

By: Representative Lamar

To: Ways and Means

COMMITTEE SUBSTITUTE
FOR
HOUSE BILL NO. 1675

1 AN ACT TO AUTHORIZE THE ISSUANCE OF STATE GENERAL OBLIGATION
2 BONDS FOR THE PURPOSE OF MAKING CAPITAL IMPROVEMENTS FOR STATE
3 AGENCIES; TO BRING FORWARD SECTION 27-7-22.41, MISSISSIPPI CODE OF
4 1972, WHICH AUTHORIZES AN INCOME TAX CREDIT, INSURANCE PREMIUM TAX
5 CREDIT AND AD VALOREM TAX CREDIT FOR CONTRIBUTIONS BY TAXPAYERS
6 THAT ARE BUSINESS ENTERPRISES TO ELIGIBLE CHARITABLE
7 ORGANIZATIONS, FOR THE PURPOSES OF POSSIBLE AMENDMENT; AND FOR
8 RELATED PURPOSES.

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

10 **SECTION 1.** (1) The provisions of this section shall apply
11 to every section of this act that relates to the issuance of bonds
12 unless otherwise provided in this act.

13 (2) As used in this act, the following words shall have the
14 meanings ascribed herein unless the context clearly requires
15 otherwise:

16 (a) "State" means the State of Mississippi.

17 (b) "Commission" means the State Bond Commission.

18 (3) The principal of and interest on the bonds authorized
19 under this act shall be payable in the manner provided in this
20 subsection. Such bonds shall bear such date or dates, be in such
21 denomination or denominations, bear interest at such rate or rates



22 (not to exceed the limits set forth in Section 75-17-101,
23 Mississippi Code of 1972), be payable at such place or places
24 within or without the State of Mississippi, shall mature
25 absolutely at such time or times not to exceed twenty-five (25)
26 years from date of issue, be redeemable before maturity at such
27 time or times and upon such terms, with or without premium, shall
28 bear such registration privileges, and shall be substantially in
29 such form, all as shall be determined by resolution of the
30 commission.

31 (4) The bonds authorized by this act shall be signed by the
32 chairman of the commission, or by his facsimile signature, and the
33 official seal of the commission shall be affixed thereto, attested
34 by the secretary of the commission. The interest coupons, if any,
35 to be attached to such bonds may be executed by the facsimile
36 signatures of such officers. Whenever any such bonds shall have
37 been signed by the officials designated to sign the bonds who were
38 in office at the time of such signing but who may have ceased to
39 be such officers before the sale and delivery of such bonds, or
40 who may not have been in office on the date such bonds may bear,
41 the signatures of such officers upon such bonds and coupons shall
42 nevertheless be valid and sufficient for all purposes and have the
43 same effect as if the person so officially signing such bonds had
44 remained in office until their delivery to the purchaser, or had
45 been in office on the date such bonds may bear. However,
46 notwithstanding anything herein to the contrary, such bonds may be



47 issued as provided in the Registered Bond Act of the State of
48 Mississippi.

49 (5) All bonds and interest coupons issued under the
50 provisions of this act have all the qualities and incidents of
51 negotiable instruments under the provisions of the Uniform
52 Commercial Code, and in exercising the powers granted by this act,
53 the commission shall not be required to and need not comply with
54 the provisions of the Uniform Commercial Code.

55 (6) The commission shall act as issuing agent for the bonds
56 authorized under this act, prescribe the form of the bonds,
57 determine the appropriate method for sale of the bonds, advertise
58 for and accept bids or negotiate the sale of the bonds, issue and
59 sell the bonds so authorized to be sold, pay all fees and costs
60 incurred in such issuance and sale, and do any and all other
61 things necessary and advisable in connection with the issuance and
62 sale of such bonds. The commission is authorized and empowered to
63 pay the costs that are incident to the sale, issuance and delivery
64 of the bonds authorized under this act from the proceeds derived
65 from the sale of such bonds. The commission may sell such bonds
66 on sealed bids at public sale or may negotiate the sale of the
67 bonds for such price as it may determine to be for the best
68 interest of the State of Mississippi. All interest accruing on
69 such bonds so issued shall be payable semiannually or annually.

