

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WITHDRAWN	Noes _____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

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

MR. SPEAKER:

I move that House Bill 1008 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 6-3.1-31 IS ADDED TO THE INDIANA CODE
- 4 AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE
- 5 JANUARY 1, 2008]:
- 6 **Chapter 31. Worksite Health Promotion Tax Credit Pilot**
- 7 **Project**
- 8 **Sec. 1. As used in this chapter, "certified employer" means an**
- 9 **employer certified by the state department of health under**
- 10 **IC 16-46-13-5.**
- 11 **Sec. 2. As used in this chapter, "pass through entity" means a:**
- 12 **(1) corporation that is exempt from the adjusted gross income**
- 13 **tax under IC 6-3-2-2.8(2);**
- 14 **(2) partnership;**
- 15 **(3) limited liability company; or**
- 16 **(4) limited liability partnership.**
- 17 **Sec. 3. As used in this chapter, "qualified health promotion**
- 18 **expenses" means costs that a certified employer incurs in making**
- 19 **a worksite health promotion program available to the certified**
- 20 **employer's Indiana employees.**
- 21 **Sec. 4. As used in this chapter, "state tax liability" means a**
- 22 **taxpayer's total tax liability that is incurred under:**
- 23 **(1) IC 6-3-1 through IC 6-3-7 (adjusted gross income tax);**
- 24 **(2) IC 6-5.5 (financial institutions tax); and**

1           (3) IC 27-1-18-2 (insurance premiums tax);  
 2 as computed after the application of the credits that under  
 3 IC 6-3.1-1-2 are to be applied before the credit provided by this  
 4 chapter.

5           Sec. 5. As used in this chapter, "taxpayer" means:

- 6           (1) a certified employer that has state tax liability; or  
 7           (2) if the certified employer is a pass through entity, a  
 8           shareholder, partner, or member of the certified employer.

9           Sec. 6. As used in this chapter, "worksite health promotion  
 10 program" has the meaning set forth in IC 16-46-13-3.

11          Sec. 7. For purposes of this chapter, the number of employees  
 12 with access to a certified employer's worksite health promotion  
 13 program during a taxable year is the average number of the  
 14 certified employer's employees who are employed in Indiana  
 15 during the taxable year, as determined under STEP THREE of the  
 16 following formula:

17          STEP ONE: For each month in a taxable year in which a  
 18 certified employer makes a worksite health promotion  
 19 program available to the certified employer's employees in  
 20 Indiana for at least fifteen (15) regular business days in the  
 21 month, determine the number of employees of the certified  
 22 employer who are employed in Indiana on the last day of the  
 23 month.

24          STEP TWO: Determine the sum of the STEP ONE amounts.  
 25          STEP THREE: Divide the STEP TWO result by the number  
 26 of months in the taxable year in which the certified employer  
 27 makes a worksite health promotion program available to the  
 28 certified employer's employees in Indiana for at least fifteen  
 29 (15) regular business days in the month, rounding the result  
 30 to the nearest whole number.

31          Sec. 8. For each taxable year, the maximum allowable tax credit  
 32 against state tax liability to which a certified employer may be  
 33 entitled for providing a worksite health promotion program is the  
 34 amount determined under STEP THREE of the following formula:

35          STEP ONE: Multiply the number of employees with access to  
 36 the worksite health promotion program in the taxable year by  
 37 fifty dollars (\$50).

38          STEP TWO: Divide the number of months in the taxable year  
 39 in which the certified employer makes a worksite health  
 40 promotion program available to the certified employer's  
 41 employees in Indiana for at least fifteen (15) regular business  
 42 days in the month by the number of months in the taxable  
 43 year, rounding the result to the nearest one-hundredth (0.01).

44          STEP THREE: Multiply the STEP ONE amount by the STEP  
 45 TWO amount, rounding the result to the nearest whole dollar.

46          Sec. 9. A certified employer is entitled to a worksite health  
 47 promotion program credit against the certified employer's state

1 tax liability in the amount determined under STEP THREE of the  
2 following formula:

3 STEP ONE: Determine the certified employer's maximum  
4 allowable tax credit for the certified employer's worksite  
5 health promotion program for the taxable year under STEP  
6 THREE of section 8 of this chapter.

