

Rules

RULE

Department of Economic Development Office of the Secretary

Angel Investor Tax Credit Program (LAC 13:I.Chapter 33)

The Department of Economic Development, Office of the Secretary, as authorized by and pursuant to the provisions of the Administrative Procedure Act, R.S. 49:950, et seq., and in accordance with R.S. 47:6020 through 6020.4 and 36:104, hereby adopts the following Rule for the Angel Investor Tax Credit Program.

The Department of Economic Development, Office of the Secretary, has found a need to provide rules regarding the regulation of the Angel Investor Tax Credit Program pursuant to R.S. 47:6020 through 6020.4, since no such rules exist at this time, and the state needs to provide for the growth and stability of Louisiana's entrepreneurial business environment by making available ready sources of capital necessary to support this environment. This program is intended to provide economic benefits to Louisiana-based investors who will make new investments or increase their existing investment in Louisiana-based economic development projects that will create and/or retain jobs for Louisiana citizens; and to enhance the entrepreneurial business environment and raise ready sources of capital for this environment through encouraging third parties to invest in early stage wealth-creating businesses expanding the economy of the state, enlarging the quality of jobs available in Louisiana. Without this Rule, the state of Louisiana may suffer the loss of business investment and economic development projects creating or retaining jobs that would improve the standard of living and enrich the quality of life for citizens of this state.

Title 13

ECONOMIC DEVELOPMENT

Part I. Financial Incentive Programs

Chapter 33. Angel Investor Tax Credit

§3301. General

A. The intent of the Angel Investor Tax Credit Program Act of 2005 (Act 400 of 2005; R.S. 47:6020 through 6020.4, the provisions of which shall hereinafter be referred to as "Act 400") is to enhance the entrepreneurial business environment and raise ready sources of capital for this environment through encouraging third parties to invest in early stage wealth-creating businesses expanding the economy of the state, enlarging the quality jobs available in Louisiana to retain the presence of young people in Louisiana. The purpose of these rules is to provide, on an emergency basis, definition of key terms provided for by the statute in order to advise the public and to provide for the efficient administration of the statute while the entirety of the rules are promulgated pursuant to the Louisiana Administrative Procedure Act. These provisions are to be read in *pari materiae* with Act 400 and shall be superseded

upon final promulgation of the rules in accordance with applicable statutes. For the purposes of this rule, the "secretary" shall be either the Secretary of Economic Development or his designee.

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:6020 through 6020.4 and R.S. 36:104.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Office of the Secretary, LR 32:228 (February 2006).

§3303. Accredited Investor

A. An *accredited investor* shall be defined as:

1. an angel pool as determined by the secretary, all of whose participants shall be accredited investors;
2. a natural person who has individual net worth, or joint net worth with the person's spouse, that exceeds \$1,000,000 at the time of the purchase;
3. a natural person with income exceeding \$200,000 in each of the two most recent years or joint income with a spouse exceeding \$300,000 for those years and a reasonable expectation of the same income level in the current year.

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:6020 through 6020.4 and R.S. 36:104.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Office of the Secretary, LR 32:228 (February 2006).

§3305. Louisiana Entrepreneurial Business

A. A Louisiana entrepreneurial business shall be defined as those businesses approved by the secretary under Act 400 and that meet the following requirements.

1. A business shall provide the secretary with a business plan that includes all appropriate long and short term forecasts and contingencies of business operations, including research and development, profit, loss and cash flow projections and details of expenditure of angel investor funding in accordance with Act 400 and shall also include the following:

- a. the principal business operations of the business are located in Louisiana, including Louisiana as the primary place of employment for the employees of the business;
- b. demonstrating a plan or progression through which more than 50 percent of its sales will be from outside of Louisiana;
- c. that the business is to operate as a person defined as an *employer* within the meaning of R.S. 51:2453(1)(b)(i) through (v), (c), and (d), and in §1105.A.1 through A.5b.iv of LAC 13:I.Chapter 11.Quality Jobs Program.

2. The secretary shall also find that the business is not a business primarily engaged in the business of retail sales, real estate, professional services, gaming or gambling, natural resource extraction or exploration, or financial services including venture capital funds.

3. Such other findings by the secretary as shall be consistent with Act 400, provided that under no circumstances shall the secretary's certification of the applicant as a Louisiana entrepreneurial business be considered or implied to be an endorsement of the business or any investment in that business and the applicant shall so advise all investors of this fact.

RULE

**Department of Economic Development
Office of the Secretary**

**Small Entrepreneurship (Hudson Initiative) Certification
Program (LAC 19:VIII.Chapters 1 and 3)**

B. Approval of the secretary shall be obtained upon application by letter that submits the above business plan together with the Louisiana taxpayer identification number of the business and all other information regarding those items necessary to qualify the investment in the business for the angel tax credit as provided for by Act 400 addressed to the Secretary of Economic Development, P. O. Box 94185, Baton Rouge, LA 70802-9185. Upon receipt, the secretary shall make such requests for other information necessary to a determination that the business should or should not be certified as a Louisiana entrepreneurial business. The secretary's certification of the business shall include the Louisiana taxpayer identification number of the business.

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:6020 through 6020.4 and R.S. 36:104.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Office of the Secretary, LR 32:228 (February 2006).

§3307. The Angel Investor Tax Credit

A. The following rules shall be applicable to investments by accredited investors in Louisiana entrepreneurial businesses.

1. By January 31, 2006, Louisiana entrepreneurial businesses certified by the secretary shall, by affidavit of its chief financial officer, provide the secretary with the list of those accredited investors, the Louisiana taxpayer identification number of the accredited investors and the amount of their investment in accordance with the statute and these rules, who have invested in the business provided that the business shall report up to and no more than \$2,000,000 total for the calendar year 2005 that shall have been invested by accredited investors in the manner prescribed by Act 400 in order to obtain a tax credit for the accredited investors of no more than \$1,000,000 total for the tax year ending December 31, 2005.

2. All tax credit amounts reported to the secretary shall be fully credited to the accredited investor unless the total of all such investments shall exceed \$10,000,000 and the total of such credits shall exceed \$5,000,000 in which case the secretary shall prorate the total amount of investment and tax credits earned and advise each accredited investor of the amount of his credit for the tax year ending December 31, 2005 no later than February 28, 2006.

3. The secretary shall provide the accredited investor with all other necessary and appropriate certificates as provided by statute and as shall assist the Department of Revenue in its determination of applicability of the credit. No credit certificates shall be issued until after a determination has been made as to whether or not there is a necessity for prorating of the credits as provided above. When issued, the certificates shall include the Louisiana taxpayer identification number of the accredited investor.

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:6020 through 6020.4 and R.S. 36:104.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Office of the Secretary, LR 32:229 (February 2006).

Michael J. Olivier
Secretary

0602#026

The Department of Economic Development, Office of the Secretary, as authorized by and pursuant to the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., and in accordance with R.S. 39:2006 and R.S. 51:931, hereby adopts the following Rule for the Small Entrepreneurship (Hudson Initiative) Certification Program.

The Department of Economic Development, Office of the Secretary, has found a need to provide rules with regard to the certification of businesses as a "small entrepreneurship" pursuant to the mandate of R.S. 39:2006 and R.S. 51:931, since no such rules exist at this time, and the state needs to provide for the facilitation of the growth and stability of Louisiana's economy by fostering utilization by state interests of the business offerings available for state procurement and public contracts from Louisiana's small entrepreneurships. This program is intended to provide economic benefits to small Louisiana-based businesses which may not be benefiting from the business offerings available from state procurement and public contracts; and these Rules prescribe procedures for qualifying and certifying a business as a "small entrepreneurship" in order to facilitate their access to state procurement and public contracts and encourage business opportunities for small entrepreneurships, which will expand small business economic development throughout Louisiana. Without this Rule, the state of Louisiana may suffer the loss of business investment and economic development projects creating or retaining jobs that would improve the standard of living and enrich the quality of life for citizens of this state.

Title 19

CORPORATIONS AND BUSINESS

**Part VIII. Small Entrepreneurship (Hudson Initiative)
Certification Program**

Subpart 1. Certification Program

Chapter 1. General Provisions

§101. Statement of Policy

A. In accordance with the provisions of R.S. 39:2006 and R.S. 51:931, the Department of Economic Development's Small Entrepreneurship (Hudson Initiative) Certification Program [SE(HI) Certification Program] through its designee or its staff administers these regulations which are intended to prescribe the procedures for qualifying and certifying a business as a "small entrepreneurship" to facilitate access to state procurement and public contracts and encourage business opportunities for small entrepreneurships.

B. Certifications that a business is a "small entrepreneurship" are not to be construed as an entitlement for any business locating or located in Louisiana either to such a certification, to any public contract, or to any proceeds from any state contract; and the Secretary of the Department of Economic Development, the director, or his

or their designee, the SE(HI) Certification Program, or its designee or staff, shall have the discretion to determine whether or not each particular applicant or application meets the criteria for the certification as provided herein; and in all such circumstances, the exercise of that discretion shall be deemed to be a final determination of such certification status.

C. In no way whatsoever shall the sex, race, birth, age, physical condition, religious beliefs, political ideas, or affiliations of a business' owners or officers be considered as a factor in determining whether a business receives certified status.

AUTHORITY NOTE: Promulgated in accordance with R.S. 39:2006 and R.S. 51:931.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Office of the Secretary, LR 32:229 (February 2006).

§103. Purpose

A. The purposes and intent of this program are to provide the maximum opportunity for small entrepreneurs to become so certified as small entrepreneurs and thereby become eligible to participate in a competitive modern business economy, to facilitate their access to state procurement and public contracts, and encourage business opportunities for such small entrepreneurs. These purposes shall be accomplished by providing a program for the certification of a business as a "small entrepreneurship."

AUTHORITY NOTE: Promulgated in accordance with R.S. 39:2006 and R.S. 51:931.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Office of the Secretary, LR 32:230 (February 2006).

§105. Definitions

A. When used in these regulations, the following terms shall have meanings as set forth below.

Applicant—an individual, firm or business that seeks to be certified as a small entrepreneurship.

Certification—the determination and acknowledgement that a business qualifies for designation as a small entrepreneurship.

Designee—the person designated by the secretary or by the director to act in his absence.

Director—the Director of the Small Entrepreneurship (Hudson Initiative) Certification Program designated by the Secretary of the Department of Economic Development.

Firm—a business that seeks to be or that has been certified as a small entrepreneurship.

Full Time—employed and working in the firm at least 35 hours per week on a regular basis.

Program—the Small Entrepreneurship (Hudson Initiative) Certification Program [SE(HI) Certification Program] in the Department of Economic Development.

Secretary—the Secretary of the Department of Economic Development.

Small Entrepreneurship (SE)—any business or firm organized for profit, including any corporation, partnership, individual, sole proprietorship, joint stock company, joint venture, or any other legal entity which meets all of the criteria for certification by the Secretary of the Department of Economic Development as specified in R.S. 39:2006(A), as it may be amended from time to time. A non-profit

organization is not a small entrepreneurship for purposes of this program.

AUTHORITY NOTE: Promulgated in accordance with R.S. 39:2006 and R.S. 51:931.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Office of the Secretary, LR 32:230 (February 2006).

Chapter 3. Certification

§301. Eligibility Requirements for Certification

A. A small entrepreneurship (SE) is a firm independently owned and operated; not dominant in its field of operations, which shall be determined by consideration of the business' number of employees, volume of business, financial resources, competitive status, and ownership or control of materials, processes, patents, license agreements, facilities, and sales territory; is owned by and has officers who are citizens or legal residents of the United States, all of whom are domiciled in Louisiana, and who maintain the principal business office in Louisiana; and together with its affiliate entities, has fewer than 50 full-time employees with average annual gross receipts not exceeding \$5,000,000 per year for construction operations and \$3,000,000 per year for non-construction operations, for each of the previous three tax years. Eligibility requirements include meeting all of the criteria specified in R.S. 39:2006(A), as it may be amended from time to time. In order to participate and continue to participate in the program, an individual or firm must meet and continue to meet all such eligibility requirements or criteria.

B. Small Entrepreneurship (SE). For purposes of the program, an individual or legal entity that meets all of the criteria specified in R.S. 39:2006(A), as it may be amended from time to time, may be certified as a small entrepreneurship.

C. Requirement for Certification. Applicants for certification as a small entrepreneurship must submit to the SE(HI) Certification Program office of the Department of Economic Development a written application, on a form prepared by the SE(HI) Certification Program, or its designee or staff, providing financial and other background information, and certifying as to the applicant's eligibility requirements or criteria as specified in R.S. 39:2006(A), as it may be amended from time to time, including an affidavit signed, dated, and notarized attesting to the correctness of the information provided and to the authenticity of all supporting documentation or information which may be provided by the applicant pursuant to the request of the SE(HI) Certification Program, or its designee or staff; and if requested by the SE(HI) Certification Program, or its designee or staff, the applicant must also furnish, within a reasonable time as established by the SE(HI) Certification Program, or its designee or staff, applicant's most recent financial statements, federal and state tax returns, a copy of its most recently filed Louisiana Department of Labor (LDOL) ES-4 form, and any other appropriate supporting documentation or information as may be requested or required by the SE(HI) Certification Program, or its designee or staff.

D. Any records, writings, accounts, reports, documents, financial information, tax information, proprietary business information and other materials that are in their nature considered to be confidential and are designated as

confidential or proprietary by those firms, businesses or individuals submitting, delivering or transmitting the same, pursuant to request, for the purposes of allowing the SE(HI) Certification Program, or its designee or staff, to investigate and/or examine these firms, businesses or individuals pertaining to its statutory duties, shall be considered and maintained as confidential and proprietary information within the meaning of R.S. 44:4(3). The SE(HI) Certification Program, its designee and staff, shall use all reasonable precautions to maintain such confidentiality and they are not to disclose such confidential information to any third party except as permitted or as required by law.

AUTHORITY NOTE: Promulgated in accordance with R.S. 39:2006 and R.S. 51:931.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Office of the Secretary, LR 32:230 (February 2006).

§303. Responsibility for Applying

A. It is the responsibility of any individual or business wishing to participate in the program to complete the appropriate written application and required certification process. Failure to provide complete, true, accurate or timely any requested additional supporting information may result in the rejection of the application.

B. Application and certification materials will be distributed by the SE(HI) Certification Program, or its designee or staff, upon written or verbal request. Written or verbal requests for application and certification materials should be directed to the SE(HI) Certification Program office in the Department of Economic Development in Baton Rouge.

C. Certification as a small entrepreneur (SE) also does not constitute compliance with any other laws or regulations and does not relieve any firm of its obligations under other laws or regulations. Certification as a small entrepreneurship also does not constitute any determination by the SE(HI) Certification Program, its designee or staff, that the firm is a responsible one according to R.S. 39:1505 or R.S. 39:1601, or that the firm is capable of performing any work of any kind.

AUTHORITY NOTE: Promulgated in accordance with R.S. 39:2006 and R.S. 51:931.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Office of the Secretary, LR 32:231 (February 2006).

§305. Certification Application Procedure

A. The applicant must submit an application to the SE(HI) Certification Program office in the Department of Economic Development in Baton Rouge, containing a signed, dated, and notarized affidavit attesting to the correctness of the information provided in the application and to the authenticity of all supporting documentation or information which may be provided by the applicant pursuant to the request of the SE(HI) Certification Program, or its designee or staff, and attesting to the applicant's eligibility requirements or criteria as specified in R.S. 39:2006(A), as it may be amended from time to time.

B. The SE(HI) Certification Program, through its designee or staff, shall review the application, and if it is found to be incomplete or if further information is needed (such as, for example, applicant's most recent financial statements, federal and state tax returns, a copy of its most recently filed Louisiana Department of Labor (LDOL) ES-4

form, and any other appropriate supporting documentation or information as may be requested or required by the SE(HI) Certification Program, or its designee or staff), the SE(HI) Certification Program designee or staff will contact the applicant business and request such additional information. If the applicant does not respond with the further requested information within 15 days, the application will be denied. If the application is found to be sufficient, or if the application along with the additional information provided is found to be sufficient, a determination shall be made by the SE(HI) Certification Program, or its designee or staff, as to whether or not the applicant business will be certified as a small entrepreneur.

C. The director, or his designee, shall notify the applicant in writing of the decision whether or not to grant such SE certification; and if such SE certification is to be granted, a written certification as to such status in appropriate form, as determined by the director or his designee, shall be provided to the applicant business.

AUTHORITY NOTE: Promulgated in accordance with R.S. 39:2006 and R.S. 51:931.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Office of the Secretary, LR 32:231 (February 2006).

§307. Duration of Certification; Graduation through Growth

A. The amount of time that a firm may be granted certification by the SE(HI) Certification Program is unlimited until the firm graduates by growing to exceed the eligibility requirements for certification.

B. Retention of the firm in the program depends upon the passing of time, the firm's growth and progress toward successfulness and the attainment of its business goals, its willingness and ability to cooperate with and follow through on recommendations of the SE(HI) Certification Program designee or staff.

AUTHORITY NOTE: Promulgated in accordance with R.S. 39:2006 and R.S. 51:931.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Office of the Secretary, LR 32:231 (February 2006).

§309. Verification of Eligibility; Reports by Certified Small Businesses; Evaluation

A. Verification of Eligibility. The SE(HI) Certification Program, or its designee or staff, may take any reasonable means at any time to confirm an applicant's eligibility or a certified firm's continued eligibility, such as by investigation, letter, telephone, contact with other governmental and/or state agencies, including but not limited to the Department of Labor, and any other persons, companies, suppliers, or by either announced or unannounced site inspections.

B. Report Form. By letter, or on forms which may be identified or prescribed by the SE(HI) Certification Program, or its designee or staff, certified businesses shall continue to report periodically and at times specified by the SE(HI) Certification Program, or its designee or staff, their financial position and attainment of the business' performance goals. Failure to report or failure to report on a timely basis, as required or requested by the SE(HI) Certification Program, or its designee or staff, may result in the business' termination of its SE certification and from the program.

C. Notification of Changes. To continue participation, a certified firm shall provide the SE(HI) Certification

Program, or its designee or staff, with a written statement of any changes in its address, telephone number, ownership, control, financial status, major changes in the nature of the operation, or any other appropriate supporting documentation or information as may be requested or required by the SE(HI) Certification Program, or its designee or staff, including, if requested by the SE(HI) Certification Program, or its designee or staff, updated financial information, federal and state tax returns, copies of DOL ES-4 Forms, and including an affidavit (signed, dated, and notarized) attesting to the authenticity of all of the aforesaid supporting documentation and attesting to the applicant's eligibility or the certified business' continued eligibility requirements or criteria as specified in R.S. 39:2006(A), as it may be amended from time to time. Failure to do so may be grounds for the firm's termination of eligibility and certification, and termination from the program.

D. Evaluation. The SE(HI) Certification Program, or its designee or staff, as necessary, shall evaluate and continue to evaluate the information provided and/or otherwise obtained to determine a business' progress, growth and dominance in its field of operations, number of employees, volume of business, areas of improvement, the firm's financial resources, competitive status, ownerships, status of owners and officers, and generally the firm's continued eligibility for its continued SE certification and continued participation in the program.

AUTHORITY NOTE: Promulgated in accordance with R.S. 39:2006 and R.S. 51:931.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Office of the Secretary, LR 32:231 (February 2006).

§311. Deception Relating to Certification of a Small Entrepreneurship

A. Any individual or business found guilty of deception relating to certification of a Small Entrepreneurship (SE) will be denied its SE certification, or have its already approved certification revoked and shall be discharged from the program, and will not be eligible to reapply under the business name involved in the deception or under any business with which such individual(s) or business may be associated or affiliated.

B. In the event an applicant or certified business knowingly files a false statement in its application or in any other filing, the applicant or the certified business and/or its representatives may be guilty of the offense of filing false public records, and may be subject to the penalty provided for in R.S. 14:133. In the event an applicant or a certified business and/or its representative is reasonably believed to have filed a false statement in its application or any other filing, the SE(HI) Certification Program, or its designee or staff, is authorized to notify the District Attorney of East Baton Rouge Parish, Louisiana, and may also notify any other appropriate law enforcement personnel, so that an appropriate investigation may be undertaken with respect to the false statement and the application of any state funds to the application for other filing.

C. The SE(HI) Certification Program or its designee or staff shall have and retain the right, and shall have the authority, but not the obligation, to require and/or conduct

full investigations, at any time and from time to time, including but not limited to full financial and performance audits of any applicant, certified business or SE firm, including all relevant accounts, records and documents of the individual or business.

AUTHORITY NOTE: Promulgated in accordance with R.S. 39:2006 and R.S. 51:931.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Office of the Secretary, LR 32:232 (February 2006).

