MISSISSIPPI LEGISLATURE

By: Representative Aguirre

REGULAR SESSION 2024

To: Banking and Financial Services; Appropriations A

HOUSE BILL NO. 1576

1 AN ACT TO CREATE THE MISSISSIPPI SAVINGS INITIATIVE; TO 2 AUTHORIZE THE CREATION OF INDIVIDUAL DEVELOPMENT ACCOUNTS FOR 3 LOW-INCOME INDIVIDUALS THAT MAY BE UTILIZED BY THE ACCOUNT HOLDER 4 FOR CERTAIN PURPOSES; TO AUTHORIZE THE MISSISSIPPI DEPARTMENT OF 5 BANKING AND CONSUMER FINANCE TO CONTRACT WITH FIDUCIARY 6 ORGANIZATIONS TO SERVE AS INTERMEDIARIES BETWEEN INDIVIDUAL 7 DEVELOPMENT ACCOUNT HOLDERS AND FINANCIAL INSTITUTIONS HOLDING ACCOUNT FUNDS; TO PROVIDE THAT THE GROSS HOUSEHOLD INCOME OF 8 9 INDIVIDUAL DEVELOPMENT ACCOUNT HOLDERS MAY NOT EXCEED 185% OF THE 10 POVERTY LEVEL AND THE ACCOUNT HOLDER'S NET WORTH MAY NOT EXCEED \$10,000.00; TO REQUIRE INDIVIDUALS OPENING AN INDIVIDUAL 11 12 DEVELOPMENT ACCOUNT TO ENTER INTO AN AGREEMENT WITH A FIDUCIARY 13 ORGANIZATION; TO PROVIDE THAT THE DEPARTMENT OF HUMAN SERVICES SHALL PROVIDE MATCHING FUNDS FOR AMOUNTS CONTRIBUTED TO THE 14 15 INDIVIDUAL DEVELOPMENT ACCOUNT BY THE INDIVIDUAL DEVELOPMENT 16 ACCOUNT HOLDER, AS ALLOWED BY FEDERAL LAW; TO LIMIT THE AMOUNT OF 17 MATCHING FUNDS THAT MAY BE PROVIDED FOR AN INDIVIDUAL DEVELOPMENT 18 ACCOUNT; TO PROVIDE THE PURPOSES FOR WHICH INDIVIDUAL DEVELOPMENT 19 ACCOUNTS MAY BE UTILIZED; TO PROVIDE CIVIL PENALTIES FOR THE 20 WITHDRAWAL OF INDIVIDUAL DEVELOPMENT ACCOUNT FUNDS FOR PURPOSES 21 OTHER THAN THOSE AUTHORIZED UNDER THIS ACT; TO REQUIRE FIDUCIARY 22 ORGANIZATIONS TO MAKE QUARTERLY REPORTS TO THE MISSISSIPPI DEPARTMENT OF BANKING AND CONSUMER FINANCE CONTAINING CERTAIN 23 24 INFORMATION; TO PROVIDE THAT FUNDS DEPOSITED IN AN INDIVIDUAL DEVELOPMENT ACCOUNT SHALL NOT BE COUNTED AS INCOME, ASSETS OR 25 26 RESOURCES OF THE INDIVIDUAL IN DETERMINING FINANCIAL ELIGIBILITY 27 FOR ASSISTANCE OR SERVICES PURSUANT TO ANY FEDERAL, FEDERALLY ASSISTED, STATE OR MUNICIPAL PROGRAM BASED ON NEED; TO AUTHORIZE 28 29 THE USE OF TEMPORARY ASSISTANCE OF NEEDY FAMILY FUNDS AS MATCHING 30 FUNDS, AS ALLOWED BY FEDERAL LAW; AND FOR RELATED PURPOSES.

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

H. B. No. 1576 G1/2 24/HR26/R2097 PAGE 1 (MCL\KW) 32 <u>SECTION 1.</u> This act shall be known and may be cited as the 33 "Mississippi Savings Initiative."

