

# HOUSE BILL No. 1239

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## DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 6-3-3-5.

**Synopsis:** Higher education tax credit. Increases the maximum income tax credit for contributions by individuals to Indiana colleges from \$100 to \$200 for single returns and from \$200 to \$400 for joint returns.

**Effective:** January 1, 1999 (retroactive).

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January 11, 1999, read first time and referred to Committee on Ways and Means.

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Introduced

First Regular Session 111th General Assembly (1999)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 1998 General Assembly.

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## HOUSE BILL No. 1239



A BILL FOR AN ACT to amend the Indiana Code concerning taxation.

*Be it enacted by the General Assembly of the State of Indiana:*

1 SECTION 1. IC 6-3-3-5 IS AMENDED TO READ AS FOLLOWS  
2 [EFFECTIVE JANUARY 1, 1999 (RETROACTIVE)]: Sec. 5. (a) At  
3 the election of the taxpayer, there shall be allowed, as a credit against  
4 the adjusted gross income tax imposed by IC 6-3-1 through IC 6-3-7 for  
5 the taxable year, an amount (subject to the applicable limitations  
6 provided by this section) equal to fifty percent (50%) of the aggregate  
7 amount of charitable contributions made by such taxpayer during such  
8 year to institutions of higher education located within Indiana, to any  
9 corporation or foundation organized and operated solely for the benefit  
10 of any such institution of higher education, or to the associated colleges  
11 of Indiana.

12 (b) In the case of a taxpayer other than a corporation, the amount  
13 allowable as a credit under this section for any taxable year shall not  
14 exceed ~~one~~ **two** hundred dollars (~~\$100~~) (**\$200**) in the case of a single  
15 return or ~~two~~ **four** hundred dollars (~~\$200~~) (**\$400**) in the case of a joint  
16 return.

17 (c) In the case of a corporation, the amount allowable as a credit



1 under this section for any taxable year shall not exceed:

2 (1) ten percent (10%) of such corporation's total adjusted gross  
3 income tax under IC 6-3-1 through IC 6-3-7 for such year (as  
4 determined without regard to any credits against that tax); or

5 (2) one thousand dollars (\$1,000);

6 whichever is less.

7 (d) For purposes of this section, the term "institution of higher  
8 education" means any educational institution located within Indiana:

9 (1) which normally maintains a regular faculty and curriculum  
10 and normally has a regularly organized body of students in  
11 attendance at the place where its educational activities are carried  
12 on;

13 (2) which regularly offers education at a level above the twelfth  
14 grade;

15 (3) which regularly awards either associate, bachelors, masters, or  
16 doctoral degrees, or any combination thereof; and

17 (4) which is duly accredited by the North Central Association of  
18 Colleges and Schools, the Indiana state board of education, or the  
19 American Association of Theological Schools.

20 (e) The credit allowed by this section shall not exceed the amount  
21 of the adjusted gross income tax imposed by IC 6-3-1 through IC 6-3-7  
22 for the taxable year, reduced by the sum of all credits (as determined  
23 without regard to this section) allowed by IC 6-3-1 through IC 6-3-7.

24 (f) Any taxpayer subject to an income tax under the provisions of  
25 IC 6-2.1 as well as under the provisions of IC 6-3-1 through IC 6-3-7  
26 may elect to claim the credit allowed by this section against the income  
27 tax imposed by IC 6-2.1, but in no event shall a credit be claimed  
28 against both such taxes.

29 **SECTION 2. [EFFECTIVE JANUARY 1, 1999 (RETROACTIVE)]**  
30 **IC 6-3-3-5, as amended by this act, applies only to taxable years**  
31 **beginning after December 31, 1998.**

32 **SECTION 3. An emergency is declared for this act.**

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