

The Senate Committee on Finance offered the following substitute to HB 136:

A BILL TO BE ENTITLED
AN ACT

1 To amend Chapter 7 of Title 48 of the Official Code of Georgia Annotated, relating to
2 income taxes, so as to revise and create new tax credits related to children; to increase the
3 state tax credit for certain child and dependent care expenses; to create new tax credits for
4 individuals with children under the age of six, for employers that pay certain child care
5 expenses, and for insurance companies against insurance premium tax liability for
6 contributions to qualified organizations that support foster children and justice involved
7 youth; to provide for terms, conditions, limitations, and procedures for such credits; to revise
8 a tax credit for contributions to foster child support organizations; to expand the
9 organizations that qualify for such contributions; to allow such organizations to include as
10 qualified expenditures certain services for justice involved youth; to provide for the services
11 that are qualified expenditures; to provide for reporting requirements; to provide for
12 certifying and decertifying qualified organizations; to provide for information sharing and
13 limitations thereof; to provide for definitions; to provide for rules and regulations; to provide
14 for a sunset; to provide for related matters; to provide for effective dates and applicability;
15 to repeal conflicting laws; and for other purposes.

16 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

17
18

PART I
SECTION 1-1.

19 Chapter 7 of Title 48 of the Official Code of Georgia Annotated, relating to income taxes,
20 is amended by revising Code Section 48-7-29.10, relating to tax credits for qualified child
21 and dependent care expenses, as follows:

22 "48-7-29.10.

23 (a) A taxpayer shall be allowed a credit against the tax imposed by Code Section 48-7-20
24 for qualified child and dependent care expenses. ~~Such credit shall be determined by~~
25 ~~applying a percentage to~~ The amount of such credit shall be equal to 50 percent of the
26 amount of the credit provided for in Section 21 of the Internal Revenue Code which is
27 claimed and allowed pursuant to the Internal Revenue Code. ~~Such percentage shall be:~~

28 ~~(1) Ten percent for all taxable years beginning on or after January 1, 2006, and prior to~~
29 ~~January 1, 2007;~~

30 ~~(2) Twenty percent for all taxable years beginning on or after January 1, 2007, and prior~~
31 ~~to January 1, 2008; and~~

32 ~~(3) Thirty percent for all taxable years beginning on or after January 1, 2008.~~

33 (b) In no event shall the total amount of the tax credit under this Code section for a taxable
34 year exceed the taxpayer's income tax liability. Any unused tax credit shall not be allowed
35 to be carried forward to apply to the taxpayer's succeeding years' tax liability. No such tax
36 credit shall be allowed the taxpayer against prior years' tax liability.

37 (c) The commissioner shall be authorized to promulgate any rules and regulations
38 necessary to implement and administer this Code section."

39

SECTION 1-2.

40 Said chapter is further amended by adding a new Code section to read as follows:

41 "48-7-29.27.

42 (a) As used in this Code section, the term 'qualifying child' shall have the same meaning
43 as set forth in Section 24(c) of the Internal Revenue Code, provided that such child has not
44 yet attained age six.

45 (b) For taxable years beginning on or after January 1, 2026, a taxpayer shall be allowed
46 a credit against the tax imposed by Code Section 48-7-20 in an amount equal to \$250.00
47 for each qualifying child of the taxpayer.

48 (c) In no event shall more than one taxpayer be allowed the tax credit granted under this
49 Code section for the same qualifying child. In the case of parents or legal guardians who
50 do not file income taxes jointly for any reason, the child shall be the qualifying child for
51 only one parent or legal guardian, which shall be the parent or legal guardian who had
52 custody of the qualifying child for more than one-half of the tax year in question; provided,
53 however, that the noncustodial parent or legal guardian may claim the credit if:

54 (1) A court of competent jurisdiction has unconditionally awarded, in writing, the
55 noncustodial parent or legal guardian the tax credit authorized under this Code section,
56 and such parent or legal guardian attaches a copy of the court order with his or her tax
57 return; or

58 (2) The noncustodial parent or legal guardian attaches a copy of a written declaration
59 made by the custodial parent or legal guardian of a qualifying child that he or she assigns
60 the credit to the noncustodial parent or legal guardian and will not claim the credit
61 allowed under this Code section with respect to such child for such tax year.

