SENATE BILL 17-287

Concerning an Income Tax Credit for Charitable Contributions to an Eligible Endowment Fund.

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at http://leg.colorado.gov.)

For income tax years commencing on or after January 1, 2017, but prior to January 1, 2020, the bill allows an individual taxpayer to claim an income tax credit for a contribution of money, securities, or property to an eligible endowment that is equal to 25% of the contribution. An "eligible endowment fund" is defined in the bill as an endowment fund that is managed in accordance with the "Uniform Prudent Management
A Colorado charitable organization that receives the credit is required to provide a credit certificate to the taxpayer, who must submit the certificate to the department of revenue along with his or her tax return. The maximum credit an individual may claim for an income tax year is $25,000. Unused credits are not refunded but may be carried forward for up to 5 income tax years. A taxpayer may not claim the credit if he or she claims any other state income tax credit for the same charitable contribution.

Be it enacted by the General Assembly of the State of Colorado:

SECTION 1. In Colorado Revised Statutes, add 39-22-539 as follows:

39-22-539. Credit for charitable contributions - legislative declaration - definitions - repeal. (1) The General Assembly hereby finds and declares that the intended purpose of the tax credit created in this section is to encourage the donation of money, property, and securities to eligible endowment funds for charitable purposes, which will result in increased economic activity and community development within the state.

(2) As used in this section:

(a) "Colorado charitable organization" means an organization that is exempt from federal taxation under Section 501 (c)(3) of the internal revenue code and that is organized and operated within Colorado.

(b) "Eligible endowment fund" means an endowment fund as defined in section 15-1-1102 (2), that is required to be managed in accordance with the "Uniform Prudent Management of Institutional Funds Act", part 11 of article 1 of title 15. "Eligible endowment fund" does not include a donor advised
FUND, AS DEFINED IN SECTION 4966 (d)(2)(A) OF THE INTERNAL REVENUE
CODE, OR A PRIVATE FOUNDATION, AS DEFINED IN SECTION 509 (a) OF THE
INTERNAL REVENUE CODE.

(3) (a) For income tax years commencing on or after
January 1, 2019, but prior to January 1, 2022, an individual who
makes a contribution of money, securities, or property to a
Colorado charitable organization during the income tax year
that is held as part of an eligible endowment fund is allowed a
credit against the income taxes imposed by this Article 22 in an
amount equal to twenty-five percent of the net fair market
value of the contribution. The credit may be claimed regardless
of whether the Colorado charitable organization that received
the contribution holds the endowment fund or whether another
Colorado charitable organization holds the endowment fund
on its behalf. The maximum total credit an individual may claim
under this section for all of the individual's contributions in a
taxable year is twenty-five thousand dollars.

(b) (I) The Colorado charitable organization holding the
contribution as an eligible endowment fund shall issue a credit
certificate to the taxpayer that:

(A) Identifies the taxpayer;

(B) Identifies the Colorado charitable organization
holding the contribution as an eligible endowment fund;

(C) Identifies the amount of cash and, for any property
other than cash, a description of the property and its value as
provided by the taxpayer; and

(D) Certifies that the contribution was made to an
(II) To claim the credit under this section, the taxpayer must include the credit certificate with the income tax return filed with the department of revenue.

(4) If the credit exceeds the amount of income tax due on the income of the taxpayer for the tax year during which the contribution was made, the amount of the unused credit is not allowed as a refund but may be carried forward and applied against the income tax due in each of the five succeeding income tax years, but must first be applied against the income tax due for the earliest of the income tax years possible.

(5) A taxpayer may not claim the credit otherwise allowed under this section if the taxpayer claims any other state income tax credit for the same charitable contribution.

(6) This section is repealed, effective December 31, 2025.

SECTION 2. Act subject to petition - effective date. This act takes effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly (August 9, 2017, if adjournment sine die is on May 10, 2017); except that, if a referendum petition is filed pursuant to section 1 (3) of article V of the state constitution against this act or an item, section, or part of this act within such period, then the act, item, section, or part will not take effect unless approved by the people at the general election to be held in November 2018 and, in such case, will take effect on the date of the official declaration of the vote thereon by the governor.