

HOUSE BILL No. 5669

March 18, 2004, Introduced by Reps. Gaffney, Amos, Wenke, Meyer, Nofs, Woronchak, Ward, Howell, Hune, Smith, Stakoe and Farhat 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
3 applicable limitations provided by this section, equal to 50% of
4 the aggregate amount of charitable contributions made by the
5 taxpayer 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~~
8 ~~sections 18.71 to 18.81 of the Michigan Compiled Laws 1980 PA~~
9 105, MCL 18.71 to 18.81, of an artwork created by the taxpayer,
10 for display in a public place.

(b) The state art in public places fund created pursuant to ~~Act No. 105 of the Public Acts of 1980~~ **the Faxon-McNamee art in public places act, 1980 PA 105, MCL 18.71 to 18.81.**

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

(d) Either a municipality of this state or a nonprofit corporation affiliated with both a municipality and an art institute **or historical museum** located in the municipality, of money, **a historical artifact**, or artwork, whether or not created by the personal effort of the taxpayer, if for the purpose of benefiting an art institute **or historical museum** located in that municipality.

(e) A public library.

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

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

(h) The Michigan colleges foundation.

(i) The state museum.

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

(k) A nonprofit corporation, fund, foundation, trust, or association organized and operated exclusively for the benefit of institutions of higher learning located within this state. A tax 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
3 governing 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
6 independently audited financial statements to the auditor general
7 of this state and chairpersons of the senate and house
8 appropriations committees.

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

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

18 (4) As used in this section:

19 (a) "Institution of higher learning" means only an
20 educational institution located within this state that meets all
21 of the following requirements:

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

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

26 (iii) It awards associate, bachelors, masters, or doctoral
27 degrees or a combination of those degrees or higher education

1 credits acceptable for those degrees granted by other
2 institutions of higher learning.

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

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

12 (c) "Contributions made by the taxpayer" means, but is not
13 limited to, the fair market value of artwork created by the
14 personal effort of the taxpayer that is donated to and accepted
15 as a donation by a qualified organization. The fair market value
16 of a piece of artwork **or historical artifact** shall be determined
17 at the time of the donation by independent appraisal **or by the**
18 **recipient.**

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

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