7 STEP TWO: Determine the certified employer's qualified  
8 health promotion expenses for the taxable year.

9 STEP THREE: Determine the lesser of the STEP ONE  
10 amount or the STEP TWO amount.

11 Sec. 10. If a certified employer is a pass through entity that does  
12 not have state income tax liability against which any part of the  
13 worksite health promotion program credit may be applied, a  
14 shareholder, partner, or member of the pass through entity is  
15 entitled to a worksite health promotion program credit equal to the  
16 amount determined under STEP THREE of the following formula:

17 STEP ONE: Determine the certified employer's tax credit for  
18 the certified employer's worksite health promotion program  
19 for the taxable year under section 9 of this chapter.

20 STEP TWO: Determine the percentage of the pass through  
21 entity's distributive income to which the shareholder, partner,  
22 or member is entitled.

23 STEP THREE: Multiply the STEP ONE amount by the STEP  
24 TWO amount.

25 Sec. 11. (a) If the amount determined under STEP THREE of  
26 section 9 of this chapter or STEP THREE of section 10 of this  
27 chapter for a taxpayer in a taxable year exceeds the taxpayer's  
28 state tax liability for that taxable year, the taxpayer may not carry  
29 the excess over to the following taxable years.

30 (b) A taxpayer is not entitled to a carryback or refund of any  
31 unused credit.

32 Sec. 12. To receive the credit provided by this chapter, a  
33 taxpayer must claim the credit on the taxpayer's state tax return  
34 or returns in the manner prescribed by the department. The  
35 taxpayer must submit to the department all information that the  
36 department determines is necessary for the calculation of the credit  
37 provided by this chapter and for the determination of the  
38 taxpayer's eligibility for the credit.

39 Sec. 13. This chapter expires December 31, 2009."

40 Page 13, between lines 29 and 30, begin a new paragraph and insert:  
41 "SECTION 17. IC 16-46-13 IS ADDED TO THE INDIANA CODE  
42 AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE  
43 JULY 1, 2008]:

44 Chapter 13. Worksite Health Promotion Programs

45 Sec. 1. As used in this chapter, "eligible employer" means an  
46 individual or entity that employs not more than five hundred (500)  
47 employees.

1           **Sec. 2. As used in this chapter, "health literacy" means the**  
2 **degree to which individuals have the capacity to obtain, process,**  
3 **and understand basic health information and services needed to**  
4 **make decisions consistent with good health.**

5           **Sec. 3. As used in this chapter, "worksite health promotion**  
6 **program" refers to a program of an eligible employer conducted**  
7 **in Indiana that is certified by the state department to conform with**  
8 **the rules adopted under section 4 of this chapter.**

9           **Sec. 4. (a) Subject to subsection (b), the state department shall**  
10 **adopt rules under IC 4-22-2 for the certification of worksite health**  
11 **promotion programs.**

12           **(b) The rules must provide for certification of worksite health**  
13 **promotion programs that assist and encourage employees to make**  
14 **decisions consistent with good health. The rules must clearly**  
15 **indicate the appropriate elements that must be included in any**  
16 **worksite health promotion program for that program to be eligible**  
17 **for certification for purposes of IC 6-3.1-31. These elements must**  
18 **be based on the following health objectives:**

19                   **(1) Increased physical activity.**

20                   **(2) Beneficial dietary habits.**

21                   **(3) Increased use of preventive health screenings.**

22                   **(4) Healthy decisions concerning alcohol, tobacco, drugs, and**  
23 **safety.**

24                   **(5) Increased health literacy.**

25           **Sec. 5. (a) For a worksite health promotion program to be**  
26 **certified under this chapter, an eligible employer must file an**  
27 **application for certification of the eligible employer's worksite**  
28 **health promotion program with the state department. The state**  
29 **department shall prescribe the form and content of the application.**

30           **(b) The state department may not certify more than one**  
31 **hundred (100) eligible employers under this chapter.**

32           **(c) If the state department approves the application, the state**  
33 **department shall issue a certificate to the eligible employer for the**  
34 **taxable year.**

35           **Sec. 6. The state department may annually request information**  
36 **from an eligible employer concerning the efficacy of the eligible**  
37 **employer's worksite health promotion program certified under**  
38 **section 5 of this chapter.**

1           SECTION 18. [EFFECTIVE JANUARY 1, 2008] **IC 6-3.1-31, as**  
2 **added by this act, applies only to taxable years beginning after**  
3 **December 31, 2007."**

4           Renumber all SECTIONS consecutively.  
            (Reference is to HB 1008 as printed February 20, 2007.)

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Representative Brown T