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Executive Orders

EXECUTIVE ORDER KBB 04-44

Bond Allocation Louisiana Local
Government Environmental Facilities and
Community Development Authority

WHEREAS, pursuant to the Tax Reform Act of 1986 and Act 51 of the 1986 Regular Session of the Louisiana Legislature, Executive Order No. KBB 2004-21 was issued to establish:

(1) a method for allocating bonds subject to private activity bond volume limits, including the method of allocating bonds subject to the private activity bond volume limits for the calendar year of 2004 (hereafter "the 2004 Ceiling");

(2) the procedure for obtaining an allocation of bonds under the 2004 Ceiling; and

(3) a system of central record keeping for such allocations; and

WHEREAS, the Louisiana Local Government Environmental Facilities and Community Development Authority has requested an allocation from the 2004 Ceiling to be used to finance the expansion and construction of a 72,000 square foot manufacturing facility for lease to Omni Industries, Inc., to be used to manufacture blended petroleum products located adjacent to the existing Omni facility at the Port (the "Project") in the state of Louisiana, in accordance with the provisions of Section 146 of the Internal Revenue Code of 1986, as amended;

NOW THEREFORE, I, KATHLEEN BABINEAUX BLANCO, Governor of the state of Louisiana, by virtue of the authority vested by the Constitution and the laws of the state of Louisiana, do hereby order and direct as follows:

SECTION 1: The bond issue, as described in this Section, shall be and is hereby granted an allocation from the 2004 Ceiling in the amount shown.

Amount of Allocation	Name of Issuer	Name of Project
\$4,000,000	Louisiana Local Government Environmental Facilities and Community Development Authority	Caddo-Bossier Parishes Port Commission

SECTION 2: The allocation granted herein shall be used only for the bond issue described in Section 1 and for the general purpose set forth in the "Application for Allocation of a Portion of the State of Louisiana Private Activity Bond Ceiling" submitted in connection with the bond issue described in Section 1.

SECTION 3: The allocation granted herein shall be valid and in full force and effect through December 31, 2004, provided that such bonds are delivered to the initial purchasers thereof on or before December 21, 2004.

SECTION 4: All references in this Order to the singular shall include the plural, and all plural references shall include the singular.

SECTION 5: The undersigned certifies, under penalty of perjury, that the allocation granted herein was not made in consideration of any bribe, gift, or gratuity, or any direct or indirect contribution to any political campaign. The undersigned also certifies that the granted allocation meets the requirements of Section 146 of the Internal Revenue Code of 1986, as amended.

SECTION 6: This Order is effective upon signature and shall remain in effect until amended, modified, terminated, or rescinded by the governor, or terminated by operation of law.

IN WITNESS WHEREOF, I have set my hand officially and caused to be affixed the Great Seal of Louisiana, at the Capitol, in the city of Baton Rouge, on this 12th day of November, 2004.

Kathleen Babineaux Blanco
Governor

ATTEST BY
THE GOVERNOR
Fox McKeithen
Secretary of State
0412#097

EXECUTIVE ORDER KBB 04-45

Community Development Block Grant Funds

WHEREAS, the Housing and Community Development Act of 1974, 42 U.S.C.A. §5301, et seq., as amended, authorizes the state of Louisiana to receive and administer Community Development Block Grant (hereafter "CDBG") funds for "non-entitlement areas", which are also known as "small cities";

WHEREAS, to receive these funds, a state must prepare a single consolidated plan and take responsibility for any funds distributed pursuant to the plan; and

WHEREAS, the Division of Administration is both a fiscal and an administrative arm of the executive branch of the state of Louisiana;

NOW THEREFORE I, KATHLEEN BABINEAUX BLANCO, Governor of the state of Louisiana, by virtue of the authority vested by the Constitution and laws of the state of Louisiana, do hereby order and direct as follows:

SECTION 1: The Division of Administration shall be the recipient of CDBG funds.

SECTION 2: The Office of Community Development, within the Division of Administration, shall administer the CDBG funds in accordance with the terms of the single consolidated plan.

SECTION 3: This Order is effective upon signature and shall continue in effect until amended, modified, terminated, or rescinded by the governor, or terminated by operation of law.

IN WITNESS WHEREOF, I have set my hand officially and caused to be affixed the Great Seal of

Louisiana, at the Capitol, in the city of Baton Rouge, on this 16th day of November, 2004.

Kathleen Babineaux Blanco
Governor

ATTEST BY
THE GOVERNOR
Fox McKeithen
Secretary of State
0412#098

EXECUTIVE ORDER KBB 04-46

Hours of Service of Drivers of Gas and/or
Electric Utility Service Vehicles

WHEREAS, the welfare of the citizens of the state of Louisiana is jeopardized by any occurrence, natural or man-made, that interrupts the delivery of gas and electrical services;

WHEREAS, 49 C.F.R. §350.201, et seq., of the Federal Motor Carrier Safety Regulations, requires each state to assume responsibility for improving motor carrier safety and adopting and enforcing safety laws and regulations that are compatible with new federal hours of service regulations as soon as practical, but no later than June 27, 2006, as a condition for Commercial Motor Carrier Safety Assistance Program funding;

WHEREAS, transportation performed by state, federal and local governments is exempt from the new federal hours of service regulations by 49 C.F.R. §390.3(f)(2); and

WHEREAS, application of the new federal hours of service regulations to the drivers of gas and/or electric utility service vehicles engaged solely in intrastate commerce within the state of Louisiana may impair the ability of gas and/or electric utilities from expeditiously restoring services by prohibiting drivers from working extended hours while assisting in the restoration of gas and/or electric utility services;

NOW THEREFORE I, KATHLEEN BABINEAUX BLANCO, Governor of the state of Louisiana, by virtue of the authority vested by the Constitution and laws of the state of Louisiana, do hereby order and direct as follows:

SECTION 1: Notwithstanding any provision of the Louisiana Administrative Code to the contrary, the amendments to the hours of service regulations promulgated on April 28, 2003, at 68 F.R. 22456-01 by the U.S. Department of Transportation, effective June 27, 2003, (hereafter "Federal Hours of Service Regulations") shall not be applicable to the drivers of gas and/or electric utility service vehicles as defined in 49 C.F.R. § 395.2, which are engaged solely in intrastate commerce within the state of Louisiana and operated by gas and/or electric utilities regulated by the Louisiana Public Service Commission or the city of New Orleans (hereafter "Drivers of Utility Service Vehicles"), while this Order is in effect.

SECTION 2: Regulations on hours of service that were in effect and applicable to Drivers of Utility Service Vehicles on June 26, 2003, shall apply to Drivers of Utility Service Vehicles while this Order is in effect.

SECTION 3: Any rule and/or regulation promulgated by the Department of Public Safety and Corrections after this Order is issued, which adopts the Federal Hours of Service Regulations, shall not be applicable to Drivers of Utility Service Vehicles while this Order is in effect.

SECTION 4: If federal law and/or regulations are amended to exempt Drivers of Utility Service Vehicles from the Federal Hours of Service Regulations, the exemption shall be effective immediately in this state for the duration of the federal exemption.

SECTION 5:

A. This Order is effective upon signature and shall remain in effect until amended, modified, terminated or rescinded by the governor, or terminated by operation of law.

B. This Order shall be immediately terminated upon a finding by or notification from the U.S. Department of Transportation that the application of Sections 1 and/or 3 of this Order will result in the loss of Federal Motor Carrier Safety Assistance Program funding.

IN WITNESS WHEREOF, I have set my hand officially and caused to be affixed the Great Seal of Louisiana, at the Capitol, in the city of Baton Rouge, on this 16th day of November, 2004.

Kathleen Babineaux Blanco
Governor

ATTEST BY
THE GOVERNOR
Fox McKeithen
Secretary of State
0412#099

EXECUTIVE ORDER KBB 04-47

LouisianaMAP

WHEREAS, spatial data, data that can be analyzed based on its geographic location, is essential to planning and operations in many levels of government and private sector;

WHEREAS, *Louisiana: Vision 2020* has identified public policy goals which require dependable, accurate spatial data resources, and the private sector has a similar need for dependable and accurate spatial data;

WHEREAS, in 1995, the Louisiana Legislature created the Louisiana Geographic Information System Council (hereafter "LGISC") to guide the sound development of geographic information systems and geographically related information technology for the state of Louisiana;

WHEREAS, the LGISC has developed guidelines and mechanisms for the required sharing of spatial data resources;

WHEREAS, a need for a National Spatial Data Infrastructure (hereafter "NSDI") to provide a framework for organizing a wide variety of critical data sets nationwide was addressed by Presidential Executive Order No. 12906;

WHEREAS, the state of Louisiana recognizes the need to take part in the NSDI by establishing and maintaining a Louisiana spatial data infrastructure;

WHEREAS, the LGISC has supported the Framework Implementation Team Initiative (I-Team), the project designed by the federal Office of Management and

Budget (OMB) to implement state and regional portions of the NSDI, and has led the I-Team in Louisiana;

WHEREAS, the I-Team has been incorporated into two federal programs, the National Map and Geospatial One-Stop, which the LGISC fully supports;

WHEREAS, the LGISC promotes the development of key framework layers as the foundation of Louisiana's spatial data infrastructure, (hereafter "LouisianaMAP");

WHEREAS, to be effective LouisianaMAP must continually identify and catalog all spatial data developed and maintained by public and private entities; and

WHEREAS, the state of Louisiana will benefit from the cost savings created by eliminating the duplication of data collections, creation, and maintenance by establishing LouisianaMAP as a comprehensive program that would leverage the state's financial resources with those of the federal government and the private sector to meet both state and federal data development goals;

NOW THEREFORE I, KATHLEEN BABINEAUX BLANCO, Governor of the state of Louisiana, by virtue of the authority vested by the Constitution and laws of the state of Louisiana, do hereby order and direct as follows:

SECTION 1: The LouisianaMAP program is hereby established within the executive branch, Division of Administration, Office of Information Technology, Office of Electronic Services, and under the direction of the LGISC.

SECTION 2: The LGISC is hereby granted the authority to extend participation in LouisianaMAP to all sectors of the geospatial community, including all levels of government, geospatial users, academia, and the private sector.

SECTION 3: The LGISC shall designate a LouisianaMAP Coordinator.

SECTION 4: LouisianaMAP shall develop and manage the Louisiana spatial data infrastructure and involve all sectors of the Louisiana geospatial community. The program shall include, but is not limited to, the following areas:

- A. Definition of the requirements and prioritization of geospatial data;
- B. Establishment of processes for the access and usage of data;
- C. Outreach to the user community; and
- D. Providing training resources.

SECTION 5: By September 1, 2005, and annually thereafter, the LGISC shall submit to the governor, a detailed report on the issues set forth in Section 4 of this Order.

SECTION 6: Support staff, facilities, and resources for LouisianaMAP shall be provided by the Office of Information Technology, Division of Administration.

SECTION 7: All departments, commissions, boards, offices, entities, agencies, and officers of the state of Louisiana, or any political subdivision thereof, are authorized and directed to cooperate with LGISC in implementing the provisions of this Order.

SECTION 8: This Order is effective upon signature and shall continue in effect until amended, modified, terminated, or rescinded by the governor, or terminated by operation of law.

IN WITNESS WHEREOF, I have set my hand officially and caused to be affixed the Great Seal of

Louisiana, at the Capitol, in the city of Baton Rouge, on this 16th day of November, 2004.

Kathleen Babineaux Blanco
Governor

ATTEST BY
THE GOVERNOR
Fox McKeithen
Secretary of State
0412#100

EXECUTIVE ORDER KBB 04-48

Bond Allocation **C**The Finance
Authority of New Orleans

WHEREAS, pursuant to the Tax Reform Act of 1986 and Act 51 of the 1986 Regular Session of the Louisiana Legislature, Executive Order No. KBB 2004-21 was issued to establish:

- (1) a method for allocating bonds subject to private activity bond volume limits, including the method of allocating bonds subject to the private activity bond volume limits for the calendar year of 2004 (hereafter "the 2004 Ceiling");
- (2) the procedure for obtaining an allocation of bonds under the 2004 Ceiling; and
- (3) a system of central record keeping for such allocations; and

WHEREAS, The Finance Authority of New Orleans has requested an allocation from the 2004 Ceiling to be used in connection with a program providing mortgage financing for qualified purchasers of single-family, owner-occupied residences in the city of New Orleans, parish of Orleans, state of Louisiana, in accordance with the provisions of Section 146 of the Internal Revenue Code of 1986, as amended;

NOW THEREFORE, I, KATHLEEN BABINEAUX BLANCO, Governor of the state of Louisiana, by virtue of the authority vested by the Constitution and the laws of the state of Louisiana, do hereby order and direct as follows:

SECTION 1: The bond issue, as described in this Section, shall be and is hereby granted an allocation from the 2004 Ceiling in the amount shown:

Amount of Allocation	Name of Issuer	Name of Project
\$25,000,000	The Finance Authority of New Orleans	Single Family Mortgage Revenue Bonds

SECTION 2: The allocation granted herein shall be used only for the bond issue described in Section 1 and for the general purpose set forth in the "Application for Allocation of a Portion of the State of Louisiana Private Activity Bond Ceiling" submitted in connection with the bond issue described in Section 1.

SECTION 3: The allocation granted herein shall be valid and in full force and effect through December 31, 2004, provided that such bonds are delivered to the initial purchasers thereof on or before December 21, 2004.

SECTION 4: All references in this Order to the singular shall include the plural, and all plural references shall include the singular.

SECTION 5: The undersigned certifies, under penalty of perjury, that the allocation granted herein was not made in consideration of any bribe, gift, or gratuity, or any direct or indirect contribution to any political campaign. The undersigned also certifies that the granted allocation meets the requirements of Section 146 of the Internal Revenue Code of 1986, as amended.

SECTION 6: This Order is effective upon signature and shall remain in effect until amended, modified, terminated, or rescinded by the governor, or terminated by operation of law.

IN WITNESS WHEREOF, I have set my hand officially and caused to be affixed the Great Seal of Louisiana, at the Capitol, in the city of Baton Rouge, on this 19th day of November, 2004.

Kathleen Babineaux Blanco
Governor

ATTEST BY
THE GOVERNOR
Fox McKeithen
Secretary of State
0412#101

EXECUTIVE ORDER KBB 04-49

Bond Allocation Louisiana Public Facilities Authority

WHEREAS, pursuant to the Tax Reform Act of 1986 and Act 51 of the 1986 Regular Session of the Louisiana Legislature, Executive Order No. MJF 96-25, as amended by Executive Order No. MJF 2000-15, was issued to establish:

- (1) a method for allocating bonds subject to private activity bond volume limits, including the method of allocating bonds subject to the private activity bond volume limits for the calendar year of 2004 (hereafter "the 2004 Ceiling");
- (2) the procedure for obtaining an allocation of bonds under the 2004 Ceiling; and
- (3) a system of central record keeping for such allocations; and

WHEREAS, the Louisiana Public Facilities Authority has requested an allocation from the 2004 Ceiling to finance the acquisition, renovation, and equipping of a multifamily residential complex for low income elderly and disabled residents located at 1040 St. Charles Avenue, city of New Orleans, parish of Orleans, state of Louisiana, in accordance with the provisions of Section 146 of the Internal Revenue Code of 1986, as amended;

NOW THEREFORE, I, KATHLEEN BABINEAUX BLANCO, Governor of the state of Louisiana, by virtue of the authority vested by the Constitution and the laws of the state of Louisiana, do hereby order and direct as follows:

SECTION 1: The bond issue, as described in this Section, shall be and is hereby granted an allocation from the 2004 Ceiling in the amount shown.

Amount of Allocation	Name of Issuer	Name of Project
\$8,500,000	Louisiana Public Facilities Authority	Tivoli II, L.P.

SECTION 2: The allocation granted herein shall be used only for the bond issue described in Section 1 and for the general purpose set forth in the "Application for Allocation of a Portion of the State of Louisiana Private Activity Bond Ceiling" submitted in connection with the bond issue described in Section 1.

SECTION 3: The allocation granted herein shall be valid and in full force and effect through December 31, 2004, provided that such bonds are delivered to the initial purchasers thereof on or before December 21, 2004.

SECTION 4: All references in this Order to the singular shall include the plural, and all plural references shall include the singular.

SECTION 5: The undersigned certifies, under penalty of perjury, that the allocation granted

herein was not made in consideration of any bribe, gift, or gratuity, or any direct or indirect contribution to any political campaign. The undersigned also certifies that the granted allocation meets the requirements of Section 146 of the Internal Revenue Code of 1986, as amended.

SECTION 6: This Order is effective upon signature and shall remain in effect until amended, modified, terminated, or rescinded by the governor, or terminated by operation of law.

IN WITNESS WHEREOF, I have set my hand officially and caused to be affixed the Great Seal of Louisiana, at the Capitol, in the city of Baton Rouge, on this 19th day of November, 2004.

Kathleen Babineaux Blanco
Governor

ATTEST BY
THE GOVERNOR
Fox McKeithen
Secretary of State
0412#102

EXECUTIVE ORDER KBB 04-50

Bond Allocation Louisiana Housing Finance Agency

WHEREAS, pursuant to the Tax Reform Act of 1986 and Act 51 of the 1986 Regular Session of the Louisiana Legislature, Executive Order No. MJF 96-25, as amended by Executive Order No. MJF 2000-15, was issued to establish:

- (1) a method for allocating bonds subject to private activity bond volume limits, including the method of allocating bonds subject to the private activity bond volume limits for the calendar year of 2004 (hereafter "the 2004 Ceiling");
- (2) the procedure for obtaining an allocation of bonds under the 2004 Ceiling; and
- (3) a system of central record keeping for such allocations; and

WHEREAS, the Louisiana Housing Finance Agency has requested an allocation from the 2004 Ceiling to be used in connection with a program to provide mortgage financing with respect to Gulfway Terrace Apartments, consisting of a 206 unit multi-family housing complex, located in the city of New Orleans, parish of Orleans, state of Louisiana, in accordance with the provisions of Section 146 of the Internal Revenue Code of 1986, as amended;

NOW THEREFORE, I, KATHLEEN BABINEAUX BLANCO, Governor of the state of Louisiana, by virtue of the authority vested by the Constitution and the laws of the state of Louisiana, do hereby order and direct as follows:

SECTION 1: The bond issue, as described in this Section, shall be and is hereby granted an allocation from the 2004 Ceiling in the amount shown.

Amount of Allocation	Name of Issuer	Name of Project
\$10,500,000	Louisiana Housing Finance Agency	CP Gulfway, L.P.

SECTION 2: The allocation granted herein shall be used only for the bond issue described in Section 1 and for the general purpose set forth in the "Application for Allocation of a Portion of the State of Louisiana Private Activity Bond Ceiling" submitted in connection with the bond issue described in Section 1.

SECTION 3: The allocation granted herein shall be valid and in full force and effect through December 31, 2004, provided that such bonds are delivered to the initial purchasers thereof on or before December 21, 2004.

SECTION 4: All references in this Order to the singular shall include the plural, and all plural references shall include the singular.

SECTION 5: The undersigned certifies, under penalty of perjury, that the allocation granted herein was not made in consideration of any bribe, gift, or gratuity, or any direct or indirect contribution to any political campaign. The undersigned also certifies that the granted allocation meets the requirements of Section 146 of the Internal Revenue Code of 1986, as amended.

SECTION 6: This Order is effective upon signature and shall remain in effect until amended, modified, terminated, or rescinded by the governor, or terminated by operation of law.

IN WITNESS WHEREOF, I have set my hand officially and caused to be affixed the Great Seal of Louisiana, at the Capitol, in the city of Baton Rouge, on this 19th day of November, 2004.

Kathleen Babineaux Blanco
Governor

ATTEST BY
THE GOVERNOR
Fox McKeithen
Secretary of State
0412#103

EXECUTIVE ORDER KBB 04-51

Bond Allocation Louisiana Housing Finance Agency

WHEREAS, pursuant to the Tax Reform Act of 1986 and Act 51 of the 1986 Regular Session of the Louisiana Legislature, Executive Order No. MJF 96-25, as amended by Executive Order No. MJF 2000-15, was issued to establish:

(1) a method for allocating bonds subject to private activity bond volume limits, including the method of allocating bonds subject to the private activity bond volume limits for the calendar year of 2004 (hereafter "the 2004 Ceiling");

(2) the procedure for obtaining an allocation of bonds under the 2004 Ceiling; and

(3) a system of central record keeping for such allocations; and

WHEREAS, the Louisiana Housing Finance Agency has requested an allocation from the 2004 Ceiling to finance the acquisition and construction of a multi-family residential complex for low to moderate income residents located at 2700 South Beglis Parkway, city of Sulphur, parish of Calcasieu, state of Louisiana, in accordance with the provisions of Section 146 of the Internal Revenue Code of 1986, as amended;

NOW THEREFORE, I, KATHLEEN BABINEAUX BLANCO, Governor of the state of Louisiana, by virtue of the authority vested by the Constitution and the laws of the state of Louisiana, do hereby order and direct as follows:

SECTION 1: The bond issue, as described in this Section, shall be and is hereby granted an allocation from the 2004 Ceiling in the amount shown:

Amount of Allocation	Name of Issuer	Name of Project
\$4,760,000	Louisiana Housing Finance Agency	PepperMill Limited Partnership I and II

SECTION 2: The allocation granted herein shall be used only for the bond issue described in Section 1 and for the general purpose set forth in the "Application for Allocation of a Portion of the State of Louisiana Private Activity Bond Ceiling" submitted in connection with the bond issue described in Section 1.

SECTION 3: The allocation granted herein shall be valid and in full force and effect through December 31, 2004, provided that such bonds are delivered to the initial purchasers thereof on or before December 21, 2004.

SECTION 4: All references in this Order to the singular shall include the plural, and all plural references shall include the singular.

SECTION 5: The undersigned certifies, under penalty of perjury, that the allocation granted herein was not made in consideration of any bribe, gift, or gratuity, or any direct or indirect contribution to any political campaign. The undersigned also certifies that the granted allocation meets the requirements of Section 146 of the Internal Revenue Code of 1986, as amended.

SECTION 6: This Order is effective upon signature and shall remain in effect until amended, modified, terminated, or rescinded by the governor, or terminated by operation of law.

IN WITNESS WHEREOF, I have set my hand officially and caused to be affixed the Great Seal of Louisiana, at the Capitol, in the city of Baton Rouge, on this 19th day of November, 2004.

Kathleen Babineaux Blanco
Governor

ATTEST BY
THE GOVERNOR
Fox McKeithen
Secretary of State
0412#104

EXECUTIVE ORDER KBB 04-52

Bond Allocation **C**Louisiana Public Facilities Authority

WHEREAS, pursuant to the Tax Reform Act of 1986 and Act 51 of the 1986 Regular Session of the Louisiana Legislature, Executive Order No. KBB 2004-21 was issued to establish:

- (1) a method for allocating bonds subject to private activity bond volume limits, including the method of allocating bonds subject to the private activity bond volume limits for the calendar year of 2004 (hereafter "the 2004 Ceiling");
- (2) the procedure for obtaining an allocation of bonds under the 2004 Ceiling; and
- (3) a system of central record keeping for such allocations; and

WHEREAS, the Louisiana Public Facilities Authority has requested an allocation from the 2004 Ceiling to be used to finance the installation, construction and improvements, which includes upgrading the existing treatment facility, tapping a new water supply to comply with the 2006 EPA arsenic limits, install a new transfer pump, and construct a new finished water storage reservoir to Louisiana Water Company's water system located in and around the city of New Iberia, parish of Iberia, state of Louisiana, in accordance with the provisions of Section 146 of the Internal Revenue Code of 1986, as amended;

NOW THEREFORE, I, KATHLEEN BABINEAUX BLANCO, Governor of the state of Louisiana, by virtue of the authority vested by the Constitution and the laws of the state of Louisiana, do hereby order and direct as follows:

SECTION 1: The bond issue, as described in this Section, shall be and is hereby granted an allocation from the 2004 Ceiling in the amount shown.

Amount of Allocation	Name of Issuer	Name of Project
\$6,000,000	Louisiana Public Facilities Authority	Louisiana Water Company

SECTION 2: The allocation granted herein shall be used only for the bond issue described in Section 1 and for the general purpose set forth in the "Application for Allocation of a Portion of the State of Louisiana Private Activity Bond Ceiling" submitted in connection with the bond issue described in Section 1.

SECTION 3: The allocation granted herein shall be valid and in full force and effect through December 31, 2004, provided that such bonds are delivered to the initial purchasers thereof on or before December 26, 2004.

SECTION 4: All references in this Order to the singular shall include the plural, and all plural references shall include the singular.

SECTION 5: The undersigned certifies, under penalty of perjury, that the allocation granted herein was not made in consideration of any bribe, gift, or gratuity, or any direct or indirect contribution to any political campaign. The undersigned also certifies that the granted allocation meets the requirements of Section 146 of the Internal Revenue Code of 1986, as amended.

SECTION 6: This Order is effective upon signature and shall remain in effect until amended, modified,

terminated, or rescinded by the governor, or terminated by operation of law.

IN WITNESS WHEREOF, I have set my hand officially and caused to be affixed the Great Seal of Louisiana, at the Capitol, in the city of Baton Rouge, on this 19th day of November, 2004.

Kathleen Babineaux Blanco
Governor

ATTEST BY
THE GOVERNOR
Fox McKeithen
Secretary of State
0412#105

EXECUTIVE ORDER KBB 04-53

Bond Allocation **C**Industrial Development Board of the City of Sulphur, Louisiana, Inc.

WHEREAS, pursuant to the Tax Reform Act of 1986 and Act 51 of the 1986 Regular Session of the Louisiana Legislature, Executive Order No. MJF 96-25, as amended by Executive Order No. MJF 2000-15, was issued to establish:

- (1) a method for allocating bonds subject to private activity bond volume limits, including the method of allocating bonds subject to the private activity bond volume limits for the calendar year of 2004 (hereafter "the 2004 Ceiling");
- (2) the procedure for obtaining an allocation of bonds under the 2004 Ceiling; and
- (3) a system of central record keeping for such allocations; and

WHEREAS, the Industrial Development Board of the City of Sulphur, Louisiana, Inc., has requested an allocation from the 2004 Ceiling to finance the acquisition, construction, and equipping of a manufacturing facility located on Patton Street, city of Sulphur, parish of Calcasieu, state of Louisiana, in accordance with the provisions of Section 146 of the Internal Revenue Code of 1986, as amended;

NOW THEREFORE, I, KATHLEEN BABINEAUX BLANCO, Governor of the state of Louisiana, by virtue of the authority vested by the Constitution and the laws of the state of Louisiana, do hereby order and direct as follows:

SECTION 1: The bond issue, as described in this Section, shall be and is hereby granted an allocation from the 2004 Ceiling in the amount shown.

Amount of Allocation	Name of Issuer	Name of Project
\$2,500,000	Industrial Development Board of the City of Sulphur, Louisiana, Inc.	Kim Kool, Inc

SECTION 2: The allocation granted herein shall be used only for the bond issue described in Section 1 and for the general purpose set forth in the "Application for Allocation of a Portion of the State of Louisiana Private Activity Bond Ceiling" submitted in connection with the bond issue described in Section 1.

SECTION 3: The allocation granted herein shall be valid and in full force and effect through December 31, 2004, provided that such bonds are delivered to the initial purchasers thereof on or before December 21, 2004.

SECTION 4: All references in this Order to the singular shall include the plural, and all plural references shall include the singular.

SECTION 5: The undersigned certifies, under penalty of perjury, that the allocation granted herein was not made in consideration of any bribe, gift, or gratuity, or any direct or indirect contribution to any political campaign. The undersigned also certifies that the granted allocation meets the requirements of Section 146 of the Internal Revenue Code of 1986, as amended.

SECTION 6: This Order is effective upon signature and shall remain in effect until amended, modified, terminated, or rescinded by the governor, or terminated by operation of law.

IN WITNESS WHEREOF, I have set my hand officially and caused to be affixed the Great Seal of Louisiana, at the Capitol, in the city of Baton Rouge, on this 19th day of November, 2004.

Kathleen Babineaux Blanco
Governor

ATTEST BY
THE GOVERNOR
Fox McKeithen
Secretary of State
0412#106

EXECUTIVE ORDER KBB 04-54

State Prohibition Against Harassment and Discrimination

WHEREAS, the state of Louisiana is committed to maintaining a work environment for its citizens that is free of potential harassment and discrimination on the basis of race, color, religion, sex, sexual orientation, national origin, political affiliation or disabilities;

WHEREAS, the refining and refocusing of programs and policies, widespread training, and informational efforts have successfully raised workforce sensitivity to the issues surrounding these potential harassments and discriminations;

WHEREAS, the result of these potential harassments and discriminations is the denial of affected Louisiana citizens of their rights, privileges, or benefits solely on the basis of individualized characteristics; and

WHEREAS, it is inappropriate for government to either advance or inhibit, or to condone or condemn in these areas;

NOW THEREFORE I, KATHLEEN BABINEAUX BLANCO, Governor of the state of Louisiana, by virtue of the authority vested by the Constitution and laws of the state of Louisiana, do hereby order and direct as follows:

SECTION 1: No state agencies, departments, offices, commissions, boards, entities or officers of the state of Louisiana shall harass or discriminate on the basis of race, color, religion, sex, sexual orientation, national origin, political affiliation or disabilities against any individual in the provision of any service and/or benefit by such agencies, departments, offices, commissions, boards or entities.

SECTION 2: No state agencies, departments, offices, commissions, boards, entities, or officers of the state of Louisiana shall harass or discriminate on the basis of race, color, religion, sex, sexual orientation, national origin, political affiliation or disabilities against any individual in

any manner pertaining to employment by the state, including, but not limited to, hiring, promotion, tenure, recruitment or compensation.

SECTION 3: All contracts for the purchase of services by any state agencies, departments, offices, commissions, boards, entities, or officers of the state of Louisiana shall be awarded without discrimination on the basis of race, color, religion, sex, sexual orientation, national origin, political affiliation or disabilities of the persons seeking such contracts. Further, all such contracts shall include a provision that the contractor shall not discriminate on the basis of race, color, religion, sex, sexual orientation, national origin, political affiliation or disabilities in any matter relating to employment.

SECTION 4: All state agencies, departments, offices, commissions, boards, entities, or officers of the state of Louisiana, or any political subdivision thereof, are authorized and directed to cooperate with the implementation of the provisions of this Order.

SECTION 5: This Order is effective upon signature and shall continue in effect until amended, modified, terminated, or rescinded by the governor, or terminated by operation of law.

IN WITNESS WHEREOF, I have set my hand officially and caused to be affixed the Great Seal of Louisiana, at the Capitol, in the city of Baton Rouge, on this 6th day of December, 2004.

Kathleen Babineaux Blanco
Governor

ATTEST BY
THE GOVERNOR
Fox McKeithen
Secretary of State
0412#107

EXECUTIVE ORDER KBB 04-55

Maritime Advisory Task Force

WHEREAS, the state of Louisiana is our nation's leading marine transportation state;

WHEREAS, the maritime industry is a major contributor to Louisiana's present economic well-being and to its future economic outlook as 95,000 jobs are directly or indirectly dependent on the industry;

WHEREAS, forty-four (44) of the sixty-four (64) parishes in the state of Louisiana border on navigable waterways;

WHEREAS, the state of Louisiana intends to increase its competitiveness in global markets through the ever evolving maritime industry;

WHEREAS, the interests of the citizens of the state of Louisiana would best be served by the continuation of the Maritime Advisory Task Force, composed of maritime industry representatives, to recommend methods of promoting and protecting Louisiana's maritime industry and increasing the state's competitiveness in global maritime markets;

NOW THEREFORE I, KATHLEEN BABINEAUX BLANCO, Governor of the state of Louisiana, by virtue of the authority vested by the Constitution and laws of the state of Louisiana, do hereby order and direct as follows.

SECTION 1: The Maritime Advisory Task Force (hereafter "Task Force") is reestablished within the executive department, Office of the Governor.

SECTION 2: The duties of the Task Force shall include, but are not limited to, the following:

A. Recommending legislation that is designed to enhance and protect the economic viability of Louisiana's maritime industry;

B. Recommending economic development programs which are designed to foster and promote growth in Louisiana's maritime industry;

C. Suggesting a means to enhance the competitiveness of Louisiana's maritime industry in national and international markets;

D. Evaluating maritime industry safety concerns and recommending safety measures that would benefit both the general population and Louisiana's maritime industry; and

E. Developing a "Five Year Ports Plan for economic development within the state of Louisiana" by September 1, 2005.

SECTION 3: By March 1, 2005, the Task Force shall submit a written comprehensive report to the governor on the issues set forth in Section 2 of this Order. Annually thereafter, the Task Force shall submit an updated report to the governor.

SECTION 4: The Task Force shall be composed of fifteen (15) members appointed by and serving at the pleasure of the governor, selected as follows:

A. The governor, or the governor's designee;

B. The secretary of the Department of Economic Development, or the secretary's designee;

C. The chair of the House Committee on Transportation, Highways, and Public Works, or the chair's designee;

D. The chair of the Senate Committee on Transportation, Highways, and Public Works, or the chair's designee;

E. A representative of the shallow draft maritime industry;

F. A representative of the deep draft maritime industry;

G. A representative of the shipyard industry;

H. A representative of the ports on the Mississippi River;

I. A representative of the ports on the Gulf/Intracoastal Canal;

J. A representative of the ports on the Red River;

K. A ship pilot commissioned by the state of Louisiana;

L. A representative of passenger vessels;

M. A representative of the offshore supply industry;

N. A representative of the fleeting industry; and

O. A representative of the United States Coast Guard.

SECTION 5: The chair of the Task Force shall be appointed by the governor from the membership of the Task Force. All other officers, if any, shall be elected by the Task Force from its membership.

SECTION 6: The Task Force shall meet biannually and at the call of the chair.

SECTION 7: Support staff, facilities, and resources for the Task Force and facilities for its meetings shall be provided by the Department of Economic Development.

SECTION 8:

A. Task Force members shall not receive additional compensation or a per diem from the Office of the Governor for serving on the Task Force.

B. Task Force members who are employees or elected public officials of the state of Louisiana or a political subdivision thereof may seek reimbursement of travel expenses, in accordance with PPM 49, from their employing and/or elected department, agency and/or office.

C. Task Force members who are also members of the Louisiana Legislature may seek a per diem from the Louisiana State Senate or House of Representatives, as appropriate, for their attendance.

SECTION 9: All departments, commissions, boards, offices, entities, agencies, and officers of the state of Louisiana, or any political subdivision thereof, are authorized and directed to cooperate with the Task Force in implementing the provisions of this Order.

SECTION 10: This Order is effective upon signature and shall continue in effect until amended, modified, terminated, or rescinded by the governor, or terminated by operation of law.

IN WITNESS WHEREOF, I have set my hand officially and caused to be affixed the Great Seal of Louisiana, at the Capitol, in the city of Baton Rouge, on this 9th day of December, 2004.

Kathleen Babineaux Blanco
Governor

ATTEST BY
THE GOVERNOR
Fox McKeithen
Secretary of State
0412#108

EXECUTIVE ORDER KBB 04-56

HUD Community Planning and Development
Formula Grant Program

WHEREAS, the United States Department of Housing and Urban Development (hereafter "HUD") promulgated a final rule in the *Federal Register* dated January 5, 1994, 24 CFR Part 91, et seq., which requires annual submission of a single consolidated plan, performance report, and funding application submission (hereafter "consolidated submission") for all HUD community planning and development formula grant programs, including the Community Development Block Grant Program, the Emergency Shelter Grants Program, the HOME Investment Partnership Program, and the Housing Opportunities for Persons With AIDS Program; and

WHEREAS, the state of Louisiana desires to comply with HUD's annual consolidated submission requirements;

NOW THEREFORE I, KATHLEEN BABINEAUX BLANCO, Governor of the state of Louisiana, by virtue of the authority vested by the Constitution and laws of the state of Louisiana, do hereby order and direct as follows:

SECTION 1: The Division of Administration, Office of Community Development, (hereafter "OCD") shall coordinate and designate, within the parameters of state law, all departments, agencies, or other entities of the state of Louisiana which have primary responsibility for the implementation of any function associated with HUD community planning and development formula grant programs, which are required to participate in the annual consolidated submission and which are to complete research, analysis, or other activities necessary for the OCD to submit to HUD, on behalf of the state of Louisiana, the annual consolidated submission and any amendments or supplements thereto.

SECTION 2: All departments, agencies, and other entities referred to in Section 1 of this Order shall cooperate with and submit to the OCD in a timely manner all necessary or requested information and documentation needed for the state of Louisiana to comply with the HUD consolidated submission requirements.

SECTION 3: The OCD shall annually submit to HUD a consolidated submission and any amendments or supplements thereto on behalf of the state of Louisiana.

SECTION 4: All departments, commissions, boards, offices, entities, agencies, and officers of the state of Louisiana, or any political subdivision thereof, are authorized and directed to cooperate with OCD in implementing the provisions of this Order.

SECTION 5: This Order is effective upon signature and shall continue in effect until amended, modified, terminated, or rescinded by the governor, or terminated by operation of law.

IN WITNESS WHEREOF, I have set my hand officially and caused to be affixed the Great Seal of Louisiana, at the Capitol, in the city of Baton Rouge, on this 9th day of December, 2004.

Kathleen Babineaux Blanco
Governor

ATTEST BY
THE GOVERNOR
Fox McKeithen
Secretary of State
0412#109

Emergency Rules

DECLARATION OF EMERGENCY

Department of Economic Development Boxing and Wrestling Commission

Wrestling (LAC 46:XI.Chapters 1, 3 and 5)

The Louisiana State Boxing and Wrestling Commission does hereby exercise the emergency provisions of the Administrative Procedure Act, R.S. 49:953(B) and 49:967(D), and adopts the following Rule. This Emergency Rule is necessary to prevent the loss of tax revenues resulting from locations rebroadcasting television related events and wrestling promoters/producers scheduling of events and to promote the safety and welfare of commission and ring officials and to repeal rules which are not in effect and to join with all sanctioning bodies that have now adopted the *Uniform Rules of Boxing* for championship bouts.

This Emergency Rule is effective December 9, 2004 and is to remain effective for a period of 120 days or until adoption of the final rule, whichever occurs first.

Title 46

PROFESSIONAL AND OCCUPATIONAL STANDARDS

Part XI. Boxing and Wrestling

Chapter 3. Professional Boxing

§101. Definitions

Exhibition Ca boxing, kickboxing or martial arts engagement in which the boxers, kickboxers or martial arts contestants show or display their skill without necessarily striving to win. This definition excludes wrestling, pursuant to R.S. 4:75 and 76.

Physician Ca person possessing a doctor of medicine (allopathic/M.D.), doctor of osteopathy or doctor of osteopathic medicine degree (osteopathic/D.O.) or an equivalent degree duly awarded by a medical or osteopathic educational institution approved by the commission.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:64.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Boxing and Wrestling Commission, LR 22:697 (August 1996), amended LR 31:

§102. Annual License Fees

A. The following is a scale of fees for licensees.

1. Promoters.....\$500
2. Matchmakers\$500
3. Referees\$ 25
4. Managers\$ 25
5. Announcers\$ 25
6. Professional boxers.....\$ 25
7. Seconds.....\$ 25

8. Professional wrestling contestants...\$ 25
9. Event coordinator\$500
10. Other licenses\$ 25

B. ...

AUTHORITY NOTE: Adopted in accordance with R.S. 4:65(B).

HISTORICAL NOTE: Adopted by the Department of Commerce, Boxing and Wrestling Commission 1967, amended 1974, amended by the Department of Economic Development, Boxing and Wrestling Commission, LR 22:697 (August 1996), amended LR 31:

Chapter 3. Professional Boxing

§303. Permit

A. No contracts will be recognized or considered valid unless filed with the commission and until a permit is issued for the event by the commission. A permit fee of \$250 for a non-television show and a permit fee of \$2,000 for a television show may be required by the commission.

AUTHORITY NOTE: Adopted in accordance with R.S. 4:61(D) and R.S. 4:64.

HISTORICAL NOTE: Adopted by the Department of Commerce, Boxing and Wrestling Commission 1967, amended 1974, amended by the Department of Economic Development, Boxing and Wrestling Commission, LR 22:697 (August 1996), LR 31:

§304. Deposits: Closed Circuit and Pay-Per-View Television Rebroadcasting

A. All locations rebroadcasting television related events, may be required to deposit a maximum of \$ 1,000, in advance for expenses and taxes. *Location* in this particular rule meaning any casino, public auditorium, hotel or civic center. Money, less taxes and expenses, will be refunded by the Commission to producer if taxes collected do not equal amount deposited. If taxes exceed the deposit, then the commission will proceed with collecting taxes as outlined in Revised Statute 4:67. Sports bars with a 250 person capacity or less will be required to purchase a permit for \$100; sports bars with a 400 person capacity or less will be required to purchase a permit for \$200; over 400 person capacity a promoters license is required. If sports bars are part of a location, as defined in this rule, then the same rule will apply as a location. Five percent taxes will apply as indicated in Revised Statute 4:67. Complimentary passes or tickets are taxable if ticket prices are outlined in the television contract or advertised and sold at a specified price. The capacity of a location will be determined by the state/local fire marshal's office. Locations are required to obtain a promoters license from the commission; sports bars with a capacity of less than 400 are exempt from purchasing a promoters license.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:61.D, R.S. 4:64 and R.S. 4:67.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Boxing and Wrestling Commission, LR 31:

§314. Prohibited Ring Official Assignments

A. A ring official domiciled in the State of Louisiana shall not accept an assignment in the United States or its

possessions that is not sponsored, sanctioned, approved or supervised by the commission, another official state commission, or a member of the Association of Boxing Commissions. *Official State Commission*, in this rule, meaning a commission domiciled and coming under the jurisdiction and regulatory powers of their state or United States possession.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:61.D and R.S. 4:64.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Boxing and Wrestling Commission, LR 31:

§315. Judges and Referees

A. - B.2. ...

C. The referee is the sole arbiter of a bout and is the only individual authorized to stop a contest.

AUTHORITY NOTE: Adopted in accordance with R.S. 4:61.D, R.S. 4:64 and R.S. 4:79.

HISTORICAL NOTE: Adopted by the Department of Commerce, Boxing and Wrestling Commission 1967, amended 1974, amended by the Department of Economic Development, Boxing and Wrestling Commission, LR 22:697 (August 1996), LR 31:

§316. Hold Harmless and Indemnity Agreement

A. All individuals, except the members of the commission, acting in any official capacity for any event(s) sanctioned by the commission shall be required to execute the Hold Harmless and Indemnity Agreement of the commission, prior to receiving any assignment from the commission. This shall be in addition to the agreement as set forth in the license application.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:61.D, R.S. 4:64 and R.S. 4:79.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Boxing and Wrestling Commission, LR 31:

§317. Judging Methods and Procedures

A. Scoring

1.a. - 1.d. ...

2. It is also noted that sportsmanship should be taken into consideration by the judges and the condition of the boxer at the end of the bout. The items listed do not have the same scoring value. Clearly, a man who hits his opponent and is aggressive throughout the contest is entitled to more credit than the one who is merely defensive and shows ring generalship. If the referee or the commission shall decide, at any time, that either contestant did not enter into a contest in good faith, or if the commission or referee discovers, at any time, that either or both contestants are not performing their part in good faith, or is guilty of any foul tactic, or of faking, or of violating any rule of the commission, the referee or commission may stop the contest. The referee may stop the contest when either contestant shows marked superiority or is apparently outclassed. If a contestant is knocked down, or falls through weakness, he must get up unassisted within 10 seconds. The referee shall count off the seconds. If the contestant attempts to get up, and goes back down, the count shall be continued by the referee where he left off. During the count, the opponent shall go to the farthest neutral corner and remain there. Should the opponent refuse to do so, or leave the farthest neutral corner, the referee may stop counting. Upon compliance by the opponent, however, the referee shall continue counting where he left off. If a contestant, who has fallen out of the ring during a contest,

fails to return immediately, the referee shall count him out as if he were "down" allowing 20 seconds. In every round but the last round of a bout, should a boxer be down at the time the bell rings ending the round, the count shall continue until the boxer gets up or is counted out. The termination of the bout is at the discretion of the referee and/or the ring physician. Should a contestant leave the ring during the one-minute period between rounds, and fail to be in the ring when gong rings to resume boxing, the referee shall declare his opponent the winner. A contestant shall be deemed "down" when:

a. any part of his body other than his feet is on the floor;

b. or he is hanging helplessly over the ropes;

c. or he is rising from a "down" position.

3. Answering the Bell. Should a contestant finish any one round of a contest and fail to answer the bell for the succeeding round for any one of numerous reasons, such as cuts, injuries or admission of overwhelming superiority, the proper termination of the bout is by a technical knockout in the round for which he fails to answer the bell. For instance, both contestants have finished round 6. One of them fails to answer the bell for round 7, or indicates to the referee that he will not answer the bell. It is a "TKO-7." Indeed the man should be regarded as technically counted out while seated in his corner just as though the bell sounded for the seventh round. Certainly he completed round 6 and cannot, therefore, be charged with a loss in the sixth. Boxers suffering a knockout or a technical knockout will automatically be suspended for a minimum period of 30 days. Any violation of this rule jeopardizes the welfare of the boxer. No boxer will be reinstated in less than 30 days unless investigated and specifically authorized by the commission or commission physician.

B. In the event a boxer has been knocked down the referee shall order such boxer's opponent to a neutral corner and commence a count of eight and such mandatory eight count after knockdowns is standard procedure in all bouts. Upon completion of said eight count the referee shall determine whether such boxer is able to continue.

C. There is no standing eight count.

D. When a boxer loses his mouthpiece, the referee shall call time as soon as possible and instruct such boxer's seconds to promptly wash or replace such boxer's mouthpiece and re-install same. If a referee determines that a boxer has deliberately spit out his mouthpiece for any reason, the referee shall issue a warning for the first such infraction and instruct the judges at the end of the round following a second such infraction to deduct one point from their scores for such boxer for that round. A boxer may be disqualified for deliberately spitting out his mouthpiece for the third time in any one round and his opponent declared the winner.

E. At the end of each round, each judge shall mark his or her scorecard in ink or indelible pencil with the score of each boxer in such round, and shall deliver the scorecard to the referee, who shall in turn deliver the scorecard of all judges to the commission.

F. At the conclusion of a contest or exhibition, except a contest or exhibition which has been concluded by knockout, technical knockout or disqualification, the commission shall

tally the total points awarded to each participant and inform the announcer of the decision of the three judges.

G. The announcer shall announce the decision of the judges from the ring, and in the main events, the announcer shall call out the total points awarded by each judge. The boxer who has more points on the scorecard of the official is the winner on that judge's scorecard. The boxer who has been awarded the decision on at least two of the three judge's scorecard is the winner of the bout. In the event that neither boxer has been awarded the decision on at least two of the three judge's scorecard the decision shall be a draw, majority draw and all other possibilities.

H. The judges shall score a knockdown in any one round in a manner which is consistent with §317.A.

AUTHORITY NOTE: Adopted in accordance with R.S. 4:61.D, R.S.4:64, R.S. 4:76 and R.S. 4:79.

HISTORICAL NOTE: Adopted by the Department of Commerce, Boxing and Wrestling Commission 1967, amended 1974, amended by the Department of Economic Development, Boxing and Wrestling Commission, LR 22:697 (August 1996), LR 31:

§318. Rounds, Duration and Intermission

A. Rounds shall be a minimum of 180 seconds long and 120 seconds long for female boxers.

B. There shall be a 60-second intermission between rounds, unless otherwise directed or authorized by the commission. The referee, at the request of the ringside physician, may extend this intermission, if necessary to examine a participant, for up to 30 additional seconds.

C. Each championship contest will be scheduled for 12 rounds, 180 seconds long, and a 60 second rest period.

AUTHORITY NOTE: Adopted in accordance with R.S. 4:61.

HISTORICAL NOTE: Adopted by the Department of Commerce, Boxing and Wrestling Commission 1967, amended 1974, amended by the Department of Economic Development, Boxing and Wrestling Commission, LR 22:697 (August 1996), LR 31:

§321. Fouls, Deductions of Points Because of a Foul and Accidental Foul

A. - A.17. ...

B. If a contestant fouls his opponent during a contest or commits any other infraction, the referee may penalize him by deducting points from his score, whether or not the foul or infraction was intentional. The referee may determine the number of points to be deducted in each instance and shall base his determination on the severity of the foul or infraction and its effect upon the opponent. Point deductions for intentional fouls are mandatory.

C. If an intentional foul causes an injury, and the injury is severe enough to terminate the bout immediately, the boxer causing the injury shall lose by disqualification.

D. If an intentional foul causes an injury, and the injury results in the bout being stopped in a later round, the injured boxer will win by a technical decision if he is ahead on the score cards or the bout will result in a technical draw if the injured boxer is behind or even on the score cards.

E. If a boxer injures himself while attempting to intentionally foul his opponent, the referee will not take any action in his favor, and this injury will be the same as one produced by a fair blow.

F. When the referee determines that it is necessary to deduct a point or points because of a foul or infraction, he shall warn the offender of the penalty to be assessed.

G. The referee shall, as soon as practical after the foul, notify the judges and both contestants of the number of points, if any, to be deducted from the score of the contestant.

H. Any point or points to be deducted for any foul or infraction must be deducted in the round in which the foul or infraction occurred, and may not be deducted from the score of any subsequent round.

I. Accidental Foul

1. If a bout is stopped because of an accidental foul, the referee shall determine whether the boxer who has been fouled can continue or not. If the boxer's chance of winning has not been seriously jeopardized as a result of a foul, the referee may order the bout continued after a reasonable interval. Before the bout begins again, the referee shall inform the commission's representative of his determination that the foul was accidental.

2. If the referee determines that the bout may not continue because of an injury suffered as the result of an accidental foul, the bout will result in a no decision if stopped before four completed rounds.

3. If an accidental foul renders a contestant unable to continue the bout after four completed rounds have occurred the bout will result in a technical decision awarded to the boxer who is ahead on the score cards at the time the bout is stopped.

a. After the fourth round has been completed, partial or incomplete rounds shall be scored.

b. However, any point deduction(s) occurring during this partial round will be deducted from the score of the completed rounds.

J. If an injury inflicted by an accidental foul later becomes aggravated by fair blows and the referee orders the bout stopped because of the injury, the outcome must be determined by scoring the completed rounds and the round during which the referee stops the bout.

AUTHORITY NOTE: Adopted in accordance with R.S. 4:61.D and R.S.4:64.

HISTORICAL NOTE: Adopted by the Department of Commerce, Boxing and Wrestling Commission 1967, amended 1974, amended by the Department of Economic Development, Boxing and Wrestling Commission, LR 22:697 (August 1996), LR 31:

§328. Event Approval

A. A member of the Louisiana Boxing and Wrestling Commission, including the Chairman, may not legally and/or officially authorize and/or give approval to any television network, corporation, limited liability company, promoter, match-maker or any other entity, private or corporate, for any major event date and site selection, without the prior approval of a majority of the commission members voting in favor. *Major Event* in this rule means any boxing, kick-boxing or wrestling (WCW, WWF, etc.) contests that the State of Louisiana authorizes this commission to sanction. Minor local wrestling shows may be excluded from this rule. (Local area commissioners should coordinate these shows through the deputy commissioners and chairman, once they are made aware of such events.)

B. Once a commissioner is contacted by a promoter, he must advise the promoter that a typewritten request on official letterhead must be submitted to the chairman by mail or facsimile. In the request disclosure must be made

regarding the venue (television contracts, promoter, matchmaker, number of bouts, bout contracts, arena contracts, sanctioning bodies, ticket information, etc.) After date and site selection is approved, full disclosure of all venue information must be submitted no later than two weeks prior to the event.

C. Once an official request is made, the chairman must call a meeting to approve or reject the request. A quorum, according to state statute, must be present to approve or reject such requests. An emergency meeting will not be necessary, if the time table is such, that the request may be discussed at the regular scheduled commission meeting.

D. The commission may demand that all monies relative to boxing venues be placed in escrow in the commission treasury. Monies in this rule means fighters purses and ring officials (referees, timekeepers, inspectors, physicians, judges, etc.) expenses. All ring officials pay will be predetermined and coordinated through the commission with the promoter. The ring officials will be paid by commission checks the same day or night before the start of the first bout. If the commission required fighters' purses to be placed in escrow then the fighters also will be paid by commission checks, less any expenses due the commission.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:61.D and R.S.4:64.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Boxing and Wrestling Commission, LR 31:

§343. Charity Events

A. Permission to hold charity events must be obtained from the commission.

1. If expenses for the event are to be deducted from the proceeds, then a report estimating the expenses to be incurred shall be presented to the commission 21 days prior to the event for approval. The report shall contain an expense limit to be incurred for the event.

2. A final report showing the actual expenses incurred along with the amount of donated proceeds must be submitted to the commission no later than 7 days after the event.

3. A receipt from the charitable organization must be included in the final report to the commission.

B. Shows advertised as charity events must announce in advance in the public press what contribution will be for charity and for what particular charity and this money must be paid before other expenses are deducted.

C. Should the entire proceeds, (except actual expenses) be given to charity, then this fact must be published. A complete report of all expenses and the actual amount turned over to charity must be available for the press on the day following the exhibition.

AUTHORITY NOTE: Adopted in accordance with R.S. 4:61(D) and R.S. 4:64.

HISTORICAL NOTE: Adopted by the Department of Commerce, Boxing and Wrestling Commission 1967, amended 1974, amended by the Department of Economic Development, Boxing and Wrestling Commission, LR 22:697 (August 1996), LR 31:

§335. Compensation of Officials

A. All officials that participate in an event sanctioned by the commission, shall be compensated by the promoters/producers. The amount compensated will be predetermined, prior to the event, between the commission and

the promoter/producer. Officials, in this rule, not to include the commission or physician.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:61.D, R.S. 4:64 and R.S. 4:67.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Boxing and Wrestling Commission, LR 31:

§353. Penalties and Sanctions

A. Anyone licensed and/or subject to the authority of the commission, who violates any of the rules and regulations of the commission as set forth in title, parts and chapters, shall be subject to such sanctions as imposed by the commission which may result in fines, suspensions and revocations of licenses to be determined by the commission pursuant to the laws of the State of Louisiana and the authority of the commission vested to the commission by those laws.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:61.D, R.S. 4:64 and R.S. 4:82.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Boxing and Wrestling Commission, LR 31:

Chapter 5. Professional Wrestling

§523. Wrestling Booking Agent

Repealed (Reserved).

AUTHORITY NOTE: Adopted in accordance with R.S. 4:61.D and R.S. 4:64.

HISTORICAL NOTE: Adopted by the Department of Commerce, Boxing and Wrestling Commission, 1967, amended 1974, repealed by the Department of Economic Development, Boxing and Wrestling Commission, LR 31:

§525. Wrestling Promoters

Repealed (Reserved).

AUTHORITY NOTE: Adopted in accordance with R.S. 4:61.D and R.S. 4:64.

HISTORICAL NOTE: Adopted by the Department of Commerce, Boxing and Wrestling Commission, 1967, amended 1974, repealed by the Department of Economic Development, Boxing and Wrestling Commission, LR 31:

A.L. "Buddy" Embanato, Jr.
Chairman

0412#057

DECLARATION OF EMERGENCY

Department of Economic Development Office of Business Development Louisiana Economic Development Corporation

Economic Development Award Program (EDAP) and
Economic Development Loan Program (EDLOP)
(LAC 13:III.Chapter 1)

The Louisiana Department of Economic Development, Office of Economic Development, and the Louisiana Economic Development Corporation, pursuant to the emergency provisions of the Administrative Procedure Act, R.S. 49:953(B), are revising and eliminating certain provisions of the rules of the Economic Development Award Program (EDAP), and are supplementing and expanding or extending that program by adopting the following additional rules for the Economic Development Loan Program (EDLOP), under the authority of R.S. 36:104, 36:108, 51:2302, 51:2312, and 51:2341. These Rules, adopted in accordance with the Administrative Procedure Act, R.S.

49:950 et seq., shall become effective December 10, 2004, and shall remain in effect for the maximum period allowed under the Act, or until the adoption of a permanent rule, whichever occurs first.

The Department of Economic Development, Office of Economic Development, and the Louisiana Economic Development Corporation, have found an immediate need to revise and eliminate certain provisions of the rules regarding the Economic Development Award Program (EDAP), and to supplement and expand or extend that program by providing additional rules regarding the creation, regulation and establishment of guidelines for the Economic Development Loan Program (EDLOP). The revised EDAP rules are an update of these provisions and eliminate the provisions relating to the Louisiana Opportunity Fund Program, which has not been utilized and which is no longer needed, since it has been replaced by the Governor's Economic Development Rapid Response Program. The new EDLOP rules provide for loan funding of all or a portion of economic development projects in order to successfully secure the creation or retention of jobs by business entities newly locating in Louisiana or which may already exist in Louisiana and are expanding their operations, but require state assistance for such development, all of which will promote economic development in the State of Louisiana. Without these Emergency Rules the public welfare may be harmed as the result of the loss of business investment and economic development projects creating or retaining jobs that would improve the standard of living and enrich the quality of life for citizens of this State.

Title 13

ECONOMIC DEVELOPMENT

Part III. Financial Assistance Programs

Chapter 1. Economic Development Award Program (EDAP) and Economic Development Loan Program (EDLOP)

§101. Economic Development Award Program (EDAP); Preamble and Purpose

A. The Economic Development Award Program (EDAP) is vital to support the state's commitment to Cluster Based (or Targeted Industry Based) Economic Development, and the state's long term goals as set forth in *Louisiana: Vision 2020*, which is the Master Plan for Economic Development for the State of Louisiana.

B. The purpose of this program is to finance publicly-owned infrastructure for industrial or business development projects that promote cluster or targeted industry economic development and that require state assistance for basic infrastructure development. Additionally, the Louisiana Department of Economic Development, with the approval of the Board of Directors of Louisiana Economic Development Corporation, may take necessary steps to successfully secure projects in highly competitive bidding circumstances.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:104, 36:108, 51:2302, 51:2312, and 51:2341, et seq.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Economic Development Corporation, LR 23:36 (January 1997); amended by the Department of Economic Development, Office of the Secretary, LR 23:1638 (December 1997), LR 25:237 (February 1999); amended by the Department of Economic Development, Office of the Secretary, LR 25:405 (March 1999); amended by the Department of Economic Development, Office of the Secretary, LR 25:1659 (September

1999), LR 26:236 (February 2000); amended by the Department of Economic Development, Office of Business Development, Louisiana Economic Development Corporation, LR 29:860 (June 2003), LR 31:

§103. Definitions

Applicants—the company and the public entity, collectively, requesting financial assistance from LED under this program.

Award—funding of financial assistance, appropriations, grants or loans approved under this program for eligible applicants.

Award Agreement—that agreement or contract hereinafter referred to between the company, the public entity, LED and LEDC through which, by cooperative endeavor or otherwise, the parties set forth the terms, conditions and performance objectives of the award provided pursuant to these rules.

Awardee—an applicant receiving an award under this program.

Basic Infrastructure Project—refers to those infrastructure projects funding for which is to be provided under this program.

Company—the business enterprise for which the project is being undertaken.

EDAP—the Economic Development Award Program.

Infrastructure—considered to be basic hard assets, permanent type assets, such as land, buildings, structures, substantial or installed machinery and/or equipment, streets, roads, highways, rights-of-way or servitudes, including paving or other hard surfacing, piping, drainage and/or sewage facilities, utility lines, poles and facilities, railroad spurs, tracks, cross ties, and all things similar or appurtenant thereto, and including costs related to the design, location, construction, and/or installation of such hard assets.

Infrastructure Project—refers to the undertaking for which an award is granted hereunder for the new construction, improvement or expansion of roadways, parking facilities, equipment, bridges, railroad spurs, water works, sewerage, buildings, ports and waterways.

LED—the Louisiana Department of Economic Development.

LEDC—the Louisiana Economic Development Corporation.

Program—the Economic Development Award Program, including Basic Infrastructure Projects that are undertaken by LED, LEDC, the public entity and the company pursuant to these Rules and the ByLaws of LEDC.

Project—an expansion, improvement and/or provision of infrastructure for a public entity that promotes economic development, for which LED and LEDC assistance is requested under this program as an incentive to influence a company's decision to locate in Louisiana, maintain or expand its Louisiana operations, or increase its capital investment in Louisiana.

Public Entity—the public or quasi-public entity responsible for engaging in the award agreement and pursuant thereto, for the performance and oversight of the project and for supervising with LED the company's compliance with the terms, conditions and performance objectives of the award agreement.

Secretary—the Secretary of the Department of Economic Development, who is also the President of LEDC.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:104, 36:108, 51:2302, 51:2312, and 51:2341, et seq.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Office of the Secretary, LR 23:1638 (December 1997), amended LR 25:237 (February 1999), LR 26:236 (February 2000), amended by the Department of Economic Development, Office of Business Development, Louisiana Economic Development Corporation, LR 29:861 (June 2003), LR 31:

§105. General Principles

A. The following general principles will direct the administration of the Economic Development Award Program:

1. Awards are not to be construed as an entitlement for companies locating or located in Louisiana, and are subject to the discretion of the LEDC Board, after considering the recommendation of the Secretary and/or the staff of LED or LEDC.

2. An award must reasonably be expected to be a significant factor in a company's location, investment and/or expansion decisions.

3. Awards must reasonably be demonstrated to result in the improvement of or enhancement to the economic development and well-being of the state and local community or communities wherein the project is or is to be located.

4. The retention and strengthening of existing businesses will be evaluated using the same procedures and with the same priority as the recruitment of new businesses to the state.

5. The anticipated economic benefits to the state and to the local community or communities wherein the project is or is to be located will be considered in making the award.

6. The favorable recommendation of the local governing authority wherein the project is or shall be located is expected and will be a factor in the consideration of the award.

7. Appropriate cost matching or funds matching by the Applicants, private investors, the local community and/or local governing authority, as well as among project beneficiaries will be a factor in the consideration of the award.

8. At the discretion of the LEDC Board, a two (2) year moratorium from the date of an LEDC Board approval or award of a grant may be required on additional EDAP awards to the same company at the same location.

9. Award funds shall be utilized for the approved project only.

10. Whether or not an award will be made is entirely in the discretion of the LEDC Board, after considering the recommendation of the Secretary and/or the staff of the LED or the LEDC; and shall depend on the facts and circumstances of each case, the funds available, funds already allocated, and other such factors as the LEDC Board may, in its discretion, deem to be pertinent. The approval or rejection of any application for an award shall not establish any precedent and shall not bind the LEDC Board, the LED Secretary or the staff of LED or LEDC to any course of action with regard to any application.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:104, 36:108, 51:2302, 51:2312, and 51:2341, et seq.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Office of the Secretary, LR 23:1639 (December 1997), amended LR 25:238 (February 1999), LR 26:237 (February 2000), amended by the Department of Economic Development, Office of Business Development, Louisiana

Economic Development Corporation, LR 29:861 (June 2003), LR 31:

§107. Eligibility

A. An eligible application for the award must meet the general principles set forth above and the criteria set forth below, and the infrastructure project must be or will be owned by, and the ownership benefits or rights resulting from the infrastructure project must inure to the benefit of one of the following:

1. a public or quasi-public entity; or
2. a political subdivision of the state.

B. A company shall be considered ineligible for this program if it has pending or outstanding claims or liabilities relative to failure or inability to pay its obligations, including state or federal taxes, a bankruptcy proceeding, or if it has pending, at the federal, state, or local level, any proceeding concerning denial or revocation of a necessary license or permit, or if the company has another contract with LED or LEDC in which the company is in default and/or is not in compliance. Should a company, after receiving an award, fail to maintain its eligibility during the term of the award agreement, the LEDC Board, in its discretion, may terminate the agreement and the award, and may seek a refund of any or all funds previously disbursed under the agreement.

C.1. Businesses not eligible for awards under this Program are:

- a. retail business operations;
- b. real estate developments;
- c. hospitality operations; or
- d. gaming operations.

2. This ineligibility provision shall not apply to wholesale, storage warehouse or distribution centers; catalog sales or mail-order centers; home-office headquarters or administrative office buildings; even though such facilities are related to ineligible business enterprises, provided that retail sales, hospitality services and gaming activities are not provided directly and personally to individuals in any such facilities.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:104, 36:108, 51:2302, 51:2312, and 51:2341, et seq.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Office of the Secretary, LR 23:1639 (December 1997), amended LR 25:238 (February 1999), LR 26:237 (February 2000), amended by the Department of Economic Development, Office of Business Development, Louisiana Economic Development Corporation, LR 29:861 (June 2003).LR 31:

§109. Criteria For Basic Infrastructure Projects

A. In addition to the General Principles set forth above, Basic Infrastructure Projects must meet the criteria hereinafter set forth for an award under the Program:

1. Job creation and/or retention and capital investment:

a. Basic Infrastructure Projects must create or retain at least ten permanent jobs in Louisiana.

b. Consideration will be given for projects having a significant new private capital investment.

c. The number of jobs to be retained and/or created as stated in the application for basic infrastructure projects will be strictly adhered to, and will be made an integral part of the award agreement.

2. Preference will be given to projects for industries identified by LED or LEDC as cluster or targeted industries,

and to projects located in areas of the state with high unemployment levels.

3. Preference will be given to projects intended to expand, improve or provide basic infrastructure supporting mixed use by the company and the surrounding community.

4. Companies must be in full compliance with all state and federal laws.

5. No assistance may be provided for Louisiana companies relocating their operations to another labor market area (as defined by the US Census Bureau) within Louisiana, except when the company gives sufficient evidence that it is otherwise likely to relocate outside of Louisiana, or the company is significantly expanding and increasing its number of employees and its capital investment.

6. The minimum award request size shall be \$25,000.

7. Extra consideration will be given for companies paying wages substantially above the prevailing regional wage.

8. If a company does not start the project or begin construction of the project, or make substantial progress toward preparation of architectural and engineering plans and specifications and/or permit applications, within six (6) months after its application approval, the LEDC Board of Directors, at its discretion, may cancel funding for the project, or require reapplication. LED or LEDC may require written, signed documentation demonstrating that the contemplated project has begun or has been started.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:104, 36:108, 51:2302, 51:2312, and 51:2341, et seq.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Office of the Secretary, LR 23:1639 (December 1997), amended LR 25:238 (February 1999), LR 26:237 (February 2000), amended by the Department of Economic Development, Office of Business Development, Louisiana Economic Development Corporation, LR 29:862 (June 2003), LR 31:

§111. Application Procedure For Basic Infrastructure Projects

A. The applicants must submit an application to LED or LEDC on a form provided by LED or LEDC which shall contain, but not be limited to, the following:

1. a business plan that contains an overview of the company, its history, and the business climate in which it operates, including audited or certified financial statements and business projections;

2. a detailed description of the project to be undertaken, along with the factors creating the need, including the purchase, construction, renovation or rebuilding, operation and maintenance plans, a timetable for the project's completion, and the economic scope of the investment involved in the project;

3. evidence of the number, types and compensation levels of jobs to be created or retained by the company in connection with the project, and the amount of capital investment for the project;

4. details of the health insurance coverage that is or will be offered to employees of all levels of the company;

5. evidence of the support of the local community and the favorable recommendation of the local governing authority for the applicant's project described in the award application; and

6. any additional information that LED or LEDC may require.

B. The applicants and their applications must meet the general principles of §105, the eligibility requirements under §107, and meet the criteria set forth in §109 above, in order to qualify for an award under this Program.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:104, 36:108, 51:2302, 51:2312, and 51:2341, et seq.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Office of the Secretary, LR 23:1639 (December 1997), amended LR 25:238 (February 1999), LR 26:237 (February 2000), amended by the Department of Economic Development, Office of Business Development, Louisiana Economic Development Corporation, LR 29:862 (June 2003), LR 31:

§113. Submission and Review Procedure For Basic Infrastructure Projects

A. Applicants must submit their completed application to LED or to LEDC. Submitted applications will be reviewed and evaluated by LED or LEDC staff. Input may be required from the applicant, other divisions of the Department of Economic Development, LEDC, and other state agencies as needed in order to:

1. evaluate the strategic importance of the project to the economic well-being of the state and local communities;

2. validate the information presented;

3. determine the overall feasibility of the company's plan.

B. An economic cost-benefit analysis of the project, including an analysis of the direct and indirect net economic impact and fiscal benefits to the state and local communities, including an evaluation based on the Regional Input/Output Model System II (RIMS), or its successor, will be prepared by LED or LEDC.

C. Upon determination that an application meets the general principles of §105, the eligibility requirements under §107, and meets the criteria set forth for this program under §109, the Secretary of LED and/or the LED or LEDC staff will then make a recommendation to the LEDC Board of Directors. The application will then be reviewed and approved or rejected by the LEDC Board in its discretion, after considering the recommendation of the Secretary of LED and/or the staff of LED or LEDC. The cluster director or the targeted industry specialist in whose industrial area the applicant company participates may also make a recommendation to the LEDC Board as to the approval or disapproval of the award.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:104, 36:108, 51:2302, 51:2312, and 51:2341, et seq.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Office of the Secretary, LR 23:1639 (December 1997), amended LR 25:238 (February 1999), LR 26:237 (February 2000), amended by the Department of Economic Development, Office of Business Development, Louisiana Economic Development Corporation, LR 29:863 (June 2003), LR 31:

§115. General Award Provisions

A. Except where indicated, these provisions shall be applicable to Basic Infrastructure Awards. All agreements, including those resulting from any expedited procedures, shall demonstrate the intent of the company, the public entity, LED, and LEDC to enter into the following.

1. Award Agreement. A written contract, agreement or cooperative endeavor agreement will be executed between LEDC, acting through the LED, the public entity and the company(ies). The agreement will specify the performance objectives and requirements the company(ies) and the public entity will be required to meet, and the compliance requirements to be enforced in exchange for state assistance, including, but not limited to, time lines for investment, for performance, job retention and/or creation, and the payroll levels of such jobs. Under the agreement, the public entity will oversee the progress of the project. LED or LEDC will disburse funds to the public entity in a manner determined by LED or LEDC.

2. Funding.

a. Eligible project costs may include costs related to the design, location, construction and/or installation of basic infrastructure hard assets, including, but not limited to, the following:

- i. engineering and architectural expenses related to the project;
- ii. site (land) and/or building acquisition;
- iii. site preparation;
- iv. construction, renovation and/or rebuilding expenses; and/or
- v. building materials.

b. Project costs ineligible for award funds include, but are not limited to:

- i. recurrent expenses associated with the project (e.g., operation and maintenance costs);
- ii. company moving expenses;
- iii. expenses already approved for funding through the General Appropriations Bill, or for cash approved through the Capital Outlay Bill, or approved for funding through the state's capital outlay process for which the Division of Administration and the Bond Commission have already approved a line of credit and the sale of bonds;
- iv. improvements to privately-owned property, unless provisions are included in the project for the transfer of ownership to a public or quasi-public entity;
- v. refinancing of existing debt, public or private;
- vi. furniture, fixtures, computers, consumables, transportation equipment, rolling stock or movable equipment.

B. Amount of Award. Following the appropriation of funds for each fiscal year, the Board of Directors of LEDC shall allocate the amount of such funds available for Basic Infrastructure Awards.

1. For Basic Infrastructure Awards, matching funds shall be a consideration; and:

- a. The portion of the total project costs financed by the award may not exceed:
 - i. ninety percent for projects located in parishes with per capita personal income below the median for all parishes; or
 - ii. seventy-five percent for projects in parishes with unemployment rates above the statewide average; or
 - iii. fifty percent for all other projects.
- b. Other state funds cannot be used as the match for EDAP funds.

c. All monitoring will be done by LED or LEDC. Expenditures for monitoring or fiscal agents may be deducted from awards.

d. The award amount shall not exceed 25 percent of the total funds allocated to the Basic Infrastructure Awards Program during a fiscal year, unless the project creates in excess of 200 jobs, or creates an annual payroll in excess of \$3.1 Million.

e. The LEDC Board of Directors, in its discretion, considering the recommendations of the Secretary and/or the staff of LED or LEDC, may limit the amount of awards to effect the best allocation of resources based upon the number of projects requiring funding and the availability of program funds.

C. Conditions for Disbursement of Funds.

1. Award funds will be available to the public entity on a reimbursement basis in accordance with the award agreement following submission of required documentation to LED or LEDC from the public entity.

2. Program funding source.

a. If the program is funded through the state's general appropriations bill, only funds spent on the project after the approval of the LEDC Board of Directors will be considered eligible for reimbursement.

b. If the program is funded through a capital outlay bill, eligible expenses cannot be incurred until a cooperative endeavor agreement (contract) has been agreed upon, signed and executed.

3. Award funds will not be available for disbursement until:

a. LED or LEDC receives signed commitments by the project's other financing sources (public and private);

b. LED or LEDC receives signed confirmation that all technical studies or other analyses (e.g., environmental or engineering studies), and licenses or permits needed prior to the start of the project have been completed or obtained;

c. all other closing conditions specified in the award agreement have been satisfied.

4. Awardees will be eligible for reimbursement at 85 percent until all or substantially all of the tasks or work required by the award agreement have been performed or completed. After the awardee has performed or completed or substantially performed or substantially completed the tasks or work required by the award agreement, the final 15 percent of the award amount will be paid after LED or LEDC staff or its designee inspects the project to assure that all or substantially all of the tasks or work required by the award agreement have been performed or completed. Such tasks or work shall be considered substantially performed or substantially completed when LED or LEDC has determined that the benefits to the state anticipated or expected as a result of the project, tasks or work performed have been achieved, even though 100 percent of all stated objectives of the award agreement may not have been fully achieved.

D. Compliance Requirements.

1. Companies and public entities shall be required to submit progress reports, describing the progress towards the performance objectives specified in the award agreement. Progress reports by public entity shall include a review and certification of company's hiring records and the extent of company's compliance with contract employment commitments. Further, public entity shall oversee the timely submission of reporting requirements of the company to LED.

2. Award Agreements will contain "clawback" or refund provisions to protect the State in the event of a default. In the event a company or public entity fails to meet its performance objectives specified in its agreement with LED and LEDC, LED and LEDC shall retain the rights to withhold award funds, modify the terms and conditions of the award, and to reclaim disbursed funds from the company and/or public entity in an amount commensurate with the scope of the unmet performance objectives and the foregone benefits to the state. Reclamation shall not begin unless LED or LEDC has determined, after an analysis of the benefits of the project to the state and the unmet performance objectives, that the state has not satisfactorily or adequately recouped its costs through the benefits provided by the project.

3. In the event a company or public entity knowingly files a false statement in its application or in a progress report or other filing, the company or public entity and/or their representatives may be guilty of the offense of filing false public records, and may be subject to the penalty provided for in R.S. 14:133. In the event an applicant, company, public entity, or party to an award agreement is reasonably believed to have filed a false statement in its application, a progress report or any other filing, LED and/or LEDC is authorized to notify the District Attorney of East Baton Rouge Parish, Louisiana, and may also notify any other appropriate law enforcement personnel, so that an appropriate investigation may be undertaken with respect to the false statement and the application of state funds to the project.

4. LED and LEDC shall retain the right to require and/or conduct financial and performance audits of a project, including all relevant records and documents of the company and the public entity.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:104, 36:108, 51:2302, 51:2312, and 51:2341, et seq.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Office of the Secretary, LR 23:1640 (December 1997), amended LR 25:239 (February 1999), LR 26:238 (February 2000), amended by the Department of Economic Development, Office of Business Development, Louisiana Economic Development Corporation, LR 29:863 (June 2003).LR 31:

§117. Conflicts of Interest

A. No member of Louisiana Economic Development Corporation, employee thereof, or employee of the Louisiana Department of Economic Development, nor members of their immediate families, shall either directly or indirectly be a party to or be in any manner interested in any contract or agreement with either the Corporation or the Department for any matter, cause, or thing whatsoever by reason whereof any liability or indebtedness shall in any way be created against such Corporation or Department. If any contract or agreement shall be made in violation of the provisions of this Section, the same shall be null and void, and no action shall be maintained thereon against either the Corporation or the Department.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:104, 36:108, 51:2302, 51:2312, and 51:2341, et seq.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Office of the Secretary, LR 25:405 (March 1999), amended LR 26:239 (February 2000), amended by the Department of Economic Development, Office of Business

Development, Louisiana Economic Development Corporation, LR 29:863 (June 2003), LR 31:

§131. Economic Development Loan Program (EDLOP); Preamble and Purpose

A. The Economic Development Loan Program (EDLOP) is vital to support, promote and enhance the State's commitment to Economic Development, and the State's long term goals as set forth in *Louisiana: Vision 2020*, which is the long-term Master Plan for Economic Development for the State of Louisiana. This program is a supplement to and an expansion or extension of the already existing Economic Development Award Program (EDAP).

B. The purpose of this program is to assist in the financing or loan funding of privately-owned property and improvements, including the purchase of a building site, the purchase or construction, renovation, rebuilding and improvement of buildings, their surrounding property, and for machinery and equipment purchases and rebuilding, all for business enterprises newly locating in Louisiana or for businesses already existing in this State which are expanding their operations and that require state assistance for such development, rebuilding or other such improvement, and for which LED and LEDC assistance is requested under this program, all of which will promote economic development and provide an incentive to influence a company's decision to locate in Louisiana, maintain or expand its Louisiana operations, or increase its capital investment in Louisiana.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:104, 36:108, 51:2302, 51:2312, and 51:2341.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Office of Business Development, Louisiana Economic Development Corporation, LR 31:

§133. Definitions

Applicant The company or business enterprise requesting or seeking financial assistance, specifically a loan, from LED and LEDC under this program. The applicant may be, but is not required to be, joined in the application by any other person, public or private entity, as a co-applicant or as a guarantor.

Award Funding of financial assistance, specifically a loan, approved under this program for eligible applicants, which is to be repaid with interest over a period of time by the awardee/borrower.

Awardee An applicant, company or business enterprise receiving a loan award under this program.

Borrower The company or business enterprise receiving and accepting a loan award under this program.

Company The business enterprise, being a legal entity duly authorized to do and doing business in the State of Louisiana, in need of loan funding for a project pursuant to these rules, which is undertaking the project or for which the project is being undertaken, and which is seeking or receiving a loan award under this program.

Default The failure to perform a task, to fulfill an obligation, or to do what is required; or the failure to pay, to repay or to meet a financial obligation.

EDLOP The Economic Development Loan Program.

Financed Lease A lease entered into that satisfies the criteria of a lease intended as a security device for the payment or repayment of a debt, a loan or an obligation; in which case the creditor or lender shall be the lessor, the debtor or borrower shall be the lessee, and the installment payments of the loan shall be the lease or rental payments.

Guaranty—An agreement, promise or undertaking by a second party to make the payment of a debt or loan or to perform an obligation in the event the party liable in the first instance fails to make payment or to perform an obligation.

LEDC—The Louisiana Department of Economic Development.

LEDC—The Louisiana Economic Development Corporation.

LEDC Board—The Board of Directors of the Louisiana Economic Development Corporation.

Loan (or Loan Award)—funding of financial assistance approved under this program for eligible applicants, which is to be repaid with interest over a period of time by the awardee/borrower.

Loan Agreement (Award Agreement or Loan Award Agreement)—That agreement or contract hereinafter referred to between the company, LED and LEDC through which, by cooperative endeavor agreement or otherwise, the parties set forth the terms and conditions of the loan to be provided pursuant to these rules, and the performance objectives and requirements of the company as consideration for the award of the loan provided pursuant to the company's application and these rules.

Loan Participation—The sharing by one lender of a part or portion of a loan with another lender or other lenders, whereby the participant or participants may provide a portion of the loan funds, or may purchase a portion of the loan, and which participant or participants would be entitled to share in the proceeds of the loan repayments and interest income.

Program—The Economic Development Loan Program (EDLOP), involving such projects that are undertaken by LED, LEDC and the company pursuant to these Rules and the ByLaws of LEDC.

Project (or Infrastructure Project)—Refers to the undertaking for which a loan award is sought and/or is granted hereunder for the purchase of a to be privately-owned building site, or for the purchase, construction, improvement, expansion, renovation, rebuilding or expansion of privately-owned buildings and their surrounding property, including parking facilities, private roads, railroad spurs and utility needs, including electrical, gas, telephone, water and sewerage lines, as well as certain qualified machinery and equipment, for a private entity which will promote economic development, for which LED and LEDC assistance is requested under this program as an incentive to influence a company's decision to locate in Louisiana, maintain or expand its Louisiana operations, and/or increase its capital investment in Louisiana.

Promissory Note—A written promise to pay or repay a specified amount of money on a stated date, or within a stated time, in installments, or on demand.

Secretary—The Secretary of the Department of Economic Development, who is also the President of LEDC.

Security Interest—A lien, incumbrance or mortgage affecting movable or immovable property given by a debtor or borrower in favor of a creditor or lender to assure the debtor's or borrower's payment or repayment of a debt or promise to pay an amount of money, or for the fulfillment or performance of an obligation. A security interest may also be reserved in favor of the creditor or lender in the form of a lease, commonly called a "Financed Lease;" in which case

the creditor or lender shall be the lessor, the debtor or borrower shall be the lessee, and the lease or rental payments shall be the installment payments of the loan.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:104, 36:108, 51:2302, 51:2312, and 51:2341.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Office of Business Development, Louisiana Economic Development Corporation, LR 31:

§135. General Principles

A. The following general principles will direct the administration of the Economic Development Loan Program.

1. Loan awards are not to be construed as an entitlement for companies locating or located in Louisiana, and are subject to the discretion of the LEDC Board, after considering the recommendation of the Secretary and/or the staff of LED or LEDC.

2. A loan award must reasonably be expected to be a significant factor in a company's location, investment and/or expansion decisions.

3. Loan awards must reasonably be demonstrated to result in an improvement of or enhancement to economic development of the state and the local community wherein the business is or is to be located.

4. The retention and strengthening of existing businesses will be evaluated using the same procedures and criteria, and with the same priority as the recruitment of new businesses to the state.

5. The anticipated economic benefits to the state and the local community will be considered in approving the loan award.

6. The favorable recommendation of the local governing authority wherein the project is or shall be located is expected and will be a factor in the consideration of the loan award.

7. Appropriate cost matching or funds matching by the loan beneficiary, as well as private investors, the local community, local Public Entities, and/or local governing authority, will be a factor in the consideration of the loan award.

8. Loan funds shall be utilized for the approved project only.

9. Whether or not a loan award will be made is entirely in the discretion of the LEDC Board, after considering the recommendation of the Secretary and/or the staff of the LED or the LEDC; and shall depend on the facts and circumstances of each case, the funds available, funds already allocated, and other such factors as the LEDC Board may, in its discretion, deem to be pertinent. The approval or rejection of any application for a loan award shall not establish any precedent and shall not bind the LEDC Board, the LED Secretary or the staff of LED or LEDC to any course of action with regard to any application.

10. A Loan Award may also take the form of a Loan Participation, wherein LED or LEDC may act as the originator of the loan, and may share or participate a portion of the loan with another lender or other lenders; or LED or LEDC may act as a participant in a loan, and accept a portion or a share of a loan originated by another lender or other lenders.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:104, 36:108, 51:2302, 51:2312, and 51:2341.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Office of Business Development, Louisiana Economic Development Corporation, LR 31:

§137. Eligibility

A. An eligible application for the loan award must be consistent with the general principles set forth in §155 above and the criteria set forth in § 159 below, must demonstrate a need for the funding of the project consistent with these rules, and the project must be or will be owned by, and the ownership benefits or rights resulting from the project must inure to the benefit of the applicant company or business enterprise, which will also be the borrower.

B. A company shall be considered ineligible for this program if it has pending or outstanding claims or liabilities relative to failure or inability to pay its obligations, including state or federal taxes, a bankruptcy proceeding, or if it has pending, at the federal, state, or local level, any proceeding concerning denial or revocation of a necessary license or permit, or if the company has another contract with LED or LEDC in which the company is in default and/or is not in compliance. Should a company, after receiving a loan award, fail to maintain its eligibility during the term of the award agreement, the LEDC Board, in its discretion, may terminate the agreement and the award, and may seek a refund of any or all funds previously disbursed under the agreement.

C.1. Businesses not eligible for loans under this program shall include:

- a. retail business operations;
- b. real estate developments;
- c. hospitality operations; or
- d. gaming operations.

2. This ineligibility provision shall not apply to wholesale, storage warehouse or distribution centers; catalog sales or mail-order centers; home-office headquarters or administrative office buildings; even though such facilities are related to ineligible business enterprises, provided that retail sales, hospitality services and gaming activities are not provided directly and personally to individuals in any such facilities.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:104, 36:108, 51:2302, 51:2312, and 51:2341.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Office of Business Development, Louisiana Economic Development Corporation, LR 31:

§139. Criteria for Projects

A. In addition to the General Principles set forth in §135 and the Eligibility requirements in §137 above, projects must meet the criteria hereinafter set forth for a loan award under this program:

1. Job creation and/or retention and capital investment:

- a. projects must create or retain at least 10 jobs considered to be permanent jobs, in Louisiana.
- b. consideration will be given for projects having a significant new private capital investment.
- c. the number of jobs to be retained and/or created, as stated in the application for projects, and their payroll levels will be strictly adhered to, and will be made an integral part of the loan award agreement.

2. Preference will be given to projects for industries identified by LED or LEDC as targeted industries, and to projects located in areas of the state with high unemployment levels.

3. Preference will be given to projects intended to provide, expand or improve basic structural infrastructure and its use by the company, and secondary consideration will be given to projects involving machinery and equipment purchases or rebuilding.

4. Companies must be in full compliance with all state and federal laws.

5. No assistance may be provided for Louisiana companies relocating their operations to another labor market area (as defined by the U.S. Census Bureau) within Louisiana, except when the company gives sufficient evidence that it is otherwise likely to relocate outside of Louisiana, or the company is significantly expanding and increasing its number of employees and its capital investment.

6. The minimum loan award request size shall be \$25,000.

7. Extra consideration will be given for companies paying wages substantially above the prevailing regional wage.

8. If a company does not start the project or begin the purchase or the construction of the project, or make substantial progress toward preparation of architectural and engineering plans and specifications and/or permit applications, or execute purchase orders for machinery and equipment or orders for the rebuilding of machinery and equipment within 120 days after its application approval, the LEDC Board of Directors, at its discretion, may cancel funding for the project, or require reapplication. Copies of written, signed documentation may be required by LED or LEDC demonstrating that the contemplated project has begun or has been started.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:104, 36:108, 51:2302, 51:2312, and 51:2341.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Office of Business Development, Louisiana Economic Development Corporation, LR 31:

§141. Application Procedure for Projects

A. The applicant must submit an application to LED or LEDC by letter or on a form provided by LED or LEDC which shall contain, but not be limited to, the following:

1. a business plan that contains an overview of the company, its history, and the business climate in which it operates, including audited or certified financial statements and business projections;

2. a detailed description of the project to be undertaken, along with the factors creating the need, including the purchase, construction, renovation or rebuilding, operation and maintenance plans, a timetable for the project's completion, and the economic scope of the investment involved in the project;

3. a cash flow analysis of the project, providing detailed support for the use of the funding to be provided, and a proposed repayment schedule for the loan which is consistent with the revenues to be generated by the project;

4. evidence of the number, types and compensation levels of jobs to be created or retained by the company in connection with the project, the period of time for which the company will commit to maintain the new and/or retained jobs, and the amount of capital investment for the project;

5. details of the health insurance coverage that is or will be offered to employees of all levels of the company;

6. a statement or disclosure as to whether or not the company has sought or applied for any other type of financing (public or private) for this project, and the results or disposition of that search and/or application;

7. evidence of the support of the local community and the favorable recommendation of the local governing authority for the applicant's project to be financed by the requested loan award; and

8. any additional information that LED or LEDC may require.

B. The applicant and its application must meet the general principles of §135, the eligibility requirements in §137, and meet the criteria set forth in §139 above, in order to qualify for a loan award under this program.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:104, 36:108, 51:2302, 51:2312, and 51:2341.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Office of Business Development, Louisiana Economic Development Corporation, LR 31:

§143. Submission and Review Procedure for Projects

A. An applicant must submit its completed application to LED or to LEDC. Submitted applications will be reviewed and evaluated by the staff of LED or LEDC. Input may be required from the applicant, other divisions of the Department of Economic Development, LEDC, and other state agencies as needed in order to:

1. evaluate the strategic importance of the project to the economic well-being of the state and local communities;
2. validate the information presented; and
3. determine the overall feasibility of the company's plan.

B. An economic cost-benefit analysis of the project, including an analysis of the direct and indirect net economic impact and fiscal benefits to the state and local communities, including an evaluation based on the Regional Input/Output Model System II (RIMS), or its successor, will be prepared by LED or LEDC.

C. Upon determination that an application meets the general principles of §155, the eligibility requirements under §157, and meets the criteria set forth for this program under §159, the Secretary of LED and/or the staff of LED or LEDC staff will then make a recommendation to the LEDC Board of Directors. The application will then be reviewed and approved or rejected by the LEDC Board in its discretion, after considering the recommendation of the Secretary of LED and/or the staff of LED or LEDC. The cluster director or targeted industry specialist in whose industrial area the applicant company participates may also make a recommendation to the LEDC Board as to the approval or disapproval of the loan award.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:104, 36:108, 51:2302, 51:2312, and 51:2341.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Office of Business Development, Louisiana Economic Development Corporation, LR 31:

§145. General Loan Award Provisions

A. These provisions shall be applicable to loan awards. Loan award agreements resulting from the procedures for loan awards shall demonstrate the intent of the company, the LED, and LEDC to enter into the following.

1. Loan Agreement, Award Agreement or Loan Award Agreement. After a loan award has been approved, a written contract, agreement or cooperative endeavor agreement will

be executed between LEDC, acting through the LED, and the company or business enterprise receiving the loan award. The agreement will specify the amount, the terms and conditions of the loan; the performance objectives and requirements the company will be required to meet; and the compliance requirements to be enforced in exchange for state assistance, including, but not limited to, time lines for investment, for performance, job retention and/or creation, as well as the payroll levels of such jobs. Under the agreement, the staff of the LED or LEDC or their area representatives will oversee or monitor the progress of the project. LED or LEDC will disburse funds to the company, the borrower, in a manner determined by LED or LEDC.

2. Promissory Note. When appropriate, the borrower shall execute an appropriate promissory note containing a promise to pay or repay the loan funds with interest; the rate of such interest to be determined by the LEDC Board in its discretion, considering the recommendation of the Secretary and/or the staff of LED or LEDC as to such rate of interest, which rate of interest shall not be less than the then current U.S. Government Treasury Security Rate that coincides with the term or time period of the Loan at the time of the loan award approval, nor more than 2.5% above such Treasury Security Rate; and such promissory note may provide for the repayment of such funds on a stated date, or within a stated time, in installments or on demand, as determined by the LEDC Board in its discretion, considering the recommendation of the Secretary and/or the staff of LED or LEDC as to such repayment terms.

3. Security Interest. When appropriate, and if required by the LEDC Board in its discretion, considering the recommendation of the Secretary and/or the staff of LED or LEDC as to such security interest, the borrower shall execute an appropriate security instrument or document providing the LEDC and/or LED a security interest in such movable and/or immovable property or any other assets of the borrower as the LEDC Board shall deem appropriate in the circumstances considering the project and the specific interests and properties relating thereto; such security instrument or document to contain all appropriate, usual, customary, and generally accepted Louisiana security provisions.

4. Financed Lease. When appropriate, and if required by the LEDC Board in its discretion, considering the recommendation of the Secretary and/or the staff of LED or LEDC as to such security interest, the borrower shall execute an appropriate lease for the purpose of financing and providing security for the loan as the LEDC Board shall deem appropriate in the circumstances considering the project and the specific interests and properties relating thereto; such Financed Lease to contain all appropriate, usual, customary, and generally accepted Louisiana lease and security provisions.

5. Examination/Audit of Books, Records and Accounts. LEDC, LED and the State shall retain and shall have the right to examine/audit all books, records and accounts of the borrower and its project at any time and from time to time, as well as all books, records and assets of any and all guarantors.

6. Guaranties. Should the circumstances warrant, and if required by the LEDC Board in its discretion, considering the recommendation of the Secretary and/or the staff of LED

or LEDC as to the need for any such guaranty, a guaranty or guaranties of the borrower's obligation to pay or repay the loan proceeds or any part thereof, or a guaranty or guaranties of the company's obligations to perform any or all of its performance requirements or obligations under the loan award agreement, shall be required from any person or persons, company, companies, business enterprise, or any Public Entity or governmental authority.

7. Execution of Documents. If a borrower does not execute the appropriate documentation which has been prepared by the staff of LED or LEDC for the loan award transaction within 60 days after the completed documentation has been forwarded to the borrower, the borrower shall be required to appear before the LEDC Board to explain the delay, and the LEDC Board shall have the right to reconsider the loan award, and may either withdraw the loan award or grant an extension of time to the borrower. In the event the borrower does not execute the documentation within the additional time extended to it, the LEDC Board, in its discretion, may withdraw the loan award.

8. Funding

a. Eligible project costs may include, but not be limited to, the following:

- i. site (land) and/or building acquisition;
- ii. engineering and architectural expenses related to the project;
- iii. site preparation;
- iv. construction, renovation and/or rebuilding expenses;
- v. building materials;
- vi. purchases or rebuilding of capital machinery and/or equipment having an Internal Revenue Service (IRS) depreciable life of at least seven years. If any such eligible machinery and/or equipment to be financed by the loan award is not to be located on property owned by the borrower, the owners, lessors and lessees of such private or public property shall each execute an appropriate written lien waiver or release allowing representatives of LED or LEDC to enter upon such private or public property and remove therefrom any or all of such machinery and/or equipment at any time either the LED or the LEDC shall determine such to be in its security interest to do so.

b. Project costs ineligible for award funds include, but are not limited to:

- i. recurrent expenses associated with the project (e.g., operation and maintenance costs);
- ii. company moving expenses;
- iii. expenses already approved for funding through the General Appropriations Bill, or for cash approved through the Capital Outlay Bill, or approved for funding through the state's capital outlay process for which the Division of Administration and the Bond Commission have already approved a line of credit and the sale of bonds;
- iv. refinancing of existing debt; and/or
- v. costs related to furniture, fixtures, computers, consumables, transportation equipment, rolling stock, or any machinery and/or equipment having an IRS depreciable life of less than seven years.

9. Loan Participation. If and when appropriate, LED or LEDC, as the originator, may share a part or portion of a loan, with another lender or other lenders, whereby the

participant or participants may provide a portion of the loan funds or may purchase a portion of the loan; or LED or LEDC, as a participant, may share in a part or portion of a loan originated by another lender or other lenders, by providing a portion of the loan funds or by purchasing a portion of the loan; in either of which cases the participant or participants shall share in the proceeds of the loan repayments and interest income, and an appropriate Loan Participation Agreement shall be executed between the lenders designating the shares of the parties, outlining the various rights and responsibilities of the parties, providing for the servicing/collecting of the indebtedness, providing for the payment of any fees and reimbursement of any expenses of the servicing party, and containing the usual and customary provisions of such Agreements.

B. Allocation of Amount for Loan Awards. Following the appropriation of funds for each fiscal year, the Board of Directors of LEDC shall allocate, and may revise from time to time, the amount of such funds available for Economic Development Loan Awards.

1. Regarding the amount of such loan awards, matching funds shall be a consideration; and:

a. the portion of the total project costs financed by the loan award may not exceed:

- i. ninety percent for projects located in parishes with per capita personal income below the median for all parishes; or
- ii. seventy-five percent for projects in parishes with unemployment rates above the statewide average; or
- iii. fifty percent for all other projects.

b. Other state funds cannot be used as the match for EDLOP funds.

c. All monitoring will be done by the staff of LED or LEDC and/or their regional representatives. Expenditures for monitoring or fiscal agents may be deducted from such loan awards, at the discretion of the LEDC Board, considering the recommendation of the Secretary and/or the staff of the LED or the LEDC as to such deductions.

d. The loan award amount shall not exceed 25 percent of the total funds allocated to the loan awards program during a fiscal year, unless the project creates in excess of 200 jobs, or creates an annual payroll in excess of \$3.1 Million.

e. The LEDC Board of Directors, in its discretion, considering the recommendation of the Secretary and/or the staff of the LED or the LEDC as to the limitation of the amount of such loan awards, may limit the amount of loan awards to effect the best allocation of resources based upon the number of projects requiring funding and the availability of program funds.

2. Resources shall be allocated by the Board of Directors of LEDC, in its discretion, considering the recommendations of the Secretary and/or the staff of LED or LEDC, in order to effect the best allocation of resources, based upon the number of projects anticipated to require similar funding and the availability of program funds.

C. Conditions for Disbursement of Funds

1. Loan award funds will be available and funded to the borrower pursuant to the loan award agreement following submission of all signed required documentation to LED or LEDC from the company or business enterprise.

2. Program Funding Source

a. If the program is funded through the state's general appropriations bill, only funds spent on the project after the approval of the LEDC Board of Directors will be considered eligible for such loan awards.

b. If the program is funded through a capital outlay bill, eligible expenses cannot be incurred until a cooperative endeavor agreement or loan award agreement (contract) has been agreed upon, signed and executed.

3. Loan award funds will not be available for disbursement until:

a. LED or LEDC receives signed commitments by the project's other financing sources (public and private);

b. LED or LEDC receives signed confirmation that all required technical studies or other analyses (e.g., environmental or engineering studies), and licenses or permits needed prior to the start of the project have been completed, issued and/or obtained, in the event that such are required in connection with the project; and

c. all other closing conditions specified in the loan award agreement have been satisfied.

4. Awardees will be eligible for the advancement of loan funds after all or substantially all of the conditions required by the loan award agreement have been met, performed or completed. After the awardee has met all such conditions, or performed or completed or substantially performed or substantially completed the conditions required by the loan award agreement, the loan amount may be disbursed to the borrower after the staff of LED or LEDC or its designee has determined, or inspects the project, circumstances or documentation to assure that all or substantially all of the conditions required by the loan award agreement have been met, performed or completed. Such conditions shall be considered substantially met, substantially performed or substantially completed when LED or LEDC has determined, in its discretion, that the benefits to the state or results anticipated or expected as a result of the conditions to be performed have been achieved, even though 100 percent of all stated conditions of the loan award agreement may not have been fully met or achieved.

D. Withdrawal of Loan Award Funds. The borrower must make the first draw of funds on the loan award within six months from the effective date of the loan award agreement (the effective date being the date the loan award was approved by the LEDC Board); otherwise the borrower shall be required to appear before the LEDC Board to explain the delay in the project; and should no funds be drawn within an additional 3 months from the effective date of the loan award agreement, the borrower shall again be required to appear before the LEDC Board to explain the delay in the project, and the LEDC Board shall have the option and right to reconsider this loan award, and may either withdraw the loan award or grant an extension of time to the borrower. In the event the borrower does not draw any of the loan award funds within the additional time extended to it, the LEDC Board, in its discretion, may withdraw the loan award.

E. Compliance Requirements

1. Companies shall be required to submit to LED or to LEDC periodic progress reports, describing the progress toward the achievement of performance objectives and requirements specified in the loan award agreement. Progress reports shall include a review and certification by the company of its timely promissory note payments, and a

review and certification of the company's hiring records and the extent of the company's compliance with contract employment commitments, including number of jobs created and/or retained, and the payroll levels achieved. Copies of the company's Louisiana Department of Labor (LDOL) ES-4 Forms ("Quarterly Report of Wages Paid") filed by the company may be required to be submitted with periodic progress reports or as otherwise requested by LED or LEDC to support the company's reported progress toward the achievement of performance objectives and employment requirements. Further, LED or LEDC staff shall oversee the timely submission of reporting requirements by the company.

2. In the event a company fails to timely start or to proceed with and/or complete its project, or fails to timely meet its note or installment payment obligations, its performance objectives and/or any employment requirements, including but not limited to the retention or creation of jobs or the reaching of payroll levels within the time agreed, as specified in its loan award agreement with LED and LEDC, any such acts, omissions or failures shall constitute a "default" under the Award Agreement, Promissory Note, Security Instrument or Agreement, Lease or other document or agreement entered into in connection with the loan award, and LED and LEDC shall retain all rights to withhold loan award funds, modify the terms and conditions of the loan award, to reclaim the unpaid balance of all disbursed loan funds from the company and/or foreclose on its security interest, or in its discretion to reclaim only a portion of the disbursed loan funds in an amount commensurate with the scope of the unmet performance objectives and/or requirements and the foregone benefits to the state. In the last instance, reclamation shall not begin unless LED or LEDC has determined, after an analysis of the benefits of the project to the state and the unmet performance objectives and/or requirements, that the state has not satisfactorily or adequately recouped its costs through the benefits provided by the project. Loan Award Agreements will contain "clawback" or refund provisions to protect the State in the event of a default.

3. In the event an applicant or company knowingly files a false statement in its application or in a progress report or other filing, the company and/or its representatives may be guilty of the offense of filing false public records, and may be subject to the penalty provided for in R.S. 14:133. In the event an applicant, company or party to an Award Agreement is reasonably believed to have filed a false statement in its application, a progress report or any other filing, LED and/or LEDC shall notify the District Attorney of East Baton Rouge Parish, Louisiana, and may also notify any other appropriate law enforcement personnel, so that an appropriate investigation may be undertaken with respect to the false statement and the application of state funds to the project.

4. LED and LEDC shall retain the right to require and/or conduct, at any time and from time to time, full financial and performance audits of a company and its project, including all relevant accounts, records and documents of the company and/or the guarantor.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:104, 36:108, 51:2302, 51:2312, and 51:2341.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Office of Business Development, Louisiana Economic Development Corporation, LR 31:

§147. Conflicts of Interest

A. No member of Louisiana Economic Development Corporation, employee thereof, or employee of the Louisiana Department of Economic Development, nor members of their immediate families, shall either directly or indirectly be a party to or be in any manner interested in any contract or agreement with either the corporation or the department for any matter, cause, or thing whatsoever by reason whereof any liability or indebtedness shall in any way be created against such corporation or department. If any contract or agreement shall be made in violation of the provisions of this Section, the same shall be null and void, and no action shall be maintained thereon against either the corporation or the department.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:104, 36:108, 51:2302, 51:2312, and 51:2341.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Office of Business Development, Louisiana Economic Development Corporation, LR 31:

Michael J. Olivier
Secretary

0412#071

DECLARATION OF EMERGENCY

**Department of Environmental Quality
Office of Environmental Assessment**

**Remediation of Sites with Contaminated Media
(LAC 33:V.109)(HW084E4)**

In accordance with the emergency provisions of the Administrative Procedure Act, R.S. 49:953(B), which allows the Department of Environmental Quality to use emergency procedures to establish Rules, and under the authority of R.S. 30:2011, the secretary of the department hereby declares that an emergency action is necessary in order to implement Rules to address the remediation of sites with contaminated environmental media.

This is a renewal of Emergency Rule HW084E3, which was effective August 4, 2004, and published in the *Louisiana Register* on August 20, 2004. The department is drafting a Rule to promulgate these regulation changes.

Current regulation causes contaminated environmental media to retain the description of having RCRA-listed waste "contained-in," therefore slowing the remediation of the site or possibly halting it completely due to administration and disposal issues. This Rule will remove a regulatory hurdle that deters site remediation. The incentive to remediate pollution stems from the resulting substantially reduced disposal and transportation costs for contaminated environmental media that are not required to be managed in the same manner as hazardous waste. Language has been added to further define the management of contaminated media as nonhazardous. The Rule will also result in simplification of the waste handling process by reducing administrative requirements and providing greater consistency with non-RCRA waste handling requirements and practices. This will provide strong motivation to initiate

and accelerate voluntary remediation of contaminated sites without increasing risks to human health or the environment.

This Emergency Rule is effective on December 2, 2004, and shall remain in effect for a maximum of 120 days or until a final Rule is promulgated, whichever occurs first. For more information concerning HW084E4 you may contact the Regulation Development Section at (225) 219-3550.

Title 33

ENVIRONMENTAL QUALITY

Part V. Hazardous Waste and Hazardous Materials

Subpart 1. Department of Environmental

Quality

Chapter 1. General Provisions and Definitions

§109. Definitions

For all purposes of these rules and regulations, the terms defined in this Chapter shall have the following meanings, unless the context of use clearly indicates otherwise.

* * *

Hazardous Waste a solid waste, as defined in this Section, is a hazardous waste if:

1. - 2.c.vii. ...

d. it consists of environmental media (soil, sediments, surface water, or groundwater) that contain one or more hazardous wastes listed in LAC 33:V.4901 (unless excluded by one of the exclusions contained in this definition) or that exhibit any of the characteristics of hazardous waste identified in LAC 33:V.4903. Environmental media no longer contain a hazardous waste when concentrations of the hazardous constituents that serve as the basis for the hazardous waste being listed (as shown in LAC 33:V.4901.Table 6, Table of Constituents that Serve as a Basis for Listing Hazardous Waste, or if constituents are not listed in Table 6 refer to LAC 33:V.2299 for appropriate constituents, or if not listed in either of these locations shall be determined by the department on a case-by-case basis) remaining in the media are below applicable RECAP Screening Standards (LAC 33:I.Chapter 13) and the media no longer exhibit any of the characteristics of hazardous waste identified in LAC 33:V.4903. Land disposal treatment standards (LAC 33:V.2299) apply prior to placing such environmental media into a land disposal unit even though the media may no longer contain a hazardous waste.

e. Rebuttable Presumption for Used Oil. Used oil containing more than 1,000 ppm total halogens is presumed to be a hazardous waste because it has been mixed with halogenated hazardous waste listed in LAC 33:V.4901. Persons may rebut this presumption by demonstrating that the used oil does not contain hazardous waste (e.g., by using an analytical method from LAC 33:V.Chapter 49.Appendix A to show that the used oil does not contain significant concentrations of halogenated hazardous constituents listed in LAC 33:V.3105.Table 1).

i. The rebuttable presumption does not apply to metalworking oils/fluids containing chlorinated paraffins, if they are processed, through a tolling agreement, to reclaim metalworking oils/fluids. The presumption does apply to metalworking oils/fluids if such oils/fluids are recycled in any other manner or disposed.

ii. The rebuttable presumption does not apply to used oils contaminated with Chlorofluorocarbons (CFCs) removed from refrigeration units where the CFCs are destined for reclamation. The rebuttable presumption does

apply to used oils contaminated with CFCs that have been mixed with used oil from sources other than refrigeration units.

3. - 6.b. ...

* * *

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2180 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 10:200 (March 1984), amended LR 10:496 (July 1984), LR 11:1139 (December 1985), LR 12:319 (May 1986), LR 13:84 (February 1987), LR 13:433 (August 1987), LR 13:651 (November 1987), LR 14:790, 791 (November 1988), LR 15:378 (May 1989), LR 15:737 (September 1989), LR 16:218 (March 1990), LR 16:220 (March 1990), LR 16:399 (May 1990), LR 16:614 (July 1990), LR 16:683 (August 1990), LR 17:362 (April 1991), LR 17:478 (May 1991), LR 18:723 (July 1992), LR 18:1375 (December 1992), repromulgated by the Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 19:626 (May 1993), amended by the Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 20:1000 (September 1994), LR 20:1109 (October 1994), LR 21:266 (March 1995), LR 21:944 (September 1995), LR 22:814 (September 1996), LR 23:564 (May 1997), amended by the Office of Waste Services, Hazardous Waste Division, LR 24:655 (April 1998), LR 24:1101 (June 1998), LR 24:1688 (September 1998), LR 25:433 (March 1999), repromulgated LR 25:853 (May 1999), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:269 (February 2000), LR 26:2465 (November 2000), LR 27:291 (March 2001), LR 27:708 (May 2001), LR 28:999 (May 2002), LR 28:1191 (June 2002), LR 29:318 (March 2003), amended by the Office of Environmental Assessment, LR 31:

Mike D. McDaniel, Ph.D.
Secretary

0412#001

DECLARATION OF EMERGENCY

Department of Environmental Quality Office of Environmental Assessment

Waste Tires Amendments
(LAC 33:VII.10505, 10509, 10519,
10521, 10535, and 10537)(SW039E1)

In accordance with the emergency provisions of the Administrative Procedure Act, R.S. 49:953(B), and under the authority of R.S. 30:2011, the secretary of the Department of Environmental Quality declares that an emergency action is necessary in order to strengthen the regulations that will ensure proper processing, recycling, marketing, and disposal of waste tires generated in Louisiana. Waste tires that are not processed, recycled, and marketed in accordance with LAC 33:VII.Chapter 105 create environmental and health-related problems and pose a significant threat to the safety of the community. In particular, improper handling of waste tires results in breeding grounds for mosquitoes, fostering West Nile and other mosquito-borne diseases in the environment. The elimination of breeding areas for mosquitoes will reduce the exposure to these insects and the serious health problems associated therewith. This is a renewal of Emergency Rule SW039E, which was effective on July 30, 2004, and published in the *Louisiana Register* on August 20, 2004. This version of the Emergency Rule adds LAC 33:VII.10521.G and H to the original Emergency Rule

The Waste Tire Management Fund, established to temporarily subsidize the processing, recycling, and marketing of waste tires, has not been generating sufficient funds to provide for the proper processing, recycling, and marketing of waste tires. The failure to provide sufficient funds for the waste tire program may result in the resumption of illegal tire disposal, precipitating an increase in breeding areas for disease carrying vectors and endangering the health of the public and the aesthetics of the environment.. Act 846 of the 2004 regular legislative session authorized new fees to be collected. This emergency rule allows for the collection of those fees resulting from the sale of all tires, including recapped/retreaded tires, and adds a new category of motor vehicle dealers. The collection of the fees was effective on September 15, 2004.

This Emergency Rule is effective on November 27, 2004, and shall remain in effect for a maximum of 120 days or until a final Rule is promulgated, whichever occurs first. For more information concerning SW039E1, you may contact the Regulation Development Section at (225) 219-3550.

Title 33

ENVIRONMENTAL QUALITY

Part VII. Solid Waste

Subpart 2. Recycling

Chapter 105. Waste Tires

§10505. Definitions

A. The following words, terms, and phrases, when used in conjunction with the Solid Waste Rules and Regulations, shall have the meanings ascribed to them in this Section, except where the context clearly indicates a different meaning.

* * *

Motor Vehicle Dealer—any person, business, or firm registered with the state of Louisiana that engages in the commercial sale of new motor vehicles.

* * *

Recapped or Retreaded Tire—any tire that has been reconditioned from a used tire and sold for use on a motor vehicle.

* * *

Sale of a Motor Vehicle—any sale and/or lease of a motor vehicle that would require registration, under the name of the consumer, with the Louisiana Department of Motor Vehicles.

* * *

Tire Dealer—any person, business, or firm that engages in the sale of tires, including *recapped or retreaded tires*, for use on motor vehicles.

* * *

Waste Tire—a whole tire that is no longer suitable for its original purpose because of wear, damage, or defect. *Waste tire* does not include a tire weighing over 500 pounds and/or a solid tire.

* * *

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2411-2422.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Solid Waste Division, LR 18:37 (January 1992), amended LR 20:1001 (September 1994), LR 22:1213 (December 1996), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2773 (December 2000), LR 27:829 (June 2001), LR 27:2226 (December 2001), LR 28:1953 (September 2002), LR

29:2779 (December 2003), amended by the Office of Environmental Assessment, LR 31:

§10509. Prohibitions and Mandatory Provisions

A. - G. ...

H. All persons who sell tires shall retain and make available for inspection, audit, copying, and examination, a record of all tire transactions in sufficient detail to be of value in determining the correct amount of fee due from such persons. The records retained shall include all sales invoices, purchase orders, inventory records, and shipping records pertaining to any and all sales and purchases of tires. This recordkeeping provision does not require anything more than what is already required by R.S. 47:309(A).

I. Each tire wholesaler shall maintain a record of all tire sales made to dealers in this state. This recordkeeping provision does not require anything more than what is already required by R.S. 47:309(A). These records shall contain and include the name and address of each tire purchaser and the number of tires sold to that purchaser.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2411-2422.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Solid Waste Division, LR 18:38 (January 1992), amended LR 20:1001 (September 1994), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2774 (December 2000), amended by the Office of Environmental Assessment, LR 31:

§10519. Standards and Responsibilities of Generators of Waste Tires

A. ...

B. Tire dealers must accept one waste tire for every tire sold from the purchaser of the tire at the time of purchase, unless the purchaser elects to retain the waste tire.

C. Each tire dealer doing business in the state of Louisiana shall be responsible for the collection of the \$2 waste tire fee upon the sale of each passenger/light truck tire, \$5 waste tire fee upon the sale of each medium truck tire, and \$10 waste tire fee upon the sale of each off-road tire. For recapped or retreaded tires, a waste tire fee of \$1.25 shall be collected upon the sale of each recapped or retreaded tire. *Tire dealer* includes any dealer selling tires in Louisiana.

D. - E.1. ...

2. "All Louisiana tire dealers are required to collect a waste tire cleanup and recycling fee of \$2 for each passenger/light truck tire, \$5 for each medium truck tire, and \$10 for each off-road tire, upon sale of each tire. These fees shall also be collected upon replacement of all recall and adjustment tires. Tire fee categories are defined in the Waste Tire Regulations. No fee shall be collected on tires weighing more than 500 pounds or solid tires. This fee must be collected whether or not the purchaser retains the waste tires. Tire dealers must accept from the purchaser, at the time of sale, one waste tire for every tire sold, unless the purchaser elects to retain the waste tire."

F. - J. ...

K. No generator shall allow the removal of waste tires from his place of business by anyone other than an authorized transporter, unless the generator generates 50 or less waste tires per month from the sale of 50 tires. In this case, the generator may transport his waste tires to an authorized collection or permitted processing facility provided LAC 33:VII.10523.C is satisfied.

L. A generator who ceases the sale of tires at the registered location shall notify the Office of Management and Finance, Financial Services Division, within 10 days of the date of the close or relocation of the business. This notice shall include information regarding the location and accessibility of the tire sale and monthly report records.

M. Generators of waste tires shall segregate the waste tires from any usable tires offered for sale.

N. - O. ...

P. All generators of waste tires (e.g., new tire dealers, used tire dealers, salvage yards, and recappers) shall maintain a complete record of purchase invoices, inventory records, and sales invoices for a period of no less than three years. These records shall be open for inspection and/or audit by the administrative authority at all reasonable hours.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2411-2422.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Solid Waste Division, LR 18:40 (January 1992), amended LR 20:1001 (September 1994), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2777 (December 2000), LR 27:830 (June 2001), LR 27:2227 (December 2001), LR 28:1953 (September 2002), LR 29:1818 (September 2003), LR 29:2780 (December 2003), amended by the Office of Environmental Assessment, LR 31:

§10521. Standards and Responsibilities of Motor Vehicle Dealers

A. All existing motor vehicle dealers shall notify the Office of Management and Finance, Financial Services Division, of their existence and obtain an identification number. Notification shall be on a form provided by the Office of Management and Finance, Financial Services Division. Any new motor vehicle dealer shall notify the Office of Management and Finance, Financial Services Division, within 30 days of commencement of business operations.

B. Motor vehicle dealers doing business in the state of Louisiana, who sell new vehicles, shall be responsible for the collection from the consumer of the \$2 waste tire fee for each tire upon the sale of each vehicle that has passenger/light truck tires, the \$5 waste tire fee for each tire upon the sale of each vehicle that has medium truck tires, and the \$10 waste tire fee for each tire upon the sale of each off-road vehicle. No fee is collected on the designated spare tire.

C. Motor vehicle dealers shall remit all waste tire fees collected as required by LAC 33:VII.10535.B and C to the department on a monthly basis on or before the twentieth day following the month during which the fees were collected. The fees shall be remitted to the Office of Management and Finance, Financial Services Division. Each such dealer shall also submit a Monthly Waste Tire Fee Report (Form WT02, available from the Office of Management and Finance, Financial Services Division) to the Office of Management and Finance, Financial Services Division, on or before the twentieth day of each month for the previous month's activity, including months in which no fees were collected. Each motor vehicle dealer is required to make a report and remit the fee imposed by this Section and shall keep and preserve records as may be necessary to readily determine the amount of fee due. Each such dealer shall maintain a complete record of the quantity of vehicles

sold, together with vehicle purchase and sales invoices, and inventory records, for a period of no less than three years. These records shall be made available for inspection by the administrative authority at all reasonable hours.

D. Motor vehicle dealers must provide notification to the public sector via a sign, made available by the Office of Management and Finance, Financial Services Division, indicating that:

"All Louisiana motor vehicle dealers selling new vehicles are required to collect a waste tire cleanup and recycling fee from the consumer of \$2 for each tire upon the sale of each vehicle that has passenger/light truck tires, \$5 for each tire upon the sale of each vehicle that has medium truck tires, and \$10 for each tire upon the sale of each off-road vehicle. These fees shall also be collected upon replacement of all recall and adjustment tires. No fee shall be collected on the designated spare tire."

E. The waste tire fee established by R.S. 30:2418 shall be listed on a separate line of the retail sales invoice or buyers order. No tax of any kind shall be applied to this fee.

F. A motor vehicle dealer who ceases the sale of motor vehicles at the registered location shall notify the Office of Management and Finance, Financial Services Division, within 10 days of the date of the close or relocation of the business. This notice shall include information regarding the location and accessibility of the motor vehicle sales and monthly report records.

G. Motor vehicle dealers, who generate waste tires, shall comply with the manifest requirements of LAC 33:VII.10533.

H. Motor vehicle dealers shall comply with LAC 33:VII.10519.H for all waste tires and waste tire material collected and/or stored.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2411-2422.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Environmental Assessment, LR 31:

§10535. Fees and Fund Disbursement

A. - A.8. ...

B. Waste Tire Fee upon Promulgation of These Regulations. A waste tire fee is hereby imposed on each tire sold in Louisiana, to be collected from the purchaser by the tire dealer and motor vehicle dealer at the time of retail sale. The fee shall be \$2 for each passenger/light truck tire, \$5 for each medium truck tire, and \$10 for each off-road tire. No fee shall be collected on tires weighing more than 500 pounds or solid tires.

C. - D.10. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2411 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Solid Waste Division, LR 20:1001 (September 1994), amended LR 22:1213 (December 1996), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2781 (December 2000), LR 27:832 (June 2001), LR 27:2228 (December 2001), amended by the Office of Environmental Assessment, LR 31:

§10537. Enforcement

A. ...

B. Investigations and Audits: Purposes, Notice. Investigations shall be undertaken to determine whether a violation has occurred or is about to occur, the scope and nature of the violation, and the identity of the persons or parties involved. Upon written request, the results of an investigation shall be given to any complainant who provided the information prompting the investigation and, if advisable, to any person under investigation, if the identity of such person is known. In cases where persons selling tires have failed to report and remit the waste tire fee to the administrative authority, and the person's records are inadequate to determine the proper amount of fee due, or in cases(s) where a grossly incorrect report or a report that is false or fraudulent has been filed, the administrative authority shall have the right to estimate and assess the amount of the fee due, along with any interest accrued and penalties. The burden to demonstrate to the contrary shall rest upon the audited entity.

C. - E.2.c. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2411 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Solid Waste Division, LR 20:1001 (September 1994), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2782 (December 2000), LR 28:1954 (September 2002), amended by the Office of Environmental Assessment LR 31:

Mike D. McDaniel, Ph.D.
Secretary

0412#002

DECLARATION OF EMERGENCY

**Department of Health and Hospitals
Office of the Secretary
Bureau of Health Services Financing**

Dental Services Reimbursement Increase
(LAC 50:XV.6903)

The Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing hereby amends LAC 50:XV.6903 in the Medical Assistance Program as authorized by R.S. 36:254 and pursuant to Title XIX of the Social Security Act. This Emergency Rule is promulgated in accordance with the Administrative Procedure Act, R.S. 49:953(B)(1) et seq., and shall be in effect for the maximum period allowed under the act or until adoption of the final Rule, whichever occurs first.

The Department of Health and Hospitals, Bureau of Health Services Financing provides coverage and reimbursement of dental services under the Early and Periodic Screening, Diagnosis and Treatment (EPSDT) Program. Reimbursement for these services is a flat fee established by the bureau minus the amount that any third party coverage would pay. As the result of the allocation of additional funds by the Legislature during the 2004 Regular Session, the bureau increased the reimbursement rates for

certain dental procedures and added a new procedure for retreatment of previous root canal therapy-anterior. (*Louisiana Register*, Volume 30, Number 9). This Emergency Rule is being promulgated to continue the provisions contained in the September 1, 2004 Rule. This action is being taken to promote the health and welfare of Medicaid recipients and to maintain access to EPSDT dental services by encouraging the continued participation of dental providers in the Medicaid Program.

Effective for dates of service on or after December 1, 2004 the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing hereby adds coverage for retreatment of previous root canal therapy-anterior and increases reimbursement for certain procedures.

Title 50

PUBLIC HEALTH MEDICAL ASSISTANCE

Part XV. Services for Special Populations

Subpart 5. Early and Periodic Screening, Diagnosis, and Treatment Program

Chapter 69. Dental Services

§6903. Reimbursement

A. The reimbursement fees are as follows for certain designated procedure codes. The procedure codes comply with the Health Insurance Portability and Accountability Act.

Code	Description	Fee

D0272	Radiograph-Bitewings, Two Films	\$ 13

D1120	Prophylaxis-Child	\$ 15
D1351	Sealant, Per Tooth	\$ 19

D2140	Amalgam, One Surface, Primary or Permanent	\$ 40 / \$ 47^
D2150	Amalgam, Two Surfaces, Primary or Permanent	\$ 55 / \$58^
D2160	Amalgam, Three Surfaces, Primary or Permanent	\$ 70 / \$74^
D2161	Amalgam, Four or More Surfaces, Permanent	\$ 108
D2330	Resin-Based Composite, One Surface, Anterior	\$ 65
D2331	Resin-Based Composite, Two Surfaces, Anterior	\$ 75
D2332	Resin-Based Composite, Three Surfaces, Anterior	\$ 85
D2335	Resin-Based Composite, Four or More Surfaces, Anterior	\$ 108
D2390	Resin-Based Composite Crown, Anterior	\$ 104
D2930	Prefabricated Stainless Steel Crown, Primary Tooth	\$ 108
D2931	Prefabricated Stainless Steel Crown, Permanent Tooth	\$ 108
D2932	Prefabricated Resin Crown	\$ 104

D3346	Retreatment of previous root canal therapy-anterior	\$ 212
D4341	Periodontal Scaling and Root Planning, Per Quadrant	\$ 81
D4355	Full Mouth Debridement	\$ 61

D7140	Extraction, Erupted Tooth or Exposed Root	\$ 46

D8070	Comprehensive Orthodontic Treatment, Transitional Dentition	Maximum Fee \$ 4,050**

D8080	Comprehensive Orthodontic Treatment, Adolescent Dentition	Maximum Fee \$ 4,050**
D8090	Comprehensive Orthodontic Treatment, Adult Dentition	Maximum Fee \$ 4,050**

^ Fee for the permanent tooth.		
* Rate for each subsequent tooth in the same arch.		
** Manually-priced maximum fee.		
Refer to the Dental Services Manual for a complete maximum fee schedule of authorized services.		

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and Title XIX of the Social Security Act.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 29:176 (February 2003), amended LR 30:252 (February 2004), LR 31:

Interested persons may submit written comments to Ben A. Bearden, Bureau of Health Services Financing, P.O. Box 91030, Baton Rouge, LA 70821-9030. He is responsible for responding to all inquiries regarding this Emergency Rule. A copy of this Emergency Rule is available for review by interested parties at parish Medicaid offices.

Frederick P. Cerise, M.D., M.P.H.
Secretary

0412#072

DECLARATION OF EMERGENCY

**Department of Health and Hospitals
Office of the Secretary
Bureau of Health Services Financing**

**Professional Services Program
Physician Services
Reimbursement Increase**

The Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing promulgates the following Emergency Rule in the Medical Assistance Program as authorized by R.S. 36:254 and pursuant to Title XIX of the Social Security Act. This Emergency Rule is promulgated in accordance with the Administrative Procedure Act, R.S. 49:953(B)(1) et seq. and shall be in effect for the maximum period allowed under the Act or until adoption of the Rule, whichever occurs first.

The Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing reimburses professional services in accordance with an established fee schedule for Physicians' Current Procedural Terminology (CPT) codes, locally assigned codes and Health Care Financing Administration Common Procedure Codes (HCPC). Reimbursement for these services is a flat fee established by the bureau minus the amount which any third party coverage would pay.

As a result of the allocation of additional funds by the Legislature during the 2000 Second Extraordinary Session, the bureau restored a seven percent reduction to the reimbursement rates for selected locally assigned HCPCS and specific CPT-4 procedure codes. In addition, the reimbursement fees for certain CPT-4 designated procedure codes were increased (*Louisiana Register*, Volume 27, Number 5). The bureau subsequently promulgated a rule to increase the reimbursement for certain designated CPT

procedure codes related to speciality services (*Louisiana Register*, Volume 28, Number 8). As a result of the allocation of additional funds by the Legislature during the 2003 Regular Session, the bureau increased reimbursement for selected CPT surgical and medical codes. (*Louisiana Register*, Volume 29, Number 12). This Emergency Rule is promulgated to continue the provisions contained in the January 1, 2004 Rule. This action is being taken to promote the health and welfare of Medicaid recipients by ensuring sufficient provider participation in the Professional Services Program and recipient access to providers of these medically necessary services.

Emergency Rule

Effective for dates of service on or after December 29, 2004, the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing increases the reimbursement paid to physicians for selected surgical and medical services provided to designated Medicaid recipients.

Pediatric Surgery Services

A. Services include selected surgery services provided by the primary servicing physician to Medicaid recipients from 11 through 15 years of age. Physicians=Current Procedural Terminology (CPT) surgical procedure codes (10021-69990) shall be reimbursed at 100 percent of the Medicare Region 99 allowable for 2002, except for procedure codes on file that are in non-pay status, procedure codes for deliveries (59410) and (59415) or those payable with a fee greater than 100 percent of the Medicare Region 99 allowable for 2002.

B. Surgical services modified with modifier 63 (procedure performed on infants less than 4 kg) shall be reimbursed at 125 percent of the fee on file.

Pediatric Medical Services

A. Services include selected medical services provided by the primary servicing physician to Medicaid recipients from birth through 15 years of age. Physicians=Current Procedural Terminology (CPT) medical procedure codes (90918-99199) shall be reimbursed at 100 percent of the Medicare Region 99 allowable for 2002, except for procedure codes on file that are in non-pay status, procedure codes for conscious sedation (99141) and (99142) or those payable with a fee greater than 100 percent of the Medicare Region 99 allowable for 2002.

Implementation of this Emergency Rule shall be contingent upon the approval of the U.S. Department of Health and Human Services, Centers for Medicare and Medicaid Services. Interested persons may submit written comments to Ben A. Bearden, Bureau of Health Services Financing, P.O. Box 91030, Baton Rouge, LA 70821-9030. He is responsible for responding to inquiries regarding this Emergency Rule. A copy of this Emergency Rule is available for review by interested parties at parish Medicaid offices.

Frederick P. Cerise, M.D., M.P.H.
Secretary

0412#073

DECLARATION OF EMERGENCY

Department of Revenue Policy Services Division

Signature Alternative for Preparers (LAC 61:I.4906)

In accordance with the emergency provisions of R.S. 49:953(B) of the Administrative Procedure Act, which allows the Department of Revenue to use emergency procedures to establish rules relative to R.S. 47:101(A)(2), R.S. 47:1511 and R.S. 47:295, which allow the Department to make reasonable rules and regulations, the Secretary of Revenue hereby finds that imminent peril to the public welfare exists and accordingly adopts the following Emergency Rule by adopting LAC 61:I.4906, Signature Alternatives for Preparers. This Emergency Rule shall be effective upon issue, and shall remain in effect until the expiration of the maximum period allowed under the Administrative Procedure Act or the adoption of the final Rule, whichever comes first.

This Emergency Rule is necessary to maintain conformity with recent changes enacted by the Internal Revenue Service on methods of certification as to the correctness of the tax return by the preparer. Given that substantial efficiencies result from conformity between Louisiana and Federal Income Tax Provisions, as recognized by R.S. 47:290, and that the calendar year end applicable to individual tax payers is imminent, it is in the best interest of the Department and the citizens of the State of Louisiana to follow the federally permitted methods of certification to effectively and efficiently collect income tax due to the State of Louisiana.

The purpose of this Emergency Rule is to enable the preparer for the taxpayer to effectively and efficiently prepare and submit tax return forms prior to mandatory deadlines, and to enable the Department of Revenue to collect income tax from the complying taxpayer in the most efficient and reasonable method possible.

This Emergency Rule will authorize the various means by which the preparer may meet the necessary requirements for certification through signature on the tax form to comply with R.S. 47:101(A)(2).

Title 61

REVENUE AND TAXATION

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

Chapter 49. Tax Collection.

§4906. Signature Alternatives for Preparers

A. Income tax return preparers may sign original returns and amended returns by means of a rubber stamp, mechanical device, or computer software program. These alternative methods of signing must include either a facsimile of the individual preparer's signature or the individual preparer's printed name. Income tax return preparers utilizing one of these alternative means are personally responsible for affixing their signatures to returns. Income tax preparers who use alternative methods of signing

must provide all of the other preparer information that is required on returns. This regulation does not alter the signature requirements for any other type of document currently required to be manually signed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:101(A)(2), R.S. 47:1511 and R.S. 47:295.

HISTORICAL NOTE: Promulgated by the Department of Revenue, Policy Services Division, LR 31:

Cynthia Bridges
Secretary

0412#053

DECLARATION OF EMERGENCY

Department of Revenue Tax Commission

Ad Valorem Taxation
(LAC 61:V.101, 201-213, 304, 703,
705, 901, 907, 1103, 1307, 1503, 1701, 2501, 2503,
2705, 2707, 3103, 3105, 3501, and 3511-3525)

The Louisiana Tax Commission, at its meetings of August 25, 2004 and September 8, 2004, exercised the emergency provisions of the Administrative Procedure Act, R.S. 49:953(B), and pursuant to its authority under R.S. 47:1837, adopted the following additions, deletions and amendments to the Real/Personal Property rules and regulations.

This Emergency Rule is necessary in order for ad valorem tax assessment tables to be disseminated to property owners and local tax assessors no later than the statutory valuation date of record of January 1, 2005. Cost indexes required to finalize these assessment tables are not available to this office until late October 2004. The effective date of this Emergency Rule is January 1, 2005.

Title 61

REVENUE AND TAXATION

Part V. Ad Valorem Taxation

Chapter 1. Constitutional and Statutory Guides to Property Taxation

§101. Constitutional Principles for Property Taxation

A. - E. ...

F. Special Assessment Level

1. Applies to the assessment of residential property, receiving the homestead exemption, which is owned and occupied by any person(s) 65 years of age or older, who meets all eligibility requirements. (See La. Constitution of 1974, Article VII, §18.G).

2. To qualify for the special assessment level the person applying must have an adjusted gross income not to exceed \$56,744 for the tax year 2005 (2006 Orleans Parish).

AUTHORITY NOTE: Promulgated in accordance with Louisiana Constitution of 1974, Article VII, §18.

HISTORICAL NOTE: Promulgated by the Department of Revenue and Taxation, Tax Commission, LR 8:102 (February 1982), amended LR 15:1097 (December 1989), amended by the Department of Revenue, Tax Commission, LR 24:477 (March 1998), LR 26:506 (March 2000), LR 31:

Chapter 2. Policies and Procedures for Assessment and Change Order Practices

§201. Introduction

A. The Louisiana Tax Commission (LTC) is Constitutionally and statutorily required to aid, assist, and

supervise assessors in the administration of ad valorem taxation. The LTC shall also administer and enforce all laws related to the state supervision of local property tax assessments and the assessments of public service, bank stock, and insurance company properties.

B. In order to promote effective performance and compliance with the requirements of the Constitution and laws of the state, the LTC shall issue and, from time to time, may amend or revise rules and regulations containing minimum standards of assessment and appraisal performance standards and devise necessary forms to enforce a uniform statewide system for the preparation of assessment lists, tax rolls, and assessment changes to the tax rolls.

C. The Policies and Procedures for Assessment and Change Order Practices are intended as a support manual to the existing laws of Louisiana and the existing LTC Real/Personal Property rules and regulations, and as each may be amended in the future relative to legislative action and constitutional amendment.

AUTHORITY NOTE: Promulgated in accordance with Louisiana Constitution of 1974, Article VII, Section 18(E) and R.S. 47:1837.

HISTORICAL NOTE: Promulgated by the Department of Revenue, Tax Commission, LR 31:

§203. Change Orders

A. General Provision

1. Assessors' offices shall submit to the LTC, change orders, in a form approved by the LTC, to correct errors and omissions in the tax rolls of the appropriate parish.

2. A change shall be submitted in writing (TC 21 Form), by electronic (Alpha 4) media, or by LTC website (www.latax.state.la.us) E-mail media format (see §203.B.3.d. below).

3. All change requests shall comply with Louisiana law and the Real/Personal Property rules and regulations of the LTC.

4. All change orders shall require that the actual physical address of the property be identified. In the event that there is no actual physical street address, the assessor's office shall furnish the street/highway location and a brief location description.

5. Change order batches may not exceed a total of 50 change order requests.

6. Change orders will be subject to audit by the LTC and/or legislative auditor to verify statewide assessment procedures are in compliance with state law.

7. All change order requests requiring additional explanation of reason shall be furnished to the LTC staff by the assessors' offices, no later than Friday noon, immediately preceding the second and fourth Tuesdays of each month.

8. All change order requests shall be reviewed for approval or denial by the chairman and commission members in an open meeting of the LTC; which meetings are regularly scheduled to be held on the second and fourth Tuesdays of each month.

9. All change order requests by Louisiana Tax Commission (LTC) website filing shall be subject to the provisions of Title 47, Sections 1835, 1966, 1990, and/or 1991 for payment of assessment fees to the LTC; listing and assessing of omitted or in any way erroneously assessed properties; changes or corrections of assessments by the LTC; and cancellation of erroneous or double assessments.

Assessments of omitted or improperly assessed property shall appear upon a supplemental roll and be filed in the same manner as regular tax rolls. A notice by mail shall be given that the assessment roll is completed, and that it is exposed for examination in the office of the assessor whether the tax is on movable or immovable property, and that ten days are allowed the parties to make to the assessors any protest they may wish to urge against the assessment; in the case of unknown owners, notice shall be published twice during a period of 10 days in the official journal of the parish. In case there is no protest the assessment without any further requisite or formality of any kind shall be final and conclusive on the parties assessed. In the event of any such protest, the decision of the assessors thereon shall be promptly made and be final; the assessment without further formality and requisite of any kind shall be binding and conclusive on the parties assessed; however the parties assessed can appeal to the courts within five days from the decision of the assessor on the protest, which decision shall be deemed notice, and the delay of five days shall begin from the day of entry by the assessors of the words "appeal rejected" on the supplemental roll.

B. Form of the Change Orders

1. Written change orders shall be prepared by using LTC Form TC 21. TC 21 change order requests will no longer be acceptable, effective with the ad valorem tax year 2003 (2004 Orleans Parish).

2. Electronic (Alpha 4) change order requests. Alpha 4 change order requests will no longer be acceptable, effective with the ad valorem tax year 2003 (2004 Orleans Parish).

3. LTC website (E-mail) change order system requests shall comply with the Louisiana State Tax Commission Electronic Change Order Export Specifications. This specifications file may be found in the download section at the following website addresses:

www.latax.state.la.us
www.geomange.com/downloads.htm

a. Each parish assessors' office shall be identified by their Federal Information Processing Standards (FIPS) Parish identification code.

b. All export data submitted to the LTC shall require utilization of the standard format currently posted on the LTC's website. Any parish that plans to import an individual parish change order data batch into the LTC's website must adhere to the LTC's format specifications.

c. Each parish will contact the LTC's change order supervisor to set up their individual parish login name and password. The chosen parish password should be confidentially guarded to protect the integrity of each parish's change order system.

d. Assessors' offices shall be required to submit all change orders to the LTC's website effective immediately following filing of parish tax rolls to the LTC for ad valorem tax year 2003 (2004 Orleans Parish).

C. Required Content of all Change Orders

1. All change orders shall include the following:

a. enumerated reason for the change order as provided in all regulations of the LTC;

b. specifications identified and described in the LTC Electronic Change Order Export Specifications download file (see §203.3.b. above);

c. physical address of the property, including full numerical street address with applicable zip code. If vacant

land, street/highway and brief location description must be provided.

D. Reasons for Change Orders (refer to website for list of reasons)

1. All change orders submitted shall delineate one of the following reasons:

a. Adjudicated to Parish Date adjudicated:

b. Adjudicated to City of: (municipality) Date adjudicated:

c. Exempt Non-profit organization Application filed/exclusive use verified. Category Acquisition Date:

d. Homestead Exemption Assessor's Office error Acquisition Date: Occupancy Date:

e. Homestead Exemption Taxpayer application Acquisition Date: Occupancy Date:

f. Homestead Exemption Senior Citizen (over 65) Freeze Land: Improvement:

g. Improvement Cancel. Dual to Assessment No. (provide no.)

h. Improvement Cancel/Not taxable Reason:

i. Improvement Decrease value, error in square feet and/or classification calculation.

j. Improvement Increase value, error in square feet and/or classification calculation.

k. Improvement Taxpayer appraisal: assessor concurs.

l. Industrial Exemption Exempt Roll. Contract No. Improvement: Personal Property:

m. Industrial Exemption Expired. Contract No. Expiration Date:

n. Land Cancel. Dual to Assessment No. (provide no.)

o. Land Decrease value Reason:

p. Land Increase value Reason:

q. Personal Property Cancel. Business closed prior to January 1 (August 1 Orleans Parish)

r. Personal Property Taxpayer provided additional information Reason:

s. Personal Property Assessor's Office error Reason:

t. Public Property Property donated or sold to a bona fide exempt public entity Acquisition Date:

u. Public Property Leased or rented to non-public party Date of Lease: Term of Lease:

v. Redemption Removed from adjudication roll Date actually adjudicated:

w. Redemption Taxpayer redeemed from tax sale Date actually sold:

x. Use Value Allow under category No. of acres:

y. Use Value Change classification category to No. of acres:

z. Use Value Remove, no longer qualifies or sold for four times use value determination.

aa. Other Reason:

2. The LTC change order reasons list is subject to periodic revision, as may be deemed necessary.

E. Homestead Exemptions. All requests for homestead exemption shall comply with the Louisiana Constitution, statutes, and LTC real/personal property rules and regulations.

1. All change orders submitted for delayed homestead exemptions shall be subject to:

a. the January 1 assessment date, except for Orleans Parish which shall be subject to an August 1st assessment date;

b. taxpayer's actual acquisition date and occupancy date.

2. Homestead exemptions shall not exceed \$7,500 in assessed value.

3. Taxpayers are entitled to only one bona fide homestead exemption within the state of Louisiana.

AUTHORITY NOTE: Promulgated in accordance with Louisiana Constitution of 1974, Article VII, Section 20. (A)(1), R.S. 47:1703, R.S. 47:1703A, R.S. 47:1703.1.B, R.S. 47:1835, R.S. 47:1837, R.S. 47:1952, R.S. 47:1966, R.S. 47:1990, and R.S. 47:1991.

HISTORICAL NOTE: Promulgated by the Department of Revenue, Tax Commission, LR 31:

§205. Property Not Entitled to Homestead Exemption

A. Properties purchased by bond for deed contracts.

B. Living Trusts

1. When the taxpayer is an income beneficiary of a trust; or

2. When the taxpayer is the beneficiary of a revocable living trust.

C. Usufructuary in possession, unless a surviving spouse or minor children continue to occupy the property as their primary residence.

D. Vacant lot subdivided from homestead, that is not the primary residence.

E. Immovable property with a residence under construction, and not completed as of January 1 (August 1 Orleans Parish). The property should be assessed as land only without benefit of the homestead exemption.

F. Commercial companies/corporations owning a residence.

G. Undivided property ownership interests, including, but not limited to property owned in indivision by two or more persons.

H. Any portion within a residence used as a business, including, but not limited to a beauty salon, bookkeeping service, and repair shop must be distinguished and separately assessed and without benefit of the homestead exemption.

I. Timberland and agricultural use value properties.

AUTHORITY NOTE: Promulgated in accordance with Louisiana Constitution of 1974, Article VII, Sections 20 and 21, Constitution, Article VII, Section 20(A)(1) and Section 20(A)(2), LTC Title 61, Chapter 35, Rule A.2.C. and Rule 3503.D.8., R.S. 47:1837, R.S. 47:2301, R.S. 47:2302, R.S. 47:2303, R.S. 47:2307 and R.S. 47:2307.C(2).

HISTORICAL NOTE: Promulgated by the Department of Revenue, Tax Commission, LR 31:

§207. Use Value Properties

A. Assessors shall confirm eligibility of use value properties and list the properties indicating its use value classification, number of acres (by each classification), and a physical address (or clear directions to property) to enable the LTC staff appraisers to locate, if deemed necessary.

B. To be eligible for Use Value assessment classification, the property must be bona fide agricultural, horticultural, marsh or timberland and assessed at its use value under the provisions of Article VII, Section 18(C) of the Louisiana Constitution of 1974. Use value properties must meet the definition of bona fide agricultural, horticultural, marsh or timberland as described in R.S. 47:2301 ("Use value of bona fide agricultural, horticultural and timberland means the

highest value of such land when used by a prudent agricultural, horticultural or timber operator for the sole purpose of continuing the operation, as a commercial agricultural, horticultural or timber use"). R.S. 47:2302 ("land devoted to the production for sale, in reasonable commercial quantities" or in the case of timberland "timberland under a contract with a state or federal agency restricting its use for timber production"), and further requirements are:

1. at least three acres in size (no rounding up to achieve this acreage requirement), or have produced an average gross annual income of at least \$2,000 in one or more of the designated classifications for the four preceding years, per R.S. 47:2303.A; and

2. the landowner has signed an agreement that the land will be devoted to one or more of the designated uses as defined in R.S. 47:2304;

3. taxpayer shall sign a use value application, which shall be considered permanent (except the parishes of Orleans and Jefferson, which require that the taxpayer shall sign a use value application at least every four years), per R.S. 47:2304(B)(1); except that in the event of a sale of the property, the purchaser must sign a new application within 60 days from date of the sale;

4. Loss of Eligibility. If land having a use value assessment is sold for a price four times greater than its use value, the land shall be presumed to be no longer eligible to be classified as bona fide agricultural, horticultural, marsh or timberland. Some legislative provisions are further identified in R.S. 47:2305;

5. if the land ceases to meet the use value eligibility requirements, the taxpayer is statutorily responsible for notifying the assessor where the property is located within 60 days following the effective date of loss of eligibility;

6. in the event that the landowner obtains a use value assessment by means of false certifications on his application, or fails to timely notify the assessor of loss of eligibility for use value assessment, he shall be liable for a penalty equal to five times the difference between the tax under a market value assessment and the tax under a use value assessment for the tax years in which the use value assessment was attributable to the false certifications or failure to timely notify the assessor of loss of eligibility (R.S. 47:2306).

AUTHORITY NOTE: Promulgated in accordance with Louisiana Constitution of 1974, Article VII, Section 18(C), R.S. 47:1837 and R.S. 47:2301 through R.S. 47:2308.

HISTORICAL NOTE: Promulgated by the Department of Revenue, Tax Commission, LR 31:

§209. Non-Profit Organizations

A. All assessors' offices shall furnish an application for exemption-real estate taxes to any organization wishing to apply for ad valorem exemptions provided for in Constitution, Article VII, Section 21.B and obtain all necessary supporting documents from the applicant in order to determine the exemption eligibility.

B. The assessors' offices shall review and determine whether the organization complies with the exclusive use requirement mandated by Constitution, Article VII, Section 21.B.

AUTHORITY NOTE: Promulgated in accordance with Louisiana Constitution of 1974, Article VII, Section 21.B and R.S. 47:1837.

HISTORICAL NOTE: Promulgated by the Department of Revenue, Tax Commission, LR 31:

§211. Industrial Exemption Properties

A. All manufacturing establishments granted Industrial Exemptions granted by the governor through the Department of Economic Development (DED) shall be listed on the parish exempt rolls, until such time as the exempted contract has expired or is terminated.

B. Assessors' offices shall review all Industrial Exemption applications and DED contracts issued to determine proper exempt status for ad valorem taxation purposes.

1. If an assessor determines that any portion of an industrial exemption is not eligible for ad valorem tax exemption, pursuant to R.S. 47:4304, notice shall immediately be submitted to DED, with written ineligibility reasons given.

2. All contract status reports submitted to the assessor's offices by DED and the taxpayer's annual LAT 5-A reports shall be reviewed for accuracy. Any inaccuracies noted shall be reported, in writing, to DED immediately upon discovery.

3. Assessor's offices shall review and confirm contract expiration dates and immediately notify DED, in writing, of any disparity identified.

4. If any exempted manufacturing business is determined to have ceased its operations (business closed) during a contracted exemption period, the assessor's office should provide notice to DED for cancellation of the appropriate exemption contract.

5. Assessors are urged to obtain DED's manufacturing establishments exemption rules and regulations, identified in R.S. 47:4306.

AUTHORITY NOTE: Promulgated in accordance with Louisiana Constitution of 1974, Article VII, Section 21(F), R.S. 47:1837; R.S. 47:4301, et seq.

HISTORICAL NOTE: Promulgated by the Department of Revenue, Tax Commission, LR 31:

§213. Assessment Policies and Procedures

A. All property within the state of Louisiana shall be assessed at fair market valuations and either placed on the regular tax rolls, exempt rolls, or adjudicated tax rolls.

B. Assessors shall value property at 100 percent fair market value and then assessed valuations shall be determined per the percentage classification requirements of the Constitution, Article VII, Section 18(B).

C. All property shall be reappraised and valued in accordance with the Constitution at intervals of not more than four years. This quadrennial cycle reappraisal date is determined by the LTC.

D. The assessor's office may reappraise property based on property transfers more often than every four years, if transfers indicate that property in all or a part of the assessing district, or within a certain classification, was appraised inaccurately or was not uniformly appraised during the prior reappraisal. However, the reappraisal shall not be applied on a parcel-by-parcel basis, but rather, across

the board in a given geographical area. Values determined from recent transfers would then be indexed to the date of the last reappraisal date.

E. The assessors shall submit applicable reporting forms to all taxpayers located within their parish, whether taxable or exempt, to ensure equity and uniformity in the assessment and valuation of all properties utilizing proper reporting data. If a taxpayer fails to report or files a false report, the assessors should apply those penalties provided for in state law.

F. Allowable methodology sources for assessors to obtain property information includes, but is not limited to:

1. aerial photography;
2. building permits;
3. CAMA and/or mapping records;
4. conveyance records;
5. city directories;
6. deed fax records;
7. demolition permits;
8. inspection of books and accounts of taxpayers;
9. insurance liability policy levels;
10. legal news publications;
11. newspaper publications;
12. 911 Emergency Response System records;
13. occupational licenses;
14. occupancy permits;
15. physical inspections;
16. real estate firms multiple listings reports;
17. taxpayer reports, using proper forms;
18. utility records;
19. voter registrations.

AUTHORITY NOTE: Promulgated in accordance with Louisiana Constitution of 1974, Article VII, Section 18, R.S. 47:1703, R.S. 47:1703.1, R.S. 47:1703.C., R.S. 47:1837, R.S. 47:1951, R.S. 47:1952, R.S. 47:1953, R.S. 47:1955, R.S. 47:1956, R.S. 47:1957, R.S. 47:1959, R.S. 47:1961, R.S. 47:1971, R.S. 47:1972, R.S. 47:2306, R.S. 47:2323, R.S. 47:2324, R.S. 47:2325, R.S. 47:2329, R.S. 47:2330 and R.S. 47:2331.

HISTORICAL NOTE: Promulgated by the Department of Revenue, Tax Commission, LR 31:

Chapter 3. Real and Personal Property

§304. Electronic Change Order Specifications, Property Classifications Standards and Electronic Tax Roll Export Specifications

A. Electronic Change Order Specifications

Notes: Programmer must allow for all fields listed below, whether they have values or not. The tilde (~) will be used as the delimiter for character data and the comma (,) will be used as the field delimiter. (*See examples*) It is not necessary to use spaces between commas that contain no data. Each record is a line in the ASCII text file and must have a carriage return and line feed at the end of each line.

Please Note: Please contact the Louisiana Tax Commission (225) 925-7830 Extension 212 or the Tax Commission's web site www.latax.state.la.us/download.asp for the latest specifications before creating the files listed below.

Change Order Information				
Field Name	Field Type	Field Length	Required	Comments
tax_year	Numeric	4	Yes	Tax year submitting (ex. 2000,2001,2002,2003,2004, 2005)
Fips_code	Numeric	5	Yes	Parish identification number. FIPS table furnished (See FIPS table.)
Assessment_no	Character	20	Yes	Assessment number.
Ward	Character	3	Yes	Ward identification number.
Assessor_ref_no	Character	15	No	Assessor's Change Order reference item number assigned by the Assessor's staff.
Place_fips	Numeric	5	Yes	FIPS Place Code of Ward or Municipality. (See FIPS table.)
Parcel_address	Character	50	No	Parcel, Physical or E911 Address of property location.
Assessment_type	Character	2	Yes	"RE" = Real Estate, "PP" = Personal Property, "PS" = Public Service
Assessment_status	Character	2	Yes	"AC" = Active, "AJ" = Adjudicated, "EX" = Exempt/Tax Free
Homestead_exempt	Numeric	1	Yes	0 = None (Default), 1 = Homestead Exemption, 2 = Over 65 Freeze
Homestead_percent	Numeric	3	Yes	Homestead Exemption percentage to be applied to assessment. (Format: 100 = 100% - Default)
Restoration_tax_expmnt	Character	1	Yes	Restoration Tax Abatements of historical property. "N" = No (Default), "Y" = Yes
Taxpayer_name	Character	50	Yes	Taxpayer's name. (Format: Last, First or Company Name)
contact_name	Character	50	No	Contact's name for corporate taxpayers or C/O accounts.
taxpayer_addr1	Character	40	Yes	Taxpayer's address line 1.
taxpayer_addr2	Character	40	Yes	Taxpayer's address line 2.
taxpayer_addr3	Character	40	No	Taxpayer's address line 3.
tc_fee_pd	Character	1	No	Tax Commission fee paid. "N" = No (Default), "Y" = Yes
reason	Character	100	Yes	Reason for requesting change order. (See LTC Reasons List.)
check_no	Character	10	No	Check number if Tax Commission fee is due.
check_amount	Numeric	6	No	Check amount if Tax Commission fee is due.
ltc_sub_class_old1	Character	4	Yes	Old LTC Property Sub-Class Code of item 1. (See LTC Property Class Code Listings. Assessor's property classification codes can be used in lieu of the Tax Commission's Property Classification Codes until Tax Year 2006 [Orleans 2007].)
ltc_sub_class_new1	Character	4	Yes	New LTC Property Sub-Class Code of item 1. (See LTC Property Class Code Listings. Assessor's property classification codes can be used in lieu of the Tax Commission's Property Classification Codes until Tax Year 2006 [Orleans 2007].)
quantity_old1	Numeric	6	Yes	Old quantity of item 1 in Front Feet, Square Feet, Lot(s), Acre(s) or Improvement(s).
quantity_new1	Numeric	6	Yes	New quantity of item 1 in Front Feet, Square Feet, Lot(s), Acre(s) or Improvement(s).
units_old1	Character	1	Yes	Old unit of measure for item 1. (Format: "F" = Front Feet, "S" = Square Feet, "L" = Lots, "A" = Acres, "I" = Improvements for Real Property)
units_new1	Character	1	Yes	New unit of measure for item 1. (Format: "F" = Front Feet, "S" = Square Feet, "L" = Lots, "A" = Acres, "I" = Improvements for Real Property)
other_exempt_old1	Numeric	1	Yes	Old status of any special exemptions to be applied to item 1. 0 = None (Default), 1 = Commerce/Industry (Ten Year Exemption), 2 = Agricultural, 3 = Institutional
other_exempt_new1	Numeric	1	Yes	New status of any special exemptions to be applied to item 1. 0 = None (Default), 1 = Commerce/Industry (Ten Year Exemption), 2 = Agricultural, 3 = Institutional
value_old_total1	Numeric	10	Yes	Old total assessed value of property class item 1.
value_new_total1	Numeric	10	Yes	New total assessed value of property class item 1.
value_old_hs1	Numeric	4	Yes	Old homestead credit of property class item 1.
value_new_hs1	Numeric	4	Yes	New homestead credit of property class item 1.
value_old_tp1	Numeric	9	Yes	Old taxpayer's share of assessed value of property class item 1.
value_new_tp1	Numeric	9	Yes	New taxpayer's share of assessed value of property class item 1.
ltc_sub_class_old2	Character	4	No	Old LTC Property Sub-Class Code of item 2. (See LTC Property Class Code Listings. Assessor's property classification codes can be used in lieu of the Tax Commission's Property Classification Codes until Tax Year 2006 [Orleans 2007].)
ltc_sub_class_new2	Character	4	No	New LTC Property Sub-Class Code of item 2. (See LTC Property Class Code Listings. Assessor's property classification codes can be used in lieu of the Tax Commission's Property Classification Codes until Tax Year 2006 [Orleans 2007].)
quantity_old2	Numeric	6	No	Old quantity of item 2 in Front Feet, Square Feet, Lot(s), Acre(s) or Improvement(s).
quantity_new2	Numeric	6	No	New quantity of item 2 in Front Feet, Square Feet, Lot(s), Acre(s) or Improvement(s).
units_old2	Character	1	No	Old unit of measure for item 1. (Format: "F" = Front Feet, "S" = Square Feet, "L" = Lots, "A" = Acres, "I" = Improvements for Real Property)
units_new2	Character	1	No	New unit of measure for item 1. (Format: "F" = Front Feet, "S" = Square Feet, "L" = Lots, "A" = Acres, "I" = Improvements for Real Property)
other_exempt_old2	Numeric	1	No	Old status of any special exemptions to be applied to item 2. 0 = None (Default), 1 = Commerce/Industry (Ten Year Exemption), 2 = Agricultural, 3 = Institutional

other_exempt_new2	Numeric	1	No	New status of any special exemptions to be applied to item 2. 0 = None (Default), 1 = Commerce/Industry (Ten Year Exemption), 2 = Agricultural, 3 = Institutional
value_old_total2	Numeric	10	Yes	Old total assessed value of property class item 2.
value_new_total2	Numeric	10	Yes	New total assessed value of property class item 2.
value_old_hs2	Numeric	4	No	Old homestead credit of property class item 2.
value_new_hs2	Numeric	4	No	New homestead credit of property class item 2.
value_old_tp2	Numeric	9	No	Old taxpayer's share of assessed value of property class item 2.
value_new_tp2	Numeric	9	No	New taxpayer's share of assessed value of property class item 2.
ltc_sub_class_old3	Character	4	No	Old LTC Property Sub-Class Code of item 3. (See LTC Property Class Code Listings. Assessor's property classification codes can be used in lieu of the Tax Commission's Property Classification Codes until Tax Year 2006 [Orleans 2007].)
ltc_sub_class_new3	Character	4	No	New LTC Property Sub-Class Code of item 3. (See LTC Property Class Code Listings. Assessor's property classification codes can be used in lieu of the Tax Commission's Property Classification Codes until Tax Year 2006 [Orleans 2007].)
quantity_old3	Numeric	6	No	Old quantity of item 3 in Front Feet, Square Feet, Lot(s), Acre(s) or Improvement(s).
quantity_new3	Numeric	6	No	New quantity of item 3 in Front Feet, Square Feet, Lot(s), Acre(s) or Improvement(s).
units_old3	Character	1	No	Old unit of measure for item 3. (Format: "F" = Front Feet, "S" = Square Feet, "L" = Lots, "A" = Acres, "I" = Improvements for Real Property or "Y" = Years for Personal Property assessments.)
units_new3	Character	1	No	New unit of measure for item 3. (Format: "F" = Front Feet, "S" = Square Feet, "L" = Lots, "A" = Acres, "I" = Improvements for Real Property or "Y" = Years for Personal Property assessments.)
other_exempt_old3	Numeric	1	No	Old status of any special exemptions to be applied to item 3. 0 = None (Default), 1 = Commerce/Industry (Ten Year Exemption), 2 = Agricultural, 3 = Institutional
other_exempt_new3	Numeric	1	No	New status of any special exemptions to be applied to item 3. 0 = None (Default), 1 = Commerce/Industry (Ten Year Exemption), 2 = Agricultural, 3 = Institutional
value_old_total3	Numeric	10	Yes	Old total assessed value of property class item 3.
value_new_total3	Numeric	10	Yes	New total assessed value of property class item 3.
value_old_hs3	Numeric	4	No	Old homestead credit of property class item 3.
value_new_hs3	Numeric	4	No	New homestead credit of property class item 3.
value_old_tp3	Numeric	9	No	Old taxpayer's share of assessed value of property class item 3.
value_new_tp3	Numeric	9	No	New taxpayer's share of assessed value of property class item 3.
ltc_sub_class_old4	Character	4	No	Old LTC Property Sub-Class Code of item 4. (See LTC Property Class Code Listings. Assessor's property classification codes can be used in lieu of the Tax Commission's Property Classification Codes until Tax Year 2006 [Orleans 2007].)
ltc_sub_class_new4	Character	4	No	New LTC Property Sub-Class Code of item 4. (See LTC Property Class Code Listings. Assessor's property classification codes can be used in lieu of the Tax Commission's Property Classification Codes until Tax Year 2006 [Orleans 2007].)
quantity_old4	Numeric	6	No	Old quantity of item 4 in Front Feet, Square Feet, Lot(s), Acre(s) or Improvement(s).
quantity_new4	Numeric	6	No	New quantity of item 4 in Front Feet, Square Feet, Lot(s), Acre(s) or Improvement(s).
units_old4	Character	1	No	Old unit of measure for item 1. (Format: "F" = Front Feet, "S" = Square Feet, "L" = Lots, "A" = Acres, "I" = Improvements for Real Property)
units_new4	Character	1	No	Old unit of measure for item 1. (Format: "F" = Front Feet, "S" = Square Feet, "L" = Lots, "A" = Acres, "I" = Improvements for Real Property)
other_exempt_old4	Numeric	1	No	New status of any special exemptions to be applied to item 4. 0 = None (Default), 1 = Commerce/Industry (Ten Year Exemption), 2 = Agricultural, 3 = Institutional
other_exempt_new4	Numeric	1	No	New status of any special exemptions to be applied to item 4. 0 = None (Default), 1 = Commerce/Industry (Ten Year Exemption), 2 = Agricultural, 3 = Institutional
value_old_total4	Numeric	10	Yes	Old total assessed value of property class item 4.
value_new_total4	Numeric	10	Yes	New total assessed value of property class item 4.
value_old_hs4	Numeric	4	No	Old homestead credit of property class item 4.
value_new_hs4	Numeric	4	No	New homestead credit of property class item 4.
value_old_tp4	Numeric	9	No	Old taxpayer's share of assessed value of property class item 4.
value_new_tp4	Numeric	9	No	New taxpayer's share of assessed value of property class item 4.
ltc_sub_class_old5	Character	4	No	Old LTC Property Sub-Class Code of item 5. (See LTC Property Class Code Listings. Assessor's property classification codes can be used in lieu of the Tax Commission's Property Classification Codes until Tax Year 2006 [Orleans 2007].)
ltc_sub_class_new5	Character	4	No	New LTC Property Sub-Class Code of item 5. (See LTC Property Class Code Listings. Assessor's property classification codes can be used in lieu of the Tax Commission's Property Classification Codes until Tax Year 2006 [Orleans 2007].)

quantity_old5	Numeric	6	No	Old quantity of item 5 in Front Feet, Square Feet, Lot(s), Acre(s) or Improvement(s).
quantity_new5	Numeric	6	No	New quantity of item 5 in Front Feet, Square Feet, Lot(s), Acre(s) or Improvement(s).
units_old5	Character	1	No	Old unit of measure for item 1. (Format: "F" = Front Feet, "S" = Square Feet, "L" = Lots, "A" = Acres, "I" = Improvements for Real Property)
units_new5	Character	1	No	New unit of measure for item 1. (Format: "F" = Front Feet, "S" = Square Feet, "L" = Lots, "A" = Acres, "I" = Improvements for Real Property)
other_exempt_old5	Numeric	1	No	Old status of any special exemptions to be applied to item 5. 0 = None (Default), 1 = Commerce/Industry (Ten Year Exemption), 2 = Agricultural, 3 = Institutional
other_exempt_new5	Numeric	1	No	New status of any special exemptions to be applied to item 5. 0 = None (Default), 1 = Commerce/Industry (Ten Year Exemption), 2 = Agricultural, 3 = Institutional
value_old_total5	Numeric	10	Yes	Old total assessed value of property class item 5.
value_new_total5	Numeric	10	Yes	New total assessed value of property class item 5.
value_old_hs5	Numeric	4	No	Old homestead credit of property class item 5.
value_new_hs5	Numeric	4	No	New homestead credit of property class item 5.
value_old_tp5	Numeric	9	No	Old taxpayer's share of assessed value of property class item 5.
value_new_tp5	Numeric	9	No	New taxpayer's share of assessed value of property class item 5.
ltc_sub_class_old6	Character	4	No	Old LTC Property Sub-Class Code of item 6. (See LTC Property Class Code Listings. Assessor's property classification codes can be used in lieu of the Tax Commission's Property Classification Codes until Tax Year 2006 [Orleans 2007].)
ltc_sub_class_new6	Character	4	No	New LTC Property Sub-Class Code of item 6. (See LTC Property Class Code Listings. Assessor's property classification codes can be used in lieu of the Tax Commission's Property Classification Codes until Tax Year 2006 [Orleans 2007].)
quantity_old6	Numeric	6	No	Old quantity of item 6 in Front Feet, Square Feet, Lot(s), Acre(s) or Improvement(s).
quantity_new6	Numeric	6	No	New quantity of item 6 in Front Feet, Square Feet, Lot(s), Acre(s) or Improvement(s).
units_old6	Character	1	No	Old unit of measure for item 1. (Format: "F" = Front Feet, "S" = Square Feet, "L" = Lots, "A" = Acres, "I" = Improvements for Real Property)
units_new6	Character	1	No	New unit of measure for item 6. (Format: "F" = Front Feet, "S" = Square Feet, "L" = Lots, "A" = Acres, "I" = Improvements for Real Property)
other_exempt_old6	Numeric	1	No	Old status of any special exemptions to be applied to item 6. 0 = None (Default), 1 = Commerce/Industry (Ten Year Exemption), 2 = Agricultural, 3 = Institutional
other_exempt_new6	Numeric	1	No	New status of any special exemptions to be applied to item 6. 0 = None (Default), 1 = Commerce/Industry (Ten Year Exemption), 2 = Agricultural, 3 = Institutional
value_old_total6	Numeric	10	Yes	Old total assessed value of property class item 6.
value_new_total6	Numeric	10	Yes	New total assessed value of property class item 6.
value_old_hs6	Numeric	4	No	Old homestead credit of property class item 6.
value_new_hs6	Numeric	4	No	New homestead credit of property class item 6.
value_old_tp6	Numeric	9	No	Old taxpayer's share of assessed value of property class item 6.
value_new_tp6	Numeric	9	No	New taxpayer's share of assessed value of property class item 6.
ltc_sub_class_old7	Character	4	No	Old LTC Property Sub-Class Code of item 7. (See LTC Property Class Code Listings. Assessor's property classification codes can be used in lieu of the Tax Commission's Property Classification Codes until Tax Year 2006 [Orleans 2007].)
ltc_sub_class_new7	Character	4	No	New LTC Property Sub-Class Code of item 7. (See LTC Property Class Code Listings. Assessor's property classification codes can be used in lieu of the Tax Commission's Property Classification Codes until Tax Year 2006 [Orleans 2007].)
quantity_old7	Numeric	6	No	Old quantity of item 7 in Front Feet, Square Feet, Lot(s), Acre(s) or Improvement(s).
quantity_new7	Numeric	6	No	New quantity of item 7 in Front Feet, Square Feet, Lot(s), Acre(s) or Improvement(s).
units_old7	Character	1	No	Old unit of measure for item 7. (Format: "F" = Front Feet, "S" = Square Feet, "L" = Lots, "A" = Acres, "I" = Improvements for Real Property)
units_new7	Character	1	No	New unit of measure for item 7. (Format: "F" = Front Feet, "S" = Square Feet, "L" = Lots, "A" = Acres, "I" = Improvements for Real Property)
other_exempt_old7	Numeric	1	No	Old status of any special exemptions to be applied to item 7. 0 = None (Default), 1 = Commerce/Industry (Ten Year Exemption), 2 = Agricultural, 3 = Institutional
other_exempt_new7	Numeric	1	No	New status of any special exemptions to be applied to item 7. 0 = None (Default), 1 = Commerce/Industry (Ten Year Exemption), 2 = Agricultural, 3 = Institutional
value_old_total7	Numeric	10	Yes	Old total assessed value of property class item 7.
value_new_total7	Numeric	10	Yes	New total assessed value of property class item 7.
value_old_hs7	Numeric	4	No	Old homestead credit of property class item 7.
value_new_hs7	Numeric	4	No	New homestead credit of property class item 7.

value_old_tp7	Numeric	9	No	Old taxpayer's share of assessed value of property class item 7.
value_new_tp7	Numeric	9	No	New taxpayer's share of assessed value of property class item 7.
ltc_sub_class_old8	Character	4	No	Old LTC Property Sub-Class Code of item 8. (See LTC Property Class Code Listings. Assessor's property classification codes can be used in lieu of the Tax Commission's Property Classification Codes until Tax Year 2006 [Orleans 2007].)
ltc_sub_class_new8	Character	4	No	New LTC Property Sub-Class Code of item 8. (See LTC Property Class Code Listings. Assessor's property classification codes can be used in lieu of the Tax Commission's Property Classification Codes until Tax Year 2006 [Orleans 2007].)
quantity_old8	Numeric	6	No	Old quantity of item 8 in Front Feet, Square Feet, Lot(s), Acre(s) or Improvement(s).
quantity_new8	Numeric	6	No	New quantity of item 8 in Front Feet, Square Feet, Lot(s), Acre(s) or Improvement(s).
units_old8	Character	1	No	Old unit of measure for item 8. (Format: "F" = Front Feet, "S" = Square Feet, "L" = Lots, "A" = Acres, "I" = Improvements for Real Property)
units_new8	Character	1	No	New unit of measure for item 8. (Format: "F" = Front Feet, "S" = Square Feet, "L" = Lots, "A" = Acres, "I" = Improvements for Real Property)
other_exempt_old8	Numeric	1	No	Old status of any special exemptions to be applied to item 8. 0 = None (Default), 1 = Commerce/Industry (Ten Year Exemption), 2 = Agricultural, 3 = Institutional
other_exempt_new8	Numeric	1	No	New status of any special exemptions to be applied to item 8. 0 = None (Default), 1 = Commerce/Industry (Ten Year Exemption), 2 = Agricultural, 3 = Institutional
value_old_total8	Numeric	10	Yes	Old total assessed value of property class item 8.
value_new_total8	Numeric	10	Yes	New total assessed value of property class item 8.
value_old_hs8	Numeric	4	No	Old homestead credit of property class item 8.
value_new_hs8	Numeric	4	No	New homestead credit of property class item 8.
value_old_tp8	Numeric	9	No	Old taxpayer's share of assessed value of property class item 8.
value_new_tp8	Numeric	9	No	New taxpayer's share of assessed value of property class item 8.
ltc_sub_class_old9	Character	4	No	Old LTC Property Sub-Class Code of item 9. (See LTC Property Class Code Listings. Assessor's property classification codes can be used in lieu of the Tax Commission's Property Classification Codes until Tax Year 2006 [Orleans 2007].)
ltc_sub_class_new9	Character	4	No	New LTC Property Sub-Class Code of item 9. (See LTC Property Class Code Listings. Assessor's property classification codes can be used in lieu of the Tax Commission's Property Classification Codes until Tax Year 2006 [Orleans 2007].)
quantity_old9	Numeric	6	No	Old quantity of item 9 in Front Feet, Square Feet, Lot(s), Acre(s) or Improvement(s).
quantity_new9	Numeric	6	No	New quantity of item 9 in Front Feet, Square Feet, Lot(s), Acre(s) or Improvement(s).
units_old9	Character	1	No	Old unit of measure for item 9. (Format: "F" = Front Feet, "S" = Square Feet, "L" = Lots, "A" = Acres, "I" = Improvements for Real Property)
units_new9	Character	12	No	New unit of measure for item 9. (Format: "F" = Front Feet, "S" = Square Feet, "L" = Lots, "A" = Acres, "I" = Improvements for Real Property)
other_exempt_old9	Numeric	1	No	Old status of any special exemptions to be applied to item 9. 0 = None (Default), 1 = Commerce/Industry (Ten Year Exemption), 2 = Agricultural, 3 = Institutional
other_exempt_new9	Numeric	1	No	New status of any special exemptions to be applied to item 9. 0 = None (Default), 1 = Commerce/Industry (Ten Year Exemption), 2 = Agricultural, 3 = Institutional
value_old_total9	Numeric	10	Yes	Old total assessed value of property class item 9.
value_new_total9	Numeric	10	Yes	New total assessed value of property class item 9.
value_old_hs9	Numeric	4	No	Old homestead credit of property class item 9.
value_new_hs9	Numeric	4	No	New homestead credit of property class item 9.
value_old_tp9	Numeric	9	No	Old taxpayer's share of assessed value of property class item 9.
value_new_tp9	Numeric	9	No	New taxpayer's share of assessed value of property class item 9.
ltc_sub_class_old10	Character	4	No	Old LTC Property Sub-Class Code of item 10. (See LTC Property Class Code Listings. Assessor's property classification codes can be used in lieu of the Tax Commission's Property Classification Codes until Tax Year 2006 [Orleans 2007].)
ltc_sub_class_new10	Character	4	No	New LTC Property Sub-Class Code of item 10. (See LTC Property Class Code Listings. Assessor's property classification codes can be used in lieu of the Tax Commission's Property Classification Codes until Tax Year 2006 [Orleans 2007].)
quantity_old10	Numeric	6	No	Old quantity of item 10 in Front Feet, Square Feet, Lot(s), Acre(s) or Improvement(s).
quantity_new10	Numeric	6	No	New quantity of item 10 in Front Feet, Square Feet, Lot(s), Acre(s) or Improvement(s).
units_old10	Character	1	No	Old unit of measure for item 10. (Format: "F" = Front Feet, "S" = Square Feet, "L" = Lots, "A" = Acres, "I" = Improvements for Real Property)
units_new10	Character	1	No	New unit of measure for item 10. (Format: "F" = Front Feet, "S" = Square Feet, "L" = Lots, "A" = Acres, "I" = Improvements for Real Property)

other_exempt_old10	Numeric	1	No	Old status of any special exemptions to be applied to item 10. 0 = None (Default), 1 = Commerce/Industry (Ten Year Exemption), 2 = Agricultural, 3 = Institutional
other_exempt_new10	Numeric	1	No	New status of any special exemptions to be applied to item 10. 0 = None (Default), 1 = Commerce/Industry (Ten Year Exemption), 2 = Agricultural, 3 = Institutional
value_old_total10	Numeric	10	Yes	Old total assessed value of property class item 10.
value_new_total10	Numeric	10	Yes	New total assessed value of property class item 10.
value_old_hs10	Numeric	4	No	Old homestead credit of property class item 10.
Value_new_hs10	Numeric	4	No	New homestead credit of property class item 10.
Value_old_tp10	Numeric	9	No	Old taxpayer's share of assessed value of property class item 10.
Value_new_tp10	Numeric	9	No	New taxpayer's share of assessed value of property class item 10.
Property_desc	Character	Unlimited	Yes	Personal, Public Service or Real Estate Property Description (Legal Description).

Fields listed in these specifications highlighted in yellow indicate newly added fields for the current tax year. Fields listed in these specifications highlighted in turquoise indicate an existing field revised showing old-field name or value in red below new field name. Always check the Louisiana Tax Commission's (LTC) web site at www.latax.state.la.us for the latest Electronic Change Orders Specifications for uploading batches to the LTC's "On-line Change Order System" web site. All files created by an Assessor's office and/or their

software vendor is subject to review and testing by the Louisiana Tax Commission for compliance and accuracy of data submitted. A sample of data in the format designated herein is due to the Louisiana Tax Commission by October 15th each year for testing and certification of the format by the Tax Commission.

B. Property Classifications Standards

Item	Class Code	Class Description (Tc-33)	Sub-Class Code	Sub-Class Description (Grand Recap)	Class Definition
Real Estate					
1	10	Agricultural Lands Class I	1000	Agricultural Lands Class I (Use Value)	Agricultural Land - Class I Containing 3 Acres Or More In Area Using The First Four Classifications Of The U.S. Soil Conservation Service.
2	11	Agricultural Lands Class II	1100	Agricultural Lands Class II (Use Value)	Agricultural Land - Class Ii Containing 3 Acres Or More In Area Using The First Four Classifications Of The U.S. Soil Conservation Service.
3	12	Agricultural Lands Class III	1200	Agricultural Lands Class III (Use Value)	Agricultural Land - Class Iii Containing 3 Acres Or More In Area Using The First Four Classifications Of The U.S. Soil Conservation Service.
4	13	Agricultural Lands Class IV	1300	Agricultural Lands Class IV (Use Value)	Agricultural Land - Class Iv Containing 3 Acres Or More In Area Using The First Four Classifications Of The U.S. Soil Conservation Service.
5	15	Timberlands Class I	1500	Timberlands Class I (Use Value)	Timberland - Class I Containing 3 Acres Or More In Area Capable Of Producing More Than 120 Cubic Feet Of Timber Per Acre Per Annum.
6	16	Timberlands Class II	1600	Timberlands Class II (Use Value)	Timberland - Class Ii Containing 3 Acres Or More In Area Capable Of Producing More Than 85 But Less Than 120 Cubic Feet Of Timber Per Acre Per Annum.
7	17	Timberlands Class III	1700	Timberlands Class III (Use Value)	Timberland - Class Iii Containing 3 Acres Or More In Area Capable Of Producing Less Than 85 Cubic Feet Of Timber Per Acre Per Annum.
8	18	Timberlands Class IV	1800	Timberlands Class IV (Use Value)	Timberland - Class Iv Containing 3 Acres Or More In Area Capable Of Producing Less Than 85 Cubic Feet Of Timber Per Acre Per Annum And Which Is Subject To Periodic Overflow From Natural Or Artificial Water Courses, And Which Is Otherwise Consider To Be Swampland.
9	20	Fresh Water Marsh	2000	Fresh Water Marsh (Use Value)	Fresh Water Marsh Containing 3 Acres Or More In Area Being Wetland Not Devoted To Agricultural, Horticultural Or Timber Purposes.
10	22	Brackish Water Marsh	2200	Brackish Water Marsh (Use Value)	Brackish Water Marsh Containing 3 Acres Or More In Area Being Wetland Not Devoted To Agricultural, Horticultural Or Timber Purposes.
11	24	Salt Water Marsh	2400	Salt Water Marsh (Use Value)	Salt Water Marsh Containing 3 Acres Or More In Area Being Wetland Not Devoted To Agricultural, Horticultural Or Timber Purposes.
12	30	Other Acreage (Greater Than 3 Acres)	3000	Agricultural Acreage (Market Value)	Agricultural Land 3 Acres Or More In Area Valued At Market Level Since A Use Value Classification Has Not Been Filed With The Assessor's Office.
13			3010	Timber Acreage (Market Value)	Timber Land 3 Acres Or More In Area Valued At Market Level Since A Use Value Classification Has Not Been Filed With The Assessor's Office.

14			3020	Marsh Acreage (Market Value)	Marsh Land 3 Acres Or More In Area Valued At Market Level Since A Use Value Classification Has Not Been Filed With The Assessor's Office.
15			3030	Commercial Acreage (Market Value)	Commercial Land 3 Acres Or More In Area Designated For Office And Retail Use.
16			3040	Industrial Acreage (Market Value)	Industrial Land 3 Acres Or More In Area Designated For Industrial Use.
17			3050	Institutional Acreage (Market Value)	Institutional Land 3 Acres Or More In Area Designated For Public Buildings, Schools, Churches And Properties That Have Unique Uses.
18			3060	Residential Acreage (Market Value)	Residential Land 3 Acres Or More In Area Used For Residential Permanent Improvements Such As Single-Family Residences, Townhouses And Apartments.
19			3070	Trailer Parks (Market Value)	Residential Land 3 Acres Or More In Size Used For Trailer Parks.
20	32	Other Acreage (Greater Than 1 Acre But Less Than 3 Acres)	3200	Agricultural Acreage (Market Value)	Agricultural Land More Than 1 Acre But Less Than 3 Acres In Area Valued As Market Value Since Use Value Form Has Not Been Filed With The Assessor's Office.
21			3210	Timber Acreage (Market Value)	Timber Land More Than 1 Acre But Less Than 3 Acres In Area Valued As Market Value Since Use Value Form Has Not Been Filed With The Assessor's Office.
22			3220	Marsh Acreage (Market Value)	Marsh Lands More Than 1 Acre But Less Than 3 Acres In Area Valued As Market Value Since Use Value Form Has Not Been Filed With The Assessor's Office.
23			3230	Commercial Acreage (Market Value)	Commercial Land More Than 1 Acre But Less Than 3 Acres In Area Designated For Office And Retail Use.
24			3240	Industrial Acreage (Market Value)	Industrial Land More Than 1 Acre But Less Than 3 Acres In Area Designated For Industrial Use.
25			3250	Institutional Acreage (Market Value)	Institutional Land More Than 1 Acre But Less Than 3 Acres In Area Designated For Public Buildings, Schools, Churches And Properties That Have Unique Uses.
26			3260	Residential Acreage (Market Value)	Residential Land More Than 1 Acre But Less Than 3 Acres In Area Used For Residential Permanent Improvements Such As Single-Family Residences, Townhouses And Apartments.
27			3270	Trailer Parks (Market Value)	Residential Land More Than 1 Acre But Less Than 3 Acres In Area Used For Residential Trailer Parks.
Total Acreage And Values (As Acres)					
28	34	Subdivision Lots	3400	Residential Subdivision Lot	Residential Subdivision Lots That Have Recorded Plats.
29		(As Per Recorded Subdivision Plats)	3410	Trailer Park	Trailer Park Lots That Have Recorded Plats.
30			3420	Commercial Subdivision Lot	Commercial Subdivision Lots That Have Recorded Plats.
31			3430	Industrial Subdivision Lot	Industrial Subdivision Or Business Park Lots That Have Recorded Plats.
32			3440	Institutional Subdivision Lot	Institutional Subdivision Or Campus Lots That Have Recorded Plats.
33	36	Other Lots	3600	Residential Non-Subdivision Lot	Residential Non-Subdivision Lot Or Parcel Not Having Recorded Plats.
34		(Consisting Of 1 Acre Or Less)	3610	Trailer Park	Trailer Park Non-Subdivision Lot Or Parcel Not Having Recorded Plats.
35			3620	Commercial Non-Subdivision Lot	Commercial Acreage Less Than 3 Acres In Size (Market Value).
36			3630	Industrial Non-Subdivision Lot	Industrial Acreage Less Than 3 Acres In Size (Market Value).
37			3640	Institutional Non-Subdivision Lot	Institutional Acreage Less Than 3 Acres In Size Used By Government, Schools Or Churches (Market Value).
38	40	Improvements: Residential	4000	Single Family Residence	Single Family Residence (Free Standing Structure Or Improvement) Including Decks, Patios, Pavement, Swimming Pools, Hot Tubs (Jacuzzi), Gazebos, Etc.
39			4010	Manufactured Housing	Manufactured Housing (Mobile Homes/Trailers).
40			4020	Townhouse/Duplexes	Includes Townhouse Or Duplexes. (Includes Stand Alone Triplexes and Fourplexes.)
41			4030	Urban Row Houses	Includes Urban Row Houses.

42			4040	Apartments	Includes Dormitories; High-Rise Apartments; Homes For The Elderly; Group Care Homes; Fraternity/Sorority Houses; Rooming And Boarding Houses; Bed & Breakfast Inns; And High-Rise Row Houses. (Includes Fourplexes Or Larger Units Consisting Of Multiple Buildings.)
43			4050	Clubhouses	Includes Clubhouses Used By Homeowner Associations Or Apartment Complexes.
44			4060	Resort Cottages And Cabins	Includes Resorts Cottages And Cabins Being Used As A Residential Rental Unit.
45			4070	Log And Dome Houses	Includes Log And Dome Houses.
46			4080	Tropical Housing (Camps)	Includes Tropical Housing; Camps; And Boathouses.
47			4090	Old Residences (Historical)	Includes Older Residences That Have Classified As Antique Or Historical In Nature.
48			4095	Storage Facilities And Workshops	Includes Residential Storage Facilities, Workshops, Barns, Stables, Detached Garages, Greenhouses And Apartment Complex Laundromats.
49			4099	Unidentified Residential Improvements	Includes Those Residential Improvements Yet To Be Classified By Assessor's Staff.
50	45	Improvements: Commercial Or Industrial	4500	Clubs and Hotels	Includes Hotels; City Clubs; Mortuaries; Clubhouse; Senior Centers; Country Clubs; Recreational Enclosures; And Health Clubs.
51			4510	Motels	Includes Motels (Extended-Stay Motels); Lodges; Bath Houses; And Guest Cottages.
52			4520	Stores and Commercial Buildings	Includes Restaurants Table Service, Dining Atriums And Cafeterias (Truck Stops, Fast Food And Playrooms); Markets; Drugstores; Discount Stores; Retail Stores; Department Stores; Barber Shop And Beauty Salons; Laundromats; Laundry And Dry Cleaning Stores; Shopping Centers; Bars/Taverns And Cocktail Lounges; Convenience Markets And Mini-Marts; Dairy Sales Building; Department And Mall Anchor Stores; Florist Shops; Roadside And Farmers' Markets; Neighborhood (Community, Regional, Discount, Mixed Retail With Apartments & Offices); Shopping Center Shells; Snack Bars; Warehouse Stores; Discount, Food And Showroom.
53			4530	Garages, Industrials, Lofts and Warehouses	Includes Industrial Buildings; Laboratories; Lofts; Computer Centers; Passenger Terminals; Broadcasting Facilities (Radio/TV Stations); Armories; Post Offices; Warehouses; Cold Storage Facilities; Creameries; Transit Warehouses; Mini-Warehouses; Shipping Docks; Loading Docks; Hangers: Maintenance, Storage And T-Hangers; Complete Auto Dealerships; Showrooms; Garages: Service And Repair, Storage (Municipal And Service Sheds) Industrials, Engineering/R&D (Laboratories, Manufacturing, Light/Heavy); Flex-Mall Buildings; Mini-Lube Garages; Parking Structures; Underground Parking Garages; Misc. Buildings: Bakery, Bottle & Cannery Plants; Control Towers, Laundry, Boiler, Recycling, Sound Stage And Telephone.
54			4540	Offices, Medical and Public Buildings	Includes Office Buildings; Atriums/ Vestibules; Mechanical Penthouses; Parking Level Floors; Banks: Branch, Central Office And Mini-Banks; Medical Office Buildings And Dental Clinics; Dispensaries; General Hospitals, Outpatient And Surgical Centers; Convalescent Hospitals; Veterinary Hospitals; Kennels; Government Buildings, Community Service, Mixed-Use Facilities; Fire Stations: Staffed And Volunteer; Jails, Correctional Facilities And Police Stations; Offices And Office Building Shells; And Public Libraries.
55			4550	Churches, Theaters and Auditoriums	Includes Churches, Sanctuaries, Churches With Sunday Schools; Church Fellowship Halls, Classrooms And Foyers/Narthexes; Fraternal Buildings; Theaters: Cinemas And Live Stage; Auditoriums; Casinos; Museums; Convention Centers; Arcade Buildings; Visitor Centers; Skating Rinks; Bowling Centers; Fitness Centers; Community Recreation Centers; Indoor Tennis Clubs; Handball/Racquetball And Pavilions.

56	45	Improvements: Commercial or Industrial	4560	Sheds & Farm Buildings	Includes Utility Buildings; Equipment Buildings; Golf Cart Buildings; Boat Storage Buildings And Sheds; Shed Office Structures; Materials Storage Buildings; Bulk Oil Storage Building; Tool Sheds; Prefabricated Sheds; Lumber Storage, Vertical Buildings; And Horizontal Sheds; Potato Storage Buildings; Fruit Packing Barns; Bulk Fertilizer Storage; Bag Fertilizer Storage; Seed Warehouses; Cotton Gin Buildings; Dehydrator Buildings; Dairies; Milk Houses; Barns; Free Stall Barns; Barn Loft; Hog Barns And Sheds; Sheep Barns And Sheds; Tobacco Barns; Stables; Arenas; Poultry Houses; Greenhouses; Labor Dormitories, Transient Labor Cabins; Corn Cribs, Farm Silos; Grain Handling Systems; Grain Elevators; Livestock, Hay And Sun Shelters; Enclosed And Screened Cage; Poultry Floor Operation, Breeder, Broiler And Turkey Barns; Sheds, Cattle, Loafing And Feeding; Environmental Storage; Controlled Atmosphere Buildings; Shop Buildings And Sheds;
57			4599	Unidentified Commercial Improvements	Commercial Improvements Yet To Be Classified By Assessor's Staff.
Total Lots and Improvements (As Units)					
Total Real Estate Values					
Personal Property - Section A					
58	50	Inventories & Merchandise	5000	Inventories & Merchandise	Inventories Of Items That Are Tangible Personal Property Which Are Held For Sale, Process Of Production, Consumed In The Production Of The Goods Or Services To Be Available For Sale Or Are Utilized In Marketing Or Distribution Activities.
59	51	Machinery and Equipment	5100	Machinery & Equipment	Machinery And Equipment
60	52	Business Furniture and Fixtures	5200	Business Furniture & Fixtures	Office Furniture And Equipment.
61	53	Miscellaneous Personal Property	5300	Miscellaneous Personal Property	Miscellaneous Personal Property.
62	54	Credits (Insurance & Finance Companies)	5400	Credits	Loan And Finance Companies Personal Property.
63	55	Leased Equipment	5500	Leased Equipment	Lease Equipment Such As Copiers, Postage Machines, Computers, Phone Systems, Heavy Equipment, Etc.
64	56	Pipelines (Other Than Public Service)	5600	Lease Lines	Pipelines - Leased
65			5610	Gathering Lines	Pipelines - Gathering Lines
66			5620	Pipelines Other Than Public Service	Pipelines Other Than Public Service Pipelines.
67	57	Oil & Gas Surface Equipment (Units Not To Exceed Total Number Of Wells)	5700	Oil & Gas Surface Equipment	Oil And Gas Surface Equipment.
Total Personal Property - Section A (As Units)					
Personal Property - Section B					
68	60	Watercraft	6000	Watercraft	Watercraft, Other Than Those Employed In Interstate Commerce, Is Subject To Valuation And Assessment By Parish Assessor.
69	62	Aircraft	6200	Private Aircraft	Privately Held Aircraft.
70			6210	Commercial Aircraft	Commercial Aircraft Other Than Public Service Airlines Aircraft.
71	64	Financial Institutions	6400	Financial Institutions	Financial Institutions Shares Of Stock Of All Banks, Banking Companies, Firms, Associations Or Corporations In The Banking Business.
72	66	Drilling Rigs	6600	Drilling Rigs	Drilling Rigs And Related Equipment.
73	68	Oil & Gas Wells	6800	Oil Wells	Oil Wells.
74			6810	Gas Wells	Gas Wells.
75			6820	Injection Wells	Injection Wells.
Total Personal Property - Section B (As Units)					
Public Service					
76	80	Public Service	8000	Airlines	Commercial Airline Companies Assessed By Louisiana Tax Commission.
77		(Number Of Tax Notices Generated)	8010	Barge Lines	Barge Line Companies Assessed By Louisiana Tax Commission.
78			8020	Co-Op (Electric, Gas & Water)	Electric, Gas And Water Public Utility Companies Assessed By Louisiana Tax Commission.
79			8030	Pipelines	Pipeline Companies Assessed By Louisiana Tax Commission.

80			8040	Private Car Lines	Rolling Stock Assessed By Louisiana Tax Commission.
81			8050	Railroad	Railroad Companies Assessed By Louisiana Tax Commission.
82			8060	Telephone	Telephone Companies Assessed By Louisiana Tax Commission.
Total Public Service					
Grand Total					

C. Electronic Tax Roll Export Specifications

Notes: Programmer must allow for optional fields not used. The tilde (~) will be used as the delimiter for character data and the comma (,) will be used as the field delimiter. (See examples) It is not necessary to use spaces between commas that contain no data. Programmer must allow for optional fields not used. Each record is a line in the ASCII text file and must have a carriage return and line feed at the end of each

line. ASCII text file names must adhere to naming convention listed behind file information title.

Please Note: Please contact the Louisiana Tax Commission for the latest specifications before creating the files listed below. (If you have any questions as to the format listed below contact the Louisiana Tax Commission at (225) 925-7830 Extension 212.)

Parish Information (Parish.Txt) (Required)

Field Name	Field Type	Field Length	Required	Comments
fips_code	Numeric	5	Yes	Parish identification number. (See FIPS table.)
gov_name	Character	30	Yes	Parish name (Example: St. Tammany Parish)
gov_agency	Character	40	Yes	Agency name (Example: Assessor's Office)
address1	Character	30	Yes	Agency address line 1.
address2	Character	30	Yes	Agency address line 2.
tax_year	Numeric	4	Yes	Tax year submitting (Format: 1999, 2000,2001,2002,2003,2004, etc.)
City	Character	20	Yes	City name (Example: Covington)
State	Character	2	Yes	State name (Example: LA)
Zip	Numeric	5	Yes	Zip code (Example 70433).
zip4	Character	4	Yes	Extended zip code (9999).

Assessment Information (ASSMT.TXT) (Required)

Field Name	Field Type	Field Length	Required	Comments
tax_year	Numeric	4	Yes	Tax year submitting (Format: 1999, 2000,2001,2002,2003,2004, etc.)
fips_code	Numeric	5	Yes	Parish identification number. (See FIPS table.)
Assessment_no	Character	20	Yes	Assessment number.
parcel_no	Character	20	Yes	Parcel Identification Number (PIN). (If your system currently does not support PINs use the assessment number as the PIN.)
Assessment_type	Character	2	Yes	"RE" = Real Estate, "PP" = Personal Property, "PS" = Public Service
Assessment_status	Character	2	Yes	"AC" = Active, "AJ" = Adjudicated, "EX" = Exempt/Tax Free
Homestead_exempt	Numeric	1	Yes	0 = None (Default), 1 = Homestead Exemption, 2 = Over 65 Freeze
Homestead_percent	Numeric	6.2	Yes	Homestead Exemption percentage to be applied to assessment. (Format: 100.00 (Default) = 100%)
Restoration_tax_expmt	Character	1	Yes	Restoration Tax Abatements on historical property. "N" = No (Default), "Y" = Yes
tax_acct	Numeric	6	No	Tax account or tax bill number for grouping assessments together.
place_fips	Numeric	5	Yes	FIPS Place Code of Ward or Municipality. (See FIPS Table)
taxpayer_id	Numeric	10	No	Taxpayer's identification number. (Social Security or Federal ID numbers.)
taxpayer_name	Character	50	Yes	Taxpayer's name.
contact_name	Character	50	No	Contact's name for company taxpayers or for in care of (C/O) contacts.
taxpayer_addr1	Character	40	Yes	Taxpayer's address line 1.
taxpayer_addr2	Character	40	Yes	Taxpayer's address line 2.
taxpayer_addr3	Character	40	No	Taxpayer's address line 3.
transfer_date	Character	10	No	Date of purchase. (Sample: ~01/01/1999~)

Assessment Value Information (Avalue.Txt) (Required)

Field Name	Field Type	Field Length	Required	Comments
tax_year	Numeric	4	Yes	Tax year submitting (Format: 1999, 2000,2001,2002,2003,2004, etc.)
fips_code	Numeric	5	Yes	Parish identification number (PIN). (See FIPS table.)
Assessment_no	Character	20	Yes	Assessment number.
market_value	Numeric	12	Yes	Fair Market Value of the real estate property class or the original cost of the personal property class.
total_value	Numeric	10	Yes	Total assessed value of the property. (Total of the Taxpayer's (Taxable) share and Homestead credit added together.)
Homestead_credit	Numeric	4	Yes	Assessed value to be credited by Homestead exemption. (Not to exceed 7,500 of Assessed Value)
taxpayer_value	Numeric	10	Yes	Assessed value to be paid by Taxpayer (Taxable amount).
quantity	Numeric	6	Yes	Quantity units in the number of Front Feet, Square Feet, Lot(s), Acre(s), Improvement(s) or Year(s) for Personal Property.
units	Character	1	Yes	Unit of Measure (Format: "F" = Front Feet, "S" = Square Feet, "L" = Lots, "A" = Acres, "I" = Improvements and "Y" = Year.)
ltc_sub-class_code	Character	4	Yes	LTC Property Sub-Class Code. (See LTC Property Class Code Listings.) Assessor's property classification codes can be used in lieu of the Tax Commission's Property Classification Codes until Tax Year 2006 [Orleans 2007].)
other_exempt	Numeric	1	Yes	Old status of any special exemptions to be applied to item 1. 0 = None (Default), 1 = Commerce/Industry (Ten Year Exemption), 2 = Agricultural, 3 = Institutional

Property Class Code Information (PC_Codes.Txt) (Required If Not Using LTC Standard Codes)

Field Name	Field Type	Field Length	Required	Comments
tax_year	Numeric	4	Yes	Tax year submitting (Format: 1999, 2000,2001,2002,2003,2004, etc.)
fips_code	Numeric	5	Yes	Parish identification number. (See FIPS table.)
assessor_class_code	Character	4	Yes	Assessor's property classification code to be used in lieu of the Tax Commission's Property Classification Codes until Tax Year 2006 [Orleans 2007].)
class_code_description	Character	30	Yes	Assessor's property class code description.

Note: If your software currently does not support the Louisiana Tax Commission's Property Classifications Standards, you must submit your current classification codes and descriptions until for Tax Year 2006.

Assessment Millage Information (Amillage.Txt) (Required)

Field Name	Field Type	Field Length	Required	Comments
tax_year	Numeric	4	Yes	Tax year submitting (Format: 1999, 2000,2001,2002,2003,2004, etc.)
fips_code	Numeric	5	Yes	Parish identification number. (See FIPS table.)
Assessment_no	Character	20	Yes	Assessment number.
group_description	Character	35	Yes	Millage description if not part of a group or group name of millage group.
Millage	Numeric	6.2	Yes	Millage (Format: 999.99)
mill_type	Character	1	Yes	M = Millage, F = Flat/LTC/Variable Fees, A = Acreage, O = Overlay/Partial
place_fips	Numeric	5	Yes	Federal Place Code of Taxing Authority levying millage. (See FIPS table)
parish_city	Character	1	Yes	Millage type indicator. "P" = Parish Tax, "C" = City Tax (This field indicates which Tax Collector is collecting the millage.)
Percent	Numeric	6.2	Yes	Percent of assessed value applicable to the millage. (Applies to split district millages, use 100.00 as default value if percent is not applied.)
total_tax	Numeric	11.2	Yes	Total taxes assessed to the property. (Format: 99999999.99)
Homestead_credit	Numeric	11.2	Yes	Homestead exemption share of taxes credited. (Format: 99999999.99)
taxpayer_tax	Numeric	11.2	Yes	Taxpayer's share of taxes owed. (Format: 99999999.99)

Millage Group Information (Tgroup.Txt) (Required)

Field Name	Field Type	Field Length	Required	Comments
tax_year	Numeric	4	Yes	Tax year submitting (Format: 1999, 2000,2001,2002,2003,2004, etc.)
fips_code	Numeric	5	Yes	Parish identification number. (See FIPS table.)
group_description	Character	35	Yes	Group description or name of millage.
millage_description	Character	35	Yes	Description or name of millage.
Millage	Numeric	6.2	Yes	Millage (Format: 999.99)
flat_mill	Numeric	1	Yes	Indicates Flat Fee (0=No Flat Fee, 1=Flat Fee used)
flat_fee	Numeric	6.2	Yes	Flat Fee Amount (Format 999.99)

Parcel Information (Parcel.Txt) (Required)

Field Name	Field Type	Field Length	Required	Comments
tax_year	Numeric	4	Yes	Tax year submitting (Format: 1999, 2000,2001,2002,2003,2004, etc.)
fips_code	Numeric	5	Yes	Parish identification number. (See FIPS table.)
Assessment_no	Character	20	Yes	Assessment number.

