

SENATE BILL No. 406

May 24, 2017, Introduced by Senators COLBECK, SCHUITMAKER and HANSEN and referred to the Committee on Finance.

A bill to amend 1967 PA 281, entitled
"Income tax act of 1967,"
(MCL 206.1 to 206.713) by adding section 260.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 **SEC. 260. (1) FOR TAX YEARS BEGINNING ON AND AFTER JANUARY 1,**
2 **2018, A TAXPAYER MAY CREDIT AGAINST THE TAX IMPOSED BY THIS PART**
3 **FOR THE TAX YEAR AN AMOUNT, SUBJECT TO THE APPLICABLE LIMITATIONS**
4 **PROVIDED BY THIS SECTION, EQUAL TO 50% OF THE AGGREGATE AMOUNT OF**
5 **CHARITABLE CONTRIBUTIONS MADE BY THE TAXPAYER DURING THE TAX YEAR**
6 **TO ANY OF THE FOLLOWING:**

7 **(A) THIS STATE PURSUANT TO THE FAXON-MCNAMEE ART IN PUBLIC**
8 **PLACES ACT, 1980 PA 105, MCL 18.71 TO 18.81, OF AN ARTWORK CREATED**
9 **BY THE TAXPAYER, FOR DISPLAY IN A PUBLIC PLACE.**

10 **(B) THE STATE ART IN PUBLIC PLACES FUND CREATED PURSUANT TO**

1 THE FAXON-MCNAMEE ART IN PUBLIC PLACES ACT, 1980 PA 105, MCL 18.71
2 TO 18.81.

3 (C) A MUNICIPALITY IN THIS STATE OF AN ARTWORK CREATED BY THE
4 PERSONAL EFFORT OF THE TAXPAYER FOR DISPLAY IN A PUBLIC PLACE.

5 (D) EITHER A MUNICIPALITY OF THIS STATE OR A NONPROFIT
6 CORPORATION AFFILIATED WITH BOTH A MUNICIPALITY AND AN ART
7 INSTITUTE LOCATED IN THE MUNICIPALITY, OF MONEY OR ARTWORK, WHETHER
8 OR NOT CREATED BY THE PERSONAL EFFORT OF THE TAXPAYER, IF FOR THE
9 PURPOSE OF BENEFITING AN ART INSTITUTE LOCATED IN THAT
10 MUNICIPALITY.

11 (E) A PUBLIC LIBRARY.

12 (F) A PUBLIC BROADCAST STATION AS DEFINED BY SECTION 397 OF
13 THE COMMUNICATIONS ACT OF 1934, 47 USC 397, THAT IS NOT AFFILIATED
14 WITH AN INSTITUTION OF HIGHER LEARNING AND THAT IS LOCATED WITHIN
15 THIS STATE.

16 (G) AN INSTITUTION OF HIGHER LEARNING LOCATED WITHIN THIS
17 STATE.

18 (H) THE MICHIGAN COLLEGES FOUNDATION.

19 (I) THE STATE MUSEUM.

20 (J) THE DEPARTMENT OF STATE FOR THE PURPOSE OF PRESERVATION OF
21 THE STATE ARCHIVES.

22 (K) A NONPROFIT CORPORATION, FUND, FOUNDATION, TRUST, OR
23 ASSOCIATION ORGANIZED AND OPERATED EXCLUSIVELY FOR THE BENEFIT OF
24 INSTITUTIONS OF HIGHER LEARNING LOCATED WITHIN THIS STATE. A TAX
25 CREDIT FOR A CONTRIBUTION DESCRIBED IN THIS SUBDIVISION IS
26 PERMITTED ONLY IF THE DONEE CORPORATION, FUND, FOUNDATION, TRUST,
27 OR ASSOCIATION IS CONTROLLED OR APPROVED AND REVIEWED BY THE

1 GOVERNING BOARD OF THE INSTITUTION BENEFITING FROM THE CHARITABLE
2 CONTRIBUTION. THE NONPROFIT CORPORATION, FUND, FOUNDATION, TRUST,
3 OR ASSOCIATION SHALL PROVIDE COPIES OF ITS ANNUAL INDEPENDENTLY
4 AUDITED FINANCIAL STATEMENTS TO THE AUDITOR GENERAL OF THIS STATE
5 AND CHAIRPERSONS OF THE SENATE AND HOUSE APPROPRIATIONS COMMITTEES.

