

Notices of Intent

NOTICE OF INTENT

Department of Agriculture and Forestry Office of Forestry

Timber Harvesting and Receiving Records
(LAC 7:XXXIX.1501, 1503, and 1507)

In accordance with provisions of the Administrative Procedure Act, R.S. 49:950 et seq., the Department of Agriculture and Forestry, Office of Forestry, proposes to amend rules and regulations regarding procedures and information relating to the harvesting and transportation of forest products.

This regulation was established as a rule in the January 20, 2001 issue of the *Louisiana Register*. However, due to some editing errors that were not corrected previously, this rule is being resubmitted to correct those errors.

These rules comply with and are enabled by R.S. 3:4303.

Title 7

AGRICULTURE AND ANIMALS

Part XXXIX. Forestry

Chapter 15. Timber Harvesting and Receiving Records

§1501. Loaders Log: Required Information, Distribution, and Maintenance of Records

A. A loaders log must be kept on all timber harvesting sites. On any per unit sale, upon completion of the harvest, the purchaser must provide the timber owner a copy of the loaders log. Loaders log must be maintained for a period not less than four years

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:4278.

HISTORICAL NOTE: Promulgated by the Department Agriculture and Forestry, Office of Forestry, Forestry Commission, LR 26:32 (January 2001), amended LR 27:

§1503. Scale/Load Tickets: Required Information, Distribution, and Maintenance of Records

A. Scale tickets must be maintained for a period of not less than four years. Information required by the scale ticket regulations may be kept on a load ticket provided that the scale ticket can be cross-referenced to the load ticket. When both are used the load ticket and scale ticket must be maintained for a period of not less than four years.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:4278.

HISTORICAL NOTE: Promulgated by the Department Agriculture and Forestry, Office of Forestry, Forestry Commission, LR 26:32 (January 2001), amended LR 27:

§1507. Penalty for Violations

A. ...

B. The commissioner shall make the final determination on the matter. If the determination of the commissioner differs from the commission, the commissioner shall issue a written opinion based on the record of the hearing.

C. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:4278.

HISTORICAL NOTE: Promulgated by the Department Agriculture and Forestry, Office of Forestry, Forestry Commission, LR 26:32 (January 2001), amended LR 27:

Family Impact Statement

The proposed amendment to LAC 7:XXXIX.Chapter 15, regarding timber harvesting and receiving records, should not have any known or foreseeable impact on any family as defined by R.S. 49:972(D) or on family formation, stability and autonomy. Specifically, there should be no known or foreseeable effect on:

1. the stability of the family;
2. the authority and rights of parents regarding the education and supervision of their children;
3. the functioning of the family;
4. family earnings and family budget;
5. the behavior and personal responsibility of children;
6. the ability of the family or a local government to perform the function as contained in the proposed rule.

Interested persons should submit written comments on the proposed rules to Tom Trahan through the close of business on April 25, 2001 at Box 1628, Baton Rouge, LA 70821 (5825 Florida Boulevard, Baton Rouge). No preamble regarding these rules is necessary.

Bob Odom
Commissioner

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES

RULE TITLE: Timber Harvesting and Receiving Records

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)

There will be no implementation costs or savings to state or local governmental units. The proposed rule establishes procedures for the recording of important information related to the harvest and transportation of forest products. This rule will result in mandatory record-keeping by harvesters of forest products and by facilities that receive forest products that will aid in the investigation of timber theft cases.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

There will be no effect on revenue collections of state or local governmental units as a result of this action.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS (Summary)

Owners of forest products being harvested will benefit from this action because it will create a verifiable record of the harvest process that will deter theft of the products and enable law enforcement personnel to investigate, locate, and prosecute the theft of forest products.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

Since all harvesters and wood receiving facilities in the state would be required to comply with this rule, no impact on competition should occur. The rule will deter and help to

eliminate illegal sales of forest products, which will benefit legitimate harvesters and wood-receiving facilities.

Skip Rhorer
Assistant Commissioner
0103#022

H. Gordon Monk
Staff Director
Legislative Fiscal Office

NOTICE OF INTENT

Board of Elementary and Secondary Education

Bulletin 741C Louisiana Handbook for School Administrators
C The Louisiana School and District Accountability System
(LAC 28:I.901)

In accordance with R.S. 49:950 et seq., the Administrative Procedure Act, notice is hereby given that the Board of Elementary and Secondary Education approved for advertisement an amendment to Bulletin 741, referenced in LAC 28:I.901.A, promulgated by the Board of Elementary and Secondary Education in LR 1:483 (November 1975). Act 478 of the 1997 Regular Legislative Session called for the development of an accountability system for the purpose of implementing fundamental changes in classroom teaching by helping schools and communities focus on improved student achievement. The State's accountability system is an evolving system with different components. The proposed changes more clearly explain and refine existing policy as follows: 1) clarification in the assignment and calculation of School Performance Scores; and 2) change in the growth formula for Limited English Proficiency (LEP) students.

Title 28 EDUCATION

Part I. Board of Elementary and Secondary Education Chapter 9. Bulletins, Regulations, and State Plans Subchapter A. Bulletins and Regulations §901. School Approval Standards and Regulations

A. Bulletin 741

* * *

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A) (10), (11), (15); R.S. 17:7(5), (7), (11); R.S. 17:10, 11; R.S. 17:22(2), (6).

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 1:483 (November 1975), amended LR 26:635 (April 2000), LR 26:1260 (June 2000), LR 26:1260-1261 (June 2000), LR 27:

The Louisiana School and District Accountability System C Indicators for School Performance Scores

2.006.01 A school's School Performance Score shall be determined using a weighted composite index derived from three or four indicators: criterion-referenced tests (CRT), norm-referenced tests (NRT), student attendance for grades K-12, dropout rates for grades 7-12.

Each school shall receive one School Performance Score under one sitecode regardless of its grade structure.

- K-9 schools (excluding grades 10 and 11) shall follow K-8 Accountability Policy
- Schools with grades 10 and/or 11 shall follow 9-12 SPS calculation policy

Growth Targets

Each school shall receive a Growth Target that represents the amount of progress it must make every two years to reach the state 10- and 20-Year Goals.

In establishing each school's Growth Target, the SPS inclusive of students with disabilities shall be used as the baseline. However, the percentage of students with disabilities varies significantly across schools and the rate of growth for such students, when compared to regular education students, may be different. Therefore, the proportion of students with disabilities eligible to participate in the CRT or NRT in each school will be a factor in determining the Growth Target for each school.

Growth Targets

During the first ten years, the formula is the following:
[PropRE * (100 - SPS)/N] + [PropSE * (100 - SPS)/(N + 5)] + [PropLEP * (100-SPS/(N+5))], or 5 points, *whichever is greater*

where

PropSE = the number of special education students in the school who are eligible to participate in the NRT or CRT, divided by the total number of students in the school who are eligible to participate in the NRT or CRT. For purposes of this calculation, gifted, talented, speech or language impaired, and 504 students shall not be counted as special education students, but shall be included in the calculations as regular education students.

PropRE = 1 - PropSE. PropRE is the proportion of students not in special education.

SPS = School Performance Score

N = Number of remaining accountability cycles in the 10-Year Goal period

During the second ten years, the formula is the following:

[PropRE * (150 - SPS)/N] + [PropSE * (150 - SPS)/(N + 5)], or 5 points, *whichever is greater*

Growth Targets for New or Reconfigured Schools

Once a baseline for the new or reconfigured school has been established, a Growth Target shall be set based on the number of cycles remaining until 2009 (K-8) and 2011 (9-12), with a maximum Growth Target of 20 points.

For example, suppose an elementary school enters the Accountability System in 2003 and establishes a baseline SPS of 50 in 2005. Normally, the school's Growth Target would be (100-50)/2 = 25. Under this rule, the school's Growth Target shall be 20, the maximum.

Growth Targets for Reconstituted Schools

Until 2009 (for K-8 schools) and 2011 (for 9-12 schools), the reconstituted school's Growth Target shall be equal to 100 minus the SPS divided by 5 minus the number of cycles since reconstitution.

For example, suppose a school is reconstituted in 2005 and has an SPS of 50 (based on previous years data), the school's Growth Target for the first cycle after reconstitution shall be 10 points [(100-50)/5].

Interested persons may submit written comments until 4:30 p.m., May 9, 2001, to Nina A. Ford, Board of Elementary and Secondary Education, Box 94064, Capitol Station, Baton Rouge, LA 70804-9064

Weegie Peabody
Executive Director

**FISCAL AND ECONOMIC IMPACT STATEMENT
FOR ADMINISTRATIVE RULES**

**RULE TITLE: Bulletin 741C Louisiana Handbook for
School Administrators C The Louisiana School and
District Accountability System**

**I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO
STATE OR LOCAL GOVERNMENT UNITS (Summary)**

There are no estimated implementation costs to state governmental units. The proposed changes more clearly explain and refine the existing policy as it pertains to the assignment and calculation of School Performance Scores, and the growth formula for Limited English Proficiency (LEP) students.

**II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE
OR LOCAL GOVERNMENTAL UNITS (Summary)**

There will be no effect on revenue collections by state/local governmental units.

**III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO
DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL
GROUPS (Summary)**

There will be no estimated costs and/or economic benefits to persons or non-governmental groups directly affected.

**IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT
(Summary)**

There will be no effect on competition and employment.

Marlyn Langley
Deputy Superintendent
Management and Finance
0103#025

H. Gordon Monk
Staff Director
Legislative Fiscal Office

NOTICE OF INTENT

Board of Elementary and Secondary Education

Bulletin 1566C Guidelines for Pupil Progression
Regular Placement and LEAP High Stakes Testing Policy
(LAC 28:XXXIX.503 and 1301)

In accordance with the Administrative Procedure Act, R.S. 49:950 et seq., notice is hereby given that the state Board of Elementary and Secondary Education approved for advertisement an amendment to Bulletin 1566, Guidelines for Pupil Progression, referenced in LAC 28:I.907.A. The Guidelines for Pupil Progression incorporate the High Stakes Testing Policy that was approved by the Board of Elementary and Secondary Education in January 1999 and revised in January 2001 as well as other policies related to the promotion and retention of students. The revisions changed current policy by extending the waiver for students with disabilities under IDEA for one additional year, adding an exemption for Limited English Proficient (LEP) students, adding a section on state-granted waivers, adding a section regarding extenuating circumstances, revising wording on the policy for students with disabilities to allow the School Building Level Committee (SBLC) to make promotion

decisions for the 2000-2001 school year, revising the fourth grade retention limit policy, adding an eighth grade retention limit, and the creation of a Pre-GED/Skills Program (Option 3).

Title 28

EDUCATION

**Part XXXIX. Bulletin 1566C Guidelines for
Pupil Progression**

Chapter 5. Place Policies; State Requirements

§503. Regular Placement¹

A. - A.1b.ii.(a). ...

(ii). Retention Limit (Fourth Grade). The decision to retain a student in the fourth grade more than once as a result of failure to score at or above the Approaching Basis achievement level in English Language Arts and/or Mathematics on the LEAP 21 shall be made by the LEA in accordance with the local Pupil Progression Plan. These students may be either retained again in the fourth grade or promoted to the fifth grade. Students retained in the fourth grade shall retake all four components of the LEAP 21. For promotional purposes, a student must score at or above the Approaching Basic achievement level on the English language arts and mathematics components of the LEAP 21 only one time.

(iii). Retention Limit (Eighth Grade). The decision to retain an eighth grade student more than once as a result of his/her failure to score at or above the Approaching Basic achievement level in English Language Arts and/or Mathematics on LEAP 21 shall be made by the LEA in accordance with the local Pupil Progression Plan which shall include the following: Beginning with the 2001-2002 school year, an eighth grade student who has repeated the entire grade (Option 1) may be either retained again in the eighth grade; promoted to the ninth grade provided that the student has passed either the English Language Arts or Mathematics component of LEAP 21, has attended at least one LEAP 21 summer remediation program and taken the summer retest, and will enroll in a remedial high school course (English or Mathematics) in which an unsatisfactory achievement level was attained; or placed in a Pre-GED/Skills Program (Option 3). An eighth grade student attending class on a high school campus and earning some Carnegie credit(s) (Option 2) may be either promoted or retained in accordance with the local Pupil Progression Plan, or placed in a Pre-GED/Skills Program (Option 3). Pre-GED/Skills Program (Option 3) shall be available to students who meet criteria as outlined in *Bulletin 741C Louisiana Handbook for School Administrators*, standard 1.151.05.

(iv). Waiver for students with disabilities eligible under the Individuals with Disabilities Education Act (IDEA). For the 2000-2001 school year only if a student with disabilities (excluding students with only a Speech or Language Impairment) participates in on-level testing, the SBLC may consider a waiver only if the student has participated in the summer remediation program and retest offered by the LEA. If a student with disabilities (excluding students with only a Speech or Language Impairment) participates in out-of-level testing, promotion decisions shall be determined by the SBLC. If a student with disabilities participates in an alternative assessment, promotion decisions shall be determined by the SBLC for

the 2001 school year and beyond. Students with disabilities will be promoted in grades four and eight in accordance with SBESE adopted policies.

(v). Exemption for Limited English Proficient (LEP) Student. LEP Students shall begin participation in statewide assessment upon completion of one academic year in an English-speaking school. However, once a LEP student participates in the statewide assessment, the SBLC shall be granted the authority to waive the State's grade promotion policy for a LEP student. A LEP student who was granted a waiver at the fourth grade level is ineligible for a waiver at the eighth grade level. Preliterate LEP students and LEP student who have had no formal schooling or who have has an extended interruption in schooling may request a State-granted waiver for approval from the State Department of Education. Exemption from participation in statewide assessment will be decided on a case by case basis. Once a LEP student participates in statewide assessment, the SBLC shall be granted the authority to waive the State's grade promotion policy for a LEP student. A LEP student who was granted waiver at the fourth grade level is ineligible for a waiver at the eighth grade level. (Refer to Appendix B.)

(vi). Appeals Process. A school system, through its superintendent, may grant an appeal on behalf of individual fourth and eighth grade students who have not scored above the "unsatisfactory" level on the English Language Arts and/or Mathematics after retesting provided that certain criteria are met. (Refer to Appendix B.)

(vii) Waiver for Extenuating Circumstances. A school system through its superintendent may grant a waiver on behalf of individual students who are unable to participate in LEAP 21 testing or unable to attend LEAP 21 summer remediation because of one or more of the following extenuating circumstances as verified through appropriate documentation: a physical illness or injury that is acute or catastrophic in nature, a chronic physical condition that is in an acute phase or court ordered custody issues. (Refer to Appendix.)

(viii). State Granted Exceptions. A local school superintendent, a parent or guardian, or the State Department of Education may initiate a request for a State-granted waiver from the state superintendent of education on behalf of individual students who are not eligible for promotion because of LEA error or other unique situations not covered under extenuating circumstances. The Department of Education will provide to the state Board of Elementary and Secondary Education detailing state-granted waivers. (Refer to Appendix B.)

iii. - iii.c. ...

iv. Summer remediation programs and end-of-summer retests must be offered by school systems at no costs to students who did not take the Spring LEAP 21 tests or who score at the "unsatisfactory" level on LEAP 21.

iv.(a) - v.(a).(iii). ...

(b). Option 2 Students. Students in Option 2 will participate in a transitional program on the high school campus. Students in Option 2 will retake the eighth grade components of the LEAP 21 previously failed (English and/or Mathematics) and all parts of the Iowa Tests at the ninth grade level. For promotional purposes, a student must score at or above the Approaching Basic achievement level

on the English Language Arts and Mathematics components of LEAP 21 only one time. In order to be considered for placement in to Option 2, a student must:

(i). pass at the Approaching Basic or above achievement level either the English Language Arts or Mathematics components of LEAP 21; and

(ii). participate in both the summer remediation program offered by the LEA and the summer testing. All Option 2 Students:

[a]. shall take remedial courses in the component (English language arts and/or mathematics) of the Grade 8 LEAP 21 in which an unsatisfactory achievement level was attained.

[b]. may earn a maximum of one Carnegie unit of remedial elective credit toward graduation provided the student passes a specially designed remediation elective and scores at or above the Basic achievement level on the component of the eighth grade LEAP 21 that is retaken. For these specially designed remediation courses, the LEA shall record a grade of Pass or Fail (P/F) on the students transcript.

[c]. shall not enroll in or earn Carnegie credit in content areas (English language arts and/or mathematics) in which the student has scored at the unsatisfactory achievement level on the Grade eight LEAP 21.

[d]. may earn Carnegie credit in other content areas.

vi. Exceptional students participating in LEAP 21 must be provided with significant accommodations as noted in the students IEP.

vii. The aforementioned policies will be in effect from spring 2000 through spring 2003. Beginning in spring 2004, the policies will also apply to students scoring at the Approaching Basic level.

viii. Other Requirements

(a). Each plan shall include the function of the school building level committee/student assistance team as it relates to student promotion. Refer to Appendix B for complete text of the High Stakes Testing Policy.

A.1.c. - D.1. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17.7.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 25:2171 (November 1999), amended LR 26:1433 (July 2000), LR 27:

Chapter 13. Appendix B

§1301. LEAP for the 21st Century, High Stakes Testing Policy

A. Grade 4

1. A parent/student/school compact that outlines the responsibilities of each party will be required for students in grade 3 and grade 4 who have been determined to be at risk of scoring at the unsatisfactory level in English language arts and/or mathematics on the fourth grade LEAP for the 21st Century (LEAP 21), as well as for students who were retained in grade 4.

2. A student may not be promoted to the fifth grade until he or she has scored at or above the Approaching Basic level on the English Language Arts and Mathematics components of the fourth grade LEAP 21. For promotional purposes, however, a student shall score at or above the

Approaching Basic achievement level on the English Language Arts and Mathematics components of LEAP 21 only one time

3. LEAs shall offer summer remediation and retest opportunities in English language arts and mathematics at no cost to students who did not take the spring LEAP 21 tests or who score at the unsatisfactory level on the spring tests.

a. A student who scores at the unsatisfactory achievement level is not required to attend the LEA-offered LEAP 21 summer remediation program in order to be eligible for the summer retest.

b. All students with disabilities who participate in on-level testing should receive services along with regular education students in summer remediation programs, with special supports provided as needed.

c. Students with disabilities who participate in out-of-level testing and alternate assessment are not eligible to attend the LEAP 21 summer remediation programs.

d. LEAs are encouraged to offer remediation services to students who score at the Approaching Basic level.

4. In order to move students toward grade level performance, LEAs shall design and implement additional instructional program options for those fourth grade students being retained. The purpose of the additional instructional options is to move the students to grade level proficiency by providing the following focused instruction in the subject area(s) on which they scored at the unsatisfactory level on LEAP 21, and ongoing instruction using locally-developed curricula based on State-level content standards for the core subject areas. Examples of instructional options may include alternative learning settings, individual tutoring, transitional classes, or other instructional options appropriate to the students' needs. LEAs are also encouraged to design and implement additional instructional options for students in grades 3 and 4 who have been determined to be at risk of scoring at the unsatisfactory level on LEAP 21.

5. Retention Limit

a. The decision to retain a student in the fourth grade more than once as a result of his/her failure to score at or above the Approaching Basic achievement level in English Language Arts and/or Mathematics on LEAP 21 shall be made by the LEA in accordance with the local Pupil Progression Plan. These students may be either retained again in the fourth grade or promoted to the fifth grade.

i. Students retained in the fourth grade shall retake all four components of LEAP 21.

ii. For promotional purposes, however, a student shall score at or above the Approaching Basic achievement level on the English Language Arts and Mathematics components of LEAP 21 only one time.

6. Exceptions to the High Stakes Testing policy may include:

a. Policy Override

i. The local school system (LEA) may override the State policy for students scoring at the unsatisfactory level in English language arts or mathematics if the student scores at the Proficient or Advanced level in the other provided that:

(a). the decision is made in accordance with the local Pupil Progression Plan, which may include a referral to the School Building Level Committee (SBLC);

(b). the student has participated in both the spring and summer administrations of LEAP 21 and has attended the summer remediation program offered by the LEA (The student shall participate in the summer retest only on the subject area(s) that he/she scored at the unsatisfactory achievement level during the spring test administration; and

(c). parental consent is granted.

b. Waiver for Students with Disabilities Eligible under the Individuals with Disabilities Education Act (IDEA)

i. For the 2000-2001 school year only, the SBLC shall be granted the authority to waive the State's grade promotion policy for students with disabilities (excluding students with only a speech or language impairment).

(a). Students Participating in On-Level Testing

(i). A student with a disability must participate in both the summer remediation program offered by the LEA and the summer retesting to be considered for a waiver.

(b). Students Participating in Out-of-Level Testing

(i). Students with disabilities who participate in out-of-level testing shall have promotion decisions determined by the SBLC.

(c). Students Participating in Alternate Assessment

(i). Students with disabilities who participate in the alternate assessment shall have promotion decisions determined by the SBLC.

c. Exemption for Limited English Proficient (LEP) Students

i. LEP students shall begin participation in statewide assessment upon completion of one academic year in an English-speaking school. However, once a LEP student participates in the statewide assessment, the SBLC shall be granted the authority to waive the State's grade promotion policy for a LEP student. A LEP student who was granted a waiver at the fourth grade level is ineligible for a waiver at the eighth grade level.

ii. Preliterate LEP students and LEP students who have had no formal schooling or who have had an extended interruption in schooling may request a State-granted waiver for approval from the State Department of Education. Exemption from participation in statewide assessment will be decided on a case by case basis. Once a LEP student participates in statewide assessment, the SBLC shall be granted the authority to waive the State's grade promotion policy for a LEP student. A LEP student who was granted a waiver at the fourth grade level is ineligible for a waiver at the eighth grade level.

d. Appeals Process

i. A school system, through its superintendent, may grant an appeal on behalf of individual students provided that all of the following criteria have been met.

(a). The student's highest score in English language arts and/or mathematics on either the spring or summer LEAP 21 must fall within 20 scaled score points of the cutoff score for Approaching Basic.

(b). The student shall have a 3.0 grade point average on a 4.0 scale in the subject(s) on which he/she scored unsatisfactory on LEAP 21.

(c). The student must have attended the LEAP 21 summer remediation program.

(d). The student must have taken the LEAP 21 retest given after the LEAP 21 summer remediation program has been concluded.

(e). The student must have met State-mandated attendance regulations during the regular school year and any locally mandated regulations during the summer remediation program.

(f). The principal and the School Building Level Committee (SBLC) must review student work samples and attest that the student exhibits the ability of performing at or above the Approaching Basic achievement level in English Language Arts and/or Mathematics.

e. Waiver for Extenuating Circumstances

i. A school system through its superintendent may grant a waiver on behalf of individual students who are unable to participate in LEAP 21 testing or unable to attend LEAP 21 summer remediation because of one or more of the following extenuating circumstances as verified through appropriate documentation:

(a). a physical illness or injury that is acute or catastrophic in nature;

(b). a chronic physical condition that is in an acute phase; or

(c). court ordered custody issues.

(i). Documentation: Physical Illness.

Appropriate documentation must include verification that the student is under the medical care of a licensed physician for illness, injury, or a chronic physical condition that is acute or catastrophic in nature. Documentation must include a statement verifying that the illness, injury, or chronic physical condition exists to the extent that the student is unable to participate in testing and/or remediation. Custody Issues: Certified copies of the court ordered custody agreements must be submitted to the LEA at least 10 school days prior to summer remediation or retesting.

ii. Student Eligibility/Retest Requirements

(a). Students who meet the criteria for extenuating circumstances under the physical illness, chronic physical condition, or court ordered custody category related to LEAP 21; and

(i). who are unable to participate in both the spring and the summer administration of LEAP 21, or who score at the unsatisfactory achievement level on the spring administration of LEAP 21 mathematics and/or English language arts tests and are unable to participate in LEAP 21 summer retest, shall take the Iowa Tests for grade placement within 10 school days of returning to school, which may include hospital/homebound instruction, in order to ensure the appropriate level of instruction; must score at or above the cutoff score on the selected form of The Iowa Tests for grade placement to be promoted to the fifth grade; and are not eligible for a retest. These students may be eligible for the policy override, appeals process, or waiver (for students with disabilities under IDEA) in accordance with the local Pupil Progression Plan.

iii. Students who meet the criteria for extenuating circumstances under the physical illness, chronic physical condition, or court ordered custody category related to LEAP 21; and

(a). who are unable to participate in the spring testing and/or summer remediation including the provision of remediation through hospital/homebound instruction;

(b). are required to take the LEAP 21 summer retest. These students may be eligible for the policy override, appeals process or waiver (for students with disabilities under IDEA) in accordance with the local Pupil Progression Plan.

f. State-Granted Exceptions

i. A local school superintendent, a parent or guardian, or the state Department of Education may initiate a request for a state-granted waiver from the state superintendent of education on behalf of individual students who are not eligible for promotion because of LEA error or other unique situations not covered under extenuating circumstances.

(a). The Department of Education will provide a report to the state Board of Elementary and Secondary Education detailing state-granted waivers.

(i). Documentation: LEA Error. The LEA superintendent or parent must provide the state superintendent of education with school and student level documentation detailing the error, how the error occurred, and how the error will be corrected so that it will not occur again in the future. Other Unique Situations: Documentation must be provided to the state superintendent of education detailing the unique situation and justifying why a waiver should be granted.

ii. Testing/Promotion Decisions

(a). The Department of Education will communicate to the LEAs the means for establishing promotional decisions for those students who have received a state-granted waiver.

6. The promotion policies outlined above are in effect from spring 2000 through spring 2003; beginning in spring 2004, these policies will also apply to students scoring at the Approaching Basic level on LEAP 21 in English language arts and/or mathematics.

B. Grade Eight

1. A parent/student/school compact that outlines the responsibilities of each party will be required for students in grade 7 and grade 8 who have been determined to be at risk of scoring at the unsatisfactory level in English language arts and/or mathematics on the eighth grade LEAP 21, as well as for students who were retained in grade eight.

2. A student may not be promoted to the ninth grade until he or she has scored at or above the Approaching Basic level on the English Language Arts and Mathematics components of the eighth grade LEAP 21. For promotional purposes, however, a student shall score at or above the Approaching Basic level on the English Language Arts and Mathematics components of LEAP 21 only one time.

3. LEAs shall offer summer remediation and retest opportunities in English language arts and mathematics at no cost to students who did not take the spring LEAP 21 tests or who score at the unsatisfactory level on the spring tests.

a. A student who scores at the unsatisfactory achievement level is not required to attend the LEA-offered LEAP 21 summer remediation program in order to be eligible for the summer retest. All students with disabilities who participate in on-level testing should receive services

along with regular education students in summer remediation programs, with special supports provided as needed.

b. Students with disabilities who participate in out-of-level testing and alternate assessment are not eligible to attend the LEAP 21 summer remediation programs.

c. LEAs are encouraged to offer remediation services to students who score at the Approaching Basic level.

4. In order to move students toward grade level performance, LEAs shall design and implement additional instructional program options for those eighth grade students being retained. The purpose of the additional instructional options is to move the students to grade level proficiency by providing the following: focused instruction in the subject area(s) on which they scored at the unsatisfactory level on LEAP 21, and ongoing instruction using locally-developed curricula based on state-level content standards for the core subject areas. Examples of instructional options may include alternative learning settings, individual tutoring, transitional classes, or other instructional options appropriate to the students' needs. LEAs are also encouraged to design and implement additional instructional options for students in grades 7 and 8 who have been determined to be at risk of scoring at the unsatisfactory level on the LEAP 21.

a. School systems shall develop non-discriminatory criteria for the placement of those eighth grade students who score at the unsatisfactory achievement level on the English Language Arts and/or the Mathematics component(s) of the LEAP 21 in either Option 1 or Option 2.

i. Students in Option 1 will repeat grade 8. Students in Option 1 will retake all four components of LEAP 21.

ii. Students in Option 2 will participate in a transitional program on the high school campus. Students in Option 2 will retake the eighth grade components of LEAP 21 previously failed (English and/or Mathematics) and all parts of the Iowa Tests at the ninth grade level.

iii. For promotional purposes, a student must score at or above the Approaching Basic achievement level on the English Language Arts and Mathematics components of the LEAP 21 only one time.

b. In order to be considered for placement into Option 2, a student must:

i. pass at the Approaching Basic or above achievement level either the English Language Arts or Mathematics component of LEAP 21; and

ii. participate in both the summer remediation program offered by the LEA and the summer testing.

5. In accordance with the local Pupil Progression Plan, Option I students:

a. may earn Carnegie units in accordance with the policy regarding high school credit for elementary students as found in *Bulletin 741 Louisiana Handbook for School Administration*;

b. may earn a maximum of one Carnegie unit of remedial elective credit toward graduation provided the students pass a specially designed remediation elective and score at or above the Basic achievement level on the component of the eighth grade LEAP 21 that is retaken. The LEAP 21 shall be in lieu of a required credit examination. For these specially designed remediation courses, the LEA

shall record a grade of Pass or Fail (P/F) on the student's transcript;

c. shall not enroll in or earn Carnegie credit in content areas (English language arts and/or mathematics) in which the student has scored at the unsatisfactory achievement level on the Grade 8 LEAP 21.

