

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WITHDRAWN	Noes _____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

HOUSE MOTION _____

MR. SPEAKER:

I move that Engrossed Senate Bill 344 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
- 3 taxation and to make an appropriation.
- 4 Page 36, between lines 23 and 24, begin a new paragraph and insert:
- 5 "SECTION 11. IC 6-3-3-11 IS ADDED TO THE INDIANA CODE
- 6 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
- 7 1, 2012]: **Sec. 11. (a) This section applies only to taxable years**
- 8 **beginning after December 31, 2012.**
- 9 **(b) The following definitions apply throughout this section:**
- 10 **(1) "Qualifying charitable entity" means a charitable**
- 11 **organization or educational foundation that is:**
- 12 **(A) exempt from federal income taxation under Section**
- 13 **501(c)(3) of the Internal Revenue Code; and**
- 14 **(B) organized and operated solely for the benefit of a**
- 15 **public elementary school or public high school located in**
- 16 **Indiana.**
- 17 **(2) "Public elementary school or public high school" means**
- 18 **any combination of grades from kindergarten through grade**
- 19 **12 offered by the following:**
- 20 **(A) A school corporation subject to IC 20.**
- 21 **(B) A special education cooperative (as defined in**
- 22 **IC 20-35-5-1(7)).**
- 23 **(c) Each taxable year, a taxpayer who makes a charitable**
- 24 **contribution to a qualifying charitable entity during the taxable**

1 year is entitled, at the election of the taxpayer, to a credit against
 2 the taxpayer's adjusted gross income tax liability for the taxable
 3 year equal to the lesser of:
 4 (1) fifty percent (50%) of the total amount of charitable
 5 contributions made by the taxpayer during the taxable year;
 6 or
 7 (2) the taxpayer's maximum credit amount for the taxable
 8 year determined under subsection (d) or (e), as applicable.
 9 (d) In the case of a taxpayer other than a corporation, the
 10 amount allowable as a credit under this section for any taxable
 11 year may not exceed:
 12 (1) one thousand dollars (\$1,000) in the case of a single return;
 13 or
 14 (2) two thousand dollars (\$2,000) in the case of a joint return.
 15 (e) In the case of a taxpayer that is a corporation, the amount
 16 allowable as a credit under this section for any taxable year may
 17 not exceed the greater of the following amounts:
 18 (1) Ten percent (10%) of the corporation's total adjusted
 19 gross income tax liability for the taxable year (as determined
 20 after applying all other credits against that tax).
 21 (2) Ten thousand dollars (\$10,000).
 22 (f) If the credit allowed by this section exceeds the amount of the
 23 taxpayer's adjusted gross income tax liability for the taxable year,
 24 the excess shall be refunded to the taxpayer. Money is
 25 appropriated from the state general fund to make refunds under
 26 this section."

27 Renumber all SECTIONS consecutively.
 (Reference is to ESB 344 as printed February 24, 2012.)

Representative Battles