

By: Reeves, Denny, Barnett (116th), Cameron, To: Ways and Means
Chism, Davis, Ellington, Fillingane, Howell,
Janus, Ketchings, Lott, Martinson, Moore
(60th), Nicholson, Robinson (84th), Smith
(35th), Smith (39th), Stevens

HOUSE BILL NO. 1685

1 AN ACT TO PROVIDE AN INCOME TAX CREDIT FOR TAXPAYERS WHO PAY
2 TUITION TO A NONPUBLIC SCHOOL; AND FOR RELATED PURPOSES.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

4 SECTION 1. (1) For any taxpayer who pays tuition to a
5 nonpublic school, a credit against the taxes imposed by this
6 chapter shall be allowed in the amount provided in subsection (2)
7 of this section. For purposes of this section:

8 (a) "Tuition" means the monthly, semester, annual or
9 other term charge and all required fees imposed as a condition of
10 enrollment in a primary or secondary nonpublic school; and

11 (b) "Nonpublic school" means an institution for the
12 teaching of children in the primary or secondary, or both, grades,
13 consisting of a physical plant (whether owned or leased),
14 instructional staff and students, and which is in session each
15 school year and maintains educational standards equivalent to the
16 standards established by the State Department of Education for the
17 state schools as outlined in the Approval Requirements of the
18 State Board of Education for Nonpublic Schools. The term
19 "nonpublic school" includes, but is not necessarily limited to,
20 private, church and parochial schools.

21 (2) The income tax credit provided in subsection (1) of this
22 section shall be equal to the amount of the tuition paid to a
23 nonpublic school during the taxable year, not to exceed the amount
24 of income tax due the State of Mississippi from the taxpayer for
25 the taxable year reduced by the sum of all other credits allowable
26 to such taxpayer under the state income tax laws, except credit

27 for tax payments made by or on behalf of the taxpayer. In the
28 case of married individuals filing separate returns, each person
29 may claim an amount not to exceed one-half (1/2) of the tax credit
30 which would have been allowed for a joint return. Any unused
31 portion of the credit may be carried forward for the next five (5)
32 succeeding tax years.

33 (3) Any amount of tuition payments made by a taxpayer which
34 is applied toward the credit provided in this section may not be
35 used as a deduction by the taxpayer for state income tax purposes.

36 SECTION 2. Section 1 of this act shall be codified as a
37 separate section in Chapter 7, Title 27, Mississippi Code of 1972.

38 SECTION 3. Nothing in this act shall affect or defeat any
39 claim, assessment, appeal, suit, right or cause of action for
40 taxes due or accrued under the income tax laws before the date on
41 which this act becomes effective, whether such claims,
42 assessments, appeals, suits or actions have been begun before the
43 date on which this act becomes effective or are begun thereafter;
44 and the provisions of the income tax laws are expressly continued
45 in full force, effect and operation for the purpose of the
46 assessment, collection and enrollment of liens for any taxes due
47 or accrued and the execution of any warrant under such laws before
48 the date on which this act becomes effective, and for the
49 imposition of any penalties, forfeitures or claims for failure to
50 comply with such laws.

51 SECTION 4. This act shall take effect and be in force from
52 and after January 1, 2000.