

By: Posey

To: Wildlife and  
Fisheries; Finance

## SENATE BILL NO. 3087

1 AN ACT TO CREATE THE MISSISSIPPI SCENIC STREAMS INCENTIVES  
2 PROGRAM TO ENCOURAGE LANDOWNERS TO ENHANCE AND RESTORE WILDLIFE  
3 AND FISH HABITATS ALONG SCENIC STREAMS BY GRANTING TAXPAYERS AN  
4 INCOME TAX CREDIT FOR CERTAIN COSTS THEY INCUR ON APPROVED HABITAT  
5 ENHANCEMENT AND RESTORATION PROJECTS; TO LIMIT THE AMOUNT OF THE  
6 CREDIT THAT CAN BE USED BY A TAXPAYER IN A TAXABLE YEAR; TO  
7 PROVIDE THAT EXCESS CREDITS MAY BE CARRIED FORWARD FOR SUCCEEDING  
8 YEARS; TO PRESCRIBE THE MANNER OF APPLYING FOR SUCH CREDIT; AND  
9 FOR RELATED PURPOSES.

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

11 SECTION 1. This act may be cited as the "Mississippi Scenic  
12 Streams Incentives Program."

13 SECTION 2. The Legislature finds that fish and wildlife  
14 resources and habitats along scenic streams have significant  
15 benefit to Mississippi's environment, economy and overall quality  
16 of life and that the majority of lands along scenic streams are  
17 held by private owners. The Legislature finds that the State of  
18 Mississippi should encourage private landowners along scenic  
19 streams to enhance and restore upland and wetland wildlife habitat  
20 and fisheries habitat through tax credit incentives.

21 SECTION 3. (1) Subject to the limitations provided in  
22 subsection (2) of this section, upon submission to the State Tax  
23 Commission of the written verification provided for in subsection  
24 (4) of this section and such other documentation as the State Tax  
25 Commission may require, any landowner who participates in a scenic  
26 stream stewardship plan, who incurs costs for approved wildlife or  
27 fisheries habitat projects on lands in the scenic stream plan  
28 shall be allowed a credit, in an amount equal to the lesser of  
29 fifty percent (50%) of the actual costs of the approved project,

30 against the taxes imposed pursuant to this chapter for the tax  
31 year in which the costs are incurred.

32 (2) The credit provided for in this section shall not exceed  
33 the lesser of Ten Thousand Dollars (\$10,000.00) or the amount of  
34 income tax imposed upon the eligible owner for the taxable year  
35 reduced by the sum of all other credits allowable to the eligible  
36 landowner under this chapter, except credit for tax payments made  
37 by or on behalf of the landowner. Any unused portion of the  
38 credit may be carried forward for succeeding tax years. The  
39 maximum dollar amount of the credit provided for in this section  
40 that a landowner may utilize during his lifetime shall be Ten  
41 Thousand Dollars (\$10,000.00) in the aggregate.

42 (3) If a landowner receives any state or federal cost share  
43 assistance funds to defray the cost of an approved wildlife or  
44 fisheries habitat project, the cost of that practice within the  
45 same tax year is not eligible for the credit provided in this  
46 section unless the landowner's adjusted gross income is less than  
47 the federal earned income credit level.

48 (4) To be eligible for the tax credit, a landowner must have  
49 a wildlife or fisheries habitat project approved for the lands by  
50 a wildlife or fisheries biologist with at least a bachelor's  
51 degree from a college or university or by a wildlife or fisheries  
52 biologist of the Department of Wildlife, Fisheries and Parks. The  
53 biologist must verify in writing that the wildlife or fisheries  
54 habitat project was completed and that the project conforms to the  
55 scenic streams stewardship plan for that stream. Emphasis shall  
56 be placed on low maintenance and self-sustaining projects.

57 SECTION 4. Section 3 of this act shall be codified in  
58 Chapter 7, Title 27, Mississippi Code of 1972.

59 SECTION 5. Nothing in this act shall affect or defeat any  
60 claim, assessment, appeal, suit, right or cause of action for  
61 taxes due or accrued under the income tax laws before the date on  
62 which this act becomes effective, whether such claims,  
63 assessments, appeals, suits or actions have been begun before the  
64 date on which this act becomes effective or are begun thereafter;  
65 and the provisions of the income tax laws are expressly continued  
66 in full force, effect and operation for the purpose of the

67 assessment, collection and enrollment of liens for any taxes due  
68 or accrued and the execution of any warrant under such laws before  
69 the date on which this act becomes effective, and for the  
70 imposition of any penalties, forfeitures or claims for failure to  
71 comply with such laws.

72 SECTION 6. This act shall take effect and be in force from  
73 and after July 1, 2000.