

HOUSE BILL No. 6361

September 24, 2002, Introduced by Reps. Richner, Birkholz, Van Woerkom and Lockwood and referred to the Committee on Tax Policy.

A bill to amend 1967 PA 281, entitled
"Income tax act of 1967,"
by amending section 260 (MCL 206.260), as amended by 1996
PA 484.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 260. (1) A taxpayer may credit against the tax imposed
2 by this act for the tax year, an amount, subject to the applica-
3 ble limitations provided by this section, equal to 50% of the
4 aggregate amount of charitable contributions made by the taxpayer
5 during the tax year to any of the following:

6 (a) This state pursuant to the Faxon-McNamee art in public
7 places act, ~~Act No. 105 of the Public Acts of 1980, being sec-~~
8 ~~tions 18.71 to 18.81 of the Michigan Compiled Laws~~ 1980 PA 105,
9 MCL 18.71 TO 18.81, of an artwork created by the taxpayer, for
10 display in a public place.

1 (b) The state art in public places fund created pursuant to
2 ~~Act No. 105 of the Public Acts of 1980~~ THE FAXON-MCNAMEE ART IN
3 PUBLIC PLACES ACT, 1980 PA 105, MCL 18.71 TO 18.81.

4 (c) A municipality in this state of an artwork created by
5 the personal effort of the taxpayer for display in a public
6 place.

7 (d) Either a municipality of this state or a nonprofit cor-
8 poration affiliated with both a municipality and an art institute
9 located in the municipality, of money or artwork, whether or not
10 created by the personal effort of the taxpayer, if for the pur-
11 pose of benefiting an art institute located in that
12 municipality.

13 (e) A public library.

14 (f) A public broadcast station as defined by section 397 of
15 subpart ~~d~~ E of title III of the communications act of 1934,
16 47 U.S.C. 397, that is not affiliated with an institution of
17 higher education and that is located within this state.

18 (g) An institution of higher learning located within this
19 state.

20 (h) The Michigan colleges foundation.

21 (i) The state museum.

22 (j) The department of state for the purpose of preservation
23 of the state archives.

24 (k) A nonprofit corporation, fund, foundation, trust, or
25 association organized and operated exclusively for the benefit of
26 institutions of higher learning located within this state. A tax
27 credit for a contribution described in this subdivision is

1 permitted only if the donee corporation, fund, foundation, trust,
2 or association is controlled or approved and reviewed by the gov-
3 erning board of the institution benefiting from the charitable
4 contribution. The nonprofit corporation, fund, foundation,
5 trust, or association shall provide copies of its annual indepen-
6 dently audited financial statements to the auditor general of
7 this state and chairpersons of the senate and house appropria-
8 tions committees.

9 (1) FOR TAX YEARS THAT BEGIN AFTER DECEMBER 31, 2000, AN
10 ORGANIZATION EXEMPT FROM TAXATION AS DESCRIBED IN
11 SECTION 501(c)(3) OF THE INTERNAL REVENUE CODE.

12 (2) For a taxpayer other than a resident estate or trust,
13 the amount allowable as a credit under this section for a tax
14 year shall not exceed \$100.00, or \$200.00 for a husband and wife
15 filing a joint return as provided in section 311, \$200.00.

16 (3) For a resident estate or trust, the amount allowable as
17 a credit under this section for a tax year shall not exceed 10%
18 of the tax liability for the year as determined without regard to
19 this section or \$5,000.00, whichever is less and shall not have
20 been deducted in arriving at federal taxable income.

21 (4) As used in this section:

22 (a) "Institution of higher learning" means only an educa-
23 tional institution located within this state that meets all of
24 the following requirements:

25 (i) It maintains a regular faculty and curriculum and has a
26 regularly enrolled body of students in attendance at the place
27 where its educational activities are carried on.

(ii) It regularly offers education above the twelfth grade.

(iii) It awards associate, bachelors, masters, or doctoral degrees or a combination of those degrees or higher education credits acceptable for those degrees granted by other institutions of higher learning.

(iv) It is recognized by the state board of education as an institution of higher learning and appears as an institution of higher learning in the annual publication of the department of education entitled "The Directory of Institutions of Higher Education".

(b) "Public library" means that term as defined in section 2 of the state aid to public libraries act, ~~Act No. 89 of the Public Acts of 1977, being section 397.552 of the Michigan Compiled Laws~~ 1977 PA 89, MCL 397.552.

(c) "Contributions made by the taxpayer" means, but is not limited to, the fair market value of artwork created by the personal effort of the taxpayer that is donated to and accepted as a donation by a qualified organization. The fair market value of a piece of artwork shall be determined at the time of the donation by independent appraisal.

(d) "Artwork" means an original, visual creation of quality executed in any size or shape, in any media, using any kind or type of materials.

(5) The sum of the credits allowed by section 257 and this section shall not exceed the tax liability of the taxpayer.