Schedule IN K-1 to each partner.

**Note:** Contact the department for alternative filing options for IT-65 Schedule IN K-1 at (317) 232-0129. For information on the acceptable electronic data file format, visit the department's website at [www.in.gov/dor/3772.htm](http://www.in.gov/dor/3772.htm).

### Part 1 – Partner's Identification Section

Complete a separate IT-65 IN K-1 to identify each partner:

- (a) Enter the partner's name and Social Security number, if an individual.
- (b) Enter another entity name and the federal identification number if the partner is another entity.
- (c) Enter the partner's state of residence or commercial domicile.
- (d) Enter the amount of tax withheld on income distributions derived from Indiana sources for any nonresident partner for the taxable year. A WH-18, Indiana Miscellaneous Withholding Tax Statement for Nonresidents, must be prepared for the nonresident partner. Do not include any penalty or interest paid on delinquent withholding tax. If no withholding tax was paid or if additional withholding tax is due, use INtax or a third-party vendor to make payment. Credit for any amount withheld must be claimed on the partner's Indiana individual or the corporation's income tax return.

**Example:** Partnership A provides S corporation B a WH-18 indicating amounts of Indiana state tax withheld. S corporation B does not claim the withholding credit and passes the credit through to its shareholders. Proper withholding credit is reflected by each S corporation B shareholder on the Indiana K-1. S corporation B must enclose copy A of the WH-18 with its Indiana IT-20S return. If the S corporation has withholding liability in addition to the pass-through withholding, S corporation B issues a

WH-18 to each of its nonresident shareholders for this additional income only. This amount should be included on Part 1 line (d), and copy A of the WH-18 should be enclosed.

- (e) Enter the applicable pro rata percentage of the partner's interest in the partnership. The percentage should be adjusted to an annual rate if necessary.
- (f) Enter the partner's tax as computed on IT-65COMP column G.

### Part 2 – Distributive Share Amount

Complete lines 1 through 14 for the partner. Also provide the partner with an IN K-1 showing her share of income, credits, and modifications. If filing federal Form 1065-B, convert taxable income distributions to federal Form 1065 Schedule K-1 format.

**Line 1 through Line 13b.** For full-year Indiana resident partners, complete these lines as shown on the federal Schedule K-1, Form 1065 or Form 8865.

For most corporate partners and all nonresident individual partners, the federal Schedule K-1 amounts should be multiplied by the apportionment percentage calculated on the IT-65 Schedule E. See the instructions beginning on page 17. You should enter the apportioned amounts on lines 1 through 13b. If any entries on lines 2 – 10 represent nonbusiness income to the partnership, these amounts are allocated to the appropriate state.

Line 6, Ordinary dividends, corresponds to line 6a on the federal K-1. Line 9, Net long-term capital gain (loss), corresponds to line 9a on the federal K-1.

On line 13a or 13b, include investment interest expenses attributed to royalty income. Also include all other federal deductions. However, do not include those deductions treated as itemized deductions. Do not report any other type of investment interest expense, itemized deduction, or carryover loss on this line.



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**Note:** If the partnership has received any distributions from other entities having income previously apportioned to Indiana, use the following methodology to report distributive share income for IT-65 IN K-1.

## **Alternative Completion of IT-65 Schedule IN K-1 Information for Part 2**

An alternative application of IT-65 Schedule IN K-1 must be used for the following:

- Members who are nonresident individuals;
- Corporate partners; and
- Other partnerships if they had income from outside Indiana.

Use the following method to complete Schedule IN K-1 when the partnership had any apportioned income from outside Indiana or is otherwise required to complete the Indiana apportionment schedule.

Modify each required Schedule IN K-1 line by recalculating the pro rata share of total partnership income reported on line 1 of Form IT-65. Be sure to include all required Indiana modifications to AGI. Use the pro rata amount from line 14A on the Worksheet for Partnership Distributive Share Income, Deductions, and Credits by following these steps:

**Step 1.** Deduct from the above pro rata share the respective pro rata amount of line 14B and line 15B of the worksheet.

**Step 2.** Multiply the result by the Indiana apportionment percent reported on line 4 of Form IT-65. This can also be found on line 9 of Schedule E. This amount should reflect the partner's proportionate share of this partnership's activity in Indiana.

**Step 3.** Add to the above amount the pro rata share of any other (entity) source income this partnership received that was previously apportioned or allocated as distributive share income derived from Indiana. This can be found on line 16C of the worksheet. The result is the modified Indiana partnership income from Indiana sources. It should be reported on the appropriate lines of Schedule IN K-1 of nonresident individuals, corporations, and partnerships for AGI purposes.

Also use the Worksheet for Attributing Partnership Income to Unitary Corporate Partners to compile additional information for reporting distributive share income. Certain corporate partners require these additional income figures from the partnership to properly report their own distributive share incomes and to compute their Indiana state income tax liabilities as a result of the partnership's activity in Indiana.

## **Part 3 – State Modifications**

**Lines 15 – 26.** Enter the Indiana modifications from the front of Form IT-65, lines 2a - 2e (and any additional sheets) as percentage applied. In the case of nonresident individuals, enter them as apportioned. List the pro rata share amount of each modification on the appropriate line. (Use a negative sign to denote negative amounts.)

**Line 27.** Enter the total distributive share of modifications. Add lines 15 through 26. Use a negative sign to denote negative amounts. Carry this total to column B of Schedule IT-65COMP.

## **Part 4 – Pro Rata Share of Indiana Pass-through Tax Credits from Partnership**

**Line 28.** If the partnership has available any eligible Indiana credits flowing through to the partners, enter the following:

- The name of the credit;
- Its three-digit code number; and
- The pro rata amount of credits allotted to each partner.