6. All Option 2 students:

a. shall take remedial courses in the component (English language arts and/or mathematics) of the Grade 8 LEAP 21 in which an unsatisfactory achievement level was attained;

b. may earn a maximum of one Carnegie unit of remedial elective credit toward graduation provided the students pass a specially designed remediation elective and score at or above the Basic achievement level on the component of the eighth grade LEAP 21 that is retaken. For these specially designed remediation courses, the LEA shall record a grade of Pass or Fail (P/F) on the student's transcript;

c. shall not enroll in or earn Carnegie credit in content areas (English language arts and/or mathematics) in which the student has scored at the unsatisfactory achievement level on the Grade 8 LEAP 21;

d. may earn Carnegie credit in other content areas.

7. Retention Limit

a. The decision to retain an eighth grade student more than once as a result of his/her failure to score at or above the Approaching Basic achievement level in English Language Arts and/or Mathematics on LEAP 21 shall be made by the LEA in accordance with the local Pupil Progression Plan which shall include the following.

i. Beginning with the 2001-2002 school year, an eighth grade student who has repeated the entire grade (Option 1) may be either retained again in the eighth grade; promoted to the ninth grade provided that the student has passed either the English Language Arts or Mathematics component of LEAP 21, has attended at least one LEAP 21 summer remediation program and taken the summer retest, and will enroll in a remedial high school course (English or mathematics) in which an unsatisfactory achievement level was attained; or placed in a Pre-GED/Skills Program (Option 3).

ii. An eighth grade student attending class on a high school campus and earning some Carnegie credit(s) (Option 2) may be either promoted or retained in accordance with the local Pupil Progression Plan, or placed in a Pre-GED/Skills Program (Option 3).

b. Pre-GED/Skills Program (Option 3) shall be available to students who meet criteria as outlined in *Bulletin 741 Louisiana Handbook for School Administrators*, standard 1.151.05.

8. Exceptions to the High Stakes Testing policy may include:

a. Policy Override

i. The local school system (LEA) may override the state policy for students scoring at the unsatisfactory level in English or mathematics if the student scores at the Proficient or Advanced level in the other provided that:

ii. the decision is made in accordance with the local Pupil Progression Plan, which may include a referral to the School Building Level Committee (SBLC);

iii. the student has participated in both the spring and summer administrations of the LEAP 21 and has attended the summer remediation program offered by the LEA (The student shall participate in the summer retest only on the subject that he/she scored at the unsatisfactory achievement level during the spring test administration); and

iv. parental consent is granted.

b. Waiver for Students with Disabilities Eligible under the Individuals with Disabilities Education Act (IDEA)

i. For the 2000-2001 school year only, the SBLC shall be granted the authority to waive the state's grade promotion policy for students with disabilities (excluding students with only a speech or language impairment).

(a). Students Participating in On-Level Testing

(i). A student with a disability must participate in both the summer remediation program offered by the LEA and the summer retesting in order to be considered for a waiver.

(b). Students Participating in Out-of-Level Testing

(i). Students with disabilities who participate in out-of-level testing shall have promotion decisions determined by the SBLC.

(c). Students Participating in Alternate Assessment

(i). Students with disabilities who participate in the alternate assessment shall have promotion decisions determined by the SBLC.

c. Exemption for Limited English Proficient (LEP) Students

i. LEP students shall begin participation in statewide assessment upon completion of one academic year in an English-speaking school. However, once a LEP student participates in the statewide assessment, the SBLC shall be granted the authority to waive the state's grade promotion policy for a LEP student. A LEP student who was granted a waiver at the fourth grade level is ineligible for a waiver at the eighth grade level.

ii. Preliterate LEP students and LEP students who have had no formal schooling or who have had an extended interruption in schooling may request a state-granted waiver for approval from the state Department of Education. Exemption from participation in statewide assessment will be decided on a case by case basis. Once a LEP student participates in statewide assessment, the SBLC shall be granted the authority to waive the state's grade promotion policy for a LEP student. A LEP student who was granted a waiver at the fourth grade level is ineligible for a waiver at the eighth grade level.

d. Appeals Process

i. A school system, through its superintendent, may grant an appeal on behalf of individual students provided that all of the following criteria have been met.

(a). The student's highest score in English language arts and/or mathematics on either the spring or summer LEAP 21 must fall within 20 scaled score points of the cutoff score for Approaching Basic.

(b). The student shall have a 3.0 grade point average on a 4.0 scale in the subject(s) on which he/she scored unsatisfactory on LEAP 21.

(c). The student must have attended the LEAP 21 summer remediation program.

(d). The student must have taken the LEAP 21 retest given after the LEAP 21 summer remediation program has been concluded.

(e). The student must have met state-mandated attendance regulations during the regular school year and any locally mandated regulations during the summer remediation program.

(f). The principal and the School Building Level Committee (SBLC) must review student work samples and attest that the student exhibits the ability of performing at or above the Approaching Basic achievement level in English Language Arts and/or Mathematics.

e. Waiver for Extenuating Circumstances

i. A school system through its superintendent may grant a waiver on behalf of individual students who are unable to participate in LEAP 21 testing or unable to attend LEAP 21 summer remediation because of one or more of the following extenuating circumstances as verified through appropriate documentation:

(a). a physical illness or injury that is acute or catastrophic in nature;

(b). a chronic physical condition that is in an acute phase; or

(c). court ordered custody issues.

(i). Documentation: Physical Illness. Appropriate documentation must include verification that the student is under the medical care of a licensed physician for illness, injury, or a chronic physical condition that is acute or catastrophic in nature. Documentation must include a statement verifying that the illness, injury, or chronic physical condition exists to the extent that the student is unable to participate in testing and/or remediation. Custody Issues: Certified copies of the court ordered custody agreements must be submitted to the LEA at least 10 school days prior to summer remediation or retesting.

ii. Student Eligibility/Retest Requirements

(a). Students who meet the criteria for extenuating circumstances under the physical illness, chronic physical condition, or court ordered custody category related to LEAP 21 and:

(i). who are unable to participate in both the spring and the summer administration of LEAP 21; or

(ii). who score at the unsatisfactory achievement level on the spring administration of LEAP 21 mathematics and/or English language arts tests and are unable to participate in LEAP 21 summer retest shall take the Iowa Tests for grade placement within 10 school days of returning to school, which may include hospital/homebound instruction, in order to ensure the appropriate level of instruction; must score at or above the cutoff score on the selected form of The Iowa Tests for grade placement to be promoted to the ninth grade; and are not eligible for a retest. These students may be eligible for the policy override, appeals process, or waiver (for students with disabilities under IDEA) in accordance with the local Pupil Progression Plan.

iii. Students who meet the criteria for extenuating circumstances under the physical illness, chronic physical condition, or court ordered custody category related to LEAP 21; and

iv. who are unable to participate in the spring testing and/or summer remediation including the provision of remediation through hospital/homebound instruction;

(a). are required to take the LEAP 21 summer retest. These students may be eligible for the policy override, appeals process or waiver (for students with disabilities under IDEA) in accordance with the local Pupil Progression Plan.

f. State-Granted Exceptions

i. A local school superintendent, a parent or guardian, or the state Department of Education may initiate a request for a state-granted waiver from the state superintendent of education on behalf of individual students who are not eligible for promotion because of LEA error or other unique situations not covered under extenuating circumstances.

(a). The Department of Education will provide a report to the state Board of Elementary and Secondary Education detailing state-granted waivers. Documentation:

(i). LEA Error. The LEA superintendent or parent must provide the state superintendent of education with school and student level documentation detailing the error, how the error occurred, and how the error will be corrected so that it will not occur again in the future. Other Unique Situations: Documentation must be provided to the state superintendent of education detailing the unique situation and justifying why a waiver should be granted.

(ii). Testing/Promotion Decisions. The Department of Education will communicate to the LEAs the means for establishing promotional decisions for those students who have received a state-granted waiver.

9. The promotion policies outlined above are in effect from spring 2000 through spring 2003; beginning in spring 2004, these policies will also apply to students scoring at the Approaching Basic level.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17.7.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 27:

Interested persons may submit comments until 4:30 p.m., May 9, 2001, to Nina A. Ford, Board of Elementary and Secondary Education, Box 94064, Capitol Station, Baton Rouge, LA 70804-9064.

Weegie Peabody
Executive Director

**FISCAL AND ECONOMIC IMPACT STATEMENT
FOR ADMINISTRATIVE RULES
RULE TITLE: Bulletin 1566C Guidelines for Pupil
Progression Regular Placement and LEAP
High Stakes Testing Policy**

**I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO
STATE OR LOCAL GOVERNMENT UNITS (Summary)**

There should be no increase in cost to state or local governmental units to implement these policy changes. School systems will use existing personnel and reallocated current funding.

**II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE
OR LOCAL GOVERNMENTAL UNITS (Summary)**

There is no effect on revenue collection of state or local governmental units.

**III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO
DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL
GROUPS (Summary)**

Benefits to schools and students include better accountability and increased student achievement.

**IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT
(Summary)**

There should be no impact effect on competition and employment. Teachers currently employed will teach any new courses and/or classes.

Marlyn Langley
Deputy Superintendent
Management and Finance
0103#026

H. Gordon Monk
Staff Director
Legislative Fiscal Office

NOTICE OF INTENT

Board of Elementary and Secondary Education

Rules Governing Discussion
(LAC 28:I.307)

In accordance with R.S. 49:950 et seq., the Administrative Procedure Act, the Board of Elementary and Secondary Education approved for advertisement the following revision to its Rules to Order. The revision to LAC 28:I.307.J, Rules Governing Discussion, will allow the board to conduct business in an orderly and efficient manner.

**Title 28
EDUCATION**

Part I. Board of Elementary and Secondary Education

Chapter 3. Rules of Procedure

§307. Rules of Order

A. - I. ...

J. Rules Governing Discussion

1. Board members and staff should be on time for meetings, especially the first meeting each day. It is difficult to make up lost time with such a heavy schedule of committee meetings.

2. There will be no discussion on a motion until it is seconded. The discussion shall be limited to the merits of the pending question. The order of discussion shall be left solely to the discretion of the chair. No board member will speak without first receiving recognition of the chairman.

3. Each member of the board shall be allowed to speak no more than twice on the same motion, unless he requests permission of the chair to be allowed to answer something of a personal nature or to correct a gross mistake. This shall in no way be interpreted to supersede the personal privilege prerogative of each member of the board.

4. Committee chairpersons should be cognizant of time allotted for committee work and attempt to conduct business within the time allotted. The chair shall have the right to limit, in time, the length of discussion on each motion, if time is of a critical nature.

5. The maker of the motion will be given the first opportunity to speak and to close on the motion if they so desire. It is recommended that each member, in discussing an issue before the board, attempt to:

- a. confine his remarks to the merits of the pending question;
- b. refrain from attacking a members motives;
- c. address all remarks through the chair;

d. refrain from speaking on a prior action unless it is reconsidered by the board or committee;

e. read reports, quotations, etc., only without objection;

f. refrain from disturbing the board meeting, if possible; and

g. limit response so everyone who wishes to comment on a motion can do so.

6. It is the responsibility of the president or chairperson of a committee to direct the orderly meeting discussion. The chair, as an individual member of the board, has the same right to discussion as any other member, but the impartiality required of the chair in a discussion precludes his exercising these rights while he is presiding. If the chairperson wishes to make lengthy discussion comments they should relinquish the chair to the vice-chair, secure recognition, and participate as a normal member. It is requested that any remarks which the chair wishes to make concerning an issue should be made after all other members have been recognized.

7. There will be no more than two amendments to a motion that is before the body. If one of these two is removed, another may be added.

8. A motion to close debate requires a 2/3 vote of those present and voting.

9. Only those motions which are included in the agenda and are germane will be considered.

10. State department personnel should condense all presentations as much as possible and only in special instances should these presentations exceed 30 minutes.

11. An individual board member may request from the department any public document which has already been prepared or is in readily available form.

12. A board member may not request new research, records or reports not available and which requires compilation or research without a motion adopted by a majority of the board.

13. Only the board executive secretary, staff person assigned to the committee or the deputy superintendents are allowed to come up on the dais while business is being conducted.

14. The chairperson should ask all presenters to identify themselves for the record.

15. A quorum is required at full board meetings to conduct business and six votes are required to pass a motion. Two board members present and voting are required to conduct business at a committee meeting.

16. If a board member or the superintendent want to have a lengthy private discussion with another board member or members, they should not do this in front of the audience (i.e. Go to one of the side rooms.) Audience is asked to go outside the meeting room for their personal discussions.

17. It is suggested that ceremonial acknowledgments on Thursday board meetings should be made by the president and the local board member only. (In behalf of all board members.)

18. Board members are asked to remain seated when local school personnel are making presentations to the board as it is always an honor to be recognized by state-level officials.

19. Cell phones and beepers should be turned off or taken to the side rooms for conversations when activated.

20. At the full board meeting when approving committee minutes, any board member can request that a motion be addressed without being on the prevailing side.

21. All other rules and procedures not modified by these guidelines shall be governed by Robert's Rules of Order, revised edition.

22. In order to carry on its business in an orderly and efficient manner, the board utilizes 10 standing committees of the whole. Full discussion of board business usually occurs at the committee level, and public comment should ideally be at that time and not after a recommendation is forwarded to the board. Opportunity to comment publicly on a committee or board agenda item may be provided to a representative number of proponents and opponents according to the following procedures.

a. Persons desiring to address the committee/board should notify the chair prior to the beginning of the meeting and identify the issue or item to be addressed. Other members of the public may be recognized at the discretion of the chair.

b. All speakers will conduct themselves in a decorous manner.

c. The chair shall have the right to limit, in time, the length of discussion on each motion, if time is of a critical matter.

d. The order of discussion shall be left solely to the discretion of the chair.

e. Persons addressing the committee/board shall confine remarks to the merits a specific agenda item before the board/committee; refrain from attacking a board member's motives; address all remarks through the chair; refrain from speaking adversely on a prior action not pending; read reports only without objection; and refrain from disturbing the meeting.

f. Public comments should be limited to three minutes per person.

g. Persons making a public comment shall identify themselves and the group they represent, if any.

h. Groups and/or organizations should designate one spokesperson.

i. The chair shall have discretion to manage situations not addressed in these procedures.

COMMENT: It should be noted that BESE meetings while open to the public are not public hearing forums and therefore public comments allowed will be at board/committee discretion.

K. - O. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:3(A-E).

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education in LR 16:297 (April 1990), LR 27:

Interested persons may submit comments until 4:30 p.m., May 9, 2001, to Nina A. Ford, Board of Elementary and Secondary Education, Box 94064, Capitol Station, Baton Rouge, LA 70804-9064.

Weegie Peabody
Executive Director

**FISCAL AND ECONOMIC IMPACT STATEMENT
FOR ADMINISTRATIVE RULES**

RULE TITLE: Rules Governing Discussion

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)
This action will have no fiscal effect other than \$80.00 for advertising in the *State Register*.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
This action will have no effect on revenue collections of state or local governmental units.
- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS (Summary)
This action will have no effect on cost and/or economic benefits to directly affected persons or non-governmental groups.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)
This action will have no effect on competition and employment.

Weegie Peabody
Executive Director
0103#024

H. Gordon Monk
Staff Director
Legislative Fiscal Office

NOTICE OF INTENT

**Department of Environmental Quality
Office of Environmental Assessment
Environmental Planning Division**

Waste Tire Clarifications
(LAC 33:VII.Chapter 105)(SW030)

Under the authority of the Environmental Quality Act, R.S. 30:2001 et seq., and in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., the secretary gives notice that rulemaking procedures have been initiated to amend the Solid Waste regulations, LAC 33:VII.Chapter 105 (Log #SW030).

This Rule clarifies the notification and submittal processes for the waste tire regulations. Prior to this Rule, all submittal notices and notifications were referenced to the department or referenced to the Solid Waste Division, which has been reorganized through departmental reengineering. This Rule will give specific instructions as to where the general public should submit all documents pertinent to the waste tire chapter of the solid waste regulations, making the submittal process easier for both the general public and the department. This Rule also eliminates obsolete wording that was mistakenly left in the waste tire regulations. Departmental reengineering has necessitated the clarification of all submittal and notification processes for all regulations promulgated by the department. Without these clarifications, the general public would not be able to submit pertinent information in an easy and timely manner. The basis and rationale for this rule are to clarify the submittal and notification process for the general public and to remove all mention of incorrect division references.

This proposed Rule meets an exception listed in R.S. 30:2019(D)(3) and R.S.49:953(G)(3); therefore, no report

regarding environmental/health benefits and social/economic costs is required. This proposed Rule has no known impact on family formation, stability, and autonomy as described in R.S. 49:972.

Title 33

ENVIRONMENTAL QUALITY

Part VII. Solid Waste

Chapter 105. Waste Tires

§10505. Definitions

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

[See Prior Text]

Administrative Authority—the secretary of the Department of Environmental Quality or his designee or the appropriate assistant secretary or his designee.

[See Prior Text]

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

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

§10513. Permit Process for Existing Facilities Classified for Upgrade and for Proposed Facilities

[See Prior Text in A]

1. No sooner than 45 days prior to the submittal of a standard permit application to the Office of Environmental Services, Permits Division, the prospective applicant shall publish a notice of intent to submit an application for a waste tire standard permit. This notice shall be published one time as a single classified advertisement measuring three columns by five inches, in the legal or public notices section of the official journal of this state and the official journal of the parish where the facility is located. If the affected area is Baton Rouge, a single classified advertisement measuring three columns by five inches, in the legal or public notices section of the official journal of the state will be the only public notice required.

[See Prior Text in A.2-B]

1. Any applicant for a standard permit for an existing or proposed facility shall complete a waste tire standard permit application, and submit four copies to the Office of Environmental Services, Permits Division. Each individual copy of the application shall be in standard three-ring-bound documents measuring 8 1/2 by 11 inches. All appendices, references, exhibits, tables, etc., shall be marked with appropriate tabs.

[See Prior Text in B.2-D]

1. The applicant shall make available to the department the assistance of registered engineers or other trained individuals responsible for the design of the facility to explain the design and operation.

[See Prior Text in D.2-F.1.c]

d. one copy to a department regional office; and

[See Prior Text in F.1.e-5]

6. Public Notice of a Public Hearing. If the administrative authority determines that a hearing is necessary, a notice shall be published at least 20 days before a fact-finding hearing in the official journal of the state and in the official journal of the parish or municipality where the facility is located. The notice shall be published one time as a single classified advertisement measuring three columns by five inches in the legal or public notices section of the official journal of the state and one time as classified advertisement in the legal or public notices section of the official journal of the parish where the facility is located. If the affected area is Baton Rouge, a single classified advertisement measuring three columns by five inches in the official journal of the state shall be the only public notice required. Those persons on the department's mailing list for hearings shall be mailed notice of the hearing at least 20 days before a public hearing. A notice shall also be published in the departmental bulletin, if available.

[See Prior Text in F.7-H]

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

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Solid Waste Division, LR 18:39 (January 1992), amended LR 20:1001 (September 1994), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2775 (December 2000), LR 27:

§10515. Agreements with Waste Tire Processors

Standard permitted waste tire processors may apply to the Office of Management and Finance, Financial Services Division for subsidized funding to assist them with waste tire processing and marketing costs. This application form is available from the Office of Management and Finance, Financial Services Division.

[See Prior Text in A-F]

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

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Solid Waste Division, LR 18:39 (January 1992), amended LR 20:1001 (September 1994), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2776 (December 2000), LR 27:

§10517. Standard Waste Tire Permit Application

Each applicant requesting a standard permit in accordance with these regulations shall complete the permit application, including, but not limited to, the information included in this Section and submit it to the Office of Environmental Services, Permits Division.

[See Prior Text in A-C.3]

4. governmental agency collection centers may accept waste tires from roadside pickup, from rights-of-way, individual residents, and unauthorized waste tire piles. For the tires from unauthorized waste tire piles to be eligible for the \$1.50 per 20 pounds marketing payment to permitted

processors as indicated in LAC 33:VII.10535, the governmental agency must notify the Office of Management and Finance, Financial Services Division, in writing, of the agency's intent prior to removing the tires from said site;

[See Prior Text in C.5-6]

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

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Solid Waste Division, LR 18:39 (January 1992), amended LR 20:1001 (September 1994), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2776 (December 2000), LR 27:

§10519. Standards and Responsibilities of Generators of Waste Tires

A. Within 30 days of commencement of business operations, generators of waste tires shall notify the Office of Environmental Services, Permits Division of their existence and obtain a generator identification number prior to initiating a waste tire manifest. Notification shall be on a form provided by the Office of Environmental Services, Permits Division.

[See Prior Text in B-C]

D. All tire dealers shall remit the waste tire fee, as specified in LAC 33:VII.10535.B and C, to the department on a monthly basis on or before the twentieth day following the month covered. The fee shall be submitted to the Office of Management and Finance, Financial Services Division, along with the Monthly Waste Tire Fee Report Form WT01 obtained from the Office of Management and Finance, Financial Services Division. Until December 31, 2001, the fee shall be reported on Form WT01 in the following tire categories: passenger/light truck, medium truck, and off-road. On January 1, 2002, the fee shall be reported on Form WT02 and shall include all categories of tires listed in Appendix C. Every tire dealer required to make a report and remit the fee imposed by this Section shall keep and preserve records as may be necessary to readily determine the amount of fee due. Each dealer shall maintain a complete record of the quantity of tires sold, together with tire sales invoices, purchase invoices, inventory records, and copies of each Monthly Waste Tire Fee Report for a period of no less than three years. These records shall be open for inspection by the administrative authority at all reasonable hours.

E. Tire dealers must provide notification to the public sector via signs, made available by the Office of Management and Finance, Financial Services Division, indicating that:

[See Prior Text in E.1-K]

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

[See Prior Text in M-O]

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

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Solid Waste Division, LR 18:40 (January 1992), amended LR 20:1001 (September 1994), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2777 (December 2000), LR 27:

§10523. Standards and Responsibilities of Waste Tire Transporters

A. Transporters of waste tires shall complete the application for transporter authorization form and submit the application, with the payment of the transporter fees as specified in LAC 33:VII.10535.A, to the Office of Management and Finance, Financial Services Division.

[See Prior Text in B-F]

G All persons subject to this Section shall notify the Office of Management and Finance, Financial Services Division in writing within 10 days when any information on the authorization certificate form changes, or if they close their business and cease transporting waste tires.

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

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Solid Waste Division, LR 18:41 (January 1992), amended LR 20:1001 (September 1994), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2778 (December 2000), LR 27:

§10525. Standards and Responsibilities of Waste Tire Processors

[See Prior Text in A]

B. On a form obtained from the Office of Management and Finance, Financial Services Division, all processors shall submit to the Office of Management and Finance, Financial Services Division a monthly report, which shall include a certified record of pounds of tires processed during the month, along with all completed manifests for the month and the log recording all unmanifested waste tires deposited at the facility. The monthly report shall also include a certified record of the pounds of waste tire material that have been marketed and delivered as a product or raw material for beneficial reuse. An alternative method of reporting sale of waste tire material shall be developed and approved for each processor that uses a process other than shredding. The alternative method shall be approved by the administrative authority.

[See Prior Text in C-D.13]

a. the waste tire facility operator shall submit to the Office of Management and Finance, Financial Services Division an estimate of the maximum total amount by weight of waste tire material that will be stored at the processing facility at any one time;

b. the waste tire facility operator shall also submit to the Office of Management and Finance, Financial Services Division two independent, third-party estimates of the total cost of cleaning up and closing the facility, including the cost of loading the waste tire material, transportation to a permitted disposal site, and the disposal cost; and

[See Prior Text in D.13.c-E.6]

7. Mobile processors are responsible for notifying the Office of Environmental Services, Permits Division in writing within 10 days when any information on the notification changes or if they cease processing waste tires with a mobile unit.

F. Governmental agencies may operate tire splitting equipment for the purposes of volume reduction prior to disposal without a permit to process waste tires, provided they meet the requirements outlined in LAC 33:VII.10517.C and request authorization from the Office of Management and Finance, Financial Services Division before initiating any processing.

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

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Solid Waste Division, LR 18:41 (January 1992), amended LR 20:1001 (September 1994), LR 22:1213 (December 1996), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2779 (December 2000), LR 27:

§10531. Standards And Responsibilities of Qualified Recyclers

A. Within 30 days of promulgation of these rules and regulations, recyclers shall notify the Office of Environmental Services, Permits Division of their existence and obtain an identification number. Notification shall be on a form provided by the Office of Environmental Services, Permits Division, including, but not limited to:

[See Prior Text in A.1-C]

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

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Solid Waste Division, LR 20:1001 (September 1994), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2780 (December 2000), LR 27:

§10533. Manifest System

[See Prior Text in A-B.2]

3. the designated processing facility operator completes Section 3 of the manifest and retains a copy for his files. The designated processing facility operator shall submit the original manifest to the Office of Management and Finance, Financial Services Division with the monthly processor report. The designated processing facility shall send all remaining copies to the generator no later than seven days after delivery;

[See Prior Text in B.4]

5. a generator must submit to the Office of Management and Finance, Financial Services Division written notification, if he has not received a copy of the manifest with the handwritten signature of the designated destination facility operator within 45 days of the date the shipment was accepted by the transporter. The notification shall include:

[See Prior Text in B.5.a-b]

C. Upon discovering a discrepancy in the number or type of tires in the load, the designated destination facility must attempt to reconcile the discrepancy with the generator(s) or transporter(s). The destination facility operator must submit

to the Office of Management and Finance, Financial Services Division, within five working days, a letter describing the discrepancy and attempts to reconcile it and a copy of the manifest(s). After the discrepancy is resolved a corrected copy is to be sent to the Office of Management and Finance, Financial Services Division.

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

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Solid Waste Division, LR 20:1001 (September 1994), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2780 (December 2000), LR 27:

§10535. Fees and Fund Disbursement

A. Permit and Application Fees. Each applicant shall submit to the Office of Environmental Services, Permits Division a non-refundable application fee in the amount specified, according to the categories listed below. The appropriate fee must accompany the permit application or authorization application form.

[See Prior Text in A.1-C]

1. the entire waste tire fee shall be forwarded to the Office of Management and Finance, Financial Services Division by the tire dealer and shall be deposited in the Waste Tire Management Fund.

[See Prior Text in C.2-D.6]

7. Payments shall be made to the processor on a monthly basis, after properly completed monthly reports are submitted by the processor to the Office of Management and Finance, Financial Services Division. Reporting forms will be provided by the Office of Management and Finance, Financial Services Division.

[See Prior Text in D.8-10]

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

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

§10536. Remediation of Unauthorized Tire Piles

[See Prior Text in A]

B. In order to apply for and receive funding for unauthorized waste tire site remediation, local governments must provide the Office of Management and Finance, Financial Services Division with unauthorized waste tire site information. This information includes, but is not limited to, accurate site location, number of tires on site, visual report on site with photographs and proximity to residences, schools, hospitals and/or nursing homes, and major highways. Such information shall be submitted using forms available from the Office of Management and Finance, Financial Services Division.

[See Prior Text in C]

D. State agencies, parish, or local governments may consolidate several smaller waste tire piles provided they obtain prior approval from the Office of Management and

Finance, Financial Services Division. Consolidating the piles for the purpose of remediation may increase the priority ranking of the site in question.

E. Waste tires may not be removed from unauthorized waste tire piles without prior approval of the Office of Management and Finance, Financial Services Division.

[See Prior Text in F-G]

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

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Solid Waste Division, amended LR 20:1001 (September 1994), LR 22:1213 (December 1996), LR 23:722 (June 1997), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2782 (December 2000), LR 27:

Appendix A

Louisiana Department of Environmental Quality Financial Assurance Documents for Waste Tire Facilities (August 4, 1994)

The following documents are to be used to demonstrate financial responsibility for the closure of waste tire facilities. The wording of the documents shall be identical to the wording that follows, except that the instructions in brackets are to be replaced with the relevant information and the brackets deleted.

Sample document 1:

WASTE TIRE FACILITY FINANCIAL GUARANTEE BOND

Date bond was executed: [Date bond executed]

Effective date: [Effective date of bond]

Principal: [legal name and business address of permit holder or applicant]

Type of organization: [insert "individual," "joint venture," "partnership," or "corporation"]

State of incorporation:

Surety: [name and business address]

[site identification number, site name, facility name, and current closure amount for each facility guaranteed by this bond]

Total penal sum of bond: \$

Surety's bond number:

Know All Persons By These Presents, That we, the Principal and Surety hereto, are firmly bound to the Louisiana Department of Environmental Quality Waste Tire Management Fund in the above penal sum for the payment of which we bind ourselves, our heirs, executors, administrators, successors, and assigns jointly and severally; provided that, where Sureties are corporations acting as cosureties, we the sureties bind ourselves in such sum "jointly and severally" only for the purpose of allowing a joint action or actions against any or all of us, and for all other purposes each Surety binds itself, jointly and severally with the Principal, for the payment of such sum only as is set forth opposite the name of such Surety, but if no limit or liability is indicated, the limit of liability shall be the full amount of the penal sum.

