

(5) (I) "QUALIFIED TUITION AND RELATED EXPENSES" MEANS TUITION AND FEES THAT ARE REQUIRED FOR ENROLLMENT IN AN APPROVED PROGRAM AT AN ELIGIBLE EDUCATIONAL INSTITUTION OR FOR ENROLLMENT IN AN APPROVED INDUSTRY CERTIFICATE PROGRAM.

(II) "QUALIFIED TUITION AND RELATED EXPENSES" DOES NOT INCLUDE:

1. EXPENSES WITH RESPECT TO ANY COURSE OR OTHER EDUCATION INVOLVING SPORTS, GAMES, OR HOBBIES, UNLESS THOSE EXPENSES ARE PART OF A DEGREE PROGRAM; OR

2. CHARGES FOR ROOM AND BOARD, STUDENT ACTIVITY FEES, ATHLETIC FEES, INSURANCE EXPENSES, OR OTHER EXPENSES UNRELATED TO A STUDENT'S ACADEMIC COURSE OF INSTRUCTION.

(B) (1) SUBJECT TO PARAGRAPHS (2) AND (3) OF THIS SUBSECTION, AN INDIVIDUAL MAY CLAIM A CREDIT AGAINST THE STATE INCOME TAX IN AN AMOUNT EQUAL TO 30% OF UP TO \$5,000 PAID BY THE INDIVIDUAL DURING THE TAXABLE YEAR FOR QUALIFIED TUITION AND RELATED EXPENSES FOR THE INDIVIDUAL OR THE INDIVIDUAL'S SPOUSE OR DEPENDENTS AND NOT REIMBURSED BY AN EMPLOYER OR OTHERWISE.

(2) (I) IF AN INDIVIDUAL'S FEDERAL ADJUSTED GROSS INCOME FOR THE TAXABLE YEAR EXCEEDS ~~\$50,000~~ \$65,000, THE CREDIT OTHERWISE ALLOWED UNDER THIS SUBSECTION SHALL BE REDUCED BY 5% FOR EACH \$1,000 OR FRACTION OF \$1,000 BY WHICH THE INDIVIDUAL'S FEDERAL ADJUSTED GROSS INCOME EXCEEDS ~~\$50,000~~ \$65,000.

(II) IN THE CASE OF A MARRIED INDIVIDUAL FILING A SEPARATE RETURN, IF THE INDIVIDUAL'S FEDERAL ADJUSTED GROSS INCOME FOR THE TAXABLE YEAR EXCEEDS ~~\$25,000~~ \$32,500, THE CREDIT OTHERWISE ALLOWED UNDER THIS SUBSECTION SHALL BE REDUCED BY 5% FOR EACH \$500 OR FRACTION OF \$500 BY WHICH THE INDIVIDUAL'S FEDERAL ADJUSTED GROSS INCOME EXCEEDS ~~\$25,000~~ \$32,500.

(III) THE CREDIT UNDER THIS SUBSECTION MAY NOT BE CLAIMED BY A TAXPAYER WHO MAY BE CLAIMED AS A DEPENDENT ON THE RETURN OF ANOTHER TAXPAYER FOR THE TAXABLE YEAR.

(3) (I) THE INDIVIDUAL ENROLLED IN THE APPROVED PROGRAM OR APPROVED INDUSTRY CERTIFICATE PROGRAM WITH RESPECT TO WHICH A CREDIT UNDER THIS SUBSECTION IS ALLOWED SHALL:

1. COMMENCE EMPLOYMENT IN THE STATE IN AN OCCUPATION DIRECTLY RELATED TO THE APPROVED PROGRAM OR APPROVED INDUSTRY CERTIFICATE PROGRAM WITHIN 1 YEAR AFTER SUCCESSFUL COMPLETION OF THE APPROVED PROGRAM OR APPROVED INDUSTRY CERTIFICATE PROGRAM; AND

2. CONTINUE EMPLOYMENT IN THE STATE IN AN OCCUPATION DIRECTLY RELATED TO THE APPROVED PROGRAM OR APPROVED