§313. Departmental Listing; Availability

A. The department shall maintain a listing of all certified small entrepreneurs which shall be updated monthly. The listing shall be available on the Internet and shall also be available in written form upon written request.

AUTHORITY NOTE: Promulgated in accordance with R.S. 39:2006 and R.S. 51:931.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Office of the Secretary, LR 32:232 (February 2006).

§315. Departmental Reporting

A. The department shall report annually to the Commissioner of Administration with respect to the graduation rates for businesses which grew to exceed the eligibility requirements for certification in the most recently concluded fiscal year.

AUTHORITY NOTE: Promulgated in accordance with R.S. 39:2006 and R.S. 51:931.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Office of the Secretary, LR 32:232 (February 2006).

Michael J. Olivier
Secretary

0602#027

RULE

Board of Elementary and Secondary Education

Bulletin 118—Statewide Assessment Standards and Practices (LAC 28:CXI.107, 305, 307, 309, 313, 315, 701, 1101, 1115, 1141, 1151, 1153, 1301, 1313, 1335, 1345, 1347, 1349, 1351, 1355, 1501, 1701, 1901, 2001, 2501, 2701, 3303, 3305, 3307, and 3501)

In accordance with R.S. 49:950 et seq., the Administrative Procedure Act, the Board of Elementary and Secondary Education has amended *Bulletin 118—Statewide Assessment Standards and Practices*. Bulletin 118 contains the State Board of Elementary and Secondary Education (SBESE) and the Division of Student Standards and Assessments (DSSA) test policy rules, guidelines, and procedures for easy access during statewide test administration. The purpose of this project is to:

- Revise the names of two of Louisiana's statewide assessment tests by removing *for the 21st Century* from each. *Graduation Exit Examination* (GEE) and *Louisiana Educational Assessment Program* (LEAP).
- Add Chapter 20, *Louisiana Alternate Assessment, Level 2* (LAA2) explaining a new test assessment instrument for special education students.

- Revise the name Louisiana Alternate Assessment (LAA) chapter 19, to Louisiana Alternate Assessment, Level 1 (LAA1).
- Relocate information about the assessment programs *The Iowa Tests of Basic Skills* (ITBS) and *Iowa Tests of Educational Development* (ITED) from §107.D to §107.H. The *Integrated* Louisiana Educational Assessment Program (*iLEAP*) will replace these tests in §107.D.

The document will consolidate statewide test information and provide easy access to that information. It was necessary to revise the bulletin at this time to clarify new test assessment guidelines, verify the renaming of tests, and ensure effective test administrations.

Title 28

EDUCATION

Part CXI. Bulletin 118—Statewide Assessment Standards and Practices

Chapter 1. General Provisions

§107. Assessment Programs

A. Kindergarten Developmental Readiness Screening Program (KDRSP). Each school district is required to administer an approved screening instrument to each child entering kindergarten for the first time, with the results to be used for placement and planning instruction.

B. Louisiana Educational Assessment Program (LEAP). Criterion-referenced tests in English Language Arts, Mathematics, Science, and Social Studies assess student performance relative to specific benchmarks established in the state's content standards and provide data for evaluating student, school, and district performance. The tests assess a student's complex thinking skills as well as knowledge and application of information. These high-stakes tests are tied to promotional policy for grades 4 and 8.

C. Graduation Exit Examination (GEE). Criterion-referenced tests in English Language Arts, Mathematics, Science, and Social Studies assess student performance relative to specific benchmarks established in the state's content standards and provide data for evaluating student, school, and district performance. These high-stakes tests require high school students to meet established achievement levels to be eligible to receive a high school diploma.

D. *Integrated* Louisiana Educational Assessment Program (*iLEAP*). The *iLEAP* will integrate criterion-referenced tests and norm-referenced tests into one program to provide data for evaluating students, schools, and district performance in grades 3, 5, 6, 7, and 9 beginning with the 2005-2006 academic year.

E. LEAP Alternate Assessment, Level 1 (LAA 1). The LAA 1 is a performance-based student assessment that evaluates each eligible special education student's knowledge and skills in targeted areas. It is an "on-demand" assessment, which means the test administrator directs the student to perform a specific task and then scores the student's performance after the task is completed.

F. LEAP Alternate Assessment, Level 2 (LAA 2). The LAA 2 is a criterion-referenced assessment, which is based on modified academic achievement standards that allow

students with persistent academic disabilities who are served under the Individuals with Disabilities Education Improvement Act (IDEA) to participate in academic assessments that are sensitive to measuring progress in their learning.

G. English Language Development Assessment (ELDA). The ELDA is a research-based program designed to measure proficiency in reading, writing, speaking, and listening to English of LEP students; the program began in the 2004–2005 academic year.

H. The Iowa Tests. The Iowa Tests of Basic Skills (ITBS), used in grades 3, 5, 6, and 7, and the Iowa Test of Educational Development (ITED), used in grade 9, are norm-referenced tests that provide comparative data to evaluate student, school, and district performance. The last administration of The Iowa Tests occurred in academic year 2004-2005.

I. Graduation Exit Examination ("old" GEE). The "old" GEE measures curricula-based proficiencies in English Language Arts, Mathematics, Written Composition, Science, and Social Studies. The administration of the "old" GEE became a district responsibility beginning with the 2003-2004 academic year.

J. LEAP Alternate Assessment-B (LAA-B). The LAA-B, which was administered from 2000 through 2003, assessed special education students who met specific criteria at their functioning levels in language/reading and/or mathematics, rather than at their enrolled grade levels.

K. National Assessment of Educational Progress (NAEP). Also known as the Nation's Report Card, NAEP is administered nationally to a random stratified sample population of students to gather data about subject-matter achievement, instructional experiences, and school environment.

L. Field Tests. Representative student populations from school districts throughout Louisiana are chosen to field test new items to be used in future statewide assessments, including LEAP, GEE, ELDA, and *iLEAP*. The items are tested, scored, ranked statistically, and identified as effective or ineffective.

M. Placement Tests. Students from out-of-district or in-state educational settings, such as approved home study programs or nonpublic schools, who wish to enroll in public schools at grades 5 and 9 must take a placement test if they have not taken and met the requirements for LEAP. Students taking the placement test must score basic or above in English Language Arts or Mathematics and approaching basic or above in the other to enroll in grade 5 and score approaching basic or above in English Language Arts and Mathematics to enroll in grade 9.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:24.4.

HISTORICAL NOTE: Promulgated by the Department of Education, Board of Elementary and Secondary Education, LR 31:1526 (July 2005), amended LR 32:233 (February 2006).

Chapter 3. Test Security

§305. Test Security Policy

A. The SBESE first approved a Test Security Policy on December 10, 1998. The policy has been periodically

revised. The State Board of Elementary and Secondary Education holds the test security policy to be of utmost importance and deems any violation of test security to be serious. The Test Security Policy follows.

1. - 3.f.iv. ...

g. administer published parallel, previously administered, or current forms of any statewide assessment (e.g., Louisiana Educational Assessment Program [LEAP], *Integrated* LEAP [*i*LEAP], Graduation Exit Examination [GEE], Graduation Exit Examination ["old" GEE], LEAP Alternate Assessment, Level 1 [LAA 1], LEAP Alternate Assessment, Level 2 [LAA 2], the English Language Development Assessment [ELDA], or forms K, L, M, A, and B and all new forms of The Iowa Tests as a practice test or study guide;

3.h. - 11. ...

12. Any individual who knowingly engages in any activity during testing that results in invalidation of scores derived from the Louisiana Educational Assessment Program (LEAP), Graduation Exit Examination (GEE), or Graduation Exit Examination ("old" GEE) shall forfeit the test results but will be allowed to retake the test at the next test administration.

13. - 16. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:391.7 (C) (G).

HISTORICAL NOTE: Promulgated by the Department of Education, Board of Elementary and Secondary Education, LR 31:1528 (July 2005), amended LR 32:233 (February 2006).

§307. Change of District Test Coordinator Notification

A. If during the academic year the person appointed as district test coordinator changes, the district superintendent must notify the LDE, Division of Student Standards and Assessments. The notification must be in writing and must be submitted within 15 days of the change in appointment.

1. The old district test coordinator must inform the new district test coordinator of passwords for LEAP^{web} and LEAP^{data}, location of placement tests, and location of "Old" GEE testing materials.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:24 et seq.

HISTORICAL NOTE: Promulgated by the Department of Education, Board of Elementary and Secondary Education, LR 31:1530 (July 2005), amended LR 32:234 (February 2006).

§309. Erasure Analysis

A. - A.5. ...

6. A summary report of erasure analysis irregularities will be presented to the Louisiana Educational Assessment Testing Commission and the SBESE after each test administration.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:24 et seq.

HISTORICAL NOTE: Promulgated by the Department of Education, Board of Elementary and Secondary Education, LR 31:1530 (July 2005), amended LR 32:234 (February 2006).

§313. Viewing Answer Documents

A. - B.3. ...

4. the type of assessment (i.e., LEAP, GEE, LAA 1, LAA 2, *i*LEAP, ELDA) and the content area of the answer document or documents requested; and

B.5. - G. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:24 et seq.

HISTORICAL NOTE: Promulgated by the Department of Education, Board of Elementary and Secondary Education, LR 31:1532 (July 2005), LR 32:234 (February 2006).

§315. Emergencies During Testing

A. - A.4. ...

5. If the test booklets have been opened and test security has been compromised, testing should not be continued. The answer documents should be sent to the testing company with the responses that were completed prior to the emergency. High school students who did not meet the achievement-level requirements to be eligible for a standard high school diploma will be allowed to retake the test they did not complete during the emergency at the next test administration. Likewise, a student who is unable to complete a LEAP test because of an emergency situation, thereby not meeting the requirements for promotion, will be allowed to retake the test during the next test administration.

6. - 7. ...

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

HISTORICAL NOTE: Promulgated by the Department of Education, Board of Elementary and Secondary Education, LR 31:1532 (July 2005), amended LR 32:234 (February 2006).

Chapter 7. Assessment Program Overview

§701. Overview of Assessment Programs in Louisiana

A. Norm-Referenced and Criterion-Referenced Testing Programs Since 1986

Name of Assessment Program	Assessment Population	Administered
Kindergarten Screening		
Kindergarten Developmental Readiness Screening Program (KDRSP)	Kindergarten	fall 1987–
Norm-Referenced Tests (NRTs)		
California Achievement Test (CAT/F)	grades 4, 6, and 9	spring 1988–spring 1992 (no longer administered)
California Achievement Test (CAT/5)	grades 4 and 6 grade 8	spring 1993–spring 1997 spring 1997 only (no longer administered)
Iowa Tests of Basic Skills (ITBS) (form L) and Iowa Tests of Educational Development (ITED) (form M)	grades 4, 6, 8, 9, 10, and 11	spring 1998 (no longer administered)
ITBS ITED (form M)	grades 3, 5, 6, and 7 grade 9	spring 1999–spring 2002 (no longer administered)
ITBS ITED (form B)	grades 3, 5, 6, and 7 grade 9	spring 2003–spring 2005 (no longer administered)
Criterion-Referenced Tests (CRTs)		
National Assessment of Educational Progress (NAEP)	grades 4, 8, and 12	spring 1990–
Louisiana Educational Assessment Program (LEAP)	grades 3, 5, and 7	spring 1989–spring 1998 (no longer administered)
Graduation Exit Examination ("old" GEE)	grades 10 and 11	spring 1989– spring 2003 (state administered) fall 2003– (district administered)
Louisiana Educational Assessment Program (LEAP) (ELA and Mathematics)	grades 4 and 8	spring 1999–
LEAP (Science and Social Studies)	grades 4 and 8	spring 2000–
Graduation Exit Examination (GEE) (ELA and Mathematics)	grade 10	spring 2001–
GEE (Science and Social Studies)	grade 11	spring 2002–
Integrated NRT/CRT		
Integrated Louisiana Educational Assessment Program (iLEAP)	Grades 3, 5, 6, 7, and 9	spring 2006–
Special Population Assessments		
Louisiana Alternate Assessment, Level 1 (LAA 1)	Students with Individualized Education Programs (IEPs) who meet participation criteria in grades 3–11.	spring 2001–
Louisiana Alternate Assessment, Level 2 (LAA 2)	Grades 4, 8, 10, and 11	spring 2006–
LAA 2	Grades 5, 6, 7, and 9	spring 2007–
Louisiana Alternate Assessment-B (LAA-B) ["out-of-level" test]	Students with Individualized Education Programs (IEPs) who met eligibility criteria in grades 3–11.	spring 1999–spring 2003 (no longer administered)
English Language Development Assessment (ELDA)	Limited English Proficient (LEP) students in grades K–12	spring 2005–

B. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:24.4.

HISTORICAL NOTE: Promulgated by the Department of Education, Board of Elementary and Secondary Education, LR 31:1534 (July 2005), amended LR 32:235 (February 2006).

Chapter 11. Louisiana Educational Assessment Program

Subchapter A. General Provisions

§1101. Introduction

A. The LEAP is a criterion-referenced testing program that is directly aligned with the state content standards, which by law are as rigorous as those of NAEP. The LEAP measures how well students in grades four and eight have

mastered the state content standards. Test results are reported in terms of achievement levels.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:24.4 (F) (1) (c).

HISTORICAL NOTE: Promulgated by the Department of Education, Board of Elementary and Secondary Education, LR 31:1536 (July 2005), amended LR 32:235 (February 2006).

Subchapter B. Achievement Levels and Performance Standards

§1115. Performance Standards

A. Performance standards for LEAP English Language Arts, Mathematics, Science, and Social Studies tests are finalized in scaled-score form. The scaled scores range between 100 and 500 for all grades and content areas.

B. LEAP Achievement Levels and Scaled Score Ranges—Grade 4

Achievement Level	English Language Arts Scaled Score Range	Mathematics Scaled Score Range	Science Scaled Score Range	Social Studies Scaled Score Range
Advanced	408–500	419–500	405–500	399–500
Mastery	354–407	370–418	360–404	353–398
Basic	301–353	315–369	306–359	301–352
Approaching Basic	263–300	282–314	263–305	272–300
Unsatisfactory	100–262	100–281	100–262	100–271

C. LEAP Achievement Levels and Scaled Score Ranges—Grade 8

Achievement Level	English Language Arts Scaled Score Range	Mathematics Scaled Score Range	Science Scaled Score Range	Social Studies Scaled Score Range
Advanced	402–500	398–500	400–500	404–500
Mastery	356–401	376–397	345–399	350–403
Basic	315–355	321–375	305–344	297–349
Approaching Basic	269–314	296–320	267–304	263–296
Unsatisfactory	100–268	100–295	100–266	100–262

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:391.4 (A).

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:1536 (July 2005), amended LR 32:235 (February 2006).

Subchapter D. LEAP Assessment Structure

§1141. Content Standards

A. The LEAP tests measure knowledge and skills deemed necessary for students to become good scholars and productive citizens. This knowledge and these skills are reflected in the content standards that were approved in May 1997 by the SBESE.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:24.4(A)(1)(2).

HISTORICAL NOTE: Promulgated by the Department of Education, Board of Elementary and Secondary Education, LR 31:1545 (July 2005), amended LR 32:236 (February 2006).

§1151. Retests and Rescores

A. Double Jeopardy Rule. If a student scores at the required passing achievement level in LEAP English Language Arts or Mathematics during an administration and then retakes the test and scores below the required level on the retest administration, the passing score will be used to determine promotion.

B. Rescores

1. Students may request a rescore if the following criterion are met.

a. English Language Arts and Mathematics—grades 4 and 8. The test has a scaled score five points below the Basic or Approaching Basic achievement level.

1.b. - 4. ...

C. Summer Retest. The summer retest is for students enrolled in grades 4 and 8 who need to be tested with LEAP for promotion to grades 5 and 9 the following fall.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:24.4.

HISTORICAL NOTE: Promulgated by the Department of Education, Board of Elementary and Secondary Education, LR 31:1547 (July 2005), amended LR 32:236 (February 2006).

§1153. Transfer Students

A. - A.1. ...

a. A fourth or eighth grade student who transfers to a Louisiana public school before the spring administration of LEAP must take and pass the spring administration of LEAP English Language Arts and Mathematics (ELA/Math) tests.

b. A fourth or eighth grade student who transfers to a Louisiana public school after the spring administration of the LEAP but before the end of the school year must take and pass the summer administration of the LEAP (ELA/Math) to be eligible for promotion to grade 5 or 9.

c. A student who seeks to enroll in a Louisiana public school in grade 5 or grade 9 after the LEAP summer administration and before school starts must take and pass the English Language Arts and Mathematics portions of the placement test.

A.1.d. - B.1. ...

a. A fourth or eighth grade student who transfers to a Louisiana public school before the spring administration of LEAP must take and pass the spring administration of LEAP (ELA/Math).

b. A fourth or eighth grade student who transfers to a Louisiana public school after the spring administration of the LEAP but before the end of the school year must take and pass the summer administration of the LEAP (ELA/Math) to be eligible for promotion to grade 5 or 9.

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

HISTORICAL NOTE: Promulgated by the Department of Education, Board of Elementary and Secondary Education, LR 31:1547 (July 2005), amended LR 32:236 (February 2006).

Chapter 13. Graduation Exit Examination

Subchapter A. General Provisions

§1301. Introduction

A. The GEE is a criterion-referenced testing program that is directly aligned with the state content standards, which by law are as rigorous as those of NAEP. This test measures how well a student has mastered the state content

standards. The GEE initially is administered at grades 10 and 11. Initial testers generally take the English Language Arts test and the Mathematics test at grade 10 and the Science test and Social Studies test at grade 11.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:24.4 (F) (1)(c).

HISTORICAL NOTE: Promulgated by the Department of Education, Board of Elementary and Secondary Education, LR 31:1548 (July 2005), amended LR 32:236 (February 2006).

B. GEE Achievement Levels and Scaled Score Ranges

Achievement Level	Grade 10		Grade 11	
	English Language Arts Scaled Score Range	Mathematics Scaled Score Range	Science Scaled Score Range	Social Studies Scaled Score Range
Advanced	398–500	377–500	396–500	386–500
Mastery	347–397	346–376	349–395	344–385
Basic	299–346	305–345	301–348	297–343
Approaching Basic	270–298	286–304	267–300	275–296
Unsatisfactory	100–269	100–285	100–266	100–274

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:391.4 (A).

HISTORICAL NOTE: Promulgated by the Department of Education, Board of Elementary and Secondary Education, LR 31:1548 (July 2005), amended LR 32:237 (February 2006).

Subchapter D. GEE Assessment Structure

§1335. Content Standards

A. The GEE tests measure knowledge and skills deemed necessary for students to become good scholars and productive citizens. This knowledge and these skills are reflected in the content standards that were approved in May 1997 by the SBESE.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:24.4

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:1552 (July 2005), amended LR 32:237 (February 2006).

§1345. Double Jeopardy Rule

A. If a school administers a GEE test that the student has already passed and the student scores unsatisfactory on the retest, the passing score will be used to determine the student's eligibility for a standard high school diploma.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:24.4.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:1554 (July 2005), amended LR 32:237 (February 2006).

§1347. First and Second Cohorts

A. The first cohort comprises students who were first-time tenth graders in 2000-2001. First cohort students are required to score approaching basic or above on the GEE English Language Arts test and the GEE Mathematics test to be eligible for a standard high school diploma.

B. The second cohort comprises students who were first-time tenth graders in 2001-2002 and all first-time tenth graders thereafter. Second cohort students are required to score approaching basic or above on the GEE English Language Arts test and the GEE Mathematics test and to score approaching basic or above on either the GEE Science or Social Studies test to be eligible for a standard high school diploma.

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

Subchapter B. Achievement Levels and Performance Standards

§1313. Performance Standards

A. Performance standards for GEE English Language Arts, Mathematics, Science, and Social Studies tests are finalized in scaled-score form. The scaled scores range between 100 and 500 for all grades and content areas.

HISTORICAL NOTE: Promulgated by the Department of Education, Board of Elementary and Secondary Education, LR 31:1554 (July 2005), amended LR 32:237 (February 2006).

§1349. Rescores

A. Students may request a rescore of their GEE tests if the following criterion are met:

- 1. - 5. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:24.4.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:1554 (July 2005), amended LR 32:237 (February 2006).

§1351. GEE Administration Rules

A. Students enrolled in grade 10 for the first time must take GEE English Language Arts and Mathematics tests during the spring administration.

B. Students repeating grade 10 shall take the GEE Science and Social Studies tests during the spring administration.

C. Students enrolled in grade 11 for the first time must take GEE Science and Social Studies tests during the spring administration.

- D. - E. ...

F. Students in block schedules who are classified as tenth graders in the fall of their second year and as eleventh graders by the subsequent spring test administration are permitted to take all GEE content-area tests, English Language Arts, Mathematics, Science, and Social Studies, for the first time during that spring test administration.

