

House Amendments to Senate Bill No. 2696

TO THE SECRETARY OF THE SENATE:

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

AMENDMENT NO. 1

Amend by striking all after the enacting clause and inserting in lieu thereof the following:

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

51 27-7-22.43. (1) This section shall be known and may be
52 cited as the "Pregnancy Resource Act."

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

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

57 (b) "Eligible charitable organization" means an
58 organization that is exempt from federal income taxation under
59 Section 501(c)(3) of the Internal Revenue Code and is a pregnancy
60 resource center or crisis pregnancy center eligible to receive
61 funding disbursed by the Choose Life Advisory Committee, Choose
62 Life Mississippi or any successor entity under Section
63 27-19-56.70, 27-19-56.277 and/or 27-19-56.412.

64 (3) (a) The tax credit authorized in this section shall be
65 available only to a taxpayer who is a business enterprise engaged

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

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

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

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

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

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

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

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

114 (7) The department shall review each written certification
115 and determine whether the organization meets all the criteria to

116 be considered an eligible charitable organization and notify the
117 organization of its determination. The department may also
118 periodically request recertification from the organization. The
119 department shall compile and make available to the public a list
120 of eligible charitable organizations.

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

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

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

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

163 (10) The aggregate amount of tax credits that may be
164 allocated by the department under this section during a calendar
165 year shall not exceed Three Million Five Hundred Thousand Dollars
166 (\$3,500,000.00). However, for calendar year 2023, and for each
167 calendar year thereafter, the aggregate amount of tax credits that

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

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

176 * * *

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

192 (b) There shall be allowed as a credit against the tax
193 imposed by this chapter the amount of Five Thousand Dollars

194 (\$5,000.00) for each dependent child legally adopted by a taxpayer
195 under the laws of this state through the Mississippi Department of
196 Child Protection Services during calendar year 2018 or during any
197 calendar year thereafter through calendar year 2022, and the
198 amount of Ten Thousand Dollars (\$10,000.00) for each dependent
199 child legally adopted by a taxpayer under the laws of this state
200 through the Mississippi Department of Child Protection Services
201 during any calendar year thereafter. A taxpayer claiming a credit
202 under this paragraph (b) may not claim a credit under paragraph
203 (a) of this subsection for the adoption of the same child.

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

213 * * *

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

216 27-7-22.39. (1) As used in this section:

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

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

246 that provides, pays for or provides coverage of abortions or that
247 financially supports any other entity that provides, pays for or
248 provides coverage of abortions.

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

271 (d) "Services" means:

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

276 (ii) Job-training or education services or funding
277 for parents, foster parents or guardians; or (iii)
278 Job-training or education services or funding provided as part of
279 a foster care independent living program.

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

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

289 (* * *ii) The lesser of Eight Hundred Dollars
290 (\$800.00) or the amount of the contribution in any taxable year
291 for a married couple filing a joint return.

292 (b) Except as provided in subsections (3) and (4) of
293 this section, from and after January 1, 2023, a credit is allowed
294 against the taxes imposed by this chapter for voluntary cash
295 contributions by the individual taxpayer during the taxable year
296 to a qualifying charitable organization, other than a qualifying
297 foster care charitable organization. A credit is also allowed

298 against ad valorem taxes assessed and levied on real property for
299 voluntary cash contributions made by the individual taxpayer
300 during the taxable year to a qualifying charitable organization,
301 other than a qualifying foster care charitable organization. The
302 amount of credit that may be utilized by a taxpayer in a taxable
303 year shall be limited to (i) an amount not to exceed fifty percent
304 (50%) of the total tax liability of the taxpayer for the taxes
305 imposed by this chapter and (ii) an amount not to exceed fifty
306 percent (50%) of the total tax liability of the taxpayer for ad
307 valorem taxes assessed and levied on real property. Any tax
308 credit claimed under this paragraph but not used in any taxable
309 year may be carried forward for five (5) consecutive years from
310 the close of the tax year in which the credits were earned.

311 (3) (a) A separate credit is allowed against the taxes
312 imposed by this chapter for voluntary cash contributions during
313 the taxable year to a qualifying foster care charitable
314 organization. A contribution to a qualifying foster care
315 charitable organization does not qualify for, and shall not be
316 included in, any credit amount under subsection (2) of this
317 section. If the voluntary cash contribution by the taxpayer is to
318 a qualifying foster care charitable organization, through calendar
319 year 2022, the credit shall not exceed:

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

323 (* * *ii) The lesser of One Thousand Dollars
324 (\$1,000.00) or the amount of the contribution in any taxable year
325 for a married couple filing a joint return.

