

SENATE BILL NO. 102

BY SENATOR MORRELL AND REPRESENTATIVE TALBOT

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AN ACT

To amend and reenact R.S. 47:6007(B)(10) and to enact R.S. 47:6007(B)(17), relative to motion picture investor tax credits; to provide for definitions; to limit certification for credits if certain expenditures exceed a certain percentage of production expenditures; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 47:6007(B)(10) is hereby amended and reenacted and R.S. 47:6007(B)(17) is hereby enacted to read as follows:

§6007. Motion picture investor tax credit

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B. Definitions. For the purposes of this Section:

* * *

(10)(a) "Production expenditures" means reproduction, production, and postproduction expenditures in this state directly relating to a state-certified production, including without limitation the following: set construction and operation; wardrobes, makeup, accessories, and related services; costs associated with photography and sound synchronization, lighting, and related services and materials; editing and related services; rental of facilities and equipment; leasing of vehicles; costs of food and lodging; digital or tape editing, film processing, transfer of film to tape or digital format, sound mixing, special and visual effects; and payroll.

~~This term~~

(b) "Production expenditures" shall not include expenditures for ~~marketing~~ **the following:**

(i) Marketing and distribution, non-production related overhead, amounts reimbursed by the state or any other governmental entity, costs related to the transfer

1 of tax credits, amounts that are paid to persons or entities as a result of their
2 participation in profits from the exploitation of the production, the application fee,
3 or state or local taxes.

4 **(ii) Expenditures for Above the Line (ATL) services for the production**
5 **that exceed forty percent of total production expenditures in the state for the**
6 **production.**

7 * * *

8 **(17) "Above the Line services" or "ATL services" means services such**
9 **as those of a producer, executive producer, line producer, coproducer, assistant**
10 **producer, actor, director, casting director, screenwriter, and other services of**
11 **job positions that are associated with the creative or financial control of a**
12 **production and customarily considered as Above the Line services in the film**
13 **and television industry.**

14 * * *

15 Section 2. The provisions of this Act shall apply to productions with applications
16 received by the office on and after July 1, 2015.

17 Section 3. This Act shall become effective on July 1, 2015, if and when the
18 commissioner of administration and the Legislative Auditor provide written notice to the
19 President of the Senate, the Speaker of the House of Representatives, and the Louisiana State
20 Law Institute that they have determined that an Act or Acts were enacted in the 2015
21 Regular Session of the Legislature sufficient to offset any tax increases provided for in the
22 Acts of such Session over a five year period.

PRESIDENT OF THE SENATE

SPEAKER OF THE HOUSE OF REPRESENTATIVES

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____