

SECTION 1. (1) This section shall be known and may be cited as the "Children's Promise Act."

(2) 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:

(i) Is exempt from federal income taxation under Section 501(c)(3) of the Internal Revenue Code; and

(ii) Is a [insert state] nonprofit formed under [insert nonprofit incorporation code] and whose principal office is located in this state; and

(iii) Provides services [select which services]:

(a) For the prevention and diversion of children from custody with the Department of Child Protection Services; or

(b) For the safety, care and well-being of children in custody with the

Department of Child Protection
Services; or

- (c) For the express purpose of creating permanency for children through adoption; or
- (d) For the prevention of the abuse, neglect, abandonment, exploitation or trafficking of children; or
- (e) For the provision of assistance related to carrying a pregnancy to term, preventing abortion, and promoting healthy childbirth; or
- (f) For the provision of parenting classes to mothers and fathers and related activities to engage absent fathers to be more involved in their children's lives; or
- (g) For the provision of workforce development services to children aged 16 and older under the custody or care of the Department of Child Protection Services; or
- (h) For the provision of workforce development services to the parents of children eligible for a federal

free or reduced-price meals
program; or

- (i) For the provision of medical care, food, clothing, shelter, job-placement or training, or educational services or funding to families with children who have a chronic illness or a physical, intellectual, developmental, or emotional disability.

(3) (a) The tax credit authorized in this section shall be available to:

(i) A taxpayer who is an individual taxpayer, except that a husband and wife who file separate returns for a taxable year in which they could have filed a joint return may each claim only one-half (1/2) of the tax credit that would have been allowed for a joint return;

(ii) A taxpayer who 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 [Insert relevant individual and business tax code], for voluntary cash contributions made by a taxpayer during the taxable year to an eligible charitable organization. For a taxpayer that is not operating as a corporation, 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 such sections of law 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 tax credit claimed under this section but not used in any taxable year may be carried forward for five (5) consecutive years from the close of the tax year in which the credits were 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.

(4) Taxpayers taking a credit authorized by this section shall provide the name of the eligible charitable

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

(5) An eligible charitable organization shall provide the department with a written certification that it meets all criteria to be considered an eligible charitable organization. The organization shall also notify the department within 60 days of any changes that may affect eligibility under this section.

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

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

(b) A statement that the organization does not provide, pay for, refer for, promote or provide coverage of medication or surgical abortions and does not financially support or legally partner or affiliate with any other entity that provides, pays for, refers for, promotes or provides coverage of abortions;

(c) A statement that the organization:

(i) Maintains in this state its primary physical office or presence and that at least 50 percent of its clients claim to be residents of this state;

(ii) Regularly answers a dedicated phone number;

(iii) In the prior fiscal year, did not receive more than 50 percent of its total annual revenue from federal, state or local governmental grants or sources, either directly or as a contractor;

(iv) In the prior fiscal year, expended 100 percent of any contributions received under this section to serve residents of this state;

(7) The department shall review each written certification and determine whether the organization meets all the criteria to be considered an eligible charitable organization and 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.

(8) 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.

(9) (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 contribution for which a credit is allocated has not been made as of the date of the allocation, then the contribution must be made not later than ninety (90) days from the date of the allocation. If the contribution is not made within such time period, the allocation shall be cancelled and returned to the department for reallocation. Upon final documentation of the contributions, if the actual dollar amount of the contributions is lower than the amount estimated, the department shall adjust the tax credit allowed under this section.

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

(10) The aggregate amount of tax credits that may be allocated by the department under this section during a calendar year shall not exceed Fifteen Million (\$15,000,000.00). For credits allocated during a calendar year for contributions to eligible charitable organizations, no more than twenty-five percent (25%) of such credits may be allocated for contributions to a single eligible charitable organization.