326 (b) From and after January 1, 2023, a separate credit
327 is allowed against the taxes imposed by this chapter for voluntary
328 cash contributions during the taxable year to a qualifying foster
329 care charitable organization. A credit is also allowed against ad
330 valorem taxes assessed and levied on real property for voluntary
331 cash contributions made by the individual taxpayer during the
332 taxable year to a qualifying foster care charitable organization.
333 The amount of credit that may be utilized by a taxpayer in a
334 taxable year shall be limited to (i) an amount not to exceed fifty
335 percent (50%) of the total tax liability of the taxpayer for the
336 taxes imposed by this chapter and (ii) an amount not to exceed
337 fifty percent (50%) of the total tax liability of the taxpayer for
338 ad valorem taxes assessed and levied on real property. Any tax
339 credit claimed under this paragraph but not used in any taxable
340 year may be carried forward for five (5) consecutive years from
341 the close of the tax year in which the credits were earned.

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

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

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

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

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

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

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

371 (9) A qualifying charitable organization shall provide the
372 department with a written certification that it meets all criteria

373 to be considered a qualifying charitable organization. The
374 organization shall also notify the department of any changes that
375 may affect the qualifications under this section.

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

379 (a) Verification of the organization's status under
380 Section 501(c)(3) of the Internal Revenue Code or verification
381 that the organization is a designated community action agency that
382 receives community services block grant program monies pursuant to
383 42 USC 9901.

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

387 (i) Receive temporary assistance for needy
388 families benefits;

389 (ii) Are low-income residents of this state;

390 (iii) Are children who have a chronic illness or
391 physical, intellectual, developmental or emotional disability; or

392 (iv) Are children in a foster care placement
393 program established by the Department of Child Protection
394 Services, children placed under the Safe Families for Children
395 model or children at significant risk of entering a foster care
396 placement program established by the Department of Child
397 Protection Services.

398 (c) A statement that the organization plans to continue
399 spending at least fifty percent (50%) of its budget on services to
400 residents of this state who receive temporary assistance for needy
401 families benefits, who are low-income residents of this state, who
402 are children who have a chronic illness or physical, intellectual,
403 developmental or emotional disability or who are children in a
404 foster care placement program established by the Department of
405 Child Protection Services, children placed under the Safe Families
406 for Children model or children at significant risk of entering a
407 foster care placement program established by the Department of
408 Child Protection Services. A charitable organization that is
409 exempt from federal income tax under Section 501(c)(3) of the
410 Internal Revenue Code and that meets all other requirements for a
411 qualifying charitable organization or qualifying foster care
412 charitable organization except that it does not spend at least
413 fifty percent (50%) of its overall budget in Mississippi shall
414 submit a statement that it spends at least fifty percent (50%) of
415 its Mississippi budget on services to qualified individuals in
416 Mississippi and that one hundred percent (100%) of the voluntary
417 cash contributions it receives from Mississippi taxpayers will be
418 spent on services to qualified individuals in Mississippi.

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

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

427 (f) Any other information that the department requires
428 to administer this section.

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

436 (12) The aggregate amount of tax credits that may be awarded
437 under this section in any calendar year shall not exceed Three
438 Million Dollars (\$3,000,000.00). However, for calendar year 2021,
439 and for each calendar year thereafter, the aggregate amount of tax
440 credits that may be awarded under this section in any calendar
441 year shall not exceed One Million Dollars (\$1,000,000.00). In
442 addition, any tax credits not awarded under this section before
443 June 1, 2020, may be allocated during calendar year 2020 under
444 Section 27-7-22.41 for contributions by taxpayers to eligible
445 charitable organizations described in Section
446 27-7-22.41(1)(b)(ii) as provided under such section,
447 notwithstanding any limitation on the percentage of tax credits
448 that may be allocated for such contributions.