G. If students enrolled in grade 12 have not yet met the GEE requirements to be eligible for a standard high school diploma, they may take all content-area tests, English Language Arts, Mathematics, Science, and Social Studies, during both the fall and the February Seniors Only retest administrations.

- H. - I. ...

J. There is no ending age limit for students to retest in GEE, nor is there a limit on the number of times the student may retake the test. Students who no longer reside in the school district where he/she completed Carnegie units may test in the current school district of residence. The DTC shall forward the passing test scores to the high school where the Carnegie units reside.

K. If a student was issued a GED diploma and subsequently meets the requirements of the GEE, the student may surrender the GED diploma and be issued a standard high school diploma.

L. If students are transferring to a public high school from a nonpublic high school that administers the GEE, the rules for nonpublic transfer students apply.

M. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:24.4.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:1554 (July 2005), amended LR 32:237 (February 2006).

§1355. GEE Transfer Students

A. - A.1. ...

a. A student who entered the ninth grade during the 1999-2000 school year and thereafter and who transferred to a Louisiana public school at or below the ninth grade shall take and pass the English Language Arts and Mathematics sections and either the Science or the Social Studies test of GEE.

b. A student who entered the ninth grade in 1999-2000 and thereafter and who is classified by the local school district as a tenth grade student shall take and pass the English Language Arts and Mathematics tests and either the Science or the Social Studies test of GEE.

c. A student who entered the ninth grade in 1999-2000 and thereafter and who is classified by the local school district as an eleventh grade student shall take and pass either the Science or the Social Studies test of the GEE.

d. A student who entered the ninth grade in 1999-2000 and thereafter and who is classified by the local school district as a twelfth grade student shall not be required to take any part of the GEE.

2. - 2.a. ...

i. A student who returns in the seventh and/or eighth grade for a period in membership of 160 days total shall take and pass both the English Language Arts and Mathematics tests and either the Science or the Social Studies test of the GEE.

ii. A student who returns in the ninth grade shall take and pass both the English Language Arts and Mathematics tests and either the Science or the Social Studies test of the GEE.

iii. A student who returns and is classified as a tenth grade student shall take and pass both the English Language Arts and Mathematics tests and either the Science or the Social Studies test of the GEE.

iv. A student who returns and is classified as an eleventh grade student shall take and pass either the Science or the Social Studies test of the GEE.

v. A student who returns and is classified as a twelfth grade student shall not be required to take any part of the GEE.

b. A student who was in initial membership in Louisiana public schools in the seventh and/or eighth grade for a period of 160 days total, transferred out, and subsequently returned at any grade level shall take and pass both the English Language Arts and Mathematics tests and either the Science or the Social Studies test of the GEE.

c. A student who was in initial membership in Louisiana public schools as a ninth grade student, transferred

out, and subsequently returned at any grade level shall be required to take and pass both the English Language Arts and Mathematics tests and either the Science or the Social Studies test of the GEE.

d. A student who was in initial membership in Louisiana public schools as a tenth grade student, transferred out, and subsequently returned at any grade level shall take and pass both the English Language Arts and Mathematics tests and either the Science or the Social Studies test of the GEE.

e. A student who was in initial membership in Louisiana public schools as an eleventh grade student, transferred out, and subsequently returned at the eleventh- or twelfth-grade level shall take and pass either the Science or the Social Studies test of the GEE.

f. A student who was in initial membership in Louisiana public schools as a twelfth grade student, transferred out, and subsequently returned as a twelfth grader shall not be required to take any part of the GEE.

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

HISTORICAL NOTE: Promulgated by the Department of Education, Board of Elementary and Secondary Education, LR 31:1555 (July 2005), amended LR 32:238 (February 2006).

Chapter 15. Norm-Referenced Tests

§1501. Description

A. The Louisiana Statewide Norm-Referenced Testing Program (LSNRTP) was established in 1986 as a component of LEAP. The primary goal of the program is to provide parents, students, educators, and policymakers with normative data that may be used for evaluating student, school, and district performance. Test results are used by teachers and administrators to plan instructional programs that enhance educational opportunities for Louisiana students. The LSNRTP ended in 2005 with the last administration of The Iowa Tests.

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

HISTORICAL NOTE: Promulgated by the Department of Education, Board of Elementary and Secondary Education, LR 31:1556 (July 2005), amended LR 32:238 (February 2006).

Chapter 17. Integrated LEAP

§1701. Background

A. The NCLB Act requires the development of grade-level expectations (GLEs) or grade-level content standards at grades 3 through 8 for reading and mathematics. Louisiana has supplemented its existing content standards with grade-level expectations. To create a comprehensive system, Louisiana has developed GLEs in four content areas, English language arts, mathematics, science, and social studies, for grade levels prekindergarten through 12. NCLB further requires standards-based tests (or augmented norm-referenced tests) that measure the content standards. LEAP (grades 4 and 8) and GEE (grades 10 and 11) measure the content standards, and these tests will continue. To measure the standards and GLEs at grades 3, 5, 6, 7, and 9, however, the *Integrated* LEAP (*iLEAP*) tests will be used, beginning in spring 2006. The *iLEAP* tests will replace The Iowa Tests, which were used to evaluate student performance in grades 3, 5, 6, 7, and 9 from spring 1998 to spring 2005. The term *integrated* refers to the integration of standards-based tests (CRTs) and norm-referenced tests (NRTs) into one program.

B. - B.5. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:7 and R.S. 17:24.4 (F) (2).

HISTORICAL NOTE: Promulgated by the Department of Education, Board of Elementary and Secondary Education, LR 31:1556 (July 2005), amended LR 32:238 (February 2006).

Chapter 19. LEAP Alternate Assessment, Level 1

§1901. General Provisions

A. The LEAP Alternate Assessment, Level 1 (LAA 1) is a performance-based student assessment that evaluates each student's knowledge and skills in targeted areas. It is an "on-demand" assessment; the test administrator directs the student to perform a specific task and then scores the performance after the task is completed. The LAA 1 is designed to minimize time away from instruction and direct services to students. Teachers are encouraged to administer the assessment as part of a daily routine

B. ...

C. Structure of LAA 1. The LAA 1 is based on selected Louisiana content standards. It includes 20 target indicators from the standards, five from English language arts, five from mathematics, six from social studies, and four from science. Each target indicator includes participation levels, which reflect three different levels of skill complexity: introductory, fundamental, and comprehensive. A 6-point scoring rubric provides descriptors for evaluating student performance on each of the target indicators.

D. - F. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:24.4 (F) (3) and R.S. 17:183.1-17:183.3.

HISTORICAL NOTE: Promulgated by the Department of Education, Board of Elementary and Secondary Education, LR 31:1556 (July 2005), amended LR 32:239 (February 2006).

Chapter 20. LEAP Alternate Assessment, Level 2

§2001. Description

A. LEAP Alternate Assessment, Level 2 (LAA 2) is a criterion-referenced assessment which is based on modified academic achievement standards that allows students with persistent academic disabilities who are served under the Individuals with Disabilities Education Improvement Act (IDEA) to participate in academic assessments that are sensitive to measuring progress in their learning.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:24.4 (F) (3) and R.S. 17:183.1-17:183.3.

HISTORICAL NOTE: Promulgated by the Department of Education, Board of Elementary and Secondary Education, LR 32:239 (February 2006).

Chapter 25. Field Testing

§2501. General Provisions

A. ...

1. Louisiana Educational Assessment Program (LEAP);

2. Graduation Exit Examination (GEE);

3. *Integrated* LEAP (iLEAP);

B. LEAP and GEE field tests are conducted annually in designated content areas.

C. - C.2.f.iii. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:24 et seq.

HISTORICAL NOTE: Promulgated by the Department of Education, Board of Elementary and Secondary Education, LR 31:1557 (July 2005), amended LR 32:239 (February 2006).

Chapter 27. Placement Tests

§2701. Administration and Scoring

A. ...

B. Students who participate in the spring and/or summer administration of LEAP test and fail to score at the required achievement level(s) are not eligible to take The Iowa Tests for placement purposes.

C - D. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:24 et seq.

HISTORICAL NOTE: Promulgated by the Department of Education, Board of Elementary and Secondary Education, LR 31:1558 (July 2005), amended LR 32:239 (February 2006).

Chapter 33. Assessment of Special Populations

§3303. Special Education Students

A. All special education students must participate in statewide assessments. Students are to take the test that corresponds to the grade in which they are enrolled. Special education students who meet specific participation criteria as stated in Bulletin 1530 Louisiana IEP Handbook for Students with Disabilities, Chapter 9 and whose Individualized Education Plans (IEPs) indicate they will participate in an alternate assessment may participate in an alternate assessment, such as the LEAP Alternate Assessment, Level 1 (LAA 1) or LEAP Alternate Assessment, Level 2 (LAA 2). The assessment in which the student is to participate and any accommodations the student is to receive for instruction and assessment must be documented annually on the program/services page of the student's IEP. Test accommodations cannot be different from or in addition to the accommodations indicated on the student's IEP and provided in regular classroom instruction and assessment.

1. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:1945.

HISTORICAL NOTE: Promulgated by the Department of Education, Board of Elementary and Secondary Education, LR 31:1560 (July 2005), amended LR 32:239 (February 2006).

§3305. Students with One or More Disabilities

According to Section 504

A. - F. ...

G. LEAP Summer Retest and GEE Summer, Fall, and February Seniors Only Retest. Students who were identified as Section 504 or who had accommodations added to their Section 504 IAP and Section 504 Testing Accommodation Verification forms after the spring assessment must be submitted on the LEAP Data Validation form to LDE 30 days before the summer or fall retest. The Section 504 Testing Accommodation Verification form and a copy of the IAP must be forwarded to the student's summer remediation and summer or fall testing site to ensure the student receives the appropriate accommodations for instruction and assessment.

H. GEE and "Old" GEE. Students who have completed their Carnegie units but are no longer enrolled in school should receive the accommodations documented on their last IEP and Section 504 Testing Accommodation Verification forms.

I. - I.6. ...

a. No passages, questions, or distractors (multiple choices) of any English language arts test that measures reading comprehension may be signed or cued. Such tests include the Reading and Responding session of LEAP and GEE, Reading and Language session of iLEAP, Reading Comprehension of the ITBS and the "old" GEE, Reading session of ELDA, and corresponding session of LAA 2, and any others developed to measure this skill. Directions only to these sessions may be signed or cued. When signing or cueing, the test administrator must exercise caution to avoid providing answers. It is a breach of test security to provide signs or cues that convey answers.

7. - 9. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:7, R.S. 17:24 et seq., R.S. 17:391-400, R.S. 17:1941 et seq., R.S. 17:397, R.S. 17:1946, and R.S. 17:1947.1.

HISTORICAL NOTE: Promulgated by the Department of Education, Board of Elementary and Secondary Education, LR 31:1560 (July 2005), amended LR 32:239 (February 2006).

§3307. Limited English Proficient Students

A. - C.3. ...

4. Tests Read Aloud. Students may be allowed to have portions of the tests read to them, with the exception of portions designed to measure reading comprehension, which are clearly designated in the test administration manuals. No passages, questions, or distractors (multiple choices) of any English language arts test that measures reading comprehension may be read aloud. Such tests include the Reading and Responding session of LEAP and GEE, Reading and Language session of iLEAP, Reading Comprehension of the ITBS and the "old" GEE, Reading session of ELDA, and corresponding session of LAA 2, and any others developed to measure this skill. Directions only to these sessions may be read aloud. When reading aloud, the test administrator must exercise caution to avoid providing answers. It is a breach of test security to provide cues that convey answers.

5. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:1941 et seq. and R.S. 17:24.4 (F)(3).

HISTORICAL NOTE: Promulgated by the Department of Education, Board of Elementary and Secondary Education, LR 31:1562 (July 2005), amended LR 32:240 (February 2006).

Chapter 35. Assessment of Students in Special Circumstances

§3501. Approved Home Study Program Students

A. Fourth grade students from state-approved home study programs who are seeking to enroll in grade 5 must take and score basic or above on the grade 4 LEAP English Language Arts or the Mathematics test and approaching basic or above on the other test to enroll in grade 5.

B. Eighth grade students from state-approved home study programs who are seeking to enroll in grade 9 must take and score basic or above on the grade 8 LEAP English Language Arts or the Mathematics tests and approaching basic or above on either to enroll in grade 9.

C. ...

D. Students from state-approved home study programs may take the GEE in grades 10 and 11.

E. Students from state approved home study programs may take the iLEAP tests in grades 3, 5, 6, 7, and 9.

F. Approved home study program students shall take the test which is designated for the enrolled grade.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:236.1-17.236.2, R.S. 17:6 (A) (10) (11) (15), R.S. 17:10, R.S. 17:22 (6), R.S. 17:391.1-17: 391.10, R.S. 17:411.

HISTORICAL NOTE: Promulgated by the Department of Education, Board of Elementary and Secondary Education, LR 31:1563 (July 2005), amended LR 32:240 (February 2006).

Weegie Peabody
Executive Director

0602#006

RULE

Board of Elementary and Secondary Education

Bulletin 741—Louisiana Handbook for School Administrators—Curriculum and Instruction
(LAC 28:CXV.2320)

In accordance with R.S. 49:950 et seq., the Administrative Procedure Act, the Board of Elementary and Secondary Education has adopted revisions to *Bulletin 741—Louisiana Handbook for School Administrators* (LAC Part Number CXV). This revision to Bulletin 741 provides statewide policy and guidance for Senior Projects. The Senior Project is one of the possible performance indicators students can use in qualifying to receive an Academic Diploma Endorsement. The new policy is similar to policy in other states and districts. The purpose of the policy is to provide consistency and ensure that the rigor of the Senior Project is equivalent to the other Performance Indicators for the Academic Endorsement.

Title 28

EDUCATION

Part CXV. Bulletin 741—Louisiana Handbook for School Administrators

Chapter 23. Curriculum and Instruction

§2320. Senior Projects

A. A Senior Project is a focused rigorous independent learning experience completed during the student's year of projected graduation from high school.

B. Each LEA allowing students to complete a Senior Project in partial fulfillment of the requirements for an Academic Endorsement shall develop local policy for Senior Projects that includes these requirements.

1. Each student must choose a challenging topic of interest approved by their parents or guardians and the school-level Senior Project Committee.

2. Each student must have a Senior Project mentor.

3. Students must successfully complete the four components listed below with a score of Satisfactory or higher on each component. The components will be evaluated locally using rubrics provided by the DOE:

a. research paper of 8 to 10 pages on an approved topic of the student's choice;

b. product or service related to the research requiring at least 20 hours of work;

c. portfolio that documents and reflects the Senior Project process;

d. presentation to a panel of three to five adults from the community and school.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:7; R.S. 17:24.4; R.S. 17:183.2; R.S. 17:395.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 32:240 (February 2006).

Weegie Peabody
Executive Director

0602#005

RULE

Department of Environmental Quality Office of the Secretary Legal Affairs Division

Emissions Inventory (LAC 33:III.919)(AQ255)

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.919 (Log #AQ255).

The 1-hour National Ambient Air Quality Standard (NAAQS) was revoked effective June 15, 2005 (69 FR 23858). The Rule deletes the term "1-hour" and replaces it with the term "8-hour" to refer to the currently applicable 8-hour ozone NAAQS. The Rule also enumerates the required number of copies of the annual Certification Statement to be submitted to the department and revises the requirements for calculations.

The 1-hour ozone standard was established by the Environmental Protection Agency (EPA) following the passage of the Clean Air Act. The 1-hour ozone standard was reviewed and revised by the EPA as per Section 109 of the Clean Air Act Amendments. The 1-hour ozone standard was replaced with a more stringent, more protective 8-hour ozone standard, which was effective June 15, 2004. The 1-hour ozone standard was revoked effective one year after the effective date of the 8-hour ozone standard, or June 15, 2005. This Rule deletes reference to the 1-hour ozone standard that has been revoked and refers to the current 8-hour ozone standard that is in effect. There are no new Clean Air Act requirements to comply with as a result of the transition from the 1-hour to the 8-hour standard. The basis and rationale for this rule are to continue efforts toward attainment of the ozone standard statewide and attainment of the PM_{2.5} standard.

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 9. General Regulations on Control of Emissions and Emission Standards

§919. Emissions Inventory

Emissions inventory data shall be submitted to the department on magnetic media in the format specified by the Office of Environmental Assessment, Air Quality Assessment Division. *Facilities* are defined as all emissions points under common control on contiguous property. *Emissions point* is defined as the source of emissions that

should have a Source Classification Code (SCC). Detailed instructions are provided, on an annual basis, for completing and submitting emissions inventories. The state point source emissions inventory will be compiled from the emissions inventories submitted in accordance with this Section from the facilities that meet the criteria for applicability in Subsection A of this Section. The state area source, non-road and on-road mobile source, and biogenic emissions inventories are compiled by the department from data that may be requested from other federal, state, or local agencies or other private entities.

A. ...

1. Any facility located in the 8-hour ozone nonattainment parish of Ascension, East Baton Rouge, Iberville, Livingston, or West Baton Rouge is required to report if the facility emits or has the potential to emit any one or more of the following:

a. - d. ...

2. Any facility located in the parish of Assumption, East Feliciana, Iberia, Point Coupee, Saint Helena, Saint James, Saint John the Baptist, Saint Martin, Tangipahoa, or West Feliciana, (parishes that adjoin an 8-hour ozone nonattainment parish) is required to report if the facility emits or has the potential to emit any one or more of the following:

2.a. - 5....

6. No facility classes or categories are exempted.

B. Types of Inventories

1. Annual Emissions Statement. Facilities as identified in Subsection A of this Section, shall submit an original Annual Emissions Statement (AES) and a duplicate for all criteria pollutants for which a NAAQS has been issued and for NAAQS precursor pollutants. Except as provided in Subparagraph B.2.d of this Section, the AES shall consist of an inventory of actual emissions and the allowable (permitted) emissions limits of VOC, NO_x, CO, SO₂, Pb, PM₁₀, PM_{2.5}, and ammonia, and an annual Certification Statement in accordance with Subparagraph B.5.a of this Section. The emissions inventory may be an initial emissions inventory for facilities submitting their first emissions inventory, or an annual emissions inventory update for facilities that have previously submitted an emissions inventory. Actual emissions shall be reported for all sources of emissions at a facility, including fugitive emissions, flash gas emissions, insignificant sources (as defined in LAC 33:III.501.B.5, Insignificant Activities List, A. Based on Size of Emission Rate), and excess emissions occurring during maintenance, start-ups, shutdowns, upsets, and downtime. For purposes of this Section, the term *actual emissions* is the calculation or estimate of the actual emissions of a pollutant, in accordance with Subsection C of this Section, for the calendar year or other period of time if requested by the department. *Excess emissions* are defined as emissions quantities greater than normal operations. Where there is an enforceable document, such as a permit, that establishes allowable levels, the AES shall include the allowable emissions level as identified in the permit Maximum Allowable Emissions Rate Table and the allowable tons per year.

2. - 5.g.v. ...

C. Calculations. Actual measurement with continuous emissions monitoring systems (CEMS) or approved stack

testing shall be used for reporting of emissions from an emissions point when such data exists. In the absence of CEMS or stack test data, emissions shall be calculated using methods found in the most recent edition, as of December 31 of the current reporting year, of the Compilation of Air Pollution Emission Factors (AP-42), calculations published in engineering journals, and/or EPA or department-approved estimation methodologies.

D. - F. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2054.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Nuclear Energy, Air Quality Division, LR 13:741 (December 1987), repealed and repromulgated by the Office of Air Quality and Radiation Protection, Air Quality Division, LR 19:184 (February 1993), repromulgated LR 19:485 (April 1993), amended LR 19:1418 (November 1993), LR 20:1101 (October 1994), LR 22:339 (May 1996), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2450 (November 2000), LR 29:2776 (December 2003), amended by the Office of the Secretary, Legal Affairs Division, LR 31:2483 (October 2005), LR 32:241 (February 2006).

Herman Robinson, CPM
Executive Counsel

0602#020

RULE

Office of the Governor Boxing and Wrestling Commission

Definition of Contestant; HIV Testing
(LAC 46:XI.101 and 108)

The Boxing and Wrestling Commission does hereby exercise the provisions of the Administrative Procedure Act, R.S. 49:953(b) and 49:967(D) to adopt the following Rule. This Rule is necessary to promote the safety of contestants, other participants and spectators in that it will require participants in all sports under the jurisdiction of the Boxing and Wrestling Commission to be tested for HIV and present medical certification that participant is HIV negative. This proposed Rule repromulgates and moves to Chapter 1, General Rules, the Rule on HIV testing, previously in §325.B, and clarifies definition of *contestant*.