Field Name	Field Type	Field Length	Required	Comments
parcel_no	Character	20	Yes	Parcel Identification Number (PIN). (If your system currently does not support PINs use the assessment number as the PIN.)
town_range	Character	7	No	Township/Range. (Format: T7S-R8E)
section_no	Numeric	3	No	Section number parcel is located.
ward_no	Character	3	Yes	Ward identification number.
subd_name	Character	30	No	Subdivision name if available of parcel location.
block_no	Character	4	No	Subdivision or city block/square number.
lot_no	Character	4	No	First subdivision or city lot number owned by a particular owner.
place_fips	Numeric	5	Yes	Federal Place Code of Taxing Authority. (See FIPS table)
tax_dist	Numeric	3	No	Tax district number if available.
par_address	Character	50	No	Parcel address. (E911 address)
Occupancy	Character	50	No	What the structure is being used for. (Residence, Office, Retail, etc.)
Vacant_lot	Character	1	No	"Y" = Yes, "N" = No (Default)
Transfer_date	Character	10	No	Date of purchase. (Format: ~01/01/1999~)
Purchase_price	Numeric	12.2	Yes	Purchase price of the real property only. (Format: 99999999.99) (Sales price required on all recent sales of real estate only.)
Verified	Character	1	Yes	Sale has been confirmed by the Assessor's office as being arms length. "Y" = Yes, "N" = No (Default)
conv_book	Character	4	Yes	Conveyance book number. (Conveyance book/page or instrument number required on all recent real estate sales.)
conv_folio	Character	4	Yes	Conveyance page (folio) number. (Conveyance book/page or instrument number required on all recent real estate sales.)
instr_no	Numeric	8	Yes	Conveyance instrument number. (Conveyance book/page or instrument number required on all recent real estate sales.)
instr_type	Character	20	Yes	Type of instrument. (Cash, Mortgage, Bond for Deed, etc.)
Lender_id	Character	8	No	Lender of Mortgage Company's identification number supplied by Tax Commission.

Legal Description Information (Legal.TXT) (Required)

Field Name	Field Type	Field Length	Required	Comments
tax_year	Numeric	4	Yes	Tax year submitting (format: 1999, 2000,2001,2002,2003,2004, etc.)
fips_code	Numeric	5	Yes	Parish identification number. (see fips table.)
Assessment_no	Character	20	Yes	Assessment number.
legal_description	Character	Unlimited	Yes	Full legal description

Additional Owner Information (Owners.Txt) (Optional)

Field Name	Field Type	Field Length	Required	Comments
tax_year	Numeric	4	Yes	Tax year submitting (Format: 1999, 2000,2001,2002,2003,2004, etc.)
fips_code	Numeric	5	Yes	Parish identification number. (See FIPS table.)
Assessment_no	Character	20	Yes	Assessment number.
Taxpayer_id	Numeric	10	No	Taxpayer's identification number.
own_percent	Numeric	6.2	No	Percent of ownership. (Format: 999.99)
Taxpayer_name	Character	50	Yes	Taxpayer's name.
Contact_name	Character	50	No	Contact's name.
Taxpayer_addr1	Character	40	No	Taxpayer's address line 1.
Taxpayer_addr2	Character	40	No	Taxpayer's address line 2.
Taxpayer_addr3	Character	40	No	Taxpayer's address line 3.

Note: If your software supports multiple owners on one parcel or assessment record, use this file to list these additional owners indicating percent of ownership for each owner if available. The primary taxpayer should be listed here as well as in the Assessment file under taxpayer_name.

Document Information (Document.Txt) (Optional)

Field Name	Field Type	Field Length	Required	Comments
tax_year	Numeric	4	Yes	Tax year submitting (Format: 1999, 2000,2001,2002,2003,2004, etc.)
fips_code	Numeric	5	Yes	Parish identification number. (See FIPS table.)
Assessment_no	Character	20	Yes	Assessment number.
Path	Character	Variable length	Yes	Full path of document and file name (includes file extension). (jpg format)
Description	Character	Variable length	Yes	Description of the document.

Improvement Information (improve.txt) (optional)

Field Name	Field Type	Field Length	Required	Comments
tax_year	Numeric	4	Yes	Tax year submitting (Format: 1999, 2000,2001,2002,2003,2004, etc.)
fips_code	Numeric	5	Yes	Parish identification number. (See FIPS table.)
Assessment_no	Character	20	Yes	Assessment number.
Building_use	Character	1	Yes	"C" = Commercial, "R" = Residential
Structure_no	Character	12	No	Structure number of improvement.
imp_asqft	Numeric	9.2	No	Square footage of detached auxiliary building. (Format: 999999.99)
imp_gsqft	Numeric	9.2	Yes	Square footage of carports or garages. (Format: 999999.99)
imp_lsqft	Numeric	9.2	Yes	Square footage of living, heated or useable area. (Format: 999999.99)
imp_nsqft	Numeric	9.2	Yes	Square footage of porches, non-living areas, etc. (Format: 999999.99)
imp_tsqft	Numeric	9.2	Yes	Total square footage of all structures assessed. (Format: 999999.99)
no_baths	Numeric	3.1	Yes	Number of bathrooms.
no_bedrooms	Numeric	2	Yes	Number of bedrooms.
year_built	Numeric	4	Yes	Year built. (Format: 9999)
year_renov	Numeric	4	No	Year renovated. (Format: 9999)
life_expectancy	Numeric	2	Yes	Life expectancy of structure or improvement.
fact_cond	Numeric	4	No	Condition of improvement.
fact_qual	Numeric	4	No	Quality of construction.
fact_wall	Numeric	4	No	Wall construction.
fact_roof	Numeric	4	No	Roof construction.

Important Notice: If the above specifications do not fit your data structure, please contact the Louisiana Tax Commission to discuss solutions. The data submitted must re-create your tax roll and be able to product both the Abstract Summary (TC-33) and grand recap summary reports to match those created within your office. Fields listed in these specifications highlighted in yellow indicate newly added fields or modifications to existing fields for the 2004 (Orleans 2005) tax year. Fields listed in these specifications highlighted in turquoise indicate an existing field revised showing old-field name or value in (RED) behind or below new field name. Always check the Louisiana Tax Commission's (LTC) web site at www.latax.state.la.us for the latest "Electronic Tax Roll Export Format Specifications" for submitting your office tax rolls to the Louisiana Tax Commission. All files created by an Assessor's office and/or their software vendor is subject to review and testing by the Louisiana Tax Commission for compliance and accuracy of data submitted. A sample of data in the format designated herein is due to the Louisiana Tax Commission by October 15 each year for testing and certification of the format by the Tax Commission.

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:1837.

HISTORICAL NOTE: Promulgated by the Department of Revenue, Tax Commission, LR 31:

Chapter 7. Watercraft
§703. Tables Watercraft

A. Floating Equipment Motor Vessels

Cost Index (Average)		Average Economic Life 12 Years		
Year	Index	Effective Age	Percent Good	Composite Multiplier
2004	0.979	1	94	.92
2003	1.013	2	87	.88
2002	1.030	3	80	.82
2001	1.036	4	73	.76
2000	1.045	5	66	.69
1999	1.064	6	58	.62
1998	1.067	7	50	.53
1997	1.076	8	43	.46
1996	1.094	9	36	.39
1995	1.111	10	29	.32
1994	1.150	11	24	.28
1993	1.183	12	22	.26
1992	1.206	13	20	.24

B. Floating Equipment Barges (Non-Motorized)

Cost Index (Average)		Average Economic Life 20 Years		
Year	Index	Effective Age	Percent Good	Composite Multiplier
2004	0.979	1	97	.95
2003	1.013	2	93	.94
2002	1.030	3	90	.93
2001	1.036	4	86	.89
2000	1.045	5	82	.86
1999	1.064	6	78	.83
1998	1.067	7	74	.79
1997	1.076	8	70	.75
1996	1.094	9	65	.71
1995	1.111	10	60	.67
1994	1.150	11	55	.63
1993	1.183	12	50	.59
1992	1.206	13	45	.54
1991	1.220	14	40	.49
1990	1.245	15	35	.44
1989	1.278	16	31	.40
1988	1.347	17	27	.36
1987	1.404	18	24	.34
1986	1.425	19	22	.31
1985	1.438	20	21	.30
1984	1.460	21	20	.29

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:1837 and R.S. 47:2323.

HISTORICAL NOTE: Promulgated by the Department of Revenue and Taxation, Tax Commission, LR 8:102 (February 1982), amended LR 10:924 (November 1984), LR 12:36 (January 1986), LR 13:188 (March 1987), LR 13:764 (December 1987), LR 14:872 (December 1988), LR 15:1097 (December 1989), LR 16:1063 (December 1990), LR 17:1213 (December 1991), LR 19:212 (February 1993), LR 20:198 (February 1994), LR 21:186 (February 1995), LR 22:117 (February 1996), LR 23:204 (February 1997), amended by the Department of Revenue, Tax Commission, LR 24:479 (March 1998), LR 25:312 (February 1999), LR 26:506 (March 2000), LR 27:425 (March 2001), LR 28:518 (March 2002), LR 29:368 (March 2003), LR 30:487 (March 2004), LR 31:

§705. Watercraft

A. Watercraft Table

104' - 159'								
Type	2004 Day Rate	Base Cost	Multiplier	2003 - 1999	1998 - 1994	1993 - 1989	1988 - 1984	1983 - Earlier
Supply Boats (OSV)	\$2,600	\$1,400,000	.87	1,048	877	706	536	365
Off Shore Towing	\$2,600	\$1,400,000	.87	1,048	877	706	536	365
160' - 179'								
Supply Boats (OSV)	\$3,500	\$2,400,000	1.00	2,064	1,728	1,392	1,056	720
Off Shore Towing	\$4,100	\$2,400,000	1.09	2,250	1,884	1,518	1,151	785
180' - 199'								
Supply Boats (OSV)	\$4,000	\$3,200,000	1.07	2,945	2,465	1,986	1,507	1,027
Off Shore Towing	\$5,100	\$3,200,000	1.23	3,384	2,833	2,283	1,732	1,181
Anchor Handling Tug	\$5,000	\$3,750,000	1.21	3,903	3,267	2,632	1,996	1,361
200' - 219'								
Anchor Handling Tug/Supp	\$6,500	\$5,400,000	1.43	6,641	5,560	4,479	3,398	2,317
Off Shore Towing	\$7,000	\$5,400,000	1.50	6,966	5,832	4,698	3,564	2,430
220' - 230'								
Anchor Handling Tug/Supp	\$11,250	\$6,400,000	2.11	11,613	9,723	7,832	5,942	4,051
Off Shore Towing	\$8,000	\$6,400,000	1.64	9,027	7,557	6,088	4,618	3,149
231' and Longer								
Anchor Handling Tug/Supp	\$15,000	\$8,140,000	2.62	18,340	15,360	12,370	9,384	6,398
60' - 70'								
Crew Boats	\$500	\$312,000	1.00	268	225	181	137	94
85' - 99'								
Crew Boats	\$800	\$416,000	1.00	358	300	241	183	125
100' - 119'								
Crew Boats	\$1,800	\$884,000	1.10	836	701	564	428	292
Utility Vessels	\$1,500	\$884,000	1.00	760	637	513	389	265
120' - 140'								
Crew Boats	\$2,200	\$1,248,000	1.05	1,126	944	760	577	393
Utility Vessels	\$2,000	\$1,248,000	1.00	1,073	899	724	549	374
141' - 165'								
Crew Boats	\$3,000	\$2,392,000	1.00	2,057	1,722	1,388	1,053	718
Utility Vessels	\$2,600	\$2,392,000	.93	1,913	1,602	1,291	979	668

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:1837 and R.S. 47:2323.

HISTORICAL NOTE: Promulgated by the Department of Revenue, Tax Commission, LR 31:

Chapter 9. Oil and Gas Properties
§901. Guidelines for Ascertaining the Fair Market Value of Oil and Gas Properties

- A. - B.3. ...
 C. Explanations

Production Depth is the depth from the surface to the active lower perforation in each producing zone in which the well is completed. As an example: a well completed in three separate zones is a triple completion and will have three different production depths as determined by the depth of the active lower perforation for each completion.

D. Well Fair Market Value Classifications. Each individual well must be listed separately by ward, field name and Louisiana Office of Conservation field code number, location (Sec.-Twp.-Range), lease name, well serial number, lease well number, well type and production depth (active lower perforation of each zone), in accordance with guidelines established by the Tax Commission.

- E. - G. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:1837 and R.S. 47:2323.

HISTORICAL NOTE: Promulgated by the Louisiana Tax Commission, LR 2:359 (November 1976), amended by the Department of Revenue and Taxation, Tax Commission, LR 8:102 (February 1982), LR 9:69 (February 1983), LR 17:1213 (December 1991), LR 19:212 (February 1993), amended by the Department of Revenue, Tax Commission, LR 31:

§907. Tables Oil and Gas

- A. ...

For wells recompleted, use new perforation depth to determine fair market value.

1. Oil, Gas and Associated Wells; Region 1 North Louisiana

Producing Depths	Cost – New by depth, per foot		15% of Cost – New by depth, per foot	
	\$ Oil	\$ Gas	\$ Oil	\$ Gas
0 – 1,249 ft.	14.02	42.38	2.10	6.36
1,250 – 2,499 ft.	13.08	24.84	1.96	3.73
2,500 – 3,749 ft.	16.61	22.38	2.49	3.36
3,750 – 4,999 ft.	25.80	26.55	3.87	3.98
5,000 – 7,499 ft.	25.30	26.92	3.80	4.04
7,500 – 9,999 ft.	55.35	39.40	8.30	5.91
10,000 – 12,499 ft.	48.34	48.77	7.25	7.32
12,500 – 14,999 ft.	N/A	98.79	N/A	14.82
15,000 – Deeper ft.	N/A	125.99	N/A	18.90

2. Oil, Gas and Associated Wells; Region 2 South Louisiana

Producing Depths	Cost – New by depth, per foot		15% of Cost – New by depth, per foot	
	\$ Oil	\$ Gas	\$ Oil	\$ Gas
0 – 1,249 ft.	169.98	110.50	25.50	16.58
1,250 – 2,499 ft.	88.82	205.54	13.32	30.83
2,500 – 3,749 ft.	87.70	140.14	13.16	21.02
3,750 – 4,999 ft.	64.34	109.96	9.65	16.49
5,000 – 7,499 ft.	78.66	92.49	11.80	13.87
7,500 – 9,999 ft.	93.46	90.32	14.02	13.55
10,000 – 12,499 ft.	109.08	95.72	16.36	14.36
12,500 – 14,999 ft.	119.64	120.72	17.95	18.11
15,000 – 17,499 ft.	196.19	157.78	29.43	23.67
17,500 – 19,999 ft.	196.05	206.04	29.41	30.91

20,000 – Deeper ft.	167.35	323.03	25.10	48.45
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3. Oil, Gas and Associated Wells; Region 3 Offshore State Waters*

Producing Depths	Cost – New by depth, per foot		15% of Cost – New by depth, per foot	
	\$ Oil	\$ Gas	\$ Oil	\$ Gas
0 – 1,249 ft.	N/A	N/A	N/A	N/A
1,250 – 2,499 ft.	469.52	494.92	70.43	74.24
2,500 – 3,749 ft.	272.56	373.37	40.88	56.01
3,750 – 4,999 ft.	272.52	384.44	40.88	57.67
5,000 – 7,499 ft.	258.02	302.68	38.70	45.40
7,500 – 9,999 ft.	252.47	271.70	37.87	40.76
10,000 – 12,499 ft.	334.90	274.75	50.24	41.21
12,500 – 14,999 ft.	356.80	254.56	53.52	38.18
15,000 – 17,499 ft.	202.23	312.70	30.33	46.91
17,500 – Deeper ft.	N/A	289.88	N/A	43.48

*As classified by Louisiana Office of Conservation.

- B. - B.1. ...

2. Serial Number to Percent Good Conversion Chart

Year	Beginning Serial Number	Ending Serial Number	33 Year Life Percent Good
2004	229010	Higher	96
2003	227742	229009	92
2002	226717	227741	88
2001	225352	226716	84
2000	223899	225351	80
1999	222882	223898	76
1998	221596	222881	72
1997	220034	221595	68
1996	218653	220033	64
1995	217588	218652	60
1994	216475	217587	56
1993	215326	216474	52
1992	214190	215325	48
1991	212881	214189	44
1990	211174	212880	40
1989	209484	211173	36
1988	207633	209483	32
1987	205211	207632	30
1986	202933	205210	28
1985	197563	202932	24
1984	Lower	197562	20*
VAR.	900000	Higher	50

*Reflects residual or floor rate.

3. Adjustments for Allowance of Economic Obsolescence

- a. ...

b. All inactive (shut-in) wells shall be allowed a percent reduction as follows:

Future Utility (FU) 60% No Future Utility (NFU) 90%

- B.3.c. - C.6. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:1837 and R.S. 47:2326.

HISTORICAL NOTE: Promulgated by the Department of Revenue and Taxation, Tax Commission, LR 8:102 (February 1982), amended LR 12:36 (January 1986), LR 13:188 (March 1987), LR 13:764 (December 1987), LR 14:872 (December 1988), LR 15:1097 (December 1989), LR 16:1063 (December 1990), LR 17:1213 (December 1991), LR 19:212 (February 1993), LR 20:198

(February 1994), LR 21:186 (February 1995), LR 22:117 (February 1996), LR 23:205 (February 1997), amended by the Department of Revenue, Tax Commission. LR 24:480 (March 1998), LR 25:313 (February 1999), LR 26:507 (March 2000), LR 27:425 (March 2001), LR 28:518 (March 2002), LR 29: 368 (March 2003), LR 30:488 (March 2004), LR 31:

Chapter 11. Drilling Rigs and Related Equipment
§1103. Drilling Rigs and Related Equipment Tables

A. Land Rigs

Depth "0" TO 7,000 Feet		
Depth (Ft.)	Fair Market Value	Assessment
	\$	\$
3,000	352,000	52,800
4,000	414,100	62,100
5,000	474,500	71,200
6,000	534,900	80,200
7,000	748,000	112,200
Depth "0" TO 7,000 Feet		
Depth (Ft.)	Fair Market Value	Assessment
	\$	\$
8,000	1,012,000	151,800
9,000	1,310,500	196,600
10,000	2,112,500	316,900
Depth "0" TO 7,000 Feet		
Depth (Ft.)	Fair Market Value	Assessment
	\$	\$
11,000	2,194,500	329,200
12,000	2,276,500	341,500
13,000	2,358,500	353,800
14,000	2,498,000	374,700
15,000	2,810,000	412,500
Depth "0" TO 7,000 Feet		
Depth (Ft.)	Fair Market Value	Assessment
	\$	\$
16,000	3,122,000	468,300
17,000	3,716,000	557,400
18,000	4,404,000	660,600
19,000	4,986,100	747,900
20,000	5,250,700	787,600
Depth "0" TO 7,000 Feet		
Depth (Ft.)	Fair Market Value	Assessment
	\$	\$
21,000	5,515,200	827,300
25,000 +	6,573,300	986,000

B - C. ...

D. Well Service Rigs Land Only (Good Condition)

Class	Mast	Engine	Fair Market Value	Assessment
I	72' X 125M# 75' X 150M#	6V71	170,625	25,600
II	96' X 150M# 96' X 180M# 96' X 185M# 96' X 205M# 96' X 210M# 96' X 212M# 96' X 215M#	8V71	220,500	33,100
III	96' X 240M# 96' X 250M# 96' X 260M# 102' X 215M#	8V92	240,625	36,100

IV	102' X 224M# 102' X 250M# 103' X 225M# 103' X 250M# 104' X 250M# 105' X 225M# 105, X 250M#	12V71	275,625	41,350
V	105'X 280M# 106'X 250M# 108' X 250M# 108' X 260M# 108' X 268M# 108' X 270M# 108' X 300M#	12V71 12V92	285,250	42,800
VI	110' X 250M# 110' X 275M# 112' X 300M# 112' X 350M#	12V71 (2) 8V92	336,000	50,400
VII	117' X 215M#	(2) 8V92 (2) 12V71	428,750	64,300

E.-E.1. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:1837 and R.S. 47:2323.

HISTORICAL NOTE: Promulgated by the Department of Revenue and Taxation, Tax Commission, LR 8:102 (February 1982), amended LR 10:939 (November 1984), LR 12:36 (January 1986), LR 13:188 (March 1987), LR 16:1063 (December 1990), LR 17:1213 (December 1991), LR 22:117 (February 1996), LR 23:205 (February 1997), amended by the Department of Revenue, Tax Commission, LR 24:487 (March 1998), LR 25:315 (February 1999), LR 26:508 (March 2000), LR 27:426 (March 2001), LR 28:519 (March 2002), LR 30:488 (March 2004), LR 31:

Chapter 13. Pipelines

§1307. Pipeline Transportation Tables

A. - B. ...

C. Pipeline Transportation Allowance for Physical Deterioration (Depreciation)

Pipeline Transportation Allowance for Physical Deterioration (Depreciation)	
Actual Age	Percent Good

18	30
19	28
20	24
21 and older	20*

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:1837 and R.S. 47:2323.

HISTORICAL NOTE: Promulgated by the Department of Revenue and Taxation, Tax Commission, LR 8:102 (February 1982), amended LR 10:941 (November 1984), LR 12:36 (January 1986), LR 16:1063 (December 1990), amended by the Department of Revenue, Tax Commission, LR 24:489 (March 1998), LR 25:316 (February 1999), LR 26:509 (March 2000), LR 27:426 (March 2001), LR 31:

Chapter 15. Aircraft

§1503. Aircraft (Including Helicopters) Table

A. Aircraft (Including Helicopters)

Cost Index (Average)		Average Economic Life (10 Years)		
Year	Index	Effective Age	Percent Good	Composite Multiplier
2004	0.979	1	92	.90
2003	1.013	2	84	.85
2002	1.030	3	76	.78
2001	1.036	4	67	.69
2000	1.045	5	58	.61
1999	1.064	6	49	.52
1998	1.067	7	39	.42
1997	1.076	8	30	.32
1996	1.094	9	24	.26
1995	1.111	10	21	.23
1994	1.150	11	20	.23

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:1837 and R.S. 47:2323.

HISTORICAL NOTE: Promulgated by the Department of Revenue and Taxation, Tax Commission, LR 8:102 (February 1982), amended LR 10:943 (November 1984), LR 12:36 (January 1986), LR 13:188 (March 1987), LR 13:764 (December 1987), LR 14:872 (December 1988), LR 15:1097 (December 1989), LR 16:1063 (December 1990), LR 17:1213 (December 1991), LR 19:212 (February 1993), LR 20:198 (February 1994), LR 21:186 (February 1995), LR 22:117 (February 1996), LR 23:206 (February 1997), amended by the Department of Revenue, Tax Commission, LR 24:490 (March 1998), LR 25:316 (February 1999), LR 26:509 (March 2000), LR 27:427 (March 2001), LR 28:520 (March 2002), LR 29:370 (March 2003), LR 30:489 (March 2004), LR 31:

Chapter 17. Inventories

§1701. Guidelines for Ascertaining the Fair Market

Value of Inventories

A. - B.3. ...

4. does not include oil stored in tanks held by a producer prior to the first sale of the oil. Oil stored in tanks held by a producer prior to the first sale of the oil, shall not be subject to ad valorem tax.

C. - H.note. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:1837, R.S. 47:2322, and Louisiana Constitution, Article VII §4(B).

HISTORICAL NOTE: Promulgated by the Department of Revenue and Taxation, Tax Commission, LR 8:102 (February 1982), amended LR 13:188 (March 1987), LR 23:207 (February 1997), amended by the Department of Revenue, Tax Commission, LR 31:

Chapter 25. General Business Assets

§2501. Guidelines for Ascertaining the Fair Market

**Value of Office Furniture and Equipment,
Machinery and Equipment and Other Assets
Used in General Business Activity**

A. - G.2. ...

H. Alternative Procedure 3

1. This procedure should be used only if economic and/or functional obsolescence has affected the fair market

value of the business and industrial personal property. Economic and/or functional obsolescence is a change in value of personal property above and beyond physical deterioration. Negative economic obsolescence may occur resulting in a positive adjustment known as munificence.

2. - 2.b. ...

c. adjust the number derived in Step 2 for the economic and/or functional obsolescence/munificence.

d. ...

e. the result is the fair market value of personal property that has been affected by economic and/or functional obsolescence/munificence.

3. The procedure should be used only if the assessor has evidence that the personal property has incurred significant economic and/or functional obsolescence/munificence.

4. If economic and/or functional obsolescence /munificence is not given when warranted, a value greater or lower than fair market value may result.

5. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:2323.

HISTORICAL NOTE: Promulgated by the Department of Revenue and Taxation, Tax Commission, LR 8:102 (February 1982), amended LR 10:943 (November 1984), LR 12:36 (January 1986), LR 15:1097 (December 1989), LR 16:1063 (December 1990), LR 17:1213 (December 1991), LR 19:212 (February 1993), amended by the Department of Revenue, Tax Commission, LR 31:

§2503. Tables Ascertain Economic Lives, Percent Good and Composite Multipliers of Business and Industrial Personal Property

A. ...

1. Suggested Guidelines For Ascertaining Economic Lives of Business and Industrial Personal Property

Business Activity/Type of Equipment	Average Economic Life in Years

Coolers (walk-in)	3

Plastic Extrusion Equipment	12

Poultry Plants M & E	12

Towers	
Cellular	20
Microwave	20

*If acquisition cost and age of service station equipment are not available, see Table 907.B-2 for alternative assessment procedure.	

B. Cost Indices

Year	Age	National Average 1926 = 100	January 1, 2004 = 100*
2004	1	1157.3	0.979
2003	2	1118.6	1.013
2002	3	1100.0	1.030
2001	4	1093.4	1.036
2000	5	1084.3	1.045
1999	6	1065.0	1.064
1998	7	1061.8	1.067
1997	8	1052.7	1.076
1996	9	1036.0	1.094
1995	10	1020.4	1.111

1994	11	985.0	1.150
1993	12	958.0	1.183
1992	13	939.8	1.206
1991	14	928.5	1.220
1990	15	910.2	1.245
1989	16	886.5	1.278
1988	17	841.4	1.347
1987	18	806.9	1.404
1986	19	795.4	1.425
1985	20	787.9	1.438
1984	21	776.4	1.460
1983	22	755.8	1.499
1982	23	742.4	1.526
1981	24	709.2	1.598
1980	25	642.8	1.763
1979	26	584.4	1.939

*Reappraisal Date: January 1, 2004 – 1133.2 (Base Year)

C. Percent Good

Percent Good								
Age	3 Yr	5 Yr	8 Yr	10 Yr	12 Yr	15 Yr	20 Yr	25 Yr

4	.16	.34	.54	.67	.73	.79	.86	.90

6		.18	.33	.49	.58	.68	.78	.84

21							.20	.28
22								.26
23								.24

D. Composite Multipliers 2005 (2006 Orleans Parish)

Composite Multipliers 2005 (2006 Orleans Parish)								
Age	3 Yr	5 Yr	8 Yr	10 Yr	12 Yr	15 Yr	20 Yr	25 Yr
1	.69	.83	.88	.90	.92	.93	.95	.96
2	.50	.70	.80	.85	.88	.91	.94	.96
3	.35	.54	.69	.78	.82	.88	.93	.96
4	.17	.35	.56	.69	.76	.82	.89	.93
5		.24	.45	.61	.69	.76	.86	.91
6		.19	.35	.52	.62	.72	.83	.89
7			.28	.42	.53	.66	.79	.86
8			.24	.32	.46	.59	.75	.84
9			.22	.26	.39	.54	.71	.82
10				.23	.32	.48	.67	.79
11				.23	.28	.43	.63	.78
12					.26	.37	.59	.76
13					.24	.31	.54	.72
14						.28	.49	.68
15						.26	.44	.65
16						.26	.40	.61
17							.36	.59
18							.34	.55
19							.31	.48
20							.30	.43
21							.29	.41
22								.39
23								.37
24								.32
25								.35
26								.39

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:1837 and R.S. 47:2323.

HISTORICAL NOTE: Promulgated by the Department of Revenue and Taxation, Tax Commission, LR 8:102 (February 1982), amended LR 9:69 (February 1983), LR 10:944 (November 1984), LR 12:36 (January 1986), LR 13:188 (March 1987), LR 13:764 (December 1987), LR 14:872 (December 1988), LR 15:1097 (December 1989), LR 16:1063 (December 1990), LR 17:1213 (December 1991), LR 19:212 (February 1993), LR 20:198 (February 1994), LR 21:186 (February 1995), LR 22:117 (February 1996), LR 23:207 (February 1997), amended by the Department of Revenue, Tax Commission, LR 24:490 (March 1998), LR 25:317 (February 1999), LR 26:509 (March 2000), LR 27:427 (March 2001), LR 28:520 (March 2002), LR 29:370 (March 2003), LR 30:489 (March 2004), LR 31:

Chapter 27. Guidelines for Application, Classification and Assessment of Land Eligible To Be Assessed At Use Value

§2705. Classification

A. ...

B. The General Soil Maps, published by the U. S. Department of Agriculture, Natural Resources Conservation Service, listed in Map Index, together with the conversion legends prepared and distributed by the Natural Resources Conservation Service, shall be used for determining use value classifications in all parishes until the time that the Modern Soil Surveys for such parishes are completed. On January 1 of the year after which the Modern Soil Survey for any parish is completed, such Modern Soil Survey shall then be used for determining use value classifications for said parish and the use of the General Soil Map in said parish shall thereafter be discontinued.

C. ...

AUTHORITY NOTE: Promulgated in accordance with LSA – Constitution of 1974, Article VII, §18, R.S. 47:2302, R.S. 47:2303 and R.S. 47:2304.

HISTORICAL NOTE: Promulgated by the Louisiana Tax Commission, LR 3:289 (June 1977), amended by the Department of Revenue and Taxation, Tax Commission, LR 8:102 (February 1982), LR 15:1097 (December 1989), LR 19:212 (February 1993), LR 21:186 (February 1995), LR 22:117 (February 1996), LR 23:208 (February 1997), amended by the Department of Revenue, Tax Commission, LR 25:318 (February 1999), LR 26:510 (March 2000), LR 27:428 (March 2001), LR 28:521 (March 2002), LR 29:372 (March 2003), LR 30:491 (March 2004), LR 31:

§2707. Map Index Table

A. ...

Table 2707			
Parish	Date (General)	Map Number (General)	Date Published or Status (Modern)

Vernon	June 1971	4-R-16053-A	June, 2004

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:2301 and R.S. 47:2308.

HISTORICAL NOTE: Promulgated by the Louisiana Tax Commission, LR 3:290 (June 1977), amended by the Department of Revenue and Taxation, Tax Commission, LR 10:946 (November 1984), LR 12:36 (January 1986), LR 13:188 (March 1987), LR 13:764 (December 1987), LR 14:872 (December 1988), LR 15:1097 (December 1989), LR 16:1063 (December 1990), LR 17:1213 (December 1991), LR 19:212 (February 1993), LR 20:198 (February 1994), LR 21:186 (February 1995), LR 22:117 (February 1996), LR 23:208 (February 1997), amended by the Department of

Revenue, Tax Commission, LR 25:319 (February 1999), LR 26:511 (March 2000), LR 27:428 (March 2001), LR 28:521 (March 2002), LR 29:372 (March 2003), LR 30:491 (March 2004), LR 31:

Chapter 31. Public Exposure of Assessments; Appeals
§3103. Bonded Jobbers

A. - C.4. ...

5. a list of exhibits presented to the board of review;
6. a list of witnesses who may be called, with a brief description of the anticipated testimony of the witness; and
7. anticipated time needed to present the case

D. Upon written notice by the commission, the parties and/or their attorneys or other representatives may be directed to meet and confer together by telephone or otherwise prior to the hearing, for the purpose of formulating issues and considering:

1. simplification of issues;
2. a limitation, where possible of the number of witnesses;
3. the time required for presentations;
4. stipulations as to admissibility of exhibits;
5. submission of proposed findings of fact;
6. such other matters as may aid in the simplification of the proceedings and the disposition of the matters in controversy.

E. Actions requested and agreed upon at the conference shall be recorded in an appropriate statement by the party, which has initiated the appeal to the commission. The statement shall be filed with the commission seven days prior to the scheduled hearing before the commission. In the event of a disagreement over any item discussed at the conference, the statement filed with the commission shall state the specific item as to which there is disagreement together with a brief summary of the nature of the disagreement.

F. Upon written notice by the commission, the parties or their attorneys or other representative may be directed to file legal memorandums with the commission 15 days prior to the hearing. The legal memorandum shall address in a concise manner the legal issues presented in the appeal to the commission together with a statement of any legal authority supporting the party's position.

G. Any party with leave of the commission or hearing officer may present prepared sworn deposition testimony of a witness either narrative or in question and answer form, which shall be incorporated into the record as if read by the witness. The opposing party will be allowed to cross-examine the witness and/or submit any sworn testimony given by the witness in the deposition. Seven copies of the prepared deposition testimony shall be filed with the commission.

H. Any taxpayer or assessor may appear and be represented by an attorney at law authorized to practice law before the highest court of any state; a natural person may appear in his own behalf, or through an attorney or other representative; or a corporation, partnership or association may appear and be represented to appear before the commission by a bona fide officer, partner, full time employee, or any other person duly authorized as provided for on "Exhibit B, Appointment of Taxpayer Agent in Louisiana Tax Commission Ad Valorem Tax Appeal" Form 3103.B).

I. Every taxpayer or assessor, witness, attorney or other representative shall conduct himself in all proceedings with proper dignity, courtesy and respect. Disorderly conduct will not be tolerated. Attorneys shall observe and practice the standards of ethical behavior prescribed for attorneys at law by the Louisiana Bar Association. Any taxpayer or assessor, witness, attorney or other representative may be excluded by the commission from any hearing for such period and upon such conditions as are just for violation of this rule.

J. All official hearings conducted in any proceeding shall be open to the public. All hearings shall be held in Baton Rouge, LA, unless the commission shall designate another place of hearing.

K. The chairman shall order cases called in the order in which they have been scheduled for hearing, unless all parties present agree that a case may be taken out of order.

L. A continuance shall not be granted due to an unexcused absence of a taxpayer, assessor or any representative, attorney or witness, at the time and place set for a scheduled hearing before the commission, without consent of the taxpayer and/or assessor. If such consent is refused, the hearing shall proceed and the case shall be heard upon such evidence that has been previously submitted on behalf of the absent taxpayer or assessor.

M. The hearing shall be conducted informally. A transcript of the proceeding shall not be made unless requested by the taxpayer or assessor in writing at least seven days prior to the scheduled hearing.

1. In the event of a request for a written transcript of the proceeding, the commission shall provide an official reporter to make and transcribe a stenographic record of the hearing and shall provide for such copies of the transcript as may be requested by any party or as may be required for the purposes of the commission upon payment of the cost of transcribing the hearing.

N. All parties testifying shall be placed under oath by the commission at the onset of each hearing.

O. Any evidence which would be admissible under the Rules of Evidence governing proceedings in the state of Louisiana, shall be deemed admissible by the commission. The Louisiana rules of evidence shall be applied liberally in any proceeding before the commission. Either party may object to evidence not previously disclosed by the opposing party. The commission may exclude evidence, which is deemed by the commission to be incompetent, immaterial or unduly repetitious.

P. The commission shall take official notice without further identification of the contents of the original records and documents in possession of the commission when duly certified copies thereof are offered into evidence and made a part of the record. Evidence offered at the board of review is not forwarded to the Tax Commission and must be submitted by the assessor/taxpayer in accordance with filing procedures for written appeals. The commission may receive other documentary evidence in the form of copies or excerpts or that which is incorporated by reference.

Q. Documents and papers offered into evidence for a hearing before the commission shall be marked as exhibits. Exhibits offered by a taxpayer shall be marked "Exhibit Taxpayer ____" and shall be consecutively numbered. The

taxpayer shall, at the time an exhibit is offered, state whether the exhibit contains information not furnished to the assessor before the end of the period for public exposure of the assessment lists. Exhibits offered by the assessor shall be marked "Exhibit Assessor ____" and shall be consecutively numbered. Four copies of all exhibits shall be provided to the commission, with a copy to the opposing party, 10 days prior to the scheduled appeal. Exhibits offered by the commission or its staff representative shall be marked "Exhibit Tax Commission ____" and shall be consecutively numbered. Legal memorandum submitted by the parties will be made part of the record of proceedings before the commission, but shall not be filed as exhibits to be offered into evidence for the hearing before the commission.

R. Hearings may be conducted by a hearing officer selected and appointed by the commission. The hearing officer shall have the authority to administer oaths, may examine witnesses, and rule upon the admissibility of evidence and amendments to the pleadings. The hearing officer shall have the authority to recess any hearing from day to day.

S. The hearing officer shall have the responsibility and duty of assimilating testimony and evidence, compiling a written summary of the testimony and evidence, and presenting a proposed order to the commission.

T. At the close of evidence, each side will be allowed a reasonable amount of time to argue its case. This time will be allotted by the chairman or hearing officer.

* * *

**Exhibit A
Appeal to Louisiana Tax Commission
by Taxpayer or Assessor
for Real and Personal Property**

Name: _____ Parish/District: _____
 Taxpayer
 Address: _____ City, State, Zip: _____
 Board of Review
 Ward: ___ Asses./Tax Bill Number: _____ Appeal Number: _____

(Attach copy of complete appeal submitted to the board of review)
 Address or Legal Description of Property Being Appealed. Also, please identify building by place of business for convenience of appraisal.

I hereby appeal the decision of the board of review on the assessment of the above described property pursuant to L.R.S. 47:1992. I timely filed my appeal as required by law.

The original fair market value by the assessor was:
 Land \$ _____ *Improvement \$ _____ Total \$ _____
 The proposed fair market value by the taxpayer was:
 Land \$ _____ *Improvement \$ _____ Total \$ _____
 The revised fair market value by the board of review was:
 Land \$ _____ *Improvement \$ _____ Total \$ _____
 The original assessment by the assessor was:
 Land \$ _____ *Improvement \$ _____ Total \$ _____
 The proposed assessment by the taxpayer was:
 Land \$ _____ *Improvement \$ _____ Total \$ _____
 The revised assessment by the board of review was:
 Land \$ _____ *Improvement \$ _____ Total \$ _____
 *NOTE: Report personal property on Improvement line above.

I understand that property is assessed at a percentage of fair market value, which means the price for the property which would be agreed upon between a willing and informed buyer and a willing and informed seller, under usual and ordinary circumstances, the highest price the property would bring on the open market, if exposed for sale for a reasonable time. I feel that the fair market value of this real property, as

of January 1, 2003, the official reappraisal valuation date on which assessments are based, was:

Land \$ _____ *Improvement \$ _____ Total \$ _____
 I will call the following witness(es): _____

 Presentation of my case will take approximately ____ minutes.
 Please notify me of the date, place and time of my appeal at the address shown below.

 Appellant(Taxpayer/Taxpayer's Rep./Assessor)
 Address: _____

 Telephone Number: _____

 Date of Appeal

Land \$ _____ *Improvement \$ _____ Total \$ _____

The following is a list of witnesses who may be called at the hearing before the commission together with a brief description of the anticipated testimony of the witnesses;

 A list of exhibits presented to the board of review:

* * *

U. The taxpayer/taxpayer agent and the assessor shall be notified in writing, either by facsimile transmission, certified mail or certificate of mailing, of the final decision by the Tax Commission. The dated facsimile transaction report or postmarked certificate of mailing shall serve as the date whereby the taxpayer/assessor shall have the right to institute suit within the 30-day prescription period.

V. The commission may, at its discretion, grant the request of a taxpayer or assessor for a rehearing; provided the rehearing request is made in accordance with the Administrative Procedure Act.

W. Subpoenas for the attendance of witnesses or for the production of books, papers, accounts or documents for a hearing may be issued by the commission upon its own motion, or upon the written motion of the taxpayer or assessor showing that there is good cause for the issuance of same. No subpoena shall be issued until the party who wishes to subpoena the witness first deposits with the agency a sum of money sufficient to pay all fees and expenses to which a witness in a civil case is entitled pursuant to R.S. 13:3661 and R.S. 13:3671. Any subpoena duces tecum shall allow no less than five days to assimilate and to deliver said documents subpoenaed by the subpoena recipient.

X. The word "commission," as used herein, refers to the chairman and the members or its delegate appointed to conduct the hearing.

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:1837, R.S. 47:1989 and R.S. 47:1992.

HISTORICAL NOTE: Promulgated by the Louisiana Tax Commission. LR 4:339 (September 1978), amended by the Department of Revenue and Taxation, Tax Commission, LR 10:947 (November 1984), LR 15:1097 (December 1989), LR 20:198 (February 1994), LR 21:186 (February 1995), LR 22:117 (February 1996), amended by the Department of Revenue, Tax Commission, LR 24:492 (March 1998), LR 25:319 (February 1999), LR 26:512 (March 2000), LR 28:521 (March 2002), LR 31:

§3105. Practice and Procedure for Public Service Properties Hearings

A. - B. ...

C. Ten days prior to said hearings, the protesting taxpayer shall file a signed, written statement (Form 3105.A), specifying each respect in which the initial determination is contested, setting forth the specific basis upon which the protest is filed, together with a statement of the relief sought and four copies of all hearing exhibits to be presented; which shall be marked "Exhibit Taxpayer _____" and shall be consecutively numbered. Legal memorandum submitted by the parties will be made part of the record of proceedings before the commission, but shall not be filed as exhibits to be offered into evidence for the hearing before the commission.

D. ...

E. Upon written notice by the commission, the parties and/or their attorneys or other representatives may be directed to meet and confer together by telephone or otherwise, prior to the hearings and/or prior to the setting of a date for a hearing, for the purpose of formulating issues and considering:

- 1. - 4. ...
- 5. stipulations as to admissibility's of exhibits;
- 6. submission of proposed findings of fact;
- 7. such other matters as may aid in the simplification of the proceedings and the disposition of the matters in controversy.

F. Actions requested and agreed upon at the conference shall be recorded in an appropriate statement by the taxpayer and filed with the commission seven days prior to the hearing. In the event of a disagreement over any item discussed at the conference, the statement filed with the commission shall state the specific item as to which there is a disagreement together with a brief summary of the nature of the disagreement.

G. - K. ...

L. The commission shall provide an official reporter to make and transcribe a stenographic record of the hearing and shall provide for such copies of the transcript as may be requested by any party or as may be required for the purposes of the commission upon payment of the cost of transcribing the hearing.

M. Upon written notice by the commission the parties or their attorneys or other representative may be directed to file legal memorandums with the commission seven days prior to the hearing. The legal memorandum shall address in a concise manner the legal issues presented in the appeal to the commission together with a statement of any legal authority supporting the party's position.

N. Any evidence, which would be admissible under the rules of evidence governing proceedings in the state of Louisiana, shall be deemed admissible by the commission. The Louisiana rules of evidence shall be applied liberally in any proceeding before the commission. Either party may object to evidence not previously disclosed by the opposing party. The commission may exclude evidence, which is deemed by the commission to be incompetent, immaterial or unduly repetitious.

O. Any party, with leave of the commission or hearing officer, may present prepared sworn deposition testimony of a witness, either narrative or in question and answer form,

which shall be incorporated into the record as if read by the witness. The opposing party will be allowed to cross-examine the witness and/or submit any sworn testimony given by the witness in the deposition. Seven copies of the prepared deposition testimony shall be filed with the commission.

P. - S. ...

**Appeal to Louisiana Tax Commission
by Taxpayer or Assessor
for Public Service Property**

Name: _____ Parish/District: _____

Taxpayer

Address: _____ City, State, Zip: _____

Address or Legal Description of Property Being Appealed _____

I hereby appeal the decision of the board of review on the assessment of the above-described property.

The fair market value of the Louisiana Tax Commission is:

Land \$ _____ Improvement \$ _____ Total \$ _____

I am requesting that the fair market value be fixed at:

Land \$ _____ Improvement \$ _____ Total \$ _____

The assessment of the Louisiana Tax Commission is:

Land \$ _____ Improvement \$ _____ Total \$ _____

I am requesting that the assessment be fixed at:

Land \$ _____ Improvement \$ _____ Total \$ _____

I understand that property is assessed at a percentage of fair market value which means the price for the property which would be agreed upon between a willing and informed buyer and a willing and informed seller under usual and ordinary circumstances, the highest price the property would bring on the open market if exposed for sale for a reasonable time.

I feel that the fair market value of this real property, as of January 1, 2003, the official reappraisal valuation date on which assessments are currently based, was:

Land \$ _____ *Improvement \$ _____ Total \$ _____

I will call the following witness(es): _____

Presentation of my case will take approximately _____ minutes.
Please notify me of the date, place and time of my appeal at the address shown below.

Appellant(Taxpayer/Taxpayer's Rep./Assessor)

Address: _____

Telephone Number: _____

Date of Appeal

Land \$ _____ *Improvement \$ _____ Total \$ _____

The following is a list of witnesses who may be called at the hearing before the commission together with a brief description of the anticipated testimony of the witnesses;

A list of exhibits presented to the board of review:

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:1837 and R.S. 47:1856.

HISTORICAL NOTE: Promulgated by the Louisiana Tax Commission, LR 4:339 (September 1978), amended by the Department of Revenue and Taxation, Tax Commission, LR 10:947 (November 1984), LR 15:1097 (December 1989), LR 20:198 (February 1994), LR 21:186 (February 1995), LR 23:209 (February

1997), amended by the Department of Revenue, Tax Commission, LR 24:493 (March 1998), LR 25:320 (February 1999), LR 26:513 (March 2000), LR 31:

Chapter 35. Miscellaneous

§3501. Service Fees Tax Commission

A. The Tax Commission is authorized by R.S. 47:1838 to levy and collect fees on an interim basis for the period beginning on July 1, 2004 and ending on June 30, 2006, in connection with services performed by the Tax Commission as follows:

A.1. - E. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:1835 and R.S. 47:1838.

HISTORICAL NOTE: Promulgated by the Department of Revenue and Taxation, Tax Commission, LR 19:212 (February 1993), amended LR 20:198 (February 1994), amended by the Department of Revenue, Tax Commission, LR 24:494 (March 1998), LR 25:320 (February 1999), LR 26:513 (March 2000), LR 28:521 (March 2002), LR 30:493 (March 2004), LR 31:

§3511. Tulane University Purpose

A. This regulation establishes general applicability, definitions, and requirements as it pertains to application of a statewide exemption in favor of Tulane University.

B. Tulane University is exempt from property taxes on the following types or uses of properties:

1. properties used for its educational purposes;
2. vacant, non-income producing properties; and
3. income-producing properties up to a maximum statewide total limit of \$5,000,000 in fair market value.

C. Louisiana Constitution, Article VII, Section 21 provides that all non-profit companies are exempt from property taxes.

D. The Supreme Court of Louisiana held in Board of Administrators of the Tulane Educational Fund vs. Louisiana Tax Commission consolidated with Thomas L. Arnold, Assessor, vs. Board of Administrators of the Tulane Educational Fund, dated January 30, 1998, denying an appeal of the decision of the Court of Appeal, 4th Circuit, dated October 1, 1997, that non-income producing or vacant properties owned by a non-profit company are exempt from property taxes under the Louisiana Constitution. The Louisiana Attorney General agreed in Opinion Number 01-323, dated September 13, 2001.

E. Louisiana Constitution, Article VIII, Section 14, reconfirming Act No. 43 of July 5, 1884, provides that, in addition to Tulane's full exemption on properties used for education purposes and properties that are non-income producing or vacant, Tulane is exempt from property taxes on its first \$5,000,000 in value of all income producing properties in Louisiana. This exemption was confirmed in the decision of the Civil District Court for the Parish of Orleans, Division "J", Case No. 89-14534, Board of Administrators of the Tulane Educational Fund vs. The Louisiana Tax Commission, dated April 19, 1990, which was never appealed and is therefore final. The Louisiana Tax Commission also confirmed this \$5,000,000 exemption in LTC Regulation No. 3509.

F. To administer this exemption, which extends throughout the state and requires coordination among all assessors, the Louisiana Tax Commission established LTC Regulation No. 3509 procedures to be followed by all assessors when assessing property owned by Tulane. The commission instructs each assessor to list each property

owned by Tulane as exempt and, at the time the rolls are filed with the commission, all assessors shall deliver a list of all Tulane properties in their parish or municipal district that are not otherwise exempt from taxation pursuant to Louisiana law (i.e. not used for educational purposes or non-income producing). See Memo of Louisiana Tax Commission to all Assessors, dated December 18, 1991.

G. This 2003 restatement of Regulation 3509 is to allocate equitably the \$5,000,000 exemption among all Tulane University income producing property across the state.

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:1837 and R.S. 47:1856.

HISTORICAL NOTE: Promulgated by the Department of Revenue and Taxation, Tax Commission, LR 31:

§3513. Tulane University Definitions

A. For the purpose of this Section, the following definitions apply:

Allocation Formula defined in LTC Regulation 3509.5.

Assessed Value (AV) determined according to Louisiana law.

Commission the Louisiana Tax Commission (sometimes referred to as "LTC").

Fair Market Value (FMV) defined by Louisiana law.

FMV Each Improvement the fair market value of all buildings and improvements in each tax assessment bill included in non-exempt property. (Tax assessors should issue one tax assessment amount for all buildings and improvements.)

FMV Each Land Parcel the fair market value of all land in each tax assessment bill included in non-exempt property. (Tax Assessors should issue one tax assessment number for all contiguous land parcels.)

FMV Improvements Statewide the total fair market value of all buildings and improvements included in non-exempt property.

FMV Land Statewide the total fair market value of all land included in non-exempt property.

Improvement Assessment Ratio fifteen percent of the fair market value of the buildings and other improvements only.

Land Assessment Ratio ten percent of the fair market value of the land only.

Louisiana Tax Commission Form TC-TU01 (Tulane Non-Exempt Property Report) the form adopted by the commission for Tulane University to provide its list of non-exempt property.

Louisiana Tax Commission Form TC-TU02 (Tulane University Exemption Allocation Summary) the form adopted by the commission in the form of a spreadsheet with formulas to be used for allocation of the Tulane exemption.

Net Fair Market Value of a Property the fair market value of that property minus its pro-rata share.

Non-Exempt Property any property owned by Tulane University in the state of Louisiana that is not exempt by Louisiana law for ad valorem tax purposes prior to application of the Tulane exemption.

Pro-Rata Share that portion of the Tulane exemption allocated to each non-exempt property according to the allocation formula.

Tax Assessor refers to all tax assessors with the state of Louisiana, individually and/or jointly, whose jurisdiction includes property owned by Tulane University.

Tulane Exemption The \$5,000,000 statewide ad valorem tax exemption as provided in Act 1884, No. 43.

Tulane Hearing Date The first Wednesday and/or Thursday of each December and shall be the commission hearing date for resolution of any property valuation issues, and/or allocation of the Tulane exemption, and/or ordering issuance of supplements and change orders to the tax rolls.

Tulane University The administrators of the Tulane Educational Fund, a Louisiana non-profit corporation.

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:1837 and R.S. 47:1856.

HISTORICAL NOTE: Promulgated by the Department of Revenue and Taxation, Tax Commission, LR 31:

§3515. Tulane University General Rule

A. Each property of Tulane University statewide for each tax year shall be and remain marked as exempt on all tax rolls until the commission has allocated the Tulane exemption across all non-exempt property according to the allocation formula and delivers its supplements or change orders to each reporting parish indicating the net fair market value and resulting assessed value for the land and improvements of each non-exempt property.

B. Should the fair market value of Tulane University's non-exempt property exceed the Tulane exemption then the commission shall determine the net fair market value and resulting assessed value of each non-exempt property according to the allocation formula.

C. The property status as of January 1st (August 1st preceding the tax year for Orleans Parish) each tax year shall determine whether a property is non-exempt property.

D. Since Orleans Parish imposes a prospective taxable year for ad valorem taxes and all other parishes in the state impose a retrospective taxable year, for the purpose of allocation of the Tulane exemption only, and no other matter, the prospective taxable year of Orleans Parish and the retrospective taxable year applicable in all other parishes shall be considered the same taxable year.

E. All tax assessors and related governmental entities shall use current, accurate legal property descriptions found in the public records for all tax assessments, correspondence, and notices when complying with Regulation 3509.

F. All Tulane property tax bills shall be sent to:

Administrators of the Tulane Education Fund
Office of the General Counsel
6823 St. Charles Avenue
New Orleans, LA 70118

G. All correspondence to the commission related to Regulation 3509 shall be sent to:

Louisiana Tax Commission
Attention: Tulane Exemption
Post Office Box 66788
Baton Rouge, LA 70896-6788

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:1837 and R.S. 47:1856.

HISTORICAL NOTE: Promulgated by the Department of Revenue and Taxation, Tax Commission, LR 31:

§3517. Tulane University Reporting and Valuation Procedure

A. With respect to all Tulane University properties, all tax assessors, boards of review, and related governmental entities shall operate according to the following administrative procedures and time line:

1. On or before March 31 of each year, Tulane University shall deliver to the commission and the tax

assessor for each municipal district/parish in which Tulane owns non-exempt property a report on each non-exempt property on Louisiana Tax Commission Form TC-TU01.

2. On or before June 30, each tax assessor shall deliver to Tulane University and the commission a list of all properties in such tax assessor's jurisdiction that the tax assessor intends to assess as non-exempt property, together with the proposed fair market value and assessed value of the land and of improvements for each such property. The tax assessor shall determine one assessed value for the land and one assessed value for the improvements.

3. All tax assessors may make reasonable inquiry of Tulane University in an effort to determine all property owned by Tulane University within the tax assessor's jurisdiction.

4. All tax assessors shall list all non-exempt property as exempt and indicate the tax assessor's proposed fair market value of each property in the tax rolls.

5. In each board of review certification to the commission, the board of review shall list all non-exempt property as exempt and indicate the board of review's recommended fair market value of each property on the tax rolls.

6. All board of review decisions on appeals of the proposed assessments by the tax assessor shall be delivered to the commission according to standard procedures and deadlines as the board of review's recommended assessment.

7.a. On the Tulane hearing date of each year, the commission shall:

i. hold all appeal hearings involving non-exempt property;

ii. decide each appeal and issue written reasons for decisions on all such appeals; and

iii. allocate the Tulane exemption across all non-exempt property according to the allocation formula and order issuance of all supplements and change orders of the tax rolls to each reporting municipal district/parish, establishing the land parcel assessed value after exemption and the improvement assessed value after exemption for each non-exempt property.

b. Upon receipt of said change orders, the tax assessor shall adjust the tax rolls to reflect the commission's change orders.

8. Nothing in these regulations shall alter or diminish in any way Tulane University's right to appeal a proposed or actual assessment by any tax assessor or any decision or ruling of any board of review or the commission under the administrative and judicial remedies available to all taxpayers. The proposed assessment by the tax assessor, the board of review's recommended assessment, and the commission's determination shall be treated in the same manner as if the property were not marked exempt on the tax rolls and the proposed assessment was the tax assessor's final assessment on the tax rolls, the board of review's recommended assessment and/or the commission's determination was its final assessment decision.

9. Nothing in these regulations shall alter or diminish in any way Tulane University's right to appeal by all available administrative and judicial remedies the commission's allocation of the Tulane exemption.

10. After allocation of the Tulane exemption and issuance of the requisite supplements and change orders by

the commission, the total amount of the Tulane exemption allocated to each property (as shown in the Column "G" entitled "FMV Reduction by Exemption" of the Louisiana Tax Commission Form TC-TU02) shall remain unchanged thereafter and not be later readjusted, regardless of the outcome of subsequent appeals of valuation of assessments for that tax year.

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:1837 and R.S. 47:1856.

HISTORICAL NOTE: Promulgated by the Department of Revenue and Taxation, Tax Commission, LR 31:

§3519. Tulane University Allocation Formula

A. The taxable assessed value of each property to be determined by the commission in compliance with §3509 and delivered by the commission to each reporting municipal district/parish in the form of a supplement or change order to the regular tax roll shall be calculated as follows.

1. Exemption Percentages and Amounts. Purpose: calculate both the percentage and the dollar amount of the Tulane exemption applicable to land and both the percentage and the dollar amount of the Tulane exemption applicable to improvements.

a. $(\text{FMV Land Statewide}) \times (\text{Land Assessment Ratio}) = (\text{Land Assessed Value Statewide})$;

b. $(\text{FMV Improvements Statewide}) \times (\text{Improvement Assessment Ratio}) = (\text{Improvement Assessed Value Statewide})$;

c. $(\text{Land Assessed Value Statewide}) + (\text{Improvement Assessed Value Statewide}) = (\text{Total Assessed Value Statewide})$;

d. $(\text{Land Assessed Value Statewide}) \div (\text{Total Assessed Value Statewide}) = (\text{Land Exemption Percentage Statewide})$;

e. $(\text{Improvement Assessed Value Statewide}) \div (\text{Total Assessed Value Statewide}) = (\text{Improvement Exemption Percentage Statewide})$;

f. $(\text{Land Exemption Percentage Statewide}) \times (\text{Tulane Exemption}) = (\text{Land Exemption Amount Statewide})$;

g. $(\text{Improvement Exemption Percentage Statewide}) \times (\text{Tulane Exemption}) = (\text{Improvement Exemption Amount Statewide})$.

2. Land. Purpose: calculate the assessed value of each land parcel after allocation of the Tulane exemption.

a. $(\text{FMV each Land Parcel}) \div (\text{FMV Land Statewide}) = (\text{Land Parcel FMV percent})$;

b. $(\text{Land Parcel FMV percent}) \times (\text{Land Exemption Amount Statewide}) = (\text{Land Parcel FMV Reduction by Exemption})$;

c. $(\text{FMV each Land Parcel}) - (\text{Land Parcel FMV Reduction by Exemption}) = (\text{Land Parcel FMV after Exemption Reduction})$;

d. $(\text{Land Parcel FMV after Exemption Reduction}) \times (\text{Land Assessment Ratio}) = (\text{Land Parcel Assessed Value after Exemption})$.

3. Improvements

a. $(\text{FMV each Improvement}) \div (\text{FMV Improvements Statewide}) = (\text{Improvement FMV percent})$;

b. $(\text{Improvement FMV percent}) \times (\text{Improvement Exemption Amount Statewide}) = (\text{Improvement FMV Reduction by Exemption})$;

c. $(\text{FMV each Improvement}) - (\text{Improvement FMV Reduction by Exemption}) = (\text{Improvement FMV after Exemption Reduction})$;

d. $(\text{Improvement FMV after Exemption Reduction}) \times (\text{Improvement Assessment Ratio}) = (\text{Improvement Assessed Value after Exemption})$.

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:1837 and R.S. 47:1856.

HISTORICAL NOTE: Promulgated by the Department of Revenue and Taxation, Tax Commission, LR 31:

§3521. Tulane University Allocation Report

A. The commission shall adopt an allocation report entitled "Tulane University Exemption Allocation Summary" and shall thereafter calculate the said allocation formula.

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:1837 and R.S. 47:1856.

HISTORICAL NOTE: Promulgated by the Department of Revenue and Taxation, Tax Commission, LR 31:

§3523. Tulane University Forms

A. The following forms shall be used in the Tulane University exemption and non-exemption reporting process:

1. TC Form TU01, Tulane Non-Exempt Property Report, shall be annually completed and furnished to the commission and the tax assessors by Tulane University on or before March 31 of each year.

2. TC Form TU02, Tulane University Exemption Allocation Summary, shall be annually completed in the form of a spreadsheet with formulas to be used for allocation of the Tulane exemption by the commission and distributed to the tax assessors and Tulane University on or before the third Wednesday of December of each year.

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:1837 and R.S. 47:1856.

HISTORICAL NOTE: Promulgated by the Department of Revenue and Taxation, Tax Commission, LR 31:

§3525. Reporting of Certain Property Assessments by Assessors and Louisiana Tax Commission Members

A. In accordance with R.S. 47:1979(A), if a tax assessor or a member of his immediate family owns property within his jurisdiction, such assessor shall assess the property in accordance with all applicable provisions of law. As used in this section, "own" shall include a direct ownership, ownership in part, or through any legal entity.

B. The tax assessor shall submit all such assessments to the Louisiana Tax Commission within 30 days after the filing of the assessor's assessment rolls with the Louisiana Tax Commission, and the commission shall then review those assessments for compliance with all applicable laws and Louisiana Tax Commission rules and regulations.

C. Upon appraisal review, if the Louisiana Tax Commission determines that any assessment is questionable, the Louisiana Tax Commission shall give written notice to the assessor of its findings and subsequently clarify and/or remedy the assessment matter with the assessor.

D. In accordance with R.S. 47:1979(B), the members of the Louisiana Tax Commission shall file the same report as required in R.S. 47:1979(A) and shall list the ownership of all property within the state owned by him or a member of his immediate family along with the assessment of such property as shown on the appropriate assessment roll.

E. The Louisiana Tax Commission shall submit the members' property assessment reports with the President of

the Senate, the Speaker of the House of Representatives and the Legislative Audit Advisory Council no later than December 15 of each calendar year.

F. For the purpose of defining "immediate family" R.S. 42:1102(13) identifies the family members to include:

1. sons and their spouses;
2. daughters and their spouses;
3. brothers and their spouses;
4. sisters and their spouses;
5. parents;
6. spouse; and
7. parents of spouse.

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:1979; Act 670 of the 2003 Regular Legislative Session; Act 71 of the 2004 Regular Legislative Session; and R.S. 47:1837.

HISTORICAL NOTE: Promulgated by the Department of Revenue, Tax Commission, LR 31:

Elizabeth L. Guglielmo
Chairman

0412#030

DECLARATION OF EMERGENCY

Department of Social Services Office of Family Support

Temporary Assistance for Needy Families
(TANF) Maintenance of Effort Funds
(LAC 67:III.5545, 5549, 5563, and 5573)

The Department of Social Services, Office of Family Support, has exercised the emergency provision of R.S. 49:953(B), the Administrative Procedure Act, to amend Sections 5545, Remediation and Tutoring Programs; 5549, OCS Child Welfare Programs; 5563, Substance Abuse Treatment Program for Needy Families; and 5573, Community Supervision Program effective December 14, 2004. This emergency rule will remain in effect for a period of 120 days. This declaration is necessary to extend the original Emergency Rule of August 16, 2004, since it is effective for a maximum of 120 days and will expire before the final Rule takes effect. (The final Rule will be published in February 2005).

Section 263.2(b)(2) of the Temporary Assistance for Needy Families (TANF) regulations indicates that benefits or services count as Maintenance of Effort (MOE) only if the eligible family "includes a child living with a custodial parent or other adult caretaker relative." MOE funds cannot be claimed on benefits or services provided to a family that includes a child living with a legal guardian, unless that legal guardian is the parent or other caretaker relative. Therefore, the agency is amending §§5545, 5549, 5563, and 5573 to remove language referencing legal guardians in the criteria for eligibility.

Emergency action in this matter is necessary as failure to promulgate the Rule in a timely manner could result in the imposition of sanctions or penalties by the US Department of Health and Human Services, Administration for Children and Families.

Title 67

SOCIAL SERVICES

Part III. Family Support

Subpart 15. Temporary Assistance to Needy Families (TANF) Initiatives

Chapter 55. TANF Initiatives

§5545. Remediation and Tutoring Programs

A. - B. ...

C. Eligibility for services is limited to families which include a minor child living with a custodial parent or an adult caretaker relative. A family in which any member receives a Family Independence Temporary Assistance Program (FITAP) grant, Kinship Care Subsidy Program (KCSP) grant, Food Stamps, Child Care Assistance Program (CCAP) benefits, Medicaid, Louisiana Children's Health Insurance Program (LaCHIP), Supplemental Security Income (SSI), or Free or Reduced School Lunch is eligible.

D. ...

AUTHORITY NOTE: Promulgated in accordance with 42 U.S.C. 601 et seq.; R.S. 46:231 and R.S. 36:474; Act 12, 2001 Reg. Session.

HISTORICAL NOTE: Promulgated by the Department of Social Services, Office of Family Support, LR 28:353 (February 2002), amended LR 31:

§5549. OCS Child Welfare Programs (Effective April 12, 2002)

A. OFS shall enter into a Memorandum of Understanding with the Office of Community Services (OCS), the state child welfare agency, for collaboration in identifying and serving children in needy families who are at risk of abuse or neglect. Subsequent to the authorization of the U.S. Department of Health and Human Services, Administration for Children and Families, regarding TANF Maintenance of Effort funds, the agency will identify eligible services retroactive to January 1, 2002. The methods of collaboration include:

1. ...

2. *Family Services* comprises services to a child or children and their parents or adult caretaker relatives, after an allegation of child neglect or abuse has been validated, to assist in preventing the removal of a child from his care giver or, where temporary emergency removal has already occurred in validated abuse and/or neglect cases, to help reunite the family by returning the child. Services are also provided to a family who requests protective services on its own when it is believed that a child in the family would be at risk. Elements of Family Services include problem identification, family assessment, risk assessment, safety planning, case planning, counseling, problem resolution, provision of or arrangements for needed services, and/or concrete aid through the Preventive Assistance Fund.

B. ...

C. Financial eligibility for those services attributable to TANF/Maintenance of Effort funds is limited to needy families which include a minor child living with a custodial parent or an adult caretaker relative. A needy family is a family in which any member receives a Family Independence Temporary Assistance Program (FITAP) grant, Kinship Care Subsidy Program (KCSP) grant, Food Stamps, Child Care Assistance Program (CCAP) benefits,

Medicaid, Louisiana Children's Health Insurance Program (LaCHIP), or Supplemental Security Income (SSI).

D. ...

AUTHORITY NOTE: Promulgated in accordance with 42 USC 601 et seq.; R.S. 46:231 and R.S. 36:474.

HISTORICAL NOTE: Promulgated by the Department of Social Services, Office of Family Support, LR:2374 (November 2002), amended LR 31:

§5563. Substance Abuse Treatment Program for Needy Families

A. - B. ...

C. Eligibility for services is limited to needy families, that is, a family in which any member receives a Family Independence Temporary Assistance Program (FITAP) grant, Kinship Care Subsidy Program (KCSP) grant, Food Stamp benefits, Child Care Assistance Program (CCAP) services, Medicaid, Louisiana Children's Health Insurance Program (LaChip) benefits, Supplemental Security Income (SSI), Free or Reduced Lunch, or who has earned income at or below 200 percent of the federal poverty level. A needy family includes a non-custodial parent or caretaker relative who has earned income at or below 200 percent of the federal poverty level.

D. ...

AUTHORITY NOTE: Promulgated in accordance with 42 U.S.C. 601 et seq.; R.S. 46:231 and R.S. 36:474; Act 13, 2002 Reg. Session.

HISTORICAL NOTE: Promulgated by the Department of Social Services, Office of Family Support, LR 29:190 (February 2003), amended LR 31:

§5573. Community Supervision Program

A. - D. ...

E. Financial eligibility for those services attributable to TANF/Maintenance of Effort (MOE) funds is limited to eligible families, which include a minor child living with a custodial parent or an adult caretaker relative. An eligible family is one in which any member receives a Family Independence Temporary Assistance Program (FITAP) grant, Kinship Care Subsidy Program (KCSP) grant, Food Stamp benefits, Child Care Assistance Program (CCAP) services, Title XIX (Medicaid) Medical Assistance Program benefits, Louisiana Children's Health Insurance Program (LACHIP) benefits, or Supplemental Security Income (SSI).

F. ...

AUTHORITY NOTE: Promulgated in accordance with 42 U.S.C. 601 et seq.; R.S. 46:231 and R.S. 36:474.

HISTORICAL NOTE: Promulgated by the Department of Social Services, Office of Family Support, LR 29:2511 (November 2003), amended LR 31:

Ann Silverberg Williamson
Secretary

0412#070

DECLARATION OF EMERGENCY

Department of Wildlife and Fisheries Wildlife and Fisheries Commission

2004 Commercial Shallow-Water Grouper Closure

In accordance with the emergency provisions of R.S. 49:953(B), the Administrative Procedure Act, R.S. 49:967 which allows the Department of Wildlife and Fisheries and

the Wildlife and Fisheries Commission to use emergency procedures to set finfish seasons, and R.S. 56:326.3 which provides that the Wildlife and Fisheries Commission may set seasons for saltwater finfish, the Wildlife and Fisheries Commission hereby declares:

Effective 12:01 a.m., December 3, 2004, the commercial fishery for shallow-water groupers (red, black, gag, yellowfin, scamp and yellowmouth groupers, rock hind and red hind) in Louisiana waters, as described in LAC 76:VII.357.B.1 will close and remain closed until 12:01 a.m., January 1, 2005. Nothing herein shall preclude the legal harvest of shallow-water grouper by legally licensed recreational fishermen during the open season for recreational harvest.

Effective with this closure, no person shall commercially harvest, possess, purchase, exchange, barter, trade, sell, or attempt to purchase, exchange, barter, trade, or sell shallow-water groupers whether taken from within or without Louisiana territorial waters. Also effective with this closure, no person shall possess shallow-water groupers in excess of a daily bag limit, which may only be in possession during the open recreational season. Nothing shall prohibit the possession or sale of fish by a commercial dealer if legally taken prior to the closure providing that all commercial dealers possessing shallow-water groupers taken legally prior to the closure shall maintain appropriate records in accordance with R.S. 56:306.5 and R.S. 56:306.6.

The Commission grants authority to the Secretary of the Department of Wildlife and Fisheries to re-open and close the commercial season for shallow-water groupers in Louisiana state waters if he is informed by NMFS that the season dates for the commercial harvest of shallow-water groupers in the federal waters of the Gulf of Mexico as set out herein have been modified, and that NMFS requests that the season be modified in Louisiana state waters.

The Secretary of the Department of Wildlife and Fisheries has been notified by the National Marine Fisheries Service that the commercial quota for shallow-water groupers was projected to be reached on November 15, 2004, and that the Federal season closure is necessary to ensure that the quota for shallow-water grouper for 2004 is not exceeded.

Bill A. Busbice, Jr.
Chairman

0412#038

DECLARATION OF EMERGENCY

Department of Wildlife and Fisheries Wildlife and Fisheries Commission

2004 Fall Red Snapper Commercial Season Extension

The fall commercial season for the harvest of red snapper in Louisiana state waters is scheduled to close at 12:00 noon, December 10, 2004. The secretary has been informed that the commercial season for red snapper in the Federal waters of the Gulf of Mexico off the coast of Louisiana will remain open until 12:00 noon, December 15, 2004.

In accordance with the emergency provisions of R.S. 49:953(B), the Administrative Procedure Act, R.S. 49:967 which allows the Department of Wildlife and Fisheries and the Wildlife and Fisheries Commission to use emergency

procedures to set finfish seasons, R.S. 56:326.3 which provides that the Wildlife and Fisheries Commission may set seasons for saltwater finfish, and the authority given to the Secretary of the Department by the Commission in its resolution of January 8, 2004 to modify opening and closing dates of the 2004 commercial red snapper season in Louisiana state waters when he is informed by the Regional Director of the National Marine Fisheries Service that the seasonal dates have been modified, and that the NMFS requests that the season be modified in Louisiana State waters, the secretary hereby declares:

The commercial fishery for red snapper in Louisiana waters opened at 12:00 noon December 1, 2004 and will close at 12:00 noon December 15, 2004. Effective with this closure, no person shall commercially harvest, possess, purchase, barter, trade, sell or attempt to purchase, barter, trade or sell red snapper whether within or without Louisiana waters. Effective with this closure, no person shall possess red snapper in excess of a daily bag limit, which may only

be in possession during the open recreational season. Nothing shall prohibit the possession or sale of fish legally taken prior to the closure providing that all commercial dealers possessing red snapper taken legally prior to the closure shall maintain appropriate records in accordance with R.S. 56:306.5 and R.S. 56:306.6.

The secretary has been notified by National Marine Fisheries Service that the commercial red snapper season in Federal waters of the Gulf of Mexico opened at 12:00 noon December 1, 2004, and the season will close at 12:00 noon December 15, 2004. Having compatible season regulations in State waters is necessary to provide effective rules and efficient enforcement for the fishery, to prevent overfishing of this species in the long term.

Dwight Landreneau
Secretary

0412#040

Rules

RULE

Department of Civil Service Board of Ethics

Ethics

(LAC 52:I.101,611, 701, 704, 708, 801, 902, 1005, 1202, 1205, 1206, 1305, 1307, 1308, 1310, 1313, 1315, 1317, 1501, 1502, 1604, 1609, 1610, 1701-1727, 1801, 1803, 1902, 1905, 1906, 1907, 1909, 1911, 2001, and 2003)

In accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., notice is hereby given that the Department of Civil Service, Louisiana Board of Ethics has promulgated rules, and amendments to the rules for the Board of Ethics, as well as repealed the procedural rules for drug testing elected officials, since that statutory provision was declared unconstitutional.

Title 52 ETHICS

Part I. Board of Ethics

Chapter 1. Definitions

§101. Definitions

* * *

Adversarial Public Hearing Any public hearing conducted by the board, or any other related matter, concerning charges issued, or a public hearing concerning a person's failure to pay late fees.

* * *

AUTHORITY NOTE: Promulgated in accordance with R.S. 42:1134(A).

HISTORICAL NOTE: Promulgated by the Department of Civil Service, Board of Ethics, LR 23:1288 (October 1997), amended LR 24:1893 (October 1998), LR 30:2668 (December 2004).

Chapter 6. Advisory Opinions

§611. Persons to be Heard

A. At any time during the board's general agenda, opportunity to appear before the board shall be provided to persons who would like to comment on an item of the board's general agenda, excluding those items scheduled as adversarial public hearings.

B. Subject to the provisions of this Section, the chairman shall have the authority to regulate the course of comments in connection with an item before the board, including the authority to begin and terminate the consideration of an item before the board, to continue consideration of the item to another time or location, and to limit comments which would be excessively cumulative or not related to the purpose of the matter; provided that nothing herein shall be construed to prevent the right of any citizen to speak at a public meeting.

C. Any person requesting to appear before the board, shall notify the executive secretary of their interest in the matter, and the group, organization or company they represent, if any, prior to the item being called by the board for consideration. Regarding comments provided before the board, the chairman shall give first preference for speaking to the person submitting the item to the board and second

preference to any person who is the subject of the matter submitted. Thereafter the chairman shall allow those persons who have notified the executive secretary of their wish to appear before the board in order of the receipt of said notification. The chairman may fix the maximum amount of time that each person has to provide comments. The chairman shall allot the time in an equitable manner among those persons who are to be heard.

AUTHORITY NOTE: Promulgated in accordance with R.S. 42:1134(A).

HISTORICAL NOTE: Promulgated by the Department of Civil Service, Board of Ethics, LR 30:2668 (December 2004).

Chapter 7. Complaints

§701. General Requirements

A. The board shall consider any signed complaint from any elector concerning a violation of any law within its jurisdiction or the regulations or orders issued by the board. The complaint may be based on firsthand knowledge or on information and belief. Upon consideration of a complaint, the board may close the file, refer the complaint to investigation, or take such other action as it deems appropriate.

B. If the board receives a signed sworn complaint from any elector that does not present a potential violation of any law within its jurisdiction or the regulations or orders issued by the board, the board shall not initiate an investigation and will notify the complainant that the board declined to initiate an investigation and, accordingly, closed the file.

AUTHORITY NOTE: Promulgated in accordance with R.S. 42:1134(A).

HISTORICAL NOTE: Promulgated by the Department of Civil Service, Board of Ethics, LR 23:1292 (October 1997), amended LR 30:2668 (December 2004).

§704. Notification

A. The executive secretary shall mail by certified mail a certified copy of the vote and explanation of the matter to the subject of the non-sworn complaint or other matter as provided in §703 of these rules within ten days after the vote occurs.

B. The executive secretary shall mail by certified mail a copy of the sworn complaint if one has been submitted to the Board to the subject of the sworn complaint and the complainant within 10 days after the sworn complaint is received and considered.

AUTHORITY NOTE: Promulgated in accordance with R.S. 42:1134(A).

HISTORICAL NOTE: Promulgated by the Department of Civil Service, Board of Ethics, LR 23:1292 (October 1997), amended LR 30:2668 (December 2004).

§708. Complaints; Action by the Board

A. The board shall have one year from the date upon which a sworn complaint is received to either dismiss the complaint or file formal charges.

1. The board shall consider any signed sworn or non-sworn complaint from any elector concerning a violation of any law within its jurisdiction or the regulations or orders issued by the board. The complaint may be based on firsthand knowledge or on information and belief. Upon

consideration of a complaint, the board may close the file, refer the complaint to investigation, or take such other action as it deems appropriate.

AUTHORITY NOTE: Promulgated in accordance with R.S. 42:1134(A).

HISTORICAL NOTE: Promulgated by the Department of Civil Service, Board of Ethics, LR 23:1292 (October 1997), LR 30:2668 (December 2004).

Chapter 8. Investigations

§801. General

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 42:1134(A).

HISTORICAL NOTE: Promulgated by the Department of Civil Service, Board of Ethics, LR 23:1293 (October 1997), repealed LR 30:2669 (December 2004).

Chapter 9. Consent Opinions

§902. Procedures

A. If the board decides to offer a consent opinion, it shall direct its staff to prepare a draft to be sent to the subject of the allegation for acceptance, modification, or rejection. If the subject of the allegation accepts the terms of the proposed consent opinion, then the opinion shall be placed on the board's executive agenda for review. The board shall have the option to reject a proposed consent opinion and take further appropriate action. If the opinion is accepted by the board, the opinion shall be placed on the board's general business agenda for adoption and publication. If the subject of the allegation refuses the offer, then the item shall be placed upon the board's agenda for further action.

AUTHORITY NOTE: Promulgated in accordance with R.S. 42:1134(A).

HISTORICAL NOTE: Promulgated by the Department of Civil Service, Board of Ethics, LR 23:1293 (October 1997), amended LR 30:2669 (December 2004).

Chapter 10. Hearings

§1005. Notice of Public Hearings

A. The executive secretary shall cause notice of public hearings to be posted on the board's website and mailed to requesting parties at least five days prior thereto, except as otherwise specifically provided in Section 1141(E) of the Code of Governmental Ethics or in the case of emergencies.

AUTHORITY NOTE: Promulgated in accordance with R.S. 42:1134(A).

HISTORICAL NOTE: Promulgated by the Department of Civil Service, Board of Ethics, LR 23:1294 (October 1997), amended LR 30:2669 (December 2004).

Chapter 12. Penalties

§1202. Late Filing; Notice

A. The staff shall mail by certified mail a notice of delinquency within four business days after the due date for any report or statement, of which the staff knows or has reason to know is due by the filer, that is due under any law within the board's jurisdiction which has not been timely filed.

B. If the date on which a report is required to be filed occurs on a weekend or federal or state holiday, the report shall be filed no later than the first working day after the date it would otherwise be due that is not a federal or state holiday.

AUTHORITY NOTE: Promulgated in accordance with R.S. 42:1134(A).

HISTORICAL NOTE: Promulgated by the Department of Civil Service, Board of Ethics, LR 23:1298 (October 1997), amended LR 26:628 (April 2000), LR 30:2669 (December 2004).

§1205. Late Filing; Appeal and Good Cause

A. Any person assessed with automatic late filing fees may appeal, in writing, to the board within 30 days after the mailing of the assessment requiring the payment of late filing fees, setting forth the facts which tend to prove that the late filer had good cause for filing late. The late filer may request an appearance. The executive secretary shall place all such appeals on the board's agenda for consideration. If a late filer requests to make an appearance, the executive secretary shall schedule the appearance.

AUTHORITY NOTE: Promulgated in accordance with R.S. 42:1134(A).

HISTORICAL NOTE: Promulgated by the Department of Civil Service, Board of Ethics, LR 23:1298 (October 1997), amended LR 30:2669 (December 2004).

§1206. Late Filing; Failure to Pay Penalties Assessed

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 42:1134(A).

HISTORICAL NOTE: Promulgated by the Department of Civil Service, Board of Ethics, LR 23:1298 (October 1997), repealed LR 30:2669 (December 2004).

Chapter 13. Records and Reports

§1305. Statements Filed Pursuant to Section 1120 of the Code

A. Statements Filed Pursuant to this Section contain:

1. the name and address of the elected official; and

2. a detailed description of the matter in question, including the description of the transaction to be voted upon as well as a description of the nature of the conflict, or potential conflict, and the reasons why despite the conflict the elected official is able to cast a vote that is fair, objective and in the public interest.

B. The executive secretary shall maintain these statements suitably indexed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 42:1134(A).

HISTORICAL NOTE: Promulgated by the Department of Civil Service, Board of Ethics, LR 23:1299 (October 1997), amended LR 30:2669 (December 2004).

§1307. Notices Filed Pursuant to Section 56A of the Lobbyist Disclosure Act; Fundraisers Held during the Regular Legislative Session.

A. Notices filed pursuant to this Section shall:

1. be filed not less than 30 days prior to the fundraising event;

2. be in writing on a form provided by the board or a form which is substantially the same as the form provided by the board; and

3. contain:

a. the name of the legislator by or for whom the fundraising function is being given;

b. the date of the fundraising function;

c. the location of the fundraising function;

d. a statement that the information contained in the notice is true and accurate and that no required information has been deliberately omitted.

B. When filed by any one other than the legislator, the notice shall also provide the name of the individual, group or

organization giving or sponsoring the fundraising function and the statement of accuracy shall be made by the individual or by a representative of the group or organization sponsoring the fundraising event.

C. The executive secretary shall maintain these statements suitably indexed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 42:1134(A).

HISTORICAL NOTE: Promulgated by the Department of Civil Service, Board of Ethics, LR 23:1299 (October 1997), amended LR 30:2669 (December 2004).

§1308. Disclosure Forms Filed Pursuant to R.S. 39:1233.1

A. Disclosure forms filed pursuant to R.S. 39:1233.1 shall:

1. be in writing and on the form in §1911;

A.2. - B. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 42:1134(A).

HISTORICAL NOTE: Promulgated by the Department of Civil Service, Board of Ethics, LR 23:1299 (October 1997), amended LR 30:2670 (December 2004).

§1310. Notices Filed Pursuant to Section 56.1A of the Lobbyist Disclosure Act; Fundraisers Held during a Special Legislative Session.

A. Notices filed pursuant to this Section shall:

1. be filed not later than two business days after the issuance of a proclamation stating the object of a special session;

2. be in writing on a form provided by the board or a form which is substantially the same as the form provided by the board; and

3. contain:

a. the name of the legislator by or for whom the fundraising function is being given;

b. the date of the fundraising function;

c. the location of the fundraising function.

B. When filed by anyone other than a legislator, the notice shall also provide the name of the individual, group or organization giving or sponsoring the fundraising function and the statement of accuracy shall be made by the individual or by a representative of the group or organization sponsoring the fundraising event.

C. The executive secretary shall maintain these statements suitably indexed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 42:1134(A).

HISTORICAL NOTE: Promulgated by the Department of Civil Service, Board of Ethics, LR 30:2670 (December 2004).

§1313. Disclosure Forms Filed Pursuant to R.S. 27:96.A and R.S. 27:261.A

A. Disclosure forms filed pursuant to R.S. 27:96.A and R.S. 27:261.A shall:

1. be in writing and on a form provided by the board or a form which is substantially similar to the form provided by the board;

2. be filed no later than five days prior to the public officer's performance;

3. contain:

a. the name and address of the public officer;

b. the position held by the public officer;

c. the date, time and place of the performance;

d. the amount of compensation the public officer has contracted to receive for the performance; and,

e. the identity of the person or entity providing the compensation;

4. include a copy of the contract.

B. The executive secretary shall maintain these forms suitably indexed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 42:1134(A).

HISTORICAL NOTE: Promulgated by the Department of Civil Service, Board of Ethics, LR 30:2670 (December 2004).

§1315. Disclosure Forms Filed by Members of the Gaming Control Board Pursuant to R.S. 27:12.B

A. Disclosure forms filed pursuant to R.S. 27:12.B shall:

1. be in writing and on a form provided by the board or a form which is substantially similar to the form provided by the board;

2. filed before confirmation of the Gaming Control Board member and annually thereafter no later than January 31 of each calendar year;

3. contain:

a. the name and address of the member;

b. the position held by the member;

c. all assets and liabilities, property and business interests, and sources of income of the member, the spouse of the member and the minor children of the member; and

d. a sworn affidavit as to its accuracy.

B. The executive secretary shall maintain these forms suitably indexed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 42:1134(A).

HISTORICAL NOTE: Promulgated by the Department of Civil Service, Board of Ethics, LR 30:2670 (December 2004).

§1317. Affidavits Filed by Employees and Agents of the Gaming Division Pursuant to R.S. 27:63.B and R.S. 27:226.B

A. Affidavits filed pursuant to R.S. 27:63.B and R.S. 27:226.B shall:

1. be in writing and on a form provided by the board or a form which is substantially similar to the form provided by the board;

2. filed at the time of appointment of the employee or agent and annually thereafter no later than May 31 of each calendar year; and

3. contain the name and address of the employee or agent and a statement that neither he nor his spouse has an interest in an applicant licensee or permittee.

B. The executive secretary shall maintain these forms suitably indexed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 42:1134(A).

HISTORICAL NOTE: Promulgated by the Department of Civil Service, Board of Ethics, LR 30:2670 (December 2004).

Chapter 15. Exemption Pursuant to Provisions of Section 1123(22) of the Code

§1501. Application

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 42:1134(A).

HISTORICAL NOTE: Promulgated by the Department of Civil Service, Board of Ethics, LR 30:2670 (December 2004).

§1502. Requirements

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 42:1134(A).

HISTORICAL NOTE: Promulgated by the Department of Civil Service, Board of Ethics, LR 30:2671 (December 2004).

Chapter 16. The Board as Supervisory Committee of the Louisiana Campaign Finance Disclosure Act

§1604. Registration and Reporting; Forms

A. - C. ...

D. Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 42:1134(A).

HISTORICAL NOTE: Promulgated by the Department of Civil Service, Board of Ethics, LR 23:1301 (October 1997), amended LR 30:2671 (December 2004).

§1609. Contribution Limit

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 42:1134(A).

HISTORICAL NOTE: Promulgated by the Department of Civil Service, Board of Ethics, LR 26:1429 (July 2000), repealed LR 30:2671 (December 2004).

§1610. Monthly Reporting by Political Committees

1. If a political committee, other than a principal or subsidiary campaign committee of a candidate, chooses to file campaign finance disclosure reports on a monthly basis, written notification must be provided to the supervisory committee no less than 45 days prior to the next campaign finance disclosure report required by R.S. 18:1491.6 and R.S. to be filed by the political committee.

2. Such notification must be in writing on a form provided by the supervisory committee or a form which is substantially similar to the form provided by the supervisory committee, and be signed by the chairman of the political committee.

3. Upon receipt of the written notification from the political committee by the supervisory committee, the political committee shall file reports by the tenth of each month if the political committee accepted a contribution or some other receipt, or made an expenditure or some other disbursement during the preceding month. If the political committee is required to file a monthly report, the political committee shall begin filing monthly reports no later than the next month after which notification is received by the supervisory committee.

4. If a political committee intends to cease filing reports on a monthly basis written notification must be provided to the supervisory committee prior to the due date of the next monthly report; thereafter, the political committee must file the next monthly report and then commence filing reports in accordance with R.S. 18:1491.6.

AUTHORITY NOTE: Promulgated in accordance with R.S. 42:1134(A).

HISTORICAL NOTE: Promulgated by the Department of Civil Service, Board of Ethics, LR 30:2671 (December 2004).

Chapter 17. Random Drug Testing for Elected Officials

§1701. General

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 42:1116.1 and R.S. 42:1141(B)(3).

HISTORICAL NOTE: Promulgated by the Department of Civil Service, Board of Ethics, LR 24:1893 (October 1998), repealed LR 30:2671 (December 2004).

§1703. Designated Representative; Duties and Responsibilities

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 42:1116.1 and R.S. 42:1141(B)(3).

HISTORICAL NOTE: Promulgated by the Department of Civil Service, Board of Ethics, LR 24:1893 (October 1998), repealed LR 30:2671 (December 2004).

§1705. Random Selection of Elected Officials

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 42:1116.1 and R.S. 42:1141(B)(3).

HISTORICAL NOTE: Promulgated by the Department of Civil Service, Board of Ethics, LR 24:1894 (October 1998), repealed LR 30:2671 (December 2004).

§1707. Selection Process; Random Number Selector

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 42:1116.1 and R.S. 42:1141(B)(3).

HISTORICAL NOTE: Promulgated by the Department of Civil Service, Board of Ethics, LR 24:1894 (October 1998), repealed LR 30:2671 (December 2004).

§1709. Selection Process; Percentage

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 42:1116.1 and R.S. 42:1141(B)(3).

HISTORICAL NOTE: Promulgated by the Department of Civil Service, Board of Ethics, LR 24:1894 (October 1998), repealed LR 30:2671 (December 2004).

§1710. Notice

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 42:1116.1 and R.S. 42:1141(B)(3).

HISTORICAL NOTE: Promulgated by the Department of Civil Service, Board of Ethics, LR 24:1894 (October 1998), repealed LR 30:2671 (December 2004).

§1711. Collection Agency; Duties and Responsibilities

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 42:1116.1 and R.S. 42:1141(B)(3).

HISTORICAL NOTE: Promulgated by the Department of Civil Service, Board of Ethics, LR 24:1894 (October 1998), repealed LR 30:2671 (December 2004).

§1713. Collection Agency; Confidentiality

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 42:1116.1 and R.S. 42:1141(B)(3).

HISTORICAL NOTE: Promulgated by the Department of Civil Service, Board of Ethics, LR 24:1894 (October 1998), repealed LR 30:2671 (December 2004).

§1715. NIDA-Certified and CAP-FUDT-Certified Laboratories

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 42:1116.1 and R.S. 42:1141(B)(3).

HISTORICAL NOTE: Promulgated by the Department of Civil Service, Board of Ethics, LR 24:1894 (October 1998), repealed LR 30:2671 (December 2004).

§1717. Second Separate Test

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 42:1116.1 and R.S. 42:1141(B)(3).

HISTORICAL NOTE: Promulgated by the Department of Civil Service, Board of Ethics, LR 24:1894 (October 1998), repealed LR 30:2671 (December 2004).

§1721. Good Cause for Failure to Report to Collection Site

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 42:1116.1 and R.S. 42:1141(B)(3).

HISTORICAL NOTE: Promulgated by the Department of Civil Service, Board of Ethics, LR 24:1894 (October 1998), repealed LR 30:2672 (December 2004).

§1723. Medical Review Officer; Duties and Responsibilities

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 42:1116.1 and R.S. 42:1141(B)(3).

HISTORICAL NOTE: Promulgated by the Department of Civil Service, Board of Ethics, LR 24:1894 (October 1998), repealed LR 30:2672 (December 2004).

§1725. Test Result Records

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 42:1116.1 and R.S. 42:1141(B)(3).

HISTORICAL NOTE: Promulgated by the Department of Civil Service, Board of Ethics, LR 24:1895 (October 1998), repealed LR 30:2672 (December 2004).

§1727. Violations

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 42:1116.1 and R.S. 42:1141(B)(3).

HISTORICAL NOTE: Promulgated by the Department of Civil Service, Board of Ethics, LR 24:1896 (October 1998), repealed LR 30:2672 (December 2004).

Chapter 18. Electronic Filing

§1801. In General

A. ...

B. To file electronic reports, a filer must complete and submit the affidavit provided by the board to obtain a password for electronic filing. The affidavit should be completed and received by the board at least five business days prior to the reporting deadline. All filers whose affidavits are received at least five business days prior to a reporting deadline will be issued a user ID and a password for the next reporting deadline.

C. Although a filer using the electronic filing software system has until midnight on the day of a filing deadline to electronically file a report, staff support is only available during regular business hours.

AUTHORITY NOTE: Promulgated in accordance with R.S. 42:1116.1 and R.S. 42:1141(B)(3).

HISTORICAL NOTE: Promulgated by the Department of Civil Service, Board of Ethics, LR 25:24 (January 1999), amended LR 30:2672 (December 2004).

§1803. Validation of Reports

A. - B. ...

C. Reports required to be filed under oath may be submitted electronically.

AUTHORITY NOTE: Promulgated in accordance with R.S. 42:1134(A).

HISTORICAL NOTE: Promulgated by the Department of Civil Service, Board of Ethics, LR 25:24 (January 1999), amended LR 30:2672 (December 2004).

Chapter 19. Lobbyist Disclosure Act

§1902. Filing Fees

A. Lobbyist registration fees submitted pursuant to R.S. 24:53 shall be made by check or money order payable to the Board of Ethics.

AUTHORITY NOTE: Promulgated in accordance with R.S. 42:1134(A).

HISTORICAL NOTE: Promulgated by the Department of Civil Service, Board of Ethics, LR 25:624 (April 1999), amended LR 30:2672 (December 2004).

§1905. Personal Financial Disclosure Form

**Appendix A
 Personal Financial Disclosure Form
 for Governors and Gubernatorial Candidates
 Filed pursuant to LSA_R.S. 42:1124**

1. FULL NAME	2. SPOUSE'S FULL NAME
3. RESIDENCE ADDRESS	
4. SPOUSE'S OCCUPATION (IF ANY)	
5. SPOUSE'S PRINCIPAL BUSINESS ADDRESS	
6. This report covers calendar year _____	
7. Check if Amended Report _____	

Note: Where amounts are required herein, indicate such amounts by use of one of the following categories:

- I. less than \$5,000;
- II. \$5,000 to \$24,999;
- III. \$25,000 to \$49,999;
- IV. \$50,000 to \$99,999;
- V. \$100,000 to \$199,999;
- VI. \$200,000 or more.

Use as many pages of each section of the form as are required. Machine copies of the form's pages may be used. Complete all sections (if not applicable, so indicate). Please type or print.

8. Affidavit

I do hereby certify, after having been first duly sworn, that the information contained in this personal financial disclosure form is true and correct to the best of my knowledge, information, and belief.

 Person Filing Report

Sworn to and subscribed before me this _____ day of _____, 19____.

 Notary Public

Page ____ of ____

A. Positions

The name, address of, position in, and amount of interest in each business in which you or your spouse (either individually or collectively) were a director, officer, partner, member, or trustee during the calendar year. (Note: For purposes of this section "business" is defined as any corporation, partnership, sole proprietorship, firm, enterprise, franchise, association, business, organization, self-employed individual, holding company, trust, or any other legal entity or person.)

1. Individual, Spouse, or Both	2. Full Name and Address of Business	3. Position	4. Amount
<input type="checkbox"/> Individual <input type="checkbox"/> Spouse <input type="checkbox"/> Both			
<input type="checkbox"/> Individual <input type="checkbox"/> Spouse <input type="checkbox"/> Both			
<input type="checkbox"/> Individual <input type="checkbox"/> Spouse <input type="checkbox"/> Both			
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<input type="checkbox"/> Individual <input type="checkbox"/> Spouse <input type="checkbox"/> Both			
<input type="checkbox"/> Individual <input type="checkbox"/> Spouse <input type="checkbox"/> Both			
<input type="checkbox"/> Individual <input type="checkbox"/> Spouse <input type="checkbox"/> Both			
<input type="checkbox"/> Individual <input type="checkbox"/> Spouse <input type="checkbox"/> Both			
<input type="checkbox"/> Individual <input type="checkbox"/> Spouse <input type="checkbox"/> Both			
<input type="checkbox"/> Individual <input type="checkbox"/> Spouse <input type="checkbox"/> Both			

B. Business Interests

The name, address, and amount of interest in each business with which your sole relationship during the calendar year was as an owner of an interest and in excess of 10 percent held by you or your spouse (either individually or collectively). (Note: For purposes of this section "business" is defined as any corporation, partnership, sole proprietorship, firm, enterprise, franchise, association, business, organization, self-employed individual, holding company, trust, or any other legal entity or person.)

1. Individual, Spouse, or Both	2. Full Name and Address of Business	3. Position	4. Amount
<input type="checkbox"/> Individual <input type="checkbox"/> Spouse <input type="checkbox"/> Both			
<input type="checkbox"/> Individual <input type="checkbox"/> Spouse <input type="checkbox"/> Both			
<input type="checkbox"/> Individual <input type="checkbox"/> Spouse <input type="checkbox"/> Both			
<input type="checkbox"/> Individual <input type="checkbox"/> Spouse <input type="checkbox"/> Both			
<input type="checkbox"/> Individual <input type="checkbox"/> Spouse <input type="checkbox"/> Both			
<input type="checkbox"/> Individual <input type="checkbox"/> Spouse <input type="checkbox"/> Both			
<input type="checkbox"/> Individual <input type="checkbox"/> Spouse <input type="checkbox"/> Both			
<input type="checkbox"/> Individual <input type="checkbox"/> Spouse <input type="checkbox"/> Both			
<input type="checkbox"/> Individual <input type="checkbox"/> Spouse <input type="checkbox"/> Both			
<input type="checkbox"/> Individual <input type="checkbox"/> Spouse <input type="checkbox"/> Both			

C. Income. The name, address, type, and amount of each source of income in excess of \$1,000 received by you or your spouse (either individually or collectively) during the calendar year. "Income" means any income from whatever source derived, including but not limited to the following types: compensation for services, including fees, salaries, commissions, and similar items; income derived from business; gains derived from dealings in property; interest; rents; royalties; dividends; annuities; income from life

insurance and endowment contracts; pensions; income from discharge of indebtedness; distributive share of partnership income; and income from interest in an estate or trust. For income from compensation, give a very brief description of the services rendered. For income from mental health, medical health, or legal services, if the disclosure of the source of the income would reveal the identity of a patient or client, then either mental health, medical health, or legal services should be given as the source.

1. Individual, Spouse, or Both	2. Name and Address of Source of Income	3. Type	4. Amount	5. Description of Services
<input type="checkbox"/> Individual <input type="checkbox"/> Spouse <input type="checkbox"/> Both				
<input type="checkbox"/> Individual <input type="checkbox"/> Spouse <input type="checkbox"/> Both				
<input type="checkbox"/> Individual <input type="checkbox"/> Spouse <input type="checkbox"/> Both				
<input type="checkbox"/> Individual <input type="checkbox"/> Spouse <input type="checkbox"/> Both				
<input type="checkbox"/> Individual <input type="checkbox"/> Spouse <input type="checkbox"/> Both				
<input type="checkbox"/> Individual <input type="checkbox"/> Spouse <input type="checkbox"/> Both				
<input type="checkbox"/> Individual <input type="checkbox"/> Spouse <input type="checkbox"/> Both				
<input type="checkbox"/> Individual <input type="checkbox"/> Spouse <input type="checkbox"/> Both				
<input type="checkbox"/> Individual <input type="checkbox"/> Spouse <input type="checkbox"/> Both				
<input type="checkbox"/> Individual <input type="checkbox"/> Spouse <input type="checkbox"/> Both				

Page ____ of ____

D. Real Estate Holdings. The address and a short description (i.e., size, use of land) of each parcel of real property having a fair market value in excess of \$2,000 in

which you or your spouse (either individually or collectively) had an interest during the calendar year.

1. Individual, Spouse, or Both	2. Address of Real Property	3. Description
<input type="checkbox"/> Individual <input type="checkbox"/> Spouse <input type="checkbox"/> Both		
<input type="checkbox"/> Individual <input type="checkbox"/> Spouse <input type="checkbox"/> Both		
<input type="checkbox"/> Individual <input type="checkbox"/> Spouse <input type="checkbox"/> Both		
<input type="checkbox"/> Individual <input type="checkbox"/> Spouse <input type="checkbox"/> Both		
<input type="checkbox"/> Individual <input type="checkbox"/> Spouse <input type="checkbox"/> Both		
<input type="checkbox"/> Individual <input type="checkbox"/> Spouse <input type="checkbox"/> Both		
<input type="checkbox"/> Individual <input type="checkbox"/> Spouse <input type="checkbox"/> Both		
<input type="checkbox"/> Individual <input type="checkbox"/> Spouse <input type="checkbox"/> Both		
<input type="checkbox"/> Individual <input type="checkbox"/> Spouse <input type="checkbox"/> Both		
<input type="checkbox"/> Individual <input type="checkbox"/> Spouse <input type="checkbox"/> Both		

E. Transactions. A brief description, the date, and amount of each purchase, sale, exchange, donation, or gift, other acquisition or disposition, in excess of \$1,000, by you or your spouse (either individually or collectively) during the calendar year in any real property, and of any stocks,

bonds, commodities futures, or other forms of securities, including but not limited to, any option to acquire and/or dispose of any stocks, bonds, commodities futures, other forms of securities, negotiable instruments, movable or immovable property, or any other interest.

1. Individual, Spouse, or Both	2. Description	3. Position	4. Amount
<input type="checkbox"/> Individual <input type="checkbox"/> Spouse <input type="checkbox"/> Both			
<input type="checkbox"/> Individual <input type="checkbox"/> Spouse <input type="checkbox"/> Both			
<input type="checkbox"/> Individual <input type="checkbox"/> Spouse <input type="checkbox"/> Both			
<input type="checkbox"/> Individual <input type="checkbox"/> Spouse <input type="checkbox"/> Both			
<input type="checkbox"/> Individual <input type="checkbox"/> Spouse <input type="checkbox"/> Both			
<input type="checkbox"/> Individual <input type="checkbox"/> Spouse <input type="checkbox"/> Both			
<input type="checkbox"/> Individual <input type="checkbox"/> Spouse <input type="checkbox"/> Both			
<input type="checkbox"/> Individual <input type="checkbox"/> Spouse <input type="checkbox"/> Both			
<input type="checkbox"/> Individual <input type="checkbox"/> Spouse <input type="checkbox"/> Both			
<input type="checkbox"/> Individual <input type="checkbox"/> Spouse <input type="checkbox"/> Both			

F. Liabilities. The name, address, and amount of each liability in excess of \$10,000 owed to any creditor by you or your spouse (either individually or collectively) during the calendar year. (Note: Exclude any loan secured by a personal

motor vehicle, household furniture, or appliance if such loan does not exceed the purchase price of the item that secures it.)

1. Individual, Spouse, or Both	2. Full Name and Address of Business	3. Amount
<input type="checkbox"/> Individual <input type="checkbox"/> Spouse <input type="checkbox"/> Both		
<input type="checkbox"/> Individual <input type="checkbox"/> Spouse <input type="checkbox"/> Both		
<input type="checkbox"/> Individual <input type="checkbox"/> Spouse <input type="checkbox"/> Both		
<input type="checkbox"/> Individual <input type="checkbox"/> Spouse <input type="checkbox"/> Both		
<input type="checkbox"/> Individual <input type="checkbox"/> Spouse <input type="checkbox"/> Both		
<input type="checkbox"/> Individual <input type="checkbox"/> Spouse <input type="checkbox"/> Both		
<input type="checkbox"/> Individual <input type="checkbox"/> Spouse <input type="checkbox"/> Both		
<input type="checkbox"/> Individual <input type="checkbox"/> Spouse <input type="checkbox"/> Both		
<input type="checkbox"/> Individual <input type="checkbox"/> Spouse <input type="checkbox"/> Both		
<input type="checkbox"/> Individual <input type="checkbox"/> Spouse <input type="checkbox"/> Both		

Page ____ of ____

AUTHORITY NOTE: Promulgated in accordance with R.S. 42:1134(A).

HISTORICAL NOTE: Promulgated by the Department of Civil Service, Board of Ethics, LR 30:2673 (December 2004).

§1906. Lobbying Expenditure Form

LOBBYING REGISTRATION FORM
To be used for initial registrations and renewals

Lobbyist's Registration Number

Instructions

- Print in ink or type.
- Complete form and return with \$110 registration fee to the Board of Ethics, 2415 Quail Dr., 3rd Floor, Baton Rouge, LA 70808, (225) 763-8777 or (800) 842-6630.
- Initial registrations must be submitted within 5 days of (1) employment as a lobbyist or (2) first action requiring registration. Registrations expire as of December 31 unless a renewal is submitted between December 1 and January 31.

FOR OFFICE USE ONLY

Postmark Date: _____

1. NAME _____
Last First MI

2. BUSINESS PHONE _____
Area Code and Phone Number

3. BUSINESS ADDRESS _____
Street and No. City State Zip

MAILING ADDRESS _____
Street and No. City State Zip

4. EMPLOYER _____

5. EMPLOYER'S ADDRESS _____
Street and No. City State Zip

6. LIST BELOW (a) Names of persons, groups, or organizations which you represent; (b) the address of each such person, group, or organization you represent; (c) the type of business each is engaged in or the purpose or function of the organization or group; (d) whether or not the client or someone else pays you to lobby.

1. Name _____

Address _____

Business or purpose _____

Does this person pay you? _____

If No, then who pays you? _____

2. Name _____

Address _____

Business or purpose _____

Does this person pay you? _____

If No, then who pays you? _____

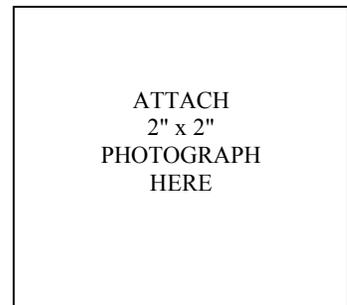
3. Name _____
Address _____
Business or purpose _____
Does this person pay you? _____
If No, then who pays you? _____

4. Name _____
Address _____
Business or purpose _____
Does this person pay you? _____
If No, then who pays you? _____

CERTIFICATION OF ACCURACY

I hereby certify that the information contained herein is true and correct to the best of my knowledge, information, and belief; and that no information required by the Lobbyist Disclosure Act [LSA-R.S. 24:50 et seq.] has been deliberately omitted.

Signature of Lobbyist



AUTHORITY NOTE: Promulgated in accordance with R.S. 42:1134(A).

HISTORICAL NOTE: Promulgated by the Department of Civil Service, Board of Ethics, LR 30:2680 (December 2004).

CERTIFICATION OF ACCURACY

I hereby certify that the information contained herein is true and correct to the best of my knowledge, information, and belief; that all reportable expenditures have been included herein; and that no information required by the Lobbyist Disclosure Act [LSA-R.S. 24:50 et seq.] has been deliberately omitted.

Signature of Lobbyist

SCHEDULE A: EXPENDITURES FOR LEGISLATION

This schedule must be completed if you answered YES to either question 7 or 8 on the Lobbying Expenditure Report. If, during the period January 1 through June 30 or the period July 1 through December 31, you made either (a) an expenditure for any one legislator exceeding \$50 on any one occasion or (b) aggregate expenditures exceeding \$250 for any one legislator during a reporting period, then you must provide the aggregate total of expenditures made on that legislator in that reporting period. **NOTE: Report covering July-December is cumulative. You must include reportable expenditures from the first half of the year in Column #2.**

1. LEGISLATOR'S NAME	2. AMOUNT OF EXPENDITURES MADE ON A LEGISLATOR FOR WHOM YOU EITHER SPENT OVER \$50 ON ONE OCCASION OR MADE EXPENDITURES EXCEEDING \$250 BETWEEN JANUARY 1 AND JUNE 30.	3. AMOUNT OF EXPENDITURES MADE ON A LEGISLATOR FOR WHOM YOU EITHER SPENT OVER \$50 ON ONE OCCASION OR MADE EXPENDITURES EXCEEDING \$250 BETWEEN JULY 1 AND DECEMBER 31.	4. TOTAL OF COLUMNS 2 AND 3.

SCHEDULE B: EXPENDITURES FOR RECEPTIONS, ETC.

This schedule must be completed if you answered YES to either question 9 on the Lobbying Expenditure Report. The following information must be provided for all receptions, social gatherings, or other functions to which the entire legislature, either house, any standing committee, select committee, statutory committee, committee created by resolution of either house, subcommittee of any committee, recognized caucus, or any delegation thereof, was invited.

1. NAME(S) OF GROUP(S) INVITED	2. DATE OF RECEPTION	3. LOCATION OF RECEPTION	4. TOTAL AMOUNT OF EXPENDITURES FOR ATTENDING LEGISLATORS*

*** No amount expended on persons other than attending legislators is reportable.**

AUTHORITY NOTE: Promulgated in accordance with R.S. 42:1134(A).

HISTORICAL NOTE: Promulgated by the Department of Civil Service, Board of Ethics, LR 30:2682 (December 2004).

§1909. Lobbying Supplemental Registration Form

LOBBYING SUPPLEMENTAL REGISTRATION FORM
To be used for changes to registrations and terminations.

Lobbyist's Registration Number

Instructions

- Print in ink or type.
 - Complete form and return to the Board of Ethics, 2415 Quail Dr., 3rd Floor, Baton Rouge, LA 70808, (225) 763-8777 or (800) 842-6630. No fee is required.
- This form must be submitted within 5 days of any changes in your registration form or to add employers or those you represent. It must be submitted within 10 days of any termination of employment or representations.

FOR OFFICE USE ONLY
Postmark Date: _____

1. NAME _____
Last First MI

2. BUSINESS PHONE _____
Area Code and Phone Number

3. BUSINESS ADDRESS _____
Street and No. City State Zip

MAILING ADDRESS _____
Street and No. City State Zip

4. EMPLOYER _____

5. EMPLOYER'S ADDRESS _____
Street and No. City State Zip

6. Have you ceased or terminated all lobbying activities requiring registration? Yes _____ No _____

7. LIST BELOW (a) Names of persons, groups, or organizations which you are adding or eliminating; (b) the address of each such person, group, or organization listed; (c) the type of business each is engaged in or the purpose or function of the organization or group; (d) whether or not the client or someone else pays you to lobby; and (e) the date of termination if applicable.

1. Name _____
Address _____
Business or purpose _____
- New Representation
Does this person pay you? _____
If No, who pays you? _____
- Terminated Representation as of _____

2. Name _____
Address _____
Business or purpose _____
 New Representation
Does this person pay you? _____
If No, who pays you? _____

Terminated Representation as of _____

3. Name _____
Address _____
Business or purpose _____
 New Representation
Does this person pay you? _____
If No, who pays you? _____

Terminated Representation as of _____

CERTIFICATION OF ACCURACY

I hereby certify that the information contained herein is true and correct to the best of my knowledge, information, and belief; and that no information required by the Lobbyist Disclosure Act [LSA-R.S. 24:50 et seq.] has been deliberately omitted.

Signature of Lobbyist

AUTHORITY NOTE: Promulgated in accordance with R.S. 42:1134(A).

HISTORICAL NOTE: Promulgated by the Department of Civil Service, Board of Ethics, LR 30:2684 (December 2004).

§1911. Disclosure Statement Pursuant to R.S. 39:1233.1

LSA-R.S. 39:1233.1 DISCLOSURE STATEMENT	
<p>The Louisiana Code of Governmental Ethics generally prohibits any member or chief executive officer of a local depositing authority from serving as an officer, director, or employee of a bank in which agency funds are deposited L.S.A.-R.S. 39:1233.1 creates a narrow exception allowing a local governing authority member or chief executive officer to serve in such a capacity, despite the agency's deposit of funds in the bank, if he (1) recuses himself from voting in favor of any such bank and does not otherwise participate in the depositing authority's consideration of any matter affecting actual or potential business with the bank, (2) discloses the reason for recusal and files these reasons, in writing, in the minutes or record of the agency, and (3) files this disclosure form with the Board of Ethics within 15 days of any such recusal. Any such disclosure statement shall be deemed filed when it is received in the office of the Board of Ethics or at the time it is postmarked by the United States Postal Service, if it is subsequently received in the office of the Board of Ethics, whichever is earlier. This exception may be used only by members of "local depositing authorities." Local depositing authorities are defined by law to include all parishes, municipalities, boards, commissions, sheriffs and tax collectors, judges, clerks of court, and any other public bodies or officers of any parish, municipality or township, but do not include the state, state commissions, state boards and other state agencies. Unless a written advisory opinion has been obtained from the Board of Ethics, members and chief executive officers of special agencies created by, representing OR comprised of more than one political subdivision are NOT included in this exception. Sole decision makers may NOT take advantage of this exception.</p>	
<p>NOTE: This exception is narrow—completion of this form will not cure any violation of the Ethics Code except those situations specifically addressed in LSA-R.S. 39:1233.1.</p>	
1. Name and address of official	2. Office held (Please include the office title and the political subdivision.)
3. Name and address of bank	4. Position(s) held at bank (If officer, state office held. If employee, give job title.)
5. Position with bank is _____ compensated _____ noncompensated. (Check one)	
6. Description of transaction from which you recused yourself from participating (for example, consideration of method of selecting bank(s) to be used, selection of a bank or banks, decision affecting deposits, decision to discontinue use of a bank, etc.) Include the date of each instance on which you recused yourself from voting or otherwise participating in any such transaction.	
7. _____ <div style="display: flex; justify-content: space-between; width: 100%;"> Signature of Official Date </div>	
Mail or hand deliver to: Ethics Administration Program, 2415 Quail Drive, Third Floor, Baton Rouge, Louisiana 70808. If you have any questions, please call (225) 763-8777 or (800) 842-6630.	

AUTHORITY NOTE: Promulgated in accordance with R.S. 42:1134(A).

Chapter 20. Exemption Pursuant to the Provisions of Section 1123 (34)

§2001. Application

A. A member of a municipal or parish governing authority in a parish or municipality with a population of 25,000 or less (according to the most recently published decennial census), or a member of such elected official's immediate family or a legal entity in which he has a controlling interest may make an application which is under the supervision or jurisdiction of his agency for the approval of the subdivision or resubdivision of property, and for the zoning of such property or for a building permit and any inspections performed pursuant thereto, provided the elected official recuses himself from acting in his official governmental capacity in matters concerning such application, and provides the written notice as required in §2003 is filed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 42:1134(A).

HISTORICAL NOTE: Promulgated by the Department of Civil Service, Board of Ethics, LR 30:2686 (December 2004).

HISTORICAL NOTE: Promulgated by the Department of Civil Service, Board of Ethics, LR 30:2686 (December 2004).

§2003. Reporting Requirements

A. Written notices filed pursuant to R.S. 42: 1123(34) of the Code shall:

1. be filed with the board and with the elected official's governing authority no later than 10 days prior to any hearing pertaining to such application or if no hearing is held at least 10 days prior to final action on such application; and
2. be in writing, on a form provided by the board or a form which is substantially similar to the form provided by the board, and shall contain the following:
 - a. name, address, and the office held by the elected official;
 - b. name and address, and relation to elected official, if the applicant is a member of the elected official's immediate family;
 - c. name and business address of the legal entity, if applicable;
 - d. name and population of municipality or parish;
 - e. description of the application being made;

- f. date of hearing or final action regarding such application;
- g. statement that:
 - i. the zoning of such subdivided property will not be less restrictive than the zoning of the original parcel;
 - ii. no variance or special exemption from any planning or zoning regulation or requirement or any building code or permit will be requested or granted;
 - iii. the property will be used for residential purposes only;
 - iv. application for the subdivision, resubdivision, or zoning of no more than 12 lots per calendar year and the construction of no more than twelve residential units per calendar year by the elected official, his immediate family members and any legal entity in which they own a controlling interest has been submitted; and
 - v. no public funds will be used to construct any infrastructure for the use or benefit of such property;
 - h. signed certificate of accuracy.

AUTHORITY NOTE: Promulgated in accordance with R.S. 42:1134(A).

HISTORICAL NOTE: Promulgated by the Department of Civil Service, Board of Ethics, LR 30:2686 (December 2004).

R. Gray Sexton
Administrator

0412#087

RULE

Department of Civil Service Board of Ethics

Receipt of Campaign Funds (LAC 52:I.101, 1608, 1609, and 1912-1919)

In accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., notice is hereby given that the Department of Civil Service, Louisiana Board of Ethics, has promulgated rules concerning the receipt of campaign funds by a legislator or the governor during a legislative session, rules concerning the notification given to persons doing business with the state retirement systems concerning the laws under the jurisdiction of the Board of Ethics, and the form for the filing required by those lobbying executive branch agencies pursuant to R.S. 49:71, et seq.

Title 52 ETHICS

Part I. Board of Ethics

Chapter 1. Definitions

§101. Definitions

* * *

Lobbyist Disclosure Act refers to R.S. 24:50 et seq. and R.S. 49:71 et seq.

* * *

AUTHORITY NOTE: Promulgated in accordance with R.S. 42:1134(A).

HISTORICAL NOTE: Promulgated by the Department of Civil Service, Board of Ethics, LR 23:1288 (October 1997), amended LR 24:1893 (October 1998), LR 30:2687 (December 2004).

Chapter 16. The Board as Supervisory Committee of the Louisiana Campaign Finance Disclosure Act

§1608. Return of Funds Accepted by a Legislator during a Legislative Session

A. A legislator who wishes to accept a contribution, loan, or transfer of funds during a regular legislative session as a candidate for an office described in R.S. 18:1505.2Q(3)(b) must open a bank account, separate from any existing campaign or personal accounts, into which such contributions, loans, or transfer of funds are deposited.

B. A legislator who determines he will not seek the office for which he accepted funds during a regular legislative session, or who fails to qualify for the office for which funds were collected, must return each such contribution, loan, or transfer collected during the regular legislative session which remains unencumbered or unexpended for expenses directly related to his campaign for an office other than a federal office, no later than thirty days after the legislator determines he will not seek the office, after the close of the qualifying period for the office declared by the legislator and for which he did not qualify, or after the close of the qualifying period in which he qualified for an office other than one described above, whichever occurs first.

C. In determining whether a contribution, loan, or transfer was expended or encumbered for expenses directly related to a campaign, a **first in, first out** basis of accounting shall be used, with the candidate deemed to have expended funds as they were collected. Funds still on hand, and therefore subject to return, will be the latest funds collected.

D. To determine whether the expenditure or encumbrance was directly related to an office described in R.S. 18:1505.2Q(3)(b), other than a federal office, the Supervisory Committee will examine the nature of expenditures made or debts incurred including the nature of the advertising, geographic distribution of the advertising, and whether the advertising specifically promoted the elected official for a particular office. Expenditures other than advertising will be examined using similar criteria.

E. Any loans accepted by a legislator in accordance with R.S. 18:1505.2Q(3)(a)(ii) may be repaid at any time with funds collected during a regular legislative session.

AUTHORITY NOTE: Promulgated in accordance with R.S. 42:1134(A).

HISTORICAL NOTE: Promulgated by the Department of Civil Service, Board of Ethics, LR 30:2687 (December 2004).

§1609. Return of Funds Accepted by the Governor during a Legislative Session or 30 Days

A. A governor who wishes to accept a contribution, loan, or transfer of funds during a regular legislative session or within 30 days thereafter as a candidate for an office described in R.S. 18:1505.2R(3)(b), must open a bank account, separate from any existing campaign or personal accounts, into which such contributions, loans, or transfer of funds are deposited.

B. A governor who determines he will not seek the office for which he accepted funds during a regular legislative session or within 30 days thereafter, or who fails to qualify

for the office for which funds were collected, must return each such contribution, loan, or transfer collected during the regular legislative session, or within 30 days thereafter, which remains unencumbered or unexpended for expenses directly related to his campaign for an office other than a federal office, no later than 30 days after the governor determines he will not seek the office, after the close of the qualifying period for the office declared by the governor and for which he did not qualify, or after the close of the qualifying period in which he qualified for an office other than one described above, whichever occurs first.

C. In determining whether a contribution, loan, or transfer was expended or encumbered for expenses directly related to a campaign, a "first in, first out" basis of accounting shall be used, with the candidate deemed to have expended funds as they were collected. Funds still on hand, and therefore subject to return, will be the latest funds collected.

D. To determine whether the expenditure or encumbrance was directly related to an office described in R.S. 18:1505.2R(3)(b), whichever is applicable, other than a federal office, the Supervisory Committee will examine the nature of expenditures made or debts incurred including the nature of the advertising, geographic distribution of the advertising, and whether the advertising specifically promoted the elected official for a particular office. Expenditures other than advertising will be examined using similar criteria.

E. Any loans accepted by the governor in accordance with R.S. 18:1505.2R(3)(a)(ii) may be repaid at any time with funds collected during or after a regular legislative session.

AUTHORITY NOTE: Promulgated in accordance with R.S. 42:1134(A).

HISTORICAL NOTE: Promulgated by the Department of Civil Service, Board of Ethics, LR 30:2687 (December 2004).

Chapter 19. Lobbyist Disclosure Act
§1912. Notice to Persons Attempting to Do Business with Retirement Systems

A. The chairman of the board of trustees of each state or statewide public retirement system shall provide a written notice to every person whom the chairman knows, or reasonably should know, has or is seeking to obtain a contractual or other business or financial relationship with his system, which shall include the following information:

1. the need to file disclosure statements pursuant to R.S. 42:1114.2 and a form to file the statement;
2. the gift restrictions in the Code of Governmental Ethics set out at R.S. 42:1115; and
3. the requirements of registration and disclosure pursuant to the Executive Branch Lobbying Law, R.S. 49:71 through 78.

B. By December 15 of each year, the board shall provide a sample notice to the chairman of each state or statewide public retirement system to assist the chairman in his responsibility.

C. Within 15 days of the chairman's dissemination of the notice required in Subpart A, he shall provide to the board a copy of the notice distributed, as well as the name and address of each person to whom the notice was sent.

AUTHORITY NOTE: Promulgated in accordance with R.S. 42:1134(A).

HISTORICAL NOTE: Promulgated by the Department of Civil Service, Board of Ethics, LR 30:2688 (December 2004).

§1913. Executive Lobbying Registration/Renewal

EXECUTIVE LOBBYING REGISTRATION/ RENEWAL FOR THE YEAR OF _____ (Fill in year.)

Executive Lobbyist Registration No. _____

FOR OFFICE USE ONLY Postmark Date: _____

Instructions

- Print in ink or type.
• Complete form and return with \$110 registration fee to the Board of Ethics, 2415 Quail Dr., 3rd Floor, Baton Rouge LA 70808, or fax to (225) 763-8787. For information or assistance, call (225) 763-8777 or (800) 842-6630.
• Initial registrations must be submitted within 5 days of (1) employment as a lobbyist or (2) first action requiring registration. Registrations expire as of December 31 unless a renewal is submitted between December 1 and January 31.

1. NAME Last First MI

2. BUSINESS PHONE Area Code and Phone Number

3. FAX NUMBER

4. BUSINESS ADDRESS Street and No. City State Zip

MAILING ADDRESS Street and No. City State Zip

5. EMPLOYER

6. EMPLOYER'S ADDRESS Street and No. City State Zip

7. LIST BELOW (a) Names of persons, groups, or organizations which you represent; (b) the address of each such person, group, or organization you represent; (c) the type of business each is engaged in or the purpose or function of the organization or group; (d) whether or not the client or someone else pays you to lobby.

1. Name

Address

Business or purpose

Does this person pay you?

If No, who pays you?

**EXECUTIVE LOBBYING
REGISTRATION FORM**

Executive Lobbyist Registration No.

2. Name _____

Address _____

Business or purpose _____

Does this person pay you? _____

If No, who pays you? _____

3. Name _____

Address _____

Business or purpose _____

Does this person pay you? _____

If No, who pays you? _____

4. Name _____

Address _____

Business or purpose _____

Does this person pay you? _____

If No, who pays you? _____

CERTIFICATION OF ACCURACY

I hereby certify that the information contained herein is true and correct to the best of my knowledge, information, and belief; and that no information required by LSA-R.S. 49:71 et seq. has been deliberately omitted.

Signature of Lobbyist

ATTACH
2" x 2"
PHOTOGRAPH
HERE

**EXECUTIVE LOBBYING
REGISTRATION/RENEWAL
ATTACHMENT FORM**

Executive Lobbyist Registration No. _____

Instructions:

- Please make as many copies of this form as necessary in order to complete Question 7 of the Executive Lobbying Registration/Renewal Form.
- Fill in your Executive Lobbyist Registration No. in the space provided in the upper right hand corner of the page.
- Please identify each page with a page number and indicate the total number of pages being submitted.

1. Name _____

Address _____

Business or purpose _____

Does this person pay you? _____

If No, who pays you? _____

2. Name _____

Address _____

Business or purpose _____

Does this person pay you? _____

If No, who pays you? _____

3. Name _____

Address _____

Business or purpose _____

Does this person pay you? _____

If No, who pays you? _____

4. Name _____

Address _____

Business or purpose _____

Does this person pay you? _____

If No, who pays you? _____

Page _____ of _____

AUTHORITY NOTE: Promulgated in accordance with R.S. 42:1134(A).
HISTORICAL NOTE: Promulgated by the Department of Civil Service,

§1915. Executive Lobbying Supplemental Registration

Executive Lobbyist Registration No.

EXECUTIVE LOBBYING SUPPLEMENTAL REGISTRATION FORM

Instructions

- Print in ink or type. Complete form and return to Board of Ethics, 2415 Quail Dr., 3rd Floor, Baton Rouge LA 70808, or fax to (225) 763-8787. For information or assistance, call (225) 763-8777 or (800) 842-6630. No fee is required. This form must be submitted within 5 days of any changes in your registration form or to add employers or those you represent. It must be submitted within 10 days of any termination of employment or representations.

FOR OFFICE USE ONLY Postmark Date: _____

1. NAME Last First MI

NAME CHANGE Last First MI

2. BUSINESS PHONE (Area Code) Phone Number

3. FAX PHONE

4. BUSINESS ADDRESS Street and No. City State Zip

MAILING ADDRESS Street and No. City State Zip

5. EMPLOYER

6. EMPLOYER'S ADDRESS Street and No. City State Zip

7. Have you ceased or terminated all lobbying activities requiring registration? Yes No

8. LIST BELOW (a) Names of persons, groups, or organizations which you are adding or eliminating; (b) the address of each such person, group, or organization listed; (c) the type of business each is engaged in or the purpose or function of the organization or group; (d) whether or not the client or someone else pays you to lobby; and (e) the date of termination if applicable.

1) Name

Address

Business or purpose

New Representation Does this person pay you?

If No, who pays you?

Terminated Representation as of

**EXECUTIVE LOBBYING
SUPPLEMENTAL REGISTRATION FORM**

Executive Lobbyist Registration No. _____

2) Name _____

Address _____

Business or purpose _____

GNew Representation
Does this person pay you? _____

If No, who pays you? _____

GTerminated Representation as of _____

3) Name _____

Address _____

Business or purpose _____

GNew Representation
Does this person pay you? _____

If No, who pays you? _____

GTerminated Representation as of _____

CERTIFICATION OF ACCURACY

I hereby certify that the information contained herein is true and correct to the best of my knowledge, information, and belief; and that no information required by LSA-R.S. 49:71 et seq. has been deliberately omitted.

Signature of Lobbyist

AUTHORITY NOTE: Promulgated in accordance with R.S. 42:1134(A).
HISTORICAL NOTE: Promulgated by the Department of Civil Service,
Board of Ethics, LR 30:2692 (December 2004).

- 4) Name: _____ EXEC.ID.# _____
 Last First MI
- 5) Name: _____ EXEC.ID.# _____
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- 6) Name: _____ EXEC.ID.# _____
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- 7) Name: _____ EXEC.ID.# _____
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- 8) Name: _____ EXEC.ID.# _____
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- 9) Name: _____ EXEC.ID.# _____
 Last First MI
- 10) Name: _____ EXEC.ID.# _____
 Last First MI

Pursuant to LSA-R.S. 49:76G(2)(a), _____
 (name of employer or principal) is exercising the option of filing expenditure reports
 for all executive lobbying expenditures made of my/its behalf by persons representing
 my/its interests during the year of _____. I hereby certify that the information
 contained herein is true and correct to the best of my knowledge, information and
 belief; and that no information required by LSA-R.S. 49:71 et seq. has been
 deliberately omitted.

Signature of Employer/Principal or Representative

Print of Type Full Name

8. PROVIDE BELOW (a) the name of the state or statewide public retirement system; (b) the aggregate total of all expenditures attributable to the retirement system made during the January 1-June 30 reporting period; (c) the aggregate total of all expenditures attributable to the retirement system made during the July 1-December 31 reporting period when applicable; (d) the aggregate total of all expenditures made in a calendar year attributable to the retirement system.

- 1) a. Name of Retirement System: _____
b. Total of all expenditures made January 1 through June 30: \$ _____
c. Total of all expenditures made July 1 through December 31:\$ _____
(When applicable)
d. Total of all expenditures made during the calendar year: \$ _____
- 2) a. Name of Retirement System: _____
b. Total of all expenditures made January 1 through June 30: \$ _____
c. Total of all expenditures made July 1 through December 31:\$ _____
(When applicable)
d. Total of all expenditures made during the calendar year: \$ _____
- 3) a. Name of Retirement System: _____
b. Total of all expenditures made January 1 through June 30: \$ _____
c. Total of all expenditures made July 1 through December 31: \$ _____
(When applicable)
d. Total of all expenditures made during the calendar year: \$ _____

CERTIFICATION OF ACCURACY

I hereby certify that the information contained herein is true and correct to the best of my knowledge, information, and belief; that all reportable expenditures have been included herein; and that no information required by LSA-R.S. 42:1114.2 has been deliberately omitted.

Signature of Filer

Page _____ of _____

RULE

Board of Elementary and Secondary Education

Bulletin 110 **C**Technology Education Content Standards Curriculum Framework (LAC 28:LXXXI.Chapters 1-33)

In accordance with R.S. 49:950 et seq., the Administrative Procedure Act, the Board of Elementary and Secondary Education adopts *Bulletin 110 **C**Technology Education Content Standards Curriculum Framework*. Bulletin 110 will be printed in codified format as Part LXXXI of the Louisiana Administrative Code. The proposed Technology Education standards will assist teachers in preparing students for the workplace or further education.

Title 28

EDUCATION

Part LXXXI. Bulletin 110 **C**Technology Education Content Standards Curriculum Framework Subpart 1. Standards and Benchmarks

Chapter 1. General Provisions

§101. Purpose

A. Mission Statement. The mission of Technology Education in Louisiana is to cultivate the technological capabilities of students, to prepare them to comprehend and contribute to a technologically sophisticated society, and to foster and encourage professionalism of those engaged in this pursuit.

B. Intended Audience

1. The Louisiana Technology Education curriculum framework is to be used by a broad audience:

- a. technology education teachers;
- b. K-12 teachers;
- c. parents;
- d. school and district administrators;
- e. school board members;
- f. policy makers;
- g. Louisiana Department of Education staff;
- h. college/university faculty/administrators;
- i. business/industry leaders; and
- j. government agency staff.

2. The framework serves as a guide for curriculum and instruction and as a general reference to the concepts and skills taught within Louisiana Technology Education courses. The intended users of the framework include:

1. technology education teachers **C**o use in planning curriculum, instruction, and assessment;

2. K-12 teachers **C**o use in identifying ways to incorporate technology education/TSA concepts and skills into curricula;

3. parents **C**o use as a means of assessing the effectiveness of their children's technology education;

4. school and district administrators and school board members **C**o use as a vision for technology education and a basis for planning:

- a. resource allocations;
- b. materials purchases;
- c. local curriculum development;
- d. teachers' professional development; and
- e. facility planning;

5. policy makers and State Education staff **C**o use as a basis for developing:

- a. laws;
- b. policies;
- c. professional development activities/materials;
- d. assessment strategies; and
- e. funding priorities to support local program

development;

7. university faculty and administrators **C**o use as a basis for the content and design of pre-service and in-service teacher education programs and articulation agreements;

8. technical college faculty and administrators **C**o use as a basis for articulation agreements and program development; and

9. business/industry leaders and government agency staff to use as a basis for developing effective partnerships for supporting technology education programs and professional development.

C. How Teachers should Use this Part XCIII. This Subpart XCIII presents the standards and benchmarks appropriate for Louisiana's Technology Education programs. Local needs will determine the curriculum that should be taught within the local technology education programs. Although teachers will be able to use this framework to guide them in the restructuring of their curricula, this Subpart does not contain specific performance criteria that are essential in technology education. These specific assessment criteria must be developed at the local level.

D. Technology Defined

*Technology **C***he application of knowledge, resources, tools, and skills to solve particular problems and extend human capabilities for useful purposes.

*Technology Education **C***an integrated, experience-based program designed to:

a. prepare a population that is knowledgeable about technology-its evolution, systems, utilization of techniques, tools, materials and processes, and social and cultural significance.

b. foster creative thinking, decision making, problem solving, visualizing, knowing how to learn, and reasoning skills.

c. boost human capabilities and explore career opportunities and job seeking skills.

d. to apply basic skills of reading, writing, mathematics, listening, and speaking.

E. Technology Education Rationale

1. Technology Education is that segment of the total educational program that provides sequential learner-centered experiences designed to foster:

a. an understanding of self;

b. an understanding of the economic system and consumer awareness;

c. an understanding of the role of technology in our modern society;

d. an awareness of educational and occupational options;

e. an awareness of the managerial, social, historical, and cultural aspects of industry;

f. the development of career interests; and

g. the development of fundamental technical skills in the proper use of common industrial tools, materials, and processes.

2. Technology Education has the obligation to provide programs that:

- a. assist in the discovery and development of:
 - i. personal aptitudes;
 - ii. interests;
 - iii. creative technical problem-solving abilities;
 - iv. self-reliance;
 - v. sound judgment and resourcefulness; and

b. assist in the development of industrial and technological skills necessary for living in a technical society.

3. As a component in the total education program, Technology Education has the responsibility for providing programs that:

a. assist individuals in making informed and meaningful occupational choices in industry and technology;

b. provide occupational information and exploratory experiences pertaining to a broad range of occupations including training requisites, working conditions, salaries or wages, and other relevant information;

c. prepare students for enrollment in advanced career and technical education programs and lifelong learning.

E. Students in Louisiana's schools can benefit from Technology Education programs at both the elementary and secondary levels. Regardless of their gender, ability levels, or handicaps, all students can benefit from Technology Education activities which will assist them in preparing for adult roles in a complex technological society.

AUTHORITY NOTE: Promulgated in accordance with R.S. 6:(A)(10) and R.S. 17:10.
HISTORICAL NOTE: Promulgated by the Department of Education, Board of Elementary and Secondary Education, Career and Technical Education, LR 30:2699 (December 2004).

§103. Definitions
Academic Cross-Reference Ca reference to related academic content standards.

Applied Academics Ca method of teaching in which the instructor presents subject matter in a way that relates a particular academic discipline to personal workforce application.

Approved Program Ca career and technical program that offers at least four of the recommended courses for a career major-two of which must be at the competency level.

Articulation Ca the process of linking two or more educational systems to produce a smooth flow of students from one institution to another without experiencing delays, duplication of courses, or loss of credit.

Assessment Ca process through which evidence is gathered in a range of content areas to determine both a student's understanding and ability to apply that understanding.

Benchmark Ca broad statement of expected skills and knowledge that is used as a reference to develop curriculum and assess student progress.

Career Clusters Ca broad categories of occupations that form the basis for initial career exploration and discovery.

Career Major Ca specific course of study within a broader career cluster. (Example: Accounting within the Business cluster).

Career Path Ca plan of study that will enable a student upon graduation, to be employed or enter a postsecondary

school with a continuation of skills or course work already started at the high school level.

Career Plan Ca student's written plan for career and educational goals while in secondary school and beyond.

Competency Course Ca required course in a career major.

Content Standard Ca description of what a student should know and be able to do through subject matter, knowledge, proficiencies, etc., gained as a result of their education.

Cooperative Learning Ca instructional strategy used in many applied academic courses that involves learning in the context of sharing, responding, and communicating with other learners.

Curriculum Framework Ca outline of broad goals and standards of a system of education.

Focus Statement Ca statement describing the importance of a career major.

Foundation Skills Ca processes that are common to all areas and levels of education and are intended to suggest methods and objectives of instructional strategies.

High Schools That Work Ca process model developed by the Southern Regional Education Board (SREB) that focuses on applied learning, integration of academic and vocational content, and school-to-work transitions.

Integrated Ca refers to combining elements across the strands within a particular content area or framework.

Interdisciplinary Ca combining elements across content areas in the curriculum.

Lifelong Learning Ca the concept of continued education and training, formal and informal, throughout one's career.

Portfolios Ca personalized, sequential career planning journal designed to guide students through career development interests and aptitudes as they progress through school and beyond; including examples of student skill mastery.

Related Elective Course Ca an additional course offered to complement and enhance opportunities within a career major.

School-Based Learning Ca program of instruction based on career majors, designed to meet high academic and occupational skill standards, which involves counseling and career exploration, and periodic evaluation of academic strengths and weaknesses.

School-to-Work Transition Ca system that enables students to identify and navigate paths to productive and progressively more rewarding roles in the workplace that encompasses three components:

1. school-based learning;
2. connecting activities; and
3. work-based learning.

Skill Standard Ca the identification of the knowledge, skill, and level of ability needed to satisfactorily perform a given job.

Strands Ca concepts common to all content areas; strands are interrelated and should be integrated rather than taught in isolation.

Tech Prep Ca sequence of study beginning in high school and continuing through at least two years of postsecondary occupational education to prepare students for high skilled jobs that require more than a high school diploma.

Technology The application of knowledge, resources, tools, and skills to solve particular problems and extend human capabilities for useful purposes.

Technology Education Can integrated, experience-based instructional program designed to:

1. prepare a population that is knowledgeable about technology, its:
 - a. evolution;
 - b. systems;
 - c. utilization of techniques;
 - d. tools;
 - e. materials and processes; and
 - f. social and cultural significance;
2. foster:
 - a. creative thinking;
 - b. decision making;
 - c. problem solving;
 - d. visualizing;
 - e. knowing how to learn; and
 - f. reasoning skills;
3. boost human capabilities and explore career opportunities and job seeking skills;
4. to apply basic skills of:
 - a. reading;
 - b. writing;
 - c. mathematics;
 - d. listening; and
 - e. speaking.

Vocational Completer A student who successfully completes four courses in a career major:

1. two must be competency courses; and
2. two must be selected from the competency courses and/or identified related electives.

Work-Based Learning Integration of theoretical instruction with a planned program of job training or experiences, paid work experience, workplace mentoring, instruction in general work-place competencies, and updating elements that will engage student interest, develop positive work attitudes, and prepare youth for high-skill, high-wage careers.

Workplace Mentor Can employee at the workplace who possesses the skills to be mastered by a student, and who:

1. instructs the student;
2. critiques the student's performance;
3. challenges the student to perform well; and
4. works in consultation with classroom teachers and the employer.

AUTHORITY NOTE: Promulgated in accordance with R.S. 6:(A)(10) and R.S. 17:10.

HISTORICAL NOTE: Promulgated by the Department of Education, Board of Elementary and Secondary Education, Career and Technical Education, LR 30:2700 (December 2004).

Chapter 3. Goals

§301. All Grade Levels

A. In providing a sound program of Technology Education for Louisiana schools, clear goals are essential to serve as program guides. While the overriding goal of Technology Education is to assist students in developing toward successful adulthood through the development of their socio-economic awareness, their interests, their abilities, and their understanding of industry and technology and their potential as citizens, other supporting goals are:

1. to develop in each student an insight and understanding of industry and the free enterprise system and its relationship to society through a coordinated program of study focusing on the principles and practices of industry;

2. to assist students in developing their talents, aptitudes, interests, and potentials. A part of the school's responsibility is to assist each student in developing to their fullest potential;

3. to develop in each student an understanding of industrial processes, the practical application of scientific principles, and modern technology;

4. to develop problem-solving abilities related to the materials, processes, and products of industry. The problem-solving approach as applied in Technology Education involves creative thinking and gives the student an opportunity to apply principles and processes of the scientific method, along with supporting activities, to the solution of problems;

5. to develop in each student skills in the proper and safe use of the tools, materials, and machines common to industrial processes. These skills are acquired through planning, construction, and production activities centered around industrial-technical processes and products;

6. to develop in each student attitudes toward career opportunities that will enhance their chances of success as they progress through the career preparation process, to the end that they are able to make informed career decisions resulting in satisfactory and rewarding job selection.

B. Depending on their content and focus, the goals in Paragraphs 1-6 above are applicable to all grade levels (K-12), to adult programs, and to all segments of the student population including, but not limited to, the gifted, the slow learner, and the handicapped. Technology Education programs should be an articulated set of offerings in both vertical and horizontal directions. This will ensure reasonable content progression and program focus.

AUTHORITY NOTE: Promulgated in accordance with R.S. 6:(A)(10) and R.S. 17:10.

HISTORICAL NOTE: Promulgated by the Department of Education, Board of Elementary and Secondary Education, Career and Technical Education, LR 30:2701 (December 2004).

§303. Elementary Grade Level

A. Technology Education at the elementary grades shall consist of basic industrial and technological problem-solving activities which are appropriate to learning experiences of all elementary school children. Each child can benefit from gaining a clearer understanding of our industrial-technological society. Activities involving the use of tools, materials, and processes should be integrated within the basic curriculum of the elementary school.

B. Specific goals are to develop in the students:

1. an occupational awareness and a positive self-image of themselves as workers;
2. problem-solving abilities;
3. technical awareness;
4. creative abilities and basic skills associated with tools, materials, and processes.

a. Such activities can contribute to the development of logical reasoning powers, psychomotor skills, and cooperative work traits.

AUTHORITY NOTE: Promulgated in accordance with R.S. 6:(A)(10) and R.S. 17:10.

HISTORICAL NOTE: Promulgated by the Department of Education, Board of Elementary and Secondary Education, Career and Technical Education, LR 30:2701 (December 2004).

§305. Middle and Junior High Grade Level

A. Technology Education at the middle/junior high grades should provide a variety of laboratory and classroom experiences with an emphasis on orientation and exploration. The curriculum develops students' aptitudes, abilities, and interests, while at the same time develops their appreciation for technical knowledge. Through "hands-on" experiences, students learn about industry and are thereby provided with the skills useful in making informed and meaningful occupational choices.

B. Three primary goals are:

1. to develop in each student technical competencies, concepts, and basic skills common to industrial-technical materials and processes;

2. to develop in each student an awareness of industry and technology and its effect on a changing, evolving society; and

3. to provide each student with an opportunity to explore:

- a. construction;
- b. manufacturing;
- c. communication;
- d. transportation; and
- e. other related clusters of industrial activity.

C. Technology Education programs at the middle/junior grades provide students with the opportunity to explore in a "hands-on" way many of the occupational areas associated with industry. This type of activity can be invaluable as students seek to determine those areas that are consistent with their interests and abilities.

AUTHORITY NOTE: Promulgated in accordance with R.S. 6:(A)(10) and R.S. 17:10.

HISTORICAL NOTE: Promulgated by the Department of Education, Board of Elementary and Secondary Education, Career and Technical Education, LR 30:2702 (December 2004).

§307. Senior High Level

A. Technology Education at the senior high school level provides concentrated and somewhat specialized technical courses designed to meet the industrially-related consumer needs of secondary students as well as preparing students for enrollment in advanced vocational-technical programs. High school programs may use combinations of general and unit organization as a part of their delivery system. At this level elective options are important because they help students to expand career awareness, technological literacy, consumer skills, and skills and knowledge related to the world of work. Such options play a significant role in assisting students in making job-related decisions as they progress through the formal education system. Students in the upper grades evidence a wide range of interests, abilities, and life goals. With this in mind, designers of Technology Education programs must provide courses that attempt to address the widest possible range of students' needs and interests. In the Technology Education program, not all students will study the same depth or type of content. For example, courses and content may be tailored to a student who may be involved in advanced career-technical training as a portion of the regular high school program.

B. Technology Education at the high school level will address the following types of student needs:

1. to provide basic instruction to meet the needs of three basic groups of students:

a. the elective student who seeks to explore more deeply the career, cultural, and consumer aspects of American industry;

b. those students who will pursue advanced education in areas of career, technical, industrial education, and the applied sciences; and

c. the reluctant learner, the prospective dropout, the culturally unique, and those students who may be entering the labor force either prior to normal graduation or immediately thereafter;

2. to provide the students with practical and realistic learning situations that simulate the industrial and technical world of work;

3. to develop in all students those attitudes and attributes that will assist them in becoming productive members of our technical society.

AUTHORITY NOTE: Promulgated in accordance with R.S. 6:(A)(10) and R.S. 17:10.

HISTORICAL NOTE: Promulgated by the Department of Education, Board of Elementary and Secondary Education, Career and Technical Education, LR 30:2702 (December 2004).

Chapter 5. Career Clusters

Subchapter A. Course Offerings

§501. Introduction

A. The course title listing in this Chapter 5 utilizes course title terminology that is descriptive of the courses and has achieved general acceptance on both regional and national levels. The minimum and maximum time specifications provided for in the clusters recognize that in grades 6-8 Technology Education experiences should be of a broad exploratory nature. It further recognizes that time use configurations at those grade levels often makes 36-week elective courses impractical. Where a full 36-week block of time is available, two or more clusters of up to 18 weeks each should be scheduled. The six-week time minimum recognizes that it is very difficult to develop a meaningful program that utilizes a smaller time frame. Where possible, all of the cluster areas listed should be available so that students will have an opportunity to explore the widest possible range of material. The "General Technology Education" course listed for grades 9-12 is specified as a prerequisite to all unit programs except the drafting sequence. It is felt that if students reach this point and have either a limited number of elective hours available or are beginning the first of many Technology Education courses, a good foundation course is essential. By providing basic skills and knowledge in a course that cuts across other unit courses, repetition can be minimized and more time devoted to technical content.

AUTHORITY NOTE: Promulgated in accordance with R.S. 6:(A)(10) and R.S. 17:10.

HISTORICAL NOTE: Promulgated by the Department of Education, Board of Elementary and Secondary Education, Career and Technical Education, LR 30:2702 (December 2004).

Subchapter B. Technology Education Implementation and Operation

§503. Purpose and Requirements

A. Technology Education (TE) is:

1. an instructional program that provides students (grades 6-12) with hands-on exploratory experiences and insights into technology and career opportunities so that they can make meaningful occupational and educational choices;

2. a program that can help the student to:
- a. become technologically literate;
 - b. develop an understanding of economic development; and
 - c. adjust to the changing environment;

3. an articulated, integral part of the total academic and vocational education program with emphasis in safety and the use of tools, equipment and materials. Technology Education programs in Louisiana follow the standards for Technology Education programs as developed by the United States Department of Education.

B. The instructional content of Technology Education is drawn from the areas of communication; manufacturing; construction; and power, energy, and transportation. The program assists students in developing understanding and application of:

- 1. academic and technological concepts, processes, and systems;
- 2. applying tools, materials, machines, processes, and technical concepts safely and efficiently;
- 3. developing technological skills in technology; and
- 4. simulated laboratory instruction.

C. A Technology Education program shall be from the job cluster areas of:

- 1. communication;
- 2. manufacturing;
- 3. construction; and
- 4. power, energy, and transportation.

D. It is the responsibility of the local school system to select the appropriate cluster(s) to be implemented. A minimum of four units is required for each cluster as follows.

1. The first course in each cluster shall be General Technology Education or Basic Technical Drafting. It is recommended that the first course be General Technology Education.

2. The second and third courses shall be a Basic Technology Education course, followed by an Advanced Technology Education course listed in the course options of the cluster.

3. The fourth course shall be an elective from any of the Technology Education offerings.

E. Technology Education shall be integrated at the most appropriate grade level to best serve the needs of the school. A Technology Education teacher has a certification in Industrial Arts. Schools with two or less full-time Technology Education teachers may offer required courses on an alternating basis in order to meet the requirements for program approval.

F. An approved Technology Education program may consist of a combination of two Technology Education courses and one or two Trade and Industrial Education courses. Technology Education courses would articulate with Trade and Industrial Education courses to create a career path program that would lend itself to Trade and Technical career clusters such as:

- 1. air conditioning and refrigeration;

- 2. automotive technology;
- 3. construction;
- 4. communications;
- 5. computer technology;
- 6. drafting and design technology; and
- 7. etc.

G. Program options for the Trade and Technical career clusters in Technology Education cannot be listed because of the vast range of possibilities within a local system. However, any local education governing agency desiring to offer a combined Technology Education/Trade and Industrial program shall first have the program approved by the Division of Family, Career and Technical Education, State Department of Education (SDE).

AUTHORITY NOTE: Promulgated in accordance with R.S. 6:(A)(10) and R.S. 17:10.

HISTORICAL NOTE: Promulgated by the Department of Education, Board of Elementary and Secondary Education, Career and Technical Education, LR 30:2702 (December 2004).

§505. Communication Technology

A. Communication Technology is designed to provide students with the opportunity to explore the fundamentals of message design, production, and transmission using audio, visual, and audio-visual methods. Included in the activities are career exploration in:

- 1. manual and computer-aided drafting;
- 2. drafting;
- 3. graphic arts;
- 4. photography;
- 5. electronic communications; and
- 6. computer utilization.

B. Course Options

Course Options I	Units
Basic Technical Drafting	1
Advanced Technical Drafting	1
Architectural Drafting	1
Technology Education Elective	1
Course Options II	Units
General Technology Education or Basic Technical Drafting	1
Communication Technology	1
Physics of Technology I & II	1
Technology Education Elective	1
Course Options III	Units
General Technology Education or Basic Technical Drafting	1
Basic Electricity/Electronics	1
Advanced Electricity/Electronics	1
Technology Education Elective	1

AUTHORITY NOTE: Promulgated in accordance with R.S. 6:(A)(10) and R.S. 17:10.

HISTORICAL NOTE: Promulgated by the Department of Education, Board of Elementary and Secondary Education, Career and Technical Education, LR 30:2703 (December 2004).

§507. Manufacturing Technology

A. Manufacturing Technology is designed to provide students with information and skills concerning manufacturing processes, organizations, and occupations. It utilizes a variety of materials, computers, robots, tools, and processes needed to simulate the manufacturing industry. It further provides learning and leadership experiences that give the students a current look at the important industrial and technical concepts of today and tomorrow.

Course Options I		Units
General Technology Education or Basic Technical Drafting		1
Basic Metal Technology		1
Advanced Metal Technology or Materials and Processes		1
Technology Education Elective		1
Course Options II		Units
General Technology Education or Basic Technical Drafting		1
Basic Metal Technology		1
Welding Technology		1
Technology Education Elective		1
Course Options III		Units
General Technology Education or Basic Technical Drafting		1
Basic Metal Technology		1
Manufacturing Technology		1
Technology Education Elective		1

AUTHORITY NOTE: Promulgated in accordance with R.S. 6(A)(10) and R.S. 17:10.

HISTORICAL NOTE: Promulgated by the Department of Education, Board of Elementary and Secondary Education, Career and Technical Education, LR 30:2703 (December 2004).

§509. Construction Technology

A. Construction Technology is designed to provide the student with the opportunity to gain a more in-depth understanding of the construction industry and explores construction occupations. It provides construction concepts and activities that simulate management and production practices as they currently relate to the construction industry and other technology areas.

Course Options I		Units
General Technology Education or Basic Technical Drafting		1
Basic Wood Technology		1
Advanced Wood Technology or Materials and Processes		1
Technology Education Elective		1
Course Options II		Units
General Technology Education or Basic Technical Drafting		1
Architectural Drafting		1
Construction Technology		1
Technology Education Elective		1
Course Options III		Units
General Technology Education or Basic Technical Drafting		1
Basic Wood Technology		1
Construction Technology		1
Technology Education Elective		1

AUTHORITY NOTE: Promulgated in accordance with R.S. 6(A)(10) and R.S. 17:10.

HISTORICAL NOTE: Promulgated by the Department of Education, Board of Elementary and Secondary Education, Career and Technical Education, LR 30:2704 (December 2004).

§511. Energy, Power, and Transportation Technology

A. Energy, Power, and Transportation Technology is an overview of the exciting field of the transportation industry. It emphasizes the utilization of power and energy and how these systems are related to transportation technology. The student will have experience with power trainers and small engines and will research the future trends and environmental impact of laser, nuclear, and solar energy.

Course Options I		Units
General Technology Education or Basic Technical Drafting		1
Power Mechanics		1
Physics of Technology I		1
Technology Education Elective		1

Course Options II		Units
General Technology Education or Basic Technical Drafting		1
Power Mechanics		1
Energy, Power, and Transportation		1
Technology Education Elective		1
Course Options III		Units
General Technology Education or Basic Technical Drafting		1
Energy, Power, and Transportation		1
Physics of Technology I & II		1
Technology Education Elective		1

AUTHORITY NOTE: Promulgated in accordance with R.S. 6(A)(10) and R.S. 17:10.

HISTORICAL NOTE: Promulgated by the Department of Education, Board of Elementary and Secondary Education, Career and Technical Education, LR 30:2704 (December 2004).

Subchapter C. Exploratory Technology Education and Curriculum Overview

§523. Grades 6-8

A. Purpose and Scope

1. The technology systems of communication, manufacturing, construction, transportation, and modular technology make up the curriculum direction for the Exploratory Technology Education Program. Each school will integrate the technology education program at the most appropriate grade level to best serve the needs of the local school body, school, and community.

2. All Exploratory Education courses are taught in a one-period block of time, with each of the technology systems being designed to articulate with courses offered in comprehensive high schools (e.g., math, science, agriculture, and family and consumer sciences). Interdisciplinary education is vital to the success of Technology Education Programs.

B. Exploratory Technology Education I. The first exploratory technology education course in which a student participates is identified as the Exploratory Technology Education I course. This course may be offered as a nine-week, 18-week, or 36-week course and is recommended for grade 6.

1. System Options
 - a. Communication
 - b. Manufacturing
 - c. Construction
 - d. Transportation
 - e. Modular Technology

C. Exploratory Technology Education II. Two of the four technology systems are to be implemented for a period of 18 weeks each. It is the responsibility of the local school/program to select which two systems to implement for grade 7.

1. System Options
 - a. Communication
 - b. Manufacturing
 - c. Construction
 - d. Transportation
 - e. Modular Technology

D. Exploratory Technology Education III. Each school program will implement the remaining two technology systems not implemented in the previous technology education course. This level is optional, as some schools may not have appropriate time periods for implementation for grade 8.

1. System Options
 - a. Communications
 - b. Manufacturing
 - c. Construction
 - d. Transportation
 - e. Modular Technology

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Chapter 7. Course Offerings

NOTE: Technology Education courses shall be taught in sequence as outlined in Bulletin 741. Safety must be taught in all courses. Refer to Bulletin 1674 for safety information.

Subchapter A. Middle School

§701. Middle School Exploring Technology Education

A. Middle School Exploring Technology Education course offerings shall be as follows.

Course Title	Received Grade Level	Unit(s)
Manufacturing Technology	6-8	1
Construction Technology	6-8	1
Communication Technology	6-8	1
Transportation Technology	6-8	1
Modular Technology	6-8	1

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Subchapter B. Senior High School Technology Education

§711. Senior High School

A. Senior High School Technology Education course offerings shall be as follows.

Course Title	Received Grade Level	Unit(s)
General Technology Education	9-12	1
Basic Wood Technology	9-12	1
Advanced Wood Technology	10-12	1
Communication Technology	9-12	1
Construction Technology	10-12	1
Cooperative Technology Education	12	3
Basic Electricity/Electronics	9-12	1
Advanced Electricity/Electronics	10-12	1
Basic Metal Technology	9-12	1
Advanced Metal Technology	10-12	1
Welding Technology	10-12	1
Energy, Power, and Transportation Technology	9-12	1
Power Mechanics	9-12	1
Manufacturing Technology	9-12	1
Basic Technical Drafting	9-12	1/2
Advanced Technical Drafting	10-12	1
Architectural Drafting	10-12	1
Physics of Technology I & II	11-12	1
Materials and Processes	10-12	1
Technology Education Computer Applications	9-12	1
Technology Elective I & II	9-12	1/2, 1 and 2
Technology Internship I	11-12	2
Technology Internship II	12	2

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Subchapter C. Philosophy and Curriculum

§721. Philosophy and Curriculum Structure

A. Technology Education is a practical, activity-oriented, laboratory-based program for all high school students. It is an integrated curriculum encompassing knowledge and skills across technology systems, with emphasis on new and emerging technology.

B. Technology programs are designed to provide high school students with a broad base of knowledge and flexibility needed to function efficiently in a technological society.

C. As future leaders, students need an understanding of technology to enable them to make informed decisions that will improve society and protect the environment.

D. The knowledge needed for making future judgments of technology requires lifelong learning skills, which are acquired through a continuous process of applying new knowledge to unique problems.

E. Technology teaches critical-thinking skills through the use of problem-solving techniques.

F. Technology programs enable all high school students to learn about the technology that affects their lives.

G. Technology Education programs provide high school students with the basis for making wise career choices and developing career plans/paths.

H. Technology Education is designed as a fundamental component of the curriculum for all high school students.

I. Career-technical performance standards and model curriculum integrated performance activities for Technology Education are presented in this Part XCIII.

J. Technology Education provides students with the opportunity to explore, research, and shadow careers related to their interests. This will encourage them to become more productive workers, responsible citizens, and create marketable employees to meet the needs of industry.

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Chapter 9. School-to-Work

§901. School-to-Work Transition

A. The School-to-Work Opportunities Act establishes a national framework to broaden the educational, career, and economic opportunities for all youth through partnerships between businesses, schools, community-based organizations, and state and local governments.

1. Workplaces become active learning environments.

2. Employers become joint partners with educators to train students.

3. Schools challenge students to higher academic and skill standards.

B. School-to-work opportunities grow from strong partnerships at the state and local community level that design and implement systems tailored to meet specific needs. School-to-work systems contain three core elements:

1. school-based learning;

2. work-based learning; and
3. connecting activities.

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§903. Workplace Skills Education and Training

A. Strategies for better educating students for the workplace include:

1. career research and information beginning in early grades;
2. applied academic courses that present subject matter in a way that connects abstract knowledge to workplace applications using cooperative learning strategies;
3. integration of vocational and academic subjects;
4. counseling and career pathways to focus students in their choice of courses to study;
5. articulation between secondary and postsecondary education;
6. collaborative partnerships between education, business, labor, and communities in the total education experience of students; and
7. integration of school-based and work-based learning through:
 - a. vocational cooperative programs provides school-supervised work experiences;
 - b. apprenticeships on-the-job training and related instruction;
 - c. career academies (school within a school) integrates academic and vocational courses and provides workplace learning in a particular career focus area;
 - d. job shadowing provides information about a job or position through the student following or "shadowing" a worker for a short period of time;
 - e. job mentoring provides more specific job information and actual work experience as a student is assigned to an adult worker (mentor) who models workplace behavior, skills, and training in a one-to-one relationship;
 - f. school-based enterprises work simulation within the school in the form of stores, print shops, child care centers, etc., operated by the students;
 - g. work simulation provides work experience either in the classroom or in the community through simulated work experiences;
 - h. volunteer service programs provides the opportunity to gain employability and work skills outside the classroom through experiences in developing and improving the community; and
 - i. vocational student organizations provides work-based experiences for students through formalized events, demonstrations, volunteer work, and leadership training.

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Chapter 11. Information Literacy Model

§1101. Information Literacy Model for Lifelong Learning

A. Students must become competent and independent users of information to be productive citizens of the twenty-first century. They must be prepared to live in an information-rich and changing global society. Due to the rapid growth of technology, the amount of information available is accelerating so quickly that teachers are no longer able to impart a complete knowledge base in a subject area. In addition, students entering the workforce must know how to access information, solve problems, make decisions, and work as part of a team. Therefore, information literacy, the ability to recognize an information need, and then locate, evaluate, and use the needed information, is a basic skill essential to the twenty-first century workplace and home. Information-literate students are self-directed learners who, individually or collaboratively, use information responsibly to create quality products and to be productive citizens. Information literacy skills must not be taught in isolation; they must be integrated across all content areas, utilizing fully the resources of the classroom, the school library media center, and the community. The information literacy model for lifelong learning is a framework that teachers at all levels can apply to help students become independent, lifelong learners.

1. **Defining/Focusing.** The first task is to recognize that an information need exists. Students make preliminary decisions about the type of information needed based on prior knowledge.

2. **Selecting Tools and Resources.** After students decide what information is needed, they then develop search strategies for locating and accessing appropriate, relevant sources in:

- a. the school library media center;
- b. community libraries and agencies;
- c. resource people; and
- d. others as appropriate.

3. **Extracting and Recording.** Students examine the resources for readability, currency, usefulness, and bias. This task involves:

- a. skimming or listening for key words;
- b. "chunking";
- c. reading;
- d. finding main ideas; and
- e. taking notes.

4. **Processing Information.** After recording information, students must examine and evaluate the data in order to utilize the information retrieved. Students must interact with the information by categorizing, analyzing, evaluating, and comparing for bias, inadequacies, omissions, errors, and value judgments. Based on their findings, they either move on to the next step or do additional research.

5. **Organizing Information.** Students effectively sort, manipulate, and organize the information that was retrieved. They make decisions on how to use and communicate their findings.

6. Presenting Findings. Students apply and communicate what they have learned, e.g.:

- a. research report;
- b. project;
- c. illustration;
- d. dramatization;
- e. portfolio;
- f. book report;
- g. map;
- h. oral/audiovisual presentation;
- i. game;
- j. bibliography;
- k. hyper stack.

7. Evaluating Efforts. Throughout the information problem-solving process, students evaluate their efforts. This assists students in determining the effectiveness of the research process. The final product may be evaluated by the teacher and also other qualified or interested resource persons.

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Chapter 13. Foundation Skills

§1301. Louisiana Content Standards Foundation Skills

NOTE: Within this Part XCIII, the foundation skills are listed numerically in parentheses after each benchmark.

A. The Louisiana Content Standards Task Force has developed the following foundation skills which should apply to all students in all disciplines.

1. Communication **C**a process by which information is exchanged and a concept of *meaning* is created and shared between individuals through a common system of symbols, signs, or behavior. Students should be able to communicate clearly, fluently, strategically, technologically, critically, and creatively in society and in a variety of workplaces. This process can best be accomplished through use of the following skills:

- a. reading;
- b. writing;
- c. speaking;
- d. listening;
- e. viewing; and
- f. visually representing.

2. Problem Solving **C**he identification of an obstacle or challenge and the subsequent application of knowledge and thinking processes, which include reasoning, decision making, and inquiry in order to reach a solution using multiple pathways, even when no routine path is apparent.

3. Resource Access and Utilization **C**he process of identifying, locating, selecting, and using resource tools to help in analyzing, synthesizing, and communicating information. The identification and employment of appropriate tools, techniques, and technologies are essential to all learning processes. These resource tools include:

- a. pen, pencil, paper;
- b. audio/video materials;
- c. word processors;
- d. computers;
- e. interactive devices;
- f. telecommunications; and

g. other emerging technologies.

4. Linking and Generating Knowledge **C**he effective use of cognitive processes to generate and link knowledge across the disciplines and in a variety of contexts. In order to engage in the principles of continual improvement, students must be able to transfer and elaborate on these processes. *Transfer* refers to the ability to apply a strategy or content knowledge effectively in a setting or context other than that in which it was originally learned. *Elaboration* refers to monitoring, adjusting, and expanding strategies into other contexts.

5. Citizenship **C**he application of the understanding of the ideals, rights, and responsibilities of active participation in a democratic republic that includes:

- a. working respectfully and productively together for the benefit of the individual and the community;
- b. being accountable for one's civil, constitutional, and statutory rights; and
- c. mentoring others to become productive citizens and lifelong learners.

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Chapter 15. International Technology Education Association Standards

§1501. Standards for Technological Literacy/Content for the Study of Technology

A. Introduction

1. Standards for Technological Literacy: Content for the Study of Technology (Technology Content Standards) was published by the International Technology Education Association (ITEA) and its Technology for All Americans Project (TfAAP) in April 2000. It defines what students should know and be able to do in order to be technologically literate and provides standards that prescribe what the outcomes of the study of technology in grades K-12 should be.

2. The International Technology Education Association (ITEA) Content Standards have been found to be strands that are intertwined throughout the Louisiana Technology Education Content Standards. Both sets of standards parallel each other and establish the requirements for technological literacy.

3. Technology Content Standards will help ensure that all students receive an effective education about technology by setting forth a consistent content for the study of technology.

4. Within this Part XCIII, the appropriate ITEA standards are cross-referenced to the Louisiana Technology Education Standards.

B. Why Technology Content Standards are Important

1. Technology literacy enables people to develop knowledge and abilities about human innovation in action.

2. Technology Content Standards establishes the requirements for technological literacy for all students-kindergarten through grade 12.

3. Technology Content Standards provides qualitative expectations of excellence for all students.

4. Effective democracy depends on all citizens participating in the decision-making process. Because so

many decisions involve technological issues, all citizens need to be technologically literate.

5. A technologically literate population can help our nation maintain and sustain economic progress.

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§1503. International Technology Education Association

Content Standards

A. The Nature of Technology

1. Standard 01. Students will develop an understanding of the characteristics and scope of technology.

2. Standard 02. Students will develop an understanding of the core concepts of technology.

3. Standard 03. Students will develop an understanding of the relationships among technologies and the connections between technology and other fields of study.

B. Technology and Society

1. Standard 04. Students will develop an understanding of the cultural, social, economic, and political effects of technology.

2. Standard 05. Students will develop an understanding of the effects of technology on the environment.

3. Standard 06. Students will develop an understanding of the role of society in the development and use of technology.

4. Standard 07. Students will develop an understanding of the influence of technology on history.

C. Design

1. Standard 08. Students will develop an understanding of the attributes of design.

2. Standard 09. Students will develop an understanding of engineering design.

3. Standard 10. Students will develop an understanding of the role of:

- a. troubleshooting;
- b. research and development;
- c. invention and innovation; and
- d. experimentation in problem solving.

D. Abilities of a Technological World

1. Standard 11. Students will develop abilities to apply the design process.

2. Standard 12. Students will develop abilities to use and maintain technological products and systems.

3. Standard 13. Students will develop abilities to assess the impact of products and systems.

E. The Designed World

1. Standard 14. Students will develop an understanding of and be able to select and use medical technologies.

2. Standard 15. Students will develop an understanding of and be able to select and use agricultural and related biotechnologies.

3. Standard 16. Students will develop an understanding of and be able to select and use energy and power technologies.

4. Standard 17. Students will develop an understanding of and be able to select and use information and communication technologies.

5. Standard 18. Students will develop an understanding of and be able to select and use transportation technologies.

6. Standard 19. Students will develop an understanding of and be able to select and use manufacturing technologies.

7. Standard 20. Students will develop an understanding of and be able to select and use construction technologies.

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Chapter 17. Content Standards

§1701. Middle School Standards

A. Technology education content standards for middle schools are as follows.

1. M1. Explore areas of the manufacturing process from research and development to marketing the product.

2. M2. Explore areas of the construction industry from planning to completion of light, heavy, industrial, and civil construction.

3. M3. Communicate ideas and information through experiences in the:

- a. drafting;
- b. design;
- c. printing;
- d. photography;
- e. telecommunications; and
- f. computers.

4. M4. Explore transportation technology, past, present, and future, and be able to discuss the selection and uses of transportation technologies.

5. M5. Develop an understanding of various technology systems through modular computer assisted instruction.

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§1703. High School Standards

A. Technology education content standards for high school shall accomplish the following:

1. provide students with the opportunity to explore various technical careers through contemporary and/or modular Technology Education activities;

2. understand and apply the basic concepts that are common to the broad field of technical drawing;

3. prepare detailed drawings including:

- a. developments;
- b. intersections;
- c. charts;
- d. diagrams;
- e. threads;
- f. fasteners;
- g. descriptive geometry;

- h. auxiliary;
 - i. revolutions;
 - j. CAD; and
 - k. specialized areas;
4. demonstrate the ability to complete a set of working drawings for home construction;
 5. communicate ideas and information through experiences dealing with:
 - a. drafting;
 - b. design;
 - c. printing;
 - d. photography;
 - e. telecommunication; and
 - f. computers.
 6. understand and apply the principles of electricity and electronics through laboratory learning experiences.
 7. develop a career interest in electronics through course content centered around:
 - a. semiconductor devices;
 - b. application of digital electronics;
 - c. computers; and
 - d. communication circuits;
 8. explore all areas of the manufacturing process from research and development to marketing the final product;
 9. develop an understanding of industrial materials and how they are processed to increase their value. Emphasis will be placed on proper materials selection for particular products and appropriate manufacturing processes;
 10. develop an understanding of the seven major fields of basic metals:
 - a. bench metal;
 - b. sheet metal;
 - c. art metal;
 - d. ornamental metal;
 - e. forging;
 - f. casting; and
 - g. welding;
 11. be able to use the tool instruments and machines in the metalwork advanced lab of the following areas:
 - a. sheet metal;
 - b. metallurgy;
 - c. casting;
 - d. welding;
 - e. machining;
 - f. material testing;
 - g. finishing; and
 - h. safety;
 12. develop an understanding of traditional concepts in welding and demonstrate proficiency in:
 - a. fusion process;
 - b. components;
 - c. weld testing and inspection; and
 - d. automated welding systems;
 13. develop an understanding of the construction industry from the initial planning stage to completion of light, heavy, industrial, and civil construction;
 14. explore the fundamentals of woodworking, beginning with hand tool experiences and processing into the study and use of modern power tools and machines;
 15. develop an understanding of the advance practices utilized in the manufacture of wood products;

16. develop an understanding of the various power, energy and transportation systems and the technological, environmental, and societal impacts associated with them; and

17. provide students with the opportunity for in-depth exploration of the field of power mechanics, of the various power conversion and generator systems, and the productive utilization of those systems.

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Chapter 19. Strands

§1901. Technology Education Strands

A. *Strands*—The categories within particular content areas, which may vary from discipline to discipline. *Strands* are interrelated, and should be integrated rather than taught in isolation.

B. The following are strands that are found throughout the course offerings in Technology Education.

1. Technology Student Association (TSA). The mission of the Technology Student Association is to prepare our membership for the challenges of a dynamic world by promoting technological literacy, leadership, and problem solving, resulting in personal growth opportunities.

2. Safety. All Technology Education courses demand the safe use of tools and equipment. Personal safety is emphasized through this content area. Course safety rules are referenced to OSHA safety regulations and standards.

3. Communication Skills. Reading, writing, speaking, and listening activities are incorporated throughout the technology education curriculum.

4. Science Skills. Physical science, physics and chemistry, biology, all of these sciences have a place in Technology Education. The practical application of science is a common objective in all technical education courses.

5. Mathematics Skills. Technology Education courses emphasize the practical application of mathematics skills. Measuring, calculating, and problem solving are common activities in technology courses.

6. Career Paths. Technology Education offers a definite path for a student to follow including job seeking skills. Occupational clusters are offered in many skill areas.

7. SCANS Skills. The know-how identified by SCANS (Secretary's Commission on Achieving Necessary Skills) is made up of five workplace competencies and a three-part foundation of skills and personal qualities that are needed for solid job performance.

8. Workplace Competencies. Effective workers can productively use:

- a. resources. They know how to allocate:
 - i. time;
 - ii. money;
 - iii. materials;
 - iv. space; and
 - v. staff;
- b. interpersonal skills. They can:
 - i. work on teams;
 - ii. teach others;
 - iii. serve customers;
 - iv. lead;

- v. negotiate; and
 - vi. work well with people from culturally diverse backgrounds;
 - c. information. They can:
 - i. acquire and evaluate data;
 - ii. organize and maintain files;
 - iii. interpret and communicate; and
 - iv. use computers to process information;
 - d. systems. They:
 - i. understand social, organization, and technological systems;
 - ii. can monitor and correct performance; and
 - iii. can design or improve systems;
 - e. technology. They can:
 - i. select equipment and tools;
 - ii. apply technology to specific tasks; and
 - iii. maintain and troubleshoot equipment;
9. Foundation Skills. Competent workers in the high-performance workplace need:
- a. basic skills:
 - i. reading;
 - ii. writing;
 - iii. mathematics;
 - iv. speaking; and
 - v. listening;
 - b. thinking skills. The ability to:
 - i. learn;
 - ii. reason;
 - iii. think creatively;
 - iv. make decisions; and
 - v. solve problems;
 - c. personal qualities:
 - i. individual responsibility;
 - ii. self-esteem and self-management;
 - iii. sociability; and
 - iv. integrity.

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Chapter 21. Academic Standards and Benchmarks

§2101. Purpose

A. Standards and benchmarks provide a framework for local curriculum development. A school district's physical facilities, available equipment, resources, and community and business support are only a few of the factors that make the system unique and determine the curriculum offered.

B. In using this framework to develop curriculum, a *standard* is the major outcome of a course, and *benchmarks* are the goals for obtaining that outcome. Local systems will select the career majors to be offered, the courses offered in these majors, and create the objectives and activities that teachers will use to direct their instruction to reach the benchmarks for the selected courses. This procedure will allow local systems to structure curriculum to meet the needs of their students, schools, and communities while remaining consistent with the overall framework for the entire state.

C. Local systems will use the career majors as a guide to select the courses that will be offered for each major. Not all career majors or all courses listed with the major in this framework must be offered locally. Employment

opportunities and postsecondary education availability in the local area should be considered as curriculum is developed.

D. To be identified as a vocational completer, a student must successfully complete four courses in the career major—two of which must be competency courses. The other two courses must be selected from the competency courses and/or related elective courses identified in the career major.

E. Following each career major are the content standards that relate to the major. The standards identify what students should know and be able to do. In the column beside each standard are benchmarks that identify specific skills and knowledge and serve as points of reference to gauge student progress toward achievement of standards. Benchmarks set the direction of instruction.

F. Academic Content Standards Cross-References

1. Cross-references to academic content standards reinforce the integration of academic and technology skills. English language arts, mathematics, social studies, and science academic standards are cross-referenced in the third column beside each Technology Education standard. The referenced academic standards are listed in full in Subpart 3, Appendices.

a. See Subpart 3, Chapter 27 for detailed referenced Academic Content Standards.

2. Codes used in the table to identify the academic standards are given as follows.

English Language Arts **CELA**

Standard number is given, then benchmark number

Example: ELA1-M1 (Standard one, Benchmark Middle School Number One)

Mathematics

Strand letter is given, then benchmark number

N Number and Number Relations Strand

A Algebra Strand

M Measurement Strand

G Geometry Strand

D Data, Discrete Math, and Probability Strand

P Patterns, Relations, and Functions Strand

Social Studies

Strand letter is given, then benchmark letter and number

G Geography Strand

C Civics Strand

E Economics Strand

H – History Strand

Science

Strand letter is given, then benchmark letter and number

S Science as Inquiry Strand

P Physical Science Strand

L Life Science Strand

S Science and the Environment Strand

Arts

Strand letter is given, then benchmark letter and number

C Creative Expression

A Aesthetic Perception

H Historical and Cultural Perception

C Critical Analysis

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Chapter 23. Middle School Standards and Benchmarks

§2301. Introduction

A. Competency Courses (generally taught in nine-week blocks):

1. manufacturing;
2. construction;
3. communication;
4. transportation;
5. modular technology.

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§2303. Focus Statement

A. Technology Education for sixth, seventh, and eighth grades is designed to incorporate many areas of Technology Education. Students are provided the opportunity to explore these areas and gain insight into the multitude of career choices available in technology. Students will explore the technology systems of:

1. manufacturing;
2. construction;
3. communication;
4. transportation; and
5. modular technology education.

B. Manufacturing. A study of manufacturing will assist students reach the following goals:

1. to develop an understanding of the multitude of career choices in manufacturing;
2. gain experience in working with techniques used in the manufacturing industry;
3. be able to work with other students using tools, materials, and techniques to produce a manufactured product.

C. Construction. A study of construction will assist students reach the following goals:

1. to develop in the student an understanding and insight into construction technology;

2. to assist each student in discovering and developing to the fullest potential talents, attitudes, and interests related to construction technology.

D. Communication. A study of communication will assist students reach the following goals:

1. to assist the student in becoming aware of the evolution of language and communication media;
2. to value, comprehend, and perform communication functions of:

- a. decoding;
- b. encoding;
- c. transmitting;
- d. receiving;
- e. storing; and
- f. retrieving.

E. Transportation. A study of transportation will assist students in reaching the following goals:

1. to develop an understanding of the career options in the field of transportation;
2. to gain experience in the knowledge and techniques of the transportation industry.

F. Modular Technology. A study of modular technology will assist students in reaching the following goals:

1. to be successful and to have a good quality of life, the technology education student will learn job skills and expectations by rotating through various career workstations;
2. understand the importance of becoming a lifelong learner, developing personal skills and the connection to technology applications.

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HISTORICAL NOTE: Promulgated by the Department of Education, Board of Elementary and Secondary Education, Career and Technical Education, LR 30:2711 (December 2004).

§2305. Manufacturing Benchmarks

A. Standard. M1. Explore areas of the manufacturing process from research and development to marketing the product.

Benchmarks	Louisiana Foundation Skills	ITEA Standards for Technology Education	Academic Cross-Reference (Standard-Benchmark)
A. Discuss management, personnel and production techniques involvement in manufacturing industries	1,3	1,2,3,4,5,7,12,17,18	English Language Arts ELA 1—M1,M3,M4,M5 ELA 2—M1,M2,M3,M4,M5,M6 ELA 3—M1,M2,M3,M4,M5 ELA 4—M1,M2,M3,M4,M5,M6 ELA 5—M1,M2,M3,M4,M5,M6 ELA 7—M1,M2,M3,M4
B. Develop cognitive and psychomotor skills and attitudes by performing manufacturing practices and experiments and participating role playing.	2,3,4	1,2,3,4,5,6,7,8,9,10,12,18	Mathematics N—1M,2M,3M,4M,5M,6M,7M A—2M,3M,3M,4M,5M M—1M,2M,3M,4M G—1M,2M,3M,4M,5M,6M,7M
C. Discuss the integration of men, machines, and materials into efficient production systems.	1,2,3,4,5	1,2,3,7,8	Social Studies G - 1A-M1, 1A-M2, 1D-M1, ID-M2, 1D-M4 E - 1A-M1, 1A-M2, 1A-M5, 1A-M6, 1B-M1, 1B-M4, 1B-M5, 1B-M6 H - 1A-M1, 1A-M2, 1A-M3, 1A-M4
D. Discuss the many vocations in manufacturing industries.	3,4,5	1,2,3,8,10,18	Science S1-M - A1,A2,A3,A4,A5, A6,A7,A8,B1,B3,B4,B5 PS-M - A9,B2,C1,C2,C3,C8 ESS-M - A1,A2,A3,A5,A6,B1, B2,C8 SE-M - A1,A2
E. Develop the ability to work individually and in teams to apply knowledge and solve problems in manufacturing.	1,2,3,5	1,2,3,8,10,18	

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§2307. Construction Benchmarks

A. Standard. M2. Explore areas of the construction industry from planning to completion of light, heavy, industrial, and civil construction.

Benchmarks	Louisiana Foundation Skills	ITEA Standards for Technology Education	Academic Cross-Reference (Standard-Benchmark)
A. Understand and use the tools, materials, and processes common to the construction industry.	2,3,4	1,2,3,4,7,8,9,16,17,18,19,20	English Language Arts ELA 1 – M1,M3,M4,M5 ELA 2 – M1,M2,M3,M4,M5,M6 ELA 3 – M1,M2,M3,M4,M5 ELA 4 – M1,M2,M3,M4,M5,M6 ELA 5 – M1,M2,M3,M4,M5,M6 ELA 7 – M1,M2,M4
B. Develop an awareness of the many careers in construction industry.	3,4,5	1,2,3,4,6,7,20	Mathematics N – 1M,2M,3M,4M,5M,6M,7M A – 5M M – 1M,2M,3M,4M,5M,6M G – 1M,4M,5M,6M,7M
C. Understand the interrelationship of construction technology and community development.	3,4,5	1,2,3,4,5,6,7,20	Social Studies G – 1A-M1, 1A-M2, 1D-M1, 1D-M2 E – 1A-M1, 1A-M3, 1A-M11, 1B-M1, 1B-M2, 1B-M5
D. Discover and develop to the fullest potential individual talents, attitudes, and interests related to construction technology.	1,2,3,4,5	1,2,3,4,6,7,8,9,10,20	Science S1-M – A1,A2,A3,A4,A5,A6, A7,A8 PS-M – C1 ESS-M – A1 SE-M – A1

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§2309. Communication Benchmarks

A. Standard. M3. Communicate ideas and information through experiences in the drafting, design, printing, photography, telecommunications, and computers.

Benchmarks	Louisiana Foundation Skills	ITEA Standards for Technology Education	Academic Cross-Reference (Standard-Benchmark)
A. Appreciate, under-stand, and perform selected management, personnel, and production processes as they apply to communication systems.	2,3,4	1,2,3,4,7,8,9,11,12,17	English Language Arts ELA 1 – M1,M3,M4,M5 ELA 2 – M1,M2,M3,M4,M5,M6 ELA 3 – M1,M2,M3,M4,M5 ELA 4 – M1,M2,M3,M4,M5,M6 ELA 5 – M1,M2,M3,M4,M5,M6 ELA 7 – M1,M2,M3,M4
B. Discuss careers and occupational choices with the communication industries	1,2,3,4	1,2,3,4,7,12,13,17	Mathematics N – 1M,2M,3M,4M,5M,6M,7M A – 1M,2M,5M M – 1M,2M,3M,4M G – 1M,2M,3M,4M,5M,6M,7M
C. Develop responsible and safe work attitudes, habits, and the ability to function effectively as a member of a team.	1,2,3,4,5	1,2,3,4,7,11,12,17	Social Studies G – 1A-M1, 1A-M2, 1D-M1 E – 1A-M2, 1B-M3, 1B-M4 H – 1A-M3, 1A-M6
D. Demonstrate the ability to send and receive information more effectively and efficiently through writing, gesturing, reading, speaking, and listening	1,2,3,4,5	1,2,3,6,9,10,11,12,13,17	Science S1-M – A1,A2,A3,A4,A5,A6, A7,A8 ESS-M – A1 SE-M – A1,A2

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§2311. Transportation Benchmarks

A. Standard. M4. Explore transportation technology past, present, and future, and be able to discuss the selection and uses of transportation technologies.

Benchmarks	Louisiana Foundation Skills	ITEA Standards For Technology Education	Academic Cross-Reference (Standard-Benchmark)
A. Discuss the requirements of jobs in the transportation industry.	1,3	1,2,3,4,5,7,12,17,18	English Language Arts ELA 1 – M1,M3,M4,M5 ELA 2 – M1,M2,M3,M4,M5,M6 ELA 3 – M1,M2,M3,M4,M5 ELA 4 – M1,M2,M3,M4,M5,M6 ELA 5 – M1,M2,M3,M4,M5,M6 ELA 7 – M1,M2,M4
B. Gain experience in the knowledge and techniques of the transportation industry.	1,2,3	1,2,3,4,5,6,7,8,9,10,12,18	Mathematics N – 1M,2M,3M,4M,5M,6M,7M A – 1M,2M,3M,4M,5M M – 1M,2M,3M,4M,5M,6M G – 1M,2M,3M,4M,5M,6M
C. Discuss management, personnel, and production techniques of transportation.	1,2,3	1,2,3,7,18	Social Studies G – 1A-M1, 1A-M2, 1D-M1, 1D-M2, 1D-M4, 1D-M5 E – 1A-M1, 1A-M2, 1A-M5, 1A-M9, 1B-M1, 1B-M3, 1B-M4, 1B-M5, 1B-M6 H – 1A-M1, 1A-M2, 1A-M5, 1A-M6
D. Explore the many vocations in the transportation industry.	1,3,4,5	1,2,3,8,10,18,	Science S1—M – A1,A2,A3,A4,A5,A6,A7, B3,B4,B5 PS—M – B1,B2,B3,C1,C2,C6,C7 ESS—M – A1,A2,A3,A5,A6,B1,B2 SE—M – A1,A2
E. Develop a sense of self-realization and generate self-activating behaviors.	1,3,4,5	1,2,3,4,7,8,12,14,15,16,17, 18,19,20,	
F. Discuss the positive and negative impacts of transportation systems on our society and our environment.	1,2,3,4	18	

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§2313. Modular Technology Benchmarks

A. Standard. M5. Develop an understanding of the various technology systems through modular computer assisted instruction.

Benchmarks	Louisiana Foundation Skills	ITEA Standards For Technology Education	Academic Cross-Reference (Standard-Benchmark)
A. Read curriculum module binder to obtain the operating directions, research technical books and define technical terms.	1,3,4	1,2,3,4,7,8,9, 16,17,18,19,20	English Language Arts ELA 1 – M1,M3,M4,M5 ELA 2 – M1,M2,M3,M4,M5,M6 ELA 3 – M1,M2,M3 ELA 4 – M1,M2,M3,M4,M5,M6 ELA 5 – M1,M2,M3,M4,M5,M6 ELA 7 – M1,M2,M3,M4
B. View instructional videos for daily workstation activities required to initiate the computer applications and hands-on activities.	2,3,4	1,2,3,4,6,8,10, 12,17,18,19,20	Mathematics N – 1M,2M,3M,4M,5M,6M,7M A – 1M,2M,3M,4M M – 1M,2M,3M,4M G – 1M,2M,3M,4M,5M,6M
C. Use related computer software programs to perform various module activities.	1,2,3,4	1,2,3,4,6,8,12, 17,18,19,20	Social Studies G – 1A-M1, 1A-M2, 1D-M1, 1D-M2, 1D-M4 E – 1A-M1, 1A-M2, 1A-M5, 1B-M1, 1B-M4, 1B-M5, 1B-M6 H – 1A-M1, 1A-M2, 1A-M5, 1A-M6
D. Team with a partner to complete hands-on activities through computer assisted instruction.	1,2,3,5	1,2,3,4,8,9,11, 12,13,17,18,19,20	Science S1—M – A1,A2,A3,A4,A5,A6,A7,B3 B4,B5 PS—M – B1,B2,B3,C1,C2,C6,C7 ESS—M – A1,A2,A3,A5,A6,B1,B2, SE—M – A1,A2

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Chapter 25. High School Standards and Benchmarks

Subchapter A. General Technology Education

§2501. Introduction

A. Competency Courses

1. General Technology

B. Related Electives

1. Basic Technical Drafting;
2. Advanced Technical Drafting;
3. Architectural Drafting;
4. Communication Technology;
5. Basic Electricity/Electronics;
6. Advanced Electricity/Electronics;
7. Manufacturing Technology;
8. Materials and Processes;
9. Basic Metals;
10. Advanced Metal Technology;
11. Welding Technology;
12. Construction Technology;
13. Basic Wood Technology;
14. Advanced Wood Technology;
15. Energy, Power, and Transportation Technology;
16. Power Mechanics;
17. Physics of Technology I; and
18. Principles of Technology II.

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§2503. Focus Statement

A. The following are the goals and expectations being implemented in raising expectations and setting high standards in the *General Technology Education* cluster.

1. The technology lab is equipped with up-to-date technology.

2. The curriculum is activity-centered, with an emphasis on students' self-directed exploration of careers.

3. The relationships between English/Language Arts, Mathematics, Science, and Technology are emphasized.

4. The Technology Education student will explore the job skills and expectations needed in the job market by rotating through various career workstations.

B. General Technology Education. This course is designed to provide students with the opportunity to explore a variety of technical careers through contemporary technology education activities. Students will study and complete laboratory activities related to the fields of communication, construction, manufacturing, and transportation. Students will apply mathematics, science, and communication skills to study, design, perform experiments, and construct projects to enhance their learning. Work-based learning strategies appropriate for this course include field trips, service learning, and job shadowing. This course and Technology Student Association technical and leadership activities enhance skills essential for students interested in technical and engineering career fields.

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§2505. General Technology Education Benchmarks

A. Standard 1. Provide students with the opportunity to explore various technical careers through contemporary and/or modular Technology Education activities.

Benchmarks	Louisiana Foundation Skills	ITEA Standards For Technology Education	Academic Cross-Reference (Standard-Benchmark)
A. Discuss business ethics in the workplace	1,3,5	1,2,3,4,6,7	English Language Arts ELA 1 – H1,H3,H4,H5 ELA 2 – H1,H2,H3,H4,H5,H6 ELA 3 – H2,H2,H3 ELA 4 – H1,H2,H3,H4,H5,H6 ELA 5 – H1,H2,H3,H4,H5,H6 ELA 7 – H1,H2
B. Design, draw, build, and assemble a balsa wood project using the teamwork concept.	1,2,3,4,5	1,2,3,4,7,8,9,10,17,18,19,20	Mathematics N – 1H,2H,3H,4H,5H,6H,7H A – 1H,2H,3H,4H M – 1H,2H,3H,4H G – 1H,2H,3H,4H,5H,6H
C. Perform basic operations of an MAC/PC microcomputer: word processing, graphics, database, and spreadsheet applications.	1,3	1,2,3,4,7,8,9,11,12,17	Social Studies G – 1A-H1, 1A-H2, 1D-H1, 1D-H2, 1D-H3, 1D-H4, 1D-H5 E – 1A-H1, 1A-H2, 1A-H3, 1A-H5, 1B-H1, 1B-H2, 1B-H4, 1B-H5 1B-H6 H – 1A-H1, 1A-H2, 1A-H5, 1A-H6
D. Compose and print various projects using graphic design computer software.	1,2,3	1,2,3,4,7,8,11,12,13,17	Science S1—H – A1,A2,A3,A4,A5,A6,A7,B2, B3,B4,B5 PS—H – B1,B2,B3,C1,C2,C6,C7,D1, D6,D7,E1,E2,E3,E4,F1,F2, G1,G2,G3,G4 ESS—H – A1,A2,A3,A5,A6,B1,B2 SE—H – A1,A2,A9,A10,A11,B1,B2, B3,B4,B5,B6,C1,C2,C3,C4, C5,D1,D2,D3,D4,D5,D6
E. Identify basic drawing instruments, acceptable lettering practices, and the alphabet of lines used in drafting and apply them to both basic and Computer Aided Drafting Design (CADD).	1,2,3,4	1,2,3,4,7,8,11,12,13,17	
F. Develop an under-standing of the need for a drug free life/workplace.	1,3,5	1,2,3,4,5,7,12,14	
G. Demonstrate basic skills in electrical circuitry related to magnetism AC/DC circuits, motors, voltage, current, resistance, power, measurements.	1,3,4	1,2,3,6,7,8,11,12,16	
H. Discuss the common electronics components and circuits used today.	1,3,4	1,2,3,5,6,7,8,10,11,12,13,16	
I. Explain the principles of flight and use video tape instruction and computer programs to design an airplane.	1,2,3,4	1,2,3,4,7,8,9,10,11,12,13,16	
J. Explain the value of a dollar, learn how to open and maintain a checking account utilizing a computer program.	1,3,5	1,2,3,4,7,12,13	
K. Explore the space program and the development of rocketry; build and launch a model rocket.	1,2,3,4,5	1,2,3,4,5,7,8,11,19	
L. Discuss transportation systems and identify means of solving transportation problems.	1,2,3,5	1,2,3,4,6,7,8,16,18	
M. Identify careers related to the field of Computer Numerical Control.	1,3,5	1,2,3,4,7,14,15,16,17,18, 19,20	
N. Gain knowledge and develop fundamental skills in assembling, operating, and testing basic hydraulic circuits.	1,2,3,4,5	1,2,3,7,10,19,20	
O. Explore the communication areas of fiber optics, laser, and microwave transmissions.	1,3,4,5	1,2,3,4,5,7,8,11,12,16,17	
P. Monitor, record, and interpret weather observations.	1,3,4,5	1,2,3,4,5,6,7,13,17	
Q. Identify, construct, and operate pneumatic circuits.	1,2,3,4	1,2,3,4,5,6,7,9,11,16	
R. Explore alternate energy sources of hydro-electric power, solar sterling, solar thermal, and wind power.	1,2,3,4,5	1,2,3,4,5,6,7,9,10,16	
S. Explore manufacturing industries, materials, and how they are processed, and the production of goods to satisfy the demands of society.	1,2,3,4,5	1,2,3,4,5,6,7,8,9,10,11,12, 13,14,15,19	
T. Explore construction industries, the generation of prints and specifications, and construction of structure to satisfy the demands of society.	1,2,3,4,5	1,2,3,4,5,6,7,8,9,10,11,12, 13,20	
U. Prepare a student career portfolio.	1,3,5	4,8,12,16,17,18,19,20	

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Subchapter B. Communication Technology

§2509. Introduction

A. Competency Courses

1. Basic Technical Drafting;
2. Advanced Technical Drafting;
3. Architectural Drafting;
4. Communication Technology;
5. Basic Electricity/Electronics;
6. Advanced Electricity/Electronics.

B. Related Electives

1. General Technology Education;
2. Manufacturing Technology;
3. Materials and Processes;
4. Basic Metal Technology;
5. Advanced Metal Technology;
6. Welding Technology;
7. Construction Technology;
8. Basic Wood Technology;
9. Advanced Wood Technology;
10. Energy, Power, and Transportation Technology;
11. Power Mechanics;
12. Physics of Technology I;
13. Physics of Technology II.

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§2511. Focus Statement

A. Communication Technology emphasizes a strong foundation in drafting and electronics. Basic Technical Drafting is the primary course being taught in this area. Technical Drafting is used by engineers, architects, and construction fields to describe size, shape, and details. The ability to read and understand drawings is becoming increasingly important in the world of work. For this reason, drafting should be one of the first courses taken by a communication technology major.

B. Advanced Technical Drafting:

1. is designed as a follow-up to Basic Technical Drafting;
2. involves the preparation of detailed drawings, including:
 - a. developments;
 - b. intersections;
 - c. charts;
 - d. diagrams;
 - e. threads;
 - f. descriptive geometry;
 - g. auxiliary views;
 - h. revolutions; and
 - i. specialized drafting areas.

C. Architectural Drafting is designed to give the student an overview of the basic concepts that are common in the area of residential planning and design.

D. Communication Technology is a course that broadens student knowledge and improves ability to effectively communicate ideas and information through experiences in:

1. drafting;
2. design;
3. printing;
4. photography;
5. telecommunications; and
6. computers.

E. Basic Electricity/Electronics is a one-year introductory course and requires no previous knowledge of electricity or electronics. The student will gain a working knowledge of relevant theories and physical laws and their applications.

F. Advanced Electronics is intended for those students who successfully complete Basic Electronics and desire to continue their training in this field. The course content centers around semiconductor devices and their applications to:

1. digital electronics;
2. computer; and
3. communication circuits.