WHEREAS, said Principal is required, under the Resource Conservation and Recovery Act as amended (RCRA) and the Louisiana Environmental Quality Act, R.S. 30:2001, et seq., to have a permit in order to own or operate the waste tire facility identified above; and

WHEREAS, the Principal is required by law to provide financial assurance for closure care, as a condition of the permit;

NOW THEREFORE, if the Principal shall provide alternate financial assurance as specified in LAC 33.VII.10525.D.12-14 and obtain written approval from the Office of Management and Finance, Financial Services Division of such assurance, within 90 days after the date of notice of cancellation is received by both the Principal and the administrative authority from the Surety, then this obligation shall be null and void; otherwise it is to remain in full force and effect.

The Surety shall become liable on this bond obligation only when the Principal has failed to fulfill the conditions described above. Upon notification by the administrative authority that the Principal has failed to perform closure in accordance with the closure plan and permit requirements as guaranteed by this bond, the Surety shall place funds in the amount guaranteed for the facility into the Waste Tire Management Fund as directed by the administrative authority.

The Surety hereby waives notification of amendments to closure plans, permits, applicable laws, statutes, rules, and regulations, and agrees that no such amendment shall in any way alleviate its obligation on this bond.

The liability of the Surety shall not be discharged by any payment or succession of payments hereunder, unless and until such payment or payments shall amount in the aggregate to the penal sum of the bond, but in no event shall the obligation of the Surety hereunder exceed the amount of the penal sum.

The Surety may cancel the bond by sending notice of cancellation by certified mail to the Principal and to the Office of Management and Finance, Financial Services Division. Cancellation shall not occur before 120 days have elapsed beginning on the date that both the Principal and the administrative authority received the notice of cancellation, as evidenced by the return receipts.

The Principal may terminate this bond by sending written notice to the Surety and to the Office of Management and Finance, Financial Services Division, provided, however, that no such notice shall become effective until the Surety receives written authorization for termination of the bond by the administrative authority.

The Principal and Surety hereby agree that no portion of the penal sum may be expended without prior written approval of the administrative authority.

IN WITNESS WHEREOF, the Principal and the Surety have executed this FINANCIAL GUARANTEE BOND and have affixed their seals on the date set forth above.

Those persons whose signatures appear below hereby certify that they are authorized to execute this FINANCIAL GUARANTEE BOND on behalf of the Principal and Surety, that each Surety hereto is authorized to do business in the state of Louisiana and that the wording of this surety bond is identical to the wording specified in the Louisiana Department of Environmental Quality's Waste Tire Regulations, LAC 33:VII.Chapter 105. Appendix A dated August 4, 1994, effective on the date this bond was executed.

PRINCIPAL

[Signature(s)]
[Name(s)]
[Title(s)]
[Corporate Seal]

CORPORATE SURETIES

[Name and Address]
State of incorporation:
Liability limit:
[Signature(s)]
[Name(s) and title(s)]
[Corporate seal]
[This information must be provided for each cosurety]
Bond Premium: \$

Sample Document 2:

WASTE TIRE FACILITY PERFORMANCE BOND

Date bond was executed: [date bond executed]
Effective date: [effective date of bond]
Principal: [legal name and business address of permit holder or applicant]
Type of organization: [insert "individual," "joint venture," "partnership," or "corporation"]
State of incorporation:
Surety:[name(s) and business address(es)]
[Site identification number, site name, facility name, facility address, and closure amount(s) for each facility guaranteed by this bond]
Total penal sum of bond: \$
Surety's bond number:

Know All Persons By These Presents, That we, the Principal and Surety hereto, are firmly bound to the Louisiana Department of Environmental Quality, Waste Tire Management Fund, in the above penal sum for the payment of which we bind ourselves, our heirs, executors, administrators, successors, and assigns jointly and severally; provided that, where Sureties are corporations acting as cosureties, we, the sureties, bind ourselves in such sum "jointly and severally" only for the purpose of allowing a joint action or actions against any or all of us, and for all other purposes each Surety binds itself, jointly and severally with the Principal, for the payment of such sum only as is set forth opposite the name of such Surety, but if no limit of liability is indicated, the limit of liability shall be the full amount of the penal sum.

WHEREAS, said Principal is required, under the Resource Conservation and Recovery Act as amended (RCRA) and the Louisiana Environmental Quality Act, R.S. 30:2001, et seq., to have a permit in order to own or operate the waste tire facility identified above; and

WHEREAS, the Principal is required by law to provide financial assurance for closure care, as a condition of the permit;

THEREFORE, the conditions of this obligation are such that if the Principal shall faithfully perform closure, whenever required to do so, of the facility for which this bond

guarantees closure, in accordance with the closure plan and other requirements of the permit as such plan and permit may be amended, pursuant to all applicable laws, statutes, rules, and regulations, as such laws, statutes, rules, and regulations may be amended;

OR, if the Principal shall provide financial assurance as specified in LAC 33.VII.10525.D.12-14 and obtain written approval of the Office of Management and Finance, Financial Services Division of such assurance, within 90 days after the date of notice of cancellation is received by both the Principal and the administrative authority, then this obligation shall be null and void; otherwise it is to remain in full force and effect.

The Surety shall become liable on this bond obligation only when the Principal has failed to fulfill the conditions described hereinabove.

Upon notification by the administrative authority that the Principal has been found in violation of the closure requirements of the *Louisiana Administrative Code*, Title 33, Part VII, or of its permit, for the facility for which this bond guarantees performances of closure, the Surety shall either perform closure, in accordance with the closure plan and other permit requirements, or place the closure amount guaranteed for the facility into the Waste Tire Management Fund as directed by the administrative authority.

Upon notification by the administrative authority that the Principal has failed to provide alternate financial assurance as specified in LAC 33.VII.10525.D.12-14 and obtain written approval of such assurance from the Office of Management and Finance, Financial Services Division during the 90 days following receipt by both the Principal and the administrative authority of a notice of cancellation of the bond, the surety shall place funds in the amount guaranteed for the facility into the Waste Tire Management Fund as directed by the administrative authority.

The Surety hereby waives notification of amendments to closure plans, permits, applicable laws, statutes, rules, and regulations, and agrees that no such amendment shall in any way alleviate its obligation on this bond.

The liability of the Surety(ies) shall not be discharged by any payment or succession of payments hereunder, unless and until such payment or payments shall amount in the aggregate to the penal sum of the bond, but in no event shall the obligation of the Surety hereunder exceed the amount of the penal sum.

The Surety may cancel the bond by sending notice of cancellation by certified mail to the Principal and to the Office of Management and Finance, Financial Services Division. Cancellation shall not occur before 120 days have elapsed beginning on the date that both the Principal and the administrative authority received the notice of cancellation, as evidenced by the return receipts.

The Principal may terminate this bond by sending written notice to the Surety and to the administrative authority, provided, however, that no such notice shall become effective until the Surety receives written authorization for termination of the bond by the administrative authority.

The Principal and Surety hereby agree that no portion of the penal sum may be expended without prior written approval of the administrative authority.

IN WITNESS WHEREOF, the Principal and the Surety have executed this PERFORMANCE BOND and have affixed their seals on the date set forth above.

Those persons whose signatures appear below hereby certify that they are authorized to execute this surety bond on behalf of the Principal and Surety, that each Surety hereto is authorized to do business in the state of Louisiana and that the wording of this surety bond is identical to the wording specified by the Louisiana Department of Environmental Quality's Waste Tire Regulations, LAC 33:VII.Chapter 105.Appendix A dated August 4, 1994, effective on the date this bond was executed.

PRINCIPAL

[Signature(s)]
[Name(s)]
[Title(s)]
[Corporate Seal]

CORPORATE SURETY

[Name and Address]
State of incorporation:
Liability limit:
[Signature(s)]
[Name(s) and title(s)]
[Corporate seal]
[For every cosurety, provide signature(s), corporate seal, and other information in the same manner as for Surety above.]
Bond Premium: \$

Sample document 3:

WASTE TIRE FACILITY IRREVOCABLE LETTER OF CREDIT

Secretary
Louisiana Department of Environmental Quality
Post Office Box 82231
Baton Rouge, Louisiana 70884-2231

Dear Sir:

We hereby establish our Irrevocable Standby Letter of Credit Number [number] in favor of the Department of Environmental Quality of the State of Louisiana at the request and for the account of [permit holder's or applicant's name and address] for the closure fund for its [list site identification number, site name, and facility name] at [location], Louisiana for any sum or sums up to the aggregate amount of U.S. dollars \$ [number] upon presentation of:

(1) A sight draft, bearing reference to the Letter of Credit Number [number] drawn by the administrative authority together with;

(2) A statement signed by the administrative authority, declaring that the operator has failed to perform closure in accordance with the closure plan and permit requirements and that the amount of the draft is payable into the Waste Tire Management Fund.

The Letter of Credit is effective as of [date] and will expire on [date], but such expiration date will be automatically extended for a period of at least one year on the above expiration date, and on each successive expiration date thereof, unless, at least 120 days before the then current expiration date, we notify both the Office of Management and Finance, Financial Services Division and the [name of

permit holder or applicant] by certified mail that we have decided not to extend this Letter of Credit beyond the then current expiration date. In the event we give such notification, any unused portion of this Letter of Credit shall be available upon presentation of your sight draft for 120 days after the date of receipt by both the Department of Environmental Quality and [name of permit holder/applicant] as shown on the signed return receipts.

Whenever this Letter of Credit is drawn under and in compliance with the terms of this credit, we shall duly honor such draft upon presentation to us, and we shall deposit the amount of the draft to the Department of Environmental Quality for deposit into the Waste Tire Management Fund in the name of [name of permit holder or applicant] in accordance with the administrative authority's instructions.

Except as otherwise expressly agreed upon, this credit is subject to the uniform Customs and Practice for Documentary Credits (1983 Revision), International Chamber of Commerce Publication Number 400, or any revision thereof effective on the date of issue of this credit.

We certify that the wording of this Letter of Credit is identical to the wording specified in the Louisiana Department of Environmental Quality's Waste Tire Regulations, LAC 33:VII.Chapter 105.Appendix A dated August 4, 1994, effective on the date shown immediately below.

[Signature(s) and Title(s) of Official(s) of issuing Institutions]

[Date]

A public hearing will be held on April 25, 2001, at 1:30 p.m. in the Maynard Ketcham Building, Room 326, 7290 Bluebonnet Boulevard, Baton Rouge, LA 70810. Interested persons are invited to attend and submit oral comments on the proposed amendments. Should individuals with a disability need an accommodation in order to participate, contact Patsy Deaville at the address given below or at (225) 765-0399.

All interested persons are invited to submit written comments on the proposed regulations. Persons commenting should reference this proposed regulation by SW030. Such comments must be received no later than May 2, 2001, at 4:30 p.m., and should be sent to Patsy Deaville, Regulation Development Section, Box 82178, Baton Rouge, LA 70884-2178 or to fax (225) 765-5095. Copies of this proposed regulation can be purchased at the above referenced address. Contact the Regulation Development Section at (225) 765-0399 for pricing information. Check or money order is required in advance for each copy of SW030.

This proposed regulation is available for inspection at the following DEQ office locations from 8 a.m. until 4:30 p.m.: 7290 Bluebonnet Boulevard, Fourth Floor, Baton Rouge, LA 70810; 804 Thirty-first Street, Monroe, LA 71203; State Office Building, 1525 Fairfield Avenue, Shreveport, LA 71101; 3519 Patrick Street, Lake Charles, LA 70605; 201 Evans Road, Building 4, Suite 420, New Orleans, LA 70123; 100 Asma Boulevard, Suite 151, Lafayette, LA 70508; 104 Lococo Drive, Raceland, LA 70394 or on the Internet at <http://www.deq.state.la.us/planning/regs/index.htm>.

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES

RULE TITLE: Waste Tire Clarifications

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)
There will be no costs or savings to state or local governmental units.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
There will be no estimated effect on revenue collections of state or local governmental units.
- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS (Summary)
There will be no estimated costs and/or economic benefits to directly affected persons or non-governmental groups.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)
There will be no estimated effect on competition and employment.

James H. Brent
Assistant Secretary
0103#062

Robert E. Hosse
General Government Section Director
Legislative Fiscal Office

NOTICE OF INTENT

Department of Health and Hospitals Office for Citizens with Developmental Disabilities

Programmatic Standards
(LAC 48:IX.107)

The Department of Health and Hospitals, Office for Citizens with Developmental Disabilities is proposing to amend provisions of LAC 48:IX.107, Programmatic Standards. These proposed revisions concern current licensing requirements of the U.S. Department of Labor's Wage and Hour Division for re-certification of special minimum wage contracts for contracted vocational and habilitative service settings. In addition, a revision of Chapter 1's existing provision regarding Louisiana Workers' Compensation regulations is proposed. These proposed actions are under the authority of R.S. 28:380 et seq. and the Administrative Procedure Act, R.S. 49:950 et seq.

This Notice of Intent proposes to repeal two provisions, §107.E.5 and E.7, concerning U.S. Department of Labor's Wage and Hour Division regulations. Proposed changes to §107.E.4 incorporates the updated language concerning current Wage and Hour Division requirements and includes the proposed change concerning the division's timelines for re-certification of special minimum wage certificates. The U.S. Department of Labor Wage and Hour Division no longer requires licensed providers to be re-certified annually for a special minimum wage contract, but rather "... for a period to be designated by the Administrator." Specifically, this period depends on the type of company to which a certificate is issued. For Work Centers (previously known as Sheltered Workshops) and Patient Workers, the re-certification period is once every two years. For Competitive Employment or Work Experience through Schools, re-

certification must be done annually (U.S. Dept. of Labor CFR, Title 29, Chapter V, Part 525, Section 525.12, *Terms and Conditions of Special Minimum Wage Certificates*). In addition, changes to the §107.E.13 requiring all consumers receiving wages to be provided with workers' compensation insurance or its equivalent are proposed in order to cover any future revisions in Louisiana state law regarding workers' compensation.

Promulgation of these rule changes is required to update these provisions of Chapter 1 to be consistent with current federal and state standards for contracted vocational and habilitative services. Implementation of this rule with the repeal of §107.E.5 and E.7 will reduce the number of requirements from 21 to 19. The provisions in §107 are being renumbered.

Title 48

PUBLIC HEALTH GENERAL

Part IX. Mental Retardation/Developmental Disabilities Services

Chapter 1. Contracted Vocational and Habilitative Services

§107. Programmatic Standards

A. - D.3. ...

E. Work

1. - 3. ...

4. (MS) All agencies receiving funding under this contract will comply with United States Department of Labor's Fair Labor Standards Act, whether or not the work performed is covered by the Department of Labor regulations, and, where applicable, by the United State Department of Labor's Wage and Hour Regulations, Part 525, *Employment of Workers with Disabilities under Special Certificates*. By contracting to provide vocational and habilitative services all agencies receiving funding under this contract acknowledge familiarity with, and will abide by, all applicable state and federal regulations pertinent to employment of workers with disabilities under special certificates, including but not limited to U.S. Department of Labor, Part 525.

5. (MS) The agency prepares a handbook, which is reviewed annually, updated as needed and distributed to all consumers, stating:

- a. the conditions, benefits and responsibilities of the organization and the persons served;
- b. fringe benefits;
- c. wage payment practices;
- d. work rules;
- e. nondiscrimination provisions;
- f. grievance and appeal procedures for consumers;
- g. an explanation of the means used by the organization to preserve human rights and the mechanism by which the person has access to that system;
- h. the availability of community-based job training and placement services.

6. (MS) Wage payments are based on a system of individual performance rather than pooled and/or group wage payments.

7. (MS) Wage payments are monetary in nature, paid by check in the individual's name and not payments in-kind.

8. (MS) The pay period does not exceed 31 calendar days.

9. (MS) Each person receives a written statement for each pay period indicating gross pay, hours worked, deductions, and net pay.

10. (MS) Wages may not be withheld or delayed for disciplinary reasons or because they are contingent upon subsequent sales or payments to the organization.

11. (MS) Contractors providing employment shall comply with R.S. 23:1168, *Ways of Securing Compensation to Employees*. By contracting to provide vocational and habilitative services all agencies receiving funding under this contract acknowledge familiarity with, and will abide by, all applicable state and federal regulations pertinent to providing workers compensation or similar insurance to employees, including but not limited to R.S. 23:1168.

12. (QI) All consumers have equal opportunity to use equipment within the provisions of safety standards, production schedules and the physical abilities of the individual. (This applies to facility-based services only.)

13. (MS) Provisions for meeting safety standards apply uniformly to all persons employed by the agency.

14. (QI) As a part of reasonable accommodation, modified equipment, fixtures, and other techniques are used as necessary to increase the individual's productivity rate.

15. (MS) The agency accesses funding from Louisiana Rehabilitation Services for job development, placement, intensive training, and job modifications and adaptations at the job site.

16. (MS) The resources/supports available from parents, friends, co-workers, guardians, advocates, case managers, residential providers (i.e., supported living, SFC parents) and others, as determined by the consumer are considered in the coordination of supported employment services.

17. (MS) There are provisions for extended services which include:

a. a minimum of two visits per month at the job site to assess the individual's job performance both by direct observation and discussion with the consumer's co-workers and supervisors. In the case where the consumer and/or the job coach believes it is more appropriate to meet the consumer off the job site to assess the employment situation, the job coach must still contact the employment site to assess job performance;

b. periodic retraining;

c. job modifications needed to maintain employment, when not available through LRS; and

d. provision or identification of other supports needed to maintain employment.

18. (MS) When an Interdisciplinary Team determines that formal (agency-provided) extended services are not necessary for the continued maintenance of a consumer's employment, the agency shall:

a. initiate separation from OCDD services per the discharge policy;

b. provide a written description of the employer and/or generic supports that are available to the individual.

19. (MS) A separation report is completed when a person receiving agency provided extended services leaves any community job. The report documents:

a. date of separation;

b. reason(s) for separation; and

c. recommendations for future employment or other services.

AUTHORITY NOTE: Promulgated in accordance with R.S. 28:380 et seq.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Office of Mental Retardation/Developmental Disabilities, LR 13:246 (April 1987), amended by the Department of Health and Hospitals, Office for Citizens with Developmental Disabilities, LR 21:691 (July 1995), LR 27:

Family Impact

These proposed changes will have no effect on the stability, functioning, behavior and personal responsibility of recipient families and children. There will be no difference in the earnings and budget of such families and children, other than what is already in effect regarding special minimum wage payments to program participants. It will have no effect on the authority and rights of parents regarding supervision and education of their children. In addition, the proposed rule changes have no effect on the ability of local governments to perform its functions.

The Department of Health and Hospitals will conduct a public hearing at 9:30 a.m. on Tuesday, April 24, 2001 in the Auditorium of the Department of Transportation and Development, 1201 Capitol Access Road, Baton Rouge, LA 70802. All interested persons are invited to attend and present data, views, comments, or arguments, orally and in writing. In addition, all interested persons are invited to submit written comments on this proposed rule. Such comments must be received no later than April 19, 2001 by the close of business, 4:30 p.m., and should be submitted to Raymond A. Jetson, Assistant Secretary, Office for Citizens with Developmental Disabilities, Department of Health and Hospitals, Box 3117, Baton Rouge, LA 70802-3117 or faxed to (225) 342-8823.

David W. Hood
Secretary

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES RULE TITLE: Programmatic Standards

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)

The only costs for implementing this proposed rule are the estimated administrative costs of \$250.00, which are based on the projected expenditures for publishing this Notice of Intent and subsequent Rule in the *Louisiana Register*.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

There is no estimated effect on revenue collections of state or local governmental units because these proposed changes will not result in an increase or decrease in revenue collections.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS (Summary)

There are no estimated costs and/or economic benefits to directly affected persons as this proposed rule includes provisions which are consistent with current federal and state laws and regulations for special minimum wage payments. Non-governmental groups are expected to experience a positive outcome as the federal re-certification requirement has been changed from annually to once every two years.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

These proposed changes to the regulations of the Mental Retardation/Developmental Disabilities Services System will have no estimated effect on competition and employment. This proposed rule change is consistent with current federal and state laws and regulations for contracted vocational and habilitative services.

Raymond A. Jetson
Assistant Secretary
0103#046

H. Gordon Monk
Staff Director
Legislative Fiscal Office

NOTICE OF INTENT

Department of Health and Hospitals Office of Public Health

Sanitary Code Commercial Seafood Inspection Program (Chapter IX)

Notice is hereby given in accordance with the Administrative Procedure Act, R.S. 49:950 et seq., the Department of Health and Hospitals, Office of Public Health, pursuant to the authority in R.S. 40:5, intends to amend and revise Chapter IX, Section 9:052-1-C, 9:052-2-B, 9:052-2-C and 9:052-3-E of the Louisiana State Sanitary Code.

The first proposed rule change (9:052-1-C) is needed in order for this state to comply with the latest recommendations of the National Shellfish Sanitation Program as required by R.S. 40:5.3. The proposed change increases the time from harvest to refrigeration from 6 hours to 10 hours for half shell oysters (raw consumption) when the water temperature in the harvest areas is above 84°F as indicated by the time/temperature matrix used for *Vibrio vulnificus* control.

The second set of proposed rule change, 9:052-2-B, 9:052-2-C and 9:052-3-E, are needed so as to provide enforcement capabilities for the time/temperature harvest matrix located in 9:052 of the State Sanitary Code. Specifically, the requirement will be for the harvester and first certified dealer to complete the log sheet for all months January through December, not only for the months of April through October.

The proposed revisions to Chapter IX are as follows.

9:052-1 Refrigeration Requirements for Shell Stock Harvested for Raw Consumption During the Months of April through October

C. Water Temperature: >84°F Shell-stock shall be placed under mechanical refrigeration at an air temperature not to exceed 45°F within 10 hours from the time harvesting begins.

Delete the following paragraph.

A Harvester-Dealer Time/Temperature Log Sheet shall be completed by both the harvester and first certified dealer to document compliance with time to refrigeration requirements during the April through October time period. log sheets shall be maintained for a period of one year and made readily available for inspection by agents of the Department of Health and Hospitals, Department of Wildlife

and Fisheries and the U.S. Food and Drug Administration. Log sheets for the current and previous 15 days shall be kept aboard the harvest vessel for immediate examination.

9:052-2 Refrigeration Requirements for Shell Stock Harvested for Shucking by a Certified Dealer During the Months of April through October

B. Delete section in its entirety.
Re-number item C to B and retain the same language.
Amend 9:052-3-E, as follows.

E. A Harvester-Dealer Time/Temperature Log Sheet shall be completed by both the harvester and first certified dealer to document compliance with time to refrigeration requirements during the months January through December. Log sheets shall be maintained for a period of one year and made readily available for inspection by agents of the Department of Health and Hospitals, Department of Wildlife and Fisheries and the U.S. Food and Drug Administration. Log sheets for the current and previous 15 days shall be kept aboard the harvest vessel for immediate examination.

The requirement for a Harvest-Dealer Time/Temperature Log Sheet will not apply to the West Cove Conditional Management Area or the Lower Calcasieu Lake Conditional Management Area which are located in Cameron Parish.

Alternate designs for the Harvester-Dealer Time/Temperature Log Sheet as depicted in Table I may be submitted for consideration and approval to the Office of Public Health.

A public hearing on the adoption by reference will be held on Friday, April 27, 2001 at 1:30 p.m. at 6867 Bluebonnet Boulevard, Room 230, Baton Rouge, LA. All interested persons will be afforded an opportunity to submit data, views or arguments, orally or in writing, at said hearing.

Interested persons may also submit written comments to: David Guilbeau, Sanitarian Program Administrator, Commercial Seafood Program, 6867 Bluebonnet Boulevard, Baton Rouge, LA 70810 by the close of business on April 30, 2001. He is responsible for responding to inquiries regarding this proposed rule adoption.

David W. Hood
Secretary

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES

**RULE TITLE: Sanitary Code
Commercial Seafood Inspection Program**

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)

There will be no savings or cost to local units. In Fiscal Year 2000/2001 the agency will incur a one-time fee of approximately \$120 for publication in the *State Register*.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

There will be no effect on revenue collections of state or local governmental units.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS (Summary)

Oyster harvesters and shippers would be directly affected by the new rule due to the minuscule amount of additional paper work involved in the revised record keeping requirements. However, there should be no significant cost

increases to oyster harvesters or shippers as a result of this rule change.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

There will be no effect on competition or employment.

David W. Hood
Secretary
0101#045

H. Gordon Monk
Staff Director
Legislative Fiscal Office

NOTICE OF INTENT

**Department of Health and Hospitals
Office of the Secretary**

Memorandum of Understanding between the Department of Health and Hospitals and the Capital Area Human Services District FY 00/01(LAC 48:I.Chapter 27)

Under the authority of R.S. 46:2661 et seq. as enacted by Act 54 of the first Extraordinary Session of 1999, the Department of Health and Hospitals proposes to amend the following Rule.

In compliance with Act 1183 of the 1999 Regular Session of the Louisiana Legislature the impact of this proposed Rule on the family has been considered. This proposed Rule has no known impact on family functioning, stability or autonomy as described in R.S. 49:972.

Title 48

PUBLIC HEALTH GENERAL

Part I. General Administration

Subpart 1. General

Chapter 27. Capitol Area Human Services District

§2701. Introduction

A. This agreement is entered into by and between Department of Health and Hospitals, hereinafter referred to as DHH, and Capital Area Human Services District, hereinafter referred to as CAHSD, in compliance with LA RS 46:2661 through 46:2666 as well as any subsequent legislation.

AUTHORITY NOTE: Promulgated in accordance with R.S. 46:2661.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, LR 24:948 (May 1998), amended LR 25:666 (April 1999), LR 27:

§2703. Purpose and General Agreement

A. The Department of Health and Hospitals is authorized by law to provide for the direction, operation, development and management of programs of community-based mental health, mental retardation/developmental disabilities, addictive disorders, public health and related activities for eligible consumers in Louisiana.

B. The legislation authorizes CAHSD to provide services of community-based mental health, developmental disabilities, addictive disorders, public health and related activities for eligible consumers in the CAHSD, which includes East Baton Rouge, West Baton Rouge, Ascension, Iberville, and Pointe Coupee parishes; and to assure that services meet all relevant federal and state regulations; and to provide the functions necessary for the administration of such services.

AUTHORITY NOTE: Promulgated in accordance with R.S. 46:2661.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, LR 24:948 (May 1998), amended LR 25:666 (April 1999), LR 27:

§2705. Designation of Liaisons

- A. The primary liaison persons under this agreement are:
1. for DHH Deputy Secretary;
 2. for CAHSD Chairperson.

AUTHORITY NOTE: Promulgated in accordance with R.S. 46:2661.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, LR 25:949 (May 1998), amended LR 25:667 (April 1999), LR 27:

§2709. Services to be Delivered

A. In order to provide a broad spectrum of coordinated public services to consumers of the OMH, OCDD, OAD, OPH and for the District Administration, the CAHSD will assume programmatic, administrative and fiscal responsibilities for including, but not limited to, the following:

1. OCDD Community Support;
2. Mental Health services consistent with the State Mental Health Plan, as required under the annual Mental Health Block Grant Plan;
3. Outpatient Treatment (Non-Intensive)-OAD;
4. Community-Based Residential Services-OAD;
5. Intensive Outpatient Treatment/Day Treatment-OAD;
6. Non-Medical/Social Detoxification-OAD;
7. Primary Prevention-OAD;
8. Adult Inpatient Treatment Services-OAD;
9. Transition to Recovery Homes (when funds and placements are available).

