
SENATE COMMITTEE AMENDMENTS

Amendments proposed by Senate Committee on Revenue and Fiscal Affairs to Reengrossed House Bill No. 705 by Representative Ponti

1 AMENDMENT NO. 1

2 On page 1, line 2, after "reenact" and before the comma "," change "R.S. 47:6030" to "R.S.
3 47:6030(A) through (D), and (F) and to enact R.S. 47:6030(G)"

4 AMENDMENT NO. 2

5 On page 1, line 5, after "manner" and before "in" insert "and time period"

6 AMENDMENT NO. 3

7 On page 1, line 9, after "Section 1." delete the remainder of the line and insert the following:

8 "R.S. 47:6030(A) through (D), and (F)" are hereby amended and reenacted and R.S.
9 47:6030(G) are hereby enacted to read as follows:"

10 AMENDMENT NO. 4

11 On page 1, line 12, after "of a" delete the remainder of the line, delete lines 13 through 16,
12 and at the beginning of line 17, delete "purchases" and insert:

13 "~~wind energy system or solar energy electric system, a solar thermal system, or both~~
14 ~~any combination of components thereof, hereinafter collectively referred to as~~
15 ~~"system", by a taxpayer at his residence located in this state, by the owner of a~~
16 ~~residential rental apartment project, or by a taxpayer who purchases and installs such~~
17 ~~a system in a residence or a residential rental apartment project which is at a~~
18 ~~residence located in Louisiana. The credit may be claimed in cases where the~~
19 ~~resident individual purchases is allowed if"~~

20 AMENDMENT NO. 5

21 On page 1, at the end of line 17, after "installed" delete the remainder of the line and insert
22 "is purchased or if"

23 AMENDMENT NO. 6

24 On page 2, at the beginning of line 1, after the period "." insert:

25 "To be eligible for a tax credit, the system shall have been sold by and installed by
26 a person who is licensed by the Louisiana State Licensing Board for Contractors."

27 AMENDMENT NO. 7

28 On page 2, line 3, after "residence," delete the remainder of the line, and on line 4, delete "or
29 one credit for a solar thermal system shall be authorized." and insert:

30 "there shall be allowed only one tax credit for the purchase and installation of a
31 system."

32 AMENDMENT NO. 8

33 On page 2, delete lines 9 through 29, delete page 3, on page 4, delete lines 1 through 21, and
34 insert:

1 ~~"B.(1) The credit~~ Purchased systems. The tax credit for the purchase and
2 installation of a system at a Louisiana residence shall be equal to fifty percent of the
3 first twenty-five thousand dollars of the cost of each wind energy system or solar
4 energy a system, including installation costs, that is purchased and installed on or
5 after January 1, 2008 and before January 1, 2018. The credit may be used in
6 addition to any federal tax credits earned for the same system. A taxpayer shall not
7 receive any other state tax credit, exemption, exclusion, deduction, or any other tax
8 benefit for property for which the taxpayer has received a tax credit under this
9 Section. There shall be no tax credits authorized, issued or granted for systems
10 installed after December 31, 2017.

11 ~~(2) In the case of a taxpayer who purchases and installs such a system in a~~
12 ~~residence or a residential rental apartment project which is located in Louisiana, the~~
13 ~~tax credit shall be claimed on the return for the taxable year in which such system~~
14 ~~is completed and placed in service. In the case of a taxpayer who purchases a newly~~
15 ~~constructed home or newly constructed residential rental apartment project with such~~
16 ~~a system, the tax credit shall be claimed on the return for the taxable year in which~~
17 ~~the act of sale takes place.~~

