

By: Representatives Gunn, Lamar, Felsher,  
Williamson, Hopkins, Eubanks, Boyd (19th),  
Miles

To: Ways and Means

HOUSE BILL NO. 1671  
(As Passed the House)

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; TO  
7 REVISE THE TAXPAYERS ELIGIBLE FOR AN AD VALOREM TAX CREDIT FOR  
8 SUCH CONTRIBUTIONS; TO AMEND SECTION 27-7-22.32, MISSISSIPPI CODE  
9 OF 1972, WHICH AUTHORIZES AN INCOME TAX CREDIT FOR EXPENSES  
10 INCURRED FOR THE ADOPTION OF A CHILD, TO INCREASE THE AMOUNT OF  
11 THE CREDIT AND TO DELETE THE REVERTER ON THE PROVISION OF LAW THAT  
12 INCREASES THE MAXIMUM AMOUNT OF THE TAX CREDIT FROM \$2,500 TO  
13 \$5,000 PER CHILD AND THE PROVISION THAT AUTHORIZES AN INCOME TAX  
14 CREDIT FOR A CHILD ADOPTED THROUGH THE MISSISSIPPI DEPARTMENT OF  
15 CHILD PROTECTION SERVICES; TO AMEND SECTION 27-7-22.39,  
16 MISSISSIPPI CODE OF 1972, WHICH AUTHORIZES INCOME TAX CREDITS FOR  
17 VOLUNTARY CASH CONTRIBUTIONS TO QUALIFYING CHARITABLE  
18 ORGANIZATIONS AND QUALIFYING FOSTER CARE CHARITABLE ORGANIZATIONS,  
19 TO REVISE THE AMOUNT OF CREDIT THAT A TAXPAYER IS ALLOWED TO CLAIM  
20 FOR SUCH A VOLUNTARY CASH CONTRIBUTION; TO BRING FORWARD SECTION  
21 27-7-22.41, MISSISSIPPI CODE OF 1972, WHICH PROVIDES AN INCOME TAX  
22 CREDIT, INSURANCE PREMIUM TAX CREDIT AND AD VALOREM TAX CREDIT FOR  
23 CONTRIBUTIONS MADE BY CERTAIN TAXPAYERS TO CERTAIN ELIGIBLE  
24 CHARITABLE ORGANIZATIONS, FOR THE PURPOSES OF POSSIBLE AMENDMENT;  
25 TO AUTHORIZE AN INCOME TAX CREDIT, INSURANCE PREMIUM TAX CREDIT  
26 AND AD VALOREM TAX CREDIT FOR VOLUNTARY CASH CONTRIBUTIONS BY  
27 TAXPAYERS TO ELIGIBLE TRANSITIONAL HOME ORGANIZATIONS; TO LIMIT  
28 THE AMOUNT OF THE TAX CREDIT; TO PROVIDE THAT UNUSED PORTIONS OF A  
29 TAX CREDIT MAY BE CARRIED FORWARD FOR FIVE CONSECUTIVE YEARS FROM  
30 THE CLOSE OF THE TAX YEAR IN WHICH THE CREDIT WAS EARNED; TO  
31 PROVIDE THE CRITERIA THAT AN ELIGIBLE TRANSITIONAL HOME  
32 ORGANIZATION MUST MEET IN ORDER FOR A CONTRIBUTION TO THE  
33 ORGANIZATION TO QUALIFY FOR A TAX CREDIT AUTHORIZED BY THIS ACT;  
34 TO AUTHORIZE AN INCOME TAX CREDIT, INSURANCE PREMIUM TAX CREDIT



35 AND AD VALOREM TAX CREDIT FOR VOLUNTARY CASH CONTRIBUTIONS BY  
36 TAXPAYERS TO ELIGIBLE CHARITABLE ORGANIZATIONS; TO LIMIT THE  
37 AMOUNT OF THE TAX CREDIT; TO PROVIDE THAT UNUSED PORTIONS OF A TAX  
38 CREDIT MAY BE CARRIED FORWARD FOR FIVE CONSECUTIVE YEARS FROM THE  
39 CLOSE OF THE TAX YEAR IN WHICH THE CREDIT WAS EARNED; TO PROVIDE  
40 THE CRITERIA THAT AN ELIGIBLE CHARITABLE ORGANIZATION MUST MEET IN  
41 ORDER FOR A CONTRIBUTION TO THE ORGANIZATION TO QUALIFY FOR A TAX  
42 CREDIT AUTHORIZED BY THIS ACT; TO AUTHORIZE AN INCOME TAX CREDIT  
43 FOR CERTAIN TAXPAYERS CLAIMING A FEDERAL INCOME TAX CREDIT FOR  
44 CERTAIN DEPENDENT CARE EXPENSES; TO PROVIDE THE AMOUNT OF THE  
45 CREDIT; AND FOR RELATED PURPOSES.

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

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

49 27-7-22.43. (1) This section shall be known and may be  
50 cited as the "Pregnancy Resource Act."

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

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

55 (b) "Eligible charitable organization" means an  
56 organization that is exempt from federal income taxation under  
57 Section 501(c)(3) of the Internal Revenue Code and is a pregnancy  
58 resource center or crisis pregnancy center eligible to receive  
59 funding disbursed by the Choose Life Advisory Committee under  
60 Section 27-19-56.70, 27-19-56.277 and/or 27-19-56.412.

61 (3) (a) The tax credit authorized in this section shall be  
62 available only to a taxpayer who is a business enterprise engaged  
63 in commercial, industrial or professional activities and operating  
64 as a corporation, limited liability company, partnership or sole  
65 proprietorship. Except as otherwise provided in this section, a



66 credit is allowed against the taxes imposed by Sections 27-7-5,  
67 27-15-103, 27-15-109 and 27-15-123, for voluntary cash  
68 contributions made by a taxpayer during the taxable year to an  
69 eligible charitable organization. For calendar year 2022, for a  
70 taxpayer that is not operating as a corporation, a credit is also  
71 allowed against ad valorem taxes assessed and levied on real  
72 property for voluntary cash contributions made by the taxpayer  
73 during the taxable year to an eligible charitable organization.  
74 From and after January 1, 2023, a credit is also allowed against  
75 ad valorem taxes assessed and levied on real property for  
76 voluntary cash contributions made by a taxpayer during the taxable  
77 year to an eligible charitable organization. The amount of credit  
78 that may be utilized by a taxpayer in a taxable year shall be  
79 limited to (i) an amount not to exceed fifty percent (50%) of the  
80 total tax liability of the taxpayer for the taxes imposed by such  
81 sections of law and (ii) an amount not to exceed fifty percent  
82 (50%) of the total tax liability of the taxpayer for ad valorem  
83 taxes assessed and levied on real property. Any tax credit  
84 claimed under this section but not used in any taxable year may be  
85 carried forward for five (5) consecutive years from the close of  
86 the tax year in which the credits were earned.

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



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

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

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

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

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

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

111 (7) The department shall review each written certification  
112 and determine whether the organization meets all the criteria to  
113 be considered an eligible charitable organization and notify the  
114 organization of its determination. The department may also



115 periodically request recertification from the organization. The  
116 department shall compile and make available to the public a list  
117 of eligible charitable organizations.

118 (8) Tax credits authorized by this section that are earned  
119 by a partnership, limited liability company, S corporation or  
120 other similar pass-through entity, shall be allocated among all  
121 partners, members or shareholders, respectively, either in  
122 proportion to their ownership interest in such entity or as the  
123 partners, members or shareholders mutually agree as provided in an  
124 executed document.

