

CONFERENCE COMMITTEE REPORT

SB 106

2015 Regular Session

Morrell

June 11, 2015

To the Honorable President and Members of the Senate and to the Honorable Speaker and Members of the House of Representatives.

Ladies and Gentlemen:

We, the conferees appointed to confer over the disagreement between the two houses concerning Senate Bill No. 106 by Senator Morrell, recommend the following concerning the Reengrossed bill:

1. That House Floor Amendment Nos. 1 through 7 of the set of 7 amendments, proposed by Representative Robideaux and adopted by the House of Representatives on June 4, 2015, be rejected.
2. That House Floor Amendment Nos. 1 through 6 of the set of 6 amendments, proposed by Representative Robideaux and adopted by the House of Representatives on June 4, 2015, be rejected.
3. That the following amendments to the Reengrossed bill be adopted:

AMENDMENT NO. 1

On page 1, line 2, after "reenact" delete the remainder of the line and insert "R.S. 47:1524(D)(2) and (3), and 6007(section heading), (B)(5), (10) through (16), (C)(subsection heading), (1)(introductory paragraph), (a)(iii), and (b)(iii), (2) and (4)(b) and (f), (D)(2)(d)(i), (E), and (F), and to enact R.S. 47:6007(B)(17) and (18), (C)(1)(c)(iii), (D)(1)(d)(iv) and (2)(d)(iii), (G), and (H), relative to motion"

AMENDMENT NO. 2

On page 1, line 3, after "for the credits" delete the remainder of the line and delete line 4, and on line 5, delete "retroactivity and severability" and insert "to provide for definitions; to provide eligibility for certain types of productions; to provide requirements for the completion of projects and certification of expenditures; to authorize assignment of credits to a lender under certain circumstances; to provide for recapture of tax credits; to provide for the final certification of certain expenditures for state-certified infrastructure projects; to provide for effectiveness;"

AMENDMENT NO. 3

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

"R.S. 47:1524(D)(2) and (3), and 6007(section heading), (B)(5), (10) through (16), (C)(subsection heading), (1)(introductory paragraph), (a)(iii) and (b)(iii), (2) and (4)(b) and (f), and (D)(2)(d)(i) are hereby amended and reenacted and R.S. 47:6007(B)(17) and (18), (C)(1)(c)(iii), (D)(1)(d)(iv) and (2)(d)(iii), and (G) are hereby"

AMENDMENT NO. 4

On page 1, between lines 8 and 9, insert the following:

"§1524. Tax credit registry; requirements; limitations

* * *

D. Transfers

* * *

(2) Notwithstanding any other provision of law to the contrary, no issuance, sale, or transfer of tax credits after January 1, 2014, shall be effective as between the transferor and transferee, or as to third parties ~~not recognized by~~ or the department until it has been recorded in the registry.

~~(3) The effectiveness of a tax credit transfer as between the transferor and the transferee shall be provided by agreement of the parties or, in the absence of an agreement, in accordance with the provisions of the Louisiana Civil Code and its ancillaries.~~

* * *

AMENDMENT NO. 5

On page 1, line 9, change "investor" to "**production**"

AMENDMENT NO. 6

On page 1, delete lines 13 through 17 and delete page 2 and on page 3, delete lines 1 through 20, and insert the following:

"(5) "Motion picture" means a nationally or internationally distributed feature-length film, video, television pilot, television series, television movie of the week, animated feature film, animated television series, or commercial made in Louisiana, in whole or in part, for theatrical or television viewing, or for viewing on any digital online platform as may be further defined by the office through the promulgation of rules. The term "motion picture" shall not include the production of television coverage of news and athletic events.

* * *

(10) "Production expenditures" means preproduction, production, and postproduction expenditures in this state directly relating to a state-certified production, including without limitation the following: set construction and operation; wardrobes, makeup, accessories, and related services; costs associated with photography and sound synchronization, lighting, and related services and materials; editing and related services; rental of facilities and equipment; leasing of vehicles; costs of food and lodging; digital or tape editing, film processing, transfer of film to tape or digital format, sound mixing, special and visual effects; and payroll. This For all state-certified productions approved on or after January 1, 2004, this term shall not include expenditures for marketing and distribution, non-production related overhead, amounts reimbursed by the state or any other governmental entity, costs related to the transfer of tax credits, amounts that are paid to persons or entities as a result of their participation in profits from the exploitation of the production, the application fee, or state, or local taxes, or any expenditures occurring outside of Louisiana. For all state-certified productions approved on or after January 1, 2016, marketing expenditures shall be considered "production expenditures".

