

092839293

**SENATE BILL NO. 1125**

Offered January 14, 2009

Prefiled January 13, 2009

A *BILL to amend the Code of Virginia by adding in Article 13 of Chapter 3 of Title 58.1 a section numbered 58.1-439.12:03, relating to green job creation income tax credit.*

Patrons—Petersen; Delegate: Scott, J.M.

Referred to Committee on Finance

**Be it enacted by the General Assembly of Virginia:**

**1. That the Code of Virginia is amended by adding in Article 13 of Chapter 3 of Title 58.1 a section numbered 58.1-439.12:03 as follows:**

*§ 58.1-439.12:03. Green job creation tax credit.*

*A. For taxable years beginning on or after January 1, 2009, but before January 1, 2014, a taxpayer shall be allowed a credit against the tax levied pursuant to § 58.1-320 or 58.1-400 equal to \$1,000 each taxable year (but not to exceed \$3,000 in total) for each new green job created by the taxpayer that has an annual salary of at least \$50,000. The \$1,000 credit shall be first allowed for the taxable year in which the job has been filled for at least one year and for each of the two succeeding taxable years provided the job is continuously filled during the respective taxable year.*

*B. For purposes of this section, "green job" means employment in industries relating to the field of renewable, alternative energies, including the manufacture and operation of products used to generate electricity and other forms of energy from alternative sources that include geothermal heating systems, solar heating systems, hydropower systems, and biomass and biofuel systems. The Secretary of Commerce and Trade shall develop a detailed definition and list of jobs that qualify for the credit provided in this section and shall post them on his website.*

*C. For purposes of this section, "job" means employment for an indefinite duration of an employee for which the taxpayer pays the wages and standard fringe benefits for such employee.*

*D. To qualify for the tax credit provided in subsection A, a taxpayer shall demonstrate that the green job was created by the taxpayer, and that such job was continuously filled during the respective taxable year.*

*E. The amount of the credit shall not exceed the total amount of tax imposed by this chapter for the taxable year in which the green job was continuously filled. If the amount of credit allowed exceeds the taxpayer's tax liability for such taxable year, the amount that exceeds the tax liability may be carried over for credit against the income taxes of the taxpayer in the next five taxable years or until the total amount of the tax credit has been taken, whichever is sooner. Credits granted to a partnership, limited liability company, or electing small business corporation (S corporation) shall be allocated to the individual partners, members, or shareholders, respectively, in proportion to their ownership or interest in such business entities.*

*F. A taxpayer shall not be allowed tax credit pursuant to this section for any green job for which the taxpayer is allowed a major business facility job tax credit pursuant to § 58.1-439.*

INTRODUCED

SB1125