449 (13) A taxpayer shall apply for credits with the department
450 on forms prescribed by the department. In the application the
451 taxpayer shall certify to the department the dollar amount of the
452 contributions made or to be made during the calendar year. Within
453 thirty (30) days after the receipt of an application, the
454 department shall allocate credits based on the dollar amount of
455 contributions as certified in the application. However, if the
456 department cannot allocate the full amount of credits certified in
457 the application due to the limit on the aggregate amount of
458 credits that may be awarded under this section in a calendar year,
459 the department shall so notify the applicant within thirty (30)
460 days with the amount of credits, if any, that may be allocated to
461 the applicant in the calendar year. Once the department has
462 allocated credits to a taxpayer, if the contribution for which a
463 credit is allocated has not been made as of the date of the
464 allocation, then the contribution must be made not later than
465 sixty (60) days from the date of the allocation. If the
466 contribution is not made within such time period, the allocation
467 shall be cancelled and returned to the department for
468 reallocation. Upon final documentation of the contributions, if
469 the actual dollar amount of the contributions is lower than the
470 amount estimated, the department shall adjust the tax credit
471 allowed under this section.

472 (14) This section shall be repealed from and after January
473 1, 2025.

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

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

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

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

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

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

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

491 3. The express purpose of creating permanency
492 for children through adoption; or

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

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

500 placement program established by the Department of Child
501 Protection Services,

502 2. Children who have a chronic illness or
503 physical, intellectual, developmental or emotional disability, or

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

508 (2) (a) The tax credit authorized in this section shall be
509 available only to a taxpayer who is a business enterprise engaged
510 in commercial, industrial or professional activities and operating
511 as a corporation, limited liability company, partnership or sole
512 proprietorship. Except as otherwise provided in this section, a
513 credit is allowed against the taxes imposed by Sections 27-7-5,
514 27-15-103, 27-15-109 and 27-15-123, for voluntary cash
515 contributions made by a taxpayer during the taxable year to an
516 eligible charitable organization. From and after January 1, 2022,
517 for a taxpayer that is not operating as a corporation, a credit is
518 also allowed against ad valorem taxes assessed and levied on real
519 property for voluntary cash contributions made by the taxpayer
520 during the taxable year to an eligible charitable organization.
521 The amount of credit that may be utilized by a taxpayer in a
522 taxable year shall be limited to (i) an amount not to exceed fifty
523 percent (50%) of the total tax liability of the taxpayer for the
524 taxes imposed by such sections of law and (ii) an amount not to
525 exceed fifty percent (50%) of the total tax liability of the

526 taxpayer for ad valorem taxes assessed and levied on real
527 property. Any tax credit claimed under this section but not used
528 in any taxable year may be carried forward for five (5)
529 consecutive years from the close of the tax year in which the
530 credits were earned.

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

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

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

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

550 (5) The eligible charitable organization's written
551 certification must be signed by an officer of the organization

552 under penalty of perjury. The written certification shall include
553 the following:

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

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

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

563 (d) Any other information that the department requires
564 to administer this section.

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

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

577 partners, members or shareholders mutually agree as provided in an
578 executed document.

579 (8) (a) A taxpayer shall apply for credits with the
580 department on forms prescribed by the department. In the
581 application the taxpayer shall certify to the department the
582 dollar amount of the contributions made or to be made during the
583 calendar year. Within thirty (30) days after the receipt of an
584 application, the department shall allocate credits based on the
585 dollar amount of contributions as certified in the application.
586 However, if the department cannot allocate the full amount of
587 credits certified in the application due to the limit on the
588 aggregate amount of credits that may be awarded under this section
589 in a calendar year, the department shall so notify the applicant
590 within thirty (30) days with the amount of credits, if any, that
591 may be allocated to the applicant in the calendar year. Once the
592 department has allocated credits to a taxpayer, if the
593 contribution for which a credit is allocated has not been made as
594 of the date of the allocation, then the contribution must be made
595 not later than sixty (60) days from the date of the allocation.
596 If the contribution is not made within such time period, the
597 allocation shall be cancelled and returned to the department for
598 reallocation. Upon final documentation of the contributions, if
599 the actual dollar amount of the contributions is lower than the
600 amount estimated, the department shall adjust the tax credit
601 allowed under this section.

