

2. Section 7107.A.6, Section 7111.A.2.c.iii, Section 7111.A.5.c, or Section 7111.B.2.a.x—state central registry disclosure;

3. Section 7111.A.9.a.i.-v, vii, ix, or x—staffing ratios;

4. Section 7117.F.19—motor vehicle checks;

5. Section 7111.D.1.a or b—critical incident reporting; and/or

6. Section 7111.A.9.a.vi, Section 7111.A.9.a.xi, Section 7111.A.9.a.xiii-xv, Section 7111.A.4.c, Section 7123.B.5, or Section 7123.B.6.—supervision.

B. - H.4. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 46:1401 et seq.

HISTORICAL NOTE: Promulgated by the Department of Children and Family Services, Licensing Section, LR 43:258 (February 2017), LR 43:

#### §7111. Provider Requirements

A. - A.5.b. ...

c. Contractors hired to perform work which involves contact with residents or children of residents, shall be required to have documentation of a state central registry disclosure form (SCR 1) as required by R.S. 46:1414.1. This information shall be reported prior to the individual being on the premises of the facility and shall be updated annually, at any time upon the request of DCFS, and within three business days of the individual receiving notice of a justified (valid) determination of child abuse or neglect. All requirements in §7111.B.2.a.x.(a)-(c) shall be followed.

A.6. - A.7.b.xxv. ...

xxv. use of specialized services identified in §7117.D.6.

A.7.c. - A.8.a.xx. ...

xxi. use of specialized services identified in §7117.D.6; and

A.8.a.xxii. - A.8.c. ...

d. All direct care staff shall have documentation of current certification in adult CPR and first aid. Effective August 1, 2016, if residents or children of residents under the age of 10 are accepted into the program, then staff shall also obtain a certificate in infant/child CPR. No staff member shall be left unsupervised with residents or children of residents until he/she has completed all required training. Online only training is not acceptable.

A.8.e. - J.1. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:477 and R.S. 46:1401 et seq.

HISTORICAL NOTE: Promulgated by the Department of Social Services, Office of Community Service, LR 36:811 (April 2010), amended by the Department of Children and Family Services, Division of Programs, Licensing Section, LR 38:979, 984 (April 2012), LR 42:221 (February 2016), amended by the Department of Children and Family Services, Licensing Section, LR 43:261 (February 2017), LR 43:

#### §7117. Provider Services

A. - F.18. ...

19. A visual inspection of the vehicle is required to ensure that no child of a resident is left in the vehicle. A staff person shall physically walk through the vehicle and inspect all seat surfaces, under all seats, and in all enclosed spaces and recesses in the vehicle's interior. For field trips, staff shall inspect the vehicle and conduct a face-to-name count conducted prior to leaving the facility for the destination, when destination is reached, before departing destination for

return to facility, and upon return to facility. For all other transportation, the staff shall inspect the vehicle at the completion of each trip prior to the staff person exiting the vehicle. The staff conducting the visual check when a child of a resident is transported shall document the time of the visual check inspection and sign his or her full name, indicating that no child of a resident was left on the vehicle.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:477 and R.S. 46:1401 et seq.

HISTORICAL NOTE: Promulgated by the Department of Social Services, Office of Community Service, LR 36:823 (April 2010), amended by the Department of Children and Family Services, Division of Programs, Licensing Section, LR 38:985 (April 2012), amended by the Department of Children and Family Services, Licensing Section, LR 43:278 (February 2017), LR 43:

Marketa Garner Walters  
Secretary

1707#042

### DECLARATION OF EMERGENCY

#### Department of Economic Development Office of Entertainment Industry Development

#### Motion Picture Production Tax Credit Program (LAC 61:I.1605 and 1607)

This Emergency Rule is being published pursuant to emergency provisions of the Administrative Procedure Act, R.S. 49:953(B). The Department of Economic Development and the Office of Entertainment Industry Development have an immediate need for rules for the Motion Picture Production Tax Credit Program (R.S. 47:6007 et seq.) to effect a reservation and allocation system under a new tax credit issuance cap provided by SB 254 of the 2017 Regular Session of the Louisiana Legislature. A delay in imposition would hinder effective program administration and delay access to the program by qualified applicants, resulting in an adverse financial impact on the state, the department, Louisiana businesses and taxpayers. This Emergency Rule shall become effective July 1, 2017, and shall remain in effect for the maximum period allowed under the Administrative Procedure Act, or until a final Rule is promulgated in accordance with law, whichever occurs first.

