

# Rules

**RULE**  
**Department of Civil Service**  
**Board of Ethics**

Ethics  
(LAC 52:I.Chapter 19)

Editor's Note: Chapter 19 of the following Rule is being repromulgated to re-codify the disclosure forms. The original Rule may be viewed in its entirety on pages 2668-2687 of the December 20, 2004 edition of the *Louisiana Register*.

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Louisiana Board of Ethics has promulgated rules, and amendments to the rules for the Board of Ethics, as well as repealed the procedural

**§1906. Personal Financial Disclosure Form**

**Appendix A**  
**Personal Financial Disclosure Form**  
**for Governors and Gubernatorial Candidates**  
**Filed pursuant to LSA\_R.S. 42:1124**

rules for drug testing elected officials, since that statutory provision was declared unconstitutional.

**Title 52**  
**ETHICS**  
**Part I. Board of Ethics**  
**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), repromulgated LR 31:620 (March 2005).

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 \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
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			
<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			

**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				

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
___ Individual ___ Spouse ___ Both			
___ Individual ___ Spouse ___ Both			
___ Individual ___ Spouse ___ Both			
___ Individual ___ Spouse ___ Both			
___ Individual ___ Spouse ___ Both			
___ Individual ___ Spouse ___ Both			
___ Individual ___ Spouse ___ Both			
___ Individual ___ Spouse ___ Both			
___ Individual ___ Spouse ___ Both			
___ Individual ___ Spouse ___ 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), repromulgated LR 31:620 (March 2005).

**§1907. 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? \_\_\_\_\_

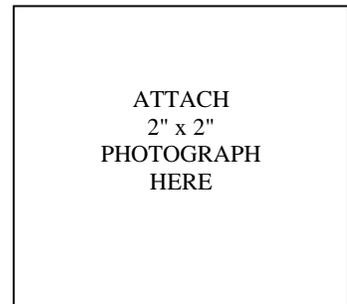
3. Name \_\_\_\_\_  
Address \_\_\_\_\_  
Business or purpose \_\_\_\_\_  
Does this person pay you? \_\_\_\_\_  
If No, then who pays you? \_\_\_\_\_

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), repromulgated LR 31:627 (March 2005).



**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), repromulgated LR 31:629 (March 2005).



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), repromulgated LR 31:631 (March 2005).

**§1910. Disclosure Statement Pursuant to R.S. 39:1233.1**

<b>LSA-R.S. 39:1233.1 DISCLOSURE STATEMENT</b>	
<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. <b>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.</b></p>	
<p><b>NOTE:</b> 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. _____ Signature of Official <span style="float: right;">Date</span>	
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).

HISTORICAL NOTE: Promulgated by the Department of Civil Service, Board of Ethics, LR 30:2686 (December 2004), repromulgated LR 31:633 (March 2005).

R. Gray Sexton  
Administrator

0503#075

**RULE**

**Board of Elementary and Secondary Education**

Bulletin 111 **C**Louisiana School, District,  
and State Accountability System  
(LAC 28:LXXXIII.4310-4313)

In accordance with R.S. 49:950 et seq., the Administrative Procedure Act, the Board of Elementary and Secondary Education adopted revisions to *Bulletin 111 C Louisiana School, District, and State Accountability System* (LAC 28: 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 System**

**Chapter 43. District Accountability**

**§4310. Subgroup Component AYP (Adequate Yearly  
Progress)**

A. District Subgroup Component Indicators

1. Each district shall be evaluated on the subgroup component at three different levels (grade-clusters); elementary (K-5), middle (6-8), and high school (9-12). A district shall pass the subgroup component provided that each subgroup of students within each grade-cluster meets the passes the subgroup component, and each grade-cluster the district, as a whole, meets the criteria for status or improvement on the additional academic indicator.

a. Passing the Subgroup Component

i. Participation rate test: 95 percent of the students within the each subgroup within each grade-cluster participated in the standards-based assessments; and

ii. Annual Measurable Objective status test (AMO status test): the subgroup percent proficient score within each grade-cluster is at/or above the annual measurable objective in ELA and mathematics; or

iii. Safe harbor test:

(a). the percentage of non-proficient students within the each subgroup within each grade-cluster reduced declined by at least 10 percent of the previous year's value; and

(b). the subgroup improved or met the criterion on the additional academic indicator (attendance rate for the elementary and middle schools grade-clusters and non-dropout rate for the high schools grade-cluster).

b. 2002-03 will be year one of judging districts based on the subgroup component.

c. 2003-04 will be year two of judging districts based on the subgroup component.

d. For the non-proficient reduction portion of the safe harbor test, a comparison of current year assessment data to the previous year assessment data shall be used. For the additional academic indicator check for the safe harbor test and for the whole grade-cluster district check, attendance and dropout data from two years the prior year will be compared to data from three years prior.

e. To ensure high levels of reliability, Louisiana will apply a 99 percent confidence interval to the calculations of subgroup component determinations for:

i. AMO status test;

ii. reduction of non-proficient students (safe harbor test); and

iii. status attendance/non-dropout rate analyses.

f. Louisiana will not apply a confidence interval to improvement analyses for attendance/non-dropout rate.

#### 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. Not exempted from testing due to medical illness, death of the student's family member(s), the student being in protective custody, or the student being identified as LEP and in an English-speaking school for less than one full academic year.

d. Beginning with the fall 2005 accountability results, former LEP students for up to two years after no longer being considered LEP under state rules.

e. These students will not count toward the minimum n for the LEP subgroup and will not be included in the SPS Growth Target adjustment.

2. For analyses involving the additional academic indicator, all students in each subgroup within each grade-cluster 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 grade-cluster 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 scoring proficient 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.

#### C. AMO

1. The Annual Measurable Objective (AMO) is the percent of students required to reach the proficient level in a given year on the standards-based assessments, which through 2005 will include English/language arts and mathematics tests for 4th, 8th, and 10th grades.

a. Proficient = a score of basic, mastery or advanced.

2. As required in NCLB, the AMOs have been established based on the baseline percent proficient score (proficient = CRT level of basic, mastery, or advanced) in English-language arts and mathematics in the 20th percentile school, using the 2002 CRT test scores in ELA and mathematics for grades 4, 8, and 10.

3. The AMOs for ELA and math are as follows.

School Year	ELA	Mathematics
2001-2002		
2002-2003	36.9%	30.1%
2003-2004	36.9%	30.1%
2004-2005	47.4%	41.8%
2005-2006	47.4%	41.8%
2006-2007	47.4%	41.8%
2007-2008	57.9%	53.5%
2008-2009	57.9%	53.5%
2009-2010	57.9%	53.5%
2010-2011	68.4%	65.2%
2011-2012	78.9%	76.9%
2012-2013	89.4%	88.6%
2013-2014	100.0%	100.0%

4. A 99 percent confidence interval shall be used when evaluating whether subgroups within a grade-cluster within a district have attained the Annual Measurable Objective (AMO).

5. A confidence interval is a statistic that creates a range of scores. Subgroups with a 95 percent participation rate that attain a percent proficient score within or above the confidence interval range for the AMO shall be considered as having passed the subgroup component. Confidence interval ranges are affected by subgroup size. Smaller subgroups will have a wider range and larger subgroups will have a narrower range.

**D. Safe Harbor**

1. Subgroups that do not pass the AMO status test by attaining a percent proficient score within or above the confidence interval range shall be evaluated for safe harbor.

2. Safe harbor is attained if:

a. the subgroup makes a 10 percent reduction in its non-proficiency rate from the previous year:

i. a 99 percent confidence interval is applied to this reduction check; and

b. the subgroup:

i. achieves a 90 percent non-dropout rate (9-12) or attendance rate (K-5, 6-8) (any LEA without a 12th grade shall use attendance rate). (A 99 percent confidence interval is applied to the 90 percent attendance rate and 90 percent non-dropout rate check); or

ii. makes at least 0.1 percent improvement in non-dropout rate (9-12) or attendance rate (K-5, 6-8) from the previous year (any LEA without a 12th grade shall use attendance rate).

3. The non-dropout rate shall be evaluated for students in grade 9 and above.

4. Subgroups passing the participation rate test and achieving safe harbor shall be considered as having passed the subgroup component.

**E. Failing the Subgroup Component**

1. A district shall fail the subgroup component if ANY subgroup within that ANY grade-cluster in the district fails the participation rate test, the ELA or math AMO status test and the safe harbor test.

2. A grade-cluster district in which all subgroups have passed the subgroup component must also have the grade-cluster district pass the additional academic indicator:

a. achieved a 90 percent non-dropout rate (9-12) or attendance rate (K-5, 6-8) (any LEA without a 12th grade shall use attendance rate). (A 99 percent confidence interval

is applied to the 90 percent non-dropout or attendance rate check.); or

b. made at least 0.1 percent improvement in non-dropout rate (9-12) or attendance rate (K-5, 6-8) from two years prior to the previous year (any LEA without a 12th grade shall use attendance rate).

NOTE: If a grade-cluster district in which all subgroups have passed the subgroup component does not pass the additional academic indicator, it shall not pass the subgroup component.

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 30:2446 (November 2004), LR 31:633 (March 2005).

**§4311. Performance Labels**

A. Districts shall be assigned a DPS performance label as follows.

A district shall not receive a label for its district performance score.

Performance Label	District Performance Score
Academically Unacceptable	Below 45.0
Academic Warning*	45.0 – 59.9
★	60.0 – 79.9
★★	80.0 – 99.9
★★★	100.0 – 119.9
★★★★	120.0 – 139.9
★★★★★	140.0 and above

\*Effective with the 2005 performance labels, the definition of an academically unacceptable district shall be any district with a DPS below 60.0. The academic warning label will be used only with the 2003 and 2004 district performance scores.

B. A label shall be reported for the District Responsibility Index (DRI) and for each of the four indicators.

District Responsibility Index	DRI Label
120.0 or more	Highly responsive
100.0 – 119.9	Adequately responsive
80.0 – 99.9	Responsive
60.0 – 79.9	Minimally responsive
0.0 – 59.9	Unresponsive

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:10.1.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:2757 (December 2003), amended LR 30:1449 (July 2004), LR 31:635 (March 2005).

**§4313. Corrective Actions**

A. The Louisiana Department of Education shall report district scores and labels on every school district. Consequences imposed on a district shall be based on its District Responsibility Index (DRI). Any district receiving a performance label of unsatisfactory for its DRI shall become subject to an operational audit. If a district scores unsatisfactory again within two years, the SBESE shall have the authority to act on the audit findings, including the withholding of funds to which the district might otherwise be entitled.

B. Beginning in 2004, districts shall be evaluated on their District Responsibility Index Label and on the subgroup component. Districts that receive a DRI Index label of Unresponsive and/or fail to achieve Adequate Yearly Progress (AYP) in the subgroup component shall complete

district self-assessments and submit it to the Louisiana Department of Education.

1. The DOE shall review each self-assessment.
2. The DOE may recommend that BESE schedule a District Dialogue with the district.

C. Districts that receive a DRI Index label of Unresponsive for a second consecutive year and/or fail to achieve AYP in the subgroup component for a second consecutive year are identified for improvement by the subgroup component shall write District Improvement Plans based on the prior years' self-assessments and submit those plans to the LDE.

