

DEPARTMENT OF TAXATION

2010 Fiscal Impact Statement

1. **Patron** Mark L. Keam

3. **Committee** House Finance

4. **Title** Income Tax: Renewable Energy Job
Creation Tax Credit

2. **Bill Number** HB 1132

House of Origin:

 X **Introduced**

 Substitute

 Engrossed

Second House:

 In Committee

 Substitute

 Enrolled

5. **Summary/Purpose:**

This bill would allow an income tax credit for each new “renewable energy job” that is created and maintained by the taxpayer. The amount of the credit would be \$2,000 for each position that is created. The tax credit would be allowed in the taxable year following the year in which the job had been filled for at least one year, and in the two succeeding years in which the job was continually filled.

This bill would be effective for taxable years beginning on or after January 1, 2010.

6. **Fiscal Impact Estimates are:** Preliminary. (See Line 8.)

7. **Budget amendment necessary:** No.

8. **Fiscal implications:**

Administrative Costs

TAX has not assigned any administrative costs to this bill because the changes required by a single bill such as this can be implemented as part of the annual changes to our systems and forms. As stand-alone legislation, TAX considers implementation of this bill as “routine,” and does not require additional funding.

TAX will provide specific administrative costs on any legislation that is not “routine.” Additionally, TAX will review all state tax legislation likely to be enacted prior to the passage by each house. If the aggregate number of routine bills likely to pass either house is unusually large, it is possible that additional resources will be required. If so, TAX will identify the costs at that time.

Revenue Impact

This bill would have an unknown negative revenue impact. There is no reliable data available on the number of jobs in Virginia which will be created that would qualify for the credit. In addition, the revenue impact will depend on how broadly the term “Renewable Energy Job” will be defined by the Secretary of Commerce and Trade, who is charged with determining a list of jobs that qualify for the credit.

9. Specific agency or political subdivisions affected:

Department of Taxation
Secretary of Commerce and Trade

10. Technical amendment necessary: Yes.

If the intent of this bill is to create an income tax credit applicable only to corporate income taxpayers, the following technical amendment is suggested:

Page 1, Line 15, after pursuant to §
Strike: 58.1-320 or

If the intent of this bill is not to allow a taxpayer to claim this credit and the Major Business Facility Job Tax Credit for the same job, the following technical amendment is suggested.

Page 1, Line 34, at the end of the sentence

Insert: E. A taxpayer shall not be allowed tax credit pursuant to this section for any renewable energy job for which the taxpayer is allowed a major business facility job tax credit pursuant to § 58.1-439.

11. Other comments:

Federal Tax Credit

The American Recovery and Reinvestment Act includes a tax credit for investments in manufacturing facilities for clean energy technologies as a way to foster investment and job creation in clean energy manufacturing. The Act allows a credit equal to 30% of the investments made to facilities that manufacture clean energy, capped at \$2.3 billion.

Currently, there are 183 manufacturing facilities for clean energy products across 43 states that have been approved for the credit. The tax credits were allocated on a competitive basis, and were approved based on the following criteria: commercial viability, domestic job creation, technological innovation, speed to project completion, and potential for reducing air pollution and greenhouse gas emissions. The Department of Energy also considered additional factors including diversity of geography, technology and project size, and regional economic development.

There is currently one company, AAF-McQuay, Inc., located in Verona, Virginia, that has been approved to claim the credit for its efforts to re-equip one of its manufacturing facilities to produce energy-efficient centrifugal chiller rooftop air conditioning systems.

Other States

In 2008, the Commonwealth of Massachusetts created a “green jobs” program to support and develop a clean energy industry. Under the “Green Jobs Act”, the Massachusetts Clean Energy Technology Center was created to administer the new the Massachusetts Alternative and Clean Energy Fund. The Fund is used to invest in clean energy technology research and issue seed grants to companies, universities and nonprofits to encourage the creation of clean technology ventures and the training of workers to perform associated green jobs.

Major Business Facility Jobs Tax Credit

Individuals, estates, trusts, corporations, banks, and insurance companies may claim a Virginia tax credit if the taxpayer creates at least 100 new full-time jobs in connection with the establishment or expansion of a major business facility, and the company is engaged in a qualifying industry in Virginia. If a taxpayer is located in an enterprise zone or in an economically distressed area (as defined by the Virginia Economic Development Partnership), the threshold is reduced from 100 to 50. Credits will be recaptured proportionately if employment decreases during the five years following the initial credit year.

This nonrefundable credit is equal to \$1,000 per each qualifying new job in excess of the 100/50 job threshold and is spread over three years. The credit only applies to facilities where an announcement to expand or establish such a facility was made on or after January 1, 1994.

The credit must be claimed ratably over three taxable years, beginning with the taxable year following the year in which the facility is established or expanded, or the new qualifying jobs are added. Unused credits may be carried forward for the next ten taxable years.

Effective for taxable years beginning on January 1, 2009, through December 31, 2010, taxpayers are allowed to claim the credit amount over two years instead of three.

Proposed Legislation

This bill would allow an income tax credit for each new “renewable energy job” that is created and maintained by the taxpayer. The amount of the credit would be \$2,000 for each position that is created. The tax credit would be allowed in the taxable year following the year in which the job had been filled for at least one year, and in the two succeeding years in which the job was continually filled. This bill would require the Secretary of Commerce and Trade to develop a detailed definition and list of jobs that would qualify for the credit.

In order to qualify for the credit, a corporation would be required to demonstrate that a qualifying job was created and filled in the taxable year prior to the year for which the credit was claimed or was continued from the previous taxable year in which a credit was claimed.

"Renewable Energy Job" would mean 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.

For purposes of this bill, "job" would mean the fulltime employment of an individual in Virginia by a corporation for at least 1,960 hours during the taxable year whose primary work activity is related directly to the field of renewable, alternative energies.

This bill would also provide that for a partnership or limited liability company, the credit would be allocated to the corporate partners or corporate members in proportion to their ownership or interest in the partnership or limited liability company.

This bill would allow this credit and the Major Business Facility Job Tax Credit to be claimed for the creation of the same job.

This bill would be effective for taxable years beginning on or after January 1, 2010.

Other Legislation

House Bill 268 would allow an income tax credit for each new "Renewable Energy Job" that is created by the taxpayer. The amount of the credit would be 2% of each annual salary that is less than \$50,000, and \$1,000 for each annual salary that is \$50,000 or more.

House Bill 803 would allow an income tax credit for each new "green job," not to exceed 350, that is created and maintained by the taxpayer. The amount of the credit would be \$500 for each position that is created.

Senate Bill 143 would allow an income tax credit for each "Renewable Energy Job" created. The amount of the credit would be limited to \$1,000 for each salary of \$50,000 and more.

cc : Secretary of Finance

Date: 1/17/2010 TG
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