#### Title 61

#### REVENUE AND TAXATION

#### Part I. Taxes Collected and Administered by the Secretary of Revenue

#### Chapter 16. Louisiana Entertainment Industry Tax Credit Programs

#### Subchapter A. Motion Picture Production Tax Credit Program

#### §1605. Definitions

A. - B. ...

\*\*\*

*Program Issuance Cap*—for applications submitted on or after July 1, 2017, the office may issue no more than \$150,000,000 in tax credits ("total cap") in any fiscal year, with \$7,500,000 reserved for qualified entertainment companies ("QEC cap"), \$7,500,000 reserved for Louisiana screenplay productions ("LA screenplay cap"), \$15,000,000 reserved for independent film productions ("independent

film cap”), with the remaining \$120,000,000 available for general allocation to any state certified production (“general cap”).

\* \* \*

**AUTHORITY NOTE:** Promulgated in accordance with R.S. 47:6007.

**HISTORICAL NOTE:** Promulgated by the Department of Economic Development, Office of Business Development, Office of Entertainment Industry Development and the Office of the Governor, Division of Administration, LR 36:53 (January 2010), amended by the Department of Economic Development, Office of Business Development, Office of Entertainment Industry Development, LR 43:300 (February 2017), LR 43:

#### **§1607. Certification Procedures**

A. - A.1.c.v. ...

2. All applicants shall participate in a career based learning and training program approved by the office. To meet this requirement, at the time of application, applicants may choose a method of participation from the list below:

a. provide a minimum of 3 paid internship positions provided to students enrolled in an accredited high school, community college, university or qualified community based program, for a minimum of 75 hours per student and a total of 225 hours; or

b. a minimum of 8 hours of classroom workshop provided to students enrolled in an accredited high school, community college, university or qualified community based program; or

c. a minimum of 8 hours of studio employment and professional skills tour provided to students enrolled in high school, community college, university or qualified community based program; or

d. a minimum of 8 hours of continuing education for educators or faculty to observe the set operations, post production and other specialized departments;

e. financial contribution or donation to a specific local educational agency or higher education institution specializing in arts, media and entertainment career oriented program. Financial contributions calculated at 0.25 percent of the estimated tax credit reservation; or

f. other method of participation approved by the office.

B. - B.3. ...

#### **C. Initial Certification**

1. Application review process, provisional allocation and reservation of tax credits

a. Project based production tax credit -for applications submitted prior to July 1, 2017.

i. After review and upon a determination of qualification, the office and the secretary shall issue an initial certification letter indicating the amount of tax credits certified for the state certified production, or a written denial.

b. Project Based Production Tax Credit—For Applications Submitted on or after July 1, 2017.

i. Beginning July 1, 2017 and thereafter, the office will accept and review applications on a monthly basis. All applications received by the 15th of the month will be treated as received on the last business day of the month (“monthly initial certification pool”) and processed accordingly.

ii. After review and upon determination of qualification, the office and the secretary shall issue an initial certification letter, or a written denial. The initial certification letter will provisionally allocate tax credits based upon expected the cost report submission date and availability of tax credits in any given year.

iii. Tax credits provisionally allocated in the initial certification letter shall be reserved until thirty days following the identified start date of principal photography.

iv. The production company shall provide written evidence that principal photography has begun by the identified date by submitting documents such as call sheets, site visit reports from local film commission staff, or as otherwise approved by the office. Upon receipt, the office will issue an email confirmation, acknowledging the continued tax credit reservation and effectivity of the initial certification letter.

v. If the production company is unable to begin principal photography by the identified date, it shall provide written notice to the office and provide written reasons for the delay and the anticipated new start date of principal photography. The office may, in its sole discretion, grant a one-time extension to such production company. Unless otherwise approved by the secretary for good cause shown, the extension shall not exceed thirty days.

vi. If the production company fails to provide appropriate written evidence that principal photography has begun by identified date or other approved date, the office will send production company a notice of disqualification and;

(a). the amount of credits reserved shall be added back into the available amount for that fiscal year, or rolled forward into the then current year, as applicable;

(b). the initial certification letter issued shall be deemed void, and the applicant shall be disqualified from earning any tax credits on the applicable state certified production;

(c). the applicant shall forfeit all application fees;

(d). any unused CPA advance deposit fees shall be refunded within thirty days;

vii. a production company so disqualified may re-submit a new application for the same project, which will be evaluated by the office as a new state certified production, with a new application date and subject to all applicable fee and filing requirements.

2. ...

3. Cap Management—Phase 1-Initial Certification—Tentative Reservation

a. The reservation of tax credits shall be administered on a first come, first serve basis, until any of the caps have been met; QEC, LA screenplay, independent film, general or total cap.

b. Qualifying LA screenplay or independent film projects shall be allocated credits first from the available LA screenplay or independent film caps. On the day that the LA screenplay or independent film caps are met, credits shall be reserved from any remaining general cap.

c. If the LA screenplay and independent film caps have not been met by April 30 of any year, any residual

amount of unreserved credits may be available for general allocation by the office, in addition to any residual general cap.

d. If the QEC cap is not met in any fiscal year, any residual unreserved credits shall carry forward for use by QEC's in subsequent years.

e. On the day that the total or general cap is reached, the credits remaining for allocation shall be reserved on a prorated basis amongst the monthly initial certification submission pool.

f. If the total amount of credits applied for in any particular year exceeds the total or general cap for that year, the excess shall be treated as having been applied for on the first day of the subsequent year.

