

Notices of Intent

NOTICE OF INTENT

Department of Agriculture and Forestry Office of Agricultural and Environmental Sciences Seed Commission

Contaminated Seed Stock—Cheniere Rice (LAC 7:XIII.Chapter 3)

In accordance with the provisions of the Administrative Procedures Act, R.S. 49:950 et seq., and R.S. 3:1433, the Department of Agriculture and Forestry, Office of Agricultural and Environmental Sciences, Seed Commission, proposes to adopt regulations governing the sale, distribution and planting of contaminated seed stock, in particular, Cheniere rice.

In August of 2006, the United States Department of Agriculture (USDA) announced that trace amounts of a genetically modified trait, LibertyLink 601 (LL traits) had been found in the U.S. rice supply. Foundation seed of Cheniere rice produced in 2003 has been found to have LL traits. The announcement also indicated that based on the scientific data reviewed, the USDA and the U.S. Food and Drug Administration concluded that no human health, food safety, or environmental concerns were associated with this genetically modified rice. The rice industry in Louisiana contributes over \$250,000,000 to Louisiana's economy through the sale of rice.

Following that announcement, the rice market has experienced turmoil because of the uncertainty of being able to market such rice, despite the conclusions regarding human health, food safety and environmental concerns. Some rice importing countries have expressed concerns about genetically modified rice. The European Union has stated that the countries in the union will not buy rice contaminated with LL traits. It is vital that Louisiana's rice industry maintain the European Union as a market for Louisiana rice. Further it is necessary to forestall any embargo of rice that comes from Louisiana by other rice importing countries.

These rules are enabled by R.S. 3:1433.

Title 7

AGRICULTURE AND ANIMALS

Part XIII. Seeds

Chapter 3. Contaminated Seed Stock and Other Propagating Stock

§301. Planting of Cheniere Rice and Other Varieties with LL Traits

A. The following seeds may not be sold, offered for sale, or planted in Louisiana as seed for purposes of producing a new plant, except as otherwise provided by this Chapter:

1. the Cheniere variety of rice;
2. any portion of any variety of rice that tests positive, according to tolerances established by the department, for LL traits.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:1433.

HISTORICAL NOTE: Promulgated by the Department of Agriculture and Forestry, Office of Agricultural and Environmental Sciences, Seed Commission, LR 33:

§303. Planting of Breeder, Foundation or Registered Cheniere Rice Seed Stock

A. Breeder, Foundation or Registered Cheniere rice seed may be sold, offered for sale or planted in Louisiana only for the purpose of seed stock increase, subject to the sampling and testing requirements set out in this Chapter.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:1433.

HISTORICAL NOTE: Promulgated by the Department of Agriculture and Forestry, Office of Agricultural and Environmental Sciences, Seed Commission, LR 33:

§305. Planting of Breeder, Foundation or Registered Rice Seed of Other Varieties Stock

A. Breeder, Foundation or Registered seed of other varieties of rice where the variety as a whole is found to test positive, according to tolerances established by the department, for LL traits may be sold, offered for sale or planted in Louisiana only for the purpose of seed stock increase, subject to the sampling and testing requirements set out in this Chapter.

B. If a portion of a variety of rice, other than Cheniere rice, is found to test positive for LL traits according to tolerances established by the department, but there is no need to declare the variety as a whole to be contaminated with LL traits then the variety may continue to be planted in Louisiana. However, the portion found to test positive shall be placed under a "stop-sale" order.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:1433.

HISTORICAL NOTE: Promulgated by the Department of Agriculture and Forestry, Office of Agricultural and Environmental Sciences, Seed Commission, LR 33:

§307. Sampling of Rice Seed for the Detection of LL Traits

A. Samples of all Breeder, Foundation, Registered and Certified rice seed shall be taken by the Louisiana Department of Agriculture and Forestry (department) for testing. The department shall conduct the testing or cause the testing to be done in laboratories approved by the department. The department shall determine the method and manner of sampling and the number of samples that are needed.

B. Each sample must test negative for LL traits according to tolerances established by the department.

C. All costs incurred by the department in regard to sampling, including but not limited to the taking, transportation, testing, and disposal of samples, shall be paid by the person or entity requesting the sampling.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:1433.

HISTORICAL NOTE: Promulgated by the Department of Agriculture and Forestry, Office of Agricultural and Environmental Sciences, Seed Commission, LR 33:

§309. Stop-Sale

A. If any lot of Breeder, Foundation, Registered or Certified rice seed that are subject to the requirements of this Chapter tests positive for LL traits according to tolerances established by the department then such seed shall be placed under a "stop-sale" order and moved, handled or disposed of only with the express permission of the commissioner or his designate.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:1433.

HISTORICAL NOTE: Promulgated by the Department of Agriculture and Forestry, Office of Agricultural and Environmental Sciences, Seed Commission, LR 33:

Family Impact Statement

The proposed adoption of Title 7 Part XIII, Chapter 3 regarding the sale, distribution and planting of contaminated seed stock, in particular, Cheniere rice 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.

All interested persons may submit written comments on the proposed Rule through the close of business on Friday, March 23, 2007, to Eric Gates, Department of Agriculture and Forestry, 5825 Florida Blvd., Baton Rouge, LA 70806. All interested persons will be afforded an opportunity to submit data, views or arguments in writing at the address above. No preamble concerning the proposed Rule is available.

Bob Odom
Commissioner

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES

**RULE TITLE: Contaminated Seed Stock
Cheniery Rice**

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
There will be no implementation costs or savings to state or local governmental units.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
There is estimated to be 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)
The estimated cost to directly affected persons or non-governmental units is approximately \$215 per sample for sample testing. There will be approximately 150 samples taken with a one time approximate total cost to the Louisiana rice industry of \$32,250 for the 2007 crop season. The \$215 covers

all sampling and shipping costs which will be billed directly to the grower. Most sampling will be done in conjunction with normal testing procedures. The Department of Agriculture does not anticipate having many seed samples containing the LibertyLink 601 trait. Rice that is found to have the LL 601 trait will be channeled out of the seed chain. Rice growers will still be able to sell the rice to mills, possibly at a reduced rate depending on market value at the times.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

The proposed amendments are not anticipated to have an effect on competition and employment.

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NOTICE OF INTENT

Board of Elementary and Secondary Education

Bulletin 118—Statewide Assessment Standards and Practices—*Integrated* LEAP and Assessment of Special Populations (LAC 28:CXI.1709-1729, 3306, and 3307)

In accordance with R.S. 49:950 et seq., the Administrative Procedure Act, notice is hereby given that the Board of Elementary and Secondary Education approved for advertisement revisions to *Bulletin 118—Statewide Assessment Standards and Practices: Chapter 17, Integrated LEAP, and Chapter 33, Assessment of Special Populations*. Bulletin 118 contains the State Board of Elementary and Secondary Education (SBESE) and the Division of Standards, Assessments, and Accountability (DSAA) test policy rules, guidelines, and procedures for easy access during statewide test administration. The purpose of this project is to provide information regarding:

Addition of Achievement Level Descriptors for *iLEAP* in Chapter 17 which causes a reformatting of the Chapter beginning at Subchapter D, §1709 through the end of the Chapter.

Addition of language to Chapter 33, §3306.6.b and §3306.9 and §3307.C.1.d regarding *iLEAP* accommodations for Special Populations.

**Title 28
EDUCATION**

Part CXI. Bulletin 118—Statewide Assessment Standards and Practices

**Chapter 17. *Integrated* LEAP
Subchapter D. *iLEAP* Achievement Level Descriptors
§1709. Introduction**

A. Achievement level descriptors for Louisiana assessments were developed by committees composed of Louisiana educators who represented the subjects and grades assessed. They define what a student should know and be able to do at each achievement level for each subject assessed at a given grade level.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17.7 and R.S. 17:24.4(F)(2).

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 33:

§1711. Grade 3 Achievement Level Descriptors

A. Grade 3 English Language Arts Achievement Level Descriptors

Advanced
<p>Students scoring at the Advanced level in English Language Arts generally exhibit the ability to:</p> <ol style="list-style-type: none"> 1. identify word meanings using a variety of strategies; 2. demonstrate both literal and inferential understanding of what they read by making inferences, generalizations, and predictions; drawing conclusions; extending ideas; and making connections between what they read and their own experiences; 3. identify story elements, literary devices, and author's purpose; 4. research a topic by locating, selecting, and evaluating appropriate information from multiple print and electronic sources for a specified purpose; 5. identify parts of a bibliographic entry using a model; 6. use critical and/or creative thinking in response to a writing task; 7. develop a response with a central idea, logical organization, thorough elaboration, and transitional words and/or phrases; 8. demonstrate an awareness of audience through use of effective vocabulary, sentence patterns, and personal style; and 9. maintain consistent command of sentence formation, usage, mechanics, and spelling.
Mastery
<p>Students scoring at the Mastery level in English Language Arts generally exhibit the ability to:</p> <ol style="list-style-type: none"> 1. identify words with multiple meanings using various strategies; 2. demonstrate understanding of what they read by making inferences, drawing conclusions, and identifying main ideas and cause/effect relationships; 3. identify story elements, literary devices, and an author's purpose for writing; 4. make connections between different elements within the text and their own experiences; 5. research a topic by locating information from a variety of print and electronic sources for a specified purpose; 6. identify parts of a bibliographic entry using a model; 7. use critical and/or creative thinking in response to a writing task; 8. develop a response with a central idea, logical organization, elaboration with supporting details, and transitions; 9. demonstrate audience awareness through use of selected vocabulary, varied sentence patterns, and a personal style; and 10. demonstrate reasonable command of sentence formation, usage, mechanics, and spelling.
Basic
<p>Students scoring at the Basic level in English Language Arts generally exhibit the ability to:</p> <ol style="list-style-type: none"> 1. use knowledge of basic decoding skills to identify word meanings; 2. demonstrate understanding of what they read by locating specific details and information, identifying main ideas, making simple inferences, and drawing simple conclusions; 3. make obvious connections between elements within texts and their own experiences; 4. identify an author's purpose for writing, including informing; 5. research a topic by locating information from multiple commonly used print and electronic sources; 6. identify parts of bibliographic entries using a model; 7. use some critical and/or creative thinking in response to a writing task; 8. develop a response with a central idea, observable organization, supporting details, and some translations; 9. demonstrate audience awareness through use of grade-appropriate vocabulary and sentence patterns; and 10. demonstrate partial command of sentence formation, usage, mechanics, and spelling.
Approaching Basic
<p>Students scoring at the Approaching Basic level in English Language Arts generally exhibit the ability to:</p> <ol style="list-style-type: none"> 1. identify meanings of some grade-appropriate vocabulary; 2. demonstrate understanding of what they read, including identifying main events and details, making simple predictions, and sequencing events; 3. identify how elements within a text relate to each other and their personal experiences;

<ol style="list-style-type: none"> 4. research a topic by locating information in commonly used sources; 5. identify some parts of bibliographic entries using a model; 6. demonstrate a partial response to a writing task; 7. develop a response with a vague central idea, weak organization, and minimal detail; 8. demonstrate limited audience awareness through use of simple and/or inappropriate vocabulary, simple sentences, and minimal evidence of personal style; and 9. demonstrate inconsistent or little command of sentence formation, usage, mechanics, and spelling.
Unsatisfactory
<p>Students scoring at the Unsatisfactory level in English Language Arts have not demonstrated the fundamental knowledge and skills needed for the next level of schooling. Students scoring at this level need to develop the ability to:</p> <ol style="list-style-type: none"> 1. demonstrate an understanding of what they read; 2. make connections between information in texts and their own experiences; 3. locate information in commonly used sources; 4. develop an appropriate response to a writing task; 5. construct a response with a focused central idea, observable organization, and sufficient supporting details; 6. show audience awareness through use of appropriate vocabulary, varied sentence structure, and personal style, and 7. demonstrate acceptable command of sentence formation, usage, mechanics, and spelling.

B. Grade 3 Mathematics Achievement Level Descriptors

Advanced
<p>Students scoring at the Advanced level in Mathematics generally exhibit the ability to:</p> <ol style="list-style-type: none"> 1. use mathematical reasoning to connect procedures and concepts among different areas of content strands; 2. communicate thoughts, procedures, and solutions using mathematical language and symbols in complex real-world problems; 3. represent data in multiple formats; 4. use models to discuss probability; 5. apply strategies of measurement to solve real-world problems; 6. apply concepts of geometry to solve real-world problems; and 7. identify, extend, and explain complex patterns and relationships including growing patterns.
Mastery
<p>Students scoring at the Mastery level in Mathematics generally exhibit the ability to:</p> <ol style="list-style-type: none"> 1. use multiple strategies to solve real-life problems by using the four basic operations; 2. select and use mathematical operations, words, and symbols to solve real-life problems; 3. categorize and sort objects based on qualitative or quantitative characteristics; 4. draw logical conclusions and make predictions based on representation of data; 5. select and use appropriate tools and units of measure; 6. compare and group two- and three-dimensional objects according to their attributes; and 7. identify and extend patterns and relations.
Basic
<p>Students scoring at the Basic level in Mathematics generally exhibit the ability to:</p> <ol style="list-style-type: none"> 1. solve multi-step real-life problems by using the four basic operations; 2. read mathematical words and symbols and understand their meanings; 3. make basic interpretations of data represented in tables, graphs, maps, advertisements, etc.; 4. demonstrate an understanding of basic probability concepts; 5. use models to compare whole numbers, represent fractions, and conceptualize multiplication and division; 6. measure objects using specified tools and units; 7. express working knowledge and vocabulary of two- and three-dimensional geometric objects; and 8. identify and extend patterns.

Approaching Basic

Students scoring at the Approaching Basic level in Mathematics generally exhibit the ability to:

1. use basic strategies to solve single-step problems involving addition and subtraction;
2. recognize mathematical words and symbols;
3. match one-parameter data sets to representations as tables and charts;
4. identify measurement tools and units;
5. recognize basic two-dimensional shapes; and
6. identify and extend simple patterns.

Unsatisfactory

Students scoring at the Unsatisfactory level in Mathematics have not demonstrated the fundamental knowledge and skills needed for the next level of schooling. Students scoring at this level need to develop the ability to:

1. use basic strategies to solve single-step problems involving addition and subtraction;
2. recognize mathematical words and symbols;
3. match one-parameter data sets to representations as tables and charts;
4. identify measurement tools and units;
5. recognize basic two-dimensional shapes; and
6. identify and extend simple patterns.

C. Grade 3 Science Achievement Level Descriptors

Advanced

Students scoring at the Advanced level in science generally exhibit the ability to:

1. generate, conduct, and compare simple investigations based on testable questions; make accurate observations using appropriate tools and resources; draw and evaluate conclusions; and communicate ideas, procedures, and data appropriately;
2. explain what is known and what is unknown in scientific investigations and compare the effects of scientific discoveries on society;
3. compare, classify, and relate objects and substances to their appropriate uses based on their properties and physical states;
4. explain how forces are pushes or pulls and analyze the relationships between motion, forces, and the masses of objects;
5. compare common forms of energy and describe the connections between different forms of energy as they are used;
6. describe how similar structures and functions meet the needs of different organisms and classify organisms in multiple ways;
7. explain how organs of the digestive system function and describe how the components of the skeletal function;
8. explain patterns affected by the apparent movement of the Sun and Earth and differentiate the planets of the solar system;
9. describe climate patterns; explain the water cycle, erosion, and weathering, differentiate types of rocks, soil components, and fossils; explain how fossils are used to determine the age of rocks; and compare the living and nonliving components in ecosystems;
10. classify manufactured goods; identify sources of resources; and explain how resources can be replenished, depleted, and conserved.

Mastery

Students scoring at the Mastery level in science generally exhibit the ability to:

1. describe simple investigations based on questions; make observations using appropriate tools and resources; draw conclusions; and communicate ideas, procedures, and data in a variety of ways;
2. identify what is known and what is unknown in scientific investigations and explain the effects of scientific discoveries on society;
3. compare, classify, and relate objects and substances to their properties and explain how matter changes physical states; describe how forces are pushes or pulls and explain the relationships between the motion of objects and forces;
5. describe the characteristics of sound, light, and electricity and compare common forms of energy and their uses;
6. compare plant and animal structures and functions and classify organisms based on common characteristics;
7. describe the function of an organ in the digestive system and describe how the components of the skeletal system function;
8. describe patterns affected by the apparent movement of the Sun and Earth and identify, in order, the planets of the solar system;
9. describe climate patterns from recorded weather conditions, the water cycle, erosion, and weathering;
10. organize rocks by major types; compare soil components; identify fossil characteristics; and explain how fossils illustrate the past;
11. describe interrelationships of components of ecosystems and describe the effects of humans on organisms and the environment; and
12. classify manufactured goods by resource type and explain how resources can be replenished or depleted.

Basic

Students scoring at the Basic level in science generally exhibit the ability to:

1. identify testable questions and conduct simple investigations using directions;
2. use simple tools and resources to make and describe observations; draw conclusions based on data; and communicate results;
3. identify testable questions and recognize what is known and what is unknown in scientific investigations;
4. measure and describe properties of objects and substances and identify changes between the physical states of matter;
5. identify forces as pushes or pulls and describe motion;
6. identify the characteristics of sound, light, and electricity and common forms of energy and their uses;
7. identify plant and animal structures and functions and compare organisms based on common characteristics;
8. describe the roles of the digestive and skeletal systems;
9. describe patterns of change in position of the Sun and identify planets of the solar system;
10. describe precipitation, runoff, erosion, weathering, climate, and weather and give examples of each;
11. describe characteristics of rocks, identify major soil components; identify fossils; and give examples of how fossils illustrate the past;
12. identify living and nonliving components of an ecosystem and give examples of how humans affect the environment; and
13. identify examples of manufactured products and explain the differences between renewable and nonrenewable resources.

D. Grade 3 Social Studies Achievement Level Descriptors

Approaching Basic

Students scoring at the Approaching Basic level in science generally exhibit the ability to:

1. recognize some testable questions and conduct steps of an investigation, given explicit directions;
2. identify tools or resources needed to make and describe observations and describe the results of an experiment;
3. recognize that some questions are testable and some are not;
4. describe properties of objects and substances and identify freezing, melting, and boiling;
5. identify forces as pushes or pulls;
6. identify characteristics of sound, light, or electricity and common forms of energy or their uses;
7. identify plant and animal structures and describe common characteristics of organisms;
8. identify organs in the digestive system and/or components of the skeletal system;
9. identify simple patterns of change in day and night and shadows and identify examples of planets of the solar system;
10. recognize and identify examples of precipitation, runoff, and erosion and describe climate and weather or give examples of each;
11. identify differences in some rocks, recognize and describe soil; and define fossil and recognize one when it is presented;
12. identify basic components of an ecosystem and recognize how human activities affect the environment; and
13. identify examples of manufactured products and renewable and nonrenewable resources.

Unsatisfactory

Students scoring at the Unsatisfactory level in science have not demonstrated the fundamental knowledge and skills needed for the next level of schooling. Students scoring at this level need to develop the ability to:

1. recognize some testable questions and conduct steps of an investigation, given explicit directions;
2. identify tools or resources needed to make and describe observations and describe the results of an experiment;
3. recognize that some questions are testable and some are not;
4. describe properties of objects and substances and identify freezing, melting, and boiling;
5. identify forces as pushes and pulls;
6. identify characteristics of sound, light, or electricity and common forms of energy or their uses;
7. identify plant and animal structures and describe common characteristics of organisms;
8. identify organs in the digestive system and/or components of the skeletal system;
9. identify simple patterns of change in day and night and shadows and identify examples of planets of the solar system;
10. recognize and identify examples of precipitation, runoff, and erosion and describe climate and weather or give examples of each;
11. identify differences in some rocks; recognize and describe soil; and define fossil and recognize one when it is presented;
12. identify basic components of an ecosystem and recognize how human activities affect the environment; and
13. identify examples of manufactured products and renewable and nonrenewable resources.

Advanced

Students scoring at the Advanced level in social studies generally exhibit the ability to:

1. analyze geographical data, physical characteristics, patterns of settlement, and the changing environment of Louisiana;
2. analyze spatial and cultural relationships between humans and the environment;
3. analyze charts, graphs, diagrams, and maps;
4. analyze governmental responsibilities at various levels, including state government;
5. analyze the differences between rules and laws, citizen involvement in government, and the qualities of a good citizen;
6. analyze fundamental economic concepts;
7. compare various components of the economy, including the local and regional trade of goods and services produced in Louisiana;
8. differentiate among types of historical sources;
9. describe and analyze information presented in various graphic forms;
10. describe family life and analyze changes within society; and
11. describe and analyze historical figures, symbols, and events in Louisiana history.

Mastery

Students scoring at the Mastery level in social studies generally exhibit the ability to:

1. organize and interpret geographical data about Louisiana;
2. explain the physical characteristics, patterns of settlement, and changing environment of Louisiana;
3. compare spatial and cultural relationships between humans and the environment;
4. evaluate charts, graphs, diagrams, and maps;
5. describe governmental responsibilities at various levels, including state government;
6. describe the differences between rules and laws, citizen involvement in government, and the qualities of a good citizen;
7. describe fundamental economic concepts;
8. explain various components of the economy, including the local and regional trade of goods and services produced in Louisiana;
9. categorize various types of historical sources and interpret information presented in various graphic forms;
10. explain family life and how it changes; and
11. describe historical figures, symbols, and events in Louisiana history.

Basic

Students scoring at the Basic level in social studies generally exhibit the ability to:

1. use geographical data to explain events related to Louisiana;
2. describe the physical characteristics, patterns of settlement, and changing environment of Louisiana;
3. describe spatial and cultural relationships between humans and the environment;
4. describe how charts, graphs, diagrams, and maps are used;
5. identify governmental responsibilities at various levels, including state government;
6. identify differences between rules and laws, citizen involvement in government, and the qualities of a good citizen;
7. identify some fundamental economic concepts and terms and recognize and describe various components of the economy, including the local and regional trade of goods and services produced in Louisiana;
8. identify types of historical sources and recognize information presented in various graphic forms;
9. describe family life and how it changes; and
10. identify the importance of historical figures, symbols, and events in Louisiana history.

Approaching Basic
<p>Students scoring at the Approaching Basic level in social studies generally exhibit the ability to:</p> <ol style="list-style-type: none"> 1. identify geographical data related to events in Louisiana; 2. recognize the physical characteristics, patterns of settlement, and changing environment of Louisiana; 3. recognize spatial relationships between humans and the environment; 4. identify features of charts, graphs, diagrams, and maps; 5. recognize governmental responsibilities at various levels, including state government; 6. identify differences between rules and laws, citizen involvement in government, and the qualities of a good citizen; 7. identify some fundamental economic concepts and terms and recognize components of the economy, including the local and regional trade of goods and services produced in Louisiana; 8. recognize that there are several types of historical sources and that historical information may be presented in various graphic forms; 9. recognize family life and how it changes; and 10. identify historical figures, symbols, and events in Louisiana history.
Unsatisfactory
<p>Students scoring at the Unsatisfactory level in social studies have not demonstrated the fundamental knowledge and skills needed for the next level of schooling. Students scoring at this level need to develop the ability to:</p> <ol style="list-style-type: none"> 1. identify geographical data related to events in Louisiana; 2. identify features of charts, graphs, diagrams, and maps; 3. recognize the physical characteristics, patterns of settlement, and changing environment of Louisiana; 4. recognize spatial relationships between humans and the environment; 5. recognize governmental responsibilities at various levels, including state government; 6. identify differences between rules and laws, citizen involvement in government, and the qualities of a good citizen; 7. identify some fundamental economic concepts and terms and recognize various components of the economy, including the local and regional trade of goods and services produced in Louisiana; 8. recognize that there are several types of historical sources and that historical information may be presented in various graphic forms; 9. recognize family life and how it changes; and 10. identify historical figures, symbols, and events in Louisiana history.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17.7 and R.S. 17:24.4(F)(2).

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, Office of Student and School Performance, LR 33:

§1713. Grade 5 Achievement Level Descriptors

A. Grade 5 English Language Arts Achievement Level Descriptors

Advanced
<p>Students scoring at the Advanced level in English Language Arts generally exhibit the ability to:</p> <ol style="list-style-type: none"> 1. identify meanings of a wide variety of words using a range of strategies; 2. interpret meanings of various story elements and literary devices and analyze an author's purpose and viewpoint; 3. extend ideas in what they read by making inferences, drawing conclusions, determining cause and effect, and making connections to their own life experiences; 4. research a topic by selecting and integrating information from multiple print and electronic sources; 5. identify accurate documentation of sources following a model; 6. use analytical, critical, and/or creative thinking in response to a writing task; 7. construct a response with a focused central idea, logical organization, and effective transitional words and phrases;

<ol style="list-style-type: none"> 8. use vocabulary, language, and complex sentence structure designed to manipulate the intended audience, enhance meaning, and reflect personality; and 9. maintain consistent command of sentence formation, usage, mechanics, and spelling.
Mastery
<p>Students scoring at the Mastery level in English Language Arts generally exhibit the ability to:</p> <ol style="list-style-type: none"> 1. identify word meanings using a variety of strategies; 2. interpret the meaning of various story elements and literary devices; 3. identify an author's purpose and viewpoint; 4. make connections between information in texts and their personal experiences; 5. use a variety of reasoning skills including identifying stated and implied main ideas, making inferences, and drawing conclusions; 6. research a topic by locating and selecting information from multiple print and electronic sources; 7. identify all parts of bibliographic entries following a model; 8. use analytical, critical, and/or creative thinking in response to a writing task; 9. construct a response with a clear central idea, a logical organizational pattern, a variety of supporting details, and transitions that unify; 10. demonstrate an awareness of audience through the use of vocabulary, language, and a variety of sentence types that clarify meaning; and 11. demonstrate reasonable command of sentence formation, usage, mechanics, and spelling.
Basic
<p>Students scoring at the Basic level in English Language Arts generally exhibit the ability to:</p> <ol style="list-style-type: none"> 1. identify meanings of grade-level words using various strategies; 2. demonstrate an overall understanding of what they read by identifying literal and inferential information and by making connections to their own experiences; 3. identify story elements, literary devices, and author's intent or purpose; 4. extend ideas in the text by making inferences and drawing conclusions; 5. use reasoning skills, including identifying stated and implied main ideas of a selection; 6. research a topic by locating information in commonly used print and electronic sources; 7. give credit for borrowed information following a model; 8. use critical and/or creative thinking in response to a writing task; 9. construct a response with a central idea, an observable organizational pattern, some supporting details, and simple transitions; 10. demonstrate audience awareness by using language and some sentence variety appropriate to the task and intended audience; and 11. demonstrate partial command of sentence formation, usage, mechanics, and spelling.
Approaching Basic
<p>Students scoring at the Approaching Basic level in English Language Arts generally exhibit the ability to:</p> <ol style="list-style-type: none"> 1. identify meanings of commonly used words; 2. identify literary elements such as characters and themes, some literary devices, and the author's purpose; 3. demonstrate partial understanding of what they read by identifying stated main ideas and simple cause/effect relationships, making simple inferences, drawing simple conclusions, and making limited connections to their own experiences; 4. research a topic by locating some information in commonly used print and electronic sources; 5. identify some parts of a bibliographic entry following a model; 6. demonstrate a partial response to a writing task; 7. construct a response with a weak central idea, weak organization, and few supporting details; 8. demonstrate limited audience awareness through use of simple and/or inappropriate vocabulary and sentence structure; and 9. demonstrate inconsistent or little command of sentence formation, usage, mechanics, and spelling.

Unsatisfactory
<p>Students scoring at the Unsatisfactory level in English Language Arts have not demonstrated the fundamental knowledge and skills needed for the next level of schooling. Students scoring at this level need to develop the ability to:</p> <ol style="list-style-type: none"> 1. demonstrate an understanding of what they read; 2. make interpretations and connections between information in texts and their own experiences; 3. locate information in commonly used sources; 4. develop an appropriate response to a writing task; 5. construct a response with a focused central idea, observable organization, and sufficient supporting details; 6. show audience awareness through use of appropriate vocabulary, varied sentence structure, and personal style; and 7. demonstrate acceptable command of sentence formation, usage, mechanics, and spelling.

B. Grade 5 Mathematics Achievement Level Descriptors

Advanced
<p>Students scoring at the Advanced level in Mathematics generally exhibit the ability to:</p> <ol style="list-style-type: none"> 1. analyze and evaluate the most efficient strategies and appropriate procedures to solve complex multi-step problems; 2. translate between real-world problem settings and mathematical expressions and sentences; 3. draw conclusions from data represented in various forms; 4. compare and contrast concrete models and numerical values for probabilities; 5. use a coordinate grid to illustrate transformations and symmetries; 6. model and solve real-life problems involving connections among the concepts and skills in the six content strands; 7. communicate mathematical thinking using appropriate terminology and notation; and 8. create, extend, and describe a variety of patterns.
Mastery
<p>Students scoring at the Mastery level in Mathematics generally exhibit the ability to:</p> <ol style="list-style-type: none"> 1. use multiple strategies to solve real-life problems using whole numbers; 2. connect conceptual models and pictures with mathematical language and operations; 3. use appropriate strategies for calculating, comparing, and estimating measurements; 4. use models and drawings to describe and interpret basic geometric transformations and symmetries; 5. identify and plot points on a coordinate grid; 6. organize and display data using a variety of tables and graphs; 7. represent probabilities as common fractions and recognize that probabilities fall between 0 and 1; 8. solve multi-step problems and determine the reasonableness of answers; and 9. extend and describe a variety of patterns.
Basic
<p>Students scoring at the Basic level in Mathematics generally exhibit the ability to:</p> <ol style="list-style-type: none"> 1. solve real-life problems using whole numbers; 2. use estimation strategies and mental math to determine reasonable values and solutions; 3. identify positive solutions to inequalities on a number line; 4. choose tools necessary to measure accurately and estimate measurements; 5. identify basic geometric transformations and symmetries; 6. identify points on a coordinate grid; 7. organize and display data using tables and graphs and represent probabilities as common fractions; 8. determine operations necessary to solve multi-step problems; and 9. complete missing elements in a variety of patterns.

Approaching Basic
<p>Students scoring at the Approaching Basic level in Mathematics generally exhibit the ability to:</p> <ol style="list-style-type: none"> 1. solve whole number problems; 2. demonstrate an understanding of fractions and positive numbers on a number line; 3. choose tools necessary to measure accurately; 4. demonstrate an understanding that a connection between models and mathematical language exists; 5. read tables and graphs; 6. discuss the likelihood of an event occurring in a real-life situation; 7. recognize and classify common two-dimensional figures by attributes; and 8. identify missing elements in a variety of patterns.
Unsatisfactory
<p>Students scoring at the Unsatisfactory level in Mathematics have not demonstrated the fundamental knowledge and skills needed for the next level of schooling. Students scoring at this level need to develop the ability to:</p> <ol style="list-style-type: none"> 1. solve whole number problems; 2. demonstrate an understanding of fractions and positive numbers on a number line; 3. choose tools necessary to measure accurately; 4. demonstrate an understanding that a connection between models and mathematical language exists; 5. read tables and graphs; 6. discuss the likelihood of an event occurring in a real-life situation; 7. recognize and classify common two-dimensional figures by attributes; and 8. identify missing elements in a variety of patterns.

C. Grade 5 Science Achievement Level Descriptors

Advanced
<p>Students scoring at the Advanced level in science generally exhibit the ability to:</p> <ol style="list-style-type: none"> 1. compare and contrast investigations by generating testable questions, identifying variables, and describing experimental designs; 2. select appropriate tools and resources for data collection; analyze data; identify patterns; make inferences; and predict trends; 3. communicate experimental procedures, data, and analyses in a variety of appropriate methods; 4. explain how science is advanced through mathematics, technology, communication, and the work of others; 5. compare/describe properties and phases of matter, the formation of substances, the structure of atoms, and types and sources of energy; 6. compare motion and predict future positions of objects and explain how changes in a light source and an object alter shadows; 7. describe the structural organization of organisms; classify common organisms; and relate cell components to their functions; 8. compare adaptations, metamorphosis, photosynthesis, and respiration in organisms and describe different types of disease transmission; 9. explain why it takes different amounts of time for natural events to occur and compare objects in the solar system; 10. compare the atmosphere, hydrosphere, climate, and weather and explain the water cycle; 11. distinguish between common soils, rocks, and minerals and the processes that prevent or cause erosion; 12. describe different naturally occurring cycles and how changes affect organisms and compare communities within ecosystems; and 13. identify and describe the impact of human activities and common pollutants on local and global ecosystems.

Mastery
<p>Students scoring at the Mastery level in science generally exhibit the ability to:</p> <ol style="list-style-type: none"> 1. explain investigations by generating testable questions and identifying variables; 2. select tools and resources for data collection; analyze data; identify patterns; and make inferences; 3. communicate experimental procedures, data, and analyses; 4. describe how science is advanced through mathematics, technology, communication, and the work of others; 5. identify/describe properties and phases of matter, the formation of substances, the structure of atoms, and types and sources of energy; 6. compare, calculate, and graph motion and describe how changes in a light source and an object alter shadows; 7. describe the structural organization of organisms, classify common organisms, and describe cell components and their functions; 8. describe adaptations, metamorphosis, photosynthesis, and respiration in organisms and identify different types of disease transmission; 9. estimate the range of time in which natural events occur and describe the characteristics and movements of objects in the solar system; 10. describe the atmosphere, hydrosphere, climate, weather, and the water cycle; 11. identify rocks, minerals, and components of common soils and the processes that affect erosion; 12. describe different naturally occurring cycles and where they are found in ecosystems and compare communities within ecosystems; and 13. identify and describe the impact of human activities on local ecosystems and identify common pollutants found in water, air, and soil.
Basic
<p>Students scoring at the Basic level in science generally exhibit the ability to:</p> <ol style="list-style-type: none"> 1. describe an investigation and identify its variables; 2. select tools and resources correctly to collect data; analyze data; and recognize patterns; 3. communicate experimental data and analyses; 4. know and describe how science is continually tested and advanced and that it begins with a review of the work of others; 5. identify/describe properties and phases of matter, the formation of substances, the parts of atoms, and types and sources of energy; 6. calculate and graph motion and identify how changes in a light source and an object alter shadows; 7. identify organizational levels of living things, classify common organisms, and describe cell components and their functions; 8. identify stages of metamorphosis of amphibians, photosynthesis, respiration in plants, and that diseases are transmitted in different ways; 9. identify short- and long-term natural events and identify objects in the solar systems based on their characteristics and movements; 10. identify components of the atmosphere and hydrosphere, examples of climate and weather patterns, and processes of the water cycle; 11. identify common rocks and minerals and components of various soils and recognize processes that affect erosion; 12. identify or describe different naturally occurring cycles, the needs of an organism, and organisms in different ecosystems; and 13. identify and describe the impact of human activities on parts of an ecosystem and identify examples of water and air pollution.

Approaching Basic
<p>Students scoring at the Approaching Basic level in science generally exhibit the ability to:</p> <ol style="list-style-type: none"> 1. describe an investigation; 2. recognize tools and resources to collect data and know that patterns in data are affected by natural events; 3. communicate experimental data and recognize statements that are not supported by evidence; 4. describe that science is continually advancing and know that investigations generally include the work of others; 5. identify properties and phases of matter, the formation of new substances, protons and electrons, and types of energy; 6. calculate or graph motion and know that changes in a light source and an object alter the size and shape of shadows; 7. recognize the structural organization of living things; use a simple dichotomous key; and describe cell components; 8. recognize that metamorphosis occurs in amphibians; identify photosynthesis or respiration; and recognize that diseases are transmitted; 9. identify objects in the solar system based on their characteristics and movements; 10. identify the atmosphere and hydrosphere, examples of climate and weather patterns, and processes of the water cycle; 11. identify common rocks and minerals; recognize that soil is comprised of different things; and 12. recognize a process that affects erosion; 13. identify different naturally occurring cycles; recognize the characteristics of an organism; and compare organisms in ecosystems; and 14. identify human activities that impact the environment and list examples of various kinds of water and pollution.
Unsatisfactory
<p>Students scoring at the Unsatisfactory level in science have not demonstrated the fundamental knowledge and skills needed for the next level of schooling. Students scoring at this level need to develop the ability to:</p> <ol style="list-style-type: none"> 1. describe an investigation; 2. recognize tools and resources to collect data and know that patterns in data are affected by natural events; 3. communicate experimental data and recognize statements that are not supported by evidence; 4. describe that science is continually advancing and know that investigations generally include the work of others; 5. identify properties and phases of matter, the formation of new substances, protons and electrons, and types of energy; 6. calculate or graph motion and know that changes in a light source and an object alter the size and shape of shadows; 7. recognize the structural organization of living things; use a simple dichotomous key; and describe cell components; 8. recognize that metamorphosis occurs in amphibians; identify photosynthesis or respiration; and recognize that diseases are transmitted; 9. identify objects in the solar system based on their characteristics and movements; 10. identify the atmosphere and hydrosphere, examples of climate and weather patterns, and processes of the water cycle; 11. identify common rocks and minerals; recognize that soil is comprised of different things; and recognize a process that affects erosion; 12. identify different naturally occurring cycles; recognize the characteristics of an organism; and compare organisms in ecosystems; and 13. identify human activities that impact the environment and list examples of various kinds of water and pollution.

D. Grade 5 Social Studies Achievement Level Descriptors

Advanced
<p>Students scoring at the Advanced level in social studies generally exhibit the ability to:</p> <ol style="list-style-type: none"> analyze, describe, interpret, and use geographical data and tools to explain early American history; analyze the physical structure and natural resources of the United States in terms of regions; locate major landforms and geographic features on a map of the United States; describe and analyze the governmental, economic, and social forces that contribute to migration; describe and compare the impact of the natural environment on human activity; analyze economic activities of American Indian cultures; analyze the economic interdependence of the thirteen original colonies and how economic concepts motivated early explorations; interpret information from varied historical sources and analyze issues and viewpoints presented in graphic or narrative form; analyze the impact of European and African settlements in the Americas through the colonial era and explain how cultures change; analyze the political, social, and economic organization and structure of the thirteen original colonies that became the United States; and describe and differentiate among ancient American empires.
Mastery
<p>Students scoring at the Mastery level in social studies generally exhibit the ability to:</p> <ol style="list-style-type: none"> interpret and use information from geographical data and tools to explain early American history; explain the impact of the physical structure and natural resources of the United States in terms of regions; locate major landforms and geographic features on a map of the United States; explain the governmental, economic, and social forces that contribute to migration; explain the impact of the natural environment on human activity; describe economic activities of American Indian cultures; describe the economic interdependence of the thirteen original colonies and how economic concepts motivated early explorations; describe varied historical sources and issues and viewpoints presented in graphic or narrative form; describe the impact of Europeans and African settlements in the Americas through the colonial era and explain how cultures change; describe the political, social, and economic organization and structure of the thirteen original colonies that became the United States; and describe ancient American empires.
Basic
<p>Students scoring at the Basic level in social studies generally exhibit the ability to:</p> <ol style="list-style-type: none"> use geographical data and tools to explain early American history; describe the physical structure and natural resources of the United States in terms of regions; locate major landforms and geographic features on a map of the United States; describe the governmental, economic, and social forces that contribute to migration; describe the impact of the natural environment on human activity; identify examples of economic activities of American Indian cultures; identify the economic interdependence of the thirteen original colonies and how economic concepts motivated early explorations; identify varied historical sources and issues and viewpoints presented in graphic or narrative form; identify European and African settlements in the Americas through the colonial era and explain how cultures change;

<ol style="list-style-type: none"> identify the political, social, and economic organization and structure of the thirteen original colonies that became the United States; and identify various aspects of ancient American empires.
Approaching Basic
<p>Students scoring at the Approaching Basic level in social studies generally exhibit the ability to:</p> <ol style="list-style-type: none"> identify geographical data and tools relating to early American history; recognize the physical structure and natural resources of the United States in terms of regions; locate major landforms and geographic features on a map of the United States; identify governmental economic and social forces that contribute to migration; recognize the impact of the natural environment on human activity; recognize the economic activities of American Indian cultures; recognize the economic interdependence of the thirteen original colonies and the economic motivations for early explorations; recognize types of historical sources and issues and viewpoints presented in graphic or narrative form; recognize some European and African settlements in the Americas through the colonial era and explain how cultures change; recognize examples of the political, social, and economic organization and structure of the thirteen original colonies; and recognize ancient American empires.
unsatisfactory
<p>Students scoring at the Unsatisfactory level in social studies have not demonstrated the fundamental knowledge and skills needed for the next level of schooling. Students scoring at this level need to develop the ability to:</p> <ol style="list-style-type: none"> identify geographical data and tools relating to early American history; recognize the physical structure and natural resources of the United States in terms of regions; locate major landforms and geographic features on a map of the United States; identify governmental, economic, and social forces that contribute to migration; recognize the impact of the natural environment on human activity; recognize the economic activities of American Indian cultures; recognize the economic interdependence of the thirteen original colonies and the economic motivations for the early explorations; recognize types of historical sources and issues and viewpoints presented in graphic or narrative form; recognize some European and African settlements in the Americas through the colonial era and explain how cultures change; recognize examples of the political, social, and economic organization and structure of the thirteen original colonies; and recognize ancient American empires.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17.7 and R.S. 17:24.4(F)(2).

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§1715. Grade 6 Achievement Level Descriptors

A. Grade 6 English Language Arts Achievement Level Descriptors

Advanced
<p>Students scoring at the Advanced level in English Language Arts generally exhibit the ability to:</p> <ol style="list-style-type: none"> identify meanings of a wide variety of words using a range of strategies; demonstrate understanding of what they read using a variety of complex strategies, including inductive reasoning and identifying implied main ideas and supporting details; analyze complex story elements and literary devices and interpret an author's purpose for writing; research a topic by locating and integrating appropriate information from print and electronic sources;

<ol style="list-style-type: none"> 5. identify all parts of a bibliographic entry following a model; 6. use analytical, critical, and/or creative thinking in response to a writing task; 7. construct a response with a sharply focused central idea, effective and logical organization relevant details and information, and a variety of transitions; 8. use vivid words, language, and complex sentence structure to influence the intended audience, enhance meaning, and reflect individual personality; and 9. maintain consistent command of sentence formation, usage, mechanics, and spelling.
Mastery
<p>Students scoring at the Mastery level in English Language Arts generally exhibit the ability to:</p> <ol style="list-style-type: none"> 1. identify word meanings using a variety of strategies; 2. demonstrate understanding of what they read using a variety of strategies, including making inferences, drawing conclusions, determining main ideas, comparing and contrasting, and predicting; 3. interpret story elements and literary devices; 4. identify an author's implied purpose for writing; 5. research a topic by locating and selecting appropriate information from print and electronic sources; 6. identify all parts of a bibliographic entry following a model; 7. use analytical, critical, and/or creative thinking in response to a writing task; 8. construct a response with a clearly stated central idea, logical organization, and a variety of details and transition; 9. select vocabulary, language, and sentence variety to engage the intended audience and reflect individual personality; and 10. demonstrate reasonable command of sentence formation, usage, mechanics, and spelling.
Basic
<p>Students scoring at the Basic level in English Language Arts generally exhibit the ability to:</p> <ol style="list-style-type: none"> 1. identify meanings of grade-level words using a variety of strategies, including context clues; 2. identify story elements, literary devices, including imagery, and an author's stated purpose for writing; 3. use knowledge of their distinctive characteristics to identify elements of various genres, including fiction, nonfiction, or poetry; 4. demonstrate understanding of information in what they read using basic strategies and simple reasoning skills to analyze grade-appropriate texts, identify stated main ideas and supporting details, and predict the outcome of a story or situation; 5. research a topic by locating information in a variety of commonly used electronic and print reference sources such as newspapers, magazines, brochures, maps, and legends; 6. identify parts of a bibliographic entry for commonly used sources following a model; 7. use some critical and/or creative thinking in response to a writing task; 8. construct a response with a central idea, observable organization, some supporting details, and some transitions appropriate to the task; 9. demonstrate some audience awareness by using simple sentences and appropriate wording; and 10. demonstrate partial command of sentence formation, usage, mechanics, and spelling.

Approaching Basic
<p>Students scoring at the Approaching Basic level in English Language Arts generally exhibit the ability to:</p> <ol style="list-style-type: none"> 1. identify meanings of commonly used words; 2. demonstrate partial understanding of what they read by identifying literal information and stated main ideas, making limited connections to their own experiences, and drawing conclusions; 3. identify some story elements, literary devices, and the author's stated purpose; 4. research a topic by locating information in commonly used print and electronic resources; 5. identify some parts of a bibliographic entry for commonly used sources following a model; 6. demonstrate a partial response to a writing task; 7. construct a response with an unclear central idea, incomplete organizational pattern, limited supporting details, and simple or no transitions; 8. show minimal audience awareness by using simple or inappropriate vocabulary, language, and sentence structure and little personal style; and 9. demonstrate inconsistent command of sentence formation, usage, mechanics, and spelling.
Unsatisfactory
<p>Students scoring at the Unsatisfactory level in English Language Arts have not demonstrated the fundamental knowledge and skills needed for the next level of schooling. Students scoring at this level need to develop the ability to:</p> <ol style="list-style-type: none"> 1. demonstrate an understanding of what they read; 2. interpret texts and make connections between information in texts and their own experiences; 3. locate information in commonly used resources; 4. develop an appropriate response to a writing task; 5. construct a response with a focused central idea, observable organization, and sufficient supporting details; 6. show audience awareness through use of appropriate vocabulary, varied sentence structure, and personal style; and 7. demonstrate acceptable command of sentence formation ,usage, mechanics, and spelling.

B. Grade 6 Mathematics Achievement Level Descriptors

Advanced
<p>Students scoring at the Advanced level in Mathematics generally exhibit the ability to:</p> <ol style="list-style-type: none"> 1. use multiple strategies to solve real-life problems involving positive numbers; 2. use basic number and number theory concepts to determine and describe the relationship between numbers in problem settings; 3. explain procedures involved in solving multi-step problems; 4. use computational strategies to determine and compare measurements of two-dimensional shapes and measures of rate; 5. use appropriate statistical measures and patterns in data to describe trends and make predictions; 6. describe polyhedra using their basic properties; 7. apply concepts, properties, and relationships of basic two-dimensional figures in real-life situations; and 8. use, illustrate, and apply basic concepts of probability.
Mastery
<p>Students scoring at the Mastery level in Mathematics generally exhibit the ability to:</p> <ol style="list-style-type: none"> 1. use models to solve problems involving ratios, proportions, and percents; 2. translate verbal phrases into algebraic expressions and vice versa; 3. demonstrate an intuitive sense of relative sizes of common units of measurement; 4. make predictions regarding tessellations with geometric shapes; 5. apply concepts and properties of basic two-dimensional figures in real-life situations; 6. extend and construct complex arithmetic and geometric patterns presented in multiple formats (tables, charts, sequences, etc.); and 7. use and illustrate basic concepts of probability.

Basic
Students scoring at the Basic level in Mathematics generally exhibit the ability to: <ol style="list-style-type: none"> 1. estimate and solve real-life problems involving addition and subtraction of fractions and decimals; 2. solve simple proportions using models; 3. find perimeter and area of simple geometric figures graphed on a coordinate grid; 4. name and describe basic two- and three-dimensional geometric shapes; 5. use substitution to evaluate simple algebraic expressions; 6. extend and describe simple arithmetic and geometric patterns; 7. use tools to determine linear measurements in relation to geometric shapes; and 8. recognize basic concepts of probability.
Approaching Basic
Students scoring at the Approaching Basic level in Mathematics generally exhibit the ability to: <ol style="list-style-type: none"> 1. recognize and identify ratios and percents from a model; 2. complete a simple input/output table; 3. recognize and name basic geometric shapes; 4. recognize common units of length and area; and 5. interpret data from a graph.
Unsatisfactory
Students scoring at the Unsatisfactory level in Mathematics have not demonstrated the fundamental knowledge and skills needed for the next level of schooling. Students scoring at this level need to develop the ability to: <ol style="list-style-type: none"> 1. recognize and identify ratios and percents from a model; 2. complete a simple input/output table; 3. recognize and name basic geometric shapes; 4. recognize common units of length and area; and 5. interpret data from a graph.

C. Grade 6 Science Achievement Level Descriptors

Advanced
Students scoring at the Advanced level in science generally exhibit the ability to: <ol style="list-style-type: none"> 1. compare and contrast investigations by generating testable questions, identifying variables, and evaluating experimental designs; 2. select a variety of appropriate tools and resources for data collection; analyze data; make inferences; and predict trends; 3. communicate experimental procedures, data, and analyses in a variety of appropriate methods; 4. describe and explain how science is advanced through mathematics, technology, communication, and the work of others; 5. identify faulty reasoning, information, communications, or statements that misinterpret or are not supported by evidence; 6. determine mass, volume, and density and recognize that density does not change with the amount of a substance; 7. identify the average atomic masses of given elements, using the periodic table; 8. compare physical and chemical properties and changes and relate the structure and movement of matter to temperature; 9. identify, describe, and compare substances in common materials and chemical reaction and predict the mass of their products; 10. analyze graphs of motion; infer how motion is related to applied forces; and predict future positions and speed of objects; 11. describe, compare, and give examples of different forms of energy, energy changes and interactions, and production and use risks; 12. categorize energy types and evaluate the risks and benefits of their use and production on the environment and economy; and 13. explain how people can conserve and sustain resources and evaluate both the short- and long-term effects of these actions.