AUTHORITY NOTE: Promulgated in accordance with R.S. 46:2661.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, LR 24:949 (May 1998), amended LR 25:667 (April 1999), LR 27:

§2711. Responsibilities of Each Party

- A. CAHSD accepts the following responsibilities:
1. to perform the functions which provide community-based services and continuity of care for the diagnosis, prevention, detection, treatment, rehabilitation and follow-up care of mental and emotional illness;
 2. to be responsible for community-based programs and functions relating to the care, diagnosis, eligibility determination, training, treatment, and case management of developmentally disabled and autistic persons as defined by the MRDD law, and to follow the rule governing admissions to OCDD Developmental Centers;
 3. the CAHSD shall work closely with the OCDD in managing the waiver functions, including placement of individuals and maintenance of the waiting list. The CAHSD will provide supports to person waiting for Waiver Services;
 4. the CAHSD will provide for the gradual assumption of community-based public health services which will be determined to be feasible through consultation with the Office of Public Health;
 5. to perform community-based functions related to the care, diagnosis, training, treatment, and education of, and primary prevention of addiction;
 6. to maintain services in community-based mental health, developmental disabilities, and substance abuse at

least at the same level as the state maintains similar programs;

7. to ensure that the quality of services delivered is equal to or higher than the quality of services previously delivered by the state at an equal to or lower than cost when provided by DHH and provide relevant data regarding quality of services and cost of services;

8. to perform human resources functions necessary for the operation of the CAHSD;

9. to be responsible for the provision of any function/service, reporting or monitoring, mandated by the Block Grant Plan of each respective program office;

10. provide systems management and services data/reports in a format, and frequency content as that required of all regions by each DHH program office. Specific content of required information sets will be negotiated and issued annually through program office directives;

11. utilize ARAMIS, MIS, SPOE and any other required DHH/program office systems to meet state and federal reporting requirements. The CAHSD will use the OCDD Individual Tracking System and allow OCDD to electronically upload and download information at prescribed intervals. No information will be uploaded by OCDD without prior notification of CAHSD;

12. human resource staffing data will be available for on-site review;

13. maintain and support Single Point of Entry (SPOE) state standard;

14. provide for successful delivery of services to persons discharged from state facilities into the CAHSD service area by collaborative discharge planning;

15. provide in-kind or hard match resources as required for acceptance of federal grant or entitlement funds utilized for services in the CAHSD as appropriately and collaboratively applied for;

16. make available a list of all social and professional services available to children and adults through contractual agreement with local providers. List shall include names of contractor, dollar figure and brief description of services;

17. CAHSD will work with OAD to assure that all requirements and set asides of the Substance Abuse Block Grant are adhered to in the delivery of services;

18. the CAHSD shall develop and utilize a five-year strategic plan as required by Act 1465;

19. the CAHSD will monitor the quality of supports delivered to developmentally disabled individuals in state funded supported living arrangements;

20. in order to assure statewide data integrity and comparability across all 64 parishes, CAHSD shall report to OMH on a monthly basis data consistent with that reported in DHH operated regions. The format for reporting this information must comply with OMH data transmission requirements as specified by the assistant secretary for OMH;

21. further all other CAHSD sites currently receiving condoms and educational material from OPH shall continue to receive such provided current level funding is available from State and Federal resources. Availability of materials shall also be based on the incidence rate of HIV in Region II and throughout the state.

B. DHH retains/accepts the following responsibilities:

1. operation and management of any inpatient facility under jurisdiction of the DHH except that the CAHSD shall have authority and responsibility for determination of eligibility for receipt of such inpatient services (single point of entry function) which were determined at the regional level prior to the initiation of this agreement;

2. operation, management and performance of functions and services for environmental health;

3. operation, management and performance of functions related to the Louisiana Vital Records Registry and the collection of vital statistics;

4. operation, management and performance of functions and services related to laboratory analysis in the area of personal and environmental health;

5. operation, management and performance of functions and services related to education provided by or authorized by any state or local educational agency;

6. monitoring this service agreement, assuring corrective action through coordination with CAHSD and reporting failures to comply to the governor's office;

7. operation, management and performance of functions for pre-admission screening and resident review process for nursing home reform;

8. operation, management and performance of functions for enrollment and monitoring of Medicaid targeted case management;

9. DHH, will share with CAHSD information regarding but not limited to program data, statistical data, and planning documents that pertain to the CAHSD. Statewide information provided on a regional basis to providers, consumers, and advocates, shall either include accurate data for CAHSD, as confirmed by CAHSD or shall include a statement that information for Region 2 (CAHSD) is available on request. This is necessary to make community stakeholders aware that CAHSD is participating in the submission of the same data reports as are required of the other regions;

10. DHH is to communicate any planned amendments to current law establishing CAHSD, or new legislation that is primarily directed to impacting CAHSD funding or administration or programs, prior to submission to the governor's office or to a legislative author;

11. all reports of statewide performance or comparisons, which are circulated outside of the DHH program offices, which include data submitted directly by CAHSD, or which are generated from data transmission program in which CAHSD participants will be provided to CAHSD;

12. all DHH facilities shall provide fair and equal access to all appropriately referred citizens residing in the parishes served by CAHSD;

13. the CAHSD CSRM shall be invited to all OCDD meetings that include the CSRM's of the eight regions under OCDD administration;

14. DHH will meet with CAHSD to discuss and plan for any necessary upgrades in hardware, software or other devices necessary for the electronic submission of data which is required of CAHSD;

15. CAHSD's executive director shall be included in discussions that specifically relate to adverse changes in

CAHSD program or financing, prior to final decision-making;

16. OPH shall maintain at least the same level of HIV Prevention services in the seven-parish area served by CAHSD as in existence at the time of resumption of the Region II HIV Prevention Program by OPH, providing federal and State funding remains level or increases, and also that the level of HIV incidence warrants same level of funding. Further, until such time as OPH finalizes contracts with CBOs providing services in Region II, OPH shall support and require compliance with the terms of the contracts negotiated between CAHSD and CBOs. [contracts will have succession language];

17. the CAHSD shall, in general, plan, manage and deliver services funded under this agreement as required in order to be consistent with the priorities, policies and strategic plans of DHH, its program offices, and related local initiatives. DHH shall include the CAHSD as appropriate in the development of these plans and priorities;

18. budget request for new and expanded programs or request for additional funding for existing programs will be discussed with the appropriate assistant secretary in order to determine that the request is consistent with DHH policies.

C. Joint responsibilities:

1. to determine if community-based mental health, developmental disabilities, addictive disorders, and public health services are delivered at least at the same level by CAHSD as the state provides for similar programs in other areas, performance indicators shall be established. Such indicators will measure extensiveness of services, accessibility of services, availability of services and, most important, quality of services. The CAHSD will not be required to meet performance indicators which are not mandated for state-operated programs in these service areas;

2. CAHSD's progress toward achieving outcomes which meet or exceed those realized by DHH-operated programs in the affected geographic region shall be measured by comparing the CAHSD data on results to baseline statistics reported by Regional DHH programs for the year prior to July 1, 1997. Specific outcome measurements/performance indicators to be compared will be jointly agreed upon by CAHSD and DHH;

3. the CAHSD shall work closely with the OCDD in transitioning individuals from all developmental centers to the district ensuring individualized planning, the implementation of chosen life activities and needed supports, and the development of circles of support for the individual to ensure relationship building and community participation. CAHSD shall follow OCDD policies and procedures governing health, safety and crisis issues for persons who have transitioned from OCDD developmental centers and adheres to requirements outlined in the OCDD transition manual;

4. CAHSD will work with the Office for Addictive Disorders to assure the key performance indicators sent to the DOA are the same for CAHSD and Office for Addictive Disorders;

5. CAHSD will work with the Office for Addictive Disorders to assure there is a clear audit trail for linking alcohol and drug abuse funding and staffing to alcohol and drug abuse services;

6. CAHSD will collaborate with Region II OPH managers to assist them to perform community-based functions which provide services and continuity of care for education, prevention, detection, treatment, rehabilitation and follow up care related to personal health;

7. the CAHSD shall notify the DHH Bureau of Legal Services and relative program office in a timely manner to assure proper representation in all judicial commitments and court events involving placement in DHH programs. The CAHSD shall also provide program staff as representatives to assist DHH in all judicial commitments and court events involving placement in DHH programs. DHH will provide legal support and representation in judicial commitments to the department;

8. CAHSD shall be included as a member on all statewide work groups established by DHH program offices for the development of policies, procedures, organizational arrangements, etc., which will directly impact services utilized by citizens in the parishes served by CAHSD.

AUTHORITY NOTE: Promulgated in accordance with R.S. 46:2661.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, LR 24:949 (May 1998), amended LR 25:667 (April 1999), LR 27:

§2713. Reallocation of Resources/Staff and Financial Agreements

A. For FY 00-01, DHH agrees to transfer financial resources, as described in Attachment A, to the direction and management of the CAHSD. Data in Attachment A will be adjusted based upon the final appropriation for the CAHSD.

B. The CAHSD will submit to DHH an annual budget request for funding of the cost for providing the services and programs for which the CAHSD is responsible. The format for such request shall be consistent with that required by the Division of Administration and DHH. The request shall conform with the time frame established by DHH. CAHSD executive director will meet with the Office of the Secretary to discuss all new and expanded program request prior to presentation to DOA.

C. The CAHSD shall operate within its budget allocation and report budget expenditures to the DHH.

D. Revisions of the budget may be made upon written consent between the CAHSD and DHH and, as appropriate, through the Legislative Budget Committee's BA-7 process. In the event any additional funding is appropriated and received by DHH that affects any budget categories for the direction, operation, and management of the programs of mental health, mental retardation/developmental disabilities, addictive disorders services, and public health, and related activities for any other such DHH entities or regions, the CAHSD will receive additional funds on the same basis as other program offices.

E. CAHSD shall bill DHH agencies for services they provide in a timely manner.

F. CAHSD shall not bill any DHH agency more than is shown in Attachment 1.

G. In the event of a budget reduction, CAHSD will receive a proportionate reduction in its budget.

H. The CAHSD shall assume all financial assets and/or liabilities associated with the programs transferred.

I. CAHSD shall be responsible for repayment of any funds received which are determined ineligible and subsequently disallowed.

J. DHH shall continue to provide to CAHSD certain support services from the Office of the Secretary and from the Office of Management and Finance which are available to the regional program offices of OCDD, OMH, OAD, and OPH. The services CAHSD will continue to receive, at the level provided to other regions are: Communications and Inquiry, Internal Audit, Fiscal Management, Information Services, Facility Management, Lease Management ,and Research and Development and Appeals.

K. CAHSD will participate in the planning and ongoing updates to the development of a resource allocation formula for OAD funding.

L. CAHSD will comply with the resource allocation formula and adjustments in the funding for CAHSD may be made according to this formula.

M. In the event of mandatory reduction in state or federal funds CAHSD will share in that reduction consistent with corresponding OAD regions.

AUTHORITY NOTE: Promulgated in accordance with R.S. 46:2661.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, LR 24:950 (May 1998), amended 25:668 (April 1998), LR 27:

§2715. Joint Training and Meetings

A. CAHSD, through its staff, will participate in DHH and other programmatic training, meetings and other activities as agreed upon by CAHSD and DHH. In a reciprocal manner, CAHSD will provide meetings, training sessions, and other activities that will be available for participation by DHH staff as mutually agreed upon by the CAHSD and the DHH.

AUTHORITY NOTE: Promulgated in accordance with R.S. 46:2661.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, LR 24:950 (May 1998), amended 25:669 (April 1999), LR 27:

§2717. Special Provisions

A. The CAHSD agrees to abide by all applicable federal, state, and parish laws regarding nondiscrimination in service delivery and/or employment of individuals because of race, color, religion, sex, age, national origin, handicap, political beliefs, disabled veteran, veteran status, or any other non-merit factor.

B. The CAHSD shall maintain a property control system of all movable property in the possession of the CAHSD that was formally under the control of DHH, and of all additional property acquired.

C. For purposes of purchasing, travel reimbursement, and securing of social service/professional contracts, the CAHSD shall utilize established written bid/RFP policies and procedures. Such policies and procedures shall be developed in adherence to applicable statutory and administrative requirements. The CAHSD shall provide informational copies of such policies and procedures to DHH as requested.

D. The CAHSD shall abide by all court rulings and orders that affect DHH and impact entities under the CAHSD's control, and shall make reports to DHH's Bureau of Protective Services of all applicable cases of alleged abuse, neglect, exploitation, or extortion of individuals in need of protection in a format prescribed by DHH.

E. CAHSD shall be responsible for providing services to citizens of East and West Feliciana Parishes at a level at least

equal to services rendered by DHH Region II prior to July 1, 1998. This will also include any new services provided and funded by CAHSD through DHH subsequent to July 1998.

F. If OAD is successful in establishing an inpatient gambling program, this will not be managed by CAHSD since this is a statewide program.

G. In the event of a departmental budget reduction in state general funds, or federal funds equivalent, CAHSD shall share in that reduction consistent with other DHH agencies. If reductions occur through executive order, DOA, or legislative action in the appropriation schedule 09, and CAHSD is included in these reductions, then these same reductions shall not be reassessed to CAHSD by DHH agencies.

H. CAHSD shall be given the opportunity to comment on all pay proposals generated by DHH, which affect employees paid by CAHSD, prior to submission to Civil Service. CAHSD will not independently initiate any proposals to Civil Service that will impact the pay of DHH employees.

I. CAHSD shall have membership on the Region II Planning Group and the Statewide Planning Group for the HIV/AIDS Prevention Program. CAHSD shall be a voting member of the Region II Planning Group (RPG). CAHSD shall be a non-voting member of the Statewide Planning Group (SPG) unless the CAHSD member is also elected by the Region II RPG as its official delegate to the SPG. In such case, the CAHSD representative shall vote as the representative of the Region II RPG.

J. CAHSD shall be a member of all review and recommendation panels for award of funding to organizations which will provide HIV/AIDS prevention in the parishes served by CAHSD.

K. CAHSD can obtain a copy of all Region II contracts negotiated by OPH for the delivery of HIV/AIDS prevention services by CBOs in the seven parish area served by CAHSD.

L. CAHSD can obtain a copy of all requests for funding, solicitation of offers, notices of funding availability and other such comparable documents sent out by OPH relative to community-based HIV Prevention and Treatment Services for Region II as well as any such notices received by OPH and not chosen for application by them.

AUTHORITY NOTE: Promulgated in accordance with R.S. 46:2661.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, LR 24:951 (May 1998), amended LR 25:669 (April 1999), LR 27:

§2719. Renewal/Termination

A. This agreement will cover the period of time from July 1, 2000 to June 30, 2001.

B. This agreement will be revised on an annual basis, as required by law, and will be promulgated through the Administrative Procedure Act. The annual agreement shall be published in the state register each year in order for significant changes to be considered in the budget process for the ensuing fiscal year.

AUTHORITY NOTE: Promulgated in accordance with R.S. 46:2661.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, LR 24:948 (May 1998), amended LR 25:669 (April 1999), LR 27:

Interested persons may submit written comments through April 20, 2001, to Sharon Williams, DHH, Office of the Secretary, P.O. Box 629, Baton Rouge, LA 70821-0629. She is responsible for responding to inquiries regarding the proposed rule.

David W. Hood
Secretary

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES RULE TITLE: Memorandum of Understanding between the Department of Health and Hospitals and the Capital Area Human Services District FY 00/01

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)

Administrative cost associated with the Capitol Area Human Services District (CASHD) will be paid by the Department of Health and Hospitals (DHH) for FY 00-01 in accordance with the annual service agreement. Estimated cost of printing the Notice of Intent and the Rule is \$920.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

There is no estimated effect on revenue collections of state or local governmental units.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS (Summary)

There is no estimated costs and/or economic benefits to directly affected persons or non-governmental groups.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

There is no estimated effect on competition and employment.

David W. Hood
Secretary
0103#047

H. Gordon Monk
Staff Director
Legislative Fiscal Office

NOTICE OF INTENT

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

Durable Medical Equipment Program
Augmentative and
Alternative Communication Devices

The Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing proposes to adopt the following rule under the Medical Assistance Program as authorized by R.S. 46:153 and pursuant to Title XIX of the Social Security Act. This proposed rule is adopted in accordance with the Administrative Procedure Act, R.S. 49:950 et seq.

The Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing provides coverage for augmentative and alternative communication (AAC) devices under the Durable Medical Equipment Program. The criteria for prior authorization of augmentative and alternative communication devices were promulgated by reference in a rule that adopted the state and federal policy and procedures governing the determination of Medicaid eligibility as contained in the Medicaid Eligibility Manual.

However, only recipients under the age of 21 were eligible to receive these devices (*Louisiana Register*, Volume 22, Number 5). The May 1996 rule was subsequently amended to remove the age restriction for authorization of augmentative and alternative communication devices and expand the criteria for consideration of these devices for prior authorization (*Louisiana Register*, Volume 26, Number 8). The bureau now proposes to amend the August 20, 2000 rule to provide clarification of the recipient and prior authorization criteria for AAC devices.

In compliance with Act 1183 of the 1999 Regular Session of the Louisiana Legislature, the impact of this proposed rule on the family has been considered. This proposed rule has no known impact on family functioning, stability, or autonomy as described in R.S. 49:972.

Proposed Rule

The Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing amends the August 20, 2000 Rule to provide the following clarifications for recipient criteria and prior authorization of augmentative and alternative communication devices.

- I. ...
- II. Recipient Criteria

A.1. - 2. ...

B.1. An assessment, or evaluation, of the individuals functioning and communication limitations that preclude or interfere with meaningful participation in current and projected daily activities must be completed by a speech-language pathologist with input from other health professionals, (e.g., occupational therapists and rehabilitation engineers) based on the recommendation of the speech language pathologist and a physician's prescription, as appropriate.

NOTE: Medicaid provides reimbursement for AAC assessments/evaluations.

B.2. - D. 2 ...

D.3.a. whether there have been any significant changes in the sensory status (e.g., vision, hearing, tactile); postural, mobility or motor status; speech, language, and expressive communication status; or any other communication need or limitation of the recipient as described in B.3.b - g, and j; and

D.3.b. - E.1. ...

E.1.a. requests for modification or replacement of AAC devices and/or accessories may be considered for coverage after the expiration of three or more years from the date of purchase of the current device and accessories in use, except as stated in II.E.1.d and II.E.1.e.i.

E.1.b. - E.1.f. ...

- III. Prior Authorization

A. ...

B. Medicaid will not consider purchase of an AAC device when an alternative means of funding through another agency or other source (e.g., Louisiana Rehabilitation Services, school systems, private insurance, etc.) is available for the recipient. All requests should indicate the availability, or lack of availability, of purchase through other funding sources.

NOTE: AAC devices may be covered through the Durable Medical Equipment (DME) Program with prior authorization for Medicaid recipients residing in nursing homes (ICF I, II & SNF).

C. - C.b.ii. ...

Interested persons may submit written comments to Ben A. Bearden, Bureau of Health Services Financing, Box 91030, Baton Rouge, LA 70821-9030. He is responsible for responding to inquiries regarding this proposed rule. A public hearing on this proposed rule is scheduled for Thursday, April 26, 2001 at 9:30 a.m. in the Department of Transportation and Development Auditorium, First Floor, 1201 Capitol Access Road, Baton Rouge, Louisiana. At that time all interested persons will be afforded an opportunity to submit data, views or arguments either orally or in writing. The deadline for the receipt of all written comments is 4:30 p.m. on the next business day following the public hearing.

David W. Hood
Secretary

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES

RULE TITLE: Durable Medical Equipment ProgramC Augmentative and Alternative Communication Devices

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)

It is anticipated that the implementation of this proposed rule will have no programmatic fiscal impact for SFY 2000-01, 2001-02, and 2002-03. It is anticipated that \$160 (\$80 SGF and \$80 FED) will be expended in SFY 2000-01 for the state's administrative expense for promulgation of this proposed rule and the final rule.

- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

It is anticipated that the implementation of this proposed rule will not impact federal revenue collections.

- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS (Summary)

Implementation of this proposed rule will not have estimable costs and/or economic benefits for directly affected persons or non-governmental groups.

- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

There is no known effect on competition and employment.

Ben A. Bearden
Director
0103#042

H. Gordon Monk
Staff Director
Legislative Fiscal Office

NOTICE OF INTENT

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

Inpatient Hospital Services Extensions and Retrospective
Reviews of Length of Stay

The Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing proposes to adopt the following rule under the Medical Assistance Program as authorized by R.S. 46:153 and pursuant to Title XIX of the Social Security Act. This proposed rule is adopted in accordance with the Administrative Procedure Act, R.S. 49:950 et seq.

The Department of Health and Hospitals, Bureau of Health Services Financing adopted a rule amending the reimbursement methodology for inpatient hospital services by establishing the requirements for registration or pre-admission certification and length of stay assignment for all admissions to acute care and rehabilitation hospitals as well as long term hospitals and distinct part psychiatric/substance abuse units of acute care general hospitals (*Louisiana Register*, Volume 20, Number 6). In addition, the bureau established provisions for extensions of the initial length of stay assignment and retrospective reviews of inpatient admission of Medicaid recipients. Extensions of length of stay must be requested no later than the last authorized day or the last business day before the last authorized day. A hospital can request a retrospective review for Medicaid reimbursement when the recipient's Medicaid coverage was unknown at the time of admission or when a recipient had no coverage or pending coverage at the time of admission. The bureau now proposes to adopt a rule to clarify the provisions for extensions of length of stay and retrospective reviews of inpatient hospital admissions.

In compliance with Act 1183 of the 1999 Regular Session of the Louisiana Legislature, the impact of this proposed rule on the family has been considered. This proposed rule has no known impact on family functioning, stability, or autonomy as described in R.S. 49:972.

Proposed Rule

The Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing amends the June 20, 1994 Rule to clarify the time frame for requesting an extension of the length of stay. In addition, the bureau amends the rule to clarify the criteria and time frame requirements for requesting a retrospective review for admission certification and length of stay assignment. An extension must be requested no later than the expected day of discharge. A hospital may request a retrospective review for Medicaid reimbursement of inpatient hospital services in only two situations: 1) retroactive eligibility of the recipient, and 2) a dually eligible recipient has exhausted his/her Medicare Part A benefits. In the case of a recipient's retroactive eligibility, providers have up to one year from the date that the recipient was added to the eligibility file to request a retrospective review. In the case where a recipient's Medicare Part A benefits have been exhausted, providers have up to 60 days from the date of the Medicare Explanation of Benefits (EOB) verifying that Medicare Part A benefits have been exhausted to request retrospective review. The two year timely filing requirement for filing claims is still applicable for retrospective reviews.

Interested persons may submit written comments to: Ben A. Bearden, Bureau of Health Services Financing, Box 91030, Baton Rouge, LA 70821-9030. He is responsible for responding to inquiries regarding this proposed rule. A public hearing on this proposed rule is scheduled for Thursday, April 26, 2001 at 9:30 a.m. in the Department of Transportation and Development Auditorium, First Floor, 1201 Capitol Access Road, Baton Rouge, Louisiana. At that time all interested persons will be afforded an opportunity to submit data, views or arguments either orally or in writing.

The deadline for the receipt of all written comments is 4:30 p.m. on the next business day following the public hearing.

David W. Hood
Secretary

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES RULE TITLE: Inpatient Hospital Services Extensions and Retrospective Reviews of Length of Stay

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)

It is anticipated that the implementation of this proposed rule will have no programmatic fiscal impact for SFY 2000-01, 2001-02, and 2002-03. It is anticipated that \$120 (\$60 SGF and \$60 FED) will be expended in SFY 2000-01 for the state's administrative expense for promulgation of this proposed rule and the final rule.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

It is anticipated that the implementation of this proposed rule will not impact federal revenue collections.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS (Summary)

Implementation of this proposed rule will not have estimable costs and/or economic benefits for directly affected persons or non-governmental groups.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

There is no known effect on competition and employment.

Ben A. Bearden
Director
0103#043

H. Gordon Monk
Staff Director
Legislative Fiscal Office

NOTICE OF INTENT

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

Mental Health Rehabilitation Program Staffing Definitions

The Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing proposes to adopt the following rule under the Medical Assistance Program as authorized by R.S. 46:153 and pursuant to Title XIX of the Social Security Act. This proposed rule is adopted in accordance with the Administrative Procedure Act, R.S. 49:950 et seq.

The Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing adopted a Rule that restructured the Mental Health Rehabilitation Program and established provisions governing recipient eligibility, service delivery requirements, and reimbursement methodology (*Louisiana Register*, Volume 22, Number 6). A subsequent Rule was promulgated to amend the provisions governing administrative requirements by adding staffing

definitions and training requirements (*Louisiana Register*, Volume 24, Number 2). The bureau now proposes to amend the February 20, 1998 Rule to revise the administrative requirements for Clinical Managers and staffing definitions for Licensed Professional Counselors, Mental Health Specialists and Mental Health Assistants.

In compliance with Act 1183 of the 1999 Regular Session of the Louisiana Legislature, the impact of this proposed rule on the family has been considered. This proposed rule has no known impact on family functioning, stability, or autonomy as described in R.S. 49:972.

Proposed Rule

The Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing amends the February 20, 1998 Rule to revise the administrative requirements for clinical managers and the staffing requirements for licensed professional counselors, mental health specialists and mental health assistants.

I. - II. ...

III. Administrative Requirements

A. - B.2. ...

B.3. The clinical manager must ensure that the MHR agency staff makes at least two documented contacts with other community services providers or significant others each month regarding each recipient. Results of the staff contacts shall be addressed by the clinical manager in the quarterly progress notes.

B.4. - C.5.d.(2) ...

e. a licensed professional counselor is defined as an individual who is licensed as such under the provisions of R.S. 37:1101-1115 and has at least two years post-master's supervised experience delivering services in a mental health related field.

f.(1) - (2) ...

g. *Mental Health Specialist (MHS)*Ca Mental Health Specialist is defined as an individual who is supervised by a Licensed Mental Health Professional or Mental Health Professional and meets one or more of the following four criteria:

(1) has a bachelor of arts degree in a mental health related field; or

(2) has a bachelor of science degree in a mental health related field; or

(3) has a bachelor's degree and is a college student pursuing a graduate degree in a mental health related field and has completed at least two courses in that identified field; or

(4) has a high school diploma or a GED; and

(a) has four years experience providing direct services in a mental health, physical health, social services, education or correctional setting; or

(b) has two years experience as a mental health assistant in a mental health rehabilitation setting.

h. *Mental Health Assistant (MHA)*Ca Mental Health Assistant is defined as an individual who is closely supervised, monitored and trained by a Licensed Mental Health Professional or a Mental Health Professional and meets one or more of the following three criteria:

(1) has a high school diploma or GED; or

(2) has a one-year documented history of serious mental illness or an emotional/behavioral disorder as determined by the Office of Mental Health; or

(3) has a two-year documented history as the parent of a child diagnosed with an emotional/behavioral disorder or serious mental illness.

III.C.i. - VIII. ...

Interested persons may submit written comments to Ben A. Bearden, Bureau of Health Services Financing, Box 91030, Baton Rouge, LA 70821-9030. He is responsible for responding to inquiries regarding this proposed rule. A public hearing on this proposed rule is scheduled for Thursday, April 26, 2001 at 9:30 a.m. in the Department of Transportation and Development Auditorium, First Floor, 1201 Capitol Access Road, Baton Rouge, Louisiana. At that time all interested persons will be afforded an opportunity to submit data, views or arguments either orally or in writing. The deadline for the receipt of all written comments is 4:30 p.m. on the next business day following the public hearing.

David W. Hood
Secretary

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES RULE TITLE: **Mental Health Rehabilitation Program Staffing Definitions**

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)

It is anticipated that the implementation of this proposed rule will have no programmatic fiscal impact for SFY 2000-01, 2001-02, and 2002-03. It is anticipated that \$160 (\$80 SGF and \$80 FED) will be expended in SFY 2000-01 for the states administrative expense for promulgation of this proposed rule and the final rule.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

It is anticipated that the implementation of this proposed rule will not impact federal revenue collections.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS (Summary)

Implementation of this proposed rule will not have estimable costs and/or economic benefits.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

There is no known effect on competition and employment.

Ben A. Bearden
Director
0103#044

H. Gordon Monk
Staff Director
Legislative Fiscal Office

NOTICE OF INTENT

Department of Health and Hospitals Board of Examiners of Psychologists

Criterion for Passing the Examination for
the Professional Practice in Psychology
(LAC 46:LXIII.503)

Notice is hereby given in accordance with R.S. 49:950 et seq. that the Board of Examiners of Psychologists intends to amend the following rule related to the criterion for passing the Examination for the Professional Practice in Psychology (EPPP).

Title 46
PROFESSIONAL AND OCCUPATIONAL
STANDARDS
Part LXIII. Psychologists

Chapter 5. Examinations

§503. Criterion for Passing the Examination for the Professional Practice in Psychology (EPPP)

A. The Board of Examiners of Psychologists establishes the criterion for a passing score on the Examination for Professional Practice in psychology be 70 percent correct on the paper and pencil version or a scaled score of 500 on the computer administered version.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:2353 and 37:2356.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Board of Examiners of Psychologists, LR 9:551 (August 1983), amended LR 13:291 (May 1987), amended by the Department of Health and Hospitals, Board of Examiners of Psychologists, LR 27:

Interested persons may submit data, views, arguments, information or comments on the proposed Rule, in writing, to Brenda Ward, Executive Director, Board of Examiners of Psychologists, 8380 YMCA Plaza Drive, Baton Rouge, LA 70810, within 20 days of the date of this notice.