4. Duration of Effect—For Applications Submitted Prior to July 1, 2017.

a. - b. ...

5. Duration of Effect—For Applications Submitted on or after July 1, 2017.

a. Once an initial certification letter is issued, the applicant or official representative must countersign and return an original to the office, within 30 business days, acknowledging initial certification status and the reporting requirement for start date of principal photography.

b. The initial certification letter shall be effective for qualifying expenditures made within a period of twelve months prior to the date of application and twenty-four months after the date of initial certification letter, except that:

i. state certified productions for scripted episodic content ("SEC's"), with estimated expenditures of at least ten million dollars in state expenditures per calendar year, shall be issued an initial certification letter effective for qualifying expenditures made until sixty months after the date of initial certification, under terms and conditions approved by the office and the secretary, as set forth in the initial certification letter.

ii. when determining the amount and appropriate allocation and reservation of credits for SEC's, the office shall review all pertinent information, including but not limited to; whether the project is a pilot, TV series from a pilot formerly shot in Louisiana, a recurring TV series or a relocating TV series.

iii. unless otherwise approved by the office and the secretary, SEC tax credits will be allocated from the general cap, and initially reserved for two seasons. SEC applicants shall periodically provide updates to the office, and the initial certification letter may be subsequently revised to allow for additional allocations and reservations of credits for seasons three through five, if applicable.

D. Final Certification; Audit Requirements

1. - 2.b....

3. Final Allocation and Issuance of Tax Credits

a. Project Based Production Credit—For Applications Submitted Prior to July 1, 2017.

i. After review and upon a determination of qualification, the office and the secretary shall issue a final certification letter indicating the amount of tax credits certified for the state certified production, or a written denial.

b. Project based production tax credit – for applications submitted on or after July 1, 2017.

i. Beginning July 1, 2017 and thereafter, the office will accept and review requests for final certification on a monthly basis. Applicants shall have completed all required steps for certification of credits, and requests shall be evidenced by submission of a signed attestation form to the office. All requests received by the 15<sup>th</sup> of the month will be treated as received on the last business day of the month, ("monthly final certification submission pool") and processed accordingly.

ii. After review and determination of qualification, the office and the secretary shall issue a final certification letter, in accordance with the provisional allocations and amounts set forth in the initial certification letter, or a written denial.

iii. In the event that less than the reserved amount of tax credits has been verified, any unused credits will be released and may be available for issuance by the office.

iv. In the event that more than the reserved amount of tax credits has been verified, the office shall preliminarily issue tax credits in an amount not to exceed the total indicated in the initial certification letter, but may at its discretion, subsequently issue a supplemental tax credit for any excess expenditures, subject to availability of credits in any given fiscal year.

4. Cap Management—Phase 2-Final Certification—Tax Credit Issuance

a. The issuance of tax credits shall be administered on a first come, first serve basis, until any of the caps have been met; QEC, LA screenplay, independent film, general or total cap.

b. Qualifying LA screenplay or independent film projects shall be issued credits first from the available LA screenplay or independent film caps. On the day that the LA screenplay or independent film caps are met, credits shall be issued from any remaining general cap.

c. If the LA screenplay and independent film caps have not been met by April 30 of any year, any residual amount of credits may be available for issuance by the office, in addition to any residual general cap.

d. If the total cap has not been met by May 30 of any year, the office shall review any projects with excess expenditures for which credits have neither been certified nor denied, and may issue supplemental tax credits from any remaining general cap. Such projects shall all be treated as received on June 15<sup>th</sup> and processed accordingly.

e. If the QEC cap is not met in any fiscal year, any residual credits shall carry forward for use by QEC's in subsequent years.

f. On the day that the total or general cap is reached, the credits remaining for allocation shall be issued on a prorate basis amongst the monthly final certification submission pool.

g. If the total amount of credits applied for in any particular year exceeds the total or general cap for that year, the excess shall be treated as having been applied for on the first day of the subsequent year.

E. Appeal Process. In the event that an application for initial or final certification is denied:

1. - 2.e. ...

3. initial certification letters that were issued to an applicant, but subsequently deemed void by the office, following a notice of disqualification for failure to begin

principal photography by an agreed upon identified date or other approved date, shall not be subject to appeal.

