

RULE

Department of Economic Development Office of the Secretary

Small Business Innovation Recruitment Fund Program (LAC 13:I.Chapter 51)

Under the authority of R.S. 51:2402 and R.S. 36:104, and in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., the Department of Economic Development hereby has amended rules for the Small Business Innovation Recruitment Fund Program. This Rule is hereby adopted on the day of promulgation.

Title 13

ECONOMIC DEVELOPMENT

Part I. Financial Incentive Programs

Chapter 51. Small Business Innovation Recruitment Fund Program

§5101. Purpose

A. The purpose of this Chapter is to implement the Small Business Innovation Recruitment Fund Program as established by R.S. 51:2402.

B. This Chapter shall be administered to achieve the following purposes:

1. to recruit out of state small businesses that have received Phase II Small Business Innovation Research (SBIR) or Phase II Small Business Technology Transfer (STTR) federal grant funds to move to Louisiana.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:104 and 51:2402.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Office of the Secretary, LR 49:1032 (June 2023).

§5103. Definitions.

A. Terms not otherwise defined in this Chapter shall have the same meaning given to them in R.S. 51:2402, unless the context clearly requires otherwise.

B. In this Chapter, the following terms shall have the meanings provided herein, unless the context clearly indicates otherwise.

Applicant—a person requesting a grant award from LED under this program.

Business Operations—the location where significant administrative or managerial activities of a business are conducted and research and development work is performed.

Department—Louisiana Department of Economic Development.

Federal Notice of Award—a document issued by a federal agency evidencing approval of a Phase II SBIR or Phase II STTR application, including but not limited to amount of funding awarded, agreement number and topic number.

LED—Louisiana Department of Economic Development.

LED Grant Letter—a letter issued by LED to a person for a particular calendar year, setting forth the amount, terms and conditions of the grant.

Out of State Small Business—a business domiciled outside of Louisiana that qualifies as a small business according to the United States Small Business Administration's size standards.

Person—any natural person or legal entity including an individual, corporation, partnership, or limited liability company.

REAL—Regional Economic Alliance of Louisiana.

Recruitment Fund—Small Business Innovation Recruitment Fund.

Relocate—relocate business operations from an out of state location to Louisiana. The company shall be required to maintain a physical location in this state, be licensed to conduct business in this state and shall be required to file a Louisiana income tax return.

Secretary—Secretary of the Louisiana Department of Economic Development.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:104 and 51:2402.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Office of the Secretary, LR 49:1032 (June 2023).

§5105. General Principles

A. The following general principles will direct the administration of the program.

1. Awards are not to be considered as an entitlement for companies, and the secretary has the final authority to determine whether or not each particular applicant is eligible and meets the criteria of the award, and in all such circumstances, the exercise of that discretion shall be deemed to be a final determination of the applicant's award status.

2. Applications shall be accepted on a year round basis, subject to availability of funding in any given year, or as otherwise determined by LED.

3. Applicants may apply for more than one program administered by LED, provided that:

a. separate applications are submitted per program; and

b. to the extent allowable under federal and state laws and regulations.

B. Program Issuance Cap

1. LED may issue no more than \$500,000 (five hundred thousand dollars) per fiscal year from the Recruitment Fund;

2. Unexpended and unencumbered monies in the fund at the end of the fiscal year shall remain in the fund.

C. Applicant issuance cap.

1. LED may issue no more than \$100,000 (one hundred thousand dollars) total per applicant.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:104 and 51:2402.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Office of the Secretary, LR 49:1032 (June 2023).

§5107. Eligibility Criteria

A. Applicants for the benefits of this program shall meet the following criteria:

1. the applicant shall be an out of state small business that has received a Phase II SBIR or Phase II STTR Federal Notice of Award within the two years immediately preceding submission of an application to this program;

2. the applicant shall have generated sales and revenue and shall provide documentation proving such;

3. the applicant shall have produced commercial products or conducted commercial services, and shall provide documentation proving such.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:104 and 51:2402.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Office of the Secretary, LR 49:1032 (June 2023).