70 If such bonds are sold by sealed bids at public sale, notice
71 of the sale shall be published at least one time, not less than



72 ten (10) days before the date of sale, and shall be so published
73 in one or more newspapers published or having a general
74 circulation in the City of Jackson, Mississippi, selected by the
75 commission.

76 The commission, when issuing any bonds under the authority of
77 this act, may provide that bonds, at the option of the State of
78 Mississippi, may be called in for payment and redemption at the
79 call price named therein and accrued interest on such date or
80 dates named therein.

81 (7) The bonds issued under the provisions of this act are
82 general obligations of the State of Mississippi, and for the
83 payment thereof the full faith and credit of the State of
84 Mississippi is irrevocably pledged. If the funds appropriated by
85 the Legislature are insufficient to pay the principal of and the
86 interest on such bonds as they become due, then the deficiency
87 shall be paid by the State Treasurer from any funds in the State
88 Treasury not otherwise appropriated. All such bonds shall contain
89 recitals on their faces substantially covering the provisions of
90 this subsection.

91 (8) Upon the issuance and sale of bonds under the provisions
92 of this act, the commission shall transfer the proceeds of any
93 such sale or sales to the special fund created in subsection (1)
94 of the applicable section of this act. The proceeds of such bonds
95 shall be disbursed from the special fund under such restrictions,



96 if any, as may be contained in the resolution providing for the
97 issuance of the bonds.

98 (9) The bonds authorized under this act may be issued
99 without any other proceedings or the happening of any other
100 conditions or things other than those proceedings, conditions and
101 things which are specified or required by this act. Any
102 resolution providing for the issuance of bonds under the
103 provisions of this act shall become effective immediately upon its
104 adoption by the commission, and any such resolution may be adopted
105 at any regular or special meeting of the commission by a majority
106 of its members.

107 (10) The bonds authorized under the authority of this act
108 may be validated in the Chancery Court of the First Judicial
109 District of Hinds County, Mississippi, in the manner and with the
110 force and effect provided by Title 31, Chapter 13, Mississippi
111 Code of 1972, for the validation of county, municipal, school
112 district and other bonds. The notice to taxpayers required by
113 such statutes shall be published in a newspaper published or
114 having a general circulation in the City of Jackson, Mississippi.

115 (11) Any holder of bonds issued under the provisions of this
116 act or of any of the interest coupons pertaining thereto may,
117 either at law or in equity, by suit, action, mandamus or other
118 proceeding, protect and enforce any and all rights granted under
119 this act, or under such resolution, and may enforce and compel



120 performance of all duties required by this act to be performed, in
121 order to provide for the payment of bonds and interest thereon.

122 (12) All bonds issued under the provisions of this act shall
123 be legal investments for trustees and other fiduciaries, and for
124 savings banks, trust companies and insurance companies organized
125 under the laws of the State of Mississippi, and such bonds shall
126 be legal securities which may be deposited with and shall be
127 received by all public officers and bodies of this state and all
128 municipalities and political subdivisions for the purpose of
129 securing the deposit of public funds.

130 (13) Bonds issued under the provisions of this act and
131 income therefrom shall be exempt from all taxation in the State of
132 Mississippi.

133 (14) The proceeds of the bonds issued under this act shall
134 be used solely for the purposes herein provided, including the
135 costs incident to the issuance and sale of such bonds.

136 (15) The State Treasurer is authorized, without further
137 process of law, to certify to the Department of Finance and
138 Administration the necessity for warrants, and the Department of
139 Finance and Administration is authorized and directed to issue
140 such warrants, in such amounts as may be necessary to pay when due
141 the principal of, premium, if any, and interest on, or the
142 accreted value of, all bonds issued under this act; and the State
143 Treasurer shall forward the necessary amount to the designated
144 place or places of payment of such bonds in ample time to



145 discharge such bonds, or the interest thereon, on the due dates
146 thereof. As used in this section, the "accreted value" of any
147 bond means, as of any date of computation, an amount equal to the
148 sum of (a) the stated initial value of such bond, plus (b) the
149 interest accrued thereon from the issue date to the date of
150 computation at the rate, compounded semiannually, that is
151 necessary to produce the approximate yield to maturity shown for
152 bonds of the same maturity.