**AUTHORITY NOTE:** Promulgated in accordance with R.S. 47:6007 and R.S. 36:104.

**HISTORICAL NOTE:** Promulgated by the Department of Economic Development, Office of Business Development, Office of Entertainment Industry Development and the Office of the Governor, Division of Administration, LR 36:55 (January 2010), amended by the Department of Economic Development, Office of the Secretary, Office of Business Development and the Louisiana Economic Development Corporation, LR 37:514 (February 2011), amended by the Department of Economic Development, Office of Business Development, Office of Entertainment Industry Development, LR 42:39 (January 2016), LR 43:

Anne G. Villa  
Undersecretary

1707#019

### **DECLARATION OF EMERGENCY**

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

**Small Business Bonding Program (LAC 19:II.903)**

This Emergency Rule is being published pursuant to emergency provisions of the Administrative Procedure Act, R.S. 49:953(B). The Department of Economic Development and the Office of the Secretary have an immediate need for rules for the Small Business Bonding Program (LA R.S. 51:942) to broaden Direct Bonding Assistance Program eligibility requirements to allow certain applicants up to an additional three years of access to the program. A delay in imposition would delay access to the program by qualified applicants, resulting in an adverse financial impact on the state, the department, Louisiana businesses and taxpayers. This Emergency Rule shall become effective July 1, 2017, and shall remain in effect for the maximum period allowed under the Administrative Procedure Act, or until a final Rule is promulgated in accordance with law, whichever occurs first.

#### **Title 19**

### **CORPORATIONS AND BUSINESS**

#### **Part II. Small and Emerging Business Development Program**

#### **Chapter 19. Small Business Bonding Program**

#### **§903. Direct Bonding Assistance**

##### **A. Direct Bonding Assistance—Eligibility**

1. All certified active small and emerging construction businesses, and all other certified SEBs (non-construction) may be eligible for surety bond guarantee assistance not to exceed the lesser of 25 percent of contract or \$200,000 on any single project.

2. Beginning July 1, 2017, firms with previously approved SEBD certification status expiring after July 1, 2017 but prior to July 1, 2020, may be granted continued eligibility for the Direct Bonding Assistance Program for a period of up to three years, but no later than July 1, 2020.

3. All obligations, whether contractual or financial, will require the approval of the undersecretary.

##### **B. - C.2. ...**

**AUTHORITY NOTE:** Promulgated in accordance with R.S. 51:942.

**HISTORICAL NOTE:** Promulgated by the Department of Economic Development, Office of the Secretary, Division of Economically Disadvantaged Business Development, LR 24:430 (March 1998), amended by the Department of Economic Development, Office of Business Development, LR 29:547 (April 2003), LR 30:758 (April 2004), LR 36:52 (January 2010), LR 43:

Mandi D. Mitchell  
Assistant Secretary

1707#018

### **DECLARATION OF EMERGENCY**

**Office of the Governor  
Division of Administration  
Office of Facility Planning and Control**

**Capital Improvement Projects  
Procedure Manual (LAC 34:III.131)**

In accordance with the emergency provisions of the Administrative Procedure Act, R.S. 49:953(B)(1) et seq., the Division of Administration, Office of Facility Planning and Control declares that an emergency exists and has exercised its emergency authority to amend LAC 34:III.131, Louisiana Building Code for state-owned buildings.

The Executive Order Number 17-14 issued by Governor John Bel Edwards on June 14, 2017 recognizes that thousands of Louisiana citizens and businesses were impacted by the great flood of August 2016. The Executive Order also recognizes that changes to the current building construction codes would hinder or delay effective response and recovery as citizens rebuild and repair their property. This situation creates a non-uniform building standard for renovations and new construction in Louisiana and results in inconsistency in building codes for state agencies, thereby making this Emergency Rule necessary.

This Emergency Rule is effective June 27, 2017, shall be in effect for the maximum period allowed under the Act.

#### **Title 34**

### **GOVERNMENT CONTRACTS, PROCUREMENT AND PROPERTY CONTROL**

#### **Part III. Facility Planning and Control**

#### **Chapter 1. Capital Improvement Projects**

#### **Subchapter A. Procedure Manual**

#### **§131. Louisiana Building Code**

A. R.S. 40:1722 establishes the Louisiana building code and directs that the following codes be established as the standards as minimum standards for this code. These codes shall be established as constituting the code in the editions indicated:

1. ...

2. the *International Plumbing Code*, 2012 edition as published by the International Code Council and amended by R.S. 40:1730.28.1;

3. the *International Building Code*, 2012 edition as published by the International Code Council, not including chapter 1, administration, chapter 11, accessibility, and chapter 27, electrical;

4. the *International Mechanical Code*, 2012 edition as published by the International Code Council;

5. the *National Electric Code* (NFPA no. 70), 2011 edition as published by the National Fire Protection Association.