34 <u>SECTION 2.</u> The purpose of this act is to provide for the 35 establishment of individual development accounts and to authorize 36 the Mississippi Department of Banking and Consumer Finance (MDBCF) 37 to contract with fiduciary organizations to serve as 38 intermediaries between individual development account holders and 39 financial institutions holding account funds. The accounts are 40 designed to:

41 (a) Provide low-wealth, unbanked and under-banked
42 Mississippians an opportunity to gain economic stability and to
43 become self-sufficient and less reliant on public assistance;

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(b) Encourage and mobilize savings;

45 (c) Assist in purchasing a home, starting or expanding
46 a business, and paying the cost of postsecondary education; and

47 (d) Strengthen families and build sustainable48 communities within Mississippi.

49 **SECTION 3.** The Legislature hereby finds that:

(a) Of the top one hundred (100) most unbanked places (municipalities or census-designated places with more than two hundred fifty (250) households), seventeen (17) are located in Mississippi. Jackson, Mississippi, is ranked fourth in the top ten (10) unbanked mid-sized cities. Because many hard-working Mississippians face insurmountable obstacles to accessing the financial mainstream, they often turn to alternative, high-fee

57 providers, thereby forcing them into a cycle of debt. By using 58 such means, individuals are hard-pressed to build savings and 59 assets.

60 (b) Individual Development Accounts (IDAs) have been 61 used as a federal and state policy strategy for family economic 62 security. Federal and state policies to fund IDAs have helped 63 create accounts for numerous individuals and families across the 64 country.

(c) IDAs, just like a bank or credit union account, can
be the first step in saving, planning for the future, building
credit and climbing the economic ladder. It assists individuals
and families with modest means to save toward the purchase of a
lifelong asset, such as a home or education.

70 The U.S. Census Bureau highlights just one (1) (d) 71 aspect of household finances, namely the percentage of people with 72 insufficient income to cover their day-to-day expenses. It does 73 not count the number of families who have insufficient resources, such as money in the bank or assets such as a home or a car, to 74 75 meet emergencies or longer-term needs. When these longer-term 76 needs are factored in, substantially more people in the United 77 States face a future of limited hope for long-term financial 78 security. At a time of widening income disparities, this data 79 paints a stark picture of diminishing financial security for 80 millions of families.

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81 SECTION 4. As used in this act:

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82 (a) "Administrative costs" includes, but is not limited 83 to, processing fees charged by the fiduciary organization or financial institution and traditional overhead costs. 84 Administrative costs shall be limited to no more than fifteen 85 86 percent (15%) of the contract. 87 (b) "Eligible educational institution" means the following: 88 An institution described in 20 USC Section 89 (i) 90 1088(a)(1) or 1141(a), as such sections are in effect on July 1, 2022; 91 92 (ii) An area vocational education school, as 93 defined in 20 USC Section 2471(4), subparagraph (C) or (D), as 94 such section is in effect on July 1, 2022; and 95 (iii) Any other accredited education or training organization. 96 97 (C) "Emergency" means payments for necessary medical 98 expenses of the account owner or family member, expenses to avoid the eviction of the account owner from the account owner's primary 99 100 residence and necessary living expenses following a loss of 101 income. 102 (d) "Federal poverty level" means the poverty income 103 quidelines published for a calendar year by the United States 104 Department of Health and Human Services. 105 "Fiduciary organization" means any nonprofit, (e) 106 fundraising organization that is exempt from taxation under

H. B. No. 1576 *** OFFICIAL *** 24/HR26/R2097 PAGE 4 (MCL\KW) 107 Section 501(c)(3) of the Internal Revenue Code, as amended, any 108 certified community development financial institution or any 109 credit union chartered under federal or state law.

(f) "Financial institution" means a federally insured bank, trust company, savings bank, building and loan association, savings and loan company or association or credit union authorized to do business in this state.

(g) "First-time homebuyer" means a person who has not been named on a legally recorded homeownership title for a minimum of thirty-six (36) months.

(h) "Immediate family" means spouse, parent,
stepparent, child or stepchild, grandparent or sibling, including
a stepbrother or stepsister.

(i) "Individual development account" or "IDA" means an account established for an eligible individual or immediate family member as part of a qualified individual development account program with the following requirements:

(i) The sole owner of the account is the
individual or family member for whom the account was created;
(ii) The holder of the account is a qualified
financial institution;
(iii) The assets of the account may not be
accommingled with other property except in a common trust fund of

129 commingled with other property except in a common trust fund or 130 common investment fund; and

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(iv) Any amount in the account shall be paid out only for the qualified purposes of the account owner, except if it meets the qualifications of an emergency use.