(11) "Project completion" means completion of principal photography, or as otherwise approved in writing by the office.

~~(11)~~(12) "Qualified accountant" means an independent certified public accountant authorized to practice in this state who has sufficient

knowledge of accounting principles and practices generally recognized in the film and television industry.

~~(12)~~(13) "Resident" or "resident of Louisiana" means a natural person domiciled in the state. A person who maintains a permanent place of abode within the state and spends in the aggregate more than six months of each year within the state shall be presumed to be domiciled in the state.

~~(13)~~(14) "Secretary" means the secretary of the Department of Economic Development.

~~(14)~~(15) "Source within the state" means a physical facility in Louisiana, operating with posted business hours and employing at least one full-time equivalent employee.

~~(15)~~(16) "State" means the state of Louisiana.

~~(16)~~(17) "State-certified production" ~~shall mean~~ means a production approved by the office and the secretary which is produced by a motion picture production company domiciled and headquartered in Louisiana and which has a viable multi-market commercial distribution plan.

(18) "Taxpayer" means an investor in a production, a motion picture production company applicant, individual with an ownership interest in a motion picture production company applicant, or a subsequent transferee of the tax credit.

C. ~~Investor~~ Production tax credit; specific productions and projects.

(1) There is hereby authorized a tax credit against state income tax for Louisiana taxpayers for ~~investment in~~ expenditures related to state-certified productions. The tax credit shall be earned by ~~investors~~ a motion picture production company at the time expenditures are made by a motion picture production company in a state-certified production. However, credits cannot be applied against a tax or transferred until the expenditures are certified by the office and the secretary. For state-certified productions, expenditures shall be certified no more than ~~twice during the duration of a state-certified production unless the motion picture production company agrees to reimburse the office for the costs of any additional certifications once per production, after project completion.~~ However, if at the time of application for initial certification, the office is notified that post-production activities will take place in Louisiana, a supplemental request for certification of expenditures directly related to such post-production activity may be submitted for consideration by the office. The cost of any verification or audit of such expenditures shall be borne by the motion picture production company. The tax credit shall be calculated as a percentage of the total base investment dollars certified per project.

(a) For state-certified productions approved by the office and the secretary on or after January 1, 2004, but before January 1, 2006:

* * *

(iii) The initial certification shall be effective for qualifying expenditures made within a period twelve months prior to and twelve months after the date of initial certification, ~~unless the production has commenced, in which case the initial certification shall be valid until the production is completed.~~

(b) For state-certified productions approved by the office and the secretary on or after January 1, 2006, but before July 1, 2009:

* * *

(iii) The initial certification shall be effective for qualifying expenditures made within a period twelve months prior to and twelve months after the date of initial certification, unless the production has commenced, in which case the initial certification shall be valid until the production is completed.

(c) For state-certified productions approved by the office and the secretary on or after July 1, 2009:

* * *

(iii) The initial certification shall be effective for qualifying expenditures made within a period twelve months prior to and twenty-four months after the date of the initial certification.

* * *

(2) The credit shall be allowed against the income tax for the taxable period in which the credit is earned or for the taxable period in which initial certification authorizes the credit to be taken. If the tax credit allowed pursuant to this Section exceeds the amount of such taxes due for such tax period, then any unused credit may be carried forward as a credit against subsequent tax liability for a period not to exceed ~~ten~~ five years.

* * *

(4) Transferability of the credit. Any motion picture tax credits not previously claimed by any taxpayer against its income tax may be transferred or sold to another Louisiana taxpayer or to the office, subject to the following conditions:(3) Application of the credit.

* * *

(b) Transferors and transferees shall submit to the Department of Revenue in writing, a notification of any transfer or sale of tax credits within ten business days after the transfer or sale of such tax credits. No transfer or sale of tax credits shall be effective until recorded in the tax credit registry in accordance with R.S. 47:1524. The notification shall include the transferor's tax credit balance prior to transfer, a copy of any tax credit certification letter(s) issued by the office and the secretary of the Department of Economic Development the transferor's remaining tax credit balance after transfer, all tax identification numbers for both transferor and transferee, the date of transfer, the amount transferred, a copy of the credit certificate, price paid by the transferee to the transferor, in the case when the transferor is a state-certified production, for the tax credits, and any other information required by the office or the Department of Revenue. For the purpose of reporting transfer prices, the term "transfer" shall include allocations pursuant to Paragraph (2) of this Subsection as provided by rule. The tax credit transfer value means the percentage as determined by the price paid by the transferee to the transferor divided by the dollar value of the tax credits that were transferred in return. The notification submitted to the Department of Revenue shall include a processing fee of up to two hundred dollars per transferee, and any information submitted by a transferor or transferee shall be treated by the office and the Department of Revenue as proprietary to the entity reporting such information and therefore confidential. However, this shall not prevent the publication of summary data that includes no fewer than three transactions.