You must also enclose a completed credit schedule with Form IT-65 to support this credit distribution.

See the descriptive list of pass-through tax credits that may be available to a pass-through entity on page 19. Each credit is assigned a three-digit code number. This should be used for identification purposes when reporting and claiming these credits. For further information, get Income Tax Information Bulletin #59 at [www.in.gov/dor/3650.htm](http://www.in.gov/dor/3650.htm).

**Line 29.** If the partnership has available any eligible EDGE credits flowing through to the partners, enter that here. Enter the IEDC-provided project number, which can be found on your certification letter, and the pro rata amount of credit allotted to each partner. You will also need to complete Schedule IN-EDGE and enclose it with your return.

**Line 30.** If the partnership has available any eligible EDGE-R credits flowing through to the partners, enter that here. Enter the IEDC-provided project number, which can be found on your certification letter, and the pro rata amount of credit allotted to each partner. You will also need to complete Schedule IN-EDGE-R and enclose it with your return.

**Line 31.** If the partnership has available any other IEDC-approved credits flowing through to the partners, enter those here. Enter the following:

- The credit's 3-digit code;
- The IEDC-provided project number, which can be found on your certification letter; and
- The pro rata amount of credit allotted to each partner.

**Line 32.** Add all the amounts on lines 28 and 31, and enter that here. Any amounts on lines 29 and 30 should be entered on Form IT-65.

## **Instructions for IT-65 Schedule E, Apportionment of Income for Indiana**

Complete the apportionment of income schedule whenever the corporation:

- Has income derived from sources both within and outside Indiana; and
- Has any nonresident shareholders.

The apportionment percentage determines the Indiana net income of the nonresident individual partners, trusts, and estates that pass through as a result of the partnership's activities everywhere.

Note: Interstate transportation companies should consult Schedule E-7 for details concerning apportionment of income. You can get this schedule at [www.in.gov/dor/4879.htm](http://www.in.gov/dor/4879.htm).

## Part I – Apportionment of Adjusted Gross Income

**Sales/Receipts:** The sales factor is a fraction. The numerator is the total receipts of the taxpayer in Indiana during the tax year. The denominator is the total receipts of the taxpayer everywhere during the tax year.

The numerator of the receipts factor must include the following:

- All sales made in Indiana;
- All sales made from Indiana to the U.S. government; and
- All sales made from Indiana to a state not having jurisdiction to tax the activities of the seller.

Destination sales to locations outside Indiana by an Indiana seller that has activities in the state of destination, other than mere solicitation, are not included in the numerator of the sales factor regardless of whether the destination state levies a tax. The numerator contains intangible income attributed to Indiana, including interest from consumer and commercial loans, installment sales contracts, and credit and debit cards as prescribed under IC 6-3-2-2.2.

Total receipts include gross sales of real and tangible personal property less returns and allowances. Sales of tangible personal property are in Indiana if the property is delivered or shipped to a purchaser within Indiana regardless of the f.o.b. point or other conditions of sale or if the property is shipped from an office, a store, a warehouse, a factory, or another place of storage in Indiana, and the taxpayer is not subject to tax in the state of the purchaser.

Sales or receipts not specifically assigned above shall be assigned as follows:

- (1) Gross receipts from the sale, rental, or lease of real property are in Indiana if the real property is located in Indiana;
- (2) Gross receipts from the rental, lease, or licensing of the use of tangible personal property are in Indiana if the property is in Indiana. If property was both within and outside Indiana during the tax year, the gross receipts are considered in Indiana to the extent the property was used in Indiana;
- (3) Gross receipts from intangible personal property are in Indiana if the taxpayer has economic presence in Indiana and such property has not acquired business sites elsewhere.

Interest income and other receipts from loans or installment sales contracts that are primarily secured by or deal with real or tangible personal property are attributed to Indiana if the security or sale property is located in Indiana; consumer loans not secured by real or tangible personal property are attributed to Indiana if the loan is made to an Indiana resident; and commercial loans and installment obligations not secured by real or

tangible personal property are attributed to Indiana if the proceeds of the loan are applied in Indiana.

Interest income, merchant discounts, travel and entertainment credit card receivables, and credit card holder's fees are attributed to the state where the card charges and fees are regularly billed.

Receipts from the performance of fiduciary and other services are attributed to the state where the benefits of the services are consumed. Receipts from the issuance of traveler's checks, money orders, or United States savings bonds are attributed to the state where those items are purchased.

Receipts in the form of dividends from investments are attributed to Indiana if the taxpayer's commercial domicile is in Indiana; and

- (4) Gross receipts from the performance of services are in Indiana if the services are performed in Indiana. If such services are performed partly within and partly outside Indiana, a portion of the gross receipts from performance of the services shall be attributed to Indiana based on the ratio the direct costs incurred in Indiana bear to the total direct costs of the services, unless the services are otherwise directly attributed to the state of Indiana according to IC 6-3-2-2.2.

**Sales to the United States Government:** The United States government is the purchaser when it makes direct payment to the seller. A sale to the United States government of tangible personal property is in Indiana if it is shipped from an office, a store, a warehouse, or another place of storage in Indiana. See the previous rules for sales other than tangible personal property if such sales are made to the United States government.

**Other Gross Receipts:** On line 6, report other gross business receipts not included elsewhere and pro rata gross receipts from all unitary partnerships, excluding from the factors the portion of distributive share income derived from a previously apportioned partnership [45 IAC 3.1-1-153(b)].

**Direct Premiums and Annuities Received for Insurance upon Property or Risks in Indiana:** On line 7, report direct premiums and annuity considerations received during the taxable year for insurance upon property or risks in Indiana. The term *direct premiums and annuity considerations* means the gross premiums received from direct business as reported in the corporation's annual statement filed with the Department of Insurance.