153 (16) This act shall be deemed to be full and complete
154 authority for the exercise of the powers granted in this act that
155 relate to the issuance of bonds, but this act shall not be deemed
156 to repeal or to be in derogation of any existing law of this state
157 that relates to the issuance of bonds.

158 **SECTION 2.** (1) (a) (i) A special fund, to be designated
159 as the "2022 State Agencies Capital Improvements Fund," is created
160 within the State Treasury. The fund shall be maintained by the
161 State Treasurer as a separate and special fund, separate and apart
162 from the General Fund of the state. Unexpended amounts remaining
163 in the fund at the end of a fiscal year shall not lapse into the
164 State General Fund, and any interest earned or investment earnings
165 on amounts in the fund shall be deposited into such fund to pay
166 the costs of capital improvements, renovation and/or repair of
167 existing facilities, furnishings and/or equipping facilities for
168 public facilities as hereinafter described:

169 **STATE AGENCIES.....\$ 80,000,000.00**



170 Department of Corrections.....\$ 6,000,000.00
 171 Planning, critical repair
 172 and renovation of and code
 173 and security upgrades and improvements
 174 to department buildings,
 175 facilities and infrastructure
 176 and facilities under
 177 the care and control
 178 of the department.....\$ 6,000,000.00
 179 Department of Finance and Administration.....\$ 21,500,000.00
 180 Continuation of planning,
 181 repair, restoration of
 182 and improvements to the
 183 New Capitol Grounds.....\$ 5,000,000.00
 184 Phase II of repair,
 185 renovation, furnishing
 186 and equipping of the
 187 660 North Street Building..\$ 9,500,000.00
 188 Phase II of repair,
 189 renovation, furnishing
 190 and equipping of the
 191 350 High Street Building..\$ 7,000,000.00
 192 Department of Mental Health.....\$ 7,750,000.00
 193 Phase II of ligature
 194 compliance measures



195 at the Mississippi
 196 State Hospital.....\$ 1,250,000.00
 197 Planning, construction,
 198 furnishing and equipping
 199 of new north entry gate
 200 security station and
 201 perimeter fencing at
 202 the Boswell Regional
 203 Center.....\$ 1,500,000.00
 204 Planning, repair
 205 and renovation, furnishing
 206 and equipping of Buildings
 207 #42, #49 and #50 at
 208 Ellisville State School...\$ 3,000,000.00
 209 Planning, construction,
 210 furnishing and equipping
 211 of new entry security
 212 station and reconstruction
 213 of north passage bridge
 214 at North Mississippi
 215 Regional Center.....\$ 2,000,000.00
 216 Department of Public Safety.....\$ 36,000,000.00
 217 Continuation of construction,
 218 furnishing and equipping of
 219 a headquarters replacement



220 building and related
 221 facilities adjacent
 222 to the State Crime Lab....\$ 32,000,000.00
 223 Continuation of construction,
 224 furnishing and equipping of
 225 new Troop G Highway Patrol
 226 Substation in Starkville..\$ 4,000,000.00
 227 Mississippi Military Department.....\$4,000,000.00
 228 Planning, repairs,
 229 renovations, expansions,
 230 upgrades and furnishing
 231 and equipping of Readiness
 232 Centers.....\$ 4,000,000.00
 233 Department of Wildlife, Fisheries and Parks.....\$ 4,750,000.00
 234 Phase I of planning, repair,
 235 renovation, replacement,
 236 furnishing and equipping
 237 of existing park buildings,
 238 facilities, and infrastructure
 239 and planning, construction,
 240 furnishing and equipping of
 241 new park buildings, facilities
 242 and infrastructure.....\$ 3,000,000.00
 243 Planning, repair, renovations,
 244 and improvements to the



245 Natural Science Museum..\$ 1,750,000.00

246 **TOTAL.....\$ 80,000,000.00**

247 (b) (i) Amounts deposited into such special fund shall
248 be disbursed to pay the costs of projects described in paragraph
249 (a) of this subsection. If any monies in such special fund are
250 not used within four (4) years after the date the proceeds of the
251 bonds authorized under this section are deposited into the special
252 fund, then the agency for which any unused monies are allocated
253 under paragraph (a) of this subsection shall provide an accounting
254 of such unused monies to the commission. Promptly after the
255 commission has certified, by resolution duly adopted, that the
256 projects described in paragraph (a) of this subsection shall have
257 been completed, abandoned, or cannot be completed in a timely
258 fashion, any amounts remaining in such special fund shall be
259 applied to pay debt service on the bonds issued under this
260 section, in accordance with the proceedings authorizing the
261 issuance of such bonds and as directed by the commission.