62 (d) Notwithstanding the provisions of subsection (b) of this Code section, in the case of
63 any taxable nonresident or part-year resident whose tax was prorated as provided by Code
64 Section 48-7-85, the amount of the credit determined pursuant to such subsection shall be
65 prorated based on the ratio of income taxable to this state as properly reported on Schedule
66 3, Line 9 of the Georgia Form 500 for the taxable year.

67 (e) In no event shall the total amount of the tax credit under this Code section for a taxable
 68 year exceed the taxpayer's income tax liability. Any unused tax credit shall not be allowed
 69 to be carried forward to apply to the taxpayer's succeeding years' tax liability. No such tax
 70 credit shall be allowed the taxpayer against prior years' tax liability.

71 (f) The commissioner shall be authorized to promulgate rules and regulations necessary
 72 to implement and administer the provisions of this Code section."

73 **SECTION 1-3.**

74 Said chapter is further amended by adding a new Code section to read as follows:

75 "48-7-29.28.

76 (a) As used in this Code section, the term:

77 (1) 'Child care facility' means a child care learning center or family child care learning
 78 home that is permitted, licensed, or commissioned by the Department of Early Care and
 79 Learning pursuant to Chapter 1A of Title 20.

80 (2) 'Eligible child care payments for employees' means payments:

81 (A) Made directly to a child care facility in the name and for the benefit of an
 82 employee whose child is enrolled in such facility and is under the age of six;

83 (B) Which total at least \$1,000.00 per taxable year for each employee for which such
 84 payments are made; and

85 (C) That are made for an employee in addition to, and not in lieu of, any other
 86 compensation and benefits for such employee.

87 (b) For taxable years beginning on or after January 1, 2026, a taxpayer shall be allowed
 88 a credit against the tax imposed under this article for eligible child care payments for
 89 employees in an amount:

90 (1) Equal to \$500.00 per child for which such payments are made per taxable year; or

91 (2) Equal to \$1,000.00 per child for which such payments are made if it is the first
 92 taxable year in which the taxpayer provided eligible child care payments for employees

93 and prior to such taxable year the taxpayer did not pay for, reimburse for, or otherwise
94 subsidize the costs of child care for employees.

95 (c) The aggregate amount of tax credits allowed pursuant to this Code section shall not
96 exceed \$20 million per year.

97 (d) In no event shall the total amount of the tax credit under this Code section for a taxable
98 year exceed the taxpayer's income tax liability. Any unused tax credit shall not be allowed
99 to be carried forward to apply to the taxpayer's succeeding years' tax liability. No such tax
100 credit shall be allowed the taxpayer against prior years' tax liability.

101 (e) A taxpayer seeking to claim a tax credit pursuant to this Code section shall submit an
102 application to the department for preapproval of such tax credit in the manner specified by
103 the department. The department shall preapprove such application within 30 days based
104 on the order in which properly completed applications were submitted. In the event that
105 two or more applications were submitted on the same day and the amount of funds
106 available will not be sufficient to fully fund the amount requested, the department shall
107 prorate the available funds between or among the applicants.

108 (f) The commissioner shall promulgate any rules and regulations necessary to implement
109 and administer the provisions of this Code section.

110 (g) This Code section shall stand repealed and reserved on December 31, 2030."

111

PART II

112

SECTION 2-1.

113 Said chapter is further amended by revising Code Section 48-7-29.24, relating to tax credits
114 for contributions to foster child support organizations, as follows:

115 "48-7-29.24.

116 (a) As used in this Code section, the term:

117 (1) 'Aging foster children' means:

118 (A) Foster children aged 16 through 18 ~~that would benefit based on projected status at~~
119 ~~age 18, as determined by the division; and~~

120 (B) Former foster children ~~up to and including age 21, or age 25 if legally possible;~~
121 ~~aged 16 through 25 who have not been adopted or reunited with families were in foster~~
122 ~~care for at least six months after reaching age 14.~~

123 (2) 'Aging-out program' means a program with the primary function of supporting aging
124 foster children and justice involved youth.

