

# SENATE BILL NO. 127

March 02, 2023, Introduced by Senators SINGH, DAMOOSE, BELLINO, WOJNO, VICTORY, HUIZENGA, CHANG, GEISS, POLEHANKI, BAYER, KLINEFELT, SANTANA and HERTEL and referred to the Committee on Finance, Insurance, and Consumer Protection.

A bill to amend 1967 PA 281, entitled  
"Income tax act of 1967,"  
(MCL 206.1 to 206.847) by adding section 261.

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

1           **Sec. 261. (1) For tax years beginning on and after January 1,**  
2 **2023 and subject to the applicable limitations in this section, a**  
3 **taxpayer may claim a credit against the tax imposed by this part**  
4 **for the tax year in an amount equal to 50% of the amount the**  
5 **taxpayer contributes during the tax year to an endowment fund of a**

1 community foundation. For a taxpayer other than a resident estate  
2 or trust, the maximum credit allowed under this section shall not  
3 exceed \$100.00, or \$200.00 for a joint return. For a resident  
4 estate or trust, the maximum credit allowed under this section  
5 shall not exceed 10% of the taxpayer's tax liability for the tax  
6 year before claiming any credits allowed by this part or \$5,000.00,  
7 whichever is less. To claim a credit under this section, the  
8 taxpayer must have received a gift acknowledgment from the  
9 community foundation indicating that the contribution was made to  
10 an endowment fund of the community foundation.

11 (2) For a resident estate or trust, the amount used to  
12 calculate the credit under this section shall not have been  
13 deducted in arriving at federal taxable income.

14 (3) If the amount of the credit allowed under this section  
15 exceeds the tax liability of the taxpayer for the tax year, the  
16 portion that exceeds the tax liability shall not be refunded.

17 (4) On or before July 1 of each year, the department shall  
18 report to the house committee on tax policy and the senate finance  
19 committee the total amount of tax credits claimed under this  
20 section for the immediately preceding tax year.

21 (5) As used in this section, "community foundation" means an  
22 organization that applies for certification on or before May 15 of  
23 the tax year for which the taxpayer is claiming the credit and that  
24 the department certifies for that tax year as meeting the  
25 requirements of a community foundation as provided in section 3 of  
26 the Michigan community foundation act, 2017 PA 38, MCL 123.903.  
27 However, for purposes of this section, the organization only needs  
28 to have assets of at least \$1,000,000.00 to qualify for  
29 certification by the department.