John A. Brun, Ph.D.
Chairman

FISCAL AND ECONOMIC IMPACT STATEMENT
FOR ADMINISTRATIVE RULES

RULE TITLE: Criterion for Passing the Examination for the Professional Practice in Psychology

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)

The only cost anticipated to state or local governmental units to implement this rule is the \$80 cost of publishing it in the *Louisiana Register*. The LSBEP publishes a newsletter which is distributed to all Louisiana licensed psychologists. This proposed rule change has been published in the current edition of that newsletter. No adjustment is necessary in the workload or printing of this rule in that publication.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

This proposed rule will have no financial effect upon state or local governmental units.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS (Summary)

It is anticipated that the proposed rule will have no effect on costs and/or economic benefits to directly affected persons or non-governmental groups.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

It is anticipated that the proposed rule will have no effect on competition and employment in the public and/or private sectors.

Brenda C. Ward
Executive Director
0103#027

H. Gordon Monk
Staff Director
Legislative Fiscal Office

NOTICE OF INTENT

Department of Public Safety and Corrections
Board of Private Security Examiners

Alcohol Restrictions (LAC 46:LIX.703)

Under the authority of the Private Security Regulatory and Licensing Law, R.S. 37:3270 et seq., and in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., the executive secretary gives notice that rulemaking procedures have been initiated to amend and repromulgate the Louisiana State Board of Private Security Examiners Regulations, LAC 46:LIX.101-907, as follows.

Title 46
PROFESSIONAL AND OCCUPATIONAL
STANDARDS

Part LIX. Private Security Examiners

Chapter 7. Insignias, Markings, Restrictions

§703. Alcohol Restrictions

A. No licensee, as defined in R.S. 37:3270 et seq., shall sell, dispense or handle alcoholic beverages of high or low alcohol content, or in any manner perform those functions for which a permit is required by R.S. 26:932, while on duty as a security officer as defined in R.S. 37:3272. Further, in no event shall any licensed security officer sell, dispense, or handle alcohol while in uniform, regardless of whether or not such officer is on duty.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3270 et seq.

HISTORICAL NOTE: Promulgated by Department of Public Safety and Corrections, Board of Private Security Examiners, LR 13:757, (December 1987), amended LR 15:14 (January 1989), LR 27:

These proposed regulations are to become effective upon publication in the Louisiana Register.

All interested persons are invited to submit written comments on the proposed regulations. Such comments should be submitted no later than April 30, 2001, at 4:30 p.m. to Wayne R. Rogillio, Executive Secretary, Louisiana State Board of Private Security Examiners, P.O. Box 86510, Baton Rouge, LA 70879-6510.

Wayne R. Rogillio
Executive Secretary

FISCAL AND ECONOMIC IMPACT STATEMENT
FOR ADMINISTRATIVE RULES

RULE TITLE: Alcohol Restrictions

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)

Neither costs nor savings to state or local governmental units are involved in these rule changes.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

No effect on revenue collections of state or local governmental units is anticipated from these rule changes.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS (Summary)

No significant costs or economic benefits to directly affected persons or governmental groups are expected from

these rule changes. Only those persons in the private security industry would be directly affected by the amendment of the Board's existing rules and regulations, and no additional costs, workload adjustments or paperwork will be incurred.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

No effect on competition and employment is anticipated from these rule changes.

Frank D. Blackburn
Attorney
0103#054

Robert E. Hosse
General Government Section Director
Legislative Fiscal Office

NOTICE OF INTENT

**Department of Revenue
Office of the Secretary**

Penalty Waiver (LAC 61:III.2101)

Under the authority of R.S. 47:1603 and in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., the Department of Revenue, Office of the Secretary, proposes to adopt LAC 61:III.2101 pertaining to a penalty waiver for delinquent filing or delinquent payment.

The purpose of this rule is to inform the public of the documentation required when submitting requests for waiver of delinquent filing or late payment penalty and of factors that will be considered by the Department of Revenue in evaluating waiver requests. Title 47 Section 1603 provides that if the failure to file on time or the failure to timely remit the full amount due is not due to the negligence of the taxpayer, but is due to other causes set forth in written form and considered reasonable, the secretary may waive the penalty in whole or in part. When the penalty exceeds \$5,000, the waiver must be approved by the Board of Tax Appeals.

Title 61

REVENUE AND TAXATION

Part III. Department of Revenue; Administrative Provisions and Miscellaneous

Chapter 21. Interest and Penalties

§2101. Penalty Waiver

A. The secretary may waive a penalty in whole or in part for the failure to file a return on time or the failure to timely remit the full amount due when the failure is not due to the taxpayer's negligence and is considered reasonable. All penalty waiver requests must be in writing and be accompanied by supporting documentation. If the combined penalties for a tax period exceed one hundred dollars, all of the facts alleged as a basis for reasonable cause must be fully disclosed in an affidavit sworn before a notary public in the presence of two witnesses and accompanied by any supporting documentation. The affidavit must be signed by the taxpayer, or in the case of a corporation, by an officer of the corporation. Where the taxpayer or officer does not have personal knowledge of such facts, the sworn affidavit may be signed on the taxpayer's or officer's behalf by a responsible individual with personal knowledge of such facts.

B. Before a taxpayer's request for penalty waiver will be considered, the taxpayer must be current in filing all tax returns and all tax, penalties not being considered for waiver,

fees and interest due for any taxes/fees administered by the Department of Revenue must be paid.

C. In determining whether or not to waive the penalty in whole or in part, the department will take in account both the facts submitted by the taxpayer and the taxpayer's previous compliance record with respect to all of the taxes/fees administered by the Department of Revenue. Prior penalty waivers will be a significant factor in assessing the taxpayer's compliance record. Each waiver request submitted by the taxpayer will be considered on an individual basis. Each tax period or audit liability will be considered separately in determining whether the penalty amount mandates approval of the waiver by the Board of Tax Appeals. The delinquent filing and delinquent payment penalties will also be considered at separately in making this determination.

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:1603.

HISTORICAL NOTE: Promulgated by the Department of Revenue, Office of the Secretary, LR 27:

Family Impact Statement

As required by Act 1183 of the 1999 Regular Session of the Louisiana Legislature the following Family Impact Statement is submitted to be published with the notice of intent in the *Louisiana Register*. A copy of this statement will also be provided to our legislative oversight committees.

1. The effect on the stability of the family. Implementation of this proposed rule will have no effect on the stability of the family.

2. The effect on the authority and rights of parents regarding the education and supervision of their children. Implementation of this proposed rule will have no effect on the authority and rights of parents regarding the education and supervision of their children.

3. The effect on the functioning of the family. Implementation of this proposed rule will have no effect on the functioning of the family.

4. The effect on family earnings and family budget. Implementation of this proposed rule will have no effect on family earnings and family budget.

5. The effect on the behavior and personal responsibility of children. Implementation of this proposed rule will have no effect on the behavior and personal responsibility of children.

6. The ability of the family or a local government to perform the function as contained in the proposed rule. Implementation of this proposed rule will have no effect on the ability of the family or a local government to perform this function.

Interested persons may submit data, views, or arguments, in writing to Susan Dunham, Assistant Secretary, Office of Legal Affairs, 330 North Ardenwood Drive, Baton Rouge, LA 70806 or by fax to (225) 925-6612. All comments must be submitted by 4:30 p.m., April 25, 2001. A public hearing will be held on April 26, 2001, at 9:30 a.m. in the Secretary's Conference on the second floor of 330 North Ardenwood Drive, Baton Rouge, LA 70806.

Cynthia Bridges
Secretary

**FISCAL AND ECONOMIC IMPACT STATEMENT
FOR ADMINISTRATIVE RULES**

RULE TITLE: Penalty Waiver

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)

Implementation of this proposed regulation, which establishes the documentation required to be submitted to the Department of Revenue for delinquent filing or late payment penalty waiver requests, will have no impact on the agency's costs.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

There should be no effect on revenue collections of state or local governmental units as a result of this proposed regulation.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS (Summary)

Taxpayers whose penalties exceed one hundred dollars may incur a cost for having a document notarized. This amount is undeterminable.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

This proposed regulation should have no effect on competition or employment.

Cynthia Bridges
Secretary
0103#028

H. Gordon Monk
Staff Director
Legislative Fiscal Office

NOTICE OF INTENT

**Department of Revenue
Policy Services Division**

**Sales and Use Tax Definition of Person
(LAC 61:I.4301)**

Under the authority of R.S. 47:301 and in accordance with the provisions of the Administrative Procedure Act, R.S. 47:950 et seq., the Department of Revenue, Policy Services Division, proposes to amend LAC 61:I.4301 relative to the definition of *person* for sales tax purposes.

These amendments provide guidance concerning the exclusion from the definition of *person* for all or some of the purchases made by the entities listed in R.S. 47:301(8). These entities include governmental agencies, the Society of the Little Sisters of the Poor, independent institutions of higher education, and churches and synagogues. While the first two entities are excluded from the definition of *person* for all of their purchases, independent institutions of higher education and churches and synagogues have a limited exclusion from the definition of *person*. Independent institutions of higher education are excluded from the definition for their purchases directly related to the educational mission of the institution while churches and synagogues are excluded from the definition only for their purchases of bibles, song books, and religious instruction literature.

In some instances, the entities specified in R.S. 47:301(8) making the types of purchases which qualify them for the exclusion from the definition of *person* may act through an agent or employee in making the purchase. Two common situations when this occurs are purchases made by government contractors and the renting of hotel rooms to

government employees. The amendments to this rule list the circumstances under which purchases by real property contractors and the renting of hotel rooms by employees are equivalent to direct acquisitions by the entity excluded from the definition of *person*.

Title 61

REVENUE AND TAXATION

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

Chapter 43. Sales and Use Tax

§4301. Definitions

A. - C. ...

* * *

Person

a. The term *person* as used in this Chapter includes:

i. natural persons; and

ii. artificial persons, including, but not limited to, corporations, limited liability companies, estates, trusts, business trusts, syndicates, cities and parishes, parishes, municipalities, this state, any district or political subdivision, department or division thereof, any board, agency, or other instrumentality thereof, acting unilaterally or as a group or combination, as well as receivers, referees in bankruptcy, agricultural associations, labor unions, firms, copartnerships, partnerships in commendam, registered limited liability partnerships, joint ventures, associations, singularly or in the plural, who have the legal right or duty, whether explicit, implied or assumed, to perform any of the transactions described in this Chapter.

b. A natural or artificial person's classification as exempt under any other tax statute has no effect on that person's status under the sales tax law. For example, a religious, charitable, educational, scientific, civic, social or fraternal organization, including hospitals and similar institutions, may be statutorily exempted from other taxes but remain classified as *persons* for sales tax purposes.

c. R.S. 47:301(8) provides exclusions from the definition of person for purchases made by the entities listed in R.S. 47:301(8). Although these entities are not responsible for paying state and local sales and use taxes on some or all of their purchases, they must collect and remit sales tax on their taxable sales transactions.

i. The two entities granted exclusions from paying state and local sales and use taxes for all of their purchases are:

(a) the state of Louisiana, its parishes, its municipalities, its special districts, its political subdivisions, and any other agencies, boards, commissions, or instrumentalities of the state or its political subdivisions;

(b) the Society of the Little Sisters of the Poor. Before claiming exemptions, the Society must obtain a certificate of authorization from the Sales Tax Division of the Department of Revenue.

ii. The two entities granted exclusions from paying state and local sales and use taxes on some of their purchases are:

(a) regionally accredited independent institutions of higher education that are members of the Louisiana Association of Independent Colleges and Universities. Purchases, leases, or rentals of tangible personal property or purchases of taxable services by these institutions that are directly related to the educational

missions of eligible institutions are excluded from state sales and use tax. Purchases, leases, and rentals directly related to the educational mission of the eligible institution are interpreted broadly to include those transactions required to construct, maintain, or supply classrooms, libraries, laboratories, dormitories, athletic facilities, and administrative facilities. Examples include purchases of supplies, equipment, utilities, leases or rentals of equipment, and repair services to university property;

(b). churches and synagogues exempt under Internal Revenue Code Section 501(c)(3) are excluded from paying state and local sales and use taxes on purchases of bibles, songbooks, or literature used for religious instruction classes. Eligible institutions must obtain certificates of authorization from the Sales Tax Division of the Department of Revenue.

d. The exclusion from the definition of *person* is granted only for purchases made by these entities on their own behalf. Representatives of these entities making purchases for the entity may also be excluded from the definition of *person* when their purchases are deemed the equivalent of an acquisition by the entity itself. The most common examples of representatives purchasing on behalf of these entities are:

i. mandataries (agents) purchasing materials or leasing or renting equipment for real property construction contracts; and

ii. employees purchasing lodging services while traveling on official business of the entity.

e. The following five elements establish a real property contractor's purchases as the legal equivalent of a R.S. 47:301(8) entity's purchases so as to exclude the transactions from state and local tax. Additionally, due to the federal government's immunity from state taxation under The Supremacy Clause, U.S. Const. Art. VI, §2, federal contractors satisfying the following criteria are also entitled to the exclusion from the definition of *person*. As most real property contractors with an agency agreement are for federal, state, or local government projects, the following criteria assumes that the R.S. 47:301(8) entity is an excluded government department or agency.

i. The contractor must make purchases for the contract in the name of the government department or agency.

ii. The government department or agency must hold title to the property at the time of purchase, must bear risk of loss for the property, and must be able to directly claim or exercise any rights or warranties available to the purchaser.

iii. The government department or agency must be directly liable to the suppliers for payment of the purchase price. Purchase agreements must stipulate that suppliers can proceed directly against the government in the case of nonpayment.

iv. Payments to vendors must be made:

(a). directly by the government department or agency from public funds;

(b). from the designated contractor's remittance drawn directly from public funds; or

(c). from the contractor's funds accounted to the government and directly reimbursed from public funds.

v. There must be a signed agreement authorizing the contractor to act as purchasing agent for the entity. The department's form, Designation of Construction Contractor as Agent of a Governmental Entity, may be used for this purpose, or a custom agreement may be substituted if it includes all terms and conditions listed in the form prepared by the department. The form is available at any department office and through the department's web site at: www.rev.state.la.us. Copies of the signed agreement must be made available to the Department of Revenue, local tax authorities, and vendors upon request. Purchases by the designated agent will be recognized as those of the government entity if all parties to the contract strictly follow the terms of the agreement.

f. The following elements establish when the renting of a hotel room to an employee of a R.S. 47:301(8) entity is legally equivalent to the entity itself purchasing the service so as to exclude the transactions from state and local tax. Additionally, due to the federal government's immunity from state taxation under The Supremacy Clause, U.S. Const. Art. VI, §2, federal employees are also entitled to the exclusion from the definition of *person* when renting hotel rooms in the state. Since most purchases of lodging services for *persons* excluded by R.S. 47:301(8) are made by federal, state, or local government employees, the following criteria are drafted from the perspective of those entities:

i. Renting a hotel room to an employee of the United States government, the state of Louisiana, or a political subdivision of the state of Louisiana who is traveling on official business is considered a sale of a service to the government employer regardless of the form of payment to the hotel, provided the lodging services are obtained by the employee at the direction of the employer and accounted to and reimbursed by the government agency.

ii. The exemption must be documented in one of the following two ways:

(a). with a copy of the employee's written travel orders certifying that the government employer will reimburse the actual lodging expenses incurred. The travel orders must be on government letterhead or forms and signed by an authorized representative of the government entity other than the employee engaging the hotel services. The orders must state that the employee is authorized to secure a room for a specific time period at a specific hotel or at a hotel within a defined travel area;

(b). if written travel orders are unavailable or if the travel orders are incomplete or insufficient to satisfy all of the requirements in §4301.C.Person.f.ii.(a), an exemption certificate signed by the employee and the authorized agent of the governmental agency other than the employee will certify the transaction's exempt status. The hotel can accept the department's certificate entitled Certificate of Governmental Exemption from the Payment of Hotel Lodging Taxes or one used by federal agencies, provided the form states that the employee's expenses are reimbursed by the employer in the actual amount incurred.

iii. Hotels must retain this documentation to support a sales tax deduction for room rentals to government employees on official business. Failure to do so will cause the deduction to be disallowed unless the hotel can provide competent independent evidence to certify the exemption's validity. The exemption will also be disallowed if it is

determined that the documentation was obtained fraudulently or that the hotel knew the documentation was invalid when the employee presented it.

iv. This exclusion is not allowed on hotel room charges incurred by other nations, other states and their political subdivisions, or their employees.

* * *

AUTHORITY NOTE: Promulgated in Accordance with RS. 47:301.

HISTORICAL NOTE: Promulgated by the Department of Revenue and Taxation, Sales Tax Section, LR 13:107 (February 1987), amended by the Department of Revenue and Taxation, Sales Tax Division, LR 21:957 (September 1995), LR 22:855 (September 1996), amended by the Department of Revenue, Policy Services Division, LR 27:

Family Impact Statement

As required by Act 1183 of the 1999 Regular Session of the Louisiana Legislature the following Family Impact Statement is submitted to be published with the notice of intent in the Louisiana Register. A copy of this statement will also be provided to our legislative oversight committees.

1. The effect on the stability of the family. Implementation of this proposed rule will have no effect on the stability of the family.

2. The effect on the authority and rights of parents regarding the education and supervision of their children. Implementation of this proposed rule will have no effect on the authority and rights of parents regarding the education and supervision of their children.

3. The effect on the functioning of the family. Implementation of this proposed rule will have no effect on the functioning of the family.

4. The effect on family earnings and family budget. Implementation of this proposed rule will have no effect on family earnings and family budget.

5. The effect on the behavior and personal responsibility of children. Implementation of this proposed rule will have no effect on the behavior and personal responsibility of children.

6. The ability of the family or a local government to perform the function as contained in the proposed rule. Implementation of this proposed rule will have no effect on the ability of the family or a local government to perform this function.

Interested persons may submit data, views, or arguments, in writing to Raymond E. Tangney, Senior Policy Consultant, Policy Services Division, P.O. Box 15409, Baton Rouge, LA 70895-5409 or by fax to (225) 925-3855. All comments must be submitted by 4:30 p.m., Wednesday, April 25, 2001. A public hearing will be held on Thursday, April 26, 2001, at 1 p.m. in the Department of Revenue Secretary's conference room, 330 North Ardenwood Drive, Baton Rouge, Louisiana.

Raymond E. Tangney
Senior Policy Consultant

**FISCAL AND ECONOMIC IMPACT STATEMENT
FOR ADMINISTRATIVE RULES
RULE TITLE: Sales and Use TaxCDefinition of Person**

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)

Implementation of this proposed regulation, which clarifies the definition of a person for state sales tax purposes, will have no impact on the agency's costs.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

There should be no effect on revenue collections of state or local governmental units as a result of this proposed regulation.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS (Summary)

This proposed regulation would have no costs or economic benefits to the Society of the Little Sisters of the Poor, independent institutions of higher education that are members of the Louisiana Association of Independent Colleges and Universities, churches and synagogues exempt from federal taxation under Section 501(c)(3) of the International Revenue Code, agents making purchases for government agencies, and all other entities defined as persons in R.S. 47:301(8).

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

This proposed regulation should have no effect on competition or employment.

Cynthia Bridges
Secretary
0103#029

H. Gordon Monk
Staff Director
Legislative Fiscal Office

NOTICE OF INTENT

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

FITAPC Vehicle Exclusion (LAC 67.III.1235)

The Department of Social Services, Office of Family Support, proposes to amend the Louisiana Administrative Code, Title 67, Part III, Subpart 2, the Family Independence Temporary Assistance Program (FITAP).

Public Law 106-387, the Agriculture Appropriations Act, signed into law on October 28, 2000, gives states an important new option to improve their treatment of vehicles when determining whether a household is eligible for food stamps. Specifically, the new option allows states to apply a more liberal method for valuing vehicles that the state has established under part IV-A of the Social Security Act. This provision was inspired in part by most states' decision to liberalize the treatment of vehicles in their Temporary Assistance to Needy Families (TANF) programs. Although Louisiana was not one of these states, the agency has considered this option because vehicles have historically been barriers to food stamp eligibility. This option will also enable the agency to align Family Independence Temporary Assistance Program (FITAP) and Food Stamp Program regulations on vehicles. Therefore, beginning July 1, 2001, both FITAP and Food Stamp program regulations will be changed pursuant to this Public Law and the authority granted to the Department by the Louisiana Temporary Assistance to Needy Families (TANF) Block Grant: the value of vehicles (other than recreational vehicles) will not be considered as a resource.

**Title 67
SOCIAL SERVICES**

Part III. Office of Family Support

**Subpart 2. Family Independence Temporary Assistance
Program (FITAP)**

**Chapter 12. Application, Eligibility, and Furnishing
Assistance**

Subchapter B. Conditions of Eligibility

§1235. Resources

A. Assets are possessions which a household can convert to cash to meet needs. The maximum resource allowable for an assistance unit is \$2,000. All resources are considered except:

1. - 19. ...

20. vehicles other than recreational vehicles. A recreational vehicle is a vehicle designed for recreational use and not used as ordinary means of transportation;

21. ...

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. 46:231.2, P.L. 106-387.

HISTORICAL NOTE: Promulgated by the Department of Social Services, Office of Family Support, LR 25:2451 (December 1999), amended LR 27:

Family Impact Statement

1. What effect will this rule have on the stability of the family? This rule should have no effect on family stability.

2. What effect will this have on the authority and rights of persons regarding the education and supervision of their children? This rule will have no effect on the authority and rights of persons regarding the education and supervision of their children.

3. What effect will this have on the functioning of the family? This rule could improve the functioning of the family by making some households eligible which previously would have been denied FITAP assistance.

4. What effect will this have on family earnings and family budget? This rule may result in a slight increase in the number of households newly-eligible for benefits as a result of excluding vehicles other than recreational vehicles from FITAP resource calculations. This assistance may benefit families in financial distress.

5. What effect will this have on the behavior and personal responsibility of children? This rule should have no effect on the behavior and personal responsibility of children.

6. Is the family or local government able to perform the function as contained in this proposed rule? No, this program is strictly an agency function.

Interested persons may submit written comments on the proposed rule by April 26, 2001 to Vera W. Blakes, Assistant Secretary, Office of Family Support, P.O. Box 94065, Baton Rouge, LA, 70804-9065.

A public hearing on the proposed rule will be held on April 26, 2001 at the Department of Social Services, A.Z. Young Building, Second Floor Auditorium, 755 Third Street, Baton Rouge, LA beginning at 9 a.m. All interested persons will be afforded an opportunity to submit data, views, or arguments, orally or in writing, at said hearing. Individuals with disabilities who require special services should contact the Bureau of Appeals at least seven working days in

advance of the hearing. For assistance, call (225) 342-4120 (Voice and TDD).

J. Renea Austin-Duffin
Secretary

**FISCAL AND ECONOMIC IMPACT STATEMENT
FOR ADMINISTRATIVE RULES
RULE TITLE: FITAPC Vehicle Exclusions**

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)

The amended resource exclusion at §1235 will increase state costs by making more applicants eligible. There is no available data on this specific resource area; however, the number of assistance units affected would be expected to be very low and any associated Family Independence Temporary Assistance Program (FITAP) benefits would be paid from the Louisiana Temporary Assistance for Needy Families (TANF) Block Grant which is federally funded. The minimal cost of publishing the rule and printing policy changes is routinely included in the agency's annual budget.

There will be no costs to local governmental units.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

There will be no impact on revenue collections for state or local governmental units.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS (Summary)

A small number of applicants will become eligible for FITAP benefits as a result of the vehicle exclusion. There is no available data on which to project numbers of affected cases or the amount of FITAP benefits which could be involved. There are no costs to any persons or non-governmental groups.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

The proposed rule will have no impact on competition and employment.

Vera W. Blakes
Assistant Secretary
0103#031

H. Gordon Monk
Staff Director
Legislative Fiscal Office

NOTICE OF INTENT

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

Food Stamp ProgramC Semi-Annual
Reporting and Other Eligibility Factors
(LAC 67:III.1947, 1949, 1983, 1987, 2013, and 2015)

The Department of Social Services, Office of Family Support, proposes to amend the Louisiana Administrative Code, Title 67, Part III, Subpart 3, Food Stamps.

Pursuant to Public Law 104-193, the Personal Responsibility and Work Opportunity Reconciliation Act and subsequent amendments thereof, and to Public Law 106-387, the Agriculture Appropriations Act signed into law on October 28, 2000, the agency proposes to amend §1947 and §1949 to exclude vehicles (other than recreational vehicles) as a countable resource in determining eligibility for food stamp benefits. This proposed change is an option given to the state by the federal government and it will align Food Stamp and the Family Independence Temporary Assistance

Program (FITAP) regulations. The agency is required to amend §1983 by increasing the maximum allowable amount of the excess shelter expense deduction. This change in the shelter "cap" is federally mandated to begin March 1, 2001 and was effected by an emergency rule. The agency will amend §1987 by eliminating the certification of categorically eligible households of three or more members whose net income exceeds the level at which benefits are issued. Finally, the agency proposes to implement semi-annual reporting for households with earned income. A waiver allowed the Food Stamp Program in Louisiana to begin a quarterly reporting system beginning September 2000. However, because semi-annual reporting will now be a regulated option, the agency will begin the transition from quarterly to semi-annual reporting.

Title 67

SOCIAL SERVICES

Part III. Office of Family Support

Subpart 3. Food Stamps

Chapter 19. Certification of Eligible Households

Subchapter H. Resource Eligibility Standards

§1947. Resources

A. An IRA, or individual retirement account, less the amount that would be lost as penalty for early withdrawal of the entire account, is included in a household's resources.

AUTHORITY NOTE: Promulgated in accordance with F.R. 7:55463 et seq. and 47:55903 et seq., 7 CFR 273.8, P.L. 103-66, P.L. 104-193, P.L. 106-387.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Office of Family Security, LR 9:130 (March 1983), amended by the Department of Social Services, Office of Family Support, LR 20:990 (September 1994), LR 20:1362 (December 1994), LR 21:186 (February 1995), LR 23:82 (January 1997), LR 27:

§1949. Exclusions from Resources

A. The following are excluded as a countable resource:

1. - 3. ...

4. the value of a vehicle other than a recreational vehicle. A recreational vehicle is a vehicle that is designed for recreational use and not used as ordinary means of transportation.

AUTHORITY NOTE: Promulgated in accordance with F.R. 52:26937 et seq., 7 CFR 273.8 and 273.9C(v), P.L. 103-66, P.L. 106-387.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Office of Family Security in LR 13:656 (November 1987), amended by the Department of Social Services, Office of Family Support, LR 18:1267 (November 1992), LR 21:186 (February 1995), LR 27:

Subchapter I. Income and Deductions

§1983. Income Deductions and Resource Limits

A. In determining eligibility and benefit levels, the household is allowed deductions for certain costs.

1. ...

2. The maximum shelter deduction is \$300 for households which do not include a member who is elderly or disabled. Effective March 1, 2001, a maximum shelter deduction of \$340 shall be allowed at certification, recertification, or at the time of other case action. For fiscal year 2002 and each subsequent fiscal year, the maximum shelter deduction will be computed based on the amount for the preceding fiscal year, adjusted to reflect changes in the Consumer Price Index for All Urban Consumers for the 12-month period ending the preceding November 30.

AUTHORITY NOTE: Promulgated in accordance with 7 CFR 273.9 (d)(2) and (d)(6), P.L. 104-193, P.L. 106-387.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Office of Family Security, LR 12:423 (July 1986), amended LR 13:181 (March 1987), amended by the Department of Health and Hospitals, Office of Family Security, LR 15:14 (January 1989), amended by the Department of Social Services, Office of Family Support, LR 19:905 (July 1993), LR 21:186 (February 1995), LR 23:82 (January 1997), LR 27:

Subchapter J. Determining Household Eligibility and Benefit Levels

§1987. Categorical Eligibility for Certain Recipients

A. Households Considered Categorically Eligible

1. - 9. ...

10. Benefits for categorically-eligible households shall be based on net income as for any other household. One and two person households will receive a minimum benefit of \$10. Households of three or more shall be denied if net income exceeds the level at which benefits are issued.

AUTHORITY NOTE: Promulgated in accordance with F.R. 51:28196 et seq., 7 CFR 271, 272, 273.10, and 274; F.R. 56:63612-63613, P.L. 104-193, 7 CFR 273.2(j)(2)(xi).

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Office of Family Security, LR 13:90 (February 1987), amended by the Department of Social Services, Office of Family Support, LR 18:142 (February 1992), LR 18:686 (July 1992), LR 18:1267 (November 1992), LR 24:1783 (September 1998), LR 26:349 (February 2000), LR 27:

Subchapter S. Semi-Annual Reporting

§2013. Semi-Annual Reporting

A. All households with earned income shall submit a reporting form to the agency on a semi-annual basis with the following exceptions:

1. migrant or seasonal farm worker households;
2. households in which all members are homeless.

B. Households subject to semi-annual reporting will be required to report only changes in gross monthly income which exceed 130 percent of the monthly poverty income guideline for the household size.

C. Households required to semi-annually report will be assigned a certification period of 12 months.

D. All households in semi-annual reporting are required to:

1. timely provide a completed semi-annual report form and all necessary verification; and
2. report current household circumstances and changes which the household knows will occur.

