

Rules

RULE

Department of Agriculture and Forestry State Market Commission

Acquisition of Facilities (LAC 7:V.Chapter 23)

In accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., the Department of Agriculture and Forestry, State Market Commission, adopts regulations regarding the acquisition of machinery, equipment and facilities by the Louisiana State Market Commission.

Promulgation of these and regulations enables the State Market Commission to acquire, rent or sell machinery, equipment and facilities to further enhance the economy of agricultural production and to aid in the proper and efficient assembling, processing, storing, grading, distributing, or marketing of farm products throughout the state of Louisiana.

These Rules comply with and are enabled by R.S. 3:405.

Title 7

AGRICULTURE AND ANIMALS

Part V. Advertising, Marketing and Processing Chapter 23. Market Commission—Acquisition of Facilities

§2301. Definitions

Acquire—to gain possession or control of land, buildings, machinery, equipments, and other property by purchase, donation, rent, lease, sub-lease, or by any other lawful manner.

Commission—State Market Commission.

Commissioner—Commissioner of Agriculture and Forestry.

Department—Louisiana Department of Agriculture and Forestry.

Facility—land, buildings, or other structures and any combination thereof.

Farm Product—any agronomic, horticultural, silvicultural, or aquacultural crop; livestock; any raw product derived from any crop or livestock; and any item produced from the further processing of the crop, livestock, or raw agricultural product.

Livestock—any animal except dogs and cats, bred, kept, maintained, raised, or used for profit, used in agriculture, aquaculture, or silviculture, or for other related purposes or used in the production of crops, animals, or plant or animal products for market. This definition includes but is not limited to cattle, buffalo, bison, oxen, and other bovine; horses, mules, donkeys, and other equine; goats; sheep; swine; chickens, turkeys, and other poultry; domestic rabbits; imported exotic deer and antelope, elk, farm-raised white-tailed deer, farm-raised ratites, and other farm-raised exotic animals; fish, pet turtles, and other animals identified with aquaculture which are located in artificial reservoirs or

enclosures that are both on privately owned property and constructed so as to prevent, at all times, the ingress and egress of fish life from public waters; any commercial crawfish from any crawfish pond; and any hybrid, mixture, or mutation of any such animal.

Person—any association, business, corporation, firm, individual, joint venture, limited liability company, partnership, and any body of persons, whether incorporated or not.

Rent—an agreement or contract, including a lease or sub-lease, whereby a person acquires the right to use and occupy the machinery, equipment, or facility acquired by the commission.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:405.

HISTORICAL NOTE: Promulgated by the Department of Agriculture and Forestry, State Market Commission, LR 33:422 (March 2007).

§2303. Criteria for Acquiring Machinery, Equipment, and Facilities

A. The commission shall determine whether the acquisition of any machinery, equipment, or facility is necessary to aid in the proper and efficient assembling, processing, storing, grading, distributing, or marketing of farm products.

B. The commission shall also consider the following criteria in determining whether to acquire any machinery, equipment, or facility:

1. the economic needs of the areas of the state in which the machinery, equipment, or facility will be located;
2. the number of jobs created or preserved in the state;
3. the amount of farm products produced in the state that will be utilized;
4. the degree of diversification that the machinery, equipment, or facility will bring to the state's agricultural economy;
5. the economic stimulus that the use of the machinery, equipment, or facility will provide to the local economy or to the state's agricultural economy as a whole.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:405.

HISTORICAL NOTE: Promulgated by the Department of Agriculture and Forestry, State Market Commission, LR 33:422 (March 2007).

§2305. Persons Eligible to Use, Rent, or Purchase Acquired Machinery, Equipment, or Facility

A. Any person who meets the criteria in this Section is eligible to apply to rent or purchase machinery, equipment, or facilities acquired by the commission.

B. The criteria for eligibility are as follows:

1. be authorized to do business in this state;
2. maintain or agree to maintain an operating facility in this state;
3. employ at least 20 full time employees or the equivalent thereof;

4. be engaged in the assembling, processing, storing, grading, distributing, or marketing of farm products of this state;

5. have, or be able to obtain, financial resources including operating capital sufficient to show an ability to operate under normal condition for a period of at least one year;

6. be able to provide the commission with a first mortgage, primary lien, or other first or primary security for the rent or purchase of the machinery, equipment or facility.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:405.

HISTORICAL NOTE: Promulgated by the Department of Agriculture and Forestry, State Market Commission, LR 33:422 (March 2007).

§2307. Contents of Application

A. Every applicant seeking to rent or purchase machinery, equipment or a facility from the commission shall submit the following information to the commission:

1. name and address of applicant including all principals by name and address;

2. a statement of the nature and amount of the interest held by each principal;

3. sworn statement of the relationship, if any, of any of the principals with any state official and/or with any employee of the Department of Agriculture and Forestry;

4. location and legal description of all property to be offered as security;

5. personal financial statements of every principal of the applicant unless the commission's staff finds that the applicant is a publicly traded company or other business enterprise whose financial statements are sufficient to show the solvency of the applicant;

6. an appraisal by a qualified appraiser of the property being offered as security or information sufficient to show the approximate value of the property;

7. a listing of all equipment and furnishings, both movable and immovable by destination, with the expected life of the equipment and furnishings, if equipment and furnishings will be offered as part of the security;

8. evidence of satisfactory interim and long term financing, where applicable;

9. a business plan/feasibility study for the proposed enterprise which includes a three year projected cash flow statement, together with an explanation of how the enterprise meets the criteria set out in 2303.B and 2305.B;

10. written authorization for the commission or its staff to perform any credit check(s) which the commission or staff may deem advisable;

11. a designation by the applicant, if any, of what records, writings, accounts, or other documents and information that pertain to the business of the applicant and are in their nature confidential;

12. any other documentation or information the commission or its staff deems necessary for a determination as to whether to approve or deny the application.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:405.

HISTORICAL NOTE: Promulgated by the Department of Agriculture and Forestry, State Market Commission, LR 33:423 (March 2007).

§2309. Approval of Application

A. The applicant must provide all required information at least 10 working days prior to the meeting at which the applications will be considered, unless partial submission is allowed by the commission's staff or by the commission.

B. The applicant or its representative must appear in person at the meeting at which the applications will be considered.

C. The commission may approve an application even if all the criteria set out in this Chapter have not been met by an applicant if the commission determines that under the circumstances the applicant's rent or purchase of the machinery, equipment, or facility is necessary to aid in the proper and efficient assembling, processing, storing, grading, distributing, or marketing of farm products of the state. The commission may refuse to approve an application even if all the criteria set out in this Chapter have been met by an applicant if the commission determines that under the circumstances the applicant's rent or purchase of the machinery, equipment, or facility is not necessary to aid in the proper and efficient assembling, processing, storing, grading, distributing, or marketing of farm products of the state.

D. If there is more than one applicant for the rent or purchase of machinery, equipment, or facilities acquired by the commission then the commission maintains the discretion to decide which, if any, applicant will be approved.

E. The commission may establish terms and provisions to be included in any written rental or purchase agreement or act of sale in addition to the terms and provisions submitted to the commission, or authorize the commissioner or the commission's staff to negotiate additional terms and conditions within the parameters established by the commission.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:405.

HISTORICAL NOTE: Promulgated by the Department of Agriculture and Forestry, State Market Commission, LR 33:423 (March 2007).

Bob Odom
Commissioner

0703#026

RULE

Board of Elementary and Secondary Education

Bulletin 111—The Louisiana School,
District, and State Accountability System
(LAC 28:LXXXIII.301, 603, and 708)

In accordance with R.S. 49:950 et seq., the Administrative Procedure Act, the Board of Elementary and Secondary Education amended *Bulletin 111—The Louisiana School, District, and State Accountability System*.

The change concerning School Improvement results from negotiations with the U.S. Department of Education about a late 2006 accountability release. The changes to cohorts is to provide consistency throughout the accountability system.

Title 28
EDUCATION

**Part LXXXIII. Bulletin 111—The Louisiana School,
District, and State Accountability System**

Chapter 3. School Performance Score Component

§301. School Performance Score Goal

A. - E.1.a. ...

b. Schools identified as entering SI2 at the release of the 2006 pre-appeals accountability results must offer school choice immediately upon notification and continuing for the remainder of the academic year.

c. Schools identified as entering a higher level of school improvement at the release of the 2006 pre-appeals accountability results must implement the additional sanctions immediately upon notification and continuing for the remainder of the academic year.

F. - L. ...

* * *

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:2737 (December 2003), amended LR 31:1512 (July 2005), LR 32:1017 (June 2006), LR 32:2034, 2035 (November 2006), LR 33:424 (March 2007).

Chapter 6. Graduation Index

§603. Determining a Cohort for a Graduation Index

A. - C.1. ...

2. If, following the exit, the student record should appear in the Student Information System (SIS) associated with another Louisiana school (ex. transferred to another public school within Louisiana) and if the student does not appear in SIS, the student will be considered a dropout.

D. - G. ...

H. Students with disabilities whose IEPs state that they will take longer than 4 years to complete high school shall be added to the cohort with which they complete/graduate provided they are less than 22 years of age at the beginning of the academic year.

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 32:1024 (June 2006), amended LR 33:424 (March 2007).

Chapter 7. Subgroup Component

§708. Calculating a Graduation Rate

A. As required by the *No Child Left Behind Act of 2001*, Louisiana shall calculate a graduation rate based on a cohort of students beginning in 2007.

B. The definition of a cohort for this calculation is the same as that used in §603.

C. The percentage of students in a cohort who graduate within four years with a standard diploma shall be the graduation rate used for the subgroup component.

1. Repealed.

2. Students with disabilities whose IEPs state that they will take longer than 4 years to earn a standard diploma shall be added to the panel with which they graduate provided they are less than 22 years of age at the beginning of the academic year.

D. - E. ...

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 32:1026 (June 2006), amended LR 33:424 (March 2007).

Weegie Peabody
Executive Director

0703#001

RULE

Board of Elementary and Secondary Education

Bulletin 118—Statewide Assessment Standards and Practices—Test Security Policy and LEAP Alternate Assessment (LAC 28:CXI.305 and Chapter 19)

In accordance with R.S. 49:950 et seq., the Administrative Procedure Act, the Board of Elementary and Secondary Education has amended *Bulletin 118—Statewide Assessment Standards and Practices*, which 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 document will consolidate statewide test information and provide easy access to that information. It was necessary to revise the bulletin at this time to incorporate guidelines for newly developed statewide assessments used in testing, add new language to established assessment guidelines, and to reflect the renaming of the division to Division of Standards, Assessments, and Accountability.

Title 28
EDUCATION

**Part CXI. Bulletin 118—Statewide Assessment
Standards and Practices**

Chapter 3. Test Security

§305. Test Security Policy

A. - A.3.c. ...

d. at any time, copy, reproduce, record, store electronically, discuss or use in a manner inconsistent with test regulations all or part of any secure test booklet, answer document, or supplementary secure materials (e.g., writing prompts, science tasks);

e. - f.iv. ...

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

3.h. - 5.c. ...

d. Interviews shall be conducted with students in the identified classes regarding testing procedures, layout of

the classroom, access to test materials before the test, and access to unauthorized materials during testing.

6. After completion of the investigation, the school district shall provide a report of the investigation and a written plan of action to the state superintendent within 30 calendar days of the initiation of the investigation. At a minimum, the report shall include the nature of the situation, the time and place of occurrence, and the names of the persons involved in or witness to the occurrence. Officials from the LDE are authorized to conduct additional investigations.

7. All test administrators and proctors must sign the *Oath of Security* and return it to the STC to keep on file for three years. The STC and principal must sign an *Oath of Security* and return it to the DTC to be kept on file at the district for three years.

8. - 9.d. ...

e. Only personnel trained in test security and administration shall be allowed to have access to or administer any statewide assessments.

9.f. - 11. ...

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

13. - 17. ...

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

HISTORICAL NOTE: Promulgated by the Department of Education, Board of Elementary and Secondary Education, LR 31:1528 (July 2005), amended LR 32:233 (February 2006), LR 33:255 (February 2007), LR 33:424 (March 2007).

Chapter 19. LEAP Alternate Assessment, Level 1

Subchapter A. Background

§1901. Overview

A. The LEAP Alternate Assessment, Level 1 (LAA 1), is a specially designed assessment program that specifically targets students with the most significant cognitive disabilities. LAA 1 represents an assessment of alternate content and performance standards relative to the general education components of the Louisiana state assessment program (i.e., LEAP, *i*LEAP, and GEE). As such, it meets NCLB requirements to assess students with the most significant cognitive disabilities in the state (sometimes called "1 percent" students), with its results contributing to school, district, and state accountability decisions.

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

HISTORICAL NOTE: Promulgated by the Department of Education, Board of Elementary and Secondary Education, LR 31:1556 (July 2005), amended LR 32:239 (February 2006), LR 33:425 (March 2007).

Subchapter B. General Provisions

§1903. Introduction

A. The LAA 1 is a performance-based student assessment that evaluates each student's knowledge and skills in targeted areas. The test administrator organizes activities to provide a student the opportunity to perform specific skills. The test administrator directs and observes

the student during the activity and uses a rubric to score student performance of each specific skill.

B. Definitions

Alternate Assessment—a substitute approach used in gathering information on the performance of students who do not participate in typical state assessments. [from Alternate Assessment Resource Matrix (CCSSO, SCASS-ASES, 1999)].

Target Indicators—represent the Louisiana content standards that most directly reflect the skills students with significant disabilities need as they progress through childhood and enter adulthood.

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

HISTORICAL NOTE: Promulgated by the Department of Education, Board of Elementary and Secondary Education, Office of Student and School Performance, LR 33:425 (March 2007).

Subchapter C. Target Population

§1905. Participation Criteria

(Refer to *Bulletin 1530—Louisiana's IEP Handbook for Students with Disabilities*)

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

HISTORICAL NOTE: Promulgated by the Department of Education, Board of Elementary and Secondary Education, Office of Student and School Performance, LR 33:425 (March 2007).

Subchapter D. LAA 1 Test Design

§1907. Test Structure

A. LAA 1 is based on sixteen Louisiana content standards in four major areas: English language arts, mathematics, social studies, and science. It includes 20 target indicators from the standards—five from English language arts, five from mathematics, six from social studies, and four from science. These target indicators form the basis of LAA 1, and represent those Louisiana content standards that most directly reflect the skills students with significant disabilities need as they progress through childhood and enter adulthood. The target indicators are intentionally broad to reflect skills that are very basic and those more advanced skills that will support adults at work and in their communities. Two target indicators in each content area have state-specified skills. For the remaining target indicators, the test administrator determines the skill to be assessed; these are referred to as teacher-specified skills.

B. Each target indicator allows a LAA 1 student to score at three participation levels: Introductory, Fundamental, and Comprehensive. These participation levels reflect different levels of skill complexity at which a student may participate on a skill being measured through a given activity. Participation levels for students are determined by the test administrator and may vary across target indicators. The participation levels are:

1. Introductory (I)—skills that require basic processing of information to address real-world situations that are related to the content standards regardless of the age or grade level of the student;

2. Fundamental (F)—skills that require simple decision making to address real-world situations that are related to the content standards regardless of the age or grade level of the student;

3. Comprehensive (C)—skills that require higher-order thinking and information-processing skills that are

related to the content standards regardless of the age or grade level of the student.

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

HISTORICAL NOTE: Promulgated by the Department of Education, Board of Elementary and Secondary Education, Office of Student and School Performance, LR 33:425 (March 2007).

§1909. Scoring

A. The scoring rubric for the LAA 1 is based on 6 point levels.

0	No performance (at introductory level only)
1	Tolerates engagement or attempts engagement
2	Performs skill in response to a prompt
3	Performs skill independently without a prompt
4	Performs skill independently without prompts for different purposes or in multiple settings
5	Performs skill independently without prompts for different purposes and in multiple settings

B. Students receive higher points for attempting performance than they do for no performance of the example skill. A score point of three is awarded for performances that are completed independently. Students who perform a task for more than one purpose or in more than one setting receive a higher score. Those who generalize their skills or apply their skills for different purposes and in a variety of settings receive the highest scores.

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

HISTORICAL NOTE: Promulgated by the Department of Education, Board of Elementary and Secondary Education, Office of Student and School Performance, LR 33:426 (March 2007).

Subchapter E. Achievement Levels and Performance Standards

§1911. Achievement Levels

A.1. The Louisiana achievement levels are:

- a. Substantial Growth;
- b. Moderate Growth;
- c. Minimal Growth; and
- d. No Measurable Growth.

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

HISTORICAL NOTE: Promulgated by the Department of Education, Board of Elementary and Secondary Education, Office of Student and School Performance LR 33:426 (March 2007).

§1913. Performance Standards

A. Performance standards for LAA 1 English Language Arts, Mathematics, Science, and Social Studies tests are finalized in scaled-score form.

LAA 1 Achievement Levels and Scaled-Score Growth Ranges		
LAA 1 Achievement Levels	Scaled Score Growth Range	Definition
Substantial Growth	> 7.50	A student has demonstrated Substantial Growth during the school year in the specific content area being measured.
Moderate Growth	2.51 to 7.50	A student has demonstrated Moderate Growth during the school year in the specific content area being measured
Minimal Growth	0.0 to 2.50	A student has demonstrated Minimal Growth during the school year in the specific content area being measured.

LAA 1 Achievement Levels and Scaled-Score Growth Ranges		
LAA 1 Achievement Levels	Scaled Score Growth Range	Definition
No Measurable Growth	≤ 0.0	A student at the No Measurable Growth level has not demonstrated measurable improvement during the school year in the specific content area being measured.

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

HISTORICAL NOTE: Promulgated by the Department of Education, Board of Elementary and Secondary Education, Office of Student and School Performance, LR 33:426 (March 2007).

Subchapter F. Achievement Level Descriptors

§1915. Introduction

A. Achievement level descriptors for Louisiana assessments were developed by committees composed of Louisiana educators who represented the subjects and grades assessed. The descriptors 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. 17:391.4(B).

HISTORICAL NOTE: Promulgated by the Department of Education, Board of Elementary and Secondary Education, Office of Student and School Performance, LR 33:426 (March 2007).

§1917. LAA 1 Achievement Level Descriptors

A. English Language Arts Achievement Level Descriptors

Substantial Growth Level		
This student has demonstrated Substantial Growth during the school year in the areas of communicating needs and responding to symbolic and/or nonsymbolic materials. One example of such growth is the student's improvement from indicating basic need with assistance to ordering items for different purposes without assistance. The skills assessed are selected from the list below:		
Participation Levels		
Introductory	Fundamental	Comprehensive
<ul style="list-style-type: none"> • Indicates basic need • Indicates discomfort • Reacts to nonsymbolic stimulus • Reacts to symbolic stimulus 	<ul style="list-style-type: none"> • Makes requests • Indicates need for assistance • Responds appropriately to school/community signs • Makes selections from a list/pictorial representation. 	<ul style="list-style-type: none"> • Orders items • Advocates for self and/or others • Reads words in context of activity • Uses text/symbols/pictures to locate information

Moderate Growth Level		
This student has demonstrated Moderate Growth during the school year in the areas of communicating needs and responding to symbolic and/or nonsymbolic materials. One example of such growth is the student's improvement from indicating basic need with assistance to making requests without assistance. The skills assessed are selected from the list below:		
Participation Levels		
Introductory	Fundamental	Comprehensive
<ul style="list-style-type: none"> • Indicates basic need • Indicates discomfort • Reacts to nonsymbolic stimulus • Reacts to symbolic stimulus 	<ul style="list-style-type: none"> • Makes requests • Indicates need for assistance • Responds appropriately to school/community signs • Makes selections from a list/pictorial representation 	<ul style="list-style-type: none"> • Orders items • Advocates for self and/or others • Reads words in context of activity • Uses text/symbols/pictures to locate information

Minimal Growth Level		
This student has demonstrated Minimal Growth during the school year in the areas of communicating needs and responding to symbolic and/or nonsymbolic materials. One example of such growth is the student's improvement from indicating basic need with assistance to indicating basic need without assistance. The skills assessed are selected from the list below:		
Participation Levels		
Introductory	Fundamental	Comprehensive
<ul style="list-style-type: none"> Indicates basic need Indicates discomfort Reacts to nonsymbolic stimulus Reacts to symbolic stimulus 	<ul style="list-style-type: none"> Makes requests Indicates need for assistance Responds appropriately to school/community signs Makes selections from a list/pictorial representation 	<ul style="list-style-type: none"> Orders items Advocates for self and/or others Reads words in context of activity Uses text/symbols/pictures to locate information

No Measurable Growth Level		
This student has demonstrated No Measurable Growth during the school year in the areas of communicating needs and responding to symbolic and/or nonsymbolic materials. One example is that the student's performance remains the same from one year to the next, showing no measurable improvement. The skills assessed are selected from the list below:		
Participation Levels		
Introductory	Fundamental	Comprehensive
<ul style="list-style-type: none"> Indicates basic need Indicates discomfort Reacts to nonsymbolic stimulus Reacts to symbolic stimulus 	<ul style="list-style-type: none"> Makes requests Indicates need for assistance Responds appropriately to school/community signs Makes selections from a list/pictorial representation 	<ul style="list-style-type: none"> Orders items Advocates for self and/or others Reads words in context of activity Uses text/symbols/pictures to locate information

B. Mathematics Achievement Level Descriptors

Substantial Growth Level		
This student has demonstrated Substantial Growth during the school year in the areas of applying mathematical concepts and utilizing time measures. One example of such growth is the student's improvement from following directions related to spatial concepts with assistance to discriminating between sizes for different purposes without assistance. The skills assessed are selected from the list below:		
Participation Levels		
Introductory	Fundamental	Comprehensive
<ul style="list-style-type: none"> Follows directions related to spatial concepts Matches shapes Transfers from activity to activity Follows a routine 	<ul style="list-style-type: none"> Distributes multiple sets of objects accurately to each member of a group Demonstrates understanding of global measurement concepts Matches schedule with time to a clock Indicates days of week/months of year on a calendar 	<ul style="list-style-type: none"> Discriminates between sizes Recognizes parts versus whole Indicates understanding of concepts of time Uses a calendar/day planner/personal recorder/picture planner

Moderate Growth Level		
This student has demonstrated Moderate Growth during the school year in the areas of applying mathematical concepts and utilizing time measures. One example of such growth is the student's improvement from following directions related to spatial concepts with assistance to distributing multiple sets of objects accurately to each member of a group without assistance. The skills assessed are selected from the list below:		
Participation Levels		
Introductory	Fundamental	Comprehensive
<ul style="list-style-type: none"> Follows directions related to spatial concepts Matches shapes Transfers from activity to activity Follows a routine 	<ul style="list-style-type: none"> Distributes multiple sets of objects accurately to each member of a group Demonstrates understanding of global measurement concepts Matches schedule with time to a clock Indicates days of week/months of year on a calendar 	<ul style="list-style-type: none"> Discriminates between sizes Recognizes parts versus whole Indicates understanding of concepts of time Uses a calendar/day planner/personal recorder/picture planner

Minimal Growth Level		
This student has demonstrated Minimal Growth during the school year in the areas of applying mathematical concepts and utilizing time measures. One example of such growth is the student's improvement from following directions related to spatial concepts with assistance to following directions related to spatial concepts without assistance. The skills assessed are selected from the list below:		
Participation Levels		
Introductory	Fundamental	Comprehensive
<ul style="list-style-type: none"> Follows directions related to spatial concepts Matches shapes Transfers from activity to activity Follows a routine 	<ul style="list-style-type: none"> Distributes multiple sets of objects accurately to each member of a group Demonstrates understanding of global measurement concepts Matches schedule with time to a clock Indicates days of week/months of year on a calendar 	<ul style="list-style-type: none"> Discriminates between sizes Recognizes parts versus whole Indicates understanding of concepts of time Uses a calendar/day planner/personal recorder/picture planner

No Measurable Growth Level		
This student has demonstrated No Measurable Growth during the school year in the areas of applying mathematical concepts and utilizing time measures. One example is that the student's performance remains the same from one year to the next, showing no measurable improvement. The skills assessed are selected from the list below:		
Participation Levels		
Introductory	Fundamental	Comprehensive
<ul style="list-style-type: none"> Follows directions related to spatial concepts Matches shapes Transfers from activity to activity Follows a routine 	<ul style="list-style-type: none"> Distributes multiple sets of objects accurately to each member of a group Demonstrates understanding of global measurement concepts Matches schedule with time to a clock Indicates days of week/months of year on a calendar 	<ul style="list-style-type: none"> Discriminates between sizes Recognizes parts versus whole Indicates understanding of concepts of time Uses a calendar/day planner/personal recorder/picture planner

C. Science Achievement Level Descriptors

Substantial Growth Level		
This student has demonstrated Substantial Growth during the school year in the areas of attending to personal health and demonstrating an understanding of cause and effect. One example of such growth is the student's improvement from participating in personal hygiene with assistance to planning a nutritionally balanced meal in more than one setting without assistance. The skills assessed are selected from the list below:		
Participation Levels		
Introductory	Fundamental	Comprehensive
<ul style="list-style-type: none"> Participates in personal hygiene Uses good health practices Interacts with environment Uses switch to activate or deactivate a device 	<ul style="list-style-type: none"> Identifies healthy foods Initiates personal hygiene-related activities at appropriate times Selects climate-appropriate clothing Sorts materials for appropriate disposal 	<ul style="list-style-type: none"> Plans a nutritionally balanced meal Handles products safely Selects appropriate apparel Demonstrates sense of responsibility for environment

Moderate Growth Level		
This student has demonstrated Moderate Growth during the school year in the areas of attending to personal health and demonstrating an understanding of cause and effect. One example of such growth is the student's improvement from participating in personal hygiene with assistance to identifying healthy foods without assistance. The skills assessed are selected from the list below:		
Participation Levels		
Introductory	Fundamental	Comprehensive
<ul style="list-style-type: none"> Participates in personal hygiene Uses good health practices Interacts with environment Uses switch to activate or deactivate a device 	<ul style="list-style-type: none"> Identifies healthy foods Initiates personal hygiene-related activities at appropriate times Selects climate-appropriate clothing Sorts materials for appropriate disposal 	<ul style="list-style-type: none"> Plans a nutritionally balanced meal Handles products safely Selects appropriate apparel Demonstrates sense of responsibility for environment

Minimal Growth Level		
This student has demonstrated Minimal Growth during the school year in the areas of attending to personal health and demonstrating an understanding of cause and effect. One example of such growth is the student's improvement from participating in personal hygiene with assistance to participating in personal hygiene without assistance. The skills assessed are selected from the list below:		
Participation Levels		
Introductory	Fundamental	Comprehensive
<ul style="list-style-type: none"> Participates in personal hygiene Uses good health practices Interacts with environment Uses switch to activate or deactivate a device 	<ul style="list-style-type: none"> Identifies healthy foods Initiates personal hygiene-related activities at appropriate times Selects climate-appropriate clothing Sorts materials for appropriate disposal 	<ul style="list-style-type: none"> Plans a nutritionally balanced meal Handles products safely Selects appropriate apparel Demonstrates sense of responsibility for environment

No Measurable Growth Level		
This student has demonstrated No Measurable Growth during the school year in the areas of attending to personal health and demonstrating an understanding of cause and effect. One example is that the student's performance remains the same from one year to the next, showing no measurable improvement. The skills assessed are selected from the list below:		
Participation Levels		
Introductory	Fundamental	Comprehensive
<ul style="list-style-type: none"> Participates in personal hygiene Uses good health practices Interacts with environment Uses switch to activate or deactivate a device 	<ul style="list-style-type: none"> Identifies healthy foods Initiates personal hygiene-related activities at appropriate times Selects climate-appropriate clothing Sorts materials for appropriate disposal 	<ul style="list-style-type: none"> Plans a nutritionally balanced meal Handles products safely Selects appropriate apparel Demonstrates sense of responsibility for environment

D. Social Studies Achievement Level Descriptors

Substantial Growth Level		
This student has demonstrated Substantial Growth during the school year in the areas of interacting with others and following procedures and/or rules. One example of such growth is the student's improvement from greeting familiar people with assistance to sharing experiences and ideas with others in more than one setting without assistance. The skills assessed are selected from the list below:		
Participation Levels		
Introductory	Fundamental	Comprehensive
<ul style="list-style-type: none"> Greets familiar people Uses acceptable behavior to gain attention from others Adjusts to new situations Demonstrates respect for property of others 	<ul style="list-style-type: none"> Takes turns with peers Assists peer or adult Demonstrates respect for the rights of others Follows rules 	<ul style="list-style-type: none"> Shares experiences and ideas with others Recognizes others' needs for assistance and then assists peer and/or adult Assumes responsibility for personal belongings Performs responsibilities

Moderate Growth Level		
This student has demonstrated Moderate Growth during the school year in the areas of interacting with others and following procedures and/or rules. One example of such growth is the student's improvement from greeting familiar people with assistance to taking turns with peers without assistance. The skills assessed are selected from the list below:		
Participation Levels		
Introductory	Fundamental	Comprehensive
<ul style="list-style-type: none"> Greets familiar people Uses acceptable behavior to gain attention from others Adjusts to new situations Demonstrates respect for property of others 	<ul style="list-style-type: none"> Takes turns with peers Assists peer or adult Demonstrates respect for the rights of others Follows rules 	<ul style="list-style-type: none"> Shares experiences and ideas with others Recognizes others' needs for assistance and then assists peer and/or adult Assumes responsibility for personal belongings Performs responsibilities

Minimal Growth Level		
This student has demonstrated Minimal Growth during the school year in the areas of interacting with others and following procedures and/or rules. One example of such growth is the student's improvement from greeting familiar people with assistance to greeting familiar people without assistance. The skills assessed are selected from the list below:		
Participation Levels		
Introductory	Fundamental	Comprehensive
<ul style="list-style-type: none"> • Greets familiar people • Uses acceptable behavior to gain attention from others • Adjusts to new situations • Demonstrates respect for property of others 	<ul style="list-style-type: none"> • Takes turns with peers • Assists peer or adult • Demonstrates respect for the rights of others • Follows rules 	<ul style="list-style-type: none"> • Shares experiences and ideas with others • Recognizes others' needs for assistance and then assists peer and/or adult • Assumes responsibility for personal belongings • Performs responsibilities

No Measurable Growth Level		
This student has demonstrated No Measurable Growth during the school year in the areas of interacting with others and following procedures and/or rules. One example is that the student's performance remains the same from one year to the next, showing no measurable improvement. The skills assessed are selected from the list below:		
Participation Levels		
Introductory	Fundamental	Comprehensive
<ul style="list-style-type: none"> • Greets familiar people • Uses acceptable behavior to gain attention from others • Adjusts to new situations • Demonstrates respect for property of others 	<ul style="list-style-type: none"> • Takes turns with peers • Assists peer or adult • Demonstrates respect for the rights of others • Follows rules 	<ul style="list-style-type: none"> • Shares experiences and ideas with others • Recognizes others' needs for assistance and then assists peer and/or adult • Assumes responsibility for personal belongings • Performs responsibilities

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

HISTORICAL NOTE: Promulgated by the Department of Education, Board of Elementary and Secondary Education, Office of Student and School Performance, LR 33:426 (March 2007).

Weegie Peabody
Executive Director

0703#002

RULE

Board of Elementary and Secondary Education

Bulletin 741—Louisiana Handbook
for School Administrators
(LAC 28: CXV.337, 1121, 2301,
2319, 2321, 2357, and 2363)

In accordance with R.S. 49:950 et seq., the Administrative Procedure Act, the Board of Elementary and Secondary Education amended *Bulletin 741—Louisiana Handbook for School Administrators*: §337, Written Policies and Procedures, §1121, Immunizations, §2301, Standards and

Curriculum, §2319, Graduation Requirements, §2321, Carnegie Credit for Middle School Students, §2357, Physical Education, and §2363, Social Studies.

Title 28

EDUCATION

Part CXV. Bulletin 741—Louisiana Handbook for School Administrators

Chapter 3. Operation and Administration

§337. Written Policies and Procedures

A. - B. ...

C. Each LEA shall have policies and procedures that address, but are not limited to, the following:

1. - 14. ...

15. the prohibition of teachers from recommending that a student be administered a psychotropic drug and from specifying or identifying any specific mental health diagnosis for a student;

16. the prohibition of teachers from using a parents refusal to consent to administration of a psychotropic drug or psychiatric evaluation, screening or evaluation as grounds for prohibiting a student from attending class or participating in school related activities or as the sole basis of accusations of child abuse or neglect against the parent or guardian.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6; R.S. 17:81; R.S.17:240; 17:436.2.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:1261 (June 2005), amended LR 33:429 (March 2007).

Chapter 11. Student Services

§1121. Immunizations

A. - F. ...

G. LEAs that provide information relative to immunizations are required to provide parents and/or guardians with information relative to the risks associated with meningococcal disease. The information should include availability, effectiveness and known contraindications of immunization against such disease as well as causes and symptoms of the disease and how the disease is spread. LEAs shall also provide information on where a student may be immunized and where parents may obtain additional information. Information shall be updated annually if new information is available.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:170; R.S. 17:170.1.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:1277 (June 2005), amended LR 33:429 (March 2007).

Chapter 23. Curriculum and Instruction

§2301. Standards and Curriculum

A. Each LEA shall adopt and implement local curricula aligned with state content standards, benchmarks, and grade-level expectations. The state documents are:

1. - 17. ...

18. English Language Development Standards, Bulletin 112.

B. - C. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17: 24.4; R.S. 17:154.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:1288 (June 2005), amended LR 31:3070 (December 2005), LR 33:429 (March 2007).

§2319. High School Graduation Requirements

A. - D. ...

E. Minimum Course Requirements for High School Graduation

English	4 units
Shall be English I, II, and III, in consecutive order; and English IV or Business English.	
Mathematics	3 units
(Effective for incoming freshmen 2005-2006 and beyond.) All students must complete one of the following:	
<ul style="list-style-type: none"> Algebra I (1 unit) or Algebra I-Pt. 1 and Algebra I-Pt. 2 (2 units) or Integrated Mathematics I (1 unit) 	
The remaining unit(s) shall come from the following: Integrated Mathematics II, Integrated Mathematics III, Geometry, Algebra II, Financial Mathematics, Advanced Mathematics I, Advanced Mathematics II, Pre-Calculus, Calculus, Probability and Statistics, and Discrete Mathematics.	
(Effective for incoming freshmen 1997-98 through 2004-2005) Shall be selected from the following courses and may include a maximum of 2 entry level courses (designated by E): Introductory Algebra/Geometry (E), Algebra I-Part 1 (E), Algebra I-Part 2, Integrated Mathematics I (E), Integrated Mathematics II, Integrated Mathematics III, Applied Mathematics I (E), Applied Mathematics II, Applied Mathematics III, Algebra I (E), Geometry, Algebra II, Financial Mathematics, Advanced Mathematics I, Advanced Mathematics II, Pre-Calculus, Calculus, Probability and Statistics, and Discrete Mathematics	
Science	3 units
Shall be the following:	
1 unit of Biology	
1 unit from the following physical science cluster: Physical Science, Integrated Science, Chemistry I, Physics I, Physics of Technology I	
1 unit from the following courses: Aerospace Science, Biology II, Chemistry II, Earth Science, Environmental Science, Physics II, Physics of Technology II, Agriscience II, an additional course from the physical science cluster, or a locally initiated science elective.	
<ul style="list-style-type: none"> Students may not take both Integrated Science and Physical Science Agriscience I is a prerequisite for Agriscience II and is an elective course. 	
Social Studies	3 units
Shall be American History, one-half unit of Civics or AP American Government, one-half unit of Free Enterprise; and one of the following: World History, World Geography, Western Civilization, or AP European History	
Health Education	1/2 unit
Physical Education	1 1/2 units
Shall be Physical Education I and Physical Education II, or Adapted Physical Education for eligible special education students. A maximum of four units of Physical Education may be used toward graduation. NOTE: The substitution of JROTC is permissible.	
Electives	8 units
TOTAL	23 units

F. High School Area of Concentration

1. All high schools shall provide students the opportunity to complete an area of concentration with an academic focus and/or a career focus.

a. To complete an academic area of concentration, students shall meet the current course requirements for the Tuition Opportunity Program for Students (TOPS) Opportunity Award plus one additional Carnegie unit in mathematics, science, or social studies.

b. To complete a career area of concentration, students shall meet the minimum requirements for graduation including four elective primary credits in the area of concentration and two related elective credits, including one computer/technology course. The following

computer/technology courses can be used to meet this requirement.

Course	Credit
Computer/Technology Literacy	1
Computer Applications or Business Computer Applications	1
Computer Architecture	1
Computer Science I, II	1 each
Computer Systems and Networking I, II	1 each
Desktop Publishing	1
Digital Graphics & Animation	1/2
Multimedia Presentations	1/2 or 1
Web Mastering or Web Design	1/2
Independent Study in Technology Applications	1
Word Processing	1
Telecommunications	1/2
Introduction to Business Computer Applications	1
Technology Education Computer Applications	1
Advanced Technical Drafting	1
Computer Electronics I, II	1 each
Database Programming with PL/SQL	1
Java Programming	1
Database Design and Programming	1/2
Digital Media I/II	1 each

G - J. ...

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:1291 (June 2005), amended LR 31:2211 (September 2005), LR 31:3070, 3072 (December 2005), LR 32:1414 (August 2006), LR 33:429 (March 2007).

§2321. Carnegie Credit for Middle School Students

A. Students in the middle grades are eligible to receive Carnegie credit for courses in the high school program of studies in mathematics, science, English, social studies, foreign language, keyboarding/keyboarding applications, or computer/technology literacy.

B. Middle school students intending to take a course for Carnegie credit must demonstrate mastery of the eighth grade grade-level expectations in that content area by passing an exam developed by the DOE before taking the high school course. In order to be prepared for the exam, students should successfully complete an accelerated seventh grade course in that content area that addresses both the seventh and eighth grade grade-level expectations.

C - F. ...

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:1293 (June 2005), amended LR 33:430 (March 2007).

§2357. Physical Education

A. - D. ...

E. In schools having approved Junior Reserve Officer Training Corps (JROTC) training, credits may, at the option of the local school board, be substituted for the required credits in physical education.

F. - J.6. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:7; R.S. 17:17.1; R.S. 17:24.4; R.S. 17:276.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:1297 (June 2005), amended LR 33:430 (March 2007).

§2363. Social Studies

A. Three units of social studies shall be required for graduation. They shall be American History, one-half unit of Civics or AP American Government, one-half unit of Free Enterprise; and one of the following: World History, World Geography, Western Civilization, or AP European History.

B. - D.4. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:7; R.S. 17:24.4; R.S. 17:274-274.1.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:1298 (June 2005), amended LR 31:3072 (December 2005), LR 33:431 (March 2007).

Weegie Peabody
Executive Director

0703#003

RULE

Board of Elementary and Secondary Education

Bulletin 741—Louisiana Handbook for School Administrators—Criminal Background Checks (LAC 28: CXV.501)

In accordance with R.S. 49:950 et seq., the Administrative Procedure Act, the Board of Elementary and Secondary Education has amended *Bulletin 741—Louisiana Handbook for School Administrators*, §501, Criminal Background Checks. This change will require any local school district, prior to hiring any employee, to request from the applicant's current or previous employer any documentation regarding any sexual misconduct engaged in by the applicant involving a student. It will also require the applicant's current or previous employer to provide any such information to the local school district that has requested it. It provides immunity to any school district or school employee who, in good faith, discloses such information to school district requesting it. It requires the applicant to sign a disclosure and release statement providing for the release of such information to the school district requesting it. It prohibits any school district from hiring any applicant who does not sign a disclosure and release statement. It allows a school district to hire an applicant on a conditional basis pending the hiring board's review of any information obtained. It provides that any such information can only be used by the school district considering the applicant for employment for the purpose of evaluating the applicant's qualifications for employment. It prohibits the disclosure of any such information to anyone who is not directly involved in evaluating the applicant's qualifications for employment. It makes the unauthorized disclosure of such information a misdemeanor.

It defines sexual misconduct as: (1) any conduct that would amount to sexual harassment under Title IX of the Education Amendments of 1972, as amended; (2) any conduct that would amount to a sexual offense affecting a minor under state criminal codes; (3) any sexual relationship with a student, regardless of the student's age or with a former student under the age of 18 or with a former student regardless of age who suffers from a disability that would prevent consent in a relationship. All students enrolled in the school and in any organization in which the school employee

holds a position of trust and responsibility are included; (4) any activity directed toward establishing a sexual relationship such as sending intimate letters, engaging in sexualized dialogue in person, via the internet, in writing or by telephone, making suggestive comments or dating a student.

Title 28

EDUCATION

Part CXV. Bulletin 741—Louisiana Handbook for School Administrators

Chapter 5. Personnel

§501. Criminal Background Checks

A. - D.2. ...

E. Each LEA, prior to hiring any employee, shall request that the applicant for employment sign a statement providing for the disclosure of information by the applicant's current or previous employer, if such employer is an LEA, relative to all instances of sexual misconduct with students committed by the applicant, if any, and releasing the current or previous employer, if such employer is a city, parish, or other local public school board, and any school employee acting on behalf of such employer from any liability for providing such information.

1. Prior to hiring any applicant, each LEA must request, in writing, that the applicant's current or previous employer, if such employer is an LEA, provide the above-described information, if such information exists, and make available to the hiring school board copies of any documents as contained in the applicant's personnel file maintained by such employer relative to such instances of sexual misconduct, if any. Such request for information must include a copy of the aforementioned statement signed by the applicant.

2. If such information exists, it must be provided and copies of all documents as contained in the applicant's personnel file relating to all instances of sexual misconduct, if any, must be made available to the requesting school board no later than 20 business days from the receipt of the request.

3. Any LEA or any school employee who discloses such information in good faith shall be immune from civil liability for having disclosed such information.

4. An applicant who does not sign the disclosure and release statement cannot be hired. An applicant can be hired on a conditional basis pending the hiring board's review of any information obtained.

5. Any information obtained can only be used by the hiring board for the purpose of evaluating an applicant's qualifications for employment for the position for which he or she has applied. Such information is not subject to the Public Records Act and is not to be disclosed to any person, other than the applicant, who is not directly involved in the process of evaluating the applicant's qualifications for employment. Unauthorized disclosure is a misdemeanor offense with exposure to a fine of up to \$500 or imprisonment for up to six months, or both.

6. Adult sexual misconduct in schools, for the purposes of disclosing information to LEAs as required by R.S. 17:81.9, includes sexually inappropriate behavior by the adult that is directed at a student, including but not limited to sexually-related conversations, jokes, or questions directed at students. More specifically, sexual misconduct is:

- a. any conduct that would amount to sexual harassment under Title IX of the (U.S.) Education Amendments of 1972, as amended;
- b. any conduct that would amount to a sexual offense affecting a minor under state criminal codes;
- c. any sexual relationship by a school employee with a student, regardless of the student's age; with a former student under 18; with a former student (regardless of age) who suffers from a disability that would prevent consent in a relationship. All students enrolled in the school and in any organization in which the school employee holds a position of trust and responsibility are included;
- d. any activity directed toward establishing a sexual relationship such as sending intimate letters; engaging in sexualized dialogue in person, via the Internet, in writing or by phone; making suggestive comments; dating a student.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:15; R.S. 17:587.1 and 17:81.9.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:1265 (June 2005), amended LR 33:431 (March 2007).

Weegie Peabody
Executive Director

0703#004

RULE

Board of Elementary and Secondary Education

Bulletin 741—Louisiana Handbook
for School Administrators
High School Graduation Requirements
(LAC 28:CXV.2319)

In accordance with R.S. 49:950 et seq., the Administrative Procedure Act, the Board of Elementary and Secondary Education has amended *Bulletin 741—Louisiana Handbook for School Administrators*: §2319, High School Graduation Requirements. The changes are being requested to assure that the Career and Technical Education Diploma Endorsement components are aligned and students receiving the endorsement are trained in the skills requested by business and industry and/or are better prepared for postsecondary training aligned with the endorsement. Numerous questions regarding implementation of the diploma endorsements have arisen since inclusion of a Graduation Index in the Louisiana Accountability System. Diploma endorsements are a component of the Graduation Index. These changes will provide clarity to the policy.

Title 28

EDUCATION

Part CXV. Bulletin 741—Louisiana Handbook for School Administrators

Chapter 23. Curriculum and Instruction

§2319. High School Graduation Requirements

A. - F.1.a. ...

b. To complete a career Area of Concentration, students shall meet the minimum requirements for graduation including four elective primary credits in the Area of Concentration and two related elective credits, including one computer/technology course. Areas of Concentration are identified in the Career Options Reporting

System with each LEA designating the Career and Technical Education Areas of Concentration offered in their school system each year.

* * *

G. - G.1.e. ...

H. Career/Technical Endorsement

1. - 1.a. ...

b. Student shall complete the Career and Technical Area of Concentration approved by BESE. The Career and Technical Education Areas of Concentration are identified in the CATE data system with each LEA designating the Career and Technical Education Areas of Concentration offered in their school system each year.

c. ...

d. Students shall complete a minimum of 90 work hours of work-based learning experience in the student's Career and Technical Education Area of Concentration (as defined in the DOE Diploma Endorsement Guidebook) and complete one of the following requirements:

i. industry-based certification from the list of industry-based certification approved by BESE; or

ii. three college hours in the student's Career and Technical Education Area of Concentration that articulate to a postsecondary institution, either by actually obtaining the credits and/or being waived from having to take such hours.

H.1.e. - J. ...

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:1291 (June 2005), amended LR 31:2211 (September 2005), LR 31:3070, 3072 (December 2005), LR 32:1414 (August 2006), LR 33:432 (March 2007).

Weegie Peabody
Executive Director

0703#005

RULE

Board of Elementary and Secondary Education

Bulletin 746—Louisiana Standards for State Certification of School Personnel—Minimum Requirements for Blended General/Special Education Mild-Moderate Certification Programs
(LAC 28:CXXXI.219, 221, and 223)

In accordance with R.S. 49:950 et seq., the Administrative Procedure Act, the Board of Elementary and Secondary Education amended *Bulletin 746—Louisiana Standards for State Certification of School Personnel*: §219, §221, and §223. This policy specifies changing the effective date of the Blended General/Special Education Mild-Moderate certification programs from July 1, 2007, to July 1, 2009. The vast majority of Louisiana universities would not be prepared to meet the July 1, 2007 effective date. Additional time is needed for special and general education university personnel to collaborate on the development of programs that truly blend regular and special education content. Furthermore, the Blue Ribbon Commission will focus its attention and recommendations this year on strategies to provide quality special education teachers and services in Louisiana schools. It is anticipated that these

recommendations will inform the development of blended programs.

**Title 28
EDUCATION**

**Part CXXXI. Bulletin 746—Louisiana Standards for
State Certification of School Personnel
Chapter 2. Louisiana Teacher Preparation Programs
Subchapter A. Traditional Teacher Preparation
Programs**

**§219. Minimum Requirements for Approved Blended
General/Special Education Mild-Moderate
Program for Grade Levels 1-5: Adopted
September 14, 2004; Effective July 1, 2009**

A. - A.4.a. ...

* * *

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6 (A)(10), (11), (15); R.S. 17:7(6); R.S. 17:10; R.S. 17:22(6); R.S. 17:391.1-391.10; R.S. 17:411.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 32:1787 (October 2006), amended LR 33:433 (March 2007).

**§221. Minimum Requirements for Approved Blended
General/Special Education Mild-Moderate
Program for Grade Levels 4-8: Adopted
September 14, 2004; Effective July 1, 2009**

A. - A.4. ...

* * *

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6 (A)(10), (11), (15); R.S. 17:7(6); R.S. 17:10; R.S. 17:22(6); R.S. 17:391.1-391.10; R.S. 17:411.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 32:1788 (October 2006), amended LR 33:433 (March 2007).

**§223. Minimum Requirements for Approved Blended
General/Special Education Mild-Moderate
Program for Grade Levels 6-12: Adopted
September 14, 2004; Effective July 1, 2009**

A. - A.4. ...

* * *

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6 (A)(10), (11), (15); R.S. 17:7(6); R.S. 17:10; R.S. 17:22(6); R.S. 17:391.1-391.10; R.S. 17:411.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 32:1788 (October 2006), amended LR 33:433 (March 2007).

Weegie Peabody
Executive Director

0703#006

RULE

Board of Elementary and Secondary Education

Bulletin 746—Louisiana Standards for State
Certification of School Personnel—Professional
Level and Out-of State Certificates
(LAC 28:CXXXI.305 and 309)

In accordance with R.S. 49:950 et seq., the Administrative Procedure Act, the Board of Elementary and Secondary Education amended *Bulletin 746—Louisiana Standards for*

State Certification of School Personnel: §305, Professional Level Certificates and §309, Out-of-State (OS) Certificate. This revision to the out-of-state application policy clarifies that an individual must have the completion of a teacher education program in another state and hold a teaching certificate from any other state prior to becoming certified in Louisiana. This will allow more flexibility for individuals coming from another state who did not obtain certification in the state where their education program was completed.

**Title 28
EDUCATION**

**Part CXXXI. Bulletin 746—Louisiana Standards for
State Certification of School Personnel
Chapter 3. Teaching Authorizations and
Certifications**

**Subchapter A. Standard Teaching Authorizations
§305. Professional Level Certificates**

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

(b). completed a teacher preparation program in another state;

(c). hold a standard out-of-state teaching certificate; or if no certificate was issued, a letter from the State Department of Education in the state of origin verifying eligibility in that state for a certificate in the certification area(s);

(d). pass all parts of Praxis exam(s) required for Louisiana certification:

(i). present appropriate scores on the NTE core battery (common exams) or the corresponding Praxis exams (Pre-Professional Skills Tests in reading, writing, and mathematics); the Principles of Learning and Teaching (PLT) or other pedagogy exam required for the area(s) of certification; and the specialty area exam in the certification area in which the teacher preparation program was completed or in which the initial certificate was issued;

(ii). if applicant has obtained National Board Certification (NBC) in corresponding areas for which certification is being sought as well as certification/licensure in the state of origin, the examination required for NBC will be accepted to fulfill the testing requirements for certification;

(e). has completed student teaching, an internship, or three years of teaching experience in the candidate's area of certification; and

(f). has not been out of teaching in the five years immediately preceding first employment or application for a Louisiana certificate.

A.1.b.ii. - E.3. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6 (A)(10), (11), (15); R.S. 17:7(6); R.S. 17:10; R.S. 17:22(6); R.S. 17:391.1-391.10; R.S. 17:411.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 32:1797 (October 2006), amended LR 33:433 (March 2007).

§309. Out-of-State (OS) Certificate

A. - B.2. ...

3. hold a standard out-of-state teaching certificate; or if no certificate was issued, a letter from the State Department of Education verifying eligibility in that state for a certificate in the certification area(s);

B.4. - C.1.c.iv.(b). ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6 (A)(10), (11), (15); R.S. 17:7(6); R.S. 17:10; R.S. 17:22(6); R.S. 17:391.1-391.10; R.S. 17:411.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 32:1799 (October 2006), amended LR 33:433 (March 2007).

Weegie Peabody
Executive Director

0703#007

RULE

Board of Elementary and Secondary Education

Bulletin 1530—Louisiana's IEP Handbook for Students with Disabilities—Participation Criteria (LAC 28:XCVII.905)

In accordance with R.S. 49:950 et seq., the Administrative Procedure Act, the Board of Elementary and Secondary Education amended *Bulletin 1530—Louisiana's IEP Handbook for Students with Disabilities*. The changes in Chapter 9, LEAP Alternate Assessments, §905, Participation Criteria, clarify guidelines for the participation of students with disabilities in alternate assessments who cannot participate in regular assessment.

Title 28

EDUCATION

Part XCVII. Bulletin 1530—Louisiana's IEP Handbook for Students with Disabilities

Chapter 9. LEAP Alternate Assessments

§905. Participation Criteria

A. - A.3.c. ...

B. LEAP Alternate Assessment, Level 2 (LAA 2)

1. The student scored at the *Unsatisfactory* level in English language arts and/or mathematics on the previous year's LEAP/iLEAP/GEE or participated in the LAA 1 or LAA 2.

B.2. - C. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:1941 et seq.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:3102 (December 2005), amended LR 33:434 (March 2007).

Weegie Peabody
Executive Director

0703#008

RULE

Board of Elementary and Secondary Education

Bulletin 1929—Louisiana Accounting and Uniform Governmental Handbook Personnel Requirements (LAC 28:XLI.1301)

In accordance with R.S. 49:950 et seq., the Administrative Procedure Act, the Board of Elementary and Secondary Education amended *Bulletin 1929—Louisiana Accounting and Uniform Governmental Handbook*: §1301. Minimum Requirements for Lead School Business Administrator/Chief

Financial Officer/Business Manager (Local School Districts and Charter Schools). Act 606 (Senate Bill 539) of the 2006 Regular Legislative Session requires that each city, parish, and other local public school board shall employ a business manager or chief financial officer who shall have the qualifications established by rules promulgated by the State Board of Elementary and Secondary Education. The State Board of Elementary and Secondary Education shall establish such qualifications not later than January 2007.

Title 28

EDUCATION

Part XLI. Bulletin 1929—Louisiana Accounting and Uniform Governmental Handbook

Chapter 13. Personnel Requirements

§1301. Minimum Requirements for Lead School Business Administrator/Chief Financial Officer/Business Manager (Local School Districts and Charter Schools)

A. Statutory Authority. Act 606 of the 2006 Regular Session requires that each city, parish, and other local public school board shall employ a business manager or chief financial officer who shall have the qualifications established by rules promulgated by the State Board of Elementary and Secondary Education. The tentative citation for this law is R.S. 17:84.2. Minimum qualifications are established below.

B. Minimum qualifications, must meet one of the following:

1. a baccalaureate degree with a minimum of 24 hours of business-related courses, such as accounting, finance, or management;
2. a certified public accountant licensed in Louisiana;
3. a master's degree in public or business administration.

C. Work Experience. An applicant for a lead school business official shall have not less than three years of work experience in a field relevant to the duties and responsibilities of a lead school business administrator. Relevant areas shall include accounting, finance, or other areas of fiscal management.

D. Continuing Education. All lead school business administrators must acquire Certified Louisiana School Business Administrator (CLSBA) certification by the Louisiana Association of School Business Officials (LASBO) within seven years of the date of hire as an administrator/chief financial officer/business manager and maintain certification while employed as a lead school business administrator/chief financial officer/business manager. A Louisiana CPA license may be substituted for the CLSBA certification. The CPA license must remain in active status while employed as a lead school business administrator/chief financial officer/business manager.

E. Grandfather Clause. A lead school business administrator/chief financial officer/business manager employed prior to the final adoption of the law shall be exempt from meeting the minimum degree and work experience requirements. The lead school business administrator/chief financial officer/business manager shall be allowed seven years from the date of final adoption into law to complete the CLSBA certification or become a licensed CPA in the state of Louisiana.

F. Shared Services Provision. Statute allows city, parish, or other local public school boards to enter into an agreement to share business services, including the employment of a single business manager or chief financial officer. The shared business manager or chief financial officer must meet the minimum qualifications established by the State Board of Elementary and Secondary Education.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:84 (2).

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 33:434 (March 2007).

Weegie Peabody
Executive Director

0703#009

RULE

**Student Financial Assistance Commission
Office of Student Financial Assistance**

Bylaws—Committee Membership
(LAC 28:V.101 and 103)

The Louisiana Student Financial Assistance Commission (LASFAC) has amended its bylaws (R.S. 17:3021-3025 and 3048.1). (SG0780R)

**Title 28
EDUCATION**

**Part V. Student Financial Assistance—Higher
Education Loan Program**

**Chapter 1. Student Financial Assistance Commission
Bylaws**

§101. Definitions and Authority

A. Words and terms not otherwise defined in these rules shall have the meanings ascribed to such words and terms in this Section. Where the masculine is used in these rules, it includes the feminine, and vice versa; where the singular is used, it includes the plural, and vice versa.

* * *

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 22:810 (September 1996), amended LR 24:1263 (July 1998), LR 26:1993 (September 2000), LR 33:435 (March 2007).

§103. Meetings

A. Regular Meetings. The commission shall hold regular meetings, which are limited in number to 12 per year. All regular meetings shall be held at meeting places designated by the commission. Proxy voting shall be allowed at all meetings for the chairman of: State Board of Elementary and Secondary Education; Board of Supervisors, Louisiana State University; Board of Supervisors, Southern University; Board of Regents; Board of Supervisors, University of Louisiana; and Louisiana Association of Independent Colleges and Universities, or each of their designees; however, any proxy holder must also be a member of that respective board. The superintendent of education may vote by proxy through a member of his/her executive staff. No other members shall have the right of proxy voting.

B. - D. ...

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 22:810 (September 1996), repromulgated LR 24:1263 (July 1998), amended LR 26:1993 (September 2000), LR 33:435 (March 2007).

George Badge Eldredge
General Counsel

0703#089

RULE

**Student Financial Assistance Commission
Office of Student Financial Assistance**

Scholarship/Grant Programs—Natural Disaster
(LAC 28:IV.703, 705, 803, and 805)

The Louisiana Student Financial Assistance Commission (LASFAC) has amended its Scholarship/Grant Rules to incorporate Acts 64 and 65 of the First Extraordinary Session of 2005 concerning the TOPS initial and continuing eligibility requirements as they relate to students displaced by Hurricanes Katrina and Rita in accordance with R.S. 17:3021-3025, R.S. 3041.10-3041.15, R.S. 17:3042.1, and R.S. 17:3048.1, and in accordance with the authority and procedures provided R.S. 17:3048.6.B(2)(a)(i), to provide waivers of certain TOPS initial eligibility requirements for students displaced by Hurricanes Katrina and Rita who will graduate from high school or complete home study programs approved by the Board of Elementary and Secondary Education (BESE) during the 2006-2007 high school academic year.

LASFAC has determined that initial eligibility requirements for a Tuition Opportunity Program for Students (TOPS) Award applicable for the 2005-2006 school year impose program requirements or conditions that displaced students who will graduate from high school or complete home study programs approved by the BESE during the 2006-2007 high school academic year cannot comply with or meet and that the failure of these displaced students to comply with the requirements or meet the conditions, more likely than not, is due solely to a consequence of Hurricane Katrina or Rita, or both.

LASFAC has consulted with the Commissioner of Higher Education who has concurred with this proposed rulemaking.

The result of promulgating this rulemaking will be to provide a waiver of specifically cited TOPS initial eligibility requirements for displaced students graduating from eligible Louisiana high schools or completing home study programs approved by the BESE during the 2006-2007 high school academic year. (SG0777R)

**Title 28
EDUCATION**

**Part IV. Student Financial Assistance—Higher
Education Scholarship and Grant Programs**

**Chapter 7. Tuition Opportunity Program for
Students (TOPS) Opportunity,
Performance, and Honors Awards**

§703. Establishing Eligibility

A. - I.8. ...

J. Natural Disaster Initial Eligibility Requirements

1. To establish eligibility for a TOPS Opportunity, Performance or Honors Award, a displaced student graduating from high school or completing a BESE approved home study program at the 12th grade level during the 2005-2006 academic year (high school) must meet all of the requirements of §703.A – I.8 above, except as follows:

a. A displaced student who has been certified by the principal or headmaster to have graduated during the 2005-2006 school year from an out-of-state high school that meets the criteria of an eligible out-of-state high school as provided in §1701.A.4 and 5 shall not be required to have for the respective awards a higher minimum composite score on the ACT or on the Scholastic Aptitude Test than required for a student who graduates from an eligible Louisiana high school provided such student has, for an opportunity award, a cumulative high school grade point average on all courses on the high school transcript of at least 2.50 calculated on a 4.00 scale or, for a performance or honors award, a cumulative high school grade point average on all courses on the high school transcript of at least 3.50 calculated on a 4.00 scale.

b. The requirement that a student who graduates from an eligible Louisiana high school during the 2005-2006 school year must have successfully completed the applicable core curriculum shall be waived for a displaced student based upon a sworn affidavit by the student's high school principal or headmaster or authorized designee that failure to comply with such requirement is due solely to the fact that the required course or courses were not available to the student at the school attended.

c. A displaced student shall be deemed to meet the Louisiana residency requirement if:

i. such dependent or independent student actually resided in Louisiana during his entire 11th grade year of high school and was enrolled for such time in an eligible Louisiana high school; or

ii. such dependent student has a parent or court-ordered custodian who actually resided in a parish listed in §703.J.2.a below for at least the 12 months prior to August 26, 2005, or in a parish listed in §703.J.2.b below for at least the 12 months prior to September 20, 2005.

d. A dependent student who graduated from an eligible out-of-state high school shall be deemed to meet the Louisiana residency requirement if his parent or court-ordered custodian was displaced as a resident from a parish listed:

i. in §703.J.2.a below due to Hurricane Katrina and such parent or court-ordered custodian actually resided in Louisiana for at least the 12 months prior to August 26, 2005; or

ii. in §703.J.2.b below due to Hurricane Rita and such parent or court-ordered custodian actually resided in Louisiana for at least the 12 months prior to September 20, 2005.

e. A displaced student who during the 2005-2006 academic year (high school) successfully completes at the 12th grade level a home study program approved by the State Board of Elementary and Secondary Education shall not be required to have also completed the 11th grade level of an approved home study course.

2. For the purposes of this Subsection, *displaced student* means:

a. a student who on August 26, 2005, was actually residing in Jefferson, Lafourche, Orleans, Plaquemines, St. Bernard, St. Tammany, Tangipahoa, or Washington Parish and:

i. was enrolled in an eligible Louisiana high school as provided in §1701.A.1, 2 and 3; or

ii. was enrolled in a home study program approved by the State Board of Elementary and Secondary Education; or

b. a student who on September 20, 2005, was actually residing in Acadia, Allen, Beauregard, Calcasieu, Cameron, Iberia, Jefferson Davis, St. Mary, Terrebonne, or Vermilion Parish and:

i. was enrolled in an eligible Louisiana high school as provided in §1701.A.1, 2 and 3; or

ii. was enrolled in a home study program approved by the State Board of Elementary and Secondary Education.

3. To establish eligibility for a TOPS Opportunity, Performance or Honors Award, a displaced student graduating from an eligible Louisiana high school or completing a BESE approved home study program at the 12th grade level during the 2006-2007 academic year (high school) must meet all of the requirements of §703.A –I.8 above, except as follows.

a. The requirement that a student who graduates from an eligible Louisiana high school during the 2006-2007 academic year (high school) must have successfully completed the applicable core curriculum shall be waived for a displaced student based upon a sworn affidavit by the student's high school principal or headmaster or authorized designee that failure to comply with such requirement is due solely to the fact that the required course or courses were not available to the student at the school attended.

b. A displaced student shall be deemed to meet the Louisiana residency requirement if:

i. such dependent or independent student actually resided in Louisiana during his entire 10th grade year of high school and was enrolled for such time in an eligible Louisiana high school; or

ii. such dependent student has a parent or court-ordered custodian who actually resided in a parish listed in §703.J.2.a above for at least the 12 months prior to August 26, 2005, or in a parish listed in §703.J.2.b above for at least the 12 months prior to September 20, 2005.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:3021-3025, R.S. 17:3042.1 and R.S. 17:3048.1.

HISTORICAL NOTE: Promulgated by the Student Financial Assistance Commission, Office of Student Financial Assistance, LR 22:338 (May 1996), repromulgated LR 24:636 (April 1998), amended LR 24:1902 (October 1998), LR 24:2237 (December 1998), LR 25:257 (February 1999); LR 25:655 (April 1999), LR 25:1794 (October 1999), LR 26:64, 67 (January 2000), LR 26:689 (April 2000), LR 26:1262 (June 2000), LR 26:1602 (August 2000), LR 26:1996, 1999, 2001 (September 2000), LR 26:2268 (October 2000), LR 26:2753 (December 2000), LR 27:36 (January 2001), LR 27:702 (May 2001), LR 27:1219, 1219 (August 2001), repromulgated LR 27:1850 (November 2001), amended LR 28:772 (April 2002), LR 28:2330, 2332 (November 2002), LR 29:125 (February 2003), LR 29:2372 (November 2003), LR 30:1162 (June 2004), LR 30:1471 (July 2004), LR 30:2019 (September 2004), LR 31:37 (January 2005), LR 31:2213 (September 2005), LR 31:3112 (December 2005), LR 33:435 (March 2007).

§705. Maintaining Eligibility

A. - D. ...

E. Natural Disaster Maintaining Eligibility Requirements

1. To continue receiving the TOPS Opportunity, Performance or Honors Awards, a displaced student must meet all of the criteria in §705.A–D above, except as follows.

a. The TOPS award of a displaced student who enrolls for the first-time as a full time student in an eligible out-of-state college or university during the 2005-2006 academic year (college) and subsequently enrolls at a Louisiana eligible college or university shall not be reduced due to enrollment in an eligible out-of-state institution during the 2005-2006 academic year (college).

b. The TOPS award of a displaced student who has been enrolled in a Louisiana eligible college or university and who subsequently enrolls as a full time student in an eligible out-of-state institution during the 2005-2006 academic year (college) shall not be cancelled due to such out-of-state enrollment.

c. The TOPS award of a displaced student who has been enrolled in a Louisiana eligible college or university and who subsequently enrolls as a full time student in an eligible out-of-state institution during the 2005-2006 academic year (college) shall not be reduced for those semesters or terms such displaced student was enrolled in an eligible out-of-state institution during the 2005-2006 academic year (college).

d. The period of suspension of a TOPS award for a displaced student due to the student not meeting a requirement to maintain a minimum grade point average or to make steady academic progress shall be extended on a one-for-one basis for each semester or term in which the student does not enroll on a full-time basis in an eligible college or university during the 2005-2006 academic year (college).

2. For the purposes of this Subsection, *displaced student* means:

a. a student who on August 26, 2005:

i. was enrolled in one of the following institutions:

- (a). Delgado Community College;
- (b). Dillard University;
- (c). Louisiana State University Health Sciences Center at New Orleans;
- (e). Louisiana Technical College: Jefferson, Sidney N. Collier, Slidell, Sullivan, and West Jefferson campuses;
- (f). Loyola University;
- (g). New Orleans Baptist Theological Seminary;
- (h). Nunez Community College;
- (i). Our Lady of Holy Cross College;
- (j). St. Joseph Seminary College;
- (k). Southern University at New Orleans;
- (l). Tulane University;
- (m). University of New Orleans;
- (n). Xavier University; or

ii. had a home of record in Jefferson, Lafourche, Orleans, Plaquemines, St. Bernard, St. Tammany, Tangipahoa, or Washington Parish; or

b. a student who on September 20, 2005:

i. was enrolled in one of the following institutions:

- (a). McNeese State University;
- (b). SOWELA Technical Community College; or

ii. had a home of record in Acadia, Allen, Beauregard, Calcasieu, Cameron, Iberia, Jefferson Davis, St. Mary, Terrebonne, or Vermilion Parish.