Mastery
Students scoring at the Mastery level in science generally exhibit the ability to: <ol style="list-style-type: none"> 1. explain investigations by generating testable questions, identifying variables, and comparing experimental designs; 2. select appropriate tools and resources for data collection and analyze data to make inferences and predict trends; 3. communicate experimental procedures, data, and analyses through appropriate methods; 4. describe how science is improved through mathematics, technology, communication, testing, and the work of others; 5. identify faulty reasoning and statements that misinterpret or are not supported by evidence; 6. determine the mass, volume, and density of different amounts of a variety of substances; 7. identify the average atomic masses of given elements, using the periodic table; 8. compare physical and chemical changes and differentiate between physical and chemical properties of a substance; 9. identify and describe substances in materials and chemical reactions and relate phase changes of water to changes in water temperature; 10. compare motion and predict future positions and speed of objects and describe forces acting on objects and predict their effects; 11. describe and give examples of different energy forms, energy changes and interactions, and energy production and use risks; 12. identify and categorize energy types and determine their uses and effects on the environment and economy; and 13. identify, describe, and categorize ways people can conserve and sustain resources.
Basic
Students scoring at the Basic level in science generally exhibit the ability to: <ol style="list-style-type: none"> 1. describe investigations by generating testable questions and identifying variables; 2. select appropriate tools and resources to collect and analyze data to evaluate explanations and models and to make inferences; 3. communicate experimental procedures, data, and analyses; 4. recognize that science is improved by mathematics, technology, and the work of others and is continually tested, revised, and advanced; 5. identify faulty reasoning and statements that misinterpret or are not supported by evidence; 6. determine mass and volume and compare the masses of the same volumes of different substances; 7. identify the average atomic masses of given elements, using the periodic table; 8. identify physical and chemical properties and changes and describe the temperatures at which changes of the phase of water occurs; 9. identify substances in common materials and chemical reactions; 10. compare and construct graphs of motion and identify and describe forces acting on objects; 11. describe different forms of energy, transformations, and interactions with matter and identify risks associated with energy use; and 12. identify and categorize energy types and identify and describe ways people can conserve and sustain resources.

Approaching Basic
<p>Students scoring at the Approaching Basic level in science generally exhibit the ability to:</p> <ol style="list-style-type: none"> 1. describe an investigation and identify its variables; 2. select tools and resources to collect and use data to evaluate explanations and models; 3. communicate experimental data and explanations; 4. describe that science is continually tested, advanced, and improved by the work of others; 5. recognize statements that are not supported by evidence; 6. determine the masses and volumes of different substances and identify the atomic masses of given elements, using the periodic table; 7. identify physical and chemical properties or changes and identify substances in common materials; 8. recognize that phase changes of water occur at different temperatures; 9. identify and compare graphs of motion and identify forces acting on objects; 10. give examples of different energy forms, transformations, and interactions with matter and risks associated with energy use; and 11. identify categories of energy types and examples of how people can reuse, recycle, and reduce resources.
Unsatisfactory
<p>Students scoring at the Unsatisfactory level in science have not demonstrated the fundamental knowledge and skills needed for the next level of schooling. Students scoring at this level need to develop the ability to:</p> <ol style="list-style-type: none"> 1. describe an investigation and identify its variables; 2. select tools and resources to collect and use data to evaluate explanations and models; 3. communicate experimental data and explanations; 4. describe that science is continually tested, advanced, and improved by the work of others; 5. recognize statements that are not supported by evidence; 6. determine the masses and volumes of different substances and identify the atomic masses of given elements, using the periodic table; 7. identify physical and chemical properties or changes and identify substances in common materials; 8. recognize that phase changes of water occur at different temperatures; 9. identify and compare graphs of motion and identify forces acting on objects; 10. give examples of different energy forms, transformations, and interactions with matter and risks associated with energy use; and 11. identify categories of energy types and examples of how people can reuse, recycle, and reduce resources.

D. Grade 6 Social Studies Achievement Level Descriptors

Advanced
<p>Students scoring at the Advanced level in social studies generally exhibit the ability to:</p> <ol style="list-style-type: none"> 1. apply geographical data and tools, including latitude and longitude, to real-world scenarios; 2. analyze how the world's physical environment affected human settlement and how political boundaries were established and maintained; 3. analyze the cultural impact of migration on world history; 4. analyze the impact of the natural environment on humans in ancient societies; 5. explain how aspects of Greek and Roman governments have influenced the U.S. government; 6. analyze historical examples of fundamental economic concepts and how they motivated human interaction; 7. analyze information on timelines and synthesize information taken from multiple historical source documents; 8. analyze causes and effects, characteristics, and motivations of historical events as presented in narrative form; 9. analyze the origins, spread, and effects of major world religions and their empires on European, Asian, and African civilizations; and

<ol style="list-style-type: none"> 10. analyze human continuity and change from the time of river valley civilizations through the early Middle Ages.
Mastery
<p>Students scoring at the Mastery level in social studies generally exhibit the ability to:</p> <ol style="list-style-type: none"> 1. manipulate geographical data and tools, including latitude and longitude, to explain real-world scenarios; 2. explain how the world's physical environment affected human settlement and how political boundaries were established and maintained; 3. explain the cultural impact of migration on world history; 4. explain the impact of the natural environment on humans in ancient societies; 5. describe aspects of Greek and Roman governments that influenced the U.S. government; 6. explain historical examples of fundamental economic concepts and how they motivated human interaction; 7. evaluate and manipulate timelines and interpret the differences among multiple historical source documents; 8. interpret causes and effects, characteristics, and motivations of historical events as presented in narrative form; 9. interpret the origins, spread, and effects of major world religions and their empires on European, Asian, and African civilizations; and 10. interpret human continuity and change from the time of river valley civilizations through the early Middle Ages.
Basic
<p>Students scoring at the Basic level in social studies generally exhibit the ability to:</p> <ol style="list-style-type: none"> 1. use geographical data and tools, including latitude and longitude, to describe real-world scenarios; 2. describe how the world's physical environment affected human settlement and how political boundaries were established and maintained; 3. describe the cultural impact of migration on world history; 4. describe the impact of the natural environment on humans in ancient societies; 5. identify aspects of Greek and Roman governments that influenced the U.S. government; 6. describe historical examples of fundamental economic concepts and how they motivated human interaction; 7. relate information on timelines to historical events and describe information available from multiple historical source documents; 8. describe causes and effects, characteristics, and motivations of historical events as presented in narrative form; 9. describe the origins, spread, and effects of major world religions and their empires on Europeans, Asian, and African civilizations; and 10. describe human continuity and change from the time of river valley civilizations through the early Middle Ages.
Approaching Basic
<p>Students scoring at the Approaching Basic level in social studies generally exhibit the ability to:</p> <ol style="list-style-type: none"> 1. identify geographical data and tools, including latitude and longitude, used to identify real-world scenarios; 2. recognize how the world's physical environment affected human settlement and how political boundaries were established and maintained; 3. identify the cultural impact of migration on world history; 4. recognize the impact of the natural environment on humans in ancient societies; 5. recognize some aspects of Greek and Roman governments that influenced the U.S. government; 6. recognize historic examples of fundamental economic concepts and how they motivated human interaction; 7. identify historical timelines and multiple historical source documents; 8. identify causes and effects, characteristics, and motivations of historical events as presented in narrative form; 9. identify the origins, spread, and effects of major world religions and their empires on European, Asian, and African civilizations; and 10. identify human continuity and change from the time of river valley civilizations through the early Middle Ages.

Unsatisfactory

Students scoring at the Unsatisfactory level in social studies have not demonstrated the fundamental knowledge and skills needed for the next level of schooling. Students scoring at this level need to develop the ability to:

1. identify geographical data and tools, including latitude and longitude, used to identify real-world scenarios;
2. recognize how the world's physical environment affected human settlement and how political boundaries were established and maintained;
3. identify the cultural impact of migration on world history;
4. recognize the impact of the natural environment on humans in ancient societies;
5. recognize some aspects of Greek and Roman governments that influenced the U.S. government;
6. recognize historic examples of fundamental economic concepts and how they motivated human interaction;
7. identify historical timelines and multiple historical source documents;
8. identify causes and effects, characteristics, and motivations of historical events in narrative form;
9. identify the origins, spread, and effects of major world religions and their empires on European, Asian, and African civilizations; and
10. identify human continuity and change from the time of river valley civilizations through the early Middle Ages.

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§1717. Grade 7 Achievement Level Descriptors

A. Grade 7 English Language Arts Achievement Level Descriptors

Advanced

Students scoring at the Advanced level in English Language Arts generally exhibit the ability to:

1. identify meanings of words using a variety of strategies, including knowledge of base words and roots;
2. demonstrate understanding of what they read using a variety of complex strategies, including inductive reasoning, identifying implied main ideas and supporting details, and comparing and contrasting literary elements;
3. analyze and interpret complex story elements, literary devices, elements of various genres, and author's purpose;
4. research a topic by selecting and integrating information from multiple print and electronic sources;
5. identify all parts of a bibliographic entry following a model;
6. develop a creative, effective and insightful response to a writing task;
7. construct a response with a clearly stated central idea, logical organization, effective and thorough elaboration, and a variety of transitional words and phrases;
8. show audience awareness by selecting vocabulary, language, and sentence structures to engage the audience, enhance meaning, and reflect individual voice or personality; and
9. maintain consistent command of sentence formation, usage, mechanics, and spelling.

Mastery

Students scoring at the Mastery level in English Language Arts generally exhibit the ability to:

1. identify word meanings using a variety of strategies;
2. analyze what they read using a variety of reasoning skills, including deductive reasoning;
3. identify story elements, literary devices, and effect of an author's bias or perspective;
4. use knowledge of the distinctive characteristics of various genres to identify elements;
5. research a topic by locating and selecting information from multiple print and electronic sources;
6. identify all parts of a bibliographic entry following a model;
7. use analytical, critical, and/or creative thinking in response to a writing task;

8. construct a response with a focused central idea, logical organization, sufficient elaboration, and effective transitions;
9. show audience awareness by using language and sentences selected to engage the audience and reflect individual personality; and
10. demonstrate reasonable command of sentence formation, usage, mechanics, and spelling.

Basic

Students scoring at the Basic level in English Language Arts generally exhibit the ability to:

1. identify meanings of grade-level words using a variety of strategies;
2. demonstrate understanding of what they read by using basic strategies, including stated main idea and supporting details;
3. identifying cause-effect relationships; sequencing events; and predicting the outcome of a story or situation;
4. identify story elements, including character motivation or plot sequence, some literary devices, and an author's purpose;
5. classify and interpret elements of various genres, including fiction, nonfiction, and poetry;
6. research a topic by locating information in commonly used reference sources;
7. identify parts of a bibliographic entry for commonly used sources following a model;
8. demonstrate an appropriate response to a writing task;
9. construct a response with a central idea, an appropriate organizational pattern, necessary details, and simple transitions;
10. demonstrate limited audience awareness by using simple sentences and vocabulary; and
11. demonstrate partial command of sentence formation, usage, mechanics, and spelling.

Approaching Basic

Students scoring at the Approaching Basic level in English Language Arts generally exhibit the ability to:

1. identify meanings of commonly used words using a variety of strategies, including context clues;
2. demonstrate some understanding of what they read in grade-appropriate texts using simple strategies such as making predictions;
3. identify basic story elements and some literary devices;
4. identify some elements of various genres, including fiction, nonfiction, or poetry;
5. research a topic by locating information in commonly used resources;
6. identify some parts of a bibliographic entry following a model;
7. demonstrate a limited response to a writing task;
8. construct a response with an unclear central idea, a weak organizational pattern, minimal supporting details, and simple or no transitions;
9. show limited audience awareness through the use of simple or inappropriate vocabulary and sentences; and
10. demonstrate inconsistent or little command of sentence formation, usage, mechanics, and spelling.

Unsatisfactory

Students scoring at the Unsatisfactory level in English Language Arts have not demonstrated the fundamental knowledge and skills needed for the next level of schooling. Students scoring at this level need to develop the ability to:

1. demonstrate an understanding of what they read;
2. make interpretations and extensions of ideas in texts;
3. make connections between information in texts and their own experiences;
4. locate information in commonly used sources;
5. develop an appropriate response to a writing task;
6. construct a response with a focused central idea, observable organization, and sufficient supporting details;
7. show audience awareness through use of appropriate vocabulary, varied sentence structure, and personal style; and
8. demonstrate acceptable command of sentence formation, usage, mechanics, and spelling.

B. Grade 7 Mathematics Achievement Level Descriptors

Advanced
<p>Students scoring at the Advanced level in Mathematics generally exhibit the ability to:</p> <ol style="list-style-type: none"> 1. translate problems into and solve two-step equalities and inequalities; 2. evaluate algebraic expressions containing exponents and square roots; 3. apply proportional reasoning to solve complex problems including applications and comparisons involving positive rational numbers; 4. understand and draw conclusions based on the relationship between measures of polygons and circles, such as change in perimeter vs. change in area and change in radius vs. change in circumference; 6. determine trends and make predictions based on various displays of discrete and continuous data; 7. describe basic exponential sequences and patterns and describe and apply rules used to determine function outputs, given their inputs; 8. order and compare measurements within and between measurement systems, including temperature; and 9. apply concepts of transformations involving reflections and translations on a coordinate grid.
Mastery
<p>Students scoring at the Mastery level in Mathematics generally exhibit the ability to:</p> <ol style="list-style-type: none"> 1. solve multi-step problems involving non-negative rational numbers and negative integers; 2. evaluate simple algebraic expressions using substitution; 3. describe the angle and measurement properties of polygons and circles; 4. graph solutions of equations and inequalities and make comparisons of positive rational numbers on a number line; 5. determine area and perimeter of simple composite geometric shapes; 6. describe rules used to determine various arithmetic and geometric sequences; 7. describe and interpret a variety of graphs that display discrete and continuous data; 8. determine experimental probability; and 9. order measurements within and between measurement systems.
Basic
<p>Students scoring at the Basic level in Mathematics generally exhibit the ability to:</p> <ol style="list-style-type: none"> 1. solve one- and two-step equations and inequalities; 2. calculate circumference and area of circles; 3. estimate and compute equivalent fractions, percents, and decimals; 4. recognize and extend patterns involving fractions and negative numbers; 5. convert between common measurements in the same system; 6. draw and identify angles and measurements in simple polygons and circles; 7. demonstrate a conceptual understanding of the differences between discrete and continuous data; 8. compute simple probabilities and use basic mathematical terms associated with probability, such as event and favorable outcomes; and 9. recognize geometric transformations.
Approaching Basic
<p>Students scoring at the Approaching Basic level in Mathematics generally exhibit the ability to:</p> <ol style="list-style-type: none"> 1. solve single-step problems involving positive rational numbers; 2. match algebraic equations and inequalities to verbal statements; 3. order measurements within the same system; 4. identify points in all four quadrants of a coordinate grid; 5. interpret discrete data from a variety of graphs; and 6. extend simple number patterns.

Unsatisfactory

<p>Students scoring at the Unsatisfactory level in Mathematics have not demonstrated the fundamental knowledge and skills needed for the next level of schooling. Students scoring at this level need to develop the ability to:</p> <ol style="list-style-type: none"> 1. solve single-step problems involving positive rational numbers; 2. match algebraic equations and inequalities to verbal statements; 3. order measurements within the same system; 4. identify points in all four quadrants of a coordinate grid; 5. interpret discrete data from a variety of graphs; and 6. extend simple number patterns.
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C. Grade 7 Science Achievement Level Descriptors

Advanced
<p>Students scoring at the Advanced level in science generally exhibit the ability to:</p> <ol style="list-style-type: none"> 1. analyze investigations by researching and evaluating testable questions, dependent and independent variables, and experimental designs; 2. select appropriate tools and resources for data collection and analyze data to evaluate explanations, make inferences, and predict trends; 3. communicate related research, experimental procedures, data, and analyses in a variety of appropriate methods; 4. explain how science is tested, revised, and advanced through problem solving, mathematics, technology, and communications; 5. compare functions of plant and animal cell structures (i.e., organelles) and explain why the life cycles of plants and animals differ; 6. analyze how the cell processes of osmosis, diffusion, respiration, and photosynthesis are necessary for an organism's survival; 7. describe the growth and development of humans from infancy to old age and various factors affecting this development; 8. analyze how the failure of organs or systems affects health and how methods of transferring genetic information impact an organism; 9. analyze factors that affect relationships between organisms in ecosystems and describe how adaptation help species survive; 10. analyze the roles of components in ecosystems, the resources humans derive from ecosystems, and the impact of human activities; 11. compare, describe, or analyze ecosystems by using the movement of energy and the effects of limiting factors and carrying capacity; and 12. compare and contrast the nitrogen and carbon cycles and explain why they are important for the survival of organisms.
Mastery
<p>Students scoring at the Mastery level in science generally exhibit the ability to:</p> <ol style="list-style-type: none"> 1. compare investigations by identifying and evaluating testable questions, variables, and experimental designs; 2. select appropriate tools and resources for data collection and analyze data to evaluate explanations, make inferences, and predict trends; 3. communicate experimental procedures, data, and analyses in a variety of appropriate methods; 4. describe how science is tested, revised, and advanced through problem solving, mathematics, technology, and communication; 5. describe functions of plant and animal cell structures (i.e., organelles) and compare the life cycles of plants and animals; 6. compare the cell processes of osmosis and diffusion and respiration and photosynthesis; 7. classify organisms using a dichotomous key and describe the growth and development of humans from infancy to old age; 8. relate the functions of organs, systems, and overall health in sustaining life and describe methods of transferring genetic information; 9. describe and compare relationships between organisms in ecosystems and explain how adaptations help species survive; 10. compare the roles of components in ecosystems, the resources humans derive from ecosystems, and impact of human activities; 11. identify, describe, or explain ecosystems by using the movement of energy and the effects of limiting factors and carrying capacity; and

12. compare and contrast the nitrogen and carbon cycles and explain why they are important for the survival of organisms.
Basic
Students scoring at the Basic level in science generally exhibit the ability to:
1. describe investigations by comparing or recognizing testable questions, variables, and experimental designs;
2. select appropriate tools and resources for data collection and analyze data to develop explanations, make inferences, and predict trends;
3. communicate experimental procedures, data, and analyses through appropriate methods;
4. describe how science is tested, revised, and advanced through problem solving, mathematics, technology, and communication;
5. differentiate between plants and animals by their cell structures (i.e., organelles) and describe the life cycles of plants and animals;
6. describe the cell processes of osmosis, diffusion, respiration, and photosynthesis;
7. classify organisms using a dichotomous key and describe human growth and development;
8. describe the functions of organs and organ systems and identify methods of transferring genetic information;
9. describe relationships between organisms in ecosystems and how adaptations help species survive;
10. identify the roles of components in ecosystems, the resources humans derive from ecosystems, and the impact of human activities;
11. identify and describe ecosystems by using the movement of energy and the effects of limiting factors carrying capacity; and
12. describe and explain the nitrogen and carbon cycles.
Approaching Basic
Students scoring at the Approaching Basic level in science generally exhibit the ability to:
1. describe an investigation by identifying testable questions and variables;
2. select tools and resources correctly to collect and analyze data to evaluate explanations and make inferences;
3. communicate experimental procedures, data, and analyses;
4. describe how science is tested, revised, and advanced, and identify that mathematics and technology improve science;
5. identify functions of plant and animal cell structures (i.e., organelles) and describe parts of the life cycles of plants and animals;
6. identify the cell processes of osmosis, diffusion, respiration, and photosynthesis;
7. classify organisms using a dichotomous key and know that different factors affect human growth or development over time;
8. identify functions of organs and identify the role of genetic information in an organism;
9. identify relationships between organisms in ecosystems and recognize adaptations;
10. identify the components of ecosystems as living or nonliving and know that humans' use of ecosystem resources can have impact;
11. identify the roles of organisms in a food chain and factors that limit the carrying capacity and restrict the growth of populations; and
12. identify parts of the nitrogen and carbon cycles.
Unsatisfactory
Students scoring at the Unsatisfactory level in science have not demonstrated the fundamental knowledge and skills needed for the next level of schooling. Students scoring at this level need to develop the ability to:
1. describe an investigation by identifying testable questions and variables;
2. select tools and resources correctly to collect and analyze data to evaluate explanations and make inferences;
3. communicate experimental procedures, data, and analyses;
4. describe how science is tested, revised, and advanced, and identify that mathematics and technology improve science;
5. identify functions of plant and animal cell structures (i.e., organelles) and describe parts of the life cycles of plants and animals;
6. identify the cell processes of osmosis, diffusion, respiration, and photosynthesis;
7. classify organisms using a dichotomous key and know that different factors affect human growth or development over time;

8. identify functions of organs and identify the role of genetic information in an organism;
9. identify relationships between organisms in ecosystems and recognize adaptations;
10. identify the components of ecosystems as living or nonliving and know that humans' use of ecosystem resources can have impact;
11. identify the roles of organisms in a food chain and factors that limit the carrying capacity and restrict the growth of populations; and
12. identify parts of the nitrogen and carbon cycles.

D. Grade 7 Social Studies Achievement Level Descriptors

Advanced
Students scoring at the Advanced level in social studies generally exhibit the ability to:
1. apply geographical data and tools and analyze the impact of the United States' physical structure on historical events;
2. analyze cultural aspects of the development of the United States and the effects of natural resources on regional differences;
3. analyze the structure and purposes of government in the world and in the United States;
4. analyze how ancient governments influenced American democracy and culture;
5. analyze the U.S. political system from 1781 to 1860 and factors contributing to conflict and cooperation among nations;
6. analyze the nature of U.S. citizen rights and responsibilities in society;
7. analyze ideas found in the Mayflower Compact and the Declaration of Independence;
8. analyze Mercantilism's role in colonization and conflict and U.S. economic activity contributing to international interdependence;
9. interpret graphic and narrative sources of information;
10. analyze and interpret the contributions of significant figures and events in U.S. history from 1763 to 1860; and
11. analyze national continuity and change from the pre-Revolutionary Era through the beginning of the American Civil War.
Mastery
Students scoring at the Mastery level in social studies generally exhibit the ability to:
1. interpret and manipulate geographical data and tools and explain the impact of the United States' physical structure on historic events;
2. explain the cultural aspects of the development of the United States and the impact of natural resources on regional differences;
3. explain the structure and purposes of government in the world and in the United States;
4. explain how ancient governments influenced American democracy and culture;
5. explain changes in the American political system from 1781 to 1860 and factors contributing to conflict and cooperation among nations;
6. explain aspects of U.S. citizen rights and responsibilities in society;
7. explain ideas found in the Mayflower Compact and the Declaration of Independence;
8. explain Mercantilism's role in colonization and conflict and how U.S. economic activity contributed to international interdependence;
9. interpret graphic and narrative sources of information;
10. explain the contributions of significant figures and events in U.S. history from 1763 to 1860; and
11. explain aspects of national continuity and change from the pre-Revolutionary Era through the beginning of the American Civil War.

Basic
<p>Students scoring at the Basic level in social studies generally exhibit the ability to:</p> <ol style="list-style-type: none"> 1. use geographical data and tools to explain and describe the impact of the United States' physical structure on historical events; 2. describe cultural aspects of the development of the United States and the impact of natural resources on regional differences; 3. describe the structure and purposes of government in the world and in the United States; 4. explain how ancient governments influenced American democracy and culture; 5. describe changes in the U.S. political system from 1781 to 1860 and factors contributing to conflict and cooperation among nations; 6. describe aspects of U.S. citizen rights and responsibilities in society; 7. explain ideas found in the Mayflower Compact and the Declaration of Independence; 8. describe Mercantilism's role in colonization and conflict and U.S. economic activity contributing to international interdependence; 9. explain graphic sources of information and describe the importance of information obtained from narrative sources of information; 10. describe contributions of significant figures and events in U.S. history from 1763 to 1860; and 11. describe national continuity and change from the pre-Revolutionary Era through the beginning of the American Civil War.
Approaching Basic
<p>Students scoring at the Approaching Basic level in social studies generally exhibit the ability to:</p> <ol style="list-style-type: none"> 1. identify geographical data and tools and describe the impact of the United States' physical structure on historical events; 2. recognize cultural aspects of the development of the United States and the impact of natural resources on regional differences; 3. identify the structure and purposes of government in the world and in the United States; 4. identify how ancient governments influenced American democracy and culture; 5. recognize elements of the U.S. political system from 1781 to 1860 and factors contributing to conflict and cooperation among nations; 6. describe aspects of U.S. citizen rights and responsibilities in society; 7. describe ideas found in the Mayflower Compact and the Declaration of Independence; 8. define Mercantilism's role in colonization and conflict and U.S. economic activity contributing to international interdependence; 9. identify historical information in graphic form and identify various narrative sources of information; 10. identify significant personalities and events from 1763 to 1860; and 11. identify national continuity and change from the Early National Period through the beginning of the American Civil War.
Unsatisfactory
<p>Students scoring at the Unsatisfactory level in social studies have not demonstrated the fundamental knowledge and skills needed for the next level of schooling. Students scoring at this level need to develop the ability to:</p> <ol style="list-style-type: none"> 1. identify geographical data and tools and describe the impact of the United States' physical structure on historical events; 2. recognize cultural aspects of the development of the United States and the impact of natural resources on regional differences; 3. identify the structure and purposes of government in the world and in the United States; 4. identify how ancient governments influenced American democracy and culture; 5. recognize elements of the U.S. political system from 1781 to 1860 and factors contributing to conflict and cooperation among nations; 6. describe U.S. citizen rights and responsibilities in society; 7. describe ideas found in the Mayflower Compact and the Declaration of Independence;

<ol style="list-style-type: none"> 8. define Mercantilism's role in colonization and conflict and U.S. economic activity contributing to international interdependence; 9. identify historical information in graphic form and identify various narrative sources of information; 10. identify significant personalities and events from 1763 to 1860; and 11. identify national continuity and change from the Early National Period through the beginning of the American Civil War.
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AUTHORITY NOTE: Promulgated in accordance with R.S. 17.7 and R.S. 17:24.4(F)(2).

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 33:

§1719. Grade 9 Achievement Level Descriptors

A. Grade 9 English Language Arts Achievement Level Descriptors

Advanced
<p>Students scoring at the <i>Advanced</i> level in English Language Arts generally exhibit the ability to:</p> <ol style="list-style-type: none"> 1. identify meanings of a wide variety of general and technical words using a full range of strategies; 2. demonstrate literal and inferential understanding of what they read by making inferences, predictions, and generalizations; interpreting cause/effect relationships; reasoning inductively and deductively; and making connections of ideas to real-life experiences; 3. analyze, including comparing and contrasting, complex story elements, literary devices, ideas, and an author's purpose and viewpoint; 4. research a topic by selecting and evaluating relevant information from a variety of print and electronic sources; 5. identify accurate parenthetical citations and bibliographic entries using a model; 6. use analytical, critical, and/or creative thinking in response to a writing task; 7. construct a response with a clear central idea, logical and cohesive organization, thorough elaboration with a variety of supporting details; and a variety of varied, effective transitions; 8. demonstrate an awareness of audience through rich creative vocabulary and sentence structure that reflects voice or personality; and 9. maintain consistent command of sentence formation, usage, mechanics, and spelling.
Mastery
<p>Students scoring at the <i>Mastery</i> level in English Language Arts generally exhibit the ability to:</p> <ol style="list-style-type: none"> 1. identify meanings of a variety of words using a variety of strategies; 2. demonstrate understanding of what they read using a variety of strategies, such as making inferences, predictions, and generalizations; drawing conclusions; determining cause/effect relationships; and reasoning inductively and deductively; 3. interpret and compare/contrast complex story elements, literary devices, ideas, and an author's purpose and viewpoint; 4. use knowledge of the distinctive characteristics of various genres to interpret elements; 5. research a topic by selecting and analyzing information from multiple print and electronic sources; 6. identify accurate parenthetical citations and bibliographic entries using a model; 7. use analytical, critical, and/or creative thinking in response to a writing task; 8. construct a response with a central idea, logical organization, relevant elaboration, and varied, effective transitions; 9. demonstrate an awareness of audience through varied vocabulary and sentence structure; and 10. demonstrate reasonable command of sentence formation, usage, mechanics, and spelling.

B. Grade 9 Mathematics Achievement Level Descriptors

Basic
<p>Students scoring at the <i>Basic</i> level in English Language Arts generally exhibit the ability to:</p> <ol style="list-style-type: none"> 1. identify meanings of grade-level words using various strategies; 2. demonstrate understanding of what they read by identifying ideas and information from texts using various strategies such as sequencing; making simple inferences, predictions, and generalizations; drawing conclusions; and identify stated cause/effect relationships; 3. identify and compare story elements, literary devices, main ideas, and an author's purpose and viewpoint; 4. identify the distinctive characteristics of various genres; 5. research a topic by selecting relevant information from a variety of print and electronic sources; 6. identify accurate bibliographic entries using a model; 7. demonstrate some evidence of critical and/or creative thinking in response to a writing task; 8. construct a response with a central idea, some conscious organization, some supporting information, and simple transitions; 9. demonstrate audience awareness through some variety in vocabulary and sentence structure; and 10. demonstrate partial command of sentence formation, usage, mechanics, and spelling.
Approaching Basic
<p>Students scoring at the <i>Approaching Basic</i> level in English Language Arts generally exhibit the ability to:</p> <ol style="list-style-type: none"> 1. identify meanings of commonly used words; 2. demonstrate partial understanding of what they read using strategies such as identifying simple sequences, drawing simple conclusions, making predictions and simple generalizations, and identifying stated cause/effect relationships; 3. identify simple literary elements, devices, main ideas, and an author's stated purpose; 4. research a topic by locating and selecting some information from print and electronic sources; 5. identify accurate bibliographic entries for commonly used sources using a model; 6. demonstrate a limited response to a writing task; 7. construct a response with a weak central idea, some evidence of organization, minimal details, and few transitions; 8. demonstrate a limited awareness of audience through selection of simple or inappropriate vocabulary, and lack of sentence variety; and 9. demonstrate little or no command of sentence formation, usage, mechanics, and spelling.
Unsatisfactory
<p>Students scoring at the <i>Unsatisfactory</i> level in English Language Arts have not demonstrated the fundamental knowledge and skills needed for the next level of schooling. Students scoring at this level need to develop the ability to:</p> <ol style="list-style-type: none"> 1. demonstrate an understanding of what they read; 2. identify simple story or literary elements, and elements of an author's style; 3. make simple or broad connections between texts and personal experiences; 4. locate information in commonly used sources; 5. develop an appropriate response to a writing task; 6. construct a response with a focused central idea, an observable organizational pattern, and sufficient supporting details; 7. show audience awareness through use of appropriate vocabulary, varied sentence structure, and personal style; and 8. demonstrate acceptable command of sentence formation usage, mechanics, and spelling.

Advanced
<p>Students scoring at the <i>Advanced</i> level in Mathematics generally exhibit the ability to:</p> <ol style="list-style-type: none"> 1. evaluate, simplify, and solve problems involving scientific notations; 2. apply proportional reasoning to model and solve real-life problems involving direct and inverse variation; 3. use a variety of methods to solve problems involving 2 X 2 systems of linear equations; 4. graphically represent the solution of a 2 X 2 system of linear inequalities; 5. determine appropriate units and scales to use when solving measurement problems; 6. perform translations and line reflections in the coordinate plane; 7. translate fluently between tabular, graphical, and algebraic representations of functions; 8. compare, contrast, and describe characteristics of linear functions and basic families of functions; and 9. solve problems involving indirect measurement and express results in terms of the degrees of accuracy and precision.
Mastery
<p>Students scoring at the <i>Mastery</i> level in Mathematics generally exhibit the ability to:</p> <ol style="list-style-type: none"> 1. evaluate and simplify algebraic expressions involving order of operations with rational numbers; 2. apply proportional reasoning to model and solve real-life problems involving direct variation; 3. represent real-life situations as linear equations or inequalities and find solutions; 4. graphically represent 2 X 2 systems of equations and identify the solution; 5. make measurements based on the degree of precision or accuracy needed; 6. use points to describe translations and line reflections; 7. understand the relationship of the constants and coefficients in a linear function to the graph of the function; and 8. identify and describe the characteristics of families of linear functions.
Basic
<p>Students scoring at the <i>Basic</i> level in Mathematics generally exhibit the ability to:</p> <ol style="list-style-type: none"> 1. represent numbers as exponential expressions with positive, integral exponents; 2. recognize and graph linear equations and use appropriate terminology to describe and interpret slope, intercept, point, intersection, etc.; 3. understand the language of algebra and make appropriate translations between verbal and symbolic representations; 4. choose appropriate common units (U.S. and metric) to make measurements; 5. draw translations and line reflections in a coordinate system; 6. solve multi-step equations and inequalities in one variable; and 7. read, organize, construct, and interpret data presented in a variety of formats and make generalizations using these representations.
Approaching Basic
<p>Students scoring at the <i>Approaching Basic</i> level in Mathematics generally exhibit the ability to:</p> <ol style="list-style-type: none"> 1. perform basic operations with positive rational numbers; 2. locate points on a coordinate grid; 3. use calculators to evaluate polynomials for given values of the variables; 4. make measurements using common (U.S. and metric) measurement units; and 5. follow and interpret processes expressed in flow charts.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17.7 and R.S. 17:24.4(F)(2).

HISTORICAL NOTE: Promulgated by the Department of Education, Board of Elementary and Secondary Education, LR 33:267 (February 2007), repromulgated LR 33:

§1725. Math Tests Structure

A. At grades 3, 5, 6, and 7 the Math tests include NRT items from the Survey Battery of the ITBS. The tests are administered over one day.

1. The NRT Component includes the following:

- a. multiple-choice items that assess Concepts and Estimation; and
- b. multiple-choice items that assess Problem Solving and Data Interpretation.

2. The CRT Component includes the following:

a. multiple-choice items that assess Louisiana's standards, benchmarks, and GLEs. The items include NRT items that align to the Louisiana content standards and GLEs;

b. constructed-response items that assess one or more strands, benchmarks, and/or GLEs that require students to demonstrate the connection of the strand to the other strands and to real-life situations.

B. At grade 9, the Math test includes NRT items from the Core Battery of the ITED with the exception of computation. The test is administered over one day.

1. The NRT Component includes the following:

a. multiple-choice items that assess Math Concepts and Problem-Solving.

2. The CRT Component includes the following.

a. Multiple-choice items that assess Louisiana standards, benchmarks, and GLEs. This part includes NRT items that align to the Louisiana content standards and GLEs.

b. Constructed-response items that involve a number of separate steps and require application of multiple skills. The items are designed to assess one or more of the strands, benchmarks, and/or GLEs that require students to demonstrate the connection of the strand to the other strands and to real-life situations.

C. The NRT and CRT standards measured are:

1. Strand N: Number and Number Relations

a. Standard. In problem-solving investigations, students demonstrate an understanding of the real number system and communicate the relationships within that system using a variety of techniques and tools;

2. Strand A: Algebra

a. Standard. In problem-solving investigations, students demonstrate an understanding of concepts and processes that allow them to analyze, represent, and describe relationships among variable quantities and to apply algebraic methods to real-world situations;

3. Strand M: Measurement

a. Standard. In problem-solving investigations, students demonstrate an understanding of concepts, processes, and real-life applications of measurement;

4. Strand G: Geometry

a. Standard. In problem-solving investigations, students demonstrate an understanding of geometric concepts and applications involving one-, two-, and three-dimensional geometry, and justify their findings;

5. Strand D: Data Analysis, Probability, and Discrete Math

a. Standard. In problem-solving investigations, students discover trends, formulate conjectures regarding cause-and-effect relationships, and demonstrate critical-thinking skills in order to make informed decisions;

6. Strand P: Patterns, Relations, and Functions

a. Standard. In problem-solving investigations, students demonstrate an understanding of patterns, relations, and functions that represent and explain real-world situations.

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

HISTORICAL NOTE: Promulgated by the Department of Education, Board of Elementary and Secondary Education, LR 33:268 (February 2007), repromulgated LR 33:

§1727. Science Tests Structure

A. The Science test includes CRT items and has one session.

1. The Science tests use multiple-choice items to assess concepts and skills in all or part of the five strands of science.

2. The Science test is entirely criterion-referenced. All items are based on Louisiana's content standards and aligned with Louisiana's GLEs.

B. Science is assessed in grades 3, 5, 6, and 7.

1. Grades 3 and 5 tests assess all five science strands.

2. Grade 6 test assesses three of the five science strands. They are as follows:

- a. Science as Inquiry;
- b. Physical Science; and
- c. Science and the Environment.

3. Grade 7 test assesses three of the five science strands. They are as follows:

- a. Science as Inquiry;
- b. Life Science; and
- c. Science and the Environment.

C. Each of the five science strands is associated with a single standard.

1. Strand: Science as Inquiry

a. Standard. Students will do science by engaging in partial and full inquiries that are within their developmental capabilities.

2. Strand: Physical Science

a. Standard. Students will develop an understanding of the characteristics and interrelationships of matter and energy in the physical world.

3. Strand: Life Science

a. Standard. Students will become aware of the characteristics and life cycles of organisms and understand their relationships to each other and their environment.

4. Strand: Earth and Space Science

a. Standard. Students will develop an understanding of the properties of earth materials, the structure of Earth's system, Earth's history, and Earth's place in the universe.

5. Strand: Science and the Environment

a. Standard. In learning environmental science, students will develop an appreciation of the natural environment, learn the importance of environmental quality, and acquire a sense of stewardship. As consumers and citizens, they will be able to recognize how our personal, professional, and political actions affect the natural world.

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

HISTORICAL NOTE: Promulgated by the Department of Education, Board of Elementary and Secondary Education, Office of Student and School Performance, LR 33:269 (February 2007), repromulgated LR 33:

§1729. Social Studies Tests Structure

A. The Social Studies test includes CRT items and has one section.

1. The Social Studies tests use multiple-choice items to assess concepts and skills in all or part of the four content strands: Geography, Civics, Economics, and History.

2. The Social Studies tests is entirely criterion-referenced. All items are based on Louisiana's content standards and aligned with Louisiana's GLEs.

B. Social Studies is assessed in grades 3, 5, 6, and 7 are as follows:

1. Grade 3 assesses all four social studies strands;
2. Grades 5 and 6 assess two of the four social studies strands. They are as follows:
 - a. Geography; and
 - b. History.
3. Grade 7 assesses three of the four social studies strands. They are as follows:
 - a. Geography;
 - b. History; and
 - c. Civics.

C. The Social Studies strands assessed are as follows.

1. Strand G: Geography: Physical and Cultural Systems

a. Standard. Students develop a spatial understanding of Earth's surface and the processes that shape it, the connections between people and places, and the relationship between man and the environment.

2. Strand C: Civics: Citizenship and Government

a. Standard. Students develop an understanding of the structure and purposes of government, the foundations of the American democratic system, and the role of the United States in the world while learning about the rights and responsibilities of citizenship.

3. Strand E: Economics: Interdependence and Decision Making

a. Standard. Students develop an understanding of fundamental economic concepts as they apply to the interdependence and decision making of individuals, households, businesses, and governments in the United States and the world.

4. Strand H: History: Time, Continuity, and Change

a. Standard. Students develop a sense of historical time and historical perspective as they study the history of their community, state, nation, and world.

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

HISTORICAL NOTE: Promulgated by the Department of Education, Board of Elementary and Secondary Education, LR 33:269 (February 2007), repromulgated LR 33:

Chapter 33. Assessment of Special Populations

§3306. Approved Accommodations for Special Education and Section 504 Students.

A. - A.6.a ...

b. No passages, questions, or distractors (multiple choices) of any English language arts test that measures reading comprehension may be signed or cued. Such tests

include the Reading and Responding session of LEAP, GEE, and LAA 2, Reading, Part 2 of *iLEAP* grades 3, 5, 6, and 7, Reading Comprehension of *iLEAP* grade 9 and the "old" GEE, Reading session of ELDA, and any others developed to measure this skill. Directions only to these sessions may be signed or cued. When signing or cueing, the test administrator must exercise caution to avoid providing answers. It is a breach of test security to provide signs or cues that convey answers.

7 - 8.a. ...

9. Tests Read Aloud. Students may be allowed to have portions of the tests read to them, with the exception of portions designed to measure reading comprehension, which are clearly designated in the *Test Administration Manuals*. No passages, questions, or distractors (multiple choices) of any English language arts assessment that measures reading comprehension may be read aloud. Such tests include the Reading and Responding session of LEAP, GEE, and LAA 2, Reading, Part 2 of *iLEAP* grades 3, 5, 6, and 7, Reading Comprehension of *iLEAP* grade 9 and the "old" GEE, Reading session of ELDA, and any others developed to measure this skill. Directions only to these sessions may be signed or cued. When signing or cueing, the test administrator must exercise caution to avoid providing answers. It is a breach of test security to provide signs or cues that convey answers.

10. - 10.a. ...

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

HISTORICAL NOTE: Promulgated by the Department of Education, Board of Elementary and Secondary Education, Office of Student and School Performance, LR 33:263 (February 2007), amended LR 33:

§3307. Limited English Proficient Students

A. - C.1.c. ...

d. Tests Read Aloud. Students may be allowed to have portions of the tests read to them, with the exception of portions designed to measure reading comprehension, which are clearly designated in the *Test Administration Manuals*. No passages, questions, or distractors (multiple choices) of any English language arts assessment that measures reading comprehension may be read aloud. Such tests include the Reading and Responding session of LEAP, GEE, and LAA 2, Reading, Part 2 of *iLEAP* grades 3, 5, 6, and 7, Reading Comprehension of *iLEAP* grade 9 and the "old" GEE, Reading session of ELDA, and any others developed to measure this skill. Directions only to these sessions may be signed or cued. When signing or cueing, the test administrator must exercise caution to avoid providing answers. It is a breach of test security to provide signs or cues that convey answers.

e. ...

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

HISTORICAL NOTE: Promulgated by the Department of Education, Board of Elementary and Secondary Education, LR 31:1562 (July 2005), amended LR 32:240 (February 2006), LR 33:264 (February 2007), LR 33:

Family Impact Statement

In accordance with Section 953 and 974 of Title 49 of the Louisiana Revised Statutes, there is hereby submitted a Family Impact Statement on the Rule proposed for adoption,

repeal or amendment. All Family Impact Statements shall be kept on file in the State Board Office which has adopted, amended, or repealed a Rule in accordance with the applicable provisions of the law relating to public records.

1. Will the proposed Rule affect the stability of the family? No.

2. Will the proposed Rule affect the authority and rights of parents regarding the education and supervision of their children? No.

3. Will the proposed Rule affect the functioning of the family? No.

4. Will the proposed Rule affect family earnings and family budget? No.

5. Will the proposed Rule affect the behavior and personal responsibility of children? No.

6. Is the family or a local government able to perform the function as contained in the proposed Rule? No.

Interested persons may submit written comments until 4:30 p.m., April 11, 2007, 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 118—Statewide Assessment Standards and Practices—Integrated LEAP and Assessment of Special Populations

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

The proposed rule consolidates into *Bulletin 118* the State Board of Elementary and Secondary Education (SBESE) and the Division of Standards, Assessments, and Accountability (DSAA) test policy rules, guidelines, and procedures for easy access during statewide test administration. The proposed rule change will have no implementation cost to state or local governmental units.

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

There will be no effect on revenue collections at the state or local governmental levels.

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

There should be no effect on costs and/or economic benefits to directly affected persons or non-governmental groups.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

There should be no impact on competition and employment.

Beth Scioneaux
Acting Deputy Superintendent
0702#039

H. Gordon Monk
Legislative Fiscal Officer
Legislative Fiscal Office

NOTICE OF INTENT

Student Financial Assistance Commission Office of Student Financial Assistance

Bylaws—Committee Membership (LAC 28:V.221)

The Louisiana Student Financial Assistance Commission (LASFAC) announces its intention to amend its bylaws (R.S. 17:3021-3025 and R.S. 17:3048.1). The proposed Rule has no known impact on family formation, stability, or autonomy, as described in R.S. 49:972. (SG0783NI)

Title 28

EDUCATION

Part V. Student Financial Assistance—Higher Education Loan Program

Chapter 2. Bylaws of the Advisory Committee to the Student Financial Assistance Commission

Subchapter C. Membership and Officers of the Committee

§221. Membership

A. The committee shall be composed of 10 members, eight of whom shall be appointed by the Louisiana Association of Student Financial Aid Administrators (LASFAA) from its membership, subject to confirmation by the Louisiana Student Financial Assistance Commission. The criteria for LASFAA's selection of members shall be defined by that organization but said criteria shall ensure that appointees adequately represent LASFAA's membership. The term of all members appointed by LASFAA and confirmed by the commission shall be for two years and members may not serve two consecutive terms, provided that beginning in 2006, a member may serve up to, but no more than, two consecutive terms if so recommended by the LASFAA President and approved by a majority of the Advisory Committee Members. Beginning in October 1997, 50 percent or four of the non-ex officio members of the committee shall be appointed annually to provide for staggered terms of the regular membership. The executive director of the Office of Student Financial Assistance shall be an ex officio, nonvoting member of the committee. The president of LASFAA shall be an ex officio, voting member.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:3021.

HISTORICAL NOTE: Promulgated by the Student Financial Assistance Commission, Office of Student Financial Assistance, LR 24:435 (March 1998), amended LR 33:

Interested persons may submit written comments on the proposed changes (SG0783NI) until 4:30 p.m., March 12, 2007, to Jack L. Guinn, Executive Director, Office of Student Financial Assistance, P.O. Box 91202, Baton Rouge, LA 70821-9202.

George Badge Eldredge
General Counsel

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

RULE TITLE: Bylaws—Committee Membership

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

There are no implementation costs or savings to state or local governmental units due to the proposed changes.

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

Revenue collections of state and local governments will not be affected by the proposed changes.

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

There are no estimated effects on economic benefits to directly affected persons or non-governmental groups resulting from these measures.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

There are no anticipated effects on competition and employment resulting from these measures.

George Badge Eldredge
General Counsel
0702#015

H. Gordon Monk
Legislative Fiscal Officer
Legislative Fiscal Office

NOTICE OF INTENT

**Department of Environmental Quality
Office of the Secretary
Legal Affairs Division**

Incorporation by Reference—2006
(LAC 33:I.3931; V.3099; IX.2301, 4901,
and 4903; and XV.1517)(MM001ft)

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 Environmental Quality regulations, LAC 33:I.3931; V.3099; IX.2301, 4901, and 4903; and XV.1517 (Log #MM001ft).

This proposed Rule is identical to federal regulations found in 10 CFR 71, Appendix A, January 1, 2006; and 40 CFR 117.3, 136, 266 (Appendices I-IX and XI-XIII), 302.4, 401, 405-415, and 417-471, July 1, 2006, which are applicable in Louisiana. For more information regarding the federal requirement, contact the Regulation Development Section at (225) 219-3550 or Box 4302, Baton Rouge, LA 70821-4302. No fiscal or economic impact will result from the proposed rule; therefore, the Rule will be promulgated in accordance with R.S. 49:953(F)(3) and (4).

This proposed Rule incorporates by reference into LAC 33:I, V, IX, and XV the corresponding regulations in 10 CFR 71, Appendix A, January 1, 2006, and 40 CFR Parts 117.3, 136, 266 (Appendices I-IX and XI-XIII), 302.4, 401, 405-415, and 417-471, July 1, 2006. In order for Louisiana to maintain equivalency with federal regulations, the most current Code of Federal Regulations must be adopted into the LAC. This rulemaking is necessary to maintain delegation, authorization, etc., granted to Louisiana by EPA. This incorporation by reference package is being proposed to keep Louisiana's regulations current with their federal

counterparts. The basis and rationale for this proposed Rule are to mirror the federal regulations in order to maintain equivalency.

This proposed Rule meets an exception listed in R.S. 30:2019(D)(2) and R.S. 49:953(G)(3); therefore, no report regarding environmental/health benefits and social/economic costs is required. This proposed Rule has no known impact on family formation, stability, and autonomy as described in R.S. 49:972.

Title 33

ENVIRONMENTAL QUALITY

Part I. Office of the Secretary

Subpart 2. Notification

Chapter 39. Notification Regulations and Procedures for Unauthorized Discharges

Subchapter E. Reportable Quantities for Notification of Unauthorized Discharges

§3931. Reportable Quantity List for Pollutants

A. Incorporation by Reference of Federal Regulations

1. Except as provided in Subsection B of this Section, the following federal reportable quantity lists are incorporated by reference:

a. 40 CFR 117.3, July 1, 2006, Table 117.3—Reportable Quantities of Hazardous Substances Designated Pursuant to Section 311 of the Clean Water Act; and

b. 40 CFR 302.4, July 1, 2006, Table 302.4—List of Hazardous Substances and Reportable Quantities.

A.2. - Note #. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2025(J), 2060(H), 2076(D), 2183(I), 2194(C), 2204(A), and 2373(B).

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of the Secretary, LR 11:770 (August 1985), amended LR 19:1022 (August 1993), LR 20:183 (February 1994), amended by the Office of Air Quality and Radiation Protection, Air Quality Division, LR 21:944 (September 1995), LR 22:341 (May 1996), amended by the Office of the Secretary, LR 24:1288 (July 1998), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 27:2229 (December 2001), LR 28:994 (May 2002), LR 29:698 (May 2003), LR 30:751 (April 2004), LR 30:1669 (August 2004), amended by the Office of Environmental Assessment, LR 31:919 (April 2005), amended by the Office of the Secretary, Legal Affairs Division, LR 32:603 (April 2006), LR 32:2248 (December 2006), LR 33:

Part V. Hazardous Waste and Hazardous Materials

Subpart 1. Department of Environmental Quality—Hazardous Waste

Chapter 30. Hazardous Waste Burned in Boilers and Industrial Furnaces

§3099. Appendices—Appendix A, B, C, D, E, F, G, H, I, J, K, and L

Appendix A. Tier I and Tier II Feed Rate and Emissions Screening Limits For Metals

A. 40 CFR 266, Appendix I, July 1, 2006, is hereby incorporated by reference.

Appendix B. Tier I Feed Rate Screening Limits for Total Chlorine

A. 40 CFR 266, Appendix II, July 1, 2006, is hereby incorporated by reference.

Appendix C. Tier II Emission Rate Screening Limits for Free Chlorine and Hydrogen Chloride

A. 40 CFR 266, Appendix III, July 1, 2006, is hereby incorporated by reference.

Appendix D. Reference Air Concentrations

A. 40 CFR 266, Appendix IV, July 1, 2006, is hereby incorporated by reference, except that in regulations incorporated thereby, references to 40 CFR 261, Appendix VIII and 266, Appendix V shall mean LAC 33:V.3105, Table 1 and LAC 33:V.3099. Appendix E, respectively.

Appendix E. Risk-Specific Doses (10⁻⁵)

A. 40 CFR 266, Appendix V, July 1, 2006, is hereby incorporated by reference.

Appendix F. Stack Plume Rise [Estimated Plume Rise (in Meters) Based on Stack Exit Flow Rate and Gas Temperature]

A. 40 CFR 266, Appendix VI, July 1, 2006, is hereby incorporated by reference.

Appendix G. Health-Based Limits for Exclusion of Waste-Derived Residues

A. 40 CFR 266, Appendix VII, July 1, 2006, is hereby incorporated by reference, except that in regulations incorporated thereby, 40 CFR 261, Appendix VIII, 266.112(b)(1) and (b)(2)(i), and 268.43 shall mean LAC 33:V.3105, Table 1, 3025.B.1 and B.2.a, and LAC 33:V.2299. Appendix, Table 2, respectively.