134 (j) "MDBCF" means the Mississippi Department of Banking135 and Consumer Finance.

(k) "Parallel account" means a separate parallel account for all matching funds and earnings dedicated to individual development account owners, the sole holder of which is a qualified financial institution or a qualified fiduciary organization.

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(1) "Postsecondary educational expenses" means:

(i) Tuition and fees required for the enrollment or attendance of an IDA account holder or an immediate family member of the account holder who is a student at an eligible educational institution; and

(ii) Fees, books, supplies and equipment (including computer, software, etc.) required for courses of instruction for an IDA account holder or an immediate family member of the account holder who is a student at an eligible educational institution.

(m) "Operating costs" includes, but is not limited to, costs of training IDA participants in economic and financial literacy and IDA uses, marketing participation, counseling participants and conducting required verification and compliance activities.

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(n) "Qualified purposes" means any of the purposes for which the account owner's accumulated savings and matching funds may be used as described in Section 7 of this act.

159 <u>SECTION 5.</u> (1) An individual who is a resident of this 160 state may submit an application to open an individual development 161 account (IDA) to a fiduciary organization approved by the 162 Mississippi Department of Banking and Consumer Finance (MDBCF). 163 The fiduciary organization shall approve the application only if:

164 (a) The individual has at least one (1) child under the165 age of eighteen (18) living at home at the time of application;

(b) The individual has gross household income from all sources for the calendar year preceding the year in which the application is made which does not exceed one hundred eighty-five percent (185%) of the federal poverty level; and

(c) Individual household net worth at the time the IDA account is opened does not exceed Ten Thousand Dollars (\$10,000.00) disregarding the primary dwelling and one (1) motor vehicle owned by the household.

174 (2) An individual opening an IDA shall be required to enter175 into an IDA agreement with the fiduciary organization.

(3) The IDA agreement shall provide for the amount of the savings deposits, the match fund rate, the asset goal, the financial literacy classes that must be completed, any additional training available pertaining to the asset and asset management, the financial counseling the individual will attend and any other

H. B. No. 1576 24/HR26/R2097 PAGE 7 (MCL\KW) 181 services designed to increase the independence of the person 182 through the achievement of the account's approved purpose.

(4) Before becoming eligible to receive matching funds to pay for qualified purposes, individual development account owners shall complete a financial literacy education course offered by a qualified financial institution, a qualified fiduciary organization or a governmental entity in accordance with federal guidelines.

(5) The fiduciary organization shall be responsible for
coordinating arrangements between the individual and a financial
institution to open the individual's IDA.

192 Each fiduciary organization shall provide written (6) 193 notification to each of its eligible IDA account holders of the 194 amount of matching funds provided by the fiduciary to which each 195 such IDA account holder is entitled. Such notification shall be 196 made at such intervals as the fiduciary organization deems 197 appropriate, but shall be required to be made at least once each calendar year. The amount of the matching funds for each IDA 198 199 account holder shall be Two Dollars (\$2.00) for each One Dollar 200 (\$1.00) contributed to the IDA by the IDA account holder during 201 the preceding calendar year. The amount of such matching funds 202 shall not exceed Six Thousand Dollars (\$6,000.00) per IDA account 203 holder or Ten Thousand Dollars (\$10,000.00) per household.

204 (7) In order to receive matching funds, the account owner 205 must:

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H. B. No. 1576 24/HR26/R2097 PAGE 8 (MCL\KW) (a) Have saved for a minimum of six (6) months;
(b) Have reached his or her savings goal;
(c) Have completed a financial literacy education
course offered by a qualified financial institution, a qualified
fiduciary organization or a governmental entity in accordance with
federal guidelines; and

(d) Have a dependent child under the age of eighteen (18) living in the household at the time the match is requested. (8) Once requirements in Section 7 of this act have been fulfilled, the appropriate matching funds shall be transferred from the parallel account directly to the vendor or service provider of the approved asset.

(9) If the amount of matching funds available is
insufficient to disburse the maximum amounts specified in this
section, amounts of disbursements shall be reduced proportionately
based on available funds.