3. For the purposes of this Subsection, *home of record* for a dependent student shall mean the domiciliary address of the student's parent or court-ordered custodian and for an independent student shall mean the domiciliary address of such student.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:3021-3025, and R.S. 17:3048.1.

HISTORICAL NOTE: Promulgated by the Student Financial Assistance Commission, Office of Student Financial Assistance, LR 22:338 (May 1996), repromulgated LR 24:637 (April 1998), amended LR 24:1904 (October 1998), LR 25:257 (February 1999), LR 25:656 (April 1999), LR 25:1091 (June 1999), LR 26:67 (January 2000), LR 26:688 (April 2000), LR 26:1996, 2001 (September 2000), repromulgated LR 27:1853 (November 2001), amended LR 28:447 (March 2002), LR 28:772 (April 2002), LR 28:2332 (November 2002), LR 29:2373 (November 2003), LR 30:781 (April 2004), LR 30:1163 (June 2004), LR 30:2019 (September 2004), LR 31:3115 (December 2005), LR 33:437 (March 2007).

Chapter 8. TOPS-TECH Award

§803. Establishing Eligibility

A. - A.10 ...

B. Natural Disaster Initial Eligibility Requirements

1. To establish eligibility for a TOPS Tech Award, a displaced student graduating from high school or completing a BESE approved home study program at the 12th grade level during the 2005-2006 academic year (high school) must meet all of the requirements of §803.A above, except as follows.

a. A displaced student who has been certified by the principal or headmaster to have graduated during the 2005-2006 school year from an out-of-state high school that meets the criteria of an eligible out-of-state high school as provided in §1701.A.4 and 5 shall not be required to have a higher minimum composite score on the ACT or on the Scholastic Aptitude Test than required for a student who graduates from an eligible Louisiana high school provided such student has a cumulative high school grade point average on all courses on the high school transcript of at least 2.50 calculated on a 4.00 scale.

b. The requirement that a student who graduates from an eligible Louisiana high school during the 2005-2006 school year must have successfully completed the applicable core curriculum shall be waived for a displaced student based upon a sworn affidavit by the student's high school principal or headmaster or authorized designee that failure to comply with such requirement is due solely to the fact that the required course or courses were not available to the student at the school attended.

c. A displaced student shall be deemed to meet the Louisiana residency requirement if:

i. such dependent or independent student actually resided in Louisiana during his entire 11th grade year of high school and was enrolled for such time in an eligible Louisiana high school; or

ii. such dependent student has a parent or court-ordered custodian who actually resided in a parish listed in §803.B.2.a below for at least the 12 months prior to August 26, 2005, or in a parish listed in §803.B.2.b below for at least the 12 months prior to September 20, 2005.

d. A dependent student who graduated from an eligible out-of-state high school shall be deemed to meet the Louisiana residency requirement if his parent or court-ordered custodian was displaced as a resident from a parish listed:

i. in §803.B.2.a below due to Hurricane Katrina and such parent or court-ordered custodian actually resided in Louisiana for at least the 12 months prior to August 26, 2005; or

ii. in §803.B.2.b below due to Hurricane Rita and such parent or court-ordered custodian actually resided in Louisiana for at least the 12 months prior to September 20, 2005.

e. A displaced student who during the 2005-2006 academic year (high school) successfully completes at the 12th grade level a home study program approved by the State Board of Elementary and Secondary Education shall not be required to have also completed the 11th grade level of an approved home study course.

2. For the purposes of this Subsection, *displaced student* means:

a. a student who on August 26, 2005, was actually residing in Jefferson, Lafourche, Orleans, Plaquemines, St. Bernard, St. Tammany, Tangipahoa, or Washington Parish and:

i. was enrolled in an eligible Louisiana high school as provided in §1701.A.1, 2 and 3; or

ii. was enrolled in a home study program approved by the State Board of Elementary and Secondary Education; or

b. A student who on September 20, 2005, was actually residing in Acadia, Allen, Beauregard, Calcasieu, Cameron, Iberia, Jefferson Davis, St. Mary, Terrebonne, or Vermilion Parish and:

i. was enrolled in an eligible Louisiana high school as provided in §1701.A.1, 2 and 3; or

ii. was enrolled in a home study program approved by the State Board of Elementary and Secondary Education.

3. To establish eligibility for a TOPS Tech Award, a displaced student graduating from an eligible Louisiana high school or completing a BESE approved home study program at the 12th grade level during the 2006-2007 academic year (high school) must meet all of the requirements of §803.A above, except as follows:

a. The requirement that a student who graduates from an eligible Louisiana high school during the 2006-2007 school year must have successfully completed the applicable core curriculum shall be waived for a displaced student based upon a sworn affidavit by the student's high school principal or headmaster or authorized designee that failure to comply with such requirement is due solely to the fact that the required course or courses were not available to the student at the school attended.

b. A displaced student shall be deemed to meet the Louisiana residency requirement if:

i. such dependent or independent student actually resided in Louisiana during his entire 10th grade year of high school and was enrolled for such time in an eligible Louisiana high school; or

ii. such dependent student has a parent or court-ordered custodian who actually resided in a parish listed in §803.B.2.a above for at least the 12 months prior to August 26, 2005, or in a parish listed in §803.B.2.b above for at least the 12 months prior to September 20, 2005.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:3021-3025, and R.S. 17:3048.1.

HISTORICAL NOTE: Promulgated by the Student Financial Assistance Commission, Office of Student Financial Assistance, LR 24:1904 (October 1998), amended LR 24:2237 (December 1998), LR 25:1795 (October 1999), LR 26:65, 67 (January 2000), LR 26:1602 (August 2000), LR 26:1997 (September 2000), LR 26:2269 (October 2000), LR 26:2754 (December 2000), LR 27:36 (January 2001), LR 27:1220 (August 2001), repromulgated LR 27:1854 (November 2001), amended LR 28:447 (March 2002), LR 28:773 (April 2002), LR 28:2330 (November 2002), LR 29:554 (April 2003), LR 30:1164 (June 2004), LR 30:2019 (September 2004), LR 31:39 (January 2005), LR 31:3114 (December 2005), LR 33:437 (March 2007).

§805. Maintaining Eligibility

A. - C. ...

D. Natural Disaster Maintaining Eligibility Requirements

1. To continue receiving the TOPS Tech Award, a displaced student must meet all of the criteria in §805.A-C above, except as follows.

a. The TOPS Tech Award of a displaced student who has been enrolled in a Louisiana eligible college or university and who subsequently enrolls as a full time student in an eligible out-of-state institution during the 2005-2006 program year (non-academic program) shall not be cancelled due to such out-of-state enrollment.

b. The TOPS Tech Award of a displaced student who has been enrolled in a Louisiana eligible college or university and who subsequently enrolls as a full time student in an eligible out-of-state institution during the 2005-2006 program year (non-academic program) shall not be reduced for those semesters or terms such displaced student was enrolled in an eligible out-of-state institution during the 2005-2006 program year (non-academic program).

c. The period of suspension of a TOPS Tech Award for a displaced student due to the student not meeting a requirement to maintain a minimum grade point average or to make steady academic progress shall be extended on a one-for-one basis for each semester or other term in which the student does not enroll on a full-time basis in an eligible college or university during the 2005-2006 program year (non-academic program).

d. A TOPS Tech Award may be used by a displaced student during the 2005-2006 academic year (college) to enroll on a full-time basis in an academic program at a Louisiana eligible college or university to take courses that contribute to the pursuit of a skill or occupation. In such case, the award amount shall be at the same as the opportunity award for that institution.

2. For the purposes of this Subsection, *displaced student* means:

- a. a student who on August 26, 2005:
 - i. was enrolled in one of the following institutions:

- (a). Delgado Community College;
- (b). Dillard University;
- (c). Louisiana State University Health Sciences Center at New Orleans;
- (e). Louisiana Technical College: Jefferson, Sidney N. Collier, Slidell, Sullivan, and West Jefferson campuses;
- (f). Loyola University;
- (g). New Orleans Baptist Theological Seminary;
- (h). Nunez Community College;
- (i). Our Lady of Holy Cross College;
- (j). St. Joseph Seminary College;
- (k). Southern University at New Orleans;
- (l). Tulane University;
- (m). University of New Orleans;
- (n). Xavier University; or

- ii. had a home of record in Jefferson, Lafourche, Orleans, Plaquemines, St. Bernard, St. Tammany, Tangipahoa, or Washington Parish; or

- b. a student who on September 20, 2005:
 - i. was enrolled in one of the following institutions:

- (a). McNeese State University;
- (b). Sowela Technical Community College; or
- ii. had a home of record in Acadia, Allen, Beauregard, Calcasieu, Cameron, Iberia, Jefferson Davis, St. Mary, Terrebonne, or Vermilion Parish.

3. For the purposes of this Subsection, *home of record* for a dependent student shall mean the domiciliary address of the student's parent or court-ordered custodian and for an independent student shall mean the domiciliary address of such student.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:3021-3025, and R.S. 17:3048.1.

HISTORICAL NOTE: Promulgated by the Student Financial Assistance Commission, Office of Student Financial Assistance, LR 24:1905 (October 1998), amended LR 25:1091 (June 1999), LR 26:68 (January 2000), LR 26:689 (April 2000), LR 26:1997, 2002 (September 2000), repromulgated LR 27:1856 (November 2001), amended LR 28:774 (April 2002), LR 28:2332 (November 2002), LR 29:880 (June 2003), LR 29:2373 (November 2003), LR 30:781 (April 2004), LR 30:1165 (June 2004), LR 30:2019 (September 2004), LR 31:3115 (December 2005), LR 33:438 (March 2007).

George Badge Eldredge
General Counsel

0703#088

RULE

Student Financial Assistance Commission Office of Student Financial Assistance

Scholarship/Grant Programs—TOPS
(LAC 28:IV.101, 301, 503, 1301, 2103, 2105, 2109, 2303)

The Louisiana Student Financial Assistance Commission (LASFAC) has amended its Scholarship/Grant Rules (R.S.

17:3021-3025, R.S. 3041.10-3041.15, R.S. 17:3042.1, and R.S. 17:3048.1). (SG0779R)

Title 28

EDUCATION

Part IV. Student Financial Assistance—Higher Education Scholarship and Grant Programs

Chapter 1. Scope

§101. Introduction

A. ...

B. Agency's Mission Statement. The mission of LOSFA is to administer the federal and state student aid programs that are assigned to the Louisiana Student Financial Assistance Commission.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:3021-3036.

HISTORICAL NOTE: Promulgated by the Student Financial Assistance Commission, Office of Student Financial Assistance, LR 22:338 (May 1996), repromulgated LR 24:632 (April 1998), amended LR 24:1897 (October 1998), LR 27:1841 (November 2001), LR 33:439 (March 2007).

Chapter 3. Definitions

§301. Definitions

A. Words and terms not otherwise defined in these rules shall have the meanings ascribed to such words and terms in this Section. Where the masculine is used in these rules, it includes the feminine, and vice versa; where the singular is used, it includes the plural, and vice versa.

Eligible Noncitizen—an individual who can provide documentation from the U. S. Citizenship and Immigration Services (USCIS) or its successor that he is in the U.S. for other than a temporary purpose with the intention of becoming a citizen or permanent resident, including, but not limited to, refugees, persons granted asylum, Cuban-Haitian entrants, temporary residents under the recent Immigration Reform and Control Act of 1986, and others. A permanent resident of the United States must provide documentation from the USCIS to verify permanent residency. For 1997, 1998 and 1999 high school graduates, an eligible noncitizen shall be treated as meeting the citizenship requirements for an award under this Part.

Qualified Summer Session—those summer sessions (includes terms and semesters conducted during the summer) for which the student's institution certifies that:

- a. the summer session is required in the student's degree program for graduation and the student enrolled for at least the minimum number of hours required for the degree program for the session; or

- b. the student can complete his program's graduation requirements in the summer session; or

- c. the course(s) taken during the summer session is required for graduation in the program in which the student is enrolled and is only offered during the summer session; or

- d. the course(s) taken during the summer session is in a program for a vocational or technical education certificate or diploma or a non-academic undergraduate degree; or

- e. for the summer of 2006 only, the student is a displaced student as identified in §2103.G.1 of these rules, whose TOPS award was not paid for one or more semesters during the 2005-2006 academic year.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:3021-3025, R.S. 17:3042.1 and R.S. 17:3048.1.

HISTORICAL NOTE: Promulgated by the Student Financial Assistance Commission, Office of Student Financial Assistance, LR 22:338 (May 1996), repromulgated LR 24:632 (April 1998), amended LR 24:1898 (October 1998), LR 24:2237 (December 1998), LR 25:256 (February 1999), LR 25:654 (April 1999), LR 25:1458, 1460 (August 1999), LR 25:1794 (October 1999), LR 26:65 (January 2000), LR 26:688 (April 2000), LR 26:1262 (June 2000), LR 26:1601 (August 2000), LR 26:1993, 1999 (September 2000), LR 26:2268 (October 2000), LR 26:2752 (December 2000), LR 27:36 (January 2001), LR 27:284 (March 2001), LR 27:1219 (August 2001), repromulgated LR 27:1842 (November 2001), amended LR 27:1875 (November 2001), LR 28:45 (January 2002), LR 28:446 (March 2002), LR 28:772 (April 2002), LR 28:2330, 2331 (November 2002), LR 29:555 (April 2003), LR 29:879 (June 2003), LR 30:1159 (June 2004), LR 30:2015 (September 2004), LR 31:36 (January 2005), LR 31:3112 (December 2005), LR 33:86 (January 2007), LR 33:439 (March 2007).

Chapter 5. Applications, Federal Grant Aid and ACT Test

§503. Application Deadlines for High School Graduates of 2003 and Earlier

A. - B.2. ...

3. Returning Students

a. Notwithstanding the deadline established by §503.B.1 above, returning students, who graduated from high school during the 2001-2002 academic year (high school) and who enroll in an eligible college or university in the spring semester of 2003, must submit the FAFSA to be received by the federal processor no later than July 1, 2004.

b. Notwithstanding the deadline established by §503.B.1 above, returning students, who enroll in an eligible college or university in the fall semester of 2003 or later, must submit the FAFSA to be received by the federal processor no later than July 1 following the first semester of enrollment.

c. Examples:

i. A student who seeks to enroll in an eligible college or university for the spring semester of 2004 must submit his FAFSA to be received by the federal processor no later than July 1, 2004.

ii. A student who seeks to enroll in an eligible college or university for the fall semester of 2004 must submit his FAFSA to be received by the federal processor no later than July 1, 2005.

C. - E. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:3021-3036, R.S. 17:3042.1 and R.S. 17:3048.1.

HISTORICAL NOTE: Promulgated by the Student Financial Assistance Commission, Office of Student Financial Assistance, LR 22:338 (May 1996), repromulgated LR 24:635 (April 1998), amended LR 24:1900 (October 1998), LR 25:655 (April 1999), LR 25:2396 (December 1999), LR 26:1994 (September 2000), repromulgated LR 27:1847 (November 2001), amended LR 28:447 (March 2002), LR 28:1760 (August 2002), LR 29:554 (April 2003), LR 30:1471 (July 2004), LR 30:2016 (September 2004), LR 33:440 (March 2007).

Chapter 13. Leveraging Educational Assistance Partnership (LEAP)

§1301. General Provisions

A. - D. ...

E.1. Allocation of Funds. Annually, funds are allocated to post-secondary institutions based on school type, the school's prior year first-time, full-time enrollment and the

amount of the prior year's allocation that was expended. Initial funds, for first-time recipients, are computed as a percentage of all participating institutions first-time, full-time enrollment as of October 10 of the prior fiscal year. A student's enrollment in an undergraduate degree granting school which is a component of a state supported medical center, shall be a first-time, full-time freshman for the purpose of this program. Continuation funds for students who had previously received LEAP are computed as a percentage of the allocated funds used during the previous year. The continuation formula applies 60 percent for four-year schools and 40 percent for two-year schools.

2. For the 2006-2007 academic year (college), the allocations described in E.1 above shall be made to postsecondary institutions based on 2004-2005 academic year (college) formula data.

F. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:3021-3036.

HISTORICAL NOTE: Promulgated by the Student Financial Assistance Commission, Office of Student Financial Assistance, LR 22:338 (May 1996), repromulgated LR 24:641 (April 1998), amended LR 24:1910 (October 1998), LR 25:1458 (August 1999), repromulgated LR 27:1860 (November 2001), amended LR 28:2332 (November 2002), LR 32:2239 (December 2006), LR 33:440 (March 2007).

Chapter 21. Miscellaneous Provisions and Exceptions

§2103. Circumstances Warranting Exception to the Initial and Continuous Enrollment Requirements

A. - D.3. ...

E. Qualifying Exceptions to the Initial and Continuous Enrollment Requirement. A student who has been declared ineligible for TOPS, TOPS-Tech, TOPS Teacher, the Rockefeller State Wildlife Scholarship or the Louisiana GO Youth Challenge Program because of failure to meet the initial or continuous enrollment requirements may request reinstatement in that program based on one or more of the following exceptions.

1. Parental Leave

E.1.a. - F. ...

G. Natural Disaster Exceptions

1. For the purposes of this Subsection, *displaced students* are TOPS recipients and students eligible for TOPS and:

a. on August 26, 2005:

i. were enrolled at one of the following eligible college or university campuses:

- (a) University of New Orleans;
- (b) Dillard University;
- (c) Delgado Community College;
- (d) Nunez Community College;
- (e) Louisiana State University Health Sciences Center at New Orleans;
- (f) Southern University at New Orleans;
- (g) Loyola University;
- (h) New Orleans Baptist Theological Seminary;
- (i) Our Lady of Holy Cross College;
- (j) Tulane University;
- (k) Xavier University;
- (l) St. Josephs Seminary College; or
- (m) Louisiana Technical College:
 - (i) Jefferson Campus;

- (ii). Sidney N. Collier Campus;
- (iii). Slidell Campus;
- (iv). Sullivan Campus;
- (v). West Jefferson Campus; or
- ii. whose home of record was one of the following Louisiana parishes:
 - (a). Jefferson;
 - (b). Lafourche;
 - (c). Orleans;
 - (d). Plaquemine;
 - (e). St. Bernard;
 - (f). St. Tammany;
 - (g). Tangipahoa; or
 - (h). Washington; or
- b. on September 23, 2005:
 - i. were enrolled at one of the following eligible college or university campuses:
 - (a). SOWELA Technical Community College;
 - (b). Louisiana Technical College:
 - (i). Gulf Area Campus;
 - (ii). Morgan Smith Campus;
 - (iii). Lamar Salter Campus;
 - (iv). Oakdale Campus; or
 - (v). Sabine Valley Campus; or
 - ii. whose home of record was one of the following Louisiana parishes:
 - (a). Acadia;
 - (b). Allen;
 - (c). Beauregard;
 - (d). Calcasieu;
 - (e). Cameron;
 - (f). Iberia;
 - (g). Jefferson Davis;
 - (h). Lafayette;
 - (i). St. Mary;
 - (j). Terrebonne; or
 - (k). Vermilion.

2. For the purposes of this Subsection, *home of record* is:

- a. the domiciliary address of a dependent student's parent or court ordered custodian; or
- b. the domiciliary address of an independent student.

3. For the purposes of this subsection, natural disaster is limited to Hurricane Katrina and/or Hurricane Rita.

4.a. For the 2005-2006 academic year (college), displaced students are not required to enroll as full time students, to maintain continuous enrollment or to earn at least 24 hours during the 2005-2006 academic year (college).

b. Displaced students may enroll on a part-time basis in an eligible college or university without losing TOPS eligibility. Upon request by the student, the eligible college or university may bill for these part-time students.

c. The terms of eligibility for a displaced student whose part-time enrollment is paid by TOPS will be reduced by one full semester (term) for each semester (term) (part or full-time) paid.

d. Institutions must document the displaced student's request for part-time payment of the award.

e. If a displaced student enrolls in an eligible college or university during the 2005-2006 academic year

(college) and receives grades, those grades will be included in calculating the student's cumulative grade point average.

5.a. For the 2005-2006 academic year (college), students who are not displaced students, but due to the effects of a natural disaster were unable to enroll for the first time as full time students by the deadline or to enroll as full time students or to maintain continuous enrollment or to earn at least 24 hours during the academic year (college), may submit a request for an exception in accordance with §2103.D, based on one of the circumstances listed in §2103.E, or in accordance with the following procedures for the circumstances described in this Subsection.

i. The student should file the application for exception as soon as it is known that the student will not meet one or more of the continuing eligibility requirements to ensure the earliest reinstatement of the award. The student must submit the application for exception no later than six months after the date of the notice of cancellation. The deadline for filing the exception shall be prominently displayed on the notice of cancellation. If the applicant for an exception is a dependent student, a parent or court ordered custodian of the dependent student may submit the application for exception on behalf of the applicant.

ii. If determined eligible for an exception, the recipient will be reinstated if he or she enrolls in the first fall, winter or spring semester or term immediately following the exception ending date.

b. Natural Disaster Exception (for other than displaced students)

i. Definition. The effects of a natural disaster prevented the student/recipient from enrolling as a full time student or continuing enrollment or earning 24 hours during the 2005-2006 academic year (college).

ii. Certification Requirements. The student/recipient must submit:

- (a). a completed exception request form; and
- (b). a written statement detailing the natural disaster's impact on the student and/or the student's immediate family (mother, father, custodian, siblings and/or spouse and children), which prevented the student from meeting the continuation requirements, including the length of the impact; and
- (c). documentation corroborating the student's statement (examples: photographs of damage; insurance, FEMA, fire and/or police reports; statements from public officials; statements from family members or other persons with actual knowledge; receipts and invoices for work done and materials purchased).

iii. Maximum Length of Exception. Up to two consecutive semesters (three consecutive quarters).

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:3021-3025, R.S. 17:3042.1, R.S. 17:3048.1 and R.S. 17:3050.1-3050.4.

HISTORICAL NOTE: Promulgated by the Student Financial Assistance Commission, Office of Student Financial Assistance, LR 22:338 (May 1996), amended LR 23:1648 (December 1997), repromulgated LR 24:647 (April 1998), amended LR 24:1916 (October 1998), LR 26:1015 (May 2000), LR 26:2002 (September 2000), LR 27:36 (January 2001), repromulgated LR 27:1866 (November 2001), amended LR 27:1875 (November 2001), LR 28:46 (January 2002), LR 28:449 (March 2002), LR 28:775 (April 2002), LR 28:2330, 2333 (November 2002), LR 29:126 (February 2003), LR 29:2373, 2373 (November 2003), LR 30:785 (April

2004), LR 30:1167 (June 2004), LR 31:1060 (May 2005), LR 33:440 (March 2007).

§2105. Repayment Obligation, Deferment, Cancellation and Reduced Payments

A. - B.8.b. ...

9. Natural Disaster Deferments

a. For the purposes of this Subsection, *displaced students* are recipients of the Rockefeller State Wildlife Scholarship or TOPS Teacher Award who are in repayment status and:

i. on August 26, 2005, whose home of record was one of the following Louisiana parishes:

- (a). Jefferson;
- (b). Lafourche;
- (c). Orleans;
- (d). Plaquemine;
- (e). St. Bernard;
- (f). St. Tammany;
- (g). Tangipahoa; or
- (h). Washington; or

ii. on September 23, 2005, whose home of record was one of the following Louisiana parishes:

- (a). Acadia;
- (b). Allen;
- (c). Beauregard;
- (d). Calcasieu;
- (e). Cameron;
- (f). Iberia;
- (g). Jefferson Davis;
- (h). Lafayette;
- (i). St. Mary;
- (j). Terrebonne; or
- (k). Vermilion.

b. For the purposes of this Subsection, *home of record* is:

i. the domiciliary address of a dependent student's parent or court ordered custodian; or

ii. the domiciliary address of an independent student.

c. For the purposes of this Subsection, natural disaster is limited to Hurricane Katrina and/or Hurricane Rita.

d. The loan payments for displaced students are deferred and accrual of interest is suspended from August 26, 2005 through August 31, 2006.

e. For the period of August 26, 2005 through August 31, 2006, recipients of the Rockefeller State Wildlife Scholarship or TOPS Teacher Award who are in repayment status and who are not displaced students, but who are unable to repay their loan during the academic year (college) due to the effects of a natural disaster, may submit a request for deferment of payments and suspension of accrual of interest in accordance with §2105.D, based on one of the circumstances listed in §2103.B.1 through 8 or the following circumstance.

i. The effects of a natural disaster prevented the student/recipient from making payments during the period of August 26, 2005, through August 31, 2006.

ii. Certification Requirements. The student/recipient must submit:

(a). a completed exception request form; and

(b). a written statement detailing the natural disaster's impact on the student and/or the student's immediate family (mother, father, custodian, siblings and/or spouse and children), which prevented the student from meeting the repayment requirements, including the length of the impact; and

(c). documentation corroborating the student's statement (examples: photographs of damage; insurance, FEMA, fire and/or police reports; statements from public officials; statements from family members or other persons with actual knowledge; receipts and invoices for work done and materials purchased).

iii. Maximum Length of Exception. Through August 31, 2006.

C. - H.2. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:3021-3036, R.S. 17:3042.1 and R.S. 17:3048.1.

HISTORICAL NOTE: Promulgated by the Student Financial Assistance Commission, Office of Student Financial Assistance, LR 24:649 (April 1998), amended LR 24:1918 (October 1998), LR 26:1603 (August 2000), repromulgated LR 27:1868 (November 2001), amended LR 28:775 (April 2002), LR 30:781 (April 2004), LR 30:1167, 1168 (June 2004), LR 33:442 (March 2007).

§2109. Agency Decisions Subject to Appeal

A. - C.3. ...

4. The petition of appeal must be addressed to the Louisiana Student Financial Assistance Commission, in care of the Executive Director, Office of Student Financial Assistance and sent to Box 91202, Baton Rouge, LA 70821-9202, or hand delivered to 1885 Wooddale Boulevard, Wooddale Tower, Room 602, Baton Rouge, LA.

C.5. - D.1. ...

2. If LOSFA's decision remains adverse, LOSFA will prepare and forward the appellate's file (including the petition of appeal, the original request for reinstatement, LOSFA records relating to the appeal, and a written statement of LOSFA's position regarding the appeal) to the rules committee of the commission.

3. If the petition of appeal contains the appellant's request to make an oral presentation or argument, LOSFA shall notify the appellant in sufficient time to permit the appellant to be present when the appeal is scheduled to be heard by the rules committee and the commission.

4. Pending a final decision by the commission, no further action will be taken in the matter by LOSFA.

5. The rules committee will review the appellate file and make one of the following recommendations to the commission:

- a. recommend that LOSFA's decision be upheld; or
- b. recommend that LOSFA's decision be reversed;

or

c. remand the appellate file to LOSFA for further specified action(s); or

d. remand the appellate file to the commission without recommendation.

6. The rules committee will forward the appellate file and its recommendation to the commission. The commission will review the recommendations of the committee and the appellate file.

D.7. - 9. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:3021-3036, R.S. 17:3042.1 and R.S. 17:3048.1.

HISTORICAL NOTE: Promulgated by the Student Financial Assistance Commission, Office of Student Financial Assistance, LR 22:338 (May 1996), repromulgated LR 24:650 (April 1998), amended LR 24:1920 (October 1998), LR 26:1261 (June 2000), repromulgated LR 27:1870 (November 2001), amended LR 28:2333 (November 2002), LR 33:442 (March 2007).

Chapter 23. Tuition Payment Program for Medical School Students

§2303. Establishing Eligibility

A. - A.5. ...

6. complete and submit such other documentary evidence as may be required by LASFAC within the deadline specified; and

7. not have a criminal conviction, except for misdemeanor traffic violations; and

8. agree that the award will be used exclusively for educational expenses.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:3041.10-3041.15.

HISTORICAL NOTE: Promulgated by the Student Financial Assistance Commission, Office of Student Financial Assistance, LR 25:1461 (August 1999) amended LR 25:2177 (November 1999), LR 26:2754 (December 2000), LR 27:1220 (August 2001), repromulgated LR 27:1872 (November 2001), amended LR 28:777 (April 2002), LR 28:2333 (November 2002), LR 31:40 (January 2005), LR 33:443 (March 2007).

George Badge Eldredge
General Counsel

0703#090

RULE

**Student Financial Assistance Commission
Office of Student Financial Assistance**

START Savings Program
(LAC 28:VI.107, 301, 309 and 311)

The Louisiana Tuition Trust Authority has amended its START Savings Program (R.S. 17:3091 et seq.) Rules. (ST0778R)

Title 28

EDUCATION

Part VI. Student Financial Assistance—Higher Education Savings

Chapter 1. General Provisions

Subchapter A. Tuition Trust Authority

§107. Applicable Definitions

A. Words and terms not otherwise defined in these rules shall have the meanings ascribed to such words and terms in this Section. Where the masculine is used in these rules, it includes the feminine, and vice versa; where the singular is used, it includes the plural, and vice versa.

* * *

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

HISTORICAL NOTE: Promulgated by the Tuition Trust Authority, Office of Student Financial Assistance, LR 23:712 (June 1997), amended LR 24:1268 (July 1998), LR 25:1794 (October 1999), LR 26:2260 (October 2000), LR 27:37 (January 2001), LR 27:1222 (August 2001), LR 27:1876 (November 2001), LR 28:450 (March 2002), LR 28:777 (April 2002), LR 28:2334 (November 2002), LR 29:556 (April 2003), LR 30:786 (April 2004), LR 30:1169 (June 2004), LR 30:2302 (October 2004), LR 31:639 (March 2005), LR 32:1433 (August 2006), LR 32:2240 (December 2006), LR 33:443 (March 2007).

**Chapter 3. Education Savings Account
§301. Education Savings Accounts**

A. - E.2. ...

F. Citizenship Requirements. Both an account owner who is not a legal entity and the beneficiary must meet the following citizenship requirements:

1. be a United States citizen; or

2. be a permanent resident of the United States as defined by the U.S. Citizenship and Immigration Services (USCIS) or its successor and provide copies of USCIS documentation with the submission of the owner's agreement.

G. - G.2. ...

H. Providing Personal Information

1. The account owner is required to disclose personal information in the owner's agreement, including:

a. his Social Security Number;

b. the designated beneficiary's Social Security Number;

c. the beneficiary's date of birth;

d. the familial relationship between the account owner and the designated beneficiary, if any;

e. the account owner's prior year's federal adjusted gross income as reported to the Internal Revenue Service; and

f. in the case of an account owner classified under §303.A.5:

i. the Social Security Number of the beneficiary's family and authorization from that person for the LATTA to access his annual tax records through the Louisiana Department of Revenue, for the purpose of verifying federal adjusted gross income; and

ii. if applicable, proof that the beneficiary is a ward of the court; or

iii. if applicable, proof the beneficiary is eligible for a free lunch under the Richard B. Russell National School Act (42 USC 1751 et seq.).

2. ...

3. By signing the owner's agreement:

a. the account owner who is a natural person, other than a natural person classified as an account owner under §303.A.5, certifies that:

i. both account owner and beneficiary are United States citizens or permanent residents of the United States as defined by the U.S. Citizenship and Immigration Services (USCIS) or its successor and, if permanent residents have provided copies of USCIS documentation with the submission of the application and owner's agreement; and

ii. the information provided in the application is true and correct;

H.3.b. - J. ...

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

HISTORICAL NOTE: Promulgated by the Tuition Trust Authority, Office of Student Financial Assistance, LR 23:713 (June 1997), amended LR 24:436 (March 1998), LR 24:1269 (July 1998), LR 25:1794 (October 1999), LR 26:2262 (October 2000), LR 27:1878 (November 2001), LR 28:450 (March 2002), LR 28:778 (April 2002), LR 28:2334 (November 2002), LR 30:786 (April 2004), LR 33:443 (March 2007).

§309. Disbursement of Account Funds for Payment of Qualified Higher Education Expenses of a Beneficiary

A. - D.3. ...

E. Receipt of Scholarships

1. If the designated beneficiary of an education savings account is the recipient of a scholarship, waiver of tuition, or similar subvention which cannot be converted into money by the beneficiary, the account owner or beneficiary may request a refund from the education savings account in the amount equal to the value of the scholarship, waiver or similar subvention up to the balance of principal and interest in the account.

E.2. - G. ...

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

HISTORICAL NOTE: Promulgated by the Tuition Trust Authority, Office of Student Financial Assistance, LR 23:716 (June 1997), amended LR 24:1272 (July 1998), LR 24:2238 (December 1998), LR 26:2265 (October 2000), LR 27:1881 (November 2001), LR 30:789 (April 2004), LR 30:1169 (June 2004), LR 32:1433 (August 2006), LR 33:444 (March 2007).

§311. Termination and Refund of an Education Savings Account

A. - G. ...

H. Refund Payments. Payment of refunds for voluntary termination under §311.F or partial refunds of accounts pursuant to §311.F.3 shall be made within 30 days of the date on which the account was terminated. The termination refund shall consist of the principal remaining in the account and interest remaining in the account accrued on the principal through the end of the last calendar year. Interest earned in excess of \$3 during the calendar year of termination will be refunded within 45 days of the date the state treasurer has announced the interest rate for the preceding year. Interest earned of \$3 or less during the calendar year of termination will be forfeited to the Louisiana Education and Tuition Savings Fund.

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

HISTORICAL NOTE: Promulgated by the Tuition Trust Authority, Office of Student Financial Assistance, LR 23:717 (June 1997), amended LR 24:1273 (July 1998), repromulgated LR 26:2265 (October 2000), amended LR 27:38 (January 2001), LR 27:1882 (November 2001), LR 28:779 (April 2002), LR 30:790 (April 2004), LR 31:639 (March 2005), LR 32:1434 (August 2006), LR 32:2240 (December 2006), LR 33:444 (March 2007).

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RULE

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

Bylaws—Committee Membership
(LAC 28:VII.101, 103 and 113)

The Louisiana Tuition Trust Authority has amended its bylaws (R.S. 17:3091 et seq.). (ST0781R)

**Title 28
EDUCATION**

Part VII. Tuition Trust Authority

Chapter 1. Bylaws

§101. Definitions and Authority

A. Words and terms not otherwise defined in these rules shall have the meanings ascribed to such words and terms in this Section. Where the masculine is used in these rules, it includes the feminine, and vice versa; where the singular is used, it includes the plural, and vice versa.

* * *

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:3093 et seq.

HISTORICAL NOTE: Promulgated by the Tuition Trust Authority, Office of Student Financial Assistance, LR 23:1653 (December 1997), amended LR 26:2269 (October 2000), LR 33:444 (March 2007).

§103. Meetings

A. - A.2. ...

3. Proxy voting shall be allowed at all meetings for the chairman of the State Board of Elementary and Secondary Education; Board of Supervisors, Louisiana State University; Board of Supervisors, Southern University; Board of Regents; Board of Supervisors, University of Louisiana System and Louisiana Association of Independent Colleges and Universities, or each of their designees; however, any proxy holder must also be a member of that respective board.

A.4. - D. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:3093 et seq.

HISTORICAL NOTE: Promulgated by the Tuition Trust Authority, Office of Student Financial Assistance, LR 23:1653 (December 1997), amended LR 26:2269 (October 2000), LR 33:444 (March 2007).

§113. Rights, Duties and Responsibilities of Executive Staff of the Authority

A. - B.6. ...

C. Delegation of Authority

1. In the absence of the executive director, the assistant executive director, as delegated by the executive director during his/her absences, will assume the duties of the executive director.

2. In the event both the executive director and the assistant executive director are absent, the executive director will appoint the most senior division director to assume the duties of the executive director.

D. - F. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:3093 et seq.

HISTORICAL NOTE: Promulgated by the Tuition Trust Authority, Office of Student Financial Assistance, LR 23:1656 (December 1997), amended LR 25:1092 (June 1999), LR 33:444 (March 2007).

George Badge Eldredge
General Counsel

0703#092

RULE

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

**BFI Colonial Landfill Delisting Petition
(LAC 33:V.4999)(HW091P)**

Under the authority of the Environmental Quality Act, R.S. 30:2001 et seq., and in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., the secretary has amended the Hazardous Waste regulations, LAC 33:V.4999.Appendix E (Log #HW091P).

BFI Waste Systems of Louisiana LLC, Colonial Landfill, petitions to exclude from the hazardous waste regulations (delist) leachate at the facility derived from the historical management of K169 - K172 wastes. BFI is a solid waste nonhazardous landfill. The wastes were accepted as nonhazardous solid waste prior to August 6, 1998, when EPA listed the four wastes as hazardous waste generated from petroleum refining operations. The delisting program is regulated by LAC 33:V.105. Applicants who wish to remove a waste from the list of hazardous wastes must submit a petition and satisfy all requirements of LAC 33:V.105. The exclusion, if granted, is for the specific waste at the specific facility. The department reviewed the BFI petition and found it satisfies the delisting requirements. The department used the Delisting Risk Assessment Software (DRAS) in the evaluation of the impact of the petitioned waste on human health and the environment. The delisting analytical data collected in accordance with the Delisting Sampling and Analysis Plan and the Quality Assurance Project Plan confirmed that Colonial Landfill leachate contains no hazardous characteristics of LAC 33:V.4903, nor any LAC 33:V.3105.Table 1 constituents at a concentration capable of posing a threat to human health or the environment. Based on the information in the petition and extensive testing, the department has determined that the petitioned waste can be delisted, as long as the operating conditions and results of future testing continue to support this determination. The basis and rationale for this rule are to grant the petition based on an evaluation of waste-specific information submitted by BFI Colonial Landfill.

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

Title 33

ENVIRONMENTAL QUALITY

**Part V. Hazardous Waste and Hazardous Materials
Subpart 1. Department of Environmental Quality—
Hazardous Waste**

Chapter 49. Lists of Hazardous Wastes

§4999. Appendices—Appendix A, B, C, D, and E

Appendix A. – Appendix D. ...

**Appendix E. Wastes Excluded under LAC 33:V.105.M
A. - B.3.b. ...**

Table 1 - Wastes Excluded
[See Prior Text in DuPont Dow Elastomers LLC, LaPlace, LA - Motiva Enterprises LLC, Norco, LA, (4)(B)]

Table 1 - Wastes Excluded
BFI Waste Systems of Louisiana LLC, Colonial Landfill, Sorrento, LA
The BFI Colonial Landfill is a nonhazardous solid waste landfill permitted to receive residential, commercial, and industrial nonhazardous solid waste. Landfill leachate, at a maximum annual generation rate of 36,000 cubic yards per year (approximately 7.2 million gallons per year), is generated as liquid leachate from the landfill. Effective August 6, 1998, the United States Environmental Protection Agency (USEPA) listed four waste streams as hazardous waste. The EPA Hazardous Waste Numbers of these wastes are: K169, K170, K171, and K172. BFI Colonial received these wastes as nonhazardous solid waste prior to August 6, 1998. For the purpose of this exclusion, landfill leachate resulting from petroleum refining operations includes EPA Hazardous Waste Numbers K169, K170, K171, and K172. The constituents of concern for these wastes are listed as arsenic; benzene; benzo(a)pyrene; dibenz(a,h)anthracene; benz(a)anthracene; benzo(b)fluoranthene; benzo(k)fluoranthene; 3-methylcholanthrene; and 7,12-dimethylbenz(a)anthracene (see LAC 33:V.4901). BFI Colonial must implement a testing and management program that meets the following conditions for the exclusion to be valid.
(1). Testing Sample collection and analyses, including quality control (QC) procedures, must be performed according to methods described in <i>Test Methods for Evaluating Solid Wastes, Physical/Chemical Methods, EPA Publication Number SW-846</i> , as incorporated by reference in LAC 33:V.110.
(1)(A). Inorganic Testing During the first 12 consecutive months of this exclusion, BFI Colonial must collect and analyze a monthly composite sample of the leachate. Composite samples must be composed of one grab sample from each of three different days during a representative week of operation. The monthly samples must be analyzed for the constituents listed in condition (3)(A) prior to disposal of the leachate. BFI Colonial must report to the department the unit operating conditions and analytical data (reported in milligrams per liter) for antimony, arsenic, barium, cadmium, chromium, cobalt, copper, lead, nickel, silver, thallium, tin, vanadium, and zinc, including quality control information. If the department and BFI Colonial concur that the analytical results obtained during the 12 monthly testing periods have been significantly below the delisting levels in condition (3)(A), then BFI Colonial may replace the inorganic testing required in condition (1)(A) with the inorganic testing required in condition (1)(B). Condition (1)(A) shall remain effective until this concurrence is reached.
(1)(B). Subsequent Inorganic Testing Following concurrence by the department, BFI Colonial may substitute the following testing conditions for those in condition (1)(A). BFI Colonial must continue to monitor operating conditions and analyze quarterly composite samples representative of normal operations. BFI Colonial must report to the department the unit operating conditions and analytical data (reported in milligrams per liter) for antimony, arsenic, barium, cadmium, chromium, cobalt, copper, lead, nickel, silver, thallium, tin, vanadium, and zinc, including quality control information. The samples must be composed of one grab sample from each of three different days during a representative week of operation, during the first month of each quarterly period. These quarterly representative composite samples must be analyzed for the constituents listed in condition (3)(A) prior to disposal of the leachate. If delisting levels for any inorganic constituents listed in condition (3)(A) are exceeded in any quarterly sample, BFI Colonial must re-institute testing as required in condition (1)(A). BFI Colonial may, at its discretion, analyze composite samples gathered more frequently to demonstrate that smaller batches of waste are nonhazardous.

<p>(1)(C). Organic Testing During the first 12 consecutive months of this exclusion, BFI Colonial must collect and analyze monthly one grab sample of the leachate. These monthly representative grab samples must be analyzed for the constituents listed in condition (3)(B) prior to disposal of the leachate. BFI Colonial must report to the department the landfill operating conditions and analytical data (reported in milligrams per liter) for acenaphthene; anthracene; benzene; bis (2-ethylhexyl) phthalate; 2-butanone; m, p-cresol; o-cresol; diethyl phthalate; ethylbenzene; 2-hexanone; methyl isobutyl ketone; 2-methylnaphthalene; naphthalene; phenanthrene; phenol; toluene; and total xylenes; including quality control information. If the department and BFI Colonial concur that the analytical results obtained during the 12 monthly testing periods have been significantly below the delisting levels in condition (3)(B), then BFI Colonial may replace the organic testing required in condition (1)(C) with the organic testing required in condition (1)(D). Condition (1)(C) shall remain effective until this concurrence is reached.</p>
<p>(1)(D). Subsequent Organic Testing Following concurrence by the department, BFI Colonial may substitute the following testing conditions for those in condition (1)(C). BFI Colonial must continue to monitor operating conditions and analyze one quarterly grab sample representative of normal operations. BFI Colonial must report to the department the landfill operating conditions and analytical data (reported in milligrams per liter) for acenaphthene; anthracene; benzene; bis (2-ethylhexyl) phthalate; 2-butanone; m, p-cresol; o-cresol; diethyl phthalate; ethylbenzene; 2-hexanone; methyl isobutyl ketone; 2-methylnaphthalene; naphthalene; phenanthrene; phenol; toluene; and total xylenes; including quality control information. This quarterly representative grab sample must be collected during the first month of each quarterly period and analyzed for the constituents listed in condition (3)(B) prior to disposal of the leachate. If delisting levels for any organic constituents listed in condition (3)(B) are exceeded in the quarterly sample, BFI Colonial must re-institute testing as required in condition (1)(C). BFI Colonial may, at its discretion, analyze grab samples gathered more frequently to demonstrate that smaller batches of waste are nonhazardous.</p>
<p>(2). Waste Holding and Handling BFI Colonial must treat the leachate as hazardous waste until the verification testing is completed, as specified in conditions (1)(A)-(1)(D), and the leachate has satisfied the delisting criteria, as specified in condition (3). If the levels of constituents in the samples of leachate are below all of the applicable levels set forth in condition (3), then the leachate thereby becomes nonhazardous solid waste and may be managed and disposed of in accordance with all applicable solid waste regulations. If hazardous constituent levels in any monthly composite or other representative sample equal or exceed any of the delisting levels set in condition (3), the leachate must be managed and disposed of in accordance with Subtitle C of RCRA until the leachate meets the delisting levels. BFI Colonial must repeat the analyses for the constituents listed in conditions (3)(A) and (3)(B) prior to disposal.</p>
<p>(3). Delisting Levels Concentrations in conditions (3)(A) and (3)(B) must be measured in the extract from the samples by the method specified in LAC 33:V.4903.E. All leachable concentrations in the extract must be less than the following levels (all units are milligrams per liter).</p>
<p>(3)(A). Inorganic Constituents (all units are milligrams per liter) Antimony—0.082; Arsenic—0.38; Barium—22.2; Cadmium—0.06; Chromium—0.50; Cobalt—27; Copper—0.50; Lead—0.50; Nickel—5.0; Silver—0.50; Thallium—0.34; Tin—225; Vanadium—8.38; Zinc—50.0.</p>
<p>(3)(B). Organic Constituents (all units are milligrams per liter) Acenaphthene—3.0; Anthracene—0.20; Benzene—0.018; Bis (2-ethylhexyl) phthalate—6.74; 2-Butanone—5.0; m, p-Cresol—7.88; o-Cresol—7.88; Diethyl phthalate—18.6; Ethylbenzene—8.4; 2-Hexanone—6.3; Methyl isobutyl ketone—5.0; 2-Methylnaphthalene—5.0; Naphthalene—0.96; Phenanthrene—1.0; Phenol—50.; Toluene—1.0; Xylenes (total)—1.0.</p>
<p>(4). Changes in Operating Conditions If BFI Colonial significantly changes the operating conditions specified in the petition, BFI Colonial must notify the department in writing. Following receipt of written approval by the department, BFI Colonial must re-institute the testing required in conditions (1)(A) and (1)(C) for a minimum of four consecutive months. BFI Colonial must report unit operating conditions and test data required by conditions (1)(A) and (1)(C), including quality control data, obtained during this period no later than 60 days after the changes take place. Following written notification by the department, BFI Colonial may replace testing conditions (1)(A) and (1)(C) with (1)(B) and (1)(D). BFI Colonial must fulfill all other requirements in condition (1).</p>

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

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, LR 20:1000 (September 1994), amended by the Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 21:944 (September 1995), LR 22:830 (September 1996), amended by the Office of Waste Services, Hazardous Waste Division, LR 23:952 (August 1997), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 25:2397 (December 1999), LR 26:2509 (November 2000), LR29:1084 (July 2003), repromulgated LR 29:1475 (August 2003), amended by the Office of Environmental Assessment, LR 30:2464 (November 2004), amended by the Office of the Secretary, Legal Affairs Division, LR 33:445 (March 2007).

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0703#017

RULE

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

**Exemption for Drums Storing Pyrophoric Catalyst
(LAC 33:III.2103)(AQ272)**

Under the authority of the Environmental Quality Act, R.S. 30:2001 et seq., and in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., the secretary has amended the Air regulations, LAC 33:III.2103 (Log #AQ272).

This Rule exempts drums storing pyrophoric catalyst at the Vistalon Production Facility of ExxonMobil Chemical Company Baton Rouge Chemical Plant from the submerged fill pipe provisions of LAC 33:III.2103.A. Existing drums are currently operating under Permit No. 2376-VO, issued April 4, 2006, and are identified as follows: EQT583, T-3304A - Catalyst Drum (VCD-107A), 9400 gallons; EQT584, T-3304B - Catalyst Drum (VCD-107B), 9400 gallons; EQT585, T-3304C - Catalyst Drum (VCD-107C), 4700 gallons; EQT586, T-3304D - Catalyst Drum (VCD-107D), 4700 gallons. The drums in question are used to store an alkyl catalyst that is very pyrophoric in nature; the material can spontaneously ignite if exposed to even trace levels of oxygen and moisture. It has been decided that these tanks do not qualify as pressure vessels because of the frequency at which they vent to the atmosphere (every 1 to 1.5 days). As such, they would normally be subject to the submerged fill pipe provisions of LAC 33:III.2103.A, which seeks to prevent vapor or gas loss to the atmosphere during filling operations. Any overpressure in a closed storage system fed through a submerged fill pipe could lead to materials backing up into and possibly overflowing delivery equipment or other upstream facilities, causing a dangerous condition in the case of this kind of catalyst. Therefore, the manufacturer of the catalyst has recommended that the material be transferred using a free-fall method. No increase in actual emissions above current levels will be authorized by this Rule. The basis and rationale for this Rule are to provide drums storing pyrophoric catalyst with an exemption from regulations with which strict conformity would create an unreasonable risk to public health, welfare, and safety.

Title 33
ENVIRONMENTAL QUALITY

Part III. Air

Chapter 21. Control of Emission of Organic Compounds

Subchapter A. General

§2103. Storage of Volatile Organic Compounds

A. - G.3. ...

4. JP-4 fuels stored in horizontal underground tanks;
5. with regard to the requirements of Paragraph C.1 of this Section, any storage tank that is used for less than two weeks in the calendar year, provided that the tank is empty and liquid-free when not in use; and
6. with regard to the submerged fill pipe provisions of Subsection A of this Section, tanks, drums, or other containers storing pyrophoric catalyst at the Vistalon Production Facility of ExxonMobil Chemical Company's Baton Rouge Chemical Plant.

H. - J. ...

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

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Nuclear Energy, Air Quality Division, LR 13:741 (December 1987), amended LR 15:1065 (December 1989), repromulgated LR 16:27 (January 1990), amended by the Office of Air Quality and Radiation Protection, Air Quality Division, LR 17:360 (April 1991), LR 18:1121 (October 1992), LR 20:1376 (December 1994), LR 21:1223 (November 1995), repromulgated LR 21:1333 (December 1995), amended LR 22:453 (June 1996), LR 22:1212 (December 1996), LR 24:20 (January 1998), LR 24:2242 (December 1998), LR 25:657 (April 1999), LR 25:852 (May 1999), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2452 (November 2000), LR 28:1763 (August 2002), LR 30:1671 (August 2004), amended by the Office of the Secretary, Legal Affairs Division, LR 31:2439 (October 2005), LR 33:447 (March 2007).

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0703#016

RULE

Department of Environmental Quality
Office of the Secretary
Legal Affairs Division

Immovable Property Environmental Reviews/No Further
Action (LAC 33:I.Chapter 12)(OS072)

Under the authority of the Environmental Quality Act, R.S. 30:2001 et seq., and in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., the secretary has adopted the Office of the Secretary regulations, LAC 33:I.Chapter 12 (Log #OS072).

This Rule was authorized by Act 778 of the 2006 Regular Session of the Louisiana Legislature. The Rule provides a procedure for and establishes a fee for reviews by the department of reports of environmental conditions at specified tracts of immovable property when such reports from site investigations are not required or requested by the department. Implementation of the fee will allow the department to recover costs of staff time and administrative processing of these requests. The basis and rationale for this

Rule are to implement the provisions of Act 778 of the 2006 Regular Session of the Louisiana Legislature.

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

Title 33
ENVIRONMENTAL QUALITY

Part I. Office of the Secretary

Subpart 1. Departmental Administrative Procedures
Chapter 12. Requests for Review of Environmental Conditions

§1201. Applicability and Scope

A. This Chapter applies to reviews by the department of reports of environmental conditions at specified tracts of immovable property when such reports from site investigations are not required or requested by the administrative authority.

B. Nothing herein shall be construed to diminish the responsibility of any person (e.g., owner, operator, employee, agent, contractor, or assign) having knowledge of the presence at any site of any hazardous substance, hazardous waste, hazardous waste constituent, or other pollutant or contaminant, to notify the department pursuant to LAC 33:I.Chapter 39. If additional information becomes available to indicate that the source of the release is a current discharge or a discharge that should have been reported, enforcement action may be taken.

AUTHORITY NOTE: Promulgated in accordance with R.S. 20:2001, et seq., and specifically 2011(D)(25).

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of the Secretary, Legal Affairs Division, LR 33:447 (March 2007).

§1203. Procedure for Submittal of Request

A. All requests for reviews by the department of reports of environmental conditions shall be accompanied by an initial \$1500 minimum fee. All payments shall be made by check, draft, or money order payable to the Department of Environmental Quality.

B. Contents of Request. An applicant requesting a review of environmental conditions for specific immovable property shall furnish the following information:

1. the agency interest number or a completed agency interest form from the department identifying the facility/agency interest;
2. the area of investigation, if different from the facility/agency interest location;
3. the basis for the request;
4. the purpose of the use of the property and the date-range of the use;
5. a brief description of activities that occurred on the property;
6. the future intended use of the property;
7. the types and results of investigations that have occurred, including the following information:
 - a. report dates;
 - b. the media investigated;
 - c. the constituents of concern (COC);
 - d. the maximum remaining concentration of the COC; and
 - e. the limiting RECAP standards for the COC;

8. any remedial standards previously developed for the property;

9. any remedial actions taken for the property; and

10. any other information requested by the administrative authority.

C. An applicant shall submit the request for review, in accordance with the requirements of Subsection B of this Section, in triplicate, with the initial minimum fee in Subsection A of this Section, to the administrator of the Office of Environmental Assessment, Remediation Services Division.

D. The administrative authority will issue the result of the review to the owner/operator of the facility and to the person requesting the review.

E. The administrative authority shall keep an accounting of time spent by the department civil service employee processing the review request. Every hour or portion thereof that the department civil service employee works processing the request shall be multiplied by the maximum per-hour overtime salary, including associated related benefits, of the department civil service employee who performed the work. If this amount exceeds the initial minimum fee charged pursuant to R.S. 30:2011(D)(25) and Subsection A of this Section, an additional fee shall be charged for the amount exceeding the initial minimum fee.

1. An invoice for the additional fee shall be transmitted to the person requesting the review after the review is complete.

2. Failure to pay the additional fee by the due date specified on the invoice will constitute a violation of these regulations and shall subject the person requesting the review to relevant enforcement action under the Louisiana Environmental Quality Act.

AUTHORITY NOTE: Promulgated in accordance with R.S. 20:2001, et seq., and specifically 2011(D)(25).

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of the Secretary, Legal Affairs Division, LR 33:447 (March 2007).

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0703#019

RULE

Department of Environmental Quality Office of the Secretary Legal Affairs Division

Miscellaneous Corrections
(LAC 33:XV.322, 399, and 607)(RP043ft)

Under the authority of the Environmental Quality Act, R.S. 30:2001 et seq., and in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., the secretary has amended the Radiation Protection regulations, LAC 33:XV.322, 399.Schedule B, and 607 (Log #RP043ft).

This proposed rule is identical to federal regulations found in 10 CFR 31.5, and SSRCR, 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 rule;

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

This rule will update the state radiation protection regulations to more closely reflect federal language. LAC 33:XV.322 is being updated to meet a compatibility designation under the agreement state programs. A footnote in Schedule B of LAC 33:XV.399 was inadvertently left out in previous rulemaking and is being corrected in this rule. LAC 33:XV.607 is being updated to more closely reflect current instrumentation used in intraoral dental radiographic systems. The reference to an "open ended" PID (position-indicating device) is removed. The Conference of Radiation Control Program Directors (CRCPD) removed this requirement from the Suggested State Regulations in 1984. The basis and rationale for this rule are to mirror federal regulations and to correct language in the radiation regulations to reflect current practices pertaining to instrumentation used in intraoral dental radiographic systems.

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

Title 33

ENVIRONMENTAL QUALITY

Part XV. Radiation Protection

Chapter 3. Licensing of Radioactive Material

Subchapter C. General Licenses

§322. General Licenses: Radioactive Material Other Than Source Material

A. - D.3.f. ...

g. except as provided in Subparagraph D.3.h of this Section, transfer or dispose of the device containing radioactive material only by export as provided in 10 CFR Part 110 or by transfer to a specific licensee of the department, the U.S. Nuclear Regulatory Commission, or any other agreement state or licensing state whose specific license authorizes him or her to receive the device and, within 30 days after transfer of a device to a specific licensee, except when the device is transferred to the specific licensee in order to obtain a replacement device, shall furnish to the Office of Environmental Compliance, Emergency and Radiological Services Division, a report containing:

i. identification of the device by the manufacturer's name, model number, and serial number, or by the initial transferor's name;

ii. the name, address, and license number of the person receiving the device; and

iii. the date of the transfer;

h. ...

i. where the device remains in use at a particular location. In such case the transferor shall give the transferee a copy of this regulation and any safety documents identified in the label on the device and, within 30 days of the transfer, report to the Office of Environmental Compliance, Emergency and Radiological Services Division, the manufacturer's (or the initial transferor's) name; the model number and serial number of the device transferred; the name, mailing address for the location of use, and license

number of the transferee; the date of the transfer; and the name and/or position of an individual who may constitute a point of contact between the department and the transferee; or

h.ii. - n. ...

4. The general license in LAC 33:XV.322.D.1 does not authorize the manufacture or import of devices containing radioactive material.

D.5. - J.4. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Nuclear Energy Division, LR 13:569 (October 1987), amended by the Office of Air Quality and Radiation Protection, Radiation Protection Division, LR 18:34 (January 1992), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2567 (November 2000), LR 27:1226 (August 2001), LR 30:1663 (August 2004), amended by the Office of the Secretary, Legal Affairs Division, LR 31:2524 (October 2005), LR 32:811 (May 2006), LR 33:448 (March 2007).

Subchapter Z. Appendices

§399. Schedules A and B, and Appendices A, B, C, D, E, and F

Schedule A. - Schedule B. ...

Footnotes to Schedule B

Note 1: For purposes of subdivision where a combination of radionuclides is involved, the limit for the combination shall be derived as follows: For each radionuclide, determine the amount possessed, and 1,000 times the amount given in Schedule B for that radionuclide. The sum of the ratios of these two quantities, for all the combinations involved, may not exceed 1.

Example:

$$\frac{\text{Amt. of Radionuclide A possessed}}{1000 \times \text{Schedule B quantity for Radionuclide A}} + \frac{\text{Amt. of Radionuclide B possessed}}{1000 \times \text{Schedule B quantity for Radionuclide B}} \leq 1$$

Note 2: To convert microcuries (μCi) to SI units of kilobecquerels (kBq), multiply the values given in Schedule B by 37.

Example:

$$\text{Zirconium-97 } (10 \mu\text{Ci} \times 37 = 370 \text{ kBq})$$

Appendix A. - Appendix F. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Nuclear Energy Division, LR 13:569 (October 1987), amended by the Office of Air Quality and Radiation Protection, Radiation Protection Division, LR 18:34 (January 1992), LR 20:180 (February 1994), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2574 (November 2000), LR 27:1228 (August 2001), amended by the Office of Environmental Assessment, LR 31:46 (January 2005), LR 31:1580 (July 2005), amended by the Office of the Secretary, Legal Affairs Division, LR 31:2528 (October 2005), LR 32:820 (May 2006), LR 32:1853 (October 2006), LR 33:449 (March 2007).

Chapter 6. X-Rays in the Healing Arts

§607. Intraoral Dental Radiographic Systems

A. - A.2.a. ...

b. a shielded PID (position-indicating device) shall be used. The shielding shall be equivalent to the requirements of LAC 33:XV.604.A.3; and

2.c. - 8.d. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Nuclear Energy Division, LR 13:569 (October 1987), amended by the Office of Air Quality and Radiation Protection, Radiation Protection Division, LR 19:1421 (November 1993), amended by the Office of the Secretary, Legal Affairs Division, LR 33:449 (March 2007).

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0703#020

RULE

Department of Environmental Quality Office of the Secretary Legal Affairs Division

Remediation of Sites with Contaminated Media
(LAC 33:V.105, 106, 199, and 5147)(HW092)

Under the authority of the Environmental Quality Act, R.S. 30:2001 et seq., and in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., the secretary has amended the Hazardous Waste regulations, LAC 33:V.105, 106, 199, and 5147 (Log #HW092).

This rule implements Act 778 of the 2006 Regular Session of the Louisiana Legislature and the provisions of Emergency Rule HW084E10, which was published in the *Louisiana Register* on November 20, 2006. The Rule provides an evaluation process to manage listed hazardous waste based on risk for sites that are contaminated and require remediation. Act 778 authorizes a new fee for this evaluation. One of the most significant impediments to progress in the RCRA corrective action program has been the high cost of remediation waste management. Consequently, EPA has devoted much attention to management of remediation wastes and instituted a number of changes to the corrective action program that are designed to tailor management requirements to the risks posed by the wastes. Current regulation causes contaminated environmental media to retain the description of having RCRA-listed waste "contained-in," therefore complicating and impeding the remediation of the site or possibly halting it completely due to administration and disposal issues. This Rule will remove a regulatory hurdle that deters site remediation by promulgating the guidance the Environmental Protection Agency (EPA) has recommended. The Rule will also result in simplification of the waste handling process by reducing administrative requirements and providing greater consistency with non-RCRA waste handling requirements and practices. This will provide strong motivation to initiate and accelerate voluntary remediation of contaminated sites without increasing risks to human health or the environment. The basis and rationale for this Rule are to initiate and promote voluntary remediation

of contaminated sites without increasing risks to human health or the environment.

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

Title 33

ENVIRONMENTAL QUALITY

Part V. Hazardous Waste and Hazardous Materials

Subpart 1. Department of Environmental Quality—Hazardous Waste

Chapter 1. General Provisions and Definitions

§105. Program Scope

These rules and regulations apply to owners and operators of all facilities that generate, transport, treat, store, or dispose of hazardous waste, except as specifically provided otherwise herein. The procedures of these regulations also apply to the denial of a permit for the active life of a hazardous waste management facility or TSD unit under LAC 33:V.706. Definitions appropriate to these rules and regulations, including *solid waste* and *hazardous waste*, appear in LAC 33:V.109. Wastes that are excluded from regulation are found in this Section.

A. - O.2.c.vi. ...

P. Criteria for Hazardous Waste Being Managed Within an Area of Contamination. An area of contamination (AOC) is a discrete area of generally dispersed contamination, the designation of which has been approved by the administrative authority. Under certain conditions, environmental media impacted with hazardous waste may be moved within an AOC without triggering land disposal restrictions or minimum technology requirements. This approach encourages and expedites remedial actions where hazardous waste releases have occurred.

1. Any person who proposes to manage contaminated media within an AOC must submit the definition of the project's AOC to the Office of Environmental Assessment. Approval from the administrative authority concerning the extent of the AOC must occur prior to movement of contaminated media. In general the AOC should be consistent with the area impacted by the release

2. Use of an AOC to manage hazardous waste may be appropriate where the additional flexibility of a corrective action management unit pursuant to LAC 33:V.Chapter 26 is not needed. Movement and consolidation of contaminated media, treating contaminated media *in situ*, or leaving contaminated media in place in a single area or engineered unit within an AOC will not trigger the hazardous waste land disposal restrictions or minimum technology requirements of LAC 33:V.Subpart 1.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2180 et seq., and in particular, 2186(A)(2).

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 10:200 (March 1984), amended LR 10:496 (July 1984), LR 11:1139 (December 1985), LR 12:319 (May 1986), LR 13:84 (February 1987), LR 13:433 (August 1987), LR 13:651 (November 1987), LR 14:790 (November 1988), LR 15:181 (March 1989), LR 16:47 (January 1990), LR 16:217, LR

16:220 (March 1990), LR 16:398 (May 1990), LR 16:614 (July 1990), LR 17:362, 368 (April 1991), LR 17:478 (May 1991), LR 17:883 (September 1991), LR 18:723 (July 1992), LR 18:1256 (November 1992), LR 18:1375 (December 1992), amended by the Office of the Secretary, LR 19:1022 (August 1993), amended by the Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 20:1000 (September 1994), LR 21:266 (March 1995), LR 21:944 (September 1995), LR 22:813, 831 (September 1996), amended by the Office of the Secretary, LR 23:298 (March 1997), amended by the Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 23:564, 567 (May 1997), LR 23:721 (June 1997), amended by the Office of Waste Services, Hazardous Waste Division, LR 23:952 (August 1997), LR 23:1511 (November 1997), LR 24:298 (February 1998), LR 24:655 (April 1998), LR 24:1093 (June 1998), LR 24:1687, 1759 (September 1998), LR 25:431 (March 1999), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:268 (February 2000), LR 26:2464 (November 2000), LR 27:291 (March 2001), LR 27:706 (May 2001), LR 29:317 (March 2003), LR 30:1680 (August 2004), amended by the Office of Environmental Assessment, LR 30:2463 (November 2004), amended by the Office of the Secretary, Legal Affairs Division, LR 31:2451 (October 2005), LR 32:605 (April 2006), LR 32:821 (May 2006), LR 33:450 (March 2007).

§106. Hazardous Waste Determination for Contaminated Media

A. Except as otherwise provided in this Section, environmental media that contain hazardous waste subject to regulation under LAC 33:V.4901 or LAC 33:V.4903, shall be managed as hazardous waste. An environmental medium (soil/sediment, surface water, or groundwater) no longer contains a hazardous waste when:

1. the concentration of the hazardous constituent that serves as the basis for the waste being listed as hazardous (as defined in LAC 33:V.109 or as determined by the department on a case-by-case basis, e.g., creosote) remaining in the medium meets the appropriate standards described in this Section; and

2. the medium no longer exhibits any of the characteristics of hazardous waste identified in LAC 33:V.4903. Land disposal treatment standards (LAC 33:V.2299) shall continue to apply to contaminated environmental media that are treated and then determined to no longer contain hazardous waste. Contaminated environmental media determined not to contain any hazardous waste prior to treatment are not subject to any RCRA Subtitle C requirement, including the standards in LAC 33:V.2299.

B. Nonhazardous Environmental Medium (NHEM) Determination

1. Upon written request, the department may make a site-specific determination that an environmental medium contaminated with a listed hazardous waste at a concentration of the hazardous constituent at or below the level described in this Section no longer contains hazardous waste. Such a determination shall be known as a NHEM determination. A site-specific NHEM determination may be granted by the department contingent upon management of the environmental medium in accordance with any institutional control or other requirement described in the letter granting the request.

2. When a NHEM determination would be useful to expedite site remediation, a written request and payment of the fee in accordance with LAC 33:V.5147 may be submitted to the Office of Environmental Assessment. The request must demonstrate application of the process described in Paragraphs B.3-4 of this Section and that land disposal treatment standards are met when applicable.

3. A NHEM determination does not authorize the placement of contaminated media in, or establish remedial standards for, a particular area. Approval for placement of the contaminated medium in a specific area must be obtained from the Office of Environmental Assessment, unless it is otherwise allowed by regulation. Remedial standards for areas of contamination shall be established in accordance with the Risk Evaluation/Corrective Action Program (RECAP) as incorporated by reference in LAC 33:I.1307.

4. The identification, development, and application of the standards for media to be determined to no longer contain hazardous waste shall comply with the following process.

a. Determine the area of investigation (AOI). The AOI is a zone contiguous to and including impacted media, defined vertically and horizontally by the presence of one or more constituents in concentrations exceeding a limiting standard.

b. Identify the area of investigation concentration (AOIC). The AOIC is to be identified by the maximum detected concentration of the constituent of concern (COC) in the AOI or the upper bound estimate (e.g. upper confidence limit) of the arithmetic mean concentration of the COC.

