

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 665, As Amended

BY REVENUE AND TAXATION COMMITTEE

AN ACT

1 RELATING TO INCOME TAXATION; AMENDING SECTION 63-3029A, IDAHO CODE, TO
2 PROVIDE AN INCOME TAX CREDIT FOR FIFTY PERCENT OF THE AGGREGATE CHAR-
3 ITABLE CONTRIBUTIONS MADE BY A TAXPAYER TO A NONPROFIT CORPORATION,
4 FUND, FOUNDATION, TRUST OR ASSOCIATION WHICH IS ORGANIZED AND OPERATED
5 EXCLUSIVELY FOR THE BENEFIT OF ELEMENTARY OR SECONDARY EDUCATION INSTI-
6 TUTIONS LOCATED WITHIN THE STATE OF IDAHO, OFFICIALLY RECOGNIZED AND
7 DESIGNATED AS ANY SUCH ELEMENTARY OR SECONDARY EDUCATION INSTITUTIONS
8 SOLE DESIGNATED SUPPORTING ORGANIZATION, AND QUALIFIED TO BE EXEMPT
9 FROM FEDERAL TAXATION UNDER THE TERMS OF SECTION 501(c) (3) OF THE IN-
10 TERNAL REVENUE CODE; DECLARING AN EMERGENCY AND PROVIDING RETROACTIVE
11 APPLICATION.
12

13 Be It Enacted by the Legislature of the State of Idaho:

14 SECTION 1. That Section 63-3029A, Idaho Code, be, and the same is hereby
15 amended to read as follows:

16 63-3029A. INCOME TAX CREDIT FOR CHARITABLE CONTRIBUTIONS -- LIMITA-
17 TION. At the election of the taxpayer, there shall be allowed, subject to
18 the applicable limitations provided herein, as a credit against the income
19 tax imposed by chapter 30, title 63, Idaho Code, an amount equal to fifty
20 percent (50%) of the aggregate amount of charitable contributions made by
21 such taxpayer during the year to a nonprofit corporation, fund, foundation,
22 trust, or association organized and operated exclusively for the benefit of
23 institutions of higher learning located within the state of Idaho, including
24 a university related research park, to nonprofit private or public insti-
25 tutions of elementary, secondary, or higher education or their foundations
26 located within the state of Idaho, to a nonprofit corporation, fund, founda-
27 tion, trust or association which is: (i) organized and operated exclusively
28 for the benefit of elementary or secondary education institutions located
29 within the state of Idaho; (ii) officially recognized and designated as
30 any such elementary or secondary education institution's sole designated
31 supporting organization; and (iii) qualified to be exempt from federal
32 taxation under the terms of section 501(c) (3) of the Internal Revenue Code,
33 to Idaho education public broadcast system foundations within the state of
34 Idaho, to the Idaho state historical society or its foundation, to the Idaho
35 commission for libraries and to public libraries or their foundations and
36 library districts or their foundations located within the state of Idaho,
37 and to nonprofit public or private museums or their foundations located
38 within the state of Idaho.

39 (1) In the case of a taxpayer other than a corporation, the amount al-
40 lowable as a credit under this section for any taxable year shall not exceed
41 twenty percent (20%) of such taxpayer's total income tax liability imposed

1 by section 63-3024, Idaho Code, for the year, or one hundred dollars (\$100),
2 whichever is less.

3 (2) In the case of a corporation, the amount allowable as a credit un-
4 der this section for any taxable year shall not exceed ten percent (10%) of
5 such corporation's total income or franchise tax liability imposed by sec-
6 tions 63-3025 and 63-3025A, Idaho Code, for the year, or one thousand dollars
7 (\$1,000), whichever is less.

8 For the purposes of this section, "institution of higher learning"
9 means only an educational institution located within this state meeting all
10 of the following requirements:

11 (a) It maintains a regular faculty and curriculum and has a regularly
12 enrolled body of students in attendance at the place where its educa-
13 tional activities are carried on.

14 (b) It regularly offers education above the twelfth grade.

15 (c) It is accredited by the northwest association of schools and col-
16 leges, or by the state board of education.

17 For the purposes of this section, a nonprofit institution of secondary
18 or higher education means a private nonprofit secondary or higher educa-
19 tional institution located within the state of Idaho, which is accredited by
20 the northwest association of schools and colleges, or by the state board of
21 education. A nonprofit private institution of elementary education means
22 a private nonprofit elementary educational institution located within the
23 state of Idaho and approved by the state board of education.

24 SECTION 2. An emergency existing therefor, which emergency is hereby
25 declared to exist, this act shall be in full force and effect on and after its
26 passage and approval, and retroactively to January 1, 2010.