WEST VIRGINIA CODE: §11-13GG-4

§11-13GG-4. Amount of credit allowed.

(a) *Credit allowed*. — Notwithstanding any other provision of this code, eligible taxpayers are allowed a credit against the portion of taxes imposed by this state that are attributable to and the consequence of the taxpayer's qualified investment in a new or expanded downstream natural gas manufacturing facility in this state, which results in the creation of new jobs. The amount of this credit is determined and applied as provided in this article.

(b) *Amount of credit*. — The amount of credit allowable is determined by multiplying the amount of the taxpayer's qualified investment, determined under §11-13GG-6 of this code, in property purchased or leased for a new, or expansion of an existing "downstream natural gas manufacturing facility", as defined in §11-13GG-3 of this code, by the taxpayer's new jobs percentage, determined under §11-13GG-7 of this code. The product of this calculation establishes the maximum amount of credit allowable under this article due to the qualified investment.

(c) *Application of credit over 10 years*. — The amount of credit allowable must be taken over a 10-year period, at the rate of one tenth of the amount thereof per taxable year, beginning with the taxable year in which the taxpayer places the qualified investment in service or use in this state, unless the taxpayer elected to delay the beginning of the 10-year period until the next succeeding taxable year. This election shall be made in the annual income tax return filed under this chapter for the taxable year in which qualified investment is first placed into service or use by the taxpayer. Once made, the election cannot be revoked. The annual credit allowance is taken in the manner prescribed in §11-13GG-5 of this code.

(d) *Placed in service or use*. — For purposes of the credit allowed by this section, property is considered placed in service or use in the earlier of the following taxable years:

(1) The taxable year in which, under the taxpayer's depreciation practice, the period for depreciation with respect to the property begins; or

(2) The taxable year in which the property is placed in a condition or state of readiness and availability for a specifically assigned function.

WV Legislature