Note: The department recommends that the upper bound estimate of the arithmetic mean concentration be identified as the concentration recommended by the *ProUCL* program, a software program available from EPA's Technical Support Center for Monitoring and Site Characterization (www.epa.gov/nerlesdl/tsc/form.htm).

c. Determine the soil standard (Soil_{NHEM}). The soil standards are presented in Table 1 of this Section. For a constituent not included in Table 1, the applicant shall calculate a value using the appropriate equation and input values from LAC 33:V.199.Appendix A. Compare the soil standard to the AOIC. If the AOIC detected for a COC does not exceed the soil standard, then a NHEM determination may be made.

d. Identify the groundwater exposure concentration (EC). The EC shall be identified as the maximum concentration of COC detected in the groundwater AOI.

e. Determine the groundwater standard (GW_{NHEM}). The groundwater standards are presented in Table 1 of this Section. If a detected groundwater constituent cannot be found in Table 1, then the maximum contaminant level (MCL), contained in the National Primary Drinking Water regulations (40 CFR Part 141), multiplied by 100 is to be used as the groundwater standard. If an MCL is not available then a groundwater standard is to be calculated in accordance with appropriate equations and input values from LAC 33:V.199.Appendix A. Compare the groundwater EC to the groundwater standard. If quantitative values for constituents are less than the limiting standards, the groundwater may qualify for a NHEM determination.

Table 1			
Soil and Groundwater Standards			
Compound	CAS #	Soil _{NHEM} (mg/kg)	GW _{NHEM} (mg/l)
Acenaphthene	83-32-9	6.1E+05	3.7E+02
Acenaphthylene	208-96-8	5.1E+05	3.7E+02
Acetone	67-64-1	1.4E+05	6.1E+02
Aldrin	309-00-2	1.3E+00	3.9E-03
Aniline	62-53-3	1.7E+03	1.2E+01
Anthracene	120-12-7	1.0E+06	1.8E+03
Antimony	7440-36-0	8.2E+03	6.0E-01
Arsenic	7440-38-2	2.7E+01	1.0E+00
Barium	7440-39-3	1.0E+06	2.0E+02
Benzene	71-43-2	3.1E+01	5.0E-01
Benz(a)anthracene	56-55-3	2.9E+01	9.1E-02
Benzo(a)pyrene	50-32-8	2.9E+00	2.0E-02
Benzo(b)fluoranthene	205-99-2	2.9E+01	9.1E-02
Benzo(k)fluoranthene	207-08-9	2.9E+02	9.1E-01
Beryllium	7440-41-7	4.1E+04	4.0E-01
Biphenyl,1,1-	92-52-4	4.4E+05	3.0E+02
Bis(2-chloroethyl)ether	111-44-4	1.1E+01	9.6E-03
Bis(2-chloroisopropyl)ether	108-60-1	1.7E+02	2.7E-01
Bis(2-ethyl-hexyl)phthalate	117-81-7	1.7E+03	6.0E-01
Bromodichloromethane	75-27-4	4.2E+01	1.0E+01
Bromoform	75-25-2	1.8E+03	1.0E+01
Bromomethane	74-83-9	3.0E+02	8.7E+00
Butyl benzyl phthalate	85-68-7	1.0E+06	7.3E+03
Cadmium	7440-43-9	1.0E+04	5.0E-01
Carbon Disulfide	75-15-0	2.5E+04	1.0E+03
Carbon Tetrachloride	56-23-5	1.1E+01	5.0E-01
Chlordane	57-74-9	1.0E+02	2.0E-01
Chloroaniline,p-	106-47-8	1.7E+04	1.5E+02
Chlorobenzene	108-90-7	1.2E+04	1.0E+01
Chlorodibromomethane	124-48-1	5.4E+01	1.0E+01
Chloroethane (Ethylchloride)	75-00-3	8.2E+01	3.8E+00
Chloroform	67-66-3	1.2E+01	1.0E+01
Chloromethane	74-87-3	7.3E+01	1.5E+00
Chloronaphthalene,2-	91-58-7	8.3E+05	4.9E+02
Chlorophenol,2-	95-57-8	1.4E+04	3.0E+01
Chromium(III)	16065-83-1	1.0E+06	1.0E+01
Chromium(VI)	18540-29-97	6.1E+04	1.0E+01
Chrysene	218-01-9	2.9E+03	9.1E+00
Cobalt	7440-48-4	1.0E+06	2.2E+03
Copper	7440-50-8	8.2E+05	1.3E+02
Cyanide (free)	57-12-5	3.6E+05	2.0E+01
DDD	72-54-8	1.6E+02	2.8E-01
DDE	72-55-9	1.1E+02	2.0E-01
DDT	50-29-3	1.2E+02	2.0E-01
Dibenz(a,h)anthracene	53-70-3	2.9E+00	9.1E-03
Dibenzofuran	132-64-9	6.5E+04	2.4E+01
Dibromo-3-chloropropane,1,2-	96-12-8	1.8E+01	2.0E-02
Dichlorobenzene,1,2-	95-50-1	7.4E+04	6.0E+01
Dichlorobenzene,1,3-	541-73-1	1.8E+03	5.5E+00
Dichlorobenzene,1,4-	106-46-7	1.6E+02	7.5E+00
Dichlorobenzidine,3,3-	91-94-1	4.2E+01	1.5E-01
Dichloroethane,1,1-	75-34-3	4.7E+04	8.1E+02
Dichloroethane,1,2-	107-06-2	1.8E+01	5.0E-01
Dichloroethene,1,1-	75-35-4	9.1E+03	7.0E-01
Dichloroethene,cis,1,2-	156-59-2	3.4E+03	7.0E+00
Dichloroethene,trans,1,2-	156-60-5	4.8E+03	1.0E+01
Dichlorophenol,2,4-	120-83-2	2.0E+04	1.1E+02
Dichloropropane,1,2-	78-87-5	1.8E+01	5.0E-01
Dichloropropene,1,3-	542-75-6	1.0E+02	3.9E-01
Dieldrin	60-57-1	1.5E+00	4.1E-03
Diethylphthalate	84-66-2	1.0E+06	2.9E+04
Dimethylphenol,2,4-	105-67-9	1.1E+05	7.3E+02
Dimethylphthalate	131-11-3	1.0E+06	3.7E+05
Di-n-octylphthalate	117-84-0	3.5E+05	1.5E+03
Dinitrobenzene,1,3-	99-65-0	5.0E+02	3.7E+00

Table 1 Soil and Groundwater Standards			
Compound	CAS #	Soil _{NHEM} (mg/kg)	GW _{NHEM} (mg/l)
Dinitrophenol,2,4-	51-28-5	6.9E+03	7.3E+01
Dinitrotoluene,2,6-	606-20-2	4.6E+03	3.7E+01
Dinitrotoluene,2,4-	121-14-2	9.8E+03	7.3E+01
Dinoseb	88-85-7	5.4E+03	7.0E-01
Endosulfan	115-29-7	4.5E+04	2.2E+02
Endrin	72-20-8	2.5E+03	2.0E-01
Ethyl benzene	100-41-4	1.3E+05	7.0E+01
Fluoranthene	206-44-0	2.9E+05	1.5E+03
Fluorene	86-73-7	5.4E+05	2.4E+02
Heptachlor	76-44-8	3.5E-01	4.0E-02
Heptachlor epoxide	1024-57-3	2.6E+00	2.0E-02
Hexachlorobenzene	118-74-1	2.0E+01	1.0E-01
Hexachlorobutadiene	87-68-3	1.6E+02	8.5E-01
Hexachlorocyclohexane,alpha	319-84-6	4.4E+00	1.1E-02
Hexachlorocyclohexane,beta	319-85-7	1.6E+01	3.7E-02
Hexachlorocyclohexane,gamma	58-89-9	2.0E+01	2.0E-02
Hexachlorocyclopentadiene	77-47-4	9.4E+02	5.0E+00
Hexachloroethane	67-72-1	1.4E+03	7.9E-01
Indeno(1,2,3-cd)pyrene	193-39-5	2.9E+01	9.1E-02
Isobutyl alcohol	78-83-1	6.2E+05	1.1E+04
Isophorone	78-59-1	1.1E+04	7.0E+01
Lead (inorganic)	7439-92-1	3.4E+04	1.5E+00
Mercury (inorganic)	7487-94-7	6.1E+03	2.0E-01
Methoxychlor	72-43-5	4.3E+04	4.0E+00
Methylene chloride	75-09-2	4.4E+02	5.0E-01
Methyl ethyl ketone	78-93-3	4.4E+05	1.9E+03
Methyl isobutyl ketone	108-10-1	6.3E+05	2.0E+03
Methylnaphthalene,2-	91-57-6	1.7E+04	6.2E+00
MTBE (methyl tert-butyl ether)	1634-04-4	4.7E+05	2.0E+00
Naphthalene	91-20-3	4.3E+03	6.2E+00
Nickel	7440-02-0	4.1E+05	7.3E+02
Nitrate	14797-55-8	1.0E+06	1.0E+03
Nitrite	14797-65-0	1.0E+06	1.0E+02
Nitroaniline,2-	88-74-4	5.2E+01	2.1E-01
Nitroaniline,3-	99-09-2	1.4E+04	1.8E+01
Nitroaniline,4-	100-01-6	1.0E+04	1.1E+02
Nitrobenzene	98-95-3	2.5E+03	3.4E+00
Nitrophenol,4-	100-02-7	3.3E+04	2.9E+02
Nitrosodi-n-propylamine,n-	621-64-7	1.4E+00	9.5E-03
N-nitrosodiphenylamine	86-30-6	4.0E+03	1.4E+01
Pentachlorophenol	87-86-5	9.7E+01	1.0E-01
Phenanthrene	85-01-8	1.0E+06	1.8E+03
Phenol	108-95-2	1.0E+06	1.8E+03
Polychlorinated biphenyls	1336-36-3	9.0E+00	5.0E-02
Pyrene	129-00-0	5.6E+05	1.8E+02
Selenium	7782-49-2	1.0E+05	5.0E+00
Silver	7440-22-4	1.0E+05	1.8E+02
Styrene	100-42-5	4.3E+05	1.0E+01
Tetrachlorobenzene,1,2,4,5-	95-94-3	1.2E+03	1.1E+01
Tetrachloroethane,1,1,1,2-	630-20-6	5.9E+01	4.3E-01
Tetrachloroethane,1,1,2,2-	79-34-5	2.0E+01	5.5E-02
Tetrachloroethylene	127-18-4	3.5E+02	5.0E-01
Tetrachlorophenol,2,3,4,6-	58-90-2	1.7E+05	1.1E+03
Thallium	7440-28-0	1.4E+03	2.0E-01
Toluene	108-88-3	4.7E+04	1.0E+02
Toxaphene	8001-35-2	2.2E+01	3.0E-01
Trichlorobenzene,1,2,4-	120-82-1	1.2E+05	7.0E+00
Trichloroethane,1,1,1-	71-55-6	7.0E+04	2.0E+01
Trichloroethane,1,1,2-	79-00-5	4.3E+01	5.0E-01
Trichloroethene	79-01-6	2.1E+00	5.0E-01
Trichlorofluoromethane	75-69-4	2.6E+04	1.3E+03
Trichlorophenol,2,4,5-	95-95-4	6.6E+05	3.7E+03
Trichlorophenol,2,4,6-	88-06-2	1.7E+03	6.0E+00
Vanadium	7440-62-2	1.4E+05	2.6E+02
Vinyl chloride	75-01-4	7.9E+00	2.0E-01
Xylene(mixed)	1330-20-7	1.2E+04	1.0E+03
Zinc	7440-66-6	1.0E+06	1.1E+04
Aliphatics C6-C8	NA	1.0E+04	3.2E+04

Table 1 Soil and Groundwater Standards			
Compound	CAS #	Soil _{NHEM} (mg/kg)	GW _{NHEM} (mg/l)
Aliphatics >C8-C10	NA	1.0E+04	1.3E+03
Aliphatics >C10-C12	NA	1.0E+04	1.4E+03
Aliphatics >C12-C16	NA	1.0E+04	1.4E+03
Aliphatics >C16-C35	NA	1.0E+04	7.3E+04
Aromatics >C8-C10	NA	1.0E+04	3.4E+02
Aromatics >C10-C12	NA	1.0E+04	3.4E+02
Aromatics >C12-C16	NA	1.0E+04	3.4E+02
Aromatics >C16-C21	NA	1.0E+04	1.1E+03
Aromatics >C21-C35	NA	1.0E+04	1.1E+03
TPH-GRO (C6-C10)	NA	1.0E+04	3.4E+02
TPH-DRO (C10-C28)	NA	1.0E+04	3.4E+02
TPH-ORO (>C28)	NA	1.0E+04	1.1E+03

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2180 et seq. and, in particular, 2186(A)(2).

HISTORICAL NOTE: Promulgated by the Office of the Secretary, Legal Affairs Division, LR 33:450 (March 2007).

§199. Appendix A—Equations for the Development of Soil and Groundwater Standards

Soil_{NHEM}—Carcinogenic Effects—Organic Constituents (mg/kg):

(EQ1)

$$EF_i \times ED_i \times \left(\frac{TR \times BW_a \times AT_c \times 365 \text{ days / yr}}{SF_o \times 10^{-6} \frac{\text{kg}}{\text{mg}} \times IRS_i} \right) + \left(\frac{SF_i \times IRA_a \times \left(\frac{1}{VF_i} \right)}{SF_o \times SA_i \times AF_i \times ABS \times 10^{-6} \frac{\text{kg}}{\text{mg}}} \right)$$

Parameter	Definition (units)	Input Value
Soil _{NHEM}	NHEM industrial risk-based chemical concentration in soil/ sediment (mg/kg)	--
TR	Target excess individual lifetime cancer risk (unitless)	10 ⁻⁵
SF _o	Oral cancer slope factor ((mg/kg-day) ⁻¹)	CS ^a
SF _i	Inhalation cancer slope factor ((mg/kg-day) ⁻¹)	CS ^a
BW _a	Average adult body weight (kg)	70 ^b
AT _c	Averaging time - carcinogens (yr)	70 ^b
EF _i	Industrial exposure frequency (days/yr)	250 ^b
ED _i	Industrial exposure duration (yr)	25 ^b
IRS _i	Industrial soil ingestion rate (mg/day)	50 ^b
IRA _a	Adult inhalation rate (m ³ /day)	20 ^c
VF _i	Industrial soil-to-air volatilization factor (m ³ /kg)	CS ^d
SA _i	Skin surface area for an industrial worker (cm ² /day)	3,300 ^c
AF _i	Soil-to-skin adherence factor for an industrial worker (mg/cm ²)	0.2 ^c
ABS	Dermal absorption factor (unitless)	CS ^c

^a Chemical-specific; refer to EPA's Integrated Risk Information System (<http://www.epa.gov/iris/subst/index.html>) or other appropriate EPA reference.

^b *Soil Screening Guidance: User's Guide*, EPA 1996.

^c *Risk Assessment Guidance for Superfund Volume I Human Health Evaluation Manual (Part E, Supplemental Guidance for Dermal Risk Assessment)*, EPA/540/R-99/005.

^d Chemical-specific; refer to EQ5.

^e Chemical-specific; refer to Table A-1.

Soil_{NHEM}—Carcinogenic Effects—Inorganic Constituents (mg/kg):

(EQ2)

$$EF_i \times ED_i \times \left[\left(SF_o \times 10^{-6} \frac{kg}{mg} \times IRS_i \right) + \left(SF_o \times SA_i \times AF_i \times ABS \times 10^{-6} \frac{kg}{mg} \right) \right]$$

Parameter	Definition (units)	Input Value
Soil _{NHEM}	NHEM industrial risk-based chemical concentration in soil/ sediment (mg/kg)	--
TR	Target excess individual lifetime cancer risk (unitless)	10 ⁻⁵
SF _o	Oral cancer slope factor ((mg/kg-day) ⁻¹)	CS ^b
BW _a	Average adult body weight (kg)	70 ^b
AT _c	Averaging time - carcinogens (yr)	70 ^b
EF _i	Industrial exposure frequency (days/yr)	250 ^b
ED _i	Industrial exposure duration (yr)	25 ^b
IRS _i	Industrial soil ingestion rate (mg/day)	50 ^b
SA _i	Skin surface area for an industrial worker (cm ² /day)	3,300 ^c
AF _i	Soil-to-skin adherence factor for an industrial worker (mg/cm ²)	0.2 ^c
ABS	Dermal absorption factor (unitless)	CS ^d

^a Chemical-specific; refer to EPA's Integrated Risk Information System (<http://www.epa.gov/iris/subst/index.html>) or other appropriate EPA reference.

^b *Soil Screening Guidance: User's Guide*, EPA 1996.

^c *Risk Assessment Guidance for Superfund Volume I Human Health Evaluation Manual (Part E, Supplemental Guidance for Dermal Risk Assessment)*, EPA/540/R-99/005.

^d Chemical-specific; refer to EQ5.

^e Chemical-specific; refer to Table A-1.

Soil_{NHEM}—Noncarcinogenic Effects—Organic Constituents (mg/kg):

(EQ3)

$$ED_i \times EF_i \times \left[\left(\left(\frac{1}{RfD_o} \right) \times 10^{-6} \frac{kg}{mg} \times IRS_i \right) + \left(\left(\frac{1}{RfD_i} \right) \times IRA_a \times \left(\frac{1}{VF_i} \right) \right) + \left(\left(\frac{1}{RfD_o} \right) \times 10^{-6} \frac{kg}{mg} \times SA_i \times AF_i \times ABS \right) \right]$$

Parameter	Definition (units)	Input Value
Soil _{NHEM}	NHEM industrial risk-based chemical concentration in soil/ sediment (mg/kg)	--
THQ	Target hazard quotient (unitless)	10
RfD _o	Oral reference dose (mg/kg-day)	CS ^a
RfD _i	Inhalation reference dose (mg/kg-day)	CS ^a
BW _a	Average adult body weight (kg)	70 ^b
AT _{ni}	Averaging time - noncarcinogens, industrial (yr)	25 ^b
EF _i	Industrial exposure frequency (days/yr)	250 ^b
ED _i	Industrial exposure duration (yr)	25 ^b
IRS _i	Industrial soil ingestion rate (mg/day)	50 ^b
IRA _a	Adult inhalation rate (m ³ /day)	20 ^c
VF _i	Industrial soil-to-air volatilization factor (m ³ /kg)	CS ^d

Parameter	Definition (units)	Input Value
SA _i	Skin surface area for an industrial worker (cm ² /day)	3,300 ^c
AF _i	Soil-to-skin adherence factor for an industrial worker (mg/cm ²)	0.2 ^c
ABS	Dermal absorption factor (unitless)	CS ^c

^a Chemical-specific; refer to EPA's Integrated Risk Information System (<http://www.epa.gov/iris/subst/index.html>) or other appropriate EPA reference.

^b *Soil Screening Guidance: User's Guide*, EPA 1996.

^c *Risk Assessment Guidance for Superfund Volume I Human Health Evaluation Manual (Part E, Supplemental Guidance for Dermal Risk Assessment)*, EPA/540/R-99/005.

^d Chemical-specific; refer to EQ5.

^e Chemical-specific; refer to Table A-1.

Soil_{NHEM}—Noncarcinogenic Effects—Inorganic Constituents (mg/kg):

(EQ4)

$$ED_i \times EF_i \times \left[\left(\left(\frac{1}{RfD_o} \right) \times 10^{-6} \frac{kg}{mg} \times IRS_i \right) + \left(\left(\frac{1}{RfD_o} \right) \times 10^{-6} \frac{kg}{mg} \times SA_i \times AF_i \times ABS \right) \right]$$

Parameter	Definition (units)	Input Value
Soil _{NHEM}	NHEM industrial risk-based chemical concentration in soil/ sediment (mg/kg)	--
THQ	Target hazard quotient (unitless)	10
RfD _o	Oral reference dose (mg/kg-day)	CS ^a
BW _a	Average adult body weight (kg)	70 ^b
AT _{ni}	Averaging time - noncarcinogens, industrial (yr)	70 ^b
EF _i	Industrial exposure frequency (days/yr)	250 ^b
ED _i	Industrial exposure duration (yr)	25 ^b
IRS _i	Industrial soil ingestion rate (mg/day)	50 ^b
SA _i	Skin surface area for an industrial worker (cm ² /day)	3,300 ^c
AF _i	Soil-to-skin adherence factor for an industrial worker (mg/cm ²)	0.2 ^c
ABS	Dermal absorption factor (unitless)	CS ^d

^a Chemical-specific; refer to EPA's Integrated Risk Information System (<http://www.epa.gov/iris/subst/index.html>) or other appropriate EPA reference.

^b *Soil Screening Guidance: User's Guide*, EPA 1996.

^c *Risk Assessment Guidance for Superfund Volume I Human Health Evaluation Manual (Part E, Supplemental Guidance for Dermal Risk Assessment)*, EPA/540/R-99/005.

^d Chemical-specific; refer to EQ5.

^e Chemical-specific; refer to Table A-1.

VF_i—Volatilization Factor—Organic Constituents (m³/kg):

(EQ5)

$$\frac{(Q/C) \times (3.14 \times D_A \times T)^{1/2} \times 10^{-4} (m^2/cm^2)}{(2 \times \rho_b \times D_A)}$$

where:

(EQ6)

$$D_A(cm^2/s) = \frac{[(\theta_a^{10/3} \times D_i \times H' + \theta_w^{10/3} \times D_w) / n^2]}{\rho_b \times K_d + \theta_w + \theta_a \times H'}$$

Parameter	Definition (units)	Input Value
VF _i	Industrial soil-to-air volatilization factor (m ³ /kg)	--
D _A	Apparent diffusivity (cm ² /s)	--
Q/C	Inverse of the mean concentration at the center of source (g/m ³ -s per kg/m ³)	79.25
T	Exposure interval – industrial (s)	7.9E+08 ^a
ρ _b	Dry soil bulk density (g/cm ³)	1.7 ^b
θ _a	Air-filled soil porosity (L _{air} /L _{soil})	n-θ _w
n	Total soil porosity (L _{pore} /L _{soil})	1 - (ρ _b /ρ _s) ^b
θ _w	Water-filled soil porosity (L _{water} /L _{soil})	0.21 ^b
ρ _s	Soil particle density (g/cm ³)	2.65 ^b
D _i	Diffusivity in air (cm ² /s)	CS ^c
H'	Henry's Law Constant (dimensionless)	CS ^{c,d}
D _w	Diffusivity in water (cm ² /s)	CS ^c
K _d	Soil-water partition coefficient (cm ³ /g) = K _{oc} × f _{oc}	CS ^c
K _{oc}	Soil organic carbon partition coefficient (cm ³ /g)	CS ^c
f _{oc}	Fractional organic carbon in soil (g/g) = percent organic matter/174 (ASTM 2974)	0.006 ^b

^a Soil Screening Guidance: User's Guide, EPA 1996.

^b LDEQ default value.

^c Chemical-specific.

^d H' = H × 41 where: H = Henry's Law Constant (atm-m³/mol); R = Universal Law Constant (0.0000821 atm-m³/mole-°K); and T = Absolute temperature of soil (°K) [273 + °C (25 °C)].

Constituent	ABS (unitless)
Arsenic	0.03
Cadmium	0.001
Chlordane	0.04
2,4-D	0.05
DDT	0.03
Gamma-hexachlorocyclohexane	0.04
TCDD	0.03
Pentachlorophenol	0.25
Polychlorinated biphenyls	0.14
Polycyclic aromatic hydrocarbons	0.13
Other semivolatile organic constituents	0.10
Other inorganic constituents (metals)	0
Volatile constituents	0

¹ Risk Assessment Guidance for Superfund Volume I: Human Health Evaluation Manual (Part E, Supplemental Guidance for Dermal Risk Assessment), Interim Guidance. EPA 2004. EPA/540/R-99/005.

GW_{NHEM}—Carcinogenic Effects—Volatile Constituents (mg/l):

(EQ7)

$$\frac{TR \times AT_c \times 365 \text{ days / yr}}{EF_{ni} \times [(SF_i \times K_w \times IRA_{adj}) + (SF_o \times IRW_{adj})]} \times DDF$$

Parameter	Definition (units)	Input Value
GW _{NHEM}	NHEM chemical concentration in groundwater (mg/l)	--
TR	Target excess individual lifetime cancer risk (unitless)	10 ⁻⁵
SF _o	Oral cancer slope factor ((mg/kg-day) ⁻¹)	CS ^a
SF _i	Inhalation cancer slope factor ((mg/kg-day) ⁻¹)	CS ^a
AT _c	Averaging time - carcinogens (yr)	70 ^b
EF _{ni}	Industrial exposure frequency (days/yr)	350 ^b
IRW _{adj}	Age-adjusted water ingestion rate (L-yr/kg-day)	1.1 ^b
IRA _{adj}	Age-adjusted inhalation rate (m ³ -yr/kg-day)	11 ^b
K _w	Water-to-indoor air volatilization factor (L/m ³)	0.5 ^{c,d}
DF	Dilution and Attenuation Factor (unitless)	100 ^c

^a Chemical-specific: refer to EPA's Integrated Risk Information System (<http://www.epa.gov/iris/subst/index.html>) or other appropriate EPA reference.

^b Human Health Medium-Specific Screening Levels, EPA Region VI, 2003.

^c Risk Assessment Guidance for Superfund Volume I Human Health Evaluation Manual (Part B, Development of Risk-Based Preliminary Remedial Goals), EPA 1991.

^d The water-air concentration relationship represented by the volatilization factor (K_w) is applicable only to chemicals with a Henry's Law Constant of greater than 1E-05 atm-m³/mole and a molecular weight of less than 200 g/mole.

GW_{NHEM}—Noncarcinogenic Effects—Volatile Constituents (mg/l):

(EQ8)

$$\frac{THQ \times BW_a \times AT_{ni} \times 365 \text{ days / yr}}{EF_{ni} \times ED_{ni} \times \left[\left(\frac{1}{RfD_i} \times K_w \times IRA_a \right) + \left(\frac{1}{RfD_o} \times IRW_a \right) \right]} \times DDF$$

Parameter	Definition (units)	Input Value
GW _{NHEM}	NHEM chemical concentration in groundwater (mg/l)	--
THQ	Target hazard quotient (unitless)	10
RfD _i	Inhalation reference dose (mg/kg-day)	CS ^a
RfD _o	Oral reference dose (mg/kg-day)	CS ^a
BW _a	Average adult body weight (kg)	70 ^b
AT _{ni}	Averaging time - noncarcinogens, non-industrial (yr)	30 ^b
EF _{ni}	Non-industrial exposure frequency (days/yr)	350 ^b
ED _{ni}	Industrial exposure duration (yr)	30 ^b
IRW _a	Adult water ingestion rate (L/day)	20 ^b
IRA _a	Adult inhalation rate (m ³ /day)	20 ^b
K _w	Water-to-indoor air volatilization factor (L/m ³)	0.5 ^{c,d}
DF	Dilution Factor (unitless)	100

^a Chemical-specific: refer to EPA's Integrated Risk Information System (<http://www.epa.gov/iris/subst/index.html>) or other appropriate EPA reference.

^b Human Health Medium-Specific Screening Levels, EPA Region VI, 2003.

^c Risk Assessment Guidance for Superfund Volume I Human Health Evaluation Manual (Part B, Development of Risk-Based Preliminary Remedial Goals), EPA 1991.

^d The water-air concentration relationship represented by the volatilization factor (K_w) is applicable only to chemicals with a Henry's Law Constant of greater than $1E-05 \text{ atm}\cdot\text{m}^3/\text{mole}$ and a molecular weight of less than 200 g/mole.

GW_{NHEM} —Carcinogenic Effects—Non-Volatile Constituents (mg/l):

$$(EQ9)$$

$$\frac{TR \times AT_c \times 365 \text{ days} / \text{yr}}{EF_{ni} \times (SF_o \times IRW_{adj})} \times DF$$

Parameter	Definition (units)	Input Value
GW_{NHEM}	NHEM chemical concentration in groundwater (mg/l)	--
TR	Target excess individual lifetime cancer risk (unitless)	^{-5 a} 10
SF_o	Oral cancer slope factor ((mg/kg-day) ⁻¹)	CS ^b
AT_c	Averaging time - carcinogens (yr)	70 ^a
EF_{ni}	Non-industrial exposure frequency (days/yr)	350 ^a
IRW_{adj}	Age-adjusted water ingestion rate (L-yr/kg-day)	1.1 ^a
DF	Dilution Factor (unitless)	100

^a Chemical-specific; refer to EPA's Integrated Risk Information System (<http://www.epa.gov/iris/subst/index.html>) or other appropriate EPA reference.

^b Human Health Medium-Specific Screening Levels, EPA Region VI, 2003.

GW_{NHEM} —Noncarcinogenic Effects—Non-Volatile Constituents (mg/l):

$$(EQ10)$$

$$\frac{THQ \times BW_a \times AT_{nni} \times 365 \text{ days} / \text{yr}}{EF_{ni} \times ED_{ni} \times (1 / RfD_o \times IRW_a)} \times DF$$

Parameter	Definition (units)	Input Value
GW_{NHEM}	NHEM chemical concentration in groundwater (mg/l)	--
THQ	Target hazard quotient (unitless)	10
RfD_o	Oral reference dose (mg/kg-day)	CS ^a
BW_a	Average adult body weight (kg)	70 ^b
AT_{nni}	Averaging time - noncarcinogens, non-industrial (yr)	30 ^b
EF_{ni}	Non-industrial exposure frequency (days/yr)	350 ^b
ED_{ni}	Non-industrial exposure duration (yr)	30 ^b
IRW_a	Adult water ingestion rate (L/day)	2 ^b
DF	Dilution Factor (unitless)	100

^a Chemical-specific; refer to EPA's Integrated Risk Information System (<http://www.epa.gov/iris/subst/index.html>) or other appropriate EPA reference.

^b Human Health Medium-Specific Screening Levels, EPA Region VI, 2003.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2180 et seq. and, in particular, 2186(A)(2).

HISTORICAL NOTE: Promulgated by the Office of the Secretary, Legal Affairs Division, LR 33:452 (March 2007).

Chapter 51. Fee Schedules

§5147. Fee for NHEM Determination for Contaminated Environmental Media

A. A fee of \$3,000 shall be submitted at the time a request for a review of contaminated environmental media for a NHEM determination is made in accordance with LAC 33:V.106.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2180 et seq. and, in particular, 2186(A)(2).

HISTORICAL NOTE: Promulgated by the Office of the Secretary, Legal Affairs Division, LR 33:0000 (March 2007).

Herman Robinson, CPM
Executive Counsel

0703#018

RULE

Department of Environmental Quality Office of the Secretary Legal Affairs Division

Wetlands Assimilation
(LAC 33:IX.1105, 1109, and 1113)(WQ068)

Under the authority of the Environmental Quality Act, R.S. 30:2001 et seq., and in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., the secretary has amended the Water Quality regulations, LAC 33:IX.1105, 1109, and 1113 (Log #WQ068).

The rule amends the water quality standards in LAC 33:IX.Chapter 11 to protect wetland areas that may receive treated wastewater effluent. Definitions, which include classifications of wetlands types, and biological criteria for wetlands to receive treated and disinfected sanitary effluent are included in the rule. The current description of "biological and aquatic community integrity" is amended to include plants as indicative of the aquatic community in the case of wetlands. The rule cites procedures in the department's current Water Quality Management Plan that further outline the implementation process. Subsidence in wetlands in southern Louisiana has been caused by a combination of impoundment by artificial levees and flood control drainage. These features have essentially stopped the inflow of water and natural soil building materials into the wetlands that would normally be present during spring flooding events. Extensive scientific studies (including use attainability analyses) conducted over the past ten years or more on wetland sites in southern Louisiana have demonstrated that controlled discharges of treated municipal wastewater to these wetlands helps to control subsidence and increases wetland productivity. The basis and rationale for this rule are to establish protective wetlands criteria and designated uses for wetlands that may receive treated wastewater inflow.

This rule meets an exception listed in R.S. 30:2019(D)(2) and R.S. 49:953(G)(3); therefore, no report regarding environmental/health benefits and social/economic costs is

required. This rule has no known impact on family formation, stability, and autonomy as described in R.S. 49:972.

Title 33
ENVIRONMENTAL QUALITY
Part IX. Water Quality
Subpart 1. Water Pollution Control
Chapter 11. Surface Water Quality Standards

§1105. Definitions

* * *

Bottomland Hardwood Swamps—those areas inundated or saturated by surface water or groundwater of negligible to very low salinity at a frequency and duration sufficient to support, and that under normal conditions do support, bottomland hardwood vegetation. These ecosystems are commonly found wherever streams or rivers occasionally cause flooding beyond their channel confines. They are deciduous forested wetlands, made up of different species of gum (*Nyssa* spp.), oak (*Quercus* spp.), dwarf palmetto (*Sabal minor*), and bald cypress (*Taxodium distichum*), and other species. These swamps cannot tolerate continuous flooding; typically areas are flooded two to six months per year.

Brackish Marshes—those areas inundated or saturated by surface water or groundwater of moderate salinity at a frequency and duration sufficient to support, and that under normal circumstances do support, brackish emergent vegetation. Typical vegetation includes bulltongue (*Sagittaria* spp.), wild millet (*Echinochloa walteri*), bullwhip (*Scirpus californicus*), sawgrass (*Cladium jamaicense*), wiregrass (*Spartina patens*), three-cornered grass (*Scirpus olneyi*), and widgeongrass (*Ruppia maritima*). *Brackish marshes* are also characterized by interstitial water salinity that normally ranges between 3 and 15 parts per thousand (ppt) or practical salinity units (psu).

* * *

Cypress-Tupelo Swamps—those areas inundated or saturated by surface water or groundwater of negligible to very low salinity at a frequency and duration sufficient to support, and that under normal circumstances do support, cypress-tupelo vegetation. Typical vegetation includes water tupelo (*Nyssa sylvatica* var. *aquatica*), bald cypress (*Taxodium distichum*), red maple (*Acer rubrum*), buttonbush (*Cephalanthus occidentalis*), and common wax myrtle (*Myrica cerifera*). *Cypress-tupelo swamps* can tolerate continuously flooded conditions and are divided into two subtypes: continuously flooded and seasonally flooded. Continuously flooded swamps are those areas that have standing water present all year round. They range from forests with a closed canopy to open canopy conditions with understory freshwater emergent wetland vegetation. Seasonally flooded swamps are those areas that are typically flooded for more than six months per year. They typically have a closed canopy that limits understory vegetation.

* * *

Forested Wetlands—a category of wetlands that includes *bottomland hardwood swamps*, *cypress-tupelo swamps*, and *oligotrophic seasonally flooded pine forests* as defined in this Section.

* * *

Freshwater Emergent Wetlands (including *freshwater marshes*)—those areas inundated or saturated by surface water or groundwater of negligible to very low salinity at a frequency and duration sufficient to support, and that under normal circumstances do support, freshwater emergent vegetation. Typical vegetation includes cattail (*Typha angustifolia*), bulltongue (*Sagittaria* spp.), maiden cane (*Panicum hemitomon*), water hyacinth (*Eichornia crassipes*), pickerelweed (*Pontederia cordata*), alligatorweed (*Alternanthera philoxeroides*), and *Hydrocotyl* spp. *Freshwater emergent wetlands* also are characterized by interstitial water salinity that is normally less than 2 ppt or psu. There are two subtypes of *freshwater emergent wetlands*: floating and attached. Floating wetlands are those areas where the wetland surface substrate is detached and is floating above the underlying deltaic plain (also called "buoyant" and "flotant"). Attached wetlands are those areas where the vegetation is attached to the wetland surface and is contiguous with the underlying wetland substrate and can be submerged or emergent.

Freshwater Swamps and Marshes—Repealed.

Intermediate Marshes—Repealed.

* * *

Non-Forested Wetlands—a category of wetlands that includes *freshwater emergent wetlands*, *brackish marshes*, and *salt (saline) marshes* as defined in this Section.

* * *

Oligotrophic Seasonally Flooded Pine Forests—palustrine, seasonally saturated pine communities on hydric soils that may become quite dry for part of the year and generally occur in flat or nearly flat areas not associated with a river or stream system. They are usually dominated by loblolly pine (*Pinus taeda*). These pine forests are seasonally flooded and receive very low nutrient inputs. Because of their oligotrophic nature, these forests are characterized by unique understory vegetation communities that may include insectivorous plants.

* * *

Saline Marshes—Repealed.

Salt (Saline) Marshes—those areas that are inundated or saturated by surface water or groundwater of salinity characteristic of nearshore Gulf of Mexico ambient water at a frequency and duration sufficient to support, and that under normal circumstances do support, saline emergent vegetation. Typical vegetation includes oystergrass (*Spartina alterniflora*), glasswort (*Salicornia* spp.), black rush (*Juncus roemerianus*), saltwort (*Batis maritima*), black mangrove (*Avicennia germinans*), and salt grass (*Distichlis spicata*). *Salt marshes* are also characterized by interstitial water salinity that normally exceeds 16 ppt or psu.

* * *

Wetlands—those areas that have one or more of the following attributes: support hydrophytic (water tolerant) vegetation during most of the year; contain predominately undrained hydric (water saturated) soils; and/or are periodically inundated or saturated by surface water or groundwater.

* * *

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2074(B)(1).

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Water Resources, LR 10:745 (October 1984), amended LR 15:738 (September 1989), LR 17:264 (March 1991), LR 20:883 (August 1994), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 25:2401 (December 1999), LR 26:2545 (November 2000), LR 29:557 (April 2003), LR 30:1473 (July 2004), amended by the Office of the Secretary, Legal Affairs Division, LR 33:456 (March 2007).

§1109. Policy

Water quality standards policies concerned with the protection and enhancement of water quality in the state are discussed in this Section. Policy statements on antidegradation, water use, water body exception categories, compliance schedules and variances, short-term activity authorization, errors, severability, revisions to standards, and sample collection and analytical procedures are described.

A. - B.3.f. ...

C. Water Body Exception Categories. Some water bodies, because of natural water quality or physical limitations, may qualify for an excepted use classification. This classification will be made on a case-by-case basis. Whenever data indicate that an excepted classification is warranted, the department will recommend the exception to the administrative authority for approval. In all cases where exceptions are proposed, the concurrence of the regional administrator of the EPA must be obtained and the opportunity for public participation must be provided during the exceptions review process. In most cases, the proposed exception will be considered during the public participation process along with a permit application or management plan update. Exceptions are allowed for the following three categories of water bodies: certain intermittent streams, man-made water bodies, and naturally dystrophic waters. Requests for excepted water use classifications may be considered for certain water bodies that satisfy one of the following descriptions.

C.1. - I.4. ...

J. Wetlands

1. *Wetlands*, as defined in LAC 33:IX.1105, are a valuable resource to the state of Louisiana. Because of the state's natural low elevations, extensive riverine and riparian environments, and the presence of the Mississippi River delta, Louisiana has a large and diverse amount of wetland habitat. Specific values of Louisiana wetlands include commercial, recreational, and cultural uses. In addition, Louisiana wetlands provide important biological and physiochemical functions that include, but are not limited to, buffering against hurricanes and storms, holding excess floodwaters during high rainfall or high tides, recharging groundwater aquifers used for drinking water and irrigation, and improving water quality by filtering pollutants and taking up nutrients.

2. There are two basic types of Louisiana wetlands: forested wetlands and non-forested, or marsh, wetlands. Forested wetlands include bottomland hardwood swamps, continuously flooded cypress-tupelo swamps, seasonally flooded cypress-tupelo swamps, and oligotrophic seasonally flooded pine forests. Non-forested or marsh wetlands include floating freshwater emergent wetlands, attached freshwater emergent wetlands, brackish marshes, and salt (saline) marshes. Each of these wetland types are defined in LAC 33:IX.1105.

3. Wetlands approved by the administrative authority for wastewater assimilation projects pursuant to the Water Quality Management Plan, Volume 3, Section 10, Permitting Guidance Document for Implementing Louisiana Surface Water Quality Standards, are assigned the following designated uses: secondary contact recreation and fish and wildlife propagation.

4. Applicable Criteria. Wetlands provide several values and functions that necessitate water quality criteria protective primarily of vegetative productivity. Additionally, wetlands can periodically become anoxic or anaerobic, or lack water altogether. Therefore, the following criteria are applicable to wetlands approved by the administrative authority for wastewater assimilation projects pursuant to the Water Quality Management Plan, Volume 3, Section 10, Permitting Guidance Document for Implementing Louisiana Surface Water Quality Standards.

a. A numerical dissolved oxygen criterion is not necessary to protect the beneficial use of fish and wildlife propagation.

b. The general criteria found in LAC 33:IX.1113.B, except for LAC 33:IX.1113.B.3 and 9, apply.

c. Numerical criteria found in LAC 33:IX.1113.C.4, 5.b, and 6 apply.

d. The biological criteria found in LAC 33:IX.1113.B.12.b apply.

e. Additional or site-specific criteria may be necessary to protect other existing or beneficial uses identified by the administrative authority.

5. A wastewater discharge may be proposed for a wetland of any defined type only if the discharge will not cause impairment of the wetland or exceedance of applicable general or site-specific criteria.

6. Discharges to wetlands approved by the administrative authority for wastewater assimilation projects will only be permitted following procedures pursuant to the Water Quality Management Plan, Volume 3, Section 10, Permitting Guidance Document for Implementing Louisiana Surface Water Quality Standards.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2074(B)(1).

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Water Resources, LR 10:745 (October 1984), amended LR 15:738 (September 1989), LR 17:264 (March 1991), LR 17:966 (October 1991), LR 20:883 (August 1994), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2546 (November 2000), LR 29:557 (April 2003), amended by the Office of the Secretary, Legal Affairs Division, LR 33:457 (March 2007).

§1113. Criteria

A. - B.11. ...

12. Biological and Aquatic Community Integrity

a. The biological and community structure and function in state waters shall be maintained, protected, and restored except where not attainable and feasible as defined in LAC 33:IX.1109. This is the ideal condition of the aquatic community inhabiting the unimpaired water bodies of a specified habitat and region as measured by community structure and function. The biological integrity will be guided by the fish and wildlife propagation use designated for that particular water body. Fish and wildlife propagation uses are defined in LAC 33:IX.1111.C. The condition of these aquatic communities shall be determined from the

measures of physical, chemical, and biological characteristics of each surface water body type, according to its designated use (LAC 33:IX.1123). Reference site conditions will represent naturally attainable conditions. These sites should be the least impacted and most representative of water body types. Such reference sites or segments of water bodies shall be those observed to support the greatest variety and abundance of aquatic life in the region as is expected to be or has been recorded during past surveys in natural settings essentially undisturbed by human impacts, development, or discharges. This condition shall be determined by consistent sampling and reliable measures of selected, indicative communities of animals (i.e., fish, invertebrates, etc.) and/or plants as established by the department and may be used in conjunction with acceptable chemical, physical, and microbial water quality measurements and records as deemed appropriate for this purpose.

b. Assessment of Biological Integrity for Wetlands Approved for Wastewater Assimilation Projects Pursuant to the Water Quality Management Plan, Volume 3, Section 10, Permitting Guidance Document for Implementing Louisiana Surface Water Quality Standards. Wetland biological integrity will be guided by above-ground wetland vegetative productivity with consideration given to floral diversity. Due to effluent addition, the discharge area of a wetland shall have no more than a 20 percent reduction in the rate of total above-ground wetland productivity over a five-year period as compared to a reference area. The *discharge area* is the area of a wetland directly affected by effluent addition. For each location, the discharge area will be defined by the volume of discharge. The *reference area* is the wetland area that is nearby and similar to the discharge area but that is not affected by effluent addition. Above-ground productivity is a key measurement of overall ecosystem health in the wetlands of south Louisiana. Primary productivity is dependent on a number of factors, and the methods for measurement of above-ground productivity and floral diversity are found in the current Water Quality Management Plan, Volume 3, Section 10, Permitting Guidance Document for Implementing Louisiana Surface Water Quality Standards.

13. Other Substances and Characteristics. General criteria on other substances and characteristics not specified in this Subsection will be developed as needed.

C. Numerical Criteria. Numerical criteria identified in LAC 33:IX.1123, Table 3, apply to the specified water bodies, and to their tributaries, distributaries, and interconnected streams and water bodies contained in the water management subsegment if they are not specifically named therein, unless unique chemical, physical, and/or biological conditions preclude the attainment of the criteria. In those cases, natural background levels of these conditions may be used to establish site-specific water quality criteria. Those water bodies officially approved and designated by the state and EPA as intermittent streams, man-made water bodies, or naturally dystrophic waters may be excluded from some or all numerical criteria as stated in LAC 33:IX.1109.

Although naturally occurring variations in water quality may exceed criteria, water quality conditions attributed to human activities must not exceed criteria when flows are greater than or at critical conditions (as defined in LAC 33:IX.1115.C).

C.1. - Table 1A.Footnote d. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2074(B)(1).

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Water Resources, LR 10:745 (October 1984), amended LR 15:738 (September 1989), LR 17:264 (March 1991), LR 17:967 (October 1991), repromulgated LR 17:1083 (November 1991), amended LR 20:883 (August 1994), LR 24:688 (April 1998), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 25:2402 (December 1999), LR 26:2547 (November 2000), LR 27:289 (March 2001), LR 30:1474 (July 2004), amended by the Office of the Secretary, Legal Affairs Division, LR 33:457 (March 2007).

Herman Robinson, CPM
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0703#021

RULE

Department of Health and Hospitals Board of Examiners of Psychologists

Certificate of Prescriptive Authority
(LAC 46:LXIII.403)

In accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., the Board of Examiners of Psychologists has amended LAC 46:LXIII.403.

Title 46

PROFESSIONAL AND OCCUPATIONAL STANDARDS

Part LXIII. Psychologists

Chapter 4. Certificate of Prescriptive Authority

§403. Application for Certificate of Prescriptive Authority

A. - B.3. ...

4. If the license of a psychologist who has applied for a certificate of prescriptive authority is under disciplinary restriction or under investigation due to a complaint having been filed with this board, granting of the certificate of prescriptive authority may be withheld until such time as the restriction or the investigation has come to conclusion and the license is in good standing status.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:2371-2378.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Examiners of Psychologists, LR 31:70 (January 2005), amended LR 32:1228 (July 2006), LR 33:458 (March 2007).

Jaime T. Monic
Executive Director

0703#015

RULE

Department of Health and Hospitals Board of Examiners of Psychologists

Temporary Licensure
(LAC 46:LXIII.Chapter 10)

In accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., that the Board of Examiners of Psychologists has adopted Chapter 10 to facilitate the temporary registration of out-of-state psychologists in accordance with the Louisiana Licensing Law for Psychologist, R.S. 37:2365.D. as well as temporary emergency registration of out-of-state psychologists in compliance with R.S. 29:769(E).

Title 46

PROFESSIONAL AND OCCUPATIONAL STANDARDS

Part LXIII. Psychologists

Chapter 10. Temporary Licensure

§1001. Registration of Out-of-State Psychologist

A. Pursuant to R.S. 37:2365.D any nonresident duly licensed or certified for independent practice as a psychologist in the state of his/her residence and which state will permit residents of this state a like and similar privilege as provided herein may, if associated with a psychologist who is a resident of the state of Louisiana and licensed under Title 37, Chapter 28 of the Louisiana Revised Statutes, practice as a psychologist for a period not to exceed 30 days in any calendar year to the same extent and manner as if licensed in this state.

B. A psychologist not licensed in Louisiana, whose license is current and unrestricted in the jurisdiction of his/her residence, must properly register with the board prior to providing psychological services in Louisiana as follows:

1. completed registration form signed by the Out-of-State Psychologist as well as the associating Licensed Louisiana Psychologist, shall be submitted along with a copy of the respective current and unrestricted licenses, picture identification, and any other information pertaining to identification or fitness to practice as requested by the board;

2. documentation that the psychologist is engaged in a legitimate professional setting, and provides satisfactory documentation to the board of the location site(s) that he/she will be providing psychological services and dates of service;

3. a statement attesting to any prior disciplinary actions, felonies or convictions, participation in an Impaired Psychologist Program, or any pending litigations or actions the licensee may be facing; and

4. documentation that the state in which the Out-of-State Psychologist resides provides a like and similar privilege to licensed Louisiana psychologists.

C. Upon acceptance, the psychologist shall comply with the Louisiana Licensing Law for Psychologists, R.S. Title 37, Chapter 28, the *Louisiana Administrative Code*, Title 46, Part LXIII and other applicable laws, as well as practice in good faith, and within the reasonable scope of his skills, training, and ability.

D. Should a qualified psychologist registered with the board thereafter fail to comply with any requirement or

condition established by this rule, the board may immediately terminate his/her registration. In addition, any known jurisdiction in which the psychologist holds a license will be notified of any complaint, investigation and/or disciplinary proceedings by this board.

E. In the event a psychologist fails to register with the board, but practices psychology, whether gratuitously or otherwise, then such conduct will be considered the unlawful practice of psychology and prosecuted accordingly.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:2365.D.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Examiners of Psychologists, LR 33:459 (March 2007).

§1002. Emergency Temporary Registration for Psychologists

A. Pursuant to R.S.29:769(E), licensed Psychologists from other jurisdictions of the United States may respond to a declared public health emergency and be granted a temporary registration to engage in the practice of Psychology as defined in R.S. 37:2352(5).

B. Prior to providing professional services in Louisiana a psychologist licensed in another jurisdiction of the United States, shall apply for an Emergency Temporary Registration (ETR). The application for ETR shall be made available via the board website or mailed upon request.

C. Applications for Emergency Temporary Registration shall be processed as priority during a declared emergency.

D. Accordingly, additional requirements for an ETR may be imposed pursuant to the emergency declaration issued which more properly address the needs of the particular declared emergency.

E. A psychologist not licensed in Louisiana, whose license is current and unrestricted in the jurisdiction of his/her residence in the United States, and properly registers with the board may gratuitously provide psychological services if:

1. the psychologist is engaged in a legitimate relief effort during the emergency period, and provides satisfactory documentation to the board of the location site(s) that he/she will be providing psychological services;

2. the psychologist shall comply with the Louisiana Licensing Law for Psychologists R.S. Title 37, Chapter 28, the *Louisiana Administrative Code*, Title 46, Part LXIII and other applicable laws, as well as practice in good faith, and within the reasonable scope of his skills, training, and ability; and

3. the psychologist renders psychological services on a gratuitous basis with no revenue of any kind to be derived whatsoever from the provision of psychological services with the state of Louisiana.

F. The authority provided for the emergency rule shall be applicable for a period of time not to exceed sixty days at the discretion of the board, with the potential extension of up to two additional periods not to exceed 60 days for each extension as determined appropriate and necessary by the board.

G. All interested psychologists shall submit to the board, a copy of their respective current and unrestricted licenses, picture identification, and any other information pertaining to identification or fitness to practice as requested by the board.

H. Should a qualified psychologist registered with the board thereafter fail to comply with any requirement or condition established by this rule, the board may immediately terminate his/her registration. In addition, any known jurisdiction in which the psychologist holds a license will be notified of any complaint, investigation and/or disciplinary proceedings by this board.

I. In the event a psychologist fails to register with the board, but practices psychology, whether gratuitously or otherwise, then such conduct will be considered the unlawful practice of psychology and prosecuted accordingly.

AUTHORITY NOTE: Promulgated in accordance with R.S. 29:769(E).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Examiners of Psychologists, LR 33:459 (March 2007).

Jaime T. Monic
Executive Director

0703#014

RULE

Department of Health and Hospitals Board of Nursing

Disaster Relief Permits (LAC 46:XLVII.3328)

The Louisiana State Board of Nursing adopts LAC 46:XLVII.3328 in accordance with R.S. 37:918, R.S. 37:919 and R.S. 37:920 and in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950, et seq.

The adoption of Rule LAC 46:XLVII.3328 Disaster Relief Permits will allow the Louisiana State Board of Nursing to issue disaster relief permits to an individual to practice as a registered nurse or advanced practice registered nurse to provide gratuitous or non-gratuitous nursing services in Louisiana during a public health emergency, and for such periods thereafter as approved by the board. In addition, the Rule allows the Disaster Relief Permit to be valid for 60 days from the date of issuance and may be extended for additional 60 day periods as determined appropriate and necessary by the board provided all condition prerequisites to original issuances are satisfied.

Title 46

PROFESSIONAL AND OCCUPATIONAL STANDARDS

Part XLVII. Nurses

Subpart 2. Registered Nurses

Chapter 33. General

Subchapter C. Registration and Registered Nurse

Licensure

§3328. Disaster Relief Permits

A. The board may issue disaster relief permits to an individual to practice as a registered nurse or advanced practice registered nurse to provide gratuitous or non-gratuitous nursing services in this state during a public health emergency, and for such periods thereafter as approved by the board, provided such individual:

1. holds a current, unrestricted license in good standing issued by the licensing authority of another state to practice as a registered nurse or as an advanced practice registered nurse;

2. presents or causes to be presented to the board:

- a. picture identification;
- b. proof of current licensure in another state; and
- c. a completed disaster permit affidavit.

B. A Disaster Relief Permit may be issued upon such terms, conditions, limitations or restrictions as to time, place, nature, and scope of practice as are, in the judgment of the board, deemed necessary or appropriate to its responsibilities under law.

C. The Disaster Relief Permit will be valid for 60 days from the date of issuance and may be extended for additional 60 day periods as determined appropriate and necessary by the board provided all condition prerequisites to original issuances are satisfied.

D. If allegations of acts or omissions which constitute grounds for disciplinary action as defined in R.S. 37:911 et seq., or any rule promulgated by the board is received during the permit interval, the Disaster Relief Permit shall be recalled.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:918, 919 and 920.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Nursing, LR 33:460 (March 2007).

Barbara L. Morvant
Executive Director

0703#038

RULE

Department of Health and Hospitals Board of Nursing

Temporary Permits to Practice as Registered Nurse (LAC 46:XLVII.3329)

The Louisiana State Board of Nursing amends LAC 46:XLVII.3329 in accordance with R.S. 37:918, R.S. 37:919 and R.S. 37:920 and in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950, et seq.

This Rule provides for issuance of temporary permits to practice as a registered nurse.

Title 46

PROFESSIONAL AND OCCUPATIONAL STANDARDS

Part XLVII. Nurses

Subpart 2. Registered Nurses

Chapter 33. General

Subchapter C. Registration and Registered Nurse

Licensure

§3329. Temporary Permits

A. In accordance with R.S. 37:920, the Board of Nursing may issue the following temporary permits to practice as a registered nurse.

1. A working permit may be issued to graduates of approved schools pending the results of the first licensing examination, provided:

a. the examination is taken within three months after graduation from the approved nursing education program;

b. the person resides in Louisiana and plans to work in Louisiana;

c. there is no evidence of violation of this Part or of LAC 46:XLVII.3331; and

d. there are no allegations of acts or omissions which constitute grounds for disciplinary action as defined in R.S. 37:921 and LAC 46:XLVII.3403 and 3405.

2. The terminology R.N. applicant identifies those individuals who have been issued a temporary working permit. R.N. applicant may be abbreviated as R.N. App. after signatures on records. The full spelling is required on identification pins.

3. The temporary work permit is limited as follows.

a. The R.N. applicant shall practice only in nursing situations where direct R.N. supervision is available.

b. The R.N. applicant shall serve in a staff nurse position.

c. The R.N. applicant shall assume only those responsibilities and functions commonly included in the staff nurse position.

4. The working permit issued to the R.N. applicant expires upon the R.N. applicant's receipt of the results of the first examination after graduation, or at the end of three months if the examination has not been taken.

B. A 90-day permit to practice as a registered nurse may be issued to any nurse currently registered in another state, territory, or country, pending receipt of endorsement credentials providing that said nurse has filed a complete application for licensure by endorsement and provided that:

1. the person provides verification of current licensure in the state of last employment;

2. the person resides in Louisiana and plans to work in Louisiana; and

3. there is no evidence of violation of this Part or of §3331; and

4. there are no allegations of acts or omissions which constitute grounds for disciplinary action as defined in R.S. 37:921 and §§3403 and 3405.

C. Graduates of foreign nursing schools, except for certain Canadian schools, are not eligible for work permits.

D. A temporary permit to practice as a registered nurse or an advanced practice registered nurse for a maximum period of six months may be issued to an individual enrolled in the clinical practice component of a board approved refresher course for the purpose of RN or APRN licensure reinstatement or licensure endorsement provided:

1. the individual provides satisfactory evidence that he or she previously held an unencumbered license in Louisiana or another jurisdiction recognized in Louisiana;

2. the individual completes the application form provided by the board;

3. the individual provides satisfactory documentation of enrollment in a refresher course approved by the board in accordance with §3335.D.2.a;

4. the individual pays the licensure fee required by §3341.A.f or 3327.A.8;

5. there is no evidence of violation of this Part or of §3331; and

6. there are no allegations of acts or omissions which constitute grounds for disciplinary action as defined in R.S. 37:921 and §§3403 and 3405.

E. Any individual who receives a temporary permit issued pursuant to Subsection D above shall:

1. practice under the supervision of a licensed registered nurse or advanced practice registered nurse if seeking licensure as an RN or under the supervision of a licensed advanced practice registered nurse if seeking licensure as an APRN; and

2. be entitled to use the designation RN applicant if applying for licensure as a registered nurse or APRN applicant if applying for licensure as an advanced practice registered nurse.

F. If allegations of acts or omissions which constitute grounds for disciplinary action as defined in R.S. 37:911 et seq., or any rule promulgated by the board is received during the permit interval, the temporary permit issued pursuant to this Section above shall be recalled and licensure denied or delayed in accordance with LAC 46:XLVII.3331 or until such time as the person completes the disciplinary process.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:918, 920 and 921.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Board of Nursing, LR 7:78 (March 1981), amended by the Department of Health and Hospitals, Board of Nursing, LR 23:961 (August 1997), LR 24:1293 (July 1998), LR 28:2513 (December 2002), LR 33:460 (March 2007).

Barbara L. Morvant
Executive Director

0703#037

RULE

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

Intermediate Care Facilities for the Mentally Retarded
Reimbursement of Medical Supplies
(LAC 50:VII.32901 and 32903)

The Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, amends LAC 50:VII.32901 and 32903 in the Medical Assistance Program as authorized by R.S. 36:254 and pursuant to Title XIX of the Social Security Act. This proposed Rule is promulgated in accordance with the Administrative Procedure Act, R.S. 49:950 et seq.

Title 50

PUBLIC HEALTH—MEDICAL ASSISTANCE

Part VII. Long Term Care

Subpart 3. Intermediate Care Facilities for the Mentally Retarded

Chapter 329. Reimbursement Methodology Subchapter A. Reimbursement Components §32901. Cost Reports

A. - C.1. ...

2. For providers receiving pervasive plus supplements and other client specific adjustments to the rate

in accordance with §32903.I, the facility wide direct care floor is established at 94 percent of the per diem direct care payment, the pervasive plus supplement, and other client specific adjustments to the rate. The direct care floor will be applied to the cost reporting year in which the facility receives a pervasive plus supplement and/or a client specific rate adjustment. In no case, however, shall a facility receiving a pervasive plus supplement and/or client specific rate adjustment have total facility payments reduced to less than 104 percent of the total facility cost as a result of imposition of the direct care floor.

C.3. - 4. ...

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

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 31:1592 (July 2005), repromulgated LR 31:2252 (September 2005), amended LR 33:461 (March 2007).

§32903. Rate Determination

A. - H.2. ...

I. Other Client Specific Adjustments to the Rate. A facility may request a client specific rate supplement for reimbursement of the costs for enteral nutrition, ostomy or tracheotomy medical supplies or a vagus nerve stimulator.

1. The provider must submit sufficient medical supportive documentation to the DHH ICAP Review Committee to establish medical need for enteral nutrition, ostomy or tracheotomy medical supplies.

a. The amount of reimbursement determined by the ICAP Review Committee shall be based on the average daily cost for the provision of the medical supplies.

b. The provider must submit annual documentation to support the need for the adjustment to the rate.

2. Prior authorization for implementation for the Vagus Nerve Stimulator shall be requested after the evaluation has been completed but prior to stimulator implantation. The request to initiate implantation shall come from the multi-disciplinary team as a packet with the team's written decision regarding the recipient's candidacy for the implant and the results of all pre-operative testing. The PA-01 form for the device and surgeon shall be included in the packet forwarded to Unisys.

a. The amount of reimbursement shall be the established fee on the Medicaid Fee Schedule for medical equipment and supplies.

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

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 31:1592 (July 2005), repromulgated LR 31:2253 (September 2005), amended LR 33:462 (March 2007).

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

0703#076

RULE

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

Medical Transportation Program
Non-Emergency Medical Transportation Services
Reimbursement Rate Increase (LAC 50:XXVII.571)

The Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing adopts LAC 50:XXVII.571 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.

Title 50

PUBLIC HEALTH—MEDICAL ASSISTANCE

Part XXVII. Medical Transportation Program

Chapter 5. Non-Emergency Medical Transportation (NEMT)

Subchapter D. Reimbursement

§571. Reimbursement Methodology

A. For dates of service on or after September 1, 2006, the reimbursement rate for non-emergency, non-ambulance medical transportation services shall be increased by 5 percent of the rates in effect on August 31, 2006.

B. For dates of service on or after December 1, 2006, the reimbursement rate for non-emergency, non-ambulance medical transportation services shall be increased by an additional 9 percent of the rates in effect on November 30, 2006.

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

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 33:462 (March 2007).

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

0703#077

RULE

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

Professional Services Program
Physician Services—Concurrent Care
(LAC 50:IX.305)

The Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing adopts LAC 50:IX.305 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.

Title 50

PUBLIC HEALTH—MEDICAL ASSISTANCE

Part IX. Professional Services Program

Subpart 1. General Provisions

Chapter 3. Concurrent Care

§305. Inpatient Concurrent Care

A. For hospitalized recipients receiving concurrent care services, the Medicaid Program shall reimburse up to three medically necessary inpatient evaluation and management services by providers of different specialties per recipient, per day, for recipients age 21 and over.

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

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 33:463 (March 2007).

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

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

0703#078

RULE

Department of Health and Hospitals

Office of the Secretary

Bureau of Health Services Financing

Third Party Liability
Provider Billing and Trauma Recovery
(LAC 50:I.8341-8349)

The Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing adopts LAC 50:I.8341-8349 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.

Title 50

PUBLIC HEALTH—MEDICAL ASSISTANCE

Part I. Administration

Subpart 9. Recovery

Chapter 83. Third Party Liability

Subchapter D. Provider Billing and Trauma Recovery

§8341. Definitions

Difference—payment to a provider for health care services rendered to a Medicaid recipient in excess of the Medicaid paid amount.

Initial Lien—the first letter or other notice sent by the Medicaid Third Party Recovery Unit via certified mail to the recipient or his representative providing notification of the lien amount.

Updated Lien—the most recent letter or other notice sent by the Medicaid Third Party Recovery Unit via certified mail to the recipient or his representative, subsequent to the initial lien, providing notification of an updated lien amount.

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

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 33:463 (March 2007).

§8343. Introduction

A. Congress intended the Medicaid Program be the payor of last resort, requiring other available resources be used before Medicaid pays for any health care services rendered to an individual enrolled in the Medicaid Program.

B. The Department of Health and Hospitals shall not prevent a provider from pursuing a liable or potentially liable third party for payment in excess of the Medicaid paid amount to a provider for rendered health care services, hereinafter referred to as the "difference."

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

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 33:463 (March 2007).

§8345. Provider Responsibilities

A. A provider, who has filed and accepted Medicaid payment and who wishes to pursue the difference, shall submit written notification containing information relating to the existence or possible existence of a liable third party to the Medicaid Third Party Recovery Unit within 365 days of the accident or incident for which the third party is or may be liable.

1. The notice shall contain the:

- a. Medicaid recipient's name;
- b. Medicaid recipient's Social Security number or Medicaid identification number, or both; and
- c. date of the accident or incident.

B. A provider who has filed and accepted a Medicaid payment may accept or collect the difference from a third party. Within ten working days of receipt of the difference, the provider or his agent shall notify the Medicaid Third Party Recovery Unit to determine whether it has received full reimbursement for all payments made to all providers for health care services rendered to a Medicaid recipient as a result of an accident or incident. A provider shall not disburse the difference until receipt of notification from the Medicaid Third Party Recovery Unit that it has been made "whole." Medicaid shall be made whole.

1. In the event Medicaid agrees to and accepts less than full reimbursement for all payments made on behalf of a Medicaid recipient, excluding any partial payment, Medicaid shall be deemed to have been made whole. Medicaid shall have ten working days from receipt of notice to notify the provider whether it has been made whole.

C. In the event a provider has knowledge that an individual is a Medicaid recipient and is receiving or has received health care services which may be covered by Medicaid as a result of the accident or incident, the provider is prohibited from:

- 1. demanding any payment from the Medicaid recipient or his representative; or
- 2. pursuing collection of any type against the Medicaid recipient or his representative.

D. Nothing in this Subchapter shall prevent a provider from demanding payment from, or pursuing any type of collection efforts for the difference against any liable or

potentially liable third party, directly or through the Medicaid recipient or his representative who is demanding payment from any liable or potentially liable third party.

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

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 33:463 (March 2007).

§8347. Recipient Responsibilities

A. The claims included in the initial lien calculated by the Medicaid Third Party Liability Recovery Unit shall be deemed as an accurate reflection of the total amount paid by Medicaid, unless challenged in writing by the recipient or his representative within 90 days of the date of the initial lien notification to the Medicaid recipient or his representative.

B. Any additional Medicaid payments included as the result of an updated lien shall be deemed as an accurate reflection of the total amount of the claims paid by Medicaid, unless challenged in writing by the recipient or his representative, within 30 days of the date of the updated lien notification to the Medicaid recipient or his representative.

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

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 33:464 (March 2007).

§8349. Noncompliance and Violations

A. A provider who has filed and accepted Medicaid payment and who fails to comply with the notification requirement stated in §8345 of this Subchapter shall be limited to the Medicaid payment received as payment in full for the health care services rendered to the Medicaid recipient.

B. A provider who has filed and accepted Medicaid payment may be referred for investigation and prosecution for any possible violation of either federal or state laws. A provider may be excluded from participation in the Medicaid Program in the event he:

1. pursues the difference prior to providing written notification to the Medicaid Third Party Recovery Unit;

2. accepts payment from a third party and fails to comply with the provisions of §8345.B.; or

3. receives payment in excess of billed charges or a duplicate payment for the same health care services.

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

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 33:464 (March 2007).

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.