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

608 (c) For the purposes of using a tax credit against ad
609 valorem taxes assessed and levied on real property, a taxpayer
610 shall present to the appropriate tax collector the tax credit
611 documentation provided to the taxpayer by the Department of
612 Revenue, and the tax collector shall apply the tax credit against
613 such ad valorem taxes. The tax collector shall forward the tax
614 credit documentation to the Department of Revenue along with the
615 amount of the tax credit applied against ad valorem taxes, and the
616 department shall disburse funds to the tax collector for the
617 amount of the tax credit applied against ad valorem taxes. Such
618 payments by the Department of Revenue shall be made from current
619 tax collections.

620 (9) The aggregate amount of tax credits that may be
621 allocated by the department under this section during a calendar
622 year shall not exceed Five Million Dollars (\$5,000,000.00), and
623 not more than fifty percent (50%) of tax credits allocated during
624 a calendar year may be allocated for contributions to eligible
625 charitable organizations described in subsection (1)(b)(ii) of
626 this section. However, for calendar year 2021, the aggregate
627 amount of tax credits that may be allocated by the department

628 under this section during a calendar year shall not exceed Ten
629 Million Dollars (\$10,000,000.00), for calendar year 2022, the
630 aggregate amount of tax credits that may be allocated by the
631 department under this section during a calendar year shall not
632 exceed Sixteen Million Dollars (\$16,000,000.00), and for calendar
633 year 2023, and for each calendar year thereafter, the aggregate
634 amount of tax credits that may be allocated by the department
635 under this section during a calendar year shall not exceed
636 Eighteen Million Dollars (\$18,000,000.00). For calendar year
637 2021, and for each calendar year thereafter, fifty percent (50%)
638 of the tax credits allocated during a calendar year shall be
639 allocated for contributions to eligible charitable organizations
640 described in subsection (1)(b)(i) of this section and fifty
641 percent (50%) of the tax credits allocated during a calendar year
642 shall be allocated for contributions to eligible charitable
643 organizations described in subsection (1)(b)(ii) of this section.
644 For calendar year 2021, and for each calendar year thereafter, for
645 credits allocated during a calendar year for contributions to
646 eligible charitable organizations described in subsection
647 (1)(b)(i) of this section, no more than twenty-five percent (25%)
648 of such credits may be allocated for contributions to a single
649 eligible charitable organization. Except as otherwise provided in
650 this section, for calendar year 2021, and for each calendar year
651 thereafter, for credits allocated during a calendar year for
652 contributions to eligible charitable organizations described in
653 subsection (1)(b)(ii) of this section, no more than four and

654 one-half percent (4-1/2%) of such credits may be allocated for
655 contributions to a single eligible charitable organization.

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

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

660 (b) "Eligible transitional home organization" means an
661 organization that is exempt from federal income taxation under
662 Section 501(c)(3) of the Internal Revenue Code that provides
663 transitional housing for homeless persons age twenty-five (25) and
664 under, homeless families and/or homeless and/or referred unwed
665 pregnant women.

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

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

678 (c) "Transitional housing" means temporary housing the
679 purpose of which is to provide homeless persons age twenty-five

680 (25) and under, homeless families and/or homeless and/or referred
681 unwed pregnant women with temporary shelter and facilitate their
682 movement to permanent housing within an amount of time that the
683 eligible transitional home organization determines to be
684 appropriate.

685 "Transitional housing" includes a program designed by the
686 eligible transitional home organization that offers structure,
687 supervision, support, life skills, education and training as the
688 eligible transitional home organization determines to be
689 appropriate for each individual and/or family to achieve and/or
690 maintain independence.

691 (2) (a) (i) The tax credit authorized in this subsection
692 shall be available only to a taxpayer who is a business enterprise
693 engaged in commercial, industrial or professional activities and
694 operating as a corporation, limited liability company, partnership
695 or sole proprietorship. Except as otherwise provided in this
696 subsection, a credit is allowed against the taxes imposed by
697 Sections 27-7-5, 27-15-103, 27-15-109 and 27-15-123, for voluntary
698 cash contributions made by a taxpayer during the taxable year to
699 an eligible transitional home organization. A credit is also
700 allowed against ad valorem taxes assessed and levied on real
701 property for voluntary cash contributions made by the taxpayer
702 during the taxable year to an eligible transitional home
703 organization. The amount of credit that may be utilized by a
704 taxpayer in a taxable year shall be limited to an amount not to
705 exceed fifty percent (50%) of the total tax liability of the

706 taxpayer for the taxes imposed by such sections of law and an
707 amount not to exceed fifty percent (50%) of the total tax
708 liability of the taxpayer for ad valorem taxes assessed and levied
709 on real property. Any tax credit claimed under this subsection
710 but not used in any taxable year may be carried forward for five
711 (5) consecutive years from the close of the tax year in which the
712 credits were earned.

