

Stricken language would be deleted from and underlined language would be added to the law as it existed prior to this session of the General Assembly.

INTERIM STUDY PROPOSAL 2007-186

State of Arkansas

As Engrossed: H3/26/07

86th General Assembly

A Bill

Regular Session, 2007

HOUSE BILL 2680

By: Representative Saunders

Filed with: Arkansas Legislative Council
pursuant to A.C.A. §10-3-217.

For An Act To Be Entitled

AN ACT TO PROVIDE FINANCIAL INCENTIVES FOR THE PRODUCTION AND POST-PRODUCTION OF FILM AND DIGITAL CONTENT IN THE STATE OF ARKANSAS; TO ESTABLISH AN ARKANSAS FUTURE FILMMAKER'S FUND; TO ESTABLISH A FILM INVESTMENT CREDIT FOR RESIDENTS OF ARKANSAS; TO PROVIDE FOR THE REGISTRATION OF FILM AND DIGITAL CONTENT PRODUCTION COMPANIES DOING BUSINESS IN THE STATE; AND FOR OTHER PURPOSES.

Subtitle

AN ACT TO ESTABLISH FINANCIAL INCENTIVES FOR THE PRODUCTION AND POST-PRODUCTION OF FILM AND DIGITAL-MEDIUM MOTION PICTURES WITHIN THE STATE OF ARKANSAS.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

SECTION 1. Arkansas Code Title 15, Chapter 4 is amended to add an additional subchapter to read as follows:

15-4-3301. Title.

This subchapter shall be known and may be cited as the "Digital Content AND Film Industry Development Act of 2007".



1 15-4-3302. Legislative intent – Findings.

2 (a) It is the intent of the General Assembly to assist in cultivating
3 the film industry by:

4 (1)(A) Declaring that the citizens of Arkansas shall be provided
5 with the education, training, and financial tools to succeed in today's
6 global economy.

7 (B) The economic landscape of the state and nation has
8 moved from a manufacturing-based economy to an economy based on knowledge and
9 technology.

10 (C) To further cultivate the state's knowledge and
11 technology based economy, the film and digital content industry in Arkansas
12 shall be further developed;

13 (2) Providing the financial incentives needed to foster the
14 long-term development of the digital medium and traditional film industry in
15 Arkansas by:

16 (A) Recognizing that similar incentives in surrounding
17 states have been a catalyst for unprecedented economic growth within those
18 states;

19 (B) Recognizing that to create an effective mechanism for
20 the sustained growth of the film industry in Arkansas will require the
21 passage of modern legislation that establishes a film production incentive
22 program that is not only competitive but also uniquely attractive to specific
23 types of projects and production companies;

24 (C) Recognizing a successfully cultivated film industry
25 will create a sector of high technology in Arkansas, a much needed infusion
26 of capital into areas of the state that may be economically depressed, and
27 offer high paying, knowledge-based and skilled labor employment opportunities
28 to Arkansans; and

29 (D) Recognizing that the temporary revenue loss to seed
30 the initial growth will be more than offset by the film and digital content
31 industry's total value added to the Arkansas economy and direct offsets
32 through the state and local taxes collected on economic activity generated by
33 the industry;

34 (3) Allowing Arkansas to once again become competitive with
35 surrounding states that offer financial incentives to the film and digital
36 content production industry;

1 (4) Recognizing that currently there is a significant brain
2 drain out of the state as creative talent native to Arkansas and those
3 educated in our higher education system are forced to leave Arkansas to
4 pursue careers in the film & digital content industry;

5 (5) Creating a vibrant film and digital content industry in
6 Arkansas will be essential in order to retain Arkansas's highly educated and
7 creative individuals who want to pursue a career in this field including
8 without limitation:

9 (A) Individuals educated with a specific focus in the film
10 and media entertainment industry;

11 (B) Graduates of the film school programs at Arkansas
12 State University and the University of Central Arkansas; and

13 (C) Individuals who have been trained to a very high level
14 of proficiency in digital technology, specifically participants of the
15 nationally renowned EAST Initiative and My Community Program; and

16 (6)(A) Targeting film and digital content projects with budgets
17 between seventy-five thousand dollars (\$75,000) and twenty million dollars
18 (\$20,000,000) will allow Arkansas to take advantage of the federal tax
19 incentive offered to American film projects of that size in the American Jobs
20 Creation Act of 2004.

