

## HB0207S01 compared with HB0207

~~text~~ shows text that was in HB0207 but was deleted in HB0207S01.

text shows text that was not in HB0207 but was inserted into HB0207S01.

**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 Steve Eliason proposes the following substitute bill:

### **EDUCATOR TAX CREDIT AND RELATED STUDY**

2015 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Steve Eliason**

Senate Sponsor: \_\_\_\_\_

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#### **LONG TITLE**

##### **General Description:**

This bill enacts a tax credit and requires a related study.

##### **Highlighted Provisions:**

This bill:

- ▶ defines terms; ~~and~~
- ▶ enacts a nonrefundable tax credit for certain expenses an educator incurs ~~and~~ requires the State Board of Education to conduct a study related to the tax credit.

##### **Money Appropriated in this Bill:**

None

##### **Other Special Clauses:**

This bill provides a special effective date.

This bill provides for retrospective operation.

## HB0207S01 compared with HB0207

### Utah Code Sections Affected:

ENACTS:

**59-10-1033**, Utah Code Annotated 1953

### Uncodified Material Affected:

### ENACTS UNCODIFIED MATERIAL

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

Section 1. Section **59-10-1033** is enacted to read:

#### **59-10-1033. Definitions -- Nonrefundable tax credit for eligible educator.**

(1) As used in this section:

(a) "Eligible educator" means a claimant who is:

(i) a teacher at a qualified school;

(ii) an instructor at a qualified school;

(iii) a counselor at a qualified school;

(iv) a principal at a qualified school; or

(v) an aide at a qualified school.

(b) (i) Subject to Subsection (1)(b)(ii), "qualified expense" means an amount paid or incurred during a taxable year for the following if used in a classroom:

(A) a book;

(B) computer equipment, including related software or a related service;

(C) other equipment;

(D) a supply; or

(E) supplementary material.

(ii) "Qualified expense" means, for purposes of a course in health or physical education, an amount paid or incurred for an item described in Subsection (1)(b)(i) only if the item is related to athletics.

(c) "Qualified school" means an elementary school or a secondary school that:

(i) is a public or private school located in the state; and

(ii) provides student instruction for one or more years of kindergarten through grade

12.

(2) Subject to the other provisions of this section, an eligible educator may claim a

## HB0207S01 compared with HB0207

nonrefundable tax credit against a tax under this chapter for a qualified expense if the:

- (a) eligible educator includes the qualified expense in adjusted gross income;
- (b) qualified expense is not reimbursed by another person; and
- (c) eligible educator works at least 900 hours during a school year in a qualified school.

(3) (a) For an eligible educator other than an eligible educator described in Subsection (3)(b), a tax credit under this section is equal to the lesser of:

- (i) the qualified expenses the eligible educator incurs during the taxable year; or
- (ii) \$50.

(b) For an eligible educator who files a single federal individual income tax return jointly with the eligible educator's spouse, and the spouse is also an eligible educator, a tax credit under this section is equal to the lesser of:

- (i) the qualified expenses each eligible educator incurs during the taxable year; or
- (ii) \$50 per eligible educator.

(4) An eligible educator who claims a tax credit under this section shall retain a receipt for any amount for which the eligible educator claims a tax credit under this section.

(5) At the request of the commission, an eligible educator shall provide a receipt for any amount for which the eligible educator claims a tax credit under this section.

(6) An eligible educator may not carry forward or carry back a tax credit under this section.

### Section 2. State Board of Education study.

(1) As used in this section, "eligible educator" has the same meaning as that term is defined in Section 59-10-1033.

(2) During the 2015 interim, the State Board of Education shall study the following for each school district:

(a) the types of items eligible educators purchase for use in a classroom in public elementary or secondary schools; and

(b) the amount of expenses eligible educators incur during a school year to purchase the items described in Subsection (2)(a).

(3) The State Board of Education shall report its findings and recommendations on the study described in Subsection (2) to the Education Interim Committee at or before the November 2015 interim meeting.

## HB0207S01 compared with HB0207

(4) For purposes of Subsection (3), the State Board of Education's findings and recommendations shall include whether the amount of the tax credit provided for in Section 59-10-1033 should be modified.

(5) This section is repealed on November 30, 2015.

Section 3. **Effective date -- Retrospective operation.**

~~{This bill has}~~ (1) Except as provided in Subsection (2), this bill takes effect on May 12, 2015.

(2) The actions affecting Section 59-10-1033 have retrospective operation for a taxable year beginning on or after January 1, 2015.

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**Legislative Review Note**

~~as of 12-1-14 8:04 AM~~

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