

By: Representatives McCoy, Morris, Reeves,
Smith (39th)

To: Rules

HOUSE CONCURRENT RESOLUTION NO. 133

1 A CONCURRENT RESOLUTION SUSPENDING THE DEADLINES FOR THE
2 PURPOSE OF REQUESTING THE DRAFTING, AND THE INTRODUCTION,
3 CONSIDERATION AND PASSAGE, OF A BILL ENTITLED "AN ACT TO AMEND
4 SECTION 27-7-9, MISSISSIPPI CODE OF 1972, TO REVISE THE MANNER IN
5 WHICH A TRANSACTION BY A CORPORATION OR OTHER LEGAL ENTITY IS
6 DETERMINED TO BE "ARMS-LENGTH" FOR INCOME TAX PURPOSES WHEN THE
7 CHAIRMAN OF THE STATE TAX COMMISSION DETERMINES THAT THERE IS A
8 SHIFTING OF INCOME WHICH RESULTS IN A DECREASE IN INCOME OR AN
9 INCREASE IN A LOSS BEING ALLOCATED OR APPORTIONED TO THIS STATE;
10 TO AMEND SECTION 27-7-15, MISSISSIPPI CODE OF 1972, TO PROVIDE FOR
11 THE RECOGNITION OF GAIN OR PROFIT FROM THE CASUAL SALE OF PROPERTY
12 BY INSTALLMENT SALE IN THE YEAR OF THE SALE; TO ALLOW DEFERRAL OF
13 THE TAX RESULTING FROM THE GAIN IF THE GAIN IS DEFERRED FOR
14 FEDERAL INCOME TAX PURPOSES TO THE EXTENT PROVIDED UNDER
15 REGULATIONS PRESCRIBED BY THE CHAIRMAN OF THE STATE TAX
16 COMMISSION; TO EXCLUDE FROM THE DEFINITION OF THE TERM "GROSS
17 INCOME" CERTAIN INCOME RESULTING FROM TRANSACTIONS WITH A RELATED
18 MEMBER; TO AMEND SECTION 27-7-17, MISSISSIPPI CODE OF 1972, TO
19 PROVIDE THAT, IN COMPUTING NET INCOME, A TAXPAYER MUST ADD BACK
20 CERTAIN OTHERWISE DEDUCTIBLE EXPENSES AND COSTS PAID TO RELATED
21 MEMBERS; TO AMEND SECTION 27-7-23, MISSISSIPPI CODE OF 1972, TO
22 REVISE THE DEFINITION OF THE TERM "BUSINESS INCOME"; TO REVISE THE
23 MANNER IN WHICH THE INCOME OF MULTISTATE ENTITIES IS ALLOCATED AND
24 APPORTIONED; TO PROVIDE FOR THE ALLOCATION OF CERTAIN NONBUSINESS
25 INCOME; TO AMEND SECTIONS 27-7-24.3 AND 27-8-3, MISSISSIPPI CODE
26 OF 1972, IN CONFORMITY THERETO; TO AMEND SECTION 27-13-13,
27 MISSISSIPPI CODE OF 1972, TO PROVIDE FOR THE MANNER IN WHICH THE
28 ASSETS OF CERTAIN FLOW-THROUGH ENTITIES SHALL BE INCLUDED IN THE
29 RATIO USED TO DETERMINE THE VALUE OF THE CAPITAL EMPLOYED IN THIS
30 STATE FOR FRANCHISE TAX PURPOSES; AND FOR RELATED PURPOSES."

31 BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE STATE
32 OF MISSISSIPPI, THE SENATE CONCURRING THEREIN, That the Joint
33 Rules of the House and the Senate, including all the deadlines and
34 other provisions imposed by Joint Rule No. 40, are suspended for
35 the purpose of requesting the drafting, and the introduction,
36 consideration and passage, of a bill entitled "AN ACT TO AMEND
37 SECTION 27-7-9, MISSISSIPPI CODE OF 1972, TO REVISE THE MANNER IN
38 WHICH A TRANSACTION BY A CORPORATION OR OTHER LEGAL ENTITY IS

39 DETERMINED TO BE "ARMS-LENGTH" FOR INCOME TAX PURPOSES WHEN THE
40 CHAIRMAN OF THE STATE TAX COMMISSION DETERMINES THAT THERE IS A
41 SHIFTING OF INCOME WHICH RESULTS IN A DECREASE IN INCOME OR AN
42 INCREASE IN A LOSS BEING ALLOCATED OR APPORTIONED TO THIS STATE;
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44 THE RECOGNITION OF GAIN OR PROFIT FROM THE CASUAL SALE OF PROPERTY
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62 RATIO USED TO DETERMINE THE VALUE OF THE CAPITAL EMPLOYED IN THIS
63 STATE FOR FRANCHISE TAX PURPOSES; AND FOR RELATED PURPOSES."