125 (2.1) 'Business enterprise' means any insurance company or the headquarters of any
126 insurance company required to pay the tax provided for in Code Section 33-8-4.

127 (3) 'Division' means the Division of Family and Children Services of the Department of
128 Human Services.

129 (4) 'Foster child support organization' means:

130 (A) The aging-out program of the Technical College System of Georgia Foundation;

131 (B) The aging-out program of the University System of Georgia Foundation, provided
132 that such program is certified by the Governor's Office of Planning and Budget as an
133 aging-out program; or

134 (C) Any domestic nonprofit corporation which maintains nonprofit status under
135 Section 501(c)(3) of the Internal Revenue Code and tax exempt status under Code
136 Section 48-7-25, that has the primary function of:

137 (i) Operating an aging-out program that primarily supports aging foster children or
138 operating as or supporting a Georgia licensed child-placing agency or licensed
139 child-caring institution; or

140 (ii) Disbursing funds directly to one or more of the entities identified in
141 subparagraphs (A) or (B) or division (C)(i) of this paragraph.

142 (4.1) 'Justice involved youth' means youth aged 18 through 25 who:

143 (A) Were previously or are currently committed to the Department of Juvenile Justice
144 pursuant to a court order as authorized by paragraph (11) of subsection (a) of Code
145 Section 15-11-601; and

146 (B) As a result of such commitment, have been previously placed or are currently
147 placed in a nonsecure facility or community setting.

148 (4.2) 'Mentorship services' means support services directly provided to an aging foster
149 child or justice involved youth by a mentor, such as role modeling, informal counseling,
150 guiding, motivating, and sharing time together.

151 (5) 'Qualified contributions' means the preapproved contribution of funds made during
152 the taxable year by a taxpayer or a business enterprise to a qualified organization under
153 the terms and conditions of this Code section.

154 (6) 'Qualified expenditures' means expenditures made by a qualified organization for the
155 following purposes; provided, however, that such term shall not include any expenditures
156 for which the qualified organization has received or is eligible to receive reimbursement
157 from the division:

158 (A) The costs associated with tuition waivers granted pursuant to Code Section
159 20-3-660;

160 (B) Wraparound services for individuals aging foster children and justice involved
161 youth who are:

162 (1) Enrolled in attending a public or private postsecondary educational institution
163 under a waiver granted pursuant to Code Section 20-3-660; or

164 (2) Enrolled in a program to obtain a high school diploma or its equivalent;

165 (3) Enrolled in a recognized vocational school; or

166 (4) Participating in a registered apprenticeship program, provided that the participant
167 and the organization for which the participant is an apprentice document that the
168 participant is compliant with the rules of the apprenticeship program; or

169 (C) Mentorship services provided to aging foster children; and justice involved youth;
 170 provided, however, that such expenditures shall not include:

171 (1) Compensation for a single mentor which exceeds no mentor shall be compensated
 172 in excess of \$100.00 per month for an aging foster child or justice involved youth or
 173 \$500.00 \$1,200.00 per year for any aging foster child or justice involved youth; or

174 (2) Payments made to employees of a qualified organization who perform duties
 175 other than providing mentorship services for the organization.

176 (7) 'Qualified organization' means a foster child support organization that has been
 177 certified and listed by the division pursuant to subsection (d) of this Code section.

178 (8) 'Wraparound services' means services provided directly to aging foster children or
 179 justice involved youth to support their education through high school completion,
 180 vocational, and postsecondary education services, housing services, vocation services,
 181 medical services, counseling services, mentorship services, nutrition services,
 182 transportation services, or daily living essentials and clothing, and up to \$150.00 \$200.00
 183 per month in direct cash payments for use on personal necessities.

184 (b)(1) The aggregate amount of tax credits allowed under this Code section shall not
 185 exceed \$20 million per for calendar year 2025. For calendar years 2026 and after, the
 186 aggregate amount of tax credits allowed under this Code section shall not exceed \$30
 187 million per calendar year, and no more than \$10 million of such aggregate amount shall
 188 be allowed for business enterprises.

