

HOUSE SUMMARY OF SENATE AMENDMENTS

House Bill No. 824 by Representative Leger

TAX CREDITS: Provides relative to the application fee for projects applying for the rehabilitation of historic structures tax credit applicable to nonresidential property

Synopsis of Senate Amendments

1. Requires the House Ways and Means and Senate Revenue and Fiscal Affairs Committees to "approve" the amount of the fee set forth in rules promulgated by the Dept. of Culture, Recreation, and Tourism rather than "oversight" of the rules.
2. Requires the House Ways and Means and Senate Revenue and Fiscal Affairs Committees to approve the amount of the tax credit transfer processing fee set forth in rules promulgated by the Dept. of Revenue.

Digest of Bill as Finally Passed by Senate

Present law authorizes an income tax credit for eligible costs and expenses incurred during the rehabilitation of a historic structure located in a downtown development or a cultural district. The amount of the credit shall not exceed 25% of the eligible costs and expenses of the rehabilitation. In order to qualify for the credit, the historic structure must be located in a downtown development or cultural district listed on the National Register of Historic Places or be certified by the state historic preservation office as contributing to the historical significance of the district. Eligible structures include nonresidential real property or residential rental property.

Present law requires the state historic preservation office to charge a fee of \$250 per application.

Proposed law retains present law but changes the fee amount from \$250 per application to an amount to be determined by rule promulgated by the Dept. of Culture, Recreation, and Tourism in accordance with the Administrative Procedure Act (APA).

Present law grants legislative oversight authority to the House Committee on Municipal, Parochial, and Cultural Affairs and the Senate Committee on Commerce, Consumer Protection, and International Affairs over rules promulgated by the Dept. of Culture Recreation, and Tourism.

Proposed law retains present law but requires "approval" of the rules determining the amount of the fee by the House Ways and Means and the Senate Revenue and Fiscal Affairs Committees.

Present law authorizes the sale and transfer of unused tax credits.

Proposed law retains present law and adds a requirement for the payment of a tax credit transfer processing fee as part of the notification to the Dept. of Revenue relative to the transfer of a tax credit. The Dept. of Revenue is authorized to establish the amount of the fee by rule promulgated in accordance with the APA, subject to approval by the House Ways and Means and the Senate Revenue and Fiscal Affairs Committees.

Effective July 1, 2014.

(Amends R.S. 47:6019(A)(2)(c) and (3)(b)(i)(cc))