2015 Regular Session

HOUSE BILL NO. 773

BY REPRESENTATIVE LEGER

AN ACT
To amend and reenact R.S. 36:104(B)(7), R.S. 47:6007(D)(2)(b) and (4),
6015(B)(3)(introductory paragraph), 6034(E)(2)(a)(i)(aa) and (iii)(aa), and R.S.
51:2317, to enact R.S. 36:104(C) and (D), and to repeal R.S. 51:936.2, relative to
fees assessed by the secretary of the Department of Economic Development; to
provide a uniform authorized fee schedule for economic development incentive and
financial assistance programs; to provide for the recovery of costs associated with
certain administrative functions; to provide for establishment and collection of
authorized fees and costs; to authorize the promulgation of rules and regulations; to
provide for certain limitations; to provide for disposition of fees; to provide for an
effective date; and to provide for related matters.
Be it enacted by the Legislature of Louisiana:
Section 1. R.S. 36:104(B)(7) is hereby amended and reenacted and R.S. 36:104(C)
and (D) are hereby enacted to read as follows:
§104. Powers and duties of the secretary of economic development
* * *
B. The secretary shall have the authority to:
* * *
(7) Establish and collect fees <u>and recover costs</u> from any person applying for
financial incentives or assistance granted by the department, not exceeding the
amounts provided for in Subsection C of this Section. The amount of the fees shall
be established in rules promulgated in accordance with the Administrative Procedure
Act. The rules may also include provisions for the reduction or waiver of fees and

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1	advance deposit for costs. All fees shall be nonrefundable unless otherwise provided
2	for by rules. The fees shall be established and collected as provided in R.S. 51:936.2
3	and in accordance with procedures adopted in accordance with the provisions of the
4	Administrative Procedure Act.
5	* * *
6	C. The amount of fees and costs shall not exceed the following:
7	(1) The fee for an advance notification shall not exceed two hundred fifty
8	dollars.
9	(2) The fee for filing an application shall be equal to one-half of one percent
10	of the amount of the incentives or exempted taxes. However, the minimum amount
11	shall be five hundred dollars and the maximum amount of the fee shall be fifteen
12	thousand dollars.
13	(3) The fee for a loan guaranty shall not exceed four percent of the
14	guaranteed loan amount.
15	(4) The fee for an affidavit of final cost or project completion report,
16	regardless of whether it is the original report or an amended report, shall not exceed
17	two hundred fifty dollars.
18	(5) The fee for an annual certification report, including but not limited to
19	compliance reports, employee reports, and payroll reports shall not exceed two
20	hundred fifty dollars.
21	(6) The fee for a contract amendment, including but not limited to a transfer
22	or name change shall not exceed two hundred fifty dollars.
23	(7) The fee for a contract renewal shall not exceed two hundred fifty dollars.
24	(8) The fee for a statutorily required verification report, including but not
25	limited to an expenditure verification by a certified public accountant or tax attorney,
26	audits, attestations, tax opinions, or other reports under agreed-upon procedures shall
27	not exceed the actual cost to the department based on hours expended at a rate not
28	to exceed two hundred fifty dollars an hour for department-contracted services or
29	salary and benefits for department employee services.

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1	D. Fees collected pursuant to Subsection C of the Section shall be used
2	solely for costs associated with the administration of department programs.
3	Section 2. R.S. 47:6007(D)(2)(b) and (4), 6015(B)(3)(introductory paragraph), and
4	6034(E)(2)(a)(i)(aa) and (iii)(aa) are hereby amended and reenacted to read as follows:
5	§6007. Motion picture investor tax credit
6	* * *
7	D. Certification and administration.
8	* * *
9	(2)
10	* * *
11	(b) If the application is incomplete, additional information may be requested
12	prior to further action by the office or the secretary of the Department of Economic
13	Development. An application fee shall be submitted with the application based on
14	the following:
15	(i) Two-tenths of one percent times the estimated total incentive tax credits.
16	(ii) The minimum application fee is two hundred dollars, and the maximum
17	application fee is five thousand dollars. in accordance with R.S. 36:104.
18	* * *
19	(4)(i) Any taxpayer applying for the credit shall be required to reimburse the
20	office for any audits required in relation to granting the credit.
21	(ii)(aa) The production application fee provided for in Subparagraph (2)(b)
22	of this Subsection received by the office shall be deposited upon receipt in the state
23	treasury. After compliance with the requirements of Article VII, Section 9(B) of the
24	Constitution of Louisiana relative to the Bond Security and Redemption Fund and
25	prior to any money being placed into the general fund or any other fund, an amount
26	equal to that deposited as required by this Item shall be credited by the treasurer to
27	a special fund hereby created in the state treasury to be known as the Entertainment
28	Promotion and Marketing Fund. The money in the fund shall be appropriated by the
29	legislature to be used solely for promotion and marketing of Louisiana's
30	entertainment industry.

