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To: Wildlife and Fisheries; Finance

SENATE BILL NO. 3087  
(As Passed the Senate)

1 AN ACT TO CREATE THE MISSISSIPPI SCENIC STREAMS INCENTIVES  
2 PROGRAM TO ENCOURAGE LANDOWNERS TO ENHANCE AND RESTORE WILDLIFE  
3 AND FISH HABITATS ALONG SCENIC STREAMS BY GRANTING TAXPAYERS AN  
4 INCOME TAX CREDIT FOR CERTAIN COSTS THEY INCUR ON APPROVED HABITAT  
5 ENHANCEMENT AND RESTORATION PROJECTS; TO LIMIT THE AMOUNT OF THE  
6 CREDIT THAT CAN BE USED BY A TAXPAYER IN A TAXABLE YEAR; TO  
7 PROVIDE THAT EXCESS CREDITS MAY BE CARRIED FORWARD FOR SUCCEEDING  
8 YEARS; TO PRESCRIBE THE MANNER OF APPLYING FOR SUCH CREDIT; TO  
9 AMEND SECTION 51-4-1, MISSISSIPPI CODE OF 1972, TO CHANGE THE NAME  
10 OF THE MISSISSIPPI SCENIC STREAMS STEWARDSHIP ACT TO THE "DICK  
11 LIVINGSTON SCENIC STREAMS STEWARDSHIP ACT; AND FOR RELATED  
12 PURPOSES.

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

14 SECTION 1. This act may be cited as the "Mississippi Scenic  
15 Streams Incentives Program."

16 SECTION 2. The Legislature finds that fish and wildlife  
17 resources and habitats along scenic streams have significant  
18 benefit to Mississippi's environment, economy and overall quality  
19 of life and that the majority of lands along scenic streams are  
20 held by private owners. The Legislature finds that the State of  
21 Mississippi should encourage private landowners along scenic  
22 streams to enhance and restore upland and wetland wildlife habitat  
23 and fisheries habitat through tax credit incentives.

24 SECTION 3. (1) Subject to the limitations provided in  
25 subsection (2) of this section, upon submission to the State Tax  
26 Commission of the written verification provided for in subsection  
27 (4) of this section and such other documentation as the State Tax  
28 Commission may require, any landowner, who enters into a binding  
29 agreement under the Mississippi Scenic Streams Stewardship Act and  
30 who incurs costs for approved wildlife or fisheries habitat  
31 projects on lands in the scenic stream plan shall be allowed a

32 credit, in an amount equal to fifty percent (50%) of the actual  
33 costs of the approved project, against the taxes imposed pursuant  
34 to this chapter for the tax year in which the costs are incurred.

35 (2) The credit provided for in this section shall not exceed  
36 the lesser of Ten Thousand Dollars (\$10,000.00) or the amount of  
37 income tax imposed upon the eligible owner for the taxable year  
38 reduced by the sum of all other credits allowable to the eligible  
39 landowner under this chapter, except credit for tax payments made  
40 by or on behalf of the landowner. Any unused portion of the  
41 credit may be carried forward for succeeding tax years. The  
42 maximum dollar amount of the credit provided for in this section  
43 that a landowner may utilize during his lifetime shall be Ten  
44 Thousand Dollars (\$10,000.00) in the aggregate.

45 (3) If a landowner receives any state or federal cost share  
46 assistance funds to defray the cost of an approved wildlife or  
47 fisheries habitat project, the cost of that practice within the  
48 same tax year is not eligible for the credit provided in this  
49 section unless the landowner's adjusted gross income is less than  
50 the federal earned income credit level.

51 (4) A landowner shall have a wildlife or fisheries habitat  
52 project examined by a wildlife or fisheries biologist with at  
53 least a bachelor's degree from a college or university or by a  
54 wildlife or fisheries biologist of the Department of Wildlife,  
55 Fisheries and Parks. The biologist must verify in writing that  
56 the wildlife or fisheries habitat project was completed and give  
57 his written opinion as to whether the project conforms to the  
58 scenic streams stewardship plan for that stream. Emphasis shall  
59 be placed on low maintenance and self-sustaining projects. If the  
60 Department of Wildlife, Fisheries and Parks finds that the project  
61 was completed and that the project conforms to the scenic streams  
62 stewardship plan for that stream, the landowner shall be eligible  
63 for the tax credit.

64 SECTION 4. Section 3 of this act shall be codified in  
65 Chapter 7, Title 27, Mississippi Code of 1972.

66 SECTION 5. Nothing in this act shall affect or defeat any  
67 claim, assessment, appeal, suit, right or cause of action for  
68 taxes due or accrued under the income tax laws before the date on

69 which this act becomes effective, whether such claims,  
70 assessments, appeals, suits or actions have been begun before the  
71 date on which this act becomes effective or are begun thereafter;  
72 and the provisions of the income tax laws are expressly continued  
73 in full force, effect and operation for the purpose of the  
74 assessment, collection and enrollment of liens for any taxes due  
75 or accrued and the execution of any warrant under such laws before  
76 the date on which this act becomes effective, and for the  
77 imposition of any penalties, forfeitures or claims for failure to  
78 comply with such laws.

79 SECTION 6. Section 51-4-1, Mississippi Code of 1972, is  
80 amended as follows:[CRG1]

81 51-4-1. This chapter may be cited as the "Dick Livingston  
82 Scenic Streams Stewardship Act." All references in this chapter  
83 to "Mississippi Scenic Streams Stewardship Act" shall mean the  
84 Dick Livingston Scenic Streams Stewardship Act.

85 SECTION 7. This act shall take effect and be in force from  
86 and after July 1, 2000.