262 (ii) Monies in the special fund may be used to
263 reimburse reasonable actual and necessary costs incurred by the
264 Department of Finance and Administration, acting through the
265 Bureau of Building, Grounds and Real Property Management, in
266 administering or providing assistance directly related to a
267 project described in paragraph (a) of this subsection. An
268 accounting of actual costs incurred for which reimbursement is
269 sought shall be maintained for each project by the Department of



270 Finance and Administration, Bureau of Building, Grounds and Real
271 Property Management. Reimbursement of reasonable actual and
272 necessary costs for a project shall not exceed two percent (2%) of
273 the proceeds of bonds issued for such project. Monies authorized
274 for a particular project may not be used to reimburse
275 administrative costs for unrelated projects.

276 (c) The Department of Finance and Administration,
277 acting through the Bureau of Building, Grounds and Real Property
278 Management, is expressly authorized and empowered to receive and
279 expend any local or other source funds in connection with the
280 expenditure of funds provided for in this subsection. The
281 expenditure of monies deposited into the special fund shall be
282 under the direction of the Department of Finance and
283 Administration, and such funds shall be paid by the State
284 Treasurer upon warrants issued by such department, which warrants
285 shall be issued upon requisitions signed by the Executive Director
286 of the Department of Finance and Administration, or his designee.

287 (d) Any amounts allocated to an agency that are in
288 excess of that needed to complete the projects at such agency that
289 are described in paragraph (a) of this subsection may be used for
290 general repairs and renovations at the agency. In addition, any
291 amounts allocated to an agency for the projects at such agency
292 that are described in paragraph (a) of this subsection shall be
293 reduced by the amount of any other funds authorized by the



294 Legislature during the 2022 Regular Session specifically for such
295 purposes.

296 (2) (a) The commission, at one time, or from time to time,
297 may declare by resolution the necessity for issuance of general
298 obligation bonds of the State of Mississippi to provide funds for
299 all costs incurred or to be incurred for the purposes described in
300 subsection (1) of this section. Upon the adoption of a resolution
301 by the Department of Finance and Administration, declaring the
302 necessity for the issuance of any part or all of the general
303 obligation bonds authorized by this section, the department shall
304 deliver a certified copy of its resolution or resolutions to the
305 commission. Upon receipt of such resolution, the commission is
306 authorized to proceed under the provisions of Section 1(6) of this
307 act. The total amount of bonds issued under this section shall
308 not exceed Eighty Million Dollars (\$80,000,000.00); however, the
309 total amount of bonds that may be issued under this section shall
310 be reduced by the amount of any other funds authorized by the
311 Legislature during the 2022 Regular Session specifically for the
312 purposes described in subsection (1) of this section. No bonds
313 shall be issued under this section after July 1, 2026.

314 (b) Any investment earnings on amounts deposited into
315 the special fund created in subsection (1) of this section shall
316 be used to pay debt service on bonds issued under this section, in
317 accordance with the proceedings authorizing issuance of such
318 bonds.



319 (3) The provisions of Section 1 of this act shall apply to
320 the issuance of bonds authorized under this section.

321 **SECTION 3.** (1) (a) (i) A special fund, to be designated
322 as the "2022 Department of Finance and Administration Statewide
323 Repair and Renovation Fund," is created within the State Treasury.
324 The fund shall be maintained by the State Treasurer as a separate
325 and special fund, separate and apart from the General Fund of the
326 state. Unexpended amounts remaining in the fund at the end of a
327 fiscal year shall not lapse into the State General Fund, and any
328 interest earned or investment earnings on amounts in the fund
329 shall be deposited into such fund.

