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SENATE BILL NO. 1529

Offered January 20, 2023

A BILL to amend the Code of Virginia by adding in Article 3 of Chapter 3 of Title 58.1 a section numbered 58.1-339.14, relating to right to life tax credit.

Patron—Dunnavant

Referred to Committee on Education and Health

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding in Article 3 of Chapter 3 of Title 58.1 a section numbered 58.1-339.14 as follows:

§ 58.1-339.14. Right to life tax credit.

A. For purposes of this section, "poverty guidelines" means the poverty guidelines for the 48 contiguous states and the District of Columbia updated annually in the Federal Register by the U.S. Department of Health and Human Services under the authority of § 673(2) of the Omnibus Budget Reconciliation Act of 1981.

B. For taxable years beginning on and after January 1, 2023, but before January 1, 2028, an individual or married persons filing a joint return whose family Virginia adjusted gross income does not exceed 400 percent of the poverty guideline amount corresponding to a household of an equal number of persons as listed in the poverty guidelines published during such taxable year shall be allowed a refundable credit against the tax levied pursuant to § 58.1-320 for each birth of a dependent member of their household in a taxable year as supported by medical records. The amount of the credit shall be equal to \$250 for every such dependent household member born in a taxable year.

C. The aggregate amount of tax credits available under this section for a taxable year shall not exceed \$25 million. In the event that applications for such credits exceed \$25 million for any taxable year, the Department shall allocate the credits on a pro rata basis.

D. If the amount of the credit exceeds the taxpayer's liability for such taxable year, the excess shall be refunded by the Tax Commissioner. Tax credits shall be refunded by the Tax Commissioner on behalf of the Commonwealth for 100 percent of face value. Tax credits shall be refunded within 90 days after the filing date of the income tax return on which the taxpayer applies for the refund.

E. The Tax Commissioner shall develop guidelines for claiming the credit provided by this section. Such guidelines shall be exempt from the provisions of the Administrative Process Act (§ 2.2-4000 et seq.).

INTRODUCED

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