



Idaho Statutes

Idaho Statutes are updated to the web July 1 following the legislative session.

TITLE 63
REVENUE AND TAXATION
CHAPTER 30
INCOME TAX

63-3029A. INCOME TAX CREDIT FOR CHARITABLE CONTRIBUTIONS – LIMITATION. [EFFECTIVE UNTIL JANUARY 1, 2020] At the election of the taxpayer, there shall be allowed, subject to the applicable limitations provided herein, as a credit against the income tax imposed by chapter 30, title 63, Idaho Code, an amount equal to fifty percent (50%) of the aggregate amount of charitable contributions made by such taxpayer during the year to a nonprofit corporation, fund, foundation, trust, or association organized and operated exclusively for the benefit of institutions of higher learning located within the state of Idaho, including a university related research park, to nonprofit private or public institutions of elementary, secondary, or higher education or their foundations located within the state of Idaho, to a nonprofit corporation, fund, foundation, trust or association which is: (i) organized and operated exclusively for the benefit of elementary or secondary education institutions located within the state of Idaho; (ii) officially recognized and designated by resolution of the applicable governing board as any such elementary or secondary education institution's sole designated supporting organization; and (iii) qualified to be exempt from federal taxation under the terms of section 501(c)(3) of the Internal Revenue Code, for the express purpose of supplementing and enhancing a thorough system of public schools as defined in section 33-1612, Idaho Code, or supplementing and enhancing the private school which is the beneficiary, to Idaho education public broadcast system foundations within the state of Idaho, to the Idaho state historical society or its foundation, to the council for the deaf and hard of hearing, to the developmental disabilities council, to the commission for the blind and visually impaired, to the commission on Hispanic affairs, to the state independent living council, to the Idaho commission for libraries and to public libraries or their foundations and library districts or their foundations located within the state of Idaho, to the Idaho STEM action center, to nonprofit public or private museums or their foundations located within the state of Idaho, to residency programs accredited by the accreditation council for graduate medical education or the American osteopathic association or their designated nonprofit support organizations based in Idaho and devoted to training residents in Idaho and to dedicated accounts within the Idaho community foundation inc. that exclusively support the charitable purposes otherwise qualifying for the tax credit authorized under the provisions of this section.

(1) In the case of a taxpayer other than a corporation, the amount allowable as a credit under this section for any taxable year shall not exceed fifty percent (50%) of such taxpayer's total income tax liability imposed by section 63-3024, Idaho Code, for the year, or five hundred dollars (\$500), whichever is less.

(2) In the case of a corporation, the amount allowable as a credit under this section for any taxable year shall not exceed ten

percent (10%) of such corporation's total income or franchise tax liability imposed by sections 63-3025 and 63-3025A, Idaho Code, for the year, or five thousand dollars (\$5,000), whichever is less.

For the purposes of this section, "contribution" means monetary donations reduced by the value of any benefit received in return such as food, entertainment or merchandise.

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

- (a) It maintains a regular faculty and curriculum and has a regularly enrolled body of students in attendance at the place where its educational activities are carried on.
- (b) It regularly offers education above the twelfth grade.
- (c) It is accredited by the northwest commission on colleges and universities.

For the purposes of this section, a nonprofit institution of secondary or higher education means a private nonprofit secondary or higher educational institution located within the state of Idaho, which is accredited by the northwest commission on colleges and universities, or accredited by a body approved by the state board of education. A nonprofit private institution of elementary education means a private nonprofit elementary educational institution located within the state of Idaho and accredited by the state board of education pursuant to section 33-119, Idaho Code.

For the purposes of this section, "organized and operated exclusively for the benefit of elementary or secondary education institutions" means having an explicit provision in the supporting organization's bylaws or other governing document that expressly identifies the elementary or secondary schools, or one (1) or more school districts, in the state of Idaho that will be the exclusive beneficiary of the distributions of the nonprofit corporation, fund, foundation, trust or association.

For the purposes of this section, a nonprofit corporation, fund, foundation, trust or association that invests contributions in an endowment or otherwise shall be subject to the standards of care imposed under section 33-5003, Idaho Code.

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History:

[63-3029A, added 1976, ch. 58, sec. 1, p. 198; am. 1977, ch. 249, sec. 1, p. 730; am. 1978, ch. 177, sec. 1, p. 406; am. 1984, ch. 286, sec. 14, p. 660; am. 1986, ch. 219, sec. 1, p. 557; am. 1987, ch. 304, sec. 1, p. 644; am. 1992, ch. 10, sec. 1, p. 16; am. 1994, ch. 211, sec. 1, p. 667; am. 1998, ch. 59, sec. 1, p. 216; am. 1999, ch. 361, sec. 1, p. 956; am. 2001, ch. 370, sec. 1, p. 1294; am. 2006, ch. 235, sec. 31, p. 718; am. 2010, ch. 274, sec. 1, p. 711; am. 2010, ch. 354, sec. 2, p. 930; am. 2013, ch. 40, sec. 1, p. 82; am. 2013, ch. 40, sec. 2, p. 84; am. 2015, ch. 209, sec. 1, p. 656; am. 2015, ch. 209, sec. 5, p. 658; am. 2016, ch. 78, sec. 1, p. 255; am. 2016, ch. 78, sec. 3, p. 256; am. 2018, ch. 33, sec. 1, p. 61; am. 2018, ch. 33, sec. 2, p. 63.]

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