1. A district is identified for improvement when it fails in all grade-clusters, in the same subject, to achieve subgroup AYP for two consecutive years.
2. The DOE shall review each District Improvement Plan.
3. The DOE may recommend that BESE schedule a District Dialogue with the District.

D. Districts that receive a DRI Index label of Unresponsive and/or fail in all grade-clusters, in the same subject, to achieve AYP in the subgroup component for a third consecutive year shall be audited by the LDE. The audit shall include academic, fiscal, and support services.

E. BESE shall take action on the findings of the prior years audit for districts that receive a DRI Index label of Unresponsive and/or fail in all grade-clusters, in the same subject, to achieve AYP in the subgroup component for a fourth consecutive year. Actions taken shall be dependent upon whether identification was through the DRI label or the subgroup component.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:10.1.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:2757 (December 2003), amended LR 30:1449 (July 2004), LR 31:635 (March 2005).

Weegie Peabody  
Executive Director

0503#008

**RULE**

**Board of Elementary and Secondary Education**

Bulletin 741 Louisiana Handbook for Nonpublic School Administrators Graduation Exit Examination (LAC 28:LXXIX.2511)

In accordance with R.S. 49:950 et seq., the Administrative Procedure Act, the Board of Elementary and Secondary Education has amended *Nonpublic Bulletin 741 Louisiana Handbook for Nonpublic School Administrators*. In August 2004, the Board of Elementary and Secondary Education voted to eliminate the BESE Honor's Curriculum for both public and nonpublic schools. This policy will not take effect until the 2006-2007 school year so that students who are currently juniors and seniors can still receive this recognition. Students should be encouraged to meet both the core course and grade-point requirements for TOPS. The BESE Honors Curriculum has no grade-point requirements and does not allow the substitutions as TOPS does.

**Title 28**

**EDUCATION**

**Part LXXIX. Bulletin 741 Louisiana Handbook for Nonpublic School Administrators**

**Chapter 25. Curriculum and Instruction  
Subchapter C. Secondary Schools**

**§2511. Graduation Exit Examination**

A. - E. ....

F. - F.10. Repealed.

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 31:636 (March 2005).

Weegie Peabody  
Executive Director

0503#007

**RULE**

**Board of Elementary and Secondary Education**

Bulletin 746 Louisiana Standards for State Certification of School Personnel Requirements for Certification as Superintendent, Ancillary Superintendent, and Education Leader 3 (LAC 28:1.903)

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 28:1.903.A. This revision to the policy for certification as a Superintendent, Ancillary Superintendent, and Educational Leader 3 allows experience as an assistant principal to qualify for administrative experience. The assistant principal experience would be limited to a maximum of two years of experience in that position. This will allow more flexibility in the certification of higher-level school administrators.

**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, 310, 399, 435, 541 (April, July, September, October, December 1975), LR 28:2505-2508 (December 2002), LR 29:117-119 (February 2003), LR 29:119-121 (February 2003), LR 29:121-123 (February 2003), LR 31:636 (March 2005).

\*\*\*

**Parish or City School Superintendent**

A parish or city school superintendent must meet the following criteria:

1. Hold a valid Type A or Level 3 Louisiana Teaching Certificate.

2. Have had five years of successful school experience (state, parish, or city) as a superintendent, assistant superintendent, supervisor of instruction, principal, or assistant principal in a state-approved system, or experience certified as equivalent to any of these by the Board of Elementary and Secondary Education. The assistant principal experience would be limited to a maximum of two years of experience in that position.

3. Hold an earned master's degree from a regionally accredited institution of higher education.

4. Have completed 48 semester hours of graduate credit, to include the following:

A. Thirty semester hours in educational administration and supervision of instruction, to include the following:

1) Foundations of (Introductory) Educational Administration or Theory of Educational Administration.

2) School Law.

3) Principles of Instructional Supervision (Elementary or Secondary).

4) School Community Relations.

5) Principalship (Secondary or Elementary School).

6) School Finance.

7) Twelve semester hours of electives in educational administration and instructional supervision from School Facilities; School Personnel Administration; Group Dynamics; Office and Business Management; Clinical Supervision or Internship or Practicum in Educational Administration or Instructional Supervision, Program Development and Evaluation (in professional education or areas outside professional education).

B. Twelve semester hours in professional education, to include the following:

1) Three semester hours of Educational Research.

2) Three semester hours of History or Philosophy of Education.

3) Six semester hours of curriculum (three semester hours at the elementary level and three semester hours at the secondary school level).

C. Six semester hours of electives from cognate fields outside professional education related to educational administration and supervision in business, political science, psychology, sociology, or speech.

5. Assistant superintendents who supervise any part of the instructional program are required to meet the same standards as superintendents.

6. Assistant superintendents for noninstructional areas\* shall be certified as a school superintendent or meet the following requirements:

A. A minimum of five years of demonstrated successful administrative experience at a managerial level in education and/or related fields, either in the public or private sector.

B. Possess an earned master's degree from a regionally accredited institution of higher education in either education administration, business administration, public administration, or a related area of study including, but not limited to, accounting, finance, banking, insurance and law.

The responsibilities assumed by this category of administrators must be related to noninstructional programs and the experience obtained while at that level may not be

used for meeting the certification requirements for superintendent.

\*Noninstructional areas include finance, management, facilities planning, and ancillary programs.

7. A statement of eligibility for certification as a parish city school superintendent may be issued upon documentation and verification that the applicant meets the following criteria (Items a-d):

a) Hold an out-of-state teaching certificate with authorization to serve as a school superintendent.

b) Hold an earned master's degree from a regionally accredited institution of higher learning.

c) Have had five years of successful school experience as a superintendent, assistant superintendent, supervisor of instruction, principal, or assistant principal. The assistant principal experience would be limited to a maximum of two years of experience in that position.

d) Have had five years of successful teaching experience in a properly certified field.

A parish or city school superintendent ancillary certificate may be issued to an applicant who has met the requirements of Items G 1-4 above and who is employed to serve in this position in a Louisiana school system. The certificate is valid only for the period and place of employment.

For certain school districts, allowable circumstance for waiver of the school superintendent certification requirements are addressed in Bulletin 741, Louisiana Handbook for School Administrators.
--

### Education Leader Certificate-Level 3

All candidates must meet the following requirements in order to receive a five-year Level 3 Educational Leader Certificate to become a superintendent. The five-year certification period is activated with the candidate's first full-time appointment as a Superintendent.

Candidates for initial Level 3 Educational Leader (Professional) Certification shall meet the following criteria:

1. Hold a valid Louisiana Level 2 Educational Leader Certificate.

2. Have had five years of successful administrative or management experience in education at the level of assistant principal or above. The assistant principal experience would be limited to a maximum of two years of experience in that position.

3. Earn a passing score on the School Superintendent Assessment (SSA), in keeping with state requirements.

Renewal Requirements:

Level 3 Educational Leaders must complete a minimum of 150 continuing learning units of professional development over a five-year time period that is consistent with the leader's Individual Professional Growth Plan (IPGP) and includes updating the educational leader portfolio.

\* \* \*

Weegie Peabody  
Executive Director

0503#006

## RULE

### Board of Elementary and Secondary Education

Bulletin 1943 Policies and Procedures for  
Louisiana Teacher Assistance and Assessment  
(LAC 28:XXXVII.2503)

In accordance with R.S. 49:950 et seq., the Administrative Procedure Act, the Board of Elementary and Secondary Education has amended *Bulletin 1943 Policies and Procedures for Louisiana Teacher Assistance and Assessment* (LAC Part Number XXXVII). These changes to current Bulletin 1943 policy provide for administrative waivers related to two situations involving new teachers in their fourth semester of the LaTAAP. This applies to new teachers who successfully completed semester three of the LaTAAP and are moving to another state due to family re-employment or military assignment. This amended language streamlines current policy and aligns Bulletin 1943 policy with Blue Ribbon Commission Year One recommendations related to improving teacher quality in Louisiana.

#### Title 28

#### EDUCATION

### Part XXXVII. Bulletin 1943 Policies and Procedures for Louisiana Teacher Assistance and Assessment Chapter 25. Assessment Procedures §2503. Extenuating Circumstances in the Assessment Process

A. When extenuating circumstances in the assessment process occur, the procedures outlined below shall be followed.

1. New teachers employed or unreported to the LDE by the LDE established dates shall not enter the first phase (initial support semester) of the assistance and assessment program until the following semester.

2. If a new teacher is employed and reported by the dates specified above, but is reassigned to a new school or a new subject/grade assignment after October 1 or February 1, the teacher shall not enter the first phase (initial support semester) of the assistance and assessment program until the following semester.

3. If a new teacher who has completed the first year of teaching is reassigned to a new school or a grade/subject greatly different from the previous assignment, the teacher may request in writing that the LEA and LDE defer assessment for one semester. A written response to the request must be delivered to the teacher within 10 working days from the date that the LEA and LDE receive the request. If the assessment is deferred, the new teacher shall be assessed the following semester.

4. If a new teacher does not complete either the initial support year or the assessment semester, the new teacher shall reenter that phase of the assessment program, i.e., either support or assessment, that was incomplete.

5. If a new teacher does not meet the assessment standards for certification at the end of the first assessment period, the teacher may request changes in the mentor and/or the assessment team for the second assessment period. The written request shall be submitted to both the principal and the LEA contact person.

6. If a new teacher has successfully completed semester three of the Louisiana Teacher Assistance and

Assessment Program and will be moving to another state due to family re-employment or due to a military assignment, the teacher may request a waiver from the fourth semester of the Louisiana Teacher Assistance and Assessment Program. The written request shall be submitted to both the principal and the LEA contact person, with supporting documentation (e.g. verification from out-of-state employer or military orders). The LEA contact person will forward the teacher's waiver request to the LDE for approval.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:391.10; R.S. 17:3871-3873; R.S. 17:3881-3884; R.S. 17:3891-3895; R.S. 17:3901-3904.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 28:288 (February 2002), amended LR 31:638 (March 2005).

Weegie Peabody  
Executive Director

0503#005

## RULE

### Board of Elementary and Secondary Education

School Approval Standards and Regulations, Early Childhood Programs, Pupil Progression and Remedial Education, Competency Based Education, and State Content Standards (LAC 28:I.901, 906, 907, 925, and 930)

In accordance with R.S. 49:950 et seq., the Administrative Procedure Act, the Board of Elementary and Secondary Education has amended to Chapter 9 (LAC 28:I). The *Louisiana Administrative Code* should contain regulatory policies and procedures germane to the conduct of BESE 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 9. Bulletins, Regulations, and State Plans Subchapter A. Bulletins and Regulations

#### §901. School Approval Standards and Regulations

A. - I. Repealed.

J. - J.2. ...

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); R.S. 17:151.1; R.S. 17:151.3; R.S. 17:176; R.S. 17:232; R.S. 17:191.11; R.S. 17:1941; R.S. 17:2007; R.S. 17:2050; R.S. 17:2501-2507; P.L. 94-142; R.S. 17:154(1); R.S. 17:402.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 1:483 (November 1975), amended LR 29: 866 (June 2003), LR 31:638 (March 2005).

#### §906. Early Childhood Programs

A. - A.2. ...

B. Repealed.

C. - C.2. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:7.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 18:1249 (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 31:638 (March 2005).

