

New law establishes a central tax credit registry (registry) within the Dept. of Revenue (DOR) for the registration and recordation of tax credits authorized and issued by the state, including subsequent transfers of tax credits.

New law defines "tax credit certificate" (certificate) as any document granting a tax credit which is issued by a state agency administering a tax credit program, including tax credit certification letters which shall include the name of the individual or entity issued the tax credit, the amount of the tax credit, and any other identifying information regarding the tax credit.

New law requires that, beginning Jan. 1, 2014, when a state agency grants, issues, or authorizes a new tax credit, the agency shall promptly send a copy of the tax credit certificate to DOR. DOR shall record each certificate in the registry, assigning each an identifying number.

New law requires that, by Jan. 1, 2014, any state agency that issues or authorizes tax credits to transmit to DOR an electronic report listing all certificates issued by that agency prior to Jan. 1, 2014. Further, DOR shall endeavor to record in the registry all tax credit transfers which occurred prior to Jan. 1, 2014.

New law, with respect to the transfer of a tax credit, requires that both the transferor and the transferee submit notice thereof to DOR. The notice shall include any information deemed necessary by the secretary of DOR. Upon receipt of the notice, DOR shall record the transfer of the tax credit in the registry.

New law provides that no issuance or transfer of a tax credit after Jan. 1, 2014 shall be effective as to third parties nor recognized by DOR until it has been recorded in the registry.

New law provides for the conditions, requirements, and policies related to the disallowance or recapture of tax credits, as well as disputed titles to tax credits.

New law requires that DOR warrant the validity of the information recorded in the registry for tax credits issued after Jan. 1, 2014. Further, if a transferor of a tax credit did not have the right to claim or use the tax credit at the time of the transfer, the transferee's recourse shall be against the transferor, as provided by agreement of the parties.

New law provides that information in the registry regarding the ownership, amount, and transfer of a tax credit shall be deemed privileged and confidential and shall not be available to the public. However, for purposes of a public record request, the provisions of new law shall not be construed to prevent an agency which granted a tax credit from releasing information relative to the entity or individual initially issued a tax credit, the initial amount of a tax credit, or any transfer of a tax credit.

New law authorizes the use of data in the registry for cross-referencing by state agencies; however, state agencies are required to apply to DOR for access to the registry and access thereto shall be subject to any restrictions and conditions as may be determined by DOR.

New law authorizes DOR to promulgate rules and regulations in accordance with the Administrative Procedure Act as may be necessary to implement the provisions of new law.

Existing law provides for various tax credit programs, including but not limited to the motion picture investor, new markets, rehabilitation of historic structures, Angel Investor, Brownfields Investor, digital interactive media and software, and musical and theatrical production tax credits.

Prior law required that upon the transfer of a tax credit both the transferor and transferee would submit to DOR written notification of the transfer within 30 days of the transaction. New law changes the time period for submitting notification from within 30 days of the transaction to within 10 business days of the transaction.

Effective June 21, 2013.

(Amends R.S. 44:4.1(B)(32) and R.S. 47:6007(C)(4)(b), 6016(F)(1)(b), 6019(A)(3)(b)(i)(cc), 6020(F)(2), 6021(I)(2), 6022(E)(1)(e)(ii), and 6034(D)(1); Adds R.S. 47:1508(B)(33) and 1524)