

House Amendments to Senate Bill No. 2335

TO THE SECRETARY OF THE SENATE:

THIS IS TO INFORM YOU THAT THE HOUSE HAS ADOPTED THE AMENDMENTS SET OUT BELOW:

AMENDMENT NO. 1

1 AN ACT TO AMEND SECTION 57-73-23, MISSISSIPPI CODE OF 1972,
2 WHICH AUTHORIZES AN INCOME TAX CREDIT FOR EMPLOYERS PROVIDING
3 DEPENDENT CARE FOR EMPLOYEES DURING WORK HOURS, TO INCREASE THE
4 AMOUNT OF THE TAX CREDIT; TO AUTHORIZE AN INCOME TAX CREDIT FOR
5 EMPLOYERS WHO PROVIDE A CHILD CARE STIPEND TO BE USED FOR CHILD
6 CARE DURING EMPLOYEES' WORK HOURS; AND FOR RELATED PURPOSES.

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

8 SECTION 1. Section 57-73-23, Mississippi Code of 1972, is
9 amended as follows:

10 57-73-23. (1) A * * * seventy-five percent (75%) income tax
11 credit shall be granted to any employer providing dependent care
12 for employees during the employee's work hours, and to any
13 employer who provides a child care stipend of at least six
14 thousand dollars (\$6,000.00) to only be used for child care during
15 the employee's work hours.

16 (2) In order for an employer who provides a child care
17 stipend under this section to be eligible for the tax credit, the
18 employer shall certify to the Mississippi Department of Revenue:

19 (a) The names of the employees receiving the stipend;
20 and

21 (b) The amount of the stipend received by each of those
22 employees; and

23 (c) The names, addresses, and taxpayer identification
24 numbers or social security numbers of the child care providers
25 paid by the employees with the child care stipend; and

26 (d) Such other information as may be required by the
27 Department of Revenue to ensure that credits under this section
28 are granted only to employers who provide stipends that are used
29 by the employees only for child care.

30 (3) For an employer providing dependent care itself and for
31 an employer contracting for dependent care for its employees
32 during the employee's work hours, the credit is applied to the net
33 cost of any contract executed by the employer for another entity
34 to provide dependent care; or, if the employer elects to provide
35 dependent care itself, to expenses of dependent care staff,
36 learning and recreational materials and equipment, and the
37 construction and maintenance of a facility; or if the employer
38 elects to provide a child care stipend, the credit is applied to
39 the amount of the stipend provided. Additional eligible expenses
40 include net costs assumed by the employer which increase the
41 quality, availability and affordability of dependent care in the
42 community used by employees during the employee's work hours.
43 This cost is net of any reimbursement. A deduction shall not be
44 allowed for any expenses which serve as the basis for an income
45 tax credit. The credits allowed under this section shall not be

46 used by any business enterprise or corporation other than the
47 business enterprise actually qualifying for the credits.

48 Credit may be carried forward for the five (5) successive
49 years if the amount allowable as credit exceeds income tax
50 liability in a tax year; however, thereafter, if the amount
51 allowable as a credit exceeds the tax liability, the amount of
52 excess shall not be refundable or carried forward to any other
53 taxable year.

54 The facility must have an average daily enrollment for the
55 taxable year of no less than six (6) children who are twelve (12)
56 years of age or less and be licensed according to the regulations
57 governing licensure of child care facilities in Mississippi; or
58 must serve five (5) or fewer children and/or elderly adults in a
59 family child care/elder care home approved by the Department of
60 Health for participation in the United States Department of
61 Agriculture child and adult nutrition program; or must serve
62 children over twelve (12) years of age but less than eighteen (18)
63 years of age in either a community-based facility or a facility at
64 the employment site; or must serve adult relatives of employees in
65 either a community-based elder care facility or a facility at the
66 employment site; or must serve children or adult dependents having
67 physical, emotional or mental disabilities in either a
68 community-based facility or a facility at the employment site.

69 Employers will be certified as eligible for the tax credit by
70 the * * * State Department of Health for programs serving children

71 twelve (12) years of age or younger and for programs serving
72 elderly adults and by the * * * Department of Revenue for programs
73 serving other dependents older than twelve (12) years of age.

74 **SECTION 2.** This act shall take effect and be in force from
75 and after July 1, 2023, and shall stand repealed on June 30, 2023.

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Andrew Ketchings
Clerk of the House of Representatives