E. Failure to provide a complete semi-annual report form and verification will result in case closure.

F. Benefits will be determined prospectively based on verified circumstances.

G. Any change in benefits as a result of semi-annual reporting will be effective the month following the month in which the semi-annual report was required.

H. Other changes that will result in a decrease in benefits will not be acted upon unless:

1. the household has voluntarily requested that its case be closed in accordance with Sec. 273.13(b)(12);
2. the state agency has information about the household's circumstances considered verified upon receipt; or
3. there has been a change in the household's PA grant.

AUTHORITY NOTE: Promulgated in accordance with 7 CFR 273.12(a).

HISTORICAL NOTE: Promulgated by the Department of Social Services, Office of Family Support, LR 26:1633 (August 2000), amended LR 27:

§2015. Quarterly Reporting

A. Until such time as the household has been assigned to semi-annual reporting, all NPA households with earned income will submit a reporting form to the agency on a quarterly basis with the following exceptions:

A.1. - 3. ...

B. - H. ...

AUTHORITY NOTE: Promulgated in accordance with 7 CFR 273.12(a) and 272.3(c)(1)(ii).

HISTORICAL NOTE: Promulgated by the Department of Social Services, Office of Family Support, LR 26:1633 (August 2000), amended LR 27:

Family Impact Statement

1. What effect will this rule have on the stability of the family? This rule should have no effect on family stability.

2. What effect will this have on the authority and rights of persons regarding the education and supervision of their children? This rule will have no effect on the authority and rights of persons regarding the education and supervision of their children.

3. What effect will this have on the functioning of the family? This rule could improve the functioning of the family by making some households eligible which previously would have been denied Food Stamp assistance.

4. What effect will this have on family earnings and family budget? This rule could increase the monthly food stamp benefits of a family/household and make some families eligible who previously were not. This assistance may benefit families in financial distress.

5. What effect will this have on the behavior and personal responsibility of children? This rule should have no direct effect on the behavior and personal responsibility of children.

6. Is the family or local government able to perform the function as contained in this proposed rule? No, the Food Stamp Program is strictly a state/federal function.

Interested persons may submit written comments on the proposed rule by April 26, 2001 to the following person: Vera W. Blakes, Assistant Secretary, Office of Family Support, Post Office Box 94065, Baton Rouge, Louisiana, 70804-9065.

A public hearing on the proposed rule will be held on April 26, 2001 at the Department of Social Services, A.Z. Young Building, Second Floor Auditorium, 755 Third Street, Baton Rouge, LA beginning at 9 a.m. All interested persons will be afforded an opportunity to submit data, views, or arguments, orally or in writing, at said hearing. Individuals with disabilities who require special services should contact the Bureau of Appeals at least seven working days in advance of the hearing. For assistance, call (225) 342-4120 (Voice and TDD).

J. Renea Austin-Duffin
Secretary

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES

RULE TITLE: Food Stamp ProgramC Semi-Annual Reporting and Other Eligibility Factors

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)

Since the Food Stamp Program currently requires quarterly reporting, the proposed change to semi-annual reporting is expected to save the state \$150,192 in administrative costs each fiscal year beginning FY 01/02. (50 percent of this is federally funded.) Other proposed changes will increase food stamp benefits, but all benefits are paid from federal funds. The immediate implementation cost to state government is the cost of publishing the rule, programming changes, and printing policy and forms revisions. Such expenditures are on-going and funds are included in the program's annual budget. There is no effect on local governmental units.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

Fifty percent, or \$75,096 per fiscal year, will no longer be collected from the federal government; this is one-half of the savings in administrative costs for implementing semi-annual reporting. There is no effect on local governmental units.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS (Summary)

The proposed changes will be effected with no cost to any persons or non-governmental groups but will improve the economic situation of many households. A small number of households, previously not eligible, will become eligible for food stamp benefits as a result of the proposed vehicle and shelter deduction regulations; there is no available data to project the actual amount of benefits. Many households will realize an increase in benefits from the increased shelter deduction. (Federal regulations require the shelter change be effected March 1 for all newly-certified or recertified cases, and an emergency rule has been signed and published.)

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

The proposed rule will have no impact on competition and employment.

Vera W. Blakes
Assistant Secretary
0103#032

H. Gordon Monk
Staff Director
Legislative Fiscal Office

NOTICE OF INTENT

Department of Wildlife and Fisheries Office of Management and Finance

Recreational Electronic Licensing (LAC 76:I.327)

The Department of Wildlife and Fisheries hereby advertises its intent to establish criteria to deny the purchase of recreational fishing and hunting licenses for nonpayment of unpaid fines, penalties, fees and charges as follows.

**Title 76
WILDLIFE AND FISHERIES**

**Part I. Wildlife and Fisheries Commission and Agencies
Thereunder**

**Chapter 3. Special Powers and Duties
Subchapter H. Electronic Licenses Issuance**

§327. Recreational Electronic Licensing

A. - M. ...

N. An applicant for a hunting or a fishing license who owes civil penalties pursuant to R.S. 56:31 et seq. and R.S. 56:40 et seq., shall, after decision and after appeal delay has run, be marked in the license issuance system(s) in a manner so as to deny the purchase of hunting or fishing licenses until all civil penalties have been paid in full. In addition, any applicant, or payee on behalf of an applicant, who has an unpaid check returned by the bank for any reason shall be marked in the license issuance system(s) in a manner to deny the purchase of hunting and fishing licenses until all such fees and NSF charges have been paid in full.

O. If any provision of these regulations is held invalid, such invalidity shall not affect the other provisions of these regulations which can be given effect without the invalid provisions, and to this end the provisions of these regulations are hereby declared severable.

AUTHORITY NOTE: Promulgated in accordance with R.S. 56:6(21) and R.S. 56:641.1.B.(4).

HISTORICAL NOTE: Promulgated by the Department of Wildlife and Fisheries, Office of Management and Finance, LR 24:505 (March 1998), amended by Wildlife and Fisheries Commission, LR 26:1078 (May 2000), amended by the Office of Management and Finance, LR 27:

Family Impact Statement

In accordance with Act 1183 of 1999, the Department of Wildlife and Fisheries/Office of Management and Finance hereby issues its Family Impact Statement in connection with the preceding Notice of Intent: This Notice of Intent will have no impact on the six criteria set out at R.S. 49:972(B).

Interested persons may submit written comments on the proposed rule to Janis Landry, Licensing Manager, Department of Wildlife and Fisheries, Box 98000, Baton Rouge, LA, 70898 prior to 4:30 p.m., Thursday, April 5, 2001.

James H. Jenkins, Jr.
Secretary

**FISCAL AND ECONOMIC IMPACT STATEMENT
FOR ADMINISTRATIVE RULES**

RULE TITLE: Recreational Electronic Licensing

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)

Implementation of the proposed rule will be carried out using existing staff and funding levels. No impact on local governmental units is anticipated from the proposed action.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

State revenue collections from the proposed action are estimated to increase by \$233,290 for fiscal year (FY) 01-02 and \$23,250 for FY 02-03. State revenue collections in FY 00-01 will not be affected. Revenue collections of local governmental units will not be affected.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS (Summary)

Recreational hunters and anglers who have an unpaid check returned by the bank for any reason or owe civil penalties pursuant to R.S. 56:31 et seq. and 56:40 et seq. will be directly affected by the proposed action. They will be denied the purchase of licenses until all such fees, civil penalties and related charges owed to the state have been paid in full.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

There will be no effect on competition and employment.

James L. Patton
Undersecretary
0103#049

Robert E. Hosse
General Government Section Director
Legislative Fiscal Office

NOTICE OF INTENT

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

General and WMA Hunting (LAC 76:XIX.111)

The Wildlife and Fisheries Commission does hereby give notice of its intent to promulgate rules and regulations governing the hunting of resident game birds and game quadrupeds.

Title 76

WILDLIFE AND FISHERIES

Part XIX. Hunting and WMA Regulations

Chapter 1. Resident Game Hunting Season

**§111. General and Wildlife Management Area
Hunting Rules and Regulations**

A. Hunting Seasons and Wildlife Management Area Regulations

1. The rules and regulations contained within this digest have been officially approved and adopted by the Wildlife and Fisheries Commission under authority vested by Sections 115 and 116 of Title 56 of the Louisiana Revised Statutes of 1950 and are in full force and effect in conjunction with all applicable statutory laws. The secretary of the Department of Wildlife and Fisheries has the authority to close or alter seasons in emergency situations in order to protect fish and wildlife resources.

2. Pursuant to Section 40.1 of Title 56 of the Louisiana Revised Statutes of 1950, the Wildlife and Fisheries Commission has adopted monetary values which are assigned to all illegally taken, possessed, injured or destroyed fish, wild birds, wild quadrupeds and other wildlife and aquatic life. Anyone taking, possessing, injuring or destroying fish, wild birds, wild quadrupeds and other wildlife and aquatic life shall be required to reimburse the Department of Wildlife and Fisheries a sum of money equal to the value of the wildlife illegally taken, possessed, injured or destroyed. This monetary reimbursement shall be in addition to any and all criminal penalties imposed for the illegal act.

B. Resident Game Birds and Animals

1. Shooting hours: one-half hour before sunrise to one-half hour after sunset.

C. Other Season Dates

1. Turkey. Please refer to separate pamphlet.

2. Raccoon and Opossum. No closed season. Raccoon and opossum can be taken at night by one or more licensed hunters with one or more dogs and one .22 rimfire firearm. A licensed hunter may take raccoon or opossum with .22 rimfire, muzzleloader rifle .36 caliber or smaller or shotgun during daylight hours during the open rabbit season. Hunting from boats or motor vehicles is prohibited. No bag limit for nighttime or daytime raccoon or opossum hunting during the open trapping season except on certain WMAs as listed. The remainder of the year, the raccoon and opossum bag limit for daytime or nighttime is one per person per day or night. No one who hunts raccoons or opossums as prescribed above shall pelt during the closed trapping season nor sell skins or carcasses of raccoons and opossums taken during the open trapping season unless he is the holder of a valid trapping license which shall be required in addition to his basic hunting license. Pelting or selling carcasses is illegal during closed trapping season.

3. Blackbirds and crows. All blackbirds, cowbirds, grackles and crows are considered crop depredators in Louisiana and may therefore be taken year round during legal shooting hours with no limit. Shooting hours are 30 minutes before sunrise to sunset.

4. Pheasant. Closed.

5. Falconry. Special permit required. Resident and migratory game species except turkeys may be taken. Seasons and bag limits are the same as for statewide and WMA regulations except squirrels may be taken by licensed falconers until the last day of February. Refer to LAC 76:V.301 for specific Falconry Rules.

6. Licensed Hunting Preserve. October 1 - April 30. Pen-raised birds only. No limit entire season. Refer to LAC 76:V.305 for specific Hunting Preserve Rules.

7. Deer Management Assistance Program (DMAP). Land enrolled in the voluntary program will be assessed a \$25 registration fee and 54/acre fee. Deer management assistance tags must be in the possession of the hunter and attached and locked to antlerless deer (including those taken on either-sex days and those taken with bow and muzzleloader) through the hock in a manner that it cannot be removed before the deer is moved from the site of the kill. Failure to do so is a violation of R.S. 56:115. Failing to follow DMAP rules and regulations may result in immediate cancellation of the program on those lands involved. Refer to LAC 76:V.111 for specific DMAP Rules.

8. Farm Raised White-tailed Deer and Exotics on Licensed Supplemented Shooting Preserves

a. Definitions

Exotics for purposes of this rule means any animal of the family Bovidae (except the Tribe Bovini [cattle]) or Cervidae which is not indigenous to Louisiana and which is confined on a Supplemented Hunting Preserve. Exotics shall include, but are not limited to, fallow deer, red deer, elk, sika deer, axis deer, and black buck antelope.

Hunting in its different tenses and for purposes of this rule means to take or attempt to take, in accordance with R.S. 56:8.

Same as Outside for purposes of this rule means hunting on a Supplemented Hunting Preserve must conform to applicable statutes and rules governing hunting and deer hunting, as provided for in Title 56 of the Louisiana

Revised Statutes and as established annually by the Wildlife and Fisheries Commission (LWFC).

Supplemented Hunting Preserve for purposes of this rule means any enclosure for which a current Farm-Raising License has been issued by the Department of Agriculture and Forestry (LDAF) with concurrence of the Department of Wildlife and Fisheries (LDWF) and is authorized in writing by the LDAF and LDWF to permit hunting.

White-tailed Deer for purposes of this rule means any animal of the species *Odocoileus virginianus* which is confined on a Supplemented Hunting Preserve.

b. Seasons

i. Farm-Raised White-tailed Deer: Consult the regulations pamphlet.

ii. Exotics: year round.

c. Methods of Take

i. White-tailed Deer: Same as outside.

ii. Exotics: Exotics may be taken with longbow (including compound bow) and arrow; shotguns not larger than 10 gauge, loaded with buckshot or rifled slug; handguns and rifles no smaller than .22 caliber centerfire; or muzzleloading rifles or pistols, .44 caliber minimum, or shotguns 10 gauge or smaller, all of which must load exclusively from the muzzle or cap and ball cylinder, using black powder or an approved substitute only, and using ball or bullet projectile, including sabot bullets only.

d. Shooting Hours

i. White-tailed Deer: Same as outside.

ii. Exotics: one-half hour before sunrise to one-half hour after sunset.

e. Bag Limit

i. Farm-Raised White-tailed Deer: Same as outside.

ii. Exotics: No limit.

f. Hunting Licenses

i. White-tailed Deer: Same as outside.

ii. Exotics: No person shall hunt any exotic without possessing a valid basic and big game hunting license.

g. Tagging. White-tailed Deer and Exotics: Each animal shall be tagged in the left ear or left antler immediately upon being killed and before being moved from the site of the kill with a tag provided by the LDAF. The tag shall remain with the carcass at all times.

D. Hunting-General Provisions

1. A basic resident or non-resident hunting license is required of all persons to hunt, take, possess or cause to be transported by any other person any wild bird or quadruped. See information below for exceptions.

2. No person born on or after September 1, 1969 shall hunt with a firearm unless that person has first been issued a certificate of satisfactory completion of a firearm and hunter education course taught or approved by the Department of Wildlife and Fisheries. However, a person younger than 16 years of age may hunt without such certificate if he is accompanied by and is under the direct and immediate supervision of a person 18 years of age or older.

3. A big game license is required in addition to the basic hunting license to hunt, take, possess or cause to be transported any deer or turkey. A separate wild turkey stamp

is required in addition to the basic hunting license and the big game license to hunt, take, possess or cause to be transported any turkey.

4. Taking game quadrupeds or birds from aircraft or participating in the taking of deer with the aid of aircraft or from automobiles or other moving land vehicles is prohibited.

5. Methods of Taking Resident Game Birds and Quadrupeds

a. Use of a longbow (including compound bow) and arrow or a shotgun not larger than a 10 gauge fired from the shoulder without a rest shall be legal for taking all resident game birds and quadrupeds. Also, the use of a handgun, rifle and falconry (special permit required) shall be legal for taking all game species except turkey and migratory game birds. It shall be illegal to hunt or take squirrels or rabbits at any time with a breech-loaded rifle or handgun larger than a .22 caliber rimfire or a muzzleloader rifle larger than .36 caliber. During closed deer gun season, it shall be illegal to possess shotgun shells loaded with slugs or shot larger than BB lead or F steel shot while small game hunting.

b. Still hunting is defined as stalking or stationary stand hunting without the use of dog(s). Pursuing, driving or hunting deer with dogs is prohibited when or where a still hunting season or area is designated, and will be strictly enforced. Shotguns larger than 10 gauge or capable of holding more than three shells shall be prohibited. Plugs used in shotguns must be incapable of being removed without disassembly. Refer to game schedules contained within these regulations for specific restrictions on the use of firearms and other devices.

6. Nuisance Animals. Landowners or their designees may remove beaver and nutria causing damage to their property without a special permit. Water set traps and firearms may be used to remove beaver; nutria may be removed by any means except that nutria cannot be taken by the use of headlight and gun between the hours of sunset and sunrise. With a special permit issued by the department, beavers may be taken between one-half hour after official sunset to one-half hour before official sunrise for a period of three consecutive calendar evenings from the effective date of the permit. For specific details contact a regional office near you. Any nuisance beaver or nutria trapped or shot outside open trapping season cannot be pelted or sold. A trapping license is required to possess, sell or pelt nuisance beavers or nutria taken during open trapping season. Squirrels found destroying commercial crops of pecans may be taken year-round by permit issued by the department. This permit shall be valid for 30 days from the date of issuance. Contact the local regional office for details.

7. Threatened and Endangered Species. Louisiana black bear, Louisiana pearl shell (mussel), sea turtles, gopher tortoise, ringed sawback turtle, brown pelican, bald eagle, peregrine falcon, whooping crane, Eskimo curlew, piping plover, interior least tern, ivory-billed woodpecker, red-cockaded woodpecker, Bachman's warbler, West Indian manatee, Florida panther, pallid sturgeon, Gulf sturgeon, Attwaters greater prairie chicken, whales and red wolf. Taking or harassment of any of these species is a violation of state and federal laws.

8. Unregulated Quadrupeds. Holders of a legal hunting license may take coyotes, unmarked hogs where

legal, and armadillos year round during legal daylight shooting hours. The running of coyotes with dogs is prohibited in all turkey hunting areas during the open turkey season. Coyote hunting is restricted to A chase only@during still hunting segments of the firearm and archery only season for deer. Foxes and bobcats are protected quadrupeds and may be taken only with traps by licensed trappers during the trapping season. Remainder of the year "chase only" permitted by licensed hunters.

9. Hunting and/or Discharging Firearms on Public Roads. Hunting, standing, loitering or shooting game quadrupeds or game birds with a gun during open season while on a public highway or public road right-of-way is prohibited. Hunting or the discharge of firearms on roads or highways located on public levees or within 100 feet from the centerline of such levee roads or highways is prohibited. Spot lighting or shining from public roads is prohibited by state law. Hunting from all public roads and rights-of-way is prohibited and these provisions will be strictly enforced.

10. Tags. Any part of the deer or wild turkey divided shall have affixed thereto the name, date, address and big game license number of the person killing the deer or wild turkey and the sex of that animal. This information shall be legibly written in pen or pencil, on any piece of paper or cardboard or any material, which is attached or secured to or enclosing the part or parts. On lands enrolled in DMAP, deer management assistance tags must be attached and locked through the hock of antlerless deer, (including those taken with bow and muzzleloader and those antlerless deer taken on either-sex days) in a manner that it cannot be removed, before the deer is moved from the site of the kill.

11. Sex Identification. Positive evidence of sex identification, including the head, shall remain on any deer taken or killed within the State of Louisiana, or on all turkeys taken or killed during any special gobbler season when killing of turkey hens is prohibited, so long as such deer or turkey is kept in camp or field, or is en route to the domicile of its possessor, or until such deer or turkey has been stored at the domicile of its possessor or divided at a cold storage facility and has become identifiable as food rather than as wild game.

E. General Deer Hunting Regulations

1. One antlered and one antlerless (when legal on private lands) deer per day except on Wildlife Management Areas, Federal Refuges and National Forest Lands where the daily limit shall be one deer per day. Six per season (all segments included) by all methods of take.

2. A legal buck is a deer with visible antler of hardened bony material, broken naturally through the skin. Killing bucks without at least one visible antler as described above and killing does is prohibited except where specifically allowed.

3. Deer hunting restricted to legal bucks only, except where otherwise allowed.

4. Either-sex deer is defined as male or female deer. Taking or possessing spotted fawns is prohibited.

5. It is illegal to hunt or shoot deer with firearms smaller than .22 caliber centerfire or a shotgun loaded with anything other than buckshot or rifled slug. Handguns may be used for hunting.

6. Taking game quadrupeds or birds from aircraft, participating in the taking of deer with the aid of aircraft or

from automobiles or other moving land vehicles is prohibited.

7. Still hunting is defined as stalking or stationary stand hunting without the use of dog(s). Pursuing, driving or hunting deer with dogs or moving vehicles, including ATVs, when or where a still hunting season or area is designated, is prohibited and will be strictly enforced. The training of deer dogs is prohibited in all still hunting areas during the gun still hunting and archery only season. Deer hunting with dogs is allowed in all other areas having open deer seasons that are not specifically designated as still hunting only. Use of dogs to trail wounded deer is expressly prohibited in still hunting areas.

8. Areas not specifically designated as open are closed.

9. Muzzleloader Segment: (Special license and muzzleloader firearms specifications apply only to the special state, WMA, National Forest and Preserves, and Federal Refuge seasons.) Still hunt only. Specific WMAs will also be open, check WMA schedule for specific details. Muzzleloader license required for resident hunters between the ages of 16 and 59 inclusive and non-residents 16 years of age and older. Either sex deer may be taken in all deer hunting areas except Area 5 and as specified on Public Areas. It is unlawful to carry a gun, other than a muzzleloader, including those powered by air or other means, while hunting during the special muzzleloader segment. Except, it is lawful to carry a .22 caliber rimfire pistol loaded with #12 shot (ratshot only).

a. Legal Muzzleloader Firearms For Special Season: Rifles or pistols, .44 caliber minimum, or shotguns 10 gauge or smaller, all of which must load exclusively from the muzzle or cap and ball cylinder, use black powder or approved substitute only, take ball or bullet projectile only, including sabot bullets and be fitted only with iron sights or non-magnifying scopes except persons 60 years of age or older may use magnified scopes. This includes those muzzleloaders known as "inline" muzzleloaders.

10. Archery Segment. Consult regulations pamphlet. WMA seasons are the same as outside except as noted below. Archery license required for resident bow hunters between the ages of 16 and 59 inclusive and non-residents 16 years of age and older. Residents 60 years of age and older may use a crossbow without a special permit or license. Either sex deer may be taken in all areas open for deer hunting except when a bucks only season is in progress for gun hunting, archer's must conform to the bucks only regulations. Either sex deer may be taken on WMAs at anytime during archery season except when bucks only seasons are in progress on the respective WMA. Also, archery season restricted on Atchafalaya Delta, Salvador, Pass-a-Loutre and Point-au-Chien WMAs (see schedule).

a. Bow and arrow regulations: Hunting arrows for deer must have well-sharpened metal broadhead blades not less than 7/8 inch in width. Bow and arrow fishermen must have a sport fishing license and not carry any arrows with broadhead points unless a big game season is in progress.

i. It is unlawful:

(a). to carry a gun, including those powered by air or other means, while hunting with bow and arrow during the special bow and arrow deer season except it is lawful to

carry a .22 caliber rimfire pistol loaded with #12 shot (ratshot) only;

(b). to have in possession or use any poisoned or drugged arrow, arrows with explosive tips, or any bow drawn, held or released by mechanical means except that hand held releases are lawful;

(c). to hunt deer with a bow having a pull less than 30 pounds;

(d). to hunt with a bow or crossbow fitted with an infrared or laser sight.

11. Hunter Orange. Any person hunting deer shall display on his head, chest and/or back a total of not less than 400 square inches of "hunter orange" during the open deer gun season including muzzleloader season. Persons hunting on privately owned, legally posted land may wear a hunter orange cap or hat in lieu of the 400 square inches. These provisions shall not apply to persons hunting deer from elevated stands on property that is privately owned and legally posted or to archery deer hunters hunting on legally posted lands where firearm hunting is not allowed by agreement of the landowner or lessee. Warning: deer hunters are cautioned to watch for persons hunting other game or engaged in activities not requiring "hunter orange".

12. Special Handicapped Either-Sex Deer Season on Private Land. See regulations pamphlet for dates. Restricted to individuals with Physically Challenged Hunter Permit.

13. Special Youth Deer Hunt. See regulations pamphlet for dates.

F. Description of Areas

1. Area 1

a. All of the following parishes are open: Catahoula, East Feliciana, St. Helena, Concordia, Franklin, Tensas, East Baton Rouge, Madison, Washington.

b. Portions of the following parishes are also open:

i. Avoyelles C North of La. 1;

ii. Catahoula C All except that portion lying west of Boeuf River from Caldwell parish line to Ouachita River, north and east of Ouachita River to La. 559 at Duty Ferry, west of La. 559 to La. 124. North and west of La. 124 westward to LaSalle parish line;

iii. Grant C East of U.S. 165 and south of La. 8;

iv. LaSalle C Portion south of La. 8 from Little River eastward to La. 127 in Jena, east of La. 127 from Jena northward to U.S. 165, east of U.S. 165 from La. 127 northward to La. 124. South of La. 124 eastward to Catahoula Parish line;

v. Livingston C North of I-12.

vi. Rapides C East of U.S. 165 and north of Red River.

vii. St. Tammany C All except that portion south of I-12, west of Hwy. 1077 to La. 22, south of La. 22 to Tchefuncte River, west of Tchefuncte River southward to Lake Pontchartrain.

viii. Tangipahoa C North of I-12.

ix. West Feliciana C All except that portion known as Raccourci and Turnbull Island.

c. Still hunting only in all or portions of the following parishes:

i. Avoyelles C That portion surrounding Pomme de Terre WMA, bounded on the north, east, and south by La. 451 and on the west by the Big Bend Levee from its junction

at the Bayou des Glaise structure east of Bordelonville, southward to its juncture with La. 451;

ii. CatahoulaCSouth of Deer Creek to Boeuf River, east of Boeuf and Ouachita Rivers to La. 8 at Harrisonburg, west of La. 8 to La. 913, west of La. 913 and La. 15 to Deer Creek;

iii. East Feliciana and East Baton RougeCEast of Thompson Creek from the Mississippi line to La. 10. North of La. 10 from Thompson Creek to La. 67 at Clinton, west of La. 67 from Clinton to Mississippi line. South of Mississippi line from La. 67 to Thompson Creek. Also that portion of East Baton Rouge Parish east of La. 67 from La. 64 north to Parish Line, south of Parish Line from La. 64 eastward to Amite River. West of Amite River southward to La. 64, north of La. 64 to La. 37 at Magnolia, east of La. 37 northward to La. 64 at Indian Mound, north of La. 64 from Indian Mound to La. 67. Also, that portion of East Feliciana Parish east of La. 67 from parish line north to La. 959, south of La. 959 east to La. 63, west of La. 63 to Amite River, west of Amite River, southward to parish line, north of parish line westward to La. 67;

iv. FranklinCALL;

v. St. HelenaCNorth of La. 16 from Tickfaw River at Montpelier westward to La. 449, east and south of La. 449 from La. 16 at Pine Grove northward to La. 1045, south of La. 1045 from its junction with La. 449 eastward to the Tickfaw River, west of the Tickfaw River from La. 1045 southward to La. 16 at Montpelier;

vi. TangipahoaCThat portion of Tangipahoa Parish north of La. 10 from the Tchefuncte River to La. 1061 at Wilmer, east of La. 1061 to La. 440 at Bolivar, south of La. 440 to the Tchefuncte River, west of the Tchefuncte River from La. 440 southward to La. 10;

vii. Washington and St. TammanyCEast of La. 21 from the Mississippi line southward to the Bogue Chitto River, north of the Bogue Chitto River from La. 21 eastward to the Pearl River Navigation Canal, east of the Pearl River Navigation Canal southward to the West Pearl River, north of the West Pearl River from the Pearl River Navigation Canal to Holmes Bayou, west of Holmes Bayou from the West Pearl River northward to the Pearl River, west of the Pearl River from Holmes Bayou northward to the Mississippi line, south of the Mississippi line from the Pearl River westward to La. 21. Also, that portion of Washington Parish west of La. 25 from the Mississippi State Line southward to the Bogue Chitto River, then west of the Bogue Chitto River to its junction with the St. Tammany Parish line, north of the St. Tammany parish line to the Tangipahoa parish line, east of the Tangipahoa parish line to the Mississippi state line, south of the Mississippi state line to its junction with La. 25;

viii. West FelicianaCWest of Thompson Creek to Illinois-Central Railroad, north of Illinois-Central Railroad to Parish Road #7, east of Parish Road #7 to the junction of U.S. 61 and La. 966, east of La. 966 from U.S. 61 to Chaney Creek, south of Chaney Creek to Thompson Creek.