* * *

(f)(i) Beginning on and after January 1, 2007, the investor who motion picture production company that earned the motion picture investor

production tax credits may transfer the credits to the office for seventy-two percent of the face value of the credits. Beginning January 1, 2009, and every second year thereafter, the percent of the face value of the tax credits allowed for transferring credits to the office shall increase two percent until the percentage reaches eighty percent. Upon the transfer, the Department of Economic Development shall notify the Department of Revenue and shall provide it with a copy of the transfer documentation. The Department of Revenue may require the transferor to submit such additional information as may be necessary to administer the provisions of this Section. The secretary of the Department of Revenue shall make payment to the investor in the amount to which he is entitled from the current collections of the taxes collected pursuant to Chapter 1 of Subtitle II, provided such credits are transferred to the office within one calendar year of certification.

(ii) For projects which receive initial certification on and after July 1, 2009, the investor who motion picture production company that earned the motion picture investor production tax credits pursuant to such certification or the company's irrevocable designee, as provided for in Item (iv) of this Subparagraph, may transfer the credits to the office Department of Revenue for eighty-five percent of the face value of the credits in accordance with the procedures and requirements of Item (i) (iii) of this Subparagraph.

(iii) The Department of Revenue may require the transferor to submit such additional information as may be necessary to administer the provisions of this Section. The secretary of the Department of Revenue shall make payment to the motion picture production company or its irrevocable designee in the amount to which he is entitled from the current collections of the taxes collected pursuant to Chapter 1 of Subtitle II, of this Title provided such tax credits are transferred to the Department of Revenue within one calendar year of certification.

(iv) A bank or other lender may be named as an irrevocable designee in the initial tax credit certification or other document submitted thereafter by a motion picture production company to the office. As an irrevocable designee, a bank or other lender may elect to have the tax credits issued directly to it from the office, and in addition to the rights of a transferee may also elect to transfer the credits to the Department of Revenue in accordance with the provisions of Items (ii) and (iii) of this Subparagraph.

* * *

D. Certification and administration.

(1)

* * *

(d) When determining which productions may qualify, the office and the secretary of the Department of Economic Development shall take the following factors into consideration:

* * *

(iv) Conviction for a criminal offense as an incident to obtaining or attempting to obtain motion picture investor tax credits.

(2)

* * *

(d)(i) Prior to any final certification of the state-certified production, the motion picture production company shall submit to the office and the

~~secretary a production audit report.~~ No later than six months after the expiration of the initial certification period for the applicable state-certified production, a state-certified motion picture production company applicant shall make a request to the office to proceed to final certification by submitting to the office a cost report of production expenditures to be formatted in accordance with instructions of the office. The applicant shall make all records related to the cost report available for inspection by the office and the qualified accountant selected by the office to prepare the production expenditure verification report, after which time all such claims to tax credits shall be deemed waived. After review and investigation of the cost report, the accountant shall submit to the office and the secretary a production ~~audit~~ expenditure verification report. The office and the secretary shall review the production ~~audit~~ expenditure verification report and may require additional information needed to make a determination as to final certification of all tax credits for that production. Within one hundred twenty days of the receipt of the production ~~audit~~ expenditure verification report and all required supporting information, the office and the secretary shall issue a tax credit certification letter indicating the amount of tax credits certified for the state-certified production to the ~~investors~~ applicant for all qualifying expenditures verified by the office. Any expenditures for which tax credits were neither denied nor certified due to insufficient information or other issues, the office and secretary shall diligently work to resolve the outstanding issues in a timely manner, and the office and secretary may subsequently issue a supplemental tax credit certification at the time of such resolution.

* * *

(iii) Only expenditures made during the initial certification period shall earn credits.

* * *

G. Tax credits provided for in this Section shall not be considered entitlements, and the taxpayer shall bear the burden of clearly and unequivocally establishing eligibility for tax credits.