21 (B)(i) Establishing an incentive program that benefits
22 film productions within the range specified in subdivision (a)(6)(A) of this
23 section will allow Arkansas to be attractive to the overwhelming majority of
24 films being produced every year.

25 (ii) The low threshold of seventy-five thousand
26 dollars (\$75,000) for qualification will allow Arkansas to be uniquely
27 attractive to low-budget films like documentaries and other independent
28 projects.

29 (iii) It is important to note that these financial
30 incentives are available to any qualifying projects but the vast majority of
31 projects fall within the target range.

32 (iv) Aiming to develop and attract these size
33 projects will provide Arkansans with a better opportunity to achieve steady
34 employment in the fields of film and digital content production and post-
35 production.

36 (v) It is essential to provide financial incentives

1 for post-production projects, so as to further develop the entire film and
2 digital content industry.

3 (b) The General Assembly finds that:

4 (1)(A) Arkansas's natural beauty and diverse topography provide
5 a variety of excellent settings from which the film and digital content
6 industry might choose locations for production.

7 (B) In addition, the low cost of living, low cost of
8 labor, and easy accessibility make Arkansas a natural choice from a financial
9 standpoint for potential production companies.

10 (C) With the implementation of an effective film incentive
11 program, Arkansas will be a uniquely attractive location for the film and
12 digital content industry.

13 (2)(A) Due to the exceptional qualities of the state in terms of
14 natural settings, availability of labor, materials, climate, and hospitality
15 of its people, several successful motion pictures have been filmed in
16 Arkansas.

17 (B) One (1) of the major reasons these projects were
18 produced in Arkansas was because of the Motion Picture Incentive Act of 1983,
19 § 24-2-201, et seq., that was one (1) of the first incentives offered to the
20 motion picture industry and allowed the state and motion picture industry to
21 develop a strong partnership.

22 (3)(A) The multiplier effect of the infusion of capital
23 resulting from the production of film and digital content serves to stimulate
24 economic activity beyond that immediately apparent during production or post-
25 production.

26 (B) Other economic activities that tend to come along with
27 this industry include tourism, new local residents, new local industries, and
28 marketing and advertising opportunities.

29
30 15-4-3303. Definitions.

31 As used in this subchapter:

32 (1) "Below-the-line employment" means employment in a state-
33 certified production except for screenwriters, producers, directors, and
34 principal actors;

35 (2)(A) "Film and digital content" means video images or other
36 visual media entertainment content.

1 (B) "Film and digital content" includes without
2 limitation:

3 (i) Any format of digital media created primarily
4 for distribution or exhibition to the general public;

5 (ii) Any trailer, pilot, video teaser, or demo
6 created primarily to stimulate the sale, marketing, promotion, or
7 exploitation of future investment in either a product or a qualified
8 production by any means and media in any digital media format, a film, or a
9 videotape, if the program meets all the underlying criteria of a qualified
10 production;

11 (iii) Commercials;

12 (iv) Documentaries;

13 (v) Infomercials;

14 (vi) Interactive games;

15 (vii) Interactive television;

16 (viii) Long-form;

17 (ix) Mini-series;

18 (x) Motion pictures;

19 (xi) Music videos and interstitials television
20 programming;

21 (xii) Series;

22 (xiii) Specials; and

23 (xiv) Video games;

24 (3) "Film Office" means the division of the Arkansas Department
25 of Economic Development charged with the responsibility of promoting and
26 assisting the digital content industry in Arkansas;

27 (4) "Financial institution" means any bank or savings and loan
28 association in the state that is a member of the Federal Deposit Insurance
29 Corporation;

30 (5)(A) "Post-production" means a final stage in the production
31 of digital content occurring after the action has been filmed or videotaped
32 and typically involving editing and the addition of soundtracks.

33 (B) "Post-production" includes without limitation,
34 editing, music, soundtracks, special effects, and credits;

35 (6) "Post-production costs" means all expenditures clearly and
36 demonstrably incurred in the state in the post-production phase of a state-

1 certified production;

2 (7)(A) "Production" means the process of producing any type of
3 entertainment content including without limitation:

4 (i) Any format of digital media created primarily for
5 distribution or exhibition to the general public;

6 (ii) Any trailer, pilot, video teaser, or demo created
7 primarily to stimulate the sale, marketing, promotion, or exploitation of
8 future investment in either a product or a qualified production by any means
9 and media in any digital media format, film, or videotape, if the program
10 meets all the underlying criteria of a qualified production;

11 (iii) Commercials;

12 (iv) Documentaries;

13 (v) Infomercials;

14 (vi) Interactive games;

15 (vii) Interactive television;

16 (viii) Long-form;

17 (ix) Mini-series;

18 (x) Motion pictures;

19 (xi) Music videos and interstitials television
20 programming,

21 (xii) Series;

22 (xiii) Specials; and

23 (xiv) Video games.