**§907. Pupil Progression and Remedial Education**

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 7:24.4 and R.S. 17:394-400.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education in LR 6:144, 539, 651 (April, September, November 1980), LR 8:276, 323, 510 (June, July, October 1982), LR 11:685 (July 1985), LR 12:420 (July 1986), LR 15:622 (August 1989), amended LR 16:297 (April 1990), LR 16:766 (September 1990), LR 19:1417 (November 1993), LR 24:2081 (November 1998), repealed LR 31:639 (March 2005).

**§925. Competency Based Education**

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:24.4; R.S. 17:391.1-391.11.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 8:63 (February 1982), amended LR 8:188 (April 1982), LR 9:60 (February 1983), LR 10:400 (May 1984), LR 10:745 (October 1984), LR 11:520 (May 1985), LR 11:848 (September 1985), LR 12:14 (January 1986), LR 12:762 (November 1986), LR 13:496 (September 1987), LR 13:563 (October 1987), LR 14:10 (January 1988), LR 15:469 (June 1989), LR 16:297 (April 1990), LR 16:605 (July 1990), repealed LR 31:639 (March 2005).

**§930. State Content Standards**

A. - F.2. Repealed.

G. - G.2. ...

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 31:639 (March 2005).

Weegie Peabody  
Executive Director

0503#009

**RULE**

**Tuition Trust Authority  
Office of Student Financial Assistance**

Student Tuition and Revenue Trust (START Saving)  
Program Education Savings Account  
(LAC 28:VI.107 and 311)

The Louisiana Tuition Trust Authority (LATTA), in accordance with the Administrative Procedure Act [R.S. 49:953(B)], has amended its START Savings Program Rules (R.S. 17:3091 et seq.).

**Title 28  
EDUCATION**

**Part VI. Student Financial Assistance Higher  
Education Savings**

**Chapter 1. General Provisions**

**Subchapter A. Student Tuition Trust Authority**

**§107. Applicable Definitions**

\*\*\*

*Deposits* the actual amount of money received from an account owner for investment in an education savings account. Deposits do not include earnings on deposits nor earnings enhancements or interest earned thereon.

\*\*\*

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:3091-3099.2.

HISTORICAL NOTE: Promulgated by the Tuition Trust Authority, Office of Student Financial Assistance, LR 23:712 (June 1997), amended LR 24:1268 (July 1998), LR 25:1794 (October 1999), LR 26:2260 (October 2000), LR 27:37 (January 2001), LR 27:1222 (August 2001), LR 27:1876 (November 2001), LR 28:450 (March 2002), LR 28:777 (April 2002), LR 28:2334 (November 2002), LR 29:556 (April 2003), LR 30:786 (April 2004), LR 30:1169 (June 2004), LR 30:2302 (October 2004), LR 31:639 (March 2005).

**Chapter 3. Education Savings Account**

**§311. Termination and Refund of an Education Savings Account**

A. - C.1. ...

2. All other requests for refund will result in the termination of the account and in the refund of:

a. the deposits invested in fixed earnings, if the account has been open for less than twelve months;

b. the redemption value, if the account has been open for 12 or more months;

c. the deposits or the current value (less earning enhancements allocated to the account and earnings thereon) of an account invested in variable earnings, whichever is less, if the account has been open for less than twelve months;

d. the current value (less earning enhancements allocated to the account and earnings thereon) of an account invested in variable earnings, if the account has been open for twelve or more months.

C.3. - H. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:3091-3099.2.

HISTORICAL NOTE: Promulgated by the Tuition Trust Authority, Office of Student Financial Assistance, LR 23:717 (June 1997), amended LR 24:1273 (July 1998), repromulgated LR 26:2265 (October 2000), amended LR 27:38 (January 2001), LR 27:1882 (November 2001), LR 28:779 (April 2002), LR 30:790 (April 2004), LR 31:639 (March 2005).

George Badge Eldredge  
General Counsel

0503#004

**RULE**

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

Transportation Conformity Incorporation by Reference  
(LAC 33:III.1432)(AQ247\*)

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.1432 (Log #AQ247\*).

This Rule is identical to federal regulations found in 69 FR 40004-40081, No. 126 (July 1, 2004) and 69 FR 43325-43327, No. 138 (July 20, 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 Rule;

therefore, the Rule will be promulgated in accordance with R.S. 49:953(F)(3) and (4).

This Rule revision incorporates by reference two federal transportation conformity rule amendments (as amended through July 20, 2004) into the state's existing transportation conformity regulations. The two federal amendments to 40 CFR Part 93 were promulgated by EPA to include conformity criteria and procedures for the new 8-hour ozone and fine particulate matter (PM2.5) national ambient air quality standards (NAAQS). This Rule is also a revision to the state implementation plan (SIP) for transportation conformity.

On July 1, 2004, EPA published a final rule in the Federal Register (69 FR 40004) that substantially amends and revises the 40 CFR Part 93 transportation conformity regulation. This final Rule also revises "the conformity regulation in the context of EPA's broader strategies for implementing the new ozone and PM2.5 standards." Subsequent to the July 1, 2004, conformity regulation amendments, EPA published a related amendment in 69 FR 43325 (July 20, 2004) that corrects two errors discovered in the preamble of the final Rule. The corrections include revisions to a table in Section II.D of the preamble. The basis and rationale for this Rule revision are to mirror the federal transportation conformity regulations as amended through July 20, 2004. Transportation conformity is required under Clean Air Act, Section 176(c) to ensure that federally supported highway and transit project activities conform to the purpose of a state air quality implementation plan (SIP).

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 14. Conformity**  
**Subchapter B. Conformity to State or Federal Implementation Plans of Transportation Plans, Programs, and Projects Developed, Funded, or Approved under Title 23 U.S.C. or the Federal Transit Act**

**§1432. Incorporation by Reference**

A. 40 CFR Part 93, Subpart A, July 1, 2004, is hereby incorporated by reference with the exclusion of Section 105. Also incorporated by reference are amendments published in the *Federal Register* on July 1, 2004 (69 FR 40004-40081, No. 126) and July 20, 2004 (69 FR 43325-43327, No. 138).

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 24:1280 (July 1998), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 27:2229 (December 2001), LR 28:994 (May 2002), LR 29:697 (May 2003), LR 30:1009 (May 2004), amended

by the Office of Environmental Assessment, LR 31:640 (March 2005).

Wilbert F. Jordan, Jr.  
Assistant Secretary

0503#013

**RULE**

**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 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 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 cashier's 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. 39:1496.1E(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 31:640 (March 2005).

Jerry W. Jones  
Director

0503#014

## RULE

### 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 adopts 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 and the executive office or any subdivision thereof and any other entity paid through one of the 20 major departments of state government or the executive office. 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 31:644 (March 2005).

#### §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 31:644 (March 2005).

#### §705. Notification to Employee of Overpayment

A. Employees must be notified immediately once an agency determines that an overpayment has been made. Written notification must be provided 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. reason for overpayment;
4. agency plan of action for recoupment;
5. employee options for reimbursement of overpayment, as appropriate; and
6. agency procedure by which the proposed recoupment can be disputed.

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 31:644 (March 2005).

**§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 31:645 (March 2005).

**§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 31:645 (March 2005).

**§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 31:645 (March 2005).

**§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 of the agency recoupment policy and that, if overpaid, the overpayment may be recouped in a future pay period after notification from the agency in accordance with the agency policy. 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 31:645 (March 2005).

**§715. Agency Policies and Procedures**

- A. Agencies must develop polices 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.

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 31:645 (March 2005).

Jena W. Cary  
Director

0503#011

**RULE**

**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, amends 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 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 31:646 (March 2005).

**§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 31:646 (March 2005).

**§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 (ACTP)** 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 (AEP)** 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 (AIHE)** 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 (CCS)** 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 ADRA 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** Means 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. Where off-the-premises experience is arranged for the candidate being supervised, the supervision plan shall so indicate and shall designate an appropriate professional at the off premises site to act in a supervisory capacity.

**IC and RC** The International Certification and Reciprocity Consortium. Sometimes referred to as "ICRC".

**Knowledge, Skills, and Attitudes (KSA)** The knowledge, skills, and attitudes designated by the ADRA as being necessary in providing effective addiction counseling and prevention 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 Services** At a minimum, can be understood to incorporate a process that utilizes multiple strategies designed not only to delay or prevent the onset of the use of alcohol, tobacco and other drugs, but also to delay or prevent the involvement in other high risk behaviors. Prevention principles and strategies foster the development of social, emotional and physical environments that facilitate healthy, drug-free lifestyles by focusing on individuals, peers, schools, families and communities. Prevention strategies target universal, selective and indicated populations.

**Qualified Professional Supervisor (QPS)** An 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 31:646 (March 2005).

### **§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 31:647 (March 2005).

## **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 prevention services. The scope of the practice shall include collaboration with qualified professionals and utilization of the performance domains of prevention to increase the awareness of high risk behaviors and the perception that high risk behaviors are, or potentially can be, harmful. In addition to any other positive outcomes that may be sought, the practice of prevention seeks to:

1. reduce the availability of alcohol, tobacco and other substances to youth; achieve long term reductions in underage drinking and the use of tobacco and other drugs;
2. reduce the underage access to and use of alcohol;
3. impact other prioritized substance use and related behaviors including increased or retained employment or return to and stay in school;
4. decrease criminal justice involvement;
5. increase stability in family and living conditions;
6. increase access to services (including treatment services);

7. increase social supports and increase social connectedness.

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 31:647 (March 2005).

### **§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 and 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 31:648 (March 2005).

## **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. The ADRA may also make any such roster available on any web-site maintained 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, specialists, 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 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 31:648 (March 2005).

### **§505. Advice and Consultation**

A. The ADRA shall seek the advice of the Louisiana Commission on Addictive Disorders. 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 31:648 (March 2005).

**Chapter 7. Credentials for License/Certification/Registration**

**§701. Licensed Addiction Counselor (LAC)**

A. The ADRA shall recognize as a LAC each candidate who make application on the forms required by the ADRA and who:

1. possesses a master's 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 a master'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 Addictive Disorders 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 ADRA may waive this requirement for good cause upon request of the applicant. 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 in education, supervised practical training and experience:

a. education C 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. Of the substance abuse specific 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 C has successfully completed a minimum 300 performance hours in the KSA's/12 core functions (with a minimum of 10 hours in each core function or KSA equivalent). The candidate shall document and verify the performance hours on a form required by the ADRA. 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 Subparagraph c below) and may be completed under more

than one supervisor or agency. All training hours must be documented and verified;

c. experience C 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 required herein must be provided 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 written and oral examination requirements established by the ADRA and providing documentation of such. The ADRA shall indicate the examination requirements that govern each testing cycle;

10. 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;

11. it is the candidate's responsibility to assure himself that his clinical experience has provided comprehensive training sufficient to adequately prepare him to be a able to demonstrate professional competency in addictive disorder counseling;

12. provide three letters of recommendation attesting to the individual's fitness to be an addictive disorder counselor;

13. the scope of practice, for the LAC, 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 LAC shall have an independent scope of practice.

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 31:649 (March 2005).