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

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

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

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

729 (d) The eligible transitional home organization's
730 written certification must be signed by an officer of the

731 organization under penalty of perjury. The written certification
732 shall include the following:

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

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

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

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

748 (v) Any other information that the department
749 requires to administer this section.

750 (e) The department shall review each written
751 certification and determine whether the organization meets all the
752 criteria to be considered an eligible transitional home
753 organization and notify the organization of its determination.
754 The department may also periodically request recertification from
755 the organization. The department shall compile and make available
756 to the public a list of eligible transitional home organizations.

757 (f) Tax credits authorized by this subsection that are
758 earned by a partnership, limited liability company, S corporation
759 or other similar pass-through entity, shall be allocated among all
760 partners, members or shareholders, respectively, either in
761 proportion to their ownership interest in such entity or as the
762 partners, members or shareholders mutually agree as provided in an
763 executed document.

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

783 reallocation. Upon final documentation of the contributions, if
784 the actual dollar amount of the contributions is lower than the
785 amount estimated, the department shall adjust the tax credit
786 allowed under this subsection.

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

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

807 (3) (a) (i) Except as otherwise provided in this
808 subsection, a credit is allowed against the taxes imposed by this

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

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

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

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

835 (b) Taxpayers taking a credit authorized by this
836 subsection shall provide the name of the eligible transitional
837 home organization and the amount of the contribution to the
838 department on forms provided by the department.

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

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

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

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

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

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

863 (v) Any other information that the department
864 requires to administer this section.

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

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

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

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

907 (g) The aggregate amount of tax credits that may be
908 allocated by the department under this subsection during a
909 calendar year shall not exceed One Million Dollars
910 (\$1,000,000.00).

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

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

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

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

927 (iii) "Low-income residents" means persons whose
928 household income does not exceed one hundred eighty-five percent
929 (185%) of the federal poverty level converted to a modified
930 adjusted gross income equivalent standard.

931 (iv) "Nurse practitioner" means a nurse
932 practitioner certified under Section 73-15-20, Mississippi Code of
933 1972.

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

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

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

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

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

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

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

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

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

984 (iii) Any other information that the department
985 requires to administer this subsection.

986 (e) The department shall review each written
987 certification and determine whether the organization meets all the

988 criteria to be considered an eligible charitable organization and
989 notify the organization of its determination. The department may
990 also periodically request recertification from the organization.
991 The department shall compile and make available to the public a
992 list of eligible charitable organizations.

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

1000 (g) (i) A taxpayer shall apply for credits with the
1001 department on forms prescribed by the department. In the
1002 application the taxpayer shall certify to the department the
1003 dollar amount of the contributions made or to be made during the
1004 calendar year. Within thirty (30) days after the receipt of an
1005 application, the department shall allocate credits based on the
1006 dollar amount of contributions as certified in the application.
1007 However, if the department cannot allocate the full amount of
1008 credits certified in the application due to the limit on the
1009 aggregate amount of credits that may be awarded under this
1010 subsection in a calendar year, the department shall so notify the
1011 applicant within thirty (30) days with the amount of credits, if
1012 any, that may be allocated to the applicant in the calendar year.
1013 Once the department has allocated credits to a taxpayer, if the

1014 contribution for which a credit is allocated has not been made as
1015 of the date of the allocation, then the contribution must be made
1016 not later than sixty (60) days from the date of the allocation.
1017 If the contribution is not made within such time period, the
1018 allocation shall be cancelled and returned to the department for
1019 reallocation. Upon final documentation of the contributions, if
1020 the actual dollar amount of the contributions is lower than the
1021 amount estimated, the department shall adjust the tax credit
1022 allowed under this subsection.