330 (ii) Monies deposited into the fund shall be
331 disbursed, in the discretion of the Department of Finance and
332 Administration, to pay the costs of site and infrastructure
333 improvements, general repairs and renovations, weatherization,
334 roofing, environmental mitigation, mechanical, electrical and
335 structural repairs required for state-owned facilities,
336 universities and community and junior colleges, repairs,
337 renovations and improvements necessary for compliance with the
338 Americans with Disabilities Act or other codes, purchase and
339 installation of necessary furniture and equipment, and
340 continuation and completion of previously authorized projects.

341 (b) Amounts deposited into such special fund shall be
342 disbursed to pay the costs of the projects described in paragraph
343 (a) of this subsection. Promptly after the commission has



344 certified, by resolution duly adopted, that the projects described
345 in paragraph (a) of this subsection shall have been completed,
346 abandoned, or cannot be completed in a timely fashion, any amounts
347 remaining in such special fund shall be applied to pay debt
348 service on the bonds issued under this section, in accordance with
349 the proceedings authorizing the issuance of such bonds and as
350 directed by the commission.

351 (c) The Department of Finance and Administration,
352 acting through the Bureau of Building, Grounds and Real Property
353 Management, is expressly authorized and empowered to receive and
354 expend any local or other source funds in connection with the
355 expenditure of funds provided for in this subsection. The
356 expenditure of monies deposited into the special fund shall be
357 under the direction of the Department of Finance and
358 Administration, and such funds shall be paid by the State
359 Treasurer upon warrants issued by such department, which warrants
360 shall be issued upon requisitions signed by the Executive Director
361 of the Department of Finance and Administration, or his designee.

362 (2) (a) The commission, at one time, or from time to time,
363 may declare by resolution the necessity for issuance of general
364 obligation bonds of the State of Mississippi to provide funds for
365 all costs incurred or to be incurred for the purposes described in
366 subsection (1) of this section. Upon the adoption of a resolution
367 by the Department of Finance and Administration, declaring the
368 necessity for the issuance of any part or all of the general



369 obligation bonds authorized by this section, the department shall
370 deliver a certified copy of its resolution or resolutions to the
371 commission. Upon receipt of such resolution, the commission is
372 authorized to proceed under the provisions of Section 1(6) of this
373 act. The total amount of bonds issued under this section shall
374 not exceed Five Million Dollars (\$5,000,000.00); however, the
375 total amount of bonds that may be issued under this section shall
376 be reduced by the amount of any other funds authorized by the
377 Legislature during the 2022 Regular Session specifically for the
378 purposes described in subsection (1) of this section. No bonds
379 shall be issued under this section after July 1, 2026.

380 (b) Any investment earnings on amounts deposited into
381 the special fund created in subsection (1) of this section shall
382 be used to pay debt service on bonds issued under this section, in
383 accordance with the proceedings authorizing issuance of such
384 bonds.

385 (3) The provisions of Section 1 of this act shall apply to
386 the issuance of bonds authorized under this section.

387 **SECTION 4.** Section 27-7-22.41, Mississippi Code of 1972, is
388 brought forward as follows:

389 27-7-22.41. (1) For the purposes of this section, the
390 following words and phrases shall have the meanings ascribed in
391 this section unless the context clearly indicates otherwise:

392 (a) "Department" means the Department of Revenue.



393 (b) "Eligible charitable organization" means an
394 organization that is exempt from federal income taxation under
395 Section 501(c) (3) of the Internal Revenue Code and is:

396 (i) Licensed by or under contract with the
397 Mississippi Department of Child Protection Services and provides
398 services for:

399 1. The prevention and diversion of children
400 from custody with the Department of Child Protection Services,

401 2. The safety, care and well-being of
402 children in custody with the Department of Child Protection
403 Services, or

404 3. The express purpose of creating permanency
405 for children through adoption; or

406 (ii) Certified by the department as an educational
407 services charitable organization and provides services to:

408 1. Children in a foster care placement
409 program established by the Department of Child Protection
410 Services, children placed under the Safe Families for Children
411 model, or children at significant risk of entering a foster care
412 placement program established by the Department of Child
413 Protection Services,

414 2. Children who have a chronic illness
415 or physical, intellectual, developmental or emotional disability,
416 or



417 3. Children eligible for free or reduced
418 price meals programs under Section 37-11-7, or selected for
419 participation in the Promise Neighborhoods Program sponsored by
420 the U.S. Department of Education.

