AN ACT TO PROVIDE AN INCOME TAX CREDIT FOR TAXPAYERS THAT UTILIZE THE PORT FACILITIES AT STATE, COUNTY AND MUNICIPAL PORTS EQUAL TO CERTAIN CHARGES PAID BY THE TAXPAYER ON THE IMPORT OF CARGO; TO LIMIT THE CHARGES THAT MAY BE USED FOR THE CREDIT; TO PROVIDE THAT A TAXPAYER MUST PROVIDE CERTAIN INFORMATION TO THE STATE TAX COMMISSION TO RECEIVE SUCH CREDIT; TO REQUIRE THE MISSISSIPPI DEVELOPMENT AUTHORITY TO REPORT ANNUALLY REGARDING THE IMPACT OF THIS ACT; TO PROVIDE AN INCOME TAX CREDIT FOR TAXPAYERS THAT UTILIZE THE AIRPORT FACILITIES AT PUBLIC AIRPORTS TO EQUAL TO CERTAIN CHARGES PAID BY THE TAXPAYER ON THE EXPORT OR IMPORT OF CARGO; TO LIMIT THE CHARGES THAT MAY BE USED FOR THE CREDIT; TO PROVIDE THAT A TAXPAYER MUST PROVIDE CERTAIN INFORMATION TO THE STATE TAX COMMISSION TO RECEIVE SUCH CREDIT; TO REQUIRE THE MISSISSIPPI DEVELOPMENT AUTHORITY TO REPORT ANNUALLY REGARDING THE IMPACT OF SUCH CREDIT; AND FOR RELATED PURPOSES.

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

SECTION 1. (1) As used in this section, the term "port" means a state, county or municipal port or harbor established pursuant to Sections 59-5-1 through 59-5-69, Sections 59-7-1 through 59-7-519, Sections 59-9-1 through 59-9-85 or Sections 59-11-1 through 59-11-11.

(2) For any income taxpayer utilizing the port facilities at any port for the import of cargo that is unloaded from a carrier calling at any such port, a credit against the taxes imposed pursuant to this chapter shall be allowed in the amounts provided in this section.

(3) Except as otherwise provided by subsection (5) of this section, the amount of the credit allowed pursuant to this section shall be the total of the following charges on import of cargo paid by the corporation:

   (a) Receiving into the port;
   (b) Handling from a vessel; and
   (c) Wharfage.
(4) The credit provided for in this section shall not exceed fifty percent (50%) of the amount of tax imposed upon the taxpayer for the taxable year reduced by the sum of all other credits allowable to such taxpayer under this chapter, except credit for tax payments made by or on behalf of the taxpayer. Any unused portion of the credit may be carried forward for the succeeding five (5) years.

(5) To obtain the credit provided for in this section, a taxpayer must provide to the State Tax Commission a statement from the governing authority of the port certifying the amount of charges paid by the taxpayer for which a credit is claimed and any other information required by the State Tax Commission.

SECTION 2. The Mississippi Development Authority shall report annually to the Legislature regarding the impact of the credit granted in Section 1 of this act on shipping and economic growth. Each report shall show the overall annual increase on shipping at each port for the most recent year for which data is available and for each of the previous five (5) years. Each report shall estimate the number of jobs created or retained at each port and in businesses related to port activity at each port since January 1, 2004, as compared to the number of similar jobs created during the ten (10) years preceding January 1, 2004. Each report shall state the net economic impact on the state as a result of the tax credit provided for in Section 1 of this act. The Mississippi Development Authority shall file a copy of the report with the Governor, the Secretary of the Senate, the Clerk of the House of Representatives and the Chairmen of the House Ways and Means Committee and the Senate Finance Committee of the Legislature on May 1 of each year. The State Tax Commission and all state, county and municipal ports shall cooperate with the Mississippi Development Authority in providing the information required in the annual reports.
SECTION 3. (1) As used in this section, the term "airport" means an airport established pursuant to Chapters 3 and 5, Title 61, Mississippi Code of 1972.

(2) For any income taxpayer utilizing the facilities at any airport for the export or import of cargo that is unloaded from a carrier at any such airport, a credit against the taxes imposed pursuant to this chapter shall be allowed in the amounts provided in this section.

(3) Except as otherwise provided by subsection (5) of this section, the amount of the credit allowed pursuant to this section shall be the total of the following charges on import or export of cargo paid by the corporation:

(a) Receiving into the airport;

(b) Aircraft marshalling or handling fees; and

(c) Aircraft landing fees.

(4) The credit provided for in this section shall not exceed fifty percent (50%) of the amount of tax imposed upon the taxpayer for the taxable year reduced by the sum of all other credits allowable to such taxpayer under this chapter, except credit for tax payments made by or on behalf of the taxpayer. Any unused portion of the credit may be carried forward for the succeeding five (5) years.

(5) To obtain the credit provided for in this section, a taxpayer must provide to the State Tax Commission a statement from the governing authority of the airport certifying the amount of charges paid by the taxpayer for which a credit is claimed and any other information required by the State Tax Commission.

SECTION 4. The Mississippi Development Authority shall report annually to the Legislature regarding the impact of the credit granted in Section 3 of this act on shipping and economic growth. Each report shall show the overall annual increase on shipping at each airport for the most recent year for which data is available and for each of the previous five (5) years. Each
ST: Income tax credit; allow for certain charges paid by taxpayers importing and exporting products at ports and airports.

Each report shall state the net economic impact on the state as a result of the tax credit provided for in Section 3 of this act.

The Mississippi Development Authority shall file a copy of the report with the Governor, the Secretary of the Senate, the Clerk of the House of Representatives and the Chairmen of the House Ways and Means Committee and the Senate Finance Committee of the Legislature on May 1 of each year. The State Tax Commission and all state, regional, county and municipal airports shall cooperate with the Mississippi Development Authority in providing the information required in the annual reports.

SECTION 5. The provisions of this act shall be codified in Title 27, Chapter 7, Mississippi Code of 1972.

SECTION 6. This act shall take effect and be in force from and after January 1, 2003.