
The original instrument was prepared by Riley Boudreaux. The following digest, which does not constitute a part of the legislative instrument, was prepared by Ann S. Brown.

DIGEST

Willard-Lewis (SB 255)

Present law grants a refundable income tax credit equal to 50% of the first \$25,000 of the cost of purchase and installation of a "wind energy system" or a "solar energy system" in a residence or a residential rental apartment project which is located in the state. The credit may also be claimed in cases where a resident individual purchases a newly constructed home with such a system already installed or where such a system is purchased and installed at an existing home, or where such systems are installed in new or existing apartment projects.

The tax credit must be claimed on the return for the taxable year in which the system is completed and placed in service or the year in which a newly constructed home or newly constructed residential rental apartment project with such a system is purchased.

Proposed law grants a similar refundable credit against individual income tax for tax years beginning during 2012 and 2013; the "residential energy efficiency tax credit for the qualified elderly". The credit is equal to 50% of up to \$25,000 of the total aggregate cost of "qualifying residential energy-efficient property", including installation costs, that are purchased and installed in the Louisiana residence of a "qualified elderly person".

The credit may be used in addition to any federal tax credits earned for the same items. No taxpayer may receive more than \$12,500 of credit per tax year and a taxpayer cannot receive any other state tax credit, exemption, exclusion, rebate or any other tax benefit for property or services for which the taxpayer has received the tax credit.

"Qualified elderly person" is defined as an individual 65 years of age or older who is a resident of Louisiana if such individual's adjusted gross income would make him eligible for the "special assessment level" provided for in Const. Art. VII, Sec. 18(G) (which freezes the appraised value of homesteads) for the tax year in which the credit is claimed. The eligibility amount for 2011 is \$65,891.43 as shown on the 2010 income tax return. It is adjusted annually by the Consumer Price Index as reported by the United States Government.

"Qualifying residential energy efficient property" is defined as energy efficient refrigerators, freezers, clothes washers, dishwashers, tankless water heaters, storage water heaters, room air conditioners, central air conditioners, air source heat pumps, furnaces, exterior windows and exterior doors. All qualifying residential energy efficient property must have earned the Energy Star label. All qualifying residential energy efficient property must be installed at the Louisiana residence that is either owned and occupied or rented and occupied by a qualified elderly person. It does not include wind energy systems or solar energy systems.

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

(Adds R.S. 47:6030.1)

Summary of Amendments Adopted by Senate

Committee Amendments Proposed by Senate Committee on Revenue and Fiscal Affairs to the original bill.

1. Changes the proposed law to specify the types of "residential energy efficient appliances, equipment, systems, or constructions" which are eligible for the credit as set forth in the Digest above and deletes the definition that defines such property as those costing in excess of an aggregate total of two hundred dollars, the construction or installation of which will result in material savings in energy used for heating and cooling a Louisiana residence owned or rented and occupied by a qualified elderly person, all as determined by the DNR to be forth in regulations adopted pursuant to the APA.
2. Authorizes the credit for 2 calendar years.

Senate Floor Amendments to engrossed bill.

1. Specifically names the type of appliances, equipment, systems, or construction materials which are eligible for the credit as set forth in proposed law.
2. Changes the requirement of the qualifying residential energy efficient property *from* must meet or exceed the Energy Star program requirements *to* must have earned the Energy Star label.
3. Technical corrections.