

**Adopted
AMENDMENT NO 1 PROPOSED TO**

House Bill No. 1903

BY: Representative Lamar

1 **AMEND** on lines 568 through 581 by striking the underlined
2 language and inserting in lieu thereof the following:
3 "For calendar year 2025, and for each calendar year thereafter,
4 the aggregate amount of tax credits that may be claimed under this
5 section during a calendar year shall not exceed Fifteen Million
6 Dollars (\$15,000,000.00), and for credits claimed during a
7 calendar year, no more than One Million Five Hundred Thousand
8 Dollars (\$1,500,000.00), of such credits may be claimed by a
9 single telecommunications enterprise, exclusive of credits that
10 might be carried forward from previous taxable years. For
11 calendar year 2025, and for each calendar year thereafter, a
12 telecommunications enterprise may file the cost of equipment used
13 in the deployment of broadband technologies with the Department of



Revenue between March 1 and March 20 for the expenditures incurred in the preceding calendar year. If the total credits requested exceed the annual aggregate cap of Fifteen Million Dollars (\$15,000,000.00), each telecommunications enterprise shall be allocated credits on a prorated basis. The Department of Revenue shall adopt rules to administer this section, including, but not limited to, rules prescribing forms, application procedures and dates to claim the credit under this section."

AMEND further on line 591 by inserting "or the Broadband Equity, Access, and Deployment (BEAD) Program" before the period

AMEND further by inserting the following after line 1221 and renumbering the succeeding section accordingly:

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

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

(b) "Eligible charitable organization" means an organization that is exempt from federal income taxation under Section 501(c)(3) of the Internal Revenue Code and is consistently providing programs that advance Mississippi youth in education achievement, physical development and social/emotional development while also supporting workforce development.



(2) (a) The tax credit authorized in this section shall be available only to a taxpayer that is a business enterprise engaged in commercial, industrial or professional activities and operating as a corporation, limited liability company, partnership or sole proprietorship. Except as otherwise provided in this section, a credit is allowed against the taxes imposed by Sections 27-7-5, 27-15-103, 27-15-109 and 27-15-123, for voluntary cash contributions made by a taxpayer during the taxable year to an eligible charitable organization. A credit is also allowed against ad valorem taxes assessed and levied on real property for voluntary cash contributions made by the taxpayer during the taxable year to an eligible charitable organization. The amount of credit that may be utilized by a taxpayer in a taxable year shall be limited to (i) an amount not to exceed fifty percent (50%) of the total tax liability of the taxpayer for the taxes imposed by Sections 27-7-5, 27-15-103, 27-15-109 and 27-15-123, and (ii) an amount not to exceed fifty percent (50%) of the total tax liability of the taxpayer for ad valorem taxes assessed and levied on real property. Any credit claimed under this section but not used in the tax year in which it was earned may be carried forward for five (5) consecutive years from the close of the tax year in which it was earned.

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



61 (3) A taxpayer taking a credit authorized by this section
62 shall provide the name of the eligible charitable organization and
63 the amount of the contribution to the department on forms provided
64 by the department.

65 (4) To be considered an eligible charitable organization
66 under this section, an organization shall provide the department
67 with a written certification that it meets all criteria. The
68 organization shall also notify the department of any changes that
69 may affect eligibility under this section.

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

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

76 (b) A statement that the organization will use the
77 contribution only for support of programs that advance Mississippi
78 youth in education achievement, physical development and
79 social/emotional development while also supporting workforce
80 development; and

81 (c) Any other information that the department requires
82 in order to administer this section.

83 (6) The department shall review each written certification
84 and determine whether the organization meets all the criteria to
85 be considered an eligible charitable organization and shall notify



the organization of its determination. The department may also periodically request recertification from the organization. The department shall compile and make available to the public a list of eligible charitable organizations.

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

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



111 contribution for which a credit is allocated has not been made as
112 of the date of the allocation, then the contribution must be made
113 not later than sixty (60) days from the date of the allocation.

114 If the contribution is not made within such time period, the
115 allocation shall be cancelled and returned to the department for
116 reallocation. Upon final documentation of the contribution, if
117 the actual dollar amount of the contribution is lower than the
118 amount estimated, the department shall adjust the tax credit
119 allowed under this section.

120 (b) For the purposes of using a tax credit against ad
121 valorem taxes assessed and levied on real property, a taxpayer
122 shall present to the appropriate tax collector the tax credit
123 documentation provided to the taxpayer by the department, and the
124 tax collector shall apply the tax credit against such ad valorem
125 taxes. The tax collector shall forward the tax credit
126 documentation to the department along with the amount of the tax
127 credit applied against ad valorem taxes, and the department shall
128 disburse funds to the tax collector for the amount of the tax
129 credit applied against ad valorem taxes. Such payments by the
130 department shall be made from current tax collections.

131 (9) The aggregate amount of tax credits that may be
132 allocated by the department under this section during a calendar
133 year shall not exceed Two Hundred Fifty Thousand Dollars
134 (\$250,000.00).



135 **SECTION 7.** Section 6 of this act shall be codified as a new
136 section in Chapter 7, Title 27, Mississippi Code of 1972."

137 **AMEND title to conform.**

