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**HOUSE BILL NO. 839**

Offered January 14, 2004

Prefiled January 14, 2004

*A BILL to amend and reenact § 58.1-439.4 of the Code of Virginia, relating to the day-care facility investment tax credit.*

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Patrons—Baskerville and Watts

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Referred to Committee on Finance

**Be it enacted by the General Assembly of Virginia:****1. That § 58.1-439.4 of the Code of Virginia is amended and reenacted as follows:**

§ 58.1-439.4. Day-care facility investment tax credit.

A. For taxable years beginning on and after January 1, 1997, any taxpayer shall be allowed a credit against the taxes imposed by § 58.1-320 or § 58.1-400 in an amount equal to twenty-five percent of all expenditures paid or incurred by such taxpayer in such taxable year for (i) planning, site preparation, construction, renovation, or acquisition of facilities for the purpose of establishing a child day-care facility to be used primarily by the children of such taxpayer's employees; ~~and;~~ (ii) equipment installed for permanent use within or immediately adjacent to such facility, including kitchen appliances, to the extent that such equipment or appliances are necessary in the use of such facility for purposes of child day-care; ~~or (iii) for taxable years beginning on and after January 1, 2005, annual operating expenses for such child day-care facilities;~~ however, the amount of credit allowed to any taxpayer under this section shall not exceed \$25,000. If two or more taxpayers share in the cost of establishing ~~or operating~~ the child day-care facility for the children of their employees, each such taxpayer shall be allowed such credit in relation to the respective share paid or incurred by such taxpayer, of the total expenditures for the facility in such taxable year.

B. The credits provided under this section shall be allowed only if (i) the child day-care facility shall be operated under the authority of a license issued by the Commissioner of Social Services pursuant to § 63.2-1701, ~~and (ii) an application for a building permit for the facility is made after July 1, 1996, and (iii) the Tax Commissioner approves a taxpayer's application for a credit. Proper applications submitted to the Department for the credit shall be approved in the order received. For each application approved for credit it shall be assumed that the amount of the credit will be \$25,000, and the amount of the credit will be taken in the fiscal year in which the application is approved and the following two fiscal years. Approval of applications shall be limited to those that are assumed to result in no more than \$100,000 of credits in any fiscal year based on the assumptions set forth in this subsection.~~

C. Any tax credit not usable for the taxable year may be carried over to the extent usable for the next three taxable years; however, the balance of a credit shall not be claimed for any succeeding taxable year in which the child day-care facility is operated for purposes of child day-care for less than six months.

D. For purposes of this section, the amount of any credit attributable to a partnership, electing small business corporation (S corporation), or limited liability company shall be allocated to the individual partners, shareholders, or members, respectively, in proportion to their ownership or interest in such business entities.

INTRODUCED

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