1 Senate Bill No. 632 2 (By Senators Green, Cann, D. Hall and Stollings) 3 [Introduced March 25, 2013; referred to the Committee on Economic 5 Development; and then to the Committee on Finance.] 6 7 8 9 10 A BILL to amend the Code of West Virginia, 1931, as amended, by 11 adding thereto a new article, designated \$11-13DD-1, \$11-13DD-12 2 and §11-13DD-3, all relating to providing tax credits for 13 use of emergency generators with mobile unit hookups by 14 businesses with a minimum of fifty locations in this state. 15 Be it enacted by the Legislature of West Virginia: That the Code of West Virginia, 1931, as amended, be amended 16 17 by adding thereto a new article, designated \$11-13DD-1, \$11-13DD-2 18 and §11-13DD-3, all to read as follows: 19 ARTICLE 13DD. EMERGENCY GENERATOR TAX CREDIT. 20 §11-13DD-1. Amount of credit. 21 Any taxpayer that operates a business with a minimum of fifty 22 locations in this state and has installed or causes to be installed 23 an emergency generator with a mobile unit hookup on property

- 1 located in this state and owned by the taxpayer or used as a place
- 2 of business after July 1, 2013, shall be allowed a credit against
- 3 the taxes imposed in articles twenty-one, twenty-three and twenty-
- 4 four of this chapter in an amount equal to sixty percent of the
- 5 cost to purchase and install the system up to a maximum amount of
- 6 \$15,000: Provided, That a taxpayer may claim the credit for no
- 7 more than two emergency generators in each county in which the
- 8 businesses are located.

9 §11-13DD-2. Restrictions.

- 10 In order to receive the credit for an emergency generator, the
- 11 generator shall be wired to the electrical panel in the building
- 12 with insulating back-flow and shut off protection.
- 13 §11-13DD-3. Carryover credit allowed; Tax Commissioner to
- 14 promulgate rules.
- 15 If the amount of the credit exceeds the taxpayer's liability
- 16 for the taxable year, the amount which exceeds the tax liability
- 17 may be carried over and applied as a credit against the tax
- 18 liability of the taxpayer pursuant to the provisions of articles
- 19 twenty-one, twenty-three and twenty-four of this chapter to each of
- 20 the next taxable years unless sooner used.
- 21 The State Tax Commissioner shall promulgate rules for
- 22 legislative approval pursuant to the provisions of chapter twenty-
- 23 nine-a of this code regarding the applicability, method of claiming

1 of the credit, recapture of the credit and documentation necessary

2 to claim the credit allowed by this article.

NOTE: The purpose of this bill is to provide tax credits for use of emergency generators with mobile unit hookups by businesses with a minimum of fifty locations in this state.

This article is new; therefore, strike-throughs and underscoring have been omitted.