125 (9) (a) A taxpayer shall apply for credits with the  
126 department on forms prescribed by the department. In the  
127 application the taxpayer shall certify to the department the  
128 dollar amount of the contributions made or to be made during the  
129 calendar year. Within thirty (30) days after the receipt of an  
130 application, the department shall allocate credits based on the  
131 dollar amount of contributions as certified in the application.  
132 However, if the department cannot allocate the full amount of  
133 credits certified in the application due to the limit on the  
134 aggregate amount of credits that may be awarded under this section  
135 in a calendar year, the department shall so notify the applicant  
136 within thirty (30) days with the amount of credits, if any, that  
137 may be allocated to the applicant in the calendar year. Once the  
138 department has allocated credits to a taxpayer, if the  
139 contribution for which a credit is allocated has not been made as



140 of the date of the allocation, then the contribution must be made  
141 not later than sixty (60) days from the date of the allocation.  
142 If the contribution is not made within such time period, the  
143 allocation shall be cancelled and returned to the department for  
144 reallocation. Upon final documentation of the contributions, if  
145 the actual dollar amount of the contributions is lower than the  
146 amount estimated, the department shall adjust the tax credit  
147 allowed under this section.

148 (b) For the purposes of using a tax credit against ad  
149 valorem taxes assessed and levied on real property, a taxpayer  
150 shall present to the appropriate tax collector the tax credit  
151 documentation provided to the taxpayer by the Department of  
152 Revenue, and the tax collector shall apply the tax credit against  
153 such ad valorem taxes. The tax collector shall forward the tax  
154 credit documentation to the Department of Revenue along with the  
155 amount of the tax credit applied against ad valorem taxes, and the  
156 department shall disburse funds to the tax collector for the  
157 amount of the tax credit applied against ad valorem taxes. Such  
158 payments by the Department of Revenue shall be made from current  
159 tax collections.

160 (10) The aggregate amount of tax credits that may be  
161 allocated by the department under this section during a calendar  
162 year shall not exceed Three Million Five Hundred Thousand Dollars  
163 (\$3,500,000.00). However, for calendar year 2023, and for each  
164 calendar year thereafter, the aggregate amount of tax credits that



165 may be allocated by the department under this section during a  
166 calendar year shall not exceed Ten Million Dollars  
167 (\$10,000,000.00). For credits allocated during a calendar year  
168 for contributions to eligible charitable organizations, no more  
169 than fifty percent (50%) of such credits may be allocated for  
170 contributions to a single eligible charitable organization.

171 **SECTION 2.** Section 27-7-22.32, Mississippi Code of 1972, is  
172 amended as follows:

173 \* \* \*

174 27-7-22.32. (1) (a) There shall be allowed as a credit  
175 against the tax imposed by this chapter the amount of the  
176 qualified adoption expenses paid or incurred, not to exceed Two  
177 Thousand Five Hundred Dollars (\$2,500.00), for each dependent  
178 child legally adopted by a taxpayer under the laws of this state  
179 during calendar year 2006 or during any calendar year thereafter  
180 through calendar year 2017, \* \* \* not to exceed Five Thousand  
181 Dollars (\$5,000.00) for each dependent child legally adopted by a  
182 taxpayer under the laws of this state during any calendar year  
183 thereafter through calendar year 2022, and not to exceed Ten  
184 Thousand Dollars (\$10,000.00) for each dependent child legally  
185 adopted by a taxpayer under the laws of this state during any  
186 calendar year thereafter. A taxpayer claiming a credit under this  
187 paragraph (a) may not claim a credit under paragraph (b) of this  
188 subsection for the adoption of the same child.



189 (b) There shall be allowed as a credit against the tax  
190 imposed by this chapter the amount of Five Thousand Dollars  
191 (\$5,000.00) for each dependent child legally adopted by a taxpayer  
192 under the laws of this state through the Mississippi Department of  
193 Child Protection Services during calendar year 2018 or during any  
194 calendar year thereafter through calendar year 2022, and the  
195 amount of Ten Thousand Dollars (\$10,000.00) for each dependent  
196 child legally adopted by a taxpayer under the laws of this state  
197 through the Mississippi Department of Child Protection Services  
198 during any calendar year thereafter. A taxpayer claiming a credit  
199 under this paragraph (b) may not claim a credit under paragraph  
200 (a) of this subsection for the adoption of the same child.

201 (2) The tax credit under this section may be claimed for the  
202 taxable year in which the adoption becomes final under the laws of  
203 this state. Any tax credit claimed under this section but not  
204 used in any taxable year may be carried forward for the five (5)  
205 succeeding tax years. A tax credit is allowed under this section  
206 for any child for which an exemption is claimed during the same  
207 taxable year under Section 27-7-21(e). For the purposes of this  
208 section, the term "qualified adoption expenses" means and has the  
209 same definition as that term has in 26 USCS \* \* \* 23.

210 \* \* \*

211 **SECTION 3.** Section 27-7-22.39, Mississippi Code of 1972, is  
212 amended as follows:

213 27-7-22.39. (1) As used in this section:





214 (a) "Low-income residents" means persons whose  
215 household income is less than one hundred fifty percent (150%) of  
216 the federal poverty level.

217 (b) "Qualifying charitable organization" means a  
218 charitable organization that is exempt from federal income  
219 taxation under Section 501(c)(3) of the Internal Revenue Code or  
220 is a designated community action agency that receives community  
221 services block grant program monies pursuant to 42 USC 9901. The  
222 organization must spend at least fifty percent (50%) of its budget  
223 on services to residents of this state who receive temporary  
224 assistance for needy families benefits or low-income residents of  
225 this state and their households or to children who have a chronic  
226 illness or physical, intellectual, developmental or emotional  
227 disability who are residents of this state. A charitable  
228 organization that is exempt from federal income tax under Section  
229 501(c)(3) of the Internal Revenue Code and that meets all other  
230 requirements of this paragraph except that it does not spend at  
231 least fifty percent (50%) of its overall budget in Mississippi may  
232 be a qualifying charitable organization if it spends at least  
233 fifty percent (50%) of its Mississippi budget on services to  
234 qualified individuals in Mississippi and it certifies to the  
235 department that one hundred percent (100%) of the voluntary cash  
236 contributions from the taxpayer will be spent on services to  
237 qualified individuals in Mississippi. Taxpayers choosing to make  
238 donations through an umbrella charitable organization that



239 collects donations on behalf of member charities shall designate  
240 that the donation be directed to a member charitable organization  
241 that would qualify under this section on a stand-alone basis.  
242 Qualifying charitable organization does not include any entity  
243 that provides, pays for or provides coverage of abortions or that  
244 financially supports any other entity that provides, pays for or  
245 provides coverage of abortions.

246 (c) "Qualifying foster care charitable organization"  
247 means a qualifying charitable organization that each operating  
248 year provides services to at least one hundred (100) qualified  
249 individuals in this state and spends at least fifty percent (50%)  
250 of its budget on services to qualified individuals in this state.  
251 A charitable organization that is exempt from federal income tax  
252 under Section 501(c)(3) of the Internal Revenue Code and that  
253 meets all other requirements of this paragraph except that it does  
254 not spend at least fifty percent (50%) of its overall budget in  
255 Mississippi may be a qualifying foster care charitable  
256 organization if it spends at least fifty percent (50%) of its  
257 Mississippi budget on services to qualified individuals in  
258 Mississippi and it certifies to the department that one hundred  
259 percent (100%) of the voluntary cash contributions from the  
260 taxpayer will be spent on services to qualified individuals in  
261 Mississippi. For the purposes of this paragraph, "qualified  
262 individual" means a child in a foster care placement program  
263 established by the Department of Child Protection Services, a



264 child placed under the Safe Families for Children model, or a  
265 child at significant risk of entering a foster care placement  
266 program established by the Department of Child Protection  
267 Services.

