

By: Senator(s) Harkins, Kirby

To: Finance; Accountability,
Efficiency, Transparency

SENATE BILL NO. 2977

1 AN ACT TO AUTHORIZE A TAX CREDIT FOR TAXPAYERS WHO PLACE A
 2 QUALIFIED ALTERNATIVE-FUEL FUELING STATION IN SERVICE DURING
 3 CALENDAR YEAR 2021 OR 2022; TO DEFINE TERMS; TO ALLOW THE CREDIT
 4 TO BE APPLIED AGAINST INCOME TAXES, PREMIUM AND RELATED
 5 RETALIATORY TAXES, OR FRANCHISE TAXES; TO PROVIDE THAT THE CREDIT
 6 SHALL BE EQUAL TO 75% OF THE COST OF ANY QUALIFIED
 7 ALTERNATIVE-FUEL FUELING STATION PLACED IN SERVICE DURING CALENDAR
 8 YEAR 2021 OR 2022; TO PROVIDE THAT TAXPAYERS SHALL SUBMIT
 9 APPLICATIONS FOR THE CREDIT TO THE DEPARTMENT OF REVENUE; TO
 10 IMPOSE AN AGGREGATE CAP FOR THE CREDITS OF \$12.5 MILLION ANNUALLY,
 11 FOR A CUMULATIVE CAP OF \$25 MILLION OVER THE TWO-YEAR PERIOD IN
 12 WHICH APPLICATIONS FOR THE CREDIT MAY BE MADE; TO PROVIDE THAT THE
 13 CREDITS SHALL BE NONREFUNDABLE AND NONTRANSFERABLE; TO ALLOW
 14 UNUSED CREDITS TO BE CARRIED FORWARD FOR UP TO FIVE YEARS; TO
 15 REQUIRE ANY TAXPAYER CLAIMING THIS CREDIT TO SUBMIT AN ANNUAL
 16 REPORT TO THE DEPARTMENT OF ENVIRONMENTAL QUALITY; TO ALLOW THE
 17 DEPARTMENT OF REVENUE TO ADOPT AND PROMULGATE RULES AND
 18 REGULATIONS TO IMPLEMENT THE CREDIT; AND FOR RELATED PURPOSES.

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

20 **SECTION 1.** Sections 1 through 5 of this act shall be known
 21 and may be cited as the "Fueling Station Tax Credit Act."

22 **SECTION 2.** For the purposes of this act, the following words
 23 and phrases have the following meanings unless the context clearly
 24 requires otherwise:

25 (a) "Motor vehicle" has the meaning ascribed to it in
 26 Section 63-3-103.



27 (b) "Qualified alternative-fuel fueling station" means
28 a metered-for-fee, public-access recharging system for motor
29 vehicles propelled in whole or in part by electricity. Such
30 fueling station must be new and must not have been previously
31 installed or used to refuel motor vehicles by any means. The term
32 does not include a building or its structural components.

33 (c) "Taxpayer" means any person or entity subject to
34 (i) the income tax imposed by Chapter 7 of Title 27, Mississippi
35 Code of 1972, (ii) any premium and related retaliatory taxes
36 imposed by Chapter 15 of Title 27, Mississippi Code of 1972, or
37 (iii) the franchise tax imposed by Chapter 13 of Title 27,
38 Mississippi Code of 1972.

39 **SECTION 3.** (1) Any taxpayer who places a qualified
40 alternative-fuel fueling station in service during calendar year
41 2021 or 2022 shall be eligible to receive a credit against (a) the
42 income tax imposed by Chapter 7 of Title 27, Mississippi Code of
43 1972, (b) any premium and related retaliatory taxes imposed by
44 Chapter 15 of Title 27, Mississippi Code of 1972, or (c) the
45 franchise tax imposed by Chapter 13 of Title 27, Mississippi Code
46 of 1972.

47 (2) The credit shall be equal to seventy-five percent (75%)
48 of the cost of any qualified alternative-fuel fueling station that
49 is placed in service during calendar year 2021 or 2022.

50 (3) Taxpayers shall apply for the credit by submitting an
51 application to the department. The application shall include:



52 (a) The name of the taxpayer;
53 (b) The number of qualified alternative-fuel fueling
54 stations that will be placed in service during calendar year 2021
55 or 2022; and

56 (c) Any other information required by the department.

57 (4) If the taxpayer qualifies for the credit, the department
58 shall approve the application and shall notify the taxpayer of the
59 amount approved for the credit.

60 (5) The department shall consider applications in the order
61 in which they are received and may approve applications until the
62 total amount of credits approved under this act equals Twelve
63 Million Five Hundred Thousand Dollars (\$12,500,000.00) for each of
64 the two (2) years in which application for the credit may be made,
65 for a cumulative cap of Twenty-five Million Dollars
66 (\$25,000,000.00) over the two-year period.

67 (6) The credits allowed under this section shall be
68 nonrefundable and shall not be transferable.

69 (7) Any unused credits may be carried forward for up to five
70 (5) years.

71 **SECTION 4.** Any taxpayer claiming a credit under this act
72 shall submit an annual report to the Department of Environmental
73 Quality. The report shall be submitted for the year in which the
74 qualified alternative-fuel fueling station is placed in service
75 and for each of the next four (4) years thereafter. The report



76 shall include the following information for each qualified
77 alternative-fuel fueling station for which a credit is claimed:

78 (a) The number of charging events in the reporting
79 period;

80 (b) The number of motor vehicles that were charged
81 during the reporting period;

82 (c) The total kilowatt-hours dispensed for each
83 charging event in the reporting period; and

84 (d) The average kilowatt-hours dispensed for all
85 charging events in the reporting period.

86 **SECTION 5.** The department may adopt and promulgate rules and
87 regulations to carry out this act.

88 **SECTION 6.** This act shall take effect and be in force from
89 and after January 1, 2021.