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§2513. Communication Technology Benchmarks

A. Standard 2. Understand and apply the basic concepts that are common to the broad field.

Benchmarks	Louisiana Foundation Skills	ITEA Standards for Technology Education	Academic Cross-Reference (Standard-Benchmark)
A. Develop basic skills in the proper use of drafting instruments and materials.	1,2,3,4,5	1,2,3,7,8,17	English Language Arts ELA 1 – H1,H3,H4,H5 ELA 2 – H1,H2,H3,H4,H5,H6 ELA 3 – H1,H2,H3 ELA 4 – H1,H2,H3,H4,H5,H6 ELA 5 – H1,H2,H3,H4,H5,H6 ELA 7 – H1,H2
B. Develop an understanding of the technical aspects of drafting.	1,2,3,4	1,2,3,6,7,10,11,13,17,20	Mathematics N – 1H,2H,3H,4H,5H,6H,7H M – 1H,2H,3H,4H G – 1H,2H,3H,4H,5H,6H D – 3H,7H,8H,9H P – 1H,2H,3H,4H,5H
C. Develop an appreciation for the value of effective designs.	1,2,3,4,5	1,2,3,4,5,6,7,8,9,10,11,12,13,17,20	Social Studies G— 1B-H1, 1D-H1 E— 1A-H3, 1B-H1, 1B-H2, 1C-H2 H— 1A-H6
D. Foster an understanding of the importance of drafting in industry.	1,3,4,5	1,3,4,6,7,12,13,17	Science S1-H – A3 ESS-H – A1 SE-H – A3,A4,A11,B1,B2,C2,C4,D2,D3,D5,D6
E. Explore the many technical careers that incorporate drafting.	1,3,5	1,3,4,5,6,7,8,9,10,11,12,13,17	

B. Standard 3. Prepare detailed drawings including:

- | | |
|-------------------|--------------------------|
| 1. developments; | 6. fasteners; |
| 2. intersections; | 7. descriptive geometry; |
| 3. charts; | 8. auxiliary; |
| 4. diagrams; | 9. revolutions; |
| 5. threads; | 10. CAD; and |
| | 11. specialized areas. |

Benchmarks	Louisiana Foundation Skills	ITEA Standards for Technology Education	Academic Cross-Reference (Standard-Benchmark)
A. Review Basic Drafting I and II: safety, orthographic projection, dimensioning, pictorials, sectional, and working drawings, basic CADD.	1,2,3,4,5	1,2,3,4,6,7,8,9,10,11,12,13,17	English Language Arts ELA 1 – H1,H3,H4,H5 ELA 2 – H1,H2,H3,H4,H5,H6 ELA 3 – H1,H2,H3 ELA 4 – H1,H2,H3,H4,H5,H6 ELA 5 - H1,H2,H3,H4,H5,H6 ELA 7 – H1,H2
B. Recognize how functional drafting techniques can be used to prepare effective technical drawings.	1,3,4	1,2,3,4,5,6,7,11,12,13,17	Mathematics N – 1H,2H,3H,4H,5H,6H,7H M – 1H,2H,3H,4H G – 1H,2H,4H,5H,6H D – 3H,7H,8H,9H P – 1H,2H,3H,4H,5H
C. Visualize the surface development of three-dimensional objects: parallel line development, radial-line development, and triangulation.	1,2,3,4	1,2,3,7,8,9,10,17	Social Studies G— 1B-H1, 1D-H1 E— 1A,H3, 1B-H1, 1B-H2, 1C-H2 H— 1A-H6
D. Describe and complete auxiliary drawings.	1,2,3	1,2,3,8,9,10,17	Science S1-H – A3 ESS-H – A1 SE-H – A3,A4,A11,B1,B2,C2,C4,D2,D3,D5,D6
E. Read, interpret, and construct graphic charts and diagrams.	1,2,3	1,2,3,10,11,12,13,17	
F. Prepare drawings of threads using detailed representation.	1,2,3	1,2,3,7,10,11,12,13,17	
G. Graphically define the fundamentals of solving descriptive geometry problems.	1,2,3,4	1,2,3,7,8,9,10,11,12,13,17	
H. Describe the uses of technical illustrations and prepare one form of technical illustration.	1,2,3,4	1,2,3,4,7,8,9,10,11,12,13,17	
I. Complete drawings in optional areas: map, electrical, architectural, pipe, aero-space, structural, welding.	1,2,3,4,5	1,2,3,4,5,6,7,8,9,10,11,12,13,17	
J. Use CADD to prepare drawings in all previously covered areas.	1,2,3,4,5	1,2,3,4,5,6,7,8,9,10,11,12,13,17	

C. Standard 4. Demonstrate the ability to complete a set of working drawings for home construction.

Benchmarks	Louisiana Foundation Skills	ITEA Standards for Technology Education	Academic Cross-Reference (Standard-Benchmark)
A. Research and apply FHA and city building codes and standards to residential plans.	1,2,3,4,5	1,2,3,5,6,7,8,9,10,11,12,13,16,17,19,20	English Language Arts ELA 1 – H1,H3,H4,H5 ELA 2 – H1,H2,H3,H4,H5,H6 ELA 3 – H1,H2,H3 ELA 4 – H1,H2,H3,H4,H5,H6 ELA 5 – H1,H2,H3,H4,H5,H6 ELA 7 – H1,H2,H3,H4
B. Show examples of unique lettering style and techniques.	1,3	17	Mathematics N – 1H,2H,3H,4H,5H,6H,7H M – 1H,2H,3H,4H G – 1H,2H,3H,4H,5H,6H D – 3H,7H,8H,9H P – 1H,2H,3H,4H,5H
C. Demonstrate the basic elements of architectural dimensioning.	1,3	11,17	Social Studies G— 1B-H1, 1D-H1 E— 1A-H3, 1B-H1, 1B-H2, 1C-H2 H— 1A-H1, 1A-H2, 1A-H6
D. Communicate verbally in the field of architecture.	1,3,5	2,3,4,5,8,9,10,11,17,20	Science S1-H – A3 ESS-H – A1 SE-H - A3,A4,A11,B1,B2,C2, C4, D2,D3,D5,D6
E. Discuss architectural history and how it impacts modern day practices.	1,3,4	3,7,8,9,13,20	Arts CE-1VA-H2,H3,H4,H5 AP-2VA-H1,H2,H3,H4 HP-3VA-H1,H2,H4,H5 CA-4VA-H1,H2,H3,H4
F. Identify architectural styles.	1,3,5	3,6,7,8,13,20	
G. Evaluate a proposed construction project with reference to the costing of materials.	1,2,3,4,5	3,6,8,9,10,11,12,13,19,20	
H. Develop a complete set of residential drawings.	1,2,3,4,5	6,8,9,10,11,16,17,19,20	
I. Demonstrate the use of CADD through architectural computer programs.	1,2,3,4,5	8,9,10,11,12,17	

D. Standard 5. Communicate ideas and information through experiences dealing with drafting, design, printing, photography, telecommunication, and computers.

Benchmarks	Louisiana Foundation Skills	ITEA Standards for Technology Education	Academic Cross-Reference (Standard-Benchmark)
A. Develop technical abilities within the field of Communication Technology.	1,3,5	1,2,3,4,5,6,7,10,11,12,13,17	English Language Arts ELA 1 – H1,H3,H4,H5 ELA 2 – H1,H2,H3,H4,H5,H6 ELA 3 – H1,H2,H3 ELA 4 – H1,H2,H3,H4,H5,H6 ELA 5 – H1,H2,H3,H4,H5,H6 ELA 7 – H1,H2,H4
B. Apply English/Language Arts, Science, and Mathematics competencies to solve meaningful communication problems.	1,2,3,4,5	1,2,3,4,5,6,10,11,12,13,17	Mathematics N – 1H,2H,3H,4H,5H,6H,7H A – 1H,2H,3H,4H M – 1H,2H,3H,4H G – 1H,2H,3H,4H,5H,6H D – 3H,7H,8H,9H P – 1H,2H,3H,4H,5H
C. Develop safe work habits which are necessary for active participation in the communications laboratory.	1,2,3,5	1,2,3,5,6,7,12,17	Social Studies G— 1B-H1, 1D-H1, 1D-H4 E— 1A-H1, 1B-H1, 1B-H2, 1C-H2 H— 1A-H6, 1B-H6, 1B-H16
D. Develop an awareness and understanding of communication and its related technology systems.	1,3,4,5	1,2,3,10,12,13,17	Science S1-H – A3,A5,A6 SE-H – A1,B1,B2,D1,D2,D3,D5, D6 PS—H – D4,D7,E3,E4 ESS—H – A1
E. Discuss and be able to interrelate the fundamental elements of the communication process.	1,3,4,5	1,2,3,4,5,6,7,12,13,17	Art CE—1VA – H1,H2,H3,H4,H5, H6,H7 HP—3VA – H4 CA—4VA – H1,H2,H3,H4
F. Discuss an appreciation for the impacts that communication technology has on our society.	1,3,4,5	1,22,3,4,5,6,7,13,17	
G. Develop an understanding of the function, structure, and control of mass media.	1,3,4,5	1,2,3,4,5,6,7,12,13,17	
H. Explore the design, production, and marketing of mass communication products.	1,2,3,4,5	1,2,3,4,5,6,7,8,9,10,11,12,13,17	
I. Examine the trends in mass communication.	1,3,4,5	1,2,3,4,5,6,7,12,13,17	

E. Standard 6. Understand and apply the principles of electricity and electronics through laboratory learning experiences.

Benchmarks	Louisiana Foundation Skills	ITEA Standards for Technology Education	Academic Cross-Reference (Standard-Benchmark)
A. Develop a working knowledge of electricity and electronics.	1,3	1,2,3,7,8,10,12,13,16	English Language Arts ELA 1 – H1,H3,H4,H5 ELA 2 – H1,H2,H3,H4,H5,H6 ELA 3 – H1,H2,H3 ELA 4 – H1,H2,H3,H4,H5,H6 ELA 5 – H1,H2,H3,H4,H5,H6 ELA 7 – H1,H2,H4
B. Explore careers within the field of electronics communications.	1,2,3,4	1,2,3,6,7,10,11,12,13,16	Mathematics N – 1H,2H,3H,4H,5H,6H,7H A – 1H,2H,3H,4H M – 1H,2H,3H,4H G – 1H,2H,3H,4H,5H,6H P – 1H,2H,3H,4H,5H
C. Apply English/Language Arts, Science and Math skills to practical situations.	1,2,3,4	1,2,3,10,11,12,16	Social Studies G— 1C-H1,1D-H1,1D-H2,1D-H4,1D-H5 E— 1A-H1,1A-H2,1A-H3,1A-H6,1B-H1,1B-H2 H— 1A-H6,1B-H6,1B-H16,1B-H17,1C-H15
D. Develop basic skills in the proper use of the tools and equipment used in electricity and electronics.	1,3	1,2,3,5,6,7,12,13,16	Science S1—H – A1,A3,A4,A5,A6,A7,B1,B2,B3,B4,B5 PS—H – A1,A2,B1,B2,B3,C3,C6,C7,D5,D6,D7,E1,E2,F1,F2,G1,G2,G3,G4 ESS—H – A1,A2,A3,B2 SE—H – A11,B1,B2,B3,B4,B5,B6,C2,C3,C4,C5,D1,D2,D3,D4,D5,D6
E. Demonstrate problem solving and critical thinking abilities.	1,2,3,4,5	1,3,5,6,7,16	
F. Develop a positive safety attitude and safe work habits.	1,3,5	1,3,4,5,6,7,8,9,10,11,12,13,16	
G. Explore educational opportunities.	1,3,5	1,2,3,4,5,6,7,16	
H. Develop an awareness of the diverse nature of electricity and electronics and their impact on our society.	1,3,4,5	1,2,3,4,5,6,7,8,9,12,13,16	

F. Standard 7. Develop a career interest in electronics through course content centered around:
1. semiconductor devices;

2. application of digital electronics;
3. computers; and
4. communication circuits.

Benchmarks	Louisiana Foundation Skills	ITEA Standards for Technology Education	Academic Cross-Reference (Standard-Benchmark)
NOTE: *The benchmarks that are listed in basic electronics should be taken to a higher level in the advanced electronics benchmark.			English Language Arts ELA 1 – H1,H3,H4,H5 ELA 2 – H1,H2,H3,H4,H5,H6 ELA 3 – H1,H2,H3 ELA 4 – H1,H2,H3,H4,H5,H6 ELA 5 – H1,H2,H3,H4,H5,H6 ELA 7 – H1,H2,H4
*A. Develop a working knowledge of electronics.	1,3	1,2,3,7,8,10,12,13,16	Mathematics N – 1H,2H,3H,4H,5H,6H,7H A – 1H,2H,3H,4H M – 1H,2H,3H,4H G – 1H,2H,3H,4H,5H,6H P – 1H,2H,3H,4H,5H
*B. Explore careers within the field of electronic communications.	1,2,3,4	1,2,3,6,7,10,11,12,13,16	Social Studies G— 1C-H1,1D,H1,1D-H2,1D-H4,1D-H5 E— 1A-H1,1A-H2,1A-H3,1A-H6,1B-H1,1B-H2 H— 1A-H6,1B-H6,1B,H16,1B-H17,1C-H15
*C. Apply English/Language Arts, Science and Math skills to electronics.	1,2,3,4	1,2,3,10,11,12,16	
*D. Develop skills in the proper use of tools and equipment.	1,3	1,2,3,5,6,7,12,13,16	
*E. Demonstrate problem-solving and critical-thinking abilities.	1,2,3,4,5	1,3,4,6,7,12,13,17	
*F. Develop positive safety attitudes and work habits.	1,3,5	1,2,3,5,6,7,16	

Benchmarks	Louisiana Foundation Skills	ITEA Standards for Technology Education	Academic Cross-Reference (Standard-Benchmark)
*G. Explore educational opportunities.	1,3,5	1,2,3,4,5,6,7,16	Science S1—H – A1,A3,A4,A5,A6,A7,B1, B2,B3,B4,B5
*H. Develop an awareness of the diverse nature of electricity and electronics and their impact on our society.	1,3,4,5	1,2,3,4,5,6,7,8,9,12,13,16	PS—H – A1,A2,B1,B2,B3,C3,C6, C7,D5,D6,D7,E1,E2,F1, F2,G1,G2,G3,G4
I. Use test instruments to properly measure voltage, amperage, resistance, etc.	1,3	1,2,3,10,12,13,16	ESS—H – A1,A2,A3,B2
J. Identify electronic components and explain their use.	1,3	1,2,3,12,13,16	SE—H – A11,B1,B2,B3,B4,B5, B6,C2,C3,C4,C5,D1, D2,D3,D4,D5,D6
K. Develop a technical vocabulary.	1,3	1,2,3,7,16	
L. Demonstrate working knowledge of semiconductor components.	1,3,4	1,2,3,12,13,16	

AUTHORITY NOTE: Promulgated in accordance with R.S. 6:(A)(10) and R.S. 17:10.

HISTORICAL NOTE: Promulgated by the Department of Education, Board of Elementary and Secondary Education, Career and Technical Education, LR 30:2717 (December 2004).

Subchapter C. Manufacturing Technology

§2517. Introduction

A. Competency Courses

1. Manufacturing Technology;
2. Materials and Processes;
3. Basic Metal Technology;
4. Advanced Metal Technology; and
5. Welding Technology.

B. Related Electives

1. General Technology Education;
2. Basic Technical Drafting;
3. Advanced Technical Drafting;
4. Architectural Drafting;
5. Basic Electricity/Electronics;
6. Advanced Electricity/Electronics;
7. Energy, Power, and Transportation Technology;
8. Power Mechanics;
9. Physics of Technology I; and
10. Physics of Technology II.

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§2519. Focus Statement

A. Manufacturing Technology investigates all areas of the manufacturing process from research and development to marketing the product. Manufacturing Technology also develops an awareness for:

1. technology;
2. industry;
3. future trends in manufacturing; and
4. the social impacts of technology and industry on society and the environment.

B. Materials and Processes is a course that presents both the materials and the processes commonly used in modern

manufacturing industries. Studying processes relating to many different industrial materials gives the student a broader understanding of manufacturing.

C. Basic Metal Technology is designed as an introductory course for students who are interested in the field of metals. The course is divided into seven major fields:

1. bench metal;
2. sheet metal;
3. art metal;
4. ornamental metalwork;
5. forging;
6. casting; and
7. welding.

D. Advanced Metal Technology is designed as a second advanced course for students interested in further study in the field of metals. The course is divided into six major fields:

1. advanced metalworking tools;
2. sheet metal working and layout;
3. metallurgy and heat treating;
4. casting;
5. welding; and
6. machining.

E. Welding Technology is designed to provide students with the opportunity for in-depth exploration in the field of welding. Of primary concern are the various fusion systems and the productive utilization of those systems. Experiences related to the design, theory, and utilization of the welding systems are provided for the students.

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§2521. Manufacturing Technology Benchmarks

A. Standard 8. Explore all areas of the manufacturing process from research and development to marketing the final product.

Benchmarks	Louisiana Foundation Skills	ITEA Standards for Technology Education	Academic Cross-Reference (Standard-Benchmark)
A. Develop fundamental skills in manufacturing process.	1,2,3,4,5	1,2,3,7,8,9,11,12,13,19	English Language Arts ELA 1 – H1,H3,H4,H5 ELA 2 – H1,H2,H3,H4,H5,H6 ELA 3 – H1,H2,H3 ELA 4 – H1,H2,H3,H4,H5,H6 ELA 5 – H1,H2,H3,H4,H5,H6 ELA 7 – H1,H2
B. Develop an awareness of the various careers associated with the manufacturing industries.	1,3,5	1,2,3,4,5,6,7,19	Mathematics N – 1H,2H,3H,4H,5H,6H,7H D – 7H,9H A – 1H,2H,3H,4H M – 1H,2H,3H,4H G – 1H,2H,3H,4H,5H,6H
C. Develop an understanding of how the seven types of technological resources (people, information, materials, tools and machines, capital, energy and time) play a vital role in each stage of the manufacturing.	1,3,5	1,2,3,4,5,6,7,10,11,12,13,19	Social Studies G— 1A-H1,1A-H2,1D-H1,1D-H2,1D-H4,1D-H5 E— 1A-H1,1A-H2,1A-H3,1A-H5,1B-H1,1B-H2,1B-H4,1B-H5,1B-H6 H— 1A-H1,1A-H2,1A-H5,1A-H6
D. Discuss and apply the design process used in creating new products.	1,2,3,4,5	3,8,9,10,11,12,13,19	Science S1—H – A1,A2,A3,A4,A5,A6,A7,B3,B4,B5 PS—H – C1,C2,D1,D6,D7,E1,E2,E3,E4,F1,F2,G1,G2,G3,G4 ESS—H –A1,A2,A3,A5,A6,A7,B1,B2,D7 SE—H –A1,A2,A11,B1,B2,B3,B4,B5,B6,C1,C2,C3,C4,C5,D1,D2,D3,D4,D5,D6
E. Develop an understanding of design, product development, production policies, finance, and product marketing.	1,2,3,4	3,8,9,10,11,12,13,19	
F. Compute mathematical problems associated with manufacturing.	2,3,4	3,9,10,11,12,13,19	
G. Develop insights into future manufacturing trends.	1,3,4,5	3,4,5,6,7,8,9,10,11,13,19	

B. Standard 9. Develop an understanding of industrial materials and how they are processed to increase their value.

Emphasis will be placed on materials selection for particular products and appropriate manufacturing processes.

Benchmarks	Louisiana Foundation Skills	ITEA Standards for Technology Education	Academic Cross-Reference (Standard-Benchmark)
A. Develop fundamental skills in the selection and safe use of manufacturing tools and equipment.	1,3,5	1,2,3,5,7,9,10,12,13,19	English Language Arts ELA 1 – H1,H3,H4,H5 ELA 2 – H1,H2,H3,H4,H5,H6 ELA 3 – H1,H2,H3 ELA 4 – H1,H2,H3,H4,H5,H6 ELA 5 – H1,H2,H3,H4,H5,H6 ELA 7 – H1,H2
B. Apply Science, Mathematics, and English/ Language Arts skills to the solution of problems relating to materials and the processes.	2,3,4	1,2,3,4,5,6,7,8,10,11,12,13,19	Mathematics N – 1H,2H,3H,4H,5H,6H,7H D – 7H,9H A – 1H,2H,3H,4H M – 1H,2H,3H,4H G – 1H,2H,3H,4H,5H,6H
C. Develop an understanding of how manufacturing products are planned from research and development to marketing.	1,2,3	3,4,5,6,7,11,12,13,19	Social Studies G – 1A-H1,1A-H2,1D-H1,1D-H2,1D-H4,1D-H5 E – 1A-H1,1A-H2,1A-H3,1A-H5,1B-H1,1B-H2,1B-H4,1B-H5,1B-H6 H – 1A-H1,1A-H2,1A-H5,1A-H6
D. Explore the trends in materials and processes design.	1,3	3,4,5,6,7,8,9,10,11,12,13,19	Science S1—H – A1,A2,A3,A4,A5,A6,A7,B3,B4,B5 PS—H – C1,C2,D1,D6,D7,E1,E2,E3,E4,F1,F2,G1,G2,G3,G4 ESS—H – A1,A2,A3,A5,A6,A7,B1,B2,D7 SE—H – A1,A2,A11,B1,B2,B3,B4,B5,B6,C1,C2,C3,C4,C5,D1,D2,D3,D4,D5,D6
E. Develop an understanding of how the five elements of the industrial production systems: research and development, marketing, finance, production, and management play a vital role in the selection and utilization of materials and processes.	1,2,3,4,5	1,3,4,5,6,7,10,11,12,13,19	
F. Understand the difference between metallic and non-metallic industrial materials.	1,3,4	3,7,12,13,19	
G. Develop an awareness of the various careers associated with materials and processes in the manufacturing field.	1,3,4,5	1,2,3,4,5,6,7,19	

C. Standard 10. Develop an understanding of the seven major fields of basic metals:

1. bench metal;
2. sheet metal;
3. art metal;

4. ornamental metal;
5. forging;
6. casting; and
7. welding.

Benchmarks	Louisiana Foundation Skills	ITEA Standards for Technology Education	Academic Cross-Reference (Standard-Benchmark)
A. Explore the various metalwork areas so as to develop an understanding of the technology involved in the metals industry.	1,2,3	1,2,3,6,7,13	English Language Arts ELA 1 – H1,H3,H4,H5 ELA 2 – H1,H2,H3,H4,H5,H6 ELA 3 – H1,H2,H3 ELA 4 – H1,H2,H3,H4,H5,H6 ELA 5 – H1,H2,H3,H4,H5,H6 ELA 7 – H1,H2
B. Develop fundamental skills in the design, fabrication, heat treatment, machining, and welding of metals products.	2,3,4	1,2,3,5,6,8,9,10	Mathematics N – 1H,2H,3H,4H,5H,6H,7H D – 7H,9H A – 1H,2H,3H,4H M – 1H,2H,3H,4H G – 1H,2H,3H,4H,5H,6H
C. Develop safe work habits in working with metals, labs, and metalworking machinery.	1,3,5	1,2,3,5,6,7,19,20	Social Studies G – 1A=H1,1A-H2,1D-H1,1D-H2, 1D-H4,1D-H5 E – 1A-H1,1A-H2,1A-H3,1A-H5, 1B-H1,1B-H2,1B-H4,1B-H5, 1B-H6 H – 1A-H1,1A-H2,1A-H5,1A-H6
D. Develop an understanding of the career opportunities in the field of metalworking.	1,3,4,5	1,2,3,4,5,6,7,8,9,10,11, 12,13,19	Science S1-H— A1,A2,A3,A4,A5,A6,A7, B3,B4,B5 PS-H— B1,B2,C1,C2,D1,D6,D7, E1,E2,E3,E4,F1,F2,G1, G2,G3,G4 ESS-H— B1,B2 SE-H— A1,A2,A11,B1,B2,B3,B4, B5,B6,C1,C2,C3,C4,C5, D1,D2,D3,D4,D5,D6
E. Develop problem-solving abilities and apply mathematics and science principles through problem-solving activities.	2,3,4	1,2,3,8,9,10,11,12,13,19	

D. Standard 11. Be able to use the tool instruments and machines in the metalwork advanced lab of the following areas:

1. sheet metal;
2. metallurgy;
3. casting;

4. welding;
5. machining;
6. material testing;
7. finishing; and
8. safety.

Benchmarks	Louisiana Foundation Skills	ITEA Standards for Technology Education	Academic Cross-Reference (Standard-Benchmark)
A. Develop an awareness of the positive and negative impact of metalworking on society.	1,3,5	1,2,3,4,5,6,7,8,9,13,19	English Language Arts ELA 1 – H1,H3,H4,H5 ELA 2 – H1,H2,H3,H4,H5,H6 ELA 3 – H1,H2,H3 ELA 4 – H1,H2,H3,H4,H5,H6 ELA 5 – H1,H2,H3,H4,H5,H6 ELA 7 – H1,H2
B. Perform lab assignments in the various metalworking areas so as to develop an understanding of the technology used in the metalworking industries.	1,2,3	1,2,3,4,5,6,7,8,9,10,11,12,13,19	Mathematics N – 1H,2H,3H,4H,5H,6H,7H D – 7H,9H A – 1H,2H,3H,4H M – 1H,2H,3H,4H G – 1H,2H,3H,4H,5H,6H
C. Provide related information and develop the essential skills needed in the design, fabrication, heat treating, welding, machining, and finishing of industrial products.	2,3,4	1,2,3,7,8,10,11,12,13,19	Social Studies G – 1A-H1,1A-H2,1D-H1,1D-H2,1D-H4,1D-H5 E – 1A-H1,1A-H2,1A-H3,1A-H5,1B-H1,1B-H2,1B-H4,1B-H5,1B-H6 H – 1A-H1,1A-H2,1A-H5,1A-H6 Science S1-H— A1,A2,A3,A4,A5,A6,A7,B3,B4,B5 PS-H— B1,B2,C1,C2,D1,D6,D7,E1,E2,E3,E4,F1,F2,G1,G2,G3,G4 ESS-H— B1,B2 SE-H— A1,A2,A11,B1,B2,B3,B4,B5,B6,C1,C2,C3,C4,C5,D1,D2,D3,D4,D5,D6

E. Standard 12. Develop an understanding of traditional concepts in welding and demonstrate proficiency in:

1. fusion process;

2. components;

3. weld testing and inspection; and

4. automated welding systems.

Benchmarks	Louisiana Foundation Skills	ITEA Standards for Technology Education	Academic Cross-Reference (Standard-Benchmark)
A. Analyze basic safety skills associated with the welding environment.	1,3,5	1,2,3,5,6,7,19,20	English Language Arts ELA 1 – H1,H3,H4,H5 ELA 2 – H1,H2,H3,H4,H5,H6 ELA 3 – H1,H2,H3 ELA 4 – H1,H2,H3,H4,H5,H6 ELA 5 – H1,H2,H3,H4,H5,H6 ELA 7 – H1,H2
B. Develop fundamental skills in the selection and operations of OFC (oxygen, fuel-gas, cutting) processes, systems and equipment.	2,3,4	1,2,3,7,10,11,12,13,19,20	Mathematics N – 1H,2H,3H,4H,5H,6H,7H D – 7H,9H A – 1H,2H,3H,4H M – 1H,2H,3H,4H G – 1H,2H,3H,4H,5H,6H
C. Develop an understanding of the various OFC processes, purpose and functions, and operation of OFC equipment.	2,3,4	5,6,7,12,13,20	Social Studies G – 1A-H1,1A-H2,1D-H1,1D-H2,1D-H4,1D-H5 E – 1A-H1,1A-H2,1A-H3,1A-H5,1B-H1,1B-H2,1B-H4,1B-H5,1B-H6 H – 1A-H1,1A-H2,1A-H5,1A-H6
D. Describe the components of a SMAW (shielded metal arc welding) system and explain the components in terms of their function.	2,3,4	5,6,7,12,13,20	Science S1-H— A1,A2,A3,A4,A5,A6,A7,B3,B4,B5 PS-H— B1,B2,C1,C2,D1,D6,D7,E1,E2,E3,E4,F1,F2,G1,G2,G3,G4 ESS-H – B1,B2 SE-H— A1,A2,A11,B1,B2,B3,B4,B5,B6,C1,C2,C3,C4,C5,D1,D2,D3,D4,D5,D6
E. Identify equipment, conditions, consumables, and the appropriate settings to be used in the GTAW (gas tungsten arc welding) process.	2,3,4	1,2,3,5,6,7,12,13,20	
F. Be able to discuss the components utilized with GMAW (gas metal arc welding) process.	2,3,4	5,6,7,12,13,20	
G. Be able to discuss metal inert gas welding activities such as arc spot welding, pulsed spray welding, and electrogas welding.	2,3,4	1,2,3,4,5,6,7,12,13,20	

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Subchapter D. Construction Technology

§2525. Introduction

- A. Competency Courses
 - 1. Construction Technology;
 - 2. Basic Wood Technology; and
 - 3. Advanced Wood Technology.
- B. Related Electives
 - 1. General Technology Education;
 - 2. Manufacturing Technology;
 - 3. Material-Processes;
 - 4. Basic Metal Technology;
 - 5. Advanced Metal Technology;
 - 6. Welding Technology;
 - 7. Basic Technical Drafting;
 - 8. Advanced Technical Drafting;
 - 9. Architectural Drafting;
 - 10. Basic Electricity/Electronics;
 - 11. Energy, Power, and Transportation Technology;
 - 12. Power Mechanics;
 - 13. Physics of Technology I; and
 - 14. Physics of Technology II.

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§2527. Focus Statement

A. The ability to select and use tools, materials, and processes is increasingly important in a technological work environment. Construction Technology emphasizes a strong foundation in:

- 1. Basic Wood Technology;

- 2. Construction Technology; and
- 3. Advanced Wood Technology, including:
 - a. safety;
 - b. tools;
 - c. machines;
 - d. processes; and
 - e. materials used in manufacturing of wood products.

B. Construction Technology investigates all areas of the construction industry from planning to completion of light, heavy, industrial, and civil construction and the various careers associated with each area.

C. Basic Wood Technology is designed to teach the fundamentals of woodworking, beginning with hand tool experiences and progressing into the study and use of modern power tools and machines. Safety should be actively incorporated into all aspects of instruction. The knowledge should be applied through the development and construction of various projects.

D. Advanced Wood Technology is designed for students interested in improving their knowledge and experiences dealing with the materials, tools, and processes used in the manufacture of wood products. The course content centers around design, planning, and building of projects which will serve as a vehicle for learning and skill development.

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§2529. Construction Technology Benchmarks

A. Standard 13. Develop an understanding of the construction industry from the initial planning stage to the completion of light, heavy, industrial, and civil construction.

Benchmarks	Louisiana Foundation Skills	ITEA Standards for Technology Education	Academic Cross-Reference (Standard-Benchmark)
A. Develop an understanding of the technical requirements of construction.	1,3,4	1,2,3,7,8,9,20	English Language Arts ELA 1 – H1,H3,H4,H5 ELA 2 – H1,H2,H3,H4,H5,H6 ELA 3 – H1,H2,H3 ELA 4 – H1,H2,H3,H4,H5,H6 ELA 5 – H1,H2,H3,H4,H5,H6 ELA 6 – H1 ELA 7 – H1,H2
B. Develop safe work habits in the laboratory.	1,3,4,5	1,2,3,5,6,7,20	Mathematics N – 1H,2H,3H,4H,5H,6H,7H M – 1H,2H,3H,4H G – 1H,2H,3H
C. Develop an understanding of the four major types of construction.	1,3,4	1,2,3,4,5,6,7,20	Social Studies G— 1A-H1,1B-H1,1D-H1,1D-H2, 1C-H2,1D-H3 E— 1A-H1,1A-H2,1A-H3,1B-H1, 1B-H2 H— 1A-H6 C— 1A-H1
D. Develop an understanding of the occupational requirements and opportunities in the construction industry.	1,3,5	1,2,3,4,5,6,7,8,9,10,11,12,13,20	Science S1H – A1,A2,A3,A7 PS-H – C1,C3,D7,G4 LS-H – D4,E1 ESS-H – A1 SE-H – A1,A3,A4,A11,B1,B2,B3, B4,B5,B6,C1,C2,C3,C4, D1,D2,D3,D4,D5,D6
E. Develop basic competencies in the use of various tools and equipment used in construction industries.	1,2,3	1,2,3,5,6,7,12,13,20	
F. Compute mathematical problems associated with the construction industry.	1,2,3,4	1,2,3,4,5,6,10,11,12,13,20	
G. Discuss federal, state, and local laws pertaining to construction.	1,3,5	1,2,3,5,6,20	
H. Explore career opportunities associated with the construction industry.	1,2,3,4,5	1,2,3,5,7,8,10,20	

B. Standard 14. Explore the fundamentals of woodworking, beginning with hand tool experiences and

progressing into the study and use of modern power tools and machines.

Benchmarks	Louisiana Foundation Skills	ITEA Standards for Technology Education	Academic Cross-Reference (Standard-Benchmark)
A. Develop an understanding of the woodworking technology laboratory physical plant, its layout, management, and safety procedures.	1,2,3,4	1,2,3,5,6,8,9,10,12,13,19,20	English Language Arts ELA 1 – H1,H3,H4,H5 ELA 2 – H1,H2,H3,H4,H5,H6 ELA 3 – H1,H2,H3 ELA 4 – H1,H2,H3,H4,H5,H6 ELA 5 – H1,H2,H3,H4,H5,H6 ELA 6 – H1 ELA 7 – H1,H2
B. Display safety consciousness while working in the lab.	1,3,4,5	1,2,3,5,6,7,12,13,19,20	Mathematics N – 1H,2H,3H,4H,5H,6H,7H M – 1H,2H,3H,4H G – 1H,2H,3H D – 7H
C. Be able to identify, select, and use the basic hand tools.	1,2,3,4,5	1,2,3,5,6,7,19,20	Social Studies G— 1A-H1,1B-H1,1D-H1,1D-H2,1C-H2,1D-H3 E— 1A-H1,1A-H2,1A-H3,1B-H1,1B-H2 H— 1A-H6 C— 1A-H1
D. Learn the selection process, principles of design, and basic drawing techniques involved in product planning.	1,2,3	1,2,3,4,5,6,7,8,9,10,19,20	Science S1-H – A1,A2,A3,A7 PS-H – C1,C3,D7,G4 LS-H – D4,E1 ESS-H – A1
E. Process stock using hand tools and machines in a reasonable manner by squaring, gluing, bending, veneering, and edging.	2,3,4	1,2,3,5,6,7,12,13,19,20	SE-H – A1,A3,A4,A11,B1,B2,B3,B4,B5,B6,C1,C2,C3,C4,D1,D2,D3,D4,D5,D6
F. Identify, select and install appropriate hardware according to project requirements.	2,3,4	1,2,3,7,8,19,20	
G. Demonstrate the skills necessary for safe operation of portable power tools and machine tools.	1,2,3,5	1,2,3,5,6,7,12,13,19,20	
H. Apply science and mathematics skills to problem solving.	2,3,4	1,2,3,10,11,12,19,20	

C. Standard 15. Develop an understanding of the advanced practices utilized in the manufacture of wood products.

Benchmarks	Louisiana Foundation Skills	ITEA Standards for Technology Education	Academic Cross-Reference (Standard-Benchmark)
A. Provide advanced experiences in the types, manufacture, and use of wood and wood-based products.	1,3,4,5	1,2,3,7,8,19,20	English Language Arts ELA 1 – H1,H3,H4,H5 ELA 2 – H1,H2,H3,H4,H5,H6 ELA 3 – H1,H2,H3 ELA 4 – H1,H2,H3,H4,H5,H6 ELA 5 – H1,H2,H3,H4,H5,H6 ELA 6 – H1 ELA 7 – H1,H2
B. Encourage students to appreciate and develop working drawings based on the elements of good design and efficient construction techniques.	1,2,3,4	1,2,3,8,9,10,19,20	Mathematics N – 1H,2H,3H,4H,5H,6H,7H M – 1H,2H,3H,4H G – 1H,2H,3H D – 7H
C. Develop an understanding of advanced material processes and construction techniques utilized in the manufacture of wood products.	1,3,4	1,2,3,4,5,6,7,11,12,13,19,20	Social Studies G— 1A-H1,1B-H1,1D-H1,1D-H2,1C-H2,1D-H3 E— 1A-H1,1A-H2,1A-H3,1B-H1,1B-H2 H— 1A-H6 C— 1A-H1
D. Practice safe and efficient work habits.	1,3,5	1,2,3,5,6,7,19,20	Science S1-H – A1,A2,A3,A7 PS-H – C1,C3,D7,G4 LS-H – D4,E1 ESS-H – A1
E. Demonstrate advanced skills in the use of hand, portable, and stationary power machines.	1,2,3,4,5	1,2,3,5,6,7,12,13,19,20	SE-H – A1,A3,A4,A11,B1,B2,B3,B4,B5,B6,C1,C2,C3,C4,D1,D2,D3,D4,D5,D6
F. Discuss career opportunities within the woodworking industry.	1,3,5	1,2,3,4,5,6,7,8,9,10,11,12,13,19,20	
G. Discuss developing technologies in wood products manufacturing.	1,3,4,5	1,2,3,4,5,6,7,12,13,19,20	

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Subchapter E. Energy, Power, and Transportation Technology

§2533. Introduction

- A. Competency Courses
 - 1. Energy, Power and Transportation Technology;
 - 2. Power Mechanics;
 - 3. Physics of Technology I; and
 - 4. Physics of Technology II.
- B. Related Electives
 - 1. General Technology Education;
 - 2. Manufacturing Technology;
 - 3. Materials and Processes;
 - 4. Basic Metal Technology;
 - 5. Advanced Metal Technology;
 - 6. Welding Technology;
 - 7. Basic Technical Drafting;
 - 8. Advanced Technical Drafting;
 - 9. Architectural Drafting;
 - 10. Basic Electricity/Electronics; and
 - 11. Advanced Electricity/Electronics.

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§2535. Focus Statement

A. This curriculum has been designed to facilitate teaching the course in two distinct parts. The first semester focuses on energy and power while the second semester focuses on transportation. The study of various power, energy and transportation systems and the technological, environmental, and societal impacts associated with them will be the focus.

B. Energy, Power, and Transportation. This technology investigates the sources of energy, as well as the methods of controlling, converting, and transmitting energy. The course is designed for students to understand the common and

alternative sources of energy. Students will use terminology and units of measurement related to energy systems, as well as compare and evaluate past, present, and emerging energy systems.

C. Power Mechanics. This technology investigates in-depth exploration in the field of Power Mechanics. Of primary concern are the various power conversion and generation systems and the productive utilization of those systems. Students will study and develop basic competencies in working with mechanical systems, fluid power systems, electrical systems, and internal and external combustion systems.

D. Physics of Technology I and II. This course is designed to provide students with an understanding of the use of process skills as an integral part of science activities. Students will be provided the opportunity to develop those intellectual processes of inquiry and thought by which scientific phenomena are explained, measured, predicted, organized, and communicated. These experiences will serve to reinforce scientific concepts. Work-based learning strategies appropriate for this course include field trips, service learning, and job shadowing. This course and technology Student Association technical and leadership activities enhance skills essential for students interested in technical and engineering career fields.

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§2537. Energy, Power, and Transportation Technology Benchmarks

A. Standard 16. Develop an understanding of the various power, energy, and transportation systems and the technological, environmental, and societal impacts associated with them.

Benchmarks	Louisiana Foundation Skills	ITEA Standards for Technology Education	Academic Cross-Reference (Standard-Benchmark)
A. Investigate the sources of energy, as well as the methods of controlling, converting, and transmitting energy.	1,2,3,4,5	1,2,3,5,11,12,13,16	English Language Arts ELA 1 – H1,H3,H4,H5 ELA 2 – H1,H2,H3,H4,H5,H6 ELA 3 – H1,H2,H3 ELA 4 – H1,H2,H3,H4,H5,H6 ELA 5 – H1,H2,H3,H4,H5,H6 ELA 6 – H1 ELA 7 – H1,H2
B. Explore and understand the various systems, system components, and how they interact.	2,3,4	1,2,3,4,5,6,7,11,12,13,16	Mathematics N – 1H,2H,3H,4H,5H,6H,7H A – 1H,2H,3H,4H M – 1H,2H,3H,4H G – 1H,2H,3H,4H,5H,6H
C. Research related information and develop solutions to specific problems.	1,2,3	1,2,3,6,7,10,16	Social Studies G— 1A-H1,1A-H2,1D-H1,1D-H2,1D-H3,1D-H4,1D-H5 E— 1A-H1,1A-H2,1A-H3,1A-H5,1A-H6,1A-H7,1B-H1,1B-H2,1B-H4,1B-H5,1B-H6,1D-H3 H— 1A-H1,1A-H2,1A-H5,1A-H6
D. Foster an understanding of common and alternative sources of energy, use of terminology, and units of measurement related to energy systems.	3,4	1,2,3,4,7,8,12,16	Science S1-H – A1,A2,A3,A4,A5,A6,A7,B3,B4,B5 PS-H – B1,B2,B3,C1,C2,C6,C7,D1,D6,D7,E1,E2,E3,E4,F1,F2,G1,G2,G3,G4 ESS-H – A1,A2,A3,A5,A6,B1,B2 SE-H – A1,A2,A11,B1,B2,B3,B4,B5,B6,C1,C2,C3,C4,C5,D1,D2,D3,D4,D5,D6
E. Compare and evaluate past, present, and emerging energy systems, understand the fundamentals of the laws of thermodynamics and ways of changing energy.	1,2,3,4	1,2,3,4,5,6,7,16	
F. Explore and investigate the various technical means used to transport people and goods on land, water, air, and space.	1,2,3,4,5	1,2,3,4,5,6,7,16,18	
G. Develop a basic understanding of transportation systems and related occupations.	1,3,5	1,2,3,4,5,6,7,8,9,10,11,12,13,18	
H. Investigate the advantages and limitations of various transportation systems with implications toward future means of transportation.	1,2,3,4,5	1,2,3,4,5,6,7, 13,16,18	

B. Standard 17. Provide students with the opportunity for in-depth exploration of the field of power mechanics, of the

various power conversion and generator systems, and the productive utilization of those systems.

Benchmarks	Louisiana Foundation Skills	ITEA Standards for Technology Education	Academic Cross-Reference (Standard-Benchmark)
A. Develop an awareness of the impact of power mechanics systems on our modern technological society.	1,3,5	1,2,3,4,5,6,7,16	English Language Arts ELA 1 – H1,H3,H4,H5 ELA 2 – H1,H2,H3,H4,H5,H6 ELA 3 – H1,H2,H3 ELA 4 – H1,H2,H3,H4,H5,H6 ELA 5 – H1,H2,H3,H4,H5,H6 ELA 7 – H1,H2
B. Develop and provide safety information essential for working with power mechanic systems.	1,3,5	1,2,3,5,6,7,12,13,16	Mathematics N – 1H,2H,3H,4H,5H,6H,7H A – 1H,2H,3H,4H M – 1H,2H,3H,4H G – 1H,2H,3H,4H,5H,6H
C. Develop an understanding of the various power systems and their relationship to the various forms of energy and transportation systems.	1,3,4	1,2,3,4,5,6,7,8,9,10,11,12,13,16	Social Studies G – 1D-H1,1D-H2,1D-H4,1D-H5 E – 1A-H1,1A-H2,1A,H3 H – 1A-H2,1A-H5,1A-H6
D. Foster an understanding of the fundamental principles of mathematics and physics applicable to power mechanics systems.	3,4	1,2,3,10,11,12,16	Science S1-H— A1,A2,A3,A4,A5,A6,A7,B3,B4,B5 PS-H— B1,B2,B3,D1,D6,D7,E1,E2,E3,E4,F1,F2,G1,G2,G3,G4 ESS-H— A1,A2,A3,A5,A6,B1,B2 SE-H— A1,A2,A11,B1,B2,B3,B4,B5,B6,C1,C2,C3,C4,C5,D1,D2,D3,D4,D5,D6
E. Conduct research and development projects and write technical papers describing their projects.	1,3	1,2,3,7,8,9,10,11,12,13,16	
PRINCIPLES OF TECHNOLOGY I, II Refer to Science Standards and Benchmarks guide for these two subjects.			

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Subpart 3. Appendices

Chapter 27. Appendix A. Academic Cross References §2701. Introduction

A. This Chapter 27 includes a list of the content standards and benchmarks that have been referenced in this Part. All referenced content area standards and benchmarks are for students in grades 6-8, indicated as "M" for middle school, and grades 9-12, indicated as "H" for high school.

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§2703. English Language Arts (ELA)

A. Standard One. Students read, comprehend, and respond to a range of materials, using a variety of strategies for different purposes.

ELA-1-M1	Using knowledge of word meaning and developing basic and technical vocabulary using a variety of strategies (e.g., context clues affixes, etymology, dictionary).
ELA-1-M3	Reading, comprehending, and responding to written, spoken, and visual texts in extended passages.
ELA-1-M4	Interpreting texts with supportive explanations to generate connections to real-life situations and other texts (e.g., business, technical, scientific).
ELA-1-M5	Using purposes for reading (e.g., enjoying, learning, researching, problem solving) to achieve a variety of objectives.
ELA-1-H1	Using knowledge of word meaning and extending basic and technical vocabulary employing a variety of strategies (e.g., context clues, affixes, etymology, dictionary, thesaurus).
ELA-1-H2	Analyzing the effects of complex literary devices (e.g., figurative language, flash-back, foreshadowing, dialogue, irony) and complex elements (e.g., setting, plot, character, theme, mood, style) on a selection.
ELA-1-H3	Reading, comprehending, and responding to extended, complex written, spoken, and visual texts.
ELA-1-H4	Interpreting complex texts with supportive explanations to generate connections to real-life situations and other texts (e.g., business, technical, scientific).
ELA-1-H5	Using the various purposes for reading (e.g., enjoying, learning, researching, problem-solving) to complete complex projects.

B. Standard Two. Students write competently for a variety of purposes and audiences.

ELA-2-M1	Writing a composition that clearly implies a central idea with supporting details in a logical, sequential order.
ELA-2-M2	Using language, concepts, and ideas that show an awareness of the intended audience and/or purpose (e.g., classroom, real-life, workplace) in developing complex compositions.
ELA-2-M3	Applying the steps of the writing process.
ELA-2-M4	Using narration, description, exposition, and persuasion to develop various modes of writing (e.g., notes, stories, poems, letters, essays, logs).

ELA-2-M5	Recognizing and applying literary devices (e.g., figurative language, symbolism, dialogue).
ELA-2-M6	Writing as a response to texts and life experiences (e.g., letters, journals, lists).
ELA-2-H1	Writing a composition of complexity that clearly implies a central idea with supporting details in a logical, sequential order.
ELA-2-H2	Using language, concepts, and ideas that show an awareness of the intended audience and/or purpose (e.g., classroom, real-life, workplace) in developing complex compositions.
ELA-2-H3	Applying the steps of the writing process, emphasizing revising and editing in final drafts.
ELA-2-H4	Using narration, description, exposition, and persuasion to develop various modes of writing (e.g., notes, stores, poems, letters, essays, editorials, critical analyses, logs).
ELA-2-H5	Recognizing and applying literary devices (e.g., figurative language, symbolism, dialogue) and various stylistic elements (e.g., diction, sentence structure, voice tone).
ELA-2-H6	Writing as a response to texts and life experiences (e.g., technical writing, resumés).

C. Standard Three. Students communicate using standard English grammar usage, sentence structure, punctuation, capitalization, spelling, and handwriting.

ELA-3-M1	Writing legibly.
ELA-3-M2	Demonstrating use of punctuation (e.g., comma, apostrophe, colon, semicolon, quotation marks, dashes, parentheses), capitalization, and abbreviations.
ELA-3-M3	Demonstrating standard English structure and usage.
ELA-3-M4	Demonstrating understanding of the parts of speech to make choices for writing.
ELA-1-M5	Spelling accurately using strategies and resources (e.g., glossary, dictionary, thesaurus, spell check) when necessary.
ELA-3-H1	Writing legibly.
ELA-3-H2	Using the grammatical and mechanical conventions of standard English
ELA-3-H3	Spelling accurately using strategies and resources (e.g., glossary, dictionary, thesaurus, spell check) when necessary.

D. Standard Four. Students demonstrate competence in speaking and listening as tools for learning and communicating.

ELA-4-M1	Speaking intelligibly, using standard English pronunciation and diction.
ELA-4-M2	Giving and following directions/procedures.
ELA-4-M3	Using the features of speaking (e.g., audience analysis, message construction, delivery, interpretation of feedback) when giving rehearsed and unrehearsed presentations.
ELA-4-M4	Speaking and listening for a variety of audiences (e.g., classroom, real-life, workplace) and purposes (e.g., awareness, concentration, enjoyment, information, problem solving).
ELA-4-M5	Listening and responding to a wide variety of media (e.g., music, TV, film, speech).
ELA-4-M6	Participating in a variety of roles in group discussions (e.g., active listener, contributor, discussion leader, facilitator, recorder).
ELA-4-H1	Speaking intelligibly, using standard English pronunciation and diction.
ELA-4-H2	Giving and following directions/procedures.

ELA-4-H3	Using the features of speaking (e.g., audience analysis, message construction, delivery, interpretation of feedback) when giving prepared and impromptu presentations.
ELA-4-H4	Speaking and listening for a variety of audiences (e.g., classroom, real-life, workplace) and purposes (e.g., awareness, concentration, enjoyment, information, problem solving).
ELA-4-H5	Listening and responding to a wide variety of media (e.g., music, TV, film, speech, CD-ROM).
ELA-4-H6	Participating in a variety of roles in group discussions (e.g., active listener, contributor, discussion leader, facilitator, recorder, mediator).

E. Standard Five. Students locate, select, and synthesize information from a variety of texts, media, references, and technological sources to acquire and communicate knowledge.

ELA-5-M1	Recognizing and using organizational features of printed text, other media, and electronic information (e.g., parts of texts, alphabetizing, captions, legends, microprint, laser discs, hypertext, CD-ROM, pull-down menus, keyword searches, icons, passwords, entry menu features).
ELA-5-M2	Locating and evaluating information sources (e.g., print materials, databases, CD-ROM references, Internet information, electronic reference works, community and government data, television and radio resources, audio and visual materials).
ELA-5-M3	Locating, gathering, and selecting information using graphic organizers, outlining, note taking, summarizing, interviewing, and surveying to produce documented texts and graphics.
ELA-5-M4	Using available technology to produce, revise, and publish a variety of works.
ELA-5-M5	Citing references using various formats (e.g., endnotes, bibliography).
ELA-5-M6	Interpreting graphic organizers (e.g., charts/graphs, tables/schedules, diagrams/maps, flowcharts).
ELA-5-H1	Recognizing and using organizational features of printed text, other media, and electronic information (e.g., parts of texts, citations, endnotes, bibliographic references, microprint, laser discs, hypertext, CD-ROM, keyword searches, bulletin boards, e-mail).
ELA-5-H2	Locating and evaluating information sources (e.g., print materials, databases, CD-ROM references, Internet information, electronic reference works, community and government data, television and radio resources, audio and visual materials).
ELA-5-H3	Accessing information and conducting research using graphic organizers, outlining, note taking, summarizing, interviewing, and surveying to produce documented texts and graphics.
ELA-5-H4	Using available technology to produce, revise, and publish a variety of works.
ELA-5-H5	Citing references using various formats (e.g., parenthetical citations, endnotes, bibliography).
ELA-5-H6	Interpreting graphic organizers (e.g., charts/graphs, tables/schedules, diagrams/maps, organizational charts/flowcharts.)

F. Standard Six. Students read, analyze, and respond to literature as a record of life experiences.

ELA-6-H1	Identifying, analyzing, and responding to United States and world literature that represents the experiences and traditions of diverse ethnic groups.
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G. Standard Seven. Students apply reasoning and problem solving skills to their reading, writing, speaking, listening, viewing, and visually representing.

ELA-7-M1	Using comprehension strategies (e.g., sequencing, predicting, drawing conclusions, comparing and contrasting, making inferences, determining main ideas, summarizing, recognizing literary devices, paraphrasing) in contexts.
ELA-7-M2	Problem solving by using reasoning skills, life experiences, accumulated knowledge, and relevant available information.
ELA-7-M3	Analyzing the effects of an author's purpose and point of view.
ELA-7-M4	Distinguishing fact from opinion and probability, skimming and scanning for facts, determining cause and effect, inductive and deductive reasoning, generating inquiry, and making connections with real-life situations across texts.
ELA-7-H1	Using comprehension strategies (e.g., predicting, drawing conclusions, comparing, and contrasting, making inferences, determining main ideas, summarizing, recognizing literary devices, paraphrasing) in contexts.
ELA-7-H2	Problem solving by analyzing, prioritizing, categorizing, and evaluating; incorporating life experiences; and using available information.
ELA-7-H3	Analyzing the effects of an author's life, culture, and philosophical assumptions and an author's purpose and point of view.
ELA-7-H4	Distinguishing fact from opinion, skimming and scanning for facts, determining cause and effect, generating inquiry, and making connections with real-life situations across texts.

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§2705. Mathematics

A. Number and Number Relations Strand (N). In problem-solving investigations, students demonstrate an understanding of the real number system and communicate the relationships within that system using a variety of techniques and tools.

N-1-M	Demonstrating that a rational number can be expressed in many forms, and selecting an appropriate form for a given situation (e.g., fractions, decimals, and percents).
N-2-M	Demonstrating number sense and estimation skills to describe, order, and compare rational numbers (e.g., magnitude, integers, fractions, decimals, and percents).
N-3-M	Reading, writing, representing, and using rational numbers in a variety of forms (e.g., integers, mixed numbers, and improper fractions).
N-4-M	Demonstrating a conceptual understanding of the meaning of the basic arithmetic operations (add, subtract, multiply, and divide) and their relationships to each other.
N-5-M	Applying an understanding of rational numbers and arithmetic operations to real-life situations.
N-6-M	Constructing, using, and explaining procedures to compute and estimate with rational number employing mental math strategies.

N-7-M	Selecting and using appropriate computational methods and tools for given situations involving rational numbers (e.g., estimation, or exact computation using mental arithmetic, calculator, computer, or paper and pencil).
N-1-H	Demonstrating an understanding of the real number system.
N-2-H	Demonstrating that a number can be expressed in many forms, and selecting an appropriate form for a given situation (e.g., fractions, decimals, percents, and scientific notation).
N-3-H	Using number sense to estimate and determine if solutions are reasonable.
N-4-H	Determining whether an exact or approximate answer is necessary.
N-5-H	Selecting and using appropriate computational methods and tools for given situations (e.g., estimation, or exact computation using mental arithmetic, calculator, symbolic manipulator, or paper and pencil).
N-6-H	Applying ratios and proportional thinking in a variety of situations (e.g., finding a missing term of a proportion).
N-7-H	Justifying reasonableness of solutions and verifying results.

B. Algebra Strand (A). In problem-solving investigations, students demonstrate an understanding of concepts and processes that allow them to analyze, represent, and describe relationships among variable quantities and to apply algebraic methods to real-world situations.

A-1-M	Demonstrating a conceptual understanding of variables, expressions, equations, and inequalities (e.g., symbolically represent real-world problems as linear terms, equations, or inequalities).
A-2-M	Modeling and developing methods for solving equations and inequalities (e.g., using charts, graphs, manipulatives, and/or standard algebraic procedures).
A-3-M	Representing situations and number patterns with tables, graphs, and verbal and written statements, while exploring the relationships among these representations (e.g., multiple representations for the same situation).
A-4-M	Analyzing tables and graphs to identify relationships exhibited by the data and making generalizations based upon these relationships.
A-5-M	Demonstrating the connection or algebra to the other strands and to real-life situations.
A-1-H	Demonstrating the ability to translate real-world situations (e.g., distance versus time relationships, population growth functions for diseases, growth of minimum wage, auto insurance tables) into algebraic expressions, equations, and inequalities and vice versa.
A-2-H	Recognizing the relationship between operations involving real numbers and operations involving algebraic expressions.
A-3-H	Using tables and graphs as tools to interpret algebraic expressions, equations, and inequalities.
A-4-H	Solving algebraic equations and inequalities using a variety of techniques with the appropriate tools (e.g., hand-held manipulatives, graphing calculator, symbolic manipulator, or pencil and paper).

C. Measurement Strand (M). In problem-solving investigations, students demonstrate an understanding of the concepts, processes, and real-life applications of measurements.

M-1-M	Applying the concepts of length, area, surface area, volume capacity, weight, mass, money, time, temperature, and rate to real-world experiences.
M-2-M	Demonstrating an intuitive sense of measurement (e.g., estimating and determining reasonableness of measures).
M-3-M	Selecting appropriate units and tools for tasks by considering the purpose for the measurement and the precision required for the task (e.g., length of a room in feet rather than inches).
M-4-M	Using intuition and estimation skills to describe, order, and compare formal and informal measures (e.g., ordering cup, pint, quart, gallon; comparing a meter to a yard).
M-5-M	Converting from one unit of measurement to another within the same system. (Comparisons between systems, customary and metric, should be based on intuitive reference points, not formal computation.)
M-6-M	Demonstrating the connection of measurement to the other strands and to real-life situations.
M-1-H	Selecting and using appropriate units, techniques, and tools to measure quantities in order to achieve specified degrees of precision, accuracy, and error (or tolerance) of measurements.
M-2-H	Demonstrating an intuitive sense of measurement (e.g., estimating and determining reasonableness of results as related to area, volume, mass, rate, and distance).
M-3-H	Estimating, computing, and applying physical measurement using suitable units (e.g., calculate perimeter and area of plane figures, surface area and volume of solids presented in real-world situations).
M-4-H	Demonstrating the concept of measurement as it applies to real-world experiences.

D. Geometry Strand (G). In problem-solving investigations, students demonstrate an understanding of geometric concepts and applications involving the one-, two-, and three-dimensional geometry, and justify their findings.

G-1-M	Using estimation skills to describe, order, and compare geometric measures.
G-2-M	Identifying describing, comparing, constructing, and classifying geometric figures and concepts.
G-3-M	Making predictions regarding transformations of geometric figures (e.g., make predictions regarding translations, reflections, and rotations of common figures).
G-4-M	Constructing two- and three-dimensional models.
G-5-M	Making and testing conjectures about geometric shapes and their properties.
G-6-M	Demonstrating an understanding of the coordinate system (e.g., locate points, identify coordinates, and graph points in a coordinate plane to represent real-world situations).
G-7-M	Demonstrating the connection of geometry to the other strands and to real-life situations (e.g., applications of the Pythagorean Theorem).
G-1-H	Identifying, describing, comparing, constructing, and classifying geometric figures in two and three dimensions using technology where appropriate to explore and make conjectures about geometric concepts and figures.
G-2-H	Representing and solving problems using geometric models and the properties of those models (e.g., Pythagorean Theorem of formulas involving radius, diameter, and circumference).
G-3-H	Solving problems using coordinate methods, as well as synthetic and transformational methods (e.g., transform on a coordinate plane a design found in real-life situations).

G-4-H	Using inductive reasoning to predict, discover, and apply geometric properties and relationships (e.g., patty paper constructions, cum of the angles in a polygon).
G-5-H	Classifying figures in terms of congruence and similarity and applying these relationships.
G-6-H	Demonstrating deductive reasoning and mathematical justification (e.g., oral explanation, informal proof, and paragraph proof).

E. Data, Discrete Math, and Probability Strand (D). In problem-solving investigations, students discover trends, formulate conjectures regarding cause-and-effect relationships, and demonstrate critical thinking skills in order to make informed decisions.

D-3-H	Using simulations to estimate probabilities (e.g., lists and tree diagrams).
D-7-H	Making inferences from data that are organized in charts, tables, and graphs (e.g., pictograph; bar, line, or circle graph; stem-and-leaf plot or scatter plot).
D-8-H	Using logical thinking procedures, such as flow charts, Venn diagrams, and truth tables.
D-9-H	Using discrete math to model real-life situations (e.g., fair games or elections, map coloring).

F. Patterns, Relations, and Functions (P). In problem-solving investigations, students demonstrate understanding of patterns, relations, and functions that represent and explain real-world situations.

P-1-H	Modeling the concepts of variables, functions, and relations as they occur in the real world and using the appropriate notation and terminology.
P-2-H	Translating between tabular, symbolic, or graphic representations of functions.
P-3-H	Recognizing behavior of families of elementary functions, such as polynomial, trigonometric, and exponential functions, and, where appropriate, using graphing technologies to represent them.
P-4-H	Analyzing the effects of changes in parameters (e.g., coefficients and constants) on the graphs of functions, using technology whenever possible.
P-5-H	Analyzing real-world relationships that can be modeled by elementary functions.

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§2707. Social Studies

A. Geography Strand: Physical and Cultural Systems (G). Students develop a spatial understanding of Earth's surface and the processes that shape it, the connections between people and places, and the relationship between man and his environment.

Benchmark A. The World in Spatial Terms	
G-1A-M1	Identifying and describing the characteristics, functions, and applications of various types of maps and other geographic representations, tools, and technologies.
G-1A-M2	Interpreting and developing maps, globes, graphs, charts, models, and databases to analyze spatial distributions and patterns.

G-1A-H1	Using geographic representations, tools, and technologies to explain, analyze, and solve geographic problems.
G-1A-H2	Organizing geographic information and answering complex questions by formulating mental maps of places and regions.

Benchmark B. Places and Regions	
G-1B-H1	Determining how location and social, cultural, and economic processes affect the features and significance of places.

Benchmark C. Physical and Human Systems	
G-1C-H1	Analyzing the ways in which Earth's dynamic and interactive physical processes affect different regions of the world.
G-1C-H2	Determining the economic, political, and social factors that contribute to human migration and settlement patterns and evaluating their impact on physical and human systems.

Benchmark D. Environment and Society	
G-1D-M1	Analyzing and evaluating the effects of human actions upon the physical environment.
G-1D-M2	Explaining and giving examples of how characteristics of different physical environments affect human activities.
G-1D-M4	Identifying problems that relate to contemporary geographic issues and researching possible solutions.
G-1D-H1	Describing and evaluating the ways in which technology has expanded the human capability to modify the physical environment.
G-1D-H2	Examining the challenges placed on human systems by the physical environment and formulating strategies to deal with these challenges.
G-1D-H3	Analyzing the relationship between natural resources and the exploration, colonization, settlement, and uses of land in different regions of the world.
G-1D-H4	Evaluating policies and programs related to the use of natural resources.
G-1D-H5	Developing plans to solve local and regional geographic problems related to contemporary issues.

B. Civics Strand: Citizenship and Government (C). Students develop an understanding of the structure and purposes of government, the foundations of the American democratic system, and the role of the United States in the world, while learning about the rights and responsibilities of citizenship.

Benchmark A. Structure and Purposes of Government	
C-1A-H1	Analyzing the necessity and purposes of politics and government and identifying examples of programs that fit within those purposes.

C. Economics Strand: Interdependence and Decision Making (E). Students develop an understanding of fundamental economic concepts as they apply to the interdependence and decision making of individuals, households, businesses, and governments in the United States and the world.

Benchmark A. Fundamental Economic Concepts	
E-1A-M1	Describing how the scarcity of resources necessitates decision making at both personal and societal levels.
E-1A-M5	Giving examples of how skills and knowledge increase productivity and career opportunities.
E-1A-M6	Describing the essential differences in the production and allocation of goods and services in traditional, command, and market systems.
E-1A-H1	Analyzing the impact of the scarcity of productive resources and examining the choices and opportunity cost that result.
E-1A-H2	Analyzing the roles that production, distribution, and consumption play in economic decisions.
E-1A-H3	Applying the skills and knowledge necessary in making decisions about career options.
E-1A-H4	Comparing and evaluating economic systems.
E-1A-H5	Explaining the basic features of market structures and exchanges.
E-1A-H6	Analyzing the roles of economic institutions, such as corporations and labor unions, that compose economic systems.

Benchmark B. Individuals, Households, Businesses, and Governments	
E-1B-M1	Explaining the role of supply and demand in a competitive market system.
E-1B-M4	Identifying the costs and benefits of government policies on competitive markets.
E-1B-M5	Identifying different types of taxes and user fees and predicting their consequences.
E-1B-M6	Determining the reasons for trade between nations, identifying costs and benefits, and recognizing the worldwide interdependence that results.
E-1B-H1	Identifying factors that cause changes in supply and demand.
E-1B-H2	Analyzing how changes in supply and demand, price, incentives, and profit influence production and distribution in a competitive market system.
E-1B-H3	Analyzing the impact of government taxation, spending, and regulation on different groups in a market economy.
E-1B-H4	Analyzing the causes and consequences of worldwide economic interdependence.
E-1B-H5	Evaluating the effects of domestic policies on international trade.
E-1B-H6	Analyzing Louisiana's role in the national and world economies.

Benchmark C. The Economy as a Whole	
E-1C-H2	Explaining how interest rates, investments, and inflation/deflation impact the economy.

D. History Strand: Time, Continuity, and Change (H). Students develop a sense of historical time and historical perspective as they study the history of their community, state, nation, and world.

Benchmark A. Historical Thinking Skills	
H-1A-M1	Describing chronological relationships and patterns.
H-1A-M2	Demonstrating historical perspective through the political, social, and economic context in which an event or idea occurred.
H-1A-M3	Analyzing the impact that specific individuals, ideas, events, and decisions had on the course of history.
H-1A-M4	Analyzing historical data using primary and secondary sources.

H-1A-H1	Applying key concepts, such as chronology and conflict, to explain and analyze patterns of historical change and continuity.
H-1A-H2	Explaining and analyzing events, ideas, and issues within a historical context.
H-1A-H3	Interpreting and evaluating the historical evidence presented in primary and secondary sources.
H-1A-H4	Utilizing knowledge of facts and concepts drawn from history and methods of historical inquiry to analyze historical and contemporary issues.
H-1A-H5	Conducting research in efforts to analyze historical questions and issues.
H-1A-H6	Analyzing cause-effect relationships.

Benchmark B. United States History Era6: The Development of the Industrial United States (1870-1900)	
H-1B-H6	Analyzing the development of industrialization and examining its impact on American society.
H-1B-H16	Explaining the major changes that have resulted as the United States has moved from an industrial to an information society.
H-1B-H17	Analyzing developments and issues in contemporary American society.

Benchmark C. World History Era9: The 20th Century Since 1945 (1945 to the Present)	
H-1C-H15	Explaining the worldwide significance of major political, economic, social, cultural, and technological, developments and trends.

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§2709. Science

A. Science as Inquiry Strand: (SI). Students will *do* science by engaging in partial and full inquiries that are within their developmental capabilities.

Benchmark A. The Abilities Necessary to do Scientific Inquiry	
SI-M-A1	Identifying questions that can be used to design a scientific investigation.
SI-M-A2	Designing and conducting a scientific investigation.
SI-M-A3	Using mathematics and appropriate tools and techniques to gather, analyze, and interpret data.
SI-M-A4	Developing descriptions, explanations, and graphs using data.
SI-M-A5	Developing models and predictions using the relationships between data and explanations.
SI-M-A6	Comparing alternative explanations and predictions.
SI-M-A7	Communicating scientific procedures, information, and explanations.
SI-M-A8	Utilizing safety procedures during scientific investigations.
SI-H-A1	Identifying questions and concepts that guide scientific investigations.
SI-H-A2	Designing and conducting scientific investigations.
SI-H-A3	Using technology and mathematics to improve investigations and communications.
SI-H-A4	Formulating and revising scientific explanations and models using logic and evidence.
SI-H-A5	Recognizing and analyzing alternative explanations and models.

SI-H-A6	Communicating and defending a scientific argument.
SI-H-A7	Utilizing science safety procedures during scientific investigations.

PS-M-C7	Understanding that energy is involved in chemical reactions.
PS-M-C8	Comparing the uses of different energy resources and their effects upon the environment.

Benchmark B. Understanding Scientific Inquiry	
SI-M-B1	Recognizing that different kinds of questions guide different kinds of scientific investigations.
SI-M-B2	Communicating that current scientific knowledge guides scientific investigations.
SI-M-B3	Understanding that mathematics, technology and scientific techniques used in an experiment can limit or enhance the accuracy of scientific knowledge.
SI-M-B4	Using data and logical arguments to propose, modify, or elaborate on principles and models.
SI-M-B5	Understanding that scientific knowledge is enhanced through peer review, alternative explanations, and constructive criticism.
SI-H-B2	Communicating that scientists conduct investigations for a variety of reasons, such as exploration of new areas, discovery of new aspects of the natural world, confirmation of prior investigations, evaluation of current theories, and comparison of models and theories.
SI-H-B3	Communicating that scientists rely on technology to enhance the gathering and manipulation of data.
SI-H-B4	Analyzing a proposed explanation of scientific evidence according to the following criteria: follow a logical structure; follow rules of evidence; allow for questions and modifications; and is based on historical and current scientific knowledge.
SI-H-B5	Communicating that the results of scientific inquiry, new knowledge, and methods emerge from different types of investigations and public communication among scientists.

Benchmark B. Atomic Structure	
PS-H-B1	Describing the structure of the atom and identifying and characterizing the particles that compose it (including the structure and properties of isotopes).
PS-H-B2	Describing the nature and importance of radioactive isotopes and nuclear reactions (fission, fusion, radioactive decay).
PS-H-B3	Understanding that an atom's electron configuration, particularly that of the outermost electrons, determines the chemical properties of that atom.

Benchmark C. The Structure and Properties of Matter	
PS-H-C1	Distinguishing among elements, compounds, and/or mixtures.
PS-H-C2	Discovering the patterns of physical and chemical properties found on the periodic table of the elements.
PS-H-C6	Recognizing that carbon atoms can bond to one another in chains, rings, and branching networks to form a variety of structures.
PS-H-C7	Using the kinetic theory to describe the behavior of atoms and molecules during the phase changes and to describe the behavior of matter in its different phases.

Benchmark D. Chemical Reactions	
PS-H-D1	Observing and describing changes in matter and citing evidence of chemical change.
PS-H-D6	Comparing and contrasting the energy changes that accompany changes in matter.
PS-H-D7	Identifying important chemical reactions that occur in living systems, the home, industry, and the environment.

B. Physical Science Strand (PS). Students will develop an understanding of the characteristics and interrelationships of matter and energy in the physical world.

1. Grades 6 - 8

Benchmark A. Properties and Changes of Properties in Matter	
PS-M-A9	Identifying elements and compounds found in common foods, clothing, household materials, and automobiles.

Benchmark B. Motions and Forces	
PS-M-B1	Describing and graphing the motions of objects.
PS-M-B2	Recognizing different forces and describing their effects (gravity, electrical, magnetic).
PS-M-B3	Understanding that, when an object is not being subjected to a force, it will continue to move at a constant speed and in a straight line.

Benchmark C. Transformations of Energy	
PS-M-C1	Identifying and comparing the characteristics of different types of energy.
PS-M-C2	Understanding the different kinds of energy transformations and the fact that energy can be neither destroyed nor created.
PS-M-C3	Understanding that the sun is a major source of energy and that energy arrives at the Earth's surface as light with a range of wavelengths.
PS-M-C6	Describing the types of energy that can be involved, converted, or released in electrical circuits.

Benchmark E. Forces and Motion	
PS-H-E1	Recognizing the characteristics and relative strengths of the forces of nature (gravitational, electrical, magnetic, nuclear).
PS-H-E2	Understanding the relationship of displacement, time, rate of motion, and rate of change of motion; representing rate and changes of motion mathematically and graphically.
PS-H-E3	Understanding effects of forces on changes in motion as explained by Newtonian mechanics.
PS-H-E4	Illustrating how frame of reference affects our ability to judge motion.

Benchmark F. Energy	
PS-H-F1	Describing and representing relationships among energy, work, power, and efficiency.
PS-H-F2	Applying the universal law of conservation of matter, energy, and momentum, and recognizing their implications.

Benchmark G. Interactions of Energy and Matter	
PS-H-G1	Giving examples of the transport of energy through wave action.
PS-H-G2	Analyzing the relationship and interaction of magnetic and electrical fields and the forces they produce.

PS-H-G3	Characterizing and differentiating electromagnetic and mechanical waves and their effects on objects as well as humans.
PS-H-G4	Explaining the possible hazards of exposure to various forms and amounts of energy.

C. Earth Science Strand (ESS). Students will develop an understanding of the properties of Earth's materials, the structure of the Earth's system, the Earth's history, and the Earth's place in the universe. (WARNING: Benchmarks for grades 9-12 need to be addressed if Earth Science is not offered at the high school level.)

1. Grades 6-8

Benchmark A. Structure of the Earth	
ESS-M-A1	Understanding that the Earth is layered by density with an inner and outer core, a mantle, and a thin outer crust.
ESS-M-A2	Understanding that the Earth's crust and solid upper mantle are diving plates that move in response to convection currents (energy transfers) in the mantle.
ESS-M-A3	Investigating the characteristics of earthquakes and volcanos and identifying zones where they may occur.
ESS-M-A4	Investigating how soils are formed from weathered rock and decomposed organic material.
ESS-M-A5	Identifying the characteristics and uses of minerals and rocks and recognizing that rocks are mixtures of minerals.
ESS-M-A6	Explaining the processes involved in the rock cycle.

Benchmark B. Earth History	
ESS-M-B1	Investigating how fossils show the development of life over time.
ESS-M-B2	Devising a model that demonstrates supporting evidence that the Earth has existed for a vast period of time.

Benchmark C. Earth in the Solar System	
ESS-M-C8	Understanding that space exploration is an active area of scientific and technological research and development.

2. Grades 9-12

Benchmark A. Energy in the Earth System	
ESS-H-A1	Investigating the methods of energy transfer and identifying the sun as the major source of energy for most of the Earth's systems.
ESS-H-A2	Modeling the seasonal changes in the relative position and appearance of the sun and inferring the consequences with respect to the Earth's temperature.
ESS-H-A3	Explaining fission and fusion in relation to the Earth's internal and external heat sources.
ESS-H-A5	Demonstrating how the sun's radiant energy causes convection currents within the atmosphere and the oceans.

Benchmark B. Geochemical Cycles	
ESS-H-B1	Illustrating how stable chemical atoms or elements are recycled through the solid earth, oceans, atmosphere, and organisms.
ESS-H-B2	Demonstrating Earth's internal and external energy sources as forces in moving chemical atoms or elements.

D. Science and the Environment Strand (SE). In learning environmental science, students will develop an appreciation of the natural environment, learn the importance of environmental quality, and acquire a sense of stewardship. As consumers and citizens, they will be able to recognize how our personal, professional, and political actions affect the natural world.

Benchmark A. Ecological Systems and Interactions	
SE-M-A1	Demonstrating knowledge that an ecosystem includes living, and nonliving factors and that humans are an integral part of ecosystems.
SE-M-A2	Demonstrating an understanding of how carrying capacity and limiting factors affect plant and animal populations.
SE-H-A1	Demonstrating an understanding of the functions of Earth's major ecological systems.
SE-H-A2	Investigating the flow of energy in ecological systems.
SE-H-A9	Demonstrating an understanding of influencing factors of biodiversity.
SE-H-A10	Explaining that all species represent a vital link in a complex web of interaction.
SE-H-A11	Understanding how pollutants can affect living systems.

Benchmark B. Resources and Resource Management	
SE-H-B1	Explaining the relationships between renewable and nonrenewable resources.
SE-H-B2	Comparing and contrasting conserving and preserving resources.
SE-H-B3	Recognizing that population size and geographic and economic factors result in the inequitable distribution of the Earth's resources.
SE-H-B4	Comparing and contrasting long- and short-term consequences of resource management.
SE-H-B5	Analyzing resource management.
SE-H-B6	Recognizing that sustainable development is a process of change in which resource use, investment direction, technological development, and institutional change meet society's present as well as future needs.

Benchmark C. Environmental Awareness and Protection	
SE-H-C1	Evaluating the dynamic interaction of land, water, and air and its relationship to living things in maintaining a healthy environment.
SE-H-C2	Evaluating the relationships between quality of life and environmental quality.
SE-H-C3	Investigating and communicating how environmental policy is formed by the interaction of social, economic, technological, and political considerations.
SE-H-C4	Demonstrating that environmental decisions include analyses that incorporate ecological, health, social, and economic factors.
SE-H-C5	Analyzing how public support affects the creation and enforcement of environmental laws and regulations.

Benchmark D. Personal Choices and Responsible Actions	
SE-H-D1	Demonstrating the effects of personal choices and actions on the natural environment.
SE-H-D2	Analyzing how individuals are capable of reducing and reversing their impact on the environment through thinking, planning, education, collaboration, and action.
SE-H-D3	Demonstrating that the most important factor in prevention and control of pollution is education.

SE-H-D4	Demonstrating a knowledge that environmental issues should be a local and global concern.
SE-H-D5	Recognizing that the development of accountability toward the environment is essential for sustainability.
SE-H-D6	Developing an awareness of personal responsibility as stewards of the local and global environment.

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§2711. Arts

A. Creative Expression (CE). Students develop creative expression through the application of knowledge, ideas, skills, and organizational abilities.

1. Grades 9-12

CE-1VA-H1	Producing works of art that successfully convey a central thought based on ideas, feelings, and memories.
CE-1VA-H2	Applying a variety of media techniques, technologies, and processes for visual expression and communication.
CE-1VA-H3	Recognizing and utilizing individual expression through the use of the elements of design while exploring compositional problems.
CE-1VA-H4	Producing a visual representation of ideas derived through the study of various cultures, disciplines, and art careers.
CE-1VA-H5	Producing imaginative works of art generated from individual and group ideas.

B. Aesthetic Perception (AP). Students develop aesthetic perception through the knowledge of art forms and respect for commonalities and differences.

1. Grades 9-12

AP-2VA-H1	Using an expanded art/design vocabulary when responding to the aesthetic qualities of a work of art.
AP-2VA-H2	Analyzing unique characteristics of art as it reflects the quality of everyday life in various cultures.
AP-2VA-H3	Using descriptors, analogies, and other metaphors to describe interrelationships observed in works of art, nature, and the total environment.
AP-2VA-H4	Assimilating the multiple possibilities and options available for artistic expression.

C. Historical and Cultural Perception (HP). Students develop historical and cultural perception by recognizing and understanding that the arts throughout history are a record of human experience with a past, present, and future.

1. Grades 9-12

HP-EVA-H1	Categorizing specific styles and periods of art as they relate to various cultural, political, and economic conditions.
HP-EVA-H2	Analyzing how works of art cross geographical, political, and historical boundaries.
HP-EVA-H4	Analyzing materials, technologies, media, and processes of the visual arts throughout history.

HP-EVA-H5	Identifying the roles of artists who have achieved recognition and ways their works have influenced the community.
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D. Critical Analysis (CA). Students will make informed judgments about the arts by developing critical analysis skills through study of and exposure to the arts.

1. Grades 9-12

CA-4VA-H1	Translating knowledge of the design elements and principles to communicate individual ideas.
CA-4VA-H2	Working individually/collectively to compare and contrast symbols and images in the visual arts with historical periods and in other core curricula.
CA-4VA-H3	Comparing and contrasting the processes, subjects, and media of the visual arts.
CA-4VA-H4	Analyzing how specific works are created and how they relate to cultures and to historical periods.

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HISTORICAL NOTE: Promulgated by the Department of Education, Board of Elementary and Secondary Education, Career and Technical Education, LR 30:2735 (December 2004).

Chapter 29. Appendix B. Sample Lesson Plans

§2901. Construction—Eighth Grade-Middle School

A. Standard **CM2**. Explore areas of the construction industry from planning to completion of light, heavy, industrial, and civil construction.

B. Benchmark A. Understand and use the common tools, materials, and processes common to the construction industry.

C. Foundation Skills (1), (2), (3), (4), (5). The benchmark in Subsection B above applies to skills 1,2,3,4,5 which addresses:

1. communication;
2. problem-solving;
3. resource access and utilization;
4. linking and generating knowledge; and
5. citizenship.

D. ITEA Standard **CI**, 2,3,4,5,20

E. Academic References

1. English Language Arts

a. *STD-1. Students read, comprehend, and respond to a range of materials, using a variety of strategies for different purposes.

b. *Benchmark ELA-1-M1. Using knowledge of word meaning and extending basic and technical vocabulary, employing a variety of strategies (e.g., context, clues, affixes, etymology, dictionary, thesaurus).

2. Mathematics

a. *STD-Measurement. In problem-solving investigations, students demonstrate an understanding of the:

- i. concepts;
- ii. process; and
- iii. real-life applications of measurement.

b. *Benchmarks M-1-M. Applying the concepts of:

- i. length;
- ii. area;
- iii. surface area;
- iv. volume;

- v. capacity;
- vi. weight;
- vii. mass;
- viii. money;
- ix. time;
- x. temperature; and
- xi. rate to real-world experiences.

3. Science

a. *STD-Science as Inquiry. The students will do science by engaging in practical and full inquiries that are within their developmental capabilities.

b. *Benchmarks SI-M-A3. Using mathematics and appropriate tools and techniques to gather, analyze, and interpret data.

F. Lesson and Assessment. Teacher-generated lesson on the use of drafting elevation for construction. Include specific content related to the standards and benchmarks referenced in this lesson.

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§2903. Basic Technical Drawing I

A. Standard C2. Understand and apply the basic concepts that are common to the broad field of technical drawing.

B. Benchmark A. Develop basic skills in the proper use of drafting instruments and materials.

C. Foundation Skills (1), (2), (3), (4), (5). The Benchmark in Subsection B above applies to skills 1, 2, 3, 4, 5, which addresses:

- 1. communication;
- 2. problem solving;
- 3. resource access and utilization;
- 4. linking and generating knowledge, and
- 5. citizenship.

D. ITEA Standards 1, 2, 3, 7, 8, 17

E. Academic References

1. English Language Arts (Select all that apply to the specific lesson)

a. *STD 1. Students read, comprehend, and respond to a range of materials using a variety of strategies for different purposes.

b. *Benchmark ELA-I-H1. Using knowledge of word meaning and extending basic and technical vocabulary, employing a variety of strategies (e.g., context, clues, affixes, etymology, dictionary, thesaurus).

2. Mathematics

a. *STD Measurement. In problem-solving investigations, students demonstrate an understanding of the concepts, processes, and real-life applications of measurement.

b. *Benchmarks M-I-H. Selecting and using appropriate units, techniques, and tools to measure quantities in order to achieve specified degrees of precision, accuracy, and error (or tolerance) of measurements.

3. Science

a. *STD Science as Inquiry. The students will do science by engaging in practical and full inquiries that are within their developmental capabilities.

b. *Benchmarks SI-H-A3. Using technology and mathematics to improve investigations and communications.

4. Lesson and Assessment. Teacher-generated lesson on the use of drafting instruments. Include specific content related to the standards and benchmarks referenced in this lesson.

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HISTORICAL NOTE: Promulgated by the Department of Education, Board of Elementary and Secondary Education, Career and Technical Education, LR 30:2736 (December 2004).

§2905. Basic Woodworking Technology

A. Standard C14. Explore the fundamentals of:

- 1. woodworking;
- 2. beginning with hand tool experiences; and
- 3. progressing into the study and use of modern power tools and machines.

B. Benchmark. Develop an understanding of the woodworking technology laboratory physical plant, its layout, management, and safety procedures (1), (2), (3), (4).

C. Foundation Skills (1), (2), (3), (4), (5). The Benchmark in Subsection B above applies to skills 1, 2, 3, 4, and 5, which addresses:

- 1. communication;
- 2. problem-solving;
- 3. resources access and utilization;
- 4. linking and generating;
- 5. knowledge and citizenship.

D. ITEA Standards 1, 2, 3, 5, 6, 7, 12, 13, 19, 20

E. Academic References

1. English Language Arts

a. *STD-1. Students read, comprehend, and respond to a range of materials, using a variety of strategies for different purposes.

b. *Benchmark ELA-1-H1. Using knowledge of word meaning and extending basic and technical vocabulary, employing a variety of strategies (e.g., context clues, affixes etymology, dictionary, thesaurus).

2. Mathematics

a. *STD-Number and Number Relations. In problem-solving investigations, students demonstrate an understanding of the real number system and communicate the relationship within that system using a variety of techniques and tools.

b. *Benchmark N-3-H. Using number sense to estimate and determine if solutions are reasonable (2,4).

3. Science

a. *STD Science and the Environment. In learning environmental science, students will develop an appreciation of the natural environment, learn the importance of environmental quality, and acquire a sense of stewardship. As consumers and citizens, they will be able to recognize how our personal, professional and political actions affect the natural world.

b. *Benchmark SE-H-D2. Analyzing how individuals are capable of reducing and reversing their impact on the environment through:

- i. thinking;
- ii. planning;
- iii. education; and
- iv. action.

4. Social Studies

a. *STD-Economics. Students develop an understanding of fundamentals economic concepts as they apply to:

- i. interdependence and decision making of individuals;
- ii. households;
- iii. businesses; and
- iv. governments in the United States and the world.

b. *Benchmarks E-1A-H3. Applying the skills and knowledge necessary in making decisions about career options.

F. Lesson and Assessment. Teacher-generated lesson on laboratory organization and management. Include specific content related to the standards and benchmarks referenced in this lesson.

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Chapter 31. Appendix C Mission Statement

§3101. Introduction

A. Purpose. To develop rigorous and challenging standards that will enable all Louisiana students to become lifelong learners and productive citizens for the twenty-first century.

B. This mission statement was developed by the Louisiana Statewide Content Standards Task Force in October, 1995 and has served as the focus for the standards initiatives that have been developed by the Louisiana Department of Education. Along with this mission statement, the Task Force also identified five foundation skills that committee members felt should be embedded in all content areas to promote lifelong learning and to prepare Louisiana students to be successful in the next millennium.

C. The following five foundation skills serve as the backbone for the content standards initiative:

1. communication;
2. problem-solving;
3. resource access and utilization;
4. linking and generating knowledge;
5. citizenship.

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§3103. Foundation Skills

A. Foundation Skill 1 Communication:

1. exchanging of information;
2. creating and sharing meaning;
3. applying the skills of:
 - a. reading;
 - b. writing;
 - c. speaking;
 - d. listening;
 - e. viewing; and
 - f. visually representing in society and a variety of workplaces.

B. Foundation Skill 2 Problem Solving:

1. recognizing and defining problems;
2. identifying an obstacle or challenge;
3. applying knowledge and thinking processes to reach a solution using multiple pathways;
4. showing a willingness to take risks in order to learn;
5. persevering in the face of challenges and obstacles;
6. utilizing the five senses as a resource for problem solving;
7. analyzing past problems and applying basic knowledge to develop logical, creative, and practical strategies to predict, prevent, and solve problems;
8. identifying and considering a variety of viewpoints in solving problems;
9. developing, selecting, and applying strategies to solve existing and potential problems;
10. selecting and applying appropriate technology and other resources to solve problems;
11. verifying the appropriateness of the solution;
12. analyzing and evaluating the results or consequences.

C. Foundation Skill 3 Resource Access and Utilization:

1. identifying, locating, selecting, and using resource tools in analyzing, synthesizing, and communicating information;
2. identifying and employing appropriate tools, techniques, and technologies essential to the learning process, e.g.:
 - a. pen, pencil, and paper;
 - b. audio/video material;
 - c. word processors;
 - d. computer;
 - e. interactive devices;
 - f. telecommunications; and
 - g. other emerging technologies.

D. Foundation Skill 4 Linking and Generating Knowledge:

1. using cognitive processes to generate and link knowledge across the disciplines and in a variety of contexts;
2. applying a strategy or content knowledge effectively in a setting or context other than that in which it was originally learned;
3. monitoring, adjusting, and expanding strategies in other contexts.

E. Foundation Skill 5 Citizenship:

1. understanding the ideals, rights, and responsibilities of active participation in a democratic republic;
2. working respectfully and productively together for the benefit of the individual and the community;
3. being accountable for one's choices and actions and understanding their impact on others;
4. knowing one's civil, constitutional, and statutory rights;
5. mentoring others to be productive citizens and lifelong learners.

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Chapter 33. Appendix D. Technology Student Association

Subchapter A. Mission Statements

§3301. Technology Student Association, Inc., and Technology Student Association Mission Statements

A. Technology Student Association, Inc., Mission Statement. The mission of the Technology Student Association, Inc., is to provide leadership and support to Technology Student Association (TSA) through educational programs and services.

B. Technology Student Association Mission Statement

1. The mission of the TSA is to prepare our membership for the challenges of a dynamic world by promoting technological literacy, leadership, and problem solving, resulting in personal growth opportunities. In order to help our members achieve that goal, TSA offers recognition in both technology and leadership areas. We believe that by just participating in a carefully designed competition, a student becomes a *winner*. He or she learns how to compete by striving to be the best. Many teachers find that TSA curricular events provide yet another motivational tool.

2. These diverse events, which are offered at different grade levels, are designed and revised every two years by a standing Curricular Resources Committee. It is comprised of technology educators who have had hands-on classroom experience. The Curricular Resources Guide, the final product, is the result of the work of the committee, its competition coordinators (also teachers), and proposals of hundreds of TSA state and chapter advisors. Those suggestions make TSA competitions as current and dynamic as they are. National competitions and awards ceremonies are held at the annual National TSA Conference in June.

3. The Curricular Resources Guide presents competition categories, evaluation standards, requirements, eligibility, and procedures that apply to National TSA competition. Many states choose to adopt the same guidelines for state competitions for consistency. Many school districts use TSA guidelines for curricular activities in the classroom. The latest revised edition includes "TSA's Awards and Recognition Programs." Both are important editions that have further improved the TSA program.

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Subchapter B. Technology Course Guides

§3303. Introduction to Technology

A. Students will first study the basic elements of all technology, including:

1. processes;
2. energy;
3. information, and;
4. people.

B. Students will experience up to four systems of technology, including:

1. constructing;
2. transporting;
3. communicating; and
4. producing/manufacturing.

C. Finally, the impact of technology on society, environment, and culture will be related to the future consequences and decisions.

D. Technology Course Content

1. What is Technology?
 - a. Why Study Technology?
 - b. How Technology Affects Our Lives
 - c. The Development of Technology
 - d. Technological Change and Careers
 - e. Personnel Systems and Management
2. Resources for Technology
 - a. People
 - b. Information
 - c. Materials
 - d. Tools and Machines
 - e. Energy
 - f. Capital
 - g. Time
3. Choosing and Processing Resources
4. Systems and Problem Solving
 - a. The Input
 - b. The Process
 - c. The Output
 - d. Feedback
 - e. Subsystems
 - f. The Problem Solving System
5. Electronics and Computers
6. Systems of Technology
7. Controlling the System
8. Impacts and Outlooks

E. TSA Instructional Activities

1. Leadership/Management Systems
 - a. Personnel system uses class leaders to manage class/lab activities.
 - b. Officers conduct class meetings to select topics to study in technology.
 - c. Secretary assists class with seminar to report on progress.
 - d. Students speak to class and other groups about technology and impacts.
 - e. Students assume roles in personnel system to manage and maintain laboratory.
 - f. Students build display or booth to use in campaign for election or public display.
2. Technological and Career Resources
 - a. Resource Committee arranges for speakers to explain technological careers.
 - b. Officers arrange tour of local museum or technological display.
 - c. Committee organizes career information and invites guidance personnel to class.
 - d. Students display models of technological devices in public place.
 - e. Students write or call for information related to their study.
 - f. Class invites community persons to speak on development of technology.
3. Solving School/Community Problems
 - a. Small group or committees suggest model or services needed by school or community.

- b. Service Committee proposes solution to a school or community problem.
 - c. Class makes model to depict solution to a problem.
 - d. Officers contact civic club or agency needing model of invention or device.
 - e. Students inspect laboratory for safety and make posters to depict problems.
 - f. Classes donate models to elementary school or library for other students to study.
 - g. Students assist others with research, display, or reports needed.
4. Enterprise Projects
 - a. Enterprise Committee suggests services the class could perform for profit.
 - b. Class votes to select a student project or model to reproduce and sell.
 - c. Officers contract with outside group to make a model or products they will purchase.
 - d. Students build projects/products needed by school or group with fee used by student association.
 - e. Students build sales model that depicts how new device/product works.
 - f. Class prepares display of the economic value of technology and inventions.
 5. Contest/Achievement Recognition
 - a. Recognition Committee lists contests and Achievement Program for class.
 - b. Officers cooperate in planning Technology Education display at mall during Science and Technology Week.
 - c. Classes display models and projects during school Open House or PTA meetings.
 - d. Students make safety posters for local industry judging and use.
 - e. Committee organizes a class awards system to display projects and recognize students.
 - f. Teachers register outstanding students for contests and conferences.

For further reference see: *Technology in Your World* by Michael Hacker and Robert Barden Delmar Publishers Inc., 1987 and *Living with Technology* by Michael Hacker and Robert Barden Delmar Publishers Inc., 1988

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§3305. Technological Systems

A. Technological Systems is a *hands-on* study of the systems and subsystems which are related/interrelated to technology's impact on people and their work/potential. Students solve problems and create new systems or products. Emphasis is given to critical thinking about the problem and the impact of the new system or product on people and society. Through individual and group activities, students strengthen their creative abilities and potential for success in technological occupations and educational progress.

B. Technology Course Content

1. Introduction to Technology
 - a. Objectives and content of course
 - b. Safety with tools, materials, and machines.

- c. Personnel system for management and maintenance.
 - d. Career opportunities and information
2. Communication
 - a. Technical sketching and design
 - b. Graphic communications
 - c. Using electricity to communicate
 3. Construction
 - a. Basic tools and machines
 - b. Materials and processes of construction
 - c. Building frames and structures
 4. Manufacturing
 - a. Engineering and product research
 - b. Production planning
 - c. Processes for production
 - d. Management and distribution
 5. Transportation
 - a. Power and energy systems
 - b. Impact on people
 - c. Experiences with mechanical systems
 - d. Future implications
- C. TSA Instructional Activities
1. Leadership/Management Systems
 - a. Personnel system uses class leaders to manage class/lab activities.
 - b. Officers conduct class meetings to select products, activities, or processes to study.
 - c. Committees are set up to organize, plan, and build modules for studies of systems.
 - d. Student leaders select and train personnel for projects.
 - e. Historian assembles written reports by committee for final report.
 - f. Officers assume management role in production activities.
 2. Technological and Career Resources
 - a. Resources Committee arranges for speaker from Chamber of Commerce.
 - b. Officers organize tour of industry related to study of technological systems.
 - c. Students interview managers in industries.
 - d. Committee collects and organizes career information.
 - e. Students invite workers to demonstrate systems and discuss careers.
 - f. Students write or call for information about systems related to study.
 3. Solving School/Community Problems
 - a. Service Committee suggests group projects needed to solve problem in school community, or agency.
 - b. Students construct group projects which can be used to explain system, process or products.
 - c. Students demonstrate information to students or adults.
 - d. Students teach safety with basic tools to elementary children.
 - e. Students produce products, such as toys, to donate to needy children.
 4. Enterprise Projects
 - a. Enterprise Committee suggests products for class to line produce and sell.

- b. Students contract with local industry for funds to construct system display.
 - c. Students invite corporate manager to help set up company in class to simulate a system.
 - d. Class constructs items that involve course content and produce a profit.
 - e. Officers from company to role play contractor, subcontractor activities.
 - f. Students design advertisement to market products.
 - g. Students make school spirit items for other school groups to sell.
5. Contests/Achievement Recognition
- a. Recognition Committee lists contests and Achievement Program for class.
 - b. Officers give awards for best constructed product or model in class.
 - c. Teacher preregisters models and products for state and national contests.
 - d. Committee helps organize Open House or Technology Fair to display projects and systems models.
 - e. Students demonstrate process or system in shopping mall or other public place.
 - f. Chapter recognizes students for effort and accomplishment.

For further reference see: *Technology Today and Tomorrow* by Fales, et al. Glenco Publishing Co.

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§3307. Communication Systems

A. Communication Systems involves students in using technology to communicate information which is visual or audio. Communication systems are an integral part of the other technological activities involving input, processing, output, and feedback. Students employ tools, materials, and other elements to solve problems, create media, and process information. Students develop personal interests and analyze the impact of communication systems on people and society.

B. Technology Course Content

- 1. Introduction to Communication Technology
 - a. Objectives and content of course
 - b. Safety with tools, materials, and machines
 - c. Personnel system for management and maintenance
 - d. Career opportunities and information
 - e. Communications systems
 - f. Model of communications
- 2. Telecommunication
 - a. Relationship to communications
 - b. Processes
 - c. One-way communications systems
 - d. Two-way communications systems
 - e. Telecommunications
- 3. Drafting Communications
 - a. Relationship to communications model
 - b. Equipment familiarizations
 - c. Techniques
 - d. Types of mechanical drawing
 - e. Size description

- f. Reproduction
 - g. Drafting careers
4. Graphic Communications
- a. Relationships to communications model
 - b. Layout and design
 - c. Image generation
 - d. Photo-conversion: principles of process photography
 - e. Image transfer
 - f. Binding, finishing, and packaging
 - g. Graphic communications careers
5. Continuous Tone Photography
- a. Relationship to communications model
 - b. Black and white still photography
 - c. Cinematography
 - d. Photography careers
6. Communications Enterprise and the Technology Students Association
- #### C. TSA Instructional Activities
- 1. Leadership/Management Systems
 - a. Personnel system uses class officers to manage class/lab routines.
 - b. Officers lead class discussions to decide group activities.
 - c. Small groups or committee plan class work for year and coordinate with school association activities.
 - d. Students present design for products for speaking experience.
 - e. Students role play managers in communications work and business related to course.
 - f. Students produce campaign materials for elections in school students associations.
 - 2. Technological and Career Resources
 - a. Resource Committee arranges for speakers from electronics or graphics industries in the community.
 - b. Students organize tour of TV station, newspaper, or other communications facility.
 - c. Committee assembles career information for use by the students.
 - d. Students contact local printers for unused paper and materials.
 - e. Students design safety posters for local industry.
 - f. Teacher organizes career shadowing experience for students.
 - 3. Solving School/Community Problems
 - a. Service Committee suggests electronic or graphic projects needed to solve problem in school, community, or agency.
 - b. Students design and reproduce bulletin board for class.
 - 4. Enterprise Projects
 - a. Enterprise Committee suggests product for class to print to raise money for association activities.
 - b. Officers may contract to make projects for civic group.
 - c. Officers role play corporate officers in communications activity.
 - d. Class develops advertising campaign for selling of products by class or chapter.
 - e. Students use computer to word process type for products needed by others.

f. Officers manage service to take orders for engraved name tags and signs.

5. Contest/Achievement Recognition

a. Recognition Committee lists contests and Achievement Program as learning activities for class.

b. Class gives awards for quality, design, or creativity in projects.

c. Students display graphic and electronic projects for others to see.

d. Teacher preregisters students for contests at conferences.

e. Students prepare brochure or flyer about achievements.

f. Class produces note pads or bumper stickers about technology education or Science and Technology Week.

For further reference see: *Exploring Communications* by Seymour, Ritz and Cloghessy The Goodheart-Willcox Publishing Company, Inc., 1987.

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HISTORICAL NOTE: Promulgated by the Department of Education, Board of Elementary and Secondary Education, Career and Technical Education, LR 30:2740 (December 2004).

§3309. Construction Systems

A. Construction Systems emphasize the building or servicing involved in construction activities. Students gain experience in preparing a site, setting foundations, building structures, and installing mechanical systems. Activities reflect the production of one-of-a-kind items such as bridges, highways, and residential or commercial structures.

B. Technology Course Content

1. Introduction to Construction Technology

a. Objective and content of course

b. Safety with tools, materials, and machines

c. Personnel system for management and maintenance

d. Career opportunities and information

2. Construction Planning

a. Beginning the project

b. Designing and engineering construction projects

c. Selecting a builder

3. Applying Technology to People

a. Working as a contractor

b. Collective bargaining

c. Hiring construction personnel

d. Training and educating for construction

e. Working conditions

f. Advancing in construction

g. Handling grievances

h. Mediating and arbitrating

i. Striking

4. Construction Production Technology

a. Site preparation

b. Setting foundations

c. Building superstructures

d. Installing utilities

e. Enclosing framed superstructures

f. Finishing the project

g. Completing the site

h. Servicing the property

5. Impacts of construction projects on people and society.

C. TSA Instructional Activities

1. Leadership/Management Systems

a. Personnel system uses class officers to manage class/lab activities.

b. Officers conduct class meeting to plan activities related to course.

c. Small groups called committees organize and build modules.

d. Student leaders select and train personnel for construction projects.

e. Students inspect and certify work prior to teacher grading.

f. Reporter greets visitors and explains class or laboratory activities.

g. Officers assume management role in collective bargaining sessions.

h. Officers announce chapter activities and speak about technology education.

2. Technological and Career Resources

a. Technological and Career Resources Committee arranges for speaker from construction company in community.

b. Officers organize tour of architectural office, engineering firm, or construction site.

c. Students interview construction workers, union officials and contractors.

d. Committee arranges visit to local modular construction manufacturing plant.

e. Contractors encouraged to donate unused or new materials to school.

f. Construction workers are invited to demonstrate their specialty and discuss inspection/codes.

g. Class constructs career displays, collage, or bulletin board for displaying with ads.

3. Solving School/Community Problems

a. Small group or committee suggests construction projects needed by school/community.

b. Students may help the needy with home repair or winterizing.

c. Class or association constructs projects such as park bench for school/community.

d. Students demonstrate energy, conservation, and insulation techniques.

e. Officers conduct meeting to hear report on problems related to construction.

f. Class builds item(s) needed to solve problem(s).

g. Students teach safety with basic tools to elementary children.

4. Enterprise Projects

a. Enterprise Committee suggests project for class to construct and sell.

b. Students build storage shed or playhouse for resale in community.

c. Students contract with civic organization for funds to construct playground equipment.

d. Officers contract to build ticket booth or drop boxes for civic agencies.

e. Classes clean up a work site for local contractor who donates unused materials.

f. Class constructs items ordered by school personnel when related to course content.

- g. Officers form company to role play contractor, subcontractor activities.
 - h. Students use construction lumber or masonry to make play equipment or toys to sell.
 - i. Students operate scrap lumber recycling center.
5. Contest Achievement Recognition
- a. Recognition Committee lists contests and Achievement Program for class.
 - b. Officers give awards for best constructed module or dream house.
 - c. Teacher preregisters well-built modules and dream houses for state and national conferences.
 - d. Teachers obtain and present *Certificates of Completion* from Associated General Contractors.
 - e. Committee helps organize Open House or Fair to display projects.
 - f. Students demonstrate technical skills, such as solar heating, at mall or public place.
 - g. Chapter recognizes students who earn points in the Achievement Program.
 - h. Students prepare speeches which describe the impacts of technology.

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HISTORICAL NOTE: Promulgated by the Department of Education, Board of Elementary and Secondary Education, Career and Technical Education, LR 30:2741 (December 2004).

§3311. Manufacturing Systems

A. Manufacturing Systems gives students experiences in selection of materials and using numerous manufacturing processes. Students will understand the importance of these activities to the total manufacturing system. Activities include work on a manufacturing line and solving problems related to production or quality, distributing, and servicing. The impact of manufacturing is also studied.

B. Technology Course Content

- 1. Introduction to Manufacturing
 - a. Objectives and content of course
 - b. Safety with tools, materials, and machines.
 - c. Personnel system for management and maintenance
 - d. Career opportunities and information
- 2. Manufacturing Management Technology
 - a. Identify consumer demands
 - b. Research and development
 - c. Designing manufactured goods
 - d. Three-dimensional models
 - e. Engineering the product
 - f. Planning production
 - g. Measuring work
 - h. Production control
- 3. Manufacturing Personnel Technology
- 4. The Enterprise
- 5. Industrial Inputs
- 6. Industrial Processes
 - a. Forming
 - b. Separating
 - c. Combining
- 7. Distribution and Servicing
- 8. Impact of Manufacturing and Manufactured Products on People and Society

C. TSA Instructional Activities

- 1. Leadership/Management Systems
 - a. Personnel system uses class officers to manage class/lab activities.
 - b. Officers, as managers, conduct class meeting to plan manufacturing activities.
 - c. Class votes on products to mass produce.
 - d. Class manufactures a profitable product to support chapter leadership activities.
 - e. Officers role play to resolve personnel conflicts.
 - f. Students make speeches or reports on class activities and impact of manufacturing.
- 2. Technological and Career Resources
 - a. Resource Committee arranges for speakers from industries related to course.
 - b. Students organize tour of research lab or manufacturing company.
 - c. Local companies are encouraged to donate unused, or surplus materials to school.
 - d. Workers in local industries are interviewed using questionnaire developed by committee.
 - e. Committee collects and manages career information and literature.
- 3. Solving School/Community Problems
 - a. Service Committee suggests products needed by school or community.
 - b. Committee sets up service days to repair manufactured goods.
 - c. Students collect toys to repair and present to needy children.
 - d. Students make safety posters for local industry.
 - e. Officers contract to solve problems for civic club or agency.
 - f. Class demonstrates how industry works to younger children.
- 4. Enterprise Projects
 - a. Enterprise Committee suggests products for class to manufacture and sell.
 - b. Officers manage enterprise for profit and support of chapter.
 - c. Committee contracts with civic group to produce products they will donate or sell.
 - d. Officers role play corporate officers in manufacturing enterprise.
 - e. Students build products to be sold at craft fair or local sale.
 - f. Class subcontracts to make parts needed for a larger production by school association.
- 5. Contest/Achievement Recognition
 - a. Recognition Committee lists contests and Achievement Program as learning activities for class members.
 - b. Committee organizes Open House with project exhibit and manufacturing demonstration.
 - c. Students practice and register for competitive events related to course.
 - d. Officers invite school and community personnel to visit school and observe classes.
 - e. Committee prepares news release about class activities and achievements.
 - f. Class recognizes students for progress and achievements.

For further reference see: Exploring Manufacturing by R. Thomas Wright The Goodheart-Willcox Publishing Company, Inc., 1985

AUTHORITY NOTE: Promulgated in accordance with R.S. 6:(A)(10) and R.S. 17:10.

HISTORICAL NOTE: Promulgated by the Department of Education, Board of Elementary and Secondary Education, Career and Technical Education, LR 30:2742 (December 2004).

§3313. Transportation Systems

A. Students survey the many broad sources of energy and power utilized in power and transportation systems. Instruction includes:

1. how energy is converted to power;
2. how power is transmitted and controlled; and
3. how power is utilized through mechanical fluid and electrical devices.

B. Career opportunities are explored in power and transportation fields. Students build projects, conduct experiments, and repair mechanical devices such as small engines, electric motors, and outboard motors.

C. Technology Course Content

1. Introduction to Transportation Systems
 - a. Objectives and content of course
 - b. Safety with tools, materials, and machines
 - c. Personnel system for management and maintenance
 - d. Career opportunities and information
2. Applications of power in Transportation Systems
 - a. What is transported
 - b. Where and how it is transported
 - c. Why transport
 - d. Career opportunities in transportation technology
3. Heat Engines
 - a. Internal combustion
 - b. External combustion
 - c. The use of heat engines in transportation systems
 - d. Career opportunities
4. Natural Sources of Power
 - a. Wind
 - b. Water
 - c. Solar
 - d. Muscle
 - e. Other
 - f. The use of natural sources of power in transportation systems
 - g. Career opportunities
5. Transmission and Control of Power
 - a. Mechanical
 - b. Fluid power
 - c. Electrical power
 - d. Use of transmission and control of power in transportation systems
6. Research and Development in Power and Transportation Technology

D. TSA Instructional Activities

1. Leadership/Management Systems
 - a. Personnel system uses class officers to manage class/lab routines.
 - b. Officers lead class discussions to decide group activities.
 - c. Committees plan activities which help students learn the methods by which people and goods are moved.

d. Students demonstrate transportation systems and models to others.

e. Students set up management systems to model transportation industries.

f. Class manages chapter activities such as transportation to conference.

2. Technological and Career Resources

a. Resource Committee lists persons and transportation industries in community.

b. Committee organizes tour of airport, trucking company, or other business related to course.

c. Students invite local transportation managers to explain scheduling, bills of lading, and maintenance.

d. Committee assembles career information for use by students.

e. Students identify and select files on transportation.

f. Students invite community workers to assist with model construction details.

3. Solving School/Community Problems

a. Small group or committee suggests models and transportation items needed by school, community, or agency.

b. Students develop bulletin board to promote safety or energy conservation.

c. Class conducts a safety check of school or toys and other community items.

d. Students organize a bicycle safety program for younger children.

e. Class studies local road conditions and offers suggestions to solve problems.

f. Students demonstrate use of transportation system with models at local mall.

4. Enterprise Projects

a. Enterprise Committee suggests product for class to raise funds for selected purpose.

b. Students may contract to make project for civic group.

c. Students make model of value to someone who will purchase model.

d. Class experiments with coal slurry pipeline to determine economic advantages.

e. Officers organize transportation to off-campus school activities.

f. Committee sets up a service to solve problem for community and school personnel.

5. Contests/Achievement Recognition

a. Recognition Committee suggests contests and Achievement program as learning activities for class.

b. Class gives awards for craftsmanship, design, or creativity in projects.

c. Students create a contest to involve students in airplane design.

d. Class gives awards for best transportation model.

e. Class displays models and student projects at Open House.

f. Class gives awards for energy conservation by students or others in school.

For further reference see: Energy, Power, and Transportation by Fales and Kuetemeyer Glencoe Publishing Co., 1986

AUTHORITY NOTE: Promulgated in accordance with R.S. 6:(A)(10) and R.S. 17:10.

HISTORICAL NOTE: Promulgated by the Department of Education, Board of Elementary and Secondary Education, Career and Technical Education, LR 30:2743 (December 2004).

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0412#003

RULE

Board of Elementary and Secondary Education

Bulletin 111 **C**The Louisiana School, District, and State Accountability System (LAC 28:LXXXIII:1501, 1701, 1703, 1704, 1903, 2101 and 4310)

In accordance with R.S. 49:950 et seq., the Administrative Procedure Act, the Board of Elementary and Secondary Education amends Bulletin 111, *The Louisiana School, District, and State Accountability System* (LAC Part Number LXXXIII). Act 478 of the 1997 Regular Legislative Session called for the development of an accountability system for the purpose of implementing fundamental changes in classroom teaching by helping schools and communities focus on improved student achievement. The state's accountability system is an evolving system with different components. The proposed changes define data correction and the inclusion of Option I Alternative Schools' student data in district accountability, establish a procedure to include newly reconfigured or reconstituted schools in accountability, address school performance scores when test

scores are voided, provide greater flexibility in evaluating the participation of students for subgroup considerations, and exclude LEP students who have not attended an English-speaking school for one full school year from inclusion in the AMO and Percent Proficient calculation. These changes take advantage of new flexibility in guidance for No Child Left Behind and address situations that were not considered when the accountability policy was initially written.

**Title 28
EDUCATION**

Part LXXXIII. Bulletin 111 **CThe Louisiana School, District, and State Accountability System
Chapter 15. School Improvement (formerly called Corrective Actions)**

§1501. Levels of School Improvement

A. There shall be six levels of school improvement. A school that enters school improvement shall receive additional support and assistance with the expectation that extensive efforts shall be made by students, parents, teachers, principals, administrators, and the school board to improve student achievement at the school. There shall be six levels of school improvement. A school in school improvement shall begin the remedies required at the level that the school is in upon initial identification of the school for that level of school improvement, either summer preliminary or fall final accountability release. The remedies required in each level of school improvement shall be additive in nature as schools move to higher levels of school improvement (e.g., schools in SI 3 are required to meet the remedies of SI 1, SI 2, and SI 3).

SI Level	Remedy	Academically Unacceptable Schools		Subgroup Component AYP Analysis		SPS Component Failing to meet Required Growth
		Title I	Non-Title I	Title I	Non-Title I	All Schools
SI 1	District Assistance if SPS < 80 Revised School Improvement Plan					X X
SI 2	School Choice Scholastic Audit (Year 1) District Assistance Team	X X X	X X X	X X X	- X X	- - X
SI 3	Supplemental Educational Services (SES) Schools are eligible for DE Scholastic Audit (Year 2)	X X X	- X X	X - X	- - X	- - X
SI 4	Add from Corrective Action List Develop reconstitution plan (eligible for DE Partnership)	X X	X X	X -	X -	X -
SI 5	Implement reconstitution plan or lose school approval Develop Alternate Governance plan Develop Reconstitution "light" plan	X - -	X - -	- X -	- - X	- - X
SI 6	Alternate Governance Implement Reconstitution "light" C Substantial school reform aimed at increasing the academic performance of low achieving subgroups	X -	X -	X -	- X	- X

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:10.1.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:2745 (December 2003), amended LR 30:2744 (December 2004).

Chapter 17. Requirements for Schools in School Improvement (SI)

§1701. School Improvement 1 Requirements

- A. - B.4.[Note] ...
- C. School Improvement 1 Requirements

1. A Revised or New School Improvement Plan (SIP). All Louisiana schools were required to have a school improvement plan in place by May of 1998. Within 90 days of initial identification, those schools placed in School Improvement 1 (SI 1) shall be required to review and either revise or completely rewrite their plans according to the guidelines established by the Louisiana Department of Education. School Improvement 1 (SI1) schools with an SPS below 80 will receive district assistance with needs assessments and data analyses.

2. Assurance Pages. Districts with schools in school improvement 1 shall be required to provide assurances that each school's improvement plan has the essential components required in the Louisiana School Improvement Plan Template and is acceptable as measured by the Louisiana SIP Rubric. Signatures of the appropriate district personnel shall also be required.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:10.1.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:2746 (December 2003), amended LR 30:2744 (December 2004).

§1703. School Improvement 2 Requirements (SI 2)

A. - B.3. ...

C. All schools in SI 2 must adhere to the requirements of schools in SI 1, shall be assigned a District Assistance Team to assist in the development of the SIP according to the guidelines established by the Louisiana Department of Education, and shall submit its' SIP to the Division of School Standards, Accountability, and Assistance. Districts with school improvement 2 schools must also submit to the Louisiana Department of Education a *Quarterly Monitoring of the Implementation of the School Improvement Plan*.

D. - E. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:10.1.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:2746 (December 2003), amended LR 30:2745 (December 2004).

§1704. School Improvement 3 Requirements

A. - E.3. ...

F. With the assistance of the district assistance team, the school shall continue to implement its school improvement plan to address the findings of the scholastic audit that will be conducted by an external team assigned by the LDE.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:10.1.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:2746 (December 2003), amended LR 30:2745 (December 2004).

Chapter 19. School Improvement District and State Level Tasks

§1903. District Support at Each Level

A. District's responsibilities for school(s) in School Improvement 1:

1. for schools in SI 1 with an SPS of less than 80.0, assist with the state's diagnostic process or another process meeting state approval to identify needs in order to develop/revise and implement a consolidated improvement plan, including an integrated budget. The process must include:

a. opportunities for significant parent and community involvement;

b. public hearings; and

c. at least two-thirds teacher approval.

2. provide assurances that each school's improvement plan has the essential components required in the Louisiana School Improvement Plan Template and is acceptable as measured by the Louisiana SIP Rubric.

B. District's responsibilities for school(s) in School Improvement 2:

1. continue to adhere to the requirements of SI 1 schools;

2. assign a District Assistance Team (DAT) to assist in the development of the SIP according to the guidelines established by the Louisiana Department of Education;

3. have DAT members sign assurances concerning the SIP;

4. develop a plan with schools to correct problems identified by the scholastic audit, monitor implementation of the plan, and evaluate its effectiveness based on student assessment results;

5. assist with the scholastic audit, if necessary; and

6. offer school choice, if required, within proper timeframe.

C. District's responsibilities for school(s) in School Improvement 3:

1. continue to adhere to the requirements of SI 2 schools;

2. may choose to enter into partnership with the LDE to provide a distinguished educator for academically unacceptable schools;

3. offer supplemental educational services for Title I schools;

4. submit to SBESE a written response by the local school board to the DE's annual report no later than 45 days subsequent to receiving the DE's report. Failure to respond to these recommendations will result in the school being ineligible to receive the assistance of the DE;

5. assist with the scholastic audit, if necessary; and

6. develop a plan with schools to correct problems identified by the scholastic audit, monitor implementation of the plan, and evaluate its effectiveness based on student assessment results.

D. - F.1. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:10.1.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:2748 (December 2003), amended LR 30:2745 (December 2004).

Chapter 21. State-Level School Improvement Tasks

§2101. State Support at Each Level

A. State's responsibilities to districts with schools in School Improvement 1:

1. provide diagnostic process for schools;

2. provide training for district assistance in needs assessments and data analysis;

3. work to secure new funding and/or redirect existing resources to help schools implement their improvement plans;

4. provide additional school improvement funds, as available.

B. State's responsibilities to districts with schools in School Improvement 2:

1. ensure that external scholastic audit is completed for all SI2 schools as funding is available. If funding is limited, SI2 schools will be prioritized from lowest SPS to highest SPS, and scholastic audits will be conducted in rank order until funding is exhausted.

2. provide training for District Assistance Teams;

3. work to secure new funding and/or redirect existing resources to help implement their improvement plans;

4. approve school choice plans;

5. provide additional school improvement funds, as available.

C. - F.2. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:10.1.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:2748 (December 2003), amended LR 30:2745 (December 2004).

Chapter 43. District Accountability

§4310. Subgroup Component AYP (Adequate Yearly Progress)

A. - A.f. ...

B. Inclusion of Students in the Subgroup Component

1. Students that meet the following criteria shall be included in all subgroup component analyses for the AMO status test and reduction of non-proficient students (safe harbor test).

a. Enrolled for the Full Academic Year (FAY):

i. at school level enrolled at the school on Oct. 1 and the date of testing;

ii. at district level enrolled in the district on Oct. 1 and the date of testing;

iii. at state level enrolled in a public LEA in the state on Oct. 1 and the date of testing.

b. First Administration of the Test:

i. only the first test administration will be used for the subgroup status and growth tests;

ii. excludes summer school results and repeaters.

c. - e. ...

2. For analyses involving the additional academic indicator, all students in each subgroup in the district shall be included.

3. Each subgroup (African American, American Indian/Alaskan Native, Asian, Hispanic, White, Economically Disadvantaged, Limited English Proficient, Students with Disabilities, and All Students) within each district shall be evaluated separately on ELA and mathematics.

a. In calculating the subgroup component for a district, the alternate academic achievement standards for students participating in LAA will be used, provided that the percentage of LAA students at the district level does not exceed 1.0 percent of all students in the grades assessed. If the district exceeds the 1.0 percent cap, the district shall request a waiver. If the district fails to request the waiver or if the district requests the waiver but it is determined by LDE that ineligible students were administered LAA, the students that exceed the cap or that are ineligible shall be assigned a zero on the assessment and considered non-proficient.

b. Students participating in LAA shall be included in the special education subgroup.

c. LEP students shall participate in the statewide assessments.

i. Scores shall not be included in AMO or improvement in Percent Proficient calculations for LEP students who have not been enrolled in an English-speaking school for one full school year.

4. Subgroups shall consist of:

a. at least 10 students in order to be evaluated for the subgroup component;

b. at least 40 students in order to be evaluated for the 95 percent participation rate.

5. Subgroups shall pass the participation rate test and either the AMO status test; or the safe harbor test in order to be considered as having passed the subgroup/component.

D. - E.2.b.[Note] ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:10.1.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 30:1447 (July 2004), amended LR 30:2746 (December 2004).

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0412#004

RULE

Board of Elementary and Secondary Education

Bulletin 114 **Trade and Industrial Education Content Standards Curriculum Framework Automotive, Carpentry, and Welding (LAC 28:XCIX.Chapters 1-59)**

In accordance with R.S. 49:950 et seq., the Administrative Procedure Act, the Board of Elementary and Secondary Education adopted *Bulletin 114 Trade and Industrial Education Content Standards Curriculum Framework Automotive, Carpentry, and Welding*. Bulletin 114 will be printed in codified format as Part XCIX of the Louisiana Administrative Code. There has been in recent years an increased effort by many industries to require the certification of skills used in those industries to assure technical competence and public confidence. Recognizing industry certifications in the training of secondary students assures that instruction is directly related to the needs of industry and nationally recognized industry standards.

Title 28

EDUCATION

Part XCIX. Bulletin 114 Trade and Industrial Education Content Standards Curriculum Framework Automotive, Carpentry, and Welding Subpart 1. General Provisions

Chapter 1. Purpose

§101. Introduction

A. The information contained in Subpart 1, General Provisions are applicable to Subpart 3-Automotive, Subpart 5-Carpentry, and Subpart 7-Welding.

B. The Secondary Trade and Industrial Education Program in the State of Louisiana can be described as "a secondary program designed to prepare students for careers in business, industry, and the service occupations through a sequence of applied learning experiences." Instructional

units are provided in the use of layout, designing, producing, processing, assembling, testing, maintaining, and the servicing of industrial goods and products, as well as public services.

C. Intended Audience

1. The Louisiana Trade and Industrial Education curriculum framework is intended for a broad audience:

- a. trade and industrial education teachers;
- b. parents;
- c. school and district administrators;
- d. school board members;
- e. policy makers;
- f. Louisiana Department of Education staff;
- g. college/university faculty/administrators;
- h. business/industry leaders; and
- i. government agency staff.

2. The framework serves as a guide for curriculum and instruction and as a general reference to the concepts and skills taught within Louisiana Trade and Industrial Education courses. The intended users of the framework include:

a. Trade and Industrial Education teachers to use in planning:

- i. curriculum;
- ii. instruction; and
- iii. assessment;

b. parents to use as a means of assessing the effectiveness of their children's technology education;

c. school and district administrators and school board members to use as a vision for technology education and a basis for planning:

- i. resource allocations;
- ii. materials purchases;
- iii. local curriculum development;
- iv. teachers' professional development; and
- v. faculty recruitment;

d. policy makers and state Education staff to use as a basis for:

i. developing laws, policies, professional development activities/materials, assessment strategies; and

ii. funding priorities to support local program development;

e. university faculty and administrators to use as a basis for the content and design of pre-service and in-service teacher education programs and articulation agreements;

f. technical college faculty and administrators to use as a basis for articulation agreements and program development; and

g. business/industry leaders and government agency staff to use as a basis for developing effective partnerships for supporting technology education programs and professional development.

D. How Teachers Should Use this Part XCIX. This Part XCIX outlines the content appropriate to be taught in Louisiana Trade and Industrial Education programs. Local needs will determine what should be taught in local trade and industrial education programs. Although teachers will be able to use this framework to guide them in the restructuring of their curricula, this Part XCIX does not contain specific performance criteria that are essential in technology

education. These specific assessment criteria must be developed on the local level.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10) and R.S. 17:10.

HISTORICAL NOTE: Promulgated by the Department of Education, Board of Elementary and Secondary Education, Trade and Industrial Education, LR 30:2746 (December 2004).

§103. Definitions

Academic Cross-Reference a reference to related academic content standards.

Applied Academics a method of teaching in which the instructor presents subject matter in a way that relates a particular academic discipline to personal workforce application.

Approved Program a program that offers at least four of the recommended courses for a career major—two of which must be at the competency level.

Articulation the process of linking two or more educational systems to produce a smooth flow of students from one institution to another without experiencing delays, duplication of courses, or loss of credit.

Assessment a process through which evidence is gathered in a range of content areas to determine both a student's understanding and ability to apply that understanding.

Benchmark a broad statement of expected skills and knowledge that is used as a reference to develop curriculum and assess student progress.

Career Clusters broad categories of occupations that form the basis for initial career exploration and discovery.

Career Major a specific course of study within a broader career cluster.

1. Example. Accounting within the Business career cluster.

Career Path a plan of study that will enable a student upon graduation, to be employed or enter a postsecondary school with a continuation of skills or coursework already started at the high school level.

Career Plan a student's written plan for career and educational goals while in secondary school and beyond.

Competency Course—a required course in a career major.

Content Standard a description of what a student should know and be able to do through subject matter, knowledge, proficiencies, etc., gained as a result of their education.

Cooperative Learning an instructional strategy used in many applied academic courses that involves learning in the context of sharing, responding, and communicating with other learners.

Curriculum Framework an outline of broad goals and standards of a system of education.

Focus Statement a statement describing the importance of a career major.

Foundation Skills processes that are common to all areas and levels of education and are intended to suggest methods and objectives of instructional strategies.

High Schools That Work a process model developed by the Southern Regional Education Board (SREB) that focuses on:

1. applied learning;
2. integration of academic and vocational content; and
3. school-to-work transitions.

Integrated refers to combining elements across the strands within a particular content area or framework.

Interdisciplinary Combining elements across content areas in the curriculum.

Lifelong Learning The concept of continued education and training, formal and informal, throughout one's career.

Portfolios Personalized, sequential career planning journals designed to guide students through career development interests and aptitudes as they progress through school and beyond; including examples of student skill mastery.

Related Elective Course An additional course offered to complement and enhance opportunities within a career major.

School-Based Learning Program of instruction based on career majors, designed to meet high academic and occupational skill standards, which involves counseling and career exploration, and periodic evaluation of academic strengths and weaknesses.

School-to-Work Transition A system that enables students to identify and navigate paths to productive and progressively more rewarding roles in the workplace that encompasses three components:

1. school-based learning;
2. connecting activities; and
3. work-based learning.

Skill Standard The identification of the knowledge, skill, and level of ability needed to satisfactorily perform a given job.

Strands Concepts common to all content areas. *Strands* are interrelated and should be integrated rather than taught in isolation.

Tech Prep A sequence of study beginning in high school and continuing through at least two years of postsecondary occupational education to prepare students for high skilled jobs that require more than a high school diploma.

Vocational Completer A student who successfully completes four courses in a career major:

1. two must be competency courses; and
2. two must be selected from the competency courses and/or identified related electives.

Work-Based Learning Integration of theoretical instruction with a planned program of job training or experiences, paid work experience, workplace mentoring, instruction in general workplace competencies, and updating elements that will:

1. engage student interest;
2. develop positive work attitudes; and
3. prepare youth for high-skill, high-wage careers.

Workplace Mentor An employee at the workplace who possesses the skills to be mastered by a student, and who:

1. instructs the student;
2. critiques the student's performance;
3. challenges the student to perform well; and
4. works in consultation with classroom teachers and the employer.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10) and R.S. 17:10.

HISTORICAL NOTE: Promulgated by the Department of Education, Board of Elementary and Secondary Education, Trade and Industrial Education, LR 30:2747 (December 2004).

§105. Mission Statement

A. To develop rigorous and challenging standards that will enable all Louisiana students to become lifelong learners and productive citizens for the twenty-first century.

B. This mission statement was developed by the Louisiana Statewide Content Standards Task Force in October 1995 and has served as the focus for the standards initiatives that have been developed by the Louisiana Department of Education. Along with this mission statement, the Task Force also identified five foundation skills that committee members felt should be embedded in all content areas to promote lifelong learning and to prepare Louisiana students to be successful in the next millennium.

C. The following five foundation skills serve as the backbone for the content standards initiative:

1. communication;
2. problem solving;
3. resource access and utilization;
4. linking and generating knowledge;
5. citizenship.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10) and R.S. 17:10.

HISTORICAL NOTE: Promulgated by the Department of Education, Board of Elementary and Secondary Education, Trade and Industrial Education, LR 30:2748 (December 2004).

§107. Foundation Skills

- A. Foundation Skill 1: Communication
1. Exchanging of information
 2. Creating and sharing meaning
 3. Applying the skills of:
 - a. reading;
 - b. writing;
 - c. speaking;
 - d. listening;
 - e. viewing; and
 - f. visually representing in society and a variety of workplaces
- B. Foundation Skill 2: Problem Solving
1. Recognizing and defining problems
 2. Identifying an obstacle or challenge
 3. Applying knowledge and thinking processes to reach a solution using multiple pathways
 4. Showing willingness to take risks in order to learn
 5. Persevering in the face of challenges and obstacles
 6. Utilizing the five senses as a resource for problem solving
 7. Analyzing past problems and applying basic knowledge to develop logical, creative, and practical strategies to predict, prevent, and solve problems
 8. Identifying and considering a variety of viewpoints in solving problems
 9. Developing, selecting, and applying strategies to solve existing and potential problems
 10. Selecting and applying appropriate technology and other resources to solve problems
 11. Verifying the appropriateness of the solution
 12. Analyzing and evaluating the results or consequences
- C. Foundation Skill 3: Resource Access and Utilization
1. Identifying, locating, selecting, and using resource tools in analyzing, synthesizing, and communicating information

2. Identifying, and employing appropriate tools, techniques, and technologies essential to the learning process, such as:

- a. pen, pencil, and paper;
- b. audio/video material;
- c. word processors;
- d. computer;
- e. interactive devices;
- f. telecommunications; and
- g. other emerging technologies.

D. Foundation Skill 4: Linking and Generating Knowledge

1. Using cognitive processes to generate and link knowledge across the disciplines and in a variety of contexts

2. Applying a strategy or content knowledge effectively in a setting or context other than that in which it was originally learned

3. Monitoring, adjusting, and expanding strategies in other contexts

E. Foundation Skill 5: Citizenship

1. Understanding the ideals, rights, and responsibilities of active participation in a democratic republic

2. Working respectfully and productively together for the benefit of the individual and the community.

3. Being accountable for one's choices and actions and understanding their impact on others.

4. Knowing one's civil, constitutional, and statutory rights

5. Mentoring others to be productive citizens and lifelong learners

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10) and R.S. 17:10.

HISTORICAL NOTE: Promulgated by the Department of Education, Board of Elementary and Secondary Education, Trade and Industrial Education, LR 30:2748 (December 2004).

Chapter 3. Louisiana Content Standards Foundation Skills

§301. Foundation Skills

NOTE: The foundation skills are listed numerically after each benchmark.

A. Communication **C**a process by which information is exchanged and a concept of *meaning* is created and shared between individuals through a common system of symbols, signs, or behavior. Students should be able to communicate clearly, fluently, strategically, technologically, critically, and creatively in society and in a variety of workplaces. This process can best be accomplished through the use of the following skills:

1. reading;
2. writing;
3. speaking;
4. listening;
5. viewing; and
6. visually representing.

B. Problem Solving **C**the identification of an obstacle or challenge and the subsequent application of knowledge and thinking processes, which include reasoning, decision making, and inquiry in order to reach a solution using multiple pathways, even when no routine path is apparent.

C. Resource Access and Utilization **C**the process of identifying, locating, selecting, and using resource tools to

help in analyzing, synthesizing, and communicating information. The identification and employment of appropriate tools, techniques, and technologies are essential to all learning processes. These resource tools include:

1. pen, pencil, and paper;
2. audio/video materials;
3. word processors;
4. computers;
5. interactive devices;
6. telecommunication; and
7. other emerging technologies.

D. Linking and Generating Knowledge **C**the effective use of cognitive processes to generate and link knowledge across the disciplines and in a variety of contexts. In order to engage in the principles of continual improvement, students must be able to transfer and elaborate on these processes. *Transfer* refers to the ability to apply a strategy or content knowledge effectively in a setting or context other than that in which it was originally learned. *Elaboration* refers to monitoring, adjusting, and expanding strategies into other contexts.

E. Citizenship **C**the application of the understanding of the ideals, rights, and responsibilities of active participation in a democratic republic that includes working respectfully and productively together for:

1. the benefit of the individual and the community;
2. being accountable for one's civil, constitutional, and statutory rights; and
3. mentoring others to become productive citizens and lifelong learners.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10) and R.S. 17:10.

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Chapter 5. Standards and Benchmarks §501. Introduction

A. Standards and benchmarks provide a framework for local curriculum development. A school district's physical facilities, available equipment, resources, and community and business support are only a few of the factors that make the system unique and determine the curriculum offered.

B. In using this framework to develop curriculum, a *standard* is the major outcome of a course and *benchmarks* are the goals for obtaining that outcome. Local systems will select the career majors to be offered, the courses offered in these majors, and create the objectives and activities that teachers will use to direct their instruction to reach the benchmarks for the selected courses. This procedure will allow local systems to structure curriculum to meet the needs of their students, schools, and communities while remaining consistent with the overall framework for the entire state.

C. Local systems will use the career majors as a guide to select the courses that will be offered for each major. Not all career majors or all courses listed with the major in this framework must be offered locally. Employment opportunities and postsecondary education availability in the local area should be considered as curriculum is developed.

D. To be identified as a vocational completer, a student must successfully complete four courses in a career major:

1. two of which *must be* competency courses; and

2. two of which must be selected from the competency courses and/or related elective courses identified in the career major.

E. Following each career major are the content standards that relate to the major. They identify what students should know and be able to do. In the column beside each standard are benchmarks that identify specific skills and knowledge and serve as points of reference to gauge student progress toward achievement of standards. Benchmarks set the direction of instruction.

F. Cross-references to academic content standards reinforce the integration of academic and technology skills. English Language Arts, Mathematics, Social Studies, and Science academic standards are cross-referenced in the third column beside each Technology Education standard. The referenced academic standards are listed in full in Chapter 7. Codes used in the table to identify the academic standards are given below.

1. ELA**C**English Language Arts

a. Standard number is given, then benchmark number

2. Mathematics

- a. Strand letter is given, then benchmark number
 - N-Number and Number Relations Strand
 - A-Algebra Strand
 - M-Measurement Strand
 - G-Geometry Strand
 - D-Data, Discrete Math, and Probability Strand
 - P-Patterns, Relations, and Functions Strand

3. Social Studies

a. Strand letter is given, then benchmark letter and number

- G-Geography Strand
- C-Civics Strand
- E-Economics Strand
- H-History Strand

4. Science

a. Strand letter is given, then benchmark letter and number

- SI-Science as Inquiry Strand
- PS-Physical Science Strand
- LS-Life Science Strand
- SE-Science and the Environment Strand

5. Arts

a. Strand letter is given, then benchmark letter and number

- CE-Creative Expression
- AP-Aesthetic Perception
- HP-Historical and Cultural Perception
- CA-Critical Analysis

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Chapter 7. Academic Cross-References

§701. Introduction

A. This Chapter lists the content standards and benchmarks that are referenced in Subpart 3, Automotive; Subpart 5, Carpentry; and Subpart 7, Welding. All referenced content area standards and benchmarks are for students in grades 9-12 (indicated as "H" for high school).

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§703. English Language Arts (ELA)

A. Standard One. Students read, comprehend, and respond to a range of materials, using a variety of strategies for different purposes.

ELA-1-H1	Using knowledge of word meaning and extending basic and technical vocabulary employing a variety of strategies (e.g., context clues, affixes, etymology, dictionary, thesaurus).
ELA-1-H2	Analyzing the effects of complex literary devices (e.g., figurative language, flashback, foreshadowing, dialogue, irony) and complex elements (e.g., setting, plot, character, theme, mood, style) on a selection.
ELA-1-H3	Reading, comprehending, and responding to extended, complex written, spoken, and visual texts.
ELA-1-H4	Interpreting complex texts with supportive explanations to generate connections to real-life situations and other texts (e.g., business, technical, scientific).
ELA-1-H5	Using the various purposes for reading (e.g., enjoying, learning, researching, problem-solving) to complete complex projects.

B. Standard Two. Students write competently for a variety of purposes and audiences.

ELA-2-H1	Writing a composition of complexity that clearly implies a central idea with supporting details in a logical, sequential order.
ELA-2-H2	Using language, concepts, and ideas that show an awareness of the intended audience and/or purpose (e.g., classroom, real-life, workplace) in developing complex compositions.
ELA-2-H3	Applying the steps of the writing process, emphasizing revising and editing in final drafts.
ELA-2-H4	Using narration, description, exposition, and persuasion to develop various modes of writing (e.g., notes, stories, poems, letters, essays, editorials, critical analyses, logs).
ELA-2-H5	Recognizing and applying literary devices (e.g., figurative language, symbolism, dialogue) and various stylistic elements (e.g., diction, sentence structure, voice tone).
ELA-2-H6	Writing as a response to texts and life experiences (e.g., technical writing, résumés).

C. Standard Three. Students communicate using standard English grammar, usage, sentence structure, punctuation, capitalization, spelling, and handwriting.

ELA-3-H1	Writing legibly.
ELA-3-H2	Using the grammatical and mechanical conventions of standard English.
ELA-3-H3	Spelling accurately using strategies and resources (e.g., glossary, dictionary, thesaurus, spell check) when necessary.

D. Standard Four. Students demonstrate competence in speaking and listening as tools for learning and communicating.

ELA-4-H1	Speaking intelligibly, using standard English pronunciation and diction.
ELA-4-H2	Giving and following directions/procedures.
ELA-4-H3	Using the features of speaking (e.g., audience analysis, message construction, delivery, interpretation of feedback) when giving prepared and impromptu presentations.

ELA-4-H4	Speaking and listening for a variety of audiences (e.g., classroom, real-life, workplace) and purposes (e.g., awareness, concentration, enjoyment, information, problem solving).
ELA-4-H5	Listening and responding to a wide variety of media (e.g., music, TV, film, speech, CD-ROM).
ELA-4-H6	Participating in a variety of roles in group discussions (e.g., active listener, contributor, discussion leader, facilitator, recorder, mediator).

E. Standard Five. Students locate, select, and synthesize information from a variety of texts, media, references, and technological sources to acquire and communicate knowledge.

ELA-5-H1	Recognizing and using organizational features of printed text, other media, and electronic information (e.g., parts of texts, citations, endnotes, bibliographic references, microprint, laser discs, hypertext, CD-ROM, keyword searches, bulletin boards, e-mail).
ELA-5-H2	Locating and evaluating information sources (e.g., print materials, databases, CD-ROM references, Internet information, electronic reference works, community and government data, television and radio resources, audio and visual materials).
ELA-5-H3	Accessing information and conducting research using graphic organizers, outlining, note taking, summarizing, interviewing, and surveying to produce documented texts and graphics.
ELA-5-H4	Using available technology to produce, revise, and publish a variety of works.
ELA-5-H5	Citing references using various formats (e.g., parenthetical citations, endnotes, bibliography).
ELA-5-H6	Interpreting graphic organizers (e.g., charts/graphs, tables/schedules, diagrams/maps, organizational charts/flowcharts).

F. Standard Six. Students read, analyze, and respond to literature as a record of life experiences.

ELA-6-H1	Identifying, analyzing, and responding to United States and world literature that represents the experiences and traditions of diverse ethnic groups.
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G. Standard Seven. Students apply reasoning and problem-solving skills to their reading, writing, speaking, listening, viewing, and visually representing.

ELA-7-H1	Using comprehension strategies (e.g., predicting, drawing conclusions, comparing and contrasting, making inferences, determining main ideas, summarizing, recognizing literary devices, paraphrasing) in contexts.
ELA-7-H2	Problem-solving by analyzing, prioritizing, categorizing, and evaluating; incorporating life experiences; and using available information.
ELA-7-H3	Analyzing the effects of an author's life, culture, and philosophical assumptions and an author's purpose and point of view.
ELA-7-H4	Distinguishing fact from opinion, skimming and scanning for facts, determining cause and effect, generating inquiry, and making connections with real-life situations across texts.

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§705. Mathematics

A. Number and Number Relations Strand (N). In problem-solving investigations, students demonstrate an understanding of the real number system and communicate the relationships within that system using a variety of techniques and tools.

N-1-H	Demonstrating an understanding of the real number system.
N-2-H	Demonstrating that a number can be expressed in many forms, and selecting an appropriate form for a given situation (e.g., fractions, decimals, percents, and scientific notation).
N-3-H	Using number sense to estimate and determine if solutions are reasonable.
N-4-H	Determining whether an exact or approximate answer is necessary.
N-5-H	Selecting and using appropriate computational methods and tools for given situations (e.g., estimation, or exact computation using mental arithmetic, calculator, symbolic manipulator, or paper and pencil).
N-6-H	Applying ratios and proportional thinking in a variety of situations (e.g., finding a missing term of a proportion).
N-7-H	Justifying reasonableness of solutions and verifying results.

B. Algebra Strand (A). In problem-solving investigations, students demonstrate an understanding of concepts and processes that allow them to analyze, represent, and describe relationships among variable quantities and to apply algebraic methods to real-world situations.

A-1-H	Demonstrating the ability to translate real-world situations (e.g., distance versus time relationships, population growth functions for diseases, growth of minimum wage, auto insurance tables) into algebraic expressions, equations, and inequalities and vice versa.
A-2-H	Recognizing the relationship between operations involving real numbers and operations involving algebraic expressions.
A-3-H	Using tables and graphs as tools to interpret algebraic expressions, equations, and inequalities.
A-4-H	Solving algebraic equations and inequalities using a variety of techniques with the appropriate tools (e.g., hand-held manipulatives, graphing calculator, symbolic manipulator, or pencil and paper).

C. Measurement Strand (M). In problem-solving investigations, students demonstrate an understanding of the concepts, processes, and real-life applications of measurements.

M-1-H	Selecting and using appropriate units, techniques, and tools to measure quantities in order to achieve specified degrees of precision, accuracy, and error (or tolerance) of measurements.
M-2-H	Demonstrating an intuitive sense of measurement (e.g., estimating and determining reasonableness of results as related to area, volume, mass, rate, and distance).

M-3-H	Estimating, computing, and applying physical measurement using suitable units (e.g., calculate perimeter and area of plane figures, surface area and volume of solids presented in real-world situations).
M-4-H	Demonstrating the concept of measurement as it applies to real-world experiences.

D. Geometry Strand (G). In problem-solving investigations, students demonstrate an understanding of geometric concepts and applications involving one-, two-, and three-dimensional geometry, and justify their findings.

G-1-H	Identifying, describing, comparing, constructing, and classifying geometric figures in two and three dimensions using technology where appropriate to explore and make conjectures about geometric concepts and figures.
G-2-H	Representing and solving problems using geometric models and the properties of those models (e.g., Pythagorean Theorem or formulas involving radius, diameter, and circumference).
G-3-H	Solving problems using coordinate methods, as well as synthetic and transformational methods (e.g., transform on a coordinate plane a design found in real-life situations).
G-4-H	Using inductive reasoning to predict, discover, and apply geometric properties and relationships (e.g., patty paper constructions, sum of the angles in a polygon).
G-5-H	Classifying figures in terms of congruence and similarity and applying these relationships.
G-6-H	Demonstrating deductive reasoning and mathematical justification (e.g., oral explanation, informal proof, and paragraph proof).

E. Data, Discrete Math, and Probability Strand (D). In problem-solving investigations, students discover trends, formulate conjectures regarding cause-and-effect relationships, and demonstrate critical thinking skills in order to make informed decisions.

D-3-H	Using simulations to estimate probabilities (e.g., lists and tree diagrams).
D-7-H	Making inferences from data that are organized in charts, tables, and graphs (e.g., pictograph; bar, line, or circle graph; stem-and-leaf plot or scatter plot).
D-8-H	Using logical thinking procedures, such as flow charts, Venn diagrams, and truth tables.
D-9-H	Using discrete math to model real-life situations (e.g., fair games or elections, map coloring).

F. Patterns, Relations, and Functions (P). In problem-solving investigations, students demonstrate understanding of patterns, relations, and functions that represent and explain real-world situations.

P-1-H	Modeling the concepts of variables, functions, and relations as they occur in the real world and using the appropriate notation and terminology.
P-2-H	Translating between tabular, symbolic, or graphic representations of functions.
P-3-H	Recognizing behavior of families of elementary functions, such as polynomial, trigonometric, and exponential functions, and, where appropriate, using graphing technologies to represent them.

P-4-H	Analyzing the effects of changes in parameters (e.g., coefficients and constants).
P-5-H	Analyzing real-world relationships that can be modeled by elementary functions.

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§707. Social Studies

A. Geography Strand: Physical and Cultural Systems (G). Students develop a spatial understanding of Earth's surface and the processes that shape it, the connections between people and places, and the relationship between man and his environment.

1. Benchmark A: The World in Spatial Terms

G-1A-H1	Using geographic representations, tools, and technologies to explain, analyze, and solve geographic problems.
G-1A-H2	Organizing geographic information and answering complex questions by formulating mental maps of places and regions.

2. Benchmark B: Places and Regions

G-1B-H1	Determining how location and social, cultural, and economic processes affect the features and significance of places.
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3. Benchmark C: Physical and Human Systems

G-1C-H1	Analyzing the ways in which Earth's dynamic and interactive physical processes affect different regions of the world.
G-1C-H2	Determining the economic, political, and social factors that contribute to human migration and settlement patterns and evaluating their impact on physical and human systems.

4. Benchmark D: Environment and Society

G-1D-H1	Describing and evaluating the ways in which technology has expanded the human capability to modify the physical environment.
G-1D-H2	Examining the challenges placed on human systems by the physical environment and formulating strategies to deal with these challenges.
G-1D-H3	Analyzing the relationship between natural resources and the exploration, colonization, settlement, and uses of land in different regions of the world.
G-1D-H4	Evaluating policies and programs related to the use of natural resources.
G-1D-H5	Developing plans to solve local and regional geographic problems related to contemporary issues.

B. Civics Strand: Citizenship and Government (C). Students develop an understanding of the structure and purposes of government, the foundations of the American democratic system, and the role of the United States in the world, while learning about the rights and responsibilities of citizenship.

1. Benchmark A: Structure and purposes of Government

C-1A-H1	Analyzing the necessity and purposes of politics and government and identifying examples of programs that fit within those purposes.
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C. Economics Strand: Interdependence and Decision Making (E). Students develop an understanding of fundamental economic concepts as they apply them to the interdependence and decision making of individuals, households, businesses, and governments in the United States and the world.

1. Benchmark A: Fundamental Economic Concepts

E-1A-H1	Analyzing the impact of the scarcity of productive resources and examining the choices and opportunity cost that result.
E-1A-H2	Analyzing the roles that production, distribution, and consumption play in economic decisions.
E-1A-H3	Applying the skills and knowledge necessary in making decisions about career options.
E-1A-H4	Comparing and evaluating economic systems.
E-1A-H5	Explaining the basic features of market structures and exchanges.
E-1A-H6	Analyzing the roles of economic institutions, such as corporations and labor unions, that compose economic systems.

2. Benchmark B: Individuals, Households, Businesses and Governments.

E-1B-H1	Identifying factors that cause changes in supply and demand.
E-1B-H2	Analyzing how changes in supply and demand, price, incentives, and profit influence production and distribution in a competitive market system.
E-1B-H3	Analyzing the impact of governmental taxation, spending, and regulation on different groups in a market economy.
E-1B-H4	Analyzing the causes and consequences of worldwide economic interdependence.
E-1B-H5	Evaluating the effects of domestic policies on international trade.
E-1B-H6	Analyzing Louisiana's role in the national and world economies.

3. Benchmark C: The Economy as a Whole

E-1C-H2	Explaining how interest rates, investments, and inflation/deflation impact the economy.
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D. History Strand: Time Continuity, and Change (H). Students develop a sense of historical time and historical perspective as they study the history of their community, state, nation, and world.

1. Benchmark A: Historical Thinking Skills

H-1A-H1	Applying key concepts, such as chronology and conflict, to explain and analyze patterns of historical change and continuity.
H-1A-H2	Explaining and analyzing events, ideas, and issues within a historical context.
H-1A-H3	Interpreting and evaluating the historical evidence presented in primary and secondary sources.
H-1A-H4	Utilizing knowledge of facts and concepts

	drawn from history and methods of historical inquiry to analyze historical and contemporary issues.
H-1A-H5	Conducting research in efforts to analyze historical questions and issues.
H-1A-H6	Analyzing cause-effect relationships.

2. Benchmark B: United States History

a. Era 6: The Development of the Industrial United States (1870-1900).

H-1B-H6	Analyzing the development of industrialization and examining its impact on American society.
H-1B-H6	Explaining the major changes that have resulted as the United States has moved from an industrial to an information society.
H-1B-H7	Analyzing developments and issues in contemporary American society.

3. Benchmark C: World History

a. Era 9: The Twentieth Century since 1945 (1945 to the present)

H-1C-H15	Explaining the worldwide significance of major political, economic, social, cultural, and technological developments and trends.
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§709. Science

A. Science as Inquiry Strand (SI). Students will do science by engaging in partial and full inquiries that are within their developmental capabilities.

1. Benchmark A: The Abilities Necessary to do Scientific Inquiry

SI-H-A1	Identifying questions and concepts that guide scientific investigations.
SI-H-A2	Designing and conducting scientific investigations.
SI-H-A3	Using technology and mathematics to improve investigations and communications.
SI-H-A4	Formulating and revising scientific explanations and models using logic and evidence.
SI-H-A5	Recognizing and analyzing alternative explanations and models.
SI-H-A6	Communicating and defending a scientific argument.
SI-H-A7	Utilizing science safety procedures during scientific investigations.

2. Benchmark B: Understanding Scientific Inquiry

SI-H-B2	Communicating that scientists conduct investigations for a variety of reasons, such as: exploration of new areas; discovery of new aspects of the natural world; confirmation of prior investigations; evaluation of current theories; and comparison of models and theories.
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SI-H-B3	Communicating that scientists rely on technology to enhance the gathering and manipulation of data.
SI-H-B4	Analyzing a proposed explanation of scientific evidence according to the following criteria: follow a logical structure; follow rules of evidence; allow for questions and modifications based on historical and current scientific knowledge.
SI-H-B5	Communicating that the results of scientific inquiry, new knowledge, and methods emerge from different types of investigations and public communication among scientists.

B. Physical Science Strand (PS). Students will develop an understanding of the characteristics and interrelationships of matter and energy in the physical world.

1. Benchmark A: Atomic Structure

PS-H-B1	Describing the structure of the atom and identifying and characterizing the particles that compose it (including the structure and properties of isotopes).
PS-H-B2	Describing the nature and importance of radioactive isotopes and nuclear reactions (fission, fusion, radioactive decay).
PS-H-B3	Understanding that an atom's electron configuration, particularly that of the outermost electrons, determines the chemical properties of that atom.

2. Benchmark B: The Structure and Properties of Matter

PS-H-C1	Distinguishing among elements, compounds, and/or mixtures.
PS-H-C2	Discovering the patterns of physical and chemical properties found on the periodic table of the elements.
PS-H-C6	Recognizing that carbon atoms can bond to one another in chains, rings, and branching networks to form a variety of structures.
PS-H-C7	Using the kinetic theory to describe the behavior of atoms and molecules during the phase changes and to describe the behavior of matter in its different places.

3. Benchmark C: Chemical Reactions

PS-H-D1	Observing and describing changes in matter and citing evidence of chemical change.
PS-H-D6	Comparing and contrasting the energy changes that accompany changes in matter.
PS-H-D7	Identifying important chemical reactions that occur in living systems, the home, industry and the environment.

4. Benchmark D: Forces and Motion

PS-H-E1	Recognizing the characteristics and relative strengths of the forces of nature (gravitational, electrical, magnetic, nuclear).
PS-H-E2	Understanding the relationship of displacement, time, rate of motion, and rate of change of motion; representing rate and changes of motion mathematically and graphically.

PS-H-E3	Understanding effects of forces on changes in motion as explained by Newtonian mechanics.
PS-H-E4	Illustrating how frame of reference affects our ability to judge motion.

5. Benchmark E: Energy

PS-H-F1	Describing and representing relationships among energy, work, power, and efficiency.
PS-H-F2	Applying the universal law of conservation of matter, energy, and momentum, and recognizing their implications.

6. Benchmark F: Interactions of Energy and Matter

PS-H-G1	Giving examples of the transport of energy through wave action.
PS-H-G2	Analyzing the relationship and interaction of magnetic and electrical fields and the forces they produce.
PS-H-G3	Characterizing and differentiating electromagnetic and mechanical waves and their effects on objects as well as humans.
PS-H-G4	Explaining the possible hazards of exposure to various forms and amounts of energy.

C. Earth Science Strand (ESS). Students will develop an understanding of the properties of Earth's materials, the structure of the Earth's system, the Earth's history, and the Earth's place in the universe.

[WARNING: Benchmarks for grades 9-12 need to be addressed if Earth Science is not offered at the high school level.]

1. Benchmark A: Energy in the Earth System

ESS-H-A1	Investigating the methods of energy transfer and identifying the sun as the major source of energy for most of the Earth's systems.
ESS-H-A2	Modeling the seasonal changes in the relative position and appearance of the sun and inferring the consequences with respect to the Earth's temperature.
ESS-H-A3	Explaining fission and fusion in relation to the Earth's internal and external heat sources.
ESS-H-A5	Demonstrating how the sun's radiant energy causes convection currents within the atmosphere and the oceans.

2. Benchmark B: Geochemical Cycles

ESS-H-B1	Illustrating how stable chemical atoms or elements are recycled through the solid earth, oceans, atmosphere, and organisms.
ESS-H-B2	Demonstrating Earth's internal and external energy sources as forces in moving chemical atoms or elements.

D. Science and the Environment Strand (SE). In learning environmental science, students will develop an appreciation of the natural environment, learn the importance of environmental quality, and acquire a sense of stewardship. As consumers and citizens, they will be able to recognize

how our personal, professional, and political actions affect the natural world.

1. Benchmark A: Ecological Systems and Interactions

SE-H-A1	Demonstrating an understanding of the functions of Earth's major ecological systems.
SE-H-A2	Investigating the flow of energy in ecological systems.
SE-H-A9	Demonstrating an understanding of influencing factors of biodiversity.
SE-H-A10	Explaining that all species represent a vital link in a complex web of interaction.
SE-H-A11	Understanding how pollutants can affect living systems.

2. Benchmark B: Resources and Resource Management

SE-H-B1	Explaining the relationships between renewable and nonrenewable resources.
SE-H-B2	Comparing and contrasting conserving and preserving resources.
SE-H-B3	Recognizing that population size and geographic and economic factors result in the inequitable distribution of the Earth's resources.
SE-H-B4	Comparing and contrasting long and short-term consequences of resource management.

4. Benchmark D: Personal Choices and Responsible Actions

SE-H-D1	Demonstrating the effects of personal choices and actions on the natural environment.
SE-H-D2	Analyzing how individuals are capable of reducing and reversing their impact on the environment through thinking, planning, education, collaboration, and action.
SE-H-D3	Demonstrating that the most important factor in prevention and control of pollution is education.
SE-H-D4	Demonstrating a knowledge that environmental issues should be a local and global concern.
SE-H-D5	Recognizing that the development of accountability toward the environment is essential for sustainability.
SE-H-D6	Developing an awareness of personal responsibility as stewards of the local and global environment.

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§711. Arts

A. Creative Expression (CE). Students develop creative expression through the application of knowledge, ideas, skills, and organizational abilities.

SE-H-B5	Analyzing resource management.
SE-H-B6	Recognizing that sustainable development is a process of change in which resource use, investment direction, technological development, and institutional change meet society's present as well as future needs.

3. Benchmark C: Environmental Awareness and Protection

SE-H-C1	Evaluating the dynamic interaction of land, water, and air and its relationship to living things in maintaining a healthy environment.
SE-H-C2	Evaluating the relationships between quality of life and environmental quality.
SE-H-C3	Investigating and communicating how environmental policy is formed by the interaction of social, economic, technological, and political considerations.
SE-H-C4	Demonstrating that environmental decisions include analyses that incorporate ecological, health, social, and economic factors.
SE-H-C5	Analyzing how public support affects the creation and enforcement of environmental laws and regulations.

CE-1VA-H1	Producing works of art that successfully convey a central thought based on ideas, feelings, and memories.
CE-1VA-H2	Applying a variety of media techniques, technologies, and processes for visual expression and communication.
CE-1VA-H3	Recognizing and utilizing individual expression through the use of the elements of design while exploring compositional problems.
CE-1VA-H4	Producing a visual representation of ideas derived through the study of various cultures, disciplines, and art careers.
CE-1VA-H5	Producing imaginative works of art generated from individual and group ideas.

B. Aesthetic Perception (AP). Students develop aesthetic perception through the knowledge of art forms and respect for commonalities and differences.

AP-2VA-H1	Using an expanded art/design vocabulary when responding to the aesthetic qualities of a work of art.
AP-2VA-H2	Analyzing unique characteristics of art as it reflects the quality of everyday life in various cultures.
AP-2VA-H3	Using descriptors, analogies, and other metaphors to describe interrelationships observed in works of art, nature, and the total environment.
AP-2VA-H4	Assimilating the multiple possibilities and options available for artistic expression.

C. Historical and Cultural Perception (HP). Students develop historical and cultural perception by recognizing and understanding that the arts throughout history are a record of human experience with a past, present, and future.

HP-3VA-H1	Categorizing specific styles and periods of art as they relate to various cultural, political, and economic conditions.
HP-3VA-H2	Analyzing how works of art cross geographical, political, and historical boundaries.
HP-3VA-H4	Analyzing materials, technologies, media, and processes of the visual arts throughout history.
HP-3VA-H5	Identifying the roles of artists who have achieved recognition and ways their works have influenced the community.

D. Critical Analysis (CA). Students will make informed judgments about the arts by developing critical analysis skills through study of and exposure to the arts.

CA-4VA-H1	Translating knowledge of the design elements and principles to communicate individual ideas.
CA-4VA-H2	Working individually/collectively to compare and contrast symbols and images in the visual arts within historical periods and in other core curricula.
CA-4VA-H3	Comparing and contrasting the processes, subjects, and media of the visual arts.
CA-4VA-H4	Analyzing how specific works are created and how they relate to cultures and to historical periods.

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Subpart 3. Automotive

Chapter 13. Automobile Technical Training Certification Program

§1301. Introduction

A. See Subpart 1 of this Part XCIX for General Provisions applicable to this Automotive Program.

B. The Board of the National Institute for Automotive Service Excellence (ASE) is the responsible body for the Automobile Technical Training Certification Program. ASE will grant certification to programs that:

1. comply with the evaluation procedure;
2. meet established standards; and
3. adhere to the policies in this document.

C. The Certification Program is under the direct supervision of the Board of Trustees of the National Automotive Technicians Education Foundation (NATEF) and such personnel who are designated or employed by the Foundation.

D. The purpose of the Automobile Technician Training Certification Program is to improve the quality of training offered at the secondary and postsecondary levels. NATEF does not endorse specific curricular materials nor provide

instruction to individuals, groups, or institutions. It does, however, set standards for the content of instruction which includes:

1. tasks;
2. tools and equipment;
3. hours; and
4. instructor qualifications.

E. The eight automobile areas that may be certified are:

1. brakes;
2. electrical/electronic systems;
3. engine performance;
4. suspension and steering;
5. automatic transmission and transaxle;
6. engine repair;
7. heating and air conditioning; and
8. manual drive train and axles.

F. Programs having difficulty in meeting certification requirements should consider the following options:

1. initiating an Articulation Agreement with another secondary or post-secondary training institution (see NATEF policies on articulation agreements).
2. borrowing equipment needed for instruction from a:
 - a. manufacturer,
 - b. dealership; or
 - c. independent repair shop.
3. arranging for instruction on tasks requiring equipment not available in the school program at a dealership or independent repair shop.

G. Programs choosing an option in Paragraph 2 or 3 above are required to show documentation on where the tasks are taught, by whom, and how students are evaluated.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10) and R.S. 17:10.

HISTORICAL NOTE: Promulgated by the Department of Education, Board of Elementary and Secondary Education, Trade and Industrial Education, LR 30:2756 (December 2004).

Chapter 15. Entry-Level Automotive Technology Secondary Program Rationale

§1501. Introduction

A. Automotive Service Excellence (ASE) voluntary certification is a means through which auto technicians can prove their abilities to themselves, to their employers, and to their customers. By passing ASE tests, instructors will earn the most valuable credentials available to auto repair technicians. Because the tests are tough, they have the satisfaction of knowing that they are among the elite in this profession. These credentials are recognized throughout the nation. Certified technicians promote customer trust and improve the image of the auto industry. Customer trust and professionalism are the first steps to a better and more prosperous business. ASE encourages individuals to take the tests and to join the proven pros who wear the ASE Blue Seal of Excellence.

B. There are eight tests in the ASE automobile certification test series. Four of these tests (A4 Suspension and Steering; A5 Brakes; A6 Electrical/Electronic Systems; A8 Engine Performance) correspond to the four basic areas of ASE certification for training instructors to be ASE-certified in the areas that they teach. ASE offers these tests at the request of the Louisiana Department of Education to help facilitate schools' efforts to become or remain recognized by NATEF as an ASE-certified automotive training program.

C. ASE test questions are written by a panel of technical service experts from vehicle manufacturers, repair and test equipment and parts manufacturers, plus working technicians and educators. The questions are written to deal with practical problems of diagnosis and repair experienced by technicians in their day-to-day work. All questions are quality checked on a national sample of working technicians before they are used for score in an actual test.

D. ASE certification credentials are valid for five years. This assures that certified technicians are recognized as being up-to-date in the rapidly changing automotive service business. If it has been five years since a particular test has been taken, it is time to recertify. Certification may be renewed by passing the regular certification tests.

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§1503. 2001 Automobile Tests Specifications (including Content Areas and Number of Questions)

Note: Each regular test could contain up to 10 additional questions that are included for statistical research purposes only. Answers to these questions will not affect the test score. However, not knowing which ones they are, all questions in the test should be answered.

- A. A4 Suspension and Steering C40 questions
 - 1. Steering Systems Diagnosis and Repair – 10
 - a. Steering Columns and Manual Steering Gears (3)
 - b. Power-Assisted Steering Units (4)
 - c. Steering Linkage (3)
 - 2. Suspension Systems Diagnosis and Repair C13
 - a. Front Suspensions (6)
 - b. Rear Suspensions (5)
 - c. Miscellaneous Service (2)
 - 3. Wheel Alignment Diagnosis, Adjustment, and Repair—12
 - 4. Wheel and Tire Diagnosis and Repair C5
- B. A5 Brakes—55 questions
 - 1. Hydraulic System Diagnosis and Repair C14
 - a. Master Cylinder (non-ABS) (3)
 - b. Fluids, Lines, and Hoses (3)
 - c. Valves and Switches (non-ABS) (4)
 - d. Bleeding, Flushing, and Leak Testing (non-ABS) (4)
 - 2. Drum Brake Diagnosis and Repair C6
 - 3. Disc Brake Diagnosis and Repair C13
 - 4. Power Assist Units Diagnosis and Repair C4
 - 5. Miscellaneous Systems Diagnosis and Repair C7
 - 6. Anti-Lock Brake System (ABS) Diagnosis and Repair C11
- C. A6 Electrical/Electronic Systems C50 questions
 - 1. General Electrical/Electronic System Diagnosis C13
 - 2. Battery Diagnosis and Service C4
 - 3. Starting System Diagnosis and Repair C5
 - 4. Charging System Diagnosis and Repair C5
 - 5. Lighting Systems Diagnosis and Repair C6
 - a. Headlights, Parking Lights, Taillights, Dash Lights, and Courtesy Lights (3)
 - b. Stoplights, Turn Signals, Hazard Lights, and Backup Lights (3)

- 6. Gauges, Warning Devices, and Driver Information Systems Diagnosis and Repair C6
- 7. Horn and Wiper/Washer Diagnosis and Repair C3
- 8. Accessories Diagnosis and Repair—8
 - a. Body (4)
 - b. Miscellaneous (4)
- D. A8 Engine Performance C65 questions
 - 1. General Engine Diagnosis C11
 - 2. Ignition System Diagnosis and Repair C11
 - 3. Fuel, Air Induction and Exhaust Systems Diagnosis and Repair C12
 - 4. Emissions Control systems Diagnosis and Repair (including OBD 11) C9
 - a. Positive Crankcase Ventilation (1)
 - b. Exhaust Gas Recirculation (3)
 - c. Secondary Air Injection (AIR) and Catalytic Converter (2)
 - d. Evaporative Emissions Controls (3)
 - 5. Computerized Engine Controls Diagnosis and Repair (including OBD 11) C18
 - 6. Engine Electrical Systems Diagnosis and Repair C4
 - a. Battery (1)
 - b. Starting System (1)
 - c. Charging System (2)

AUTHORITY NOTE Promulgated in accordance with R.S. 17:6(A)(10) and R.S. 17:10.

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Chapter 17. Industry-Based Certification Program Standards (Entry Level)

§1701. Introduction

A. Minimum Requirements. Each program must meet minimum requirements in order to become certified, as described in this §1701. The program must include laboratory/shop (co-op) experience and classroom instruction.

1. In many cases, programs may meet some requirements for certification through an articulation agreement with another institution.

B. Automobile Training Program (Per 1999 NATEF standards)

1. In order to have a program certified, ASE requires that each school offer instruction in at least four of the eight ASE specialty areas. The first four specialty areas indicated in the table below are required. The number of contact hours for each area (encompassing classroom instruction and shop time) is indicated under the Contact Hours heading.

Specialty Area	Contact Hours
Brakes	100
Electrical/Electronic Systems	200
Engine Performance	250
Suspension and Steering	100
Automatic Transmission and Transaxle	120
Engine Repair	120
Heating and Air Conditioning	90
Manual Drive Train and Axle	100

2. The NATEF task list is divided into three priority areas. The following guidelines must be followed.

- a. 95 percent of all Priority 1 (P-1) items must be taught in the curriculum.
- b. 80 percent of all Priority 2 (P-2) items must be taught in the curriculum.
- c. 50 percent of all Priority 3 (P-3) items must be taught in the curriculum.

C. Components

1. Objectives. Each unit is based on objectives that state the measurable unit and specific behavioral or performance objectives that the student is expected to achieve. Since the objectives provide direction for the teaching-learning process, the teacher and student need a common understanding of the intent of the objectives.

2. Information Sheets. Presented in outline form, the information sheets provide content essential for meeting the objectives in each unit. The student should study the information sheets before class discussion or completion of the assignments sheets. The corresponding student reference page numbers appear in the upper right hand corner of the Instructor Guide.

3. Assignment Sheets. The assignment sheets allow the students to respond to cognitive questions in writing. The corresponding student workbook page numbers appear in the upper right hand corner of the Instructor Guide.

4. Job Sheets. The job sheets are designed to guide the student through various key tasks and provide a means for the instructor to evaluate performance of the task. The corresponding student workbook page numbers appear in the upper right hand corner of the Instructor Guide.

5. Unit Tests. The unit tests evaluate the student's knowledge of the material. The corresponding student test packet page numbers appear in the upper right hand corner of the Instructor Guide.

6. Student Workbook and Student Test Packet Tracking Sheet. The tracking sheets provide the instructor with an effective way to track student progress on the assignment sheets, job sheets, and unit tests.

7. Priority Item Crosswalk Chart. The priority item crosswalk chart cross-references the information sheets and job sheets to the NATEF task list. A listing of the required percentages of a P-1, P-2, or P-3 item covered by the curriculum is given.

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HISTORICAL NOTE: Promulgated by the Department of Education, Board of Elementary and Secondary Education, Trade and Industrial Education, LR 30:2757 (December 2004).

§1703. NATEF Program Standards

A. Standards 1 - 10

Standard 1	Purpose
Standard 1.1	Employment Potential
Standard 1.2	Program Description/Goals

Standard 2	Administration
Standard 2.1	Student Competency Certification
Standard 2.2	Chain of Command
Standard 2.3	Administrative Support
	A. Staff in-service
	B. Appropriate facilities
	C. Up-to-date tools and equipment
	D. Training support materials

Standard 2.4	Written Policies
Standard 2.5	Advisory Committees
Standard 2.6	Public/Community Relations
Standard 2.7	Live Work

Standard 3	Learning Resources
Standard 3.1	Service Information
Standard 3.2	Multimedia
Standard 3.3	Instructional Development Services
Standard 3.4	Periodicals
Standard 3.5	Student Materials

Standard 4	Finances
Standard 4.1	Program Training Costs
Standard 4.2	Budget
Standard 4.3	Budget Preparation
Standard 4.4	Status Reports

Standard 5	Student Services
Standard 5.1	Pre-Testing
Standard 5.2	Pre-Admission Interviews
Standard 5.3	Student Records
Standard 5.4	Placement
Standard 5.5	Follow-up
Standard 5.6	Legal Requirements

Standard 6	Instruction
Standard 6.1	Program Plan
Standard 6.2	Student Training Plan
Standard 6.3	Preparation Time
Standard 6.4	Teaching Load
Standard 6.5	Curriculum
Standard 6.6	Student Progress
Standard 6.7	Performance Standards
Standard 6.8	Safety Standards
Standard 6.9	Personal Characteristics
Standard 6.10	Work Habits/Ethics
Standard 6.11	Provisions for Individual Differences
Standard 6.12	Related Instruction
Standard 6.13	Testing
Standard 6.14	Evaluation of Instruction
Standard 6.15	Live Work
Standard 6.16	Articulation

Standard 7	Equipment
Standard 7.1	Safety
Standard 7.2	Type and Quality
Standard 7.3	Consumable Supplies
Standard 7.4	Maintenance
Standard 7.5	Replacement
Standard 7.6	Inventory
Standard 7.7	Parts Purchasing
Standard 7.8	Hand Tools

Standard 8	Facilities
Standard 8.1	Training Stations
Standard 8.2	Safety
Standard 8.3	Maintenance
Standard 8.4	Housekeeping
Standard 8.5	Office Space
Standard 8.6	Instructional Area
Standard 8.7	Storage
Standard 8.8	Support Facilities
Standard 8.9	Ventilation
Standard 8.10	First Aid
Standard 8.11	Facility Evaluation

Standard 9	Instructional Staff
Standard 9.1	Technical Competency
Standard 9.2	Instructional Competency/Certification
Standard 9.3	Technical Updating
Standard 9.4	First Aid
Standard 9.5	Substitutes

Standard 10.2	Agreements
Standard 10.3	Supervision

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Standard 10	Cooperative Agreements
Standard 10.1	Standards

Chapter 19. Course Standards

§1901. Introduction to Automotive Technology

Benchmarks	NATEF Task(S)	Louisiana Foundation Skills	Academic Cross-Reference (Standard-Benchmark)
A. SAFETY			English Language Arts
(1) Identify the safe use of chemicals.	NONE	1,3,5	ELA 1 – H1, H3, H4, H5
(2) Identify the safe use of hand tools.	NONE	1,2,3	ELA 2 – H1, H2, H3, H4, H5, H6
(3) Identify the safe use of power tools.	NONE	1,3,5	ELA 3 – H1, H2, H3
(4) Identify the safe use of protective clothing and equipment.	NONE	1,2	ELA 4 – H1, H2, H3, H4, H5, H6 ELA 5 – H1, H2, H3, H4, H5, H6 ELA 7 – H1, H2
(5) Identify the safe use of fire protection equipment.	NONE	1,2	Mathematics
(6) Identify the safe use of shop equipment.	NONE	1.2	N - 1H, 2H, 3H, 4H, 5H, 6H, 7H D – 7H, 9H
(7) Follow Environmental Protection Agency (EPA) and Occupational Safety and Health Act (OSHA) regulations.	NONE	1.2	A – 1H, 2H, 3H, 4H M – 1H, 2H, 3H, 4H G – 1H, 2H, 3H, 4H, 5H, 6H
B. SHOP OPERATION			Social Studies
(1) Communicate with customers and write repair orders.	NONE	1,2,3	G - 1A-H1, 1A-H2, 1D-H1, 1D-H2, 1D-H4, 1D-H5
(2) Estimate time and cost for a job and order parts.	NONE	1,2,3	E – 1A-H1, 1A-H2, 1A-H3, 1A-H5, 1B-H1, 1B-H2, 1B-H4, 1B-H5, 1B-H6
(3) Obtain appropriate repair information from service manuals.	NONE	1,2	H – 1A-H1, 1A-H2, 1A-H5, 1A-H6
(4) Practice clean and orderly work habits (vehicle, tools, and work area.)	NONE	1,2	Science
C. COMPONENTS AND CAREERS			SI-H – A1, A2, A3, A4, A5, A6, A7, B3, B4, B5 PS-H – C1, C2, D1, D6, D7, E1, E2, E3, E4, F1, F2, G1, G2, G3, G4
(1) Identify basic function and operation of vehicle mechanical components.	NONE	1,2	ESS-H – A1, A2, A3, A5, A6, B1, B2, D7
(2) Identify automotive technology career opportunities and the duties of a technician.	NONE	1,2	SE-H – A1, A2, A11, B1, B2, B3, B4, B5, B6, C1, C2, C3, C4, C5, D1, D2, D3, D4, D5, D6

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10) and R.S. 17:10.

HISTORICAL NOTE: Promulgated by the Department of Education, Board of Elementary and Secondary Education, Trade and Industrial Education, LR 30:2759 (December 2004).

§1903. Electrical Systems

Benchmarks	NATEF Task(S)	Louisiana Foundation Skills	Academic Cross-Reference (Standard-Benchmark)
D. GENERAL ELECTRICAL SYSTEMS DIAGNOSIS (1) Check continuity in electrical circuits using test light and voltmeter, oscilloscope, and wiring diagram. (2) Check for shorts, opens, and grounds. (3) Measure resistance in electrical circuits using an ohmmeter. (4) Measure volts with a voltmeter or oscilloscope. (5) Measure current with an ammeter.	VI-A-1 thru 4; VI-A-8; VI-A-9 VI-A-1 thru 3; VI-A-6 thru 10 VI-A-5; VI-A-8 thru 10 VI-A-3; VI-A-8 thru 10 VI-A-4; VI-A-8	1, 3, 5 2, 3 3, 4 2, 3, 4 2, 3, 4	English Language Arts ELA 1 - H1, H3, H4, H5 ELA 2 - H1, H2, H3, H4, H5, H6 ELA 3 - H1, H2, H3 ELA 4 - H1, H2, H3, H4, H5, H6 ELA 5 - H1, H2, H3, H4, H5, H6 ELA 7 - H1, H2 Mathematics N - 1H, 2H, 3H, 4H, 5H, 6H, 7H D - 7H, 9H A - 1H, 2H, 3H, 4H M - 1H, 2H, 3H, 4H G - 1H, 2H, 3H, 4H, 5H, 6H Social Studies G - 1A-H1, 1A-H2, 1D-H1, 1D-H2, 1D-H4, 1D-H5 E - 1A-H1, 1A-H2, 1A-H3, 1A-H5, 1B-H1, 1B-H2, 1B-H4, 1B-H5, 1B-H6 H - 1A-H1, 1A-H2, 1A-H5, 1A-H6 Science SI-H - A1, A2, A3, A4, A5, A6, A7, B3, B4, B5 PS-H - C1, C2, D1, D6, D7, E1, E2, E3, E4, F1, F2, G1, G2, G3, G4 ESS-H - A1, A2, A3, A5, A6, A7, B1, B2, D7 SE-H - A1, A2, A11, B1, B2, B3, B4, B5, B6, C1, C2, C3, C4, C5, D1, D2, D3, D4, D5, D6
E. BATTERY DIAGNOSIS AND SERVICE (1) Clean and inspect battery clamps, cables, and connectors. (2) Perform battery condition tests. (3) Jump start a vehicle. (4) Charge and install a battery.	VI-B-3; VI-B-6 VI-B-1; VI-B-2; VI-B-4 VI-B-7 VI-B-4; VI-B-5	1, 3, 5 2, 3 3, 4 2, 3, 4	
F. STARTING SYSTEM DIAGNOSIS AND REPAIR (1) Diagnose starting system and determine necessary action. (2) Remove, clean, and inspect starter motor and components. (3) Repair or replace starter motor components.	VI-C-1 thru 4 VI-C-5; VI-C-6 VI-C-7	2, 3, 4 2, 3, 4 2, 3, 4	

Benchmarks	NATEF Task(S)	Louisiana Foundation Skills	Academic Cross-Reference (Standard-Benchmark)
G. CHARGING SYSTEM DIAGNOSIS AND REPAIR (1) Diagnose charging system and determine necessary action. (2) Remove, clean, and inspect generator (alternator). (3) Repair or replace generator (alternator) components. (4) Repair or replace charging system components.	VI-D-1 thru 4; VI-D-7 VI-D-5; VI-D-6 VI-D-5; VI-D-6 VI-D-3; VI-D-4	1, 3, 5 2, 3 3, 4 2, 3, 4	
H. LIGHTING SYSTEM DIAGNOSIS AND REPAIR (1) Diagnose lighting system problems and determine necessary action. (2) Repair or replace lights, sockets, wires, and switches.	V-E-6; VI-E-1; VI-E-3 VI-A-11; VI-A-12 VI-E-2; VI-E-3	2, 3, 4 2, 3, 4	
I. GAUGES AND ELECTRICAL ACCESSORIES (1) Diagnose and repair gauge and warning circuits. (2) Diagnose and repair electrical accessories (horn, wiper, windshield washer, motor-driven accessory circuits, heated glass, electric lock, cruise control system, supplemental restraint system, radio).	I-D-12; V-E-5; VI-F-1 thru 4 VI-A-11; VI-A-12 VI-G-1 thru 3; VI-H-1 thru 6	1, 3, 5 2, 3	

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10) and R.S. 17:10.

HISTORICAL NOTE: Promulgated by the Department of Education, Board of Elementary and Secondary Education, Trade and Industrial Education, LR 30:2760 (December 2004).

§1905. Engine Performance

Benchmarks	NATEF Task(S)	Louisiana Foundation Skills	Academic Cross-Reference (Standard-Benchmark)
<p>J. IGNITION SYSTEMS (1) Conduct engine performance tests using engine analyzer and determine necessary action. (2) Inspect, repair, or replace primary ignition components. (3) Inspect, repair, or replace secondary ignition components. (4) Adjust ignition system to manufacturer's specifications.. (5) Perform on-board computer system diagnosis. (6) Repair or replace computer system components.</p>	<p>VIII-A-1 thru 10; VIII-B-1 thru 6;VIII-B-11; VIII-C-1;VIII-C-2 VIII-C-3; VIII-C-4; VIII-C-6 thru 9 VIII-B-7; VIII-C-4 thru 6 VIII-B-7; VIII-C-7 VIII-B-1 thru 5 VIII-B-5; VIII-B-7 thru 10</p>	<p>1, 3, 5 2, 3 3, 4 2, 3, 4 2, 3, 4 2, 3, 4</p>	<p>English Language Arts ELA 1 – H1, H3, H4, H5 ELA 2 – H1, H2, H3, H4, H5, H6 ELA 3 – H1, H2, H3 ELA 4 – H1, H2, H3, H4, H5, H6 ELA 5 – H1, H2, H3, H4, H5, H6 ELA 7 – H1, H2 Mathematics N – 1H, 2H, 3H, 4H, 5H, 6H, 7H D – 7H, 9H A – 1H, 2H, 3H, 4H M – 1H, 2H, 3H, 4H G – 1H, 2H, 3H, 4H, 5H, 6H Social Studies G – 1A-H1, 1A-H2 1D-H1, 1D-H2, 1D-H4, 1D-H5 E – 1A-H1, 1A-H2, 1A-H3, 1A-H5, 1B-H1, 1B-H2, 1B-H4, 1B-H5, 1B-H6 H – 1A-H1, 1A-H2, 1A-H5, 1A-H6</p>
<p>K. FUEL AND EXHAUST SYSTEMS (1) Diagnose fuel system problems and determine necessary action. (2) Inspect, repair, or replace fuel supply components. (3) Disassemble, clean, and inspect carburetors. (4) Reassemble and adjust carburetors. (5) Disassemble, clean, and inspect fuel injection components (6) Repair or replace fuel injection components (7) Adjust computer-controlled fuel systems (injection and carburetor). (8) Diagnose and repair exhaust system problems.</p>	<p>VIII-B-1; VIII-B-2;VIII-B-7 thru 10;VIII-D-1 thru 4 VIII-B-7; VIII-D-3; VIII-D-5; VIII-D-6 VIII-B-7; VIII-D-8 VIII-D-14 VIII-B-7; VIII-D-6;VIII-D-8; VIII-D-12 thru 14 VIII-B-7;VIII-D-7 thru 11; VIII-D-14;VIII-B-7; VIII-D-7 thru 11; VIII-D-14 VIII-B-7 VIII-D-9 thru 13 VIII-D-15 thru 17</p>	<p>1, 3, 5 2, 3 3, 4 2, 3, 4</p>	<p>Science SI-H – A1, A2, A3, A4, A5, A6, A7, B3, B4, B5 PS-H – C1, C2, D1, D6, D7, E1, E2, E3, E4, F1, F2, G1, G2, G3, G4 ESS-H – A1, A2, A3, A5, A6, A7, B1, B2, D7 SE-H – A1,A2, A11, B1, B2, B3, B4, B5, B6, C1, C2, C3, C4, C5, D1, D2, D3, D4, D5, D6</p>
<p>L. EMISSION CONTROL SYSTEMS (1) Diagnose emission control systems and determine necessary action. (2) Clean, inspect, and replace Positive Crankcase Ventilation (PCV) system components. (3) Clean, inspect, and replace spark timing controllers. (4) Clean, inspect, and replace idle speed controllers. (5) Clean, inspect, and replace exhaust gas recirculation. (6) Clean, inspect, and replace air management system. (7) Clean, inspect, and replace inlet air temperature control. (8) Clean, inspect, and replace intake manifold heat controls. (9) Clean, inspect, and replace fuel vapor controls.</p>	<p>VIII-D-1; VIII-D-2;VIII-E-1-1;VIII-E-2-1;VIII-E-3-1;VIII-E-2-1; VIII-E-5-1;VIII-E-6-1 VIII-E-1-2 VIII-E-3-2 VIII-D-12; VIII-D-13 VIII-D-2-2 thru 2-4 VIII-E-3-2 thru 3-4 VIII-E-4-2 VIII-E-4-2 VIII-3-5-2;VIII-E-6-2</p>	<p>2, 3, 4 2, 3, 4</p>	

Benchmarks	NATEF Task(S)	Louisiana Foundation Skills	Academic Cross-Reference (Standard-Benchmark)
J. IGNITION SYSTEMS (1) Conduct engine performance tests using engine analyzer and determine necessary action. (2) Inspect, repair, or replace primary ignition components. (3) Inspect, repair, or replace secondary ignition components. (4) Adjust ignition system to manufacturer's specifications.. (5) Perform on-board computer system diagnosis. (6) Repair or replace computer system components.	VIII-A-1 thru 10; VIII-B-1 thru 6;VIII-B-11; VIII-C-1;VIII-C-2 VIII-C-3; VIII-C-4; VIII-C-6 thru 9 VIII-B-7; VIII-C-4 thru 6 VIII-B-7; VIII-C-7 VIII-B-1 thru 5 VIII-B-5; VIII-B-7 thru 10	1, 3, 5 2, 3 3, 4 2, 3, 4 2, 3, 4 2, 3, 4	English Language Arts ELA 1 – H1, H3, H4, H5 ELA 2 – H1, H2, H3, H4, H5, H6 ELA 3 – H1, H2, H3 ELA 4 – H1, H2, H3, H4, H5, H6 ELA 5 – H1, H2, H3, H4, H5, H6 ELA 7 – H1, H2 Mathematics N – 1H, 2H, 3H, 4H, 5H, 6H, 7H D – 7H, 9H A – 1H, 2H, 3H, 4H M – 1H, 2H, 3H, 4H G – 1H, 2H, 3H, 4H, 5H, 6H Social Studies G – 1A-H1, 1A-H2 1D-H1, 1D-H2, 1D-H4, 1D-H5 E – 1A-H1, 1A-H2, 1A-H3, 1A-H5, 1B-H1, 1B-H2, 1B-H4, 1B-H5, 1B-H6 H – 1A-H1, 1A-H2, 1A-H5, 1A-H6 Science SI-H – A1, A2, A3, A4, A5, A6, A7, B3, B4, B5 PS-H – C1, C2, D1, D6, D7, E1, E2, E3, E4, F1, F2, G1, G2, G3, G4 ESS-H – A1, A2, A3, A5, A6, A7, B1, B2, D7 SE-H – A1,A2, A11, B1, B2, B3, B4, B5, B6, C1, C2, C3, C4, C5, D1, D2, D3, D4, D5, D6
K. FUEL AND EXHAUST SYSTEMS (1) Diagnose fuel system problems and determine necessary action. (2) Inspect, repair, or replace fuel supply components. (3) Disassemble, clean, and inspect carburetors. (4) Reassemble and adjust carburetors. (5) Disassemble, clean, and inspect fuel injection components (6) Repair or replace fuel injection components (7) Adjust computer-controlled fuel systems (injection and carburetor). (8) Diagnose and repair exhaust system problems.	VIII-B-1; VIII-B-2;VIII-B-7 thru 10;VIII-D-1 thru 4 VIII-B-7; VIII-D-3; VIII-D-5; VIII-D-6 VIII-B-7; VIII-D-8 VIII-D-14 VIII-B-7; VIII-D-6;VIII-D-8; VIII-D-12 thru 14 VIII-B-7;VIII-D-7 thru 11; VIII-D-14;VIII-B-7; VIII-D-7 thru 11; VIII-D-14 VIII-B-7 VIII-D-9 thru 13 VIII-D-15 thru 17	1, 3, 5 2, 3 3, 4 2, 3, 4 2, 3, 4 2, 3, 4 2, 3, 4 2, 3, 4	
L. EMISSION CONTROL SYSTEMS (1) Diagnose emission control systems and determine necessary action. (2) Clean, inspect, and replace Positive Crankcase Ventilation (PCV) system components. (3) Clean, inspect, and replace spark timing controllers. (4) Clean, inspect, and replace idle speed controllers. (5) Clean, inspect, and replace exhaust gas recirculation. (6) Clean, inspect, and replace air management system. (7) Clean, inspect, and replace inlet air temperature control. (8) Clean, inspect, and replace intake manifold heat controls. (9) Clean, inspect, and replace fuel vapor controls.	VIII-D-1; VIII-D-2;VIII-E-1-1;VIII-E-2-1;VIII-E-3-1;VIII-E-2-1; VIII-E-5-1;VIII-E-6-1 VIII-E-1-2 VIII-E-3-2 VIII-D-12; VIII-D-13 VIII-D-2-2 thru 2-4 VIII-E-3-2 thru 3-4 VIII-E-4-2 VIII-E-4-2 VIII-E-3-5-2;VIII-E-6-2	2, 3, 4 2, 3, 4	

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§1907. Steering and Suspension Systems

Benchmarks	NATEF Task(S)	Louisiana Foundation Skills	Academic Cross-Reference (Standard-Benchmark)
R. STEERING SYSTEMS			English Language Arts
(1) Diagnose steering systems and determine necessary action.	IV-A-3 thru 6; IV-A-14; IV-A-21	1, 3, 5	ELA 1 – H1, H3, H4, H5 ELA 2 – H1, H2, H3, H4, H5, H6 ELA-3 – H1, H2, H3
(2) Clean and inspect power and manual steering gear boxes.	IV-A-4	2, 3	ELA 4 – H1, H2, H3, H4, H5, H6 ELA 5 – H1, H2, H3, H4, H5, H6 ELA 7 – H1, H2
(3) Reassemble, adjust, and install power and manual steering gear boxes.	IV-A-7; IV-A-12	3, 4	Mathematics
(4) Clean and inspect power and manual rack-and-pinion steering rack.	IV-A-8; IV-A-9 IV-A-12	2, 3, 4	N – 1H, 2H, 3H, 4H, 5H, 6H, 7H D – 7H, 9H
(5) Reassemble, adjust, and install power and manual rack-and pinion steering rack.	IV-A-9 thru 11	2, 3, 4	A – 1H, 2H, 3H, 4H
(6) Inspect and repair steering columns.	IV-A-1 thru 3; IV-A-6	2, 3	M – 1H, 2H, 3H, 4H G – 1H, 2H, 3H, 4H, 5H, 6H
(7) Inspect and replace steering linkage components.	IV-A-19 thru 21	2, 3, 4	Social Studies
(8) Inspect, repair, and replace power steering pumps.	IV-A-12 thru 18	2, 3, 4	G – 1A-H1, 1A-H2, 1D-H1, 1D-H2, 1D-H4, 1D-H5 E – 1A-H1, 1A-H2, 1A-H3, 1A-H5, 1B-H1, 1B-H2, 1B-H4, 1B-H5, 1B-H6 H – 1A-H1, 1A-H2, 1A-H5, 1A-H6
S. DIAGNOSE AND REPAIR FRONT SUSPENSION SYSTEMS			Science
(1) Diagnose conventional and electronic front suspension systems and determine necessary action.	IV-B-1-1; IV-B-1-2; IV-B-3-1; IV-B-3—3	1, 3, 5	SI-H – A1, A2, A3, A4, A5, A6, A7, B3, B4, B5
(2) Inspect and repair control arm and spring assemblies on conventional systems.	IV-B-1-3; IV-B-1—9; IV-B-1-11	2, 3	PS-H – C1, C2, D1, D6, D7, E1, E2, E3, E4, F1, F2, G1, G2, G3, G4
(3) Inspect and repair wheel spindles and bearings.	IV-B-3-2	3, 4	ESS-H – 1A, A2, A3, A5, A6, A7, B1, B2, D7
(4) Inspect and replace shock absorbers and stabilizer bars.	IV-B-1-9; IV-B-3-1	2, 3, 4	SE-H – A1, A2, A11, B1, B2, B3, B4, B5, B6, C1, C2, C3, C4, C5, D1, D2, D3, D4, D5, D6
(5) Diagnose MacPherson strut assemblies and determine necessary action.	IV-B-1-2	2, 3, 4	
(6) Clean, inspect, and assemble MacPherson strut assemblies	IV-B-1-10	2, 3, 4	
T. DIAGNOSE AND REPAIR REAR SUSPENSION SYSTEMS			
(1) Diagnose conventional and electronic rear suspension systems and determine necessary action.	IV-B-2-1 thru 2-4; IV-B-3-1 thru 3-3	2, 3	
(2) Inspect and replace shock and spring assemblies.	IV-B-2-1; IV-B-2-3; IV-B-3-1	2, 3, 4	
(3) Inspect and replace MacPherson strut assemblies.	IV-B-2-4; IV-B-3-3	2, 3, 4	
(4) Inspect and repair suspension linkages and bushings.	IV-B-2-2; IV-B-2-3	2, 3, 4	
U. TIRE AND WHEEL ALIGNMENT DIAGNOSIS AND REPAIR			
(1) Diagnose steering and tire wear problems and determine necessary action.	IV-B-1-1; IV-B-1-2; IV-B-2-3; IV-C-1; IV-D-1 thru 3; IV-D-5; IV-D-6	2, 3	
(2) Set correct alignment angles on front wheels.	IV-C-2 thru 9; IV-C-12, IV-C-13	2, 3	
(3) Set correct camber and toe on rear wheels.	IV-C-2 thru 5; IV-C-10; IV-C-11	2, 3	
(4) Rotate and balance tire and wheel assemblies.	IV-D-1 thru 5; IV-D-7 thru 9	2, 3	

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§1909. Brakes

Benchmarks	NATEF Task(S)	Louisiana Foundation Skills	Academic Cross-Reference (Standard-Benchmark)
V. DIAGNOSE AND REPAIR HYDRAULIC SYSTEMS (1) Diagnose hydraulic brake systems and determine necessary action. (2) Inspect and repair or replace master cylinders and lines of the hydraulic system. (3) Inspect and replace switches and valving devices.	V-A-4 V-A-1 thru 3; V-A-5 thru 7; V-A-11; V-A-12 V-A-8 thru 12	2, 3, 4 2, 3, 4 2, 3, 4 2, 3 2, 3 2, 3 2, 3 2, 3 2, 3	English Language Arts ELA 1 – H1, H3, H4, H5 ELA 2 – H1, H2, H3, H4, H5, H6 ELA 3 – H1, H2, H3 ELA 4 – H1, H2, H3, H4, H5, H6 ELA 5 – H1, H2, H3, H4, H5, H6 ELA 7 – H1, H2
W. DIAGNOSE AND REPAIR DRUM BRAKES (1) Diagnose drum brake systems and determine necessary action. (2) Remove, clean, and inspect drum brake assemblies. (3) Repair, replace, and adjust drum brake components.	V-B-1; V-E-1 V-E-4 thru 6 V-B-2 thru 5; V-E-2 thru 4 V-B-5 thru 7; V-3-2; V-E-4; V-E-6; V-E-7	2, 3, 4 2, 3 2, 3 2, 3 2, 3	Mathematics N – 1H, 2H, 3H, 4H, 5H, 6H, 7H D – 7H, 9H A – 1H, 2H, 3H, 4H M – 1H, 2H, 3H, 4H G – 1H, 2H, 3H, 4H, 5H, 6H
X. DIAGNOSE AND REPAIR DISC BRAKES (1) Diagnose disc brake systems and determine necessary action. (2) Remove, clean, and inspect disc brake assemblies. (3) Repair, replace, and adjust disc brake components	V-C-1 V-C-2 thru 5; V-C-7; V-C-11; V-E-2 thru 5; V-C-6; V-C-8 thru 11; V-E-2 thru 4; V-E-6; V-E-7	2, 3 2, 3 2, 3 2, 3 2, 3	Social Studies G – 1A-H1, 1A-H2, 1D-H1, 1D-H2, 1D-H4, 1D-H5 E – 1A-H1, 1A-H2, 1A-H3, 1A-H5, 1B-H1, 1B-H2, 1B-H4, 1B-H5, 1B-H6 H – 1A-H1, 1A-H2, 1A-H5, 1A-H6
Y. DIAGNOSE AND REPAIR POWER ASSIST BRAKES (1) Diagnose and determine necessary action on power assist brakes. (2) Repair or replace power brake components. (3) Repair or replace hydro-boost components. (4) Check operation of anti-lock braking systems: adjust or repair.	V-A-1; V-A-4; V-D-1 thru 4 V-D-1 thru 3 V-D-4 V-F-1 thru 8	2, 3 2, 3 2, 3 2, 3 2, 3 2, 3 2, 3 2, 3	Science S1-H – A1, A2, A3, A4, A5, A6, A7, B3, B4, B5 PS-H – C1, C2, D1, D6, D7, EE1, E2, E3, E4, F1, F2, G1, G2, G3, G4 ESS-H – A1, A2, A3, A5, A6, A7, B1, B2, D7 SE-H – A1, A2, A11, B1, B2, B3, B4, B5, B6, C1, C2, C3, C4, C5, D1, D2, D3, D4, D5, D6

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Subpart 5. Carpentry

Chapter 33. Carpentry Training Certification

§3301. Introduction

A. Refer to Subpart 1 of this Part XCIX for General Provisions applicable to this Carpentry Program.

B. The carpentry-level one materials were developed by the National Center for Construction Education and Research (NCCER) in response to the training needs of the construction and maintenance industries. It is one of many in the NCCER's standardized craft training program. The program, covering more than 30 craft areas and including all major construction skills, was developed over a period of years by industry and education specialists. Sixteen of the largest construction and maintenance firms in the United States committed financial and human resources to the teams that wrote the curricula and planned the nationally-accredited training process. These materials are industry-proven and consist of competency-based textbooks and instructor's guides.

C. The NCCER is a not-for-profit educational entity affiliated with the University of Florida and supported by the following industry and craft associations:

1. American Fire Sprinkler Association
2. American Welding Society
3. Associated General Contractors of America
4. Carolinas AGC, Inc.
5. Carolinas Electrical Contractors Association
6. Construction Industry Institute
7. Design-Build Institute of America
8. Metal Building Manufacturers Association
9. National Association of State Supervisors for Trade and Industrial Education
10. National Insulation Association
11. National Utility Contractors Association
12. North American Crane Bureau
13. Portland Cement Association
14. Steel Erectors Association of America
15. U.S. Army Corps of Engineers
16. Women Construction Owners and Executives, USA
17. American Society for Training and Development
18. Associated Builders and Contractors, Inc.
19. Association for Career and Technical Education
20. Citizen's Democracy Corps

21. Construction Users Roundtable
22. Merit Contractors Association of Canada
23. National Association of Minority Contractors
24. National Association of Women in Construction
25. National Ready Mixed Concrete Association
26. National Vocational Technical Honor Society
27. Painting and Decorating Contractors of America
28. Skills USA-VICA
29. Texas Gulf Coast Chapter ABC
30. University of Florida

D. Some of the features of the NCCER's standardized craft training program include:

1. a proven record of success over many years of use by industry companies;
2. national standardization providing portability of learned job skills and educational credits that will be of tremendous value to trainees;
3. recognition. Upon successful completion of training with an accredited sponsor, trainees receive an industry-recognized certificate and transcript from the NCCER;
4. compliance with Apprenticeship, Training, Employer and Labor Services (ATELS) requirements (formerly BAT) for related classroom training (CFR 29:29);
5. well-illustrated, up-to-date, and practical information.

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Chapter 35. Level-One Carpentry Secondary Program Rationale

§3501. Introduction

A. This course introduces the carpentry trainee to the carpentry trade, including the apprenticeship process and the opportunities within the trade.

B. Learning Objectives. Upon completion of this course, the trainee will be able to:

1. describe the history of the carpentry trade;
2. identify the stages of progress within the carpentry trade;
3. identify the responsibilities of a person working in the construction industry;
4. state the personal characteristics of a professional;
5. explain the importance of safety in the construction industry.

C. National Center for Construction Education and Research Standardized Craft Training Program

1. The National Center for Construction Education and Research (NCCER) provides a standardized national program of accredited craft training. Key features of the program include instructor certification, competency-based training, and performance testing. The program provides trainees, instructors, and companies with a standard form of recognition through a National Craft Training Registry. The program is described in full in the *Guidelines for Accreditation*, published by the NCCER. For more information on standardized craft training, contact the NCCER at P. O. Box 141104, Gainesville, FL 32614-1104, 352-334-0911, visit the Web site at www.NCCER.org, or e-mail info@NCCER.org.

D. How to Use the Annotated Instructor's Guide

1. Each page presents two sections of information. The larger section displays each page exactly as it appears in the Trainee Module. The narrow column ties suggested trainee and instructor actions to each page and provides icons which call attention to material, safety, audiovisual, or testing requirements. The bottom of each page includes space for taking notes.

2. Teaching Tip. If the Teaching Tip icon appears, it is indicating that there is a teaching tip associated with the section. Also refer to any suggested teaching tips at the end of the module.

E. Safety Considerations. Ensure that the trainees are equipped with appropriate personal protective equipment.

F. Preparation. Before teaching this module, the Module Outline, the Learning Objectives, and the Materials and Equipment List should be reviewed. Ample time should be allowed for preparation of personal training or lesson plans and to gather all required equipment and materials.

G. Materials and Equipment List

1. Materials
 - a. Transparencies
 - b. Markers/Chalk
 - c. Module Examinations (located in the test booklet packaged with Annotated Instructor's Guide)
 - d. Exploring Careers in Construction (optional)
 - e. Videotape (optional), *Careers in Construction: Carpentry*
2. Equipment
 - a. Overhead projector and screen
 - b. Whiteboard/chalkboard
 - c. Appropriate personal protective equipment
 - d. Television and videocassette recorder (optional)

H. Additional Resources

1. This module is intended to present thorough resources for task training. The reference in Subparagraph a below is suggested for both instructors and motivated trainees interested in further study. This is optional material for continued education rather than for task training.

a. *Careers in Construction: Carpentry*, videotape. Gainesville, FL: The National Center for Construction Education and Research.

I. Teaching Time for This Module

1. An outline for use in developing a lesson plan is presented below. Note that each Roman numeral in the outline equates to one session of instruction. Each session has a suggested time period of 2 1/2 hours. This includes 10 minutes at the beginning of each session for administrative tasks and one 10-minute break during the session. Approximately 2 1/2 hours are suggested to cover *Orientation to the Trade*. The time required for hands-on activity and testing will need adjusting based on class size and resources.

