2017 Regular Session

HOUSE BILL NO. 187

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BY REPRESENTATIVES CROMER, ABRAHAM, ABRAMSON, AMEDEE, BACALA, BAGLEY, BERTHELOT, BOUIE, CHAD BROWN, TERRY BROWN, CARMODY, GARY CARTER, STEVE CARTER, CONNICK, COUSSAN, COX, CREWS, DAVIS, DEVILLIER, DWIGHT, EDMONDS, EMERSON, FALCONER, FOIL, GAROFALO, GISCLAIR, GLOVER, JIMMY HARRIS, HAVARD, HAZEL, HENRY, HENSGENS, HILFERTY, HODGES, HORTON, HOWARD, HUNTER, JACKSON, JEFFERSON, JENKINS, JOHNSON, JORDAN, NANCY LANDRY, LEGER, MACK, MAGEE, MARINO, MCFARLAND, MIGUEZ, DUSTIN MILLER, GREGORY MILLER, MORENO, PEARSON, PIERRE, PUGH, RICHARD, SCHEXNAYDER, SEABAUGH, STOKES, TALBOT, THIBAUT, THOMAS, AND ZERINGUE AND SENATORS MILLS AND PEACOCK

AN ACT

2 To amend and reenact R.S. 47:6030(B)(1)(b)(introductory paragraph) and (d) and 3 (B)(2)(a)(i) and to enact R.S. 47:6030(B)(1)(c)(v), relative to tax credits; to provide 4 with respect to the solar energy systems tax credit; to provide for payment and 5 claiming of the credit on purchased systems; to authorize the payment of interest for certain tax credit claims; to provide for the termination of the tax credit for certain 6 7 systems; to provide for effectiveness; and to provide for related matters. 8 Be it enacted by the Legislature of Louisiana: 9 Section 1. R.S. 47:6030(B)(1)(b)(introductory paragraph) and (d) and (B)(2)(a)(i) 10 are hereby amended and reenacted and R.S. 47:6030(B)(1)(c)(v) is hereby enacted to read 11 as follows: 12 §6030. Solar energy systems tax credit 13 14 B.(1) Purchased systems. The tax credit for the purchase and installation of 15 an eligible system at a Louisiana residence or for a system which is already installed

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in a newly constructed home located in Louisiana shall be subject to the following provisions:

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(b) For a system purchased and installed on or after July 1, 2015, and before January 1, 2018 January 1, 2016, the tax credit shall be equal to the least of:

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(c) Beginning in Fiscal Year 2015-2016, the maximum amount of tax credits for purchased systems which may be granted by the department on any return, regardless of tax year, shall be as follows:

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(v)(aa) Notwithstanding the provisions of Items (i) through (iv) of this Subparagraph, any taxpayer whose claim for a credit was denied or would have been denied for any portion of the original claim for a credit pursuant to the provisions of Items (i) through (iv) of this Subparagraph shall be granted the full amount of the credit for which the purchased solar energy system is eligible based on the original claim provided the claim relates to a solar energy system that was purchased and installed on or before December 31, 2015, and the claim meets all other requirements of an eligible system. For taxpayers whose claim would have been denied, an amended return claiming a tax credit for a system which was purchased and installed on or before December 31, 2015, and which meets all other requirements of an eligible system shall be filed with the department before September 1, 2017, in order to be eligible for payment of the tax credit pursuant to this Item. For all claims, including those which were denied and which would have been denied, all supporting documentation necessary to constitute a complete and eligible claim shall be submitted to the department no later than November 1, 2017, in order to be eligible for payment of the tax credit pursuant to this Item. For purposes of this Item, no amendment concerning the date of purchase and installation of the solar energy system for which the claim relates shall be allowed.

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1 (bb) Interest at the annual rate established pursuant to R.S. 13:4202 shall be 2 allowed to accrue beginning ninety days from October 1, of the year which relates 3 to the fiscal year credit cap from which the credit or installment of credit is paid. 4 (cc) The amount of the credit granted under this Item to each taxpayer shall be allowed in equal parts over three fiscal years beginning in Fiscal Year 2017-2018 5 6 and ending in Fiscal Year 2019-2020 with the maximum amount of credits paid in 7 each fiscal year limited to no more than five million dollars, exclusive of interest. If 8 the aggregate amount of credits to be paid in a fiscal year exceeds the five million 9 dollar maximum amount of credits to be paid in the fiscal year, then the credits shall 10 be paid on a pro rata basis. If any taxpayer has not been allowed the full amount of 11 credit after Fiscal Year 2019-2020, any remaining balance of the tax credit shall be 12 allowed in Fiscal Year 2020-2021. Notwithstanding the provisions of Items (i) 13 through (iv) of this Subparagraph, the amounts authorized pursuant to the provisions 14 of this Item shall be exclusive of any amounts granted pursuant to the amounts 15 authorized in Items (ii) and (iii) of this Subparagraph. 16 (dd) No tax credits shall be granted pursuant to this Item after Fiscal Year 17 2020-2021. 18 (d) There shall be no tax credits authorized, issued, or granted as provided 19 in this Section Paragraph for systems installed on or after January 1, 2018 January 20 1, 2016. 21 22 (2) Leased systems. Tax credits authorized under this Section for the 23 purchase and installation of a system at a Louisiana residence by a third party 24 through a lease with the owner of the residence shall be subject to the following 25 provisions. 26 (a)(i) The tax credit shall be equal to fifty percent of the first twenty-five 27 thousand dollars of the cost of purchase for a system installed before January 1, 2014. For a system installed on or after January 1, 2014, and before July 1, 2015, the 28

tax credit shall be equal to thirty-eight percent of the first twenty-five thousand

dollars of the cost of the purchase. For a system installed on or after January 1,

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1 2014 July 1, 2015, and before January 1, 2018, the tax credit shall be equal to thirty-2 eight percent of the first twenty thousand dollars of the cost of purchase. 3 4 Section 2. If any provision of this Act or the application thereof is held invalid, such 5 invalidity shall not affect other provisions or applications of this Act which can be given 6 effect without the invalid provisions or applications, and to this end the provisions of this 7 Act are hereby declared severable. 8 Section 3. This Act shall become effective upon signature by the governor or, if not 9 signed by the governor, upon expiration of the time for bills to become law without signature 10 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If 11 vetoed by the governor and subsequently approved by the legislature, this Act shall become 12 effective on the day following such approval. SPEAKER OF THE HOUSE OF REPRESENTATIVES PRESIDENT OF THE SENATE GOVERNOR OF THE STATE OF LOUISIANA

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APPROVED: _