268 (d) "Services" means:

269 (i) Cash assistance, medical care, child care,  
270 food, clothing, shelter, and job-placement services or any other  
271 assistance that is reasonably necessary to meet immediate basic  
272 needs and that is provided and used in this state;

273 (ii) Job-training or education services or funding  
274 for parents, foster parents or guardians; or

275 (iii) Job-training or education services or  
276 funding provided as part of a foster care independent living  
277 program.

278 (2) (a) Except as provided in subsections (3) and (4) of  
279 this section, a credit is allowed against the taxes imposed by  
280 this chapter for voluntary cash contributions by the taxpayer  
281 during the taxable year to a qualifying charitable organization,  
282 other than a qualifying foster care charitable organization,  
283 through calendar year 2022, not to exceed:

284 ( \* \* \*i) The lesser of Four Hundred Dollars (\$400.00)  
285 or the amount of the contribution in any taxable year for a single  
286 individual or a head of household.



287 ( \* \* \*ii) The lesser of Eight Hundred Dollars  
288 (\$800.00) or the amount of the contribution in any taxable year  
289 for a married couple filing a joint return.

290 (b) Except as provided in subsections (3) and (4) of  
291 this section, from and after January 1, 2023, a credit is allowed  
292 against the taxes imposed by this chapter for voluntary cash  
293 contributions by the individual taxpayer during the taxable year  
294 to a qualifying charitable organization, other than a qualifying  
295 foster care charitable organization. A credit is also allowed  
296 against ad valorem taxes assessed and levied on real property for  
297 voluntary cash contributions made by the individual taxpayer  
298 during the taxable year to a qualifying charitable organization,  
299 other than a qualifying foster care charitable organization. The  
300 amount of credit that may be utilized by a taxpayer in a taxable  
301 year shall be limited to (i) an amount not to exceed fifty percent  
302 (50%) of the total tax liability of the taxpayer for the taxes  
303 imposed by this chapter and (ii) an amount not to exceed fifty  
304 percent (50%) of the total tax liability of the taxpayer for ad  
305 valorem taxes assessed and levied on real property. Any tax  
306 credit claimed under this paragraph but not used in any taxable  
307 year may be carried forward for five (5) consecutive years from  
308 the close of the tax year in which the credits were earned.

309 (3) (a) A separate credit is allowed against the taxes  
310 imposed by this chapter for voluntary cash contributions during  
311 the taxable year to a qualifying foster care charitable



312 organization. A contribution to a qualifying foster care  
313 charitable organization does not qualify for, and shall not be  
314 included in, any credit amount under subsection (2) of this  
315 section. If the voluntary cash contribution by the taxpayer is to  
316 a qualifying foster care charitable organization, through calendar  
317 year 2022, the credit shall not exceed:

318 ( \* \* \*i) The lesser of Five Hundred Dollars (\$500.00)  
319 or the amount of the contribution in any taxable year for a single  
320 individual or a head of household.

321 ( \* \* \*ii) The lesser of One Thousand Dollars  
322 (\$1,000.00) or the amount of the contribution in any taxable year  
323 for a married couple filing a joint return.

324 (b) From and after January 1, 2023, a separate credit  
325 is allowed against the taxes imposed by this chapter for voluntary  
326 cash contributions during the taxable year to a qualifying foster  
327 care charitable organization. A credit is also allowed against ad  
328 valorem taxes assessed and levied on real property for voluntary  
329 cash contributions made by the individual taxpayer during the  
330 taxable year to a qualifying foster care charitable organization.  
331 The amount of credit that may be utilized by a taxpayer in a  
332 taxable year shall be limited to (i) an amount not to exceed fifty  
333 percent (50%) of the total tax liability of the taxpayer for the  
334 taxes imposed by this chapter and (ii) an amount not to exceed  
335 fifty percent (50%) of the total tax liability of the taxpayer for  
336 ad valorem taxes assessed and levied on real property. Any tax



337 credit claimed under this paragraph but not used in any taxable  
338 year may be carried forward for five (5) consecutive years from  
339 the close of the tax year in which the credits were earned.

340 (4) Subsections (2) and (3) of this section provide separate  
341 credits against taxes imposed by this chapter depending on the  
342 recipients of the contributions. A taxpayer, including a married  
343 couple filing a joint return, in the same taxable year, may either  
344 or both:

345 (a) Contribute to a qualifying charitable organization,  
346 other than a qualifying foster care charitable organization, and  
347 claim a credit under subsection (2) of this section.

348 (b) Contribute to a qualifying foster care charitable  
349 organization and claim a credit under subsection (3) of this  
350 section.

351 (5) A husband and wife who file separate returns for a  
352 taxable year in which they could have filed a joint return may  
353 each claim only one-half (1/2) of the tax credit that would have  
354 been allowed for a joint return.

355 (6) Except as otherwise provided in subsections (2) and (3)  
356 of this section, if the allowable tax credit exceeds the taxes  
357 otherwise due under this chapter on the claimant's income, or if  
358 there are no taxes due under this chapter, the taxpayer may carry  
359 forward the amount of the claim not used to offset the taxes under  
360 this chapter for not more than five (5) consecutive taxable years'  
361 income tax liability.



362 (7) The credit allowed by this section is in lieu of a  
363 deduction pursuant to Section 170 of the Internal Revenue Code and  
364 taken for state tax purposes.

365 (8) Taxpayers taking a credit authorized by this section  
366 shall provide the name of the qualifying charitable organization  
367 and the amount of the contribution to the department on forms  
368 provided by the department.

369 (9) A qualifying charitable organization shall provide the  
370 department with a written certification that it meets all criteria  
371 to be considered a qualifying charitable organization. The  
372 organization shall also notify the department of any changes that  
373 may affect the qualifications under this section.

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

377 (a) Verification of the organization's status under  
378 Section 501(c)(3) of the Internal Revenue Code or verification  
379 that the organization is a designated community action agency that  
380 receives community services block grant program monies pursuant to  
381 42 USC 9901.

382 (b) Financial data indicating the organization's budget  
383 for the organization's prior operating year and the amount of that  
384 budget spent on services to residents of this state who either:

385 (i) Receive temporary assistance for needy  
386 families benefits;



387 (ii) Are low-income residents of this state;  
388 (iii) Are children who have a chronic illness or  
389 physical, intellectual, developmental or emotional disability; or  
390 (iv) Are children in a foster care placement  
391 program established by the Department of Child Protection  
392 Services, children placed under the Safe Families for Children  
393 model or children at significant risk of entering a foster care  
394 placement program established by the Department of Child  
395 Protection Services.

396 (c) A statement that the organization plans to continue  
397 spending at least fifty percent (50%) of its budget on services to  
398 residents of this state who receive temporary assistance for needy  
399 families benefits, who are low-income residents of this state, who  
400 are children who have a chronic illness or physical, intellectual,  
401 developmental or emotional disability or who are children in a  
402 foster care placement program established by the Department of  
403 Child Protection Services, children placed under the Safe Families  
404 for Children model or children at significant risk of entering a  
405 foster care placement program established by the Department of  
406 Child Protection Services. A charitable organization that is  
407 exempt from federal income tax under Section 501(c)(3) of the  
408 Internal Revenue Code and that meets all other requirements for a  
409 qualifying charitable organization or qualifying foster care  
410 charitable organization except that it does not spend at least  
411 fifty percent (50%) of its overall budget in Mississippi shall





412 submit a statement that it spends at least fifty percent (50%) of  
413 its Mississippi budget on services to qualified individuals in  
414 Mississippi and that one hundred percent (100%) of the voluntary  
415 cash contributions it receives from Mississippi taxpayers will be  
416 spent on services to qualified individuals in Mississippi.