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

0703#079

RULE

**Department of Insurance
Office of the Commissioner**

**Regulation 91—The Recognition of Preferred Mortality
Tables for Use in Determining Minimum Reserve Liabilities
(LAC 37:XIII.Chapter 119)**

Under the authority of the Louisiana Insurance Code, R.S. 22:1 et seq., and in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., the Commissioner of the Louisiana Department of Insurance hereby promulgates its Regulation 91 which recognizes, presents and permits the use of mortality tables by life insurance companies that reflect the differences in mortality between preferred and standard lives in the determination of their minimum statutory reserve liabilities.

Title 37

INSURANCE

Part XIII. Regulations

**Chapter 119. Regulation Number 91—The Recognition
of Preferred Mortality Tables for Use in
Determining Minimum Reserve
Liabilities**

§11901. Authority

A. This regulation is promulgated by the Commissioner of Insurance pursuant to authority granted under the Louisiana Insurance Code, Title 22, §22:1 et seq., particularly the Standard Valuation Law, see Title 22, §163.B.(1)(a) and Subsections 10909.A and B of Regulation 85.

AUTHORITY NOTE: Promulgated in accordance with R.S.22:3, 22:163, 22:168 and the Administrative Procedure Act, R.S. 49:950 et seq.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 33:464 (March 2007).

§11903. Purpose

A. The purpose of this regulation is to recognize, permit and prescribe the use of mortality tables that reflect differences in mortality between preferred and standard lives in determining minimum reserve liabilities in accordance with Title 22, §163.B.(1)(a) and Subsections 10909.A and B of Regulation 85.

AUTHORITY NOTE: Promulgated in accordance with R.S.22:3, 22:163, 22:168 and the Administrative Procedure Act, R.S. 49:950 et seq.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 33:464 (March 2007).

§11905. Definitions

A. For purposes of this regulation:

2001 CSO Mortality Table—that mortality table, consisting of separate rates of mortality for male and female lives, developed by the American Academy of Actuaries CSO Task Force from the Valuation Basic Mortality Table developed by the Society of Actuaries Individual Life Insurance Valuation Mortality Task Force, and adopted by the NAIC in December 2002. The 2001 CSO Mortality Table is included in the *Proceedings of the NAIC* (2nd

Quarter 2002) and supplemented by the 2001 CSO Preferred Class Structure Mortality Table defined below in Subsection B. Unless the context indicates otherwise, the "2001 CSO Mortality Table" includes both the ultimate form of that table and the select and ultimate form of that table and includes both the smoker and nonsmoker mortality tables and the composite mortality tables. It also includes both the age-nearest-birthday and age-last-birthday bases of the mortality tables. Mortality tables in the 2001 CSO Mortality Table include the following.

2001 CSO Mortality Table (F)—that mortality table consisting of the rates of mortality for female lives from the 2001 CSO Mortality Table.

2001 CSO Mortality Table (M)—that mortality table consisting of the rates of mortality for male lives from the 2001 CSO Mortality Table.

Composite Mortality Tables—mortality tables with rates of mortality that do not distinguish between smokers and nonsmokers.

Smoker and Nonsmoker Mortality Tables—mortality tables with separate rates of mortality for smokers and nonsmokers.

B. *2001 CSO Preferred Class Structure Mortality Table*—mortality tables with separate rates of mortality for Super Preferred Nonsmokers, Preferred Nonsmokers, Residual Standard Nonsmokers, Preferred Smokers, and Residual Standard Smoker splits of the 2001 CSO Nonsmoker and Smoker tables as adopted by the NAIC at the September 2006 national meeting and published in the *NAIC Proceedings* (Third Quarter 2006). Unless the context indicates otherwise, the "2001 CSO Preferred Class Structure Mortality Table" includes both the ultimate form of that table and the select and ultimate form of that table. It includes both the smoker and nonsmoker mortality tables. It includes both the male and female mortality tables and the gender composite mortality tables. It also includes both the age-nearest-birthday and age-last-birthday bases of the mortality table.

C. *Statistical Agent*—an entity with proven systems for protecting the confidentiality of individual insured and insurer information; demonstrated resources for and history of ongoing electronic communications and data transfer ensuring data integrity with insurers, which are its members or subscribers; and a history of and means for aggregation of data and accurate promulgation of the experience modifications in a timely manner.

AUTHORITY NOTE: Promulgated in accordance with R.S.22:3, 22:163, 22:168 and the Administrative Procedure Act, R.S. 49:950 et seq.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 33:464 (March 2007).

§11907. 2001 CSO Preferred Class Structure Table

A. At the election of the company, for each calendar year of issue, for any one or more specified plans of insurance and subject to satisfying the conditions stated in this regulation, the 2001 CSO Preferred Class Structure Mortality Table may be substituted in place of the 2001 CSO Smoker or Nonsmoker Mortality Table as the minimum valuation standard for policies issued on or after January 1, 2007. No such election shall be made until the company demonstrates at least 20 percent of the business to be valued on this table is in one or more of the preferred classes. A table from the 2001 CSO Preferred Class Structure Mortality

Table used in place of a 2001 CSO Mortality Table, pursuant to the requirements of this rule, will be treated as part of the 2001 CSO Mortality Table only for purposes of reserve valuation pursuant to the requirements of the NAIC model regulation, "Recognition of the 2001 CSO Mortality Table for Use in Determining Minimum Reserve Liabilities and Nonforfeiture Benefits Model Regulation."

AUTHORITY NOTE: Promulgated in accordance with R.S.22:3, 22:163, 22:168 and the Administrative Procedure Act, R.S. 49:950 et seq.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 33:465 (March 2007).

§11909. Conditions

A. For each plan of insurance with separate rates for preferred and standard nonsmoker lives, an insurer may use the super preferred nonsmoker, preferred nonsmoker, and residual standard nonsmoker tables to substitute for the nonsmoker mortality table found in the 2001 CSO Mortality Table to determine minimum reserves. At the time of election and annually thereafter, except for business valued under the residual standard nonsmoker table, the appointed actuary shall certify that:

1. the present value of death benefits over the next 10 years after the valuation date, using the anticipated mortality experience without recognition of mortality improvement beyond the valuation date for each class, is less than the present value of death benefits using the valuation basic table corresponding to the valuation table being used for that class;

2. the present value of death benefits over the future life of the contracts, using anticipated mortality experience without recognition of mortality improvement beyond the valuation date for each class, is less than the present value of death benefits using the valuation basic table corresponding to the valuation table being used for that class.

B. For each plan of insurance with separate rates for preferred and standard smoker lives, an insurer may use the preferred smoker and residual standard smoker tables to substitute for the smoker mortality table found in the 2001 CSO Mortality Table to determine minimum reserves. At the time of election and annually thereafter, for business valued under the preferred smoker table, the appointed actuary shall certify that:

1. the present value of death benefits over the next 10 years after the valuation date, using the anticipated mortality experience without recognition of mortality improvement beyond the valuation date for each class, is less than the present value of death benefits using the preferred smoker valuation basic table corresponding to the valuation table being used for that class;

2. the present value of death benefits over the future life of the contracts, using anticipated mortality experience without recognition of mortality improvement beyond the valuation date for each class, is less than the present value of death benefits using the preferred smoker valuation basic table.

C. Unless exempted by the commissioner, every authorized insurer using the 2001 CSO Preferred Class Structure Table shall annually file with the commissioner, with the NAIC, or with a statistical agent designated by the NAIC and acceptable to the commissioner, statistical reports showing mortality and such other information as the commissioner may deem necessary or expedient for the

administration of the provisions of this regulation. The form of the reports shall be established by the commissioner or the commissioner may require the use of a form established by the NAIC or by a statistical agent designated by the NAIC and acceptable to the commissioner.

AUTHORITY NOTE: Promulgated in accordance with R.S.22:3, 22:163, 22:168 and the Administrative Procedure Act, R.S. 49:950 et seq.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 33:465 (March 2007).

§11911. Separability

A. If any provision of this regulation or its application to any person or circumstance is for any reason held to be invalid, the remainder of the regulation and the application of the provision to other persons or circumstances shall not be affected.

AUTHORITY NOTE: Promulgated in accordance with R.S.22:3, 22:163, 22:168 and the Administrative Procedure Act, R.S. 49:950 et seq.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 33:466 (March 2007).

§11913. Effective Date

A. This regulation shall become effective on the date of its final publication in the *Louisiana Register*.

AUTHORITY NOTE: Promulgated in accordance with R.S.22:3, 22:163, 22:168 and the Administrative Procedure Act, R.S. 49:950 et seq.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 33:466 (March 2007).

James J. Donelon
Commissioner

0703#087

RULE

Department of Justice Office of the Attorney General

Database Security Breach Notification Reporting Requirements (LAC 16:III.701)

In accordance with the applicable provisions of R.S. 49:950 et seq., the Administrative Procedure Act, and pursuant to the authority granted by R.S. 51:3077, the Department of Justice, Office of the Attorney General hereby adopts §701, Reporting Requirements. The purpose of the promulgation is to establish the Attorney General's policies and procedures for receiving notice of breaches to secure databases.

Title 16

COMMUNITY AFFAIRS

Part III. Consumer Protection

Chapter 7. Database Security Breach Notification

§701. Reporting Requirements

A. When notice to Louisiana citizens is required pursuant to R.S. 51:3074, the person or agency shall provide written notice detailing the breach of the security of the system to the Consumer Protection Section of the Attorney General's Office. Notice shall include the names of all Louisiana citizens affected by the breach.

B. Failure to provide timely notice may be punishable by a fine not to exceed \$5,000 per violation. Notice to the Attorney General shall be timely if received within 10 days of distribution of notice to Louisiana citizens. Each day notice is not received by the Attorney General shall be deemed a separate violation.

C. Written notification shall be mailed to:

Louisiana Department of Justice
Office of the Attorney General
Consumer Protection Section
1885 N. Third Street
Baton Rouge, LA 70802

AUTHORITY NOTE: Promulgated in accordance with R.S. 51:3071 et seq.

HISTORICAL NOTE: Promulgated by the Department of Justice, Office of the Attorney General, LR 33:466 (March 2007).

Isabel B. Wingerter
Director

0703#010

RULE

Department of Natural Resources Office of Conservation

Hazardous Liquids Pipeline Safety (LAC 33:V.Chapters 301-313)

The Louisiana Office of Conservation amends LAC 33:V.301 et seq., in accordance with the provisions of the Administrative Procedure Act, R. S. 49:950 et seq., and pursuant to power delegated under the laws of the State of Louisiana and particularly Title 30 of the Louisiana Revised Statutes of 1950, Section 30:501 et seq. This Rule amends the minimum pipeline safety requirements for hazardous liquids pipelines.

There will be negligible cost to directly affected persons or hazardous liquids pipeline operators. Benefits will be realized by persons living and working near hazardous liquids pipelines through safer construction and operation standards imposed by the Rule amendments. Moreover, Louisiana presently receives federal funds and pipeline inspection fees to administer the Hazardous Liquids Pipeline Safety Program. Failure to amend the Louisiana rules to make them consistent with federal regulations would cause the state to lose federal funding.

Title 33

ENVIRONMENTAL QUALITY

Part V. Hazardous Waste and Hazardous Materials

Subpart 3. Natural Resources

Chapter 301. Transportation of Hazardous Liquids by Pipeline [49 CFR Part 195]

Subchapter A. General [Subpart A]

§30103. Applicability [49 CFR 195.1]

A. - B.4. ...

5. transportation of a hazardous liquid or carbon dioxide in offshore pipelines in state waters which are located upstream from the outlet flange of each facility where hydrocarbons or carbon dioxide are produced or where produced hydrocarbons or carbon dioxide are first

separated, dehydrated, or otherwise processed, whichever facility is farther downstream [49 CFR 195.1(b)(5)];

6. ...

7. transportation of a hazardous liquid or carbon dioxide through onshore production (including flowlines), refining or manufacturing facilities or storage or in-plant piping systems associated with such facilities [49 CFR 195.1(b)(7)];

8. transportation of a hazardous liquid or carbon dioxide through onshore production (including flowlines), refining or manufacturing facilities or storage or in-plant piping systems associated with such facilities [49 CFR 195.1(b)(8)];

9. transportation of a hazardous liquid or carbon dioxide [49 CFR 195.1(b)(9)]:

a. by vessel, aircraft, tank truck, tank car, or other nonpipeline mode of transportation [49 CFR 195.1(b)(9)(i)]; or

b. through facilities located on the grounds of a materials transportation terminal that are used exclusively to transfer hazardous liquid or carbon dioxide between nonpipeline modes of transportation or between a nonpipeline mode and a pipeline, not including any device and associated piping that are necessary to control pressure in the pipeline under §30406.B [49 CFR 195.1(b)(9)(ii)]; and

10. transportation of carbon dioxide downstream from the following point, as applicable [49 CFR 195.1(b)(10)]:

a. the inlet of a compressor used in the injection of carbon dioxide for oil recovery operations, or the point where recycled carbon dioxide enters the injection system, whichever is farther upstream [49 CFR 195.1(b)(10)(i)]; or

b. the connection of the first branch pipeline in the production field that transports carbon dioxide to injection wells or to headers or manifolds from which pipelines branch to injection wells [49 CFR 195.1(b)(10)(ii)].

C. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:753.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, Pipeline Division, LR 15:629 (August 1989), amended LR 18:861 (August 1992), LR 20:439 (1994), LR 21:814 (August 1995), LR 29:2804 (December 2003), LR 33:466 (March 2007).

§30105. Definitions [49 CFR 195.2]

A. ...

Administrator—the Administrator, Pipeline and Hazardous Materials Safety Administration or his or her delegate.

Maximum Operating Pressure (MOP)—the maximum pressure at which a pipeline or segment of a pipeline may be normally operated under this Subpart.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:753.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, Pipeline Division, LR 15:629 (August 1989), amended LR 18:861 (August 1992), LR 21:815 (August 1995), LR 27:1523 (September 2001), LR 28:83 (January 2002), LR 29:2805 (December 2003), LR 31:675 (March 2005), LR 33:467 (March 2007).

§30107. Matter Incorporated by Reference in Whole or in Part [49 CFR 195.3]

A. ...

B. All incorporated materials are available for inspection in the Pipeline and Hazardous Materials Safety Administration, 400 Seventh Street, SW., Washington, DC, or at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call 202-741-6030 or go to: http://www.archives.gov/federal_register/code_of_federal_regulations/ibr_locations.html. These materials have been approved for incorporation by reference by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. In addition, materials incorporated by reference are available as follows [49 CFR 195.3(b)].

1. Pipeline Research Council International, Inc. (PRCI), c/o Technical Toolboxes, 3801 Kirby Drive, Suite 520, Houston, TX 77098 [49 CFR 195.3(b)(1)]

2. American Petroleum Institute (API), 1220 L Street, NW., Washington, DC 20005 [49 CFR 195.3(b)(2)]

3. ASME International (ASME), Three Park Avenue, New York, NY 10016-5990 [49 CFR 195.3(b)(3)]

4. Manufacturers Standardization Society of the Valve and Fittings Industry, Inc. (MSS), 127 Park Street, NE., Vienna, VA 22180 [49 CFR 195.3(b)(4)]

5. American Society for Testing and Materials (ASTM), 100 Barr Harbor Drive, West Conshohocken, PA 19428 [49 CFR 195.3(b)(5)]

6. National Fire Protection Association (NFPA), 1 Batterymarch Park, P.O. Box 9101, Quincy, MA 02269-9101 [49 CFR 195.3(b)(6)]

7. NACE International, 1440 South Creek Drive, Houston, TX 77084 [49 CFR 195.3(b)(7)]

C. The full titles of publications incorporated by reference wholly or partially in this Subpart are as follows. Numbers in parentheses indicate applicable editions [49 CFR 195.3(c)].

Source and Name of Referenced Material	Title 33 Reference
A. Pipeline Research Council International, Inc. (PRCI): (1) AGA Pipeline Research Committee, Project PR-3-805, "A Modified Criterion for Evaluating the Remaining Strength of Corroded Pipe" (December 22, 1989). The RSTRENG program may be used for calculating remaining strength.	§30452.H.4.a.ii.
B. American Petroleum Institute (API): (1) API Specification 5L "Specification for Line Pipe" (43rd edition and errata, 2004)	§§30161.B.1; 30161.E.
(2) API Specification 6D "Specification for Pipeline Valves (Gate, Plug, Ball, and Check Valves)" (22nd edition, January 2002)	§30173.A.4.
(3) API Specification 12F "Specification for Shop Welded Tanks for Storage of Production Liquids" (11th edition, November 1994)	§§30189.B.1; 30205.B.2; 30264.B.1; 30264.E.1; 30307.A; 30565; 30579.D.
(4) API 510 "Pressure Vessel Inspection Code: Maintenance Inspection, Rating, Repair, and Alteration" (8th edition, June 1997, and Addenda 1 through 4)	§§30205.B.3; 30432.C.

Source and Name of Referenced Material	Title 33 Reference
(5) API Standard 620 "Design and Construction of Large, Welded, Low-Pressure Storage Tanks" (10th edition, 2002 including Addendum 1)	§§30189.B.2; 30205.B.2; 30264.B.1; 30264.E.3; 30307.B.
(6) API 650 "Welded Steel Tanks for Oil Storage" (10th edition, 1998 including Addenda 1-3)	§§30189.B.3; 30205.B.1; 30264.B.1; 30264.E.2; 30307.C; 30307.D; 30565; 30579.D.
(7) API Recommended Practice 651 "Cathodic Protection of Aboveground Petroleum Storage Tanks" (2nd edition, December 1997)	§§30565; 30579.D.
(8) API Recommended Practice 652 "Lining of Aboveground Petroleum Storage Tank Bottoms" (2nd edition, December 1997)	§30579.D.
(9) API Standard 653 "Tank Inspection, Repair, Alteration, and Reconstruction" (3rd edition, 2001, including Addendum 1, 2003)	§§30205.B.1; 30432.B.
(10) API 1104 "Welding of Pipelines and Related Facilities" (19th edition, 1999 including October 31, 2001 errata)	§§30222; 30228.B.
(11) API 1130 "Computational Pipeline Monitoring" (2nd edition, 2002)	§§30191; 30444.
(12) API Standard 2000 "Venting Atmospheric and Low Pressure Storage Tanks" (5th edition, April 1998)	§§30264.E.2; 30264.E.3.
(13) API Recommended Practice 2003 "Protection Against Ignitions Arising out of Static, Lightning, and Stray Currents" (6th edition, 1998).	§30405.A.
(14) API Publication 2026 "Safe Access/Egress Involving Floating Roofs of Storage Tanks in Petroleum Service" (2nd edition, 1998)	§30405.B.
(15) API Recommended Practice 2350 "Overfill Protection for Storage Tanks In Petroleum Facilities" (2nd edition, 1996)	§30428.C.
(16) API Standard 2510 "Design and Construction of LPG Installations" (8th edition, 2001)	§§30189.B.3; 30205.B.3; 30264.B.2; 30264.E.4; 30307.E; 30428.C; 30432.C.
(17) API Recommended Practice 1162 "Public Awareness Programs for Pipeline Operators," (1st edition, December 2003)	§§30440.A; 30440.B; 30440.C.
C. ASME International (ASME): (1) ASME B16.9 "Factory-Made Wrought Steel Butt Welding Fittings"	§30175.A.
(2) ASME B31.4 -2002 (October 2002) "Pipeline Transportation Systems for Liquid Hydrocarbons and Other Liquids"	§30452.H.4.a.
(3) ASME B31G "Manual for Determining the Remaining Strength of Corroded Pipelines"	§§30452.H.4.a.ii; 30452.H.4.c.iv.
(4) ASME B31.8 "Gas Transmission and Distribution Piping Systems"	§§30111.A.1.a; 30406.A.1.a.
(5) ASME Boiler and Pressure Vessel Code, Section VIII, Division 1 "Rules for Construction of Pressure Vessels," (2004 edition, including addenda through July 1, 2005)	§§30181; 30307.E.
(6) ASME Boiler and Pressure Vessel Code, Section VIII, Division 2 "Alternate Rules for Construction for Pressure Vessels" (2004 edition, including addenda through July 1, 2005)	§30307.E.
(7) ASME Boiler and Pressure Vessel Code, Section IX "Welding and Brazing Qualifications," (2004 edition, including addenda through July 1, 2005)	§30222.

Source and Name of Referenced Material	Title 33 Reference
D. Manufacturers Standardization Society of the Valve and Fittings Industry, Inc. (MSS): (1) MSS SP-75-2004 "Specification for High Test Wrought Butt Welding Fittings" 2) [Reserved]	§30175.A.
E. American Society for Testing and Materials (ASTM): (1) ASTM Designation: A53/A53M-04a (2004) "Standard . Specification for Pipe, Steel, Black and Hot-Dipped, Zinc-Coated Welded and Seamless"	§30161.E.
(2) ASTM Designation: A106/A106M-04b (2004) "Standard Specification for Seamless Carbon Steel Pipe for High-Temperature Service"	§30161.E.
(3) ASTM Designation: A 333/A 333M-05 "Standard Specification for Seamless and Welded Steel Pipe for Low-Temperature Service"	§30161.E.
(4) ASTM Designation: A 381-96 (Reapproved 2001) "Standard Specification for Metal-Arc-Welded Steel Pipe for Use With High-Pressure Transmission Systems"	§30161.E.
(5) ASTM Designation: A 671-04 (2004) "Standard Specification for Electric-Fusion-Welded Steel Pipe for Atmospheric and Lower Temperatures"	§30161.E.
(6) ASTM Designation: A 672-96 (Reapproved 2001) "Standard Specification for Electric-Fusion-Welded Steel Pipe for High-Pressure Service at Moderate Temperatures"	§30161.E.
(7) ASTM Designation: A 691 -98 (Reapproved 2002) "Standard Specification for Carbon and Alloy Steel Pipe Electric-Fusion-Welded for High-Pressure Service at High Temperatures"	§30161.E.
F. National Fire Protection Association (NFPA): (1) NFPA 30 (2003) "Flammable and Combustible Liquids Code" (2) [Reserved]	§30264.B.1.
G. NACE International (NACE): (1) NACE Standard RP 0169-2002: "Control of External Corrosion on Underground or Submerged Metallic Piping Systems" (2) Reserved	§30571.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:753.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, Pipeline Division, LR 15:629 (August 1989), amended LR 20:439 (1994), LR 21:815 (August 1995), LR 24:1313 (1998), LR 27:1523 (September 2001), LR 29:2806 (December 2003), LR 33:467 (March 2007).

Subchapter B. Reporting Accidents and Safety-Related Conditions [Subpart B]

§30139. Filing Offshore Pipeline Condition Reports [49 CFR 195.57]

A. - A.6. ...

B. The report shall be mailed to the Information Officer, Pipeline and Hazardous Materials Safety Administration, Department of Transportation, 400 Seventh Street, SW, Washington, D.C. 20590 and concurrently to the Commissioner of Conservation, Office of Conservation, P.O. Box 94275, Baton Rouge, LA 70804-9275 [49 CFR 195.57(b)].

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:753.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, Pipeline Division, LR 29:2812 (December 2003), amended LR 33:468 (March 2007).

§30140. Address for Written Reports [49 CFR 195.58]

A. Each written report required by this Subchapter must be made to the Information Resources Manager, Office of Pipeline Safety, *Pipeline and Hazardous Materials Safety Administration*, U.S. Department of Transportation, Room 7128, 400 Seventh Street SW, Washington, DC 20590 and concurrently to Office of Conservation, Pipeline Safety, P.O. Box 94275, Baton Rouge, LA 70804-9275. Safety-related condition reports required by §30133 for intrastate pipelines must be submitted concurrently to the state agency, and if that agency acts as an agent of the secretary with respect to interstate pipelines, safety related condition reports for these pipelines must be submitted concurrently to that agency [49 CFR 195.58].

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:753.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, Pipeline Division, LR 29:2812 (December 2003), amended LR 33:469 (March 2007).

§30141. Abandoned Underwater Facilities Report [49 CFR 195.59]

A. ...

1. The preferred method to submit data on pipeline facilities abandoned after October 10, 2000 is to the National Pipeline Mapping System (NPMS) in accordance with NPMS *Standards for Pipeline and Liquefied Natural Gas Operator Submissions*. To obtain a copy of the NPMS Standards, please refer to the NPMS homepage at www.npms.rspa.dot.gov or contact the NPMS National Repository at (703) 317-3073. A digital data format is preferred, but hard copy submissions are acceptable if they comply with the NPMS Standards. In addition to the NPMS-required attributes, operators must submit the date of abandonment, diameter, method of abandonment, and certification that, to the best of the operator's knowledge, all of the reasonably available information requested was provided and, to the best of the operator's knowledge, the abandonment was completed in accordance with applicable laws. Refer to the NPMS Standards for details in preparing your data for submission. The NPMS Standards also include details of how to submit data. Alternatively, operators may submit reports by mail, fax, or e-mail to the Information Officer, Pipeline and Hazardous Materials Safety Administration, Department of Transportation, Room 7128, 400 Seventh Street, SW, Washington DC 20590; fax (202) 366-4566; email, roger.little@dot.gov. The information in the report must contain all reasonably available information related to the facility, including information in the possession of a third party. The report must contain the location, size, date, method of abandonment, and a certification that the facility has been abandoned in accordance with all applicable laws [49 CFR 195.59(a)].

2. Data on pipeline facilities abandoned before October 10, 2000 must be filed before April 10, 2001. Operators may submit reports by mail, fax, email to the Information Officer, Pipeline and Hazardous Materials Safety Administration, Department of Transportation, Room 7128, 400 Seventh Street, SW, Washington DC 20590; fax (202) 366-4566; email, roger.little@dot.gov. The

information in the report must contain all reasonably available information related to the facility, including information in the possession of a third party. The report must contain the location, size, date, method of abandonment, and a certification that the facility has been abandoned in accordance with all applicable laws [49 CFR 195.59(b)].

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:753.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, Pipeline Division, LR 29:2813 (December 2003), amended LR 33:469 (March 2007).

Subchapter C. Design Requirements [Subpart C]

§30173. Valves [49 CFR 195.116]

A. - A.3. ...

4. Each valve must be both hydrostatically shell tested and hydrostatically seat tested without leakage to at least the requirements set forth in Section 10 of API Standard 6D (incorporated by reference, see §30107 [49 CFR 195.116(d)]).

5. - 6.d. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:753.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, Pipeline Division, LR 15:629 (August 1989), amended LR 18:864 (August 1992), LR 29:2816 (December 2003), LR 33:469 (March 2007).

Chapter 302. Transportation of Hazardous Liquids by Pipeline—Construction [49 CFR Part 195 Subpart D]

§30214. Welding Procedures [49 CFR 195.214]

A. Welding must be performed by a qualified welder in accordance with welding procedures qualified under Section 5 of API 1104 or Section IX of the ASME Boiler and Pressure Vessel Code (incorporated by reference, see §30107). The quality of the test welds used to qualify the welding procedure shall be determined by destructive testing [49 CFR 195.214(a)].

B. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:753.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, Pipeline Division, LR 29:2818 (December 2003), amended LR 31:677 (March 2005), LR 33:469 (March 2007).

§30222. Welders—Qualification of Welders [49 CFR 195.222]

A. Each welder must be qualified in accordance with Section 6 of API 1104 (incorporated by reference, see §30107) or Section IX of the ASME Boiler and Pressure Vessel Code, (incorporated by reference, see §30107) except that a welder qualified under an earlier edition than listed in §30107 may weld but may not requalify under that earlier edition [49 CFR 195.222(a)].

B. - B.1. ...

2. had one weld tested and found acceptable under Section 9 of API 1104 (incorporated by reference, see §30107) [49 CFR 195.222(b)(2)].

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:753.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, Pipeline Division, LR 29:2818 (December 2003), amended LR 31:677 (March 2005), LR 33:469 (March 2007).

§30248. Cover over Buried Pipeline [49 CFR 195.248]

A. Unless specifically exempted in this Chapter, all pipe must be buried so that it is below the level of cultivation. Except as provided in §30248.B of this Section, the pipe must be installed so that the cover between the top of the pipe and the ground level, road bed, river bottom, or underwater natural bottom (as determined by recognized and generally accepted practices), as applicable, complies with the following table [49 CFR 195.248(a)].

Location	Cover (Inches)(Millimeters)	
	For Normal Excavation	For Rock Excavation ¹
Industrial, commercial and residential area	36 (914)	30 (762)
Crossings of inland bodies of water with a width of at least 100 ft. (30 meters) from high water mark to high water mark	48 (1219)	18 (457)
Drainage ditches at public roads and railroads	36 (914)	36 (914)
Deepwater port safety zone	48 (1219)	24 (610)
Gulf of Mexico and its inlets in waters less than 15 feet (4.6 meters) deep as measured from mean low water	36 (914)	18 (457)
Other offshore areas under water less than 12 ft (3.7 meters) deep as measured from mean low water	36 (914)	18 (457)
Any other area	30 (762)	18 (457)

¹Rock excavation is any excavation that requires blasting or removal by equivalent means.

B. Except for the Gulf of Mexico and its inlets in waters less than 15 feet (4.6 meters) deep, less cover than the minimum required by Subsection A of this Section and § 30210 may be used if [49 CFR 195.248(b)]:

1. -2. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:753.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, Pipeline Division, LR 29:2820 (December 2003), amended LR 31:678 (March 2005), LR 33:470 (March 2007).

§30264. Impoundment, Protection against Entry, Normal/Emergency Venting or Pressure/Vacuum Relief for Aboveground Breakout Tanks [49 CFR 195.264]

A. - B.1. ...

a. impoundment around a breakout tank must be installed in accordance with Section 4.3.2.3.2. [49 CFR 195.264(b)(1)(i)]; and

b. impoundment by drainage to a remote impounding area must be installed in accordance with Section 4.3.2.3.1. [49 CFR 195.264(b)(1)(ii)].

2. For tanks built to API Standard 2510, the installation of impoundment must be in accordance with Section 5 or 11 of API Standard 2510(incorporated by reference, see §30107) [49 CFR 195.264(b)(2)].

C. - E.2. ...

3. Pressure-relieving and emergency vacuum relieving devices installed on low pressure tanks built to API Standard 620 must be in accordance with section 9 of API Standard 620 (incorporated by reference, see §30107) and its

references to the normal and emergency venting requirements in API Standard 2000 (incorporated by reference, see §30107) [49 CFR 195.264(e)(3)].

4. Pressure and vacuum-relieving devices installed on high pressure tanks built to API Standard 2510 must be in accordance with Sections 7 or 11 of API Standard 2510 (incorporated by reference, see §30107) [49 CFR 195.264(e)(4)].

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:753.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, Pipeline Division, LR 29:2821 (December 2003), amended LR 33:470 (March 2007).

Chapter 303. Transportation of Hazardous Liquids by Pipeline—Pressure Testing [49 CFR Part 195 Subpart E]

§30307. Pressure Testing Aboveground Breakout Tanks [49 CFR 195.307]

A. ...

B. For aboveground breakout tanks built to API Standard 620 and first placed in service after October 2, 2000, hydrostatic and pneumatic testing must be in accordance with Section 7.18 of API Standard 620 (incorporated by reference, see §30107) [49 CFR 195.307(b)].

C. - E. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:703.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, Pipeline Division, LR 29:2823 (December 2003), amended LR 33:470 (March 2007).

Chapter 304. Transportation of Hazardous Liquids by Pipeline—Operation and Maintenance [49 CFR Part 195 Subpart F]

§30440. Public Awareness [49 CFR 195.440]

A. Each pipeline operator must develop and implement a written continuing public education program that follows the guidance provided in the American Petroleum Institute's (API) Recommended Practice (RP) 1162 (incorporated by reference, see §30107) [49 CFR 195.440(a)].

B. The operator's program must follow the general program recommendations of API RP 1162 and assess the unique attributes and characteristics of the operator's pipeline and facilities [49 CFR 195.440(b)].

C. The operator must follow the general program recommendations, including baseline and supplemental requirements of API RP 1162, unless the operator provides justification in its program or procedural manual as to why compliance with all or certain provisions of the recommended practice is not practicable and not necessary for safety [49 CFR 195.440(c)].

D. The operator's program must specifically include provisions to educate the public, appropriate government organizations, and persons engaged in excavation related activities on [49 CFR 195.440(d)]:

1. use of a one-call notification system prior to excavation and other damage prevention activities [49 CFR 195.440(d)(1)];

2. possible hazards associated with unintended releases from a hazardous liquid or carbon dioxide pipeline facility [49 CFR 195.440(d)(2)];

3. physical indications that such a release may have occurred [49 CFR 195.440(d)(3)];

4. steps that should be taken for public safety in the event of a hazardous liquid or carbon dioxide pipeline release [49 CFR 195.440(d)(4)];and

5. procedures to report such an event [49 CFR 195.440(d)(5)].

E. The program must include activities to advise affected municipalities, school districts, businesses, and residents of pipeline facility locations [49 CFR 195.440(e)].

F. The program and the media used must be as comprehensive as necessary to reach all areas in which the operator transports hazardous liquid or carbon dioxide [49 CFR 195.440(f)].

G. The program must be conducted in English and in other languages commonly understood by a significant number and concentration of the non-English speaking population in the operator's area [49 CFR 195.440(g)].

H. Operators in existence on June 20, 2005, must have completed their written programs no later than June 20, 2006. Upon request, operators must submit their completed programs to PHMSA or, in the case of an intrastate pipeline facility operator, the appropriate state agency [49 CFR 195.440(h)].

I. The operator's program documentation and evaluation results must be available for periodic review by appropriate regulatory agencies [49 CFR 195.440(i)].

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:703.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, Pipeline Division, LR 29:2829 (December 2003), amended LR 33:470 (March 2007).

§30452. Pipeline Integrity Management in High Consequence Areas [49 CFR 195.452]

A. - C.1.a.ii. ...

iii. external corrosion direct assessment in accordance with §30588 [49 CFR 195.452(c)(1)(i)(C)]; or

iv. other technology that the operator demonstrates can provide an equivalent understanding of the condition of the line pipe. An operator choosing this option must notify the Office of Pipeline Safety (OPS) 90 days before conducting the assessment, by sending a notice to the addresses or facsimile numbers specified in Subsection M of this Section [49 CFR 195.452(c)(1)(i)(D)].

C.1.b. - J.5.a. ...

b. pressure test conducted in accordance with Chapter 303 of this Subpart [49 CFR 195.452(j)(5)(ii)];

c. external corrosion direct assessment in accordance with §30588 [49 CFR 195.588(j)(5)(iii)]; or

d. other technology that the operator demonstrates can provide an equivalent understanding of the condition of the line pipe. An operator choosing this option must notify OPS 90 days before conducting the assessment, by sending a notice to the addresses or facsimile numbers specified in Subsection M of this Section [49 CFR 195.452(j)(5)(iv)].

K. - L.2. ...

M. Where does an operator send a notification? An operator must send any notification required by §30452 to the Commissioner of Conservation, Pipeline Safety Section, P.O. Box 94275, Baton Rouge, LA 70804-9275 or to the facsimile number (225) 342-5529 and to the Information Resources Manager, Office of Pipeline Safety, Pipeline and Hazardous Materials Safety Administration, U.S. Department of Transportation, Room 7128, 400 Seventh

Street SW, Washington, D.C. 20590, or to the facsimile number (202) 366-7128 [49 CFR 195.452(m)].

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:753.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, Pipeline Division, LR 29:2830 (December 2003), amended LR 30:1216 (June 2004), LR 33:471 (March 2007).

Chapter 305. Transportation of Hazardous Liquids by Pipeline—Qualification of Pipeline Personnel [49 CFR Part 195 Subpart G] and Corrosion Control [49 CFR Part 195 Subpart H]

Subchapter A. Qualification of Pipeline Personnel [49 CFR Part 195 Subpart G]

§30505. Qualification Program [49 CFR 195.505]

A. - A.5. ...

6. communicate changes that affect covered tasks to individuals performing those covered tasks [49 CFR 195.505(f)];

7. identify those covered tasks and the intervals at which evaluation of the individual's qualifications is needed [49 CFR 195.505(g)];

8. after December 16, 2004, provide training, as appropriate, to ensure that individuals performing covered tasks have the necessary knowledge and skills to perform the tasks in a manner that ensures the safe operation of pipeline facilities [49 CFR 195.505(h)]; and

9. after December 16, 2004, notify the administrator or a state agency participating under 49 U.S.C. Chapter 601 if the operator significantly modifies the program after the administrator or state agency has verified that it complies with this Section [49 CFR 195.505(i)].

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:703.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, Pipeline Division, LR 29:2835 (December 2003), amended LR 33:471 (March 2007).

§30509. General [49 CFR 195.509]

A. Operators must have a written qualification program by April 27, 2001. The program must be available for review by the administrator or by a state agency participating under 49 U.S.C. Chapter 601 if the program is under the authority of that state agency [49 CFR 195.509(a)].

B. - D. ...

E. After December 16, 2004, observation of on-the-job performance may not be used as the sole method of evaluation [49 CFR 195.509(e)].

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:703.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, Pipeline Division, LR 29:2836 (December 2003), amended LR 33:471 (March 2007).

Subchapter B. Corrosion Control [49 CFR Part 195 Subpart H]

§30553. What special definitions apply to this Subchapter? [49 CFR 195.553]

A. ...

Direct Assessment—an integrity assessment method that utilizes a process to evaluate certain threats (i.e., external corrosion, internal corrosion and stress corrosion cracking) to a pipeline segment's integrity. The process includes the gathering and integration of risk factor data, indirect

examination or analysis to identify areas of suspected corrosion, direct examination of the pipeline in these areas, and post assessment evaluation.

External Corrosion Direct Assessment (ECDA)—a four-step process that combines pre-assessment, indirect inspection, direct examination, and post-assessment to evaluate the threat of external corrosion to the integrity of a pipeline.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:703.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, Pipeline Division, LR 29:2836 (December 2003), amended LR 33:471 (March 2007).

§30571. What criteria must I use to determine the adequacy of cathodic protection?

[49 CFR 195.571]

A. Cathodic protection required by this Subchapter must comply with one or more of the applicable criteria and other considerations for cathodic protection contained in Paragraphs 6.2 and 6.3 of NACE Standard RP0169 (incorporated by reference, see §30107) [49 CFR 195.571].

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:703.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, Pipeline Division, LR 29:2838 (December 2003), amended LR 33:472 (March 2007).

§30573. What must I do to monitor external corrosion control? [49 CFR 195.573]

A. - A.1. ...

2. Identify or not more than two years after cathodic protection is installed, whichever comes later, the circumstances in which a close-interval survey or comparable technology is practicable and necessary to accomplish the objectives of paragraph 10.1.1.3 of NACE Standard RP0169 (incorporated by reference, see §30107) [49 CFR 195.573(a)(2)].

B. - E. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:703.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, Pipeline Division, LR 29:2838 (December 2003), amended LR 33:472 (March 2007).

§30588. What standards apply to direct assessment? [49 CFR 195.588]

A. If you use direct assessment on an onshore pipeline to evaluate the effects of external corrosion, you must follow the requirements of this section for performing external corrosion direct assessment. This section does not apply to methods associated with direct assessment, such as close interval surveys, voltage gradient surveys, or examination of exposed pipelines, when used separately from the direct assessment process [49 CFR 195.588(a)].

B. The requirements for performing external corrosion direct assessment are as follows [49 CFR 195.588(b)]:

1. General. You must follow the requirements of NACE Standard RP0502-2002 (incorporated by reference, see §30107). Also, you must develop and implement an ECDA plan that includes procedures addressing pre-assessment, indirect examination, direct examination, and post-assessment [49 CFR 195.588(b)(1)].

2. Pre-assessment. In addition to the requirements in Section 3 of NACE Standard RP0502-2002, the ECDA plan procedures for pre-assessment must include [49 CFR 195.588(b)(2)]:

a. provisions for applying more restrictive criteria when conducting ECDA for the first time on a pipeline segment [49 CFR 195.588(b)(2)(i)];

b. the basis on which you select at least two different, but complementary, indirect assessment tools to assess each ECDA region [49 CFR 195.588(b)(2)(ii)]; and

c. if you utilize an indirect inspection method not described in Appendix A of NACE Standard RP0502-2002, you must demonstrate the applicability, validation basis, equipment used, application procedure, and utilization of data for the inspection method [49 CFR 195.588(b)(2)(iii)].

3. Indirect examination. In addition to the requirements in Section 4 of NACE Standard RP0502-2002, the procedures for indirect examination of the ECDA regions must include [49 CFR 195.588(b)(3)]:

a. provisions for applying more restrictive criteria when conducting ECDA for the first time on a pipeline segment [49 CFR 195.588(b)(3)(i)];

b. criteria for identifying and documenting those indications that must be considered for excavation and direct examination, including at least the following [49 CFR 195.588(b)(3)(ii)]:

i. the known sensitivities of assessment tools [49 CFR 195.588(b)(3)(ii)(A)];

ii. the procedures for using each tool [49 CFR 195.588(b)(3)(ii)(B)]; and

iii. the approach to be used for decreasing the physical spacing of indirect assessment tool readings when the presence of a defect is suspected [49 CFR 195.588(b)(3)(ii)(C)];

c. for each indication identified during the indirect examination, criteria for [49 CFR 195.588(b)(3)(iii)]:

i. defining the urgency of excavation and direct examination of the indication [49 CFR 195.588(b)(3)(iii)(A)]; and

ii. defining the excavation urgency as immediate, scheduled, or monitored [49 CFR 195.588(b)(3)(iii)(B)]; and

d. criteria for scheduling excavations of indications in each urgency level [49 CFR 195.588(b)(3)(iv)].

4. direct examination. In addition to the requirements in Section 5 of NACE Standard RP0502-2002, the procedures for direct examination of indications from the indirect examination must include [49 CFR 195.588(b)(4)]:

a. provisions for applying more restrictive criteria when conducting ECDA for the first time on a pipeline segment [49 CFR 195.588(b)(4)(i)];

b. criteria for deciding what action should be taken if either [49 CFR 195.588(b)(4)(ii)]:

i. corrosion defects are discovered that exceed allowable limits (Section 5.5.2.2 of NACE Standard RP0502-2002 provides guidance for criteria) [49 CFR 195.588(b)(4)(ii)(A)]; or

ii. root cause analysis reveals conditions for which ECDA is not suitable (Section 5.6.2 of NACE Standard RP0502-2002 provides guidance for criteria) [49 CFR 195.588(b)(4)(ii)(B)];

c. criteria and notification procedures for any changes in the ECDA plan, including changes that affect the

severity classification, the priority of direct examination, and the time frame for direct examination of indications [49 CFR 195.588(b)(4)(iii)]; and

d. criteria that describe how and on what basis you will reclassify and re-prioritize any of the provisions specified in Section 5.9 of NACE Standard RP0502-2002 [49 CFR 195.588(b)(4)(iv)].

5. post assessment and continuing evaluation. In addition to the requirements in Section 6 of NACE Standard UP 0502-2002, the procedures for post assessment of the effectiveness of the ECDA process must include [49 CFR 195.588(b)(5)]:

a. measures for evaluating the long-term effectiveness of ECDA in addressing external corrosion in pipeline segments [49 CFR 195.588(b)(5)(i)]; and

b. criteria for evaluating whether conditions discovered by direct examination of indications in each ECDA region indicate a need for reassessment of the pipeline segment at an interval less than that specified in Sections 6.2 and 6.3 of NACE Standard RP0502-2002 (see Appendix D of NACE Standard RP0502-2002) [49 CFR 195.588(b)(5)(ii)].

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:703.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, Pipeline Division, LR 33:472 (March 2007).

James H. Welsh
Commissioner

0703#048

RULE

Department of Natural Resources Office of Conservation

Natural Gas Pipeline Safety
(LAC 43:XIII.Chapters 3-5, 9-15, 21, 27-33, 51, and 61-63)

The Louisiana Office of Conservation amends LAC 43:XIII.101 et seq., in accordance with the provisions of the Administrative Procedure Act, R. S. 49:950 et seq., and pursuant to power delegated under the laws of the state of Louisiana and particularly Title 30 of the Louisiana Revised Statutes of 1950, Section 30:501 et seq. This Rule amends the minimum pipeline safety requirements for natural gas pipelines.

There will be negligible cost to directly affected persons or natural gas pipeline operators. Benefits will be realized by persons living and working near natural gas pipelines through safer construction and operation standards imposed by the Rule amendments. Moreover, Louisiana presently receives federal funds and pipeline inspection fees to administer the Natural Gas Pipeline Safety Program. Failure to amend the Louisiana rules to make them consistent with federal regulations would cause the state to lose federal funding.

Title 43

Department of Natural Resources

Part XIII. Office of Conservation—Pipeline Safety

Subpart 2. Transportation of Natural and Other Gas by Pipeline [49 CFR Part 191]

Chapter 3. Annual Reports, Incident Reports and Safety Related Condition Reports [49 CFR Part 191]

§301. Scope [49 CFR 191.1]

A. - B.1. ...

2. pipelines on the Outer Continental Shelf (OCS) that are producer operated and cross into state waters without first connecting to a transporting operator's facility on the OCS, upstream (generally seaward) of the last valve on the last production facility on the OCS. Safety equipment protecting PHMSA-regulated pipeline segments is not excluded. Producing operators for those pipeline segments upstream of the last valve of the last production facility on the OCS may petition the administrator, or designee, for approval to operate under PHMSA regulations governing pipeline design, construction, operation, and maintenance under 49 CFR 190.9 [49 CFR 191.1(b)(2)].

3. - 4.b. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:501 et seq.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, LR 9:218 (April 1983), amended LR 10:510 (July 1984), LR 11:255 (March 1985), LR 18:854 (August 1992), LR 27:1536 (September 2001), LR 30:1220 (June 2004), LR 33:473 (March 2007).

§303. Definitions [49 CFR 191.3]

A. As used in Part XIII and in the PHMSA Forms referenced in this Part [49 CFR 191.3]:

Administrator □ the administrator, Pipeline and Hazardous Materials Safety Administration or his or her delegate.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:501 et seq.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, LR 11:255 (March 1985), amended LR 18:854 (August 1992), LR 20:442 (April 1994), LR 27:1536 (September 2001), LR 30:1221 (June 2004), LR 33:473 (March 2007).

§307. Addressee for Written Reports [49 CFR 191.7]

A. One copy of each written report, required by Part XIII, for intrastate facilities subject to the jurisdiction of the Office of Conservation pursuant to certification under Section 5(a) of the Natural Gas Pipeline Safety Act must be submitted to the Commissioner of Conservation, P.O. Box 94275, Baton Rouge, LA 70804-9275. One copy of each written report required by Part XIII must be submitted to the Information Resources Manager, Office of Pipeline Safety, Pipeline and Hazardous Materials Safety Administration, U.S. Department of Transportation, Room 7128, 400 Seventh Street SW, Washington, DC 20590. Safety-related condition reports required by §323 for intrastate pipeline transportation must be submitted concurrently to that state agency, and if that agency acts as an agent of the secretary

with respect to interstate transmission facilities, safety-related condition reports for these facilities must be submitted concurrently to that agency. [49 CFR 191.7]

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:501 et seq.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, LR 9:219 (April 1983), amended LR 10:510 (July 1984), LR 11:255 (March 1985), LR 20:442 (April 1994), LR 27:1536 (September 2001), LR 30:1221 (June 2004), LR 33:473 (March 2007).

§327. Filing Offshore Pipeline Condition Reports [49 CFR 191.27]

A. - A.6. ...

B. The report shall be mailed to the Commissioner of Conservation, Office of Conservation, P.O. Box 94275, Baton Rouge, LA 70804-9275 and concurrently to the Information Officer, Pipeline and Hazardous Materials Safety Administration, Department of Transportation, 400 Seventh Street, SW, Washington, DC 20590 [49 CFR 191.27(b)].

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:501 et seq.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, LR 18:854 (August 1992), amended LR 20:443 (April 1994), LR 30:1224 (June 2004), LR 33:474 (March 2007).

Subpart 3. Transportation of Natural or Other Gas by Pipeline: Minimum Safety Standards [49 CFR Part 192] Chapter 5. General [Subpart A]

§501. What is the Scope of this Subpart? [49 CFR 192.1]

A. - B.1. ...

2. pipelines on the Outer Continental Shelf (OCS) that are producer-operated and cross into state waters without first connecting to a transporting operator's facility on the OCS, upstream (generally seaward) of the last valve on the last production facility on the OCS. Safety equipment protecting PHMSA-regulated pipeline segments is not excluded. Producing operators for those pipeline segments upstream of the last valve of the last production facility on the OCS may petition the administrator, or designee, for approval to operate under PHMSA regulations governing pipeline design, construction, operation, and maintenance under 49 CFR 190.9 [49 CFR 192.1 (b)(2)];

3. ...

4. onshore gathering of gas [49 CFR 192.1(b)(4)]:

a. through a pipeline that operates at less than 0 psig (0 kPa) [49 CFR 192.1(b)(4)(i)];

b. through a pipeline that is not a regulated onshore gathering line (as determined in §508) [49 CFR 192.1(b)(4)(ii)]; and

c. within inlets of the Gulf of Mexico, except for the requirements in §2712 [CFR 49 192.1(b)(4)(iii)].

5. any pipeline system that transports only petroleum gas or petroleum gas/air mixtures to [49 CFR 192.1(b)(5)]:

a. fewer than 10 customers, if no portion of the system is located in a public place [49 CFR 192.1(b)(5)(i)]; or

b. a single customer, if the system is located entirely on the customer's premises (no matter if a portion of the system is located in a public place) [49 CFR 192.1(b)(5)(ii)].

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:501 et seq.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, LR 30:1224 (June 2004), amended LR 33:474 (March 2007).

§503. Definitions [49 CFR 192.3]

A. ...

Administrator □ the administrator, Pipeline and Hazardous Materials Safety Administration or his or her delegate.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:501 et seq.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, LR 30:1224 (June 2004), amended LR 31:679 (March 2005), LR 33:474 (March 2007).

§507. What documents are incorporated by reference partly or wholly in this Part? [49 CFR 192.7]

A. ...

B. All incorporated materials are available for inspection in the *Pipeline and Hazardous Materials Safety Administration*, 400 Seventh Street, SW., Washington, DC, or at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call 202-741-6030 or go to: http://www.archives.gov/federal_register/code_of_federal_regulations/IBR_locations.html. These materials have been approved for incorporation by reference by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR Part 51. In addition, the incorporated materials are available from the respective organizations listed in Paragraph C.1 of this Section [49 CFR 192.7(b)].

C. ...

1. Incorporated by Reference (IBR) □ List of Organizations and Addresses [49 CFR 192.7(c)(1)]

a. Pipeline Research Council International, Inc. (PRCI), c/o Technical Toolboxes, 3801 Kirby Drive, Suite 520, Houston, TX 77098.

b. American Petroleum Institute (API), 1220 L Street, NW., Washington, DC 20005.

c. American Society for Testing and Materials (ASTM), 100 Barr Harbor Drive, West Conshohocken, PA 19428.

d. ASME International (ASME), Three Park Avenue, New York, NY 10016-5990.

e. Manufacturers Standardization Society of the Valve and Fittings Industry, Inc. (MSS), 127 Park Street, NE., Vienna, VA 22180.

f. National Fire Protection Association (NFPA), 1 Batterymarch Park, P.O. Box 9101, Quincy, MA 02269-9101.

g. Plastics Pipe Institute, Inc. (PPI), 1825 Connecticut Avenue, NW., Suite 680, Washington, DC 20009.

h. NACE International (NACE), 1440 South Creek Drive, Houston, TX 77084.

i. Gas Technology Institute (GTI), 1700 South Mount Prospect Road, Des Plaines, IL 60018.

2. Documents incorporated by reference (numbers in parentheses indicate applicable editions) [49 CFR 192.7(c)(2)].

Source and Name of Referenced Material	Title 43 Reference
A. Pipeline Research Council International (PRCI):	
(1) AGA Pipeline Research Committee, Project PR-3-805, "A Modified Criterion for Evaluating the Remaining Strength of Corroded Pipe"(December 22, 1989). The RSTRENG program may be used for calculating remaining strength.	§§3333.A; 2137.C.
B. American Petroleum Institute (API):	
(1) API Specification 5L "Specification for Line Pipe" (43rd edition and errata, 2004).	§§705.E; 913; 5103 Item I.
(2) API Recommended Practice 5L1 "Recommended Practice for Railroad Transportation of Line Pipe" (6th edition, 2002).	§715.A.1.
(3) API Specification 6D "Pipeline Valves" (22nd edition, January 2002).	§1105.A.
(4) API Recommended Practice 80 (API RP 80) "Guidelines for the Definition of Onshore Gas Gathering Lines" (1st edition, April 2000)	§508
(5) API 1104 "Welding of Pipelines and Related Facilities" (19th edition, 1999, including Errata October 31, 2001).	§§1307.A; 1309.C.1; 1321.C; 5103 Item II.
(6) API Recommended Practice 1162 "Public Awareness Programs for Pipeline Operators," (1st edition, December 2003)	§2716
C. American Society for Testing and Materials (ASTM):	
(1) ASTM Designation: A 53/A53M-04a (2004) "Standard Specification for Pipe, Steel, Black and Hot-Dipped, Zinc Coated, Welded and Seamless".	§§913; 5103 Item I.
(2) ASTM Designation: A106/A106M-04b (2004) "Standard Specification for Seamless Carbon Steel Pipe for High-Temperature Service".	§§913; 5103 Item I.
(3) ASTM Designation: A333/A333M-05 (2005) "Standard Specification for Seamless and Welded Steel Pipe for Low-Temperature Service".	§§913; 5103 Item I.
(4) ASTM Designation: A372/A372M-03 (2003) "Standard Specification for Carbon and Alloy Steel Forgings for Thin-Walled Pressure Vessels".	§1137.B.1.
(5) ASTM Designation: A381-96 (Reapproved 2001) "Standard Specification for Metal-Arc-Welded Steel Pipe for Use With High-Pressure Transmission Systems".	§§913; 5103 Item I.
(6) ASTM Designation: A671-04 (2004) "Standard Specification for Electric-Fusion-Welded Steel Pipe for Atmospheric and Lower Temperatures".	§§913; 5103 Item I.
(7) ASTM Designation: A672-96 (Reapproved 2001) "Standard Specification for Electric-Fusion-Welded Steel Pipe for High-Pressure Service at Moderate Temperatures".	§§913; 5103 Item I.
(8) ASTM Designation: A691 "Standard Specification for Carbon and Alloy Steel Pipe, Electric-Fusion-Welded for High- Pressure Service at High Temperatures".	§§913; 5103 Item I.
(9) ASTM Designation: D638-03 "Standard Test Method for Tensile Properties of Plastics".	§§1513.A.3; 1513.B.1.
(10) ASTM Designation: D2513-87 "Standard Specification for	§713.A.1.

Source and Name of Referenced Material	Title 43 Reference
Thermoplastic Gas Pressure Pipe, Tubing, and Fittings".	
(11) ASTM Designation: D2513-99 "Standard Specification for Thermoplastic Gas Pressure Pipe, Tubing, and Fittings.	§§1151.B; 1511.B.2; 1513.A.1.a; 5103 Item I.
(12) ASTM Designation: D 2517-00 "Standard Specification for Reinforced Epoxy Resin Gas Pressure Pipe and Fittings".	§§1151.A; 1511.D.1; 1513.A.1.b; 5103 Item I.
(13) ASTM Designation: F1055-1998 "Standard Specification for Electrofusion Type Polyethylene Fittings for Outside Diameter Controlled Polyethylene Pipe and Tubing".	§1513.A.1.c.
D. ASME International (ASME):	
(1) ASME B16.1-1998 "Cast Iron Pipe Flanges and Flanged Fittings".	§1107.C.
(2) ASME B16.5-2003 (October 2004) "Pipe Flanges and Flanged Fittings".	§§1107.A; 1509.
(3) ASME B31G-1991 (Reaffirmed 2004)"Manual for Determining the Remaining Strength of Corroded Pipelines".	§§2137.C; 3333.A.
(4) ASME B31.8-2003 (February 2004) "Gas Transmission and Distribution Piping Systems".	§2719.A.1.a.
(5) ASME B31.8S-2004 "Supplement to B31.8 on Managing System Integrity of Gas Pipelines".	§§3303.C; 3307.B; 3311.A; 3311.A.9; 3311.A.11; 3311.A.12; 3311.A.13; 3313.A; 3313.B.1; 3317.A; 3317.B; 3317.C; 3317.E.1; 3317.E.4; 3321.A.1; 3323.B.2; 3323.B.3; 3325.B; 3325.B.1; 3325.B.2; 3325.B.3; 3325.B.4; 3327.B; 3327.C.1.a; 3329.B.1; 3329.B.2; 3333.A; 3333.D.1; 3333.D.1.a; 3335.A; 3335.B.1.d; 3337.C.1; 3339.A.1.a.i; 3339.A.1.a.ii; 3339.A.3.1.c; 3345.A.
(6) ASME Boiler and Pressure Vessel Code, Section I, Rules for Construction of Power Boilers (2004 edition including addenda through July 1, 2005).	§1113.A.
(7) ASME Boiler and Pressure Vessel Code, Section VIII, Division 1, "Rules for Construction of Pressure Vessels," (2004 edition, including addenda through July 1, 2005).	§§1113.A; 1113.B; 1113.D; 1125.B.3.
(8) ASME Boiler and Pressure Vessel Code, Section VIII, Division 2, "Rules for Construction of Pressure Vessels-Alternative Rules," (2004 edition, including addenda through July 1, 2005).	§§1113.B; 1125.B.3.
(9) ASME Boiler and Pressure Vessel Code, Section IX, "Welding and Brazing Qualifications" (2004 edition, including addenda through July 1, 2005).	§§1307.A; 5103 Item II.
E. Manufacturers Standardization Society of the Valve and Fittings Industry, Inc. (MSS):	
(1) MSS SP44-1996(Reaffirmed; 2001) "Steel Pipe Line Flanges".	§1107.A.
(2) [Reserved]	
F. National Fire Protection Association (NFPA):	
(1) NFPA 30 (2003) "Flammable and Combustible Liquids Code".	§2935.B.

Source and Name of Referenced Material	Title 43 Reference
(2) NFPA 58 (2004) "Liquefied Petroleum Gas Code (LP-Gas Code)".	§§511.A; 511.B; 511.C.
(3) NFPA 59 (2004) "Utility LP-Gas Plant Code".	§§511.A; 511.B; 511.C
(4) NFPA 70 (2005) "National Electrical Code".	§§1123.E; 1149.C.
G. Plastics Pipe Institute, Inc. (PPI):	
(1) PPI TR-3/2004 (2004) "Policies and Procedures for Developing Hydrostatic Design Bases (HDB), Pressure Design Bases (PDB), Strength Design Basis (SDB), and Minimum Required Strength (MRS) Ratings for Thermoplastic Piping Materials or Pipe.	§921.
H. NACE International (NACE):	
(1) NACE Standard RP-0502-2002 "Pipeline External Corrosion Direct Assessment Methodology".	§§3323.B.1; 3325.B; 3325.B.1; 3325.B.1.b; 3325.B.2; 3325.B.3; 3325.B.3.b; 3325.B.3.d; 3325.B.4; 3325.B.4.b; 3331.D; 3335.B.1.d; 3339.A.2.
I. Gas Technology Institute (GTI). (Formerly Gas Research Institute):	
(1) GRI 02/0057 (2002) "Internal Corrosion Direct Assessment of Gas Transmission Pipelines—Methodology".	§§3327.C.2; 307.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:501 et seq.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, LR 30:1226 (June 2004), amended LR 31:681 (March 2005), LR 33:474 (March 2007).

§508. How are onshore gathering lines and regulated onshore gathering lines determined? [49 CFR 192.8]

A. An operator must use API RP 80 (incorporated by reference, see §507), to determine if an onshore pipeline (or part of a connected series of pipelines) is an onshore gathering line. The determination is subject to the limitations listed below. After making this determination, an operator must determine if the onshore gathering line is a regulated

onshore gathering line under Subsection B of this Section [49 CFR 192.8(a)].

1. The beginning of gathering, under Section 2.2(a)(1) of API RP 80, may not extend beyond the furthestmost downstream point in a production operation as defined in Section 2.3 of API RP 80. This furthestmost downstream point does not include equipment that can be used in either production or transportation, such as separators or dehydrators, unless that equipment is involved in the processes of "production and preparation for transportation or delivery of hydrocarbon gas" within the meaning of "production operation" [49 CFR 192.8(a)(1)].

2. The endpoint of gathering, under Section 2.2(a)(1)(A) of API RP 80, may not extend beyond the first downstream natural gas processing plant, unless the operator can demonstrate, using sound engineering principles, that gathering extends to a further downstream plant [49 CFR 192.8(a)(2)].

3. If the endpoint of gathering, under Section 2.2(a)(1)(C) of API RP 80, is determined by the commingling of gas from separate production fields, the fields may not be more than 50 miles from each other, unless the administrator/commissioner finds a longer separation distance is justified in a particular case (see 49 CFR §190.9) [49 CFR 192.8(a)(3)].

4. The endpoint of gathering, under Section 2.2(a)(1)(D) of API RP 80, may not extend beyond the furthestmost downstream compressor used to increase gathering line pressure for delivery to another pipeline [49 CFR 192.8(a)(4)].

B. For purposes of §509, "regulated onshore gathering line" means [49 CFR 192.8(b)]:

1. each onshore gathering line (or segment of onshore gathering line) with a feature described in the second column that lies in an area described in the third column [49 CFR 192.8(b)(1)]; and

2. as applicable, additional lengths of line described in the fourth column to provide a safety buffer [49 CFR 192.8(b)(2)].

Type	Feature	Area	Safety Buffer
A	—Metallic and the MAOP produces a hoop stress of 20 percent or more of SMYS. If the stress level is unknown, an operator must determine the stress level according to the applicable provisions in Chapter 9 of this Subpart. —Non-metallic and the MAOP is more than 125 psig (862 kPa).	Class 2, 3, or 4 location (see § 505).	None.
B	—Metallic and the MAOP produces a hoop stress of less than 20 percent of SMYS. If the stress level is unknown, an operator must determine the stress level according to the applicable provisions in Chapter 9 of this Subpart. —Non-metallic and the MAOP is 125 psig (862 kPa) or less.	Area 1. Class 3 or 4 location. Area 2. An area within a Class 2 location the operator determines by using any of the following three methods: (a) A Class 2 location. (b) An area extending 150 feet (45.7 m) on each side of the centerline of any continuous 1 mile (1.6 km) of pipeline and including more than 10 but fewer than 46 dwellings. (c) An area extending 150 feet (45.7 m) on each side of the centerline of any continuous 1000 feet (305 m) of pipeline and including 5 or more dwellings.	If the gathering line is in Area 2(b) or 2(c), the additional lengths of line extend upstream and downstream from the area to a point where the line is at least 150 feet (45.7 m) from the nearest dwelling in the area. However, if a cluster of dwellings in Area 2 (b) or 2(c) qualifies a line as Type B, the Type B classification ends 150 feet (45.7 m) from the nearest dwelling in the cluster.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:501 et seq.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, LR 30:1226 (June 2004), amended LR 31:681 (March 2005), LR 33:476 (March 2007).

§509. What requirements apply to gathering lines?
[49 CFR 192.9]

A. Requirements. An operator of a gathering line must follow the safety requirements of this Part as prescribed by this Section [49 CFR 192.9(a)].

B. Offshore lines. An operator of an offshore gathering line must comply with requirements of this Part applicable to transmission lines, except the requirements in §1100 and in Chapter 33 of this Subpart [49 CFR 192.9(b)].

C. Type A Lines. An operator of a Type A regulated onshore gathering line must comply with the requirements of this Part applicable to transmission lines, except the requirements in §1110 and in Chapter 33 of this Subpart. However, an operator of a Type A regulated onshore gathering line in a Class 2 location may demonstrate compliance with Chapter 31 by describing the processes it uses to determine the qualification of persons performing operations and maintenance tasks [49 CFR 192.9(c)].

D. Type B Lines. An operator of a Type B regulated onshore gathering line must comply with the following requirements [49 CFR 192.9(d)]:

1. if a line is new, replaced, relocated, or otherwise changed, the design, installation, construction, initial inspection, and initial testing must be in accordance with requirements of this Part applicable to transmission lines [49 CFR 192.9(d)(1)];

2. if the pipeline is metallic, control corrosion according to requirements of Chapter 21 of this Subpart applicable to transmission lines [49 CFR 192.9(d)(2)];

3. carry out a damage prevention program under §2714 [49 CFR 192.9(d)(3)];

4. establish a public education program under §2716 [49 CFR 192.9(d)(4)];

5. establish the MAOP of the line under §2719 [49 CFR 192.9(d)(5)]; and

6. install and maintain line markers according to the requirements for transmission lines in §2907 [49 CFR 192.9(d)(6)].

E. Compliance deadlines. An operator of a regulated onshore gathering line must comply with the following deadlines, as applicable [49 CFR 192.9(e)].

1. An operator of a new, replaced, relocated, or otherwise changed line must be in compliance with the applicable requirements of this Section by the date the line goes into service, unless an exception in §513 applies [49 CFR 192.9(e)(1)].

2. If a regulated onshore gathering line existing on April 14, 2006 was not previously subject to this Part, an operator has until the date stated in the second column to comply with the applicable requirement for the line listed in the first column, unless the administrator finds a later deadline is justified in a particular case [49 CFR 192.9(e)(2)].

Requirement	Compliance Deadline
Control corrosion according to Chapter 21 requirements for transmission lines.	April 15, 2009
Carry out a damage prevention program under §2714.	October 15, 2007
Establish MAOP under §2719	October 15, 2007
Install and maintain line markers under §2907.	April 15, 2008
Establish a public education program under §2716.	April 15, 2008
Other provisions of this Part as required by Subsection C of this Section for Type A lines.	April 15, 2009

3. If, after April 14, 2006, a change in class location or increase in dwelling density causes an onshore gathering line to be a regulated onshore gathering line, the operator has 1 year for Type B lines and 2 years for Type A lines after the line becomes a regulated onshore gathering line to comply with this Section [49 CFR 192.9(e)(3)].

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:501 et seq.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, LR 9:220 (April 1983), amended LR 10:511 (July 1984), LR 20:443 (April 1994), LR 21:821 (August 1995), LR 24:1307 (July 1998), LR 30:1227 (June 2004), LR 31:681 (March 2005), LR 33:477 (March 2007)

§510. Outer Continental Shelf Pipelines
[49 CFR 192.10]

A. Operators of transportation pipelines on the Outer Continental Shelf (as defined in the Outer Continental Shelf Lands Act 43 U.S.C. 1331) must identify on all their respective pipelines the specific points at which operating responsibility transfers to a producing operator. For those instances in which the transfer points are not identifiable by a durable marking, each operator will have until September 15, 1998 to identify the transfer points. If it is not practicable to durably mark a transfer point and the transfer point is located above water, the operator must depict the transfer point on a schematic located near the transfer point. If a transfer point is located subsea, then the operator must identify the transfer point on a schematic which must be maintained at the nearest upstream facility and provided to PHMSA upon request. For those cases in which adjoining operators have not agreed on a transfer point by September 15, 1998 the regional director and the MMS regional supervisor will make a joint determination of the transfer point [49 CFR 192.10].