6 (2) FOR A TAXPAYER OTHER THAN A RESIDENT ESTATE OR TRUST, THE
7 AMOUNT ALLOWABLE AS A CREDIT UNDER THIS SECTION FOR A TAX YEAR
8 SHALL NOT EXCEED \$100.00, OR FOR A JOINT RETURN AS PROVIDED IN
9 SECTION 311, \$200.00.

10 (3) FOR A RESIDENT ESTATE OR TRUST, THE AMOUNT ALLOWABLE AS A
11 CREDIT UNDER THIS SECTION FOR A TAX YEAR SHALL NOT EXCEED 10% OF
12 THE TAX LIABILITY FOR THE YEAR AS DETERMINED WITHOUT REGARD TO THIS
13 SECTION OR \$5,000.00, WHICHEVER IS LESS, AND SHALL NOT HAVE BEEN
14 DEDUCTED IN ARRIVING AT FEDERAL TAXABLE INCOME.

15 (4) AS USED IN THIS SECTION:

16 (A) "ARTWORK" MEANS AN ORIGINAL, VISUAL CREATION OF QUALITY
17 EXECUTED IN ANY SIZE OR SHAPE, IN ANY MEDIA, USING ANY KIND OR TYPE
18 OF MATERIALS.

19 (B) "CONTRIBUTIONS MADE BY THE TAXPAYER" MEANS, BUT IS NOT
20 LIMITED TO, THE FAIR MARKET VALUE OF ARTWORK CREATED BY THE
21 PERSONAL EFFORT OF THE TAXPAYER THAT IS DONATED TO AND ACCEPTED AS
22 A DONATION BY A QUALIFIED ORGANIZATION. THE FAIR MARKET VALUE OF A
23 PIECE OF ARTWORK SHALL BE DETERMINED AT THE TIME OF THE DONATION BY
24 INDEPENDENT APPRAISAL.

25 (C) "INSTITUTION OF HIGHER LEARNING" MEANS ONLY AN EDUCATIONAL
26 INSTITUTION LOCATED WITHIN THIS STATE THAT MEETS ALL OF THE
27 FOLLOWING REQUIREMENTS:

1 (i) IT MAINTAINS A REGULAR FACULTY AND CURRICULUM AND HAS A
2 REGULARLY ENROLLED BODY OF STUDENTS IN ATTENDANCE AT THE PLACE
3 WHERE ITS EDUCATIONAL ACTIVITIES ARE CARRIED ON.

4 (ii) IT REGULARLY OFFERS EDUCATION ABOVE THE TWELFTH GRADE.

5 (iii) IT AWARDS ASSOCIATE, BACHELOR'S, MASTER'S, OR DOCTORATE
6 DEGREES OR A COMBINATION OF THOSE DEGREES OR HIGHER EDUCATION
7 CREDITS ACCEPTABLE FOR THOSE DEGREES GRANTED BY OTHER INSTITUTIONS
8 OF HIGHER LEARNING.

9 (iv) IT IS RECOGNIZED BY THE STATE BOARD OF EDUCATION AS AN
10 INSTITUTION OF HIGHER LEARNING AND APPEARS AS AN INSTITUTION OF
11 HIGHER LEARNING IN THE ANNUAL PUBLICATION OF THE DEPARTMENT OF
12 EDUCATION ENTITLED "THE DIRECTORY OF INSTITUTIONS OF HIGHER
13 EDUCATION".

14 (D) "PUBLIC LIBRARY" MEANS THAT TERM AS DEFINED IN SECTION 2
15 OF THE STATE AID TO PUBLIC LIBRARIES ACT, 1977 PA 89, MCL 397.552.