

SENATE MOTION

MADAM PRESIDENT:

I move that Engrossed House Bill 1003 be amended to read as follows:

1 Page 1, between the enacting clause and line 1, begin a new
2 paragraph and insert:

3 "SECTION 1. IC 6-3-2-22 IS ADDED TO THE INDIANA CODE
4 AS A **NEW SECTION TO READ AS FOLLOWS [EFFECTIVE**
5 **JANUARY 1, 2011 (RETROACTIVE)]**: **Sec. 22. (a) The following**
6 **definitions apply throughout this section:**

- 7 **(1) "Dependent child" means an individual who:**
 - 8 **(A) is eligible to receive a free elementary or high school**
 - 9 **education in an Indiana school corporation;**
 - 10 **(B) qualifies as a dependent (as defined in Section 152 of**
 - 11 **the Internal Revenue Code) of the taxpayer; and**
 - 12 **(C) is the natural or adopted child or the taxpayer or, if**
 - 13 **custody of the child has been awarded in a court**
 - 14 **proceeding to someone other than the mother or father, the**
 - 15 **court appointed guardian or custodian of the child.**

16 **If the parents of a child are divorced, the term refers to the**
17 **parent who is eligible to take the exemption for the child**
18 **under Section 151 of the Internal Revenue Code.**

- 19 **(2) "Education expenditure" refers to any expenditures made**
- 20 **in connection with enrollment, attendance, or participation of**
- 21 **the taxpayer's dependent child in a private elementary or high**
- 22 **school education program. The term includes tuition, fees,**
- 23 **computer software, textbooks, workbooks, curricula, school**
- 24 **supplies (other than personal computers), and other written**
- 25 **materials used primarily for academic instruction or for**
- 26 **academic tutoring, or both.**

- 27 **(3) "Private elementary or high school education program"**
- 28 **means:**

- 29 **(A) home schooling; or**
- 30 **(B) attendance at a private school;**

1 **in Indiana that satisfies a child's obligation under IC 20-33-2**
2 **for compulsory attendance at a school. The term does not**
3 **include the delivery of instructional service in a home setting**
4 **to a dependent child who is enrolled in a school corporation**
5 **or a charter school.**

6 **(b) This section applies to taxable years beginning after**
7 **December 31, 2010.**

8 **(c) A taxpayer who makes an unreimbursed education**
9 **expenditure during the taxpayer's taxable year is entitled to a**
10 **deduction against the taxpayer's adjusted gross income in the**
11 **taxable year.**

12 **(d) The amount of the deduction is:**

13 **(1) one thousand dollars (\$1,000); multiplied by**

14 **(2) the number of the taxpayer's dependent children for whom**
15 **the taxpayer made education expenditures in the taxable year.**

16 **A husband and wife are entitled to only one (1) deduction under**
17 **this section.**

18 **(e) To receive the deduction provided by this section, a taxpayer**
19 **must claim the deduction on the taxpayer's annual state tax return**
20 **or returns in the manner prescribed by the department."**

21 Page 7, after line 27, begin a new paragraph and insert:

22 "SECTION 10. **An emergency is declared for this act.**"

23 Re-number all SECTIONS consecutively.

(Reference is to EHB 1003 as printed April 15, 2011.)

Senator MILLER