Section 2. R.S. 47:6007(section heading), (E) and (F) are hereby amended and reenacted and R.S. 47:6007(H) is hereby enacted to read as follows:

§6007. Motion picture ~~investor~~ production tax credit

* * *

~~E. Recapture~~ Disallowance and recapture of credits. ~~If the office finds that monies for which an investor received tax credits according to this Section are not invested in and expended with respect to a state-certified production within twenty-four months of the date that such credits are earned, then the investor's state income tax for such taxable period shall be increased by such amount necessary for the recapture of credit provided by this Section.~~

(1) A bad faith holder may not transfer tax credits pursuant to Subparagraph (C)(4)(f) of this Section, nor claim tax credits pursuant to Paragraphs (C)(2) and (3) of this Section, nor transfer tax credits pursuant to Paragraph (C)(4) of this Section. A bad faith holder is a person who participated in material misrepresentation or fraudulent acts in connection with the certification of tax credits pursuant to this section, or who prior to or at the time of certification of such tax credits knew or reasonably should have known of such material misrepresentation or fraudulent acts, or a legal entity owned or controlled by such a person. Upon a determination of bad faith by the Department of Revenue such tax credits shall be deemed disallowed as to the bad faith holder.

(2) Tax credits previously transferred pursuant to Subparagraph (C)(4)(f) of this Section or claimed by a bad faith holder, but subsequently disallowed, may be recovered by the secretary of the Department of Revenue through any collection remedy authorized by R.S.47:1561, plus interest and penalties provided by law for the delinquent payment of taxes, and the Department of Revenue may recapture any amounts and other damages from a bad faith holder using any collection remedy authorized by law.

(3) In the event tax credits obtained through material misrepresentation or fraudulent acts are claimed by a taxpayer who is not a bad faith holder, the Department of Revenue shall have the right of recourse against a bad faith holder as provided to a transferee pursuant to Paragraph (C)(4)(e).

(4) The provisions of this Subsection are in addition to and shall not limit the authority of the secretary of the Department of Revenue to assess or to collect under any other provision of law.

~~F. Recovery of credits by Department of Revenue. (1) Credits previously granted to a taxpayer, but later disallowed, may be recovered by the secretary of the Department of Revenue through any collection remedy authorized by R.S. 47:1561 and initiated within three years from December thirty-first of the year in which the twenty-four-month investment period specified in Subsection E of this Section ends.~~

~~(2) The only interest that may be assessed and collected on recovered credits is interest at a rate three percentage points above the rate provided in R.S. 9:3500(B)(1), which shall be computed from the original due date of the return on which the credit was taken.~~

~~(3) The provisions of this Subsection are in addition to and shall not limit the authority of the secretary of the Department of Revenue to assess or to collect under any other provision of law.~~

Prescription. Tax credits previously granted to a taxpayer, but later disallowed pursuant to the provisions of Subsection E of this Section, may be recovered by the secretary of the Department of Revenue through any collection remedy authorized by R.S. 47:1561 and initiated within the latter of any of the following:

(1) Two years from December thirty-first in the year in which the tax credit was paid in accordance with Item (C)(4)(f)(ii) of this Section.

(2) Three years from December thirty-first of the year in which the taxes for the filing period were due.

(3) Three years from December thirty-first of the year in which the final tax credit certification letter was issued.

(4) The time period for which prescription has been extended, as provided by R.S. 47:1580.

* * *

H. Audit reports for certification of expenditures for state-certified motion picture infrastructure program tax credits shall be submitted in accordance with the provisions of this Subsection.

(1) State-certified infrastructure project applicants may submit to the office on or before December 31, 2015, all requests and required documentation for final certification of all tax credits granted by this

provision, after which time all such claims to tax credits shall be deemed waived.

(2) Any request shall be accompanied by an audit performed by an independent certified public accountant.

(3) The office, the secretary, and the division shall review the audit, and may require additional information needed to make a determination as to certification.

(4) The office may request an additional audit report of expenditures submitted by the state-certified motion picture infrastructure project applicant, with the cost of the additional report paid by the applicant.

(5) Within three hundred and sixty five days after receipt of the audit report and all required supporting information, or December 31, 2016, whichever occurs first, the office, the secretary, and the division shall issue a denial letter or a tax credit certification letter to the investors indicating the amount of tax credits certified for the state-certified infrastructure project for all qualifying expenditures verified by the office.

(6) Tax credits provided for in this Section shall not be considered entitlements, and the state-certified motion picture infrastructure applicant shall bear the burden of clearly and unequivocally establishing eligibility for tax credits.

