

HB0134S01 compared with HB0134

~~deleted text~~ shows text that was in HB0134 but was deleted in HB0134S01.

inserted text shows text that was not in HB0134 but was inserted into HB0134S01.

DISCLAIMER: This document is provided to assist you in your comparison of the two bills. Sometimes this automated comparison will NOT be completely accurate. Therefore, you need to read the actual bills. This automatically generated document could contain inaccuracies caused by: limitations of the compare program; bad input data; or other causes.

Representative David E. Lifferth proposes the following substitute bill:

TAX CREDIT FOR HOME-SCHOOLING PARENT

2015 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: David E. Lifferth

Senate Sponsor: _____

LONG TITLE

General Description:

This bill enacts an individual income tax credit.

Highlighted Provisions:

This bill:

- ▶ defines terms;
- ▶ enacts a tax credit for a home-schooling parent;
- ▶ provides that the tax credit is subject to apportionment; and
- ▶ requires the Revenue and Taxation Interim Committee to conduct a study related to the tax credit.

Money Appropriated in this Bill:

None

Other Special Clauses:

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This bill provides for retrospective operation.

Utah Code Sections Affected:

AMENDS:

59-10-1002.2, as last amended by Laws of Utah 2011, Chapter 302

ENACTS:

59-10-1033, Utah Code Annotated 1953

Be it enacted by the Legislature of the state of Utah:

Section 1. Section **59-10-1002.2** is amended to read:

59-10-1002.2. Apportionment of tax credits.

(1) A nonresident individual or a part-year resident individual that claims a tax credit in accordance with Section 59-10-1017, 59-10-1018, 59-10-1019, 59-10-1021, 59-10-1022, 59-10-1023, 59-10-1024, ~~[or]~~ 59-10-1028, or 59-10-1033 may only claim an apportioned amount of the tax credit equal to:

(a) for a nonresident individual, the product of:

(i) the state income tax percentage for the nonresident individual; and

(ii) the amount of the tax credit that the nonresident individual would have been allowed to claim but for the apportionment requirements of this section; or

(b) for a part-year resident individual, the product of:

(i) the state income tax percentage for the part-year resident individual; and

(ii) the amount of the tax credit that the part-year resident individual would have been allowed to claim but for the apportionment requirements of this section.

(2) A nonresident estate or trust that claims a tax credit in accordance with Section 59-10-1017, 59-10-1020, 59-10-1022, 59-10-1024, or 59-10-1028 may only claim an apportioned amount of the tax credit equal to the product of:

(a) the state income tax percentage for the nonresident estate or trust; and

(b) the amount of the tax credit that the nonresident estate or trust would have been allowed to claim but for the apportionment requirements of this section.

Section 2. Section **59-10-1033** is enacted to read:

59-10-1033. Nonrefundable tax credit for home-schooling parent.

(1) As used in this section:

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(a) "Home-schooled child" means a school-age minor who:

(i) is excused from school attendance in accordance with Subsection 53A-11-102(2);

and

(ii) a home-schooling parent claims as a dependent under Section 151, Internal Revenue Code, on the home-schooling parent's federal individual income tax return for the taxable year.

(b) "Home-schooling parent" means a parent:

(i) of a home-schooled child;

(ii) who has submitted the affidavit described in Subsection 53A-11-102(2); and

(iii) who claims the home-schooled child as a dependent under Section 151, Internal Revenue Code, on the parent's federal individual income tax return for the taxable year.

(c) "Parent" means an individual who:

(i) is the biological mother or father of a home-schooled child;

(ii) is the stepfather or stepmother of a home-schooled child;

(iii) (A) legally adopts a home-schooled child; or

(B) has a home-schooled child placed in the individual's home by a child placing agency, as defined in Section 62A-4a-601, for the purpose of legally adopting the child;

(iv) is a foster parent of a home-schooled child; or

(v) is a legal guardian of a home-schooled child.

(2) Except as provided in Section 59-10-1002.2 and subject to the other provisions of this section, for a taxable year beginning on or after January 1, 2015, but beginning on or before December 31, 2019, a claimant may claim a nonrefundable tax credit against a tax under this chapter of \$500 for a home-schooled child if the claimant, or another claimant who files a joint return under this chapter with the claimant, is a home-schooling parent.

~~(3)~~ (3) A tax credit under this section may not exceed \$500 per return for a taxable year.

~~(4)~~ (4) A home-schooling parent may claim a tax credit under this section regardless of whether the home-schooled child participates in an extracurricular activity in a public school in accordance with Section 53A-11-102.6.

~~(5)~~ (5) A home-schooling parent may not claim a tax credit under this section if the home-schooled child is enrolled in a dual enrollment program described in Section 53A-11-102.5.

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~~(5)6~~ A claimant may not carry forward or carry back a tax credit under this section.

(7) A claimant shall retain the affidavit described in Subsection 53A-11-102(2), and any other records necessary to verify the claimant's eligibility to claim a tax credit under this section, for the same time period a person is required to keep books and records under Section 59-1-1406.

~~(6)8~~ On or before the November 2019 interim meeting, the Revenue and Taxation Interim Committee shall study the tax credit provided in this section and make findings and recommendations as to:

- (a) the purpose and effectiveness of the tax credit; and
- (b) whether the tax credit should be extended, modified, or repealed.

Section 3. **Retrospective operation.**

This bill has retrospective operation for a taxable year beginning on or after January 1, 2015.

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Legislative Review Note

~~as of 12-23-14 11:39 AM~~

~~Office of Legislative Research and General Counsel}~~