1023 (ii) For the purposes of using a tax credit
1024 against ad valorem taxes assessed and levied on real property, a
1025 taxpayer shall present to the appropriate tax collector the tax
1026 credit documentation provided to the taxpayer by the Department of
1027 Revenue, and the tax collector shall apply the tax credit against
1028 such ad valorem taxes. The tax collector shall forward the tax
1029 credit documentation to the Department of Revenue along with the
1030 amount of the tax credit applied against ad valorem taxes, and the
1031 department shall disburse funds to the tax collector for the
1032 amount of the tax credit applied against ad valorem taxes. Such
1033 payments by the Department of Revenue shall be made from current
1034 tax collections.

1035 (h) The aggregate amount of tax credits that may be
1036 allocated by the department under this subsection during a
1037 calendar year shall not exceed Three Million Dollars
1038 (\$3,000,000.00).

1039 (3) (a) (i) Except as otherwise provided in this
1040 subsection, a credit is allowed against the taxes imposed by this
1041 chapter for voluntary cash contributions by an individual taxpayer
1042 during the taxable year to an eligible charitable organization. A
1043 credit is also allowed against ad valorem taxes assessed and
1044 levied on real property for voluntary cash contributions made by
1045 the taxpayer during the taxable year to an eligible charitable
1046 organization. The amount of credit that may be utilized by a
1047 taxpayer in a taxable year shall be limited to an amount not to
1048 exceed fifty percent (50%) of the total tax liability of the
1049 taxpayer for the taxes imposed by this chapter and an amount not
1050 to exceed fifty percent (50%) of the total tax liability of the
1051 taxpayer for ad valorem taxes assessed and levied on real
1052 property. Any tax credit claimed under this subsection but not
1053 used in any taxable year may be carried forward for five (5)
1054 consecutive years from the close of the tax year in which the
1055 credits were earned.

1056 (ii) A husband and wife who file separate returns
1057 for a taxable year in which they could have filed a joint return
1058 may each claim only one-half (1/2) of the tax credit that would
1059 have been allowed for a joint return.

1060 (iii) A contribution to an eligible charitable
1061 organization for which a credit is claimed under this subsection
1062 does not qualify for and shall not be included in any credit that
1063 may be claimed under subsection (2) of this section.

1064 (iv) A contribution for which a credit is claimed
1065 under this subsection may not be used as a deduction by the
1066 taxpayer for state income tax purposes.

1067 (b) Taxpayers taking a credit authorized by this
1068 subsection shall provide the name of the eligible charitable
1069 organization and the amount of the contribution to the department
1070 on forms provided by the department.

1071 (c) An eligible charitable organization shall provide
1072 the department with a written certification that it meets all
1073 criteria to be considered an eligible charitable organization.
1074 The organization shall also notify the department of any changes
1075 that may affect eligibility under this subsection.

1076 (d) The eligible charitable organization's written
1077 certification must be signed by an officer of the organization
1078 under penalty of perjury. The written certification shall include
1079 the following:

1080 (i) Verification of the organization's status
1081 under Section 501(c)(3) of the Internal Revenue Code;

1082 (ii) A statement that the organization does not
1083 provide, pay for or provide coverage of abortions and does not
1084 financially support any other entity that provides, pays for or
1085 provides coverage of abortions;

1086 (iii) Any other information that the department
1087 requires to administer this subsection.

1088 (e) The department shall review each written
1089 certification and determine whether the organization meets all the

1090 criteria to be considered an eligible charitable organization and
1091 notify the organization of its determination. The department may
1092 also periodically request recertification from the organization.
1093 The department shall compile and make available to the public a
1094 list of eligible charitable organizations.

1095 (f) (i) A taxpayer shall apply for credits with the
1096 department on forms prescribed by the department. In the
1097 application the taxpayer shall certify to the department the
1098 dollar amount of the contributions made or to be made during the
1099 calendar year. Within thirty (30) days after the receipt of an
1100 application, the department shall allocate credits based on the
1101 dollar amount of contributions as certified in the application.
1102 However, if the department cannot allocate the full amount of
1103 credits certified in the application due to the limit on the
1104 aggregate amount of credits that may be awarded under this
1105 subsection in a calendar year, the department shall so notify the
1106 applicant within thirty (30) days with the amount of credits, if
1107 any, that may be allocated to the applicant in the calendar year.
1108 Once the department has allocated credits to a taxpayer, if the
1109 contribution for which a credit is allocated has not been made as
1110 of the date of the allocation, then the contribution must be made
1111 not later than sixty (60) days from the date of the allocation.
1112 If the contribution is not made within such time period, the
1113 allocation shall be cancelled and returned to the department for
1114 reallocation. Upon final documentation of the contributions, if
1115 the actual dollar amount of the contributions is lower than the

1116 amount estimated, the department shall adjust the tax credit
1117 allowed under this subsection.