222 <u>SECTION 6.</u> (1) Deposits to individual development accounts 223 made by the account owner shall come from earned income, 224 including, but not limited to, wages, earned income tax credit 225 returns, child support payments, supplemental security income 226 (SSI), disability benefits, AmeriCorps stipends, VISTA stipends, 227 and job training programs. Matching funds shall only be used for 228 qualified purposes.

(2) Eligible individuals shall certify that their depositsdo not exceed their income. The maximum amount of deposits made

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232 (\$3,000.00).

(3) If an individual development account (IDA) holder has
gross household income from all sources for a calendar year which
exceeds one hundred eighty-five percent (185%) of the federal
poverty level, the IDA account holder shall not be eligible to
receive funds pursuant to the provisions of this act in the
following year.

239 In the event of an IDA account holder's death, the (4) 240 account may be transferred to the ownership of a contingent 241 beneficiary or beneficiaries. Beneficiaries will not be eligible 242 to receive matching funds. Only the IDA account holder's savings will be transferred. An account holder shall name a contingent 243 244 beneficiary or beneficiaries at the time the account is established and may change such beneficiary or beneficiaries at 245 246 any time. If the named beneficiary or beneficiaries are deceased 247 or cannot otherwise accept the transfer, the monies shall be transferred to the fiduciary organization to redistribute as 248 249 matching funds.

250 **SECTION 7.** (1) Individual development accounts shall be 251 used for any of the following qualified purposes:

(a) Paying the expenses of securing postsecondary
education not covered by other federal or state grants or
scholarships, including, but not limited to, community college
courses, courses at a four-year college or university or

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(b) Paying the expenses of securing postsecondary occupational training not covered by other federal or state grants or scholarships, including, but not limited to, vocational or trade school training for the account owner or any training authorized under the Workforce Investment Act through the Mississippi Department of Employment Security; however, such payments must be made directly to the provider of such training;

(c) Payments for a principal residence for an account
owner who is a first-time homebuyer; however, such payments must
be paid directly to the persons to whom the amounts are due;

(d) Amounts paid directly to a business capitalization account which is established in a federally insured financial institution and is restricted to use solely for qualified business capitalization expenses;

(e) Qualified emergency withdrawals as provided insubsection (2) of this section; and

(f) Any other activity based on a plan approved by the Mississippi Department of Banking and Consumer Finance (MDBCF) and the Mississippi Department of Human Services (MDHS).

(2) If an emergency occurs, an account owner may withdraw
all or part of the account owner's deposits to an individual
development account with the approval of the fiduciary

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281 organization. The account owner shall reimburse his or her 282 individual development account for the amount withdrawn under this 283 section within twelve (12) months after the date of the 284 withdrawal. Failure of the account owner to make a timely 285 reimbursement to the account will remove the account owner from 286 the program. Until the reimbursement has been made in full, an 287 account owner may not withdraw any matching funds or accrued 288 interest on matching funds from the account.

(3) If an account owner withdraws money from an individual development account for any purpose other than a qualified purpose, the fiduciary organization shall remove the account owner from the program.

293 **SECTION 8.** (1) If the fiduciary organization receives 294 evidence that any money withdrawn from an individual development account (IDA) is withdrawn under false pretenses or is used for 295 296 purposes other than for the approved purposes indicated at the 297 time of the withdrawal, the fiduciary organization shall make 298 arrangements with the financial institution to impose a penalty 299 for the loss of matching funds and may, at its discretion, close 300 the account. All penalties collected by fiduciary organizations 301 shall remain with the fiduciary organization to distribute as 302 matching funds to other eligible individuals.

303 (2) Any suspected wrongdoing involving matching funds,
304 including, but not limited to, the use of matching funds for
305 nonapproved purposes or the use of matching funds by individuals

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306 who fraudulently opened an IDA account, must be reported to the 307 Mississippi Department of Human Services Office of the Inspector 308 General (OIG) for investigation immediately upon discovery. 309 Individuals or organizations found to have committed fraud or to 310 have misused TANF funds will be subject to penalties, including 311 repayment of funds.