189 (2) Subject to the aggregate limit provided in paragraph (1) of this subsection and the
 190 limitations of ~~subsection~~ subsections (b.1), (b.2), and (k) of this Code section, each:

191 (A) Taxpayer taxpayer shall be allowed a credit against the tax imposed by this chapter
 192 for qualified contributions ~~made by the taxpayer on or after January 1, 2023~~, as follows:

193 (A)(i) In the case of a single individual or a head of household, the actual amount of
 194 qualified contributions made;

195 ~~(B)~~(ii) In the case of a married couple filing a joint return, the actual amount of
 196 qualified contributions made;

197 ~~(C)~~(iii) Anything to the contrary contained in ~~subparagraph (A) or (B)~~ division (i) or
 198 (ii) of this ~~paragraph~~ subparagraph notwithstanding, in the case of an individual
 199 taxpayer who is a member of a limited liability company duly formed under state law,
 200 a shareholder of a Subchapter 'S' corporation, or a partner in a partnership, the actual
 201 amount of qualified contributions it made; provided, however, that tax credits
 202 pursuant to this paragraph shall only be allowed for the portion of the income on
 203 which such tax was actually paid by such member of the limited liability company,
 204 shareholder of a Subchapter 'S' corporation, or partner in a partnership; or

205 ~~(D)~~(iv) In the case of a A corporation or other entity not provided for in
 206 subparagraphs (A) divisions (i) through (C) (iii) of this paragraph shall be allowed a
 207 credit against the tax imposed by this chapter, for qualified contributions in an amount
 208 not to exceed subparagraph, the actual amount of qualified contributions made; and
 209 (B) Business enterprise shall be allowed a credit against the tax imposed by Code
 210 Section 33-8-4 in an amount equal to its qualified contributions.

211 (b.1) For the period beginning on January 1 and ending on June 30 of each year, an
 212 ~~individual~~ a taxpayer shall not be allowed a credit for contributions, and the commissioner
 213 shall not preapprove any contributions, that exceed the following limits:

214 (1) In the case of a single individual or a head of household, \$2,500.00;

215 (2) In the case of a married couple filing a joint return, \$5,000.00;

216 (3) In the case of an individual who is a member of a limited liability company duly
 217 formed under state law, a shareholder of a Subchapter 'S' corporation, or a partner in a
 218 partnership, \$5,000.00; or

219 (4) In the case of a corporation or other entity not provided for in paragraphs (1) through
 220 (3) of this subsection, ~~10~~ 30 percent of such entity's income tax liability.

221 (b.2) For the period beginning on July 1 and ending on December 31 of each year, to the
222 extent that the aggregate amounts of tax credits authorized by subsection (b) of this Code
223 section have not been reached, the commissioner shall preapprove, deny, or prorate
224 additional requested amounts on a first come, first served basis and shall provide notice to
225 such taxpayer and the qualified organization of such preapproval, denial, or proration.

226 (b.3) A taxpayer that is preapproved for a tax credit allowed pursuant to this Code section
227 and that does not make a qualified contribution of the total preapproved amount shall be
228 allowed such credit in an amount not to exceed 95 percent of the amount of the qualified
229 contribution actually made by the taxpayer.

230 (c) ~~Not later than October 1, 2022, the~~ The commissioner shall establish a page on the
231 department's public website for the purpose of implementing this Code section. Such page
232 shall contain, at a minimum:

233 (1) A link to the division's web based application for certification as a qualified
234 organization as provided for in subsection (d) of this Code section;

235 (2) The current list of all qualified organizations;

236 (3) The total amount of tax credits remaining and available for preapproval for each year;

237 (4) A web based method for taxpayers or business enterprises seeking the preapproval
238 status for contributions; and

239 (5) The information received by the department from each qualified organization
240 pursuant to paragraph (1) of subsection (g) except for division (g)(1)(B)(iv) of this Code
241 section.

