

By: Senator(s) Hewes, Gollott, King, Chaney, Moffatt, Robertson, Dickerson, Lee To: Finance

SENATE BILL NO. 3095

1 AN ACT TO PROVIDE AN INCOME TAX CREDIT FOR TAXPAYERS THAT
2 UTILIZE THE PORT FACILITIES AT STATE, COUNTY AND MUNICIPAL PORTS
3 EQUAL TO CERTAIN CHARGES PAID BY THE TAXPAYER ON THE IMPORT OF
4 CARGO; TO LIMIT THE CHARGES THAT MAY BE USED FOR THE CREDIT; TO
5 PROVIDE THAT A TAXPAYER MUST PROVIDE CERTAIN INFORMATION TO THE
6 STATE TAX COMMISSION TO RECEIVE SUCH CREDIT; TO REQUIRE THE
7 MISSISSIPPI DEVELOPMENT AUTHORITY TO REPORT ANNUALLY REGARDING THE
8 IMPACT OF THIS ACT; TO PROVIDE AN INCOME TAX CREDIT FOR TAXPAYERS
9 THAT UTILIZE THE AIRPORT FACILITIES AT PUBLIC AIRPORTS TO EQUAL TO
10 CERTAIN CHARGES PAID BY THE TAXPAYER ON THE EXPORT OR IMPORT OF
11 CARGO; TO LIMIT THE CHARGES THAT MAY BE USED FOR THE CREDIT; TO
12 PROVIDE THAT A TAXPAYER MUST PROVIDE CERTAIN INFORMATION TO THE
13 STATE TAX COMMISSION TO RECEIVE SUCH CREDIT; TO REQUIRE THE
14 MISSISSIPPI DEVELOPMENT AUTHORITY TO REPORT ANNUALLY REGARDING THE
15 IMPACT OF SUCH CREDIT; AND FOR RELATED PURPOSES.

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

17 SECTION 1. (1) As used in this section, the term "port"
18 means a state, county or municipal port or harbor established
19 pursuant to Sections 59-5-1 through 59-5-69, Sections 59-7-1
20 through 59-7-519, Sections 59-9-1 through 59-9-85 or Sections
21 59-11-1 through 59-11-11.

22 (2) For any income taxpayer utilizing the port facilities at
23 any port for the import of cargo that is unloaded from a carrier
24 calling at any such port, a credit against the taxes imposed
25 pursuant to this chapter shall be allowed in the amounts provided
26 in this section.

27 (3) Except as otherwise provided by subsection (5) of this
28 section, the amount of the credit allowed pursuant to this section
29 shall be the total of the following charges on import of cargo
30 paid by the corporation:

- 31 (a) Receiving into the port;
32 (b) Handling from a vessel; and
33 (c) Wharfage.



34 (4) The credit provided for in this section shall not exceed
35 fifty percent (50%) of the amount of tax imposed upon the taxpayer
36 for the taxable year reduced by the sum of all other credits
37 allowable to such taxpayer under this chapter, except credit for
38 tax payments made by or on behalf of the taxpayer. Any unused
39 portion of the credit may be carried forward for the succeeding
40 five (5) years.

41 (5) To obtain the credit provided for in this section, a
42 taxpayer must provide to the State Tax Commission a statement from
43 the governing authority of the port certifying the amount of
44 charges paid by the taxpayer for which a credit is claimed and any
45 other information required by the State Tax Commission.

46 **SECTION 2.** The Mississippi Development Authority shall
47 report annually to the Legislature regarding the impact of the
48 credit granted in Section 1 of this act on shipping and economic
49 growth. Each report shall show the overall annual increase on
50 shipping at each port for the most recent year for which data is
51 available and for each of the previous five (5) years. Each
52 report shall estimate the number of jobs created or retained at
53 each port and in businesses related to port activity at each port
54 since January 1, 2003, as compared to the number of similar jobs
55 created during the ten (10) years preceding January 1, 2003. Each
56 report shall state the net economic impact on the state as a
57 result of the tax credit provided for in Section 1 of this act.
58 The Mississippi Development Authority shall file a copy of the
59 report with the Governor, the Secretary of the Senate, the Clerk
60 of the House of Representatives and the Chairmen of the House Ways
61 and Means Committee and the Senate Finance Committee of the
62 Legislature on May 1 of each year. The State Tax Commission and
63 all state, county and municipal ports shall cooperate with the
64 Mississippi Development Authority in providing the information
65 required in the annual reports.



66 **SECTION 3.** (1) As used in this section, the term "airport"
67 means an airport established pursuant to Chapters 3 and 5, Title
68 61, Mississippi Code of 1972.

69 (2) For any income taxpayer utilizing the facilities at any
70 airport for the export or import of cargo that is unloaded from a
71 carrier at any such airport, a credit against the taxes imposed
72 pursuant to this chapter shall be allowed in the amounts provided
73 in this section.

74 (3) Except as otherwise provided by subsection (5) of this
75 section, the amount of the credit allowed pursuant to this section
76 shall be the total of the following charges on import or export of
77 cargo paid by the corporation:

- 78 (a) Receiving into the airport;
- 79 (b) Aircraft marshalling or handling fees; and
- 80 (c) Aircraft landing fees.

81 (4) The credit provided for in this section shall not exceed
82 fifty percent (50%) of the amount of tax imposed upon the taxpayer
83 for the taxable year reduced by the sum of all other credits
84 allowable to such taxpayer under this chapter, except credit for
85 tax payments made by or on behalf of the taxpayer. Any unused
86 portion of the credit may be carried forward for the succeeding
87 five (5) years.

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

93 **SECTION 4.** The Mississippi Development Authority shall
94 report annually to the Legislature regarding the impact of the
95 credit granted in Section 3 of this act on shipping and economic
96 growth. Each report shall show the overall annual increase on
97 shipping at each airport for the most recent year for which data
98 is available and for each of the previous five (5) years. Each



99 report shall estimate the number of jobs created or retained at
100 each airport and in businesses related to port activity at each
101 port since January 1, 2003, as compared to the number of similar
102 jobs created during the ten (10) years preceding January 1, 2003.
103 Each report shall state the net economic impact on the state as a
104 result of the tax credit provided for in Section 3 of this act.
105 The Mississippi Development Authority shall file a copy of the
106 report with the Governor, the Secretary of the Senate, the Clerk
107 of the House of Representatives and the Chairmen of the House Ways
108 and Means Committee and the Senate Finance Committee of the
109 Legislature on May 1, of each year. The State Tax Commission and
110 all state, regional, county and municipal airports shall cooperate
111 with the Mississippi Development Authority in providing the
112 information required in the annual reports.

113 **SECTION 5.** The provisions of this act shall be codified in
114 Title 27, Chapter 7, Mississippi Code of 1972.

115 **SECTION 6.** This act shall take effect and be in force from
116 and after January 1, 2002.

