

Regular Session, 2009

SENATE BILL NO. 92

BY SENATOR N. GAUTREAUX

TAX/TAXATION. Provides for the taxpayers who may claim the wind or solar energy systems tax credit and to require the disclosure of a previously claimed tax credit. (gov sig)

1 AN ACT

2 To amend and reenact R.S. 47:6030(A), (B)(1) and (2), and (D)(1), relative to the wind or
3 solar energy systems tax credit; to provide qualifications for the tax credit; to provide
4 for the disclosure of such credit; to provide terms and conditions; to provide for
5 applicable tax years; and to provide for related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. R.S. 47:6030(A), (B)(1) and (2), and (D)(1) are hereby amended and
8 reenacted to read as follows:

9 §6030. Wind or solar energy systems tax credit

10 A. There shall be a credit against the income tax for the cost of purchase and
11 installation of a wind energy system or solar energy system, or both, by a ~~resident~~
12 ~~individual~~ **taxpayer** at his residence located in this state or by the owner of a
13 residential rental apartment project **or by a taxpayer who purchases and installs**
14 **such systems**. The credit may be claimed in cases where the ~~resident individual~~
15 **taxpayer** purchases a newly constructed home with such a system already installed
16 or where such a system is purchased and installed at an existing home, or where such
17 systems are installed in new or existing apartment projects. **Once a tax credit is**

1 claimed for a system installed in a newly constructed home or a new apartment
 2 project which is purchased, or purchased and installed at an existing home or
 3 apartment project, or claimed by a taxpayer who purchases and installs such
 4 systems, a second tax credit is not available if the system, home or apartment
 5 project is resold. The claimant of the credit shall disclose the tax credit to any
 6 subsequent purchaser.

7 B.(1) The credit shall be equal to fifty percent of the first twenty-five
 8 thousand dollars of the cost of each wind energy system or solar energy system,
 9 including installation costs, that is purchased and installed on or after January 1,
 10 2008. The credit may be used in addition to any federal tax credits earned for the
 11 same system. ~~A taxpayer shall not receive any other state tax credit, exemption,~~
 12 ~~exclusion, deduction, or any other tax benefit for property for which the taxpayer has~~
 13 ~~received a tax credit under this Section.~~

14 (2)(a) In the case of ~~an individual~~ **a taxpayer** who purchases and installs
 15 such a system, the tax credit shall be claimed on the return for the taxable year in
 16 which such system is completed and placed in service.

17 (b) In the case of ~~an individual~~ **a taxpayer** who purchases a newly
 18 constructed home with such a system, the tax credit shall be claimed on the return
 19 for the taxable year in which the act of sale of the house takes place.

20 (c) In the case of ~~an apartment project owner~~ **a taxpayer who purchases a**
 21 **new apartment project or** who purchases and installs such systems **in an existing**
 22 **apartment project,** the tax credits for owner entities other than individuals shall be
 23 claimed **on the return for the taxable year in which such system is completed**
 24 **and placed in service and** in accordance with the provisions of Subsection E of this
 25 Section.

26 * * *

27 D. As used in this Section:

28 (1) "Wind energy system" means a system of apparatus and equipment with
 29 the primary purpose of intercepting and converting wind energy into mechanical or

Present law provides that in the case of an apartment project owner who purchases and installs such systems, the tax credits for owner entities other than individuals shall be claimed in accordance with the provisions of present law.

Proposed law changes present law and provides that in the case of a taxpayer who purchases a new apartment project or who purchases and installs such systems in an existing apartment project, the tax credits for owner entities other than individuals shall be claimed on the return for the taxable year in which such system is completed and placed in service and in accordance with the provisions of present law.

Present law defines "wind energy system" as a system of apparatus and equipment with the primary purpose of intercepting and converting wind energy into mechanical or electrical energy and transferring this form of energy by a separate apparatus to the point of use or storage. Proposed law removes "by a separate apparatus" from the definition.

Applicable to tax years beginning on and after January 1, 2009.

Effective upon signature of the governor or lapse of time for gubernatorial action.

(Amends R.S. 47:6030(A), (B)(1) and (2), and (D)(1))