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:501 et seq.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, Pipeline Division, LR 27:1537 (September 2001), amended LR 30:1227 (June 2004), LR 33:477 (March 2007).

§513. What general requirements apply to pipelines regulated under this Subpart? [49 CFR 192.13]

A. No person may operate a segment of pipeline listed in the first column that is readied for service after the date in the second column, unless [49 CFR 192.13(a)]:

1. ...

2. the pipeline qualifies for use under this Subpart according to the requirements in §514 [49 CFR 192.13(a)(2)].

Pipeline	Date
Offshore gathering line.	July 31, 1977
Regulated onshore gathering line to which this Subpart did not apply until April 14, 2006	March 15 2007
All other pipelines.	March 12, 1971

B. No person may operate a segment of pipeline listed in the first column that is replaced, relocated, or otherwise changed after the date in the second column, unless the replacement, relocation, or change has been made according to the requirements in this Subpart [49 CFR 192.13(b)].

Pipeline	Date
Offshore gathering line.	July 31, 1977
Regulated onshore gathering line to which this Subpart did not apply until April 14, 2006.	March 15 2007
All other pipelines.	November 12, 1970

C. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:501 et seq.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, LR 9:220 (April 1983), amended LR 10:511 (July 1984), LR 30:1227 (June 2004), LR 33:477 (March 2007).

§515. Rules of Regulatory Construction
[49 CFR 192.15]

A. As used in this regulation: [49 CFR 192.15(a)]
Includes—including but not limited to.

* * *

May Not—"is not permitted to" or "is not authorized to."

* * *

B - B.3. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:501 et seq.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, LR 9:217 (April 1983), amended LR 10:509 (July 1984), LR 30:1228 (June 2004), LR 33:478 (March 2007).

Chapter 9. Pipe Design [Subpart C]

§921. Design of Plastic Pipe [49 CFR 192.121]

A. Subject to the limitations of §923, the design pressure for plastic pipe is determined in accordance with either of the following formulas.

$$P = 2S \frac{t}{(D-t)} 0.32$$

$$P = \frac{2S}{(SDR-1)} 0.32$$

where:

P = Design pressure, gauge, psig (kPa)

S = For thermoplastic pipe, the HDB determined in accordance with the listed specification at a temperature equal to 73 F (23°C), 100°F (38°C), 120°F (49°C), or 140°F (60°C). In the absence an HDB established at the specified temperature, the HDB of a higher temperature may be used in determining a design pressure rating at the specified temperature by arithmetic interpolation using the procedure in Part D.2 of PPI TR-3/2004, HDB/PDB/SBD/MRS Policies",

(incorporated by reference see §507). For reinforced thermosetting plastic pipe, 11,000 psig (75,842 kPa).

t = Specified wall thickness, in. (mm)

D = Specified outside diameter, in (mm)

SDR= Standard dimension ratio, the ratio of the average specified outside diameter to the minimum specified wall thickness, corresponding to a value from a common numbering system that was derived from the American National Standards Institute preferred number series 10 [49 CFR 192.121].

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:501 et seq.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, LR 9:222 (April 1983), amended LR 10:515 (July 1984), LR 18:855 (August 1992), LR 24:1308 (July 1998), LR 27:1538 (September 2001), LR 30:1231 (June 2004), LR 31:682 (March 2005), LR 33:478 (March 2007).

§923. Design Limitations for Plastic Pipe
[49 CFR 192.123]

A. Except as provided in Subsection E of this Section, the design pressure may not exceed a gauge pressure of 125 psig (862 kPa) for plastic pipe used in [49 CFR 192.123(a)]:

A.1. - D. ...

E. The design pressure for thermoplastic pipe produced after July 14, 2004 may exceed a gauge pressure of 100 psig (689 kPa) provided that [49 CFR 192.123(e)]:

1. ...

2. the material is a PE2406 or a PE3408 as specified within ASTM D2513 (incorporated by reference, see §507) [49 CFR 192.123(e)(2)];

3. the pipe size is nominal pipe size (IPS) 12 or less and [49 CFR 192.123(e)(3)];

4. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:501 et seq.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, LR 9:222 (April 1983), amended LR 10:515 (July 1984), LR 24:1308 (July 1998), LR 27:1538 (September 2001), LR 30:1231 (June 2004), LR 31:682 (March 2005), LR 33:478 (March 2007).

Chapter 11. Design of Pipeline Components
[Subpart D]

§1104. Qualifying Metallic Components
[49 CFR 192.144]

A. Notwithstanding any requirement of this Chapter which incorporates by reference an edition of a document listed in §507 or §5103 of this Subpart, a metallic component manufactured in accordance with any other edition of that document is qualified for use under this Subpart if [49 CFR 192.144]:

1. ...

2. the edition of the document under which the component was manufactured has equal or more stringent requirements for the following as an edition of that document currently or previously listed in §507 or §5103 of this Subpart [49 CFR 192.144(b)]:

a. - c. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:501 et seq.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, amended LR 10:515

(July 1984), LR 30:1232 (June 2004), LR31:682 (March 2005), LR 33:478 (March 2007).

§1105. Valves [49 CFR 192.145]

A. Except for cast iron and plastic valves, each valve must meet the minimum requirements of API 6D (incorporated by reference, see §507), or to a national or international standard that provides an equivalent performance level. A valve may not be used under operating conditions that exceed the applicable pressure-temperature ratings contained in those requirements [49 CFR 192.145(a)].

B. - E. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:501 et seq.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, LR 9:223 (April 1983), amended LR 10:515 (July 1984), LR 18:855 (August 1992), LR 27:1539 (September 2001), LR 30:1232 (June 2004), LR 31:682 (March 2005), LR 33:479 (March 2007).

§1110. Passage of Internal Inspection Devices [49 CFR 192.150]

A. Except as provided in Subsections B and C of this Section, each new transmission line and each replacement of line pipe, valve, fitting, or other line component in a transmission line must be designed and constructed to accommodate the passage of instrumented internal inspection devices [49 CFR 192.150(a)].

B. - B.6. ...

7. offshore transmission lines, except transmission lines 10 3/4 inches (273 millimeters) or more in outside diameter on which construction begins after December 28, 2005, that run from platform to platform or platform to shore unless [49 CFR 192.150(b)(7)]:

B.7.a. - C. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:501 et seq.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, LR 21:821 (August 1995), amended LR 27:1539 (September 2001), LR 30:1233 (June 2004), LR 31:683 (March 2005), LR 33:479 (March 2007).

Chapter 13. Welding of Steel in Pipelines [Subpart E]

§1305. Welding Procedures [49 CFR 192.225]

A. Welding must be performed by a qualified welder in accordance with welding procedures qualified under Section 5 of API 1104 (incorporated by reference, see §507) or Section IX of the ASME Boiler and Pressure Vessel Code "Welding and Brazing Qualifications" (incorporated by reference, see §507) to produce welds meeting the requirements of this Chapter. The quality of the test welds used to qualify welding procedures shall be determined by destructive testing in accordance with the applicable welding standard(s) [49 CFR 192.225(a)].

B. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:501 et seq.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, LR 9:228 (April 1983), amended LR 10:521 (July 1984), LR 30:1241 (June 2004), LR 31:683 (March 2005), LR 33:479 (March 2007).

§1307. Qualification of Welders [49 CFR 192.227]

A. Except as provided in Subsection B of this Section, each welder must be qualified in accordance with Section 6 of API 1104 (incorporated by reference, see §507) or Section IX of the ASME Boiler and Pressure Vessel Code

(incorporated by reference, see §507). However, a welder qualified under an earlier edition than listed in §507 may weld but may not requalify under that earlier edition [49 CFR 192.227(a)].

B. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:501 et seq.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, LR 9:229 (April 1983), amended LR 10:521 (July 1984), LR 24:1309 (July 1998), LR 30:1241 (June 2004), LR 31:683 (March 2005), LR 33:479 (March 2007).

§1309. Limitations on Welders [49 CFR 192.229]

A. - C. ...

1. may not weld on pipe to be operated at a pressure that produces a hoop stress of 20 percent or more of SMYS unless within the preceding 6 calendar months the welder has had one weld tested and found acceptable under the Sections 6 or 9 of API Standard 1104 (incorporated by reference, see §507). Alternatively, welders may maintain an ongoing qualification status by performing welds tested and found acceptable under the above acceptance criteria at least twice each calendar year, but at intervals not exceeding 7 1/2 months. A welder qualified under an earlier edition of a standard listed in §507 of this Subpart may weld but may not requalify under that earlier edition [49 CFR 192.229(c)(1)]; and

C.2. - D.2.b. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:501 et seq.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, LR 9:229 (April 1983), amended LR 10:521 (July 1984), LR 24:1309 (July 1998), LR 27:1541 (September 2001), LR 30:1241 (June 2004), LR 31:683 (March 2005), LR 33:479 (March 2007).

§1321. Inspection and Test of Welds [49 CFR 192.241]

A. Visual inspection of welding must be conducted by an individual qualified by appropriate training and experience to ensure that [49 CFR 192.241(a)]:

A.1. - B.2. ...

C. The acceptability of a weld that is nondestructively tested or visually inspected is determined according to the standards in Section 9 of API Standard 1104 (incorporated by reference, see §507). However, if a girth weld is unacceptable under those standards for a reason other than a crack, and if Appendix A to API 1104 applies to the weld, the acceptability of the weld may be further determined under that appendix [49 CFR 192.241(c)].

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:501 et seq.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, LR 9:230 (April 1983), amended LR 10:522 (July 1984), LR 24:1309 (July 1998), LR 27:1541 (September 2001), LR 30:1242 (June 2004), LR 31:683 (March 2005), LR 33:479 (March 2007).

Chapter 15. Joining of Materials Other Than by Welding [Subpart F]

§1513. Plastic Pipe: Qualifying Joining Procedures [49 CFR 192.283]

A. - A.1. ...

a. in the case of thermoplastic pipe, Paragraph 6.6 (sustained pressure test) or Paragraph 6.7 (Minimum Hydrostatic Burst Test) or Paragraph 8.9 (Sustained Static

pressure Test) of ASTM D2513 (incorporated by reference, see §507) [49 CFR 192.283(a)(1)(i)];

b. in the case of thermosetting plastic pipe, Paragraph 8.5 (Minimum Hydrostatic Burst Pressure) or Paragraph 8.9 (Sustained Static Pressure Test) of ASTM D2517(incorporated by reference, see §507) or [49 CFR 192.283(a)(1)(ii)];

c. in the case of electrofusion fittings for polyethylene pipe and tubing, Paragraph 9.1 (Minimum Hydraulic Burst Pressure Test), Paragraph 9.2 (Sustained Pressure Test), Paragraph 9.3 (Tensile Strength Test), or Paragraph 9.4 (Joint Integrity Tests) of ASTM Designation F1055(incorporated by reference, see §507) [49 CFR 192.283(a)(1)(iii)].

2. ...

3. for procedures intended for non-lateral pipe connections, follow the tensile test requirements of ASTM D638 (incorporated by reference, see §507), except that the test may be conducted at ambient temperature and humidity If the specimen elongates no less than 25 percent or failure initiates outside the joint area, the procedure qualifies for use [49 CFR 192.283(a)(3)].

B. ...

1. use an apparatus for the test as specified in ASTM D 638 (except for conditioning), (incorporated by reference, see §507) [49 CFR 192.283(b)(1)].

B.2. - D. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:501 et seq.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, LR 9:231 (April 1983), amended LR 10:523 (July 1984), LR 20:445 (April 1994), LR 24:1310 (July 1998), LR 27:1541 (September 2001), LR 30:1244 (June 2004), LR 31:683 (March 2005), LR 33:479 (March 2007).

§1515. Plastic Pipe: Qualifying Persons to Make Joints [49 CFR 192.285]

A - D. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:501 et seq.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, LR 9:231 (April 1983), amended LR 10:524 (July 1984), LR 30:1244 (June 2004), LR 33:480 (March 2007).

§1517. Plastic Pipe: Inspection of Joints [49 CFR 192.287]

A. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:501 et seq.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, LR 9:232 (April 1983), amended LR 10:524 (July 1984), LR 30:1245 (June 2004), LR 33:480 (March 2007).

Chapter 21. Requirements for Corrosion Control [Subpart I]

§2103. How does this Chapter apply to converted pipelines and regulated onshore gathering lines? [49 CFR 192.452]

A. Converted pipelines. Notwithstanding the date the pipeline was installed or any earlier deadlines for compliance, each pipeline which qualifies for use under this Subpart in accordance with §514 must meet the requirements of this Chapter specifically applicable to pipelines installed before August 1, 1971, and all other applicable requirements within one year after the pipeline is

readied for service. However, the requirements of this Chapter specifically applicable to pipelines installed after July 31, 1971, apply if the pipeline substantially meets those requirements before it is readied for service or it is a segment which is replaced, relocated, or substantially altered [49 CFR 192.452(a)].

B. Regulated onshore gathering lines. For any regulated onshore gathering line under §509 existing on April 14, 2006, that was not previously subject to this Subpart, and for any onshore gathering line that becomes a regulated onshore gathering line under §509 after April 14, 2006, because of a change in class location or increase in dwelling density [49 CFR 192.452(b)]:

1. the requirements of this Chapter specifically applicable to pipelines installed before August 1, 1971, apply to the gathering line regardless of the date the pipeline was actually installed [49 CFR 192.452(b)(1)]; and

2. the requirements of this Chapter specifically applicable to pipelines installed after July 31, 1971, apply only if the pipeline substantially meets those requirements [49 CFR 192.452(b)(2)].

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:501 et seq.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, LR 9:235 (April 1983), amended LR 10:527 (July 1984), LR 30:1252 (June 2004), LR 33:480 (March 2007).

§2142. Direct Assessment [49 CFR 192.490]

A. Each operator that uses direct assessment as defined in §3303 on an onshore transmission line made primarily of steel or iron to evaluate the effects of a threat in the first column must carry out the direct assessment according to the standard listed in the second column. These standards do not apply to methods associated with direct assessment, such as close interval surveys, voltage gradient surveys, or examination of exposed pipelines, when used separately from the direct assessment process [49 CFR 192.490].

Threat	Standard ¹
External corrosion	§33252
Internal corrosion in pipelines that transport dry gas.	§3327
Stress corrosion cracking	§3329

¹For lines not subject to Chapter 33 of this Subpart, the terms "covered segment" and "covered pipeline segment" in §3325, 3327, and 3329 refer to the pipeline segment on which direct assessment is performed.

²In §3325B, the provision regarding detection of coating damage applies only to pipelines subject to Chapter 33 of this Subpart.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:501 et seq.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, LR 33:480 (March 2007).

Chapter 27. Operations [Subpart L]

§2716. Public Awareness [49 CFR 192.616]

A. Each pipeline operator must develop and implement a written continuing public education program that follows the guidance provided in the American Petroleum Institute's (API) Recommended Practice (RP) 1162 (IBR, see §307) [49 CFR 192.616(a)].

B. The operator's program must follow the general program recommendations of API RP 1162 and assess the

unique attributes and characteristics of the operator's pipeline and facilities [49 CFR 192.616(b)].

C. The operator must follow the general program recommendations, including baseline and supplemental requirements of API RP 1162, unless the operator provides justification in its program or procedural manual as to why compliance with all or certain provisions of the recommended practice is not practicable and not necessary for safety [49 CFR 192.616(c)].

D. The operator's program must specifically include provisions to educate the public, appropriate government organizations, and persons engaged in excavation related activities on [49 CFR 192.616(d)]:

1. use of a one-call notification system prior to excavation and other damage prevention activities [49 CFR 192.616(d)(1)];

2. possible hazards associated with unintended releases from a gas pipeline facility [49 CFR 192.616(d)(2)];

3. physical indications that such a release may have occurred [49 CFR 192.616(d)(3)];

4. steps that should be taken for public safety in the event of a gas pipeline release [49 CFR 192.616(d)(4)]; and

5. procedures for reporting such an event [49 CFR 192.616(d)(5)].

E. The program must include activities to advise affected municipalities, school districts, businesses, and residents of pipeline facility locations [49 CFR 192.616(e)].

F. The program and the media used must be as comprehensive as necessary to reach all areas in which the operator transports gas [49 CFR 192.616(f)].

G. The program must be conducted in English and in other languages commonly understood by a significant number and concentration of the non-English speaking population in the operator's area [49 CFR 192.616(g)].

H. Operators in existence on June 20, 2005, must have completed their written programs no later than June 20, 2006. As an exception, operators of small propane distribution systems having less than 25 customers and master meter operators having less than 25 customers must have completed development and documentation of their programs no later than June 20, 2007. Upon request, operators must submit their completed programs to PHMSA or, in the case of an intrastate pipeline facility operator, the appropriate state agency [49 CFR 192.616(h)].

I. The operator's program documentation and evaluation results must be available for periodic review by appropriate regulatory agencies [49 CFR 192.616(i)].

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:501 et seq.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, LR 21:823 (August 1995), amended LR 30:1264 (June 2004), LR 33:480 (March 2007).

§2719. What is the maximum allowable operating pressure for steel or plastic pipelines?
[49 CFR 192.619]

A. - A.1. ...

a. 80 percent of the first test pressure that produces yield under Section N5 of Appendix N of ASME B31.8 (incorporated by reference, see §507), reduced by the appropriate factor in Subparagraph A.2.b of this Section [49 CFR 192.619(a)(1)(i)]; or

1.b. - 2.b. ...

3. the highest actual operating pressure to which the segment was subjected during the five years preceding the applicable date in the second column. This pressure restriction applies unless the segment was tested according to the requirements in Paragraph A.2 of this Section after the applicable date in the third column or the segment was updated according to the requirements in Chapter 25 of this Subpart [49 CFR 192.619(a)(3)].

Pipeline Segment	Pressure Date	Test Date
—Onshore gathering line that first became subject to this Subpart (other than §2712) after April 13, 2006.	March 15, 2006, or date line becomes subject to this Subpart, whichever is later.	5 years preceding applicable date in second column.
—Onshore transmission line that was a gathering line not subject to this Subpart before March 15, 2006.		
Offshore gathering lines.	July 1, 1976	July 1, 1971
All other pipelines.	July 1, 1970	July 1, 1965

A.4. - B. ...

C. The requirements on pressure restrictions in this Section do not apply in the following instance. An operator may operate a segment of pipeline found to be in satisfactory condition, considering its operating and maintenance history, at the highest actual operating pressure to which the segment was subjected during the 5 years preceding the applicable date in the second column of the table in Paragraph A.3 of this Section. An operator must still comply with §2711 [49 CFR 192.619(c)].

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:501 et seq.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, LR 9:242 (April 1983), amended LR 10:534 (July 1984), LR 24:1312 (July 1998), LR 27:1547 (September 2001), LR 30:1264 (June 2004), LR 33:481 (March 2007).

Chapter 29. Maintenance [Subpart M]
§2923. Distribution Systems: Leakage Surveys
[49 CFR 192.723]

A. - B.1. ...

2. A leakage survey with leak detector equipment must be conducted outside business districts as frequently as necessary, but at least once every 5 calendar years at intervals not exceeding 63 months. However, for cathodically unprotected distribution lines subject to § 2117.E on which electrical surveys for corrosion are impractical, a leakage survey must be conducted at least once every 3 calendar years at intervals not exceeding 39 months [49 CFR 192.723(b)(2)].

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:501 et seq.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, LR 9:245 (April 1983), amended LR 10:537 (July 1984), LR 21:823 (August 1995), LR 24:1313 (July 1998), LR 30:1269 (June 2004), LR 31:685 (March 2005), LR 33:481 (March 2007).

§2927. Abandonment or Deactivation of Facilities
[49 CFR 192.727]

A. - G. ...

1. The preferred method to submit data on pipeline facilities abandoned after October 10, 2000 is to the National Pipeline Mapping System (NPMS) in accordance with the

NPMS "Standards for Pipeline and Liquefied Natural Gas Operator Submissions." To obtain a copy of the NPMS Standards, please refer to the NPMS homepage at www.npms.rspa.dot.gov or contact the NPMS National Repository at 703-317-3073. A digital data format is preferred, but hard copy submissions are acceptable if they comply with the NPMS standards. In addition to the NPMS-required attributes, operators must submit the date of abandonment, diameter, method of abandonment, and certification that, to the best of the operator's knowledge, all of the reasonably available information requested was provided and, to the best of the operator's knowledge, the abandonment was completed in accordance with applicable laws. Refer to the NPMS Standards for details in preparing your data for submission. The NPMS Standards also include details of how to submit data. Alternatively, operators may submit reports by mail, fax or e-mail to the Information Officer, *Pipeline and Hazardous Materials Safety Administration*, Department of Transportation, Room 7128, 400 Seventh Street, SW, Washington DC 20590; fax (202) 366-4566; e-mail, roger.little@dot.gov. The information in the report must contain all reasonably available information related to the facility, including information in the possession of a third party. The report must contain the location, size, date, method of abandonment, and a certification that the facility has been abandoned in accordance with all applicable laws [49 CFR 192.727(g)(1)].

2. Data on pipeline facilities abandoned before October 10, 2000 must be filed by before April 10, 2001. Operators may submit reports by mail, fax or e-mail to the Information Officer, *Pipeline and Hazardous Materials Safety Administration*, Department of Transportation, Room 7128, 400 Seventh Street, SW, Washington DC 20590; fax (202) 366-4566; e-mail, roger.little@dot.gov. The information in the report must contain all reasonably available information related to the facility, including information in the possession of a third party. The report must contain the location, size, date, method of abandonment, and a certification that the facility has been abandoned in accordance with all applicable laws. [49 CFR 192.727(g)(2)]

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:501 et seq.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, LR 9:245 (April 1983), amended LR 10:538 (July 1984), LR 21:824 (August 1995), LR 27:1549 (September 2001), LR 30:1269 (June 2004), LR 33:481 (March 2007).

§2939. Pressure Limiting and Regulating Stations: Inspection and Testing [49 CFR 192.739]

A. Each pressure limiting station, relief device (except rupture discs), and pressure regulating station and its equipment must be subjected at intervals not exceeding 15 months, but at least once each calendar year, to inspections and tests to determine that it is [49 CFR 192.739(a)]:

1. in good mechanical condition [49 CFR 192.739(a)(1)];
2. adequate from the standpoint of capacity and reliability of operation for the service in which it is employed [49 CFR 192.739(a)(2)];
3. except as provided in Subsection B of this Section, set to control or relieve at the correct pressure consistent

with the pressure limits of §1161.A and [49 CFR 192.739(a)(3)];

4. properly installed and protected from dirt, liquids, or other conditions that might prevent proper operation [49 CFR 192.739(a)(4)].

B. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:501 et seq.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, LR 9:246 (April 1983), amended LR 10:538 (July 1984), LR 30:1270 (June 2004), LR 31:685 (March 2005), LR 33:482 (March 2007).

§2943. Pressure Limiting and Regulating Stations: Capacity of Relief Devices [49 CFR 192.743]

A. Pressure relief devices at pressure limiting stations and pressure regulating stations must have sufficient capacity to protect the facilities to which they are connected. Except as provided in §2939.B, the capacity must be consistent with the pressure limits of §1161.A. This capacity must be determined at intervals not exceeding 15 months, but at least once each calendar year, by testing the devices in place or by review and calculations [49 CFR 192.743(a)].

B. - C. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:501 et seq.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, LR 9:246 (April 1983), amended LR 10:538 (July 1984), LR 30:1271 (June 2004), LR 31:685 (March 2005), LR 33:482 (March 2007).

Chapter 31. Operator Qualification [Subpart N] §3105. Qualification Program [49 CFR 192.805]

A. - A.5. ...

6. communicate changes that affect covered tasks to individuals performing those covered tasks [49 CFR 192.805(f)]; and

7. identify those covered tasks and the intervals at which evaluation of the individual's qualifications is needed [49 CFR 192.805(g)];

8. after December 16, 2004, provide training, as appropriate, to ensure that individuals performing covered tasks have the necessary knowledge and skills to perform the tasks in a manner that ensures the safe operation of pipeline facilities [49 CFR 192.805(h)]; and

9. after December 16, 2004, notify the administrator or a state agency participating under 49 U.S.C. Chapter 601 if the operator significantly modifies the program after the administrator or state agency has verified that it complies with this Section [49 CFR 192.805(i)].

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:501 et seq.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, Pipeline Division, LR 27:1550 (September 2001), amended LR 30:1272 (June 2004), LR 31:685 (March 2005), LR 33:482 (March 2007).

§3109. General [49 CFR 192.809]

A. Operators must have a written qualification program by April 27, 2001. The program must be available for review by the Administrator or by a state agency participating under 49 U.S.C. Chapter 601 if the program is under the authority of that state agency [49 CFR 192.809(a)].

B. - D. ...

E. After December 16, 2004, observation of on-the-job performance may not be used as the sole method of evaluation [49 CFR 192.809(e)].

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:501 et seq.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, Pipeline Division, LR 27:1550 (September 2001), amended LR 30:1273 (June 2004), LR 33:482 (March 2007).

Chapter 33. Pipeline Integrity Management [Subpart O]

§3303. What definitions apply to this Chapter? [49 CFR 192.903]

A. ...

High Consequence Area—an area established by one of the methods described in Subparagraphs a or b as follows:

a. An *area* defined as:

- i. a Class 3 location under §505; or
- ii. a Class 4 location under §505; or

iii. any area in a Class 1 or Class 2 location where the potential impact radius is greater than 660 feet (200 meters), and the area within a potential impact circle contains 20 or more buildings intended for human occupancy; or

iv. any area in a Class 1 or Class 2 location where the potential impact circle contains an identified site.

b. The area within a potential impact circle containing:

i. 20 or more buildings intended for human occupancy, unless the exception in Subparagraph d applies; or

ii. an identified site.

c. Where a potential impact circle is calculated under either method a. or b. to establish a high consequence area, the length of the high consequence area extends axially along the length of the pipeline from the outermost edge of the first potential impact circle that contains either an identified site or 20 or more buildings intended for human occupancy to the outermost edge of the last contiguous potential impact circle that contains either an identified site or 20 or more buildings intended for human occupancy (see Figure E.I.A. in §5109 Appendix E).

d. If in identifying a high consequence area under Clause a.iii of this definition or Clause b.i of this definition, the radius of the potential impact circle is greater than 660 feet (200 meters), the operator may identify a high consequence area based on a prorated number of buildings intended for human occupancy within a distance 660 feet (200 meters) from the centerline of the pipeline until December 17, 2006. If an operator chooses this approach, the operator must prorate the number of buildings intended for human occupancy based on the ratio of an area with a radius of 660 feet (200 meters) to the area of the potential impact circle (i.e., the prorated number of buildings intended for human occupancy is equal to $[20 \times (660 \text{ feet } [\text{or meters}]^2)]$ / potential impact radius in feet [or meters]²).

Potential Impact Radius (PIR)—the radius of a circle within which the potential failure of a pipeline could have significant impact on people or property. PIR is determined by the formula $r = 0.69 * [\text{square root of } (p*d^2)]$, where 'r' is the radius of a circular area in feet surrounding the point of failure, 'p' is the maximum allowable operating pressure (MAOP) in the pipeline segment in pounds per square inch and 'd' is the nominal diameter of the pipeline in inches.

NOTE: 0.69 is the factor for natural gas. This number will vary for other gases depending upon their heat of combustion. An operator transporting gas other than natural gas must use Section 3.2 of ASME/ANSI B31.8S-2001 (Supplement to ASME B31.8; incorporated by reference, see §507) to calculate the impact radius formula.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:501 et seq.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, Pipeline Division, LR 30:1273 (June 2004), LR 31:685 (March 2005), LR 33:483 (March 2007).

§3307. What must an operator do to implement this Chapter? [49 CFR 192.907]

A. ...

B. Implementation Standards. In carrying out this Chapter, an operator must follow the requirements of this Chapter and of ASME/ANSI B31.8S (incorporated by reference, see §507) and its appendices, where specified. An operator may follow an equivalent standard or practice only when the operator demonstrates the alternative standard or practice provides an equivalent level of safety to the public and property. In the event of a conflict between this Chapter and ASME/ANSI B31.8S, the requirements in this Chapter control [49 CFR 192.907(b)].

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:501 et seq.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, Pipeline Division, LR 30:1274 (June 2004), LR 33:483 (March 2007).

§3313. When may an operator deviate its program from certain requirements of this Chapter? [49 CFR 192.913]

A. - B.1.f. ...

g. semi-annual performance measures beyond those required in §3345 that are part of the operator's performance plan [see §3311.9]. An operator must submit these measures, by electronic or other means, on a semi-annual frequency to OPS in accordance with §3351 [49 CFR 192.913(b)(1)(vii)]; and

B.1.h. - C.2. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:501 et seq.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, Pipeline Division, LR 30:1275 (June 2004), amended LR 31:686 (March 2005), LR 33:483 (March 2007).

§3317. How does an operator identify potential threats to pipeline integrity and use the threat identification in its integrity program? [49 CFR 192.917]

A. Threat Identification. An operator must identify and evaluate all potential threats to each covered pipeline segment. Potential threats that an operator must consider include, but are not limited to, the threats listed in ASME/ANSI B31.8S (incorporated by reference, see §507), Section 2, which are grouped under the following four categories [49 CFR 192.917(a)]:

1. - 4. ...

B. Data Gathering and Integration. To identify and evaluate the potential threats to a covered pipeline segment, an operator must gather and integrate existing data and

information on the entire pipeline that could be relevant to the covered segment. In performing this data gathering and integration, an operator must follow the requirements in ASME/ANSI B31.8S, Section 4. At a minimum, an operator must gather and evaluate the set of data specified in Appendix A to ASME/ANSI B31.8S, and consider both on the covered segment and similar non-covered segments, past incident history, corrosion control records, continuing surveillance records, patrolling records, maintenance history, internal inspection records and all other conditions specific to each pipeline [49 CFR 192.917(b)].

C. - E.5. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:501 et seq.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, Pipeline Division, LR 30:1276 (June 2004), amended LR 31:686 (March 2005), LR 33:483 (March 2007).

§3321. How is the baseline assessment to be conducted? **[49 CFR 192.921]**

A. ...

1. internal inspection tool or tools capable of detecting corrosion, and any other threats to which the covered segment is susceptible. An operator must follow ASME/ANSI B31.8S (incorporated by reference, see §507), Section 6.2 in selecting the appropriate internal inspection tools for the covered segment [49 CFR 192.921(a)(1)];

2. pressure test conducted in accordance with Chapter 23 of this Subpart. An operator must use the test pressures specified in Table 3 of Section 5 of ASME/ANSI B31.8S, to justify an extended reassessment interval in accordance with §3339 [49 CFR 192.921(a)(2)].

A.3. - F. ...

G. Newly Installed Pipe. An operator must complete the baseline assessment of a newly-installed segment of pipe covered by this Subpart within 10 years from the date the pipe is installed. An operator may conduct a pressure test in accordance with Paragraph A.2 of this Section, to satisfy the requirement for a baseline assessment [49 CFR 192.921(g)].

H. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:501 et seq.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, Pipeline Division, LR 30:1277 (June 2004), amended LR 31:686 (March 2005), LR 33:484 (March 2007).

§3325. What are the requirements for using External Corrosion Direct Assessment (ECDA)? **[49 CFR 192.925]**

A. ...

B. General Requirements. An operator that uses direct assessment to assess the threat of external corrosion must follow the requirements in this Section, in ASME/ANSI B31.8S (incorporated by reference, see §507), Section 6.4, and in NACE RP 0502-2002 (incorporated by reference, see §507). An operator must develop and implement a direct assessment plan that has procedures addressing preassessment, indirect examination, direct examination, and post-assessment. If the ECDA detects pipeline coating damage, the operator must also integrate the data from the ECDA with other information from the data integration (§3317.B) to evaluate the covered segment for the threat of

third party damage, and to address the threat as required by §3317.E.1 [49 CFR 192.925(b)].

1. - 4.b. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:501 et seq.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, Pipeline Division, LR 30:1278 (June 2004), amended LR 31:687 (March 2005), LR 33:484 (March 2007).

§3327. What are the requirements for using Internal Corrosion Direct Assessment (ICDA)? **[49 CFR 192.927]**

A. ...

B. General Requirements. An operator using direct assessment as an assessment method to address internal corrosion in a covered pipeline segment must follow the requirements in this Section and in ASME/ANSI B31.8S (incorporated by reference, see §507), Section 6.4 and Appendix B2. The ICDA process described in this Section applies only for a segment of pipe transporting nominally dry natural gas, and not for a segment with electrolyte nominally present in the gas stream. If an operator uses ICDA to assess a covered segment operating with electrolyte present in the gas stream, the operator must develop a plan that demonstrates how it will conduct ICDA in the segment to effectively address internal corrosion, and must provide notification in accordance with §3321.A.4 or §3337.C.4 [49 CFR 192.927(b)].

C. - C.1.d. ...

2. ICDA Region Identification. An operator's plan must identify where all ICDA Regions are located in the transmission system, in which covered segments are located. An ICDA Region extends from the location where liquid may first enter the pipeline and encompasses the entire area along the pipeline where internal corrosion may occur and where further evaluation is needed. An ICDA Region may encompass one or more covered segments. In the identification process, an operator must use the model in GRI 02-0057, "Internal Corrosion Direct Assessment of Gas Transmission Pipelines—Methodology," (incorporated by reference, see §507). An operator may use another model if the operator demonstrates it is equivalent to the one shown in GRI 02-0057. A model must consider changes in pipe diameter, locations where gas enters a line (potential to introduce liquid) and locations down stream of gas draw-offs (where gas velocity is reduced) to define the critical pipe angle of inclination above which water film cannot be transported by the gas [49 CFR 192.927(c)(2)].

3. - 5.c. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:501 et seq.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, Pipeline Division, LR 30:1279 (June 2004), amended LR 31:687 (March 2005), LR 33:484 (March 2007).

§3329. What are the requirements for using Direct Assessment for Stress Corrosion Cracking (SCCDA)? **[49 CFR 192.929]**

A. - B. ...

1. Data Gathering and Integration. An operator's plan must provide for a systematic process to collect and evaluate data for all covered segments to identify whether the

conditions for SCC are present and to prioritize the covered segments for assessment. This process must include gathering and evaluating data related to SCC at all sites an operator excavates during the conduct of its pipeline operations where the criteria in ASME/ANSI B31.8S (incorporated by reference, see §507), Appendix A3.3 indicate the potential for SCC. This data includes at minimum, the data specified in ASME/ANSI B31.8S, Appendix A3 [49 CFR 192.929(b)(1)];

2. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:501 et seq.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, Pipeline Division, LR 30:1280 (June 2004), amended LR 31:687 (March 2005), LR 33:484 (March 2007).

§3333. What actions must be taken to address integrity issues? [49 CFR 192.933]

A. General Requirements. An operator must take prompt action to address all anomalous conditions that the operator discovers through the integrity assessment. In addressing all conditions, an operator must evaluate all anomalous conditions and remediate those that could reduce a pipeline's integrity. An operator must be able to demonstrate that the remediation of the condition will ensure that the condition is unlikely to pose a threat to the integrity of the pipeline until the next reassessment of the covered segment. If an operator is unable to respond within the time limits for certain conditions specified in this Section, the operator must temporarily reduce the operating pressure of the pipeline or take other action that ensures the safety of the covered segment. If pressure is reduced, an operator must determine the temporary reduction in operating pressure using ASME/ANSI B31G (incorporated by reference, see §507) or AGA Pipeline Research Committee Project PR-3-805 [(RSTRENG); incorporated by reference, see §507] or reduce the operating pressure to a level not exceeding 80 percent of the level at the time the condition was discovered. (See §507 for information on availability of incorporation by reference information). A reduction in operating pressure cannot exceed 365 days without an operator providing a technical justification that the continued pressure restriction will not jeopardize the integrity of the pipeline [49 CFR 192.933(a)].

B. Discovery of Condition. Discovery of a condition occurs when an operator has adequate information about a condition to determine that the condition presents a potential threat to the integrity of the pipeline. A condition that presents a potential threat includes, but is not limited to, those conditions that require remediation or monitoring listed under Paragraphs D.1 through D.3 of this Section. An operator must promptly, but no later than 180 days after conducting an integrity assessment, obtain sufficient information about a condition to make that determination, unless the operator demonstrates that the 180-day period is impracticable [49 CFR 192.933(b)].

C. Schedule for Evaluation and Remediation. An operator must complete remediation of a condition according to a schedule that prioritizes the conditions for evaluation and remediation. Unless a special requirement for

remediating certain conditions applies, as provided in Subsection D of this Section, an operator must follow the schedule in ASME/ANSI B31.8S (incorporated by reference, see §507), Section 7, Figure 4. If an operator cannot meet the schedule for any condition, the operator must justify the reasons why it cannot meet the schedule and that the changed schedule will not jeopardize public safety. An operator must notify OPS in accordance with §3349 if it cannot meet the schedule and cannot provide safety through a temporary reduction in operating pressure or other action. An operator must also notify a state or local pipeline safety authority when either a covered segment is located in a state where OPS has an interstate agent agreement, or an intrastate covered segment is regulated by that state [49 CFR 192.933(c)].

D. - D.1. ...

a. a calculation of the remaining strength of the pipe shows a predicted failure pressure less than or equal to 1.1 times the maximum allowable operating pressure at the location of the anomaly. Suitable remaining strength calculation methods include, ASME/ANSI B31G; RSTRENG; or an alternative equivalent method of remaining strength calculation. These documents are incorporated by reference and available at the addresses listed in (see §507) [49 CFR 192.933(d)(1)(i)];

1.b. - 3.c. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:501 et seq.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, Pipeline Division, LR 30:1281 (June 2004), amended LR 31:688 (March 2005), LR 33:485 (March 2007).

§3335. What additional preventive and mitigative measures must an operator take? [49 CFR 192.935]

A. General Requirements. An operator must take additional measures beyond those already required by this Subpart to prevent a pipeline failure and to mitigate the consequences of a pipeline failure in a high consequence area. An operator must base the additional measures on the threats the operator has identified to each pipeline segment (see §3317). An operator must conduct, in accordance with one of the risk assessment approaches in ASME/ANSI B31.8S (incorporated by reference, see §507), Section 5, a risk analysis of its pipeline to identify additional measures to protect the high consequence area and enhance public safety. Such additional measures include, but are not limited to, installing automatic shut-off valves or remote control valves, installing computerized monitoring and leak detection systems, replacing pipe segments with pipe of heavier wall thickness, providing additional training to personnel on response procedures, conducting drills with local emergency responders and implementing additional inspection and maintenance programs [49 CFR 192.935(a)].

B. ...

1. Third Party Damage. An operator must enhance its damage prevention program, as required under §2714 of this Subpart, with respect to a covered segment to prevent and minimize the consequences of a release due to third party damage. Enhanced measures to an existing damage

prevention program include, at a minimum [49 CFR 192.935(b)(1)]:

a. - c. ...

d. monitoring of excavations conducted on covered pipeline segments by pipeline personnel. If an operator finds physical evidence of encroachment involving excavation that the operator did not monitor near a covered segment, an operator must either excavate the area near the encroachment or conduct an above ground survey using methods defined in NACE RP-0502-2002 (incorporated by reference, see §507). An operator must excavate, and remediate, in accordance with ANSI/ASME B31.8S and §3333 any indication of coating holidays or discontinuity warranting direct examination [49 CFR 192.935(b)(1)(iv)].

B.2. - C. ...

D. Pipelines Operating below 30 percent SMYS. An operator of a transmission pipeline operating below 30 percent SMYS located in a high consequence area must follow the requirements in Paragraphs D.1 and D.2 of this Section. An operator of a transmission pipeline operating below 30 percent SMYS located in a Class 3 or Class 4 area but not in a high consequence area must follow the requirements in Paragraphs D.1, D.2 and D.3 of this Section [49 CFR 192.935(d)].

D.1. - E. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:501 et seq.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, Pipeline Division, LR 30:1282 (June 2004), amended LR 31:688 (March 2005), LR 33:485 (March 2007).

§3337. What is a continual process of evaluation and assessment to maintain a pipeline's integrity? [49 CFR 192.937]

A. ...

B. Evaluation. An operator must conduct a periodic evaluation as frequently as needed to assure the integrity of each covered segment. The periodic evaluation must be based on a data integration and risk assessment of the entire pipeline as specified in §3317. For plastic transmission pipelines, the periodic evaluation is based on the threat analysis specified in §3317.D. For all other transmission pipelines, the evaluation must consider the past and present integrity assessment results, data integration and risk assessment information (§3317), and decisions about remediation (§3333) and additional preventive and mitigative actions (§3335). An operator must use the results from this evaluation to identify the threats specific to each covered segment and the risk represented by these threats [49 CFR 192.937(b)].

C. Assessment Methods. In conducting the integrity reassessment, an operator must assess the integrity of the line pipe in the covered segment by any of the following methods as appropriate for the threats to which the covered segment is susceptible (see §3317), or by confirmatory direct assessment under the conditions specified in §3331 [49 CFR 192.937(c)]:

1. internal inspection tool or tools capable of detecting corrosion, and any other threats to which the covered

segment is susceptible. An operator must follow ASME/ANSI B31.8S (incorporated by reference, see §507), Section 6.2 in selecting the appropriate internal inspection tools for the covered segment [49 CFR 192.937(c)(1)];

2. pressure test conducted in accordance with Chapter 23 of this Subpart. An operator must use the test pressures specified in Table 3 of Section 5 of ASME/ANSI B31.8S, to justify an extended reassessment interval in accordance with §3339 [49 CFR 192.937(c)(2)];

3. direct assessment to address threats of external corrosion, internal corrosion, or stress corrosion cracking. An operator must conduct the direct assessment in accordance with the requirements listed in §3323 and with as applicable, the requirements specified in §§3325, 3327 or 3329 [49 CFR 192.937(c)(3)];

4. other technology that an operator demonstrates can provide an equivalent understanding of the condition of the line pipe. An operator choosing this option must notify the Office of Pipeline Safety (OPS) 180 days before conducting the assessment, in accordance with §3349. An operator must also notify a state or local pipeline safety authority when either a covered segment is located in a state where OPS has an interstate agent agreement, or an intrastate covered segment is regulated by that state [49 CFR 192.937(c)(4)];

5. confirmatory direct assessment when used on a covered segment that is scheduled for reassessment at a period longer than seven years. An operator using this reassessment method must comply with §3331 [49 CFR 192.937(c)(5)].

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:501 et seq.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, Pipeline Division, LR 30:1283 (June 2004), amended LR 31:688 (March 2005), LR 33:486 (March 2007).

§3339. What are the required reassessment intervals? [49 CFR 192.939]

A. - A.1.a.ii. ...

b. External Corrosion Direct Assessment. An operator that uses ECDA that meets the requirements of this Chapter must determine the reassessment interval according to the requirements in Paragraphs 6.2 and 6.3 of NACE RP0502-2002 (incorporated by reference, see §507) [49 CFR 192.939(a)(2)].

1.c. - 2.d. ...

e. reassessment by the low stress assessment method at 7-year intervals in accordance with §3341 with reassessment by one of the methods listed in Paragraphs B.1 through B.3 of this Section by year 20 of the interval [49 CFR 192.939(b)(5)].

f. the following table sets forth the maximum reassessment intervals. Also refer to §5109, Appendix E.II for guidance on Assessment Methods and Assessment Schedule for Transmission Pipelines Operating Below 30 percent SMYS. In case of conflict between the rule and the guidance in the Appendix, the requirements of the rule control. An operator must comply with the following requirements in establishing a reassessment interval for a covered segment [49 CFR 192.939(b)(6)].

Maximum Reassessment Interval			
Assessment Method	Pipeline operating at or above 50% SMYS	Pipeline operating at or above 30% SMYS, up to 50% SMYS	Pipeline operating below 30% SMYS
Internal Inspection Tool, Pressure Test or Direct Assessment	10 years (*)	15 years (*)	20 years (**)
Confirmatory Direct Assessment	7 years	7 years	7 years
Low stress reassessment	not applicable	not applicable	7 years + ongoing actions specified in §3341.

(*)A confirmatory direct assessment as described in §3331 must be conducted by year 7 in a 10-year interval and years 7 and 14 of a 15-year interval.

(**)A low stress reassessment or confirmatory direct assessment must be conducted by years 7 and 14 of the interval.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:501 et seq.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, Pipeline Division, LR 30:1283 (June 2004), amended LR 31:688 (March 2005), LR 33:486 (March 2007).

§3345. What methods must an operator use to measure program effectiveness? [49 CFR 192.945]

A. General. An operator must include in its integrity management program methods to measure, on a semi-annual basis, whether the program is effective in assessing and evaluating the integrity of each covered pipeline segment and in protecting the high consequence areas. These measures must include the four overall performance measures specified in ASME/ANSI B31.8S (incorporated by reference, see §507), Section 9.4, and the specific measures for each identified threat specified in ASME/ANSI B31.8S, Appendix A. An operator must submit the four overall performance measures, by electronic or other means, on a semi-annual frequency to OPS in accordance with §3351. An operator must submit its first report on overall performance measures by August 31, 2004. Thereafter, the performance measures must be complete through June 30 and December 31 of each year and must be submitted within 2 months after those dates [49 CFR 192.945(a)].

B. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:501 et seq.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, Pipeline Division, LR 30:1285 (June 2004), amended LR 31:689 (March 2005), LR 33:487 (March 2007).

§3349. How does an operator notify OPS and the Louisiana Commissioner of Conservation? [49 CFR 192.949]

A. ...

1. sending the notification to the Information Resources Manager, Office of Pipeline Safety, *Pipeline and Hazardous Materials Safety Administration*, U.S. Department of Transportation, Room 7128, 400 Seventh Street SW, Washington DC 20590 [49 CFR 192.949(a)(1)];

A.2. - B. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:501 et seq.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, Pipeline Division, LR 30:1286 (June 2004), amended LR 33:487 (March 2007).

§3351. Where does an operator file a report? [49 CFR 192.951]

A. ...

1. by mail to the Office of Pipeline Safety, *Pipeline and Hazardous Materials Safety Administration*, U.S. Department of Transportation, Room 7128, 400 Seventh Street SW, Washington, DC 20590 [49 CFR 192.951(1)];

A.2. - B. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:501 et seq.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, Pipeline Division, LR 30:1286 (June 2004), amended LR 33:487 (March 2007).

Chapter 51. Appendices

§5103. Appendix B—Qualification of Pipe

I. Listed Pipe Specifications

API 5L—Steel pipe, "API Specification for Line Pipe" (incorporated by reference, see §507)

ASTM A 53/A53M—Steel pipe, "Standard Specification for Pipe, Steel Black and Hot-Dipped, Zinc-Coated, welded and Seamless"(IBR, see §507)

ASTM A 106—Steel pipe, "Standard Specification for Seamless Carbon Steel Pipe for High temperature Service" (incorporated by reference, see §507)

ASTM A 333/A 333M—Steel pipe, "Standard Specification for Seamless and Welded steel Pipe for Low Temperature Service" (incorporated by reference, see §507)

ASTM A 381—Steel pipe, "Standard specification for Metal-Arc-Welded Steel Pipe for Use with High-Pressure Transmission Systems" (incorporated by reference, see §507)

ASTM A 671—Steel pipe, "Standard Specification for Electric-Fusion-Welded Pipe for Atmospheric and Lower Temperatures" (incorporated by reference, see §507)

ASTM A 672—Steel pipe, "Standard Specification for Electric-Fusion-Welded Steel Pipe for High-Pressure Service at Moderate Temperatures" (incorporated by reference, see §507)

ASTM A 691—Steel pipe, "Standard Specification for Carbon and Alloy Steel Pipe, Electric-Fusion-Welded for High Pressure Service at High Temperatures" (incorporated by reference, see §507)

ASTM D 2513—Thermoplastic pipe and tubing, "Standard Specification for Thermoplastic Gas Pressure Pipe, Tubing, and Fittings" (incorporated by reference, see §507)

ASTM D 2517—Thermosetting plastic pipe and tubing, "Standard Specification Reinforced Epoxy Resin Gas Pressure Pipe and Fittings" (incorporated by reference, see §507)

II. Steel Pipe of Unknown or Unlisted Specification

B. Weldability. A girth weld must be made in the pipe by a welder who is qualified under Chapter 13 of this Subpart. The weld must be made under the most severe conditions under which welding will be allowed in the field and by means of the same procedure that will be used in the field. On pipe more than 4 inches (102 millimeters) in diameter, at least one test weld must be made for each 100 lengths of pipe. On pipe 4 inches (102 millimeters) or less in diameter, at least one test weld must be made for each 400 lengths of pipe. The weld must be tested in accordance with API Standard 1104 (incorporated by reference, see §507). If the requirements of API Standard 1104 cannot be met, weldability may be

established by making chemical tests for carbon and manganese, and proceeding in accordance with Section IX of the ASME Boiler and Pressure Vessel Code (IBR, see §507). The same number of chemical tests must be made as are required for testing a girth weld.

D. Tensile properties. If the tensile properties of the pipe are not known, the minimum yield strength may be taken as 24,000 p.s.i. (165 MPa) or less, or the tensile properties may be established by performing tensile test as set forth in API Specification 5L (incorporated by reference, see §507).

Number of Tensile Tests-All Sizes	
10 lengths or less	1 set of tests for each length.
11 to 100 lengths	1 set of tests for each 5 lengths, but not less than 10 tests.
Over 100 lengths	1 set of tests for each 10 lengths, but not less than 20 tests.

If the yield-tensile ratio, based on the properties determined by those tests, exceeds 0.85, the pipe may be used only as provided in §705.C5(c).

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:501 et seq.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, Pipeline Division, LR 10:541 (July 1984), amended LR 18:859 (August 1992), LR 27:1551, 1552 (September 2001), LR 30:1287 (June 2004), LR 31:689 (March 2005), LR 33:487 (March 2007).

Chapter 61. General [Part 199 □ Subpart A]

§6102. Applicability [49 CFR 199.2]

A. ...

B. This Subpart does not apply to any person for whom compliance with LAC 43:XIII or LAC 33:V.Subpart 3 (49 CFR Part 192 and 195) would violate the domestic laws or policies of another country [49 CFR 199.2(b)].

C. - C.2. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:751-757, redesignated as R.S. 30:701-707 and R.S. 30:501 et seq.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, Pipeline Division, LR 16:134 (February 1990), repromulgated LR 16:532 (June 1990), amended LR 18:852 (August 1992), LR 27:1554 (September 2001), LR 30:1292 (June 2004), LR 33:488 (March 2007).

§6103. Definitions [49 CFR 199.3]

A. ...

Administrator—the Administrator, Pipeline and Hazardous Materials Safety Administration or his or her delegate.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:751-757, redesignated as R.S. 30:701-707 and R.S. 30:501 et seq.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, Pipeline Division, LR 16:134 (February 1990), repromulgated LR 16:533 (June 1990), amended LR 18:852 (August 1992), LR 21:826, 829 (August 1995), LR 24:1306 (July 1998), LR 27:1554 (September 2001), LR 30:1292 (June 2004), LR 33:488 (March 2007).

§6107. Stand-Down Waivers [49 CFR 199.7]

A. Each operator who seeks a waiver under 49 CFR §40.21 from the stand-down restriction must submit an application for waiver in duplicate to the Associate Administrator for Pipeline Safety, *Pipeline and Hazardous Materials Safety Administration*, Department of Transportation, Washington, DC 20590 [49 CFR 199.7(a)].

B. - C. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:751-757.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, LR 30:1293 (June 2004), amended LR 33:488 (March 2007).

Chapter 63. Drug Testing [Subpart B]

§6319. Reporting of Anti-Drug Testing Results

[49 CFR 199.119]

A. Each large operator (having more than 50 covered employees) shall submit an annual MIS report to PHMSA of its anti-drug testing using the Management Information System (MIS) form and instructions as required by 49 CFR Part 40 (at 40.25 and Appendix H to Part 40), not later than March 15 of each year for the prior calendar year (January 1-December 31). The administrator shall require by written notice that small operators (50 or fewer covered employees) not otherwise required to submit annual MIS reports to prepare and submit such reports to PHMSA [49 CFR 199.119(a)].

B. Each report required under this Section shall be submitted to the Office of Pipeline Safety, *Pipeline and Hazardous Materials Safety Administration*, U.S. Department of Transportation, Room 7128, 400 Seventh Street, SW, Washington, DC 20590. The operator may submit a paper report or data electronically using the version of the MIS form provided by DOT. This electronic version of the form can be accessed via the Internet at the following Office of Pipeline Safety web address: <http://ops.dot.gov/drug.htm> [49 CFR 199.119(b)].

C. - F. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:751-757, redesignated as R.S. 30:701-707 and R.S. 30:501 et seq.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, Pipeline Division, LR 21:828 (August 1995), amended LR 30:1296 (June 2004), LR 33:488 (March 2007).

James H. Welsh
Commissioner

0703#049

RULE

**Department of Public Safety and Corrections
Gaming Control Board**

**Minimum Standards for Electronic Gaming Devices
(LAC 42:VII.4203)**

The Louisiana Gaming Control Board hereby amends LAC 42:VII.4203 in accordance with R.S. 27:15 and 24, and the Administrative Procedure Act, R.S. 49:950 et seq.

Title 42

LOUISIANA GAMING

**Part VII. Pari-Mutuel Live Racing Facility Slot Machine
Gaming**

Chapter 42. RaceTracks: Electronic Gaming Devices

**§4203. Minimum Standards for Electronic Gaming
Devices**

A. All EGD's submitted for approval:

1. - 25. ...

26. shall not offer a game which resembles a game the play of which requires, or typically includes, the participation of another natural person.

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15 and 24.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Gaming Control Board, LR 26:775 (April 2000), amended LR 33:488 (March 2007).

H. Charles Gaudin
Chairman

0603#063

RULE

Department of Revenue Tax Commission

Ad Valorem Taxation

(LAC 61:V.101, 307, 309, 703, 705, 901, 907, 1103, 1307, 1503, 2501, 2503, 2907, 3101, 3103, 3105, 3106, 3107, 3501, 3503, 3509, 3511, 3513, 3515, 3517, 3519, 3521, 3523, 3701, 3702)

In accordance with provisions of the Administrative Procedure Act (R.S. 49:950, et seq.), and in compliance with statutory law administered by this agency as set forth in R.S. 47:1837, the Tax Commission has adopted, amended and/or repealed Sections of the Louisiana Tax Commission Real/Personal Property Rules and Regulations for use in the 2007 (2008 Orleans Parish) tax year.

This Rule is necessary in order for ad valorem tax assessment tables to be disseminated to property owners and local tax assessors no later than the statutory valuation date of record of January 1, 2007. Cost indexes required to finalize these assessment tables are not available to this office until late October 2006.

Title 61

REVENUE AND TAXATION

Part V. Ad Valorem Taxation

Chapter 1. Constitutional and Statutory Guides to Property Taxation

§101. Constitutional Principles for Property Taxation

A. - E. ...

F. Special Assessment Level

1. ...

2. Any person or persons shall be prohibited from receiving the special assessment as provided in this Section if such person's or persons' adjusted gross income, as reported in the federal tax return for the year prior to the application for the special assessment, exceeds \$60,498 for tax year 2007 (2008 Orleans Parish). For persons applying for the special assessment whose filing status is married filing separately, the adjusted gross income for purposes of this Section shall be determined by combining the adjusted gross income on both federal tax returns.

3. - 9. ...

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

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

1998), LR 26:506 (March 2000), LR 31:700 (March 2005), LR 32:425 (March 2006), LR 33:489 (March 2007).

Chapter 3. Real and Personal Property

§307. Personal Property Report Forms

A. - A.3. ...

4. LAT Form 7, Cellular Industry Form, should be furnished to all cellular industry companies doing business in the parish or taxing district.

5. LAT Form 8, Cable TV Industry Form, should be furnished to all cable television industry companies doing business in the parish or taxing district.

6. LAT Form 11, Watercraft Form, should be sent to owners of watercraft domiciled in the parish and to all owners operating watercraft out of the parish on the assessment date. This form should be used as a supplement to LAT Form 5 for companies that own such property but are not interstate towing or barge line companies, whose watercraft are assessed by the Tax Commission as public service properties.

7.a. LAT Form 11A, Watercraft-Outer Continental Shelf Waters Form, shall be furnished to all corporations, partnerships, sole proprietorships, joint ventures, partners in commendam, limited liability partnerships, limited liability corporations or individuals engaged in outer continental shelf waters operations, who shall submit said report form as follows:

i. local parish assessor;

ii. Department of Revenue and Taxation, Secretary (pursuant to Act 59 of 1994); and

iii. local tax collector.

b. All forms shall bear original signatures by the applicable taxpayer for certification purposes.

8. LAT Form 12, Oil and Gas Property Form, should be sent to any company, business or individual having such property in the parish or taxing district. Refer to the oil and gas properties section (§903) for specific instructions on completion of this form.

9. LAT Form 13, Drilling Rig and Related Equipment Form, should be sent, in addition to LAT Form 5, to any company, business or individual having such property in the parish or taxing district. Refer to the drilling rigs and related equipment Section (§1101) for specific instructions on completion of this form.

10. LAT Form 14, Pipelines Form, should be furnished to all companies owning and/or operating pipelines other than pipelines which are assessed as public service properties by the Tax Commission. This form is considered to be a supplement to LAT Form 5 and LAT Form 12. Refer to the pipelines Section (§1301) for specific instructions on completion of this form.

11. LAT Form 15, Aircraft Form, should be furnished to all individuals, partnerships, corporations, associations, etc., owning and/or operating an aircraft in Louisiana as of the assessment date. This form is considered to be a supplement to LAT Form 5. Refer to the aircraft Section (§1501) for specific instructions on completion of this form.

B. - B.3. ...

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

HISTORICAL NOTE: Promulgated by the Tax Commission, LR 2:358 (November 1976), amended by the Department of Revenue and Taxation, Tax Commission, LR 8:102 (February

1982), LR 13:764 (December 1987), LR 16:1063 (December 1990), LR 21:186 (February 1995), LR 33:489 (March 2007).

§309. Tax Commission Miscellaneous Forms

A. - G. ...

H. TC Form TC-TU01-A, Tulane Non-Exempt Property Report.

I. TC Form TC-TU01-B, Tulane Non-Exempt Property Report of the Pre-Exemption Property Values.

J. TC Form TC-TU02, Tulane University Exemption Allocation Report.

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:1712, R.S. 47:1835, R.S. 47:1837, R.S. 47:1966, R.S. 47:1990, R.S. 47:1991 and R.S. 47:2326.

HISTORICAL NOTE: Promulgated by the Department of Revenue and Taxation, Tax Commission, LR 21:186 (February 1995), amended LR 22:117 (February 1996), amended by the Department of Revenue, Tax Commission, LR 24:479 (March 1998), LR 27:424 (March 2001), LR 28:517 (March 2002), LR 30:487 (March 2004), LR 32:430 (March 2006), LR 33:490 (March 2007).

Chapter 7. Watercraft

§703. Tables—Watercraft

A. Floating Equipment—Motor Vessels

Table 703.A Floating Equipment—Motor Vessels				
Cost Index (Average)		Average Economic Life 12 Years		
Year	Index	Effective Age	Percent Good	Composite Multiplier
2006	0.979	1	94	.92
2005	1.024	2	87	.89
2004	1.102	3	80	.88
2003	1.140	4	73	.83
2002	1.159	5	66	.76
2001	1.166	6	58	.68
2000	1.176	7	50	.59
1999	1.197	8	43	.51
1998	1.201	9	36	.43
1997	1.211	10	29	.35
1996	1.231	11	24	.30
1995	1.249	12	22	.27
1994	1.294	13	20	.26

B. Floating Equipment—Barges (Non-Motorized)

Table 703.B Floating Equipment—Barges (Non-Motorized)				
Cost Index (Average)		Average Economic Life 20 Years		
Year	Index	Effective Age	Percent Good	Composite Multiplier
2006	0.979	1	97	.95
2005	1.024	2	93	.95
2004	1.102	3	90	.99
2003	1.140	4	86	.98
2002	1.159	5	82	.95
2001	1.166	6	78	.91
2000	1.176	7	74	.87
1999	1.197	8	70	.84
1998	1.201	9	65	.78
1997	1.211	10	60	.73
1996	1.231	11	55	.68
1995	1.249	12	50	.62
1994	1.294	13	45	.58
1993	1.331	14	40	.53
1992	1.356	15	35	.47
1991	1.373	16	31	.43
1990	1.401	17	27	.38
1989	1.438	18	24	.35
1988	1.515	19	22	.33
1987	1.580	20	21	.33
1986	1.603	21	20	.32

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

HISTORICAL NOTE: Promulgated by the Department of Revenue and Taxation, Tax Commission, LR 8:102 (February 1982), amended LR 10:924 (November 1984), LR 12:36 (January 1986), LR 13:188 (March 1987), LR 13:764 (December 1987), LR 14:872 (December 1988), LR 15:1097 (December 1989), LR 16:1063 (December 1990), LR 17:1213 (December 1991), LR 19:212 (February 1993), LR 20:198 (February 1994), LR 21:186 (February 1995), LR 22:117 (February 1996), LR 23:204 (February 1997), amended by the Department of Revenue, Tax Commission, LR 24:479 (March 1998), LR 25:312 (February 1999), LR 26:506 (March 2000), LR 27:425 (March 2001), LR 28:518 (March 2002), LR 29:368 (March 2003), LR 30:487 (March 2004), LR 31:715 (March 2005), LR 32:430 (March 2006), LR 33:490 (March 2007).

§705. Tables—Watercraft

A. Table 705.A—140' - 159'

Table 705.A 140' - 159'								
Type	2007 LAA Day Rate	Base Cost	Multiplier	2006 -	2001 -	1996 -	1991 -	1986 -
				2002	1997	1992	1987	Earlier
Supply Vessel (OSV)	\$4,500	\$1,400,000	1.14	.86	.72	.58	.44	.30
Offshore Towing	\$3,300	\$1,400,000	0.97	1373	1149	926	703	479
				1167	978	788	598	408

B. Table 705.B—160' - 179'

Table 705.B 160' - 179'								
Type	2007 LAA Day Rate	Base Cost	Multiplier	2006 -	2001 -	1996 -	1991 -	1986 -
				2002	1997	1992	1987	Earlier
Supply Vessel (OSV)	\$5,000	\$2,400,000	1.21	.86	.72	.58	.44	.30
Offshore Towing	\$5,000	\$2,400,000	1.21	2497	2091	1684	1278	871
				2497	2091	1684	1278	871

C. Table 705.C—180' - 199'

Table 705.C 180' - 199'								
Type	2007 LAA Day Rate	Base Cost	Multiplier	2006	2001	1996	1991	1986
				2002	1997	1992	1987	Earlier
				.86	.72	.58	.44	.30
Supply Vessel (OSV)	\$6,500	\$3,200,000	1.43	3935	3295	2654	2013	1373
Offshore Towing	\$6,250	\$3,200,000	1.39	3825	3203	2580	1957	1334

D. Table 705.D—180' - 199'

Table 705.D 180' - 199'								
Type	2007 LAA Day Rate	Base Cost	Multiplier	2006	2001	1996	1991	1986
				2002	1997	1992	1987	Earlier
				.86	.72	.58	.44	.30
AHT Tug/Supp	\$6,500	\$3,750,000	1.43	4611	3861	3110	2360	1609

E. Table 705.E—200' - 219'

Table 705.E 200' - 219'								
Type	2007 LAA Day Rate	Base Cost	Multiplier	2006	2001	1996	1991	1986
				2002	1997	1992	1987	Earlier
				.86	.72	.58	.44	.30
Supply Vessel (OSV)	\$8,500	\$5,400,000	1.71	7941	6649	5356	4063	2770
AHT Tug/Supp	\$8,000	\$5,400,000	1.64	7616	6376	5137	3897	2657
Offshore Towing	\$8,750	\$5,400,000	1.75	8127	6804	5481	4158	2835

F. Table 705.F—220' - 230'

Table 705.F 220' - 230'								
Type	2007 LAA Day Rate	Base Cost	Multiplier	2006	2001	1996	1991	1986
				2002	1997	1992	1987	Earlier
				.86	.72	.58	.44	.30
Supply Vessel (OSV)	\$10000	\$6,400,000	1.93	10623	8893	7164	5435	3706
AHT Tug/Supp	\$14000	\$6,400,000	2.50	13760	11520	9280	7040	4800
Offshore Towing	\$9,000	\$6,400,000	1.78	9797	8202	6607	5012	3418

G. Table 705.G—231' and Longer

Table 705.G 231' and Longer								
Type	2007 LAA Day Rate	Base Cost	Multiplier	2006	2001	1996	1991	1986
				2002	1997	1992	1987	Earlier
				.86	.72	.58	.44	.30
Supply Vessel (OSV)	\$11250	\$8,140,000	2.11	14770	12365	9961	7558	5153
AHT Tug/Supp	\$16300	\$8,140,000	2.83	19810	16584	13360	10137	6911

H. Table 705.H—60' - 70'

Table 705.H 60' - 70'								
Type	2007 LAA Day Rate	Base Cost	Multiplier	2006	2001	1996	1991	1986
				2002	1997	1992	1987	Earlier
				.86	.72	.58	.44	.30
Offshore Crew	\$600	\$312,000	1.10	295	248	199	151	103

I. Table 705.I—85' - 99'

Table 705.I 85' - 99'								
Type	2007 LAA Day Rate	Base Cost	Multiplier	2006	2001	1996	1991	1986
				2002	1997	1992	1987	Earlier
Offshore Crew	\$1,000	\$416,000	1.13	.86	.72	.58	.44	.30
				405	339	272	207	141

J. Table 705.J—100' - 119'

Table 705.J 100' - 119'								
Type	2007 LAA Day Rate	Base Cost	Multiplier	2006	2001	1996	1991	1986
				2002	1997	1992	1987	Earlier
Offshore Crew	\$2,500	\$884,000	1.33	.86	.72	.58	.44	.30
Utility Vessel	\$2,300	\$884,000	1.27	1011	847	682	517	353
				965	809	652	494	337

K. Table 705.K—120' - 140'

Table 705.K 120' - 140'								
Type	2007 LAA Day Rate	Base Cost	Multiplier	2006	2001	1996	1991	1986
				2002	1997	1992	1987	Earlier
Offshore Crew	\$2,900	\$1,248,000	1.23	.86	.72	.58	.44	.30
Utility Vessel	\$2,500	\$1,248,000	1.13	1320	1106	891	675	460
				1213	1016	818	620	423

L. Table 705.L—141' - 165'

Table 705.L 141' - 165'								
Type	2007 LAA Day Rate	Base Cost	Multiplier	2006	2001	1996	1991	1986
				2002	1997	1992	1987	Earlier
Offshore Crew	\$4,000	\$2,392,000	1.17	.86	.72	.58	.44	.30
Utility Vessel	\$4,000	\$2,392,000	1.17	2407	2015	1624	1232	840
				2407	2015	1624	1232	840

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

HISTORICAL NOTE: Promulgated by the Department of Revenue, Tax Commission, LR 33:490 (March 2007).