Appendix H. Organic Compounds for Which Residues Must Be Analyzed

A. 40 CFR 266, Appendix VIII, July 1, 2006, is hereby incorporated by reference.

Appendix I. Methods Manual for Compliance with the BIF Regulations

A. 40 CFR 266, Appendix IX, July 1, 2006, is hereby incorporated by reference, except as follows.

A.1. - B. ...

Appendix J. Lead-Bearing Materials That May Be Processed in Exempt Lead Smelters

A. 40 CFR 266, Appendix XI, July 1, 2006, is hereby incorporated by reference.

Appendix K. Nickel or Chromium-Bearing Materials That May Be Processed in Exempt Nickel-Chromium Recovery Furnaces

A. 40 CFR 266, Appendix XII, July 1, 2006, is hereby incorporated by reference, except that the footnote should be deleted.

Appendix L. Mercury-Bearing Wastes That May Be Processed in Exempt Mercury Recovery Units

A. 40 CFR 266, Appendix XIII, July 1, 2006, is hereby incorporated by reference, except that in regulations incorporated thereby, 40 CFR 261, Appendix VIII shall mean LAC 33:V.3105, Table 1.

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

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 22:827 (September 1996), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 27:300 (March 2001), LR 27:2231 (December 2001), LR 28:996 (May 2002), LR 29:700 (May 2003), LR 30:751 (April 2004), amended by the Office of Environmental Assessment, LR 31:919 (April 2005), amended by the Office of the Secretary, Legal Affairs Division, LR 32:603 (April 2006), LR 33:

Part IX. Water Quality

Subpart 2. The Louisiana Pollutant Discharge Elimination System (LPDES) Program

Chapter 23. Definitions and General LPDES Program Requirements

§2301. General Conditions

A. - E. ...

F. All references to the *Code of Federal Regulations* (CFR) contained in this Chapter shall refer to those regulations published in the July 1, 2006 CFR, unless otherwise noted.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq., and in particular Section 2074(B)(3) and (B)(4).

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Water Resources, LR 21:945 (September 1995), amended LR 23:199 (February 1997), LR 23:722 (June 1997), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 25:1467 (August 1999), LR 26:1609 (August 2000), LR 27:2231 (December 2001), LR 28:996 (May 2002), LR 29:700 (May 2003), repromulgated LR 30:230 (February 2004), amended LR 30:752 (April 2004), amended by the Office of Environmental Assessment, LR 31:920 (April 2005), amended by the Office of the Secretary, Legal Affairs Division, LR 32:604 (April 2006), LR 33:

Chapter 49. Incorporation by Reference

§4901. 40 CFR Part 136

A. 40 CFR Part 136, Guidelines Establishing Test Procedures for the Analysis of Pollutants, July 1, 2006, in its entirety, is hereby incorporated by reference.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq., and in particular Section 2074(B)(3) and (4).

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Water Resources, LR 21:945 (September 1995), amended LR 23:958 (August 1997), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 25:1467 (August 1999), LR 26:1609 (August 2000), LR 27:2231 (December 2001), LR 28:996 (May 2002), LR 29:700 (May 2003), repromulgated LR 30:232 (February 2004), amended LR 30:752 (April 2004), amended by the Office of Environmental Assessment, LR 31:920 (April 2005), amended by the Office of the Secretary, Legal Affairs Division, LR 32:604 (April 2006), LR 33:

§4903. 40 CFR Chapter I, Subchapter N

A. 40 CFR Chapter I, Subchapter N, Effluent Guidelines and Standards, Parts 401, 405-415, and 417-471, July 1, 2006, are hereby incorporated by reference.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq., and in particular Section 2074(B)(3) and (4).

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Water Resources, LR 21:945 (September 1995), amended LR 23:958 (August 1997), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 25:1467 (August 1999), LR 26:1609 (August 2000), LR 27:2232 (December 2001), LR 28:996 (May 2002), LR 29:700 (May 2003), LR 29:1467 (August 2003), repromulgated LR 30:232 (February 2004), amended LR 30:752 (April 2004), amended by the Office of Environmental Assessment, LR 31:920 (April 2005), amended by the Office of the Secretary, Legal Affairs Division LR 32:604 (April 2006), LR 32:819 (May 2006), LR 33:

Part XV. Radiation Protection

**Chapter 15. Transportation of Radioactive Material
§1517. Incorporation by Reference**

A. 10 CFR Part 71, Appendix A, January 1, 2006, is hereby incorporated by reference.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2104 and 2113.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Environmental Assessment, Environmental Planning Division, LR 26:1270 (June 2000), amended LR 27:2233 (December 2001), LR 28:997 (May 2002), LR 29:701 (May 2003), LR 30:752 (April 2004), amended by the Office of Environmental Assessment, LR 31:920 (April 2005), amended by the Office of the Secretary, Legal Affairs Division, LR 32:604 (April 2006), LR 33:

A public hearing will be held on March 28, 2007, at 1:30 p.m. in the Galvez Building, Oliver Pollock Conference Room, 602 N. Fifth Street, Baton Rouge, LA 70802. Interested persons are invited to attend and submit oral comments on the proposed amendments. Should individuals with a disability need an accommodation in order to participate, contact Judith A. Schuerman, Ph.D., at the address given below or at (225) 219-3550. Parking in the Galvez Garage is free with a validated parking ticket.

All interested persons are invited to submit written comments on the proposed regulation. Persons commenting should reference this proposed regulation by MM001ft. Such comments must be received no later than March 28, 2007, at 4:30 p.m., and should be sent to Judith A. Schuerman, Ph.D., Office of the Secretary, Legal Affairs Division, Box 4302, Baton Rouge, LA 70821-4302 or to fax (225) 219-3582 or by e-mail to judith.schuerman@la.gov. The comment period for this rule ends on the same date as the public hearing. Copies of this proposed regulation can be purchased by contacting the DEQ Public Records Center at (225) 219-3168. Check or money order is required in advance for each copy of MM001ft. This regulation is available on the Internet at: www.deq.louisiana.gov/portal/tabid/1669/default.aspx.

This proposed regulation is available for inspection at the following DEQ office locations from 8 a.m. until 4:30 p.m.: 602 N. Fifth Street, Baton Rouge, LA 70802; 1823 Highway 546, West Monroe, LA 71292; State Office Building, 1525 Fairfield Avenue, Shreveport, LA 71101; 1301 Gadwall Street, Lake Charles, LA 70615; 111 New Center Drive, Lafayette, LA 70508; 110 Barataria Street, Lockport, LA 70374; 645 N. Lotus Drive, Suite C, Mandeville, LA 70471.

Herman Robinson, CPM
Executive Counsel

0702#040

NOTICE OF INTENT

**Office of the Governor
Board of Architectural Examiners**

Limited Liability Companies (LAC 46:I.1705)

Under the authority of R.S. 37:144(C) and in accordance with the provisions of R.S. 49:951 et seq., the Board of Architectural Examiners gives notice that rulemaking procedures have been initiated for the amendment of LAC

46:I.1705 pertaining to the practice of architecture in this state by limited liability companies. The existing Rule permits limited liability companies to practice architecture in this state and sets forth the rules applicable to such practice. Although the existing Rule does not specifically provide that a limited liability company shall pay an initial registration fee or a renewal fee, the board has historically charged such fees. The proposed Rule codifies the fees presently charged to a limited liability company practicing architecture in this state (a \$50 registration fee and thereafter a \$50 renewal fee annually); provides that architectural service is rendered on behalf of the limited liability company must be performed by or under the direct supervision of a member who is licensed to practice architecture in this state, who is actively involved in the practice of architecture and whose primary occupation and employment is with that limited liability company, and whose name and seal shall appear on all contract drawings and specifications requiring the services of an architect; and makes other minor changes in the existing Rule so that its requirements will be the same as those requirements pertaining to the practice of architecture in this state by partnerships. The proposed amendments have no known impact on family formation, stability, or autonomy, as described in R.S. 49:972.

Title 46

**PROFESSIONAL AND OCCUPATIONAL
STANDARDS**

Part I. Architects

**Chapter 17. Professional Architectural Corporations,
Architectural-Engineering Corporations,
and Limited Liability Companies**

§1705. Limited Liability Companies

A. An architect may practice architecture in a lawfully constituted limited liability company. The limited liability company must comply with the laws pertaining to limited liability companies, including particularly R.S. 12:1301 et seq., and these rules.

B. No person, firm, partnership, corporation, or group of persons shall solicit, offer, execute, or perform architectural services in this state in a limited liability company without first receiving a certificate from the board authorizing the limited liability company to do so. The certificate must be renewed annually.

C. A limited liability company soliciting, offering, contracting to perform, or performing the practice of architecture shall be subject to the discipline of the board and to its authority to adopt rules and regulations governing the practice of architecture.

D. Any person seeking authority for a limited liability company to practice architecture in this state shall obtain an application from the board's website or request an application from the board. The applicant is required to complete the application fully, providing all requested information pertaining to the names of the limited liability company and all of the members, and return same to the executive director. The applicant is required to pay initially a \$50 registration fee and thereafter a \$50 renewal fee annually. Upon receipt of such application and fee, the board shall either approve said application and issue a certificate to the limited liability company authorizing it to practice architecture in this state, or disapprove said application advising the applicant of the reasons therefor.

E. Architectural services rendered on behalf of a limited liability company must be performed by or under the direct supervision of a member who is duly licensed to practice architecture in this state, who is actively involved in the practice of architecture and whose primary occupation and employment is with that limited liability company, and whose name and seal shall appear on all contract drawings and specifications requiring the services of an architect.

F. The member licensed in this state who performs such architectural services or directly supervises such services will be responsible to this board for all acts and conduct of such limited liability company.

G. It will be the responsibility of all architects named in the application to advise the board of any organizational change that would relate to the authority granted under this rule. Failure to do so could result in disciplinary action leading to suspension, revocation, or rescission of the registrants' licenses.

AUTHORITY NOTE: Promulgated and amended in accordance with R.S. 37:144.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Board of Architectural Examiners, LR 29:572 (April 2003), amended LR 33:

Interested persons may submit written comments on this proposed Rule to Ms. Mary "Teeny" Simmons, Executive Director, Board of Architectural Examiners, 9625 Fenway Ave., Suite B, Baton Rouge, LA 70809.

Mary "Teeny" Simmons
Executive Director

**FISCAL AND ECONOMIC IMPACT STATEMENT
FOR ADMINISTRATIVE RULES
RULE TITLE: Limited Liability Companies**

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

There is no estimated implementation cost (savings) to state or local governmental units associated with this proposed rule amendment.

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 associated with this proposed rule amendment. The board has historically charged a limited liability company an initial registration fee of \$50.00 and thereafter a renewal fee of \$50.00 annually, and the proposed rule merely codifies this long-standing practice.

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

There are no estimated cost and/or economic benefits to directly effected persons or non-governmental groups associated with this proposed rule amendment. The board has historically charged a limited liability company an initial registration fee of \$50.00 and thereafter a renewal fee of \$50.00 annually, and the proposed rule merely codifies this long-standing practice.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

There is no estimated effect on competition or employment associated with this proposed rule amendment.

Mary "Teeny" Simmons
Executive Director
0702#081

Robert E. Hosse
Staff Director
Legislative Fiscal Office

NOTICE OF INTENT

**Office of the Governor
Board of Architectural Examiners**

Partnerships (LAC 46:I.1707)

Under the authority of R.S. 37:144(C) and in accordance with the provisions of R.S. 49:951 et seq., the Board of Architectural Examiners gives notice that rulemaking procedures have been initiated for the adoption of LAC 46:I.1707 pertaining to the practice of architecture in this state by partnerships. The proposed Rule, which is new, provides that an architect may practice architecture in a lawfully constituted partnership; sets forth the procedures to be followed by any person seeking authority for a partnership to practice architecture in this state; provides that the applicant is required to pay initially a \$50 registration fee and thereafter a \$50 renewal fee annually; provides that architectural service rendered on behalf of a partnership must be performed by or under the direct supervision of a partner who is duly licensed to practice architecture in this state, who is actively involved in the practice of architecture and whose primary occupation and employment is with that partnership, and whose name and seal shall appear on all contract drawings and specifications requiring the services of an architect; and provides that the partner who performs or supervises the performance of such architectural services will be responsible to the board for all acts and conduct of the partnership. The proposed Rule has no known impact on family formation, stability, or autonomy, as described in R.S. 49:972.

Title 46

**PROFESSIONAL AND OCCUPATIONAL
STANDARDS**

Part I. Architects

**Chapter 17. Professional Architectural Corporations,
Architectural-Engineering Corporations,
and Limited Liability Companies**

§1707. Partnerships

A. An architect may practice architecture in a lawfully constituted partnership. The partnership must comply with the laws pertaining to partnerships, including particularly Louisiana Civil Code Articles 2801 et seq., and these rules. A foreign partnership must comply with the requirements of R.S. 9:3421 et seq., including filing for registry with the Secretary of State in the Central Registry for Contracts of Partnership created by R.S. 9:3401. A limited liability partnership must comply with the requirements of R.S. 9:3431 et seq., including filing the information required by R.S. 9:3432 with the Secretary of State.

B. No person, firm, corporation, or group of persons shall solicit, offer, execute, or perform architectural services in this state in a partnership without first receiving a certificate from the board authorizing the partnership to do so. The certificate must be renewed annually.

C. A partnership soliciting, offering, contracting to perform, or performing the practice of architecture shall be subject to the discipline of the board and to its authority to adopt rules and regulations governing the practice of architecture.

D. Any person seeking authority for a partnership to practice architecture in this state shall obtain an application

from the board's website or request an application from the board. The applicant is required to complete the application fully, providing all requested information pertaining to the names of the partnership and all of the partners, and return same to the executive director. The applicant is required to pay initially a \$50 registration fee and thereafter a \$50 renewal fee annually. Upon receipt of such application and fee, the board shall promptly either approve said application and issue a certificate to the partnership authorizing it to practice architecture in this state, or disapprove said application advising the applicant of the reasons therefore.

E. Architectural services rendered on behalf of a partnership must be performed by or under the direct supervision of a partner who is duly licensed to practice architecture in this state, who is actively involved in the practice of architecture and whose primary occupation and employment is with that partnership, and whose name and seal shall appear on all contract drawings and specifications requiring the services of an architect.

F. The partner licensed in this state who performs such architectural services or directly supervises such services will be responsible to this board for all acts and conduct of such partnership.

G. It will be the responsibility of all architects named in the application to advise the board of any organizational change that would relate to the authorization granted under this rule. Failure to do so could result in disciplinary action leading to suspension, revocation, or rescission of the registrants' licenses.

AUTHORITY NOTE: Promulgated and amended in accordance with R.S. 37:144.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Board of Architectural Examiners, LR 33:

Interested persons may submit written comments on this proposed Rule to Ms. Mary "Teeny" Simmons, Executive Director, Board of Architectural Examiners, 9625 Fenway Ave., Suite B, Baton Rouge, LA 70809.

Mary "Teeny" Simmons
Executive Director

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES RULE TITLE: Partnerships

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

The agency estimates that the cost of implementing this new rule will be approximately \$2,500.00 for fiscal year 2007-2008, \$1,000.00 for fiscal year 2008-2009, and \$1,000.00 for fiscal year 2009-2010. These additional costs will result from the increased workload and expenses of preparing and processing the necessary forms, postage, and long distance telephone charges.

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

The agency estimates that it will collect additional revenues from the registration and renewal fees paid by partnerships practicing architecture in this state in the amounts of approximately \$5,000.00 during fiscal year 2007-2008, \$5,500.00 during fiscal year 2008-2009, and \$6,000.00 during fiscal year 2009-2010.

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

Partnerships that practice architecture in this state will be required to pay initially a \$50.00 registration fee and thereafter a \$50.00 renewal fee annually. This fee will compensate the agency for its cost of implementing and handling the proposed rule.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

There is no estimated effect on competition or employment associated with this proposed rule.

Mary "Teeny" Simmons
Executive Director
0702#047

Robert E. Hosse
Staff Director
Legislative Fiscal Office

NOTICE OF INTENT

Office of the Governor Division of Administration Office of Telecommunications Management

Telecommunications Coordinator (LAC 4:IX.303)

In accordance with R.S. 39:140, R.S. 39:141, R.S. 39:143, R.S. 39:1751, R.S. 39:1752, R.S. 39:1753, R.S. 39:1754, and R.S. 39:1755, and the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., the Office of Telecommunications Management hereby proposes to amend LAC Title 4, Part IX, Chapter 3, Section 303, Telecommunications Coordinator. In accordance with Act 1183 of 1999, the Office of the Governor, Division of Administration, Office of Telecommunications Management has given written consideration to the proposed Rule's impact on family.

Title 4

ADMINISTRATION

Part IX. Telecommunications

Chapter 3. State Agencies' Responsibilities

§303. Telecommunications Coordinator

A. All agencies shall appoint one or more representatives to be designated as the agency Telecommunications Coordinator(s). The Telecommunications Coordinator shall be recognized by the Office of Telecommunications Management as the agency's authorized representative for approving and coordinating telecommunications activity. The appointment of the Telecommunications Coordinator authorizes that person, on behalf of the agency, to make changes and additions for telecommunications equipment and services and to obligate related funds. Communications concerning policy and operating procedures will be directed to agencies through their respective Telecommunications Coordinator(s). As multiple Telecommunications Coordinators may be appointed to represent an agency, a Telecommunications Coordinator may be designated to have responsibility for voice only, data only, or both voice and data.

B. Training designed to instruct the Telecommunications Coordinator on the procedural aspects of interfacing with the Office of Telecommunications Management and the design and operation of various telecommunications systems will be

furnished by the Office of Telecommunications Management upon request by agencies.

AUTHORITY NOTE: Promulgated in accordance with R.S. 39:140, R.S. 39:141, R.S. 39:143, R.S. 39:1751, R.S. 39:1752, R.S. 39:1753, R.S. 39:1754, and R.S. 39:1755.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of Telecommunications Management, LR 6:722 (December 1980), repromulgated LR 10:80 (February 1984), amended LR 17:267 (March 1991), LR 25:1624 (September 1999), LR 33:

Family Impact Statement

The proposed Rule should have no impact on any family as defined in R.S. 49:972.D or on family formation, stability, and autonomy. In accordance with R.S. 49:972.C, the written family impact statement will be kept on file in the Office of Telecommunications Management. No preamble was prepared for this Notice of Intent.

Interested persons may direct inquiries until 5 p.m., March 10, 2007, to J.D. Liford, Assistant Director, Office of Telecommunications Management, P.O. Box 94280, Baton Rouge, LA 70804-9280, telephone (225) 342-7744.

Derald Kirkland
Director

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

RULE TITLE: Telecommunications Coordinator

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

There will be no implementation cost to state or local government units.

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

There will be no effect on revenue collections to state or local government units.

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

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

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

There will be no effect on competition and employment.

James D. Liford
Assistant Director
0702#050

Robert E. Hosse
Staff Director
Legislative Fiscal Office

NOTICE OF INTENT

**Department of Health and Hospitals
Board of Dentistry**

Licensure and Fees
(LAC 46:XXX.III.306, 415, 419, 706, 710, and 1506)

In accordance with the applicable provisions of the Administrative Procedure Act, R.S. 49:950 et seq., the Dental Practice Act, R.S. 37:751, et seq., and particularly R.S. 37:760(8), notice is hereby given that the Department of Health and Hospitals, Board of Dentistry amends LAC 46:XXXIII.306, 415, 419, 706, 710, and 1506. No preamble

has been prepared. There will be no family impact in regard to issues set forth in R.S. 49:972.

Title 46

**PROFESSIONAL AND OCCUPATIONAL
STANDARDS**

Part XXXIII. Dental Health Profession

Chapter 3. Dentists

**§306. Requirements of Applicants for Licensure by
Credentials**

A. - A.2. ...

3. has been in active practice, while possessing a nonrestricted license in another state, by working full-time as a dentist at a minimum of 1,000 hours per year for the preceding three years before applying for licensure in Louisiana or full-time dental education as a teacher for a minimum of three years immediately prior to applying for licensure; or has completed a two-year general dentistry residency program or successfully completed a residency program in one of the board recognized dental specialties as defined in §301; the applicant completing the residency program must apply for licensure within 180 days of graduation from said specialty program or fellowship or work full-time as a dentist for three years before licensure;

a. the requirement of practicing full-time as a dentist at a minimum of 1,000 hours per year for the preceding three years may be waived if the applicant agrees to teach full-time for two years in an accredited dental education program within the state of Louisiana. However, this license shall be rescinded should the dentist fail to complete his or her two year agreement with the school or institution;

A.4. - E. ...

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

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Dentistry, LR 18:739 (July 1992), amended LR 21:571 (June 1995), LR 22:23 (January 1996), LR 23:1528 (November 1997), LR 24:1114 (June 1998), LR 25:513 (March 1999), LR 26:692 (April 2000), LR 26:1612 (August 2000), repromulgated LR 27:1893 (November 2001), amended LR 28:1777 (August 2002), LR 30:2305 (October 2004), LR 31:927 (April 2005), LR 32:243 (February 2006), LR 33:

Chapter 4. Fees and Costs

Subchapter C. Fees for Dentists

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

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

1. ...
 - a. Licensing of dental applicants who have successfully completed an examination administered by another jurisdiction which is accepted by the board \$300
2. - 17. ...
18. retired volunteer dental license \$50
19. application and permitting for enteral conscious sedation office permit \$100
20. application and permitting for enteral conscious sedation personal permit \$100
21. renewal of enteral conscious sedation permit for adult patients \$50
22. renewal of enteral conscious sedation permit for pediatric patients \$50

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

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Dentistry, LR 14:792 (November 1988), amended LR 16:566 (June 1990), LR 18:741 (July 1992), LR 23:1526 (November 1997), LR 24:1115 (June 1998), LR 25:1478 (August 1999), LR 26:691 (April 2000), LR 28:1778 (August 2002), LR 32:243 (February 2006), LR 33:

Subchapter D. Fees for Dental Hygienists

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

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

1. ...
 - a. Licensing of dental hygiene applications who have successfully completed an examination administered by another jurisdiction which is accepted by the board \$150

2. - 11. ...

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

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Dentistry, LR 14:792 (November 1988), amended LR 16:566 (June 1990), LR 18:741 (July 1992), LR 23:1527 (November 1997), LR 24:1115 (June 1998), LR 25:1478 (August 1999), LR 26:691 (April 2000), LR 28:1778 (August 2002), LR 32:243 (February 2006), LR 33:

Chapter 7. Dental Hygienists

§706. Requirements of Applicants for Licensure by Credentials (Hygienists)

A. - A.2. ...

3. has been in active practice or full-time dental hygiene education for a minimum of one year immediately prior to applying for licensure:

- a. the requirement of practicing full-time as a dental hygienist at a minimum of one thousand hours per year for the preceding year may be waived if the applicant agrees to teach full-time for two years in an accredited dental education program within the state of Louisiana. However, this license shall be rescinded should the dental hygienist fail to complete his or her two year agreement with the school or institution;

A.4. - E. ...

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

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Dentistry, LR 18:737 (July 1992), amended LR 21:570 (June 1995), LR 22:23 (January 1996), LR 24:1117 (June 1998), LR 25:513 (March 1999), LR 26:692 (April 2000), LR 26:1613 (August 2000), repromulgated LR 27:1894 (November 2001), amended LR 28:1778 (August 2002), LR 33:

§710. Administration of Local Anesthesia for Dental Purposes

A. - F. ...

G. A licensed dental hygienist who has demonstrated competence to the satisfaction of the board may qualify for a special endorsement and may undertake the administration of local anesthesia by:

1. providing satisfactory documentation via affidavit provided by the board evidencing the administration of local anesthesia for a period of not less than six months upon a minimum of fifty patients with no adverse complications;

2. substantiating the adequacy of training via affidavit provided by the board in the administration of local anesthesia; and

3. agreeing in writing via affidavit provided by the board to administer local anesthesia as provided by these rules.

H. ...

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

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Dentistry, LR 24:1292 (July 1998), amended LR 25:1476 (August 1999), LR 26:1613 (August 2000), repromulgated LR 27:1894 (November 2001), amended LR 27:1892 (November 2001), LR 28:1779 (August 2002), LR 30:2306 (October 2004), LR 33:

Chapter 15. Anesthesia/Analgesia Administration **§1506. Conscious Sedation with Enteral Drugs**

A. - D. ...

E. For adult patients, the licensee must provide proof of current certification in cardiopulmonary resuscitation Course "C," Basic Life Support for the Health Care Provider as defined by the American Heart Association or is equivalent. For pediatric patients, the licensee must provide proof of current certification in Pediatric Life Support (PALS), or its equivalent.

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

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Dentistry, LR 20:659 (June 1994), amended LR 22:1216 (December 1996), LR 32:244 (February 2006), LR 33:

Interested persons may submit written comments on these proposed Rule changes to C. Barry Ogden, Executive Director, Louisiana State Board of Dentistry, One Canal Place, Suite 2680, 365 Canal Street, New Orleans, LA 70130. Written comments must be submitted to and received by the board within 60 days of promulgation of this notice. A request pursuant to R.S. 49:953(A)(2) for oral presentation, argument, or public hearing must be made in writing and received by the board within 20 days of the promulgation of this notice.

C. Barry Ogden
Executive Director

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES RULE TITLE: Licensure and Fees

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

The proposed rule is anticipated to increase administrative costs of the Board by approximately \$30,000 in FY 07-08 and subsequent fiscal years for the evaluation of applications for new licenses. Additionally, there will be a one-time cost of \$500 in FY 06-07 for publication of the proposed rule in the Louisiana Registry. Notification of these rule changes will be included in a mass mailing to all licensees, which has already been budgeted for notification of such rule changes.

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

The proposed rule is anticipated to increase the revenue collections of the Board by approximately \$30,000 in FY 07-08 and subsequent fiscal years and will be used to offset a minimal

increase in administrative costs associated with the application process, and granting various permits and licenses.

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

Dentists and dental hygienists will be able to obtain a license in Louisiana at a reduced rate by taking an examination approved by another jurisdiction (approximately 20-30); dentists seeking a retired volunteer dental license will pay a one-time \$50 fee for that license (approximately 10-20); dentists administering enteral conscious sedation will be required to pay \$100 for the application fee and \$50 per biennial renewal period for the renewal of their permits to administer enteral conscious sedation (approximately 300). There are no other associated costs for dentists and hygienists.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

There is no estimated effect on competition and employment.

C. Barry Ogden
Executive Director
0702#016

Robert E. Hosse
Staff Director
Legislative Fiscal Office

NOTICE OF INTENT

**Department of Health and Hospitals
Board of Medical Examiners**

Restricted Licensure and Permits
(LAC 46:XLV.402, 403, and 405)

Notice is hereby given in accordance with R.S. 49:953, that the Louisiana State Board of Medical Examiners (board), pursuant to the authority vested in the board by the Louisiana Medical Practice Act, R.S. 37:1261-1292 and the provisions of the Louisiana Administrative Procedure Act, intends to amend its rules governing the licensure of physicians LAC 46:XLV, Subpart 2, Chapter 3, §§402, 403 and 405. The proposed Rule amendments will facilitate the processing of restricted provisional temporary permits by eliminating delays, costs, and other administrative burdens attendant to the processing and issuance of restricted provisional temporary permits for: visiting physicians, who are invited by Louisiana licensed physicians to assist in the evaluation, diagnosis and/or treatment of specific patients in this state who require their expertise; for visiting professors who are invited by a medical school or other accredited medical institution to provide graduate medical education or instruction to Louisiana physicians and graduate medical students who will benefit from their training in this state; and for physicians serving in a preceptorship or enrolled in short-term post-graduate medical residency training program in a medical school or other accredited institution in this state, by allowing the board to forgo collecting and processing criminal history record information, eliminating the need for a personal appearance, and facilitating the board's use of electronic technology for processing forms, applications, and verifications of licensure status in other states. With respect to visiting physicians and visiting professors, who provide a valuable service to the citizens of this state by attending to Louisiana patients and educating Louisiana physicians, the proposed amendments also allow the board to waive the fee for the approximate 20-30

anticipated number of annual applicants for these categories of restricted temporary permits.

The proposed Rule amendments have no known impact on family, formation, stability or autonomy, as described in R.S. 49:972.

Title 46

**PROFESSIONAL AND OCCUPATIONAL
STANDARDS**

Part XLV. Medical Professions

Subpart 2. Licensure and Certification

Chapter 3. Physicians

Subchapter H. Restricted Licensure, Permits

**§402. Provisional Temporary Permit Pending Results
of Criminal History Record Information**

A. - C. ...

D. The board may waive the procedures and requirements for submitting, requesting and obtaining criminal history record information, specified in §402.A, for a non-renewable provisional temporary permit issued under this Subchapter that is effective for not more than 90 days.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1270, R.S. 37:1275 and R.S. 37:1277, R.S. 37:1281.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Medical Examiners, LR 27:843 (June 2001), amended LR 33:

§403. Visiting Physician Permits

A. - A.2.b. ...

c. a written recommendation by a physician licensed under this Chapter attesting to the professional qualifications of the visiting physician assuming responsibility for his professional activities and patient care, and specifying when and where such activities or care will be provided.

3. Repealed.

B. The board may issue a visiting professor temporary permit to an applicant physician who is invited by an accredited medical school or other accredited medical institution within the state of Louisiana approved by the board to serve on the faculty of the medical school or institution, provided that such invited physician:

1. - 2.a. ...

b. a completed application on forms furnished by the board;

c. verification satisfactory to the board that the applicant holds a current unrestricted license to practice medicine issued by the medical or osteopathic licensing authority of another state;

d. an original letter of invitation from the dean of the medical school, the head of an accredited medical institution, or the director of the educational program sponsoring the activity; and

e. verification satisfactory to the board that the applicant is currently certified by a specialty board recognized by the American Board of Medical Specialties (ABMS) or the American Osteopathic Association (AOA) in the subject area of the proposed educational program.

3. Repealed.

C. The board may issue a foreign exchange visiting professor temporary permit to an applicant physician who is invited by an accredited medical school or other accredited medical institution within the state of Louisiana approved by the board to participate in an exchange of faculty between

the applicant's medical school and a medical school or other accredited medical institution within the state of Louisiana approved by the board, provided that such invited physician:

1. - 2.b. ...

c. a completed application on forms furnished by the board;

d. ...

e. an original letter of invitation from the dean of the medical school, the head of an accredited medical institution, or the director of the educational program sponsoring the activity.

3. Repealed.

D. - F. ...

G. The term *accredited medical institution*, as used in this Subchapter, means an institution that sponsors one or more educational programs in the relevant subject area of post-graduate medical training that is accredited by the Accreditation Council of Graduate Medical Education (ACGME).

H. The term *visiting professor* as used in this Subchapter, shall apply to visiting physicians who are invited by a medical school or an accredited medical institution approved by the board to serve as instructors in the proposed educational program.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1270, R.S. 37:1275, R.S. 37:1277, R.S. 37:1278, R.S. 37:1281 and R.S. 37:1285.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Board of Medical Examiners, LR 10:913 (November 1984), amended by the Department of Health and Hospitals, Board of Medical Examiners, LR 16:520 (June 1990), LR 27:843 (June 2001), LR 33:

§405. Short-Term Residency Permit

A. - A.5. ...

B. The board may, in its discretion, issue a temporary permit for the purpose of serving a preceptorship or participating in a short-term residency program conducted by a Louisiana medical school or other accredited medical institution to an applicant who possesses the qualifications for licensure prescribed by §311.A.1-5, who is currently enrolled and in good standing in an accredited graduate medical education program and who possesses a current unrestricted license to practice medicine or engage in medical training duly issued by any state and provided that:

1. - 2.a. ...

b. satisfactory documentation that the applicant possesses the qualifications required by this Section; and

c. a letter from the physician under whom he will be serving in the preceptorship or short-term residency, describing the capacity in which the applicant will be serving and the inclusive dates of such service.

3. Repealed.

C. - D. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1270, R.S. 37:1275, R.S. 37:1277, R.S. 37:1281 and R.S. 37:1285.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Board of Medical Examiners, LR 10:913 (November 1984), amended by the Department of Health and Hospitals, Board of Medical Examiners, LR 16:521 (June 1990), LR 27:845 (June 2001), LR 33:

Interested persons may submit written data, views, arguments, information or comments on the proposed Rule amendments until 4 p.m., March 19, 2007, to Rita

Arceneaux, Confidential Executive Assistant, Louisiana State Board of Medical Examiners, at P.O. Box 30250, New Orleans, LA, 70190-0250 (630 Camp Street, New Orleans, LA, 70130).

Robert L. Marier, M.D.
Executive Director

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES

RULE TITLE: Restricted Licensure and Permits

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

Other than notice and rule publication costs estimated at a combined total \$552, which costs will be absorbed within the board's budget during FY 2007, it is not anticipated that the proposed rule amendments will result in any additional costs or savings to the board or any other state or local governmental unit.

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

It is anticipated that the proposed amendments will result in a minimal annual reduction in the board's self-generated revenue collections, estimated at approximately \$2,000-3,000. Otherwise, there will be no other effect on the revenue collections of the board or those of any other state or governmental unit.

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

The proposed rule amendments will eliminate delays, costs, and other administrative burdens attendant to the processing and issuance of restricted provisional temporary permits for visiting physicians, who are invited by Louisiana licensed physicians to assist in the evaluation, diagnosis and/or treatment of specific patients in this state who require their expertise, for visiting professors, who are invited by a medical school or other accredited medical institution to provide graduate medical education or instruction to Louisiana physicians and graduate medical students who will benefit from their training in this state, and for physicians serving in a preceptorship or enrolled in a short-term post-graduate medical residency training program in a medical school or other accredited institution in this state. The proposed amendments will allow these applicants and the board to forgo submission, collection and processing criminal history record information, which typically takes ninety days and is impractical with respect to the restricted provisional nature of these temporary permits given that applicants are in the state but for a brief period of time, often as little as one day to attend to a single patient but in no event more than ninety days and, further, because these individuals will be vouched for and performing under the inviting Louisiana physician (visiting physician), or medical school or institution (visiting professors, short-term residency/preceptorship). In addition, the proposed rule amendments will eliminate the need for a personal appearance (short term residency and preceptorship permits), and facilitate the board's use of electronic technology for processing forms, applications, and conducting its own verification of licensure status in other states and for the other purposes specified in the proposed amendments. Inasmuch as visiting physicians and professors provide a valuable service to the citizens of this state by attending the Louisiana patients and educating Louisiana physicians, the proposed amendments also allows the board to waive the \$100 fee for the approximate 20-30 anticipated number of annual applicants for these categories of restricted temporary permits. Louisiana citizens who receive healthcare

services from physicians issued restricted provisional temporary permits under the proposed rule amendments, and Louisiana physicians, graduate medical students who receive instruction and training (and in turn their current and future patients who are citizens of this state) will receive an unquantifiable benefit by virtue of the expertise of visiting physicians and/or professors.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

It is not anticipated that the proposed rule amendments will have any material impact on competition or employment in either the public or private sector.

Robert Marier, M.D.
Executive Director
0702#052

Robert E. Hosse
Staff Director
Legislative Fiscal Office

NOTICE OF INTENT

Department of Health and Hospitals Office of Public Health

Retail Food Establishments

(LAC 51:XXIII.305, 1307, 1311, 1901, 1911, and 3505)

In accordance with the Administrative Procedure Act, R.S. 49:950 et seq., the state health officer acting through the Department of Health and Hospitals, Office of Public Health, Center for Environmental Health Services, pursuant to the authority in R.S. 40:4(A)(1)(a), R.S. 40:5, R.S. 40:5.5, and R.S. 40:5.5.1 intends to amend Title 51 (Public Health—Sanitary Code), Part XXIII (Retail Food Establishments). The specific Sections proposed to be amended are §§305, 1307, 1311, 1901, 1911, and 3505. One purpose of such proposed amendments is to amend the code requirements so that they comport with the requirements of Act 647 of the 1999 Regular Session, Act 370 of the 2003 Regular Session, and Act 608 of the 2004 Regular Session. The substance of these particular legislative Acts relate to exempting certain types of food establishments from compliance with the Food Safety Certificate requirements. Another purpose is to amend the code requirements so that it comports with the requirements of Act 384 of the 2006 Regular Session. The substance of this particular legislative Act requires food establishments which have a self-service buffet to post a sign encouraging patrons to wash their hands prior to self-service and defines what types of food establishments are exempt therefrom. In addition, other proposed amendments will assist in clarifying other food establishment regulations as well as assisting in the effort to conform Louisiana's retail food establishment regulations with the latest recommendations of the 2001 United States Food and Drug Administration (FDA) Model Food Code.

Title 51

PUBLIC HEALTH—SANITARY CODE

Part XXIII. Retail Food Establishments

Chapter 3. General Requirements

§305. Food Safety Certification

[formerly paragraph 23:002-2]

A. The owner or a designated employee of each food establishment shall hold a "food safety certificate" from the department exclusively on behalf of that food establishment. The certificate shall be required to be renewed every five years.

1. For the purposes of this Section and §1901.D only, the term *food establishment* as defined in §101 of this Part shall additionally not include the following:

- a. private clubs where food is prepared and served exclusively for member consumption;
- b. religious or charitable food sales;
- c. any establishment that heats or prepares boudin or sausage for personal consumption;
- d. a bar or lounge that serves beverages only;
- e. temporary and seasonal establishments;
- f. nursing facilities;
- g. public, private, or parochial schools;
- h. elderly nutrition meal sites which do not prepare meals; and
- i. child care facilities.

2. The owner or a designated food service employee of a child care facility shall be required to complete one hour of food safety training each year as part of the three hours of mandatory yearly training required under the requirements of LAC 51:XXI.301.A.9. When the owner or a designated food service employee of a child care facility holds a valid Food Safety Certificate issued under the provisions of this Section, the holder of said certificate will be credited with three years of the mandatory yearly training required under LAC 51:XXI.301.A.9.

B. - C.3.a. ...

C.3.b. a \$25 fee for each certificate.

EXCEPTION: All state and local government employees are exempt from this fee.

C.4. - E. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:4(A)(1)(a), R.S. 40:5(2)(3)(5)(7)(15)(17)(19)(21), and R.S. 40:5.5(C)(D)(E)(F)(G).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of Public Health, LR 28:316 (February 2002), amended LR 28:1409 (June 2002), LR 33:

Chapter 13. Temperature

§1307. Hot Holding Temperatures

[formerly paragraph 22:09-4]

A. Food stored for hot holding and service shall be held at a temperature of 135°F (57°C) or higher with the exception of roast beef. If roast beef is cooked in accordance with §1305.A.6 of this Chapter the minimum hot holding temperature shall be 130°F (54°C).

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:4(A)(1)(a) and R.S. 40:5(2)(3)(5)(7)(15)(17)(19)(21).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of Public Health, LR 28:320 (February 2002), amended LR 28:1414 (June 2002), LR 33:

§1311. Cooling

[formerly paragraph 22:09-6]

A. ...

B. Cooked potentially hazardous food shall be cooled:

1. to 70°F (21°C) from 135°F (57°C) within two hours of cooking or hot holding; and

B.2. - C. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:4(A)(1)(a) and R.S. 40:5(2)(3)(5)(7)(15)(17)(19)(21).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of Public Health, LR 28:320 (February 2002), amended LR 28:1414 (June 2002), LR 33:

Chapter 19. Food Display and Service

§1901. General

[formerly paragraph 22:12-1]

A. - C. ...

D. Food establishments which have a self-service buffet shall provide a sign posted at the location of the self-service buffet which encourages individuals to wash their hands prior to serving themselves. This requirement shall not be applicable to those types of food establishments which are not included in the definition of *food establishment* as per §§101.A and 305.A.1 of this Part.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:4(A)(1)(a), R.S. 40:5(2)(3)(5)(7)(15)(17)(19)(21), and R.S. 40:5.5.1.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of Public Health, LR 28:323 (February 2002), amended LR 28:1417 (June 2002), LR 33:

§1911. Special Requirements for Highly Susceptible Populations

A. - A.2.ii. ...

3. the following foods may not be served or offered for sale in a ready to eat form:

a. raw animal foods such as raw fish, raw-marinated fish, raw molluscan shellfish, and steak tartare;

b. a partially cooked animal food such as lightly cooked fish, rare meat, soft cooked eggs that are made from raw shell eggs, and meringue; and

c. raw seed sprouts.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:4(A)(1)(a) and R.S. 40:5(2)(3)(5)(7)(15)(17)(19)(21).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of Public Health, LR 28:323 (February 2002), amended LR 28:1417 (June 2002), LR 33:

Chapter 35. Insects and Rodent Control

§3505. Openings

[formerly paragraph 22:24-3]

A. Openings to a portion of the building that is part of the food establishment, or retail food store/market, or to the outdoors shall be protected against the entry of insects and rodents by:

A.1. - B. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:4(A)(1)(a), R.S. 40:5(2)(3)(5)(7)(15)(17)(19)(20)(21), and R.S. 40:4(A)(9).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of Public Health, LR 28:331 (February 2002), amended LR 28:1425 (June 2002), LR 33:

Family Impact Statement

1. The Effect on the Stability of the Family. There will be no effect on the stability of the family.

2. The Effect on the Authority and Rights of Parents Regarding the Education and Supervision of Their Children. There will be no effect on the authority and rights of parents regarding the education and supervision of their children.

3. The Effect on the Functioning of the Family. There will be no effect on the functioning of the family.

4. The Effect on the Family Earnings and Family Budget. There will be no effect on family earnings or budget.

5. The Effect on the Behavior and Personal Responsibility of Children. There will be no effect on the behavior and personal responsibility of children.

6. The Ability of the Family or Local Government to Perform the Function as Contained in the Proposed Rule.

There will be no effect on the ability of the family or a local government to perform the function as contained in the proposed rule.

The Department of Health and Hospitals, Office of Public Health will conduct a public hearing at 10 a.m. on Tuesday, March 27, 2007, in Room 371 of the Bienville Building, 628 North Fourth Street, Baton Rouge, LA. All interested persons are invited to attend and present data, views, comments, or arguments, orally or in writing.

In addition, all interested persons are invited to submit written comments on the proposed Rule. Such comments must be received no later than Friday, March 30, 2007 at COB, 4:30 p.m., and should be addressed to Ms. Tenney Sibley, Administrator, Retail Food Program, Sanitarian Services Section, Center for Environmental Health Services, Office of Public Health, P.O. Box 4489, Baton Rouge, LA 70821-4489, or faxed to (225) 342-7552. If comments are to be shipped or hand-delivered, please deliver to the Bienville Building, 628 N. Fourth Street, Room 167, Baton Rouge, LA 70802.

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

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES

RULE TITLE: Retail Food Establishments

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

The proposed rule will allow the Office of Public Health to update Title 51 (Public Health—Sanitary Code), Part XXIII (Retail Food Establishments) to clarify requirements for Retail Food Establishments and/or comply with the latest recommendations of the 2001 United States Food and Drug Administration (FDA) Model Food Code.

There are no implementation costs anticipated other than the \$350 cost of printing the Notice of Intent and the Rule in the Louisiana Register. The Agency has sufficient funds to cover this cost.

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

There is minimal effect on revenue collections as a result of this rule because DHH-OPH has already internally and informally adopted the policy of exempting state and local government employees from paying the \$25.00 certification fee several years ago. This rulemaking will make DHH's policy on this issue official.

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

There will be a positive economic benefit to those retail food establishments that are owned or operated by state and local government employees because this rule will exempt them from paying the \$25 certification fee.

There will be a minimal cost to food establishments that operate a self-service buffet because they will be required to post a sign recommending for patrons to wash their hands before serving themselves.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

There is no effect on competition and employment anticipated as a result of promulgation of this regulation.

Sharon Howard
Assistant Secretary
0702#083

Robert E. Hosse
Staff Director
Legislative Fiscal Office

NOTICE OF INTENT

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

Seafood Preparation and Handling
(LAC 51:IX.305 and 323)

In accordance with the Administrative Procedure Act, R.S. 49:950 et seq., the state health officer acting through the Department of Health and Hospitals, Office of Public Health, Center for Environmental Health Services, pursuant to the authority in R.S. 40:4(A)(1), R.S. 40:4(A)(6), R.S. 40:5, and R.S. 40:5.3, intends to amend and revise Title 51, Part IX (Marine and Fresh Water Animal Food Products). The proposed changes will result in code provisions which are consistent with the National Shellfish Sanitation Program (NSSP) Model Ordinance. The NSSP is the federal/state cooperative program recognized by the U.S. Food and Drug Administration (FDA) and the Interstate Shellfish Sanitation Conference (ISSC) for the sanitary control of shellfish produced and sold for human consumption.

Title 51

PUBLIC HEALTH—SANITARY CODE

**Part IX. Marine and Fresh Water Animal Food
Products**

**Chapter 3. Preparation and Handling of Seafood for
Market**

**§305. Sewage Disposal on Shellfish Boats
[formerly paragraph 9:007]**

A. Owners of all vessels in which persons are engaged in the handling of shellfish from the planting or growing grounds, shall provide their vessels with suitable receptacles of adequate size and type having a capacity of at least 2 gallons for each person on the boat, in which the extract, both solid and liquid, of persons using such boats, shall be received. The contents of such receptacles shall be disposed of either by means of the sewerage system of a municipality, by incineration, or by burial in the ground at points sufficiently removed from the banks of streams or tidal waters to prevent the pollution of the waters thereof.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:4(A)(1), R.S. 40:4(A)(6), R.S. 40:5(2)(3)(5)(7)(9)(15)(17)(19)(20)(21), and R.S.40:5.3.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of Public Health, LR 28:1302 (June 2002), amended LR 33:

**§323. Tags
[formerly paragraph 9:051]**

- A. - B.3 ...
- 4. harvest area as defined by Office of Public Health;
- 5. - 6.b. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:4.A.(1), R.S. 40:5(2)(3)(5)(7)(15)(17)(19)(20)(21), and R.S. 40:5.3.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of Public Health, LR 28:1308 (June 2002), amended LR 28:1591 (July 2002), amended LR 33:

Family Impact Statement

- 1. The Effect on the Stability of the Family. None.

- 2. The Effect on the Authority and Rights of Parents Regarding the Education and Supervision of Their Children. None.
- 3. The Effect on the Functioning of the Family. None.
- 4. The Effect on the Family Earnings and Family Budget. None.
- 5. The Effect on the Behavior and Personal Responsibility of Children. None.
- 6. The Ability of the Family or Local Government to Perform the Function as Contained in the Proposed Rule. None.

All interested persons are invited to submit written comments on the proposed regulation. Persons may submit written comments no later than March 9, 2007, by 4:30 p.m., to David Guilbeau, Commercial Seafood Program Administrator, Office of Public Health, 628 N. Fourth Street-P.O. Box 4489 Baton Rouge, LA 70821.

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

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

RULE TITLE: Seafood Preparation and Handling

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

The proposed rule will remove the exemption that allows vessel owners engaged in shellfish activities from having a waste receptacle on board when harvesting occurs within two hours. This exemption would coincide with the National Shellfish Sanitation Program (NSSP). The proposed rule change would also clarify the existing language that must be provided by oyster harvesters on oyster tags. This language will change from the verbiage, "most precise identification of harvest site" to "harvest area number." No cost is associated with this change.

There is no implementation costs anticipated other than the \$102 cost of printing the Notice of Intent and the Rule in the Louisiana Register. The agency has sufficient funds to cover this cost.

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

There are no effects on revenue collections of state or local governmental units anticipated as a result of promulgation of this regulation.

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

There will be minimal costs associated with this rule change since small vessels will only be required to maintain a 5-gallon waste bucket as a receptacle.

There are no anticipated economic benefits to directly affected persons or non-governmental groups.

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

There is no effect on competition and employment anticipated as a result of promulgation of this regulation.

Sharon Howard
Assistant Secretary
0702#082

Robert E. Hosse
Staff Director
Legislative Fiscal Office

NOTICE OF INTENT

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

All Inclusive Care for the Elderly
(LAC 50:XXIII.501, 505 and 1301)

The Department of Health and Hospitals, Office of the Secretary, Office of Aging and Adult Services proposes to amend LAC 50:XXIII.501, 505 and 1301 in the Medical, Assistance Program as authorized by R.S. 36:254 and pursuant to Title XIX of the Social Security Act. This Rule is promulgated in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq.

The Department of Health and Hospitals, Bureau of Health Services Financing adopted provisions to establish the Program of All Inclusive Care for the Elderly (PACE) in accordance with federal regulations in Title 42 Section 460 of the Code of Federal Regulations (*Louisiana Register*, Volume 30, Number 2). The Program of All Inclusive Care for the Elderly was established to provide prepaid, capitated, comprehensive health care services designed to: 1) enhance the quality of life and autonomy of frail, older adults; 2) maximize dignity of, and respect for, older adults; 3) enable frail, older adults to live in the community as long as medically and socially feasible; and 4) preserve and support the older adult's family unit.

The Department of Health and Hospitals, Office of the Secretary, Office of Aging and Adult Services now proposes to amend the provisions governing PACE recipient eligibility to remove the requirement that eligibility decisions be approved by the state administering agency and to revise PACE disenrollment criteria. This proposed Rule will also amend the provisions governing the reimbursement methodology for PACE to allow for service area specific rates instead of one statewide rate and to clarify when the obligation for patient liability begins.

Title 50

PUBLIC HEALTH—MEDICAL ASSISTANCE

Part XXIII. All Inclusive Care for the Elderly

Chapter 5. Recipient Enrollment

§501. Eligibility

A. - C.6. ...

D. A PACE organization shall assess the potential participant to ensure that he or she can be cared for appropriately in a community setting and that he or she meets all requirements for PACE eligibility.

E. - E.2. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254, Title XIX of the Social Security Act, and 42 CFR 460 et seq.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 30:247 (February 2004), amended LR 33:

§505. Disenrollment

A. A PACE organization shall submit proposed denial of enrollment determinations of applicants for health and safety reasons and all involuntary disenrollments of participants to DHH for review prior to notifying applicants/participants of such adverse decisions. The department shall review denials

of PACE enrollment eligibility and disenrollments in a timely manner.