§5109. Application Procedure

A. LED will provide a standard application form which applicants will be required to use to apply for assistance under this program. The application form will contain, but not be limited to, the following:

1. out of state small business name;
2. contact person and their title;
3. out of state business physical address;
4. business phone number and email address;
5. brief description of the nature of the business;
6. number of existing employees and estimated jobs to be created or relocated in Louisiana;
7. out of state evidence of business registration;
8. information evidencing Phase II SBIR or Phase II STTR award, including name of issuing federal agency;
9. proposed Louisiana business location;
10. proposed relocation timeframe;
11. any additional information requested by LED.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:104 and 51:2402.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Office of the Secretary, LR 49:1033 (June 2023).

§5111. Selection Criteria

A. LED will consider various factors when determining which applications will be funded. Among the factors which may be taken into consideration are the following:

1. nominations of eligible small businesses recommended by REAL;
2. disbursing of funding statewide;
3. number of employees to be relocated to Louisiana;
4. nature of industry;
5. nature of business entity created in Louisiana, i.e. whether original out of state entity is dissolved, or reorganized and merged into a new Louisiana entity, or whether registering as a foreign entity authorized to do business in Louisiana.
6. availability of funding; and
7. best interests of the state.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:104 and 51:2402.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Office of the Secretary, LR 49:1033 (June 2023).

§5113. LED Action—Grant Approval or Denial Provisions

A. In the event LED determines that an applicant is eligible, funding is available and a grant would be appropriate, a grant letter will be issued, specifying the amount, the terms and conditions of the grant.

B. Each grant awarded shall be divided into three equal amounts and disbursed over a period of three consecutive years as follows:

1. year one funding may be awarded based upon the application information provided but will not be disbursed until documentation has been provided that the applicant business has relocated to Louisiana. If the selected applicant fails to relocate or to provide evidence of such, the grant

shall be forfeited, and the money shall be disbursed to another applicant;

2. year two funding shall be awarded contingent upon evidence of continued business operation;

3. year three funding shall be awarded contingent upon evidence of continued business operation;

4. if an applicant fails to continue business operations in the state in any given year, it may retain funding already disbursed, but the department reserves the right to withhold previously reserved, but not yet disbursed funding.

C. In the event LED determines that an applicant is not selected for an award, a denial letter will be issued by the secretary, specifying the basis for denial.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:104 and 51:2402.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Office of the Secretary, LR 49:1033 (June 2023).

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RULE

Office of the Governor Board of Architectural Examiners

Individuals Registered in Other States and
Dependents of Healthcare Professionals
(LAC 46:I.1103 and 1111)

The Board of Architectural Examiners, in accordance with the provisions of R.S. 49:950 et seq., and through the authority granted in R.S. 37:144(C), has amended LAC 46:I.1103(A) pertaining to individuals registered in other states and adopted LAC 46:I.1111 pertaining to dependents of healthcare professionals.

Act No. 279 of 2021, codified as R.S. 37:1751, pertains to licensure for dependents of healthcare professionals. The board has complied with this Act by amending LAC 46:I.1103(A) and adopting LAC 46:I.1111. The amendment to LAC 46:I.1103(A) will recognize that dependents of healthcare professionals may be exempted from the requirement of submitting an NCARB (blue cover) certificate to the board. The adoption of LAC 46:I.1111 requires the board to issue a license, permit pending normal license, or registration to an applicant who is a dependent of a healthcare professional who has relocated to and established his legal residence in Louisiana, holds a valid license to provide healthcare services in Louisiana, and is providing healthcare services in Louisiana, who satisfies the requirements of Act 279 of 2021. This Rule is hereby adopted on the day of promulgation.

Title 46 PROFESSIONAL AND OCCUPATIONAL STANDARDS

Part I. Architects

Chapter 11. Licenses

§1103. Individuals Registered in Other States

A. The exclusive means for an individual registered in another state(s) seeking to be registered in Louisiana is the