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HOUSE BILL NO. 1326

Offered January 14, 2015

Prefiled November 20, 2014

A *BILL to amend the Code of Virginia by adding in Article 13 of Chapter 3 of Title 58.1 a section numbered 58.1-439.12:11, relating to an income tax credit for donations to nonprofit organizations preserving historical battlefields in the Commonwealth.*

Patrons—Leftwich and Peace

Referred to Committee on Finance**Be it enacted by the General Assembly of Virginia:**

1. That the Code of Virginia is amended by adding in Article 13 of Chapter 3 of Title 58.1 a section numbered 58.1-439.12:11 as follows:

§ 58.1-439.12:11. Tax credit for donations to nonprofits preserving battlefields.

A. For taxable years beginning on or after January 1, 2015, but before January 1, 2020, a person shall be allowed a credit against the tax levied pursuant to § 58.1-320 or 58.1-400 in an amount equal to 35 percent of the value of the monetary or marketable securities donation made by the person during the taxable year to an organization located in the Commonwealth that is (i) described under § 170(b)(1)(A)(vi) of the Internal Revenue Code of 1954, as amended or renumbered; (ii) exempt from taxation under § 501(c)(3) of the Internal Revenue Code of 1954, as amended or renumbered; and (iii) organized to acquire and preserve a historical battlefield in the Commonwealth and any historical artifacts related to such battlefield.

The total amount of credits issued for each fiscal year of the Commonwealth pursuant to this section shall not exceed \$1.5 million.

B. 1. The Department of Historic Resources shall administer and issue the tax credits under this section and shall develop and publish guidelines for the same. The guidelines shall include eligibility guidelines and procedural guidelines for applying for the credit. The guidelines shall be exempt from the Administrative Process Act (§ 2.2-4000 et seq.).

2. In order to claim any tax credit available under this section, the person shall apply to the Department of Historic Resources for an allocation of tax credits. If the person's application is approved, the Department of Historic Resources shall issue a certificate to the person that shows the amount of tax credit issued and the taxable year for which the credit is issued.

3. The person shall attach the certificate to the Virginia income tax return on which the credit is claimed.

C. The amount of the credit claimed by any person pursuant to this section shall not exceed \$15,000 for the taxable year or the total amount of tax imposed by this chapter upon the person for the taxable year, whichever is less. Any tax credit not usable for the taxable year for which the credit was issued may be carried over to the extent usable for the next five taxable years or until the total amount of the tax credit has been taken, whichever occurs sooner.

D. For purposes of this section, the amount of any credit attributable to a partnership, electing small business corporation (S corporation), or limited liability company shall be allocated to the individual partners, shareholders, or members, respectively, in proportion to their ownership or interest in such business entities.

INTRODUCED

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