

PREVAILED	Roll Call No. _____
FAILED	Ayes _____
WITHDRAWN	Noes _____
RULED OUT OF ORDER	

# HOUSE MOTION \_\_\_\_\_

MR. SPEAKER:

I move that Engrossed Senate Bill 589 be amended to read as follows:

- 1 Delete the title and insert the following:
- 2 A BILL FOR AN ACT to amend the Indiana Code concerning state
- 3 and local administration and to make an appropriation.
- 4 Page 3, between lines 31 and 32, begin a new paragraph and insert:
- 5 "SECTION 2. IC 4-10-22 IS ADDED TO THE INDIANA CODE
- 6 AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE
- 7 JULY 1, 2011]:
- 8 **Chapter 22. Income Tax Reduction Reserve Fund**
- 9 **Sec. 1. As used in this chapter, "budget bill" refers to a budget**
- 10 **bill (as defined in IC 4-12-1-2) that is enacted in an odd-numbered**
- 11 **year.**
- 12 **Sec. 2. As used in this chapter, "fund" refers to the income tax**
- 13 **reduction reserve fund established by section 8 of this chapter.**
- 14 **Sec. 3. As used in this chapter, "general revenue fund" refers to**
- 15 **the following:**
- 16 (1) **Counter-cyclical revenue and economic stabilization fund**
- 17 **(IC 4-10-18-2).**
- 18 (2) **State general fund, including the Medicaid contingency**
- 19 **and reserve account of the state general fund (IC 4-12-1-15.5).**
- 20 (3) **State tuition reserve fund (IC 4-12-1-15.7).**
- 21 **Sec. 4. As used in this chapter, "resident" refers to an individual**
- 22 **who resides in Indiana on January 1 of the calendar year in which**
- 23 **the individual's taxable year commences.**
- 24 **Sec. 5. As used in this chapter, "state fiscal year" means a**

1 period beginning July 1 in one (1) calendar year and ending on  
2 June 30 in the immediately succeeding calendar year.

3 Sec. 6. As used in this chapter, "state general fund  
4 appropriations" refers to the sum of the specific amounts  
5 appropriated by a budget bill from the state general fund for  
6 expenditure in a particular state fiscal year, excluding transfers to  
7 the income tax reduction reserve fund. The term includes any  
8 amount appropriated in a budget bill for a period exceeding one (1)  
9 state fiscal year that is allocated by the budget agency to a  
10 particular state fiscal year in a list of appropriations prepared  
11 under IC 4-12-1-12.

12 Sec. 7. As used in this chapter, "taxable year" has the meaning  
13 set forth in IC 6-3-1-16.

14 Sec. 8. (a) An income tax reduction reserve fund is established.  
15 The fund is established to:

16 (1) replace revenue lost from granting credits under  
17 IC 6-3-3-13; and

18 (2) pay or reimburse other funds for refunds paid under  
19 IC 6-3-3-13.

20 (b) The budget agency shall administer the fund.

21 (c) The fund consists of money transferred to the fund under  
22 section 9 of this chapter.

23 (d) The treasurer of state shall invest the money in the fund not  
24 currently needed to meet the obligations of the fund in the same  
25 manner as other public funds may be invested.

26 (e) The money in the fund at the end of a state fiscal year does  
27 not revert to the general revenue fund but remains in the fund to  
28 be used exclusively for the purposes of the fund.

29 Sec. 9. Not later than July 31, 2012, and thirty-one (31) days  
30 after the end of each state fiscal year that begins after June 30,  
31 2012, the auditor of state, after reviewing the recommendation of  
32 the budget agency, shall transfer an amount from the general  
33 revenue fund to the fund. The total amount transferred under this  
34 section must equal the amount by which the year-end general  
35 revenue fund balance for the immediately preceding state fiscal  
36 year exceeds ten percent (10%) of the general revenue fund  
37 appropriations for the current state fiscal year.