Chapter 9. Oil and Gas Properties

§901. Guidelines for Ascertaining the Fair Market

Value of Oil and Gas Properties

A. - B.3. ...

C. Explanations

* * *

Production Depth—the depth from the surface to the active lower perforation in each producing zone in which the well is completed. As an example, a well completed in three separate zones is a triple completion and will have three different production depths as determined by the depth of the active lower perforation for each completion. Provided, however, that in the case of wells drilled with a minimum of 80 degrees deviation from vertical for a distance of at least 50 feet, *production depth* shall mean the true vertical distance from the surface of the earth to the lowest point in the formation that is penetrated by a horizontal lateral.

* * *

D. - G. ...

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

HISTORICAL NOTE: Promulgated by the Louisiana Tax Commission, LR 2:359 (November 1976), amended by the Department of Revenue and Taxation, Tax Commission, LR 8:102 (February 1982), LR 9:69 (February 1983), LR 17:1213 (December 1991), LR 19:212 (February 1993), amended by the Department of Revenue, Tax Commission, LR 31:717 (March 2005), LR 33:492 (March 2007).

§907. Tables—Oil and Gas

A. ...

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

Table 907.A-1 Oil, Gas and Associated Wells; Region 1—North Louisiana				
Producing Depths	Cost—New by depth, per foot		15% of Cost—New by depth, per foot	
	\$ Oil	\$ Gas	\$ Oil	\$ Gas
0-1,249 ft.	15.42	46.62	2.31	6.99
1,250-2,499 ft.	14.39	27.32	2.16	4.10
2,500-3,749 ft.	18.27	24.62	2.74	3.69

Table 907.A-1 Oil, Gas and Associated Wells; Region 1—North Louisiana				
Producing Depths	Cost—New by depth, per foot		15% of Cost—New by depth, per foot	
3,750-4,999 ft.	28.38	29.21	4.26	4.38
5,000-7,499 ft.	27.83	29.61	4.17	4.44
7,500-9,999 ft.	60.89	43.34	9.13	6.50
10,000-12,499 ft.	53.17	53.65	7.98	8.05
12,500-14,999 ft.	N/A	108.67	N/A	16.30
15,000-Deeper ft.	N/A	138.59	N/A	20.79

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

Table 907.A-2 Oil, Gas and Associated Wells Region 2 - South Louisiana				
Producing Depths	Cost—New by depth, per foot		15% of Cost—New by depth, per foot	
	\$ Oil	\$ Gas	\$ Oil	\$ Gas
0-1,249 ft.	186.98	121.55	28.05	18.23
1,250-2,499 ft.	97.70	226.09	14.66	33.91
2,500-3,749 ft.	96.47	154.15	14.47	23.12
3,750-4,999 ft.	70.77	120.96	10.62	18.14
5,000-7,499 ft.	86.53	101.74	12.98	15.26
7,500-9,999 ft.	102.81	99.35	15.42	14.90
10,000-12,499 ft.	119.99	105.29	18.00	15.79
12,500-14,999 ft.	131.60	132.79	19.74	19.92
15,000-17,499 ft.	215.81	173.56	32.37	26.03
17,500-19,999 ft.	215.66	226.64	32.35	34.00
20,000-Deeper ft.	184.09	355.33	27.61	53.30

3. Oil, Gas and Associated Wells; Region 3—Offshore State Waters

Table 907.A-3 Oil, Gas and Associated Wells; Region 3—Offshore State Waters				
Producing Depths	Cost—New by depth, per foot		15% of Cost—New by depth, per foot	
	\$ Oil	\$ Gas	\$ Oil	\$ Gas
0-1,249 ft.	N/A	N/A	N/A	N/A
1,250-2,499 ft.	516.47	544.41	77.47	81.66
2,500-3,749 ft.	299.82	410.71	44.97	61.61
3,750-4,999 ft.	299.77	422.88	44.97	63.43
5,000-7,499 ft.	283.82	332.95	42.57	49.94
7,500-9,999 ft.	277.72	298.87	41.66	44.83
10,000-12,499 ft.	368.39	302.23	55.26	45.33
12,500-14,999 ft.	392.48	280.02	58.87	42.00
15,000-17,499 ft.	222.45	343.97	33.37	51.60
17,500-Deeper ft.	N/A	318.87	N/A	47.83

a. The determination of whether a well is a Region 2 or Region 3 well is ascertained from its onshore/offshore status as designated on the Permit to Drill or Amended Permit to Drill form (Location of Wells Section), located at the Department of Natural Resources as of January 1 of each tax year. Each assessor is required to confirm the onshore/offshore status of wells located within their parish by referring to the Permit to Drill or Amended Permit to Drill form on file at the Department of Natural Resources. The listing of each well and their onshore/offshore status will also be posted on the Louisiana Tax Commission website on or before January 15 of each respective tax year.

B. - B.1. Table ...

2. Serial Number to Percent Good Conversion Chart

Table 907.B-2 Serial Number to Percent Good Conversion Chart			
Year	Beginning Serial Number	Ending Serial Number	25 Year Life Percent Good
2006	232639	Higher	96
2005	230643	232638	92
2004	229010	230642	88
2003	227742	229009	84
2002	226717	227741	80
2001	225352	226716	76
2000	223899	225351	72
1999	222882	223898	68
1998	221596	222881	64
1997	220034	221595	60
1996	218653	220033	56
1995	217588	218652	52
1994	216475	217587	48
1993	215326	216474	44
1992	214190	215325	40
1991	212881	214189	36
1990	211174	212880	32
1989	209484	211173	28
1988	207633	209483	24
1987	Lower	207632	20*
VAR.	900000	Higher	50

B.3. -C.6. Tables ...

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

HISTORICAL NOTE: Promulgated by the Department of Revenue and Taxation, Tax Commission, LR 8:102 (February 1982), amended LR 12:36 (January 1986), LR 13:188 (March 1987), LR 13:764 (December 1987), LR 14:872 (December 1988), LR 15:1097 (December 1989), LR 16:1063 (December 1990), LR 17:1213 (December 1991), LR 19:212 (February 1993), LR 20:198 (February 1994), LR 21:186 (February 1995), LR 22:117 (February 1996), LR 23:205 (February 1997), amended by the Department of Revenue, Tax Commission, LR 24:480 (March 1998), LR 25:313 (February 1999), LR 26:507 (March 2000), LR 27:425 (March 2001), LR 28:518 (March 2002), LR 29:368 (March 2003), LR 30:488 (March 2004), LR 31:717 (March 2005), LR 32:431 (March 2006), LR 33:492 (March 2007).

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

A. Land Rigs

Table 1103.A Land Rigs		
Depth "0" to 7,000 Feet		
Depth (Ft.)	Fair Market Value	Assessment
	\$	\$
3,000	627,800	94,200
4,000	729,500	109,400
5,000	908,000	136,200
6,000	1,219,000	182,900
7,000	1,554,500	233,200
Depth 8,000 to 10,000 Feet		
Depth (Ft.)	Fair Market Value	Assessment
	\$	\$
8,000	1,914,400	287,200
9,000	2,298,800	344,800
10,000	2,707,700	406,200

Table 1103.A Land Rigs		
Depth 11,000 to 15,000 Feet		
Depth (Ft.)	Fair Market Value	Assessment
	\$	\$
11,000	3,141,100	471,200
12,000	3,598,900	539,800
13,000	4,081,200	612,200
14,000	4,587,900	688,200
15,000	5,119,200	767,900
Depth 16,000 to 20,000 Feet		
Depth (Ft.)	Fair Market Value	Assessment
	\$	\$
16,000	5,674,900	851,200
17,000	6,255,000	938,300
18,000	6,859,700	1,029,000
19,000	7,488,800	1,123,300
20,000	8,142,400	1,221,400
Depth 21,000 + Feet		
Depth (Ft.)	Fair Market Value	Assessment
	\$	\$
21,000	8,820,400	1,323,100
25,000 +	9,584,100	1,437,600

B. Jack-Ups

Table 1103.B Jack-Ups			
Type	Water Depth Rating	Fair Market Value	Assessment

IC	200-299 FT.	40,000,000	6,000,000
	300-Up FT.	55,000,000	8,250,000

C. - Table[Note] ...

D. Well Service Rigs Land Only (Good Condition)

Table 1103.D Well Service Rigs Land Only (Good Condition)				
Class	Mast	Engine	Fair Market Value	Assessment
I	72' X 125M# 75' X 150M#	6V71	217,875	32,680
II	96' X 150M# 96' X 180M# 96' X 185M# 96' X 205M# 96' X 210M# 96' X 212M# 96' X 215M#	8V71	295,750	44,400
III	96' X 240M# 96' X 250M# 96' X 260M# 102' X 215M#	8V92	346,500	51,980
IV	102' X 224M# 102' X 250M# 103' X 225M# 103' X 250M# 104' X 250M# 105' X 225M# 105' X 250M#	12V71	409,500	61,430
V	105' X 280M# 106' X 250M# 108' X 250M# 108' X 260M# 108' X 268M# 108' X 270M# 108' X 300M#	12V71 12V92	393,750	59,100

Table 1103.D Well Service Rigs Land Only (Good Condition)				
Class	Mast	Engine	Fair Market Value	Assessment
VI	110' X 250M# 110' X 275M# 112' X 300M# 112' X 350M#	12V71 (2) 8V92	490,000	73,500
VII	117' X 215M#	(2) 8V92 (2) 12V71	551,250	82,700

E. - E.1. ...

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

HISTORICAL NOTE: Promulgated by the Department of Revenue and Taxation, Tax Commission, LR 8:102 (February 1982), amended LR 10:939 (November 1984), LR 12:36 (January 1986), LR 13:188 (March 1987), LR 16:1063 (December 1990), LR 17:1213 (December 1991), LR 22:117 (February 1996), LR 23:205 (February 1997), amended by the Department of Revenue, Tax Commission, LR 24:487 (March 1998), LR 25:315 (February 1999), LR 26:508 (March 2000), LR 27:426 (March 2001), LR 28:519 (March 2002), LR 30:488 (March 2004), LR 31:718 (March 2005), LR 32:431 (March 2006), LR 33:493 (March 2007).

Chapter 13. Pipelines

§1307. Pipeline Transportation Tables

A. Current Costs for Other Pipelines Onshore

Table 1307.A Current Costs for Other Pipelines Onshore		
Diameter (inches)	Cost per Mile	15% of Cost per Mile
2	\$ 129,140	\$ 19,370
4	152,490	22,870
6	180,070	27,010
8	212,620	31,890
10	251,070	37,660
12	296,460	44,470
14	350,070	52,510
16	413,360	62,000
18	488,100	73,220
20	576,360	86,450
22	680,570	102,090
24	803,620	120,540
26	948,920	142,340
28	1,120,500	168,080
30	1,323,090	198,460
32	1,562,320	234,350
34	1,844,800	276,720
36	2,178,360	326,750
38	2,572,230	385,830
40	3,037,310	455,600
42	3,586,480	537,970
44	4,234,950	635,240
46	5,000,670	750,100
48	5,904,840	885,730

B. Current Costs for Other Pipelines Offshore

Table 1307.B Current Costs for Other Pipelines Offshore		
Diameter (inches)	Cost per Mile	15% of Cost per Mile
6	\$ 1,053,120	\$ 157,970
8	1,069,160	160,370
10	1,085,440	162,820

Table 1307.B Current Costs for Other Pipelines Offshore		
Diameter (inches)	Cost per Mile	15% of Cost per Mile
12	1,101,970	165,300
14	1,119,180	167,880
16	1,148,070	172,210
18	1,188,650	178,300
20	1,240,910	186,140
22	1,304,860	195,730
24	1,380,490	207,070
26	1,467,810	220,170
28	1,566,810	235,020
30	1,677,500	251,630
32	1,799,880	269,980
34	1,933,940	290,090
36	2,079,680	311,950
38	2,237,110	335,570
40	2,406,230	360,930
42	2,587,030	388,050
44	2,779,520	416,930
46	2,983,690	447,550
48	3,199,550	479,930

C. - Table[Note] ...

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

HISTORICAL NOTE: Promulgated by the Department of Revenue and Taxation, Tax Commission, LR 8:102 (February 1982), amended LR 10:941 (November 1984), LR 12:36 (January 1986), LR 16:1063 (December 1990), amended by the Department of Revenue, Tax Commission, LR 24:489 (March 1998), LR 25:316 (February 1999), LR 26:509 (March 2000), LR 27:426 (March 2001), LR 31:719 (March 2005), LR 32:432 (March 2006), LR 33:494 (March 2007).

Chapter 15. Aircraft

§1503. Aircraft (Including Helicopters) Table

A. Aircraft (Including Helicopters)

Table 1503 Aircraft (Including Helicopters)				
Cost Index (Average)		Average Economic Life (20 Years)		
Year	Index	Age	Percent Good	Composite Multiplier
2006	0.979	1	97	.95
2005	1.024	2	93	.95
2004	1.102	3	90	.99
2003	1.140	4	86	.98
2002	1.159	5	82	.95
2001	1.166	6	78	.91
2000	1.176	7	74	.87
1999	1.197	8	70	.84
1998	1.201	9	65	.78
1997	1.211	10	60	.73
1996	1.231	11	55	.68
1995	1.249	12	50	.62
1994	1.294	13	45	.58
1993	1.331	14	40	.53
1992	1.356	15	35	.47
1991	1.373	16	31	.43
1990	1.401	17	27	.38
1989	1.438	18	24	.35
1988	1.515	19	22	.33
1987	1.580	20	21	.33
1986	1.603	21	20	.32

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

HISTORICAL NOTE: Promulgated by the Department of Revenue and Taxation, Tax Commission, LR 8:102 (February 1982), amended LR 10:943 (November 1984), LR 12:36 (January 1986), LR 13:188 (March 1987), LR 13:764 (December 1987), LR 14:872 (December 1988), LR 15:1097 (December 1989), LR 16:1063 (December 1990), LR 17:1213 (December 1991), LR 19:212 (February 1993), LR 20:198 (February 1994), LR 21:186 (February 1995), LR 22:117 (February 1996), LR 23:206 (February 1997), amended by the Department of Revenue, Tax Commission, LR 24:490 (March 1998), LR 25:316 (February 1999), LR 26:509 (March 2000), LR 27:427 (March 2001), LR 28:520 (March 2002), LR 29:370 (March 2003), LR 30:489 (March 2004), LR 31:719 (March 2005), LR 32:433 (March 2006), LR 33:495 (March 2007).

Chapter 25. General Business Assets

§2501. Guidelines for Ascertaining the Fair Market Value of Office Furniture and Equipment, Machinery and Equipment and Other Assets Used In General Business Activity

A. - B. ...

1. total acquisition costs of equipment including freight, installation, taxes and fees, as well as, date of purchase;

B.2. - F.1.d. ...

e. in the year in which the personal property has reached its minimum percent good, the applicable composite multiplier in use at that time is "frozen". For the assessment years that follow, the RCNLD value does not change until the personal property is permanently taken out of service. An exception to this rule applies when the property has been reconditioned to extend its remaining economic life.

F.2. - G.1.e. ...

f. in the year in which the personal property has reached its minimum percent good, the applicable composite multiplier in use at that time is "frozen". For the assessment years that follow, the RCNLD value does not change until the personal property is permanently taken out of service. An exception to this rule applies when the property has been reconditioned to extend its remaining economic life.

G.2. - H.2.e. ...

f. in the year in which the personal property has reached its minimum percent good, the applicable composite multiplier in use at that time is "frozen". For the assessment years that follow, the RCNLD value does not change until the personal property is permanently taken out of service. An exception to this rule applies when the property has been reconditioned to extend its remaining economic life.

3. - 5. ...

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

HISTORICAL NOTE: Promulgated by the Department of Revenue and Taxation, Tax Commission, LR 8:102 (February 1982), amended LR 10:943 (November 1984), LR 12:36 (January 1986), LR 15:1097 (December 1989), LR 16:1063 (December 1990), LR 17:1213 (December 1991), LR 19:212 (February 1993), amended by the Department of Revenue, Tax Commission, LR 31:719 (March 2005), LR 33:495 (March 2007).

§2503. Tables Ascertain Economic Lives, Percent Good and Composite Multipliers of Business and Industrial Personal Property

A. ...

Table 2503.A Suggested Guidelines for Ascertain Economic Lives of Business and Industrial Personal Property	
Business Activity/Type of Equipment	Average Economic Life in Years
Agricultural Machinery and Equipment	***
Feed Mill Equipment (Production Line)	20
Air Conditioning & Heat Repair	10
Air Conditioning Single Room Unit	8
Aircraft Parts Mfg. M&E	12

Amusement Devices (Music, Pinball Mach., etc.)	***
VCR and DVD Players	5

Amusement and Theme Parks	12
Antenna (ex. Mounted on Towers)for Telephone Cellular and CATV, etc.	8

Auto Parts Retail	10
Auto Quick Service	10
Auto Repair M & E	8
Diagnostic Equipment (Electronic)	5

Small Tools	5

Banks	
Alarm Systems	5

Vault Doors	25
Video Equipment	5

C.A.T.V. Equipment	

Headend Active (Equipment & Tower)	8
House Drops & Converters	3
P & E (Distribution)	10
Test Equipment and Tools	5
Tower	20
Cabinet Shop M & E	8

Cash Registers & Scanners (Also See Supermarkets)	5
Cellular Telephone Handset	3

Chiropractic Equipment	10

Cold Storage Warehouse Equipment	12
Compressors (General Business Assets Only)	12
Computers	
Desktops	3
Handhelds	3
Laptops	3
Main Frame	5
Midrange	5
Peripherals	3
Personal Computers	3
Servers	5

Construction M & E	

Mobile Telescopic	8

Converters (Residential Type)	3

Coolers	
Water (Installed/Water Fountain)	10

Table 2503.A Suggested Guidelines for Ascertain Economic Lives of Business and Industrial Personal Property	
Business Activity/Type of Equipment	Average Economic Life in Years
Water (Portable)	5
Water Bottles (5 gallon)	3
Copy Machines	3

Cotton Gins	12

Credit Card Machine (In Store Swipe-Type)	5
Credit Card Machines (See Supermarket POS)	

Day Care (Exclude Office, Kitchen and Computer Assets)	5

Digital Cameras & Recorders	5

Electronic Equipment	5

Fitness Equipment	
Manual	8
Electronic	5
Florist Retail (Except Computers and Other Office Equipment)	8

Gaming Equipment	

Lotto Machines	3

Garage M&E	8
General Contractor M&E	8

GPS Receivers (Hand Held)	3

Hospital and Nursing Home Equipment	***
High Tech (Computer Integrated) Equipment	3

Machine Shop M & E (Maintenance)	8
Machine Shop M & E (Production)	8

Medical Equipment	***
Computer Driven	5

Metal Sheet Fabrication	8

Movie (Film Making)	8

Music Studio Recording Equipment	5
Music Systems (Background)	5

Newspaper M&E	
Press	***
Photographic	***
Other M&E	***
Nursing Home Equipment	
Mattresses	3
Nursing & Greenhouse M&E	***
Office Copy Machines, Faxes & Printers	3
Office Electronic Machines	5
Office F&F	12
Office Mailing Machines	***

Photography Equipment	8

Plumbing Shop Equipment	8

Portalets	5

Table 2503.A Suggested Guidelines for Ascertaining Economic Lives of Business and Industrial Personal Property	
Business Activity/Type of Equipment	Average Economic Life in Years
Radio & Television	
Broadcasting Equipment	8

Digital Radio Equipment	5

Rental Equipment	
Public U-Rent (except heavy equipment)	5

Video Tape, DVD & Game Rental	3

Sheet Metal Fabrication	8

Supermarkets	

PA Systems (Public Address)	5
POS Computer Systems	3

Surveying Equipment (Also See Professional Equipment)	8

Theater	
Projection Equipment	8

VCR & DVD Equipment (If Rental Units, See Rental)	5

Woodworking Shop M&E	8

B. Cost Indices

Table 2503.B Cost Indices			
Year	Age	National Average 1926 = 100	January 1, 2006 = 100*
2006	1	1302.3	0.979
2005	2	1244.5	1.024
2004	3	1157.3	1.102
2003	4	1118.6	1.140
2002	5	1100.0	1.159
2001	6	1093.4	1.166
2000	7	1084.3	1.176
1999	8	1065.0	1.197
1998	9	1061.8	1.201
1997	10	1052.7	1.211
1996	11	1036.0	1.231
1995	12	1020.4	1.249
1994	13	985.0	1.294
1993	14	958.0	1.331
1992	15	939.8	1.356
1991	16	928.5	1.373
1990	17	910.2	1.401
1989	18	886.5	1.438
1988	19	841.4	1.515
1987	20	806.9	1.580
1986	21	795.4	1.603
1985	22	787.9	1.618
1984	23	776.4	1.642
1983	24	755.8	1.687
1982	25	742.4	1.717
1981	26	709.2	1.798

*Reappraisal Date: January 1, 2006 – 1274.8 (Base Year)

C. ...

D. Composite Multipliers 2007 (2008 Orleans Parish)

Table 2503.D Composite Multipliers 2007 (2008 Orleans Parish)								
Age	3 Yr	5 Yr	8 Yr	10 Yr	12 Yr	15 Yr	20 Yr	25 Yr
1	.69	.83	.88	.90	.92	.93	.95	.96
2	.50	.71	.81	.86	.89	.92	.95	.97
3	.37	.57	.74	.84	.88	.94	.99	1.02
4	.18	.39	.62	.76	.83	.90	.98	1.03
5		.27	.50	.67	.76	.85	.95	1.01
6		.21	.38	.57	.68	.79	.91	.98
7			.31	.46	.59	.73	.87	.95
8			.26	.36	.51	.66	.84	.93
9			.24	.29	.43	.59	.78	.90
10				.25	.35	.52	.73	.86
11				.25	.30	.46	.68	.84
12					.27	.39	.62	.80
13					.26	.34	.58	.78
14						.31	.53	.75
15						.28	.47	.71
16						.27	.43	.66
17							.38	.62
18							.35	.56
19							.33	.52
20							.33	.47
21							.32	.45
22								.42
23								.39
24								.34
25								.34
26								.36

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

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

HISTORICAL NOTE: Promulgated by the Department of Revenue and Taxation, Tax Commission, LR 8:102 (February 1982), amended LR 9:69 (February 1983), LR 10:944 (November 1984), LR 12:36 (January 1986), LR 13:188 (March 1987), LR 13:764 (December 1987), LR 14:872 (December 1988), LR 15:1097 (December 1989), LR 16:1063 (December 1990), LR 17:1213 (December 1991), LR 19:212 (February 1993), LR 20:198 (February 1994), LR 21:186 (February 1995), LR 22:117 (February 1996), LR 23:207 (February 1997), amended by the Department of Revenue, Tax Commission, LR 24:490 (March 1998), LR 25:317 (February 1999), LR 26:509 (March 2000), LR 27:427 (March 2001), LR 28:520 (March 2002), LR 29:370 (March 2003), LR 30:489 (March 2004), LR 31:719 (March 2005), LR 32:433 (March 2006), LR 33:496 (March 2007).

Chapter 29. Public Service Properties
§2907. Exceptions to Valuation or Allocation

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:1853 and R.S. 47:1855.

HISTORICAL NOTE: Promulgated by the Louisiana Tax Commission, LR 4:30 (February 1978), amended by the Department of Revenue and Taxation, Tax Commission, LR 13:764 (December 1987), LR 16:1063 (December 1990), LR 19:212 (February 1993), repealed by the Department of Revenue, Tax Commission, LR 33:498 (March 2007).

Chapter 31. Public Exposure of Assessments; Appeals
§3101. Public Exposure of Assessments, Appeals to the Board of Review and Board of Review Hearings

A. ...

B. Each assessor shall publish the dates, time and place of the public exposure of the assessment lists of both real and personal property in a newspaper of general circulation in their respective parishes. Notice shall be published at least twice within a period of not sooner than 21 days nor later than seven days prior to the beginning of the 15 calendar day period of exposure.

C. - E. ...

F. The Parish Police Jury or Parish Council shall sit as the Board of Review. The Board of Review shall convene hearings within 10 days of its receipt of the certified rolls. The Board of Review shall conduct hearings for all persons or their representatives desiring to be heard on the assessments of immovable and movable property. On the fifteenth day after the Board of Review begins the public hearings, the assessment lists, together with any changes in connection therewith, shall be certified and sent to the Tax Commission within three days. R.S. 47:1992.

G. - K. ...

Form 3101
Exhibit A
Appeal to Board of Review by Taxpayer
for Real and Personal Property

Name: _____ Parish/District: _____
Taxpayer
Address: _____ City, State, Zip: _____
Ward: _____ Assessment/Tax Bill Number: _____
Address or Legal Description of Property Being Appealed (Also, please identify building by place of business for convenience of appraisal)

I hereby request the review of the assessment of the above described property pursuant to L.R.S. 47:1992. I timely filed my reports (if personal

property) as required by law, and I have reviewed my assessment with my assessor.

The assessor has determined Fair Market Value of this property at:

Land \$ _____ Improvement \$ _____ Personal Property* \$ _____
Total \$ _____

I am requesting that the Fair Market Value of this property be fixed at:

Land \$ _____ Improvement \$ _____ Personal Property* \$ _____
Total \$ _____

* If you are not appealing personal property, leave this section blank.

I understand that property is assessed at a percentage of fair market value which means the price for the property which would be agreed upon between a willing and informed buyer and a willing and informed seller under usual and ordinary circumstances, the highest price the property would bring on the open market if exposed for sale for a reasonable time. I understand that I must provide the Board of Review with evidence of fair market value to support my claim.

Please notify me of the date, place and time of my appeal at the address shown below.

NOTE: If appellant disputes Board of Review's decision, appellant may appeal to La. Tax Commission by completing and submitting Appeal Form 3103.A to LTC within 10 days of postal date of BOR's written determination. For further information, call LTC at (225) 925-7830.

Appellant (Taxpayer/Taxpayer's Rep./Assessor)

Address: _____

Telephone No. _____

AUTHORITY NOTE: Promulgated in accordance with LSA-Constitution of 1974, Article VII, §18, R.S. 47:2302, R.S. 47:2303 and R.S. 47:2304.

HISTORICAL NOTE: Promulgated by the Louisiana Tax Commission, LR 3:289 (June 1977), amended by the Department of Revenue and Taxation, Tax Commission, LR 8:102 (February 1982), LR 15:1097 (December 1989), LR 19:212 (February 1993), amended by the Department of Revenue, Tax Commission, LR 25:319 (February 1999), LR 26:512 (March 2000), LR 30:492 (March 2004), LR 32:435 (March 2006), LR 33:498 (March 2007).

§3103. Appeals to the Louisiana Tax Commission

A. - B. ...

C. All initial filings to the Louisiana Tax Commission shall be filed with the Office of General Counsel. They shall be deemed filed only when actually received, in proper form, and accompanied by a \$50 filing fee. All filings shall be in the form of an original and seven copies.

D. - N. ...

O. Any evidence which would be admissible under the Louisiana Rules of Evidence shall be deemed admissible by the commission. The Louisiana Rules of Evidence shall be applied liberally in any proceeding before the commission. Either party may object to evidence not previously disclosed by the opposing party. The commission may exclude evidence, which is deemed by the commission to be incompetent, immaterial or unduly repetitious.

P. - X. ...

Form 3103.A
Exhibit A
Appeal to Louisiana Tax Commission
by Taxpayer or Assessor
for Real and Personal Property

La. Tax Commission
P. O. Box 66788
Baton Rouge, LA 70896
(225) 925-7830

Name: _____ Parish/District: _____
Taxpayer
Address: _____ City, State, Zip: _____
Board of Review
Ward: _____ Assessment Tax Bill No.: _____ Appeal No.: _____
(Attach copy of complete appeal submitted to the Board of Review)

Address or Legal Description of Property Being Appealed. Also, please identify building by place of business for convenience of appraisal.

I hereby appeal the decision of the Board of Review on the assessment of the above described property pursuant to L.R.S. 47:1992. I timely filed my appeal as required by law.

The original Fair Market Value by the assessor was:
Land \$ _____ Improvement \$ _____ Total \$ _____

If you are appealing personal property*:
The original Fair Market Value by the assessor was:
\$ _____

The proposed Fair Market Value by the taxpayer was (at the Board of Review):
Land \$ _____ Improvement \$ _____ Total \$ _____

The revised Fair Market Value by the Board of Review was:
Land \$ _____ Improvement \$ _____ Total \$ _____

The Fair Market Value by the Board of Review was:
Personal Property: \$ _____

* If you are not appealing personal property leave this section blank.
I understand that property is assessed at a percentage of fair market value, which means the price for the property which would be agreed upon between a willing and informed buyer and a willing and informed seller, under usual and ordinary circumstances, the highest price the property would bring on the open market, if exposed for sale for a reasonable time.

Appellant(Taxpayer/Taxpayer's Rep./Assessor)
Address: _____

Telephone No.: _____

Date of Appeal _____

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:1837, R.S. 47:1989 and R.S. 47:1992.

HISTORICAL NOTE: Promulgated by the Louisiana Tax Commission, LR 4:339 (September 1978), amended by the Department of Revenue and Taxation, Tax Commission, LR 10:947 (November 1984), LR 15:1097 (December 1989), LR 20:198 (February 1994), LR 21:186 (February 1995), LR 22:117 (February 1996), amended by the Department of Revenue, Tax Commission, LR 24:492 (March 1998), LR 25:319 (February 1999), LR 26:512 (March 2000), LR 28:521 (March 2002), LR 31:721 (March 2005), LR 32:436 (March 2006), LR 33:498 (March 2007).

§3105. Practice and Procedure for Public Service Properties Hearings

- A. ...
- B. All initial filings to the Louisiana Tax Commission shall be filed with the Office of General Counsel. They shall be deemed filed only when actually received, in proper form, and accompanied by a \$50 filing fee. All filings shall be in the form of an original and seven copies.
- C. - N. ...
- O. Any evidence which would be admissible under the Louisiana Rules of Evidence shall be deemed admissible by the commission. The Louisiana Rules of Evidence shall be applied liberally in any proceeding before the commission. Either party may object to evidence not previously disclosed by the opposing party. The commission may exclude evidence, which is deemed by the commission to be incompetent, immaterial or unduly repetitious.
- P. - T. ...

LTC Docket No. _____

**Form 3105.A
Exhibit A
Appeal to Louisiana Tax Commission
by Taxpayer or Assessor
for Public Service Property**

La. Tax Commission
P. O. Box 66788
Baton Rouge, LA 70896
(225) 925-7830

Name: _____ Parish/District: _____
Taxpayer
Address: _____ City, State, Zip: _____
Address or Legal Description of Property Being Appealed _____

I hereby appeal the decision of the Board of Review on the assessment of the above described property.

The Fair Market Value of the Louisiana Tax Commission is:
Land \$ _____ Improvement \$ _____
Personal Property* \$ _____ Total \$ _____

I am requesting that the Fair Market Value be fixed at:
Land \$ _____ Improvement \$ _____
Personal Property* \$ _____ Total \$ _____

* If you are not appealing personal property, leave this section blank.
I understand that property is assessed at a percentage of fair market value which means the price for the property which would be agreed upon between a willing and informed buyer and a willing and informed seller under usual and ordinary circumstances, the highest price the property would bring on the open market if exposed for sale for a reasonable time.

Appellant(Taxpayer/Taxpayer's Rep./Assessor)
Address: _____

Telephone No.: _____

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:1837 and R.S. 47:1856.

HISTORICAL NOTE: Promulgated by the Louisiana Tax Commission, LR 4:339 (September 1978), amended by the Department of Revenue and Taxation, Tax Commission, LR 10:947 (November 1984), LR 15:1097 (December 1989), LR 20:198 (February 1994), LR 21:186 (February 1995), LR 23:209 (February 1997), amended by the Department of Revenue, Tax Commission, LR 24:493 (March 1998), LR 25:320 (February 1999), LR 26:513 (March 2000), LR 30:492 (March 2004), LR 31:723 (March 2005), LR 32:438 (March 2006), LR 33:499 (March 2007).

§3106. Practice and Procedure for the Appeal of Bank Assessments

- A. The Tax Commission or its designated representative, as provided by law, shall conduct hearings to consider the written protest of an appellant taxpayer. The appeal shall be filed within 30 days of the dated Certificate of Value to the taxpayer. In order to institute a proceeding before the commission, the taxpayer shall file Form 3106.A and, if applicable Form 3103.B.
- B. All initial filings to the Louisiana Tax Commission shall be filed with the Office of General Counsel. They shall be deemed filed only when actually received, in proper form, and accompanied by a \$50 filing fee. All filings shall be in the form of an original and seven copies.
- C. At the close of the time period for filing protests, the commission shall assign each case to the docket and notify the parties of the time and place of the hearing.
- D. Ten days prior to said hearings, the protesting taxpayer shall file a signed, pleading, specifying each respect in which the initial determination is contested, setting forth the specific basis upon which the protest is

filed, together with a statement of the relief sought and four copies of all hearing exhibits to be presented; which shall be marked "Exhibit Taxpayer _____" and shall be consecutively numbered. Legal memorandum submitted by the parties will be made part of the record of proceedings before the commission, but shall not be filed as exhibits to be offered into evidence for the hearing before the commission.

E. Every taxpayer, witness, attorney or other representative shall conduct themselves in all proceedings with proper dignity, courtesy and respect for the hearing officer or the commission, and all other parties. Disorderly conduct will not be tolerated. Attorneys shall observe and practice the standards of ethical behavior prescribed for attorneys at law by the Louisiana Bar Association. Any taxpayer, witness, attorney or other representative may be excluded by the hearing officer or the commission of any hearing for such a period and upon such conditions as are just for violation of this rule.

F. Upon written notice by the commission, the parties and/or their attorneys or other representatives may be directed to meet and confer together by telephone or otherwise, prior to the hearings and/or prior to the setting of a date for a hearing, for the purpose of formulating issues and considering:

1. simplification of issues;
2. a limitation, where possible, of the number of witnesses;
3. possible consolidation of like protests;
4. the time required for presentations;
5. stipulations as to admissibility of exhibits;
6. submission of proposed findings of fact;
7. such other matters as may aid in the simplification of the proceedings and the disposition of the matters in controversy.

G. Actions requested and agreed upon at the conference shall be recorded in an appropriate statement by the taxpayer and filed with the commission seven days prior to the hearing. In the event of a disagreement over any item discussed at the conference, the statement filed with the commission shall state the specific item as to which there is a disagreement, together with a brief summary of the nature of the disagreement.

H. A motion for consolidation of two or more protests, if made prior to hearing, shall be in writing, signed by the mover, his attorney or representative, and filed with the commission prior to the date set for the hearing. No two or more protests shall be consolidated or heard jointly without the consent of the taxpayer and by consent of the commission, unless the commission shall find that the two or more protest involve common questions of law and fact, and shall further find that separate hearings would result in unwarranted expenses, delays or substantial injustice.

I. All hearings shall be open to the public. All hearings shall be held in Baton Rouge, LA, unless the commission shall designate another place of hearing.

J. Hearings may be conducted by a hearing officer selected and appointed by the commission. The hearing officer shall have the authority to administer oaths, may examine witnesses and rule upon the admissibility of evidence and amendments to pleadings. The hearing officer shall have the authority to recess any hearing from day to day.

K. The hearing officer shall have the responsibility and duty of assimilating testimony and evidence, compiling a written summary of the testimony and evidence, and presenting a proposed order to the commission. The proposed order shall be served upon the protesting taxpayer by mailing of the notice of final decision by the commission.

L. The commission or hearing officer shall direct the taxpayer to enter their appearance on the record. In all proceedings, the protesting taxpayer shall open with a statement and/or argument. After the protesting taxpayer has presented all its evidence, the commission or hearing officer may call upon any witness or the staff of the commission for further material or relevant evidence upon any issue.

M. The commission shall provide an official reporter to make and transcribe a stenographic record of the hearing and shall provide for such copies of the transcript as may be requested by any party or as may be required for the purposes of the commission upon payment of the cost of transcribing the hearing.

N. Upon written notice by the commission the parties or their attorneys, or other representative, may be directed to file legal memorandums with the commission seven days prior to the hearing. The legal memorandum shall address in a concise manner the legal issues presented in the appeal to the commission together with a statement of any legal authority supporting the party's position.

O. Any evidence which would be admissible under the Louisiana Rules of Evidence shall be deemed admissible by the commission. The Louisiana Rules of Evidence shall be applied liberally in any proceeding before the commission. Either party may object to evidence not previously disclosed by the opposing party. The commission may exclude evidence, which is deemed by the commission to be incompetent, immaterial or unduly repetitious.

P. Any party, with leave of the commission or hearing officer, may present prepared sworn deposition testimony of a witness, either narrative or in question and answer form, which shall be incorporated into the record as if read by the witness. The opposing party will be allowed to cross-examine the witness and/or submit any sworn testimony given by the witness in the deposition. Seven copies of the prepared deposition testimony shall be filed with the commission.

Q. The commission or hearing officer shall have the right in any proceeding to limit the number of witnesses whose testimony is merely cumulative.

R. Subpoenas for the attendance of witnesses or for the production of books, papers, accounts or documents at a hearing, may be issued by the commission upon its own motion, or upon the written motion of the taxpayer showing that there is good cause for the issuance of same. No subpoenas shall be issued until the taxpayer who wishes to subpoena the witness first deposits with the agency a sum of money sufficient to pay all fees and expenses to which a witness in a civil case is entitled pursuant to R.S. 13:3661 and R.S. 13:3671. Any subpoena duces tecum shall allow no less than five days to assimilate and to deliver said documents subpoenaed by the subpoena recipient.

S. The taxpayer/taxpayer agent and the assessor shall be notified in writing by certified mail of the final decision of the commission. The taxpayer or assessor shall have 30 days

from receipt of the order to appeal to a court of competent jurisdiction.

T. The word "commission" as used herein refers to the chairman and the members or its delegate appointed to conduct the hearings.

LTC Docket No. _____

Form 3106.A
Appeal to Louisiana Tax Commission
by Taxpayer
for Bank Stock Assessments

LA Tax Commission
P.O. Box 66788
Baton Rouge, LA 70896
(225) 925-7830

Name: _____ Parish/District: _____

Taxpayer

Address: _____ City, State, Zip: _____

Address or Legal Description of Property Being Appealed _____

The Fair Market Value of the Louisiana Tax Commission is:

\$ _____

I am requesting that the Fair Market Value be fixed at:

\$ _____

Appellant (Taxpayer/Taxpayer's Rep./Assessor)

Address: _____

Telephone No.: _____

Date: _____

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

HISTORICAL NOTE: Promulgated by the Department of Revenue, Tax Commission, LR 33:499 (March 2007).

§3107. Practice and Procedure for the Appeal of Insurance Credit Assessments

A. The Tax Commission or its designated representative, as provided by law, shall conduct hearings to consider the written protest of an appellant taxpayer. The appeal shall be filed within 30 days of the dated Certificate of Value to the taxpayer. In order to institute a proceeding before the commission, the taxpayer shall file Form 3107.A and, if applicable Form 3103.B.

B. All initial filings to the Louisiana Tax Commission shall be filed with the Office of General Counsel. They shall be deemed filed only when actually received, in proper form, and accompanied by a \$50 filing fee, if any. All filings shall be in the form of an original and seven copies.

C. At the close of the time period for filing protests, the commission shall assign each case to the docket and notify the parties of the time and place of the hearing.

D. Ten days prior to said hearings, the protesting taxpayer shall file a signed, pleading, specifying each respect in which the initial determination is contested, setting forth the specific basis upon which the protest is filed, together with a statement of the relief sought and four copies of all hearing exhibits to be presented; which shall be marked "Exhibit Taxpayer _____" and shall be consecutively numbered. Legal memorandum submitted by the parties will be made part of the record of proceedings before the commission, but shall not be filed as exhibits to be offered into evidence for the hearing before the commission.

E. Every taxpayer, witness, attorney or other representative shall conduct themselves in all proceedings with proper dignity, courtesy and respect for the hearing officer or the commission, and all other parties. Disorderly conduct will not be tolerated. Attorneys shall observe and practice the standards of ethical behavior prescribed for

attorneys at law by the Louisiana Bar Association. Any taxpayer, witness, attorney or other representative may be excluded by the hearing officer or the commission of any hearing for such a period and upon such conditions as are just for violation of this rule.

F. Upon written notice by the commission, the parties and/or their attorneys or other representatives may be directed to meet and confer together by telephone or otherwise, prior to the hearings and/or prior to the setting of a date for a hearing, for the purpose of formulating issues and considering:

1. simplification of issues;
2. a limitation, where possible, of the number of witnesses;
3. possible consolidation of like protests;
4. the time required for presentations;
5. stipulations as to admissibility of exhibits;
6. submission of proposed findings of fact;
7. such other matters as may aid in the simplification of the proceedings and the disposition of the matters in controversy.

G. Actions requested and agreed upon at the conference shall be recorded in an appropriate statement by the taxpayer and filed with the commission seven days prior to the hearing. In the event of a disagreement over any item discussed at the conference, the statement filed with the commission shall state the specific item as to which there is a disagreement, together with a brief summary of the nature of the disagreement.

H. A motion for consolidation of two or more protests, if made prior to hearing, shall be in writing, signed by the mover, his attorney or representative, and filed with the commission prior to the date set for the hearing. No two or more protests shall be consolidated or heard jointly without the consent of the taxpayer and by consent of the commission, unless the commission shall find that the two or more protest involve common questions of law and fact, and shall further find that separate hearings would result in unwarranted expenses, delays or substantial injustice.

I. All hearings shall be open to the public. All hearings shall be held in Baton Rouge, LA, unless the commission shall designate another place of hearing.

J. Hearings may be conducted by a hearing officer selected and appointed by the commission. The hearing officer shall have the authority to administer oaths, may examine witnesses and rule upon the admissibility of evidence and amendments to pleadings. The hearing officer shall have the authority to recess any hearing from day to day.

K. The hearing officer shall have the responsibility and duty of assimilating testimony and evidence, compiling a written summary of the testimony and evidence, and presenting a proposed order to the commission. The proposed order shall be served upon the protesting taxpayer by mailing of the notice of final decision by the commission.

L. The commission or hearing officer shall direct the taxpayer to enter their appearance on the record. In all proceedings, the protesting taxpayer shall open with a statement and/or argument. After the protesting taxpayer has presented all its evidence, the commission or hearing officer may call upon any witness or the staff of the commission for further material or relevant evidence upon any issue.

M. The commission shall provide an official reporter to make and transcribe a stenographic record of the hearing and shall provide for such copies of the transcript as may be requested by any party or as may be required for the purposes of the commission upon payment of the cost of transcribing the hearing.

N. Upon written notice by the commission the parties or their attorneys, or other representative, may be directed to file legal memorandums with the commission seven days prior to the hearing. The legal memorandum shall address in a concise manner the legal issues presented in the appeal to the commission together with a statement of any legal authority supporting the party's position.

O. Any evidence which would be admissible under the Louisiana Rules of Evidence shall be deemed admissible by the commission. The Louisiana Rules of Evidence shall be applied liberally in any proceeding before the commission. Either party may object to evidence not previously disclosed by the opposing party. The commission may exclude evidence, which is deemed by the commission to be incompetent, immaterial or unduly repetitious.

P. Any party, with leave of the commission or hearing officer, may present prepared sworn deposition testimony of a witness, either narrative or in question and answer form, which shall be incorporated into the record as if read by the witness. The opposing party will be allowed to cross-examine the witness and/or submit any sworn testimony given by the witness in the deposition. Seven copies of the prepared deposition testimony shall be filed with the commission.

Q. The commission or hearing officer shall have the right in any proceeding to limit the number of witnesses whose testimony is merely cumulative.

R. Subpoenas for the attendance of witnesses or for the production of books, papers, accounts or documents at a hearing, may be issued by the commission upon its own motion, or upon the written motion of the taxpayer showing that there is good cause for the issuance of same. No subpoenas shall be issued until the taxpayer who wishes to subpoena the witness first deposits with the agency a sum of money sufficient to pay all fees and expenses to which a witness in a civil case is entitled pursuant to R.S. 13:3661 and R.S. 13:3671. Any subpoena duces tecum shall allow no less than five days to assimilate and to deliver said documents subpoenaed by the subpoena recipient.

S. The taxpayer/taxpayer agent and the assessor shall be notified in writing by certified mail of the final decision of the commission. The taxpayer or assessor shall have 30 days from receipt of the Order to appeal to a court of competent jurisdiction.

T. The word "commission" as used herein refers to the chairman and the members or its delegate appointed to conduct the hearings.

Address or Legal Description of Property Being Appealed _____

The Fair Market Value of the Louisiana Tax Commission is:
\$ _____

I am requesting that the Fair Market Value be fixed at:
\$ _____

Appellant (Taxpayer/Taxpayer's Rep./Assessor)

Address: _____

Telephone No.: _____

Date: _____

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

HISTORICAL NOTE: Promulgated by the Department of Revenue, Tax Commission, LR 33:501 (March 2007).

Chapter 35. Miscellaneous

§3501. Service Fees—Tax Commission

A. The Tax Commission is authorized by R.S. 47:1838 to levy and collect fees on an interim basis for the period beginning on July 1, 2006, and ending on June 30, 2008, in connection with services performed by the Tax Commission as follows:

A.1. - E. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:1835 and R.S. 47:1838.

HISTORICAL NOTE: Promulgated by the Department of Revenue and Taxation, Tax Commission, LR 19:212 (February 1993), amended LR 20:198 (February 1994), amended by the Department of Revenue, Tax Commission, LR 24:494 (March 1998), LR 25:320 (February 1999), LR 26:513 (March 2000), LR 28:521 (March 2002), LR 30:493 (March 2004), LR 31:724 (March 2005), LR 32:439 (March 2006), LR 33:502 (March 2007).

§3503. Homestead Exemptions

A. - A.7.b. ...

8. Homestead exemptions are allowable in any year in which the owner occupied the home prior to December 31 of that year.

A.9. - C.8. ...

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

HISTORICAL NOTE: Promulgated by the Department of Revenue and Taxation, Tax Commission, LR 16:1064 (December 1990), amended LR 17:611 (June 1991), LR 19:212 (February 1993), LR 20:198 (February 1994), LR 23:209 (February 1997), amended by the Department of Revenue, Tax Commission, LR 25:320 (February 1999), LR 32:440 (March 2006), LR 33:502 (March 2007).

3509. Tulane University—Exemption Allocation Regulation

A. This Regulation shall be titled and known as "Tulane University—Exemption Allocation Regulation".

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:1837 and R.S. 47:1856.

HISTORICAL NOTE: Promulgated by the Department of Revenue and Taxation, Tax Commission, LR 16:1064 (December 1990), amended LR 19:212 (February 1993), amended by the Department of Revenue, Tax Commission, LR 33:502 (March 2007).

§3511. Tulane University—Purpose

A. - B.3. ...

C. Section 3509 allocates the \$5,000,000 exemption equitably among all Tulane University income producing property subject to ad valorem taxation in the state of Louisiana.

LTC Docket No. _____

Form 3107.A
Appeal To Louisiana Tax Commission
by Taxpayer
for Insurance Assessments

LA Tax Commission
P. O. Box 66788
Baton Rouge, LA 70896
(225) 925-7830

Name: _____ Parish/District: _____

Taxpayer

Address: _____ City, State, Zip: _____

D. Louisiana Constitution, Article VII, Section 21 provides that all non-profit companies are exempt from property taxes.

E. The Supreme Court of Louisiana held in *Board of Administrators of the Tulane Educational Fund vs. Louisiana Tax Commission consolidated with Thomas L. Arnold, Assessor, vs. Board of Administrators of the Tulane Educational Fund*, dated January 30, 1998, denying an appeal of the decision of the Court of Appeal, Fourth Circuit, dated October 1, 1997, that non-income producing or vacant properties owned by a non-profit company are exempt from property taxes under the Louisiana Constitution. The Louisiana Attorney General agreed in Opinion Number 01-323, dated September 13, 2001.

F. Louisiana Constitution, Article VIII, Section 14, reconfirming Act No. 43 of July 21, 1884, provides that, in addition to Tulane's full exemption on properties used for educational purposes and properties that are non-income producing or vacant, Tulane is exempt from property taxes on its first \$5,000,000 in Fair Market Value of all income producing properties in Louisiana. This exemption was confirmed in the decision of the Civil District Court for the Parish of Orleans, Division "J", Case No. 89-14534, *Board of Administrators of the Tulane Educational Fund vs. The Louisiana Tax Commission*, dated April 19, 1990, which was never appealed and is therefore final. The Louisiana Tax Commission also confirmed this \$5,000,000 exemption in LTC Regulation No. 3509.

G. To administer this exemption, which extends throughout the state and requires coordination among all assessors, the Louisiana Tax Commission established LTC Regulation No. 3509 procedures to be followed by all assessors when assessing property owned by Tulane. The commission instructs each assessor to list each property owned by Tulane as exempt and, at the time the rolls are filed with the commission, all assessors shall deliver a list of all Tulane properties in their parish or municipal district that are not otherwise exempt from taxation pursuant to Louisiana law (i.e., not used for educational purposes or non-income producing). See: Memo of Louisiana Tax Commission to all Assessors, dated December 18, 1991.

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:1837 and R.S. 47:1856.

HISTORICAL NOTE: Promulgated by the Department of Revenue, Tax Commission, LR 31:724 (March 2005), amended LR 33:502 (March 2007).

§3513. Tulane University—Definitions

A. For the purpose of this Section, the following definitions apply.

Allocation Formula—defined in LTC Regulation 3519.

Assessed Value (AV)—determined according to Louisiana law.

Commission—the Louisiana Tax Commission (sometimes referred to as "LTC").

Fair Market Value (FMV)—defined by Louisiana law.

FMV Each Improvement—the Fair Market Value of all buildings and improvements in each tax assessment. (Tax assessors should issue one tax assessment amount for all buildings and improvements.)

FMV Each Land Parcel—the Fair Market Value of all land in each tax assessment included in Non-Exempt Property.

FMV Improvements Statewide—the total Fair Market Value of all buildings and improvements included in Non-Exempt Property.

FMV Land Statewide—the total Fair Market Value of all land included in Non-Exempt Property.

Improvement Assessment Ratio—for Commercial Properties, 15 percent of the Fair Market Value of the buildings and other improvements only and for Residential Properties, 10 percent of the Fair Market Value of the buildings and other improvements only.

Land Assessment Ratio—10 percent of the Fair Market Value of the land only.

Louisiana Tax Commission Form TC-TU01-A (Tulane Non-Exempt Property Report)—the form adopted by the Commission for Tulane University to provide its list of Non-Exempt Property.

Louisiana Tax Commission Form TC-TU01-B (Tulane Non-Exempt Property Report of the Pre-Exemption Property Values)—the form completed by the Tax Assessor to provide to Tulane University and the commission the Tax Assessor's proposed Fair Market Value and Assessed Value of Tulane University's Non-Exempt Property.

Louisiana Tax Commission Form TC-TU02 (Tulane University Exemption Allocation Report)—the form adopted by the commission in the form of a spreadsheet with formulas to be used for allocation of the Tulane Exemption.

Net Fair Market Value of a Property—the Fair Market Value of that property minus its Pro-rata Share.

Non-Exempt Property—any property owned by Tulane University in the state of Louisiana that is not exempt by Louisiana law for ad valorem tax purposes prior to application of the Tulane exemption.

Pro-Rata Share—that portion of the Tulane Exemption allocated to each Non-Exempt Property according to the Allocation Formula.

Tax Assessor—all tax assessors within the state of Louisiana, individually and/or jointly, whose jurisdiction includes property owned by Tulane University.

Tulane Exemption—the \$5,000,000 exemption as provided in Act 1884, No. 43.

Tulane Hearing Date—the first Wednesday and/or Thursday of each December shall be the commission hearing date for resolution of any property valuation issues, and/or allocation of the Tulane Exemption, and/or ordering issuance of supplements and change orders to the tax rolls. If after the closing of the rolls in all Louisiana parishes in which Tulane University owns Non-Exempt Property, there is no dispute as to the Fair Market Value of any Non-Exempt Property, the commission, at its discretion, may hold a hearing at an earlier date.

Tulane University—the Administrators of the Tulane Educational Fund, a Louisiana Non-Profit Corporation.

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:1837 and R.S. 47:1856.

HISTORICAL NOTE: Promulgated by the Department of Revenue, Tax Commission, LR 31:724 (March 2005), amended LR 33:503 (March 2007).

§3515. Tulane University—General Rule

A. - D. ...

E. All Tax Assessors and related governmental entities shall use current, accurate property legal descriptions found

in the public records for all real estate assessments, correspondence, and notices when complying with Section 3509.

F. All Tulane University property tax bills and related correspondence shall be sent to:

The Administrators of the Tulane Educational Fund
Office of the General Counsel
6823 St. Charles Avenue
New Orleans, Louisiana 70118

G. ...

H. All correspondence to each Tax Assessor related to Section 3509 shall be sent to its address as shown in the public record.

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:1837 and R.S. 47:1856.

HISTORICAL NOTE: Promulgated by the Department of Revenue, Tax Commission, LR 31:725 (March 2005), amended LR 33:503 (March 2007).

§3517. Tulane University—Reporting and Valuation Procedure

A. ...

1. On or before June 30 of each year, Tulane University shall deliver, in writing, to the Commission and the Tax Assessor for each municipal district/parish in which Tulane University owns Non-Exempt Property a report on each Non-Exempt Property on Louisiana Tax Commission Form TC-TU01-A.

2. Each year, on or before the date the roll opens for public review and inspection, each Tax Assessor shall complete, sign and deliver to Tulane University and the Commission Louisiana Tax Commission Form TC-TU01-B for each property submitted on Louisiana Tax Commission Form TC-TU01-A and each property in such Tax Assessor's jurisdiction that the Tax Assessor intends to assess as Non-Exempt Property, showing the proposed Fair Market Value and Assessed Value of the land and of the improvements for each such property. The Tax Assessor shall determine one Assessed Value for the land and one Assessed Value for the improvements.

3. Should Tulane University agree with the Fair Market Value and Assessed Value of each Land Parcel and the Fair Market Value and Assessed Value of each Improvement proposed by the Tax Assessor, then Tulane University shall sign each form and forward it to the Commission and each respective Tax Assessor. Should Tulane University disagree with the Fair Market Value and Assessed Value of each Land Parcel and the Fair Market Value and Assessed Value of each Improvement proposed by the Tax Assessor, then Tulane University shall note its objection on each form and forward it to the Commission and each respective Tax Assessor.

4. All Tax Assessors may make reasonable inquiry of Tulane University in an effort to determine all property owned by Tulane University within the Tax Assessor's jurisdiction.

5. All Tax Assessors shall list all Non-Exempt Property as exempt and indicate the Tax Assessor's proposed Fair Market Value of each property in the tax rolls, until the Allocation Formula is applied and approved by the Commission and the Tax Assessor receives a change order from the Commission.

6. In each Board of Review certification to the Commission, the Board of Review shall list all Non-Exempt Property as exempt and indicate the Board of Review's

recommended Fair Market Value of each property in the tax rolls, until the Allocation Formula is applied and approved by the Commission and the Tax Assessor receives a change order from the Commission.

7. All Board of Review decisions on appeals of the proposed assessments by the Tax Assessor shall be delivered to the Commission according to standard procedures and deadlines as the Board of Review's recommended assessment.

8.a. On the Tulane Hearing Date of each year, the Commission shall:

i. hold all appeal hearings involving Non-Exempt Property;

ii. decide each appeal and issue written reasons for decisions on all such appeals; and

iii. allocate the Tulane Exemption across all Non-Exempt Property according to the Allocation Formula, and LTC Form TC-TU02, then order issuance of all supplements and change orders of the tax rolls to each reporting municipal district/parish, establishing the Land Parcel Assessed Value after Exemption and the Improvement Assessed Value after Exemption for each Non-Exempt Property.

b. Upon receipt of said change orders, the Tax Assessor shall adjust the tax rolls to reflect the commission's change orders.

9. Nothing in these regulations shall alter or diminish in any way Tulane University's right to appeal a proposed or actual assessment by any Tax Assessor or any decision or ruling of any Board of Review or the commission under the administrative and judicial remedies available to all taxpayers. The proposed assessment by the Tax Assessor, the Board of Review's recommended assessment, and the commission's determination shall be treated in the same manner as if the property were not marked exempt on the tax rolls and the proposed assessment was the Tax Assessor's final assessment on the tax rolls, the Board of Review's recommended assessment and/or the commission's determination was its final assessment decision.

10. Nothing in these regulations shall alter or diminish in any way Tulane University's right or any Tax Assessor's right to appeal, by all available administrative and judicial remedies the commission's allocation of the Tulane Exemption.

11. After allocation of the Tulane Exemption and issuance of the requisite supplements and change orders by the commission, the total amount of the Tulane Exemption allocated to each property (as shown in the column entitled "FMV Reduction by Exemption" of the Louisiana Tax Commission Form TC-TU02) shall remain unchanged thereafter and not be later readjusted, regardless of the outcome of subsequent appeals of valuation of assessments for that tax year.

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:1837 and R.S. 47:1856.

HISTORICAL NOTE: Promulgated by the Department of Revenue, Tax Commission, LR 31:725 (March 2005), amended LR 33:504 (March 2007).

§3519. Tulane University—Allocation Formula

A. - A.1. ...

a. (FMV Land Statewide) (x) (Land Assessment Ratio) (=) (Land Assessed Value Statewide)

b. (FMV Improvements Statewide) (x) (Improvement Assessment Ratio) (=) (Improvement Assessed Value Statewide)

c. (Land Assessed Value Statewide) (+) (Improvement Assessed Value Statewide) (=) (Total Assessed Value Statewide)

d. (Land Assessed Value Statewide) (÷) (Total Assessed Value Statewide) (=) (Land Exemption Percentage Statewide)

e. (Improvement Assessed Value Statewide) (÷) (Total Assessed Value Statewide) (=) (Improvement Exemption Percentage Statewide)

f. (Land Exemption Percentage Statewide) (x) (Tulane Exemption) (=) (Land Exemption Amount Statewide)

g. (Improvement Exemption Percentage Statewide) (x) (Tulane Exemption) (=) (Improvement Exemption Amount Statewide)

2. ...

a. (FMV each Land Parcel) (÷) (FMV Land Statewide) (=) (Land Parcel FMV %)

b. (Land Parcel FMV %) (x) (Land Exemption Amount Statewide) (=) (Land Parcel FMV Reduction by Exemption)

c. (FMV each Land Parcel) (-) (Land Parcel FMV Reduction by Exemption) (=) (Land Parcel FMV after Exemption Reduction)

d. (Land Parcel FMV after Exemption Reduction) (x) (Land Assessment Ratio) (=) (Land Parcel Assessed Value after Exemption)

3. ...

a. (FMV each Improvement) (÷) (FMV Improvements Statewide) (=) (Improvement FMV %)

b. (Improvement FMV %) (x) (Improvement Exemption Amount Statewide) (=) (Improvement FMV Reduction by Exemption)

c. (FMV each Improvement) (-) (Improvement FMV Reduction by Exemption) (=) (Improvement FMV after Exemption Reduction)

d. (Improvement FMV after Exemption Reduction) (x) (Improvement Assessment Ratio) (=) (Improvement Assessed Value after Exemption)

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:1837 and R.S. 47:1856.

HISTORICAL NOTE: Promulgated by the Department of Revenue, Tax Commission, LR 31:726 (March 2005), amended LR: 33:504 (March 2007).

§3521. Tulane University—Allocation Report

A. On the Tulane Hearing Date, the commission shall calculate and adopt the Allocation Formula and evidence its application on the report entitled Tulane University Exemption Allocation Report (LTC Form TC-TU02).

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:1837 and R.S. 47:1856.

HISTORICAL NOTE: Promulgated by the Department of Revenue, Tax Commission, LR 31:726 (March 2005), amended LR 33:505 (March 2007).

§3523. Tulane University—Forms

A. ...

1. Louisiana Tax Commission Form TC-TU01-A, Tulane Non-Exempt Property Report.

2. Louisiana Tax Commission Form TC-TU01-B, Tulane Non-Exempt Property Report of the Pre-Exemption Property Values.

3. Louisiana Tax Commission Form TC-TU02, Tulane University Exemption Allocation Report.

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:1837 and R.S. 47:1856.

HISTORICAL NOTE: Promulgated by the Department of Revenue, Tax Commission, LR 31:726 (March 2005), amended LR 33:505 (March 2007).

Chapter 37. Reassessment Guidelines Pursuant to R.S. 47:1978 and 1978.1

§3701. Listing and Assessing of Overflowed Lands

A. Whenever lands or other property are overflowed by the waters of the Mississippi River, or by the waters of any other river, lake, bayou, or backwater, the assessors within whose parishes such lands or other property may be situated, shall reassess such lands or property for their actual cash value, and in so doing they shall specially take into consideration all the damages to the lands or property and the depreciation of the value of such land or property caused by the overflow. The assessors throughout the state shall make these reassessments whether the time fixed by law for filing assessment rolls has elapsed or not, and in case of reassessments, as provided by this Section, the assessor shall prepare supplemental rolls of overflowed lands and other overflowed property, which they shall file in the manner provided by law for general assessment rolls; such reassessment shall be subject to the same rights as to contest as to assessment generally.

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:1978 and R.S. 47:1978.1.

HISTORICAL NOTE: Promulgated by the Department of Revenue, Tax Commission, LR 33:505 (March 2007).

§3702. Listing and Assessing of Land and Property Damaged or Destroyed during a Disaster or Emergency Declared by the Governor or Fire

A. If lands or property, including buildings, structures, or personal property, are damaged or destroyed, non-operational, or uninhabitable due to an emergency declared by the governor or to a disaster or fire, the assessor or assessors within such parish shall assess such lands or property for the year in which damage has occurred at the percentage of fair market value provided in the Constitution of Louisiana by taking into consideration all the damages to the lands or other property, including obsolescence, and the depreciation of the value of such land or other property caused by the disaster, fire, or emergency described in this Section. Notwithstanding other provisions of law to the contrary, the assessor shall make these assessments whether the time fixed by law for filing assessment rolls has elapsed or not.

B. The assessments provided for in this Section and in §3701 shall be completed no later than six months following the implementation of §3701 or this Section. The Louisiana Tax Commission shall grant the assessor an additional six months to complete the assessments referred to in §3701 or this Section upon a reasonable showing by the assessor that additional time is needed to complete the assessment of the property described in §3701 or this Section.

C. The assessor shall assess such damaged, destroyed, non-operational, or uninhabitable property in one of the following three manners.

1. The assessments of such property shall be reflected on the general assessment roll if at the time lands and other property are damaged, destroyed, non-operational, or uninhabitable due to an emergency declared by the governor or due to a disaster or fire, the general assessment roll has not been certified by the assessor to the local Board of Review. The procedures for public inspection of the general assessment rolls, review of assessments by the Board of Review, and certification of the assessment rolls to the Louisiana Tax Commission shall be followed. The rolls shall be open for public inspection for a period of 15 days, and the assessor shall advertise such public exposure dates and dates for board of review as provided for by existing law. If the dates provided for by existing law have expired, the assessor shall advertise new exposure dates and dates for the board of review even if those dates are not within the time period provided for by existing law.

2. If, at the time such lands and other property are damaged, destroyed, non-operational, or uninhabitable due to an emergency declared by the governor or due to a disaster or fire, the general assessment rolls have already been certified by the assessor to the local Board of Review, the assessor shall prepare a supplemental roll of land or property damaged or destroyed as the result of the events described in this Section, which rolls shall be filed in the same manner as provided for in this Section for general assessment rolls, and such assessments shall be subject to the same rights as to contest as to assessments generally.

3. If, after the filing of the assessment roll with the Louisiana Tax Commission, the assessor requests a change order as a result of the events described in this Section, such request for change order shall be signed by the assessor or his deputy and shall contain a declaration that the property owner agrees to the change in the assessment and that the property owner waives any right to further contest the correctness of the assessment. In the event the request for change order is not agreed upon by the assessor and the property owner, the assessor shall mail to the property owner the assessor's determination of the assessed value of the property. If the property owner is dissatisfied with the assessor's determination of assessed value, the property owner shall have 15 days from the mailing of the notification by the assessor of the determination of assessed value to contest the assessment to the Louisiana Tax Commission. All decisions by the Louisiana Tax Commission are final unless appealed to the district court within 15 days from the mailing of the decision of the Louisiana Tax Commission. If the assessor requests change orders in lieu of an original assessment roll or supplemental roll under this Section, the assessor shall submit an amended grand recap reflecting the changes in assessed values requested in such change orders.

D. The assessment provided for in this Section shall not be considered an implementation of the reappraisal and valuation provisions of Article VII, Section 18(F) of the Constitution of Louisiana, nor shall such assessment result in the adjustment of ad valorem tax millages pursuant to Article VII, Section 23 of the Constitution of Louisiana.

E. The provisions of this Section shall apply to the Louisiana Tax Commission in the assessment of public service properties.

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:1978 and R.S. 47:1978.1.

HISTORICAL NOTE: Promulgated by the Department of Revenue, Tax Commission, LR 33:505 (March 2007).

Elizabeth L. Guglielmo
Chairman

0703#027

RULE

Department of Social Services Office of Family Support

Child Care Assistance Program-Provider Rate Increase (LAC 67:III.5103, 5107 and 5109)

The Department of Social Services, Office of Family Support, amended the Louisiana Administrative Code, Title 67, Part III, Subpart 12, Child Care Assistance Program.

A 2005 Child Care Market Rate Survey concluded that Louisiana's payment rates fall below the seventy-fifth percentile. In an effort to reach this desired level of payment, the agency is increasing the State Maximum Rate for services to eligible child care providers.

The amendments will not increase cost to a child care-eligible client as the agency also increases the percentage of child care costs paid for by the agency thereby absorbing the provider payment increase.

Section 5107 has been amended to include a provision that a Family Child Day Care Home (FCDCH) provider will not be an eligible provider if the child's non-custodial parent is residing in the FCDCH and is not working or attending a job training or educational program during the hours that care is needed and that an FCDCH provider must care for no more than six children. Language in §5103.A has been repromulgated as it was erroneously removed in a previous Rule change.