TOPIC PLANNED TIME

Session I. Orientation to the Trade

- A. Introduction
- B. History of Carpentry
- C. Modern Carpentry
- D. Opportunities in the Construction Industry
 1. Formal Construction Training
 2. Apprenticeship Program

- a. Youth Apprenticeship Program
- b. Apprenticeship Standards
- 3. Responsibilities of the Employee
 - a. Professionalism
 - b. Honesty
 - c. Loyalty
 - d. Willingness to Learn
 - e. Willingness to Take Responsibility
 - f. Willingness to Cooperate
 - g. Rules and Regulations
 - h. Tardiness and Absenteeism
- 4. What to Expect from Your Employer
- 5. What to Expect from a Training Program
- 6. What to Expect from the Apprenticeship Comm.
- E. Human Relations
 - 1. Making Human Relations Work
 - 2. Human Relations and Productivity
 - 3. Attitude
 - 4. Maintaining a Positive Attitude
- F. Employer and Employee Safety Obligations
- G. Summary
 - 1. Summarize module
 - 2. Answer questions
- H. Module Examination
 - 1. Trainees must score 70 percent or higher to receive recognition from the NCCER.
 - 2. Record the testing results on Craft Training Report Form 200 and submit the results to the training program sponsor.

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Chapter 37. Industry-Based Certification Program Standards

§3701. Competencies/Objectives—Level One

- A. Module 27101 **C**Orientation to the Trade
 - 1. Describe the history of the carpentry trade.
 - 2. Identify the stages of progress within the carpentry trade.
 - 3. Identify the responsibilities of a person working in the construction industry.
 - 4. State the personal characteristics of a professional.
 - 5. Explain the importance of safety in the construction industry.
- B. Module 27102 **C**Wood Building Materials, Fasteners, and Adhesives
 - 1. Explain the terms commonly used in discussing wood and lumber.
 - 2. State the uses of various types of hardwoods and softwoods.
 - 3. Identify various types of imperfections that are found in lumber.
 - 4. Explain how lumber is graded.
 - 5. Interpret grade markings on lumber and plywood.
 - 6. Explain how plywood is manufactured, graded, and used.
 - 7. Identify various types of building boards and identify their uses.

- 8. Identify the uses of and safety precautions associated with pressure-treated lumber.
- 9. Describe the proper method of caring for lumber and wood building materials at the job site.
- 10. State the uses of various types of engineered lumber.
- 11. Calculate the quantities of lumber and wood products using industry-standard methods.
- 12. List the basic nail and staple types and their uses.
- 13. List the basic types of screws and their uses.
- 14. Identify the different types of anchors and their uses.
- 15. Describe the common types of adhesives used in construction work and explain their uses.

C. Module 27103 **CHand and Power Tools**

- 1. Identify the hand tools commonly used by carpenters and describe their uses.
- 2. Use hand tools in a safe and appropriate manner.
- 3. State the general safety rules for operating all power tools, regardless of type.
- 4. State the general rules for properly maintaining all power tools, regardless of type.
- 5. Identify the portable power tools commonly used by carpenters and describe their uses.
- 6. Use portable power tools in a safe and appropriate manner.
- 7. Identify the stationary power tools commonly used by carpenters and describe their uses.
- 8. Use stationary power tools in a safe and appropriate manner.

D. Module 27104 **CFloor Systems**

- 1. Identify the different types of framing systems.
- 2. Read and understand drawings and specifications to determine floor system requirements.
- 3. Identify floor and sill framing and support members.
- 4. Name the methods used to fasten sills to the foundation.
- 5. Given specific floor load and span data, select the proper girder/beam size from a list of available girders/beams.
- 6. List and recognize different types of floor joists.
- 7. Given specific floor load and span data, select the proper joist size from a list of available joists.
- 8. List and recognize different types of bridging.
- 9. List and recognize different types of flooring materials.
- 10. Explain the purposes of subflooring and underlayment.
- 11. Match selected fasteners used in floor framing to their correct uses.
- 12. Estimate the amount of material needed to frame a floor assembly.
- 13. Demonstrate the ability to:
 - a. lay out and construct a floor assembly;
 - b. install bridging;
 - c. install joists for a cantilever floor;
 - d. install a subfloor using butt-joining plywood/OSB panels
 - e. install a single floor system using tongue-and-groove plywood/OSB panels.

- E. Module 27105 **C**Wall and Ceiling Framing
1. Identify the components of a wall and ceiling layout.
 2. Describe the procedure for laying out a wood frame wall, including:
 - a. plates;
 - b. corner posts;
 - c. door and window openings;
 - d. partition T's;
 - e. bracing; and
 - f. firestops.
 3. Describe the correct procedure for assembling and erecting an exterior wall.
 4. Describe the common materials and methods used for installing sheathing on walls.
 5. Lay out, assemble, erect, and brace exterior walls for a frame building.
 6. Describe wall framing techniques used in masonry construction.
 7. Explain the use of metal studs in wall framing.
 8. Describe the correct procedure for laying out a ceiling.
 9. Cut and install ceiling joists on a wood frame building.
 10. Estimate the materials required to frame walls and ceilings.

F. Module 27106 **C**Roof Framing

1. Understand the terms associated with roof framing.
2. Identify the roof framing members used in gable and hip roofs.
3. Identify the methods used to calculate the length of a rafter.
4. Identify the various types of trusses used in roof framing.
5. Use a rafter framing square, speed square, and calculator in laying out a roof.
6. Identify various types of sheathing used in roof construction.
7. Frame a gable roof with vent openings.

8. Frame a roof opening.
 9. Construct a frame roof, including:
 - a. hips;
 - b. valleys;
 - c. commons;
 - d. jack rafters; and
 - e. sheathing.
 10. Erect a gable roof using trusses.
 11. Estimate the materials used in framing and sheathing a roof.
- G. Module 27107 **C**Windows and Exterior Doors
1. Identify various types of fixed, sliding, and swinging windows.
 2. Identify the parts of a window installation.
 3. State the requirements for a proper window installation.
 4. Install a pre-hung window.
 5. Identify the common types of skylights and roof windows.
 6. Describe the procedure for properly installing a skylight.
 7. Identify the common types of exterior doors and explain how they are constructed.
 8. Identify the parts of a door installation.
 9. Identify the types of thresholds used with exterior doors.
 10. Install a threshold on a concrete floor.
 11. Install a pre-hung exterior door with weatherstripping.
 12. Identify the various types of locksets used on exterior doors and explain how they are installed.
 13. Explain the correct installation procedure for a rollup garage door.
 14. Install a lockset.

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Chapter 39. Course Standards
§3901. Entry Level Carpentry Training

Benchmarks	Louisiana Foundation Skills	Academic Cross-Reference (Standard-Benchmark)
A. Orientation to the Trade		English Language Arts
(1) Describe the history of the carpentry trade.	1, 3, 5	ELA 1 – H1, H3, H4, H5
(2) Identify the stages of progress within the carpentry trade.	1, 2, 3	ELA 2 – H1, H2, H3, H4, H5, H6 ELA 3 – H1, H2, H3
(3) Identify the responsibilities of a person working in the industry.	1, 3, 5	ELA 4 – H1, H2, H3, H4, H5, H6 ELA 5 – H1, H2, H3, H4, H5, H6
(4) State the personal characteristics of a professional.*	1, 2, 5	ELA 7 – H1, H2
(5) Explain the importance of safety in the construction industry.	1, 2	Mathematics N – 1H, 2H, 3H, 4H, 5H, 6H, 7H D – 7H, 9H
* The professional is working for the benefit of the individual and the community within the confines of the local and state building codes.		A – 1H, 2H, 3H, 4H M – 1H, 2H, 3H, 4H G – 1H, 2H, 3H, 4H, 5H, 6H
		Social Studies G - 1A-H1, 1A-H2, 1D-H1, 1D-H2, 1D-H4, 1D-H5 E – 1A-H1, 1A-H2, 1A-H3, 1A-H5, 1B-H1, 1B-H2, 1B-H4, 1B-H5, 1B-H6, H – 1A-H1, 1A-H2, 1A-H5, 1A-H6

Benchmarks	Louisiana Foundation Skills	Academic Cross-Reference (Standard-Benchmark)
		<p>Science</p> <p>SI-H – A1, A2, A3, A4, A5, A6, A7, B3, B4, B5 PS-H – C1, C2, D1, D6, D7, E1, E2, E3, E4, F1, F2, G1, G2, G3, G4 ESS-H – A1, A2, A3, A5, A6, A7, B1, B2, D7 SE-H – A1, A2, A11, B1, B2, B3, B4, B5, B6, C1, C2, C3, C4, C5, D1, D2, D3, D4, D5, D6</p>

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§3903. Carpentry Competencies and Objectives

Benchmarks	Louisiana Foundation Skills	Academic Cross-Reference (Standard-Benchmark)
<p>A. WOOD BUILDING MATERIALS, FASTENERS, AND ADHESIVES</p> <p>(1) Explain the terms commonly used in discussing wood and lumber</p> <p>(2) State the uses of various types of hardwoods and softwoods.</p> <p>(3) Identify various types of imperfections that are found in lumber.</p> <p>(4) Explain how lumber is graded.</p> <p>(5) Interpret grade markings on lumber and plywood.</p> <p>(6) Explain how plywood is manufactured, graded, and used.</p> <p>(7) Identify various types of building boards and identify their uses.</p> <p>(8) Identify the uses of and safety precautions associated with pressure-treated lumber.</p> <p>(9) Describe the proper method of caring for lumber and wood building materials at the job site.</p> <p>(10) State the uses of various types of engineered lumber.</p> <p>(11) Calculate the quantities of lumber and wood products using industry-standard methods.</p> <p>(12) List the basic nail and staple types and their uses.</p> <p>(13) List the basic types of screws and their uses.</p> <p>(14) Identify the different types of anchors and their uses.</p> <p>(15) Describe the common types of adhesives used in construction work and explain their uses.</p>	<p>1, 3</p> <p>1, 2, 3</p> <p>1, 3, 4</p> <p>1, 2, 3, 4</p> <p>2, 3, 4</p> <p>1, 2, 3, 4</p> <p>1, 2, 3, 4</p> <p>1, 3, 5</p> <p>1, 2, 3</p> <p>1, 3, 4</p> <p>2, 3, 4</p> <p>1, 2, 3, 4</p> <p>1, 2, 3, 4</p> <p>1, 2, 3, 4</p> <p>1, 2, 3, 4</p>	<p>English Language Arts</p> <p>ELA 1 – H1, H3, H4, H5 ELA 2 – H1, H2, H3, H4, H5, H6 ELA 3 – H1, H2, H3 ELA 4 – H1, H2, H3, H4, H5, H6 ELA 5 – H1, H2, H3, H4, H5, H6 ELA 7 – H1, H2</p> <p>Mathematics</p> <p>N – 1H, 2H, 3H, 4H, 5H, 6H, 7H D – 7H, 9H A – 1H, 2H, 3H, 4H M – 1H, 2H, 3H, 4H G – 1H, 2H, 3H, 4H, 5H, 6H</p> <p>Social Studies</p> <p>G – 1A-H1, 1A-H2, 1D-H1, 1D-H2, 1D-H4, 1D-H5 E – 1A-H1, 1A-H2, 1A-H3, 1A-H5, 1B-H1, 1B-H2, 1B-H4, 1B-H5, 1B-H6 H – 1A-H1, 1A-H2, 1A-H5, 1A-H6</p> <p>Science</p> <p>SI-H – A1, A2, A3, A4, A5, A6, A7, B3, B4, B5 PS-H- C1, C2, D1, D6, D7, E1, E2, E3, E4, F1, F2, G1, G2, G3, G4 ESS-H- A1, A2, A3, A5, A6, A7, B1, B2, D7 SE-H – A1, A2, A11, B1, B2, B3, B4, B5, B6, C1, C2, C3, C4, C5, D1, D2, D3, D4, D5, D6</p>
<p>B. HAND AND POWER TOOLS</p> <p>(1) Identify the hand tools commonly used by carpenters and describe their uses.</p> <p>(2) Use hand tools in a safe and appropriate manner.</p> <p>(3) State the general safety rules for operating all power tools, regardless of type.</p> <p>(4) State the general rules for properly maintaining all power tools, regardless of type.</p> <p>(5) Identify the portable power tools commonly used by carpenters and describe their uses.</p> <p>(6) Use portable power tools in a safe and appropriate manner.</p> <p>(7) Identify the stationary power tools commonly used by carpenters and describe their uses.</p> <p>(8) Use stationary power tools in a safe and appropriate manner.</p>	<p>1, 3</p> <p>2, 3</p> <p>1, 3, 4</p> <p>1, 2, 3, 4</p> <p>1, 2, 3, 4</p> <p>2, 3, 4</p> <p>1, 3, 5</p> <p>2, 3</p>	
<p>C. FLOOR SYSTEMS</p> <p>(1) Identify the different types of framing systems.</p> <p>(2) Read and understand drawings and specifications to determine floor system requirements.</p> <p>(3) Identify floor and sill framing and support members.</p> <p>(4) Name the methods used to fasten sills to the foundation.</p>	<p>1, 3, 4</p> <p>1, 2, 3, 4</p> <p>1, 2, 3, 4</p> <p>1, 2, 3, 4</p>	

Benchmarks	Louisiana Foundation Skills	Academic Cross-Reference (Standard-Benchmark)
(5) Given specific floor load and span data, select the proper girder/beam size from a list of available girders/beams.	2, 3, 4	
(6) List and recognize different types of floor joists.	1, 2, 3, 4	
(7) Given specific floor load and span data, select the proper joist size from a list of available joists.	1, 3, 5	
(8) List and recognize different types of bridging.	1, 2, 3	
(9) List and recognize different types of flooring materials.	3, 4	
(10) Explain the purposes of subflooring and underlayment.	1, 2, 3, 4	

Benchmarks	Louisiana Foundation Skills	Academic Cross-Reference (Standard-Benchmark)
C. FLOOR SYSTEMS (continued)		
(11) Match selected fasteners used in floor framing to their correct uses.		
(12) Estimate the amount of material needed to frame a floor assembly.	2, 3, 4	
(13) Demonstrate the ability to: lay out and construct a floor assembly; install bridging; install joists for cantilever floor install a subfloor using butt-joint plywood; install a single floor system.	2, 3, 4 2, 3, 4	
D. WALL AND CEILING FRAMING		
(1) Identify the components of a wall and ceiling layout.		
(2) Describe the procedure for laying out a wood frame wall, including plates, corner posts, door and window openings, partition T's bracing, and firestops.	1, 2, 3, 4	
(3) Describe the correct procedure for assembling and erecting an exterior wall.	1, 3, 5	
(4) Describe the common materials and methods used for installing sheathing on walls.	1, 2, 3	
(5) Lay out, assemble, erect, and brace exterior walls for a frame building.	1, 3, 4	
(6) Describe wall framing techniques used in masonry construction.	2, 3, 4	
(7) Explain the use of metal studs in wall framing.	1, 2, 3, 4	
(8) Describe the correct procedure for laying out a ceiling.	1, 2, 3, 4	
(9) Cut and install ceiling joists on a wood frame building.	1, 2, 3, 4	
(10) Estimate the materials required to frame walls and ceilings.	2, 3, 4	
	2, 3, 4	
E. ROOF FRAMING		
(1) Understand the terms associated with roof framing.		
(2) Identify the roof framing members used in gable and hip roofs.	1, 3, 5	
(3) Identify the methods used to calculate the length of a rafter.	1, 2, 3 1, 3, 4	
(4) Identify the various types of trusses used in roof framing.	1, 2, 3, 4	
(5) Use a rafter framing squire, speed square, and calculator in laying a roof.	2, 3, 4	
(6) Identify various types of sheathing used in roof construction.	1, 2, 3, 4 2, 3, 4	
(7) Frame a gable roof with vent openings.	2, 3, 4	
(8) Frame a roof opening.		
(9) Construct a frame roof, including hips, valleys, commons, jack rafters, and sheathing.	2, 3, 4 2, 3, 4	
(10) Erect a gable roof using trusses.	2, 3, 4	
(11) Estimate the materials used in framing and sheathing a roof.	2, 3, 4	

F. WINDOWS AND EXTERIOR DOORS		
(1) Identify various types of fixed, sliding, and swinging windows.	1, 2, 3, 4	
(2) Identify the parts of a window installation.	1, 2, 3, 4	
(3) State the requirements for a proper window installation.	1, 2, 3, 4	
(4) Install a pre-hung window.	2, 3, 4	
(5) Identify the common types of skylights and roof windows.	1, 2, 3, 4	
(6) Describe the procedure for properly installing a skylight.	1, 2, 3, 4	
(7) Identify the common types of exterior doors and explain how they are constructed.	1, 2, 3, 4	
(8) Identify the parts of a door installation.	1, 2, 3, 4	
(9) Identify the types of thresholds used with exterior doors.	2, 3, 4	
(10) Install a threshold on a concrete floor.	2, 3, 4	
(11) Install a pre-hung exterior door with weatherstripping.	1, 2, 3, 4	
(12) Identify the various types of locksets used on exterior doors and explain how they are installed.	2, 3, 4	
(13) Explain the correct installation procedure for a rollup garage door.		
(14) Install a lockset.		

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Subpart 7. Welding

Chapter 55. Entry-Level Welding

§5501. Introduction

A. Refer to Subpart 1 of this Part XCIX for General Provisions applicable to this Welding Program.

B. *Entry-Level Welder*—an individual employed in this position is considered to possess the prerequisite knowledge, attitude, skills, and abilities required to perform procedures that involve routine, predictable, repetitive, proceduralized tasks involving motor skills and limited theoretical knowledge while working under close supervision.

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§5503. Entry-Level Welder Occupational Description

A. Common work assignments:

1. follows detailed verbal or written instructions given by an immediate supervisor to set up and carry out specific job assignments;

2. performs general housekeeping duties to maintain workspace, equipment, and tool cleanliness;

3. fills out, maintains, and submits a time or work assignment card, record, or report as required by the employer's or institution's internal policy;

4. follows safety regulations in the performance of daily duties.

B. Drawing and welding symbol interpretation:

1. prepares parts from simple sketches or drawings;

2. performs welding operations; and

3. prepares welded joints from welding symbol information.

C. Arc welding:

1. sets up shielded metal arc welding operations, for all position fillet and groove welding within a limited thickness range of plain carbon steel material;

2. sets up gas metal arc welding (short circuit transfer) operations, for all position fillet and groove welding within a limited thickness range of plain carbon steel;

3. sets up gas metal arc welding (spray transfer) operations for limited position and material thickness range on plain carbon steel;

4. sets up flux cored arc welding operations for all positions, fillet, and groove welding within a limited thickness range of plain carbon steel material;

5. performs gas tungsten arc welding operations on aluminum and stainless steel within a limited position, limited material thickness range;

6. performs minor external repairs to equipment and accessories.

D. Oxyfuel gas cutting:

1. sets up and performs manual oxyfuel gas cutting operations that include straight and shape cutting, beveling, and weld removal (weld washing);

2. sets up and operates machine oxyfuel gas cutting equipment (track burner) to perform straight cutting and beveling operations;

3. performs minor external repairs to equipment and accessories.

E. Arc cutting and gouging:

1. removes metal using the air carbon arc cutting process;

2. carries out shape cutting operations using the manual plasma arc cutting process;

3. performs minor external repairs to equipment and accessories.

F. Inspection:

1. visually examines all personal welding and cutting assignments for unfavorable weld and cut edge surface discontinuities before final inspection by a supervisor.

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Chapter 57. Entry-Level Welding Technology Secondary Program

§5701. Rationale

A. The American Welding Society recognized the need for entry-level welders, and through a grant by the U.S. Department of Education, formed the Education Grant Committee, and assigned it the task of preparing a standards guide.

B. Welding has become a very sophisticated and technical science, requiring not only mental application but also hands-on abilities. The future need for competent welders should prompt the establishment of a greater number of educational programs. Thus, it becomes imperative that the training given be of sufficient quality and quantity to prepare trainees for industrial assignments at various levels of skill development well into the next century. To this end, entry-level workers come to the workforce as prospective first-time practitioners of the craft.

C. Work Environment. Entry level welders are employed in a wide range of industries that use welding and welding-related tasks during the course of daily operations. This range of industries includes small, medium, and large union or nonunion facilities.

D. Occupational Hazards. As is the case in most metalworking industries, the potential for bodily harm and hazardous situations exists. High electrical currents and voltages are used to operate machinery and welding equipment. Machinery for shearing, forming, and punching various thicknesses of materials is used. Flammable and other compressed gases are used during flame cutting and welding operations. Welders may work in enclosed, restricted spaces, and at times at high elevations and in awkward positions. A hazardous noise level is sometimes generated during the production process. The welder must take safety precautions, and be safety conscious at all times.

E. Worker Profile. This position involves concentration, decision making, and physical tasks.

F. Physical Requirements. Entry-level welders must meet the physical requirements established by the employer.

G. Employability. Entry-level welders should exhibit good written, oral, and listening skills and be good at problem solving and decision making. These individuals should demonstrate good judgment, be dependable and interact well with people.

H. Education. Entry-level welders training is accomplished through secondary, postsecondary, vocational-technical schools, junior colleges, universities, apprenticeship, or employer-based welder training programs. Sufficient workplace skills (i.e., foundation skills such as reading, writing, math, science, communication skills, and adaptability skills) are required to complete requisite welding-related knowledge and skills training.

I. Curriculum Guidelines. It is the sole intent of these guidelines to define a competency-based welding curriculum. Therefore, it is the responsibility of the secondary, postsecondary, or employer-based training program to establish any guidelines for the duration of training and prerequisites related to basic skills (i.e., reading, writing, mathematics, and listening/oral communications).

Training activities should consistently reinforce the use of basic skills.

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§5703. Industry-Based Certification and Academic Content Standards

A. Scope. The American Welding Society (AWS) guide establishes a minimum skill standard defining training and qualification requirements that are necessary for participating organizations to develop and administer an Entry-Level Welder Program in accordance with AWS QC10, *Specification for the Qualification and Certification for Entry-Level Welders*. This guide is intended to specify a credible path for secondary, postsecondary, or employer-based training facilities to build new programs and/or enhance existing programs to administer Entry-Level Welder training and qualification. Use of this guide is voluntary. Participating organizations desiring to certify a trainee as an AWS Certified Entry-Level Welder shall consider the training and qualification guidelines within this Subpart 7 as mandatory requirements under the requirements of AWS QC10.

B. Objectives

1. Provide training facilities with an industrial awareness of the occupational description, conditions, task listing, and profile that encompasses the job classification of entry-level welders.

2. Establish a broad competency-based curriculum detailing the minimum acceptable skill requirements for the training and qualification of entry-level welders.

3. Provide training facilities participating in the certification of entry-level welders with a list of learning objectives and learning activities necessary to accomplish entry-level welder training.

4. Provide training facilities participating in the certification of entry-level welders with the references needed to compare existing or new curriculum with the AWS documents specified in this guide.

5. Provide training facilities participating in the certification of entry-level welders information related to the administration of an entry-level welder closed book examination, workmanship qualification, and performance qualification testing.

C. Requirements

1. Unless the secondary, postsecondary, or employer-based training facility elects to become a participating organization under the requirements of AWS QC10, *Specification for the Qualification and Certification for Entry-Level Welders*, use of this Part 7 is voluntary.

2. Participating organizations shall meet the requirements of AWS QC10, *Specification for the Qualification and Certification for Entry-Level Welders*.

3. Participating organizations shall ensure that existing or new training materials are in compliance with the AWS documents specified in the *Curriculum Guidelines* section of this guide.

4. Participating organizations shall administer a safety examination prior to trainee performance of tasks in the work area or laboratory, in accordance with the requirements

of AWS QC10, *Specification for the Qualification and Certification for Entry-Level Welders*.

5. Participating organizations shall administer workmanship qualification testing at the end of training for each applicable welding or cutting process in accordance with the requirements of AWS QC10, *Specification for the Qualification and Certification for Entry-Level Welders*.

6. Participating organizations shall provide a means for trainees to take a closed book written examination based on the applicable subject matter.

7. Trainees desiring AWS Entry-Level Welder Certification shall pass workmanship qualification tests in accordance with the requirements of AWS QC10, *Specification for the Qualification and Certification for Entry-Level Welders*.

8. Trainees desiring AWS Entry-Level Welder Certification shall pass a closed book written examination based on the applicable subject matter.

9. Trainees desiring AWS Entry-Level Welder Certification shall pass performance qualification tests in accordance with the requirements of AWS QC10, *Specification for the Qualification and Certification for Entry-Level Welders*.

10. Participating organizations shall keep training records reflecting the results of entry-level welder training, workmanship qualification, closed book examination, and performance qualification.

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Chapter 59. Course Standards
§5901. Entry Level Welder Training

Benchmarks	Louisiana Foundation Skills	Academic Cross-Reference (Standard-Benchmark)
A. OCCUPATIONAL ORIENTATION		English Language Arts
(1) Follow safe practices.	1, 3, 5	ELA 1 – H1, H3, H4, H5
(2) Prepare time or job cards, reports or records.	1, 2, 3	ELA 2 – H1, H2, H3, H4, H5, H6
(3) Perform housekeeping duties.	1, 3, 5	ELA 3 – H1, H2, H3
(4) Follow verbal instructions to complete work assignments.	1, 2	ELA 4 – H1, H2, H3, H4, H5, H6
(5) Follow written details to complete assignments.	1, 2	ELA 5 – H1, H2, H3, H4, H5, H6 ELA 7 – H1, H2
B. DRAWING AND WELDING SYMBOL INTERPRETATIONS		Mathematics
(1) Interpret basic elements of a drawing or sketch.	1, 2	N – 1H, 2H, 3H, 4H, 5H, 6H, 7H D – 7H, 9H
(2) Interpret welding symbol information.	1, 2	A – 1H, 2H, 3H, 4H
(3) Fabricate parts from a drawing or sketch.	1, 2, 3	M – 1H, 2H, 3H, 4H G – 1H, 2H, 3H, 4H, 5H, 6H
		Social Studies
		G – 1A-H1, 1A-H2, 1D-H1, 1D-H2, 1D-H4, 1D-H5
		E – 1A-H1, 1A-H2, H1A-H3, 1A-H5, 1B-H1, 1B-H2, 1B-H4, 1B-H5, 1B-H6
		H – 1A-H1, 1A-H2, 1A-H5, 1A-H6
		Science
		SI-H – A1, A2, A3, A4, A5, A6, A7, B3, B4, B5
		PS-H – C1, C2, D1, D6, D7, E1, E2, E3, E4, F1, F2, G1, G2, G3, G4
		ESS-H – A1, A2, A3, A5, A6, A7, B1, B2, D7
		SE-H – A1, A2, A11, B1, B2, B3, B4, B5, B6, C1, C2, C3, C4, C5, D1, D2, D3, D4, D5, D6

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§5903. Arc Welding Principles and Practices

Benchmarks	Louisiana Foundation Skills	Academic Cross-Reference (Standard-Benchmark)
A. SHIELDED METAL ARC WELDING (SMAW)		English Language Arts
(1) Perform safety inspections of equipment and accessories.	1, 3, 5	ELA 1 – H1, H3, H4, H5 ELA 2 – H1, H2, H3, H4, H5, H6 ELA 3 – H1, H2, H3
(2) Make minor external repairs to equipment and accessories.	2, 3	ELA 4 – H1, H2, H3, H4, H5, H6 ELA 5 – H1, H2, H3, H4, H5, H6 ELA 7 – H1, H2
(3) Set up for shielded metal arc welding operations on plain carbon steel.	3, 4	Mathematics
(4) Operate shielded metal arc welding equipment.	2, 3, 4	N – 1H, 2H, 3H, 4H, 5H, 6H, 7H D – 7H, 9H
(5) Make fillet welds, all positions, on plain carbon steel.	2, 3, 4	A – 1H, 2H, 3H, 4H M – 1H, 2H, 3H, 4H
(6) Make groove welds, all positions, on plain carbon steel.	2, 3, 4	G – 1H, 2H, 3H, 4H, 5H, 6H
(7) Perform 2G-3G limited thickness qualification tests on plain carbon steel plate.	2, 3, 4	Social Studies
B. GAS METAL ARC WELDING (GMAW, GMAW-S)		G – 1A-H1, 1A-H2, 1D-H1, 1D-H2, 1D-H4, 1D-H5
(1) Perform safety inspections of equipment and accessories.	1, 3, 5	E – 1A-H1, 1A-H2, 1A-H3, 1A-H5, 1B-H1, 1B-H2, 1B-H4, 1B-H5, 1B-H6
(2) Make minor external repairs to equipment and accessories.	2, 3	H – 1A-H1, 1A-H2, 1A-H5, 1A-H6
(3) Set up for gas metal arc welding operations on plain carbon steel.	3, 4	Science
(4) Operate gas metal arc welding equipment.	2, 3, 4	SI-H – A1, A2, A3, A4, A5, A6, A7, B3, B4, B5
Short circuit transfer		PS-H - - C1, C2, D6, D7, E1, E2, E3, E4, F1, F2, G1, G2, G3, G4
(5) Make fillet welds, all positions, on plain carbon steel.	2, 3, 4	ESS-H – A1, A2, A3, A5, A6, A7, B1, B2, D7
(6) Make groove welds, all positions, on plain carbon steel.	2, 3, 4	SE-H – A1, A2, A11, B1, B2, B3, B4, B5, B6, C1, C2, C3, C4, C5, D1, D2, D3, D4, D5, D6
Spray transfer		
(7) Make 1F-2F welds on plain carbon steel.	2, 3, 4	
(8) Make 1G welds on plain carbon steel.	2, 3, 4	
C. FLUX CORED ARC WELDING (FCAW-G)		
(1) Perform safety inspections of equipment and accessories.	1, 3, 5	
(2) Make minor external repairs to equipment and accessories.	2, 3	
(3) Set up for flux cored arc welding operations on plain carbon steel.	3, 4	
(4) Operate flux cored arc welding equipment.	2, 3, 4	
(5) Make fillet welds, all positions, on plain carbon steel.	2, 3, 4	
(6) Make groove welds, all positions, on plain carbon steel.	2, 3, 4	
D. GAS TUNGSTEN ARC WELDING (GTAW)		
(1) Perform safety inspections of equipment and accessories.	1, 3, 5	
(2) Make minor external repairs to equipment and accessories.	2, 3	
(3) Set up gas tungsten arc welding operations on plain carbon steel, aluminum, and stainless steel.	3, 4	
(4) Operate gas tungsten arc welding equipment.	2, 3, 4	
(5) Make fillet welds, all positions, on plain carbon steel.	2, 3, 4	
(6) Make groove welds, all positions, on plain carbon steel.	2, 3, 4	
(7) Make 1F-2F welds on aluminum.	2, 3, 4	
(8) Make 1G welds on aluminum.	2, 3, 4	
(9) Make 1F-3F welds on stainless steel.	2, 3, 4	
(10) Make 1G-2G welds on stainless steel.	2, 3, 4	

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§5905. Oxyfuel Gas Cutting Principles and Practices

Benchmarks	Louisiana Foundation Skills	Academic Cross-Reference (Standard-Benchmark)
<p>A. MANUAL OXYFUEL GAS CUTTING (OFC) (1) Perform safety inspections of equipment and accessories. (2) Make minor external repairs to equipment and accessories. (3) Set up for manual oxyfuel gas cutting operations on plain carbon steel. (4) Operate manual oxyfuel cutting equipment. (5) Perform straight cutting operations on plain carbon steel. (6) Perform shape cutting operations on plain carbon steel. (7) Perform bevel cutting operations on plain carbon steel. (8) Remove weld metal from plain carbon steel using weld washing techniques.</p>	<p>1, 3, 5 2, 3 3, 4 2, 3, 4 2, 3, 4 2, 3, 4 2, 3, 4 2, 3, 4</p>	<p>English Language Arts ELA 1 – H1, H3, H4, H5 ELA 2 – H1, H2, H3, H4, H5, H6 ELA 3 – H1, H2, H3 ELA 4 – H1, H2, H3, H4, H5, H6 ELA 5 – H1, H2, H3, H4, H5, H6 ELA 7 – H1, H2 Mathematics N – 1H, 2H, 3H, 4H, 5H, 6H, 7H D – 7H, 9H A – 1H, 2H, 3H, 4H M – 1H, 2H, 3H, 4H G – 1H, 2H, 3H, 4H, 5H, 6H Social Studies G – 1A-H1, 1A-H2, 1D-H1, 1D-H2, 1D-H4, 1D-H5 E – 1A-H1, 1A-H2, 1A-H3, 1A-H5, 1B-H1, 1B-H2, 1B-H4, 1B-H5, 1B-H6 H – 1A-H1, 1A-H2, 1A-H5, 1A-H6</p>
<p>B. MACHINE OXYFUEL GAS CUTTING (OFC)-[Track Burner] (1) Perform safety inspections of equipment and accessories. (2) Make minor external repairs to equipment and accessories. (3) Set up for manual oxyfuel gas cutting operations on plain carbon steel. (4) Operate manual oxyfuel gas cutting equipment. (5) Perform straight cutting operations on plain carbon steel. (6) Perform shape cutting operations on plain carbon steel.</p>	<p>1, 3, 5 2, 3 3, 4 2, 3, 4 2, 3, 4 2, 3, 4</p>	<p>Science SI-H – A1, A2, A3, A4, A5, A6, A7, B3, B4, B5 PS-H - - C1, C2, D6, D7, E1, E2, E3, E4, F1, F2, G1, G2, G3, G4 ESS-H – A1, A2, A3, A5, A6, A7, B1, B2, D7 SE-H – A1, A2, A11, B1, B2, B3, B4, B5, B6, C1, C2, C3, C4, C5, D1, D2, D3, D4, D5, D6</p>

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10) and R.S. 17:10.

HISTORICAL NOTE: Promulgated by the Department of Education, Board of Elementary and Secondary Education, Trade and Industrial Education, LR 30:2774 (December 2004).

§5907. Arc Cutting Principles and Practices

Benchmarks	Louisiana Foundation Skills	Academic Cross-Reference (Standard-Benchmark)
<p>A. AIR CARBON ARC CUTTING (CAC-A) (1) Perform safety inspections of equipment and accessories. (2) Make minor external repairs to equipment and accessories. (3) Set up for manual air carbon arc gouging and cutting operations on plain carbon steel. (4) Operate manual air carbon arc cutting equipment. (5) Perform metal removal operations on plain carbon steel.</p> <p>B. PLASMA ARC CUTTING (PAC) (1) Perform safety inspections of equipment and accessories. (2) Make minor external repairs to equipment and accessories. (3) Set up for manual plasma arc cutting operations on plain carbon steel, aluminum, and stainless steel. (4) Operate manual plasma arc cutting equipment. (5) Perform shape cutting operations on plain carbon steel, aluminum, and stainless steel.</p>	<p>1, 3, 5</p> <p>2, 3</p> <p>3, 4</p> <p>2, 3, 4</p> <p>2, 3, 4</p> <p>1, 3, 5</p> <p>2, 3</p> <p>3, 4</p> <p>2, 3, 4</p> <p>2, 3, 4</p>	<p>English Language Arts ELA 1 – H1, H3, H4, H5 ELA 2 – H1, H2, H3, H4, H5, H6 ELA 3 – H1, H2, H3 ELA 4 – H1, H2, H3, H4, H5, H6 ELA 5 – H1, H2, H3, H4, H5, H6 ELA 7 – H1, H2</p> <p>Mathematics N – 1H, 2H, 3H, 4H, 5H, 6H, 7H D – 7H, 9H A – 1H, 2H, 3H, 4H M – 1H, 2H, 3H, 4H G – 1H, 2H, 3H, 4H, 5H 6H</p> <p>Social Studies G – 1A-H1, 1A-H2, 1D-H1, 1D-H2, 1D-H4, 1D-H5 E – 1A-H1, 1A-H2, 1A-H3, 1A-H5, 1B-H1, 1B-H2, 1B-H4, 1B-H5, 1B-H6 H – 1A-H1, 1A-H2, 1A-H5, 1A-H6</p> <p>Science SI-H – A1, A2, A3, A4, A5, A6, A7, B3, B4, B5 PS-H - - C1, C2, D6, D7, E1, E2, E3, E4, F1, F2, G1, G2, G3, G4 ESS-H – A1, A2, A3, A5, A6, A7, B1, B2, D7 SE-H – A1, A2, A11, B1, B2, B3, B4, B5, B6, C1, C2, C3, C4, C5, D1, D2, D3, D4, D5, D6</p>

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10) and R.S. 17:10.

HISTORICAL NOTE: Promulgated by the Department of Education, Board of Elementary and Secondary Education, Trade and Industrial Education, LR 30:2775 (December 2004).

§5909. Welding Inspection and Testing Principles

Benchmarks	Louisiana Foundation Skills	Academic Cross-Reference (Standard-Benchmark)
<p>A. VISUAL EXAMINATION PRINCIPLES AND PRACTICES (1) Examine cut surfaces and edges of prepared base metal parts. (2) Examine tack, intermediate layers, and completed welds.</p>	<p>2, 3, 4</p> <p>2, 3, 4</p>	<p>English Language Arts ELA 1 – H1, H3, H4, H5 ELA 2 – H1, H2, H3, H4, H5, H6 ELA 3 – H1, H2, H3 ELA 4 – H1, H2, H3, H4, H5, H6 ELA 5 – H1, H2, H3, H4, H5, H6 ELA 7 – H1, H2</p> <p>Mathematics N – 1H, 2H, 3H, 4H, 5H, 6H, 7H D – 7H, 9H A – 1H, 2H, 3H, 4H M – 1H, 2H, 3H, 4H G – 1H, 2H, 3H, 4H, 5H 6H</p> <p>Social Studies G – 1A-H1, 1A-H2, 1D-H1, 1D-H2, 1D-H4, 1D-H5 E – 1A-H1, 1A-H2, 1A-H3, 1A-H5, 1B-H1, 1B-H2, 1B-H4, 1B-H5, 1B-H6 H – 1A-H1, 1A-H2, 1A-H5, 1A-H6</p> <p>Science SI-H – A1, A2, A3, A4, A5, A6, A7, B3, B4, B5 PS-H - - C1, C2, D6, D7, E1, E2, E3, E4, F1, F2, G1, G2, G3, G4 ESS-H – A1, A2, A3, A5, A6, A7, B1, B2, D7 SE-H – A1, A2, A11, B1, B2, B3, B4, B5, B6, C1, C2, C3, C4, C5, D1, D2, D3, D4, D5, D6</p>

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10) and R.S. 17:10.

HISTORICAL NOTE: Promulgated by the Department of Education, Board of Elementary and Secondary Education, Trade and Industrial Education, LR 30:2775 (December 2004).

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RULE

Board of Elementary and Secondary Education

Bulletin 741 **L**ouisiana Handbook for Nonpublic School Administrators **C**High School Graduation and Mathematics (LAC 28:LXXIX.2509 and 2725)

In accordance with R.S. 49:950 et seq., the Administrative Procedure Act, notice is hereby given that the Board of Elementary and Secondary Education has amended *Nonpublic Bulletin 741 Louisiana Handbook for Nonpublic School Administrators*. This policy change revises the mathematics program of studies. It requires all students to take either Algebra I, Algebra I-Pt.1 and Algebra I-Pt.2, or Integrated Math I. The remaining unit(s) shall come from the following: Integrated Mathematics II, Integrated Mathematics III, Geometry, Algebra II, Financial Mathematics, Advanced Mathematics I, Advanced Mathematics II, Pre-Calculus, Calculus, Probability and Statistics, and Discrete Mathematics. The mathematics program of study was revised to ensure that all students complete Algebra I or the equivalent, to eliminate the possibility of students taking courses that repeat much of the same content (e.g.. Algebra I and Integrated Math I), to reduce the number of courses, and to ensure that all students are completing a rigorous curriculum that meets the requirements of the Content Standards and Grade-level Expectations.

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Title 28 EDUCATION

Part LXXIX. Louisiana Handbook for Nonpublic School Administrators

Chapter 25. Curriculum and Instruction

Subchapter C. Secondary Schools

§2509. High School Graduation Requirements

A. - C.1. ...

2. Mathematics **C**3 units
 - a. Effective for incoming freshmen 2005-2006 and beyond, all students must:
 - i. complete one of the following:
 - (a.). Algebra I (1 unit); or
 - (b). Algebra I-Pt. 1 and Algebra I-Pt. 2 (2 units); or
 - (c). Integrated Mathematics I (1 unit);
 - ii. the remaining unit(s) shall come from the following:
 - (a). Integrated Mathematics II;
 - (b). Integrated Mathematics III;
 - (c). Geometry;
 - (d). Algebra II;

- (e). Financial Mathematics;
- (f). Advanced Mathematics I;
- (g). Advanced Mathematics II;
- (h). Pre-Calculus;
- (i). Calculus;
- (j). Probability and Statistics;
- (k). Discrete Mathematics.

b. For incoming freshmen between 1998 and 2004-2005, the three required mathematics units shall be selected from the following courses and may include a maximum of 2 entry level courses (designated by E): Introductory Algebra/Geometry (E), Algebra I-Part 1 (E), Algebra I-Part 2, Integrated Mathematics I (E), Integrated Mathematics II, Integrated Mathematics III, Applied Mathematics 1 (E), Applied Mathematics II, Applied Mathematics III, Algebra I (E), Geometry, Algebra II, Financial Mathematics, Advanced Mathematics I, Advanced Mathematics II, Pre-Calculus, Calculus, Probability and Statistics, and Discrete Mathematics.

C.3. - C.7. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6 (A)(10), (11), (15); R.S. 17:7(6); R.S. 17:10; R.S. 17:22(6); R.S. 17:391.1-391.10; R.S. 17:411.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:2351 (November 2003), amended LR 30:2776 (December 2004).

Chapter 27. High School Program of Studies §2725. Mathematics

A. Three units of mathematics are required for graduation. Effective for incoming freshmen 2005-2006 and beyond, all students must:

1. complete one of the following:
 - a. Algebra I (1 unit); or
 - b. Algebra I-Pt. 1 and Algebra I-Pt. 2 (2 units); or
 - c. Integrated Mathematics I (1 unit).
2. The remaining unit(s) shall come from the following:
 - a. Integrated Mathematics II;
 - b. Integrated Mathematics III;
 - c. Geometry;
 - d. Algebra II;
 - e. Financial Mathematics;
 - f. Advanced Mathematics I;
 - g. Advanced Mathematics II;
 - h. Pre-Calculus;
 - i. Calculus;
 - j. Probability and Statistics;
 - k. Discrete Mathematics.

B. For incoming freshmen between 1998 and 2004-2005, the three required mathematics units shall be selected from the following courses and may include a maximum of 2 entry level courses (designated by E): Introductory Algebra/Geometry (E), Algebra I-Part 1 (E), Algebra I-Part 2, Integrated Mathematics I (E), Integrated Mathematics II, Integrated Mathematics III, Applied Mathematics 1 (E), Applied Mathematics II, Applied Mathematics III, Algebra I (E), Geometry, Algebra II, Financial Mathematics, Advanced Mathematics I, Advanced Mathematics II, Pre-Calculus, Calculus, Probability and Statistics, and Discrete Mathematics.

Course Title	Unit(s)
Advanced Mathematics I	1
Advanced Mathematics II	1
Algebra I	1
Algebra I-Part I	1
Algebra I-Part II	1
Algebra II	1
Calculus	1
Discrete Mathematics	1
Financial Mathematics	1
Geometry	1
Integrated Mathematics I	1
Integrated Mathematics II	1
Integrated Mathematics III	1
Pre-Calculus	1
Probability and Statistics	1

C. Financial Mathematics may be taught by the Business Education Department.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6 (A)(10), (11), (15); R.S. 17:7(6); R.S. 17:10; R.S. 17:22(6); R.S. 17:391.1-391.10; R.S. 17:411.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:2354 (November 2003), amended LR 30:2776 (December 2004).

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RULE

Board of Elementary and Secondary Education

Bulletin 741 **C** Louisiana Handbook for School Administrators **C** Career and Technical Course Offerings (LAC 28:I.901)

In accordance with R.S. 49:950 et seq., the Administrative Procedure Act, the Board of Elementary and Secondary Education amended *Bulletin 741 C The Louisiana Handbook for School Administrators*, referenced in LAC 28:I.901.A, promulgated by the Board of Elementary and Secondary Education in LR 1:483 (November 1975). The changes of the Career and Technical course offerings will revise current course offerings, bringing them in-line with current industry standards.

Title 28 EDUCATION

Part I. Board of Elementary and Secondary Education Chapter 9. Bulletins, Regulations, and State Plans Subchapter A. Bulletins and Regulations

§901. School Approval Standards and Regulations

A. Bulletin 741

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AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A) (10), (11), (15); R.S. 17:7 (5), (7), (11); R.S. 17:10, 11; R.S. 17:22 (2), (6).

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education LR 1:483 (November 1975), amended by the Board of Elementary and Secondary Education in LR 28:269-271 (February 2002); LR 28:272-273 (February 2002), LR 28:991-993 (May 2002); LR 28:1187 (June 2002), LR 30:2777 (December 2004).

* * *

Agriculture Education

2.105.25 Agriculture Education course offerings shall be as follows.

Course Title	Recommended Grade Level	Units
Agriscience	7-8	-
Agribusiness	11-12	1/2
Agricultural Education Elective (1/2 Credit)	9-12	1/2
Agricultural Education Elective (1 Credit)	9-12	1
Agricultural Education Elective I (2 Credits)	9-12	2
Agricultural Education Elective I (3 Credits)	9-12	3
Agricultural Education Elective II (2 Credits)	9-12	2
Agricultural Education Elective II (3 Credits)	9-12	3
Agriscience I	9-12	1
Agriscience II	10-12	1
Agriscience III	11-12	1
Agriscience IV	12	1
Agriscience III Laboratory	11-12	1
Agriscience IV Laboratory	12	1
Agriscience-Construction	11-12	1/2
Agriscience Elective	9-12	1
Agriscience-Entrepreneurship	11-12	1/2
Agriscience Internship I	11-12	2
Agriscience Internship II	12	2
Agriscience-Leadership Development	11-12	1/2
Agriscience-Welding Systems I	11-12	1/2
Agriscience-Welding Systems II	12	1/2
Animal Systems	11-12	1/2
Aquaculture	11-12	1/2
Biotechnology	11-12	1
Care and Management of Small Animals I	11-12	1/2
Care and Management of Small Animals II	12	1/2
Cooperative Agriscience Education I	11-12	3
Cooperative Agriscience Education II	12	3
Crop Systems	11-12	1/2
Environmental Applications	11-12	1/2
Equine Science	11-12	1/2
Food and Fiber	11-12	1/2
Forestry	11-12	1/2
Horticulture I	11-12	1/2
Horticulture II	12	1/2
Precision Agriculture	11-12	1
Small Engines (Applications)	11-12	1/2
Industry Based Certifications		
ABC Carpentry in Agriscience (1 Credit)	11-12	1
ABC Carpentry in Agriscience (2 Credits)	11-12	2
ABC Carpentry in Agriscience (3 Credits)	11-12	3
ABC Electricity in Agriscience (1 Credit)	11-12	1
ABC Electricity in Agriscience (2 Credits)	11-12	2
ABC Electricity in Agriscience (3 Credits)	11-12	3

ABC Pipefitting in Agriscience (1 Credit)	11-12	1
ABC Pipefitting in Agriscience (2 Credits)	11-12	2
ABC Pipefitting In Agriscience (3 Credits)	11-12	3
ABC Welding in Agriscience (1 Credit)	11-12	1
ABC Welding in Agriscience (2 Credits)	11-12	2
ABC Welding in Agriscience (3 Credits)	11-12	3

Business Education

2.105.26 Business Education course offerings shall be as follows.

Course Title	Recommended Grade Level	Unit(s)
Accounting I	10-12	1
Accounting II	11-12	1
Administrative Support Occupations	11-12	1
Business Communications	10-12	1
Business Computer Applications	10-12	1
Business Education Elective I (1/2 Credit)	9-12	1/2
Business Education Elective I (1 Credit)	9-12	1
Business Education Elective I (2 Credits)	9-12	2
Business Education Elective I (3 Credits)	9-12	3
Business Education Elective II (1/2 Credit)	9-12	1/2
Business Education Elective II (1 Credit)	9-12	1
Business Education Elective II (2 Credits)	9-12	2
Business Education Elective II (3 Credits)	9-12	3
Business English	12	1
Business Internship I	11-12	2
Business Internship II	12	2
Business Law	11-12	1/2
Computer Multimedia Presentations	11-12	1/2
Computer Technology Literacy	9-12	1
Cooperative Office Education (COE)	12	3
Desktop Publishing	11-12	1
Economics	11-12	1
Entrepreneurship	11-12	1
Financial Math	9-12	1
Introduction to Business Computer Applications	9-12	1
Applications		
Keyboarding	9-12	1/2
Keyboarding Applications	9-12	1/2
Lodging Management I (1 Credit)	10-12	1
Lodging Management I (2 Credits)	10-12	2
Lodging Management I (3 Credits)	10-12	3
Lodging Management II (1 Credit)	11-12	1
Lodging Management II (2 Credits)	11-12	2
Lodging Management II (3 Credits)	11-12	3
Principles of Business	9-12	1
Telecommunications	10-12	1/2
Web Design	10-12	1/2
Word Processing	11-12	1

General Career and Technical Education

2.105.27 General Career and Technical Education course offerings shall be as follows.

Course Title	Recommended Grade Level	Unit(s)
Career and Technical Education		
Internship I	11-12	2
Career and Technical Education		
Internship II	12	2
General Cooperative		
Education I	11-12	3
General Cooperative		
Education II	12	3
Education for Careers	9-12	1/2
Education for Careers	9-12	1
Teacher Cadet I	11-12	1
Teacher Cadet II	12	1
Oracle Internet Academy		
Data Modeling & Relational		
Database Design	11-12	1/2
Introduction to SQL	11-12	1/2
Introduction to Java	11-12	1/2
Java Programming	11-12	1/2
Finance Academy		
Economics and the World of Finance	11-12	1/2
Banking and Credit	11-12	1/2
Financial Planning	11-12	1/2
Securities	11-12	1/2
Insurance	11-12	1/2
International Finance	11-12	1/2
Introduction to Financial		
Services (1/2 Credit)	11-12	1/2
Introduction to Financial		
Services (1 Credit)	11-12	1
Travel and Tourism Academy		
Introduction to Travel and Tourism	11-12	1/2
Travel and Tourism II	11-12	1/2
Travel Destinations I	11-12	1/2
Travel Destinations II	11-12	1/2
Systems Applications	11-12	1/2
Economics for Travel and Tourism	11-12	1/2
Information Technology Academy		
Introduction to Information Technology	11-12	1/2
Digital Networks	11-12	1/2
Advanced Web Tools	11-12	1/2
Databases	11-12	1/2

Health Occupations

2.105.28 Health Occupations course offerings shall be as follows.

Course Title	Recommended Grade Level	Unit(s)
AHEC of a Summer Career Exploration	9-12	1/2
Allied Health Services I (1 Credit)	10-12	1
Allied Health Services I (2 Credits)	10-12	2
Allied Health Services II (1 Credit)	11-12	1
Allied Health Services II (2 Credits)	11-12	2
Cooperative Health Occupations	11-12	3
Dental Assistant I (1 Credit)	10-12	1
Dental Assistant I (2 Credits)	10-12	2
Dental Assistant I (3 Credits)	10-12	3
Dental Assistant II (1 Credit)	11-12	1
Dental Assistant II (2 Credits)	11-12	2

Dental Assistant II (3 Credits)	11-12	3
Emergency Medical Technician—Basic	10-12	2
First Responder (1/2 Credit)	9-12	1/2
First Responder (1 Credit)	9-12	1
First Responder (2 Credits)	9-12	2
Health Occupations Elective I (1/2 Credit)	9-12	1/2
Health Occupations Elective I (1 Credit)	9-12	1
Health Occupations Elective I (2 Credits)	9-12	2
Health Occupations Elective I (3 Credits)	9-12	3
Health Occupations Elective II (1/2 Credit)	9-12	1/2
Health Occupations Elective II (1 Credit)	9-12	1
Health Occupations Elective II (2 Credits)	9-12	2
Health Occupations Elective II (3 Credits)	9-12	3
Health Occupations Internship I	11-12	2
Health Occupations Internship II	12	2
Health Science I (1 Credit)	11-12	1
Health Science I (2 Credits)	11-12	2
Health Science II (1 Credit)	12	1
Health Science II (2 Credits)	12	2
Introduction to Emergency Medical Technology	10-12	2
Introduction to Health Occupations	9-12	1
Introduction to Pharmacy Assistant (1 Credit)	10-12	1
Introduction to Pharmacy Assistant (2 Credits)	10-12	2
Medical Assistant I (1 Credit)	10-12	1
Medical Assistant I (2 Credits)	10-12	2
Medical Assistant II (1 Credit)	11-12	1
Medical Assistant II (2 Credits)	11-12	2
Medical Assistant III (1 Credit)	12	1
Medical Assistant III (2 Credits)	12	2
Medical Terminology	9-12	1
Nursing Assistant I (1 Credit)	10-12	1
Nursing Assistant I (2 Credits)	10-12	2
Nursing Assistant I (3 Credits)	10-12	3
Nursing Assistant II (1 Credit)	11-12	1
Nursing Assistant II (2 Credits)	11-12	2
Nursing Assistant II (3 Credits)	11-12	3

Family and Consumer Sciences Education

2.105.29 Family and consumer sciences education course offerings shall be as follows.

Course Title	Recommended Grade Level	Unit(s)
Exploratory Family and Consumer Sciences	7-8	--
Family and Consumer Sciences I	9-12	1
Family and Consumer Sciences II	10-12	1
Food Science	9-12	1
Adult Responsibilities	11-12	1/2
Child Development	10-12	1/2
Clothing and Textiles	10-12	1/2
Personal and Family Finance	10-12	1/2
Family Life Education	10-12	1/2
Housing and Interior Design	10-12	1/2
Nutrition and Food	10-12	1/2
Parenthood Education	10-12	1/2
Advanced Child Development	10-12	1/2
Advanced Clothing and Textiles	10-12	1/2
Advanced Nutrition and Food	10-12	1/2

Family and Consumer Sciences Elective I (1/2 Credit)	9-12	1/2
Family and Consumer Sciences Elective I (1 Credit)	9-12	1
Family and Consumer Sciences Elective I (2 Credits)	9-12	2
Family and Consumer Sciences Elective I (3 Credits)	9-12	3
Family and Consumer Sciences Elective II (1/2 Credit)	9-12	1/2
Family and Consumer Sciences Elective II (1 Credit)	9-12	1
Family and Consumer Sciences Elective II (2 Credits)	9-12	2
Family and Consumer Sciences Elective II (3 Credits)	9-12	3

Family and Consumer Sciences Education (FCCLA)

2.105.30 Course offerings for family and consumer sciences-related occupations shall be as follows.

Course Title	Recommended Grade Level	Unit(s)
Clothing and Textile Occupations I (1 Credit)	11-12	1
Clothing and Textile Occupations I (2 Credits)	11-12	2
Clothing and Textile Occupations I (3 Credits)	11-12	3
Clothing and Textile Occupations II (1 Credit)	11-12	1
Clothing and Textile Occupations II (2 Credits)	11-12	2
Clothing and Textile Occupations II (3 Credits)	11-12	3
Early Childhood Education I (1 Credit)	11-12	1
Early Childhood Education I (2 Credits)	11-12	2
Early Childhood Education I (3 Credits)	11-12	3
Early Childhood Education II (1 Credit)	11-12	1
Early Childhood Education II (2 Credits)	11-12	2
Early Childhood Education II (3 Credits)	11-12	3
Family and Consumer Sciences Internship I	11-12	2
Family and Consumer Sciences Internship II	12	2
Food Services I (1 Credit)	10-12	1
Food Services I (2 Credits)	10-12	2
Food Services I (3 Credits)	10-12	3
Food Services II (1 Credit)	10-12	1
Food Services II (2 Credits)	10-12	2
Food Services II (3 Credits)	10-12	3
Food Service Technician	11-12	1
Housing and Interior Design Occupations (1 Credit)	11-12	1
Housing and Interior Design Occupations (2 Credits)	11-12	2
Housing and Interior Design Occupations (3 Credits)	11-12	3
ProStart I (1 Credit)	11-12	1
ProStart I (2 Credits)	11-12	2
ProStart I (3 Credits)	11-12	3
ProStart II (1 Credit)	11-12	1
ProStart II (2 Credits)	11-12	2
ProStart II (3 Credits)	11-12	3
Cooperative Family and Consumer Sciences Education	3	

Technology Education

2.105.31 Technology Education course (formerly industrial arts) offerings shall be as follows.

Course Title	Recommended Grade Level	Unit(s)
Communication/Middle School	6-8	-
Construction/Middle School	6-8	-
Manufacturing Technology/Middle School	6-8	-
Modular Technology/Middle School	6-8	-
Transportation Technology/Middle School	6-8	-
Advanced Electricity/Electronics	10-12	1
Advanced Metal Technology	10-12	1
Advanced Technical Drafting	10-12	1
Advanced Wood Technology	10-12	1
Architectural Drafting	10-12	1
Basic Electricity/Electronics	9-12	1
Basic Metal Technology	9-12	1
Basic Technical Drafting	9-12	1
Basic Wood Technology	9-12	1
Communication Technology	9-12	1
Construction Technology	10-12	1
Cooperative Technology Education	10-12	3
Energy, Power, and Transportation Technology	9-12	1
General Technology Education	9-12	1
Manufacturing Technology	9-12	1
Materials and Processes	10-12	1
Physics of Technology I	10-12	1
Physics of Technology II	11-12	1
Power Mechanics	9-12	1
Technology Education Computer Applications	9-12	1
Technology Education Elective I (1/2 Credit)	9-12	1/2
Technology Education Elective I (1 Credit)	9-12	1
Technology Education Elective I (2 Credits)	9-12	2
Technology Education Elective I (3 Credits)	9-12	3
Technology Education Elective II (1/2 Credit)	9-12	1/2
Technology Education Elective II (1 Credit)	9-12	1
Technology Education Elective II (2 Credits)	9-12	2
Technology Education Elective II (3 Credits)	9-12	3
Technology Education Internship I	11-12	2
Technology Education Internship II	12	2
Welding Technology	10-12	1
Industry Based Certification Courses		
Process Technician I	11-12	1
Process Technician II	11-12	1
ABC Carpentry I TE (1 Credit)	11-12	1
ABC Carpentry I TE (2 Credits)	11-12	2
ABC Carpentry I TE (3 Credits)	11-12	3
ABC Carpentry II TE (1 Credit)	11-12	1
ABC Carpentry II TE (2 Credits)	11-12	2
ABC Carpentry II TE (3 Credits)	11-12	3
ABC Electrical I TE (1 Credit)	11-12	1
ABC Electrical I TE (2 Credits)	11-12	2
ABC Electrical I TE (3 Credits)	11-12	3
ABC Electrical II TE (1 Credit)	11-12	1

ABC Electrical II TE (2 Credits)	11-12	2
ABC Electrical II TE (3 Credits)	11-12	3
ABC Instrumentation Control Mechanic I (1 Credit)	11-12	1
ABC Instrumentation Control Mechanic I (2 Credits)	11-12	2
ABC Instrumentation Control Mechanic I (3 Credits)	11-12	3
ABC Instrumentation Control Mechanic II (1 Credit)	11-12	1
ABC Instrumentation Control Mechanic II (2 Credits)	11-12	2
ABC Instrumentation Control Mechanic II (3 Credits)	11-12	3
ABC Pipe Fitter I TE (1 Credit)	11-12	1
ABC Pipe Fitter I TE (2 Credits)	11-12	2
ABC Pipe Fitter I TE (3 Credits)	11-12	3
ABC Pipe Fitter II TE (1 Credit)	11-12	1
ABC Pipe Fitter II TE (2 Credits)	11-12	2
ABC Pipe Fitter II TE (3 Credits)	11-12	3
ABC Welding Technology I TE (1 Credit)	11-12	1
ABC Welding Technology I TE (2 Credits)	11-12	2
ABC Welding Technology I TE (3 Credits)	11-12	3
ABC Welding Technology II TE (1 Credit)	11-12	1
ABC Welding Technology II TE (2 Credits)	11-12	2
ABC Welding Technology II TE (3 Credits)	11-12	3

Marketing Education

2.105.32 Marketing education course offerings shall be as follows.

Course Title	Recommended Grade Level	Unit(s)
Advertising and Sales Promotion	11-12	1
Cooperative Marketing Education I	11-12	3
Cooperative Marketing Education II	12	3
Entrepreneurship	11-12	1
Marketing Education Elective I (1/2 Credit)	9-12	1/2
Marketing Education Elective I (1 Credit)	9-12	1
Marketing Education Elective I (2 Credits)	9-12	2
Marketing Education Elective I (3 Credits)	9-12	3
Marketing Education Elective II (1/2 Credit)	9-12	1/2
Marketing Education Elective II (1 Credit)	9-12	1
Marketing Education Elective II (2 Credits)	9-12	2
Marketing Education Elective II (3 Credits)	9-12	3
Marketing Internship I	11-12	2
Marketing Internship II	12	2
Marketing Management	11-12	1
Marketing Research	11-12	1
Principles of Marketing I	9-12	1
Principles of Marketing II	10-12	1
Retail Marketing	11-12	1
Tourism Marketing	11-12	1

Trade and Industrial Education

2.105.33 Trade and Industrial Education course offerings shall be as follows.

Course Title	Recommended Grade Level	Unit(s)
Air Conditioning/ Refrigeration I (1 Credit)	11-12	1
Air Conditioning/ Refrigeration I (2 Credits)	11-12	2
Air Conditioning/ Refrigeration I (3 Credits)	11-12	3
Air Conditioning/ Refrigeration II (1 Credit)	11-12	1
Air Conditioning/ Refrigeration II (2 Credits)	11-12	2
Air Conditioning/ Refrigeration II (3 Credits)	11-12	3
Auto Body Repair I (1 Credit)	11-12	1
Auto Body Repair I (2 Credits)	11-12	2
Auto Body Repair I (3 Credits)	11-12	3
Auto Body Repair II (1 Credit)	11-12	1
Auto Body Repair II (2 Credits)	11-12	2
Auto Body Repair II (3 Credits)	11-12	3
Automotive Technician I (1 Credit)	11-12	1
Automotive Technician I (2 Credits)	11-12	2
Automotive Technician I (3 Credits)	11-12	3
Automotive Technician II (1 Credit)	11-12	1
Automotive Technician II (2 Credits)	11-12	2
Automotive Technician II (3 Credits)	11-12	3
Masonry I (1 Credit)	11-12	1
Masonry I (2 Credits)	11-12	2
Masonry I (3 Credits)	11-12	3
Masonry II (1 Credit)	11-12	1
Masonry II (2 Credits)	11-12	2
Masonry II (3 Credits)	11-12	3
Cabinetmaking I (1 Credit)	11-12	1
Cabinetmaking I (2 Credits)	11-12	2
Cabinetmaking I (3 Credits)	11-12	3
Cabinetmaking II (1 Credit)	11-12	1
Cabinetmaking II (2 Credits)	11-12	2
Cabinetmaking II (3 Credits)	11-12	3
Carpentry I (1 Credit)	11-12	1
Carpentry I (2 Credits)	11-12	2
Carpentry I (3 Credits)	11-12	3
Carpentry II (1 Credit)	11-12	1
Carpentry II (2 Credits)	11-12	2
Carpentry II (3 Credits)	11-12	3
Culinary Occupations I (1 Credit)	11-12	1
Culinary Occupations I (2 Credits)	11-12	2
Culinary Occupations I (3 Credits)	11-12	3
Culinary Occupations II (1 Credit)	11-12	1
Culinary Occupations II (2 Credits)	11-12	2
Culinary Occupations II (3 Credits)	11-12	3
Custom Sewing I (1 Credit)	11-12	1
Custom Sewing I (2 Credits)	11-12	2
Custom Sewing I (3 Credits)	11-12	3
Custom Sewing II (1 Credit)	11-12	1
Custom Sewing II (2 Credits)	11-12	2
Custom Sewing II (3 Credits)	11-12	3
Computer Electronics I (1 Credit)	11-12	1
Computer Electronics I (2 Credits)	11-12	2
Computer Electronics I (3 Credits)	11-12	3
Computer Electronics II (1 Credit)	11-12	1
Computer Electronics II (2 Credits)	11-12	2
Computer Electronics II (3 Credits)	11-12	3

Commercial Art I (1 Credit)	11-12	1
Commercial Art I (2 Credits)	11-12	2
Commercial Art I (3 Credits)	11-12	3
Commercial Art II (1 Credit)	11-12	1
Commercial Art II (2 Credits)	11-12	2
Commercial Art II (3 Credits)	11-12	3
T & I Cooperative Education (TICE) I (1 Credit)	11-12	1
T & I Cooperative Education (TICE) I (2 Credits)	11-12	2
T & I Cooperative Education (TICE) I (3 Credits)	11-12	3
T & I Cooperative Education (TICE) II (1 Credit)	11-12	1
T & I Cooperative Education (TICE) II (2 Credits)	11-12	2
T & I Cooperative Education (TICE) II (3 Credits)	11-12	3
Cosmetology I (1 Credit)	11-12	1
Cosmetology I (2 Credits)	11-12	2
Cosmetology I (3 Credits)	11-12	3
Cosmetology II (1 Credit)	11-12	1
Cosmetology II (2 Credits)	11-12	2
Cosmetology II (3 Credits)	11-12	3
Cosmetology III (2 Credits)	11-12	2
Cosmetology III (3 Credits)	11-12	3
Cosmetology IV (2 Credits)	11-12	2
Cosmetology IV (3 Credits)	11-12	3
Diesel Mechanics I (1 Credit)	11-12	1
Diesel Mechanics I (2 Credits)	11-12	2
Diesel Mechanics I (3 Credits)	11-12	3
Diesel Mechanics II (1 Credit)	11-12	1
Diesel Mechanics II (2 Credits)	11-12	2
Diesel Mechanics II (3 Credits)	11-12	3
Drafting and Design Technology I (1 Credit)	11-12	1
Drafting and Design Technology I (2 Credits)	11-12	2
Drafting and Design Technology I (3 Credits)	11-12	3
Drafting and Design Technology II (1 Credit)	11-12	1
Drafting and Design Technology II (2 Credits)	11-12	2
Drafting and Design Technology II (3 Credits)	11-12	3
Basic Electricity I (1 Credit)	11-12	1
Basic Electricity I (2 Credits)	11-12	2
Basic Electricity I (3 Credits)	11-12	3
Basic Electricity II (1 Credit)	11-12	1
Basic Electricity II (2 Credits)	11-12	2
Basic Electricity II (3 Credits)	11-12	3
Electronics I (1 Credit)	11-12	1
Electronics I (2 Credits)	11-12	2
Electronics I (3 Credits)	11-12	3
Electronics II (1 Credit)	11-12	1
Electronics II (2 Credits)	11-12	2
Electronics II (3 Credits)	11-12	3
Industrial Electronics I (1 Credit)	11-12	1
Industrial Electronics I (2 Credits)	11-12	2
Industrial Electronics I (3 Credits)	11-12	3
Industrial Electronics II (1 Credit)	11-12	1
Industrial Electronics II (2 Credits)	11-12	2
Industrial Electronics II (3 Credits)	11-12	3
Electrician I (1 Credit)	11-12	1
Electrician I (2 Credits)	11-12	2
Electrician I (3 Credits)	11-12	3
Electrician II (1 Credit)	11-12	1
Electrician II (2 Credits)	11-12	2
Electrician II (3 Credits)	11-12	3
Graphic Arts I (1 Credit)	11-12	1
Graphic Arts I (2 Credits)	11-12	2

Graphic Arts I (3 Credits)	11-12	3
Graphic Arts II (1 Credit)	11-12	1
Graphic Arts II (2 Credits)	11-12	2
Graphic Arts II (3 Credits)	11-12	3
Horticulture I (1 Credit)	11-12	1
Horticulture I (2 Credits)	11-12	2
Horticulture I (3 Credits)	11-12	3
Horticulture II (1 Credit)	11-12	1
Horticulture II (2 Credits)	11-12	2
Horticulture II (3 Credits)	11-12	3
Industrial Engines I (1 Credit)	11-12	1
Industrial Engines I (2 Credits)	11-12	2
Industrial Engines I (3 Credits)	11-12	3
Industrial Engines II (1 Credit)	11-12	1
Industrial Engines II (2 Credits)	11-12	2
Industrial Engines II (3 Credits)	11-12	3
Laboratory Technology I (1 Credit)	11-12	1
Laboratory Technology I (2 Credits)	11-12	2
Laboratory Technology I (3 Credits)	11-12	3
Laboratory Technology II (1 Credit)	11-12	1
Laboratory Technology II (2 Credits)	11-12	2
Laboratory Technology II (3 Credits)	11-12	3
Industrial Machine Shop I (1 Credit)	11-12	1
Industrial Machine Shop I (2 Credits)	11-12	2
Industrial Machine Shop I (3 Credits)	11-12	3
Industrial Machine Shop II (1 Credit)	11-12	1
Industrial Machine Shop II (2 Credits)	11-12	2
Industrial Machine Shop II (3 Credits)	11-12	3
Marine Operations I (1 Credit)	11-12	1
Marine Operations I (2 Credits)	11-12	2
Marine Operations I (3 Credits)	11-12	3
Marine Operations II (1 Credit)	11-12	1
Marine Operations II (2 Credits)	11-12	2
Marine Operations II (3 Credits)	11-12	3
Photography (1 Credit)	11-12	1
Photography (2 Credits)	11-12	2
Photography (3 Credits)	11-12	3
Plumbing I (1 Credit)	11-12	1
Plumbing I (2 Credits)	11-12	2
Plumbing I (3 Credits)	11-12	3
Plumbing II (1 Credit)	11-12	1
Plumbing II (2 Credits)	11-12	2
Plumbing II (3 Credits)	11-12	3
Printing I (1 Credit)	11-12	1
Printing I (2 Credits)	11-12	2
Printing I (3 Credits)	11-12	3
Printing II (1 Credit)	11-12	1
Printing II (2 Credits)	11-12	2
Printing II (3 Credits)	11-12	3
Sheet Metal I (1 Credit)	11-12	1
Sheet Metal I (2 Credits)	11-12	2
Sheet Metal I (3 Credits)	11-12	3
Sheet Metal II (1 Credit)	11-12	1
Sheet Metal II (2 Credits)	11-12	2
Sheet Metal II (3 Credits)	11-12	3
Outdoor Power Equipment	11-12	1
Technician I (1 Credit)		
Outdoor Power Equipment	11-12	2
Technician I (2 Credits)		
Outdoor Power Equipment	11-12	3
Technician I (3 Credits)		

Outdoor Power Equipment	11-12	1
Technician II (1 Credit)		
Outdoor Power Equipment	11-12	2
Technician II (2 Credits)		
Outdoor Power Equipment	11-12	3
Technician II (3 Credits)		
Television Production I (1 Credit)	11-12	1
Television Production I (2 Credits)	11-12	2
Television Production I (3 Credits)	11-12	3
Television Production II (1 Credit)	11-12	1
Television Production II (2 Credits)	11-12	2
Television Production II (3 Credits)	11-12	3
Upholstery I (1 Credit)	11-12	1
Upholstery I (2 Credits)	11-12	2
Upholstery I (3 Credits)	11-12	3
Upholstery II (1 Credit)	11-12	1
Upholstery II (2 Credits)	11-12	2
Upholstery II (3 Credits)	11-12	3
Welding I (1 Credit)	11-12	1
Welding I (2 Credits)	11-12	2
Welding I (3 Credits)	11-12	3
Welding II (1 Credit)	11-12	1
Welding II (2 Credits)	11-12	2
Welding II (3 Credits)	11-12	3

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Weegie Peabody
Executive Director

0412#006

RULE

Board of Elementary and Secondary Education

Bulletin 741 **Louisiana Handbook for School Administrators**
Public School Approval Classifications
(LAC 28:1.901)

In accordance with R.S. 49:950 et seq., the Administrative Procedure Act, notice is hereby given that the Board of Elementary and Secondary Education has amended *Bulletin 741 Louisiana Handbook for School Administrators*, referenced in LAC 28:1.901.A, promulgated by the Board of Elementary and Secondary Education in LR 1:483 (November 1975). The State Board of Elementary and Secondary Education (SBESE) at its meeting in June 2004 approved a revision to *Bulletin 741 Louisiana Handbook for School Administrators*. This policy change will require schools to comply with the school improvement requirements outlined in Bulletin 111 in order to maintain school approval. The current policy regarding school approval is not connected with compliance with school improvement requirements; however, the revision will connect them.

Title 28 EDUCATION

Part I. Board of Elementary and Secondary Education Chapter 9. Bulletins, Regulations, and State Plans Subchapter A. Bulletins and Regulations §901. School Approval Standards and Regulations

A. Bulletin 741

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A) (10), (11), (15); R.S. 17:7 (5), (7), (11); R.S. 17:10, 11; R.S. 17:22 (2), (6).

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education LR 1:483 (November 1975), amended LR 28:269 (February 2002), LR 28:272 (February 2002), LR 28:991 (May 2002), LR 28:1187 (June 2002), LR 30:2782 (December 2004).

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Public School Approval Classifications

2.006.02

Approved Provisionally

School has some deficiencies in standards other than those stated in the probational category and is being advised and requested to make corrections. Improvement is expected prior to the next school year.

or

The school and/or the LEA on behalf of the school:

- fail to complete the actions required of schools in School Improvement 1 as defined in Bulletin 111 after being identified for School Improvement 1; or
- fail to respond to the findings of a data audit of School Performance Score indicators conducted by the LDE or a third party contracted by the LDE;

or

The school is in School Improvement 3.

Approved Probationally

School has one or more of the following deviations from standards:

- the principal is not certified;
- at least one member of the professional staff does not hold a valid Louisiana teaching certificate for which he/she is employed;
- the school does not offer a curriculum to meet graduation requirements or a balanced elementary curriculum as prescribed in this bulletin;
- the school has a student who is currently enrolled in a special education program and whose last individual evaluation occurred three or more years ago;
- the school has an identified exceptional student who does not have a current individualized Education Program (IEP);
- the school does not adhere to and implement the various sections of the Revised Statutes of Louisiana as they affect the health and safety of the students and staff. (These include fire prevention and drills, provisions for a healthful environment, and safety regulations for transportation);
- the physical facilities do not conform to the current federal, state, and local building fire, safety, and health codes;
- the school has been on provisional approval for at least two years.

or

The school and/or the LEA on behalf of the school:

- fail to complete the actions required of schools in School Improvement 2 or 3 as defined in Bulletin 111 after being identified for School Improvement 2 or 3; or
- fail to implement the school's/district's proposed plan to correct the findings of a data audit of School Performance Score indicators conducted by the LDE or a third party contracted by the LDE;

or

The school is in School Improvement 4, 5, or 6.

Unapproved

Any school that has not corrected the stated deficiencies within the time fixed by the State Department of Education shall be unapproved.

or

The school and/or the LEA on behalf of the school:

- fail to complete the actions required of schools in School Improvement 4, 5, or 6 as defined in Bulletin 111 after being identified as being in School Improvement 4, 5, or 6; or
- submit a Reconstitution Plan that BESE does not approve as defined in Bulletin 111.

The State Department of Education shall set the guidelines and fix the period of time for the corrections.

* * *

Weegie Peabody
Executive Director

0412#008

RULE

Board of Elementary and Secondary Education

Bulletin 746 Louisiana Standards for State Certification of School Personnel "Highly Qualified" Definition (LAC 28:1.903)

In accordance with R.S. 49:950 et seq., the Administrative Procedure Act, Board of Elementary and Secondary Education amended *Bulletin 746 Louisiana Standards for State Certification of School Personnel*, referenced in LAC 28:1.903.A. This change in current Bulletin 746 policy revises the Louisiana HOUSSE policy for "Highly Qualified" status. It changes the start date for collection of Continuing Learning Units (CLUs) toward meeting "Highly Qualified" status from January 8, 2002, to the beginning of the 2001-2002 school year. This revision in policy allows an additional semester during which "not new" teachers can count Continuing Learning Units (CLUs) toward attaining highly qualified status under the High Objective Uniform State Standard of Evaluation (HOUSSE) option of Louisiana's Highly Qualified definition. Since teachers were engaged in professional development activities throughout the 2001-2002 school year, the change allows the full 2001-2002 school year rather than beginning midway in the school year as previously written.

Title 28

EDUCATION

Part I. Board of Elementary and Secondary Education Chapter 9. Bulletins, Regulations, and State Plans Subchapter A. Bulletins and Regulations

§903. Teacher Certification Standards and Regulations

A. Bulletin 746

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AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6 (A)(10), (11), (15); R.S. 17:7(6); R.S. 17:10; R.S. 17:22(6); R.S. 17:391.1-391.10; R.S. 17:411.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 1:183 (April 1975),

Highly Qualified Teacher In Louisiana

"Not New" Elementary Teacher	
1	Holds elementary school education certificate, a special education certificate that includes elementary school grades, or a special foreign language certificate to teach a specific foreign language in grades K-8; AND
2	Does not presently have certification or licensure requirements waived on an emergency, temporary, or provisional basis; AND
3	Has passed the Louisiana content-specific elementary education licensing exam; OR
4	Holds a valid National Board for Professional Teaching Standards (NBPTS) certification in early childhood, middle childhood, or in a content area basic to the elementary school (e.g., Early Language Arts, Early Mathematics) and is teaching in the NBPTS area of certification; OR
5	Has at least 12 semester hours of credit in each of the four core disciplines (English/language arts, including reading and writing; math; science; and social studies); OR
<p>QUALIFIES UNDER High Objective Uniform State Standard of Evaluation (HOUSSE) for NOT NEW ELEMENTARY TEACHERS (By School Year 2005-2006)</p>	
<p>A "not new" teacher who does not meet the requirements of the paragraphs number 3, 4, or 5 above is considered highly qualified if he/she is state certified and teaching in the area of certification and if he/she completes ninety (90) Continuing Learning Units (CLUs) by the end of 2005-2006, with the beginning of the 2001-2002 school year as the beginning date for earning CLUs. A "not new" teacher's previous work experience as a fully certified teacher may be credited as CLUs at the rate of three (3) CLUs for each year of successful experience in the content area, with a maximum of 45 CLUs earned through work experience.</p> <p>The Local Education Agency (LEA) is responsible for maintaining documentation for educators seeking "highly qualified" status, as defined by the No Child Left Behind Act through the HOUSSE option (90 CLUs), as evidenced by the (1) identification of teachers in their employment using the HOUSSE option, and (b) annual update on each identified teacher's status (progress) toward earning the required 90 CLUs.</p> <p>*A <i>Continuing Learning Unit</i> (CLU) is a professional development activity that builds capacity for effective, research-based, content focused teaching and learning that positively impacts student achievement. The <i>Louisiana Professional Development Guidance</i> will be used to define the 90 continuing learning units.</p>	

Highly Qualified Teacher in Louisiana

"Not New" Middle School Teachers		"Not New" Secondary School Teachers	
1	Holds a valid teaching certificate appropriate for grades 6-8 (e.g., Elementary Education 1-8, Upper Elementary Education 5-8, Middle School Education); a special education area that includes middle school grades; a secondary academic content area; or special foreign language certificate to teach a specific foreign language in grades K-8; AND	Holds certificates for every core academic subject the individual teaches; and	
2	Does not presently have certification or licensure requirements waived on an emergency, temporary, or provisional basis; AND	Does not presently have certification or licensure requirements waived on an emergency, temporary, or provisional basis; AND	
3	a) Has passed Louisiana subject-specific licensing exam required for a middle school academic content area or for a secondary (grades 7-12) academic content area that is appropriate to the middle school level, for every core academic subject the individual teaches; OR b) Has the equivalent of an academic major in a content area appropriate to the middle school level, for every core academic subject the individual teaches; OR c) Has earned a master's degree in a pure content area (not in education) for every core academic subject the individual teaches; OR d) Holds a valid National Board for Professional Teaching Standards (NBPTS) certification in a core content area and is teaching in the NBPTS area of certification; OR	a) Has passed the Louisiana subject-specific licensing exam required for a secondary (grades 7-12) academic content area, for every core academic subject the individual teaches; OR b) Has the equivalent of an academic major in a secondary content area, for every core academic subject the individual teaches; OR c) Has earned a master's degree in a pure content area (not in education) for every core academic subject the individual teaches; OR d) Holds a valid National Board for Professional Teaching Standards (NBPTS) certification in a core content area and is teaching in the NBPTS area of certification; OR	

Highly Qualified Teacher in Louisiana (continued)

QUALIFIES UNDER

High Objective Uniform State Standard of Evaluation (HOUSSE)
for "Not New" Middle School and Secondary Teachers
(By School Year 2005-2006)

A "not new" teacher who does not meet the requirements of the paragraphs 3(a), 3(b), 3(c), or 3(d) above is considered highly qualified if he/she is state certified and teaching in the area of certification and if he/she completes ninety (90) Continuing Learning Units (CLUs) by the end of 2005-2006, with the beginning of the 2001-2002 school year as the beginning date for earning CLUs. A "not new" teacher's previous work experience as a fully certified teacher may be credited as CLUs at the rate of three (3) CLUs for each year of successful experience in the content area, with a maximum of 45 CLUs earned through work experience.

The Local Education Agency (LEA) is responsible for maintaining documentation for educators seeking "highly qualified" status, as defined by the No Child Left Behind Act through the HOUSSE option (90 CLUs), as evidenced by the (1) identification of teachers in their employment using the HOUSSE option, and (b) annual update on each identified teacher's status (progress) toward earning the required 90 CLUs.

*A *Continuing Learning Unit* (CLU) is a professional development activity that builds capacity for effective, research-based, content focused teaching and learning that positively impacts student achievement. The *Louisiana Professional Development Guidance* will be used to define the 90 continuing learning units.

* * *

Weegie Peabody
Executive Director

0412#011

RULE

Board of Elementary and Secondary Education

Bulletin 746 **L**ouisiana Standards for State Certification of School Personnel **C** Modifications to the Foreign Language Special Certificate PK-8 Policy (LAC 28:I.903)

In accordance with R.S. 49:950 et seq., the Administrative Procedure Act, the Board of Elementary and Secondary Education amended *Bulletin 746 Louisiana Standards for State Certification of School Personnel*, referenced in LAC 28:I.903.A. This revision to Bulletin 746 aligns Foreign Language Special Certificate PK-8 policy with highly qualified requirements under the No Child Left Behind Act. The Foreign Language Special Certificate PK-8 is used for teachers of Foreign Language in the Elementary School (FLES) and for teachers of foreign language immersion in grades PK-8. FLES and foreign language immersion teachers come to Louisiana from foreign countries. This policy change assures Louisiana school districts that those holding the Foreign Language Special Certificate PK-8 meet highly qualified requirements of the No Child Left Behind Act.

Title 28 EDUCATION

Part I. Board of Elementary and Secondary Education

Chapter 9. Bulletins, Regulations, and State Plans

Subchapter A. Bulletins and Regulations

§903. Teacher Certification Standards and Regulations

A. Bulletin 746

* * *

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6 (A)(10), (11), (15); R.S. 17:7(6); R.S. 17:10; R.S. 17:22(6); R.S. 17:391.1-391.10; R.S. 17:411.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 1:183 (April 1975), amended LR 1:311 (July 1975), LR 1:399 (September 1975), LR 1:541 (December 1975),

LR 28:2505 (December 2002), LR 29:117 (February 2003), LR 29:119 (February 2003), LR 29:121 (February 2003), LR 30:2785 (December 2004).

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Foreign Language Special Certificate PK-8

A Foreign Language Special certificate, valid for three years, renewable once for an additional three years with evidence of an offer of employment in a Louisiana school district, may be issued to a foreign associate teacher participating in the Louisiana Department of Education (LDE) Foreign Exchange Visitor Program.

Participants in the LDE Foreign Exchange Visitor Program may teach Foreign Language in the Elementary School (FLES) in grades PK-8 and/or foreign language immersion in grades PK-8. This certificate allows the holder to receive the same benefits as other regularly certified teachers. To receive a Foreign Language Special Certificate, an applicant must meet the following criteria:

1. Hold a degree in education from a foreign country.
2. Hold a teaching certificate in the foreign country. The foreign teaching certificate must be for the certification area and/or grade level that the individual will teach in Louisiana.
3. Provide evidence of two years of successful teaching experience in his/her native country.
4. Be a native speaker of the language to be taught.

An individual holding a Foreign Language Special certificate may hold that certificate for no more than 6 years. After three years on such a certificate, the individual may apply for a Louisiana Level 1 Professional Teaching certificate. To receive a Level 1 Professional Teaching certificate the individual must meet all certification requirements including required Praxis examinations for the areas and levels of certification.

* * *

Weegie Peabody
Executive Director

0412#009

RULE

Board of Elementary and Secondary Education

Bulletin 746 Louisiana Standards for State Certification of School Personnel Requirements for Certification in Academically Gifted (LAC 28:I.903)

In accordance with R.S. 49:950 et seq., the Administrative Procedure Act, the Board of Elementary and Secondary Education has amended *Bulletin 746 Louisiana Standards for State Certification of School Personnel*, referenced in LAC 28:I.903.A. This revision to the policy for adding the academic gifted certification endorsement to an existing certificate specifies these requirements: (1) a master's degree from an accredited institution, (2) 15 hours of specific graduate-level coursework, plus (3) a 3-hour practicum or an internship or three years of earned experience in teaching academic gifted. This revision in policy changes the requirements for adding the endorsement for academically gifted, representing fewer semester hours required. This

change continues the redesign of certification requirements that has been ongoing since the year 2000.

Title 28

EDUCATION

**Part I. Board of Elementary and Secondary Education
Chapter 9. Bulletins, Regulations, and State Plans**

Subchapter A. Bulletins and Regulations

§903. Teacher Certification Standards and Regulations

A. Bulletin 746

* * *

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6 (A)(10), (11), (15); R.S. 17:7(6); R.S. 17:10; R.S. 17:22(6); R.S. 17:391.1-391.10; R.S. 17:411.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 1:183 (April 1975), amended LR 1:311 (July 1975), LR 1:399 (September 1975), LR 1:541 (December 1975), LR 28:2505 (December 2002), LR 29:117 (February 2003), LR 29:119 (February 2003), LR 29:121 (February 2003), LR 30:2786 (December 2004).

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Certification Add-On Policy for Special Education Areas	
Academically Gifted Add-On (Endorsement)	Academically Gifted Requirements
For individual holding a valid Early Childhood certificate (e.g., PK-K, PK-3), Elementary Certificate (E.G., 1-4, 1-5, 1-6, 1-8), Upper Elementary or Middle School Certificate (E.G., 4-8, 5-8, 6-8), Secondary School Certificate (E.G., 6-12, 7-12, 9-12), All-Level K-12 Certificate, or Special Education Certificate	<ol style="list-style-type: none"> 1. Master's degree from an accredited institution of higher education 2. Fifteen (15) graduate hours of prescribed coursework from the following list either within a Master's degree program or as an add-on to an existing Master's: <ul style="list-style-type: none"> • Characteristics/Study of Gifted Individuals • Methods of Teaching the Gifted • Social and Emotional Needs of the Gifted • Creative Thinking and Problem Solving or Curriculum Development for the Gifted • Educational Technology 3. Three (3) hours in a practicum for academically gifted or An internship for college credit in academically gifted or Three (3) years of successful teaching in academically gifted. <p>NOTE: Academically gifted certification will be valid only in the teaching area(s) in which one is certified. The secondary teacher of academically gifted students who is to award Carnegie Units in the secondary subject area(s) must be certified in the subject area(s) in which Carnegie Units are awarded. Elementary and secondary teachers who are also certified in academically gifted may offer approved special education elective (enrichment) courses at either the elementary or secondary level.</p>

* * *

Weegie Peabody
Executive Director

0412#010

RULE

Board of Elementary and Secondary Education

Bulletin 746 Louisiana Standards for State Certification of School Personnel Special Education Certification Structures (LAC 28:I.903)

In accordance with R.S. 49:950 et seq., the Administrative Procedure Act, Board of Elementary and Secondary Education amended *Bulletin 746 Louisiana Standards for State Certification of School Personnel*, referenced in LAC 28:I.903.A. This policy revision provides redesigned certification structures for Early Interventionist (EI), Significant Disabilities (SD), Hearing Impaired (HI), and Visual Impairments/Blind (VI/B) certification. New add-on requirements as well as options for both the master's degree and non-master's alternate certification programs are provided for all four special education certification areas. EI also includes an undergraduate structure. This revision to overall special education certification policy continues the implementation effort as specified by the Blue Ribbon Commission, formed in April 1999 by the Board of Regents and the Board of Elementary and Secondary Education to improve teacher quality in Louisiana. In three reports, the commission recommended policies that would lead to a cohesive PK-16+ system holding universities and school districts accountable for

the aggressive recruitment, preparation, support, and retention of quality teachers and educational leaders. Annually, the commission monitors implementation of its recommendations and identifies new recommendations for improving teacher quality.

Title 28

EDUCATION

Part I. Board of Elementary and Secondary Education

Chapter 9. Bulletins, Regulations, and State Plans

Subchapter A. Bulletins and Regulations

§903. Teacher Certification Standards and Regulations

A. Bulletin 746

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6 (A)(10), (11), (15); R.S. 17:7(6); R.S. 17:10; R.S. 17:22(6); R.S. 17:391.1-391.10; R.S. 17:411.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 1:183 (April 1975), amended LR 1:311 (July 1975), LR 1:399 (September 1975), LR 1:541 (December 1975), LR 28:2505 (December 2002), LR 29:117 (February 2003), LR 29:119 (February 2003), LR 29:121 (February 2003), LR 30:2787 (December 2004).

Certification Add-On Policy for Special Education Areas (to be incorporated into existing regular education Add-on Chart) Approved for Notice of Intent June 2004	
PK-3 Add-On (Endorsement) For individual holding a valid Early Interventionist certificate	Requirements 1. Achieve passing score for PRAXIS Elementary Education: Content Knowledge (#0014). 2. Twelve (12) credit hours of combined Nursery School and Kindergarten coursework (art, math, science, social studies). 3. Nine (9) semester hours of reading coursework.
Early Interventionist Birth to Five Add-On (Endorsement) For individual holding a valid Early Childhood certificate (e.g., PK-K, PK-3), elementary certificate (e.g., 1-4, 1-5, 1-6, 1-8), upper elementary or middle school certificate (e.g., 4-8, 5-8, 6-8), secondary certificate (e.g., 6-12, 7-12, 9-12), all-level K-12 certificate, or special education certificate	Requirements 1. Achieve passing score for PRAXIS Early Childhood Education (#0020) and Education of Exceptional Children: Core Content Knowledge (0353). 2. Eighteen (18) credit hours that pertain to infants, toddlers, and preschoolers: <ul style="list-style-type: none"> • Foundations in Early Childhood Education and Early Intervention • Understanding and Working with Families of Young Children • Assessment in Early Intervention • Early Intervention Methods • Teaming, Physical and Medical Management in Early Intervention • Communication and Literacy in Early Intervention. 3. Nine (9) semester hours of reading coursework.
Significant Disabilities 1-12 Add-On (Endorsement) For individual holding a valid Early Childhood certificate (e.g., PK-K, PK-3), elementary certificate (e.g., 1-4, 1-5, 1-6, 1-8), upper elementary or middle school certificate (e.g., 4-8, 5-8, 6-8), secondary certificate (e.g., 6-12, 7-12, 9-12), all-level K-12 certificate, or special education certificate	Requirements 1. Twenty-one (21) credit hours that pertain to children with significant disabilities: <ul style="list-style-type: none"> ▪ Assessment & evaluation ▪ Curriculum development, modifications, and transition planning ▪ Behavior support ▪ Instructional strategies ▪ Communication ▪ Collaborative techniques and family partnerships ▪ Characteristics of students with significant disabilities, physical support, health and safety 2. Three (3) credit hours of internship of students with significant disabilities OR three (3) years of successful teaching experience of students with significant disabilities 3. Achieve passing score for PRAXIS Education of Exceptional Students: Core Content Knowledge (0353) and Education of Exceptional Students: Severe to Profound Disabilities (0544)

Hearing Impaired K-12 Add-On (Endorsement)	Requirements
<p>For individual holding a valid Early Childhood certificate (e.g., PK-K, PK-3), elementary certificate (e.g., 1-4, 1-5, 1-6, 1-8), upper elementary or middle school certificate (e.g., 4-8, 5-8, 6-8), secondary certificate (e.g., 6-12, 7-12, 9-12), all-level K-12 certificate, or special education certificate</p>	<ol style="list-style-type: none"> Twenty-one (21) credit hours that pertain to children with hearing impairments: <ul style="list-style-type: none"> Introduction to special education Physiological, psychosocial, historical, sociological, and cultural aspects of deafness Language development that includes linguistic principles and assessment strategies in language acquisitions for Deaf and Hard of Hearing Speech and Speech reading Educational Audiology, auditory assistive devices and technology Instructional strategies and curriculum development for deaf and hard of hearing students Communication Methodology Three (3) credit hours of internship with students with hearing impairments OR three (3) years of successful teaching experience of students with hearing impairments Signed, Cued, OR Oral communication proficiency, as evidenced by one or more of the following means: <ul style="list-style-type: none"> Signed: <ol style="list-style-type: none"> Intermediate on the Educational Sign Skills Evaluation: Teacher (ESSE:T) [See www.seecenter.org]; Advanced on the Sign Communication Proficiency Interview (SCPI); or Level III of the Educational Interpreter Performance Assessment. Cued: <ol style="list-style-type: none"> Mini-Proficient as measured on the Basic Cued Speech Proficiency Rating Test (BCSPR c1983, Beaupre); Oral: <ol style="list-style-type: none"> Successfully passing an additional course in Methods in Oral/Auditory Education. Achieve passing score for PRAXIS Education of Exceptional Students: Core Content Knowledge (0353) and Education of Exceptional Students: Hearing Impairment (0271)
Visual Impairments/Blind K-12 Add-On (Endorsement)	Requirements
<p>For individual holding a valid Early Childhood certificate (e.g., PK-K, PK-3), elementary certificate (e.g., 1-4, 1-5, 1-6, 1-8), upper elementary or middle school certificate (e.g., 4-8, 5-8, 6-8), secondary certificate (e.g., 6-12, 7-12, 9-12), all-level K-12 certificate, or special education certificate</p>	<ol style="list-style-type: none"> Twenty-one (21) credit hours that pertain to children with visual impairments: <ul style="list-style-type: none"> Educational implications of low vision and blindness Orientation and mobility for the classroom teacher Assessment & evaluation techniques, including functional vision evaluation and reading media assessment Assistive technology for students with visual impairments Instructional strategies and materials for students with visual impairments Introduction to Braille, including literary and Nemeth codes Braille II Three (3) credit hours of internship with students who are visually impaired or blind OR three (3) years of successful teaching experience of students who are visually impaired or blind Achieve passing score for PRAXIS Education of Exceptional Students: Core Content Knowledge (0353)

Early Interventionist Undergraduate Degree Program Certification Structure ^{1,2}			
AREAS		Birth to 5 Years BASIC CERTIFICATION (Focus: Greater Depth in Early Childhood, Early Intervention)	
GENERAL EDUCATION COURSEWORK	English	12 Hours	
	Mathematics	12 Hours (including Developmental Math Concepts)	
	Sciences	12 Hours	
	Social Studies	9 Hours	
	Arts	3 Hours	
FOCUS AREA The Young Child	Nursery School And Kindergarten Reading (Content)	9 Hours	
	Birth-5 Years (Early Intervention)--Infants, Toddlers, and Preschoolers: Foundations In Early Childhood Education and Early Intervention; Physical and Medical Management; Motor Speech/Language Development; Sensory and Communication Differences; Understanding and Working With Families	3 Hours	18 Hours
KNOWLEDGE OF LEARNER AND THE LEARNING ENVIRONMENT (These hours may be integrated into other areas when developing new courses.)	Birth-5 Years (Early Intervention)--Infants, Toddlers, And Preschoolers: Child Development/Psychology; Learning Environments/Diversity/Behavior Analysis; Curriculum; Assessment; Interdisciplinary and Interagency Teaming and Consultation	15 Hours	

Early Interventionist Undergraduate Degree Program Certification Structure ^{1,2}		
AREAS	Birth to 5 Years BASIC CERTIFICATION (Focus: Greater Depth in Early Childhood, Early Intervention)	
METHODOLOGY AND TEACHING	Reading (Methodology)	6 Hours
	Teaching Methodology: Early Intervention Methods (Infant, Toddler, Preschool); Understanding and Facilitating Play; Teaching Mathematics	9 Hours
	Student Teaching ³ (Infant, Toddler, and Preschool Areas)	9 Hours
FLEXIBLE HOURS FOR THE UNIVERSITY'S USE ⁴		7 Hours
TOTAL HOURS ⁵		124 Hours

¹Students who do not possess basic technology skills should be provided coursework or opportunities to develop those skills early in their program.

²Council for Exceptional Children (CEC) performance-based standards for accreditation and licensure must be met.

³Students must spend a minimum of 270 clock hours in student teaching with at least 180 of such hours spent in actual teaching. A substantial portion of the 180 hours of actual student teaching shall be on an all-day basis.

⁴Three of the flexible hours must be in the humanities to meet General Education Requirements for the Board of Regents.

⁵In addition to the student teaching experience, students should be provided actual teaching experience (in addition to observations) in classroom settings during sophomore, junior,

and senior years within schools with varied socioeconomic and cultural characteristics. It is recommended that pre-service teachers be provided a minimum of 180 hours of direct teaching experience in field-based settings prior to student teaching.

Minimum credit hours have been listed. Available flexible hours may be used to add more content hours to the various elements of the program. Institutions may add credit hours to meet additional Board of Regents and/or institutional requirements. *No final grade below a "C" will be accepted by the State Department of Education in any coursework within the undergraduate program, with the exception of general education requirements.*

Master's Degree Alternate Programs for Special Education Areas				
Component	Early Interventionist Birth to Five Years	Significant Disabilities 1-12	Hearing Impaired K-12	Visual Impairments/ Blind K-12
Admission to the Program	<ul style="list-style-type: none"> ▪ Baccalaureate degree ▪ Minimum 2.50 GPA ▪ Pass PRAXIS Pre-professional Basic Skills Tests (reading, writing, mathematics)—Individuals who already possess a graduate degree will be exempted from this requirement. ▪ Pass PRAXIS Elementary Education: Content Knowledge (#0014) 			
PROGRAM REQUIREMENTS¹				
Knowledge of the Learner and the Learning Environment (15 hrs.)	<i>Coursework specific to Infants, Toddlers, and Pre-schoolers:</i> <ul style="list-style-type: none"> ▪ Child development or psychology ▪ Learning environment and behavior analysis ▪ Motor, sensory, and communication differences ▪ Teaming, physical, & medical management ▪ Understanding and working with families ▪ Communication and literacy in early intervention 	<i>Coursework specific to needs of children with significant disabilities:</i> <ul style="list-style-type: none"> ▪ Assessment and evaluation, including IEP and ESY ▪ Communication strategies ▪ Behavior support ▪ Collaborative techniques and family partnerships ▪ Physical support, health and safety ▪ Special education law ▪ Characteristics of individuals with significant disabilities 	<i>Coursework specific to needs of general education students:</i> <ul style="list-style-type: none"> ▪ Assessment and evaluation ▪ Special needs of students with disabilities ▪ Transition ▪ Instructional strategies and planning in the content areas ▪ Instructional strategies in literacy ▪ Education law, special education law, school structure ▪ Technology in schools ▪ Diversity in schools 	<i>Coursework specific to needs of visually impaired students:</i> <ul style="list-style-type: none"> ▪ Educational implications of low vision and blindness ▪ Orientation and mobility for the classroom teacher ▪ Assessment /evaluation techniques, including functional vision evaluation and reading media assessment ▪ Assistive technology for the visually impaired ▪ Education law, special education law, school structure ▪ Transition
Methodology and Teaching (12-15 hrs.) Content-specific methods courses and field/clinical experiences	<i>Methodology and Teaching coursework specific to needs of Infants, Toddlers, and Preschoolers:</i> <ul style="list-style-type: none"> • Curriculum • Assessment • Early intervention methods • Understanding and facilitating play) • Teaching of reading and mathematics 	<i>Methodology and Teaching coursework specific to needs of children with significant disabilities, across grades 1-12</i> <ul style="list-style-type: none"> ▪ Curriculum development and modifications ▪ Transition planning ▪ Instructional strategies ▪ Inclusive education practices 	<i>Methodology and Teaching coursework specific to needs of children with hearing impairments, across grades K-12</i> <ul style="list-style-type: none"> ▪ Language development & linguistic principles in language acquisition ▪ Speech development, speech reading, audition training ▪ Assessment & evaluation ▪ Instructional strategies ▪ Audiology and audiology training ▪ Anatomy and physiology of the hearing mechanism ▪ Auditory assistive devices ▪ History and psychology of deafness 	<i>Methodology and Teaching coursework specific to needs of visually impaired students, across grades K-12</i> <ul style="list-style-type: none"> ▪ Instructional strategies ▪ Braille code, teaching Braille reading (with proficiency as defined in LA State Competencies) ▪ Nemeth code, teaching Braille mathematics ▪ Using slate and stylus

Master's Degree Alternate Programs for Special Education Areas				
Component	Early Interventionist Birth to Five Years	Significant Disabilities 1-12	Hearing Impaired K-12	Visual Impairments/ Blind K-12
			<ul style="list-style-type: none"> Assistive devices and technology Either Signed, Cued, OR oral communication proficiency 	
Student Teaching or Internship (6-9 hours)				
Total Hours	33-39 hours			

¹Council for Exceptional Children (CEC) performance-based standards for accreditation and licensure must be met.

Certification Requirements				
Certification Requirements, in addition to successful program completion	Early Interventionist Birth to Five Years	Significant Disabilities 1-12	Hearing Impaired K-12	Visual Impairments/ Blind K-12
	<ul style="list-style-type: none"> Passed PRAXIS Pre-professional Basic Skills Tests (reading, writing, mathematics) Completed all coursework including the certification program with an overall 2.50 or higher GPA Passed PRAXIS Elementary Education: Content Knowledge (#0014) 			
	Passed PRAXIS <i>Education of Exceptional Students: Core Content Knowledge (#0353) and Early Childhood Education (#0020)</i>	Passed PRAXIS <i>Education of Exceptional Students: Core Content Knowledge (#0353) and Education of Exceptional Students: Severe to Profound Disabilities (#0544)</i>	Passed PRAXIS <i>Education of Exceptional Students: Core Content Knowledge (#0353) and Education of Exceptional Students: Hearing Impairment (#0271)</i>	Passed PRAXIS <i>Education of Exceptional Students: Core Content Knowledge (#0353)</i>
	Prior to receiving a Level 1 or higher professional teaching certificate, all candidates entering an alternate certification program after May 1, 2004, will be required to demonstrate proficiency in the Reading Competencies as adopted by the State Board of Elementary and Secondary Education through (1) completing the same number of reading course hours as required by statute for undergraduate teacher education programs, or (2) passing a reading competency assessment.			

Non-Master's Certification-Only Alternate Programs for Special Education Areas				
Component	Early Interventionist Birth to Five Years	Significant Disabilities 1-12	Hearing Impaired K-12	Visual Impairments/ Blind K-12
Admission to the Program	<ul style="list-style-type: none"> Baccalaureate degree Minimum 2.20 GPA (NOTE: An overall 2.50 GPA is required for state certification) Pass PRAXIS Pre-professional Basic Skills Tests (reading, writing, mathematics)—Individuals who already possess a graduate degree will be exempted from this requirement. Pass PRAXIS Elementary Education: Content Knowledge (#0014) 			
PROGRAM REQUIREMENTS¹				
Knowledge of the Learner and the Learning Environment (12 hrs.)	<i>Coursework specific to Infants, Toddlers, and Preschoolers:</i> <ul style="list-style-type: none"> Child development or psychology Foundations in early childhood education and early intervention Teaming, physical, & medical management Understanding and working with families Communication and literacy in early intervention 	<i>Coursework specific to needs of children with significant disabilities:</i> <ul style="list-style-type: none"> Assessment and evaluation Communication strategies Behavior support Collaborative techniques and family partnerships Physical support, health and safety Special education law Characteristics of individuals with significant disabilities 	Coursework specific to needs of general education students: <ul style="list-style-type: none"> Assessment and evaluation Special needs of students with disabilities Transition Instructional strategies and planning in the content areas Instructional strategies in literacy Education law, special education law, and school structure Technology in schools Diversity in schools 	Coursework specific to needs of visually impaired students: <ul style="list-style-type: none"> Educational implications of low vision and blindness Orientation and mobility for the classroom teacher Assessment /evaluation techniques, including functional vision evaluation and reading media assessment Assistive technology for the visually impaired Education law, special education law, school structure Transition

Non-Master's Certification-Only Alternate Programs for Special Education Areas				
Component	Early Interventionist Birth to Five Years	Significant Disabilities 1-12	Hearing Impaired K-12	Visual Impairments/ Blind K-12
Methodology and Teaching (6 hrs.) Content-specific methods courses and field/clinical experiences	<i>Methodology and Teaching coursework specific to needs of Infants, Toddlers, and Preschoolers:</i> <ul style="list-style-type: none"> Curriculum Assessment Early intervention methods (including understanding and facilitating play) Teaching of reading and mathematics 	<i>Methodology and Teaching coursework specific to needs of children with significant disabilities, across grades 1-12</i> <ul style="list-style-type: none"> Curriculum development and modifications Transition planning Instructional strategies Inclusive education practices 	<i>Methodology and Teaching coursework specific to needs of children with impaired hearing, across grades K-12</i> <ul style="list-style-type: none"> Language development & linguistic principles in language acquisition Speech development, speech reading, audition training Assessment & evaluation Instructional strategies Audiology and audiology training Anatomy and physiology of the hearing mechanism Auditory assistive devices History and psychology of deafness Assistive devices and technology Either Signed, Cued, OR oral communication proficiency 	<i>Methodology and Teaching coursework specific to needs of visually impaired students, across grades K-12</i> <ul style="list-style-type: none"> Instructional strategies Braille code, teaching Braille reading (with proficiency as defined in LA State Competencies) Nemeth code, teaching Braille mathematics Using slate and stylus
Student Teaching or Internship (6 hours)				
Optional Prescriptive Plan (1-9 hours)	The prescriptive plan can be pre-planned courses for an individual PROGRAM or individualized hours for the candidate who demonstrates areas of need, not to exceed 9 semester hours.			
Program Total	24-33 hours			

¹Council for Exceptional Children (CEC) performance-based standards for accreditation and licensure must be met.

Certification Requirements				
Certification Requirements, in addition to successful program completion	Early Interventionist Birth to Five Years	Significant Disabilities 1-12	Hearing Impaired K-12	Visual Impairments/ Blind K-12
	<ul style="list-style-type: none"> Passed PRAXIS Pre-professional Basic Skills Tests (reading, writing, mathematics) Completed all coursework including the certification program with an overall 2.50 or higher GPA Passed PRAXIS Elementary Education: Content Knowledge (#0014) 			
	Passed PRAXIS <i>Education of Exceptional Students: Core Content Knowledge (#0353) and Early Childhood Education (#0020)</i>	Passed PRAXIS <i>Education of Exceptional Students: Core Content Knowledge (#0353) and Education of Exceptional Students: Severe to Profound Disabilities (#0544)</i>	Passed PRAXIS <i>Education of Exceptional Students: Core Content Knowledge (#0353) and Education of Exceptional Students: Hearing Impairment (#0271)</i>	Passed PRAXIS <i>Education of Exceptional Students: Core Content Knowledge (#0353)</i>
	Prior to receiving a Level 1 or higher professional teaching certificate, all candidates entering an alternate certification program after May 1, 2004, will be required to demonstrate proficiency in the Reading Competencies as adopted by the State Board of Elementary and Secondary Education through (1) completing the same number of reading course hours as required by statute for undergraduate teacher education programs, or (2) passing a reading competency assessment.			

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Weegie Peabody
Executive Director

0412#013

RULE

Board of Elementary and Secondary Education

Bulletin 746 Louisiana Standards for State Certification of School Personnel Supervisor of Student Teaching Policy (LAC 28:I.903)

In accordance with R.S. 49:950 et seq., the Administrative Procedure Act, the Board of Elementary and Secondary Education amended *Bulletin 746 Louisiana Standards for State Certification of School Personnel*, referenced in LAC 28:I.903.A. This policy revision expands requirements to become a Supervisor of Student Teaching to include an option for one with National Board certification to act as a supervisor of student teachers. This revision in policy allows an additional option for teachers in the work force to act as supervisors of student teachers. This aids both K-12 education and higher education in the placement of student teachers in that it expands the pool of those qualified to supervise student teachers.

**Title 28
EDUCATION**

**Part I. Board of Elementary and Secondary Education
Chapter 9. Bulletins, Regulations, and State Plans
Subchapter A. Bulletins and Regulations
§903. Teacher Certification Standards and Regulations**

A. Bulletin 746

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AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6 (A)(10), (11), (15); R.S. 17:7(6); R.S. 17:10; R.S. 17:22(6); R.S. 17:391.1-391.10; R.S. 17:411.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 1:183 (April 1975), amended LR 1:311 (July 1975), LR 1:399 (September 1975), LR 1:541 (December 1975), LR 28:2505 (December 2002), LR 29:117 (February 2003), LR 29:119 (February 2003), LR 29:121 (February 2003), LR 30:2792 (December 2004).

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Supervisor of Student Teaching

A classroom teacher can serve as a supervisor of student teaching if he/she satisfies any one of the following conditions:

1. A valid Type A or Level 3 Louisiana certificate in the field of supervisory assignment;

-or-

2. A valid Type B or Level 2 Louisiana certificate in the field of supervisory assignment and successful completion of the three-credit-hour course in the supervision of student teachers;

-or-

3. A valid Type B or Level 2 Louisiana certificate in the field of supervisory assignment and successful completion of assessor training through the Louisiana Teacher Assistance and Assessment Program;

-or-

4. A valid Type B or Level 2 Louisiana certificate in the field of supervisory assignment and National Board Certification in the field of supervisory assignment.

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Weegie Peabody
Executive Director

0412#012

RULE

Board of Elementary and Secondary Education

Bulletin 1508 Pupil Appraisal Handbook Eligibility Requirements for Specific Learning Disability (LAC 28:CI.325)

In accordance with R.S. 49:950 et seq., the Administrative Procedure Act, the Board of Elementary and Secondary Education amended *Bulletin 1508 Pupil Appraisal Handbook* (LAC Part Number CI). Section 325 of *Bulletin 1508, Pupil Appraisal Handbook*, regarding eligibility requirements for Specific Learning Disability, should be revised for better clarity. The new language would allow the consideration of a weakness in the preponderance of the data when using professional judgment to determine the existence of a specific learning disability.

**Title 28
EDUCATION**

**Part CI. Bulletin 1508 Pupil Appraisal Handbook
Chapter 3. Criteria for Eligibility, Screening, and
Evaluation Procedures for Each
Exceptionality**

§325. Specific Learning Disability

A. - B.1.c.ii.(h) ...

2. The multidisciplinary team may use its professional judgment to determine whether a specific learning disability exists, when either an academic strength or weakness is indicated by a preponderance of the data collected as a part of the evaluation. These data must include, at a minimum, the implementation and analysis of classroom-based assessment and teacher interview(s); it may include any other data collected through the results of individual interventions, the results of the student observation, classroom formal or informal procedures. Whenever the multidisciplinary team decides to use these data to classify a student with a Specific Learning Disability, a full explanation and justification must be included in the evaluation report.

C. - E. ...

AUTHORITY NOTE: Promulgated in accordance with R.S.17:1941 et seq.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 30:1643 (August 2004), amended LR 30:2792 (December 2004).

Weegie Peabody
Executive Director

0412#014

RULE

Board of Elementary and Secondary Education

Technical Revisions

(LAC 28:I. 313, 901, 902, 904, 906, 909, 911, 913, 915, 921, 930, 943, 944, 945, 1101, and 1103)

In accordance with R.S. 49:950 et seq., the Administrative Procedure Act, the Board of Elementary and Secondary Education has amended to LAC 28:I.Chapters 3, 9, and 11:§313, §901, §902, §904, §906, §909, §911, §913, §915, §921, §930, §943, §944, §945, §1101, and §1103. The *Louisiana Administrative Code* should contain regulatory policies and procedures germane to the conduct of BESE Board business. The board is in the process of removing sections that either contain no regulatory language, the programs they refer to no longer exist, or the language will be transferred to or is already contained in the appropriate regulatory bulletin. The Sections being removed will not have an effect on the way BESE conducts board business or the regulatory procedures or language used to oversee any programs.

Title 28 EDUCATION

Part I. Board of Elementary and Secondary Education

Chapter 3. Rules of Procedure

§313. Waivers of Minimum Standards: Procedures

A. - D.5.ii. ...

E.1. - E.4. Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10), 17:7(5)(6)(7), 17:7.1, and 17:1941 et seq.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education in LR 15:962 (November 1989), amended LR 16:297 (April 1990), 396 (May 1990), 1056 (December 1990), LR 18: 602 (June 1992), LR 19:173 (February 1993), LR 19:739 (June 1993), LR 20:1262 (November 1994), LR 30:2793 (December 2004).

Chapter 9. Bulletins, Regulations, and State Plans

§901. School Approval Standards and Regulations

A. - I. ...

J.1. - J.2. Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:3761-3764 and 17:7.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 1:483 (November 1975), amended LR 27:1181 (August 2001), LR 27:1182 (August 2001), LR 30:2793 (December 2004).

§902. Louisiana Dyslexia Law

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:7(11).

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education in LR 18:1249 (November 1992), amended LR 19:1417 (November 1993), LR 20:647 (June 1994), repealed LR 30:2793 (December 2004).

§904. Charter Schools

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:3971-3973, 3981-3983, 3991-3993, 3995-3999, and 4001, and 39:75(C)(1)(b).

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 24:1683 (September 1998), amended LR 25:249 (February 1999), LR 26:460 (March

2000), LR 28:1187 (June 2002), repromulgated LR 28:1938 (September 2002), repealed LR 30:2793 (December 2004).

§906. Early Childhood Programs

A. - B. ...

C. - C.2. Repealed.

AUTHORITY NOTE: Promulgated in accordance with 45 CFR 12291, Parts 98 and 99; R.S. 17:24.7.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education in LR 16:1249 (November 1992), amended LR 19:1549 (December 1993), LR 20:416 (April 1994), LR 21:1220 (November 1995), LR 24:295 (February 1998), LR 25:254 (February 1999), LR 28:444 (March 2002), LR 30:2793 (December 2004).

§909. Special Education Regulations

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:1941-1958, P.L. 101-476, R.S. 17:1971-79, IDEA Part B, Section 1400, Sub-Chapter II (CFDA 84.173).

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education in LR 4:337 (September 1978), amended LR 7:407 (August 1981), LR 7:484 (October 1981), LR 7:625 (December 1981), LR 28:444 (March 2002), repealed LR 30:2793 (December 2004).

§911. School Library Standards

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:7(5) and 10.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education in LR 4:2 (January 1978), amended LR 4:360 (October 1978), LR 7:287 (June 1981), LR 16:297 (April 1990), LR 23:563 (May 1997), LR 28:444 (March 2002), repealed LR 30:2793 (December 2004).

§913. School Food Service Standards and Regulations

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:7(5), 17:10, 17:82, 17:191-199 and 1792.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education in LR 4:1 (January 1978), amended LR 4:208 (May 1978), LR 6:305 (July 1980), LR 9:60 (February 1983), LR 24:631 (April 1998), LR 27:2100 (December 2001), LR 28:1737 (August 2002), LR 28:1740 (August 2002), repealed LR 30:2793 (December 2004).

§915. Bus Transportation Standards and Regulations

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:158, 17:160-161 and 17:164-166.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education in LR 2:187 (June 1976), amended LR 5:168 (July 1979), LR 5:243 (August 1979), LR 25:624, 643 (April, 1999), LR 25:832 (May 1999), LR 25:2168, 2169 (November, 1999), LR 26:639 (April, 2000), LR 27:187 (February 2001), repealed LR 30:2793 (December 2004).

§921. Quality Education Support Fund(s)(g)

Repealed.

AUTHORITY NOTE: Promulgated in accordance with La. Const., Art. VII, §10.1, R.S. 17:7.3 and 3801.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education in LR 14:10 (January 1988), LR 14:146 (March 1988), LR 14:228 (April 1988), LR 26:248 (February, 2000), repealed LR 30:2793 (December 2004).

§930. State Content Standards

A. - F.2. ...

G. - G. 2. Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education LR 24:296 (February 1998), amended LR 24:2088 (November 1998), LR 30:2793 (December 2004).

§943. Louisiana Child Nutrition Program Regulations
Repealed.

AUTHORITY NOTE: Promulgated in accordance with 7 CFR, 210-245.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education in LR 15:9 (January 1989), amended LR 21:464 (May 1995), LR 26:1600 (August 2000), repealed LR 30:2794 (December 2004).

§944. Child and Adult Care Food Program

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 46:1441.4(b).

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education in LR 19:1549 (December 1993), repealed LR 30:2794 (December 2004).

§945. State Plan for Drug Free Schools

Repealed.

AUTHORITY NOTE: Promulgated in accordance with 21 USCA 801, as amended by 20 USCA 2701 and 21 USCA 1501.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education in LR 16:766 (September 1990), repealed LR 30:2794 (December 2004).

§1101. Paraprofessional Training Units

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6, 17:7, 17:1941, 17:1944 and 17:1947.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education in LR 7:69 (March 1981), LR 7:625, 626 (December 1981), amended LR 8:644 (December 1982), LR 16:297 (April 1990), repealed LR 30:2794 (December 2004).

§1103. Guidelines for Act 728 (1979): Tri-Party Agreements

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6, 17:7, and 17:1946(C)(F)(E)(F).

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education in LR 6:257 (June 1980), amended LR 16:297 (April 1990), repealed LR 30:2794 (December 2004).

Weegie Peabody
Executive Director

0412#015

RULE

**Department of Environmental Quality
Office of Environmental Assessment**

Certified Solid Waste Operators

(LAC 46:XXIII.101, 105, 107, 109, 113, 307, 309, 501, 507, 511, 701, 703, 705, 707, 901, 903, 905, 907, 909, 911, 912, 913, 915, 916, 917, 919, 921, 923, 1101, 1103, 1303, 1307, 1501, 1503, 1505, 1507, and 1509)(SW035)

Under the authority of the Environmental Quality Act, R.S. 30:2001 et seq., and in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., the secretary has amended the Certified Solid Waste Operators regulations, LAC 46:XXIII.101, 105, 107, 109, 113, 307,

309, 501, 507, 511, 701, 703, 705, 707, 901, 903, 905, 907, 909, 911, 912, 913, 915, 916, 917, 919, 921, 923, 1101, 1103, 1303, 1307, 1501, 1503, 1505, 1507, and 1509 (Log #SW035).

The Rule amends definitions to be consistent with LAC 33:VII.Solid Waste regulations, clarifies requirements, deletes the classification for Solid Waste Management Facilities, renames the operator classifications, allows the Department of Environmental Quality to establish additional numbers and levels of operators at permitted facilities, amends requirements for certification, sets specific requirements for conditional certification, and formalizes procedures for revocation, modification, and suspension of certification. The regulations require updating at periodic intervals. These amendments will bring the regulations up-to-date. The basis and rationale for this Rule are to update standards and requirements for operator certification.

This Rule meets an exception listed in R.S. 30:2019(D)(2) and R.S. 49:953(G)(3); therefore, no report regarding environmental/health benefits and social/economic costs is required. This Rule has no known impact on family formation, stability, and autonomy as described in R.S. 49:972.

Title 46

**PROFESSIONAL AND OCCUPATIONAL
STANDARDS**

Part XXIII. Certified Solid Waste Operators

Chapter 1. General

§101. Authority

A. The Louisiana Solid Waste Operator Certification and Training Program Act, R.S. 37:3151 et seq., creates the Board of Certification and Training for Solid Waste Disposal System Operators and authorizes the board to adopt rules of procedure and establish fees for the certification of solid waste operators.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3154.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Board of Certification and Training for Solid Waste Disposal Operators, LR 10:404 (May 1984), amended by the Department of Environmental Quality, Board of Certification and Training for Solid Waste Disposal Operators, LR 14:12 (January 1988), LR 20:656 (June 1994), amended by the Office of Environmental Assessment, LR 30:2794 (December 2004).

§105. Objectives

A. The objectives of these regulations are as follows:

1. to establish a certification program for operators of Type II, II-A, and III solid waste processing and disposal facilities which accommodate residential and commercial solid waste;

2. to develop procedures related to certification, recertification, and training of applicants to meet appropriate certification requirements;

3. to establish procedures for revocation, modification, or suspension of an operator's certification;

4. to establish appropriate fees for examination, certification, and recertification to be paid by the applicant; and

5. to encourage the certification of all Louisiana Department of Environmental Quality employees involved in the inspection and permitting of solid waste processing and disposal facilities.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3154.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Board of Certification and Training for Solid Waste Disposal Operators, LR 10:404 (May 1984), amended by the Department of Environmental Quality, Board of Certification and Training for Solid Waste Disposal Operators, LR 14:12 (January 1988), LR 20:656 (June 1994), amended by the Office of Environmental Assessment, LR 30:2794 (December 2004).

§107. Definitions

A. As used in these rules, the following words shall have the meanings ascribed to them in this Section unless the context clearly indicates otherwise.

Classify ~~C~~repealed.

Commercial Solid Waste ~~C~~all types of solid waste generated by stores, offices, restaurants, warehouses, and other non-manufacturing activities, excluding residential and industrial solid wastes.

Conditional Certification ~~C~~allows an operator to operate only the facility at which he is employed at the time of certification for a period not to exceed six months.

Continuing Training ~~C~~repealed.

Department ~~C~~the Department of Environmental Quality, as created by R.S. 30:2001 et seq.

Regular Certification ~~C~~allows an operator to operate any facility of the type for which the certificate is issued. Regular certificates are issued for a four-year period.

Solid Waste Management Facility (SWMF) ~~C~~any facility classified under the solid waste management system including, but not limited to, nonhazardous solid waste landfills, landfarming operations, incinerators, transfer stations, non-industrial surface impoundments, construction and demolition debris facilities, and composting, refuse-derived, and separation facilities.

Training ~~C~~the process whereby an operator obtains required formal instruction in the area of solid waste management.

Type II-A Facility ~~C~~a facility used for processing residential, infectious, or commercial solid waste (e.g., a transfer station, incinerator waste-handling facility, refuse-derived fuel facility, shredder, baler, autoclave, or compactor).

Type III Facility ~~C~~a facility used for disposing or processing of construction/demolition debris or woodwaste, composting organic waste to produce a usable material, or separating recyclable wastes (a separation facility). Residential, commercial, or industrial solid waste must not be disposed of in a Type III facility.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3151 and R.S. 37:3154.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Board of Certification and Training for Solid Waste Disposal Operators, LR 10:404 (May 1984), amended by the Department of Environmental Quality, Board of Certification and Training for Solid Waste Disposal Operators, LR 14:12 (January 1988), LR 20:656 (June 1994), amended by the Office of Environmental Assessment, LR 30:2795 (December 2004).

§109. Filing of Documents

A. Any notice, petition, document, or other correspondence that is required to be filed with the board shall be addressed and mailed or delivered to the Board of Certification and Training for Solid Waste Disposal System Operators at the Department of Environmental Quality, Office of Environmental Services.

B. The following requirements and rules shall apply to all documents and papers filed with the board or during a hearing or meeting.

1. The date on which the papers are actually received by the board or at the hearing shall be deemed to be the date of filing.

2. - 3. ...

4. All information regarding an applicant's qualifications shall be provided at least 30 days prior to the date on which the applicant wishes to be tested. This information is to be provided on a board-prescribed application form. The form may be obtained from the Office of Environmental Services, Permits Division or from the department's website.

5. Unless otherwise specifically provided by these rules, an original and 12 copies of all documents directed to the board shall be filed.

6. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3154.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Board of Certification and Training for Solid Waste Disposal Operators, LR 10:405 (May 1984), amended by the Department of Environmental Quality, Board of Certification and Training for Solid Waste Disposal Operators, LR 14:12 (January 1988), LR 20:656 (June 1994), amended by the Office of Environmental Assessment, LR 30:2795 (December 2004).

§113. Mandatory Provisions

A. Any SWMF that requires a permit, as determined by the department, shall be categorized in accordance with LAC 33:VII.507.

B. The certificates of all of a SWMF's certified operators shall be prominently displayed at the facility.

C. Certified operators are required at all Type II, II-A, and III SWMFs requiring a permit from the department.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3154, 3155, and 3156.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Environmental Assessment, LR 30:2795 (December 2004).

Chapter 3. Board of Certification and Training for Solid Waste Disposal System Operators

§307. Hearings and Meetings

A. The board shall meet as often as necessary to conduct its business.

B. - D.1.b. ...

2. Record. All such public hearings and meetings shall be recorded verbatim. All written statements, charts, tabulations, and similar data offered at the hearing shall, subject to exclusion because of redundancy or immateriality, be admitted by the presiding officer. All evidence or materials admitted by the presiding officer at the hearing shall constitute the hearing record. If a presiding officer conducts the hearing on behalf of the board, he shall prepare a report of the proceedings for the board.

E. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3152 and R.S. 37:3154.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Board of Certification and Training for Solid Waste Disposal Operators, LR 10:405 (May 1984), amended by the Department of Environmental Quality, Board of Certification and Training for Solid Waste Disposal Operators, LR 20:656 (June 1994), amended by the Office of Environmental Assessment, LR 30:2795 (December 2004).

§309. Board Records: Custodian

A. The secretary of the Department of Environmental Quality shall serve as the official custodian of all records of the board. All records of meeting notices, agendas, and other documents relating to the board shall be maintained in a central location within the Office of Environmental Services, Permits Division, Registrations and Certifications Section. All such records shall be available for public inspection in accordance with the provisions of appropriate state or federal law.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3151 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Board of Certification and Training for Solid Waste Disposal Operators, LR 14:12 (January 1988), amended by the Office of Environmental Assessment, LR 30:2796 (December 2004).

Chapter 5. Prohibitions

§501. Operation of Facilities by Certified Personnel

A. No individual, municipality, parish, public or private corporation, partnership, firm, agency of the state, or the United States government, or any agent or subdivision thereof, or any other juridical person shall operate a classified solid waste facility unless such facility is operated by individuals who have been certified in accordance with these rules for the operation of the particular facility.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3156 and R.S. 37:3154.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Board of Certification and Training for Solid Waste Disposal Operators, LR 10:406 (May 1984), amended by the Department of Environmental Quality, Board of Certification and Training for Solid Waste Disposal Operators, LR 20:656 (June 1994), amended by the Office of Environmental Assessment, LR 30:2796 (December 2004).

§507. Incompetence

A. No person shall continue to operate a facility under a certification issued under these regulations if such person is unable to perform his duties in a proper manner.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3156 and R.S. 37:3154.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Board of Certification and Training for Solid Waste Disposal Operators, LR 10:406 (May 1984), amended by the Department of Environmental Quality, Office of Environmental Assessment, LR 30:2796 (December 2004).

§511. Display of Certificate

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3156 and R.S. 37:3154.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Board of Certification and Training for Solid Waste Disposal Operators, LR 10:406 (May 1984), repealed by the Department of Environmental Quality, Office of Environmental Assessment, LR 30:2796 (December 2004).

Chapter 7. Classification of Facilities

§701. Information Used to Classify Facilities

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3155 and R.S. 37:3154.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Board of Certification and Training for Solid Waste Disposal Operators, LR 10:406 (May 1984), amended by the Department of Environmental Quality, Board of Certification and Training for Solid Waste Disposal Operators, LR 20:656 (June 1994), repealed by the Office of Environmental Assessment, LR 30:2796 (December 2004).

§703. General Classifications

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3155 and R.S. 37:3154.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Board of Certification and Training for Solid Waste Disposal Operators, LR 10:406 (May 1984), amended by the Department of Environmental Quality, Board of Certification and Training for Solid Waste Disposal Operators, LR 20:656 (June 1994), repealed by the Office of Environmental Assessment, LR 30:2796 (December 2004).

§705. Further Classification

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3155 and R.S. 37:3154.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Board of Certification and Training for Solid Waste Disposal Operators, LR 10:406 (May 1984), amended by the Department of Environmental Quality, Board of Certification and Training for Solid Waste Disposal Operators, LR 20:656 (June 1994), repealed by the Office of Environmental Assessment, LR 30:2796 (December 2004).

§707. Board's Discretion to Classify

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3155 and R.S. 37:3154.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Board of Certification and Training for Solid Waste Disposal Operators, LR 10:406 (May 1984), amended by the Department of Environmental Quality, Board of Certification and Training for Solid Waste Disposal Operators, LR 20:656 (June 1994), repealed by the Office of Environmental Assessment, LR 30:2796 (December 2004).

Chapter 9. Operator Certification

§901. Certificate

A. The board shall certify persons as to their qualifications established by testing, training, education, and experience to operate a classified solid waste processing or disposal facility. A certificate, suitable for framing, shall be provided to each successful applicant by the board. This certificate shall clearly show the name of the operator, type of certification, any limitations imposed, the expiration date, and any other data deemed appropriate by the board. Louisiana Department of Environmental Quality employees involved in the inspection or permitting of a classified solid waste processing or disposal facility may be certified provided they meet the requirements of this Chapter.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3154 and R.S. 37:3156.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Board of Certification and Training for Solid Waste Disposal Operators, LR 10:406 (May 1984), amended by the Department of Environmental Quality, Board of Certification and Training for Solid Waste Disposal Operators, LR 14:12 (January

1988), LR 20:656 (June 1994), amended by the Office of Environmental Assessment, LR 30:2796 (December 2004).

§903. Mandatory Certification

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3155, R.S. 37:3156 and R.S. 37:3154.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Board of Certification and Training for Solid Waste Disposal Operators, LR 10:406 (May 1984), repealed by the Department of Environmental Quality, Office of Environmental Assessment, LR 30:2797 (December 2004).

§905. Regular Certification Validity

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3159 and R.S. 37:3154.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Board of Certification and Training for Solid Waste Disposal Operators, LR 10:406 (May 1984), repealed by the Department of Environmental Quality, Office of Environmental Assessment, LR 30:2797 (December 2004).

§907. Types of Certification

A. - A.1. ...

2. the level of complexity of SWMF operation.

B. The certification shall be either regular or conditional.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3159 and R.S. 37:3154.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Board of Certification and Training for Solid Waste Disposal Operators, LR 10:406 (May 1984), amended by the Department of Environmental Quality, Office of Environmental Assessment, LR 30:2797 (December 2004).

§909. Facility Designation

A. Each operator certification will be valid for the management of one type of facility. The classifications and sub-classifications of facilities shall be specified as follows:

1. Type II facilities:

- a. landfills;
- b. surface impoundments; and
- c. landfarms;

2. Type II-A facilities:

- a. incinerator waste-handling facilities;
- b. refuse-derived fuel facilities; and
- c. transfer stations;

3. Type III facilities:

- a. construction/demolition debris or woodwaste facilities;
- b. composting facilities; and
- c. separation facilities.

B. These regulations may be amended by the board to include other types of solid waste systems as they become regulated and permitted by the department.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3155 and R.S. 37:3159.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Board of Certification and Training for Solid Waste Disposal Operators, LR 10:406 (May 1984), amended by the Department of Environmental Quality, Board of Certification and Training for Solid Waste Disposal Operators, LR 20:656 (June 1994), amended by the Office of Environmental Assessment, LR 30:2797 (December 2004).

§911. Facility Types

A. Facilities are required to have certified operators according to the following schedule.

1. Landfills

a. Each facility providing solid waste processing or disposal for a particular parish or region shall have a Level "A" operator in responsible charge of the overall solid waste processing or disposal facility.

b. Each facility shall have either a Level "A" or Level "B" operator who is present at the facility and in direct charge of the day-to-day operation of the facility during hours of operation.

c. Each facility shall have at least one Level "C" operator for each 10 operational people during hours of operation. (Operational personnel does not include personnel solely conducting clerical duties.)

2. Surface Impoundments. Each surface impoundment shall have a Level "A" operator in responsible charge of the solid waste processing or disposal facility.

3. Landfarms, Incinerator Waste-Handling Facilities, Refuse-Derived Fuel Facilities, Transfer Stations, Construction/Demolition Debris or Woodwaste Facilities, Composting Facilities, and Separation Facilities

a. Each facility providing solid waste processing or disposal for a particular parish or region shall have a Level "A" operator in responsible charge of the overall solid waste processing or disposal facility.

b. Each facility shall have either a Level "A" or Level "B" operator who is present at the facility and in direct charge of the day-to-day operation of the facility during hours of operation.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3155, R.S. 37:3159 and R.S. 37:3154.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Board of Certification and Training for Solid Waste Disposal Operators, LR 10:406 (May 1984), amended by the Department of Environmental Quality, Board of Certification and Training for Solid Waste Disposal Operators, LR 14:12 (January 1988), LR 20:656 (June 1994), amended by the Office of Environmental Assessment, LR 30:2797 (December 2004).

§912. Issuance of Certificates to Operators

A. Certificates issued to operators on or after December 20, 2004, will correspond to the facility designations and levels of operator certification as defined in LAC 46:XXIII.909 and 913.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3155, R.S. 37:3159 and R.S. 37:3154.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Board of Certification and Training for Solid Waste Disposal Operators, LR 20:656 (June 1994), amended by the Office of Environmental Assessment, LR 30:2797 (December 2004).

§913. Levels of Operator Certification

A. Each certification shall specify the level of complexity of SWMF operation for which the certificate is issued. Levels of operator certification are hereby established as "A," "B," and "C." Level "A" represents the most comprehensive level of complexity; Level "B" is an intermediate level of complexity; and Level "C" represents the least comprehensive level of complexity. Additional levels may be added by amendment to these regulations.

B. A Level "A" certificate shall encompass all of the technical, regulatory, administrative, and management knowledge needed to perform all of the duties necessary for the proper operation of an entire solid waste management facility and shall encompass both procedural and operational aspects of a processing or disposal facility (all technical,

regulatory, administrative, and management duties necessary for the proper operation of the solid waste processing or disposal facility), according to the type of facility for which the applicant seeks certification.

C. A Level "B" certificate shall encompass all of the technical, regulatory, administrative, and management knowledge needed to perform the duties necessary for the proper operation of a solid waste management facility as determined by assigned duties and customary practice, and operational knowledge needed to operate a processing or disposal facility (i.e., equipment selection, maintenance, waste handling procedures, safety procedures, personnel hiring and training, reports, and special and hazardous waste identification), according to the type of facility for which the applicant seeks certification.

D. A Level "C" certificate shall encompass the operational knowledge needed to operate a portion of the waste handling aspects of a processing or disposal facility (i.e., unloading and spotting; maintaining smallest practical working face; layering, compacting, covering, cleaning, and maintaining equipment; equipment operation; and special or hazardous waste identification), according to the type of facility for which the applicant seeks certification.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3154 and R.S. 37:3159.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Board of Certification and Training for Solid Waste Disposal Operators, LR 10:407 (May 1984), amended by the Department of Environmental Quality, Board of Certification and Training for Solid Waste Disposal Operators, LR 14:12 (January 1988), LR 20:656 (June 1994), amended by the Office of Environmental Assessment, LR 30:2797 (December 2004).

§915. Qualification Requirements

A. A Level "A" operator shall have the following qualifications for regular certification.

1. The operator must possess a high school diploma or equivalency certificate.

2. Experience Requirements. The operator must have:

a. a minimum of three years of experience as described in LAC 46:XXIII.913.B in the field of solid waste management; or

b. a minimum of two years of experience as described in LAC 46:XXIII.913.B in the field of solid waste management and an engineering degree; or

c. a minimum of two years of certification as a Level "B" operator.

3. The operator must be of good character.

B. A Level "B" operator shall have the following qualifications for regular certification.

1. Experience Requirements. The operator must have:

a. a minimum of two years of experience as described in LAC 46:XXIII.913.C in the field of solid waste management; or

b. a minimum of one year of experience as described in LAC 46:XXIII.913.C in the field of solid waste management and a minimum of two years of experience as a supervisor in the construction field relating to the use of heavy equipment, good drainage practice, and other skills to ensure proper operation of a solid waste processing or disposal facility; or

c. a minimum of one year of experience as described in LAC 46:XXIII.913.C in the field of solid waste management and an engineering degree; or

d. a minimum of two years of certification as a Level "C" operator.

2. The operator must be of good character.

C. A Level "C" operator shall have the following qualifications for regular certification.

1. Experience Requirements. The operator must have:

a. a minimum of one year of experience as described in LAC 46:XXIII.913.D in the field of solid waste management; or

b. a minimum of one year of experience in the construction field relating to the use of heavy equipment, good drainage practice, and other skills to ensure proper operation of a solid waste processing or disposal facility; or

c. an engineering degree.

2. The operator must be of good character.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3153 and R.S. 37:3154.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Board of Certification and Training for Solid Waste Disposal Operators, LR 10:407 (May 1984), amended by the Department of Environmental Quality, Board of Certification and Training for Solid Waste Disposal Operators, LR 10:593 (August 1984), LR 14:12 (January 1988), LR 20:656 (June 1994), amended by the Office of Environmental Assessment, LR 30:2798 (December 2004).

§916. Regular Certification

A. An applicant shall request consideration for certification upon the completion of the following requirements:

1. meet appropriate qualification requirements in LAC 46:XXIII.915;

2. submit an application to the board on a board-prescribed application form, which may be obtained from the Office of Environmental Services, Permits Division or from the department's website;

3. receive board approval for certification and examination;

4. achieve a passing score on the examination for the appropriate level of operation; and

5. pay all fees associated with certification.

B. Regular certification shall allow an operator to operate any facility of the type for which the certificate is issued.

C. Regular certificates are issued for a four-year period.

D. Recertification shall be in accordance with LAC 46:XXIII.923.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3154, 3159, and 3160.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Environmental Assessment, LR 30:2798 (December 2004).

§917. Conditional Certification

A. A conditional certificate shall allow an operator to operate only the facility at which he is employed at the time of certification.

B. Conditional certification requirements are as follows.

1. The applicant must request a conditional certification.

2. The board must determine that the applicant is qualified to perform duties at a particular facility.

3. The applicant must pass the operator examination and attend one board-approved training class (minimum of 10 hours) within six months.

C. The board may upgrade a conditional certification after receipt of an application and upon its determination that, based on the applicant's training, education, experience, and examination results, the applicant is qualified for regular certification.

D. Any person appointed to replace or succeed a regularly certified operator after August 29, 1983, may be issued a conditional certificate upon application to the board and payment of the same fees as specified for regular certificates. Application for certification must be made within one year of replacement or succession and must specify the need for conditional certification. The term of such a conditional certificate shall not exceed six months. After receipt of such a conditional certificate, the applicant must take and pass the operator examination within six months and attend 10 hours of board-approved training. If the examination is passed, the applicant may be issued an additional conditional certificate, prior to meeting other requirements for a regular certificate.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3159, R.S. 37:3160 and R.S. 37:3154.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Board of Certification and Training for Solid Waste Disposal Operators, LR 10:407 (May 1984), amended by the Department of Environmental Quality, Board of Certification and Training for Solid Waste Disposal Operators, LR 14:12 (January 1988), LR 20:656 (June 1994), amended by the Office of Environmental Assessment, LR 30:2798 (December 2004).

§919. Operator Examinations

A. An applicant for certification must pass an operator examination as provided in this Section.

B. ...

C. The board shall provide appropriate written examinations for each operator level of SWMFs.

D. ...

E. Notice of the examination shall be published prior to the examination in a method and fashion provided by the board.

F. ...

G. All examinations will be graded on a pass/fail basis.

H. Payment of the examination fee must be submitted before an examination may be taken.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3153 and R.S. 37:3154.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Board of Certification and Training for Solid Waste Disposal Operators, LR 10:408 (May 1984), amended by the Department of Environmental Quality, Board of Certification and Training for Solid Waste Disposal Operators, LR 10:593 (August 1984), LR 14:12 (January 1988), LR 20:656 (June 1994), amended by the Office of Environmental Assessment, LR 30:2799 (December 2004).

§921. Certification of Present Practitioners

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3155, R.S. 37:3160 and R.S. 37:3154.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Board of Certification and Training for Solid Waste Disposal Operators, LR 10:406 (May 1984), amended by the Department of Environmental Quality, Board of Certification and Training for Solid Waste Disposal Operators, LR 20:656 (June 1994), repealed by the Office of Environmental Assessment, LR 30:2799 (December 2004).

§923. Recertification

A. Regular certificates shall be valid for four years after issuance. An operator may be recertified upon recommendation by the board for a new four-year period after timely submission of satisfactory evidence that the operator has met the training requirements as specified by LAC 46:XXIII.1103.C. Upon receipt of such evidence, the board shall issue a new certificate.

B. Application for recertification shall be submitted to the board on a board-prescribed form no sooner than six months prior to the expiration of the certification and no later than three months after expiration of the certification. The form may be obtained from the Office of Environmental Services, Permits Division or from the department's website. The application shall contain the following documentation:

1. - 2. ...

C. Any operator whose certificate has expired for more than three months shall be treated as a new applicant. Such a person must reapply for certification, take an examination, and otherwise meet the requirements for new applicants.

D. Persons whose certificates have expired, but who make application no later than three months after the expiration date of the certificate, can be considered by the board for recertification; however, they will be required to pay the late recertification fee as provided in LAC 46:XXIII.1305.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3160, R.S. 37:3160 and R.S. 37:3154.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Board of Certification and Training for Solid Waste Disposal Operators, LR 10:408 (May 1984), amended by the Department of Environmental Quality, Board of Certification and Training for Solid Waste Disposal Operators, LR 14:12 (January 1988), LR 20:656 (June 1994), amended by the Office of Environmental Assessment, LR 30:2799 (December 2004).

Chapter 11. Operator Training for Certification

§1101. Training

A. The content, frequency, and location of operator training shall be at the discretion of the board. Training may be modified or supplemented as needed at the discretion of the board.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3157 and R.S. 37:3154.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Board of Certification and Training for Solid Waste Disposal Operators, LR 10:408 (May 1984), amended by the Department of Environmental Quality, Board of Certification and Training for Solid Waste Disposal Operators, LR 20:656 (June 1994), amended by the Office of Environmental Assessment, LR 30:2799 (December 2004).

§1103. Responsibilities

A. The board shall:

1. approve training available to Louisiana operators, which may include short courses, workshops, etc., that meets the standards of the board;

2. determine whether its training requirements can be reasonably satisfied by the operators based on current educational offerings; and

3. provide a list of the available training that meets the requirements of these regulations upon request.

B. In the event that the board determines that adequate training is not reasonably available to the operators, it shall either:

1. promote or otherwise cause adequate training to be available; or

2. waive the training requirements in whole or in part.

C. Operator Responsibilities

1. In order to retain certification, operators must receive the number of contact training hours as set forth below during the four years after receiving certification or recertification.

a. Level "A" and "B" operators shall receive no fewer than 40 contact training hours.

b. Level "C" operators shall receive no fewer than 30 contact training hours.

c. Level "A" surface impoundment operators shall receive no fewer than 20 contact training hours.

2. The operator is responsible for determining whether a specific training course has been approved by the board. To obtain approval of specific training not listed by the board, the applicant may submit a complete course outline, the date and the place of offering, and the name of the offering entity to the board for consideration.

3. The operator is responsible for obtaining and submitting, in a timely manner, to the board, in accordance with LAC 46:XXIII.923, adequate evidence of attendance. Such evidence may include, but is not limited to, educational certificates, certification of attendance, travel vouchers, etc. Such evidence should be submitted as soon as possible after attending a course, with copies retained in the operator's files. All such submissions shall include the operator's certificate number on all documents.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3157, R.S. 37:3158 and R.S. 37:3154.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Board of Certification and Training for Solid Waste Disposal Operators, LR 10:408 (May 1984), amended by the Department of Environmental Quality, Board of Certification and Training for Solid Waste Disposal Operators, LR 14:12 (January 1988), LR 20:656 (June 1994), amended by the Office of Environmental Assessment, LR 30:2799 (December 2004).

Chapter 13. Fees

§1303. Method of Payment

A. Fee payment shall be by check, draft, or money order made payable to the Board of Certification and Training.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3154.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Board of Certification and Training for Solid Waste Disposal Operators, LR 10:409 (May 1984), amended by the Department of Environmental Quality, Board of Certification and Training for Solid Waste Disposal Operators, LR 14:12 (January 1988), LR 20:656 (June 1994), amended by the Office of Environmental Assessment, LR 30:2800 (December 2004).

§1307. Training Fees

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3154.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Board of Certification and Training for Solid Waste Disposal Operators, LR 10:409 (May 1984), repealed by the Department of Environmental Quality, Office of Environmental Assessment, LR 30:2800 (December 2004).

Chapter 15. Revocation, Modification, and Suspension of Certification

§1501. Revocation, Modification, and Suspension of Certification

A. The board may revoke, modify, or suspend an operator's certification, if it determines that the operator has practiced fraud or deception in obtaining certification or in operating thereunder, or has been negligent in applying reasonable care, judgment, knowledge, or ability in the performance of his duties.

B. Written Notice

1. When the board determines that an operator's certification should be suspended, modified, or revoked, the board shall notify that operator by certified mail. Such written notice shall contain the following:

a. facts that will justify a suspension, modification, or revocation of certification;

b. a description of the general nature of the evidence supporting the suspension, modification, or revocation; and

c. a recommendation that the operator's certification be suspended, modified, or revoked, unless the operator, within 30 days after receipt of the notice, submits a request for a hearing before the board. The request for hearing shall be submitted to the Board of Certification and Training. A written statement providing the operator's view of the circumstances shall accompany the request for hearing.

2. If the operator does not mail a request for hearing and a statement of the circumstances within the time frame specified, the board shall recommend suspension for a specified period of time, modification, or revocation.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3154.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Board of Certification and Training for Solid Waste Disposal Operators, LR 10:409 (May 1984), amended by the Department of Environmental Quality, Board of Certification and Training for Solid Waste Disposal Operators, LR 20:656 (June 1994), amended by the Office of Environmental Assessment, LR 30:28/00 (December 2004).

§1503. Immediate Suspension

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3154.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Board of Certification and Training for Solid Waste Disposal Operators, LR 10:409 (May 1984), amended by the Department of Environmental Quality, Board of Certification and Training for Solid Waste Disposal Operators, LR 20:656 (June 1994), repealed by the Office of Environmental Assessment, LR 30:2800 (December 2004).

§1505. Hearings

A. A hearing before the board on suspension, modification, or revocation shall proceed as follows.

1. At least 20 days prior to a hearing, the board shall provide the operator with a notice of the hearing. The notice shall be sent by certified mail and include the time, date, and location of the hearing.

2. The hearing shall be conducted summarily without observing all of the formalities associated with an adjudicatory hearing as defined in the Administrative Procedure Act, R.S. 49:951 et seq.

3. Within 90 days after conducting a hearing, the board shall forward its decision to the operator.

4. Upon receiving notice of suspension, modification, or revocation, an operator shall notify the owner/operator of the SWMF within 24 hours.

5. Judicial appeal from the board's decision may be taken in accordance with the Administrative Procedure Act, R.S. 49:951 et seq.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3154.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Board of Certification and Training for Solid Waste Disposal Operators, LR 10:409 (May 1984), amended by the Department of Environmental Quality, Board of Certification and Training for Solid Waste Disposal Operators, LR 20:656 (June 1994), amended by the Office of Environmental Assessment, LR 30:2801 (December 2004).

§1507. Rule to Show Cause

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3154.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Board of Certification and Training for Solid Waste Disposal Operators, LR 10:409 (May 1984), amended by the Department of Environmental Quality, Board of Certification and Training for Solid Waste Disposal Operators, LR 20:656 (June 1994), repealed by the Office of Environmental Assessment, LR 30:2801 (December 2004).

§1509. Record of Hearing

A. Record. The record of proceedings conducted under this Chapter shall consist of the following:

1. the certificate;
2. the notice of the hearing;
3. all documentary evidence and written comments received;
4. written recommendations received;
5. the decision; and
6. the transcript of the proceedings.

B. Transcript. Any hearing conducted under this Chapter shall be recorded, and a copy of the transcript made available to the public.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3154.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Board of Certification and Training for Solid Waste Disposal Operators, LR 10:409 (May 1984), amended by the Department of Environmental Quality, Office of Environmental Assessment, LR 30:2801 (December 2004).

Wilbert F. Jordan, Jr.
Assistant Secretary

0412#096

RULE

Department of Environmental Quality Office of Environmental Assessment

Interpollutant Trading (LAC 33:III.504) (AQ242)

Under the authority of the Environmental Quality Act, R.S. 30:2001 et seq., and in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., the secretary has amended the Air regulations, LAC 33:III.504 (Log #AQ242).

This Rule revision disallows interpollutant trading and repeals the option of using creditable nitrogen oxide (NO_x) reductions to offset significant increases of volatile organic compounds (VOC). The Baton Rouge ozone nonattainment area has not attained the one-hour ozone air quality standard. Some exceedances in the area characterized by rapid ozone formation may have been caused by releases of highly reactive VOC. The Rule revision prevents possible increases in these types of occurrences. The basis and rationale of this Rule revision is to provide more protection for air quality in the Baton Rouge ozone nonattainment area.

This Rule meets an exception listed in R.S. 30:2019(D)(2) and R.S. 49:953(G)(3); therefore, no report regarding environmental/health benefits and social/economic costs is required. This Rule has no known impact on family formation, stability, and autonomy as described in R.S. 49:972.

Title 33

ENVIRONMENTAL QUALITY

Part III. Air

Chapter 5. Permit Procedures

§504. Nonattainment New Source Review Procedures

A. - E.5. ...

F. Emission Offsets. All emission offsets approved by the department shall be surplus, permanent, quantifiable, and enforceable in accordance with LAC 33:III.Chapter 6 and shall meet the following criteria.

1. All emission reductions claimed as offset credit shall be from decreases of the same pollutant or pollutant class (e.g., VOC) for which the offset is required. Interpollutant trading, for example using a NO_x credit to offset a VOC emission increase, is not allowed. Offsets shall be required at the ratio specified in Table 1 of this Section.

F.2. - G.Table 1.Note "PM₁₀". ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2054.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Radiation Protection, Air Quality Division, LR 19:176 (February 1993), repromulgated LR 19:486 (April 1993), amended LR 19:1420 (November 1993), LR 21:1332 (December 1995), LR 23:197 (February 1997), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2445 (November 2000), LR 27:2225 (December 2001), LR 30:752 (April 2004), amended by the Office of Environmental Assessment, LR 30:2801 (December 2004).

Wilbert F. Jordan, Jr.
Assistant Secretary

0412#093

RULE

**Department of Environmental Quality
Office of Environmental Assessment**

**Records Confidentiality/Increase in Penalty Fees
(LAC 33:1.503, 505, 507, and 705)(OS060)**

Under the authority of the Environmental Quality Act, R.S. 30:2001 et seq., and in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., the secretary has amended the Office of the Secretary regulations, LAC 33:1.503, 505, 507, and 705 (Log #OS060).

This Rule amends the regulations regarding the confidentiality of public records. Records processing, requests for confidentiality, and confidential information availability are clarified. This Rule also reflects an increase in the penalty fee for a major violation event and corrects the statutory maximum in circumstances where the penalty event constitutes a violation of a previous enforcement action. The increase in the penalty amount for environmental violations was enacted by Act 52 of the 2004 Regular Session of the legislature. The basis and rationale for this Rule are to clarify the regulations regarding confidentiality of information obtained in public records and to correct the required amounts for penalty fees for environmental violations.

This Rule meets an exception listed in R.S. 30:2019(D)(2) and R.S. 49:953(G)(3); therefore, no report regarding environmental/health benefits and social/economic costs is required. This Rule has no known impact on family formation, stability, and autonomy as described in R.S. 49:972.

Title 33

ENVIRONMENTAL QUALITY

Part I. Office of the Secretary

Subpart 1. Departmental Administrative Procedures

Chapter 5. Confidential Information Regulations

§503. Requests for Confidentiality

A. - E.8. ...

F. All records submitted in accordance with R.S. 44:3.2 will be processed as a complete request for confidentiality as described in this Chapter.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2030.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of the Secretary, LR 22:342 (May 1996), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 30:743 (April 2004), amended by the Office of Environmental Assessment, LR 30:2802 (December 2004).

§505. Responses to Requests for Confidentiality

A. The department shall make a determination and send a written response to the requester by certified mail within a reasonable time from receipt of a complete request for confidentiality, except for:

1. requests made in accordance with R.S. 30:2074(D), in which case the department shall send a written response by certified mail within 21 working days from receipt of the complete request for confidentiality; and

2. requests made in accordance with R.S. 44:3.2, in which case the department shall send a written response by

certified mail within 30 days from receipt of the complete request for confidentiality.

B. - C. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2030.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of the Secretary, LR 22:342 (May 1996), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 30:743 (April 2004), amended by the Office of Environmental Assessment, LR 30:2802 (December 2004).

§507. Accessibility

A. Information that is confidential shall not be made available to the public.

B. If a request for confidentiality is granted, such confidentiality shall not prevent the necessary use of the information or records by department employees or duly authorized officers or employees of local, state, or federal governments in carrying out their responsibilities under law. The secretary or the secretary's designee must duly authorize any officer or employee of local, state, or federal government who seeks access to confidential information or records.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2030 and 30:2074.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of the Secretary, LR 22:343 (May 1996), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 30:744 (April 2004), amended by the Office of Environmental Assessment, LR 30:2802 (December 2004).

Chapter 7. Penalties

§705. Penalty Determination Methodology

A. ...

Table 1. Penalty Matrix				
Degree of Risk/Impact to Human Health or Property	Nature and Gravity of the Violation			
		Major	Moderate	Minor
	Major	\$32,500 to \$20,000	\$20,000 to \$15,000	\$15,000 to \$11,000
Moderate	\$11,000 to \$8,000	\$8,000 to \$5,000	\$5,000 to \$3,000	
Minor	\$3,000 to \$1,500	\$1,500 to \$500	\$500 to \$100	

A.1. - D. ...

E. The information obtained from the violation-specific and violator-specific factors can be entered into one of the following formulas to obtain a penalty amount (P_n) for each penalty event:

$$P_n = A_n + (B_n \times [C_n - A_n])$$

$$P_n = 2(A_n + [B_n \times (C_n - A_n)]) *$$

where:

P_n = penalty amount for a given penalty event.

A_n = the minimum value of the penalty range for the cell located on the penalty matrix for a given penalty event.

B_n = the sum of percentage adjustments calculated for a given penalty event, where 100 percent ≥ B ≥ -100 percent.

C_n = the maximum value of the penalty range for the cell located on the penalty matrix for a given penalty event.

*[NOTE: The statutory maximum is \$50,000 in circumstances where the penalty event constitutes a violation of a previous enforcement action as stated in R.S. 30:2025(E)(2).]

F. - J. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2050.3.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of the Secretary, LR 25:658 (April 1999), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 25:2400 (December 1999), LR 30:421 (March 2004), amended by the Office of Environmental Assessment, LR 30:2802 (December 2004).

Wilbert F. Jordan, Jr.
Assistant Secretary

0412#095

RULE

Department of Environmental Quality Office of Environmental Assessment

Social Security Number Confidentiality
(LAC 33:III.2799 and 2805; XI.1305; and
XV.487, 712, and 1013)(OS059)

Under the authority of the Environmental Quality Act, R.S. 30:2001 et seq., and in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., the secretary has amended the Environmental Quality regulations, LAC 33:III.2799 and 2805; XI.1305; and XV.487, 712, and 1013 (Log #OS059).

This Rule replaces those provisions in the regulations requiring a social security number with provisions requiring a driver's license or state identification number and the issuing state. Provisions in the regulations requiring social security numbers provide unnecessary exposure of personal, security-related identification information. The department sees no compelling reason to continue to collect social security number information. The basis and rationale for this Rule are to conform to the federal government's position on social security number confidentiality (5 USC 552a Pub. L.93-579 Sec.7.).

This Rule meets an exception listed in R.S. 30:2019(D)(2) and R.S. 49:953(G)(3); therefore, no report regarding environmental/health benefits and social/economic costs is required. This Rule has no known impact on family formation, stability, and autonomy as described in R.S. 49:972.

Title 33

ENVIRONMENTAL QUALITY

Part III. Air

Chapter 27. Asbestos-Containing Materials in Schools and State Buildings Regulation

§2799. Appendix A Agent Accreditation Plan

Appendix A Agent Accreditation Plan

The duration of initial and refresher training courses is specified in numbers of days. A day of training equals eight consecutive hours, including breaks and lunch.

In several instances, initial training courses for a specific discipline (e.g., workers, inspectors) require hands-on training. For asbestos abatement supervisors, and workers, hands-on training should include working with asbestos-substitute materials, fitting and using respirators, use of glove-bags, donning protective clothing, constructing a decontamination unit, as well as other abatement work

activities. Hands-on training must permit all supervisors, and workers to have actual experience performing tasks associated with asbestos abatement. For inspectors, hands-on training should include conducting a simulated building walk-through inspection and respirator fit testing.

Training requirements for each of the five accredited disciplines are outlined below. Persons in each discipline perform a different job function and distinct role. Inspectors identify and assess the condition of ACBM, or suspect ACBM. Management planners use data gathered by inspectors to assess the degree of hazard posed by ACBM in schools to determine the scope and timing of appropriate response actions needed for schools. Project designers determine how asbestos abatement work should be conducted. Lastly, workers and contractor/supervisors carry out and oversee abatement work. Each accredited discipline and training curriculum is separate and distinct from the others. A person seeking accreditation in any of the five accredited MAP disciplines cannot attend two or more courses concurrently, but may attend such courses sequentially. All courses, both initial and refresher, shall be completed within 14 days of the commencement of the course.

A. - E.2. ...

a. A completed Asbestos Accreditation Affidavit, Form AAC-1 (which may be obtained from the Office of Environmental Services, Permits Division, or through the department's website) that contains:

- i. the applicant's name, address, and telephone number;
- ii. the applicant's driver's license or state identification number and the issuing state;
- iii. the name, address, and telephone number of the applicant's employer;
- iv. an identification of the disciplines in which accreditation is sought;
- v. completed statements of regulation possession and understanding and of regulatory enforceability;
- vi. the applicant's previous accreditation number, if applicable; and
- vii. the applicant's signature and the date of application.

E.2.b. - F.5. ...

a. Unique sequentially-numbered certificates must be issued to students who successfully pass the training course. The numbered certificate must indicate the student's name, his or her driver's license or state identification number and the issuing state, the course completed, and the dates of the course and the examination when applicable. The certificate must also include an expiration date for training that is one year after the date on which the student completed the course. The name, address, and telephone number of the training organization must also be indicated on the certificate. The discipline for which training was received shall be stated on each certificate, and a statement must be included that the person receiving the certificate has completed the requisite training for asbestos accreditation as required under TSCA Title II. States or training providers who reaccredit persons based upon completion of required refresher training must also provide accreditation certificates

with all of the above information, except the examination date may be omitted.

b. - c. ...

i. The notification must be received in writing by the Office of Environmental Services, Permits Division, at least five days prior to class commencement. (Notification must be made at least three days prior to a course when only the state regulations are to be taught.)

ii. Cancellation of classes must be received by the Office of Environmental Services, Permits Division, before the class should have commenced.

d. Within 10 days of the completion of a class a complete roster of trainees, their driver's license or state identification numbers and the issuing states, and their examination grades, with a 1" x 1 1/4" photograph of the face of each trainee, must be submitted to the Office of Environmental Services, Permits Division, on a form approved by the department.

5.e. - 9.e.iii. ...

NOTE: Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2344 and 40:1749.1.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Nuclear Energy, Air Quality Division, LR 15:735 (September 1989), amended LR 16:397 (May 1990), LR 16:1057 (December 1990), amended by the Office of Air Quality and Radiation Protection, Air Quality Division, LR 20:649 (June 1994), LR 22:700 (August 1996), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2458 (November 2000), amended by the Office of Environmental Assessment, LR 30:2022 (September 2004), LR 30:2803 (December 2004).

Chapter 28. Lead-Based Paint Activities Recognition, Accreditation, Licensure, and Standards for Conducting Lead-Based Paint Activities

§2805. Recognition and Standards for Training Providers

A. - B.8.a. ...

b. the name, driver's license or state identification number and the issuing state, and the address of the individual;

B.8.c. - G.4. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2054 and 2351 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Radiation Protection, Air Quality Division, LR 23:1666 (December 1997), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2459 (November 2000), LR 28:2337 (November 2002), amended by the Office of Environmental Assessment, LR 30:2804 (December 2004).

Part XI. Underground Storage Tanks

Chapter 13. Certification Requirements for Persons Who Install, Repair, or Close Underground Storage Tank Systems

§1305. Categories of Certification and Requirements for Issuance and Renewal of Certificates

A. - F.2.b. ...

G. Issuance and Display of Identification Cards and Certificates

1. Upon issuance of a UST certificate, the department will issue an identification card to the successful applicant

that shows the person's name, driver's license or state identification number and the issuing state, categories of certification, certificate number, certificate issuance date, and certificate expiration date.

G.2. - H. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Underground Storage Tank Division, LR 16:614 (July 1990), amended LR 17:658 (July 1991), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2562 (November 2000), LR 29:691 (May 2003), LR 29:2052 (October 2003), amended by the Office of Environmental Assessment, LR 30:2804 (December 2004).

Part XV. Radiation Protection

Chapter 4. Standards for Protection Against Radiation

Subchapter J. Reports

§487. Reports of Exposures, Radiation Levels, and Concentrations of Radioactive Material Exceeding the Constraints or Limits

A. - B.1.e. ...

2. Each report filed in accordance with Subsection A of this Section shall include for each occupationally overexposed individual the name, driver's license or state identification number and the issuing state, and date of birth. With respect to the limit for the embryo/fetus in LAC 33:XV.417, the identifiers should be those of the declared pregnant woman. The report shall be prepared so that this information is stated in a separate and detachable portion of the report.

C. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Radiation Protection, Radiation Protection Division, LR 19:1421 (November 1993), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2579 (November 2000), LR 26:2771 (December 2000), LR 27:1231 (August 2001), LR 30:1679 (August 2004), amended by the Office of Environmental Assessment, LR 30:2804 (December 2004).

Chapter 7. Use of Radionuclides in the Healing Arts

§712. Notifications, Reports, and Records of Medical Events

A. - C.4.b. ...

D. Each licensee shall retain a record of each medical event for five years. The record shall contain the names of all individuals involved (including the prescribing physician, allied health personnel, the individual affected by the medical event, and the individual's referring physician), the individual's driver's license or state identification number and the issuing state, a brief description of the medical event, why it occurred, the effect on the individual, what improvements are needed to prevent recurrence, and the actions taken to prevent recurrence.

E. - F.2. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Radiation Protection, Radiation Protection Division, LR 18:34 (January 1992), amended LR 24:2102 (November 1998), amended by the

Office of Environmental Assessment, Environmental Planning Division, LR 26:2588 (November 2000), LR 30:1174 (June 2004), LR 30:1679 (August 2004), amended by the Office of Environmental Assessment, LR 30:2804 (December 2004).

Chapter 10. Notices, Instructions, and Reports to Workers; Inspections

§1013. Notifications and Reports to Individuals

A. Radiation exposure data for an individual and the results of any measurements, analyses, and calculations of radioactive material deposited or retained in the body of an individual shall be reported to the individual as specified in this Section. The information reported shall include data and results obtained pursuant to the Louisiana Radiation Protection Regulations (LAC 33:Part XV), orders or license conditions, as shown in records maintained by the licensee or registrant pursuant to LAC 33:XV.476. Each notification and report shall be in writing and shall include:

1. appropriate identifying data such as:
 - a. the name of the licensee or registrant;
 - b. the name of the individual; and
 - c. the individual's driver's license or state identification number and the issuing state;
2. the individual's exposure information; and
3. the following statement:

"This report is furnished to you under the provisions of the Louisiana Radiation Protection Regulations, LAC 33:XV.Chapter 10. You should retain this report for further reference."

B. - E. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Nuclear Energy Division, LR 13:569 (October 1987), amended by the Office of Air Quality and Radiation Protection, Radiation Protection Division, LR 19:1421 (November 1993), LR 22:976 (October 1996), LR 24:2111 (November 1998), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2593 (November 2000), amended by the Office of Environmental Assessment, LR 30:2805 (December 2004).

Wilbert F. Jordan, Jr.
Assistant Secretary

0412#094

RULE

**Office of the Governor
Division of Administration
Office of Planning and Budget**

**Annual Program Evaluation Reports
(LAC 4:I.Chapter 1)**

In accordance with the Administrative Procedure Act, R.S. 49:950 et seq., and under the authority of R.S. 36:8(B)(1), the Office of the Governor, Division of Administration, Office of Planning and Budget, hereby repeals LAC 4:I.Chapter 1 deleting the requirements regarding annual program evaluation reports.

The Rule was promulgated to establish forms for an annual report summarizing the activities of undersecretaries' offices relating to management and program analysis. Act 20 of 2004 repealed the requirement of R.S. 36:8(B)(1) that the

Division of Administration must prepare and review the forms in accordance with the Administrative Procedure Act. R.S. 36:8 specifically prescribes what the reports must contain. Act 20 of 2004 allows the Commissioner of Administration to prescribe the manner for developing the reports and any other information as he may require.

This Chapter is being repealed because it is in nonconformance with existing law.

Title 4

ADMINISTRATION

Part I. General Provisions

Chapter 1. Annual Program Evaluation Reports

§101. Reports from Undersecretaries to Governor

Repealed.

AUTHORITY NOTE: Promulgated in accordance with Act 20 of 2004.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, LR 8:644 (December 1982), repealed by the Office of the Governor, Division of Administration, Office of Planning and Budget, LR 30:2805 (December 2004).

§103. Form 160-1 Significant Problem, Deficiency, or Abuse

Repealed.

AUTHORITY NOTE: Promulgated in accordance with Act 20 of 2004.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, LR 8:644 (December 1982), repealed by the Office of the Governor, Division of Administration, Office of Planning and Budget, LR 30:2805 (December 2004).

§105. Form 160-2 Reports to the Secretary

Repealed.

AUTHORITY NOTE: Promulgated in accordance with Act 20 of 2004.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, LR 8:644 (December 1982), repealed by the Office of the Governor, Division of Administration, Office of Planning and Budget, LR 30:2805 (December 2004).

§107. Form 160-3 List of Program Evaluations

Repealed.

AUTHORITY NOTE: Promulgated in accordance with Act 20 of 2004.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, LR 8:644 (December 1982), repealed by the Office of the Governor, Division of Administration, Office of Planning and Budget, LR 30:2805 (December 2004).

§109. Form 160-4 Summary of Evaluation or Report

Repealed.

AUTHORITY NOTE: Promulgated in accordance with Act 20 of 2004.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, LR 8:644 (December 1982), repealed by the Office of the Governor, Division of Administration, Office of Planning and Budget, LR 30:2805 (December 2004).

§111. Form 160-5 Significant Recommendations

Repealed.

AUTHORITY NOTE: Promulgated in accordance with Act 20 of 2004.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, LR 8:644 (December 1982), repealed by the Office of the Governor, Division of Administration, Office of Planning and Budget, LR 30:2805 (December 2004).

David Hoppenstedt
Deputy Director

0412#016

RULE

Office of the Governor Office of Financial Institutions

Bank and Thrift Powers
(LAC 10:V.301, 701,703, 901, 903, 905, 1101-1135,
1301-1313, 1321-1333, 1341-1353, and 1521-1539)

The Louisiana Office of Financial Institutions, pursuant to the authority contained in R.S. 6:101, et seq., the Louisiana Banking Law, and in accordance with R.S. 49:950 et seq., the Louisiana Administrative Procedure Act, hereby promulgates the following Rule to repeal various bank and thrift powers from the *Louisiana Administrative Code*. This action is being effectuated because the Office of Financial Institution's parity provisions allow Louisiana state-chartered banks and thrifts to exercise those powers allowed by national banks and federal thrifts; many of the Rules proposed for repeal simply restate the powers that are now provided to state banks and thrifts as a result of the parity provision; and many of the Rules are deemed duplicative as a result of statutory changes in federal and state law, regulations and policy statements.

Title 10

FINANCIAL INSTITUTIONS, CONSUMER CREDIT, INVESTMENT SECURITIES AND UCC

Part V. Thrifts

Chapter 3. General Provisions

§301. Credit Card Operations

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 6:237.

HISTORICAL NOTE: Promulgated by the Department of Commerce, Office of Financial Institutions, LR 4:268 (August 1978), repealed by the Office of the Governor, Office of Financial Institutions, LR 30:2806 (December 2004).

Chapter 7. Mergers

§701. Plan of Merger

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 6:861, R.S. 6:902(B) and R.S. 6:903.

HISTORICAL NOTE: Promulgated by the Department of Commerce, Office of Financial Institutions, LR 9:59 (February 1983), repealed by the Office of the Governor, Office of Financial Institutions, LR 30:2806 (December 2004).

§703. Vote by Members

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 6:861, R.S. 6:902(B) and R.S. 6:903.

HISTORICAL NOTE: Promulgated by the Department of Commerce, Office of Financial Institutions, LR 9:59 (February 1983), repealed by the Office of the Governor, Office of Financial Institutions, LR 30:2806 (December 2004).

Chapter 9. Insurance

§901. Reservation of Right Concerning Advertising

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 6:706 and R.S. 6:948.

HISTORICAL NOTE: Promulgated by the Department of Commerce, Office of Financial Institutions, LR 6:415 (August 1980), repealed by the Office of the Governor, Office of Financial Institutions, LR 30:2806 (December 2004).

§903. Other Insurance or Guaranty

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 6:948.

HISTORICAL NOTE: Promulgated by the Department of Commerce, Office of Financial Institutions, LR 6:415 (August 1980), repealed by the Office of the Governor, Office of Financial Institutions, LR 30:2806 (December 2004).

§905. Inconsistent Conditions of Insurance or Agreements for Operating Policies

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 6:948.

HISTORICAL NOTE: Promulgated by the Department of Commerce, Office of Financial Institutions, LR 6:415 (August 1980), repealed by the Office of the Governor, Office of Financial Institutions, LR 30:2806 (December 2004).

Chapter 11. Powers of Homesteads and Building and Loan Associations

Subchapter A. Mortgages

§1101. Renegotiable Rate Mortgage Instruments

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 6:902(B).

HISTORICAL NOTE: Promulgated by the Department of Commerce, Office of Financial Institutions, LR 6:720 (December 1980), amended LR 7:165 (April 1981), repealed by the Office of the Governor, Office of Financial Institutions, LR 30:2806 (December 2004).

§1103. Wrap-Around Mortgages

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 6:902(B).

HISTORICAL NOTE: Promulgated by the Department of Commerce, Office of Financial Institutions, LR 7:165 (April 1981), repealed by the Office of the Governor, Office of Financial Institutions, LR 30:2806 (December 2004).

§1105. Commercial Real Estate Loans

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 6:902(B) and R.S. 6:902.1.

HISTORICAL NOTE: Promulgated by the Department of Commerce, Office of Financial Institutions, LR 9:60 (February 1983), repealed by the Office of the Governor, Office of Financial Institutions, LR 30:2806 (December 2004).

§1107. Residential Real Property Loans

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 6:902(B).

HISTORICAL NOTE: Promulgated by the Department of Commerce, Office of Financial Institutions, LR 6:144 (April 1980), amended LR 8:138 (February 1982), repealed by the Office of the Governor, Office of Financial Institutions, LR 30:2806 (December 2004).

§1109. Balloon-Payment Loans

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 6:092(B).

HISTORICAL NOTE: Promulgated by the Department of Commerce, Office of Financial Institutions, LR 8:138 (February 1982), repealed by the Office of the Governor, Office of Financial Institutions, LR 30:2806 (December 2004).

§1111. Variable Rate Loans

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 6:902(B), R.S. 6:25.1 and R.S. 9:3554(B).

HISTORICAL NOTE: Promulgated by the Department of Commerce, Office of Financial Institutions, LR 8:232 (May 1982), amended LR 9:59 (February 1983), repealed by the Office of the Governor, Office of Financial Institutions, LR 30:2806 (December 2004).

§1113. Commercial Loans

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 6:902(B), R.S. 6:902.1 and R.S. 6:822(B)(1).

HISTORICAL NOTE: Promulgated by the Department of Commerce, Office of Financial Institutions, LR 8:61 (February 1982), amended LR 9:60 (February 1983), repealed by the Office of the Governor, Office of Financial Institutions, LR 30:2807 (December 2004).

§1115. Consumer Loans

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 6:902(B), R.S. 6:902.1 and R.S. 9:3510 et seq.

HISTORICAL NOTE: Promulgated by the Department of Commerce, Office of Financial Institutions, LR 6:412 (August 1980), amended LR 9:60 (February 1983), repealed by the Office of the Governor, Office of Financial Institutions, LR 30:2807 (December 2004).

§1117. Loans Originating from Other than Savings and Loan Associations

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 6:902(B).

HISTORICAL NOTE: Promulgated by the Department of Commerce, Office of Financial Institutions, LR 8:61 (February 1982), repealed by the Office of the Governor, Office of Financial Institutions, LR 30:2807 (December 2004).

§1119. Loans to One Borrower

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 6:902(B) and R.S. 6:822(B)(1).

HISTORICAL NOTE: Promulgated by the Department of Commerce, Office of Financial Institutions, LR 8:61 (February 1982), amended LR 9:60 (February 1983), repealed by the Office of the Governor, Office of Financial Institutions, LR 30:2807 (December 2004).

§1121. Restrictions Involving Loan Services

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 6:948.

HISTORICAL NOTE: Promulgated by the Department of Commerce, Office of Financial Institutions, LR 6:416 (August 1980), repealed by the Office of the Governor, Office of Financial Institutions, LR 30:2807 (December 2004).

§1123. Cashier's Checks

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 6:902(B).

HISTORICAL NOTE: Promulgated by the Department of Commerce, Office of Financial Institutions, LR 8:61 (February 1982), repealed by the Office of the Governor, Office of Financial Institutions, LR 30:2807 (December 2004).

§1125. Demand Deposits

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 6:902(B) and R.S. 6:902.1.

HISTORICAL NOTE: Promulgated by the Department of Commerce, Office of Financial Institutions, LR 9:60 (February 1983), repealed by the Office of the Governor, Office of Financial Institutions, LR 30:2807 (December 2004).

§1127. NOW Accounts

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 6:902(B) and R.S. 6:701 et seq.

HISTORICAL NOTE: Promulgated by the Department of Commerce, Office of Financial Institutions, LR 6:715 (December 1980), repealed by the Office of the Governor, Office of Financial Institutions, LR 30:2807 (December 2004).

§1129. Governmental NOW Accounts

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 6:902(B) and R.S. 6:902.1.

HISTORICAL NOTE: Promulgated by the Department of Commerce, Office of Financial Institutions, LR 9:60 (February 1983), repealed by the Office of the Governor, Office of Financial Institutions, LR 30:2807 (December 2004).

§1131. Governmental Depositories

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 6:902(B).

HISTORICAL NOTE: Promulgated by the Department of Commerce, Office of Financial Institutions, LR 9:50 (February 1983), repealed by the Office of the Governor, Office of Financial Institutions, LR 30:2807 (December 2004).

§1133. Credit Cards

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 6:902(B) and R.S. 6:701.

HISTORICAL NOTE: Promulgated by the Department of Commerce, Office of Financial Institutions, LR 6:412 (August 1980), repealed by the Office of the Governor, Office of Financial Institutions, LR 30:2807 (December 2004).

§1135. Trusts

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 6:902(B).

HISTORICAL NOTE: Promulgated by the Department of Commerce, Office of Financial Institution, LR 6:412 (August 1980), amended LR: 6:715 (December 1980), repealed by the Office of the Governor, Office of Financial Institutions, LR 30:2807 (December 2004).

Chapter 13. Forward Commitments, Future Transactions, and Financial Option Transactions

§1301. Generally

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 6:902(B).

HISTORICAL NOTE: Promulgated by the Department of Commerce, Office of Financial Institutions, LR 9:50 (February 1983), repealed by the Office of the Governor, Office of Financial Institutions, LR 30:2807 (December 2004).

Subchapter A. Forward Commitments

§1303. Definitions

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 6:902(B).

HISTORICAL NOTE: Promulgated by the Department of Commerce, Office of Financial Institutions, LR 9:51 (February 1983), repealed by the Office of the Governor, Office of Financial Institutions, LR 30:2807 (December 2004).

§1305. Authorized Personnel

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 6:902(B).

HISTORICAL NOTE: Promulgated by the Department of Commerce, Office of Financial Institutions, LR 9:51 (February 1983), repealed by the Office of the Governor, Office of Financial Institutions, LR 30:2807 (December 2004).

§1307. Limitations

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 6:902(B).

HISTORICAL NOTE: Promulgated by the Department of Commerce, Office of Financial Institutions, LR 9:51 (February 1983), repealed by the Office of the Governor, Office of Financial Institutions, LR 30:2808 (December 2004).

§1309. Disposal before Settlement

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 6:902(B).

HISTORICAL NOTE: Promulgated by the Department of Commerce, Office of Financial Institutions, LR 9:51 (February 1983), repealed by the Office of the Governor, Office of Financial Institutions, LR 30:2808 (December 2004).

§1311. Recordkeeping Requirements

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 6:902(B).

HISTORICAL NOTE: Promulgated by the Department of Commerce, Office of Financial Institutions, LR 9:51 (February 1983), repealed by the Office of the Governor, Office of Financial Institutions, LR 30:2808 (December 2004).

§1313. Commitment Fees Received

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 6:902(B).

HISTORICAL NOTE: Promulgated by the Department of Commerce, Office of Financial Institutions, LR 9:51 (February 1983), repealed by the Office of the Governor, Office of Financial Institutions, LR 30:2808 (December 2004).

Subchapter B. Futures Transactions

§1321. Definitions

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 6:902(B).

HISTORICAL NOTE: Promulgated by the Department of Commerce, Office of Financial Institutions, LR 9:51 (February 1983), repealed by the Office of the Governor, Office of Financial Institutions, LR 30:2808 (December 2004).

§1323. Permitted Transactions

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 6:902(B).

HISTORICAL NOTE: Promulgated by the Department of Commerce, Office of Financial Institutions, LR 9:51 (February 1983), repealed by the Office of the Governor, Office of Financial Institutions, LR 30:2808 (December 2004).

§1325. Authorized Contracts

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 6:902(B).

HISTORICAL NOTE: Promulgated by the Department of Commerce, Office of Financial Institutions, LR 9:51 (February 1983), repealed by the Office of the Governor, Office of Financial Institutions, LR 30:2808 (December 2004).

§1327. Board of Director's Authorization

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 6:902(B).

HISTORICAL NOTE: Promulgated by the Department of Commerce, Office of Financial Institutions, LR 9:51 (February 1983), repealed by the Office of the Governor, Office of Financial Institutions, LR 30:2808 (December 2004).

§1329. Notification

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 6:902(B).

HISTORICAL NOTE: Promulgated by the Department of Commerce, Office of Financial Institutions, LR 9:52 (February 1983) repealed by the Office of the Governor, Office of Financial Institutions, LR 30:2808 (December 2004).

§1331. Recordkeeping Requirements

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 6:902(B).

HISTORICAL NOTE: Promulgated by the Department of Commerce, Office of Financial Institutions, LR 9:52 (February 1983), repealed by the Office of the Governor, Office of Financial Institutions, LR 30:2808 (December 2004).

§1333. Accounting

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 6:902(B).

HISTORICAL NOTE: Promulgated by the Department of Commerce, Office of Financial Institutions, LR 9:52 (February 1983), repealed by the Office of the Governor, Office of Financial Institutions, LR 30:2808 (December 2004).

Subchapter C. Financial Option Transactions

§1341. Definitions

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 6:902(B).

HISTORICAL NOTE: Promulgated by the Department of Commerce, Office of Financial Institutions, LR 9:52 (February 1983), repealed by the Office of the Governor, Office of Financial Institutions, LR 30:2808 (December 2004).

§1343. Permitted Transactions

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 6:902(B).

HISTORICAL NOTE: Promulgated by the Department of Commerce, Office of Financial Institutions, LR 9:52 (February 1983), repealed by the Office of the Governor, Office of Financial Institutions, LR 30:2808 (December 2004).

§1345. Authorized Contracts

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 6:902(B).

HISTORICAL NOTE: Promulgated by the Department of Commerce, Office of Financial Institutions, LR 9:52 (February 1983), repealed by the Office of the Governor, Office of Financial Institutions, LR 30:2808 (December 2004).

§1347. Board of Director's Authorization

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 6:902(B).

HISTORICAL NOTE: Promulgated by the Department of Commerce, Office of Financial Institutions, LR 9:52 (February 1983), repealed by the Office of the Governor, Office of Financial Institutions, LR 30:2808 (December 2004).

§1349. Notification and Reporting

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 6:902(B).

HISTORICAL NOTE: Promulgated by the Department of Commerce, Office of Financial Institutions, LR 9:53 (February 1983), repealed by the Office of the Governor, Office of Financial Institutions, LR 30:2808 (December 2004).

§1351. Recordkeeping Requirements

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 6:902(B).

HISTORICAL NOTE: Promulgated by the Department of Commerce, Office of Financial Institutions, LR 9:53 (February 1983), repealed by the Office of the Governor, Office of Financial Institutions, LR 30:2809 (December 2004).

§1353. Accounting

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 6:902(B).

HISTORICAL NOTE: Promulgated by the Department of Commerce, Office of Financial Institutions, LR 9:53 (February 1983), repealed by the Office of the Governor, Office of Financial Institutions, LR 30:2809 (December 2004).

Chapter 15. Related Organizations and Services

Subchapter B. Remote Service Units

§1521. Introduction

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 6:902(B).

HISTORICAL NOTE: Promulgated by the Department of Commerce, Office of Financial Institutions, LR 8:62 (February 1982), repealed by the Office of the Governor, Office of Financial Institutions, LR 30:2809 (December 2004).

§1523. Application of Regulation E

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 6:902(B).

HISTORICAL NOTE: Promulgated by the Department of Commerce, Office of Financial Institutions, LR 8:62 (February 1982), repealed by the Office of the Governor, Office of Financial Institutions, LR 30:2809 (December 2004).

§1525. Definitions

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 6:902(B).

HISTORICAL NOTE: Promulgated by the Department of Commerce, Office of Financial Institutions, LR 8:62 (February 1982), repealed by the Office of the Governor, Office of Financial Institutions, LR 30:2809 (December 2004).

§1527. General

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 6:902(B).

HISTORICAL NOTE: Promulgated by the Department of Commerce, Office of Financial Institutions, LR 8:62 (February 1982), repealed by the Office of the Governor, Office of Financial Institutions, LR 30:2809 (December 2004).

§1529. RSU Access Techniques

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 6:902(B).

HISTORICAL NOTE: Promulgated by the Department of Commerce, Office of Financial Institutions, LR 8:62 (February 1982), repealed by the Office of the Governor, Office of Financial Institutions, LR 30:2809 (December 2004).

§1531. Service Charges

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 6:902(B).

HISTORICAL NOTE: Promulgated by the Department of Commerce, Office of Financial Institutions, LR 8:62 (February 1982), repealed by the Office of the Governor, Office of Financial Institutions, LR 30:2809 (December 2004).

§1533. Privacy of Account Data

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 6:902(B).

HISTORICAL NOTE: Promulgated by the Department of Commerce, Office of Financial Institutions, LR 8:62 (February 1982), repealed by the Office of the Governor, Office of Financial Institutions, LR 30:2809 (December 2004).

§1535. Bonding

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 6:902(B).

HISTORICAL NOTE: Promulgated by the Department of Commerce, Office of Financial Institutions, LR 8:62 (February 1982), repealed by the Office of the Governor, Office of Financial Institutions, LR 30:2809 (December 2004).

§1537. Security

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 6:902(B).

HISTORICAL NOTE: Promulgated by the Department of Commerce, Office of Financial Institutions, LR 8:62 (February 1982), repealed by the Office of the Governor, Office of Financial Institutions, LR 30:2809 (December 2004).

§1539. Commissioner

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 6:902(B).

HISTORICAL NOTE: Promulgated by the Department of Commerce, Office of Financial Institutions, LR 8:62 (February 1982), repealed by the Office of the Governor, Office of Financial Institutions, LR 30:2809 (December 2004).

John Ducrest, CPA
Commissioner

0412#059

RULE

Office of the Governor Office of Financial Institutions

Limited Function Financial Institutions
(LAC 10:III.901-911)

The Louisiana Office of Financial Institutions, pursuant to the authority contained in R.S. 6:101, et seq., the Louisiana Banking Law, and in accordance with R.S. 49:950 et seq., the Louisiana Administrative Procedure Act, hereby promulgates the following Rule to repeal Limited Function Financial Institutions from the *Louisiana Administrative Code*. This action is necessary because the statutory authority for this Rule was repealed by Acts 1991, No. 197,

§1, eff. July 2, 1991, and the commissioner no longer issues certificates of authority for such entities.

Title 10

**FINANCIAL INSTITUTIONS, CONSUMER CREDIT,
INVESTMENT SECURITIES AND UCC**

Part III. Banks

Chapter 9. Limited Function Financial Institutions

§901. Applications; Filing, Processing, and Approval

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 6:451.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Office of Financial Institutions, LR 14:859 (December 1988), repealed by the Office of the Governor, Office of Financial Institutions, LR 30:2810 (December 2004).

§903. Certificate of Authority; Issuance, Refusal, and Renewal

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 6:451.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Office of Financial Institutions, LR 14:860 (December 1988), amended LR 16:200 (March 1990), repealed by the Office of the Governor, Office of Financial Institutions, LR 30:2810 (December 2004).

§905. Certificate of Authority; Powers and Authority; Prohibitions

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 6:451.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Office of Financial Institutions, LR 14:860 (December 1988), amended LR 16:201 (March 1990), repealed by the Office of the Governor, Office of Financial Institutions, LR 30:2810 (December 2004).

§907. Records and Funds

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 6:451.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Office of Financial Institutions, LR 14:860 (December 1988), amended LR 16:201 (March 1990), repealed by the Office of the Governor, Office of Financial Institutions, LR 30:2810 (December 2004).

§909. Penalties

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 6:451.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Office of Financial Institutions, LR 16:201 (March 1990), repealed by the Office of the Governor, Office of Financial Institutions, LR 30:2810 (December 2004).

§911. Definitions

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 6:451.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Office of Financial Institutions, LR 16:202 (March 1990), repealed by the Office of the Governor, Office of Financial Institutions, LR 30:2810 (December 2004).

John Ducrest, CPA
Commissioner

0412#061

RULE

**Office of the Governor
Office of Financial Institutions**

Repossession Agents
(LAC 10:XV.1301-1321)

Under the authority of the Louisiana Administrative Procedures Act, R.S. 49:950 et seq., amended by Acts 191 and 814 of the 2004 Regular Session of the Louisiana Legislature, I, the Commissioner of the Office of Financial Institutions, do hereby promulgate the following Rule regarding licensure and regulation of repossession agents, and for assessments and fees on such agents. These assessment and fees are necessary in order to effectively discharge its duty of ensuring that these regulated persons are properly overseen by the office to ensure compliance with the above referenced statutory provisions, and to allow for the licensure of repossession agents in conjunction with the effective date of the above referenced 2004 legislation. Repossession agents are individuals who physically obtain possession of collateral for a secured party and engage in the business or accept employment to locate and recover collateral pursuant to the Louisiana Additional Default Remedies Act, R.S. 6:965, et seq.

Title 10

**FINANCIAL INSTITUTIONS, CONSUMER CREDIT,
INVESTMENT SECURITIES AND UCC**

Part XV. Other Regulated Entities

Chapter 13. Repossession Agents

§1301. Definitions

A. The following terms as used in this Chapter shall have the following meaning.

Apprentice means a trainee who works under the direct supervision of a repossession agent.

Approved Association means the National Finance Adjusters, Inc., Allied Finance Adjusters Conference, Inc., Time Adjusters Conference, Inc., the American Recovery Association, Inc., or a Louisiana association of duly licensed repossession agents recognized as a viable association by the commissioner, and who meet any additional qualifications for licensure established by the commissioner.

Change of Control for purposes of §1305.B means:

a. a change in beneficial ownership of 50 percent or more of the repossession agency's outstanding shares of stock or 50 percent or more of the combined voting power of the repossession agency; provided that any transfer to a person or entity who was a shareholder as of the later of the date the repossession agency was originally licensed or the date of the repossession agency's last approved change of control shall be disregarded;

b. a change in individuals who constitute the voting power of the board of directors, or other governing board of the repossession agency as of the later of the date the repossession agency was originally licensed or the date of the repossession agency's last approved change of control cease to comprise more than 50 percent of the voting power of such board of directors, board of managers, or other board; or

c. a change in the general partner or manager of the repossession agency or a change of control with respect to such general partner or manager; or

d. any merger or consolidation if a change of control has occurred based upon the surviving entity being considered to be a continuation of the repossession agency that was the party to the merger or consolidation transaction.

Collateral A motor vehicle including any motor driven car, van, or truck required to be registered which is used, or is designated to be used, for the transporting of passengers or goods for public, private, commercial, or for hire purposes; but does not include those vehicles which are commonly known as motor homes, mobile homes, trailers, semi-trailers, boat trailers, or motorcycles.

Combustibles Any substances or articles that are capable of undergoing combustion or catching fire, or that are flammable, if retained.

Commissioner The Commissioner of Financial Institutions.

Control Solely for purposes of determining whether a repossession agency controls, is controlled by, or is under common control with another person means:

a. the power or authority, whether exercised directly or indirectly, to direct or cause the direction of management and/or policies of a legal entity by contract or otherwise; or

b. to directly or indirectly own of record or beneficially hold with the power to vote, or hold proxies with discretionary authority to vote, 50 percent or more of the then outstanding voting securities issued by a repossession agency, when such control is used with respect to a specified person or legal entity;

c. for all other purposes, control means the power or authority, whether exercised directly or indirectly, to direct or cause the direction of management and/or policies of a repossession agency by contract or otherwise.

Dangerous Drugs Any controlled substances as defined in The Uniform Controlled Dangerous Substances Law, R.S. 40:961, et seq.

Deadly Weapon Any instrument or weapon of the kind commonly known as a blackjack, slingshot, bill, sandclub, sandbag, metal knuckles, dirk, dagger, pistol, or revolver, or any other firearm; any knife having a blade longer than 5 inches; any razor with an unguarded blade; and any metal pipe or bar used or intended to be used as a club.

Individual A natural person.

Office The Office of Financial Institutions.

Person A natural person, corporation, partnership, trust, association, joint venture pool, syndicate, unincorporated organization, limited liability company, or any other form of entity not specifically listed herein.

Personal Effects Movable property not covered by a security agreement, which is contained in or on collateral at the time it is repossessed.

Qualifying Agent The responsible officer or executive employee of a repossession agency designated as qualifying agent and who meets the requirements of a repossession agent.

Repossession Agency Any person who through a designated repossession agent engages in business or accepts employment to locate or recover collateral registered under the provisions of the Louisiana Vehicle Certificate of Title

Law, R.S. 32:701 et seq., which has been sold under a security agreement or used as security in a loan transaction, including any secured party which utilizes its employees to repossess collateral.

Repossession Agent An individual who physically obtains possession of collateral for a secured party and engages in business or accepts employment to locate or recover collateral registered under the provisions of the Louisiana Vehicle Certificate of Title Law, R.S. 32:701 et seq., which has been sold under a security agreement or used as security in a loan transaction, including a secured party's employee who repossess collateral pursuant to the Additional Default Remedies, Act R.S. 6:965, et seq.

Repossessor The repossession agency, qualifying agent, or repossession agent.

AUTHORITY NOTE: Promulgated in accordance with R.S. 6:966.1(D).

HISTORICAL NOTE: Promulgated by the Office of the Governor, Office of Financial Institutions, LR 30:2810 (December 2004)

§1303. Licensing Requirements and Qualifications

A. No person shall engage in business as a repossession agency, qualifying agent or repossession agent in this state without first filing an application, paying a non-refundable application fee, and obtaining a license from the commissioner. Every application for a license shall contain such information as the commissioner may require when determining if the applicant meets the qualifications and requirements for a license. Each license expires December 31 and shall be renewed annually by the licensee.

B. Repossession Agency

1. No license shall be issued unless the commissioner, upon investigation, finds that the financial responsibility, character, and fitness of the applicant's qualifying agent/manager, owners, partners if the applicant is a partnership, members if the applicant is a limited liability company, officers and directors if the applicant is a corporation, and the applicant if a sole proprietorship are such as to warrant a belief that the business shall be conducted honestly and fairly within the purposes of this Chapter and each such person shall meet the following requirements:

a. be 18 years of age or older and a citizen of the United States or a resident alien holding proper documentation to work in the United States;

b. be of good character and fitness; and

c. not been convicted of a felony in the previous 10 years, regardless that the conviction was expunged, set aside, or received a first offense pardon. The only felony conviction which shall not be considered for purposes of this Chapter is one which received a governor's pardon or president's pardon. The commissioner may require fingerprint cards be submitted with the application.

2. A repossession agency, or its qualifying agent, shall have and maintain a surety bond covering all of its agents and employees of not less than \$1,000,000 issued by an insurer licensed to conduct business in the state of Louisiana by the Louisiana Department of Insurance or a client protection bond approved by the commissioner which has been issued by an association.

3. A repossession agency must have commercial general liability insurance covering personal injury and

property damage with per occurrence, general aggregate and comprehensive aggregate limits of \$1,000,000; garage liability insurance covering any motor vehicle per accident limits of \$1,000,000; and garage keepers legal insurance with limits of \$300,000 direct primary coverage. The Office of Financial Institutions shall be named as the certificate holder and as an additional insured on all required insurance policies.

4. A repossession agency shall designate an individual as its qualifying agent who shall be licensed by the commissioner as a qualifying agent.

5. No license shall be issued in any name other than its legal name. No license shall be issued in any name which may be confused with or which is similar to any federal, state, parish, or municipal governmental function or agency, or in any name which may tend to describe any business function or enterprise not actually engaged in by the applicant, or in any name which is the same as or so similar to that of any existing repossession agency as would tend to deceive the public, or in any name which would otherwise tend to be deceptive or misleading.

6. Failure to respond to any request by the office for additional information or documentation within 45 days of the request will result in the application being withdrawn from consideration and will require the filing of a new application and payment of an additional licensing fee.

C. Qualifying Agent

1. To obtain a license as a qualifying agent the applicant shall meet the following requirements:

a. be 18 years of age or older and a citizen of the United States or a resident alien holding proper documentation to work in the United States;

b. be of good character and fitness;

c. not have been convicted of a felony in the previous 10 years, notwithstanding that the conviction was expunged, set aside, or received a first offense pardon. The only felony conviction which shall not be considered for purposes of this Chapter is one which received a governor's pardon or presidential pardon. The commissioner may require fingerprint cards be submitted with the application;

d. be a member of an approved association;

e. have three years experience as a repossession agent within the previous five years; and

f. have received a designation as a certified recovery specialist from a recognized national certification program.

2. The qualifying agent shall be designated by the repossession agency. No licensing fee will be assessed for a qualifying agent.

3. The commissioner shall issue to each qualifying agent, an identification card which shall include at a minimum his name, the name of the repossession agency with which he is employed, an identification number assigned by the commissioner, and his driver's license number.

4. Failure to respond to any request by the office for additional information or documentation within 45 days of the request will result in the application being withdrawn from consideration and will require the filing of a new application and payment of additional licensing fee.

D. Repossession Agent

1. To obtain a license as a repossession agent the applicant shall meet the following requirements:

a. be 18 years of age or older and a citizen of the United States or a resident alien holding proper documentation to work in the United States;

b. be of good character and fitness;

c. not have been convicted of a felony in the previous 10 years, notwithstanding that the conviction was expunged, set aside, or received a first offense pardon. The only felony conviction which shall not be considered for purposes of this Chapter is one which received a governor's pardon or president's pardon. The commissioner may require fingerprint cards be submitted with the application;

d. have two years experience as a repossession agent or apprentice within the previous three years; and

e. have received a designation as a certified recovery specialist from a recognized national certification program.

2. The commissioner shall issue to each repossession agent an identification card which shall include at a minimum his name, the name of the repossession agency with which he is employed, an identification number assigned by the commissioner, and his driver's license number.

3. Failure to respond to any request by the office for additional information or documentation within 45 days of the request will result in the application being withdrawn from consideration and will require the filing of a new application and payment of additional licensing fee.

E. Apprentice

1. A licensed repossession agency may apply for the licensing of a previously unlicensed individual as an apprentice by providing to the commissioner a letter of intent to sponsor and accept responsibility for the apprentice applicant.

2. Upon receipt of a letter of intent to sponsor, an application completed by the apprentice, and the non-refundable fee, the commissioner shall issue a letter of approval, provided the apprentice applicant satisfies the qualification requirements of §1303.D.1.a, b and c.