2. Area 2

a. All of the following parishes are open:

i. Bienville, Jackson, Union, Bossier, Lincoln, Webster, Caddo, Natchitoches, Winn, Claiborne, Red River, DeSoto, Sabine, Caldwell;

ii. except: Kisatchie National Forest which has special regulations. Caney, Corney, Middlefork tracts of Kisatchie have the same regulations as Area 2, except still hunting only for deer and except National Forest Land within the Evangeline Unit, Calcasieu Ranger District described in Area 2 description shall be still hunting only.

b. Portions of the following parishes are also open:

i. AllenCNorth of U.S. 190 east of Reeves and east of La. 113;

ii. AvoyellesCThat portion west of I-49;

iii. BeauregardCEast of La. 113. Also, west of La. 27 north to DeRidder and south and east of U.S. 190 west of DeRidder to Texas line;

iv. CalcasieuCWest of La. 27 north of Sulphur and north of U.S. 90 from Sulphur to Texas line;

v. CatahoulaCThat portion lying west of Boeuf River from Caldwell parish line to Ouachita River, north and east of Ouachita River to La. 559 at Duty Ferry. West of La. 559 to La. 124. North and west of La. 124 westward to LaSalle parish line;

vi. EvangelineCALL except the following portions: east of I-49 to junction of La. 29, east of La. 29 south of I-49 to Ville Platte, and north of U.S. 167 east of Ville Platte;

vii. GrantCALL except that portion south of La. 8 and east of U.S. 165;

viii. Jefferson Davis CNorth of U.S. 190;

ix. LaSalleCALL except south of La. 8 from Little River eastward to La. 127 in Jena, east of La. 127 from Jena northward to U.S. 165, east of U.S. 165 from La. 127 northward to La. 124. South of La. 124 eastward to Catahoula parish line;

x. MorehouseCWest of U.S. 165 (from Arkansas line) to Bonita, north and west of La. 140 to junction of La. 830-4 (Cooper Lake Road), west of La. 830-4 to Bastrop, west of La. 139 to junction of La. 593, west and south of La. 593 to Collinston, west of La. 138 to junction of La. 134 and north of La. 134 to Ouachita line at Wham Brake;

xi. OuachitaCALL except south of U.S. 80 and east of Ouachita River, east of La. 139 from Sicard to junction of La. 134, south of La. 134 to Morehouse line at Wham Brake;

xii. RapidesCALL except north of Red River and east of U.S. 165. South of La. 465 to junction of La. 121, west of La. 121 and La. 113 to Union Hill, and north of La. 113 from Union Hill to Vernon Parish line, and that portion south of Alexandria between Red River and U.S. 167 to junction of U.S. 167 with I-49 at Turkey Creek exit, east of I-49 southward to parish line;

xiii. VernonCEast and south of La. 113, north and east of La. 465, west of La. 117 from Kurthwood to Leesville, and north of La. 8 from Leesville to Texas line.

c. Still hunting only in all or portions of the following parishes.

i. Claiborne and WebsterCCaney, Corney and Middlefork tracts of Kisatchie National Forest. (See Kisatchie National Forest Regulations).

ii. OuachitaCEast of Ouachita River.

iii. RapidesCWest of U.S. 167 from Alexandria southward to I-49 at Turkey Creek Exit, west of I-49 southward to Parish Line, north of Parish Line westward to U.S. 165, east of U.S. 165 northward to U.S. 167 at Alexandria. North of La. 465 from Vernon Parish line to La. 121, west of La. 121 to I-49, west of I-49 to La. 8, south and

east of La. 8 to La. 118 (Mora Road), south and west of La. 118 to Natchitoches Parish line.

iv. VernonCEast of Mora-Hutton Road from Natchitoches Parish line to Hillman Loop Road, south and east of Hillman Loop Road to Comrade Road, south of Comrade Road to La. 465, east and north of La. 465 to Rapides Parish line.

3. Area 3

a. All of Acadia, Cameron and Vermilion Parishes are open.

b. Portions of the following parishes are also open.

i. AllenCSouth of U.S. 190 and west of La. 113.

ii. BeauregardCWest of La. 113. ALSO east of La. 27 north to DeRidder and north and west of U.S. 190 west of DeRidder to Texas line.

iii. CalcasieuCEast of La. 27 north of Sulphur and south of U.S. 90 from Sulphur to Texas line.

iv. IberiaCWest of U.S. 90 and north of La. 14.

v. Jefferson Davis CAll except north of U.S. 190.

vi. LafayetteCWest of I-49 and U.S. 90.

vii. RapidesCSouth of La. 465 to junction of La. 121, west of La. 121 and La. 112 to Union Hill and north of La. 113 from Union Hill to Vernon Parish line.

viii. St. LandryCWest of U.S. 167.

ix. VernonCWest and north of La. 113, south of La. 465, east of La. 117 from Kurthwood to Leesville, and south of La. 8 from Leesville to Texas line.

4. Area 4

a. All of East Carroll and Richland parishes are open.

b. Portions of the following parishes are open.

i. MorehouseCEast of U.S. 165 (from Arkansas line) to Bonita, south and east of La. 140 to junction of La. 830-4 (Cooper Lake Road), east of La. 830-4 to Bastrop, east of La. 139 at Bastrop to junction of La. 593, east and north of La. 593 to Collinston, east of La. 138 to junction of La. 134 and south of La. 134 to Ouachita line at Wham Brake.

ii. OuachitaCSouth of U.S. 80 and east of Ouachita River, east of La. 139 from Sicard to junction of La. 134, south of La. 134 to Morehouse line at Wham Bake.

5. Area 5

a. All of West Carroll Parish is open.

i. All deer hunting is for bucks only including muzzleloader season.

6. Area 6

a. All of Orleans Parish is closed to all forms of deer hunting.

b. All of the following parishes are open: Ascension, Plaquemines, St. John, Assumption, Pointe Coupee, St. Martin, Iberville, St. Bernard, Jefferson, St. Charles, Lafourche, St. James, West Baton Rouge.

c. Portions of the following parishes are also open.

i. AvoyellesCSouth of La. 1 and also that portion east of I-49.

ii. EvangelineCThat portion east of I-49 to junction of La. 29, east of La. 29 south of I-49 to Ville Platte and north of U.S. 167 east of Ville Platte.

iii. IberiaCEast of U.S. 90.

iv. LafayetteCEast of I-49 and U.S. 90.

v. LivingstonCSouth of I-12.

vi. RapidesCSouth of Alexandria between Red River and U.S. 167 to the junction of U.S. 167 with I-49 at Turkey Creek Exit, east of I-49 southward to parish line.

vii. St. LandryCEast of U.S. 167.

viii. St. MaryCNorth of U.S. 90.

ix. St. TammanyCThat portion south of I-12, west of Hwy. 1077 to La. 22, south of La. 22 to Tchefuncte River, west of Tchefuncte River southward to Lake Pontchartrain.

x. TangipahoaCSouth of I-12.

xi. West FelicianaCWest of Mississippi River, known as Raccourci and Turnbull Islands.

d. Still hunting only in all of the following parishes.

i. PlaqueminesCEast of the Mississippi River.

ii. RapidesCSouth of Alexandria between Red River and U.S. 167 to the junction of U.S. 167 with I-49 at Turkey Creek Exit, east of I-49 southward to parish line.

iii. St. BernardCALL of the parish shall be still hunting only except that portion of St. Bernard known as the spoil area between the MRGO on the east and Access Canal on the west, south of Bayou Bienvenue and north of Bayou la Loutre.

iv. St. JohnCSouth of Pass Manchac from Lake Pontchartrain to U.S. 51, east of U.S. 51 from Pass Manchac to La. 638 (Frenier Beach Road). North of La. 638 from U.S. 51 to Lake Pontchartrain. West of Lake Pontchartrain from La. 638 to Pass Manchac.

v. St. LandryCThose lands surrounding Thistlethwaite WMA bounded north and east by La. 359, west by La. 10, and south by La. 103.

7. Area 7

a. The following parish is open: Terrebonne.

b. Portions of the following parishes are open: Iberia and St. Mary Parishes - South of La. 14 and west U.S. Hwy. 90.

G Wildlife Management Area Regulations

1. General

a. The following rules and regulations concerning the management, protection and harvest of wildlife have been officially approved and adopted by the Wildlife and Fisheries Commission in accordance with the authority provided in Louisiana Revised Statutes of 1950, Section 109 of Title 56. Failure to comply with these regulations will subject individual to citation and/or expulsion from the management area.

b. Citizens are cautioned that by entering upon a WMA managed by the LDWF they may be subjecting themselves and/or their vehicles to game and/or license checks, inspections and searches.

c. Wildlife management area seasons may be altered or closed anytime by the department secretary in emergency situations (floods, fire or other critical circumstances).

d. Hunters may enter the WMA no earlier than 3 a.m. unless otherwise specified. On days when Daily permits are required, permit stations will open two hours before legal shooting hours. Hunters must check out and exit the WMA no later than two hours after sunset unless otherwise specified.

e. Lands within WMA boundaries will have the same seasons and regulations pertaining to baiting and use of dogs as the WMA within which the lands are enclosed; however, with respect to private lands enclosed within a

WMA, the owner or lessee may elect to hunt according to the regular season dates applicable to the geographic area in which the lands are located, provided that the lands are first enrolled in DMAP. Interested parties should contact the nearest LDWF regional office for additional information.

f. Dumping garbage or trash on WMAs except in designated locations is prohibited.

g. Disorderly conduct or hunting under influence of alcoholic beverages, chemicals and other similar substances is prohibited.

h. Commercial activities prohibited without prior approval or unless otherwise specified.

i. Damage to or removal of trees, shrubs, hard mast (acorn, pecans, etc.) and wild plants is prohibited without prior approval. Gathering and/or removal of soft fruits and berries shall be limited to five gallons per person per day. Persons engaged in commercial activities must obtain a permit from the region office.

j. Burning of marshes is prohibited except by permit. Permits may be obtained from the Fur and Refuge Division.

k. Nature Trails. Access to trails shall be limited to pedestrians only. No vehicles, ATVs, horses, mules, bicycles, etc. allowed. Removal of vegetation (standing or down) or other natural material prohibited.

l. Deer seasons are for legal buck deer unless otherwise specified.

m. Small game, when listed under the WMA regulations may include both resident game animals and game birds as well as migratory species of birds.

n. Oysters may not be harvested from any WMA, except that oysters may be harvested from private oyster leases and state seed grounds located within a WMA, when authorized by the Wildlife and Fisheries Commission and upon approval by the Department of Health and Hospitals.

2. Permits

a. Daily. Daily permits when required shall be obtained at permit stations on or near each WMA. Hunters must retain permit in possession while hunting. Hunters may enter the area no earlier than two hours before legal shooting time unless otherwise specified. Hunters must checkout daily and exit the area not later than two hours after sunset unless otherwise specified.

b. Self Clearing Permits. On WMAs where Self Clearing Permits are required, all persons must obtain a WMA Self Clearing Permit from an Information Station. The check in portion must be completed and put in a permit box before each day's activities on the day of the activity. The check out portion must be carried by each person while on the WMA and must be completed and put in a permit box after each day's activities on the day of the activity unless otherwise specified. A vehicle tag will also be associated with the Self Clearing Permit and must be displayed in the vehicle used to enter the WMA while on the WMA. Self-clearing permits are not required for persons only traveling through the WMA provided that the most direct route is taken and no activities or stop takes place.

c. Wild Louisiana Stamp. Persons using WMAs or other department administered lands for purposes other than hunting and fishing, such as camping, shooting on rifle ranges, berry picking, hiking, photography, bird-watching and the like, shall be required to possess one of the

following: a Wild Louisiana stamp, a valid Louisiana fishing license, or a valid Louisiana hunting license. Persons younger than 16 or older than 60 years of age are exempt from this requirement.

3. Special Seasons

a. Youth Deer Hunt. Only youths younger than 16 years of age may hunt. All other seasons are closed except handicapped seasons. Youths must possess a hunter safety certification or proof of successful completion of a hunter safety course. Each youth must be accompanied by one adult 18 years of age or older. Adults may not possess a firearm. Youths may possess only one firearm while hunting. Legal firearms are the same as described for deer hunting. The supervising adult shall maintain visual and voice contact with the youth at all times. An adult may supervise only one youth during this special hunt. Contact the appropriate region office for special check station locations when daily permits are required and maps of specific hunting areas. Either-sex deer may be taken on WMAs with youth hunts. Consult the regulations pamphlet for WMAs offering youth hunts.

b. Handicapped Season. For hunters possessing a Physically Challenged Hunter Permit only. Participants must possess a Physically Challenged Hunter Permit. Contact region office for permit application and map of specific hunting area. Consult the regulations pamphlet for WMAs offering Handicapped Seasons. Pointe-au-Chien will have an experimental Lottery Handicapped waterfowl hunt. Contact New Orleans Office, Fur and Refuge Division for details.

c. Deer Lottery Hunts. Hunts restricted to those persons selected as a result of the pre-application lottery. Consult the regulations pamphlet for deadlines. A non-refundable application fee must be sent with application. Contact region offices for applications. Consult regulations pamphlet for WMAs offering lottery hunts.

d. Turkey Lottery Hunts. Hunts restricted to those persons selected by lottery. Consult the regulations pamphlet for deadlines. All turkeys must be reported at Self Clearing station. Contact Region Offices for more details. Consult separate Turkey Hunting Regulations pamphlet for WMAs offering lottery hunts.

e. Trapping. Permits to take fur bearers from WMAs may be obtained at appropriate offices when required. Consult Annual Trapping Regulations for specific dates. All traps must be run daily. Traps with teeth are illegal. On WMAs where permits are required, each trapper must submit an annual trapping report to the Region Office where his permit was obtained. Non-compliance will result in forfeiture of trapping privileges on the WMAs. Permits may be obtained only between hours of 8 a.m. to 4:30 p.m. on normal working days at region offices. Hunter orange required when a deer gun season is in progress. A permit is required to carry a firearm outside of the normal hunting season and is available at the region office.

f. Raccoon Hunting. A licensed hunter may take raccoon or opossum, one per person per day, during daylight hours only, during the open rabbit season on WMAs. Nighttime Experimental Season dates for specific WMAs are for nighttime raccoon hunting and permits may be required. There will be no bag limit for raccoons at night unless specified in the annual regulations pamphlet. Raccoon hunters with dogs must submit an annual report of their kill

to the region office for WMAs where permits are required. Non-compliance will result in forfeiture of raccoon or all hunting privileges on WMAs. Permits, when required, may be obtained at region offices only between hours of 8 a.m. to 4:30 p.m. on normal working days.

g. Commercial Fishing. Permits are required of all commercial fishermen using Grassy Lake, Pomme de Terre and Spring Bayou WMAs. Drag seines (except minnow and bait seines) are prohibited except experimental bait seines permitted on Dewey Wills WMA north of La. 28 in Diversion Canal. Commercial fishing is prohibited during regular waterfowl seasons on Grand Bay, Silver Lake and Lower Sunk Lake on Three Rivers WMA. Commercial fishing is prohibited on Salvador/Timken, Ouachita and Pointe-Au-Chien WMAs except shrimping allowed on Pointe-Au-Chien in Cut Off Canal and Wonder Lake during daytime only. Non-compliance with permit regulations will result in revocation of commercial fishing privileges for the period the license is issued and one year thereafter. Commercial fishing is allowed on Pass-a-Loutre and Atchafalaya Delta WMAs. See Pass-a-Loutre for additional commercial fishing regulations on mullet.

h. Sport Fishing. Sport fishing, crawfishing and frogging are permitted on WMAs when in compliance with current laws and regulations except nighttime frogging prohibited on Salvador/Timken and Pointe-Au-Chien.

i. Additional Department Lands. The department manages additional lands that are included in the WMA system and available for public recreation. Small tracts are located in Rapides, Vernon, Evangeline and St. Helena parishes. These small tracts have been acquired from the Farmers Home Administration or other sources for conservation purposes. Contact the appropriate Wildlife and Fisheries Region Office for specific information and any additional season dates.

4. Firearms

a. Firearms having live ammunition in the chamber, magazine, cylinder or clip when attached to firearms are not allowed in or on vehicles, boats under power, motorcycles, ATVs, ATCs or in camping areas on WMAs. Firearms may not be carried on any area before or after allowed hours except in authorized camping areas.

b. Firearms and bows and arrows are not allowed on WMAs during closed hunting seasons except on designated shooting ranges or as allowed for trapping. Bows and broadhead arrows are not allowed on WMAs except during regular deer archery season, turkey season or except as allowed for bowfishing.

c. Encased or broken down firearms and any game harvested may be transported through the areas by the most direct route provided that no other route exists except as specified under Wildlife Management Area listing.

d. Loaded firearms are not allowed near WMA check stations.

e. Centerfire rifles and handguns, arms larger than .22 caliber rimfire, shotgun slugs or shot larger than BB lead or F steel shot cannot be carried onto any WMA except during modern firearm deer season.

f. Target shooting and other forms of practice shooting are prohibited on WMAs except as otherwise specified.

g. Discharging of firearms on or hunting from designated roads, ATV trails or their rights-of-way is prohibited during the modern firearm and muzzleloader deer season.

5. Methods of Taking Game

a. Moving deer or hogs on a WMA with organized drivers and standers, drivers or making use of noises or noise-making devices is prohibited.

b. On Wildlife Management Areas, Federal Refuges and National Forest Lands where the daily limit shall be one deer per day, six per season (all segments included) by all methods of take.

c. Baiting or hunting over bait is prohibited on all WMAs (hogs included). Unmarked hogs may be taken on some WMAs by properly licensed hunters and only with guns or bow and arrow legal for specified seasons in progress. Consult the specific WMA for additional information. Proper licenses and permits are required for hunting.

d. Hunters who kill deer on WMAs that require daily permits must have deer checked at the check station on same day of kill.

e. Deer hunting on WMAs is restricted to still hunting only. No WMA will be open for deer during early still hunt season unless specified in the regulation pamphlet.

f. Construction of and/or hunting from permanent tree stands or permanent blinds on WMAs is prohibited. Any permanent stand or permanent blind will be removed and destroyed.

g. On Wildlife Management Areas and Refuges, all deer stands must be removed from the area no later than two hours after the end of legal shooting hours each day. Hunting from utility poles, high tension power lines, oil and gas exploration facilities or platforms is prohibited.

h. A permanent blind is any blind using non-natural materials or having a frame which is not dismantled within two hours after the end of legal shooting hours each day. Blinds with frames of wood, plastic, metal, poles, wire, mesh, webbing or any materials may be used but must be removed from the WMA within two hours after the end of legal shooting time each day. Blinds made solely of natural vegetation and not held together by nails or other metallic fasteners may be left in place but cannot be used to reserve hunting locations. All decoys must be removed from the WMA daily.

i. It is illegal to save or reserve hunting locations using permanent stands or blinds. Stands or blinds attached to trees with screws, nails, spikes, etc. are illegal.

j. Tree climbing spurs, spikes or screw-in steps are also prohibited.

k. Unattended decoys will be confiscated and forfeited to the Department of Wildlife and Fisheries and disposed of by the department. This action is necessary to prevent preemption of hunting space.

l. Hunters shall not hunt, take or pursue birds or animals from moving vehicles on any WMA. No person shall take birds or animals from or by any motor boat or sail boat unless the motor has been completely shut off and/or the sail furled and its progress therefrom has ceased.

m. Spot lighting (shining) from vehicles is prohibited on all WMAs.

n. Horses and mules may be ridden on Wildlife Managements Areas except where prohibited and except during gun seasons for deer and turkey. Riding is restricted to designated roads and trails. Hunting and trapping from horses and mules is prohibited except for quail hunting or as otherwise specified.

o. All hunters except waterfowl hunters and dove hunters (including archers and small game hunters) on WMAs must display 400 square inches of "hunter orange" and wear a "hunter orange" cap during open gun season for deer. Quail hunters, woodcock hunters and archers (while on the ground) as well as hunters participating in special dog seasons for rabbit and squirrel are required to wear a minimum of a "hunter orange" cap, also all persons afield during hunting seasons are encouraged to display "hunter orange".

p. Archery season for deer. The archery season on WMAs is the same as outside and is open to either sex deer except as otherwise specified on individual WMAs. Archery season restricted or closed on certain WMAs when special seasons for youth or handicapped hunters are in progress. Consult regulations pamphlet for specific seasons.

q. Either sex deer may be taken on WMAs at any time during archery season except when bucks only seasons are in progress on the respective WMAs. Archers must abide by bucks only regulations and other restrictions when such seasons are in progress.

r. Muzzleloader season for deer. See WMA deer schedule.

6. Camping

a. Camping on WMAs, including trailers, houseboats, recreational vehicles and tents, is allowed only in designated areas and for a period not to exceed 16 consecutive days, regardless if the camp is attended or unattended. Houseboats shall not impede navigation. At the end of the 16 day period, camps must be removed from the area for at least 48 hours. Camping area use limited exclusively to outdoor recreational activities.

b. Houseboats are prohibited from overnight mooring within WMAs except on stream banks adjacent to Department-owned designated camping areas. Overnight mooring of vessels that provide lodging for hire are prohibited on WMAs. On Atchafalaya Delta WMA and Pass-a-Loutre, houseboats may be moored in specially designated areas throughout the hunting season. At all other times of the year, mooring period is limited to a period not to exceed 16 consecutive days. Permits are required for camping and overnight mooring of houseboats on Pass-a-Loutre and can be obtained from the WMA headquarters. Houseboat mooring permits are required for Atchafalaya Delta Wildlife Management Area. Permits may be obtained from headquarters on respective WMAs or from the New Iberia office for Atchafalaya Delta WMA.

c. Discharge of human waste onto lands or waters of any WMA is strictly prohibited by State and Federal law. In the event public restroom facilities are not available at a WMA, the following is required. Anyone camping on a WMA in a camper, trailer, or other unit (other than a houseboat or tent) shall have and shall utilize an operational disposal system attached to the unit. Tent campers shall have and shall utilize portable waste disposal units and shall remove all human waste from the WMA upon leaving.

Houseboats moored on a WMA shall have a permit or letter of certification from the health unit (Department of Health and Hospitals) of the parish within which the WMA occurs verifying that it has an approved sewerage disposal system on board. Further, that system shall be utilized by occupants of the houseboats when on the WMA.

d. No refuse or garbage may be dumped from these boats.

e. Firearms may not be kept loaded or discharged in a camping area.

f. Campsites must be cleaned by occupants prior to leaving and all refuse placed in designated locations when provided or carried off by campers.

g. Non-compliance with camping regulations will subject occupant to immediate expulsion and/or citation, including restitution for damages.

h. Swimming prohibited within 100 yards of boat launching ramps.

7. Restricted Areas

a. All oil and gas production facilities (wells, pumping stations and storage facilities) are off limits.

b. No unauthorized entry or hunting in restricted areas or refuges.

8. Dogs. All use of dogs on WMAs, except for bird hunting and duck hunting, is experimental as required by law. except for nighttime experimental raccoon hunting, squirrel hunting, rabbit hunting, bird hunting, duck hunting and bird dog training when allowed, having or using dogs on any WMA is prohibited. Dogs running at large are prohibited on WMAs. The owner or handler of said dogs shall be held liable. Only recognizable breeds of bird dogs and retrievers are allowed for quail and migratory bird hunting. Only beagle hounds which do not exceed 15 inches at the front shoulders and which have recognizable characteristics of the breed may be used on WMAs having experimental rabbit seasons.

9. Vehicles

a. Vehicles having wheels with a wheel-tire combination having a radius of 17 inches or more from the center of the hub (measured horizontal to ground) are prohibited.

b. The testing, racing, speeding or unusual maneuvering of any type of vehicle is prohibited within wildlife management areas due to property damages resulting in high maintenance costs, disturbance of wildlife and destruction of forest reproduction.

c. Tractor implement tires with farm tread designs R1, R2 and R4 known commonly as spade or lug grip types are prohibited on all vehicles. ATV tires are restricted to those with a maximum one inch lug height and a maximum allowable tire pressure of 7 psi, as indicated on the tire by the manufacturer.

d. Airboats, aircraft, personal water craft and hover craft are prohibited on all WMAs and refuges. Personal water craft are defined as a vessel which uses an inboard motor powering a water jet pump as its primary source of propulsion and is designed to be operated by a person sitting, standing or kneeling on the vessel rather than in the conventional manner of sitting or standing inside the vessel. Personal water craft allowed on designated areas of Alexander State Forest WMA.

e. No internal combustion engines allowed in certain Greentree reservoirs.

f. Driving or parking vehicles on food or cover plots and strips is prohibited.

g. Blocking the entrance to roads and trails is prohibited.

h. Motorized vehicles, including ATVs, ATCs and motorcycles, are restricted entirely to designated roads and ATV trails as indicated on WMA maps, except on Atchafalaya Delta WMA where ATVs, ATCs and motorcycles are prohibited. WMA maps available at all region offices. This restriction does not apply to bicycles.

i. Use of special ATV trails for handicapped persons restricted to special ATV handicapped permittees. Handicapped ATV permittees restricted to handicapped ATV trails or other ATV trails only as indicated on WMA maps. Persons 60 years of age and older, with proof of age, are also allowed to use special handicapped trails and need not obtain a permit. However, these persons must abide by all rules in place for these trails. Handicapped persons should make application for a Physically Challenged Hunter Program Permit with the department.

j. Entrances to ATV trails will be marked with peach colored paint. Entrances to handicapped-only ATV trails will be marked with blue colored paint. Routes of all trails are as indicated on WMA maps. Deviation from the trails indicated on the map constitutes a violation of WMA rules and regulations.

k. Roads and trails may be closed due to poor condition, construction or wet weather.

l. ATVs, ATCs and motorcycles cannot be left overnight on WMAs except on designated camping areas. ATVs are prohibited from two hours after sunset to 3:00 AM. *All roads* including trails and roads designated as ATV trails shall be closed from March 1 through August 31 unless otherwise specified. Certain trails may be open during this time period to provide access for fishing or other purpose. These trails will be marked by signs at the entrance of the trail.

m. Caution: Many department-maintained roadways on WMAs are unimproved and substandard. A maximum 20 mph speed limit is recommended for all land vehicles using these roads.

10. Wildlife Management Areas Basic Season Structure. For season dates, bag limits, shooting hours, special seasons and other information consult the annual regulations pamphlet for specific details.

11. Resident Small Game (squirrel, rabbit, quail, dove, woodcock, snipe, rail and gallinule). Consult regulations pamphlet.