24 (B) "Production" does not include:

25 (i) Any ongoing program created primarily as news
26 reports, weather reports, or financial market reports; or

27 (ii) Any production containing any material or
28 performance that is obscene;

29 (8) "Production company" means a corporation, partnership,
30 limited liability company, or other business entity engaged in the business
31 of producing qualified productions on a one-time or ongoing basis and
32 qualified by the Secretary of the State to engage in business in the state;

33 (9)(A) "Qualified production costs" means all expenditures
34 clearly and demonstrably incurred in the state in the development,
35 preproduction, production, or post-production of a qualified production,
36 including the costs of optioning or purchasing intellectual property

1 including without limitation, books, scripts, music, or trademarks relating
2 to the development or purchase of a script, screenplay, or format, if:

3 (i) The intellectual property was produced primarily
4 in the state of Arkansas or the creator of the intellectual property is a
5 resident of Arkansas;

6 (ii) At least seventy-five percent (75%) of the
7 subsequent film or digital content is produced in the state of Arkansas; and

8 (iii) The production expenses or costs for the
9 optioning or purchasing are less than twenty-five per cent (25%)of the
10 production expenses or costs incurred in the state.

11 (B) "Qualified production costs" include all expenditures
12 generally associated with optioning or purchasing intellectual property,
13 including option money, agent fees and attorney fees relating to the
14 transaction, but does not include any deferrals, deferments, royalties,
15 profit participation or recourse or non-recourse loans that the eligible
16 production company may negotiate in order to obtain the rights to the
17 intellectual property.

18 (C) "Qualified production costs" does not include
19 optioning or purchasing any intellectual property that does not expressly
20 adhere to the guidelines established under this subchapter.

21 (D) "Qualified production costs" does not include:

22 (i) Media buys, promotional events or gifts, or
23 public relations associated with the promotion or marketing of any qualified
24 production;

25 (ii) Deferred, leveraged, or profit participation
26 costs relating to any personnel associated with any aspects of the
27 production, including without limitation, producer fees, director fees,
28 talent fees and writer fees;

29 (iii) Costs relating to the transfer of the
30 production tax credits; or

31 (iv) Any amounts paid to persons or businesses as a
32 result of participation of the person or business in profits from the
33 exploitation of the qualified production;

34 (10) "Resident" means a natural person and includes for the
35 purpose of determining eligibility for the tax incentive under this
36 subchapter any person domiciled in the State of Arkansas and any other person

1 who maintains a permanent place of abode within the state and spends in the
2 aggregate at least six (6) months of the taxable year within the state; and

3 (11) "State-certified production" means a qualified production
4 produced by an eligible production company that is:

5 (i) In compliance with rules promulgated under this
6 subchapter;

7 (ii) Authorized by the Department of Economic Development
8 to conduct business in this state, and

9 (iii) Has been approved by the department as qualifying
10 for a production tax credit under this subchapter.

11
12
13 15-4-3304. Registration required.

14 (a) A production company that plans to operate within the State of
15 Arkansas shall register with the Film Office before commencing production.

16 (b) Upon registration and signing a financial incentive agreement, the
17 production company shall agree to include Arkansas's name in the production's
18 credits, unless the state prefers not to be acknowledged.

19
20 15-4-3305. The Arkansas 20/20 Film Production Tax Credit.

21 (a) The incentive program under this section requires that a
22 potentially eligible production company submits an application and a project
23 plan to the Film Office before incurring production expenses or costs and
24 before hiring new employees associated with the proposed production.

25 (b)(1) The Arkansas 20/20 Film Production Tax Credit is a strategic
26 incentive to recruit significant film projects to Arkansas and to secure the
27 extraordinary in-state capital investments associated with these projects.

28 (2) The tax credit under this section is created to alleviate
29 certain financial impacts and to encourage a production company to maximize
30 in-state expenditures with specific emphasis on the employment of Arkansas
31 residents.