3. No repossession agency shall sponsor more than one apprentice for every two licensed repossession agents at any one time.

F. Previous Experience as a Repossession Agent

1. A year's experience shall consist of not less than 1,000 hours of actual compensated work performed by the applicant with a repossession agency preceding the filing of an application.

2. An applicant shall substantiate the claimed hours of qualifying experience and the exact details as to the character and nature thereof by written certifications from the employer, subject to independent verification by the commissioner as he may determine. In the event of inability of an applicant to supply the written certifications from the employer in whole or in part, applicants may offer other written certifications from persons other than employers substantiating employment for consideration by the commissioner.

G. Continuing Education

1. Each qualifying agent, repossession agent, and apprentice shall complete a minimum of eight hours of collateral recovery education prior to license renewal.

2. Each qualifying agent and repossession agent shall submit with his renewal application documentation which provides name and address of the education provider, name of the course, date and number of hours attended.

3. The commissioner may determine if a continuing education course is not acceptable and require an additional continuing education course be taken within a specified period of time.

4. A continuing education course approved or offered by an approved association is deemed acceptable.

H. Request for a Hearing. Upon written request, an applicant may seek a hearing on the question of his qualification for a license if the commissioner has notified the applicant in writing that his application has been denied. A request for a hearing may not be made more than 30 days after the applicant has received the written notification that the application was denied and stating the commissioner's findings in support of the denial of the application.

AUTHORITY NOTE: Promulgated in accordance with R.S. 6:966.1(D).

HISTORICAL NOTE: Promulgated by the Office of the Governor, Office of Financial Institutions, LR 30:2811 (December 2004).

§1305. Renewal Application; Change of Control; Change of Location; Change of Name

A. Annually by November 1 each repossession agency, qualifying agent, repossession agent, and apprentice shall file a renewal application and with the exception of the qualifying agent pay a non-refundable renewal fee.

1. An annual renewal application received by the commissioner postmarked after December 1 shall be accompanied by a late filing fee, in addition to the annual renewal fee.

2. If the annual renewal application and renewal fee are not received postmarked by December 31, the license shall lapse without a hearing or notification, and the license shall not be reinstated; however, the person whose license has lapsed may apply for a new license. No new license shall be issued upon the filing of a new application by any person against whom any penalty or late fee has been imposed unless and until such penalty or late fee previously accrued under this Section has been paid, and the commissioner has determined that the applicant has the requisite qualifications for a license.

B. No license shall be sold or otherwise transferred.

1. No person shall acquire or control a repossession agency license through the acquisition or control of 50 percent or greater ownership interest in a repossession agency without first filing a change of control application for approval by the commissioner and paying a non-refundable change of control fee. The change of control application shall be in a form prescribed by the commissioner. The commissioner shall consider the same factors and the applicant shall meet the same requirements as were required for the initial license application.

2. A repossession agency shall notify the commissioner of any anticipated change in any individual with power to direct the management or policies of a person regulated by this Chapter, including but not limited to any

officer, director, member or manager. The commissioner shall have the authority to remove any person who does not meet the requirements of §1303.B.1.

3. A repossession agency, in the event of an anticipated change of control, shall at least 60 days prior to the anticipated effective date file with the commissioner a change of control application, along with any legal documents which transfer ownership or control. Unless additional information is required, the commissioner shall review the application and information submitted and shall issue either an approval or denial of the change of control within 60 days of the receipt of the application.

4. Upon written request, a change of control applicant may seek a hearing on the question of his qualification for a license if the commissioner has notified the applicant in writing that his application has been denied.

5. A request for a hearing may not be made more than 30 days after the applicant has received the written notification that the application for change of control was denied and stating the commissioner's findings in support of the denial of the application, or more than 60 days after filing of the complete application when no approval has been granted.

6. Any person who acquires controlling interest in a repossession agency license without first filing an application and obtaining the commissioner's approval shall be deemed to be operating without proper authority under this Chapter.

C. A repossession agency shall make application to the commissioner and pay a fee prior to a change of its qualifying agent. However, if the qualifying agent leaves without notice, the repossession agency will have three business days to make application and pay the fee.

D. A repossession agency shall give the commissioner 30-day prior written notice of any name change or location change and pay a non-refundable fee.

E. A repossession agency shall notify the commissioner in writing within 30 days after ceasing to do business in this state.

AUTHORITY NOTE: Promulgated in accordance with R.S. 6:966.1(D).

HISTORICAL NOTE: Promulgated by the Office of the Governor, Office of Financial Institutions, LR 30:2813 (December 2004).

§1307. Fees

A. All fees are non-refundable.

1. License Application Fee

a. Repossession agency (which includes qualifying agent) ~~CS~~\$1500

b. Repossession agent ~~CS~~\$400

c. Apprentice ~~CS~~\$400

2. License Renewal Application Fee and Late Payment Penalty

a. Repossession agency (which includes qualifying agent) ~~CS~~\$1,000; late fee ~~CS~~\$500

b. Repossession agent ~~CS~~\$300; late fee ~~CS~~\$150

c. Apprentice ~~CS~~\$300; late fee ~~CS~~\$150

3. Repossession Agency Change of Control Application Fee

a. \$1,000

b. Penalty for late notice ~~CS~~\$500

4. Change of Designated Qualifying Agent

- a. \$500
- b. Penalty for late notice **\$250**
- 5. Change of Location; Change of Name
 - a. \$300
 - b. Penalty for late notice **\$150**
- 6. Replacement Identification Card
 - a. \$500
 - b. Penalty to repossession agent for failure to return identification card when employment ceases for any reason **\$1,000**
- 7. Examination Fee
 - a. \$50 per hour, per examiner
 - b. Penalty for failure to pay examination fee within 30 days of billing **\$500**

AUTHORITY NOTE: Promulgated in accordance with R.S. 6:966.1(D).

HISTORICAL NOTE: Promulgated by the Office of the Governor, Office of Financial Institutions, LR 30:2813 (December 2004).

§1309. Conduct of Business

A. Repossession Agency

1. A repossession agency shall at all times be responsible for those actions of its employees, including its manager, performed in violation of state law and this Chapter when acting within the course and scope of his or her employment.

2. A repossession agency shall maintain a file or record of the name, address, commencing date of employment, and position of each employee, and the date of termination of employment when an employee is terminated. The file and records, together with usual payroll records, shall be available for inspection by the commissioner or his designee, and copies thereof, and information pertaining thereto or contained therein, shall be submitted to the commissioner upon request.

3. A repossession agency shall publicly display the repossession agency's license and qualifying agent's license at its place of business.

4. A repossession agency shall give written notice within five business days following the termination of a repossession agent or apprentice and reasons for the termination.

B. A repossession agent shall notify the appropriate law enforcement agency immediately after collateral repossession and shall provide to the law enforcement agency a description of the collateral, vehicle license plate number, vehicle identification number, name of debtor, name of secured party, and address at which the repossession is occurring.

C. A repossession agent shall at all times, during the repossession of collateral, carry his identification card issued by the commissioner, along with his pictured driver's license. He shall also have documentation from the secured party authorizing repossession of the collateral and a copy of the repossession notice sent by the secured party to the debtor.

D. A repossession agent may make multiple attempts to repossess collateral without the necessity of an additional notice from the secured party to the debtor which is required in R.S. 6:966(A)(2).

E. No charge shall be made for services incurred in connection with the recovery, transportation, and storage of collateral, including repair work, except under terms agreed

to in writing by the responsible party at the time of the repossession authorization or specifically agreed upon at a subsequent time.

F. Within seven days after a violent act has occurred involving a repossession agency or any officer, partner, qualifying agent, repossession agent, apprentice or any other repossession agency employee, while acting within the course and scope of his or her employment, which results in a police report or bodily harm or bodily injury, the repossession agency, qualifying agent, repossession agent, or apprentice or any other repossession agency employee, shall mail or deliver to the commissioner a notice concerning the incident upon a form provided by the commissioner. A copy of the notice shall be provided to the secured creditor.

G. Every advertisement by a repossession agency, soliciting or advertising business, shall contain the repossession agency's name, address, and license number as they appear in the records of the office.

H. A repossession agent can contract with a licensed tow truck operator, who is not a licensed repossession agent, to assist with repossessions under the direction and in the presence of a licensed repossession agent.

AUTHORITY NOTE: Promulgated in accordance with R.S. 6:966.1(D).

HISTORICAL NOTE: Promulgated by the Office of the Governor, Office of Financial Institutions, LR 30:2814 (December 2004).

§1311. Personal Effects

A. If personal effects not covered by a security agreement, are contained in or on collateral at the time it is recovered, the effects shall be removed from the collateral subject to the security interest, a complete and accurate inventory shall be made, and the personal effects shall be stored in a labeled container by the repossession agency at a location agreed to by the repossession agency and the secured party.

B. The inventory shall be in writing, shall state the date and time that it was made, shall include the name, address, business hours, and phone number of the person at the repossession agency to contact for recovering the personal effects and an itemization of all personal effect storage charges that shall be made by the repossession agency and shall be signed by the repossession agency employee who performs the inventory.

C. The following items of personal effects are items determined to present a danger or health hazard when recovered by the repossession agency and shall be disposed of in the following manner:

1. deadly weapons and dangerous drugs shall be turned over to a local law enforcement agency for retention. These items shall be entered on the inventory and a notation shall be made as to the date and the time and the place the deadly weapon or dangerous drug was turned over to the law enforcement agency, and a receipt from the law enforcement agency shall be maintained in the records of the repossession agency;

2. combustibles shall be inventoried and noted as "disposed of, dangerous combustible," and the item shall be disposed of in a reasonable, safe, and legal manner; and

3. food and other health hazard items shall be inventoried and noted as "disposed of, health hazard," and disposed of in a reasonable, safe, and legal manner.

D. Any personal effects unclaimed after 30 days reverts to the secured lender.

AUTHORITY NOTE: Promulgated in accordance with R.S. 6:966.1(D).

HISTORICAL NOTE: Promulgated by the Office of the Governor, Office of Financial Institutions, LR 30:2814 (December 2004).

§1313. Examination and Record Keeping

A. The commissioner shall have the power to examine all books, records, and accounts of all persons regulated under this Chapter.

B. Each repossession agency required to be licensed under this Chapter shall maintain in its offices such books, records, and accounts of its repossession activities as the commissioner may prescribe by policy as required to determine whether such repossession agency is complying with the provisions of this Chapter and the rules, regulations, and policies promulgated under the provisions of the Additional Default Remedies Act, R.S. 6:965, et seq.

C. Such books, records, and accounts shall be maintained separate and apart from any other business which the agency is involved. If the repossession agency's books, records, and accounts are located outside the state, the agency, at the commissioner's option, shall make them available to the commissioner at a location within the state convenient to the commissioner, or pay the reasonable and necessary expenses for the commissioner or his representatives to examine them at the place where they are maintained.

AUTHORITY NOTE: Promulgated in accordance with R.S. 6:966.1(D).

HISTORICAL NOTE: Promulgated by the Office of the Governor, Office of Financial Institutions, LR 30:2815 (December 2004).

§1315. Prohibitions

A. A repossession agency shall not:

1. use a name other than that which is on its license;
2. contract with a secured party for self-help repossession who is not authorized by the Additional Default Remedies Act to use the provisions of that Act;
3. allow an unlicensed person to repossess collateral;

or

4. allow an apprentice to repossess collateral without on-site supervision of a repossession agent;

5. use a tow truck unless such vehicle is compliant with the applicable provisions and rules of the Louisiana Towing and Storage Act (R.S. 32:1771 et seq. and LAC 55:1901 et seq.)

B. A repossession agent and apprentice under his supervision shall not:

1. repossess collateral as agent for anyone other than the repossession agency with which he is employed and licensed;

2. identify himself with a name or repossession agency other than the one with which he is licensed;

3. carry a dangerous weapon on his person or in his vehicle when repossessing collateral;

4. repossess collateral while under the influence of alcohol or a dangerous drug;

5. wear any clothing, badge, insignia, or any other item usually identified with law enforcement officers;

6. remove any personal effects from a repossessed automobile for personal use; or

7. fail to return his identification card to the commissioner within 10 days from ceasing employment with the repossession agency with which he is licensed.

C. A repossession agent and apprentice under his supervision shall not breach the peace which includes, but is not limited to:

1. unauthorized entry by a repossessor into a closed dwelling, whether locked or unlocked;

2. oral protest by a debtor to the repossessor against repossession prior to the repossessor seizing control of the collateral shall constitute a breach of the peace by the repossessor.

AUTHORITY NOTE: Promulgated in accordance with R.S. 6:966.1(D).

HISTORICAL NOTE: Promulgated by the Office of the Governor, Office of Financial Institutions, LR 30:2815 (December 2004).

§1317. Powers of the Commissioner

A. The commissioner shall have the power to issue subpoenas to any person for the purpose of discovering violations in this Chapter and to require the attendance of witnesses or the production of documents, conduct hearings in aid of any investigation or inquiry, administer oaths, and examine under oath any person in connection with the repossession activities of a repossession agency, qualifying agent, repossession agent, or apprentice. Service of any notice, order, or subpoena may be made by personal service or certified mail.

B. The commissioner shall have the power to issue cease and desist orders to protect the public's welfare.

C. After notice and opportunity to be heard as provided in the Administrative Procedure Act, the commissioner may revoke the license of a repossession agency, qualifying agent, or repossession agent that:

1. violates, in substance or in form, any of the provisions of this Chapter or any rule, regulation, or policy promulgated, or any order, including a cease and desist order, issued pursuant to the Additional Default Remedies Act;

2. has knowingly provided or caused to be provided to the commissioner any false or fraudulent misrepresentation of material fact or any false or fraudulent financial statement, or has suppressed or withheld from the commissioner any information which if submitted by him would have resulted in denial of the license application;

3. refuses to permit an examination by the commissioner of his books and affairs or has refused or failed within a reasonable time, as determined by the commissioner, to furnish any information or make any report that may be required by the commissioner under the provisions of this Chapter;

4. fails to maintain records as required by the commissioner after being given written notice and 30 days within which to correct the failure. The commissioner may grant, on good cause shown, up to two 30-day extensions within which to correct the recordkeeping violations;

5. continues in office or employment any individual with power to direct the management or policies of a person regulated by the Chapter, including but not limited to any

officer, director, or manager, if such individual is convicted of, pleads guilty to, or enters a plea of nolo contendere of any felony under any state or federal law;

6. violates any provision of a regulatory or prohibitory statute and has been found to have violated such statute by the governmental agency responsible for determining such violations;

7. knowingly engages in any transaction, practice, or course of business which perpetrates a fraud upon any person in connection with any collateral repossession;

8. fails to pay any fee or assessment imposed by this Chapter or by any rule, regulation, or policy promulgated in accordance with the Additional Default Remedies Act; or

9. fails, after notice and without lawful excuse, to obey any order or subpoena issued by the commissioner.

D. The commissioner may report egregious violations to the attorney general or to the district attorney of the appropriate parish, who may institute the proper proceedings to enjoin the violation and enforce the penalties provided for by this Chapter.

E. The commissioner may make public any administrative action instituted against a repossession agency, repossession agent, or apprentice for a violation of this Chapter or R.S. 6:965 et seq., including cease and desist orders, civil money penalty assessment, license suspension, revocation or application denial.

F. The commissioner may issue advisory opinions and interpretations regarding this Chapter, and such advisory opinions and interpretations shall not be considered rules requiring compliance with the rulemaking process of the Louisiana Administrative Procedure Act. The commissioner and the employees of the Office of Financial Institutions shall have no liability to any person with respect to an advisory opinion or interpretation issued in connection with this Chapter.

G. All grounds for suspension or revocation listed in this Chapter are violations of the Additional Default Remedies Act and may serve as the basis for any other enforcement action provided to the commissioner by said Act.

H. The commissioner may enter into cooperative and reciprocal agreements with the regulatory authorities of the federal government or of any state for the periodic examination of persons engaging in the business of collateral repossession and may accept reports of examination and other records from such authorities in lieu of conducting his own examinations. The commissioner may enter into joint actions with other regulatory bodies having concurrent jurisdiction or may enter into such actions independently to carry out his responsibilities under this Chapter and assure compliance with the laws of this state.

I. In addition to any other authority conferred upon the commissioner by this Chapter or the Additional Default Remedies Act, the commissioner may impose a penalty not exceeding \$1,000 per violation, per day which the violation continues, upon any person who he has determined to have violated this Chapter or any law in connection with self-help repossession.

AUTHORITY NOTE: Promulgated in accordance with R.S. 6:966.1(D).

HISTORICAL NOTE: Promulgated by the Office of the Governor, Office of Financial Institutions, LR 30:2815 (December 2004).

§1319. Notification or Service

A. Whenever a person becomes licensed by the commissioner, pursuant to this Chapter, such person shall provide a physical address to the commissioner that may be used as a basis for service or notification of any order or other issuance or communication by the commissioner to such person. Whenever such person changes his physical address, he shall notify the commissioner at least 30 days prior to the change. Notification or service of any order, notice, or other issuance or communication by the commissioner by certified mail to the address most recently provided to him by the person shall satisfy all requisites of service required for any registration, administrative enforcement, or other action, undertaken by him pursuant to the Louisiana Administrative Procedure Act or otherwise, in connection with such person.

AUTHORITY NOTE: Promulgated in accordance with R.S. 6:966.1(D).

HISTORICAL NOTE: Promulgated by the Office of the Governor, Office of Financial Institutions, LR 30:2816 (December 2004).

§1321. Severability

A. If any provision or item of this regulation, or the application thereof, is held invalid, such invalidity shall not affect other provisions, items, or applications of the regulation which can be given effect without the invalid provisions, items, or application.

AUTHORITY NOTE: Promulgated in accordance with R.S. 6:966.1(D).

HISTORICAL NOTE: Promulgated by the Office of the Governor, Office of Financial Institutions, LR 30:2816 (December 2004).

John Ducrest, CPA
Commissioner

0412#063

RULE

Office of the Governor Office of Financial Institutions

Savings and Loan Holding Companies
(LAC 10:V.1141, 1143, and 1145)

The Louisiana Office of Financial Institutions, pursuant to the authority contained in R.S. 6:101, et seq., the Louisiana Banking Law, and in accordance with R.S. 49:950 et seq., the Louisiana Administrative Procedure Act, hereby promulgates the following Rule to repeal Subchapter B.Savings and Loan Holding Companies, from the *Louisiana Administrative Code*. This action is necessary because the primary regulator and chartering authority for savings and loan holding companies is the Federal Office of Thrift Supervision, thus this Rule is rendered obsolete and no longer necessary. Repeal of this Rule will ensure consistent treatment for all holding companies of banks, savings banks, and savings and loan associations.

Title 10

FINANCIAL INSTITUTIONS, CONSUMER CREDIT, INVESTMENT SECURITIES AND UCC

Part V. Thrifts

Chapter 11. Powers of Homesteads and Building and Loan Associations

Subchapter B. Savings and Loan Holdings Companies

§1141. Definitions

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 6:902(B) and 6:903.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Office of Financial Institutions, LR 14:225 (April 1988), repealed by the Office of the Governor, Office of Financial Institutions, LR 30:2817 (December 2004).

§1143. Formation

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 6:902(B) and 6:903.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Office of Financial Institutions, LR 14:225 (April 1988), repealed by the Office of the Governor, Office of Financial Institutions, LR 30:2817 (December 2004).

§1145. Administration

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 6:902(B) and 6:903.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Office of Financial Institutions, LR 14:226 (April 1988), repealed by the Office of the Governor, Office of Financial Institutions, LR 30:2817 (December 2004).

John Ducrest, CPA
Commissioner

0412#062

RULE

Department of Health and Hospitals Board of Embalmers and Funeral Directors

Embalmers and Funeral Directors
(LAC 46:XXXVII.Chapters 1-23)

In accordance with the applicable provisions of R.S. 49:950 et seq., the Administrative Procedure Act, and pursuant to the authority granted by R.S. 37:840 notice is hereby given that the Department of Health and Hospitals, Board of Embalmers and Funeral Directors has amended LAC 46:XXXVII, Chapters 1, 3, 5, 7, 9, 11, 13, 15, 17, 19, and 23. Additionally, Chapters 12 and 20 have been added. The board finds it necessary to revise, amend and/or add provisions of the rules, regulations and procedures relative to providing useful guidance and information for the purpose of improving regulatory compliance and to enhance understanding of these changes, as well as to advise of fee changes which have been passed by the legislature.

Title 46

PROFESSIONAL AND OCCUPATIONAL STANDARDS

Part XXXVII. Embalmers and Funeral Directors

Chapter 1. General Provisions

§101. Definitions

A. The terms *Board*, *Embalmer*, *Funeral Directing*, *Funeral Director*, *Crematory*, *Crematory Retort Operator*, *Intern*, and *Certificate*, are as defined in Section 831 of the embalming statute, as amended by Act 19 of 1966 and Act 1243 of 2003.

B. *Establishment* is a licensed funeral home which shall consist of the following: adequate parlors or chapel, adequate separate toilet facilities for both men and women, an adequate climate control system, display room, office or arrangement room, embalming room and other furnishings, equipment and facilities of suitable and dignified quality with signage sufficient to be visible from the street to adequately serve the public.

AUTHORITY NOTE: Adopted in accordance with R.S. 37:831 and R.S. 37:840.

HISTORICAL NOTE: Adopted by the Department of Health and Human Resources, Board of Embalmers and Funeral Directors, August 1966, amended by the Department of Health and Hospitals, Board of Embalmers and Funeral Directors, LR. 30:2817 (December 2004).

§103. Duties of Officers

A. The president shall be the presiding officer at all meetings and is required to call a meeting at least once a year or more often, if necessary, for the proper and efficient performance of the board's functions. In the absence of the president, the vice president shall assume these duties.

B. The secretary shall keep a record of the proceedings of all meetings of the board and of all other matters of which a record shall be ordered by the board. He shall issue all notices of meetings of the board; prepare an agenda for and keep minutes of such meetings, and a record of individual attendance at the meetings of the board; and shall perform all such other duties as are usually incident to his office or as may be required by the president or the board.

C. The duties of the treasurer shall be to comply with R.S. 37:838 of Act 19, 1966.

AUTHORITY NOTE: Adopted in accordance with R.S. 37:831 and R.S. 37:840.

HISTORICAL NOTE: Adopted by the Department of Health and Human Resources, Board of Embalmers and Funeral Directors, August 1966, repromulgated by the Department of Health and Hospitals, Board of Embalmers and Funeral Directors, LR 30:2817 (December 2004).

§105. Special Meetings

A. Special meetings of the board may be called by the president at any time. Special meetings may also be called upon the written request of three members, which request must specify the purpose of the meeting, and the president then shall call such a meeting. Notice of such special meeting specifying the purpose thereof shall be mailed by the secretary to each member at least five days in advance of the date set for such special meeting.

AUTHORITY NOTE: Adopted in accordance with R.S. 37:831 and R.S. 37:840.

HISTORICAL NOTE: Adopted by the Department of Health and Human Resources, Board of Embalmers and Funeral Directors, August 1966, repromulgated by the Department of Health and Hospitals, Board of Embalmers and Funeral Directors, LR 30:2817 (December 2004).

§107. Advertising

A. The use of misleading or false advertising will constitute unprofessional conduct. The following classes of advertising shall be deemed to be misleading:

1. advertising the price of caskets exclusively, without stating that the price does not include other merchandise and services, since the natural inference of the public is that the advertised price of caskets includes the price of the service;

2. offering service at "cost" plus a percentage, when the determination of the "cost" lies within the control of the funeral director or embalmer and is not advertised and included within the General Price List of the funeral home;

3. advertising or sale of certificates or stock participation or any form of agreement which creates the impression with the purchaser, when such is not a fact, that he becomes a part owner in the advertiser's establishment and therefore entitled to special price privileges for funeral services;

4. advertising which impugns the honesty, trustworthiness, of the business or professional standards of competitors, or which states that the prices charged by competitors are considerably higher than those charged by the advertiser, when such is not the fact;

5. advertising which represents the advertiser to be the special defender of the public interest or which makes it appear that the advertiser is subjected to the combined attack of competitors. Such expressions as "independent," "not in the trust," "not controlled by the combine," and other expressions having the same import shall be deemed to be misleading unless it be shown by the advertiser that there is a "trust," or a "combine" and that other funeral directors constitute a monopoly for the purpose of maintaining prices or for any other purpose; and the burden of proving such "trust," "combine," or "monopoly" shall be upon the advertiser asserting the existence of the same.

B. It is prohibited for a licensed funeral establishment to authorize advertising by others not licensed by this board, when such advertising offers services and/or merchandise primarily performed and offered by a licensed funeral director/embalmer and establishment, as defined in R.S. 37:831-861. Such advertising shall be considered as an inducement when used along with or in conjunction with plans, merchandise, pre-need plans, or the like which are normally sold by others. The above rule does not, however, prohibit a licensed funeral establishment from advertising an affiliation with an insurance company.

AUTHORITY NOTE: Adopted in accordance with R.S. 37:840.

HISTORICAL NOTE: Adopted by the Department of Health and Human Resources, Board of Embalmers and Funeral Directors, August 1966, amended LR 4:227 (June 1978), LR 5:279 (September 1979), amended by the Department of Health and Hospitals, Board of Embalmers and Funeral Directors, LR 30:2818 (December 2004).

§109. Attire for Embalmers and Crematory Retort Operators

A. Each Louisiana licensed embalmer or intern, while engaged in embalming a dead human body, shall be attired in a clean and sanitary smock or gown; and the body being embalmed shall at all times be covered so as to insure the privacy of said body.

B. Each Louisiana licensed embalmer or intern, while engaged in embalming a dead human body, shall be properly attired to provide for his/her own safety as well as the safety of others and in that regard, it is suggested that the proper attire of the embalmer or intern shall include the following:

1. a sanitary waterproof disposable gown, apron or smock;

2. clean and sanitary rubber or latex gloves;

3. a mask or some other type of protective shield for eye and face protection; or

4. any other applicable safety devices required by OSHA.

C. Protective clothing should be removed before leaving the preparation room and deposited within a container that can be properly disposed of in accordance with governmental codes covering such disposals.

D. Every crematory authority shall make available for use by the crematory retort operator, while engaged in the process of cremating a dead human body, heat resistant gloves and apron; protective face shield (heat reflective); and, any other applicable safety devices required by OSHA.

AUTHORITY NOTE: Adopted in accordance with R.S. 37:840.

HISTORICAL NOTE: Adopted by the Department of Health and Human Resources, Board of Embalmers and Funeral Directors, August 1966, amended by the Department of Health and Hospitals, Board of Embalmers and Funeral Directors, LR 15:10 (January 1989), LR 30:2818 (December 2004).

§111. Mandatory Disclosure

A. Every funeral establishment in this state and/or the funeral service licensee thereof shall give or cause to be given to the person or persons making funeral arrangements, either at need or pre-need, or arranging for the disposition of a dead human body, at the time such arrangements are completed and prior to the time of rendering the service and/or providing the merchandise, a written statement showing to the extent then known:

1. the price of the service that the person or persons have selected and what is included therein;

2. the price of each of the supplemental items of service and/or merchandise required;

3. the amount involved for each of the items for which the firm will advance monies as an accommodation of the family;

4. the method of payment.

B. If the funeral establishment charges for purchasing a cash advance item, or if it receives and retains a rebate, commission, or trade or volume discount for a cash advance item, it must make the following disclosure:

"We charge you for our services in obtaining: (specify cash advance items)."

C. All funeral merchandise and/or services offered by a licensed establishment in this state shall be available for viewing by the general public and the price shall be

prominently displayed on or immediately next to the merchandise or service.

D. Should a funeral home be designated in a pre-need funeral arrangement contract and designated further as a beneficiary of funds from any source which are to be used to fund the proposed funeral service, and should a funeral service not be provided, then the said funeral home shall refund the entire amount of the proceeds received to the estate of the deceased, unless directed otherwise within the pre-need funeral arrangement contract.

E. If for any reason the casket and/or merchandise selected at the time of the prepaid, pre-need arrangement contract is not available at the time of death, then the funeral home must offer a similar casket and/or merchandise that is equal to or greater than the at-need value of the casket and/or merchandise selected at pre-need.

F. Disclosures as required by the FTC's Funeral Industry Practices Rule must be provided to the person or persons inquiring about and/or making funeral arrangements.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:840.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Board of Embalmers and Funeral Directors, LR 5:280 (September 1979), amended by the Department of Health and Hospitals, Board of Embalmers and Funeral Directors, LR 17:1101 (November 1991), LR 30:2818 (December 2004).

§113. Right of Care of Remains

A. A funeral establishment, its employees, and licensees shall not respond to a death call unless properly contacted and requested.

B. When determining the right of care of remains the funeral establishment shall look to the provisions of R.S. 8:655 as a guideline to determine the order of preference in dealing with representatives of the deceased for interment and/or the provisions of R.S. 37:876 as a guideline as it relates to cremation.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:840.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Embalmers and Funeral Directors, LR 19:1423 (November 1993), amended by the Department of Health and Hospitals, Board of Embalmers and Funeral Directors, LR 30:2819 (December 2004).

Chapter 3. Application

§301. Application Forms

A. Applications for a funeral director license or a combination embalmer and funeral director license shall be made on forms as provided by the board.

AUTHORITY NOTE: Adopted in accordance with R.S. 37:840.

HISTORICAL NOTE: Adopted by the Department of Health and Human Resources, Board of Embalmers and Funeral Directors, August 1966, amended LR 5:277 (September 1979), repromulgated by the Department of Health and Hospitals, Board of Embalmers and Funeral Directors, LR 30:2819 (December 2004).

§303. Notarization; Fee

A. Application for license shall be sworn to by applicant before a notary public and be accompanied by a fee as established by the board.

AUTHORITY NOTE: Adopted in accordance with R.S. 37:840.

HISTORICAL NOTE: Adopted by the Department of Health and Human Resources, Board of Embalmers and Funeral Directors,

August 1966, amended and promulgated LR 5:277 (September 1979), amended LR 11:687 (July 1985), amended by the Department of Health and Hospitals, Board of Embalmers and Funeral Directors, LR 30:2819 (December 2004).

§305. Filing of Application

A. Applications shall be filed with the secretary of the board after the completion and successful passing of the examination, or certification procedure as mandated by the board.

AUTHORITY NOTE: Adopted in accordance with R.S. 37:840.

HISTORICAL NOTE: Adopted by the Department of Health and Human Resources, Board of Embalmers and Funeral Directors, August 1966, promulgated LR 5:277 (September 1979), amended LR 11:687 (July 1985), amended by the Department of Health and Hospitals, Board of Embalmers and Funeral Directors, LR 30:2819 (December 2004).

Chapter 5. Examination

§501. Place and Time

A. Examinations shall be held at those times as the board may deem necessary and expedient either:

1. at the domicile of the board; or
2. at such other location(s) as approved by the board.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:840.

HISTORICAL NOTE: Adopted by the Department of Health and Human Resources, Board of Embalmers and Funeral Directors, August 1966, amended and promulgated LR 5:277 (September 1979), amended LR 11:687 (July 1985), amended by the Department of Health and Hospitals, Board of Embalmers and Funeral Directors, LR 19:744 (June 1993), LR 30:2819 (December 2004).

§503. Examination for Funeral Directors

A. Applicants for a funeral director's license shall be given a written and/or oral examination on subjects approved by the board. These subjects include but are not limited to the following:

1. sociology/funeral history;
2. psychology;
3. funeral directing;
4. business law;
5. funeral service law;
6. funeral service merchandising;
7. accounting/computers;
8. may include a Louisiana laws and regulations test;

and

9. any other such subjects as the board may deem necessary.

AUTHORITY NOTE: Adopted in accordance with R.S. 37:840.

HISTORICAL NOTE: Adopted by the Department of Health and Human Resources, Board of Embalmers and Funeral Directors, August 1966, amended and promulgated LR 5:277 (September 1979), amended LR 11:687 (July 1985), amended by the Department of Health and Human Resources, Board of Embalmers and Funeral Directors, LR 30:2819 (December 2004).

§505. Examination for Combination Embalmer and Funeral Director

A. Applicants for a combination embalmer and funeral director license (hereinafter referred to as "combination license") shall be given a written and/or oral examination on subjects defined in courses required by the American Board of Funeral Service Education and laws, rules, and

regulations of the state of Louisiana, together with any such other subjects as the board may deem necessary.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:840.

HISTORICAL NOTE: Adopted by the Department of Health and Human Resources, Board of Embalmers and Funeral Directors, August 1966, promulgated LR 5:277 (September 1979), amended by the Department of Health and Hospitals, Board of Embalmers and Funeral Directors, LR 19:744 (June 1993) amended LR 30:2819 (December 2004).

§506. Certification of Crematory Retort Operator

A. Applicants for a crematory retort operator shall be certified in the operation of a crematory retort by a certified instructor and a process approved by the board.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:840.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Embalmers and Funeral Directors, LR 30:2820 (December 2004).

§507. Failure to Appear

A. Whenever an applicant shall fail to be present for examination at the time and place set by the board, said applicant shall comply with the requirements of the testing or certifying agency as approved by the board.

AUTHORITY NOTE: Adopted in accordance with R.S. 37:840.

HISTORICAL NOTE: Adopted by the Department of Health and Human Resources, Board of Embalmers and Funeral Directors, August 1966, amended and promulgated LR 5:277 (September 1979), amended LR 11:687 (July 1985), amended by the Department of Health and Hospitals, Board of Embalmers and Funeral Directors, LR 30:2820 (December 2004).

§509. Failing Examination

A. Any applicant for a funeral director or combination license whose application has been accepted by the board, and who shall fail in an examination shall not be entitled to the return of the examination fee. In order to qualify for subsequent examinations, applicant must reapply as provided in R.S. 37:842. In addition, the board, at its discretion, may stipulate certain requirements that deal with preparation and study for the re-examination.

AUTHORITY NOTE: Adopted in accordance with R.S. 37:840.

HISTORICAL NOTE: Adopted by the Department of Health and Human Resources, Board of Embalmers and Funeral Directors, August 1966, amended and promulgated LR 5:277 (September 1979), amended LR 11:687 (July 1985) repromulgated by the Department of Health and Hospitals, Board of Embalmers and Funeral Directors, LR 30:2820 (December 2004).

§511. Cheating

A. Any applicant found to have in his possession material of any nature which, in the opinion of the board, may be used to assist in the examination, shall forfeit the fee paid and be ejected from the examination and may not be entitled to any further consideration.

AUTHORITY NOTE: Adopted in accordance with R.S. 37:840.

HISTORICAL NOTE: Adopted by the Department of Health and Human Resources, Board of Embalmers and Funeral Directors, August 1966, promulgated LR 5:277 (September 1979) amended by the Department of Health and Hospitals, Board of Embalmers and Funeral Directors, LR 30:2820 (December 2004).

§513. Passing Examination

A. When the applicant for a combination license has complied with all requirements, and receives a passing grade of not less than 75 percent on the examination, he shall be entitled to receive a license to practice embalming and funeral directing.

B. When the applicant for a funeral director license has complied with all requirements, and receives a passing grade of not less than 75 percent on the examination for funeral directing, he may be entitled to receive a funeral director license.

AUTHORITY NOTE: Adopted in accordance with R.S. 37:840.

HISTORICAL NOTE: Adopted by the Department of Health and Human Resources, Board of Embalmers and Funeral Directors, August 1966, amended and promulgated LR 5:277 (September 1979), LR 17:271 (March 1991), amended by the Department of Health and Hospitals, Board of Embalmers and Funeral Directors, LR 30:2820 (December 2004).

Chapter 7. License

§701. Renewal and Reinstatement

A. All individual funeral director or combination licenses issued by the board shall expire on the thirty-first day of December of each year and must be renewed on or before that date. All establishment licenses and the *Annual Report of Prepaid Funeral Services or Merchandise* shall also expire on the thirty-first day of December and must be renewed on or before that date. Applications for renewal of licenses must be made to the secretary of the board upon forms furnished by said board and must be accompanied by a renewal fee as established by the board.

B. Application for renewal of a funeral director or combination license and establishment license may be submitted to the board any time after October 1 of each year. When a licensed funeral establishment or individual licensee renews the license, should the check be deficient in any manner, the license shall be considered as non issued and a new application and fee must be submitted.

C. When the holder of a combination or funeral director license has failed to renew his license on or before December 31 of each year, said license shall lapse and a new application and fee must be submitted. In any event, no license will be reinstated without a payment of all fees delinquent from date of lapse to date of reinstatement.

D. When a licensed funeral establishment fails to renew its license on or before December 31 of each year, said license shall lapse. However, same may be reinstated provided that the applicant shall submit to an inspection; and, if the board is satisfied that the applying funeral establishment meets all requirements, it shall issue a license for the remaining portion of the current year upon payment of the application fee as established by the board.

E. As all license applications for combination, funeral director, or funeral establishments are received, the board will process same in a timely fashion and will begin mailing the licenses to the individuals and establishments so applying no later than December 15 of each year.

F. All individual crematory retort operator licenses issued by the board shall expire on the fifteenth day of May of each year and must be renewed on or before that date. All crematory licenses issued by the board shall also expire on the fifteenth day of May and must be renewed on or before

that date. Applications for renewal of licenses must be made to the secretary of the board upon forms furnished by said board and must be accompanied by a renewal fee as established by the board.

G. Application for renewal of a crematory retort operator or crematory license may be submitted to the board anytime after February 15 of each year. When a licensed crematory or individual crematory retort operator renews the license, should the check be deficient in any manner, the license shall be considered as non issued and a new application and fee must be submitted.

H. When a crematory retort operator has failed to renew his license on or before May 15 of each year, said license shall lapse. If the crematory retort operator has failed to renew within the specified time, the license shall be considered as non issued and a new application and fee must be submitted. In any event, no license will be reinstated without a payment of all fees delinquent from date of lapse to date of reinstatement.

I. When a crematory has failed to renew its license on or before May 15 of each year, said license shall lapse. However, same may be reinstated provided that the applicant shall submit to an inspection; and, if the board is satisfied that the applying crematory meets all requirements, it shall issue a license for the remaining portion of the current year upon payment of the application fee as established by the board.

J. As all crematory retort operator and crematory authority applications are received, the board will process same in a timely fashion and will begin mailing the licenses to the individuals and the crematories so applying no later than May 1 of each year.

AUTHORITY NOTE: Adopted in accordance with R.S. 37:840.

HISTORICAL NOTE: Adopted by the Department of Health and Human Resources, Board of Embalmers and Funeral Directors, August 1966, amended December 1970, LR 4:227 (June 1978), LR 5:279 (September 1979), LR 11:687 (July 1985), LR 13:436 (August 1987), amended by the Department of Health and Hospitals, Board of Embalmers and Funeral Directors, LR 21:1237 (November 1995), LR 30:2820 (December 2004).

§703. Duplicate Certificate

A. Any person holding a certificate issued by this board and desiring a duplicate thereof, may obtain same from the secretary of the board upon application accompanied by a fee as established by the board and an affidavit to the effect that same has been misplaced, lost, destroyed or stolen.

AUTHORITY NOTE: Adopted in accordance with R.S. 37:840.

HISTORICAL NOTE: Adopted by the Department of Health and Human Resources, Board of Embalmers and Funeral Directors, August 1966, amended December 1970, amended LR 11:688 (July 1985), amended by the Department of Health and Hospitals, Board of Embalmers and Funeral Directors, LR 30:2821 (December 2004).

§705. License Not Assignable

A. No license shall be assignable or valid for any other person other than the original licensee. A corporation or firm may engage in funeral directing or embalming and hold out to the public that it is engaged in the business of funeral directing or embalming, when and only when, all embalming and funeral directing is performed by or under the direct and

personal supervision of an embalmer or funeral director, duly licensed hereunder.

B. No individual licensed by this board shall be employed to perform the services of funeral directing or embalming as defined in R.S. 37:831 in any capacity for an establishment not licensed in this state.

C. No individual licensed by this board shall be employed to perform the services of cremation as defined in R.S. 37:831 in any capacity for a crematory not licensed in this state.

D. A corporation or firm may engage in the business of cremation and represent that it is engaged in the business of cremation, when and only when, all cremations are performed by or under the direct and personal supervision of a retort operator, duly licensed hereunder.

AUTHORITY NOTE: Adopted in accordance with R.S. 37:840.

HISTORICAL NOTE: Adopted by the Department of Health and Human Resources, Board of Embalmers and Funeral Directors, August 1966, amended by the Department of Health and Hospitals, Board of Embalmers and Funeral Directors, LR 30:2821 (December 2004).

§707. Reciprocal License Requirements

A. Any person desiring a reciprocal Louisiana combination license or funeral director license shall, before practicing, make application on forms furnished by the board, for a "Special Work Permit" to practice embalming and/or funeral directing for a period of six months. Said application shall be accompanied by a permit fee as established by the board, which is not refundable. If applicant meets all requirements, the secretary shall issue a special work permit. The board may, at its discretion, extend the special work permit period.

B.1. All of the requirements of R.S. 37:842(A)(1), (2), (5) and (C)(1) and (4) shall be met by applicant for a combination license and successfully pass an examination on Louisiana laws, rules, and regulations.

2. All of the requirements of R.S. 37:842(A)(1), (2), and (5) shall be met by applicant for a funeral director license and successfully pass an examination on Louisiana laws, rules, and regulations.

C. No special work permit or reciprocal license shall be issued on a special work permit or reciprocal license.

D.1. The special work permit or reciprocal license entitles the licensee to practice embalming and/or funeral directing in this state. However, it shall become null and void if the original license is revoked, suspended, or lapsed.

2. The holder of a special work permit or reciprocal license must be a resident of this state in order to hold a valid special work permit or reciprocal license. The board recognizes that if a reciprocal is fully employed in this state and a resident of this state for a period of five consecutive years his license then becomes a bona fide Louisiana license.

3. The reciprocal licensee may at any time leave the state, continue to hold his license but not be allowed to practice in Louisiana while a resident of another state. If he elects to continue to hold his reciprocal license while a nonresident he may do so. If he should become a Louisiana resident at a later time he will become reinstated as a valid reciprocal state licensee with no additional application fee.

AUTHORITY NOTE: Adopted in accordance with R.S. 37:840 and R.S. 37:842.

HISTORICAL NOTE: Adopted by the Department of Health and Human Resources, Board of Embalmers and Funeral Directors, August 1966, amended LR 11:688 (July 1985), amended by the Department of Health and Hospitals, Board of Embalmers and Funeral Directors, LR 30:2821 (December 2004).

§709. Continuing Education

A. In order to ensure that all licensees maintain and improve upon their professional skills, each person holding a combination license or funeral director license issued by the board is required to participate in continuing education as a condition for renewal of license(s) subject to the conditions described herein.

B. Definitions

Accredited Sponsor—A person or organization conducting or sponsoring a specific program of instruction which has been approved by the board.

Active Licensee—An individual licensed by the board and either practicing funeral directing or embalming in any capacity in this state.

Approved Program—Continuing education program activity which has received prior approval by the board.

Hour of Continuing Education—A 50-minute clock hour completed by a licensee in attendance at an approved continuing education program.

Inactive Licensee—An individual licensed by the board but not practicing funeral directing or embalming in any capacity in this state.

Program Instructor—A person who conducts or presents the Continuing Education to the licensees.

C. Standards for Course Approval. A continuing education activity will be considered for approval if the board, or the executive director on behalf of the board, determines that:

1. it constitutes an organized program of learning that contributes directly to the professional competence of the licensee;
2. it pertains to subject matter which relates to the practice of funeral directing, embalming, or, related subjects; and
3. it is conducted by an individual(s) who has specialized expertise in the subject matter; and
4. it is open and available to all licensees.

D. Approval of Sponsors, Program and Activities

1. Any person or organization who wishes to present an educational program must submit in a form approved by the board an application that outlines the course content, total hours of instructions, the date and location of training and the name(s) and professional qualifications of the instructor(s). Such application shall be submitted at least 30 days in advance of the proposed training and shall be accompanied by a non refundable fee in an amount set by the board. The executive director, on behalf of the board, shall either approve or reject the application within 20 days of application and shall so notify the applicant in writing.

2. Any licensee who seeks credit for participation in an educational activity that did not receive prior approval by the executive director may submit a request for post approval of the activity. Such application shall be in a form approved by the board and shall be submitted within 30 days of the completion of the activity along with a non refundable fee in an amount set by the board. The executive director, on behalf of the board, shall either approve or reject the

application within 30 days of application and shall so notify the applicant in writing. No requests for approval shall be accepted by the executive director less than 30 days prior to the license renewal date.

3. An appeal of denial of an application may be made, in writing, to the board who will rule on the appeal at the next scheduled board meeting. Such appeal must be filed in the board office within 15 days of notification of denial.

4. The board or its authorized representative may monitor, inspect or review any approved continuing education activity and upon evidence of significant variation in the program presented from the program approved, may disapprove all or any part of the approved hours granted the activity.

5. Any person or organization sponsoring or conducting an approved program shall submit, on a form approved by the board, a sworn affidavit attesting to the attendance and satisfactory completion of training of all persons in attendance. Such information shall be provided to the board within 15 days following the presentation of material. The board may initiate disciplinary action against any licensee who knowingly falsely certifies training or who attempts through subterfuge to bypass the requirements listed herein.

6. The accredited sponsor of an approved continuing education activity may charge a reasonable fee to that individual registered for the activity. An individual may not be required to pay an additional fee in the form of registration for ancillary activities or events that are concurrent to the approved continuing education activity if the individual wishes only to attend the continuing education portion of the program.

E. Continuing Education Requirements

1. All embalmers and/or funeral directors licensed by the board shall complete a minimum of four hours of approved continuing education in each period to coincide with the renewal date of the license as a requirement of license renewal.

2. Carryover of credit of continuing education hours shall be permitted but shall not exceed four hours.

3. The maximum credit hours for participation in any course shall not exceed that number approved by the board.

4. A licensee may not receive credit for the same course more than once during the same one-year period.

5. No credit shall be granted for partial completion of any continuing education activity unless the partially completed portion represents a full clock hour of said program.

6. A licensed individual who conducts an approved course may receive credit for attendance at continuing education.

F. Exemptions/Waivers

1. Continuing education requirements for individuals licensed by examination shall be waived for the first-time renewal of license.

2. Those individuals licensed in Louisiana but residing outside of the state and not practicing embalming or funeral directing in any capacity in this state shall be exempt from the continuing education requirements set forth in this rule. Any individual that returns to work in this state to practice embalming or funeral directing in any capacity shall

meet the continuing education requirements as soon as possible. Credit may be given for approved Continuing Education Courses completed in another state.

3. Those persons in an "inactive" status will be exempted from the continuing education requirement. Any person changing from the "inactive" status to an "active" status shall meet the continuing education requirement as soon as possible.

4. Those persons in an active military status will be exempted from the continuing education requirement.

5. Upon request, the board, or the executive director on behalf of the board, may authorize partial or full exemption to the continuing education requirements based upon an extreme personal or family hardship. Such request must be made at least 30 days prior to the expiration of license and the board shall require documentation of hardship.

G. Record-Keeping Procedures

1. It shall be the responsibility of the board and the individual licensee to maintain records of continuing education.

2. All records pertaining to Continuing Education training will be retained by the accredited sponsor for a period of not less than two years and shall be subject to examination by the board.

H. Failure to Comply.

1. Failure by any licensee to fully comply with the continuing education requirement as presented by this Rule will not be allowed to renew their license. An individual will be allowed to reinstate the license only after application to the board, satisfactory completion of the required continuing education, and payment of an application fee as approved by the board.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:840.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Embalmers and Funeral Directors, LR 20:1378 (December 1994), repromulgated LR 21:175 (February 1995), amended LR 30:2822 (December 2004).

Chapter 9. Internship

§901. Requirements for Combination License

A. Any person desiring to engage in the practice of embalming and funeral directing in this state, except those holding a Special Work Permit or a reciprocal license, shall serve as an intern within the state of Louisiana for one year and must meet the following requirements.

1. The intern shall serve his internship within the state of Louisiana for one year under the direct supervision of a Louisiana licensed embalmer/funeral director.

2. The intern shall have actively assisted in the preparation of at least 25 dead human bodies during his period of internship; shall have actively assisted in conducting at least 25 funerals during his period of internship; and, proper reports must be completed and submitted to the board on forms provided.

3. The intern must have a high school diploma or the equivalent GED certificate at the time of making application for internship.

4. While serving the term of internship, the intern must work on a full-time basis, that is a minimum of 40 hours per week. Half of the hours worked, on a weekly basis, must be worked between the hours 7 a.m. and 5 p.m.

while the other half of the hours worked on a weekly basis may be served at any time.

5. The employment at the funeral home must be the intern's principal occupation.

6. The employment of the intern at the funeral home must be verified by the board during any of the required inspections of the intern. Verification of employment will be made by presenting the quarterly returns submitted either to the Internal Revenue Service or the Louisiana Department of Revenue and Taxation, or, alternatively, some other official form used to verify employment which is acceptable to the board.

7. A work schedule must be submitted with the intern's application showing hours to be worked and duties to be performed. Any changes or modifications within the original work schedule must be forwarded to the board's office within 14 days of the change.

8. The internship may be registered and the intern receive up to six months credit prior to matriculation in an accredited college of mortuary science (funeral service). The internship must be completed within 12 months after graduation from embalming school.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:840.

HISTORICAL NOTE: Adopted by the Department of Health and Human Resources, Board of Embalmers and Funeral Directors, August 1966, promulgated LR 5:277 (September 1979), amended by the Department of Health and Hospitals, Board of Embalmers and Funeral Directors, LR 15:10 (January 1989), LR 16:769 (September 1990), amended LR 30:2822 (December 2004).

§903. Requirements for Funeral Director License

A. Any person desiring to engage in the practice of funeral directing within this state, except those holding a Special Work Permit or a reciprocal license, shall serve as an intern within the state of Louisiana for a period of one year and must meet the following requirements.

1. The intern shall serve as an intern within the state of Louisiana under the direct supervision of a Louisiana licensed funeral director for a period of one year.

2. The intern shall have actively assisted in conducting at least 25 funerals during the period of internship; and, proper reports must be completed and submitted to the board on forms provided.

3. The intern applicant must have a minimum of 30 semester hours in an accredited college or university as evidenced by a certified copy of the transcript of said college or university. The minimum subject hours shall include 21 semester hours of the basic freshman courses, which include but are not limited to the following: English, math, bookkeeping, accounting, business math, psychology, history, science, business administration, biology, economics, chemistry, and marketing or such other minimum hours as the law may provide. Remedial classes and courses such as music, the arts, physical education, and sports shall not be considered as accepted courses under the provisions of this rule.

4. The intern must work on a full-time basis, that is, a minimum of 40 hours per week, worked between the hours of 7 a.m. and 10 p.m.

5. Employment at the funeral home must be the intern's principal occupation.

6. The employment of the intern at the funeral home must be verified by the board during any of the required inspections of the intern. Verification of employment will be made by presenting the quarterly returns submitted either to the Internal Revenue Service or the Louisiana Department of Revenue and Taxation, or, alternatively, some other official form used to verify employment which is acceptable to the board.

7. A work schedule must be submitted with the intern's application showing hours to be worked and duties to be performed. Any changes or modifications within the original work schedule must be forwarded to the board's office within 14 days of the change.

8. The internship must be completed prior to taking the examination for licensure.

9. Upon completion of the internship of a funeral director applicant, the intern applicant must appear at the next examination scheduled except when a delayed appearance for good cause, acceptable to the board, is allowed.

AUTHORITY NOTE: Adopted in accordance with R.S. 37:840.

HISTORICAL NOTE: Adopted by the Department of Health and Human Resources, Board of Embalmers and Funeral Directors, August 1966, amended March 1974, promulgated LR 5:278 (September 1979), amended by the Department of Health and Hospitals, Board of Embalmers and Funeral Directors, LR 15:10 (January 1989), LR 19:744 (June 1993), LR 30:2823 (December 2004).

§905. Application; Fee

A. Each intern shall make application to the board on prescribed forms, accompanied by a fee as established by the board and if found acceptable shall be registered as such and given an identification slip. Registration is for one year only. At the end of this internship period, applicant must appear at the next regular board examination provided the educational requirements have been met. The intern may appeal to the board for an extension of his internship provided, however, that he makes application before the board for such extension and show cause for his extension. Re-application shall be at an additional fee as established by the board. The board may, at its own discretion, extend an internship to any period not to exceed one year.

AUTHORITY NOTE: Adopted in accordance with R.S. 37:840.

HISTORICAL NOTE: Adopted by the Department of Health and Human Resources, Board of Embalmers and Funeral Directors, August 1966, amended March 1974, promulgated LR 5:278 (September 1979), amended LR 11:687 (July 1985), amended by the Department of Health and Hospitals, Board of Embalmers and Funeral Directors, LR 30:2824 (December 2004).

§907. Affidavits Required

A. When tenure of internship is completed, an affidavit by both the intern and the person under whose direct supervision he served, shall be filed not later than 15 days with the board. Said affidavit shall list the number of bodies embalmed and/or funerals assisted in.

AUTHORITY NOTE: Adopted in accordance with R.S. 37:840.

HISTORICAL NOTE: Adopted by the Department of Health and Human Resources, Board of Embalmers and Funeral Directors, August 1966, amended March 1974, promulgated LR 5:278 (September 1979), re-promulgated by the Department of Health and

Hospitals, Board of Embalmers and Funeral Directors, LR 30:2824 (December 2004).

§909. Notification to Licensed Person

A. The secretary of the board, upon notification by the applicant, will inform the licensed person responsible for the supervision and the training of the intern of the rules and regulations concerning the internship and that he will be responsible to the board for the application and enforcement of these rules and regulations. An individual licensee must be present and in charge of the intern during the normal working hours as required and shall be responsible for the instruction and the performance of the intern during the course of internship.

B. Credit for funeral director and/or embalmer internship shall not be allowed to any person while he is in military service or while enrolled as a full-time student in a mortuary college or university (part-time students are acceptable).

C. Each intern is required to file a complete case report for each individual case handled during the internship which must be signed by the individual licensee who was supervisor of that case and must also file a monthly report providing the board with a summary of the cases worked during that period which shall be signed by the licensee designated as the supervisor of the intern. The report is due on the tenth day of the month and delinquent on the fifteenth day. Delinquent reports may result in the loss of credit for that month. In order for the intern file to be completed the inspector of the board must submit two personally signed inspection reports during internship period.

1. It shall be a requirement and responsibility of the intern to make these reports monthly and to have them in the office of the secretary on the date specified. Failure to perform as specified in this rule will mean automatic loss of that monthly credit. Failure of the licensed supervisor to perform as agreed or to in any way falsify the records of the internship will cause a fine to be levied in accordance with the provisions of R.S. 37:850 for said violation.

AUTHORITY NOTE: Adopted in accordance with R.S. 37:840.

HISTORICAL NOTE: Adopted by the Department of Health and Human Resources, Board of Embalmers and Funeral Directors, August 1966, promulgated LR 5:278 (September 1979), amended LR 11:946 (October 1985), amended by the Department of Health and Hospitals, Board of Embalmers and Funeral Directors, LR 15:11 (January 1989), LR 30:2824 (December 2004).

Chapter 11. Funeral Establishments

§1101. Application

A. Application for a funeral establishment license at a new facility shall be made upon the form provided by the board, sworn to by applicant and accompanied by a fee as established by the board at least two weeks prior to the projected opening of the funeral establishment. Said establishment shall meet the requirements as defined in R.S. 37:842. When an existing licensed establishment is sold or transferred, or in excess of 50 percent of the stock in a corporation holding an establishment license is sold or transferred, the purchaser must pay a fee as established by the board for a new license. The seller and the purchaser are required to notify the board with full information as to the sale within 10 days. Failure by either party to provide the board with notice, as herein set out, will bring about the

suspension and/or revocation of the license of either or both parties.

AUTHORITY NOTE: Adopted in accordance with R.S. 37:840.

HISTORICAL NOTE: Adopted by the Department of Health and Human Resources, Board of Embalmers and Funeral Directors, August 1966, amended October 1969, February 1973, amended and promulgated LR 4:227 (June 1978), amended LR 5:278 (September 1979), amended by the Department of Health and Hospitals, Board of Embalmers and Funeral Directors, LR 21:1237 (November 1995), LR 30:2824 (December 2004).

§1103. Fixed Place; Extension of Funeral Establishment

A. The funeral establishment license is effective for a fixed place or location located upon a contiguous parcel of land, and for a specific name. Whenever the location or name of the licensed establishment is changed, a new license shall be obtained and a fee in an amount as established by the board must be paid. All changes of name and/or location must be reported to the board's secretary and the application process must be completed prior to making any changes.

B. The board will recognize a fixed business office to maintain records at a location other than the fixed location of the funeral establishment which shall be considered as an extension of the funeral establishment, and the records maintained within this extension shall be subject to the inspection of the board. Application for said extension to the funeral establishment shall be made upon the form provided by the board and shall be accompanied by a fee as established by the board. Any changes in the location of this extension must be reported to the board immediately.

AUTHORITY NOTE: Adopted in accordance with R.S. 37:840.

HISTORICAL NOTE: Adopted by the Department of Health and Human Resources, Board of Embalmers and Funeral Directors, August 1966, amended 1970, amended and promulgated LR 4:227 (June 1978), amended LR 5:278 (September 1979), LR 11:687 (July 1985), amended by the Department of Health and Hospitals, Board of Embalmers and Funeral Directors, LR 21:1237 (November 1995), LR 30:2825 (December 2004).

§1105. Charge of Funeral Establishment

A. All funeral establishments must have a licensed funeral director designated as the manager of the facility and in charge of the day to day operations of the funeral home. The manager must be available to perform all of the routine functions of the licensed establishment as provided within the provisions of R.S. Title 37, Chapter 10, Section 831 et seq., within normal business hours; and, the manager must personally carry out his responsibilities as defined within Paragraph 23 of Section 831 and/or as provided within the statute.

AUTHORITY NOTE: Adopted in accordance with R.S. 37:840.

HISTORICAL NOTE: Adopted by the Department of Health and Human Resources, Board of Embalmers and Funeral Directors, August 1966, promulgated LR 4:227 (June 1978), amended LR 4:295 (August 1978), LR 5:278 (September 1979), LR 11:687 (July 1985), amended by the Department of Health and Hospitals, Board of Embalmers and Funeral Directors, LR 30:2825 (December 2004).

§1107. Inspection

A. Each funeral establishment shall be subject to inspection and shall comply with the following requirements.

1. Each establishment must have suitable and dignified quarters devoted to such activities incident or related to the care, the preparation, and arrangement for the burial, cremation, or other disposition of dead human bodies from which a funeral may be conducted.

2. It shall be the duty of the board or anyone designated by the board to inspect the establishment wherein licensed embalmers or funeral directors are practicing or propose to practice, to determine if proper and adequate facilities are provided.

B. Each establishment must meet all federal, state, and local requirements and must consist of and be inspected for an adequate facility containing:

1. display area for displaying funeral merchandise which shall consist of but not be limited to a minimum of six adult caskets of a variety of styles and quality;

2. an embalming room properly equipped and meeting all federal, state, and local regulations and shall meet the following requirements:

a. floors of tile, cement, linoleum, or like composition, finished with a glazed surface;

b. walls shall be finished with tile, or other material finished with enamel or other waterproof material;

c. a sanitary embalming table of metal, glass, or porcelain top, with running water draining from the table into a drain connected with a sewer or other proper receptacle;

d. hot and cold running water and a separate sink for disinfecting hands and instruments;

e. a permanently installed backflow preventor for the hydro-aspirator;

f. suitable sanitary plumbing which shall comply with the requirements of the Department of Health and Hospitals and Environmental Quality;

g. only equipment and supplies necessary for the preparation or care of dead human bodies for disposal or transportation are to be kept in the preparation room. At no time shall it be used as a store room;

h. the room shall be properly ventilated and climate controlled and comply with federal, state and local laws or ordinances, and/or regulations. It shall be so designed that no deleterious odors be permitted to enter into any other part of the establishment or adjoining premises;

i. the embalming or preparation room shall be strictly private and no one shall be allowed therein while the body is being embalmed except the licensed embalmers and other authorized persons and officials in the discharge of their duties;

j. there shall not be any direct connection between the preparation or embalming room with the living quarters of a funeral establishment or rooms where food is customarily prepared and served. Its doors shall be closed and locked, unless in an area secure from public access, at all times and all of its operable windows must be screened as a safeguard to the public health;

k. each funeral establishment and each preparation or embalming room shall be maintained in a clean and sanitary condition at all times. All instruments and other appliances used in embalming dead human bodies shall be thoroughly cleansed immediately at the conclusion of each individual case;

1. each funeral establishment must have available in the preparation room or embalming room a register book or log. The name of each body embalmed, place (if other than at establishment), the date and time that the embalming took place, the name and signature of the embalmer and his license number must be noted in said book. This must be available at all times in full view for our inspector;

3. an arrangement office which shall afford privacy to the family while making arrangements;

4. restrooms, separate for men and women;

5. parlors or chapel, to comfortably accommodate at least 30 seated persons;

6. a climate control system sufficient to provide comfort to the public;

7. a private area to shield removal of remains from service vehicle and a covered area when exiting the facility to protect the casketed remains until placed in the hearse;

8. furnishings, equipment, and other facilities that meet the standards of the board; and

9. sufficient signage to be visible from the street.

C.1. All establishments, except as herein below provided, shall have layout, embalming, display, personnel, and facilities as required by this Chapter for funeral establishments.

2. Exceptions

a. The following auxiliary or branch establishments shall be subject to inspection and exempt from the above requirement except for R.S. 1107(B)(4), (5), (6), (8) and (9):

i. any establishment if it is within 40 miles of the main establishment and can be practically served by the licensed personnel of the main establishment;

ii. if said auxiliary or branch establishment exceeds 40 miles and there exists a public need for said facilities. The nonexistence of any funeral establishment which serves the public need shall be presumptive evidence of "public need."

E. Each funeral establishment licensed by the board shall keep a set of books or records showing the name of each body prepared for burial, the name of the licensed embalmer who did the embalming, the dates connected with death and burial, and other necessary information required by law. If and when a "trade embalmer" or outside embalmer is called in or performs embalming, it is required that a record of his services be kept showing his name and time when he was at the funeral establishment.

F. Any licensed funeral establishment in the state of Louisiana is hereby prohibited from sharing or permitting the use of said establishment, or from furnishing equipment for use therein, or from rendering personal service therein, or from, in any manner entering into any arrangement or agreement with any person, for and in the conduct of such business upon such premises, who is not himself maintaining a licensed funeral establishment.

G. No one licensed by this board shall be employed as a funeral director and/or embalmer by an unlicensed funeral establishment.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:840.

HISTORICAL NOTE: Adopted by the Department of Health and Human Resources, Board of Embalmers and Funeral Directors, August 1966, amended November 1972, February 1973, amended and promulgated LR 4:227 (June 1978), amended LR 4:295

(August 1978), LR 4:356 (September 1978), LR 5:278 (September 1979), amended by the Department of Health and Hospitals, Board of Embalmers and Funeral Directors, LR 20:191 (February 1994), LR 20:1380 (December 1994), LR 30:2825 (December 2004).

Chapter 12. Crematories

§1201. Application

A. Application for a crematory license at a new facility shall be made upon the form provided by the board, sworn to by applicant and accompanied by a fee as established by the board and must be submitted to the board at least two weeks prior to the projected opening of the crematory.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:840 and 37:873.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Embalmers and Funeral Directors, LR 30:2826 (December 2004).

§1203. Fixed Place

A. The license is effective for a fixed place, and for a specific name. Whenever the location or name of the license crematory is changed, a new license shall be obtained and a fee in an amount as established by the board must be paid. All changes of name and/or location must be reported to the board's secretary and the application process must be completed prior to making any changes.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:840 and 37:873.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Embalmers and Funeral Directors, LR 30:2826 (December 2004).

§1205. Charge of Crematory

A. All crematories must have a licensed crematory retort operator responsible for the day to day operations of the crematory. He must be available to perform all of the routine functions of the crematory as provided within the provisions of R.S. Title 37, Chapter 10, Section 831 et seq.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:840 and R.S. 37:873.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Embalmers and Funeral Directors, LR 30:2826 (December 2004).

§1207. Inspection

A. Each crematory shall be subject to inspection and shall comply with the following requirements:

1. each crematory must have suitable and dignified facilities and equipment devoted to the cremation of dead human bodies;

2. it shall be the duty of the board or anyone designated by the board to inspect the crematory to determine if proper and adequate facilities and equipment are provided.

B. Each crematory must consist of and be inspected for an adequate building as defined within the statutes which shall be designated for the short term retention of the human remains; a properly operating retort; a processing and/or pulverization unit to complete the cremation process; and, adequate facilities to hold the human remains and maintain all records as required by R.S. 37:831 et seq.

C. The crematory shall work in concert with the funeral home so that the provisions of R.S. 37:848 and Chapter 26, §103 are met.

D. In addition to the various records required by the statutes, the crematory must maintain a log reflecting the name of each body received, the date and time that the body

was received, the date and time the cremation began and was completed. The name and signature of the crematory retort operator must be noted within said log book. This must be available at all times in full view for the board's inspector.

E. The crematory shall also meet the following requirements:

1. all equipment and supplies necessary and incidental to the cremation process shall be kept in the crematory. At no time shall the retort and/or the holding facility or any part thereof be used as a store room;

2. the crematory shall be properly ventilated and comply in respect to ventilation with state and local laws or ordinances and regulations. It shall be so ventilated so that no deleterious odors be permitted to enter into any other part of the crematory or adjourning premises;

3. the crematory shall be maintained in a clean and sanitary condition at all times.

F. No one licensed by this board shall be employed as a crematory retort operator by an unlicensed crematory.

AUTHORITY NOTE: Adopted in accordance with R.S. 37:840 and 37:873.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Embalmers and Funeral Directors, LR 30:2826 (December 2004).

Chapter 13. Prohibited Practices

§1301. Pressure Sales Tactics

A. The use of pressure sales tactics and/or plans, including but not limited to a bait and switch plan, and/or a sales commission plan by a funeral establishment or by anyone in their employ or by anyone acting on their behalf, in the sale of merchandise or services shall be an unethical and/or deceptive practice.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:840.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Board of Embalmers and Funeral Directors, LR 5:388 (December 1979), repromulgated by the Department of Health and Hospitals, Board of Embalmers and Funeral Directors, LR 30:2827 (December 2004).

§1303. Unlawful Practice

A. It shall be unlawful for a firm, partnership, corporation, an association of individuals, or anyone other than those individuals licensed under Title 37, Chapter 10, Articles 831 et seq., to engage in funeral directing, embalming or cremation as defined within Article 831 et seq.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:840 and R.S. 37:848.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Board of Embalmers and Funeral Directors, LR 8:189 (April 1982), amended LR 11:688 (July 1985), amended by the Department of Health and Hospitals, Board of Embalmers and Funeral Directors, LR 30:2827 (December 2004).

Chapter 15. Transportation

§1501. Container Required for Transporting

A. In order to comply with the proper handling of a dead human body, a funeral director, when required to transport that body for disposition, shall transport the remains in a container that eliminates direct contact by those not licensed to handle the dead and to offer protection to those who might accidentally come in contact with said body.

B.1. No section of this regulation shall be interpreted to prohibit transportation of dead human bodies without the use of a container as specified in Subsection A hereof, in closed vehicles designed exclusively for the transportation of dead human bodies.

2. When remains are transported by airline or any other common carrier, the remains must be in a closed container as provided in Subsection A herein above.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:840.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Board of Embalmers and Funeral Directors, LR 5:280 (September 1979), amended LR 11:688 (July 1985), amended by the Department of Health and Hospitals, Board of Embalmers and Funeral Directors, LR 30:2827 (December 2004).

Chapter 17. Prepaid Funeral Services or Merchandise

§1701. Reports on Prepaid Funeral Services or Merchandise

A. The report required by R.S. 37:861 from licensed funeral establishments engaged in the selling of prepaid funeral services or merchandise is necessary only in those instances where funds have actually been paid to or received by a licensed funeral establishment for such services or merchandise. The purpose of requiring such report is to protect purchasers of prepaid funeral services or merchandise by insuring that funds, paid by a purchaser to a licensed funeral establishment, are utilized solely for his exclusive use and benefit. Prearrangements of funerals by licensed funeral establishments, which are unfunded, are not within the scope of R.S. 37:861, and, accordingly, no report is required in these instances.

B. The report shall be in such form and contain such information as is prescribed by R.S. 37:861(A)(1) and shall be filed by each licensed funeral establishment engaged in the selling of prepaid funeral services or merchandise no later than December 31 of each year, and shall cover the period from October 1 of the previous year to and including September 30 of the year in which the report is due.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:840 and R.S. 37:861.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Board of Embalmers and Funeral Directors, LR 8:188 (April 1982), amended by the Department of Health and Hospitals, Board of Embalmers and Funeral Directors, LR 30:2827 (December 2004).

Chapter 19. Survivor's Clause

§1901. Survivor's Clause

A. A survivor of the proprietor or the widow of the principal share holder of a funeral establishment can be issued a special work permit in a managerial position. Permit must be applied for within 60 days after death of spouse. Said permit is to be issued for a period not to exceed 12 months following approval of the application.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:840 and R.S. 37:842.

HISTORICAL NOTE: Adopted by the Department of Health and Human Resources, Board of Embalmers and Funeral Directors, August 1966, amended by the Department of Health and Hospitals, Board of Embalmers and Funeral Directors, LR 30:2827 (December 2004).

Chapter 20. Fees

§2001. Fees

A. The board shall require payment of fees hereunder as follows:

1. a fee of \$250 from each person applying for a funeral director license;
2. a fee of \$250 from each person applying for a combination funeral director and embalmer license;
3. a fee of \$250 from each person applying for a crematory retort operator license;
4. a fee of \$80 for the annual renewal of each of the licenses listed in Paragraphs 1, 2, and 3 of this Section;
5. a fee of \$1,000 for each funeral establishment applying for a license to operate within this state;
6. a fee of \$1,000 for each crematory applying for a license to operate within this state;
7. a fee of \$700 for the annual renewal of each of the licenses listed in Paragraphs 5 and 6 of this Section;
8. a fee of \$500 for each inspection or re-inspection of a funeral establishment applying for an initial license to operate within this state or as a result of a location, or an ownership change;
9. a fee of \$500 for each inspection or re-inspection of a crematory applying for a license to operate within this state or as a result of a location, or an ownership change;
10. a fee of \$100 from each person applying for an internship;
11. a fee of \$100 from each person applying for a duplicate certificate;
12. a fee of \$100 from each person applying for a work permit within this state;
13. a fee of \$100 from each sponsor/presenter applying for approval of a continuing education program; and
14. a fee for a business office of \$400.

AUTHORITY NOTE: Adopted in accordance with R.S. 37:840 and 37:845.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Embalmers and Funeral Directors, LR 30:2828 (December 2004).

Chapter 21. Rulemaking Process

§2101. Procedure to Follow

A. The board must follow the procedure outlined in the Administrative Procedure Act to adopt, amend or repeal any of the existing rules.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:840.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Board of Embalmers and Funeral Directors, LR 11:688 (July 1985), repromulgated by the Department of Health and Hospitals, Board of Embalmers and Funeral Directors, LR 30:2828 (December 2004).

§2103. Amending Sections

A. These rules and regulations may be added to, changed, altered or amended by a favorable vote of five members of the board, when said additions, changes, alterations or amendments have been presented by a member of the board, at a regular or called meeting of same. They shall be received and all members notified 30 days in advance of the proposed additions, changes, alterations or amendments before final action can be taken.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:840.

HISTORICAL NOTE: Adopted by the Department of Health and Human Resources, Board of Embalmers and Funeral Directors, August 1966, repromulgated by the Department of Health and Hospitals, Board of Embalmers and Funeral Directors, LR 30:2828 (December 2004).

§2105. Repeal of Rules

A. All rules and regulations previously adopted by this board are hereby repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:840.

HISTORICAL NOTE: Adopted by the Department of Health and Human Resources, Board of Embalmers and Funeral Directors, August 1966, amended LR 11:688 (July 1985) repromulgated by the Department of Health and Hospitals, Board of Embalmers and Funeral Directors, LR 30:2828 (December 2004).

Chapter 23. Injunction Proceedings; Penalty

§2301. Injunction Proceedings

A. The board may bring legal proceedings to enjoin a person or establishment violating the rules and regulations of this board from practicing the science of embalming or conducting the business of funeral directing or operating a funeral establishment, as may be the case, until such person complies with the requirements of these rules and regulations. The injunction, if granted, shall not be suspended by bond or appeal and the person or establishment enjoined shall be cast for attorney fees and court costs.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:840 and R.S. 37:850.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Board of Embalmers and Funeral Directors, LR 5:280 (September 1979), amended by the Department of Health and Hospitals, Board of Embalmers and Funeral Directors, LR 30:2828 (December 2004).

§2303. Penalty

A. Whoever violates the provisions of these rules and regulations shall be fined not less than \$500 nor more than \$2,500 for each offense, plus costs of the hearing and the attorney for the board.

B. If a firm or association violates the provisions of these rules and regulations, all members of the firm or association who knowingly violate said provisions shall be subject to the penalty. If a corporation violates said provisions, the members of the corporation who knowingly violate said provisions shall be subject to the penalty.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:840 and R.S. 37:850.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Board of Embalmers and Funeral Directors, LR 5:280 (September 1979), amended LR 11:688 (July 1985), LR 12:677 (October 1986), amended by the Department of Health and Hospitals, Board of Embalmers and Funeral Directors, LR 30:2828 (December 2004).

Dawn Scardino
Executive Director

0412#018

RULE

**Department of Health and Hospitals
Board of Nursing**

Criminal History Record Information; Registration and
Licensure (LAC 46:XLVII.3330 and 3341)

Notice is hereby given, in accordance with the provisions of the Administrative Procedures Act, R.S.49:950 et seq., that the Board of Nursing (Board) pursuant to the authority vested in the Board by R.S.37:918, adopts Rules amending the Professional and Occupational Standards pertaining to criminal history record information and fees for registration and licensure. The amendments of the Rules are set forth below.

**Title 46
PROFESSIONAL AND OCCUPATIONAL
STANDARDS**

Part XLVII. Nurses

Subpart 2. Registered Nurses

Chapter 33. General

Subchapter C. Registration and Registered Nurse

Licensure

§3330. Criminal History Record Information

A. - C.2. ...

D. The board shall require from students seeking admission to clinical nursing courses, a completed Application for Approval to Enroll in A Clinical Nursing Course and a \$20 enrollment application fee prior to the student's enrollment in a clinical nursing course.

E. The applicant or licensee must review and sign the Authorization to Disclose Criminal History Record Information.

F. The applicant or licensee must contact the state or local police/sheriff department and submit two fingerprint cards to be completed. The law enforcement agency may specify a designated location and fee for the completion of the fingerprint cards.

G. The two completed fingerprint cards must be returned to the board office by the applicant or licensee with the required fee. The cards and fee will be forwarded to the Louisiana Department of Public Safety. The second card will be forwarded to the Federal Bureau of Investigations by the Louisiana Department of Public Safety.

H. The submission of the fingerprint cards and the signed Authorization to Disclose Criminal History Record Information must be received prior to the license being processed or during the semester that the first clinical nursing course has begun.

I. The processing of the license or the entry into clinical nursing courses may not be delayed awaiting these reports; however, future action may result if the criminal history record information so indicates. If the criminal history record reveals criminal activity which constitutes grounds for denial under R.S. 37.921. or LAC 46:XLVII.3331, then the license issued shall be recalled or the progression in clinical nursing courses may be denied.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:920.1.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Nursing, LR 26:1614 (August 2000), amended LR 30:2829 (December 2004).

§3341. Fees for Registration and Licensure

A. Notwithstanding any provisions of this Chapter, the board shall collect in advance fees for licensure and administrative services as follows:

1. Licensure

a.	Examination Application	\$100
b.	Endorsement Application	\$100
c.	Enrollment Application	\$ 20
d.	RN Renewal Fee	\$ 45
e.	RN Late Renewal Fee	\$ 90
f.	Retired License Fee (one time fee)	\$ 45
g.	RN Reinstatement from Inactive or Retired Status	\$ 45
g.	RN Reinstatement from Delinquent Status	\$ 90
i.	Initial APRN Licensure Application	\$100
j.	APRN Endorsement Application	\$100
k.	APRN Renewal Fee	\$ 50
l.	APRN Late Renewal Fee	\$100
m.	APRN Reinstatement from Inactive Status	\$ 50
n.	APRN Reinstatement from Delinquent Status	\$100
o.	APRN Prescriptive Authority Application	\$100
p.	APRN Prescriptive Authority Site Change	\$ 25
q.	Reinstatement of Prescriptive Authority Privileges	\$ 50
r.	Verification of Licensure	\$ 25
s.	Duplicate Application	\$ 10
t.	Duplicate License	\$ 10

A.2. - B.2. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:918 and R.S. 37:927.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, LR 8:417 (August 1982), amended by the Department of Health and Hospitals, Board of Nursing, LR 14:533 (August 1988), LR 22:981 (October 1996), repromulgated LR 24:1293 (July 1998), amended LR 26:84 (January 2000), LR 30:2829 (December 2004).

Barbara L. Morvant
Executive Director

0412#091

RULE

**Department of Health and Hospitals
Office of the Secretary
Bureau of Health Services Financing**

Durable Medical Equipment Program
Prosthetics and Orthotics
(LAC 50:XVII.1301-1305)

The Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing adopts LAC 50:XVII.1301-1303 and amends 1305 in the Medical Assistance Program as authorized by R.S. 36:254 and pursuant to Title XIX of the Social Security Act. This Rule is promulgated in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq.

The Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing adopts the following provisions governing the authorization of artificial eyes, scleral shell and related services.

Title 50

PUBLIC HEALTH MEDICAL ASSISTANCE

Part XVII. Durable Medical Equipment

Subpart 1. Prosthetics

Chapter 13. Prosthetics and Orthotics

Subchapter A. Artificial Eyes, Scleral Shell, and Related Services

§1301. Introduction

A. Definitions

Artificial Eye or Ocular Prosthesis A replacement for a missing or damaged, unsightly eye.

Full Ocular Prosthesis Used for individuals who have the globe removed allowing for the fitting of a regular artificial eye.

Related Services Include polishing or resurfacing of ocular prosthetics, enlargements or reductions of ocular prosthetics, and fabrication or fitting of ocular conformer.

Scleral Shell (or Shield)

a. a custom-made, thin ocular prosthesis fitted directly over a blind and shrunken globe. It includes the iris (the colored part of the eye) and the sclera (the white part of the eye);

b. a term utilized to describe different types of hard scleral contact lenses. A shell fits over the entire exposed surface of the eye as opposed to a corneal contact lens which covers only the central nonwhite area encompassing the pupil and iris.

B. These procedures require prior authorization.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and Title XIX of the Social Security Act.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 30:2830 (December 2004).

§1303. Medical Necessity

A. An artificial eye and related services shall be approved if an eyeball is removed and replacement and repair and/or upkeep of an artificial eye are necessary to maintain the contour of the face.

B. A scleral shell may be authorized when the medical criteria as stated in this Subchapter A are met. A scleral shell may, among other things, obviate the need for surgical enucleation and prosthetic implant and act to support the surrounding orbital tissue of an eye that has been rendered sightless and shrunken by inflammatory disease. In such a case, the device serves essentially as an artificial eye. In this situation, authorization of payment may be made for a scleral shell. Scleral shells are occasionally used in combination with artificial tears in the treatment of "dry eye" of diverse etiology. Tears ordinarily dry at a rapid rate, and are continually replaced by the lacrimal gland. When the lacrimal gland fails, the half-life of artificial tears may be greatly prolonged by the use of the scleral contact lens as a protective barrier against the drying action of the atmosphere. Thus, the difficult and sometimes hazardous process of frequent installation of artificial tears may be avoided. The lens acts in this instance to substitute, in part, for the functioning of the diseased lacrimal gland and may

be covered as a prosthetic device in the rare case when it is used in the treatment of "dry eye."

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and Title XIX of the Social Security Act.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 30:2830 (December 2004).

§1305. Reimbursement

A. Reimbursement for artificial eyes, scleral shells, and the related services shall be at 90 percent of the 2004 Medicare fee schedule or billed charges; whichever is the lesser amount. If not available at the established flat fee, the flat fee that shall be utilized is the lowest cost at which the item has been determined to be widely available by analyzing usual and customary fees charged in the community.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and Title XIX of the Social Security Act.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 30:1030 (May 2004), amended LR 30:2830 (December 2004).

Frederick P. Cerise, M.D., M.P.H.
Secretary

0412#080

RULE

**Department of Health and Hospitals
Office of the Secretary
Bureau of Health Services Financing**

**Hospital Program Outpatient Surgery Services
HIPAA Implementation**

Editor's Note: The following Rule is being repromulgated to correct typographical errors. This Rule may be viewed in its entirety on page 2058 of the September 2004 edition of the *Louisiana Register*.

The Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing promulgates the following Rule in the Medical Assistance Program as authorized by R.S. 36:254 and pursuant to Title XIX of the Social Security Act. This Rule is promulgated in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq.

Rule

The Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing amends the rules governing the billing and reimbursement of all outpatient hospital surgery services. Current Standard Healthcare Common Procedure Coding System (HCPCS) codes and modifiers shall be used to bill for all outpatient hospital surgery services. Medicaid payment rates shall be established and assigned to each code based on the Medicare payment rates for ambulatory surgery center services.

Frederick P. Cerise, M.D., M.P.H.
Secretary

0412#055

RULE

Department of Health and Hospitals Office of the Secretary Bureau of Health Services Financing

Personal Care Services—Long Term
(LAC 50:XV.12901-12913)

The Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing has amended LAC 50:XV.12901, 12903, 12905, 12907, 12909, 12913, and adopted 12911 in the Medical Assistance Program as authorized by R.S. 36:254 and pursuant to Title XIX of the Social Security Act. This Rule is promulgated in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq.

The Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing amends the June 20, 2003 Rule and October 1, 2003 Emergency Rule governing personal care services to establish provisions governing when a recipient may change personal care service providers and staffing requirements for personal care agencies. In addition, the bureau amends the general provisions, standards for participation and the place of service requirements contained in the June 20, 2003 Rule.

Title 50

PUBLIC HEALTH—MEDICAL ASSISTANCE

Part XV. Services for Special Populations

Subpart 9. Personal Care Services

Chapter 129. Long Term

§12901. General Provisions

A.

B. An assessment shall be performed for every recipient who requests personal care services. This assessment shall be utilized to identify the recipient's long-term care needs, preferences, the availability of family and community supports and to develop the plan of care. The Minimum Data Set-Home Care (MDS-HC) System will be used as the basic assessment tool. However, other assessment tools may be utilized as a supplement to the MDS-HC to address the needs of special groups within the target population.

C. Authorization. Personal care services (PCS) shall be authorized by the Bureau of Health Services Financing or its designee. The bureau or its designee will review the completed assessment, supporting documentation from the recipient's primary physician, plan of care and any other pertinent documents to determine whether the recipient meets the medically necessity criteria for personal care services.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and Title XIX of the Social Security Act.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 29:911 (June 2003), amended LR 30:2831 (December 2004).

§12903. Covered Services

A. Personal care services are defined as those services that provide assistance with the distinct tasks associated with the performance of the activities of daily living (ADL) and the instrumental activities of daily living (IADL). Assistance may be either the actual performance of the personal care

task for the individual or supervision and prompting so the individual performs the task by him/herself. ADLs are those personal, functional activities required by an individual for continued well-being, health and safety. ADLs include tasks such as:

1. eating;
2. bathing;
3. dressing;
4. grooming;
5. transferring (getting in/out of the tub, from a bed to a chair);
6. ambulation; and
7. toileting.

B. IADLs are those activities that are considered essential for sustaining the individual's health and safety, but may not require performance on a daily basis. IADLs include tasks such as:

1. light housekeeping;
2. food preparation and storage;
3. grocery shopping;
4. laundry;
5. assisting with scheduling medical appointments when necessary;
6. accompanying the recipient to medical appointments when necessary due to the recipient's frail condition;
7. assisting the recipient to access transportation; and
8. reminding the recipient to take medication.

C. ...

D. Constant or intermittent supervision and/or sitter services are not a component of personal care services.

E. The performance of complex and non-complex medical procedures is not a component of personal care services. If the recipient's physician delegates the performance of medical procedures and the agency agrees to furnish these tasks, the agency must accept all liability for their employee's performance of medical tasks. The agency must have a current, signed and dated statement from the recipient's physician stating what medical procedures are being delegated.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and Title XIX of the Social Security Act.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 29:912 (June 2003), amended LR 30:2831 (December 2004).

§12905. Recipient Qualifications

A. Personal care services shall be available to recipients who are 65 years of age or older, or 21 years of age or older and disabled. Disabled is defined as meeting the disability criteria established by the Social Security Administration.

B. Personal care services for elderly or disabled recipients must meet medical necessity criteria as determined by the Bureau of Health Services Financing and must be prior authorized by bureau or its designee. Personal care services are medically necessary if the recipient:

1. meets the medical standards for admission to a nursing facility, including all Preadmission Screening and Annual Resident Review (PASARR) requirements; and
2. is able, either independently or through a responsible representative, to participate in his/her care and direct the services provided by the personal care services

worker. A responsible representative is defined as the person designated by the recipient to act on his/her behalf in the process of accessing and/or maintaining personal care services; and

3. faces a substantial possibility of deterioration in mental or physical condition or functioning if either home and community-based services or nursing facility services are not provided in less than 120 days. This criterion is considered met if:

a. the recipient is in a nursing facility and could be discharged if community-based services were available;

b. is likely to require nursing facility admission within the next 120 days; or

c. has a primary caregiver who has a disability or is over the age of 70.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and Title XIX of the Social Security Act.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 29:912 (June 2003), amended LR 30:2831 (December 2004).

§12907. Recipient Rights

A. - A.9.

B. Changing Providers. Recipients may request to change PCS providers without cause once after each three-month service authorization period. Recipients may request to change PCS providers with good cause at any time during the service authorization period. Good cause is defined as the failure of the provider to furnish services in compliance with the service plan. Good cause shall be determined by the bureau or its designee.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and Title XIX of the Social Security Act.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 29:912 (June 2003), amended LR 30:2832 (December 2004).

§12909. Standards for Participation

A. - B.2. ...

3. ensure that a criminal background check is performed for all direct care and supervisory staff and that the results are maintained in each employee's personnel record:

a. the criminal background check must be performed by the Office of the State Police or an agency authorized by the Office of the State Police:

i. the agency may make an offer of temporary employment to an individual pending the results of the criminal background check. In such instances, the worker shall perform his/her duties under the direct supervision of a permanent employee or in the presence of a member of the recipient's immediate family or of a caregiver designated by the immediate family;

4. ensure that the direct care staff is qualified to provide personal care services. Assure that all new staff satisfactorily completes an orientation and training program in the first 30 days of employment;

5. - 10. ...

11. have proof of general liability insurance of at least \$200,000. The certificate holder shall be the Department of Health and Hospitals; and

12. maintain an office in each DHH administrative region in which it proposes to provide services. The agency must obtain a separate license from the Department of Social Services and a separate Medicaid provider number for each region in which it provides services. Consideration shall be given to an agency's request to provide services in one parish that is adjacent to its designated service region if the agency's main office is within a 50-mile radius of the selected parish's borderline.

a. Each office must have hours of operation that conform to the customary operating hours for similar businesses in the local community and have written provisions for emergency contact that include a toll-free telephone line with 24-hour accessibility. The written policy governing emergency contact shall be made available to recipients and staff.

b. Each office must house the case records and billing documentation for the individuals served by that office.

c. Each office must also house the personnel and payroll records for all of the employees who are assigned to that office.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and Title XIX of the Social Security Act.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 29:912 (June 2003), amended LR 30:2832 (December 2004).

§12911. Staffing Requirements

A. Personal care services agencies participating in the Medicaid Program must ensure that all staff providing direct care to the recipient meets the qualifications for furnishing personal care services. The PCS worker shall demonstrate empathy toward the elderly and persons with disabilities, an ability to provide care to these recipients, and the maturity and ability to deal effectively with the demands of the job. In addition, all supervisors of direct care staff must meet the qualifications set forth in this §12911.

B. Personal Care Services Worker Qualifications

1. Age. The worker must be at least 18 years old or older at the time the offer of employment is made. Verification of age must be maintained in each employee's personnel record.

2. Education and Experience. All PCS workers must meet one of the following minimum education and experience qualifications:

a. a high school diploma or general equivalency diploma (GED); or

b. a trade school diploma in the area of human services; or

c. documented, verifiable experience providing direct care services to the elderly and/or persons with disabilities.

3. The PCS worker must have the ability to read and write in English as well as to carry out directions promptly and accurately.

C. Restrictions. A legally responsible relative is prohibited from being the paid PCS worker for a family member. Legally responsible relative is defined as the parent of a minor child, foster parent, curator, tutor, legal guardian or the recipient's spouse.

D. Supervisor Qualifications

1. Education and Experience. PCS supervisory staff must meet one of the following minimum education and experience qualifications. A PCS supervisor must:

a. have a bachelor's degree from an accredited college or university in one of the following human service-related fields:

- i. social work;
- ii. psychology;
- iii. sociology;
- iv. physical therapy;
- v. occupational therapy;
- vi. recreational therapy; or
- vii. counseling; and

b. have two years of paid experience in a human service-related field providing direct services to the elderly and/or persons with disabilities; or

NOTE: Thirty hours of graduate level course credit in any of the referenced human service-related fields may be substituted for the one year of required paid experience.

c. be a licensed registered nurse (RN) or a licensed practical nurse (LPN) with one year of paid experience as a RN or LPN providing direct services to the elderly and/or persons with disabilities; or

d. have a high school diploma or GED and five years of paid experience providing direct care services to the elderly and/or persons with disabilities.

E. Supervisory Responsibilities

1. The supervisor shall be responsible for assessing PCS workers' job performance, reviewing client cases, providing constructive feedback, and assisting staff to resolve problems and to provide services in a more effective manner using the following methods:

a. routine (at least quarterly) face-to-face meetings with each PCS worker; and

b. periodic (at least quarterly) unannounced visits to the recipient's residence to monitor service delivery and compliance with the plan of care and service plan.

2. Each supervisor shall be responsible for the supervision of no more than 15 PCS workers.

F. Training. Training for PCS workers and supervisors must be provided or arranged for by the personal care services agency at its own expense.

1. A minimum of eight hours of orientation must be provided to new direct care and supervisory employees within one week of employment. The orientation provided to staff shall include, but is not limited to:

- a. agency policies and procedures;
- b. staff duties and responsibilities;
- c. ethics and confidentiality;
- d. record keeping;
- e. a description of the population served by the agency; and

f. a discussion of issues related to providing care for these individuals, including physical and emotional problems associated with aging and disability.

2. New direct care staff must also receive training in cardiopulmonary resuscitation (CPR) and basic first aid within one week of employment. A current, valid certification for CPR and first aid may be accepted as verification of training.

3. A minimum of 16 hours of training must be furnished to new employees within 30 days of employment. The PCS agency training curriculum must, at a minimum, include the following components:

- a. communication skills;
- b. observation, reporting and documentation of the recipient status and the care or service furnished;
- c. basic infection control procedures;
- d. basic elements of body functioning and changes in body function that must be reported to a worker's supervisor;

e. safe transfer techniques and ambulation;

f. appropriate and safe techniques in personal hygiene and grooming that include:

- i. bed bath;
- ii. sponge, tub, or shower bath;
- iii. sink, tub, bed shampoo;
- iv. nail and skin care;
- v. oral hygiene; and
- vi. toileting and elimination;

g. recognizing emergencies and knowledge of emergency procedures;

h. maintenance of a clean, safe and healthy environment; and

i. treating the recipient with dignity and respect, including the need to respect his/her privacy and property.

4. PCS workers and supervisors must satisfactorily complete a minimum of 20 hours of annual training related to the provision of personal care services. This training may include updates on the subjects covered in orientation and initial training. The eight hours of orientation required for new employees are not included as part of the hours required for the annual training.

5. Documentation. All required training must be documented in the employee's personnel record, including the date, time spent in the training session, subjects covered and the name of the individual who conducted the training. Verification of training shall be furnished to the bureau or its designee upon request.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and Title XIX of the Social Security Act.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 30:2832 (December 2004).

§12913. Place of Service

A. Personal care services may be provided in the recipient's home and in another location outside of the recipient's home if the provision of these services allows the recipient to participate in normal life activities pertaining to the IADLs cited in the plan of care. The recipient's home is defined as the place where he/she resides such as a house, an apartment, a boarding house, or the house or apartment of a family member or unpaid primary caregiver. The following institutional settings are not considered to be a recipient's home:

1. a hospital;
2. an institution for mental disease;
3. a nursing facility; or
4. an intermediate care facility for the mentally retarded.

B. - D. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and Title XIX of the Social Security Act.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 29:913 (June 2003), amended LR 30:2833 (December 2004).

Frederick P. Cerise, M.D., M.P.H.
Secretary

0412#082

RULE

Department of Health and Hospitals Office of the Secretary Bureau of Health Services Financing

Pregnant Women Extended Services **C**Dental Services (LAC 50:XV.16101)

The Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing amends LAC 50:XV.16101 in the Medical Assistance Program as authorized by R.S. 36:254 and pursuant to Title XIX of the Social Security Act. This Rule is promulgated in accordance with the Administrative Procedure Act, R.S. 49:950 et seq.

The Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing amends the March 20, 2004 Rule to clarify eligibility criteria for recipients who are certified for Medicaid as Qualified Medicare Beneficiary Only.

Title 50

PUBLIC HEALTH **C**MEDICAL ASSISTANCE

Part XV. Services for Special Populations

Subpart 13. Pregnant Women Extended Services

Chapter 161. Dental Services

§16101. Recipient Qualifications

A. ...

B. Pregnant women who are certified for Medicaid as a Qualified Medicare Beneficiary Only are not eligible for coverage of dental services unless these services are covered by Medicare.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and Title XIX of the Social Security Act.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 30:434 (March 2004), amended LR 30:2834 (December 2004).

Frederick P. Cerise, M.D., M.P.H.
Secretary

0412#081

RULE

Department of Insurance Office of the Commissioner

Commercial Lines Insurance Rate Deregulation (LAC 37:XIII.Chapter 93)

In accordance with the provisions of R.S. 49:950 et seq. of the Administrative Procedure Act, the Commissioner of Insurance hereby adopts Regulation 80 implementing a

regime of commercial policy rate deregulation. Adoption of the regulation is authorized by Acts 2004, No. 878.

Title 37

INSURANCE

Part XIII. Regulations

Chapter 93. Regulation 80 **C**Commercial Lines Insurance Rate Deregulation

§9301. Authority

A. This regulation is adopted pursuant to R.S. 22:3 and R.S. 22:1401.1(D).

AUTHORITY NOTE: Promulgated in accordance with R.S. 22:3 and R.S. 22:1401.1.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 30:2834 (December 2004).

§9303. Purpose

A. The purpose of this regulation is to implement the provision of Acts 2004, No. 878 of the Louisiana Legislature, Regular Session, which exempts commercial property and casualty insurers from the rate approval process unless the commissioner determines that the market for a line of insurance is noncompetitive. The regulation specifies the criteria the commissioner will use to determine if there exists a competitive or noncompetitive market.

AUTHORITY NOTE: Promulgated in accordance with R.S. 22:3 and R.S. 22:1401.1D.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 30:2834 (December 2004).

§9305. Scope and Applicability

A. This regulation applies to all authorized insurers engaged in the business of writing commercial property and casualty insurance in this state.

AUTHORITY NOTE: Promulgated in accordance with R.S. 22:3 and R.S. 22:1401.1D.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner LR 30:2834 (December 2004).

§9307. Severability

A. If any section or provision of this regulation is held invalid, such invalidity shall not affect other sections of provisions which can be given effect without the invalid section or provision, and for this purpose the sections and provisions of this regulation are severable.

AUTHORITY NOTE: Promulgated in accordance with R.S. 22:3 and R.S. 22:1401.1D.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 30:2834 (December 2004).

§9309. Definitions

A. For the purposes of this regulation the following terms shall have the meaning ascribed herein unless the context clearly indicates otherwise.

Affiliated Group **C**Two or more persons who are owned or controlled directly or indirectly through one or more intermediaries by, or are under common control with, the person specified (i.e., the named insured) and includes a subsidiary.

Anticompetitive Behavior **C**An insurer monopolizing or attempting to monopolize, or combine with or conspire with any person to monopolize, in any territory, the business of insurance of any kind, subdivision or class.

Authorized Insurer shall have the meaning found in R.S. 22:5(3).

COI the Commissioner of Insurance for the state of Louisiana.

Commercial Risk any kind of risk that is not a personal risk.

Exempt Commercial Policyholder a person who has and maintains an annual commercial insurance policy premium, excluding workers compensation and, if applicable, medical malpractice liability insurance premiums, of at least \$10,000 in the preceding fiscal year.

Noncompetitive Market a market in which a reasonable degree of competition for a line of insurance does not exist as specified in §9315; or a market which has been found to exhibit anticompetitive behavior or otherwise be in violation of R.S. 22:1211 et seq.

Insurer shall have the meaning found in R.S. 22:5(10).

LDOIC the Louisiana Department of Insurance.

Line of Insurance the lines of business included on the Exhibit of Premiums and Losses (Statutory Page 14) of the Annual Statement Blank.

Office of Property and Casualty the office created by R.S. 36:688.

Person an individual, a corporation, a partnership, an association, a trust, a joint stock company, an unincorporated organization, any similar entity, or any combination of the foregoing acting in concert.

Personal Risk homeowners, tenants, private passenger nonfleet automobile, mobile home and other property and casualty insurance for personal, family or household needs.

State the state of Louisiana.

AUTHORITY NOTE: Promulgated in accordance with R.S. 22:3 and R.S. 22:1401.1D.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 30:2834 (December 2004).

§9311. Types of Insurance Exempt From Rate Filing and Approval Process

A. All lines of commercial property and casualty insurance, including but not limited to Commercial Property, Boiler and Machinery, Fire and Allied Lines, Commercial Auto, General Liability, Non-Medical Professional Liability, Business Owners and Inland Marine insurance, written on commercial risks are exempt from the filing and approval provisions of R.S. 22:1401 et seq. if the policy is issued to an exempt commercial policyholder as defined in §9309, except for the following kinds:

1. workers compensation; and
2. medical malpractice liability insurance.

AUTHORITY NOTE: Promulgated in accordance with R.S. 22:3 and R.S. 22:1401.1D.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 30:2835 (December 2004).

§9313. Exempt Rates

A. If, after holding a public hearing, the commissioner has declared the market for a line of insurance competitive, then the rates employed for that line are exempt from the filing and approval process. Any such public hearing shall comply with the Open Meetings law.

B. Exempt rates shall be used only when writing coverage on an exempt commercial policyholder. If exempt

rates are used, an informational filing must be submitted to the Office of Property and Casualty.

AUTHORITY NOTE: Promulgated in accordance with R.S. 22:3 and R.S. 22:1401.1D.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 30:2835 (December 2004).

§9315. Noncompetitive Market; Public Notice and Hearing

A. If the commissioner has reason to believe that a noncompetitive market for a line of insurance exists he shall give public notice in the manner specified in R.S. 22:1354(C) and conduct a public hearing.

B.1 In determining whether a reasonable degree of competition does not exist within a line of insurance, the COI shall consider the following factors:

- a. the number of insurers available to write the coverage;
- b. market shares of the leading writers and the changes in market shares over a reasonable period of time;
- c. existence of financial or economic barriers that could prevent new firms from entering the market;
- d. measures of market concentration and changes of market concentration over time;
- e. whether long-term profitability for insurers in the market is reasonable in relation to industries of comparable business risk;
- f. the relationship of insurers' cost to revenue over a reasonable period of time;
- g. the availability of insurance coverage to consumers in the markets by specific geographical area, by line of insurance and by class of risk;
- h. the extent to which any insurer or group of affiliated insurers controls all or a portion of the market; and
- i. the opportunities available to consumers in the market to acquire pricing and other consumer information.

2. These factors must indicate that there is a competitive market in order for a determination to be made that the market is competitive for the line of business under review. If it is determined that a line of business is noncompetitive, the rates for that line of business shall be governed by the file and use provisions of R.S. 1401.1(B) until such time as a finding is made that the market is no longer noncompetitive.

C. The commissioner shall hold an investigatory hearing to determine if the market is noncompetitive if he receives a written request from an aggrieved policyholder or any other affected person or organization. The request must specify the grounds relied upon by the complainant.

AUTHORITY NOTE: Promulgated in accordance with R.S. 22:3 and R.S. 22:1401.1D.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 30:2835 (December 2004).

§9317. Disciplinary Hearings; Fines

A. If the commissioner has reason to believe that an insurer is engaging in anticompetitive behavior he may hold a hearing pursuant to an Order to Show Cause, ordering the insurer to appear and show cause why it should not be sanctioned. In making a determination as to whether an insurer is engaging in anticompetitive behavior, the commissioner may consider the factors listed in §9315.

B. The commissioner may hold a disciplinary hearing if he has reason to believe that an insurer is using exempt rates with a policyholder who does not qualify as exempt commercial policyholders.

C. If the commissioner finds that an insurer has violated or otherwise failed to comply with the provisions of this regulation he may impose such fines as are authorized by law.

AUTHORITY NOTE: Promulgated in accordance with R.S. 22:3 and R.S. 22:1401.1D.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 30:2835 (December 2004).

§9319. Effective Date

A. This regulation shall take effect on January 1, 2005.

AUTHORITY NOTE: Promulgated in accordance with R.S. 22:3 and R.S. 22:1401.1D.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 30:2836 (December 2004).

J. Robert Wooley
Commissioner

0412#088

RULE

LSU Health Sciences Center Health Care Services Division Tumor Registry

Tumor Registry (LAC 48:V.Chapter 85)

Under the authority of R.S. 40:1299.80 et seq., and in accordance with the Administrative Procedure Act, R.S. 49:950 et seq., as amended, the President of the Louisiana State University System has amended a Rule to clarify the name of the responsible institution, require the ascertainment of follow-up data and the inclusion of benign and borderline brain tumors, clarify the confidentiality provisions when cancer data are provided to researchers or are exchanged with other state registries, adjust the cost of reimbursement when the Registry must abstract cases at noncompliant hospitals, and provide for related matters by supplanting Chapter 85 of Title 48 of the Louisiana Administrative Code in its entirety with the following.

Title 48

PUBLIC HEALTH

Part V. Preventive Health Services

Subpart 31. Louisiana Tumor Registry

Chapter 85. Statewide Tumor Registry Program

§8501. Purpose

A. Louisiana R.S. 40:1299.80 et seq. established a "statewide registry program for reporting cancer cases for the purpose of gathering statistical data to aid in the assessment of the presence, extent, possible causes of specific cancers, and other related aspects of cancer ... in Louisiana." In carrying out this mandate, the Louisiana Tumor Registry collaborates with the National Cancer Institute, the Centers for Disease Control and Prevention, medical research institutions, and national and international cancer surveillance programs designated by the Louisiana Tumor Registry, and public health agencies. The importance

of cancer registration was reinforced by the passage of federal legislation in 1992 (Public Law 102-515) establishing the National Program of Cancer Registries, in which Louisiana participates.

1. Acts No. 1197 of the 1995 Louisiana Legislative Session clarified the cancer-reporting responsibilities of medical care professionals and institutions, provided for intervention in cases of noncompliance, reinforced the confidentiality requirements to protect participants from civil liability, authorized the exchange of cancer incidence data with other states, and provided for related matters.

2. Acts No. 1138 §2 of the 1995 Session transferred the Louisiana Tumor Registry program and the Louisiana Cancer and Lung Trust Fund Board to the Board of Supervisors of the Louisiana State University Agricultural and Mechanical College, to be administered by the Louisiana State University Medical School at New Orleans.

3. Act No. 197 of the 2001 regular legislative session replaced "Secretary of the Department of Health and Hospitals" and "Secretary" with "President of the Louisiana State University System, or his designee" or "President" and replaced "Office of Public Health in the Department of Health and Hospitals" with "Office of the President." It also mandated the reporting of follow-up information and revised the liability requirement for data releases to qualified researchers and state cancer registries.

4. Acts No. 225 of the 2003 regular legislative session authorized the LTR to cooperate with other designated national and international cancer surveillance programs.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1299.82(7).

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Office of Preventive and Public Health Services, LR 13:246 (April 1987), amended by the Louisiana State University Medical Center, Office of the Chancellor, LR 24:1295 (July 1998), amended by the LSU Health Sciences Center, Health Care Services Division, Louisiana Tumor Registry, LR 30:2836 (December 2004).

§8503. Definitions

Confidential Data shall include any information that pertains to an individual case, as ordinarily distinguished from group, aggregate, or tabular data. Statistical totals of "0" or "1" may be deemed confidential, case-specific data. Confidential, case-specific data include, but are not limited to, primary or potential human identifiers. In addition, in research involving data contained in the Centers for Disease Control's National Center for Health Statistics database, statistical totals of 5 or less are also deemed confidential data and are suppressed unless prior written consent of all of the affected respondents has been obtained in accordance with 42 U.S.C. §242k(l); 5 U.S.C. §552(b); and OMB order, Vol. 62, No. 124, 6/27/97, OMB Regulations pp. 35044ff; <http://www.cdc.gov/nchs/r&d/rdc.htm> (March 3, 2003).

Director the director of the Louisiana Tumor Registry, who is appointed by the President of the Louisiana State University System.

Health Care Provider every licensed health care facility and licensed health care provider, as defined in R.S. 40:1299.41(A)(1), in the state of Louisiana.

Follow-Up Information information that is used to determine survival rates for various types of cancer. The information consists of the patient name, case number, vital

status, date of last contact regarding the patient, date of death, and cause of death if the patient is deceased.

Louisiana Tumor Registry/LTR The program in the Louisiana State University System that administers a population-based statewide cancer registry.

Regional Tumor Registry Can organization that has contracted with the Louisiana Tumor Registry (LTR) to provide in its region such services as: screening medical records or pathology reports and abstracting data on all cancer cases, obtaining current follow-up information, compiling and editing data, performing quality assurance programs, training personnel from hospitals and other reporting facilities, and furnishing abstracts and/or electronic records of acceptable quality to the LTR from all medical facilities and health care providers in the parishes assigned to that region.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1299.82(7).

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Office of Preventive and Public Health Services, LR 13:246 (April 1987), amended by the Louisiana State University Medical Center, Office of the Chancellor, LR 24:1295 (July 1998), amended by the LSU Health Sciences Center, Health Care Services Division, Louisiana Tumor Registry, LR 30:2836 (December 2004).

§8505. Participation in the Program

A. Responsibility for Reporting. All hospitals, pathology laboratories, radiation centers, physicians, dermatology offices, nursing homes, and other licensed health care facilities and providers, as defined in R.S. 40:1299.41(A)(1), shall participate in the cancer registry program defined by R.S. 40:1299:80 et seq. Each patient, whether a resident of Louisiana or another state, who receives screening, diagnostic or therapeutic services for cancer in Louisiana shall be registered, and the LTR shall have physical access to all records that would identify cases of cancer or would describe a patient's disease, treatment, or medical status. Patients admitted to a Louisiana hospital shall be registered through the hospital. In addition, health care providers shall furnish follow-up data on each cancer patient when requested.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1299.82(7).

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Office of Preventive and Public Health Services, LR 13:246 (April 1987), amended by the Louisiana State University Medical Center, Office of the Chancellor, LR 24:1295 (July 1998), amended by the LSU Health Sciences Center, Health Care Services Division, Louisiana Tumor Registry, LR 30:2837 (December 2004).

§8507. Cancer Case Reporting

A. Reportable Cancer Cases. Any newly diagnosed in situ or invasive neoplasm is considered a reportable diagnosis (these bear a behavior code of '2' or '3' in the *International Classification of Diseases for Oncology*, 2nd edition (1992) or 3rd edition (2000), published by the World Health Organization. The two exceptions are: (1) carcinoma in situ of the cervix or prostate intraepithelial neoplasia and (2) basal cell and squamous cell carcinomas of the skin, unless they occur on the vermilion border of the lips or on the genital organs. In addition, the following tumors shall be considered reportable: juvenile astrocytoma (ICD-O-3 code M-9421/1); tumors with a behavior code of '0' (benign) or '1'

(borderline) if diagnosed at ICD-O-3 anatomical sites C70.0–C72.9 or C75.1–C75.3; and other histologies mandated by funding agencies. If a patient subsequently develops a new primary cancer, it shall be reported separately.

B. Format for Reporting. The format for reporting, the required codes, and the standards for completeness and quality are described in the *Standards for Cancer Registries*, compiled by the North American Association of Central Cancer Registries. Text is required for specified variables and shall be adequate to permit quality assurance evaluation of coding decisions. Records shall be sent to the designated regional office, the address for which can be obtained from the Louisiana Tumor Registry.

C. Variables to be Reported

1. The standardized report of cancer shall include the following information as a minimum. Some of the items may be computer generated. Those followed by an asterisk must include enough text to permit quality assurance evaluation of coding decisions.

Report Source	
1.	reporting facility/physician *
2.	date of admission/first contact
3.	hospital medical record number
4.	hospital accession number
5.	class of case: analytic/non-analytic
6.	type of reporting source
7.	institutions referred to and from
8.	physicians: managing, surgeon, oncologist, follow-up, referring, other, including Louisiana medical license number
Patient Information	
9.	patient's name: first, last, middle, maiden, alias, prefix, suffix
10.	date and place of birth
11.	age at diagnosis
12.	sex
13.	race
14.	address at diagnosis: facility name, number and street, city, parish, state, zip code
15.	telephone number
16.	Social Security number
17.	marital status
18.	religion
19.	Spanish/Hispanic origin
20.	usual occupation *
21.	usual industry *
22.	tobacco history
23.	family and patient history of cancer
24.	type of health insurance
25.	comorbid conditions
Description of Disease	
26.	date of first diagnosis
27.	primary site *
28.	diagnostic procedures: * physical exam, X-rays, scans, scopes, lab tests, operative, pathology
29.	type of diagnostic confirmation *
30.	laterality
31.	histology *
32.	neoplasm behavior
33.	grade/differentiation
34.	tumor size
35.	nodes examined and nodes positive
36.	tumor extension and lymph node involvement
37.	sites of distant metastasis
38.	extent of disease
39.	summary stage, * directly coded or derived
40.	Collaborative Staging
41.	coding systems for site, morphology and treatment
42.	sequence number at the facility
43.	tumor markers and other site-specific factors

Treatment	
44.	dates of definitive and first course of treatment
45.	descriptions and summaries of treatments:* surgery (including primary site, regional and distant lymph nodes, and other sites), chemotherapy, hormone, biological response modification, hematologic transplant, endocrine procedures, radiation (including to central nervous system), other
46.	reason for no treatment, if applicable
47.	surgery/radiation sequence
48.	reconstructive surgery, immediate (breast only)
49.	complications from surgery
Survival	
50.	name and address of parent/spouse/follow-up contact
51.	date of last contact
52.	patient's current address
53.	vital status
54.	recurrence date and type
55.	place (state), date and cause of death
56.	death certificate file number
57.	International Classification of Diseases revision
Administration	
58.	abstractor's initials
59.	date case put in file to transmit to LTR
60.	remarks *
* must include enough text to permit quality assurance evaluation of coding decisions	

2. The report of cancer shall include the listed demographic, diagnostic, and treatment information as a minimum as required by U.S. Public Law 102-515. Standard variables and codes established by the North American Association of Central Cancer Registries (NAACCR) shall be used. Additional variables may be added to the list as they are needed to study Louisiana-specific cancer questions or as they are required by LTR funding agencies. The Louisiana Tumor Registry or its regional offices may require that other data be abstracted and reported.

D. **Deadline for Reporting.** Each cancer case shall be reported to the designated regional registry within six months of diagnosis.

E. **Failure to Report.** If a facility fails to provide the required information in the format specified by the Louisiana Tumor Registry or if the data are of unacceptable quality, personnel from the Louisiana Tumor Registry may enter the facility to screen and abstract the information. In these cases, the facility shall reimburse the Louisiana Tumor Registry or its contractor \$40 per case or the actual cost of screening, abstracting, coding and editing, whichever is greater.

F. **Quality Assurance**

1. Staff members from the central registry, the regional registries, and national cancer surveillance programs designated by the LTR shall perform periodic quality assurance studies at all reporting facilities. These studies shall include:

a. rescreening medical records, including those in hospital pathology and radiology departments and in freestanding facilities, to ensure that all cancer cases have been accessioned; and

b. reabstracting the records of cancer patients to ensure that all data have been transcribed and coded correctly.

2. Reporting facilities shall assist LTR staff by compiling a list of cancer patients and obtaining the necessary medical records for its departments and patients.

The LTR and the regional registries shall also offer tumor registrar training for hospital personnel.

G. **Follow-Up.** Current follow-up is required for all cases. This information will be obtained from health care facilities and providers and from sources routinely used by national organizations, if possible.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1299.82(7).

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Office of Preventive and Public Health Services, LR 13:246 (April 1987), amended by the Louisiana State University Medical Center, Office of the Chancellor, LR 24:1295 (July 1998), amended by the LSU Health Sciences Center, Health Care Services Division, Louisiana Tumor Registry, LR 30:2837 (December 2004).

§8509. Confidentiality

A. R.S. 40:1299.85 and 1299.87 of Acts 1995, No. 1197, strengthen and enforce previous legislative provisions to ensure the confidentiality of cancer patients, health care providers, and health care facilities. These laws protect licensed health care providers and facilities that participate in the cancer registration program from liability, and they also specify confidentiality requirements for the expanded activities of the Louisiana Tumor Registry.

B. **LTR Responsibilities.** The president shall take strict measures to ensure that all case-specific information is treated as confidential and privileged. All employees or consultants, including auditors, of the Louisiana Tumor Registry and of its regional offices shall sign an "Agreement to Maintain Confidentiality of Data," and these agreements shall be kept on file. An employee who discloses confidential information through gross negligence or willful misconduct is subject to penalty under the law.

C. **Protection of Report Sources.** Health care providers who disclose cancer morbidity or mortality information to the Louisiana Tumor Registry or its employees in conformity with the law shall not be subject to actions for damages. Their licenses shall be not be denied, suspended, or revoked for good-faith release of confidential information to the Louisiana Tumor Registry.

D. **Protection of Case-Specific Data Obtained by Special Morbidity and Mortality Studies and Other Research Studies**

1. Louisiana R.S. 40:3.1(A) through (H) and R.S. 40:1299.87(F) state that all confidential data such as records of interviews, questionnaires, reports, statements, notes, and memoranda that are procured or prepared by employees or agents of the Office of Public Health shall be used solely for statistical, scientific and medical research purposes. This applies also to data procured by any other person, agency or organization, including public or private colleges and universities acting jointly with the Office of Public Health in connection with special cancer studies, and health research investigations. No case-specific data shall be available for subpoena, nor shall they be disclosed, discoverable, or compelled to be produced in any civil, criminal, administrative, or other proceeding, nor shall such records be deemed admissible as evidence in any civil, criminal, administrative, or other tribunal or court for any reason.

2. No part of the confidential data such as records of interviews, questionnaires, reports, statements, notes, and memoranda that are procured by employees or agents of the Louisiana Tumor Registry or persons, agencies or

organizations, including public or private colleges and universities acting in collaboration with the Louisiana Tumor Registry in special cancer studies, shall be available for subpoena. These data shall not be disclosed, discoverable, or compelled to be produced in any civil, criminal, administrative, or other proceeding, nor shall such records be deemed admissible as evidence in any civil, criminal, administrative, or other tribunal or court for any reason.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1299.82(7).

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Office of Preventive and Public Health Services, LR 13:246 (April 1987), amended by the Louisiana State University Medical Center, Office of the Chancellor, LR 24:1297 (July 1998), amended by the LSU Health Sciences Center, Health Care Services Division, Louisiana Tumor Registry, LR 30:2838 (December 2004).

§8511. Release of Information

A. Reports published by the Louisiana Tumor Registry shall include aggregate, not case-specific, data. Information that would potentially identify a patient or a health care provider or facility shall not be published.

B. Diagnostic, Treatment and Follow-Up Information. Diagnostic, treatment and follow-up information about a patient shall be provided, if requested, to the physician or medical facility diagnosing or treating the case in order to coordinate and manage health care for the patient (45CFR 164.506).

C. Collaboration with Federal and State Public Health Agencies and National and International Cancer Registration Programs. The LTR is authorized to collaborate with the National Cancer Institute, the Centers for Disease Control and Prevention, and national and international cancer surveillance programs designated by the LTR, including but not limited to the North American Association of Central Cancer Registries and the International Agency for Research on Cancer, in providing cancer data and participating in cancer studies. In addition, it shall work closely with the Louisiana Office of Public Health (LOPH), in investigating cancer concerns and other cancer-related issues and in evaluating programs. Because the LTR data are an integral part of national and state cancer prevention and control programs, the use of Registry data by public health officials and LTR-designated national cancer registration and surveillance programs shall be considered an in-house activity and shall be processed expeditiously. Each LOPH request for case-specific data will require approval by the LOPH Institutional Review Board and by the Institutional Review Board of the Louisiana State University Health Sciences Center—New Orleans (LSUHSC—New Orleans). In addition, the LOPH must comply with LTR confidentiality standards. Reports written for public release using Registry data will be reviewed in advance by the Louisiana Tumor Registry.

D. Requests for Case-Specific LTR Incidence Data. These data may be released to qualified persons or organizations for the purposes of cancer prevention, control, and research. Such data do not include confidential information collected for special morbidity and mortality studies or other research projects. Studies utilizing registry cancer data may investigate the causes of cancer, evaluate patient care and preventive services, or carry out any other

clinical, epidemiological, or other cancer research, including the role of biomarkers in morbidity and survival.

1. Requests from researchers for case-specific LTR incidence data, including data linkages, must be submitted in writing and shall be reviewed and approved by a research committee following the established policies of the Louisiana Tumor Registry. These established policies include, but are not limited to, the following requirements:

a. approval from the LSUHSC—New Orleans Institutional Review Board and compliance with the LSUHSC—New Orleans HIPAA research policy or approval from the researcher's Institutional Review Board and compliance with that institution's HIPAA research policy;

b. signature of the LTR confidentiality form by all persons who will have access to the data, agreeing to adhere to the LTR confidentiality provisions prohibiting the disclosure of data to persons whose confidentiality forms have not been accepted by the LTR and prohibiting the disclosure of LTR data in any civil, criminal, administrative, or other proceeding;

c. description of reasonable administrative, technical and physical safeguards to prevent unauthorized use or disclosure of the records;

d. a copy of the complete protocol for the project;

e. the written agreement to use data solely for the specified project;

f. a statement that publications or presentations resulting from the use of LTR data will include aggregate data only and will not reveal the identify of patients, healthcare providers, or healthcare facilities;

g. an agreement in writing from the researchers that neither the office of the president nor any reporting facility shall bear liability for loss, expense, attorney fees, or claims for injury or damages arising out of acts or omissions in the performance of this agreement on the part of the researcher;

h. the participation of the LTR director or designated staff in manuscript review to ensure compliance with confidentiality measures;

i. the destruction or return of data once the research is completed.

2. Data linkage with LTR files shall be performed only by the LTR staff, and the Registry may require the removal of identifiers to protect the identity of cases. The actual cost of the data linkage shall be borne by the researcher.

3. Researchers shall provide permission from the patient or his next-of-kin when requesting case-specific health information that includes primary identifiers; without such, consent shall be obtained from the reporting facility or health care provider. This may include, if applicable, authorizations and waivers of informed consent. In addition, physician consent may be a prerequisite for contacting patients or their next-of-kin in some facilities.

4. A detailed description of the procedures for requesting Registry data can be obtained from the Louisiana Tumor Registry, at the address below. The Registry may charge a fee for providing data, and this fee shall be limited to actual costs incurred.

E. Research Committee. The research committee shall be coordinated by the director of the LTR and shall include, but not be limited to, the director of the LTR and a

representative of each of the following: the LSUHSC-New Orleans, the Louisiana Office of Public Health, and the Louisiana Cancer and Lung Trust Fund Board. The committee will verify that the researchers are able to execute the proposal, in terms of both financial support and professional qualifications; that the study has scientific merit; and that consent will be obtained from all required sources.

F. Requests for Aggregate Data. Data required by the LOPH for responding to concerns expressed about threats to the public health shall receive priority in determining the order of processing requests. Subject to the provisions of the Louisiana Public Records Act, R.S. 44:4.1 et seq., other requests shall be processed in the order of their receipt. The Registry shall respond to public requests as quickly as possible, subject to staffing and resource constraints, provided that these requests meet certain requirements in conformity with R.S.40:3.1(A) and (F) and R.S.40:1299.87(F) et seq. Requesters may be asked to reimburse the LTR for actual costs for compiling and providing data.

1. Requests for aggregate information shall be made in writing to the address listed below. The letter shall include a return address; a clear description of the requested data, including geographical area, year of diagnosis, and anatomical sites; and a legible version of the requester's name. The LTR staff shall provide aggregate figures, provided that complete and accurate data are available for the specified time period. If complete edited data are not available for the period requested, the LTR staff shall substitute information from the most recent years that meet its completeness and accuracy standards. The privacy of individuals shall be protected by suppressing small numbers in given geographic areas, in accordance with statutory confidentiality protections for case-specific data. In no event, however, shall the LTR be obligated to perform original work to create new records not currently in existence.

G. Annual Report. A statistical report shall be prepared for the governor, the speaker of the House of Representatives, the President of the Senate, the House and Senate Committees on Health and Welfare, the Louisiana State University Health Sciences Center, the Louisiana Cancer and Lung Trust Fund Board, and each participating hospital.

1. Address and Phone of the Louisiana Tumor Registry

Louisiana Tumor Registry
1600 Canal St, Room 900A
New Orleans, LA 70112

Phone: 504/568-4716
Fax: 504/568-2493

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1299.82(7).

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Office of Preventive and Public Health Services, LR 13:246 (April 1987), amended by the Louisiana State University Medical Center, Office of the Chancellor, LR 24:1298 (July 1998), amended by the LSU Health Sciences Center, Health Care Services Division, Louisiana Tumor Registry, LR 30:2839 (December 2004).

§8513. Interstate Exchange of Data

A. Because cancer patients may be diagnosed or receive treatment in another state, the Louisiana Tumor Registry is authorized to sign agreements with other states to acquire cancer data concerning Louisiana residents and, in return, to provide those states with data relating to their residents. Each signatory state shall agree in writing to keep all case-specific data confidential and privileged and to abide by all Louisiana confidentiality regulations.

B. Data shall be exchanged only by the state central registries.

C. Cancer information on residents of other states, if the case was originally recorded in Louisiana and forwarded to the other state, shall not be included in special studies unless the researchers have obtained consent from the Louisiana Tumor Registry. These researchers shall comply with Louisiana confidentiality procedures.

D. Before the release of any confidential information to other cancer registries, the following Interstate Agreement form shall be executed by a representative of the other state central registry who is authorized to legally obligate the registry and by a representative of the Louisiana State University System. LTR staff may amend this agreement to comply with requirements by the LTR funding agencies. This Interstate Agreement obligates the other registry to keep non-aggregate, case-specific information confidential; it is not to be redisclosed without further written authorization.

LOUISIANA TUMOR REGISTRY

CANCER PATIENT INFORMATION EXCHANGE AGREEMENT with

_____ , hereinafter referred to as "Other,"
The office of the President of the Louisiana State University system, acting through the Louisiana Tumor Registry, and
agree as follows:

(1) Services:

By signing this agreement, the parties state their intention to exchange cancer incidence data concerning cancer patients who are residents of the other's state in order to provide more complete case enumeration among their residents. This exchange is predicated on the mutual assurance that the identifying information on the patient that is exchanged is protected by law from release and shall be kept strictly confidential. This exchange does not pertain to any data collected as part of special morbidity or mortality studies or other research projects.

In addition, the parties agree:

a) to provide the information following a mutually agreeable format and time table. It is expressly agreed that the identity of the patient and facility, along with any other pertinent identifying information routinely collected by both the Louisiana Tumor registry and Other, will be provided.

b) to restrict carefully the use of information. The information may be used only for registry administration and for aggregated statistical tabulations and analyses.

c) to prohibit cancer incidence data or identifiable information on a case or a health care provider that was supplied under the terms of the agreement from being released to anyone not employed in the direct operation of the recipient registry or in direct operation of a national or international surveillance program designated by the recipient registry. Employees may include those

involved in the processing, administration, quality control review, and statistical surveillance of cancer incidence data.

d) not to contact directly any subject cancer patients or their families covered by this agreement. Any request for additional or follow-up information shall be referred back to the other party to this agreement.

e) to terminate this agreement immediately upon the written notification of either party to terminate the agreement.

(2) Confidentiality:

The parties agree that:

a) any and all LTR incidence data that pertain to an individual case, as distinguished from group, aggregate, or tabular data, are confidential.

b) they shall require all officers, agents, and employees to keep all such data strictly confidential, shall communicate the requirements of this section to all officers, agents, and employees, shall discipline all persons who may violate the requirements of this section, and shall notify the collecting agency in writing within two working days of any violation of this section, including full details of the violation and corrective actions to be taken.

c) all data provided under the provisions of this agreement may be used only for the purposes named in this agreement. Any other or additional use of the data may result in immediate termination of this agreement by either party.

d) all data provided under the provisions of this agreement shall be sent by certified mail or courier service and are the sole property of the reporting state. They may not be copied or reproduced in any form or manner without prior written permission of the collecting agency.

e) in the event that either party receives a subpoena or other court order compelling disclosure of confidential data obtained through interstate data exchange, the parties agree to notify the registry that initially provided the data within two working days of receipt of the subpoena or court order. Additionally, the parties agree that, should they receive such a subpoena, they shall take all legal steps reasonably necessary to oppose the subpoena. Louisiana law states that "no case-specific data shall be available for subpoena nor shall it be disclosed, discoverable, or compelled to be produced in any civil, criminal, administrative, or other proceeding, nor shall such records be deemed to be admissible in any civil, criminal, administrative, or other tribunal or court for any reason."

f) confidential information obtained under the terms of this agreement will not be released to parties conducting research or other activities, even if the study has met the recipient state's approval requirements. Instead, the researcher or other requester must contact the registry providing the original report for permission to use the data. Researchers using data originally abstracted in Louisiana must abide by Louisiana confidentiality procedures, a detailed description of which may be obtained from the Louisiana Tumor Registry at the address below. De-identified data obtained through the data exchange may, however, be released for statistical purposes to national or international surveillance programs designated by the recipient registry.

g) In no event shall either cancer registry bear liability for loss, expense, attorneys' fees, or claims for injury or damages arising out of acts or omissions in the performance of this agreement on the part of the other registry.

h) Unauthorized disclosure of confidential or privileged information when such disclosure is due to gross negligence or willful misconduct is not protected.

(3) Data from Special Studies

As stated in Subpart (1) above, this information exchange agreement does not encompass or apply to the confidential data of special morbidity or mortality studies and research investigations. These data are protected from disclosure by La. R.S. 40:3.1(A) through (H) and by R.S. 40:1299.87(F).

(4) Amendments:

This agreement shall not be amended without prior written approval of both parties to the agreement.

(5) Assignment:

The parties understand and agree that this agreement may not be sold, assigned, or transferred in any manner and that any actual or attempted sale, assignment, or transfer shall render this agreement null, void, and of no further effect.

(6) This agreement shall be in effect from date of execution until terminated by either of the parties. This agreement may also be terminated without cause by either party at any time upon at least 15 days' written notice of termination to the other party. Termination shall be sent in writing pursuant to Section (7).

(7) Notices:

All notices required or desired to be made by either party to this agreement shall be sent by certified mail or courier service to the following addresses:

to LTR: Director
Louisiana Tumor Registry
1600 Canal St, Room 900A
New Orleans, LA 70112

to Other:

(8) The parties hereto agree and warrant by signing this agreement that their agency has the right to keep the information covered by this agreement confidential.

(9) Total Agreement:

The parties understand and agree that this agreement constitutes the total agreement between them and that no promises, terms, or conditions not recited herein or incorporated herein or referenced herein shall be binding upon either of the parties.

Signed:

Agency: Louisiana Tumor Registry Agency: _____

By: _____ By: _____

Typed name: _____ Typed name: _____

Title: _____ Title: _____

Date: _____ Date: _____

Agency: Louisiana State University Health Sciences Center New Orleans

By: _____

Printed name: _____

Title: _____

Date: _____

Address and Phone Numbers for the Louisiana Tumor Registry
Louisiana Tumor Registry 1600 Canal St, Room 900A New Orleans, LA 70112 Phone: 504/568-4716 Fax: 504/568-2493

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1299.82(7).

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Office of Preventive and Public Health Services, LR 13:246 (April 1987), amended by the Louisiana State University Medical Center, Office of the Chancellor, LR 24:1298 (July 1998), amended by the LSU Health Sciences Center, Health Care Services Division, Louisiana Tumor Registry, LR 30:2840 (December 2004).

Vivien W. Chen
Director

0412#092

RULE

**Department of Public Safety and Corrections
Board of Pardons**

Board Meetings (LAC 22:V.101)

In accordance with R.S. 49:950 et seq., the Administrative Procedure Act, the Louisiana Board of Pardons hereby amends its time for public meetings, which is referenced in LAC 22:V.101.A.

R.S. 15:572.1(C) allows the Louisiana Board of Pardons to meet on regularly scheduled dates determined by it. In LAC 22:V.101.A, the Board of Pardons previously chose to hold public meetings on the first Tuesday of each month. The new board will be meeting at the First Circuit Court of Appeal in Baton Rouge; however, the courthouse cannot accommodate this meeting time. Thus, the new board voted on June 1, 2004, to amend the Rule so that it may hold its public meetings at the First Circuit Court of Appeal.

Title 22.

**CORRECTIONS, CRIMINAL JUSTICE AND LAW
ENFORCEMENT**

Part V. Board of Pardons

Chapter 1. Applications

§101. General

A. The board shall meet on regularly scheduled dates as determined by it, and at such other times as the chairman may determine are necessary for the purpose of reviewing and taking action on applications for pardons pending before it and to transact such other business as it deems necessary. The calendar of fixed hearing dates and tentative dates shall be maintained at the Board of Pardons office and said calendar shall be available to the public. The hearing dates shall also be posted on the web site maintained by the board.

B. - F. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 15:572.1 and 15:572.4.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Board of Pardons, LR 16:1062 (December 1990), amended LR 24:1132 (June 1998), LR 30:2842 (December 2004).

Judge Ronald D. Cox
Chairman

0412#085

RULE

**Department of Public Safety and Corrections
Office of Motor Vehicles**

Compulsory Insurance
(LAC 55:III.Chapter 17)

Notice is hereby given that the Louisiana Department of Public Safety and Corrections, Office of Motor Vehicles, adopts new rules relating to notification of the initiation, termination, or modification of liability security pursuant to Louisiana Revised Statutes 32:863.2, and repeals the existing rules contained in Title 55:III.Chapter 17, Subchapter B of the Louisiana Administrative Code. These Rules implement the significant change to the acceptable

reporting method by providers of automobile liability insurance for compliance with Louisiana's compulsory insurance law. R.S. 32:861 et seq.

Title 55

PUBLIC SAFETY

Part III. Motor Vehicles

Chapter 17. Compulsory Insurance

**Subchapter B. Specifications for Notification of
Initiation, Termination, or Modification
of Liability Security**

§1750. Definitions

A. As used in this Subchapter, the following terms have the meanings described below.

Account Number/User-ID The unique identifier assigned by Global Services to each servicing agent. This code identifies the mailbox for the reporting entity and is also used by Global Services for billing.

Business Days Business days are Monday through Friday, between 8:00 a.m. and 4:30 p.m. central time. Business days do not include Saturday, Sunday or state holidays, or any other holiday declared by the Governor.

Change in Coverage A change in coverage shall be considered either an initiation of coverage or a termination of coverage based on the nature of the change. The addition of a vehicle to a liability security policy shall be considered an initiation of coverage. The deletion of a vehicle from a liability security policy shall be considered a termination of coverage. The replacement of a covered vehicle with another vehicle in a liability security policy shall be considered both a termination of coverage for the replaced vehicle and an initiation of coverage for the replacement vehicle. Renewals, without a lapse in coverage, shall not be reported. Renewals in which only the policy number changes shall not be reported. Changes in coverage not related to the vehicle liability security being issued, procured, recalled, reinstated, terminated, canceled, or changed from binder status to an active policy number shall not be reported.

Department Department of Public Safety and Corrections.

Duplicate Record Any record reported with the same information (insurance company code, vehicle identification number, termination-or-change-or-effective-date, and transaction-type) as a record already in the Department's insurance system is a duplicate record and will be rejected. (disposition code "D").

Edit Error A record submitted by an insurance company or servicing agent unacceptable for filing purposes due to the absence of information in a required field or the presence of invalid information in the key data fields is an edit error. Key data fields are identified and detailed in the technical filing specifications. Any record which is returned to an insurance company or servicing agent as an edit error is not a filing. The record shall be corrected and re-reported within 15 business days of the return-date. (disposition code "E")

Edit Error Mask The field within each type of record (Header, Individual Vehicle and Fleet) that is used to identify fields that failed to pass the edits. When the disposition code is "E" the edit-error-mask field will identify which fields failed to pass the edits (1) and which fields are edit error free (0).

Fleet Policy A policy insuring a business with a fleet of five or more vehicles registered in Louisiana for which vehicle identification number information is not maintained on each vehicle. If the insurance company maintains the vehicle identification number of each vehicle within the fleet, the filing must be reported on each vehicle.

Hit A record submitted by an insurance company or servicing agent which matches a department's vehicle registration record and is an acceptable record (disposition code "H").

Incorrect Type-Use The reported vehicle is exempt from the Compulsory Motor Vehicle Liability Security Law because of the "type use" or "class" of vehicle. This record is not updated to the system. Do not resubmit this record. (disposition code "I")

Initiation of Coverage The issuing or making of a liability security policy, liability bond, deposit or other security.

Insurance Company Code A unique number assigned to each insurance company. The National Association of Insurance Commissioners Code (NAIC code) or a temporary identification number assigned by the Department to an insurance company for the purpose of R.S. 32:863.2 of the Compulsory Motor Vehicle Liability Security Law will be used.

Lapse When a vehicle liability security policy is not in effect for more than 10 days.

No-Hit A record submitted by an insurance company or service agent which does not match a Department vehicle registration record and which does not pass the VINA check. The filing record must be corrected and resubmitted within 15 business days of the return-date. (disposition code "U").

Non-Renewal A non-renewal of a motor vehicle liability insurance policy shall include:

- (a). a refusal by the insurer to issue a superseding policy or a renewal of such policy,
- (b). a request by the insured that a superseding policy not be issued or such policy not be renewed, or
- (c). a failure of the insured to make the premium payment due upon a superseding policy or on a renewal of such policy offered by the insurer. Non-renewals are to be reported in the same manner as cancellations or terminations.

Notification The furnishing of information by a security provider to the department concerning liability security or lack of liability security on a motor vehicle, or a change or correction of data concerning the item of security, the vehicle or the lessee or owner, as required by R.S. 32:863.2 of the Motor Vehicle Liability Security Law and these rules and regulations.

Out-of-Sequence Error The records submitted are not in chronological order. For example the cancellation is reported prior to the initiation. This record is unacceptable for filing purposes and is returned to the insurance company. Records shall be reported in chronological order. (disposition code "S").

Owner The name of the legal lessee or owner as obtained by the security provider from the vehicle registration certificate.

Owner ID Number Driver's license number for an individual, lessee or owner, the left most 9 characters of the

driver's license number or federal tax identification number for the lessee or owner such as a corporation, an estate, etc.

Policy Number The number of the policy that the vehicle is insured under. The insurance company will maintain a list of policy numbers and effective dates for each vehicle or fleet reported.

Prescribed The record submitted is over 18 months old. There is an 18 month difference between the TERMINATION-OR-CHANGE-OR-EFFECTIVE-DATE or ISSUE-DATE and the date this record was received by the Department. This record is not updated to the system. Do not resubmit this record. (disposition code "P").

Recall of Notification A record submitted to the Department by a security provider or servicing agent, which rescinds a record previously submitted to the Department in error. The recall record fields match the original record fields except for the transaction-type.

Record Insurance information pertaining to the items required by law and these rules and regulations for an individual vehicle or fleet coverage.

Return Filing Report A report prepared by the Department for an insurance company or servicing agent following completion of processing (editing of data and record matching) containing the disposition of each record. It is the responsibility of the insurance company or servicing agent to review and take the necessary corrective action as required by these rules and regulations. If the return report contains only the header record, that record was submitted with incorrect or missing information. In this case, the header record must be corrected and all of the filing records must be resubmitted. None of the filing records submitted with an incomplete or incorrect header record will be accepted.

Restricted Hit A record submitted by an insurance company or service agent which does not match a Department vehicle registration record but which does pass the VINA edit check. These records do not need to be re-reported. (disposition code "R").

Return Date The department will provide a return date in its filing report. The return date will be the date the department writes the filing report and will equal the date in the date-processed field of the trailer record.

Security Provider A liability insurance company or other provider of liability security required under the Compulsory Motor Vehicle Liability Security Law (R.S. 32:861 et. seq.).

Service Agent Any person or organization duly designated by an insurance company to prepare, transmit or deliver records on behalf of such insurance company.

Service Agent Code A number assigned to each service agent. Either the National Association of Insurance Commissioners Code (NAIC code) or a temporary identification number assigned by the department will be used.

Termination/Cancellation of Liability Security Any cancellation or termination of liability security on a motor vehicle (whether caused by the insurer or insured).

Timely Filing Notification received within 15 business days from the effective date when a vehicle's liability security policy is issued, procured, recalled, reinstated,

terminated, canceled, or changed from binder status to active policy number.

VINAC routine used to compute the vehicle identification number check digit for 1981 or newer vehicles.

AUTHORITY NOTE: Promulgated in accordance with R.S. 32:863.2.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of Motor Vehicles, LR 30:2842 (December 2004).

§1751. Definitions

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 32:863.2.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of Motor Vehicles, LR 24:1770 (September 1998), repealed LR 30:2844 (December 2004).

§1752. Introduction

A. Effective July 1, 1998, security providers shall report to the Department of Public Safety and Corrections, office of Motor Vehicles, certain information, on a vehicle by vehicle basis, with certain exceptions, in accordance with the Compulsory Motor Vehicle Liability Security Law (R.S. 32:861 et seq.) "The Compulsory Security Law" and with these rules and regulations regarding the initiation of liability coverage.

B. Effective July 9, 1998, security providers shall report to the Department of Public Safety and Corrections, Office of Motor Vehicles, certain information, on a vehicle by vehicle basis, with certain exceptions, in accordance with the Compulsory Motor Vehicle Liability Security Law (R.S. 32:861 et seq.) "The Compulsory Security Law" and with these rules and regulations regarding the termination, withdrawal, cancellation, lapsing, or otherwise rendering ineffective of liability coverage.

C. As required by law and these rules and regulations, reports must be made to the department whenever liability security on a vehicle is issued, procured, recalled, reinstated, terminated, canceled, or changed from binder status to an active policy number.

D. Such information must be transmitted to the department in an efficient and timely manner in accordance with these Rules and Regulations.

E. Insurance companies shall not provide information to the department except as required by law or these rules and regulations. Examples of information which will not be submitted to the department include, but are not limited to, the following.

1. information on non-liability coverage such as collision and comprehensive policies;
2. information on liability policies not in compliance with the Compulsory Security Law (such as umbrella policies with excess coverage and non-ownership policies);
3. addition or deletion of other drivers;
4. change of policy number;
5. invalid type use or class.

F. The purpose of the information required is to enforce the Motor Vehicle Safety Responsibility Law, R.S. 32:851 et seq., and particularly the Compulsory Security Law, R.S. 32:861 et seq. Consistently with this purpose, the information maintained by the department will be provided to a person making proper written request under R.S.

32:863.2.C. Information will be provided on a single individual or vehicle basis only. In order to preserve the proprietary information of insurance companies, insurance coverage information compiled by company or by zip code, for example, will not be made available to inquirers, nor will the department develop or maintain any composite list by insurance company or insurance company identifier except by count of disposition codes. The department will cooperate fully with the insurance industry in preserving the security of customer lists and related data.

G. The intent of these rules and regulations is to provide a mechanism whereby the liability security coverage for each vehicle subject to the Compulsory Security Law is identified, with the least necessary intrusion into the proprietary interests of liability security providers. To that end the department, responding to the expressed concerns of the insurance industry, has attempted to eliminate unnecessary redundancy in the data required to be reported. To the extent that any adjustments are required in the scope of reportable information, the department solicits the continuing active cooperation of the insurance industry in maintaining the effective operation of the Compulsory Security Law.

H. These rules and regulations permit adjustments to technical specifications. Security Providers will be advised by mail (postal, electronic, or both) of any changes in the technical specifications of this Section. The department will always attempt to give 90 days notice of these adjustments so that the security provider may have enough time to implement the changes, however, legislative changes or other circumstances may result in notice of less than 90 days. Such mailings may be called "advisory bulletins" or "memorandums" from the Commissioner of the Office of Motor Vehicles. These bulletins or memorandums may also contain clarifications, helpful hints, and such additional information as may be deemed applicable to compliance with the Compulsory Security Law. Moreover, in the event that an unusual situation is not covered by these regulations, a reasonable procedure consistent with the Compulsory Security Law will be followed.

I. In cases where, after written notice, a Security Provider continually fails to supply the information required by R.S. 32:863.2 and these rules and regulations, fees as provided by that statute may be imposed. A Security Provider will not be charged a fee for providing data based on a reasonable assumption, such as assuming in good faith that the owner's driver's license number is the same as the named insured's driver's license number. Special consideration shall be given to unusual problems in compliance, proved in writing.

J. A security provider must notify the department after motor vehicle liability security is issued, procured, recalled, reinstated, terminated, canceled, or changed from binder status to an active policy number. For initiations such notification shall be made within 15 business days of the issue date. For terminations such notification shall be made within 15 business days of the effective date of the termination. Notification shall be made in the form required by the department as set forth in these Rules and Regulations. A separate notice shall be submitted for each vehicle. Failure to properly notify the department may result

in the assessment of fees as described in LAC 55, Part III, Chapter 17, Subchapter B §1752(I).

K. Procedural questions concerning this regulation should be referred to:

1. Mailing Address:
Louisiana Department of Public Safety and Corrections
Office of Motor Vehicles
P.O. Box 64886
Baton Rouge, LA 70896
Attention: Compulsory Insurance Unit
2. Phone Number: (225) 925-7285 or (225) 925-6983
3. Fax Number: (225) 922-0158

L. Technical questions concerning this regulation should be referred to:

1. Mailing Address:
Louisiana Department of Public Safety and Corrections
Data Processing Center
8001 Independence Boulevard
Baton Rouge, LA 70806
Attention: DMB Project Leader
2. Phone Number: (225) 925-6246
3. Fax Number: (225) 925-4019

AUTHORITY NOTE: Promulgated in accordance with R.S. 32:863.2.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of Motor Vehicles, LR 30:2844 (December 2004).

§1753. Introduction

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 32:863.2.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of Motor Vehicles, LR 24:1771 (September 1998), repealed LR 30:2845 (December 2004).

§1754. General Information

A. Correcting No-Hits. A "Hit" is based on the vehicle identification number. When the vehicle identification number does not match with the department's vehicle registration records and fails the VINA check, the record is coded "No-Hit" (disposition "U"). In accordance with these Rules and Regulations, the security provider (insurance company) has 15 business days from the return date of the filing to correct the vehicle identification number information and resubmit. If a company provides a vehicle identification number for a 1981 or newer vehicle and the department's VINA check determines that the vehicle identification number is valid, but the vehicle identification number is not available from the department's vehicle registration records, the record is returned as a "Restricted Hit" (disposition "R").

B. Reporting An Initiation of Coverage and Cancellation of Coverage at the Same Time. The last record received from a company for a vehicle is considered to reflect the status of the vehicle with the company. Multiple filings for a single vehicle having the same company code and owner-ID will result in the last record received being maintained by the department. Receiving records out of order remains a problem with many companies and may result in cancellation notices being sent to individuals who have insurance. All records must be submitted in chronological order.

C. Recalling Notification. When a security provider discovers that a cancellation or initiation of coverage was

reported by mistake, the security provider shall submit to the department a notice of recall of notification. All of the data except the transaction type shall be the same as originally submitted in order to match the recall with the notification.

D. Warning on Notice of Acknowledgment of Termination to Insured. The Notice of Acknowledgment of Termination sent to an insured shall contain the following warning notice. If you do not keep your liability insurance in force during the entire registration period, your registering privileges will be subject to revocation. By law your insurance carrier is required to report specific termination information to the Commissioner of the Department of Public Safety and Corrections.

E. Timely Insurance Filings. In accordance with these Rules and Regulations, the Security Provider must notify the department after motor vehicle security is begun or ended or issued, procured, recalled, reinstated, terminated, canceled, or changed from a binder status to an active policy number. Such notification must be made within 15 business days from the date such policy was issued or made. Such notification must be made within 15 business days from the effective date of the termination. The security provider has 15 business days from receipt of the department's returned filings to correct any "No-Hit" records and resubmit. Initiation filings received prior to the issue date will result in an edit error (disposition "E"). Termination filings received prior to the effective date will result in an edit error (disposition "E"). An edit error is not an acceptable filing. Edit errors must be corrected and resubmitted.

1. An initiation filing will be considered late if the date received is more than 15 business days after the issue date. A termination filing will be considered late if the date received is more than 15 business days after the effective date of the termination. Any filings considered late will be returned with the Late-Flag set to "Y".

2. Possible Policy Scenarios: If a policy lapses and is then later reinstated, with a lapse, submit a termination. Whenever the policy is re-issued, send in the initiation with the new initiation date, not the date that the policy was initially issued.

a. If a policy lapses and is reinstated without a lapse, if a termination has been submitted, recall the termination.

b. If a policy lapses and is reinstated without a lapse, and a termination was not submitted, no filings are required.

c. If the policy number changes or if the policy is renewed without any vehicle or company (NAIC number) changes, then a filing is not required.

3. The department will monitor this area of the reporting requirements. Those security providers who violate this provision will be subject to possible fee assessments.

AUTHORITY NOTE: Promulgated in accordance with R.S. 32:863.2.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of Motor Vehicles, LR 30:2845 (December 2004).

§1755. Failure to Comply with Reporting Requirements

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 32:863.2.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of Motor Vehicles, LR 24:1771 (September 1998), repealed LR 30:2845 (December 2004).

§1756. Manual Filings

A. Effective January 1, 2005 the department will no longer accept manual filings.

AUTHORITY NOTE: Promulgated in accordance with R.S. 32:863.2.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of Motor Vehicles, LR 30:28:2846 (December 2004).

§1757. Questions Regarding Procedures and Technical/Data Issues

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 32:863.2.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of Motor Vehicles, LR 24:1772 (September 1998), repealed LR 30:2846 (December 2004).

§1758. Fleet Filings

A. Eligibility. Any insurance company writing motor vehicle liability insurance in Louisiana and insuring a fleet of five or more vehicles registered in Louisiana for which vehicle identification number information is not maintained on each vehicle must electronically report said fleet coverage as specified in these rules and regulations. If the insurance company maintains the vehicle identification number of each vehicle within the fleet, the filing must be reported on each vehicle.

B. Conditions of Filing. A security provider must notify the department after motor vehicle liability security is begun, ended, or in certain ways modified. Such notification shall be made within 15 business days of the issue date of the initiation of coverage and within 15 business days of the effective date of the termination of coverage. After the initiation has been reported, the cancellation is not to be reported until the entire fleet policy has been canceled. (Do not report the addition or deletion of individual vehicles.)

C. Format. Each notification must be transmitted electronically using the formats provided in these Rules and Regulations.

D. Number of Vehicles. The estimated number of vehicles in a fleet is reported in lieu of vehicle identification number information on a vehicle by vehicle basis.

AUTHORITY NOTE: Promulgated in accordance with R.S. 32:863.2.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of Motor Vehicles, LR 30:2846 (December 2004).

§1759. Match Rate and Reporting Period

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 32:863.2.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of Motor Vehicles, LR 24:1772 (September 1998), repealed LR 30:2846 (December 2004).

§1760. Fee Assessments

A. Failure to report the required information and/or failure to report the required information timely can result in the insurance company being assessed a fee. If more than 5 percent of acceptable filings (disposition codes Hit and Restricted Hit) are considered late, a fee of \$50 may be assessed for each of these late filings. A fee of \$50 may be assessed for each failure to report.

B. This state's vehicle registration records will be checked against liability security insurance records on an on going basis. Fees will be assessed to those companies in non-compliance with the statute and these rules and regulations. Further, in cooperation with the Department of Insurance, continuous violations and non-compliance could result in additional administrative or judicial action.

C. Fees will not be assessed to those security providers who continue to report all insured vehicles, report in a timely manner.

AUTHORITY NOTE: Promulgated in accordance with R.S. 32:863.2.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of Motor Vehicles, LR 30:2846 (December 2004).

§1761. Credit for Correcting Unresolved No-Hits

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 32:863.2.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of Motor Vehicles, LR 24:1772 (September 1998), repealed LR 30:2846 (December 2004).

§1762. Transaction Types And How They Are Used

A. Described below are the transaction types and how each may be used.

1. 0-Termination: A termination or cancellation notice is submitted whenever liability security is canceled or terminated.

2. 1-Recall Of Termination: The recall of transaction type "0" is used whenever a cancellation notice has previously been submitted in error.

a. Example: A cancellation notice was incorrectly reported. The cancellation date was reported as February 2 instead of February 13. A recall of the February 2 cancellation notice is submitted followed by a cancellation notice having a canceled date of February 13.

3. 6-Termination For NSF Check: A termination or cancellation notice pursuant to this code is submitted whenever a Security Provider backdates the effective date of a cancellation because the insured paid with a check that was returned by the bank more than fifteen days after the effective date of the policy.

4. 7-Termination for Rescinded/Canceled Sale: A termination or cancellation notice is submitted whenever liability security is canceled or terminated as a result of a rescinded or canceled sale of the vehicle.

5. A-Initiation: An initiation notice is submitted whenever liability security is initiated (new business) on a vehicle. If there is a lapse in coverage, a termination notice must be submitted followed by an initiation notice showing the new initiation or reinstated date.

6. B-Recall of Initiation: The recall of transaction type "A" is used whenever an initiation notice was submitted in error.

a. Example: An initiation notice was incorrectly reported. The starting date was reported as February 2 instead of February 13. A recall of the February 2 initiation notice is submitted followed by an initiation notice having a starting date of February 13.

7. F-Change: A change notice is submitted only for changing the policy number from "BINDER" to an active policy number.

a. Example: An initiation notice was submitted with a policy number of "binder." A change notice is submitted with an active policy number.

AUTHORITY NOTE: Promulgated in accordance with R.S. 32:863.2.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of Motor Vehicles, LR 30:2846 (December 2004).

§1763. Reporting an Initiation of Coverage and Cancellation of Coverage at the Same Time

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 32:863.2.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of Motor Vehicles, LR 24:1772 (September 1998), repealed LR 30:2847 (December 2004).

§1764. Disposition Codes

A. Described below are the disposition codes returned and how they are used:

1. D-Duplicate Reporting: This record was previously reported to the Department with the same information. This record has been rejected by the Department. It is not necessary to re-report the same record again after it was successfully reported.

2. E-Edit Error: This record is not acceptable due to the absence of information in a required field or invalid information in a field. This record has been rejected by the department. The "edit-error-mask" field needs to be evaluated to determine the field(s). After the field(s) have been corrected this record shall be re-reported.

3. H-Hit: This record has been accepted by the department. This record's vehicle identification number matches a vehicle that requires compulsory liability security and is currently registered in Louisiana.

4. I-Incorrect vehicle "type use" or "class": This record has been rejected by the department. The "type use" or "class" of this vehicle record is such that it does not have to be reported to the department. An example of this type of vehicle is a trailer.

5. P-Prescribed: This record is not acceptable because the date in the "termination-or-change-or-effective-date" or "issue-date field" is more than 18 months old. This record has been rejected by the department.

6. R-Restricted Hit: This record has been accepted by the department. The vehicle identification number of this record does not match a vehicle currently registered in Louisiana that requires compulsory insurance; however, the vehicle identification number reported passes the VINA edit routine. This record should be verified using the Vehicle Registration Certificate.

7. S-Sequence Error: This record has been rejected by the Department. The record has been reported out of sequence. Examples are: reporting a transaction type "0" (termination) prior to having reported a transaction type "A" (initiation). Records shall be reported in chronological order.

8. U-No-Hit: This record has been rejected by the department. The vehicle identification number of this record does not match a vehicle currently registered in Louisiana. The vehicle identification number does not pass the VINA edit routine. This record should be verified using the vehicle registration certificate.

AUTHORITY NOTE: Promulgated in accordance with R.S. 32:863.2.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of Motor Vehicles, LR 30:2847 (December 2004)

§1765. Recalling Notification by Security Provider

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 32:863.2.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of Motor Vehicles, LR 24:1772 (September 1998), repealed LR 30:2847 (December 2004).

§1766. Contact Person Information

A. Certain information is needed periodically by this agency to facilitate communication with Security Providers. The contact information sheet is to be completed and returned to the department during the month of January each year and whenever there is a change involving contact personnel. A contact information sheet shall be submitted for each insurance company.

1. Please furnish the name of the representative responsible for compliance:

- a. Administrative reporting requirements
- b. Information Technology/Information Services/Data Processing
- c. Commercial lines
- d. Personal lines
- e. Fleet filings
- f. Other personnel responsible for filings or fee assessments

B. Contact Person Information Sheet

Contact Person Information Sheet
 La. Office of Motor Vehicles
 Compulsory Insurance Unit
 P.O. Box 64886
 Baton Rouge, LA 70896

Certain updated information is needed periodically by this agency in order for us to contact the correct person within your insurance company to provide the most updated information or to correct problem areas.

The contact information sheet is to be completed and returned to this department. The contact sheet must be submitted during the month of January each year and whenever there is a change in any of your company's contact personnel.

A contact information sheet must be submitted for each insurance company.

Please furnish the name of the representative responsible for compliance with administrative reporting requirements, data processing, commercial lines, personal lines, fleet filings, and other personnel responsible for filings or fee assessments.

This information will assist us in contacting your company's representative(s) in regard to specific compliance regulations.

NAIC# NAME OF INSURANCE COMPANY

ADMINISTRATIVE COMPLIANCE	DATA PROCESSING
NAME:	NAME:
ADDRESS:	ADDRESS:
PHONE: ()	PHONE: ()
FAX: ()	FAX: ()
E-MAIL ADDRESS:	E-MAIL ADDRESS:

AREA OF RESPONSIBILITY	AREA OF RESPONSIBILITY
NAME:	NAME:
ADDRESS:	ADDRESS:
PHONE: ()	PHONE: ()
FAX: ()	FAX: ()
E-MAIL ADDRESS:	E-MAIL ADDRESS:

AUTHORITY NOTE: Promulgated in accordance with R.S. 32:863.2.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of Motor Vehicles, LR 30:2847 (December 2004).

§1767. Warning on Notice of Acknowledgment of Termination to Insured

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 32:863.2.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of Motor Vehicles, LR 24:1772 (September 1998), repealed LR 30:2848 (December 2004).

§1768. Reporting Instructions

A. The Louisiana Department of Public Safety and Corrections utilizes Global Service's "information exchange" service as the method of exchanging electronic data for compulsory liability insurance reporting. The "information exchange" service will allow secure electronic data transfer between the department and each Insurance company. The following outlines steps necessary to begin participating in this electronic transfer. Assistance in implementing the insurance company's part of this electronic relationship will be provided by the Marketing and Enabling Support function of Global Services which can be reached at (800) 655-8865. When contacting Global Service's, the call relates to the State of Louisiana project, number 735. The department's mailbox (account number/user-id) is: "LAPS/LAPSS01" for test; "LAPS/LAPSS02" for production.

B. Network Connectivity/Mailbox. Security Providers that currently have connectivity to the Global Network, either through Insurance Value Added Network Services ("IVANS" phone number (800) 548-2675) or directly, must ensure that their network account is attached to the Information Exchange service. Marketing and Enabling Support can verify this for you. If you do not currently have an account on the Global Network, or if you currently access a mailbox for which restrictions prevent use of that mailbox in this effort, you will need to obtain an account. Please contact Marketing and Enabling Support at the number noted above.

C. Cost Information. Information for costs related to participation in this activity (network charges, software charges, etc.) will be provided by the individuals/groups noted above. Costs incurred through participation in this electronic transfer of data will be the responsibility of the filing Security Provider, not the Department.

D. After contacting Global Network, please provide the department at (225) 925-6246 with the NAIC number, account number, and user ID.

AUTHORITY NOTE: Promulgated in accordance with R.S. 32:863.2.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of Motor Vehicles, LR 30:2848 (December 2004).

§1769. Timely Insurance Filings

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 32:863.2.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of Motor Vehicles, LR 24:1773 (September 1998), repealed LR 30:2848 (December 2004).

§1770. General Information

A. The acceptable method for reporting to the department will be via the Global Network's Information Exchange (IE) system. All record formats for electronic transfer will be as described below in the section entitled "record formats."

B. A test filing shall be submitted for all new companies. A test filing shall also be submitted when record format changes are made. Please ensure that the test files are sent to the test mailbox (LAPS/LAPSS01) and that all testing has been completed before sending a file to the production mailbox.

C. Insurance companies or servicing agents (also called Trading Partners) may file more frequently than once per day. The department, however, will retrieve filings only once per day. Any filing not sent before this retrieval time will be considered filed on the next day.

D. A message class should be used when sending files via Global Services to the test or production mailbox. The message class for uncompressed files is LAPS. The message class for compressed files is CMP.

E. After processing, information will be returned to the appropriate Global Services mailbox. The returned data will then be ready to be accessed by the Trading Partners.

F. Process the return files prior to sending in any additional files.

G. Do not send more than 50,000 records at one time. For more records, split the file into smaller parts and send these individually. Each part must contain one header and one trailer.

AUTHORITY NOTE: Promulgated in accordance with R.S. 32:863.2.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of Motor Vehicles, LR 30:2848 (December 2004).

§1771. Manual Filings

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 32:863.2.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of Motor Vehicles, LR 24:1773 (September 1998), repealed LR 30:2848 (December 2004).

§1772. File Transfer

A. The department will transfer all files using the FTP protocol. Therefore all files will need to be placed in the department's mailbox using FTP or in FTP ASCII format which uses a CRLF (carriage return line feed) pair as the end-of-line character sequence. For those companies wishing to compress data, the department will continue to use bTrade's Comm-Press software. Before compression takes place the file needs to be in FTP ASCII format. After

compression, the file will need to be transferred in the image or binary mode of FTP.

AUTHORITY NOTE: Promulgated in accordance with R.S. 32:863.2.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of Motor Vehicles, LR 30:2848 (December 2004).

§1773. Guidelines for Fleet Filings

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 32:863.2.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of Motor Vehicles, LR 24:1774 (September 1998), repealed LR 30:2849 (December 2004).

§1774. Record Processing

A. The filing report will have: a header record, filing records (individual vehicle or fleet) and a trailer record. The trailer record will consist of all 9's from character 1 through character 219. Character number 220 of the trailer record should have a transaction type of "2". After processing the filing records, the department will return the filing report to the Trading Partner's mailbox. The report will consist of: the header record, filing records with dispositions and late flags, and a trailer record containing summary totals.

B. Upon receipt, filings will be edited for the purpose of verification of format and reporting requirements identifying missing or invalid data. Accepted records (those without edit errors) will then be compared by vehicle identification number with departmental vehicle registration files. After these steps, records that do not result in a match will be considered unresolved. It is the responsibility of the insurance company to read the returned filing. No-hit (disposition code "U") and Edit-Error (disposition code "E") exceptions must be corrected and re-submitted within 15 business days from receipt of the returned filing.

AUTHORITY NOTE: Promulgated in accordance with R.S. 32:863.2.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of Motor Vehicles, LR 30:2849 (December 2004).

§1775. Fee Assessments

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 32:863.2.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of Motor Vehicles, LR 24:1775 (September 1998), repealed LR 30:2849 (December 2004).

§1776. Record Formats

A. There are four types of records: header, individual vehicle filing, fleet filing and trailer.

1. A header record must be the first record on filings submitted to the Department. This record contains information pertaining to a particular filing as well as the account number and user-id of the Trading Partner.

a. This information is critical for preparing the Department's return report.

b. The header record will be the first record on the Department's return report and will have a record type of "3".

2. An individual vehicle filing record is used by an insurance company for reporting required liability security information for an individual vehicle.

a. This filing record will have a record type of "1".

3. A fleet filing record is used by an insurance company for reporting required liability security information for a fleet of vehicles.

a. This filing record will have a record type of "4".

4. If an insurance company is unable to provide a trailer record, one will be provided by the department to report statistical information for the records submitted by the servicing agent.

a. Trailer records have record type of "2".

AUTHORITY NOTE: Promulgated in accordance with R.S. 32:863.2.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of Motor Vehicles, LR 30:2849 (December 2004).

§1777. Transaction Types and How the Transaction Types Are Used

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 32:863.2.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of Motor Vehicles, LR 24:1775 (September 1998), amended LR 26:88 (January 2000), repealed LR 30:2849 (December 2004).

§1778. Header Record

A. The header record has a record type = "3" and it will be edited for errors. It must be the first record on the filing. Filings will not be processed if the header record does not pass all edit checks. If an error is encountered, the header record will be the only record written to the return report. Character positions (194-218) of the header will have an edit-error-mask. The field(s) in error must be corrected and the record(s) resubmitted for processing.

B. Header Record Field Descriptions:

1. Serv-Agent-Code **C**code for an insurance company preparing its own filing, or a Department-supplied number. The service agent code must be the same throughout the entire filing report.

2. NR-Filing-Records **C**Number of filing records, excluding header and trailer records. An accurate count for this field is not required. It must have six digits but it can be six zeroes.

3. Date-Created **C**Date the filing report was created. Use format CCYYMMDD.

4. Test-File **C**Indicator to determine if filing report is production or test. Use "Y" for test data or "N" for live data. If the indicator is "Y", this filing report is to be sent to the Test Mailbox ("LAPS/LAPS001").

5. Compression **C**Use "Y" for compressed or "N" for uncompressed.

6. Account-Number **C**The account number (assigned to the company by the Global Network).

7. Period **C**The character "."

8. User-ID **C**The user ID (assigned to the company by the Global Network).

9. INS-Co-Usage **C**This field is for insurance company usage.

10. Filler **C**Unused. Should be space filled.

11. Edit-Error-Mask **C**Used by the department to identify fields in error if the disposition code is "E".

12. Disposition If the header record is acceptable will be a "space," if the header record is unacceptable will be "E".

13. Record-Type Use a "3".

C. The following fields are required, and the absence of any of these key data fields or the presence of invalid data in any of the key data fields is an edit error which precludes the department from processing any filing records on the submission.

1. Serv-Agent-Code
2. NR-Filing-Records
3. Date-Created
4. Test-File
5. Compression
6. Account-Number
7. Period
8. User-ID
9. Record-Type

D. Returning Edit Errors: For a header record with an "E" disposition, the EDIT-ERROR-MASK field will be used to indicate the fields in error.

1. Positions are as follows:

- a. Serv-Agent-Code 194
- B. NR-Filing-Records 195
- C. Date-Created 196
- D. Test-File 197
- E. Compression 198
- F. Account-Number 199
- G. Period 200
- H. User-ID 201
- I. Record-Type 202

2. A value of "1" in any of the above character positions signifies an error in the corresponding item. For example, if the SERV-AGT is missing, character position 194 will have a value of "1". A value of "0" in any character position of the edit-error-mask signifies that the corresponding item passed the edits.

E. Example of Header Record:

**LOUISIANA DEPARTMENT OF
PUBLIC SAFETY AND CORRECTIONS
ADMINISTRATIVE SERVICES
PROGRAMMING DOCUMENTATION
RECORD FORMAT**

FIELD CHARACTERISTICS		RECORD NAME INSURANCE HEADER RECORD		SYSTEM Compulsory Insurance Reporting		
A= ALPHABETIC X= ALPHANUMERIC N= NUMERIC (UNSIGNED) USAGE ALL ASCII CHARACTERS				RECORD SIZE 220		
ITEM NO.	FIELD POSITION	FIELD SIZE CHAR.	FIELD CHAR.	JUSTIFIED	FIELD LABEL	DESCRIPTIO N OR VALUE
1	1-5	5	N	Right	Serv-Agent-Code	REQUIRED
2	6-11	6	N	Right	NR-Filing-Records	REQUIRED
3	12-19	8	N	Right	Date-Created	REQUIRED
4	20	1	X		Test-File (Y or N)	REQUIRED
5	21	1	X		Compression (Y or N)	REQUIRED
6	22-28	7	X	Right	Account-Num	REQUIRED
7	29	1	X		Period	REQUIRED
8	30-36	7	X	Right	User-id	REQUIRED
9	37-70	34	X		Ins-Co-Usage	
10	71-193	123	X		Filler	SPACES
*** THE FOLLOWING FIELDS ARE OMV DATA RETURNED FOR RECORD TYPE = 3						
11	194-218	25	X	Left	Edit-Error-Mask	
12	219	1	X	Left	Disposition	
13	220	1	N		Record-Type	3

AUTHORITY NOTE: Promulgated in accordance with R.S. 32:863.2.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of Motor Vehicles, LR 30:2849 (December 2004).

§1779. Contact Person Information

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 32:863.2.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of Motor Vehicles, LR 24:1776 (September 1998), repealed LR 30:2850 (December 2004).

§1780. Individual Vehicle Filing Record

A. An individual vehicle filing record identifies the vehicle for which liability security has been issued,

procured, recalled, reinstated, terminated, canceled, or changed from binder status to an active policy. Every individual vehicle filing record in the return filing report is to be reviewed. Duplicate reportings (disposition code "D") are not to be re-reported to the department. Edit errors (disposition "E") are to be corrected and re-reported to the department within 15 business days of the Return Date. Hits (disposition code "H") are acceptable. Incorrect "type use" or "class" (disposition code "I") are not to be re-reported to the department. Prescribed (disposition code "P") are not to be re-reported to the department. Restricted-Hit (disposition code "R") are to have the "VIN" verified with the "vehicle identification number" field from the vehicle registration certificate, if the "VIN" reported matches the "vehicle

identification number" on the Vehicle Registration Certificate, do not re-report, if the "VIN" does not match, re-report with the correct "VIN". Sequence errors (disposition code "S") are not to be re-reported; records, shall be reported in chronological order. No-Hit (disposition code "U") are to have the "VIN" verified with the "vehicle identification number" on the vehicle registration certificate, corrected and re-reported with the correct "VIN"; this is not an acceptable reporting.

B. Individual Vehicle Filing Record Field Descriptions:

1. VIN **C** "vehicle identification number" field from the vehicle registration certificate.

2. INS-Comp-Code **C** NAIC Code (Best's Insurance Reports Property-Casualty).

3. Transaction-Type **C** see LAC 55, Part III, Chapter 17, Subchapter B, §1762.A.

4. INS-Policy-NR **C** Policy Number.

5. Termination-or-Change-or-Effective-Date **C** Date policy was canceled, terminated, changed, or became effective. Use format CCYYMMDD.

6. Serv-Agent-Code **C** Use only one servicing agent code throughout the filing. Companies preparing their own filings are to use the NAIC code for the company reporting. Servicing Agents preparing filings for multiple companies shall use their Serv-Agent-Code throughout the entire filing and use the NAIC code of the insurance company that is issuing the liability security policy in the INS-Comp-Code field.

7. Lessee or Owner State **CA** two-character abbreviation for the state that issued the driver's license. If the "lessee-or-owner-identification-number" contains the federal tax identification number, the LESSEE-OR-OWNER-STATE field is spaces.

8. Lessee or Owner Identification Number **C** The lessee or owner identification number can be either a driver's license number or a federal tax identification number. For individually owned vehicles, the driver's license number, for company owned vehicles, the federal tax identification number. The "driver's license/EIN" field as it appears on the Vehicle Registration Certificate.

9. Issue-Date **C** Date the policy was issued for a vehicle. When reporting an initiation for a new vehicle added to an existing policy, make sure that the issue date used is the date the vehicle is added to the policy, not the issue date of the original policy. Use format CCYYMMDD.

10. INS-Co-Usage **C** This field is for insurance company usage.

11. Filler **C** Spaces. No special characters.

12. Return-Date **C** This field will be populated by the department with the date the record was processed and returned to the reporting company. Use format CCYYMMDD.

13. Late-Flag **C** Indicates if filing record was late. This field will be populated by the department. Any filing that is late will have this field set to "Y".

14. Edit-Error-Mask **C** Used to identify edit errors that are being returned to the company. For filing records with disposition of "E" the edit-error-mask will identify each field that failed to pass the edits. This field will be populated by the department with a "1" (error) or "0" (no error).

15. Disposition **C** Code used to determine the acceptance or rejection of a filing record. This field will be populated by the department. See LAC 55, Part III, Chapter 17, Subchapter B, §1764.A.

16. Record-Type **C** Use a "1" to identify this record as an individual vehicle filing record.

C. The following fields are required, and the absence of any of these key data fields or the presence of invalid data in any of the key data fields is an edit error which precludes the department from processing this individual filing record.

1. VIN
2. INS-Comp-Code
3. Transaction-Type
4. INS-Policy-NR
5. Termination-or-Change-or-Effective-Date
6. Serv-Agent-Code
7. Lessee-or-Owner-State
8. Lessee-or-Owner-Identification-Number
9. Issue-Date
10. Record-Type

D. Returning Edit Errors. For individual vehicle filing records with an "E" disposition, the edit-error-mask field will be used to indicate the fields in error.

1. Positions are as follows:

a. VIN	194
b. INS-Comp-Code	195
C. Transaction-Type	196
D. Ins-Policy-NR	197
E. Termination-or-Change-or-Effective-Date	198
F. Serv-Agent-Code	199
G. Lessee-or-Owner-State	200
H. Lessee-or-Owner-Identification-Number	201
I. Issue-Date C Only for Initiations	202
j. Record-Type	203

2. A value of "1" in any of the above character positions signifies an error in the corresponding item. For example, if the TRANSACTION-TYPE is missing, character position 196 will have a value of "1". A value of "0" in any character position of the EDIT-ERROR-MASK signifies that the corresponding item passed the edits.

E. Example of Individual Vehicle Filing Record:

LOUISIANA DEPARTMENT OF PUBLIC SAFETY AND CORRECTIONS
ADMINISTRATIVE SERVICES
PROGRAMMING DOCUMENTATION
RECORD FORMAT

FIELD CHARACTERISTICS		RECORD NAME INDIVIDUAL VEHICLE FILING RECORD		SYSTEM Compulsory Insurance Reporting		
A= ALPHABETIC X= ALPHANUMERIC N= NUMERIC (UNSIGNED) USAGE <u>ALL ASCII CHARACTERS</u>				RECORD SIZE 220		
ITEM NO.	FIELD POSITION	FIELD SIZE CHAR.	FIELD CHAR.	JUSTIFIED	FIELD LABEL	DESCRIPTION OR VALUE
1	1-30	30	X	Right/Space Filled	VIN	REQUIRED
2	31-35	5	N	Right	Ins-Comp-Code	REQUIRED
3	36	1	X		Transaction-Type	REQUIRED
4	37-66	30	X	Left	Ins-Policy-Nr	REQUIRED
5	67-74	8	N	Right	Termination-or-Change- or-Effective-Date (CCYYMMDD)	REQUIRED
6	75-79	5	N	Right	Serv-Agent-Code	REQUIRED
7	80-81	2	X		Lessee-or-Owner-State	REQUIRED
8	82-90	9	N	Right	Lessee-or-Owner- Identification-Number	REQUIRED
9	91-98	8	N	Right	Issue-Date(CCYYMMDD)	REQUIRED for Initiations Only
10	99-132	34	X		Ins-Co-Usage	
11	133-184	52	X		Filler	SPACES
*** THE FOLLOWING FIELDS ARE OMV DATA RETURNED FOR RECORD TYPE = 3						
12	185-192	8	N	Right	Return-Date	CCYYMMDD
13	193	1	X		Late-Flag	'Y or N
14	194-218	25	X	Left	Edit-Error-Mask	
15	219	1	X	Left	Disposition	
16	220	1	N		Record-Type	1

AUTHORITY NOTE: Promulgated in accordance with R.S. 32:863.2.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of Motor Vehicles, LR 30:2850 (December 2004).

§1781. Reporting Methods

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 32:863.2.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of Motor Vehicles, LR 24:1776 (September 1998), amended LR 26:88 (January 2000), repealed LR 30:2852 (December 2004).

§1782. Approved Reporting Methods

A. Reporting via File Transfer Protocol. Effective October 1, 1998, security provider which currently file via magnetic tape may begin filing using the file transfer protocol method. Effective January 1, 1999 security providers shall only make filings using the file transfer protocol method. The only acceptable procedures for contacting the Department's computer shall be via the IBM Global Services "Information Exchange." The security provider shall have connectivity to the IBM Global Network,

either through Insurance Value Added Network Services (IVANS) or directly. All record formats shall be as described in Chapter 17, Subchapter B. The department will provide, upon request, all technical specifications to accomplish this connectivity. All security providers requiring additional assistance may contact the Information Services Deputy Director of the Data Processing Center at (225) 925-6226. This section shall not apply to security providers authorized to file fleet coverage reports.

B. LAC 55, Part III, Chapter 17, Subchapter B, §1782, Subsection A shall not apply to security providers who have:

1. received written approval from the department to file reports via the Internet; and

2. entered into a written agreement with the department to indemnify the department against any loss which might arise out of transmitting the data over the Internet.

C. The reports submitted to the department pursuant to 55, Part III, Chapter 17, Subchapter B, §1782, Subsections A and B shall be formatted in the manner approved by the department and shall include the following information:

1. the make, model, year and vehicle identification number to the subject vehicle;
2. the insurance company code;
3. the type of transaction;
4. the lessee, renter, or owner state,
5. the policy or binder number;
6. the termination, or change date, or the effective date and the issue date (for initiation only); and
7. the lessee, renter, or owner identification number.

AUTHORITY NOTE: Promulgated in accordance with R.S. 32:863.2.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of Motor Vehicles, LR 30:2852 (December 2004).

§1783. Technical Specifications

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 32:863.2.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of Motor Vehicles, LR 24:1777 (September 1998), repealed LR 30:2853 (December 2004).

§1784. Fleet Filing Record

A. A Fleet Filing record is to be used to report the number of vehicles contained within the fleet.

B. Fleet filing Record Field Descriptions:

1. INS-Comp-Code **C**NAIC Code (Best's Insurance Reports Property-Casualty)

2. Transaction-Type **C**see LAC 55, Part III, Chapter 17, Subchapter B §1762.A.

3. INS-Policy-NR **C**Policy Number

4. Termination-or-Change-or-Effective-Date **C**Date policy was canceled, terminated, changed, or became effective. Use format CCYYMMDD.

5. Serv-Agent-Code **C**Use only one servicing agent code throughout the filing. Companies preparing their own filings are to use the NAIC code for the company reporting. Servicing Agents preparing filings for multiple companies shall use their serv-agent-code throughout the entire filing and use the NAIC code of the insurance company that is issuing the liability security policy in the INS-comp-code field.

6. Lessee-or-Owner Federal Tax Identification-Number **C**The lessee or owner Federal Tax Identification number. Use the 9 digits of the federal tax identification number. This is the "DRIVER'S LICENSE/EIN" field as it appears on the Vehicle Registration Certificate.

7. Lessee-or-Owner-Name **C**For leased vehicles ("status" field of the Vehicle Registration Certificate is "lessee") this is the "name" field as it appears on the Vehicle Registration Certificate. For owned vehicles, this is the "owner's name" field as it appears on the Vehicle Registration Certificate.

8. Lessee-or-Owner-Address **C**For leased vehicles ("status" field of the Vehicle Registration Certificate is "lessee") this is the "street1" field below the "NAME" field as it appears on the vehicle registration certificate. For owned vehicles, this is the "street1" field below the "owner's name" field as it appears on the Vehicle Registration Certificate.

9. Lessee-or-Owner City State **C**For leased vehicles ("status" field of the Vehicle Registration Certificate is "lessee") this is the "city/state" field below the "name" field

as it appears on the Vehicle Registration Certificate. For owned vehicles, this is the "city/state" field below the "owner's name" field as it appears on the Vehicle Registration Certificate.

10. Lessee-Or-Owner Zip Code **C**For leased vehicles ("status" field of the Vehicle Registration Certificate is "lessee") this is the "zip" field below the "name" field as it appears on the Vehicle Registration Certificate. For owner owned vehicles, this is the "zip" field below the "owner's name" field as it appears on the Vehicle Registration Certificate.

11. Number-of-Vehicles-in-Fleet **C**The estimated number of vehicles in the fleet covered by this filing record.

12. Issue-Date **C**Date the policy was issued.

13. INS-Co-Usage **C**This field is for insurance company usage.

14. Return-Date **C**This field will be populated by the department with the date the record was processed and returned to the reporting company. Use format CCYYMMDD.

15. Late-Flag **C**Indicates if filing record was late. This field will be populated by the department. Any filing that is late will have this field set to "Y".

16. Edit-Error-Mask **C**Used to identify edit errors that are being returned to the company. For filing records with disposition of "E", the edit-error-mask will identify each field that failed to pass the edits. Each character of this field will be populated by the Department with a "1" (error) or a "0" (no error).

17. Disposition **C**Code used to determine the acceptance or rejection of a filing record. This field will be populated by the department. See LAC 55, Part III, Chapter 17, Subchapter B §1764.A.

18. Record-Type **C**Use a "4" to identify this record as a fleet filing record.

C. The following fields are required:

1. INS-Comp-Code
2. Transaction-Type
3. Ins-Policy-NR
4. Termination-or-Change-or-Effective-Date
5. Serv-Agent-Code
6. Lessee-or-Owner-Federal-Tax-Identification-Number
7. Lessee-or-Owner-Name
8. Lessee-or-Owner-Address
9. Lessee-or-Owner-City-State
10. Lessee-or-Owner-Zip-Code
11. Number-of-Vehicles-In-Fleet
12. Issue-Date
13. Record-Type

D. Returning Edit Errors. For filing records with an "E" disposition, the edit-error-mask field will be used to indicate the fields in error.

1. Positions are as follows:

- | | |
|--|-----|
| a. INS-Comp-Code | 194 |
| b. Transaction-Type | 195 |
| c. Ins-Policy-NR | 196 |
| d. Termination-or-Change-or-Effective-Date | 197 |
| e. Serv-Agent-Code | 198 |
| f. Lessee-or-Owner-Federal-Tax-Identification-Number | 199 |

- g. Lessee-or-Owner-Name 200
- h. Lessee-or-Owner-Address 201
- i. Lessee-or-Owner-City-State 202
- j. Lessee-or-Owner-Zip-Code 203
- k. Number-of-Vehicles-In-Fleet 204
- l. Issue-Date 205
- m. Record-Type 206

2. A value of "1" in any of the above character positions signifies an error in the corresponding item. For example, if the TRANSACTION-TYPE is missing, character position 195 will have a value of "1". A value of "0" in any character position of the edit-error-mask signifies that the corresponding item passed the edits.

E. Example of Fleet Filing Record:

**LOUISIANA DEPARTMENT OF PUBLIC SAFETY AND CORRECTIONS
ADMINISTRATIVE SERVICES
PROGRAMMING DOCUMENTATION**

RECORD FORMAT

FIELD CHARACTERISTICS		RECORD NAME		SYSTEM		
A= ALPHABETIC X= ALPHANUMERIC N= NUMERIC (UNSIGNED) USAGE ALL ASCII CHARACTERS		Fleet Filing Record		Compulsory Insurance Reporting		
				RECORD SIZE 220		
ITEM NO.	FIELD POSITION	FIELD SIZE CHAR.	FIELD CHAR.	JUSTIFIED	FIELD LABEL	DESCRIPTION OR VALUE
1	1-5	5	N	Right	Ins-Comp-Code	REQUIRED
2	6	1	X		Transaction-Type	REQUIRED
3	7-36	30	X	Left	Ins-Policy-Nr	REQUIRED
4	37-44	8	N	Right	Termination-or-Change-or-Effective-Date	CCYYMMDD
5	45-49	5	N	Right	Serv-Agent-Code	REQUIRED
6	50-58	9	N	Right	Lessee-or-Owner-Federal-Tax-Identification-Number	REQUIRED
7	59-88	30	X	Left	Lessee-or-Owner Name	REQUIRED
8	89-113	25	X	Left	Lessee-or-Owner-Address	REQUIRED
9	114-133	20	X	Left	Lessee-or-Owner-City-State	REQUIRED
10	134-138	5	N	Right	Lessee-or-Owner-Zip-Code	REQUIRED
11	139-142	4	N	Right	Number-of-Vehicles-in-Fleet	REQUIRED
12	143-150	8	N	Right	Issue-Date (CCYYMMDD)	Required for Initiations
13	151-184	34	X		Ins-Co-Usage	
*** THE FOLLOWING FIELDS ARE OMV DATA RETURNED FOR RECORD TYPE = 4						
14	185-192	8	N	Right	Return-Date	CCYYMMDD
15	193	1	X		Late-Flag	Y or N
16	194-218	25	X	Left	Edit-Error-Mask	
17	219	1	X	Left	Disposition	
18	220	1	N		Record-Type	4

AUTHORITY NOTE: Promulgated in accordance with R.S. 32:863.2.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of Motor Vehicles, LR 30:2853 (December 2004).

§1785. Editing Vehicle Identification Numbers for Improved Match Rates

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 32:863.2.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of Motor Vehicles, LR 24:1777 (September 1998), repealed LR 30:2854 (December 2004).

§1786. Trailer Record

A. A trailer record is required. The trailer record must contain all 9's for positions 1 thru 219 and must have a record type 2 in position 220. After the complete filing has been processed, the department will update the trailer record

with statistical information for the records submitted. This record is returned to the insurance company for review.

B. Returned Trailer Record Field Descriptions:

1. Servicing Agent Code
2. Date Filing was Received by the Department
3. Date Filing was Processed by the Department
4. Total number of records included in the filing (record types 1 and 4)
5. Total number of records with disposition "D" (Duplicate Reporting)
6. Total number of records with disposition "E" (Edit Error)
7. Total number of records with disposition "H" (Hit)

8. Total number of records with disposition "I" (Incorrect Type-Use or Class)

9. Total number of records with disposition "P" (Prescribed)

10. Total number of records with disposition "R" (Restricted Hit)

11. Total number of records with disposition "S" (Sequence Error)

12. Total number of records with disposition "U" (No Hit)

13. Total number of late filings

14. Filler.

15. Record-Type – 2

C. Example Trailer Record:

**LOUISIANA DEPARTMENT OF PUBLIC SAFETY AND CORRECTIONS
ADMINISTRATIVE SERVICES
PROGRAMMING DOCUMENTATION**

RECORD FORMAT

FIELD CHARACTERISTICS		RECORD NAME TRAILER RECORD		SYSTEM		
A= ALPHABETIC X= ALPHANUMERIC N= NUMERIC (UNSIGNED) USAGE <u>ALL ASCII CHARACTERS</u>				RECORD SIZE 220		
ITEM NO.	FIELD POSITION	FIELD SIZE CHAR.	FIELD CHAR.	JUSTIFIED	FIELD LABEL	DESCRIPTION OR VALUE
1	1-5	5	N	Right	Serv-Agent-Code	
2	6-13	8	N	Right	Date-Received	CCYYMMDD
3	14-21	8	N	Right	Date-Processed	CCYYMMDD
4	22-27	6	N	Right	Total-Number-of-Filing-Records	
5	28-33	6	N	Right	Total-Number-of-Disposition-D-Records	
6	34-39	6	N	Right	Total-Number-of-Disposition-E-Records	
7	40-45	6	N	Right	Total-Number-of-Disposition-H-Records	
8	46-51	6	N	Right	Total-Number-of-Disposition-I-Records	
9	52-57	6	N	Right	Total-Number-of-Disposition-P-Records	
10	58-64	6	N	Right	Total-Number-of-Disposition-R-Records	
11	64-69	6	N	Right	Total-Number-of-Disposition-S-Records	
12	70-75	6	N	Right	Total-Number-of-Disposition-U-Records	
13	76-81	6	N	Right	Total-Number-of-Late-Filings	
14	82-219	138	X		Filler	SPACES
15	220	1	N		Record-Type	2

AUTHORITY NOTE: Promulgated in accordance with R.S. 32:863.2.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of Motor Vehicles, LR 30:2854 (December 2004).

§1787. Identification Card Specifications

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 32:863.2.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of Motor Vehicles, LR 24:1778 (September 1998), repealed LR 30:2855 (December 2004).

§1788. Invalid Vehicle Type-Use

A. The type-use for a vehicle is in the "CLASS" field of the Vehicle Registration Certificate.

1. Below is a list of invalid "Type-use" or "class" of vehicles that are not need to be reported to the department.

- a. 0109CShriner Auto
- b. 0110CGrotto Auto
- c. 0111, 0112, 0113, 0114, 0115, 0116, 0117, 0118, 0147, 0148, 0149CPublic Auto
- d. 0121, 0122CConsular Auto
- e. 0124, 0125CGovernor's Staff Auto
- f. 0138CUS Congressman
- g. 0139CUS Senator
- h. 0205, 0236, 0241CForest Truck
- i. 0209CShriner Truck
- j. 0210CGrotto Truck
- k. 0211, 0212, 0213, 0214, 0215, 0216, 0217CPublic Truck
- l. 0221, 0222CConsular Truck
- m. 0224, 0225CGovernor's Staff Truck
- n. 0242, 0243, 0244, 0245, 0246CFarm Truck
- o. 0252, 0253, 0254CPublic Truck
- p. 0262CHandicap Farm Truck
- q. 0305, 0306, 0307, 0311, 0312, 0313, 0314, 0315, 0316CPublic Motorcycle
- r. 0309CShriner Motorcycle
- s. 0310CGrotto Motorcycle
- t. 0409CShriner Bus
- u. 0415, 0416, 0417, 0418, 0419, 0420, 0421, 0422, 0423CPublic Bus
- v. 0427, 0428, 0429, 0466, 0467, 0468CPublic Bus
- w. 0601, 0602CHouse Trailer
- x. 0701, 0722CTrailer
- y. 0702, 0733CBoat Trailer
- z. 0703C4 Year Trailer
- aa. 0704CLight Semi Trailer
- bb. 0705CTrailer Apportioned
- cc. 0706CFarm Semi Trailer
- dd. 0707, 0708, 0709, 0723, 0724, 0725CPublic Perm Trailer
- ee. 0710, 0711, 0712CPublic Boat Trailer
- ff. 0713, 0714, 0715CPublic 4 Year Trailer
- gg. 0716, 0717, 0718CPublic Light Semi Trailer
- hh. 0719, 0720, 0721CPublic Plate Trailer
- ii. 0726CShriner Trailer
- jj. 0727CGrotto Trailer
- kk. 0728CAppor Life Trailer
- ll. 0729, 0730CTrailer Life
- mm. 0731, 0732CTrailer 4 Year
- nn. 0901, 0902, 0903, 0904, 0905COff-Road Vehicle

AUTHORITY NOTE: Promulgated in accordance with R.S. 32:863.2.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of Motor Vehicles, LR 30:2856 (December 2004).

§1789. Declaratory Orders And Rulings

A. - E. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 32:863.2.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of Motor Vehicles, LR 24:1780 (September 1998), repromulgated LR 30:2856 (December 2004).

§1790. Identification Card Specifications

A. General Information. Pursuant to R.S. 32:863, which became effective July 1, 1985, all vehicles registered in the state of Louisiana must contain within the vehicle documentation indicating compliance with the Compulsory Motor Vehicle Liability Security Law. An identification card may be used in lieu of the actual policy as a means of showing evidence of liability insurance coverage.

1. The purpose of developing an approved identification card should be to provide a document to be used as proof of compliance with Louisiana's compulsory insurance laws.

2. Those ID Cards, in conformance with the attached specifications, will be accepted as proof of liability insurance by law enforcement and by the Office of Motor Vehicles.

3. In order for the Security Provider to insure compliance with specification requirements, the Security Provider shall furnish the Department with sample copies of its Louisiana Liability Insurance Identification Card.

a. Mail sample ID cards to:

Department of Public Safety and Corrections
Office of Motor Vehicles
Compulsory Insurance Unit
P.O. BOX 64886
Baton Rouge, LA 70896-4886
or
Fax copy to (225) 922-0158
Attention: Supervisor

4. For questions regarding implementation, please call the Compulsory Insurance Unit at (225) 925-7285.

B. Louisiana Identification Card Specifications

1. Size of document need not be uniform.

2. Card should be a one-part form on at least 20 lb. white paper stock.

3. The following general information must be designated on the card in either bold print or contrasting color:

a. on the front of the identification card:

i. Louisiana Auto Insurance Identification Card;

ii. An insurer authorized to transact business in Louisiana has issued the Motor Vehicle Policy identified hereon. The coverage provided by this policy meets the minimum liability insurance limits prescribed by law;

iii. This card must be carried in the vehicle at all times as evidence of liability insurance;

b. on the back of the identification card:

i. important notice;

ii. R.S. 32:863.1 requires that an operator of a motor vehicle produce upon demand by a law enforcement officer documentation of motor vehicle security which is required to be maintained within the vehicle at all times;

iii. failure to comply may result in fines, revocation of registration privileges and block against the renewal or issuance of a driver's license.

4. Specific information required on the Identification Card is as follows:

a. on the front of the identification card:

- i. the name, address, and NAIC number of the insurance company;
- ii. name of insured, policy number, effective date and expiration date;
- iii. vehicle description: the year may be shown as two digits and the make may be abbreviated. The full vehicle identification number must be shown. Only when the insurer does not have the Vehicle identification number information under a fleet policy, is the word "Fleet" to be entered. The federal tax identification number of the listed insured must be provided when "Fleet" is used;

b. the following information shall appear on the front or back of the identification card:

- i. any excluded drivers on the policy must be listed;
- ii. the excluded driver's date of birth and/or operator's license number;
- iii. the insurance agent's name, address and telephone number.

5. The certificate should be provided to each liability policy holder at least annually or at each renewal.

6. Other items may be included at the discretion of the insurer such as company logo or any other message(s) including claim locations, what to do in the event of an accident, etc., on the reverse side of the card.

7. This wording is necessary to meet requirements without having to specify the actual insurance limits on all vehicles (vehicles under or over 20,000 lbs.).

8. In accordance with Act 527 (SB882) R.S. 32:397(A), the insured will be required to furnish proof of insurance to law enforcement at the time of an accident.

C. Examples Of Louisiana Identification card

LOUISIANA AUTO INSURANCE IDENTIFICATION CARD		
An insurer authorized to transact business in Louisiana has issued the Motor Vehicle Policy identified hereon. The coverage provided by this policy meets the minimum liability insurance limits prescribed by law.		
NAIC NUMBER	COMPANY	
POLICY NUMBER	EFFECTIVE DATE	EXPIRATION DATE
VEHICLE DESCRIPTION	VEHICLE IDENTIFICATION NUMBER	
YEAR MAKE/MODEL		
INSURED		
THIS CARD MUST BE IN THE VEHICLE AT ALL TIMES AS EVIDENCE OF INSURANCE		
IMPORTANT NOTICE		
R.S. 32:863.1 requires that an operator of a motor vehicle produce upon demand by a law enforcement officer documentation of motor vehicle security which is required to be maintained within the vehicle at all times.		
Failure to comply may result in fines, revocation of registration privileges and block against the renewal or issuance of a driver's license.		
INSURANCE AGENT:		
EXCLUDED DRIVERS:		

1. Sample with Vehicle Identification Number

LOUISIANA AUTO INSURANCE IDENTIFICATION CARD		
An insurer authorized to transact business in Louisiana has issued the Motor Vehicle Policy identified hereon. The coverage provided by this policy meets the minimum liability insurance limits prescribed by law.		
NAIC NUMBER	COMPANY	
12345	Compulsory Insurance Company 1234 Liability Lane Security, LA 10000	
POLICY NUMBER	EFFECTIVE DATE	EXPIRATION DATE
ABC 12345	01/01/95	01/01/96
VEHICLE DESCRIPTION	VEHICLE IDENTIFICATION NUMBER	
YEAR MAKE/MODEL		
95 Chev/Cam	1GTCE1456PB123456	
INSURED		
John Doe 203 Doe Street Baton Rouge, LA 70895		
THIS CARD MUST BE IN THE VEHICLE AT ALL TIMES AS EVIDENCE OF INSURANCE		
IMPORTANT NOTICE		
R.S. 32:863.1 requires that an operator of a motor vehicle produce upon demand by a law enforcement officer documentation of motor vehicle security which is required to be maintained within the vehicle at all times.		
Failure to comply may result in fines, revocation of registration privileges and block against the renewal or issuance of a driver's license.		
INSURANCE AGENT:		
All Day Insurance Agency 1000 Anywhere Street Baton Rouge, LA 70806 Phone # (225) 123-4567		
EXCLUDED DRIVERS: Johnny Doe DOB 10/01/75 DL# 1234567		

2. Sample Identification Card with Fleet Information

LOUISIANA AUTO INSURANCE IDENTIFICATION CARD		
An insurer authorized to transact business in Louisiana has issued the Motor Vehicle Policy identified hereon. The coverage provided by this policy meets the minimum liability insurance limits prescribed by law.		
NAIC NUMBER	COMPANY	
12345	Compulsory Insurance Company 1234 Liability Lane Security, LA 10000	
POLICY NUMBER	EFFECTIVE DATE	EXPIRATION DATE
ABC 12345	01/01/95	01/01/96
VEHICLE DESCRIPTION	VEHICLE IDENTIFICATION NUMBER	
YEAR MAKE/MODEL		
	FLEET-FEDERAL TAX ID# 720000000	
INSURED		
John Doe Trucking, Inc. 203 Doe Street Baton Rouge, LA 70895		
THIS CARD MUST BE IN THE VEHICLE AT ALL TIMES AS EVIDENCE OF INSURANCE		

IMPORTANT NOTICE

R.S. 32:863.1 requires that an operator of a motor vehicle produce upon demand by a law enforcement officer documentation of motor vehicle security which is required to be maintained within the vehicle at all times.

Failure to comply may result in fines, revocation of registration privileges and block against the renewal or issuance of a driver's license.

INSURANCE AGENT:
All Day Insurance Agency
1000 Anywhere Street
Baton Rouge, LA 70806
Phone # (225) 123-4567

EXCLUDED DRIVERS: N/A

AUTHORITY NOTE: Promulgated in accordance with R.S. 32:863.2.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of Motor Vehicles, LR 30:2856 (December 2004).

§1792. Proof Of Liability Security

A. In accordance with Act 423 (HB1366) R.S. 32:862(B)(H), licensed drivers and motor vehicle owners will be required to show proof of liability coverage at the time of vehicle registration, renewal of license plate, and at the time of initial application, renewal or change of address/endorsement for a driver's license. Acceptable proof will be in the form of one of the following:

1. For vehicles with a gross vehicle weight of 20,000 pounds or less

a. proof that a liability insurance policy providing at least \$10,000/\$20,000 bodily injury and \$10,000 property damage was issued as required in R.S. 32:900(B). (Copy of insurance identification card, copy of insurance policy, or copy of declaration page of insurance policy); or

b. proof that an approved motor vehicle liability bond was issued by a surety or insurance company in the amount of \$30,000; or

c. proof that a certificate was issued from the State Treasurer stating that cash or securities of \$30,000 was on deposit with the State Treasurer; or

d. proof that a Louisiana Certificate of Self-Insurance was issued in compliance with R.S. 32:1042.

2. For vehicles with a gross vehicle weight 20,001 - 50,000 pounds

a. proof that a liability insurance policy providing at least \$25,000/\$50,000 bodily injury and \$25,000 property damage was issued as required in R.S. 32:900(B). (Copy of insurance policy, or copy of declaration page of insurance policy); or

b. proof that a Louisiana certificate of self-insurance was issued under R.S. 32:1042 or

c. proof of single state registration (current form RS-3); or

d. proof of Public Service Commission authority (current Intra-state ID Cab Card); or

e. proof that a Certificate of Self-Insurance was issued by the Interstate Commerce Commission (ICC) in compliance with R.S. 32:900(M)(3).