**Total Receipts for 2013:** Complete all lines as indicated. Add all the receipts in Column A (lines 1A through 6A), and enter the total on line 7A. Also enter the total receipts everywhere on line 7B.

### Apportionment of Income for Indiana

Divide line 7A by line 7B. (Multiply by 100 to arrive at a percentage rounded to the nearest second decimal place.) This is your average Indiana apportionment percentage; carry it to the apportionment entry line on the return (line 16d on IT-20, line 4 on IT-20S, line 9 on IT-20NP, and line 4 on IT-65).



## Part II – Business/Other Income Questionnaire

Complete all applicable questions in this section. If income is apportioned, list:

- (a) All business locations where the corporation has operations;
- (b) The nature of the business activity at each location, including whether a location:
  - 1. Accepts orders in that state;
  - 2. Is registered to do business in that state; or
  - 3. Files income tax returns in other states.
- (c) Whether property in the other states is owned or leased.

You must enclose the completed Schedule E, Apportionment of Income, with your return.

## Instructions for IT-65COMP, Composite Return

Any partnership that has partners who are nonresidents of Indiana must file a composite return and include all its nonresident partners. A partnership will be assessed a penalty of \$500 if it fails to file a composite return that includes all qualifying nonresident partners. The name of the nonresident individual partner(s) who has opted out of the composite filing must be listed on the IT-65COMP. The box in Column H must be checked indicating the partner(s) has opted out of the composite filing.

The composite return must be filed with and have the same due date as the partnership return. If the IRS allows the partnership an extension to file its tax return, the due date for its Indiana return is automatically extended for the same period, plus 30 days.

### Filing Requirements for Composite Return

Any partner within the following categories must, in all cases, be excluded from the composite return:

- (a) Any partner that is a corporation, partnership, or fiduciary;
- (b) Any partner who received a distribution(s) during the year in excess of his distributive share of net ordinary income from partnership operations; or
- (c) Any partner who sold any portion of his interest in the partnership during the year.
- (d) Any partner who provided the partnership with the IN-COMPA to opt out of the composite filing. The partnership does not need to enclose the affidavit with its return; however, it must be made available upon request by the department.

The following limitations and conditions apply to each partner included as a member in the composite return:

- (a) Any short-term capital gain (loss) plus any long-term capital gain (loss) specifically allocated for a partner is allowed, subject to any “passive activity” loss limitations pursuant to IRC Section 469 and capital loss limitations imposed on noncorporate taxpayers by IRC Section 1211;
- (b) No deduction is permitted for interest paid on investment indebtedness under IRC Section 163(d) (limitation on interest investment indebtedness);
- (c) No deduction is permitted for carryover of net operating losses or capital losses;
- (d) No personal exemption is permitted;

- (e) No deduction is allowed for charitable contributions allowed or allowable pursuant to IRC Section 170;
- (f) No credit is permitted for taxes paid to other states;
- (g) No credit carryovers are permitted; and
- (h) All other credits that flow through to partners on a pro rata basis are limited to the partner’s state income tax liability. See the list of Pass-through Tax Credits.

The partnership filing a composite return is liable for the tax shown on the return. It is also liable for any additional tax, interest, and penalty as a result of a subsequent audit or examination. Any refund of state or county tax as a result of filing a composite return will be remitted directly to the partnership. The partnership should send a copy of the general Indiana filing requirements to each nonresident partner.

### Instructions for Completing the Composite Return

Indicate the name of each nonresident individual partner. Subject to the limitations and conditions specified in the filing requirements, separately compute the state tax liabilities and credits on the composite return attributable to each qualifying partner. To verify a county’s rate, visit the department website at [www.in.gov/dor](http://www.in.gov/dor) or call (317) 232-0129 for assistance.

**Column E.** If a nonresident individual is engaged in principal work activity in an adopting county on January 1, the county tax should be calculated. Multiply column C by the applicable nonresident county tax rate. Use Departmental Notice #1 to determine whether a composite member is subject to a county tax, and use the county income tax chart as directed on Form IT-40PNR to verify the county’s tax rate. The Indiana individual forms are available on the department’s website at [www.in.gov/dor/4878.htm](http://www.in.gov/dor/4878.htm).

**Column F.** The amount of pro rata pass-through credit available to each qualifying composite member is limited to the respective amount of tax calculated in column D. Insert the total state and county liabilities and pass-through credits of those partners included in the composite return to the appropriate lines on Form IT-65.

**Column G.** The amount of tax liability for each qualifying partner is limited to the respective amount of tax minus the amount of credit (column D + column E - column F).

**Column H.** Check the box in this column if the partner has opted out of the composite return.

**Note:** A federal Schedule K-1 for each partner is not required to be enclosed but must be made available for inspection upon request by the department.

**If you have any questions, contact the department at (317) 232-0129.**

### Pass-through Tax Credits

Each partner is allowed a pro rata share of the income tax credits available to the partnership. Each partner’s share of an available credit is reported on IT-65 Schedule IN K-1, lines 28 – 31. It must be supported by enclosing the properly completed tax credit schedule or form with the partnership’s return.

**Note:** Enterprise zone credits and most other tax liability credits may not be applied against the partnership's withholding, composite, or use tax liabilities on Form IT-65.

**Caution:** A taxpayer cannot be granted more than one of the following credits for the same project:

- Community revitalization enhancement district credit;
- Enterprise zone investment cost credit;
- Hoosier business investment credit;
- Industrial recovery credit;
- Military base investment cost credit;
- Military base recovery credit; and
- Venture capital investment credit.

