

By: Representative McCoy

To: Ways and Means

HOUSE BILL NO. 1075

1 AN ACT TO AMEND SECTIONS 27-31-51, 27-31-55, 27-31-57 AND
 2 27-31-59, MISSISSIPPI CODE OF 1972, TO TRANSFER THE ADMINISTRATION
 3 OF THE LAWS GOVERNING FREE PORT WAREHOUSES FROM THE STATE TAX
 4 COMMISSION TO LOCAL GOVERNING AUTHORITIES; TO PROVIDE THAT FREE
 5 PORT WAREHOUSE PERMITS SHALL BE ISSUED BY THE BOARD OF SUPERVISORS
 6 OF THE COUNTY IN WHICH THE WAREHOUSE IS LOCATED OR THE GOVERNING
 7 AUTHORITIES OF THE MUNICIPALITY IN WHICH THE WAREHOUSE IS LOCATED,
 8 AS THE CASE MAY BE; TO PROVIDE THAT THE INVENTORY OF ALL PERSONAL
 9 PROPERTY CONSIGNED OR TRANSFERRED TO SUCH WAREHOUSE SHALL BE FILED
 10 WITH THE TAX ASSESSOR OF THE TAXING JURISDICTION IN WHICH THE
 11 WAREHOUSE IS LOCATED; TO PROVIDE THAT SUCH INVENTORY SHALL BE
 12 FILED WITH THE TAX ASSESSOR BY NOT LATER THAN MARCH 31 OF EACH
 13 YEAR; TO GIVE TO TAX ASSESSORS THE POWERS NECESSARY TO ADMINISTER
 14 THE LAWS GOVERNING FREE PORT WAREHOUSES; TO PROVIDE THAT THE FREE
 15 PORT WAREHOUSE LICENSE FEE SHALL BE PAID TO THE APPROPRIATE LOCAL
 16 GOVERNING AUTHORITY; AND FOR RELATED PURPOSES.

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

18 **SECTION 1.** Section 27-31-51, Mississippi Code of 1972, is
 19 amended as follows:

20 27-31-51. (1) As used in Sections 27-31-51 through
 21 27-31-61:

22 (a) "Warehouse" or "storage facility" * * * shall not
 23 apply to caves or cavities in the earth, whether natural or
 24 artificial;

25 (b) "Governing authorities" means the board of
 26 supervisors of the county wherein the warehouse or storage
 27 facility is located or the governing authorities of the
 28 municipality wherein the warehouse or storage facility is located,
 29 as the case may be;

30 (c) "Tax assessor" means the tax assessor of each
 31 taxing jurisdiction in which the warehouse or storage facility may
 32 be located.

33 (2) All warehouses, public or private, or other storage
 34 facilities in the State of Mississippi regularly engaged in the



35 handling and storage of personal property in structures or in
36 places adopted for such handling and storage which is consigned or
37 transferred to such warehouse or storage facility for storage and
38 handling shall be eligible for licensing under the provisions of
39 Sections 27-31-51 through 27-31-61 as a "free port warehouse."

40 (3) Such licenses shall be issued by the governing
41 authorities to such warehouse or storage facility as will qualify
42 under the definition of "free port warehouse" as herein defined,
43 upon application by the warehouse or storage facility operator.

44 **SECTION 2.** Section 27-31-55, Mississippi Code of 1972, is
45 amended as follows:

46 27-31-55. Each licensed "free port warehouse" shall file
47 with the * * * tax assessor of each taxing jurisdiction in which
48 such warehouse or storage facility may be located an inventory of
49 all personal property consigned or transferred to such warehouse
50 or storage facility and located therein on January 1 of each year.
51 Such inventory shall be submitted on such forms and in such manner
52 as the tax assessor may prescribe and shall contain a separate
53 statement of all property eligible for exemption under Sections
54 27-31-51 through 27-31-61 and a separate statement of all property
55 consigned or transferred to such warehouse or storage facility.
56 Such inventory shall be submitted by not later than March 31 of
57 each year. Exemption shall be allowed for all eligible property,
58 but accurate records shall be kept of all personal property
59 shipped from any such warehouse or storage facility, together with
60 the point of final destination of the same, and reports thereof
61 shall be filed with such taxing authorities of this state and in
62 such form and manner as the tax assessor may prescribe. At the
63 conclusion of each calendar year each licensee under Sections
64 27-31-51 through 27-31-61 shall calculate the actual percentage of
65 all personal property consigned or transferred to the warehouse or
66 storage facility which was shipped to a final destination outside
67 the state in relation to the total of all such personal property



68 shipped to any destination during such year. Such percentage
69 shall then be applied to the total value of all property contained
70 in the inventory of such warehouse or storage facility as of
71 January 1 of such year which was consigned or transferred to such
72 warehouse or storage facility. If the result thus obtained shall
73 be less than the value of property for which exemption was
74 allowed, then the amount of such difference shall be deducted from
75 the amount of the exemption previously allowed and taxes shall be
76 levied and collected thereon by the tax collecting officers
77 concerned.

78 **SECTION 3.** Section 27-31-57, Mississippi Code of 1972, is
79 amended as follows:

80 27-31-57. The tax assessor shall have full power and
81 authority to require the keeping of all records and the making of
82 all reports necessary to the accomplishment of the purpose of
83 Sections 27-31-51 through 27-31-61, and all books and records of
84 any licensee shall be subject to the inspection of duly authorized
85 agents of * * * the ad valorem taxing authorities of the
86 jurisdiction or jurisdictions wherein such licensee is
87 located. * * * The violation by the licensee of any of * * * the
88 terms and provisions of * * * Sections 27-31-51 through 27-31-61
89 shall authorize the revocation of the license of any licensee by
90 the tax assessor. In the event any license shall be revoked, then
91 the exemption provided for therein shall thereby be annulled for
92 the year in which such license may be revoked.

93 **SECTION 4.** Section 27-31-59, Mississippi Code of 1972, is
94 amended as follows:

95 27-31-59. Each licensee shall pay to the governing
96 authorities for each license which may be issued or renewed a fee
97 in the amount of Ten Dollars (\$10.00) for each issuance or renewal
98 thereof.

99 **SECTION 5.** This act shall take effect and be in force from
100 and after July 1, 2002.

