

By: Representative Dortch

To: Ways and Means

## HOUSE BILL NO. 867

1 AN ACT TO AUTHORIZE AN INCOME TAX CREDIT FOR CERTAIN  
2 TAXPAYERS WHO INCUR CHILD CARE EXPENSES FOR A DEPENDENT CHILD TO  
3 ATTEND A CHILD CARE CENTER THAT IS QUALIFIED AS A STANDARD CHILD  
4 CARE CENTER OR COMPREHENSIVE CHILD CARE CENTER UNDER THE  
5 MISSISSIPPI DEPARTMENT OF HUMAN SERVICES VOLUNTARY CHILD CARE  
6 PROGRAM; TO PROVIDE FOR THE AMOUNT OF THE TAX CREDIT; TO AUTHORIZE  
7 A REFUNDABLE INCOME TAX CREDIT FOR A TAXPAYER WHO IS QUALIFIED AS  
8 A STANDARD CHILD CARE CENTER OR COMPREHENSIVE CHILD CARE CENTER  
9 UNDER THE MISSISSIPPI DEPARTMENT OF HUMAN SERVICES VOLUNTARY CHILD  
10 CARE PROGRAM; TO PROVIDE FOR THE AMOUNT OF THE TAX CREDIT; TO  
11 AUTHORIZE A REFUNDABLE INCOME TAX CREDIT FOR A TAXPAYER WHO IS  
12 EMPLOYED AS A TEACHER OR DIRECTOR WITH A CHILD CARE CENTER THAT IS  
13 QUALIFIED AS A STANDARD CHILD CARE CENTER OR COMPREHENSIVE CHILD  
14 CARE CENTER UNDER THE MISSISSIPPI DEPARTMENT OF HUMAN SERVICES  
15 VOLUNTARY CHILD CARE PROGRAM; TO PROVIDE FOR THE AMOUNT OF THE TAX  
16 CREDIT; TO AUTHORIZE AN INCOME TAX CREDIT FOR A TAXPAYER WHO  
17 DONATES FUNDS TO A CHILD CARE CENTER THAT IS QUALIFIED AS A  
18 STANDARD CHILD CARE CENTER OR COMPREHENSIVE CHILD CARE CENTER  
19 UNDER THE MISSISSIPPI DEPARTMENT OF HUMAN SERVICES VOLUNTARY CHILD  
20 CARE PROGRAM; TO PROVIDE FOR THE AMOUNT OF THE TAX CREDIT; AND FOR  
21 RELATED PURPOSES.

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

23 **SECTION 1.** (1) A taxpayer shall be allowed a credit against  
24 the taxes imposed under this chapter for child care expenses paid  
25 for a dependent child of the taxpayer as provided in this section.  
26 In order to be eligible for the credit (a) the taxpayer's income  
27 or the taxpayer's family income, as the case may be, must not



28 exceed four hundred percent (400%) of the federal poverty level  
29 for the year for which a credit is claimed, (b) the dependent  
30 child for which a credit is claimed must have attended a  
31 qualifying child care center for not less than eight (8) months  
32 during the year for which the credit is claimed and have been  
33 under six (6) years of age while attending the center and (c) the  
34 child care expenses for which a credit is claimed must have been  
35 incurred for such child to attend a child care center that is  
36 qualified as a standard child care center or comprehensive child  
37 care center under the Mississippi Department of Human Services  
38 voluntary child care program.

39       (2) The amount of the credit authorized in this section  
40 shall be Seven Hundred Fifty Dollars (\$750.00) for each dependent  
41 child for which a credit is claimed under this section. Except as  
42 otherwise provided in this section, the tax credit shall not  
43 exceed the amount of tax imposed upon the taxpayer for the taxable  
44 year reduced by the sum of all other credits allowable to the  
45 taxpayer under this chapter, except credit for tax payments made  
46 by or on behalf of the taxpayer. However, if the taxpayer's  
47 income or the taxpayer's family income, as the case may be, is  
48 less than two hundred fifty percent (250%) of the federal poverty  
49 level for the year for which the credit is claimed, then the  
50 taxpayer shall receive a refund from the Department of Revenue for  
51 the amount of such excess credit. Any tax credit claimed under  
52 this section but not used in any taxable year may be carried



forward for five (5) consecutive years from the close of the tax year in which the credit was earned.

