

By: Senator(s) Hewes, Gollott, Kirby, Brown, Doxey To: Finance

SENATE BILL NO. 2494

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 TO 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 59-11-11.

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 (5) 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 on  
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, 2006, as compared to the number of similar jobs  
55 created during the ten (10) years preceding January 1, 2006. 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. The provisions of this act shall be codified in  
67 Title 27, Chapter 7, Mississippi Code of 1972.

68           SECTION 4. This act shall take effect and be in force from  
69 and after January 1, 2006.