**§703. Certified Addiction Counselor (CAC)**

A. The ADRA shall recognize as a CAC each candidate who:

1. possesses a bachelor's 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 and all academic transcripts. Any person seeking to be recognized as a 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, the ADRA may consult with representatives of national credentialing organizations 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 ADRA may waive this requirement for good cause upon request of the applicant. The applicant shall provide the ADRA with a certified copy of his 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. Of the substance abuse specific 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/12 core functions (with a minimum of 20 hours in each core function or KSA equivalent). The candidate shall document and verify the performance hours on a form required by the ADRA. 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 Subparagraph 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 required herein must be provided 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 written and oral examination requirements established by the ADRA and

providing documentation of such. The ADRA shall indicate the examination requirements that govern each testing cycle;

10. 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;

11. 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;

12. provide three letters of recommendation attesting to the individual's fitness to be an addictive disorder counselor;

13. the scope of practice for the CAC, shall include making appropriate referrals to qualified professionals, providing counseling to members when appropriate, and utilizing the 12 core functions and KSA's of addictive disorder counseling. Unless allowed an independent scope of practice under the Practice Act, and recognized by the ADRA, the CAC shall maintain a consulting relationship with an LAC. The ADRA shall provide a letter to CAC's authorized to practice independently, recognizing their exemption from the requirement of consulting with an LAC.

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 31:649 (March 2005).

#### **§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 to, or entered a plea of nolo contendere to, a felony. The ADRA may waive this requirement for good cause upon request of the applicant. The applicant shall provide the ADRA with a certified copy of his 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. Of the substance specific 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/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 Subparagraph 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 (3 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 required herein must be provided 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 1,000 hours of the 6,000 hours of experience required herein;

8. demonstrates professional competency in addictive disorder counseling by satisfying written and oral examination requirements and providing documentation of such. The ADRA shall indicate the examination requirements that govern each testing cycle;

9. 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;

10. 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;

11. provides three letters of recommendation attesting to the individual's fitness to be an addictive disorder counselor;

12. the scope of practice for the RAC, shall include making appropriate referrals to qualified professionals, providing counseling to family members when appropriate, and utilizing the 12 core functions and KSA's of addictive disorder counseling. The RAC is not permitted an independent scope of practice. The RAC shall maintain a consulting relationship with an LAC.

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 31:650 (March 2005).

#### **§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 his criminal history;

7. signs the ADRA form of professional and ethical accountability and responsibility;

8. 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;

9. 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;

10. the CIT status is granted for a 12 month period. During the 12 month period the CIT shall comply with the ADRA guidelines for CIT status and, if required, sign an agreement acknowledging and consenting to the provisions of the guidelines;

11. CIT shall be allowed to maintain the CIT status for an aggregate period not to exceed 72 months;

12. provide 3 letters of recommendation attesting to the individual's fitness to be an addictive disorder counselor;

13. 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.

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 31:651 (March 2005).

#### **§709. Addiction Treatment Assistant (ATA)**

A. The ADRA shall recognize as an 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 ADRA may waive this requirement for good cause upon request of the applicant. The applicant shall provide the ADRA with a certified copy of his criminal history;

6. documents the completion of 6 hours of ADRA approved professional ethics training(s) for ATA's and signs the ADRA form of professional and ethical accountability and responsibility;

7. documents the completion of an approved training on confidentiality and documents the completion of an ADRA approved training in First Aid and CPR;

8. provides three letters of recommendation attesting to the individual's fitness to be an addictive disorder counselor;

9. scope of practice of an ATA shall be to serve in a supportive role within the therapeutic environment under the direct supervision of a licensed, certified, and/or registered addiction 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 31:651 (March 2005).

#### **§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;

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 proceedings;

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 ADRA may waive this requirement for good cause upon request of the applicant;

7. the applicant shall provide the ADRA with a certified copy of his criminal history;

8. signs the ADRA form of professional and ethical accountability and responsibility;

9. documents having satisfied the ADRA requirements for certification in Clinical Supervision. The requirements shall be posted on the website maintained by the ADRA;

10. provides three letters of recommendation;

11. scope of practice:

a. the LAC or QMHP can provide clinical supervision for LAC, CAC, RAC, CIT, or ATA;

b. the CAC can provide clinical supervision for: CAC, RAC, CIT, or ATA;

c. 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 31:652 (March 2005).

#### **§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 to, or entered a plea of nolo contendere to, a felony;

7. the applicant shall provide the ADRA with a certified copy of his criminal history;

8. signs the ADRA form of professional and ethical accountability and responsibility;

9. 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;

c. demonstrates professional competency in compulsive gambling counseling by passing a written examination prescribed by the ADRA;

10. provides three letters of recommendation;

11. the Scope of Practice for the CCGC shall be consistent with and shall not exceed the scope of practice allowed for the practice credential of the holder.

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 31:652 (March 2005).

#### **§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 at least, a bachelor's 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 at least 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 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 Addictive Disorders 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. An applicant with at least a master's degree in a human services or behavioral science discipline must document 50 education hours with a minimum of 25 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 5 performance domains (minimum of 10 in each). The 5 domains are: planning and evaluation, education and skill development, community organization, public and organizational policy and professional growth and responsibility;

c. experience completes all experience requirements prescribed by the ADRA, including the following:

i. for an applicant with, at a minimum, an approved bachelor's degree, verification of 2000 hours (one year) of full-time ADRA approved supervised experience engaged in the providing of prevention services; or,

ii. for an applicant with a high school diploma, five years of ADRA 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 required herein 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 his criminal history;

8. signs the ADRA form of professional and ethical accountability and responsibility;

9. demonstrates professional competency in prevention by satisfying written examination requirements established by the ADRA and providing documentation of such. The ADRA shall indicate the examination requirements that govern each testing cycle;

10. 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;

11. it is the candidate's responsibility to assure himself that his experience has provided comprehensive training sufficient to adequately prepare him to be able to demonstrate professional competency in prevention;

12. 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 31:652 (March 2005).

**§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 his criminal history. Signs the ADRA form of professional and ethical accountability and responsibility; and

8. provide 21 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 31:653 (March 2005).

**§719. Prevention Specialist-In-Training (PSIT)**

A. The ADRA shall recognize as a PSIT each candidate who:

1. documents that he is 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 his 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 experience has provided comprehensive training sufficient to adequately prepare him to be able to demonstrate professional competency in prevention;

9. the PSIT status is granted for a 12 month period. During the 12 month period the PSIT shall comply with the ADRA guidelines for PSIT Supervision;

10. PSIT shall be allowed to maintain the PSIT status for an aggregate period not to exceed 72 months;

11. provide three letters of recommendation;

12. the ADRA shall develop PSIT Supervision guidelines and shall post the guidelines on the website 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 31:653 (March 2005).

**§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 follow 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 31:654 (March 2005).

**§723. Application and Examination**

A. Request for Application

1. Persons desiring information regarding a practice credential (LAC, CAC, RAC, CPS, and/or RP), specialty certification (e.g., CCS, and/or CCGC), or status (CIT, and/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 a practice credential or specialty certification 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 a practice credential, specialty certification and/or status.

2. Each application package shall require such information as the ADRA deems necessary and appropriate.

3. 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.

4. Candidates will not be certified as eligible to take the written and oral examinations until the completed application package has been reviewed and approved by the ADRA.

5. By submitting the application package, candidates are deemed to have made a request to the ADRA to take the appropriate examination(s).

6. 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. The ADRA shall designate the test or tests which satisfy examination requirements and shall identify those tests on a testing cycle events schedule published and maintained by the ADRA. 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.

7. The ADRA shall notify each candidate of the examination results only after the examination results have been certified.

8. 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. By submitting an application packet, a candidate shall be deemed to have consented to this policy.

9. 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.

10. The ADRA shall rule on any questions concerning examination.

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 31:654 (March 2005).

**§725. Renewal**

A. Every practice credential and/or specialty certification, including the ATA and RP, 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 31:654 (March 2005).

### **§727. Continuing Professional Education**

#### **A. Renewal**

1. Within the two years prior to application for renewal, all LAC, CAC, RAC, and CPS must complete at least 48 clock hours of education directly applicable to addictive disorder counseling or prevention, whichever is applicable, at least 6 of which must be in professional ethics. The ADRA shall publish guidelines for the continuing education requirements applicable to the paraprofessional ATA and the RP.

2. Within the two years prior to application for renewal, and in addition to any other education hours required herein, the CCGC must have completed at least 16 clock hours of education directly applicable to compulsive gambling counseling. The CCS must have completed at least 8 clock hours directly applicable to clinical supervision. The RP must have completed at least six clock hours of education directly applicable to prevention. In addition, the CCGC, RP and CCS must have a minimum of 6 hours of ethics training approved by the ADRA for the particular specialty certification or credential to be renewed.

3. Within the one year prior to application for renewal, the CIT and PSIT must document and verify compliance with the CIT and PSIT guidelines published by 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.

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. 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 31:655 (March 2005).

### **§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 31:655 (March 2005).

### **§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 specialty 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 six months of the expiration date or an additional 24 hours of education if the application is received more than six months after the expiration date;

3. for the CCGC, CCS and RP the individual must document and verify having successfully completed the clock hours of education which would have been required for timely renewal together with additional clock hours of education in the appropriate specific; area(s) as follows:

a. CCGC ~~8~~ hours;

b. CCS ~~4~~ hours;

c. RP ~~3~~ hours;

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 31:655 (March 2005).

## **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, 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, any supervision guidelines, any policy published by the ADRA 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 31:656 (March 2005).

### **§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 31:656 (March 2005).

### **§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 31:656 (March 2005).

### **§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 31:656 (March 2005).

**§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 10 days prior to the date set for the hearing. Any amendment to the charges made within 10 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 10 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 Nineteenth 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 be considered the property of the ADRA and 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 for 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 proceeding 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 31:657 (March 2005).

#### **§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 31:659 (March 2005).

#### **§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 31:659 (March 2005).

#### **§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 could included 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 31:659 (March 2005).

#### **§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 Nineteenth 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 31:659 (March 2005).

#### **§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 31:659 (March 2005).

#### **§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 §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 §§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 31:659 (March 2005).

### **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 31:659 (March 2005).

### **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 31:660 (March 2005).

### **Chapter 15. Code of Ethics**

#### **§1501. Professional Representation**

A. A person holding a practice credential, specialty certification or status shall not:

1. misrepresent any professional qualifications or associations;
2. misrepresent any agency or organization by presenting it as having attributes which it does not possess;
3. 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;
4. 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 31:660 (March 2005).

#### **§1503. Relationships with Clients**

A. A person holding a practice credential, specialty certification or status:

1. shall make known to a prospective client the important aspects of the professional relationship including fees and arrangements for payment which might affect the client's decision to enter into the relationship;
2. 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;
3. 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;
4. shall neither accept nor pay a commission or rebate or any other form of remuneration for the referral of clients for professional services;
5. shall not use relationships with clients to promote, for personal gain or the profit of an agency, commercial enterprises of any kind;

6. 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;

7. 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;

8. 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;

9. shall take reasonable precautions to protect individuals from physical and/or emotional trauma resulting from interaction within the group;

10. shall not engage in activities that seek to meet the counselor's or specialists personal needs at the expense of a client;

11. shall not engage in sexual intimacies with any client;

12. 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 31:660 (March 2005).

#### **§1505. Relationships with the ADRA**

A. A person holding a practice credential, specialty certification or status issued by the ADRA shall have the responsibility of reporting alleged misrepresentations or violations of ADRA rules to the ADRA.

B. Any applicant for, or person holding, a practice credential, specialty 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.