Apply this restriction first when figuring allowable credits. Get Commissioner's Directive #29 at [www.in.gov/dor/3617.htm](http://www.in.gov/dor/3617.htm) for more information.

**Caution:** Within a certain group of credits, a taxpayer may not be granted more than one credit for the same project. The credits included for this group are as follows:

Community revitalization enhancement district credit;

- Enterprise zone investment cost credit;
- Hoosier business investment credit;
- Industrial recovery credit;
- Military base investment cost credit;
- Military base recovery credit; and
- Venture capital investment credit.

Apply this restriction first when figuring your allowable credits. See Commissioner's Directive #29 at [www.in.gov/dor/3617.htm](http://www.in.gov/dor/3617.htm) for more information.

If you are claiming more than one credit, first use the credits that cannot be carried over and applied against your state AGI in another year. These credits include

- College Credit;
- Indiana College Choice 529 Savings Plan Credit;
- Prison Investment Credit;
- School Scholarship Credit;
- Teacher Summer Employment Credit; and
- Twenty-First Century Scholars Credit.

Next, use the credits that can be carried over for a limited number of years and applied against your state AGI. These credits include

- Alternative Fuel Vehicle Manufacturer Credit;
- Airport Development Zone Employment Expense Credit;
- Airport Development Zone Loan Interest Credit;
- Blended Biodiesel Credit;
- Enterprise Zone Employment Expense Credit;
- Enterprise Zone Loan Interest Credit;
- Headquarters Relocation Credit;
- Historic Building Rehabilitation Credit;
- Hoosier Business Investment Credit;
- Indiana's Research Expense Credit;
- Residential Historic Rehabilitation Credit;
- Venture Capital Investment Credit; and
- Voluntary Remediation Credit.

Finally, use the credits that can be carried over and applied against your state AGI in another year. These credits include

- Airport Development Zone Investment Cost Credit;
- Coal Combustion Product Credit;
- Coal Gasification Technology Investment Credit;
- Community Revitalization Enhancement District Credit;
- Employer Health Benefit Plan Credit;
- Enterprise Zone Investment Cost Credit;
- Ethanol Production Credit;
- Individual Development Account Credit;
- Industrial Recovery Credit;
- Maternity Home Credit;
- Military Base Investment Cost Credit;
- Military Base Recovery Cost Credit;
- Riverboat Building Credit; and
- Small Employer Qualified Wellness Program Credit.

For more information about Indiana tax credits, get Income Tax Information Bulletin #59 at [www.in.gov/dor/3650.htm](http://www.in.gov/dor/3650.htm).

The following credits have been assigned a three-digit code for identification purposes. Use the code when reporting and claiming any of these credits. Refer to Income Tax Information Bulletin #59 at [www.in.gov/dor/3650.htm](http://www.in.gov/dor/3650.htm) for more information.

### **Airport Development Zone Tax Credits**

Certain areas within Indiana have been designated as airport development zones (ADZs). These zones are established to encourage investment and job growth in distressed urban areas. Airport development zone tax credits are based on the same tax credits and benefits available within designated Indiana enterprise zones. The Gary-Chicago ADZ was designated in July 1993. Currently, areas within Allen County are eligible to be designated as ADZs.

Income Tax Information Bulletin #66 at [www.in.gov/dor/3650.htm](http://www.in.gov/dor/3650.htm) has more information on how to calculate credit.

Following are the three available airport development zone tax credits:

### **Airport Development Zone Employment Expense Credit 800**

This credit is based on qualified investments made within Indiana. It is the lesser of 10 percent of qualifying wages or \$1,500 per qualified employee, up to the amount of tax liability on income derived from the ADZ.

Get Indiana Schedule EZ Parts 1, 2, and 3 online at [www.in.gov/dor/3515.htm](http://www.in.gov/dor/3515.htm) for more information on how to calculate this credit.

### **Airport Development Zone Investment Cost Credit 801**

This credit is based on qualified investments made within Indiana. It can be up to a maximum of 30 percent of the investment. The amount depends on the following:

- Number of employees;
- Type of business; and
- Amount of investment in the ADZ.

For more information on how to calculate this credit, get Income Tax Information Bulletin #66 at [www.in.gov/dor/3650.htm](http://www.in.gov/dor/3650.htm). You can also contact the Indiana Economic Development Corporation at One North Capitol, Suite 700, Indianapolis, IN 46204; at (317) 232-8800; or by visiting their website at [iedc.in.gov](http://iedc.in.gov).

Use credit ID code number 801 and enclose supporting documentation if claiming this credit.

### **Airport Development Zone Loan Interest Credit** **802**

This credit can be for up to 5 percent of the interest received from all qualified loans made during a tax year for use in an Indiana ADZ.

Get Indiana Schedule LIC at [www.in.gov/dor/3515.htm](http://www.in.gov/dor/3515.htm) for more information on how to calculate this credit.

### **Blended Biodiesel Credits** **803**

Credits are available for taxpayers who produce biodiesel and/or blended biodiesel at an Indiana facility. This facility must be certified by the IEDC. Credits are also available for dealers who sell blended biodiesel at retail.

You must enclose an approved Form BD-100 to verify the claimed credit. Contact the Indiana Economic Development Corporation, Biodiesel Credit Certification at One North Capitol, Suite 700, Indianapolis, IN 46204. You can also call them at (317) 232-8800 or visit their website at [iedc.in.gov](http://iedc.in.gov) for more information.

Get Income Tax Information Bulletin #91 at [www.in.gov/dor/3650.htm](http://www.in.gov/dor/3650.htm) for additional information.

