

November 8, 2023

Re: Angel Investor Tax Credit Program – Summary Report

To Whom It May Concern:

Department of Economic Development hereby announces its plan to proceed with rule-making by finalizing the Angel Investor Tax Credit Program Rules, originally published as a Notice of Intent in the September 20, 2023 *Louisiana Register* on pages 1585 – 1586.

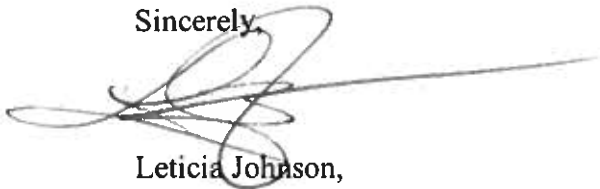
A public hearing was held on October 25, 2023. No members of the public attended and there were no written comments received.

No further changes have been made to the proposed rule.

Subject to the legislative oversight by the House Committee on Commerce and the Senate Committee on Commerce, Consumer Protection, and International Affairs, the Department intends to submit, for final publication, a Rule in the December 20, 2023 *Louisiana Register*.

Should you have any questions or concerns, please contact me at (225) 342-6499.

Sincerely,



Leticia Johnson,
Staff Attorney

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

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.

Public Comments

Interested persons should submit written comments on the proposed Rules to Stephen Hamner through the close of business on October 24, 2023 at 617 North 3rd Street, 11th Floor, Baton Rouge, LA 70802 or via email to stephen.hamner@la.gov.

Public Hearing

A meeting for the purpose of receiving the presentation of oral comments will be held at 2 p.m. on October 25, 2023 at the La Salle Building, La Belle Room, 617 North Third Street, Baton Rouge, LA 70802.

Anne G. Villa
Undersecretary

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES

RULE TITLE: Motion Picture Production Tax Credit Program

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

The proposed rule changes are not anticipated to result in any direct material effect on governmental expenditures or savings for state or local governmental units. The changes better align the rules with current statutory provisions and administrative practices as required by Act 411 of the 2023 Regular Session. Any administrative duties brought about by the proposed rule changes will be carried out utilizing existing staff and resources at the LA Dept. of Economic Development (LED) and the Department of Revenue (LDR).

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

The proposed rule changes update provisions for program applicants on or after July 1, 2023, including the elimination of the division and tentative allocation of tax credits toward specific production types. However, all issuance activity still operates under a cap of \$150 M each fiscal year. Furthermore, film tax credit claims are capped at \$180 M each fiscal year. Because the rule revisions occur under the auspices of these statutory credit issuance and claims caps, aggregate revenue for the state will not be affected beyond the impacts of loosening specific production type eligibility and program extension. Act 411 extends the program application sunset by six years. Therefore, the state general fund beginning in FY 26 is expected to decrease by an unspecified amount as projects become eligible that otherwise would not be.

NOTE: The \$150 M annual cap applies to LED's issuance of credits. The \$180 M annual cap applies to taxpayer claims with LDR. These are statutory, and have no hearing on this rule.

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

Firms who are eligible for film tax credits will realize a reduction in tax liabilities to the extent they qualify for the credit.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

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

Anne G. Villa
Undersecretary
2309#033

Deborah Vivien
Chief Economist
Legislative Fiscal Office

RULE
NOTICE OF INTENT

Department of Economic Development Office of the Secretary

Angel Investor Tax Credit Program (LAC 13:I.3307)

The Department of Economic Development, as authorized by and pursuant to the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., R.S. 47:6020 through 6020.4, and R.S. 36:104, hereby ~~give notice of their intent to adopt~~ *amends* rules for the administration of the Angel Investor Tax Credit Program.

The purpose of this regulation is to implement legislative changes to the Angel Investor Tax Credit program under R. S. 47:6020 as enacted by Act 253 of the 2023 Regular Session of the Louisiana Legislature.

Title 13

ECONOMIC DEVELOPMENT

Part I. Financial Incentive Programs

Chapter 33. Angel Investor Tax Credit

§3307. The Amount, Allocation and Limitations of the Angel Investor Tax Credits

A. - G. ...

1. Applications received on or after July 1, 2020, for qualified investments that meet the requirements of Subsection C of this Section and the requirements of 26 U.S.C. 1400Z-1, shall be entitled to an enhanced credit in accordance with the provisions of this Subsection.

2. - 3. ...

4. Repealed

H. No credits shall be granted or reserved under this program for reservation applications received by the department on or after July 1, 2030.

I. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:6020 and R.S. 36:104.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Office of the Secretary, LR 32:229 (February 2006), amended LR 32:1595 (September 2006), amended by Department of Economic Development, Office of the Secretary, LR 37:3196 (December 2011), amended by the Department of Economic Development, Office of Business Development, LR 42:35 (January 2016), amended by Department of Economic Development, Office of the Secretary, LR 47:37 (January 2021), amended by Department of Economic Development, Office of the Secretary, LR 47:1105 (August 2021), amended by Department of Economic Development, Office of the Secretary, LR 49:

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.

Small Business Analysis

The proposed Rule could cause direct economic impact for investors newly eligible to participate in the program.

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.

Public Comments

Interested persons should submit written comments on the proposed Rules Kelly Raney, Louisiana Department of Economic Development, 617 North 3rd Street, 11th Floor, Baton Rouge, LA 70802 or via email to Kelly.Raney@LA.GOV. All comments must be received no later than close of business day, Tuesday, October 24, 2023

Public Hearing

A meeting for the purpose of receiving the presentation of oral comments on the Notice of Intent will be held at 3 p.m. on Wednesday, October 25, 2023 in the La Belle Conference Room at the LaSalle Building, 617 North 3rd Street, Baton Rouge, LA 70802.

Anne G. Villa
Undersecretary

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES RULE TITLE: Angel Investor Tax Credit Program

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

The proposed rule changes are not anticipated to result in any direct material effect on governmental expenditures or savings to state or local governmental units as this impact is already contemplated in the agency's base budget. The proposed rule aligns the program guidelines, current statutory provisions, and administrative practices as required by Act 253 of the 2023 Regular Session regarding the Angel Investor Tax Credit. Any administrative duties brought about by the proposed rule changes will be carried out utilizing existing staff and resources at the LA Dept. of Economic Development (LED).

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

Act 253 of the 2023 Regular Session extends the Angel Investor Tax Credit by five years from FY25 to FY30 with the first impacts being declining revenue beginning in FY27 due to an average delay of 2 years between initial certification and credit utilization for the projects eligible under the extension. This amount cannot be determined due to unknown future investor activity. However, the program typically reduces state general fund by about \$2.5M annually and, without additional information, it is expected that the same annual impact will continue under the extension.

The Act also repeals certain federal eligibility requirements for the portion of the program that award credits of 35% of an angel investment taken over two years. LED indicates that these federal provisions are not utilized under current practice

which makes the repeal of these requirements have no impact on eligibility or program utilization and thus state revenue.

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

The proposed rule change has no effect on persons, small businesses or non-governmental groups beyond those experienced in the current program. Investors earning credits under the extended timeframe would otherwise not be eligible and any businesses receiving the investment may be required to seek a different means of funding.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

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

Anne G. Villa
Undersecretary
2309#034

Deborah Vivien
Chief Economist
Legislative Fiscal Office

NOTICE OF INTENT

Board of Elementary and Secondary Education

Bulletin 137—Louisiana Early Learning Center
Licensing Regulations
(LAC 28:CLXI.103, 305, 311, 709, 907,
1103, 1307, and Chapters 15-19)

Editor's Note: This Notice of Intent is being repromulgated to correct a manifest typographical error. The original Notice of Intent can be viewed on page 1276-1282 of the July 20, 2023 Louisiana Register.

In accordance with the provisions of R.S. 17:6(A)(10) and the Administrative Procedure Act (APA), R.S. 49:953(B)(1) et seq., the Board of Elementary and Secondary Education proposes to amend LAC 28:CLXI in *Bulletin 137—Louisiana Early Learning Center Licensing Regulations*. Louisiana R.S. 17:407.40 requires a comprehensive review of all standards, rules, and regulations for early learning center license regulations every three years. In compliance with this statute, the Louisiana Department of Education (LDOE) established a committee of 12 early care and education stakeholders to conduct the required review. The aforementioned revisions include definitions, license regulations, additional license at a single center address, conditions requiring LDOE notice, reporting of critical incidents, staffing and training mandates, child safety equipment, and technical edits.

Title 28

EDUCATION

Part CLXI. Bulletin 137—Louisiana Early Learning Center Licensing Regulations

Chapter 1. General Provisions

§103. Definitions

Capacity—the number of children the provider is licensed to care for at any given time as determined by the Licensing Division.

Care for Children with Disabilities—for licensing purposes, child care for a child birth through age 17 who has a current individualized family services plan (IFSP) or individual education plan (IEP) in accordance with the