B. - B.2.b. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254, Title XIX of the Social Security Act, and 42 CFR 460 et seq.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 30:247 (February 2004), amended LR 33:

Chapter 13. Reimbursement

§1301. Payment

A. - B. ...

C. Medicaid payment to a PACE organization on behalf of a Medicaid-eligible participant shall be a prospective monthly capitated amount that is equal to or less than the amount that would otherwise have been paid under the state plan if the participant was not enrolled under the PACE program.

1. Initially, each site specific upper payment limit shall be calculated for each state fiscal year using service area data, by zip code, from actual paid fee-for-service claims for populations who are age 55 or older in nursing facilities and in home and community based waiver and state plan services that utilize nursing facility level of care and serve people age 55 or older.

2. Site specific upper payment limits and Medicaid premiums for PACE shall be periodically calculated in accordance with the approved State Plan methodology for such calculation, including trending of historical data. Premiums for every PACE organization in the state will be based on upper payment limits.

3. ...

4. No retroactive capitated payments shall be made.

D. - D.2. ...

E. Medicaid payment to a PACE organization shall be made for each Medicaid-eligible participant who is identified on Medicaid files as linked to the PACE provider and is enrolled for the subsequent month.

1. Enrolled participants are those who have signed an enrollment agreement and who have been linked by Medicaid to the PACE provider.

E.2. - I. ...

J. A Medicaid PACE participant, who is in a nursing facility reimbursed by PACE on his/her behalf, shall be responsible for payment of patient liability.

1. ...

2. The patient liability obligation for Medicaid participants begins the day it is determined by the PACE provider that the nursing facility stay is permanent.

3. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254, Title XIX of the Social Security Act, and 42 CFR 460 et seq.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 30:250 (February 2004), amended LR 33:

Family Impact Statement

In compliance with Act 1183 of the 1999 Regular Session of the Louisiana Legislature, the impact of this proposed Rule on the family has been considered. It is anticipated that this proposed Rule will have a positive impact on family functioning, stability and autonomy as described in R.S. 49:972 by encouraging greater provider participation in

PACE which will assist aging individuals with their acute and long-term care needs and enable them to remain in the community as long as possible.

Implementation of the provisions of this proposed Rule shall be contingent upon the approval of the U.S. Department of Health and Human Services, Centers for Medicare and Medicaid Services.

Interested persons may submit written comments to Jerry Phillips, Bureau of Health Services Financing, P.O. Box 91030, Baton Rouge, LA 70821-9030. He is responsible for responding to inquiries regarding this proposed Rule. A public hearing on this proposed Rule is scheduled for Tuesday, March 27, 2007 at 9:30 a.m. in Room 118, Bienville Building, 628 North Fourth Street, Baton Rouge, LA. At that time all interested persons will be afforded an opportunity to submit data, views or arguments either orally or in writing. The deadline for the receipt of all written comments is 4:30 p.m. on the next business day following the public hearing.

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

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES

RULE TITLE: All Inclusive Care for the Elderly

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 to the state other than cost of promulgation for FY 06-07. It is anticipated that \$476 (\$238 SGF and \$238 FED) will be expended in FY 06-07 for the state's administrative expense for promulgation of this proposed rule and the final rule.

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

It is anticipated that the implementation of this proposed rule will not affect federal revenue collections other than the federal share of the promulgation costs for FY 06-07. It is anticipated that \$238 will be expended in FY 06-07 for the federal share of the expense for promulgation of this proposed rule and the final rule.

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

This rule proposes to amend the provisions governing the Program of All Inclusive Care for the Elderly (PACE) to: 1) remove the requirement that recipient eligibility decisions be approved by the Department; 2) revise PACE disenrollment criteria; 3) amend PACE reimbursement methodology to allow for service area specific rates instead of one statewide rate (anticipated to be budget neutral); and 4) clarify when the obligation for patient liability begins. It is anticipated that implementation of this proposed rule will not have estimable cost or economic benefits for directly affected persons or non-governmental groups in FY 06-07, FY 07-08 and FY 08-09.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

This rule has no known impact on competition and employment.

Jerry Phillips
Medicaid Director
0702#067

Robert E. Hosse
Staff Director
Legislative Fiscal Office

NOTICE OF INTENT

Department of Insurance Office of the Commissioner

Regulation 90—Payment of Pharmacy and Pharmacist Claims (LAC 37:XIII.Chapter 115)

Under the authority of Louisiana Insurance Code, R.S. 22:250.51 et seq., and in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., the Commissioner of Insurance hereby gives notice of his intent to adopt Regulation 90 to establish standards and procedures to be used for the timely payment and processing of claims submitted by a pharmacist or pharmacy for reimbursement from health insurance issuers, their agents, or any party responsible for payment of prescription drugs, other products and supplies, and pharmacist services.

Title 37

INSURANCE

Part XIII. Regulations

Chapter 115. Regulation 90—Payment of Pharmacy and Pharmacist Claims

§11501. Purpose

A. The purpose of Regulation 90 is to implement R.S. 22:250.51-62 relative to the making of the prompt and correct payment for prescription drugs, other products and supplies, and pharmacist services covered under insurance or other contracts that provide for pharmacy benefits. It is the intent of the legislature that payments for covered prescription drugs, other products and supplies, and pharmacist services provided by pharmacists and pharmacies are paid timely. It is also the intent of the legislature that the provisions of this Part shall be interpreted to achieve these ends. Additionally, these statutory provisions establish the intent of the legislature to assure that pharmacists and pharmacies who submit claims for covered prescription drugs, other products and supplies, and pharmacist services are paid timely and payments are based on calculations that reflect nationally recognized pricing references such as average wholesale price and maximum allowable cost.

B. To carry out the intent of the legislature and assure full compliance with the applicable statutory provisions, this regulation sets forth the standards for payment of claims for prescription drugs, pharmaceutical products and pharmacists services on behalf of health insurance issuers including, health maintenance organizations, to pharmacies and pharmacists and supersedes current regulations on uniform claim forms.

AUTHORITY NOTE: Promulgated in accordance with R.S. 22:3 and 22:250.61.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 33:

§11503. Scope and Applicability

A. Except as otherwise specifically provided, the requirements of Regulation 90 apply to all health insurance issuers including health maintenance organizations that offer coverage in their insurance contracts for pharmacy services in accordance with the statutory requirements of Part VI-F of Chapter One of Title 22 of the Louisiana Revised Statutes of 1950, R.S. 22:250.51 et seq. Additionally, Regulation 90 applies to all contracts between a pharmacist and/or,

pharmacy and/or a health insurance issuer, its agent, or any other party responsible for reimbursement for prescription drugs, other products and supplies, and pharmacist services. Any and all contracts entered into after July 1, 2005 shall be required to be in compliance with R.S. 22:250.51 et seq. Additionally, Regulation 90 shall apply to all contracts in existence prior to July 1, 2005. Regulation 90 shall include but not be limited to those contracts that contain any automatic renewal provisions, renewal provisions that renew if not otherwise notified by a party, any provision that allows a party the opportunity to opt out of the contract, evergreen contracts, or rollover contracts and therefore these contracts shall be required to come into compliance. Regulation 90 shall apply to all contracts as enumerated above as of the first renewal date, first opt out date, first rollover date or first annual anniversary on or after July 1, 2005.

AUTHORITY NOTE: Promulgated in accordance with R.S. 22:3 and 22:250.61.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 33:

§11505. Definitions

Agent—a person or entity designated by a health insurance issuer to act on behalf of, or in place of, a health insurance issuer for purposes of the payment and adjudication of claims for prescription drugs, other products and supplies, and pharmacist services.

Commissioner—the Commissioner of Insurance

Covered Benefits—benefits available to a covered person under an insurance policy, benefit plan, or other contract for coverage of pharmacy benefits. The term also includes any covered prescription drugs, other products and supplies, and pharmacist services.

Covered Person—an insured, enrollee, member, or subscriber. In the case of a minor, the term includes an insured or legal guardian authorized to act in the best interest of such minor and therefore acts on behalf of the covered person.

Date upon Which a Correctly Completed Uniform Claim Is Furnished—the date the non-electronic uniform claim form is received by the health insurance issuer, health maintenance organization, its agent or other party that makes payment directly to the pharmacy, pharmacist, insured, member, subscriber, or enrollee. For health insurance issuer examinations, the department will use the postmark date of claims to determine if the date of receipt reasonably reflects the date claims are actually received by the health insurance issuers.

Date upon Which an Electronic Claim Is Adjudicate—the date an electronic claim is determined to be payable by the health insurance issuer, its agent or other party that makes payment directly to the pharmacy, pharmacist, insured, member, subscriber, or enrollee. For health insurance issuer examinations, the department will review the date the electronic claim was submitted and adjudicated by health insurance issuers.

Department—the Louisiana Department of Insurance.

Evergreen Contract—includes but is not limited to the following:

1. a contract for an initial fixed term that contains a provision extending the terms of the existing contract beyond its expiration date, for a definite or indefinite period of time, and is terminable at the option of a party with notice provided to the other party within a specified period of time;

2. perpetual agreements that contain an initial fixed term and terminable only by written notice from a party given within a specified period of time;

3. a contract with an initial term that is extended beyond its expiration date and terminable only by written notice from a party;

4. a contract that continues in perpetuity for either a definite or indefinite period of time that is terminable at the option of a party after giving required notice;

5. a contract with an initial term that is extended beyond its expiration date and continues in perpetuity until its duration specified in the contract or terminable only by written notice from a party.

Just and Reasonable Grounds Such as Would Put a Reasonable and Prudent Businessman on His Guard—an articulable set of facts, as opposed to mere speculation or assumption, that fully complies with established jurisprudence. For health insurance issuer examinations, the department will reasonably determine whether denials are based on an articulable set of facts.

Rollover—includes but is not limited to the following:

1. a contract for an initial fixed term that expires and is on or after expiration of the original fixed term, rolled over by affirmative action of a party to form a new contract or amend the existing contract for an additional period of time;

2. a contract that is formed or amended by affirmative action of a party on or after the expiration date of the existing contract;

3. a contract that can be rolled over by affirmative action of a party at any time after the existing contract's original terms or any extension of it that was entered into prior to (or after) its original expiration date;

4. an existing contract with specific terms that expire and is extended by affirmative action taken by a party to the contract, after the expiration or extension of the existing contract, to either form a new contract or amend the contract for an additional specified term;

5. an existing contract with specific terms that expire and is extended by affirmative action taken by a party to the contract, after expiration of the existing contract, to either form or amend the contract for an additional specified term.

Paid Date—the date a claim is adjudicated and any amount due and payable is released by the health insurance issuer, its agent, or other third party that makes payment directly to the pharmacy, pharmacist, member, enrollee, subscriber or policyholder. Any difference between the date of adjudication and the date the payment is released is required to be documented in the health insurance issuer's claim handling procedures filed with the department.

Prohibited Billing Activities—those activities outlined in R.S. 22:250.41 et. seq.

AUTHORITY NOTE: Promulgated in accordance with R.S. 22:3 and 22:250.61.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 33.

§11507. Claim Handling Procedures for Non-Electronic Claims

- A. Pursuant to R.S. 22:250.53.B, health insurance issuers or health maintenance organizations are required to submit to the Department, for approval, a "Prompt Payment Procedures Plan for Non-Electronic Pharmacy Claims" detailing statutory compliance for the receipt, acceptance,

processing, payment of non-electronic claims and procedures in place to ensure compliance with R.S. 22:250.41 et seq. The Prompt Payment Procedures Plan for Non-Electronic Pharmacy Claims shall include, but not be limited to, the following:

1. a process for documenting the date of actual receipt of non-electronic claims; and

2. a process for reviewing non-electronic claims for accuracy and acceptability.

B. The filing of the Prompt Payment Procedures Plan for Non-Electronic Pharmacy Claims document shall indicate compliance by a health insurance issuer or health maintenance organization with the filing requirements of R.S. 22:250.53. However, such documentation shall still be subject to review and disapproval at any time such documentation is deemed to be not in compliance with the substantive requirements of R.S. 22:250.53.

C. Health insurance issuers and health maintenance organizations are required to submit to the department their current claims address and to advise the department, in writing, of any change of the claims address.

AUTHORITY NOTE: Promulgated in accordance with R.S. 22:3 and 22:250.61.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 33:

§11509. Claim Handling Procedures for Electronic Claims

A. Pursuant to R.S. 22:250.54, health insurance issuers and health maintenance organizations are required to submit to the Department, for approval, a "Prompt Payment Procedures Plan for Electronic Pharmacy Claims" detailing statutory compliance for the receipt, acceptance, processing, payment of electronic claims and procedures in place to ensure compliance with R.S. 22:250.54 et seq. The "Prompt Payment Procedures Plan for Electronic Pharmacy Claims" shall include, but not be limited to, the following:

1. a process for electronically dating the time and date of actual receipt of electronic claims;

2. a process for reviewing electronic review of transmitted claims for accuracy and acceptability; and

3. a process for reporting all claims rejected during electronic transmission and the reason for the rejection.

B. Health insurance issuers and health maintenance organizations are required to submit to the department their current claims address and to advise the department, in writing, of any change of the claims address.

C. The filing of the "Prompt Payment Procedures Plan for Electronic Pharmacy Claims" document shall indicate compliance by a health insurance issuer and health maintenance organization with the filing requirements of R.S. 22:250.54. However, such documentation shall still be subject to review and disapproval at any time such documentation is deemed to not be in compliance with the substantive requirements of R.S. 22:250.54.

AUTHORITY NOTE: Promulgated in accordance with R.S. 22:3 and 22:250.61.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 33:

§11511. State of Emergency

A. Pursuant to any Executive Order issued by the governor transferring authority to the department on matters pertaining to insurance, and pursuant to the plenary authority

vested in the commissioner under Title 22, the department shall be authorized to issue emergency regulations during a state of emergency that suspends and/or interrupts any of the provisions found in Title 22 or take any or all such action that the commissioner deems necessary in reference to provisions in Title 22.

AUTHORITY NOTE: Promulgated in accordance with R.S. 22:3 and 22:250.61.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 33:

§11513. Severability Clause

A. If any Section or provision of Regulation 90 or its application to any person or circumstance is held invalid, such invalidity or determination shall not affect other sections or provisions that can be given effect without the invalid sections or provisions or application, and for these purposes, the Sections or provisions of this regulation and the application to any person or circumstance shall be severable.

AUTHORITY NOTE: Promulgated in accordance with R.S. 22:3 and 22:250.61.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 33:

§11515. Effective Date

A. Regulation 90 shall become effective upon final publication in the *Louisiana Register*.

AUTHORITY NOTE: Promulgated in accordance with R.S. 22:3 and 22:250.61.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 33:

A public hearing on the proposed regulation will be held on March 27, 2007, at 10 a.m. at 1702 North Third Street at the Poydras Building in Plaza Hearing Room. All interested persons may submit data, views, or arguments, orally or in writing to Claire Lemoine, 1702 North Third Street, Baton Rouge, LA 70802. All comments must be submitted no later than 4:30 p.m. on March 27, 2007.

James J. Donelon
Commissioner

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES

RULE TITLE: Regulation 90—Payment of Pharmacy and Pharmacist Claims

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

DOI does not expect any implementation costs as a result of the adoption of this regulation. Any additional work will be absorbed by existing DOI staff. DOI does not anticipate any costs to Group Benefits as a result of this regulation.

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

There will be no increase or decrease in revenue as a result of Regulation 90.

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

The regulation will assure prompt payment of claims for prescription drugs, other products and supplies and pharmacist services, but DOI has no way of estimating the economic benefit of prompt payment upon pharmacies and pharmacists, nor any additional costs insurers may incur.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

Implementation of this regulation should have no impact upon competition and employment in the state.

Chad M. Brown
Deputy Commissioner
Management & Finance
0702#091

Robert E. Hosse
Staff Director
Legislative Fiscal Office

NOTICE OF INTENT

**Department of Public Safety and Corrections
Board of Private Investigator Examiners**

Fees (LAC 46:LVII.517)

Editor's Note: This Notice of Intent is being re-published due to an error upon submission. The original Notice of Intent may be viewed on page 166 in the January 2007 edition of the *Louisiana Register*.

In accordance with the provisions of the Administrative Procedure Act (R.S. 49:950 et seq.), the Department of Public Safety and Corrections, Board of Private Investigator Examiners, hereby gives notice of its intent to amend LAC 46:LVII.517, Fees.

In particular, the Department of Public Safety and Corrections hereby gives notice of its intent to amend the Board of Private Investigator Examiners' current fees assessed, in addition to fees provided by R.S. 37:3516.

Title 46

**PROFFESIONAL AND OCCUPATIONAL
STANDARDS**

Part LVII. Private Investigator Examiners

**Chapter 5. Application, Licensing, Training,
Registration and Fees**

§517. Fees

A. In addition to the fees provided by R.S. 37:3516, the following schedule of fees shall be assessed:

1. for licensee or any business entity employing more than one investigator:

- a. - c. ...
- d. transfer of agent \$ 50;

2. for private investigator employed by a company or corporation, or apprentice investigator:

- a. - d. ...
- e. transfer of agency \$ 50;

3. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3505(B)(1).

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Board of Private Investigator Examiners, LR 19:1335 (October 1993), amended LR 33:

Family Impact Statement

In accordance with the Administrative Procedure Act, R.S. 49:953(A) (1) (a)(viii) and R.S. 49:972, the Department of Public Safety and Corrections, Board of Private Investigator Examiners, hereby provides the Family Impact Statement.

Amendment of the current LAC 46:LVII.517, Fees, by the Department of Public Safety and Corrections, Board of Private Investigator Examiners, will have no effect on the stability of the family, on the authority and right of parents regarding the education and supervision of their children, on the functioning of the family, on family earnings, and family

budget, on the behavior and personal responsibility of children or on the ability of the family or a local government to perform the function as contained in the in the proposed Rule amendment

Interested parties may submit written comments until 5 p.m., February 9, 2007, to Jonathan Holloway, Sr., General Counsel for Board of Private Investigator Examiners, P.O. Box 80777, Baton Rouge, LA 70898.

Douglas J. Chauvin
Chairman

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

RULE TITLE: Fees

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

There are no estimated costs or savings to state or local governmental units.

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

The proposed rule change will result in an anticipated increase of revenue to the Louisiana State Board of Private Investigators in the amount of \$2,700 in FY07. This estimate is based upon a total of 108 assessments which are anticipated for FY07 at the rate of \$50 per assessment which double the previous fee. This increase should remain relatively constant in subsequent fiscal years.

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

The proposed rule will result in an increase in the transfer fee from \$25 to \$50 to directly affected persons.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

There is no estimated effect on competition and employment.

Jonathan Holloway
General Counsel
0702#090

Robert E. Hosse
Staff Director
Legislative Fiscal Office

NOTICE OF INTENT

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

Inmate Mail and Publications
(LAC 22:1.313)

In accordance with the provisions of the Administrative Procedure Act (R.S. 49:950 et seq.), the Department of Public Safety and Corrections, Corrections Services, hereby gives notice of its intent to repeal the contents of §313, entitled "Correspondence and Packages: Adult Inmates" and repromulgate it with the title of "Inmate Mail and Publications".

Certain publications have indicated that the inmate mail system has not been effectively monitored. As a result, threats of inmates identified as terrorist and other high-risk inmates are using the mail and verbal communications to conduct terrorist or criminal activities while incarcerated. Therefore, the department determined that failure to adopt an amended version of this regulation as an Emergency Rule

would result in a negative impact on the public's health safety and welfare. Therefore, the Emergency Rule was adopted on January 5, 2007. This publication gives notice of the department's intent to make the Rule final, pursuant to R.S. 49:950 et seq.

Title 22

CORRECTIONS, CRIMINAL JUSTICE AND LAW ENFORCEMENT

Part I. Corrections

Chapter 3. Adult and Juvenile Services

Subchapter A. General

§313. Inmate Mail and Publications

A. Purpose. To establish the secretary's policy regarding inmate mail privileges, including publications, at all adult institutions.

B. Applicability. Chief of operations, assistant secretary, regional wardens, and wardens. It is each warden's responsibility to implement this regulation and convey its contents to the inmate population and affected employees.

C. Notice. Staff at each reception and diagnostic center or unit handling initial reception and diagnostic functions shall inform each inmate in writing promptly after arrival of the department's policy for handling of inmate mail, utilizing the Notification of Mail Handling Form (Attachment A.) This form will be filed in the inmate's record.

1. The current inmate population in DPS&C facilities is required to complete Attachment A upon the issuance of this revision to department regulations.

2. Pending full implementation of the canteen/package initiative, institutions are authorized to follow the existing regulation concerning packages.

D. Definitions

DPS&C Facility—includes, for the purpose of this regulation, state operated prison facilities, Winn Correctional Center and Allen Correctional Center.

Farm Mail Correspondence—inmate to inmate mail when housed at the same institution.

Indigent Inmates—those who do not have sufficient funds in the appropriate account(s) at the time of their request for indigent services and/or supplies to fully cover the cost of the requested services or supplies.

Nudity—pictorial depiction of buttocks, genitalia or female breasts (with the nipple or areola exposed).

Privileged Correspondence—mail to or from:

- a. identifiable courts;
- b. identifiable prosecuting attorneys;
- c. identifiable probation and parole officers, Parole Board and Pardon Board;
- d. state and local executive officers;
- e. identifiable attorneys;
- f. secretary, deputy secretary, chief of staff, undersecretary, assistant secretary, other officials and administrators of grievance systems of the department;
- g. local, state, or federal law enforcement agencies and officials.

Publication—book, booklet, pamphlet, or similar document, or a single issue of a magazine, periodical, newsletter, newspaper, magazine/newspaper clipping, article printed from the Internet, plus other materials addressed to a specific inmate such as advertising brochures, flyers, and catalogs.

Sexually Explicit Features—the publication contains depictions of nudity or sexually explicit conduct on a routine or regular basis or promotes itself based upon such depictions in the case of individual one-time issues. A publication will not be prohibited solely because it contains pictorial nudity that has a medical, educational or anthropological purpose.

Sexually Explicit Material—any book, pamphlet, magazine, or printed matter however reproduced, which contains any picture, photograph, drawing or similar visual representation or image of a person or portion of the human body which depicts nudity, sexual conduct, sadomasochistic abuse, bestiality and homosexuality. Explicit sexual material also includes that which contains detailed verbal descriptions or narrative accounts of deviant sexual behavior. (A publication will not be prohibited solely because it contains pictorial nudity that has a medical, educational or anthropological purpose).

E. Policy. It is the secretary's policy that inmates may communicate with persons or organizations subject to the limitations necessary to protect legitimate penological objectives, (including but not limited to deterrence of crime, rehabilitation of inmates, maintenance of internal/external security of an institution, or maintenance of an environment free of sexual harassment), to prevent the commission of a crime, or to protect the interests of crime victims.

F. Inmate Correspondence. Inmates may write and receive letters subject to the following provisions.

1. Frequency. There shall be no limit placed on the number of letters an inmate may write or receive at personal expense and no limit placed on the length, language, or content except when there is reasonable belief that limitation is necessary to protect public safety, or institutional order, including restrictions relative to what may be reasonably stored in space provided and security. Inmates in segregation can write and receive letters on the same basis as inmates in general population.

2. Timely Handling. All mail, incoming and outgoing, shall be handled without unjustified delay. Letters should generally not be held more than 48 hours. This does not prohibit the holding of mail for inmates who are temporarily absent from the institution and does not include weekends and holidays or emergency situations. When mail is received for an inmate who has been transferred to another institution or released, the institution where the mail is received should attempt to forward the mail to him. The collection and distribution of mail is never to be delegated to an inmate. Mail will be given directly to the receiving inmate by an employee.

3. Correspondence. An inmate may write to anyone except:

a. victim of any criminal offense for which the inmate has been convicted or for which disposition is pending, except in accordance with specific procedures established by the warden in conjunction with the Crime Victims Services Bureau;

b. any person under the age of 18 when the person's parent or guardian objects verbally or in writing to such correspondence;

c. any person whom the inmate is restrained from writing to by court order;

d. any person who has provided a verbal or written request to not receive correspondence from an inmate;

e. any other person, when prohibiting such correspondence is generally necessary to further the substantial interests of security, order, or rehabilitation.

4. Costs of Correspondence. Each inmate shall pay personal mailing expenses, except an indigent inmate. An indigent inmate shall have access to postage necessary to send two personal letters per week, postage necessary to send out approved legal mail on a reasonable basis and basic supplies necessary to prepare legal documents. A record of such access shall be kept and the indigent inmate's account shall reflect the cost of the postage and supplies as a debt owed in accordance with department regulations. Stationery, envelopes and stamps shall be available for purchase in the canteen.

5. Outgoing General Correspondence and Farm Mail

a. Review, Inspection and Rejection. Outgoing general correspondence and farm mail shall not be sealed by the inmate and may be read and inspected by staff. The objectives to be accomplished in reading outgoing mail differ from the objectives of inspection. In the case of inspection, the objective is primarily to detect contraband. The reading of mail is intended to reveal, for example, escape plots, plans to commit illegal acts, or plans to violate institution rules or other security concerns. Outgoing general correspondence and farm mail may be restricted, confiscated, returned to the inmate, retained for further investigation, referred for disciplinary proceeding or forwarded to law enforcement officials, if review discloses correspondence or materials which contain or concern:

- i. the transport of contraband in or out of the facility;
- ii. plans to escape;
- iii. plans for activities in violation of facility or department rules;
- iv. information which, if communicated, would create a clear and present danger of violence and physical harm to a human being;
- v. letters or materials written in code or a foreign language when the inmate understands English, (unless the warden or designee determines that the recipient is not fluent in English);
- vi. mail which attempts to forward unauthorized correspondence to a third party;
- vii. threats to the safety and security of staff, other inmates or the public, facility order or discipline or rehabilitation, (including racially inflammatory material);
- viii. sexually explicit material;
- ix. other general correspondence for which rejection is reasonably related to a legitimate penological interest.

b. Notice of Rejection. The inmate sender shall be notified within three working days, in writing, of the correspondence rejection and the reason therefore on the Incoming/Outgoing General Correspondence and Farm Mail Notice of Rejection Form (Attachment B). Any further delay in notification will be based on ongoing investigation which would be compromised by notification. Rejections are appealable through the Administrative Remedy Procedure.

c. Limitations on Restrictions. Any restrictions imposed on outgoing general correspondence and farm mail

shall be unrelated to the suppression of expression and may not be restricted solely based on unwelcome or unflattering opinions. Communication of malicious, frivolous, false, and/or inflammatory statements or information, the purpose of which is reasonably intended to harm, embarrass, or intimidate an employee, visitor, guest or inmate will be rejected. This shall not apply to information and/or statements communicated for the express purpose of obtaining legal assistance.

d. Procedures for Mailing. Outgoing general correspondence and farm mail shall be inserted into the envelope and left unsealed by the inmate. All outgoing correspondence shall include:

- i. a complete legible name and address of the party the correspondence is being sent to;
- ii. the inmate's name, DOC number, housing unit, and the address of the institution which shall be written or typed on the upper left hand corner of the envelope. Drawings, writing, and marking on envelopes, other than return and sending address, are not permitted. All outgoing general correspondence shall be stamped in the mailroom to indicate it originates in a correctional institution.

6. Incoming General Correspondence

a. Review, Inspection, and Rejection. All incoming general correspondence must contain the return address of the sender and the name and DOC number of the inmate. All mail to inmates must indicate that the sender is aware that the intended recipient is an inmate. All incoming general correspondence shall be opened and inspected for contraband, cash, checks, and money orders and is subject to being read. Any stick on label or stamp may be removed if it appears to contain contraband. All incoming general correspondence may be rejected if such review discloses correspondence or material(s) which would reasonably jeopardize legitimate penological interests, including, but not limited to, material(s) which contain or concern:

- i. the transport of contraband in or out of the facility;
- ii. plans to escape;
- iii. plans for activities in violation of facility or department rules;
- iv. plans for criminal activity;
- v. violations of this regulation or unit rules;
- vi. letters or materials written in code;
- vii. threats to the safety and security of staff, other inmates, or the public, facility order, or discipline, or rehabilitation, (including racially inflammatory material);
- viii. sexually explicit material;
- ix. greeting cards larger than 8" x 10" and greeting cards containing electronic or other non-paper parts, cards constructed in such a way as to permit concealment of contraband;
- x. other general correspondence for which rejection is reasonably related to a legitimate penological interest.

(a). Incoming general correspondence containing any of the foregoing may be restricted, confiscated, returned to the sender, retained for further investigation, referred for disciplinary proceedings or forwarded to law enforcement officials.

b. Notice of Rejection. The inmate shall be notified within three working days, in writing, of the correspondence

rejection and the reason therefore on the Incoming/Outgoing General Correspondence and Farm Mail Notice of Rejection Form (Attachment B). Any further delay in notification will be based on ongoing investigation which would be compromised by notification. Rejections are appealable through the Administrative Remedy Procedure.

7. Monetary Remittances

a. Incoming. Funds cannot be sent to inmates from other inmates or the families of other inmates. Funds cannot be sent to inmates from ex-inmates or their families, or employees and their families, except to purchase hobbycraft items properly supported by a hobbycraft agreement. Funds cannot be sent to inmates from unidentifiable sources. Exceptions to the above are only allowed with prior approval of the warden.

i. Money from permissible sources may be accepted in the following forms:

(a). postal, bank, or commercially issued money orders;

(b). government checks;

(c). bank cashier checks;

(d). checks drawn on federal, state, and local governments, political subdivisions, or public officials;

(e). checks drawn on reputable commercial accounts;

(f). Automated Clearing House (ACH) transfers generated by authorized vendors approved by the secretary, such as Western Union.

ii. Money will not be accepted in the following forms:

(a). cash received in the mail will be returned to the sender via regular or certified mail or agency check (type dependent on the amount of cash to be mailed);

(b). personal checks received in the mail will be returned to the sender via regular mail;

(c). checks payable to multiple parties will be returned to the sender via regular mail. (If approved by the warden or designee, the inmate may endorse the check prior to its return).

b. Upon discovery of cash, personal or multiple party checks in the mail, the inmate will be sent a Monetary Remittances Notice of Rejection Form (Attachment C) within three working days describing the contents of the mail, the date of its receipt and advising that he has seven working days to provide return postage. If return postage is not provided within seven working days, the postage will be provided by the unit. The inmate's banking account will be charged if funds are available. If funds are not available, a debt owed will be established pursuant to department regulations.

8. Identification of Privileged Correspondence. It is the responsibility and duty of institutional staff to verify the legitimacy of the official listed on the envelope. For purposes of this regulation, "identifiable" means that the official or legal capacity of the addressee is listed on the envelope and is verifiable. If not, then the letter is to be treated as general correspondence and an appropriate inquiry made into the inmate's intent in addressing the envelope as privileged mail.

9. All outgoing privileged correspondence shall include:

a. a complete legible name and address of the party the correspondence is being sent to;

b. the inmate's name, DOC number, housing unit, and the address of the institution on the upper left hand corner of the envelope. Drawings, writing, and marking on envelopes, other than return and sending address, are not permitted. All outgoing privileged correspondence shall be stamped in the mailroom to indicate it originates in a correctional institution.

i. Outgoing privileged correspondence may be posted sealed, and will not be opened and inspected without express authorization from the warden or deputy warden as specified in Paragraph F.11.

10. Incoming Privileged Correspondence. All incoming privileged correspondence must contain the return address of the sender and the name and DOC number of the inmate. All incoming privileged correspondence shall be opened in the presence of the inmate to whom it is addressed and inspected for the presence of cash, checks, money orders and contraband and to verify as unobtrusively as possible, that the correspondence does not contain material that is not entitled to the privilege. It may be opened and inspected outside the inmate's presence in the circumstances outlined in Paragraph F.11 of this Section.

a. Inspection and Rejection. When, in the course of inspection, cash, checks, or money orders are found, they shall be removed and forwarded to the business office who will verify the legitimacy of the transaction in accordance with department regulations.

b. If material is found that does not appear to be entitled to the privilege or if any of the circumstances outlined in Paragraph F.11 exist, the mail may be restricted, confiscated, returned to sender, retained for further investigation, referred for disciplinary proceedings or forwarded to law enforcement officials.

c. Notice of Rejection. The inmate shall be notified within three working days, in writing, of the correspondence rejection and the reason therefore on the Privileged Correspondence Notice of Rejection Form (Attachment D) describing the reason for the rejection and advising that he has seven working days to determine the disposition of the correspondence. Rejections are appealable through the Administrative Remedy Procedure.

d. Accidental Opening. If privileged correspondence is opened accidentally, outside the presence of the inmate, the envelope shall be immediately stapled or taped closed and the envelope marked "Accidentally Opened" along with the date and employee's initials. An unusual occurrence report will be completed.

11. Mail Precautions. The wardens and deputy wardens are authorized to open and inspect incoming and outgoing privileged mail outside the inmate's presence in the following circumstances:

a. letters that are unusual in appearance or appear different from mail normally received or sent by the individual or public entity;

b. letters that are of a size or shape not customarily received or sent by the individual or public entity;

c. letters that have a city and/or state postmark that is different from the return address;

d. letters that are leaking, stained, or emitting a strange or unusual odor or have a powdery residue;

e. when reasonable suspicion of illicit activity has resulted in a formal investigation and such inspection has been authorized by the secretary or designee.

12. Inmate Organizations. Inmate organizations must pay the postage costs for all of their outgoing mail. All outgoing mail must be approved by the inmate organization sponsor.

G. Procedures for Publications

1. Publications (see definition in Subsection D) may be read and inspected to discover contraband and unacceptable depictions and literature. Unless otherwise provided by the rules of the institution, all printed matter must be received directly from the publisher. Multiple copies of publications for any one individual inmate are not allowed. Samples inserted in publications will be removed prior to delivery. Upon the effective date of the canteen/package initiative, books must be purchased through the canteen and will no longer be allowed to be sent through the mailroom.

2. Newspaper and magazine clippings (xerox copies allowed) as well as articles printed from the Internet are considered publications for the purpose of review pursuant to this regulation. However, they are not required to originate from the publisher. A limit of five clippings/articles may be received within a piece of regular correspondence and the quantity received may be further limited by what can be reasonably reviewed for security reasons in a timely manner. Multiple copies of the same clippings/articles for any one individual inmate are not allowed. Inclusion of clippings/articles in regular correspondence may delay the delivery.

3. Refusal of Publications. Printed material shall only be refused if it interferes with legitimate penological objectives (including but not limited to deterrence of crime, rehabilitation of inmates, maintenance of internal/external security of an institution or maintenance of an environment free of sexual harassment), or if the refusal is necessary to prevent the commission of a crime or to protect the interests of crime victims. This would include but not be limited to the following described categories.

a. Security Issues

i. Maps, road atlas, etc., that depict a geographic region that could reasonably be construed to be a threat to security;

ii. writings that advocate, assist or are evidence of criminal activity or facility misconduct;

iii. instructions regarding the ingredients or manufacturing of intoxicating beverages or drugs;

iv. information regarding the introduction of, or instructions in the use, manufacture, storage, or replication of weapons, explosives, incendiaries, escape devices or other contraband;

v. instructs in the use of martial arts;

vi. racially inflammatory material or material that could cause a threat to the inmate population, staff, and security of the facility;

vii. writings which advocate violence or which create a danger within the context of a correctional facility.

b. Sexually Explicit Material. It is well established in corrections that sexually explicit material causes operational concerns. It poses a threat to the security, good order and discipline of the institution and can facilitate criminal activity. Examples of the types of behavior that result from sexually explicit material include non-consensual sex, sexual molestation of other inmates or staff, masturbation or exposing themselves in front of staff and inappropriate touching or writing to staff or other forms of sexual harassment of staff and/or inmates.

i. Sexually explicit material can portray women (or men) in dehumanizing, demeaning and submissive roles, which, within an institutional setting, can lead to disrespect and the sexual harassment of female (or male) correctional staff. Lack of respect and control in dealing with inmates can endanger the lives and safety of staff and inmates.

ii. The viewing of sexually explicit material undermines the rehabilitation of offenders as it can encourage deviant, criminal sexual behavior. Additionally, once sexually explicit material enters an institution, it is impossible to control who may view it. When viewed by an incarcerated sex offender, it can undermine or interrupt rehabilitation efforts.

iii. Publications that depict nudity or sexually explicit conduct on a routine or regular basis or promotes itself based upon such depictions in the case of individual one time issues will not be allowed.

c.i When screening publications for acceptability, the following categories shall be utilized:

(a). Category 1—presumption of non-acceptability;

(b). Category 2—those that need to be reviewed on a case-by-case basis prior to allowing them to be delivered to the recipient and subject to review by the regional warden;

(c). Category 3—presumption of acceptability.

ii. Publications can be added, deleted or moved from one category to another at the discretion of the secretary at any time.

iii. See Attachments E, F, and G for the current listing of publications in each category. When an institution receives a Category 2 publication which has not already been ruled on by the regional wardens, the mailroom will send the inmate a Notice of Pending Review of Publication Form (Attachment H) and forward the publication to their regional warden who will determine acceptability. When an institution suspends delivery of an issue of a Category 3 publication, the regional warden is notified. The mailroom will send the inmate a Notice of Pending Review of Publication Form (Attachment H). The regional wardens will determine if the publication should be moved to Category 2. When magazines are received that are not currently listed, the regional warden will be notified.

d. Procedures When Publication Is Refused. The inmate shall be notified within three working days of the refusal and the reason therefore on the Publications Notice of Rejection Form (Attachment I) describing the reason for the rejection and advising that he has seven working days to determine the publication's disposition. Rejections are appealable through the Administrative Remedy Procedure.

The institution should retain possession of the disputed item(s) until the exhaustion of administrative and judicial review.

H. Procedures for Photographs, Digital or Other Images

1. Inmates will not be allowed to receive or possess photographs or digital or other images that interfere with legitimate penological objectives (including but not limited to deterrence of crime, rehabilitation of inmates, maintenance of internal/external security of an institution, or maintenance of an environment free of sexual harassment), or to prevent the commission of a crime or to protect the interests of crime victims. This includes photographs, digital or other images which expose the genitals, genital area (including pubic hair), anal area, cheeks of the buttocks or female breasts (or breasts which are designed to imitate female breasts). These areas must be covered with garments which cannot be seen through.

2. Lingerie will not normally be acceptable whether transparent or not. Swimwear will only be acceptable if the overall context of the picture is reasonably related to activities during which swimwear is normally worn. Suggestive poses alone may be sufficient cause of rejection regardless of the type of clothing worn.

3. Each institution shall develop a procedure that serves to reasonably restrict an inmate's possession of multiple copies of the same photograph or digital or other image.

4. Hard backed and laminated photographs or digital or other images that are subject to alteration or modification may be rejected.

5. The term *photograph* includes other images such as those created by a digital imaging device or e-mails.

6. The inmate shall be notified within three working days, in writing, of the photograph rejection and the reason therefore on the Photographs Notice of Rejection Form (Attachment J) describing the reason for the rejection and advising that he has seven working days to determine the photograph's disposition. Rejections are appealable through the Administrative Remedy Procedure.

I. Appendices

1. Attachment A

Louisiana Department of Public Safety and Corrections

NOTIFICATION OF MAIL HANDLING

I. GENERAL CORRESPONDENCE TO BE RETURNED TO THE POSTAL SERVICE

I have read or had read to me, the foregoing notice regarding mail. I do not want my general correspondence opened and read; therefore, I request that the Department of Public Safety and Corrections return my general correspondence to the postal service. I understand that privileged correspondence will be delivered to me.

Printed Name DOC No. Date

Signature

II. GENERAL CORRESPONDENCE TO BE OPEN, READ AND DELIVERED

I have read or had read to me, the foregoing notice regarding mail. I wish to receive my general correspondence. I understand that the Department of Public Safety and Corrections may open and read my general correspondence. I also understand that privileged correspondence will be delivered to me.

Printed Name DOC No. Date

Signature

REFUSAL TO SIGN

Inmate _____, _____ (DOC No.), refused to sign this form and was advised by me that the Department of Public Safety and Corrections retains the authority to open and read all general correspondence. The inmate was also advised that refusing to sign this form will be interpreted as an indication that the inmate does not wish to receive general correspondence. Such correspondence will be returned to the postal service.

Staff member signature Date

c: Inmate file

2. Attachment B

**Louisiana Department of Public Safety and Corrections
Incoming/Outgoing General Correspondence and Farm Mail**

NOTICE OF REJECTION

Name DOC No. Location

Your correspondence to/from _____ has been:

- _____ Restricted
- _____ Confiscated
- _____ Returned to Sender
- _____ Retained for further investigation
- _____ Referred for disciplinary proceedings
- _____ Forwarded to law enforcement officials

Because review disclosed information concerning:

- _____ The transport of contraband in or out of the facility
- _____ Plans to escape
- _____ Plans for activities in violation of facility or Department rules
- _____ Plans for criminal activity
- _____ Information which, if communicated, would create a clear and present danger of violence and physical harm to a human being
- _____ Letters or materials written in code or foreign language
- _____ Mail which attempts to forward unauthorized correspondence to a third party
- _____ Threats to the safety and security of staff, other inmates, or the public, facility order, or discipline, rehabilitation or racially inflammatory material
- _____ Sexually explicit material
- _____ Information which would jeopardize legitimate penological interests
- _____ Procedures for mailing were not followed
- _____ Greeting cards larger than 8" x 10" or containing electronic or other non-paper parts
- _____ Other

Mailroom Officer's Signature Date

3. Attachment C

**Louisiana Department of Public Safety and Corrections
Monetary Remittances**

NOTICE OF REJECTION

Name DOC No. Location

<i>Discover</i>	<i>Slam</i>
<i>Easy Rider</i>	<i>Smithsonian</i>
<i>Ebony</i>	<i>Smooth</i>
<i>Entertainment Weekly</i>	<i>Source</i>
<i>Entrepreneur</i>	<i>Southern Sporting</i>
<i>ESPN</i>	<i>Southwest Art</i>
<i>Esquire</i>	<i>Spin</i>
<i>Essence</i>	<i>Sporting News</i>
<i>Family Circle</i>	<i>Sports Illustrated</i>
<i>Field & Stream</i>	(including swimsuit issue)
<i>Fitness</i>	<i>Star</i>
<i>Flex</i>	<i>Street Trucks</i>
<i>For Him Magazine (FHM)</i>	<i>Stuff</i>
<i>Fortune</i>	<i>The National Enquirer</i>
<i>Fur, Fish & Game</i>	<i>The New Yorker</i>
<i>Globe</i>	<i>The Pastel Journal</i>
<i>Gourmet</i>	<i>The Source</i>
<i>Guideposts</i>	<i>Thoroughbred Times</i>
<i>Hot Rod</i>	<i>Tiger Rag</i>
<i>Hot Rod Bikes</i>	<i>Time</i>
<i>House & Garden</i>	<i>Truck Trend</i>
<i>Interview</i>	<i>T.V. Guide</i>
<i>Jet</i>	<i>US</i>
<i>King</i>	<i>U.S. News and World Report</i>
<i>Kiplinger's Personal Finance</i>	<i>Vanity Fair</i>
<i>Louisiana Game & Fish</i>	<i>Vibe</i>
<i>Louisiana Sportsman</i>	<i>Vibe Vixen</i>
<i>Men's Fitness</i>	<i>W</i>
<i>Military Heritage</i>	<i>Wired</i>
<i>Motor Trend</i>	<i>Writer's Digest</i>
<i>Mustangs & Fast Foods</i>	<i>WW Raw</i>
<i>Muscle & Fitness</i>	<i>WWF Smackdown</i>
<i>National Geographic</i>	<i>XXL</i>

- _____ Printed matter must be received directly from the publisher
- _____ Contains maps, road atlas, etc., that depict a geographic region that could be reasonably construed to be a threat of security
- _____ Contains writing that advocates, assists, or are evidence of criminal activity or facility misconduct
- _____ Contains instruction regarding the ingredients or manufacturing of intoxicating beverages or drugs
- _____ Contains information regarding the introduction of, or instructions in the use, manufacture, storage, or replication of weapons, explosives, incendiaries, escape devises or other contraband
- _____ Instructs in the martial arts
- _____ Contains racially inflammatory material
- _____ Contains writings which advocate violence or which create a danger within the context of a correctional facility.
- _____ Contains nudity or sexually explicit material

_____ Mailroom Officer's Signature _____ Date _____ Postage Due

THIS FORM MUST BE COMPLETED AND RETURNED TO THE MAILROOM WITH DISPOSITION WITHIN SEVEN WORKING DAYS. IF YOU WISH TO RETURN TO SENDER, "REFUSED" WILL BE STAMPED ON THE PUBLICATION AND POSTAGE WILL NOT BE REQUIRED. THE PUBLICATION WILL BE RETURNED TO SENDER via 3rd CLASS MAIL. IF YOU WISH TO MAIL HOME, PLEASE PROVIDE POSTAGE AND THE ADDRESS. IT IS YOUR RESPONSIBILITY TO CONTACT THE PUBLISHER TO CANCEL YOUR SUBSCRIPTION. THIS IS THE ONLY NOTICE YOU WILL RECEIVE.

8. Attachment H

**Louisiana Department of Public Safety and Corrections
Publication**

NOTICE OF PENDING REVIEW

Printed Name _____ DOC No. _____ Location _____
 The publication _____ received in the mailroom on _____
 Name of Publication _____ Date _____
 has been forwarded to the Regional Warden for review and
 determination of acceptability.

_____ Mailroom Officer _____ Date

Do Not Write Below This Line (Mailroom Use Only)

Notice sent to inmate Date _____
 Forwarded to Regional Warden Date _____
 Decision from Regional Warden received Date _____
 Publication forwarded to inmate Date _____
 Notice of Publication Rejection sent Date _____

- _____ I wish to return to sender
- _____ I wish to destroy publication
- _____ I wish to mail home to the following address:

_____ Inmate's Signature and DOC No. _____ Witnessed By: (Officer's Signature)

DO NOT WRITE BELOW THIS LINE
(FOR MAILROOM USE ONLY)

Letter to inmate Date _____
 Rejected item(s) returned per inmate's request Date _____
 Rejected item(s) destroyed per inmate's request Date _____

_____ Mailroom Officer's Signature _____ Date

10. Attachment J

**Louisiana Department of Public Safety and Corrections
Photographs**

NOTICE OF REJECTION

_____ Name _____ DOC No. _____ Location

The mailroom has refused photographs for the following reason(s) in accordance with Department Regulation No. C-02-009 "Inmate Mail and Incoming Publications":

- _____ Exposed genitals _____ Lingerie
- _____ Expose genital areas
- _____ (pubic hair, anal area, buttocks) _____ Suggestive poses
- _____ Genitals or genital areas are _____ Hard backed
- _____ covered by transparent materials _____ photograph(s)

9. Attachment I

**Louisiana Department of Public Safety and Corrections
Publications**

NOTICE OF REJECTION

_____ Name _____ DOC No. _____ Location

The publication, _____, was received
 on _____ and was rejected for the following reason(s):

Swimwear worn during activities in which swimwear is not normally worn _____ Multiple copies of same photograph _____
 Other _____ Security threat group _____

 Mailroom Officer's Signature Date Postage Due

If you wish to have the rejected item removed and destroyed with the permitted letter sent to you, sign below:

 Inmate's Signature and Witnessed By:
 DOC No. (Officer's Signature)

If you wish to mail the rejected item to sender and have the permitted letter sent to you, sign below and send required posted requested.

 Inmate's Signature and Witnessed By:
 DOC No. (Officer's Signature)

If the letter had no return address or an incomplete address, you must fill out a complete return address below if you wish this rejected item returned.

 This form must be returned to the mailroom with disposition within seven working days.

DO NOT WRITE BELOW THIS LINE (FOR MAILROOM USE ONLY)

 Letter to inmate Date _____
 Rejected item(s) returned per inmate's request Date _____
 Rejected item(s) destroyed per inmate's request Date _____

 Mailroom Officer's Signature Date

AUTHORITY NOTE: Promulgated in accordance with R.S. 15:833(A), *Guajardo v. Esteile*, 580 F.2d 748 (5th Cir. 1978).

HISTORICAL NOTE: Promulgated by the Department of Corrections, Office of Adult Services, LR 5:4 (January 1979), amended LR 10:803 (October 1984), LR 11:360 (April 1985), amended by the Department of Public Safety and Corrections, Corrections Services, LR 33:

Family Impact Statement

In accordance with the Administrative Procedure Act, R.S. 49:953(A)(1)(a)(viii) and R.S. 49:972, the Department of Public Safety and Corrections, Corrections Services, hereby provides the Family Impact Statement.

Repeal and repromulgation of the current LAC 22:1.313 by the Department of Public Safety and Corrections, Corrections Services, will have no effect on the stability of the family, on the authority and rights of parents regarding the education and supervision of their children, on the functioning of the family, on family earnings and family budget, on the behavior and personal responsibility of children or on the ability of the family or a local government to perform the function as contained in the proposed Rule amendments.

Interested persons may submit their comments in writing to Melinda L. Long, Attorney for Secretary Richard L. Stalder, Department of Public Safety and Corrections, P.O. Box 94304, Baton Rouge, LA 70804, until 4:30 p.m. on March 12, 2007.

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES

RULE TITLE: Inmate Mail and Publications

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)
 There are no estimated costs or savings to state or local governmental units. Although additional effort will be needed by employees to meet this requirement, no additional costs are anticipated.
- 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 are 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.

B.E. "Trey" Boudreaux
 Undersecretary
 0702#078

Robert E. Hosse
 Staff Director
 Legislative Fiscal Office

NOTICE OF INTENT

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

**Prison Enterprises—Responsibilities and Functions
 (LAC 22:I.1101)**

In accordance with the provisions of the Administrative Procedure Act (R.S. 49:950 et seq.), the Louisiana Department of Public Safety and Corrections, Corrections Services, hereby gives notice of its intent to promulgate the contents of Section 1101, Responsibilities and Functions of Prison Enterprises.

The purpose of the aforementioned regulation is to establish and outline the functions and responsibilities of the Division of Prison Enterprises.

Title 22

**CORRECTIONS, CRIMINAL JUSTICE AND LAW
 ENFORCEMENT**

Part I. Corrections

**Chapter 11. Prison Enterprises
 §1101. Responsibilities and Functions**

A. Purpose. To establish and outline the functions and responsibilities of the Division of Prison Enterprises.

B. Applicability. Chief of operations, undersecretary, assistant secretary, wardens, the Director of Prison Enterprises and the Director of Probation and Parole. Each Unit Head shall ensure that appropriate procedures are in place to comply with the provisions of this regulation.