### **Coal Combustion Product Tax Credit** **805**

A manufacturer who uses coal combustion products (a byproduct resulting from the combustion of coal in an Indiana facility) for the manufacturing of recycled components and is a new business may be eligible for this credit. An existing business that manufactures recycled components and increases its acquisition of coal combustion products by 10 percent over the average amount obtained in the previous three years is also eligible for the credit.

**Note:** A taxpayer that obtains a property tax deduction for investment property purchased by the manufacturer of coal combustion products is not eligible for this credit.

For more information, contact the Indiana department of Revenue, Coal Combustion Credit, Room N203, 100 N. Senate Avenue, Indianapolis, IN 46204, or call (317) 232-2339. You can also visit [www.in.gov/dor](http://www.in.gov/dor) for more information.

Enclose your approved Form CCP-100 with your return.

### **Coal Gasification Technology Investment Tax Credit** **806**

A credit is available for a qualified investment in an integrated coal gasification power plant or a fluidized bed combustion technology that serves Indiana gas utility and electric utility consumers. This can include an investment in a facility located in Indiana that converts coal into synthesis gas that can be used as a substitute for natural gas.

You must file an application for certification with the IEDC. If the credit is assigned, it must be approved by the utility regulatory commission and taken in 10 annual installments. The amount of credit for a coal gasification power plant is 10 percent of the first \$500 million invested and 5 percent for any amount over that. The amount of credit for a fluidized bed combustion technology is 7 percent of the first \$500 million invested and 3 percent for any amount over that.

For more information, contact the Indiana Economic Development Corporation at One North Capitol, Suite 700, Indianapolis, IN 46204, or visit their website at [iedc.in.gov](http://iedc.in.gov).

For more information, get Income Tax Information Bulletin #99 at [www.in.gov/dor/3650.htm](http://www.in.gov/dor/3650.htm).

### **Community Revitalization Enhancement District Credit** **808**

A state and local income tax liability credit is available for a qualified investment for the redevelopment or rehabilitation of property within a community revitalization enhancement district. To be eligible for the credit, the intended expenditure plan must be approved by the IEDC before the expenditure is made. The credit is equal to 25 percent of the IEDC-approved qualified investment made by the taxpayer during the tax year. The department has the authority to disallow any credit if the taxpayer:

- Ceases existing operations;
- Substantially reduces its operations within the district or elsewhere in Indiana; or
- Reduces other Indiana operations to relocate them into the district.

The taxpayer can assign the credit to a lessee who remains subject to the same requirements. The assignment must be in writing. Also, any consideration may not exceed the value of the part of the credit assigned. Both parties must report the assignment on their state tax return for the year of assignment.

Contact the Indiana Economic Development Corporation at One North Capitol, Suite 700, Indianapolis, IN 46204, or visit their website at [iedc.in.gov](http://iedc.in.gov) for more information about this credit.

### **Economic Development for a Growing Economy (EDGE) Credit**

This credit is for businesses that conduct certain activities designed to foster job creation in Indiana. It is a refundable tax liability credit. **Note:** Beginning Jan. 1, 2013, you must complete Schedule IN-EDGE and enclose it with your return. Otherwise, the credit will not be allowed. You also must obtain a PIN from the IEDC.

**Claim this credit on line 11 of the return.**

Contact the Indiana Economic Development Corporation at One North Capitol, Suite 700, Indianapolis, IN 46204, for eligibility requirements. You can also visit [iedc.in.gov](http://iedc.in.gov) for additional information.

## **EDGE-R Credit**

This credit is for businesses that conduct certain activities designed to foster job retention in Indiana. It is a refundable tax liability credit. The aggregate amount of credits awarded for projects to retain existing jobs in Indiana is capped at \$10 million per year. **Note:** Beginning Jan. 1, 2013, you must complete Schedule IN-EDGE-R and enclose it with your return. Otherwise, the credit will not be allowed. You also must obtain a PIN from the IEDC.

### **Claim this credit on line 12 of the return.**

Contact the Indiana Economic Development Corporation at One North Capitol, Suite 700, Indianapolis, IN 46204, for eligibility requirements. You can also visit [iedc.in.gov](http://iedc.in.gov) for additional information.

## **Employer Health Benefit Plan Tax Credit 842**

A credit is available to certain taxpayers who begin offering health insurance to their employees. An employer who did not provide health insurance to employees prior to Jan. 1, 2007, and makes health insurance available to its employees may be eligible for a credit. The amount of the credit is the lesser of \$2,500 or \$50 multiplied by the number of employees enrolled in the health benefit plan.

The employer is required to make health insurance available to its employees for at least two years after the employer first offers the health benefit plan.

**Note:** Per IC 6-3.1-14-9, this credit will not be awarded for tax years that begin after Dec. 31, 2011. In addition, any credits previously awarded may not be carried forward during tax years 2012 and 2013. However, they can be carried forward during 2014 and 2015.

Income Tax Information Bulletin #101 at [www.in.gov/dor/3650.htm](http://www.in.gov/dor/3650.htm) has more information. Enclose with the return proof of your continued eligibility for the credit. Also enclose proof of any expenditures necessary to calculate the credit.

## **Enterprise Zone Employment Expense Tax Credit 812**

This credit is available for employers based on qualified investments made within Indiana. It is the lesser of 10 percent of qualifying wages or \$1,500 per qualified employee, up to the amount of tax liability on income derived from an active enterprise zone. Enclose the completed Schedule EZ 2 with the IT-65 return to claim this credit.

Get Indiana Schedule EZ Parts 1, 2, and 3 online at [www.in.gov/dor/3515.htm](http://www.in.gov/dor/3515.htm) for more information.

## **Enterprise Zone Loan Interest Tax Credit 814**

This credit can be for up to 5 percent of the interest received from all qualified loans made during a tax year for use in an active Indiana enterprise zone.