417 (d) In the case of a foster care charitable  
418 organization, a statement that each operating year it provides  
419 services to at least one hundred (100) qualified individuals in  
420 this state.

421 (e) A statement that the organization does not provide,  
422 pay for or provide coverage of abortions and does not financially  
423 support any other entity that provides, pays for or provides  
424 coverage of abortions.

425 (f) Any other information that the department requires  
426 to administer this section.

427 (11) The department shall review each written certification  
428 and determine whether the organization meets all the criteria to  
429 be considered a qualifying charitable organization and notify the  
430 organization of its determination. The department may also  
431 periodically request recertification from the organization. The  
432 department shall compile and make available to the public a list  
433 of the qualifying charitable organizations.

434 (12) The aggregate amount of tax credits that may be awarded  
435 under this section in any calendar year shall not exceed Three  
436 Million Dollars (\$3,000,000.00). However, for calendar year 2021,



437 and for each calendar year thereafter, the aggregate amount of tax  
438 credits that may be awarded under this section in any calendar  
439 year shall not exceed One Million Dollars (\$1,000,000.00). In  
440 addition, any tax credits not awarded under this section before  
441 June 1, 2020, may be allocated during calendar year 2020 under  
442 Section 27-7-22.41 for contributions by taxpayers to eligible  
443 charitable organizations described in Section  
444 27-7-22.41(1)(b)(ii) as provided under such section,  
445 notwithstanding any limitation on the percentage of tax credits  
446 that may be allocated for such contributions.

447 (13) A taxpayer shall apply for credits with the department  
448 on forms prescribed by the department. In the application the  
449 taxpayer shall certify to the department the dollar amount of the  
450 contributions made or to be made during the calendar year. Within  
451 thirty (30) days after the receipt of an application, the  
452 department shall allocate credits based on the dollar amount of  
453 contributions as certified in the application. However, if the  
454 department cannot allocate the full amount of credits certified in  
455 the application due to the limit on the aggregate amount of  
456 credits that may be awarded under this section in a calendar year,  
457 the department shall so notify the applicant within thirty (30)  
458 days with the amount of credits, if any, that may be allocated to  
459 the applicant in the calendar year. Once the department has  
460 allocated credits to a taxpayer, if the contribution for which a  
461 credit is allocated has not been made as of the date of the



462 allocation, then the contribution must be made not later than  
463 sixty (60) days from the date of the allocation. If the  
464 contribution is not made within such time period, the allocation  
465 shall be cancelled and returned to the department for  
466 reallocation. Upon final documentation of the contributions, if  
467 the actual dollar amount of the contributions is lower than the  
468 amount estimated, the department shall adjust the tax credit  
469 allowed under this section.

470 (14) This section shall be repealed from and after January  
471 1, 2025.

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

474 27-7-22.41. (1) For the purposes of this section, the  
475 following words and phrases shall have the meanings ascribed in  
476 this section unless the context clearly indicates otherwise:

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

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

481 (i) Licensed by or under contract with the  
482 Mississippi Department of Child Protection Services and provides  
483 services for:

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



486                   2. The safety, care and well-being of  
487 children in custody with the Department of Child Protection  
488 Services, or

489                   3. The express purpose of creating permanency  
490 for children through adoption; or

491                   (ii) Certified by the department as an educational  
492 services charitable organization that is accredited by a regional  
493 accrediting organization and provides services to:

494                   1. Children in a foster care placement  
495 program established by the Department of Child Protection  
496 Services, children placed under the Safe Families for Children  
497 model, or children at significant risk of entering a foster care  
498 placement program established by the Department of Child  
499 Protection Services,

500                   2. Children who have a chronic illness or  
501 physical, intellectual, developmental or emotional disability, or

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

506           (2) (a) The tax credit authorized in this section shall be  
507 available only to a taxpayer who is a business enterprise engaged  
508 in commercial, industrial or professional activities and operating  
509 as a corporation, limited liability company, partnership or sole  
510 proprietorship. Except as otherwise provided in this section, a



511 credit is allowed against the taxes imposed by Sections 27-7-5,  
512 27-15-103, 27-15-109 and 27-15-123, for voluntary cash  
513 contributions made by a taxpayer during the taxable year to an  
514 eligible charitable organization. From and after January 1, 2022,  
515 for a taxpayer that is not operating as a corporation, a credit is  
516 also allowed against ad valorem taxes assessed and levied on real  
517 property for voluntary cash contributions made by the taxpayer  
518 during the taxable year to an eligible charitable organization.  
519 The amount of credit that may be utilized by a taxpayer in a  
520 taxable year shall be limited to (i) an amount not to exceed fifty  
521 percent (50%) of the total tax liability of the taxpayer for the  
522 taxes imposed by such sections of law and (ii) an amount not to  
523 exceed fifty percent (50%) of the total tax liability of the  
524 taxpayer for ad valorem taxes assessed and levied on real  
525 property. Any tax credit claimed under this section but not used  
526 in any taxable year may be carried forward for five (5)  
527 consecutive years from the close of the tax year in which the  
528 credits were earned.

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

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



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

540 (4) An eligible charitable organization shall provide the  
541 department with a written certification that it meets all criteria  
542 to be considered an eligible charitable organization. An eligible  
543 charitable organization must also provide the department with  
544 written documented proof of its license and/or written contract  
545 with the Mississippi Department of Child Protection Services. The  
546 organization shall also notify the department of any changes that  
547 may affect eligibility under this section.

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

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

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

558 (c) A statement that the funds generated from the tax  
559 credit shall be used for educational resources, staff and  
560 expenditures and/or other purposes described in this section.



561 (d) Any other information that the department requires  
562 to administer this section.

563 (6) The department shall review each written certification  
564 and determine whether the organization meets all the criteria to  
565 be considered an eligible charitable organization and notify the  
566 organization of its determination. The department may also  
567 periodically request recertification from the organization. The  
568 department shall compile and make available to the public a list  
569 of eligible charitable organizations.

570 (7) Tax credits authorized by this section that are earned  
571 by a partnership, limited liability company, S corporation or  
572 other similar pass-through entity, shall be allocated among all  
573 partners, members or shareholders, respectively, either in  
574 proportion to their ownership interest in such entity or as the  
575 partners, members or shareholders mutually agree as provided in an  
576 executed document.

577 (8) (a) A taxpayer shall apply for credits with the  
578 department on forms prescribed by the department. In the  
579 application the taxpayer shall certify to the department the  
580 dollar amount of the contributions made or to be made during the  
581 calendar year. Within thirty (30) days after the receipt of an  
582 application, the department shall allocate credits based on the  
583 dollar amount of contributions as certified in the application.  
584 However, if the department cannot allocate the full amount of  
585 credits certified in the application due to the limit on the



586 aggregate amount of credits that may be awarded under this section  
587 in a calendar year, the department shall so notify the applicant  
588 within thirty (30) days with the amount of credits, if any, that  
589 may be allocated to the applicant in the calendar year. Once the  
590 department has allocated credits to a taxpayer, if the  
591 contribution for which a credit is allocated has not been made as  
592 of the date of the allocation, then the contribution must be made  
593 not later than sixty (60) days from the date of the allocation.  
594 If the contribution is not made within such time period, the  
595 allocation shall be cancelled and returned to the department for  
596 reallocation. Upon final documentation of the contributions, if  
597 the actual dollar amount of the contributions is lower than the  
598 amount estimated, the department shall adjust the tax credit  
599 allowed under this section.

