

REFERENCE TITLE: banks exempt from income tax

State of Arizona
Senate
Forty-ninth Legislature
Second Regular Session
2010

SB 1332

Introduced by
Senator Verschoor

AN ACT

AMENDING SECTION 43-1201, ARIZONA REVISED STATUTES; RELATING TO TAX EXEMPT ORGANIZATIONS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 43-1201, Arizona Revised Statutes, is amended to
3 read:

4 43-1201. Organizations exempt from tax

5 Organizations that are exempt from federal income tax under section 501
6 of the internal revenue code are exempt from the tax imposed under this
7 title. In addition, the following organizations are exempt from the taxes
8 imposed under this title, except as otherwise provided in this chapter:

9 1. Labor, agricultural or horticultural organizations, other than
10 cooperative organizations.

11 2. Fraternal beneficiary societies, orders or organizations both:

12 (a) Operating under the lodge system or for the exclusive benefit of
13 the members of a fraternity itself operating under the lodge system.

14 (b) Providing for the payment of life, sick, accident or other
15 benefits to the members of such society, order or organization or their
16 dependents.

17 3. Cemetery companies owned and operated exclusively for the benefit
18 of their members or which are not operated for profit or any corporation
19 chartered for burial purposes and not permitted by its charter to engage in
20 any business not necessarily related to that purpose, no part of the net
21 earnings of which inures to the benefit of any private shareholder or
22 individual member thereof.

23 4. Corporations organized and operated exclusively for religious,
24 charitable, scientific, literary or educational purposes or for the
25 prevention of cruelty to children or animals, no part of the net earnings of
26 which inures to the benefit of any private shareholder or individual, and no
27 substantial part of the activities of which is carrying on propaganda or
28 otherwise attempting to influence legislation.

29 5. Business leagues, chambers of commerce, real estate boards or
30 boards of trade, not organized for profit, no part of the net earnings of
31 which inures to the benefit of any private shareholder or individual.

32 6. Civic leagues or organizations not organized for profit but
33 operated exclusively for the promotion of social welfare or local
34 organizations of employees, the membership of which is limited to the
35 employees of a designated person or persons in a particular municipality, the
36 net earnings of which are devoted exclusively to charitable, educational or
37 recreational purposes.

38 7. Clubs organized and operated exclusively for pleasure, recreation
39 and other non-profitable purposes, no part of the net earnings of which
40 inures to the benefit of any private shareholder.

41 8. Corporations organized for the exclusive purpose of holding title
42 to property, collecting income ~~therefrom~~ FROM THE PROPERTY and turning over
43 the entire amount of such income, less expenses, to an organization which
44 itself is exempt from the tax imposed by this title.

9. Voluntary employees' beneficiary organizations providing for the payment of life, sick, accident or other benefits to the members of such organizations or their dependents, if both of the following apply:

(a) No part of their net earnings inures, other than through such payments, to the benefit of any private shareholder or individual.

(b) Eighty-five per cent or more of the income consists of amounts collected from members and amounts contributed to the organization by the employer of the members for the sole purpose of making such payments and meeting expenses.

10. Teachers' or public employees' retirement fund organizations of a purely local character, if both of the following apply:

(a) No part of their net earnings inures to the benefit of any private shareholder or individual, other than through payment of retirement benefits.

(b) The income consists solely of amounts received from public taxation, amounts received from assessments upon the salaries of members and income in respect of investments. For the purposes of this paragraph, "public employees" means employees of the state and its political subdivisions.

11. Religious or apostolic organizations or corporations, if such organizations or corporations have a common treasury or community treasury, even if such corporations or organizations engage in business for the common benefit of the members, but only if the members thereof include, at the time of filing their returns, in their Arizona gross income their pro rata shares, whether distributed or not, of the net income of the organizations or corporations for such year. Any amount so included in the Arizona gross income of a member shall be treated as a dividend received.

12. Voluntary employees' beneficiary organizations providing for the payment of life, sick, accident or other benefits to the members of such organization, their dependents or their designated beneficiaries, if both of the following apply:

(a) Admission to membership in such organization is limited to individuals who are officers or employees of the United States government.

(b) No part of the net earnings of such organization inures, other than through such payments, to the benefit of any private shareholder or individual.

13. Corporations classified as diversified management companies under section 5 of the federal investment company act of 1940 and registered as provided in that act.

14. Insurance companies paying to the state tax upon premium income derived from sources within this state.

15. Mutual ditch, irrigation or water companies or similar nonprofit organizations if eighty-five per cent or more of the income consists of amounts collected from members for the sole purpose of meeting losses and expenses.

1 16. Workers' compensation pools established pursuant to section
2 23-961.01.

3 17. IN-STATE FINANCIAL INSTITUTIONS, AS DEFINED IN SECTION 6-101, THAT
4 HAVE THEIR HOME OFFICE LOCATED IN THIS STATE.

5 Sec. 2. Effective date

6 This act is effective and applies to taxable years beginning from and
7 after December 31, 2010.