

2018 Regular Session

SENATE BILL NO. 132

BY SENATOR MORRELL

TAX/TAXATION. Provides relative to administrative rule approval process applicable to school readiness tax credits. (8/1/18)

1 AN ACT

2 To amend and reenact R.S. 47:6103, relative to the administration of the school readiness  
3 tax credit program; to provide relative to rulemaking procedures pursuant to the  
4 school readiness tax credit program; to provide relative to the oversight committees  
5 for school readiness tax credit program rules; and to provide for related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. R.S. 47:6103 is hereby amended and reenacted to read as follows:

8 §6103. Implementation

9 A.(1) The department, in consultation with the Department of Revenue, shall  
10 promulgate rules and regulations **necessary** for the purpose of developing and  
11 implementing the provisions of this Chapter in accordance with the provisions of the  
12 Administrative Procedure Act.

13 ~~(2) The department is authorized to use the emergency rulemaking process~~  
14 ~~for the first set of rules developing and implementing this Chapter. Prior to adoption~~  
15 ~~of the emergency rule, the department shall provide written notification that it~~  
16 ~~intends to publish such rule in the Louisiana Register and the rule shall be subject to~~  
17 ~~approval by the Senate Committee on Revenue and Fiscal Affairs and the House~~

1 ~~Committee on Ways and Means. However, if such committees do not take action on~~  
2 ~~the rule within sixty days of publication in the Louisiana Register, the rule shall~~  
3 ~~become effective.~~

4 (3) Any promulgated rule which is first applicable to any calendar year shall  
5 be finally adopted prior to December first of the preceding calendar year.

6 B. In addition to the ~~approval of oversight committees provided for in the~~  
7 ~~Administrative Procedure Act, such rule also~~ **rules promulgated pursuant to this**  
8 **Section** shall be ~~approved~~ **subject to oversight** by the Senate Committee on  
9 Revenue and Fiscal Affairs and the House Committee on Ways and Means.

10 ~~C. The department, in collaboration with the State Board of Elementary and~~  
11 ~~Secondary Education, shall make recommendations for legislation no later than~~  
12 ~~January 1, 2015, to align the tax credits provided for in this Chapter with the Early~~  
13 ~~Childhood Care and Education Network, which promotes kindergarten readiness in~~  
14 ~~eligible early childhood learning centers and which evaluates eligible centers~~  
15 ~~utilizing the letter grade system adopted through rules promulgated by the State~~  
16 ~~Board of Elementary and Secondary Education for determining the success of an~~  
17 ~~eligible center.~~

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The original instrument and the following digest, which constitutes no part  
of the legislative instrument, were prepared by Leonore Heavey.

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DIGEST

SB 132 Engrossed

2018 Regular Session

Morrell

Present law requires that the state agency designated as the lead agency of the Child Care Development Fund (Fund) and responsible for determining eligibility for tax credits associated with the Fund, in consultation with the Department of Revenue, promulgate rules and regulations to develop and implement provisions regarding school readiness tax credits.

Proposed law requires promulgation of rules and regulations that are necessary to develop and implement provisions regarding the school readiness tax credits.

Present law authorizes the use of the emergency rulemaking process for the first set of rules. Provides that prior to adopting the emergency rule, the state agency provide written notification of intent to publish the rule in the Louisiana Register which rule is to be subject to approval by the Senate Committee on Revenue and Fiscal Affairs and the House Committee on Ways and Means and requires that the rule become effective if these committees do not take action within 60 days of the publication.

Proposed law removes these provisions.

Proposed law retains provisions that any rule which is first applicable to any calendar year be finally adopted prior to December first of the preceding calendar year.

Proposed law clarifies that in addition to approval of oversight committees under the Administrative Procedure Act, the rule is also subject to oversight by the Senate Committee on Revenue and Fiscal Affairs and the House Committee on Ways and Means.

Proposed law removes the requirement that the state agency, in collaboration with the State Board of Elementary and Secondary Education, make recommendations for legislation no later than January 1, 2015, to align the school readiness tax credits with the Early Childhood Care and Education Network, which promotes kindergarten readiness in eligible early childhood learning centers and which evaluates eligible centers utilizing the letter grade system adopted through rules promulgated by the State Board of Elementary and Secondary Education for determining the success of an eligible center.

Effective August 1, 2018.

(Amends R.S. 47:6103)