421 (2) (a) The tax credit authorized in this section shall be
422 available only to a taxpayer who is a business enterprise engaged
423 in commercial, industrial or professional activities and operating
424 as a corporation, limited liability company, partnership or sole
425 proprietorship. Except as otherwise provided in this section, a
426 credit is allowed against the taxes imposed by Sections 27-7-5,
427 27-15-103, 27-15-109 and 27-15-123, for voluntary cash
428 contributions made by a taxpayer during the taxable year to an
429 eligible charitable organization. From and after January 1, 2022,
430 for a taxpayer that is not operating as a corporation, a credit is
431 also allowed against ad valorem taxes assessed and levied on real
432 property for voluntary cash contributions made by the taxpayer
433 during the taxable year to an eligible charitable organization.
434 The amount of credit that may be utilized by a taxpayer in a
435 taxable year shall be limited to (i) an amount not to exceed fifty
436 percent (50%) of the total tax liability of the taxpayer for the
437 taxes imposed by such sections of law and (ii) an amount not to
438 exceed fifty percent (50%) of the total tax liability of the
439 taxpayer for ad valorem taxes assessed and levied on real
440 property. Any tax credit claimed under this section but not used
441 in any taxable year may be carried forward for five (5)



442 consecutive years from the close of the tax year in which the
443 credits were earned.

444 (b) A contribution to an eligible charitable
445 organization for which a credit is claimed under this section does
446 not qualify for and shall not be included in any credit that may
447 be claimed under Section 27-7-22.39.

448 (c) A contribution for which a credit is claimed under
449 this section may not be used as a deduction by the taxpayer for
450 state income tax purposes.

451 (3) Taxpayers taking a credit authorized by this section
452 shall provide the name of the eligible charitable organization and
453 the amount of the contribution to the department on forms provided
454 by the department.

455 (4) An eligible charitable organization shall provide the
456 department with a written certification that it meets all criteria
457 to be considered an eligible charitable organization. An eligible
458 charitable organization must also provide the department with
459 written documented proof of its license and/or written contract
460 with the Mississippi Department of Child Protection Services. The
461 organization shall also notify the department of any changes that
462 may affect eligibility under this section.

463 (5) The eligible charitable organization's written
464 certification must be signed by an officer of the organization
465 under penalty of perjury. The written certification shall include
466 the following:



467 (a) Verification of the organization's status under
468 Section 501(c)(3) of the Internal Revenue Code;

469 (b) A statement that the organization does not provide,
470 pay for or provide coverage of abortions and does not financially
471 support any other entity that provides, pays for or provides
472 coverage of abortions;

473 (c) Any other information that the department requires
474 to administer this section.

475 (6) The department shall review each written certification
476 and determine whether the organization meets all the criteria to
477 be considered an eligible charitable organization and notify the
478 organization of its determination. The department may also
479 periodically request recertification from the organization. The
480 department shall compile and make available to the public a list
481 of eligible charitable organizations.

482 (7) Tax credits authorized by this section that are earned
483 by a partnership, limited liability company, S corporation or
484 other similar pass-through entity, shall be allocated among all
485 partners, members or shareholders, respectively, either in
486 proportion to their ownership interest in such entity or as the
487 partners, members or shareholders mutually agree as provided in an
488 executed document.

489 (8) (a) A taxpayer shall apply for credits with the
490 department on forms prescribed by the department. In the
491 application the taxpayer shall certify to the department the



492 dollar amount of the contributions made or to be made during the
493 calendar year. Within thirty (30) days after the receipt of an
494 application, the department shall allocate credits based on the
495 dollar amount of contributions as certified in the application.
496 However, if the department cannot allocate the full amount of
497 credits certified in the application due to the limit on the
498 aggregate amount of credits that may be awarded under this section
499 in a calendar year, the department shall so notify the applicant
500 within thirty (30) days with the amount of credits, if any, that
501 may be allocated to the applicant in the calendar year. Once the
502 department has allocated credits to a taxpayer, if the
503 contribution for which a credit is allocated has not been made as
504 of the date of the allocation, then the contribution must be made
505 not later than sixty (60) days from the date of the allocation.
506 If the contribution is not made within such time period, the
507 allocation shall be cancelled and returned to the department for
508 reallocation. Upon final documentation of the contributions, if
509 the actual dollar amount of the contributions is lower than the
510 amount estimated, the department shall adjust the tax credit
511 allowed under this section.