242 (d)(1) The division shall establish and maintain a web based application process for the
243 purpose of certifying foster child support organizations as qualified organizations. At a
244 minimum, such application created by the division shall include an agreement submitted
245 by the applicant to fully comply with the terms and conditions of this Code section.

246 (2) ~~The~~ (A) Subject to the requirements of this subsection, the division shall certify any
247 valid foster child support organization as a qualified organization upon successful

248 completion of such application process and shall decertify an organization that fails to
249 maintain the requirements to be a qualified organization or that the division determines
250 to have violated any other law.

251 (B) For any foster child support organization that is not a Georgia licensed
252 child-placing agency or licensed child-caring institution or that meets the definition of
253 such term only as set forth in division (a)(4)(C)(ii) of this Code section to be certified
254 as a qualified organization, such organization shall provide documentation
255 demonstrating that for a period of at least two calendar years prior to the submission of
256 its application, the organization has operated an aging-out program and, during that
257 period, has provided services to at least 100 aging foster children or justice involved
258 youth.

259 (C) After receiving certification pursuant to this subsection, each qualified organization
260 other than a Georgia licensed child-placing agency or licensed child-caring institution
261 shall annually demonstrate to the division's satisfaction that it continues to maintain the
262 requirements to be a qualified organization, and shall annually submit to the division
263 a copy of such organization's most recent annual audit.

264 (3) The division shall certify any foster child support organization operating as a Georgia
265 licensed child-placing agency or licensed child-caring institution as a qualified
266 organization within ten days of receipt of a written request or application.

267 (4) ~~The division shall accept a first round of applications for certification as qualified~~
268 ~~organizations by October 1, 2022, and shall certify and notify such applicants of the~~
269 ~~division's decision on or before November 30, 2022. Thereafter the division shall~~
270 establish a process for rolling applications and certifications consistent with the
271 requirements of this Code section.

272 (e)(1) Prior to making a contribution to any qualified organization, the taxpayer or
273 business enterprise shall electronically notify the department, in a manner specified by

274 the commissioner, of the total amount of contribution that such taxpayer or business
275 enterprise intends to make to such qualified organization.

276 (2) Within 30 days after receiving a request for preapproval of contributions, the
277 commissioner shall preapprove, deny, or prorate requested amounts on a first come, first
278 served basis and shall provide notice to such taxpayer or business enterprise and the
279 qualified organization of such preapproval, denial, or proration. Such notices shall not
280 require any signed release or notarized approval by the taxpayer or business enterprise.
281 The preapproval of contributions by the commissioner shall be based solely on the
282 availability of tax credits subject to the aggregate total limit established under paragraph
283 (1) of subsection (b) of this Code section.

284 (3) Within 60 days after receiving the preapproval notice issued by the commissioner
285 pursuant to paragraph (2) of this subsection, the taxpayer or business enterprise shall
286 contribute the preapproved amount to the qualified organization or such preapproved
287 contribution amount shall expire. The commissioner shall not include such expired
288 amounts in determining the remaining amount available under the aggregate limit for the
289 respective calendar year.

290 (f)(1) Each qualified organization shall issue to each contributor a letter of confirmation
291 of contribution, which shall include the taxpayer's or business enterprise's name, address,
292 tax identification number, the amount of the qualified contribution, the date of the
293 qualified contribution, and the total amount of the credit allowed to the taxpayer or
294 business enterprise.

295 (2)(A) In order for a taxpayer or business enterprise to claim the tax credit allowed
296 under this Code section, all such applicable letters as provided for in paragraph (1) of
297 this subsection shall be attached to the taxpayer's tax return or a business enterprise's
298 tax return provided for in Code Section 33-8-6.

299 (B) ~~If~~ If ~~When~~ the taxpayer files an electronic return, such confirmation shall only be
300 required to be electronically attached to the return if the Internal Revenue Service

301 allows such attachments to be affixed and transmitted to the department. In any such
302 event, the taxpayer shall maintain such confirmation and such confirmation shall only
303 be made available to the commissioner upon request.