38 Sec. 10. In each state fiscal year beginning after June 30, 2012,  
39 the budget agency shall calculate the tax reduction amount that  
40 will apply under IC 6-3-3-13 to taxable years ending in that state  
41 fiscal year. The tax reduction amount for a state fiscal year must  
42 equal the amount determined under STEP THREE of the following  
43 formula:

44 STEP ONE: Determine the amount transferred in the state  
45 fiscal year to the fund under section 9 of this chapter.

46 STEP TWO: Determine the sum of the following:

47 (A) The number of individual tax returns that are likely to

1           be filed under IC 6-3 for a taxable year that ends in the  
2           state fiscal year described in STEP ONE on which the  
3           individual filing the return is an Indiana resident.

4           **(B)** The number of joint tax returns that are likely to be  
5           filed under IC 6-3 for a taxable year that ends in the state  
6           fiscal year described in STEP ONE on which only an  
7           individual filing the return or the individual's spouse is a  
8           resident of Indiana.

9           **(C)** The product of:

10           (i) the number of joint tax returns that are likely to be  
11           filed under IC 6-3 for a taxable year that ends in the  
12           state fiscal year described in STEP ONE on which both  
13           an individual filing the return and the individual's  
14           spouse are residents of Indiana; multiplied by

15           (ii) two (2).

16           **STEP THREE: Determine the result of:**

17           **(A)** the STEP ONE amount; divided by

18           **(B)** the STEP TWO amount.

19           The budget agency shall certify the tax reduction amount to the  
20           department of state revenue.

21           **Sec. 11.** The department of state revenue shall report to the  
22           auditor of state and the budget agency the total amount of credits  
23           granted under IC 6-3-3-13 on returns processed by the department  
24           of state revenue. The information shall be reported in the manner  
25           and on the schedule specified by the budget agency.

26           **Sec. 12.** The auditor of state shall transfer amounts equal to the  
27           credits granted under IC 6-3-3-13 from the fund to the general  
28           revenue fund on the schedule designated by the budget agency.

29           **Sec. 13.** There is continuously appropriated a sufficient amount  
30           from the fund and the general revenue fund to make the transfers  
31           required by this chapter."

32           Page 35, between lines 12 through 13, begin a new paragraph and  
33           insert:

34           "SECTION 13. IC 6-3-3-13 IS ADDED TO THE INDIANA CODE  
35           AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY  
36           1, 2011]: **Sec. 13. (a)** This section applies to taxable years that end  
37           in a state fiscal year beginning after June 30, 2012.

38           **(b)** An individual who qualifies as a resident (as defined in  
39           IC 4-10-22-4) in a taxable year is entitled to a credit against the  
40           individual's adjusted gross income tax (IC 6-3) liability imposed for  
41           the taxable year.

42           **(c)** The amount of the credit is equal to the tax reduction  
43           amount determined for the taxable year under IC 4-10-22-10  
44           multiplied by the following:

45           **(1)** One (1), if the individual files an individual return.

46           **(2)** One (1), if the individual files a joint return with a spouse  
47           who is not a resident.

- 1           **(3) Two (2), if the individual files a joint return with a spouse**
- 2           **who is a resident.**
- 3           **(d) A credit granted under this section shall be applied after the**
- 4           **application of all other allowable deductions and credits.**
- 5           **(e) If the credit determined for a taxpayer in a taxable year**
- 6           **exceeds the taxpayer's adjusted gross income tax (IC 6-3) liability**
- 7           **for that taxable year, the taxpayer is entitled to a refund of the**
- 8           **excess. A taxpayer is not entitled to a carryforward or carryback**
- 9           **of any unused credit.**
- 10          **(f) To qualify for a credit, an individual must apply for the**
- 11          **credit in the manner prescribed by the department. The individual**
- 12          **must provide the department with the information that the**
- 13          **department determines necessary to determine the individual's**
- 14          **eligibility for the credit."**
- 15          Renumber all SECTIONS consecutively.  
            (Reference is to ESB 589 as printed April 13, 2011.)

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Representative Turner