

January 2021

Economic Impact Statements for Proposed Rules

The corresponding proposed rule to each of the statements below may be viewed in its entirety in the January 20, 2021 *Louisiana Register*. Each *Louisiana Register* edition is published on the 20th of each month.

Promulgating Agency	Proposed Rule Title	Estimated Costs and/or Economic Benefits to Directly Affected Persons, Small Businesses or Nongovernmental Groups
Department of Agriculture and Forestry	Horticulture and Quarantine Programs Citrus Greening and Citrus Canker Disease Quarantine	Citrus nursery stock producers will be directly affected by the proposed rule. The proposed rule adds St. Charles Parish to the list of parishes quarantined for CG. Therefore, citrus nursery stock cannot be shipped outside of St. Charles Parish unless it is going to another parish also under the CG quarantine. The proposed rule will require citrus nursery stock producers selling, moving, or distributing citrus nursery stock within a CG quarantined area to be tagged with a label warning the consumer about the movement restrictions under the quarantine. The citrus nursery stock producer will be responsible for the cost of the label/tag. A survey of citrus nursery stock producers showed the average price of a tag is 5 cents. The proposed rule also adds a portion of St. Martin parish to the list of parishes under quarantine for CC but does not affect any citrus nursery stock producers because there are no producers located in the new quarantine area in St. Martin parish. Limiting the spread of CC and CG will protect Louisiana’s citrus industry, which currently has a farm value of \$2.4 - \$5 million in southeastern Louisiana in the form of citrus nursery stock, and \$5.1 million in the form of commercial citrus fruit in the state.
Department of Agriculture and Forestry	Minimum Specifications for Termite Control Work	There are no anticipated additional costs or economic benefits to affected small businesses, or non-governmental groups as a result of the proposed rules.
Department of Agriculture and Forestry	Minimum Specifications for Termite Control Work within Each District	There are no anticipated additional costs or economic benefits to affected small businesses, or non-governmental groups as a result of the proposed rules.
Department of Agriculture and Forestry	Weights and Measures	The proposed rule changes are not anticipated to increase or decrease costs to the market.
Department of Economic Development	Quality Jobs Program	The income of new businesses participating in the program may decrease in comparison to existing approved businesses due to the heightened eligibility criteria and decreased benefits.
Board of Elementary and Secondary Education	Bulletin 118—Statewide Assessment Standards and Practices Performance Standards	The proposed revisions will not result in costs and/or benefits to directly affected persons, small businesses, or non-governmental groups.
Board of Elementary and Secondary Education	Bulletin 126—Charter Schools	The proposed revisions will benefit military-connected students and families, as they will be able to register for school by remote means. In addition, “Purple Star Schools” will benefit military-connected students and families by providing additional resources and assistance.
Board of Elementary and Secondary Education	Bulletin 130—Regulations for the Evaluation and Assessment of School Personnel—Personnel Evaluation	If any school leaders initially rated Ineffective are able to improve their rating to Effective: Emerging, they would become eligible for salary increases or supplements in the 2021-22 academic year; however, the number of such school leaders is not expected to be material.

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Board of Elementary and Secondary Education	Bulletin 139—Louisiana Child Care and Development Fund	<p>The proposed revisions will lead to a decrease in state revenue collections to the extent that family child care providers opting in to the academic approval program may be eligible for the school readiness tax credit (SRTC). The SRTC currently applies to Type III early learning centers and includes credits for provider staff, the provider itself, the parents or guardians of enrolled children, and qualifying business expenses in support of child care. Under the proposed revisions, family child care providers that participate in the quality rating system will qualify for the current SRTC. The LDE reports it is planning a separate SRTC track specific to family child care providers. The amount of revenue loss is indeterminable and will depend upon the SRTC structure as well as the number of participating providers.</p> <p>For informational purposes, the average amount of SRTC claimed per early learning center staff member in 2020 was \$3,127. As of November 2021, 259 family child care providers self-identified to the Louisiana Department of Education, resulting in approximately \$809,893 in total SRTC potentially applied as a result of these revisions.</p>
Board of Elementary and Secondary Education	Bulletin 140—Louisiana Early Childhood Care and Education Network—Coordinated Observation Plan and Observation Requirements	<p>The proposed revisions may result in reduced costs for Early Childhood Community Network lead agencies located at non-profit organizations; however, this is indeterminable</p>
Board of Elementary and Secondary Education	Bulletin 741—Louisiana Handbook for School Administrators	<p>The proposed revisions will benefit military-connected students and families, as they will be able to register for school by remote means. In addition, “Purple Star Schools” will benefit military-connected students and families by providing additional resources and assistance.</p>
Board of Elementary and Secondary Education	Bulletin 996—Standards for Approval of Teacher and/or Educational Leader Preparation Programs	<p>The proposed revisions may result in costs to non-university ECAC programs. The revisions state that ECAC programs which earn a Level 1 quality rating for two of any consecutive three fiscal years may not be recommended for BESE approval during the renewal period. Additionally, ECAC programs that do not maintain a quality rating of level 3 or above must participate in a continuous improvement planning process with the LDE, which will require the program to develop an improvement plan which must be approved by the LDE and submit progress reports to the LDE in accordance with the improvement plan.</p>
Board of Elementary and Secondary Education	The Louisiana School, District, and State Accountability System—Transition from 2017-2018 to 2024-2025 SPS Release	<p>The proposed revisions will not result in costs and/or benefits to directly affected persons, small businesses, or non-governmental groups.</p>
Office of Student Financial Assistance	Scholarship/Grant Programs MJ Foster Promise Program	<p>This program provides financial assistance of up to \$6,400 over a three-year period for students ages 21 and older who enroll at eligible two-year public postsecondary institutions or proprietary schools in designated programs that lead to jobs in one of five identified industry sectors that are predominated by high demand, high wage jobs. This will provide a direct benefit to students and their families. The program will also provide Louisiana employers with a better-educated workforce and may also attract out-of-state employers to Louisiana, thus providing additional better paying jobs.</p>