C. Definitions

Agriculture—cultivation of soil, production of crops, raising of livestock and management of natural resources.

Aquacultural—cultivation of natural produce of water such as fish and shellfish and their by-products.

Crops—food and fiber products that cover a broad range of goods from both processed and unprocessed bulk commodities. This includes but is not limited to soybeans, corn, wheat, rice, cotton, vegetables grasses and their by-products.

Industrial Enterprise—a manufacturing, distribution, production, assembly or warehousing operation that accommodates the direct or indirect exchange of goods.

Livestock—animals reared in an agricultural setting to make or produce food or to be used for labor and their by-products. This includes but is not limited to cattle, bulls, pigs, horses and birds.

Marketing—the process or technique of promoting, selling and distributing a product or service.

Open Market—the area of economic activity in which buyers and sellers come together and the forces of supply and demand affect prices, including agreements entered into by private treaty.

Service Industries—provision of inmate services for labor such as janitorial, bulk mailings, assembly and other labor-intensive work that utilizes Prison Enterprises' resources to accommodate customer requests.

Silvicultural—controlling the establishment, growth, composition, health and quality of forests and woodlands and their by-products through management, harvest and planting.

D. Policy

1. It is the secretary's policy that the Division of Prison Enterprises is responsible for developing and implementing policy and procedures for agricultural, aquacultural, crops, industrial enterprises, livestock, marketing, service industries and silvicultural programs that will utilize the department's resources to lower the cost of incarcerating inmates, provide work opportunities for inmates, and provide products and services to state and local agencies other political subdivisions, open market customers and other targeted customers.

E. General

1. The Director of Prison Enterprises is responsible for the following:

a. establishment and operation of all agricultural, aquacultural, crops, industrial enterprises, livestock, marketing, service industries and silvicultural programs;

b. development of budgets and plans of operation for all Prison Enterprises programs within the state;

c. procurement of all raw goods, supplies, commodities, breeding livestock, inventories, services, studies or experimental work in accordance with the Louisiana Procurement Code, Procurement of Services Rules and Regulations, Executive Orders, rules established by administrative Law and all other applicable state and federal law;

d. purchase of commodities, including but not limited to agriculture commodities, prison industry commodities, and other commodities available from other state, federal and foreign governmental agencies in accordance with R.S. 15:1157(C);

e. sale of all Prison Enterprises products, commodities, livestock, and services through appropriate venues, including but not limited to direct sales to non-profit

entities, governmental entities (i.e., other local, parish, state, federal and foreign governments), sealed bids, open market sales, private entities, auctions and other targeted customers in accordance with R.S. 15:1157(C).

2. Functional supervision at the field level relative to interface with unit activities and security requirements will be under the jurisdiction of the warden in accordance with ACA Standard 4-4006.

3. All funds received from the sale of products and services shall be deposited immediately upon receipt into the state treasury.

AUTHORITY NOTE: Promulgated in accordance with R.S. 15:1156.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of the Secretary, LR 33:

Family Impact Statement

In accordance with the Administrative Procedures Act, R.S. 49:953(A)(1)(a)(viii) and R.S. 49:972, the Department of Public Safety and Corrections, Corrections Services, hereby provides the Family Impact Statement.

Promulgation of the current LAC 22:I:1101 by the Department of Public Safety and Corrections, Corrections Services, will have no effect on the stability of the family, on the authority and rights of parents regarding the education and supervision of their children, on the functioning of the family, on family earnings and family budget, on the behavior and personal responsibility of children or on the ability of the family or a local government to perform the function as contained in the proposed rule rescission.

Interested persons may submit their comments in writing to Melinda L. Long, Attorney for Secretary Richard L. Stalder, LA Department of Public Safety and Corrections, P.O. Box 94304, Baton Rouge, LA 70804, until 4:30 p.m. on March 12, 2007.

Richard L. Stalder
Secretary

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES RULE TITLE: Prison Enterprises Responsibilities and Functions

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

There is no estimated cost or savings to state or local governmental units.

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

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

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

There are 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.

B.E. "Trey" Boudreaux
Undersecretary
0702#079

Robert E. Hosse
Staff Director
Legislative Fiscal Office

NOTICE OF INTENT

Department of Public Safety and Corrections Office of the State Fire Marshal

Boiler Construction, Maintenance,
Inspection and General Use
(LAC 55:V.Chapter 50)

In accordance with the provisions of R.S. 49:950 et seq., 23:531 and 51:1424 relative to the authority of the Office of State Fire Marshal to promulgate and enforce rules, the Office of State Fire Marshal hereby proposes to adopt the following Rule regarding the regulation of boilers.

Title 55

PUBLIC SAFETY

Part V. Fire Protection

Chapter 50. Boiler Construction, Maintenance, Inspection and General Use

Subchapter A. General Provisions

§5001. Preface

A.1. The objective of these rules and regulations is to promote safe and efficient boiler practices for the construction, repair, alteration, operation and inspection of all boilers, and to provide for inspection during fabrication, assembly, modification, repair or alteration of those pressure vessels which are required by the owner or user to:

a. meet American Society of Mechanical Engineers (ASME) rules for construction, and the National Board Inspection Code (NBIC) rules for repair; and

b. be stamped as meeting those rules; thereby insuring better protection of life and property.

2. To this end we invite the cooperation of all boiler and pressure vessel manufacturers, owners, users, operators and insurance companies.

B. It is intended that these rules and regulations will effect reasonable and adequate regulations governing the construction, maintenance, inspection and use of boilers, and provide for the inspection during fabrication, repair or alteration of those pressure vessels that are required by the owner or user to:

1. meet ASME and NBIC requirements; and
2. be stamped as meeting those rules.

C. These rules and regulations are not designed to provide an inspection program for unfired pressure vessels, except as provided for by the Act, however, inspections will be provided when requested by the owner or user. They are intended to promote uniform standards for the design, fabrication, repair, alteration and inspection of steam and hot water boilers, and the inspection during fabrication, repair or alteration of those pressure vessels that are required by the owner or user to:

1. meet ASME and NBIC requirements; and
2. be stamped as meeting those rules.

AUTHORITY NOTE: Promulgated in accordance with 23:531 and 51:1424.

HISTORICAL NOTE: Promulgated by the Department of Public Safety, Office of the State Fire Marshal, LR 33:

§5002. Application

A.1. The rules and regulations herein promulgated apply to all boilers subject to the provisions of the Louisiana Revised Statutes of 1950, Title 23, Chapter 5, Part III, Sections 531 through 545, (Except boilers exempted by

R.S. 23:540), and to those pressure vessels that are required by the owner or user to:

- a. meet ASME and NBIC requirements; and
- b. be stamped as meeting those rules, as provided

for by R.S. 23:531.

2. These rules and regulations shall conform as nearly as practicable to the ASME Boiler and Pressure Vessel Codes; Section I Power Boilers, 2004 Edition, 2005 Addendum; Section IV Heating Boilers, 2004 Edition, 2005 Addendum; Section V Non Destructive Examination, 2004 Edition, 2005 Addendum; Section VI-Recommended Rules for the Care and Operation of Heating Boilers, 2004 Edition, 2005 Addendum; Section VII Recommended Guidelines for the Care of Power Boilers, 2004 Edition, 2005 Addendum; Section VIII Pressure Vessels to the extent the rules and regulations apply, 2004 Edition, 2005 Addendum; Section IX - Welding and Brazing Qualifications, 2004 Edition, 2005 Addendum; ASME B31.1 Power Piping, 2004 Edition, 2005 Addendum; ASME C.S.D.-1 Controls and Safety Devices for Automatically Fired Boilers, 2004 Edition (with the exception of Part CM-Testing and Maintenance), 2005 Addendum; and NFPA 54 National Fuel Gas Code, 2002 Edition, adopted by the council of the American Society of Mechanical Engineers; and the National Board Inspection Code, 2004 Edition, 2005 Addendum.

B. Where the application of a rule would cause expense materially out of proportion to the increase of safety secured thereby, or would be unreasonable under the facts of the particular case, and safety can be secured in other ways, the assistant secretary may, upon adequate showing by the owner or user, grant an exemption of the rule complained of under such requirements as will secure a reasonable condition of safety.

C. The rules providing for inspection of new and existing installations shall apply to all boilers subject to the provisions of Act 264 of the Regular Session of 1938, as continued or substituted for by Title 23, Chapter 5, Part III, of the Louisiana Revised Statutes of 1950, regardless of whether inspected by an inspector employed by the Department of Public Safety or by an insurance company inspector, and shall apply to all boilers whether stationary or portable, insofar as is practical.

AUTHORITY NOTE: Promulgated in accordance with 23:531 and 51:1424.

HISTORICAL NOTE: Promulgated by the Department of Public Safety, Office of the State Fire Marshal, LR 33:

§5003. Definitions

Act—regulations affecting boilers, as enacted, amended and reenacted by the Legislature of Louisiana, herein referred to as the Louisiana Revised Statutes of 1950, Title 23, Chapter 5, Part III, Sections R.S. 23:531 through R.S. 23:545.

Alteration—a change in any item described on the original Manufacturers Data Report that effects the pressure containing capability of the boiler or pressure vessel. Non-physical changes such as an increase in maximum allowable working pressure (internal or external) or design temperature shall be considered an alteration. A reduction in minimum temperature such that additional mechanical test are required shall also be considered an alteration.

ASME—the American Society of Mechanical Engineers.

ASME Code—the American Society of Mechanical Engineers (ASME) Boiler and Pressure Vessel Code

published by that society, including addenda and code cases, approved by its council and adopted by the assistant secretary, shall hereafter be known as the "Louisiana Boiler Construction Code." A copy of this code will be on file at the State of Louisiana, Department of Public Safety, Office of State Fire Marshal, Boiler Inspection Section, Baton Rouge, Louisiana.

Assistant Secretary—as used herein shall be the Fire Marshal for the State of Louisiana.

Authorized Inspection Agency—one of the following:

1. A department or division established by a jurisdiction which has adopted and does administer one or more sections of the ASME Code, one of which shall be Section I as a legal requirement, and whose inspectors hold valid commissions issued by the National Board of Boiler and Pressure Vessel Inspectors. For these rules this shall be the Boiler Inspection Section, Office of State Fire Marshal, State of Louisiana.

2. An insurance company which has been licensed or registered by the appropriate authority of a state of the United States or a Province of Canada, to write and does write boiler and pressure vessel insurance, and to provide inspection service of boilers and pressure vessels that they insure in such state or province, and whose inspectors meet the requirements of *Authorized Inspector* above.

Authorized Inspector—an inspector who holds a current commission as an inspector of boilers and other pressure vessels, issued by the National Board of Boiler and Pressure Vessel Inspectors; a certificate of competency and commission as a boiler inspector, issued by the Boiler Inspection Section, Office of State Fire Marshal, State of Louisiana.

Boiler—a vessel in which water is heated, steam is generated, steam is superheated, or any combination thereof, under pressure or vacuum for use external to itself, by the direct application of heat, that is heat resulting from the combustion of fuel, electrical elements, nuclear fuel, or waste gases. (Vessels known as evaporators or heat exchangers and vessels in which steam and other vapor is generated by the use of heat resulting from operation of a processing system containing a number of pressure vessels such as used in the manufacture of chemical and petroleum products, would be exempted from jurisdictional inspection requirements.) The term boiler shall include the following:

1. *Power Boiler*—a boiler in which steam is generated at a pressure of more than 15 psig.

2. *High Pressure/High Temperature Water Boiler*—a water boiler intended for operation at pressures in excess of 160 psig and/or temperatures in excess of 250° F.

3. *Heating Boiler*—a steam boiler operating at pressures not exceeding 15 psig, or a hot water boiler operating at pressures not exceeding 160 psig or temperatures not exceeding 250° F.

4. *Electric Boiler*—a power boiler or a hot water heating or supply boiler in which the source of heat is electricity.

5. *Miniature Boiler*—a power boiler or a high-temperature water boiler which does not exceed the following limits:

- a. 16 inch inside diameter of shell;
- b. 20 square feet heating surface (not applicable to electric boilers);

c. 5 cubic feet gross volume exclusive of casing and insulation;

d. 100 psig maximum allowable working pressure.

6. *Steam Heating Boiler*—a steam boiler for operation at pressures not exceeding 15 psig, used for heating purposes.

7. *Hot Water Heating Boiler*—a boiler in which no steam is generated, from which hot water is circulated for heating purposes and then returned to the boiler, and which operates at a pressure not exceeding 160 psig and/or a temperature of 250° F at or near the boiler outlet.

8. *Hot Water Supply Boiler*—a boiler completely filled with water that furnishes hot water to be used externally to itself at pressures not exceeding 160 psig or a temperature not exceeding 250° F at or near the boiler outlet.

9. *Potable Water Boiler*—a vessel in which water is heated and withdrawn for use external to itself at pressures not exceeding 160 psig and temperatures not exceeding 210° F. This shall include hot water heaters (fired and electric), supplying potable hot water, 50 gallons and over in capacity; coil water heaters and fired jacketed kettles.

10. *Portable Boiler*—a boiler which is primarily intended for temporary location and the construction and usage permits it to be readily moved from one location to another.

11. *Heat Recovery Boiler*—a vessel or system of vessels comprised of one or more heat exchanger surfaces used for the recovery of waste heat (Vessels known as evaporators or heat exchangers and vessels in which steam and other vapor is generated by the use of heat resulting from the operation of a processing system containing a number of pressure vessels such as used in the manufacture of chemical and petroleum products, are to be exempted from jurisdictional inspection requirements).

12. *Unfired Steam Boiler*—an unfired vessel intended for operation at a pressure in excess of 15 psig steam for the purpose of producing and controlling an output of thermal energy. (Vessels known as evaporators or heat exchangers and vessels in which steam and other vapor is generated by the use of heat resulting from the operation of a processing system containing a number of pressure vessels such as used in the manufacture of chemical and petroleum products, are to be exempted from jurisdictional inspection requirements).

13. *Waste Heat Boiler*—an unfired vessel or system of unfired vessels intended for operation in excess of 15 psig steam for the purpose of producing and controlling an output of thermal energy. (Vessels known as evaporators or heat exchangers and vessels in which steam and other vapor is generated by the use of heat resulting from the operation of a processing system containing a number of pressure vessels such as used in the manufacture of chemical and petroleum products, are exempted from jurisdictional inspection requirements.)

Certificate Inspection—an inspection, the report of which is used by the chief inspector as justification for issuing, withholding or revoking the inspection certificate. This certificate inspection shall be an internal inspection when required; otherwise, it shall be as complete an inspection as possible.

1. *Internal Inspection*—as complete an examination as can be made of the internal and external surface of a boiler or pressure vessel while it is shut down and manhole plates,

hand hole plates or other inspection opening closures are removed as required by the inspector.

2. *External Inspection*—an inspection made when a boiler or pressure vessel is in operation, if possible.

Certificate of Competency—a certificate issued to a person who has passed the examination prescribed by the assistant secretary.

Certificate of Inspection—a certificate issued by the chief inspector for the operation of a boiler or pressure vessel as required by the Act.

Commission-National Board—the commission issued by the National Board of Boiler and Pressure Vessel Inspectors to a holder of a certificate of competency who desires to make shop inspections or field inspections in accordance with the National Board Bylaws and whose employer submits the inspector application to the national board for such commission.

Condemned Boiler or Pressure Vessel—a boiler or pressure vessel that has been inspected and declared unsafe, or disqualified by legal requirements, by an inspector and a stamping or marking designating its condemnation has been applied by the chief inspector, deputy or special inspector.

Existing Installation—includes any boiler constructed, installed, placed in operation, or contracted for before July 7, 1938 and any pressure vessel (when required by the Act) before July 16, 1975.

Inspector—the chief inspector, any deputy inspector or special inspector.

1. *Chief Inspector*—the chief boiler and pressure vessel inspector, appointed under the Act.

2. *Deputy Inspector*—any inspector, employed by this state and appointed by the assistant secretary under the provisions of the Act.

3. *Special Inspector*—an inspector holding a Certificate of Competency, and who is regularly employed by an insurance company authorized to insure against loss from explosion of boilers or pressure vessels in this state.

Jurisdiction—a state, commonwealth, county or municipality of the United States or a province of Canada, which has adopted one or more sections of the ASME Code, or other codes and standards accepted by the National Board of Boiler and Pressure Vessel Inspectors, and maintains a duly constituted department, bureau or division for the purpose of enforcement of such Code.

National Board—the National Board of Boiler and Pressure Vessel Inspectors, 1055 Crupper Avenue, Columbus, Ohio 43229, whose membership is composed of the chief inspectors of jurisdictions, who are charged with the enforcement of the provisions of the ASME Code.

National Board Inspection Code—the manual for boiler and Pressure vessel inspectors published by the National Board of Boiler and Pressure Vessel Inspectors, from which copies may be obtained.

New Boiler or Pressure Vessel—includes all boilers constructed, installed, placed in operation or contracted for after July 7, 1938, or pressure vessels (when requested) after July 16, 1975.

Non-Standard Boiler or Pressure Vessel—a boiler or pressure vessel that does not bear the ASME stamp, the API-ASME stamp, or the stamp of any jurisdiction which has adopted a standard of construction equivalent to that required by these rules.

Owner or User—any person, firm or corporation legally responsible for the safe installation, operation and maintenance of any boiler or pressure vessel within this jurisdiction.

Pressure Vessel—a vessel in which the pressure is obtained from an external source, or by the application of heat from an indirect source, or from a direct source other than those boilers defined herein, and shall be those vessels within the scope of Section VIII of the ASME Code.

PSIG—pounds per square inch gauge.

Reinstalled Boiler or Pressure Vessel—a boiler or pressure vessel removed from its original setting and reinstalled at the same location or at a new location without change of ownership.

Repair—the work necessary to restore a boiler or pressure vessel to a safe and satisfactory operating condition, provided there is no deviation from the original design.

Repair/Pressure Relief Valve—the replacement, re-machining or cleaning of any critical part, lapping of seat and disk or any other operation which may affect the flow passage, capacity function or pressure retaining ability of the valve. Disassembly, reassembly and/or adjustments which affect the pressure relief valve function are also considered repair

Second Hand Boiler or Pressure Vessel—a boiler or pressure vessel that has changed both locations and ownership since its primary use.

Standard Boiler or Pressure Vessel—a boiler or pressure vessel which bears the stamp of the state, the ASME stamp, the API-ASME stamp, both the ASME and National Board stamp, or the stamp of another jurisdiction which has adopted a standard of construction equivalent to that required by this state.

Water Heater—a vessel in which water is heated by combustion of fuel or electricity, for use external to the system at pressures not exceeding 160 psig and shall include all controls and devices necessary to prevent water temperatures from exceeding 210° F as well as storage vessels connected to the water heater (also defined as a potable water boiler).

AUTHORITY NOTE: Promulgated in accordance with 23:531 and 51:1424.

HISTORICAL NOTE: Promulgated by the Department of Public Safety, Office of the State Fire Marshal, LR 33:

Subchapter B. Administration

§5006. Boilers to Comply with Code Requirements

A. No boiler shall be installed in this state unless it has been constructed, inspected and stamped in conformity with the ASME Code and registered with the National Board except:

1. those exempt by the Act;
2. those existing installations (see §5003.Definitions).
3. those potable water heaters exempted by Part HLW-101, Section IV of the ASME Code, that are required by the Act, to comply with these rules and regulations. (Those heaters must be designed and constructed according to Underwriters Laboratories or other Nationally Recognized Standards, and shall bear their label on the completed unit);
4. those approved as "Louisiana Special."

B. Louisiana Special. If, due to a valid impediment to compliance with the original code of construction, a boiler cannot bear the required construction code and national

board stamping, details in the English language and United States customary units of the proposed construction, material specifications and calculations, approved by a registered professional engineer experienced in boiler systems design, shall be submitted to the chief inspector by the owner or user and approval as "Louisiana Special" obtained before construction is started.

C. A boiler having a standard or special stamping of another state that has adopted a standard of construction equivalent to that required for Louisiana, may be accepted by the assistant secretary. The owner/user desiring to install such a boiler shall make application for the installation of same and shall file with the application of a manufacturers data report covering the construction of the boiler in question and a copy of the approval for construction from the state in which the boiler was fabricated.

D. The stamping, ASME, NB, or Standard Label, shall not be concealed by lagging or paint and shall be exposed at all times unless a suitable cover is provided and identifies the stamping as beneath the cover, or a suitable record is kept of the location of the stamping so that it may be readily uncovered.

AUTHORITY NOTE: Promulgated in accordance with 23:531 and 51:1424.

HISTORICAL NOTE: Promulgated by the Department of Public Safety, Office of the State Fire Marshal, LR 33:

§5007. Inspections

A. Upon completion of installation, all boilers shall be inspected by an inspector commissioned to inspect boilers in this state, and shall be inspected thereafter as follows.

1. Power boilers shall receive an internal certificate inspection annually, with the exception of those covered by R.S. 23:536.A, and may receive an external inspection while under pressure at approximately six months following the internal inspection.

2. High temperature and high pressure water boilers shall receive an external inspection annually, with an internal inspection done every six years based on the date of manufacture.

3. Low Pressure Boilers and Potable Water Boilers shall receive a certificate inspection biennial as follows.

a. Steam heating boilers shall receive an internal inspection every two years where construction permits, otherwise, a thorough external inspection shall be performed.

b. Hot water heating and hot water supply boilers shall receive an external inspection every two years and where construction permits an internal inspection every six years based on the date of manufacture.

c. All potable water boilers/water heaters shall receive an external inspection, including the functions of all controls and devices, at the initial installation; except those located in privately owned residences. Those potable water boilers/water heaters 50 gallons in capacity and larger (including any attached storage vessels) and/or 100,000 BTU/HR heat input, shall be issued a state jurisdiction number and a certificate to operate. Those heaters issued an operating certificate will require an external inspection every two years thereafter.

B. In addition to a certificate inspection being conducted in accordance with R.S. 23:536 in a commercial laundromat, as defined by R.S. 47:305.17 the state inspector shall verify

that hot water is being supplied to each machine at a minimum temperature of 120° F or a sign shall be placed on the machine indicating that hot water is not available.

C. Upon application from the owner or user with the recommendation of a deputy inspector or special inspector, the chief inspector may authorize an extension of the internal inspection period, as provided for by the Act.

§5008. Second-Hand Installations to Comply with New Installation Requirements

A. In any case where a second-hand boiler is installed, that is, both the ownership and location of which is changed, all fittings and appliances must comply with the applicable ASME Code section for new installations.

AUTHORITY NOTE: Promulgated in accordance with 23:531 and 51:1424.

HISTORICAL NOTE: Promulgated by the Department of Public Safety, Office of the State Fire Marshal, LR 33:

§5009. Application of State Serial Numbers

A. Upon completion of the installation of a boiler, or at the time of the initial certificate inspection of an already installed boiler that has not been inspected and decaled according to these rules. A decal with the state serial number shall be placed in a conspicuous location on the boiler/water heater for identification.

B. Pressure vessels when requested to be inspected by the owner or user shall have securely attached one of the decals provided by the boiler inspection section containing the state serial number, and shall be decaled under the same pressure and temperature guidelines provided for boilers by these rules and regulations.

C. State serial numbers that have been decaled or otherwise attached to a boiler shall not be defaced or removed except as provided for by these rules and regulations, and shall not be covered by insulation or other material.

AUTHORITY NOTE: Promulgated in accordance with 23:531 and 51:1424.

HISTORICAL NOTE: Promulgated by the Department of Public Safety, Office of the State Fire Marshal, LR 33:

§5010. Examination for an Inspectors Certificate of Competency

A. Examination for an inspectors certificate of competency shall be held at the Office of the State Fire Marshal or any other location to be selected by the chief inspector, four times each year, namely the first Wednesday and 1/2 day Thursday in the months of March, June, September and December. An applicant for an examination shall have education and experience equal to at least one of the following:

1. from an accredited school, a degree in engineering plus one year of experience in design, construction, operation or inspection of high-pressure boilers and pressure vessels;

2. an associate degree in mechanical technology plus two years of experience in design, construction, operation or inspection of high-pressure boilers and pressure vessels;

3. a high school education or the equivalent plus three years of experience:

a. in high-pressure boiler and pressure vessel construction or repair; or

b. in charge of high-pressure boiler operation; or

c. in the inspection of high-pressure boilers and pressure vessels.

B. Applications for examination shall be in writing on a form to be furnished by the chief inspector stating the education of the applicant, a list of the applicant's employers, the applicant's period of employment and position held with each employer. Applications containing willful falsifications or untruthful statements shall be cause for rejection. Applications shall be submitted to the chief inspector at least 45 days prior to the date of examination. If the applicants education and experience are acceptable to the chief inspector, the applicant shall be given a written examination prepared by the National Board of Boiler and Pressure Vessel Inspectors or the American Petroleum Institute, as applicable, dealing with the construction, maintenance and repair of boilers and pressure vessels and appurtenances, and the applicant shall be accepted or rejected on the merits of this examination. If the applicant is successful in meeting the requirements, a certificate of competency will be issued by the chief inspector, when the applicant is employed on a full-time basis by an authorized inspection organization (see §5003.Definitions). Upon the expiration of 90 days, an applicant who failed to pass the examination will be permitted to take another written examination and applicant's acceptance or rejection will be determined on the basis of this examination.

C. An NDE Level II examiner of ASME code boilers and pressure vessels may be credited one year towards the experience requirements above provided the applicant has five years of documented experience in that position and meets all other requirements.

D. A quality control inspector of ASME code boilers and pressure vessels, applying under item three above, may be credited with four months of experience under the experience requirements of such section for each year of documented, diversified experience he/she possesses in the implementation of an ASME accepted written quality control/assurance system, up to a maximum of 24 months of such credit, provided that the applicant meets all other applicable requirements and provided that he/she has the balance of experience required under Paragraph 3 above in actual work described in Subparagraphs a, b, or c.

AUTHORITY NOTE: Promulgated in accordance with 23:531 and 51:1424.

HISTORICAL NOTE: Promulgated by the Department of Public Safety, Office of the State Fire Marshal, LR 33:

§5011. Examination Fees

A. A fee of \$50 will be charged for each applicant taking the examination for a certificate of competency.

AUTHORITY NOTE: Promulgated in accordance with 23:531 and 51:1424.

HISTORICAL NOTE: Promulgated by the Department of Public Safety, Office of the State Fire Marshal, LR 33:

§5012. Certificate of Competency and Identification Card

A. Upon request of an employer, a certificate of competency and an identification card may be issued by the chief inspector to:

1. an inspector employed by the jurisdiction;
2. an inspector who is employed full-time by an insurance company which is authorized to insure and does insure against loss from explosions of boilers and pressure vessels in this jurisdiction;

3. an inspector employed as described in either Paragraph 1 or 2 above who conducts shop or field inspections of new boilers, pressure vessels, or nuclear components in accordance with the applicable ASME code requirements.

B. The request for the certificate of competency and identification card shall be completed on forms to be provided by the chief inspector and shall be accompanied by, when applicable, a facsimile of the applicant's commission and commission card, certificate of competency and identification card as named above, and a fee of \$40.

C. The certificate of competency and valid identification card shall be returned to the chief inspector when the inspector to whom they were issued is no longer employed by the organization employing that inspector at the time that the certificate was issued. Each person holding a valid certificate of competency and who conducts inspections as provided by the Act shall apply to the chief inspector on forms provided and obtain a renewal identification card annually, not later than March 31 of each year. A fee of \$20 for each card shall accompany each applicant.

D. An inspectors certificate of competency may be suspended by the chief inspector after due investigation for neglect of duty, in competency, untrustworthiness or conflict of interest of the holder thereof, or for willful falsification of any matter or statement contained in his/her application, or in a report of any inspection made by him/her. Written notice of any such suspension shall be given to the inspector and his/her employer by the chief inspector within not more than 10 days after the effective date of such suspension. Persons whose certificates of competency have been suspended shall be entitled to an appeal to the assistant secretary and to be present in person and represented by counsel at the hearing of the appeal.

AUTHORITY NOTE: Promulgated in accordance with 23:531 and 51:1424.

HISTORICAL NOTE: Promulgated by the Department of Public Safety, Office of the State Fire Marshal, LR 33:

§5013. Conflict of Interest

A. An inspector shall not engage in the sale of any services, article or device relating to boilers, pressure vessels, or their appurtenances.

AUTHORITY NOTE: Promulgated in accordance with 23:531 and 51:1424.

HISTORICAL NOTE: Promulgated by the Department of Public Safety, Office of the State Fire Marshal, LR 33:

§5014. Inspection Reports to be submitted by Inspectors

A. Insurance companies inspecting boilers subject to the rules and regulations herein shall be responsible for the proper invoicing of any fees due for the certificates of operation on any boilers inspected by such company.

B. Reports shall be submitted on approved forms or format within 30 days from the date of the inspection. The copy of the report filed with the assistant secretary shall be filled out in ink or type-written, and shall be signed by the inspector.

C. External inspection reports are required when they are used to support a request for an extension of internal inspection, when the design of a vessel does not provide for

an internal inspection an annual external certificate inspection shall be completed, and to report unsafe conditions or code violations which would affect the safety of the boiler.

AUTHORITY NOTE: Promulgated in accordance with 23:531 and 51:1424.

HISTORICAL NOTE: Promulgated by the Department of Public Safety, Office of the State Fire Marshal, LR 33:

§5015. Insurance Companies to Notify Chief Inspector of New, Canceled or Suspended Insurance on Boilers, Pressure Vessels, or Nuclear Systems

A. All insurance companies shall notify the chief inspector, within 30 days, of all boilers, pressure vessels, or nuclear systems, on which insurance is written, canceled, not renewed or suspended because of unsafe conditions.

AUTHORITY NOTE: Promulgated in accordance with 23:531 and 51:1424.

HISTORICAL NOTE: Promulgated by the Department of Public Safety, Office of the State Fire Marshal, LR 33:

§5016. Special Inspectors to Notify Chief Inspector of Unsafe Boilers

A. If a special inspector, upon first inspection of a new risk, finds that a boiler or any appurtenance thereof, is in such condition that the special inspectors company would refuse insurance, the company shall immediately notify the chief inspector and submit a report on the defects. if, upon inspection, a special inspector finds a boiler to be unsafe for further operation, the special inspector shall promptly notify the owner or user, stating what repairs or other corrective measures is required to bring the object into compliance with these rules and regulations. If the owner or user fails to make such repairs or adopt such other corrective measures promptly, the special inspector shall immediately notify the chief inspector. Until such corrections have been made, no further operation of the boiler involved shall be permitted. If an inspection certificate for the object is required and is in force, it shall be suspended by the chief inspector. When reinspection establishes that the necessary repairs have been made or corrective actions have been taken and that the boiler is safe to operate, the chief Inspector shall be notified. At that time an inspection certificate, where applicable will be issued.

AUTHORITY NOTE: Promulgated in accordance with 23:531 and 51:1424.

HISTORICAL NOTE: Promulgated by the Department of Public Safety, Office of the State Fire Marshal, LR 33:

§5017. Defective Conditions Disclosed at Time of External Inspection

A. If, upon an external inspection, there is evidence of a leak or crack, sufficient covering of the boiler shall be removed to permit the inspector to satisfactorily determine the safety of the boiler. If the covering cannot be removed at that time, he/she may order the operation of the boiler stopped until such time as the covering can be removed and proper examination made.

AUTHORITY NOTE: Promulgated in accordance with 23:531 and 51:1424.

HISTORICAL NOTE: Promulgated by the Department of Public Safety, Office of the State Fire Marshal, LR 33:

Subchapter C. Existing Installations—Power Boilers

§5020. Age Limits of Existing Boilers

A. The age limit of any boiler of nonstandard construction, installed prior to the date the Act became effective, shall be 30 years except that, a boiler having other

than a lap-riveted longitudinal joint, after a thorough internal and external inspection, and when required by the inspector, a hydrostatic test of 1-1/2 times the allowable working pressure held for a period of at least 30 minutes during which no distress or leakage develops, may be continued in operation at the working pressure determined by calculation. The age limit on any non-standard boiler having lap-riveted longitudinal joints and operating at a pressure in excess of 50 psig shall be 20 years. This type of boiler, when removed from an existing setting shall not be reinstalled for a pressure in excess of 15 psig. A reasonable time for replacement, not to exceed one year, may be given at the discretion of the assistant secretary.

B. The age limit of boilers of standard construction installed prior to the date this law, Title 23, Chapter 5, Page III, of the Louisiana Revised Statutes of 1950, became effective shall be dependent on thorough internal and external inspection and where required by the inspector, a hydrostatic pressure test not exceeding one and 1/2 times the allowable working pressure, if the boiler, under these test conditions, exhibits no distress or leakage, it may be continued in operation at the working pressure determined by calculation.

C. The shell or drum of a boiler in which a lap seam crack develops along a longitudinal lap-riveted joint shall be condemned. A lap seam crack is a crack found in lap seams extending parallel to the longitudinal joint and located either between or adjacent to rivet holes.

AUTHORITY NOTE: Promulgated in accordance with 23:531 and 51:1424.

HISTORICAL NOTE: Promulgated by the Department of Public Safety, Office of the State Fire Marshal, LR 33:

§5021. Maximum Allowable Working Pressure for Standard Boilers

A. The maximum allowable working pressure for standard boilers shall be determined in accordance with the applicable provisions of the edition of the ASME Code under which they were constructed and stamped.

AUTHORITY NOTE: Promulgated in accordance with 23:531 and 51:1424.

HISTORICAL NOTE: Promulgated by the Department of Public Safety, Office of the State Fire Marshal, LR 33:

§5022. Maximum Allowable Working Pressure for Nonstandard Boilers

A. The maximum allowable working pressure for boilers fabricated by riveting shall be determined by the applicable rules of the 1971 Edition of Section I of the ASME Code.

B. The lowest factor of safety permissible on existing installations shall be five, except for horizontal-return-tubular boilers having continuous longitudinal lap seams more than 12 feet in length, the factor of safety shall be eight. When this latter type of boiler is removed from its existing setting, it shall not be reinstalled for pressure in excess of 15 psig.

C. The maximum allowable working pressure for boilers of welded construction in service may not exceed that allowable in Section I of the ASME Code for new boilers of the same construction.

D. The maximum allowable working pressure on the shell of a boiler or drum shall be determined by the strength of the weakest course computed from the thickness of the plate, the tensile strength of the plate, the efficiency of the longitudinal joint, the inside diameter of the course, and the

factor of safety allowed by these rules and regulations in accordance with the following formula.

$$\frac{TStE}{RFS} = \text{maximum allowable working pressure, psig}$$

where:

TS = specified minimum tensile strength of shell plate material, psi. When the tensile strength of steel or wrought-iron shell plate is not known, it shall be taken as 55,000 psi for steel and 45,000 psi for wrought iron.

t = minimum thickness of shell plate, in weakest course, inches.

E = efficiency of longitudinal joint, method of determining which is given in Paragraph PG-27 of Section I of the ASME Code.

R = inside radius of the weakest course of the shell of drum, inches.

FS = factor of safety which shall be at least five.

E. The inspector may increase the factor of safety, if the condition and safety of the boiler warrant it.

AUTHORITY NOTE: Promulgated in accordance with 23:531 and 51:1424.

HISTORICAL NOTE: Promulgated by the Department of Public Safety, Office of the State Fire Marshal, LR 33:

§5023. Cast-Iron Headers and Mud Drums

A. The maximum allowable working pressure on a water tube boiler, the tubes of which are secured to cast-iron or malleable-iron headers or which have cast-iron mud drums, shall not exceed 160 psig.

AUTHORITY NOTE: Promulgated in accordance with 23:531 and 51:1424.

HISTORICAL NOTE: Promulgated by the Department of Public Safety, Office of the State Fire Marshal, LR 33:

§5024. Pressure on Cast-Iron Boilers

A. The maximum allowable working pressure for any cast-iron boiler, except hot water boilers, shall be 15 psig.

AUTHORITY NOTE: Promulgated in accordance with 23:531 and 51:1424.

HISTORICAL NOTE: Promulgated by the Department of Public Safety, Office of the State Fire Marshal, LR 33:

§5025. Safety Valves

A. The use of weighted-lever safety valves or safety valves having either the seat or disk of cast-iron are prohibited; valves of this type of construction shall be replaced by direct, spring-loaded, pop-type valves that conform to the requirements of ASME Code, Section I.

B. Each boiler shall have at least one ASME/NB stamped and certified safety valve, and if it has more than 500 square feet of water-heating surface, or an electric power input of more than 1100 KW, it shall have two or more safety valves of the same type.

C. The valve or valves shall be connected to the boiler, independent of any other steam connection and attached as close as possible to the boiler without unnecessary intervening pipe or fittings. Where alteration is required to conform to this requirement, owner or user shall be allowed reasonable time in which to complete the work as permitted by the chief inspector.

D. No valves of any description shall be placed between the safety valve and the boiler nor on the escape pipe, if used. When an escape pipe is used, it shall be at least the full

size of the safety valve discharge and fitted with an open drain to prevent water lodging in the upper part of the safety valve or in the escape pipe. When an elbow is placed on a safety valve escape pipe, it shall be located close to the safety valve outlet or the escape pipe shall be anchored and supported securely. All safety discharges shall be so located or piped as to be carried clear from walkways or platforms.

E. The safety valve capacity of each boiler shall be such that the safety valve or valves will discharge all the steam that can be generated by the boiler without allowing the pressure to rise more than six percent above the highest pressure to which any valve is set, and in no case to more than six percent above the maximum allowable working pressure.

F. One or more safety valves on every boiler shall be set at or below the maximum allowable working pressure. The remaining valves may be set within a range of three percent above the maximum allowable working pressure, but the range of setting of all the safety valves on a boiler shall not exceed 10 percent of the highest pressure to which any valve is set.

G. When boilers of different maximum allowable working pressures with minimum safety valve settings varying more than six percent are so connected that steam can flow toward the lower pressure units, the latter shall be protected by additional safety valve capacity, if necessary, on the lower pressure side of the system. The additional safety valve capacity shall be based upon the maximum amount of steam which can flow into the lower pressure system.

H. In those cases where the boiler is supplied with feed water directly from water mains without the use of feeding apparatus (not to include return traps), no safety valve shall be set at a pressure greater than 94 percent of the lowest pressure obtained in the supply main feeding the boiler.

I. The relieving capacity of the safety valves on any boiler shall be done by one of the three following methods and, if found to be insufficient, additional valves shall be provided:

1. by making an accumulation test, which consists of shutting off all other steam discharge outlets from the boiler and forcing the fires to the maximum. The safety valve capacity shall be sufficient to prevent a rise of pressure in excess of six percent of the maximum allowable working pressure. This method should not be used on a boiler with a super heater or reheater;

2. by measuring the maximum amount of fuel that can be burned and computing the corresponding evaporative capacity (steam generating capacity) upon the basis of the heating value of this fuel. These computations shall be made as outlined in the Appendix of the ASME Code, Section I;

3. by measuring the maximum amount of feed water that can be evaporated. When either of the methods outlined in two or three is employed, the sum of the safety valve capacities shall be equal to or greater than the maximum evaporative capacity (maximum steam generating capacity) of the boiler.

J. Repairs to safety and safety-relief valves shall be conducted only by holders of the National Board VR Certificate of Authorization, or by owner/users that have obtained the state certificate of authorization to repair safety and safety-relief valves.

AUTHORITY NOTE: Promulgated in accordance with 23:531 and 51:1424.

HISTORICAL NOTE: Promulgated by the Department of Public Safety, Office of the State Fire Marshal, LR 33:

§5026. Boiler Feeding

A. Each boiler shall have a feed supply which will permit it to be fed at any time while under pressure.

B. A boiler having more than 500 square feet of water heating surface shall have at least two suitable means of feeding, at least one of which shall be a feed pump. A source of feed at a pressure six percent greater than the set pressure of the safety valve with the highest setting maybe considered one of the means. Boilers fired by gaseous, liquid, or solid fuel in suspension may be equipped with a single means of feeding water provided means are furnished for the shutoff of heat input prior to the water level reaching the lowest safe level.

C. The feed water shall be introduced into a boiler in such a manner that the water will not be discharged directly against surfaces exposed to gases of high temperature to direct radiation from the fire. For pressures of 400 psig over, the feed water inlet through the drum shall be fitted with shields, sleeves, or other suitable means to reduce the effects of temperature differentials in the shell or head.

D. The feed piping to the boiler shall be provided with a check valve near the boiler and a valve or cock between the check valve and the boiler. When two or more boilers are fed from a common source, there shall also be a valve on the branch to each boiler between the check valve and the source of supply. Whenever a globe valve is used on feed piping, the inlet shall be under the disk of the valve.

E. In all cases where returns are fed back to the boiler by gravity, there shall be a check valve and stop valve in each return line, the stop valve to be place between the boiler and the check valve, and both shall be located as close to the boiler as practicable. It is recommended that no stop valves be placed in the supply and return pipe connections of a single boiler installation.

F. Where deaerating heaters are not employed, it is recommended that the temperature of the feed water be not less than 120° F to avoid the possibility of setting up localized stress. Where deaerating heaters are employed, it is recommended that the minimum feed water temperature be not less than 215° F so that dissolved gases may be thoroughly released.

AUTHORITY NOTE: Promulgated in accordance with 23:531 and 51:1424.

HISTORICAL NOTE: Promulgated by the Department of Public Safety, Office of the State Fire Marshal, LR 33:

§5027. Water Level Indicators

A. Each boiler, except forced-flow steam generators with no fixed steam and waterline, and high-temperature water boiler of the forced circulation type that have no steam and waterline, shall have at least one water gage glass. Boilers operated at pressures over 400 psig shall be provided with two water gage glasses which may be connected to a single water column or connected directly to the drum.

B. Two independent remote level indicators may be provided instead of one of the two required gage glasses for boiler drum water level indication in the case of power boilers with all drum safety valves set at or above 400 psig. When both remote level indicators are in reliable operation, the remaining gage glass may be shut off, but shall be maintained in serviceable condition.

C. When the direct reading of gage glass water level is not readily visible to the operator in his/her working area, two dependable indirect indications shall be provided, either by transmission of the gage glass image or by remote level indicators.

D. The lowest visible part of the water gage glass shall be at least two inches above the lowest permissible water level, at which level there will be no danger of overheating any part of the boiler when in operation at that level. When remote level indication is provided for the operator in lieu of the gage glass, the same minimum level reference shall be clearly marked.

E. Connections from the boiler to the remote level indicator shall be at least 3/4 inch pipe size to and including the isolation valve and from there to the remote level indicator at least one two inch O.D. tubing. These connections shall be completely independent of other connections for any function other than water level indication. For pressures of 400 psig or over, lower connections to drums shall be provided with shields, sleeves, or other suitable means to reduce temperature differentials in the shells or heads.

F. Boilers of the horizontal fire tube types shall be so set that when the water is at the lowest reading in the water gage glass there shall be at least three inches of water over the highest point of the tubes, flues, or crown sheets.

G. Boilers of locomotives shall have at least one water glass provided with top and bottom shutoff cocks and lamp, and two gage cocks for boilers 36 inches in diameter and under, and three gage cocks for boilers over 36 inches in diameter.

H. The lowest gage cock and the lowest reading of water glass shall not be less that two inches above the highest point of crown sheet on boilers 36 inches in diameter and under, nor less than three inches for boilers over 36 inches in diameter. These are minimum dimensions, and on larger locomotives and those operating on steep grades, the height should be increased, if necessary, to compensate for change of water level on descending grades.

I. The bottom mounting for water glass and for water column if used must extend not less than one and 1/2 inches inside the boiler and beyond any obstacle immediately above it, and the passage therein must be straight and horizontal.

J. Tubular water glasses must be equipped with a protecting shield.

K. All connections on the gage glass shall be not less than 1/2 inch pipe size. Each water gage glass shall be fitted with a drain cock or valve having an unrestricted drain opening of not less than 1/4 inch diameter to facilitate cleaning. When the boiler operating pressure exceeds 100 psig the glass shall be furnished with a connection to install a valved drain to the ash pit or other safe discharge point.

L. Each water gage glass shall be equipped with a top and bottom shutoff valve of such through-flow construction as to prevent stoppage by deposits of sediments. If the lowest valve is more than seven feet above the floor or platform from which it is operated, the operating mechanism shall indicate by its position whether the valve is open or closed. The pressure-temperature rating shall be at least equal to that if the lowest set pressure of any safety valve on the boiler drum and the corresponding saturated-steam temperature.

M. Straight-run globe valves shall not be used on such connections.

N. Automatic shutoff valves, if permitted to be used, shall conform to the requirements of Section I of the ASME Code.

AUTHORITY NOTE: Promulgated in accordance with 23:531 and 51:1424.

HISTORICAL NOTE: Promulgated by the Department of Public Safety, Office of the State Fire Marshal, LR 33:

§5028. Water Columns

A. The water column shall be so mounted that it will maintain its correct position relative to the normal waterline under operating conditions.

B. The minimum size of pipes connecting the water column to a boiler shall be one inch. For pressures of 400 psig or over, lower water column connections to drums shall be provided with shields, sleeves or other suitable means to reduce the effect of temperature differentials in the shells or heads. Water glass fittings or gage cocks may be connected directly to the boiler.

C. The steam and water connections to a water column or a water gage glass shall be such that they are readily accessible for internal inspection and cleaning. Some acceptable methods of meeting this requirement are by providing a cross or fitting with a back outlet at each right-angle turn to permit inspection and cleaning in both directions, or by using pipe bends or fittings of a type which does not leave an internal shoulder or pocket in the pipe connection and with a radius of curvature which will permit the passage of a rotary cleaner. Screwed plug closures using threaded connections as allowed by Section I of the ASME Code are acceptable means of access for this inspection and cleaning. For boilers with all drum safety valves set at or above 400 psig, socket-welded plugs may be used for this purpose in lieu of screwed plugs. The water column shall be fitted with a connection for a drain cock or drain valve to install a pipe of at least 3/4 inch pipe size to the ash pit or other safe point of discharge. If the water connection to the water column has a rising bend or pocket which cannot be drained by means of the water column drain, an additional drain shall be placed on this connection in order that it may be blown off to clear any sediment from the pipe.

D. The design and material of a water column shall comply with the requirements of Section I of the ASME Code. Water columns made of cast-iron in accordance with SA-278 may be used for maximum boiler pressures not exceeding 250 psig. Water columns made of ductile iron in accordance with SA-395 may be used for maximum boiler pressures not exceeding 350 psig. For higher pressures, steel construction shall be used.

E. Shutoff valves shall not be used in the pipe connections between a boiler and a water column or between a boiler and the shutoff valves required for the gage glass, unless they are either outside-screw-and-yoke or lever-lifting type gate valves or stopcocks with lever permanently fastened thereto and marked in line with their passage, or of such other through-flow construction as to prevent stoppage by deposits of sediment, and to indicate by the position of the operating mechanisms whether they are in open or closed position; and such valves or cocks shall be locked or sealed open. Where stopcocks are used, they shall be of a type with the plug held in place by a guard or gland.

F. No outlet connections, except for control devices (such as damper regulators and feed water regulators), drains, steam gages, or apparatus of such form as does not permit the escape of an appreciable amount of steam or water there from shall be placed on the pipes connecting a water column or gage glass to a boiler.

AUTHORITY NOTE: Promulgated in accordance with 23:531 and 51:1424.

HISTORICAL NOTE: Promulgated by the Department of Public Safety, Office of the State Fire Marshal, LR 33:

§5029. Gage Glass Connections

A. Gage glasses and/or gage cocks that are not connected directly to a shell or drum of the boiler shall be connected by one or the following methods.

1. The water gage glass or glasses and gage cocks shall be connected to an intervening water column.

2. When only water gage glasses are used, they may be mounted away from the shell or drum and the water column omitted, provided the following requirements are met:

a. the top and bottom gage glass fittings are aligned, supported, and secured so as to maintain the alignment of the gage glass; and

b. the steam and water connections are not less than 1 inch pipe size and each water glass is provided with a valved drain; and

c. the steam and water connections comply with the requirements of the following:

i. the lower edge of the steam connection to a water column or gage glass in the boiler shall not be below the highest visible water level in the water gage glass. There shall be no sag or offset in the piping which will permit the accumulation of water; and

ii. the upper edge of the water connection to a water column or gage glass and the boiler shall not be above the lowest visible water level in the gage glass. No part of this pipe connection shall be above the point of connection at the water column.

B. Each boiler (except those not requiring water level indicators) shall have three or more gage cocks located within the visible length of the water glass, except when the boiler has two water glasses located on the same horizontal lines.

C. Boilers not over 36 inches in diameter in which the heating surface does not exceed 100 square feet need have but two gage cocks.

D. The gage cock connections shall be not less than 1/2 inch pipe size.

AUTHORITY NOTE: Promulgated in accordance with 23:531 and 51:1424.

HISTORICAL NOTE: Promulgated by the Department of Public Safety, Office of the State Fire Marshal, LR 33:

§5030. Pressure Gages

A. Each boiler shall have a pressure gage so located that it is easily readable. The pressure gage shall be installed so that it shall at all times indicate the pressure in the boiler. Each steam boiler shall have the pressure gage connected to the steam space or to the water column or its steam connection a valve or cock may be located near the boiler providing it is locked or sealed in the open position. No other shutoff valves shall be located between the gage and the boiler. The pipe connection shall be of ample size and arranged so that it may be cleared by blowing out. For a

steam boiler the gage or connection shall contain a siphon or equivalent device which will develop and maintain a water seal that will prevent steam from entering the gage tube. Pressure gage connections shall be suitable for the maximum allowable working pressure and temperature but, if the temperature exceeds 406° F, brass or copper pipe or tubing shall not be used. The connections to the boiler, except the siphon if used, shall not be less than 1/4 inch inside the diameter standard pipe size but where steel or wrought iron pipe or tubing is used they shall not be less than 1/2 inch. The minimum size of a siphon, if used, shall be 1/4 inch inside diameter. The dial of the pressure gage shall be graduated to approximately double the pressure at which the safety valve is set, but in no case to less than 1 1/2 times this pressure.

B. Each force-flow steam generator with no fixed steam and water line shall be equipped with pressure gages or other pressure measuring devices located as follows:

1. at the boiler or super heater outlet (following the last section which involves absorption of heat); and

2. at the boiler or economizer inlet (preceding any section which involves absorption of heat); and

3. upstream of any shutoff valve which may be used between any two sections of the heat absorbing surface.