Title 67

SOCIAL SERVICES

Part III. Office of Family Support

Subpart 12. Child Care Assistance Program

Chapter 51. Child Care Assistance

Subchapter A. Administration, Conditions of Eligibility, and Funding

§5103. Conditions of Eligibility

A. Family Independence Temporary Assistance Program (FITAP) recipients who are satisfactorily participating in the Strategies to Empower People (STEP) Program, as determined by the case worker, are categorically eligible. The program will pay 100 percent of the FITAP/STEP participant's child care costs, up to the maximum amounts listed in §5109.B. The following eligibility criteria must be met.

1. The household must include a child in current need of child care services who is under the age of 13, or age 13 through 17 and physically or mentally incapable of caring for himself or herself, as verified by a physician or certified psychologist, or by receipt of Supplemental Security Income (SSI), or who is under court supervision.

B. - D. ...

AUTHORITY NOTE: Promulgated in accordance with 45 CFR Parts 98 and 99, P.L.104-193, Act 58 2003 Reg. Session, ACF Guidance: ACYF-IM-CC-05-03.

HISTORICAL NOTE: Promulgated by the Department of Social Services, Office of Family Support, LR 24:356 (February 1998), amended LR 25:2444 (December 1999), LR 26:2827 (December 2000), LR 27:1932 (November 2001), LR 28:1490 (June 2002), LR 29:43 (January 2003), LR 29:1106 (July 2003), LR 29:1833 (September 2003), LR 30:496 (March 2004), LR 30:1487 (July 2004), LR 31:101 (January 2005), LR 31:2263 (September 2005), LR 32:1464 (August 2006), LR 33:506 (March 2007).

Subchapter B. Child Care Providers

§5107. Child Care Provider

A. - B. ...

C. An FCDCH provider must be registered and active in the CCAP Provider Directory before payments can be made to that provider.

1. To be eligible for participation, an FCDCH provider must complete and sign an FCDCH provider agreement, complete a request for registration and Form W-9, pay appropriate fees, furnish verification of Social Security number and residential address, provide proof that he/she is at least 18 years of age, and meet all registration requirements, including:

a. - g. ...

h. caring for no more than six children, including his own children and any other children living at his residence, who are under age 13 or age 13 through 17 if disabled.

C.2. - E. ...

F. Under no circumstances can the following be considered an eligible CCAP provider:

1. - 2. ...

3. an FCDCH provider, (if the child's non-custodial parent is residing in the FCDCH and is not working or attending a job training or educational program during the hours the care is needed);

F.4. - I.2.b. ...

AUTHORITY NOTE: Promulgated in accordance with 45 CFR Parts 98 and 99, P.L. 104-193, Act 152, 2002 First Extraordinary Session, Act 13, 2002 Reg. Session, Act 58, 2003 Reg. Session, ACF Guidance: ACYF-IM-CC-05-03.

HISTORICAL NOTE: Promulgated by the Department of Social Services, Office of Family Support, LR 24:357 (February 1998), amended LR 25:2444 (December 1999), LR 26:2827 (December 2000), LR 27:1932 (November 2001), LR 28:349 (February 2002), LR 28:1491 (June 2002), LR 29:43 (January 2003), LR 29:189 (February 2003), LR 30:496 (March 2004), LR 30:1484, 1487 (July 2004), LR 31:102 (January 2005), LR 31:2263 (September 2005), LR 32:1465 (August 2006), LR 33:507 (March 2007).

§5109. Payment

A. The sliding fee scale used for non-FITAP recipients is subject to adjustment based on the state median income and poverty levels, which are published annually. A non-FITAP household may pay a portion of its child care costs monthly in accordance with the sliding fee scale, and this shall be referred to as a "co-payment." The sliding fee scale is based on a percentage of the state median income.

Sliding Fee Scale for Child Care Assistance Recipients 75 Percent of Projected Median Income						
Number in Household	2	3	4	5	6	DSS %
Monthly Household Income	0 - 1069	0 - 1341	0 - 1613	0 - 1884	0 - 2156	80%
	1070-1608	1342-1997	1614-2386	1885-2774	2157-3163	60%
	1609-2147	1998-2653	2387-3158	2775-3664	3164-4169	40%
	Above 2147	Above 2653	Above 3158	Above 3664	Above 4169	0%
Number in Household	7	8	9	10	11	DSS %
Monthly Household Income	0-2428	0-2699	0-2971	0-3243	0-3514	80%
	2429-3346	2700-3529	2972-3712	3244-3896	3515-4079	60%
	3347-4264	3530-4358	3713-4453	3897-4548	4080-4643	40%
	Above 4264	Above 4358	Above 4453	Above 4548	Above 4643	0%
Number in Household	12	13	14	15	16	DSS %
Monthly Household Income	0-3786	0-4058	0-4329	0-4601	0-4873	80%
	3787-4262	4059-4445	4330-4628	4602-4811	4874-4995	60%
	4263-4737	4446-4832	4629-4927	4812-5021	4996-5116	40%
	Above 4737	Above 4832	Above 4927	Above 5021	Above 5116	0%
Number in Household	17	18				DSS %
Monthly Household Income	0-5144	0-5416				80%
	5145-5178					60%
	5179-5211					40%
	Above 5211					0%

NOTE: Effective January 1, 2007, the sliding fee scale has been adjusted as reflected in the above tables.

B. Determination of Payments

1. Payments to providers on behalf of non-FITAP recipients will be a percentage of the lesser of:

a. ...

b. the State Maximum Rate for authorized services effective January 1, 2007 as indicated below:

Provider Type	Regular Care	Regular Care for Infants/Toddlers (under age 3)	Special Needs Care Incentive	Special Needs Care Incentive for Infants/Toddlers (under age 3)
Class A	\$17.50	\$18.50	\$21.65	\$22.65
Class E	\$15.00	\$16.00	\$18.50	\$19.50
Class R	\$15.00	\$16.00	\$18.50	\$19.50
Class U	\$14.50	\$15.50	\$17.90	\$18.90

2. Payments to providers on behalf of FITAP recipients will be the lesser of:

b. the State Maximum Rate for authorized services effective January 1, 2007 as indicated below:

a. ...

Provider Type	Regular Care	Regular Care for Infants/Toddlers (under age 3)	Special Needs Care Incentive	Special Needs Care Incentive for Infants/Toddlers (under age 3)
Class A	\$17.50	\$18.50	\$21.65	\$22.65
Class E	\$15.00	\$16.00	\$18.50	\$19.50
Class R	\$15.00	\$16.00	\$18.50	\$19.50
Class U	\$14.50	\$15.50	\$17.90	\$18.90

B.3. - F. ...

AUTHORITY NOTE: Promulgated in accordance with 45 CFR Parts 98 and 99, and P.L. 104-193, ACF Guidance: ACYF-IM-CC-05-03.

HISTORICAL NOTE: Promulgated by the Department of Social Services, Office of Family Support, LR 24:357 (February 1998), amended LR 25:2445 (December 1999), LR 26:2828 (December 2000), LR 27:1933 (November 2001), LR 28:1491 (June 2002), LR 29:1834 (September 2003), LR 30:1485 (July 2004), repromulgated LR 30:2078 (September 2004), amended LR 31:2265 (September 2005), LR 32:1465 (August 2006), LR 32:2097 (November 2006), LR 33:507 (March 2007).

Ann S. Williamson
Secretary

0703#054

RULE

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

**Mandatory Fee for Successful Child Support Collection
(LAC 67:III.2303 and 2523)**

In accordance with the provisions of R.S. 49:950 et seq., the Administrative Procedure Act, the Department of Social Services, Office of Family Support, adopted Title 67, Part III, Subpart 4, Support Enforcement Services (SES), Section 2523, Mandatory Fee for Successful Child Support Collections, which provides for the imposition of an annual fee for successful child support collection in compliance with federal guidelines.

Section 7310 of the Deficit Reduction Act (DRA) of 2005, amended the Social Security Act by adding Subsection 454(6)(B)(ii) which reads "in the case of an individual who has never received assistance under a state program funded under Part A and for whom the state has collected at least \$500 of support, the state shall impose an annual fee of \$25 for each case in which services are furnished, which shall be retained by the state from support collected on behalf of the individual (but not from the first \$500 so collected), paid by the individual applying for the services, recovered from the

absent parent, or paid by the state out of its own funds." Adoption of §2523 is necessary to ensure continued compliance with federal regulations and avoid federal penalties and sanctions that could be imposed by the Administration for Children and Families, Office of Child Support Enforcement, the governing authority of the Support Enforcement Program in Louisiana.

Title 67

SOCIAL SERVICES

Par III. Office of Family Support

Subpart 4. Support Enforcement Services

Chapter 23. Single State Agency Organization

Subchapter A. Designation, Authority, Organization and Staffing

§2303. State Plan

A. ...

B. The state plan is available for review at the Office of Family Support Planning Section, 624 North Fourth Street, Room 5-233-19, Baton Rouge, LA 70804.

AUTHORITY NOTE: Promulgated in accordance with Title IV-D of the Social Security Act.

HISTORICAL NOTE: Promulgated by the Louisiana Health and Human Resources Administration, Division of Youth Services, LR 11:495 (November 1975), amended by the Department of Social Services, Office of Family Support, LR 26:2830 (December 2000), LR 33:508 (March 2007).

Chapter 25. Support Enforcement

Subchapter E. Individuals Not Otherwise Eligible

§2523. Mandatory Fee for Successful Child Support Collection

A. Effective October 1, 2006, in the case of an individual who has never received assistance under a state program funded under Part A of the Social Security Act and for whom the state has collected at least \$500 of support, the state shall impose an annual fee of \$25 for each case in which services are furnished.

B. The custodial party shall be responsible for the annual fee and the fee shall be retained by the state from support collected, (but not from the first \$500 collected) or paid by the state out of its own funds (the payment of which from state funds shall not be considered as an administrative cost

of the state for the operation of the plan, and the fees shall be considered income to the program).

C. The mandatory fee will accrue based on the federal fiscal year.

D. Fees imposed and not collected in one year will be collected in the following federal fiscal year or subsequent federal fiscal years.

AUTHORITY NOTE: Promulgated in accordance with section 454(6)(B)(ii) of the Social Security Act, AT-06-01, and DCL-06-28.

HISTORICAL NOTE: Promulgated by the Department of Social Services, Office of Family Support, LR 33:508 (March 2007).

Ann Silverberg Williamson
Secretary

0703#053

RULE

Association of Tax Administrators

Local Sales Tax Reporting Date (LAC 72.I:Chapter 3)

Under the authority of the Uniform Local Sales Tax Code, R.S. 47:337.1 et seq., and in accordance with the Uniform Local Sales Tax Administrative Procedure Act, R.S. 47:337.91 et seq., the Louisiana Association of Tax Administrators has adopted regulations relating to the local sales tax reporting date.

Title 72

UNIFORM LOCAL SALES TAX

Part I. General Provisions

Chapter 3. Local Sales Tax Reporting Date

§301. General Provisions

A. In accordance with R.S. 47:337.18(A), the taxes levied by the local ordinance shall be due and shall be payable on the first day of the month and returns shall be prepared and transmitted to the collector by all dealers on or before the twentieth day of each month for the preceding reporting period. Every dealer, at the time of making the return required hereunder, shall compute and remit to the collector the required tax due for the preceding reporting period, and failure to so remit such tax shall cause said tax to become delinquent.

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:337.2, R.S. 47:337.18(A), and R.S. 47:337.91 et seq.

HISTORICAL NOTE: Promulgated by the Louisiana Association of Tax Administrators, LR 33:509 (March 2007).

§303. Definitions

A. Definitions. For the purposes of these rules, the following terms shall have the meaning ascribed to them in this Section.

Courier—a messenger other than the United States Postal Service that delivers parcel, packages and the like containing returns, reports, other documents or payments.

Legal Holiday—any legal holiday observed by the Local Collector, Louisiana Department of Revenue or the United States Post Office.

Local Collector—the individual or entity designated as collector of the appropriate single sales and use tax collection office, and his duly authorized assistants, of any political subdivision authorized under the constitution and

laws of the state of Louisiana to levy and collect a sales and use tax, except a statewide political subdivision, when used in reference to a sales and use tax levied by such political subdivision.

Local Collector's Designated Agent for Electronic Filing—

a. the Louisiana Department of Revenue solely for electronically transmitted returns and remittances as defined in R.S. 47:337.23; or

b. agents that have contractual agreements with the local collectors to accept electronic return and remittances.

Postage—the amount of money paid for the delivery of a piece of mail by the United States Postal Service.

Postage Meter—the postage printing die and postage registering mechanism of a mailing machine which must meet postal service test specifications and is subject to inspection by the United States Postal Service.

Postmark—an official mark made by the United States postal service on a piece of mail to cancel the stamp and to indicate the place and date of sending.

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:337.2, R.S. 47:337.18(A), and R.S. 47:337.91 et seq.

HISTORICAL NOTE: Promulgated by the Louisiana Association of Tax Administrators, LR 33:509 (March 2007).

§305. File Date of a Return, Report and Other Documents

A. Delivery by the United States Postal Service. A return, report or other document in a properly addressed envelope with sufficient postage delivered by the United States Postal Service is deemed filed on the date postmarked by the United States Postal Service. The postmark must bear a date on or before the last date prescribed for filing the return, report or other document in order to be considered timely filed. If the postmark on the envelope is not legible, the taxpayer has the burden of proving the date that the postmark was made. If the return, report or other document is sent by United States registered or certified mail, the date of registration is treated as the date of postmark. A postage meter date is considered a valid postmark date provided it does not conflict with a legible United States Postal Service postmark date. If the dates conflict, the United States Postal Service date shall override the meter date.

B. Delivery by Courier. A return, report or other document delivered by courier is deemed filed on the date it is delivered to the local collector's office.

C. Delivery by the Taxpayer. A return, report or other document delivered by the taxpayer or a representative of the taxpayer is deemed filed on the date it is delivered to the local collector's office.

D. Electronically Filed Report and Remittance. The return and remittance are deemed to be filed when both the return and remittance are transmitted and available to be received by the local collector or the local collector's designated agent for electronic filing.

E. Timely Filing When the Twentieth Calendar Day Falls on Saturday, Sunday, or Legal Holiday. Unless otherwise specifically provided, when the twentieth calendar day following the due date for of any report or return prescribed under the laws administered by the local collector, falls on a Saturday, Sunday, or a legal holiday, the report or return shall be considered timely if it is filed on the next business day.

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:337.2, R.S. 47:337.18(A), and R.S. 47:337.91 et seq.

HISTORICAL NOTE: Promulgated by the Louisiana Association of Tax Administrators, LR 33:509 (March 2007).

Tom O'Neal
Secretary-Treasurer

0703#066

RULE

Association of Tax Administrators

Tax on the Storage of Property (LAC 72.I:Chapter 5)

Under the authority of the Uniform Local Sales Tax Code, R.S. 47:337.1 et seq., and in accordance with the Uniform Local Sales Tax Administrative Procedure Act, R.S. 47:337.91 et seq., the Louisiana Association of Tax Administrators has adopted regulations relating to the tax on the storage of property.

Title 72

UNIFORM LOCAL SALES TAX

Part I. General Provisions

Chapter 5. Tax on the Storage of Property

NOTE: See LAC 61:I.4404.I for rules on Interstate Commerce and Export

§501. Purpose

A. For the purpose of use tax levied by local political subdivisions, *storage* means the keeping or retention of tangible personal property for use or consumption within the local taxing jurisdiction. An analysis of whether or not a taxable storage event has occurred within a local taxing jurisdiction requires an evaluation of the original sales transaction as well as the subsequent possession and use of the tangible personal property by the purchaser.

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:337.12, and R.S. 47:337.91 et seq.

HISTORICAL NOTE: Promulgated by the Louisiana Association of Tax Administrators, LR 33:510 (March 2007).

§503. Transactions

A. Transactions involving specific pieces of property imported by the purchaser into the taxing jurisdiction, which have written documentation, i.e., invoices, purchase orders, etc., clearly labeled (earmarked for exclusive use outside the taxing jurisdiction) for transshipment outside the taxing jurisdiction at the time of importation into the taxing jurisdiction, are excluded from use tax. Property may be stored in the taxing jurisdiction for an indefinite period of time, however any disposition of the property for a purpose contrary to that originally labeled (earmarked) would immediately subject the transaction to the use tax in the jurisdiction where stored.

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:337.12, and R.S. 47:337.91 et seq.

HISTORICAL NOTE: Promulgated by the Louisiana Association of Tax Administrators, LR 33:510 (March 2007).

§505. Property that Comes to Rest in the Taxing Jurisdiction

A. Property that comes to rest in the taxing jurisdiction which has been documented for exclusive use outside the taxing jurisdiction may also be excluded from use tax if the purchaser obtains a Temporary Storage Tax Exemption Certificate from the collector prior to or at the time the

tangible personal property is imported into the taxing jurisdiction. This certificate would allow the taxpayer/purchaser to store the tangible personal property without the payment of the use tax, however, the purchaser must identify where the tangible personal property will be used on the certificate. If the parish of use is the same as the parish of storage, the tax must be paid at the time of delivery.

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:337.12, and R.S. 47:337.91 et seq.

HISTORICAL NOTE: Promulgated by the Louisiana Association of Tax Administrators, LR 33:510 (March 2007).

§507. Transaction in which Title and Possessions Are Transferred

A. Transactions in which title and possession of tangible personal property are transferred within a local taxing jurisdiction are clearly sales at retail and these transactions are not eligible for the temporary storage exclusion. Sales tax is due regardless of whether a Temporary Storage Tax Exemption Certificate has been issued or the property is labeled (earmarked) for use in another jurisdiction. The key factor in the transaction is the delivery in purchaser's taxing jurisdiction via the seller's vehicle or by the seller's agent. In such event, the seller is physically giving possession to the purchaser in the purchaser's taxing jurisdiction and a sales tax would be due. Likewise, when the purchaser picks up the property in its own vehicle at the seller's place of business, title and possession have been transferred, and a sales tax would be due in the seller's taxing jurisdiction.

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:337.12, and R.S. 47:337.91 et seq.

HISTORICAL NOTE: Promulgated by the Louisiana Association of Tax Administrators, LR 33:510 (March 2007).

Tom O'Neal
Secretary-Treasurer

0703#065

RULE

Department of Transportation and Development Intermodal Transportation Division

Intermodal Transportation (LAC 70:IX.Chapters 1-11)

In accordance with the applicable provisions of the Administrative Procedure Act, R.S. 49:950 et seq., the Department of Transportation and Development hereby amends current regulations concerning Intermodal Transportation.

Title 70

TRANSPORTATION

Part IX. Intermodal Transportation

Chapter 1. Aeronautics in Louisiana

§101. General

A. The Louisiana Department of Transportation and Development (formerly the Department of Public Works) as provided under Title 2 of the Louisiana Revised Statutes of 1950, as regulates aeronautics in Louisiana.

1. Section 2.8 of the Title provides that "All proposed airports, landing fields, air schools, flying clubs, air beacons, or other navigation facilities, shall first be approved by the department before they are so used or operated. No airport, landing field, air school, flying club, air beacon, or other

navigation facility, except airports and landing fields constructed and operated prior to July 28, 1936, shall be used or operated without the approval of the department, and no aircraft except in case of emergency, shall land upon or take off from any area other than an airport, landing field, or landing strip. No license, rule, order, or regulation promulgated under the authority of this Section or of this Chapter shall apply to airports, landing fields, air beacons, air markings, or other air navigation facilities owned or operated by the government of the United States or by this state. The department may issue a certificate of its approval in each case and make reasonable charges therefor."

2. ...

B. Landing Area Registration Procedures. Pursuant to these statutory provisions, all landing area proponents will provide the Louisiana Department of Transportation and Development, Aviation Section with the following information prior to use of the area for landing or take-off of aircraft.

1. Completed Environmental Questionnaire This form addresses general environmental considerations.

2. Completed Landing Area Location Sketch This sketch shows the relationship of the proposed site to other prominent centers of activity within an area of several miles.

3. Completed Landing Area Immediate Vicinity Sketch This sketch shows the relationship of the proposed site to structures within the immediate vicinity.

4. - 5. ...

6. One copy of the Federal Aviation Administration's notification of its favorable or unfavorable airspace findings. Instructions for registration along with copies of all appropriate forms are combined in OAPT Information Publication Number 5000, a copy of which may be obtained at no charge from: Louisiana Department of Transportation and Development, Aviation Section, Post Office Box 94245, Baton Rouge, LA 70804, Attention: Aviation Safety/Compliance Officer.

C. - C.1. ...

2. Airports. The airports in the LASP are classified according to a simplified version of the Federal Aviation Administration's National Plan of Integrated Airport Systems (NPIAS) classification system. Essentially, this involves identifying the airport according to the type of aircraft which it will principally serve. Although the LASP classification is less complicated than that of the FAA NPIAS, there is no conflict between the NPIAS classification of an airport and the LASP classification. The classification of each publicly-owned airport is listed on the individual airport data sheets in Volume Two of the State Plan. Additional classifications were necessary to complete the System Plan: Landing Strip; Seaplane Base; and Heliport. The letter codes used are as follows:

a. - d. ...

e. GT-General Transport. These airports generally accommodate transport category aircraft between 60,000 pounds and 175,000 pounds MGW. Generally, the GT airport serves scheduled jet commercial service operators.

3. - 6. ...

7. Heliport. Any area of land, water, or structure used or intended to be used for the landing and takeoff of helicopters, which has been specifically prepared for use by helicopters, any area for use by helicopters which is "open to

the public", or any area, other than those used for agricultural operations, which may have three or more takeoffs or landings in a 30-day period. All heliports must be registered with the state in accordance with the Department of Transportation and Development, Aviation Section.

8. Heliport Service Facilities. Those facilities such as major maintenance facilities, or fueling facilities which may be used in conjunction with a heliport. Such facilities must receive approval from the Aviation Section prior to their construction or use. Registration of a heliport is not to be understood as approval for heliport service facilities.

D. ...

E. Review of Landing Area Proposals. Upon receipt of the required information, the Aviation Section, following a reasonable period for review, will provide the proponents with a statement of its findings and issue a notice of no objection to the establishment and use of the proposed landing area, if such is appropriate. The review may include:

E.1. - H.[Figure 9]

...
* * *

AUTHORITY NOTE: Promulgated in accordance with R.S. 2:8.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Office of Highways, LR 6:163 (May 1980), amended LR 6:559 (September 1980), amended by the Department of Transportation and Development, Intermodal Transportation Division, LR 33:510 (March 2007).

Chapter 3. Ultralight Aircraft, Testing and Licensing of Pilots of Ultralight Aircraft; Establishment of Ultralight Airports; Restriction of Use of Ultralight Aircraft in Hazardous Areas

§301. General

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 2:6.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Office of Highways, LR 9:417 (June 1983), repealed by the Department of Transportation and Development, Intermodal Transportation Division, LR 33:511 (March 2007).

§303. Definitions

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 2:6.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Office of Highways, LR 9:417 (June 1983), repealed by the Department of Transportation and Development, Intermodal Transportation Division, LR 33:511 (March 2007).

§305. Use of Licensed Airports

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 2:6.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Office of Highways, LR 9:418 (June 1983), repealed by the Department of Transportation and Development, Intermodal Transportation Division, LR 33:511 (March 2007).

§307. Special Ultralight Aircraft

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 2:6.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Office of Highways, LR 9:418

(June 1983), repealed by the Department of Transportation and Development, Intermodal Transportation Division, LR 33:511 (March 2007).

§309. OAPT Powered Ultralight Vehicle Pilot/Instructor Competency and Registration Program

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 2:6.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Office of Highways, LR 9:419 (June 1983), repealed by the Department of Transportation and Development, Intermodal Transportation Division, LR 33:512 (March 2007).

§311. Powered Ultralight Vehicle Pilot Competency and Registration Program

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S.2:6.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Office of Highways, LR 9:419 (June 1983), repealed by the Department of Transportation and Development, Intermodal Transportation Division, LR 33:512 (March 2007).

§313. OAPT Powered Ultralight Vehicle Registration Program

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 2:6.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Office of Highways, LR 9:421 (June 1983), repealed by the Department of Transportation and Development, Intermodal Transportation Division, LR 33:512 (March 2007).

§315. Registration Program

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 2:6.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Office of Highways, LR 9:421 (June 1983), repealed by the Department of Transportation and Development, Intermodal Transportation Division, LR 33:512 (March 2007).

§317. Appendix

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 2:6.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Office of Highways, LR 9:422 (June 1983), repealed by the Department of Transportation and Development, Intermodal Transportation Division, LR 33:512 (March 2007).

Chapter 5. Flight Operations Manual

Subchapter A. General

§501. Introduction

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 2:6 and 36:509(F)(3).

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Office of Highways, LR 11:705 (July 1985), repealed by the Department of Transportation and Development, Intermodal Transportation Division, LR 33:512 (March 2007).

§503. Director of Flight Operations

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 2:6 and 36:509(F)(3).

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Office of Highways, LR 11:705 (July 1985), repealed by the Department of Transportation and Development, Intermodal Transportation Division, LR 33:512 (March 2007).

§505. Chief of Aircraft Maintenance (DOTD/OFO)

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 2:6 and 36:509(F)(3).

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Office of Highways, LR 11:705 (July 1985), repealed by the Department of Transportation and Development, Intermodal Transportation Division, LR 33:512 (March 2007).

§507. Chief Inspector (DOTD/OFO)

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 2:6 and 36:509(F)(3).

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Office of Highways, LR 11:705 (July 1985), repealed by the Department of Transportation and Development, Intermodal Transportation Division, LR 33:512 (March 2007).

§509. Authorized Chief Pilots (Agency or Department)

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 2:6 and 36:509(F)(3).

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Office of Highways, LR 11:705 (July 1985), repealed by the Department of Transportation and Development, Intermodal Transportation Division, LR 33:512 (March 2007).

§511. Authorized Check Pilots (DOTD and Agency)

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 2:6 and 36:509(F)(3).

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Office of Highways, LR 11:705 (July 1985), repealed by the Department of Transportation and Development, Intermodal Transportation Division, LR 33:512 (March 2007).

§513. Variance Procedure

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 2:6 and 36:509(F)(3).

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Office of Highways, LR 11:705 (July 1985), repealed by the Department of Transportation and Development, Intermodal Transportation Division, LR 33:512 (March 2007).

§515. Waiver Procedure

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 2:6 and 36:509(F)(3).

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Office of Highways, LR 11:705 (July 1985), repealed by the Department of Transportation and Development, Intermodal Transportation Division, LR 33:512 (March 2007).

§517. Operations Bulletins

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 2:6 and 36:509(F)(3).

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Office of Highways, LR 11:705

(July 1985), repealed by the Department of Transportation and Development, Intermodal Transportation Division, LR 33:512 (March 2007).

§519. Purchasing Guidelines for Aircraft (Other Than Normal Maintenance Items)

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 2:6 and 36:509(F)(3).

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Office of Highways, LR 11:705 (July 1985), repealed by the Department of Transportation and Development, Intermodal Transportation Division, LR 33:513 (March 2007).

§521. Safety (General)

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 2:6 and 36:509(F)(3).

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Office of Highways, LR 11:705 (July 1985), repealed by the Department of Transportation and Development, Intermodal Transportation Division, LR 33:513 (March 2007).

§523. Public Protection

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 2:6 and 36:509(F)(3).

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Office of Highways, LR 11:705 (July 1985), repealed by the Department of Transportation and Development, Intermodal Transportation Division, LR 33:513 (March 2007).

§525. Insurance

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 2:6 and 36:509(F)(3).

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Office of Highways, LR 11:705 (July 1985), repealed by the Department of Transportation and Development, Intermodal Transportation Division, LR 33:513 (March 2007).

§527. Authorized Use of Aircraft

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 2:6 and 36:509(F)(3).

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Office of Highways, LR 11:705 (July 1985), repealed by the Department of Transportation and Development, Intermodal Transportation Division, LR 33:513 (March 2007).

§529. Flight Authorization

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 2:6 and 36:509(F)(3).

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Office of Highways, LR 11:705 (July 1985), repealed by the Department of Transportation and Development, Intermodal Transportation Division, LR 33:513 (March 2007).

§531. Medical-Evacuation Flights

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 2:6 and 36:509(F)(3).

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Office of Highways, LR 11:705 (July 1985), repealed by the Department of Transportation and Development, Intermodal Transportation Division, LR 33:513 (March 2007).

§533. Use of Personally Owned Aircraft

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 2:6 and 36:509(F)(3).

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Office of Highways, LR 11:705 (July 1985), repealed by the Department of Transportation and Development, Intermodal Transportation Division, LR 33:513 (March 2007).

§535. Hazardous Material

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 2:6 and 36:509(F)(3).

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Office of Highways, LR 11:705 (July 1985), repealed by the Department of Transportation and Development, Intermodal Transportation Division, LR 33:513 (March 2007).

§537. General Personnel Policies

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 2:6 and 36:509(F)(3).

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Office of Highways, LR 11:705 (July 1985), repealed by the Department of Transportation and Development, Intermodal Transportation Division, LR 33:513 (March 2007).

§539. Pilot Qualifications

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 2:6 and 36:509(F)(3).

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Office of Highways, LR 11:705 (July 1985), repealed by the Department of Transportation and Development, Intermodal Transportation Division, LR 33:513 (March 2007).

§541. Minimum Qualifications for State Flight Crew Personnel (Pilot Certification and Flight Physical)

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 2:6 and 36:509(F)(3).

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Office of Highways, LR 11:705 (July 1985), repealed by the Department of Transportation and Development, Intermodal Transportation Division, LR 33:513 (March 2007).

§543. Pilot Physical Condition

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 2:6 and 36:509(F)(3).

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Office of Highways, LR 11:705 (July 1985), repealed by the Department of Transportation and Development, Intermodal Transportation Division, LR 33:513 (March 2007).

§545. Blood Donations

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 2:6 and 36:509(F)(3).

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Office of Highways, LR 11:705 (July 1985), repealed by the Department of Transportation and Development, Intermodal Transportation Division, LR 33:513 (March 2007).

§547. Drugs and Medication

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 2:6 and 36:509(F)(3).

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Office of Highways, LR 11:705 (July 1985), repealed by the Department of Transportation and Development, Intermodal Transportation Division, LR 33:514 (March 2007).

§549. Use of Alcoholic Beverages

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 2:6 and 36:509(F)(3).

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Office of Highways, LR 11:705 (July 1985), repealed by the Department of Transportation and Development, Intermodal Transportation Division, LR 33:514 (March 2007).

§551. Alcoholic Beverages on State Aircraft

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 2:6 and 36:509(F)(3).

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Office of Highways, LR 11:705 (July 1985), repealed by the Department of Transportation and Development, Intermodal Transportation Division, LR 33:514 (March 2007).

§553. Unauthorized Personnel, Baggage, and Cargo

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 2:6 and 36:509(F)(3).

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Office of Highways, LR 11:705 (July 1985), repealed by the Department of Transportation and Development, Intermodal Transportation Division, LR 33:514 (March 2007).

§555. Personal Appearance and Conduct

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 2:6 and 36:509(F)(3).

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Office of Highways, LR 11:705 (July 1985), repealed by the Department of Transportation and Development, Intermodal Transportation Division, LR 33:514 (March 2007).

§557. Aircraft Appearance

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 2:6 and 36:509(F)(3).

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Office of Highways, LR 11:705 (July 1985), repealed by the Department of Transportation and Development, Intermodal Transportation Division, LR 33:514 (March 2007).

§559. Maintaining Logs and Records

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 2:6 and 36:509(F)(3).

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Office of Highways, LR 11:705 (July 1985), repealed by the Department of Transportation and Development, Intermodal Transportation Division, LR 33:514 (March 2007).

§561. Aircraft Accidents/Incidents (General)

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 2:6 and 36:509(F)(3).

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Office of Highways, LR 11:705 (July 1985), repealed by the Department of Transportation and Development, Intermodal Transportation Division, LR 33:514 (March 2007).

Subchapter B. Operations

§563. Standard Operating Procedures

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 2:6 and 36:509(F)(3).

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Office of Highways, LR 11:705 (July 1985), repealed by the Department of Transportation and Development, Intermodal Transportation Division, LR 33:514 (March 2007).

§565. Flight and Duty Time

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 2:6 and 36:509(F)(3).

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Office of Highways, LR 11:705 (July 1985), repealed by the Department of Transportation and Development, Intermodal Transportation Division, LR 33:514 (March 2007).

§567. Pilot Proficiency

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 2:6 and 36:509(F)(3).

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Office of Highways, LR 11:705 (July 1985), repealed by the Department of Transportation and Development, Intermodal Transportation Division, LR 33:514 (March 2007).

§569. Pilot Information File

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 2:6 and 36:509(F)(3).

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Office of Highways, LR 11:705 (July 1985), repealed by the Department of Transportation and Development, Intermodal Transportation Division, LR 33:514 (March 2007).

§571. Publications

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 2:6 and 36:509(F)(3).

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Office of Highways, LR 11:705 (July 1985), repealed by the Department of Transportation and Development, Intermodal Transportation Division, LR 33:514 (March 2007).

§573. Flight Preparation

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 2:6 and 36:509(F)(3).

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Office of Highways, LR 11:705 (July 1985), repealed by the Department of Transportation and Development, Intermodal Transportation Division, LR 33:514 (March 2007).

§575. Passenger Manifests

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 2:6 and 36:509(F)(3).

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Office of Highways, LR 11:705 (July 1985), repealed by the Department of Transportation and

Development, Intermodal Transportation Division, LR 33:514 (March 2007).

§577. Weather Briefings

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 2:6 and 36:509(F)(3).

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Office of Highways, LR 11:705 (July 1985), repealed by the Department of Transportation and Development, Intermodal Transportation Division, LR 33:515 (March 2007).

§579. Takeoff Weather Minimums (Airplanes)

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 2:6 and 36:509(F)(3).

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Office of Highways, LR 11:705 (July 1985), repealed by the Department of Transportation and Development, Intermodal Transportation Division, LR 33:515 (March 2007).

§581. Landing Weather Minimums

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 2:6 and 36:509(F)(3).

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Office of Highways, LR 11:705 (July 1985), repealed by the Department of Transportation and Development, Intermodal Transportation Division, LR 33:515 (March 2007).

§583. IFR Takeoff and Landing Minimums for Newly Upgraded (Second-in-Command to Pilot-in-Command) State Pilots

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 2:6 and 36:509(F)(3).

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Office of Highways, LR 11:705 (July 1985), repealed by the Department of Transportation and Development, Intermodal Transportation Division, LR 33:515 (March 2007).

§585. Frost, Snow and Icing

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 2:6 and 36:509(F)(3).

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Office of Highways, LR 11:705 (July 1985), repealed by the Department of Transportation and Development, Intermodal Transportation Division, LR 33:515 (March 2007).

§587. Severe Weather and Weather Detection Devices

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 2:6 and 36:509(F)(3).

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Office of Highways, LR 11:705 (July 1985), repealed by the Department of Transportation and Development, Intermodal Transportation Division, LR 33:515 (March 2007).

§589. Day, Night, and Instrument Operations

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 2:6 and 36:509(F)(3).

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Office of Highways, LR 11:705 (July 1985), repealed by the Department of Transportation and Development, Intermodal Transportation Division, LR 33:515 (March 2007).

§591. Single-Engine Aircraft

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 2:6 and 36:509(F)(3).

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Office of Highways, LR 11:705 (July 1985), repealed by the Department of Transportation and Development, Intermodal Transportation Division, LR 33:515 (March 2007).

§593. Multi-Engine Aircraft

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 2:6 and 36:509(F)(3).

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Office of Highways, LR 11:705 (July 1985), repealed by the Department of Transportation and Development, Intermodal Transportation Division, LR 33:515 (March 2007).

§595. Helicopter Operations

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 2:6 and 36:509(F)(3).

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Office of Highways, LR 11:705 (July 1985), repealed by the Department of Transportation and Development, Intermodal Transportation Division, LR 33:515 (March 2007).

§597. Refueling of Aircraft

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 2:6 and 36:509(F)(3).

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Office of Highways, LR 11:705 (July 1985), repealed by the Department of Transportation and Development, Intermodal Transportation Division, LR 33:515 (March 2007).

§599. Weight and Balance

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 2:6 and 36:509(F)(3).

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Office of Highways, LR 11:705 (July 1985), repealed by the Department of Transportation and Development, Intermodal Transportation Division, LR 33:515 (March 2007).

§601. Responsibility for Determination of Aircraft Airworthiness (Pilots)

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 2:6 and 36:509(F)(3).

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Office of Highways, LR 11:705 (July 1985), repealed by the Department of Transportation and Development, Intermodal Transportation Division, LR 33:515 (March 2007).

§603. Aircraft Discrepancy Record

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 2:6 and 36:509(F)(3).

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Office of Highways, LR 11:705 (July 1985), repealed by the Department of Transportation and Development, Intermodal Transportation Division, LR 33:515 (March 2007).

§605. Minimum Equipment List

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 2:6 and 36:509(F)(3).

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Office of Highways, LR 11:705 (July 1985), repealed by the Department of Transportation and Development, Intermodal Transportation Division, LR 33:515 (March 2007).

§607. Deferred Discrepancies

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 2:6 and 36:509(F)(3).

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Office of Highways, LR 11:705 (July 1985), repealed by the Department of Transportation and Development, Intermodal Transportation Division, LR 33:516 (March 2007).

§609. Flight Following/Flight Plans

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 2:6 and 36:509(F)(3).

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Office of Highways, LR 11:705 (July 1985), repealed by the Department of Transportation and Development, Intermodal Transportation Division, LR 33:516 (March 2007).

§611. Daily Inspections

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 2:6 and 36:509(F)(3).

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Office of Highways, LR 11:705 (July 1985), repealed by the Department of Transportation and Development, Intermodal Transportation Division, LR 33:516 (March 2007).

§613. Preflight Inspections

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 2:6 and 36:509(F)(3).

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Office of Highways, LR 11:705 (July 1985), repealed by the Department of Transportation and Development, Intermodal Transportation Division, LR 33:516 (March 2007).

§615. Walk-Around Inspection

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 2:6 and 36:509(F)(3).

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Office of Highways, LR 11:705 (July 1985), repealed by the Department of Transportation and Development, Intermodal Transportation Division, LR 33:516 (March 2007).

§617. Emergency Equipment

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 2:6 and 36:509(F)(3).

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Office of Highways, LR 11:705 (July 1985), repealed by the Department of Transportation and Development, Intermodal Transportation Division, LR 33:516 (March 2007).

§619. Survival, Over-Water, and Flotation Equipment

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 2:6 and 36:509(F)(3).

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Office of Highways, LR 11:705

(July 1985), repealed by the Department of Transportation and Development, Intermodal Transportation Division, LR 33:516 (March 2007).

§621. Passenger Briefing

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 2:6 and 36:509(F)(3).

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Office of Highways, LR 11:705 (July 1985), repealed by the Department of Transportation and Development, Intermodal Transportation Division, LR 33:516 (March 2007).

§623. Use of Seat Belts

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 2:6 and 36:509(F)(3).

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Office of Highways, LR 11:705 (July 1985), repealed by the Department of Transportation and Development, Intermodal Transportation Division, LR 33:516 (March 2007).

§625. Oxygen Requirement

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 2:6 and 36:509(F)(3).

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Office of Highways, LR 11:705 (July 1985), repealed by the Department of Transportation and Development, Intermodal Transportation Division, LR 33:516 (March 2007).

§627. Portable Electronic Devices

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 2:6 and 36:509(F)(3).

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Office of Highways, LR 11:705 (July 1985), repealed by the Department of Transportation and Development, Intermodal Transportation Division, LR 33:516 (March 2007).

§629. Smoking

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 2:6 and 36:509(F)(3).

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Office of Highways, LR 11:705 (July 1985), repealed by the Department of Transportation and Development, Intermodal Transportation Division, LR 33:516 (March 2007).

§631. Passengers Requiring Special Attention

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 2:6 and 36:509(F)(3).

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Office of Highways, LR 11:705 (July 1985), repealed by the Department of Transportation and Development, Intermodal Transportation Division, LR 33:516 (March 2007).

§633. Noise Abatement

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 2:6 and 36:509(F)(3).

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Office of Highways, LR 11:705 (July 1985), repealed by the Department of Transportation and Development, Intermodal Transportation Division, LR 33:516 (March 2007).

§635. Admission to the Cockpit

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 2:6 and 36:509(F)(3).

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Office of Highways, LR 11:705 (July 1985), repealed by the Department of Transportation and Development, Intermodal Transportation Division, LR 33:517 (March 2007).

§637. Flight Crewmembers at Duty Stations

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 2:6 and 36:509(F)(3).

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Office of Highways, LR 11:705 (July 1985), repealed by the Department of Transportation and Development, Intermodal Transportation Division, LR 33:517 (March 2007).

§639. Use of Checklists

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 2:6 and 36:509(F)(3).

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Office of Highways, LR 11:705 (July 1985), repealed by the Department of Transportation and Development, Intermodal Transportation Division, LR 33:517 (March 2007).

§641. Crew Coordination (IFR Operations)

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 2:6 and 36:509(F)(3).

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Office of Highways, LR 11:705 (July 1985), repealed by the Department of Transportation and Development, Intermodal Transportation Division, LR 33:517 (March 2007).

§643. Hijack Procedures

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 2:6 and 36:509(F)(3).

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Office of Highways, LR 11:705 (July 1985), repealed by the Department of Transportation and Development, Intermodal Transportation Division, LR 33:517 (March 2007).

§645. Postflight Inspection

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 2:6 and 36:509(F)(3).

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Office of Highways, LR 11:705 (July 1985), repealed by the Department of Transportation and Development, Intermodal Transportation Division, LR 33:517 (March 2007).

§647. Tie Down and Securing Aircraft

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 2:6 and 36:509(F)(3).

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Office of Highways, LR 11:705 (July 1985), repealed by the Department of Transportation and Development, Intermodal Transportation Division, LR 33:517 (March 2007).

§649. Security

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 2:6 and 36:509(F)(3).

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Office of Highways, LR 11:705 (July 1985), repealed by the Department of Transportation and Development, Intermodal Transportation Division, LR 33:517 (March 2007).

§651. Aircraft Management Data Sheet (Form 100E)

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 2:6 and 36:509(F)(3).

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Office of Highways, LR 11:705 (July 1985), repealed by the Department of Transportation and Development, Intermodal Transportation Division, LR 33:517 (March 2007).

Subchapter C. Maintenance

§653. Maintenance Operations

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 2:6 and 36:509(F)(3).

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Office of Highways, LR 11:705 (July 1985), repealed by the Department of Transportation and Development, Intermodal Transportation Division, LR 33:517 (March 2007).

§655. Maintenance Reference Library

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 2:6 and 36:509(F)(3).

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Office of Highways, LR 11:705 (July 1985), repealed by the Department of Transportation and Development, Intermodal Transportation Division, LR 33:517 (March 2007).

§657. Overhaul Time Limits (TBO)

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 2:6 and 36:509(F)(3).

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Office of Highways, LR 11:705 (July 1985), repealed by the Department of Transportation and Development, Intermodal Transportation Division, LR 33:517 (March 2007).

§659. Aircraft Maintenance Request Procedures

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 2:6 and 36:509(F)(3).

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Office of Highways, LR 11:705 (July 1985), repealed by the Department of Transportation and Development, Intermodal Transportation Division, LR 33:517 (March 2007).

§661. Contract Maintenance

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 2:6 and 36:509(F)(3).

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Office of Highways, LR 11:705 (July 1985), repealed by the Department of Transportation and Development, Intermodal Transportation Division, LR 33:517 (March 2007).

§663. Required Maintenance

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 2:6 and 36:509(F)(3).

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Office of Highways, LR 11:705 (July 1985), repealed by the Department of Transportation and

Development, Intermodal Transportation Division, LR 33:517 (March 2007).

§665. Required Inspection Items

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 2:6 and 36:509(F)(3).

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Office of Highways, LR 11:705 (July 1985), repealed by the Department of Transportation and Development, Intermodal Transportation Division, LR 33:518 (March 2007).

§667. Incomplete Maintenance

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 2:6 and 36:509(F)(3).

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Office of Highways, LR 11:705 (July 1985), repealed by the Department of Transportation and Development, Intermodal Transportation Division, LR 33:518 (March 2007).

§669. Ferry Permits

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 2:6 and 36:509(F)(3).

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Office of Highways, LR 11:705 (July 1985), repealed by the Department of Transportation and Development, Intermodal Transportation Division, LR 33:518 (March 2007).

§671. Maintenance Test Flights

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 2:6 and 36:509(F)(3).

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Office of Highways, LR 11:705 (July 1985), repealed by the Department of Transportation and Development, Intermodal Transportation Division, LR 33:518 (March 2007).

§673. Airworthiness Determination (Maintenance)

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 2:6 and 36:509(F)(3).

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Office of Highways, LR 11:705 (July 1985), repealed by the Department of Transportation and Development, Intermodal Transportation Division, LR 33:518 (March 2007).

§675. Malfunction and Defect Reporting

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 2:6 and 36:509(F)(3).

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Office of Highways, LR 11:705 (July 1985), repealed by the Department of Transportation and Development, Intermodal Transportation Division, LR 33:518 (March 2007).

§677. Aircraft Discrepancy Record (Form 200A Rev 6/20/84)

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 2:6 and 36:509(F)(3).

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Office of Highways, LR 11:705 (July 1985), repealed by the Department of Transportation and Development, Intermodal Transportation Division, LR 33:518 (March 2007).

§679. Fuel Quality Control

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 2:6 and 36:509(F)(3).

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Office of Highways, LR 11:705 (July 1985), repealed by the Department of Transportation and Development, Intermodal Transportation Division, LR 33:518 (March 2007).

§681. Tagging Parts (Maintenance)

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 2:6 and 36:509(F)(3).

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Office of Highways, LR 11:705 (July 1985), repealed by the Department of Transportation and Development, Intermodal Transportation Division, LR 33:518 (March 2007).

§683. Ground Support Equipment

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 2:6 and 36:509(F)(3).

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Office of Highways, LR 11:705 (July 1985), repealed by the Department of Transportation and Development, Intermodal Transportation Division, LR 33:518 (March 2007).

Subchapter D. Training

§685. Pilot Training Program

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 2:6 and 36:509(F)(3).

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Office of Highways, LR 11:705 (July 1985), repealed by the Department of Transportation and Development, Intermodal Transportation Division, LR 33:518 (March 2007).

§687. Pilot Qualification Certificate Completion Instructions

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 2:6 and 36:509(F)(3).

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Office of Highways, LR 11:705 (July 1985), repealed by the Department of Transportation and Development, Intermodal Transportation Division, LR 33:518 (March 2007).

§689. First Aid

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 2:6 and 36:509(F)(3).

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Office of Highways, LR 11:705 (July 1985), repealed by the Department of Transportation and Development, Intermodal Transportation Division, LR 33:518 (March 2007).

§691. Simulated Engine Failures and In-Flight Aircrew Training

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 2:6 and 36:509(F)(3).

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Office of Highways, LR 11:705 (July 1985), repealed by the Department of Transportation and Development, Intermodal Transportation Division, LR 33:518 (March 2007).

§693. Certificate of Ground Training

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 2:6 and 36:509(F)(3).

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Office of Highways, LR 11:705 (July 1985), repealed by the Department of Transportation and Development, Intermodal Transportation Division, LR 33:519 (March 2007).

§695. Certificate of Flight Training

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 2:6 and 36:509(F)(3).

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Office of Highways, LR 11:705 (July 1985), repealed by the Department of Transportation and Development, Intermodal Transportation Division, LR 33:519 (March 2007).

Subchapter E. Scheduling

§697. Scheduling Procedures

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 2:6 and 36:509(F)(3).

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Office of Highways, LR 11:705 (July 1985), repealed by the Department of Transportation and Development, Intermodal Transportation Division, LR 33:519 (March 2007).

§699. Waivers

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 2:6 and 36:509(F)(3).

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Office of Highways, LR 11:705 (July 1985), repealed by the Department of Transportation and Development, Intermodal Transportation Division, LR 33:519 (March 2007).

§701. Executive Transport Flight

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 2:6 and 36:509(F)(3).

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Office of Highways, LR 11:705 (July 1985), repealed by the Department of Transportation and Development, Intermodal Transportation Division, LR 33:519 (March 2007).

§703. Operations

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 2:6 and 36:509(F)(3).

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Office of Highways, LR 11:705 (July 1985), repealed by the Department of Transportation and Development, Intermodal Transportation Division, LR 33:519 (March 2007).

§705. Maintenance

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 2:6 and 36:509(F)(3).

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Office of Highways, LR 11:705 (July 1985), repealed by the Department of Transportation and Development, Intermodal Transportation Division, LR 33:519 (March 2007).

Chapter 9. Aviation Program Needs and Project Priority Process

§901. Introduction

A. The Louisiana Department of Transportation, Aviation Section is responsible for the development of public aviation facilities in the state. Assistance with the planning, design, and construction of facilities is provided to local governments which own the public airports. In addition, state funding is used in many cases to provide all or a portion of the local match requirement if the improvement is federally funded, receives 90 percent or more of project funds from sources other than state funds, or if most or all of the total funding is previously approved by the Legislature. The aviation portion of the Louisiana Transportation Trust Fund is known as the Aviation Trust Fund (ATF), which is funded by the collection of sales tax solely on aviation fuels, and is the only source of state funds for airport capital improvements or matching funds for federal airport improvement grants.

AUTHORITY NOTE: Promulgated in accordance with SCR 67, 1997, R.S. 2:803B and R.S. 2:6.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Division of Aviation, LR 16:538 (June 1990), amended LR 24:1504 (August 1998), amended by the Department of Transportation and Development, Intermodal Transportation Division, LR 33:519 (March 2007).

§903. Federal Aviation Administration (FAA) Airport Improvement Program (AIP) Grants

A. Federal funding for projects is received through grants from the Federal Aviation Administration directly to the recipient airport. Under the Airport Improvement Program (AIP) a minimum of 90 percent of project funds are federal. Occasionally, the FAA may offer a grant requiring a local match of more than 10 percent. For example, terminal building projects at commercial service airports are offered as 75 percent federal, 25 percent local match. Terminal buildings at commercial service airports may have a percentage of the project not eligible to receive funding. In most instances, the FAA determines what portion is or is not eligible. When the local sponsor requests state funding assistance for the local share, the project is evaluated through the priority system because of the use of state dollars. The local sponsor must coordinate the development of the project with the Aviation Section and the FAA in order to receive the matching funds through the priority system. When the required match is greater than 10 percent, the state will participate in no more than 10 percent of the project cost and the local sponsor must provide the additional matching funds. The FAA provides the AIP grants directly to the airport sponsor who is responsible for administering the grant.

AUTHORITY NOTE: Promulgated in accordance with SCR 67, 1997, R.S. 2:803B and R.S. 2:6.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Division of Aviation, LR 16:538 (June 1990), amended LR 24:1504 (August 1998), amended by the Department of Transportation and Development, Intermodal Transportation Division, LR 33:519 (March 2007).

§905. Project Identification and Development

A. The primary objective of the priority system is to prioritize airport improvement projects. Nonprioritized

projects are not included in the priority system as individual projects, but are funded through approved amounts for each category of project. Differences in the criteria for assessing these types of projects and the relatively small amount of state funding available make them impractical to include in the same process with airport improvement projects.

B. Potential projects for inclusion in the priority system are initiated by the airport sponsor or by the State Aviation Section. The need for the project may be identified in a master plan, action plan, system planning document, or as a result of a change in conditions or facilities at the airport.

C. Only airport development projects are subject to prioritization. Airport administration and operations are not included since they are the responsibility of the airport owner and are not within the purview of the prioritization process.

AUTHORITY NOTE: Promulgated in accordance with SCR 67, 1997 and R.S. 2:6.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Division of Aviation, LR 16:538 (June 1990), amended LR 24:1505 (August 1998), amended by the Department of Transportation and Development, Intermodal Transportation Division, LR 33:519 (March 2007).

§907. Project Prioritization Process

A. The prioritization of a project is a two-step process. The first step is to determine whether the project should be included in the priority process. The second step is to determine whether the information necessary for prioritization is available. Support documentation may include a project resolution from the local airport owner or sponsor requesting state assistance for that project, project scope and estimated cost, justification of the project, any environmental clearance documentation (if necessary), and information from the local sponsor necessary for prioritization of the project. Height limitation and land use zoning ordinances, operations manual, documentation that Part 139 and 5010 inspection discrepancies have been corrected, pavement maintenance plan, and a certified copy of the legal document creating the airport district or authority may also be requested before the process can continue. If any pertinent documentation is missing, the review process may cease and not continue until all information is made available to the Aviation Section. If all of the necessary documents are not received by the Aviation Section by November 1, the proposed project may not be allowed to compete for funding for that fiscal year being prioritized but may be considered for the following fiscal year.

B. Those projects which qualify for prioritization are then assigned point values to determine their relative priority. Those with insufficient information may be returned to the airport owner until required information can be provided. Once it has been determined that the project is eligible and all documentation has been provided, the next step is the assignment of point values. When point values are finalized, the project is placed into the priority system where it is ranked in relation to all other projects in the system.

C. The project components are also reviewed to determine if the project can be prioritized as one project or requires restructuring into more than one project. The project will be restructured into usable units if necessary. An example is a request to lengthen a runway and to extend the corresponding taxiway. The runway can be lengthened and is

usable without the extension of the taxiway so these may be considered as two projects in the priority system. On the other hand, the extension of the runway's lighting system would be included with the runway extension as one project because the additional runway length cannot be used at night without the extended lighting. See §915.B for further details.

D. The structure of the priority rating system is based on an evaluation of four categories:

1. Category I—Project Type;
2. Category II—Facility Usage;
3. Category III—Sponsor Compliance;
4. Category IV—Special Considerations.

E. Points are awarded to a project based on evaluation criteria in each category and the total evaluation score for the project is the sum of points in each category. Based on priority ratings of projects, a prioritized program of projects is developed by the Aviation Section and submitted to the Joint Legislative Committee for Transportation, Highways and Public Works. This committee approves the program of projects which becomes the capital improvement projects that will be implemented by the Aviation Section in the next fiscal year. A project submitted after this approval with a ranking high enough to place the project on the program of projects cannot be added until a new program of projects is submitted to the committee the following year. However, a project receiving other than state funds may receive a state match in accordance with R.S. 2:803B, if funds are available as determined by the Aviation Section.

F. The Transportation Trust Fund legislation requires a priority system to prioritize projects in some logical order for addressing documented needs in the state's public airport system. The priority system is a process that has been developed to allocate state aviation funding to address these needs. The system reflects the state's development policy for the airport system, assigning higher values to projects which are consistent with the policy.

G. The only projects that should appear on the prioritization list are those that have a chance of being implemented in the foreseeable future. Ideally, this would be within a three-year period from the time the project appears on the priority list. Prioritized projects which have been approved for state funding but which, for lack of federal matching funds or other reasons, do not have a signed construction contract within three fiscal years may be deleted from the program. Funds which had been approved for a deleted project will be reallocated to any other prioritized project as needed. Normally such funds will be used to cover project overruns, "up front" engineering costs (FAA reimbursable engineering costs incurred by the airport owner prior to the issuance of a federal grant in aid), or "up front" land purchase costs (FAA reimbursable costs associated with survey, real estate and title fees, and purchase of land by the airport owner prior to the issuance of a federal grant-in-aid).

H. These funds may also be used to fund the next-in-line project on the four-year unfunded portion of the priority list if that project has received funding or for projects funded by other than state funds not covered by the Future FAA Obligations funds. As a general rule, funds originally allocated to commercial service airports will, whenever practical, be used to fund projects on the commercial service airport four-year unfunded list. Funds allocated to general

aviation airports will likewise be used to fund projects on the general aviation airport four-year unfunded list. In the event there are insufficient projects on either four-year unfunded list, funds originally allocated to one class of airport may be reallocated to the other class of airport.

AUTHORITY NOTE: Promulgated in accordance with SCR 67, 1997, R.S. 2:803B and R.S. 2:6.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Division of Aviation, LR 16:538 (June 1990), amended LR 24:1505 (August 1998), amended by the Department of Transportation and Development, Intermodal Transportation Division, LR 33:520 (March 2007).

§909. Nonprioritized Programs

A. Through the legislative approval process for the Priority Program, the Aviation Section may specify on the Priority Program, nonprioritized programs as needed. Such statewide programs may include, but are not limited to Planning, Navigational Aids, Discretionary Projects, Maintenance Reimbursement, Obstruction Removal Safety programs, Future FAA Obligations, Statewide Marking Program, and Statewide Sealcoat Program. These programs are an integral element of the state's aviation program. Projects cannot reach the facility improvement stage without going through the planning phase. Navigational aid projects enhance use of the overall state system. Discretionary projects provide the Aviation Section with the latitude to fund emergency or safety related projects on a real-time basis and to undertake projects which are too small to be eligible for funding through the priority program. The state's airport system would be stagnated without these types of projects. The Maintenance Reimbursement Program assists the general aviation airports in the high cost of maintaining an airport and allows the airport to maintain a safe and operational status. The Obstruction Removal Safety Program is needed to keep the state's airports safe from obstructions that penetrate the airports approach slopes, runway protection zones, FAR Part 77 and transitional surfaces. The Future FAA Obligations are needed to meet the funding requirements for the projects the Federal Aviation Administration (FAA) has funded after the priority program has been approved. This phenomenon is caused by the state's fiscal year being out of synchronization with the federal fiscal year by approximately three months. This special program precludes the loss of federal funds and improves the state's timely response. The Statewide Marking Program assists airports statewide in maintaining a safe visual marking aid environment on the airfield. The Statewide Sealcoat Program assists airports statewide in maintaining their pavement in good condition.

AUTHORITY NOTE: Promulgated in accordance with SCR 67, 1997 and R.S. 2:6.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Division of Aviation, LR 16:538 (June 1990), amended LR 24:1505 (August 1998), amended by the Department of Transportation and Development, Intermodal Transportation Division, LR 33:521 (March 2007).

§911. Planning Projects

Repealed.

AUTHORITY NOTE: Promulgated in accordance with SCR 67, 1997 and R.S. 2:6.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Division of Aviation, LR 16:538 (June 1990), amended LR 24:1506 (August 1998), repealed by the

Department of Transportation and Development, Intermodal Transportation Division, LR 33:521 (March 2007).

§913. Navigational Aid Projects

Repealed.

AUTHORITY NOTE: Promulgated in accordance with SCR 67, 1997 and R.S. 2:6.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Division of Aviation, LR 16:538 (June 1990), amended LR 24:1506 (August 1998), repealed by the Department of Transportation and Development, Intermodal Transportation Division, LR 33:521 (March 2007).

§915. Discretionary Projects

Repealed.

AUTHORITY NOTE: Promulgated in accordance with SCR 67, 1997 and R.S. 2:6.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Division of Aviation, LR 16:538 (June 1990), amended LR 24:1506 (August 1998), repealed by the Department of Transportation and Development, Intermodal Transportation Division, LR 33:521 (March 2007).

§917. Project Prioritization Process

Repealed.

AUTHORITY NOTE: Promulgated in accordance with SCR 67, 1997 and R.S. 2:6.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Division of Aviation, LR 16:538 (June 1990), amended LR 24:1506 (August 1998), repealed by the Department of Transportation and Development, Intermodal Transportation Division, LR 33:521 (March 2007).

§911. Commercial Service Versus General Aviation Airports

A. One of the basic objectives of a priority process is to identify projects that benefit the highest number of aviation system users, however, it primarily identifies projects that have the greater need, even if the airport serves less users than another airport. When airports are compared on the basis of persons served, airports offering scheduled or unscheduled commercial air service to the public serve more persons than airports that support general aviation activity. Differences in the size, revenue generation capability, and usage of commercial service airports (those airports which enplane 2,500 or more passengers annually) as compared to general aviation airports make it difficult to compare the need for projects between the commercial service and general aviation airports.

B. Because of aircraft size, weight, speed, operational characteristics, and FAA design standards, facilities at commercial service airports have more demanding standards and thus more costly engineering and construction. Because of the significant differences between commercial service and general aviation airports project standards, each group's projects are prioritized separately.

C. The commercial service airports priority projects must have an established funding level, just as the general aviation priority projects must have an established funding level. To accomplish this, the total funds available for airport improvement projects in a given year are allocated between commercial service and general aviation airport projects in a ratio of 65 percent for commercial service airports and 35 percent for general aviation airports. This balance is adjusted, however, if there are insufficient projects in either category to fully utilize available funding. This 65 percent/35 percent allocation is based on past experience in the state's aviation program and the levels of state funding

allocated to each type of airport. It also reflects the fact that commercial service airports have a far greater capability of generating revenue through means unavailable to general aviation airports such as: vendor leases, landing fees, airline contracts, passenger facility charges, and rental car lease agreements. Passenger Facility Charges (PFC) are charges passed on to a commercial service passenger, which can be collected by the airport to fund projects not otherwise funded. These projects are eligible to be approved by the FAA for 100 percent funding through the PFC collection. Therefore, PFC funds are not normally eligible to receive matching funds from the state.

D. The division of projects by commercial service or general aviation airport categories results in two project priority lists, one for each of the two types of airports. Each step of the prioritization process is identical for both commercial service and general aviation airport projects.

AUTHORITY NOTE: Promulgated in accordance with SCR 67, 1997, R.S. 2:802 and R.S. 2:6.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Division of Aviation, LR 16:538 (June 1990), amended LR 24:1507 (August 1998), amended by the Department of Transportation and Development, Intermodal Transportation Division, LR 33:521 (March 2007).

§913. Preliminary Evaluation

A. The preliminary evaluation is used to screen potential projects and determine those which can realistically be implemented, assuming available funding.

1. The first step is to determine whether the project should be included in the priority process. There are three basic criteria:

- a. project type;
- b. project size;
- c. eligibility for federal matching funds.

2. The second step is to determine whether the information necessary for prioritization is available.

B. A review committee consisting of, at a minimum, the aviation director, grants manager, and aviation program manager for the airport concerned will make an initial determination of whether there is sufficient information to prioritize a project when a project request is received. Some of the information considered by the committee is required by either Title 2 of the Louisiana Revised Statutes, the Louisiana Aviation Needs and Project Priority System, or DOTD and Aviation Section policy.

C. The DOTD Aviation Section is responsible for assigning priority values to projects and determining if they are consistent with development plans in the master plan or action plan for the airport. If insufficient data is sent to the Aviation Section, correct prioritization of the project will not be possible. When insufficient data is provided, a request will be made for the additional information needed. Therefore, project applications and necessary documentation should be sent to the Aviation Section early enough to allow time for processing and possible return for additional information before the program can be presented to the legislature for approval. Any document package not meeting all requirements or not in Aviation Section hands by the deadline may not be prioritized or included in the upcoming fiscal year's program.

D. Project Type. Generally, only airport improvement or preservation projects are included in the priority program. Some exceptions are:

1. land acquisition for obstruction removal or airport expansion;
2. Aircraft Rescue and Firefighting (ARFF) vehicles and equipment;
3. airport noise studies; and
4. FAA AIP eligible projects when FAA is providing funding.

E. Some projects may be of a type in which the Aviation Section might not participate. For example, construction of roads and utilities for an air industrial park development and other such land side projects are not undertaken by the priority system and will not be funded by the Aviation Trust Fund.

F. Project Size. To be included in the priority system, a project must require the use of \$25,000 (other than discretionary funds) or more in state funding. The \$25,000 requirement only applies to projects which receive no federal funding. Some projects may be too costly to be funded from a single year's budget without denying funding to other needed projects at other airports. Therefore, no more than \$1,000,000 in state funding may be programmed to a single commercial service airport and no more than \$250,000 in state funding may be programmed to a single general aviation airport through the aviation priority program per fiscal year. Projects in excess of these amounts may be funded more than two or more funding years. For example, a project for a commercial service airport may have a total cost of \$2,500,000. The project may be prioritized in the upcoming budget cycle for no more than \$1,000,000 but the remaining \$1,500,000 will receive top priority in the following two yearly budgets to insure project completion. The same is true for a general aviation airport project except that the project maximum cost is \$250,000 per budget year. This does not include projects that are prioritized as an FAA AIP grant unless it is known that the FAA will use a multi year funding approach. Regardless of project size, if the FAA uses multi year funding, the state will also use a multi year approach.

AUTHORITY NOTE: Promulgated in accordance with SCR 67, 1997, R.S. 2:802 and R.S. 2:6.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Division of Aviation, LR 16:538 (June 1990), amended LR 24:1507 (August 1998), amended by the Department of Transportation and Development, Intermodal Transportation Division, LR 33:522 (March 2007).

§915. Project Support Documentation

A. Once it has been determined that a project is of the type and size to be considered in the priority system, an evaluation of required supporting documentation will be made. The project support documentation is a combination of documents and information necessary for the Aviation Section to determine if the project is developed sufficiently for inclusion in the priority listing. Documentation may include the following items:

1. Project Resolution. The initial document the Aviation Section needs for consideration of any project is a resolution from the public body operating the airport requesting assistance in the development of the project. Generally, the assistance requested would be for both funding and technical assistance. Any commitment from the local owner to participate in the cost of the project is also documented in the resolution. The resolution from the owner

of the airport initiates an agreement between the two parties for joint sponsorship of the project and authorizes state participation in a local project pursuant to applicable provisions of state law. It is also a written commitment of support for the project by the owner. The Aviation Section requires a resolution (except from state-owned and operated airports) from the airport sponsor or owner before a project can receive state funds.

2. Funding Sources. Since available state funding historically falls far short of the requested airport needs, it is especially important to use every opportunity to take advantage of the FAA/AIP program which provides funding grants for eligible projects at eligible airports. A request for 100 percent state funding will not be processed for a project that is eligible for AIP funding until it has been approved and prioritized in the state system as an FAA/state matching funds project and competed unsuccessfully in the federal system for at least three fiscal years. The three years in the federal priority system may be waived if the FAA verifies in writing that the proposed project will not receive AIP funding. On the other hand, if the FAA indicates that the project will be funded at some reasonable time beyond the initial three years, the project will remain in the system awaiting FAA matching funds rather than receiving 100 percent state funding which could deprive other airports of receiving funding assistance.

B. Project Components. In the priority system, projects are prioritized on a generic basis. For example, projects that affect the primary runway are all considered under the heading "primary runway." This could include lengthening, widening, lighting, grooving, etc., of the primary runway. Projects are defined on a usable basis or unit. This means that, if a runway is widened, the relocation of runway lighting and striping are all included in the project. Another example is a request to lengthen a runway and to extend the corresponding taxiway. The runway can be lengthened and is usable without the extension of the taxiway, so these may be considered as two projects in the priority system. Development of projects as a usable unit prevents projects of a lower priority being tagged onto a high priority project so they will be ranked higher. This focuses the priority system on those projects with the highest priority ranking, maximizing the effectiveness of aviation program funds. However, it is sometimes advantageous in terms of safety, operational effectiveness, and fiscal responsibility to include lower ranking projects along with otherwise unrelated higher projects. For instance, if there is a high priority project to overlay a runway, it may be appropriate to include a stub taxiway leading from the runway to a parking apron, or the apron itself if it is in especially poor condition. This can prevent damage to aircraft, provide a safe operational area for the necessary movement of aircraft, and take advantage of significant cost reductions for the lesser priority projects. This blending of otherwise nonrelated projects, is an exception which will be authorized only in exceptional cases. The aviation director is responsible for the organization of projects into usable units when projects are developed and for determining if special circumstances exist which would warrant combining unrelated projects.