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<p align="center">Department of Environmental Quality</p>	<p align="center">Expansion of the Expedited Penalty Program</p>	<p>The proposed rule does not impose any additional costs or economic benefits to directly affected persons, small businesses, or non-governmental groups. The revisions to the existing XP rule will allow more enforcement cases to be resolved quicker by allowing greater access to the program. The regulated sector will be able to take the necessary corrective steps and pay the monetary penalty in a timelier manner. Therefore, businesses will be able to achieve compliance earlier.</p>
<p align="center">Department of Environmental Quality</p>	<p align="center">X-Rays in the Healing Arts</p>	<p>This proposed action may have a minimal effect on costs to the regulated entities (x-ray registrants) due to possible additional time that it may take health physicists to perform the newly required quality control checks of x-ray units. Health physicists may have slightly increased income due to the need for them to perform more quality control testing of x-ray units. Consequently, the regulated entities that employ these health physicists may experience a slight increase in costs.</p>
<p align="center">Commission on Law Enforcement and Administration of Criminal Justice</p>	<p align="center">Peace Officer Training</p>	<p>To the extent the proposed rules mirror existing practices concerning peace officer suspensions, there will be no impact to directly affected persons, small businesses, or non-governmental groups. However, any changes to existing practices and procedures due to the proposed rules may result in a peace officer's suspension and/or the requirement of additional training for the peace officer.</p>
<p align="center">Department of Health</p>	<p align="center">Adult Mental Health Services Crisis Stabilization</p>	<p>In compliance with the June 6, 2018 agreement between the Department of Health and the U.S. Department of Justice, this proposed rule amends the provisions governing adult mental health services in order to add crisis stabilization as a covered service. This proposed rule will be beneficial to adult recipients with severe mental illness that are experiencing a behavioral health crisis by providing access to services within their local community. Providers will benefit from implementation of this proposed rule since they will receive reimbursement for the provision of services that were previously not covered for this population. It is estimated that implementation of this proposed rule will increase expenditures for Medicaid services by \$13,690,848 for FY 22-23 and \$14,238,482 for FY 23-24.</p>
<p align="center">Department of Health</p>	<p align="center">Adult Residential Care Waiver</p>	<p>This proposed rule repeals the provisions of LAC 50:XXXI.Subpart 15 governing the Adult Residential Care Waiver in its entirety, since the waiver was not approved by the U.S. Department of Health and Human Services, Centers for Medicare and Medicaid Services. This proposed rule will not result in costs or benefits to Medicaid providers or small businesses in FY 21-22, FY 22-23 and FY 23-24, since the provisions of the waiver were never implemented.</p>
<p align="center">Department of Health</p>	<p align="center">Home and Community-Based Services Providers—Licensing Standards</p>	<p>This proposed rule amends the provisions governing the licensing of home and community-based services (HCBS) providers in order to clarify the requirements regarding worker's compensation, general and professional liability insurance, hours of operation, and business location closure. It is anticipated that implementation of this proposed rule will not result in costs to HCBS providers in FY 21-22, FY 22-23 and FY 23-24, but will be beneficial by ensuring that the licensing requirements are clearly and accurately promulgated in the Louisiana Administrative Code.</p>

