MISSISSIPPI LEGISLATURE                        REGULAR SESSION 2001
By: Representative Guice To: Ways and Means

HOUSE BILL NO. 1635

AN ACT TO AMEND SECTION 27-35-35, MISSISSIPPI CODE OF 1972, TO PROVIDE THAT ANY UNUSED PORTION OF THE CREDIT AGAINST CORPORATION FRANCHISE TAX ALLOWED FOR THE TAX ASSESSED AND PAID BY A BANK ON THE ASSESSED VALUE OF ITS INTANGIBLES MAY BE CARRIED FORWARD FOR TEN YEARS; AND FOR RELATED PURPOSES.

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

SECTION 1. Section 27-35-35, Mississippi Code of 1972, is amended as follows:

27-35-35. The president, cashier or other officer of each bank or banking association in this state, whether organized under the laws of this state or the United States, shall make out and deliver to the county tax assessor, under oath, on or before April 1 of each year, a statement, on the form prescribed and furnished by the State Tax Commission, of its assets and liabilities, and of the number and par value of all the shares of its capital stock paid in (preferred or common) and the amount of debentures, if any, and of all surplus, undivided profits, reserves or accumulations of any sort; and then the amount of all due and unpaid taxes, declared and unpaid dividends, interest, actual depreciation of personal property not entered on the books, or other similar items, constituting a debt against the reserves of the bank, which when deducted from the sum of the capital and reserves, as above enumerated, shall show correctly the actual net worth of the bank. From the net worth of the bank thus determined, there shall be deducted the amount of capital invested in real estate owned by the bank, as shown by its books, the par value of preferred stock and debentures owned by the reconstruction finance corporation or other similar government...
agencies, and "earned surplus" to the extent authorized by Section 81-3-11, Mississippi Code of 1972, and the remainder shall be the basis of the assessment of the intangibles of the bank or of the capital to the owner thereof in case the bank be not a corporation or joint stock company. The taxes levied on any bank or banking association shall be a first lien on its assets. A bank not a corporation or stock company shall make a similar return of its capital and be assessed and pay taxes to the same extent as a bank or banking association.

The tax provided for in Sections 27-35-35 through 27-35-39 shall be in addition to the tax on real property of banks as provided in Section 27-35-11 and the ad valorem tax on the personal property of banks as provided in Section 27-35-12. All ad valorem taxes on personal property paid by a bank to any county, district or municipality pursuant to Section 27-35-12, shall be credited against and reduce the tax provided for in Sections 27-35-35 through 27-35-39. Any tax assessed and paid by a bank to any county, district or municipality on the assessed value of its intangibles pursuant to Sections 27-35-35 through 27-35-39 shall be a credit against the corporation franchise tax of that bank due pursuant to Chapter 13, Title 27, Mississippi Code of 1972, in lieu of a deduction thereof from the income of such bank for purposes of Chapter 7, Title 27, Mississippi Code of 1972. If the amount of tax paid by a bank to any county, district or municipality on the assessed value of its intangibles pursuant to Sections 27-35-35 through 27-35-39 exceeds the corporation franchise tax liability of the bank for the taxable year in which the credit is claimed, the amount of such excess tax may be carried forward and claimed as a credit for the succeeding ten (10) years.

SECTION 2. Nothing in this act shall affect or defeat any claim, assessment, appeal, suit, right or cause of action for taxes due or accrued under the corporation franchise tax laws.
before the date on which this act becomes effective, whether such
claims, assessments, appeals, suits or actions have been begun
before the date on which this act becomes effective or are begun
thereafter; and the provisions of the corporation franchise tax
laws are expressly continued in full force, effect and operation
for the purpose of the assessment, collection and enrollment of
liens for any taxes due or accrued and the execution of any
warrant under such laws before the date on which this act becomes
effective, and for the imposition of any penalties, forfeitures or
claims for failure to comply with such laws.

SECTION 3. This act shall take effect and be in force from