32 (c)(1) Upon approval of an application by the Department of Economic
33 Development, a qualifying production company shall be eligible for an
34 Arkansas income tax credit of twenty percent (20%) with no cap per production
35 on all qualified production costs in connection with the production of the
36 state-certified production.

1 (2) An additional credit of fifteen percent (15%) will be
2 granted for payroll of below-the-line employees who are full time residents
3 of Arkansas.

4 (d) To qualify for this credit, a production company shall spend at
5 least seventy-five thousand dollars (\$75,000) within a six (6) month period
6 in connection with the production of one (1) state-certified production as
7 set forth in § 15-4-3303.

8 (e)(1)(A) This section does not create a per production limit on the
9 amount of tax incentive credit.

10 (B) However, there is established an annual cap of ten million
11 dollars (\$10,000,000) for all incentives under this subchapter.

12 (2) The incentives will be issued on a first-come first-serve
13 basis.

14 (f)(1) A tax credit allowed under this section may be sold, assigned,
15 or otherwise transferred, in whole or in part, to one (1) or more taxpayers,
16 and the taxpayers may claim the credit only for an income year in which the
17 production company would have been eligible to claim the tax credit.

18 (2)(A) The tax credit shall not offset more than fifty percent
19 (50%) of an taxpayer's state tax liability.

20 (B) However, any unused tax credits may be carried forward
21 for three (3) years beyond the year in which the tax credits were earned or
22 until exhausted, whichever occurs first.

23 (3)(A) The production company shall make application to the
24 department for the sale of credits.

25 (B) Upon approval by the Department of Economic
26 Development, any sale of tax credits through this incentive shall be fully
27 documented by the Department of Economic Development and the documentation
28 shall be transmitted to the Revenue Division of the Department of Finance and
29 Administration.

30 (C) The buyer of the tax credit shall be subject to the
31 same provisions for carry forward of the tax credits as the production
32 company that originally earned the credits.

33
34 15-4-3306. The Arkansas 20/20 Post-Production Tax Credit.

35 (a) The Arkansas 20/20 Post-Production Tax Credit is offered to assist
36 production companies with qualified post-production expenses or other costs

1 incurred exclusively during post-production.

2 (b) The tax credit is created to alleviate certain financial impacts
3 and to encourage the production company to maximize in-state expenditures
4 with specific emphasis on the employment of Arkansas residents in the post-
5 production phase.

6 (c)(1) Upon approval of the application by the Arkansas Department of
7 Economic Development, a qualifying production company shall be eligible for
8 an Arkansas income tax credit of twenty percent (20%) with no cap per
9 production on all qualified production costs in connection with the post-
10 production of a state-certified production.

11 (2) An additional credit of fifteen percent (15%) shall be
12 granted for payroll of below-the-line employees who are full-time residents
13 of Arkansas.

14 (d) To qualify for the tax credit under this section, a production
15 company shall spend at least seventy-five thousand dollars (\$75,000) within a
16 six-month period in connection with the production of one (1) state-certified
17 production as set forth in § 15-4-3303.

18 (e)(1)(A) This section does not create a per production limit on the
19 amount of tax incentive credit.

20 (B) However, there is established an annual cap of ten
21 million dollars (\$10,000,000) for all incentives under this subchapter.

22 (2) The incentives will be issued on a first-come first-serve
23 basis.

24 (f)(1) A tax credit allowed under this subsection may be sold,
25 assigned, or otherwise transferred, in whole or in part, to one (1) or more
26 tax payers, if the taxpayers may claim the credit only for an income year in
27 which the production company would have been eligible to claim the tax
28 credit.

29 (2)(A) The tax credit shall not offset more than fifty percent
30 (50%) of an taxpayer's state tax liability.

31 (B) However, any unused tax credits may be carried forward
32 for three (3) years beyond the year in which the tax credits were earned or
33 until exhausted, whichever occurs first.

34 (3)(A) The production company shall make application to the
35 Department of Economic Development for the sale of credits.

36 (B) Upon approval by the Department of Economic

1 Development, any sale of tax credits through this incentive shall be fully
2 documented by the Department of Economic Development and the documentation
3 shall be transmitted to the Revenue Division of the Department of Finance and
4 Administration.