18 ~~C. Notwithstanding any other provision of law to the contrary, any excess~~
19 ~~of allowable credit over the aggregate tax liabilities against which such credit may~~
20 ~~be applied, as provided in this Section, shall constitute an overpayment, as defined~~
21 ~~in R.S. 47:1621(A), and the secretary shall make a refund of such overpayment from~~
22 ~~the current collections of the taxes imposed by Chapter 1 or Chapter 5 of Subtitle H~~
23 ~~of this Title, together with interest as provided in R.S. 47:1624. The right to a credit~~
24 ~~or refund of any such overpayment shall not be subject to the requirements of R.S.~~
25 ~~47:1621(B). All credits and refunds, together with interest thereof, must be paid or~~
26 ~~disallowed within one year of receipt by the secretary of any such claim for refund~~
27 ~~or credit. Failure of the secretary to pay or disallow, in whole or in part, any claim~~
28 ~~for a credit or a refund shall entitle the aggrieved taxpayer to proceed with the~~
29 ~~remedies provided in R.S. 47:1625.~~

30 ~~(2) Leased systems. The tax credit for the cost of purchase and installation~~
31 ~~of a system at a Louisiana residence by a third party through a lease or other~~
32 ~~agreement with the owner of the residence shall be equal to thirty-eight percent of~~
33 ~~the first twenty-five thousand dollars of the cost of a system that is purchased and~~
34 ~~installed on or after January 1, 2008 and before January 1, 2018. There shall be no~~
35 ~~tax credits authorized, issued or granted for systems installed after December 31,~~
36 ~~2017."~~

37 AMENDMENT NO. 9

38 On page 4, line 22, delete "D." and insert "C."

39 AMENDMENT NO. 10

40 On page 4, line 26, after "purchase" and before "means" insert "or "cost"

41 AMENDMENT NO. 11

42 On page 4, at the end of line 27, insert the following:

43 "Cost of purchase" or "cost" shall not include any inducement to make a purchase,
44 including but not limited to: rebates; prizes, gift certificates; trips; additional energy
45 items or services, except energy audits offered at no charge to the purchaser; or any
46 other thing of value given by a seller, installer, or equipment manufacturer as an
47 inducement to buy a solar electric or solar thermal system."

48 AMENDMENT NO. 12

1 On page 5, line 7, after "systems" delete the comma "," and delete the remainder of the line
2 and insert "with or without"

3 AMENDMENT NO. 13

4 On page 6, delete lines 9 through 23, and insert:

5 "D. (1) The credit may be used in addition to any federal tax credits earned
6 for the same system. However, a taxpayer shall not receive any other state tax credit,
7 exemption, exclusion, deduction, or any other tax benefit for property for which the
8 taxpayer has received a tax credit under this Section.

9 (2) If a taxpayer purchases and installs a solar electric or solar thermal
10 system at his own residence, the credit shall be claimed on the tax return for the
11 taxable year in which such system is completed and placed in service. If a taxpayer
12 purchases a solar electric or solar thermal system for installation at another person's
13 residence through a lease or other agreement, the credit shall be claimed on the tax
14 return for the taxable year in which the sale is completed.

15 * * *

17 F. Notwithstanding any other provision of law to the contrary, any excess of
18 allowable credit over the aggregate tax liabilities against which such credit may be
19 applied, as provided in this Section, shall constitute an overpayment, as defined in
20 R.S. 47:1621(A), and the secretary shall make a refund of such overpayment from
21 the current collections of the taxes imposed by Chapter 1, Chapter 2, Chapter 2-A,
22 Chapter 2-B, or Chapter 5 of Subtitle II of this Title, together with interest as
23 provided in R.S. 47:1624. The right to a credit or refund of any such overpayment
24 shall not be subject to the requirements of R.S. 47:1621(B). All credits and refunds,
25 together with interest thereof, must be paid or disallowed within one year of receipt
26 by the secretary of any such claim for refund or credit. Failure of the secretary to
27 pay or disallow, in whole or in part, any claim for a credit or a refund shall entitle the
28 aggrieved taxpayer to proceed with the remedies provided in R.S. 47:1625."

29 AMENDMENT NO. 14

30 On page 6, at the beginning of line 24, delete "F." and insert "G."

31 AMENDMENT NO. 15

32 On page 7, line 7, after "Section 3." delete the remainder of the line, delete lines 8 through
33 11, and insert:

34 "This Act shall become effective on January 1, 2014."