

CONFERENCE COMMITTEE REPORT

SB 103

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. 103 by Senator Morrell, recommend the following concerning the Engrossed bill:

1. That House Committee Amendments, proposed by the House Committee on Ways and Means and adopted by the House of Representatives on May 28, 2015, be adopted.
2. That House Legislative Bureau Amendments, proposed by the Legislative Bureau and adopted by the House of Representatives on May 28, 2015, be adopted.
3. That House Floor Amendments, proposed by Representative Abramson and adopted by the House of Representatives on June 4, 2015, be adopted.
4. That House Floor Amendments, proposed by Representative Barrow and adopted by the House of Representatives on June 4, 2015, be adopted.
5. That the following amendments to the Engrossed bill be adopted:

AMENDMENT NO. 1

On page 2, line 9, after "**for**" insert "**(i)**", after "**fees,**" insert "**(ii)**", after "**premiums,**" insert "**(iii)**" and after "**fees,**" insert "**(iv)**"

AMENDMENT NO. 2

On page 2, line 10, after "**or**" insert "**(v)**" and after "**nature**" insert a comma "`,`"

AMENDMENT NO. 3

On page 2, delete line 20, and insert the following:

"Section 3. This Act shall become effective on January 1, 2016, 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:

Senator Jean-Paul J. Morrell

Senator Jack Donahue

Senator Robert Adley

Representatives:

Representative Joel C. Robideaux

Representative Walt Leger III

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

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

TAX/TAXATION. Excludes certain expenditures as eligible for motion picture investor tax credits. (1/1/16)

Report adopts House amendments to:

1. Adds a Louisiana licensed insurance producer with its principal place of business in the state to the exception from the prohibition on certain expenditures.
2. Specifies that expenditures excluded from production expenditures may be allocated only on a pro rata basis and allocation of fees as a relative percentage.

Report amends the bill to:

1. Make technical changes.
2. Make the proposed law effective on January 1, 2016, 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.

Digest of the bill as proposed by the Conference Committee

Present law grants a motion picture investor tax credit as a percentage of the "base investment" made and used for "production expenditures" in the state for a "state-certified production". The term "production expenditures" is defined in present law.

Present law provides that the term "expenditure" does not include expenditures for marketing and distribution, non-production related overhead, amounts reimbursed by the state or other governmental entity, costs related to the transfer of tax credits, amounts paid as a result of participation in profits from the exploration of the production, the application fee, or state or local taxes.

Proposed law applies to productions with applications received by the office of entertainment industrial development on and after January 1, 2016.

Proposed law also provides that the term "expenditures" does not include expenditures for airfare or expenditures for bond fees, insurance premiums, finance fees, loan interest fees, or payments of a similar nature, paid to investors in the production unless made to certain insurance producers, financial institutions, or a business and industrial development company regulated by the office of financial institutions.

Proposed law provides for allocation of expenditures on a pro rata basis and allocation of fees as a percentage of production activity in and out of state.

Proposed law provides that proposed law shall become effective on January 1, 2016, 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.

(Amends R.S. 47:6007(B)(10))