

By: Representative Broomfield

To: Ports, Harbors and  
Airports; Ways and Means

HOUSE BILL NO. 829

1 AN ACT TO PROVIDE AN INCOME TAX CREDIT FOR TAXPAYERS THAT  
 2 UTILIZE THE PORT FACILITIES AT STATE, COUNTY AND MUNICIPAL PORTS  
 3 EQUAL TO CERTAIN CHARGES PAID BY THE TAXPAYER ON THE IMPORT OF  
 4 CARGO; TO LIMIT THE CHARGES THAT MAY BE USED FOR THE CREDIT; TO  
 5 PROVIDE THAT A TAXPAYER MUST PROVIDE CERTAIN INFORMATION TO THE  
 6 STATE TAX COMMISSION TO RECEIVE SUCH CREDIT; TO REQUIRE THE  
 7 MISSISSIPPI DEVELOPMENT AUTHORITY TO REPORT ANNUALLY REGARDING THE  
 8 IMPACT OF THIS ACT; TO PROVIDE AN INCOME TAX CREDIT FOR TAXPAYERS  
 9 THAT UTILIZE THE AIRPORT FACILITIES AT PUBLIC AIRPORTS EQUAL TO  
 10 CERTAIN CHARGES PAID BY THE TAXPAYER ON THE EXPORT OR IMPORT OF  
 11 CARGO; TO LIMIT THE CHARGES THAT MAY BE USED FOR THE CREDIT; TO  
 12 PROVIDE THAT A TAXPAYER MUST PROVIDE CERTAIN INFORMATION TO THE  
 13 STATE TAX COMMISSION TO RECEIVE SUCH CREDIT; TO REQUIRE THE  
 14 MISSISSIPPI DEVELOPMENT AUTHORITY TO REPORT ANNUALLY REGARDING THE  
 15 IMPACT OF SUCH CREDIT; AND FOR RELATED PURPOSES.

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

17 **SECTION 1.** (1) As used in this section, the term "port"  
 18 means a state, county or municipal port or harbor established  
 19 pursuant to Sections 59-5-1 through 59-5-69, Sections 59-7-1  
 20 through 59-7-519, Sections 59-9-1 through 59-9-85 or Sections  
 21 59-11-1 through 59-11-7.

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

27 (3) Except as otherwise provided by subsection (4) of this  
 28 section, the amount of the credit allowed pursuant to this section  
 29 shall be the total of the following charges on import of cargo  
 30 paid by the corporation:

- 31 (a) Receiving into the port;
- 32 (b) Handling from a vessel; and
- 33 (c) Wharfage.

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

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

46 **SECTION 2.** The Mississippi Development Authority shall  
47 report annually to the Legislature regarding the impact of the  
48 credit granted in Section 1 of this act on shipping and economic  
49 growth. Each report shall show the overall annual increase in  
50 shipping at each port for the most recent year for which data is  
51 available and for each of the previous five (5) years. Each  
52 report shall estimate the number of jobs created or retained at  
53 each port and in businesses related to port activity at each port  
54 since January 1, 2005, as compared to the number of similar jobs  
55 created during the ten (10) years preceding January 1, 2005. Each  
56 report shall state the net economic impact on the state as a  
57 result of the tax credit provided for in Section 1 of this act.  
58 The Mississippi Development Authority shall file a copy of the  
59 report with the Governor, the Secretary of the Senate, the Clerk  
60 of the House of Representatives and the Chairmen of the House Ways  
61 and Means Committee and the Senate Finance Committee of the  
62 Legislature on May 1 of each year. The State Tax Commission and  
63 all state, county and municipal ports shall cooperate with the  
64 Mississippi Development Authority in providing the information  
65 required in the annual reports.

66           **SECTION 3.** (1) As used in this section, the term "airport"  
67 means an airport established pursuant to Chapters 3 and 5, Title  
68 61, Mississippi Code of 1972.

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

74           (3) Except as otherwise provided by subsection (4) of this  
75 section, the amount of the credit allowed pursuant to this section  
76 shall be the total of the following charges on import or export of  
77 cargo paid by the corporation:

- 78                   (a) Receiving into the airport;
- 79                   (b) Aircraft marshalling or handling fees; and
- 80                   (c) Aircraft landing fees.

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

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

93           **SECTION 4.** The Mississippi Development Authority shall  
94 report annually to the Legislature regarding the impact of the  
95 credit granted in Section 3 of this act on shipping and economic  
96 growth. Each report shall show the overall annual increase in  
97 shipping at each airport for the most recent year for which data  
98 is available and for each of the previous five (5) years. Each

99 report shall estimate the number of jobs created or retained at  
100 each airport and in businesses related to airport activity at each  
101 airport since January 1, 2005, as compared to the number of  
102 similar jobs created during the ten (10) years preceding January  
103 1, 2005. Each report shall state the net economic impact on the  
104 state as a result of the tax credit provided for in Section 3 of  
105 this act. The Mississippi Development Authority shall file a copy  
106 of the report with the Governor, the Secretary of the Senate, the  
107 Clerk of the House of Representatives and the Chairmen of the  
108 House Ways and Means Committee and the Senate Finance Committee of  
109 the Legislature on May 1 of each year. The State Tax Commission  
110 and all state, regional, county and municipal airports shall  
111 cooperate with the Mississippi Development Authority in providing  
112 the information required in the annual reports.

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

115       **SECTION 6.** Nothing in this act shall affect or defeat any  
116 claim, assessment, appeal, suit, right or cause of action for  
117 taxes due or accrued under the income tax laws before the date on  
118 which this act becomes effective, whether such claims,  
119 assessments, appeals, suits or actions have been begun before the  
120 date on which this act becomes effective or are begun thereafter;  
121 and the provisions of the income tax laws are expressly continued  
122 in full force, effect and operation for the purpose of the  
123 assessment, collection and enrollment of liens for any taxes due  
124 or accrued and the execution of any warrant under such laws before  
125 the date on which this act becomes effective, and for the  
126 imposition of any penalties, forfeitures or claims for failure to  
127 comply with such laws.

128       **SECTION 7.** This act shall take effect and be in force from  
129 and after January 1, 2004.