312 (3) The fiduciary organization shall establish a grievance 313 committee and a procedure to hear, review and decide in writing 314 any grievance made by an IDA account holder who disputes a 315 decision of the fiduciary organization that a withdrawal is 316 subject to penalty.

317 (4) Each fiduciary organization shall establish such
318 procedures as are necessary, including prohibiting eligibility for
319 further matching funds, to ensure compliance with this section.

320 SECTION 9. An organization based in this state which desires 321 to enter into such a contract shall submit a proposal to the 322 Mississippi Department of Banking and Consumer Finance (MDBCF) for 323 the right to be approved as a fiduciary organization. The MDBCF 324 shall select fiduciary organizations through competitive 325 processes. Proposals of organizations shall be evaluated and 326 contracts awarded by the MDBCF on the basis of such items as 327 geographic diversity and an organization's:

(a) Ability to implement and administer the individual
development account program, including the ability to verify
account owner eligibility, certify that matching funds are used

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332 accountability;

333 (b) Capacity to provide or raise matching funds for the 334 deposits of account owners;

335 (c) Ability to provide safe and secure investments for 336 individual accounts;

(d) Overall administrative capacity, including, but not limited to, the certifications or verifications required to assure compliance with eligibility requirements, authorized uses of the accounts, matching contributions by individuals or businesses and penalties for unauthorized distributions;

(e) Capacity to provide, or to arrange for the
provisions of, financial counseling, financial literacy education
and training specific to the assets the account owners will be
purchasing, and other related services to account owners;

(f) Connection to other activities and programs designed to increase the independence of this state's low-income households and individuals through education and training, homeownership, small business capitalization and other

350 asset-building programs;

351 (g) Program design, including match rates and savings352 goals, to lead to asset purchase; and

353 (h) Operating costs.

354 **SECTION 10.** (1) For each contract entered into pursuant to 355 the provisions of this section, the contract shall begin no later

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than October 1 of each year. The fiduciary organization shall use not less than seventy percent (70%) for matching funds. The fiduciary organization shall use not more than fifteen percent (15%) for operating costs and not more than fifteen percent (15%) for administrative costs.

361 (2)Responsibilities of a fiduciary organization shall 362 include, but not be limited to, marketing participation, counseling project participants, conducting basic economic and 363 364 financial literacy training and individual development account (IDA) use training for project participants and conducting 365 366 required verification and compliance activities. Neither a 367 fiduciary organization nor an employee of, or person associated 368 with, a fiduciary organization, shall receive anything of value, 369 other than compensation for services, for any act performed in 370 connection with the establishment of an IDA or in furtherance of 371 the provisions of this act.

372 Subject to rules promulgated by the Mississippi (3) Department of Banking and Consumer Finance (MDBCF), a fiduciary 373 374 organization has sole authority over, and responsibility for, the 375 administration of individual development accounts. The 376 responsibility of the fiduciary organization extends to all 377 aspects of the account program, including marketing to all 378 eligible individuals and families, soliciting matching funds, 379 counseling account owners, providing financial literacy education 380 and conducting required verification and compliance activities.

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381 The fiduciary organization may establish program provisions as the 382 organization believes necessary to ensure account owner compliance 383 with this act.

(4) A fiduciary organization may act in partnership with
other entities, including businesses, government agencies,
corporations, nonprofit organizations, community action programs,
community development corporations, housing authorities and
faith-based entities, to assist in the fulfillment of its
responsibilities under this act.

(5) A fiduciary organization may use a reasonable portion of money allocated by the Legislature to the individual development account program for administration, operation and research, and evaluation purposes. A fiduciary organization may not expend more than fifteen percent (15%) of allocated funds for those purposes. Research can be conducted in partnership with a university or state-funding organization.

397 (6) A fiduciary organization selected by the MDBCF to administer funds allocated for family empowerment initiative 398 399 purposes shall provide the MDBCF an annual report based on 400 regularly collected data of the fiduciary organization's family 401 empowerment initiative program activity. The report shall be 402 filed not later than ninety (90) days after the end of the fiscal 403 year. The report shall include, but is not limited to, the 404 following:

H. B. No. 1576 24/HR26/R2097 PAGE 16 (MCL\KW) 405 (a) The number of individual development accounts406 administered by the fiduciary organization.

407 (b) The amount of deposits and matching funds for each408 account.

