

SENATE BILL NO. 98

BY SENATOR MORRELL

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AN ACT

To enact R.S. 15:587(A)(1)(h) and R.S. 47:6007(C)(7), relative to motion picture investor tax credits; to create the Public Registry of Motion Picture Investor Tax Credit Brokers and require certain persons to qualify for and register; to provide for criminal penalties; to require a criminal history background examination; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 15:587(A)(1)(h) is hereby enacted to read as follows:

§587. Duty to provide information; processing fees; Louisiana Bureau of Criminal

Identification and Information

A.(1) * * *

(h) The Department of Revenue shall be entitled to the criminal history record and identification files of the bureau of any person who is required to qualify and register for the Public Registry of Motion Picture Investor Tax Credit Brokers pursuant to R.S. 47:6007(C)(7). Fingerprints and other identifying information of the applicant shall be submitted to the bureau for qualification and registry and the bureau shall, upon request of the Department of Revenue and after receipt of such fingerprint card and other identifying information from the applicant, make available to the Department of Revenue all arrest and conviction information contained in the bureau's criminal history record and identification files which pertain to the applicant for qualification and registry. In addition, the fingerprints shall be forwarded by the bureau to the Federal Bureau of Investigation for a national criminal history record check.

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Section 2. R.S. 47:6007(C)(7) is hereby enacted to read as follows:

1 §6007. Motion picture investor tax credit

2 * * *

3 C. Investor tax credit; specific productions and projects.

4 * * *

5 **(7)(a)(i) Any person selling or brokering tax credits issued pursuant to**
6 **this Section on behalf of an investor shall meet the following qualifications:**

7 **(aa) The person has no prior conviction for any matter related to taxes,**
8 **tax credits, or fraud.**

9 **(bb) No member of the person's immediate family or spouse's immediate**
10 **family, as defined in R.S. 42:1102(13), is employed by the Department of**
11 **Revenue or the Department of Economic Development.**

12 **(cc) The person has not been employed by the office of entertainment**
13 **industry development in the last two years.**

14 **(ii) The Department of Revenue may promulgate rules as provided for**
15 **in the Administrative Procedure Act to ensure that an applicant for the registry**
16 **is qualified pursuant to Item (i) of this Subparagraph. The rules shall**
17 **specifically require that any applicant for registration shall undergo a criminal**
18 **history background examination by the Louisiana Bureau of Criminal**
19 **Identification and Information as provided for in R.S. 15:587(A)(1)(h) at the**
20 **expense of the applicant.**

21 **(iii) If qualified, the person shall be included in a Public Registry of**
22 **Motion Picture Investor Tax Credit Brokers to be created and maintained by**
23 **the Department of Revenue.**

24 **(iv) The Department of Revenue shall provide that an updated list of**
25 **those eligible to sell or broker tax credits is available to the public and is**
26 **maintained on its website.**

27 **(b) No person shall sell or broker tax credits pursuant to this Section**
28 **without first being qualified by and registering with the Department of**
29 **Revenue. Failure to qualify and register with the Department of Revenue prior**
30 **to selling or brokering tax credits issued pursuant to this Section shall be**

1 punishable by a fine of not more than ten thousand dollars or imprisonment at
 2 hard labor for not more than five years, or both. In addition to the foregoing
 3 penalties, a person convicted under the provisions of this Subparagraph shall
 4 be ordered to make full restitution to any person who has suffered a financial
 5 loss as a result of this offense. If a person ordered to make restitution is found
 6 to be indigent and therefore unable to make restitution in full at the time of
 7 conviction, the court shall order a periodic payment plan consistent with the
 8 person's ability to pay.

* * *

10 Section 3. The provisions of this Section shall apply to transfers occurring on and
 11 after regulations of the Department of Revenue providing for the qualifications of persons
 12 to be included in the Public Registry of Motion Picture Investor Tax Credit Brokers provided
 13 for in this Act are finalized and become effective. Such office shall provide written notice
 14 to the Louisiana State Law Institute of the date upon which such regulations become
 15 effective.

16 Section 4. This Act shall become effective on January 1, 2016.

PRESIDENT OF THE SENATE

SPEAKER OF THE HOUSE OF REPRESENTATIVES

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____