C. The ADRA may require any applicant or candidate for practice credential, specialty certification or status, or renewal of same, whose file contains negative references to come before the ADRA for an interview before the practice credential, specialty certification or status process may proceed.

D. 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.

E. A person holding a practice credential, specialty 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 31:660 (March 2005).

#### **§1507. Advertising and Announcements**

A. Information used by a person holding a practice credential, specialty 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 practice credential, specialty 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 31:660 (March 2005).

#### **§1511. Confidentiality**

A. No person holding practice credential, specialty 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 31:661 (March 2005).

### **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 31:661 (March 2005).

#### **§1703. Certified Clinical Supervisor or Qualified Professional Supervisor**

A. The ADRA shall establish and recognize minimum guidelines 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 a Certified Clinical Supervisor. No one may hold himself out as a Clinical Supervisor or provide Clinical Supervision unless recognized as a CCS by the ADRA.

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 31:661 (March 2005).

#### **§1705. Approved Training Institution**

A. In order to qualify for and maintain the ADRA approval, training institutions must adhere to the supervision guidelines established by the ADRA. The ADRA may inspect and review such institutions at anytime during normal hours of operation.

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 31:661 (March 2005).

#### **§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 31:661 (March 2005).

### **§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 its 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 continuum of care in the areas of addiction treatment and/or intervention and/or prevention and continuous quality improvement program, signed by an individual approved by the ADRA for this purpose, 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:

a. the institution being an organized college or university accredited by a recognized regional accrediting body;

b. the appropriateness of the curriculum;

c. the qualifications of the faculty to teach such courses;

d. the policy on practicum and internship courses;

e. 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 31:663 (March 2005).

## **Chapter 19. Miscellaneous**

### **§1901. Injunction**

A. 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.

B. 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.

C. 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 31:664 (March 2005).

### **§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 31:664 (March 2005).

### **§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 31:664 (March 2005).

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

0503#029

## **RULE**

### **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 hereby amends 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 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 adopts 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. Recipient Criteria**

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.

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), amended LR 31:664 (March 2005).

#### **§7103. Covered Services**

A. Audiology services are for the identification of children with auditory impairment, using at risk criteria and appropriate audiologic screening techniques. Audiology services include:

1. determination of range, nature and degree of hearing loss and communications, by use of audiological procedures;
2. referral for medical and other services necessary for the rehabilitation of children with auditory impairment; and

3. provision of auditory training, aural rehabilitation, speech reading and listening device orientation and training, and other services.

B. 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:

1. 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

2. provision of services for the rehabilitation or prevention of communicative or oropharyngeal disorders and delays in development of communication skills.

C. 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:

1. identification, assessment, and intervention;

2. adaptation of the environment;

3. selection, design, and fabrication of assistive and orthotic devices to facilitate development and promote the acquisition of functional skills; and

4. prevention or reduction of the impact of initial or future impairment, delays in development, or loss of functional ability.

D. 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:

1. screening of infants and toddlers to identify movement dysfunction;

2. obtaining, interpreting and integrating information appropriate to program planning; and

3. services to prevent or alleviate movement dysfunction and related functional problems.

E. 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:

1. administering psychological and developmental tests and other assessment procedures;

2. interpreting assessment results;

3. planning and managing a program of psychological counseling for children and parents, family counseling, consultation on child development, parent training, and education programs.

F. Services Provided by Local Education Agencies. Services provided by local education agencies include the health services as defined in Subsections A-E.1-3 above and specified related services as described in Paragraphs 1 and 2 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 30:1034 (May 2004), amended LR 31:664 (March 2005).

### **§7105. 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 31:665 (March 2005).

### §7107. 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 reed-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—45 minutes	\$ 52

### B. Local Educational Agencies.

1. 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 "C") 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 "C" form has been received from all of the local education agencies enrolled as EPSDT health services providers.

2. 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:

a. total costs will consist of salaries, benefits and an allocation of indirect costs;

b. annual salaries and benefits will be obtained each rebasing year for all direct service personnel;

c. indirect costs will be allocated using the unrestricted indirect cost rate calculated by the Department of Education;

d. 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;

e. total costs will be multiplied by the percentage of direct service time to determine the amount of allocable costs;

f. allocable costs will then be multiplied by the Medicaid Discount Factor for this program;

g. discounted costs will be divided by total units of service billed for the year to determine cost per unit of service;

h. 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;

i. the statewide rate will be inflated using wage inflation factors, and become the per unit rate for the year "Base Year Plus 1"; and

j. 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 31:666 (March 2005).

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.

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

0503#039

**RULE**

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

Early and Periodic Screening, Diagnosis and Treatment Program **C**Dental Services Reimbursement Increase (LAC 50:XV.6903)

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

**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
* * *		
[see prior text for Procedure Codes D0120 – D0230]		
D0272	Radiograph - Bitewings, Two Films	\$ 13
* * *		
[see prior text for Procedure Code D1110]		
D1120	Prophylaxis – Child	\$ 15
D1351	Sealant, Per Tooth	\$ 19
* * *		
[see prior text for Procedure Codes D1510 – D1515]		
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
* * *		
[see prior text for Procedure Codes D2950 – D3330]		

D3346	Retreatment of Previous Root Canal Therapy—Anterior	\$ 212
D4341	Periodontal Scaling and Root Planning, per Quadrant	\$ 81
D4355	Full Mouth Debridement	\$ 61
* * *		
[see prior text for Procedure Codes D5110 – D5821]		
D7140	Extraction, Erupted Tooth or Exposed Root	\$ 46
* * *		
[see prior text for Procedure Codes D7210 - D8060]		
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**
* * *		
[see prior text for Procedure Codes D9110 – D9241]		
^ 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 31:667 (March 2005).

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

0503#038

**RULE**

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

**Hospital Program **C**ransplant 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 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 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.

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

0503#042

## RULE

### 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 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 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 31:668 (March 2005).

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

0503#040

**RULE**

**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 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 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.

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

0503#041

**RULE**

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

**Substance Abuse/Addiction Treatment Facilities Licensing  
(LAC 48:I.Chapter 74)**

The Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing amends LAC 48:I.Chapter 74 as authorized by R.S. 40:1058.1-9. 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 licensing standards for substance abuse/addiction treatment facilities.

**Title 48**

**PUBLIC HEALTH GENERAL**

**Part I. General Administration**

**Subpart 3. Licensing and Certification**

**Chapter 74. Minimum Standards/Requirements for Abuse/Addiction Treatment Facilities/Programs**

**Subchapter A. General Provisions**

**§7401. Definitions and Acronyms**

A. The following words and terms when used in this Chapter 74 shall have the following meanings, unless the context clearly states otherwise.

\* \* \*

**Accredited** the process of review and acceptance by an accreditation body or any additional SAMSHA approved accrediting body such as the Joint Commission on Accreditation of Healthcare Organizations (JCAHO), the Commission on Accreditation of Rehabilitation Facilities (CARF) or Council on Accreditation (COA).

\* \* \*

**Opioid Treatment Program** a program engaged in opioid treatment of individuals with an opioid agonist treatment medication.

\* \* \*

**State Opioid Authority (SOA)** the agency designated by the governor or other appropriate official designated by the governor to exercise the responsibility and authority within the state for governing the treatment of opiate addiction with an opioid drug.

\* \* \*

**Take Home Dose(s)** an opioid agonist treatment medication dose dispensed to patients for unsupervised use for the day(s) the clinic is closed for business, including Sundays and state and federal holidays.

**Therapeutic Privilege Dose(s)** an opioid agonist treatment medication dose dispensed for unsupervised use, by order of the medical director, to patients compliant with, and stable in, the treatment program for a period of not less than 30 days, under the conditions provided for in §7443.F.1.

\* \* \*

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1058.1-9.

HISTORICAL NOTE: Promulgated by the Health and Human Resources Administration, LR 2:154 (May 1976), amended by the Department of Health and Human Resources, Office of Hospitals, Bureau of Substance Abuse, LR 3:16 (January 1977), amended by the Department of Health and Human Resources, Office of the Secretary, Division of Licensing and Certification, LR 12:26 (January 1986), amended by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 26:1451 (July 2000), LR 31:669 (March 2005).

**§7403. Licensing**

A. - C.2.f. ...

3. The Department of Health and Human Services, Substance Abuse and Mental Health Services Administration (SAMHSA) promulgated a rule requiring that all Opioid

Treatment Programs (OTP) shall be accredited by an accreditation body approved by SAMHSA effective May 19, 2004 (*Federal Register*, Volume 66, Number 11, January 17, 2001). If an Opioid Treatment Program is accredited by the Joint Commission on Accreditation of Healthcare Organizations, the Commission on Accreditation of Rehabilitation Facilities or the Council on Accreditation, or any additional SAMSHA approved accrediting body and the OTP requests deemed status from the department, the department may accept such accreditation in lieu of its annual on-site resurvey if the facility forwards their findings to the state agency (i.e., Health Standards Section of the Department) within 30 days of its accreditation. This accreditation will be accepted as evidence of satisfactory compliance with all provisions except those expressed in §§7403.J, K, and L, 7405.A and B, 7407.A, 7409.D, 7411.A, 7413 et seq., and 7417.E.

4. The following set of circumstances can cause the state agency to perform a licensing survey on an accredited OTP:

- a. any valid complaints in the preceding 12-month period;
- b. addition of services;
- c. a change of ownership in the preceding 12-month period;
- d. issuance of a provisional license in the preceding 12-month period;
- e. serious violations of licensing standards or professional standards of practice that were identified in the preceding 12-month period; or
- f. reports of inappropriate treatment or service resulting in death or serious injury.

D. - E.4. ...

F. Off-sites. Related facilities may share a name with the primary facility if a geographic indicator is added to the end of the facility name. All facilities must have a separate license from that issued to the parent facility.

F.1 - F.4. ...

5. Repealed.

G. License Designation. A facility shall have written notification of restrictions, limitations, and services available to the public, community, clients, and visitors.

G.1 - G.2.c. ...

3. Additional Designations (conjointly approved by OAD/HSS in writing)

4. Repealed.

H. - J. ...

K. Notification of Change Requirements. Any change listed below that is not reported in writing to HSS within 10 days is delinquent and subject to sanction. Written approval of changes by DHH is required to remain in compliance with licensure standards.

K.1 - K.2. ...

3. Address Change. Change of address requires issuance of a replacement license. Prior approval is required, and is based on submitting requested information to HSS. The following information and documentation must be submitted to HSS for consideration of an address change:

- a. a complete license application reflecting the new address;
- b. a licensing fee of \$600 for outpatient programs and \$600 plus \$5 per bedroom for inpatient programs;

c. documentation to show that architectural plans and specifications on the new site have been reviewed and approved by the Division of Engineering and Architectural Services;

d. copies of on-site inspection reports performed by the Office of State Fire Marshal and Office of Public Health on the new site;

e. a letter-sized sketch of the new site's floor plan;

f. anticipated effective date of the move; and

g. advise HSS on whether the new site is part of another existing health care entity.

K.4. - K.5. ...

