

September 7, 2018

RE: The Veteran Initiative– Summary Report

To Whom It May Concern:

The Department of Economic Development hereby announces its plan to proceed with rule-making by finalizing the Veteran Initiative Rules published as a Notice of Intent in the July 2018 *Louisiana Register* on pages 1309-1310.

A public hearing was held on August 29, 2018. No members of the public attended and no comments were received.

No changes have been made to the proposed rule.

Subject to legislative oversight by either the House or Senate Committees on Commerce, the Department intends to submit for final publication as a Rule in the October 2018 *Louisiana Register*.

As always, we welcome your consideration and I can be reached at ph#342-5406 with any questions.

Sincerely,



Stephanie Le Grange
Staff Attorney

cc: Senate, Committee on Commerce, Consumer Protection, and International Affairs
House of Representatives, Committee on Commerce

Poverty Impact Statement

The proposed Rulemaking may have an impact on poverty as defined by R.S. 49:973 by eliminating child support payments a parent received on the behalf of the child and used to sustain their living situation.

Small Business Analysis

The proposed Rule is not anticipated to have an adverse impact on small businesses as defined in the Regulatory Flexibility Act.

Provider Impact Statement

The proposed Rule is not anticipated to have an impact on providers of services funded by the state as described in HCR 170 of the 2014 Regular Legislative Session.

Public Comments

All interested persons may submit written comments through, August 28, 2018 to Rhenda Hodnett, Assistant Secretary of Child Welfare, Department of Children and Family Services, P.O. Box 3118, Baton Rouge, LA, 70821.

Public Hearing

A public hearing on the proposed Rule will be held on August 28, 2018 at the Department of Children and Family Services, Iberville Building, 627 North Fourth Street, Seminar Room 1-127, Baton Rouge, LA beginning at 9 a.m. All interested persons will be afforded an opportunity to submit data, views, or arguments, orally or in writing, at said hearing. Individuals with disabilities who require special services should contact the DCFS Appeals Unit at least seven working days in advance of the hearing. For assistance, call 225-342-4100 (Voice and TDD).

Marketa Garner Walters
Secretary

**FISCAL AND ECONOMIC IMPACT STATEMENT
FOR ADMINISTRATIVE RULES**

**RULE TITLE: Payments, Reimbursables,
and Expenditures**

**I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO
STATE OR LOCAL GOVERNMENT UNITS (Summary)**

The proposed rule change is anticipated to increase expenditures for the Department of Children and Family Services, (DCFS) by approximately \$1.065 in FY 19 for the publication of the proposed rule. It is not anticipated that any other state or local governmental units will incur costs or savings as a result of this rule change.

The proposed rule amends LAC 67: V. Subpart 5, Foster Care, Chapter 35 Payments, Reimbursables, and Expenditures. This rule change is being proposed to codify procedures for 42 USC 671a17, which provides that the state shall take all steps necessary to secure assignment of child support payments on behalf of children receiving foster care. The procedures established in this rule change align with the procedures that the department follows to secure assignment of FITAP payments on behalf of children receiving foster care (R.S. 46:236.1.5).

**II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE
OR LOCAL GOVERNMENTAL UNITS (Summary)**

Implementation of the proposed rule will have no effect on revenue collections of state or local governmental units. The department already has policies in place to secure assignment of child support payments on behalf of children receiving foster care; however, the procedures on how to secure this assignment is not currently established in rule. This rule serves to codify a procedure.

**III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO
DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL
GROUPS (Summary)**

Implementation of the proposed rule will have no cost or economic benefit to directly affected persons or nongovernmental groups. The department already has policies in place to secure assignment of child support payments on behalf of children receiving foster care; however, the procedures on how to secure this assignment is not currently established in rule. This rule serves to codify a procedure.

**IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT
(Summary)**

The proposed rule has no known effect on competition and employment.

Rhenda Hodnett
Assistant Secretary
1807#026

Evan Brassaux
Staff Director
Legislative Fiscal Office

~~NOTICE OF INTENT~~ **RULE**

**Department of Economic Development
Office of the Secretary**

The Veteran Initiative (LAC 19:IX.301)

In accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., notice is hereby given that the Department of Economic Development ~~proposes to~~ ^{hereby} amend the Certification Rules for the Veteran Initiative, in accordance with the revised requirements of Act 585 of the 2018 Regular Session.

Title 19

CORPORATIONS AND BUSINESS

Part IX. The Veteran Initiative

Subpart 1. Certification Program

Chapter 3. Certification

§301. Eligibility Requirements for Certification

A. Eligibility. An applicant for certification must meet two sets of requirements:

1 - 2.b. ...

c. together with any of its affiliates, has fewer than 50 full-time employees with average annual gross receipts not exceeding \$10,000,000 per year for construction operations and \$6,000,000 per year for non-construction operations, for each of the previous three tax years.

B. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. R.S. 39:2006, R.S. 39:2171 et seq., and R.S. 51:931.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Office of the Secretary, LR 36-472 (March 2010), amended LR 38:2741 (November 2012), LR 44:

Family Impact Statement

The proposed Rule is not anticipated to have an impact on family formation, stability, and autonomy as described in R.S. 49:972.

Poverty Statement

The proposed Rule is not anticipated to have an impact on poverty as described in R.S. 49:973.

Provider Impact Statement

The proposed Rule is not anticipated to have an impact on providers of services as described in HCR 170 of the 2014 Regular Legislative Session.

Small Business Statement

The proposed Rule is anticipated to have a positive impact on small businesses as defined in the Regulatory Flexibility Act, by expanding eligibility for non-construction companies with gross receipts more than five million dollars but less than six million dollars per year.

Public Comments

Interested persons should submit written comments on the proposed Rules to John Mathews through the close of business on Tuesday, August 28, 2018 at 617 North Third Street, 11th Floor, Baton Rouge, LA 70802 or via email to john.mathews@la.gov.

Public Hearing

A meeting for the purpose of receiving the presentation of oral comments will be held at 11 a.m. on Wednesday, August 29, 2018 at the Department of Economic Development, 617 North Third Street, 11th Floor, Baton Rouge, LA 70802.

Mandi D. Mitchell
Assistant Secretary

**FISCAL AND ECONOMIC IMPACT STATEMENT
FOR ADMINISTRATIVE RULES
RULE TITLE: The Veteran Initiative**

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)

The proposed rule change is not anticipated to result in any significant expenditures or savings for state or local governmental units. Any additional administrative expenditures that may be incurred are anticipated to be marginal and will be absorbed within the LA Dept. of Economic Development's (LED) existing budget authority.

The proposed rule change codifies provisions of Act 585 of the 2018 Regular Session, which increases the maximum gross receipts threshold for small businesses applying to the Veterans Initiative program by \$1.0 M, from \$5.0 M to \$6.0 M per year for non-construction operations.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

The proposed rule change will not affect revenue collections for state or local governmental units.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS (Summary)

Veteran-owned businesses may benefit as a result of the increased eligibility threshold. By increasing the eligibility threshold, more companies may be able to participate in the program. However, the increase in activity in the Veterans Initiative will likely be marginal, as the average revenue of all certified veterans companies is \$451,232, with only 1 company having average revenue over \$5.0 M annually.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

Companies receiving benefits under this program will gain competitively over companies that do not receive the program's benefits.

Mandi D. Mitchell
Assistant Secretary
1807#041

Evan J. Brasseaux
Staff Director
Legislative Fiscal Office

NOTICE OF INTENT

Board of Elementary and Secondary Education

Bulletin 118—Statewide Assessment Standards and Practices—Test Security (LAC 28:XI, Chapter 53)

In accordance with R.S. 17:6 and R.S. 49:950, the Administrative Procedure Act, notice is hereby given that the Board of Elementary and Secondary Education (BESE) approved for advertisement revisions to *Bulletin 118—Statewide Assessment Standards and Practices*.

Title 28

EDUCATION

Part XI. Accountability/Testing

Subpart 3. Bulletin 118—Statewide Assessment Standards and Practices

Chapter 53. Test Security

§5305. Test Security Policy

[Formerly LAC 28:CXI.305]

A. - A.9.h. ...

i. School systems wishing to contest any LDE void determinations resulting from LDE data forensic findings or other LDE investigations must submit, from the school system leader, an appeal request in writing and a report resulting from an investigation of the voids in accordance with Paragraph 3 of this Subsection to the LDE within 30 days of void notification.

i. LDE shall provide a list of recommended investigators that may be used by school systems to support this process.

ii. The investigation shall produce verifiable evidence that corroborates, with a high degree of certainty, that a testing irregularity did not occur. Investigations failing to meet this standard shall not be considered before the committee.

iii. LDE shall convene, annually, a test irregularity review committee, on or before August 31, in accordance with R.S. 42:11 et seq. The test irregularity review committee shall conduct a records review of the investigative results from the school system as well as any additional relevant evidence from the LDE.

iv. The test irregularity review committee shall consist of the following members approved by BESE, coterminous with the board members:

(a) the LDE director of assessment or his/her designee;

(b) a degreed, experienced, large-scale assessment psychometrician;

(c) a nationally-recognized large-scale assessment expert;

(d) a nationally-recognized large-scale assessment test security expert; and

(e) a school system assessment and accountability representative.

v. The test irregularity review committee shall make recommendations, as determined by a majority vote of all members of the review committee, regarding any necessary reversals of voids to the state superintendent.