Get Information Bulletin #66 at [www.in.gov/dor/3650.htm](http://www.in.gov/dor/3650.htm) and Indiana Schedule LIC at [www.in.gov/dor/3515.htm](http://www.in.gov/dor/3515.htm) for more information on how to calculate this credit. Enclose your completed enterprise zone Schedule LIC with your IT-65 return.

Contact the Indiana Economic Development Corporation, One North Capitol, Suite 700, Indianapolis, IN 46204. You can also call them at (317) 232-8800 or visit their website at [iedc.in.gov](http://iedc.in.gov) for additional information.

## **Ethanol Production Tax Credit 815**

An Indiana facility with a capacity to produce 40 million gallons of grain ethanol per year may be eligible for a credit. If the credit is granted, it may not be sold, assigned, conveyed, or otherwise transferred. An additional tax credit for cellulosic ethanol production is available. Taxpayers who produce at least 20 million gallons of cellulosic ethanol in a taxable year can apply this credit. However, they can only apply it against the state tax liability attributable to business activity taking place at the Indiana facility at which the cellulosic ethanol was produced.

File an Application for Ethanol Credit Certification, State Form 52302, with the Indiana Economic Development Corporation, Ethanol Credit Certification, One North Capitol, Suite 700, Indianapolis, IN 46204. You can also call them at (317) 232-8800 or visit their website at [iedc.in.gov](http://iedc.in.gov) for additional information.

You must enclose proof of information for the credit calculation plus a copy of the Certificate of Qualified Facility issued by the Indiana Recycling and Energy Development Board with your return to verify this credit. For more information, get Income Tax Information Bulletin #93 at [www.in.gov/dor/3650.htm](http://www.in.gov/dor/3650.htm).

## **Headquarters Relocation Tax Credit 818**

A business with annual worldwide revenue of \$50 million and at least 75 employees that relocates its corporate headquarters to Indiana may be eligible for a credit. The credit may be as much as 50 percent of the cost incurred in relocating the headquarters. Effective July 1, 2013, "corporate headquarters" includes:

- The principal offices of a division or similar subdivision of an eligible business; and
- A research and development center of an eligible business.

For more information, including limitations and the application process, get Income Tax Information Bulletin #97 at [www.in.gov/dor/3650.htm](http://www.in.gov/dor/3650.htm).

## **Historic Building Rehabilitation Tax Credit 819**

A credit is available for the rehabilitation or preservation of historic property if it:

- Is listed on the Indiana Register of Historic Sites and Structures;
- Is at least 50 years old; and
- Is income-producing.

The cost of certified rehabilitation or preservation expenses must exceed \$10,000. The credit is 20 percent of the qualified expenses. Any unused balance of the credit can be carried forward for up to 15 years.

For additional information, visit the Department of Natural Resources online at [www.in.gov/dnr/historic](http://www.in.gov/dnr/historic) or call them at (317) 232-1646. You can also get Income Tax Information Bulletin #87 at [www.in.gov/dor/3650.htm](http://www.in.gov/dor/3650.htm).

You must enclose a certification from the Division of Historic Preservation and Archaeology with your return.

## **Hoosier Business Investment Tax Credit** **820**

This credit is for qualified investments, including costs associated with the following:

- Constructing special-purpose buildings and foundations;
- Making onsite infrastructure improvements;
- Modernizing existing equipment;
- Purchasing equipment used to make motion pictures or audio production;
- Purchasing or constructing new equipment directly related to expanding the workforce in Indiana; and
- Retooling existing machinery and equipment.

It does not include property that can be readily moved out of Indiana.

Effective July 1, 2013, a new type of investment qualifies for this credit. Logistics investments include the following:

- Constructing or modernizing transportation or logistical distribution facilities;
- Improving the transportation of goods via highway, rail, air, or water; and
- Improving warehousing and logistical capabilities.

This credit is administered by the Indiana Economic Development Corporation at One North Capitol, Suite 700, Indianapolis, IN 46204. Visit their website at [iedc.in.gov](http://iedc.in.gov) or call (317) 233-3638 for additional information. Also, get Income Tax Information Bulletin #95 at [www.in.gov/dor/3650.htm](http://www.in.gov/dor/3650.htm).

You must submit a copy of the certificate from the IEDC verifying the amount of tax credit for the taxable year.

## **Indiana Research Expense Tax Credit** **822**

Indiana has a research expense credit similar to the federal credit (Form 6765) for increasing research activities for qualifying expenses paid in carrying on a trade or business in Indiana. Compute the credit using Schedule IT-20REC, available online at [www.in.gov/dor/4879.htm](http://www.in.gov/dor/4879.htm).

You must complete this form and enclose a copy of it to claim this credit. For more information, visit [www.in.gov/dor](http://www.in.gov/dor).

## **Individual Development Account Tax Credit** **823**

A credit is available for contributions made to a community development corporation participating in an Individual Development Account (IDA) program. The IDA program is designed to help qualifying low-income residents accumulate savings and build personal finance skills. The organization must have an approved program number from the Indiana Housing and Community Development Authority (IHCDA) before a contribution qualifies for preapproval. The credit is equal to 50 percent of the contribution, which must be more than \$100 and less than \$50,000.

Applications for the credit are filed through the IHCDA using Form IDA-10/20. You must enclose an approved Form IDA-20 with your return if claiming this credit. To request more information about the

definitions, procedures, and qualifications for this credit, contact the Indiana Housing and Community Development Authority at 30 S. Meridian St., Suite 1000, Indianapolis, IN 46204 or by calling (317) 232-7777.