600 (b) A taxpayer who applied for a tax credit under this  
601 section during calendar year 2020, but who was unable to be  
602 awarded the credit due to the limit on the aggregate amount of  
603 credits authorized for calendar year 2020, shall be given priority  
604 for tax credits authorized to be allocated to taxpayers under this  
605 section by Section 27-7-22.39.

606 (c) For the purposes of using a tax credit against ad  
607 valorem taxes assessed and levied on real property, a taxpayer  
608 shall present to the appropriate tax collector the tax credit  
609 documentation provided to the taxpayer by the Department of  
610 Revenue, and the tax collector shall apply the tax credit against





611 such ad valorem taxes. The tax collector shall forward the tax  
612 credit documentation to the Department of Revenue along with the  
613 amount of the tax credit applied against ad valorem taxes, and the  
614 department shall disburse funds to the tax collector for the  
615 amount of the tax credit applied against ad valorem taxes. Such  
616 payments by the Department of Revenue shall be made from current  
617 tax collections.

618 (9) The aggregate amount of tax credits that may be  
619 allocated by the department under this section during a calendar  
620 year shall not exceed Five Million Dollars (\$5,000,000.00), and  
621 not more than fifty percent (50%) of tax credits allocated during  
622 a calendar year may be allocated for contributions to eligible  
623 charitable organizations described in subsection (1)(b)(ii) of  
624 this section. However, for calendar year 2021, the aggregate  
625 amount of tax credits that may be allocated by the department  
626 under this section during a calendar year shall not exceed Ten  
627 Million Dollars (\$10,000,000.00), for calendar year 2022, the  
628 aggregate amount of tax credits that may be allocated by the  
629 department under this section during a calendar year shall not  
630 exceed Sixteen Million Dollars (\$16,000,000.00), and for calendar  
631 year 2023, and for each calendar year thereafter, the aggregate  
632 amount of tax credits that may be allocated by the department  
633 under this section during a calendar year shall not exceed  
634 Eighteen Million Dollars (\$18,000,000.00). For calendar year  
635 2021, and for each calendar year thereafter, fifty percent (50%)



636 of the tax credits allocated during a calendar year shall be  
637 allocated for contributions to eligible charitable organizations  
638 described in subsection (1)(b)(i) of this section and fifty  
639 percent (50%) of the tax credits allocated during a calendar year  
640 shall be allocated for contributions to eligible charitable  
641 organizations described in subsection (1)(b)(ii) of this section.  
642 For calendar year 2021, and for each calendar year thereafter, for  
643 credits allocated during a calendar year for contributions to  
644 eligible charitable organizations described in subsection  
645 (1)(b)(i) of this section, no more than twenty-five percent (25%)  
646 of such credits may be allocated for contributions to a single  
647 eligible charitable organization. Except as otherwise provided in  
648 this section, for calendar year 2021, and for each calendar year  
649 thereafter, for credits allocated during a calendar year for  
650 contributions to eligible charitable organizations described in  
651 subsection (1)(b)(ii) of this section, no more than four and  
652 one-half percent (4-1/2%) of such credits may be allocated for  
653 contributions to a single eligible charitable organization.

654 **SECTION 5.** (1) For the purposes of this section, the  
655 following words and phrases shall have the meanings ascribed in  
656 this section unless the context clearly indicates otherwise:

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

658 (b) "Eligible transitional home organization" means an  
659 organization that is exempt from federal income taxation under  
660 Section 501(c)(3) of the Internal Revenue Code that provides



661 transitional housing for homeless persons age twenty-five (25) and  
662 under, homeless families and/or homeless and/or referred unwed  
663 pregnant women.

664 "Eligible transitional home organization" does not include  
665 any entity that provides, pays for or provides coverage of  
666 abortions or that financially supports any other entity that  
667 provides, pays for or provides coverage of abortions.

668 "Eligible transitional home organization" does not include  
669 any entity that charges a fee for the services and/or benefits it  
670 provides as an eligible transitional home organization. The  
671 prohibition against charging a fee for services and/or benefits is  
672 limited to services and benefits the entity provides as an  
673 eligible transitional home organization and does not apply to any  
674 other services and/or benefits the entity may provide to persons  
675 not being served by the entity's transitional home services.

676 (c) "Transitional housing" means temporary housing the  
677 purpose of which is to provide homeless persons age twenty-five  
678 (25) and under, homeless families and/or homeless and/or referred  
679 unwed pregnant women with temporary shelter and facilitate their  
680 movement to permanent housing within an amount of time that the  
681 eligible transitional home organization determines to be  
682 appropriate.

683 "Transitional housing" includes a program designed by the  
684 eligible transitional home organization that offers structure,  
685 supervision, support, life skills, education and training as the



686 eligible transitional home organization determines to be  
687 appropriate for each individual and/or family to achieve and/or  
688 maintain independence.

689       (2) (a) (i) The tax credit authorized in this subsection  
690 shall be available only to a taxpayer who is a business enterprise  
691 engaged in commercial, industrial or professional activities and  
692 operating as a corporation, limited liability company, partnership  
693 or sole proprietorship. Except as otherwise provided in this  
694 subsection, a credit is allowed against the taxes imposed by  
695 Sections 27-7-5, 27-15-103, 27-15-109 and 27-15-123, for voluntary  
696 cash contributions made by a taxpayer during the taxable year to  
697 an eligible transitional home organization. A credit is also  
698 allowed against ad valorem taxes assessed and levied on real  
699 property for voluntary cash contributions made by the taxpayer  
700 during the taxable year to an eligible transitional home  
701 organization. The amount of credit that may be utilized by a  
702 taxpayer in a taxable year shall be limited to an amount not to  
703 exceed fifty percent (50%) of the total tax liability of the  
704 taxpayer for the taxes imposed by such sections of law and an  
705 amount not to exceed fifty percent (50%) of the total tax  
706 liability of the taxpayer for ad valorem taxes assessed and levied  
707 on real property. Any tax credit claimed under this subsection  
708 but not used in any taxable year may be carried forward for five  
709 (5) consecutive years from the close of the tax year in which the  
710 credits were earned.



711 (ii) A contribution to an eligible transitional  
712 home organization for which a credit is claimed under this  
713 subsection does not qualify for and shall not be included in any  
714 credit that may be claimed under subsection (3) of this section.

715 (iii) A contribution for which a credit is claimed  
716 under this subsection may not be used as a deduction by the  
717 taxpayer for state income tax purposes.

718 (b) Taxpayers taking a credit authorized by this  
719 subsection shall provide the name of the eligible transitional  
720 home organization and the amount of the contribution to the  
721 department on forms provided by the department.

722 (c) An eligible transitional home organization shall  
723 provide the department with a written certification that it meets  
724 all criteria to be considered an eligible transitional home  
725 organization. The organization shall also notify the department  
726 of any changes that may affect eligibility under this section.