3. For vehicles with a gross vehicle weight over 50,001 pounds

a. proof that a liability insurance policy was issued providing at least \$100,000/\$300,000 bodily injury and \$25,000 property damage or a combined single limit of \$300,000 in compliance with R.S. 32:900(B). (Copy of insurance policy, or copy of declaration page of insurance policy); or

b. proof that a Louisiana certificate of self-insurance was issued in compliance with R.S. 32:1042; or

c. proof of single state registration (current form RS-3); or

d. proof of Public Service Commission authority (current Intra-state ID Cab Card); or

e. proof that a Certificate of Self-Insurance was issued by the Interstate Commerce Commission (ICC) in compliance with R.S. 32:900(M)(3).

AUTHORITY NOTE: Promulgated in accordance with R.S. 32:863.2.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of Motor Vehicles, LR 30:2858 (December 2004).

Stephen J. Hymel
Undersecretary

0412#021

RULE

**Department of Public Safety and Corrections
Office of Motor Vehicles**

License Plates; Types of License Plates
(LAC 55.III.325 and 389)

Under the authority of R.S. 47:511, R.S. 47:305.50 and R.S. 47:321 and in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., the Department of Public Safety and Corrections, Office of Motor Vehicles (Department), hereby amends the existing rules regarding the adoption of the International Registration Plan, and the sales tax exemption on commercial motor vehicles issued apportioned plates and used in interstate commerce. These amendments are technical in nature and do not change the substance of the rules.

The first amendment adopts the current International Registration Plan by reference. The International Registration Plan authorizes the apportioned registration of fleets of vehicles among the various jurisdictions in which the vehicles are operated. This plan provides that for one license plate even though the motor vehicle is registered in more than one jurisdiction. Louisiana was approved to participate in the plan on December 1, 1975, and began participating in the plan on April 1, 1976.

The second amendment amends the existing Rule regarding the expiration of the exemption from state and local sales and use taxes for commercial motor vehicles registered pursuant to the International Registration Plan. This amendment reflects the change made by Act 10, of the First Extraordinary Session of 2004, to R.S. 47:305.50 that deleted the language that provided for the expiration of the exemption to occur on June 30, 2004.

Title 55

PUBLIC SAFETY

Part III. Motor Vehicles

Chapter 3. License Plates

Subchapter A. Types of License Plates

§325. International Registration Plan

A. The Department of Public Safety and Corrections, Office of Motor Vehicles, hereby adopts by reference, the International Registration Plan, hereinafter referred to as the plan, adopted in August 1994 and as revised through October 1, 2003 by the member jurisdictions, and published by International Registration Plan, Inc. The department only adopts the articles and sections contained in the agreement, as well as the exceptions to the plan as reflected in the October 1, 2003 revision and included in Appendix C of the plan. The commentary and governing board decisions included with the adopted plan shall not be part of this Rule, but may be considered by the department in interpreting and implementing the various sections of the plan.

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:511.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of Motor Vehicles, LR 26:89 (January 2000), amended LR 29:605 (April 2003), LR 30:2859 (December 2004).

Subchapter C. Tax Exemption for Certain Trucks and Trailers Used 80 Percent of the Time in Interstate Commerce

§389. Expiration of Exemption

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:305.50 and R.S. 47:321.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of Motor Vehicles, LR 25:2258 (November 1999), repealed LR 30:2859 (December 2004).

Stephen J. Hymel
Undersecretary

0412#031

RULE

**Department of Public Safety and Corrections
Office of State Police**

Driver's License (LAC 55:III.145)

The Department of Public Safety and Corrections, Office of State Police, in accordance with R.S. 49:950 et. seq. and R.S. 32:402.1(A)(2) hereby amends its rules regulating commercial driving schools to recognize a statutory increase in student fees (from \$25 to \$50 per student) to be charged for a six-hour pre-licensing course.

Title 55

PUBLIC SAFETY

Part III. Motor Vehicles

Chapter 1. Driver's License

Subchapter A. General Requirements

§145. Commercial Driving School Six Hours

A. - H. ...

1. The total fee for a prelicensing course shall not exceed \$50 per student. This shall cover all expenses including the cost of the original and one additional copy of

the certificate of completion provided to each student. The original with the original signatures must be submitted to the Office of Motor Vehicles when the student makes application for his/her driver's license or learner's permit. The copy is for the student's personal file or insurance purposes (if needed).

H.2. - O.15. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 32:409.1

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of Motor Vehicles, LR 22:286 (April 1996), amended by the, Department of Public Safety and Corrections, Office of State Police, LR 30:2859 (December 2004).

Stephen Hymel
Undersecretary

0412#033

RULE

**Department of Public Safety and Corrections
Office of State Police
Safety Enforcement Section**

Motor Vehicle Inspection (LAC 55:III.807)

The Department of Public Safety and Corrections, Office of State Police, Safety Enforcement Section, in accordance with R.S. 49:950 et seq. and R.S. 32:1301 et seq. hereby amends its Rules regulating vehicle inspections by creating a two-year inspection sticker for new, never before registered, passenger cars and trucks to be issued by new car dealers.

Title 55

PUBLIC SAFETY

Part III. Motor Vehicles

Chapter 8. Motor Vehicle Inspection

Subchapter B. Safety Inspections

§807. Operation as an Official Motor Vehicle Inspection Station

A. - B.1 ...

C. Official Motor Vehicle Inspection Sign (Public Stations Only)

1. All public Motor Vehicle Inspection stations will be required to display an official Motor Vehicle Inspection sign. The sign shall contain the following language: "Official Motor Vehicle Inspection Station" and shall display the seal of the state of Louisiana. The days and hours of operation must also be displayed. The sign must be displayed in such a manner as to be easily seen and readily distinguishable as an Official Motor Vehicle Inspection Station by the motoring public.

2. ...

D. Periods of Inspection

1. All vehicles inspected under the provisions of R.S. 32:1301 through R.S. 32:1314 (Motor Vehicle Inspection Law) shall be inspected at least once annually, except as provided in Subparagraph a below.

a. Effective January 3, 2005, the department will implement a two-year inspection certificate program. During the initial phase of the program, automotive dealers of new cars and light trucks, which possess current inspection station licenses, shall be authorized to affix a two-year

inspection certificate to every new passenger car or light truck sold. Where the registration of a vehicle indicates the domicile of the owner is in a parish that has been placed on the nonattainment list for ozone standards by the United States Environmental Protection Agency, that vehicle shall not be eligible for a two-year inspection certificate.

b. The fee for inspection of a passenger car or light truck and all other vehicles shall be \$10 for each year, except passenger cars or light trucks in nonattainment parishes and municipalities shall be \$18.

c. The department shall require an inspection station to make an advance payment of \$10.50 for each two-year inspection certificate issued and \$5.25 for each single-year inspection certificate issued. An inspection station may waive the fee due from the owner of the vehicle inspected. Inspection stations may redeem un-issued certificates for a refund in a manner prescribed by the Office of Motor Vehicles.

D.2. - F.4. ...

5. Motor vehicle inspection certificates and rejection certificates, requisitions forms, weekly/monthly log reports and all other documents may be obtained from the department.

G. - I.1. ...

2. Torn, voided or damaged inspection or rejection certificates must be recorded on the log report. Lost or stolen certificates must also be listed numerically on the report (see Lost or Stolen Inspection/Rejection Certificates)

3. ...

4. The public Motor Vehicle Inspection station's week will begin on Saturday and end at the close of business on the following Friday.

5. Dealer, fleet, public and government Motor Vehicle Inspection stations will no longer be required to submit log reports to the department .

6. Log reports shall be kept in the log book at the Motor Vehicle Inspection station for fourteen (14) months. These reports shall be available for inspection by department personnel or law enforcement officers.

7. If a station does not inspect any vehicles during a given week (public) or month (fleet, government or dealer), a log report shall be prepared with the word "none" written across the report.

8. - 9. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 32:1304 -1310.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of State Police, Safety Enforcement Section, LR 25:2424 (December 1999), amended 27:2260 (December 2001), repromulgated LR 28:345 (February 2002), amended LR 30:2859 (December 2004).

Stephen Hymel
Undersecretary

0412#032

RULE

Department of Revenue Policy Services Division

Corporation Income Tax (LAC 61:I.1148)

Under the authority of R.S. 47:287.441, R.S. 47:287.444, R.S. 47:287.601, R.S. 47:287.612; R.S. 47:287.614, R.S. 47:287.623, R.S. 47:287.651, R.S. 47:287.732, R.S. 47:287.785 and R.S. 47:1511 and in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., the Department of Revenue, Policy Services Division, amends LAC 61:I.1148 relative to the filing of corporation income tax returns.

Changes in corporate ownership require the taxpayer to file short period Louisiana corporation income tax returns. By amending LAC 61:I.1148, the Department of Revenue provides guidance to taxpayers regarding the requirements for filing short period Louisiana corporation income tax returns when there is a change in corporate ownership.

Title 61

REVENUE AND TAXATION

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

Chapter 11. Income: Corporation Income Tax §1148. Corporation Returns

A. General Rules. Every corporation deriving income from Louisiana sources shall file a return on forms secured from the secretary or by electronically filing a return, unless expressly exempt from the tax. The first return and the last return of a corporation are returns for a full year and not for a fractional part of a year. A corporation does not go out of existence by virtue of being managed by a receiver or trustee who continues to operate it.

B. - C. ...

D. Change in Ownership

1. Except as otherwise provided herein, when a change in ownership results in no change to the accounting period but results in the income of the taxpayer being reported on two separate federal returns, the taxpayer may either file one return for the entire accounting period or file two short period returns. If two short period returns are filed the due date of both returns is the due date of the accounting period year-end return.

2. Except as otherwise provided herein, when a change in ownership results in a change to the accounting period, the filing of two short period returns is required. The due date of the first short period return is the fifteenth day of the fourth month following the last day of the calendar month in which the change in ownership occurred. If information concerning the federal income deduction is not available, an amended return will be required for this period once the information is known. The due date of the last short period return is the due date of the new accounting period year-end return.

Title 61

REVENUE AND TAXATION

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

Chapter 43. Sales and Use Tax

§4307. Collection

A. Collection from Dealers

1. All of the taxes imposed under R.S. 47:302, R.S. 47:321, R.S. 47:331, and *local sales or use tax* ordinances are governed by these provisions. Every person engaged as a *dealer*, which R.S. 47:301 defines to be either party to a transaction creating a tax liability under *state and local sales and use tax* law, is made liable for collection of the tax. Dealer includes both the seller and the purchaser of tangible personal property, the person who uses, consumes, distributes, or stores tangible personal property in a *taxing jurisdiction* to be used or consumed there if an applicable *state or local sales or use tax* has not previously been paid thereon, the lessor or lessee, the rentor or rentee of tangible personal property rented or leased within the taxing jurisdiction, and the person who performs or furnishes any of the services covered by R.S. 47:301(14) or the person for whose benefit the services are furnished.

2. The importation of tangible personal property from outside of a *taxing jurisdiction*, to be used, consumed, distributed, or stored to be used or consumed in the *taxing jurisdiction* is treated the same as if the articles had been sold at retail for any of those purposes within the *taxing jurisdiction*, and such articles are thereby taxable to the person who causes them to be imported. The taxes levy immediately, and can be collected immediately. There shall be no tax on the importer, however, if all applicable taxes imposed under *state and local sales or use tax* law have been previously paid. Sections R.S. 47:303 and 47:337.15 clearly provide that there shall be no duplication of these taxes.

3. Solely for *state sales and use tax* purposes, if a tax similar to that imposed by R.S. 47:302, 321, and 331 is imposed by the state from which property is imported and if the state from which imported allows a credit to persons who import tangible personal property into that state for any sales or use tax which might have previously been paid to the state of Louisiana, a credit will be allowed against Louisiana's *state sales and use tax* for the tax paid to the other state. In order for the credit to be operative, both of the qualifying conditions must be met. The importer must have paid a similar tax upon either the sale or use of the same identical property in another state and the other state must allow a credit similar to this credit. The only exception to the double qualification standard is in the case of military personnel who are enlisted for two years or more who purchase automobiles outside the state of Louisiana while on their tour of active duty. In this instance, the credit will be allowed for the taxes paid the other state, whether or not that state allows a similar credit for Louisiana taxes paid.

4. Solely for *state sales and use tax* purposes, the use tax is based on either the cost of the tangible personal property being imported or its fair market value at the point at which it comes to rest in the state of Louisiana, whichever

3. When a one-day return is required under federal law, that one-day is a separate accounting period for Louisiana reporting purposes. A separate return is required for that one day. This will usually result in the filing of three short period returns. The due date of the first short period return is the fifteenth day of the fourth month following the last day of the calendar month in which the change in ownership occurred. The due date of the one-day return is the fifteenth day of the fourth month following the last day of the calendar month in which the one day falls. The due date of the last short period return is the due date of the new accounting period year-end return.

4. All short period tax is computed under the provisions of R.S. 47:287.444.

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:287.441, R.S. 47:287.444, R.S.47:287.601, R.S. 47:287.612, R.S. 47:287.614, R.S. 47:287.623, R.S. 47:287.651, R.S. 47:287.732, R.S. 47:287.785 and R.S. 47:1511.

HISTORICAL NOTE: Promulgated by the Department of Revenue and Taxation, Income Tax Section, LR 14:108 (February 1988), amended by the Department of Revenue, Policy Services Division, LR 30:2860 (December 2004).

Cynthia Bridges
Secretary

0412#035

RULE

**Department of Revenue
Policy Services Division**

**Collection Uniform State and Local Sales Tax Definitions
(LAC 61:I.4307)**

Under the authority of R.S. 47:303, R.S. 47:337.2, R.S. 47:337.15 and R.S. 47:1511 and in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., the Department of Revenue, Policy Services Division, has amended LAC 61:I.4307 to provide for uniform state and local sales tax definitions in accordance with the provisions of Act 73 of the 2003 Regular Legislative Session.

Act 73 enacted the Uniform Local Sales and Use Tax Code, R.S. 47:337.1 et seq., to promote uniformity in the administration of state and local sales and use taxes by compiling the local sales and use tax laws in the revised statutes. Revised Statute 47:337.2(C)(2), which provides for the development of uniform state and local sales and use tax regulations, allowed local sales tax collectors until January 1, 2004, to file written requests with the Secretary of Revenue for amendments to any Department of Revenue regulation in effect on July 1, 2003, so that the regulation applies to both state and local sales and use taxes. Local collectors, through the Louisiana Association of Tax Administrators, filed a request with the Secretary of Revenue in December 2003 for amendments to several regulations. Requested amendments to the sales tax definitions are included in this Rule.

is the lesser of the two. Most frequently, the value upon which the Louisiana use tax is based will be less than original cost on which the taxpayer paid tax in the state of purchase. In those instances, credit will be allowed against the Louisiana use tax only in an amount equal to the tax rate paid to the other state, as distinguished from local government in the other state, applied to the value being taxed under the Louisiana law. No credit will be allowed against the Louisiana use tax for taxes paid to political subdivisions in another state or to foreign countries. In no event will a credit greater than the tax imposed by Louisiana on any particular piece of tangible personal property be allowed.

5. Solely for *state sales and use tax* purposes, in any case in which a taxpayer claims credit for a tax paid to another state, he must be in a position to prove payment of the tax before the credit will be allowed. The precise proof required will vary with the nature of the property and the circumstances surrounding its importation into the state.

6. For *local sales or use tax* purposes, the credit for taxes paid is governed by R.S. 47:337.86.

B. Collection of Tax on Vehicles

1. In view of the regulatory function performed by the vehicle commissioner in issuing license plates for the registration of vehicles and in issuing certificates of title to vehicles, R.S. 47:303(B) provides that all sales taxes levied *state* and *local taxing authorities* on the sale or use of vehicles shall be paid to the vehicle commissioner as the agent of the *secretary* or local *collector*, if so contractually provided, before a certificate of title or vehicle registration can be issued. The vehicle commissioner serves as agent for the collector only with respect to those vehicles required to be registered and/or titled with the vehicle commissioner. Generally, this covers all vehicles which have been found to be safe for highway use and can pass safety inspection. While R.S. 47:303(B) makes the vehicle commissioner the agent of the *collector* for purposes of collecting the taxes, the *collector* is the only proper party to defend or institute any legal action involving the taxes imposed with respect to any motor vehicle, automobile, motorcycle, truck, truck-tractor, trailer, semi trailer, motor bus, house trailer, or any other vehicle subject to the vehicle registration or title requirements. Conversely, the *collector* has no authority or jurisdiction whatever in the issuance of vehicle registration licenses or vehicle titles. This is the absolute domain of the vehicle commissioner.

2. The sales taxes levied by R.S. 47:302(A)(1), 47:321(A)(1), 47:331(A)(1), and the ordinances of *political subdivisions* is due at the time of registration or transfer of registration as required by the vehicle registration license tax law. The use taxes levied by R.S. 47:302(A)(2), 47:321(A)(2), 47:331(A)(2), and the ordinances of *political subdivisions* on the use of a vehicle in this state is due at the time first registration in this state is required by the vehicle registration license tax law. That law basically requires that a vehicle purchased in Louisiana be registered immediately upon purchase. Consequently, the sales taxes are due at the time of the purchase transaction. The vehicle registration license tax law basically provides that the vehicle shall be registered in this state immediately upon its importation for

use in Louisiana. The use taxes, therefore, become due when the vehicle has entered the state for use.

3. For purposes of the sales taxes, every vendor is required to furnish to a purchaser at the time of a sale, a sworn statement fully describing the vehicle including the serial number, the motor number, the type, year, and model of the vehicle, the total sales price, the amount of any allowance, and a full description of any vehicle taken in trade, the net difference being paid by the purchaser between the vehicle purchased and the one traded in, and the amount of sales or use tax to be paid. Every component of the vehicle attached thereto at the time of the sale and which is included in the sales price, including any labor, parts, accessories, or other equipment, are considered to be a part of the vehicle and not a separate item of tangible personal property. The vehicle commissioner has the right to examine the statement furnished to the purchaser at the time of the sale and in any case in which he determines that the total sales price or the allowance for the vehicle traded in do not reflect reasonable values, he may adjust either to reflect the fair market value of the vehicle involved. Generally, this will be done by reference to current values published by the National Automobile Dealers Association. This revaluation is solely for the purpose of determining the proper amount of sales or use tax due and in no way influences the prices agreed upon between the buyer and the seller. The vehicle commissioner also has the authority to require affidavits from either the vendor or the purchaser, or both, to support a contention that some unusual condition adversely affected the cited sales price. In any event, the minimum tax due shall be computed on the consideration cited as the difference paid by the purchaser between the vehicle purchased and the vehicle traded in.

4. - 4.g. ...

h. The sales or use tax due to *state* and *local taxing authorities* shall be computed on gross sales price of the new vehicle in the case of a sale, or on the cost price of the new vehicle in the case of a transaction subject to the use tax, less the previously established actual trade-in value of the trade-in vehicle.

h.i. - 5. ...

6. The sales tax exemption for isolated or occasional sales of *tangible personal property* provided by R.S. 47:301(10)(c)(ii) does not apply to sales of motor vehicles. R.S. 47:303(B)(4) provides that isolated or occasional sales of vehicles are specifically defined to be *sales at retail* and subject to *state* and *local sales or use tax*.

7. The vehicle commissioner may require any dealer engaged in the business of selling motor vehicles, automobiles, motorcycles, trucks, truck-tractors, trailers, semi-trailers, motor buses, house trailers, or any other vehicle subject to the vehicle registration license tax law or the title registration law to furnish information relative to their sales on any periodic basis designated by the vehicle commissioner. The statements shall include the serial number, motor number, type, year, model of the vehicle sold, the total sales price, any allowance for trade-in, a description of the trade-in, the total cash difference to be paid by the purchaser, and any sales or use taxes to be paid. The vehicle commissioner is also authorized to secure whatever other

additional information is necessary for proper administration of the tax.

8. R.S. 47:303(A)(3) allows a credit against the state use tax for taxes paid to another state provided the other state allows a similar credit for taxes paid to Louisiana. For credits allowed against taxes imposed by *local taxing authorities*, see R.S. 47:337.86.

9.a. Generally, a certificate of title or vehicle registration will not be issued to any purchaser for any vehicle on which *state or local sales or use tax* has not been paid. However, R.S. 47:303(B)(5) provides an exception for purchasers who paid the proper taxes due to the vehicle dealer at the time the vehicle was purchased, but the dealer did not remit the taxes to the vehicle commissioner. Under this provision, a motor vehicle purchaser who has not been issued a certificate of title or vehicle registration license within six months after the date of the sale, may submit a written request to the *secretary* showing that:

a.i. - b. ...

C. Collection of Tax from Auctioneers

1. Generally, the sales tax law contemplates a situation in which the owner of property, or a person having title to property, sells tangible personal property to another person, thereby creating a taxable transaction. In this instance, the sales tax law places a liability upon the seller to collect the *state and local sales or use tax* from the purchaser and remit the tax to the appropriate *collector*. Because of this basic concept, special provisions have been included in R.S. 47:303(C) and 47:337.15(C) to cover sales which do not fall within that general method of doing business. In the case of auctioneers, the actual owner of the property turns it over to the auctioneer who conducts the sale and consummates the final transfer of title, as a third party, from the owner to the purchaser. He may well represent a number of property owners at one auction sale.

2. In view of the unique position occupied by auctioneers with relationship to the owner of the property being sold, R.S. 47:303(C) and 47:337.15(C) require that all auctioneers shall register as dealers and must display their registration certificates to the public as a condition of doing business in a *taxing jurisdiction*. The auctioneer is then held responsible for collecting all *state and local sales or use tax* on articles sold by him and is responsible for properly reporting and remitting the amount collected.

D. Collection of Tax on Motorboats and Vessels

1. R.S. 47:303(D) and 47:337.15(D) provide that the secretary of the Department of Wildlife and Fisheries shall not issue a certificate of registration on any boat or vessel which is purchased in, or imported into, Louisiana until satisfactory proof is presented showing that all state and local sales taxes have been paid. This will be in the form of a "tax payment certification for boat registration", which is available through the boat dealer or at any office of the Department of Revenue.

2. ...

3. In the case of a boat or vessel brought in from another state, the certificate must be completed and signed by the purchaser and a revenue deputy of the Department of Revenue and also by a tax collecting agent of the local *collector* where the purchaser resides. The proper use taxes will be due to the appropriate *state and local taxing*

authorities, subject to credit for sales taxes paid in another state, as provided by R.S. 47:303(A) and 47:337.86.

4. In the case of a boat or vessel purchased from an individual owner who is not engaged in the business of selling boats or vessels, the certificate must be completed and signed by the purchaser and a revenue deputy of the Department of Revenue and by a tax collecting agent of the local *collector* where the purchaser resides. Sales of boats and vessels by individual owners will be regarded as isolated or occasional sales, and not subject to *state and local sales or use tax*. The purchaser, however, must provide sufficient documentation to support such a basis for exemption, such as a canceled check and a notarized bill of sale, or the prior owner's certificate of registration showing his or her transfer of ownership to the purchaser.

5. ...

E. Collection of Tax on Off-road Vehicles

1. R.S. 47:303(E) and 47:337.15(E) point out clearly that off-road vehicles are subject to *state and local sales or use tax* and require that a certificate of title be obtained from the vehicle commissioner in the same manner as with other motor vehicles. The exclusion of motor vehicles from the isolated or occasional provision which appears in R.S. 47:303(B)(4) applies equally to off-road vehicles as it does to cars and trucks. Thus, a purchaser of an off-road vehicle from a person who is not registered with *state and local taxing authorities* to collect and remit sales taxes shall pay the proper sales taxes at the time the vehicle is titled.

2. ...

F. Collection of Tax on Memberships in Health and Physical Fitness Clubs. R.S. 47:303(F) and 47:337.15(F) concern the collection and remittance of sales taxes for memberships in health and physical fitness clubs due under R.S. 47:301(14)(b). Generally, the taxes imposed under *state and local sales and use tax* laws are to be reported and remitted for the period in which the sale of tangible personal property or the sale of taxable services occurred, regardless of whether or not the vendor has collected the proceeds or taxes from the customer. R.S. 47:303(F) and 47:337.15(F), however, provide that operators of health and physical fitness clubs may report and remit the taxes due on memberships for the period in which the proceeds are actually collected, for those sales of memberships which are payable over an extended period of time, on a monthly basis. Such extended payment plans typically include actual or imputed interest charges in each monthly payment. Only the membership dues are subject to the tax, so that the club operator may report as sales of services, and remit taxes on, only that portion of the proceeds which represents membership dues, according to the terms of the contract. Also, if the club operator uses a collection agency to collect the amounts due, the collection fees withheld from the proceeds are subtracted from the reported sales of services. When membership contractual payment plans are resold to a financial institution, only the net proceeds received by the club operator will be the amount reported as sales of services for that reporting period. The discount withheld by the financial institution will be regarded as interest, and will not be included in the taxable base.

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:303, R.S. 47:337.2, R.S. 47:337.15, and R.S. 47:1511.

HISTORICAL NOTE: Promulgated by Department of Revenue and Taxation, LR 13:107 (February 1987), amended by the Department of Revenue and Taxation, Sales Tax Division, LR 20:316 (March 1994), amended by the Department of Revenue, Policy Services Division, LR 29:2116 (October 2003), LR 30:2861 (December 2004).

Raymond E. Tangney
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0412#046

RULE

Department of Revenue Policy Services Division

Imposition of Tax Uniform State and Local Sales Tax Definitions (LAC 61:I.4303)

Under the authority of R.S. 47:302, R.S. 47:337.2, and R.S. 47:1511 and in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., the Department of Revenue, Policy Services Division, has amended LAC 61:I.4303 to provide for uniform state and local sales tax definitions in accordance with the provisions of Act 73 of the 2003 Regular Legislative Session.

Act 73 enacted the Uniform Local Sales and Use Tax Code, R.S. 47:337.1 et seq., to promote uniformity in the administration of state and local sales and use taxes by compiling the local sales and use tax laws in the revised statutes. Revised Statute 47:337.2(C)(2), which provides for the development of uniform state and local sales and use tax regulations, allowed local sales tax collectors until January 1, 2004, to file written requests with the Secretary of Revenue for amendments to any Department of Revenue regulation in effect on July 1, 2003, so that the regulation applies to both state and local sales and use taxes. Local collectors, through the Louisiana Association of Tax Administrators, filed a request with the Secretary of Revenue in December 2003 for amendments to several regulations. Requested amendments to the sales tax definitions are included in this Rule.

Title 61

REVENUE AND TAXATION

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

Chapter 43. Sales and Use Tax

§4303. Imposition of Tax

A. - B. 2. d. ...

3. Treatment of the Tax Levied by *Local Taxing Authorities* for Inter-jurisdictional *Lease* or *Rental* Transactions.

a. For the purpose of *local sales or use tax* levied upon the *lease* or *rental* of *tangible personal property*, the tax for the initial lease or rental period is due to the *local taxing jurisdiction* where the transfer of possession of the leased property occurs.

b. For subsequent lease or rental periods, when there is no additional transfer of possession, the tax is due to the *local taxing jurisdiction* where the property is primarily located. The primary location of the property is that location

designated by the lessee and made known to the lessor from records maintained in the ordinary course of business.

c. Possession or use of the leased property in a *local taxing jurisdiction* where the property is not primarily located will subject the lessee to the taxes imposed by that *local taxing jurisdiction*. However, a credit will be allowed for the lease period for any tax previously paid to another *local taxing authority* under the provisions of Subparagraphs a or b of this Paragraph. It is the lessee's responsibility to report any additional tax due.

C. - D. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:302, R.S. 47:337.2, and R.S. 47:1511.

HISTORICAL NOTE: Promulgated by the Department of Revenue and Taxation, Sales Tax Division, LR 13:107 (February 1987), amended LR 19:1033 (August 1993), amended by the Department of Revenue, Sales Tax Division, LR 23:1703 (December 1997), amended by the Department of Revenue, Policy Services Division, LR 30:2864 (December 2004).

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0412#045

RULE

Department of Revenue Policy Services Division

Sales and Use Tax Exemptions (LAC 61:I.4401)

Under the authority of R.S. 47:301 and R.S. 47:1511 and in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., the Department of Revenue, Policy Services Division, has amended LAC 61:I.4401 to provide for uniform state and local sales tax definitions in accordance with the provisions of Act 73 of the 2003 Regular Legislative Session.

Act 73 enacted the Uniform Local Sales and Use Tax Code, R.S. 47:337.1 et seq., to promote uniformity in the administration of state and local sales and use taxes by compiling the local sales and use tax laws in the revised statutes. Revised Statute 47:337.2(C)(2), which provides for the development of uniform state and local sales and use tax regulations, allowed local sales tax collectors until January 1, 2004, to file written requests with the Secretary of Revenue for amendments to any Department of Revenue regulation in effect on July 1, 2003, so that the regulation applies to both state and local sales and use taxes. Local collectors, through the Louisiana Association of Tax Administrators, filed a request with the Secretary of Revenue in December 2003 for amendments to several regulations. Requested amendments to the sales tax definitions are included in this Rule.

Title 61

REVENUE AND TAXATION

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

Chapter 44. Sales and Use Tax Exemptions

§4401. Various Exemptions from the Tax

A. While state and local sales or use tax laws are classified as general sales or use tax laws indicating that they

apply broadly across all sales, use, consumption, or lease of tangible personal property as well as to some selected services, these laws do provide many exemptions.

B. R.S. 47:305(A) and (B) deal primarily with agricultural commodities, and the tax liabilities associated therewith, as they apply to all phases from production to final consumption or disposition. The broadest exemptions apply to the producer of agricultural commodities. Any sale of livestock, poultry, or other farm products made directly from the farm and directly by the producer regardless of the purpose to which it will be put when sold is exempt from these taxes. The producer is also exempt from use tax on any farm products consumed by him or his family. This exemption extends to livestock and livestock products, to poultry and poultry products, to farm, range or agricultural products so long as they are produced by the farmer and used by him and members of his family.

1. ...

a. livestock sold at a public sale which is sponsored by a breeder's association or a registry association is exempt from state sales or use tax;

b. livestock sold at a commercial livestock auction market which holds regularly scheduled auction sales, not limited to any certain producer or producers is exempt from state and local sales or use tax;

c. race horses sold through entry in a claiming race, whereby the horse was claimed, at any racing meet held in Louisiana is exempt from state sales or use tax.

2. Exemptions afforded other persons in connection with agricultural commodities are limited depending upon the purpose for which they are sold. The only exemption in the law for any farm products sold directly to the consumer as a finished product, other than food sold under circumstances described in R.S. 47:305(D), is for sales made by the farmer directly from the farm. There are, however, very broad exemptions from state and local sales or use tax for all agricultural commodities sold by any person other than a producer as raw materials for use or for sale in preparing, finishing or manufacturing the commodities into merchandise intended for ultimate retail sale. This exemption applies to all horticultural, viticultural, poultry, farm and range products, livestock and livestock products. The exemption applies to the tax imposed on the sale, storage, use, transfer or any other utilization or handling of those products except when they are sold as a finished product to the final consumer. The law further provides that in no case shall there be more than one tax applied with respect to agricultural commodities.

3. - 3.c. ...

d. Specifically excluded from the exemption in R.S. 47:305(A)(4) is feed for animals held primarily for other purposes, even though they might be used in one or more exempt categories of use at times. For example, a registered breed pet which is occasionally bred for the purpose of selling the offspring is not considered held for commercial use.

C. R.S. 47:305(C) provides for the use tax cost basis of motor vehicle dealers' service vehicles which are withdrawn from resale inventory for use, such as towing trucks, parts trucks, delivery vehicles, etc. It provides that in determining the cost basis for use tax, a reduction is allowed if a used and

previously taxed vehicle is simultaneously returned to resale inventory. That reduction in the cost basis of the newly withdrawn vehicle will be the wholesale value of the returned vehicle according to the current value published by the National Automobile Dealers Association.

D. In addition to exemptions granted for broad categories of property or transactions, R.S. 47:305(D) grants exemption for the sale or use of specific items of property. The sale at retail, use, consumption, distribution or the storage to be used or consumed, of gasoline, steam, electric power or energy, newspapers, natural gas, or fertilizer and containers used for farm products if they are sold directly to the farmer are specifically exempted from state and local sales or use tax.

1. In addition to the exemption for electric power or energy in R.S. 47:305(D)(1)(d), the sale and purchase of all materials and energy sources used to fuel the generation of electric power for resale by utility companies, and the sale and purchase of materials and energy sources for use by an industrial manufacturing plant to produce electric power for self-consumption or cogeneration are exempt from state and local sales or use tax.

2. Other fuels and specific applications of energy sources are exempted from the tax. R.S. 47:305(D)(1)(h) exempts all energy sources used for boiler fuel except refinery gas. A boiler, for purposes of this exemption, means a pressure-regulated vessel into which water is placed and converted to steam by the application of heat, after which the steam is sold, used for heating purposes, electrical generation, or any other industrial use. R.S. 47:305(D)(1)(h), together with R.S. 47:305(D)(1)(g), also provides a limited exemption for refinery gas. The language in these two subparagraphs exempt refinery gas from both state and local sales or use tax, except when it is used as boiler fuel. *Refinery gas*, for sales tax purposes, is defined as a *by-product* gas or *waste* gas which is produced in the process of distilling crude petroleum into its refined marketable products. R.S. 47:305(D)(1)(h) also provides the formula by which the cost basis shall be computed annually for use taxation purposes. For the period of July 1, 1985, through December 31, 1985, the value shall be \$0.52 per 1,000 cubic feet, or MCF. For each succeeding calendar year thereafter, the cost basis shall be adjusted by multiplying \$0.52 by a fraction the numerator of which shall be the posted price for a barrel of West Texas Intermediate Crude Oil on December first of the preceding calendar year, and the denominator of which shall be \$29. Each annual cost basis, as computed by the Department of Revenue, shall be the maximum value placed upon refinery gas by any taxing authority.

3. - 4. ...

E.1. R.S. 47:305(D) provides, in part, an exemption from state sales or use tax upon the sale at retail, the use, the consumption, the distribution, and the storage to be used or consumed in this state for orthotic and prosthetic devices and patient aids prescribed by physicians or licensed chiropractors for personal consumption or use. *Orthotic*, by definition, means a branch of mechanical and medical science that deals with the support and bracing of weak or ineffective joints or muscles, and such things as orthopedic shoes, braces, crutches, wheelchairs, surgical supports, and traction equipment are exempt from taxation, while such

items as prescription eyeglasses and hearing aids are not covered by the exemption. *Prosthesis*, by definition, means the replacement of a missing part of the body, as a limb or eye, by an artificial substitute, and such things as artificial eyes, legs, or arms are exempt from taxation. Toupees, eyeglasses, corrective lenses, and similar items are not covered by the exemption. Patient aids mean such equipment as sickroom supplies and other tangible personal property used for the convenience and comfort of the patient. In all instances, the orthotic and prosthetic devices and patient aids must be prescribed by a physician or a licensed chiropractor for personal use or consumption in order for the sale to be exempt for sales tax purposes. Further, the rental tax and sales tax for repairs to orthotic and prosthetic devices and patient aids are not exempted under R.S. 47:305(D).

2. For the purposes of state and local sales or use tax, orthotic devices, prosthetic devices, prostheses and restorative materials utilized by or prescribed by dentists in connection with health care treatment or for personal consumption or use and any and all dental devices used exclusively by the patient or administered exclusively to the patient by a dentist or dental hygienist in connection with dental or health care treatment are exempt. Dental prosthesis includes but is not limited to, full dentures, fixed and removable dental prosthesis and all parts thereof, and all other items associated with replacement and restoration of the teeth, which by law also necessitates a prescription from the attending dentist for fabrication.

F.I. R.S. 47:305(D) provides an exemption from state sales or use tax upon the sale at retail of food sold for preparation and consumption in the home as well as for some other expressed types of food sales. For this purpose, meat, fish, milk, butter, eggs, bread, vegetables, fruit and their juices, canned goods, oleo, coffee and its substitutes, soft drinks, tea, cocoa and products of these items, bakery products, candy, condiments, relishes and spreads, are all considered food items. Items such as flour, sugar, salt, spices, shortening, flavoring and oil that are generally purchased for use as ingredients in other food items constitute food. Items considered to be food are not limited to the examples set forth above. The listing is not all inclusive.

2. - 4. ...

5. Sales of meals furnished to the staff and students of educational institutions including kindergartens; the staff and patients of hospitals; the staff, inmates and patients of mental institutions; boarders of rooming houses; and occasional meals furnished in connection with or by educational, religious or medical organizations are exempt from state and local sales or use tax, provided the meals are consumed on the premises where purchased. Sales of food by any of these institutions or organizations in facilities open to outsiders or to the general public are not exempt and tax should be charged on the entire gross receipts rather than just the receipts from the outsiders or the general public.

6. ...

7. For state sales or use tax purposes, stores, institutions, and organizations can purchase food items for resale without paying the advance sales tax that must be collected by wholesale dealers under R.S. 47:306(B) provided the ultimate retail sale or consumption of the food

is exempt. Regardless of the type of purchaser, if a majority of the food purchased and disposed is taxable under the established rules, advance sales tax must be paid by the purchaser.

G. For state sales or use tax purposes, drugs prescribed by a physician, dentist or other persons authorized to issue medical prescriptions for personal consumption or use are exempt. For a definition of *drugs*, refer to R.S. 47:301(20). Retail establishments are authorized to allow this exemption for any retail sale thereof which is sold due to the presentation of a medical prescription authorizing such sale. Persons selling drugs, medicine, or ingredients thereof to drug stores which cannot be sold at retail without the authorization of a medical prescription are deemed to be making exempt sales, and as such, the advance state sales tax should not be charged. Since hospitals and sanitariums are primarily engaged in the business of selling services supervised and directed by medical doctors, persons selling drugs, medicine, or ingredients thereof to such institutions are deemed to be making exempt sales, and as such, state sales taxes should not be charged. If a hospital or sanitarium operates any divisions that sell tangible personal property to the public, such as a prescription department, then the hospital or sanitarium becomes liable for the tax upon the gross receipts or gross proceeds derived from such sales, except for drugs sold on prescriptions which are specifically exempt from taxation. For sales tax exemptions pertaining to insulin, see R.S. 47:305.2.

1. In addition to drugs, R.S. 47:305(D) provides an exemption from state sales or use tax for any and all medical devices, but only when they are used personally and exclusively by the patient, and only when the medical device is purchased by the patient on the written authority of a registered physician for use in the medical treatment of a disease. Purchases of identical medical devices by hospitals and other medical institutions, for use in administering the medical treatment to a patient would not qualify for exemption under R.S. 47:305(D)(1)(s).

2. All of the exemptions provided by R.S. 47:305(D), except for the exemptions on food and drugs, orthotic and prosthetic devices, and patient aids prescribed by physicians or licensed chiropractors for personal consumption or use apply to state and local sales or use tax. The exemptions for food and drugs, orthotic and prosthetic devices, and patient aids prescribed by physicians or licensed chiropractors apply only to state sales or use tax.

H. R.S. 47:305(D)(1)(i) provides, in part, an exemption from state and local sales or use tax for new automobiles and new aircraft withdrawn from stock by factory authorized new automobile and new aircraft dealers, with the approval of the secretary and titled in the dealers' name for use as demonstrators. There are several restrictions involved in this particular exemption: first, the dealer must be a factory authorized new automobile or aircraft dealer; second, the car or plane withdrawn from stock must be a new automobile or aircraft; and third, the car or plane must be titled in the dealer's name for use solely as a demonstrator. In order to qualify as a demonstrator, the units can be driven or flown only by personnel attached to the respective dealership or by a prospective customer accompanied or supervised by personnel from the respective dealership. The car or plane

cannot be used by members of the family of dealership personnel nor can the units be used to run errands or for pleasure purposes. The term demonstrators will be construed in its narrowest sense and is limited to use of the property for display of its qualities to prospective customers. Only a very limited use by authorized dealer personnel is permissible in accordance with the provisions of R.S. 47:305(H). Approval of the secretary is required in titling the car as a demonstrator. Writing of the word demonstrator across the face of the license application will be accepted as sufficient request for approval and issuance of the license by the secretary on an application bearing such notation will constitute full approval by the secretary. Since new aircraft are titled in the name of the dealership upon purchase, a request for and approval of the unit as a demonstrator will be granted provided the dealership dates and signs the bill of sale and retains it in his possession for verification by Department of Revenue personnel. If any misuse of the demonstrator is detected subsequent to approval of the unit as a demonstrator, the transaction immediately becomes taxable, and the dealer will be held responsible for the tax due thereon.

I. R.S. 47:305(E) makes it clear that the taxes imposed under state and local sales or use tax laws do not apply to tangible personal property manufactured or produced in this state or imported in this state for export outside the state. The exemption applies solely to the property for export and does not apply to tangible personal property used, consumed, or expended in the manufacturing process, unless the conditions for exemption set forth in R.S. 47:301(10) are met. Neither do state and local sales or use tax laws levy a tax on bona fide interstate commerce. In addition, it has been provided that when property comes to rest in a taxing jurisdiction and has become a part of the mass of the property in that taxing jurisdiction, it is no longer involved in interstate commerce and its sale, use, consumption, distribution or storage for use there will be taxable. Specific pieces of property which have been clearly labeled for transshipment outside the taxing jurisdiction at the time of its manufacture or importation into the taxing jurisdiction would meet the exemption requirements even though it may be stored for an indefinite period of time. Any disposition of the property for a purpose contrary to that originally intended would immediately subject the property to the tax.

J. R.S. 47:305(F) exempts materials and the use of film, video or audio tapes, records, and any other means of exhibition or broadcast, supplied by licensors to radio and television broadcasters from the taxes imposed by state and local sales or use tax laws. The exemption applies to amounts paid for the right to exhibit or broadcast copyrighted material and to the use of other materials supplied by licensors but does not apply to film, tapes, or records purchased outright by the broadcaster and retained in his private library. The exemption from the sales and use tax is further extended to apply to licensors or distributors of such material. This exemption, however, does not apply to the lease tax which might be due by licensors or distributors in cases where they lease the material from the owner or producer thereof.

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:305.

HISTORICAL NOTE: Promulgated by the Department of Revenue and Taxation, Sales Tax Section, LR 13:107 (February 1987), amended by the Department of Revenue, Policy Services Division, LR 29:1520 (August 2003), LR 30:2864 (December 2004).

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RULE

Department of Revenue Policy Services Division

Treatment of Tax by Dealer Uniform State and Local Sales Tax Definitions (LAC 61:I.4311)

Under the authority of R.S. 47:304, R.S. 47:337.2, R.S. 47:337.17, and R.S. 47:1511 and in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., the Department of Revenue, Policy Services Division, has amended LAC 61:I.4311 to provide for uniform state and local sales tax definitions in accordance with the provisions of Act 73 of the 2003 Regular Legislative Session.

Act 73 enacted the Uniform Local Sales and Use Tax Code, R.S. 47:337.1 et seq., to promote uniformity in the administration of state and local sales and use taxes by compiling the local sales and use tax laws in the revised statutes. Revised Statute 47:337.2(C)(2), which provides for the development of uniform state and local sales and use tax regulations, allowed local sales tax collectors until January 1, 2004, to file written requests with the Secretary of Revenue for amendments to any Department of Revenue regulation in effect on July 1, 2003, so that the regulation applies to both state and local sales and use taxes. Local collectors, through the Louisiana Association of Tax Administrators, filed a request with the Secretary of Revenue in December 2003 for amendments to several regulations. Requested amendments to the sales tax definitions are included in this Rule.

Title 61

REVENUE AND TAXATION

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

Chapter 43. Sales and Use Tax

§4311. Treatment of Tax by Dealer

A. R.S. 47:304 governs the treatment of *state sales and use tax* and R.S. 47:337.17 governs the treatment of *local sales and use tax* that must be collected by *dealers*. Both statutes place the primary burden for operation of the sales tax system upon the seller of merchandise, the performer of taxable services, and the rentor or lessor of property, and require that he collect the tax from the purchaser, user or consumer. If a *dealer* fails or refuses to collect the tax, he not only becomes liable for payment of the tax, but also subjects himself to the possibility of being fined a maximum of \$100 or imprisoned for a period of time not to exceed three months, or both.

B. This primary burden of collecting and remitting sales tax does not apply to the taxes on motor vehicles subject to

the vehicle registration license tax, the collection of which is described in R.S. 47:303(B) (LAC 61:I.4307.B). However, dealers of off-road motor vehicles are charged with the responsibility for collecting and remitting the tax on sales of all such off-road vehicles, notwithstanding that they are also dealers of motor vehicles subject to registration and licensing by the motor vehicle commissioner. Dealers of off-road vehicles shall, in addition to collecting and remitting the tax to the *collector*, provide the purchaser with a notarized bill of sale, or other documentation, sufficient to prove that the proper taxes have been paid by the purchaser, and to enable the purchaser to obtain a certificate of title from the office of the motor vehicle commissioner.

C. - D. ...

E. Certificates of exemption from *state or local sales or use tax* are obtainable from the appropriate *collector* by persons making purchases which may be exempt in whole or in part at the time of purchase or upon which the tax may be deferred until some later event which dictates taxability of the transaction. While primary responsibility for collection of the taxes rests upon the seller, the purchaser who furnishes the seller an exemption certificate will be held liable for any taxes subsequently found to be due.

F. In cases where the total amount of *state or local sales or use tax* collected for a sales tax filing period exceeds the percentage applicable to the particular type of merchandise or service, any such excess must be remitted to the appropriate *collector*.

G. For provisions relating to the amount of *state sales or use tax* collected by a dealer which may be withheld by him as compensation for collecting, accounting for, and remitting the tax to the secretary, see R.S. 47:306. The amount of compensation allowed for reporting *local sales or use tax* is governed by local ordinance.

H. R.S. 47:304 and R.S. 47:337.17 prohibit the use of tokens in the operation of the sales tax law and provides that the *secretary* shall prescribe schedules of the amounts to be collected from purchasers, lessees, or consumers with respect to each sale. Such schedules integrate the collection of the *state and local sales or use tax*, and their use is mandatory with respect to both *dealers* and *political subdivisions* that impose a sales or use tax. The mandatory tables required by R.S. 47:304 and R.S. 47:337.17 will be prepared by the Department of Revenue at the request of any *local taxing authority*, to reflect the aggregate *state and local sales or use tax* rate. Any *dealer*, as well, may obtain these prepared tax rate schedules from the department.

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:304, R.S. 47:337.2, R.S. 47:337.17, and R.S. 47:1511.

HISTORICAL NOTE: Promulgated by Department of Revenue and Taxation, LR 13:107 (February 1987), amended by the Department of Revenue, Policy Services Division, LR 30:2867 (December 2004)

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RULE

Department of Revenue Policy Services Division

Returns and Payment of Uniform State and Local Sales Tax Definitions (LAC 61:I.4351)

Under the authority of R.S. 47:306, R.S. 47:337.2, R.S. 47:337.18, and R.S. 47:1511 and in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., the Department of Revenue, Policy Services Division, has amended LAC 61:I.4351 to provide for uniform state and local sales tax definitions in accordance with the provisions of Act 73 of the 2003 Regular Legislative Session.

Act 73 enacted the Uniform Local Sales and Use Tax Code, R.S. 47:337.1 et seq., to promote uniformity in the administration of state and local sales and use taxes by compiling the local sales and use tax laws in the revised statutes. Revised Statute 47:337.2(C)(2), which provides for the development of uniform state and local sales and use tax regulations, allowed local sales tax collectors until January 1, 2004, to file written requests with the Secretary of Revenue for amendments to any Department of Revenue regulation in effect on July 1, 2003, so that the regulation applies to both state and local sales and use taxes. Local collectors, through the Louisiana Association of Tax Administrators, filed a request with the Secretary of Revenue in December 2003 for amendments to several regulations. Requested amendments to the sales tax definitions are included in this Rule.

Title 61

REVENUE AND TAXATION

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

Chapter 43. Sales and Use Tax

§4351. Returns and Payment of Tax, Penalty for Absorption of Tax

A. General. All persons and dealers who are subject to *state or local sales or use tax* are expected and required to file a tax return monthly, unless otherwise provided, and to remit the amount of tax due to the *collector*. Forms will be provided by the *collector*, and although the forms are usually mailed to each dealer, failure to receive same will not relieve the dealer of the necessity of filing and remitting the tax due currently. For the purpose of collecting and remitting *state and local sales or use tax*, the dealer is hereby declared to be the agent of the *taxing authority*.

1. After a dealer is properly registered for sales and use tax purposes, an identifying sales tax number is assigned to that dealer. The assignment of a regular sales tax number requires a dealer to file a monthly return and failure to do so will cause the *collector* to send an estimated proposed assessment. For months when the dealer has no taxable sales or amounts to report, the return should be marked "no sales

or taxable amounts," signed by the dealer and filed with the *collector*. Monthly returns are required to be filed with the *collector* on or before the twentieth day of the month following the month in which the tax becomes effective.

2. The *collector*, for good cause, may extend, for a period not to exceed 30 days, the time for making any returns required under Chapter 2 of Title 47 of the Louisiana Revised Statutes of 1950, as amended, or the Uniform Local Sales Tax Code. Failure of the dealer to abide by the agreement and file returns and remittances as required will result in an immediate cancellation of the extension agreement by the *collector*.

3.a. Solely for *state sales or use tax* purposes, the tax computed to be due by the dealer is payable at the time the return is due, and failure to do so will cause the secretary to issue a 10-day demand assessment. Failure to file the returns on or before the due date, will subject the dealer to delinquency charges, loss of vendor's compensation and other charges as provided by law. See R.S. 47:1519 for information on electronic funds transfers (EFT)

b. Solely for *local sales or use tax* purposes, refer to R.S. 47:337.18(A) for guidance on the filing of sales tax returns and payment of the tax.

4. ...

5. The dealer is compensated for accounting for and remitting the *state sales or use tax* at the rate established by R.S. 47:306. Local ordinances govern the rate of compensation, if any, for accounting for and remitting *local sales or use tax*. The amount of compensation is computed by multiplying the rate by the amount of tax due and deducting that amount from the total tax accounted for and payable to the *collector*, before taking credit for taxes already paid to a wholesaler.

6. ...

B. Exceptions. Not all dealers are required to file returns on a monthly basis.

1.a. Solely for *state sales or use tax* purposes, upon registration, all dealers are required to file monthly returns. After the *dealer* has operated for a few months, and it is determined that the amount of tax liability averages less than \$500 per month, the *dealer* will be notified and required to file quarterly returns. Application to file quarterly is not necessary, as notification is automatic once a determination is made by the secretary that such a filing procedure is in order. Quarterly returns should be filed on or before the twentieth day of the first month of the next succeeding quarter. Irregular sales tax returns and use tax returns should be filed on or before the twentieth day of the month following the month in which the taxable transaction occurred. The returns should be prepared in a manner that will enable the secretary to ascertain the correctness of the tax computed to be due. Accordingly, each line of the tax return should be completed, and all amounts not taxable should be identified.

b. Solely for *local sales or use tax* purposes, R.S. 47:337.18(A)(1)(b)(i) requires a *dealer* to file quarterly returns whenever the taxes due average less than thirty dollars per month.

2. A *dealer* may file returns using alternate filing periods. The method for filing shall be approved by the *collector* before the method is used to file a return. If an

alternate period filing method is approved for use, the number of short periods during a year must be greater than or equal to the number of long periods during that same year. At the beginning of each year the dealer must, after obtaining approval for the alternate period filing method, file with the *collector* a calendar for the year showing the alternative filing periods for that year. Amendments to approved calendars must be submitted for approval prior to the affected periods. The taxpayer's account shall be reviewed to determine if the taxpayer has correctly filed returns, according to the calendar submitted at the beginning of the year. If the taxpayer does not follow the approved alternate filing method, the returns for the year under review shall be converted to a calendar month basis and the taxpayer's request to use an alternate period filing method for the subsequent year will be denied. Alternate period returns shall be filed on or before the twentieth day following the close of the alternate filing period. Failure to file on or before this date will subject the dealer to delinquency charges, loss of vendor's compensation, and other charges as prescribed by law.

C. Advance Sales Tax. R.S. 47:306(B) was amended in 1965, to require all manufacturers, wholesalers, jobbers, suppliers, and brokers of tangible personal property to collect an advance payment of *state sales or use tax* on sales of all tangible personal property, and such payment is required only as a means of facilitating collection of the sales tax. Previous to this amendment, such sales of tangible personal property were considered exempt for taxation since under the statute, wholesale sales were not taxable. Accordingly, these new dealers were required to register with the *secretary* in order to collect and remit advance *state sales or use tax* from the sale of all tangible personal property made to retail dealers who resell the property to final users and consumers. The advance payment of the *state sales or use tax* is required upon all sales of tangible personal property to other dealers unless, specifically exempted by statute, or Form LGST-9 is obtained and kept on file by the dealer making the sale. Exemption certificate LGST-9 will only be recognized if the dealer making the purchase of tangible personal property states that the purchases are for resale or further processing by wholesale dealers and manufacturers. Those businesses purchasing property for resale that qualify as "wholesale dealers" can be exempted from the payment of the advance *state sales or use tax*.

1. - 6. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:306, R.S. 47:337.2, R.S. 47:337.18, and R.S. 47:1511.

HISTORICAL NOTE: Promulgated by the Department of Revenue and Taxation, Sales Tax Section, LR 13:107 (February 1987), amended by the Department of Revenue and Taxation, Sales Tax Division, LR 22:852 (September 1996), amended by the Department of Revenue, Sales Tax Division, LR 23:1530 (November 1997), amended by the Department of Revenue, Policy Services Division, LR 30:2868 (December 2004).

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RULE

**Department of Revenue
Policy Services Division**

Uniform State and Local Sales Tax Definitions
(LAC 61:I.4301)

Under the authority of R.S. 47:301 and R.S. 47:1511 and in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., the Department of Revenue, Policy Services Division, has amended LAC 61:I.4301 to provide for uniform state and local sales tax definitions in accordance with the provisions of Act 73 of the 2003 Regular Legislative Session.

Act 73 enacted the Uniform Local Sales and Use Tax Code, R.S. 47:337.1 et seq., to promote uniformity in the administration of state and local sales and use taxes by compiling the local sales and use tax laws in the revised statutes. R.S. 47:337.2(C)(2), which provides for the development of uniform state and local sales and use tax regulations, allowed local sales tax collectors until January 1, 2004, to file written requests with the Secretary of Revenue for amendments to any Department of Revenue regulation in effect on July 1, 2003, so that the regulation applies to both state and local sales and use taxes. Local collectors, through the Louisiana Association of Tax Administrators, filed a request with the Secretary of Revenue in December 2003 for amendments to several regulations. Requested amendments to the sales tax definitions are included in this Rule.

Title 61

REVENUE AND TAXATION

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

Chapter 43. Sales and Use Tax

§4301. Definitions

A. ...

B. Words, terms and phrases defined in R.S. 47:301(1) through R.S. 47:301(27), inclusive, have the meaning ascribed to them therein and as further provided in §4301.C.

C. ...

Business

a. *Business* covers any activity reasonably expected to result in gain, benefit or advantages, either directly or indirectly; the fact that operations resulted in a loss or did not provide the expected benefits or advantages would not eliminate an activity from the *business* classification. It is intended that some degree of continuity, regularity or permanency be involved so that the doing of any single act pertaining or related to a particular business would not be considered engaging in or carrying on that business; a series of such acts would be so considered.

b. - d. ...

Collector

a. In reference to *state sales* or *use tax*:

i. **Collector** The secretary and the secretary's duly authorized assistants. Any duly authorized representative of the *collector*, when acting under his authority and direction, has the same powers and responsibilities as the *collector*, but only to the extent so delegated.

ii. **Secretary** The secretary of the Department of Revenue of the state of Louisiana.

b. In reference to *local sales* or *use tax*:

i. **Collector** The director, tax administrator, commission, or collector of revenue for the jurisdiction and includes the *collector's* duly authorized assistants. Any duly authorized representative of the *collector*, when acting under his authority and direction, has the same powers and responsibilities as the *collector*, but only to the extent so delegated.

ii. Article VII, Section 3 of the Constitution of Louisiana and R.S. 47:337.14 provide that sales and use taxes levied by a *political subdivision* shall be collected by a centralized parish wide collector or commission.

c. The authority to make assessments, impose or waive penalties, enter into agreements legally binding upon the *taxing authority* relative to extensions of time, for filing, running of prescriptive periods, installment payments of tax liability, and the filing and release of assessments and liens has been delegated extremely sparingly. Most employees of the *taxing authority* do not have authority to perform these functions on behalf of the *collector*. Questions involving any of those legal actions should be addressed directly to the *collector*, who has sole power to delegate his authority in those areas.

d. No action taken by any employee shall be binding upon the *collector* unless specific authority has been delegated to the employee for the type of action taken.

Cost Price

a.i. - ii. ...

iii. The lesser of the two values applies, regardless of the manner by which the property was acquired, whether by purchase, by manufacture, or otherwise, and regardless of whether acquired within the *taxing jurisdiction* or outside the *taxing jurisdiction*.

b. - c. ...

d. In arriving at actual cost of *tangible personal property* for the purpose of the required comparison, all labor and overhead costs which are billed to the *purchaser* of the property, except for separately stated installation charges, are included. In the case of property manufactured; fabricated and/or altered to perform a specific function prior to the tax incident, every item of cost must be included. Thus, material, labor, overhead, and any other cost of any nature whatsoever must be included. However; labor, overhead, and other costs which represent services rendered to the property by the owner or his employees are not to be included. *Employees*, are defined to mean personnel who are on the property owner's payroll on a permanent basis, and not for the sole purpose of completing the immediate tasks of rendering their services to the property in question, and for which all payroll taxes are withheld and remitted by the property owner. The only transportation charges which are to be included in the cost are the transportation charges which can be identified as part of the acquisition cost of materials, and only in cases wherein the transportation was either performed or arranged by the vendor of the materials.

e. - f. ...

g. Since installation is not included as a taxable service, the cost of installing tangible personal property should not be included in *cost price* if such cost were

separately billed or accounted for at the time of installation so as to afford positive identification. In the absence of separate billing or accounting for installation costs, they will be included in arriving at *actual cost*. R.S. 47:301(3)(c) specifically provides that the separately stated charge made by oil field board road dealers for the initial furnishing and installation of board roads shall not be included in the *cost price* of the rental or sale.

Dealer

a. *State and local sales or use tax* is imposed upon the sales of tangible personal property within a *taxing jurisdiction*, the use, consumption, distribution and the storage for use or consumption within a *taxing jurisdiction* of tangible personal property, the lease or rental within a *taxing jurisdiction* of tangible personal property, and upon the sales of certain services. The tax in each instance is collectible from the *dealer*.

b. In view of the total reliance of the sales tax statutes upon the *dealer* for collection of the tax, the law meticulously ascribes to the term *dealer* the broadest possible meaning relevant to the taxes imposed by the *taxing jurisdictions*. R.S. 47:301(4) clearly holds either party to any transaction, use, consumption, storage, or lease involving tangible personal property and either the performer or recipient of services liable for payment of the tax through the broad statutory definition of *dealer*.

c. R.S. 47:301(4) includes as a *dealer* every person who manufactures or produces tangible personal property for sale at retail, use, consumption, distribution or for storage to be used or consumed in a *taxing jurisdiction*. Thus, the firm which manufactures or produces a product used or consumed by it in the conduct of its business becomes a *dealer* for sales and use tax purposes, even though none of that particular product is offered for sale.

d. Any person who imports property into a *taxing jurisdiction*, or who causes property to be imported into a *taxing jurisdiction* is a *dealer* for purposes of the sales and use tax whether the property is to be used, consumed, distributed, or for storage to be used or consumed in the *taxing jurisdiction*, or is intended for resale.

e. Persons who sell tangible personal property, who hold such property for sale, or who have sold tangible personal property are *dealers*. Similarly, any *person* who has used, consumed, distributed or stored tangible personal property for use or consumption in a *taxing jurisdiction* is defined as a *dealer*, unless it can be proved that sales or use tax has previously been paid to the *taxing jurisdiction* to the extent required by *state and local sales or use tax* law on the particular item.

f. ...

g. *Dealer* also includes any person engaging in business in a *taxing jurisdiction*. See R.S. 47:301(1) and LAC 61:1.4301.C.*Business* for the definition of *business*. *Engaging in business* is further defined to include the maintaining of an office, distribution house, sales house, warehouse or other place of business, either directly, indirectly, or through a subsidiary or through a seller authorizing an agent, salesman or solicitor to operate within a *taxing jurisdiction* or by permitting a subsidiary to authorize the solicitation activity. *Engaging in business* also includes making deliveries of tangible personal property into

a *taxing jurisdiction* by any means other than by a common or contract carrier. Qualification to do business within a *taxing jurisdiction* is not among the considerations of whether a person is engaged in business for this purpose. Neither is it material whether the place of business or personnel are permanent or temporary in nature.

h. Persons who sell tangible personal property to operators of vending machines are *dealers*.

i. For *state sales or use tax* purposes, such sales are taxable *sales at retail* as defined under R.S. 47:301(10)(b) and LAC 61:1.4301.C.*Retail Sale or Sale at Retail*. A vending machine operator is also a *dealer*, however, his sales of tangible personal property through coin-operated vending machines are not retail sales.

ii. For *local sales or use tax* purposes, such sales are sales for resale. A vending machine operator is a *dealer* and must report his sales of tangible personal property through coin-operated vending machines as retail sales.

i. R.S. 47:301(4)(i) also includes in the definition of *dealer* any person who makes deliveries of tangible personal property into a *taxing jurisdiction* in a vehicle which is owned or operated by that person.

Drugs

a. R.S. 47:301(20) applies a broader definition of *drugs* than the term indicates in common usage, for purposes of applying the exemption from *state sales or use tax*, which is offered under R.S. 47:305(D)(l)(j) and (s). This definition encompasses not only pharmaceutical remedies and chemical compounds, but also medical devices which are prescribed for use in the treatment of any medical disease. Devices which do not properly fall into the already established categories of orthotic or prosthetic devices or patient aids, could qualify for this category of tangible personal property. Examples of these would be pace-makers and heart catheters.

b. Except as otherwise provided, the exemption for *drugs* and medical devices does not apply to *local sales or use tax*.

Gross Sales

a. *Gross Sale* means the total of the sales prices for each individual item or article of tangible personal property subject to *state or local sales or use tax* with no reduction for any purpose, unless specifically provided by statute.

b. The only deductions allowed from the total of the sales prices of all items of tangible personal property subject to tax are those provided in R.S. 47:301(13), R.S. 47:315, and R.S. 47:337.34.

c. R.S. 47:301(13)(a) permits the total sales price of an article of tangible personal property to be reduced by the part of the selling price represented by an article traded in. The allowed deduction is not to exceed the market value of the item traded in. For this purpose, the market value is the amount a willing seller would receive from a willing buyer in an arms length exchange of similar property at or near the location of the property being traded.

d. R.S. 47:315 and R.S. 47:337.34 allow the total of sales prices of all items of tangible personal property subject to the tax to be reduced by the selling price of any article of property returned to the seller in such manner as to cancel the transaction. Repossessions of property sold on the installment basis because of failure by the purchaser to make

agreed installment payments do not constitute a return of merchandise allowable as a deduction from *gross sales* and the sales price for the subsequent sale of repossessed property is fully taxable and must be included in *gross sales*.

e.i. For sales of certain property specifically exempted from all or a part of the *state sales or use tax*, see R.S. 47:301(10) with respect to isolated or occasional sales made by a person not engaged in the business of making such sales, R.S. 47:305 with respect to the sales of livestock, poultry and other farm products by the producer and the sales of agricultural products as a raw material for further processing before the sale at retail to the ultimate consumer, R.S. 47:305(D) and R.S. 47:305.1 through R.S. 47:305.52 for various other exemptions.

ii. For purposes of *local sales or use tax*, only those exemptions referenced in R.S. 47:337.9, R.S. 47:337.10, and R.S. 47:337.11 of the Uniform Local Sales Tax Code will apply.

Hotel

a. The term *hotel* has been defined under R.S. 47:301(6) to be somewhat more restrictive than normally construed, both as to use of the facility and relative size. Only those establishments engaged in the business of furnishing sleeping rooms, cottages or cabins primarily to transient guests consisting of six or more guest or sleeping rooms at a single business location meet the statutory definition. If an establishment has less than six sleeping rooms, cottages or cabins at a single business location or if more than one-half of the guests are permanent, regardless of the number of sleeping rooms, cottages or cabins, the establishment is not a *hotel* for purposes of *state and local sales or use tax*.

b. - c. ...
* * *

Local Sales or Use Tax sales or use tax imposed by a *political subdivision* whose boundaries are not coterminous with those of the state under the constitution or laws of the state authorizing the imposition of a sales and use tax.

Person

a. The term *person* includes:

i. ...
ii. artificial persons, including, but not limited to, corporations, limited liability companies, estates, trusts, business trusts, syndicates, cities and parishes, parishes, municipalities, this state, any district or political subdivision, department or division thereof, any board, agency, or other instrumentality thereof, acting unilaterally or as a group or combination, as well as receivers, referees in bankruptcy, agricultural associations, labor unions, firms, copartnerships, partnerships in commendam, registered limited liability partnerships, joint ventures, associations, singularly or in the plural, who have the legal right or duty, whether explicit, implied or assumed, to perform any of the transactions described in state and local sales or use tax law.

b. - c.ii. ...

(a). regionally accredited independent institutions of higher education that are members of the Louisiana Association of Independent Colleges and Universities. Purchases, leases, or rentals of tangible personal property or purchases of taxable services by these institutions that are directly related to the educational

missions of eligible institutions are excluded from *state sales or use tax*. Purchases, leases, and rentals directly related to the educational mission of the eligible institution are interpreted broadly to include those transactions required to construct, maintain, or supply classrooms, libraries, laboratories, dormitories, athletic facilities, and administrative facilities. Examples include purchases of supplies, equipment, utilities, leases or rentals of equipment, and repair services to university property;

(b). churches and synagogues exempt under Internal Revenue Code Section 501(c)(3) are excluded from paying state and local sales and use tax on purchases of bibles, songbooks, or literature used for religious instruction classes. Eligible institutions must obtain certificates of authorization from the Taxpayer Services Division of the Department of Revenue.

d. - f.iv. ...

Political Subdivision as provided in Article VI, Section 44(2) of the Constitution of Louisiana, a *political subdivision* means a parish, municipality, and any other unit of local government, including a school board and a special district, authorized by law to perform governmental functions.

Purchaser

a. *Purchaser* is defined to include not only persons who acquire tangible personal property in a transaction subject to *state and local sales or use tax*, but also any person who acquires or receives the privilege of using any tangible personal property, as in the case of property rented from others, or any person who receives services of a nature subject to tax.

b. The term is construed to complement *dealer* as defined in R.S. 47:301(4) and the *collector* may proceed against either for any tax due.

Retail Sale or Sale at Retail

a. The major tax levied by *state and local sales or use tax* is imposed upon *retail sales* or *sales at retail* which contemplates the taxing of any transaction by which title to tangible personal property is transferred for a consideration, whether paid in cash or otherwise, to a person for any purpose other than for resale.

b. While specific exclusions are provided in R.S. 47:301(10) with respect to sales of materials for further processing into articles for resale and with respect to casual, isolated, or occasional sales, and exemptions are provided for sales of particular items or classes of property by R.S. 47:305 and R.S. 47:305.1 through R.S. 47:305.52, the intent of the law is to classify every sale made to the final user or consumer for any imaginable purpose, other than for resale, as a *retail sale* or a *sale at retail*. For purposes of R.S. 47:301(10), whether a transaction is exempt from taxation by statute, jurisprudence, or by constitution has no bearing on classification of the transaction.

c. Sales made by and to vending machine operators are subject to tax as follows:

i. For purposes of *state sales or use tax*, sales of tangible personal property to operators of coin-operated vending machines are *sales at retail*. Thus, dealers who resell tangible personal property through coin-operated vending machines are treated as consumers of the articles of property they purchase for resale by vending machine and

are liable for sales or use tax on their acquisition cost of the articles. The resale of the property through vending machines is not a *retail sale* and is not subject to *state sales or use tax*.

ii. For purposes of *local sales or use tax*, the sale of property through vending machines is a *retail sale* subject to sales tax.

d. ...

e. It is not the intention of *state* and *local sales or use tax* law to impose a tax on an isolated or occasional sale, frequently termed a *casual sale*, except with respect to the sale of motor vehicles, which are specifically covered by R.S. 47:303(B) and R.S. 47:337.15(B)(2). The primary consideration in determining whether a sale meets exemption requirements is whether the seller is in the business, or holds himself to be in the business, of selling merchandise or tangible personal property of similar nature, and not solely upon the frequency of the transactions. As examples, a firm engaged in the retail grocery business who sold a cash register originally acquired for their own use is not engaged in the business of selling cash registers, and the sale would be exempt; an office machine firm who sold carpeting acquired for their own use is not in the business of selling carpets, and the sale would be exempt; the periodic sale of articles by auction to recover storage, repair or labor liens unpaid by the owner of the property are exempt, provided the person forcing the sale does not hold himself out to be in the business of selling such merchandise. If the person causing the sale of property by auction takes title to the property prior to sale, it will be presumed that he has become engaged in the business and the sales will be taxable.

Retailer

a. The term *retailer* as used in *state* and *local sales or use tax* law not only covers persons engaged in the *business* (as defined in R.S. 47:301(1) and LAC 61:I.4301.C.Business) of making *retail sales* or *sales at retail* (as defined in R.S. 47:301(10) and LAC 61:I.4301.C.Retail Sale or *Sale at Retail*, but also includes any person engaged in the business of transferring title to tangible personal property for a consideration to others for their use or consumption, or for distribution or for storage to be used or consumed within a *taxing jurisdiction*.

b. ...

Sales of Services

a. *State* and *local sales or use tax* law basically treats the furnishing of services and permission to use certain kinds of property the same as the sale of merchandise, and the law classifies those items as *sales of services*. Only those services specifically itemized under the provisions of R.S. 47:301(14)(a)-(g), are subject to *state* and *local sales or use tax* law. Telecommunications services defined in R.S. 47:301(14)(i) are subject only to *state sales or use tax* law.

b. ...

c. R.S. 47:301(14)(a) includes the furnishing of sleeping rooms, cottages, or cabins by *hotels* as *sales of services*. *Hotels* have been defined in R.S. 47:301(6) and the regulation issued under LAC 61:I.4301.C.Hotel. If an establishment meets the definition of a *hotel* under these laws, all charges for the furnishing of rooms in that

establishment, other than to permanent full-time occupants, constitute *sales of services*.

d. Under the provisions of R.S. 47:301(14)(b) charges for admissions to places of amusement, entertainment, recreation, or athletic events, except those sponsored by schools, colleges, or universities, are classified as *sales of services* and as such are taxable. Note that only those events which are sponsored by schools, colleges, and universities are exempt. The same admissions charged by charitable, religious, social and other organizations are taxable, unless specifically exempted under some other provision.

i. - ii. ...

e. ...

f. R.S. 47:301(14)(d) provides that the furnishing of printing or overprinting, lithograph and multilith, blue printing, photostating, or other similar services of reproducing written or graphic matter, shall be included under *sales of services*. Generally, the activities of persons engaged in this type of business fall within two basic categories. The first is the production of tangible personal property, whereby raw materials are converted into items such as circulars, books, envelopes, folders, posters and other types of merchandise which are sold directly to their customer. These transactions fall within the definition of *sales* at R.S. 47:301(12) and are taxable as sales of tangible personal property. The materials used by the printer in the production of the end product are covered by the exemption provided in R.S. 47:301(10), and are exempt to the printer at the time of purchase by him. In addition, R.S. 47:305.44 and R.S. 47:337.9(D)(20) provide an exemption for raw materials and certain consumables which are consumed by a printer. The second basic business activity engaged in by printers which subject them to the provisions of the sales tax law is the furnishing of services. This classification covers printing done on materials furnished by the printer's customers which are returned to the customer upon completion of the printer's service. In cases where plates, mats, photographs, or other similar items are used in the performance of either a pure service as intended by R.S. 47:301(14)(d) or whether in the production of tangible personal property, if those materials are delivered to the printer's customer and a charge therefore is made, this transaction constitutes a sale of tangible personal property and is taxable. In cases where the materials are delivered to the customer and no charge is made, it is presumed that the charge for services or the charge for other printed matter delivered to the customer is sufficiently high to include the billing for those materials.

g. - h.iv.(b). ...

i. R.S. 47:301(14)(g)(i) includes as *sales of services* the furnishing of repairs to tangible personal property. By clear illustration in the statute, both repair and routine servicing of all kinds of tangible personal property are included as taxable services. For *state sales or use tax* purposes only, repairs performed within Louisiana on *tangible personal property* are taxable *sales of services* except for repaired property which is returned to a customer located in another state by common carrier or by the repair dealer's vehicle. The charge for repairs to property returned to a customer's location in the offshore area are taxable

regardless of the mode of transportation. Repair services performed outside the state of Louisiana to property which is normally or permanently located here except for its removal for repair, would not be taxable for *state sales or use tax* purposes. However, if property is shipped outside the state for repairs, any additions made thereto may subject the property to the use tax imposed by R.S. 47:302(A)(2) upon its return to the state. If personnel normally attached to a repair installation within the state go outside the state, for instance, to a location offshore which is clearly outside the limits of the state of Louisiana to perform repairs, those repairs are not taxable.

i. Prepaid repairs such as maintenance contracts and other similar transactions are included in *sales of services*, if the tangible personal property to which they apply is located in Louisiana and the agreement calls for any necessary repairs to be performed at the location of the property.

ii. ...

State sales or use tax A sales or use tax imposed by the state under Chapters 2, 2-A, or 2-B of Subtitle II of Title 47 of the Revised Statutes of 1950, as amended, or by a political subdivision of the state whose boundaries are coterminous with those of the state.

Storage For *state sales or use tax* purposes only, since storage for use or consumption of tangible personal property is taxed under the provisions of R.S. 47:302, R.S. 47:321, and R.S. 47:331, the term *storage* is defined herein to exclude storage of property which will later be sold at retail and taxed because of the sale. The term does not require the keeping of property in a warehouse but includes the keeping or retention or stockpiling of property in any manner whether indoors or out. If property has come to rest in this state and will later be used or consumed here, it meets the definition of *storage*.

Tangible Personal Property

a.i. - iv. ...

b. The following items are specifically defined as *tangible personal property* by law:

i. for *state sales or use tax* purposes only, prepaid telephone cards and authorization numbers; and

ii. for *state and local sales or use tax* purposes, work products consisting of the creation, modification, updating, or licensing of canned computer software.

c. - h.v. ...

Taxing Authority The state of Louisiana, a statewide political subdivision, and any political subdivisions of the state authorized to levy and collect a sales or use tax by the Constitution or laws of the state of Louisiana. The state of Louisiana and political subdivisions whose boundaries are coterminous with those of the state are *state taxing authorities*. Political subdivisions whose boundaries are not coterminous with those of the state are *local taxing authorities*.

Taxing Jurisdiction The geographic area within which a *taxing authority* may legally levy and collect a sales or use tax.

Use

a. *Use* under *state and local sales or use tax* law is intended to include not only the commonly accepted concept of use but also to cover the consumption, the distribution, or

the storage, or the exercise of any right of power over tangible personal property. Since tax is imposed on the sale of tangible personal property, *use* has been defined to specifically exclude property sold at retail in the regular course of business.

b. ...

Use Tax The tax paid under *state and local sales or use tax* law for the use, consumption, distribution, or storage for use, distribution, or consumption within a *taxing jurisdiction* in lieu of sales taxes. This is the tax required to be paid if no sales tax has been paid on tangible personal property which is used, consumed, distributed, or stored for use within the *taxing jurisdiction*.

AUTHORITY NOTE: Promulgated in Accordance with R.S. 47:301 and R.S. 47:1511.

HISTORICAL NOTE: Promulgated by the Department of Revenue and Taxation, Sales Tax Section, LR 13:107 (February 1987), amended by the Department of Revenue and Taxation, Sales Tax Division, LR 21:957 (September 1995), LR 22:855 (September 1996), amended by the Department of Revenue, Policy Services Division, LR 27:1703 (October 2001), LR 28:348 (February 2002), LR 28:1488 (June 2002), LR 28:2554, 2556 (December 2002), LR 29:186 (February 2003), LR 30:1306 (June 2004), LR 30:2870 (December 2004).

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0412#034

RULE

Department of Wildlife and Fisheries Wildlife and Fisheries Commission

2005 Turkey Hunting Season (LAC 76:XIX.113-117)

The Wildlife and Fisheries Commission does hereby amend the turkey rules and regulations for the 2005 season.

Title 76

WILDLIFE AND FISHERIES

Part XIX. Hunting and WMA Regulations

Chapter 1. Resident Game Hunting Season

§113. Turkey Hunting Regulations

A. Daily limit is one gobbler, two gobblers per season. Taking of hen turkeys, including bearded hens, is illegal. Still hunting only. Use of dogs, baiting, electronic calling devices and live decoys is illegal. Turkeys may be hunted with shotguns, including muzzleloading shotguns, using shot not larger than #2 lead or BB steel shot, and bow and arrow but by no other means. Shooting turkeys from a moving or stationary vehicle is prohibited. Shotguns capable of holding more than three shells prohibited.

B. No person shall hunt, trap or take turkeys by the aid of baiting or on or over any baited area. Baiting means placing, exposing, depositing or scattering of corn (shelled, shucked or unshucked), wheat or other grain, salt, or other feed so as to constitute a lure, attraction or enticement to, on or over any areas where hunters are attempting to take turkeys.

C. A baited area is any area where corn (shelled, shucked or unshucked), wheat or other grain, salt, or other feed capable of luring, attracting or enticing turkeys is directly or indirectly placed, exposed, deposited, distributed or

scattered. Such areas remain baited areas for 15 days following complete removal of all such corn, wheat or other grain, salt, or other feed.

D. Wildlife agents are authorized to close such baited areas and to place signs in the immediate vicinity designating closed zones and dates of closure.

E. The Department of Wildlife and Fisheries strongly discourages feeding agricultural grains to wild turkeys as this practice increases the risk of birds contracting potentially lethal diseases. Repeatedly placing grain in the same area may expose otherwise healthy birds to disease contaminated soils, grain containing lethal toxins and other diseased turkeys using the same feeding site. Properly distributed food plots (clovers, wheat, millet and chufa) are far more desirable for turkeys and have the added benefit of appealing to a wide variety of wildlife.

F. It is unlawful to take from the wild or possess in captivity any live wild turkeys or their eggs. No pen raised turkeys from within or without the state shall be liberated (released) within the state.

G. All licensed turkey hunters are required to have a Turkey Stamp in their possession while turkey hunting in addition to basic and big game hunting licenses. Additionally, a WMA Hunting Permit is required of any person (age 18-59) who hunts on land administered by the Department of Wildlife and Fisheries, including Wildlife Management Areas, Wildlife Refuges, and Habitat Conservation Areas.

AUTHORITY NOTE: Promulgated in accordance with R.S. 56:115.

HISTORICAL NOTE: Promulgated by the Department of Wildlife and Fisheries, Wildlife and Fisheries Commission, LR 25:2263 (November 1999), amended LR 26:2634 (November 2000), LR 27:2270 (December 2001), LR 28:2375 (November 2002), LR 29:2512 (November 2003), LR 30:2874 (December 2004).

§115. Statewide Turkey Hunting Areas-Resident Game Birds and Animals

A. Shooting hours: one-half hour before sunrise to one-half hour after sunset.

Species	Season Dates	Daily Bag Limit	Possession Limit
Turkey	See Schedule	1	2/Season

B. Turkey season will open in designated areas on the fourth Saturday in March. The Area A turkey season will be 30 consecutive days in length, the Area B turkey season will be 23 consecutive days in length, and the Area C turkey season will be 9 consecutive days in length. Wildlife Management Areas, National Forests, National Wildlife Refuges, and U.S. Army Corps of Engineers land may vary from this framework. Deviation from this framework may occur in those years when the fourth Saturday in March falls the day before Easter.

C. Statewide Youth Turkey Season on private lands shall be the weekend prior to the statewide turkey season. Only youths younger than 16 years of age may hunt. Youth must possess a hunter safety certification or proof of successful completion of a hunter safety course. Each youth must be accompanied by one adult 18 years of age or older. If the accompanying adult is in possession of hunter safety

certification, a valid hunting license or proof of successful completion of a hunter safety course, this requirement is waived for the youth. Adults may not possess a firearm or bow. Youths may possess only one firearm or bow while hunting. Legal weapons and shot are the same as described for the turkey season. The supervising adult shall maintain visual and voice contact with the youth at all times. An adult may supervise only one youth during this special hunt. Only one gobbler per day may be taken and any gobbler taken by the youth during this special season counts towards their seasonal bag limit of 2.

D. 2005 Turkey Hunting Schedule

Area	Season Dates
A	March 25 - April 24
B	March 25 - April 17
C	March 25 - April 3
Private Lands Youth Hunt	March 19 - 20

E. 2005 Turkey Hunting Season Open Only in the Following Areas

1. Area A March 25-April 24

a. All of the following parishes are open:

- i. Beauregard;
- ii. East Baton Rouge;
- iii. East Feliciana;
- iv. LaSalle;
- v. Livingston;
- vi. Natchitoches (Exception: See Federal Lands Hunting Schedule for Kisatchie National Forest dates);
- vii. Sabine;
- viii. St. Helena;
- ix. St. Tammany;
- x. Tangipahoa;
- xi. Vernon (Exception: See Federal Lands Hunting Schedule for Kisatchie National Forest dates);
- xii. Washington;
- xiii. West Baton Rouge;
- xiv. West Feliciana (including Raccourci Island).
- xv. Winn (Exception: See Federal Lands Hunting Schedule for Kisatchie National Forest dates);

b. Portions of the following parishes are also open:

- i. Allen: North of LA 104, west of LA 26 south of junction of LA 104 to US 190, north of US 190 east of Kinder, west of US 165 south of Kinder;
- ii. Avoyelles: That portion bounded on the east by the Atchafalaya River, on the north by Red River to the Brouillette Community, on the west by LA 452 from Brouillette to LA 1, on the south by LA 1, eastward to Hamburg, thence by the West Atchafalaya Basin Protection levee southward;
- iii. Calcasieu: North of I-10;
- iv. Caldwell: West of Ouachita River southward to Catahoula Parish line;
- v. Catahoula: West of Ouachita River southward to LA 559 at Duty Ferry, north of LA 559 to LA 124, south and west of LA 124 from Duty Ferry to LA 8 at Harrisonburg and north and west of LA 8 to LaSalle Parish line. ALSO that portion lying east of LA 15;
- vi. Concordia: That portion east of LA 15 and west of US 65 from its juncture with LA 15 at Clayton;

vii. Evangeline: North and west of LA 115, north of LA 106 from St. Landry to LA 13, west of LA 13 from Pine Prairie to Mamou and north of LA 104 west of Mamou;

viii. Franklin: That portion lying east of LA 17 and east of LA 15 from its juncture with LA 17 at Winnsboro;

ix. Grant: All of the parish except that portion of land that lies north of the Red River between US 71 and LA 8. Exception: See Federal Lands Hunting Schedule for Kisatchie National Forest dates;

x. Iberville: West of LA 1. EXCEPTION: see Sherburne WMA for special season dates on all state, federal and private lands within Sherburne boundaries;

xi. Jefferson Davis: North of US 190 from junction with LA 26 to Kinder, west of US 165 and north of I-10 west from junction of US 165;

xii. Madison: That portion lying east of US 65 from East Carroll Parish line to US 80 and south of US 80. Also, all lands east of the main channel of the Mississippi River;

xiii. Pointe Coupee: All of the parish except that portion bounded on the north by LA Hwy. 1, from Innis to the junction of LA Hwy 417, on the west by LA Hwy. 417 southward toward McCrea, on the south by LA Hwy. 417 from McCrea to its junction with Delhi Lane, then by Delhi Lane to LA Hwy. 418, then LA Hwy. 418 northward to LA Hwy. 1 at Innis. EXCEPTION: see Sherburne WMA for special season dates on all state, federal and private lands within Sherburne boundaries.

xiv. Rapides: All of the parish except that portion of lands that lies north of the Red River and south of US 71 from its juncture with the Red River northward to the Grant Parish line. Exception: See Federal Lands Hunting Schedule for Kisatchie National Forest season dates;

xv. Richland: That portion south of US 80 and east of LA 17;

xvi. St. Landry: That portion bounded on the west by the West Atchafalaya Basin Protection Levee and on the east by the Atchafalaya River. EXCEPTION: the Indian Bayou Area, see Federal Lands Hunting Schedule for Indian Bayou Area dates;

xvii. Upper St. Martin: All within the Atchafalaya Basin. EXCEPTIONS: Sherburne WMA and Indian Bayou Area, see WMA Turkey Hunting Schedule for special season dates on all state, federal and private lands within Sherburne WMA boundaries and see Federal Lands Hunting Schedule for Indian Bayou dates;

xviii. Tensas: That portion west of US 65 from the Concordia Parish line to its juncture with LA 128, north of LA 128 to St. Joseph; west and north of LA 605, 604 and 3078 northward to Port Gibson Ferry. Also all lands east of the main channel of the Mississippi River;

2. Area B March 25-April 17

a. All of the following parishes are open:

i. Bienville;

ii. Bossier;

iii. Caddo;

iv. Claiborne (Exception: See Federal Lands Hunting Schedule for Kisatchie National Forest dates);

v. DeSoto;

vi. Jackson;

vii. Lincoln;

viii. Red River;

ix. Union;

x. Webster (Exception: See Federal Lands Hunting Schedule for Kisatchie National Forest dates);

b. Portions of the following parishes are open:

i. Ascension: All east of the Mississippi River;

ii. East Carroll: East of US 65 from Arkansas state line to Madison Parish line;

iii. Iberville: All east of the Mississippi River;

iv. Ouachita: East of LA 143 from Union Parish line to US 80 in West Monroe, north of US 80 to LA 139, west of LA 139 to the Morehouse Parish line;

v. Morehouse: West of US 165 from the Arkansas line to Bonita, north and west of LA 140 to junction of LA 830-4 (Cooper Lake Road), west of LA 830-4 to US 165, north of US 165 to LA 139, west of LA 139 to Ouachita Parish line;

3. Area C March 25-April 3

a. Portions of the following parishes are open:

i. Catahoula: That portion lying south of Deer Creek to Boeuf River, east of Boeuf and Ouachita Rivers to LA 8 at Harrisonburg, west and north of LA 8 to LA 15, west of LA 15 to Deer Creek;

ii. Concordia: North and east of Sugar Mill Chute (Concordia Parish) from the state line westward to Red River, east of Red River northward to Cocodrie Bayou, east of Cocodrie Bayou northward to US 84, south of US 84 eastward to LA 15 (Ferriday), east of LA 15 northward to US 65 (Clayton), east of US 65 northward to Tensas Parish line;

iii. Franklin: That portion lying west of LA 17, from Richland Parish line to LA 577 at Crowville, north of LA 577 to LA 15 at Baskin, east of LA 15 to Big Creek, and south and east of Big Creek to Richland Parish line. Also, that portion east of Turkey Creek Lake, Turkey Creek and Boeuf River, north of Deer Creek, west of LA 15 and south of LA 562;

iv. Richland: West of LA 17 from Franklin Parish line to Ringle Rd., south of Ringle Rd. to Ferguson Rd., south of Ferguson Rd. to Little Rd., south of Little Rd. to Big Creek, east of Big Creek to Franklin Parish line;

v. Tensas: East and south of US 65 from Concordia Parish line to LA 128, south of LA 128 to St. Joseph, east and south of LA 605, 604 and 3078 northward to Port Gibson Ferry.

AUTHORITY NOTE: Promulgated in accordance with R.S. 56:115.

HISTORICAL NOTE: Promulgated by the Department of Wildlife and Fisheries, Wildlife and Fisheries Commission, LR 25:2264 (November 1999), amended LR 26:2634 (November 2000), LR 27:2270 (December 2001), LR 28:2376 (November 2002), LR 29:2513 (November 2003), LR 30:2875 (December 2004).

§117. 2005 Wildlife Management Area Turkey-Hunting Regulations

A. General

1. The following rules and regulations concerning management, protection and harvest of wildlife have been officially approved and adopted by the Wildlife and Fisheries Commission in accordance with the authority provided in Louisiana Revised Statutes of 1950, Section 109 of Title 56. Failure to comply with these regulations will

subject the individual to citation and/or expulsion from the management area.

2. Only those Wildlife Management Areas listed are open to turkey hunting.

3. ATVs, ATCs and motorcycles cannot be left overnight on WMAs EXCEPT in designated camping areas. ATVs are prohibited from two hours after sunset to 3:00 AM. All roads including trails and roads designated as ATV only trails shall be closed to ATVs from March 1 through August 31 unless otherwise specified. ATV off-road or off-trail travel is prohibited. Certain trails may be open during this time period to provide access for fishing or other purposes. These trails will be marked by signs at the entrance of the trail. Otherwise, only walk-in hunting is permitted (bicycles permitted).

4. Bag limits on WMAs are part of the season bag limit. Only one turkey is allowed to be taken during special lottery hunts.

B. Permits

1. Self-Clearing Permits: All turkey hunts, including lottery hunts, are self-clearing. Hunters must check in daily by obtaining a permit from a self-clearing station prior to hunting. The self-clearing permit must be in the hunter's possession while hunting. Upon completion of each days hunt, the hunter must check out by completing and depositing the hunter report portion of the permit in the check-out box at a self-clearing station before exiting the WMA.

2. Lottery Hunts: Bayou Macon, Boise-Vernon, Loggy Bayou, Sabine, Sherburne, Sicily Island, Tunica Hills, Union and West Bay WMAs are restricted to those persons selected as a result of the pre-application lottery. Special youth only lottery hunts will be held on Big Lake, Bens Creek, Fort Polk/Peason Ridge, Jackson-Bienville, Loggy Bayou, Sherburne, Union and West Bay WMAs. Deadline for receiving applications for all lottery hunts is February 15, 2005. An application fee of \$5 must be sent with each application. Applicants may submit only one application and will be selected for one WMA Turkey Lottery Hunt annually. Submitting more than one application will result in disqualification. Contact any district office for applications. Hunters must abide by self-clearing permit requirements. Youths chosen for special youth only hunts will be guided by members of the Louisiana Chapter of the National Wild Turkey Federation. One family member may accompany the youth and guide, but may not hunt.

C. Wildlife Management Area Turkey Hunting Schedule*

WMA	Season Dates	Permit Requirements	Lottery Dates**
Bayou Macon	April 9-10	Self-Clearing	April 9-10
Bens Creek ¹	March 25-April 17	Self-Clearing	None
Big Lake	March 25-April 3	Self-Clearing	None
Bodcau	March 25-April 10	Self-Clearing	None
Boeuf	March 25-April 3	Self-Clearing	None
Boise Vernon	March 25-27 April 2-24	Self-Clearing	March 25-27 April 2-3
Camp Beauregard	March 25-April 10	Self-Clearing	None
Fort Polk	March 25-April 24	Self-Clearing	None
Grassy Lake	March 25-April 10	Self-Clearing	None

Hutchinson Creek	March 25-April 24	Self-Clearing	None
Jackson-Bienville	March 25-April 10	Self-Clearing	None
Lake Ramsey	March 25-April 10	Self-Clearing	None
Little River	March 25-April 10	Self-Clearing	None
Loggy Bayou	April 16-17	Self-Clearing	April 16-17
Pearl River	March 25-April 17	Self-Clearing	None
Peason Ridge	March 25-April 24	Self-Clearing	None
Pomme de Terre	March 25-April 10	Self-Clearing	None
Red River	March 25-April 3	Self-Clearing	None
Sabine	March 25-27 April 2-3	Self-Clearing	March 25-27 April 2-3
Sandy Hollow ¹	March 25-April 17	Self-Clearing	None
Sherburne ²	March 25-April 3	Self-Clearing	March 25-27 March 28-30
Sicily Island	March 25-April 3	Self-Clearing	March 25-28 March 29-31 April 1-3
Three Rivers	March 25-April 3	Self-Clearing	None
Tunica Hills South Tract	March 25-27 April 2-3 April 9-10 April 11-17	Self-Clearing	March 25-27 April 2-3 April 9-10
Tunica Hills Angola Tract ³	March 25-27 April 2-3 April 9-10 April 11-17	Self-Clearing	March 25-27 April 2-3 April 9-10
Union	April 9-10	Self-Clearing	April 9-10
Walnut Hills	March 25-April 24	Self-Clearing	None
West Bay	March 25-27 April 2-3	Self-Clearing	March 25-27 April 2-3

*Only those Wildlife Management Areas listed have a turkey hunting season. All other areas are closed.

**The deadline for receiving applications for all turkey Lottery Hunts on WMAs is February 15, 2005.

¹No turkey hunting within 100 yards of food plots identified by two yellow paint rings around the nearest tree.

²All turkeys harvested on Sherburne WMA must be weighed and checked at WMA headquarters.

³Scouting access limited. Contact Region 7 office for details (225) 765-2360.

D. Wildlife Management Area Youth Hunts

WMA	Lottery Youth Hunt Date
Bens Creek	March 19
Big Lake	March 19
Fort Polk/Peason Ridge	March 19
Jackson-Bienville	March 19
Loggy Bayou	April 9
Sherburne	March 19
Union	April 2
West Bay	March 19

E. Federal Lands Turkey Hunting Schedule

1. Kisatchie National Forest (KNF) turkey hunting schedule: Caney Ranger District, March 25-April 10; all remaining KNF lands, March 25-April 17 (including Catahoula and Red Dirt National Wildlife Management Preserves).

2. Indian Bayou Area (U.S. Army Corps of Engineers), turkey hunting schedule: March 19 handicap only hunt, March 25-April 3, lottery hunt only on March 25-27 and March 28-30. Contact USCOE at (337) 585-0853 for further information.

3. National Wildlife Refuges: Bogue Chitto NWR, March 25-April 24; Lake Ophelia NWR, March 25-April 1, April 9-24; Tensas NWR, March 19-20 (youth lottery only), March 25-April 10. Contact the U.S. Fish and Wildlife Service for information regarding NWR hunts.

AUTHORITY NOTE: Promulgated in accordance with R.S. 56:115.

HISTORICAL NOTE: Promulgated by the Department of Wildlife and Fisheries, Wildlife and Fisheries Commission LR 25:2265 (November 1999), amended LR 26:2636 (November 2000), LR 27:2272 (December 2001), LR 28:2377 (November 2002), LR 29:2514 (November 2003), LR 30:2876 (December 2004).

Bill A. Busbice, Jr.
Chairman

0412#042

RULE

Department of Wildlife and Fisheries Wildlife and Fisheries Commission

Wild Alligator Open Season (LAC 76:V.701)

The Wildlife and Fisheries Commission does hereby establish the open season for the taking of wild alligators.

Title 76

WILDLIFE AND FISHERIES

Part V. Wild Quadrupeds and Wild Birds

Chapter 7. Alligators

§701. Alligator Regulations

A. The Department of Wildlife and Fisheries does hereby establish regulations governing the harvest of wild populations of alligators and alligator eggs, raising and propagation of farmed alligators, tanning of skins and regulations governing the selling of hides, alligator parts and farm raised alligators. The administrative responsibility for these alligator programs shall rest with the Department Secretary; the Assistant Secretary, Office of Wildlife; and the Fur and Refuge Division.

1. - 6.f.vii. ...

7. Open Season, Open Areas, and Quotas

a. Open seasons are as follows.

i. The season for taking alligators in the wild shall open on the first Wednesday of September and will remain open for 30 days thereafter. The secretary shall be authorized to close, extend, delay, or reopen the season as biologically justifiable.

7.a.ii. - 17.c. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 56:115, R.S. 56:259, R.S. 56:262, R.S. 56:263 and R.S. 56:280.

HISTORICAL NOTE: Promulgated by the Department of Wildlife and Fisheries, Wildlife and Fisheries Commission, LR 16:1070 (December 1990), amended LR 17:892 (September 1991), LR 19:215 (February 1993), LR 20:321 (March 1994), LR 26:1492 (July 2000), LR 28:1996 (September 2002), LR 30:2338 (October 2004), LR 30:2878 (December 2004).

Dwight Landreneau
Secretary

0412#043

Notices of Intent

NOTICE OF INTENT

Board of Elementary and Secondary Education

Bulletin 111 **C** Louisiana School, District,
and State Accountability System
(LAC 28:LXXXIII.703, 4307, and 4310)

In accordance with R.S. 49:950 et seq., the Administrative Procedure Act, notice is hereby given that the Board of Elementary and Secondary Education approved for advertisement revisions to *Bulletin 111 **C** The Louisiana School, District, and State Accountability System* (LAC Part Number LXXXIII). Act 478 of the 1997 Regular Legislative Session called for the development of an Accountability System for the purpose of implementing fundamental changes in classroom teaching by helping schools and communities focus on improved student achievement. The State's Accountability System is an evolving system with different components.

These changes take advantage of new flexibility in guidance for No Child Left Behind and address situations that were not considered when the accountability policy was initially written.

Title 28 EDUCATION

Part LXXXIII. Bulletin 111 **C** Louisiana School, District, and State Accountability

§703. Inclusion of Students in the Subgroup Component

A. Students that meet the following criteria shall be included in all subgroup component analyses for the AMO status test and reduction of non-proficient students (safe harbor test).

A.1 - A.2. ...

3. Not exempted from testing due to medical illness, death of the student's family member(s), or the student being identified as LEP and in an English-speaking school for less than one full academic year.

B. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:10.1.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:2743 (December 2003), amended LR 30:1619 (August 2004), repromulgated LR 30:1996 (September 2004), amended LR 30:2256 (October 2004), LR 31:

§4307. Indicator 3: The Change in LEAP 21 First-Time Passing Rate from One Year to the Next

A. - B.2.b. ...

C. Part B: Improvement in Percentage Passing

1. The high-stakes testing policy changed in 2004 and requires a one-year transition for district accountability.

a. For 2004 this indicator shall be calculated twice and the higher value used for 2004 district scores:

i. using the 2003 high-stakes testing policy (students must score at least Approaching Basic on both ELA and math) to establish the passing rates in 2003 and 2004;

ii. using the 2004 high-stakes testing policy (students must score at least Basic in either ELA or math and at least Approaching Basic in the remaining high-stakes subject) to establish the passing rates in 2003 and 2004.

2. Formula for converting Part B to an index: $25 * (\text{change in passing rate} + 2)$.

3. Implications of index for Part B:

a. a two percent increase yields an index of 100;

b. a four percent increase yields an index of 150.

4. The results of Part B shall be limited to a minimum value of "0" and a maximum of "200."

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:10.1.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:2756 (December 2003), amended LR 31:

§4310. Subgroup Component AYP (Adequate Yearly Progress)

A. - B.1.b.ii. ...

c. Not exempted from testing due to medical illness, death of the student's family member(s), or the student being identified as LEP and in an English-speaking school for less than one full academic year.

B. 2 ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:10.1.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 30:1447 (July 2004), amended LR 31:

Family Impact Statement

In accordance with Section 953 and 974 of Title 49 of the Louisiana Revised Statutes, there is hereby submitted a Family Impact Statement on the Rule proposed for adoption, repeal or amendment. All Family Impact Statements shall be kept on file in the State Board Office which has adopted, amended, or repealed a rule in accordance with the applicable provisions of the law relating to public records.

1. Will the proposed Rule affect the stability of the family? No.

2. Will the proposed Rule affect the authority and rights or parents regarding the education and supervision of their children? No.

3. Will the proposed Rule affect the functioning of the family? No.

4. Will the proposed Rule affect family earnings and family budget? No.

5. Will the proposed Rule affect the behavior and personal responsibility of children? No.

6. Is the family or a local government able to perform the function as contained in the proposed Rule? No.

Interested persons may submit comments until 4:30 p.m., February 8, 2005, to Nina A. Ford, Board of Elementary and Secondary Education, Box 94064, Capitol Station, Baton Rouge, LA 70804-9064.

Weegie Peabody
Executive Director

**FISCAL AND ECONOMIC IMPACT STATEMENT
FOR ADMINISTRATIVE RULES**
**RULE TITLE: Bulletin 111 Louisiana School, District,
and State Accountability System**

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

There are no estimated implementation costs (savings) to state governmental units. The proposed changes outline the way in which the improvement in percentage passing for district accountability will be calculated and removes the protective custody exemption from the subgroup component.

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

There will be no effect on revenue collections of state or local governmental units.

**III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO
DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL
GROUPS (Summary)**

There will be no estimated costs and/or economic benefits to persons or non-governmental groups directly affected.

**IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT
(Summary)**

There will be no effect on competition and employment.

Marlyn Langley
Deputy Superintendent
0412#025

H. Gordon Monk
Staff Director
Legislative Fiscal Office

NOTICE OF INTENT

Board of Elementary and Secondary Education

Bulletin 1530 Louisiana's IEP Handbook
for Students with Disabilities
(LAC 28:XCIV.305, 307, 311 and 501)

In accordance with R.S. 49:950 et seq., the Administrative Procedure Act, notice is hereby given that the Board of Elementary and Secondary Education approved for advertisement revisions to Bulletin 1530, Louisiana's IEP Handbook for Students with Disabilities. This action is required to change the preschool settings in the *Louisiana Administrative Code*, so the settings reflect the current data settings collected by the federal government for the Individuals with Disabilities Education Act (IDEA).

**Title 28
EDUCATION**

**Part XCIV. Bulletin 1530 Louisiana's IEP Handbook
for Students with Disabilities**

Chapter 3. Initial IEP Development

§305. Participants

A. - A. 6.b. ...

7. Other individuals can be invited, at the discretion of the parent or LEA, who have knowledge or special expertise regarding the student, including related service personnel as appropriate. The LEA also must inform the parents of the

right of both the parents and the agency to invite other individuals who have knowledge or special expertise regarding the child, including related service personnel as appropriate to be members of the IEP team. The LEA may recommend the participation of other persons when their involvement will assist the decision-making process.

a. It is also appropriate for the agency to ask the parents to inform the agency of any individuals the parents will be taking to the meeting. Parents are encouraged to let the agency know whom they intend to take. Such cooperation can facilitate arrangements for the meeting and help ensure a productive, child-centered meeting.

b. The determination of the knowledge or special expertise of any individual described above shall be made by the parent or LEA, whoever invited the individual to be a member of the IEP team.

c. When the LEA responsible for the initial IEP/placement process considers referring or placing the student in another LEA, the responsible LEA must ensure the participation of a representative of the receiving system at the IEP meeting.

d. The LEA must ensure the attendance of a representative of a private school if the student is voluntarily enrolled in a private school. If the representative cannot attend, the local education agency shall use other methods to ensure participation by the private school or facility, including individualized or conference telephone calls.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:1941 et seq.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 30:1464 (July 2004), amended LR 31:

§307. Placement Decisions

A. - A.6.f. ...

7. the measurable annual goals, including benchmarks or short-term objectives, related to:

a. meeting the student's needs that result from the student's disability to enable the student to be involved in and progress in the general curriculum;

b. meeting each of the student's other educational needs that result from the student's disability; and

c. appropriate activities for the preschool aged student;

d. IEP teams may continue to develop short-term instructional objectives or, as an alternative, develop benchmarks that should be thought of as describing the amount of progress the student is expected to make within specified segment of the year. Generally, benchmarks establish expected performance levels that allow for regular checks of progress that coincide with the reporting periods for informing parents of their child's progress toward achieving the annual goals. An IEP team may use either short-term objectives or a combination of the two, depending on the nature of the annual goals and needs of the child.

A.8 - B.3.e. ...

4. For students aged 3-5. In determining the appropriate setting for a preschool aged student, each noted setting must be considered; but the list should not be considered a continuum of least restrictive environment. The settings for preschool-aged students, three through five years, are defined as follows.

a. Early Childhood Setting. Students receive all of their special education and related services in educational

programs designed primarily for children without disabilities. No education or related services are provided in separate special education settings. This may include, but is not limited to:

- i. regular kindergarten classes;
- ii. public or private preschools;
- iii. Head Start Centers;
- iv. child care facilities;
- v. preschool classes offered to an eligible pre-kindergarten population by the public school system;
- vi. home/early childhood combinations;
- vii. home/Head Start combinations; and
- viii. other combinations of early childhood settings.

b. Early Childhood Special Education Setting. Students receive all of their special education and related services in educational programs designed primarily for children with disabilities housed in regular school buildings or other community-based settings. No education or related services are provided in early childhood settings. This may include, but is not limited to:

- i. special education classrooms in regular school buildings;
- ii. special education classrooms in child care facilities;
- iii. hospital facilities on an outpatient basis, or other community-based settings; and
- iv. special education classrooms in trailers or portables outside regular school buildings.

c. Home. Students receive all of their special education and related services in the principal residence of the child's family or caregivers.

d. Part-Time Early Childhood/Part-Time Early Childhood Special Education Setting. Students receive services in multiple settings, such that: (1) general and/or special education and related services are provided at home or in educational programs designed primarily for children without disabilities, and (2) special education and related services are provided in programs designed primarily for children with disabilities. This may include, but is not limited to:

- i. home/early childhood special education combinations;
- ii. Head Start, child care, nursery school facilities, or other community-based settings with special education provided outside of the regular class;
- iii. regular kindergarten classes with special education provided outside of the regular class; and
- iv. separate school/early childhood combinations.

e. Residential Facility. Students receive all of their special education and related services in publicly or privately operated residential schools or residential medical facilities on an inpatient basis. This may include, but is not limited to:

- i. hospitals; and
- ii. nursing homes.

f. Separate School. Students receive all of their special education and related services in educational programs in public or private day schools designed specifically for children with disabilities.

g. Itinerant Service Outside the Home. Students receive all of their special education and related services at a school, hospital facility on an outpatient basis or other

location for a short period of time (no more than three hours per week). (This does not include children who receive services at home for three hours or less per week. This would be included in the home setting.) These services may be provided individually or to a small group of children. This may include, but is not limited to: speech instruction, APE and assistive technology up to three hours per week in a school, hospital, or other community-based setting. (A combination of services may not exceed three hours per week). Children receiving all of their special education and related services at a school, hospital facility on an outpatient basis, or other location for longer than three hours per week must be reported under early childhood special education setting or early childhood setting, depending on whether the program was designed primarily for students with or without disabilities.

h. Reverse Mainstream Setting. Students receive all of their special education and related services in educational programs designed primarily for children with disabilities, but that include 50 percent or more children without disabilities.

C. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:1941 et seq.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 30:1466 (July 2004), amended LR 31:

§311. Related Services Decisions

A. - B.2. ...

3. explain delays in providing any related service listed on the IEP.

a. This delay, or hardship, in no way relieves a system from providing the service and from documenting every effort to provide it in a timely manner.

b. The participation of related service personnel is extremely important during the IEP meeting. Involvement should be through either direct participation or written recommendations.

C. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:1941 et seq.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 30:1468 (July 2004), amended LR 31:

Chapter 5. Review IEP Development

§501. Responsibilities and Timelines

A. - D.6. ...

7. an out-of-district placement or referral is being proposed:

a. a review IEP meeting must be conducted as part of the reevaluation process;

b. in the cases listed above, it may not be necessary to rewrite the entire IEP/placement document. However, the following documentation must be provided:

- i. signatures of the team members;
- ii. the date of the meeting;
- iii. the changes made in the IEP; and
- iv. the dated signatures of the official designated representative of the system and the parent who authorized the change.

D.7.c. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:1941 et seq.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 30:1469 (July 2004), amended LR 31:

Family Impact Statement

In accordance with Section 953 and 974 of Title 49 of the Louisiana Revised Statutes, there is hereby submitted a Family Impact Statement on the Rule proposed for adoption, repeal or amendment. All Family Impact Statements shall be kept on file in the State Board Office which has adopted, amended, or repealed a rule in accordance with the applicable provisions of the law relating to public records.

1. Will the proposed Rule affect the stability of the family? No.
2. Will the proposed Rule affect the authority and rights or parents regarding the education and supervision of their children? No.
3. Will the proposed Rule affect the functioning of the family? No.
4. Will the proposed Rule affect family earnings and family budget? No.
5. Will the proposed Rule affect the behavior and personal responsibility of children? No.
6. Is the family or a local government able to perform the function as contained in the proposed Rule? Yes

Interested persons may submit comments until 4:30 p.m., February 8, 2005, to Nina Ford, State Board of Elementary and Secondary Education, P. O. Box 94064, Capitol Station, Baton Rouge, LA 70804-9064.

Weegie Peabody
Executive Director

**FISCAL AND ECONOMIC IMPACT STATEMENT
FOR ADMINISTRATIVE RULES
RULE TITLE: Bulletin 1530 Louisiana's IEP
Handbook for Students with Disabilities**

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
The Department of Education is revising §307.B.4.a-h of the Louisiana's IEP Handbook for Students with Disabilities and in the following sections the numbering will be corrected: §305 Participants A.7.a-d; §307 Placement Settings A.7.a-d; §311 Related Services Decisions B.3.a-b; §501 Responsibilities and Timelines D.7.a-b. The only cost associated with this change is the preparation and printing of the document and that is projected to be approximately \$200.00. Publication can be accomplished via the Department's web site.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
There will be no effect on revenue collections of state or local government.
- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS (Summary)
There will be no costs or economic benefits to directly affected persons or non-governmental groups.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)
There will be no effect on competition or employment.

Marlyn Langley
Deputy Superintendent
0412#026

H. Gordon Monk
Staff Director
Legislative Fiscal Office

NOTICE OF INTENT

Board of Elementary and Secondary Education

Bulletin 1872 Extended School Year Program Handbook
(LAC 28:LVII.Chapters 3 and 5)

In accordance with R.S. 49:950 et seq., the Administrative Procedure Act, notice is hereby given that the Board of Elementary and Secondary Education approved for advertisement revisions to Bulletin 1872, *Extended School Year Program Handbook*. The *Extended School Year Program (ESYP) Handbook* is the regulatory guidance for the provision of special education and related services to students with disabilities in accordance with an Individualized Education Program beyond the normal school year of the LEA and at no cost to the parents of the student. The publication as a notice of intent is necessary because the handbook has been codified. Louisiana's Extended School Year Handbook provides information regarding guidelines related to the eligibility of students for extended school year programming and planning considerations, and district responsibilities. The legal basis for extending the school year for certain students with disabilities is stated in §447 of *Bulletin 1706: Regulations for Implementation of the Children with Exceptionalities Act* (R.S.17:1941 et seq.) and the regulations governing the Individuals with Disabilities Education Act (IDEA), 34 CFR §300.309. These decisions have reaffirmed the federal legislative intent to ensure an appropriate education based on the student's needs and on the individually designed educational program to meet those needs.

**Title 28
EDUCATION**

**Part LVII. Bulletin 1872 Extended School Year
Program Handbook**

**Chapter 3. Program Standards
§301. Overview**

- A.1. The extended school year program standards must be used in the development, implementation, and evaluation of ESYP. The standards encompass four major components of extended school year programming:
 - a. eligibility determination;
 - b. planning;
 - c. implementation; and
 - d. evaluation.

2. Components and accompanying standards are listed in §303, §305, §307 and §309.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:1941 et seq.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 30:1997 (September 2004), amended LR 31:

**Chapter 5. Eligibility Determination Procedures
§501. Overview**

A. The ESYP Eligibility Criteria must be used in determining eligibility for extended school year services. Students who meet the following conditions prior to the ESYP screening date must be screened annually to determine their eligibility for ESYP:

1. are ages 3-21¹;

2. are classified with a disability according to the *Pupil Appraisal Handbook*;
3. have a current evaluation; and
4. have a current IEP.

B. ...

C. The screening process is actually the ongoing process of instruction and assessment of student performance and/or data collection throughout the regular school year.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:1941 et seq.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 30:1998 (September 2004), amended LR 31:

§503. Annual IEP

A. ...

1. Regression-Recoupment Criterion should be considered for any student expected to have a problem with recoupment of skills. A regression-recoupment problem exists if following breaks in instruction there is a pattern of regression without timely recoupment in the performance of objectives most essential to the student's overall functioning. The Regression Recoupment Criterion may be used for any student receiving special education services but must be used for students classified with moderately mentally disabled, severely mentally disabled, profoundly mentally disabled, deaf blind, autism, multi-disabled, traumatic brain injury, and preschool students with disabilities.

C.2'. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:1941 et seq.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 30:1998 (September 2004), amended LR 31:

§507. Screening and Decisions Regarding ESYP Eligibility [Did the Student Meet Criteria for ESYP?]

A. The teacher collects data relevant to make a determination for ESYP eligibility. Prior to the screening date, other team members with data and department mandated forms related to student eligibility for ESYP must submit the data to the teacher with primary responsibility for IEP development.

B. The teacher/instructional personnel must review data related to making eligibility decisions no earlier than March 15 each year; the last date for making eligibility decisions is the screening date (the first Friday after Easter). The ESYP screening date is the date by which all screening must be completed and preliminary eligibility determinations must be made. Between March 15 and the ESYP screening date (the Friday after Easter) the student's teacher and/or instructional personnel examine student performance data and determine whether the student's data meet criteria for ESYP eligibility or not.

C. - D. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:1941 et seq.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 30:1999 (September 2004), amended LR 31:

§509. Required Documentation

A. ...

B. There are eleven mandatory forms:

1. ESYP-IEP;

2. ESYP Fact Sheet provided to the parents at the annual IEP meeting;

3. ESYP Screening Determination Form. The teacher should complete and submit the ESYP Screening Determination Form to the Director/Supervisor of Special Education by the ESYP screening date; and

4. the Regression-Recoupment Summary Form (used for students considered under Regression-Recoupment criterion);

5. the Critical Point of Instruction Documentation Form;

6. the Self-Injurious Behavior Documentation Form;

7. the Employment Criterion Documentation Form;

8. the Transition Criterion Documentation Form;

9. the Excessive Absences/Late Entry Documentation Form;

10. the Letter of Eligibility and Schedule ESYP IEP Meeting;

11. the Letter of Ineligibility.

C. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:1941 et seq.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 30:1999 (September 2004), amended LR 31:

§511. Parental Notification and ESYP-IEP

A. The teacher should send the parents written notification of the screening results within 5 business days of the ESYP screening date. For students whose data do not support eligibility, photocopies of the department mandated forms related to the eligibility criterion used for screening should be enclosed in the notification letter.

B. For students whose data support eligibility for the ESYP, an ESYP IEP is scheduled (not necessarily held) within 15 business days after the ESYP screening date. Every effort must be made to obtain parental participation. The same procedures are followed as for a review IEP (*Bulletin 1706*, §442 and §443). If parental participation cannot be obtained, the ESYP IEP is developed and the parent(s)/guardian are notified and sent copies of documents.

C. For students whose screened data do not support eligibility for ESYP, and the parent(s) disagrees with the preliminary eligibility determination, a meeting of the IEP team should be held to review the data regarding ESYP eligibility. If the data indicate the student is eligible or there is insufficient data to make a determination, the ESYP-IEP should be developed. If the data supports the initial screening assessment and preliminary determination (i.e., ineligible), the parent has the right to appeal the decision.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:1941 et seq.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 30:2000 (September 2004), amended LR 31:

§521. Critical Point of Instruction Criterion

A. - C.3.b.iii.(e). ...

4. Required Documentation

a. Critical Point 1:

i. - ii. ...

iii. Critical point of instruction documentation form found on file at the department.

b. Critical Point 2:

i. - iv. ...

v. Critical point of instruction documentation form found on file at the department.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:1941 et seq.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 30:2001 (September 2004), amended LR 31:

§523. Self-Injurious Behavior

A. - C.4.e. ...

f. Self-Injurious Behavior Documentation Form found on file at the department.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:1941 et seq.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 30:2002 (September 2004), amended LR 31:

§525. Employment

A. - C.4.c. ...

d. Employment criterion documentation form found on file at the department.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:1941 et seq.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 30:2003 (September 2004), amended LR 31:

§527. Transition

A. - C.4.b. ...

c. Transition Documentation Form found on file at the department.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:1941 et seq.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 30:2004 (September 2004), amended LR 31:

§529. Excessive Absences

A. - D.5.c. ...

d. Excessive absences/late entry documentation form found on file at the department.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:1941 et seq.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 30:2004 (September 2004), amended LR 31:

§531. Late Entry Into School

A. - C.4.c. ...

d. Excessive absences/late entry documentation form found on file at the department.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:1941 et seq.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 30:2005 (September 2004), amended LR 31:

§533. Extenuating Circumstances

A. - D.3. ...

4. A student has an assistive technology device and it is essential for that student to use the system/technology through the summer to maintain his/her functioning level of the device.

5. - 6. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:1941 et seq.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 30:2005 (September 2004), amended LR 31:

§535. Review of Screening/Eligibility Determination

A. - C.1. ...

2. once the decision has been made, the teacher should:

a. by the fifth business day after the ESYP screening date, send the parent(s)/legal guardian a written notice of whether the student is eligible or ineligible (Sample letters on file at the department). For students whose data do not support eligibility, photocopies of the department mandated ESYP criteria documentation forms related to the eligibility criterion used for making the preliminary determination should be enclosed in the notification letter (Sample forms on file at the department).

C.2.b. - D. ...

E. For students with a preliminary determination of ineligible and for whom the parents/legal guardians have questions or disagree, the teacher should schedule and hold a meeting with the IEP team to review the decision. This should be documented on the ESY IEP by indicating whether the meeting was requested either by the parent or by school personnel to review or determine eligibility for extended school year services. The IEP team should indicate the student's ESY eligibility status. If the parent continues to disagree with the LEA decision they may exercise their rights by initiating procedures in Louisiana's Educational Rights of Children with Exceptionalities in Public Schools. Complaint procedures and final decisions and results will be finalized in an expedited manner.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:1941 et seq.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 30:2006 (September 2004), amended LR 31:

Family Impact Statement

In accordance with Section 953 and 974 of Title 49 of the Louisiana Revised Statutes, there is hereby submitted a Family Impact Statement on the Rule proposed for adoption, repeal or amendment. All Family Impact Statements shall be kept on file in the State Board Office which has adopted, amended, or repealed a rule in accordance with the applicable provisions of the law relating to public records.

1. Will the proposed Rule affect the stability of the family? No.

2. Will the proposed Rule affect the authority and rights or parents regarding the education and supervision of their children? No.

3. Will the proposed Rule affect the functioning of the family? No.

4. Will the proposed Rule affect family earnings and family budget? No.

5. Will the proposed Rule affect the behavior and personal responsibility of children? No.

6. Is the family or a local government able to perform the function as contained in the proposed Rule? Yes

Interested persons may submit written comments until 4:30 p.m., February 8, 2005, to Nina A. Ford, Board of Elementary and Secondary Education, Box 94064, Capitol Station, Baton Rouge, LA 70804-9064.

Weegie Peabody
Executive Director

**FISCAL AND ECONOMIC IMPACT STATEMENT
FOR ADMINISTRATIVE RULES**

**RULE TITLE: Bulletin 1872C Extended School Year
Program Handbook**

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
There will be no implementation costs to local government. The cost of dissemination at the state level will be approximately \$200.00 from federal funds.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
There will be no effect on revenue collections of state or local government.
- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS (Summary)
There will be no costs or economic benefits to directly affected persons or non-governmental groups. The revisions to this document were in response to the previous notice of intent this summer. The document has been used by the state and local education agencies since the 1980s.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)
There will be no effect on competition or employment.

Marlyn Langley
Deputy Superintendent
0412#027

H. Gordon Monk
Staff Director
Legislative Fiscal Office

NOTICE OF INTENT

Board of Elementary and Secondary Education

Textbook Adoption Standards and Procedures
(LAC 28:I.919)

In accordance with R.S. 49:950 et seq., the Administrative Procedure Act, the Board of Elementary and Secondary Education approved for advertisement revisions to Chapter 9 (LAC 28:I). The *Louisiana Administrative Code* should contain regulatory policies and procedures germane to the conduct of BESE Board business. We are in the process of removing Sections that either contain no regulatory language, the programs they refer to no longer exist, or the language will be transferred to or is already contained in the appropriate regulatory bulletin. The Sections we are removing will not have an effect on the way BESE conducts board business or the regulatory procedures or language used to oversee any programs.

**Title 28
EDUCATION**

**Part I. Board of Elementary and Secondary Education
Chapter 9. Bulletins, Regulations, and State Plans
Subchapter A. Bulletins and Regulations**

§919. Textbook Adoption Standards and Procedures
Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(9); R.S. 17:8, 8.1; R.S. 17:22(2)(e); R.S. 17:351; R.S. 17:352; R.S. 17:391.10; R.S. 392.4(D)(6); R.S. 17:415.1.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education in LR 2:110 (April 1976); LR 3:445 (November 1977), LR 4:76 (March 1978), LR 6:257 (June 1980), LR 7:43, 407 (February, August 1981), LR 8:7, 143 (January 1982), LR 9:321, 548, 836 (May, August, December 1983), LR 10:76, 495 (February, July 1994), LR 11:7, 949 (January, September 1985), LR 12:14, 511 (January, August 1986), LR

13:496 (September 1987), LR 14:248 (April 1988), LR 15:621, 962 (August, November 1989), amended LR 16:297, 957 (April, November 1990), LR 10:255, 955 (March, September 1992), LR 21:552, 1329 (June, December 1995), LR 24:434 (March 1998), LR 25:1436-1458 (August, 1999), LR 26:991-1015 (May, 2000), LR 28:2329 (November 2002), LR 29:124-125 (February 2003), repealed LR 31:

Family Impact Statement

In accordance with Section 953 and 974 of Title 49 of the Louisiana Revised Statutes, there is hereby submitted a Family Impact Statement on the Rule proposed for adoption, repeal or amendment. All Family Impact Statements shall be kept on file in the State Board Office which has adopted, amended, or repealed a rule in accordance with the applicable provisions of the law relating to public records.

- 1. Will the proposed Rule affect the stability of the family? No.
- 2. Will the proposed Rule affect the authority and rights or parents regarding the education and supervision of their children? No.
- 3. Will the proposed Rule affect the functioning of the family? No.
- 4. Will the proposed Rule affect family earnings and family budget? No.
- 5. Will the proposed Rule affect the behavior and personal responsibility of children? No.
- 6. Is the family or a local government able to perform the function as contained in the proposed Rule? No.

Interested persons may submit comments until 4:30 p.m., February 8, 2005, to Nina A. Ford, Board of Elementary and Secondary Education, Box 94064, Capitol Station, Baton Rouge, LA 70804-9064.

Weegie Peabody
Executive Director

**FISCAL AND ECONOMIC IMPACT STATEMENT
FOR ADMINISTRATIVE RULES**

**RULE TITLE: Textbook Adoption Standards and
Procedures**

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)
The "Louisiana Administrative Code" should contain regulatory policies and procedures germane to the conduct of BESE Board business. We are in the process of removing sections that either contain no regulatory language, the programs they refer to no longer exist, or the language will be transferred to or is already contained in the appropriate regulatory bulletin. The sections we are removing will not have an effect on the way BESE conducts Board business or the regulatory procedures or language used to oversee any programs.
This action will have no fiscal effect other than \$136.00 for advertising in the Louisiana Register.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
This action will have no effect on revenue collections of state or local government units.
- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS (Summary)
This action will have no effect on cost and/or economic benefits to directly affected persons or nongovernmental groups.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT
(Summary)

This action will have no effect on competition and employment.

Weegie Peabody
Executive Director
0412#028

H. Gordon Monk
Staff Director
Legislative Fiscal Office

NOTICE OF INTENT

**Department of Environmental Quality
Office of Environmental Assessment**

Cooling Water Intake Structures at Existing Phase II Facilities (LAC 33:IX.2501, 2707, 3113, 4701, 4703, 4705, 4707, 4709, 4719, 4731, 4733, 4735, 4737, 4739, 4741, 4743, 4745, 4747, 5911, and 7103)(WQ057*)

Under the authority of the Environmental Quality Act, R.S. 30:2001 et seq., and in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., the secretary gives notice that rulemaking procedures have been initiated to amend the Water Quality regulations, LAC 33:IX.2501, 2707, 3113, 4701, 4703, 4705, 4707, 4709, 4719, 4731, 4733, 4735, 4737, 4739, 4741, 4743, 4745, 4747, 5911, and 7103 (Log #WQ057*).

This proposed Rule is identical to federal regulations found in 69 FR 131, 41682-41693 (July 9, 2004), which are applicable in Louisiana. For more information regarding the federal requirement, contact the Regulation Development Section at (225) 219-3550 or Box 4314, Baton Rouge, LA 70821-4314. No fiscal or economic impact will result from the proposed Rule; therefore, the rule will be promulgated in accordance with R.S. 49:953(F)(3) and (4).

This Rule incorporates EPA's Phase II of Section 316(b) of the Clean Water Act, establishing requirements and procedures for implementing those requirements, according to the location, design, capacity, and construction of cooling water intake structures located at existing power producing facilities. The structures regulated withdraw 50 million gallons or more per day of water for cooling purposes. This rule is designed to minimize the environmental impact of cooling water intake structures by reducing the number of aquatic organisms lost as a result of water withdrawals associated with these structures. Current citations in the regulations are also being changed to reference new changes implemented by this rule package. The basis and rationale for this Rule are to protect the waters of the state and to mirror the federal regulations.

This proposed Rule meets an exception listed in R.S. 30:2019(D)(2) and R.S. 49:953(G)(3); therefore, no report regarding environmental/health benefits and social/economic costs is required. This proposed Rule has no known impact on family formation, stability, and autonomy as described in R.S.49:972.

Title 33

ENVIRONMENTAL QUALITY

Part IX. Water Quality

**Subpart 2. The Louisiana Pollutant Discharge
Elimination System (LPDES) Program**

**Chapter 25. Permit Application and Special LPDES
Program Requirements**

§2501. Application for a Permit

A. - Q.15. ...

R. Applications for Facilities with Cooling Water Intake Structures

1. Application requirements for facilities with cooling water intake structures are as follows.

a. New Facilities with New or Modified Cooling Water Intake Structures. New facilities with cooling water intake structures, as defined in LAC 33:IX.Chapter 47.Subchapter A, shall submit to the state administrative authority for review the information required under Paragraphs R.2, 3, and 4 of this Section and LAC 33:IX.4713. Requests for alternative requirements under LAC 33:IX.4711 shall be submitted with the permit application.

b. Phase II Existing Facilities.Phase II existing facilities, as defined in LAC 33:IX.Chapter 47.Subchapter B, shall submit to the state administrative authority for review information required under Paragraphs R.2, 3, and 5 of this Section and all applicable provisions of LAC 33:IX.4739 as part of their application, except for the proposal for information collection, which shall be provided in accordance with LAC 33:IX.4739.B.1.

2. - 4.h...

5. Cooling Water System Data. Phase II existing facilities, as defined in LAC 33:IX.Chapter 47.Subchapter B, shall provide the following information for each cooling water intake structure they use:

a. a narrative description of the operation of the cooling water system, including:

i. its relationship to cooling water intake structures;

ii. the proportion of the design intake flow that is used in the system;

iii. the number of days of the year the cooling water system is in operation; and

iv. seasonal changes in the operation of the system, if applicable; and

b. design and engineering calculations prepared by a qualified professional and supporting data to support the description required by Subparagraph R.5.a of this Section.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq., and in particular Section 2074(B)(3) and (B)(4).

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Water Resources, LR 21:945 (September 1995), amended LR 23:723 (June 1997), amended by the Office of the Secretary, LR 25:661 (April 1999), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2552 (November 2000), LR 26:2756 (December

2000), LR 27:45 (January 2001), LR 28:465 (March 2002), LR 28:1766 (August 2002), LR 29:1462 (August 2003), repromulgated LR 30:230 (February 2004), amended by the Office of Environmental Assessment, LR 30:2028 (September 2004), LR 31:

Chapter 27. LPDES Permit Conditions

§2707. Establishing Limitations, Standards, and Other Permit Conditions

A.1. - B.2. ...

3. Requirements applicable to cooling water intake structures under Section 316(b) of the CWA, in accordance with LAC 33:IX.Chapter 47.Subchapters A and B.

C. - S. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq., and in particular Section 2074(B)(3) and (B)(4).

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Water Resources, LR 21:945 (September 1995), amended LR 23:724 (June 1997), LR 23:1523 (November 1997), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2282 (October 2000), LR 26:2764 (December 2000), LR 28:469 (March 2002), LR 28:1767 (August 2002), repromulgated LR 30:230 (February 2004), amended by the Office of Environmental Assessment, LR 31:

Chapter 31. General LPDES Program Requirements

§3113. Public Notice of Permit Actions and Public Comment Period

A. - D.1.g. ...

h. requirements applicable to cooling water intake structures under Section 316(b) of the CWA, in accordance with LAC 33:IX.Chapter 47.Subchapters A and B; and

D.1.i. - F. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq., and in particular Section 2074(B)(3) and (B)(4).

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Water Resources, LR 21:945 (September 1995), amended by the Water Pollution Control Division, LR 23:725 (June 1997), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2554 (November 2000), LR 28:473 (March 2002), LR 28:1767 (August 2002), repromulgated LR 30:231 (February 2004), amended by the Office of Environmental Assessment, LR 31:

Chapter 47. Criteria Applicable to Cooling Water Intake Structures under Section 316(b) of the Act

NOTE: This Chapter is written in a special format to make it easier to understand the regulatory requirements. Like other department and USEPA regulations, this establishes enforceable legal requirements. For this Chapter, *I* and *you* refer to the owner/operator.

Subchapter A. Requirements Applicable to Cooling Water Intake Structures for New Facilities under Section 316(b) of the Act

§4701. What Are the Purpose and Scope of This Subchapter?

A. This Subchapter establishes requirements that apply to the location, design, construction, and capacity of cooling water intake structures at new facilities. The purpose of these requirements is to establish the best technology available for minimizing adverse environmental impact associated with the use of cooling water intake structures. These requirements are implemented through LPDES permits issued in accordance with Section 402 of the CWA, under the assumption of the NPDES program.

B. This Subchapter implements Section 316(b) of the CWA for new facilities. Section 316(b) of the CWA provides that any standard established in accordance with Section 301

or 306 of the CWA and applicable to a point source shall require that the location, design, construction, and capacity of cooling water intake structures reflect the best technology available for minimizing adverse environmental impact.

C. ...

D. Nothing in this Subchapter shall be construed to preclude or deny the right of any state or political subdivision of a state or any interstate agency under Section 510 of the CWA to adopt or enforce any requirement with respect to control or abatement of pollution that is more stringent than those required by federal law.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq., and in particular Section 2074(B)(3) and (B)(4).

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Environmental Assessment, Environmental Planning Division, LR 28:1767 (August 2002), repromulgated LR 30:231 (February 2004), amended by the Office of Environmental Assessment, LR 31:

§4703. Who is Subject to This Subchapter?

A. This Subchapter applies to a new facility if it:

A.1. - C. ...

D. This Subchapter does not apply to facilities that employ cooling water intake structures in the offshore and coastal subcategories of the oil and gas extraction point source category, as defined under 40 CFR 435.10 and 40 CFR 435.40.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq., and in particular Section 2074(B)(3) and (B)(4).

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Environmental Assessment, Environmental Planning Division, LR 28:1767 (August 2002), repromulgated LR 30:231 (February 2004), amended by the Office of Environmental Assessment, LR 31:

§4705. When Must I Comply with This Subchapter?

A. You must comply with this Subchapter when an LPDES permit containing requirements consistent with this Subchapter is issued to you.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq., and in particular Section 2074(B)(3) and (B)(4).

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Environmental Assessment, Environmental Planning Division, LR 28:1768 (August 2002), repromulgated LR 30:231 (February 2004), amended by the Office of Environmental Assessment, LR 31:

§4707. What Special Definitions Apply to This Subchapter?

Annual Mean Flow **C** *Tidal River* ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq., and in particular Section 2074(B)(3) and (B)(4).

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Environmental Assessment, Environmental Planning Division, LR 28:1768 (August 2002), amended LR 29:2375 (November 2003), repromulgated LR 30:231 (February 2004), amended by the Office of Environmental Assessment, LR 31:

§4709. As an Owner or Operator of a New Facility, What Must I Do to Comply with This Subchapter?

A. - E. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq., and in particular Section 2074(B)(3) and (B)(4).

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Environmental Assessment, Environmental Planning Division, LR 28:1769 (August 2002), amended LR 29:2375 (November 2003), repromulgated LR 30:231

(February 2004), amended by the Office of Environmental Assessment, LR 31:

§4719. What Must the State Administrative Authority Do to Comply with the Requirements of This Subchapter?

A. - B.3. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq., and in particular Section 2074(B)(3) and (B)(4).

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Environmental Assessment, Environmental Planning Division, LR 28:1774 (August 2002), repromulgated LR 30:232 (February 2004), amended by the Office of Environmental Assessment, LR 31:

Subchapter B. Requirements Applicable to Cooling Water Intake Structures for Phase II Existing Facilities under Section 316(b) of the Act

§4731. What Are the Purpose and Scope of This Subchapter?

A. This Subchapter establishes requirements that apply to the location, design, construction, and capacity of cooling water intake structures at existing facilities that are subject to this Subchapter (i.e., Phase II existing facilities). The purpose of these requirements is to establish the best technology available for minimizing adverse environmental impact associated with the use of cooling water intake structures. These requirements are implemented through LPDES permits issued under Section 402 of the Clean Water Act (CWA), under the assumption of the NPDES program.

B. Existing facilities that are not subject to requirements under Subchapter A or B of this Chapter shall meet requirements under Section 316(b) of the CWA determined by the state administrative authority on a case-by-case, best professional judgment (BPJ) basis.

C. **Alternative Regulatory Requirements.** Notwithstanding any other provision of this Subchapter, if a state demonstrates to the administrator that it has adopted alternative regulatory requirements in its NPDES program that will result in environmental performance within a watershed that is comparable to the reductions of impingement mortality and entrainment that would otherwise be achieved under LAC 33:IX.4737, the administrator shall approve such alternative regulatory requirements.

D. Nothing in this Subchapter shall be construed to preclude or deny the right of any state or political subdivision of a state or any interstate agency under Section 510 of the CWA to adopt or enforce any requirement with respect to control or abatement of pollution that is not less stringent than those required by federal law.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq., and in particular Section 2074(B)(3) and (B)(4).

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Environmental Assessment, LR 31:

§4733. What is a Phase II Existing Facility?

A. An *existing facility*, as defined in LAC 33:IX.4735.A, is a Phase II existing facility subject to this Subchapter if it meets each of the following criteria.

1. It is a point source.
2. It uses or proposes to use cooling water intake structures with a total design intake flow of 50 million

gallons per day (MGD) or more to withdraw cooling water from waters of the state.

3. As its primary activity, the facility both generates and transmits electric power, or generates electric power but sells it to another entity for transmission.

4. It uses at least 25 percent of the water withdrawn exclusively for cooling purposes, measured on an average annual basis.

B. In the case of a Phase II existing facility that is co-located with a manufacturing facility, only that portion of the combined cooling water intake flow that is used by the Phase II facility to generate electricity for sale to another entity shall be considered for purposes of determining whether the 50 MGD and 25 percent criteria in Paragraphs A.2 and 4 of this Section have been exceeded.

C. Use of a cooling water intake structure includes obtaining cooling water by any sort of contract or arrangement with one or more independent suppliers of cooling water if the supplier withdraws water from waters of the state but is not itself a Phase II existing facility, except as provided in Subsection D of this Section. This provision is intended to prevent circumvention of these requirements by creating arrangements to receive cooling water from an entity that is not itself a Phase II existing facility.

D. Notwithstanding Subsection C of this Section, obtaining cooling water from a public water system or using treated effluent as cooling water does not constitute use of a cooling water intake structure for purposes of this Subchapter.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq., and in particular Section 2074(B)(3) and (B)(4).

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Environmental Assessment, LR 31:

§4735. What Special Definitions Apply to This Subchapter?

A. In addition to the definitions provided in LAC 33:IX.2313, the following special definitions apply to this Subchapter.

Adaptive Management Method—A type of project management method where a facility chooses an approach to meeting the project goal, monitors the effectiveness of that approach, and then based on monitoring and any other relevant information, makes any adjustments necessary to ensure continued progress toward the project's goal. This cycle of activity is repeated as necessary to reach the project's goal.

Annual Mean Flow—The average of daily flows over a calendar year.

All Life Stages—Eggs, larvae, juveniles, and adults.

Calculation Baseline—An estimate of impingement mortality and entrainment that would occur at your site assuming that the cooling water system has been designed as a once-through system; the opening of the cooling water intake structure is located at, and the face of the standard 3/8-inch mesh traveling screen is oriented parallel to, the shoreline near the surface of the source water body; and the baseline practices, procedures, and structural configuration are those that your facility would maintain in the absence of any structural or operational controls, including flow or velocity reductions, implemented in whole or in part for the purposes of reducing impingement mortality and

entrainment. You may also choose to use the current level of impingement mortality and entrainment as the calculation baseline. The calculation baseline may be estimated using historical impingement mortality and entrainment data from your facility or from another facility with comparable design, operational, and environmental conditions; current biological data collected in the water body in the vicinity of your cooling water intake structure; or current impingement mortality and entrainment data collected at your facility. You may request that the calculation baseline be modified to be based on a location of the opening of the cooling water intake structure at a depth other than at or near the surface if you can demonstrate to the state administrative authority that the other depth would correspond to a higher baseline level of impingement mortality and/or entrainment.

Capacity Utilization Rate The ratio between the average annual net generation of power by the facility (in MWh) and the total net capability of the facility to generate power (in MW) multiplied by the number of hours during a year. In cases where a facility has more than one intake structure, and each intake structure provides cooling water exclusively to one or more generating units, the capacity utilization rate may be calculated separately for each intake structure, based on the capacity utilization of the units it services. Applicable requirements under this Subpart would then be determined separately for each intake structure. The average annual net generation should be measured over a five-year period, if available, of representative operating conditions, unless the facility makes a binding commitment to maintain capacity utilization below 15 percent for the life of the permit, in which case the rate may be based on this commitment. For purposes of this Subchapter, the capacity utilization rate applies to only that portion of the facility that generates electricity for transmission or sale using a thermal cycle employing the steam water system as the thermodynamic medium.

Closed-Cycle Recirculating System A system designed, using minimized make-up and blowdown flows, to withdraw water from a natural or other water source to support contact and/or noncontact cooling uses within a facility. The water is usually sent to a cooling canal or channel, lake, pond, or tower to allow waste heat to be dissipated to the atmosphere and then is returned to the system. (Some facilities divert the waste heat to other process operations.) New source water (make-up water) is added to the system to replenish losses that have occurred due to blowdown, drift, and evaporation.

Cooling Water Water used for contact or noncontact cooling, including water used for equipment cooling, evaporative cooling tower makeup, and dilution of effluent heat content. The intended use of the cooling water is to absorb waste heat rejected from the process or processes used, or from auxiliary operations on the facility's premises. Cooling water that is used in a manufacturing process either before or after it is used for cooling is considered process water for the purposes of calculating the percentage of a facility's intake flow that is used for cooling purposes in LAC 33:IX.4733.A.4.

Cooling Water Intake Structure The total physical structure and any associated constructed waterways used to withdraw cooling water from waters of the state. The cooling water intake structure extends from the point at which water

is withdrawn from the surface water source up to, and including, the intake pumps.

Design and Construction Technology Any physical configuration of the cooling water intake structure, or a technology that is placed in the water body in front of the cooling water intake structure, to reduce impingement mortality and/or entrainment. Design and construction technologies include, but are not limited to, location of the intake structure, intake screen systems, passive intake systems, fish diversion and/or avoidance systems, and fish handling and return systems. Restoration measures are not design and construction technologies for purposes of this definition.

Design Intake Flow The value assigned, during the cooling water intake structure design, to the total volume of water withdrawn from a source water body over a specific time period.

Design Intake Velocity The value assigned, during the design of a cooling water intake structure, to the average speed at which intake water passes through the open area of the intake screen, or other device, upon which organisms might impinge or through which they might be entrained.

Diel Daily and refers to variation in organism abundance and density over a 24-hour period due to the influence of water movement, physical or chemical changes, and changes in light intensity.

Entrainment The incorporation of any life stages of fish and shellfish with intake water flow entering and passing through a cooling water intake structure and into a cooling water system.

Estuary A semi-enclosed body of water that has a free connection with open seas and within which the seawater is measurably diluted with fresh water derived from land drainage. The salinity of an estuary exceeds 0.5 parts per thousand (by mass) but is typically less than 30 parts per thousand (by mass).

Existing Facility Any facility that commenced construction as described in 40 CFR 122.29(b)(4) on or before January 17, 2002, and any modification of, or any addition of, a unit at such a facility that does not meet the definition of a new facility in 40 CFR 125.83.

Freshwater River or Stream A lotic (free-flowing) system that does not receive significant inflows of water from oceans or bays due to tidal action. For the purposes of this regulation, a flow-through reservoir with a retention time of seven days or less shall be considered a freshwater river or stream.

Impingement The entrapment of any life stages of fish and shellfish on the outer part of an intake structure or against a screening device during periods of intake water withdrawal.

Lake or Reservoir Any inland body of open water with some minimum surface area free of rooted vegetation and with an average hydraulic retention time of more than seven days. Lakes or reservoirs might be natural water bodies or impounded streams, usually fresh, surrounded by land or by land and a man-made retainer (e.g., a dam). Lakes or reservoirs might be fed by rivers, streams, springs, and/or local precipitation.

Moribund Dying; close to death.

Natural Thermal Stratification The naturally occurring and/or existing division of a water body into horizontal

layers of differing densities as a result of variations in temperature at different depths.

Ocean Marine open coastal waters with a salinity greater than or equal to 30 parts per thousand (by mass).

Once-Through Cooling Water System A system designed to withdraw water from a natural or other water source, use it at the facility to support contact and/or noncontact cooling uses, and then discharge it to a water body without recirculation. Once-through cooling systems sometimes employ canals/channels, ponds, or non-recirculating cooling towers to dissipate waste heat from the water before it is discharged.

Operational Measure A modification to any operation at a facility that serves to minimize impact to fish and shellfish from the cooling water intake structure. Examples of operational measures include, but are not limited to, reductions in cooling water intake flow through the use of variable speed pumps and seasonal flow reductions or shutdowns, and more frequent rotation of traveling screens.

Phase II Existing Facility Any existing facility that meets the criteria specified in LAC 33:IX.4733.

Source Water The waters of the U.S. from which the cooling water is withdrawn.

Supplier An entity, other than the regulated facility, that owns and operates its own cooling water intake structure and directly withdraws water from waters of the state. The supplier sells the cooling water to other facilities for their use, but may also use a portion of the water itself. An entity that provides potable water to residential populations (e.g., public water system) is not a supplier for purposes of this Subchapter.

Thermocline The middle layer of a thermally stratified lake or a reservoir. In this layer, there is a rapid change in temperatures between the top and bottom of the layer.

Tidal River The most seaward reach of a river or stream where the salinity is typically less than or equal to 0.5 parts per thousand (by mass) at a time of annual low flow and whose surface elevation responds to the effects of coastal lunar tides.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq., and in particular Section 2074(B)(3) and (B)(4).

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Environmental Assessment, LR 31:

§4737. How Will Requirements Reflecting Best Technology Available for Minimizing Adverse Environmental Impact Be Established for My Phase II Existing Facility?

A. Compliance Alternatives. You must select and implement one of the following five alternatives for establishing best technology available for minimizing adverse environmental impact at your facility.

1. You may demonstrate to the state administrative authority that you have:

a. reduced, or will reduce, your flow commensurate with a closed-cycle recirculating system. In this case, you are deemed to have met the applicable performance standards and will not be required to demonstrate further that your facility meets the impingement mortality and entrainment performance standards specified in Subsection B of this Section. In addition, you are not subject to the requirements in LAC 33:IX.4739, 4741, 4743, or 4745. However, you may still be subject to any more stringent

requirements established under Subsection E of this Section; or

b. reduced, or will reduce, your maximum through-screen design intake velocity to 0.5 ft/s or less. In this case, you are deemed to have met the impingement mortality performance standards and will not be required to demonstrate further that your facility meets the performance standards for impingement mortality specified in Subsection B of this Section, and you are not subject to the requirements in LAC 33:IX.4739, 4741, 4743, or 4745 as they apply to impingement mortality. However, you are still subject to any applicable requirements for entrainment reduction and may still be subject to any more stringent requirements established under Subsection E of this Section.

2. You may demonstrate to the state administrative authority that your existing design and construction technologies, operational measures, and/or restoration measures meet the performance standards specified in Subsection B of this Section and/or the restoration requirements in Subsection C of this Section.

3. You may demonstrate to the state administrative authority that you have selected, and will install and properly operate and maintain, design and construction technologies, operational measures, and/or restoration measures that will, in combination with any existing design and construction technologies, operational measures, and/or restoration measures, meet the performance standards specified in Subsection B of this Section and/or the restoration requirements in Subsection C of this Section.

4. You may demonstrate to the state administrative authority that you have installed, or will install, and properly operate and maintain an approved design and construction technology in accordance with LAC 33:IX.4747.A or B.

5. You may demonstrate to the state administrative authority that you have selected, installed, and are properly operating and maintaining, or will install and properly operate and maintain, design and construction technologies, operational measures, and/or restoration measures that the state administrative authority has determined to be the best technology available to minimize adverse environmental impact for your facility in accordance with Subparagraph A.5.a or b of this Section.

a. If the state administrative authority determines that data specific to your facility demonstrate that the costs of compliance under alternatives in Paragraphs A.2 through 4 of this Section would be significantly greater than the costs considered by the administrator for a facility like yours in establishing the applicable performance standards in Subsection B of this Section, the state administrative authority will make a site-specific determination of the best technology available for minimizing adverse environmental impact. This determination will be based on reliable, scientifically- valid cost and performance data submitted by you and any other information that the state administrative authority deems appropriate. The state administrative authority will establish site-specific alternative requirements based on new and/or existing design and construction technologies, operational measures, and/or restoration measures that achieve an efficacy that is, in the judgment of the state administrative authority, as close as practicable to the applicable performance standards in Subsection B of this Section, without resulting in costs that are significantly

greater than the costs considered by the administrator for a facility like yours in establishing the applicable performance standards. The state administrative authority's site-specific determination may conclude that design and construction technologies, operational measures, and/or restoration measures in addition to those already in place are not justified because of the significantly greater costs. To calculate the costs considered by the state administrative authority for a facility like yours in establishing the applicable performance standards you must:

- i. determine which technology the administrator modeled as the most appropriate compliance technology for your facility;
- ii. using the administrator's costing equations, calculate the annualized capital and net operation and maintenance (O&M) costs for a facility with your design intake flow using this technology;
- iii. determine the annualized net revenue loss associated with net construction downtime that the administrator modeled for your facility to install this technology;
- iv. determine the annualized pilot study costs that the administrator modeled for your facility to test and optimize this technology;
- v. sum the cost items in Clauses A.5.b.ii, iii, and iv of this Section; and
- vi. determine if the performance standards that form the basis of these estimates (i.e., impingement mortality reduction only or impingement mortality and entrainment reduction) are applicable to your facility, and if necessary, adjust the estimates to correspond to the applicable performance standards.

b. If the state administrative authority determines that data specific to your facility demonstrate that the costs of compliance under alternatives in Paragraphs A.2 through 4 of this Section would be significantly greater than the benefits of complying with the applicable performance standards at your facility, the state administrative authority will make a site-specific determination of best technology available for minimizing adverse environmental impact. This determination will be based on reliable, scientifically valid cost and performance data submitted by you and any other information the state administrative authority deems appropriate. The state administrative authority will establish site-specific alternative requirements based on new and/or existing design and construction technologies, operational measures, and/or restoration measures that achieve an efficacy that, in the judgment of the state administrative authority, is as close as practicable to the applicable performance standards in Subsection B of this Section without resulting in costs that are significantly greater than the benefits at your facility. The state administrative authority's site-specific determination may conclude that design and construction technologies, operational measures, and/or restoration measures in addition to those already in place are not justified because the costs would be significantly greater than the benefits at your facility.

B. National Performance Standards

1. Impingement Mortality Performance Standards. If you choose a compliance alternative in Paragraph A.2, 3, or 4 of this Section, you must reduce impingement mortality

for all life stages of fish and shellfish by 80 to 95 percent from the calculation baseline.

2. Entrainment Performance Standards. If you choose a compliance alternative in Subparagraph A.1.b or Paragraph A.2, 3, or 4 of this Section, you must also reduce entrainment of all life stages of fish and shellfish by 60 to 90 percent from the calculation baseline if:

- a. your facility has a capacity utilization rate of 15 percent or greater; and
- b. your facility uses cooling water withdrawn from:
 - i. a tidal river, estuary, or ocean; or
 - ii. a freshwater river or stream, and the design intake flow of your cooling water intake structures is greater than 5 percent of the mean annual flow.

3. Additional Performance Standards for Facilities Withdrawing from a Lake or a Reservoir. If your facility withdraws cooling water from a lake or a reservoir and you propose to increase the design intake flow of cooling water intake structures it uses, your increased design intake flow shall not disrupt the natural thermal stratification or turnover pattern, where present, of the source water, except in cases where the disruption does not adversely affect the management of fisheries. In determining whether any such disruption does not adversely affect the management of fisheries, you should consult with federal, state, or tribal fish and wildlife management agencies.

4. Use of Performance Standards for Site-Specific Determinations of Best Technology Available. The performance standards in Paragraphs B.1-3 of this Section must also be used for determining eligibility for site-specific determinations of best technology available for minimizing adverse environmental impact and establishing site-specific requirements that achieve an efficacy as close as practicable to the applicable performance standards without resulting in costs that are significantly greater than those considered by the state administrative authority for a facility like yours in establishing the performance standards or costs that are significantly greater than the benefits at your facility in accordance with Paragraph A.5 of this Section.

C. Requirements for Restoration Measures. With the approval of the state administrative authority, you may implement and adaptively manage restoration measures that produce and result in increases of fish and shellfish in your facility's watershed in place of, or as a supplement to, installing design and control technologies and/or adopting operational measures that reduce impingement mortality and entrainment. You must demonstrate to the state administrative authority that:

1. you have evaluated the use of design and construction technologies and operational measures for your facility and determined that the use of restoration measures is appropriate because meeting the applicable performance standards or site-specific requirements through the use of design and construction technologies and/or operational measures alone is less feasible, less cost-effective, or less environmentally desirable than meeting the standards or requirements in whole or in part through the use of restoration measures; and

2. the restoration measures you will implement, alone or in combination with design and construction technologies and/or operational measures, will produce ecological benefits (fish and shellfish), including maintenance or

protection of community structure and function in your facility's water body or watershed, at a level that is substantially similar to the level you would achieve by meeting the applicable performance standards under Subsection B of this Section, or that satisfies alternative site-specific requirements established in accordance with Paragraph A.5 of this Section.

D. Compliance Using a Technology Installation and Operation Plan or Restoration Plan

1. If you choose one of the compliance alternatives in Paragraph A.2, 3, 4, or 5 of this Section, you may request that compliance with the requirements of Subsection B of this Section during the first permit containing requirements consistent with this Subchapter be determined based on whether you have complied with the construction, operational, maintenance, monitoring, and adaptive management requirements of a technology installation and operation plan developed in accordance with LAC 33:IX.4739.B.4.b, for any design and construction technologies and/or operational measures, and/or a restoration plan developed in accordance with LAC 33:IX.4739.B.5, for any restoration measures. The technology installation and operation plan must be designed to meet applicable performance standards in Subsection B of this Section or alternative site-specific requirements developed in accordance with Paragraph A.5 of this Section. The restoration plan must be designed to achieve compliance with the applicable requirements in Paragraph C of this Section.

2. During subsequent permit terms, if you selected and installed design and construction technologies and/or operational measures and have been in compliance with the construction, operational, maintenance, monitoring, and adaptive management requirements of your technology installation and operation plan during the preceding permit term, you may request that compliance with the requirements of this Section during the following permit term be determined based on whether you remain in compliance with your technology installation and operation plan, revised in accordance with your adaptive management plan in LAC 33:IX.4739.B.4.b.iii if applicable performance standards are not being met. Each request and approval of a technology installation and operation plan will be limited to one permit term.

3. During subsequent permit terms, if you selected and installed restoration measures and have been in compliance with the construction, operational, maintenance, monitoring, and adaptive management requirements in your restoration plan during the preceding permit term, you may request that compliance with the requirements of this Section during the following permit term be determined based on whether you remain in compliance with your restoration plan, revised in accordance with your adaptive management plan in LAC 33:IX.4739.B.5.e if applicable performance standards are not being met. Each request and approval of a restoration plan will be limited to one permit term.

E. More Stringent Standards. The state administrative authority may establish more stringent requirements as best technology available for minimizing adverse environmental impact if the state administrative authority determines that your compliance with the applicable requirements of this

Section would not meet the requirements of applicable state and tribal law, or other federal law.

F. Nuclear Facilities. If you demonstrate to the state administrative authority based on consultation with the Nuclear Regulatory Commission that compliance with this Subpart would result in a conflict with a safety requirement established by the commission, the state administrative authority will make a site-specific determination of best technology available for minimizing adverse environmental impact that would not result in a conflict with the Nuclear Regulatory Commission's safety requirement.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq., and in particular Section 2074(B)(3) and (B)(4).

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Environmental Assessment, LR 31:

§4739. As an Owner or Operator of a Phase II Existing Facility, What Must I Collect and Submit When I Apply for My Reissued LPDES Permit?

A. Submittal of Information for an Owner or Operator of a Phase II Existing Facility

1. You must submit to the state administrative authority the proposal for information collection required in Paragraph B.1 of this Section prior to the start of information collection activities.

2. You must submit to the state administrative authority the information required in LAC 33:IX.2501.R.2, 3, and 5 and any applicable portions of the comprehensive demonstration study, except for the proposal for information collection required by Paragraph B.1 of this Section.

a. You must submit your LPDES permit application in accordance with the time frames specified in LAC 33:IX.2501.D.2.

b. If your existing permit expires before July 9, 2008, you may request that the state administrative authority establish a schedule for you to submit the information required by this Section as expeditiously as practicable, but not later than January 7, 2008. Between the time your existing permit expires and the time an LPDES permit containing requirements consistent with this Subchapter is issued to your facility, the best technology available to minimize adverse environmental impact will continue to be determined based on the state administrative authority's best professional judgment.

3. In subsequent permit terms, the state administrative authority may approve a request to reduce the information required to be submitted in your permit application on the cooling water intake structure and the source water body, if conditions at your facility and in the water body remain substantially unchanged since your previous application. You must submit your request for reduced cooling water intake structure and water body application information to the state administrative authority at least one year prior to the expiration of the permit. Your request must identify each required information item in LAC 33:IX.2501.R and this Section that you determine has not substantially changed since the previous permit application and the basis for your determination.

B. Comprehensive Demonstration Study. The purpose of the comprehensive demonstration study ("study") is to characterize impingement mortality and entrainment, to describe the operation of your cooling water intake structures, and to confirm that the technologies, operational

measures, and/or restoration measures you have selected and installed, or will install, at your facility meet the applicable requirements of LAC 33:IX.4737. All facilities except those that have met the applicable requirements in accordance with LAC 33:IX.4737.A.1.a-b and A.4 must submit all applicable portions of the study to the state administrative authority in accordance with Paragraph A.1 of this Section. Facilities that meet the requirements in LAC 33:IX.4737.A.1.a by reducing their flow commensurate with a closed-cycle, recirculating system are not required to submit a study. Facilities that meet the requirements in LAC 33:IX.4737.A.1.b by reducing their design intake velocity to 0.5 ft/sec or less are required to submit a study only for the entrainment requirements, if applicable. Facilities that meet the requirements in LAC 33:IX.4737.A.4 and have installed and properly operate and maintain an approved design and construction technology, in accordance with LAC 33:IX.4747, are required to submit only the technology installation and operation plan in Paragraph B.4 of this Section and the verification monitoring plan in Paragraph B.7 of this Section. Facilities that are required to meet only impingement mortality performance standards in LAC 33:IX.4737.B.1 are required to submit only a study for the impingement mortality reduction requirements. The study must include the following information.

1. Proposal For Information Collection. You must submit to the state administrative authority for review and comment a description of the information you will use to support your study. The proposal for information must be submitted prior to the start of information collection activities, but you may initiate such activities prior to receiving comment from the state administrative authority. The proposal must include:

a. a description of the proposed and/or implemented technologies, operational measures, and/or restoration measures to be evaluated in the study;

b. a list and description of any historical studies characterizing impingement mortality and entrainment and/or the physical and biological conditions in the vicinity of the cooling water intake structures and their relevance to this proposed study. If you propose to use existing data, you must demonstrate the extent to which the data are representative of current conditions and that the data were collected using appropriate quality assurance/quality control procedures;

c. a summary of any past or ongoing consultations with appropriate federal, state, and tribal fish and wildlife agencies that are relevant to this study and a copy of written comments received as a result of such consultations; and

d. a sampling plan for any new field studies you propose to conduct in order to ensure that you have sufficient data to develop a scientifically-valid estimate of impingement mortality and entrainment at your site. The sampling plan must document all methods and quality assurance/quality control procedures for sampling and data analysis. The sampling and data analysis methods you propose must be appropriate for a quantitative survey and include consideration of the methods used in other studies performed in the source water body. The sampling plan must include a description of the study area, including the area of influence of the cooling water intake structure, and provide a taxonomic identification of the sampled or evaluated

biological assemblages, including all life stages of fish and shellfish.

2. Source Water Body Flow Information. You must submit to the state administrative authority the following source water body flow information.

a. If your cooling water intake structure is located in a freshwater river or stream, you must provide the annual mean flow of the water body and any supporting documentation and engineering calculations to support your analysis of whether your design intake flow is greater than 5 percent of the mean annual flow of the river or stream for purposes of determining applicable performance standards under Subsection B of this Section. Representative historical data (from a period of time up to 10 years, if available) must be used.

b. If your cooling water intake structure is located in a lake or a reservoir and you propose to increase its design intake flow, you must provide a description of the thermal stratification in the water body, and any supporting documentation and engineering calculations to show that the total design intake flow after the increase will not disrupt the natural thermal stratification and turnover pattern in a way that adversely impacts fisheries, including the results of any consultations with federal, state, or tribal fish and wildlife management agencies.

3. Impingement Mortality and/or Entrainment Characterization Study. You must submit to the state administrative authority an impingement mortality and/or entrainment characterization study, whose purpose is to provide information to support the development of a calculation baseline for evaluating impingement mortality and entrainment and to characterize current impingement mortality and entrainment. The impingement mortality and/or entrainment characterization study must include the following, in sufficient detail to support development of the other elements of the comprehensive demonstration study:

a. taxonomic identifications of all life stages of fish, shellfish, and any species protected under federal, state, or tribal law, including threatened or endangered species, that are in the vicinity of the cooling water intake structure and are susceptible to impingement and entrainment;

b. a characterization of all life stages of fish, shellfish, and any species protected under federal, state, or tribal law, including threatened or endangered species, identified in accordance with Subparagraph B.3.a of this Section, including a description of the abundance and temporal and spatial characteristics in the vicinity of the cooling water intake structure, based on sufficient data to characterize annual, seasonal, and diel variations in impingement mortality and entrainment (e.g., related to climate and weather differences, spawning, feeding, and water column migration). These may include historical data that are representative of the current operation of your facility and of biological conditions at the site; and

c. documentation of the current impingement mortality and entrainment of all life stages of fish, shellfish, and any species protected under federal, state, or tribal law, including threatened or endangered species, identified in accordance with Subparagraph B.3.a of this Section and an estimate of impingement mortality and entrainment to be used as the calculation baseline. The documentation may include historical data that are representative of the current

operation of your facility and of biological conditions at the site. Impingement mortality and entrainment samples to support the calculations required in Clause B.4.a.iii and Subparagraph B.5.c of this Section must be collected during periods of representative operational flows for the cooling water intake structure, and the flows associated with the samples must be documented.

4. Technology and Compliance Assessment Information

a. Design and Construction Technology Plan. If you choose to use design and construction technologies and/or operational measures, in whole or in part, to meet the requirements of LAC 33:IX.4737.A.2 or 3, you must submit a design and construction technology plan to the state administrative authority for review and approval. In the plan, you must provide the capacity utilization rate for your facility, or for individual intake structures where applicable, in accordance with LAC 33:IX.4735, and provide supporting data, including the average annual net generation of the facility (in MWh) measured over a five-year period, if available, of representative operating conditions and the total net capacity of the facility (in MW), and underlying calculations. The plan must explain the technologies and/or operational measures you have in place and/or have selected to meet the requirements in LAC 33:IX.4737. Examples of potentially appropriate technologies may include, but are not limited to, wedgewire screens, fine mesh screens, fish handling and return systems, barrier nets, aquatic filter barrier systems, vertical and/or lateral relocation of the cooling water intake structure, and enlargement of the cooling water intake structure opening to reduce velocity. Examples of potentially appropriate operational measures may include, but are not limited to, seasonal shutdowns, reductions in flow, and continuous or more frequent rotation of traveling screens. The plan must contain the following information:

i. a narrative description of the design and operation of all design and construction technologies and/or operational measures, existing and proposed, including fish handling and return systems, that you have in place or will use to meet the requirements to reduce impingement mortality of those species expected to be most susceptible to impingement, and information that demonstrates the efficacy of the technologies and/or operational measures for those species;

ii. a narrative description of the design and operation of all design and construction technologies and/or operational measures, existing and proposed, that you have in place or will use to meet the requirements to reduce entrainment of those species expected to be the most susceptible to entrainment, if applicable, and information that demonstrates the efficacy of the technologies and/or operational measures for those species;

iii. calculations of the reduction in impingement mortality and entrainment of all life stages of fish and shellfish that would be achieved by the technologies and/or operational measures you have selected based on the impingement mortality and/or entrainment characterization study in Paragraph B.3 of this Section. In determining compliance with any requirements to reduce impingement mortality or entrainment, you must assess the total reduction in impingement mortality and entrainment against the

calculation baseline determined in accordance with Paragraph B.3 of this Section. Reductions in impingement mortality and entrainment from this calculation baseline as a result of any design and construction technologies and/or operational measures already implemented at your facility should be added to the reductions expected to be achieved by any additional design and/or construction technologies and operational measures that will be implemented, and any increases in fish and shellfish within the water body attributable to your restoration measures. Facilities that recirculate a portion of their flow, but do not reduce flow sufficiently to satisfy the compliance option in LAC 33:IX.4737.A.1.a, may take into account the reduction in impingement mortality and entrainment associated with the reduction in flow when determining the net reduction associated with existing design and construction technologies and/or operational measures. This estimate must include a site-specific evaluation of the suitability of the technologies and/or operational measures based on the species that are found at the site, and may be determined based on representative studies (i.e., studies that have been conducted at a similar facility's cooling water intake structures located in the same water body type with similar biological characteristics) and/or site-specific technology prototype or pilot studies; and

iv. design and engineering calculations, drawings, and estimates prepared by a qualified professional to support the descriptions required by Clauses B.4.a.i and ii of this Section.

b. Technology Installation and Operation Plan. If you choose the compliance alternative in LAC 33:IX.4737.A.2, 3, 4, or 5 and use design and construction technologies and/or operational measures in whole or in part to comply with the applicable requirements of LAC 33:IX.4737, you must submit the following information with your application for review and approval by the state administrative authority:

i. a schedule for the installation and maintenance of any new design and construction technologies. Any downtime of generating units to accommodate installation and/or maintenance of these technologies should be scheduled to coincide with otherwise necessary downtime (e.g., for repair, overhaul, or routine maintenance of the generating units) to the extent practicable. Where additional downtime is required, you may coordinate scheduling of this downtime with the North American Electric Reliability Council and/or other generators in your area to ensure that impacts to reliability and supply are minimized;

ii. a list of operational and other parameters to be monitored, and the location at which and frequency with which you will monitor them;

iii. a list of activities you will undertake to ensure to the degree practicable the efficacy of installed design and construction technologies and operational measures, and your schedule for implementing them;

iv. a schedule and method for assessing the efficacy of any installed design and construction technologies and operational measures in meeting applicable performance standards or site-specific requirements, including an adaptive management plan for revising design and construction technologies, operational measures, operation and maintenance requirements, and/or monitoring

requirements if your assessment indicates that applicable performance standards or site-specific requirements are not being met; and

v. if you choose the compliance alternative in LAC 33:IX.4737A.4, documentation that the appropriate site conditions in LAC 33:IX.4747.A or B exist at your facility.

5. Restoration Plan. If you propose to use restoration measures, in whole or in part, to meet the applicable requirements in LAC 33:IX.4737, you must address species of concern identified in consultation with federal, state, and tribal fish and wildlife management agencies with responsibility for fisheries and wildlife potentially affected by your cooling water intake structure. The following information must be submitted with your application for review and approval by the state administrative authority.

a. You must provide a demonstration to the state administrative authority that you have evaluated the use of design and construction technologies and/or operational measures for your facility and an explanation of how you determined that restoration would be more feasible, cost-effective, or environmentally desirable.

b. You must provide a narrative description of the design and operation of all restoration measures, existing and proposed, that you have in place or will use to produce fish and shellfish.

c. You must provide a quantification of the ecological benefits of the proposed restoration measures. You must use information from the impingement mortality and/or entrainment characterization study required in Paragraph B.3 of this Section, and any other available and appropriate information, to estimate the reduction in fish and shellfish impingement mortality and/or entrainment that would be necessary for your facility to comply with LAC 33:IX.4737.C.2. You must then calculate the production of fish and shellfish that you will achieve with the restoration measures you will or have already installed. You must include a discussion of the nature and magnitude of uncertainty associated with the performance of these restoration measures. You must also include a discussion of the time frame within which these ecological benefits are expected to accrue.

d. You must design calculations, drawings, and estimates to document that your proposed restoration measures in combination with design and construction technologies and/or operational measures, or alone, will meet the requirements of LAC 33:IX.4737.C.2. If the restoration measures address the same fish and shellfish species identified in the impingement mortality and/or entrainment characterization study (in-kind restoration), you must demonstrate that the restoration measures will produce a level of these fish and shellfish substantially similar to that which would result from meeting applicable performance standards in LAC 33:IX.4737.B, or that they will satisfy site-specific requirements established in accordance with LAC 33:IX.4737.A.5. If the restoration measures address fish and shellfish species different from those identified in the impingement mortality and/or entrainment characterization study (out-of-kind restoration), you must demonstrate that the restoration measures produce ecological benefits substantially similar to or greater than those that would be realized through in-kind restoration. Such a demonstration should be based on a watershed approach to

restoration planning and consider applicable multi-agency watershed restoration plans, site-specific peer-reviewed ecological studies, and/or consultation with appropriate federal, state, and tribal fish and wildlife management agencies.

e. You must provide a plan utilizing an adaptive management method for implementing, maintaining, and demonstrating the efficacy of the restoration measures you have selected and for determining the extent to which the restoration measures, or the restoration measures in combination with design and construction technologies and operational measures, have met the applicable requirements of LAC 33:IX.4737.C.2. The plan must include:

i. a monitoring plan that includes a list of the restoration parameters that will be monitored, the frequency with which you will monitor them, and success criteria for each parameter;

ii. a list of activities you will undertake to ensure the efficacy of the restoration measures, a description of the linkages between these activities and the items in Clause B.5.e.i of this Section, and an implementation schedule; and

iii. a process for revising the restoration plan as new information, including monitoring data, becomes available, if the applicable requirements under LAC 33:IX.4737.C.2 are not being met.

f. You must provide a summary of any past or ongoing consultation with appropriate federal, state, and tribal fish and wildlife management agencies on your use of restoration measures, including a copy of any written comments received as a result of such consultations.

g. If requested by the state administrative authority, you must provide a peer review of the items you submit for the restoration plan. You must choose the peer reviewers in consultation with the state administrative authority, who may consult with EPA and federal, state, and tribal fish and wildlife management agencies with responsibility for fish and wildlife potentially affected by your cooling water intake structure. Peer reviewers must have appropriate qualifications (e.g., in the fields of geology, engineering, and/or biology, etc.) depending upon the materials to be reviewed.

h. You must provide a description of the information to be included in a biannual status report to the state administrative authority.

6. Information to Support Site-Specific Determination of Best Technology Available For Minimizing Adverse Environmental Impact. If you have requested a site-specific determination of best technology available for minimizing adverse environmental impact in accordance with LAC 33:IX.4737.A.5.a because of costs significantly greater than those considered by the administrator for a facility like yours in establishing the applicable performance standards of LAC 33:IX.4737.B, you must provide to the state administrative authority the information specified in Subparagraphs B.6.a and c of this Section. If you have requested a site-specific determination of best technology available for minimizing adverse environmental impact in accordance with LAC 33:IX.4737.A.5.b because of costs significantly greater than the benefits of meeting the applicable performance standards of LAC 33:IX.4737.B at your facility, you must provide the information specified in Subparagraphs B.6.a and c of this Section.

a. Comprehensive Cost Evaluation Study. You must perform and submit the results of a comprehensive cost evaluation study that includes:

i. engineering cost estimates in sufficient detail to document the costs of implementing design and construction technologies, operational measures, and/or restoration measures at your facility that would be needed to meet the applicable performance standards of LAC 33:IX.4737.B;

ii. a demonstration that the costs documented in Clause B.6.a.i of this Section significantly exceed either those considered by the administrator for a facility like yours in establishing the applicable performance standards or the benefits of meeting the applicable performance standards at your facility; and

iii. engineering cost estimates in sufficient detail to document the costs of implementing the design and construction technologies, operational measures, and/or restoration measures in your site-specific technology plan developed in accordance with Subparagraph B.6.c of this Section.

b. Benefits Valuation Study. If you are seeking a site-specific determination of best technology available for minimizing adverse environmental impact because of costs significantly greater than the benefits of meeting the applicable performance standards of LAC 33:IX.4737.B at your facility, you must use a comprehensive method to fully value the impacts of impingement mortality and entrainment at your site and the benefits achievable by meeting the applicable performance standards. In addition to the valuation estimates, the benefit study must include the following:

i. a description of the method used to value commercial, recreational, and ecological benefits, including any non-use benefits, if applicable;

ii. documentation of the basis for any assumptions and quantitative estimates. If you plan to use an entrainment survival rate other than zero, you must submit a determination of entrainment survival at your facility based on a study approved by the state administrative authority;

iii. an analysis of the effects of significant sources of uncertainty on the results of the study; and

iv. if requested by the state administrative authority, a peer review of the items you submit in the benefits valuation study. You must choose the peer reviewers in consultation with the state administrative authority, who may consult with EPA and federal, state, and tribal fish and wildlife management agencies with responsibility for fish and wildlife potentially affected by your cooling water intake structure. Peer reviewers must have appropriate qualifications depending upon the materials to be reviewed; and

v. a narrative description of any non-monetized benefits that would be realized at your site if you were to meet the applicable performance standards, and a qualitative assessment of their magnitude and significance.

c. Site-Specific Technology Plan. Based on the results of the comprehensive cost evaluation study required by Subparagraph B.6.a of this Section, and the benefits valuation study required by Subparagraph B.6.b of this Section, if applicable, you must submit a site-specific technology plan to the state administrative authority for

review and approval. The plan must contain the following information:

i. a narrative description of the design and operation of all existing and proposed design and construction technologies, operational measures, and/or restoration measures that you have selected in accordance with LAC 33:IX.4737.A.5;

ii. an engineering estimate of the efficacy of the proposed and/or implemented design and construction technologies or operational measures, and/or restoration measures. This estimate must include a site-specific evaluation of the suitability of the technologies or operational measures for reducing impingement mortality and/or entrainment, as applicable, of all life stages of fish and shellfish based on representative studies (e.g., studies that have been conducted at cooling water intake structures located in the same water body type with similar biological characteristics) and, if applicable, site-specific technology prototype or pilot studies. If restoration measures will be used, you must provide a restoration plan that includes the elements described in Paragraph B.5 of this Section;

iii. a demonstration that the proposed and/or implemented design and construction technologies, operational measures, and/or restoration measures achieve an efficacy that is as close as practicable to the applicable performance standards of LAC 33:IX.4737.B without resulting in costs significantly greater than either the costs considered by the administrator for a facility like yours in establishing the applicable performance standards or, as appropriate, the benefits of complying with the applicable performance standards at your facility; and

iv. design and engineering calculations, drawings, and estimates prepared by a qualified professional to support the elements of the plan.

7. Verification Monitoring Plan. If you comply using compliance alternatives in LAC 33:IX.4737.A.2, 3, 4, or 5 using design and construction technologies and/or operational measures, you must submit a plan to conduct, at a minimum, two years of monitoring to verify the full-scale performance of the proposed or already-implemented technologies and/or operational measures. The verification study must begin once the design and construction technologies and/or operational measures are installed and continue for a period of time that is sufficient to demonstrate to the state administrative authority whether the facility is meeting the applicable performance standards in LAC 33:IX.4737.B or site-specific requirements developed in accordance with LAC 33:IX.4737.A.5. The plan must provide the following:

a. a description of the frequency and duration of monitoring, the parameters to be monitored, and the basis for determining the parameters and the frequency and duration for monitoring. The parameters selected and duration and frequency of monitoring must be consistent with any method for assessing success in meeting applicable performance standards in your technology installation and operation plan as required by Subparagraph B.4.b of this Section;

b. a proposal on how naturally moribund fish and shellfish that enter the cooling water intake structure would be identified and taken into account in assessing success in meeting the performance standards in LAC 33:IX.4737.B; and

c. a description of the information to be included in a biannual status report to the state administrative authority.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq., and in particular Section 2074(B)(3) and (B)(4).

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Environmental Assessment, LR 31:

§4741. As an Owner or Operator of a Phase II Existing Facility, What Monitoring Must I Perform?

A. As an owner or operator of a Phase II existing facility, you must perform monitoring, as applicable, in accordance with the technology installation and operation plan required by LAC 33:IX.4739.B.4.b, the restoration plan required by LAC 33:IX.4739.B.5, the verification monitoring plan required by LAC 33:IX.4739.B.7, and any additional monitoring specified by the state administrative authority to demonstrate compliance with the applicable requirements of LAC 33:IX.4737.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq., and in particular Section 2074(B)(3) and (B)(4).

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Environmental Assessment, LR 31:

§4743. As an Owner or Operator of a Phase II Existing Facility, What Records Must I Keep and What Information Must I Report?

A. As an owner or operator of a Phase II existing facility you must keep records and report information and data to the state administrative authority as follows.

1. You must keep records of all the data used to complete the permit application and show compliance with the requirements of LAC 33:IX.4737, any supplemental information developed under LAC 33:IX.4739, and any compliance monitoring data submitted under LAC 33:IX.4741, for a period of at least three years from date of permit issuance. The state administrative authority may require that these records be kept for a longer period.

2. You must submit a status report to the state administrative authority for review every two years that includes appropriate monitoring data and other information as specified by the state administrative authority in accordance with LAC 33:IX.4745.B.5.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq., and in particular Section 2074(B)(3) and (B)(4).

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Environmental Assessment, LR 31:

§4745. As the State Administrative Authority, What Must I Do To Comply With the Requirements of this Subchapter?

A. Permit Application. As the state administrative authority, you must review materials submitted by the applicant under LAC 33:IX.2501.R and LAC 33:IX.4739 before each permit renewal or reissuance.

1. You must review and comment on the proposal for information collection submitted by the facility in accordance with LAC 33:IX.4739.A.1. You are encouraged to provide comments expeditiously so that the permit applicant can make responsive modifications to its information gathering activities. If a facility submits a request in accordance with LAC 33:IX.4739.A.2.b for an alternate schedule for submitting the information required in LAC 33:IX.4739, you must approve a schedule that is as

expeditious as practicable, but does not extend beyond January 7, 2008. If a facility submits a request in accordance with LAC 33:IX.4739.A.3 to reduce the information about its cooling water intake structures and the source water body required to be submitted in its permit application, other than with the first permit application after September 7, 2004, you must approve the request within 60 days if conditions at the facility and in the water body remain substantially unchanged since the previous application.

2. After receiving the permit application from the owner or operator of a Phase II existing facility, you must determine which of the requirements specified in LAC 33:IX.4737 apply to the facility. In addition, you must review materials to determine compliance with the applicable requirements.

3. At each permit renewal, you must review the application materials and monitoring data to determine whether new or revised requirements for design and construction technologies, operational measures, or restoration measures should be included in the permit to meet the applicable performance standards in LAC 33:IX.4737.B or alternative site-specific requirements established in accordance with LAC 33:IX.4747.A.5.

B. Permitting Requirements. Section 316(b) (of the CWA) requirements are implemented for a facility through an LPDES permit. As the state administrative authority, you must consider the information submitted by the Phase II existing facility in its permit application, and determine the appropriate requirements and conditions to include in the permit based on the compliance alternatives in LAC 33:IX.4737.A. The following requirements must be included in each permit.

1. Cooling Water Intake Structure Requirements. The permit conditions must include the requirements that implement the applicable provisions of LAC 33:IX.4737. You must evaluate the performance of the design and construction technologies, operational measures, and/or restoration measures proposed and implemented by the facility and require additional or different design and construction technologies, operational measures, and/or restoration measures, and/or improved operation and maintenance of existing technologies and measures, if needed to meet the applicable performance standards, restoration requirements, or alternative site-specific requirements. In determining compliance with the performance standards for facilities proposing to increase withdrawals of cooling water from a lake or a reservoir in accordance with LAC 33:IX.4737.B.3, you must consider anthropogenic factors (those not considered "natural") unrelated to the Phase II existing facility's cooling water intake structures that can influence the occurrence and location of a thermocline. These include source water inflows, other water withdrawals, managed water uses, wastewater discharges, and flow/level management practices (e.g., some reservoirs release water from deeper bottom layers). As the state administrative authority, you must coordinate with appropriate federal, state, or tribal fish and wildlife management agencies to determine if any disruption of the natural thermal stratification resulting from the proposed increased withdrawal of cooling water adversely affects the management of fisheries.

a. You must review and approve the design and construction technology plan required in LAC 33:IX.4739.B.4 to evaluate the suitability and feasibility of the design and construction technologies and/or operational measures proposed to meet the performance standards in LAC 33:IX.4737.B or site-specific requirements developed in accordance with LAC 33:IX.4737.A.5.

b. If the facility proposes restoration measures in accordance with LAC 33:IX.4737.C, you must review and approve the restoration plan required under LAC 33:IX.4739.B.5 to determine whether the proposed measures, alone or in combination with design and construction technologies and/or operational measures, will meet the requirements under LAC 33:IX.4737.C.

c. In each reissued permit, you must include a condition in the permit requiring the facility to reduce impingement mortality and entrainment, or to increase fish production, if applicable, commensurate with the efficacy at the facility of the installed design and construction technologies, operational measures, and/or restoration measures.

d. If the facility implements design and construction technologies and/or operational measures and requests that compliance with the requirements in LAC 33:IX.4737 be measured for the first permit term, or subsequent permit terms, if applicable, employing the technology installation and operation plan in accordance with LAC 33:IX.4739.B.4.b, you must review the technology installation and operation plan to ensure that it meets the requirements of LAC 33:IX.4739.B.4.b. If the technology installation and operation plan meets the requirements of LAC 33:IX.4739.B.4.b, you must approve the technology installation and operation plan and require the facility to meet the terms of the plan including any revision to the plan that may be necessary if applicable performance standards or alternative site-specific requirements are not being met. If the facility implements restoration measures and requests that compliance with the requirements in LAC 33:IX.4737 be measured for the first permit term, or subsequent permit terms, if applicable, employing a restoration plan in accordance with LAC 33:IX.4739.B.5, you must review the restoration plan to ensure it meets the requirements of LAC 33:IX.4739.B.5. If the restoration plan meets the requirements of LAC 33:IX.4739.B.5, you must approve the plan and require the facility to meet the terms of the plan including any revision to the plan that may be necessary if applicable performance standards or site-specific requirements are not being met. In determining whether to approve a technology installation and operation plan or restoration plan, you must evaluate whether the design and construction technologies, operational measures, and/or restoration measures the facility has installed, or proposes to install, can reasonably be expected to meet the applicable performance standards in LAC 33:IX.4737.B, restoration requirements in LAC 33:IX.4737.C.2, and/or alternative site-specific requirements established in accordance with LAC 33:IX.4737.A.5, and whether the technology installation and operation plan and/or the restoration plan complies with the applicable requirements of LAC 33:IX.4739.B. In reviewing the technology installation and operation plan, you must approve any reasonable scheduling provisions that are designed to ensure that impacts to energy

reliability and supply are minimized, in accordance with LAC 33:IX.4739.B.4.b.i. If the facility does not request that compliance with the requirements in LAC 33:IX.4737 be measured employing a technology installation and operation plan and/or a restoration plan, or the facility has not been in compliance with the terms of its current technology installation and operation plan and/or restoration plan during the preceding permit term, you must require the facility to comply with the applicable performance standards in LAC 33:IX.4737.B, restoration requirement in LAC 33:IX.4737.C.2, and/or alternative site-specific requirements developed in accordance with LAC 33:IX.4737.A.5. In considering a permit application, you must review the performance of the design and construction technologies, operational measures, and/or restoration measures implemented and require additional or different design and construction technologies, operational measures, and/or restoration measures, and/or improved operation and maintenance of existing technologies and measures, if needed to meet the applicable performance standards, restoration requirements, and/or alternative site-specific requirements.

e. You must review and approve the proposed verification monitoring plan submitted under LAC 33:IX.4739.B.7 for design and construction technologies, and/or monitoring provisions of the restoration plan submitted under LAC 33:IX.4739.B.5.e, and require that the monitoring continue for a sufficient period of time to demonstrate whether the design and construction technologies, operational measures, and/or restoration measures meet the applicable performance standards in LAC 33:IX.4737.B, restoration requirements in LAC 33:IX.4737.C.2, and/or site-specific requirements established in accordance with LAC 33:IX.4737.A.5.

f. If a facility requests requirements based on a site-specific determination of best technology available for minimizing adverse environmental impact, you must review the application materials submitted under LAC 33:IX.4739.B.6 and any other information you may have, including quantitative and qualitative benefits, that would be relevant to a determination of whether alternative requirements are appropriate for the facility. If a facility submits a study to support entrainment survival at the facility, you must review and approve the results of that study. If you determine that alternative requirements are appropriate, you must make a site-specific determination of best technology available for minimizing adverse environmental impact in accordance with LAC 33:IX.4737.A.5. You, as the state administrative authority, may request revisions to the information submitted by the facility in accordance with LAC 33:IX.4739.B.6 if it does not provide an adequate basis for you to make this determination. Any alternative site-specific requirements established based on new and/or existing design and construction technologies, operational measures, and/or restoration measures, must achieve an efficacy that is, in your judgment, as close as practicable to the applicable performance standards of LAC 33:IX.4737.B without resulting in costs that are significantly greater than the costs considered by the state administrative authority for a like facility in establishing the applicable performance standards in LAC 33:IX.4737, determined in accordance with LAC

33:IX.4737.A.5.a.i-vi, or the benefits of complying with the applicable performance standards at the facility.

g. You must review the proposed methods for assessing success in meeting applicable performance standards and/or restoration requirements submitted by the facility under LAC 33:IX.4739.B.4.b.iv and/or B.5.e.i, evaluate those and other available methods, and specify how assessment of success in meeting the performance standards and/or restoration requirements will be determined, including the averaging period for determining the percent reduction in impingement mortality and entrainment and/or the production of fish and shellfish. Compliance for facilities that request that compliance be measured employing a technology installation and operation plan and/or restoration plan will be determined in accordance with Subparagraph B.1.d of this Section.

2. Monitoring Conditions. You must require the facility to perform monitoring in accordance with the technology installation and operation plan in LAC 33:IX.4739.B.4.b, the restoration plan required by LAC 33:IX.4739.B.5, if applicable, and the verification monitoring plan required by LAC 33:IX.4739.B.7. In determining any additional applicable monitoring requirements in accordance with LAC 33:IX.4741, you must consider the monitoring facility's verification monitoring, technology installation and operation, and/or restoration plans, as appropriate. You may modify the monitoring program based on changes in physical or biological conditions in the vicinity of the cooling water intake structure.

3. Recordkeeping and Reporting. At a minimum, the permit must require the facility to report and keep records specified in LAC 33:IX.4743.

4. Design and Construction Technology Approval

a. For a facility that chooses to demonstrate that it has installed and can properly operate and maintain a design and construction technology approved in accordance with LAC 33:IX.4747, the state administrative authority must review and approve the information submitted in the technology installation and operation plan in LAC 33:IX.4739.B.4.b and determine if it meets the criteria in LAC 33:IX.4747.

b. If a person requests approval of a technology under LAC 33:IX.4747.B, the state administrative authority must review and approve the information submitted and determine its suitability for widespread use at facilities with similar site conditions in its jurisdiction with minimal study. As the state administrative authority, you must evaluate the adequacy of the technology when installed in accordance with the required design criteria and site conditions to consistently meet the performance standards in LAC 33:IX.4737. You, as the state administrative authority, may only approve a technology following public notice and consideration of comment regarding such approval.

5. Biannual Status Report. You must specify monitoring data and other information to be included in a status report every two years. The other information may include operation and maintenance records, summaries of adaptive management activities, or any other information that is relevant to determining compliance with the terms of the facility's technology operation and installation plan and/or restoration plan.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq., and in particular Section 2074(B)(3) and (B)(4).

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Environmental Assessment, LR 31:

§4747. What Are Approved Design and Construction Technologies?

A. The following technologies constitute approved design and construction technologies for purposes of LAC 33:IX.4737.A.4:

1. submerged cylindrical wedge-wire screen technology, if you meet the following conditions:

a. your cooling water intake structure is located in a freshwater river or stream;

b. your cooling water intake structure is situated such that sufficient ambient counter currents exist to promote cleaning of the screen face;

c. your maximum through-screen design intake velocity is 0.5 ft/s or less;

d. the slot size is appropriate for the size of eggs, larvae, and juveniles of all fish and shellfish to be protected at the site; and

e. your entire main condenser cooling water flow is directed through the technology. Small flows totaling less than 2 MGD for auxiliary plant cooling uses are excluded from this provision;

2. a technology that has been approved in accordance with the process described in Paragraph B of this Section.

B. You or any other interested person may submit a request to the state administrative authority that a technology be approved in accordance with the compliance alternative in LAC 33:IX.4737.A.4 after providing the public with notice and an opportunity to comment on the request for approval of the technology. If the state administrative authority approves the technology, it may be used by all facilities with similar site conditions under the state administrative authority's jurisdiction. Requests for approval of a technology must be submitted to the state administrative authority and include the following information:

1. a detailed description of the technology;

2. a list of design criteria for the technology and site characteristics and conditions that each facility must have in order to ensure that the technology can consistently meet the appropriate impingement mortality and entrainment performance standards in LAC 33:IX.4737.B; and

3. information and data sufficient to demonstrate that facilities under the jurisdiction of the state administrative authority can meet the applicable impingement mortality and entrainment performance standards in LAC 33:IX.4737.B if the applicable design criteria and site characteristics and conditions are present at the facility.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq., and in particular Section 2074(B)(3) and (B)(4).

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Environmental Assessment, LR 31:

Chapter 59. Secondary Treatment under the LPDES Program

§5911. Treatment Equivalent to Secondary Treatment

This Section describes the minimum level of effluent quality attainable by facilities eligible for treatment equivalent to secondary treatment (LAC 33:IX.5903. *Facilities Eligible for Treatment Equivalent to*

Secondary Treatment) in terms of the parameters BOD₅, TSS, and pH. All requirements for the specified parameters in LAC 33:IX.5911.A, B, and C shall be achieved except as provided for in LAC 33:IX.5907, or 5911.D, E, or F.

A. - C. ...

D. Alternative State Requirements. Except as limited by LAC 33:IX.5911.F, and after notice and opportunity for public comment, the state administrative authority, subject to EPA approval, is authorized to adjust the minimum levels of effluent quality set forth in LAC 33:IX.5911.A.1-2, and B.1-2 for trickling filter facilities and in LAC 33:IX.5911.A.1-2 for waste stabilization pond facilities, to conform to the BOD₅ and TSS effluent concentrations consistently achievable through proper operation and maintenance (LAC 33:IX.5903) by the median (50th percentile) facility in a representative sample of facilities within the state or appropriate contiguous geographical area that meet the definition of facilities eligible for treatment equivalent to secondary treatment (LAC 33:IX.5903).

E. - F.2. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq., and in particular Section 2074(B)(3) and (B)(4).

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Water Resources, LR 21:945 (September 1995), amended by the Water Pollution Control Division, LR 23:726 (June 1997), repromulgated by the Office of Environmental Assessment, Environmental Planning Division, LR 30:232 (February 2004), amended by the Office of Environmental Assessment, LR 31:

Chapter 71. Appendices

§7103. Appendix B Criteria for Determining a Concentrated Animal Feeding Operation Reserved

Repealed and Reserved.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq., and in particular Section 2074(B)(3) and (B)(4).

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Water Resources, LR 21:945 (September 1995), repromulgated by the Office of Environmental Assessment, Environmental Planning Division, LR 30:233 (February 2004), repealed by the Office of Environmental Assessment, LR 31:

A public hearing will be held on January 25, 2005, at 1:30 p.m. in the Galvez Building, Oliver Pollock Conference Room C111, 602 N. Fifth Street, Baton Rouge, LA 70802. Interested persons are invited to attend and submit oral comments on the proposed amendments. Should individuals with a disability need an accommodation in order to participate, contact Judith A. Schuerman, Ph.D., at the address given below or at (225) 219-3550. Free parking is available across the street in the Galvez parking garage when the parking ticket is validated by department personnel at the hearing.

All interested persons are invited to submit written comments on the proposed regulation. Persons commenting should reference this proposed regulation by WQ057*. Such comments must be received no later than January 25, 2005, at 4:30 p.m., and should be sent to Judith A. Schuerman, Ph.D., Office of Environmental Assessment, Regulation Development Section, Box 4314, Baton Rouge, LA 70821-4314 or to fax (225) 219-3582 or by e-mail to judith.schuerman@la.gov. The comment period for this Rule ends on the same date as the public hearing. Copies of this proposed regulation can be purchased by contacting the

DEQ Public Records Center at (225) 219-3168. Check or money order is required in advance for each copy of WQ057*. This regulation is available on the Internet at <http://www.deq.louisiana.gov/planning/regs/index.htm>.

This proposed regulation is available for inspection at the following DEQ office locations from 8 a.m. until 4:30 p.m.: 602 N. Fifth Street, Baton Rouge, LA 70802; 1823 Highway 546, West Monroe, LA 71292; State Office Building, 1525 Fairfield Avenue, Shreveport, LA 71101; 1301 Gadwall Street, Lake Charles, LA 70615; 201 Evans Road, Building 4, Suite 420, New Orleans, LA 70123; 111 New Center Drive, Lafayette, LA 70508; 110 Barataria Street, Lockport, LA 70374.

Wilbert F. Jordan, Jr.
Assistant Secretary

0412#056

NOTICE OF INTENT

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

Performance-Based Energy Efficiency Contracting (LAC 34:V.105)

In accordance with R.S. 49:950 et seq., the Commissioner of Administration promulgates this proposed Rule for performance-based energy efficiency contracting pursuant to Act 869 of the 2004 Regular Session of the Legislature, in order to implement the provisions of that Act. This proposed Rule is necessary to permit the award of performance-based energy efficiency contracts, as such contracts are defined in R.S. 39:1484(A)(14), "performance contracts", and for the audit, review, approval and oversight of such contracts, all consistent with the Energy Management Act of 2001, R.S. 39:251 et seq. This new Section shall be incorporated by reference into every performance contract and into every "request for proposals" prepared pursuant to R.S. 39:1496.1 and the following proposed Rule.

Title 34

GOVERNMENT CONTRACTS, PROCUREMENT AND PROPERTY CONTROL

Part V. Procurement of Professional, Personal, Consulting and Social Services

Chapter 1. Procurement of Professional, Personal, Consulting and Social Services

Subchapter A. General Provisions

§105. Performance-Based Energy Efficiency Contracting

A. Preparation of Requests for Proposals

1. Performance contracts shall be considered to be consulting services contracts under the provisions of Title 39, Chapter 16 of the Louisiana Revised Statutes and shall be awarded in accordance with the provisions of that Chapter, the rules and regulations promulgated by OCR pursuant to that Chapter, and this Section.

2. Prior to its preparation of an RFP, a state agency, as defined in R.S. 39:2 (hereinafter, "user agency") shall perform a needs analysis in accordance with the provisions of Title 39, Chapter 16 of the Louisiana Revised Statutes and the rules and regulations promulgated by the Division of

Administration, through its Office of Contractual Review ("OCR") pursuant to that Chapter. Such needs analysis shall be in a form approved by the Commissioner of Administration or his designated agent and shall include a detailed audit of energy use.

3. Prior to its preparation of an RFP, a user agency shall submit its needs analysis to the Commissioner of Administration or his designated agent for approval.

4. Upon approval of a user agency's needs analysis pursuant to this Section, such user agency shall prepare an RFP in a form approved by OCR, which form shall require proposers to separately itemize the costs and savings associated with each proposed energy cost savings measure ("ECSM"). In accordance with the provisions of Title 39, Chapter 16 of the Louisiana Revised Statutes and the rules and regulations promulgated by OCR pursuant to that Chapter, every RFP shall indicate the relative importance of price and other evaluation factors, shall clearly define the tasks to be performed under the performance contract, the criteria to be used in evaluating the proposals and the time frames within which the work must be completed. Prior to advertising its RFP, a user agency shall submit it to the Commissioner of Administration or his designated agent and obtain his written consent to the advertisement of the RFP.

5. Upon approval of a user agency's RFP, such user agency shall advertise its RFP in accordance with the provisions of Title 39, Chapter 16 of the Louisiana Revised Statutes and the rules and regulations promulgated by OCR pursuant to that Chapter.

B. Evaluation of Submitted Proposals

1. A user agency shall review any proposals it timely receives in response to its RFP and shall submit to the Department of Natural Resources ("DNR") the results of its review, along with each proposal that is responsive and responsible and otherwise in accordance with the provisions of Title 39, Chapter 16 of the Louisiana Revised Statutes, the rules and regulations promulgated by OCR pursuant to that Chapter, and this Section. A user agency shall not make a final selection from among the proposals it submits to DNR.

2. Prior to the award of any performance contract, DNR shall evaluate all proposals submitted by a user agency for that performance contract. In its evaluation, DNR shall include suggestions, if appropriate, for the resolution of any unique issues arising in connection with a particular proposed performance contract. DNR's evaluation shall also include, but not be limited to, a consideration of the following:

- a. whether proposed ECSMs are in compliance with the provisions of R.S. 39:1496.1;
- b. whether proposed ECSMs will generate net savings, as those terms are defined in Subsection E of this Section; and
- c. whether the proposed protocol for measuring and verifying the energy savings guaranteed in the contract conforms to the latest standards set forth by the International Performance Measurement and Verification Protocol.

3. DNR shall, within 60 days of the receipt of the submitted proposals, forward to the Commissioner of Administration or his designated agent DNR's written evaluation of the submitted proposals, along with the results of the review of the submitted proposals by the user agency. DNR shall not make a final selection from among the

proposals it forwards to the Commissioner of Administration or his designated agent.

4. Prior to the award of any performance contract, the Commissioner of Administration or his designated agent may retain an independent consultant in accordance with this Section. Such independent third-party consultant shall evaluate all proposals and written evaluations submitted by DNR to the Commissioner of Administration or his designated agent. Such evaluation shall be in accordance with the provisions of Title 39, Chapter 16 of the Louisiana Revised Statutes, the rules and regulations promulgated by OCR pursuant to that Chapter, and this Section. After completing its evaluation, an independent consultant shall submit to the Commissioner of Administration or his designated agent the written results of such evaluation, along with the written evaluation provided by DNR. An independent consultant shall not make a final selection from among the proposals it evaluates.

5. Prior to retaining an independent third-party consultant pursuant to this Section, the Commissioner of Administration or his designated agent shall require every proposed independent consultant to execute a written certification verifying that he or she has no direct conflict of interest as to the user agency that requested the proposals to be evaluated, the proposals themselves and/or those who submitted the proposals to the user agency. Such written certification shall be in a form approved by the legislative auditor. In order to assist the legislative auditor in verifying the independence of a proposed independent consultant, such proposed independent consultant shall provide to the legislative auditor any documentation or information the legislative auditor requests. A proposed independent consultant shall not be retained, unless the legislative auditor has determined that such proposed independent consultant has no direct conflict of interest as to the user agency that requested the proposals to be evaluated, the proposals themselves and/or those who submitted the proposals to the user agency.