Title 46

PROFESSIONAL AND OCCUPATIONAL STANDARDS

Part XI. Boxing and Wrestling

Chapter 1. General Rules

§101. Definitions

* * *

Contestant—any participant in all sports under the jurisdiction of this commission including but not limited to boxing, wrestling, kickboxing and martial arts sports.

* * *

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

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

Boxing and Wrestling Commission, LR 31:2003 (August 2005), LR 32:242 (February 2006).

§108. Medical Requirements

A. Each contestant participating in any sport under this commission's jurisdiction must furnish to the commission physician a certified medical certificate evidencing that the contestant has been tested for HIV and said test results are negative. Said test and certificate shall be dated not more than six months prior to the scheduled event and said certificate is to be presented at the time of "weigh in."

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

HISTORICAL NOTE: Promulgated by the Office of the Governor, Boxing and Wrestling Commission, LR 32:242 (February 2006).

Patrick C. McGinity
Attorney for the Commission

0602#030

RULE

Office of the Governor Crime Victims Reparations Board

Compensation to Victims (LAC 22:XIII.503)

In accordance with the provisions of R.S. 49:950 et seq., which is the Administrative Procedure Act, and R.S. 46:1801 et seq., which is the Crime Victims Reparations Act, the Crime Victims Reparations Board has amended its rules and regulations regarding the awarding of compensation to applicants. There will be no impact on family earnings or the family budget as set forth in R.S. 49:972.

Title 22

CORRECTIONS, CRIMINAL JUSTICE AND LAW ENFORCEMENT

Part XIII. Crime Victims Reparations Board

Chapter 5. Awards

§503. Limits on Awards

A. General

1. There will be a \$10,000 limit for awards for all victims with the exception of those primary victims who become totally and permanently disabled as a result of the crime. For those awards, the board may, at its discretion, award up to \$25,000, depending on availability of funds its administrative rule limits for certain award benefits, and the extent, if any, of collateral resources. For purposes of this Section:

a. a victim is "totally and permanently disabled" if the victim has a physical or mental impairment that substantially precludes them from obtaining gainful employment and appears reasonably certain to continue without substantial improvement throughout their life;

b. the board reserves the right to obtain an impartial medical expert, at its expense, if necessary, to assess the degree of disability of the victim.

A.2. - M.2. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 46:1801 et seq.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Crime Victims Reparations Board, LR 20:539 (May 1994), amended LR 22:710 (August 1996), LR 24:328 (February

1998), LR 25:26 (January 1999), LR 26:1019 (May 2000), LR 29:577 (April 2003), LR 32:242 (February 2006).

Lamarr Davis
Chairman

0602#097

RULE

Department of Health and Hospitals Board of Dentistry

General Provisions (LAC 46:XXXIII.301, 306, 415, 419, 501, 1506, 1509, 1511, 1611, 1613, 1703, and 1705)

In accordance with the applicable provisions of the Administrative Procedure Act, R.S. 49:950 et seq., the Dental Practice Act, R.S. 37:751, et seq., and particularly R.S. 37:760(8), the Department of Health and Hospitals, Board of Dentistry hereby amends LAC 46:XXXIII.301, 306, 415, 419, 501, 1506, 1509, 1511, 1611 1613, 1703, and 1705. No preamble has been prepared.

Title 46

PROFESSIONAL AND OCCUPATIONAL STANDARDS

Part XXXIII. Dental Health Profession

Chapter 3. Dentists

§301. Advertising and Soliciting by Dentists

A. - B. ...

C. Approved Specialties. The board has reviewed and approved the "Standards for Advanced Specialty Education Programs" set forth by the Commission on Dental Accreditation of the American Dental Association and approves only the following specialties:

1. dental public health;
2. endodontics;
3. oral and maxillofacial surgery;
4. oral pathology;
5. orthodontics and dentofacial orthopedics;
6. pediatric dentistry;
7. periodontics;
8. prosthodontics; and
9. oral and maxillofacial radiology.

D. - K. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:760(8).

HISTORICAL NOTE: Adopted by the Department of Health and Human Resources, Board of Dentistry, December 1970, amended 1971, amended and promulgated LR 13:179 (March 1987), amended by the Department of Health and Hospitals, Board of Dentistry, LR 15:966 (November 1989), LR 18:739 (July 1992), LR 20:657 (June 1994), LR 21:567 (June 1995), LR 22:23 (January 1996), LR 22:1215 (December 1996), repromulgated LR 23:199 (February 1997), amended LR 23:1524 (November 1997), LR 25:509 (March 1999), LR 25:1476 (August 1999), LR 26:690 (April 2000), LR 27:1890 (November 2001), LR 28:1776 (August 2002), LR 28:2512 (December 2002), LR 30:2305 (October 2004), LR 32:243 (February 2006)

§306. Requirements of Applicants for Licensure by Credentials

A. - A.2. ...

3. has been in active practice, while possessing a nonrestricted license in another state, by working full-time as a dentist at a minimum of 1,000 hours per year for the

preceding three years before applying for licensure in Louisiana or full-time dental education as a teacher for a minimum of three years immediately prior to applying for licensure; or has completed a two-year general dentistry residency program or successfully completed a residency program in one of the board recognized dental specialties as defined in §301; the applicant completing the residency program must apply for licensure within 180 days of graduation from said specialty program or fellowship or work full-time as a dentist for three years before licensure;

A.4. - E. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:760(8) and R.S. 37:768.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Dentistry, LR 18:739 (July 1992), amended LR 21:571 (June 1995), LR 22:23 (January 1996), LR 23:1528 (November 1997), LR 24:1114 (June 1998), LR 25:513 (March 1999), LR 26:692 (April 2000), LR 26:1612 (August 2000), repromulgated LR 27:1893 (November 2001), amended LR 28:1777 (August 2002), LR 30:2305 (October 2004), LR 32:243 (February 2006).

Chapter 4. Fees and Costs

Subchapter C. Fees for Dentists

§415. Licenses, Permits, and Examinations (Dentists)

A. For processing applications for licensure, permits, and examinations, the following non-refundable fees shall be payable in advance to the board:

- | | |
|---|-------|
| 1. - 16. ... | |
| 17. Clinical licensing examination makeup fee per portion | \$150 |

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:760(8) and R.S. 37:795.

HISTORICAL NOTE: Promulgated by Department of Health and Hospitals, Board of Dentistry, LR 14:792 (November 1988), amended LR 16:566 (June 1990), LR 18:741 (July 1992), LR 23:1526 (November 1997), LR 24:1115 (June 1998), LR 25:1478 (August 1999), LR 26:691 (April 2000), LR 28:1778 (August 2002), LR 32:243 (February 2006).

Subchapter D. Fees for Dental Hygienists

§419. Licenses, Permits, and Examinations (Dental Hygienists)

A. For processing applications for licensure, permits, and examinations, the following non-refundable fees shall be payable in advance to the board:

- | | |
|---|------|
| 1. - 10. ... | |
| 11. Clinical licensing examination makeup fee per portion | \$50 |

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:760 (8) , R.S. 37:768, and R.S. 37:795.

HISTORICAL NOTE: Promulgated by Department of Health and Hospitals, Board of Dentistry, LR 14:792 (November 1988), amended LR 16:566 (June 1990), LR 18:741 (July 1992), LR 23:1527 (November 1997), LR 24:1115 (June 1998), LR 25:1478 (August 1999), LR 26:691 (April 2000), LR 28:1778 (August 2002), LR 32:243 (February 2006).

Chapter 5. Dental Assistants

§501. Authorized Duties

A. - B.19. ...

20. exception: a dental assistant who has been employed by a licensed, practicing dentist and has worked as a dental assistant prior to July 30, 1992, may continue performing the following duties without registering as an

expanded duty dental assistant. These duties must also be performed under the direct, on-premises supervision of the dentist:

- a. apply cavity liners, excluding capping of exposed pulpal tissue;
- b. place, wedge or remove matrices for restoration by the dentist;
- c. place and remove periodontal dressings;
- d. place and remove retraction cords.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:760(8).

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Board of Dentistry (October 1970), amended LR 2:186 (June 1976), LR 7:586 (November 1981), amended by Department of Health and Hospitals, Board of Dentistry, LR 15:965 (November 1989), LR 16:505 (June 1990), LR 19:205 (February 1993), LR 32:243 (February 2006).

Chapter 15. Anesthesia/Analgesia Administration

§1506. Conscious Sedation with Enteral Drugs

A. In order to administer enteral conscious sedation, the dentist shall:

1. comply with all requirements of this Chapter;
2. utilize a working pulse oximeter on patients;
3. maintain a proper record keeping mechanism in addition to a controlled substance log;
4. utilize an accurate scale on pediatric patients (anyone under the age of 13).

B. Drugs for enteral conscious sedation must be administered in a dental office and the patient must be observed by a qualified office staff member with training and credentials to perform the specific tasks concomitant with the procedure being administered. Continuous monitoring with pulse oximetry must be initiated with early signs of conscious sedation and continued until the patient is alert. A precordial, pretracheal stethoscope must be available to assist intraoperatively in the monitoring of heart and respiratory rates. A sphygmomanometer shall be immediately available and utilized as needed throughout the procedure. Drugs for anxiolysis may be administered off premises prior to the dental procedure.

C. For those licensees who have received permits to administer pediatric enteral conscious sedation prior to the effective date of this rule, said licensee shall satisfactorily complete a board approved course in the administration of pediatric enteral conscious sedation before the permit is renewed concurrently with the license renewal. However, a grace period of 180 days after the renewal of one's license shall be granted to the licensee if good cause can be shown that a course was not available.

D. The licensee must provide proof of current certification in cardiopulmonary resuscitation, Course "C," Basic Life Support for the Health Care Provider as defined by the American Heart Association or its equivalent.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:760(8) and R.S. 37:793.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Dentistry, LR 20:659 (June 1994), amended LR 22:1216 (December 1996), LR 32:244 (February 2006).

§1509. Minimal Educational Requirements for the Granting of Permits to Administer Nitrous Oxide Inhalation Analgesia, Conscious Sedation with Parenteral or Enteral Drugs and General Anesthesia/Deep Sedation

A. - B.2 ...

C. Conscious Sedation with Enteral Drugs

1. To be granted an unrestricted (adults and children) permit to administer conscious sedation with enteral drugs, the applicant must submit verification of formal post-doctoral training in the use of enteral conscious sedation on both pediatric and adult patients or satisfactory completion of a board approved course which includes a minimum of 16 hours of didactic training and a component on handling emergencies incident to the administration of conscious sedation.

2. To be granted a restricted permit (adults only) to administer conscious sedation with enteral drugs, the applicant must submit verification of formal post-doctoral training in the use of enteral conscious sedation on adult patients or satisfactory completion of a board approved course which includes a minimum of 8 hours of didactic training and a component on handling emergencies incident to the administration of conscious sedation.

D. Deep Sedation and General Anesthesia. Successful completion of an American Dental Association accredited program in oral and maxillofacial surgery or a program which meets or exceeds the specifications outlined in Part II of the Guidelines for Teaching the Comprehensive Control of Pain and Anxiety in Dentistry adopted by the American Dental Association.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:760(8).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Dentistry, LR 20:659 (June 1994), amended LR 22:1216 (December 1996), LR 32:244 (February 2006).

§1511. Required Facilities, Personnel and Equipment for Sedation Procedures

A. - A.7.d. ...

e. Pulse oximeter when parenteral or enteral conscious sedation on a patient is performed.

A.8. - B.3. ...

4. When conscious sedation with parenteral or enteral drugs is being administered one auxiliary who is currently certified in basic life support must be available to assist the dentist in an emergency.

5. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:760(8).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Dentistry, LR 20:659 (June 1994), amended LR 32:244 (February 2006).

Chapter 16. Continuing Education Requirements

§1611. Continuing Education Requirements for Relicensure of Dentists

A. ...

B. At least one-half of the minimum credit hours (20) must be attained by personally attending clinical courses

pertaining to the actual delivery of dental services to patients. However, 10 of these 20 hours may be attained by completing ADA or AGD certified Internet or correspondence courses which are clinical in nature and require successful completion of a written examination at the conclusion of said course.

C. - J. ...

K. In order to renew permits for the administration of deep sedation, parenteral sedation, and enteral sedation, each licensee shall complete a board approved course pertinent to the level of their sedation permit no less than once every five years.

1. Recertification for deep sedation or general anesthesia as required by the American Association of Oral and Maxillofacial Surgeons every five years shall satisfy this requirement.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:760(8) and (13).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Dentistry, LR 20:661 (June 1994), amended LR 21:569 (June 1995), LR 22:24 (January 1996), LR 22:1216 (December 1996), LR 23:1526 (November 1997), LR 24:1117 (June 1998), LR 25:510 (March 1999), LR 26:489 (March 2000), LR 30:2307 (October 2004), LR 32:244 (February 2006).

§1613. Continuing Education Requirements for Relicensure of Dental Hygienists

A. ...

B. At least one-half of the minimum credit hours (12) must be attained by personally attending clinical courses pertaining to the actual delivery of dental or dental hygiene services to patients. However, 6 of these 12 hours may be attained by completing ADA, AGD, or ADHA certified Internet or correspondence courses which are clinical in nature and require successful completion of a written examination at the conclusion of said course.

C. - J. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:760(8) and (13).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Dentistry, LR 20:661 (June 1994), amended LR 21:570 (June 1995), LR 22:24 (January 1996), LR 22:1217 (December 1996), LR 23:1526 (November 1997), LR 24:1118 (June 1998), LR 25:510 (March 1999), LR 26:489 (March 2000), LR 30:2307 (October 2004), LR 32:245 (February 2006).

Chapter 17. Licensure Examinations

§1703. Candidate's Manual for the Dental Licensure Examination of the Louisiana State Board of Dentistry

A. This manual is too voluminous to print and LAC 46:XXXIII.1703 is intended to put the public on notice that the board utilizes examination manuals which are revised every year. A copy be obtained from the board office.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:760(1) and (8).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Dentistry, LR 24:1118 (June 1998), amended LR 32:245 (February 2006).

§1705. Candidate's Manual for the Dental Hygiene Licensure Examination of the Louisiana State Board of Dentistry

A. This manual is too voluminous to print and LAC 46:XXXIII.1705 is intended to put the public on notice that the board utilizes examination manuals which are revised every year. A copy may be obtained from the board office.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:760(1) and (8).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Dentistry, LR 24:1118 (June 1998), amended LR 32:245 (February 2006).

C. Barry Ogden
Executive Director

0602#045

RULE

Department of Health and Hospitals Board of Nursing

Definition of Terms and Administration of Anesthetic Agents (LAC 46:XLVII.3703 and 3705)

Notice is hereby given, in accordance with the provisions of the Administrative Procedures Act, R.S.49:950 et seq., that the Louisiana State Board of Nursing (board) pursuant to the authority vested in the board by R.S.37:918 and R.S. 37:935, adopts Rules amending the Professional and Occupational Standards to implement Act 642 of the 2004 Louisiana Legislature to provide authority for registered nurses to administer anesthetic agents in accordance with an order of an authorized prescriber to certain patients in accordance with rules and regulations promulgated by the board. These Rules provide the required direction for the safe implementation of Act 642. The amendments of the Rules are set forth below.

Title 46

PROFESSIONAL AND OCCUPATIONAL STANDARDS

Part XLVII. Nurses

Subpart 2. Registered Nurses

Chapter 37. Nursing Practice

§3703. Definition of Terms Applying to Nursing Practice

Executing Health Care Regimes as Prescribed by a Licensed Physician, Dentist or Authorized Prescriber—carrying out the medical orders of a physician, dentist or other authorized prescriber licensed in Louisiana.

1. Registered nurses may, based on their individual judgment of each situation, accept verbal orders initiated by an authorized prescriber and transmitted through a licensed or certified health care practitioner, provided the order is related to the said practitioner's scope of practice.

2. Registered nurses may execute standing orders of an authorized prescriber provided the said prescriber initiates the standing orders and provided, further, that the said orders do not require the nurse to make a medical diagnosis or to engage in prescriptive activity or to administer anesthetic agents other than in accordance with R.S. 37:930.D and E, R.S. 37:935 and LAC 46:XLVII.3705.

3. Registered nurses employed in the public school system are authorized to execute health care regimens prescribed by physicians licensed in adjacent states, pursuant to R.S. 17:436(B)(3)(a) and R.S. 17:436.1(B)(1)(a).

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:918, R.S. 37:911, R.S. 37:913 and R.S. 37:935.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Board of Nursing LR 7:79 (March 1981), amended LR 10:598 (August 1984), LR 12:677 (October 1986), amended by the Department of Health and Hospitals, Board of Nursing, LR 24:1293 (July 1998), LR 32:245 (February 2006).

§3705. Administration of Anesthetic Agents

A. Registered nurses, who are not certified registered nurse anesthetists, may administer anesthetic agents to intubated patients in critical care settings, and may titrate and continue infusion of local anesthetic agents through the use of epidural catheters for pain management, excluding obstetric patients, provided that the following conditions are met.

1. There is an institutional policy and plan for registered nurses (non-CRNAs) to administer anesthetic agents to intubated patients in critical care settings, and to titrate and continue infusion of local anesthetic agents through the use of epidural catheters for pain management for patients other than obstetric patients that includes:

- a. a clear statement of the purpose and goal of the treatment;
- b. written protocols, with documentation of acceptance of the protocols by the medical staff of the agency;
- c. policies and procedures to include but not be limited to the following:
 - i. preparation of solution;
 - ii. initiation of infusion;
 - iii. responding to emergency situations;
 - iv. maximum dose per hour of an anesthetic agent which can be administered by a registered nurse, who is not a certified registered nurse anesthetist, as approved by the medical staff; and
 - v. criteria for documentation of the procedure.

2. No anesthetic agent may be administered by a registered nurse, who is not a certified registered nurse anesthetist pursuant to this part unless there is a medical order by an authorized prescriber. Any orders to change the rate of infusion must be a medical order or in lieu of a specific order to change the rate of infusion, there are clearly stated criteria, by the authorizing prescriber, for adjusting the rate of infusion. However, in an emergency situation, the registered nurse may decrease the rate of infusion before calling the authorized prescriber.

B. Further, registered nurses, who are not certified registered nurse anesthetists, may titrate and continue infusion of local anesthetic agents through the use of epidural catheters for pain management, excluding obstetric patients, provided that the following conditions are met.

1. There is documentation that the registered nurse has successfully completed a course of instruction, which includes but is not limited to didactic instruction and supervised clinical practice on the following:
 - a. anatomy and physiology of the spinal cord and column;
 - b. purpose of the epidural catheter for pain management;

- c. catheter placement and signs and symptoms of misplacement;
- d. effects of medication administered epidurally;
- e. untoward reaction to medication and management;
- f. complications; and
- g. nursing care responsibilities:
 - i. observation;
 - ii. procedures;
 - iii. catheter maintenance;
 - iv. proper calibration and operation of infusion pump, and
 - v. removal of the epidural catheter.

2. Competencies shall be measured initially during orientation and on an annual basis.

C. The administration of anesthetic agents to intubated patients in critical care settings, and the titration and continuance of infusion of local anesthetic agents through the use of epidural catheters for pain management for patients may not be delegated or assigned by a registered nurse to anyone other than a registered nurse who meets the criteria set forth in this standard.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:935.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Nursing, LR 32:246 (February 2006).

Barbara L. Morvant
Executive Director

0602#063

RULE

Department of Health and Hospitals Board of Nursing

Renewal of License and Licensure as
Advanced Practice Registered Nurse
(LAC 46:XLVII.3333 and 4507)

Notice is hereby given, in accordance with the provisions of the Administrative Procedures Act, R.S.49:950 et seq., that the Board of Nursing (board) pursuant to the authority vested in the board by R.S.37:918, R.S.37:920(E) amends the Professional and Occupational Standards Rules pertaining to the extension period of time in which persons licensed to practice as registered nurses and advanced practice registered nurses must renew current licenses and removes the requirements of providing evidence of completion of continuing education for the calendar year 2005. The amendments of the Rule is set forth below.

Many of the state's registered nurses and advanced practice registered nurses have suffered losses of personal property and have been displaced from their residences and places of employment. The lack of resources available to many registered nurses and advanced practice registered nurses will severely limit the ability of many licensees to meet the requirements for renewal of their licenses by January 31, 2006.

Title 46
PROFESSIONAL AND OCCUPATIONAL
STANDARDS

Part XLVII. Nurses: Practical Nurses and Registered
Nurses

Subpart 2. Registered Nurses

Chapter 33. General

Subchapter C. Registration and Registered Nurse

Licensure

§3333. Renewal of License

A. Every person holding a license to practice as a registered nurse, and intending to practice during the ensuing year, shall renew his license annually prior to the expiration of his license. The board shall furnish an application for renewal of a license to every person who holds a current license. The licensee shall complete the renewal form and return to the board before January 1. Upon receipt of the application and the renewal fee as required under §3341, the board shall verify the accuracy of the application and issue to the licensee a license of renewal for the current year beginning February 1 and expiring January 31. Incomplete applications will be returned. Applications postmarked after December 31 will be considered late and subject to the fee as required under §3341 for late renewals. Failure to renew a license prior to expiration subjects the individual to forfeiture of the right to practice. An individual shall notify the board of:

A.1. - B.3. ...