1118 (ii) For the purposes of using a tax credit
1119 against ad valorem taxes assessed and levied on real property, a
1120 taxpayer shall present to the appropriate tax collector the tax
1121 credit documentation provided to the taxpayer by the Department of
1122 Revenue, and the tax collector shall apply the tax credit against
1123 such ad valorem taxes. The tax collector shall forward the tax
1124 credit documentation to the Department of Revenue along with the
1125 amount of the tax credit applied against ad valorem taxes, and the
1126 department shall disburse funds to the tax collector for the
1127 amount of the tax credit applied against ad valorem taxes. Such
1128 payments by the Department of Revenue shall be made from current
1129 tax collections.

1130 (g) The aggregate amount of tax credits that may be
1131 allocated by the department under this subsection during a
1132 calendar year shall not exceed One Million Dollars
1133 (\$1,000,000.00).

1134 **SECTION 7.** (1) As used in this section, the following words
1135 and phrases shall have the meanings ascribed in this section
1136 unless the context clearly indicates otherwise:

1137 (a) "Employment-related expenses" means and has the
1138 same definition as such term has in 26 USCS Section 21.

1139 (b) "Qualifying individual" means and has the same
1140 definition as such term has in 26 USCS Section 21(b)(1)(A).

1141 (2) Subject to the provisions of this section, any taxpayer
1142 allowed to claim a federal income tax credit under 26 USCS Section
1143 21 for employment-related expenses incurred related to one (1) or
1144 more qualifying individuals shall be allowed a credit against the
1145 taxes imposed under this chapter in the manner prescribed in this
1146 section. The amount of the credit shall be equal to fifty percent
1147 (50%) of the amount of the federal income tax credit lawfully
1148 claimed by the taxpayer for such employment-related expenses on
1149 the taxpayer's federal income tax return. However, the amount of
1150 credit that may be utilized by a taxpayer in a taxable year shall
1151 be limited to an amount not to exceed the total tax liability of
1152 the taxpayer for the taxes imposed under this chapter. In order
1153 to claim the credit provided for in this section, a taxpayer must
1154 claim the federal income tax credit on the taxpayer's federal
1155 income tax return and have an adjusted gross income for such
1156 return of not more than Fifty Thousand Dollars (\$50,000.00). A
1157 taxpayer must provide a copy of such return and any other
1158 information required by the department.

1159 **SECTION 8.** Sections 5, 6, and 7 of this act shall be
1160 codified as new sections in Chapter 7, Title 27, Mississippi Code
1161 of 1972.

1162 **SECTION 9.** Nothing in this act shall affect or defeat any
1163 claim, assessment, appeal, suit, right or cause of action for
1164 taxes due or accrued under the income tax laws, insurance premium
1165 tax laws or ad valorem tax laws before the date on which this act
1166 becomes effective, whether such claims, assessments, appeals,

1167 suits or actions have been begun before the date on which this act
1168 becomes effective or are begun thereafter; and the provisions of
1169 the income tax laws, insurance premium tax laws and ad valorem tax
1170 laws are expressly continued in full force, effect and operation
1171 for the purpose of the assessment, collection and enrollment of
1172 liens for any taxes due or accrued and the execution of any
1173 warrant under such laws before the date on which this act becomes
1174 effective, and for the imposition of any penalties, forfeitures or
1175 claims for failure to comply with such laws.

1176 **SECTION 10.** This act shall take effect and be in force from
1177 and after January 1, 2023.