C. Each high-temperature water boiler shall have a temperature gage so located and connected that it shall be easily readable. The temperature gage shall be installed so that it at all times indicates the temperature in degrees Fahrenheit of the water in the boiler, at or near the outlet connection.

AUTHORITY NOTE: Promulgated in accordance with 23:531 and 51:1424.

HISTORICAL NOTE: Promulgated by the Department of Public Safety, Office of the State Fire Marshal, LR 33:

§5031. Stop Valves

A. Each steam outlet from a boiler (except safety valve and water column connections) shall be fitted with a stop valve located as close as practicable to the boiler.

B. When a stop valve is so located that water can accumulate, ample drains shall be provided. The drainage shall be piped to a safe location and shall not be discharged on the top of the boiler or its settings.

C. When boilers provided with manholes are connected to a common steam main, the steam piping connected from each boiler shall be fitted with two stop valves having an ample free blow drain between them. The discharge of the drain shall be visible to the operator while manipulating the valves and shall be piped clear of the boiler setting. The stop valves shall consist preferably of one automatic non-return valve (set next to the boiler) and a second valve of the outside-screw-and-yoke type.

AUTHORITY NOTE: Promulgated in accordance with 23:531 and 51:1424.

HISTORICAL NOTE: Promulgated by the Department of Public Safety, Office of the State Fire Marshal, LR 33:

§5032. Blow Off Piping

A. A blow off as required herein is defined as a pipe connection provided with valves located in the external piping through which the water in the boiler may be blown out under pressure, excepting drains such as are used on water columns, gage glasses, or piping to feed water regulators, etc., used for the purpose of determining the operating conditions of such equipment. Piping connections

used primarily for continuous operation, such as deconcentrators or continuous blow down systems, are not classed as blow offs but the pipe connections and all fittings up to and including the first shutoff valve shall be equal at least to the pressure requirements for the lowest set pressure of any safety valve on the boiler drum and with the corresponding saturated-steam temperature.

B. A surface blow off shall not exceed 2 1/2 inch pipe size, and the internal pipe and the terminal connection for the external pipe, when used, shall form a continuous passage, but with clearance between their ends and arranged so that the removal of either will not disturb the other. A properly designed steel bushing, similar to or the equivalent of those shown in Fig. PG-59.1 of Section I of the ASME Code or a flanged connection shall be used.

C. Each boiler except forced-flow steam generators with no fixed steam and waterline and high-temperature water boilers shall have a bottom blow off outlet in direct connection with the lowest water space practicable for external piping conforming to PG-58.3.6 of Section I of the ASME Code.

D. All water walls and water screens which do not drain back into the boiler and all integral economizers, shall be equipped with outlet connections for a blow off or drain line and conform to the requirements of PG-58.3.6 or PG-58.3.7 of the ASME Code.

E. Except as permitted for miniature boilers, the minimum size of piping and fittings shall be one inch, and the maximum size shall be 2-1/2 inches, except that for boilers with 100 sq. ft. of heating surface or less, the minimum size of pipe and fittings may be 3/4 inch.

F. Condensate return connections of the same size or larger than the size herein specified may be used, and the blow off may be connected to them. In such case, the blow off shall be so located that the connection may be completely drained.

G. A bottom blow off pipe when exposed to direct furnace heat shall be protected by firebrick or other heat resisting material which is so arranged that the pipe may be inspected.

H. An opening in the boiler setting for a blow off pipe shall be arranged to provide free expansion and contraction.

AUTHORITY NOTE: Promulgated in accordance with 23:531 and 51:1424.

HISTORICAL NOTE: Promulgated by the Department of Public Safety, Office of the State Fire Marshal, LR 33:

§5033. Repairs and Renewals of Boiler Fittings and Appliances

A. Whenever repairs are made to fittings or appliances or it becomes necessary to replace them, the work shall comply with the requirements for new installations.

AUTHORITY NOTE: Promulgated in accordance with 23:531 and 51:1424.

HISTORICAL NOTE: Promulgated by the Department of Public Safety, Office of the State Fire Marshal, LR 33:

§5034. Repairs and Alterations to Boilers and Pressure Vessels

A. Repairs and alterations to boilers and pressure vessels shall be made, in accordance with the latest edition of the National Board Inspection Code (NBIC), only by, or on behalf of, an owner/user, a repair organization, or an individual having a valid certificate of authorization for use

of the R Symbol stamp issued by the National Board of Boiler and Pressure Vessel Inspectors.

AUTHORITY NOTE: Promulgated in accordance with 23:531 and 51:1424.

HISTORICAL NOTE: Promulgated by the Department of Public Safety, Office of the State Fire Marshal, LR 33:

§5035. Conditions Not Covered by these Requirements

A. All cases not specifically covered by these requirements shall be treated as new installations or may be referred to the chief inspector for instructions concerning the requirements.

AUTHORITY NOTE: Promulgated in accordance with 23:531 and 51:1424.

HISTORICAL NOTE: Promulgated by the Department of Public Safety, Office of the State Fire Marshal, LR 33:

§5036. Standard Boilers

A. The maximum allowable working pressure of standard boilers shall in no case exceed the pressure indicated by the manufacturers identification stamped or cast on the boiler or on a plate secured to it.

AUTHORITY NOTE: Promulgated in accordance with 23:531 and 51:1424.

HISTORICAL NOTE: Promulgated by the Department of Public Safety, Office of the State Fire Marshal, LR 33:

§5037. Nonstandard Riveted Boilers

A. The maximum allowable working pressure on the shell of a nonstandard riveted heating boiler shall be determined in accordance with applicable rules of the 1971 Edition of Section I of the ASME code. Power boilers, except that in no case shall the maximum allowable working pressure of a steam heating boiler exceed 15 psig, or a hot water boiler exceed 160 psig or 250° F temperatures.

AUTHORITY NOTE: Promulgated in accordance with 23:531 and 51:1424.

HISTORICAL NOTE: Promulgated by the Department of Public Safety, Office of the State Fire Marshal, LR 33:

§5038. Nonstandard Welded Boilers

A. The maximum allowable working pressure of a nonstandard steel or wrought iron heating boiler of welded construction shall not exceed 15 psig for steam. For other than steam service, the maximum allowable working pressure shall be calculated in accordance with Section IV of the ASME Code, but in no case shall it exceed 30 psig.

AUTHORITY NOTE: Promulgated in accordance with 23:531 and 51:1424.

HISTORICAL NOTE: Promulgated by the Department of Public Safety, Office of the State Fire Marshal, LR 33:

§5039. Nonstandard Cast Iron Boilers

A. The maximum allowable working pressure of a nonstandard boiler composed principally of cast iron shall not exceed 15 psig for steam service or 30 psig for hot water service.

B. The maximum allowable working pressure of a nonstandard boiler having cast iron shell or heads and steel or wrought iron tubes shall not exceed 15 psig for steam service or 30 psig for hot water service.

AUTHORITY NOTE: Promulgated in accordance with 23:531 and 51:1424.

HISTORICAL NOTE: Promulgated by the Department of Public Safety, Office of the State Fire Marshal, LR 33:

§5040. Potable Water Heaters

A. A potable water heater shall not be installed or used at pressures exceeding 160 psig or water temperatures exceeding 210° F. Water heaters may be used to

simultaneously provide potable hot water and space heat in combination, except in places of public assembly.

AUTHORITY NOTE: Promulgated in accordance with 23:531 and 51:1424.

HISTORICAL NOTE: Promulgated by the Department of Public Safety, Office of the State Fire Marshal, LR 33:

§5041. Safety Valves

A. Each steam boiler shall have one or more ASME/National Board stamped and certified safety valves of the spring pop-type adjusted and sealed to discharge at a pressure not to exceed 15 psig. Seals shall be attached in a manner to prevent the valve from being taken apart without breaking the seal. The safety valves shall be arranged so that they cannot be reset to relieve at a higher pressure than the maximum allowable working pressure on the boiler. A body drain connection below seat level shall be provided by the manufacturer and this drain shall not be plugged during or after field inspection. For valves exceeding two inches pipe size, the drain hole or holes shall be tapped not less than 3/8 inch pipe size. For valves less than two inches, the drain hole shall not be less than 1/4 inch in diameter.

B. No safety valve for a steam boiler shall be smaller than 1/2 inch. No safety valve shall be larger than 4 1/2 inches. The inlet opening shall have an inside diameter equal to, or greater than, the seat diameter.

C. The minimum relieving capacity of the valve or valves shall be governed by the capacity marking on the boiler. The minimum valve capacity in pounds per hour shall be the greater of that determined by dividing the maximum BTU output at the boiler nozzle obtained by the firing of any fuel for which the unit is installed by 1000, or shall be determined on the basis of the pounds of steam generated per hour per square foot of boiler heating surface as given in Table EHB-6. In many cases a greater relieving capacity of valves than the minimum specified by these rules will have to be provided.

Table EHB-6. Minimum Pounds of Steam per Hour per Square Foot of Heating Surface		
	Fire Tube Boilers	Water Tube Boilers
Boiler Heating Surface:		
Hand fired	5	6
Stoker fired	7	8
Oil, gas, or pulverized fuel fired	8	10
Water Wall Heating Surface:		
Hand fired	8	8
Stoker fired	10	12
Oil, gas, or pulverized fuel fired	14	16

1. When a boiler is fired only by a gas giving a heat value not in excess of 200 BTU per cu. ft., the minimum safety valve or safety relief valve relieving capacity may be based on the value given for hand fired boilers above.

2. The minimum safety valve or safety relief valve relieving capacity for electric boilers shall be 3-1/2 pounds per hour per kilowatt input.

3. For heating surface determination see ASME Code Section IV, Paragraph HG-403.

D. The safety valve capacity for each steam boiler shall be such that with the fuel burning equipment installed and operating at maximum capacity, the pressure cannot rise more than 5 psig above the maximum allowable working pressure.

E. When operating conditions are changed, or additional boiler heating surface is installed, the valve capacity shall be increased, if necessary, to meet the new conditions. When additional valves are required, they may be installed on the outlet piping provided there is no intervening valve.

F. If there is any doubt as to the capacity of the safety valve, an accumulation test shall be run (see ASME Code, Section VI, Recommended Rules for Care and Operation of Heating Boilers).

G. No valve of any description shall be placed between the safety valve and the boiler, nor on the discharge pipe between the safety valve and the atmosphere. The discharge pipe shall be at least full size and be fitted with an open drain to prevent water lodging in the upper part of the safety valve or in the discharge pipe. When an elbow is placed on the safety valve discharge pipe, it shall be located close to the safety valve outlet or the discharge pipe shall be securely anchored and supported. All safety valve discharges shall be so located or piped as not to endanger persons working in the area.

AUTHORITY NOTE: Promulgated in accordance with 23:531 and 51:1424.

HISTORICAL NOTE: Promulgated by the Department of Public Safety, Office of the State Fire Marshal, LR 33:

§5042. Safety Relief Valve Requirements for Hot Water Heating and Hot Water Supply Boilers

A. Each hot water heating and hot water supply boiler shall have at least one ASME/National Board stamped and certified safety relief valve set to relieve at or below the maximum allowable working pressure of the boiler. Each hot water supply boiler shall have at least one ASME/National Board stamped and certified safety relief valve of the automatic reseating type set to relieve at or below maximum allowable working pressure of the boiler. Safety relief valves ASME/National Board stamped and certified as to capacity shall have pop action when tested by steam. When more than one safety relief valve is used on either a hot water heating or hot water supply boiler, the additional valve or valves shall be ASME/National Board stamped and certified and may be set within a range not to exceed 6 psig above the maximum allowable working pressure of the boiler up to and including 60 psig and 5 percent for those having a maximum allowable working pressure exceeding 60 psig. Safety relief valves shall be spring loaded. Safety relief valves shall be so arranged that they cannot be reset at a higher pressure than the maximum indicated in this Paragraph.

B. No materials liable to fail due to deterioration or vulcanization when subject to saturated steam temperature corresponding to capacity test pressure shall be used for any part.

C. No safety relief valve shall be smaller than 3/4 inch nor larger than 4-1/2 inch standard pipe size, except that boilers having a heat input not greater than 15,000 BTU per hour may be equipped with a safety relief valve of 2 inch standard pipe size. The inlet opening shall have an inside diameter approximately equal to, or greater than, the seat diameter. In no case shall the minimum opening through any part of the valve be less than 1/4 inch in diameter or its equivalent area.

D. The required steam relieving capacity, in pounds per hour, of the pressure relieving device or devices on a boiler shall be the greater of that determined by dividing the maximum output in BTU at the boiler nozzle obtained by the

firing of any fuel for which the unit is installed by 1,000 or shall be determined on the basis of pounds of steam generated per hour per square foot of boiler heating surface as given in Table EHB-6. In many cases, a greater relieving capacity of valves will have to be provided than the minimum specified by these rules.

E. When operating conditions are changed, or additional boiler heating surface is installed the valve capacity shall be increased, if necessary, to meet the new conditions. The additional valves required because of changed conditions may be installed on the outlet piping provided there is no intervening valve.

F. Safety relief valve capacity for each boiler shall be such that, with the fuel burning equipment installed and operated at maximum capacity, the pressure cannot rise more than 10 percent above the maximum allowable working pressure. When more than one safety relief valve is used, the over pressure shall be limited to 10 percent above the set pressure of the highest set value allowed.

G. If there is any doubt as to the capacity of the safety relief valve, an accumulation test shall be run (see ASME Code, Section VI, Recommended Rules for Care and Operation of Heating Boilers).

H. No valve of any description shall be placed between the safety relief valve and the boiler, nor on the discharge pipe between the safety relief valve and the atmosphere. The discharge pipe shall be not less than the diameter of the safety relief valve outlet and fitted with an open drain to prevent water lodging in the upper part of the safety relief valve or in the discharge pipe. When an elbow is placed on the safety relief valve discharge pipe, it shall be located close to the safety relief valve outlet or the discharge pipe shall be securely anchored and supported. All safety relief valve discharges shall be so located or piped as not to endanger persons working in the area.

AUTHORITY NOTE: Promulgated in accordance with 23:531 and 51:1424.

HISTORICAL NOTE: Promulgated by the Department of Public Safety, Office of the State Fire Marshal, LR 33:

§5043. Steam Gages

A. Each steam boiler shall have a steam gage or compound steam gage connected to its steam space or to its water column or to its steam connection. The gage or connection shall contain a siphon or equivalent device which will develop and maintain a water seal that will prevent steam from entering the gage tube. The connection shall be so arranged that the gage cannot be shut off from the boiler except by a cock placed in the pipe at the gage and provided with a tee or lever handle arranged to be parallel to the pipe in which it is located when the cock is open. The connections to the boiler shall be not less than 1/4 inch standard pipe size, but where steel or wrought iron pipe or tubing is used, they shall not be less than 2 inch standard pipe size. The minimum size of a siphon, if used, shall be 1/4 inch inside diameter. Ferrous and nonferrous tubing having inside diameters at least equal to that of standard pipe sizes listed above may be substituted for pipe.

B. The scale on the dial of a steam boiler gage shall be graduated to not less than 30 psig nor more than 60 psig. The travel of the pointer from 0 to 30 psig pressure shall be at least 3 inches.

AUTHORITY NOTE: Promulgated in accordance with 23:531 and 51:1424.

HISTORICAL NOTE: Promulgated by the Department of Public Safety, Office of the State Fire Marshal, LR 33:

§5044. Pressure or Altitude Gages and Thermometers

A. Each hot water boiler shall have a pressure or altitude gage connected to it or to its flow connection in such a manner that it cannot be shut off from the boiler except by a cock with tee or lever handle, placed on the pipe near the gage. The handle of the cock shall be parallel to the pipe in which it is located when the cock is open.

B. The scale on the dial of the pressure or altitude gage shall be graduated approximately to not less than 1-1/2 nor more than 3 times the pressure at which the safety relief valve is set.

C. Piping or tubing for pressure or altitude-gage connections shall be of nonferrous metal when smaller than one inch pipe size.

D. Each hot water boiler shall have a thermometer so located and connected that it shall be easily readable when observing the water pressure or altitude. The thermometer shall be so located that it shall at all times indicate the temperature in degrees Fahrenheit of the water in the boiler at or near the outlet.

AUTHORITY NOTE: Promulgated in accordance with 23:531 and 51:1424.

HISTORICAL NOTE: Promulgated by the Department of Public Safety, Office of the State Fire Marshal, LR 33:

§5045. Water Gage Glasses

A. Each steam boiler shall have one or more water gage glasses attached to the water column or boiler by means of valved fittings not less than 2 inch pipe size, with the lower fitting provided with a drain valve of a type having an unrestricted drain opening not less than 1/4 inch in diameter to facilitate cleaning. Gage glass replacement shall be possible under pressure. Water glass fittings may be attached directly to a boiler.

B. Boilers having an internal vertical height of less than 10 inches may be equipped with a water level indicator of the glass bulls-eye type provided the indicator is of sufficient size to show the water at both normal operating and low water cutoff levels.

C. The lowest visible part of the water gage glass shall be at least 1 inch above the lowest permissible water level recommended by the boiler manufacturer. With the boiler operating at this lowest permissible water level, there shall be no danger of overheating any part of the boiler.

D. Each boiler shall be provided at the time of manufacture with a permanent marker indicating the lowest permissible water level. The marker shall be stamped, etched, or cast in metal; or it shall be a metallic plate attached by rivets, screws, or welding; or it shall consist of material with documented tests showing its suitability as permanent marking for the application. This marker shall be visible at all times. Where the boiler is shipped with a jacket, this marker may be located on the jacket.

E. In electric boilers of the submerged electrode type, the water gage glass shall be so located to indicate the water levels both at startup and under maximum steam load conditions as established by the manufacturer.

F. In electric boilers of the resistance heating element type the lowest visible part of the water gage glass shall not be below the top of the electric resistance heating element. Each boiler of this type shall also be equipped with an automatic low-water electrical power cutoff so located as to

automatically cut off the power supply before the surface of the water falls below the top of the electrical resistance heating elements.

G. Tubular water glasses on electric boilers having a normal water content not exceeding 100 gallons shall be equipped with a protective shield.

AUTHORITY NOTE: Promulgated in accordance with 23:531 and 51:1424.

HISTORICAL NOTE: Promulgated by the Department of Public Safety, Office of the State Fire Marshal, LR 33:

§5046. Stop Valves

A. When a stop valve is used in the supply pipe connection of a single steam boiler, there shall be one used in the return pipe connection.

B. Stop valves in single hot water heating boilers shall be located at an accessible point in the supply and return pipe connections, as near the boiler nozzle as is convenient and practicable, to permit draining the boiler without emptying the system.

C. When the boiler is located above the system and can be drained without draining the system, stop valves may be eliminated.

D. A stop valve shall be used in each supply and return pipe connection of two or more boilers connected to a common system.

E. All valves or cocks shall conform to the applicable portions of HF-203 of Section IV of the ASME Code and may be ferrous or nonferrous.

F. The minimum pressure rating of all valves or cocks shall be at least equal to the pressure stamped upon the boiler, and the temperature rating of such valves or cocks, including all internal components, shall be not less than 250° F.

G. Valves or cocks shall be flanged, threaded or have ends suitable for welding or brazing.

H. All valves or cocks with stems or spindles shall have adjustable pressure type packing glands and, in addition, all plug type cocks shall be equipped with a guard or gland. The plug or other operating mechanism shall be distinctly marked in line with the passage to indicate whether it is opened or closed.

I. All valves or cocks shall have tight closure when under boiler pressure test.

J. When stop valves are used, they shall be properly designated substantially by tags of metal or other durable material fastened to them.

AUTHORITY NOTE: Promulgated in accordance with 23:531 and 51:1424.

HISTORICAL NOTE: Promulgated by the Department of Public Safety, Office of the State Fire Marshal, LR 33:

§5047. Feed Water Connections

A. Feed water, makeup water, or water treatment shall be introduced into a boiler through the return piping system. Alternatively, makeup water or water treatment may be introduced through an independent connection. The water flow from the independent connection shall not discharge directly against parts of the boiler exposed to direct radiant heat from the fire. Makeup water or water treatment shall not be introduced through openings or connections provided inspection or cleaning, safety valve, safety relief valve, blow off, water column, water gage glass, pressure gage, or temperature.

B. The makeup water pipe shall be provided with a check valve near the boiler and a stop valve or cock between the check valve and the boiler or between the check valve and the return pipe system.

AUTHORITY NOTE: Promulgated in accordance with 23:531 and 51:1424.

HISTORICAL NOTE: Promulgated by the Department of Public Safety, Office of the State Fire Marshal, LR 33:

§5048. Water Column and Water Level Control Pipes

A. The minimum size of ferrous or nonferrous pipes connecting a water column to a steam boiler shall be 1 inch. No outlet connections, except for damper regulator, feed water regulator, steam gages, or apparatus which does not permit the escape of any steam or water except for manually operated blow downs, shall be attached to a water column or the piping connecting a water column to a boiler (see HG-705 of Section IV of the ASME Code for introduction of feed water into a boiler). If the water column, gage glass, low-water fuel cutoff, or other water level control device is connected to the boiler by pipe and fittings, no shutoff valves of any type shall be placed in such pipe, and a cross or equivalent fitting to which a drain valve and piping may be attached shall be placed in the water piping connection at every right angle turn to facilitate cleaning.

B. The steam connections to the water column of a horizontal fire tube wrought iron boiler shall be taken from the top of the shell or the upper part of the head, and the water connection shall be taken from a point not above the center line of the shell. For a cast iron boiler, the steam connection to the water column shall be taken from the top of an end section or the top of the steam header, and the water connection shall be made on an end section not less than 6 inches below the bottom connection to the water gage glass.

AUTHORITY NOTE: Promulgated in accordance with 23:531 and 51:1424.

HISTORICAL NOTE: Promulgated by the Department of Public Safety, Office of the State Fire Marshal, LR 33:

§5049. Return Pump

A. Each boiler equipped with a condensate return pump shall be provided with a water level control arranged to automatically maintain the water level in the boiler within the range of the gage glass.

AUTHORITY NOTE: Promulgated in accordance with 23:531 and 51:1424.

HISTORICAL NOTE: Promulgated by the Department of Public Safety, Office of the State Fire Marshal, LR 33:

Subchapter D. Potable Water Heaters (Hot Water Heaters Other than Hot Water Supply Boilers)

§5052. Service Restrictions and Exceptions

A. Potable water heaters supplying potable hot water for commercial purposes that exceed a heat input of 200,000 BTU per hour or a nominal water-containing capacity of 120 gallons, shall be designed, constructed, inspected and stamped in conformity with Part HLW of the ASME Code, Section IV.

B. Potable water heaters supplying potable hot water for commercial purposes that do not exceed a heat input of 200,000 BTU per hour or a nominal water-containing capacity of 120 gallons, but has a nominal water-containing capacity of 50 gallons, shall be designed and constructed to

underwriters laboratories or other nationally recognized standard and shall bear their label on the completed unit.

C. All other potable water heaters not otherwise exempted by the Act, shall be designed and constructed to underwriters laboratories or other nationally recognized standard and shall bear their label on the completed unit.

D. The maximum allowable working pressure of a potable water heater shall in no case exceed the pressure indicated by the manufacturer's identification stamped or cast on the heater or a plate or label secured to it. In no case shall the maximum allowable working pressure of a potable water heater exceed 160 psi or a water temperature of 210° F.

AUTHORITY NOTE: Promulgated in accordance with 23:531 and 51:1424.

HISTORICAL NOTE: Promulgated by the Department of Public Safety, Office of the State Fire Marshal, LR 33:

§5053. Safety Relief Valves

A. Each potable water heater shall have at least one ASME certified pressure temperature relief valve of the automatic reseating type set to relieve at or below the maximum allowable working pressure of the potable water heater and/or no greater than 210° F. Safety relief valves officially rated as to capacity shall have pop action when tested by steam. When more than one safety relief valve is used on a potable water heater, the additional valve or valves shall be ASME rated and may be set within a range not to exceed 10 percent of the set pressure of the first valve. Safety relief valves shall be spring-loaded. Safety relief valves shall be so arranged that they cannot be reset at a higher pressure.

B. When water supply to a potable water heater exceeds 75 percent of the design pressure of the water heater, a pressure reducing valve is required.

AUTHORITY NOTE: Promulgated in accordance with 23:531 and 51:1424.

HISTORICAL NOTE: Promulgated by the Department of Public Safety, Office of the State Fire Marshal, LR 33:

§5054. Controls

A. Each individual automatically-fired potable water heater, in addition to the operating control used for normal water heater operation shall have a separate high limit temperature actuated combustion control that will automatically cut off the fuel supply. The temperature range of the high limit temperature actuated control shall not allow a setting over 210° F.

1. On gas-fired water heaters, the high limit temperature control when actuated shall shut off the fuel supply with a shut off means other than the operating control valve. Separate valves may have a common body.

2. On electrically-heated potable water heaters, the high limit temperature control when actuated shall cut off all power to the operating controls.

3. On oil-fired potable water heaters, the limit temperature control when actuated shall cut off all current flow to the burner mechanism.

B. All potable water heaters shall be equipped with suitable primary (flame safeguards) safety controls, safety limit switches, and burners, or electrical elements as required by one of the following nationally recognized standards:

1. ANSI C95.3 Standard for Safety Oil-Fired Water Heaters (UL 732);

2. ANSI Z 21.10.3 American National Standards for Gas Water Heaters, Volume III, Circulating Rank, Instantaneous and Large Automatic Storage Type water Heaters;

3. Underwriters Laboratories Inc. UL 795. Standards for Safety, Commercial-Industrial Gas-Heating Equipment;

4. Underwriters Laboratories Inc. UL 1453, Standards for Safety, Electric Booster and Commercial Storage Tank Water Heaters.

C. The symbol of the certifying organization which has investigated such as having complied with a nationally recognized standard shall be affixed to the equipment and shall be considered as evidence that controls and heat generating apparatus were manufactured in accordance with that standard. (A certifying organization is one that provides uniform testing, examination, and listing procedures under established, nationally recognized standards and that is acceptable to the jurisdiction.)

AUTHORITY NOTE: Promulgated in accordance with 23:531 and 51:1424.

HISTORICAL NOTE: Promulgated by the Department of Public Safety, Office of the State Fire Marshal, LR 33:

§5055. Repairs

A. Whenever repairs are made to fittings or appliances, or it becomes necessary to replace them, the repairs must comply with Section IV of the ASME Code for new construction. Welded repairs must meet the additional requirements.

AUTHORITY NOTE: Promulgated in accordance with 23:531 and 51:1424.

HISTORICAL NOTE: Promulgated by the Department of Public Safety, Office of the State Fire Marshal, LR 33:

Subchapter E. General Requirements

§5058. Notice of Internal Inspection of Boilers

The owner or user of a boiler or boilers not exempted by the Act or by rules and regulations promulgated under the Act shall be provided 14 days notice of impending internal inspection requirements, by the inspector responsible for inspections of subject boiler(s). No such notice shall be required for external inspections. No inspection shall be made on Sunday or other legal holiday by an inspector employed by the Department of Public Safety except in case of accident or other emergency.

AUTHORITY NOTE: Promulgated in accordance with 23:531 and 51:1424.

HISTORICAL NOTE: Promulgated by the Department of Public Safety, Office of the State Fire Marshal, LR 33:

§5059. Preparation for Internal Inspection

A. The owner or user shall prepare each boiler for internal inspection, and shall prepare for and apply a hydrostatic pressure test, whenever necessary, on the date arranged by the inspector. The boiler shall be prepared for internal inspection as follows.

1. Water shall be drawn off and the boiler washed thoroughly.

2. Manhole and hand hole plates, washout plugs and inspection plugs in water column connections shall be removed as required by the inspector. The furnace and combustion chambers shall be cooled and thoroughly cleaned.

3. All grates of internally fired boilers shall be removed.

4. Insulation or brickwork shall be removed as required by the inspector in order to determine the condition of the boiler, headers, furnace, supports or other parts.

5. The pressure gauge shall be removed for testing, as required by the inspector.

6. Any leakage of steam or hot water into the boiler shall be prevented by disconnecting the pipe or valve(s) at the most convenient point or any appropriate means approved by the inspector.

7. Before opening the manhole or hand hole covers and entering any parts of the steam generating unit connected to a common header with other boilers, the non-return and steam stop valves must be closed, tagged and padlocked, and drain valves or cocks between the two valves opened. The feed valves must be closed, tagged and padlocked, and drain valves or cocks located between the two valves opened. After draining the boiler, the blow off valves shall be closed, tagged and padlocked. Blow off lines, where practicable, shall be disconnected between pressure parts and valves. All drain and vent lines shall be opened.

AUTHORITY NOTE: Promulgated in accordance with 23:531 and 51:1424.

HISTORICAL NOTE: Promulgated by the Department of Public Safety, Office of the State Fire Marshal, LR 33:

§5060. Boilers Improperly Prepared for Inspection

A. If a boiler has not been properly prepared for an internal inspection, or if the owner or user fails to comply with the requirements for a pressure test as set forth in these rules, the inspector may decline to make the inspection or test and the inspection certificate shall be withheld or the right to operate revoked, until the owner or user complies with the requirement. The owner or user shall be charged the applicable inspection fees as set by law for this missed inspection.

AUTHORITY NOTE: Promulgated in accordance with 23:531 and 51:1424.

HISTORICAL NOTE: Promulgated by the Department of Public Safety, Office of the State Fire Marshal, LR 33:

§5061. Removal of Covering to Permit Inspection

A. If the boiler is jacketed so that the longitudinal seams of shells, drums or domes cannot be seen, sufficient jacketing, setting wall, or other form of casing or housing shall be removed to permit reasonable inspection of the seams and other areas necessary to determine the condition and safety of the boiler, provided such information cannot be determined by other means.

AUTHORITY NOTE: Promulgated in accordance with 23:531 and 51:1424.

HISTORICAL NOTE: Promulgated by the Department of Public Safety, Office of the State Fire Marshal, LR 33:

§5062. Lap Seam Crack

A. The shell or drum of a boiler, in which a lap seam crack is discovered along a longitudinal riveted joint, shall be immediately condemned. Patching is prohibited.

B. *Lap Seam Crack*—a crack found in lap seams, extending parallel to the longitudinal joint and located either between or adjacent to rivet holes.

AUTHORITY NOTE: Promulgated in accordance with 23:531 and 51:1424.

HISTORICAL NOTE: Promulgated by the Department of Public Safety, Office of the State Fire Marshal, LR 33:

§5063. Pressure Test

A. A pressure test, when applied to boilers or pressure vessels, need not exceed the maximum allowable working pressure or the setting of the lowest set safety valves. The pressure shall be under proper control so that in no case shall the required test pressure be exceeded.

B. During a pressure test, the safety valve or valves shall be removed or each valve disk shall be held to its seat by means of a testing clamp and not by screwing down the compression screw upon the spring. A plug device designed for this purpose may be used.

C. The temperature of the water used to apply a hydrostatic test shall be no less than ambient temperature, but in no case less than 70° F. The maximum temperature of the water during inspection shall not exceed 120° F.

D. When a hydrostatic test is applied to determine tightness, the pressure shall be equal to the normal operating pressure but need not exceed the release pressure of the safety valve having the lowest release pressure setting.

AUTHORITY NOTE: Promulgated in accordance with 23:531 and 51:1424.

HISTORICAL NOTE: Promulgated by the Department of Public Safety, Office of the State Fire Marshal, LR 33:

§5064. Inspection of Power Boilers

A. The internal and external inspections of power boilers shall meet the guidelines of Subsection C6 of the ASME Code, Section VII, Recommended Rules for Care of Power Boilers; and the National Board Inspection Code.

AUTHORITY NOTE: Promulgated in accordance with 23:531 and 51:1424.

HISTORICAL NOTE: Promulgated by the Department of Public Safety, Office of the State Fire Marshal, LR 33:

§5065. Inspection of Heating, Supply and Potable Water Boilers

A. The internal (when required), and the external inspections of steam and hot water heating, hot water supply and potable water boilers (hot water heaters), shall meet the guidelines of 7.09 and 8.09 of the ASME Code, Section VI, Recommended Rules for Care of Heating Boilers; and the National Board Inspection Code.

AUTHORITY NOTE: Promulgated in accordance with 23:531 and 51:1424.

HISTORICAL NOTE: Promulgated by the Department of Public Safety, Office of the State Fire Marshal, LR 33:

§5066. Changes from Louisiana Boiler Law/Rules and Regulations

A. On each inspection of a boiler, the inspector shall determine if changes or departures from the Louisiana Boiler Law/Rules and Regulations have taken place since the previous inspection was made.

B. If repairs have been made to a boiler, the owner or user shall provide documentation to the inspector determining if the repairs meet the requirements of these rules and regulations. In all cases where repairs and/or replacements are made or new fittings or appurtenances are installed, the material and workmanship must comply with the Louisiana Boiler Law/Rules and Regulations for new installations.

AUTHORITY NOTE: Promulgated in accordance with 23:531 and 51:1424.

HISTORICAL NOTE: Promulgated by the Department of Public Safety, Office of the State Fire Marshal, LR 33:

§5067. Defective Conditions Disclosed at Time of External Inspection

A. If, upon an external inspection, there is evidence of a leak or crack, sufficient covering of the boiler shall be removed to permit the inspector to satisfactorily determine the safety of the boiler. If the covering cannot be removed at that time, the inspector may order the boiler taken out of service until such time as the covering can be removed and proper examination made.

AUTHORITY NOTE: Promulgated in accordance with 23:531 and 51:1424.

HISTORICAL NOTE: Promulgated by the Department of Public Safety, Office of the State Fire Marshal, LR 33:

§5068. Unsafe Boilers

A. Whenever the chief inspector, a deputy inspector or special inspector finds a boiler in operation or about to be placed in operation, the continued use of which constitutes an imminent hazard to life or limb, he shall order such boiler to be instantly taken out of service and/or not placed in service until proper repairs or changes have been made. He shall at that time serve a preliminary order on the owner or user ordering the use of such boiler discontinued. He shall have the owner or user sign the preliminary order, and submit the original copy to the chief inspector. He shall notify the chief inspector by telephone when a preliminary order is issued.

AUTHORITY NOTE: Promulgated in accordance with 23:531 and 51:1424.

HISTORICAL NOTE: Promulgated by the Department of Public Safety, Office of the State Fire Marshal, LR 33:

§5069. Condemned Boilers

A. A boiler having been inspected and declared unfit for further service by an inspector shall be stamped by the inspector on either side of the state serial number with the letters XXX, which will designate a condemned boiler, as shown by the following facsimile: XXX 0000 LA XXX

B. Any person, firm, partnership, or corporation using a condemned boiler shall be subject to the penalties provided by the Act.

AUTHORITY NOTE: Promulgated in accordance with 23:531 and 51:1424.

HISTORICAL NOTE: Promulgated by the Department of Public Safety, Office of the State Fire Marshal, LR 33:

§5070. Owner or User to Notify Chief Inspector of Accident

A. When an accident occurs to a boiler, the owner or user shall, within 7 calendar days, notify the chief inspector by submitting a detailed report of the accident. In the event of a personal injury or any explosion, notice shall be given within 12 hours by telephone, telegraph or messenger, and neither the boiler, nor any parts thereof, shall be removed or disturbed before permission has been given by the chief inspector, except for the purpose of saving human life and limiting consequential damage.

AUTHORITY NOTE: Promulgated in accordance with 23:531 and 51:1424.

HISTORICAL NOTE: Promulgated by the Department of Public Safety, Office of the State Fire Marshal, LR 33:

§5071. Automatic Low Water Fuel Cutoff and/or Water Feeding Device

A. Each automatically fired steam boiler shall have an automatic low-water fuel cutoff so located as to

automatically cut off the fuel supply when the surface of the water falls to the lowest visible part of the water gauge glass. If a water feeding device is installed, it shall be so constructed that the water inlet valve cannot feed water into the boiler through the float chamber and so located as to supply requisite feed water. Such a fuel cutoff or water feeding device shall comply with HG-606 of the ASME Code, Section IV.

B. Each automatically fired hot water heating boiler with heat input greater than 400,000 BTU/hr shall have an automatic low-water fuel cutoff which has been designed for hot water service, and it shall be located as to automatically cut off the fuel supply when the surface of the water falls to the lowest safe water level established by the boiler manufacturer. Such low-water fuel cutoff shall comply with HG-614 of the ASME Code, Section IV.

AUTHORITY NOTE: Promulgated in accordance with 23:531 and 51:1424.

HISTORICAL NOTE: Promulgated by the Department of Public Safety, Office of the State Fire Marshal, LR 33:

§5072. Pressure Reducing Valves

A. Where pressure reducing valves are used, one or more safety relief valves shall be provided on the low pressure side of the reducing valve when the piping or equipment on the low pressure side does not meet the requirements for the full initial pressure. The safety or safety relief valves shall be located adjoining or as close as possible to the reducing valve. Proper protection shall be provided to prevent injury or damage caused by the escaping fluid from the discharge of the safety relief valves if vented to the atmosphere. The combined discharge capacity of the safety or safety relief valves shall be such that the pressure rating shall not be exceeded in case the reducing valve fails in the open position.

B. The use of hand controlled bypasses around the reducing valves are permissible. If a bypass is used around the reducing valve, the safety valve required on the low pressure side shall be of sufficient capacity to relieve all the fluid that can pass through the bypass without over pressuring the low pressure side.

C. A pressure gauge shall be installed on the low pressure side of the reducing valve.

AUTHORITY NOTE: Promulgated in accordance with 23:531 and 51:1424.

HISTORICAL NOTE: Promulgated by the Department of Public Safety, Office of the State Fire Marshal, LR 33:

§5073. Boiler Blow Off Equipment

A. The blow down from a boiler that enters a sanitary sewer system or blow down which is considered a hazard to life or property shall pass through some form of blow off equipment that will reduce the pressure leaving the blow down equipment to not more than 5 psi, and the temperature to no more than 150° F.

B. All blow off equipment shall be fitted with openings to facilitate cleaning and inspection and shall conform to the recommended rules for National Board Boiler Blow off Equipment.

AUTHORITY NOTE: Promulgated in accordance with 23:531 and 51:1424.

HISTORICAL NOTE: Promulgated by the Department of Public Safety, Office of the State Fire Marshal, LR 33:

§5074. Location of Discharge Piping Outlets

A. The discharge of safety valves, blow off pipes and other outlets shall be located and supported so as to prevent injury to personnel.

AUTHORITY NOTE: Promulgated in accordance with 23:531 and 51:1424.

HISTORICAL NOTE: Promulgated by the Department of Public Safety, Office of the State Fire Marshal, LR 33:

§5075. Repairs or Alterations

A. Where repairs or alterations to a boiler are necessary, an authorized inspector shall be called for consultation and advice as to the best method of making such repairs or alterations. After such repairs or alterations are made, they shall be reviewed by and found acceptable to an authorized inspector. Organizations making repairs or alterations shall be qualified in accordance with the rules and regulations.

AUTHORITY NOTE: Promulgated in accordance with 23:531 and 51:1424.

HISTORICAL NOTE: Promulgated by the Department of Public Safety, Office of the State Fire Marshal, LR 33:

§5076. Supports

A. Each boiler shall be supported by masonry or structural supports of sufficient strength and rigidity to safely support the boiler and its contents. There shall be no excessive vibration in either the boiler or its connecting piping.

AUTHORITY NOTE: Promulgated in accordance with 23:531 and 51:1424.

HISTORICAL NOTE: Promulgated by the Department of Public Safety, Office of the State Fire Marshal, LR 33:

§5077. Boiler Door Latches

A. A water tube boiler shall have the firing doors of the inward opening type, unless such doors are provided with substantial and effective latching or fastening devices or otherwise so constructed as to prevent them, when closed, from being blown open by pressure on the furnace side.

B. These latches or fastenings shall be of the positive self-locking type. Friction contacts, latches, or bolts actuated by springs shall not be used. The foregoing requirements for latches or fastening shall not apply to coal openings of downdraft or similar furnaces.

C. All other doors, except explosion doors, not used in the firing of the boiler, may be provided with bolts or fastenings in lieu of self-latching devices.

D. Explosion doors, if used and if located in the setting walls within seven feet of the firing floor or operating platform, shall be provided with substantial deflectors to divert the blast.

AUTHORITY NOTE: Promulgated in accordance with 23:531 and 51:1424.

HISTORICAL NOTE: Promulgated by the Department of Public Safety, Office of the State Fire Marshal, LR 33:

§5078. Clearance

A. When boilers are replaced or new boilers are installed in either existing or new buildings, they shall be so located that adequate space will be provided for the proper operation of the boilers and their appurtenances, for the inspection of all surfaces, tubes, water walls economizers, piping, valves and other equipment, and for their necessary maintenance and repair and replacement tubes.

AUTHORITY NOTE: Promulgated in accordance with 23:531 and 51:1424.

HISTORICAL NOTE: Promulgated by the Department of Public Safety, Office of the State Fire Marshal, LR 33:

§5079. Ladders and Runways

A. When necessary for safety, there shall be a steel runway or platform of standard construction installed across the tops of adjacent boilers or at some other convenient level for the purpose of affording safe access. All walkways shall have at least two means of exit, each to be remotely located from the other.

AUTHORITY NOTE: Promulgated in accordance with 23:531 and 51:1424.

HISTORICAL NOTE: Promulgated by the Department of Public Safety, Office of the State Fire Marshal, LR 33:

§5080. Exit from Boiler Room

A. All boiler rooms exceeding 500 square feet floor area and containing one or more boilers having a fuel burning capacity 1,000,000 BTU/hr., or equivalent electrical heat input, shall have at least two means of exit. Each shall be remotely located from the other. Each elevation in such boiler room shall have two means of exit, each remotely located from the other.

AUTHORITY NOTE: Promulgated in accordance with 23:531 and 51:1424.

HISTORICAL NOTE: Promulgated by the Department of Public Safety, Office of the State Fire Marshal, LR 33:

§5081. Air and Ventilation Requirements-Combustion

Air Supply and Ventilation of Boiler Room

A. A permanent source of outside air shall be provided for each boiler room to permit satisfactory combustion of the fuel as well as proper ventilation of the boiler room under normal operating conditions.

B. The total requirements of the burners for all fired pressure vessels in the boiler room must be used to determine the louver sizes whether fired by coal, oil or gas; however, the minimum net free louvered area must not be less than one square foot. The following table or formula shall be used to determine the net louvered area in square feet.

Input (Btu/Hour)	Required Air (Cu/Ft/Min)	Minimum Net Louvered Area (Sq. Ft.)
500,000	125	1.0
1,000,000	250	1.0
2,000,000	500	1.6
3,000,000	750	2.5
4,000,000	1,000	3.3
5,000,000	1,250	4.1
6,000,000	1,500	5.0
7,000,000	1,750	5.8
8,000,000	2,000	6.6
9,000,000	2,250	7.5
10,000,000	2,500	8.3

(BTUH) 10,000) X 2.5 = CFM - 300 /dfm per sq. ft. of net required area.

C. When mechanical ventilation is used in lieu of Subsection A above, the supply of combustion and ventilation air to the boiler room and the firing device shall be interlocked with the fan so the firing device will not operate with the fan off. The velocity of the air through the ventilating fan shall not exceed 500 feet per minute and the total air delivered shall be equal to or greater than shown in Subsection B above.

AUTHORITY NOTE: Promulgated in accordance with 23:531 and 51:1424.

HISTORICAL NOTE: Promulgated by the Department of Public Safety, Office of the State Fire Marshal, LR 33:

§5082. Gas Burners

A. For installations which are gas fired, the burners used shall conform to the applicable requirements of the American Gas Association or other nationally recognized standards.

AUTHORITY NOTE: Promulgated in accordance with 23:531 and 51:1424.

HISTORICAL NOTE: Promulgated by the Department of Public Safety, Office of the State Fire Marshal, LR 33:

§5083. Attendance on Power Boilers

A. No power boiler while in active service, i.e., that portion of time when the main stop valves are open and the fires are burning, shall be left unattended longer than it will take the water level to drop from the normal operating level in the water gauge glass, or by indicating devices or recorders, when the feed water is shut off and the boiler is forced to its maximum capacity unless the following are complied with:

1. the boiler is equipped with an audible alarm that will operate when the water reaches the highest and/or the lowest permissible operating level, or, for boilers having no fixed steam or water line, when the highest permissible operating temperature is reached. The audible alarm shall be sufficiently loud that it can be plainly heard at the most remote point from the boiler that the attendant is required to work; and

2. the boiler is equipped with two independently connected low water safety devices that will shut off the fuel to the burner or burners when the water reaches the lowest permissible operating level, or, for boilers having no fixed steam or water line, when the highest permissible operating temperature is reached. These devices shall require manual resetting; or

3. the attendant shall personally check the operation of the boiler, the necessary auxiliaries, and the water level in the boiler at such intervals as are necessary to insure safe operation of the boiler, and in no case shall this exceed 120 minutes.

B. The operation of the automatic controls shall be checked at the beginning of each shift.

AUTHORITY NOTE: Promulgated in accordance with 23:531 and 51:1424.

HISTORICAL NOTE: Promulgated by the Department of Public Safety, Office of the State Fire Marshal, LR 33:

§5084. Restamping of Boilers

A. When the stamping on a boiler becomes indistinct, the inspector shall instruct the owner or user to have it restamped. Request for permission to restamp the boiler shall be made to the chief inspector and proof of the original stamping shall accompany the request. The chief inspector may grant such authorization. Restamping authorized by the chief inspector shall be done only in the presence of an authorized inspector, and shall be identical with the original stamping. If the ASME Code symbol is to be restamped, it may only be done by the original manufacturer of the boiler in the presence of the inspector who signed the manufacturers data report. Notice of completion of such restamping shall be filed with the chief inspector by the

inspector who witnessed the stamping on the boiler, together with a facsimile of the stamping applied.

AUTHORITY NOTE: Promulgated in accordance with 23:531 and 51:1424.

HISTORICAL NOTE: Promulgated by the Department of Public Safety, Office of the State Fire Marshal, LR 33:

§5085. Moving of Boilers

A. When a boiler is moved from one setting to another setting, the owner or user thereof shall furnish the chief inspector with a notice of change in location, and shall have the boiler inspected by an authorized inspector prior to firing of the boiler at the new location.

AUTHORITY NOTE: Promulgated in accordance with 23:531 and 51:1424.

HISTORICAL NOTE: Promulgated by the Department of Public Safety, Office of the State Fire Marshal, LR 33:

§5086. Safety Appliances

A. No person shall attempt to remove or do any work on any safety appliance prescribed by these rules and regulations while the appliance is subject to pressure.

B. Should any of these appliances be removed for repair during an outage of the boiler, they must be reinstalled and in proper working order before the boiler is again placed in service.

C. No person shall alter any safety or safety relief valves or pressure relief devices in any manner to maintain a working pressure in excess of that stated on the boiler inspection certificate.

D. Repairs to safety or safety relief valves shall be made only by organizations qualified.

AUTHORITY NOTE: Promulgated in accordance with 23:531 and 51:1424.

HISTORICAL NOTE: Promulgated by the Department of Public Safety, Office of the State Fire Marshal, LR 33:

§5087. Variations

A. Any person who believes the rules and regulations promulgated by the assistant secretary are unreasonable or impose an undue burden upon the owner or user, may request a variation from such rule or regulation. The request shall be in writing and shall specify how equivalent safety is to be maintained. The assistant secretary, after investigation and such hearing as he may direct, may grant such variation from the terms of any rule or regulation provided such special conditions as may be specified are maintained in order to provide equivalent safety.

B. When there is a reason to believe, or upon receipt of a complaint that a variation does not provide freedom from danger equivalent to the published rule or regulation, the assistant secretary, after notice to the owner or user and complainant after such hearing and investigation as he may direct, may continue to in force, suspend, revoke or modify the conditions specified in any variation. No declaration, act or omission of the assistant secretary, or the chief inspector, deputy inspector or special inspectors other than a written order authorizing a variation as permitted above, shall be deemed to exempt, either wholly or in part, expressly or implied, any owner or user from full compliance with the terms of any rule or regulation.

AUTHORITY NOTE: Promulgated in accordance with 23:531 and 51:1424.

HISTORICAL NOTE: Promulgated by the Department of Public Safety, Office of the State Fire Marshal, LR 33:

§5088. Conditions not Covered by these Rules and Regulations

A. For any condition not covered by these rules and regulations, the applicable provisions of the ASME Code or the National Board Inspection Code shall apply.

AUTHORITY NOTE: Promulgated in accordance with 23:531 and 51:1424.

HISTORICAL NOTE: Promulgated by the Department of Public Safety, Office of the State Fire Marshal, LR 33:

§5089. Suggestions for Operations

A. It is suggested that the Recommended Rules for Care of Power Boilers, Section VII, and the Recommended Rules for Care and Operation of Heating Boilers, Section VI of the ASME Code, be used as a guide for proper and safe operating practices.

AUTHORITY NOTE: Promulgated in accordance with 23:531 and 51:1424.

HISTORICAL NOTE: Promulgated by the Department of Public Safety, Office of the State Fire Marshal, LR 33:

Family Impact Statement

1. The Effect of this Rule on the Stability of the Family. This Rule will have no effect on the stability of the family.

2. The Effect of this Rule on the Authority and Rights of Parents Regarding the Education and Supervision of their Children. This Rule will have no effect on the authority and rights of parents regarding the education and supervision of their children.

3. The Effect of this Rule on the Functioning of the Family. This Rule will have no effect on the functioning of the family.

4. The Effect of these Rules on Family Earnings and Family Budget. These rules will have no effect on family earning and family budget.

5. The Effect of this Rule on the Behavior and Personal Responsibility of Children. This Rule will have no effect on the behavior and personal responsibility of children.

6. The Effect of this Rule on the Ability of the Family or Local Government to Perform the Function as Contained in the Proposed Rules. This Rule will have no effect on the ability of the family or local government to perform the function as contained in the proposed Rule.

Interested persons may submit written comments on these proposed amendments to Henry Fry at 8181 Independence Boulevard, Baton Rouge, LA 70806. Comments will be accepted through close of business March 15, 2007.

Jill P. Boudreaux
Undersecretary

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES

RULE TITLE: Boiler Construction, Maintenance, Inspection and General Use

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

There will be no estimated implementation cost or savings to the Office of State Fire Marshal. Local governments expenditures will not increase or decrease according to the

number of objects requiring inspection. These rules codify the currently enforced policy and procedure of the Office of State Fire Marshal. These rules are intended to promote uniform standards for the design, fabrication, repair, alteration and inspection of steam and hot water boilers, and the inspection during fabrication, repair or alteration of those pressure vessels.