6. After completing his review of proposals submitted by DNR and evaluations prepared by the independent consultant, if any, pursuant to this Section, the Commissioner of Administration or his designated agent shall provide written notification to a user agency that the Commissioner of Administration or his designated agent has consented to the award of a performance contract to a specified energy services company ("ESCO") or that he has not consented to the award of a performance contract. Pursuant to the provisions of Title 39, Chapter 16 of the Louisiana Revised Statutes, the rules and regulations promulgated by OCR pursuant to that Chapter, and this Section, such consent shall be given to the responsible ESCO whose proposal is determined by the Commissioner of Administration or his designated agent to be the most advantageous to the state of Louisiana, taking into consideration all of the evaluation factors set forth in the RFP, as well as any evaluations or recommendations provided by the user agency, DNR and the independent consultant, if any. In the event that the Commissioner of Administration or his designated agent determines that consent to the award of a performance contract would not be advantageous to the state of Louisiana, he shall provide the

user agency with written reasons for his decision to withhold his consent.

7. Except as explicitly set forth in this Section, no party shall disclose information derived from submitted proposals prior to the consent by the Commissioner of Administration or his designated agent to the award of a performance contract to a specified ESCO.

C. Negotiation of Performance Contracts

1. A user agency shall negotiate with an approved ESCO a performance contract in a form approved by OCR. The process of such negotiation shall be in accordance with the provisions of Title 39, Chapter 16 of the Louisiana Revised Statutes, the rules and regulations promulgated by OCR pursuant to that Chapter, and this Section. The Commissioner of Administration or his designated agent may require that an independent consultant retained pursuant to this Section participate on behalf of a user agency in the negotiation of a performance contract with an approved ESCO.

a. Notwithstanding any other provisions of this Section, every performance contract negotiated pursuant to this Section shall set forth the total units of energy saved, the method, device or financial arrangement to be used to establish the amount of such savings, the cost per unit of energy and, if applicable, the basis for any adjustment in the cost per unit of energy during the term of the contract.

b. Notwithstanding any other provisions of this Section, every performance contract negotiated pursuant to this Section shall, with respect to each ECSM included in such performance contract and in addition to fulfilling any other requirements set forth in this Section, state the following:

- i. the detailed scope of work to be performed pursuant to the performance contract;
- ii. the initial price to be paid by the user agency;
- iii. the annual energy cost savings guaranteed by the ESCO;
- iv. the annual maintenance savings guaranteed by the ESCO, including, but not limited to, services, parts, materials, labor and equipment;
- v. the annual new maintenance costs, including operating expenses added as a result of new equipment installed or service performed by the ESCO; and
- vi. the total annual savings guaranteed by the ESCO. *Total annual savings* means annual energy cost savings plus annual maintenance savings minus annual new maintenance costs.

c. Notwithstanding any other provisions of this Section, no payment shall be made to an ESCO pursuant to a performance contract unless such performance contract complies with Paragraph C.1.

2. The term of every performance contract negotiated pursuant to this Section and term of any obligation incurred by a user agency to fund a performance contract shall be for a period equal to the lesser of 20 years or the average life of the equipment installed by the ESCO and shall contain a guarantee of energy savings, which guarantee shall, at a minimum, ensure total annual savings sufficient to fully fund any financing arrangement entered into pursuant to such performance contract.

3. Every performance contract negotiated pursuant to this Section shall contain the following clause: "The

continuation of this contract is contingent upon the appropriation of funds by the legislature to fulfill the requirements of the contract. If the legislature fails to appropriate sufficient monies to provide for the continuation of the contract, the contract shall terminate on the last day of the fiscal year for which funds have been appropriated. Such termination shall be without penalty or expense to the agency, board or commission except for payments which have been earned prior to the termination date."

4. A user agency shall submit a negotiated performance contract to OCR for its review and approval. A user agency's submission of a negotiated performance contract shall be in accordance with the provisions of Title 39, Chapter 16 of the Louisiana Revised Statutes, the rules and regulations promulgated by OCR pursuant to that Chapter, and this Section.

5. At the time a performance contract is executed, the contracting ESCO shall submit a certified or cashiers check, payable to the Commissioner of Administration or his designated agent, in a sum equal to no more than 2 1/2 percent of the total value of the proposed performance contract. The percentage of such total value and the means of calculating such total value shall be determined by the Commissioner of Administration or his designated agent and shall be set forth in the performance contract.

D. Audits of Performance Contracts

1. An ESCO that enters into a performance contract shall provide the user agency with all performance information and other reports required by the performance contract.

a. An ESCO's reports to the user agency shall conform with the standards of the International Performance Measurement and Verification Protocol.

b. An ESCO's reports to the user agency shall, in addition to fulfilling any other requirements set forth in its performance contract or in this Section, state the following:

- i. the name of the user agency;
- ii. the ESCO's name and address;
- iii. whether the payment obligation under the performance contract is either:
 - (a) set as a percentage of the annual energy cost savings attributable to the services or equipment under the performance contract; or
 - (b) guaranteed by the ESCO to be less than the annual energy cost savings attributable to the services or equipment under the performance contract;
- iv. the total annual savings guaranteed by the ESCO;
- v. the total amount the user agency is required to pay under the performance contract and the term of the contract;
- vi. the total amount paid to date by the user agency and the amount paid each year to date under the performance contract;
- vii. any costs paid by the user agency which were associated with the set-up or maintenance of the performance contract or with repair or maintenance of the equipment used under the performance contract;
- viii. the annual cost to the user agency of energy or other utilities beginning two years prior to operation of the performance contract and during the operation of the performance contract; and

ix. the annual energy cost savings each year, shown also as a percentage of the annual amount to be paid by the user agency under the performance contract. When calculating annual energy cost savings, maintenance savings shall be included. *Maintenance savings* means operating expenses eliminated and future capital replacement expenditures avoided by the user agency as a result of new equipment installed or services performed by the ESCO.

2. Upon a request by a user agency, by the Commissioner of Administration or his designated agent or by the legislative auditor, an ESCO shall provide any working documents, accounting records or other materials relating to costs, pricing or any other aspect of the ESCOs performance pursuant to a performance contract. Documents, records and other materials provided by an ESCO in accordance with this Section shall be subject to review and verification by a user agency, by the Commissioner of Administration or his designated agent, by the legislative auditor, or by an independent third party selected by a user agency, by the Commissioner of Administration or by the legislative auditor.

3. User agencies shall provide to the legislative auditor copies of all performance information and other reports submitted by an ESCO pursuant to a performance contract or this Section. The legislative auditor shall conduct periodic audits of performance contracts, both during the term of such performance contracts and upon the completion of such performance contracts.

E. Retention by User Agencies of Net Savings Generated by Energy Cost Savings Measures

1. Pursuant to R.S. 39:254.B(1), a user agency that is able to demonstrate net savings from implementing an ECSM by means of a performance contract may retain its net savings relating to such ECSM, until the investment costs of implementing the ECSM are paid in full, and thereafter may retain one half of such net savings over the remaining useful life of the ECSM. Such retained net savings shall be from funds appropriated or allocated to the user agency for utility costs.

2. The Commissioner of Administration or his designated agent shall develop and promulgate such rules and regulations as are necessary to provide for the measurement and verification of net savings relating to ECSMs.

3. For the purposes of these rules, ECSM refers to a repair, equipment modification, procedure, course of action or other step taken which lowers energy costs.

4. For the purposes of these rules, *net savings* from the implementation of ECSMs shall be defined as measurable and verifiable energy cost savings that directly result from such implementation and shall be determined in accordance with the following provisions.

a. ESCOs shall employ energy savings measurement techniques that embody the best practical methods of determining net savings generated by the ECSMs to be evaluated. Such measurement techniques shall be fully defined and set forth in the RFP and performance contract that includes the ECSMs. In selecting a measurement technique, an ESCO shall consider the complexity of the ECSM to be evaluated and other factors that may affect energy use, such as changes in the mission of a facility, population, space utilization and weather.

b. Energy savings measurement may be based upon estimates, calculations or computer models, if metering is not practical.

c. Every RFP and performance contract shall set forth in detail the method to be used by an ESCO in order to determine the unit energy costs by which an energy baseline and energy savings are to be multiplied. For the purposes of these rules, an energy baseline shall be defined as the amount of energy that would be consumed annually without implementation of a given ECSM and shall be based upon historical metered data, engineering calculations, sub-metering of buildings or other energy-consuming systems, building load simulations, statistical regression analysis, or some combination of these methods.

d. The selection of every energy savings measurement technique and method of determining unit energy costs or energy baseline shall be subject to the approval of the Commissioner of Administration or his designated agent, who shall have the authority to modify such techniques and methods if he determines, in his sole discretion, that such modification is warranted by changed conditions or other circumstances affecting the accuracy or appropriateness of such techniques and methods.

e. Net savings must be real savings of money that the state of Louisiana either is currently spending or has budgeted to spend in the future. Such money must be available in the state's budget for payments against the performance contract involved. Net savings may be either recurring or one-time cost savings.

f. Examples of net savings shall include, but not be limited to, recurring operation, maintenance and repair tasks, which are currently performed by the state or its agents and which are directly related to the energy-consuming system affected by an ECSM. The savings associated with such tasks shall be net savings, if the ESCO assumes such tasks, reduces the burden of such tasks or eliminates such tasks. The Commissioner of Administration or his designated agent shall determine whether an ESCO's action with respect to a given recurring task generates net savings and shall determine the value of such net savings.

g. Net savings may also include one-time cost savings of money budgeted by the state and available to fund a project or task that is made unnecessary by the implementation of an ECSM. The Commissioner of Administration or his designated agent shall determine whether an ESCO's action with respect to a given one-time project or task generates net savings and shall determine the value of such net savings.

h. Any utility company rebates or other incentives arising in connection with the implementation of an ECSM shall be the property of the user agency. An ESCO shall provide any assistance necessary in order to permit a user agency to apply for and receive such rebates or other incentives.

F. Grandfathered Performance Contracts

1. Notwithstanding any other provision of this Section, where an RFP or a proposed performance contract is exempt from the application of Subparagraphs (a) through (d) of R.S. 39:1496.1.E(1), the selected ESCO shall, at the time a performance contract is executed, submit a certified or cashiers check, payable to the Commissioner of Administration or his designated agent, in a sum equal to no

more than 1 percent of the total value of the proposed performance contract. The percentage of such total value and the means of calculating such total value shall be determined by the Commissioner of Administration or his designated agent and shall be set forth in the performance contract.

2. Where an RFP or a proposed performance contract is exempt from the application of Subparagraphs (a) through (d) of R.S. 39:1496.1.E(1), such RFP or proposed performance contract shall not be subject to the application of Subsection A or B of this Section but shall be subject to the remaining provisions of this Section.

AUTHORITY NOTE: Promulgated in accordance with R.S. 39:1490(B).

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office Facility Planning and Control, LR 31:

Family Impact Statement

1. The Effect of This Rule on the Stability of the Family. This Rule will have no effect on the stability of the family.

2. The Effect of This Rule on the Authority and Rights of Parents Regarding the Education and Supervision of Their Children. This Rule will have no effect on the authority and rights of parents regarding the education and supervision of their children.

3. The Effect of This Rule on the Functioning of the Family. This Rule will have no effect on the functioning of the family.

4. The Effect of This Rule on Family Earnings and Family Budget. This Rule will have no effect on family earning and family budget.

5. The Effect of This Rule on the Behavior and Personal Responsibility of Children. This Rule will have no effect on the behavior and personal responsibility of children.

6. The Effect of This Rule on the Ability of the Family or Local Government to Perform the Function as Contained in the Proposed Rule. This Rule will have no effect on the ability of the family or local government to perform the function as contained in the proposed Rules.

Interested persons may submit written comments to Mark Moses, P.O. Box 94095 Baton Rouge, LA 70804-9095. Written comments will be accepted through January 15, 2005.

Jerry W. Jones
Director

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES

RULE TITLE: Performance-Based Energy Efficiency Contracting

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

The costs of the proposed action includes costs associated with the implementation of rules and regulations and the overall mandatory oversight, review, evaluation, approval and audits of performance-based contracts. It is expected there will be overall savings to state agencies due to the implementation of the proposed action. The savings are unknown and are solely dependent on guaranteed savings agreed to between the parties of the performance-based contracts.

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

It is expected there will be revenue collections in the amount specified in Act 869 to fund the activities required of state agencies involved in the implementation of the proposed action.

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

The economic benefit to persons or non-governmental groups would be limited to the energy service companies performing the work. The amount of economic benefit is unknown as the benefit is negotiated for each proposed contract.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

The impact of the proposed action on competition and employment will be negligible. Competition will remain in the form of evaluation of proposals from energy service companies as opposed to low bid in accordance with Chapter 10 of Title 38 of the Louisiana Revised Statutes.

Jerry W. Jones
Director
0412#090

Robert E. Hosse
General Section Director
Legislative Fiscal Office

NOTICE OF INTENT

Office of the Governor Division of Administration Office of State Uniform Payroll

Recoupment of Overpayments (LAC 4:III.Chapter 7)

In accordance with R.S. 42:460, notwithstanding any other provision of law to the contrary, the Office of the Governor, Division of Administration, Office of State Uniform Payroll is proposing to adopt the following Rule regarding recoupment of overpayments to state employees. The purpose of the Rule is to establish procedures for state agencies to follow when state employees have been overpaid. State agencies are to develop specific policies regarding recoupment of overpayments incorporating these procedures into their policy.

Title 4 ADMINISTRATION Part III. Payroll

Chapter 7. Recoupment of Overpayments

§701. Definitions

Active Employee Employee currently working for the agency that overpaid the employee.

Agency Any one of the 20 major departments of state government or any subdivision thereof and any other entity paid through one of the 20 major departments of state government. This includes those agencies using ISIS HR for payroll and those agencies not using ISIS HR for payroll.

Deduction Any voluntary/involuntary reduction in net pay (e.g., health insurance, united way, taxes)

Direct Deposit Reversal A formal request to the financial institution to return funds deposited into an account.

Division of Administration (DOA) The Louisiana state agency under the Executive Department which provides centralized administrative and support services to state agencies as a whole by developing, promoting, and implementing executive policies and legislative mandates.

Gaining Agency The agency to which the overpaid employee is transferring.

ISIS Human Resource System (ISIS HR) The integrated statewide information system administered by the Division of Administration, Office of State Uniform Payroll to provide uniform payroll services to state agencies.

ISIS HR Paid Agency A state agency who processes payroll through the ISIS HR system.

ISIS HR Non-Paid Agency A state agency who uses a system other than the ISIS HR system to process payroll.

Losing Agency The agency from which the overpaid employee is terminating/separating.

Net Pay The amount of compensation due to the employee after withholding all voluntary and involuntary deductions from his wages and compensation earned.

Office of State Uniform Payroll (OSUP) The section within the Division of Administration primarily responsible for the DOA statewide payroll system and administration of the rules governing state employee payroll deductions.

Overpayment Unearned compensation of state funds to employees.

Recoupment Reimbursement of overpayment that was not due an employee.

Separated Employee Employee no longer working for the agency that overpaid the employee.

Wage Payment for services to an employee.

AUTHORITY NOTE: Promulgated in accordance with R.S. 42:460.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of State Uniform Payroll, LR 31:

§703. Introduction

A. Overpayments occur when compensation that is not owed to the employee is paid in error. This includes but is not limited to overpayment of wages, annual leave paid in error, as well as, erroneous refunds of deductions. Unearned payments to employees are prohibited by Article 7, Section 14 of the Louisiana State Constitution which prohibits the donation of public funds. As a result, state agencies are required to make a reasonable effort to recoup overpayments to both active and separated employees. Agencies must also establish internal controls to prevent overpayments. State agencies are to develop specific policies regarding recoupment of overpayments incorporating these procedures into their policy.

AUTHORITY NOTE: Promulgated in accordance with R.S. 42:460.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of State Uniform Payroll, LR 31:

§705. Notification to Employee of Overpayment

A. Employees must be notified, in writing, immediately once an agency determines that an overpayment has been made, and they must be advised prior to withholding the recoupment from a future payment(s). The notification to the employee must include the following:

1. pay date(s) the overpayment occurred;
2. amount of the overpayment;
3. agency plan of action for recoupment; and
4. employee options for reimbursement of overpayment, as appropriate.

AUTHORITY NOTE: Promulgated in accordance with R.S. 42:460.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of State Uniform Payroll, LR 31:

§707. Recoupment from Active Employees

- A. The following repayment options are available:
1. direct deposit reversal:
 - a. agencies paid through ISIS HR must follow OSUP policy for direct deposit reversals;
 2. one-time deduction from a subsequent paycheck;
 3. payment plan; or
 - a. recurring deductions can be established for a period not to exceed 12 months. Agencies paid through ISIS HR must obtain approval from OSUP for exceptions to the 12 month period;
 4. personal payment from employee (i.e., check, money order):
 - a. agencies paid through ISIS HR must obtain approval from OSUP to accept a check from an active employee.

B. If an employee who has been overpaid is separating from the agency, the amount of the overpayment must be withheld from the employee's final paycheck. If the full amount is not recovered the agency should follow the guidelines in §711.

C. The amount to be recouped in a one-time payment or in recurring payments cannot bring the employee's biweekly gross hourly wage amount below the federal minimum wage. If the employee agrees to have a larger amount withheld, the agency must obtain written approval from the employee.

AUTHORITY NOTE: Promulgated in accordance with R.S. 42:460.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of State Uniform Payroll, LR 31:

§709. Recoupment from Employees Transferring to Another State Agency

A. If an overpaid employee is transferring to another state agency, and the losing agency has not completed the recoupment process, the losing agency must notify the gaining agency that the employee has an outstanding balance due the losing agency. The losing agency must provide pertinent documentation regarding the details of the overpayment and the recoupment plan established:

1. employee transferring from ISIS HR paid agency to another ISIS HR paid agency:
 - a. the gaining agency must continue any payment plan that was established at the losing agency. If a payment plan was not established, the losing agency and gaining agency must coordinate the recoupment of the overpayment through the payroll system. Agencies must follow guidelines established by the Division of Administration for transferring the funds received at the gaining agency back to the losing agency;
2. employee transferring from an ISIS HR paid agency to an ISIS HR non-paid agency, employee transferring from an ISIS HR non-paid agency to an ISIS HR paid agency, or employee transferring between two ISIS HR non-paid agencies:
 - a. the losing and gaining agencies must work together to determine a reasonable solution for recouping the overpayment from the employee and for transferring funds received at the gaining agency back to the losing agency.

B. If a payment plan is established in the payroll system of the gaining agency, the amount to be recouped in a one-time payment or in recurring payments cannot bring the employee's biweekly gross hourly wage amount below the federal minimum wage. If the employee agrees to have a larger amount withheld, the agency must obtain written approval from the employee.

AUTHORITY NOTE: Promulgated in accordance with R.S. 42:460.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of State Uniform Payroll, LR 31:

§711. Recoupment from Separated Employees

A. Agencies must notify employee of overpayment according to guidelines in §705. The written notice to the employee must include a demand for repayment.

B. The following repayment options are available:

1. one-time personal payment from employee (i.e., check, money order); or

2. payment plan:

a. employee may submit multiple payments as agreed upon with the agency;

b. the period of recoupment may not exceed 12 months. Agencies paid through ISIS HR must obtain approval from OSUP for exceptions to the 12 month period.

C. If an agency is unable to recover overpayments from a separated employee, the agency must follow agency policies regarding consulting the legal department of the specific overpaying agency to determine if legal recourse is warranted. Items to consider are:

1. total dollar value of the overpayment;

2. period of time for which the overpayment has occurred;

3. period of time that has elapsed since the overpayment;

4. cost of recoupment efforts; and

5. likelihood of success of continued recoupment efforts.

AUTHORITY NOTE: Promulgated in accordance with R.S. 42:460.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of State Uniform Payroll, LR 31:

§713. Condition of Employment

A. Prior to submitting job offers to prospective employees, a signed statement must be obtained from the prospective employee acknowledging his/her understanding that, if overpaid, the overpayment will be recouped in a future pay period after notification from the agency. Prospective employees include new hires and employees who have transferred from one agency to another agency.

B. Departments/Agencies are responsible for incorporating this condition of employment within the hiring process and withholding job offers to prospective employees failing to comply with this rule.

AUTHORITY NOTE: Promulgated in accordance with R.S. 42:460.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of State Uniform Payroll, LR 31:

§715. Agency Policies and Procedures

A. Agencies must develop policies with specific procedures to follow when an employee has been overpaid. The procedures in this rule must be incorporated into the agency policy.

1. OSUP shall provide specific details on recoupment procedures as related to the ISIS HR Payroll system via OSUP memoranda.

2. Agencies not paid through ISIS HR must develop policies as related to their payroll system.

3. Agencies must incorporate into their recoupment policy the policies and procedures for the collection and reporting of accounts receivable which are published in the November 20, 2002 edition of the *Louisiana Register*.

4. Agencies must incorporate into their recoupment policy a dispute procedure for an employee to follow if the employee does not agree with the agency claim of overpayment. If agreed upon by the agency, the amount recouped in error must then be repaid to the employee.

B. All employees and agency staff who affect the pay process in an agency including timekeepers, employee administration, payroll, and human resources, are responsible to assist in achieving an overall effective system of control to produce accurate payments. Thus, agencies are to prepare internal control policies and maintain an effective system of internal controls to prevent overpayments.

AUTHORITY NOTE: Promulgated in accordance with R.S. 42:460.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of State Uniform Payroll, LR 31:

Family Impact Statement

1. What effect will this Rule have on the stability of the family? The proposed Rule will not affect the stability of the family.

2. What effect will this have on the authority and rights of persons regarding the education and supervision of their children? The proposed Rule will not affect the authority and rights of persons regarding the education and supervision of their children.

3. What effect will this have on the functioning of the family? This Rule will not affect the functioning of the family.

4. What effect will this have on family earnings and family budget? This Rule will not affect the family earnings or family budget. The wages being recouped were never due the employee.

5. What effect will this have on the behavior and personal responsibility of children? This Rule will not affect the behavior or personal responsibility of children.

6. Is the family or local government able to perform the function as contained in this proposed Rule? No, the action proposed is strictly a state enforcement function.

Interested persons may submit written comments to the Director of the Office of State Uniform Payroll, P.O. Box 94095, Baton Rouge, LA 70804-9095. All comments must be received no later than 5 p.m., January 20, 2005.

Jena W. Cary
Director

**FISCAL AND ECONOMIC IMPACT STATEMENT
FOR ADMINISTRATIVE RULES**

RULE TITLE: Recoupment of Overpayments

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

There will be a cost savings when overpayments are recovered from employees for agencies who do not currently seek recovery of overpayments. There will also be an increase in costs to agencies who choose to hire legal counsel to collect overpayments from terminated employees. However, agencies shall evaluate the amount that will be incurred if legal counsel is sought versus the amount to be recouped prior to expending funds. The value of both the cost savings for collection of overpayments and the costs of legal counsel are indeterminable.

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

There will be no effect on revenue collections of state or local governmental units as a result of this proposed action.

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

This action shall have no costs or economic benefits to directly affected persons or nongovernmental groups. The wages being recouped were never due the employee.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

There is no anticipated impact on competition and employment as a result of this action.

Whitman J. Kling, Jr.
Deputy Undersecretary
0412#069

Robert E. Hosse
General Government Section Director
Legislative Fiscal Office

NOTICE OF INTENT

**Department of Health and Hospitals
Board of Veterinary Medicine**

Professional Conduct; Partnerships, Corporations, and
Limited Liability Companies
(LAC 46:LXXXV.1015)

The Louisiana Board of Veterinary Medicine proposes to amend and adopt LAC 46:LXXXV.1015 in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., and the Louisiana Veterinary Practice Act, R.S. 37:1511 et seq. This text is being amended to clarify the legal guidelines and specifics for management services arrangements for veterinary practices. The proposed Rule amendment has no known impact on family formation, stability, and autonomy as described in R.S. 49:972. The proposed amendment to the rules is set forth below.

Title 46

**PROFESSIONAL AND OCCUPATIONAL
STANDARDS**

Part LXXXV. Veterinarians

Chapter 10. Professional Conduct

**§1015. Partnerships, Corporations, and Limited
Liability Companies**

A. ...

B. For a management services arrangement to be legally permissible, it cannot provide control, whether directly or indirectly, to the management services organization of the

veterinary medical practice of a veterinarian licensed by the board as further specified herein.

1. The following words and terms, when used in this Rule, shall have the following meanings, unless the context clearly indicates otherwise.

a. *Control* The final decision making authority regarding the delivery or the manner of delivery of any services, products or procedures involving, whether directly or indirectly, the practice of veterinary medicine.

b. *Intervene* Directly or indirectly controlling the practice of veterinary medicine. Recommending or providing a management service under this Rule does not constitute intervention as long as the veterinarian licensed by the board maintains control of the practice of veterinary medicine.

c. *Management Services* Those services relating to the business operations of a veterinary practice which do not intervene in the practice of veterinary medicine. Business operations may include services related to marketing, advertising, computer software/hardware technology, etc., for systems support.

d. *Management Services Organization* A person or entity that provides management services to a veterinarian licensed by the board.

e. *Veterinary Medical Personnel* Persons under the supervision of the veterinarian, including but not limited to other veterinarians licensed or permitted by the board, veterinary technicians registered by the board, animal euthanasia technicians certified by the board, equine dentists registered by the board, preceptees participating in an approved preceptorship program, student externs, and lay people, who perform duties involved in the practice of veterinary medicine.

2. A veterinarian licensed by the board may contract with a management services organization to provide management services; however, such relationship must be in compliance with the criteria set forth herein, as well as in compliance with the Louisiana Veterinary Practice Act, the board's Rules, and other applicable laws.

3. A veterinarian licensed by the board, who contracts with a management services organization to provide management services, shall:

a. have final decision making authority regarding the purchase of inventory, supplies, products, drugs, and medications from suppliers and manufacturers of his own choosing in good faith and at arms length;

b. be responsible for compliance with all standards and requirements set forth in the Louisiana Veterinary Practice Act, the board's Rules, and other applicable laws;

c. make all decisions which involve, whether directly or indirectly, the practice of veterinary medicine and will be held accountable for such decisions in accordance with the Louisiana Veterinary Practice Act, the board's Rules, and other applicable laws;

d. maintain the professional relationship with his client and patient which shall be personal and direct;

e. specifically comply with all requirements of the Louisiana Veterinary Practice Act, the board's Rules, and other applicable laws regarding the use of business names, marketing and advertising.

4. *Prohibited Practices.* A management services organization shall not control or intervene in veterinary

medical practice of a veterinarian licensed by the board. Prohibited practices by a management services organization, whether or not authorized by contract, include but are not limited to:

- a. employing a veterinarian to practice veterinary medicine;
- b. determining compensation of a veterinarian for the practice of veterinary medicine;
- c. controlling or intervening in the practice of veterinary medicine as defined in the Louisiana Veterinary Practice Act, the board's Rules or other applicable legal authority;
- d. controlling or intervening in a veterinarian's selection or use of type or quality of medical equipment, instruments, goods, supplies and pharmaceuticals to be used in the practice of veterinary medicine;
- e. controlling or intervening in a veterinarian's diagnostic and/or treatment decisions or regimen used in the practice of veterinary medicine;
- f. determining the amount of time a veterinarian may spend with a patient or client;
- g. owning pharmaceuticals, unless the pharmaceuticals are owned in compliance with applicable Louisiana or federal law;
- h. establishing the price to be charged to the veterinary client for the goods, supplies and pharmaceuticals used in the practice of veterinary medicine;
- i. owning and controlling the records of patients of the veterinarian;
- j. mandating compliance with specific professional standards, protocols or practice guidelines relating to the practice of veterinary medicine;
- k. placing limitations or conditions upon the communications between a veterinarian and client, as well as between a veterinarian and the board;
- l. encouraging or requiring a veterinarian to make referrals of patients in violation of the Louisiana Veterinary Practice Act, the board's Rules or other applicable legal authority;
- m. deterring, whether directly or indirectly, a veterinarian, his staff or employees, from reporting alleged violations of the Louisiana Veterinary Practice Act, the board's Rules or other applicable legal authority regulating the practice of veterinary medicine and its components.

5. A veterinarian licensed by the board, and business entities owned by and comprised entirely of veterinarians licensed by the board practicing veterinary medicine, are not prohibited from the activities set forth in Subsection 4 a-j above.

6. Permitted Management Services. Permitted activities by a management services organization to a veterinarian licensed by the board, are listed as follows:

- a. providing by lease, ownership or other arrangement:
 - i. the physical location or facility used by the veterinarian; and
 - ii. the business, office and similar non-medical equipment used by the veterinarian;
- b. providing for the repair, maintenance, renovation, replacement, or otherwise of any facility or equipment used by the veterinarian in the practice of veterinary medicine;

- c. providing accounting, financial, payroll, bookkeeping, budget, investment, tax compliance and similar financial services to the veterinarian;

- d. providing information and information systems and services for the veterinarian so long as any patient records or logs required to be kept by law in these systems are clearly owned and freely accessed by the veterinarian;

- e. providing the services of billing and collection of the veterinarian's fees and charges;

- f. arranging for the collection or sale of the veterinarian's accounts receivable;

- g. providing consultant services regarding advertising, marketing and public relations in compliance with Louisiana Veterinary Practice Act, the board's Rules and any other applicable legal authority;

- h. providing contract negotiation, drafting and similar services for the veterinarian;

- i. providing non-veterinary medical personnel for the physical location or facility for the purposes of reception, scheduling, messaging and similar coordination services for the veterinarian;

- j. assisting in obtaining any business license and permit necessary to operate a practice of veterinary medicine that may be required, including the veterinarian's license, and any annual renewal thereof, to practice veterinary medicine; however, the veterinarian shall ultimately be responsible for all licenses and permits required to operate the practice of veterinary medicine, including the timely renewal of his license, as well as the required annual continuing education for renewal and payment of applicable fees;

- k. assisting in recruiting, continuing education, training and legal and logistical per review services for the veterinarian;

- l. providing insurance, purchasing and claims services for the veterinarian, and including the veterinarian and veterinary medical personnel on the same insurance policies and benefit plans as the management services organization as allowed by applicable law;

- m. providing consulting, business and financial planning and business practices advice;

- n. employing and controlling persons who:

- i. perform management services; or

- ii. are veterinarians employed by the management services organization to perform management services but not the practice of veterinary medicine; or

- iii. perform management, administrative, clerical, receptionist, secretarial, bookkeeping, accounting, payroll, billing, collection, and janitorial services.

7. Disclosure of Management Services Contracts. A veterinarian licensed by the board that intends to contract, or has contracted, with a management services organization shall:

- a. make available for inspection by the board at the board's office a copy of the proposed contract, and thereafter any amendment to or renewal of an existing contract, with a management services organization for the board to determine compliance with this Rule prior to signing the contract, amendment or renewal. The board will make every effort in good faith to review the contract, or any amendment or renewal, within a reasonable time period;

NOTICE OF INTENT

Department of Health and Hospitals Board of Veterinary Medicine

Registered Equine Dentists
(LAC 46:LXXXV.1515)

b. make available for inspection by the board, upon written demand, at the board's office a copy of the contract, as amended or renewed, with the management services organization;

c. make available for inspection by the board, upon written demand, at the board's office a copy of any documents which implement or relate to the contract, as amended or renewed, with the management services organization;

d. make available to the board, upon written demand, at the board's office a copy of any contract, including amendments and renewals, with the management services organization as part of an investigation of a veterinarian or any veterinary medical personnel.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1518 et seq.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Veterinary Medicine, LR 16:229 (March 1990); amended LR 25:1628 (September 1999); LR 31:

Interested parties may submit written comments to Wendy D. Parrish, Administrative Director, Louisiana Board of Veterinary Medicine, 263 Third Street, Suite 104, Baton Rouge, LA 70801, or by facsimile to (225) 342-2142. Comments will be accepted through the close of business on January 13, 2005. If it becomes necessary to convene a public hearing to receive comments in accordance with the Administrative Procedure Act, the hearing will be held on Thursday, January 27, 2005, at 10 a.m. at the office of the Louisiana Board of Veterinary Medicine, 263 Third Street, Suite 104, Baton Rouge, Louisiana.

Wendy D. Parrish
Administrative Director

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES

RULE TITLE: **Partnerships, Corporations and Limited Liability Companies**

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

There will be no costs or savings to state or local governmental units, except for those associated with publishing the amendment (estimated at \$150 in FY 2005). Licensees will be informed of this rule change via the board's regular newsletter or other direct mailings, which result in minimal costs to the Board.

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

There will be no effect on revenue collections of state or local governmental units as no increase in fees will result from the amendment.

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

The proposed rule amendment clarifies legal guidelines and specifics for management service arrangements in Louisiana so as to maintain control of the veterinary medical practice by the veterinarian licensed by the Board as required by law.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

No impact on competition and employment is anticipated as a result of the proposed rule.

Wendy D. Parrish
Administrative Director
0412#036

H. Gordon Monk
Staff Director
Legislative Fiscal Office

The Louisiana Board of Veterinary Medicine proposes to amend and adopt LAC 46:LXXXV.1515 in accordance with the provisions of the Administrative Procedure Act, R.S. 49:953 et seq., and the Louisiana Veterinary Practice Act, R.S. 37:1569. This text is being amended to clarify and implement the regulatory requirements of a registered veterinary technician and/or layperson employed by a veterinarian, with the proper training and under the appropriate supervision, to perform limited equine dentistry procedures. The proposed rule amendment has no known impact on family formation, stability, and autonomy as described in R.S. 49:972. The proposed amendment to the rules is set forth below.

Title 46

PROFESSIONAL AND OCCUPATIONAL STANDARDS

Part LXXXV. Veterinarians

Chapter 15. Registered Equine Dentists

§1515. Practice and Duties

A. No person shall practice equine dentistry in Louisiana unless issued a certificate of approval by the board or the person qualifies for limited exception to certification as set forth in Subsection F below.

B. - E.2.e. ...

F. With proper training and under the direct supervision of a licensed veterinarian, a layperson or registered veterinary technician employed by a licensed veterinarian may perform the rasping (floating) of molar, premolar, and canine teeth and the removal of deciduous incisor and premolar teeth (caps) of a horse. However, a layperson or registered veterinary technician shall not extract teeth, amputate large molar, incisor, or canine teeth, extract first premolar (wolf teeth), or repair the damaged or diseased teeth of a horse.

1. The following words and terms, when used in this Rule and Rule 710D, shall have the following meanings.

a. *Proper Training* Prior to providing the procedures stated in Subsection F above, a layperson or registered veterinary technician shall have successfully completed a training program approved by the board which shall consist of classroom instruction and practical courses appropriate to the rasping (floating) of molar, premolar, and canine teeth and removal of deciduous incisor and premolar teeth (caps) of a horse.

b. *Direct Supervision* The supervising licensed veterinarian shall be readily accessible by beeper or cell phone, as well as physically present within a 30 mile radius of and 30 minutes or less travel time from the premises where the procedure is to be rendered by the layperson or registered veterinary technician.

c. *Employed by the Licensed Veterinarian* The layperson or registered veterinary technician shall be employed by a licensed veterinarian which shall be demonstrated by the issuance of a W-2 tax statement or other appropriate document evidencing the employment

relationship as approved by the board. A layperson or registered veterinary technician working as an independent contractor, partner or any other business arrangement with a licensed veterinarian, shall not be considered employed by the licensed veterinarian for purposes of the limited exception.

d. *Licensed Veterinarian* A veterinarian licensed by the board.

2. The supervising veterinarian shall establish the veterinarian-client-patient relationship as defined in Rule 700 prior to the rendering of a procedure by the layperson or registered veterinary technician which shall be documented as part of the veterinarian's medical records regarding the horse. The permissible procedures delegated to a layperson or registered veterinary technician is at the discretion of the supervising licensed veterinarian who is ultimately responsible for the acts or omissions of these persons.

3.a. A legible record shall also be maintained on each horse which shall include the owner's name, address and telephone number, and identifying information on the horse, which shall include:

- i. the name, permanent identification marks, age, sex, and color;
- ii. the layperson or registered veterinary technician's name, address and telephone number who provided the procedure;
- iii. nature of dental complaint;
- iv. method of restraint used during the procedure;
- v. type of dental procedure and date performed;
- vi. description of the outcome of the procedure;

and
vii. recommendations, if any, to the owner following the procedure.

b. The supervising veterinarian shall ultimately be responsible to maintain the record set forth herein as part of the medical records of the horse.

4. The layperson or registered veterinary technician shall not prescribe, recommend, or administer any legend drug or controlled substance.

5. The layperson or registered veterinary technician shall not be identified or referred to as a registered equine dentist.

6. A supervising licensed veterinarian who violates, or otherwise fails to comply with this Rule, or any part thereof, including any applicable state and federal laws and/or regulations, shall be guilty of unprofessional conduct within the meaning of R.S. 37:1526(14).

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1568.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Veterinary Medicine, LR 26:492 (March 2000), LR 31:

Interested parties may submit written comments to Wendy D. Parrish, Administrative Director, Louisiana Board of Veterinary Medicine, 263 Third Street, Suite 104, Baton Rouge, LA 70801, or by facsimile to (225) 342-2142. Comments will be accepted through the close of business on January 13, 2005. If it becomes necessary to convene a public hearing to receive comments in accordance with the

Administrative Procedure Act, the hearing will be held on Thursday, January 27, 2005, at 10 a.m. at the office of the Louisiana Board of Veterinary Medicine, 263 Third Street, Suite 104, Baton Rouge, Louisiana.

Wendy D. Parrish
Administrative Director

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES

RULE TITLE: Registered Equine Dentists

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

There will be no costs or savings to state or local governmental units, except for those associated with publishing the amendment (estimated at \$200 in FY 2005). Licensees will be informed of this rule change via the board's regular newsletter or other direct mailings, which result in minimal costs to the Board.

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

There will be no effect on revenue collections of state or local governmental units as no increase in fees will result from the amendment.

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

The proposed rule amendment clarifies and implements the training, supervision and employment of a registered veterinary technician and/or layperson employed by a veterinarian (less than 25), with proper training and under the appropriate supervision, to perform limited equine dentistry procedures.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

No impact on competition and employment is anticipated as a result of the proposed rule.

Wendy D. Parrish
Administrative Director
0412#037

H. Gordon Monk
Staff Director
Legislative Fiscal Office

NOTICE OF INTENT

Department of Health and Hospitals Office for Addictive Disorders Addictive Disorder Regulatory Authority

Addictive Disorder Practice Requirements (LAC 46:LXXX.Chapters 1-19)

Notice is hereby given, in accordance with the Administrative Procedure Act, R.S. 49:950 et seq., that the Department of Health and Hospitals, Office for Addictive Disorders, Addictive Disorder Regulatory Authority, pursuant to the authority vested in the Department of Health and Hospitals by the Addictive Disorders Practice Act, R.S. 37:3386-3390.6, intends to amend Title 46:LXXX by repealing Chapters 1-19 thereof and in place of the repealed provisions, adopting regulations implementing the Addictive Disorders Practice Act. The proposed Rule is set forth below.

Title 46
PROFESSIONAL AND OCCUPATIONAL
STANDARDS

Part LXXX. Substance Abuse Counselors

Chapter 1. General Provisions

§101. Scope

A. The rules of this Part are relative to and govern the issuing of practice credentials and certifications to addictive disorders counselors and prevention professionals by the Louisiana Department of Health and Hospitals, Office for Addictive Disorders, Addictive Disorder Regulatory Authority, and all related matters.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3388.4

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office for Addictive Disorders, Addictive Disorder Regulatory Authority, LR 31:

§103. Source and Authority

A. These rules are promulgated by the Louisiana Department of Health and Hospitals, Office for Addictive Disorders, Addictive Disorder Regulatory Authority to provide for and implement its authority and responsibility pursuant to the Addictive Disorders Practice Act (the Act), R.S. 37:3386-3390.6, Acts 2004, No. 803, § 3.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3388.4

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office for Addictive Disorders, Addictive Disorder Regulatory Authority, LR 31:

§105. Definitions

A. As used in these rules, the following terms shall have the meanings specified.

Act The Addictive Disorders Practice Act (the act), R.S.37:3386-3390.6, Acts 2004, No. 803, § 3, sometimes referred to as "the Act."

Addictive Disorder Counselor Any person who, by means of his specific knowledge acquired through formal education and practical experience, is qualified to provide addictive disorder counseling services which utilize the basic core functions/Knowledge, Skills, and Attitudes specific to addictive disorder counseling and is recognized as such by the ADRA as a Licensed, Certified, and/or Registered Addiction Counselor. The ADRA shall consider any person providing such services as purporting to be an addictive disorder counselor.

Addictive Disorder Regulatory Authority (ADRA) The office within the Louisiana Department of Health and Hospitals, Office for Addictive Disorders designated to provide for and implement the authority allowed or required by the Act.

Approved Clinical Training Program Any clinical setting involving addictive disorder treatment, addictive disorder counseling services or prevention intervention services which has applied for, received, and maintained approval by the ADRA. The ADRA shall provide for institutions to register as being ADRA approved for clinical training in addictive disorder treatment, counseling and prevention, as well as in any other certifications or creditable offered or recognized by the ADRA.

Approved Educational Program Any course, workshop, seminar, conference or other educational program presented by an organization which has applied for, received, and maintained approval by the ADRA. The ADRA shall provide

for organizations to register as being ADRA approved as an education provider in the field of addictive disorder counseling and prevention.

Approved Institution of Higher Education Any university or college accredited by a recognized regional accrediting body which has applied for, received, and maintained approval of the ADRA. The ADRA shall provide for institutions of higher education to register as being ADRA approved for higher education in addictive disorder counseling and prevention.

Core Functions The screening, intake, orientation, assessment, treatment planning, counseling, case management, crisis intervention, client education, referral, reports and record keeping activities associated with counseling and consultation with credentialed professionals.

Certified Clinical Supervisor Any person holding the necessary credentials of licensed, certified or registered addiction counselor or other qualified mental health professional who has satisfied the requirements established by the department to provide clinical supervision.

Clinical Supervision The interpersonal tutorial relationship between a clinical supervisor and a licensed, certified, registered, or counselor-in-training addiction professional or prevention professional or prevention specialist in training centered on the goals of skill development and professional growth through learning and utilization of best practices.

Counselor-In-Training (CIT) or Prevention Specialist-In-Training (PSIT) A status held by any person who has not yet met the qualifications to become credentialed in a particular field but who has made application in the manner prescribed in the act and these rules and is registered as such by the ADRA.

Direct Supervision Responsible, continuous, on-the-premises observation, by a certified clinical supervisor or qualified professional supervisor approved by the ADRA, whereby the supervisor is personally present in the servicing facility and immediately available to the service area. Direct supervision may include treatment team or staffing meetings, observation in group, individual, family, education or other, private conversations (one to one) discussing cases, core functions, KSA's or reviews of charts or medical records. The professional providing direct supervision shall be ultimately responsible for the acts or omissions of the counselor in training or prevention specialist is training he is supervising.

IC and RC The International Certification and Reciprocity Consortium. Sometimes referred to as "ICRC."

Knowledge, Skills, and Attitudes (KSA) The knowledge, skills, and attitudes of addictions counseling as designated by ADRA as being necessary for effective addiction counseling and required to be utilized in providing addiction counseling services.

Performance Domains For prevention specialists are:

- a. education and skill development;
- b. community organization;
- c. public and organization policy;
- d. planning and evaluation; and
- e. professional growth and responsibility.

Prevention Intervention Services The provision of prevention services and intervention to those at risk of abuse of alcohol, tobacco, and other drugs.

Qualified Professional Supervisor (QPS) Can addictive disorder counselor or prevention professional, recognized as such by the ADRA, and who has worked in a licensed or ADRA approved addictive disorder treatment or prevention program for a minimum of two years post certification; or a qualified mental health professional, or any other professional recognized as a trainer by the ADRA upon presentation of verification and documentation of expertise.

Substance Abuse The repeated pathological use of drugs, including alcohol, which causes physical, psychological, economic, legal, or social harm to the individual user or to others affected by the user's behavior.

B. All terms used in these rules which are defined by the act, R.S. 37:3386.1, shall have the same meanings in these rules as defined by the act.

C. Masculine terms whosoever used in these rules shall also be deemed to include the feminine.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3388.4

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office for Addictive Disorders, Addictive Disorder Regulatory Authority, LR 31:

§107. Severability

A. If any provision of these rules, or the application or enforcement thereof, is held invalid, such invalidity shall not affect other provisions or applications of these rules which can be given effect without the invalid provisions or applications, and to this end the several provisions of these rules are hereby declared severable.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3388.4

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office for Addictive Disorders, Addictive Disorder Regulatory Authority, LR 31:

Chapter 3. Practice

§301. Scope of Practice

A. The practice of addictive disorder counseling within the meaning and intent of these rules and regulations shall consist of the rendering of professional guidance to individuals suffering from addictive disorders to assist them in gaining an understanding of the nature of their disorder and developing and maintaining a responsible life style. The scope of practice shall include making appropriate referrals to qualified professionals, providing counseling to family members when appropriate, and utilizing the core functions and KSA's of addictive disorder counseling.

B. The practice of prevention within the meaning and intent of these rules and regulations shall consist of the rendering of professional guidance to those at risk of alcohol, tobacco and other drugs and to assist them in gaining an understanding of the nature of their disorder and developing and maintaining a responsible lifestyle and no longer in need of prevention intervention services. The scope of the practice shall include making appropriate referrals to qualified professionals and utilizing the performance domains of prevention.

C. Nothing in these rules and regulations shall be construed to authorize an addictive disorder counselor, compulsive gambling counselor, or prevention specialist to practice medicine, social work, or psychology, or to provide any counseling other than addictive disorders counseling or prevention services. An addictive disorder counselor, compulsive gambling counselor, or prevention specialist

shall not order, administer, or interpret psychological tests or utilize psychometric procedures.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3388.4

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office for Addictive Disorders, Addictive Disorder Regulatory Authority, LR 31:

§303. Minimum Standards of Practice

A. The minimum standard of practice for Addiction Counselors and Prevention Professionals will be met if:

1. the individual has a valid and current credential issued or recognized by and is in good standing with the ADRA;

2. the individual adheres to the code of ethics as set forth in these rules; and

3. the individual practices within the scope of practice defined in the act in these rules.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3388.4

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office for Addictive Disorders, Addictive Disorder Regulatory Authority, LR 31:

Chapter 5. ADRA Documents and Payment of Costs

§501. Reserved Fees

§503. ADRA Documents

A. Official Records

1. Office records of the ADRA shall be maintained at the office of the ADRA or other depository authorized by the ADRA.

2. All official records of the ADRA excluding materials containing information considered confidential, shall be open for inspection during regular office hours.

3. Any person desiring to examine official records shall be required to properly identify himself and sign statements listing the records questioned and examined. Records which are stored in historical files or which have been authorized for off-site storage may require the payment of costs for research and location.

4. Official records shall not be taken from the ADRA's office without the express authorization of the Director of the ADRA. Persons may obtain copies of records upon written request and by paying a fee prescribed by the Division of Administration.

B. Certificate

1. The ADRA shall prepare and provide to each credentialed professional a certificate which lists the individual's name, the credential issued, date of initial certification, and certification number.

2. Original certificates shall not be issued until the application has been evaluated and approved by official action of the ADRA. The ADRA may set the effective date and expiration date of the certificate at the time of approval.

3. Replacement certificates, including credentials re-designated pursuant to the authority of R.S.37.3388.3, shall be issued when the required request has been received and the cost of issuing the replacement certificate paid. Replacement certificates, other than those issued pursuant to R.S. 37:3388.3, shall contain the same information as the original certificate. Credentials re-designated pursuant to R.S. 37:3388.3, may be issued with or without a request from the holder of the credential.

4. Official certificates shall be signed by the Director and be affixed with the official seal of the State of Louisiana.

5. Currency of the certificate shall be documented by a wallet card issued by the ADRA with the date of certification or renewal and the date of expiration.

C. Roster and Mailing Lists

1. Each year the ADRA shall make available a roster of all ADRA persons holding a credential issued or recognized by the ADRA.

2. The roster shall include the name, professional address, professional telephone number and credential (s) of each individual, and such other information as the individual may permit. It is the counselor's or specialist's responsibility to keep the ADRA informed of changes of address or other information.

3. The ADRA shall make copies of the roster available to counselors, specialist's, interested agencies, and the general public upon request and upon payment of the cost incurred by the ADRA for providing the copy.

4. Rosters and mailing lists are the property of the ADRA and shall not be distributed nor used by any party other than that which initially obtained a copy.

D. Notice and Receipt

1. Any and all communications, including but not limited to notices, are official when signed by the Executive Director of the ADRA, or other authorized person, and mailed to the address of record. It is the responsibility of the individual to insure that the mailing address maintained by the ADRA is current and to advise the ADRA immediately of any change in the individual's mailing address.

2. The receipt of applications, forms, notices, and other communications by the ADRA shall be determined by the postmark date or the date actually received in the office of the ADRA, whichever is earlier.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3388.4

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office for Addictive Disorders, Addictive Disorder Regulatory Authority, LR 31:

§505. Advice and Consultation

A. The ADRA shall seek the advice of the Louisiana Commission on Alcohol and Drug Abuse. The ADRA shall also consult with the commission on matters pertaining to requirements and standards for issuing and recognizing credentials.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3388.4

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office for Addictive Disorders, Addictive Disorder Regulatory Authority, LR 31:

Chapter 7. Credentials for License/Certification/Registration

§701. Licensed Addiction Counselor (LAC)

A. The ADRA shall recognize as a LAC each candidate who:

1. possesses a Masters degree from an accredited institution of higher education. The degree shall be in human service or a behavioral science discipline or such other discipline(s) as the department may deem appropriate. The applicant shall provide the ADRA with an official (certified) copy of any an all academic transcripts. Any person seeking to be recognized as an LAC who possesses amaster's degree in a discipline other than human services or behavioral science may apply to the ADRA for a waiver. In considering the application for wavier the ADRA shall consult with

representatives of a national credentialing organization for purposes of insuring compliance with national standards and/or institutions of higher education for advice and guidance and/or the Louisiana Commission on Alcohol and Drug Abuse and may grant or deny the wavier. The ADRA may grant the waiver on such terms and conditions as are deemed appropriate and in the best interest of the public;

2. is at least 21 years of age (date the application is received);

3. is a legal resident of the United States;

4. is not in violation of any ethical standards subscribed to by the ADRA;

5. is not now, and has not been, a substance abuser or compulsive gambler for a period of two years from the date the application is received;

6. has not been convicted of, pleaded guilty, or entered a plea of nolo contendere to a felony. The applicant shall provide the ADRA with a certified copy of their criminal history. Signs the ADRA form of professional and ethical accountability and responsibility;

7. provides evidence of having satisfied the following requirements in education, supervised practical training and experience;

a. education. Has successfully completed a minimum of 270 clock hours of education with a minimum of 180 hours specific to substance abuse and up to 90 hours in related courses or areas of study. Education is defined as formal, structured instruction in the form of work shops, seminars, institutes, in-services, college/university credit courses and distance education. One hour of education is equal to 50 minutes of continuous instruction. In converting education semester hours, or other instructional semester hour programs, to clock hours, one semester hour is the equivalent of 15 clock hours and 1/10 CEU is equivalent to one clock hour. Of the 270 hours required by this provision, at least six hours must be in professional ethics. The professional ethics hours may not be obtained through "in service" training;

b. supervised practical training. Has successfully completed a minimum 300 performance hours in the KSA's and/or 12 core functions (with a minimum of 10 hours in each core function). Training is defined as a formal systematic process that focuses on skill development and integration of knowledge. The training must take place in a setting where addictive disorder counseling is provided. The training may occur as part of eligible work experience (see sub part "c" below) and may be competed under more than one supervisor or agency. All training hours must be documented and verified;

c. experience. Documents and verifies evidence of having successfully completed 2000 hours (one year) of supervised work experience providing addictive disorder counseling services. Supervised work experience must be paid or voluntary experience as a counselor who provides direct counseling services to individuals diagnosed as having one or more addictive disorders, at least one of which is alcohol or substance abuse related. Supervised work experience must be in the KSA's and 12 core functions with substance abuse clients. Unsupervised work experience will not be considered. The supervision contemplated herein must by a certified clinical supervisor with a minimum of one contact hour per week. In the event a certified clinical

supervisor is unavailable, the individual may apply to the ADRA for a waiver;

7. demonstrates professional competency in addictive disorder counseling by satisfying the IC and RC written and oral examination requirements and providing documentation of such.

8. provide three letters of recommendation attesting to the individual's fitness to be an addictive disorder counselor.

B. It is the candidate's responsibility to assure himself that his educational preparation has provided comprehensive coverage of the subjects and topics necessary to allow him to develop a sufficient knowledge base and to adequately prepare him to be able to demonstrate professional competency in addictive disorder counseling.

C. It is the candidate's responsibility to assure himself that his clinical experience has provided comprehensive training sufficient to adequately prepare him to be able to demonstrate professional competency in addictive disorder counseling.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3388.4

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office for Addictive Disorders, Addictive Disorder Regulatory Authority, LR 31:

§703. Certified Addiction Counselor (CAC)

A. The ADRA shall recognize as a CAC each candidate who:

1. possesses a Bachelor degree from an accredited institution of higher education. The degree shall be in human service or a behavioral science discipline or such other discipline(s) as the department may deem appropriate. The applicant shall provide the ADRA with an official (certified) copy of any all academic transcripts. Any person seeking to be recognized as an CAC who possesses a bachelor's degree in a discipline other than human services or behavioral science may apply to the ADRA for a waiver. In considering the application for wavier he ADRA may consult with representatives of national credentialing organization and/or institutions of higher education for advice and guidance and may grant or deny the wavier. The ADRA may grant the waiver on such terms and conditions as are deemed appropriate and in the best interest of the public;

2. is at least 21 years of age (from the date the application is received);

3. is a legal resident of the United States;

4. is not in violation of any ethical standards subscribed to by the ADRA;

5. is not now, and has not been, a substance abuser or compulsive gambler for a period of two years from the date the application is received;

6. has not been convicted of, pleaded guilty, or entered a plea of nolo contendere to a felony. The applicant shall provide the ADRA with a certified copy of their criminal history;

7. sign the ADRA form of professional and ethical accountability and responsibility;

8. provides evidence of having satisfied the following requirements in education, supervised practical training and experience:

a. education has successfully completed a minimum of 270 clock hours of education with a minimum of 180 hours specific to substance abuse and up to 90 hours

in related courses or areas of study. Education is defined as formal, structured instruction in the form of work shops, seminars, institutes, in-services, college/university credit courses and distance education. One hour of education is equal to 50 minutes of continuous instruction. In converting education semester hours, or other instructional semester hour programs, to clock hours, one semester hour is the equivalent of 15 clock hours and 1/10 CEU is equivalent to one clock hour. Of the 270 hours required by this provision, at least 6 hours must be in professional ethics. The professional ethics hours may not be obtained through "in service" training;

b. supervised practical training has successfully completed a minimum 300 performance hours in the KSA's and/or 12 core functions (with a minimum of 10 hours in each core function). Training is defined as a formal systematic process that focuses on skill development and integration of knowledge. The training must take place in a setting where addictive disorder counseling is provided. The training may occur as part of eligible work experience (see sub part "c" below) and may be competed under more than one supervisor or agency. All training hours must be documented and verified.

c. experience documents and verifies evidence of having successfully completed 4000 hours (two years) of supervised work experience providing addictive disorder counseling services. Supervised work experience must be paid or voluntary experience as a counselor who provides direct counseling services to individuals diagnosed as having one or more addictive disorders, at least one of which is alcohol or substance abuse related. Supervised work experience must be in the KSA's and 12 core functions with substance abuse clients. Unsupervised work experience will not be considered. The supervision contemplated herein must be by a certified clinical supervisor with a minimum of one contact hour per week. In the event a certified clinical supervisor is unavailable, the individual may apply to the ADRA for a waiver.

9. demonstrates professional competency in addictive disorder counseling by satisfying the IC & RC written and oral examination requirements and providing documentation of such.

10. provide three letters of recommendation attesting to the individual's fitness to be an addictive disorder counselor.

B. The scope of practice, for the Certified Addiction Counselor, shall include making appropriate referrals to qualified professionals, providing counseling to family members when appropriate, and utilizing the core functions and KSA's of addictive disorder counseling. Unless allowed an independent scope of practice, the Certified Addiction Counselor shall maintain a consulting relationship with a Licensed Addiction Counselor who shall:

1. prior to the referral of any client by the CAC, review the case and concur, in writing, as to the appropriateness of the referral;

2. prior to the providing of counseling, by the CAC, to family members of a client, review the case and concur, in writing, as to the appropriateness of the proposed counseling;

3. review each diagnostic impression formed by the CAC and indicate, in writing, whether or not the LAC concurs;

4. the comments of the LAC shall form a part of the client file.

C. It is the candidate's responsibility to assure himself that his educational preparation has provided comprehensive coverage of the subjects and topics necessary to allow him to develop a sufficient knowledge base and to adequately prepare him to be able to demonstrate professional competency in addictive disorder counseling;

D. It is the candidate's responsibility to assure himself that his clinical experience has provided comprehensive training sufficient to adequately prepare him to be able to demonstrate professional competency in addictive disorder counseling;

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3388.4

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office for Addictive Disorders, Addictive Disorder Regulatory Authority, LR 31:

§705. Registered Addiction Counselor (RAC)

A. The ADRA shall recognize as a RAC each candidate who:

1. is at least 21 years of age (from the date the application is received);
2. is a legal resident of the United States;
3. is not in violation of any ethical standards subscribed to by the ADRA;
4. Is not now, and has not been, a substance abuser or compulsive gambler for a period of two years from the date the application is received;
5. has not been convicted of, pleaded guilty, or entered a plea of nolo contendere to a felony. The applicant shall provide the ADRA with a certified copy of their criminal history.

6. signs the ADRA form of professional and ethical accountability and responsibility;

7. provides evidence of having satisfied the following requirements in education, supervised practical training and experience:

a. education. Has successfully completed a minimum of 270 clock hours of education with a minimum of 180 hours specific to substance abuse and up to 90 hours in related courses or areas of study. Education is defined as formal, structured instruction in the form of work shops, seminars, institutes, in-services, college/university credit courses and distance education. One hour of education is equal to 50 minutes of continuous instruction. In converting education semester hours, or other instructional semester hour programs, to clock hours, one semester hour is the equivalent of 15 clock hours and 1/10 CEU is equivalent to one clock hour. Of the 270 hours required by this provision, at least six hours must be in professional ethics. The professional ethics hours may not be obtained through "in service" training;

b. supervised practical training. Has successfully completed a minimum 300 performance hours in the KSA's and/or 12 core functions (with a minimum of 10 hours in each core function). Training is defined as a formal systematic process that focuses on skill development and integration of knowledge. The training must take place in a setting where addictive disorder counseling is provided. The training may occur as part of eligible work experience (see sub part "c" below) and may be completed under more than

one supervisor or agency. All training hours must be documented and verified;

c. experience. Documents and verifies evidence of having successfully completed 6000 hours (three years) of supervised work experience providing addictive disorder counseling services. Supervised work experience must be paid or voluntary experience as a counselor who provides direct counseling services to individuals diagnosed as having one or more addictive disorders, at least one of which is alcohol or substance abuse related. Supervised work experience must be in the KSA's and 12 core functions with substance abuse clients. Unsupervised work experience will not be considered. The supervision contemplated herein must be by a certified clinical supervisor with a minimum of one contact hour per week. In the event a certified clinical supervisor is unavailable, the individual may apply to the ADRA for a waiver. An Associate Degree from an accredited institution of higher education in a human services or behavioral science discipline or such other discipline (s) as the department may deem appropriate, may be substituted for 1000 hours of the 6000 hours of experience required herein;

8. demonstrates professional competency in addictive disorder counseling by satisfying the IC and RC written and oral examination requirements and providing documentation of such;

9. provides three letters of recommendation attesting to the individual's fitness to be an addictive disorder counselor;

B. The scope of practice, for the Registered Addiction Counselor, shall include making appropriate referrals to qualified professionals, providing counseling to family members when appropriate, and utilizing the core functions and KSA's of addictive disorder counseling. The Registered Addiction Counselor shall maintain a consulting relationship with a Licensed Addiction Counselor who shall:

1. prior to the referral of any client by the RAC, review the case and concur, in writing, as to the appropriateness of the referral;

2. prior to the providing of counseling, by the RAC, to family members of a client, review the case and concur, in writing, as to the appropriateness of the proposed counseling;

3. review each diagnostic impression formed by the RAC and indicate, in writing, whether or not the LAC concurs;

4. the comments of the LAC shall form a part of the client file.

C. It is the candidate's responsibility to assure himself that his educational preparation has provided comprehensive coverage of the subjects and topics necessary to allow him to develop a sufficient knowledge base and to adequately prepare him to be able to demonstrate professional competency in addictive disorder counseling;

D. It is the candidate's responsibility to assure himself that his clinical experience has provided comprehensive training sufficient to adequately prepare him to be able to demonstrate professional competency in addictive disorder counseling;

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3388.4

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office for Addictive Disorders, Addictive Disorder Regulatory Authority, LR 31:

§707. Counselor-In-Training (CIT)

A. The ADRA shall recognize as a CIT each candidate who:

1. documents that they are actively pursuing a career tract to be a licensed, certified, or registered addiction counselor;

2. is at least 18 years of age;

3. is a legal resident of the United States;

4. is not in violation of any ethical standards subscribed to by the ADRA;

5. is not now, and has not been, a substance abuser or compulsive gambler for a period of two years from the date the application is received, unless the individual has applied for and been granted a waiver by the ADRA.

6. has not been convicted of, pleaded guilty, or entered a plea of nolo contendere to a felony. The applicant shall provide the ADRA with a certified copy of their criminal history.

7. signs the ADRA form of professional and ethical accountability and responsibility;

8. provide three letters of recommendation attesting to the individual's fitness to be an addictive disorder counselor

B. The ADRA shall develop CIT Supervision guidelines and shall post the guidelines on the web site maintained by the ADRA. The guidelines shall be considered the minimum standards applicable to all CIT's and CIT supervisors. It shall be the obligation of all CIT's and CIT supervisors to regularly consult the website and review the guidelines to insure familiarity and compliance with the minimum standards.

C. It is the candidate's responsibility to assure himself that his educational preparation has provided comprehensive coverage of the subjects and topics necessary to allow him to develop a sufficient knowledge base and to adequately prepare him to be able to demonstrate professional competency in addictive disorder counseling.

D. It is the candidate's responsibility to assure himself that his clinical experience has provided comprehensive training sufficient to adequately prepare him to be able to demonstrate professional competency in addictive disorder counseling.

E. The CIT status is granted for a 12 month period. Within the 12 month period the CIT needs to provide to ADRA documentation of 20 approved continuing educational hours or documentation of actively engaged in pursuing a degree from an accredited institution of higher education in a human services or behavioral science discipline.

F. CIT shall be allowed to maintain the CIT status for an aggregate period not to exceed 72 months.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3388.4

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office for Addictive Disorders, Addictive Disorder Regulatory Authority, LR 31:

§709. Addiction Treatment Assistance (ATA)

A. The ADRA shall recognize as a ATA each candidate who:

1. is at least 16 years of age;

2. is a legal resident of the United States;

3. is not in violation of any ethical standards subscribed to by the ADRA;

4. is not now, and has not been, a substance abuser or compulsive gambler for a period of six months from the date the application is received;

5. has not been convicted of, pleaded guilty, or entered a plea of nolo contendere to a felony. The applicant shall provide the ADRA with a certified copy of their criminal history.

6. documents the completion of 6 hours of professional ethics training from an ADRA approved educational provider and signs the ADRA form of professional and ethical accountability and responsibility;

7. provides three letters of recommendation attesting to the individual's fitness to be an addictive disorder counselor.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3388.4

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office for Addictive Disorders, Addictive Disorder Regulatory Authority, LR 31:

§711. Certified Clinical Supervisor (CCS)

A. The ADRA shall recognize as a CCS each candidate who:

1. possesses a valid and current credential as a Licensed, Certified, or Registered Addiction Counselor and/or Qualified Mental Health Professional;

3. is at least 21 years of age;

4. is a legal resident of the United States;

5. is not in violation of any ethical standards subscribed to by the ADRA and does not have any pending disciplinary proceedings;

6. is not a defendant in any pending felony criminal proceedings;

7. has not been convicted of, pleaded guilty, or entered a plea of nolo contendere to a felony;

8. documents having satisfied the IC and RC requirements for certification in Clinical Supervision;

9. provides three letters of recommendation.

B. The applicant shall provide the ADRA with a certified copy of their criminal history.

C. Scope of Practice

1. The LAC or QMHP can provide clinical supervision for: LAC, CAC, RAC, CIT or ATA.

2. The CAC can provide clinical supervision for: CAC, RAC, CIT or ATA;

3. The RAC can provide clinical supervision for: RAC, CIT, ATA.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3388.4

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office for Addictive Disorders, Addictive Disorder Regulatory Authority, LR 31:

§713. Certified Compulsive Gambling Counselor (CCGC)

A. The ADRA shall recognize as a CCGC each candidate who:

1. possesses a valid and current credential as a Licensed, Certified, or Registered Addiction Counselor and/or Qualified Mental Health Professional;

2. is at least 21 years of age;

3. is a legal resident of the United States;

4. is not in violation of any ethical standards subscribed to by the ADRA and does not have any pending disciplinary actions;

5. is not a defendant in any pending felony criminal proceedings;

6. has not been convicted of, pleaded guilty, or entered a plea of nolo contendere to a felony. The applicant shall provide the ADRA with a certified copy of their criminal history.

7. signs the ADRA form of professional and ethical accountability and responsibility;

8. provides evidence of having satisfied the following requirements:

a. has successfully completed a minimum of 60 clock hours of education approved by the ADRA specific to addiction, at least six of which must be in professional ethics;

b. a minimum of 30 clock hours of education approved by the ADRA specific to gambling addiction;

9. demonstrates professional competency in compulsive gambling counseling by passing a written examination prescribed by the ADRA;

10. provides three letters of recommendation

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3388.4

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office for Addictive Disorders, Addictive Disorder Regulatory Authority, LR 31:

§715. Certified Prevention Specialist (CPS)

A. The ADRA shall recognize as a CPS each candidate who:

1. provides evidence of having satisfied the following requirements in education, supervised practical training and experience:

a. education possesses a Bachelor degree from an accredited institution of higher education or possesses a high school diploma or its equivalent. The degree shall be in human services or a behavioral science discipline. Any person seeking to be recognized as a CPS who possesses a Bachelor's degree in a discipline other than human services or behavioral science may apply to the ADRA for a waiver. In considering the application for waiver the ADRA shall consult with representatives of a national credentialing organization for purposes of insuring compliance with national standards and/or institutions of higher education for advice and guidance and/or the Louisiana Commission on Alcohol and Drug Abuse and may grant or deny the waiver. The ADRA may grant the waiver on such terms and conditions as are deemed appropriate and in the best interest of the public. The applicant must also document 100 education hours with a minimum of 50 hours specific to addictive disorder training. At least 6 of these hours must be in professional ethics;

b. supervised Practical Training must provide documentation and verification of 120 hour practicum in the five performance domains (minimum of 10 in each). The five domains are: planning and evaluation, education and skill development, community organization, public and organizational policy and professional growth and responsibility;

c. experience completes all experiential requirements prescribed by the ADRA, including the following: For an applicant with an approved Bachelor's

Degree, verification of 2000 hours (one year) of full-time prevention experience in ADRA-approved institutions related to alcohol, tobacco and other drugs; or, for an applicant with a high school diploma, five years of department approved experience consistent with the requirements discussed hereinabove;

2. documents successful completion of 30 hours of a National Prevention Training program approved by the ADRA. The 30 hours contemplated by this requirement may also be counted in and applied to the 100 hours of education required hereinabove;

3. is at least 21 years of age;

4. is a legal resident of the United States;

5. is not in violation of any ethical standards subscribed to by the ADRA;

6. is not now, and has not been, a substance abuser or compulsive gambler for a period of two years from the date the application is received;

7. has not been convicted of, pleaded guilty, or entered a plea of nolo contendere to a felony. The applicant shall provide the ADRA with a certified copy of their criminal history.

8. signs the ADRA form of professional and ethical accountability and responsibility;

9. demonstrates professional competency in prevention by satisfying the ICRC written examination requirements and providing documentation of such.

10. provide three letters of recommendation

B. It is the candidate's responsibility to assure himself that his educational preparation has provided comprehensive coverage of the subjects and topics necessary to allow him to develop a sufficient knowledge base and to adequately prepare him to be able to demonstrate professional competency in prevention.

C. It is the candidate's responsibility to assure himself that his clinical experience has provided comprehensive training sufficient to adequately prepare him to be able to demonstrate professional competency in prevention.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3388.4

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office for Addictive Disorders, Addictive Disorder Regulatory Authority, LR 31:

§717. Registered Preventionist (RP)

A. The ADRA shall recognize as a RP each candidate who:

1. possesses a high school diploma or its equivalent;

2. documents successful completion of 30 hours of a National Prevention Training program approved by the ADRA;

3. is at least 21 years of age;

4. is a legal resident of the United States;

5. is not in violation of any ethical standards subscribed to by the ADRA;

6. is not now, and has not been, a substance abuser or compulsive gambler for a period of two years from the date the application is received;

7. has not been convicted of, pleaded guilty, or entered a plea of nolo contendere to a felony. The applicant shall provide the ADRA with a certified copy of their criminal history. Signs the ADRA form of professional and ethical accountability and responsibility;

8. provide three letters of recommendation

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3388.4

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office for Addictive Disorders, Addictive Disorder Regulatory Authority, LR 31:

§719. Prevention Specialist-In-Training (PSIT)

A. The ADRA shall recognize as a PSIT each candidate who:

1. documents that they are actively pursuing a career tract to be a CPS or RPS;
2. is at least 18 years of age;
3. is a legal resident of the United States;
4. is not in violation of any ethical standards subscribed to by the ADRA;
5. is not now, and has not been, a substance abuser or compulsive gambler for a period of two years from the date the application is received;
6. has not been convicted of, pleaded guilty, or entered a plea of nolo contendere to a felony. The applicant shall provide the ADRA with a certified copy of their criminal history. Signs the ADRA form of professional and ethical accountability and responsibility;
7. it is the candidate's responsibility to assure himself that his educational preparation has provided comprehensive coverage of the subjects and topics necessary to allow him to develop a sufficient knowledge base and to adequately prepare him to be able to demonstrate professional competency in prevention;
8. it is the candidate's responsibility to assure himself that his clinical experience has provided comprehensive training sufficient to adequately prepare him to be able to demonstrate professional competency in prevention;
9. provide three letters of recommendation.

B. The PSIT status is granted for a 12 month period. Within the 12 month period the PSIT needs to provide to ADRA documentation of 20 approved continuing educational hours or documentation of actively engaged in pursuing a degree from an accredited institution of higher education in a human services or behavioral science discipline;

C. PSIT shall be allowed to maintain the PSIT status for an aggregate period not to exceed 72 months.

D. The ADRA shall develop PSIT Supervision guidelines and shall post the guidelines on the web site maintained by the ADRA. The guidelines shall be considered the minimum standards applicable to all PSIT's and PSIT supervisors. It shall be the obligation of all PSIT's and PSIT supervisors to regularly consult the website and review the guidelines to insure familiarity and compliance with the minimum standards.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3388.4

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office for Addictive Disorders, Addictive Disorder Regulatory Authority, LR 31:

§721. Certification as a Counselor by Reciprocity from Other States

A. The ADRA may issue a certificate, without examination in this state, to any person who meets the following requirements.

1. If the applicant is applying from an ICRC jurisdiction, the applicant should following the ICRC reciprocity process.

2. If the applicant is not applying from an ICRC jurisdiction, the applicant must submit an application and satisfy the following:

- a. possess a valid certificate to practice as an addiction or prevention counselor or professional or para-professional in any other state of the United States;
- b. document and verify that the certificate from the other state is based upon an examination and other requirements substantially equivalent to the requirements for practice in Louisiana.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3388.4

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office for Addictive Disorders, Addictive Disorder Regulatory Authority, LR 31:

§723. Application and Examination

A. Request for Application

1. Persons desiring information regarding certification as an LAC, CAC, RAC, CIT, ATA, CCS, CCGC, CPS, RP, or PSIT shall be sent an information brochure and a request for application form. The ADRA may, in lieu of mailing information, make such information available on line at any web site maintained by the ADRA.

2. An application package shall be made available to any interested persons. The ADRA may, in lieu of mailing, make the package available on line at any web site maintained by the ADRA

3. Any applicant for certification as an LAC, CAC, RAC, CCS, CCGC, CPS, or RP, who fails the written examination and, who, prior to the next scheduled written examination completes an ADRA approved test preparation training, shall have the application period extended to include either the next consecutive testing cycle or such subsequent testing cycle as the applicant shall designate in writing.

B. Required Application Materials

1. The application package shall contain forms for the applicant to provide information and documentation of meeting the requirements for certification. Instructions for completing the forms and submitting the package shall also be included.

2. The application package shall accommodate the variations in requirements for certification.

3. Each application package shall require the following:

a. specific information regarding personal data, employment and type of practice, any other state license and certification held, felony convictions, educational background including practicum experience, supervised experience, and references;

b. the applicant's permission for the ADRA to seek any additional information or references it deems necessary to determine the applicant's qualifications;

c. a statement that the applicant, if issued a certification, shall return the certificate, current certification card, and any other designations granted by the ADRA upon a revocation or suspension of the certification, or if required by the ADRA for good cause;

d. the application signed by the applicant, dated, and notarized;

e. a recent full face wallet size photograph of the applicant affixed to the application with the imprint of the notary seal overlapping the photograph;

f. official transcripts from the college or university from which credits are claimed;

g. a certified true copy of the applicant's criminal history, including arrests and convictions.

4. A supervisor's evaluation form shall be required. This evaluation shall be mailed directly to the office of the ADRA.

5. Three professional references shall be required. These references shall be mailed directly to the office of the ADRA.

6. An application will not be reviewed for test eligibility until the submitted application package is completed, i.e., all of the required information and forms, including a case study in the event an oral examination is required, are received by the ADRA.

C. Acceptance of Application

1. Applications will be accepted if the complete application package meets the requirements for certification with the exception of passing the required examinations.

2. Should the package submitted not meet the requirements, the applicant will be notified of the deficiencies. Applicants may correct deficiencies by submitting an addendum to their application providing additional or corrected information.

3. The ADRA shall rule on any questions concerning applications for certification.

4. Upon notification that the application is acceptable, the applicant becomes a candidate for certification.

a. Candidates requiring examination are then eligible to request the examinations required for the field for which they are seeking certification.

b. The applications of candidates not requiring examination are ready for evaluation by the ADRA for approval and issue of certification and the candidates shall be so notified.

D. Examination

1. Candidates must request examination by submitting the required form including a written case study if required to take an oral examination. In those instances in which the required examination is administered by a third party, the ADRA will make every effort to coordinate the communication of information with and to the testing entity.

2. The ADRA shall determine the scope of the examination(s) to provide the opportunity for the candidate to demonstrate competency in the field for which he seeks certification, or shall designate the examination(s) which satisfy the ADRA requirements. Unless otherwise indicated, the ICRC tests and testing protocols, satisfy the ADRA requirements for examination(s). After three written examination failures, the ADRA may, in addition to the test preparation training, impose on the applicant such conditions as may be deemed appropriate to enhance the individual's training and/or clinical experience and/or to supplement preparation for the examination.

3. The ADRA shall notify each candidate of the examination results only after the examination results have been certified. Regardless of which numerical or other scoring system is used to arrive at examination results, the official notice of results to applicants shall be stated in terms of passed or failed.

4. The application of a candidate who fails to appear for an examination date selected or agreed to by the

candidate for reasons other than documented illness or other causes beyond the candidate's control becomes void. The candidate must re-apply and may be required to reimburse the ADRA for the cost of the examination, in accordance with the policy of the ADRA. The candidate shall sign a form consenting to the policy prior to being certified as eligible to take the examination

5. Satisfaction of the examination requirements by the applicant, does not guarantee the issuance of a credential or certification. Applicants who pass all required examinations shall be deemed eligible for, and undergo, final evaluation by the ADRA prior to the issuing of a credential or certification and the applicants shall be so notified.

6. The ADRA shall rule on any questions concerning examination.

E. Approval and Issue

1. The ADRA shall issue the practice credential, certification or status as a LAC, CAC, RAC, CIT, ATA, CCS, CCGC, CPS, RP, and/or PSIT to a candidate when all (application package, test, documentation, ADRA verification) appropriate measures have been successfully completed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3388.4

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office for Addictive Disorders, Addictive Disorder Regulatory Authority, LR 31:

§725. Renewal

A. Every practice credential or certification issued under these rules and regulations shall be renewed every two years. The status of CIT/ PSIT is issued for one year.

B. It shall be the responsibility of the individual to timely renew all practice credentials and certifications.

C. The ADRA shall renew a credential or certification only upon receipt of an application for renewal and proof of the required continuing professional education hours. If satisfied of the accuracy of the application for renewal, the ADRA shall issue a new wallet card with the date of renewal and the new expiration date.

D. Applications for renewal which do not satisfy the requirements will be deficient. The individual will be notified and allowed to correct the deficiency. It is the individual's responsibility to correct the deficiency prior to the expiration date of his certification.

E. The ADRA shall rule on any questions regarding applications for renewal of certification.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3388.4

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office for Addictive Disorders, Addictive Disorder Regulatory Authority, LR 31:

§727. Continuing Professional Education

A. Renewal

1. Within the two years prior to application for renewal, all LAC, CAC, RAC, and CPS must completed at least 48 clock hours of education directly applicable to addictive disorder counseling or prevention, whichever is applicable, at least six of which must be in professional ethics.

2. Within the two years prior to application for renewal, and in addition to any other education hours required herein, the CCS, CCGC and RP must have completed at least six clock hours of education directly

applicable to clinical supervision, compulsive gambling counseling and prevention respectively.

3. Within the one year prior to application for renewal, the CIT and PSIT must demonstrate they are pursuing a career tract to become a licensed, certified or registered substance abuse counselor or prevention professional. The applicant may be required to provide the ADRA with an official (certified) copy of any and all academic transcripts or such other documentation that verifies the pursuit of the required career tract. The ADRA guidelines may require CIT and PSIT supervisors to monitor the career tract progress of those under their supervision and submit periodic reports to the ADRA.

B. Sources

1. Continuing education must be in the form of workshops, seminars, courses, or other organized educational programs conducted by providers approved by the ADRA. Semester credit hours may be converted to clock hours at the rate of 15 clock hours per one semester hour. CEU's may be converted at the rate of 10 clock hours per one CEU.

2. In-service training conducted by and for a counselor's own agency does not constitute continuing education. Education conducted by a counselor's own agency which has prior ADRA approval shall be accepted.

3. A maximum of 12 hours of education equivalence may be requested for each year.

a. Service to the ADRA is an education equivalent if the ADRA certifies it as such. Individuals may request certification of service from the ADRA.

b. Delivery of an ADRA approved educational program is an education equivalent if the trainer documents that the material was presented for the first time or from recently acquired updated sources.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3388.4

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office for Addictive Disorders, Addictive Disorder Regulatory Authority, LR 31:

§729. Inactive Certificate; Late Renewal; Reactivation

A. Inactive Certificate. A credential or certificate becomes inactive immediately upon passing the expiration date.

B. Late Renewal. Applications for renewal of a credential or certification or any part thereof received after the expiration date are considered late.

C. Reactivation Grace Period. A 90 day grace period shall be granted to reactivate a credential or certification without any lapse in continuity, provided a satisfactory application for renewal is received within 90 days of the expiration date.

D. Notification of Licensure or Certification. Individuals will be notified within 30 days upon the approval of their application for reactivation of a credential or certification.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3388.4

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office for Addictive Disorders, Addictive Disorder Regulatory Authority, LR 31:

§731. Lapsed Credential/Certification; Reinstatement; Surrender

A. A credential or certification is considered lapsed on the 91st day following the expiration date. Lapsed

credentials or certificates shall be surrendered to the ADRA upon demand. A lapsed practice credential (e.g. LAC, CAC, RAC, LCSW, MD) terminates immediately the current and valid status of any certification (e.g. CCS, CCGC) unless and until reinstatement of the practice credential is granted by the ADRA, or appropriate regulatory body.

B. A lapsed practice credential issued by a regulatory body other than the ADRA, shall be governed by the law pertinent to that credential and the rules for reinstatement promulgated by that body. A lapsed practice credential or certification issued by the ADRA, may be reinstated within one year of the expiration date provided.

1. A satisfactory application for renewal is submitted within a year of the date of the expiration, together with an explanation of the lapse and a written request for reinstatement.

2. For the LAC, CAC, RAC, and CPS, the individual must document and verify having successfully completed the 48 clock hours of education which would have been required for timely renewal, together with an additional 12 hours of education if the application is received within 6 months of the expiration date or an additional 24 hours of education if the application is received more than 6 months after the expiration date.

3. For the CCS, CCGC, and RP the individual must document and verify having successfully completed the six clock hours of education which would have been required for timely renewal together with an additional three clock hours of education in the appropriate specific area (s).

4. There is no lapsed CIT or PSIT status or reinstatement period.

5. If reinstatement is granted, new issue and expiration dates are set by the ADRA and the individual's file is annotated to show the lapsed period.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3388.4

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office for Addictive Disorders, Addictive Disorder Regulatory Authority, LR 31:

Chapter 9. Disciplinary Procedures

§901. Causes for Administrative Action

A. The ADRA after due notice and hearing as set forth herein and the Administrative Procedure Act, LSA R.S. 49:950 et seq., may deny, revoke or suspend any credential or certification issued or applied for, or otherwise discipline a certificate holder, counselor or prevention specialist in training, or applicant on a finding that the person has violated the Addictive Disorders Practice Act, any of the rules and regulations promulgated by the ADRA, the Code of Ethics, or prior final decisions and/or consent orders involving the certificate holder, counselor or prevention specialist in training, or applicant.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3388.4

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office for Addictive Disorders, Addictive Disorder Regulatory Authority, LR 31:

§903. Disciplinary Process and Procedures

A. The purpose of the following rules and regulations is to supplement and effectuate the applicable provisions of the Administrative Procedure Act, R.S. 29:950 et seq. regarding the disciplinary process and procedures incident thereto. These rules and regulations are not intended to amend or

repeal the provisions of the Administrative Procedure Act and to the extent any of these rules and regulations are in conflict therewith, the provisions of the Louisiana Administrative Procedure Act shall govern.

B. A disciplinary proceeding, including the formal hearing, is less formal than a judicial proceeding. It is not subject to strict rules and technicalities, but must be conducted in accordance with considerations of fair play and constitutional requirements of due process.

C. The purpose of a disciplinary proceeding is to determine contested issues of law and fact; whether the person committed certain acts or omissions and, if so, whether those acts or omissions violate the Addictive Disorders Practice Act, the rules and regulations of the ADRA, the Code of Ethics, or prior Final Decisions and/or Consent Orders involving the certificate holder, counselor or prevention specialist in training, or applicant and to determine the appropriate disciplinary action.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3388.4

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office for Addictive Disorders, Addictive Disorder Regulatory Authority, LR 31:

§905. Initiation of Complaints

A. Complaints may be initiated by any person or by the ADRA on its own initiative.

B. All complaints shall be addressed confidential and shall be sent to the ADRA office. The Director of the ADRA, with benefit of counsel, shall decide to investigate the charges or deny the charges. If the charges are denied, a letter of denial is prepared and forwarded to the complainant and the person accused of wrongdoing. If the Director of the ADRA decides to investigate, the person shall be notified that allegations have been made that he may have committed a breach of statute, rule and regulation, the Code of Ethics, and/or prior final decisions or consent orders and that he must respond in writing to the ADRA within a specified time period. The response is to be made to the ADRA office address. The complaint letter of alleged violations shall not be given initially to the person. However, sufficiently specific allegations shall be conveyed to the person for his response. Once the person has answered the complaint, and other pertinent information, if available, is reviewed, a determination by the Director of the ADRA, with benefit of counsel, will be made as to whether or not a disciplinary proceeding is required.

C. Pursuant to its authority to regulate the industry, the ADRA through its Director, may issue subpoenas to secure evidence of alleged violations of the Addictive Disorders Practice Act, any of the rules and regulations promulgated by the ADRA, the Code of Ethics, or prior final decisions and/or consent orders involving the certificate holder, counselor or prevention specialist in training, or applicant.

D. *Counsel* referenced in this Chapter shall mean the General Counsel of the Department of Health and Hospitals, or his or her designee, who will be assisting in the investigation and prosecution of an administrative action.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3388.4

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office for Addictive Disorders, Addictive Disorder Regulatory Authority, LR 31:

§907. Informal Disposition of Complaints

A. Complaints may be settled informally by the ADRA and the person accused of a violation without the necessity of a formal hearing.

B. The following types of informal dispositions may be utilized.

1. Disposition by Correspondence

a. For complaints deemed technical in nature and which are considered less serious (complaints for which the allegations, if taken as true, do not indicate circumstances which pose a risk or threat of harm to a client), the Director of the ADRA may write to the person explaining the nature of the complaint received. If the person's subsequent response provides a satisfactory explanation, the matter may be closed.

b. If a satisfactory explanation is not forthcoming, the matter shall be pursued through an informal conference or formal hearing.

2. Informal Conference.

a. The Director of the ADRA may hold a conference with the person in lieu of, or in addition to, correspondence for those complaints deemed technical in nature and which are considered less serious. If the situation is satisfactorily explained in conference, the matter may be closed.

b. The person shall be given adequate notice of the conference, of the issues to be discussed and of the fact that information brought out at the conference may later be used in a formal hearing. The informal conference shall be conducted by the Director of the ADRA or his or her designee. In setting the time and location of the conference, the Director of the ADRA shall make reasonable efforts to accommodate the schedule of the person against whom the complaint has been made and any inconvenience that may be caused to the clinic or facility in which the person may practice.

3. A settlement agreement between the person making the complaint and the person accused of a violation does not preclude disciplinary action by the ADRA.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3388.4

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office for Addictive Disorders, Addictive Disorder Regulatory Authority, LR 31:

§909. Formal Hearing

A. The ADRA has the authority, granted by R.S. 37:3371 et seq., to bring administrative proceedings against persons to whom it has issued a credential or certification, any counselor or prevention specialist in training status, or any applicant. The person has the right to appear and be heard, either in person or by counsel; the right of notice; a statement of what accusations have been made; the right to present evidence and to cross-examine; and the right to have witnesses subpoenaed.

B. If the person does not appear, either in person or through counsel, after proper notice has been given, the person may be considered to have waived these rights and the ADRA may proceed with the hearing without the presence of the person.

C. Once the ADRA has received a complaint alleging that a person has acted in violation of the Addictive Disorders Practice Act, the rules and regulations of the

ADRA, or the Code of Ethics, communications from the complaining party shall not be revealed to any person, other than counsel for the ADRA, until and unless a formal complaint is filed. This rule shall not apply to any document properly subject to, and the object of, a lawful subpoena by a court.

D. The process of administrative action shall include certain steps and may include other steps as follows.

1. Investigation

a. The complaint is investigated by the Director of the ADRA and counsel for the ADRA to determine if there is sufficient evidence to warrant disciplinary proceedings.

b. A decision to initiate a formal complaint or charge is made if one or more of the following conditions exist:

- i. the complaint is sufficiently serious;
- ii. the person fails to respond to the ADRA's correspondence concerning the complaint;
- iii. the person's response to the ADRA's letter or investigation demand fails to provide a satisfactory explanation and/or fails to convince the director that no action is necessary; or
- iv. an informal conference is convened, but fails to resolve all of the issues.

2. A sworn complaint is filed by the Director of the ADRA, charging the violation of one or more of the provisions of the Addictive Disorders Practice Act, the rules and regulations promulgated thereto, the Code of Ethics, or prior final decisions and/or consent orders involving the person.

3. A time and place for a hearing is fixed by the Director of the ADRA.

4. Notification of Hearing:

a. At least 30 days prior to the date set for the hearing, a copy of the charges and a notice of the time and place of the hearing are sent to the last known address of the person accused. It is the person's obligation to keep the ADRA informed of his whereabouts. A copy of the notice sent to the person, attached to a sworn affidavit signed by the Director attesting to the date of the mailing, shall constitute proof of notice.

b. The content of the charges limits the scope of the hearing and the evidence which may be introduced. The charges may be amended at any time, except that they may not be amended within ten days prior to the date set for the hearing. Any amendment to the charges made within ten days of the date set for the hearing shall require the ADRA to continue the matter and set a new date for the hearing. The person against whom the charges have been made, may waive the requirement that the hearing be continued. Such a waiver must be in writing and must be signed by the person, as well as by counsel, if the person is represented by an attorney.

c. If the ADRA is unable to describe the matters involved in detail at the time the sworn complaint is filed, this complaint may be limited to a general statement of the issues involved. Thereafter, the ADRA shall supply a more definite and detailed statement to the person. This detailed statement shall be supplied at least ten days prior to the date of the hearing.

5. Except for good cause shown, motions requesting a continuance of a hearing shall be in writing and shall be filed

at least five days prior to the date set for the hearing. The motion shall state the reason for the request. The director, or his or her designee, shall grant or deny the request, in writing, within 24 hours. If the request is denied, written reasons for the denial shall be included.

6. Subpoenas

a. The director, or an authorized agent of the ADRA, issues subpoenas for the ADRA for disciplinary proceedings, and when requested to do so, may issue subpoenas for the other party. All legal actions will be filed from the Louisiana Ninetieth Judicial District Court. Subpoenas include:

- i. a subpoena requiring a person to appear and give testimony; and
- ii. a subpoena duces tecum, which requires that a person produce books, records, correspondence, or other materials over which he has custody.

b. A motion to limit or quash a subpoena may be filed with the ADRA, but not less than 72 hours prior to the hearing.

7. Appeal

a. The hearing is held, at which time the ADRA's primary role is to hear evidence and argument, and to reach a decision.

b. The ADRA is represented by its counsel who presents evidence that disciplinary action should be taken against the person. The person may present evidence personally or through an attorney, and witnesses may testify on behalf of the person.

c. Evidence includes the following:

- i. oral testimony given by witnesses at the hearing, except that, for good cause, testimony may be taken by deposition (cost of the deposition is borne by the requesting party);
- ii. documentary evidence, i.e., written or printed materials including public, business, institutional records, books and reports;
- iii. visual, physical and illustrative evidence;
- iv. admissions, which are written or oral statements of a party made either before or during the hearing;
- v. facts officially noted into the record, usually readily determined facts making proof of such unnecessary; and/or
- vi. other items or things allowed into evidence by the Louisiana Evidence Code or applicable statutory law or jurisprudence.

d. All testimony is given under oath. If the witness objects to swearing, the word "affirm" may be substituted.

8. The Director of the ADRA, or his or her designee, presides and the customary order of proceedings at the hearing is as follows:

- a. the ADRA's representative makes an opening statement of what he intends to prove, and what action, he wants the ADRA to take;
- b. the person, or his attorney, makes an opening statement, explaining why he believes that the charges against him are not legally founded;
- c. the ADRA's representative presents the case against the person;
- d. the person, or his attorney, cross-examines;
- e. the person presents evidence;

- f. the ADRA's representative cross-examines;
- g. the ADRA's representative rebuts the person's evidence;
- h. both parties make closing statements.

9. The ADRA's representative makes the initial closing statement and the final statement. Motions may be made before, during, or after a hearing. All motions shall be made at an appropriate time according to the nature of the request. Motions made before or after the hearing shall be in writing. Those made during the course of the hearing may be made orally since they become part of the record of the proceeding.

10. Recording

- a. The record of the hearing shall include:
 - i. all documents and/or other materials accepted as evidence at the hearing; required by the statutes or rules;
 - ii. all papers filed and served in the proceeding;
 - iii. statements of matters officially noticed;
 - iv. notices of the hearing;
 - v. affidavits of service or receipts for mailing or processor other evidence of service;
 - vi. stipulations, settlement agreements or consent orders, if any;
 - vii. records of matters agreed upon at a prehearing conference;
 - viii. reports filed by the hearing officer, if one is used;
 - ix. orders of the ADRA and its final decision;
 - x. actions taken subsequent to the decision, including requests for reconsideration and rehearing;
 - xi. a transcript of the proceedings, if one has been made, or an audio or stenographic record.

b. The record of the proceeding shall be retained until the time or any appeal has expired, or until the appeal has been concluded. The record is not transcribed unless a party to the proceeding so requests. The requesting party pays for the cost of the transcript.

11. Hearing

- a. The decision of the ADRA shall be reached according to the following process:
 - i. determine the facts at issue on the basis of the evidence submitted at the hearing;
 - ii. determine whether the facts in the case support the charges brought against the person; and
 - iii. determine whether charges brought are in violation of the Addictive Disorders Practice Act or regulations of the ADRA, and/or the Code of Ethics;
 - iv. in addition to any sanction imposed by the ADRA against the person, the ADRA may assess all costs incurred in connection with the proceedings including, but not limited to investigation, court reporting, costs associated with ADRA representation by an attorney and court costs.

b. Sanctions and/or costs imposed upon the person who is a party to the proceeding are based upon findings of fact and conclusions of law determined as a result of the hearing, and will be issued by the ADRA in accordance with applicable statutory authority. The party is notified by mail of the final decision of the ADRA.

12. Every order of the ADRA shall take effect immediately on its being rendered unless the ADRA in such order fixes a stay of execution of a sanction for a period of time against an applicant or holder of a certificate. Such

order, without a stay of execution, shall continue in effect until expiration of any specified time period or termination by a court of competent jurisdiction. The ADRA shall notify all persons of any action taken against him and may make public its orders and judgment in such manner and form as allowed by law.

13. Rehearing

a. The ADRA may reconsider a matter which it has decided. This may involve rehearing the case, or it may involve reconsidering the case on the basis of the record. Such reconsideration may occur when a party who is dissatisfied with a decision of the ADRA files a motion requesting that the decision be reconsidered by the ADRA.

b. The ADRA shall reconsider a matter when ordered to do so by a higher administrative authority or when the case is remanded for reconsideration or rehearing by a court to which the ADRA's decision has been appealed.

c. A motion by a party for reconsideration or rehearing must be in proper form and filed within 10 days after notification of the ADRA's decision. The motion shall set forth the grounds for the rehearing, which include one or more of the following:

- i. the ADRA's decision is clearly contrary to the law and evidence;
- ii. there is newly discovered evidence by the party since the hearing which is important to the issues and which the party could not have discovered with due diligence before or during the hearing;
- iii. there is a showing that issues not previously considered ought to be examined in order to dispose of the case properly; or
- iv. it would be in the public interest to further consider the issues and the evidence.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3388.4

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office for Addictive Disorders, Addictive Disorder Regulatory Authority, LR 31:

§911. Consent Order

A. An agreement may be entered into between the ADRA and the person against whom the complaint has been filed. Once reduced to writing, the agreement is referred to as a "Consent Order" and becomes a part of the record in the matter. The consent order is not effective until reduced to writing and signed by the person, the Director of the ADRA or his or her designee and all counsel of record. A proposed consent order may be rejected by the ADRA in which event a formal hearing will occur. The consent order, if accepted by the ADRA, is issued by the ADRA to carry out the parties' agreement.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3388.4

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office for Addictive Disorders, Addictive Disorder Regulatory Authority, LR 31:

§913. Withdrawal of a Complaint

A. A complainant may withdraw a complaint at any time. The ADRA, however, may continue the investigation if it is determined that the issues are of such importance as to warrant further review.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3388.4

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office for Addictive Disorders, Addictive Disorder Regulatory Authority, LR 31:

§915. Refusal to Respond or Cooperate with the ADRA

A. The acceptance of a credential or certification issued by the ADRA obligates the holder thereof to respond to any request for information, or otherwise cooperate with any investigation conducted by the ADRA.

B. Any person refusing to reply to an ADRA inquiry or otherwise cooperate with the ADRA, is subject to disciplinary action. The ADRA shall record the circumstances of the person's failure to cooperate and shall inform the person that the lack of cooperation may result in ADRA action which could include the denial, revocation or suspension of his credential, certification, or status or in the denial of any application pending with or before the ADRA or any other appropriate disciplinary sanction.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3388.4

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office for Addictive Disorders, Addictive Disorder Regulatory Authority, LR 31:

§917. Judicial Review of Adjudication

A. Any person whose credential, certification, status, or application, has been denied, revoked or suspended or who has been otherwise disciplined by the ADRA shall have the right to have the proceedings of the ADRA reviewed by the state district court with the Ninetieth Judicial District Court, provided that such petition for judicial review is made within 30 days after the notice of the decision of the ADRA. If judicial review is granted, the ADRA's decision is enforceable in the interim unless the court orders a stay.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3388.4

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office for Addictive Disorders, Addictive Disorder Regulatory Authority, LR 31:

§919. Appeal

A. A person aggrieved by any final judgment rendered by the state district court may obtain a review of said final judgment by appeal to the appropriate circuit court of appeal. Pursuant to the applicable section of the Administrative Procedure Act, R.S. 49:950 et seq., this appeal shall be taken as in any other civil case.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3388.4

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office for Addictive Disorders, Addictive Disorder Regulatory Authority, LR 31:

§921. Emergency Action

A. If the Director of the ADRA finds that public health, safety and welfare requires emergency action and incorporates a finding to that effect in an order, a summary suspension of a certificate or registration, or counselor or prevention specialist in training status, may be ordered pending proceedings for disciplinary action. Such proceedings shall be promptly instituted and a formal hearing held, after due notice, within 10 calendar days of the issuance of the order or summary suspension. The formal hearing referenced herein shall be conducted pursuant to the procedure established in Rule §909 regarding formal hearings, less and except any procedures or time limits inconsistent with the emergency action. Thereafter, the

person aggrieved by a decision of the ADRA may seek judicial review and appeal pursuant to Rules §§917 and 919.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3388.4

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office for Addictive Disorders, Addictive Disorder Regulatory Authority, LR 31:

Chapter 11. Declaratory Statements

§1101. Procedure

A. The ADRA may issue a declaratory statement in response to a request for clarification of the effect of the provisions contained in the Addictive Disorders Practice Act, R.S. 37:3371 et seq., the rules and regulations promulgated by the ADRA and/or the Code of Ethics.

B. A request for declaratory statement is made in the form of a petition to the ADRA. The petition should include at least:

1. the name and address of the petitioner;
2. specific reference to the statute, rule and regulation, or the Code of Ethics;

3. a concise statement of the manner in which the petitioner is aggrieved by the statute, rules and regulations, or provision of the Code of Ethics, or by its potential application to him and about which he is uncertain of its effect.

C. The petition shall be considered by the ADRA within a reasonable period of time taking into consideration the nature of the matter and the circumstances involved. The Director may refer the question to counsel for the ADRA.

D. The declaratory statement of the ADRA in response to the petition shall be in writing and mailed to the petitioner at the last address furnished to the ADRA.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3388.4

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office for Addictive Disorders, Addictive Disorder Regulatory Authority, LR 31:

Chapter 13. Impaired Professionals Program

§1301. Program

A. The ADRA shall develop policies and procedures for the operation of an impaired professional program which shall include provision for the identification and rehabilitation of practice credential and certificate holders, counselors in training and prevention specialists in training, or any individual over whom the ADRA has authority pursuant to the provisions of the Louisiana Addictive Disorders Act whose quality of service is impaired or thought to be impaired due to mental or physical conditions. The policies and procedures shall be posted on the website maintained by the ADRA.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3388.4

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office for Addictive Disorders, Addictive Disorder Regulatory Authority, LR 31:

§1303. Identification

A. Any report of impairment shall be forwarded to the impaired professional program for review and recommendation. The ADRA shall investigate any individual who holds a credential or certification or training status issued by this ADRA whose quality of service is impaired or thought to be impaired due to mental or physical conditions.

B. Should the ADRA have reasonable cause to believe that the fitness and ability of a credential or certificate

holder, counselor in training or prevention specialist in training is affected by mental illness or deficiency, or physical illness, including but not limited to deterioration through the aging process and/or excessive use or abuse of drugs including alcohol, a thorough examination may be ordered.

C. The ADRA may appoint or designate an examining agent or agents which may be a person or persons holding ADRA credentials or certifications, physicians, and/or other health care professionals to conduct a physical and/or mental examination, including requiring a urine drug screen, blood, breath, and other tests as deemed appropriate and allowed by law; and to otherwise inquire into the fitness and ability of a credential or certificate holder, counselor in training or prevention specialist in training to practice this profession with reasonable skill and safety to clients.

D. The order for examination shall be the person's opportunity to defend against the allegation of impairment and prove fitness to practice this profession. Refusal to follow the order for examination or failure to keep an appointment for examination or tests without just cause shall be de facto evidence of impairment.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3388.4

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office for Addictive Disorders, Addictive Disorder Regulatory Authority, LR 31:

§1305. Rehabilitation

A. The examining agent shall submit advisory reports and recommendations to the ADRA. Priority shall be given to intervention, treatment, rehabilitation and monitoring recommendations if impairment is suspected or confirmed.

B. If the circumstances warrant, as indicated by the report submitted by the examining agent (s), the ADRA may require the voluntary surrender of any credential and/or certification or training status, or may impose such conditions as may reasonably facilitate rehabilitation of the person and protection of the public.

D. A formal hearing for suspension or revocation of certification or training status shall be the last resort.

E. The ADRA may enter into a consent order with an impaired professional in lieu of decertification or termination of training status.

F. The impaired professional program shall supervise treatment, rehabilitation, and monitoring activities as required by the ADRA and/or specified in any consent order. The person shall be obligated to provide the ADRA with documentation of successful completion of the treatment plan upon request. Failure to abide by these requirements and/or specifications may result in a formal hearing for revocation of the credential, certification or training status.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3388.4

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office for Addictive Disorders, Addictive Disorder Regulatory Authority, LR 31:

Chapter 15. Code of Ethics

§1501. Professional Representation

A. A person holding a credential, certification or status shall not misrepresent any professional qualifications or associations.

B. A person holding a credential, certification or status shall not misrepresent any agency or organization by presenting it as having attributes which it does not possess.

C. A person holding a credential, certification or status shall not make claims about the efficacy of any service that go beyond those which the counselor or specialist would be willing to subject to professional scrutiny through publishing the results and claims in a professional journal.

D. A person holding a credential, certification or status shall not encourage or, within the counselor's or specialist's power, allow a client to hold exaggerated ideas about the efficacy of services provided by the counselor or specialist.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3388.4

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office for Addictive Disorders, Addictive Disorder Regulatory Authority, LR 31:

§1503. Relationships with Clients

A. A person holding a credential, certification or status shall make known to a prospective client the important aspects of the professional relationship including -s and arrangements for payment which might affect the client's decision to enter into the relationship.

B. A person holding a credential, certification or status shall inform the client of the purposes, goals, techniques, rules of procedure, and limitations that may affect the relationship at or before the time that the professional services are rendered.

C. A person holding a credential, certification or status shall provide counseling services only in the context of a professional relationship and not by means of newspaper or magazine articles, radio or television programs, mail or means of a similar nature.

D. No commission or rebate or any other form of remuneration shall be given or received by a person holding a credential, certification or status for the referral of clients for professional services.

E. A person holding a credential, certification or status shall not use relationships with clients to promote, for personal gain or the profit of an agency, commercial enterprises of any kind.

F. A person holding a credential, certification or status shall not, under normal circumstances, be involved in the counseling of family members, intimate friends, close associates, or others whose welfare might be jeopardized by such a dual relationship.

G. A person holding a credential, certification or status shall not, under normal circumstances, offer professional services to a person concurrently receiving counseling or prevention assistance from another professional except with knowledge of the other professional.

H. A person holding a credential, certification or status shall take reasonable personal action to inform responsible authorities and appropriate individuals in cases where a client's condition indicates a clear and imminent danger to the client or others.

I. In group counseling or prevention settings, the person holding a credential, certification or status shall take reasonable precautions to protect individuals from physical and/or emotional trauma resulting from interaction within the group.

J. A person holding a credential, certification or status shall not engage in activities that seek to meet the counselor's or specialists personal needs at the expense of a client.

K. A person holding a credential, certification or status shall not engage in sexual intimacies with any client.

L. A person holding a credential, certification or status shall terminate a professional relationship when it is reasonably clear that the client is not benefiting from it.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3388.4

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office for Addictive Disorders, Addictive Disorder Regulatory Authority, LR 31:

§1505. Relationships with the ADRA

A. Notwithstanding any training other than training in counseling or prevention which a person may have completed, or any other certification which a person may possess, or any other professional title or label which a person may claim, any person holding a credential, certification or status issued by the ADRA is bound by the provisions of the Addictive Disorders Practice Act and the rules and regulations of the ADRA in rendering counseling or prevention services.

B. A person holding a credential, certification or status issued by the ADRA shall have the responsibility of reporting alleged misrepresentations or violations of ADRA rules to the ADRA.

C. Any applicant for, or person holding, a credential, certification or status under the authority of the Addictive Disorders Practice Act shall keep his/her ADRA file updated by notifying the ADRA of changes of address, telephone number and employment.

D. The ADRA may require any applicant or candidate for credential, certification or status, or renewal of same, whose file contains negative references to come before the ADRA for an interview before the credential, certification or status process may proceed.

E. The ADRA shall consider the failure of a person to respond to a request for information or other correspondence as unprofessional conduct and grounds for instituting disciplinary proceedings.

F. A person holding a credential, certification or status must participate in continuing professional education programs as required and set forth in these rules.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3388.4

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office for Addictive Disorders, Addictive Disorder Regulatory Authority, LR 31:

§1507. Advertising and Announcements

A. Information used by a person holding a credential, certification or status in any advertisement or announcement of services shall not contain information which is false, inaccurate, misleading, partial, out of context, or deceptive.

B. The ADRA imposes no restrictions on advertising by a person holding a credential, certification or status with regard to the use of any medium, the person's appearance or the use of his personal voice, the size or duration of an advertisement, or the use of a trade name.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3388.4

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office for Addictive Disorders, Addictive Disorder Regulatory Authority, LR 31:

§1509. Affirmation

A. Every person holding a credential, certification or status governed by these rules must agree to affirm:

1. that his primary goal is recovery for client and family and/or prevention of substance of abuse and/or compulsive gambling;

2. a total commitment to provide the highest quality care for those who seek professional services;

3. that he shall evidence a genuine interest in all clients without regard to race, creed, age, sex, handicaps, socio-economic status, religious affiliation or personal attributes;

4. that he dedicate myself to the best interest of his clients, and to assisting clients to help themselves;

5. that at all times he shall maintain an objective, non-possessive, professional relationship with all clients;

6. that he will be willing to recognize when it is to the best interest of a client to refer or release him to another program or individual;

7. that he shall adhere to the rule of confidentiality of all records, material, and knowledge concerning the client;

8. that he shall not in any way discriminate between clients or professionals, based on race, creed, age, sex, handicaps, socio-economic status, religious affiliation or personal attributes;

9. that he shall respect the rights and views of other counselors, specialists and professionals;

10. that he shall maintain respect for institutional policies and management functions within agencies and institutions, but will take the initiative toward improving such policies, if it will best serve the interest of the client;

11. that he has a commitment to assess his own personal strengths, limitations, biases, and effectiveness on a continuing basis, that he shall continuously strive for self-improvement, that he has a personal responsibility for professional growth through further education and training;

12. that he has an individual responsibility for his own conduct.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3388.4

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office for Addictive Disorders, Addictive Disorder Regulatory Authority, LR 31:

§1511. Confidentiality

A. No person holding credential, certification or status may disclose any information he may have acquired from persons consulting him in his professional capacity that was necessary to enable him to render services to those persons except:

1. with the written consent of the client, or in the case of death or disability, with the written consent of his personal representative, other person authorized to sue, or the beneficiary of any insurance policy on his life, health, or physical condition; or

2. when the person is a minor under the age of 18 and the information acquired by the addictive disorder counselor, compulsive gambling counselor, prevention specialist, counselor in training or prevention specialist in training indicates that the child was the victim or subject of a crime,

then the addictive disorder counselor, compulsive gambling counselor, prevention specialist, counselor in training or prevention specialist in training may be required to testify fully in relation thereto upon any examination, trial, or other proceeding in which the commission of such crime is a subject of inquiry; or

3. when a communication reveals the contemplation of a crime or harmful act; or

4. when the person waives the privilege by bringing charges before the ADRA against the addictive disorder counselor, compulsive gambling counselor, prevention specialist, counselor in training or prevention specialist in training.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3388.4

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office for Addictive Disorders, Addictive Disorder Regulatory Authority, LR 31:

Chapter 17. Registrations and ADRA Approved Programs

§1701. Counselor in Training (CIT) or Prevention Specialist in Training (PSIT)

A. A person who is in the process of obtaining the education, training, and experience required to meet the requirement for obtaining practice credential may register with the ADRA as a counselor in training or prevention specialist in training, also known as CIT and PSIT respectively. The person must be 18 years of age and possess a high school diploma or equivalent to be eligible to apply for registration. Upon issuance of the registration as a CIT or PSIT, the person shall actively pursue certification as a counselor or prevention specialist respectively at all times.

B. The designation of CIT and PSIT shall be granted for a period beginning with approval of the request for CIT or PSIT status and extending to the nearest renewal date one year after approval, provided that both the CIT/PSIT and the supervisor sign a statement agreeing to follow the guidelines and protocols for CIT/PSIT conduct and supervision posted on the website maintained by the ADRA.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3388.4

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office for Addictive Disorders, Addictive Disorder Regulatory Authority, LR 31:

§1703. Certified Clinical Supervisor or Qualified Professional Supervisor

A. The ADRA shall develop policies and procedures for a CCS program and shall post these policies and procedures on the website maintained by the ADRA.

B. A person who meets the requirements of a CCS, as defined by the Addictive Disorders Practice Act, may register with the ADRA as Certified Clinical Supervisor.

C. Any person holding the certification for Clinical Supervision shall agree to adhere to the guidelines for Clinical Supervision developed by the ADRA and posted on the website maintained by the ADRA.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3388.4

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office for Addictive Disorders, Addictive Disorder Regulatory Authority, LR 31:

§1705. Approved Training Institution

A. The ADRA shall develop policies and procedures for the operation of an approved training institution program.

B. Institutions which provide clinical treatment of addiction disorders and/or which provide addictive disorder counseling and/or prevention services, have sufficient qualified clinical staff, and can offer ADRA approved supervised clinical experience for those persons who desire to become candidates for a credential, certification or status issued or recognized by the ADRA, may register with the ADRA as an approved training institution, also known as ATI. An agency, corporation, organization, partnership, organized health care facility, or other autonomous organizational entity is eligible to qualify as an institution for the purposes of this rule.

C. The designation of ATI is granted to the nearest renewal date one year after the request for ATI status is approved, provided:

1. a satisfactory application form is submitted;

2. the institution is licensed appropriately to provide the continuum of care in the areas of addiction treatment and/or intervention and/or prevention services;

3. the institution provides a statement signed by an authorized officer of the institution attesting to the institution's desire and ability to provide clinical training in addictive disorder counseling, compulsive gambling counseling, or prevention and acknowledging responsibility for such activities. This statement must contain an acknowledgment that the institution is independent of the ADRA, that it will hold the ADRA harmless, and that it will comply with the requirements of the ADRA;

4. the institution provides statements documenting the appropriateness of their clinical treatment setting, the qualifications of its staff to provide daily clinical supervision and frequent direct supervision of trainees, and the planned duties and training program in which the trainees will be engaged. This statement must document that training, experience, and supervision will be provided in all 12 core functions or KSA, as well as, in the performance domains;

5. the organization provides a summary statement of its continuous quality improvement program and agrees to maintain full records of that program, as well as, agrees to allow ADRA access to the records, provided ADRA reviews the records at the institution, during normal business hours;

6. the institution agrees to provide overall supervision of its program by a CCS or, a qualified professional supervisor, approved by the ADRA;

7. the institution agrees to an annual audit review of its clinical training programs and its continuous quality improvement program by a professional approved by the ADRA.

D. Registration as an approved training institution shall be renewed annually provided:

1. a satisfactory renewal form is received prior to the expiration date of the current registration;

2. the annual audit report of the institution's clinical training programs and continuous quality improvement program signed by a professional approved by the ADRA is filed;

3. there have been no unresolved complaints against the institution.

E. An approved training institution shall be authorized to:

1. announce to the public and advertise the availability of its clinical training program;

2. employ counselors in training and prevention specialists in training; and

3. reasonably assure its trainees that their experience will meet ADRA standards.

F. Persons submitting an application for a credential or certification which documents experience from institutions which are not registered as an ATI must document and verify that the institution where the experience was obtained meets standards equivalent to those of the ADRA. Equivalence may be demonstrated by:

1. the institution's having been approved as a clinical training institution for the continuum of care in the areas of addiction treatment and/or intervention and/or prevention by the certifying authority in the state where the institution is located;

2. the institution's having been approved as a clinical training institution for the continuum of care in the areas of addiction treatment and/or intervention and/or prevention by a certifying authority with which the ADRA has a current agreement of reciprocity;

3. providing documentation of:

a. the appropriateness of the clinical treatment setting;

b. the qualifications of the staff to provide daily clinical supervision and frequent direct supervision of trainees;

c. the duties and training program in which trainees were engaged;

d. that training, experience, and supervision in all 12 core functions or KSA's and/or performance domains were provided.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3388.4

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office for Addictive Disorders, Addictive Disorder Regulatory Authority, LR 31:

§1707. Approved Educational Provider

A. The ADRA shall develop policies and procedures for the operation of an approved educational provider program.

B. Organizations who desire to provide continuing professional education in the continuum of care in the areas of addiction treatment and/or intervention and/or prevention, or any area deemed appropriate by the ADRA may register with the ADRA as an approved educational provider, also known as AEP. Each educational offering is a form of learning experience and shall be known as a course for the purposes of this rule whether it was offered for academic credit, as a workshop, seminar, conference, or in any other acceptable format. In-service training conducted by and for an individual's own agency is not an acceptable educational offering format. An individual, partnership, corporation, association, organized health care system, educational institution, governmental agency, or any other autonomous entity shall qualify as an organization for the purposes of this rule.

C. The designation of approved educational provider is granted to the nearest renewal date one year after the request for AEP status is approved, provided:

1. a satisfactory application form is received;

2. one person, who is qualified by virtue of education, training, and experience, as determined by the ADRA, is identified as the supervisor of all educational programs to be offered ;

3. the organization provides a statement, signed by an authorized officer of the organization, to document the organization's desire to provide continuing professional education in the continuum of care in the areas of addiction treatment and/or intervention and/or prevention and acknowledgment of responsibility for such activities. This statement must contain acknowledgment that the organization is independent of the ADRA, that it will hold the ADRA harmless, and that it will comply with the requirements of the ADRA;

4. the organization agrees to provide a certificate of completion for each person satisfactorily completing each course which shall contain:

a. the name and trainee or certification number of the person completing the course;

b. the name and AEP number of the provider;

c. the title of the course, course number, name of the instructor(s), and date(s) of the course;

d. the number of clock hours of credit earned;

e. the signature of the organization's educational program supervisor or the instructor, or both.

5. the organization agrees to file a course report with the ADRA within 30 days of completion for each course which shall contain:

a. the AEP number and course number of the provider;

b. the trainee or certification number and the clock hours earned for each person completing the course, or, the name and hours for persons not registered with or certified by this ADRA.

c. a sample of the certificate of completion;

d. a copy of the flier or brochure used to advertise the course to the public.

6. the organization agrees to provide ADRA approved credit only for courses which meet the educational standards of the ADRA and which are taught by instructors who are qualified by virtue of education, training, and experience. The organization agrees to document this by maintaining a file for each course in its office which contains:

a. the course description containing the educational objectives; course outline; instructional modalities; and relevance of the material, including relationship to the 12 core functions or KSA and/or performance domains, theoretical content related to scientific knowledge of practicing in the field of addictive disorder counseling, compulsive gambling counseling, or prevention; application of scientific knowledge in the field of addictive disorder counseling, compulsive gambling counseling or prevention direct and/or indirect patient/client care, and which renewal education area or areas are addressed;

b. the qualifications of instructors containing description of the education, training, and experience which prepared them to teach the course.

7. the organization provides a summary statement of its continuous quality improvement program and agrees to maintain full records of that program. This program shall include but not be limited to student evaluations of each course;

8. the organization agrees to notify the ADRA and each person who completed a course in a timely fashion if it is determined that a course did not comply with the standards of the ADRA for addictive disorder counselor,

compulsive gambling counselor or prevention education. The organization shall also present its written policy on refunds and cancellation;

9. the organization agrees to an annual audit review of its education program, course files, and continuous quality improvement program by a professional approved by the ADRA, and an audit or review of its records at any time by the ADRA.

D. Registration as an approved education provider shall be renewed annually, provided:

1. a satisfactory renewal form is received prior to the expiration date of the current registration;

2. the annual audit report of the organization's education program, course files, and continuous quality improvement program signed by an ADRA approved professional is filed;

3. there have been no unresolved complaints against the organization.

E. An approved education provider shall be authorized to:

1. announce to the public and advertise that its educational offerings meet the standards of the ADRA;

2. issue certificates of completion which acknowledge ADRA approval of the course.

F. An organization may be granted approval as a single course provider provided:

1. a satisfactory application form is received prior to offering the course;

2. the organization documents the course description including the educational objectives, course outline, instructional modalities, relationship of the material to the 12 core functions or KSA performance domains, and which renewal education area or areas are addressed;

3. the organization documents the qualifications of the instructors including description of the education, training, and experience which prepared them to teach the course;

4. the organization agrees to provide a certificate of completion containing the same information required of an AEP;

5. the organization agrees to file a course report in the same fashion as an AEP and to include student evaluations of that course;

G. An organization desiring single course provider status may:

1. announce to the public and advertise that the course meets the standards of the ADRA only if approval has been granted. Prior to approval, the organization may state that ADRA approval is pending only if application has been made. Otherwise, the organization is prohibited from making any statement regarding ADRA approval of its course;

2. offer to provide a certificate of completion only after ADRA approval has been granted and all required information is included on the certificate.

H. A person who wishes educational credit from a source which has not been approved by the ADRA shall document that the provider of such education meets standards which are equivalent to those of this ADRA. Equivalence may be demonstrated by:

1. the provider holding approval as a substance abuse, compulsive gambling or prevention education provider from the certifying authority in the state where the course was offered;

2. the provider holding approval as a substance abuse, compulsive gambling or prevention education provider from a certifying authority with which the ADRA as a current agreement of reciprocity;

3. providing documentation of:

a. the course description including the educational objectives, course outline, instructional modalities, relationship of the material to the 12 core functions or KSA performance domains, and which renewal education area or areas are addressed;

b. the qualifications of instructors including description of the education, training, and experience which prepared them to teach the course.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3388.4

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office for Addictive Disorders, Addictive Disorder Regulatory Authority, LR 31:

§1709. Approved Institution of Higher Education

A. The ADRA shall develop policies and procedures for the operation of an approved institution of higher education program.

B. Institutions which grant formal college credit for courses in addictive disorder counseling, compulsive gambling counseling or prevention, or in any other area deemed pertinent by the ADRA, have sufficient qualified faculty, and can offer a supervised clinical practicum or internship may register with the ADRA as an approved institution of higher education, also known as AIHE.

C. The designation of approved institution of higher education is granted to the nearest renewal date one year after the request for AIHE status is approved, provided:

1. a satisfactory application form is submitted;

2. the institution is an organized college or university accredited by a recognized regional accrediting body;

3. the institution provides a statement, signed by an authorized officer of the institution, to document the institution's desire to provide education in the continuum of care in the areas of addiction treatment and/or intervention and/or prevention or other pertinent areas and the document acknowledges the responsibility for such activities. This statement must contain acknowledgment that the institution is independent of the ADRA, that it will hold the ADRA harmless, and that it will comply with the requirements of the ADRA;

4. the institution provides a statement documenting the appropriateness of their curriculum, the qualifications of the faculty to teach such courses, and the policy on practicum and internship courses. This statement must document that education, training, experience, and supervision when appropriate in all 12 core functions or KSA performance domains will be provided;

5. the institution provides a summary statement of its continuous quality improvement program and agrees to maintain full records of that program;

6. the institution agrees to provide for ongoing consultation from a CCS or other qualified professional approved by the ADRA who will provide ongoing consultation relative to the quality and content of its addictive disorder counseling, compulsive gambling counseling or prevention curriculum;

7. the institution agrees to an annual audit review of its education program in the continuum of care in the areas of addiction treatment and/or intervention and/or prevention curriculum and continuous quality improvement program by a professional approved by the ADRA and an audit or review of its records at any time by the ADRA;

D. Registration as an approved institution of higher education shall be renewed annually, provided:

1. a satisfactory renewal form is received prior to the expiration date of the current registration;

2. the annual audit report of the institution's the continuum of care in the areas of addiction treatment and/or intervention and/or prevention and continuous quality improvement program, signed by a registered counselor supervisor, is filed with the ADRA;

3. there have been no unresolved complaints against the institution.

E. An approved institution of higher education shall be authorized to:

1. announce to the public and advertise the availability of its addictive disorder counseling, compulsive gambling counseling or prevention curriculum;

2. offer practicum or internship courses in addictive disorder counseling, compulsive gambling counseling or prevention for credit;

3. reasonably assure its students that their education will meet ADRA standards.

F. Persons submitting application for certification which list education from institutions which are not registered as an AIHE shall document that the educational institution where the education was obtained meets standards equivalent to those of this ADRA. Equivalence may be demonstrated by:

1. the institution holding approval as a higher education provider of addictive disorder counseling, compulsive gambling counseling or prevention education from the certifying authority in the state where the institution is located;

2. the institution holding approval as a higher education provider of addictive disorder counseling, compulsive gambling counseling, or prevention education from a certifying authority with which the ADRA has a current agreement of reciprocity;

3. providing documentation of:

- the institution being an organized college or university accredited by a recognized regional accrediting body;
- the appropriateness of the curriculum;
- the qualifications of the faculty to teach such courses;
- the policy on practicum and internship courses;
- that education, training, experience, and supervision when appropriate in all 12 core functions or KSA performance domains were provided.

G. Persons submitting application for certification which claim more than 18 semester hour equivalents must provide documentation demonstrating that a minimum of 12 semester hours of credit were not reasonably available from an AIHE. The ADRA in its discretion may grant additional semester hour equivalents for cases of documented hardship at the rate of 15 clock hours of AEP education per one semester hour of AIHE credit provided a written request for waiver is submitted.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3388.4

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office for Addictive Disorders, Addictive Disorder Regulatory Authority, LR 31:

Chapter 19. Miscellaneous

§1901. Injunction

A. The ADRA may bring an action to enjoin any person from practicing as a licensed, certified, and/or registered holder, or counselor or prevention specialist in training, without current authority from the ADRA.

B. The ADRA may cause an injunction to be issued in any court of competent jurisdiction enjoining any person from violating the provision of these rules and regulations.

C. If the court finds that the person is violating, or is threatening to violate this Chapter, it shall enter an injunction restraining him from such unlawful acts.

D. The successful maintenance of an action based on any one of the remedies set forth in this Rule shall in no way prejudice the prosecution of an action based on any other of the remedies.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3388.4

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office for Addictive Disorders, Addictive Disorder Regulatory Authority, LR 31:

§1903. Persons and Practices Not Affected

A. Nothing in these rules and regulations shall be construed as preventing or restricting the practice, services, or activities of any person licensed or certified in this state by any other law from engaging in the profession or occupation for which he is licensed or certified.

B. Nothing in these rules and regulations shall be construed as prohibiting other licensed professionals, including members of the clergy and Christian Science practitioners, from the delivery of medical, psychotherapeutic, counseling, social work, psychological, or educational services to substance abusers, compulsive gamblers and their families.

C. Nothing in these rules and regulations shall be construed as prohibiting the activities of any person who is registered as a counselor in training or prevention specialist in training by the ADRA, and who is employed or supervised by a qualified professional supervisor, while carrying out specific tasks under professional supervision. The supervisee shall not represent himself to the public as a addictive disorder counselor, compulsive gambling counselor, or prevention specialist.

D. Nothing in these rules and regulations shall be construed as prohibiting the activities of any student in an accredited educational institution while carrying out activities that are part of the prescribed course of study, provided such activities are supervised by a qualified professional supervisor. Such student shall hold himself out to the public only by clearly indicating his student status and the profession in which he is being trained.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3388.4

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office for Addictive Disorders, Addictive Disorder Regulatory Authority, LR 31:

§1905. Prohibited Activities

A. No person shall hold himself out as holding, or knowingly allow others to conclude or believe that he holds,

a credential, certification or status issued or recognized by the ADRA, unless he has qualified for such under the provisions of the Addictive Disorders Practice Act and been granted the credential, certification or status pursuant to the ADRA's rules.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3388.4

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office for Addictive Disorders, Addictive Disorder Regulatory Authority, LR 31:

Interested persons may submit written comments to Sawyer, J.D., Director, Addictive Disorder Regulatory Authority, 8738 Quarters Lake Road, Baton Rouge, LA 70809. He is responsible for responding to inquiries regarding this proposed Rule. A public hearing on this proposed Rule is scheduled for Tuesday, January 25, 2005 at 9:30 a.m. in the Department of Transportation and Development Auditorium, First Floor, 1202 Capitol Access Road, Baton Rouge, LA. At that time all interested persons will be afforded an opportunity to submit data, views or arguments either orally or in writing. The deadline for the receipt of all written comments is 4:30 p.m. on the next business day following the public hearing.

Robert Sawyer, J.D.
Director

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES

RULE TITLE: Addictive Disorder Practice Requirements

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

The only implementation costs will be the printing costs for the proposed rule and the final rule, which is estimated to be a total of \$11,152.00 for the current fiscal year. There are no estimated implementation costs for FY 2005/2006, FY 2206, 2007, FY 2007/2008.

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

It is estimated that there will be no effect on revenue collections.

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

Implementation of these rules will allow the Addictive Disorder Regulatory Authority to issue the Licensed Addiction Counselor credential. It is anticipated that this credential will allow Louisiana addictive disorder counselors to receive third party payor reimbursement for services rendered.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

It is anticipated that the implementation of these rules will have a positive impact on the development of the workforce in both the quality and quantity of available counselors with practice credential. It is estimated that any effect will be beneficial for all.

Frederick P. Cerise, M.D., M.P.H.
Secretary
0412#084

H. Gordon Monk
Staff Director
Legislative Fiscal Office

NOTICE OF INTENT

Department of Health and Hospitals Office of Public Health

Onsite Wastewater Program
(LAC 51:XIII.735 and 737)

Notice is hereby given, in accordance with the Administrative Procedure Act, R.S. 49:950 et seq., the Department of Health and Hospitals, Office of Public Health, pursuant to the authority in R.S. 40:5, and based on the amendment and reenactment of R.S. 40:31.32(D), intends to amend Title 51, Part XIII Subchapter C, Licensing Procedures for Installers and Manufacturers of Individual Sewerage Systems [formerly Chapter 13 Sub-Part F], §735. General Procedures and §737. Installer/Maintenance Provider Qualifications, by adding the provisions of Act No. 667, Regular Session, 2004, providing for the Department of Health and Hospitals, Office of Public Health, to collect \$100 annual fee from each applicant who receives a sewerage installer, sewerage maintenance, or combination license. This Rule change creates three categories of sewerage license, as administered by the Office of Public Health.

Title 51

PUBLIC HEALTH-SANITARY CODE

Part XIII. Sewage Disposal

Subchapter C. Licensing Procedures for Installers, Maintenance Providers, and Manufacturers of Individual Sewerage Systems [formerly Chapter 13 Sub-Part F]

§735. General Procedures [formerly paragraph 13:022-1]

A. ...

B. Installer and Maintenance License. A person who wishes to perform installations, maintenance, or both, of individual sewerage systems shall first obtain the appropriate type of Individual Sewage License. Three types of licenses are offered:

1. a license for installation of septic tanks and/or individual mechanical plants;

2. a combination license which allows the installation and maintenance of individual mechanical plants;

3. a maintenance license for those individuals who only perform service on individual mechanical plants.

C. - F. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:4(A)(6), R.S. 40:5(9)(20), and R.S. 40:31.32(D)

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of Public Health, LR 28:1359 (June 2002), amended LR 31:

§737. Installer/Maintenance Provider Qualifications [formerly paragraph 13:023-1]

A. For an installer's license, the applicant shall submit, along with the license application and evidence of successful completion of an examination, an affidavit certifying that he has obtained, read, and understands the provisions of this Part of the sanitary code, including Chapter 7 Subchapter B of this Part, and the requirements for minimum distance to

sources of contamination in Part XII and will make installations in compliance therewith. Copies of a standard affidavit form and request for examination form may be obtained from any parish health unit.

B. For a combination license, the applicant shall submit, along with the license application and evidence of successful completion of an examination, an endorsement from the licensed manufacturer for the brand of plant he wishes to install and/or maintain, specifying that the applicant is qualified to install and/or maintain said plants, in compliance with the requirements of this code. Applications will not be processed unless accompanied by the required endorsement.

C. For a maintenance license, the applicant shall submit, along with the license application and evidence of successful completion of an examination, an endorsement from the licensed manufacturer for the brand of plant he wishes to maintain, specifying that the applicant is qualified to maintain said plants, in compliance with the requirements of this Code. Applications will not be processed unless accompanied by the required endorsement.

D. All persons seeking to apply for a new license or renewal, must at their own expense, attend and successfully complete, a training course approved by the Sanitarian Services Section of the Office of Public Health, Department of Health and Hospitals as a prerequisite for licensure. This course will be offered at least once annually.

E. All licensees must successfully repeat this training course every five years.

F. A listing of training course dates, times and locations shall be maintained in the various regional offices by the sanitarian regional Directors.

G. In the event an approved training course is not available within 60 days, the sanitarian services section may issue a temporary license provided the applicant meets all of the other requirements cited in this Section and successfully completes an examination administered by the sanitarian regional director. This temporary license shall terminate upon failure to attend the next available approved training course. Applicants who fail to attend the required training course shall not be issued another temporary license, but may reapply for a license upon successful completion of the required training course.

H. Applicants for installer's, combination, or maintenance licenses shall submit, along with the license application, proof that they have secured, for at least the duration of the license, general liability insurance in an amount of no less than \$100,000/\$300,000.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:4(A)(6), R.S.40:5(9)(20), and R.S. 40:31.32(D).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of Public Health, LR 28:1359 (June 2002), amended LR 31:

Family Impact Statement

1. The Effect on the Stability of the Family. There will be no effect on the stability of the family.

2. The Effect on the Authority and Rights of Parents Regarding the Education and Supervision of Their Children. There will be no effect on the authority and rights of parents regarding the education and supervision of their children.

3. The Effect on the Functioning of the Family. There will be no effect on the functioning of the family.

4. The Effect on Family Earnings and Family Budget. There will be no effect on family earnings or budget.

5. The Effect on the Behavior and Personal Responsibility of Children. There will be no effect on the behavior and personal responsibility of children.

6. The Ability of the Family or a Local Government to Perform the Function as Contained in the Proposed Rule. There will be no effect on the ability of the family or a local government to perform the function as contained in the proposed Rule.

A public hearing on the proposed changes will be held on Tuesday, January 25, 2005, at 10 a.m., 6867 Bluebonnet Boulevard, Room 230, Jimmy Swaggart Ministries Campus, Blanche Appleby Computer Complex, Baton Rouge, LA. All interested persons will be afforded an opportunity to submit data, views or arguments, orally or in writing, at said hearing.

Interested persons may submit written comments to Mike Vidrine, Sanitarian Program Administrator, Onsite Wastewater Program, 6867 Bluebonnet Blvd., Box 11, Baton Rouge, LA 70810 by the close of business on January 28, 2005.

Frederick P. Cerise, M.D., M.P.H.
Secretary

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES RULE TITLE: Onsite Wastewater Program

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

No implementation costs or savings to state or local governmental units will occur as a result of promulgating this act, except for nominal publishing costs associated with this rule appearing in the *Louisiana Register*. The publishing costs are anticipated to total less than \$200.

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

No estimated effect on revenue collection is anticipated because the same number of licenses will be issued. The licenses will now be segregated into different groups because of this act.

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

The availability of the maintenance license is not expected to have a significant impact on the size of the regulated community. The same number of licenses will be issued. The licenses will now be segregated into different groups. As a result, costs or benefits will be negligible.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

Virtually no effect on competition or employment is anticipated.

Sharon Howard
Assistant Secretary
0412#083

H. Gordon Monk
Staff Director
Legislative Fiscal Office

NOTICE OF INTENT

Department of Health and Hospitals Office of the Secretary Bureau of Health Services Financing

Dental Services Reimbursement Increase (LAC 50:XV.6903)

The Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing proposes to amend LAC 50:XV.6903 in the Medical Assistance Program as authorized by R.S. 36:254 and pursuant to Title XIX of the Social Security Act. This proposed Rule is promulgated in accordance with the Administrative Procedure Act, R.S. 49:950 et seq.

The Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing provides coverage and reimbursement of dental services under the Early and Periodic Screening, Diagnosis and Treatment (EPSDT) Program. Reimbursement for these services is a flat fee established by the bureau minus the amount that any third party coverage would pay. As the result of the allocation of additional funds by the legislature during the 2004 Regular Session, the bureau increased the reimbursement rates for certain dental procedures and added a new procedure for retreatment of previous root canal therapy-anterior (*Louisiana Register*, Volume 30, Number 9). The bureau now proposes to continue the provisions of the September 1, 2004 Emergency Rule.

In compliance with Act 1183 of the 1999 Regular Session of the Louisiana Legislature, the impact of this proposed Rule on the family has been considered. It is anticipated that this proposed Rule will have no impact on family functioning, stability, or autonomy as described in R.S. 49:972.

The text of this proposed Rule may be viewed in the Emergency Rule section of this *Louisiana Register*.

Interested persons may submit written comments to Ben A. Bearden, Bureau of Health Services Financing, P.O. Box 91030, Baton Rouge, LA 70821-9030. He is responsible for responding to inquiries regarding this proposed Rule. A public hearing on this proposed Rule is scheduled for Tuesday, January 25, 2005 at 9:30 a.m. in the Department of Transportation and Development Auditorium, First Floor, 1201 Capitol Access Road, Baton Rouge, LA. At that time all interested persons will be afforded an opportunity to submit data, views or arguments either orally or in writing. The deadline for the receipt of all written comments is 4:30 p.m. on the next business day following the public hearing.

Frederick P. Cerise, M.D., M.P.H.
Secretary

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES RULE TITLE: Dental Services Reimbursement Increase

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

It is anticipated that the implementation of this proposed rule will increase state programmatic costs by \$1,263,221 for FY 04-05, \$1,620,239 for FY 05-06 and \$1,668,846 for FY 06-

07. It is anticipated that \$272 (\$136 SGF and \$136 FED) will be expended in FY 04-05 for the state administrative expense for promulgation of this proposed rule and the final rule.

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

It is anticipated that the implementation of this proposed rule will increase federal revenue collections by \$3,121,242 for FY 04-05, \$3,798,621 for FY 05-06 and \$3,912,580 for FY 06-07. It is anticipated that \$136 will be expended in FY 04-05 for the federal share of the expense for promulgation of this proposed rule and the final rule.

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

This rule, which continues the provisions of the September 1, 2004 Emergency Rule, proposes to increase certain dental reimbursement rates (approximately 21 codes) in the Early Periodic Screening, Diagnosis and Treatment (EPSDT) Program and adds a new procedure for retreatment of previous root canal therapy-anterior. It is anticipated that implementation of this proposed rule will increase reimbursement to providers of EPSDT dental services by \$4,384,191 for FY 04-05, \$5,418,860 for FY 05-06 and \$5,581,426 FY 06-07.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

This rule has no known impact on competition and employment.

Ben A Bearden
Director
0412#074

H. Gordon Monk
Staff Director
Legislative Fiscal Office

NOTICE OF INTENT

Department of Health and Hospitals Office of the Secretary Bureau of Health Services Financing

Early and Periodic Screening, Diagnosis and Treatment Program Health Services (LAC 50:XV.Chapter 71)

The Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing proposes to amend LAC 50:XV.Chapter 71 in the Medical Assistance Program as authorized by R.S. 36:254 and pursuant to Title XIX of the Social Security Act. This proposed Rule is promulgated in accordance with the Administrative Procedure Act, R.S. 49:950 et seq.

The Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing provides coverage and reimbursement for health services provided for recipients under the age of 21 under the Early and Periodic Screening, Diagnosis and Treatment (EPSDT) Program. The bureau promulgated the service descriptions and the staffing requirements for EPSDT health services and amended the reimbursement methodology for services rendered by local education agencies (*Louisiana Register*, Volume 30, Number 10). The bureau now proposes to continue the provisions of the October 20, 2004 Emergency Rule.

In compliance with Act 1183 of the 1999 Regular Session of the Louisiana Legislature, the impact of this proposed Rule on the family has been considered. It is anticipated that this proposed Rule will have no impact on family

functioning, stability, or autonomy as described in R.S. 49:972.

The Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing promulgates the service descriptions and the staffing requirements for Early and Periodic Screening, Diagnosis and Treatment (EPSDT) health services and amends the reimbursement methodology for services rendered by local education agencies.

Title 50

PUBLIC HEALTH MEDICAL ASSISTANCE

Part XV. Services for Special Populations

Subpart 5. Early and Periodic Screening, Diagnosis, and Treatment

Chapter 71. Health Services

§7101. Covered Services

A. Health services for children are covered if they are included on the Individualized Family Service Plan (IFSP) for ages 0 to 3 years of age, and on the Individualized Education Plan (IEP) for ages 3 to 21 years of age.

1. Audiology services are for the identification of children with auditory impairment, using at risk criteria and appropriate audiologic screening techniques. Audiology services include:

a. determination of range, nature and degree of hearing loss and communications, by use of audiological procedures;

b. referral for medical and other services necessary for the rehabilitation of children with auditory impairment; and

c. provision of auditory training, aural rehabilitation, speech reading and listening device orientation and training, and other services.

2. Speech pathology services are for the identification of children with communicative or oropharyngeal disorders and delays in development of communication skills including diagnosis and treatment. These services include:

a. referral for medical or other professional services necessary for the rehabilitation of children with communicative or oropharyngeal disorders and delays in development of communication skills; and

b. provision of services for the rehabilitation or prevention of communicative or oropharyngeal disorders and delays in development of communication skills.

3. Occupational therapy services address the functional needs of a child related to the performance of self-help skills, adaptive behavior, play and sensory, motor and postural development. Occupational therapy treatment services require a written referral or prescription by a physician licensed in Louisiana on at least an annual basis. An initial evaluation may be done without a referral or prescription. Occupational therapy services include:

a. identification, assessment, and intervention;

b. adaptation of the environment;

c. selection, design, and fabrication of assistive and orthotic devices to facilitate development and promote the acquisition of functional skills; and

d. prevention or reduction of the impact of initial or future impairment, delays in development, or loss of functional ability.

4. Physical therapy services are designed to improve the child's movement dysfunction. Physical therapy

treatment requires a written referral or prescription by a physician licensed in Louisiana on at least an annual basis. An initial evaluation does not require such referral or prescription. Physical therapy services include:

a. screening of infants and toddlers to identify movement dysfunction;

b. obtaining, interpreting and integrating information appropriate to program planning; and

c. services to prevent or alleviate movement dysfunction and related functional problems.

5. Psychological services are designed to obtain, integrate, and interpret information about child behavior, and child and family conditions related to learning, mental health, and development. Psychological services include:

a. administering psychological and developmental tests and other assessment procedures;

b. interpreting assessment results;

c. planning and managing a program of psychological counseling for children and parents, family counseling, consultation on child development, parent training, and education programs.

B. Services Provided by Local Education Agencies. Services provided by local education agencies include the health services as defined above and specified related services as described below that are provided to children ages 3 to 21 determined to be medically necessary and are listed on the child's Individualized Education Plan (IEP).

1. Transportation to and from school is covered for Medicaid children only when a child's medical needs require the use of specialized transportation services and when the child receives another covered EPSDT Health Service at the school on the day the transportation is provided. The EPSDT health service and the child's specialized transportation needs MUST be identified in the child's IEP.

2. Counseling services are services provided to assist the child and/or parents in treating and understanding the child's disability, the special needs of the child, and the child's development. Providers of counseling services must meet all licensing requirements for their respective licensing boards.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and Title XIX of the Social Security Act.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 29:176 (February 2003), amended LR 30:1034 (May 2004), LR 31:

§7103. Professional Staffing Requirements

A. Audiological Services. Audiological services must be provided by an audiologist or physician licensed in Louisiana to provide these services. A referral must be made by the child's physician, preferably the primary care physician, at least annually in accordance with federal Medicaid regulations. The audiologist must meet one of the following criteria:

1. a certificate of clinical competence from the American Speech and Hearing Association;

2. completion of the equivalent educational requirements and work experience necessary for certification; or

3. completion of the academic program and is acquiring supervised work experience to qualify for a certificate.

B. Speech Pathology Services. Speech pathology services must be provided by or under direction of a speech pathologist or audiologist in accordance with licensing standards of the State Examiners Board for Speech Pathologists or Audiologists. The speech pathologist or audiologist must be licensed in the state of Louisiana to provide these services and meet one of the following criteria:

1. a certificate of clinical competence from the American Speech and Hearing Association;
2. completion of the equivalent educational requirements and work experience necessary for certification; or
3. completion of the academic program and is acquiring supervised work experience to qualify for a certificate.

C. Occupational Therapy Services

1. Occupational therapy services must be provided by or under the direction of a qualified occupational therapist licensed in Louisiana to provide these services in accordance with the licensing standards of the State Examiners Board of Occupational Therapists. The occupational therapist must also be:

- a. a registered occupational therapist (OTR) by the American Occupational Therapy Association, Inc. (AOTA); or
- b. a graduate of a program approved by the Council on Medical Education of the American Medical Association and engaged in the supplemental clinical experience before registration by the AOTA.

2. Services provided by an occupational therapist assistant, who is licensed to assist in the practice of occupational therapy and certified by the AOTA, must be provided under the supervision of an occupational therapist licensed in Louisiana.

D. Physical Therapy Services. Physical therapy services must be provided by or under the directions of a qualified physical therapist in accordance with state licensing standards of the State Examiners Board for Physical Therapists. The physical therapist must be a graduate of a program of physical therapy approved by both the Council in Medical Education of the American Medical Association and the American Physical Therapy Association or its equivalent.

E. Psychological services must be provided by either a:

1. Louisiana licensed physician;
2. Louisiana licensed psychiatrist;
3. Louisiana licensed psychologist; or
4. certified school psychologist.

F. Counseling services must be provided by a:

1. licensed professional counselor;
2. licensed clinical social worker; or
3. graduate social worker with supervision in accordance with the state licensing standards of the State Board of Social Work Examiners.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and Title XIX of the Social Security Act.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 30:1034 (May 2004), amended LR 31:

§7105. Reimbursement

A. Early Intervention Centers. Reimbursement for rehabilitation services rendered to Medicaid recipients who are age 0 up to 3 provided by EPSDT early intervention center providers is as follows.

Procedure	Rate
Electrical stimulation	\$ 17
Physical therapy-one area therapeutic-30 minutes	\$ 17
Physical therapy-neuromuscular reeducation-30 minutes	\$ 17
Physical therapy-gait training-30 minutes	\$ 34
Orthotic training	\$ 14
Kinetic act one area-30 minutes	\$ 14
Physical performance test	\$ 14
Physical therapy evaluation/re-evaluation	\$ 92
Occupational therapy evaluation/re-evaluation	\$ 70
Speech/language evaluation/re-evaluation	\$ 70
Speech/language therapy-30 minutes	\$ 26
Speech/language therapy-add 15 minutes	\$ 13
Group speech/language/hearing therapy-30 minutes	\$ 26
Speech group therapy-20 minutes	\$ 13
Speech group therapy-add 15 minutes	\$ 13
Group Speech/language/hearing therapy-1 hour	\$ 52
Speech/language/hearing therapy-20 minutes	\$ 17
Speech/language/hearing therapy-1 hour	\$ 52
Procedures and modalities-30 minutes	\$ 34
Procedures and modalities-15 minutes	\$ 52

B. Local Educational Agencies. All local education agencies that participate in Medicaid as EPSDT health services providers must submit a signed school system certification of understanding (PE-50 EPSDT provider supplement agreement) in order to receive the new reimbursement rates for these services. The new reimbursement rates will not be activated until a completed PE-50 EPSDT provider supplement agreement form has been received from all of the local education agencies enrolled as EPSDT health services providers.

C. Rates for services provided by local education agencies will be established by dividing total costs related to providing the service, less any federal funds, by the total units of service provided. This will be determined as follows:

1. total costs will consist of salaries, benefits and an allocation of indirect costs;
2. annual salaries and benefits will be obtained each rebasing year for all direct service personnel;
3. indirect costs will be allocated using the unrestricted indirect cost rate calculated by the Department of Education;
4. a time study will be conducted each rebasing year using the random moment sampling methodology. The time study will determine the percentage of time direct service personnel spend on billable services;
5. total costs will be multiplied by the percentage of direct service time to determine the amount of allocable costs;
6. allocable costs will then be multiplied by the Medicaid Discount Factor for this program;
7. discounted costs will be divided by total units of service billed for the year to determine cost per unit of service;
8. current rates will be inflated and paid as an interim rate. At the end of the first year, costs and time study results will be obtained and rates will be calculated for a representative sample of the school districts. The median of this sample will then be used to set a statewide rate. The state will then calculate the difference between the calculated statewide rate time the units billed and compare this to the amount paid to the district during the base year. A retroactive adjustment will then be paid to each district;

9. the statewide rate will be inflated using wage inflation factors, and become the per unit rate for the year "Base Year Plus 1"; and

10. rebasing will be done at least every three years.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and Title XIX of the Social Security Act.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 31:

Implementation of the provisions of this Rule shall be contingent upon the approval of the U.S. Department of Health and Human Services, Centers for Medicare and Medicaid Services.

Interested persons may submit written comments to Ben A. Bearden, Bureau of Health Services Financing, P.O. Box 91030, Baton Rouge, LA 70821-9030. He is responsible for responding to inquiries regarding this proposed Rule. A public hearing on this proposed Rule is scheduled for Tuesday, January 25, 2005 at 9:30 a.m. in the Department of Transportation and Development Auditorium, First Floor, 1201 Capitol Access Road, Baton Rouge, LA. At that time all interested persons will be afforded an opportunity to submit data, views or arguments either orally or in writing. The deadline for the receipt of all written comments is 4:30 p.m. on the next business day following the public hearing.

Frederick P. Cerise, M.D., M.P.H.
Secretary

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES

RULE TITLE: **Early and Periodic Screening, Diagnosis and Treatment Program Health Services**

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

It is anticipated that the implementation of this proposed rule will increase state programmatic costs through the certification of school board expenditures for Medicaid Early and Periodic Screening, Diagnosis and Treatment (EPSDT) health services by \$7,345,819 for FY 04-05, \$9,148,024 for FY 05-06, and \$9,422,465 for FY 06-07. It is anticipated that \$748 (\$374 SGF and \$374 FED) will be expended in FY 04-05 for the state's administrative expense for promulgation of this proposed rule and the final rule.

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

It is anticipated that the implementation of this proposed rule will increase federal revenue collections by \$18,151,095 for FY 04-05, \$21,447,375 for FY 05-06 and \$22,090,796 for FY 06-07. It is anticipated that \$374 will be expended in FY 04-05 for the federal share of the expense for promulgation of this proposed rule and the final rule.

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

This rule, which continues the provisions of the October 20, 2004 Emergency Rule, proposes to establish the service descriptions and the staffing requirements for EPSDT health services and amend the reimbursement methodology for services rendered by local education agencies (approximately 67 school boards). It is anticipated that implementation of this proposed rule will increase reimbursement to providers of EPSDT health services by \$25,496,166 for FY 04-05, \$30,595,399 for FY 05-06 and \$31,513,261 for FY 06-07.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

This rule has no known impact on competition and employment.

Ben A Bearden
Director
0412#075

H. Gordon Monk
Staff Director
Legislative Fiscal Office

NOTICE OF INTENT

Department of Health and Hospitals Office of the Secretary Bureau of Health Services Financing

Hospital Program Transplant Services

The Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing promulgates the following Rule in the Medical Assistance Program as authorized by R.S. 36:254 and pursuant to Title XIX of the Social Security Act. This proposed Rule is promulgated in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq.

The Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing promulgated a Rule on June 20, 1994 that adopted criteria for the reimbursement of inpatient hospital services (*Louisiana Register*, Volume 20, Number 6). The bureau subsequently promulgated another Rule on October 20, 1994 that established requirements for the reimbursement for specialized neonatal and pediatric intensive care, burn and transplant services (*Louisiana Register*, Volume 20, Number 10). The bureau repealed and replaced the provisions in the June 20, 1994 and October 20, 1994 Rules governing the coverage of transplant services provided by hospitals (*Louisiana Register*, Volume 30, Number 8). The bureau now proposes to continue the provisions contained in the August 20, 2004 Emergency Rule.

In compliance with Act 1183 of the 1999 Regular Session of the Louisiana Legislature, the impact of this proposed Rule on the family has been considered. It is anticipated that this proposed Rule will have no impact on family functioning, stability, or autonomy as described in R.S. 49:972.

Proposed Rule

The Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing repeals and replaces the provisions in the June 20, 1994 and October 20, 1994 Rules governing the coverage of transplant services provided by hospitals.

Transplant Services

A. Transplants must be prior authorized by the department. Transplants (other than bone marrow and stem cell) must be performed in a hospital that is a Medicare approved transplant center for the procedure. Hospitals seeking Medicaid coverage for transplant procedures must submit documentation verifying that they are a Medicare approved center for each type of transplant other than bone marrow and stem cell transplants. A completed attestation form must be submitted to Provider Enrollment. The Medicaid director may grant an exception to a transplant center for a specific procedure if the transplant surgeon can demonstrate experience with that specific procedure and a

history of positive outcomes in another hospital that is a Medicare approved transplant center for that specific procedure.

B. In addition to the above criteria, transplant centers located in-state shall meet the following criteria for Medicaid coverage of transplant services:

1. be a member of the Organ Procurement and Transplant Network (OPTN) or the National Marrow Donor Program (NMDP) if the hospital only performs bone marrow/stem cell transplants;

2. have an organ receiving and tissue typing facility (Centers for Medicare and Medicaid Services (CMS) approved for histocompatibility) or an agreement for such services;

3. maintain a written records tracking mechanism for all grafts and patients including:

a. patient and/or graft loss with the reason specified for failure;

b. date of the procedure;

c. source of the graft;

d. a written policy for contacting patients and appropriate governmental officials if an infectious agent is involved;

4. have written criteria for acceptable donors for each type of organ for which transplants are performed;

5. have adequate ancillary departments and qualified staff necessary for pre-, intra- and post-operative care including, but not limited to:

a. assessment team;

b. surgical suite;

c. intensive care;

d. radiology;

e. laboratory pathology;

f. infectious disease;

g. dialysis; and

h. therapy (rehabilitation);

6. have minimum designated transplant staff which includes:

a. transplant surgeon—adopt standards as delineated and updated by the OPTN;

b. transplant physician—same as Subparagraph a above;

c. clinical transplant coordinator:

i. registered nurse licensed in Louisiana; and

ii. certified by NATCO or in training and certified

within 18 months of hire date;

d. transplant social worker;

e. transplant dietician;

f. transplant data coordinator;

g. transplant financial coordinator;

NOTE: For Subparagraphs 6.a-g above, continuing education is required for continued licensure and certification as applicable.

7. written patient selection criteria and an implementation plan for application of criteria;

8. facility plan, commitment and resources for a program capable of performing the following number of transplants per year/per organ a minimum of:

a. heart—12;

b. liver—12;

c. kidney—15;

d. pancreas—6;

e. bone marrow—10;

f. other organs as established per Medicare and/or OPTN;

NOTE: If the level falls below the required volume, the hospital shall be evaluated by the department for continued recognition as a transplant center.

9. facility must demonstrate survival rates per organ type per year which meet or exceed the mean survival rates per organ type per year as published annually by the OPTN. If rates fall below this level, the hospital shall supply adequate written documentation for evaluation and justification to the department.

Interested persons may submit written comments to Ben A. Bearden, Bureau of Health Services Financing, P.O. Box 91030, Baton Rouge, LA 70821-9030. He is responsible for responding to inquiries regarding this proposed Rule. A public hearing on this proposed Rule is scheduled for Tuesday, January 25, 2005 at 9:30 a.m. in the Department of Transportation and Development Auditorium, First Floor, 1201 Capitol Access Road, Baton Rouge, LA. At that time all interested persons will be afforded an opportunity to submit data, views or arguments either orally or in writing. The deadline for the receipt of all written comments is 4:30 p.m. on the next business day following the public hearing.

Frederick P. Cerise, M.D., M.P.H.
Secretary

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES

RULE TITLE: Hospital Program Transplant Services

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

It is anticipated that the implementation of this proposed rule will have no programmatic fiscal impact other than cost of promulgation for FY 04-05. It is anticipated that \$408 (\$204 SGF and \$204 FED) will be expended in FY 04-05 for the state's administrative expense for promulgation of this proposed rule and the final rule.

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

It is anticipated that the implementation of this proposed rule will not affect federal revenue collections other than the federal share of the promulgation costs for FY 04-05. It is anticipated that \$204 will be expended in FY 04-05 for the federal share of the expense for promulgation of this proposed rule and the final rule.

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

This rule, which continues the provisions contained in the August 20, 2004 emergency rule, proposes to repeal and replace the provisions governing the coverage of transplant services provided by hospitals (approximately 6). It is anticipated that implementation of this proposed rule will not have estimable cost or economic benefits for FY 04-05, FY 05-06 and FY 06-07.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

This rule has no known impact on competition and employment.

Ben A Bearden
Director
0412#079

H. Gordon Monk
Staff Director
Legislative Fiscal Office

NOTICE OF INTENT

Department of Health and Hospitals Office of the Secretary Bureau of Health Services Financing

Mental Health Rehabilitation Program
(LAC 50:XV.Chapters 1-13)

The Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing hereby proposes to repeal all existing Rules governing the administration of the Mental Health Rehabilitation Program promulgated prior to 2004 and adopt LAC 50 XV.Chapters 1-13. This proposed Rule is governed under the Medical Assistance Program and authorized by R.S. 36:254 and Title XIX of the Social Security Act. This proposed Rule is promulgated in accordance with the Administrative Procedure Act, R.S. 49:950 et seq.

The Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing adopted a Rule that restructured the Mental Health Rehabilitation (MHR) Program and established provisions governing recipient eligibility, service delivery requirements, and reimbursement methodology (*Louisiana Register*, Volume 22, Number 6). Subsequent Rules were promulgated to amend the provisions governing administrative requirements by adding staffing definitions and training requirements (*Louisiana Register*, Volume 24, Number 2) and to revise the administrative requirements for Clinical Managers and staffing definitions for Licensed Professional Counselors, Mental Health Specialists and Mental Health Assistants (*Louisiana Register*, Volume 27, Number 6). The bureau also promulgated Rules to revise the provisions governing sanctions, notice and appeal procedures (*Louisiana Register*, Volume 30, Number 1) and to establish accreditation requirements for MHR agencies (*Louisiana Register*, Volume 30, Number 4). The bureau now proposes to amend the January 20, 2004 and April 20, 2004 Rules to further clarify the sanctions and accreditation provisions.

In compliance with Act 1183 of the 1999 Regular Session of the Louisiana Legislature, the impact of this proposed Rule on the family has been considered. This proposed Rule has no known impact on family functioning, stability, or autonomy as described in R.S. 49:972.

Title 50

PUBLIC HEALTH MEDICAL ASSISTANCE

Part XV. Services for Special Populations

Subpart 1. Mental Health Rehabilitation

Chapter 1. General Provisions

§101. Introduction

A. Mental health rehabilitation (MHR) services for adults with serious mental illness and children with emotional/behavior disorders are those services necessary to reduce the disability resulting from mental illness and to restore the individual to his/her best possible functioning level in the community. Services are provided outside of a mental institution on an as needed basis to assist the recipient in coping with the symptoms of his/her illness, thereby minimizing the disabling effects of mental illness.

B. All mental health rehabilitation services shall be delivered in accordance with federal and state laws and regulations, the provisions of this Subpart 1, the MHR

Medicaid Provider Manual, and any other notices or directives issued by the department or the bureau. These services shall be delivered by practitioners operating within the scope of their license as required by the respective Louisiana Practice Acts. It is the responsibility of each provider to be knowledgeable regarding the policies and procedures governing MHR services and to be aware of all revisions issued by the department or the bureau.

C. The MHR provider is required to focus on a treatment plan and environment that reduces client dependency upon MHR services where the least amount of service(s) is/are required in the least restrictive environment.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and Title XIX of the Social Security Act.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 31:

§103. Definitions and Acronyms

APRN Advanced practice/registered nurse.

BHSF Bureau Health Services Financing.

CARF Commission on Accreditation of Rehabilitation Facilities.

CEU continuing education unit (nurse's training).

CNS clinical nurse specialist.

COA Council on Accreditation.

Core Mental Health Disciplines Academic training programs in psychiatry, psychology, social work and psychiatric nursing.

DHH Department of Health and Hospitals.

Governing Body Includes:

1. the organizers, incorporators, shareholders and board of directors of a MHR provider; and

2. the principal licensed and professional employees who manage, oversee and administer the day-to-day operation of a MHR provider.

JCAHO Joint Commission on Accreditation of Healthcare Organizations.

LCSW licensed clinical social worker.

LMHP licensed mental health professional.

LPN licensed practical nurse.

MHP mental health professional.

MHR mental health rehabilitation.

MHRISIS Mental Health Rehabilitation Services Information System.

MHS mental health specialist.

OMH Office of Mental Health.

Overpayment Any amount paid by BHSF to a MHR provider which exceeds the amount allowed for a service or services furnished under the Medicaid Act. The provider shall reimburse BHSF for overpayments without exception.

QIP Quality Improvement Program.

Recoupment The authority of BHSF to recover payments made for services that are subsequently determined, for any reason, not to qualify for reimbursement.

Repayment The obligation of the MHR provider to refund payments to BHSF for any claims that, for any reason, are subsequently determined not to qualify for reimbursement.

Service Area The restricted geographical area delineated by BHSF in which the MHR provider may offer services.

SPOE—single point of entry.

SURS Surveillance and Utilization Review Section.

USPRA United States Psychiatric Rehabilitation Association.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and Title XIX of the Social Security Act.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 31:

§105. Prior Authorization

A. Every mental health rehabilitation service shall be prior authorized by BHSF. Services provided without prior authorization will not be reimbursed by BHSF. There shall be no exceptions to the prior authorization requirement.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and Title XIX of the Social Security Act.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 31:

Chapter 3. Covered Services and Staffing Requirements

Subchapter A. Mandatory Services

§301. Introduction

A. The provider shall demonstrate the capacity to provide all mandatory core services of the MHR Program. The MHR provider shall provide all mandatory core services; these services shall not be subcontracted. The MHR provider may choose to provide the optional services, either in house or through a subcontractor. Should the provider choose to furnish optional services through a subcontract, they must ensure that the subcontractor meets all provider participation requirements to provide such services including, but not limited to, licensing and certification requirements.

B. Service Package. Each MHR provider shall have a policy wherein they agree to identify and either provide or contract services as identified in every individual service agreement. The provider shall be qualified to provide services, and the recipient shall be eligible to receive the services. The services for each individual shall be included in the 90-day MHR service agreement.

C. Children Services. There shall be family and/or legal guardian involvement throughout the planning and delivery of MHR services.

1. The child shall be served within the context of the family and not as an isolated unit. Services shall be appropriate for:

- a. age;
- b. development;
- c. education; and
- d. culture.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and Title XIX of the Social Security Act.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 31:

§303. Assessment

A. An assessment is an integrated series of diagnostic and evaluation procedures conducted with the recipient and his/her significant other(s) to provide the basis for the development of an effective, comprehensive and individualized service agreement. It is an intensive clinical, psychosocial evaluation of a recipient's mental health conditions which results in an issuance of an Integrated Summary and specific service agreement recommendations. It may also be used to determine the recipient's level of need and medical necessity. It shall be completed in compliance with the format described in the MHR provider manual.

B. Staffing Requirements

1. An assessment must be completed by practitioners operating within the scope of their licenses as required by the respective Louisiana Practice Acts.

2. A LMHP shall:

- a. develop, sign and date the Integrated Summary; and
- b. sign and date the assessment.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and Title XIX of the Social Security Act.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 31:

§305. Service Planning

A. Service planning is the team process of developing the recipient's service agreement, reviewing progress toward the goals of the service agreement and modifying the service agreement as indicated. The service agreement is an individualized, structured, goal-oriented schedule of services developed jointly by the recipient and treatment team. It shall be completed in compliance with the format described in the MHR provider manual. Recipients must be actively involved in the planning process and have a major role in determining the direction of their service agreement. The service agreement must identify the goals, objectives, action strategies, and services which are based on the results of an assessment, indicated by an integrated summary, and agreed to by the adult recipient or the child recipient and their family.

B. Staffing Requirements

1. All credentialed staff may participate in service planning activities as indicated by their participation in service delivery to a recipient. At a minimum, the LMHP must attend the meeting and sign the service agreement. The psychiatrist must review and sign the service agreement.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and Title XIX of the Social Security Act.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 31:

§307. Medication Management

A. Medication management is provided to:

1. assess;
2. monitor a recipient's status in relation to treatment with medication;
3. instruct the recipient, family, significant others or caregivers of the expected effects of therapeutic doses of medications; or
4. administer prescribed medication when ordered by the supervising physician as part of a mental health rehabilitation plan which is inclusive of additional rehabilitation services and supports.

B. Medication shall be delivered face-to-face with the recipient and shall not be delivered in a group setting.

C. Staffing Requirements. Medication Management must be completed by practitioners operating within the scope of their licenses as required by the respective Louisiana Practice Acts.

1. Initial Medication Assessment:

- a. psychiatrist;
- b. advanced practice registered nurse (APRN):
 - i. the APRN must be a clinical nurse specialist (CNS) in psychiatry.

2. Medication Administration:
 - a. psychiatrist;
 - b. advanced practice registered nurse:
 - i. the APRN must be a clinical nurse specialist in psychiatry;
 - c. registered nurse;
 - d. licensed practical nurse.
3. Medication Monitoring:
 - a. psychiatrist;
 - b. advanced practice registered nurse:
 - i. the APRN must be a clinical nurse specialist in psychiatry;
 - c. registered nurse;
4. Medication Education:
 - a. psychiatrist;
 - b. advanced Practice Registered Nurse:
 - i. the APRN must be a clinical nurse specialist in psychiatry;
 - c. registered nurse.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and Title XIX of the Social Security Act.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 31:

§309. Community Support

A. Community Support services is the provision of mental health rehabilitation services and supports necessary to assist the recipient in achieving and maintaining rehabilitative, resiliency and recovery goals.

B. Staffing Requirements

1. Community support may be provided by a:

- a. LMHP;
- b. MHP; or
- c. mental health specialist (MHS) under the supervision of a LMHP or MHP.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and Title XIX of the Social Security Act.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 31:

§311. Group Counseling

A. Group counseling is a treatment modality using face-to-face verbal interaction between two to eight persons. It is a professional therapeutic intervention utilizing psychotherapy theory and techniques. The service is time limited and directed to the goals on the approved service agreement.

B. Staffing Requirements

1. Group counseling may be provided by a:

- a. LMHP; or
- b. mental health professional under the supervision of a LMHP.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and Title XIX of the Social Security Act.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 31:

§313. Individual Intervention/Supportive Counseling

A. Individual intervention and supportive counseling are verbal interactions between the counselor therapist and the person receiving services that are brief, face-to-face, structured and time limited. Individual intervention (child) and supportive counseling (adult) are services provided to

eliminate the psychosocial barriers that impede the skills necessary to function in the community.

1. Individual intervention (children/adolescents) is a range of professionally delivered therapeutic strategies provided individually and face-to-face to the recipient for the purpose of rehabilitating and restoring him/her to an optimal level of functioning and to reduce the risk of a more restrictive treatment intervention.

2. Supportive counseling (adults) includes services provided to eliminate psychosocial barriers that impede the enhancement of skills necessary to function in the community.

B. Staffing Requirements

1. Individual intervention or supportive counseling must be provided by a:

- a. LMHP; or
- b. MHP under the supervision of a LMHP.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and Title XIX of the Social Security Act.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 31:

§315. Parent/Family Intervention (Counseling)

A. Parent/Family Intervention (Counseling) is a therapeutic intervention involving the recipient and one or more of his/her family members. The primary goal of the service is to help the recipient and family improve their overall functioning in the home, school, work and community settings.

B. Staffing Requirements

1. Parent/Family Intervention (Counseling) must be provided by a:

- a. LMHP; or
- b. MHP under the supervision of a LMHP.

2. All staff providing this service must have a minimum of one-year documented experience with family therapy.

C. Place of Service. Parent/Family Intervention (Counseling) may be provided in any of the following:

1. recipient's home;
2. MHR facility;
3. school; or
4. other designated professional environments.

D. Service Exclusion. Parent/Family Intervention (Counseling) may not be combined on a service agreement with Parent/Family Intervention (Intensive).

E. Clinical Exclusion. Parent/Family Intervention (Counseling) is not appropriate for MHR recipients for whom Parent/Family Intervention (Counseling) is the only needed or requested service.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and Title XIX of the Social Security Act.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 31:

§317. Psychosocial Skills Training-Group (Youth)

A. Psychosocial Skills Training-Group (Youth) is a therapeutic, rehabilitative, skill building service for children and adolescents to increase and maintain competence in normal life activities and gain the skills necessary to allow them to remain in or return to their community. It is a time-limited organized service based on models incorporating psychosocial interventions.

B. Staffing Requirements

1. Psychosocial Skills Training-Group (Youth) shall be provided under the supervision of a LMHP with a minimum of two years experience providing services to children, adolescents and their families. The services may be provided by a:

- a. LMHP;
- b. MHP; or
- c. MHS.

2. Group size shall not exceed eight recipients for any single skill building activity.

C. Service Exclusions. Psychosocial Skills Training-Group (Youth) may not be combined on a service agreement with the following:

1. Parent/Family Intervention (Intensive); or
2. Psychosocial Skills Training-Group (Adult).

D. Clinical Exclusion. The MHR provider shall not admit any recipient into this service whose presence would pose a documented health and safety risk to the recipient or to other recipients and for whom the provider cannot provide the necessary care.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and Title XIX of the Social Security Act.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 31:

Subchapter B. Optional Services

§319. Parent/Family Intervention (Intensive)

A. Parent/Family Intervention (Intensive) is a structured, time-limited service involving the recipient and one or more of his/her family members. It is a time-limited intensive family preservation intervention intended to stabilize the living arrangement, promote reunification, or prevent utilization of out of home therapeutic resources (i.e., psychiatric hospitalization, therapeutic foster care) for the recipient. These services focus on the family and are delivered primarily to children and adolescents in their home.

B. Staffing Requirements

1. Parent/family intervention (intensive) is provided by a team that includes the recipient, his/her family or significant others, and a minimum of the following staff members in each team (total of three staff per team):

- a. one full-time team leader who is a LMHP with a minimum of three years experience working with children, adolescents and their families; and
- b. two additional full-time staff persons who shall be one of the following:
 - i. MHP; or
 - ii. MHS (No more than one staff person per team may be a MHS).

2. Each team of three staff persons may not exceed a caseload of 12 families at any given time. Staff to family ratio takes into consideration required evening and weekend coverage, crisis service needs, and geographical coverage.

3. Staff assigned to a Parent/Family Intervention (Intensive) team must be exclusive to this team and provide no other services outside of the team.

C. Service Exclusions. Parent/Family Intervention (Intensive) may not be combined on a service agreement with the following:

1. Community Support;
2. Psychosocial Skills Training-Group (Adult);

3. Psychosocial Skills Training-Group (Youth);
4. Individual Intervention/Supportive Counseling;
 - a. except by special authorization for unique needs.
5. Group Counseling; or
6. Parent/Family Intervention (Counseling).

D. Clinical Exclusion. Parent/Family Intervention (Intensive) is not appropriate for recipients whose families refuse to participate or to allow services in the home.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and Title XIX of the Social Security Act.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 31:

§321. Psychosocial Skills Training-Group (Adult)

A. Psychosocial Skills Training-Group (Adult) is a therapeutic, rehabilitative, skill building service for individuals to increase and maintain competence in normal life activities and gain the skills necessary to allow them to remain in or return to their community. It is designed to increase the recipient's independent functioning in his/her living environment through the integration of recovery and rehabilitation principles into the daily activities of the recipient. It is a time-limited organized program based on a psychosocial rehabilitation philosophy to assist persons with significant psychiatric disabilities, to increase their functioning to live successfully in the environments of their choice.

B. Staffing Requirements

1. This service shall be furnished under the supervision of a LMHP who is on site a minimum of 50 percent of the service operating hours. The supervising LMHP shall be certified by the United States Psychiatric Rehabilitation Services Association (USPRA) or must be certified by USPRA by March 31, 2006.

2. Psychosocial skills building (group) shall be provided by a:

- a. LMHP;
- b. MHP; or
- c. MHS.

3. All staff providing direct services to adults and older adolescents shall have a minimum of one year documented experience with this population and completion of the associated population-specific orientation.

4. There must be a minimum staffing ratio of one direct service staff person for eight recipients at all times of active program participation.

5. Group size may not exceed 15 recipients for any single skill building activity.

C. Service Exclusions. Psychosocial Skills Training-Group (Adult) may not be combined on a service agreement with the following:

1. Parent/Family Intervention (Intensive); or
2. Psychosocial Skills Training-Group (Youth).

D. Clinical Exclusion. The MHR provider shall not admit any recipient into Psychosocial Skills Training-Group (Adult) whose presence would pose a documented health and safety risk to the recipient or to other recipients and for whom the provider cannot provide the necessary care.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and Title XIX of the Social Security Act.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 31:

Chapter 5. Recipient Qualifications

§501. Target Population

A. In order to qualify for MHR services, a recipient must meet the definition of seriously mentally ill promulgated by the Office of Mental Health (*Louisiana Register*, Volume 20, Number 9) and the medical necessity criteria for services.

B. When an individual is determined to qualify for the MHR Program, an initial assessment shall be completed and fully documented in the recipient's record no later than 30 days after the determination of qualification. Information in an assessment shall be based on current circumstances (within 30 days) and face-to-face interviews with the recipient, or if the recipient is a minor, the information shall be obtained from a parent or legal guardian.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and Title XIX of the Social Security Act.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 31:

Chapter 7. Provider Participation Requirements

Subchapter A. Certification and Enrollment

§703. Application

A. The application process to be certified or to be recertified as a mental health rehabilitation provider requires that the provisions of this Subpart 1, the provider manual and the appropriate statutes are met. A prospective provider who elects to provide MHR services shall apply to the Bureau of Health Service Financing for certification. The prospective provider shall create and maintain documents to substantiate that the provider meets all prerequisites in order to qualify as a Medicaid provider of MHR services. The MHR provider shall have a separate Medicaid provider number for each location where it chooses to provide services.

B. A prospective MHR provider shall submit the following documents for certification:

1. a completed Form PE 50 and addendum;
2. a completed disclosure of ownership form;
3. direct deposit authorization form;
4. nonrefundable application fee of \$500 paid by certified check to State of Louisiana, Department of Health and Hospitals;
5. the accreditation documentation as outlined in Subchapter B of this Chapter 7;
6. a document that identifies the applicant's licensed mental health professional (LMHP) and psychiatrist, including verification of current licensure. The LMHP identified must be an employee of the prospective MHR provider;
7. proof of the establishment and maintenance of a line of credit from a federally insured, licensed lending institution in an amount of at least \$50,000 as proof of adequate finances. It is the MHR provider's responsibility to notify the bureau in the event that the financial institution cancels or reduces the upper credit limit:
 - a. nonprofit agencies that have operated for five years or more and have an unqualified audit report for the most recent fiscal year prepared by a licensed certified public accountant, which reflects financial soundness of the nonprofit provider, are not required to meet this standard;
 - b. governmental entities or organizations are exempt from this requirement;

8. a statement identifying the population to be served:

NOTE: A change in the population group to be served cannot be made without prior written approval by BHSF.

- a. adults with serious mental illness; and/or
 - b. children with a emotional/behavior disorder;
9. proof of the establishment and maintenance of a general liability and a professional liability insurance policy with at least \$1,000,000 coverage under each policy. The certificates of insurance for these policies shall be in the name of the MHR provider and certificate holder shall be the Department of Health and Hospitals. The provider shall notify BHSF when coverage is terminated for any reason. Coverage shall be maintained continuously throughout the time services are provided and thereafter for a period of one year:
- a. governmental entities or state and local organizations are exempt from this requirement;
10. identification of the MHR provider's main office location and any additional offices or locations where services are to be provided;
11. proof of an adult day care license issued by the Department of Social Services or its successor when group psychosocial skills training for adults is offered by the MHR provider. All offices or other locations where services are provided, or intend to be provided, are required to be separately licensed and certified. All licenses and certificates shall be in the name of the MHR provider and shall contain the provider's correct name and address;
12. a comprehensive administrative policy and procedure manual that describes an administrative structure to provide MHR services including:
- a. the names, addresses, composition, duties and responsibilities of the governing body;
 - b. policy governing creation and retention of administrative and personnel records;
 - c. a policy to utilize the current MHR SIS (or its successor) system that includes accurate MHR provider staff and client information;
 - d. written procedures for maintaining the security and the confidentiality of recipient records;
 - e. initial and annual recipient orientation policy.
- The MHR provider shall adopt a procedure that requires each recipient to sign an acknowledgment form that verifies that the recipient was fully and completely informed of their rights, orally and in writing, and received a copy of the signed form. The policy shall include:
- i. mission statement;
 - ii. recipient's rights, including freedom of choice to select their MHR provider and right to confidentiality;
 - iii. array and types of treatment services offered by the MHR provider;
 - iv. staff qualifications;
 - v. statement of after hours access to services;
 - vi. crisis management procedures;
 - vii. complaint resolution procedures; and
 - viii. discharge planning procedure;
13. comprehensive training policy for all employees, volunteers, and students; and
14. an operations policy manual that includes a mission statement, program philosophy and goals for the MHR provider.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and Title XIX of the Social Security Act.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 31:

§705. Application and Site Reviews

A. A prospective MHR provider shall undergo one or more reviews by the BHSF before certification:

1. an application review;
2. a first site review; and if necessary
3. a second site review.

B. The BHSF will conduct a review of all application documents for compliance with MHR requirements. If the documentation is approved, the applicant will be notified and an appointment will be scheduled for a first site review of the prospective MHR provider's physical location. If the first site review is successful, the certification request will be approved and forwarded to provider enrollment for further processing.

C. If the application documentation furnished by the prospective MHR provider is not acceptable, a meeting will be scheduled to discuss the deficiencies. The applicant has 30 days to correct the documentation deficiencies and to request a site visit at their physical location.

1. If the prospective MHR provider requests a site visit in a timely manner, a site review of their physical location will be scheduled. At the onsite review, the BHSF will review the corrected documents and make an assessment of the physical location. If the prospective provider has corrected the application document deficiencies and the physical location is deemed acceptable and sufficient to operate as a mental health rehabilitation provider, the BHSF will approve the certification request and forward the necessary paperwork to provider enrollment for further processing.

2. If the prospective provider does not request a site visit within 30 days, the application will be rejected and the provider may not reapply for certification for one year from the date of the application review.

D. A second site review is necessary when a provider fails the first site review. The prospective provider will have 30 days from failure of the first site review to correct any deficiencies and to request the second site review.

1. If the prospective provider requests the second site review in a timely manner and the site review verifies that the applicant has corrected the application document deficiencies, and the location is deemed acceptable and sufficient to operate as a mental health rehabilitation provider, the certification request will be approved and sent to provider enrollment for further processing.

2. If the prospective provider has not corrected all deficiencies they will be denied certification and may not reapply for certification for one year from the date of the application review.

3. If the prospective provider does not request and schedule a second site review within 30 days, they may not reapply for certification for one year from the date of the application review.

E. A prospective provider that fails certification on its original or a subsequent application shall undergo the entire review process detailed above, if and when it reapplies for certification.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and Title XIX of the Social Security Act.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 31:

§707. Provisional Certification

A. When the requirements for certification are fully and properly completed, the approved prospective provider will be issued a provisional certification. Thereafter, the MHR provider may be enrolled to participate in the Medicaid Program. A MHR provider may only be granted provisional certification one time. This provisional certification will continue for a period of one year.

B. Within one year of provisional certification, the MHR provider shall become accredited by one of the national accreditation organizations approved by BHSF. The provider shall have six months from the issuance of a provisional certification to make a formal application to an accrediting body for full accreditation. The MHR provider shall submit proof of its accreditation application to BHSF or its designee by certified mail prior to the end of the sixth month period after the issuance of provisional certification. If the provider does not provide proof of its application for accreditation by that date, the provisional certification shall be terminated.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and Title XIX of the Social Security Act.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 31:

§709. Failure to Achieve Certification

A. If the prospective MHR provider fails to meet any application or certification requirements, they shall not receive a provisional certification. The prospective provider has only one opportunity to achieve provisional certification.

B. There will be an immediate loss of certification if at any time, the enrolled MHR provider fails to obtain or maintain certification requirements and accreditation status. The provider may not reapply for certification for one year following the date of loss of certification.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and Title XIX of the Social Security Act.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 31:

§711. Certification and Recertification

A. Certification. The MHR provider will be fully certified upon achievement of full accreditation.

B. Recertification. Each certified provider shall apply for recertification annually. The application must be submitted at least 90 days prior to expiration of the MHR provider's certification.

C. Failure to Recertify. If a provider fails to meet all requirements for recertification, they will receive a written notice identifying deficiencies. The MHR provider must correct these deficiencies within 60 days from the date of the notice of the deficiencies. If the deficiencies are not corrected within this 60-day period, the provider's certification will be terminated.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and Title XIX of the Social Security Act.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 31:

Subchapter B. Accreditation

§719. Accreditation

A. Currently enrolled and prospective providers of mental health rehabilitation services shall be accredited by a national accreditation organization. The department shall only accept accreditation from the following national organizations for the purposes of enrolling a provider into the Mental Health Rehabilitation (MHR) Program:

1. the Council on Accreditation (COA);
2. the Commission on Accreditation of Rehabilitation Facilities (CARF); or
3. the Joint Commission on Accreditation of Healthcare Organizations (JCAHO).

B. Current providers shall provide documentation of accreditation prior to March 31, 2006 as a condition of ongoing enrollment as a MHR provider.

C. Prospective providers shall meet the established provider participation requirements. In addition, prospective providers shall be required to submit proof of a request for accreditation from a national accreditation organization within six months of enrollment in the MHR program and must be fully accredited within 12 months of submitting the application for enrollment. Providers that do not submit such proof or are not accredited within 12 months shall be immediately terminated from the MHR program.

D. All enrolled providers of mental health rehabilitation services shall maintain accreditation status. Denial or loss of accreditation status, or any negative change in accreditation status, shall be reported to the department in writing within five working days of receiving the notice from the national accreditation organization. The written notification shall include information detailing:

1. the provider's denial or loss of accreditation status;
2. any negative change in accreditation status;
3. the steps and timeframes, if applicable, the accreditation organization is requiring from that provider to maintain accreditation.

E. If at any time, a MHR provider loses accreditation, an automatic loss of certification will occur. This loss of certification is immediate upon loss of accreditation.

F. Failure to notify the department of denial or loss of accreditation status, or any negative change in accreditation status may result in sanctions to the mental health rehabilitation agency.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and Title XIX of the Social Security Act.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 31:

Subchapter C. Provider Responsibilities

§731. General Provisions

A. Providers shall assume full responsibility for the delivery of all services, including those delivered through contracts, subcontracts, or consultant agreements. The MHR provider shall ensure that services provided by contractors, subcontractors and consultants conform to all federal and state regulations regarding delivery and documentation of services and staff qualifications.

1. Each person or entity contracted to the MHR provider shall sign an agreement acknowledging the unfettered right of BHSF to monitor all their service related activities.

B. The MHR provider shall immediately report any suspected or known violations of any state or federal criminal law to BHSF.

C. The MHR provider must establish regular business office hours for all business locations. Business locations must be fully operational at least eight hours a day, five days a week between the hours of 7 a.m. and 7 p.m.

1. A MHR provider is fully operational when the provider:

- a. has met all the requirements for and becomes certified to offer mental health rehabilitation services;
- b. has at least five active recipients at the time of any monitoring review, other than the initial application review;
- c. is capable of accepting referrals at any time during regular business hours;
- d. retains adequate staff to assess, process and manage the needs of current recipients;
- e. has the required designated staff on site (at each location) during business hours; and
- f. is immediately available to its recipients and BHSF by telecommunications 24 hours per day.

2. Every MHR provider location where services are provided shall be established with the intent to:

- a. promote growth and development, client confidentiality, and safety. Each office or treatment area shall contain office equipment and furnishings requisite to providing MHR services including, but not limited to, computers, facsimile machines, telephones and lockable file cabinets. Offices and treatment areas shall be located in a separate building from the residence of the MHR provider's owner.

3. The MHR provider accepts full responsibility to ensure that its office locations meet all applicable federal, state and local licensing requirements. The transferring of licenses and certifications to new locations is strictly prohibited. It is also the responsibility of the MHR provider to immediately notify BHSF of any office relocation or change of address and to obtain a new certification and license (if applicable).

D. Each MHR provider shall maintain written procedures and implement all required policies and procedures immediately upon acceptance of recipients for services.

E. The MHR provider shall develop a policy and procedure for hospitalization that is in conformity with the Single Point of Entry (SPOE) policy and procedure.

F. The MHR provider shall develop a Quality Improvement Procedure (QIP) plan as outlined in the current MHR provider manual. It should address all aspects of the MHR provider operation.

G. As the result of a monitoring review, the MHR provider may be given a written notice of deficiencies and shall submit a written corrective action plan to BHSF within 10 days from receipt of the notice from the department. If the MHR provider fails to submit a corrective action plan within 10 days from the receipt of the notice, sanctions may be imposed against the MHR provider.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and Title XIX of the Social Security Act.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 31:

§733. Crisis Management

A. The MHR provider shall develop and implement a crisis management plan for emergencies. A crisis management plan offers support, services and treatments necessary to provide integrated crisis response, crisis stabilization interventions and crisis prevention activities. Crisis management shall be available on an emergency basis 24 hours a day, seven days a week. The plan shall include a "crisis de-escalation" section. Every effort shall be made at the outset of a crisis to de-escalate the crisis in order to preclude more severe measures, including hospitalization. De-escalation should always be attempted first.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and Title XIX of the Social Security Act.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 31:

§735. Orientation and Training

A. Orientation and training shall be provided to all employees, volunteers, and students. All staff providing direct services shall have documented orientation to the psychosocial rehabilitation model being used in the program. This orientation should be comprised of no less than five contact hours and may be considered as part of the overall requirement of 10 hours orientation.

1. The MHR provider shall develop, implement and maintain an orientation and ongoing training policy that conforms to the standards in the MHR provider manual. All MHR employees, volunteers, and students must receive orientation and training prior to providing services.

2. All orientation and training shall be documented in the employee's personnel record. The documentation shall include the date, title, class time(s), name and credentials of all trainers, and a dated, original signature of the trainee.

3. MHR provider staff shall attend all required training conducted by BHSF or its designee.

4. Initial and ongoing training shall occur on a routine basis to ensure that the staff and trainees demonstrate competency in the areas identified in the MHR provider manual. Staff competency is evidenced by the staff person's ability to describe and apply the information obtained in orientation and training. Ongoing training shall also be offered in response to service delivery issues identified through quality improvement activities.

5. Prior to handling or managing crisis calls any unlicensed person employed by the MHR provider shall have at least six hours of documented training in crisis intervention management through a recognized training curriculum or at least one year of documented experience providing direct crisis management.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and Title XIX of the Social Security Act.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 31:

§737. Staffing Qualifications

A. MHR services shall be provided by one or more of the following staff.

1. Licensed Mental Health Professional (LMHP). The LMHP is a person who has a graduate degree in a mental health-related field from an accredited institution and is licensed to practice in the state of Louisiana by the applicable professional board of examiners.

a. Mental Health-Related Field. In order to qualify as a mental health-related field, an academic program must have curriculum content in which at least 70 percent of the required courses for graduation are based upon the core mental health disciplines.

b. In order to be considered to be a LMHP, a licensed professional counselor (LPC) must have two years post-masters experience in mental health if his/her license was obtained prior to August 15, 1996.

2. Mental Health Nurse

a. The mental health nurse is a registered nurse or practical nurse licensed in the state of Louisiana by the Board of Nursing and:

i. is graduate of an accredited program in psychiatric mental health nursing with two years of post-master's supervised experience in the delivery of mental health services; or

ii. has a Master's Degree in nursing or a Master's Degree in a mental health-related field with two years of supervised postmaster's experience in the delivery of mental health services.

NOTE: Supervised experience is experience in mental health services delivery acquired while working under the formal supervision of a LMHP.

b. Nurses who are licensed by the Louisiana Board of Nursing are permitted to perform the following services:

i. an advanced practice registered nurse (APRN) is a clinical nurse specialist in psychiatry who can perform an initial medication assessment, medication administration, medication monitoring and medication education;

ii. a registered nurse can perform: medication administration, medication monitoring and medication education provided that he/she has:

(a). an associate or bachelor's degree; and

(b). one year experience as a psychiatric nurse which must have occurred no more than five years from date of employment or contract with the MHR provider; or

(c). six CEUs regarding the use of psychotropic medications including atypicals prior to provision of direct service to MHR recipients;

iii. licensed practical nurse (LPN) can perform medication administration, provided they have:

(a). one year of experience as a psychiatric nurse which shall have occurred no more than five years from date of employment/contract with the MHR provider; or

(b). six CEUs regarding the use of psychotropic medications including atypicals prior to provision of direct service to any recipient. Every licensed practical nurse and registered nurse providing this service shall have documented evidence of five CEUs annually specifically related to behavioral health and medication management issues.

3. Mental Health Professional (MHP). The MHP is an individual who has the following qualifications:

a. a Masters Degree in a mental health-related field; and

b. a minimum of 15 hours of graduate-level course work and/or practicum in applied intervention strategies/methods designed to address behavioral, emotional and mental disorders as a part of, or in addition to, the Master's Degree.

NOTE: The MHP must be an employee of the MHR provider and work under the supervision of a LMHP.

4. Mental Health Specialist (MHS). The MHS is an individual who meets one or more of the following criteria:

- a. a bachelors degree in a mental health related field; or
- b. a bachelor's degree, enrolled in college and pursuing a graduate degree in a mental health-related field, and have completed at least two courses in that identified field; or
- c. a high school diploma or a GED, and at least four years experience providing direct services in a mental health, physical health, social services, education or corrections setting.

NOTE: The MHS must be an employee of the MHR provider and work under the supervision of a LMHP.

5. Psychiatrist. A psychiatrist is a licensed medical doctor who is board-certified and authorized to practice psychiatry in Louisiana. Each MHR provider shall implement and maintain a contract with a psychiatrist(s) to provide consultation and/or services on site as medically necessary.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and Title XIX of the Social Security Act.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 31:

§739. Clinical Supervision

A. Every unlicensed MHR employee providing direct clinical services shall receive continuing direct and documented clinical supervision from a licensed mental health professional. Supervision shall be carried out by the LMHP who is directly responsible for the recipient. Documentation of supervision shall be noted in the employee's personnel record.

B. Non-LMHP staff shall receive face-to-face supervision and observation for a minimum of two hours each week for the first three months of employment while they are providing eligible services and for at least one hour per month thereafter. This policy shall not supersede any professional practices act. The policy shall cover supervision and observation and shall be documented in the employee's supervision record.

C. Supervision shall occur on a routine basis to ensure that the MHR staff demonstrates the following competencies:

1. provision of services appropriate to the needs of the individual;
2. service delivery specific to the individual service plan;
3. provision of assistance to recipients in order to meet individual goals;
4. the incorporation of recovery/resiliency and rehabilitation in all aspects of service delivery;
5. treatment effectiveness;
6. assessment of progress;
7. indications that the unlicensed person has reported significant issues since the last supervision session; and
8. feedback from the licensed person that indicates that they are actively directing the case.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and Title XIX of the Social Security Act.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 31:

Subchapter D. Records

§755. Recipient Records

A. The MHR provider shall create and maintain a continuing chronological record on each recipient. Original files shall be kept at the office in which services are provided. The record shall document each service contact and each service provided to the recipient.

B. This record, at a minimum, shall contain:

1. the target population eligibility determination;
2. the initial recipient assessment;
3. the proposed service agreement;
4. documentation of prior authorization for each service;
5. the discharge plan; and
6. clinical documentation sufficient to substantiate any and all claim(s) for reimbursement.

C. The recipient record shall be current and available at all times for review and copying by BHSF. It shall conform to any geographical limitations/restrictions established for the delivery of services.

D. Service Documentation. Documentation shall be maintained to verify that services are in conformity with BHSF policy.

E. The MHR provider shall develop and implement a policy that requires a written discharge plan be currently maintained in each recipient record. The plan shall be developed within 90 days of authorization of services by BHSF. The discharge plan shall be developed in accordance with the requirements outlined in the MHR provider manual.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and Title XIX of the Social Security Act.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 31:

§757. Personnel Records

A. A complete personnel records creation and retention policy shall be developed, implemented and maintained by the MHR provider. The MHR provider shall maintain documentation and verification of all relevant information necessary to assess qualifications for all staff, volunteers and consultants including:

1. employment verification. Records of employment verification shall be maintained and adhere to the criteria specified in the MHR Provider Manual;
2. education verification. Education documents, including diplomas, degrees and certified transcripts shall be maintained on file. Résumés and documentation of qualifications for the psychiatrist and LMHPs, including documentation of current licensure and malpractice insurance, shall be kept on file;
3. criminal background checks. There shall be documentation verifying that a criminal background check was conducted on all employees prior to employment. If the MHR provider offers services to children and adolescents, it shall have background checks performed as required by R.S. 15: 587.1 and R.S. 15: 587.3. The MHR provider shall not hire an individual with a record as a sex offender or permit these individuals to work for the provider;
4. drug testing. All prospective employees who apply to work shall provide evidence of a current negative (no drugs present) drug test for illegal drug use as a prerequisite to employment. This document shall be maintained in the employee's personnel record. The MHR provider shall have

a drug testing policy that provides for the initial pre-employment drug test, the random drug testing of employees, and a written plan to handle employees who test positive for illegal drug use, whether the usage occurs at work or during off duty hours.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and Title XIX of the Social Security Act.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 31:

Chapter 9. Reimbursement

§901. Reimbursement Methodology

A. Reimbursement for mental health rehabilitation services shall be a flat fee for each covered service provided to a qualified recipient. Reimbursement shall be determined in accordance with the Mental Health Rehabilitation Services fee schedule and shall be applicable statewide to all MHR providers.

B. The reimbursement methodology is based on a comparative survey of rates paid in several other states for similar behavioral health services with an adjustment made for economic factors in Louisiana.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and Title XIX of the Social Security Act.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 31:

Chapter 11. Sanctions

§1101. Grounds for Sanctions

A. The following are grounds for sanctioning of a Mental Health Rehabilitation provider:

1. failure to comply with any and all certification, administrative, accreditation, training or operational requirements at any time;

2. failure to provide the full range of services specified in the recipient's service agreement;

3. failure to uphold recipients' rights when violations may or could result in harm or injury;

4. failure to notify proper authorities of all suspected cases of neglect, criminal activity, or mental or physical abuse which could potentially cause, or actually causes harm to the patient;

5. failure to maintain adequate qualified staff to provide necessary services;

6. failure to adequately document that services that were billed were actually performed;

7. failure of a MHR provider's subcontractors to meet all required standards;

8. failure to fully cooperate with a DHH survey or investigation including, but not limited to, failure to allow DHH staff entry to the MHR provider's or subcontractor's offices or denial of access to any requested records during any survey or investigation;

9. failure to comply with all reporting requirements in a timely manner;

10. failure to provide documentation that verifies compliance with any requirement as set forth in this Subpart 1;

11. failure to comply with any or all federal or state regulations or laws applicable to either the Mental Health Rehabilitation Program or the Medical Assistance Program;

12. failure to protect recipients from harmful actions of a MHR provider's employees or subcontractors including, but not limited to:

a. health and safety;

b. coercion;

c. threat;

d. intimidation;

e. solicitation; or

f. harassment;

13. failure to remain fully operational at all times for any reason other than a natural disaster;

14. a substantiated pattern of consistent complaints filed against a MHR provider, within a one-year period;

15. a false statement of a material fact knowingly (or with reason to know) made by an owner or staff person of the MHR provider in the following areas:

a. an application for enrollment;

b. data forms;

c. a recipient's record;

d. any matter under investigation by the department;

or

e. certification/recertification, or the accreditation process;

16. if a MHR provider uses false, fraudulent or misleading advertising;

17. failure to disclose a conviction for a criminal offense by a person who with ownership or controlling interest in the provider agency, or by a person who is an agent or managing employee of the MHR provider; or

18. if the facts as determined by the department indicates a failure to provide optimum care in accordance with current standards of practice.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and Title XIX of the Social Security Act.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 31:

§1103. Applicable Sanctions

A. The following sanctions may be applied to any MHR provider, independently, consecutively and/or collectively. These sanctions may be imposed in addition to those sanctions cited in the Surveillance and Utilization Systems rule, LAC 50:I.Chapter 41 (*Louisiana Register*, Volume 29, Number 4).

1. The MHR provider may be terminated as a MHR provider and all existing authorizations may be canceled. Terminated agencies, including all of their owners, officers, or directors will not be allowed to reapply for certification as a MHR provider for a period of up to five years.

2. Payments for services rendered may be suspended or withheld until program compliance is verified.

3. Requests for authorization extensions may be denied.

4. The MHR provider's current recipients shall be transferred to another MHR provider if the bureau determines that recipient health and safety are compromised. Recipients have freedom of choice regarding the selection of service providers.

5. The MHR provider and/or the staff may be required to complete education and training in all aspects of MHR policy and billing procedures, including training relevant to providing quality MHR services.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and Title XIX of the Social Security Act.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 31:

Chapter 13. Appeals

§1301. Appeal Procedure

A. A MHR provider that contests any adverse action taken by the BHSF may appeal such action by submitting a written request for appeal to the Department's Bureau of Appeals.

B. The appeal request must be received by the Department's Bureau of Appeals within 30 days of the MHR provider's receipt of the written notification of the department's action. The appeal request must specify, in detail, the reasons for the appeal and state the reasons why the MHR provider contends that it is aggrieved by the department's action.

C. Sanctions in the form of a termination based on fraud and abuse or health and safety shall take effect immediately upon notice by the department.

D. Except in cases involving program integrity issues where fraud or abuse is at issue, a sanctioned MHR provider who has timely filed an appeal shall be allowed to accept new clients during the appeals process unless the appeal is delayed beyond 90 days due to action on the part of the MHR provider. If the appeal is delayed beyond 90 days due to action on the part of the MHR provider, the provider may be prohibited from taking on new clients until a ruling on the appeal has been issued.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and Title XIX of the Social Security Act.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 31:

Interested persons may submit written comments to the following address: Ben A. Bearden, Bureau of Health Services Financing, P.O. Box 91030, Baton Rouge, LA 70821-9030. He is responsible for responding to inquiries regarding this proposed Rule. A public hearing on this proposed Rule is scheduled for Tuesday, January 25, 2005 at 9:30 a.m. in the Department of Transportation and Development Auditorium, First Floor, 1201 Capitol Access Road, Baton Rouge, LA. At that time all interested persons will be afforded an opportunity to submit data, views or arguments either orally or in writing. The deadline for the receipt of all written comments is 4:30 p.m. on the next business day following the public hearing.

Frederick P. Cerise, M.D., M.P.H.
Secretary

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES

RULE TITLE: Mental Health Rehabilitation Program

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

It is anticipated that the implementation of this proposed rule will have no programmatic fiscal impact for FY 04-05, 05-06 and 06-07. It is anticipated that \$5,576 (\$2,788 SGF and \$2,788 FED) will be expended in FY 04-05 for the state's administrative expense for promulgation of this proposed rule and the final rule.

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

It is anticipated that the implementation of this proposed rule will not affect federal revenue collections other than the federal share of the promulgation costs for FY 04-05. It is anticipated that \$2,788 will be expended in FY 04-05 for the federal share of the expense for promulgation of this proposed rule and the final rule.

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

This rule proposes to repeal all existing rules and establish new criteria governing the administration of the Mental Health Rehabilitation (MHR) Program. It is anticipated that the implementation of this proposed rule will have no economic costs or benefits for MHR recipients. It is anticipated that MHR agencies (approximately 130) will experience additional costs associated with requirements for the establishment and maintenance of a line of credit and increased liability insurance coverage. It is anticipated that new providers will experience increased costs due to application fees. The number of new providers and the fiscal impact of the \$500 application fee are indeterminable at this time.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

There is no known effect on competition and employment.