727 (d) The eligible transitional home organization's  
728 written certification must be signed by an officer of the  
729 organization under penalty of perjury. The written certification  
730 shall include the following:

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

733 (ii) Information about the facilities that  
734 demonstrate the applicant's ability to provide housing for



735 homeless persons age twenty-five (25) and under, homeless  
736 families, and/or homeless and/or referred unwed pregnant women;

737 (iii) Sufficient materials to document the program  
738 of the applicant that demonstrate that the applicant has and runs  
739 a program that offers structure, supervision, support, life  
740 skills, education and training as the eligible transitional home  
741 organization determines to be appropriate for each individual  
742 and/or family to achieve and/or maintain independence;

743 (iv) A statement that the organization does not  
744 charge a fee for services or benefits provided in whole or in part  
745 by its transitional housing program; and

746 (v) Any other information that the department  
747 requires to administer this section.

748 (e) The department shall review each written  
749 certification and determine whether the organization meets all the  
750 criteria to be considered an eligible transitional home  
751 organization and notify the organization of its determination.

752 The department may also periodically request recertification from  
753 the organization. The department shall compile and make available  
754 to the public a list of eligible transitional home organizations.

755 (f) Tax credits authorized by this subsection that are  
756 earned by a partnership, limited liability company, S corporation  
757 or other similar pass-through entity, shall be allocated among all  
758 partners, members or shareholders, respectively, either in  
759 proportion to their ownership interest in such entity or as the



760 partners, members or shareholders mutually agree as provided in an  
761 executed document.

762 (g) (i) A taxpayer shall apply for credits with the  
763 department on forms prescribed by the department. In the  
764 application the taxpayer shall certify to the department the  
765 dollar amount of the contributions made or to be made during the  
766 calendar year. Within thirty (30) days after the receipt of an  
767 application, the department shall allocate credits based on the  
768 dollar amount of contributions as certified in the application.  
769 However, if the department cannot allocate the full amount of  
770 credits certified in the application due to the limit on the  
771 aggregate amount of credits that may be awarded under this  
772 subsection in a calendar year, the department shall so notify the  
773 applicant within thirty (30) days with the amount of credits, if  
774 any, that may be allocated to the applicant in the calendar year.  
775 Once the department has allocated credits to a taxpayer, if the  
776 contribution for which a credit is allocated has not been made as  
777 of the date of the allocation, then the contribution must be made  
778 not later than sixty (60) days from the date of the allocation.  
779 If the contribution is not made within such time period, the  
780 allocation shall be cancelled and returned to the department for  
781 reallocation. Upon final documentation of the contributions, if  
782 the actual dollar amount of the contributions is lower than the  
783 amount estimated, the department shall adjust the tax credit  
784 allowed under this subsection.



785                   (ii) For the purposes of using a tax credit  
786 against ad valorem taxes assessed and levied on real property, a  
787 taxpayer shall present to the appropriate tax collector the tax  
788 credit documentation provided to the taxpayer by the Department of  
789 Revenue, and the tax collector shall apply the tax credit against  
790 such ad valorem taxes. The tax collector shall forward the tax  
791 credit documentation to the Department of Revenue along with the  
792 amount of the tax credit applied against ad valorem taxes, and the  
793 department shall disburse funds to the tax collector for the  
794 amount of the tax credit applied against ad valorem taxes. Such  
795 payments by the Department of Revenue shall be made from current  
796 tax collections.

797                   (h) The aggregate amount of tax credits that may be  
798 allocated by the department under this subsection during a  
799 calendar year shall not exceed Ten Million Dollars  
800 (\$10,000,000.00). For credits allocated during a calendar year  
801 for contributions to eligible transitional home organizations, no  
802 more than twenty-five percent (25%) of such credits may be  
803 allocated for contributions to a single eligible transitional home  
804 organization.

805                   (3) (a) (i) Except as otherwise provided in this  
806 subsection, a credit is allowed against the taxes imposed by this  
807 chapter for voluntary cash contributions by an individual taxpayer  
808 during the taxable year to an eligible transitional home  
809 organization. A credit is also allowed against ad valorem taxes





810 assessed and levied on real property for voluntary cash  
811 contributions made by an individual taxpayer during the taxable  
812 year to an eligible transitional home organization. The amount of  
813 credit that may be utilized by a taxpayer in a taxable year shall  
814 be limited to an amount not to exceed fifty percent (50%) of the  
815 total tax liability of the taxpayer for the taxes imposed by this  
816 chapter and an amount not to exceed fifty percent (50%) of the  
817 total tax liability of the taxpayer for ad valorem taxes assessed  
818 and levied on real property. Any tax credit claimed under this  
819 subsection but not used in any taxable year may be carried forward  
820 for five (5) consecutive years from the close of the tax year in  
821 which the credits were earned.

822 (ii) A husband and wife who file separate returns  
823 for a taxable year in which they could have filed a joint return  
824 may each claim only one-half (1/2) of the tax credit that would  
825 have been allowed for a joint return.

826 (iii) A contribution to an eligible transitional  
827 home organization for which a credit is claimed under this  
828 subsection does not qualify for and shall not be included in any  
829 credit that may be claimed under subsection (2) of this section.

830 (iv) A contribution for which a credit is claimed  
831 under this subsection may not be used as a deduction by the  
832 taxpayer for state income tax purposes.

833 (b) Taxpayers taking a credit authorized by this  
834 subsection shall provide the name of the eligible transitional



835 home organization and the amount of the contribution to the  
836 department on forms provided by the department.

837 (c) An eligible transitional home organization shall  
838 provide the department with a written certification that it meets  
839 all criteria to be considered an eligible transitional home  
840 organization. The organization shall also notify the department  
841 of any changes that may affect eligibility under this section.

842 (d) The eligible transitional housing organization's  
843 written certification must be signed by an officer of the  
844 organization under penalty of perjury. The written certification  
845 shall include the following:

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

848 (ii) Information about the facilities that  
849 demonstrate the applicant's ability to provide housing for  
850 homeless persons age twenty-five (25) and under, homeless  
851 families, and/or homeless and/or referred unwed pregnant women;

852 (iii) Sufficient materials to document the program  
853 of the applicant that demonstrate that the applicant has and runs  
854 a program that offers structure, supervision, support, life  
855 skills, education and training as the eligible transitional home  
856 organization determines to be appropriate for each individual  
857 and/or family to achieve and/or maintain independence;



858 (iv) A statement that the organization does not  
859 charge a fee for services or benefits provided in whole or in part  
860 by its transitional housing program; and

861 (v) Any other information that the department  
862 requires to administer this section.

863 (e) The department shall review each written  
864 certification and determine whether the organization meets all the  
865 criteria to be considered an eligible transitional home  
866 organization and notify the organization of its determination.  
867 The department may also periodically request recertification from  
868 the organization. The department shall compile and make available  
869 to the public a list of eligible transitional home organizations.

870 (f) (i) A taxpayer shall apply for credits with the  
871 department on forms prescribed by the department. In the  
872 application the taxpayer shall certify to the department the  
873 dollar amount of the contributions made or to be made during the  
874 calendar year. Within thirty (30) days after the receipt of an  
875 application, the department shall allocate credits based on the  
876 dollar amount of contributions as certified in the application.  
877 However, if the department cannot allocate the full amount of  
878 credits certified in the application due to the limit on the  
879 aggregate amount of credits that may be awarded under this  
880 subsection in a calendar year, the department shall so notify the  
881 applicant within thirty (30) days with the amount of credits, if  
882 any, that may be allocated to the applicant in the calendar year.



883 Once the department has allocated credits to a taxpayer, if the  
884 contribution for which a credit is allocated has not been made as  
885 of the date of the allocation, then the contribution must be made  
886 not later than sixty (60) days from the date of the allocation.  
887 If the contribution is not made within such time period, the  
888 allocation shall be cancelled and returned to the department for  
889 reallocation. Upon final documentation of the contributions, if  
890 the actual dollar amount of the contributions is lower than the  
891 amount estimated, the department shall adjust the tax credit  
892 allowed under this subsection.