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(c) The asset purchase goal of each account.

(d) The number of withdrawals made.

411 (e) Any other information the MDBCF may require for the
412 purpose of determining whether the family empowerment initiative
413 program is achieving the purposes for which it was established.

414 (7) Each fiduciary organization shall provide quarterly to 415 the MDBCF the following information:

416 (a) The number of individuals making deposits into an 417 IDA;

(b) The amounts deposited in the IDA;

419 (c) The amounts not yet allocated to IDAs;

420 (d) The amounts withdrawn from the IDAs and the421 purposes for which the amounts were withdrawn;

422 (e) The balances remaining in the IDAs;

(f) The service configurations (such as peer support, structured planning exercises, mentoring and case management) that increased the rate and consistency of participation in the demonstration project and how such configurations varied among different populations or communities; and

428 (g) The number of grievances filed, the resolution of 429 the grievances and any penalties imposed.

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430 (8) The MDBCF shall make all reasonable and necessary rules431 to ensure the fiduciary organization's compliance with this act.

432 The Mississippi Department of Banking and SECTION 11. 433 Consumer Finance (MDBCF) shall prepare a written report annually 434 regarding the implementation of the Mississippi Savings Initiative 435 and shall make recommendations for improving the program, as well 436 as suggested next steps for the program. The report shall be 437 filed with the Secretary of the Senate and the Clerk of the House 438 of Representatives on or before August 1 of each year.

439 <u>SECTION 12.</u> Financial institutions holding individual 440 development accounts, at a minimum, shall:

(a) Keep the account in the name of the account owner.
(b) Permit deposits to be made in the account.
(c) Require the account to earn a market rate of
interest.

(d) Maintain the individual development accounts as feefree.

(e) Permit the account owner, after obtaining the
written authorization of the fiduciary organization, to withdraw
money from the account for any qualified purpose.

450 <u>SECTION 13.</u> (1) An amount of One Million Dollars 451 (\$1,000,000.00) shall be made available from Temporary Assistance 452 to Needy Families (TANF) funds administered by the Mississippi 453 Department of Human Services for use as matching funds as allowed 454 by Section 404 of the U.S. Social Security Act. The funds shall

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457 (2) The Department of Human Services shall promulgate any
 458 regulations necessary to carry out the provisions of this section.

459 <u>SECTION 14.</u> (1) An account owner's savings and matching 460 funds shall not affect his or her eligibility for any means tested 461 public benefits, including, but not limited to, Medicaid, state 462 children's health insurance programs, Temporary Assistance to 463 Needy Families (TANF), Supplemental Nutrition Assistance Program 464 (SNAP), supplemental security income, government subsidized foster 465 care and adoption payments and child care or housing payments.

466 (2) Except as otherwise provided in this section, funds 467 deposited in individual development accounts shall not be counted 468 as income, assets or resources of the account owner for the 469 purpose of determining financial eligibility for assistance or 470 service pursuant to any federal, federally assisted, state or 471 municipal program based on need.

(3) Except as otherwise provided in this section, money deposited into individual development accounts shall not be included in gross income for income tax purposes. Any amount withdrawn from a parallel account shall not be included in an eligible individual's gross income for income tax purposes.

477 (4) Money withdrawn from an individual development account
478 (IDA) shall not be included in gross income unless it is not used
479 for a qualified purpose.

H. B. No. 1576 *** OFFICIAL *** 24/HR26/R2097 PAGE 19 (MCL\KW) 480 SECTION 15. Neither the Mississippi Department of Banking 481 and Consumer Finance (MDBCF) nor the Mississippi Department of 482 Human Services (MDHS) shall be obligated to fund individual 483 development parallel accounts or be obligated to enter into 484 contracts with fiduciary organizations unless the Legislature 485 appropriates funding for the establishment of a family empowerment 486 initiative program, nor shall the MDBCF be obligated to spend 487 funds on a family empowerment initiative program above the amount 488 appropriated by the Legislature for the program.

489 <u>SECTION 16.</u> The administration of the Individual Development 490 Account program shall begin on or about August 1, 2024, and shall 491 stand repealed on August 1, 2026.

492 SECTION 17. This act shall take effect and be in force from 493 and after July 1, 2024.