5 (C) The buyer of the tax credit shall be subject to the
6 same provisions for carry forward of the tax credits as the production
7 company that originally earned the credits.

8
9 15-4-3307. Resident film investment incentive.

10 (a) A resident of the State of Arkansas who makes an investment in a
11 state-certified production shall be eligible for a personal state income tax
12 credit.

13 (b)(1) The tax credit created in subsection (a) of this section may
14 only be used for individual state income tax relief and only for an Arkansas
15 taxpayer who has been a full-time resident of the State of Arkansas for two
16 (2) or more years before the commencement of the state-certified production.

17 (2) An Arkansas resident who invests in a state certified
18 production shall earn the tax credit at the time of the investment in the
19 state-certified production.

20 (c) For a state-certified production approved by the Arkansas
21 Department of Economic Development, if the total base investment is greater
22 than one hundred thousand dollars (\$100,000), each taxpayer shall be allowed
23 a tax credit of twenty percent (20%) of the investment made by the taxpayer.

24 (d) The tax credit created under subsection (a) of this section:

25 (1) Is not transferable; and

26 (2) Shall be:

27 (A) Allowed against the income tax for the taxable period
28 in which the credit is earned; or

29 (B) Carried forward for not more than three (3) succeeding
30 tax years.

31 (e) All tax credits earned under this section shall be subject to and
32 reckoned against the annual cap for all incentives established in §§ 15-4-
33 3305 and 15-4-3306.

34
35 15-4-3308. Arkansas Future Filmmaker's Fund.

36 (a)(1) There is established the "Arkansas Future Filmmaker's Fund".

1 (2) The Arkansas Future Filmmaker's Fund is an unincorporated
2 association with the sole purpose of providing additional resources to the
3 Film Office for education, training, marketing, and promotion associated with
4 film and digital content production or post-production, or both that is
5 performed in Arkansas.

6 (b)(1) The fund shall:

7 (A) File articles of organization with the office of the
8 Secretary of State; and

9 (B) Provide all requisite information to qualify under the
10 Internal Revenue Code as a 501(c)(3) corporation.

11 (2) The fund shall be created and perpetuated exclusively by
12 funds from the private sector in Arkansas.

13 (3) Contributions to the fund shall qualify as charitable
14 contributions under § 26-51-419 as a deduction from an individual's adjusted
15 gross income, including Arkansas income tax under § 26-51-403(b).

16
17 15-4-3309. Application for tax incentive.

18 (a)(1) A production company that desires to take advantage of the tax
19 incentives under this subchapter shall submit to the Department of Economic
20 Development an application and provide an estimate of total expenditures to
21 be made in Arkansas in connection with the production.

22 (2) The application and estimate of expenditures shall be filed
23 with the Film Office and approved as eligible for the tax incentive under
24 this subchapter before the commencement of production in Arkansas.

25 (b)(1) After each production company submits an application, the
26 Department of Economic Development shall sign a financial incentive agreement
27 with each eligible production company that qualifies under this subchapter
28 and is approved by the Department of Economic Development.

29 (2) The financial incentive agreement shall:

30 (A) Be the primary document setting forth:

31 (i) The benefits to be received; and

32 (ii) The start and end dates of the project; and

33 (B) Serve as the primary source document when the
34 Department of Finance and Administration audits the production company to
35 verify compliance with this subchapter.

36 (3) The financial incentive agreement shall specify the:

1 (A) Effective date of the agreement;

2 (B) Terms of the agreement that shall be calculated from
3 the date the agreement is signed by the production company and the Arkansas
4 Department of Economic Development;

5 (C) Incentive the production company may qualify for;

6 (D) Investment threshold requirements necessary to qualify
7 for eligibility;

8 (E) Eligible production company's responsibilities for
9 certifying eligibility requirements; and

10 (F) Approved production company's responsibilities for
11 failure to meet or maintain eligibility requirements.

12 (c) At the time the production company registers and provides the
13 estimate of expenditures to the Film Office, the production company shall
14 also designate a member or representative to work with the Film Office and
15 the Revenue Division of the Department of Finance and Administration on the
16 reporting of expenditures and on other information necessary to receive a tax
17 incentive credit under this subchapter.

18 (d)(1) No later than ninety (90) days after the last production
19 expenses or costs are incurred in the production of a qualified production,
20 an eligible production company shall:

21 (A) Apply to the Department of Economic Development for a
22 production tax credit certificate; and

23 (B) Provide with the application a final expenditure
24 report providing the information as the Department of Economic Development
25 may require concerning the amount of the company's production expenses or
26 costs.