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1	(bb) The money in the fund shall be invested by the treasurer in the same
2	manner as money in the state general fund and interest earned on the investment of
3	the money shall be credited to the fund after compliance with the requirements of
4	Article VII, Section 9(B) of the Constitution of Louisiana relative to the Bond
5	Security and Redemption Fund. All unexpended and unencumbered money in the
6	fund at the end of the year shall remain in the fund.
7	* * *
8	§6015. Research and development tax credit
9	* * *
10	В.
11	* * *
12	(3) Each taxpayer seeking the credits authorized in this Section shall apply
13	to the Department of Economic Development for the credits. The taxpayer shall
14	remit an application fee of two hundred fifty dollars with the application in
15	accordance with R.S. 36:104. The application shall include all of the following:
16	* * *
17	§6034. Musical and theatrical production income tax credit
18	* * *
19	E. Certification and administration:
20	* * *
21	(2)(a) Application. An applicant for the tax credit shall submit an
22	application for initial certification to the Department of Economic Development that
23	includes the following information:
24	(i) The application for state-certified productions shall include:
25	(aa) An application fee received by the Department of Economic
26	Development based on the following: in an amount set in accordance with R.S.
27	<u>36:104.</u>
28	(I) Two-tenths of one percent times the estimated total incentive tax credits.
29	(II) The minimum application fee shall not be less than two hundred dollars,
30	and the maximum application fee shall not be more than five thousand dollars.

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1	(III) The application fee shall be deposited upon receipt in the state treasury.
2	After compliance with the requirements of Article VII, Section 9(B) of the
3	Constitution of Louisiana relative to the Bond Security and Redemption Fund and
4	prior to any money being placed into the general fund or any other fund, an amount
5	equal to that deposited as required by this Item shall be credited by the treasurer to
6	a special fund which is hereby created in the state treasury to be known as the
7	Entertainment Promotion and Marketing Fund.
8	(IV) The money in the fund shall be appropriated by the legislature to be
9	used solely for promotion and marketing of Louisiana's entertainment industry. The
10	money in the fund shall be invested by the treasurer in the same manner as money
11	in the state general fund and interest earned on the investment of the money shall be
12	credited to the fund after compliance with the requirements of Article VII, Section
13	9(B) of the Constitution of Louisiana relative to the Bond Security and Redemption
14	Fund. All unexpended and unencumbered money in the fund at the end of the year
15	shall remain in the fund.
16	* * *
17	(iii) The application for state-certified musical or theatrical facility
18	infrastructure projects shall include:
19	(aa) An application fee received by the Department of Economic
20	Development based on the following: in an amount set in accordance with R.S.
21	<u>36:104.</u>
22	(I) Two-tenths of one percent times the estimated total incentive tax credits.
23	(II) The minimum application fee shall not be less than two hundred dollars,
24	and the maximum application fee shall not be more than five thousand dollars.
25	(III) The application fee shall be deposited upon receipt in the state treasury.
26	After compliance with the requirements of Article VII, Section 9(B) of the
27	Constitution of Louisiana relative to the Bond Security and Redemption Fund and
28	prior to any money being placed into the general fund or any other fund, an amount
29	equal to that deposited as required by this Item shall be credited by the treasurer to
30	a special fund known as the Entertainment Promotion and Marketing Fund.

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money in the fund shall be invested	eting of Louisiana's entertainment industry. The I by the treasurer in the same manner as money t earned on the investment of the money shall be	
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9(B) of the Constitution of Louisian	of the Constitution of Louisiana relative to the Bond Security and Redemption	
Fund. All unexpended and unencur	. All unexpended and unencumbered money in the fund at the end of the year	
shall remain in the fund.	all remain in the fund.	
*	* *	
Section 3. R.S. 51:2317 is hereby	amended and reenacted to read as follows:	
§2317. Application fees and origin	2317. Application fees and origination fees	
A. The corporation, throug	h the secretary, may charge application fees and	
other fees as necessary to cover cos	ts associated with administering its programs in	
a manner consistent with the fina	manner consistent with the financial and economic benefits and risks of the	
programs to the state. Adoption of	rograms to the state. Adoption of such charges shall be published in the Louisiana	
Register in conformance with the p	gister in conformance with the provisions of the Administrative Procedure Act.	
B. The fees authorized b	B. The fees authorized by this Section shall not exceed the following	
amounts for the programs listed be	amounts for the programs listed below:	
(1) Small business loan pro	(1) Small business loan program:	
(a) Application fee	\$100.00	
(b) Guaranty fee	4 percent of the guaranty amount	
(2) Micro loan program:		
(a) Application fee	\$100.00	
(b) Guaranty fee	4 percent of the guaranty amount	
(3) Contract loan program:		
(a) Application fee	\$ 100.00	
(b) Guaranty fee	4 percent of the guaranty amount	
(4) Small business bonding	assistance program:	
(a) Application fee	\$ 100.00	
(b) Guaranty fee	2 percent of the guaranty amount	
	credited to the fund after compliant 9(B) of the Constitution of Louisian Fund. All unexpended and unencur shall remain in the fund. * Section 3. R.S. 51:2317 is hereby a §2317. Application fees and origin A: The corporation, throug other fees as necessary to cover cos a manner consistent with the fina programs to the state. Adoption of Register in conformance with the p B. The fees authorized by amounts for the programs listed be: (1) Small business loan pro (a) Application fee (b) Guaranty fee (c) Micro loan program: (a) Application fee (b) Guaranty fee (c) G	

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- 1 Section 4. R.S. 51:936.2 is hereby repealed in its entirety.
- 2 Section 5. This Act shall become effective on July 1, 2015.

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____

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