

Senate Amendments to House Bill No. 547

TO THE CLERK OF THE HOUSE:

THIS IS TO INFORM YOU THAT THE SENATE HAS ADOPTED THE AMENDMENTS SET OUT BELOW:

AMENDMENT NO. 1

Amend by striking all after the enacting clause and inserting in lieu thereof the following:

14 **SECTION 1.** Section 27-7-22.25, Mississippi Code of 1972, is
15 amended as follows:

16 27-7-22.25. (1) As used in this section, the term "airport"
17 means an airport established pursuant to Chapters 3 and 5, Title
18 61, Mississippi Code of 1972.

19 (2) Subject to the provisions of this section, for any
20 income taxpayer utilizing the facilities at any airport for the
21 export or import of cargo that is unloaded from a carrier at any
22 such airport, a credit against the taxes imposed pursuant to this
23 chapter shall be allowed in the amounts provided in this section.
24 In order to be eligible for the credit authorized under this
25 section, a taxpayer must locate its United States headquarters in
26 Mississippi on or after July 1, 2005, employ at least five (5) new
27 permanent full-time employees who actually work at such
28 headquarters and, after July 1, 2005, invest a minimum of Two
29 Million Dollars (\$2,000,000.00), in the aggregate, in real
30 property and/or personal property in Mississippi. For the
31 purposes of this section, "full-time employee" shall mean an
32 employee who works at least thirty-five (35) hours per week.

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

- 37 (a) Receiving into the airport;
- 38 (b) Aircraft marshalling or handling fees; and
- 39 (c) Aircraft landing fees.

40 (4) The credit provided for in this section shall not exceed
41 fifty percent (50%) of the amount of tax imposed upon the taxpayer
42 for the taxable year reduced by the sum of all other credits
43 allowable to such taxpayer under this chapter, except credit for
44 tax payments made by or on behalf of the taxpayer. Any unused
45 portion of the credit may be carried forward for the succeeding
46 five (5) years. The maximum cumulative credit that may be claimed
47 by a taxpayer under this section is limited to One Million Dollars
48 (\$1,000,000.00) if the taxpayer employs at least five (5), but not
49 more than twenty-five (25) permanent full-time employees at its
50 headquarters in Mississippi; Two Million Dollars (\$2,000,000.00)
51 if the taxpayer employs more than twenty-five (25), but not more
52 than one hundred (100) permanent full-time employees at its
53 headquarters in Mississippi; Three Million Dollars (\$3,000,000.00)
54 if the taxpayer employs more than one hundred (100), but not more
55 than two hundred (200) permanent full-time employees at its
56 headquarters in Mississippi; and Four Million Dollars
57 (\$4,000,000.00) if the taxpayer employs more than two hundred
58 (200) permanent full-time employees at its headquarters in
59 Mississippi.

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

65 * * *

66 **SECTION 2.** Section 27-7-22.26, Mississippi Code of 1972, is
67 reenacted as follows:

68 27-7-22.26. The Mississippi Development Authority shall
69 report annually to the Legislature regarding the impact of the
70 credit granted in Section 27-7-22.25 on shipping and economic
71 growth. Each report shall show the overall annual increase in
72 shipping at each airport for the most recent year for which data
73 is available and for each of the previous five (5) years. Each
74 report shall estimate the number of jobs created or retained at

75 each airport and in businesses related to airport activity at each
76 airport since January 1, 2006, as compared to the number of
77 similar jobs created during the ten (10) years preceding January
78 1, 2006. Each report shall state the net economic impact on the
79 state as a result of the tax credit provided for in Section
80 27-7-22.25. The Mississippi Development Authority shall file a
81 copy of the report with the Governor, the Secretary of the Senate,
82 the Clerk of the House of Representatives and the Chairmen of the
83 House Ways and Means Committee and the Senate Finance Committee of
84 the Legislature on May 1 of each year. The State Tax Commission
85 and all state, regional, county and municipal airports shall
86 cooperate with the Mississippi Development Authority in providing
87 the information required in the annual reports.

88 **SECTION 3.** Section 3, Chapter 442, Laws of 2005, which
89 provides for a July 1, 2007, repeal date on Sections 27-7-22.25
90 and 27-7-22.26, Mississippi Code of 1972, is repealed.

91 **SECTION 4.** This act shall take effect and be in force from
92 and after July 1, 2007.

**Further, amend by striking the title in its entirety and
inserting in lieu thereof the following:**

1 AN ACT TO AMEND SECTION 27-7-22.25, MISSISSIPPI CODE OF 1972,
2 TO REMOVE CERTAIN PROVISIONS THAT RELATE TO THE REPEAL OF THE
3 PROVISIONS OF LAW THAT PROVIDE AN INCOME TAX CREDIT FOR CERTAIN
4 TAXPAYERS THAT UTILIZE THE AIRPORT FACILITIES AT PUBLIC AIRPORTS
5 EQUAL TO CERTAIN CHARGES PAID BY THE TAXPAYER ON THE EXPORT OR
6 IMPORT OF CARGO; TO REENACT SECTION 27-7-27.26, MISSISSIPPI CODE
7 OF 1972, WHICH REQUIRES THE MISSISSIPPI DEVELOPMENT AUTHORITY TO
8 REPORT ANNUALLY TO THE LEGISLATURE REGARDING THE IMPACT OF THE
9 CREDIT ON SHIPPING AND ECONOMIC GROWTH; TO REPEAL SECTION 3,
10 CHAPTER 442, LAWS OF 2005, WHICH PROVIDES FOR THE REPEAL OF
11 SECTIONS 27-7-22.25 AND 27-7-22.26, MISSISSIPPI CODE OF 1972; AND
12 FOR RELATED PURPOSES.

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John O. Gilbert
Secretary of the Senate