304 (C) With respect to a business enterprise's tax return provided for in Code
305 Section 33-8-6, the Commissioner of Insurance is authorized to promulgate rules and
306 regulations regarding the manner in which such letters of confirmation of donations
307 shall be filed in the case of tax returns filed electronically.

308 (3) The commissioner shall allow tax credits for any preapproved contributions made to
309 a qualified organization at the time the contributions were made if such organization was
310 a qualified organization at the time of the commissioner's preapproval of the contributions
311 and the taxpayer or business enterprise has otherwise complied with this Code section.

312 (g)(1) Each qualified organization shall annually submit to the department no later than
313 ~~May 15~~ July 15 of each year:

314 (A) A complete copy of its IRS Form 990 including applicable attachments, or for any
315 qualified organization that is not required by federal law to file an IRS Form 990, such
316 organization shall submit to the commissioner equivalent information on a form
317 prescribed by the commissioner; provided, however, that, if the organization's IRS
318 Form 990 is not prepared by the filing deadline, the organization shall provide such
319 form at the same time it submits such form to the Internal Revenue Service; and

320 (B) A report detailing the contributions received during the calendar year pursuant to
321 this Code section on a date determined by, and on a form provided by, the
322 commissioner which shall include:

323 (i) The total number and dollar value of individual contributions and tax credits
324 approved. Individual contributions shall include contributions made by those filing
325 income tax returns as a single individual or head of household and those filing joint
326 returns;

327 (ii) The total number and dollar value of corporate contributions and tax credits
328 approved;

329 (iii) The total number and dollar value of all qualified expenditures made; ~~and~~

330 (iv) A list of contributors, including the dollar value of each contribution and the
331 dollar value of each approved tax credit; and

332 (v) An accounting of the funds withheld from qualified contributions demonstrating
333 that no more than 10 percent of such funds were withheld from qualified
334 expenditures, as required by subparagraph (j)(1)(A) of this Code section.

335 (2) Except for the information published in accordance with subsection (c) of this Code
336 section, all information or reports relative to this Code section that were provided by
337 qualified organizations to the department shall be confidential taxpayer information,
338 governed by Code Sections 48-2-15, 48-7-60, and 48-7-61, whether such information
339 relates to the contributor or the qualified organization.

340 (h) By April 1 of each year, each qualified organization shall ~~publicly~~ post on its public
341 website in a prominent place:

342 (1) A a copy of its prior year's annual budget financials containing the total amount of
343 funds received from all sources relative to the amount of qualified contributions it
344 received and the total amount and a description of how such contributions were utilized;:
345 and

346 (2) A certification, signed by the chief executive officer of the qualified organization and
347 attested to by an independent accounting firm, which substantially complies with the
348 following statement:

349 I hereby certify that:

350 (A) The organization has materially complied with the requirements of
351 subparagraph (j)(1)(A) of O.C.G.A. Section 48-7-29.24 in that no more than 10 percent
352 of qualified contributions received by [the qualified organization] were retained by,
353 withheld by, or otherwise paid to the organization; and

354 (B) The description of how [the qualified organization] utilized the qualified
355 contributions is true and correct.'

356 (i)(1) A taxpayer or business enterprise shall not be allowed to designate or direct the
357 taxpayer's or business enterprise's qualified contributions to any particular purpose or for
358 the direct benefit of any particular individual.

359 (2) A taxpayer or business enterprise that operates, owns, or is a subsidiary of an
360 association, organization, or other entity that contracts directly with a qualified
361 organization shall not be eligible for tax credits allowed under this Code section for
362 contributions made to such qualified organization.

363 (3) In soliciting contributions, no person shall represent or direct that, in exchange for
364 making qualified contributions to any qualified organization, a taxpayer or business
365 enterprise shall receive any direct or particular benefit. The status as a qualified
366 organization shall be revoked for any qualified organization determined to be in violation
367 of this paragraph and shall not be renewed for at least two years.

368 (j)(1)(A) Each qualified organization shall use at least ~~80~~ 90 percent of the funds
369 received by it from qualified contributions to make qualified expenditures. Each
370 qualified organization shall maintain accurate and current records of all expenditures
371 of such funds and provide such records to the commissioner upon his or her request.
372 In no event shall a qualified organization retain for its own use or apply to its overhead
373 or administrative expenses more than 10 percent of the funds received pursuant to this
374 Code section.