**Further, amend by striking the title in its entirety and
inserting in lieu thereof the following:**

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 REFLECT THE CHANGE OF THE NAME OF THE CHOOSE LIFE ADVISORY
8 COMMITTEE TO CHOOSE LIFE MISSISSIPPI; TO REVISE THE TAXPAYERS
9 ELIGIBLE FOR AN AD VALOREM TAX CREDIT FOR SUCH CONTRIBUTIONS; TO
10 AMEND SECTION 27-7-22.32, MISSISSIPPI CODE OF 1972, WHICH
11 AUTHORIZES AN INCOME TAX CREDIT FOR EXPENSES INCURRED FOR THE
12 ADOPTION OF A CHILD, TO INCREASE THE AMOUNT OF THE CREDIT AND TO
13 DELETE THE REVERTER ON THE PROVISION OF LAW THAT INCREASES THE
14 MAXIMUM AMOUNT OF THE TAX CREDIT FROM \$2,500 TO \$5,000 PER CHILD
15 AND THE PROVISION THAT AUTHORIZES AN INCOME TAX CREDIT FOR A CHILD
16 ADOPTED THROUGH THE MISSISSIPPI DEPARTMENT OF CHILD PROTECTION
17 SERVICES; TO AMEND SECTION 27-7-22.39, MISSISSIPPI CODE OF 1972,
18 WHICH AUTHORIZES INCOME TAX CREDITS FOR VOLUNTARY CASH
19 CONTRIBUTIONS TO QUALIFYING CHARITABLE ORGANIZATIONS AND
20 QUALIFYING FOSTER CARE CHARITABLE ORGANIZATIONS, TO REVISE THE
21 AMOUNT OF CREDIT THAT A TAXPAYER IS ALLOWED TO CLAIM FOR SUCH A
22 VOLUNTARY CASH CONTRIBUTION; TO BRING FORWARD SECTION 27-7-22.41,
23 MISSISSIPPI CODE OF 1972, WHICH PROVIDES AN INCOME TAX CREDIT,
24 INSURANCE PREMIUM TAX CREDIT AND AD VALOREM TAX CREDIT FOR

25 CONTRIBUTIONS MADE BY CERTAIN TAXPAYERS TO CERTAIN ELIGIBLE
26 CHARITABLE ORGANIZATIONS, FOR THE PURPOSES OF POSSIBLE AMENDMENT;
27 TO AUTHORIZE AN INCOME TAX CREDIT, INSURANCE PREMIUM TAX CREDIT
28 AND AD VALOREM TAX CREDIT FOR VOLUNTARY CASH CONTRIBUTIONS BY
29 TAXPAYERS TO ELIGIBLE TRANSITIONAL HOME ORGANIZATIONS; TO LIMIT
30 THE AMOUNT OF THE TAX CREDIT; TO PROVIDE THAT UNUSED PORTIONS OF A
31 TAX CREDIT MAY BE CARRIED FORWARD FOR FIVE CONSECUTIVE YEARS FROM
32 THE CLOSE OF THE TAX YEAR IN WHICH THE CREDIT WAS EARNED; TO
33 PROVIDE THE CRITERIA THAT AN ELIGIBLE TRANSITIONAL HOME
34 ORGANIZATION MUST MEET IN ORDER FOR A CONTRIBUTION TO THE
35 ORGANIZATION TO QUALIFY FOR A TAX CREDIT AUTHORIZED BY THIS ACT;
36 TO AUTHORIZE AN INCOME TAX CREDIT, INSURANCE PREMIUM TAX CREDIT
37 AND AD VALOREM TAX CREDIT FOR VOLUNTARY CASH CONTRIBUTIONS BY
38 TAXPAYERS TO ELIGIBLE CHARITABLE ORGANIZATIONS; TO LIMIT THE
39 AMOUNT OF THE TAX CREDIT; TO PROVIDE THAT UNUSED PORTIONS OF A TAX
40 CREDIT MAY BE CARRIED FORWARD FOR FIVE CONSECUTIVE YEARS FROM THE
41 CLOSE OF THE TAX YEAR IN WHICH THE CREDIT WAS EARNED; TO PROVIDE
42 THE CRITERIA THAT AN ELIGIBLE CHARITABLE ORGANIZATION MUST MEET IN
43 ORDER FOR A CONTRIBUTION TO THE ORGANIZATION TO QUALIFY FOR A TAX
44 CREDIT AUTHORIZED BY THIS ACT; TO AUTHORIZE AN INCOME TAX CREDIT
45 FOR CERTAIN TAXPAYERS CLAIMING A FEDERAL INCOME TAX CREDIT FOR
46 CERTAIN DEPENDENT CARE EXPENSES; TO PROVIDE THE AMOUNT OF THE
47 CREDIT; AND FOR RELATED PURPOSES.

HR26\SB2696A.J

Andrew Ketchings
Clerk of the House of Representatives