27 (2)(A) The final expenditure report shall include without
28 limitation:

29 (i) To be eligible for the tax incentive under this
30 subchapter, documentation that all payments including all payroll payments
31 have been made from a checking account from any Arkansas financial
32 institution;

33 (ii) Receipts showing direct cash payments by the
34 production company to Arkansas vendors, businesses, or citizens hired as cast
35 or crew, if the sum of the cash payments does not exceed forty percent (40%)
36 of the total verifiable expenditures;

1 (iii) Receipts showing per diem expenditures by the
2 cast or crew, or both for lodging; and

3 (iv) Other expenditure reports deemed necessary by
4 the Revenue Division to ensure compliance with this subchapter.

5 (E) Payments for penalties or fines, payments to non-
6 profit organizations, and payments to federal and state entities that do not
7 pay State taxes are to be excluded from the final expenditure report.

8 (e)(1)(A) All qualifying payments for salaries or wages shall be
9 eligible for the tax credits under this subchapter.

10 (B) However, all wage and salary payments shall be:

11 (i) Reported to the Revenue Division; and

12 (ii) Subject to state and local income taxes of the
13 state of Arkansas.

14 (2)(A) The Arkansas employment credit entitles a state-certified
15 production to an additional tax credit for employing full-time residents of
16 Arkansas.

17 (B) The Arkansas employment credit grants an additional
18 credit of fifteen percent (15%) for the aggregate payroll of salaries and
19 wages to Arkansas residents who are employed in below-the-line employment
20 positions of the state-certified production.

21 (C) The Arkansas employment tax credit shall only extend
22 to below-the-line employment positions as defined in § 15-4-3303.

23 (D) Any salary for an employee whose salary is equal to or
24 greater than one hundred fifty thousand dollars (\$150,000) shall be excluded
25 from eligibility for either tax credit.

26 (f)(1) If a production company hires a payroll service company to
27 handle the payroll of a production, the payroll payments otherwise allowable
28 shall be allowed as eligible expenditures if:

29 (A) Payments made by the production company to the payroll
30 service company are paid through an Arkansas financial institution account;
31 and

32 (B) All eligible income payments to employees and
33 independent contractors done through the payroll service company are subject
34 to Arkansas state and local income taxes.

35 (2) Failure to file the expenditure report within ninety (90)
36 days after the last production expenses or costs are incurred may result in a

1 delay in the disbursement of the tax incentive benefit under §§ 15-4-3305 and
2 15-4-3306.

3 (g)(1) The final expenditure report and all qualified production costs
4 shall be subject to an audit by an outside certified public accountant
5 licensed in the State of Arkansas.

6 (2) The eligible production company shall be responsible for
7 paying all fees associated with the audit and final certification.

8 (h)(1) If the Department of Economic Development determines that the
9 company is eligible to be issued a production tax credit certificate, the
10 Department of Economic Development shall enter on the certificate the amount
11 of production expenses or costs that has been established to the satisfaction
12 of the Department of Economic Development, and the amount of the company's
13 credit under this subchapter.

14 (2) The Department of Economic Development shall provide a copy
15 of the certificate to the Department of Finance and Administration.

16
17 15-4-3310. Sexually explicit productions.

18 Qualified films do not include sexually explicit productions as defined
19 in 18 U.S.C. § 2257, as it existed on January 1, 2007.

20
21 15-4-3311. Penalties.

22 (a) A production company that intends to apply for the tax incentives
23 under § 15-4-3305 or § 15-4-3306, or both, but fails to comply with § 15-4-
24 3304 may be enjoined from engaging in production activities in the State of
25 Arkansas by any court of competent jurisdiction until the requirements of §
26 15-4-3304 are met.

27 (b) A production company that intends to apply for the tax incentives
28 under § 15-4-3305 or § 15-4-3306, or both, but fails to comply with all
29 provisions of this subchapter may be denied any future application for
30 participation in the incentive program under this subchapter and shall be
31 subject to penalty in accordance with applicable state or federal law or
32 both.

33
34 15-4-3312. Sunset.

35 The opportunity for a tax incentive under § 15-4-3305 and § 15-4-3306
36 expires on June 30, 2017.