(7) In the event that a request for final certification is denied, an applicant may appeal the decision in accordance with program rules.

(8) No motion picture infrastructure tax credits shall be certified after July 1, 2017.

Section 3. Except as provided for in Section 5, the provisions of Section 1 of this Act shall become effective on January 1, 2016.

Section 4. Except as provided for in Section 5, the provisions of this Section and Sections 1 and 2 of this Act shall become effective on July 1, 2015.

Section 5. The provisions of this Act shall only become effective if the commissioner of administration and the Legislative Auditor provide written notice to the President of the Senate, the Speaker of the House of Representatives, and the Louisiana State Law Institute that they have determined that an Act or Acts were enacted in the 2015 Regular Session of the Legislature sufficient to offset any tax increases provided for in the Acts of such Session over a five year period."

Respectfully submitted,

Senators:

Representatives:

Senator Jean-Paul J. Morrell

Representative Joel C. Robideaux

Senator Jack Donahue

Representative Walt Leger III

Senator Robert Adley

Representative Julie Stokes

The legislative instrument and the following digest, which constitutes no part of the legislative instrument, were prepared by Riley Boudreaux.

CONFERENCE COMMITTEE REPORT DIGEST

SB 106

2015 Regular Session

Morrell

Keyword and summary of the bill as proposed by the Conference Committee

TAX/TAXATION. Provides relative to the motion picture investor tax credit and the motion picture infrastructure investor tax credit.

Report rejects House amendments which would have:

1. Incorporated certain content of HB829 into the proposed law relative to the motion picture investor tax credit program.
2. Made a request to the Department of Revenue by the office of entertainment industry development in LED of the office to take action against an individual or entity that committed material misrepresentation or fraud the "sole and exclusive remedy" if the office determined that there was a material misrepresentation or fraud on the part of an individual or entity in connection with the submission of a production audit report and tax credits were issued based on the wrongful report.
3. Specifically provided that neither the office nor the department would have a remedy against a "good faith transferee" for the wrongfully issued tax credits. Defined "good faith transferee" as a transferee of a tax credit who relied on the validity of the credit recorded in the tax credit registry pursuant to the provisions of R.S. 47:1524.

Report amends the bill to:

1. Provides relative to the motion picture investor tax credit and the motion picture infrastructure investor tax credit.

Digest of the bill as proposed by the Conference Committee

Proposed law prohibits a transfer or sale of tax credits from being effective until recorded in the tax credit registry in R.S. 47:1524. Deletes a provision of present law providing that the effectiveness of a tax credit transfer between the transferor and the transferee could be provided by agreement of the parties or, in the absence of an agreement, in accordance with the provisions of the Louisiana Civil Code and its ancillaries.

Present law defines a "motion picture" to include nationally or internationally distributed feature-length film, video, television pilot, and television series made in La. The term "motion picture" does not include the production of television coverage of news and athletic events.

Proposed law expands the definition of an eligible "motion picture" to include viewing on any digital online platform as may be further defined by the office through the promulgation of rules.

Present law defines "production expenditures" to include preproduction, production, and postproduction expenditures in this state directly relating to a state-certified production. However, the term specifically excludes expenditures for marketing and distribution.

Proposed law adds eligibility for marketing expenditures for all state-certified productions approved on or after January 1, 2016.

Present law provides that expenditures shall be certified no more than twice during the duration of a state-certified production unless the motion picture production company agrees to reimburse the office for the costs of any additional certifications .

Proposed law limits such certifications to once per production, but, if at the time of application for initial certification, the office is notified that post-production activities will take place in Louisiana, a supplemental request for certification of expenditures directly related to such post-production activity may be submitted for consideration by the office. The cost of any verification or audit of such expenditures must be borne by the motion picture production company.

Proposed law deletes the exception for productions approved up to July 1, 2009 to the provision that qualifying expenditures must be made within 12 months of initial certification allowing a production which had commenced to have a valid initial certification until the production was completed. Specifically limits earning of credits to expenditures made during the initial certification period.

Proposed law provides that such initial certification is within a period 12 months prior to and 24 months after the date of the initial certification.

Proposed law reduces the time unused tax credit may be carried forward from 10 years to 5 years.

Proposed law requires the Department of Revenue to make a payment of a refund to a motion picture production company's irrevocable designee provided tax credits are transferred to the Department of Revenue within one calendar year of certification. Allows a bank or other lender to be named as an irrevocable designee in the initial tax credit certification or other document submitted thereafter by a motion picture production company to the office. As an irrevocable designee, a bank or other lender may elect to have the tax credits issued directly to it from the office, and in addition to having the rights of a transferee, it may also elect to transfer the credits to the Department of Revenue.

