

By: Representatives Gunn, Steverson, Miles, To: Ways and Means
Felsher, Williamson

HOUSE BILL NO. 468

1 AN ACT TO AMEND SECTION 27-7-22.43, MISSISSIPPI CODE OF 1972,
2 WHICH PROVIDES AN INCOME TAX CREDIT, INSURANCE PREMIUM TAX CREDIT
3 AND AD VALOREM TAX CREDIT FOR CONTRIBUTIONS MADE BY CERTAIN
4 TAXPAYERS TO CERTAIN ELIGIBLE CHARITABLE ORGANIZATIONS UNDER THE
5 PREGNANCY RESOURCE ACT, TO INCREASE THE AMOUNT OF CREDITS THAT MAY
6 BE ALLOCATED BY THE DEPARTMENT OF REVENUE UNDER THIS SECTION; AND
7 FOR RELATED PURPOSES.

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

9 **SECTION 1.** Section 27-7-22.43, Mississippi Code of 1972, is
10 amended as follows:

11 27-7-22.43. (1) This section shall be known and may be
12 cited as the "Pregnancy Resource Act."

13 (2) For the purposes of this section, the following words
14 and phrases shall have the meanings ascribed in this section
15 unless the context clearly indicates otherwise:

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

17 (b) "Eligible charitable organization" means an
18 organization that is exempt from federal income taxation under
19 Section 501(c)(3) of the Internal Revenue Code and is a pregnancy
20 resource center or crisis pregnancy center eligible to receive



funding disbursed by the Choose Life Advisory Committee under
Section 27-19-56.70, 27-19-56.277 and/or 27-19-56.412.

(3) (a) The tax credit authorized in this section shall be
available only to a taxpayer who is a business enterprise engaged
in commercial, industrial or professional activities and operating
as a corporation, limited liability company, partnership or sole
proprietorship. Except as otherwise provided in this section, a
credit is allowed against the taxes imposed by Sections 27-7-5,
27-15-103, 27-15-109 and 27-15-123, for voluntary cash
contributions made by a taxpayer during the taxable year to an
eligible charitable organization. For a taxpayer that is not
operating as a corporation, a credit is also allowed against ad
valorem taxes assessed and levied on real property for voluntary
cash contributions made by the taxpayer during the taxable year to
an eligible charitable organization. The amount of credit that
may be utilized by a taxpayer in a taxable year shall be limited
to (i) an amount not to exceed fifty percent (50%) of the total
tax liability of the taxpayer for the taxes imposed by such
sections of law and (ii) an amount not to exceed fifty percent
(50%) of the total tax liability of the taxpayer for ad valorem
taxes assessed and levied on real property. 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 credits were earned.



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

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

(5) An eligible charitable organization shall provide the department with a written certification that it meets all criteria to be considered an eligible charitable organization. The organization shall also notify the department of any changes that may affect eligibility under this section.

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

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

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

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



69 (7) The department shall review each written certification
70 and determine whether the organization meets all the criteria to
71 be considered an eligible charitable organization and notify the
72 organization of its determination. The department may also
73 periodically request recertification from the organization. The
74 department shall compile and make available to the public a list
75 of eligible charitable organizations.

76 (8) Tax credits authorized by this section that are earned
77 by a partnership, limited liability company, S corporation or
78 other similar pass-through entity, shall be allocated among all
79 partners, members or shareholders, respectively, either in
80 proportion to their ownership interest in such entity or as the
81 partners, members or shareholders mutually agree as provided in an
82 executed document.

83 (9) (a) A taxpayer shall apply for credits with the
84 department on forms prescribed by the department. In the
85 application the taxpayer shall certify to the department the
86 dollar amount of the contributions made or to be made during the
87 calendar year. Within thirty (30) days after the receipt of an
88 application, the department shall allocate credits based on the
89 dollar amount of contributions as certified in the application.
90 However, if the department cannot allocate the full amount of
91 credits certified in the application due to the limit on the
92 aggregate amount of credits that may be awarded under this section
93 in a calendar year, the department shall so notify the applicant



94 within thirty (30) days with the amount of credits, if any, that
95 may be allocated to the applicant in the calendar year. Once the
96 department has allocated credits to a taxpayer, if the
97 contribution for which a credit is allocated has not been made as
98 of the date of the allocation, then the contribution must be made
99 not later than sixty (60) days from the date of the allocation.

100 If the contribution is not made within such time period, the
101 allocation shall be cancelled and returned to the department for
102 reallocation. Upon final documentation of the contributions, if
103 the actual dollar amount of the contributions is lower than the
104 amount estimated, the department shall adjust the tax credit
105 allowed under this section.

106 (b) For the purposes of using a tax credit against ad
107 valorem taxes assessed and levied on real property, a taxpayer
108 shall present to the appropriate tax collector the tax credit
109 documentation provided to the taxpayer by the Department of
110 Revenue, and the tax collector shall apply the tax credit against
111 such ad valorem taxes. The tax collector shall forward the tax
112 credit documentation to the Department of Revenue along with the
113 amount of the tax credit applied against ad valorem taxes, and the
114 department shall disburse funds to the tax collector for the
115 amount of the tax credit applied against ad valorem taxes. Such
116 payments by the Department of Revenue shall be made from current
117 tax collections.



(10) The aggregate amount of tax credits that may be allocated by the department under this section during a calendar year shall not exceed Three Million Five Hundred Thousand Dollars (\$3,500,000.00). However, for calendar year 2023, and for each calendar year thereafter, the aggregate amount of tax credits that may be allocated by the department under this section during a calendar year shall not exceed Ten Million Dollars (\$10,000,000.00). For credits allocated during a calendar year for contributions to eligible charitable organizations, no more than fifty percent (50%) of such credits may be allocated for contributions to a single eligible charitable organization.

SECTION 2. This act shall take effect and be in force from and after January 1, 2023.