## **Industrial Recovery Credit** **824**

This credit is based on a taxpayer's qualified investment in a vacant industrial facility located in a designated industrial recovery site. The IEDC must approve the application for credit and the plan for rehabilitation. A lessee of property in an industrial recovery site may be assigned tax credits based on the owner's or developer's qualified investment within the designated industrial recovery site. Effective July 1, 2013, an industrial facility does not have to be vacant for at least one year to qualify.

**Note:** This credit cannot be passed through to a partner. It must be taken at the partnership level.

Get additional information regarding procedures for obtaining this credit from the Indiana Economic Development Corporation, One North Capitol, Suite 700, Indianapolis, IN 46204. You can also visit their website at [iedc.in.gov](http://iedc.in.gov) or call (317) 232-8800.

## **Military Base Investment Cost Tax Credit** **826**

This credit is available to taxpayers who provide a qualified investment in a business located in one of the following:

- A current or former military base;
- A military base reuse area;
- An economic development area;
- A military base recovery site; or
- A military base enhancement area.

The amount of the credit depends on the type of business, the number of jobs created, and the amount of the investment.

A taxpayer making a qualified investment in a business located in a county where the Crane military base is located is also eligible for this credit. A military base enhancement area is extended to comprise portions of three counties that are outside the certified technology park adjoining the Crane military base. These counties are

- Greene;
- Lawrence; and
- Martin.

The taxpayer's qualified investment must be in a business that meets one of the following criteria:

1. The business must be a participant in the technology transfer program conducted by the qualified military base; or
2. The business and the qualified military base must have a mutually beneficial relationship evidenced by a memorandum of understanding.

For more information about this credit, contact the Indiana Economic Development Corporation, One North Capitol, Suite 600, Indianapolis, IN 46204. You can also call them at (317) 232-8800 or visit their website at [iedc.in.gov](http://iedc.in.gov).

To receive credit, you must submit documentation of the qualified investment and certification of the percentage credit allowed by the IEDC.

### **Military Base Recovery Tax Credit** **827**

A taxpayer who is an owner or a developer of a military base recovery site might be eligible for a credit. To qualify, the taxpayer must be investing in the rehabilitation of real property located in a military base recovery site according to a plan approved by the IEDC. The maximum credit is 25 percent of the cost of the rehabilitation of real property located in a designated military base recovery site based on the age of the building.

Lessees of property in a military base recovery site are also eligible if they are assigned part of the tax credit based on a qualified investment within a military recovery site. The assignment must be in writing, and any consideration may not exceed the value of the part of the credit assigned. Both parties must report the assignment on their state income tax returns for the year of assignment. The lessee can use the credit to offset their total state income tax liability. However, any excess credit must be carried forward to the immediately following tax year(s).

For more information about this credit, contact the Indiana Economic Development Corporation at One North Capitol, Suite 600, Indianapolis, IN 46204. You can also call them at (317) 232-8800 or visit their website at [iedc.in.gov](http://iedc.in.gov).

### **Neighborhood Assistance Tax Credit** **828**

If you made a contribution to the Neighborhood Assistance Program (NAP) or engaged in activities to upgrade areas in Indiana, you may be able to claim a credit for this assistance. Contact the Indiana Housing and Community Development Authority, Neighborhood Assistance Program, 30 S. Meridian, Suite 1000, Indianapolis, IN 46204 for more information. Or you can call them at (317) 232-7777 within Indianapolis or at (800) 872-0371 outside of Indianapolis.

You must enclose approval Form NC-20 with your return to claim this credit. For more information, get Form NC-10 at [www.in.gov/dor/3508.htm](http://www.in.gov/dor/3508.htm) and Information Bulletin #22 at [www.in.gov/dor/3650.htm](http://www.in.gov/dor/3650.htm).

### **New Employer Credit** **850**

A credit is allowed for a corporation or pass-through entity if the business employs at least 10 new qualified employees and, after Dec. 31, 2009, the business:

- Relocates or locates its operations in Indiana;
- Incorporates in Indiana; or
- Expands its operations in Indiana.

This credit is equal to 10% of the wages paid to qualified employees. A qualified employee is one who is:

- A full-time employee first hired by a new Indiana business;
- A resident of Indiana; and
- Not more than a 5 percent shareholder, partner, member, or owner of the business as determined by the IEDC.

To qualify for the credit, the taxpayer must submit an application to the IEDC. Contact the Indiana Department of Correction, Office

of the Commissioner, 302 W. Washington Street, Room E334, Indianapolis, IN 46204, for additional information. You can also visit their website at [www.in.gov/idoc](http://www.in.gov/idoc).

For more information, see Income Tax Information Bulletin #106 at [www.in.gov/dor/3650.htm](http://www.in.gov/dor/3650.htm).

Enter **850** on lines 29a - 31a under Other Nonrefundable Credits if claiming this credit.

### **Prison Investment Tax Credit** **829**

A credit is allowed for amounts invested in Indiana prisons to create jobs for prisoners. The amount is limited to 50 percent of the investment in a qualified project approved by the Department of Corrections, plus 25 percent of the wages paid to inmates. The maximum credit a taxpayer can claim is \$100,000 per year.

Contact the Indiana Department of Correction, Office of the Commissioner, Indiana Government Center South, Room E334, Indianapolis, IN 46204 for additional information.

### **School Scholarship Credit** **849**

A credit is available for contributions to school scholarship programs. A taxpayer that makes a qualifying contribution to a scholarship granting organization (SGO) is entitled to a credit against their state tax liability in the taxable year in which the contribution is made. The amount of a taxpayer's credit is equal to 50% of the amount of the contribution made to the SGO for a school scholarship program. Effective Jan. 1, 2013, this credit can now be carried forward for nine years after the unused credit year. **Note:** Credits that apply to taxable years beginning before Jan. 1, 2013, may not be carried forward.