Proposed law makes conviction for a criminal offense as an incident to obtaining or attempting to obtain motion picture investor tax credits a criterion for determining who qualifies for a credit.

ry shall issue a tax credit certification letter indicating the amount of tax credits certified for the state-certified production to the ~~investors~~ applicant for all qualifying expenditures verified by the office. Any expenditures for which tax credits were neither denied nor certified due to insufficient information or other issues, the office and secretary shall diligently work to resolve the outstanding issues in a timely manner, and the office and secretary may subsequently issue a supplemental tax credit certification at the time of such resolution.

Proposed law provides that tax credits shall not be considered entitlements, and the taxpayer must bear the burden of clearly and unequivocally establishing eligibility for tax credits.

Present law requires an investor's state income tax to be increased by the amount necessary for the recapture of tax credits if the office finds that monies for which an investor received tax credits were not invested in and expended with respect to a state-certified production within 24 months of the date that such credits were earned. Authorizes the secretary of the Department of Revenue to initiate collection of tax credits disallowed within 3 years from December 31st of the year in which the 24-month investment period ended. Limited the interest that may be assessed and collected on recovered credits to a rate three percentage points above the rate provided in R.S. 9:3500(B)(1).

Effective January 1, 2016, proposed law deletes these provisions and prohibits a "bad faith holder" from claiming tax credits, transferring tax credits to the office for 85% of value as provided in present law, or transferring or selling tax credits. A "bad faith holder" is defined as a person who participated in material misrepresentation or fraudulent acts in connection with the certification of tax credits, or who prior to or at the time of certification of such tax credits knew or reasonably should have known of such material misrepresentation or fraudulent acts, or a legal entity owned or controlled by such a person. Upon a determination

of bad faith by the Department of Revenue such tax credits shall be deemed disallowed as to the bad faith holder.

Authorizes the Department of Revenue to recover subsequently disallowed tax credits previously transferred to LED or claimed by a bad faith holder through any collection remedy authorized by law, plus interest and penalties provided by law for the delinquent payment of taxes, and authorizes the department to recapture any amounts and other damages from a bad faith holder. Additionally, In the event tax credits obtained through material misrepresentation or fraudulent acts are claimed by a taxpayer who is not a bad faith holder, the Department of Revenue shall have the same right of recourse against a previous bad faith holder as provided to transferees in present law.

Proposed law authorizes the secretary of the Department of Revenue to recover disallowed tax credits through any collection remedy authorized by R.S. 47:1561 and initiated within the latter of any of the following:

1. Two years from December 31st of the year in which the tax credit was paid.
2. Three years from December 31st of the year in which the taxes for the filing period were due.
3. Three years from December 31st of the year in which the final tax credit certification letter was issued.
4. The time period for which prescription has been extended, as provided for the suspension and interruption of prescription against taxes by R.S. 47:1580.

Proposed law establishes standards for audit reports for certification of expenditures for state-certified motion picture infrastructure program tax credits. Requires infrastructure project applicants to submit all requests and required documentation for final certification on or before December 31, 2015, after which time all such claims to tax credits are deemed to be waived. Requires the request to be accompanied by an audit performed by an independent certified public accountant. Within 365 days after receipt, or December 31, 2016, whichever occurs first, the office, the secretary, and the division must issue a denial letter or a tax credit certification letter to the investors indicating the amount of tax credits certified for the project. The applicant is authorized to appeal a denial.

Proposed law prohibits motion picture infrastructure tax credits to be certified after July 1, 2017.

Effective July 1, 2015, but only if the commissioner of administration and the Legislative Auditor provide written notice to the President of the Senate, the Speaker of the House of Representatives, and the Louisiana State Law Institute that they have determined that an Act or Acts were enacted in the 2015 Regular Session of the Legislature sufficient to offset any tax increases provided for in the Acts of such Session over a five year period.

(R.S. 47:1524(D)(2) and (3), and 6007(section heading), (B)(5), (10) through (16), (C)(subsection heading), (1)(introductory paragraph), (a)(iii), and (b)(iii), (2) and (4)(b) and (f), (D)(2)(d)(i), (E), and (F), and to enact R.S. 47:6007(B)(17) and (18), (C)(1)(c)(iii), (D)(1)(d)(iv) and (2)(d)(iii), (G), and (H))