375 (B) No foster child support organization that meets only the definition of such term as
376 provided in division (a)(4)(C)(ii) of this Code section shall retain more than 2.5 percent
377 of qualified contributions for itself for any reason and shall only serve to pass all of its
378 qualified contributions to one or more qualified organizations that are foster child
379 support organizations as such term is defined in subparagraphs (a)(4)(A), (a)(4)(B), or
380 division (a)(4)(C)(i) of this Code section.

381 (2) A qualified organization that fails to comply with any of the requirements under this
382 Code section shall be given written notice by the department of such failure to comply
383 by certified mail and shall have 90 days from the receipt of such notice to correct all
384 deficiencies.

385 (3) Upon failure to correct all deficiencies within 90 days, the department shall revoke
386 the foster child support organization's status as a qualified organization and such entity
387 shall be immediately removed from the department's list of organizations. All
388 applications for preapproval of tax credits for contributions to such foster child support
389 organization under this Code section made on or after the date of such removal shall be
390 rejected.

391 (4) Each foster child support organization that has had its status revoked and has been
392 delisted pursuant to this Code section, shall immediately cease all expenditures of funds
393 received relative to this Code section, and shall transfer all of such funds that are not yet
394 expended, to a properly operating qualified organization within 30 calendar days of its
395 removal from the department's list of qualified organizations.

396 (k)(1) No credit shall be allowed under this Code section to a taxpayer for any amount
397 of qualified contributions that were utilized as deductions or exemptions from taxable
398 income.

399 (2) In no event shall the total amount of the tax credit used under this Code section for
400 a taxable year exceed the taxpayer's income tax liability or the business enterprise's state
401 tax liability owed pursuant to Code Section 33-8-4. Any unused tax credit shall be
402 allowed the taxpayer or business enterprise against the succeeding three years' tax
403 liability. No such credit shall be allowed the taxpayer or business enterprise against prior
404 years' tax liability.

405 (l) The chairperson of the House Appropriations Committee and the chairperson of the
406 Senate Committee on Appropriations shall have the authority to request an audit
407 concerning this Code section as a whole or of any one or more qualified organizations. The

408 commissioner, the state auditor, each qualified organization, each aging-out program, and
409 the director of the division shall cooperate to the full extent necessary to conduct such
410 audits.

411 (m) At the discretion of the commissioner or the director of the division, any suspected
412 misuse of funds contributed or expended pursuant to this Code section shall be forwarded
413 to the Attorney General for investigation and prosecution.

414 (n) The commissioner shall promulgate rules and regulations necessary to implement and
415 administer the provisions of this Code section."

416 **SECTION 2-2.**

417 Said chapter is further amended in Code Section 48-7-60, relating to confidentiality of tax
418 information, exceptions, authorized inspection by certain officials, furnishing information
419 to local tax authorities, furnishing information to nonofficials, conditions, and effect of Code
420 section, by adding a new subsection to read as follows:

421 "(d.1) The commissioner shall be authorized in his or her sole discretion to share
422 information necessary to efficiently administer and enforce the provisions of this chapter
423 for the purpose of tax credit administration when another state agency has statutory
424 authority to administer such tax credits. Any confidential information furnished pursuant
425 to this Code section shall retain its character as confidential and privileged information.
426 Any person who divulges confidential information obtained pursuant to this Code section
427 shall be subject to the same penalties as provided under Code Section 48-7-61 for unlawful
428 divulgence of confidential taxpayer information."

429

PART III

430

SECTION 3-1.

431 (a) This Act shall become effective on July 1, 2025, and, except as provided in
432 subsection (b) of this section, shall be applicable to all taxable years beginning on or after
433 January 1, 2026.

434 (b) Section 1-1 of this Act shall be applicable to all taxable years beginning on or after
435 January 1, 2025.

436

SECTION 3-2.

437 All laws and parts of laws in conflict with this Act are repealed.