**SECTION 2.** (1) A taxpayer who is qualified as a standard child care center or comprehensive child care center under the Mississippi Department of Human Services voluntary child care program shall be allowed a refundable credit against the taxes imposed under this chapter as provided in this section.

(2) (a) The amount of the credit for a taxpayer who is qualified as a standard child care center shall be the lesser of Five Hundred Dollars (\$500.00) multiplied by the average monthly number of children attending the child care center during the year for which the credit is claimed or Fifteen Thousand Dollars (\$15,000.00). The amount of the credit for a taxpayer who is qualified as a comprehensive child care center shall be the lesser of Seven Hundred Fifty Dollars (\$750.00) multiplied by the average monthly number of children attending the child care center during the year for which the credit is claimed or Twenty Thousand Dollars (\$20,000.00).

(b) If the amount of credit claimed by a taxpayer under this section exceeds the amount of income tax imposed upon the taxpayer for the taxable year reduced by the sum of all other credits allowable to the taxpayer under the state income tax laws, except credit for tax payments made by or on behalf of the taxpayer, then the taxpayer shall receive a refund from the Department of Revenue for the amount of such excess.



**SECTION 3.**

A taxpayer who is employed as a teacher or director with a child care center that is qualified as a standard child care center or comprehensive child care center under the Mississippi Department of Human Services voluntary child care program shall be allowed a refundable credit against the taxes imposed under this chapter as provided in this section. In order to be eligible for the credit, the taxpayer must have been employed in such capacity for more than nine (9) months during the tax year for which the credit is claimed. The amount of the credit for a taxpayer employed as a teacher or director with a child care center that is qualified as a standard child care center shall be Seven Hundred Fifty Dollars (\$750.00). The amount of the credit for a taxpayer employed as a teacher or director with a child care center that is qualified as a comprehensive child care center shall be One Thousand Dollars (\$1,000.00). If the amount of credit claimed by a taxpayer under this section exceeds the amount of income tax imposed upon the taxpayer for the taxable year reduced by the sum of all other credits allowable to the taxpayer under the state income tax laws, except credit for tax payments made by or on behalf of the taxpayer, then the taxpayer shall receive a refund from the Department of Revenue for the amount of such excess.

**SECTION 4.**

(1) A taxpayer who donates funds to a child care center that is qualified as a standard child care center or comprehensive child care center under the Mississippi Department



of Human Services voluntary child care program shall be allowed a credit against the taxes imposed under this chapter as provided in this section.

(2) The amount of the credit for a taxpayer under this section shall be the lesser of the amount of funds donated to a child care center during the year for which the credit is claimed or Five Thousand Dollars (\$5,000.00). The tax credit shall not exceed the amount of tax imposed upon the taxpayer for the taxable year reduced by the sum of all other credits allowable to the taxpayer under this chapter, except credit for tax payments made by or on behalf of the taxpayer. Any tax credit claimed under this section but not used in any taxable year may be carried forward for five (5) consecutive years from the close of the tax year in which the credit was earned.

**SECTION 5.** The Department of Revenue shall have all powers necessary to implement and administer the provisions of this act, and the Department of Revenue shall promulgate rules and regulations, in accordance with the Mississippi Administrative Procedures Law, necessary for the implementation of this section.

**SECTION 6.** Sections 1, 2, 3 and 4 of this act shall be codified as new sections in Chapter 7, Title 27, Mississippi Code of 1972.

**SECTION 7.** This act shall take effect and be in force from and after January 1, 2018.