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

The proposed rules will have no effect on revenue 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 additional cost or benefit to affected persons or non-governmental groups.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

There will be no impact on competition and or employment.

Jill P. Boudreaux
Undersecretary
0702#045

Robert E. Hosse
Staff Director
Legislative Fiscal Officer

NOTICE OF INTENT

Department of Revenue Policy Services Division

Exemption from Tax on Corporations (LAC 61:I.1140)

Under the authority of R.S. 47:287.501, R.S. 47:1511, R.S. 47:287.785 and in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., the Department of Revenue, Policy Services Division, proposes to amend LAC 61:I.1140 to disallow the exemption of unrelated business taxable income of organizations meeting the qualification of I.R.C. Sections 501 and 401(a) and to remove the requirement that certain banks be organized under the laws of the state of Louisiana.

Due to the exclusive error of the Department of Revenue, non-profit organizations with unrelated business taxable income in Louisiana have not been taxed on that income. The department proposes to begin taxing this unrelated business taxable income as required by R.S. 47:287.501 beginning January 1, 2008. The department also proposes, in keeping with proper statutory construction, to remove the requirement that banks subject to the "shares tax" be organized under the laws of the state of Louisiana to qualify for the exemption.

Title 61

REVENUE AND TAXATION

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

Chapter 11. Income: Corporation Income Tax §1140. Exemption from Tax on Corporations

A. Generally, organizations meeting the qualifications included under I.R.C. Sections 501 and 401(a) are exempt from federal and Louisiana income tax liability.

B. However, organizations meeting the qualifications under I.R.C. Sections 501 and 401(a) are not exempt from taxation on unrelated business taxable income or income not included under I.R.C. Sections 501 and 401(a) for federal income tax purposes. Since unrelated business taxable

income is not exempt from federal income tax, it is not exempt from Louisiana income tax. The Department of Revenue will begin enforcing this requirement of R.S. 47:287.501 for all taxable periods beginning on and after January 1, 2008.

C. Exceptions

1. Mutual savings banks, national banking corporations, building and loan associations, and savings and loan associations are wholly exempt from the tax imposed by this Chapter regardless of where they are organized.

2. Banking corporations, regardless of where they are organized, which are required by other laws of this state to pay a tax for their shareholders, or whose shareholders are required to pay a tax on their shares of stock are also wholly exempt. Banking corporations, other than those described above, are not exempt from the corporation income tax.

D. An organization claiming a total or partial exemption under R.S. 47:287.501(A) as an organization described in I.R.C. Sections 501 or 401(a) is required to file an income tax return in the same manner as any other corporation. To claim a partial exemption, the organization must submit a copy of the Internal Revenue Service ruling establishing its exempt status under I.R.C. Sections 501 or 401(a) with its return, report any income subject to federal income tax on its Louisiana return, and include with the return a statement that all income not reported on the Louisiana return is exempt from federal income tax under I.R.C. Sections 501 or 401(a). To claim a total exemption the organization must submit a copy of the Internal Revenue Service ruling establishing its exempt status under I.R.C. Sections 501 or 401(a) with its return and include with its return a statement that none of its income was subject to federal income tax.

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:287.501.

HISTORICAL NOTE: Promulgated by the Department of Revenue and Taxation, Income Tax Section, LR 14:108 (February 1988), repromulgated by the Department of Revenue, Policy Services Division, LR 30:485 (March 2004), amended LR 33:

Family Impact Statement

The proposed amendment of LAC 61:I.1140, regarding the disallowance of an exemption for unrelated business taxable income of organizations meeting the qualification of I.R.C. Sections 501 and 401(a) and to remove the requirement that certain banks be organized under the state of Louisiana should not have any known or foreseeable impact on any family as defined by R.S. 49:972(D) or on family formation, stability and autonomy. The implementation of this proposed Rule will have no known or foreseeable effect on:

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

Interested person may submit written data, views, arguments or comments regarding this proposed Rule to Michael D. Pearson, Senior Policy Consultant, Policy Services Division, Office of Legal Affairs by mail to P.O. Box 44098, Baton Rouge, LA 70804-4098. All comments

must be received no later than 5 p.m., Wednesday, March 28, 2007. A public hearing will be held on Thursday, March 29, 2007, at 11 a.m. in the Magnolia Room, on the Seventh Floor of the LaSalle Building, 617 North Third Street, Baton Rouge, LA 70802.

Cynthia Bridges
Secretary

**FISCAL AND ECONOMIC IMPACT STATEMENT
FOR ADMINISTRATIVE RULES
RULE TITLE: Exemption from Tax on Corporations**

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

The implementation of this proposed corporation income tax regulation, relative to exemption from tax on corporations, will have no impact on the agency's costs.

The implementation of this proposed regulation will have no impact upon any local governmental units.

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

Due to the exclusive error of the Department of Revenue, non-profit organizations with unrelated business taxable income in Louisiana have not been taxed on that income. The department proposes to begin taxing this unrelated business income as required by R.S. 47:287.501 beginning January 1, 2008.

State General Fund revenues are expected to increase due to the proposed change. The information is not available which would allow a measure of the increase. However, the increase is expected to be small.

There will be no effect on revenue collections of 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)**

Beginning January 1, 2008, non-profit organizations with unrelated business income in Louisiana will be taxed on that income. Costs associated with return preparation and the tax liability will be incurred.

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

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

Cynthia Bridges
Secretary
0702#056

Robert E. Hosse
Staff Director
Legislative Fiscal Office

NOTICE OF INTENT

**Department of Revenue
Policy Services Division**

**Issuance and Cancellation of a Lien; Fees
(LAC 61:I.5302)**

Under the authority of R.S. 47:295, R.S. 47:1511, R.S. 47:1577, and R.S. 47:1578 and in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., the Department of Revenue, Policy Services Division, proposes to amend LAC 61:I.5302 to clarify when the secretary may release certain property subject to the recorded lien. Additionally, proposed amendments restrict taxpayers to only one approved offer in compromise in a

10-year period and require offers in compromise applications to be accompanied by a nonrefundable payment of at least 10 percent of the amount offered.

Act 56 of the 2004 Regular Legislative Session amended R.S. 47:1578(B) to clarify that in cases where the tax, penalty, or interest secured by a recorded lien have not been paid, the secretary may release any part of property subject to the lien if at least the value of the state's interest in the property, as determined by the secretary, is paid in partial satisfaction of the liability, or if the secretary determines that the state's interest in the part to be released has no value.

Louisiana Revised Statutes 47:1578 and 47:295 allow the secretary to compromise certain judgments for taxes as well as to waive, reduce, or compromise individual income tax, penalties, interest, or other amounts. The amendments add language to inform taxpayers and their representatives that the secretary will only accept one offer in compromise from a taxpayer in a 10-year period and that a nonrefundable payment of at least 10 percent of the amount offered must accompany the offer in compromise application.

Title 61

REVENUE AND TAXATION

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

Chapter 53. Miscellaneous Fees

§5302. Issuance and Cancellation of a Lien; Fees

A. - C.3. ...

4. when the amount paid to the secretary in partial satisfaction of the liability is not less than the value of the interest of the state of Louisiana in the part of the property to be released or the secretary determines that the interest of the state of Louisiana in the part to be released has no value. This provision is subject to approval by the Board of Tax Appeals.

D. - E. ...

F. Offers in Compromise

1. The secretary will only accept one offer from any applicant in a 10-year period.

2. A nonrefundable payment of at least 10 percent of the amount offered must accompany an Offer in Compromise application.

G. The department shall assess a fee against the taxpayer for the filing of a tax lien and the cancellation of a lien. The amount of the fee to be assessed against the taxpayer shall be determined according to the amount charged the department by the parish in which the lien is filed. In the event a lien is filed in more than one parish for the same taxes, each lien shall be treated separately and the total charges per parish for the liens shall be assessed against the taxpayer.

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:295, R.S. 47:1511, R.S. 47:1577, and R.S. 47:1578.

HISTORICAL NOTE: Promulgated by the Department of Revenue, Policy Services Division, LR 28:347 (February 2002), amended LR 30:1045 (May 2004), LR 33:

Family Impact Statement

This Family Impact Statement is provided as required by Act 1183 of the 1999 Regular Session of the Louisiana Legislature.

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

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

NOTICE OF INTENT

**Department of Revenue
Policy Services Division**

Partnerships Composite Returns and Payments
(LAC 61:I.1401)

Under the authority of R.S. 47:201.1 and R.S. 47:1511 and in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., the Department of Revenue, Policy Services Division, proposes to amend LAC 61.I.1401.

The purpose of this Rule is to change the requirement to withhold when the partner in a partnership is a partnership itself. This proposed change would prevent such partnerships from being included on composite returns. It is the opinion of the department that this change will enhance compliance with this Rule.

Title 61

REVENUE AND TAXATION

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

Chapter 14. Income: Partnerships

**§1401. Partnerships Composite Return Requirement,
Composite Payment Requirements, Exceptions**

A. Definitions. For the purpose of this rule, the following terms are defined.

Corporation—an entity that is treated as a corporation for state income tax purposes as set forth in R.S. 47:287.11(A).

Engaging in Activities in This State—having payroll, sales, or tangible property in this state, or intangible property with a Louisiana business situs.

Individual Return—a Louisiana personal income tax return or a Louisiana fiduciary income tax return.

Nonresident—any person not domiciled, residing in, or having a permanent place of abode in Louisiana.

Partner—a member or partner of an association that is treated as a partnership for state income tax purposes, including but not limited to, a member in a limited liability company or a partner in a general partnership, a partnership in commendam, or a registered limited liability partnership. A partner is the ultimate owner of a partnership interest; therefore someone holding or managing a partnership interest on behalf of another, such as a broker, is not a partner for purposes of this rule.

Partnership—any association that is treated as a partnership for state income tax purposes including, but not limited to, a general partnership, partnership in commendam, a registered limited liability partnership, or a limited liability company. Because of R.S. 47:287.11(A), the above listed business associations that do not elect to be taxed as corporations for federal income tax purposes are treated as partnerships for Louisiana income tax purposes.

B. Persons to be Included in a Composite Return

1. Partnerships engaging in activities in this state that have nonresident partners are required to file a composite partnership return unless:

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

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

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

6. 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 Annie L. Gunn, Attorney, Policy Services Division, Department of Revenue, P.O. Box 44098, Baton Rouge, LA 70804-4098 or by fax to (225) 219-2759. All comments must be submitted by 4:30 p.m., Thursday, March 22, 2007. A public hearing will be held on Tuesday March 27, 2007, at 9 a.m. in the River Room on the Seventh Floor of the LaSalle Building at 617 North Third Street, Baton Rouge, LA 70802-5428.

Cynthia Bridges
Secretary

**FISCAL AND ECONOMIC IMPACT STATEMENT
FOR ADMINISTRATIVE RULES
RULE TITLE: Issuance and
Cancellation of Lien; Fees**

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

This proposed amendment to LAC 61:1.5302 will conform lien release language with the language in R.S. 47:1578(B)(3) and incorporate more restrictive language in the department's Offer in Compromise program. Implementation of this proposed amendment will have no significant estimated costs or savings to state or local governmental units.

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

This proposed amendment will have no significant effect on revenue collections of state or local governmental units.

With respect to the 10 percent required nonrefundable payment of the amount offered to compromise the judgment or assessment, if the offer is denied, the payment will be applied to the original tax liability and the remainder of tax due will be pursued through normal collection procedures.

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

This proposed amendment will have no significant effect on costs for taxpayers seeking release from tax liens. Taxpayers seeking an Offer in Compromise will be restricted to one application during a ten year period and will be required to submit a nonrefundable payment of at least ten percent of the offered amount with the application.

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

This proposed amendment will have no effect on competition or employment.

Cynthia Bridges
Secretary
0702#055

Robert E. Hosse
Staff Director
Legislative Fiscal Office

a. all nonresident partners are corporations, partnerships or tax exempt trusts; or

b. all nonresident partners, other than corporations, partnerships and tax exempt trusts, have a valid agreement on file with the Department of Revenue in which the partner has agreed to file an individual return and pay income tax on all income derived from or attributable to sources in this state.

2. Unless otherwise provided herein, corporate partners and partners, who are themselves partnerships, cannot be included in composite returns filed by a partnership. These partners must file all applicable Louisiana tax returns, and must report all Louisiana source income, including income from the partnership in those returns.

3. Resident partners, other than corporations, partnerships and tax-exempt trusts, may be included in a composite return.

C. Composite Return Requirements

1. All nonresident partners, other than partners that are corporations, partnerships or tax-exempt trusts, who were partners at any time during the taxable year and who do not have a valid agreement on file with the Department of Revenue must be included in the composite partnership return.

2. The due date of the composite return is the due date set forth for all income tax returns other than corporate returns.

3. A schedule must be attached to the composite return that includes the following information for every nonresident partner in the partnership:

- a. the name of the partner;
- b. the address of the partner;
- c. the taxpayer identification number of the partner;
- d. the partner's distributive share; and
- e. whether or not that partner has an agreement on file with the Department of Revenue to file an individual return on his or her own behalf.

4. If a resident partner is included in the partnership's composite return, a schedule must be attached to the composite return that includes the following information for every resident partner included in the partnership composite return:

- a. the name of the partner;
- b. the address of the partner;
- c. the taxpayer identification number of the partner;
- d. the partner's distributive share.

5. The filing of a true, correct, and complete partnership composite return will relieve any nonresident partner properly included in the composite return from the duty to file an individual return, provided that the nonresident partner does not have any income from Louisiana sources other than that income reported in the composite return. Inclusion in a partnership composite return shall not relieve a resident partner of the obligation to file a Louisiana income tax return.

6. Filing requirement the first year the partnership is subject to the composite return rules and issuance of special identification number. Every partnership that engages in activities in this state and that has nonresident partners will make an initial filing with the department.

a. Each partnership that is required to file a composite return will file its first composite return and make

its first composite payment by the composite return due date. The partnership will be issued an identification number by the department upon its initial filing. This identification number shall be used on all partnership correspondence with the department, including subsequent composite returns filed by that partnership.

b. Each partnership that is not required to file a composite return because all its partners have filed agreements to file on their own behalf, must make an initial filing in which it files all agreements with the Department of Revenue by the composite return due date. The partnership will be issued an identification number by the department upon its initial filing. This identification number shall be used on all partnership correspondence with the department, including the filing of additional agreements.

D. Composite Payment Requirement

1. All partnerships engaging in activities in this state that have nonresident partners that are not corporations, partnerships or tax-exempt trusts shall make composite payments on behalf of all of their nonresident partners, other than corporate partners and partners, who are themselves partnerships, who do not file an agreement to file an individual return and pay Louisiana income tax.

2. The composite payment is due on the earlier of the date of filing of the composite return or the due date of the composite return, without regard to extensions of time to file. An extension of time to file the composite return does not extend the time to pay the composite payment.

3. Each partner's share of the composite payment is the maximum tax rate for individuals multiplied by the partner's share of partnership income that was derived from or attributable to sources in this state. This computation applies whether or not the partnership income is distributed.

4. The composite payment to be made by the partnership is the sum of each partner's share of the composite payment for all partners included in the composite return.

5. For a nonresident partner whose only Louisiana income is from the partnership, amounts paid by the partnership on that partner's behalf will be treated as a payment of that partner's Louisiana individual income tax liability.

6. If a partner has any Louisiana source income in addition to the income from the partnership, amounts paid by the partnership on that partner's behalf will be treated as an advance payment of the tax liability shown on that partner's individually filed return.

E. Nonresident Partner's Agreement to File an Individual Return

1. No composite return or composite payment is required from a partnership on behalf of a partner who has a valid agreement on file with the Department of Revenue in which the partner has agreed to file an individual return and pay income tax on all income derived from or attributable to sources in this state.

2. The partner will execute the agreement and transmit the agreement to the partnership, on or before the last day of the month following the close of the partnership's taxable year.

3. The partnership will file the original agreement with the composite return filed for that taxable year. The partnership must keep a copy of the agreement on file.

4. The agreement must be in writing, in the form of an affidavit and must include all of the following:

- a. a statement that the taxpayer is a nonresident partner or member;
- b. the partner's name;
- c. the partner's address;
- d. the partner's Social Security number or taxpayer identification number;
- e. the name of the partnership;
- f. the address of the partnership;
- g. the partnership's federal taxpayer identification number;
- h. a statement that the taxpayer agrees to timely file a Louisiana individual income tax return and make payment of Louisiana individual income tax;
- i. a statement that the taxpayer understands that the Louisiana Department of Revenue is not bound by the agreement if the taxpayer fails to abide by the terms of the agreement;
- j. the statement that "under penalties of perjury, I declare that I have examined this affidavit and agreement and to the best of my knowledge, and belief, it is true correct and complete;" and
- k. the signature of the partner.

5. Once an agreement is signed by the partner, transmitted to the partnership, and the partnership has filed the agreement with the Department of Revenue, the agreement will continue in effect until the partner or the Department of Revenue revokes the agreement, or the partner is no longer a partner in the partnership.

6. The agreement may be revoked by either the partner or the Department of Revenue as follows.

a. The partner may revoke the agreement at will. However, this revocation does not become effective until the first partnership tax year following the partnership tax year in which the revocation is transmitted to the partnership. The partner must send written notice of the revocation to the partnership. The partnership will forward the notice to the Department of Revenue. The partner may execute a new agreement, in the manner set forth in this Subsection, at any time.

b. The Department of Revenue may revoke the agreement only if the partner fails to comply with the terms of the agreement. This revocation is prospective only with respect to the partnership, and does not become effective until the first partnership tax year following the partnership tax year in which the revocation is transmitted to the partnership. The Department of Revenue must send written notice of the revocation to the partner and the partnership. The notice will be mailed to the partnership at the address given in the last return or report filed by the partnership. The notice will be mailed to the partner at the address provided in the agreement. If the Department of Revenue revokes an agreement, the department may refuse to accept a subsequent agreement by that partner, unless the partner can show that the revocation was in error.

F. A partnership making a composite return and payment must furnish the following information to all partners included in the composite return:

1. the identification number that was issued to the partnership by the department under Subparagraph C.6.b above;

2. the amount of the payment made on the partner's behalf;

3. a statement that the amount paid on the partner's behalf can be used as an advance payment of that partner's Louisiana individual income tax liability for the same tax period;

4. the mailing address of the Louisiana Department of Revenue; and

5. the world wide web address of the Louisiana Department of Revenue, www.rev.state.la.us.

G. Additional Provisions for Publicly Traded Partnerships

1. A publicly traded partnership that is not treated as a corporation for federal income tax purposes may elect, with the prior approval of the secretary:

a. not to accept agreements filed by partners under the provisions of Paragraph B.4 or Subsection E above; and

b. to include all partners in its composite return and composite payment required by this Section, including corporations and tax-exempt trusts.

2. This election must be applied for in writing and approved in writing by the secretary. Once approval is granted, the election will remain in effect until revoked by the partnership.

3. The composite payment to be made by the publicly traded partnership is the sum of each partner's share of the composite payment for all partners. Each partner's share of the composite payment is the maximum individual income tax rate multiplied by the partner's share of partnership income that was derived from or attributable to sources in this state. This computation applies whether or not the partnership income is distributed.

4. Inclusion in a partnership composite return filed by a publicly traded partnership shall not relieve resident partners, corporate partners, or nonresident partners who have other Louisiana source income of the obligation to file all applicable Louisiana tax returns, and report all Louisiana source income, including income from the partnership.

H. Nothing in this regulation shall restrict the secretary's authority to otherwise provide for efficient administration of the composite return and composite payment requirements of R.S. 47:201.1.

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:201.1 and R.S. 47:1511.

HISTORICAL NOTE: Promulgated by the Department of Revenue, Policy Services Division, LR 28:868 (April 2002), amended LR 33:

Family Impact Statement

The proposed amendment of LAC 61:I.1401, regarding Partnerships Composite Return Requirement, Composite Payment Requirements and Exceptions, there are not any known or foreseeable impacts on any family as defined by R.S. 49:972(D) or on family formation, stability and autonomy. Specifically, the implementation of this proposed Rule will have no known or foreseeable effect on:

1. the stability of the family;
2. the authority and rights of parents regarding the education and supervision of their children;
3. the functioning of the family;
4. family earnings and family budget;
5. the behavior and personal responsibility of children;

6. the ability of the family or a local government to perform this function.

Any interested person may submit written data, views, arguments or comments regarding this proposed Rule to Michael D. Pearson, Senior Policy Consultant, Policy Services Division, Office of Legal Affairs by mail to P.O. Box 44098, Baton Rouge, LA 70804-4098. All comments must be received no later than 5 p.m., Wednesday, March 28, 2007. A public hearing will be held on Thursday, March 29, 2007, at 10 a.m. in the Magnolia Room, on the seventh floor of the LaSalle Building, 617 North Third Street, Baton Rouge, LA 70802.

Cynthia Bridges
Secretary

**FISCAL AND ECONOMIC IMPACT STATEMENT
FOR ADMINISTRATIVE RULES
RULE TITLE: Partnerships Composite
Returns and Payments**

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)
The implementation of this proposed income tax regulation, relative to partnership composite return requirement, will have no impact on the agency's costs.
The implementation of this proposed regulation will have no impact upon any local governmental units.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
There should be no impact on state or local revenues.
- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS (Summary)
Nonresident partners in a partnership, who are themselves partnerships, will no longer be included in the composite return of the partnership but will be required to file their own applicable returns. Administrative costs to affected groups should be minimal.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)
This proposed regulation should have no effect on competition or employment.

Cynthia Bridges
Secretary
0702#057

Robert E. Hosse
Staff Director
Legislative Fiscal Office

NOTICE OF INTENT

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

**General and Wildlife Management Area 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.

The Secretary of the Department of Wildlife and Fisheries is authorized to take any and all necessary steps on behalf of the commission to promulgate and effectuate this Notice of Intent and the final rule, including but not limited to, the filing of the fiscal and economic impact statements, the

filing of the notice of intent and final rule and the preparation of reports and correspondence to other agencies of government.

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 rifle, .36 caliber or smaller muzzleloader rifle 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. Nutria—on WMAs and private property nutria may be taken recreationally by licensed hunters from September 1 through the last day of February, during legal shooting hours by any legal hunting method with a daily limit of five. When taken with a shotgun, steel shot must be used. On WMAs during waterfowl seasons, nutria may be taken only

with the use of shotguns with shot no larger than F steel, and during gun deer seasons, anyone taking nutria must display 400 square inches of "Hunter Orange" and wear a "Hunter Orange" cap or hat. Recreational nutria hunters must remove each nutria carcass in whole condition from the hunting area, except that nutria may be gutted. Possession of detached nutria parts, including nutria tails, by recreational hunters is illegal. Nutria harvested recreationally may not be pelted nor may such nutria or any nutria parts from recreationally taken nutria be sold, including the tail. Trespassing upon private property for the purpose of taking nutria or other furbearing animals is punishable by fines and possible jail time (R.S. 56:265). The Coastwide Nutria Control Program is a separate program and is in no way related to the nutria recreational season. For questions on the Coastwide Nutria Control Program, call the New Iberia office (337) 373-0032.

4. Blackbirds and Crows—the season for crows shall be September 1 through January 1 with no limit; however crows, blackbirds, cowbirds and grackles may be taken year round during legal shooting hours if they are depredating or about to depredate upon ornamentals or shade trees, agricultural crops, livestock, wildlife, or when concentrated in such numbers as to cause a health hazard. Louisiana has determined that the birds listed above are crop depredators and that crows have been implicated in the spread of the West Nile virus in humans.

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. 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 \$0.05/acre fee. Deer management assistance tags must be in the possession of the hunter in order to harvest an antlerless deer. The tag shall be attached through the hock in such a manner that it cannot be removed before the deer is transported (including those taken on either-sex days and those taken with bow or muzzleloader). Antlerless deer harvested on property enrolled in DMAP does not count in the season bag limit for hunters. Failure to do so is a violation of R.S. 56:115. Failing to follow DMAP rules and regulations may result in suspension and cancellation of the program on those lands involved. Refer to LAC 76:V.111 for specific DMAP Rules.

8. Landowner Assistance Deer Tag (LADT)

a. Eligibility for LADT is limited to the following landowners or lessees:

- i. license deer farmers;
- ii. landowners or lessees with less than 500 acres who have verified deer depredation problems;
- iii. landowners with 40 acres or more enrolled in the Louisiana Forest Stewardship Program; and
- iv. landowners or lessees with 40 or more contiguous acres of forested or marsh land.

b. Each applicant will be assessed a \$25 administrative processing fee. Each hunter must have the Landowner Antlerless Deer Tag in his possession while hunting on the property for which the tag was issued and

immediately upon kill of an antlerless deer, the hunter must tag the animal through the hock. The deer must be tagged before it is transported from the site of kill and the tag will remain with the deer while the hunter is in route to his domicile. Antlerless deer harvested on property enrolled in LADT does not count in the season bag limit for hunters. For more information, contact any Wildlife Division Regional Office.

9. 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.

10. Bobcat—no person other than the holder of a valid big game license may take or possess bobcat, except licensed trappers who may take or possess bobcat during the open trapping season. A big game licensee shall only take bobcat during the time period from one-half hour before sunrise to one-half hour after sunset with a bow and arrow, shotgun, muzzleloader or centerfire firearm. A big game licensee shall not take more than one bobcat per calendar year. This regulation applies only to property that is privately owned and does not apply to state wildlife management areas and refuges, the Kisatchie National Forest, federally owned refuges and lands owned by the Corps of Engineers.

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. All persons born on or after September 1, 1969 must show proof of satisfactorily completing a Hunter Safety course approved by LDWF to purchase a Basic Hunting License, EXCEPT any active or veteran member of the United States armed services or any POST-certified law enforcement officer. Application for the exemption shall be filed in person at the Department of Wildlife and Fisheries main office building in the city of Baton Rouge. A person younger than 16 years of age may hunt without such certificate if he is accompanied by, and is under the direct supervision of a person 18 years of age or older, EXCEPT during a statewide youth deer hunt.

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. A separate wild turkey license 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. It is illegal to intentionally feed, deposit, place, distribute, expose, scatter, or cause to be fed, deposited, placed, distributed, exposed, or scattered raw sweet potatoes to wild game quadrupeds.

b. 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. 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.

c. 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 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, Attwater's 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 "chase only" during still hunting segments of the firearm and archery only season for deer. Foxes are protected quadrupeds and may be taken only with traps by licensed trappers during the trapping season. Remainder of the year "chase only" allowed 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, 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 in 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.

12. Promotional Hunting Days

a. The following dates are established as promotional hunting days—the 1st three days after Thanksgiving Day.

b. Persons availing themselves of promotional hunting days shall be entitled to hunt resident game birds and game quadrupeds (excluding bears), as well as coyotes, bobcats and feral hogs on designated days without the payment of fees and without obtaining any license other than the below referenced letter of permit. Persons wishing to avail themselves of promotional hunting days shall be subject to the following requirements and restrictions.

i. All applicants must be at least 16 years of age, and not currently under a suspension or revocation of hunting privileges.

ii. All applicants must submit, on a form and in a manner prescribed by the department, such personal information as may be required by the department including, but not limited to, name, address, date of birth, drivers' license number, and social security number.

iii. No person shall be entitled to apply for or receive more than one letter of permit for promotional hunting days in his or her lifetime.

iv. Any eligible person who applies for the promotional hunting days shall receive a letter of permit from the secretary.

v. Any person hunting under the promotional hunting days letter of permit must be accompanied by a validly licensed hunter.

vi. Any person hunting under the promotional hunting days letter of permit shall meet all other legal requirements for obtaining a hunting license, including but not limited to, successful completion of a hunter education course.

vii. Any person hunting under the promotional hunting days letter of permit must have in his possession while hunting, a valid hunter education card or certificate.

viii. Any person hunting under the promotional hunting days letter of permit may hunt during all legal hunting hours on the dates recited in the permit, but only during legal hunting hours.

ix. Any person hunting under a letter of permit shall be subject to all of the limitations, restrictions, conditions, laws, and rules and regulations applicable to the holder of a hunting license.

x. Any person hunting under the promotional hunting days letter of permit may hunt any species of resident game birds or game quadrupeds (excluding bears), as well as coyotes, bobcats and feral hogs for which the season is open at the time of the above stated weekends, but only those species for which the season is open at the time of the above stated weekends.

xi. Any person hunting under the promotional hunting days letter of permit may use any gear or method of take which is legal on the above designated weekends.

xii. Any person hunting under the promotional hunting days letter of permit may hunt only resident game birds and game quadrupeds (excluding bears), as well as coyotes, bobcats and feral hogs. All other species are excluded including, but not limited to, migratory game birds.

E. General Deer Hunting Regulations

1. Prior to hunting deer, all deer hunters, regardless of age or license status, must obtain deer tags and have in possession when hunting deer. Immediately upon harvesting a deer, the hunter must tag the deer with the appropriate carcass tag and document the kill on the deer tag license. Within 72 hours the hunter must validate the kill and record the validation number on the license. Hunters harvesting deer on DMAP and LADT lands can validate deer per instructions by LDWF using the DMAP and LADT harvest data sheets. Hunters on wildlife management areas can validate deer during mandatory deer check hunts, when deer check stations are in operation. Hunters may validate deer by calling the validation toll free number or using the validation web site.

2. One antlered and one antlerless deer per day (when legal) except of National Forest Lands and some Federal Refuges (check refuge regulations) where the daily limit shall be one deer per day. Season limit is six, three antlered bucks and three antlerless deer (all segments included) by all methods of take, except antlerless harvest on property enrolled in DMAP and LADT does not count in the season bag limit for hunters. Antlerless deer may be harvested during entire deer season on private lands (all segments included) except in the following parishes: West Carroll and portions of East Carroll. Consult regulations pamphlet, modern firearms table for either-sex days for these parishes. This does not apply to public lands (wildlife management areas, National Forest Lands, and Federal Refuges) which will have specified either-sex days.

3. 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 and except in Thistlethwaite Wildlife Management Area where a legal buck shall be defined as deer with at least 4 points on one side or a deer with unbranched antlers commonly referred to as spikes (no minimum length). To be counted as a point, a projection

must be at least one inch long and its length must exceed the length of its base. The beam tip is counted as a point but not measured as a point.

4. Deer hunting restricted to legal bucks only, except where otherwise allowed.

5. Either-sex deer is defined as male or female deer. Taking or possessing spotted fawns is prohibited.

6. 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.

7. 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.

8. 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. Except in wildlife management areas, a leashed dog may be used to trail and retrieve wounded or unrecovered deer during legal hunting hours. Any dog used to trail or retrieve wounded or unrecovered deer shall have on a collar with owner's name, address, and phone number. In addition, a dog may be used to trail and retrieve unrecovered deer after legal hunting hours; however, no person accompanying a dog after legal hunting hours may carry a firearm of any sort.

9. To take deer while deer are swimming or while the hunter is in a boat with motor attached in operating position; however the restriction in this paragraph shall not apply to any person who has lost one or more limbs.

10. Areas not specifically designated as open are closed.

11. 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 may be fitted with magnified scopes. This includes muzzleloaders known as "inline" muzzleloaders.

12. 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, and except in Area 6 from October 1-15. 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, Lake Boeuf, and Pointe-aux-Chenes 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 and except disabled persons with a crossbow permit and individuals who are 60 years of age or older may use a bow drawn, held or released by mechanical means;

(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.

13. 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. However, anyone hunting deer on such lands where hunting with firearms is allowed shall be required to display the 400 square inches or a hunter orange cap or hat while walking to and from elevated stands. While a person is hunting from an elevated stand, the 400 square inches or cap or hat may be concealed. Warning: deer hunters are cautioned to watch for persons hunting other game or engaged in activities not requiring "hunter orange".

14. Special handicapped either-sex deer season on private land—1st Saturday of October for 2 days. Restricted to individuals with Physically Challenged Hunter Permit.

15. Special Youth Deer Hunt on Private Lands (Either-Sex)—areas 1, 4, 5 and 6 - last Saturday of October for 2 days; Area 2 - 2nd Saturday of October for 2 days; and Areas 3, 7 and 8 - 4th Saturday of September for 2 days. Youths under the age of 16 only. 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. If the accompanying adult is in possession of hunter safety certification, a valid hunting license or proof of successful completion of a hunter safety course, this requirement is waived for the youth. Adults may not possess a firearm. 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.

F. Description of Areas

1. Area 1

a. All of the following parishes are open: Concordia, East Baton Rouge, East Feliciana, Franklin, Madison, St. Helena, Tensas, Washington.

b. Portions of the following parishes are also open:

i. Catahoula—East of Boeuf River to Ouachita River, east of Ouachita River from its confluence with Boeuf River to La. Hwy. 8, south and east of La. Hwy. 8 southwesterly to parish line.

ii. East Carroll—beginning September 2008, 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.

iii. Grant—East of U.S. 165 and south of La. 8.

iv. LaSalle—South of a line beginning where Little River enters Catahoula Lake following the center of the lake eastward to Old River then to U.S. Highway 84, east of U.S. Highway 84 northward to La. Highway 8, south of La. Highway 8 eastward to parish line.

v. Livingston—North of I-12.

vi. Rapides—East of U.S. 165 and north of Red River.

vii. St. Tammany—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—North of I-12.

ix. West Feliciana—all except that portion known as Raccourci and Turnbull Island.

c. Still hunting only in all or portions of the following parishes:

i. Catahoula—South 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.

ii. East Carroll—beginning September 2008, 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.

iii. East Feliciana and East Baton Rouge—East of Thompson Creek from the Mississippi state line to La. 10, north of La. 10 from Thompson Creek to La. 67 at Clinton, west of La. 67 from Clinton to Mississippi state line, south of Mississippi state 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. Franklin—all.

v. St. Helena—North 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. Tangipahoa—that 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. Tammany—East of La. 21 from the Mississippi state 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 state line, south of the Mississippi state 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 Feliciana—West 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, Bossier, Caddo, Caldwell, Claiborne, DeSoto, Jackson, Lincoln, Natchitoches, Red River, Sabine, Union, Webster, Winn;

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. Allen—North of U.S. 190 from parish line westward to Kinder, east of U.S. 165 from Kinder northward to La. 10 at Oakdale, north of La. 10 from Oakdale westward to the parish line.

ii. Avoyelles—that portion west of I-49.

iii. Catahoula—West of Boeuf River to Ouachita River, west of Ouachita River from its confluence with Boeuf River to La. Highway 8, north and west of La. Highway 8 southwesterly to parish line.

iv. Evangeline—all 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.

v. Grant—all except that portion south of La. 8 and east of U.S. 165.

vi. Jefferson Davis—North of U.S. 190.

vii. LaSalle—North of a line beginning where Little River enters Catahoula Lake, following the center of the lake eastward to Old River then to U.S. Highway 84, west of U.S. Highway 84 northward to La. Highway 8, north of La. Highway 8 eastward to parish line.

viii. Morehouse—West of U.S. 165 (from Arkansas state 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 Parish line at Wham Brake.

ix. Ouachita—all 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 Parish line at Wham Brake.

x. Rapides—all 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. 112 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.

xi. Vernon—North of La. Highway 10 from the parish line westward to La. 113, south of La. 113 eastward to parish line. Also the portion north of La. 465 west of La. 117 from Kurthwood to Leesville and north of La. 8 from Leesville to Texas state line.

c. Still hunting only in all or portions of the following parishes:

i. Claiborne and Webster—Caney, Corney and Middlefork tracts of Kisatchie National Forest. (See Kisatchie National Forest Regulations).

ii. Ouachita—East of Ouachita River.

iii. Rapides—West 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. Vernon—East 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. Allen—South of U.S. 190 and west of La. 113.

ii. Beauregard—West of La. 113 and east of La. 27 from the parish line northward to DeRidder and north of U.S. 190 westward from DeRidder to Texas state line.

iii. Calcasieu—South of U.S. 90 from Sulphur to Texas state line. Also east of La. 27 from Sulphur northward to the parish line.

iv. Iberia—West of U.S. 90 and north of La. 14.

v. Jefferson Davis—all EXCEPT north of U.S. 190.

vi. Lafayette—West of I-49 and U.S. 90.

vii. Rapides—South 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. Landry—West of U.S. 167.

ix. Vernon—West 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 state line.

4. Area 4

a. All of Richland parish is open.

b. Portions of the following parishes are open:

i. East Carroll—all of East Carroll Parish is open for the 2007-2008 season. Beginning with the 2008-2009 season, that portion of East Carroll Parish 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 will move to Area 1. The remainder of the parish will remain in Area 4.

ii. Morehouse—East of U.S. 165 (from Arkansas state 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.

iii. Ouachita—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 Bake.

5. Area 5

a. All of West Carroll Parish is open.

6. Area 6

a. All of the following parishes are open: Ascension, Assumption, Iberville, Jefferson, Lafourche, Orleans, Plaquemines, Pointe Coupee, St. Bernard, St. Charles, St. James, St. John, St. Martin, Terrebonne, West Baton Rouge.

b. Portions of the following parishes are also open:

i. Avoyelles—all except that portion west of I-49.

ii. Evangeline—that 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. Iberia—East of U.S. 90.

iv. Lafayette—East of I-49 and U.S. 90.

v. Livingston—South of I-12.

vi. Rapides—South 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. Landry—East of U.S. 167.

viii. St. Mary—North of U.S. 90 from Iberia Parish line eastward to Wax Lake Outlet, east of Wax Lake Outlet southward to Intracoastal Waterway, north of Intracoastal Waterway eastward to the Atchafalaya River, east of the Atchafalaya River southward to Bayou Shaffer, north of Bayou Shaffer to Bateman Lake, north and west of Bayou Chene from Bateman Lake to Lake Palourde.

ix. St. Tammany—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.

x. Tangipahoa—South of I-12.

xi. West Feliciana—West of Mississippi River, known as Raccourci and Turnbull Islands.

c. Still hunting only in all or portions of the following parishes:

i. Avoyelles—North of La. 1 from Simmesport westward to La. 115 at Marksville, east of La. 115 from Marksville northward to the Red River near Moncla, south and west of the Red River to La. 1 at Simmesport.

ii. Plaquemines—East of the Mississippi River.

iii. Rapides—South 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.

iv. St. Bernard—all 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.

v. St. John—South 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.

vi. St. Landry—those lands surrounding Thistlethwaite WMA bounded north and east by La. 359, west by La. 10, and south by La. 103.

vii. New High Water Benchmark Closure—Deer hunting in those portions of Iberia, Iberville, St. Martin, and St. Mary parishes south of Interstate 10, west of the East Guide Levee, east of the West Guide Levee, and north of U.S. Highway 90 will be closed when the river stage of the Atchafalaya River reaches 18 feet at Butte LaRose.

7. Area 7

a. Portions of the following parishes are open:

i. Iberia—South of La. 14 and west of U.S. Hwy. 90.

ii. St. Mary—all except that portion north of U.S. 90 from Iberia Parish line eastward to Wax Lake Outlet, east of Wax Lake Outlet southward to Intracoastal Waterway, north of Intracoastal Waterway eastward to the Atchafalaya River, east of the Atchafalaya River southward to Bayou Shaffer, north of Bayou Shaffer to Bateman Lake, north and west of Bayou Chene from Bateman Lake to Lake Palourde.

8. Area 8

a. Portions of the following parishes are open:

i. Allen—that portion east of La. 113 from the parish line to U.S. 190, north of U.S. 190 eastward to Kinder, west of U.S. 165 northward to La. 10 at Oakdale and south of La. 10 from Oakdale westward to parish line.

ii. Beauregard—that portion east of La. 113. Also that portion west of La. 27 from parish line northward to DeRidder, south of U.S. 190 from DeRidder to Texas state line.

iii. Calcasieu—that portion east of La. 27 from the parish line southward to Sulphur and north of U.S. 90 from Sulphur to the Texas state line.

iv. Vernon—that portion east of La. 113 from the parish line northward to Pitkin and south of La. 10 from Pitkin southward to the parish line.

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 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 4 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, or as 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 and hunting regulations applicable to the geographic area in which the lands are located, provided that the lands are first enrolled in DMAP or LADT. Interested parties should contact the nearest LDWF regional office for additional information.

f. Dumping garbage or trash on WMAs is prohibited. Garbage and trash may be properly disposed of in designated locations if provided.

g. Disorderly conduct or hunting under influence of alcoholic beverages, chemicals and other similar substances is prohibited.

h. Damage to or removal of trees, shrubs, hard mast (acorn, pecans, etc.), wild plants and non-game wildlife (including reptiles and amphibians) is prohibited without prior approval from the Baton Rouge Office. Gathering and/or removal of soft fruits, mushrooms and berries shall be limited to five gallons per person per day.

i. Burning of marshes is prohibited. Hunting actively burning marsh prohibited.

j. Nature trails. 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.

k. Deer seasons are for legal buck deer unless otherwise specified.

l. Small game, when listed under the WMA regulations may include both resident game animals and game birds as well as migratory species of birds.

m. 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.

n. Free ranging livestock prohibited.

2. Permits

a. A WMA Hunting Permit is required for persons aged 18 through 59 to hunt on WMAs.

b. Daily. Daily permits when required shall be obtained at permit stations on or near each WMA after first presenting a valid hunting license to a department employee. 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.

c. Self-Clearing Permits. A Self-Clearing Permit is required for all activities (hunting, fishing, hiking, birdwatching, sightseeing, etc.) on WMAs unless otherwise specified. The Self-Clearing Permit will consist of three portions: Check In, Check Out and a Vehicle Tag. 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 activity on the day of the activity (except if hunting from a private camp adjacent to the WMA being hunted or if camping on the WMA, users need only to check in once during any 72 hour period). Users may check-in one day in advance of use. The Check Out portion must be carried by each person while on the WMA and must be completed and put in a permit box immediately upon exiting the WMA or within 72 hours after checking in if hunting from a private camp adjacent to the WMA being hunted or if camping on the WMA. Each person must leave the Vehicle Tag portion of his permit on the dashboard of the vehicle used to enter into the WMA in such a way that it can be easily read from outside of the vehicle. This must be done only when the vehicle is parked and left unattended on the WMA. If an ATV, boat or other type vehicle was used to enter the WMA, then the vehicle tag must be attached to that vehicle in such a manner that it can be readily seen and read. No permit is required of fishers and boaters who do not travel on a WMA road and/or launch on the WMA as long as they do not get out of the boat and onto the WMA. When Mandatory Deer Checks are specified on WMAs, hunters must check deer at a check station. Call the appropriate Region office for the location of the deer check station on these WMAs. (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 stops take place.)

d. Persons using WMAs or other department administered lands for any purpose must possess one of the following: a valid 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. Also a Self-Clearing WMA permit, detailed above, may be required (available at most entrances to each WMA). Check individual WMA listings for exceptions.

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. If the accompanying adult is in possession of a hunter safety certification, a valid Louisiana hunting license or proof of successful completion of a hunter safety course, this requirement is waived for the youth. Adults may not possess a firearm. 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. Note: some hunts may be by pre-application lottery.

b. Youth Squirrel Hunt (on selected WMAs only). Only youths younger than 16 years of age may hunt. Squirrel, rabbit, raccoon and opossum may be taken. Hogs may not be taken. No dogs allowed. All other seasons will remain open to other hunters. 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. If the accompanying adult is in possession of hunter safety certification, a valid hunting license or proof of successful completion of a hunter safety course, this requirement is waived for the youth. Adults may not possess a firearm. Youths may possess only one firearm while hunting. The supervising adult shall maintain visual and voice contact with the youth at all times. Self-clearing permits are required. Consult the regulations pamphlet for WMAs offering youth squirrel hunts.

c. Youth Mourning Dove Hunt. A youth mourning dove hunt will be conducted on specific WMAs and will follow the same regulations provided for youth deer hunts on the second weekend of the mourning dove season (Saturday and Sunday only). Consult the regulations pamphlet for WMAs offering youth mourning dove hunts.

d. Handicapped Season. An either-sex deer season will be held for hunters possessing a Physically Challenged Hunter Permit on WMAs during the dates specified under the individual WMA. 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-aux-Chenes will have an experimental Lottery Handicapped waterfowl hunt. Contact New Iberia Office, Fur and Refuge Division for details.

e. 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 more details.

f. Waterfowl Lottery Hunts. Hunts restricted to those persons selected by lottery. Consult the regulations

pamphlet for deadline. Consult regulations pamphlet for individual WMA schedules or contact any Wildlife Division Office for more details.

g. Mourning Dove Lottery Hunts. Consult regulations pamphlet for individual WMA schedules or contact any Wildlife Division Office for more details.

h. Trapping. Consult Annual Trapping Regulations for specific dates. All traps must be run daily. Traps with teeth are illegal. 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.

i. 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—all nighttime raccoon hunting where allowed is with dogs only. There is no bag limit. 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.

j. Sport Fishing. Sport fishing, crawfishing and frogging are allowed on WMAs when in compliance with current laws and regulations except as otherwise specified under individual WMA listings.

k. 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 Vernon, Evangeline, St. Helena and other 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 permitted hours except in authorized camping areas and except as may be permitted for authorized trappers).

b. Firearms and bows and arrows are not allowed on WMAs during closed seasons except on designated shooting ranges or as permitted for trapping. Bows and broadhead arrows are not allowed on WMAs except during deer archery season, turkey season or as permitted 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 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 the daily limit shall be one antlered deer and one antlerless deer (when legal) 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).

d. Hunters who kill deer on WMAs that require daily permits must have deer checked at the check station on same day of kill. Deer may not be skinned or have any external body parts removed including but not limited to feet, legs, tail, head or ears before being checked out.

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. 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 time each day. Blinds with frames of wood, plastic, metal poles, wire, mesh, webbing or other 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. Permanent tree stands are any stands that use nails, screws, spikes, etc., to attach to trees are strictly prohibited. Portable deer stands (those that are designed to be routinely carried by one person) may not be left on WMAs unless the stands are removed from trees and left in a non-hunting position (a non-hunting position is one in which a hunter could not hunt from the stand in its present position). Also, all stands left must be legibly tagged with the user's name, address, phone number and Big Game Hunting License number (or Lifetime License Number). No stand may be left on any WMA prior to the day before deer season opens on that WMA and all stands must be removed from the WMA within one day after the close of deer hunting on that WMA. Free standing blinds must be disassembled when not in use. Stands left will not reserve hunting sites for the owner or user. All portable stands, blinds, tripods, etc. found unattended in a hunting position or untagged will be confiscated and disposed of by the Department of Wildlife and Fisheries. LDWF not be responsible for unattended stands left on an area.

g. Hunting from utility poles, high tension power lines, oil and gas exploration facilities or platforms is prohibited.

h. 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.

i. Tree climbing spurs, spikes or screw-in steps are prohibited.

j. 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.

k. Spot lighting (shining) from vehicles is prohibited on all WMAs.

l. Horses and mules may be ridden on Wildlife Management 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.

m. All hunters (including archers and small game hunters) except waterfowl hunters and mourning dove hunters on WMAs must display 400 square inches of "Hunter Orange" and wear a "Hunter Orange" cap during open gun season for deer. Hunters participating in special dog seasons for rabbit and squirrel are required to wear a minimum of a "Hunter Orange" cap. All other hunters and archers (while on the ground) except waterfowl hunters also must wear a minimum of a "Hunter Orange" cap during special dog seasons for rabbit and squirrel. Also all persons afield during hunting seasons are encouraged to display "Hunter Orange".

n. Deer hunters hunting from concealed ground blinds must display a minimum of 400 square inches of "Hunter Orange" above or around their blinds which is visible from 360 feet.

o. Archery season for deer. The archery season on WMAs is the same as outside and is open for either-sex deer except as otherwise specified on individual WMAs. Archery season restricted on Atchafalaya Delta and closed on certain WMAs when special seasons for youth or handicapped hunts are in progress. Consult regulations pamphlet for specific seasons.

p. 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.

q. Muzzleloader season for deer. Either-sex unless otherwise specified. 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 is limited to a period not to exceed 16 consecutive days. Permits are required for the mooring of houseboats on Pass-a-Loutre and Atchafalaya Delta WMAs. Permits must be obtained from the New Iberia office.

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 is prohibited within 100 yards of boat launching ramps.

7. Restricted Areas

a. For your safety, ALL oil and gas production facilities (wells, pumping stations and storage facilities) are off limits.

b. No unauthorized entry or unauthorized 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. Having or using dogs on any WMA is prohibited except for nighttime experimental raccoon hunting, squirrel hunting, rabbit hunting, bird hunting, duck hunting, hog hunting and bird dog training when allowed; see individual WMA season listings for WMAs that allow dogs. Dogs running at large are prohibited on WMAs. The owner or handler of said dogs shall be 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. An all-terrain vehicle is an off-road vehicle (not legal for highway use) with factory specifications not to exceed the following: weight-750 pounds, length-85", and width-48". ATV tires are restricted to those no larger than 25 x 12 with a maximum 1" lug height and a maximum allowable tire pressure of 7 psi. as indicated on the tire by the manufacturer. Use of all other ATVs or ATV tires are prohibited on a WMA.

b. 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.

c. 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.

d. Tractor or implement tires with farm tread designs R1, R2 and R4 known commonly as spade or lug grip types are prohibited on all vehicles.

e. Airboats, aircraft, personal water craft "mud crawling vessels" (commonly referred to as crawfish combines which use paddle wheels for locomotion) 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.

f. No internal combustion engines allowed in certain Greentree reservoirs.

g. Driving or parking vehicles on food or cover plots and strips is prohibited.

h. Blocking the entrance to roads and trails is prohibited.

i. Licensed motorized vehicles (LMVs) legal for highway use, including motorcycles, are restricted entirely to designated roads as indicated on WMA maps. ATVs are restricted to marked ATV trails only, except when WMA roads are closed to LMVs. ATVs may then use those roads until they are reopened for LMV traffic. WMA maps available at all region offices. This restriction does not apply to bicycles. Note: All ATV trails are marked with signs and/or paint, but not all ATV trails appear on WMA maps.

j. Use of special ATV trails for handicapped persons is restricted to special ATV handicapped permittees. Handicapped ATV permittees are restricted to handicapped ATV trails or other ATV trails only as indicated on WMA maps or as marked by sign and/or paint. 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 under the age of 60 must apply for and obtain a Physically Challenged Hunter Program Permit from the department.

k. Entrances to ATV trails will be marked with peach colored paint. Entrances to handicapped-only ATV trails will be marked with blue colored paint. Entrances to ATV trails that are open all year long will be marked with purple paint. The end of all ATV trails will be marked by red paint. WMA maps serve only as a general guide to the route of most ATV trails, therefore all signage and paint marking as previously described will be used to determine compliance. Deviation from this will constitute a violation of WMA rules and regulations.

l. Roads and trails may be closed due to poor condition, construction or wet weather.

m. ATVs, and motorcycles cannot be left overnight on WMAs except on designated camping areas. ATVs are prohibited from two hours after sunset to 4 am, except raccoon hunters may use ATVs during nighttime raccoon take seasons only. ATVs are prohibited from March 1 through August 31 except certain trails may be open during this time period to provide access for fishing or other purposes and some ATV trails will be open all year long on certain WMAs.

n. 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.

o. Hunters are allowed to retrieve their own downed deer and hogs with the aid of an ATV except on Thistlethwaite WMA under the following conditions.

i. No firearms or archery equipment is in possession of the retrieval party or on the ATV.

ii. The retrieval party may consist of no more than one ATV and one helper.

iii. ATVs may not be used to locate or search for wounded game or for any other purpose than retrieval of deer and hogs once they have been legally harvested and located.