6. Closure. HSS and SOA must be informed of any closure except Sundays and state and federal holidays.

L. - L.2. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1058.1-9.

HISTORICAL NOTE: Promulgated by the Health and Human Resources Administration, LR 2:154 (May 1976), amended by the Department of Health and Human Resources, Office of Hospitals, Bureau of Substance Abuse, LR 3:16 (January 1977), amended by the Department of Health and Human Resources, Office of the Secretary, Division of Licensing and Certification, LR 12:26 (January 1986), amended by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 26:1453 (July 2000), LR 31:669 (March 2005).

#### §7413. Adverse Action

A. - C.2. ...

3. violation of any provision of this Part or of the minimum standards, rules, or orders promulgated hereunder including, but not limited to:

C.3.a. - E.3. ...

4. Correction of a deficiency is not a basis for an administrative reconsideration or administrative appeal.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1058.1-9.

HISTORICAL NOTE: Promulgated by the Health and Human Resources Administration, LR 2:154 (May 1976), amended by the Department of Health and Human Resources, Office of Hospitals, Bureau of Substance Abuse, LR 3:16 (January 1977), amended by the Department of Health and Human Resources, Office of the Secretary, Division of Licensing and Certification, LR 12:26 (January 1986), amended by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 26:1456 (July 2000), LR 31:670 (March 2005).

#### Subchapter C. Children/Adolescent Programs

##### §7427. Children/Adolescent Programs

A. General. Provisions in this §7427 apply to facilities that are inpatient, outpatient, or community based when service recipients are under 18 years of age. The following provisions are in addition to listed requirements for programs, and take precedence over conflicting requirements when services are provided to adolescents or children. Specific programs may have additional requirements in addition to those listed in this §7427.

A.1. - D.12. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1058.1-9.

HISTORICAL NOTE: Promulgated by the Health and Human Resources Administration, LR 2:154 (May 1976), amended by the Department of Health and Human Resources, Office of Hospitals, Bureau of Substance Abuse, LR 3:16 (January 1977), amended by the Department of Health and Human Resources, Office of the Secretary, Division of Licensing and Certification, LR 12:26 (January 1986), amended by the Department of Health and

Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 26:1464 (July 2000), LR 31:670 (March 2005).

#### **§7429. Primary Prevention Programs**

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1058.1-9.

HISTORICAL NOTE: Promulgated by the Health and Human Resources Administration, LR 2:154 (May 1976), amended by the Department of Health and Human Resources, Office of Hospitals, Bureau of Substance Abuse, LR 3:16 (January 1977), amended by the Department of Health and Human Resources, Office of the Secretary, Division of Licensing and Certification, LR 12:26 (January 1986), amended by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 26:1465 (July 2000), repealed LR 31:671 (March 2005).

#### **Subchapter E. Outpatient Programs**

#### **§7443. Opioid Addiction Treatment Programs**

A. - A.1. ...

2. The goal of all opiate addiction treatment is complete abstinence by the client from all addictive substances, other than those prescribed through the treatment plan.

3. Treatment protocols require that the facility provide medically-approved and medically-supervised assistance to withdraw from the synthetic narcotic when:

- a. the client requests withdrawal;
- b. quality indicators predict successful withdrawal;
- and
- c. client or payor source suspends payment of fees.

4. Each facility is required to independently meet the requirements of the protocols established by OAD/State Opioid Authority.

5. Any program that fails to maintain any required licensure shall be also terminated immediately, pursuant to the provisions of §7413 entitled Adverse Actions.

6. Each program shall also comply with requirements of 42 CFR Part 8 unless the comparable state requirement is more stringent.

7. Each client shall have a documented physical evaluation and examination by a physician or advanced practice registered nurse as follows:

- a. upon admission;
- b. every other week until the client becomes physically stable;
- c. as warranted by patient response to medication during the initial stabilization period or any other subsequent stabilization period;
- d. annually thereafter; and
- e. any time that the client is medically unstable.

B. - B.1.a. ...

- b. individual counseling;
- c. initial treatment plan including initial dose of medication and plan for treatment of critical health or social issues; and
- d. client orientation.

2. Early Stabilization. This phase is the first consecutive 90 days of treatment. Beginning on the third to seventh day of treatment (following initial treatment) through 90 days duration, the following shall be provided:

- a. frequent monitoring by a nurse of the client's response to medication in the first 90 days of treatment. This monitoring must be done at least weekly;
- b. ...

- c. development of a treatment plan within 30 days with input by all disciplines, client and significant others; and

- d. ...

3. Maintenance Treatment. This phase follows the end of early stabilization and lasts for an indefinite period of time. Services to be provided are:

- a. random monthly drug screens until the client has negative drugs-of-abuse screens for 90 days, consecutively. Thereafter, at least eight random drug abuse tests per year shall be performed, as well as random testing for alcohol when indicated. Clients who are allowed six days of therapeutic privilege doses shall be tested every month;

- b. ...

- c. documented reviews of the treatment plan every 90 days in the first two years of treatment by the treatment team; and

- d. ...

4. Withdrawal. Medically supervised withdrawal from the synthetic narcotic with continuing care. This service is provided if and when appropriate. Services to be provided are:

- a. decreasing the dose of the synthetic narcotic to accomplish gradual, but complete withdrawal, as medically tolerated by the client;

- b. ...

- c. discharge planning with continuity of care to assist the client to function without support of the medication and treatment activities.

C. - C.2. ...

3. Written criteria are used to determine when a client will receive additional counseling.

C.4. - D.1.b. ...

- c. approve all transport devices for take home medications in accordance with the program's diversion control policy.

2. Nursing. All medications shall be administered by a practitioner licensed under state law and registered under the appropriate state and federal laws to administer opioid drugs, or by an agency of such a practitioner, supervised by and under the order of the licensed practitioner.

3. ...

4. QPC. There must be a sufficient number of QPCs to meet the needs of the clients, but in no instance shall the ratio exceed 75 clients to one full-time QPC.

D.5. - E.1.a. ...

- b. meets the federal requirements, including exceptions, regarding determination that the client is currently addicted to opiates and has been addicted to opiates for at least one year prior to admission.

2. Physician Verification. The physician shall diagnose the client based upon:

- a. referring medical history and diagnosis of chronic opiate addiction, as currently defined in the Diagnostic and Statistical Manual for Mental Disorders (DSM);
- b. physical examination; and
- c. documented history of opiate addiction.

F. Take Home and Therapeutic Privilege Dose(s). Determinations for therapeutic privilege dose(s) shall be made by the treatment team, documented in the client record, and ordered by the medical director.

1. Client Responsibilities/Considerations Factors. The following must be documented in the client record before a therapeutic privilege dose is authorized by the treatment team.

- a. negative drug/alcohol screens for at least 30 days;
- b. - c. ...
- d. absence of known drug related criminal activity during treatment;
- e. - g. ...

2. Standard Schedule (if indicated)

a. After the first 30 days of treatment, and during the remainder of the first 90 days of treatment, one therapeutic privilege dose per week may be allowed if the treatment team and medical director determine, after consideration of the factors in §7443.F.1 above, that the therapeutic privilege dose is appropriate. Documentation of the determination and of the consideration of each of the factors listed in §7443.F.1 above must be contained in the client record.

b. In the second 90 days of treatment, two therapeutic doses per week may be allowed if the treatment team and medical director determine, after consideration of the factors in §7443.F.1 above, that the therapeutic privilege doses are appropriate. Documentation of the determination and of the consideration of each of the factors listed in §7443.F.1 above must be contained in the client record.

c. In the third 90 days of treatment, three therapeutic doses per week may be allowed if the treatment team and medical director determine, after consideration of the factors in §7443.F.1 above, that the therapeutic privilege doses are appropriate. Documentation of the determination and of the consideration of each of the factors listed in §7443.F.1 above must be contained in the client record.

d. In the final 90 days of treatment of the first year, four therapeutic doses per week may be allowed if the treatment team and medical director determine, after consideration of the factors in §7443.F.1 above, that the therapeutic privilege doses are appropriate. Documentation of the determination and of the consideration of each of the factors listed in §7443.F.1 above must be contained in the client record.

e. After one year in treatment, a six-day dose supply, consisting of take home doses and therapeutic doses, may be allowed once a week if the treatment team and medical director determine, after consideration of the factors in §7443.F.1 above, that the therapeutic privilege doses are appropriate. Documentation of the determination and of the consideration of each of the factors listed in §7443.F.1 above must be contained in the client record.

f. After two years in treatment, a 13-day dose supply, consisting of take home doses and therapeutic doses, may be allowed once every two weeks if the treatment team and medical director determine, after consideration of each of the factors in §7443.F.1 above, that the therapeutic privilege doses are appropriate. Documentation of the determination and of the consideration of each of the factors listed in §7443.F.1 above must be contained in the client record.

3. Loss of Privilege. Positive drug screens at any time for any drug other than those prescribed will require a new determination to be made by the treatment team regarding take-home doses and therapeutic privilege doses.

4. An exception to the standard schedule can only be granted for emergencies and severe travel hardships. The facility must request the exception and obtain approval for the exception from the appropriate federal agency. The facility must retain documentation in the client's clinical record which includes:

- a. documentation by the physician as to the justification for the requested exception; and
- b. documentation of the federal approval or the federal exception.

G. Client Record. Specific additional requirements for documentation include:

- 1. standards of clinical practice regarding medication administration/dispensing;
- 2. results of the five most recent drug screens with action taken for positive results;
- 3. physical status and use of additional prescription medication;
- 4. monthly or more frequently, as indicated by needs of the client, contact notes/progress notes which include employment/vocational needs, legal and social status, overall client stability; and
- 5. any other pertinent information.

H. Training. In addition to orientation as described in §7419, "Staffing Qualification/Requirements," all direct care employees shall receive training and demonstrate knowledge that includes:

- 1. symptoms of opiate withdrawal;
- 2. drug screens and collections, policies and procedures;
- 3. current standards of practice regarding opiate addiction treatment;
- 4. poly-drug addiction; and
- 5. information necessary to assure care is provided within accepted standards of practice.

I. Temporary Transfers or Guest Dosing. The facilities involved shall do the following.

- 1. The receiving facility shall verify dosage prior to administering medication.
- 2. The sending facility shall verify dosage and obtain approval/acceptance from receiving facility prior to client's transfer.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1058.1-9.

HISTORICAL NOTE: Promulgated by the Health and Human Resources Administration, LR 2:154 (May 1976), amended by the Department of Health and Human Resources, Office of Hospitals, Bureau of Substance Abuse, LR 3:16 (January 1977), amended by the Department of Health and Human Resources, Office of the Secretary, Division of Licensing and Certification, LR 12:26 (January 1986), amended by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 26:1471 (July 2000), LR 31:671 (March 2005).

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

0503#043

**RULE**

**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 adopts 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 31:673 (March 2005).

**§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 31:673 (March 2005).

**§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 31:673 (March 2005).

**§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 31:673 (March 2005).

**§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).

**LDOI** 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 31:673 (March 2005).

**§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 31:673 (March 2005).

**§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 31:674 (March 2005).

**§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 31:674 (March 2005).

**§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 31:675 (March 2005).

**§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 31:675 (March 2005).

J. Robert Wooley  
Commissioner

0503#031

**RULE**

**Department of Natural Resources  
Office of Conservation**

**Hazardous Liquids Pipeline Safety  
(LAC 33:V.Chapters 301-304)**

The Louisiana Office of Conservation amends 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 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** 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)** The 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 31:675 (March 2005).