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<p align="center">Department of Health</p>	<p align="center">Professional Services Program Reimbursement Methodology</p>	<p>This proposed rule amends the provisions governing the reimbursement methodology in the Professional Services Program in order to align the reimbursement for new services added to the Medicaid fee schedule with the State Plan Amendment approved by the U.S. Department of Health and Human Services, Centers for Medicare and Medicaid Services. This proposed rule does not add specific services to the fee schedule; however, it establishes the reimbursement methodology for new services that are added that do not have corresponding Medicare fees. Although the methodology for newly added professional services is being specified more fully in the administrative rule, the resulting fees are not anticipated to be materially higher or lower than it would have been otherwise; therefore, implementation of this proposed rule is not anticipated to result in costs or benefits to providers of these services in FY 21-22, FY 22-23, and FY 23-24.</p>
<p align="center">Department of Health</p>	<p align="center">Sanitary Code—Community Water System Accountability</p>	<p>Persons, small businesses, or non-governmental groups that own/operate a CWS may incur costs to comply with the rate study requirement in the proposed rule. The cost for these is dependent on the size of the CWS and if the CWS does not have a current rate study (i.e., rate study conducted on/after April 20, 2017). LDH estimates an annual cost of \$800 for small CWSs and \$1,200 for large CWSs to have a rate study conducted every 5 years. There are 501 small CWSs and 14 large CWSs that are owned/operated by persons, small businesses, or non-governmental groups. LDH estimates a total annual cost of \$418,000 for all 515 CWSs to comply with the rate study requirement. This estimate assumes that all 515 CWSs will incur costs for an updated rate study every 5 years, in the worst case scenario. However, any CWS that has incurred debt through the United States Department of Agriculture (USDA) or the LDH-Drinking Water Revolving Loan Fund (DWRLF) since April 20, 2017 would already have a rate study that potentially can be used. Also, the Louisiana Rural Water Association (LRWA) is an approved entity that conducts rate studies at no cost for CWSs. Therefore, there may be no fiscal impact for those CWSs initially or at all.</p>
<p align="center">Department of Revenue</p>	<p align="center">Partnership Returns-Electronic Filing Requirements; Filing Extensions for Partnerships Filing Partnership/Partnership Composite Returns</p>	<p>Although LDR cannot determine the additional costs incurred by partnerships filing composite partnership tax returns to comply with this change, any costs are expected to be minimal, as online access and activity has largely become a business standard. Composite partnership return filers may incur costs to the extent that additional fees are charged by tax preparers or tax preparation software companies. Tax preparers may incur costs to the extent additional fees are charged by tax preparation software companies.</p>

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<p align="center">Department of Wildlife and Fisheries</p>	<p align="center">Hunting Regulations for the 2021-2023 Seasons</p>	<p>The proposed rule changes are anticipated to have the following impacts:</p> <p>(1) The proposed addition of electronic tag and validation procedures for hunting deer and turkeys is expected to make required tagging procedures more convenient for deer and turkey hunters.</p> <p>(2) The proposed increases in the primitive firearms season on the Camp Beauregard WMA, the youth lottery hunts on the Clear Creek WMA and West Bay WMA, and archery season on the Tunica Hills WMA are expected to benefit hunters by providing more hunting opportunities for select users.</p> <p>(3) The proposed change in the opening day of primitive firearms season on the Sherburne WMA, prohibition of firearms on a portion of the Bodcau WMA, reduction in the Pomme de Terre standard firearms season and the cancellation of the standard firearms season for deer of either sex on the Salvador/Timken WMA are expected to reduce deer hunting opportunities among users of those facilities.</p> <p>(4) The proposed change in the timing of the youth lottery hunt on the Dewey Wills WMA in years when New Year’s Day occurs on a weekend is expected to reduce lottery deer hunting opportunities by eight hunter-days in approximately one out of every four years.</p> <p>(5) The proposed prohibitions of the harvest of does on the Joyce WMA and Maurepas Swamp WMA during the standard firearms season and the primitive firearms season are expected to reduce female deer harvests among area hunters.</p> <p>(6) The proposed closing of the Tunica Hills WMA to all users other than turkey hunters on years when turkey season opens on Good Friday is expected to reduce recreational opportunities for hikers, sightseers, and other users by one day in five years between 2022 and 2042.</p> <p>(7) The proposed opening of Caddo Parish to turkey hunting is expected to benefit turkey hunters and owners of properties featuring suitable turkey habitat within the area that is currently closed for turkey hunting.</p> <p>(8) The proposed change in the opening date of falconry season for woodcock, rails, gallinules, and ducks is expected to reduce hunting opportunities by one day in a season that is approximately three months long.</p>
<p align="center">Department of Wildlife and Fisheries</p>	<p align="center">Recreational Offshore Landing Permit</p>	<p>The proposed rule change is expected to have no impact on costs or benefits to affected persons, small businesses, or non-governmental groups.</p>