



U. S. TREASURY DEPARTMENT
INTERNAL REVENUE SERVICE
WASHINGTON 25, D. C.

Tax ID #82-6000945

IN REPLY REFER TO
T:R:EO:3-JN

The Regents of the University of Idaho
c/o University Business Office
Moscow, Idaho

AUG 29 1961

Gentlemen:

Consideration has been given to your application for exemption from Federal income tax under section 501(c)(3) of the Internal Revenue Code, as an educational organization.

Our records show that on November 7, 1945, it was held that, as an instrumentality of the State of Idaho, the University of Idaho was not subject to Federal income tax and was not required to file income tax returns.

You indicate that the reason you are applying for exemption under section 501(c)(3) of the Code is that your employees desire to avail themselves of the tax treatment provided under section 403(b) of the Code.

You were constituted a body corporate, by the name of "The Regents of the University of Idaho", on January 30, 1889, with all the powers necessary or convenient to accomplish the objects and perform the duties prescribed by law in the government of the University of Idaho, by the 15th Territorial Sess. Laws (1888-89), pp. 17-21, Section 3. The government of the University is vested in a Board of Regents, nominated by the Governor, by and with the advice and consent of the Legislature. The charter was confirmed by the provisions of Article IX section 10 of the Idaho Constitution which had the effect of incorporating the entire original charter into the State Constitution by reference.

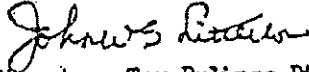
After careful consideration of all the evidence presented, including the provisions of the law under which you operate, it is concluded that you are an instrumentality of the State of Idaho, and that you are also exempt under section 501(c)(3) of the Code. Since you are exempt under section 501(c)(3), your employees are entitled to the benefits of section 403(b) of the Code. This ruling modifies our ruling of November 7, 1945.

The Regents of the University of Idaho

Contributions made to you are deductible by donors as provided in section 170 of the Code. Bequests, legacies, devises, transfers or gifts to or for your use are deductible for Federal estate and gift tax purposes under the provisions of section 2055, 2106, and 2522 of the Code.

Your District Director of Internal Revenue, Boise, Idaho, is being advised of this action.

Very truly yours,


Director, Tax Rulings Division