512 (b) A taxpayer who applied for a tax credit under this
513 section during calendar year 2020, but who was unable to be
514 awarded the credit due to the limit on the aggregate amount of
515 credits authorized for calendar year 2020, shall be given priority



516 for tax credits authorized to be allocated to taxpayers under this
517 section by Section 27-7-22.39.

518 (c) For the purposes of using a tax credit against ad
519 valorem taxes assessed and levied on real property, a taxpayer
520 shall present to the appropriate tax collector the tax credit
521 documentation provided to the taxpayer by the Department of
522 Revenue, and the tax collector shall apply the tax credit against
523 such ad valorem taxes. The tax collector shall forward the tax
524 credit documentation to the Department of Revenue along with the
525 amount of the tax credit applied against ad valorem taxes, and the
526 department shall disburse funds to the tax collector for the
527 amount of the tax credit applied against ad valorem taxes. Such
528 payments by the Department of Revenue shall be made from current
529 tax collections.

530 (9) The aggregate amount of tax credits that may be
531 allocated by the department under this section during a calendar
532 year shall not exceed Five Million Dollars (\$5,000,000.00), and
533 not more than fifty percent (50%) of tax credits allocated during
534 a calendar year may be allocated for contributions to eligible
535 charitable organizations described in subsection (1)(b)(ii) of
536 this section. However, for calendar year 2021, the aggregate
537 amount of tax credits that may be allocated by the department
538 under this section during a calendar year shall not exceed Ten
539 Million Dollars (\$10,000,000.00), and for calendar year 2022, and
540 for each calendar year thereafter, the aggregate amount of tax



541 credits that may be allocated by the department under this section
542 during a calendar year shall not exceed Sixteen Million Dollars
543 (\$16,000,000.00). For calendar year 2021, and for each calendar
544 year thereafter, fifty percent (50%) of the tax credits allocated
545 during a calendar year shall be allocated for contributions to
546 eligible charitable organizations described in subsection
547 (1)(b)(i) of this section and fifty percent (50%) of the tax
548 credits allocated during a calendar year shall be allocated for
549 contributions to eligible charitable organizations described in
550 subsection (1)(b)(ii) of this section. For calendar year 2022,
551 and for each calendar year thereafter, of the amount of tax
552 credits that may be allocated for contributions to eligible
553 charitable organizations described in subsection (1)(b)(ii) of
554 this section, fifteen percent (15%) of the tax credits shall be
555 available solely for allocation for contributions to eligible
556 charitable organizations described in subsection (1)(b)(ii)2;
557 however, any such tax credits not allocated before April 1 of a
558 calendar year may be allocated for contributions to eligible
559 charitable organizations described in subsection (1)(b)(ii)1 of
560 this section. For calendar year 2021, and for each calendar year
561 thereafter, for credits allocated during a calendar year for
562 contributions to eligible charitable organizations described in
563 subsection (1)(b)(i) of this section, no more than twenty-five
564 percent (25%) of such credits may be allocated for contributions
565 to a single eligible charitable organization. Except as otherwise



566 provided in this section, for calendar year 2021, and for each
567 calendar year thereafter, for credits allocated during a calendar
568 year for contributions to eligible charitable organizations
569 described in subsection (1)(b)(ii) of this section, no more than
570 five percent (5%) of such credits may be allocated for
571 contributions to a single eligible charitable organization.
572 However, for calendar year 2022, of the additional amount of tax
573 credits authorized under this section, as amended by Chapter 480,
574 Laws of 2021, for allocation for contributions to eligible
575 charitable organizations described in subsection (1)(b)(ii) of
576 this section, Two Million Dollars (\$2,000,000.00) of the tax
577 credits shall be available solely for allocation for contributions
578 to Magnolia Speech School; however, any such tax credits not
579 allocated before April 1, 2022, may be allocated for contributions
580 to eligible charitable organizations described in subsection
581 (1)(b)(ii) of this section.

582 **SECTION 5.** This act shall take effect and be in force from
583 and after July 1, 2022, and shall stand repealed on June 30, 2022.