4. notwithstanding any provision of this Section to the contrary, any license to practice as a registered nurse issued valid through January 31, 2006 shall be valid through March 31, 2006;

5. notwithstanding any provision of this section to the contrary, no evidence of meeting the requirements of §3335 shall be required to renew a license issued valid through January 31, 2006, if said license is renewed on or before March 31, 2006.

C. - D.8. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:918 and 920.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Board of Nursing, LR 7:78 (March 1981), amended by the Department of Health and Hospitals, Board of Nursing, LR 16:1061 (December 1990), LR 23:962 (August 1997), LR 23:963 (August 1997), repromulgated LR 24:1293 (July 1998), amended LR 26:1443 (July 2000), LR 32:247 (February 2006).

Chapter 45. Advanced Practice Registered Nurses

§4507. Licensure as Advanced Practice Registered
Nurse

A. - E.2.d. ...

e. notwithstanding any provision of this Section to the contrary, for renewal of an APRN license issued valid through January 31, 2006 and renewed on or before March 31, 2006, compliance with Subparagraphs b and c will not be required.

F. - F.2.g. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:918.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Board of Nursing, LR 22:281 (April

1996), amended LR 27:723 (May 2001), LR 29:580 (April 2003), LR 32:247 (February 2006).

Barbara L. Morvant
Executive Director

0602#064

RULE

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

Inpatient Hospital Services—State Hospitals
Reimbursement Methodology

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 Administrative Procedure Act, R.S. 49:950 et seq.

Rule

The Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing amends the reimbursement methodology for inpatient hospital services rendered in state acute hospitals to discontinue the requirement that state hospitals utilize target rate per discharge amounts and per diem limitations to determine the reimbursable Medicaid inpatient costs on the cost report. Inpatient hospital services provided by state acute hospitals shall be reimbursed at allowable costs and shall not be subject to per discharge or per diem limits.

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

0602#080

RULE

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

Pharmacy Benefits Management Program
Antihemophilia Drugs Reimbursement

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 reduces the

estimated acquisition cost reimbursement rate under the Medicaid Program for Antihemophilia drugs, Factor products, to the average wholesale price minus 30 percent for all prescription drug providers.

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

0692#079

RULE

**Department of Health and Hospitals
Office of Public Health**

**Genetic Diseases—Neonatal Screening
(LAC 48:V.6303)**

Under the authority of R.S. 40:5 and 40:1299 et seq., and in accordance with the Administrative Procedure Act, R.S. 49:950 et seq., the Department of Health and Hospitals, Office of Public Health amends LAC 48:V.6303, A., B. and G.

The Rule adds screening for argininosuccinic aciduria (ASA), citrullinemia, homocystinuria, maple syrup urine disease (MSUD), medium chain acyl-CoA dehydrogenase deficiency (MCADD) and includes other requirements necessary for ensuring proper laboratory testing, follow-up and reporting. The Rule also increases the price of the red border lab form (Lab-10 form) for use with non-Medicaid patients from \$18 to \$30. All of these metabolic diseases untreated cause severe disability and the complications with some of them can be fatal.

Title 48

PUBLIC HEALTH—GENERAL

Part V. Public Health Services

Subpart 19. Genetic Diseases Services

Chapter 63. Newborn Heel Stick Screening

§6303. Purpose, Scope Methodology

A. Purpose and Scope. R.S. 40:1299.1, 2, and 3, require physicians to test Louisiana newborns for phenylketonuria, congenital hypothyroidism, sickle cell disease, biotinidase deficiency, galactosemia, argininosuccinic Aciduria (ASA), citrullinemia, homocystinuria, maple syrup urine disease (MSUD) and medium chain acyl-CoA dehydrogenase deficiency (MCADD). The Office of Public Health (OPH) maintains a laboratory for performing newborn screening tests for the above-mentioned diseases. The newborn screening battery may also be available through other approved laboratories (see Subsection G).

B. Methodology

1. Filter Paper Specimen Form, (Lab-10) used in blood specimen collection for neonatal screening, can be obtained at parish health units. There are two different types of Lab-10 forms which are color-coded.

a. For patients covered by Medicaid, including those in the Kid-Med Program, blue border forms are used. There is no charge to private providers for these blue border forms.

b. For private and non-Medicaid patients, red border Lab-10 forms are used. These red border Lab-10 forms are \$30 each.

2. Private providers should order a mix of red and blue Lab-10 forms from their local parish health unit (or OPH Regional Office for certain areas) to match the Medicaid/non-Medicaid composition of newborns to be screened at their facility. The Lab-10 forms must be completely filled out.

3. For non-Medicaid eligible patients who attend a parish health unit for just the newborn screening service, the parent or guardian will be charged \$30 upon registering.

B.4. - F. ...

G. Acceptable Newborn Screening Testing Methodologies and Procedures for Medical Providers Not using the State Laboratory. Laboratories performing or intending to perform the state mandated newborn screening battery on specimens collected on Louisiana newborns must meet the conditions specified below pursuant to R.S. 40:1299.1.

1. The testing battery must include testing for phenylketonuria (PKU), congenital hypothyroidism, biotinidase deficiency, galactosemia, argininosuccinic aciduria (ASA), citrullinemia, homocystinuria, maple syrup urine disease (MSUD), medium chain acyl-CoA dehydrogenase deficiency (MCADD) and the following hemoglobinopathies: sickle cell disease, SC disease, thalassemias E disease and C disease

2. - 4. ...

5. Only the following testing methodologies are acceptable without prior approval.

Disease	Testing Methodology
PKU	Fluorometric Tandem Mass Spectrometry Phenylalanine level cut-off: >3 mg, dL, call Genetics Office immediately for obtaining phenylalanine/tyrosine
Congenital Hypothyroidism	Radioimmunoassay (RIA) or Enzyme Immunoassay (EIA) methods for T4 and/or Thyroid Stimulating Hormone (TSH) which have been calibrated for neonates
Biotinidase Deficiency	Qualitative or Quantitative Enzymatic Colorimetric or Fluorometric
Galactosemia	Galt enzyme assay Total Galactose
Hemoglobinopathies (Sickle cell)	Cellulose acetate/citrate agar Capillary isoelectric focusing (CIEF) Gel isoelectric focusing (IEF) High Pressure Liquid Chromatography (HPLC) Sickle Dex - NOT Acceptable Controls must include: F, A, S, C, E Result Reporting: by phenotype Positive/negative is NOT acceptable
Argininosuccinic Aciduria (ASA)	Tandem Mass Spectrometry
Citrullinemia	Tandem Mass Spectrometry
Homocystinuria	Tandem Mass Spectrometry
Maple Syrup Urine Disease (MSUD)	Tandem Mass Spectrometry
Medium Chain Acyl-CoA Dehydrogenase Deficiency (MCADD)	Tandem Mass Spectrometry

Disease	Testing Methodology
New Food and Drug Administration approved methodologies may be used if found to be acceptable by the Genetic Diseases Program. Approval should be requested in writing 60 days before the intended date of implementation (see Genetic Diseases Program mailing address below). Requests for approvals will be based on documentation of FDA approval and an in-house validation study of said methodology.	

6. - 7. ...

8. **Mandatory Reporting of Positive Test Results Indicating Disease**

a. To ensure appropriate and timely follow-up, positive results must be reported, along with patient demographic information as specified below to the Genetic Diseases Program Office either by FAX at (504) 219-4452 or by telephone at (504) 219-4413 and followed up by the mailing of the information to the following address: Genetic Diseases Program, 1450 L & A Road, 2nd Floor, Metairie, LA 70001.

b. Specific time deadlines after data reduction and interpretation for reporting positive results indicating probable disease to the Genetics Office:

i. PKU: report a phenylalanine level of >3 mg/dL on the initial or repeat blood specimen within 2 hours and for inconclusive results, 2 consecutive results of >2mg/dl - <3mg/dl within 2 hours;

ii. Galactosemia, argininosuccinic aciduria (ASA), citrullinemia, homocystinuria, maple syrup urine disease (MSUD) and medium chain acyl-CoA dehydrogenase deficiency (MCADD) on the initial or repeat blood specimen within 2 hours; for inconclusive results, 2 hours for 2 consecutive inconclusive results;

iii. Congenital Hypothyroidism: report confirmatory test results within 24 hours;

iv. Biotinidase Deficiency: report results within 24 hours;

v. Sickle Cell Disease: report results of FS, FSC, FSA from initial specimens within 24 hours.

8.c. - 10.a. ...

b. The laboratory must electronically report newborn screening results on all Louisiana newborns screened to the Genetic Diseases Program Office on a monthly basis. The file format and data layout will be determined by the Genetic Diseases Program. Essential patient data is the following and is required to be reported unless "optional" is indicated:

- i. child's name;
- ii. child's last name;
- iii. mother's first name;
- iv. mother's last name;
- v. mother's maiden name (optional);
- vi. child's street address;
- vii. child's city;
- viii. child's state;
- ix. child's zip code;
- x. child's parish (optional);
- xi. child's date of birth (format: mm/dd/yyyy);
- xii. child's sex;
- xiii. child's race (format: (W)hite, (B)lack, Native American, Asian, other, Hispanic);
- xiv. mother's Social Security number (format: 999-99-9999);
- xv. child's test results.

H. **The Newborn Heel Stick Screening Policy for Result Reporting and Repeat Screening Post Transfusion**

1. The laboratory reporting the results to the submitter must indicate that transfusion may alter all newborn screening results along with the following instruction.

Repeat Testing Recommended:
2 days after last transfusion;
and 7 days after last transfusion;
and 90 days after last transfusion.

2. Whenever possible, a specimen should be collected prior to transfusion.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1299, et seq.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Office of Preventive and Public Health Services, LR 13:246 (April 1987), amended by the Department of Health and Hospitals, Office of Public Health, LR 17:378 (April 1991), LR 18:1131 (October 1992), LR 20:1386 (December 1994), LR 23:301 (March 1997), LR 27:545 (April 2001), LR 29:1490 (August 2003), LR 32:248 (February 2006).

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

0602#065

RULE

**Department of Public Safety and Corrections
Office of Corrections Services**

**Adult Institutions Non-Medical Furloughs
(LAC 22:I.305)**

In accordance with the provisions of the Administrative Procedure Act (R.S. 49:950 et seq.), the Louisiana Department of Public Safety and Corrections, Corrections Services, amends the contents of §305, Adult Institutions Non-Medical Furloughs.

The purpose of the amendment of the aforementioned regulation is to make clarifications to the existing regulation. These clarifications include the adding of definitions and changes to the applicability, as well as the eligibility section of the regulation.

Title 22

**CORRECTIONS, CRIMINAL JUSTICE AND LAW
ENFORCEMENT**

Part I. Corrections

Chapter 3. Adult and Juvenile Services

Subchapter A. General

§305. Adult Institutions Non-Medical Furloughs

A. Purpose. To establish the secretary's policy regarding non-medical furloughs.

B. Applicability. Chief of operations, assistant secretary, director of probation and parole, and unit heads. Each unit head shall ensure that appropriate procedures are in place to comply with the provisions of this regulation.

C. Definitions

Non-Medical Furlough—a release from incarceration during the last six months of an inmate's sentence for the purpose of assisting in his transition into society.

Non-Medical Furlough Violation—the commission of any new offense, as well as the failure to follow rules and guidelines while on non-medical furlough.

Non-Medical Furlough Residence—a verified, established residence of an approved family member where the inmate will reside during the non-medical furlough.

Institution—includes, for the purpose of this regulation, state operated prison facilities, Winn Correctional Center, Allen Correctional Center, local jail facilities, and community rehabilitation centers under contract to or under cooperative endeavor with the Department of Public Safety and Corrections.

Unit Head—wardens of institutions, directors of community rehabilitation centers and local law enforcement authorities, i.e. sheriffs, chiefs of police, and administrators of local jail facilities.

D. Policy

1. It is the secretary's policy that non-medical furloughs typically will be reserved only for those inmates in work release programs. This regulation sets forth minimum requirements necessary for approval of a non-medical furlough (although such non-statutory minimum requirements may be waived by the secretary at his discretion) and does not prevent denial of a non-medical furlough to any inmate whose record, medical or mental health status, or observable behavior indicates that approval would not be appropriate or who, in the unit's head's discretion, is not otherwise acceptable. Nothing herein acts to authorize any non-medical furlough when, in the belief of responsible institutional staff, there is a reasonable risk to public safety or is likely to evoke adverse public reaction. Under no circumstances shall a non-medical furlough exceed 72 hours. Out-of-state non-medical furloughs are not authorized.

E. Eligibility. Adult offenders must meet the following criteria in order to be eligible for a furlough:

1. served at least one year in physical custody and have a good record of institutional adjustment;
2. six months or less to discharge;
3. must be classified as minimum custody according to the criteria of the institution where confined and have exemplary conduct;
4. must not have escaped, attempted to escape, or abetted an escape during the preceding seven years;
- 5.a. inmates serving sentences for these offenses:
 - i. first degree murder;
 - ii. second degree murder;
 - iii. attempted murder;
 - iv. aggravated rape;
 - v. attempted aggravated rape;
 - vi. forcible rape;
 - vii. aggravated kidnapping;
 - viii. aggravated arson;
 - ix. armed robbery;
 - x. attempted armed robbery;
 - xi. producing, manufacturing, distributing or dispensing or possession with intent to produce, manufacture, distribute or dispense a Schedule I or II controlled dangerous substance (R.S. 40:964);
 - xii. habitual felony conviction (R.S. 15:529.1);
- b. are eligible for non-medical furloughs only during the last six months of their sentence. In accordance with R.S. 15:833.B.(3)(a) and (c) the provisions of this Section cannot be waived;

6. generally, inmates serving a sentence for any crime enumerated in Department Regulation No. B-08-009 "Sex Offender Notification and Registration Requirements" are ineligible for furlough consideration. However, if specific circumstances warrant consideration and a sex offender is approved for a non-medical furlough, notification procedures must be followed as outlined in Department Regulation No. B-08-009.

F. Procedures

1. Non-medical furlough recommendations must be submitted by the unit head at least 30 days prior to the start of the requested furlough period on the Non-Medical Furlough Recommendation Form (see Attachment 1). The unit head's comments should address the inmate's adjustment while incarcerated, as well as his overall behavior, and whether or not there is a victim notice and registration form on file.

2. Non-medical furloughs should not be requested for inmates even though they meet the established criteria when it is known to the unit head that the inmate might present a danger to himself or others or cause adverse public reaction should he be released.

3. The unit head's favorable recommendation shall be sent to the secretary.

4. The secretary will generally route the request to the chief of operations for review of compliance with applicable law and policy. In any event, the secretary may:

- a. concur with the unit head's recommendation and approve the non-medical furlough;
- b. seek additional information prior to rendering a decision; or
- c. disapprove the non-medical furlough request.

5. When a non-medical furlough is being considered, the Office of Adult Services will contact the sheriff and district attorney in the parish of conviction and the sheriff and/or chief of police in the jurisdiction of the furlough residence.

6. If a victim notice and registration form has been filed pursuant to the provisions of Department Regulation No. C-01-007 "Crime Victims Services Bureau," the Office of Adult Services (OAS) will contact that person or persons to seek their comments.

7. It shall be the unit head's responsibility to notify the victim or family member by certified mail of the inmate's release if the non-medical furlough is approved. In the event the inmate is housed in a local jail facility, or community rehabilitation center under contract to or under cooperative endeavor agreement with the department, notification shall be made by OAS.

8. If approved, the non-medical furlough will be for a specific time period, not to exceed three days. The unit head will be notified of the secretary's decision.

9. It is the unit head's responsibility to ensure that a DNA sample has been obtained and to verify the non-medical furlough plan, transportation, and coordination with the approved family member prior to the inmate's release.

10. Upon approval of the secretary and prior to the inmate's departure, a Non-Medical Furlough Agreement Form (see Attachment 2) outlining the conditions of the non-medical furlough shall be signed by the inmate. In

addition, the inmate's approved family member must sign the form agreeing to be responsible for the inmate and to ensure that transportation is provided. (No public transportation is allowed.) A copy of the Non-Medical Furlough Agreement Form shall be filed in the inmate's record.

11. All non-medical furlough violations must be reported utilizing the Non-Medical Furlough Violation Report Form (see Attachment 3). The chief of operations will maintain statistical data regarding furlough violations in accordance with R.S. 15:833 C.

G. Attachment 1—Non-Medical Furlough Recommendation

NON-MEDICAL FURLOUGH RECOMMENDATION

The below listed inmate is being recommended for a non-medical furlough. The inmate meets all statutory and regulatory requirements. In my opinion, the inmate constitutes only minimal danger to himself or to society.

One time only for a period of _____
 Inmate Name _____ DOC Number _____
 Purpose of Furlough _____
 Name, Relationship, Address and Telephone number of the person with whom the inmate will reside while on Furlough:
 Name _____ Relationship _____
 Address _____
 Telephone _____
 Unit Head's Comments: _____

Unit Head _____ Chief of Operations _____ Approved/Disapproved _____

Secretary _____ Approved/Disapproved _____

H. Attachment 2—Non-Medical Furlough Agreement

NON-MEDICAL FURLOUGH AGREEMENT

Inmate's Name _____ DOC Number _____
 The above named and numbered inmate is authorized to be on a non-medical furlough commencing at _____ AM/PM on _____
 The inmate will reside with _____ relationship _____, telephone number _____ address _____.

I agree to abide by the following rules. I understand that my failure to do so may result in the suspension of the non-medical furlough, disciplinary action, and, if applicable, criminal prosecution.

1. I will return to _____ on or before _____.
 2. I will remain within the boundaries of _____ Parish during this period, and at the address indicated above during the hours of 10 p.m. until 8 a.m.
 3. I will not have in my possession any firearms, or other dangerous weapons, nor consume or possess any alcoholic beverages or illegal drugs.
 4. I will not engage in any type of criminal activity nor will I associate with anyone known to be engaged in such activities.
 5. I will not operate a motor vehicle while on furlough, and I will avoid places of harmful or disreputable character. I will not visit anyplace where alcohol is the major product served or sold.
 6. I understand that as a condition of the non-medical furlough, I agree to submit to a urinalysis test at any time so requested, and assume the cost of the test.
 7. I agree to report immediately any arrests, problems or unusual occurrences to the institutional staff member assigned as liaison.
 8. I understand that failure to return from furlough at the designated time may result in my being charged with escape.
- Inmate's Signature _____

I, _____, agree to accept responsibility for the above inmate and agree to provide the necessary residence and transportation for the inmate.
 I have also read and understand the conditions stated above.
 Make/Model/Color of transporting vehicle; License Plate Number: _____

Signature of family member _____
 Releasing authority _____

I. Attachment 3—Non-Medical Furlough Violation Report

NON-MEDICAL FURLOUGH VIOLATION REPORT

Inmate Name _____ DOC Number _____ Age _____
 The above named inmate violated the condition(s) of his non-medical furlough agreement:
 Date and Time _____
 Brief explanation of violation _____
 Inmate's instant offense _____
 Length of sentence _____
 Attached is a copy of the inmate's State Police and FBI rap sheets.

Unit Head _____ Institution _____

AUTHORITY NOTE: Promulgated in accordance with R.S. 15:811(C), R.S. 15:833.

HISTORICAL NOTE: Promulgated by the Department of Corrections, Office of Adult Services, LR 4:487 (December 1978), amended LR 8:274 (June 1982), LR 15:853 (October 1989), LR 32:249 (February 2006).

Richard L. Stalder
 Secretary

0602#031

RULE

**Department of Revenue
 Office of Charitable Gaming**

Casino Nights
 (LAC 42:I.2301-2339)

Under authority of R.S. 4:707 and 729 and R.S. 47:1511 and in accordance with provisions of the Administrative Procedure Act, R.S. 49:950 et seq., the Department of Revenue, Office of Charitable Gaming has amended LAC 42:I.2301-2339 to remove antiquated references and clarify the Office of Charitable Gaming's requirements for casino nights conducted by charitable organizations.

Title 42

LOUISIANA GAMING

Part I. Charitable Bingo, Keno, Raffle

Subpart 2. Electronic Video Bingo

Chapter 23. Casino Nights

§2301. Definitions

A. For the purposes of this Chapter the following definitions shall apply.

Cash—all coins, currency, and legal tender of the United States and foreign governments including gold, silver, or other negotiable instruments such as cashiers checks, certified checks, money orders, stocks, bonds, or negotiable securities.