12. Waterfowl (ducks, geese and coots). Consult regulations pamphlet.

13. Archery. Consult regulations pamphlet.

14. Hogs. Consult regulations pamphlet.

15. Outlaw Quadrupeds and Birds. Consult regulations pamphlet.

16. Wildlife Management Areas Hunting Schedule and Regulations:

a. Alexander State Forest. Vehicles restricted to paved and graveled roads. No parking on or fishing or swimming from bridges. No open fires except in recreation areas.

b. Atchafalaya Delta. Water control structures are not to be tampered with or altered by anyone other than employees of the Department of Wildlife and Fisheries at any time. ATVs, ATCs and motorcycles prohibited.

c. Attakapas. Free-ranging livestock prohibited.

d. Bayou Macon. All night activities prohibited except as otherwise provided. Mules are allowed for nighttime raccoon hunting.

e. Bayou Pierre

f. Bens Creek

g. Big Colewa Bayou. All nighttime activities prohibited.

h. Big Lake. Free-ranging livestock prohibited.

i. Biloxi

j. Bodcau

k. Boeuf. Free-ranging livestock prohibited.

l. Boise-Vernon

m. Buckhorn. Free-ranging livestock prohibited.

n. Camp Beauregard. Daily military clearance required for all recreational users. Registration for use of Self Clearing Permit required once per year. Free-ranging livestock prohibited. All game harvested must be reported. Retriever training allowed on selected portions of the WMA. Contact the Region office for specific details.

o. Dewey W. Wills. Crawfish: 100 pounds per person per day.

p. Elm Hall. No ATVs allowed.

q. Fort Polk. Daily military clearance required to hunt or trap. Registration for use of Self Clearing Permit required once per year. Special regulations apply to ATV users.

r. Georgia-Pacific. except as otherwise provided, all nighttime activities prohibited.

s. Grassy Lake. Commercial Fishing: Permitted except on Smith Bay, Red River Bay and Grassy Lake proper on Saturday and Sunday and during waterfowl season. Permits available from area supervisor at Spring Bayou headquarters or Opelousas Region Office. Free-ranging livestock prohibited. No hunting in restricted area.

t. Jackson-Bienville. ATVs are allowed on non-public maintained gravel roads and timber management roads and trails.

u. Joyce. Swamp Walk: Adhere to all WMA rules and regulations. No firearms or hunting allowed within 100 yards of walkways. Check hunting schedule and use walkway at your own risk.

v. Lake Boeuf

w. Lake Ramsay. Foot traffic only - all vehicles restricted to Parish Roads.

x. Little River

y. Loggy Bayou

z. Manchac. Crabs: No crab traps allowed. Attended lift nets are allowed.

aa. Ouachita. Waterfowl Refuge: North of La. Hwy. 15 closed to all hunting, fishing and trapping during duck season including early teal season. Crawfish: 100 pounds per person per day limit. Night crawfishing prohibited. No traps or nets left overnight. Commercial Fishing: Closed. All nighttime activities prohibited except as otherwise provided.

ab. Pass-a-Loutre. Commercial Fishing: Same as outside. Commercial mullet fishing open only in: South Pass, Pass-a-Loutre, North Pass, Southeast Pass, Northeast

Pass, Dennis Pass, Johnson Pass, Loomis Pass, Cadro Pass, Wright Pass, Viveats Pass, Cognevich Pass, Blind Bay, Redfish Bay, Garden Island Bay, Northshore Bay, East Bay (west of barrier islands) and oil and gas canals as described on the department Pass-a-Loutre WMA map. ATVs, ATCs and motorcycles prohibited on this area. Oyster harvesting is prohibited.

ac. Pearl River. All roads closed 8 p.m. to 4:30 a.m. to all vehicles. Old Hwy. 11 will be closed when river gauge at Pearl River, Louisiana, reaches 16.5 feet. All hunting will be closed when the river stage at Pearl River reaches 16.5 feet except waterfowl hunting south of Hwy. 90. No hunting in the vicinity of Nature Trail. Observe "No Hunting" signs. Rifle range open noon until 4 p.m. Friday, and 8 a.m. to 4:30 p.m. Saturday and Sunday with a fee.

ad. Peason Ridge. Daily military clearance required to hunt or trap. Registration for use of Self Clearing Permit required once per year. Special federal regulations apply to ATV users.

ae. Pointe-au-Chien. Hunting until 12 noon on all game, except for dove hunting as specified in regulation pamphlet. Point Farm: Gate will be open during opening weekend of the second split of dove season and all weekends during month of February. No motorized vessels allowed in the drainage ditches. Recreational Fishing: Shrimp may be taken by the use of cast nets only. During the inside open shrimp season, 25 pounds per boat per day (heads on) shall be allowed. Size count to conform with open season requirements. During the inside closed season, 10 pounds per boat per day (heads on) may be taken for bait. Fish may be taken by rod and reel or hand lines for recreational purposes only. Crabs may be taken through the use of hand lines or nets; however, none are to remain set overnight. Twelve dozen crabs are allowed per boat or vehicle per day. Crawfish may be harvested in unrestricted portions of the wildlife management area and shall be limited to 100 pounds per boat or group. Fishing gear used to catch crawfish shall not remain set overnight. The harvest of all fish, shrimp, crabs and crawfish are for recreational purposes only and any commercial use is prohibited. Mudboats or vessels with engines larger than 25 hp prohibited in the Montegut and Grand Bayou marsh management units. Public is allowed to travel anytime through the WMA for access purposes only, in the waterways known as Grand Bayou, Humble Canal, Little Bayou Blue and Grand Bayou Blue. Vehicles prohibited on Point Farm properties unless authorized by the department. ATVs, ATCs and motorcycles prohibited on this area.

af. Pomme de Terre. Commercial Fishing: allowed Monday through Friday, except closed during duck season. Commercial Fishing permits available from area supervisor, Opelousas Region Office or Spring Bayou headquarters. Sport Fishing: Same as outside except allowed after 2 p.m. only during waterfowl season. Crawfish: April 1 - July 31, 100 lbs. per person per day limit. No traps or nets left overnight. Free-ranging livestock prohibited.

ag. Red River. Free-ranging livestock prohibited. Crawfishing prohibited on Wetland Restoration Areas.

ah. Russell Sage. Transporting trash or garbage on WMA roads is prohibited. All nighttime activities prohibited except as otherwise provided. NOTE: All season dates on Chauvin Tract (U.S. 165 North) same as outside, except still

hunt only and except deer hunting restricted to archery only. Waterfowl hunting after 2 p.m. prohibited. All vehicles including ATVs prohibited.

ai. Sabine

aj. Sabine Island. Sabine Island boundaries are Sabine River on the west, Cut-Off Bayou on the north, and Old River and Big Bayou on the south and east.

ak. Salvador/Timken. Hunting until 12 noon only for all game. All nighttime activities prohibited, including frogging. Recreational Fishing: Shrimp may be taken by the use of cast nets only. During the inside open shrimp season, 25 pounds per boat per day (heads on) shall be allowed. Size count to conform with open season requirements. During the inside closed season, 10 pounds per boat per day (heads on) may be taken for bait. Fish may be taken by rod and reel or hand lines for recreational purposes only. Crabs may be taken through the use of hand lines or nets; however, none of the lines are to remain set overnight. Twelve dozen crabs maximum are allowed per boat or vehicle per day. Crawfish may be harvested in unrestricted portions of the wildlife management area and shall be limited to 100 pounds per boat or group. Fishing gear used to catch crawfish shall not remain set overnight. The harvest of all fish, shrimp, crabs and crawfish are for recreational purposes only and any commercial use is prohibited. Boats powered by internal combustion engines having horsepower ratings above 25 hp are allowed only in oil company access canals, Louisiana Cypress Canal, the Netherlands Pond including the West Canal, Lakes - "Baie Des Chactas" and Baie du Cabanage" and the Rathborne Access ditch. Operation of the above described internal combustion engines in interior ditches is prohibited except by experimental permit to be obtained from the New Orleans Office, Fur and Refuge Division, Room 217. Pulling boats over levees, dams or water control structures or any other activities which cause detriment to the integrity of levees, dams and water control structures is prohibited. Special Use Permits may be issued for persons interested in clearing existing ditches (trenasses). Permits will be considered on a case-by-case basis. Contact New Orleans Region Office-Fur and Refuge Division. ATVs, ATCs and motorcycles prohibited on this area.

al. Sandy Hollow. Bird Dog Training: Consult regulation pamphlet. Wild birds only (use of pen-raised birds prohibited). Bird Dog Field Trials: Permit required from Baton Rouge Region Office. Horseback Riding: Organized trail rides prohibited. Horses and mules are specifically prohibited during turkey and gun season for deer except as allowed for bird dog field trials. No horses and mules on green planted areas. No motorized vehicles allowed off designated roads. Free-ranging livestock prohibited.

am. Sherburne. Crawfishing: Recreational crawfishing only on the North and South Farm Complexes. Crawfish harvest limited to 100 pounds per vehicle or boat per day. No traps or nets left overnight. No motorized watercraft allowed on farm complex. Commercial crawfishing allowed on the remainder of the area. Permit is required. Free-ranging livestock prohibited. Retriever training allowed on selected portions of the WMA. Contact the Region office for specific details. Vehicular traffic prohibited on east Atchafalaya River Basin levee road within Sherburne WMA boundaries. Rifle and Pistol Range open daily. Skeet ranges open by appointment only, contact

Hunter Education Office. No trespassing in restricted area behind ranges. Note: Atchafalaya National Wildlife Refuge, and U.S. Army Corps of Engineers land holdings adjacent to the Sherburne Wildlife Management Area will have the same rules and regulations as Sherburne WMA. No hunting or trapping in restricted area. No commercial activity on ANWR, except trapping.

an. Sicily Island Hills. Firearms and any game harvested cannot be transported through the area except during the corresponding open season on area. Free-ranging livestock prohibited.

ao. Soda Lake. Entire area is walk-in only - no motorized vehicles allowed. Access into the area is allowed only from south end of the area off of Hwy. 173 at Twelve Mile Bayou. All trapping and hunting prohibited except archery hunting for deer.

ap. Spring Bayou. Commercial Fishing: allowed Monday through Friday except slat traps and hoop nets allowed any day. Permits available from area supervisor or Opelousas Region Office. Closed until after 2 p.m. during waterfowl season. Sport Fishing: Same as outside except allowed only after 2 p.m. during waterfowl season. Crawfish: 100 lbs. per person per day limit. Permit required from area supervisor. No hunting allowed in headquarters area. Only overnight campers allowed in the improved Boggy Bayou Camping area. Rules and regulations posted at camp site. A fee is assessed for use of this camp site. Water skiing allowed only in Old River and Grand Lac.

aq. Thistlethwaite. No hunting or trapping in restricted area (See WMA Map). All motorized vehicles restricted to improved roads only. All users must enter and leave through main gate only. No entry into restricted areas.

ar. Three Rivers. Free-ranging livestock prohibited in area.

as. Tunica Hills. All vehicles restricted to Parish roads. ATVs restricted to designated trails. Driving on food plots prohibited. Access to restricted areas is unauthorized. Refer to WMA map. Camping prohibited on area. North of Hwy. 66 (Angola Tract) closed to the general public March 1-September 30 except spring turkey hunting access allowed for those individuals drawn for special lottery hunt.

at. Union. All nighttime activities prohibited except as otherwise provided.

au. West Bay. Road Travel and Hunting Restrictions: All motorized vehicles restricted to designated roads. Refer to WMA map for location of designated roads. Hunting prohibited on roads designated for motorized vehicular travel.

av. Wisner

AUTHORITY NOTE: Promulgated in accordance with R.S. 56:115 and R.S. 56:116.

HISTORICAL NOTE: Promulgated by the Department of Wildlife and Fisheries, Wildlife and Fisheries Commission, LR 25:1279 (July 1999), amended LR 26:1494 (July 2000), LR 27:

Family Impact Statement

In accordance with Act 1183 of 1999, the Department of Wildlife and Fisheries/Wildlife and Fisheries Commission hereby issues its Family Impact Statement in connection with the preceding Notice of Intent: This Notice of Intent will have no impact on the six criteria set out at R.S. 49:972(B).

Public hearings will be held at the following locations: Region I March 13, 6:30 p.m., Minden Center, Minden, LA; Region II March 13, 7 p.m., Ruston Civic Center, 401 North Trenton Street, Ruston, LA; Region III March 13, 7 p.m., Alexandria City Hall Convention Center, Alexandria, LA; Region IV March 19, 7 p.m., Concordia Community Center, Highway 15 South of Ferriday, Ferriday, LA; Region V March 22, 7 p.m., Burton Coliseum Chalkley Room, Lake Charles, LA; Region VI March 21, 7 p.m., Wetland Center, Coastal Fisheries Building, 646 Cajundome Boulevard, Suite 119, Lafayette, LA; Region VII March 15, 7 p.m., Bogalusa City Hall, Bogalusa, LA. Also comments will be accepted at regularly scheduled Wildlife and Fisheries Commission Meetings from April through July. Interested persons may submit written comments relative to the proposed rule until May 10, 2001 to Mr. Tommy Prickett, Wildlife Division, Department of Wildlife and Fisheries, Box 98000, Baton Rouge, LA, 70898-9000.

Dr. H. Jerry Stone
Chairman

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES

RULE TITLE: General and WMA Hunting

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)

This rule amends permanent rules and regulations for the state at large as well as Wildlife Management Areas. Establishment of hunting regulations is an annual process. The cost of implementing the proposed rules, aside from staff time, is the production of the regulation pamphlet. Cost of printing the 2000-2001 state hunting pamphlet was \$12,850 and no major increase in expenditures is anticipated. Local government units will not be impacted.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

Projected hunting license fee collections are between 4.0 and 5.0 million dollars, annually. Additionally, hunting and related activities generate approximately \$25 million in state sales tax and \$5.6 million in state income tax (Southwick and Assoc., 1997). Based upon the Southwick and Associates survey and a statewide weighted local sales tax rate of 3.6%, these activities would generate approximately \$22.5 million in local sales tax revenue. Failure to adopt rule changes would result in no hunting season being established and a potential loss of some of these revenues.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS (Summary)

Hunting in Louisiana generates in excess of \$596,000,000 annually through the sale of outdoor related equipment, associated items and other economic benefits. Figures are based on the national surveys by Southwick and Associates for the IAFWA.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

Hunting in Louisiana provides 15,271 jobs (Southwick and Assoc., 1997). Not establishing hunting seasons might have a negative and direct impact on these jobs.

James L. Patton
Undersecretary
0103#051

Robert E. Hosse
General Government Section Director
Legislative Fiscal Office

NOTICE OF INTENT

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

Resident Game Hunting Season 2001-2002
(LAC 76:XIX.101 and 103)

The Wildlife and Fisheries Commission does hereby give notice of its intent to promulgate rules and regulations governing the hunting of resident game birds and game quadrupeds.

Title 76

WILDLIFE AND FISHERIES

Part XIX. Hunting And WMA Regulations

Chapter 1. Resident Game Hunting Season

§101. General

A. The Resident Game Hunting Season, 2001-2002 regulations are hereby adopted by the Wildlife and Fisheries Commission. A complete copy of the Regulation Pamphlet may be obtained from the department.

AUTHORITY NOTE: Promulgated in accordance with R.S. 56:115.

HISTORICAL NOTE: Promulgated by the Department of Wildlife and Fisheries, Wildlife and Fisheries Commission, LR 21:707 (July 1995), amended LR 22:585 (July 1996), LR 23:871 (July 1997), LR 24:1324 (July 1998), LR 25:1290 (July 1999), LR 26:1506 (July 2000), LR 27:

§103. Resident Game Birds and Animals 2001-2002

A. Shooting hours. One-half hour before sunrise to one-half hour after sunset.

B. Consult Regulation Pamphlet for seasons or specific regulations on Wildlife Management Areas or specific localities.

Species	Season Dates	Daily Bag Limit	Possession Limit
Quail	Nov. 17-Feb. 28	10	20
Rabbit	Oct. 6-Feb. 28	8	16
Squirrel	Oct. 6-Feb. 10	8	16
Deer	See Schedule	1 antlered and 1 antlerless (when legal on private lands)	6/season

C. Deer Hunting Schedule

Area	Archery	Muzzleloader (All Either Sex)	Still Hunt (No Dogs Allowed)	With or Without Dogs
1	Oct. 1 - Jan. 31	Nov. 10-Nov. 16 Jan. 21-Jan. 27	Nov. 17- Dec. 2 Jan. 7- Jan. 20	Dec. 8- Jan. 6
2	Oct. 1 - Jan. 31	Oct. 27-Nov. 2 Jan. 12-Jan. 18	Nov. 3- Dec. 7	Dec. 8- Jan. 11
3	Sept. 15- Jan. 15	Oct. 6-Oct. 12 Dec. 10-Dec. 14	Oct. 13- Dec. 9 Dec. 15- Jan. 1	
4	Oct. 1 - Jan. 31	Nov. 10-Nov. 16 Jan. 12-Jan. 18	Nov. 17- Jan. 11	
5	Oct. 1 - Jan. 31	Nov. 10-Nov. 16 Jan. 12-Jan. 18 Bucks Only	Nov. 17- Nov. 25	
6	Oct. 1 - Jan. 31	Nov. 10-Nov. 16 Jan. 21-Jan. 27	Nov. 17- Dec. 2	Dec. 8- Jan. 20
7	Oct. 1 - Jan. 31	Oct. 13-Oct. 19 Jan. 14-Jan. 20	Oct. 20- Nov. 4 Nov. 17- Dec. 2	Dec. 8- Jan. 13

D. Modern Firearm Schedule (Either Sex Seasons)

Parish	Modern Firearm Either-Sex Days
Acadia	Oct. 13-14, 20-21, 27-28, Nov. 3-4, 10-11, 17-18, 19-25
Allen	Area 2: Nov. 3-4, 10-11, 17-18, 19-25, Dec. 1-2, 8-9
	Area 3: Oct. 13-14, 20-21, 27-28, Nov. 3-4, 10-11, 17-18, 19-25
Ascension	Nov. 17-28, 23-25, Dec. 1-2, 8-9, 15-16
Assumption	Nov. 17-18, 23-25, Dec. 1-2, 8-9, 15-16
Avoyelles	Area 1: Nov. 17-18, 23-25, Dec. 8-9
	Area 2: Nov. 3-4, 23-25, Dec. 8-9
	Area 6: Nov. 17-18, 23-25, Dec. 8-9
Beauregard	Area 2: Nov. 3-4, 10-11, 17-18, 19-25, Dec. 1-2, 8-9
	Area 3: Oct. 13-14, 20-21, 27-28, Nov. 3-4, 10-11, 17-18, 19-25
Bienville	Nov. 3-4, 10-11, 17-18, 19-25, Dec. 1-2, 8-9
Bossier	Nov. 3-4, 10-11, 17-18, 19-25, Dec. 1-2, 8-9
Caddo	Nov. 3-4, 10-11, 17-18, 19-25, Dec. 1-2, 8-9
Calcasieu	Area 2: Nov. 3-4, 10-11, 17-18, 19-25, Dec. 1-2, 8-9
	Area 3: Oct. 13-14, 20-21, 27-28, Nov. 3-4, 10-11, 17-18, 19-25
Caldwell	Nov. 3-4, 23-25, Dec. 1-2
Cameron	Oct. 13-14, 20-21, 27-28, Nov. 3-4, 10-11, 17-18, 19-25
Catahoula	Area 1: Nov. 17-18, 23-25, Dec. 1-2
	Area 2: Nov. 3-4, 23-25, Dec. 1-2, 8-9
Claiborne	Nov. 3-4, 10-11, 17-18, 19-25, Dec. 1-2, 8-9
Concordia	Nov. 17-18, 23-25, Dec. 1-2, 8-9, 15-16, 22-23
DeSoto	Nov. 3-4, 10-11, 17-18, 19-25, Dec. 1-2, 8-9
East Baton Rouge	Nov. 17-18, 23-25, Dec. 1-2, 8-9, 15-16, 22-23
East Carroll	Nov. 17-18, 23-25, Dec. 1-2, 8-9, 15-16 East of mainline Mississippi River Levee and south and east of La. 877 from West Carroll Parish line to La. 580, south of La. 580 to U.S. 65, west of U.S. 65 to Madison parish line.
	Nov. 17-18, 23-25, the remainder of the parish.
East Feliciana	Nov. 17-18, 23-25, Dec. 1-2, 8-9, 15-16, 22-23
Evangeline	Area 2: Nov. 3-4, 10-11, 17-18, 19-25, Dec. 1-2, 8-9
	Area 6: Nov. 17-18, 23-25, Dec. 1-2, 8-9, 15-16
Franklin	Nov. 17-18, 23-25, Dec. 1-2
Grant	Area 1: Nov. 17-18, 23-25, Dec. 1-2, 8-9
	Area 2: Nov. 3-4, 10-11, 17-18, 23-25, Dec. 1-2, 8-9
Iberia	Area 3: Nov. 3-4, 10-11, 17-18, 19-25, Dec. 1-2, 8-9
	Area 6: Nov. 17-18, 23-25, Dec. 1-2, 8-9, 15-16
	Area 7: Oct. 20-21, Nov. 17-18, 23-25, Dec. 8-9
Iberville	Nov. 17-18, 23-25, Dec. 1-2, 8-9, 15-16
Jackson	Nov. 3-4, 10-11, 17-18, 19-25, Dec. 1-2, 8-9
Jefferson	Nov. 17-18, 23-25, Dec. 1-2, 8-9, 15-16, 22-23
Jefferson Davis	Area 2: Nov. 3-4, 10-11, 17-18, 19-25, Dec. 1-2, 8-9
	Area 3: Oct. 13-14, 20-21, 27-28, Nov. 3-4, 10-11, 17-18, 19-25
Lafayette	Area 3: Oct. 13-14, 20-21, 27-28, Nov. 3-4, 10-11, 17-18, 19-25
	Area 6: Nov. 17-18, 23-25, Dec. 1-2, 8-9, 15-16
Lafourche	Nov. 17-18, 23-25, Dec. 1-2, 8-9, 15-16, 22-23
LaSalle	Area 1: Nov. 17-18, 23-25, Dec. 8-9
	Area 2: Nov. 3-4, 23-25, Dec. 8-9
Lincoln	Nov. 3-4, 10-11, 17-18, 19-25, Dec. 1-2, 8-9
Livingston	Nov. 17-18, 23-25, Dec. 1-2, 8-9, 15-16, 22-23
Madison	Nov. 17-18, 23-25, Dec. 1-2, 8-9, 15-16, 22-23
Morehouse	Area 2: Nov. 3-4, 10-11, 17-18, 19-25, Dec. 1-2, 8-9
	Area 4: Nov. 17-18, 23-25
Natchitoches	Nov. 3-4, 10-11, 17-18, 23-25, Dec. 1-2, 8-9
Orleans	Closed to all deer hunting
Ouachita	Area 2: Nov. 3-4, 10-11, 17-18, 19-25, Dec. 1-2, 8-9
	Area 4: Nov. 17-18, 23-25
Plaquemines	Nov. 17-18, 23-25, Dec. 1-2, 8-9, 15-16
Pointe Coupee	Nov. 17-18, 23-25, Dec. 1-2, 8-9, 15-16

Rapides	Area 1: Nov. 17-18, 23-25, Dec. 1-2, 8-9
	Area 2: Nov. 3-4, 10-11, 17-18, 23-25, Dec. 1-2, 8-9
	Area 3: Oct. 13-14, 20-21, 27-28, Nov. 3-4, 17-18, 23-25
	Area 6: Nov. 17-18, 23-25, Dec. 1-2, 8-9
Red River	Nov. 3-4, 10-11, 17-18, 19-25, Dec. 1-2, 8-9
Richland	Nov. 17-18, 23-25
Sabine	Nov. 3-4, 10-11, 17-18, 19-25, Dec. 1-2, 8-9
St. Bernard	Nov. 17-18, 23-25, Dec. 1-2, 8-9, 15-16, 22-23
St. Charles	Nov. 17-18, 23-25, Dec. 1-2, 8-9, 15-16, 22-23
St. Helena	Nov. 17-18, 23-25, Dec. 1-2, 8-9, 15-16, 22-23
St. James	Nov. 17-18, 23-25, Dec. 1-2, 8-9, 15-16, 22-23
St. John	Nov. 17-18, 23-25, Dec. 1-2, 8-9, 15-16, 22-23
St. Landry	Area 3: Oct. 13-14, Nov. 23-25, Dec. 8-9
	Area 6: Nov. 17-18, 23-25, Dec. 8-9
St. Martin	Nov. 17-18, 23-25, Dec. 1-2, 8-9, 15-16
St. Mary	Area 6: Nov. 17-18, 23-25, Dec. 1-2, 8-9, 15-16
	Area 7: Oct. 20-21, Nov. 17-18, 23-25, Dec. 8-9
St. Tammany	Nov. 17-18, 23-25, Dec. 1-2, 8-9, 15-16, 22-23
Tangipahoa	Nov. 17-18, 23-25, Dec. 1-2, 8-9, 15-16, 22-23
Tensas	Nov. 17-18, 23-25, Dec. 1-2, 8-9, 15-16, 22-23
Terrebonne	Oct. 20-21, Nov. 17-18, 23-25, Dec. 8-9
Union	Nov. 3-4, 10-11, 17-18, 19-25, Dec. 1-2, 8-9
Vermillion	Oct. 13-14, 20-21, 27-28, Nov. 3-4, 10-11, 17-18, 19-25
Vernon	Area 2: Nov. 3-4, 10-11, 17-18, 19-25, Dec. 1-2, 8-9
	Area 3: Oct. 13-14, 20-21, 27-28, Nov. 3-4, 10-11, 17-18, 19-25
Washington	Nov. 17-18, 23-25, Dec. 1-2, 8-9, 15-16, 22-23
Webster	Nov. 3-4, 10-11, 17-18, 19-25, Dec. 1-2, 8-9
West Baton Rouge	Nov. 17-18, 23-25, Dec. 1-2, 8-9, 15-16
West Carroll	Closed
West Feliciana	Nov. 17-18, 23-25, Dec. 1-2, 8-9, 15-16, 22-23
Winn	Nov. 3-4, 10-11, 17-18, 19-25, Dec. 1-2, 8-9

E. Farm Raised White-tailed Deer on Supplemented Shooting Preserves

Archery	Modern Firearm	Either Sex
Oct. 1-Jan. 31 (Either Sex)	Nov. 1-Jan. 31	Nov. 1-7 Dec. 1-7 Jan. 1-7

F. Exotics on Supplemented Shooting Preserves: Either Sex, no closed season.

AUTHORITY NOTE: Promulgated in accordance with R.S. 56:115.

HISTORICAL NOTE: Promulgated by the Department of Wildlife and Fisheries, Wildlife and Fisheries Commission, LR 21:707 (July 1995), amended LR 22:585 (July 1996), LR 23:871 (July 1997), LR 24:1324 (July 1998), LR 25:1290 (July 1999), repromulgated LR 25:1526 (August 1999), LR 26:1506 (July 2000), LR 27:

Family Impact Statement

In accordance with Act 1183 of 1999, the Department of Wildlife and Fisheries/Wildlife and Fisheries Commission hereby issues its Family Impact Statement in connection with the preceding Notice of Intent: This Notice of Intent will have no impact on the six criteria set out at R.S. 49:972(B).

Public hearings will be held at the following locations: Region C March 13, 6:30 p.m., Minden Center, Minden, LA; Region II March 13, 7 p.m., Ruston Civic Center, 401 North Trenton Street, Ruston, LA; Region III March 13, 7 p.m., Alexandria City Hall Convention Center, Alexandria,

LA; Region IV March 19, 7 p.m., Concordia Community Center, Highway 15 South of Ferriday, Ferriday, LA; Region V March 22, 7 p.m., Burton Coliseum Chalkley Room, Lake Charles, LA; Region VI March 21, 7 p.m., Wetland Center, Coastal Fisheries Building, 646 Cajundome Boulevard, Suite 119, Lafayette, LA; Region VII March 15, 7 p.m., Bogalusa City Hall, Bogalusa, LA. Also comments will be accepted at regularly scheduled Wildlife and Fisheries Commission Meetings from April through July. Interested persons may submit written comments relative to the proposed rule until May 10, 2001 to Mr. Tommy Prickett, Wildlife Division, Department of Wildlife and Fisheries, P.O. Box 98000, Baton Rouge, LA, 70898-9000.

Dr. H. Jerry Stone
Chairman

**FISCAL AND ECONOMIC IMPACT STATEMENT
FOR ADMINISTRATIVE RULES
RULE TITLE: Resident Game Hunting
Season C 2001-2002**

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)

Establishment of hunting regulations is an annual process. The cost of implementing the proposed rules, aside from staff time, is the production of the regulation pamphlet. Cost of printing the 2000-2001 state hunting pamphlet was \$12,850 and no major increase in expenditures is anticipated. Local government units will not be impacted.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

Projected hunting license fee collections are between \$4.0 and \$5.0 million dollars, annually. Additional hunting and related activities generate approximately \$25 million in state sales tax and \$5.6 million in state income tax (Southwick and Assoc., 1997). Based upon the Southwick and Associates survey and a statewide weighted local sales tax rate of 3.6%, these activities would generate approximately \$22.5 million in local sales tax revenue. Failure to adopt rule changes would result in no hunting season being established and a potential loss of some of these revenues.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS (Summary)

Hunting in Louisiana generates in excess of \$596,000,000 annually through the sale of outdoor related equipment, associated items and other economic benefits. Figures are based on the national surveys by Southwick and Associates for the IAFWA.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

Hunting in Louisiana provides 15,271 jobs (Southwick and Assoc., 1997). Not establishing hunting seasons might have a negative and direct impact on these jobs.

James L. Patton
Undersecretary
0103#048

Robert E. Hosse
General Government Section Director
Legislative Fiscal Office

NOTICE OF INTENT

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

Waterfowl Hunting Zones (LAC 76:V.319)

The Wildlife and Fisheries Commission does hereby give notice of its intent to establish rules and regulations governing waterfowl hunting zones.

Title 76

WILDLIFE AND FISHERIES

Part V. Wild Quadrupeds and Wild Birds

Chapter 3. Wild Birds

§319. Waterfowl Hunting Zones

A. The state shall be divided into East and West Waterfowl Hunting Zones by the following boundary: Beginning at the Arkansas-Louisiana border on La. 3; thence south along La. 3 to Bossier City; thence east along I-20 to Minden; thence south along La. 7 to Ringgold; thence east along La. 4 to Jonesboro; thence south along U.S. 167 to Lafayette; thence southeast along U.S. 90 to the Mississippi state line.

AUTHORITY NOTE: Promulgated in accordance with R.S. 56:115.

HISTORICAL NOTE: Promulgated by the Department of Wildlife and Fisheries, Wildlife and Fisheries Commission, LR 27:

The secretary of the Department of Wildlife and Fisheries is authorized to take any and all necessary steps on behalf of the commission to promulgate and effectuate this Notice of Intent and the final Rule, including but not limited to, the filing of the Fiscal and Economic Impact Statement, the filing of the Notice of Intent and final Rule and the preparation of reports and correspondence to other agencies of government.

Family Impact Statement

In accordance with Act 1183 of 1999, the Department of Wildlife and Fisheries/Wildlife and Fisheries Commission hereby issues its Family Impact Statement in connection

with the preceding Notice of Intent: This Notice of Intent will have no impact on the six criteria set out at R.S. 49:972(B).

Interested persons may comment on the proposed rule in writing to Tommy Prickett, Wildlife Division, Department of Wildlife and Fisheries, Box 98000, Baton Rouge, LA 70898-9000 prior to 4:30 p.m., May 6, 2001.

Dr. H. Jerry Stone
Chairman

**FISCAL AND ECONOMIC IMPACT STATEMENT
FOR ADMINISTRATIVE RULES**

RULE TITLE: Waterfowl Hunting Zones

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)

There will be no implementation costs or savings to state or local governmental units as a result of the proposed rule change.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

There will be no effect on revenue collections of state or local governmental units.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS (Summary)

The proposed rule will simply change the boundary line between the two waterfowl hunting zones within the state. No additional costs or economic benefits are anticipated to occur.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

There will be no effect on competition and employment.

James H. Jenkins, Jr.
Secretary
0103#050

Robert E. Hosse
General Government Section Director
Legislative Fiscal Office