

By: Representative Staples

To: Ways and Means

HOUSE BILL NO. 1628

1 AN ACT TO PROVIDE AN INCOME TAX CREDIT FOR A SMALL BUSINESS  
2 THAT, IN PREPARATION FOR AN EMERGENCY OR DISASTER WHICH MAY  
3 INTERRUPT OR RESULT IN AN OUTAGE OF ELECTRICAL POWER SUPPLY TO  
4 SUCH BUSINESS, PURCHASES FOR USE IN THE OPERATION OF ITS BUSINESS  
5 ELECTRICAL GENERATING EQUIPMENT; AND FOR RELATED PURPOSES.

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

7 **SECTION 1.** (1) For any small business that, in preparation  
8 for an emergency or disaster which may interrupt or result in an  
9 outage of electrical power supply to such business, purchases  
10 electrical generating equipment for use in the operation of such  
11 business, a credit against the taxes imposed by this chapter shall  
12 be allowed in the amount provided in subsection (2) of this  
13 section. Such credit shall include the actual cost of the  
14 electrical generator, batteries, wiring and other equipment,  
15 supplies or accessories necessary to make the generator functional  
16 and fuel used to operate the generator during a power outage.  
17 Such credit shall not be allowed if the purchase of such  
18 equipment, supplies, accessories or fuel is made during the period  
19 of time declared as a disaster by the President of the United  
20 States or by the Governor of the State of Mississippi for the area  
21 in which the business is located. For the purposes of this  
22 section, the term "small business" means any commercial enterprise  
23 having an annual gross income of less than Five Hundred Thousand  
24 Dollars (\$500,000.00).

25 (2) The income tax credit provided in this section shall be  
26 equal to the actual costs incurred by a small business during a  
27 taxable year for purchase of the items described under subsection  
28 (1) of this section not to exceed the lesser of Two Thousand Five

29 Hundred Dollars (\$2,500.00) or the amount of income tax imposed  
30 upon the small business for the taxable year reduced by the sum of  
31 all other credits allowable to such business under the state  
32 income tax laws, except credit for tax payments made by or on  
33 behalf of the business.

34 **SECTION 2.** Section 1 of this act shall be codified as a  
35 separate code section in Article 1, Chapter 7, Title 27,  
36 Mississippi Code of 1972.

37 **SECTION 3.** Nothing in this act shall affect or defeat any  
38 claim, assessment, appeal, suit, right or cause of action for  
39 taxes due or accrued under the income tax laws before the date on  
40 which this act becomes effective, whether such claims,  
41 assessments, appeals, suits or actions have been begun before the  
42 date on which this act becomes effective or are begun thereafter;  
43 and the provisions of the income tax laws are expressly continued  
44 in full force, effect and operation for the purpose of the  
45 assessment, collection and enrollment of liens for any taxes due  
46 or accrued and the execution of any warrant under such laws before  
47 the date on which this act becomes effective, and for the  
48 imposition of any penalties, forfeitures or claims for failure to  
49 comply with such laws.

50 **SECTION 4.** This act shall take effect and be in force from  
51 and after January 1, 2006.