Certain Related Offenses—an offense against local, state, federal, or other country's laws as follows:

- a. any felony offense;
- b. any offense directly or indirectly related to gambling or gaming laws; or
- c. any misdemeanor offense for the following:
 - i. theft or related offense;
 - ii. attempted theft or related offense;
 - iii. issuing worthless checks;
 - iv. illegal possession of stolen things, or
 - v. false swearing or related offense.

Law—the Charitable Raffle, Bingo and Keno Licensing Law, R.S. 4:701 et seq.

Private Casino Contractor—any person or other entity licensed pursuant to the provisions of R.S. 4:701 et seq., as a distributor of gaming supplies or equipment who is engaged directly or indirectly in the business of providing equipment, supplies, and/or services for the conducting of charitable casino nights for licensed charitable organizations.

Reasonable Market Rental Rate—that rate at which similar facilities or equipment available for similar purposes in the community may be leased or rented.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:707 and 729.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of State Police, LR 18:283 (March 1992), amended by the Department of Revenue, Office of Charitable Gaming, LR 32:251 (February 2006).

§2303. Compliance

A. Any person, corporation or other legal entity desiring to act as a private casino contractor in this state must:

- 1. comply with all criteria set forth in R.S. 4:701 et seq. and the administrative provisions of Title 42 of the Louisiana Administrative Code, Part I, Charitable Bingo, Keno, Raffle, and all other applicable provisions of federal, state and local laws;
- 2. be issued and maintain all applicable federal, state, parish and municipal licenses; and
- 3. qualify for and possess a current valid license to distribute gaming supplies issued by the office pursuant to the provisions of R.S. 4:701 et seq.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:707 and 729.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of State Police, LR 18:284 (March 1992), amended by the Department of Revenue, Office of Charitable Gaming, LR 32:252 (February 2006).

§2305. Commencement of Activity

A. No person, corporation, or other legal entity shall act as a private casino contractor until the effective date of any license that is granted by the office.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:707 and 729.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of State Police, LR 18:284 (March 1992), amended by the Department of Revenue, Office of Charitable Gaming, LR 32:252 (February 2006).

§2307. License Required for Leasing Equipment

A. No person, corporation, or other legal entity except a licensed private casino contractor may lease casino night equipment to any person or organization for use during a casino night.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:707 and 729.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of State Police, LR 18:284

(March 1992), amended by the Department of Revenue, Office of Charitable Gaming, LR 32:252 (February 2006).

§2309. Information Required; Unsuitability

A. In conjunction with its application, the private casino contractor must furnish to the office for approval the following information for each of his employees or independent contractors to be used to work or assist during a casino night during the licensing year:

- 1. full name;
- 2. date of birth;
- 3. Social Security number; and
- 4. current physical address.

B. Any significant change in the information submitted on its application for licensure shall be filed by a licensee with the office within 10 days of the change. Names of additional workers and employees not provided in the application must be provided to the office no later than two business days from hire date. Any change in the officers, directors, managers, proprietors, or persons having a direct or indirect financial interest in any licensed organization or entity is considered to be a significant change that must be reported.

C. The office may declare unsuitable and restrict from participation in charitable gaming any person assisting in the holding, operation, or conduct of casino nights who:

- 1. has been convicted of certain related offenses within the last five years or who presently has such a charge pending in any state or federal court;
- 2. has ever been convicted of a gambling-related offense in any state or federal court;
- 3. is or has ever been a professional gambler;
- 4. is in consideration of any of the factors enumerated in R.S. 4:705(11) determined unsuitable.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:707 and 729.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of State Police, LR 18:284 (March 1992), amended by the Department of Revenue, Office of Charitable Gaming, LR 32:252 (February 2006).

§2311. Leasing Equipment from Licensed Private Casino Contractors

A. No organization may lease casino night equipment for use during a casino night from anyone other than a licensed private casino contractor.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:707 and 729.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of State Police, LR 18:284 (March 1992), amended by the Department of Revenue, Office of Charitable Gaming, LR 32:252 (February 2006).

§2313. Specific License Required

A. No person, corporation, or organization may conduct a casino night without a charitable gaming license issued by the office specifically authorizing the casino night at the specific date and times. The license must be conspicuously displayed at the premises where the event is conducted at all times during the activity.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:707 and 729.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of State Police, LR 18:284 (March 1992), amended by the Department of Revenue, Office of Charitable Gaming, LR 32:252 (February 2006).

§2315. Organization Compliance

A. Any person, corporation, or organization desiring to conduct casino nights must:

1. comply with and meet all criteria as set forth in R.S. 4:701 et seq. and the administrative provisions of Part I of Title 42 of the Louisiana Administrative Code and comply with all other applicable provisions of federal, state, and local laws;
2. be issued and maintain all applicable federal, state, parish, and municipal licenses; and
3. qualify for and possess a valid license to conduct charitable games of chance issued by the Office pursuant to the provisions of R.S. 4:701 et seq.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:707 and 729.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of State Police, LR 18:285 (March 1992), amended by the Department of Revenue, Office of Charitable Gaming, LR 32:253 (February 2006).

§2317. Contracts

A. Each organization leasing casino night equipment or utilizing private casino contractor labor or services must submit to the office a copy of the contract for the equipment, labor and/or services no later than seven days prior to the scheduled event. The casino night contract must include the following:

1. name of licensed charitable organization;
2. name and address of distributor or private casino contractor company;
3. date, times, and location of event;
4. detailed list of games to be conducted;
5. description of gaming equipment including number of gaming tables to be supplied;
6. rental price of each gaming table and any other rental terms and conditions;
7. number of dealers or other workers to be supplied;
8. proposed charges for labor and services;
9. signature of organization official; and
10. signature of private casino contractor.

B. Any changes in the information contained in Subsection A that occur within seven days of the event must be provided to the office in writing within 10 days after the event.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:707 and 729.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of State Police, LR 18:285 (March 1992), amended by the Department of Revenue, Office of Charitable Gaming, LR 32:253 (February 2006).

§2319. Additional Consideration Prohibited

A. No organization may pay any consideration, other cost, or service charge, directly or indirectly, more than the agreed rental price for the rental of casino night equipment and/or for private casino contractor labor or services.

B. No lease providing for a rental arrangement for premises, equipment, labor, or services in conjunction with a casino night may provide for payment in excess of the reasonable market rental rate for the premises, equipment, labor, or services. Any charges for premises, equipment, labor, or services in excess of the reasonable market rental rate will be waived or reimbursed within 10 days of the determination by the office.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:707 and 729.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of State Police, LR 18:285 (March 1992), amended by the Department of Revenue, Office of Charitable Gaming, LR 32:253 (February 2006).

§2321. Percentage Payments Prohibited; Use Fees

A. No organization may pay a percentage of the receipts or net profits from the casino night for the rental of casino night equipment or for private casino contractor labor or services.

B. Use fees must be based on rental, lease, or sale of equipment or charitable gaming supplies excluding any charge for labor or services.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:707 and 729.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of State Police, LR 18:285 (March 1992), amended by the Department of Revenue, Office of Charitable Gaming, LR 32:253 (February 2006).

§2323. Name Tags

A. Each organization member, organization worker, or private casino contract worker assisting in the conduct of a casino night must wear a printed or typed name tag clearly visible by the participants. The printing on the tag must include the following:

1. the name of the person; and
2. the name of the private casino contractor's company for whom the person is working, if applicable; or
3. the name of the organization of which the person is a member, if applicable.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:707 and 729.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of State Police, LR 18:285 (March 1992), amended by the Department of Revenue, Office of Charitable Gaming, LR 32:253 (February 2006).

§2325. Authorized Games

A. During a casino night, an organization or private casino contractor may conduct only the following authorized games of chance:

1. blackjack;
2. roulette;
3. any dice game where the player competes against the house;
4. money wheel;
5. baccarat;
6. poker; and
7. bourrée.

B. Nothing will prohibit an organization from also conducting, during a licensed scheduled casino night, the games of chance authorized by R.S. 4:707(A), when the games are conducted in accordance with the Law. The authorized games of chance listed in this Subsection A may not be conducted utilizing any electromechanical device or other mechanism employing cathode ray tubes, video display screens, or microprocessors.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:707 and 729.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of State Police, LR 18:285 (March 1992), amended by the Department of Revenue, Office of Charitable Gaming, LR 32:253 (February 2006).

§2327. Wagering on Authorized Games Only

A. A wager may not be placed on any contest other than an authorized game of chance being conducted at the designated time and location.

B. Side bets shall not be permitted.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:707 and 729.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of State Police, LR 18:286 (March 1992), amended by the Department of Revenue, Office of Charitable Gaming, LR 32:254 (February 2006).

§2329. Display of Rules

A. The private casino contractor or the organization conducting the casino night must notify players of the rules governing each game by posted rules with letters a minimum of 1/2 inch high or by a legibly printed program provided to all participants.

B. A copy of the rules must be submitted to the office prior to approval of application and prior to any advertising of the event. The office may, at its own discretion, require rule changes based on fairness to players and/or organization.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:707 and 729.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of State Police, LR 18:286 (March 1992), amended by the Department of Revenue, Office of Charitable Gaming, LR 32:254 (February 2006).

§2331. Miscellaneous Provisions

A. In all dice games, the size of each die shall be a minimum of 3/4 inch.

B. Equipment used in the conduct of a casino night must be maintained in good repair and proper working condition.

C. The utilization of equipment and method of play must be such that each participant is afforded an equal chance of winning. Marked cards will not be allowed. Marked cards include but are not limited to cards that have been punched, cut, or otherwise defaced.

D. Each game must be conducted by a dealer present at the gaming table. In a family style game, a dealer must be designated for each hand.

E. No organization worker or contract worker may accept tips, either with real or imitation money, from the participants. However, organization workers may receive donations for the organization.

F. No organization worker or contract worker may conduct the game when the worker's immediate family member is a participant at the worker's table.

G. No person under 21 years of age will be permitted to participate in gaming at the casino night. No person under 18 years of age shall be permitted to assist in the conduct of the casino night.

H. No private casino contract worker or organization worker will be eligible to win prizes or bid on prizes in the event an auction is conducted.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:707 and 729.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of State Police, LR 18:286 (March 1992), amended by the Department of Revenue, Office of Charitable Gaming, LR 32:254 (February 2006).

§2333. Tickets; Recordkeeping Requirements

A. The organization conducting a casino night must require tickets for admission to the event. No ticket may be sold for less than the price printed on it.

B. Nothing will prohibit an organization from printing separate, complimentary invitations or tickets for dignitaries or selected persons. However, the organization must maintain a list of every person who is admitted free of charge. The list will be considered part of the session records and be retained for three years.

C. Each admission ticket sold for admission to a casino night must be preprinted and prenumbered in consecutive order. Each admission ticket must include the following:

1. organization name;
2. organization license number;
3. date, time, and location of event; and
4. ticket price.

D. Admission tickets may be sold only by bona fide members of the organization licensed to conduct the casino night or bona fide members of another licensed organization. No tickets may be sold by the private casino contractor, or the contractor's agents or employees regardless of whether the person is a member of a licensed charitable organization.

E.1. The organization must maintain a log including the following:

- a. name of each worker issued tickets;
- b. name of organization to which each worker belongs if the worker is not a bona fide member of the organization licensed to conduct the casino night;
- c. serial numbers of tickets issued, sold, and returned by each worker;
- d. amount of money submitted by each worker for advance ticket sales.

2. The log and all unsold tickets will be considered part of the session records and must be retained for three years.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:707 and 729.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of State Police, LR 18:286 (March 1992), amended by the Department of Revenue, Office of Charitable Gaming, LR 32:254 (February 2006).

§2335. Accountability

A. Imitation money sales must be fully and accurately documented.

B. Each organization must ensure strict accountability for the handling of cash and imitation money by all participating members.

C. The accounting system must provide a sound audit trail and allow for the systematic accumulation of data for the organization's quarterly financial report to be submitted to the office.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:707 and 729.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of State Police, LR 18:286 (March 1992), amended by the Department of Revenue, Office of Charitable Gaming, LR 32:254 (February 2006).

§2337. Imitation Money

A. Upon admission, each participant will be given the same amounts in value of imitation money.

B. No cash may be wagered or paid as winnings during a casino night.

C. Imitation money must be sold only by organization workers on the floor or at selected sales areas. Imitation money may not be sold at an individual gaming table.

D. Imitation money will have no actual cash value and must be unique to the organization or private casino contractor.

E. If redeemed, the imitation money must be bid on merchandise prizes in an auction that must be completed no later than two hours after the conclusion of the authorized games of chance. Cash prizes may not be awarded.

F. In lieu of an auction, the organization may designate prizes to be awarded to top winners prior to the start of the gaming activity. Cash prizes may not be awarded.

G. After the original issue of imitation money, no person may provide imitation money to any participant except for the original issue price.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:707 and 729.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of State Police, LR 18:286 (March 1992), amended by the Department of Revenue, Office of Charitable Gaming, LR 32:254 (February 2006).

§2339. Register of Workers

A. The charitable organization and/or the private casino contractor conducting a casino night must prepare and maintain a register of workers including the following information:

1. name;
2. current residential address;
3. date of birth;
4. job description; and
5. name of organization or private casino contractor.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:707 and 729.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of State Police, LR 18:287 (March 1992), amended by the Department of Revenue, Office of Charitable Gaming, LR 32:255 (February 2006).

Michael E. Legendre
Director

0602#028

RULE

Department of Revenue Office of Charitable Gaming

Electronic Bingo Card Dabber Devices (LAC 42:I.2101-2111)

Under authority of R.S. 4:703 and 739 and 47:1511 and in accordance with provisions of the Administrative Procedure Act, R.S. 49:950 et seq., the Department of Revenue, Office of Charitable Gaming, has adopted LAC 42:I.2101-2111, to provide for the regulation of the use of electronic bingo card dabber devices and systems.

This Rule provides for the use of electronic bingo card dabber devices and systems by charitable organizations without the need to purchase bingo paper.

Title 42

LOUISIANA GAMING

Part I. Charitable Bingo, Keno, Raffle

Subpart 2. Electronic Video Bingo

Chapter 21. Electronic Bingo Card Dabber Devices

§2101. Definitions

A. As used throughout this Chapter, the following definitions apply.

Applicant—any person who has applied for registration as a manufacturer, distributor, or supplier for electronic bingo card dabber devices.

Distributor—a person or business entity that owns and/or leases electronic bingo card dabber devices to a charitable organization.

EBCDD—electronic bingo card dabber device.

Electronic Bingo Card Dabber Device System (EBCDD system)—any electronic or computerized device and related hardware and software that is interfaced with or connected to equipment used in connection with EBCDD to conduct a game of bingo.

a. May include secondary components provided by the manufacturer that are part of or are connected to EBCDD that does not affect the conduct of the game of bingo.

b. EBCDD systems may include, but are not limited to, computer screen backgrounds, battery charge up, software routines, modems, monitors, keyboards, pointer devices, mice, printers, printer software drivers, radio frequency (RF) software and hardware, TV tuners, and charging racks.

Law—the Charitable Raffle, Bingo and Keno Licensing Law, R.S. 4:701 et seq.

Lease Agreement—the lease agreement between the holder of a bingo license and the distributor of electronic bingo dabber devices or the agreement between the distributor of electronic bingo card dabber devices and the manufacturer.

Office—the Office of Charitable Gaming under the Louisiana Department of Revenue.

Person—an individual, partnership, joint venture, or corporation doing business in this state.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:703 and 739.

HISTORICAL NOTE: Promulgated by the Department of Revenue, Office of Charitable Gaming, LR 32:255 (February 2006).

§2103. Registration of Manufacturers, Distributors or Owners of Electronic Bingo Card Dabber Devices

A. Any person desiring to own, sell, or distribute electronic bingo card dabber devices in this state must comply with the following:

1. be issued and maintain all required federal, state, parish, and municipal licenses;

2. apply to the office and pay the required licensing fee as prescribed in R.S. 4:705(2);

3. apply to the office 90 days prior to June 30 for a renewal of registration and pay the nonrefundable renewal fee as prescribed in R.S. 4:705(2);

4. furnish to the office quarterly reports identifying the quantities, models, manufacturers, owners, and distributors of machines, and any other information the office determines necessary; and

5. meet the suitability and business relationship criteria of R.S. 4:718.

B. No manufacturer or distributor except one that is a licensed charity may be registered to hold a permit or be directly involved with the operating or the assisting in the operation of any other game of chance permitted under the Act. In addition, no manufacturer or distributor may be involved in directly or indirectly in leasing or renting any premises or equipment for such game or in the providing of any other incidental goods or service in connection with such game or games.

C. No manufacturer or distributor may ship EBCDDs or EBCDD systems into this state until an application for registration is granted by the office.

D. Registration may be suspended or revoked by the office upon determination, after notice and opportunity for hearing, which the registrant has not complied with the conditions of registration.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:726 and 739.

HISTORICAL NOTE: Promulgated by the Department of Revenue, Office of Charitable Gaming, LR 32:255 (February 2006).

§2105. Electronic Bingo Card Dabber Device Approval Process

A. Eligibility. EBCDDs and EBCDD systems will only be allowed under the following criteria:

1. a charitable organization doing business in those parishes or incorporated municipalities where an ordinance has been adopted allowing charitable games of chance; or

2. a manufacturer or distributor of EBCDDs that is registered under the law and leases or rents the machines only to charitable organizations in parishes or incorporated municipalities where an ordinance has been adopted allowing charitable games of chance.

B. Application

1. Upon approval of the manufacturer's application by written notice from the office, the manufacturer will be allowed to submit EBCDDs and EBCDD systems for certification to an independent testing laboratory approved by the office.

2. The manufacturer must agree to pay all cost associated with the testing by the independent testing laboratory, which will use established uniform testing criteria.

3. Prior to the initial shipment of EBCDDs or EBCDD systems into the state, manufacturers must receive final written approval from the office.

C. EBCDD Specifications. Each EBCDD must include the following specifications:

1. a model number and unique identification number designated by the manufacturer;

2. be programmed to automatically erase all electronic bingo cards and/or bingo card face numbers that were stored in the device upon turning off the device after the last bingo game of each session or by some secondary timing or clearing method;

3. offer for play only the game commonly known as bingo. EBCDD may not allow the play or simulate the play of video poker, keno, blackjack, slots, or similar casino type games.

D. EBCDD System Specifications. Each EBCDD System must include the following specifications:

1. a self-contained receipting function for electronic bingo cards and be able to print out a copy of the receipt for each sale or void of an EBCDD. The receipt must be given to the player and must include the following information:

a. EBCDD model and unique identification number;

b. the date and time of the transaction;

c. the session in which the product was used;

d. the quantity of electronic bingo cards purchased or loaded;

e. the total dollar amount of the transaction; and

f. the sequential and consecutive transaction number;

2. not be able to engage in any type of sale, void, alteration, or reload transactions unless the EBCDD is connected or interfaced with and communicating with the site system;

3. include a point of sale station and an internal accounting system that is capable of recording each sale of EBCDD;

4. be able to provide the winning numbers and game patterns required for the entire bingo session on a hard copy printout. The printout must be available upon demand by the office at the bingo session;

5. electronically verify that the numbers appearing on a potential winning electronic bingo card is a valid bingo and that the bingo card was purchased during the current session;

6. ensure that an EBCDD does not allow for play any bingo card faces other than those verifiably purchased by the player;

7. ensure that EBCDD system has the capability to produce a summary report, on a hard copy transaction log, after each session that includes the following information:

a. name and state license number of organization;

b. date and time of report;

c. number of EBCDDs loaded;

d. number and description of electronic bingo faces loaded into the EBCDDs;

e. voided transactions; and

f. total dollar amount of electronic bingo face sales;

8. must include software that ensures the internal accounting system is capable of recording and retaining for each session the following information:

a. the unique serial number of each bingo card sold for EBCDD use;

b. the sale price of each card or card package for use with an EBCDD;

c. the total amount of EBCDD sales;

d. the total number of card faces sold for use with EBCDDs;

e. the model and unique identification number associated with each EBCDD sold;

f. all the above information must be secured and shall not be accessible for alteration during a session; and

g. must have the capability to print all required information on the system's active or archived databases for a period not less than 12 months;

9. must have dial-up capability, so that the office has the ability to remotely verify operation, compliance, and internal accounting systems;

10. may include a player tracking computer software that is used to identify or track certain characteristics of bingo players, including but not limited to, personal data and purchasing habits of players at a particular location.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:739.

HISTORICAL NOTE: Promulgated by the Department of Revenue, Office of Charitable Gaming, LR 32:256 (February 2006).