893 (ii) For the purposes of using a tax credit  
894 against ad valorem taxes assessed and levied on real property, a  
895 taxpayer shall present to the appropriate tax collector the tax  
896 credit documentation provided to the taxpayer by the Department of  
897 Revenue, and the tax collector shall apply the tax credit against  
898 such ad valorem taxes. The tax collector shall forward the tax  
899 credit documentation to the Department of Revenue along with the  
900 amount of the tax credit applied against ad valorem taxes, and the  
901 department shall disburse funds to the tax collector for the  
902 amount of the tax credit applied against ad valorem taxes. Such  
903 payments by the Department of Revenue shall be made from current  
904 tax collections.

905 (g) The aggregate amount of tax credits that may be  
906 allocated by the department under this subsection during a



907 calendar year shall not exceed One Million Dollars  
908 (\$1,000,000.00).

909 **SECTION 6.** (1) (a) For the purposes of this section, the  
910 following words and phrases shall have the meanings ascribed in  
911 this section unless the context clearly indicates otherwise:

912 (i) "Department" means the Department of Revenue.

913 (ii) "Eligible charitable organization" means an  
914 organization that is exempt from federal income taxation under  
915 Section 501(c)(3) of the Internal Revenue Code and spends at least  
916 fifty percent (50%) of its budget on contracting or making other  
917 agreements or arrangements with physicians and/or nurse  
918 practitioners to provide health care services to low-income  
919 residents of this state including those who are mothers and to  
920 their households.

921 "Eligible charitable organization" does not include any  
922 entity that provides, pays for or provides coverage of abortions  
923 or that financially supports any other entity that provides, pays  
924 for or provides coverage of abortions.

925 (iii) "Low-income residents" means persons whose  
926 household income does not exceed one hundred eighty-five percent  
927 (185%) of the federal poverty level converted to a modified  
928 adjusted gross income equivalent standard.

929 (iv) "Nurse practitioner" means a nurse  
930 practitioner certified under Section 73-15-20, Mississippi Code of  
931 1972.



932 (v) "Physician" means an individual licensed to  
933 practice medicine or osteopathic medicine under Section 73-25-1 et  
934 seq., Mississippi Code of 1972.

935 (2) (a) (i) The tax credit authorized in this subsection  
936 shall be available only to a taxpayer who is a business enterprise  
937 engaged in commercial, industrial or professional activities and  
938 operating as a corporation, limited liability company, partnership  
939 or sole proprietorship. Except as otherwise provided in this  
940 subsection, a credit is allowed against the taxes imposed by  
941 Sections 27-7-5, 27-15-103, 27-15-109 and 27-15-123, for voluntary  
942 cash contributions made by a taxpayer during the taxable year to  
943 an eligible charitable organization. A credit is also allowed  
944 against ad valorem taxes assessed and levied on real property for  
945 voluntary cash contributions made by the taxpayer during the  
946 taxable year to an eligible charitable organization. The amount  
947 of credit that may be utilized by a taxpayer in a taxable year  
948 shall be limited to an amount not to exceed fifty percent (50%) of  
949 the total tax liability of the taxpayer for the taxes imposed by  
950 such sections of law and an amount not to exceed fifty percent  
951 (50%) of the total tax liability of the taxpayer for ad valorem  
952 taxes assessed and levied on real property. Any tax credit  
953 claimed under this subsection but not used in any taxable year may  
954 be carried forward for five (5) consecutive years from the close  
955 of the tax year in which the credits were earned.



956                   (ii) A contribution to an eligible charitable  
957 organization for which a credit is claimed under this subsection  
958 does not qualify for and shall not be included in any credit that  
959 may be claimed under subsection (3) of this section.

960                   (iii) A contribution for which a credit is claimed  
961 under this subsection may not be used as a deduction by the  
962 taxpayer for state income tax purposes.

963                   (b) Taxpayers taking a credit authorized by this  
964 subsection shall provide the name of the eligible charitable  
965 organization and the amount of the contribution to the department  
966 on forms provided by the department.

967                   (c) An eligible charitable organization shall provide  
968 the department with a written certification that it meets all  
969 criteria to be considered an eligible charitable organization.  
970 The organization shall also notify the department of any changes  
971 that may affect eligibility under this subsection.

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

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

978                   (ii) A statement that the organization does not  
979 provide, pay for or provide coverage of abortions and does not



980 financially support any other entity that provides, pays for or  
981 provides coverage of abortions;

982 (iii) Any other information that the department  
983 requires to administer this subsection.

984 (e) The department shall review each written  
985 certification and determine whether the organization meets all the  
986 criteria to be considered an eligible charitable organization and  
987 notify the organization of its determination. The department may  
988 also periodically request recertification from the organization.  
989 The department shall compile and make available to the public a  
990 list of eligible charitable organizations.

991 (f) Tax credits authorized by this subsection that are  
992 earned by a partnership, limited liability company, S corporation  
993 or other similar pass-through entity, shall be allocated among all  
994 partners, members or shareholders, respectively, either in  
995 proportion to their ownership interest in such entity or as the  
996 partners, members or shareholders mutually agree as provided in an  
997 executed document.

998 (g) (i) A taxpayer shall apply for credits with the  
999 department on forms prescribed by the department. In the  
1000 application the taxpayer shall certify to the department the  
1001 dollar amount of the contributions made or to be made during the  
1002 calendar year. Within thirty (30) days after the receipt of an  
1003 application, the department shall allocate credits based on the  
1004 dollar amount of contributions as certified in the application.





1005 However, if the department cannot allocate the full amount of  
1006 credits certified in the application due to the limit on the  
1007 aggregate amount of credits that may be awarded under this  
1008 subsection in a calendar year, the department shall so notify the  
1009 applicant within thirty (30) days with the amount of credits, if  
1010 any, that may be allocated to the applicant in the calendar year.  
1011 Once the department has allocated credits to a taxpayer, if the  
1012 contribution for which a credit is allocated has not been made as  
1013 of the date of the allocation, then the contribution must be made  
1014 not later than sixty (60) days from the date of the allocation.  
1015 If the contribution is not made within such time period, the  
1016 allocation shall be cancelled and returned to the department for  
1017 reallocation. Upon final documentation of the contributions, if  
1018 the actual dollar amount of the contributions is lower than the  
1019 amount estimated, the department shall adjust the tax credit  
1020 allowed under this subsection.

1021 (ii) For the purposes of using a tax credit  
1022 against ad valorem taxes assessed and levied on real property, a  
1023 taxpayer shall present to the appropriate tax collector the tax  
1024 credit documentation provided to the taxpayer by the Department of  
1025 Revenue, and the tax collector shall apply the tax credit against  
1026 such ad valorem taxes. The tax collector shall forward the tax  
1027 credit documentation to the Department of Revenue along with the  
1028 amount of the tax credit applied against ad valorem taxes, and the  
1029 department shall disburse funds to the tax collector for the



1030 amount of the tax credit applied against ad valorem taxes. Such  
1031 payments by the Department of Revenue shall be made from current  
1032 tax collections.

1033 (h) The aggregate amount of tax credits that may be  
1034 allocated by the department under this subsection during a  
1035 calendar year shall not exceed Three Million Dollars  
1036 (\$3,000,000.00).