To qualify for the credit, the taxpayer must:

- Make a contribution to a scholarship granting organization that is certified by the Department of Education under IC 20-51;
- Make the contribution directly to the SGO;
- Designate in writing to the SGO that the contribution is to be used solely for a school scholarship program or have written confirmation from the SGO that the contribution will be used solely for a school scholarship program.

Although there are no limits on the size of a qualifying contribution to an SGO, the entire tax credit program has a limit of \$7.5 million in credits per state fiscal year (July 1 – June 30). **Note:** This limit has increased—the previous limit was \$2.5 million.

You must enclose Schedule IN-SSC to claim this credit. For more information about this credit, see Schedule IN-SSC at [www.in.gov/dor/4879.htm](http://www.in.gov/dor/4879.htm).

### **Small Employer Qualified Wellness Program Credit** **843**

Small employers are entitled to a tax credit if they provide qualified wellness programs for their employees. The credit is equal to 50 percent of the costs the taxpayer incurred during the taxable year for providing the wellness program. To qualify for the credit, the taxpayer must

- Be actively engaged in business;
- Have between 2 and 100 eligible employees; and
- Have a majority of its employees working in Indiana.

The wellness program must be certified by the State Department of Health (DOH). You must enclose the certificate with your tax return before the credit can be approved. The credit can be carried forward but cannot be carried back or refunded. For more information, contact the DOH at [www.IN.gov/isdh](http://www.IN.gov/isdh).

**Note:** Per IC 6-3.1-14-9, this credit will not be awarded for tax years that begin after Dec. 31, 2011. In addition, any credits previously awarded may not be carried forward during tax years 2012 and 2013. However, they can be carried forward during 2014 and 2015.

Also get Information Bulletin #102 at [www.in.gov/dor/3650.htm](http://www.in.gov/dor/3650.htm).

### **Venture Capital Investment Tax Credit** **835**

A taxpayer who provides qualified investment capital to a qualified Indiana business may be eligible for this credit. Per IC 6-3.1-24-8, for calendar years beginning after Dec. 31, 2010, the maximum credit available to a qualified business is \$1 million. The carryforward provision is limited to five years.

**Note:** Certification for this credit must be obtained from the Indiana Economic Development Corporation, Development Finance Office, VCI Credit Program, One North Capitol, Suite 700, Indianapolis, IN 46204. You may apply online through the IEDC's website ([iedc.in.gov](http://iedc.in.gov)). You can call (317) 232-8800 for more information.

When filing your tax return, you must submit a copy of the certificate and proof that the investment capital was provided to the qualified business within two years after the certification of the investment plan.

### **Voluntary Remediation Tax Credit** **836**

A voluntary remediation state tax credit is available for qualified investments involving the redevelopment of a brownfield and environmental remediation. The Indiana Department of Environmental Management and the Indiana Housing and Community Development Authority must determine and certify that the costs incurred in a voluntary remediation are qualified investments.

Prior unused credit may be carried back only one year or carried forward up to five years. For more information, contact the Indiana Department of Environmental Management, Indiana Government Center North, Room N1101, Indianapolis, IN 46204, or visit their website at [www.in.gov/idem/](http://www.in.gov/idem/).

## **Reminders**

1. Complete the partnership's identification section.
2. If the partnership's name has changed, check the box at the top of the return. Enclose with the return copies of the articles of amendment filed with the Indiana Secretary of State.
3. List the name of the Indiana county; enter "O.O.S." in the county box to indicate an out-of-state business operation.
4. Partnerships filing on a fiscal-year basis must enter their tax year beginning and ending dates.
5. A composite return must be filed on Schedule IT-65COMP.
6. Enclose IT-65 Schedule E- Apportionment of Income, if applicable.

7. Enclose the first four s of the U.S. Partnership Return of Income, Form 1065 or Form 1065 B, and Schedule M-3.
8. Use the online BT-1 to register your business, and use INtax or a third-party vendor to pay withholding tax on income distributions to nonresident partners.

## **Annual Public Hearing**

In accordance with the Indiana Taxpayer Bill of Rights, the Indiana Department of Revenue will conduct an annual public hearing on Tuesday, June 4, 2014. Please come and share your ideas on how the department can better administer Indiana tax laws. The hearing will be held from 9 a.m. to 11 a.m. in the Indiana Government Center South, Conference Center, Room 1, 402 W. Washington St., Indianapolis, Indiana. If you are unable to attend, please submit your concerns in writing to: Indiana Department of Revenue, Commissioner's Office, 100 N. Senate Ave., Indianapolis, IN 46204.

## **INtax**

A free online program, INtax can help you manage your Indiana business tax account

Reduce the burden of managing sales and withholding tax obligations by using INtax, Indiana's free online business tax filing program. INtax puts the business owner in control of their tax accounts.

**INtax** features include

- File and pay any time of day;
- Schedule future payments;
- Check account balances instantly;
- Manage multiple businesses under one profile;
- Review transaction history and receipt confirmation;
- Establish multiple users and set access rights by user; and
- Correspond directly and confidentially with the department.

To take advantage of this free service, visit [www.in.gov/dor/3963.htm](http://www.in.gov/dor/3963.htm).

The department's home provides access to forms, information bulletins and directives, tax publications, email, and various filing options. Go to [www.in.gov/dor](http://www.in.gov/dor) to access all of this.

The logo features a stylized torch with a flame at the top, emitting several thin, radiating lines that form a semi-circle above the torch. The torch's handle is a vertical line ending in a small star.

**INDIANA**  
A State that Works