§2107. Equipment Malfunctions and Inspections

A. Any malfunction or problems with an EBCDD or EBCDD system that could affect the security or integrity of the bingo game, the bingo card monitoring devices, or other bingo systems, must be logged and the office must be notified of the malfunction as soon as possible.

B. The office's authorized representatives may examine and inspect any individual EBCDD or EBCDD system. Examination and inspection includes immediate access to the EBCDD and unlimited inspection of all secondary parts of the EBCDD system.

AUTHORITY NOTE: Promulgated in accordance with R.S. 739.

HISTORICAL NOTE: Promulgated by the Department of Revenue, Office of Charitable Gaming, LR 32:257 (February 2006).

§2109. Reporting and Record Requirements

A. Reporting Requirements—Manufacturers

1. Each manufacturer selling, leasing, or otherwise furnishing EBCDDs or EBCDD systems must maintain a log or other records, such as invoices, which includes the following information:

- a. the date of transaction;
- b. the model and unique identification number of each EBCDD and EBCDD system;
- c. the model and/or version number of all components of the EBCDD system, excluding secondary components;
- d. the name of the distributor to whom the EBCDD or EBCDD system was sold, leased, or otherwise furnished;
- e. the time period covered by the invoice;
- f. the quantity sold or leased; and
- g. the total invoice amount.

2. Each licensed manufacturer shall file with the office a quarterly report signed by an official of the manufacturer as described in §1707 on form prescribed and supplied by the office. The report must be postmarked, or if hand delivered, received in the office, no later than the last business day of the first month following the end of the quarter. Quarters are on a calendar year basis and end on March 31, June 30, September 30, and December 31. The report must include the following information:

- a. licensed distributor to which the EBCDDs and EBCDD systems were sold or leased to;
- b. number of EBCDD units sold or leased;
- c. item description or model number;
- d. cost or lease amount per item; and
- e. total sale amount or leased amount attributable to EBCDDs.

3. In addition to any other civil or criminal penalties, manufacturers may be assessed a \$100 late penalty for each quarterly report or reports not submitted timely after notice and opportunity for a hearing held in accordance with the Administrative Procedure Act. Repeated violations are cause for denial, suspension, or revocation of license.

B. Reporting requirements—Distributors

1. Each Distributor selling, leasing, or otherwise furnishing EBCDD or EBCDD systems must maintain a log or other records, such as invoices, which includes the following information:

- a. the date of transaction;
- b. the model and unique identification number of each EBCDD and EBCDD system, excluding secondary components;
- c. the model and/or version number of all components of the EBCDD system;
- d. the name of the organization to which the EBCDD or EBCDD system was sold, leased, or otherwise furnished;
- e. the time period covered by the invoice;
- f. the quantity of EBCDDs sold or leased; and
- g. the total invoice amount.

2. Each licensed distributor shall file with the office a monthly report signed by an official of the distributor as described in §1707 on form prescribed and supplied by the office. The office must receive the report, along with the user fees, no later than the midnight of the 15th of each following month. The report must include the following information:

- a. licensed organization to which the EBCDDs were sold or leased to;
- b. number of EBCDD units sold or leased;
- c. item description or model number;
- d. cost or lease amount per item;
- e. total number of electronic card faces sold for use by EBCDDs;
- f. total sale amount or leased amount attributed to EBCDDs; and
- g. total amount of use fees collected.

3. In addition to any other civil or criminal penalties, distributors may be assessed a \$100 late penalty for each monthly report or reports not submitted timely after notice and opportunity for a hearing held in accordance with the Administrative Procedure Act. Repeated violations are cause for denial, suspension, or revocation of license.

C. Reporting requirements—Organizations

1. Each Organizations leasing or otherwise utilizing EBCDD or EBCDD systems must maintain a log or other records, such as invoices, which includes the following information:

- a. the date of transaction;
- b. the model and unique identification number of each EBCDD and EBCDD system, excluding secondary components;
- c. the model and/or version number of all components of the EBCDD system;
- d. the name of the distributor(s) from whom the EBCDD or EBCDD system were leased or otherwise furnished;

- f. the time period covered by the invoice;
- g. the quantity sold or leased; and
- h. the total invoice amount.

2. Each Organization must receive approval from the office for the selling price of electronic and face sales. Any pricing configuration desiring to be used by an organization must have prior approval from the office.

3. All sales of electronic card faces must be reported on the Organization quarterly report as gross proceeds from bingo.

4. A violation of the aforementioned provisions may result in a civil penalty and possible revocation of license in accordance with these rules.

AUTHORITY NOTE: Promulgated in accordance with R.S. 716 and 739.

HISTORICAL NOTE: Promulgated by the Department of Revenue, Office of Charitable Gaming, LR 32:257 (February 2006)

§2111. Enforcement

A. Applicant Suitability and Business Relationships. The office may deny an application or revoke, suspend, restrict, or limit a permit or approval of a EBCDD or EBCDD system when it is determined that the applicant or a business relationship between an applicant and another person or business entity is unsuitable or endangers the health, safety, or welfare of the citizens of this state. In determining the suitability of an applicant or other persons or business entities in a business relationship, the office may consider the following factors relating to the person or business entity:

- 1. general character, including honesty and integrity;
- 2. financial security and stability, competency, and business experience in the capacity of the relationship;
- 3. records, if any, of violations that may affect the legal and proper operation of a machine including a violation affecting another permittee or applicant and any violation of the laws of this state, other states, and countries without limitations as to the nature of the violation;
- 4. refusal to provide access to records, information, equipment, or premises to the office or its authorized representatives when access is reasonably necessary to ensure or protect public health, safety, or welfare.

B. Approval of Electronic Bingo Card Dabber Devices or Systems

1. The office may conditionally approve and maintain a list of specific models of electronic bingo card dabber devices (EBCDD) or EBCDD systems based on its finding that the machines conform to R.S. 4:739.

a. Final approval of each EBCDD and EBCDD system is required even if the device or system has been conditionally approved.

b. Conditional or final approval may be withdrawn by the office if it is found that a device or system does not conform to specifications and testing standards, including new or revised requirements.

2. The office may allow shipment of an EBCDD or EBCDD system for the purpose of providing conditional approval of that make or model provided the following conditions are met:

- a. the office will not be responsible for any purchase, shipping, or handling charges;
- b. all information required by this Section must accompany the EBCDD or EBCDD system; and

c. prior to shipment, the office has approved shipment of an EBCDD or EBCDD system for scheduled testing and approval.

3. If the specifications are changed such that previously approved machines do not comply, the office will allow a specified time for a permittee to bring an EBCDD or EBCDD system into compliance.

C. Machine Repair. To assure the integrity, security, and monitoring of EBCDD or EBCDD systems in service, a permitted EBCDD or EBCDD system or any portion thereof must only be substituted or replaced with identical software versions and/or hardware, which have been previously approved by an independent testing laboratory and the office. This provision does not apply to secondary components.

D. Inspection and Seizure of EBCDD or EBCDD Systems

1. The office or its authorized representative has the right at all times to make an examination of any EBCDD or EBCDD system being used to play electronic bingo. The right of inspection includes immediate access to all EBCDD or EBCDD systems and unlimited inspection of all parts. The office or its authorized representative may immediately seize and remove any machine or device that violates the Law or this Section. Emergency seizure is subject to a hearing as described in R.S. 4:711.

2. Given reasonable cause, the office may remove an EBCDD or EBCDD system or any parts for laboratory testing and analysis. When parts are removed, the office may seal any EBCDD or EBCDD system left on the permittee's premises pending the investigation. Breaking or removal of the seal without approval, may subject the permittee to seizure of the entire EBCDD or EBCDD system and suspension or revocation of the permit.

E. Investigation of Permittee. The office may, upon its own motion, and will, upon receipt of a written verified complaint of any person, investigate the actions of any permittee and the operations of any EBCDD or EBCDD system. The investigation shall be undertaken for the purpose of gathering evidence and determining whether a violation of the Law, rules, or other statutes has occurred.

F. Civil Violations

1. When the office determines a permittee has violated the law or these rules, the office may issue a civil violation to the permittee in an amount not less than \$250 or more than \$1,000. Violations may be issued for each offense not in accord with these regulations. Each day of operation in violation constitutes a separate violation.

2. A violation may be issued for the following acts:

- a. the operation in a bingo game or possession of an unapproved EBCDD or EBCDD system;
- b. the failure to report and pay timely the fees assessed;
- c. the falsification of application or reporting documents; or
- d. the refusal to allow inspection of the EBCDD or EBCDD system.

G. Suspension and Revocation

1. The office may suspend any and all permits held by an alleged violator after opportunity for hearing when:

- a. the office receives a certified copy or other credible evidence of a judgment or conviction of any

permittee or the permittee's agent, servant, or employee for any violation of any criminal law or ordinance of the United States, the state of Louisiana, or any Louisiana parish or town relating to charitable gaming;

b. the office receives a certified copy of the record or other credible evidence of the forfeiture by any permittee or the permittee's agent or employee of bond to appear to answer charges of violating any law or ordinance relating to charitable gaming; or

c. the office, after investigation, has reasonable cause to believe that any permittee, or the permittee's agent or employee has violated the provisions of the law or these rules and has been issued a violation or citation.

2. The office may suspend a permit or permits prior to the opportunity for hearing when the office, after investigation, has reasonable cause to believe continued operation of the permitted machine endangers public health, safety, and welfare. During the period of suspension, the permittee may not operate the EBCDD or EBCDD system.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:711 and 739.

HISTORICAL NOTE: Promulgated by the Department of Revenue, Office of Charitable Gaming, LR 32:258 (February 2006).

Michael E. Legendre
Director

0602#029

RULE

Department of Revenue Policy Services Division

Annual Retirement Income Exemption for Individuals 65 or Older (LAC 61:I.1311)

Under the authority of R.S. 47:44.1, R.S. 47:295, 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, adopts LAC 61:I.1311 relative to the \$6,000 exemption for annual retirement income received by an individual who is 65 years of age or older.

Title 61

REVENUE AND TAXATION

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

Chapter 13. Income: Individual

§1311. Annual Retirement Income Exemption for Individuals 65 or Older

A. Louisiana Revised Statutes 47:44.1 provides an exemption of up to \$6,000 for annual retirement income received by an individual who is 65 years of age or older. Only the individual who actually received the annual retirement income is entitled to the exemption.

Annual Retirement Income—pension and annuity income which is included in *tax table income*.

Tax Table Income—as defined in La. Rev. Stat. 47:293.

B. For purposes of determining the total annual retirement income exemption that can be claimed on a Louisiana individual income tax return, an individual receives annual retirement income as follows:

1. Receipt of Benefits Paid from a Pension Plan. Except as otherwise provided herein, only the plan participant receives annual retirement income from the pension plan, the non-participant spouse does not receive annual retirement income from the plan.

2. Receipt of Annuity Income. Only the named payee or named annuitant receives annual retirement income from an annuity.

3. Receipt of Income from an Individual Retirement Account. Only the named payee or distribute receives annual retirement income from an individual retirement account.

4. Exceptions

a. If there is a qualified domestic relations order, as defined in Internal Revenue Code Section 414(p), payments received by the alternate payee will be considered annual retirement benefits received by an individual.

b. Survivor benefits paid from a pension plan to the plan participant's surviving spouse will be considered annual retirement benefits received by an individual.

C. Examples

1. Mary and John are a married couple. Mary worked for X Corporation for 35 years from 1964 until she retired in 1999. While working for X Corporation, Mary participated in the corporation's pension plan. In 2005, Mary received a total of \$30,000 in distributions from the X Corporation pension plan. John's only source of retirement income is federal social security, which is not included in the couple's tax table income because it is already exempt under R.S. 47:44.2. Mary and John's filing status for federal and state income tax is married filing joint and they are both over 65. Because only Mary receives annual retirement income, Mary and John may only exempt \$6,000 of Mary's retirement income from their 2005 income taxes under this exemption. Because John is not the plan participant, he has not received any annual retirement income for purposes of the exemption.

2. Scott and Ellen are a married couple. Their filing status for federal and state income tax is married filing joint and they are both over 65. Because they are both 65 years of age or older, each of them is entitled to exempt up to \$6,000 of the annual retirement income each of them receive. Scott worked for ABC Corporation for 35 years from 1964 until he retired in 1999 at the age of 65. While working for ABC Corporation, Scott participated in the corporation's pension plan. In 2005, Scott received a total of \$30,000 in distributions from the ABC Corporation pension plan. Ellen has two sources of retirement income; federal social security that is already exempt under R.S. 47:44.2 and an annuity paid to her as the named annuitant in the amount of \$4,000 annually. Scott may exempt \$6,000 of his ABC Corporation pension income and Ellen may exempt all of her \$4,000 annuity income for a combined exemption of \$10,000.

3. Alan and Leslie are a married couple who do not live apart. Their filing status for federal and state income tax is married filing separate and they are both over 65. Because they are both 65 years of age or older, each of them is entitled to exempt up to \$6,000 of the annual retirement income each of them receive on their married filing separate returns. Alan is the named annuitant of an annuity from which he receives annual retirement income of \$10,000. Leslie is not yet retired and receives a salary, but no annual retirement income. Alan's annuity income and Leslie's salary are community property. Because Louisiana is a community

property state and the couple has chosen not to file a joint return, Leslie must report one half of Alan's annuity income, or \$5,000, on her married filing separate federal and state income tax returns. Because Leslie is not the named annuitant, she has not received annual retirement income for purposes of the exemption and cannot claim any exemption amount on her return. Because Alan is only reporting \$5,000 of his annuity income on his federal and state income tax returns, he is only entitled to an exemption of \$5,000.

4. Assume the same facts as in Example 3 except that Alan and Leslie have a separation of property agreement. Each spouse will therefore report his or her own items of income and loss on his or her own married filing separate return. Allan will report the entire amount of his annuity income and will be entitled to exempt \$6,000 of the \$10,000 of annual retirement income he receives.

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:44.1, R.S. 47:295, and R.S. 47:1511.

HISTORICAL NOTE: Promulgated by the Department of Revenue, LR 32:259 (February 2006).

Cynthia Bridges
Secretary

0602#058

RULE

Department of Revenue Policy Services Division

Corporation Income Tax (LAC 61:I.1115)

Under the authority of R.S. 47:287.73, 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, repeals LAC 61.I.1115 in its entirety.

Act 401 of the 2005 Regular Session repealed R.S. 47:287.73(C)(1) which provided for a deduction from net income in the amount of dividends received from another corporation to the extent that the dividends were earned in the state and the income from which the dividends were paid were taxed under Louisiana law. LAC 61.I.1115 specifically addressed R.S. 47:287.73(C)(1) by providing an example of how to calculate the deduction. However, Act 401 now exempts dividend and interest income from Louisiana corporation income tax altogether, thus LAC 61.I.1115 is no longer necessary.

Title 61

REVENUE AND TAXATION

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

Chapter 11. Income: Corporation Income Tax §1115. Modifications to Deductions from Gross Income Allowed by Federal Law

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:287.73, R.S. 47:287.785 and R.S. 47:1511.

HISTORICAL NOTE: Promulgated by the Department of Revenue and Taxation, Income Tax Section, LR 14:95 (February

1988), repromulgated by the Policy Services Division, LR 30:476 (March 2004), repealed LR 32:260 (February 2006).

Cynthia Bridges
Secretary

0602#055

RULE

Department of Revenue Policy Services Division

Definition of Separate Corporation Basis (LAC 61:I.1175)

Under the authority of R.S. 47:287.733, R.S. 47:287.785, and R.S. 47:1511 and in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., the Department of Revenue, Policy Services Division, adopts LAC 61:I.1175 relative to a definition of separate corporation basis.

The primary purpose of this regulation is to define the term "separate corporation basis" as used in R.S. 47:287.733.

Title 61

REVENUE AND TAXATION

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

Chapter 11. Income: Corporation Income Tax §1175. Definition of Separate Corporation Basis

A. Louisiana Revised Statute 47:287.733 provides that corporations that are included with affiliates in a consolidated federal income tax return must file their Louisiana corporation income tax on a separate corporation basis. For Louisiana income tax purposes, filing a return on a separate corporation basis means filing a return as if the affiliate either elects not to be part of the consolidated group or is not included in a federal consolidated return.

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:287.733, R.S. 47:287.785, and R.S. 47:1511.

HISTORICAL NOTE: Promulgated by the Department of Revenue, LR 32:260 (February 2006).

Cynthia Bridges
Secretary

0602#057

RULE

Department of Revenue Policy Services Division

Interest Waiver and Filing Extensions Following Disasters (LAC 61:III.2111)

Under authority of R.S. 47:1601(A)(2)(e) and 1511 and in accordance with provisions of the Administrative Procedure Act, R.S. 49:950 et seq., the Department of Revenue, Policy Services Division, adopts LAC 61:III.2111 to provide automatic extensions and interest waivers for tax returns filed by taxpayers located in disaster areas.

Revised Statute 47:1601(A)(2)(e) authorizes the secretary to waive the interest to promote the effective administration of the tax laws. Taxpayers located in disaster areas need additional time to compile the records required to file tax returns. Providing waiver of interest and automatic extensions promotes the effective administration of the tax laws.

Title 61

REVENUE AND TAXATION

Part III. Department of Revenue—Administrative Provisions and Miscellaneous

Chapter 21. Interest and Penalties

§2111. Interest Waiver and Filing Extensions Following Disasters

A. The following provisions apply to all returns due following a disaster.

1. Automatic Extensions—Taxpayers located within the disaster areas will automatically be granted the applicable statutory extensions for filing returns without having to file an application for extension.

2. Interest Waiver—Interest on these returns due as a result of a disaster may be waived in accordance with the following guidelines.

a. If the return is filed within the applicable statutorily provided extension period, interest will be automatically waived.

b. If the return is filed after the applicable statutorily provided extension period, the taxpayer must file a written request to have the interest waived.

3. Tax Preparers—If a taxpayer's tax preparer is located within the disaster area, and as a result the taxpayer's returns are not timely filed, the taxpayer must make a written request for interest due as a result of the disaster to be waived.

4. Consolidated Returns—Taxpayers filing consolidated returns for locations within and without the disaster areas should file returns using the information available at the time the return is due. When the amended return is filed to accurately reflect the taxpayer's information, the taxpayer should attach a written request to waive any interest due as a result of the disaster.

B. Definitions

Disaster Area—a parish or location that has been declared a disaster area by the President.

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:1601(A)(2)(e) and 1511.

HISTORICAL NOTE: Promulgated by the Department of Revenue, Policy Services Division, LR 32:261 (February 2006).

Cynthia Bridges
Secretary

0602#059

RULE

**Department of Revenue
Policy Services Division**

**Modifications to Federal Gross Income
(LAC 61:I.1114)**

Under the authority of R.S. 47:287.71, R.S. 47:287.785, and R.S. 47:1511 and in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., the Department of Revenue, Policy Services Division, adopts LAC 61:I.1114 relative to modifications to federal gross income.

The primary purpose of this regulation is to explain the effects of RS 47:287.738(F) as enacted during the 2005 Regular Session of the Legislature.

Title 61

REVENUE AND TAXATION

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

Chapter 11. Income: Corporation Income Tax

§1114. Modifications of Federal Gross Income

A. In order to calculate Louisiana gross income, R.S. 47:287.71 requires modifications be made to federal gross income. R.S. 47:287.71(B)(7) provides that exclusions from Subpart F must be taken into account when computing Louisiana gross income. Included in the exclusions from gross income required by R.S. 47:287.71(B)(7) are those modifications provided for in R.S. 47:287.738(C) through (F).

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:287.71, R.S. 47:287.785, and R.S. 47:1511.

HISTORICAL NOTE: Promulgated by the Department of Revenue, Policy Services Division, LR 32:261 (February 2006).

Cynthia Bridges
Secretary

0602#056

RULE

**Department of Revenue
Policy Services Division**

**Nonresident Contractors
(LAC 61:I.4373)**

Under the authority of R.S. 47:9, R.S. 47:306, R.S. 47:337.2, R.S. 47:337.18, R.S. 47:337.19, and R.S. 47:1511 and in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., the Department of Revenue, Policy Services Division, amends LAC 61:I.4373

pertaining to the value of the surety bonds that nonresident contractors are required to furnish to the Secretary of the Department of Revenue guaranteeing their payment of the state and local taxes that become due as the result of their construction activity in the state.

