

HB 2535

FILED

2009 JUN -5 PM 4: 07

OFFICE WEST VIRGINIA
SECRETARY OF STATE

WEST VIRGINIA LEGISLATURE
FIRST REGULAR SESSION, 2009



**SECOND
ENROLLMENT**

**COMMITTEE SUBSTITUTE
FOR
House Bill No. 2535**

(By Delegate Wooten)



Amended and again passed May 27, 2009,
as a result of the objections of the Governor

In Effect July 1, 2009

S E C O N D
E N R O L L M E N T

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FOR

H. B. 2535

(BY DELEGATE WOOTON)

[Amended and again passed May 27, 2009, as a result of the objections of the Governor; in effect July 1, 2009.]

AN ACT to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §11-13Z-1, §11-13Z-2 and §11-13Z-3, all relating to providing for a tax credit for solar energy systems; and requiring the Tax Commissioner to promulgate rules for claiming and applying the tax credit.

Be it enacted by the Legislature of West Virginia:

That the Code of West Virginia, 1931, as amended, be amended by adding thereto a new article, designated §11-13Z-1, §11-13Z-2 and §11-13Z-3, all to read as follows:

CHAPTER 11. TAXATION.

ARTICLE 13Z. RESIDENTIAL SOLAR ENERGY TAX CREDIT.

§11-13Z-1. Amount of credit.

1 Any taxpayer who installs or causes to be installed a
2 solar energy system on property located in this state and
3 owned by the taxpayer and used as a residence after July 1,
4 2009, shall be allowed a credit against the taxes imposed in
5 article twenty-one of this chapter in an amount equal to thirty
6 percent of the cost to purchase and install the system up to a
7 maximum amount of \$2,000.

§11-13Z-2. Restrictions.

1 In order to receive the credit for a solar energy system
2 on residential property, the system must use solar energy to:

3 (1) Generate electricity;

4 (2) Heat or cool a structure; or

5 (3) Provide hot water for use in the structure or to
6 provide solar process heat: *Provided*, That this does not
7 include a swimming pool, hot tub or any other energy storage
8 medium that has a function other than storage; *Provided*,
9 *however*, That the system used to provide hot water must
10 derive at least fifty percent of its energy to heat or cool from
11 the sun.

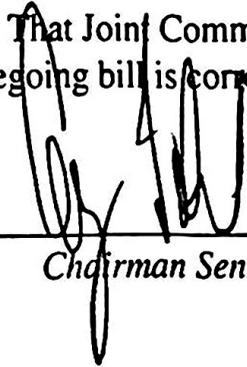
§11-13Z-3. Carryover credit allowed; Tax Commissioner to promulgate rules.

1 If the amount of the credit exceeds the taxpayer's
2 liability for the taxable year, the amount which exceeds the

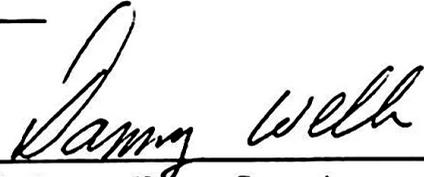
3 tax liability may be carried over and applied as a credit
4 against the tax liability of the taxpayer pursuant to the
5 provisions of article twenty-one of this chapter to each of the
6 next taxable years unless sooner used.

7 The State Tax Commissioner shall promulgate
8 legislative rules pursuant to the provisions of chapter
9 twenty-nine-a of this code regarding the applicability, method
10 of claiming of the credit, recapture of the credit and
11 documentation necessary to claim the credit allowed by this
12 article. No taxpayer shall take a credit pursuant to this article
13 for a solar energy system installed after July 1, 2013.

That Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.



Chairman Senate Committee



Chairman House Committee

Originating in the House.

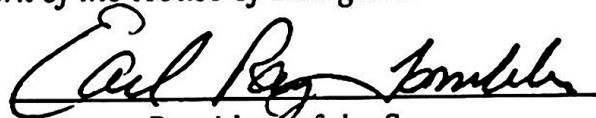
In effect July 1, 2009.



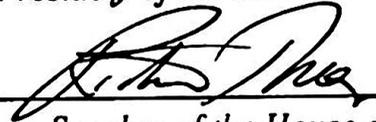
Clerk of the Senate



Clerk of the House of Delegates

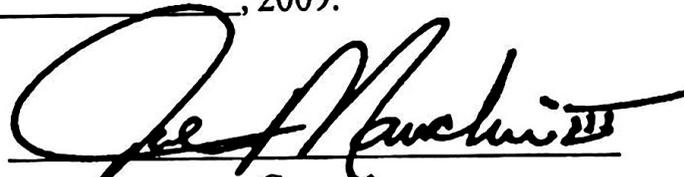


President of the Senate



Speaker of the House of Delegates

The within is approved this the 5th
day of June, 2009.



Governor

PRESENTED TO THE
GOVERNOR

JUN - 1 2009

Time 10:10am