

## DECLARATION OF EMERGENCY

### Department of Revenue Policy Services Division

#### Income Tax Credits for Wind or Solar Energy Systems (LAC 61:I.1907)

In accordance with the emergency provisions of R.S. 49:953(B) of the Administrative Procedure Act, which allows the Department of Revenue to use emergency procedures to establish rules and R.S. 47:1511, which allow the Department to make reasonable rules and regulations, and R.S. 47:603), the Secretary of Revenue hereby finds that imminent peril to the public welfare exists and accordingly adopts the following emergency rule. This Emergency Rule shall be effective August 19, 2011, and shall remain in effect until the expiration of the maximum period allowed under the Administrative Procedure Act or the adoption of the final rule, whichever comes first.

Louisiana Revised Statutes 47:6030 provides for an income tax credit for the cost of purchase and installation of a wind energy system or solar energy system, or both, by a taxpayer at his residence located in this state, by the owner of a residential rental apartment project, or by a taxpayer who purchases and installs such a system in a residence or a residential rental apartment project which is located in Louisiana. Under the current version of the wind and solar energy system credit regulation, in order to be eligible for the tax credit all electrical components must be "UL listed."

Since the time the current rule was promulgated, new technologies have become available many of which are not "UL listed." As the global renewable energy sector continues to rapidly advance, several national and international testing laboratories recognized by the federal Occupational Safety & Health Administration (OSHA) are testing and certifying new renewable energy components. OSHA recognizes several Nationally Recognized Testing Laboratories (NRTLs) such as Canadian Standards Association (CSA), TUV Rheinland of North America, Inc. (TUV) and Underwriters Laboratories, Inc. (UL). All of these OSHA recognized testing laboratories have been involved in the recent technology advances and several solar companies have elected to have their products tested by one of OSHA's NRTLs other than Underwriters Laboratories (UL). Many of these new components are less expensive, more efficient and more widely available than the currently required "UL listed" components.

This Emergency Rule is necessary for the Department of Revenue to allow the wind and solar energy systems tax credit for systems using electrical components tested by all OSHA Nationally Recognized Testing Laboratories and to keep up with this rapidly evolving industry.

Title 61  
REVENUE AND TAXATION  
Part I. Taxes Collected and Administered  
by the Secretary of Revenue

#### Chapter 19. Miscellaneous Tax Exemptions

#### §1907. Income Tax Credits for Wind or Solar Energy Systems

A.- E.5. ...

6. All photovoltaic panels, wind turbines, inverters and other electrical apparatus claiming the tax credit must be tested and certified by a federal Occupational Safety and Health Administration (OSHA) Nationally Recognized Testing Laboratory and must be installed in compliance with manufacturer specifications and all applicable building and electrical codes.

E.7. – G. ...

AUTHORITY NOTE: Adopted in accordance with R.S. 47:44.1, R.S. 47:1511, and R.S. 47:6030.

HISTORICAL NOTE: Adopted by the Department of Revenue, LR:

**Cynthia Bridges**  
Secretary