

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 45

BY REVENUE AND TAXATION COMMITTEE

AN ACT

1 RELATING TO INCOME TAX CREDITS FOR CHARITABLE CONTRIBUTIONS; AMENDING SEC-  
2 TION 63-3029A, IDAHO CODE, TO REMOVE A REFERENCE TO THE STATE BOARD  
3 OF EDUCATION AND TO REVISE A DEFINITION; REPEALING SECTION 3, CHAPTER  
4 354, LAWS OF 2010, RELATING TO THE REPEAL OF A CERTAIN CODE SECTION; RE-  
5 PEALING SECTION 63-3029A, IDAHO CODE, AS ENACTED BY SECTION 4, CHAPTER  
6 354, LAWS OF 2010, RELATING TO INCOME TAX CREDIT FOR CHARITABLE CONTRI-  
7 BUTIONS AND LIMITATIONS; AND AMENDING SECTION 5, CHAPTER 354, LAWS OF  
8 2010, TO REMOVE AN EFFECTIVE DATE.  
9

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

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

13 63-3029A. INCOME TAX CREDIT FOR CHARITABLE CONTRIBUTIONS -- LIMITA-  
14 TION. At the election of the taxpayer, there shall be allowed, subject to the  
15 applicable limitations provided herein, as a credit against the income tax  
16 imposed by chapter 30, title 63, Idaho Code, an amount equal to fifty percent  
17 (50%) of the aggregate amount of charitable contributions made by such tax-  
18 payer during the year to a nonprofit corporation, fund, foundation, trust,  
19 or association organized and operated exclusively for the benefit of insti-  
20 tutions of higher learning located within the state of Idaho, including a  
21 university related research park, to nonprofit private or public institu-  
22 tions of elementary, secondary, or higher education or their foundations lo-  
23 cated within the state of Idaho, to a nonprofit corporation, fund, founda-  
24 tion, trust or association which is: (i) organized and operated exclusively  
25 for the benefit of elementary or secondary education institutions located  
26 within the state of Idaho; (ii) officially recognized and designated as any  
27 such elementary or secondary education institution's sole designated sup-  
28 porting organization; and (iii) qualified to be exempt from federal taxation  
29 under the terms of section 501(c)(3) of the Internal Revenue Code, to Idaho  
30 education public broadcast system foundations within the state of Idaho, to  
31 the Idaho state historical society or its foundation, to the council for the  
32 deaf and hard of hearing, to the developmental disabilities council, to the  
33 commission for the blind and visually impaired, to the commission on His-  
34 panic affairs, to the state independent living council, to the Idaho com-  
35 mission for libraries and to public libraries or their foundations and li-  
36 brary districts or their foundations located within the state of Idaho, to  
37 nonprofit public or private museums or their foundations located within the  
38 state of Idaho and to dedicated accounts within the Idaho community founda-  
39 tion inc. that exclusively support the charitable purposes otherwise quali-  
40 fying for the tax credit authorized under the provisions of this section.

41 (1) In the case of a taxpayer other than a corporation, the amount al-  
42 lowable as a credit under this section for any taxable year shall not exceed

1 fifty percent (50%) of such taxpayer's total income tax liability imposed by  
2 section 63-3024, Idaho Code, for the year, or five hundred dollars (\$500),  
3 whichever is less.

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

9 For the purposes of this section, "contribution" means monetary dona-  
10 tions reduced by the value of any benefit received in return such as food, en-  
11 tertainment or merchandise.

12 For the purposes of this section, "institution of higher learning"  
13 means only an educational institution located within this state meeting all  
14 of the following requirements:

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

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

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

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

29 SECTION 2. That Section 3, Chapter 354, Laws of 2010, be, and the same is  
30 hereby repealed.

31 SECTION 3. That Section 63-3029A, Idaho Code, as enacted by Section 4,  
32 Chapter 354, Laws of 2010, be, and the same is hereby repealed.

33 SECTION 4. That Section 5, Chapter 354, Laws of 2010, be, and the same is  
34 hereby amended to read as follows:

35 SECTION 5. This act shall be in full force and effect on and after Jan-  
36 uary 1, 2011. ~~Sections 3 and 4 of this act shall be in full force and effect on~~  
37 ~~and after January 1, 2016.~~