**§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](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). (3) API Specification 12F "Specification for Shop Welded Tanks for Storage of Production Liquids" (11th edition, November 1994). (4) API 510 "Pressure Vessel Inspection Code: Maintenance Inspection, Rating, Repair, and Alteration" (8th edition, June 1997, and Addenda 1 through 4). (5) API Standard 620 "Design and Construction of Large, Welded, Low-Pressure Storage Tanks" (9th edition). (6) API 650 "Welded Steel Tanks for Oil Storage" (1998). (7) API Recommended Practice 651 "Cathodic Protection of Aboveground Petroleum Storage Tanks" (2nd edition, December 1997). (8) API Recommended Practice 652 "Lining of Aboveground Petroleum Storage Tank Bottoms" (2nd edition, December 1997). (9) API Standard 653 "Tank Inspection, Repair, Alteration, and Reconstruction" (3rd edition, 2001, and Addendum 1, 2003). (10) API 1104 "Welding of Pipelines and Related Facilities" (19th edition, 1999 plus its October 31, 2001 errata). (11) API Standard 2000 "Venting Atmospheric and Low-Pressure Storage Tanks" (4th edition, September 1992). (12) API 1130 "Computational Pipeline Monitoring" (1st edition, 1995). (13) API Recommended Practice 2003 "Protection Against Ignitions Arising out of Static, Lightning, and Stray Currents" (6th edition, 1998). (14) API Publication 2026 "Safe Access/Egress Involving Floating Roofs of Storage Tanks in Petroleum Service" (2nd edition, 1998). (15) API Recommended Practice 2350 "Overfill Protection for Storage Tanks In Petroleum Facilities" (2nd edition, 1996). (16) API Standard 2510 "Design and Construction of LPG Installations" (7th edition, 1995).	§§30161(B)(1); 30161(E). §30173(A)(4). §§30189(B)(1); 30205(B)(2); 30264(B)(1); 30264(E)(1); 30307(A); 30565; 30579(D). §§30205(B)(3); 30432(C). §§30189(B)(2); 30205(B)(2); 30264(B)(1); 30264(E)(3); 30307(B). §§30189(B)(3); 30205(B)(1); 30264(B)(1); 30264(E)(2); 30307(C); 30307(D); 30565; 30579(D). §§30565; 30579(D). §30579(D). §§30205(B)(1); 30432(B). §§30222; 30228(B). §§30264(E)(2); 30264(E)(3). §§30191; 30444. §30405(A). §30405(B). §30428(C). §§30189(B)(3); 30205(B)(3); 30264(B)(2); 30264(E)(4); 30307(E); 30428(C); 30432(C).

C. ASME International (ASME): (1) ASME/ANSI B16.9 "Factory-Made Wrought Steel Butt welding Fittings" (1993).	§30175(A).
(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): (1) MSS SP-75 "Specification for High Test Wrought Butt Welding Fittings" (1993). (2) [Reserved].	§30175(A).
E. American Society for Testing and Materials (ASTM): (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). (3) ASTM Designation: A 333/A 333M "Standard Specification for Seamless and Welded Steel Pipe for Low-Temperature Service" (A 333/A 333M-99). (4) ASTM Designation: A 381 "Standard Specification for Metal-Arc-Welded Steel Pipe for Use With High-Pressure Transmission Systems" (A 381-96). (5) ASTM Designation: A 671 "Standard Specification for Electric-Fusion-Welded Steel Pipe for Atmospheric and Lower Temperatures" (A 671-96). (6) ASTM Designation: A 672 "Standard Specification for Electric-Fusion-Welded Steel Pipe for High-Pressure Service at Moderate Temperatures" (A 672-96). (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): (1) ANSI/NFPA 30 "Flammable and Combustible Liquids Code" (1996). (2) [Reserved].	§30264(B)(1).
G. NACE International (NACE): (1) NACE Standard RP-169-96: "Control of External Corrosion on Underground or Submerged Metallic Piping Systems" (1996). (2) Reserved.	§30571.

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 (July 1998), LR 27:1523 (September 2001), LR 29:2806 (December 2003), LR 31:676 (March 2005).

## 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 31:677 (March 2005).

### §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 31:677 (March 2005).

### §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 31:677 (March 2005).

### §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 31:677 (March 2005).

**§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 <sup>1</sup>
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)
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)

<sup>1</sup>Rock 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 31:678 (March 2005).

**§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 31:678 (March 2005).

**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 31:678 (March 2005).

**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 31:678 (March 2005).

**§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 31:678 (March 2005).

#### **§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 31:679 (March 2005).

James H. Welsh  
Commissioner

0503#061

### **RULE**

#### **Department of Natural Resources Office of Conservation**

Natural Gas Pipeline Safety  
(LAC 43:XIII.307, 503, 507, 509, 913, 921, 923,  
1104, 1105, 1110, 1305, 1307, 1309, 1321, 1513,  
1721, 1727, 2305, 2711, 2712, 2923, 2939, 2943,  
3105, 3303, 3309, 3311, 3313, 3317, 3321, 3325,  
3327, 3329, 3333, 3335, 3337, 3339, 3341, 3343,  
3345, 5101, 5103, 5105, and 5109)

The Louisiana Office of Conservation amends LAC 43:XIII 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 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 31:679 (March 2005).

#### **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.

\* \* \*

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 31:679 (March 2005).

**§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\\_regulations/ibr\\_locations.html](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, 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)

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)	§§705(E); 913; §5103 Item I
(2) API Recommended Practice 5L1 "Recommended Practice for Railroad Transportation of Line Pipe" (4th edition, 1990)	§715(A)
(3) API Specification 6D "Specification for Pipeline Valves (Gate, Plug, Ball, and Check Valves)" (21st edition, 1994)	§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 Hot-Dipped, Zinc Coated, Welded and Seamless" (ASTM A53/A53M-99b)	§§913; 5103 Item I
(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): (1) ASME/ANSI B 16.1 "Cast Iron Pipe Flanges and Flanged Fittings" (ASME B16.1-1998)	§1107(C)

(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); 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	§921

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)"	
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 31:680 (March 2005).

**§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 31:681 (March 2005).

**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
ASTM A 106	Furnace butt welded	.60
	Seamless	1.00
ASTM A 333/A 333M	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
Other	Electric flash welded	1.00
	Submerged arc welded	1.00
Other	Furnace butt welded	.60
	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 31:681 (March 2005).

#### **§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 31:682 (March 2005).

#### **§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 31:682 (March 2005).

### **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 31:682 (March 2005).

#### **§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 31:682 (March 2005).

#### **§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 31:682 (March 2005).

### **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 31:683 (March 2005).

#### **§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 31:683 (March 2005).

#### **§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 31:683 (March 2005).

#### **§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 31:683 (March 2005).

### **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 31:683 (March 2005).

**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 31:684 (March 2005).

**§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 31:684 (March 2005).

**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 31:684 (March 2005).

**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 31:684 (March 2005).

**§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 31:684 (March 2005).

**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 31:685 (March 2005).

**§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 31:685 (March 2005).

**§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 31:685 (March 2005).

**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: 685 (March 2005).

**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** An 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** An 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: 685 (March 2005).

**§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 31:686 (March 2005).

**§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 31:686 (March 2005).

**§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 31:686 (March 2005).

**§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 31:686 (March 2005).

**§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 31:686 (March 2005).

**§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 31:687 (March 2005).

**§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)]

4.b. - 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 31:687 (March 2005).

**§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 31:687 (March 2005).

**§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 31:688 (March 2005).

**§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 31:688 (March 2005).

**§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 31:688 (March 2005).

**§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 31:688 (March 2005).

### §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 31:689 (March 2005).

### §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 31:689 (March 2005).

### §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 31:689 (March 2005).

## Chapter 51. Appendices §5101. Reserved.

Editor's Note: The text of this Section (§5101) has been moved to §507 of this Part.

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 31:689 (March 2005).

### §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—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 31:689 (March 2005).

### **§5105. Appendix C—Qualification 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.

#### **II. - 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 31:690 (March 2005).

### **§5109. Appendix E—Guidance 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

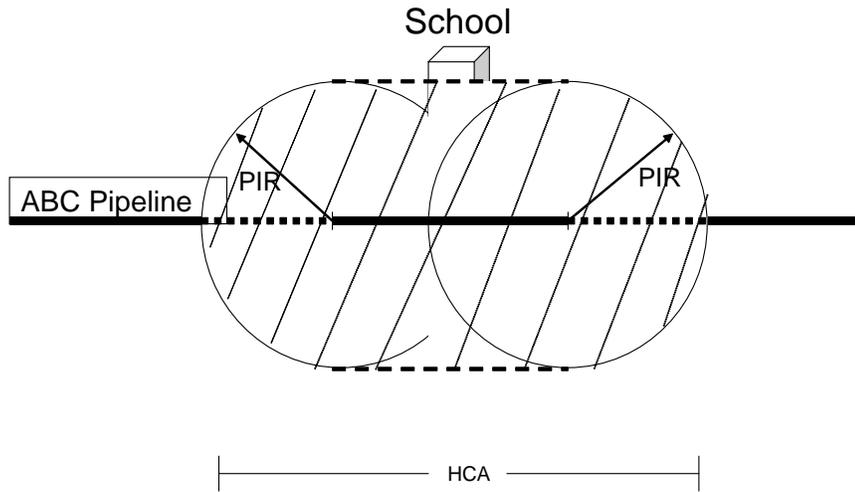


Figure E.I.A

## 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.

<b>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</b>			
(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"> <li>• Perform semi-annual leak surveys.</li> </ul> For Unprotected Transmission Pipelines or for Cathodically Protected Pipe where Electrical Surveys are Impractical: <ul style="list-style-type: none"> <li>• Perform quarterly leak surveys</li> </ul>
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"> <li>• Perform semi-annual leak surveys.</li> </ul>

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			
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 Emerg.), 2917-(Repair Emerg.perm.)	2715 (Emerg. Plan)	<ul style="list-style-type: none"> <li>Participation in state one-call system,</li> <li>Use of qualified operator employees and contractors to perform marking and locating of buried structures and in direct supervision of excavation work, AND</li> <li>Either monitoring of excavations near operator 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.</li> </ul>

Table E.II.2 Assessment Requirements for Transmission Pipelines in HCAs (Re-assessment intervals are maximum allowed.)						
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	
Baseline Assessment Method (see Note 3)	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)	20	Pressure Test or ILI or DA
				Repeat inspection cycle every 15 years		
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)	20	ILI or DA or Pressure Test
				Repeat inspection cycle every 15 years		
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)	20	DA or ILI or Pressure Test
				Repeat inspection cycle every 15 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"> <li>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.</li> </ul> For Unprotected Trmn. Pipelines or for Cathodically Protected Pipe where Electrical Surveys are Impracticable <ul style="list-style-type: none"> <li>Conduct quarterly leak surveys AND</li> <li>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.</li> </ul>
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"> <li>Obtain and review gas analysis data each calendar year for corrosive agents from transmission pipelines in HCAs,</li> <li>Periodic testing of fluid removed from pipelines. Specifically, once each calendar year from each storage field that may affect transmission pipelines in HCAs, AND</li> <li>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.</li> </ul>
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"> <li>Participation in state one-call system,</li> <li>Use of qualified operator employees and contractors to perform marking and locating of buried structures and in direct supervision of excavation work, AND</li> <li>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.</li> </ul>

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 31:690 (March 2005).