1037 (3) (a) (i) Except as otherwise provided in this  
1038 subsection, a credit is allowed against the taxes imposed by this  
1039 chapter for voluntary cash contributions by an individual taxpayer  
1040 during the taxable year to an eligible charitable organization. A  
1041 credit is also allowed against ad valorem taxes assessed and  
1042 levied on real property for voluntary cash contributions made by  
1043 the taxpayer during the taxable year to an eligible charitable  
1044 organization. The amount of credit that may be utilized by a  
1045 taxpayer in a taxable year shall be limited to an amount not to  
1046 exceed fifty percent (50%) of the total tax liability of the  
1047 taxpayer for the taxes imposed by this chapter and an amount not  
1048 to exceed fifty percent (50%) of the total tax liability of the  
1049 taxpayer for ad valorem taxes assessed and levied on real  
1050 property. Any tax credit claimed under this subsection but not  
1051 used in any taxable year may be carried forward for five (5)  
1052 consecutive years from the close of the tax year in which the  
1053 credits were earned.



1054                   (ii) A husband and wife who file separate returns  
1055 for a taxable year in which they could have filed a joint return  
1056 may each claim only one-half (1/2) of the tax credit that would  
1057 have been allowed for a joint return.

1058                   (iii) A contribution to an eligible charitable  
1059 organization for which a credit is claimed under this subsection  
1060 does not qualify for and shall not be included in any credit that  
1061 may be claimed under subsection (2) of this section.

1062                   (iv) A contribution for which a credit is claimed  
1063 under this subsection may not be used as a deduction by the  
1064 taxpayer for state income tax purposes.

1065                   (b) Taxpayers taking a credit authorized by this  
1066 subsection shall provide the name of the eligible charitable  
1067 organization and the amount of the contribution to the department  
1068 on forms provided by the department.

1069                   (c) An eligible charitable organization shall provide  
1070 the department with a written certification that it meets all  
1071 criteria to be considered an eligible charitable organization.  
1072 The organization shall also notify the department of any changes  
1073 that may affect eligibility under this subsection.

1074                   (d) The eligible charitable organization's written  
1075 certification must be signed by an officer of the organization  
1076 under penalty of perjury. The written certification shall include  
1077 the following:



1078 (i) Verification of the organization's status  
1079 under Section 501(c)(3) of the Internal Revenue Code;

1080 (ii) A statement that the organization does not  
1081 provide, pay for or provide coverage of abortions and does not  
1082 financially support any other entity that provides, pays for or  
1083 provides coverage of abortions;

1084 (iii) Any other information that the department  
1085 requires to administer this subsection.

1086 (e) The department shall review each written  
1087 certification and determine whether the organization meets all the  
1088 criteria to be considered an eligible charitable organization and  
1089 notify the organization of its determination. The department may  
1090 also periodically request recertification from the organization.  
1091 The department shall compile and make available to the public a  
1092 list of eligible charitable organizations.

1093 (f) (i) A taxpayer shall apply for credits with the  
1094 department on forms prescribed by the department. In the  
1095 application the taxpayer shall certify to the department the  
1096 dollar amount of the contributions made or to be made during the  
1097 calendar year. Within thirty (30) days after the receipt of an  
1098 application, the department shall allocate credits based on the  
1099 dollar amount of contributions as certified in the application.  
1100 However, if the department cannot allocate the full amount of  
1101 credits certified in the application due to the limit on the  
1102 aggregate amount of credits that may be awarded under this



1103 subsection in a calendar year, the department shall so notify the  
1104 applicant within thirty (30) days with the amount of credits, if  
1105 any, that may be allocated to the applicant in the calendar year.  
1106 Once the department has allocated credits to a taxpayer, if the  
1107 contribution for which a credit is allocated has not been made as  
1108 of the date of the allocation, then the contribution must be made  
1109 not later than sixty (60) days from the date of the allocation.  
1110 If the contribution is not made within such time period, the  
1111 allocation shall be cancelled and returned to the department for  
1112 reallocation. Upon final documentation of the contributions, if  
1113 the actual dollar amount of the contributions is lower than the  
1114 amount estimated, the department shall adjust the tax credit  
1115 allowed under this subsection.

1116 (ii) For the purposes of using a tax credit  
1117 against ad valorem taxes assessed and levied on real property, a  
1118 taxpayer shall present to the appropriate tax collector the tax  
1119 credit documentation provided to the taxpayer by the Department of  
1120 Revenue, and the tax collector shall apply the tax credit against  
1121 such ad valorem taxes. The tax collector shall forward the tax  
1122 credit documentation to the Department of Revenue along with the  
1123 amount of the tax credit applied against ad valorem taxes, and the  
1124 department shall disburse funds to the tax collector for the  
1125 amount of the tax credit applied against ad valorem taxes. Such  
1126 payments by the Department of Revenue shall be made from current  
1127 tax collections.



1128 (g) The aggregate amount of tax credits that may be  
1129 allocated by the department under this subsection during a  
1130 calendar year shall not exceed One Million Dollars  
1131 (\$1,000,000.00).

1132 **SECTION 7.** (1) As used in this section, the following words  
1133 and phrases shall have the meanings ascribed in this section  
1134 unless the context clearly indicates otherwise:

1135 (a) "Employment-related expenses" means and has the  
1136 same definition as such term has in 26 USCS Section 21.

1137 (b) "Qualifying individual" means and has the same  
1138 definition as such term has in 26 USCS Section 21(b)(1)(A).

1139 (2) Subject to the provisions of this section, any taxpayer  
1140 allowed to claim a federal income tax credit under 26 USCS Section  
1141 21 for employment-related expenses incurred related to one (1) or  
1142 more qualifying individuals shall be allowed a credit against the  
1143 taxes imposed under this chapter in the manner prescribed in this  
1144 section. The amount of the credit shall be equal to fifty percent  
1145 (50%) of the amount of the federal income tax credit lawfully  
1146 claimed by the taxpayer for such employment-related expenses on  
1147 the taxpayer's federal income tax return. However, the amount of  
1148 credit that may be utilized by a taxpayer in a taxable year shall  
1149 be limited to an amount not to exceed the total tax liability of  
1150 the taxpayer for the taxes imposed under this chapter. In order  
1151 to claim the credit provided for in this section, a taxpayer must  
1152 claim the federal income tax credit on the taxpayer's federal



1153 income tax return and have an adjusted gross income for such  
1154 return of not more than Fifty Thousand Dollars (\$50,000.00). A  
1155 taxpayer must provide a copy of such return and any other  
1156 information required by the department.

1157         **SECTION 8.** Sections 5, 6, and 7 of this act shall be  
1158 codified as new sections in Chapter 7, Title 27, Mississippi Code  
1159 of 1972.

1160         **SECTION 9.** Nothing in this act shall affect or defeat any  
1161 claim, assessment, appeal, suit, right or cause of action for  
1162 taxes due or accrued under the income tax laws, insurance premium  
1163 tax laws or ad valorem tax laws before the date on which this act  
1164 becomes effective, whether such claims, assessments, appeals,  
1165 suits or actions have been begun before the date on which this act  
1166 becomes effective or are begun thereafter; and the provisions of  
1167 the income tax laws, insurance premium tax laws and ad valorem tax  
1168 laws are expressly continued in full force, effect and operation  
1169 for the purpose of the assessment, collection and enrollment of  
1170 liens for any taxes due or accrued and the execution of any  
1171 warrant under such laws before the date on which this act becomes  
1172 effective, and for the imposition of any penalties, forfeitures or  
1173 claims for failure to comply with such laws.

1174         **SECTION 10.** This act shall take effect and be in force from  
1175 and after January 1, 2023.