10. Commercial Activities.

a. Hunting Guides/Outfitters. No person or group may act as a hunting guide, outfitter or in any other capacity for which they are paid or promised to be paid directly or indirectly by any other individual or individuals for services rendered to any other person or persons hunting on any Wildlife Management Area, regardless of whether such payment is for guiding, outfitting, lodging or club memberships.

b. Commercial activities prohibited without prior approval from Baton Rouge office or unless otherwise specified.

c. 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 allowed 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-aux-Chenes WMAs except commercial fishing on Pointe-aux-Chenes is allowed in Cut Off Canal and Wonder Lake. No commercial fishing activity shall impede navigation and no unattended vessels or barges will be allowed. 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.

11. 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.

12. Resident Small Game (squirrel, rabbit, quail, mourning dove, woodcock, snipe, rail and gallinule). Same

as outside except closed during modern firearm either-sex deer seasons and except non-toxic shot must be used for snipe, rail and gallinule. Consult regulations pamphlet. Unless otherwise specified under a specific WMA hunting schedule, the use of dogs for rabbit and squirrel hunting is prohibited. New spring squirrel season with or without dogs: 1st Saturday of May for 9 days. Consult regulations pamphlet for specific WMAs.

13. Waterfowl (ducks, geese and coots). Consult regulations pamphlet. Hunting after 2 p.m. prohibited on all WMAs except for Atchafalaya Delta, Biloxi, Lake Boeuf, Pass-a-Loutre, Pointe-aux-Chenes, Salvador/Timken and Wisner WMAs. Consult specific WMA regulations for shooting hours on these WMAs.

14. Archery. Consult regulations pamphlet.

15. Hogs. Consult regulations pamphlet for specific WMA regulations. Unmarked hogs may be taken during any legal hunting season, except during the spring squirrel season, on designated WMAs by properly licensed hunters using only guns or bow and arrow legal for specified seasons in progress. Hunters may harvest hogs during the month of March on Pass-a-Loutre WMA only by using shotguns with shot no larger than BB lead or F steel, or .22 caliber rimfire firearms. Hogs may not be taken with the aid of dogs, except unmarked hogs may be taken with the aid of dogs on Pearl River, Red River and Three Rivers WMAs (consult Pearl River, Red River and Three Rivers WMAs regulations) by permit from either the Baton Rouge or Ferriday Offices and all hogs must be killed immediately and may not be transported live under any conditions and hunters may use centerfire pistols in addition to using guns allowed for season in progress.

16. Outlaw Quadrupeds and Birds. Consult regulations pamphlet. During hunting seasons specified on WMAs, incidental take of outlaw quadrupeds and birds is allowed by properly licensed hunters and only with guns or bows and arrows legal for season in progress on WMA. However, crows, blackbirds, grackles and cowbirds may not be taken before September 1 or after January 1.

17. Wildlife Management Areas Hunting Schedule and Regulations

a. Acadiana Conservation Corridor;
b. Alexander State Forest. From December through February all hunters must check daily with the Office of Forestry for scheduled burning activity. No hunting or other activity will be permitted in burn units the day of the burning. Call 318-487-5172 or 318-487-5058 for information on burning schedules. Vehicles restricted to paved and graveled roads. No parking on or fishing or swimming from bridges. No open fires except in recreation areas;

c. 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 except as permitted for authorized WMA trappers;

d. Attakapas;

e. Bayou Macon. All night activities prohibited except as otherwise provided;

f. Bayou Pierre;

g. Bens Creek ;

h. Big Colewa Bayou. All nighttime activities prohibited;

i. Big Lake;

j. Biloxi;

k. Bodcau;

l. Boeuf;

m. Buckhorn;

n. Camp Beauregard. Daily military clearance required for all recreational users. Registration for use of Self-Clearing Permit required once per year. All game harvested must be reported on self-clearing checkout permit. Retriever training allowed on selected portions of the WMA. Contact the Region office for specific details;

o. Clear Creek (formerly Boise-Vernon);

p. Dewey W. Wills. Crawfish: 100 pounds per person per day;

q. Elbow Slough. Steel shot only for all hunting;

r. Elm Hall. No ATVs allowed;

s. Floy Ward McElroy;

t. Fort Polk. Daily military clearance required to hunt or trap. Registration for use of Self-Clearing Permit required once per year. New special regulations apply to ATV users;

u. 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. No hunting in restricted area;

v. Jackson-Bienville. Beginning September 1, 2004, ATVs are allowed only on non-public maintained gravel roads and marked ATV trails;

w. 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;

x. Lake Boeuf. Hunting allowed until 12 noon on all game except during Youth Lottery Hunt. All nighttime activities prohibited;

y. Lake Ramsay. Foot traffic only, all vehicles restricted to Parish Roads;

z. Little River;

aa. Loggy Bayou;

bb. Manchac. Crabs: No crab traps allowed. Attended lift nets are allowed;

cc. Maurepas Swamp. No loaded firearms or hunting allowed within 100 yards of Nature Trail;

dd. Ouachita. Waterfowl Refuge: North of La. Hwy. 15 closed to all hunting, fishing and trapping and ATV use 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;

ee. 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;

ff. 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;

gg. 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;

hh. Pointe-aux-Chenes. Hunting until 12 noon on all game, except for mourning dove hunting and youth lottery deer hunt as specified in regulation pamphlet. Point Farm: Gate will be open 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) maximum 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. Oyster harvesting is prohibited. Fish may be taken only by rod and reel or hand lines for recreational purposes only. Crabs may be taken only through the use of hand lines or nets; however, none 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. All boats powered by engines having horsepower ratings above 25 h.p. are not allowed in the Grand Bayou, Montegut and Pointe-aux-Chenes water management units. Public is permitted 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 unless authorized by the Department. All other motorized vehicles, horses and mules are prohibited unless authorized by the Department;

ii. Pomme de Terre. Commercial Fishing: permitted 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 only after 2 p.m. only during waterfowl season. Crawfish: April 1 - July 31, recreational only, 100 lbs. per boat or group daily;

jj. Red River. Recreational crawfishing allowed on Yakey Farms wetland restoration projects February 1 to the last day of February, 100 pounds per person per day, maximum of five wire traps per person. No traps or nets left overnight. No motorized watercraft allowed;

kk. Russell Sage. Transporting trash or garbage on WMA roads is prohibited. All nighttime activities prohibited except as otherwise provided. Internal combustion engines and craft limited to 10 h.p. rating or less in the Greentree Reservoirs.

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. All vehicles including ATVs prohibited;

ll. Sabine;

mm. 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;

nn. 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) maximum shall be permitted. Size count to conform with open season requirements. During the inside closed season, 10 pounds per boat per day (heads on) maximum may be taken for bait. Fish may be taken only by rod and reel or hand lines for recreational purposes only. Crabs may be taken only 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 H.P. are permitted 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. Use of mudboats powered by internal combustion engines with four cylinders or less is permitted in interior ditches from first Saturday in September through January and may be further permitted. 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. ATVs, ATCs and motorcycles prohibited on this area;

oo. 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. Riding allowed only on designated roads and trails. 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;

pp. Sherburne. Crawfishing: Recreational crawfishing only on the 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 not allowed. Retriever training allowed on selected portions of the WMA. Contact the Region office for specific details. Vehicular traffic prohibited on east Atchafalaya River levee 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;

qq. Sicily Island Hills;

rr. Soda Lake. No motorized vehicles allowed. Bicycles allowed. All trapping and hunting prohibited except archery hunting for deer and falconry;

ss. Spring Bayou. Commercial Fishing: permitted Monday through Friday except slat traps and hoop nets permitted 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: recreational only. 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 campsite. Water skiing allowed only in Old River and Grand Lac;

tt. Tangipahoa Parish School Board. No horseback riding during gun season for deer or turkey. ATVs are not allowed;

uu. 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;

vv. Three Rivers;

ww. Tunica Hills. All vehicles restricted to Parish roads. 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 the day after turkey season closes to August 31;

xx. Union. All nighttime activities prohibited except as otherwise provided;

yy. West Bay;

zz. 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 27:1049 (July 2001), LR 28:1603 (July 2002), LR 29:1124 (July 2003), repromulgated LR 29:1522 (August 2003), amended LR 30:1495 (July 2004), LR 31:1611 (July 2005), LR 32:1251 (July 2006), LR 33:

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 dates and locations: March 12 beginning at 6 pm at the Civic Center, 620 Benton Road, Bossier City; March 5 beginning at 6 pm at the Ruston Civic Center, Ruston; March 14 beginning at 6 pm at the Alexandria City Hall, intersection of Third and Murray Streets; March 14 beginning at 7 pm at the Concordia Parish Community Center, Highway 15 south of Ferriday; March 6 beginning at 6:30 pm at the LSU Extension Service Office, 7101 Gulf Highway, Lake

Charles; March 5 beginning at 6 pm at the Houma Municipal Auditorium, 880 Verret Street, Houma; March 14 beginning at 6 pm at the Yambilee Building, Highway 190, Opelousas; March 6, 2007 beginning at 6:30 pm at the LDWF Headquarters Building, Louisiana Room, Baton Rouge; and March 13, 2007 beginning at 6:30 pm at the Jefferson Parish Council Chambers, 1221 Elmwood Park Boulevard, Jefferson. Also, comments will be accepted at regularly scheduled Wildlife and Fisheries Commission Meetings from March through May. Interested persons may submit written comments relative to the proposed Rule until Thursday, May 3, 2007 to Mr. David Moreland, Wildlife Division, Department of Wildlife and Fisheries, Box 98000, Baton Rouge, LA, 70898-9000.

Earl P. King, Jr.
Chairman

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES RULE TITLE: General and Wildlife Management Area 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. The establishment of hunting regulations is an annual process. Aside from staff time, no implementation costs to state governmental units are anticipated. Enforcement of the proposed rule will be carried out using existing staff and funding levels.

Local government units will not be impacted.

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

State hunting license fee collections are 9.0-10.0 million dollars annually. Additionally, hunting and related activities generate approximately \$31 million in state sales and income tax and \$24 million in local sales tax revenues annually (Southwick Associates, 2005). Failure to adopt rule changes would result in no hunting seasons 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)

Over 285,000 hunters and numerous businesses that provide goods and services to hunters are directly affected by this proposal. Hunting in Louisiana generates approximately \$599 million in revenue annually through the sale of outdoor related equipment, associated items and trip-related expenditures (Southwick Associates, 2005). Failure to adopt rule changes would result in no hunting seasons being established and a potential loss of commerce associated with these activities.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

Hunting in Louisiana provides an estimated 9,475 jobs (Southwick Associates, 2005). Not establishing hunting seasons might have a negative and direct impact on these jobs.

Wynnette Kees
Deputy Undersecretary
0702#075

Robert E. Hosse
Staff Director
Legislative Fiscal Office

NOTICE OF INTENT

Department of Wildlife and Fisheries Wildlife and Fisheries Commission

Possession of Exotics (LAC 76:V.115)

The Wildlife and Fisheries Commission does hereby give notice of its intent to amend the regulations to control importation and private possession of big exotic cats in Louisiana.

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 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.

Title 76

WILDLIFE AND FISHERIES

Part V. Wild Quadrupeds and Wild Birds

Chapter 1. Wild Quadrupeds

§115. Possession of Potentially Dangerous Wild Quadrupeds, Big Exotic Cats, and Non-Human Primates

A. This commission finds that possession of certain potentially dangerous quadrupeds, big exotic cats, and non-human primates poses significant hazards to public safety and health, is detrimental to the welfare of the animals, and may have negative impacts on conservation and recovery of some threatened and endangered species.

1. The size and strength of such animals in concert with their natural and unpredictable and/or predatory nature can result in severe injury or death when an attack upon a human occurs. Often such attacks are unprovoked and a person other than the owner, often a child, is the victim. Furthermore, there is no approved rabies vaccine for such animals, so even minor scratches and injuries inflicted upon humans or other animals could be deadly.

2. Responsible possession of these potentially dangerous wild quadrupeds, big exotic cats, and non-human primates necessitates that they be confined in secure facilities. Prolonged confinement is by its nature stressful to these animals and proper long-term care by experienced persons is essential to the health and welfare of these animals and to society.

3. Certain of these animals are listed as endangered species and others are so similar in appearance to endangered subspecies as to make practical distinction difficult. This similarity of appearance may provide a means to market illegally obtained endangered animals and can limit the effective enforcement of endangered species laws.

B. This commission regulation prohibits importation and private possession, and otherwise regulates certain wild quadrupeds, big exotic cats, and non-human primates as provided herein.

C.1. Except as provided herein, it shall be unlawful to import into, possess, purchase or sell within the state of Louisiana, by any means whatsoever including but not limited to transactions conducted via the internet, any of the following species or its subspecies of live wild quadrupeds, big exotic cats, or non-human primates, domesticated or otherwise (hereinafter "listed animals"):

- a. black bear (*Ursus americanus*);
- b. grizzly bear (*Ursus arctos*);
- c. polar bear (*Ursus maritimus*);
- d. red wolf (*Canis rufus*);
- e. gray wolf (*Canis lupus*);
- f. wolf dog hybrid (*Canis lupus* or *Canis rufus* x *Canis familiaris*);
- g. all non-human primates;
- h. the following big exotic cats:
 - i. tigers;
 - ii. lions;
 - iii. leopards (including, but not limited to snow leopard and clouded leopard);
 - iv. jaguars;
 - v. cheetahs;
 - vi. cougars or mountain lions (*Felis concolor*);
 - vii. all subspecies of the above listed exotic cats;
 - viii. hybrids resulting from cross breeding of the above listed exotic cats.

2. Holders of a Potentially Dangerous Wild Quadruped Permit allowing possession of any listed animal, where the permit is valid on the effective date of this regulation, will be "grandfathered" and the permit will be renewed annually until existing permitted captive animals expire, or are legally transferred out of state, or are transferred to a suitable facility. No additional listed animals may be acquired by any means whatsoever, including breeding.

D.1. Wolf-Dog Hybrids. The prohibition against wolf-dog hybrids expired January 1, 1997. Persons are cautioned that local ordinances or other state regulations may prohibit possession of these animals. Any animal which appears indistinguishable from a wolf, or is in any way represented to be a wolf shall be considered to be a wolf in the absence of bona fide documentation to the contrary.

E. Exempted Entities. The following organizations and entities shall be exempt from this regulation, including permitting:

1. zoos accredited or certified by the American Zoo and Aquarium Association (AZA);

2. research facilities as defined in the Animal Welfare Act as found in the United States Code Title 7, Chapter 54, §2132(e), including but not limited to the University of Louisiana at Lafayette Primate Center, the Tulane National Primate Research Center, and Chimp Haven, Inc., located in Shreveport, LA; and

3. any person transporting any listed animal through the state if the transit time is not more than 24 hours and the animal is at all times maintained within a confinement sufficient to prevent escape and contact with the public. Exhibiting the listed animal, in any manner, is prohibited;

4. circuses, limited to those temporarily in this state, offering varied performances by live animals, clowns, and acrobats for public entertainment, and which are incorporated Class C licensees under Chapter I of Title 9 of the Code of Federal Regulations. Notwithstanding the above, circuses do not include entertainment that includes any listed animal in any type of wrestling, photography opportunity with a patron, or an activity in which any listed animal and a patron are in close contact with each other;

5. Louisiana colleges or universities, for possession of a big exotic cat of the species traditionally kept by that

college or university as a school mascot, after proper documentation to the department that the college or university has consistently over the years possessed a big exotic cat as its mascot.

F. Permitted Entities. The following organizations and entities may be exempted from this regulation after applying for and receiving a permit from the department to possess any listed animal under the following conditions:

1. other zoos and educational institutions not covered under Paragraphs E.1-2 above. The secretary shall determine whether to issue a permit and any conditions for the permit on a case by case basis;

2. animal sanctuaries accredited or certified by the American Zoo and Aquarium Association (AZA). Permitted sanctuaries are prohibited from exhibiting, breeding, or selling any listed animal. Listed animals must be surgically sterilized or separately housed to prevent breeding. Listed animals must be housed in such a manner as to prevent public contact and in compliance with the enclosure rules provided herein in Subsection I. Permitted animal sanctuaries are prohibited from transporting these animals to any public building or place where they may come into contact with the public including, but not limited to schools, hospitals, malls, private residences, or other commercial or retail establishments.

G. Non-Human Primates

1. As provided below, the following individuals may be exempted from this regulation after applying for and receiving a permit from the department to possess a non-human primate. The permit will be for one year and must be renewed annually under the following conditions:

a. a physically challenged individual who has exclusive possession of no more than one monkey that is working to aid and assist said individual with his/her disability and where the monkey has been obtained through and trained by a licensed and accredited non-profit organization dedicated to improving the quality of lives for physically challenged;

b. an individual who legally possesses one or more non-human primates immediately prior to the effective date of this regulation and who can prove legal ownership is authorized to keep those non-human primates but is prohibited from acquiring any additional non-human primates by any means whatsoever, including breeding;

c. the individuals listed in this Subsection must annually apply for and receive a permit from the department. The permit application shall include:

i. the name, address, telephone number, and date of birth of applicant;

ii. a description of each non-human primate applicant possesses, including the scientific name, sex, age, color, weight, and any distinguishing marks;

iii. a photograph of each non-human primate and its permanent enclosure;

iv. the physical location where the non-human primate is to be kept;

v. proof of legal ownership. (Proof of legal ownership includes original purchase documents, veterinary records, or other documentation, acceptable to the department demonstrating ownership);

vi. the microchip or tattoo number of each non-human primate;

vii. a health certificate signed by a licensed veterinarian within one year prior to the date of the application stating that the animal is free of all symptoms of contagious and/or infectious diseases at the time of the examination and that all appropriate tests and preventative measures have been performed as deemed necessary by the veterinarian.

2. Permit holders must house their non-human primates in such a manner as to prevent public contact and are prohibited from transporting their non-human primate to any public building or place where the public may come into contact with the non-human primate, including, but not limited to schools, hospitals or malls.

3. Permit holders must have their non-human primates examined annually by a licensed veterinarian to insure that the animal is free of all symptoms of contagious and/or infectious diseases at the time of examination and all appropriate tests and preventative measures have been performed as deemed necessary by the veterinarian.

4. Permit holders are required to report any escapes to the department within 24 hours of discovery of the escape.

5. Permit holders are required to submit any changes to the permit information provided in the permit application within 30 days of the date those changes take effect or the permit will be considered invalid.

H. Big Exotic Cats. An individual who legally possesses one or more exotic cats listed in Subparagraph C.1.h. above on August 15, 2006 (the effective date of Act 715 of the Regular Session of 2006) and who can prove legal ownership is authorized to keep those exotic cats under the following conditions.

1. Only those exotic cats legally possessed on August 15, 2006 will be permitted. Additional exotic cats cannot be acquired by any means whatsoever, including breeding.

2. The individuals listed in this Subsection must annually apply for and receive a permit from the department. The permit application shall be on a form provided by the department and require:

a. the name, address, telephone number, driver's license number, and date of birth of applicant;

b. a description of each exotic cat applicant possesses, including the scientific name, sex, age, color, weight, and any distinguishing marks;

c. one or more photographs of each exotic cat and its permanent enclosure;

d. the physical location where each exotic cat is to be kept;

e. proof of legal ownership of the exotic cat on August 15, 2006. Proof of legal ownership includes original purchase documents, veterinary records, or other documentation, acceptable to the department, demonstrating ownership;

f. the microchip number of each exotic cat;

g. a health certificate signed by a licensed veterinarian within one year prior to the date of the application. The certificate shall include the name, address, and license number of the examining veterinarian;

h. a written plan for the quick and safe recapture or destruction of an escaped exotic cat listed in the permit. This plan must also be filed with the local sheriff's department, and police department if applicable;

i. statement that permittee has legal authority to possess weapons and/or other equipment necessary to carry out the plan provided in Subparagraph H.2.h;

j. signed agreement, on a form provided by the department, indemnifying and holding harmless the state, department, and other applicable public agencies and employees, including agents, contractors, and the general public from any claims for damages resulting from the permitted exotic cat(s);

k. signed agreement that the permittee will be responsible for any and all costs associated with the escape, capture, and disposition of a permitted exotic cat;

l. proof of liability insurance from an A-rated or higher insurance company in the amount of \$100,000 for each exotic cat, up to a maximum of \$1,000,000, valid and effective continuously for the entire permit term. The policy shall specifically include a provision requiring notice from the carrier to the secretary of the department a minimum of thirty days prior to cancellation of the policy.

3. Permitted exotic cats must be prevented from breeding by separate housing or sterilization. Sterilization records must be kept on the premises and available for inspection by the department.

4. Permittee or designee must live on the premises. Designee must have the ability to carry out all requirements of the permittee.

5. Department personnel shall be allowed access to inspect the permitted exotic cat(s), facilities, equipment, and records for the purpose of ensuring compliance with these regulations.

6. A weapon capable of destroying the animal(s), and a long range delivery method for chemical immobilization shall be kept on the premises at all times. Additionally, the applicant shall provide a signed statement from a licensed veterinarian identifying a designated veterinarian who will be on-call and available at all times to deliver chemical immobilization in the event of an escape.

7. Clearly legible signs, approved by the department, shall be posted and displayed at each possible entrance onto the premises where the permitted exotic cat is located. The signs shall clearly state "Danger, Wild Animal On Premises" with letters of a size and font easily readable from 30 feet away.

8. Each permitted exotic cat must be implanted with a microchip by or under the supervision of a licensed veterinarian.

9. Each permitted exotic cat must remain in its enclosure on the property listed in the permit at all times and cannot be removed from the enclosure for any reason. However, the exotic cat may be removed for proper medical care for medical emergencies or medical procedures, but only under the direction of a licensed veterinarian.

10. Permittee must notify the department, the local sheriff's department, and police department if applicable, immediately upon discovery that the permitted exotic cat is no longer in its enclosure.

11. Permittee must notify the department prior to any disposition of a permitted exotic cat, including transportation out-of-state. The department reserves the right to supervise and accompany any such disposition.

12. Permitted exotic cats must be kept in a sanitary and safe condition and may not be kept in a manner that results

in the maltreatment or neglect of the exotic cat. This includes, but is not limited to:

a. drinking water must be provided in clean containers, pools must be cleaned as needed to ensure good water quality, enclosures must have adequate surface water drainage, and hard floor surfaces must be regularly scrubbed and disinfected;

b. food must be unspoiled and not contaminated, and be of a type and quantity sufficient to meet the nutritional requirements of the permitted exotic cat;

c. fecal and food waste must be removed from enclosures daily and disposed of in a manner that prevents noxious odors and insect and other pests;

d. sufficient shaded areas must be available for each exotic cat that is maintained in an enclosure, regardless of group rank or status.

13. In addition to complying with this regulation, permittee must comply with any and all applicable federal, other state, or local law, rule, regulation, ordinance, permit, or other permission. Failure to comply with any such law, rule, regulation, ordinance, permit, or other permission constitutes a violation of this regulation.

I. Enclosure Requirements—minimum pen/enclosure requirements are as follows.

1. Bears:

a. single animal: 25 feet long x 12 feet wide x 10 feet high, covered roof;

b. pair: 30 feet long x 15 feet wide x 10 feet high, covered roof;

c. materials: chain link 9 gauge minimum;

d. safety perimeter rail;

e. pool: 6 feet x 4 feet x 18 inches deep with facilities for spraying or wetting bear(s).

2. Wolf:

a. 15 feet long x 8 feet wide x 6 feet high per animal, covered roof;

b. secluded den area: 4 feet x 4 feet for each animal;

c. materials: chain link wire or equivalent;

d. safety perimeter rail.

3. Cougar, Mountain Lion:

a. single animal: 10 feet long x 8 feet wide x 8 feet high, covered roof;

b. pair: 15 feet long x 8 feet wide x 8 feet high, covered roof;

c. materials: chain link 9 gauge minimum;

d. safety perimeter rail;

e. claw log;

f. shelf: 24 inch wide x 8 feet long, 40 inches off floor.

4. Big Exotic Cats:

a. enclosures shall be constructed and covered at the top with nine gauge steel chain link or equivalent, with tension bars and metal clamps;

b. enclosures must be well braced and securely fastened to the floor or ground and shall utilize metal clamps or braces of equivalent strength as that proscribed for cage construction;

c. enclosures shall be secured by at least two sets of doors, so that the first door must be closed before the second door is opened. The inside door to the animal enclosure must open in. These doors must remain locked at all times when unattended. The doors must be designed so that the frame,

hasps and locks are of sufficient strength to restrain the exotic cat;

d. a perimeter fence of at least 8 feet in height (secondary barrier) and located a minimum of 5 feet from the enclosure sufficient to prevent unauthorized entry or direct physical contact with the exotic cat;

e. the mesh size and/or distance between bars for all enclosures and fences shall be sufficiently small to prevent escape and/or direct physical contact with the exotic cat;

f. enclosures shall include a den area or other connected housing unit in which the exotic cat may be secured for the safe servicing and cleaning of the remaining enclosure. This area shall be constructed with steel, reinforced cinder block, or concrete sufficient to withstand damage from high winds, hard rains, hail, and other natural phenomenon.

J. Penalty for Violation. Unless another penalty is provided by law, violation of these regulations will be a Class Two violation as defined in Title 56 of the Louisiana Revised Statutes. In addition, upon conviction for violation of these regulations, any license/permit may be revoked and the quadrupeds or other animals seized in connection with the violation will be forfeited.

AUTHORITY NOTE: Promulgated in accordance with R.S. 56:6(31), R.S. 56:115, R.S. 56:171, and R.S. 56:1904F.

HISTORICAL NOTE: Promulgated by the Department of Wildlife and Fisheries, Wildlife and Fisheries Commission, LR 21:1356 (December 1995), amended LR 32:647 (April 2006), LR 33:

Family Impact Statement

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

Interested persons may submit written comments relative to the proposed Rule to Philip Bowman, Fur and Refuge Division, Box 98000, Baton Rouge, LA 70898, prior to Thursday, April 5, 2007.

Earl P. King, Jr.
Chairman

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES RULE TITLE: Possession of Exotics

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. A slight increase in workload and paperwork associated with issuance of permits is anticipated. Local governmental units will not be impacted.

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

The proposed rule is anticipated to 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)

The proposed rule establishes regulations to control the importation and private possession of exotic cats in Louisiana.

The rule will affect those non-exempted organizations and entities that already possess or want to acquire exotic cats. Non-exempted organizations and entities will be required to obtain an annual permit of possession from the Department of Wildlife and Fisheries. Permitted entities that are authorized to keep exotic cats will be required to comply with the conditions set in this rule as well as other federal, state and local laws, rules, regulations, ordinances and other permission requirements. The Department of Wildlife and Fisheries will issue exotic cat permits at no charge.

An increase in paperwork due to the annual permitting requirement will be incurred by the owner. Increased costs associated with complying with rule requirements are also anticipated. These increased costs will vary from entity to entity and will depend on the changes that must be carried out to meet safety, health and housing requirements outlined in the rule. In addition, the rule will prohibit anyone from acquiring big exotic cats after the effective date of Act 715 of the Regular Session of 2006, except where specified. It will also prohibit anyone from engaging in commerce activities of exotic cats in Louisiana by any means.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

The proposed rule change is not expected to affect competition and employment in the public or private sector.

Wynnette Kees
Deputy Undersecretary
0702#074

Robert E. Hosse
Staff Director
Legislative Fiscal Office

NOTICE OF INTENT

Department of Wildlife and Fisheries Wildlife and Fisheries Commission

Reef Fish (LAC 76:VII.335)

The Wildlife and Fisheries Commission does hereby give notice of intent to amend a Rule (LAC 76:VII.335) modifying the recreational take and possession limit for red grouper, establishing a closed season for recreational harvest of gag, black and red grouper, prohibiting captain and crew from for-hire vessels from retaining bag limits of any grouper species while under charter, modifying rules for commercial harvest of red snapper and establishing a permanent trip limit for commercial harvest of groupers, which are parts of the existing rule for daily take, possession, and size limits for reef fishes set by the commission. Authority for adoption of this Rule is included in R.S. 56:6(25)(a), 56:320.2, 56:326.1 and 56:326.3. Said Rule is attached to and made a part of this Notice of Intent.

Title 76

WILDLIFE AND FISHERIES

Part VII. Fish and Other Aquatic Life

Chapter 3. Saltwater Sport and Commercial Fishery §335. Reef Fish—Harvest Regulations

A. Recreational bag limits regarding the harvest of reef fish—triggerfishes, amberjacks, grunts, wrasses, snappers, groupers, sea basses, tilefishes, and porgies, within and without Louisiana's territorial waters.

1. - 3. ...

4. Red hind, rock hind, speckled hind, black red grouper, snowy grouper, yellowedge grouper, yellowfin grouper, yellowmouth grouper, warsaw grouper, gag grouper, scamp	5 fish per person per day (in aggregate) with not more than 1 speckled hind and 1 warsaw grouper per vessel and with not more than 1 red grouper per person included in the bag limit
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A.5. - B.5. ...

C. Charter Vessels and Headboats

1. - 2. ...

3. Captain and crew members shall not harvest or possess grouper of any species while operating as charter vessels and headboats as defined in Federal Regulations 50 CFR Part 622.2—their bag limit is zero for all of these species.

D. Red Snapper

1. All persons aboard a vessel for which no commercial vessel permit for Gulf reef fish has been issued by the National Marine Fisheries Service under the Federal Fishery Management Plan for the Gulf of Mexico Reef Fish resources are limited to the recreational bag limit for red snapper which may not be bartered or sold. No person aboard any vessel shall commercially possess, sell, barter, trade, exchange or attempt to sell, barter trade or exchange red snapper unless possessing a federal permit for the harvest of Gulf of Mexico Reef Fish and a federal red snapper Individual Fishing Quota (IFQ) vessel endorsement.

2. Requirement for IFQ Vessel Endorsement and Allocation: In addition to the federal commercial vessel permit for Gulf reef fish, in order to fish for, possess, or land Gulf red snapper, regardless of where harvested or possessed, a federal Gulf red snapper IFQ vessel endorsement must have been issued to the vessel and be on board. No person shall commercially harvest or land red snapper without holding or being assigned federal IFQ allocation at least equal to the pounds of red snapper landed/docked at a shore side location or off loaded. On the last fishing trip of the year a vessel may exceed by 10 percent the remaining IFQ allocation.

3. No person shall purchase, sell, exchange, barter or attempt to purchase, sell, exchange, or barter any red snapper in excess of any possession limit for which federal commercial license, permit and appropriate allocation were issued.

4. Requirement for IFQ dealer endorsement: In addition to the requirement for a federal dealer permit for Gulf reef fish, for a dealer to receive Gulf red snapper from a commercial fishing vessel he must have a federal Gulf red snapper IFQ dealer endorsement. For a person aboard a vessel with a federal Gulf red snapper IFQ vessel endorsement to sell to anyone other than a permitted dealer, such person must also have a federal Gulf red snapper IFQ dealer endorsement.

5. Requirement for Transaction Approval Code: The owner or operator of a vessel landing red snapper is responsible for calling National Marine Fisheries Service (NMFS) Office of Law Enforcement at least three hours, but no more than 12 hours, in advance of landing to report the time and location of landing and the name of the IFQ dealer where the red snapper are to be received. Failure to comply with this advance notice of landing requirement will

preclude authorization to complete the required NMFS landing transaction report and, thus, will preclude issuance of the required NMFS-issued transaction approval code. Possession of commercial red snapper from the time of transfer from a vessel through possession by a dealer is prohibited unless the red snapper are accompanied by a transaction approval code verifying a legal transaction of the amount of red snapper in possession.

6. Offloading and Transfer: No person shall offload from a vessel or receive from a vessel commercially harvested red snapper during the hours from 6 p.m. until 6 a.m., local time. No person who is in charge of a commercial red snapper fishing vessel shall offload red snapper from the vessel prior to three hours after proper notification is made to NOAA Fisheries. At-sea or dockside transfer of commercial red snapper from one vessel to another vessel is prohibited.

7. VMS requirement: No person shall commercially harvest red snapper from a vessel unless that vessel is equipped with a fully operational and federally approved Vessel Monitoring System (VMS) device. Approved devices are those devices approved by National Oceanographic and Atmospheric Administration (NOAA) Fisheries and operating under the requirements mandated by NOAA Fisheries.

E. - E.13. ...

F. Definitions: Federal regulations 50 CFR Part 622.2 defines charter vessels and headboats as follows.

1. *Charter Vessel*—a vessel less than 100 gross tons that meets the requirements of the U.S. Coast Guard to carry six or fewer passengers for hire and that carries a passenger for hire at any time during the calendar year. A charter vessel with a commercial permit is considered to be operating as a charter vessel when it carries a passenger who pays a fee or when there are more than three persons aboard, including operator and crew.

2. *Headboat*—a vessel that holds a valid Certificate of Inspection issued by the U.S. Coast Guard to carry passengers for hire. A headboat with a commercial vessel permit is considered to be operating as a headboat when it carries a passenger who pays a fee or, in the case of persons aboard fishing for or possessing coastal migratory fish or Gulf reef fish, when there are more than three persons aboard, including operator and crew.

G. Seasons

1. Seasons for the commercial harvest of reef fish species or groups shall be closed within and without Louisiana's territorial waters during the periods listed below. Possession of reef fish in excess of the daily bag limit while on the water is prohibited during the specified closed season. Any reef fish harvested during the closed season shall not be purchased, sold, traded, bartered or exchanged or attempted to be purchased, sold, traded, bartered or exchanged. This prohibition on sale/purchase does not apply to reef fish that were harvested, landed ashore, sold and purchased prior to the closed season. Nothing shall prohibit the possession or sale of fish legally taken prior to the closure providing that all commercial dealers possessing reef fish taken legally prior to the closure shall maintain appropriate records in accordance with R.S. 56:306.5 and R.S. 56:306.6.

Species or Group	Closed Season
a. greater amberjack	March 1 through May 31
b. gag, black and red grouper	February 15 through March 14
c. vermilion snapper	April 22 through May 31

2. Seasons for the recreational harvest of reef fish species or groups listed below shall be closed during the periods listed below.

Species or Group	Closed Season
a. gag, black and red grouper	February 15 through March 14

3. Persons aboard a vessel for which the permits indicate both charter vessel/headboat for Gulf reef fish and commercial Gulf reef fish may continue to retain reef fish under the recreational take and possession limits specified in §335.A and §335.C, recreational seasons specified in §335.G.2 and size limits specified in §335.E, provided the vessel is operating as a validly licensed charter vessel or headboat with prepaid recreational charter fishermen aboard the vessel.

4. The provisions of §335.G apply to fish taken within or without Louisiana's territorial waters.

H. Commercial Grouper Trip Limits

1. Those persons possessing a federal commercial vessel permit issued by the National Marine Fisheries Service under the Federal Fishery Management Plan for the Gulf of Mexico Reef Fish resources are limited to a commercial trip limit of 6,000 pounds gutted weight of deep-water and shallow-water grouper per vessel combined, during the open seasons for each of those species groups.

2. When the commercial season for each species or species groups is closed, the commercial trip limit for that species or species group is zero. Effective with any commercial trip or possession limit under this rule, no person shall commercially harvest, possess, purchase, exchange, barter, trade, sell, or attempt to purchase, exchange, barter, trade or sell the affected species or species group, whether taken from within or without Louisiana territorial waters in excess of such established commercial trip or possession limit.

I. Wholesale dealers are required to comply with the provisions of R.S. 56:306.5 and R.S. 56:306.6 when acquiring, purchasing, possessing and selling reef fish. Wholesale dealers shall maintain approval codes issued by NOAA Fisheries associated with all transactions of red snapper on purchases and sales on records.

J. No person who, pursuant to state or federal law, is subject to the jurisdiction of this state shall violate any federal law, rule or regulation particularly those rules and regulations enacted pursuant to the Magnuson-Stevens Fishery Conservation Act and published in the Code of Federal Regulations as amended Title 50 and 15, for reef fishes while fishing in the EEZ, or possess, purchase, sell, barter, trade, or exchange reef fishes within or without the territorial boundaries of Louisiana in violation of any state or federal law, rule or regulation particularly those rules and regulations enacted pursuant to the Magnuson-Stevens Fishery Conservation Act and published in the Code of Federal Regulations as amended Title 50 and 15 law.

AUTHORITY NOTE: Promulgated in accordance with R.S. 56:6(25)(a), 56:320.2(C), 56:326.1, and 56:326.3.

HISTORICAL NOTE: Promulgated by the Department of Wildlife and Fisheries, Wildlife and Fisheries Commission, LR 16:539 (June 1990), amended LR 19:1442 (November 1993), LR 20:797 (July 1994), LR 21:1267 (November 1995), LR 22:860 (September 1996), LR 24:1138 (June 1998), LR 24:1139 (June 1998), LR 24:1972 (October 1998), LR 26:793 (April 2000), LR 26:1505 (July 2000), LR 26:2833 (December 2000), LR 31:3166 (December 2005), LR 33:

The Secretary of the Department of Wildlife and Fisheries is authorized to take any and all necessary steps on behalf of the commission to promulgate and effectuate this Notice of Intent and the final Rule, including but not limited to, the filing of the fiscal and economic impact statements, the filing of the Notice of Intent and final rule and the preparation of reports and correspondence to other agencies of government.

Family Impact Statement

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

Interested persons may submit comments relative to the proposed Rule to Harry Blanchet, Marine Fisheries Division, Department of Wildlife and Fisheries, Box 98000, Baton Rouge, LA 70898-9000, prior to April 5, 2007.

Terry D. Denmon
Chairman

**FISCAL AND ECONOMIC IMPACT STATEMENT
FOR ADMINISTRATIVE RULES
RULE TITLE: Reef Fish**

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

No implementation costs or savings to state or local governmental units are anticipated. Implementation and enforcement of the proposed rule amendment will be carried out using existing staff.

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

The proposed rule change is anticipated to have no effect on revenue collections.

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

The proposed rule change is intended to allow the Louisiana Department of Wildlife and Fisheries to work in cooperation with federal and interstate entities for more effective management of natural resources off the coast of Louisiana and assist with enforcement efforts. Making state regulations consistent with federal regulations for red snapper and grouper is anticipated to have only a minimal economic impact on directly affected persons or non-governmental groups, since these species are more often found and harvested in federal waters. Long run benefits would be derived by ensuring healthy fish stocks and a continuing supply of grouper and red snapper to harvest in the future. Changes in regulations on commercial snapper harvest will provide for consistent regulation of commercial harvest of this species in state and federal waters.

No additional permits, fees, workload or paperwork will occur from the proposed rule change.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

The effects on competition or employment in the private sector are anticipated to be minimal, since the proposed regulations are already in place in federal waters where most of these species are harvested. No effects on competition and employment in the public or private sector are anticipated.

Wynnette Kees
Deputy Undersecretary
0702#076

Robert E. Hosse
Staff Director
Legislative Fiscal Office

NOTICE OF INTENT

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

Resident Hunting Season Dates (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 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 27:1061 (July 2001), LR 28:1615 (July 2002), LR 29:1122 (July 2003), LR 30:1493 (July 2004), LR 31:1627 (July 2005), LR 32:1253 (July 2006), LR 33:

§103. Resident Game Birds and Animals

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	OPENS: Third Saturday of November CLOSES: Last Day of February	10	20
Rabbit and Squirrel	OPENS: First Saturday of October CLOSES: Last Day of February	8	16
Squirrel*	OPENS: First Saturday of May for 23 days	3	6
Deer	See Schedule	1 antlered and 1 antlerless (when legal)	6/season (3 antlered deer and 3 antlerless deer)

*NOTE: Spring squirrel season is CLOSED on the Kisatchie National Forest, National Wildlife Refuges, U.S. Army Corps of Engineers property. Some State Wildlife Management Areas will be OPEN, check WMA season schedule.

C. Deer Hunting Schedule

Area	Archery	Muzzleloader (All Either Sex Except as Noted)	Still Hunt (No Dogs Allowed)	With or Without Dogs
1	OPENS: First day of Oct. CLOSES: Last day of Jan.	OPENS: Second Sat. of Nov. CLOSES: Fri. after Second Sat. of Nov. OPENS: Mon. after the next to last Sun. of Jan. CLOSES: Last Sun. of Jan.	OPENS: Sat. before Thanksgiving Day EXCEPT when there are 5 Sats. in Nov., then it will open on the Third Sat. of Nov. CLOSES: Fri. before Second Sat. of Dec. EXCEPT when there are 5 Sats. in Nov. and then it will close on the Fri. before the First Sat. of Dec. OPENS: Mon. after First Sat. of Jan. CLOSES: Next to last Sun. of Jan.	OPENS: Second Sat. of Dec. EXCEPT when there are 5 Sats. in Nov., then it will open on the First Sat. of Dec. CLOSES: Sun. after First Sat. of Jan.
2	OPENS: First day of Oct. CLOSES: Last day of Jan.	OPENS: Next to last Sat. of Oct. CLOSES: Fri. before last Sat. of Oct. OPENS: Mon. after Second Sat. of Jan. CLOSES: Sun. after Third Sat. of Jan.	OPENS: Last Sat. of Oct. CLOSES: Fri. before Second Sat. of Dec.	OPENS: Second Sat. of Dec. CLOSES: Sun. after Second Sat. of Jan.
3	OPENS: Third Sat. of Sept. CLOSES: Jan. 15	OPENS: Second Sat. of Oct. CLOSES: Fri. before Third Sat. of Oct. OPENS: Mon. after Thanksgiving Day CLOSES: Fri. before First Sat. of Dec.	OPENS: Third Sat. of Oct. CLOSES: Sun. after Thanksgiving Day OPENS: First Sat. of Dec. CLOSES: After 37 days	
4	OPENS: First day of Oct. CLOSES: Last day of Jan.	OPENS: First Sat. of Nov. CLOSES: Fri. before Second Sat. of Nov. OPENS: Mon. after First Sat. of Jan. CLOSES: Mon. after Second Sat. of Jan.	OPENS: Second Sat. of Nov. CLOSES: Sun. after First Sat. of Jan.	

Area	Archery	Muzzleloader (All Either Sex Except as Noted)	Still Hunt (No Dogs Allowed)	With or Without Dogs
5	OPENS: First day of Oct. CLOSES: Last day of Jan.	OPENS: Second Sat. of Nov. CLOSES: Fri. before Third Sat. of Nov. (BUCKS ONLY) OPENS: Day after Christmas Day CLOSES: Jan. 1 (BUCKS ONLY)	OPENS: Day after Thanksgiving Day CLOSES: Sun. after Second Sat. of Dec.	
6	OPENS: First day of Oct. CLOSES: Feb. 15 (First 15 days are BUCKS ONLY)	OPENS: Second Sat. of Nov. CLOSES: Fri. before Third Sat. of Nov. OPENS: Mon. after the next to last Sun. of Jan. CLOSES: Last Sun. of Jan.	OPENS: Sat. before Thanksgiving Day EXCEPT when there are 5 Sats. in Nov., then it will open on the Third Sat. of Nov. CLOSES: Fri. before Second Sat. of Dec. EXCEPT when there are 5 Sats. in Nov. And then it will close on the Fri. before the First Sat. of Dec.	OPENS: Second Sat. of Dec. EXCEPT when there are 5 Sats. in Nov., then it will open on the First Sat. of Dec. CLOSES: Next to last Sun. of Jan.
7	OPENS: First day of Oct. CLOSES: Last day of Jan.	OPENS: Second Sat. of Oct. CLOSES: Fri. before Third Sat. of Oct. OPENS: First Sat. of Nov. CLOSES: Fri. before Second Sat. of Nov.	OPENS: Third Sat. of Oct. CLOSES: Fri. before First Sat. of Nov. OPENS: Second Sat. of Nov. CLOSES: Sun. after Thanksgiving Day	OPENS: Mon. after Thanksgiving Day CLOSES: After 35 days
8	OPENS: Third Sat. of Sept. CLOSES: Jan. 15	OPENS: Second Sat. of Oct. CLOSES: Fri. before Third Sat. of Oct. OPENS: Mon. after Thanksgiving Day CLOSES: Fri. before First Sat. of Dec.	OPENS: Third Sat. of Oct. CLOSES: Sun. after Thanksgiving Day	OPENS: First Sat. of Dec. CLOSES: After 37 days.

D. Modern Firearm Schedule (Either Sex Seasons)

Parish	Area	Modern Firearm Either-sex Days
East Carroll	Area 4 portion 2007-2008	Antlerless deer may be harvested during entire deer season on private lands (all segments included), 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.
East Carroll	Area 1 New for 2008-2009	Antlerless deer may be harvested during entire deer season on private lands (all segments included), 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.
East Carroll	Area 4 portion	Nov. 10-11, 23-25, 2007 and Nov. 8-9, 28-30, 2008, west of mainline Mississippi River Levee and north and west of La. 877 from West Carroll Parish line to La. 580, north of La. 580 to U.S. 65, east of U.S. 65 to Madison Parish line.
West Carroll	Area 5	Nov. 23-25, 2007 and Nov. 28-30, 2008

E. Farm Raised White-tailed Deer on Supplemented Shooting Preserves

Archery	Modern Firearm	Either Sex
October 1-January 31 (Either Sex)	November 1- January 31	November 1-7 December 1-7 January 1-7

F. Exotics on Supplemented Shooting Preserves: Either sex, no closed season.

G. Promotional Hunting Days

1. The following dates are established as promotional hunting days: the first three days after Thanksgiving Day.

H. Spring Squirrel Hunting

1. Season Dates: Opens first Saturday of May for 23 days.

2. Closed Areas: Kisatchie National Forest, National Wildlife Refuges, and U.S. Army Corps of Engineers property and all WMAs except as provided in Paragraph 3 below.

3. Wildlife Management Area Schedule: Opens first Saturday of May for 9 days on Bodcau, Boeuf, Clear Creek, Little River, Maurepas Swamp (East Tract), Russell Sage, and Sherburne WMAs only. Dogs are allowed during this season for squirrel hunting. Feral hogs may not be taken on Wildlife Management Areas during this season.

4. Limits: Daily bag limit is three and possession limit is six.

AUTHORITY NOTE: Promulgated in accordance with R.S. 56:115, R.S. 56:109(B) and R.S. 56:141(C).

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 27:1061 (July 2001), LR 28:1615 (July 2002), LR 29:1122 (July 2003), repromulgated LR 29:1521 (August 2003), LR 30:1494 (July 2004), LR 31:1627 (July 2005), LR 32:1254 (July 2006), LR 33:115 (January 2007), LR 33:

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 dates and locations: March 12 beginning at 6 p.m. at the Civic Center, 620 Benton Road, Bossier City; March 5 beginning at 6 p.m. at the Ruston Civic Center, Ruston; March 14 beginning at 6 p.m. at the Alexandria City Hall, intersection of Third and Murray Streets; March 14 beginning at 7 p.m. at the Concordia Parish Community Center, Highway 15 south of Ferriday; March 6 beginning at 6:30 p.m. at the LSU Extension Service Office, 7101 Gulf Highway, Lake Charles; March 5 beginning at 6 p.m. at the Houma Municipal Auditorium, 880 Verret Street, Houma; March 14 beginning at 6 p.m. at the Yambilee Building, Highway 190, Opelousas; March 6, 2007 beginning at 6:30 p.m. at the LDWF Headquarters Building, Louisiana Room, Baton Rouge; and March 13, 2007 beginning at 6:30 p.m. at the Jefferson Parish Council Chambers, 1221 Elmwood Park Boulevard, Jefferson. Also comments will be accepted at regularly scheduled Wildlife and Fisheries Commission meetings from March through May. Interested persons may submit written comments relative to the proposed Rule until Thursday, May 3, 2007 to Mr. David Moreland, Wildlife Division, Department of Wildlife and Fisheries, Box 98000, Baton Rouge, LA, 70898-9000.

The Secretary of the Department of Wildlife and Fisheries is authorized to take any and all necessary steps on behalf of the commission to promulgate and effectuate this Notice of Intent and the final Rule, including but not limited to, the filing of the fiscal and economic impact statements, the filing of the Notice of Intent and final Rule and the preparation of reports and correspondence to other agencies of government.

Earl P. King, Jr.
Chairman

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

RULE TITLE: Resident Hunting Season Dates

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

Establishment of hunting regulations is an annual process. Aside from staff time, no implementation costs to state governmental units are anticipated. Enforcement of proposed rule will be carried out using existing staff and funding levels. Local governmental units will not be impacted.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

State hunting license fee collections are 9.0-10.0 million dollars annually. Additionally, hunting and related activities generate approximately \$31 million in state sales and income tax and \$24 million in local sales tax revenues annually (Southwick Associates, 2005). 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)

Over 285,000 hunters and numerous businesses that provide goods and services to hunters are directly affected by this proposal. Hunting in Louisiana generates approximately \$599 million in revenue annually through the sale of outdoor related equipment, associated items and trip-related expenditures (Southwick Associates, 2005). Failure to adopt rule changes would result in no hunting season being established and a potential loss of commerce associated with these activities.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

Hunting in Louisiana provides an estimated 9,475 jobs (Southwick Associates, 2005). Not establishing hunting seasons might have a negative and direct impact on these jobs.

Wynnette Kees
Deputy Undersecretary
0702#077

Robert E. Hosse
Staff Director
Legislative Fiscal Office