Ben A Bearden
Director
0412#076

H. Gordon Monk
Staff Director
Legislative Fiscal Office

NOTICE OF INTENT

Department of Health and Hospitals Office of the Secretary Bureau of Health Services Financing

Mental Health Rehabilitation Program Provider Enrollment Moratorium (LAC 50:XV.701)

The Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing adopts LAC 50:XV.701 in the Medical Assistance Program as authorized by R.S. 36:254 and pursuant to Title XIX of the Social Security Act. This proposed Rule is promulgated in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq.

The Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing adopted a Rule to revise provider participation requirements for the Mental Health Rehabilitation Program (MHR) by establishing enrollment and certification criteria for prospective providers (*Louisiana Register*, Volume 24, Number 7). Act 246 of the 2003 Regular Session of the Legislature authorized the department to promulgate Rules and regulations requiring the mandatory accreditation of providers of mental health rehabilitation services by an accreditation body. In compliance with Act 246, the bureau promulgated a Rule to amend the provisions contained in the July 20, 1998 Rule by establishing the accreditation requirements for mental health rehabilitation agencies (*Louisiana Register*, Volume 30, Number 4). The bureau promulgated an Emergency Rule that established a moratorium on the enrollment of new providers of mental health rehabilitation services in the Medicaid Program

(Louisiana Register, Volume 30, Number 8). The bureau now proposes to continue the provisions contained in the August 20, 2004 Emergency Rule.

In compliance with Act 1183 of the 1999 Regular Session of the Louisiana Legislature, the impact of this proposed Rule on the family has been considered. It is anticipated that this proposed Rule will have no impact on family functioning, stability, or autonomy as described in R.S. 49:972.

The Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing adopts LAC 50:XV.701 to implement a provider enrollment moratorium for mental health rehabilitation services.

Title 50

PUBLIC HEALTH MEDICAL ASSISTANCE

Part XV. Services for Special Populations

Subpart 1. Mental Health Rehabilitation

Chapter 7. Provider Participation Requirements

Subchapter A. Certification and Enrollment

§701. Provider Enrollment Moratorium

A. A moratorium is implemented on the enrollment of mental health rehabilitation (MHR) providers to participate in the Medicaid Program. The department shall not approve enrollment for any new MHR provider or satellite office regardless of the status of the application.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and Title XIX of the Social Security Act.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 31:

Interested persons may submit written comments to Ben A. Bearden, Bureau of Health Services Financing, P.O. Box 91030, Baton Rouge, LA 70821-9030. He is responsible for responding to inquiries regarding this proposed Rule. A public hearing on this proposed Rule is scheduled for Tuesday, January 25, 2005 at 9:30 a.m. in the Department of Transportation and Development Auditorium, First Floor, 1201 Capitol Access Road, Baton Rouge, LA. At that time all interested persons will be afforded an opportunity to submit data, views or arguments either orally or in writing. The deadline for the receipt of all written comments is 4:30 p.m. on the next business day following the public hearing.

Frederick P. Cerise, M.D., M.P.H.
Secretary

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES

RULE TITLE: Mental Health Rehabilitation Program Provider Enrollment Moratorium

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

It is anticipated that the implementation of this proposed rule will have no programmatic fiscal impact for FY 04-05, 05-06 and 06-07. It is anticipated that \$204 (\$102 SGF and \$102 FED) will be expended in FY 04-05 for the state's administrative expense for promulgation of this proposed rule and the final rule.

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

It is anticipated that the implementation of this proposed rule will not affect federal revenue collections other than the federal share of the promulgation costs for FY 04-05. It is anticipated that \$102 will be expended in FY 04-05 for the federal share of the expense for promulgation of this proposed rule and the final rule.

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

This rule, which continues the provisions contained in the August 20, 2004 emergency rule, proposes to implement a moratorium on the enrollment of new providers (currently approximately 130 enrolled providers) of mental health rehabilitation services in the Medicaid Program. It is anticipated that implementation of this proposed rule will have no economic costs or benefits for recipients or mental health rehabilitation agencies.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

The proposed rule could have a negative impact on competition and employment as it will implement a moratorium on the enrollment of new providers of mental health rehabilitation services.

Ben A Bearden
Director
0412#077

H. Gordon Monk
Staff Director
Legislative Fiscal Office

NOTICE OF INTENT

**Department of Health and Hospitals
Office of the Secretary
Bureau of Health Services Financing**

Pharmacy Benefits Management Program
Erectile Dysfunction Drugs

The Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing proposes to promulgate the following Rule in the Medical Assistance Program as authorized by R.S. 36:254 and pursuant to Title XIX of the Social Security Act. This proposed Rule is promulgated in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq.

The Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing currently provides coverage for prescription drugs for treatment of erectile dysfunction through the Pharmacy Program under the Medicaid Program. The bureau promulgated a Rule that limited the number of units of these drugs that are reimbursed under the Medicaid Program to six units per month (Louisiana Register, Volume 25, Number 5). The bureau now proposes to amend the May 20, 1999 Rule and limit the number of units reimbursed to one per month.

In compliance with Act 1183 of the 1999 Regular Session of the Louisiana Legislature, the impact of this proposed Rule on the family has been considered. This proposed Rule has no known impact on family functioning, stability, or autonomy as described in R.S. 49:972.

Proposed Rule

The Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing limits the number of units of prescription drugs for the treatment of erectile dysfunction that are reimbursable by the Medicaid Program to one unit per month per patient. A unit includes tablets, injectables, intraurethral pellets and any other dosage form which may become available.

Interested persons may submit written comments to Ben A. Bearden, Bureau of Health Services Financing, P.O. Box 91030, Baton Rouge, LA 70821-9030. He is responsible for responding to inquiries regarding this proposed Rule. A public hearing on this proposed Rule is scheduled for Tuesday, January 25, 2005 at 9:30 a.m. in the Department of Transportation and Development Auditorium, First Floor, 1201 Capitol Access Road, Baton Rouge, LA. At that time all interested persons will be afforded an opportunity to submit data, views or arguments either orally or in writing. The deadline for the receipt of all written comments is 4:30 p.m. on the next business day following the public hearing.

Frederick P. Cerise, M.D., M.P.H.
Secretary

**FISCAL AND ECONOMIC IMPACT STATEMENT
FOR ADMINISTRATIVE RULES**

**RULE TITLE: Pharmacy Benefits Management
Program - Erectile Dysfunction Drugs**

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

It is anticipated that implementation of this proposed rule will result in an estimated cost avoidance to the state of \$130,837 for FY 04-05, \$508,849 for FY 05-06 and \$524,115 for FY 06-07. It is anticipated that \$136 (\$68 SGF and \$68 FED) will be expended in FY 04-05 for the state administrative expense for promulgation of this proposed rule and the final rule.

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

It is anticipated that implementation of this proposed rule will reduce federal revenue collections by \$323,401 for FY 04-05, \$1,192,988 for FY 05-06 and \$1,228,777 for FY 06-07. \$68 is included in FY 04-05 for the federal administrative expenses for promulgation of this proposed rule and the final rule.

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

This proposed rule limits the number of units of prescription drugs for the treatment of erectile dysfunction that are reimbursable by the Medicaid Program from six units per month to one unit per month per patient (approximately 6,300 recipients). It is anticipated that implementation of this proposed rule will decrease payments for prescription drugs for the treatment of erectile dysfunction by \$454,374 for FY 04-05, \$1,701,837 for FY 05-06 and \$1,752,892 for FY 06-07.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

It is anticipated that there will be no effect on competition and employment as a result of the implementation of this proposed rule.

Ben A Bearden
Director
0412#078

H. Gordon Monk
Staff Director
Legislative Fiscal Office

NOTICE OF INTENT

**Department of Insurance
Office of the Commissioner**

Military Personnel Automobile Liability Insurance
Premium Discount and Insurer Rebate Program
(LAC 37: XIII.Chapter 95)

In accordance with the provisions of 49:950 et seq. of the Administrative Procedure Act the Commissioner of Insurance hereby gives notice of his intent to adopt Regulation 81 to implement a military personnel premium discount and insurer rebate program. Adoption of the proposed regulation is authorized by Acts 2004, No. 770.

Title 37

INSURANCE

Part XIII. Regulations

**Chapter 95. Regulation 81 - Military Personnel
Automobile Liability Insurance Premium
Discount and Insurer Rebate Program**

§9501. Authority

A. This regulation is adopted pursuant to R.S. 22:3 and 22:1425.

AUTHORITY NOTE: Promulgated in accordance with R.S. 22:3 and R.S. 22:1425.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 31:

§9503. Purpose

A. The purpose of this regulation is to implement the provision of Acts 2004, No. 770 of the Louisiana Legislature, Regular Session, which created an insurance premium discount program for active military personnel stationed in Louisiana. The new law requires the commissioner to adopt a regulation to implement the discount program and to develop procedures for insurers to follow to obtain a rebate of the discount provided to qualified military personnel.

AUTHORITY NOTE: Promulgated in accordance with R.S. 22:3 and R.S. 22:1425.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 31:

§9505. Scope and Applicability

A. This regulation applies to all motor vehicle insurers authorized to engage in the business of writing automobile liability insurance in this state. It is also applicable to any automobile liability insurance policy purchased in this state from an authorized insurer by active military personnel based in Louisiana to cover motor vehicles owned by such military personnel.

AUTHORITY NOTE: Promulgated in accordance with R.S. 22:3 and R.S. 22:1425.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 31:

§9507. Severability

A. If any Section or provision of this regulation is held invalid, such invalidity shall not affect other Sections of provisions which can be given effect without the invalid Section or provision. For this purpose the Sections and provisions of this regulation are severable.

AUTHORITY NOTE: Promulgated in accordance with R.S. 22:3 and R.S. 22:1425.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 31:

§9509. Definitions

A. For the purposes of this regulation the following terms shall have the meaning ascribed herein unless the context clearly indicates otherwise.

Active Military Personnel

- a. an individual who is based in this state and who is serving full-time:
 - i. in the Army, Navy, Marine Corps or Air Force;
 - or
 - ii. as a member of the Reserve or National Guard;
 - or
 - iii. as a member of the Coast Guard.

b. *Active military personnel* who are deployed out-of-state or overseas whose spouse and dependents remain in this state shall be considered as based in this state for purposes of receiving the discount provided by R.S. 22:1425 and §9515 of this regulation.

AMP active military personnel.

Authorized Insurer shall have the meaning found in R.S. 22:5(3).

Automobile Liability Insurance Policy a policy acquired in this state, insuring not more than four motor vehicles of the types described in R.S. 22:636.1A(1)(a)-(b), with the exception that for the purposes of this regulation it shall also include coverage for motorcycles, which provides coverage for bodily injury and property damage liability, medical payments and uninsured motorists coverage as provided in R.S. 22:636.1A(2). It includes a renewal policy if at the time of renewal the named insured retains the status of *active military personnel* as defined above. Golf carts, go-carts, off-road vehicles, all-terrain vehicles and other similar motorized vehicles are not motor vehicles for the purposes of R.S. 22:636.1A(1)(a)-(b).

Commissioner the Commissioner of Insurance for the state of Louisiana.

Direct Written Premium the premium charged by the insurer as consideration for automobile liability insurance coverage.

Insured the individual who qualifies as *active military personnel* and includes the spouse and any dependents who are under the age of 18 or unmarried full-time students under the age of 24, of such individual.

Insurer shall have the meaning found in R.S. 22:5(10).

LDOIC the Louisiana Department of Insurance.

Named Insured the person identified as such on the policy.

State the state of Louisiana.

AUTHORITY NOTE: Promulgated in accordance with R.S. 22:3 and R.S. 22:1425.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 31:

§9511. Premium Discount; Proof of Eligibility

A. On or after July 1, 2005, all authorized insurers shall grant a discount equal to 12.5 percent of the premium charged for an automobile liability insurance policy insuring a vehicle owned by an insured. The discount applies to new and renewal business effective July 1, 2005. The discount applied to new and renewal business effective July 1, 2006, shall be equal to 25 percent of the premium. For interim policy changes the discount mandated by this Subsection shall be applied on a pro-rata basis in the same manner as similar discount programs, such as good-student discounts, are applied by the insurer.

B. Prior to applying the premium discount mandated by R.S. 22:1425(A) an insurer shall obtain from the applicant proof of the following.

1. Proof of the applicant's status as active military personnel shall be in the form of a copy of the applicant's military identification card or a copy of his military orders.

2. Proof that the applicant is stationed at or assigned to a base located in Louisiana shall be in the form of a copy of the applicant's military orders.

3. If the applicant is a spouse or dependant of an AMP proof shall be in the form of a copy of the applicant's military identification card, a copy of the AMP's military orders, and if over the age of 18 proof of enrollment as a full-time student at an accredited college or university, or at a vocational, technical, vocational-technical or trade school or institute, or secondary school.

4. Proof that the vehicle for which insurance is being purchased is owned by an insured shall be in the form of a copy of the vehicle's title or registration papers.

5. Nothing in this Subsection shall preclude an insurer from requesting additional documentation or proof from an applicant to determine eligibility for the discount.

C. For renewals, proof may be in the form of an affidavit in lieu of the documentation listed in Subsection B. A sample affidavit is shown below.

Affidavit

The State of Louisiana
Parish of _____

BEFORE ME, the undersigned authority, on this day personally appeared _____, who, after being duly sworn, deposed and stated under oath the following:

I, the undersigned affiant, have previously established eligibility for the insurance premium discount program for active military personnel stationed in Louisiana. This eligibility was based on:

- 1. Proof of status as full-time active duty (copy of military ID or orders);
- 2. Proof of stationing in Louisiana, even if deployed elsewhere;
- 3. Proof of dependency, if a spouse or dependent; and
- 4. Proof of vehicle ownership (copy of title or registration).

By signing below, I attest that I continue to meet the aforementioned eligibility requirements.

Signed this ____ day of _____, 20__.

Affiant

SUBSCRIBED and SWORN TO before me, the undersigned authority, on this the ____ day of _____, 20__.

Notary

Print Name

Address

AUTHORITY NOTE: Promulgated in accordance with R.S. 22:3 and R.S. 22:1425.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 31:

§9513. Requests for Rebates; Documentation; Dispute Resolution

A. The rebate authorized by R.S. 22:1425 will be remitted to eligible insurers on an annual calendar year basis. Rebates will be calculated based upon direct written premium. An insurer is eligible to receive a rebate if it is an authorized insurer and it makes a timely request for a rebate.

B. Insurers seeking a rebate shall submit a request for rebate to the LDOI in accordance with the reporting schedule set forth in the reporting form(s) designed by the commissioner. Included with the request, insurers shall submit the information required to be maintained by §9515.B. A request that does not include the proof required by this regulation will be considered untimely.

C. If the request is approved, the commissioner will issue a warrant to the treasurer within 30 days of receipt.

D. The commissioner may disapprove a request for rebate, in whole or in part, if:

- 1. it is submitted late, unless the insurer can show good cause for the delay;
- 2. the report is incomplete or required documents are missing;
- 3. the request is excessive because a discount was given to a person who was not eligible to receive it.

E. If the commissioner disapproves a request for a rebate he shall give written notice to the insurer, stating the grounds for disapproval. The notice shall be sent to the address shown on the records of the LDOI. An insurer shall have 30 days from the date of the notice to dispute the disapproval. Any documents submitted in rebuttal to a disapproval notice shall be verified as true and accurate by an officer of the insurer.

F. Within 30 days of submission of the verified rebuttal the commissioner shall enter an order either approving or disapproving the request for a rebate.

1. If the request is approved, the commissioner shall promptly issue a warrant to the treasurer. The treasurer shall remit the rebate within 30 days of receipt of the warrant.

2. If the request is disapproved, notice shall be given in writing, by certified mail, return receipt requested. The insurer shall have 30 days from the date of receipt of the notice of disapproval to request an adjudicatory hearing as provided for by Part XXIX of Title 22 of the Louisiana Revised Statutes.

AUTHORITY NOTE: Promulgated in accordance with R.S. 22:3 and R.S. 22:1425.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 31:

§9515. Recordkeeping; Annual Report

A. Any insurer issuing an automobile liability insurance policy to an individual who qualifies for the military discount program shall maintain the following records:

- 1. the items obtained in compliance with §9511.B;
- 2. a copy of the Declarations Page for each policy for which a rebate is sought.

B. The annual report shall be made on a form(s) designed by the commissioner. The report shall include the following information for automobile liability insurance coverage issued to an insured:

- 1. a detailed listing of all policies for which a rebate is sought. The listing shall include, at a minimum:
 - a. the policy number of each policy;
 - b. the effective date of the policy;

- c. the term of the policy;
 - d. the named insured on the policy;
 - e. the gross direct written premium prior to application of the discount;
 - f. the net direct written premium following application of the discount; and
 - g. the dollar value of the discount applied to the policy;
- 2. the total number of policies written on active military personnel;
 - 3. the total gross direct written premium prior to application of the discount;
 - 4. the total net direct written premium following application of the discount;
 - 5. the total end-of-year rebate sought.

C. The record required by this section may be kept in electronic or written form. It shall be maintained by the insurer for a period of five years from the date of issuance of the insurance policy to which the discount has been applied. Upon request, the insurer shall produce such record for examination by the commissioner or any person acting on behalf of the commissioner.

D. The initial annual report shall cover the calendar year ending December 31, 2005 and shall be filed on or before March 1, 2006.

AUTHORITY NOTE: Promulgated in accordance with R.S. 22:3 and R.S. 22:1425.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 31:

§9517. Overpayments; Collection Proceedings; Fines and Hearings

A. If an insurer is examined or audited by the commissioner and it is determined that the insurer received a rebate in excess of the amount actually due and owing, then the commissioner shall have authority to order the insurer to refund the overpayment to the treasurer. The commissioner shall promptly notify the treasurer of his determination and provide him with a copy of his order.

B. The treasurer shall have standing to institute legal proceedings to collect the overpayment and any such proceedings shall be brought in the Nineteenth Judicial District Court. The commissioner's order shall be prima facie proof of the amount due and owing. If legal proceedings are instituted, the treasurer shall be entitled to an additional 20 percent of the amount found to be due for the cost of collection.

C. An insurer's failure or refusal to refund an overpayment shall constitute grounds for the commissioner to suspend the insurer's certificate of authority, or to impose a fine not to exceed 10 percent of the overpayment or \$2,500, whichever is more, or both. The insurer shall have 30 days from the date of receipt of the notice of the commissioner's proposed action to request an adjudicatory hearing as provided for by Part XXIX of Title 22 of the Louisiana Revised Statutes.

D. No insurer shall be allowed to withdraw from the state or have its certificate of authority canceled if it has outstanding overpayments.

E. Nothing in this regulation shall be construed as a limitation on any powers or duties otherwise vested in the commissioner by operation of law.

AUTHORITY NOTE: Promulgated in accordance with R.S. 22:3 and R.S. 22:1425.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 31:

§9519. Effective Date; Implementation

A. This regulation shall take effect on March 20, 2005. Insurers shall take steps to timely implement the discount program so that it is available for all new and renewal business effective July 1, 2005.

AUTHORITY NOTE: Promulgated in accordance with R.S. 22:3 and R.S. 22:1425.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 31:

Family Impact Statement

Proposed Regulation 81, LAC 37:XIII.Chapter 95, regarding military personnel automobile liability insurance premium discount and insurer rebate program should not have any known or foreseeable impact on the family as defined by R.S. 49:972(D) or on family formation, stability or autonomy. Specifically, there should be no known or foreseeable effect on:

1. the stability of the family;
2. the authority and rights of parents regarding the education and supervision of their children;
3. the functioning of the family;
4. family earnings and family budget;
5. the behavior and personal responsibility of children;
6. the ability of the family or a local government to perform the function as contained in the proposed Rule.

A copy of the proposed regulation may be obtained by writing to the LDOI at the address shown below or by telephone at 225-342-4673. Copies may also be obtained from the Office of the State Register, 1201 North Third Street, Baton Rouge, LA 70802 or by calling at 225-342-5015.

Interested parties may submit oral or written comments on the proposed regulation to Colleen Noël Wertz, Chief Attorney, Box 94214, Baton Rouge, LA 70804-9214; telephone: 225-342-4632. The deadline to submit comments is 5 p.m., January 24, 2005.

J. Robert Wooley
Commissioner

**FISCAL AND ECONOMIC IMPACT STATEMENT
FOR ADMINISTRATIVE RULES
RULE TITLE: Military Personnel Automobile Liability
Insurance Premium Discount and Insurer Rebate
Program**

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

DOI anticipates first-year (2004-2005) implementation costs of \$60,000 for professional services related to modifications of the department's IT systems as a result of implementations of Regulation 81. The second year (2005-2006), the addition of one employee to the Surplus Lines and Premium Tax division to accomplish the work required by the adoption of Regulation 81 will result in recurring salary and related benefits of \$52,887 per year, plus recurring operating expenses of \$10,135 per year, all estimated to increase by 4 percent each year. Non-recurring equipment and acquisitions costs of \$4,200 will be required in the second year (2005-

2006). Recurring IT maintenance costs of \$9,360 per year will begin in fiscal 2005-2006.

Fiscal 2004-05	\$60,000 (IT Systems Modifications)
Fiscal 2005-06	\$52,887 (Salary and Related Benefits) Recurring
	\$10,135 (Operating Expenses) Recurring
	\$9,360 (IT Maintenance) Recurring
	\$4,200 (Computer Equipment and Acquisitions) Non-recurring
Fiscal 05-06	Total Recurring = \$72,382
	Total Non-recurring = \$4,200
	Grand Total 2005-2006 = \$76,582

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

Revenue to the State General Fund will see a decrease of approximately \$800,000 from the reduction and debate occurring in the first year, fiscal 2005-06. The full reduction in general fund revenue (\$1.6 million estimated) will occur in fiscal 2007 and subsequent fiscal years.

Based on information from the office of Congressman Vitter, there are approximately 17,500 military personnel on active duty in the state. The average liability premium in Louisiana is \$482/year, as reported by the National Association of Insurance Commissioners. This average reflects all policy limits and all policyholders in the state. This overall premium average is adjusted downward to reflect the likely greater share of military personnel that carry the minimum liability coverage than the general population (75 percent assumed for military personnel vs. 50 percent in the general population) and is adjusted upward to reflect the likely greater share of military personnel that are in the 18-25 year old age class than the general population (33 percent assumed for military personnel vs. 10 percent in the general population). Three-quarters of these persons are assumed to have vehicles. These adjustments and assumptions are based on estimates and judgments of the Department of Insurance, the Department of Economic Development military division and the Legislative Fiscal Office. The net effect is an estimated liability premium of \$499 per vehicle year for military personnel. This premium, multiplied by the number of insured vehicles (13, 125) results in an estimate of aggregate liability premiums paid by active military personnel in the state of \$6.6 million per year.

A discount of 25 percent of these premiums amounts to \$1.6 million per year. This is an estimate of the full aggregate premium savings being mandated for these persons, as well as the full rebate payments the state will experience as a result of the provisions of the act. One-half of this premium reduction and rebate from the state will occur in fiscal year 2005/06, amounting to \$800,000. The full amount of premium reduction and rebate (\$1.6 million) will occur in fiscal year 2006/07 and each subsequent year.

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

The adoption of Regulation 81 should result in savings of one-fourth on auto liability insurance premiums for qualified military personnel, estimated at \$1.6 million per year. The insurers should experience no fiscal impact as a result of the adoption of Regulation 81 because of the rebate component which restores the reduction (that benefits military personnel) to the insurer.

**IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT
(Summary)**

The adoption of this regulation should have no impact on competition and employment.

Chad M. Brown
Deputy Commissioner
0412#089

Robert E. Hosse
General Government Section Director
Legislative Fiscal Office

NOTICE OF INTENT

**Department of Natural Resources
Office of Conservation**

Hazardous Liquids Pipeline Safety
(LAC 33:V.Chapters 301-313)

The Louisiana Office of Conservation proposes to amend LAC 33:V.301et seq. in accordance with the provisions of the Administrative Procedure Act, R. S. 49:950 et seq. and pursuant to power delegated under the laws of the state of Louisiana and particularly Title 30 of the Louisiana Revised Statutes of 1950, Section 30:501 et seq. These proposed Rules amend the minimum pipeline safety requirements for hazardous liquids pipelines.

There will be negligible cost to directly affected persons or hazardous liquids pipeline operators. Benefits will be realized by persons living and working near hazardous liquids pipelines through safer construction and operation standards imposed by the rule amendments. Moreover, Louisiana presently receives federal funds and pipeline inspection fees to administer the Hazardous Liquids Pipeline Safety Program. Failure to amend the Louisiana Rules to make them consistent with federal regulations would cause the state to lose federal funding.

Title 33

ENVIRONMENTAL QUALITY

Part V. Hazardous Waste and Hazardous Materials

Subpart 3. Natural Resources

Chapter 301. Transportation of Hazardous Liquids by Pipeline [49 CFR Part 195]

Subchapter A. General [Subpart A]

§30105. Definitions [49 CFR 195.2]

A. ...

Exposed Pipeline ~~C~~repealed.

Exposed Underwater Pipeline ~~C~~an underwater pipeline where the top of the pipe protrudes above the underwater natural bottom (as determined by recognized and generally accepted practices) in waters less than 15 feet (4.6 meters) deep, as measured from mean low water.

Hazard to Navigation ~~C~~for the purposes of this Part, a pipeline where the top of the pipe is less than 12 inches (305 millimeters) below the underwater natural bottom (as determined by recognized and generally accepted practices) in waters less than 15 feet (4.6 meters) deep, as measured from the mean low water.

Maximum Operating Pressure (MOP) ~~C~~he maximum pressure at which a pipeline or segment of a pipeline may be normally operated under this Part.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:753.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, Pipeline Division, LR 15:629 (August 1989), amended LR 18:861 (August 1992), LR 21:815 (August 1995), LR 27:1523 (September 2001), LR 28:83 (January 2002), LR 29:2805 (December 2003), LR 31:

**§30107. Matter Incorporated by Reference
[49 CFR 195.3]**

A. ...

B. All incorporated materials are available for inspection in the Research and Special Programs Administration, 400 Seventh Street, SW, Washington, DC, or at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call 202-741-6030 or go to: http://www.archives.gov/federal_register/code_of_federal_regulations/ibr_locations.html. These materials have been approved for incorporation by reference by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR Part 51. In addition, materials incorporated by reference are available as follows. [49 CFR 195.3(b)]

1. American Gas Association (AGA), 400 North Capitol Street, NW, Washington, DC 20001 [49 CFR 195.3(b)(1)]

2. American Petroleum Institute (API), 1220 L Street, NW, Washington, DC 20005 [49 CFR 195.3(b)(2)]

3. ASME International (ASME), Three Park Avenue, New York, NY 10016-5990 [49 CFR 195.3(b)(3)]

4. Manufacturers Standardization Society of the Valve and Fittings Industry, Inc. (MSS), 127 Park Street, NE, Vienna, VA 22180 [49 CFR 195.3(b)(4)]

5. American Society for Testing and Materials (ASTM), 100 Barr Harbor Drive, West Conshohocken, PA 19428 [49 CFR 195.3(b)(5)]

6. National Fire Protection Association (NFPA), 1 Batterymarch Park, P.O. Box 9101, Quincy, MA 02269-9101 [49 CFR 195.3(b)(6)]

7. NACE International, 1440 South Creek Drive, Houston, TX 77084 [49 CFR 195.3(b)(7)]

C. The full titles of publications incorporated by reference wholly or partially in this Part are as follows. Numbers in parentheses indicate applicable editions: [49 CFR 195.3(c)]

Source and Name of Referenced Material	Title 33 Reference
A. American Gas Association (AGA): (1) AGA Pipeline Research Committee, Project PR-3-805, "A Modified Criterion for Evaluating the Remaining Strength of Corroded Pipe" (December 22, 1989). The RSTRENG program may be used for calculating remaining strength. (2) [Reserved].	§30452(H)(4)(a)(ii).
B. American Petroleum Institute (API): (1) API Specification 5L "Specification for Line Pipe" (42nd edition, 2000). (2) API Specification 6D "Specification for Pipeline Valves (Gate, Plug, Ball, and Check Valves)" (21st edition, 1994).	§§30161(B)(1); 30161(E). §30173(A)(4).
(3) API Specification 12F "Specification for Shop Welded Tanks for Storage of Production Liquids" (11th edition, November 1994).	§§30189(B)(1); 30205(B)(2); 30264(B)(1); 30264(E)(1); 30307(A); 30565; 30579(D).
(4) API 510 "Pressure Vessel Inspection Code: Maintenance Inspection, Rating, Repair, and Alteration" (8th edition, June 1997, and Addenda 1 through 4).	§§30205(B)(3); 30432(C).
(5) API Standard 620 "Design and Construction of Large, Welded, Low-Pressure Storage Tanks" (9th edition).	§§30189(B)(2); 30205(B)(2); 30264(B)(1); 30264(E)(3); 30307(B).

(6) API 650 "Welded Steel Tanks for Oil Storage" (1998).	§§30189(B)(3); 30205(B)(1); 30264(B)(1); 30264(E)(2); 30307(C); 30307(D); 30565; 30579(D).
(7) API Recommended Practice 651 "Cathodic Protection of Aboveground Petroleum Storage Tanks" (2nd edition, December 1997).	§§30565; 30579(D).
(8) API Recommended Practice 652 "Lining of Aboveground Petroleum Storage Tank Bottoms" (2nd edition, December 1997).	§30579(D).
(9) API Standard 653 "Tank Inspection, Repair, Alteration, and Reconstruction" (3rd edition, 2001, and Addendum 1, 2003).	§§30205(B)(1); 30432(B).
(10) API 1104 "Welding of Pipelines and Related Facilities" (19th edition, 1999 plus its October 31, 2001 errata).	§§30222; 30228(B).
(11) API Standard 2000 "Venting Atmospheric and Low-Pressure Storage Tanks" (4th edition, September 1992).	§§30264(E)(2); 30264(E)(3).
(12) API 1130 "Computational Pipeline Monitoring" (1st edition, 1995).	§§30191; 30444.
(13) API Recommended Practice 2003 "Protection Against Ignitions Arising out of Static, Lightning, and Stray Currents" (6th edition, 1998).	§30405(A).
(14) API Publication 2026 "Safe Access/Egress Involving Floating Roofs of Storage Tanks in Petroleum Service" (2nd edition, 1998).	§30405(B).
(15) API Recommended Practice 2350 "Overfill Protection for Storage Tanks In Petroleum Facilities" (2nd edition, 1996).	§30428(C).
(16) API Standard 2510 "Design and Construction of LPG Installations" (7th edition, 1995).	§§30189(B)(3); 30205(B)(3); 30264(B)(2); 30264(E)(4); 30307(E); 30428(C); 30432(C).
C. ASME International (ASME):	§30175(A).
(1) ASME/ANSI B16.9 "Factory-Made Wrought Steel Butt Welding Fittings" (1993).	
(2) ASME/ANSI B31.4 "Pipeline Transportation Systems for Liquid Hydrocarbons and Other Liquids" (1998).	§30452(H)(4)(a).
(3) ASME/ANSI B31G "Manual for Determining the Remaining Strength of Corroded Pipelines" (1991).	§§30452(H)(4)(a)(ii); 30452(H)(4)(c)(iv).
(4) ASME/ANSI B31.8 "Gas Transmission and Distribution Piping Systems" (1995).	§§30111(A)(1)(a); 30406(A)(1)(a).
(5) ASME Boiler and Pressure Vessel Code, Section VIII, Division 1 "Rules for Construction of Pressure Vessels," (1998 edition with 2000 addenda).	§§30181; 30307(E).
(6) ASME Boiler and Pressure Vessel Code, Section VIII, Division 2 "Alternate Rules for Construction for Pressure Vessels" (2001 Edition).	§30307(E).
(7) ASME Boiler and Pressure vessel Code, Section IX "Welding and Brazing Qualifications," (2001 Edition).	§30222.
D. Manufacturers Standardization Society of the Valve and Fittings Industry, Inc. (MSS):	§30175(A).
(1) MSS SP-75 "Specification for High Test Wrought Butt Welding Fittings" (1993).	
(2) [Reserved].	
E. American Society for Testing and Materials (ASTM):	§30161(E).
(1) ASTM Designation: A53/A53M "Standard . Specification for Pipe, Steel, Black and Hot-Dipped, Zinc-Coated Welded and Seamless" (A53/A53M-99b).	
(2) ASTM Designation: A106 "Standard Specification for Seamless Carbon Steel Pipe for High-Temperature Service" (A106-99).	§30161(E).

(3) ASTM Designation: A 333/A 333M "Standard Specification for Seamless and Welded Steel Pipe for Low-Temperature Service" (A 333/A 333M-99).	§30161(E).
(4) ASTM Designation: A 381 "Standard Specification for Metal-Arc-Welded Steel Pipe for Use With High-Pressure Transmission Systems" (A 381-96).	§30161(E).
(5) ASTM Designation: A 671 "Standard Specification for Electric-Fusion-Welded Steel Pipe for Atmospheric and Lower Temperatures" (A 671-96).	§30161(E).
(6) ASTM Designation: A 672 "Standard Specification for Electric-Fusion-Welded Steel Pipe for High-Pressure Service at Moderate Temperatures" (A 672-96).	§30161(E).
(7) ASTM Designation: A 691 "Standard Specification for Carbon and Alloy Steel Pipe Electric-Fusion-Welded for High-Pressure Service at High Temperatures" (A 691-98).	§30161(E).
F. National Fire Protection Association (NFPA):	§30264(B)(1).
(1) ANSI/NFPA 30 "Flammable and Combustible Liquids Code" (1996).	
(2) [Reserved].	
G. NACE International (NACE):	§30571.
(1) NACE Standard RP-169-96: "Control of External Corrosion on Underground or Submerged Metallic Piping Systems" (1996).	
(2) Reserved.	

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:753.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, Pipeline Division, LR 15:629 (August 1989), amended LR 20:439 (1994), LR 21:815 (August 1995), LR 24:1313 (1998), LR 27:1523 (September 2001), LR 29:2806 (December 2003), LR 31:

Chapter 302. Transportation of Hazardous Liquids by Pipeline Construction [49 CFR Part 195 Subpart D]

§30214. Welding: General [49 CFR 195.214]

A. Welding must be performed by a qualified welder in accordance with welding procedures qualified under Section 5 of API 1104 or Section IX of the ASME Boiler and Pressure Vessel Code (ibr, see §30107). The quality of the test welds used to qualify the welding procedure shall be determined by destructive testing. [49 CFR 195.214(a)]

B. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:753.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, Pipeline Division, LR 29:2818 (December 2003), amended LR 31:

§30222. Welding: Qualification of Welders [49 CFR 195.222]

A. Each welder must be qualified in accordance with Section 6 of API 1104 (ibr, see §30107) or Section IX of the ASME Boiler and Pressure Vessel Code, (ibr, see §30107) except that a welder qualified under an earlier edition than listed in §30107 may weld but may not requalify under that earlier edition. [49 CFR 195.222(a)]

B. No welder may weld with a particular welding process unless, within the preceding six calendar months, the welder has:[49 CFR 195.222(b)]

1. engaged in welding with that process; and [49 CFR 195.222(b)(1)]

2. had one weld tested and found acceptable under Section 9 of API 1104. [49 CFR 195.222(b)(2)]

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:753.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, Pipeline Division, LR 29:2818 (December 2003), amended LR 31:

§30228. Welds and Welding Inspection: Standards of Acceptability [49 CFR 195.228]

A. ...

B. The acceptability of a weld is determined according to the standards in Section 9 of API 1104. However, if a girth weld is unacceptable under those standards for a reason other than a crack, and if Appendix A to API 1104 (ibr, see §30107) applies to the weld, the acceptability of the weld may be determined under that Appendix. [49 CFR 195.228(b)]

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:753.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, Pipeline Division, LR 29:2819 (December 2003), amended LR 31:

§30246. Installation of Pipe in a Ditch [49 CFR 195.246]

A. ...

B. Except for pipe in the Gulf of Mexico and its inlets in waters less than 15 feet deep, all offshore pipe in water at least 12 feet deep (3.7 meters) but not more than 200 feet deep (61 meter) deep as measured from the mean low water must be installed so that the top of the pipe is below the underwater natural bottom (as determined by recognized and generally accepted practices) unless the pipe is supported by stanchions held in place by anchors or heavy concrete coating or protected by an equivalent means. [49 CFR 195.246(b)]

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:753.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, Pipeline Division, LR 29:2819 (December 2003), amended LR 31:

§30248. Cover over Buried Pipeline [49 CFR 195.248]

A. Unless specifically exempted in this Subpart, all pipe must be buried so that it is below the level of cultivation. Except as provided in §30248.B of this Section, the pipe must be installed so that the cover between the top of the pipe and the ground level, road bed, river bottom, or underwater natural bottom (as determined by recognized and generally accepted practices), as applicable, complies with the following table. [49 CFR 195.248(a)]

Location	Cover (Inches)(Millimeters)	
	For Normal Excavation	For Rock Excavation ¹
Industrial, commercial and residential area	36 (914)	30 (762)
Crossings of inland bodies of water with a width of at least 100 feet (30 meters) from high water mark to high water mark	48 (1219)	18 (457)
Drainage ditches at public roads and railroads	36 (914)	36 (914)
Deepwater port safety zone	48 (1219)	24 (610)
Gulf of Mexico and its inlets in waters less than 15 feet (4.6 meters) deep as measured from mean low water	36 (914)	18 (457)

Location	Cover (Inches)(Millimeters)	
	For Normal Excavation	For Rock Excavation ¹
Other offshore areas under water less than 12 feet (3.7 meters) deep as measured from mean low water	36 (914)	18 (457)
Any other area	30 (762)	18 (457)

¹Rock excavation is any excavation that requires blasting or removal by equivalent means.

B. Except for the Gulf of Mexico and its inlets in waters less than 15 feet (4.6 meters) deep, less cover than the minimum required by Paragraph A of this Section and §30210 may be used if: [49 CFR 195.248(b)]

B.1. - 2. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:753.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, Pipeline Division, LR 29:2820 (December 2003), amended LR 31:

§30252. Backfilling [49 CFR 195.252]

A. When a ditch for a pipeline is backfilled, it must be backfilled in a manner that: [49 CFR 195.252(a)]

1. provides firm support under the pipe; and [49 CFR 195.252(a)(1)]

2. prevents damage to the pipe and pipe coating from equipment or from the backfill material. [49 CFR 195.252(a)(2)]

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:753.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, Pipeline Division, LR 29:2820 (December 2003), amended LR 31:

Chapter 303. Transportation of Hazardous Liquids by Pipeline Pressure Testing [49 CFR Part 195 Subpart E]

§30310. Records [49 CFR 195.310]

A. - B.7. ...

8. an explanation of any pressure discontinuities, including test failures, that appear on the pressure recording charts; [49 CFR 195.310(b)(8)]

9. where elevation differences in the section under test exceed 100 feet (30 meters), a profile of the pipeline that shows the elevation and test sites over the entire length of the test section; and [49 CFR 195.310(b)(9)]

10. temperature of the test medium or pipe during the test period. [49 CFR 195.310(b)(10)]

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:753.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, Pipeline Division, LR 29:2823 (December 2003), amended LR 31:

Chapter 304. Transportation of Hazardous Liquids by Pipeline Operation and Maintenance [49 CFR Part 195 Subpart F]

§30403. Emergency Response Training [49 CFR 195.403]

A. - A.4. ...

5. learn the potential causes, types, sizes, and consequences of fire and the appropriate use of portable fire extinguishers and other on-site fire control equipment, involving, where feasible, a simulated pipeline emergency condition. [49 CFR 195.403(a)(5)]

B. - C. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:753.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, Pipeline Division, LR 29:2825 (December 2003), amended LR 31:

§30413. Underwater Inspection and Reburial of Pipelines in the Gulf of Mexico and Its Inlets [49 CFR 195.413]

A. Except for gathering lines of 4 1/2 inches (114 mm) nominal outside diameter or smaller, each operator shall prepare and follow a procedure to identify its pipelines in the Gulf of Mexico and its inlets in waters less than 15 feet (4.6 meters) deep as measured from mean low water that are at risk of being an exposed underwater pipeline or a hazard to navigation. The procedures must be in effect August 10, 2005. [49 CFR 195.413(a)]

B. Each operator shall conduct appropriate periodic underwater inspections of its pipelines in the Gulf of Mexico and its inlets in waters less than 15 feet (4.6 meters) deep as measured from mean low water based on the identified risk. [49 CFR 195.413(b)]

C. If an operator discovers that its pipeline is an exposed underwater pipeline or poses a hazard to navigation, the operator shall: [49 CFR 195.413(c)]

1. promptly, but not later than 24 hours after discovery, notify the National Response Center, telephone: 1-800-424-8802, as well as Louisiana Pipeline Safety (225) 342-5505, (day or night), of the location and, if available, the geographic coordinates of that pipeline; [49 CFR 195.413(c)(1)]

2. promptly, but not later than seven days after discovery, mark the location of the pipeline in accordance with 33 CFR Part 64 at the ends of the pipeline segment and at intervals of not over 500 yards (457 meters) long, except that a pipeline segment less than 200 yards (183 meters) long need only be marked at the center; and [49 CFR 195.413(c)(2)]

3. within six months after discovery, or not later than November 1 of the following year if the six month period is later than November 1 of the year of discovery, bury the pipeline so that the top of the pipe is 36 inches (914 millimeters) below the underwater natural bottom (as determined by recognized and generally accepted practices) for normal excavation or 18 inches (457 millimeters) for rock excavation: [49 CFR 195.413(c)(3)]

a. an operator may employ engineered alternatives to burial that meet or exceed the level of protection provided by burial; [49 CFR 195.413(c)(3)(i)]

b. if an operator cannot obtain required state or Federal permits in time to comply with this Section, it must notify OPS; specify whether the required permit is state or Federal; and, justify the delay. [49 CFR 195.413(c)(3)(ii)]

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:753.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, Pipeline Division, LR 29:2827 (December 2003), amended LR 31:

§30434. Signs [49 CFR 195.434]

A. Each operator must maintain signs visible to the public around each pumping station and breakout tank area. Each sign must contain the name of the operator and a telephone number (including area code) where the operator can be reached at all times. [49 CFR 195.434(a)]

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:753.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, Pipeline Division, LR 29:2829 (December 2003), amended LR 31:

Family Impact Statement

In accordance with RS 49:972, the following statements are submitted after consideration of the impact of the proposed Rule on family as defined therein.

1. The Effect of These Rules on the Stability of the Family. These Rules will have no known effect on the stability of the family.

2. The Effect of These Rules on the Authority and Rights of Parents Regarding the Education and Supervision of Their Children. These Rules will have no known effect on the authority and rights of parents regarding the education and supervision of their children.

3. The Effect of These Rules on the Functioning of the Family. These Rules will have no known effect on the functioning of the family.

4. The Effect of These Rules on Family Earnings and Family Budget. These Rules will have no known effect on family earnings and family budget.

5. The Effect on the Behavior and Personal Responsibility of Children. These Rules will have no known effect on the behavior and personal responsibility of children.

6. The Effect of These Rules on the Ability of the Family or Local Government to Perform the Function as Contained in the Proposed Rules. These Rules will have no known effect on the ability of the family or local government to perform the function as contained in the proposed rules.

In accordance with the laws of the state of Louisiana, and with reference to the provisions of Title 30 of the Louisiana Revised Statutes of 1950, a public hearing will be held in the La Belle Room located on the first floor of the LaSalle Building, 617 North Third Street, Baton Rouge, Louisiana, at 9 a.m. on January 27, 2005.

At such hearing the commissioner will consider evidence relative to the proposed amendments to the rules and regulations for safety standards for the transportation of hazardous liquids.

The proposed rules and regulations represent the views of the commissioner as of this date; however, the commissioner reserves the right to make additions or amendments prior to final adoption.

A copy of the proposed regulations is on file with the Office of Conservation and may be obtained during normal business hours.

All interested parties will be afforded the opportunity to submit data, views, or arguments, orally or in writing at said public hearing in accordance with R.S. 49:953. Written comments will be accepted until 4:30 p.m., Wednesday, February 2, 2005. If accommodations are required under the Americans with Disabilities Act, please contact the Pipeline Division at (225) 342-5505 within 10 working days of the hearing date. Direct comments to James H. Welsh, Commissioner of Conservation, P.O. Box 94275, Baton Rouge, Louisiana 70804-9275, RE: Docket No. PL 04-087

All parties having interest in the aforesaid shall take notice thereof.

James H. Welsh
Commissioner

**FISCAL AND ECONOMIC IMPACT STATEMENT
FOR ADMINISTRATIVE RULES**

RULE TITLE: Hazardous Liquids Pipeline Safety

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

There should be no additional costs or savings regarding the amendment of this rule. This action adopts federal amendments to pipeline safety regulations.

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

There should be no effect on revenue or costs as the Department was previously enforcing similar rules.

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

There should be no significant costs or economic benefits to any person or group.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

There should be no effect on competition or employment.

Felix J. Boudreaux
Assistant Commissioner
0412#020

Robert E. Hosse
General Government Section Director
Legislative Fiscal Office

NOTICE OF INTENT

**Department of Natural Resources
Office of Conservation**

Natural Gas Pipeline Safety (LAC 43:XIII)

The Louisiana Office of Conservation proposes to amend LAC 43:XIII.101 et seq. in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq. and pursuant to power delegated under the laws of the state of Louisiana and particularly Title 30 of the Louisiana Revised Statutes of 1950, Section 30:501 et seq. These proposed Rules amend the minimum pipeline safety requirements for natural gas pipelines.

There will be negligible cost to directly affected persons or natural gas pipeline operators. Benefits will be realized by persons living and working near natural gas pipelines through safer construction and operation standards imposed by the rule amendments. Moreover, Louisiana presently receives federal funds and pipeline inspection fees to administer the Natural Gas Pipeline Safety Program. Failure to amend the Louisiana Rules to make them consistent with federal regulations would cause the state to lose federal funding.

Title 43

NATURAL RESOURCES

**Part XIII. Office of Conservation Pipeline Safety
Subpart 2. Transportation of Natural and Other Gas by Pipeline [49 CFR Part 191]
Chapter 3. Annual Reports, Incident Reports and Safety Related Condition Reports [49 CFR Part 191]**

§307. Addressee for Written Reports [49 CFR 191.7]

A. One copy of each written report, required by Part XIII, for intrastate facilities subject to the jurisdiction of the Office of Conservation pursuant to certification under Section 5(a) of the Natural Gas Pipeline Safety Act must be submitted to the Commissioner of Conservation, P.O. Box

94275, Baton Rouge, LA 70804-9275. One copy of each written report required by Part XIII must be submitted to the Information Resources Manager, Office of Pipeline Safety, Research and Special Programs Administration, U.S. Department of Transportation, Room 2103, 400 Seventh Street SW, Washington, DC 20590. Safety-related condition reports required by §323 for intrastate pipeline transportation must be submitted concurrently to that state agency, and if that agency acts as an agent of the secretary with respect to interstate transmission facilities, safety-related condition reports for these facilities must be submitted concurrently to that agency. [49 CFR 191.7]

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:501 et seq.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, LR 9:219 (April 1983), amended LR 10:510 (July 1984), LR 11:255 (March 1985), LR 20:442 (April 1994), LR 27:1536 (September 2001), LR 30:1221 (June 2004), LR 31:

**Subpart 3. Transportation of Natural or Other Gas by Pipeline: Minimum Safety Standards [49 CFR Part 192]
Chapter 5. General [Subpart A]
§503. Definitions [49 CFR 192.3]**

A. ...

Exposed Pipeline ~~C~~ repealed.

Exposed Underwater Pipeline ~~C~~ an underwater pipeline where the top of the pipe protrudes above the underwater natural bottom (as determined by recognized and generally accepted practices) in waters less than 15 feet (4.6 meters) deep, as measured from mean low water.

Hazard to Navigation ~~C~~ for the purposes of this Part, a pipeline where the top of the pipe is less than 12 inches (305 millimeters) below the underwater natural bottom (as determined by recognized and generally accepted practices) in waters less than 15 feet (4.6 meters) deep, as measured from the mean low water.

Transmission Line ~~C~~ a pipeline, other than a gathering line, that transports gas from a gathering line or storage facility to a gas distribution center, storage facility, or large volume customer that is not down-stream from a gas distribution center; a pipeline that operates at a hoop stress of 20 percent or more of SMYS; or a pipeline that transports gas within a storage field.

NOTE: A large volume customer may receive similar volumes of gas as a distribution center, and includes factories, power plants, and institutional users of gas.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:501 et seq.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, LR 30:1224 (June 2004), amended LR 31:

§507. Incorporation by Reference [49 CFR 192.7]

A. ...

B. All incorporated materials are available for inspection in the Research and Special Programs Administration, 400 Seventh Street, SW., Washington, DC, or at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call 202-741-6030 or go to: http://www.archives.gov/federal_register/code_of_federal_re

gulations/ibr_locations.html. These materials have been approved for incorporation by reference by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR Part 51. In addition, the incorporated materials are available from the respective organizations listed in Paragraph C.1 of this Section. [49 CFR 192.7(b)].

C. The full titles of documents incorporated by reference, in whole or in part, are provided herein. The numbers in parentheses indicate applicable editions. For each incorporated document, citations of all affected Sections are provided. Earlier editions of currently listed documents or editions of documents listed in previous editions of 49 CFR Part 192 may be used for materials and components designed, manufactured, or installed in accordance with these earlier documents at the time they were listed. The user must refer to the appropriate previous edition of 49 CFR Part 192 for a listing of the earlier listed editions or documents. [49 CFR 192.7(c)].

1. Incorporated by Reference (ibr). List of Organizations and Addresses.

- a. American Gas Association (AGA), 400 North Capitol Street, NW, Washington, DC 20001
- b. American Petroleum Institute (API), 1220 L Street, NW, Washington, DC 20005
- c. American Society for Testing and Materials (ASTM), 100 Barr Harbor Drive, West Conshohocken, PA 19428
- d. ASME International (ASME), Three Park Avenue, New York, NY 10016-5990
- e. Manufacturers Standardization Society of the Valve and Fittings Industry, Inc. (MSS), 127 Park Street, NE, Vienna, VA 22180
- f. National Fire Protection Association (NFPA), 1 Batterymarch Park, P.O. Box 9101, Quincy, MA 02269-9101
- g. Plastics Pipe Institute, Inc. (PPI), 1825 Connecticut Avenue, NW, Suite 680, Washington, DC 20009
- h. NACE International (NACE), 1440 South Creek Drive, Houston, TX 77084
- i. Gas Technology Institute (GTI), 1700 South Mount Prospect Road, Des Plaines, IL 60018

2. Documents Incorporated by Reference (Numbers in Parentheses Indicate Applicable Editions)

Hot-Dipped, Zinc Coated, Welded and Seamless" (ASTM A53/A53M-99b)	
(2) ASTM Designation: A106 "Standard Specification for Seamless Carbon Steel Pipe for High-Temperature Service" (A106-99)	§§913; 5103 Item I
(3) ASTM Designation: A333/A333M "Standard Specification for Seamless and Welded Steel Pipe for Low-Temperature Service" (ASTM A333/A333M-99).	§§913; 5103 Item I
(4) ASTM Designation: A372/A372M "Standard Specification for Carbon and Alloy Steel Forgings for Thin-Walled Pressure Vessels" (ASTM A372/A372M-1999)	§1137(B)(1)
(5) ASTM Designation: A381 "Standard Specification for Metal-Arc-Welded Steel Pipe for Use With High-Pressure Transmission Systems" (ASTM A381-1996)	§§913; 5103 Item I
(6) ASTM Designation: A671 "Standard Specification for Electric-Fusion-Welded Steel Pipe for Atmospheric and Lower Temperatures" (ASTM A671-1996)	§§913; 5103 Item I
(7) ASTM Designation: A672 "Standard Specification for Electric-Fusion-Welded Steel Pipe for High-Pressure Service at Moderate Temperatures" (A672-1996)	§§913; 5103 Item I
(8) ASTM Designation: A691 "Standard Specification for Carbon and Alloy Steel Pipe, Electric-Fusion-Welded for High-Pressure Service at High Temperatures" (ASTM A691-1998)	§§913; 5103 Item I
(9) ASTM Designation: D638 "Standard Test Method for Tensile Properties of Plastics" (ASTM D638-1999)	§§1513(A)(3); 1513(B)(1)
(10) ASTM Designation: D2513-87 "Standard Specification for Thermoplastic Gas Pressure Pipe, Tubing, and Fittings" (ASTM D2513-1987)	§713(A)(1)
(11) ASTM Designation: D2513 "Standard Specification for Thermoplastic Gas Pressure Pipe, Tubing, and Fittings. (D2513-1999)	§§1151(B); 1511(B)(2); 1513(A)(1)(a); 5103 Item I
(12) ASTM Designation: D 2517 "Standard Specification for Reinforced Epoxy Resin Gas Pressure Pipe and Fittings" (D2517-2000)	§§1151(A); 1511(D)(1); 1513(A)(1)(b); 5103 Item I.
(13) ASTM Designation: F1055 "Standard Specification for Electrofusion Type Polyethylene Fittings for Outside Diameter Controlled Polyethylene Pipe and Tubing" (F1055-1998)	§1513(A)(1)(c)
D. ASME International (ASME):	§1107(C)
(1) ASME/ANSI B16.1 "Cast Iron Pipe Flanges and Flanged Fittings" (ASME B16.1-1998)	
(2) ASME/ANSI B16.5 "Pipe Flanges and Flanged Fittings" (ASME B16.5-1996, including ASME B16.5a-1998 Addenda)	§§1107(A); 1509
(3) ASME/ANSI B31G "Manual for Determining the Remaining Strength of Corroded Pipelines" (ASME/ANSI B31G-1991)	§§2137(C); 3333(A)
(4) ASME/ANSI B31.8 "Gas Transmission and Distribution Piping Systems" (ASME/ANSI B31.8-1995)	§2719(A)(1)(a)
(5) ASME/ANSI B31.8S "Supplement to B31.8 on Managing System Integrity of Gas Pipelines" (ASME/ANSI B31.8S-2002)	§§3303(C); 3307(B); 3311(A); 3311(A)(9); 3311(A)(11); 3311(A)(12); 3311(A)(13); 3313(A); 3313(B)(1); 3317(A); 3317(B); 3317(C); 3317(E)(1); 3317(E)(4); 3321(A)(1); 3323(B)(2); 3323(B)(3); 3325(B); 3325(B)(1);

Source and Name of Referenced Material	Title 43 Reference
A. American Gas Association (AGA): (1) AGA Pipeline Research Committee, Project PR-3-805, "A Modified Criterion for Evaluating the Remaining Strength of Corroded Pipe" (AGA PR-3-805-1989)	§§3333(A); 2137(C)
B. American Petroleum Institute (API): (1) API Specification 5L "Specification for Line Pipe" (API 5L, 42nd edition, 2000) (2) API Recommended Practice 5L1 "Recommended Practice for Railroad Transportation of Line Pipe" (4th edition, 1990) (3) API Specification 6D "Specification for Pipeline Valves (Gate, Plug, Ball, and Check Valves)" (21st edition, 1994)	§§705(E); 913; 5103 Item I §715(A) §1105(A)
(4) API 1104 "Welding of Pipelines and Related Facilities" (19th edition, 1999, including its October 31, 2001 errata)	§§1307(A); 1309(C)(1); 1321(C); 5103 Item II
C. American Society for Testing and Materials (ASTM): (1) ASTM Designation: A 53/A53M-99b "Standard Specification for Pipe, Steel, Black and	§§913; 5103 Item I

(continued)	3325(B)(2); 3325(B)(3); 3325(B)(4); 3327(B); 3327(C)(1)(a); 3329(B)(1); 3329(B)(2); 3333(A); 3333(D)(1); 3333(D)(1)(a); 3335(A); 3335(B)(1)(d); 3337(c)(1); 3339(A)(1)(a); 3339(A)(1)(b); 3339(A)(3); 3345(A)
(6) ASME Boiler and Pressure Vessel Code, Section I, Rules for Construction of Power Boilers (ASME Section I-1998)	§1113(A)
(7) ASME Boiler and Pressure Vessel Code, Section VIII, Division 1, "Rules for Construction of Pressure Vessels" (ASME Section VIII Division 1-2001)	§§1113(A); 1113(B); 1113(D); 1125(B)(3)
(8) ASME Boiler and Pressure Vessel Code, Section VIII, Division 2, "Rules for Construction of Pressure Vessels: Alternative Rules" (ASME Section VIII Division 2-2001)	§§1113(B); 1125(B)(3)
(9) ASME Boiler and Pressure Vessel Code, Section IX, "Welding and Brazing Qualifications" (ASME Section IX-2001)	§§1307(A); 5103 Item II
E. Manufacturers Standardization Society of the Valve and Fittings Industry, Inc. (MSS): (1) MSS SP44-96 "Steel Pipe Line Flanges" (MSS SP-44-1996 including 1996 errata) (2) [Reserved]	§1107(A)
F. National Fire Protection Association (NFPA): (1) NFPA 30 "Flammable and Combustible Liquids Code" (NFPA 30-1996)	§2935(B)
(2) ANSI/NFPA 58 "Liquefied Petroleum Gas Code (LP-Gas Code)" (NFPA 58-1998)	§§311(A); 311(B); 311(C)
(3) ANSI/NFPA 59 "Standard for the storage and Handling of Liquefied Petroleum Gases at Utility Gas Plants" (NFPA 59-1998)	§§311(A); 311(B); 311(C)
(4) ANSI/NFPA 70 "National Electrical Code" (NFPA 70-1996)	§§1123(E); 1149(C)
G. Plastics Pipe Institute, Inc. (PPI): (1) PPI TR-3/2000 "Policies and Procedures for Developing Hydrostatic Design Bases (HDB), Pressure Design Bases (PDB), and Minimum Required Strength (MRS) Ratings for Thermoplastic Piping Materials "(PPI TR-3-2000-Part E only, "Policy for Determining Long Term Strength (LTHS) by Temperature Interpolation)"	§921
H. NACE International (NACE): (1) NACE Standard RP-0502-2002 "Pipeline External Corrosion Direct Assessment Methodology" (NACE RP-0502-2002)	§§3323(B)(1); 3325(B); 3325(B)(1); 3325(B)(1)(b); 3325(B)(2); 3325(B)(3); 3325(B)(3)(b); 3325(B)(3)(d); 3325(B)(4); 3325(B)(4)(b); 3331(D); 3335(B)(1)(d); 3339(A)(2)
I. Gas Technology Institute (GTI). (Formerly Gas Research Institute): (1) GRI 02/0057 "Internal Corrosion Direct Assessment of Gas Transmission Pipelines—Methodology" (GRI 02/0057-2002)	§§3327(C)(2); 307

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:501 et seq.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, LR 30:1226 (June 2004), amended LR 31:

§509. Gathering Lines [49 CFR 192.9]

A. Except as provided in §§501 and 1110, and in Chapter 33, each operator of a gathering line must comply with the requirements of this Part applicable to transmission lines. [49 CFR 192.9]

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:501 et seq.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, LR 9:220 (April 1983), amended LR 10:511 (July 1984), LR 20:443 (April 1994), LR 21:821 (August 1995), LR 24:1307 (July 1998), LR 30:1227 (June 2004), LR 31:

Chapter 9. Pipe Design [Subpart C]

§913. Longitudinal Joint Factor (E) for Steel Pipe [49 CFR 192.113]

A. The longitudinal joint factor to be used in the design formula in §905 is determined in accordance with the following table.

Specification	Pipe Class	Longitudinal Joint Factor (E)
ASTM A 53/A53M	Seamless	1.00
	Electric resistance welded	1.00
	Furnace butt welded	.60
ASTM A 106	Seamless	1.00
	ASTM A 333/A 333M	1.00
	Seamless	1.00
	Electric resistance welded	1.00
ASTM A 381	Double submerged arc welded	1.00
ASTM A 671	Electric fusion welded	1.00
ASTM A 672	Electric fusion welded	1.00
ASTM A 691	Electric fusion welded	1.00
API 5L	Seamless	1.00
	Electric resistance welded	1.00
	Electric flash welded	1.00
	Submerged arc welded	1.00
	Furnace butt welded	.60
Other	Pipe over 4 inches (102 millimeters)	.80
Other	Pipe 4 inches (102 millimeters) or less	.60

B. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:501 et seq.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, LR 9:222 (April 1983), amended LR 10:514 (July 1984), LR 18:855 (August 1992), LR 20:444 (April 1994), LR 27:1538 (September 2001), LR 30:1231 (June 2004), LR 31:

§921. Design of Plastic Pipe [49 CFR 192.121]

A. Subject to the limitations of §923, the design pressure for plastic pipe is determined in accordance with either of the following formulas. [49 CFR 192.121(a)]

$$P = 2S \frac{t}{(D - t)} 0.32$$

$$P = \frac{2S}{(SDR - 1)} 0.32$$

where:

P = Design pressure, gauge, psig (kPa)
S = For thermoplastic pipe, the HDB determined in accordance with the listed specification at a temperature equal to 73 °F (23°C), 100°F (38°C), 120°F (49°C), or 140°F (60°C). In the absence an HDB established at the specified temperature, the HDB of a higher temperature may be used in determining a design pressure rating at the specified temperature by arithmetic interpolation using the procedure in Part E of PPI TR-3/2000 entitled, Policy for Determining Long-Term Strength (LTHS) by Temperature Interpolation, as published in the technical Report TR-3/2000 "HDB/PDB/MRS Policies", (ibr, see §192.7). For reinforced thermosetting plastic pipe, 11,000 psig (75,842 kPa).

t = Specified wall thickness, in. (mm)

D = Specified outside diameter, in (mm)

SDR = Standard dimension ratio, the ratio of the average specified outside diameter to the minimum specified wall thickness, corresponding to a value from a common numbering system that was derived from the American National Standards Institute preferred number series 10. [49 CFR 192.121]

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:501 et seq.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, LR 9:222 (April 1983), amended LR 10:515 (July 1984), LR 18:855 (August 1992), LR 24:1308 (July 1998), LR 27:1538 (September 2001), LR 30:1231 (June 2004), LR 31:

§923. Design Limitations for Plastic Pipe [49 CFR 192.123]

A. Except as provided in Subsection E of this Section, the design pressure may not exceed a gauge pressure of 125 psig (862 kPa) for plastic pipe used in: [49 CFR 192.123(a)]

A.1. - B.2. ...

a. for thermoplastic pipe, the temperature at which the HDB used in the design formula under §921 is determined. [49 CFR 192.123(b)(2)(i)]

B.2.b. - D. ...

E. The design pressure for thermoplastic pipe produced after [insert effective date of final rule] may exceed a gauge pressure of 100 psig (689 kPa) provided that: [49 CFR 192.123(e)]

1. the design pressure does not exceed 125 psig (862 kPa); [49 CFR 192.123(e)(1)]

2. the material is a PE2406 or a PE3408 as specified within ASTM D2513 (ibr, see §507); [49 CFR 192.123(e)(2)]

3. the pipe size is nominal pipe size (IPS) 12 or less; and 49 CFR 192.123(e)(3)]

4. the design pressure is determined in accordance with the design equation defined in §921. [49 CFR 192.123(e)(4)]

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:501 et seq.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, LR 9:222 (April 1983), amended LR 10:515 (July 1984), LR 24:1308 (July 1998), LR 27:1538 (September 2001), LR 30:1231 (June 2004), LR 31:

Chapter 11. Design of Pipeline Components [Subpart D]

§1104. Qualifying Metallic Components [49 CFR 192.144]

A. Notwithstanding any requirement of this Subpart which incorporates by reference an edition of a document listed in §507 or §5103 of this Subpart, a metallic

component manufactured in accordance with any other edition of that document is qualified for use under this Chapter if: [49 CFR 192.144]

1. ...

2. the edition of the document under which the component was manufactured has equal or more stringent requirements for the following as an edition of that document currently or previously listed in §507 or §5103 of this Chapter: [49 CFR 192.144(b)]

A.2.a. - c. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:501 et seq.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, LR 10:515 (July 1984), amended LR 30:1232 (June 2004); LR 31:

§1105. Valves [49 CFR 192.145]

A. Except for cast iron and plastic valves, each valve must meet the minimum requirements of API 6D (ibr, see §507), or to a national or international standard that provides an equivalent performance level. A valve may not be used under operating conditions that exceed the applicable pressure-temperature ratings contained in those requirements. [49 CFR 192.145(a)]

B. - E. ...

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, LR 9:223 (April 1983), amended LR 10:515 (July 1984), LR 18:855 (August 1992), LR 27:1539 (September 2001), LR 30:1232 (June 2004), LR 31:

§1110. Passage of Internal Inspection Devices [49 CFR 192.150]

A. Except as provided in Subsections B and C of this Section, each new transmission line and each replacement of line pipe, valve, fitting, or other line component in a transmission line must be designed and constructed to accommodate the passage of instrumented internal inspection devices. [49 CFR 192.150(a)]

B. - B.6. ...

7. offshore transmission lines, except transmission lines 10 3/4 inches (273 millimeters) or more in outside diameter on which construction begins after December 28, 2005, that run from platform to platform or platform to shore unless:

a. platform space or configuration is incompatible with launching or retrieving instrumented internal inspection devices; or [49 CFR 192.150(b)(7)(i)]

b. if the design includes taps for lateral connections, the operator can demonstrate, based on investigation or experience, that there is no reasonably practical alternative under the design circumstances to the use of a tap that will obstruct the passage of instrumented internal inspection devices; and [49 CFR 192.150(b)(7)(ii)]

B.8. - C. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:501 et seq.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, LR 21:821 (August 1995), amended LR 27:1539 (September 2001), LR 30:1233 (June 2004), LR 31:

Chapter 13. Welding of Steel in Pipelines [Subpart E] **§1305. Welding: General [49 CFR 192.225]**

A. Welding must be performed by a qualified welder in accordance with welding procedures qualified under Section 5 of API 1104 (ibr, see §507) or Section IX of the ASME Boiler and Pressure Vessel Code "Welding and Brazing

Qualifications" (ibr, see §507) to produce welds meeting the requirements of this Chapter. The quality of the test welds used to qualify welding procedures shall be determined by destructive testing in accordance with the applicable welding standard(s). [49 CFR 192.225(a)]

B. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:501 et seq.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, LR 9:228 (April 1983), amended LR 10:521 (July 1984), LR 30:1241 (June 2004), LR 31:

§1307. Qualification of Welders [49 CFR 192.227]

A. Except as provided in Subsection B of this Section, each welder must be qualified in accordance with Section 6 of API 1104 (ibr, see §507) or Section IX of the ASME Boiler and Pressure Vessel Code (ibr, see §507). However, a welder qualified under an earlier edition than listed in Appendix A of this Part may weld but may not requalify under that earlier edition. [49 CFR 192.227(a)]

B. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:501 et seq.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, LR 9:229 (April 1983), amended LR 10:521 (July 1984), LR 24:1309 (July 1998), LR 30:1241 (June 2004), LR 31:

§1309. Limitations on Welders [49 CFR 192.229]

A. - C. ...

1. may not weld on pipe to be operated at a pressure that produces a hoop stress of 20 percent or more of SMYS unless within the preceding six calendar months the welder has had one weld tested and found acceptable under the Sections 6 or 9 of API Standard 1104 (ibr, see §507). Alternatively, welders may maintain an ongoing qualification status by performing welds tested and found acceptable under the above acceptance criteria at least twice each calendar year, but at intervals not exceeding 7 1/2 months. A welder qualified under an earlier edition of a standard listed in §507 of this Part may weld but may not requalify under that earlier edition; and [49 CFR 192.229(c)(1)]

C.2. - D.2.b. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:501 et seq.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, LR 9:229 (April 1983), amended LR 10:521 (July 1984), LR 24:1309 (July 1998), LR 27:1541 (September 2001), LR 30:1241 (June 2004); LR 31:

§1321. Inspection and Test of Welds [49 CFR 192.241]

A. Visual inspection of welding must be conducted by an individual qualified by appropriate training and experience to ensure that: [49 CFR 192.241(a)]

A.1. - B.2. ...

C. The acceptability of a weld that is nondestructively tested or visually inspected is determined according to the standards in Section 9 of API Standard 1104 (ibr, see §507). However, if a girth weld is unacceptable under those standards for a reason other than a crack, and if Appendix A to API 1104 applies to the weld, the acceptability of the weld may be further determined under that appendix. [49 CFR 192.243(c)]

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:501 et seq.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, LR 9:230 (April 1983), amended LR 10:522 (July 1984), LR 24:1309 (July 1998), LR 30:1242 (June 2004), LR 31:

Chapter 15. Joining of Materials Other Than by Welding [Subpart F]

§1513. Plastic Pipe; Qualifying Joining Procedures [49 CFR 192.283]

A. - A.1. ...

a. in the case of thermoplastic pipe, Paragraph 6.6 (sustained pressure test) or Paragraph 6.7 (Minimum Hydrostatic Burst Test) or Paragraph 8.9 (Sustained Static pressure Test) of ASTM D2513 (ibr, see §507); [49 CFR 192.283(a)(1)(i)]

b. in the case of thermosetting plastic pipe, Paragraph 8.5 (Minimum Hydrostatic Burst Pressure) or Paragraph 8.9 (Sustained Static Pressure Test) of ASTM D2517; (ibr, see §507); or [49 CFR 192.283(a)(1)(ii)]

c. in the case of electrofusion fittings for polyethylene pipe and tubing, Paragraph 9.1 (Minimum Hydraulic Burst Pressure Test), Paragraph 9.2 (Sustained Pressure Test), Paragraph 9.3 (Tensile Strength Test), or Paragraph 9.4 (Joint Integrity Tests) of ASTM Designation F1055, (ibr, see §507). [49 CFR 192.283(a)(1)(iii)]

A.2. ...

3. for procedures intended for non-lateral pipe connections, follow the tensile test requirements of ASTM D638 (ibr, see §507), except that the test may be conducted at ambient temperature and humidity. If the specimen elongates no less than 25 percent or failure initiates outside the joint area, the procedure qualifies for use. [49 CFR 192.283(a)(3)]

B. ...

1. use an apparatus for the test as specified in ASTM D 638 (except for conditioning), (ibr, see §507). [49 CFR 192.283(b)(1)]

B.2. - D. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:501 et seq.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, LR 9:231 (April 1983), amended LR 10:523 (July 1984), LR 20:445 (April 1994), LR 24:1310 (July 1998), LR 27:1541 (September 2001), LR 30:1244 (June 2004), LR 31:

Chapter 17. General Construction Requirements for Transmission Lines and Mains [Subpart G]

§1721. Installation of Plastic Pipe [49 CFR 192.321]

A. Plastic pipe must be installed below ground level except as provided by Subsections G and H of this Section. [49 CFR 192.321(a)]

B. - G.3. ...

H. Plastic pipe may be installed on bridges provided that it is: [49 CFR 192.321(h)]

1. installed with protection from mechanical damage, such as installation in a metallic casing; [49 CFR 192.321(h)(1)]

2. protected from ultraviolet radiation; and [49 CFR 192.321(h)(2)]

3. not allowed to exceed the pipe temperature limits specified in §923. [49 CFR 192.321(h)(3)]

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:501 et seq.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, LR 9:233 (April 1983), amended LR 10:525 (July 1984), LR 24:1310 (July 1998), LR 27:1542 (September 2001), LR 30:1247 (June 2004), LR 31:

§1727. Cover [49 CFR 192.327]

A. - D.3. ...

E. Except as provided in Subsection C of this Section, all pipe installed in a navigable river, stream, or harbor must be installed with a minimum cover of 48 inches (1,219 millimeters) in soil or 24 inches (610 millimeters) in consolidated rock between the top of the pipe and the underwater natural bottom (as determined by recognized and generally accepted practices). [49 CFR 192.327(e)]

F. - G. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:501 et seq.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, LR 9:233 (April 1983), amended LR 10:525 (July 1984), LR 20:446 (April 1994), LR 24:1310 (July 1998), LR 27:1542 (September 2001), LR 30:1247 (June 2004), LR 31:

Chapter 23. Test Requirements [Subpart J]

§2305. Strength Test Requirements for Steel Pipeline to Operate at a Hoop Stress of 30 Percent or More of SMYS [49 CFR 192.505]

A. - D. ...

1. the component was tested to at least the pressure required for the pipeline to which it is being added; [49 CFR 192.505(d)(1)]

2. the component was manufactured under a quality control system that ensures that each item manufactured is at least equal in strength to a prototype and that the prototype was tested to at least the pressure required for the pipeline to which it is being added; or [49 CFR 192.505(d)(2)]

3. the component carries a pressure rating established through applicable ASME/ANSI, MSS specifications, or by unit strength calculations as described in §1103. [49 CFR 192.505(d)(3)]

E. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:501 et seq.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, LR 9:238 (April 1983), amended LR 10:530 (July 1984), LR 27:1545 (September 2001), LR 30:1256 (June 2004), LR 31:

Chapter 27. Operations [Subpart L]

§2711. Change in Class Location: Confirmation or Revision of Maximum Allowable Operating Pressure [49 CFR 192.611]

A. - C. ...

D. Confirmation or revision of the maximum allowable operating pressure that is required as a result of a study under §2709 must be completed within 24 months of the change in class location. Pressure reduction under Subsections A.1 or A.2 of this Section within the 24-month period does not preclude establishing a maximum allowable operating pressure under Subsection A.3 of this Section at a later date. [49 CFR 192.611(d)]

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:501 et seq.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, LR 9:241 (April 1983), amended LR 10:533 (July 1984), LR 18:858 (August 1992), LR 30:1261 (June 2004), LR 31:

§2712. Underwater Inspection and Reburial of Pipelines in the Gulf of Mexico and Its Inlets [49 CFR 192.612]

A. Each operator shall prepare and follow a procedure to identify its pipelines in the Gulf of Mexico and its inlets in waters less than 15 feet (4.6 meters) deep as measured from mean low water that are at risk of being an exposed underwater pipeline or a hazard to navigation. The procedures must be in effect August 10, 2005. [49 CFR 192.612(a)]

B. Each operator shall conduct appropriate periodic underwater inspections of its pipelines in the Gulf of Mexico and its inlets in waters less than 15 feet (4.6 meters) deep as measured from mean low water based on the identified risk. [49 CFR 192.612(b)]

C. If an operator discovers that its pipeline is an exposed underwater pipeline or poses a hazard to navigation, the operator shall: [49 CFR 192.612(c)]

1. promptly, but not later than 24 hours after discovery, notify the National Response Center, telephone: 1-800-424-8802, as well as Louisiana Pipeline Safety (225) 342-5505 (day or night), of the location and, if available, the geographic coordinates of that pipeline. [49 CFR 192.612(c)(1)]

2. promptly, but not later than seven days after discovery, mark the location of the pipeline in accordance with 33 CFR Part 64 at the ends of the pipeline segment and at intervals of not over 500 yards (457 meters) long, except that a pipeline segment less than 200 yards (183 meters) long need only be marked at the center; and [49 CFR 192.612(c)(2)]

3. within six months after discovery, or not later than November 1 of the following year if the six month period is later than November 1 of the year of discovery, bury the pipeline so that the top of the pipe is 36 inches (914 millimeters) below the underwater natural bottom (as determined by recognized and generally accepted practices) for normal excavation or 18 inches (457 millimeters) for rock excavation: [49 CFR 192.612(c)(3)]

a. an operator may employ engineered alternatives to burial that meet or exceed the level of protection provided by burial; [49 CFR 192.612(c)(3)(i)]

b. if an operator cannot obtain required state or federal permits in time to comply with this Section, it must notify OPS; specify whether the required permit is state or federal; and, justify the delay. [49 CFR 192.612(c)(3)(ii)]

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:501 et seq.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, LR 18:858 (August 1992), LR 27:1546 (September 2001), LR 30:1262 (June 2004), LR 31:

Chapter 29. Maintenance [Subpart M]

§2923. Distribution Systems: Leakage Surveys [49 CFR 192.723]

A. - B.1. ...

2. A leakage survey with leak detector equipment must be conducted outside business districts as frequently as necessary, but at least once every five calendar years at intervals not exceeding 63 months. However, for cathodically unprotected distribution lines subject to §2117(E) on which electrical surveys for corrosion are impractical, a leakage survey must be conducted at least

once every three calendar years at intervals not exceeding 39 months. [49 CFR 192.723(b)(2)]

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:501 et seq.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, LR 9:245 (April 1983), amended LR 10:537 (July 1984), LR 21:823 (August 1995), LR 24:1313 (July 1998), LR 30:1269 (June 2004), LR 31:

§2939. Pressure Limiting and Regulating Stations: Inspection and Testing [49 CFR 192.739]

A. - A.2. ...

3. except as provided in Subsection B of this Section, set to control or relieve at the correct pressure consistent with the pressure limits of §192.201(a); and [49 CFR 192.739(a)(3)]

A.4. ...

B. For steel pipelines whose MAOP is determined under §2719(C), if the MAOP is 60 psi (414 kPa) gage or more, the control or relief pressure limit is as follows: [49 CFR 192.739(b)]

If the MAOP produces a hoop stress that is:	then the pressure limit is:
Greater than 72 percent of SMYS	MAOP plus 4 percent.
Unknown as a percentage of SMYS	A pressure that will prevent unsafe operation of the pipeline considering its operating and maintenance history and MAOP.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:501 et seq.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, LR 9:246 (April 1983), amended LR 10:538 (July 1984), LR 30:1270 (June 2004), LR 31:

§2943. Pressure Limiting and Regulating Stations: Testing of Relief Devices [49 CFR 192.743]

A. Pressure relief devices at pressure limiting stations and pressure regulating stations must have sufficient capacity to protect the facilities to which they are connected. Except as provided in §2939.C, the capacity must be consistent with the pressure limits of §1161.A. This capacity must be determined at intervals not exceeding 15 months, but at least once each calendar year, by testing the devices in place or by review and calculations. [49 CFR 192.743(a)]

B. - C. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:501 et seq.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, LR 9:246 (April 1983), amended LR 10:538 (July 1984), LR 30:1271 (June 2004), LR 31:

Chapter 31. Operator Qualification [Subpart N]

§3105. Qualification Program [49 CFR 192.805]

A. - A.3. ...

4. evaluate an individual if the operator has reason to believe that the individual's performance of a covered task contributed to an incident as defined in Chapter 3 of this Part; [49 CFR 192.805(d)]

A.5. - A.7. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:501 et seq.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, Pipeline Division, LR 27:1550 (September 2001), amended LR 30:1272 (June 2004), LR 31:

Chapter 33. Pipeline Integrity Management [Subpart O]

§3303. What Definitions Apply to This Chapter? [49 CFR 192.903]

A. ...

Assessment The use of testing techniques as allowed in this Chapter to ascertain the condition of a covered pipeline segment.

Confirmatory Direct Assessment Can integrity assessment method using more focused application of the principles and techniques of direct assessment to identify internal and external corrosion in a covered transmission pipeline segment.

High Consequence Area Can area established by one of the methods described in Subparagraphs a or b as follows:

a. an area defined as:

i. a Class 3 location under §505; or

ii. a Class 4 location under §505; or

iii. any area in a Class 1 or Class 2 location where the potential impact radius is greater than 660 feet (200 meters), and the area within a potential impact circle contains 20 or more buildings intended for human occupancy; or

iv. any area in a Class 1 or Class 2 location where the potential impact circle contains an identified site;

b. The area within a potential impact circle containing:

i. 20 or more buildings intended for human occupancy; or

ii. an identified site.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:501 et seq.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, Pipeline Division, LR 30:1273 (June 2004), amended LR 31:

§3309. How Can an Operator Change Its Integrity Management Program? [49 CFR 192.909]

A. ...

B. Notification. An operator must notify OPS, in accordance with §3349, of any change to the program that may substantially affect the program's implementation or may significantly modify the program or schedule for carrying out the program elements. An operator must also notify a state or local pipeline safety authority when either a covered segment is located in a state where OPS has an interstate agent agreement, or an intrastate covered segment is regulated by that state. An operator must provide the notification within 30 days after adopting this type of change into its program. [49 CFR 192.909(b)]

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:501 et seq.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, Pipeline Division, LR 30:1274 (June 2004), amended LR 31:

§3311. What are the Elements of an Integrity Management Program? [49 CFR 192.911]

A. - A.8. ...

9. a performance plan as outlined in ASME/ANSI B31.8S, Section 9 that includes performance measures meeting the requirements of §3345; [49 CFR 192.911(i)]

A.10. - A.16. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:501 et seq.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, Pipeline Division, LR 30:1275 (June 2004), amended LR 31:

§3313. When May an Operator Deviate Its Program from Certain Requirements of This Chapter? [49 CFR 192.913]

A. - B.2. ...

a. have completed at least two integrity assessments on each covered pipeline segment the operator is including under the performance-based approach, and be able to demonstrate that each assessment effectively addressed the identified threats on the covered segment; [49 CFR 192.913(b)(2)(i)]

B.2.b. - C.2. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:501 et seq.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, Pipeline Division, LR 30:1275 (June 2004), amended LR 31:

§3317. How Does an Operator Identify Potential Threats to Pipeline Integrity and Use the Threat Identification in Its Integrity Program? [49 CFR 192.917]

A. Threat Identification. An operator must identify and evaluate all potential threats to each covered pipeline segment. Potential threats that an operator must consider include, but are not limited to, the threats listed in ASME/ANSI B31.8S (ibr, see §507), Section 2, which are grouped under the following four categories: [49 CFR 192.917(a)]

A.1. - E. ...

1. Third Party Damage. An operator must utilize the data integration required in Subsection B of this Section and ASME/ANSI B31.8S, Appendix A7 to determine the susceptibility of each covered segment to the threat of third party damage. If an operator identifies the threat of third party damage, the operator must implement comprehensive additional preventive measures in accordance with §3335 and monitor the effectiveness of the preventive measures. If, in conducting a baseline assessment under §3321, or a reassessment under §3337, an operator uses an internal inspection tool or external corrosion direct assessment, the operator must integrate data from these assessments with data related to any encroachment or foreign line crossing on the covered segment, to define where potential indications of third party damage may exist in the covered segment. An operator must also have procedures in its integrity management program addressing actions it will take to respond to findings from this data integration. [49 CFR 192.917(e)(1)]

E.2. ...

3. Manufacturing and Construction Defects. If an operator identifies the threat of manufacturing and construction defects (including seam defects) in the covered segment, an operator must analyze the covered segment to determine the risk of failure from these defects. The analysis must consider the results of prior assessments on the covered segment. An operator may consider manufacturing and construction related defects to be stable defects if the operating pressure on the covered segment has not increased

over the maximum operating pressure experienced during the five years preceding identification of the high consequence area. If any of the following changes occur in the covered segment, an operator must prioritize the covered segment as a high risk segment for the baseline assessment or a subsequent reassessment: [49 CFR 192.917(e)(3)]

a. operating pressure increases above the maximum operating pressure experienced during the preceding five years; [49 CFR 192.917(e)(3)(i)]

E.3.b. - c. ...

4. ERW Pipe. If a covered pipeline segment contains low frequency electric resistance welded pipe (ERW), lap welded pipe or other pipe that satisfies the conditions specified in ASME/ANSI B31.8S, Appendices A4.3 and A4.4, and any covered or noncovered segment in the pipeline system with such pipe has experienced seam failure, or operating pressure on the covered segment has increased over the maximum operating pressure experienced during the preceding five years, an operator must select an assessment technology or technologies with a proven application capable of assessing seam integrity and seam corrosion anomalies. The operator must prioritize the covered segment as a high risk segment for the baseline assessment or a subsequent reassessment. [49 CFR 192.917(e)(4)]

E.5. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:501 et seq.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, Pipeline Division, LR 30:1276 (June 2004), amended LR 31:

§3321. How Is the Baseline Assessment to be Conducted? [49 CFR 192.921]

A. - A.1. ...

2. pressure test conducted in accordance with Chapter 23 of this Part. An operator must use the test pressures specified in Table 3 of Section 5 of ASME/ANSI B31.8S, to justify an extended reassessment interval in accordance with §3339. [49 CFR 192.921(a)(2)]

A.3. ...

4. other technology that an operator demonstrates can provide an equivalent understanding of the condition of the line pipe. An operator choosing this option must notify the Office of Pipeline Safety (OPS) 180 days before conducting the assessment, in accordance with §3349. An operator must also notify a state or local pipeline safety authority when either a covered segment is located in a state where OPS has an interstate agent agreement, or an intrastate covered segment is regulated by that state. [49 CFR 192.921(a)(4)]

B. ...

C. Assessment for Particular Threats. In choosing an assessment method for the baseline assessment of each covered segment, an operator must take the actions required in §3317.E to address particular threats that it has identified. [49 CFR 192.921(c)]

D. - F. ...

G. Newly Installed Pipe. An operator must complete the baseline assessment of a newly-installed segment of pipe covered by this subpart within 10 years from the date the pipe is installed. An operator may conduct a pressure test in accordance with Subsection A.2 of this Section, to satisfy the requirement for a baseline assessment. [49 CFR 192.921(g)]

H. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:501 et seq.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, Pipeline Division, LR 30:1277 (June 2004), amended LR 31:

§3325. What Are the Requirements for Using External Corrosion Direct Assessment (ECDA)? [49 CFR 192.925]

A. ...

B. General Requirements. An operator that uses direct assessment to assess the threat of external corrosion must follow the requirements in this Section, in ASME/ANSI B31.8S (ibr, see § 507), Section 6.4, and in NACE RP 0502-2002 (ibr, see § 507). An operator must develop and implement a direct assessment plan that has procedures addressing preassessment, indirect examination, direct examination, and post-assessment. If the ECDA detects pipeline coating damage, the operator must also integrate the data from the ECDA with other information from the data integration (§3317.B) to evaluate the covered segment for the threat of third party damage, and to address the threat as required by §3317.E.1. [49 CFR 192.925(b)]

1. - 3.a. ...

b. criteria for deciding what action should be taken if either: [49 CFR 192.925(b)(3)(ii)]

i. corrosion defects are discovered that exceed allowable limits (Section 5.5.2.2 of NACE RP0502-2002); or [49 CFR 192.925(b)(3)(ii)(A)]

ii. root cause analysis reveals conditions for which ECDA is not suitable (Section 5.6.2 of NACE RP0502-2002); [49 CFR 192.925(b)(3)(ii)(B)]

3c. - 4.b. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:501 et seq.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, Pipeline Division, LR 30:1278 (June 2004), amended LR 31:

§3327. What Are the Requirements for Using Internal Corrosion Direct Assessment (ICDA)? [49 CFR 192.927]

A. ...

B. General Requirements. An operator using direct assessment as an assessment method to address internal corrosion in a covered pipeline segment must follow the requirements in this Section and in ASME/ANSI B31.8S (ibr, see §507), Section 6.4 and Appendix B2. The ICDA process described in this Section applies only for a segment of pipe transporting nominally dry natural gas, and not for a segment with electrolyte nominally present in the gas stream. If an operator uses ICDA to assess a covered segment operating with electrolyte present in the gas stream, the operator must develop a plan that demonstrates how it will conduct ICDA in the segment to effectively address internal corrosion, and must provide notification in accordance with §3321A4 or §3337.C.4. [49 CFR 192.927(b)]

C. - C.2. ...

3. Identification of Locations for Excavation and Direct Examination. An operator's plan must identify the locations where internal corrosion is most likely in each ICDA region. In the location identification process, an operator must identify a minimum of two locations for excavation within each ICDA Region within a covered

segment and must perform a direct examination for internal corrosion at each location, using ultrasonic thickness measurements, radiography, or other generally accepted measurement technique. One location must be the low point (e.g., sags, drips, valves, manifolds, dead-legs, traps) within the covered segment nearest to the beginning of the ICDA Region. The second location must be further downstream, within a covered segment, near the end of the ICDA Region. If corrosion exists at either location, the operator must: [49 CFR 192.927(c)(3)]

3a. - 4. ...

a. evaluating the effectiveness of ICDA as an assessment method for addressing internal corrosion and determining whether a covered segment should be reassessed at more frequent intervals than those specified in §3339. An operator must carry out this evaluation within a year of conducting an ICDA; and [49 CFR 192.927(c)(4)(i)]

4b. - 5.c. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:501 et seq.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, Pipeline Division, LR 30:1279 (June 2004), amended LR 31:

§3329. What Are the Requirements for Using Direct Assessment for Stress Corrosion Cracking (SCCDA)? [49 CFR 192.929]

A. Definition. Stress Corrosion Cracking Direct Assessment (SCCDA) is a process to assess a covered pipe segment for the presence of SCC primarily by systematically gathering and analyzing excavation data for pipe having similar operational characteristics and residing in a similar physical environment. [49 CFR 192.929(a)]

B. - B.2. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:501 et seq.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, Pipeline Division, LR 30:1280 (June 2004), amended LR 31:

§3333. What Actions Must Be Taken to Address Integrity Issues? [49 CFR 192.933]

A. ...

B. Discovery of Condition. Discovery of a condition occurs when an operator has adequate information about a condition to determine that the condition presents a potential threat to the integrity of the pipeline. A condition that presents a potential threat includes, but is not limited to, those conditions that require remediation or monitoring listed under Subsections D.1-3 of this Section. An operator must promptly, but no later than 180 days after conducting an integrity assessment, obtain sufficient information about a condition to make that determination, unless the operator demonstrates that the 180-day period is impracticable. [49 CFR 192.933(b)]

C. Schedule for Evaluation and Remediation. An operator must complete remediation of a condition according to a schedule that prioritizes the conditions for evaluation and remediation. Unless a special requirement for remediating certain conditions applies, as provided in Subsection D of this Section, an operator must follow the schedule in ASME/ANSI B31.8S (ibr, see §5077), Section 7, Figure 4. If an operator cannot meet the schedule for any condition, the operator must justify the reasons why it cannot meet the schedule and that the changed schedule will

not jeopardize public safety. An operator must notify OPS in accordance with §3349 if it cannot meet the schedule and cannot provide safety through a temporary reduction in operating pressure or other action. An operator must also notify a state or local pipeline safety authority when either a covered segment is located in a state where OPS has an interstate agent agreement, or an intrastate covered segment is regulated by that state. [49 CFR 192.933(c)]

D. - D.1.b. ...

c. an indication or anomaly that in the judgment of the person designated by the operator to evaluate the assessment results requires immediate action. [49 CFR 192.933(d)(1)(iii)]

2. - 3.c. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:501 et seq.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, Pipeline Division, LR 30:1281 (June 2004), amended LR 31:

§3335 What Additional Preventive and Mitigative Measures Must an Operator Take? [49 CFR 192.935]

A. - B.1.a. ...

b. collecting in a central database information that is location specific on excavation damage that occurs in covered and non covered segments in the transmission system and the root cause analysis to support identification of targeted additional preventative and mitigative measures in the high consequence areas. This information must include recognized damage that is not required to be reported as an incident under Subparts 1 and 2. [49 CFR 192.935(b)(1)(ii)]

c. ...

d. monitoring of excavations conducted on covered pipeline segments by pipeline personnel. If an operator finds physical evidence of encroachment involving excavation that the operator did not monitor near a covered segment, an operator must either excavate the area near the encroachment or conduct an above ground survey using methods defined in NACE RP-0502-2002 (ibr, see §507). An operator must excavate, and remediate, in accordance with ANSI/ASME B31.8S and §3333 any indication of coating holidays or discontinuity warranting direct examination. [49 CFR 192.935(b)(1)(iv)]

B.2. - C. ...

D. Pipelines Operating below 30 Percent SMYS. An operator of a transmission pipeline operating below 30 percent SMYS located in a high consequence area must follow the requirements in Subsections D.1 and D.2 of this Section. An operator of a transmission pipeline operating below 30 percent SMYS located in a Class 3 or Class 4 area but not in a high consequence area must follow the requirements in Subsections D.1, D.2 and D.3 of this Section. [49 CFR 192.935(d)]

1. - 2. ...

3. perform semi-annual leak surveys (quarterly for unprotected pipelines or cathodically protected pipe where electrical surveys are impractical). [49 CFR 192.935(d)(3)]

E. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:501 et seq.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, Pipeline Division, LR 30:1282 (June 2004), amended LR 31:

§3337. What Is a Continual Process of Evaluation and Assessment to Maintain a Pipeline's Integrity? [49 CFR 192.937]

A. - C.1. ...

2. pressure test conducted in accordance with Chapter 23 of this Subpart. An operator must use the test pressures specified in Table 3 of Section 5 of ASME/ANSI B31.8S, to justify an extended reassessment interval in accordance with §3339; [49 CFR 192.935(c)(2)]

3. ...

4. other technology that an operator demonstrates can provide an equivalent understanding of the condition of the line pipe. An operator choosing this option must notify the Office of Pipeline Safety (OPS) 180 days before conducting the assessment, in accordance with §3349. An operator must also notify a state or local pipeline safety authority when either a covered segment is located in a state where OPS has an interstate agent agreement, or an intrastate covered segment is regulated by that state. [49 CFR 192.935(c)(4)]

5. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:501 et seq.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, Pipeline Division, LR 30:1283 (June 2004), amended LR 31:

§3339. What Are the Required Reassessment Intervals? [49 CFR 192.939]

A. ...

1. Pipelines Operating at or above 30 percent SMYS. An operator must establish a reassessment interval for each covered segment operating at or above 30 percent SMYS in accordance with the requirements of this Section. The maximum reassessment interval by an allowable reassessment method is seven years. If an operator establishes a reassessment interval that is greater than seven years, the operator must, within the seven-year period, conduct a confirmatory direct assessment on the covered segment, and then conduct the follow-up reassessment at the interval the operator has established. A reassessment carried out using confirmatory direct assessment must be done in accordance with §3331. The table that follows this Section sets forth the maximum allowed reassessment intervals. [49 CFR 192.939(a)]

a. ...

i. basing the interval on the identified threats for the covered segment (see §3317) and on the analysis of the results from the last integrity assessment and from the data integration and risk assessment required by §3317; or [49 CFR 192.939(a)(1)(i)]

a.ii. - b. ...

c. Internal Corrosion or SCC Direct Assessment. An operator that uses ICDA or SCCDA in accordance with the requirements of this Chapter must determine the reassessment interval according to the following method. However, the reassessment interval cannot exceed those specified for direct assessment in ASME/ANSI B31.8S, Section 5, Table 3: [49 CFR 192.939(a)(3)]

1.c.i. - iii. ...

2. Pipelines Operating below 30 Percent SMYS. An operator must establish a reassessment interval for each covered segment operating below 30 percent SMYS in accordance with the requirements of this Section. The maximum reassessment interval by an allowable reassessment method is seven years. An operator must establish reassessment by at least one of the following: [49 CFR 192.939(b)]

a. - d. ...

e. reassessment by the low stress assessment method at seven-year intervals in accordance with §3341 with reassessment by one of the methods listed in Paragraphs B.1 through B.3 of this Section by year 20 of the interval. [49 CFR 192.939(b)(5)]

B. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:501 et seq.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, Pipeline Division, LR 30:1283 (June 2004), amended LR 31:

§3341. What Is a Low Stress Reassessment? [49 CFR 192.941]

A. - B.2.a. ...

b. every 18 months, identify and remediate areas of active corrosion by evaluating leak repair and inspection records, corrosion monitoring records, exposed pipe inspection records, and the pipeline environment. [49 CFR 192.941(b)(2)(ii)]

C. - C.3. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:501 et seq.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, Pipeline Division, LR 30:1284 (June 2004), amended LR 31:

§3343. When Can an Operator Deviate from These Reassessment Intervals? [49 CFR 192.943]

A. ...

1. Lack of Internal Inspection Tools. An operator who uses internal inspection as an assessment method may be able to justify a longer reassessment period for a covered segment if internal inspection tools are not available to assess the line pipe. To justify this, the operator must demonstrate that it cannot obtain the internal inspection tools within the required reassessment period and that the actions the operator is taking in the interim ensure the integrity of the covered segment. [49 CFR 192.943(a)(1)]

A.2. - B. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:501 et seq.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, Pipeline Division, LR 30:1285 (June 2004), amended LR 31:

§3345. What Methods Must an Operator Use to Measure Program Effectiveness? [49 CFR 192.945]

A. General. An operator must include in its integrity management program methods to measure, on a semi-annual basis, whether the program is effective in assessing and evaluating the integrity of each covered pipeline segment

and in protecting the high consequence areas. These measures must include the four overall performance measures specified in ASME/ANSI B31.8S (ibr, see §507), Section 9.4, and the specific measures for each identified threat specified in ASME/ANSI B31.8S, Appendix A. An operator must submit the four overall performance measures, by electronic or other means, on a semi-annual frequency to OPS in accordance with §3351. An operator must submit its first report on overall performance measures by August 31, 2004. Thereafter, the performance measures must be complete through June 30 and December 31 of each year and must be submitted within 2 months after those dates. [49 CFR 192.945(a)]

B. External Corrosion Direct Assessment. In addition to the general requirements for performance measures in Subsection A of this Section, an operator using direct assessment to assess the external corrosion threat must define and monitor measures to determine the effectiveness of the ECDA process. These measures must meet the requirements of §3325. [49 CFR 192.945 (b)]

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:501 et seq.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, Pipeline Division, LR 30:1285 (June 2004), amended LR 31:

Chapter 51. Appendices

§5101. Appendix A--Incorporated by Reference

Reserved.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:501 et seq.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, Pipeline Division, LR 10:539 (July 1984), amended LR 18:858 (August 1992), LR 27:1550, 1551 (September 2001), LR 30:1286 (June 2004), LR 31:

§5103. Appendix B--Qualification of Pipe

I. Listed Pipe Specification

API 5L—Steel pipe, "API Specification for Line Pipe" (ibr, see §507)

ASTM A 53/A53M-99b—Steel pipe, "Standard Specification for Pipe, Steel Black and Hot-Dipped, Zinc-Coated, welded and Seamless" (ibr, see §507)

ASTM A 106—Steel pipe, "Standard Specification for Seamless Carbon Steel Pipe for High temperature Service" (ibr, see §507)

ASTM A 333/A 333M—Steel pipe, "Standard Specification for Seamless and Welded steel Pipe for Low Temperature Service" (ibr, see §507)

ASTM A 381—Steel pipe, "Standard specification for Metal-Arc-Welded Steel Pipe for Use with High-Pressure Transmission Systems" (ibr, see §507)

ASTM A 671—Steel pipe, "Standard Specification for Electric-Fusion-Welded Pipe for Atmospheric and Lower Temperatures" (ibr, see §507)

ASTM A 672—Steel pipe, "Standard Specification for Electric-Fusion-Welded Steel Pipe for High-Pressure Service at Moderate Temperatures" (ibr, see §507)

ASTM A 691—Steel pipe, "Standard Specification for Carbon and Alloy Steel Pipe, Electric-Fusion-Welded for High Pressure Service at High Temperatures" (ibr, see §507)

ASTM D 2513-1999 **C**Thermoplastic pipe and tubing, "Standard Specification for Thermoplastic Gas Pressure Pipe, Tubing, and Fittings" (ibr, see §507)

ASTM D 2517—Thermosetting plastic pipe and tubing, "Standard Specification Reinforced Epoxy Resin Gas Pressure Pipe and Fittings" (ibr, see §507)

II. Steel Pipe of Unknown or Unlisted Specification

A. ...

B. Weldability. A girth weld must be made in the pipe by a welder who is qualified under Subpart E of this Part. The weld must be made under the most severe conditions under which welding will be allowed in the field and by means of the same procedure that will be used in the field. On pipe more than 4 inches (102 millimeters) in diameter, at least one test weld must be made for each 100 lengths of pipe. On pipe 4 inches (102 millimeters) or less in diameter, at least one test weld must be made for each 400 lengths of pipe. The weld must be tested in accordance with API Standard 1104 (ibr, see §507). If the requirements of API Standard 1104 cannot be met, weldability may be established by making chemical tests for carbon and manganese, and proceeding in accordance with Section IX of the ASME Boiler and Pressure Vessel Code (ibr, see §507). The same number of chemical tests must be made as are required for testing a girth weld.

C. ...

D. Tensile Properties. If the tensile properties of the pipe are not known, the minimum yield strength may be taken as 24,000 p.s.i. (165 MPa) or less, or the tensile properties may be established by performing tensile test as set forth in API Specification 5L (ibr, see §507).

III. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:501 et seq.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, Pipeline Division, LR 10:541 (July 1984), amended LR 18:859 (August 1992), LR 27:1551, 1552 (September 2001), LR 30:1287 (June 2004), LR 31:

§5105. Appendix C **CQualification of Welders for Low Stress Level Pipe**

I. Basic Test

The test is made on pipe 12 inches (305 millimeters) or less in diameter. The test weld must be made with the pipe in a horizontal fixed position so that the test weld includes at least one section of overhead position welding. The beveling, root opening, and other details must conform to the specifications of the procedure under which the welder is being qualified. Upon completion, the test weld is cut into four coupons and subjected to a root bend test. If, as a result of this test, two or more of the four coupons develop a crack in the weld material, or between the weld material and base metal, that is more than 1/8-inch (3.2 millimeters) long in any direction, the weld is unacceptable. Cracks that occur on the corner of the specimen during testing are not considered. A welder who successfully passes a butt-weld qualification test under this Section shall be qualified to weld on all pipe diameters less than or equal to 12 inches.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:501 et seq.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, Pipeline Division, LR 10:541 (July 1984), amended LR 18:859 (August 1992), LR 27:1551, 1552 (September 2001), LR 30:1287 (June 2004), LR 31:

§5109. Appendix E **CGuidance on Determining High Consequence Areas and on Carrying out**

Requirements in the Integrity Management Rule

I. Guidance on Determining a High Consequence Area

To determine which segments of an operator's transmission pipeline system are covered for purposes of the integrity management program requirements, an operator must identify the high consequence areas. An operator must use Method (1) or (2) from the definition in §3303 to identify a high consequence area. An operator may apply one method to its entire pipeline system, or an operator may apply one method to individual portions of the pipeline system. (Refer to Figure E.I.A for a diagram of a high consequence area).

Determining High Consequence Area

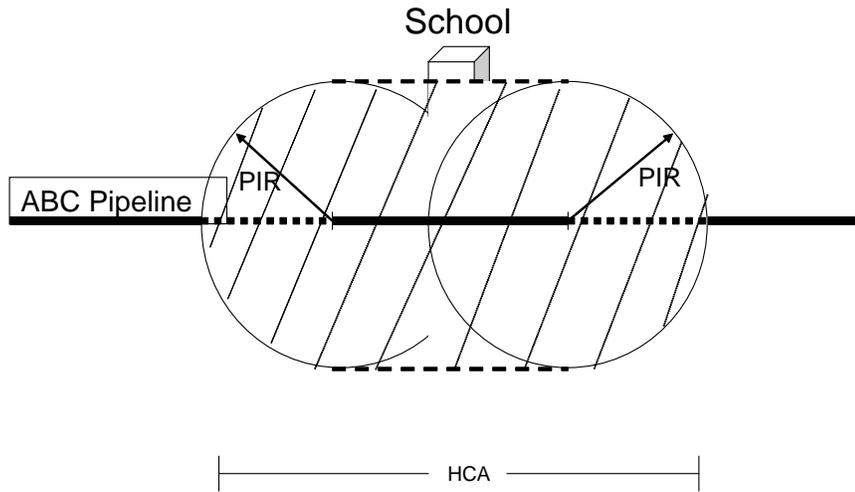


Figure E.I.A

II. Guidance on Assessment Methods and Additional Preventive and Mitigative Measures for Transmission Pipelines

1. Table E.II.1 gives guidance to help an operator implement requirements on additional preventive and mitigative measures for addressing time dependent and independent threats for a transmission pipeline operating below 30 percent SMYS not in an HCA (i.e., outside of potential impact circle) but located within a Class 3 or Class 4 Location.

2. Table E.II.2 gives guidance to help an operator implement requirements on assessment methods for addressing time dependent and independent threats for a transmission pipeline in an HCA.

3. Table E.II.3 gives guidance on preventative and mitigative measures addressing time dependent and independent threats for transmission pipelines that operate below 30 percent SMYS, in HCAs.

Table E.II.1: Preventative and Mitigative Measures for Transmission Pipelines Operating below 30 Percent SMYS Not in an HCA but in a Class 3 or Class 4 Location			
(Column 1) Threat	Existing Subpart 3 Requirements		(Column 4) Additional (to Subpart 3 requirements) Preventive and Mitigative Measures
	(Column 2) Primary	(Column 3) Secondary	
External Corrosion	2107-(Gen. Post 1971) 2109-(Gen. Pre-1971) 2111-(Examination) 2113-(Ext. coating) 2115-(CP) 2117-(Monitoring) 2119-(Elect isolation) 2121-(Test stations) 2123-(Test leads) 2125-(Interference) 2131-(Atmospheric) 2133-(Atmospheric) 2137-(Remedial) 2905-(Patrol) 2906-(Leak survey) 2911 (Repair Gen.) 2917-(Repair Perm.)	2703-(Gen Oper) 2713-(Surveillance)	For Cathodically Protected Transmission Pipeline: <ul style="list-style-type: none"> • Perform semi-annual leak surveys. For Unprotected Transmission Pipelines or for Cathodically Protected Pipe where Electrical Surveys are Impractical: <ul style="list-style-type: none"> • Perform quarterly leak surveys
Internal Corrosion	2127-(Gen IC), 2129-(IC monitoring) 2137-(Remedial), 2905-(Patrol) 2906-(Leak survey), 2911-(Repair Gen.) 2917-(Repair Perm.)	703(A)-(Materials) 2703-(Gen Oper) 2713-(Surveillance)	<ul style="list-style-type: none"> • Perform semi-annual leak surveys.

3rd Party Damage	903-(Gen. Design), 911-(Design factor) 1717-(Hazard prot), 1727-(Cover) 2714-(Dam. Prevent), 2716-(Public education) 2905-(Patrol), 2907-(Line markers) 2911-(Repair E gen.), 2917-(Repair E perm.)	2715- E Emerg. Plan)	<ul style="list-style-type: none"> • Participation in state one-call system, • Use of qualified operator employees and contractors to perform marking and locating of buried structures and in direct supervision of excavation work, AND • Either monitoring of excavations near operator E transmission pipelines, or bi-monthly patrol of transmission pipelines in class 3 and 4 locations. Any indications of unreported construction activity would require a follow up investigation to determine if mechanical damage occurred.
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Table E.II.2 Assessment Requirements for Transmission Pipelines in HCAs (Re-assessment intervals are maximum allowed.)						
Baseline Assessment Method (see Note 3)	Re-Assessment Requirements (see Note 3)					
	At or above 50 Percent SMYS		At or above 30 Percent SMYS up to 50 Percent SMYS		Below 30 Percent SMYS	
	Max Re-Assessment Interval	Assessment Method	Max Re-Assessment Interval	Assessment Method	Max Re-Assessment Interval	Assessment Method
Pressure Testing	7	CDA	7	CDA	Ongoing	Preventative & Mitigative (P&M) Measures (see Table E.II.3), (see Note 2)
	10	Pressure Test or ILI or DA				
		Repeat inspection cycle every 10 years	15 (see Note 1)	Pressure Test or ILI or DA (see Note 1)		
				Repeat inspection cycle every 15 years	20	Pressure Test or ILI or DA
In-Line Inspection	7	CDA	7	CDA	Ongoing	Preventative & Mitigative (P&M) Measures (see Table E.II.3), (see Note 2)
	10	ILI or DA or Pressure Test				
		Repeat inspection cycle every 10 years	15 (see Note 1)	ILI or DA or Pressure Test (see Note 1)		
				Repeat inspection cycle every 15 years	20	ILI or DA or Pressure Test
Direct Assessment	7	CDA	7	CDA	Ongoing	Preventative & Mitigative (P&M) Measures (see Table E.II.3), (see Note 2)
	10	DA or ILI or Pressure Test				
		Repeat inspection cycle every 10 years	15 (see Note 1)	DA or ILI or Pressure Test (see Note 1)		
				Repeat inspection cycle every 15 years	20	DA or ILI or Pressure Test
						Repeat inspection cycle every 20 years

Note 1: Operator may choose to utilize CDA at year 14, then utilize ILI, Pressure Test, or DA at year 15 as allowed under ASME B31.8S
Note 2: Operator may choose to utilize CDA at year 7 and 14 in lieu of P&M
Note 3: Operator may utilize "other technology that an operator demonstrates can provide an equivalent understanding of the condition of line pipe"

Table E.II.3 Preventative and Mitigative Measures addressing Time Dependent and Independent Threats for Transmission Pipelines that Operate below 30 Percent SMYS, in HCAs			
Threat	Existing Subpart 3 Requirements		Additional (to Subpart 3 requirements) Preventive and Mitigative Measures
	Primary	Secondary	
External Corrosion	2107-(Gen. Post 1971) 2109-(Gen. Pre-1971) 2111-(Examination) 2113-(Ext. coating) 2115-(CP) 2117-(Monitoring) 2119-(Elect isolation) 2121-Test stations) 2123-(Test leads) 2125-(Interference) 2131-(Atmospheric) 2133-(Atmospheric) 2137-(Remedial) 2905-(Patrol) 2906-(Leak survey) 2911-(Repair Gen.) 2917-(Repair Perm.)	2703-(Gen Oper) 2713-(Surveil)	For Cathodically Protected Trmn. Pipelines <ul style="list-style-type: none"> Perform an electrical survey (i.e., indirect examination tool/method) at least every seven years. Results are to be utilized as part of an overall evaluation of the CP system and corrosion threat for the covered segment. Evaluation shall include consideration of leak repair and inspection records, corrosion monitoring records, exposed pipe inspection records, and the pipeline environment. For Unprotected Trmn. Pipelines or for Cathodically Protected Pipe where Electrical Surveys are Impracticable <ul style="list-style-type: none"> Conduct quarterly leak surveys AND Every 1 1/2 years, determine areas of active corrosion by evaluation of leak repair and inspection records, corrosion monitoring records, exposed pipe inspection records, and the pipeline environment.
Internal Corrosion	2127-(Gen IC) 2129-(IC monitoring) 2137-(Remedial) 2905-(Patrol) 2906-(Leak survey) 2911-(Repair Gen.) 2917-(Repair Perm.)	703(A)-(Materials) 2703-(Gen Oper) 2713-(Surveil)	<ul style="list-style-type: none"> Obtain and review gas analysis data each calendar year for corrosive agents from transmission pipelines in HCAs, Periodic testing of fluid removed from pipelines. Specifically, once each calendar year from each storage field that may affect transmission pipelines in HCAs, AND At least every seven years, integrate data obtained with applicable internal corrosion leak records, incident reports, safety related condition reports, repair records, patrol records, exposed pipe reports, and test records.
3rd Party Damage	903-(Gen. Design) 911-(Design factor) 1717-(Hazard prot) 1727-(Cover) 2714-(Dam. Prevent) 2716-(Public educat) 2905-(Patrol) 2909-(Line markers) 2911-(Repair Gen.) 2917-(Repair Perm.)	2715-(Emerg Plan)	<ul style="list-style-type: none"> Participation in state one-call system, Use of qualified operator employees and contractors to perform marking and locating of buried structures and in direct supervision of excavation work, AND Either monitoring of excavations near operator transmission pipelines, or bi-monthly patrol of transmission pipelines in HCAs or Class 3 and 4 locations. Any indications of unreported construction activity would require a follow up investigation to determine if mechanical damage occurred.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:501 et seq.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, Pipeline Division, LR 30:1289 (June 2004), amended LR 31:

All interested parties will be afforded the opportunity to submit data, views, or arguments, orally or in writing at said public hearing in accordance with 49:953. Written comments will be accepted until 4:30 p.m., Wednesday, February 2, 2005. If accommodations are required under the Americans with Disabilities Act, please contact the Pipeline Division at (225) 342-5505 within 10 working days of the hearing date. Direct comments to James H. Welsh, Commissioner of Conservation, P.O. Box 94275, Baton Rouge, LA 70804-9275, RE: Docket No. PL 04-086.

Family Impact Statement

In accordance with RS 49:972, the following statements are submitted after consideration of the impact of the proposed Rule on family as defined therein.

1. The Effect of These Rules on the Stability of the Family. These Rules will have no known effect on the stability of the family.

2. The Effect of These Rules on the Authority and Rights of Parents Regarding the Education and Supervision of Their Children. These Rules will have no known effect on

the authority and rights of parents regarding the education and supervision of their children.

3. The Effect of These Rules on the Functioning of the Family. These Rules will have no known effect on the functioning of the family.

4. The Effect of These Rules on Family Earnings and Family Budget. These Rules will have no known effect on family earnings and family budget.

5. The Effect on the Behavior and Personal Responsibility of Children. These Rules will have no known effect on the behavior and personal responsibility of children.

6. The Effect of These Rules on the Ability of the Family or Local Government to Perform the Function as Contained in the Proposed Rules. These Rules will have no known effect on the ability of the family or local government to perform the function as contained in the proposed rules.

James H. Welsh
Commissioner

**FISCAL AND ECONOMIC IMPACT STATEMENT
FOR ADMINISTRATIVE RULES**

RULE TITLE: Natural Gas Pipeline Safety

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

There should be no additional costs or savings regarding the amendment of this Rule. This action adopts federal amendments to pipeline safety regulations.

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

There should be no effect on revenue or costs as the department was previously enforcing similar Rules.

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

There should be no significant costs or economic benefits to any person or group.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

There should be no effect on competition or employment.

James H. Welsh
Commissioner
0412#067

Robert E. Hosse
General Government Section Director
Legislative Fiscal Office

NOTICE OF INTENT

**Department of Public Safety and Corrections
Corrections Services**

Nepotism, Use of Student and Inmate Labor Off Institutional Grounds, Placement and Transfer of Offenders: Selection Criteria, Classification, Initial Classification and Reclassification Board (LAC 22:I.209, 301, 309,and 311)

In accordance with the provisions of the Administrative Procedure Act (R.S. 49:950 et seq.), the Louisiana Department of Public Safety and Corrections, Corrections Services, hereby gives notice of its intent to repeal the entire contents of §209, Nepotism, §301, Use of Student and Inmate Labor Off Institutional Grounds, §309, Placement and Transfer of Offenders: Selection Criteria, and §311, Classification, Initial Classification and Reclassification Board.

Within the Louisiana Department of Public Safety and Corrections, the Office of Youth Development has been statutorily separated from the Office of Corrections Services. Therefore, Title 22 is being re-codified into two sections: adult offenders and juvenile offenders. The purpose of the rescission of the aforementioned regulations is to further this effort by eliminating all policies deemed to be internal management. Although the destination has changed, the internal policies will still be performed by the department.

Title 22

CORRECTIONS, CRIMINAL JUSTICE AND LAW ENFORCEMENT

Part I. Corrections

Chapter 2. Personnel

§209. Nepotism

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 42:1119.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Corrections Services, LR 16:537 (June 1990), repealed LR 31:

Chapter 3. Adult and Juvenile Services

Subchapter A. General

§301. Use of Student and Inmate Labor Off Institutional Grounds

Repealed.

AUTHORITY NOTE: Adopted in accordance with R.S. 15:832.

HISTORICAL NOTE: Adopted by Department of Public Safety and Corrections, Internal Affairs Section (April 1968), repealed LR 31:

§309. Work Release: Selection of Inmates

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 15:711, R.S. 15:833, R.S. 15:893.1(B), and R.S. 15:1111.

HISTORICAL NOTE: Promulgated by the Department of Corrections, Office of Adult Services, LR 4:486 (December 1978), amended LR 17:203 (February 1991), repealed LR 31:

§311. Classification, Initial Classification and Reclassification Board

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 15:823.

HISTORICAL NOTE: Promulgated by the Department of Corrections, Office of Adult Services, LR 8:274 (June 1982), repealed LR 31:

Family Impact Statement

In accordance with the Administrative Procedures Act, R.S. 49:953(A)(1)(a)(viii) and R.S. 49:972, the Department of Public Safety and Corrections, Corrections Services, hereby provides the Family Impact Statement.

Rescission of the current LAC 22:I:209, 301, 309 and 311 by the Department of Public Safety and Corrections, Corrections Services, will have no effect on the stability of the family, on the authority and rights of parents regarding the education and supervision of their children, on the functioning of the family, on family earnings and family budget, on the behavior and personal responsibility of children or on the ability of the family or a local government to perform the function as contained in the proposed rule rescission.

Interested persons may submit their comments in writing to Melinda L. Long, Attorney for Secretary Richard L. Stalder, LA Department of Public Safety and Corrections, P.O. Box 94304, Baton Rouge, LA 70804, until 4:30 pm on January 8, 2005.

Richard L. Stalder
Secretary

**FISCAL AND ECONOMIC IMPACT STATEMENT
FOR ADMINISTRATIVE RULES**

RULE TITLE: Nepotism, Use of Student and Inmate Labor Off Institutional Grounds, Placement and Transfer of Offenders: Selection Criteria, Classification, Initial Classification and Reclassification Board

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

There are no estimated costs or savings to state or local governmental units.

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

There is no estimated effect on revenue collections of state or local governmental units.

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

There is no estimated costs and/or economic benefits to directly affected persons or non-governmental groups.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

There is no estimated effect on competition and employment.

Trey Boudreaux
Assistant Secretary
0412#065

Robert E. Hosse
General Government Section Director
Legislative Fiscal Office

NOTICE OF INTENT

**Department of Public Safety and Corrections
Corrections Services**

Release of Offenders to Attend Funerals; Placement and Transfer of Offenders; Medical Parole; Classification, Initial Classification and Reclassification Board; Visitation; Introduction of Contraband; Emergency Medical Treatment for Visitors (LAC 22: I.306, 307, 310, 319, 327, and 331)

In accordance with the provisions of the Administrative Procedure Act (R.S. 49:950 et seq.), the Louisiana Department of Public Safety and Corrections, Corrections Services, hereby gives notice of its intent to repeal the entire contents of §306: Release of Offenders to Sheriffs to Attend Funerals, §307: Placement and Transfer of Offenders: Selection Criteria, §310: Medical Parole, §319: Visitation: Religious Groups and Religious Lay Groups, §327: Introduction of Contraband at Adult and/or Juvenile Operational Units and §331. Emergency Medical Treatment for Visitors.

Within the Louisiana Department of Public Safety and Corrections, the Office of Youth Development has been statutorily separated from the Office of Corrections Services. Therefore, Title 22 is being re-codified into two sections: adult offenders and juvenile offenders. The purpose of the rescission of the aforementioned regulations is to further this effort by eliminating all policies deemed to be internal management or any policy that has since been written into a different regulation. Although the destination has changed, the existing internal policies will still be performed by the department.

Title 22

**CORRECTIONS, CRIMINAL JUSTICE AND LAW
ENFORCEMENT**

Part I. Corrections

**§306. Release of Offenders to Sheriffs to Attend
Funerals**

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 15:833.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Corrections Services, LR 16:693 (August 1990), repealed LR 31:

**§307. Placement and Transfer of Offenders: Selection
Criteria**

Repealed

AUTHORITY NOTE: Promulgated in accordance with R.S. 15:833.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Corrections Services, LR 16:693 (August 1990), repealed LR 31:

§310. Medical Parole

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 15:754.20, as enacted by Act 563 of the 1990 Legislative Session.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Corrections Services, LR 17:605 (June 1991), amended LR 18:1265 (November 1992), repealed LR 31:

**§311. Classification, Initial Classification and
Reclassification Board**

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 15:823.

HISTORICAL NOTE: Promulgated by the Department of Corrections, Office of Adult Services, LR 8:274 (June 1982), repealed LR 31:

**§319. Visitation: Religious Groups and Religious Lay
Groups**

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 15:833(A).

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Corrections Services, Offices of Adult and Juvenile Services, LR 11:1094 (November 1985), repealed LR 31:

**§327. Introduction of Contraband at Adult and/or
Juvenile Operational Units**

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 14:110.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Corrections Services, Offices of Adult and Juveniles Services, LR 11:1093 (November 1985), repealed LR 31:

§331. Emergency Medical Treatment for Visitors

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 15:833(A).

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Corrections Services, Offices of Adult and Juvenile Services, LR 11:1093 (November 1985), repealed LR 31:

Family Impact Statement

In accordance with the Administrative Procedures Act, R.S. 49:953(A)(1)(a)(viii) and R.S. 49:972, the Department of Public Safety and Corrections, Corrections Services, hereby provides the Family Impact Statement.

Rescission of the current LAC 22:I:306,307,310,319,327 and 331 by the Department of Public Safety and Corrections, Corrections Services, will have no effect on the stability of the family, on the authority and rights of parents regarding the education and supervision of their children, on the functioning of the family, on family earnings and family budget, on the behavior and personal responsibility of children or on the ability of the family or a local government to perform the function as contained in the proposed rule rescission.

Interested persons may submit their comments in writing to Melinda L. Long, Attorney for Secretary Richard L. Stalder, LA Department of Public Safety and Corrections, P.O. Box 94304, Baton Rouge, LA 70804, until 4:30 pm on January 8, 2005.

Richard L. Stalder
Secretary

**FISCAL AND ECONOMIC IMPACT STATEMENT
FOR ADMINISTRATIVE RULES**
**RULE TITLE: Release of Offenders to Attend Funerals;
Placement and Transfer of Offenders; Medical Parole;
Classification, Initial Classification and Reclassification
Board; Visitation; Introduction of Contraband;
Emergency Medical Treatment for Visitors**

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)
There are no estimated costs or savings to state or local governmental units.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
There is no estimated effect on revenue collections of state or local governmental units.
- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS (Summary)
There is no estimated costs and/or economic benefits to directly affected persons or non-governmental groups.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)
There is no estimated effect on competition and employment.

Trey Boudreaux Robert E. Hosse
Assistant Secretary General Government Section Director
0412#066 Legislative Fiscal Office

NOTICE OF INTENT

**Office of Public Safety and Corrections
Office of State Police**

Hazardous Materials (LAC 33:V Chapter 101)

The Department of Public Safety and Corrections, Office of State Police, in accordance with R.S. 49:950, et. seq., and R.S. 30:2361, et. seq. gives notice of its intent to amend its Rules regulating chemical inventory reporting for electrical substations and chemical inventory filing fees.

Title 33

ENVIRONMENTAL QUALITY

Part V. Hazardous Wastes and Hazardous Materials
Subpart 2. Department of Public Safety and
Corrections Hazardous Materials
Chapter 101. Hazardous Material, Information
Development, Preparedness, and
Response Act

§10107. Alternate Means of Compliance Inventory Reporting

A. - C.5.d. ...

e. Electrical storage batteries located at electrical substations are exempt from Tier Two filing requirements if the total weight of the sulfuric acid in all batteries found on

the site of the substation is less than five hundred pounds and the facility owner marks all doors, or means of access, to the storage location with a sign stating "CAUTION ELECTRICAL STORAGE BATTERIES CONTAINING SULFURIC ACID" and further provides a Material Safety Data Sheet (MSDS) in an accessible location near the storage location.

C.6.a. - f. ...

AUTHORITY NOTE: Promulgated in accordance with R.S.30:2361 et seq.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of State Police, LR 12:327 (May 1986), amended LR 13:184 (March 1987), LR 13:759 (December 1987), LR 14:802 (November 1988), LR 16:974 (November 1990), LR 27:859 (June 2001), LR 31:

§10121. Fees

A. ...

B.1. Until June 30, 2008, the fees for facilities not meeting the definition of "small business" in R.S. 30:2363 shall be assessed as follows:

Number of Hazardous Materials Present at Facility	Amount of Fees Charges
01 to 25	\$ 65
26 to 75	\$ 85
76 to 100	\$170
Over 100	\$255

B.2. - F.1. ...

AUTHORITY NOTE: Promulgated in accordance with R.S.30:2361 et seq.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of State Police, LR 12:327 (May 1986), amended LR 13:184 (March 1987), LR 13:762 (December 1987), repromulgated LR 14:804 (November 1988), amended LR 16:975 (November 1990), LR 27:864 (June 2001), LR 27:2259 (December 2001), LR 31:

Family Impact Statement

1. The effect of these Rules on the stability of the family. These Rules will have no effect on the stability of the family.
2. The effect of these Rules on the authority and rights of parents regarding the education and supervision of their children. These Rules will have no effect on the authority and rights of parents regarding the education and supervision of their children.
3. The effect of these Rules on the functioning of the family. These Rules will have no effect on the functioning of the family.
4. The effect of these Rules on family earnings and family budget. These Rules will have no effect on family earning and family budget.
5. The effect of these Rules on the behavior and personal responsibility of children. These rules will have no effect on the behavior and personal responsibility of children.
6. The effect of these Rules on the ability of the family or local government to perform the function as contained in the proposed rules. These Rules will have no effect on the ability of the family or local government to perform the function as contained in the proposed Rules.

Interested persons may submit written comments to Paul Schexnayder, Post Office Box 66614, Baton Rouge, LA

70896. Written comments will be accepted through January 15, 2005.

Richard L. Stalder
Secretary

**FISCAL AND ECONOMIC IMPACT STATEMENT
FOR ADMINISTRATIVE RULES
RULE TITLE: Hazardous Materials**

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

This change in agency rule, creating an alternate means of complying with chemical inventory reporting requirements and changing the sunset provision regarding Tier Two reporting fees in accordance with a recent legislative amendment, will not result in any increased costs or savings to state or local governmental units.

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

The proposed rule will have no effect on revenue collections of state or local governmental units as these rule changes will not affect the Tier Two reporting fees presently being paid.

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

Electrical utilities will experience a very slight decrease in costs incurred in reporting their hazardous material inventory. The amount of the benefit will depend on the number of each utility's electrical substations at which electrical storage batteries are located.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

There will be no effect on competition and employment as the proposed rule change will have an equal impact on all electrical utilities.

Stephen J. Hymel
Undersecretary
0412#019

H. Gordon Monk
Staff Director
Legislative Fiscal Office

**NOTICE OF INTENT
Department of Revenue
Policy Services Division**

**Corporation Franchise Tax Allocation of Taxable Capital
(LAC 61:I.306)**

Under the authority of R.S. 47:606(A)(1)(e), R.S. 47:1511, and in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., the Department of Revenue, Policy Services Division, proposes to amend LAC 61:I.306 relative to attribution of revenue from telephone, telecommunications, and other similar services.

Louisiana Revised Statute 47:606(A)(1)(e) states that "Revenues from services...shall be attributed within and without Louisiana on the basis of the location at which the services are rendered." By amending LAC 61:I.306, the Department of Revenue will provide specific guidance to telephone, telecommunications, and other similar services, concerning revenue to be included in the numerator of the revenue ratio.

Title 61

REVENUE AND TAXATION

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

**Chapter 3. Corporation Franchise Tax
§306. Allocation of Taxable Capital**

A. – A.1.d.vi. ...

e. Revenue from Services Other Than from Transportation

i. For purposes of this Subsection, in addition to any other revenue attributed to Louisiana, the following revenue from providing telephone, telecommunications, and similar services shall be attributed to Louisiana:

(a). revenue derived from charges for providing telephone "access" from a location in this state. "Access" means that a call can be made or received from a point within this state. An example of this type of receipt is a monthly subscriber fee billed with reference to a service address located in the state and without regard to actual usage;

(b). revenue derived from charges for unlimited calling privileges, if the charges are billed by reference to a service address located in this state;

(c). revenue from intrastate telephone calls or other telecommunications, except for mobile telecommunication services, beginning and ending in Louisiana;

(d). revenue from interstate or international telephone calls or other telecommunications, except for mobile telecommunication services, either beginning or ending in Louisiana if the service address charged for the call or telecommunication is located in Louisiana, regardless of where the charges are billed or paid;

(e). revenue from mobile telecommunications service:

(i). revenue from mobile telecommunications services shall be attributed to the place of primary use, which is the residential or primary business street address of the customer;

(ii). if a customer receives multiple services, such as multiple telephone numbers, the place of primary use of each separate service shall determine where the revenue from that service is attributed;

(iii). revenue from mobile telecommunications services shall be attributed to Louisiana if the place of primary use of the service is Louisiana;

(f). definitions. For the purpose of this Subparagraph, the following terms have the following meanings unless the context clearly indicates otherwise:

(i). *Call* a specific telecommunications transmission;

(ii). *Customer* any person or entity that contracts with a home service provider or the end user of the mobile telecommunications service if the end user is not the person or entity that contracts with the home service provider for mobile telecommunications service;

(iii). *Home Service Provider* the facilities-based carrier or reseller with which the customer contracts for the provision of mobile telecommunications services;

(iv). *Place of Primary Use of Mobile Telecommunications Service* the street address representative of where the customer's use of mobile

telecommunications service primarily occurs. This address must be within the licensed service area of the home service provider and must be either the residential or the primary business street address of the customer. The home service provider shall be responsible for obtaining and maintaining the customer's place of primary use as prescribed by R.S. 47:301(14)(i)(ii)(bb)(XI);

(v). *Service Address* The address where the telephone equipment is located and to which the telephone number is assigned;

(vi). *Telecommunications* The electronic transmission, conveyance or routing of voice, data, audio, video, or any other information or signals to a point, or between or among points, by or through the use of any medium such as wires, cables, satellite, microwave, electromagnetic waves, light waves or any combination of those or similar media now in existence or that might be devised, by telecommunications does not include the information content of any such transmission;

(vii). *Telecommunication Service* Providing telecommunications including service provided by telecommunication service resellers, for a charge and includes telephone service, telegraph service, paging service, personal communication services and mobile or cellular telephone service, but does not include electronic information service or Internet access service;

ii. revenue derived from services, other than from transportation, or telephone, telecommunications, and similar services, shall be attributed to the state in which the services are rendered. In the case of services in which property is not a material revenue-producing factor, the services shall be presumed to have been performed in the state in which the personnel engaged in rendering the services are located. In the case of services in which the use of personnel is not a material revenue-producing factor, the services shall be presumed to have been performed in the state in which the property (whether owned by the taxpayer or not) used in rendering the services is located. In the case of services in which personnel and property are material revenue-producing factors, such revenue shall be attributed within and without this state on the basis of the arithmetical average of the following two ratios:

(a). the ratio that salaries and wages paid to personnel performing such services within Louisiana bear to total salaries and wages for personnel performing such services both within and without Louisiana; and

(b). the ratio that the value of property used in Louisiana in performing the services (whether owned by the taxpayer or not) bears to the total value of all property used in performing the services both within and without Louisiana;

iii. in any case in which it can be shown that charges for services constitute a pure recovery of the cost of performing the services and do not include a reasonable rate of profit, amounts received in reimbursement of such costs shall not be construed to be revenues received and shall be omitted from both the numerator and denominator of the attribution ratio.

A.1.f. - C. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:606(A)(1)(e) and R.S. 47:1511.

HISTORICAL NOTE: Promulgated by the Department of Revenue and Taxation, Income and Corporation Franchise Taxes Section, Office of Group III, LR 6:25 (January 1980), amended LR 11:108 (February 1985), repromulgated by the Department of Revenue, Policy Services Division, LR 30:453 (March 2004), amended LR 31:

Family Impact Statement

The proposed amendment of LAC 61:I.306 regarding the attribution of revenue from telephone, telecommunications, and other similar services should not have any known or foreseeable impact on any family as defined by R.S. 49:972(D) or on family formation, stability and autonomy. The implementation of this proposed Rule will have no known or foreseeable effect on:

1. the stability of the family;
2. the authority and rights of parents regarding the education and supervision of their children;
3. the functioning of the family;
4. family earnings and family budgets;
5. the behavior and personal responsibility of children;
6. the ability of the family or a local government to perform this function.

Any interested person may submit written data, views, arguments or comments regarding this proposed rule to Michael D. Pearson, Senior Policy Consultant, Policy Services Division, Office of Legal Affairs by mail to P.O. Box 44098, Baton Rouge, LA 70804-4098. All comments must be submitted no later than 4:30 p.m., January 27, 2005. A public hearing will be held on January 28, 2005 at 9 a.m. in the River Room located on the seventh floor of the LaSalle Building, 617 North Third Street, Baton Rouge, Louisiana 70802.

Cynthia Bridges
Secretary

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES RULE TITLE: Corporation Franchise Tax Allocation of Taxable Capital

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

The implementation of this proposed regulation, which updates the corporation franchise tax regulation relating to the allocation of taxable capital, will have no impact on the agency's costs.

The implementation of this proposed regulation will have no impact upon any local governmental units.

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

There should be a minimal increase in revenue collections for the state as a result of this proposed regulation.

There should be no effect on revenue collections of local governmental units as result of this proposed regulation.

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

There should be no costs or economic benefits that directly affect persons or non-governmental groups as a result of this proposed regulation.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT
(Summary)

This proposed regulation will have no effect on competition or employment.

Cynthia Bridges
Secretary
0412#050

H. Gordon Monk
Staff Director
Legislative Fiscal Office

NOTICE OF INTENT

**Department of Revenue
Policy Services Division**

Corporation Income Tax Determination of
Louisiana Apportionment Percent
(LAC 61:I.1134)

Under the authority of R.S. 47:287.95, R.S. 47:287.785, R.S. 47:1511, and in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., the Department of Revenue, Policy Services Division, proposes to amend LAC 61:I.1134 relative to attribution of revenue from telephone, telecommunications, and other similar services and the attribution of revenue from sales of natural resources to pipeline companies that are made in the regular course of business.

Louisiana Revised Statute 47:287.95 determines the Louisiana apportionable percent of any taxpayer whose net apportionable income is derived by several different business enterprises. By amending LAC 61:I.1134, the Department of Revenue will provide specific guidance to telephone, telecommunications, and other similar services, concerning revenue to be included in the numerator of the revenue ratio. The deregulation of the natural gas industry makes the Subparagraph relating to attribution of sales of natural resources to pipelines obsolete and no longer necessary. Examples regarding the attribution of revenue from sales transported by public carrier pipelines are confusing and are being removed.

Title 61

REVENUE AND TAXATION

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

Chapter 11. Income: Corporation Income Tax
**§1134. Determination of Louisiana Apportionment
Percent**

A. - D.1.e. ...

2. Revenue From Telephone, Telecommunications, and Other Similar Services. Gross apportionable income attributable to Louisiana from providing telephone, telecommunications, and similar services shall include, but is not limited to:

a. revenue derived from charges for providing telephone "access" from a location in this state. "Access" means that a call can be made or received from a point within this state. An example of this type of receipt is a monthly subscriber fee billed with reference to a service address located in the state and without regard to actual usage;

b. revenue derived from charges for unlimited calling privileges, if the charges are billed by reference to a service address located in this state;

c. revenue from intrastate telephone calls or other telecommunications, except for mobile telecommunication services, beginning and ending in Louisiana;

d. revenue from interstate or international telephone calls or other telecommunications, except for mobile telecommunication services, either beginning or ending in Louisiana if the service address charged for the call or telecommunication is located in Louisiana, regardless of where the charges are billed or paid;

e. revenue from mobile telecommunications service:

i. revenue from mobile telecommunications services shall be attributed to the place of primary use, which is the residential or primary business street address of the customer;

ii. if a customer receives multiple services, such as multiple telephone numbers, the place of primary use of each separate service shall determine where the revenue from that service is attributed;

iii. revenue from mobile telecommunications services shall be attributed to Louisiana if the place of primary use of the service is Louisiana;

f. definitions. For the purposes of this Subparagraph, the following terms have the following meanings unless the context clearly indicates otherwise:

i. *Call* specific telecommunications transmission;

ii. *Customer* any person or entity that contracts with a home service provider or the end user of the mobile telecommunications service if the end user is not the person or entity that contracts with the home service provider for mobile telecommunications service;

iii. *Home Service Provider* the facilities-based carrier or reseller with which the customer contracts for the provision of mobile telecommunications services;

iv. *Place of Primary Use of Mobile Telecommunications Service* the street address representative of where the customer's use of mobile telecommunications service primarily occurs. This address must be within the licensed service area of the home service provider and must be either the residential or the primary business street address of the customer. The home service provider shall be responsible for obtaining and maintaining the customer's place of primary use as prescribed by R.S. 47:301(14)(i)(ii)(bb)(XI);

v. *Service Address* the address where the telephone equipment is located and to which the telephone number is assigned;

vi. *Telecommunications* the electronic transmission, conveyance or routing of voice, data, audio, video, or any other information or signals to a point, or between or among points, by or through the use of any medium such as wires, cables, satellite, microwave, electromagnetic waves, light waves or any combination of those or similar media now in existence or that might be devised, but telecommunications does not include the information content of any such transmission;

vii. *Telecommunications Service* providing telecommunications, including service provided by telecommunication service resellers, for a charge and includes telephone service, telegraph service, paging service, personal communication services and mobile or cellular

telephone service, but does not include electronic information service or Internet access service.

3. Sales Made in the Regular Course of Business

a. The sales attributable to Louisiana under R.S. 47:287.95 are those sales made in the regular course of business where the goods, merchandise or property are received in Louisiana by the purchaser. Similarly, where the goods, merchandise or property are received in some other state, the sale is attributable to that state. Sales made in the regular course of business include all sales of goods, merchandise or product of the business or businesses of the taxpayer. They do not include the sale of property acquired for use in the production of income. Where a taxpayer under a contract performs essentially a management or supervision function and receives a reimbursement of his costs plus a stipulated amount, the amounts received as reimbursed costs are not sales although the contract so designates them. The stipulated amount constitutes other gross apportionable income and shall be attributed to the state where the contract was performed. Where goods are delivered into Louisiana by a public carrier, or by other means of transportation, including transportation by the purchaser, the place at which the goods are ultimately received after all transportation has been completed shall be considered as the place at which the goods are received by the purchaser. The transportation in question is the initial transportation relating to the sale by the taxpayer, and not the transportation relating to a sale or subsequent use by the purchaser.

b. Where the goods are delivered by the taxpayer-vendor in his own equipment, it is presumed that such transportation relates to the sale. Where the goods are delivered by a common or contract carrier, whether shipped F.O.B. shipping point, and whether the carrier be a pipeline, trucking line, railroad, airline or some other type of carrier, the place where the goods are ultimately received by the purchaser after the transportation by the carrier has ended is deemed to be the place where the goods are received by the purchaser. Actual delivery rather than technical or constructive delivery controls.

c. Where the transportation involved is transportation by the purchaser, in determining whether or not the transportation relates to the sale by taxpayer, consideration must be given to the following principles.

i. To be related to the initial sale, the transportation should be commenced immediately. However, before a lapse of time is conclusive, consideration must be given to the nature and character of the goods purchased, the availability of transportation, and other pertinent circumstances.

ii. The intent of the parties to the sale must also be considered. The intent and purpose of the purchaser may be determined directly, or by an evaluation of the nature and scope of his operation, customs of the trade, customary activities of the purchaser, and all pertinent actions and words of the purchaser at the time of the sale.

iii. In order for the transportation by the purchaser to be related to the initial sale by the taxpayer to the purchaser, such transportation must be generally the same in nature and scope as that performed by the vendor or by the carrier. There is no difference between a case where a taxpayer in Houston ships F.O.B., Houston, to a purchaser in Baton Rouge, by common carrier, and a case where all facts

are the same except that the purchaser goes to Houston in his own vehicle and returns with the goods to Baton Rouge.

d. Generally, transportation by public carrier pipelines is accorded the same treatment as transportation by any other type of public carrier. Actual delivery to the purchaser controls, rather than technical or constructive delivery. However, because of the nature and character of the property, the type of carrier, and customs of the trade, the natural resources in the pipeline carrier may become intermixed with other natural resources in the pipeline and lose their particular identity. Where delivery is made to a purchaser in more than one state, or to different purchasers in different states, peculiar problems of attribution arise. In solving such problems consideration must be given to the following principles.

i. Where it can be shown that a taxpayer in one state sold a quantity of crude oil to a purchaser in another state, and the oil was transported to the purchaser by pipeline carrier, the sale will be attributed to the state where the crude oil is received by the purchaser, even though the crude oil delivered might not be the identical oil sold because of commingling in the pipeline. Custom of the trade indicates the purchaser buys a quantity of oil of certain quality rather than any specific oil.

ii. In situations involving several deliveries in several different states to one or more purchasers, the general rules should be applied with logic and common sense.

e. In determining the place of receipt by the purchaser after the initial transportation has ended, peculiar problems may be created by the storage of the property purchased immediately upon purchase at a place other than the place of intended use. The primary problem created by such storage is in determining whether or not the transportation after storage relates to the sale by the taxpayer. Generally, the rules and principles set forth above will control where the storage is of temporary nature, such as that necessitated by lack of transportation, by change from one means of transportation to another, or by natural conditions. In cases where the storage is permanent or semi-permanent, delivery to the place of storage concludes the initial transportation, and the sale is attributed to the place of storage.

E. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:287.95, R.S. 47:287.785, and R.S. 47:1511.

HISTORICAL NOTE: Promulgated by the Department of Revenue and Taxation, Income Tax Section, LR 14:105 (February 1988), repromulgated by the Department of Revenue, Policy Services Division, LR 30:482 (March 2004), amended LR 31:

Family Impact Statement

The proposed amendment of LAC 61:I.1134 regarding the attribution of revenue from telephone, telecommunications, and other similar services should not have any known or foreseeable impact on any family as defined by R.S. 49:972(D) or on family formation, stability and autonomy. The implementation of this proposed rule will have no known or foreseeable effect on:

1. the stability of the family;
2. the authority and rights of parents regarding the education and supervision of their children;
3. the functioning of the family;
4. family earnings and family budgets;

5. the behavior and personal responsibility of children;

6. the ability of the family or a local government to perform this function.

Any interested person may submit written data, views, arguments or comments regarding this proposed Rule to Michael D. Pearson, Senior Policy Consultant, Policy Services Division, Office of Legal Affairs, P.O. Box 44098, Baton Rouge, LA 70804-4098. All comments must be submitted no later than 4:30 p.m., January 27, 2005. A public hearing will be held on January 28, 2005, at 9 a.m. in the River Room located on the seventh floor of the LaSalle Building, 617 North Third Street, Baton Rouge, Louisiana 70802.

Cynthia Bridges
Secretary

**FISCAL AND ECONOMIC IMPACT STATEMENT
FOR ADMINISTRATIVE RULES
RULE TITLE: Corporation Income
Tax Determination of
Louisiana Apportionment Percent**

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

The implementation of this proposed regulation, which updates the corporation income tax regulation relating to the determination of the Louisiana apportionment percentage, will have no impact on the agency's costs.

The implementation of this proposed regulation will have no impact upon any local governmental units.

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

There should be a minimal increase in revenue collections for the state as a result of this proposed regulation.

There should be no effect on revenue collections of local governmental units as result of this proposed regulation.

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

There should be no costs or economic benefits that directly affect persons or non-governmental groups as a result of this proposed regulation.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

This proposed regulation will have no effect on competition or employment.

Cynthia Bridges
Secretary
0412#051

H. Gordon Monk
Staff Director
Legislative Fiscal Office

**NOTICE OF INTENT
Department of Revenue
Policy Services Division**

Special Adjustments by the Secretary
(LAC 61:I.1138)

Under the authority of R.S. 47:287.480, R.S. 47:287.785, and R.S. 47:1511, and in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., the Department of Revenue, Policy Services Division, proposes

to adopt LAC 61:I.1138 relative to special adjustments by the secretary.

In 1986, the Louisiana Legislature enacted Act 16 of the First Extraordinary Session which was comprised of Part II-A of Chapter 1 of Title 47, R.S. 47:287.2 through 785, the Louisiana Corporation Income Tax. Since its enactment in 1986, there has been no regulatory guidance as to the application of R.S. 47:287.480. This Rule will provide guidance to certain corporations as to how to properly determine and report their Louisiana taxable income. This proposed regulation is not intended to be a complete statement of all situations in which the secretary may require the application of R.S. 47:287.480.

Title 61

REVENUE AND TAXATION

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

Chapter 11. Income: Corporation Income Tax

§1138. Special Adjustments by the Secretary

A. R.S. 47:287.480 authorizes the secretary to require the use of inventories, to allocate income and deductions among related taxpayers, and to require the use of consolidated statements when necessary in the secretary's opinion to clearly reflect the income of the taxpayer. The statute authorizes the secretary to use any, all, or a combination of these methods. The statute does not require the methods to be employed in concert or in any particular order. It is within the discretion of the secretary to determine which method or combination of methods the taxpayer must use. The secretary is not required to allege wrongdoing or tax avoidance by the taxpayer in order to require the use of these methods. A finding by the secretary that the method of determining Louisiana taxable income provided for in R.S.47:287.92-95 does not clearly reflect income is sufficient for the secretary to require the method or methods allowed under R.S. 47:287.480 that in the secretary's opinion more clearly reflect the taxpayer's Louisiana taxable income.

B. Application. The following are situations in which the secretary will generally require taxpayers to depart from the method of determining Louisiana taxable income provided for in R.S.47:287.92-95. This is not an exhaustive list of the situations in which the secretary will require a taxpayer to use the method or methods allowed under R.S. 47:287.480 that in the secretary's opinion more clearly reflect the taxpayer's Louisiana taxable income.

1. Intangible holding companies that receive income from the licensing or sub-licensing of intangible rights to affiliated companies that manufacture products. For purposes of this section, an intangible holding company is a corporation that derives at least 80 percent of its non-investment revenue from licensing or sublicensing of intangible rights to one or more affiliated persons. When an intangible holding company generates income by licensing an intangible right to affiliated corporate licensees or sub-licensees that manufacture products and sell the products to other companies (wholesalers or retailers), it is the opinion of the secretary that the use of the method provided for in R.S.47:287.92-95 does not generally clearly reflect Louisiana taxable income. (For example, in the case of a trademark, when the licensee-manufacturer is located in Louisiana, under the method provided for in R.S.47:287.92-95 the intangible holding company would be required to

allocate 100 percent of its income from the licensee to Louisiana, because the trademark is deemed to be used at the manufacturing facility. However, the separation of the intangible holding company and the manufacturer is artificial, because they are actually one business. The value of the trademark is wholly dependent upon the reputation of the product that in turn is wholly under the control of the manufacturer. And, the manufacturer creates and protects the value of the trademark. The method provided for in R.S.47:287.92-95 does not adequately address these synergies inherent in this type of business arrangement and does not result in a clear reflection of income because the value of each part of the business is inextricably related to the existence of the other part of the business.) Therefore, the secretary will generally require an intangible holding company that receives income from the licensing or sub-licensing of intangible rights to a related or affiliated manufacturing company and the manufacturing company to determine their Louisiana taxable income as follows.

a. Each company will be treated as a separate corporation and must each file its own income and franchise tax returns. However, the companies will make a consolidated income statement as the first step in the computation of their separate income tax.

b. The corporations will compute their consolidated net income on a consolidated statement, which will include the income and deductions of both corporations. Any inter-company items of income or deduction are eliminated.

c. Each corporation will compute its Louisiana net income or loss by apportioning and allocating its share of the consolidated net income to its separate return using the provisions of R.S. 47:287.92-95. The specific apportionment formula to be used by each corporation will be determined based on the primary business of the group as a whole. Generally, the separate apportionment ratio of each company will be computed by determining the relationship that its Louisiana revenue (sales), wages, and real and tangible property bear to the consolidated total revenue, wages, and real and tangible property. The Louisiana revenue, wages and property and the consolidated revenue, wages and property are to be determined after inter-company eliminations. The apportionment ratio so computed shall be applied to consolidated net apportionable income to determine the separate corporation's Louisiana apportionable income. Items of allocable income and expense, after eliminations, are attributed to the entity that produced the income.

d. Filing Requirements. Each consolidated report must include the following information:

i. a list of the corporations included in the consolidated statement and their federal and Louisiana taxpayer identification numbers;

ii. a combined profit and loss statement disclosing each corporation's statement of profit and loss;

iii. a schedule of inter-company eliminations, disclosing the various adjustments necessary for each corporation to convert the combined profit and loss statement to the consolidated income;

iv. apportionment formula calculations disclosing the total consolidated amount of property, payroll, and sales and each separate corporation's Louisiana amount of property, payroll and sales, all determined after eliminations;

v. schedules showing the computation of each corporation's Louisiana apportionable and allocable income, determined after eliminations; and

vi. schedules showing the computation of each corporation's tax credits, Louisiana net operating loss and federal income tax deduction.

C. Nothing in this regulation shall restrict the secretary's authority to otherwise provide for the administration of the provisions of R.S. 47:287.480.

AUTHORITY NOTE: Adopted in accordance with R.S. 47:287.480, R.S. 47:287.785, and R.S. 47:1511.

HISTORICAL NOTE: Adopted by the Department of Revenue, LR 31:

Family Impact Statement

The proposed adoption of LAC 61:I.1138, regarding special adjustments by the secretary should not have any known or foreseeable impact on any family as defined by R.S. 49:972(D) or on family formation, stability and autonomy. Specifically, the implementation of this proposed rule will have no known or foreseeable effect on:

1. the stability of the family;
2. the authority and rights of parents regarding the education and supervision of their children;
3. the functioning of the family;
4. family earnings and family budget;
5. the behavior and personal responsibility of children;
6. the ability of the family or a local government to perform this function.

Any interested person may submit written data, views, arguments or comments regarding this proposed Rule to Michael D. Pearson, Senior Policy Consultant, Policy Services Division, Office of Legal Affairs, P.O. Box 44098, Baton Rouge, LA 70804-4098. All comments must be received no later than 4:30 p.m., Tuesday, January 25, 2005. A public hearing will be held on Wednesday, January 26, 2005, at 10 a.m. in the Calcasieu Room, on the second floor of the LaSalle Building, 617 North Third Street, Baton Rouge, LA.

Cynthia Bridges
Secretary

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES

RULE TITLE: Special Adjustments by the Secretary

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

The implementation of this proposed regulation, which will provide guidance as to the application of R.S. 47:287.480 relative to special adjustments by the secretary, will have no impact on the agency's cost. The implementation of this proposed regulation will have no impact upon any local governmental units.

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

This proposed regulation seeks to inform the taxpayer and provide guidance to certain corporations as to how to properly determine and report their Louisiana taxable income. Compliance will result in an indeterminable increase in revenue collections of state governmental units. There will be no effect on revenue collections of local governmental units.

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

There will be no effect on corporations that do business entirely in Louisiana.

This proposed regulation will affect multi-state corporations that employ these income shifting strategies. Additional paperwork for affected corporations will be minimal as most of these corporations are already making similar calculations for other states, and if the corporation is publicly traded, for the federal Securities and Exchange Commission. Affected corporations will however, be required to perform an additional calculation to determine their Louisiana apportionment factors.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

This proposed regulation should have no effect on competition or employment.

Cynthia Bridges
Secretary
0412#058

H. Gordon Monk
Staff Director
Legislative Fiscal Office

NOTICE OF INTENT
Department of Revenue
Policy Services Division

Sales and Use Tax Exclusion for Manufacturing Machinery and Equipment (LAC 61:I.4301)

Under the authority of R.S. 47:301 and R.S. 47:1511 and in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., the Department of Revenue, Policy Services Division, proposes to amend LAC 61:I.4301 relative to the definitions of *cost price*, *lease or rental*, and *sales price* for sales tax purposes.

Act 1 of the 2004 First Extraordinary Session provides exclusions from state sales and use tax for the purchase, lease or rental, and use of machinery and equipment used predominately and directly to manufacture *tangible personal property* or produce, process, and store food, fiber, or timber for sale. These amendments provide guidance regarding the definition of *cost price* under R.S. 47:301(3)(i), *lease or rental* under R.S. 47:301(28)(a), and *sales price* under R.S. 47:301(13)(k) as those terms relate to the purchase of machinery and equipment used predominantly and directly in the manufacturing of *tangible personal property* for sale or the production, processing, and storing of food, fiber, or timber for sale.

Title 61
REVENUE AND TAXATION
Part I. Taxes Collected and Administered by the Secretary of Revenue
Chapter 43. Sales and Use Tax
§4301. Definitions

A. - C. ...

* * *

Cost Price

a. - g. ...

h. Under R.S. 47:301(3)(i), machinery and equipment is excluded from *cost price* if the property is used to manufacture *tangible personal property* for sale to another or is used directly in the production, processing, and storing

of food, fiber, or timber for sale; is used predominantly and directly in the manufacturing process or in the actual manufacturing for agricultural purposes; and is eligible for depreciation for federal income tax purposes. The exclusion is subject to a phase-in between July 1, 2004, and June 30, 2010. The exclusion applies only to manufacturing businesses that have been assigned, by the Louisiana Department of Labor, North American Industrial Classification System (NAICS) codes within the agricultural, forestry, fishing, and hunting Sector 11 or the manufacturing Sectors 31 through 33 as they existed in 2002. Businesses that are not registered with the Louisiana Department of Labor or that have not been assigned these NAICS codes are not eligible to claim this exclusion. The exclusion applies to *state sales or use tax and local sales or use tax* if the political subdivision has adopted this exclusion by ordinance.

i.(a). *Manufacturing* Putting raw materials through a series of steps that brings about a change in their composition or physical nature in order to make a new and different item of *tangible personal property* that will be sold to another. The manufacturing process begins when a raw material is introduced into the first machine or item of equipment that begins the change of the composition or physical nature of the raw materials into another product. The manufacturing process ends when the final product for sale has been placed into the packaging that will normally be delivered to the final consumer.

(b). *Manufacturing for Agricultural Purposes* The activities involved in the production, processing, and storing of food, fiber and timber for sale. Manufacturing for agricultural purposes begins when the soil or field is prepared for planting and ends when the harvested product is removed from the farm.

ii.(a). For machinery or equipment used to manufacture tangible personal property for sale, *used predominantly* means that more than 50 percent of the property's use is in the process of causing a change in the composition or physical nature of the raw materials that are to become a final product for sale.

(b). For machinery or equipment used to produce, process, and store food, fiber, or timber for sale, *used predominantly* means the property is used more than 50 percent of the time in the production, processing, and storing of food, fiber, or timber for sale. Equipment that remains idle between growing seasons is considered used for the production, processing, and storing of food, fiber, or timber during that time.

iii.(a). For a manufacturer of tangible personal property for sale, *used directly* describes the manner in which the machinery or equipment used in a plant facility alters the physical characteristics of the product during the manufacturing process. *Used directly* means that the machinery and equipment must have an immediate effect upon those products manufactured for ultimate sale to another person. Machinery and equipment used to manufacture intermediate products for internal use, such as manufacturing tools, internally consumed energy, and processing chemicals do not qualify for the exclusion.

(b). For a manufacturer of food, fiber, or timber for sale, *used directly* describes the manner in which the machinery or equipment is involved in the manufacturing for

agricultural purposes. *Used directly* means that the machinery and equipment must have an immediate effect upon the production, processing, or storing of food, fiber, or timber. Examples of machinery and equipment *used directly* in manufacturing for agricultural purposes include machinery and equipment for planting, cultivating, fertilizing, spraying, harvesting, producing, processing, and storing of food, fiber, or timber for sale. This exclusion includes materials used in the construction of facilities used to store the food, fiber, or timber for sale. Machinery and equipment *used directly* in manufacturing for agricultural purposes does not include facilities used to store equipment.

iv. **Eligible for Depreciation** The machinery or equipment is a principle component of the manufacturing process and has a substantially useful life beyond the taxable year as described in Treas. Reg. §1.263(a)-2, although it does not have to be capitalized and depreciated to qualify for exclusion. Examples of property considered eligible for depreciation are robotic welding machines in a vehicle manufacturing plant; pumps, valves, and compressors in a petrochemical plant; and tractors, trailers, and harvesting equipment on a commercial farm. Examples of items that do not qualify include nuts, bolts, gaskets, lubricants, filters, and fuel.

v. The following also qualify for exclusion as manufacturing machinery and equipment:

(a). computers and software that control, communicate with or control other computer systems that control, or control heating or cooling systems for machinery or equipment that manufactures *tangible personal property* for sale. Computers and software used for inventory and accounting systems or that control non-qualifying machinery and equipment do not qualify for the exclusion;

(b). machinery and equipment necessary to control pollution at a plant facility where pollution is produced by the manufacturing operation. For purposes of this exclusion, machinery and equipment necessary to control pollution includes equipment that reduces the volume, toxicity, or potential hazards of the waste products generated by the manufacturing process or transforms the waste product for reuse in the manufacturing process or use in another process; and

(c). machinery and equipment used to test or measure raw materials, the property undergoing manufacturing, or the finished product, when such test or measurement is a necessary part of the manufacturing process. This includes machinery and equipment used to test the quality or quantity of the product for sale before, during, or after the manufacturing process.

vi. Persons acting as mandataries (agents) of manufacturers can claim the exclusion on purchases of qualifying machinery and equipment that will ultimately be used by a business assigned an eligible NAICS code by the Department of Labor. The mandatary must obtain the manufacturer's exclusion Form R-1071 and provide it, with a copy of the contract of mandate or the Department's Form R-1072 (Manufacturer's Designation of Mandate), to the seller at the time of purchase.

vii. Repairs to manufacturing machinery and equipment to keep the property in an ordinarily efficient working order generally do not qualify for exclusion under R.S. 47:301(3)(i) because neither the labor nor the materials

used in these repairs are eligible for depreciation for federal income tax purposes. However, the purchase of *tangible personal property* used in the repair would qualify for the exclusion provided the property is a major component of the manufacturing process and has a substantially useful life beyond the current period.

viii. Charges for labor and materials that are classified as capital improvements under Internal Revenue Service Regulations may be excluded as follows.

(a). Charges for labor are excluded from tax when performed on qualifying manufacturing machinery and equipment that is movable property at the time of the capital improvement. The vendor that provides the labor is allowed to treat the materials used as purchased for resale. All materials that are incorporated into qualifying machinery and equipment during the capital improvement qualify for exclusion from tax.

(b). Materials incorporated into qualifying manufacturing machinery and equipment that is immovable property at the time of the capital improvement are eligible for exclusion as follows:

(i). In instances when a manufacturer purchases materials that will become a component part of qualifying machinery or equipment, the materials are excluded from tax.

(ii). A repair vendor's purchases of materials that will become component parts of qualifying machinery or equipment are excluded from tax if the vendor has been designated as a mandatary of a manufacturer. The vendor must obtain the manufacturer's exclusion Form R-1071 and provide it, with a copy of the contract of mandate or the Department's Form R-1072, to the seller at the time of purchase. Manufacturers that supply this form to their mandataries must maintain a schedule of the *tangible personal property* used in these capital improvements.

(c). Purchases of spare machinery and equipment, such as compressors, pumps, and valves, qualify for the exclusion provided these items satisfy the definition of machinery and equipment provided in R.S. 47:301(3)(i). Spare machinery and equipment, such as bolts, nuts, gaskets, oil, etc., which cannot be depreciated for federal income tax purposes, do not qualify for the exclusion.

Lease or Rental

a. - b.vii. ...

viii. the *lease or rental* of machinery and equipment used predominantly and directly in the process of manufacturing *tangible personal property* for sale or used directly in the production, processing, and storing of food, fiber, or timber for sale. The meanings of *manufacturing*, *used predominantly*, and *used directly* provided in LAC 61:I.4301.C.Cost Price.h apply. This exclusion applies to *state sales or use tax and local sales or use taxes* if the political subdivision has adopted this exclusion by ordinance.

c. - d. ...

Sales Price

a.i. - ix.(b).

x. R.S. 47:301(13)(k) excludes machinery and equipment used predominantly and directly in the process of manufacturing *tangible personal property* for sale or used

directly in the production, processing, and storing of food, fiber, or timber for sale from the *sales price*. For purposes of *sales price*, the interpretations provided under LAC 61:I.4301.C.*Cost Price*.h will apply. This exclusion applies to state sales tax and local sales taxes if the political subdivision has adopted this exclusion by ordinance. To determine *sales price* subject to tax, this exclusion is deducted from the total amount charged to the customer after allowances for trade-ins and before any exemptions provided elsewhere in the law.

b.i. - ii. ...

* * *

AUTHORITY NOTE: Promulgated in Accordance with R.S. 47:301 and R.S. 47:1511.

HISTORICAL NOTE: Promulgated by the Department of Revenue and Taxation, Sales Tax Section, LR 13:107 (February 1987), amended by the Department of Revenue and Taxation, Sales Tax Division, LR 21:957 (September 1995), LR 22:855 (September 1996), amended by the Department of Revenue, Policy Services Division, LR 27:1703 (October 2001), LR 28:348 (February 2002), LR 28:1488 (June 2002), LR 28:2554 (December 2002), LR 28:2556 (December 2002), LR 29:186 (February 2003), LR 30:1306 (June 2004), LR 31:

Family Impact Statement

As required by Act 1183 of the 1999 Regular Session of the Louisiana Legislature the following Family Impact Statement is submitted to be published with the Notice of Intent in the Louisiana Register. A copy of this statement will also be provided to our legislative oversight committees.

1. The Effect on the Stability of the Family. Implementation of these proposed amendments will have no effect on the stability of the family.

2. The Effect on the Authority and Rights of Parents Regarding the Education and Supervision of Their Children. Implementation of these proposed amendments will have no effect on the authority and rights of parents regarding the education and supervision of their children.

3. The Effect on the Functioning of the Family. Implementation of these proposed amendments will have no effect on the functioning of the family.

4. The Effect on Family Earnings and Family Budget. Implementation of these proposed amendments will have no effect on family earnings and family budget.

5. The Effect on the Behavior and Personal Responsibility of Children. Implementation of these proposed amendments will have no effect on the behavior and personal responsibility of children.

6. The Ability of the Family or a Local Government to Perform the Function as Contained in the Proposed Rule. Implementation of these proposed amendments will have no effect on the ability of the family or a local government to perform this function.

Interested persons may submit data, views, or arguments, in writing to Raymond E. Tangney, Senior Policy Consultant, Policy Services Division, P.O. Box 44098, Baton Rouge, LA 70804-4098 or by fax to (225) 219-2759. All comments must be submitted by 4:30 p.m., Tuesday, January

25, 2005. A public hearing will be held on Wednesday, January 26, 2005, at 1:30 p.m. at the Department of Revenue Headquarters Building, 617 North Third Street, Baton Rouge, LA.

Raymond E. Tangney
Senior Policy Consultant

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES RULE TITLE: Sales and Use Tax Exclusion for Manufacturing Machinery and Equipment

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

Implementation costs to administer the sales tax exclusion for manufacturing machinery and equipment enacted by Acts 2004 1st Ex. Sess., No. 1, for the Department of Revenue are approximately \$190,000 for fiscal year 2004-2005, \$198,000 for fiscal year 2005-2006, and \$206,000 for fiscal year 2006-2007. The costs are to hire two Revenue Accounts Auditors and three Revenue Agents and to purchase the office equipment needed to administer the exclusion. These proposed amendments to LAC 61:I.4301 will not affect those costs. Implementation will have no impact on local governments' costs or savings because no local government has adopted this exclusion.

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

The phase-in of the sales tax exclusion for manufacturing machinery and equipment enacted by Acts 2004 1st Ex. Sess., No. 1, would reduce state sales tax revenues by \$5 million for fiscal year 2004-2005; \$20 million for fiscal year 2005-2006; \$40 million for fiscal year 2007-2008; \$76 million for fiscal year 2008-2009; \$96 million for fiscal year 2009-2010; \$121 million for fiscal year 2010-2011; and \$125 million annually when fully implemented in fiscal year 2011-2012. The Act allows local governments to adopt the exclusion by ordinance, and since no local government has adopted the exclusion, there will be no effect on local sales tax revenues.

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

These proposed amendments establish procedures for applying for the manufacturing machinery and equipment exclusion enacted by Acts 2004 1st Ex. Sess., No. 1, and provide guidance to taxpayers on what transactions qualify for the exclusion. It is estimated that the exclusion provided by the Act will save Louisiana manufacturers over \$120 million per year in state sales taxes when fully implemented in fiscal year 2011-12.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

These proposed amendments should have no effect on competition or employment.

Cynthia Bridges
Secretary
0412#052

Robert E. Hosse
General Government Section Director
Legislative Fiscal Office

NOTICE OF INTENT

Department of Revenue Policy Services Division

Signature Alternative for Preparers (LAC 61:I.4906)

Under the authority of R.S. 47:1511 and in accordance with the provisions of the Administrative Procedures Act, R.S. 49:950 et seq., the Department of Revenue, Policy Services Division, proposes to adopt LAC 61:I.4906, which will allow the preparers of tax returns to sign original returns and amended returns by means of a rubber stamp, mechanical device, or computer software program. We have prepared the regulation as an Emergency Rule, for the purpose of effecting the adoption for use prior to the new tax year and effective date of the permanent Rule.

The full text of this proposed Rule may be viewed in the Emergency Rule portion of this *Louisiana Register*.

Family Impact Statement

1. The Effect on the Stability of the Family. Implementation of this proposed Rule will have no impact on the stability of the family.

2. The Effect on the Authority and Rights of Parents Regarding the Education and Supervision of Their Children. Implementation of this proposed rule will have no effect on authority and rights of parents regarding the education and supervision of their children.

3. The Effect on the Functioning of the Family. Implementation of this proposed rule will have no effect on the functioning of the family.

4. The Effect on Family Earnings and Family Budget. Implementation of this proposed rule will have no effect on family earnings and family budget.

5. The Effect on the Behavior and Personal Responsibility of Children. Implementation of this proposed Rule will have no effect on the behavior and personal responsibility of children.

6. The Ability of the Family or a Local Government to Perform the Function as Contained in the Proposed Rule. Implementation of this proposed Rule will have no effect on the ability of the family or a local government to perform this function.

Interested persons may submit data, views, or arguments, in writing to Mike Pearson, Senior Policy Consultant, Policy Services Division, Department of Revenue, P.O. Box 44098, Baton Rouge, LA 70804-4098 or by fax to (225) 219-2759. All comments must be submitted by 4:30 p.m., Tuesday, January 25, 2004. A public hearing will be held on Wednesday, January 26, 2004, at 1:00 pm. in the River Room on the 7th Floor of the LaSalle Building at 617 North Third Street, Baton Rouge, LA 70802-5428.

Cynthia Bridges
Secretary

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES

RULE TITLE: Signature Alternative for Preparers

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

The proposed regulation implements recent changes enacted by the Internal Revenue Service regarding methods of certification as to the correctness of the tax return by the preparer relative to the individual income tax.

There will be no estimated implementation costs or savings to state or local government units.

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

There will be no effect on revenue collections of state or local governmental units.

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

Tax preparers will be able to sign original or amended individual income tax returns by means of a rubber stamp, mechanical device, or computer software program. This will enable the preparer to effectively and efficiently prepare and submit tax return forms prior to mandatory deadlines.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

This proposed repromulgation should have no effect on competition or employment.

Cynthia Bridges
Secretary
0412#054

H. Gordon Monk
Staff Director
Legislative Fiscal Office

NOTICE OF INTENT

Department of Revenue Tax Commission

Ad Valorem Taxation

(LAC 61:V.101, 201-207, 209, 211, 213, 304, 703,
705, 901, 907, 1103, 1307, 1503, 1701, 2501, 2503,
2705, 2707, 3103, 3105, 3501, and 3511-3525)

In accordance with provisions of the Administrative Procedure Act (R.S. 49:950 et seq.), and in compliance with statutory law administered by this agency as set forth in R.S. 47:1837, notice is hereby given that the Tax Commission intends to adopt, amend and/or repeal Sections of the Louisiana Tax Commission Real/Personal Property Rules and Regulations for use in the 2005 (2006 Orleans Parish) tax year.

The full text of this proposed Rule may be viewed in the Emergency Rule section of this issue of the *Louisiana Register*.

Interested persons may submit written comments on the proposed ruled until 4 p.m., January 6, 2005, to Teri V. Callender, Tax Commission Property Tax Specialist, Louisiana Tax Commission, P. O. Box 66788, Baton Rouge, LA 70896.

Elizabeth L. Guglielmo
Chairman

**FISCAL AND ECONOMIC IMPACT STATEMENT
FOR ADMINISTRATIVE RULES
RULE TITLE: Ad Valorem Taxation**

NOTICE OF INTENT

**Department of Wildlife and Fisheries
Wildlife and Fisheries Commission**

**Freshwater Shrimp Commercial Harvest
(LAC 76:VII.102 and 701)**

The Wildlife and Fisheries Commission pursuant to the authority granted under R.S. 56:501 hereby proposes to adopt the following Rule providing for the harvest of any freshwater shrimp species in freshwater areas of the state, notwithstanding the provisions in R.S. 56:501, or any other law to the contrary, and repeals LAC 76:VII.701.D.10.

Title 76

WILDLIFE AND FISHERIES

Part VII. Fish and Other Aquatic Life

Chapter 1. Freshwater Sports and Commercial Fishing

§102. Freshwater Shrimp, Commercial Harvest

A. A properly licensed commercial fisherman may take any freshwater shrimp species in freshwater areas of the state, except in those freshwater areas of the state where commercial fishing is prohibited by law.

B. In addition to other legal methods of take as provided for in Title 56, any freshwater shrimp species may be taken with a *freshwater shrimp trap*.

C. A *freshwater shrimp trap* shall mean any device completely enclosed with an outside wire mesh not smaller than 1/4 inch, constructed with throats or flues not larger than 1 1/2 inches in diameter at their narrowest point, which is used for the sole purpose of taking freshwater shrimp in accordance with this Section. Other bait species may be taken when legally fishing a **freshwater shrimp trap**. No game fish species can be taken while fishing a **freshwater shrimp trap** in accordance with this Section.

D. Violations. No person shall take or possess freshwater shrimp except as authorized by this Section. Any person found to be in violation of any provision of this Section shall be guilty of a class two violation and punished in accordance with the provisions applicable to R.S. 56:32.

AUTHORITY NOTE: Promulgated in accordance with R.S. 56:501.

HISTORICAL NOTE: Promulgated by the Department of Wildlife and Fisheries, Wildlife and Fisheries Commission, LR 31:

Chapter 7. Experimental Fisheries Programs

§701. Permits

A. - D.9. ...

10. Experimental Freshwater Minnow Dip Net Permit

a. May experimentally fish for bait fishes with a wire mesh dip net, 1/4 inch bar, no greater than 3 feet cylindrical open end net shaped in a cone, affixed to a handle that may be attached to a boat and is held by hand.

b. Only freshwater minnows may be taken; all threatened, endangered, specifically protected and game fish species (as defined in R.S. 56:327A) shall be immediately returned to waters from which they were caught.

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

Implementation costs to the agency are the costs of preparation, reproduction and distributing of updated regulations and complete manuals. These costs are estimated at \$6,750.00 for the 1004-1005 fiscal year and are being reimbursed through an existing user service fee of \$75.00 per entire manual and \$15.00 per set for updates.

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

Local Government Units

The revisions will generally increase certain 2005 real and personal property assessments for property of similar age and condition in comparison with equivalent assessments in 2004. Composite multiplier tables for assessment of most personal property will decrease by .18%. Specific valuation tables for assessment of oil and gas wells will generally increase by an estimated 27% and drilling rigs will generally increase by an estimated 6.5%. The net effect of these revisions is estimated to increase assessments by 2.5% and tax collections by \$14,172,500 on the basis of existing statewide average millage. However, these revisions will not necessarily effect revenue collections of local government units as any net increase or decrease in assessed valuations are authorized to be offset by millage adjustment provisions of Article VII, Section 23 of the state constitution.

State Government Units

Under authority granted by R.S. 47:1838, the Tax Commission will receive state revenue collections generated by assessment service fees estimated to be \$323,000 from public service companies and \$119,000 from financial institutions and insurance companies all of which are assessed by the Tax Commission.

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

The affects of these new rules on assessments of individual items of equivalent real and personal property will generally be higher in 2005 than in 2004. Specific assessments will depend on the age and condition of the property subject to assessment.

The estimated costs that will be paid by affected persons as a result of the assessment and user service fees as itemized above total \$442,000 to be paid by public service property owners, financial institutions and insurance companies for 2004/2005.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

The impact on competition and employment cannot be quantified. In as much as the proposed changes in assessments and charges are relatively small, the impact is thought to be minimal.

J. Pete Peters
Administrator
0412#029

H. Gordon Monk
Staff Director
Legislative Fiscal Office

c. Permittee may only possess minnows taken under this permit and legal freshwater commercial species.

d. The permittee shall have the permit in possession at all times when using permitted gear; permittee shall be on board permitted vessel when operating under conditions of permit.

e. The permitted gear must be properly licensed as a Commercial Dip Net and may be fished in freshwater areas only.

f. Permittee may only possess the permitted gear and set lines while fishing under the permit.

g. Permittee may possess or fish no more than two dip nets as described in Subparagraph a above on board a vessel under this permit.

h. Permitted gear handle must be painted with international orange paint.

i. This permit may be canceled at any time if in the judgment of the Secretary or his designee, the permit is being used for purposes other than that for which the permit was issued.

j. Violating any provisions or regulations of the experimental fishery permit shall deem a person not to be operating under the provisions of the program and shall subject the individual to the statutory requirements and penalties as provided for in R.S. 56:32.

AUTHORITY NOTE: Promulgated in accordance with R.S. 56:571.

HISTORICAL NOTE: Promulgated by the Department of Wildlife and Fisheries, Wildlife and Fisheries Commission, LR 12:119 (February 1986), LR 12:847 (December 1986), amended by the Office of Fisheries, LR 15:1098 (December 1989), LR 28:1601 (July 2002), LR 29:49 (January 2003), LR 31:

Family Impact Statement

In accordance with Act #1183 of 1999, the Department of Wildlife and Fisheries/Wildlife and Fisheries Commission hereby issues its Family Impact Statement in connection with the preceding Notice of Intent: This Notice of Intent will have no impact on the six criteria set forth out at R.S. 49:972(B).

Interested persons may submit written comments of the proposed rule to Bennie Fontenot, Administrator, Inland Fisheries Division, Department of Wildlife and Fisheries, Box 98000, Baton Rouge, LA, 70898-9000 no later than 4:30 p.m., Thursday, February 3, 2005.

The Secretary of the Department of Wildlife and Fisheries is authorized to take any and all necessary steps on behalf of the Commission to promulgate and effectuate this Notice of Intent and the final Rule, including, but not limited to, the filing of the fiscal and economic impact statements, the filing of the Notice of Intent and final Rule and the preparation of reports and correspondence to other agencies of government.

Bill A. Busbice, Jr.
Chairman

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES RULE TITLE: Freshwater Shrimp Commercial Harvest

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

The proposed rule will have no implementation costs. Enforcement of the proposed rule will be carried out using existing staff.

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

The proposed rule change is anticipated to slightly increase revenue collections of the state. Insufficient data is available at this time to estimate how many commercial freshwater shrimp trap gear licenses will be issued. Revenue collections of local government units will not be effected.

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

The proposed rule would impose an additional cost of \$25 on commercial freshwater shrimp fishermen who want to use shrimp traps to harvest freshwater shrimp and other bait species, excluding any game fish species. The rule defines a freshwater shrimp trap and allows the taking of all freshwater shrimp species in authorized freshwater commercial shrimp fishermen would be prohibited from using shrimp traps and restricted to harvesting only two freshwater shrimp species using other legal commercial gears as provided in R.S. 56:501.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

The proposed rule will have no effect on competition and employment in the public and private sectors.

Janice A. Lansing
Undersecretary
0412#039

Robert E. Hosse
General Government Section Director
Legislative Fiscal Office

NOTICE OF INTENT

Department of Wildlife and Fisheries Wildlife and Fisheries Commission

Toledo Bend Reciprocal Agreement (LAC 76:VII.110)

The Wildlife and Fisheries Commission hereby gives notice of its intent to amend the rule establishing bass regulations for Toledo Bend Reservoir.

Title 76

WILDLIFE AND FISHERIES

Part VII. Fish and Other Aquatic Life

Chapter 1. Freshwater Sports and Commercial Fishing

§110. Toledo Bend Reciprocal Agreement

A. The recreational daily creel limit (daily take) for largemouth bass (*Micropterus salmoides*) and spotted bass (*Micropterus punctulatus*) is set at eight fish, in aggregate. The minimum total length limit for largemouth bass (*M. salmoides*) is 14 inches. There is no minimum length limit on spotted bass.

B. The daily creel limit for white bass (*Morone chrysops*) is 25 fish and there is no minimum total length limit.

C. There is no limit on the daily take of yellow bass (*Morone mississippiensis*).

D. No person shall possess any species of fish in excess of a one day creel limit while on the water. No person shall at any time possess in excess of the daily creel limit of any species, except that a two day creel limit may be possessed on land, if the fish were caught on more than one day and no daily creel limits were exceeded. No person shall possess any filets of any fish species while on the water.

AUTHORITY NOTE: Promulgated in accordance with R.S. 56:6(25) (a), R.S. 56:325(C), R.S. 56:326.3, R.S. 56:673.

HISTORICAL NOTE: Promulgated by the Department of Wildlife and Fisheries, Wildlife and Fisheries Commission, LR 14:548 (August 1988), amended LR 17:278 (March 1991), LR 17:1123 (November 1991), LR 19:790 (June 1993), LR 23:999 (August 1997), LR 31:

Family Impact Statement

In accordance with Act #1183 of 1999, the Department of Wildlife and Fisheries/Wildlife and Fisheries Commission hereby issues its Family Impact Statement in connection with the preceding Notice of Intent: This Notice of Intent will have no impact on the six criteria set out at R.S. 49:972(B).

Interested persons may submit written comments of the proposed Rule to Bennie Fontenot, Administrator, Inland Fisheries Division, Department of Wildlife and Fisheries, Box 98000, Baton Rouge, LA, 70898-9000 no later than 4:30 p.m., Thursday, February 3, 2005.

The Secretary of the Department of Wildlife and Fisheries is authorized to take any and all necessary steps on behalf of the Commission to promulgate and effectuate this Notice of Intent and the final Rule, including, but not limited to, the filing of the fiscal and economic impact statement, the filing of the notice of intent and final Rule and the preparation of reports and correspondence to other agencies of government.

Bill A. Busbice, Jr.
Chairman

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES

RULE TITLE: Toledo Bend Reciprocal Agreement

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

The proposed rule change will have no implementation costs. Enforcement of the proposed rule will be carried out using existing staff.

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

The proposed rule change will have no effect on revenue collections of state and local governmental units.

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

Recreational fishermen who fish in the Toledo Bend Reservoir will benefit from the proposed rule change. They will be allowed to take/harvest any size spotted bass within the daily aggregate black bass creel limit. In addition, they will benefit from the removal of the daily take limit of yellow bass on the Toledo Bend Reservoir. The rule also prohibits any fishermen from possessing fish fillets while on the water.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

The proposed rule change will have no effect on competition and employment in the private or public sector.

Janice A. Lansing
Undersecretary
0412#041

Robert E. Hosse
General Government Section Director
Legislative Fiscal Office

Legislation

LEGISLATION

State Legislature House of Representatives

House Concurrent Resolution Number 10
of the 2004 Regular Session by Representatives
Townsend and Thomas and Senator Cain
Paint Horse Racing
(LAC 35:I.101, 501, 711 and 909)

A Concurrent Resolution

To amend the Department of Economic Development, Racing Commission rules on horse racing to accommodate Paint horse racing, and to direct the *Louisiana Register* to print the amendments in the *Louisiana Administrative Code*.

WHEREAS, in 1999, the Racing Commission adopted Chapter 10 of Title 35 of the *Louisiana Administrative Code* (LAC), entitled "Paint Horse Racing" to recognize the Paint horse as an accredited Louisiana breed, to authorize the commission to license Paint horse racing in Louisiana, and to recognize the American Paint Horse Association as the official registry for Paint horses; and

WHEREAS, key definitions and practices were not amended to accommodate the Paint horse, Paint horse racing, or the American Paint Horse Association; and

WHEREAS, R.S. 49:969 provides that "the legislature, by Concurrent Resolution, may suspend, amend, or repeal any rule or regulation or body of rules or regulations...adopted by a state department, agency, board, or commission."

THEREFORE, BE IT RESOLVED by the Legislature of Louisiana that LAC 35:I.101.A and 501.A are hereby amended and LAC 35:I.711.B and 909.B are hereby enacted to read as follows.

Title 35 HORSE RACING

Part I. General Provisions

Chapter 1. Definitions

§101. Definitions

A. The following words and phrases, irrespective of literal meaning as defined in recognized dictionaries, have assumed special meanings and connotations as used in racing, and in the context of these rules shall be construed as having the following special meanings:

Accredited Louisiana Breed Any thoroughbred, quarter horse, Paint horse, or Appaloosa horse foaled in Louisiana in conformity with the respective breed or breeders association and recognized by the commission.

Recognized Meeting Any meeting with regularly scheduled races for thoroughbreds, quarter horses, Paint horses, or Appaloosa horses on the flat, licensed by and conducted under rules promulgated by a governmental regulatory body, to include foreign countries which are

regulated by a racing authority which has reciprocal relations with the Jockey Club of New York, American Quarter Horse Association, American Paint Horse Association, or the Appaloosa Horse Club, Inc., and whose race records can be provided an association by the Jockey Club of New York, the American Quarter Horse Association, the American Paint Horse Association, or the Appaloosa Horse Club, Inc.

Registration Certificate A document issued by the Jockey Club of New York, the American Quarter Horse Association in Amarillo, Texas, the American Paint Horse Association in Fort Worth, Texas, or the Appaloosa Horse Club, Inc. in Moscow, Idaho, certifying as to the name, age, color, sex, pedigree, and breeder of a horse registered by number with the Jockey Club of New York, the American Quarter Horse Association, the American Paint Horse Association, or the Appaloosa Horse Club, Inc. It shall be deemed to refer also to the document known as a "racing permit" issued by the Jockey Club of New York, the American Quarter Horse Association, the American Paint Horse Association, or the Appaloosa Horse Club, Inc. in lieu of a registration certificate when a horse is recognized as a thoroughbred, quarter horse, Paint horse, or Appaloosa for breeding purposes insofar as registering its progeny with the Jockey Club of New York, the American Quarter Horse Association, the American Paint Horse Association, or the Appaloosa Horse Club, Inc.

Thoroughbred, Quarter Horse, Paint Horse, and Appaloosa Horse Racing The conduct of running contests between horses, each of which is registered with the Jockey Club of New York, the American Quarter Horse Association in Amarillo, Texas, the American Paint Horse Association in Fort Worth, Texas, or the Appaloosa Horse Club, Inc. in Moscow, Idaho, and certified as having a thoroughbred, quarter horse, Paint horse, or Appaloosa pedigree, and each of which is ridden by a jockey, such conduct being licensed by a governmental regulatory body.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:142, R.S. 4:143 and R.S. 4:148.

HISTORICAL NOTE: Adopted by the Racing Commission in 1971, promulgated by the Department of Commerce, Racing Commission, LR 2:91 (March 1976), amended LR 2:420 (December 1976), LR 3:16 (January 1977), LR 4:269 (August 1978), LR 7:262 (May 1981), LR 12:827 (December 1986), LR 13:340 (June 1987), amended by 2004 Regular Session, House Concurrent Resolution No. 10, LR 30:0000 (December 2004).

Chapter 5. Registration and Accreditation

§501. Fraudulent Registration of Horse

A. Any person or persons fraudulently registering, or attempting to fraudulently register, a thoroughbred with the Jockey Club of New York, a quarter horse with the American Quarter Horse Association, a Paint horse with the American

Paint Horse Association, or an Appaloosa with the Appaloosa Horse Club, Inc., shall be denied a license, or have his license revoked.

* * *

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:141, R.S. 4:142, R.S. 4:178 and R.S.4:179.

HISTORICAL NOTE: Promulgated by the Department of Commerce, Racing Commission, LR 2:447 (December 1976), amended LR 3:43 (January 1977), LR 4:286 (August 1978), amended by 2004 Regular Session, House Concurrent Resolution No. 10, LR 30:0000 (December 2004).

Chapter 7. Quarter Horse Racing

§711. Mixed Races; Distance

* * *

B. Races between quarter horses and Paint horses are prohibited unless special permission is granted by the commission.

* * *

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:148, R.S. 4:179 and R.S. 4:182.1.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Racing Commission, LR 16:202 (March 1990), amended by 2004 Regular Session, House Concurrent Resolution No. 10, LR 30:0000 (December 2004).

Chapter 9. Appaloosa Horse Racing

§909. Mixed Races

* * *

B. Races between Appaloosa horses and Paint horses are prohibited unless special permission is granted by the commission.

* * *

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:148 and R.S. 4:182.

HISTORICAL NOTE: Promulgated by the Department of Commerce, Racing Commission, LR 2:92 (March 1976), amended LR 2:447 (December 1976), LR 3:43 (January 1977), LR 4:286 (August 1978), amended by 2004 Regular Session, House Concurrent Resolution No. 10, LR 30:0000 (December 2004).

BE IT FURTHER RESOLVED that the clerk of the House of Representatives is hereby directed to transmit a copy of this Resolution to the office of the *Louisiana Register*, the Department of Economic Development, and the Louisiana State Racing Commission.

BE IT FURTHER RESOLVED that the *Louisiana Register* is hereby directed to have the amendments to LAC 35:I.101, 501, 711, and 909 printed and incorporated in the *Louisiana Administrative Code* and to transmit a copy of the revised rules to the Department of Economic Development and the Louisiana State Racing Commission.

Joe R. Salter
Speaker of the House
and
Donald E. Hines
President of the Senate

0412#022

LEGISLATION

State Legislature House of Representatives

House Concurrent Resolution Number 56
of the 2004 Regular Session by
Representative Fauchaux (by Request)
Continuing Education Requirements
(LAC 46:XXXVII.709)

A Concurrent Resolution

To amend the Department of Health and Hospitals, Board of Embalmers and Funeral Directors, continuing education rule (LAC 46:XXXVII.709.E.6), regarding continuing education credits for instructors of approved courses, and to direct the *Louisiana Register* to print the amendments in the *Louisiana Administrative Code*.

WHEREAS, present rules require that all persons licensed by the board complete a minimum of four hours of approved continuing education in each one-year period to coincide with the renewal date of the license as a requirement of license renewal; and WHEREAS, present rules provide that a licensed individual who conducts an approved course may receive credit for attendance at continuing education; and WHEREAS, present rules also provide that a licensee may not receive credit for attending the same course more than once during the same one-year period; and WHEREAS, licensed instructors of approved courses should receive continuing education credit for each class they instruct; however, each course shall be a different and distinct course; and

WHEREAS, R.S. 49:969 provides that "the legislature, by Concurrent Resolution, may suspend, amend, or repeal any rule or regulation or body of rules or regulations, or any fee or any increase, decrease, or repeal of any fee, adopted by a state department, agency, board, or commission."

THEREFORE, BE IT RESOLVED by the Legislature of Louisiana that the LAC 46:XXXVII.709(E)(6) is hereby amended to read as follows.

Title 46

PROFESSIONAL AND OCCUPATIONAL STANDARDS

Part XXXVII. Embalmers and Funeral Directors

Chapter 7. License

§709. Continuing Education

* * *

E. Continuing Education Requirements

* * *

6. A licensed individual who conducts an approved course may receive credit for attendance at continuing education. However, the requirements of Paragraph 4 of this Subsection will apply.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:840.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Embalmers and Funeral Directors, LR 20:1378 (December 1994), repromulgated LR 21:175 (January 1995), amended by 2004 Regular Session, House Concurrent Resolution No. 10, LR 30:0000 (December 2004).

BE IT FURTHER RESOLVED that the clerk of the House of Representatives is hereby directed to transmit a copy of this Resolution to the office of the *Louisiana Register*, the Louisiana State Board of Embalmers and Funeral Directors, and the Department of Health and Hospitals.

BE IT FURTHER RESOLVED that the *Louisiana Register* is hereby directed to have the amendment to LAC 46:XXXVII.709.E.6 printed and incorporated into the *Louisiana Administrative Code* and to transmit a copy of the revised rule to the Louisiana State Board of Embalmers and Funeral Directors and the Department of Health and Hospitals.

Joe R. Salter
Speaker of the House
and
Donald E. Hines
President of the Senate

0412#023

LEGISLATION

State Legislature House of Representatives

House Concurrent Resolution Number 101
of the 2004 Regular Session by
Representative Montgomery
Medicaid Eligibility

A Concurrent Resolution

To amend a Department of Health and Hospitals' rule which amends current Medicaid eligibility policy governing the treatment of annuities and to direct the Louisiana Register to print the amendment in the Louisiana Administrative Code. WHEREAS, the Department of Health and Hospitals adopted a rule in May of 1996, promulgating the Medicaid Eligibility Manual (*Louisiana Register*, Volume 22, Number 5) wherein Section I specifies factors that shall be considered in the determination of Medicaid eligibility; and

WHEREAS, the Department of Health and Hospitals in January of 2003 issued an emergency rule (*Louisiana Register*, Volume 29, Number 1) to clarify the treatment of annuities relative to current policy in the determination of Medicaid eligibility; and WHEREAS, in order to continue the provisions contained in the January, 2003, emergency rule, the Department of Health and Hospitals promulgated an emergency rule in April of 2003 (*Louisiana Register*, Volume 29, Number 4) and in August of 2003 (*Louisiana Register*, Volume 29, Number 8) that an annuity shall be considered a legal instrument or device similar to a trust in determinations of Medicaid eligibility; and

WHEREAS, in order to continue the emergency provisions contained in the August 2003 rule, the Department of Health and Hospitals promulgated a rule in December of 2003 (*Louisiana Register*, Volume 29, Number 12); and

WHEREAS, changes are needed in the provisions of this rule; and WHEREAS, R.S. 49:969 provides that "the legislature, by concurrent resolution, may suspend, amend, or repeal any rule or regulation or body of rules or regulations adopted by a state department, agency, board, or commission."

THEREFORE, BE IT RESOLVED by the Legislature of Louisiana that the rule promulgated by the Department of Health and Hospitals relative to the treatment of annuities is hereby amended to read as follows: The Department of Health and Hospitals, office of the secretary, Bureau of Health Services Financing amends current Medicaid eligibility policy governing the transfer of assets and trusts to further define and clarify the consideration of annuities in the Medicaid eligibility determination process. An annuity is considered a legal instrument or device similar to a trust. An annuity is defined as a contract or agreement by which one receives fixed, nonvariable payments on an investment for a lifetime or a specified number of years, regardless of the amount of the principal. An annuity containing a balloon payment will not be classified as an annuity for Medicaid eligibility purposes but rather will be considered an available resource. A commercial (nonemployment related) annuity purchased by or for an individual using that individual's assets will be considered an available resource unless it meets all of the following criteria. The annuity:

- (1) Is irrevocable;
- (2) Pays out principal and interest in equal monthly installments (no balloon payment) to the individual in sufficient amounts that the principal is paid out within the actuarial life expectancy of the annuitant;
- (3) Names the state of Louisiana, Department of Health and Hospitals or its successor agency as the residual beneficiary of funds remaining in the annuity, not to exceed any Medicaid funds expended on the individual during his lifetime; and
- (4) Is issued by an insurer or other body licensed and approved to do business in the jurisdiction in which the annuity is established. This policy change shall be applicable to all pending applications, renewals of eligibility, or changes in situations (as defined in Section L of the Medicaid Eligibility Manual) where the applicant/recipient has an annuity that was issued after May 2, 2003. Existing annuities which do not meet all of the above criteria must be amended to comply with these requirements within ninety days of the first renewal or first change in their situation (as defined in Section L of the Medicaid Eligibility Manual) occurring after enactment of this rule. Implementation of this rule shall be contingent upon the approval of the U.S. Department of Health and Human Services, Centers for Medicare and Medicaid Services.

BE IT FURTHER RESOLVED that a suitable copy of this Resolution be transmitted to the office of the *Louisiana Register*, the office of the attorney general, and the secretary of the Department of Health and Hospitals.

BE IT FURTHER RESOLVED that the *Louisiana Register* is hereby directed to have the amendments to this rule relative to the treatment of annuities that was published in the *Louisiana Register*, Volume 29, Number 12, printed and incorporated into the *Louisiana Administrative Code* and

to transmit a copy of the revised rules to the secretary of the Department of Health and Hospitals.

Joe R. Salter
Speaker of the House
and
Donald E. Hines
President of the Senate

0412#024

Potpourri

POTPOURRI

Office of the Governor Office of Financial Institutions

Judicial Interest Rate Determination for 2005

R.S. 13:4202(B), as amended by Acts 2001, No. 841, requires the Louisiana Commissioner of Financial Institutions to determine the rate of judicial interest. The commissioner has determined the judicial interest rate for the calendar year 2005 in accordance with §4202(B)(1).

The commissioner ascertained that on September 21, 2004 the Federal Reserve Board of Governors approved the discount rate of 2.75 percent, which rate was the "approved discount rate" on October 1, 2004.

R.S. 13:4202(B)(1) mandates that "on and after January 1, 2002, the rate shall be equal to the rate as published annually ... by the commissioner of financial institutions. The Commissioner of Financial Institutions shall ascertain, on the first business day of October of each year, the Federal Reserve Board of Governors' approved discount rate published daily in the Wall Street Journal. The effective judicial interest rate for the calendar year following the calculation date shall be 3 1/4 percentage points above the discount rate as ascertained by the commissioner." Thus, the effective judicial interest rate for the calendar year 2005 shall be 6.00 percent per annum.

This determination and its publication in the *Louisiana Register* shall not be considered rule-making, within the intentment of R.S. 49:950 et seq., the Administrative Procedure Act, particularly R.S. 49:953; therefore, neither a fiscal impact statement nor a Notice of Intent is required.

John Ducrest, CPA
Commissioner

0412#060

POTPOURRI

Department of Health and Hospitals Board of Veterinary Medicine

Board Meeting Dates

The Members of the Louisiana Board of Veterinary Medicine will meet at 8:30 a.m. on the following dates in 2005:

Thursday, February 3, 2005
Thursday, April 7, 2005
Thursday, June 2, 2005 (Annual Meeting)
Thursday, August 4, 2005
Thursday, October 6, 2005
Thursday, December 1, 2005

These dates are subject to change, so please contact the board office via telephone at (225) 342-2176 or e-mail at lbvm@eatel.net to verify actual meeting dates.

Spring/Summer Examination Dates

The Louisiana Board of Veterinary Medicine will administer the State Board Examination (SBE) for licensure to practice veterinary medicine on the first Tuesday of every month. Deadline to apply for the SBE is the third Friday prior to the examination date desired. SBE dates are subject to change due to office closure (i.e. holiday, weather).

The board will accept applications to take the North American Veterinary Licensing Examination (NAVLE) which will be administered through the National Board of Veterinary Medical Examiners (NBVME), formerly the National Board Examination Committee (NBEC), as follows:

Test Window Date	Deadline to Apply
April 11 through April 23, 2005	Friday, January 8, 2005

The board will also accept applications for and administer the Veterinary Technician National Examination (VTNE) for state registration of veterinary technicians as follows:

Test Date	Deadline to Apply
Friday, June 17, 2005	Friday, May 13, 2005

Applications for all examinations must be received on or before the deadline. No late application will be accepted. Requests for special accommodations must be made as early as possible for review and acceptance. Applications and information may be obtained from the board office at 263 Third Street, Suite 104, Baton Rouge, LA 70801 and by request via telephone at (225) 342-2176 or by e-mail at atlsvm@eatel.net; application forms and information are also available on the website at www.lsbvm.org.

Wendy D. Parrish
Administrative Director

0412#017

POTPOURRI

Department of Natural Resources Office of Conservation

Orphaned Oilfield Sites

Office of Conservation records indicate that the Oilfield Sites listed in the table below have met the requirements as set forth by Section 91 of Act 404, R.S. 30:80 et seq., and as such are being declared Orphaned Oilfield Sites.

Operator	Field	District	Well Name	Well Number	Serial Number
Joe Benny Alphard	Caddo Pine Island	S	Alphard	1	990450
Roy D. Golston	Caddo Pine Island	S	Donham	1	17782
F.E. Hargraves & Sons Drig. Co., Inc.	Greenwood-Waskom	S	Abney	3	064808 (30)

Operator	Field	District	Well Name	Well Number	Serial Number
Caddo Oil Co., Inc.	Caddo Pine Island	S	Arkla	4	099264

James H. Welsh
Commissioner

0412#044

POTPOURRI

**Department of Natural Resources
Office of the Secretary
Fishermen's Gear Compensation Fund**

Loran Coordinates

In accordance with the provisions of R.S. 56:700.1 et seq., notice is given that 8 claims in the amount of \$27,394.74 were received for payment during the period November 1, 2004 - November 30, 2004.

Latitude/Longitude Coordinates of reported underwater obstructions are:

2910.345	9039.967	Terrebonne
2911.085	9106.559	Terrebonne
2916.031	8937.536	Plaquemines
2917.423	8957.528	Jefferson
2921.061	8935.703	Plaquemines
2925.058	8949.702	Jefferson
2934.521	9003.424	Jefferson
2939.760	9155.750	Iberia

There were 6 claims paid and 2 claims denied.

A list of claimants and amounts paid can be obtained from Verlie Wims, Administrator, Fishermen's Gear Compensation Fund, P.O. Box 44277, Baton Rouge, LA 70804 or you can call (225) 342-0122.

Scott A. Angelle
Secretary

0412#064

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