Title 61

REVENUE AND TAXATION

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

Chapter 43. Sales and Use Tax

§4373. Nonresident Contractors

A. - B. ...

C. Contracts to be Registered with Secretary and Central Collector

1. Prior to obtaining a building permit necessary for the lawful commencement of any contract in Louisiana, a nonresident contractor shall register each contract that exceeds \$3,000 in total price or compensation with the secretary of the Department of Revenue and with the central sales and use tax collector for the parish in which the project is located. The secretary shall provide the necessary forms for the contractors to register each contract. The forms will require the nonresident contractor to give a complete description of each project, pertinent tax registration data, and a list of anticipated subcontractors. A fee of \$10 per contract shall be paid to the secretary at the time of registration. As required by the secretary, the contractor shall furnish a surety bond for each contract or a blanket surety bond for all contracts. The bond shall be:

a. two and one-half percent of the gross contract amount or \$1,000, whichever is greater, if income tax withholdings remitted to the department include such payments deducted from non-employee compensation (e.g., independent contractors); or

b. five percent of the gross contract amount or \$1,000, whichever is greater, if income tax is not withheld from non-employee compensation paid by the non-resident contractor.

2. Upon satisfactory completion of the registration and surety bond requirements, the secretary shall issue the contractor a certificate of compliance with which to obtain any building permits necessary for lawful commencement.

C.3. - F.2.d. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:9, R.S. 47:306, R.S. 47:337.2, R.S. 47:337.18, R.S. 47:337.19, and R.S. 47:1511.

HISTORICAL NOTE: Promulgated by the Department of Revenue and Taxation, Sales Tax Division, LR 21:185 (February 1995), amended by the Department of Revenue, Policy Services Division, LR 31:95 (January 2005), LR 32:262 (February 2006).

Raymond E. Tangney
Senior Policy Consultant

0602#060

RULE

**Department of Revenue
Policy Services Division**

Sales Tax Refund for
Tangible Personal Property
Destroyed in a Natural Disaster (LAC 61:I.4371)

Under the authority of R.S. 47:315.1 and R.S. 47:1511 and in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., the Department of Revenue, Policy Services Division, amends LAC 61:I.4371, to clarify the types of property destroyed in natural disasters, the sales tax paid on which will be eligible for refund under R.S. 47:315.1.

Title 61

REVENUE AND TAXATION

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

Chapter 43. Sales and Use Tax

§4371. Sales Tax Refund for Tangible Personal Property Destroyed in a Natural Disaster

A. Under certain circumstances, a refund is allowed for state sales or use tax paid on tangible personal property that has been destroyed in a natural disaster. The conditions and requirements are as follows.

1. The property destroyed must be classified as tangible personal property at the time of destruction rather than being classified as real or immovable property. For purposes of determination of the classification of such property, reference and guidance shall be to the rules of the Louisiana Civil Code. In Louisiana, property is classified as either movable or immovable rather than as personal or real. Under Louisiana law a corporeal movable is equivalent to tangible personal property at common law, and an immovable is equivalent to real property. Generally speaking a house or a building and all central heating or cooling systems, lighting fixtures, lavatories, etc., that are actually connected with or attached to the house or building by the owner are immovable by their nature. Such items as clothing, drugs, food, recreation equipment, appliances not permanently attached to a house or building where the removal thereof would not damage the movable or immovable, etc., would be classified as tangible personal property or movable property, and the sales tax paid on these items would be eligible to be refunded. Automobiles, trucks, motorcycles, boats, boat trailers, and other vehicles will not be considered tangible personal property used in or about a person's home, apartment, or homestead. The sales tax paid on these items is not eligible to be refunded under this statute.

2. Such property destroyed must be a part of and used in or about a person's home, apartment or homestead, on

which Louisiana sales tax has been paid by the owner of the property destroyed in an area subsequently determined by the president of the United States to warrant assistance by the federal government. Therefore, it is necessary that individuals suffer the loss, since R.S. 47:315.1 does not apply to partnerships or corporations. Further, it does not apply to business losses, even by individuals, since the law limits the losses to property that is part of and used in or about a person's home, apartment or homestead. Also, the area where the natural disaster occurred must be designated as an area warranting assistance by the federal government in order to qualify under this Section.

3. The claimant suffering the loss of the tangible personal property must be the owner of such property that purchased and paid the Louisiana sales tax on such property. Any refund claim filed shall be made in accordance with the rules and regulations prescribed by the secretary. Accordingly, any refund claim shall be filed on or before the end of the third calendar year following the year in which the property was destroyed, and the refund claim shall be limited to the tax paid on such tangible personal property destroyed for which no reimbursement was received by insurance or otherwise.

4. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:315.1.

HISTORICAL NOTE: Promulgated by the Department of Revenue and Taxation, LR 13:107 (February 1987), amended by the Department of Revenue, Policy Services Division, LR 31:99 (January 2005), LR 32:262 (February 2006).

Raymond E. Tangney
Senior Policy Consultant

0602#061

RULE

Department of Revenue Policy Services Division

Segregation of Items of Gross Income (LAC 61.I.1128)

Under the authority of R.S. 47:287.92, R.S. 47:287.93, 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, repeals LAC 61:I.1128 relative to the segregation of items of gross income.

The purpose of this regulation is to repeal the corporation income tax regulation relating to the segregation of items of gross income pursuant to Act 401 of the 2005 Regular Session. Act 401 repeals R.S. 47:287.95(E) pertaining to income from the business of making loans and the remaining portion of the regulation is merely a restatement of the statute. Thus, LAC 61.I.1128 is purposeless.

Title 61

REVENUE AND TAXATION

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

Chapter 11. Income: Corporation Income Tax §1128. Segregation of Items of Gross Income Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:287.92, R.S. 47:287.93, R.S. 47:287.785, and R.S. 47:1511.

HISTORICAL NOTE: Promulgated by the Department of Revenue and Taxation, Income Tax Section, LR 14:101 (February 1988), repromulgated by the Department of Revenue, Policy Services Division, LR 30:476 (March 2004), repealed LR 32:263 (February 2006).

Cynthia Bridges
Secretary

0602#054

RULE

Department of Social Services Office of Family Support

Family Independence Temporary Assistance Program (FITAP) and Kinship Care Subsidy Program(LCSP) Waiver of Redetermination Interview (LAC 67:III.1207, 1227, 1257, 5305, 5327, 5347, and 5349)

The Department of Social Services, Office of Family Support, has exercised the provision of the Administrative Procedure Act, R.S. 49:953(B) and amended §§1207, 1227, and 1257 in the Family Independence Temporary Assistance Program (FITAP) and §§5305, 5327, and 5347 in the Kinship Care Subsidy Program (KCSP). The Rule also adopted §5349, Foster Care Payments.

In an effort to create a less burdensome reapplication process for the client, simplify policy, and reduce workloads, the agency requested and received approval of a waiver that eliminated the requirement for redetermination interviews in the food stamp program. For consistency purposes, §§1207 and 5305 was amended to remove the requirement for redetermination interviews in the FITAP and KCSP Programs.

Title 67

SOCIAL SERVICES

Part III. Family Support

Subpart 2. Family Independence Temporary Assistance Program (FITAP)

Chapter 12. Application, Eligibility, and Furnishing Assistance

Subchapter A. Application, Determination of Eligibility, and Furnishing Assistance

§1207. Certification Period and Reapplication

A. Certification periods of a set duration will be assigned. In order to continue to receive benefits, the household must timely reapply and be determined eligible. In the month preceding the final month of certification, a notice of expiration and application for continued assistance will be provided to the household. The notice shall inform the household that failure to timely reapply will result in closure and include the right to a fair hearing. Also, if during the application process, a change is reported which results in a determination of ineligibility or a reduction in benefits, this change will be made effective the following month.

B. ...

AUTHORITY NOTE: Promulgated in accordance with 42 U.S.C. 601 et seq., R.S. 36:474, R.S. 46:231.1.B., 42 U.S.C. 608, et seq.

HISTORICAL NOTE: Promulgated by the Department of Social Services, Office of Family Support, LR 25:2447 (December

1999), amended LR 28:1598 (July 2002), LR 32:263 (February 2006).

Subchapter B. Conditions of Eligibility

§1227. Living in the Home of a Qualified Relative

A. A child must reside in the home of a parent or other qualified relative who is responsible for the day-to-day care of the child. Benefits will not be denied when the qualified relative or the child is temporarily out of the home for a period not to exceed 180 days. Good cause must be established for a temporary absence of more than 45 days. The following relatives are qualified relatives:

A.1. - D. ...

AUTHORITY NOTE: Promulgated in accordance with 42 U.S.C. 601 et seq., R.S. 36:474, R.S. 46:231.2, 42 U.S.C. 608, et seq.

HISTORICAL NOTE: Promulgated by the Department of Social Services, Office of Family Support, LR 25:2449 (December 1999), amended LR 32:264 (February 2006).

§1257. Reporting Requirements

A. ...

B. A FITAP household that is included in a food stamp semi-annual reporting household is subject to the semi-annual household reporting requirements in accordance with §2013 and must report if the only eligible child moves out of the home.

AUTHORITY NOTE: Promulgated in accordance with 42 U.S.C. 601 et seq., R.S. 36:474, R.S. 46:231 et seq. 7 CFR Part 273, 42 U.S.C. 608, et seq.

HISTORICAL NOTE: Promulgated by the Department of Social Services, Office of Family Support, LR 28:522 (March 2002), amended LR 30:1486 (July 2004), LR 32:264 (February 2006).

Subpart 13. Kinship Care Subsidy Program (KCSP)

Chapter 53. Application, Eligibility, and Furnishing Assistance

Subchapter A. Application, Determination of Eligibility, and Furnishing Assistance

§5305. Certification Period and Reapplication

A. Certification periods of a set duration will be assigned. In order to continue to receive benefits, the household must timely reapply and be determined eligible. In the month preceding the final month of certification, a notice of expiration and application for continued assistance will be provided to the household. The notice shall inform the household that failure to timely reapply will result in closure and include the right to a fair hearing. Also, if during the reapplication process, a change is reported which results in a determination of ineligibility the case will be closed.

B. ...

AUTHORITY NOTE: Promulgated in accordance with 42 U.S.C. 601 et seq., R.S. 36:474, R.S. 46:231.1.B, R.S. 46:237.42 U.S.C 608, et seq.

HISTORICAL NOTE: Promulgated by the Department of Social Services, Office of Family Support, LR 26:351 (February 2000), amended LR 28:1599 (July 2002), LR 32:264 (February 2006).

Subchapter B. Conditions of Eligibility

§5327. Living in the Home of a Qualified Caretaker Relative

A. A child must reside in the home of a qualified caretaker relative who is responsible for the day-to-day care of the child and who has legal custody or guardianship of the child. The child's parents may not reside in the home. Legal custody or guardianship must be obtained by the caretaker

relative within one year of certification of benefits. Failure to obtain such custody within 12 months of certification will result in cessation of benefits. Benefits will not be denied when the qualified caretaker relative or the child is temporarily out of the home for a period not to exceed 180 days. Good cause must be established for a temporary absence of more than 45 days. The following relatives are qualified caretaker relatives:

1. - 7. ...

AUTHORITY NOTE: Promulgated in accordance with 42 U.S.C. 601 et seq., R.S. 36:474 and R.S. 46:231.1.B, R.S. 46:237,42 U.S.C. 608.

HISTORICAL NOTE: Promulgated by the Department of Social Services, Office of Family Support, LR 26:353 (February 2000), amended LR 27:2264 (December 2001), LR 32:264 (February 2006).

§5347. Reporting Changes

A. ..

B. A KCSP household that is included in a food stamp semi-annual reporting household is subject to the semi-annual household reporting requirements in accordance with §2013 and must report if the only child moves out of the home.

AUTHORITY NOTE: Promulgated in accordance with 42 U.S.C. 601 et seq., R.S. 36:474, R.S. 46:231 et seq., 7 CFR Part 273, 42 U.S.C., et seq.

HISTORICAL NOTE: Promulgated by the Department of Social Services, Office of Family Support, LR 28:2565 (December 2002), amended LR 30:1487 (July 2004), LR 32:264 (February 2006).

§5349. Foster Care Payments

A. A child who receives federal or state foster care payments is not eligible to receive KCSP benefits.

AUTHORITY NOTE: Promulgated in accordance with 42 U.S.C. 608, et seq.

HISTORICAL NOTE: Promulgated by the Department of Social Services, Office of Family Support, LR 32:264 (February 2006).

Ann Silverburg Williamson
Secretary

0602#085

RULE

**Department of Social Services
Office of Family Support**

Truancy Assessment and Service Centers
(LAC 67:III.5539)

In accordance with R.S.49:950 et seq., the Administrative Procedure Act, the Department of Social Services, Office of Family Support, adopted §5539, Truancy Assessment and Service Centers as a new TANF Initiative for the purpose of providing truancy intervention for at-risk school-aged children.

Title 67

SOCIAL SERVICES

Part III. Family Support

Subpart 15. Temporary Assistance to Needy Families (TANF) Initiatives

Chapter 55. TANF Initiatives

§5539. Truancy Assessment and Service Centers

A. Effective October 1, 2005, OFS shall enter into Memoranda of Understanding or contracts for Truancy

Assessment and Service Centers designed to identify, assess, and intervene to ensure that children in kindergarten through sixth grade attend school regularly.

B. These services meet the TANF goal to prevent and reduce the incidence of out-of-wedlock births by providing counseling to children and family members designed to assure regular school attendance and improved academic and behavioral outcomes.

C. Eligibility for services is not limited to needy families.

D. Services are considered non-assistance by the agency.

AUTHORITY NOTE: Promulgated in accordance with 42 U.S.C. 601 et seq.; R.S. 46:231 and R.S. 36:474; Act 16, 2005 Reg. Session.

HISTORICAL NOTE: Promulgated by the Department of Social Services, Office of Family Support, LR 32:264 (February 2006).

Ann S. Williamson
Secretary

0602#084

RULE

**Department of Treasury
Board of Trustees of the Louisiana State
Employees' Retirement System**

Actuarial Calculations
(LAC 58.I.703, 1501, and 4301)

The Department of the Treasury, Board of Trustees of the Louisiana State Employees' Retirement System ("LASERS") has amended LAC 58.I.703, LAC 58.I.1501 and adopted LAC 58.I.4301. The new Rule will set out the manner and cost to LASERS members for actuarial calculations made at the request of the member. This Rule complies with and is enabled by R.S. 11:424, 11:446 and 11:515.

Title 58

RETIREMENT

Part I. State Employees' Retirement

Chapter 7. Purchase of Military Service

**§703. Requirements for Application to Purchase
Military Service**

A. In order to apply for purchase of the service, an active member shall:

1. make application to LASERS;
2. provide a copy of military form DD 214;
3. certify that he is not drawing a regular retirement benefit based on the military service calculated on the basis of age and service (This restriction does not apply to disability benefits based on 25 percent or less disability received as a result of military service); and
4. certify that he has not received credit for the service in any other public retirement system;
5. pay for the calculation of the actuarial calculation to determine the cost to purchase the service.

B. - E. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 11:515 and R.S. 11:153.

HISTORICAL NOTE: Promulgated by the Department of Treasury, Board of Trustees of the State Employees' Retirement System, LR 22:373 (May 1996), amended LR 32:265 (February 2006).

Chapter 15. Purchases and Transfers of Service

**§1501. Purchases and Transfers of Service;
Calculations; Costs**

A. The purchase of service on an actuarial basis and the transfer of service from other public retirement systems into LASERS requires an actuarial calculation by the system actuary.

B. The cost of this calculation shall be paid by the member requesting the calculation. Payment must be made before the request for the calculation will be forwarded to the actuary.

AUTHORITY NOTE: Promulgated in accordance with R.S. 11:424, 11:446 & 11:515.

HISTORICAL NOTE: Promulgated by the Department of Treasury, Board of Trustees of the State Employees' Retirement System, LR 22:373 (May 1996), amended LR 32:265 (February 2006).

Chapter 43. Actuarial Calculations

§4301. Charges for Actuarial Calculations

A. The system shall collect a fee of \$150 from those persons requesting certain actuarial calculations which must be obtained from the actuarial firm with whom LASERS contracts actuarial services. Except as otherwise provided in R.S. 11:446.E, the fee must be payable to LASERS and will be forwarded to the actuarial firm.

AUTHORITY NOTE: Promulgated in accordance with R.S. 11:515.

HISTORICAL NOTE: Promulgated by the Department of Treasury, Board of Trustees of the State Employees' Retirement System, LR 32:265 (February 2006).

Robert L. Borden
Executive Director

0602#089

RULE

**Department of Treasury
Board of Trustees of the Louisiana State
Employees' Retirement System**

Certification of Continuing Eligibility
(LAC 58.I.2511)

Under the authority of R.S. 11:220, R.S. 11:515 and in accordance with R.S. 49:951 et seq., the Department of the Treasury, Board of Trustees of the Louisiana State Employees' Retirement System ("LASERS") has amended LAC 58.I.2511, which sets out the requirement that certain disability retirees obtain an annual attending physician's statement certifying their continued eligibility for disability retirement.

Title 58

RETIREMENT

Part I. Louisiana State Employees' Retirement

**Chapter 25. Procedures for Processing Disability
Applications**

§2511. Certification of Continuing Eligibility

A. LASERS may require a disability retiree to complete an Annual Attending Physician Statement (AAPS) once each year during the first five years following the disability retirement and once in every three years thereafter until the retiree has reached the equivalent age of regular retirement

unless the medical evidence shows conclusively that the disability retiree cannot recover from the disability. The AAPS needs to be returned within 10 business days of receipt by the disability retiree. Depending on the results of the AAPS LASERS may require a disability retiree to undergo a medical examination.

B. - D. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 11:515 and R.S. 11:220.

HISTORICAL NOTE: Promulgated by the Department of Treasury, Board of Trustees of the State Employees' Retirement System, LR 22:373 (May 1996), amended LR 24:1959 (October 1998), LR 26:1490 (July 2000), LR 27:1581 (September 2001), LR 32:265 (February 2006).

Robert L. Borden
Executive Director

0602#090

RULE

Department of Wildlife and Fisheries Wildlife and Fisheries Commission

Removal of Abandoned Crab Traps (LAC 76:VII.367)

The Wildlife and Fisheries Commission does hereby amend a Rule, LAC 76:VII.367, which provides for an abandoned crab trap removal program. Authority to establish these regulations is vested in the commission by R.S. 56:332(N).

Title 76

WILDLIFE AND FISHERIES

Part VII. Fish and Other Aquatic Life

Chapter 3. Saltwater Sport and Commercial Fishery §367. Removal of Abandoned Crab Traps

A. The use of crab traps shall be prohibited from 6 a.m., March 4, 2006 through 6 a.m. March 13, 2006 within that portion of Terrebonne Parish as described below.

1. From a point originating from the intersection of the eastern shoreline of Bayou Dularge and the northern shoreline of Falgout Canal; thence westward along the northern shoreline of Falgout Canal to Lake Decade; thence westward and then southward along the northern and western shoreline of Lake Decade to the mouth of Bayou Decade; thence southwesterly along the northern shoreline of Bayou Decade to Lost Lake; thence westward along the northern shoreline of Lost Lake to the mouth of an unnamed

bayou originating from Big Carencro Bayou; thence northward along the eastern shoreline of the unnamed bayou to Big Carencro Bayou; thence northward and then westward along the northern shoreline of Big Carencro Bayou to the eastern shoreline of Four League Bay; thence southwesterly to the northernmost point of land on Pointe Au Fer Island at Mosquito Pass; thence southward along the eastern shoreline of Pointe Au Fer Island to the mouth of Oyster Bayou; thence southward along the western shoreline of Oyster Bayou to a point along the inside-outside shrimp line as defined in R.S. 56:495; thence eastward along the inside-outside shrimp line to the eastern shoreline of Bayou Grand Caillou; thence northward to the first red channel marker (No. 10) in Bayou Grand Caillou; thence northward along the red channel markers in Bayou Grand Caillou to channel marker No. 40; thence due eastward to the eastern shoreline of Bayou Grand Caillou; thence northward along the eastern shoreline of Bayou Grand Caillou to the Tennessee Gas Pipeline canal; thence westward along the northern shoreline of the Tennessee Gas Pipeline canal to Bayou Dularge; thence northward along the eastern shoreline of Bayou Dularge and terminating at the intersection of Falgout Canal and Bayou Dularge.

B. All crab traps remaining in the closed area during the specified period shall be considered abandoned. These trap removal regulations do not provide authorization for access to private property; authorization to access private property can only be provided by individual landowners. Crab traps may be removed only between one-half hour before sunrise to one-half hour after sunset. Anyone is authorized to remove these abandoned crab traps within the closed area. No person removing crab traps from the designated closed area shall possess these traps outside of the closed area. The Wildlife and Fisheries Commission authorizes the Secretary of the Department of Wildlife and Fisheries to designate disposal sites.

AUTHORITY NOTE: Promulgated in accordance with R.S. 56:332(N).

HISTORICAL NOTE: Promulgated by the Department of Wildlife and Fisheries, and Wildlife and Fisheries Commission LR 30:101 (January 2004), amended LR 31:108 (January 2005), LR 32:266 (February 2006).

Dwight Landreneau
Secretary

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