

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 616

BY JUDICIARY, RULES AND ADMINISTRATION COMMITTEE

AN ACT

RELATING TO CORPORATE FILINGS; AMENDING SECTION 30-30-105, IDAHO CODE, TO ESTABLISH PROVISIONS REGARDING FILINGS BY CERTAIN PRIVATE FOUNDATIONS AND CHARITABLE TRUSTS; AND DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That Section 30-30-105, Idaho Code, be, and the same is hereby amended to read as follows:

30-30-105. PRIVATE FOUNDATION. (1) Except where otherwise determined by a court of competent jurisdiction, a corporation that is a private foundation as defined in section 509(a) of the Internal Revenue Code of 1986, as amended:

(1a) Shall distribute such amounts for each taxable year at such time and in such manner as not to subject the corporation to tax under section 4942 of the code.

(2b) Shall not engage in any act of self-dealing as defined in section 4941(d) of the code.

(3c) Shall not retain any excess business holdings as defined in section 4943(c) of the code.

(4d) Shall not make any taxable expenditures as defined in section 4944 of the code.

(5e) Shall not make any taxable expenditures as defined in section 4945(d) of the code.

(6f) Shall be authorized to terminate its status as a private foundation in a manner described in section 507(b) (1) of the Internal Revenue Code.

(2) All references in this section to sections of the code shall be to such sections of the Internal Revenue Code of 1986, as amended from time to time, or to corresponding provisions of subsequent internal revenue laws of the United States.

(3) A private foundation described in subsection (1) of this section, or a charitable trust governed by the provisions of chapter 12, title 68, Idaho Code, shall not be required to report any information that may otherwise be required by law unless such report is:

(a) Required by a provision of this chapter; or

(b) Narrowly tailored to achieve a compelling state interest, as determined by a court of competent jurisdiction.

SECTION 2. An emergency existing therefor, which emergency is hereby declared to exist, this act shall be in full force and effect on and after July 1, 2022.