James H. Welsh  
Commissioner

0503#060

**RULE**

**Department of Public Safety and Corrections  
Office of State Police**

Hazardous Materials (LAC 33:V.10107 and 10121)

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., hereby amends 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 12:329 (May 1986), amended LR 13:186 (March 1987), LR 13:759 (December 1987), LR 14:802 (November 1988), LR 16:974 (November 1990), LR 27:859 (June 2001), LR 31:693 (March 2005).

**§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 12:329 (May 1986), amended LR 13:186 (March 1987), LR 13:762 (December 1987), LR 14:804 (November 1988), LR 27:2259 (December 2001), LR 31:694 (March 2005).

Richard L. Stalder  
Secretary

0503#012

**RULE**

**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, amends 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 31:694 (March 2005).

Cynthia Bridges  
Secretary

0503#019

**RULE**

**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, amends 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 31:696 (March 2005).

Cynthia Bridges  
Secretary

0503#018

## RULE

### 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, has amended 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 principal component of the manufacturing process and has a substantially useful life beyond the taxable year, 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 operation or transforms the waste product for reuse in the manufacturing operation; 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 mandatory 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 31:697 (March 2005).

Raymond E. Tangney  
Senior Policy Consultant

0503#020

**RULE**

**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 Procedure Act, R.S. 49:950 et seq., the Department of Revenue, Policy Services Division, has adopted 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.

**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 31:699 (March 2005).

Cynthia Bridges  
Secretary

0503#010

**RULE**

**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)

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, the Tax Commission has adopted, amended and/or repealed Sections of the Louisiana Tax Commission Real/Personal Property rules and regulations for use in the 2005 (2006 Orleans Parish) tax year.

This 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 31:700 (March 2005).

#### **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 31:700 (March 2005).

##### **§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](http://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 proceeding 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 1991C 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 31:700 (March 2005).

#### §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 31:701 (March 2005).

#### **§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 31:702 (March 2005)

#### **§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 31:702 (March 2005).

#### **§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 31:702 (March 2005).

### **§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 31:703 (March 2005).

## **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](http://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_expmt	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)

Field Name	Field Type	Field Length	Required	Comments
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].)

Field Name	Field Type	Field Length	Required	Comments
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

Field Name	Field Type	Field Length	Required	Comments
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).

Field Name	Field Type	Field Length	Required	Comments
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](http://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 15<sup>th</sup> 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
<b>Real Estate</b>					
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 Swamp Land.
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.

Item	Class Code	Class Description (Tc-33)	Sub-Class Code	Sub-Class Description (Grand Recap)	Class Definition
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.
<b>Total Acreage And Values (As Acres)</b>					
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).

Item	Class Code	Class Description (Tc-33)	Sub-Class Code	Sub-Class Description (Grand Recap)	Class Definition
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.

Item	Class Code	Class Description (Tc-33)	Sub-Class Code	Sub-Class Description (Grand Recap)	Class Definition
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.
<b>Total Lots and Improvements (As Units)</b>					
<b>Total Real Estate Values</b>					
<b>Personal Property - Section A</b>					
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 & Equipment	5100	Machinery & Equipment	Machinery And Equipment
60	52	Business Furniture & 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.
<b>Total Personal Property - Section A (As Units)</b>					
<b>Personal Property - Section B</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.
<b>Total Personal Property - Section B (As Units)</b>					

Item	Class Code	Class Description (Tc-33)	Sub-Class Code	Sub-Class Description (Grand Recap)	Class Definition
<b>Public Service</b>					
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.
<b>Total Public Service</b>					
<b>Grand Total</b>					

### 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.
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: 999999999.99) (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](http://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 31:703 (March 2005).

**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

Cost Index (Average)		Average Economic Life 12 Years		
Year	Index	Effective Age	Percent Good	Composite Multiplier
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

Cost Index (Average)		Average Economic Life 20 Years		
Year	Index	Effective Age	Percent Good	Composite Multiplier
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

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 31:715 (March 2005).

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

**§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 31:716 (March 2005).

**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 31:717 (March 2005).

**§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

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

Year	Beginning Serial Number	Ending Serial Number	33 Year Life Percent Good
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.

\* \* \*

B.3. - 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 31:717 (March 2005).

**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 31:718 (March 2005).

**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 31:719 (March 2005).

**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 31:719 (March 2005).

**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 31:719 (March 2005).

**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 31:719 (March 2005).

**§2503. Tables Ascertaining 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	

Business Activity/Type of Equipment	Average Economic Life in Years
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	

Composite Multipliers 2005 (2006 Orleans Parish)									
Age	3 Yr	5 Yr	8 Yr	10 Yr	12 Yr	15 Yr	20 Yr	25 Yr	
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 31:719 (March 2005).

**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

**§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 31:721 (March 2005).

**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: \_\_\_\_\_

Ward: \_\_\_\_ Asses./Tax Bill Number: \_\_\_\_\_ Board of Review  
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 31:721 (March 2005).

**§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 30: 492 (March 2004), LR 31:723 (March 2005).

### **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 31:724 (March 2005).

#### **§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, Tax Commission, LR 31:724 (March 2005).

#### **§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, Tax Commission, LR 31:724 (March 2005).

### **§3515. Tulane University Reporting and Valuation Procedure**

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 §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, Tax Commission, LR 31:725 (March 2005).

### **§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, Tax Commission, LR 31:725 (March 2005).

#### **§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, Tax Commission, LR 31:726 (March 2005).

#### **§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, Tax Commission, LR 31:726 (March 2005).

#### **§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, Tax Commission, LR 31:726 (March 2005).

#### **§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 31:726 (March 2005).

Elizabeth L. Guglielmo  
Chairman

0503#073

## RULE

### Department of Transportation and Development Office of Highways/Engineering

Outdoor Advertising  
(LAC 70:III.103-109)

In accordance with the applicable provisions of the Administrative Procedure Act, R.S. 49:950, et seq., notice is hereby given that the Louisiana Department of Transportation and Development hereby amends Subchapter A of Chapter 1 of Part III of Title 70 entitled "Outdoor Advertising." This Rule deals specifically with "Specific Services (LOGO) Signing." It is promulgated in accordance with the provisions of R.S. 48:461.

## Title 70

### TRANSPORTATION

#### Part III. Outdoor Advertising

##### Chapter I. Outdoor Advertising

##### Subchapter A. Outdoor Advertising Signs

##### §103. Definitions

A. Except as defined in this Paragraph, the terms used in this Rule shall be defined in accordance with the definitions and usage of the Louisiana Manual on Uniform Traffic Control Devices (MUTCD).

\*\*\*

*Specific Information Sign* a ground mounted rectangular sign panel with:

- a. the words "GAS," "FOOD," "LODGING," "CAMPING," or "ATTRACTIONS;"
- b. directional information;
- c. one or more business signs.

\*\*\*

AUTHORITY NOTE: Promulgated in accordance with R.S. 48:461.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Office of Highways, LR 11:782 (August 1985), amended LR 18:784 (July 1992), LR 19:352 (March 1993), by the Department of Transportation and Development, Office of Highways/Engineering, LR 22:224 (March 1996), LR 31:727 (March 2005).

##### §105. Location

A. - D. ...

E. Relative Location. In the direction of travel, successive specific information signs shall be those for "ATTRACTIONS," "CAMPING," "LODGING," "FOOD," and "GAS" in that order.

F. ...

G. Number of Signs Permitted. There shall be no more than one specific information sign for each type of service along an approach to an interchange or intersection. There shall be no more than six business signs displayed on a specific information sign.

H. - I.4. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 48:461.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Office of Highways, LR 11:782 (August 1985), amended LR 18:785 (July 1992), LR 19:352 (March 1993), amended by the Department of Transportation and Development, Office of Highways/Engineering, LR 22:224 (March 1996), LR 25:1277 (July 1999), LR 31:727 (March 2005).

##### §107. Criteria for Specific Information Permitted

A. - A.1. ...

2. In rural areas, businesses shall be located no more than 10 miles in either direction for "GAS," "FOOD" and "LODGING" or 25 miles in either direction for "CAMPING" and "ATTRACTIONS" from the terminal of the nearest off ramp. In urban areas, businesses shall be located no more than two miles in either direction for "GAS," "FOOD" AND "LODGING" or five miles in either direction for "CAMPING" and "ATTRACTIONS" from the terminal of the nearest off ramp. Measurements shall be made from the beginning of the curves connecting the ramp to the crossroad or the nosepoint of a loop along the normal edge of the pavement of the crossroad as a vehicle must travel to reach a point opposite the main entrance to the business.

- A.3. - B. ...
- C. Specific Criteria for "GAS"
- C.1. - E.4.e ...
- F. Specific Criteria for "CAMPING"
- F.1. - F.3. ...

4. At least 10 campsites with water and electrical outlets for all types of travel-trailers and camping vehicles. A tent camping area must also be provided with a minimum of two tent sites.

- G. - G.4. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 48:461.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Office of Highways, LR 11:782 (August 1985), amended LR 18:785 (July 1992), LR 19:353 (March 1993), amended by the Department of Transportation and Development, Office of Highways/Engineering, LR 22:225 (March 1996), LR 25:1277 (July 1999), LR 31:727 (March 2005).

**§109. Sign Composition**

- A. - F. ...

G. Priority. If space is limited, when an interchange is brought into the Specific Services Program, priority for signs will be given to "GAS," "FOOD," "LODGING," "CAMPING" and "ATTRACTIONS" in that order. Combined specific information signs shall be used to provide signing for all services with qualifying businesses, even if there are more than three qualifying businesses in a particular service.

- H. - H.2. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 48:461.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Office of Highways, LR 11:782 (August 1985), amended LR 18:785 (July 1992), LR 19:353 (March 1993), amended by the Department of Transportation and Development, Office of Highways/Engineering, LR 22:226 (March 1996), LR 31:728 (March 2005).

J. Michael Bridges, P.E.  
Undersecretary

0503#055

**RULE**

**Department of Wildlife and Fisheries  
Wildlife and Fisheries Commission**

Exotic Fish (LAC 76:VII.199)

The Wildlife and Fisheries Commission has adopted a Rule for harvesting exotic fish with specific gears.

**Title 76**

**WILDLIFE AND FISHERIES**

**Part VII. Fish and Other Aquatic Life**

**Chapter 1. Freshwater Sports and Commercial Fishing**

**§199. Designation and Taking of Exotic Fish**

A. For the purposes of this Section, the following species of nonindigenous fish are designated as exotic fish:

1. grass carp (*ctenopharyngodon idella*);
2. silver carp (*hypophthalmichthys molitrix*);
3. bighead carp (*hypophthalmichthys nobilis*);
4. black carp (*mylopharyngodon piceus*).

B. In order to promote the removal of the exotic species identified in this rule, it shall be lawful to retain as bycatch all such designated exotic species of fish which may be caught in all legal commercial fishing gear, which gear is being legally fished. While alive, such exotic fish shall not be maintained, sold, bartered, traded, or exchanged.

AUTHORITY NOTE: Promulgated in accordance with R.S. 56:319.2.

HISTORICAL NOTE: Promulgated by the Department of Wildlife and Fisheries, Wildlife and Fisheries Commission, LR 31:728 (March 2005).

Dwight Landreneau  
Secretary

0503#024