

By: Representative Roberson

To: Ways and Means

HOUSE BILL NO. 466

1 AN ACT TO AMEND SECTION 27-7-22.40, MISSISSIPPI CODE OF 1972,  
 2 TO EXTEND THE DATE OF THE REPEALER ON THE STATUTE AUTHORIZING AN  
 3 INCOME TAX JOB CREDIT FOR ENTERPRISES THAT ARE PRIMARILY ENGAGED  
 4 IN PROVIDING INLAND WATER TRANSPORTATION OF CARGO ON LAKES, RIVERS  
 5 AND INTRACOASTAL WATERWAYS FOR EACH FULL-TIME EMPLOYEE EMPLOYED BY  
 6 THE ENTERPRISE IN A MISSISSIPPI FULL-TIME JOB; AND FOR RELATED  
 7 PURPOSES.

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

9 **SECTION 1.** Section 27-7-22.40, Mississippi Code of 1972, is  
 10 amended as follows:

11 27-7-22.40. (1) The following words and phrases \* \* \* have  
 12 the meanings ascribed in this section unless the context clearly  
 13 indicates otherwise:

14 (a) "Water transportation enterprise" means an  
 15 enterprise or establishment primarily engaged in providing inland  
 16 water transportation of cargo on lakes, rivers and/or intracoastal  
 17 waterways, except on the Great Lakes System.

18 (b) "Mississippi full-time job" means a job created in  
 19 the State of Mississippi on or after January 1, 2019, and filled



20 by a Mississippi resident who works at least thirty-five (35)  
21 hours per week.

22 (2) Subject to the provisions of this section, any water  
23 transportation enterprise is allowed a job tax credit for taxes  
24 imposed by this chapter equal to Two Thousand Dollars (\$2,000.00)  
25 annually for each Mississippi full-time job created for a period  
26 of five (5) years from the date the credit commences. A water  
27 transportation enterprise may not claim a tax credit for the  
28 reemployment of a person whose employment with the enterprise is  
29 terminated by the enterprise if the reemployment by the enterprise  
30 occurs within twelve (12) months from the date of the termination.  
31 The credit shall commence on the date selected by the enterprise.  
32 For the year in which the commencement date occurs, the credit  
33 will be determined based on the monthly average number of  
34 full-time employees employed by the water transportation  
35 enterprise in Mississippi full-time jobs subject to the  
36 Mississippi income tax withholding. For each year thereafter, the  
37 number of Mississippi full-time jobs shall be determined by  
38 comparing the monthly average number of full-time employees  
39 employed at the water transportation enterprise in Mississippi  
40 full-time jobs subject to the Mississippi income tax withholding  
41 for the taxable year with the corresponding period of the prior  
42 taxable year. The Department of Revenue shall adjust the credit  
43 allowed each year for employment fluctuations.



44 (3) The credit that may be used each year shall be limited  
45 to an amount not greater than the total state income tax liability  
46 of the water transportation enterprise. Any tax credit claimed  
47 under this section but not used in any taxable year may be carried  
48 forward for five (5) consecutive years from the close of the tax  
49 year in which the credits were earned.

50 (4) (a) The sale, merger, acquisition, reorganization,  
51 bankruptcy or relocation from one (1) county to another county  
52 within the state of any water transportation enterprise may not  
53 create new eligibility in any succeeding business entity, but any  
54 unused job tax credit may be transferred and continued by any  
55 transferee of the water transportation enterprise. The Department  
56 of Revenue shall determine whether or not qualifying net increases  
57 or decreases have occurred or proper transfers of credit have been  
58 made and may require reports, promulgate regulations, and hold  
59 hearings as needed for substantiation and qualification.

60 (5) The credits allowed under this section shall not be used  
61 by any business enterprise or corporation other than the water  
62 transportation enterprise actually qualifying for the credits.

63 (6) The maximum aggregate amount of tax credits that may be  
64 claimed by all taxpayers claiming a credit under this section in a  
65 taxable year shall not exceed Two Million Dollars (\$2,000,000.00).

66 (7) Any water transportation enterprise that is eligible for  
67 the credit authorized in this section before January 1, \* \* \*  
68 2026, shall be eligible for the credit authorized in this section,



69 notwithstanding the repeal of this section, and shall be allowed  
70 to carry forward the credit after January 1, \* \* \* 2026, as  
71 provided for in subsection (3) of this section.

72 (8) This section shall be repealed from and after January  
73 1, \* \* \* 2026.

74 **SECTION 2.** This act shall take effect and be in force from  
75 and after July 1, 2022.