C. Planning Data. The priority process depends heavily on planning data to evaluate the relative merits of a project. Usually the justification for a project is found in the master

plan or action plan for the airport, but there are exceptions. Engineering inspections may identify the need for reconstruction of a runway, or a 5010 inspection may reveal a safety problem. Regardless of the means by which a project is identified, written documentation describing the need for the project and the justification for the action to be taken must be provided. The justification for the project should be brief and to the point.

1. Submitting a master plan or action plan document as sole justification is unacceptable. The pertinent section of the master plan or action plan should be submitted with a narrative to explain the project and demonstrate that it is consistent with the master plan or action plan recommendations.

2. The planning data for a project, at a minimum, must:

- a. document the need for the project;
- b. explain how the project meets the need;
- c. give the estimated cost; and
- d. include a sketch of the project on the airport's approved layout plan.

3. The documentation need not be lengthy but should focus on what is generating the need. For example, if an aircraft parking apron is to be expanded, the number of existing parking spaces versus the number of aircraft that need to be parked on the apron would be adequate documentation. A description of how large an apron expansion is proposed and how many additional parking spaces the expansion would create should be submitted. The expansion should also be shown on the airport's approved layout plan to illustrate how it fits in the overall master plan or action plan development recommended for the airport. If the expansion of the apron is not consistent with that shown in the master plan or action plan, an explanation for the proposed deviation is necessary.

D. Environmental Requirements. Some proposed projects, because of their potential environmental impact, may require environmental clearance before they can be constructed. During the preliminary evaluation of a project, a determination should be made whether or not environmental clearance is required. If the FAA Airports District Office or DOTD Aviation Section indicates environmental clearance is required, any documents that are available to show that environmental requirements have been met should be provided. If some type of environmental document needs to be developed for the project, this should be done before the project is placed in the priority system unless the environmental delineation and/or mitigation is part of or included in the project to be funded. Environmental clearance of projects can be a lengthy process and allowing a project to be dormant in the priority system while waiting for clearance could preclude another project or projects from being implemented.

E. Local Sponsor Requirements. The priority system recognizes the responsibility of the local government owners of the airport to operate the airport in a safe, professional manner. A category is included in the rating system that assigns a value for sponsor responsibility. To be able to assign this value, certain information is required from the owner of the airport.

1. Two of the evaluation criteria in the "sponsor responsibility" category are whether the airport has height

limitation zoning and land use zoning in effect at the airport. If the Aviation Section does not have a copy of the airport's zoning ordinances on file, the local owner is required to provide this. The lack of zoning at the airport will cause a lower ranking of the proposed project.

2. No airport may receive state funding from the DOTD, Aviation Section if officially declared in noncompliance with federal or state laws, regulations, rules, or policies by the FAA or DOTD, Aviation Section.

3. The presence of zoning ordinances, an implemented pavement maintenance plan, compliance with the airport operations manual, and adequate airport maintenance are evaluated in the preliminary evaluation of a project because if they are not being done at an airport, the local sponsor should be given an opportunity to rectify the situation before the project is prioritized. The airport owner will be advised of the corrective actions that can be taken to improve the project score. If the owner does not initiate and document corrective action that clearly shows that action is being taken to address these items and correct deficiencies in these areas, the project will not receive points in this category.

AUTHORITY NOTE: Promulgated in accordance with SCR 67, 1997, R.S. 2:802 and R.S. 2:6.

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§917. Project Priority Rating System

A. There are four categories of evaluation, each addressing one of the general areas in §925.A.1-4. The categories are as follows:

1. Category I—Project Type;
2. Category II—Facility Usage;
3. Category III—Sponsor Compliance;
4. Category IV—Special Considerations.

B. Points are awarded to a project based on evaluation criteria in each category, and the total evaluation score for the project is the sum of the points in each category. The point values are designed to award points in a weighted manner. Each area of evaluation receives points in proportion to the relative importance as determined by Aviation Section policy.

AUTHORITY NOTE: Promulgated in accordance with SCR 67, 1997 and R.S. 2:6.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Division of Aviation, LR 16:538 (June 1990), amended LR 24:1510 (August 1998), amended by the Department of Transportation and Development, Intermodal Transportation Division, LR 33:524 (March 2007).

§919. Category I—Project Type (See Exhibit 1)

A. This category is designed to segregate projects by type defined by the primary purpose of the project. To accomplish this, four subcategories have been designated for project type. These subcategories are:

1. Safety;
2. Airside Preservation;
3. Airside Improvements;
4. Landside Improvements.

B. The subcategories are listed in order of descending importance and point values have been assigned accordingly. Development of projects directly related to safety of aircraft operations is considered the highest priority because of the potential for loss of life and property should safety needs not

be addressed. Preserving the existing airport system is next in importance because the existing facilities represent an investment of public dollars and there is a commitment to maintain those facilities that are in use. The airside improvement type of project is the next project priority and reflects a policy by the Aviation Section to develop facilities to the design standards established by DOTD and FAA to accommodate existing aviation activity at an airport. Projects for landside improvements at an airport are last in the project type priority because safety, airside preservation and airside improvements are all types of projects that need to be addressed in order to maintain a safe and operational airport.

C. Except for the "safety" subcategory, the general approach to assigning points to projects within these subcategories is to give highest priority to addressing needs of the primary runway first and then decreasing priorities the farther the project is removed from the primary airside facilities. As an example, a project on a primary runway has a higher priority than an apron project, but the apron project has a higher priority than a vehicle parking lot project. Safety projects, because of their importance, are addressed equally regardless of what area of the airport they impact.

D. It should be noted that project types listed are generic. For example, any project dealing with the primary runway that is designed to preserve its integrity falls under the "preservation of existing system" subcategory. This means that overlaying of the primary runway receives the same number of points as reconstructing the primary runway because both are designed to preserve the integrity of the runway. The subcategories in the "project type" category are shown in Exhibit 1. The type of project within each subcategory and its corresponding point value are displayed.

E. The Aviation Section may participate in revenue-generating projects such as fueling systems and hangars. Such projects are usually done after all other airside projects or issues have been completed. Certain areas of terminal buildings at General Aviation airports may be eligible. Areas such as the airport manager's office, flight planning area, pilot's lounge, and a small conference room would be considered eligible for funding. Areas such as a location for rental car agencies, restaurants, and Fixed Base Operators (FBO's) would not be considered eligible for funding. The size of the terminal building eligible for funding would also be limited to the needs for the size airport in which it would be located.

F. Safety (See Exhibit 1.A). Projects in this subcategory are limited to those that only affect aircraft operational safety. These are projects such as obstruction removal, runway grooving, Aircraft Rescue and Firefighting (ARFF) equipment, and lighting. It can be argued that most aviation improvement projects increase safety at an airport, but caution is used to place only those projects in this subcategory that specifically affect the safety of aircraft using the airport. For example, lengthening of a runway improves safety, but its primary purpose is to allow utilization by larger or faster aircraft. Projects in the "safety" category are those developed specifically to address an unsafe condition and thus receive the highest evaluation points possible.

G. Airside Preservation (See Exhibit 1B). Projects that are required to maintain the functional integrity of existing

facilities are evaluated in this subcategory. Projects such as reconstruction of a runway or taxiway or rehabilitation of an existing lighting system are the types of projects included under this subcategory. The point values are assigned with the highest value to projects that maintain the integrity of the primary runway and decrease in value as the facility being maintained moves from preservation of existing facilities toward making improvements to airside facilities.

H. Airside Improvements (See Exhibit 1.C). Projects evaluated in this category are those the purpose of which is to upgrade a facility to a design standard based on current needs. The required design standards for facilities are determined by the role the airport plays in the state airport system and the Aviation Section facility development standards. The airport role and standards are found in the Louisiana Airport System Plan and in appropriate FAA and state airport design manuals and advisories.

I. Landside Improvements (See Exhibit 1.D). Projects in this subcategory are those that are designed to facilitate the handling of issues dealing strictly with landside improvements. These projects receive the least amount of points in the prioritization process due to the fact that emphasis must be put on airside needs in order to maintain a safe and operational airport. Projects in this subcategory may be addressed once the major airside issues have been addressed and resolved.

AUTHORITY NOTE: Promulgated in accordance with SCR 67, 1997 and R.S. 2:6.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Division of Aviation, LR 16:538 (June 1990), amended LR 24:1510 (August 1998), amended by the Department of Transportation and Development, Intermodal Transportation Division, LR 33:524 (March 2007).

§921. Category II—Facility Usage (See Exhibit 2)

A. This category weighs the use of an airport relative to the use of other airports in the system. The basic objective is to support projects that serve the most aviation users. This objective has to be balanced, however, with the Aviation Section's goal of maintaining a viable statewide system of public use airports and maintaining aviation and public safety.

B. As previously discussed, for this reason commercial service and general aviation airports are prioritized separately.

C. Points are awarded based on the number of aircraft based at the airport and/or the number of commercial enplanements. The point values have been developed to attempt to recognize higher use of an airport while not eliminating a low use airport from consideration for projects. Exhibit 2 shows the point rating structure for this category.

D. The number of based aircraft at an airport, as indicated in the latest 5010 inspection report, is used to determine the relative level of use at an airport by general aviation interests. There are some drawbacks to this approach. The number of operations for each based aircraft is not accounted for by using only the based aircraft numbers. Itinerant operations, which are very important to an airport, are not recognized by counting based aircraft. Other operations by aircraft not based on the field, such as agricultural and military aircraft, are also missed. All of these factors affect the overall number of operations at an airport which is a much more accurate measure of airport use than based aircraft, but reliable operations counts at all

nontowered airports are not available for general aviation airports. Should the Aviation Section develop a systematic program for counting operations at nontowered airports, the relative number of operations at an airport may replace based aircraft as the indicator of facility use. Until such a system is developed, counts of based aircraft are the only consistent way to measure general aviation use at the airports.

E. For commercial service airports, points are also awarded in this category for the number of commercial service enplanements. The number of enplanements is taken from the FAA's annual enplanement data.

F. Airports that do not have enplanements, but are designated as reliever airports, receive points in this category also. Reliever airports are important in the system for diverting general aviation operations from commercial service airports with operational capacity problems and thus receive points in the category. The sum of points awarded for general aviation-based aircraft, commercial service passenger enplanements (commercial service airports), and reliever airports status constitutes an airport's score for the "facility usage" category of the priority rating system.

AUTHORITY NOTE: Promulgated in accordance with SCR 67, 1997 and R.S. 2:6.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Division of Aviation, LR 16:538 (June 1990), amended LR 24:1511 (August 1998), amended by the Department of Transportation and Development, Intermodal Transportation Division, LR 33:525 (March 2007).

§923. Category III—Sponsor Compliance (See Exhibit 3)

A. The "sponsor compliance" category evaluates how effectively the airport owners are operating the airport with respect to established standards and good management practices. Several areas are evaluated in this category that are critical to providing safe and efficient public services. Exhibit 3 shows the evaluation criteria and point values for this category.

B. Airports are affected by the use of the land surrounding them. Certain land uses in the vicinity of an airport can result in restrictions on use of the airport and, in extreme cases, in the total closure of the airport. Restrictions to prevent the penetration of tall objects into the approach surfaces for aircraft at an airport are very important. Generally referred to as "height hazard zoning," this type of zoning prevents tall objects that affect the safety of aircraft operations from being built around the airport. Tall objects can cause the displacement of thresholds and the raising of "minimums" for instrument approaches at an airport, thus decreasing the utilization of the airport. The airport represents a substantial public investment and implementation of height hazard zoning by the appropriate local governing body protects the investment by allowing the airport to be used to its full capacity. Points are awarded in this category for having height hazard zoning ordinances in effect at an airport.

C. A related area evaluated in this category is compatible land use zoning. Height hazard zoning controls the height of objects but has no impact on the actual use of the land. Certain land uses around an airport are incompatible with airport operations because of safety considerations or impacts on landside activities. Noncompatible uses can create conflicts between the community and the airport

which may create pressures to restrict use of the airport. Compatible land use zoning is necessary to protect the airport from restrictions placed on it when aviation uses conflict with surrounding land uses. For this reason, the presence of land use zoning is evaluated in this category.

D. The final evaluation area in the "sponsor responsibility" category is maintenance. The local owners of the airport are responsible for routine maintenance such as cutting the grass, changing light bulbs, maintaining proper drainage, sealing or filling pavement cracks, and refurbishing marking and painting stripes. If regular maintenance is not done, the airport will not receive full points in this category. If maintenance is cited as a problem, the airport will be notified by letter of the problem and the corrective action to be taken. Until the airport corrects the problem, all projects evaluated in the priority system for the airport will lose points.

AUTHORITY NOTE: Promulgated in accordance with SCR 67, 1997 and R.S. 2:6.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Division of Aviation, LR 16:538 (June 1990), amended LR 24:1512 (August 1998), amended by the Department of Transportation and Development, Intermodal Transportation Division, LR 33:525 (March 2007).

§925. Category IV—Special Considerations (See Exhibit 4)

A. The first three evaluation categories cover those evaluation areas (project type, facility use, and sponsor compliance) for which all projects prioritized will receive an evaluation score. The "special considerations" category allows projects of special significance to receive additional evaluation points when being prioritized. The items evaluated in this category bear no relationship to one another and thus each project is evaluated with respect to each item to determine if it should receive bonus points in its prioritization score. Exhibit 4 shows the criteria and point values for bonus point evaluation.

B. The first area of evaluation is "special programs". At times, certain improvements at an airport may be mandated by federal or state law and thus require a higher prioritization. Also, as a matter of policy, the Aviation Section may determine that special emphasis should be placed on a certain type of project. All projects of the designated type will receive additional bonus points under these evaluation criteria. An example of this type of project would be a phased project. Additional points will be awarded to assure that a consecutive phase of a project receive a higher priority than a project that is not phased.

C. Economic development potential is another evaluation area under the "special considerations" category. While it is acknowledged that any construction project generates economic development, there are some projects that are designed to address a specific economic need at the airport or in the community. To receive points in this area, the economic development aspects of the project must be well documented and clearly demonstrate the potential economic impact of the project. Facilities developed to accommodate the aviation needs of a business moving to the community is an example of an economic development type of project. The facilities would have to constitute a major factor in the business' decision to locate in the community. To receive bonus points in this area may require an economic impact study, the cost of which is the

responsibility of the airport owner. Another example is a taxiway to open industrial airpark access would get bonus points, but a taxiway to a T-Hangar area would not. A runway project to accommodate corporate aircraft would need to be thoroughly documented that it was a major factor in the location of the business.

D. Commercial air service to a community is an important element in the community's overall economic development. Under the "special considerations" category, projects are evaluated to determine if their primary justification is to maintain or attract commercial air service to the airport. For a project to receive points under this category, it must be directly responsible for affecting commercial air service at the airport. Documentation of the project justification is essential for prioritization rating points to be awarded under this evaluation criteria.

E. Another "special considerations" category is the provision of local matching funds in excess of Aviation Section match requirements. Any project for which at least \$5,000 in local funds are provided will receive bonus points in this category. For every \$5,000 contributed by the airport owner, 5 bonus points will be awarded, up to a total to 20 bonus points for \$20,000 contributed. Any amount above \$20,000 contributed by the sponsor will only receive a maximum of 20 bonus points. This is designed to give higher preference to projects that are financially supported by the local owner in excess of that which is required; therefore, no matching funds from other state sources will qualify for bonus points. Commitment for local funding support should be included in the resolution submitted by the local owner requesting assistance from the Aviation Section for the project.

F. The last evaluation criterion under the "special considerations" category is the GA Entitlement Loan Program. Under this category a NPIAS GA airport may receive special program bonus points for a project by loaning their Non-Primary Entitlement (NPE) funds to another NPIAS GA airport. The airport receiving the loan will in turn, loan their future NPE funds to the airport which gave them the loan. The participating airport loaning the funds will be awarded additional bonus points for their next priority project.

AUTHORITY NOTE: Promulgated in accordance with SCR 67, 1997 and R.S. 2:6.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Division of Aviation, LR 16:538 (June 1990), amended LR 24:1513 (August 1998), amended by the Department of Transportation and Development, Intermodal Transportation Division, LR 33:526 (March 2007).

§927. New Airports

A. An airport that is constructed on a new site presents some different prioritization issues than improvements to existing airports. Generally, a new airport will fall into either of two categories.

1. The first is an airport that is proposed for an area of the state not served by a public airport.

2. The second is a new airport proposed to replace an existing public airport which, for any number of reasons, is not considered a suitable public airport.

B. Prioritization of projects for the development of a new airport requires a process slightly different than that for an existing airport. There are some special considerations that must be made in each of the four prioritization categories.

C. Initially, it must be determined if the project under consideration is for a "new" airport. At some point during its development, a new airport becomes an existing airport. For purposes of the priority process, an airport is considered "new" until land is purchased for the airport, a primary runway is constructed, and an apron for aircraft parking is constructed. This includes clearing of runway approaches. The completion of these elements allows aircraft to operate at the airport and thus, at this point, the airport is no longer considered "new" and future projects are prioritized using the standard prioritization process. Before this point is reached, however, the land acquisition, runway, and apron construction will be prioritized using the following special considerations in each category.

D. Under the "project type" category, new airport projects will be categorized in either of two project type categories. Those new airports that are replacing an existing airport are categorized as upgrade to standards type projects. This type of new airport allows construction of an airport that meets all DOTD design standards and allows for future expansion to meet these standards. It should be noted that land purchased for a new airport is often funded with state funds, but when the FAA begins funding other improvements such as the primary runway, the state is reimbursed for land acquisition costs. If this is the case, land acquisition should be treated as a federally-funded project and prioritized accordingly.

E. New airports constructed in areas of the state not being served by a public airport should be prioritized under the project type "capacity increases" subcategory. These airports are primarily to increase the capacity of the Louisiana public airports system and thus are prioritized in the "capacity increases" subcategory. As previously discussed, land acquisition costs are usually reimbursed by the FAA and these projects should be prioritized accordingly.

F. For the "facility usage" category, the based aircraft and enplanements numbers that determine the points awarded for the new airport project will be those cited in the supporting planning document for the first planning phase. This will usually be the numbers cited for the first year of operation.

G. Under the "sponsor responsibility" category, there are two areas that can be included in the prioritization process. The presence of height limitation zoning and land use zoning should be determined and points assigned accordingly. Most new airports will not have developed an operations manual for the airport. In cases where the airport has not developed an operations manual, the airport will be awarded five points based on the assumption that the elements of an operations manual will be in place when the airport is opened for operations.

H. In the "special considerations" category, a new airport can be assigned points in the same manner as an existing airport. If an airport is the first public airport in an area, a strong case can be made that the airport should receive bonus points for its economic development potential. The airport represents a totally new mode to the local transportation system and thus should have a significant long-term economic impact on the area served. The remaining bonus point areas can be assigned in the same manner they are assigned for existing airports.

AUTHORITY NOTE: Promulgated in accordance with SCR 67, 1997 and R.S. 2:6.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Division of Aviation, LR 16:538 (June 1990), amended LR 24:1513 (August 1998), amended by the Department of Transportation and Development, Intermodal Transportation Division, LR 33:526 (March 2007).

§929. Prioritization of Projects

A. Once a determination has been made by the Aviation Section that a project is eligible to be included in the prioritization system, the project will be prioritized using the rating system. The preliminary evaluation of the project should provide the information necessary to complete the process. If adequate information is not available, it will be requested before the project is prioritized. Prioritizing a project without sufficient information may cause a project to receive a higher or lower ranking than it deserves. Subsequent questions about why the project received the evaluation score may be difficult to answer without the documentation to support the points assigned in each category.

B. Point values are assigned in each category using the worksheet that is included as Exhibit 5. The worksheet follows the priority rating system and provides the documentation of how the total score for a project was derived. The worksheet is maintained with the project file so that documentation of the value assigned in each category is available.

C. Occasionally, a change in a project or at the airport might occur requiring the point values for a project to be modified. The new values are put on the same worksheet with a note explaining the reasons for the change.

D. As part of the evaluation of the project, the eligibility of the project for federal funding is noted on the worksheet. If federal funds are already committed, this is also included on the worksheet. When the project is entered in the automated priority system, the eligibility or commitment of federal funding for the project is noted.

E. Some projects will have equal scores after they are evaluated. If these projects fall at a point in the ranking list where a break is necessary (funded program versus four-year unfunded program), projects with the same score will be ranked based on the highest score in Category I. The project with the higher score in Category I will be ranked higher. If the projects are tied in Category I, Category III is used to break the tie and, if still tied, Category II is used, etc. Should the projects still be tied after examining all four categories, the project at the airport with the largest number of based aircraft will be ranked higher.

AUTHORITY NOTE: Promulgated in accordance with SCR 67, 1997 and R.S. 2:6.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Division of Aviation, LR 16:538 (June 1990), amended LR 24:1514 (August 1998), amended by the Department of Transportation and Development, Intermodal Transportation Division, LR 33:527 (March 2007).

§931. Priority Ranking System

A. After the total evaluation score for a project is determined, it is entered into a priority ranking system and its relative ranking is determined. This system ranks projects by descending score in the commercial service airport or general aviation airport priority program as appropriate.

AUTHORITY NOTE: Promulgated in accordance with SCR 67, 1997 and R.S. 2:6.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Division of Aviation, LR 16:538

(June 1990), amended LR 24:1514 (August 1998), amended by the Department of Transportation and Development, Intermodal Transportation Division, LR 33:527 (March 2007).

§933. Program of Projects

A. The lists of projects for commercial service and general aviation airports prioritized by evaluation score represent the program of projects that the Aviation Section will seek to implement through its development program. The actual number of projects from each list that will ultimately be constructed is primarily dependent upon the level of funding that the Aviation Section receives each year.

B. The priority system has been designed to allow inclusion of a cost estimate for each project. The estimate is broken down by federal share, state share, and local sponsor share. Since the system is designed to prioritize the use of state monies, the state funds required for a project are the key to developing a program of projects.

C. Most projects will require more than one year to design, acquire land (if necessary), and construct. When a project that is programmed to be funded over two or more fiscal years is included in the program, the phase of work (design, construction phase I, construction phase II, etc.) will be noted along with the cost of that phase. Subsequent phases may be shown at the top of the four-year unfunded list. As projects are constructed and more funding becomes available, remaining projects with the highest scores will be placed in the construction program to the extent that funding is available. This group of projects for which funding is available will not be changed until more funds become available. However, projects on the four-year unfunded list do not automatically move up to the funded list in the succeeding fiscal year. Rather, unfunded projects re-compete for funding each fiscal year until they are either funded or dropped from the list after three years. Because needs, cost estimates, airport situation, and other data change regularly, after three years all projects which have not been started may be dropped from the program. If projects are dropped from the program, they must be resubmitted with updated information. They will then be reviewed and re-entered into the priority system.

AUTHORITY NOTE: Promulgated in accordance with SCR 67, 1997, R.S. 2:802 and R.S. 2:6.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Division of Aviation, LR 16:538 (June 1990), amended LR 24:1514 (August 1998), amended by the Department of Transportation and Development, Intermodal Transportation Division, LR 33:528 (March 2007).

§935. Projects Eligible for FAA Funding

A. Special consideration for projects that will receive FAA funding is included in the priority system. The priority system is a listing of the projects in the order that the state considers implementation desirable based on the state's overall aviation development policies. Utilization of the FAA's priorities to set state priorities is sometimes inconsistent with a state prioritization process. This does not mean that the state should ignore potential FAA funding in its development program.

B. There are two decisions that the Aviation Section makes when seeking FAA funding for its program. Projects that are planned at National Plan of Integrated Airport Systems (NPIAS) airports and that are types in which FAA will participate are noted. This enables the Aviation Section to present a proposed program of projects to the FAA that

are eligible for FAA funding and that reflect state priorities. The Aviation Section then negotiates with the FAA to secure federal funding for top ranked projects. The second consideration for FAA funding is that there will be projects the FAA will fund that do not appear in the implementation program based on priority rankings. Realistically, the Aviation Section cannot reject a project that will receive funding from the FAA. In these cases, a project that has received a commitment for federal funds is to be automatically included in the list of projects for implementation in the current year. If the current year program is already developed, the project is given top priority in the next year program or may be funded by Future FAA Obligation funds or funds available from cost underruns. Therefore, it is important that airports seeking federal funding for projects that are eligible for matching funds from the aviation program coordinate their application with both the FAA and the Aviation Section.

AUTHORITY NOTE: Promulgated in accordance with SCR 67, 1997 and R.S. 2:6.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Division of Aviation, LR 16:538 (June 1990), amended LR 24:1515 (August 1998), amended by the Department of Transportation and Development, Intermodal Transportation Division, LR 33:528 (March 2007).

§937. Exhibits

A. Exhibit 1

Exhibit 1	
Category I - Project Type	
A. Safety -Projects directly affecting operational safety.	
Points	
50	Correction of runway failures severe enough to be an obvious safety problem. Runway friction surface or grooving or other action directly related to safety.
49	Repair of primary runway lighting system or approach lighting system which is not functional and is deemed to be a safety hazard.
48	Obstruction removal which is requiring the displacement of the runway threshold and relocation of runway lighting.
47	Obstruction removal to meet FAA Part 152 clear zone and FAR Part 77 imaginary surface requirements.
46	ARFF vehicles and equipment required at commercial service airports or minimum safety equipment at GA airports. Security fencing to correct a specific safety problem (does not include general perimeter fencing).
45	Safety condition identified by professional evaluation or accident statistics.
B. Airside Preservation—Preserving the infrastructure of the airport dealing with air operations. Examples are preserving and maintaining the infrastructure of the runways, taxiways, aircraft aprons, airfield lighting, NAVAIDs, Fuel Farms, T-Hangars, etc.	
20	Primary runway
19	Taxiway serving primary runway
18	Apron
17	Secondary runway
16	Taxiway serving secondary runway
15	Stub taxiways and taxilanes
C. Airside Improvements—Improving the infrastructure of the airport dealing with air operations. Examples are improving and upgrading the infrastructure of the runways, taxiways, aircraft aprons, airfield lighting, NAVAIDs, Fuel Farms, T-Hangars, etc.	
14	Primary runway
13	Primary taxiway
12	Apron
11	Perimeter fencing
10	Navigational Aids (NAVAIDS)
9	Secondary runway
8	Secondary taxiway

Exhibit 1	
Category I - Project Type	
7	Agricultural loading area
6	Noise Mitigation / Terminal Building for Commercial Service Airports
5	New airport construction including runway, taxiway, and apron / Terminal Building for General Aviation Airports.
D. Land Side Improvements—Improvements that enhance an airport's infrastructure not related to the air side.	
4	Land acquisition for future expansion
3	Primary vehicle access road
2	Primary vehicle nonrevenue-generating parking.
1	Other Land Side Improvements

B. Exhibit 2

Exhibit 2	
Category II - Facility Usage	
Based Aircraft*	Points
91 or More	20
81 to 90	18
71 to 80	16
61 to 70	14
51 to 60	12
41 to 50	10
31 to 40	8
21 to 30	6
11 to 20	4
1 to 10	2
Additional points for Air Commercial Service Enplanements**	
	Points
500,000 or more	20
250,000 to 499,999	15
50,000 to 249,999	10
2,500 to 49,999 ***	5
If noncommercial reliever airport	10
* Taken from latest 5010 Inspection	
** Taken from Annual FAA Enplanement Data	
*** Less than 2,500 enplanement do not receive points	

C. Exhibit 3

Exhibit 3	
Category III - Sponsor Compliance	Points
Height Limitation Zoning	10
Land Use Zoning	5
5010 / Safety Inspection***	0 - 30
*** Points are not awarded based solely on the number of deficiencies. Also taken into consideration are the timeliness and appropriateness of corrective actions. Points may be awarded on a sliding scale relative to the progress toward correcting deficiencies.	

D. Exhibit 4

Exhibit 4	
Category IV - Special Considerations	Points
Designated as Special Program*	15
Economic Development Potential**	10
Maintain or Attract Commercial Service	10
Local Funding in Excess of Requirements***	5-20
GA Entitlement Loan Program****	25
* Special Program Certain types of projects mandated by Federal or State law or identified in a policy decision by DOTD. For example, if the EPA requires a certain kind of wash down facility, it could be given added priority with bonus points. If DOTD wishes to place emphasis on a particular type of project, e.g., hazard removal around the state, subsequent phase of a project continuation, these types of projects could receive Special Program points.	

Exhibit 4	
Category IV - Special Considerations	Points
** Economic Development - Clearly demonstrated impact on economic development in an industrial airpark or around the airport locale. For example, a taxiway to open industrial airpark access would get bonus points, but a taxiway to a T-Hangar area would not. A runway project to accommodate corporate aircraft would need to be thoroughly documented that it was a major factor in the location of the business. To receive bonus points in this category an economic impact study may be required, the cost of which is the responsibility of the airport owner.	
*** Five points will be awarded for each \$5,000 of matching funds provided by the airport owner up to a maximum of 20 points for \$20,000. Any amount above \$20,000 will only receive the maximum of 20 points. Funds may not come from other state sources.	
**** GA Entitlement Loan Program—A NPIAS GA airport may receive special program bonus points for a project by loaning their Non-Primary Entitlement funds to another NPIAS GA airport.	

E. Exhibit 5

Project Priority Evaluation Worksheet	
Project Number	Date Evaluated
Airport Name	
Description of Work	
Category I: Project Type	Score
Safety	
Airside Preservation	
Airside Preservation	
Airside Improvements	
Landside Improvements	
	Total
Category II: Facility Usage	
Based Aircraft	
Enplanements	
Reliever Airport	
	Total
Category III: Sponsor Responsibility	
Height Limitation Zoning	
Land Use Zoning	
5010 / Safety Inspection	
	Total
Category IV: Special Considerations	
Special Program	
Economic Development	
Commercial Service	
Local Funding	
GA Entitlement Loan Program	
	Total
Project Total Evaluation Score	Total

AUTHORITY NOTE: Promulgated in accordance with SCR 67, 1997 and R.S. 2:6.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Division of Aviation, LR 16:538 (June 1990), amended LR 24:1515 (August 1998), amended by the Department of Transportation and Development, Intermodal Transportation Division, LR 33:528 (March 2007).

Chapter 11. Speed Restrictions for Railroad Traffic
§1101. General Procedure for Municipality Request

A. ...

B. In order to establish speed restrictions for railroad traffic within the specified areas of corporate limits of a municipality, the governing body of said municipality shall adopt a resolution and forward it to the director of Intermodal Transportation Division, Department of Transportation and Development, Box 94245, Baton Rouge, LA 70804. This written request in the form of a resolution shall contain the following:

1. - 4. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 48:389.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Office of the Secretary, Public Transportation, LR 18:761 (July 1992), amended by the Department of Transportation and Development, Intermodal Transportation Division, LR 33:530 (March 2007).

§1111. Public Hearing

A. A committee shall be formed within the department to conduct the public hearing, accept evidence, and render written reasons for its findings. This procedure shall be conducted in accordance with the Administrative Procedure Act, R.S. 49:950 et seq., and R.S. 48:389. Said committee shall be composed of representatives of the following sections appointed by the secretary of the department: Intermodal Transportation Division; legal section; maintenance section; traffic and planning section. The committee shall publish necessary rules in accordance with the Administrative Procedure Act.

AUTHORITY NOTE: Promulgated in accordance with R.S. 48:389.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Office of the Secretary, Public Transportation, LR 18:762 (July 1992), amended by the Department of Transportation and Development, Intermodal Transportation Division, LR 33:530 (March 2007).

J. Michael Bridges
Undersecretary

0703#042

RULE

Department of Transportation and Development
Office of Highways/Engineering

Control of Outdoor Advertising
(LAC 70:III.127, 134, 135, 139, 141, and 143)

In accordance with the applicable provisions of the Administrative Procedure Act, R.S. 49:950 et seq., the Department of Transportation and Development amends a Rule entitled "Regulations for Control of Outdoor Advertising", in accordance with the provisions of R.S. 48:461 et seq.

Title 70
TRANSPORTATION

Part III. Outdoor Advertising

Chapter 1. Outdoor Advertising

Subchapter C. Regulations for Control of Outdoor Advertising

§127. Definitions

* * *

Day Care Facility—for purposes of outdoor advertising, a day care facility is considered a school when it includes a comprehensive child development program such as Early Headstart and Headstart.

* * *

Landscaped Area—landscaped areas of the commercial and industrial activity shall be areas within 50 feet of the commercial or industrial building/structure(s) that are planted and maintained in good health with commercially available ornamental and/or natural vegetation for the beautification of the commercial or industrial activity.

* * *

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

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Office of Highways, LR 2:187 (June 1976), amended by the Department of Transportation and Development, Office of Highways/Engineering, LR 28:872 (April 2002), LR 31:944 (April 2005), LR 33:530 (March 2007).

§134. Spacing of Signs

A. ...

B. Interstate Highways and Freeways on the Federal-Aid Primary System and National Highway System (Control of Access Routes).

B.1. - E. ...

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

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Office of Highways/Engineering, LR 28:872 (April 2002), amended LR 33:530 (March 2007).

§135. Measurements for Spacing

A. Distance from the edge of the right-of-way to a subject sign for control purposes is measured horizontally along a line perpendicular to the centerline of the said highway.

B. Centerline of the highway means a line of equal distance from the edges of the median separating the main traveled ways of a divided highway or the centerline of the main traveled way of a non-divided highway.

C. The minimum distance between structures shall be measured horizontally along a line perpendicular to the edge of the main traveled way between points directly opposite the center of the signs along each side of the highway and shall apply only to structures located on the same side of the highway.

D. ...

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

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, LR 2:188 (June 1976), amended by the Department of Transportation and Development, Office of

§139. Determination of On-Premise Exemption

A. ...

B. Criteria. A sign, display or device will be considered to be an on-premise sign and exempt from controls, if it conforms to the following standards.

1. Premises. The sign must be situated on the same premises, as the principal or accessory activities, products, or services offered, or upon the property or land area advertised to be for sale or for lease. The structure or office housing the principal or accessory activities, products or services must meet the following requirements.

a. Area. Any structure to be used as a business must have an enclosed area of 600 square feet or more. For any structure containing multiple offices, each office may have an on-premise sign if the individual office has an enclosed area of 120 square feet or more.

b. Foundation. Any structure to be used as a business or office must be affixed on a slab, piers, or foundation.

c. Access. Any structure to be used as a business or office must have unimpeded access from a roadway to an adequate customer parking lot adjacent to the business building.

d. Utilities. Any structure to be used as a business or office must have normal utilities. Minimum utility service shall include business telephones, electricity, water service disposal, all in compliance with appropriate local, state and parish rules. Should a state, parish or local rule not exist, compliance with minimum utility service shall be determined at the time of field inspection by the department's authorized representative.

e. Identification. The name of the business must be displayed on premises.

2. Activity Requirements

a. The purported activity enterprise is open for business and actively operated and staffed with personnel on the premises a minimum of eight hours each day and a minimum of five days each week.

b. The purported activity or enterprise must maintain and display all necessary business licenses, occupancy permits, and other records as may be required by applicable state, parish or local law or ordinance.

c. A sufficient inventory of products is maintained for immediate sale or delivery to the consumer. If the product is a service, it is available for purchase on the premise.

3. Purposes. The sign must have as its purpose:

a. the identification of the principal or accessory activities, products or services offered; or

b. the sale or lease of the property on which the sign is located, rather than the purpose of general advertising.

4. Premises Test. For purposes of determining whether outdoor advertising is exempt from control as on-premise advertising, the following definitions of property or premises shall apply.

a. The property or land upon which an activity is conducted is determined by physical facts rather than boundaries of ownership. Generally, premises are defined as the land area occupied by the buildings or other physical uses that are necessary or customarily incident to the

activity, including such open spaces as are arranged and designated to be used in connection with such buildings or uses.

b. The following will not be considered to be a part of the premises on which the activity is conducted, and any signs located on such land areas will not be "on-premise" signs which are exempt from control.

i. Any land which is not used as an integral part of the principal activity. Such would include, but is not limited to, land which is separated from the activity by a public roadway or other obstruction and not used by the activity, and extensive undeveloped highway frontage contiguous to the land which is actually used by the commercial or industrial facility, even though such undeveloped land is commonly owned with the land area comprising the premises of the activity.

ii. Any land which is used for or devoted to a separate purpose unrelated to the advertised activity. For example:

(a) land adjacent to or adjoining an automobile service station, but which is devoted to raising of crops;

(b) residential use;

(c) farm stead uses; or

(d) another commercial or industrial use having no relationship to the service station activity would not be part of the premises of the said service station even though under common ownership or lease.

iii. Any land which is:

(a) developed or used only in the area of the sign site, or between the sign site and the principal activity; and

(b) occupied solely by structures or uses which are only incidental to the principal activity, and would serve no reasonable or integrated purpose related to the activity other than to attempt to qualify the land for advertising purposes. For example:

(i) such inexpensive facilities as a picnic, playground, or camping area;

(ii) dog kennels;

(iii) golf driving ranges;

(iv) common or private roadways or easements;

(v) walking paths;

(vi) fences; and

(vii) sign maintenance sheds.

(c) Narrow Strips. Where the sign site is located at or near the end of a narrow strip contiguous to the advertised activity, the sign site shall not be considered part of the premises on which the activity being advertised is conducted. A narrow strip shall include any configuration of land which is such that it cannot be put to any reasonable use related to the activity other than for signing purposes. In no event shall a sign site be considered part of the premises on which the advertised activity is conducted if it is located upon a narrow strip of land which is: nonbuildable land, such as a swampland or wetland; or which is a common or private roadway; or held by easement or other lesser interest than the premises where the advertised activity is located.

c. Purposes Test. For purposes of determining whether an advertising sign display or device shall be exempted from control as an "on-premise" advertising, the

following standards shall be used for determining whether a sign, display or device has as its purpose:

i. the identification of the activity conducted on the premises where the sign is situated or the products or services sold on said premises; or

ii. the sale or lease of the land or property on which the subject sign, display or device is situated, rather than the business of outdoor advertising:

(a). any sign, display or device which consists exclusively of the name of the activity conducted on the premises is an on-premise sign;

(b). any sign which exclusively identifies the principal or accessory products or services offered on the premises is an on-premise sign. An example of an accessory product would be a brand of tires offered for sale at a service station, but would not include products merely incidental such as cigarettes or beverages;

(c). when a sign brings rental income to the landowner or other occupant of the land; consists of brand name or trade name advertising, and the product or service advertised is only incidental to the principal activity, it shall be considered the business of outdoor advertising, and such signs shall be subject to control;

(d). a sign, display or device which does not exclusively advertise activities conducted upon the premises or services and principal and accessory products offered on the premises or exclusively advertise sale or lease of the premises or land whereon situated shall not be considered on-premise advertising which is exempt from control; but, rather, shall be considered and shall be outdoor advertising subject to control and regulation.

C. Public Facility Sign Restrictions

1. Signs on the premises of a public facility, including but not limited to the following: schools, civic centers, coliseums, sports arenas, parks, governmental buildings and amusement parks, that do not generate rental income to the owner of the public facility may advertise:

a. the name of the facility, including sponsors of the public sign; and

b. principal or accessory products or services offered on the property and activities conducted on the property as permitted by 23 CFR 750, 709, including:

i. events being conducted in the facility or upon the premises, including the sponsor of the current event; and

ii. products or services sold at the facility and activities conducted on the property that produce significant income to the operation of the facility.

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

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, LR 2:189 (June 1976), amended by the Department of Transportation and Development, Office of Highways/Engineering, LR 31:945 (April 2005), repromulgated LR 32:117 (January 2006), amended LR 33:531 (March 2007).

§141. Destruction of Trees and Violations of Control of Access

A. The Louisiana Department of Transportation and Development shall not issue a permit for any sign which cannot be erected or maintained from private property without violating control of access boundaries. A permitted

sign shall not be serviced, repaired or replaced from highway right-of-way.

B. The Louisiana Department of Transportation and Development shall not issue permits for any signs, the visibility of which will be obscured by existing vegetation, trees or landscaping on the highway from which subject sign is intended to be read.

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

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Office of Highways, LR 2:191 (June 1976), amended by Department of Transportation and Development, Office of Highways/Engineering, LR 33:532 (March 2007).

§143. Procedure and Policy for Issuing Permits for Controlled Outdoor Advertising

A. - B. ...

C. All permits for the erection of outdoor advertising shall be conditioned upon compliance with state law, and any action by or on behalf of the permit holder or sign owner contrary to state law and regulations shall be grounds for voiding any subject permit heretofore or hereafter issued.

D. The department shall void the permit for the sign wherein the violation took place and the department shall not issue future permits within the district where the violation occurred to the permit holder and/or sign owner and/or landowner until the illegal sign is removed.

E. The department must be notified in writing by the original permittee upon any change or transfer of ownership of the permitted installation.

F. An original signature or a copy of the current lease agreement shall be submitted with each application.

G. Every applicant who seeks to situate a controlled advertising structure in a commercial or an industrial zone shall furnish evidence of the restrictive zoning of the subject land by an appropriate state or local authority.

H. Permit applications which are properly completed and executed and which are accompanied by all other required documentation or evidence shall be thereafter submitted by the district office to the appropriate permit office in Baton Rouge, Louisiana for review. Permits which are not in proper form or which are not complete or not accompanied by required documentation and evidence or do not meet the requirements of state law at the time of the submittal of the application shall be returned to the applicant by the district office with reasons for its return. Applications may be resubmitted at any time.

I. The appropriate permit-issuing officer designated by the director of highways shall review all permit applications. Thereafter, permits shall be issued or the application rejected and returned to the applicant with reasons for denial of the permit.

J. Copies of all permits shall be transmitted to the district office of the district where the sign is to be situated for subsequent surveillance by the district office.

K. Each permit shall specify a time delay of 6 months or 12 months (at the permittee's option) within which to erect the subject advertising device. The district office shall determine whether or not the device has been erected within the specified time delay.

L. If a sign has not been erected within the delay provided by the subject permit, the permit may be voided by the Louisiana Department of Highways and the applicant or permittee so notified. On the day following the posting of notice to any such applicant or permittee of the voiding of the permit to the last known address as furnished by the applicant, the subject sign location shall be available to any other applicant.

M. If a sign has been erected within the delays allowed by the permit, but the subject sign does not conform to the specifications of the permit, the Louisiana Department of Transportation and Development shall notify the applicant or permittee in writing to cause the sign to conform to the permit. The applicant or permittee shall have 30 days to cause the sign to conform to the permit. The time delay begins on the day following the posting of written notice to said applicant or permittee at the last known address as furnished by the applicant or permittee. Extensions of time within which the applicant or permittee may bring the sign into legal conformity may be granted by the department when the department determines that good cause has been demonstrated. The department will void any permit when the permittee fails to conform the sign within the time delay or extensions provided. Thereafter the sign must be removed at the sign owner's expense. The sign owner may prevent such removal only by securing a new permit for the subject sign, which did not conform to the previous permit. A new permit may be obtained upon appropriate application including payment of all fees in connection therewith. Nevertheless, once a permit has been voided the sign location is available to any applicant.

N. If a sign is erected without first obtaining a permit from the department and the department notifies the owner that the sign is illegal, the owner of the sign will have a period of 30 days from the date of receipt of the department's letter to bring the sign into legal compliance and make proper application for the permit. Extensions of time within which the applicant or permittee may bring the sign into conformity may be granted by the department when the department determines that good cause has been demonstrated.

O. When a permitted outdoor advertising sign or device is knocked down or destroyed, or modified, the sign or device cannot be reinstalled or rebuilt without first obtaining a new outdoor advertising permit pursuant to the procedures established in this part.

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

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Office of Highways, LR 2:191 (June 1976), amended by the Department of Transportation, Office of Highways/Engineering, LR 29:2856 (December 2003), LR 31:945 (April 2005), amended LR 33:532 (March 2007).

Cedric Grant
Deputy Secretary

0703#039

RULE

Department of Transportation and Development Office of Highways/Engineering

Traffic Impact Policy for New Access Requests (LAC 70:I.1101)

In accordance with the applicable provisions of the Administrative Procedure Act, R.S. 49:950 et seq., the Department of Transportation and Development hereby promulgates a Rule entitled "Traffic Impact Policy for New Access Requests", in accordance with R.S. 32:2 and R.S. 48:344 et seq.

Title 70

TRANSPORTATION

Part I. Highway Construction

Chapter 11. Traffic Impact Policy for New Access Requests Affecting Traffic on State Highways

§1101. Traffic Impact

A. Purpose

1. The Louisiana Department of Transportation and Development (LADOTD) has a responsibility to design, operate and maintain highway facilities that are reasonably safe and efficient for prudent drivers using the highway system. At the same time DOTD must allow all property owners reasonable access to the highway system.

2. In an effort to balance these often conflicting needs, this Section was developed to ensure that new or expansion of existing developments generating significant traffic on state highways are evaluated in a consistent manner by using objective data to facilitate decision-making.

3. The department shall review the effectiveness, applicability and efficiency of this rule annually. Changes to this Section shall be promulgated as applicable. Recommendations for change shall be forwarded to the DOTD traffic impact engineer.

B. Applicability

1. This Section applies to new or expanding developments, typically generating 100 hourly trips in the peak direction on state highways.

2. This Section also applies to developments on local public or private streets, with an access point within 0.25 of a mile of a state highway.

3. These developments include, but are not limited to:

- a. new businesses;
- b. new subdivisions;
- c. new apartment complexes;
- d. additions to existing subdivisions;
- e. additions to existing apartment complexes;
- f. new streets and/or traffic control devices;
- g. new schools;
- h. minor developments in traffic networks that are already congested;
- i. hospitals; and
- j. large commercial or industrial complexes.

4. Additional requirements (such as analysis of nearby major intersections as determined by DOTD) may be necessary for large commercial centers and regional shopping malls.

5. This Section, in certain situations, may apply to new, smaller developments located on congested highway corridors, as determined by the district traffic operations engineer. Congested highways are discussed in the traffic impact policy referenced in Paragraph E.1.

6. The district traffic operations engineer may, in his discretion, waive the requirement for a traffic impact study for developments marginally meeting minimum traffic thresholds.

C. This Section does not apply to the following:

1. access to interstate and other controlled-access facilities;

2. individuals requesting single-family residential access; or

3. access to local public and private streets for developments which are greater than 0.25 of a mile from the state system.

D. Pre-Application Procedure

1. Prior to any permit requests, land developers shall meet with the DOTD district traffic operations engineer and the district permit specialist for a pre-application meeting during preliminary site planning for the development. The purpose of this meeting is to discuss the proposed development and determine if a traffic impact study is warranted.

2. The developer shall be notified within seven calendar days after the pre-application meeting whether or not a traffic impact study is required. The decision will be based on the preliminary site plan layout and anticipated additional traffic.

3. The DOTD will coordinate with the appropriate local authorities for developments not abutting the state highway system.

E. Traffic Impact Study

1. When a traffic impact study is required by DOTD, it shall be prepared and sealed by a professional engineer licensed by LAPELS, before an application for access is submitted. The study will include all information as outlined in the DOTD traffic impact policy, a detailed guidance document which includes forms, roadway classification, traffic volume criteria and mitigation strategies. This document may be obtained from the district office, or the department's website, or from DOTD headquarters in the office of the traffic impacts engineer. The purpose of the traffic impact study is to:

a. determine existing traffic conditions on the network surrounding the proposed development;

b. estimate the traffic likely to be generated by the proposed development which is within the sole purview of the Department of Transportation and Development;

c. assess the impact of additional traffic on the existing and future road network system at full build out and the anticipated construction phasing; and

d. identify effective roadway improvements and/or changes in the site plan of the proposed development that will minimize impact to the state highway system.

F. Responsibilities of the Developer

1. The developer is responsible for mitigating traffic caused by the development.

2. All road improvements constructed by the developer shall comply with the latest DOTD standards and specifications.

G. Letters of Compliance

1. No permit applications will be accepted until DOTD provides the developer with a letter of compliance indicating the approval of the traffic impact study and the traffic mitigation required.

2. The letter shall be attached to any permit application.

H. Traffic Mitigation

1. Traffic Mitigation is a roadway improvement or improvements designed to minimize congestion and improve the safety of the highway system.

2. The required mitigation shall be constructed prior to completion of the new development.

3. Types of mitigation include, but are not limited to:

- a. turn lanes;
- b. traffic signal upgrades;
- c. traffic control devices;
- d. signal phasing/timing/interconnect;
- e. raised medians;
- f. roadway widening;
- g. restricted turning movements;
- h. right-of-way donation; and
- i. roadway resurfacing.

I. Approval Process

1. The office of the DOTD district traffic operations engineer and the DOTD Headquarters (HQ) traffic impact engineer, if requested for a joint review, will review the traffic impact study. The department shall take one of the following actions.

a. Approve the traffic impact study submitted by the developer and recommend mitigation to minimize traffic impacts. The DOTD HQ traffic impact engineer will provide the developer with a letter of compliance to indicate approved traffic impact study and mitigation. The developer may apply for access, driveway, project, or traffic signal permits.

b. Recommend alternative mitigation procedures to minimize traffic impacts.

c. Deny the traffic impact study and/or the recommended mitigation. If it is denied, no further reviews will be made. The developer may request a new review based on revisions to the traffic impact study and recommended mitigation for the proposed development, or the developer may appeal the decision.

J. First Level Appeals Process

1. Following are provisions for a first level appeal of the traffic impact review process for developers which disagree with the DOTD decision on traffic mitigation.

2. The traffic impact review committee shall be composed of representatives of the following divisions within the DOTD. Each member may appoint a substitute if he or she is unable to attend a meeting:

a. maintenance (access management engineer or his designee) (nonvoting);

- b. legal;
- c. traffic engineering (two or more personnel/designees); and
- d. district traffic operations engineer or his designee from the particular district in which the development is located (nonvoting).

3. The traffic impact review committee, pursuant to a majority vote, may arbitrate and resolve disputes which arise during the review process and grant or deny relief to appealing parties.

4. The appealing party must bring his/her complaint before the traffic impact review committee no later than 30 calendar days after notification of the decision of DOTD.

5. Upon receipt of the appeal, the traffic impact review committee will schedule a meeting to review the appeal. The meeting will be scheduled not earlier than 14 calendar days and not more than 39 calendar days after receipt of the appeal. The traffic impact review committee shall give due notice of the meeting time and place to those filing the appeal and shall render a decision on its action within 14 calendar days of its meeting. The maintenance division shall also be notified of the pending requirements for permit purposes.

6. The party appealing the decision shall submit the written reason for the appeal, together with any supporting documents deemed applicable by the developer, to the Department of Transportation and Development, Traffic Engineering Development Section, 1201 Capitol Access Road, Baton Rouge, LA 70802. Such submittal must be received at least 14 calendar days before the Traffic Impact Review Committee meeting.

7. The submittal will be checked by the department within 14 calendar days of its receipt. If the information deemed necessary for a proper review is not complete, the appealing party will be notified and the appeal will then be postponed at least one month.

8. The party submitting the appeal may appear before the traffic impact review committee to offer a brief explanation of the complaint.

9. Failure to submit an appeal in a timely manner shall constitute a denial of the traffic impact appeal.

K. Second Level Appeals Process

1. Should the appeal of the developer be rejected by the traffic impact review committee, the developer may appeal the decision in writing within 30 calendar days from receipt of the initial decision to the Department of Transportation and Development, Attn: Deputy Secretary, 1201 Capitol Access Road, Baton Rouge, LA 70802.

2. The second traffic impact review committee shall be composed of the following:

- a. the chief engineer or his designee;
- b. the deputy secretary or his designee; and
- c. the general counsel or his designee.

3. A decision will be based upon a majority vote and shall be made within 14 calendar days from the date that the appeal was received. It shall be served on the appealing party by registered or certified mail.

4. The second level appeal shall include any correspondence from the first level traffic impact review committee.

L. Third Level Appeals Process—the Secretary

1. The secretary or his designee shall have the authority to review any appeal by an aggrieved party from a determination pursuant to the foregoing appeals processes.

2. Such review may be made pursuant to an appeal filed by the developer within 30 calendar days from his receipt of the second level decision or it may be made on the secretary's own motion.

3. A decision shall be made within 14 calendar days from the day that the appeal was received and shall be served on the appealing party by registered or certified mail.

4. This appeal shall include any correspondence from the first and second level traffic impact review committees.

AUTHORITY NOTE: Promulgated in accordance with R.S. 32:2, and R.S. 48:344 et seq.

HISTORICAL NOTE: Promulgated by the Louisiana Department of Transportation and Development, Office of Highways/Engineering, LR 33:533 (March 2007).

Cedric S. Grant
Deputy Secretary

0703#041

RULE

Department of Transportation and Development Office of Public Works

Hurricane Flood Control Protection Program (LAC 56:III.901)

In accordance with the applicable provisions of the Administrative Procedure Act, R.S. 49:950 et seq., the Department of Transportation and Development hereby promulgates a Rule entitled "Hurricane Flood Control Protection Program Rules", in accordance with the provisions of R.S. 38:241-248.

Title 56

PUBLIC WORKS

Part III. Flood Control and Water Control

Subpart 1. Water Resources and Flood Control

Chapter 9. Hurricane Flood Control Protection Program Rules

§901. Framework for Receipt and Evaluations of Funding Applications

A. Applications are to be prepared in accordance with the provisions of R.S. 38:244.

B. Applications may be submitted beginning November 1, 2006, to Hurricane Flood Protection Program, 8900 Jimmy Wedell Drive, Baton Rouge, LA 70807.

C. The Office of Public Works, Hurricane Flood Protection and Intermodal Transportation shall evaluate the applications in accordance with the provisions of R.S. 38:244 with points established as follows.

- 1. Documentation of flood problem—20 points maximum
- 2. Local support—5 points maximum
- 3. Technical feasibility—45 points maximum
- 4. Prevention of loss of life and improved public safety—5 points maximum

5. Environmental effects and impact on development—15 points maximum

6. Projects recommended but not funded—10 points maximum

D. The following guidelines will be used by the Evaluation Committee to rate applications to the program. This scoring procedure pertains to projects which meet the legislative intent of the program. Projects that are engineeringly unsound, cause unreasonable flooding in other areas, cause unacceptable or unmitigable environmental damages or otherwise do not meet the objectives of the program will not be scored.

1. Documentation of the Flood Problem category takes into consideration the adequacy of documentation which demonstrates the existence and severity of risk of flood damages from hurricanes.

2. Local Support category takes into consideration the following:

a. letters of support on file from the respective legislative delegation;

b. no letters of objection from public officials, neighboring authorities, citizens groups, etc.; and

c. multiple sponsorship.

3. Technical Feasibility category takes into consideration the following:

a. completeness of project design;

b. due consideration of alternatives (structural and non-structural);

c. compatibility of the project to other federal, state and local projects; and

d. impact on flooding in areas upstream, downstream and adjacent to the benefited area.

4. Prevention of Loss of Life category takes into consideration the following:

a. historical losses of life that may have been prevented by the project; and

b. the degree of success of the project at maintaining access to vital services such as hospitals, and protection of evacuation routes.

5. Environmental Effects and Impact on Development category takes into consideration the following:

a. no letters of objection from public agencies;

b. no impact on special historical, archeological, geological features, or environmentally sensitive areas; and

c. effectiveness of the project in relation to encroachment into flood prone area (i.e., 100 year floodplain).

6. In the Projects Recommended but not Funded category, points may be added for each year (up to a four year maximum) that the proposed project has been on the list of recommended projects but has not received funding.

E. Procedure for Application Evaluation Form—Part B

1. Ratings are computed on the basis of potential damage reductions associated with the design flood and do not include efforts to annualize benefits and costs.

$$\text{Part B Score} = \frac{\text{Total Damages*}}{\text{Total Construction Cost}} \times \frac{90}{90 - (\text{PLM } 10)}$$

PLM = percent local match

*Total damages are any damages from the design storm which will be prevented by the project including agricultural crop and land damages, agricultural building damages, damages to residential, commercial, public and other buildings; damages to roads, damages to buildings, and damages to industries.

F. Application Evaluation Form—Total Score

1. The score from Paragraph C is multiplied by the score in Paragraph E to obtain a total score. This score is an absolute score and not a score relative to when the application was submitted.

G. A recommended list of projects shall be submitted to the Coastal Protection and Restoration Authority and public hearings will be held as required.

H. Upon funding by the Legislature, the Office of Public Works, Hurricane Flood Protection and Intermodal Transportation will enter into funding agreements with the sponsors establishing the duties and responsibilities of each and providing program funds not to exceed the amount made available by the legislature.

AUTHORITY NOTE: Promulgated in accordance with R.S. 38:241-248.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Office of Public Works, LR 33:535 (March 2007).

Johnny B. Bradberry
Secretary

0703#040

RULE

Department of Wildlife and Fisheries Office of Fisheries

Invasive Noxious Aquatic Plants (LAC 76:VII.1101)

The Department of Wildlife and Fisheries, Office of Fisheries hereby promulgates rules to control, eradicate, and prevent the spread or dissemination within the state of Louisiana all invasive noxious aquatic plants that pose a threat to the wildlife or fisheries resources of the state.

Title 76

WILDLIFE AND FISHERIES

Part VII. Fish and Other Aquatic Life

Chapter 11. Invasive Noxious Aquatic Plants

§1101. Invasive Noxious Aquatic Plants

A. Definitions. The following words and phrases for purposes of these regulations shall have the meaning ascribed to them in this Section, unless the context wherein the particular word or phrase is used clearly indicates a different meaning.

Department—the Louisiana Department of Wildlife and Fisheries or an authorized employee of the department.

Invasive Noxious Aquatic Plant Permit—the official document that identifies the terms of and allows for the importation, transportation or possession of any of the listed prohibited aquatic plants.

Listed Plant—any of the listed invasive noxious aquatic plants.

Permittee—person or organization that possesses a valid permit to possess, import or transport invasive noxious aquatic plants. A permittee may represent himself, a business, corporation or organization. The permittee is responsible for compliance with all stipulations in the permit.

Secretary—the Secretary of the Louisiana Department of Wildlife and Fisheries.

B. Importation, transportation and possession of invasive noxious aquatic plants; permit required.

1. No person shall at any time import or cause to be transported into the jurisdiction of the state of Louisiana, from any other state or country any of the invasive noxious aquatic plants listed below, without first obtaining an Invasive Noxious Aquatic Plant permit from the department.

Prohibited invasive noxious aquatic plants:

- a. *Eichhornia azurea* (rooting or anchoring hyacinth)
- b. *Elodea canadensis* (Elodea)
- c. *Hydrilla verticillata* (Hydrilla)
- d. *Lagarosiphon muscoides* and *Lagarosiphon major* (African Elodea)
- e. *Myriophyllum spicatum* (Eurasian watermilfoil)
- f. *Najas marina* (Marine naiad)
- g. *Najas minor* (Slender naiad)
- h. *Panicum repens* (torpedograss)
- i. *Pontederia rotundifolia* (Pickerelweed)
- j. *Spirodela oligorrhiza* (giant duckweed)
- k. *Trapa natans* (waterchestnut)
- l. *Melaleuca quinquenervia* (kapok tree)
- m. *Pistia stratiotes* (Water lettuce)
- n. *Salvinia spp.* (Salvinia)
- o. *Lythrum salicaria* (Purple loosestrife)
- p. *Eichhornia crassipes* (Water hyacinth)
- q. *Limnophila sessiliflora* (Asian marshweed)
- r. *Hygrophila polysperma* (Indian swampweed)
- s. *Solanum tampicense* (Aquatic soda apple or Wetland nightshade)
- t. *Urochloa mutica* (Paragrass)
- u. *Nymphoides indica* and *Nymphoides cristata* (Little floating hearts)
- v. *Rotala rotundifolia* (roundleaf toothcup)
- w. *Marsilea mutica* (Australian water clover)
- x. *Marsilea minuta* (Asian water clover)

C. Permits may be issued by the Secretary of the Department of Wildlife and Fisheries or his designee for the importation, transportation or possession of any invasive noxious aquatic plant for the purpose of conducting scientific investigations.

1. Application Requirements

a. Individuals wishing to import, transport, or possess any listed plant for the purpose of conducting scientific investigations in Louisiana must first request an Invasive Noxious Aquatic Plant permit from the department through an application form furnished by the department.

b. Site visits will be made to inspect the facility and determine if all possible safeguards have been taken to prevent escape into the natural habitat.

c. The department shall ensure that the applicant is furnished with a copy of the terms and conditions pertaining to the importation, transportation or possession of any of the listed plants.

d. The secretary or his designee shall notify the applicant in writing as to whether or not the permit has been granted and if not, the reasons therefore. In the event of disapproval, applicants may re-apply after meeting department requirements.

2. Terms and Conditions of Permit

a. Permits are not transferable from person to person or from site location to site location.

b. Specimens of the listed plant(s) shall be handled deliberately, cautiously, and in controlled settings to avoid contamination of state habitats.

c. Specimens shall be processed and grown within the confines of controlled facilities (growth chambers, greenhouses, laboratories, etc.).

d. Reproductive parts of plants (seeds, tubers, roots, etc.) that are collected in the field shall be transported in double zip lock bags such that the reproductive part cannot escape en route.

e. A U.S. Department of Agriculture (USDA) permit shall be required to import and possess specimens of prohibited plants from other countries and such plants shall be sent through a USDA inspection center at a port of entry as described by the USDA permit.

f. Before processing, the plants or plant parts shall be stored in a locked office or laboratory. Only qualified individuals shall have access to these materials.

g. Any part of the plant used for molecular work shall be subjected to a departmentally approved procedure that will render the plant material incapable of further growth or reproduction.

h. Specimens to be used for environmental studies (e.g., climate, shading, etc.) shall be grown in pots within the confines of growth chambers or greenhouses.

i. After the experimental work is completed, all plant materials, and the soil within the growth pots, and the pots shall be sterilized in some manner (e.g., autoclaved) to kill any remaining seeds or living plant material to render the plant material incapable of further growth or reproduction.

j. All collections by and shipments to or from the permittee shall be reported to the department one week prior to said collections or shipments. Information to be included shall be the type of material (whole plant, leaves, seeds, etc.) and the quantity collected or shipped.

k. The disposition of the plant material at the conclusion of the experimental work shall be reported to the department.

l. Personnel from the department shall have the authority to inspect the facility and operation with 24 hours notice.

AUTHORITY NOTE: Promulgated in accordance with R.S. 56:328 (C).

HISTORICAL NOTE: Promulgated by the Department of Wildlife and Fisheries, Office of Fisheries, LR 33:536 (March 2007).

Bryant O. Hammett, Jr.
Secretary

0703#032

RULE

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

Flotation Devices (LAC 76:XI.103)

The Department of Wildlife and Fisheries and the Wildlife and Fisheries Commission does hereby amend and reenact provisions relating to personal flotation devices on recreational boats.

**Title 76
WILDLIFE AND FISHERIES**

Part XI. Boating

**Chapter 1. Flotation Devices, Fire Extinguishers,
Flame Arrestors and Ventilation**

§103. Flotation Devices

A. In accordance with R.S. 34:851.24(F)1, the provisions of this Act shall apply on all waters within the jurisdiction of this state.

B. Definitions

Operate—to navigate or otherwise control the movement of a vessel, including controlling the vessel's propulsion system.

Operator—any person who navigates or is otherwise in control or in charge of the movement of a vessel, including the vessel's propulsion system.

Owner—a person, other than the lienholder, having the property in or registration to the vessel.

Personal Flotation Device or PFD—a device approved by the United States Coast Guard under 46 CFR Part 160, which is labeled with such approval and with the appropriate size for the person intended and which is in serviceable condition.

Readily Accessible—easily located and retrieved without searching, delay, hindrance or being in a locked area.

Serviceable Condition—a condition as defined by the United States Coast Guard under 33 CFR Part 175.23.

Trick Water-Skier—a trick water-skier is a person whose equipment and activities have all of the following characteristics:

a. type of skis: for standard double trick skis, a length of no more than 46 inches and width of at least 8 inches, with no keels on the bottom; for single trick boards, a length of no more than 56 inches and width of at least 22 inches, with no keel on bottom; and

b. tow rope no longer than 50 feet.

Vessel—watercraft and airboats of every description, other than seaplane(s), located on the water and, used or capable of being used as a means of transportation on the water.

Watersports—activities that involve being towed by, or riding in the wake of, a vessel and include but are not limited to water skiing, wake boarding, wake surfing, and tubing.

C. Personal Flotation Device Requirements

1. Every operator of a vessel shall ensure that the vessel is carrying at least one readily accessible Type I, II, or III wearable personal flotation device for each person on board. In addition, vessels 16 feet or over in length shall carry at least one Type IV throwable personal flotation device.

2. A United States Coast Guard approved Type V PFD may be used in lieu of a Type I, II, or III PFD required by this Part provided:

a. the approval label on the Type V PFD indicates that the device is approved by the United States Coast Guard:

i. for the activity for which the vessel is being used; or

ii. as a substitute for a PFD of the Type required by this act on the vessel in use; and

b. the PFD is used in accordance with any requirements of its approval label; and

c. the PFD is used in accordance with requirements in its owner's manual, if its approval label makes reference to such manual.

3. Persons engaged in watersports shall wear a Type I, II, III or V PFD. No vessel operator shall tow a watersports participant who is not wearing such a device. No person shall use an inflatable PFD to meet the requirements of this section. Exceptions to the requirements of this subsection are allowed under the following conditions:

a. a skier engaged in barefoot water-skiing who wears a barefoot wetsuit designed specifically for such activity;

b. a skier engaged in trick water-skiing whose movements would be restricted or impeded by the bulk of a PFD;

c. the operator of a vessel towing a trick water-skier or barefoot water-skier shall make a PFD readily available aboard the tow vessel for each such skier who elects not to wear such a device while skiing.

AUTHORITY NOTE: Promulgated in accordance with R.S. 34:851.24.

HISTORICAL NOTE: Promulgated by the Department of Wildlife and Fisheries, Wildlife and Fisheries Commission, LR 11:705 (July 1985), amended LR 26:1493 (July 2000), LR 33:538 (March 2007).

Bryant O. Hammett, Jr.
Secretary

0703#031

RULE

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

White Lake Wetlands Conservation Area (LAC 76:III.335)

The Wildlife and Fisheries Commission has adopted as a Rule the general framework for public use of consumptive resources of the White Lake Wetlands Conservation Area for the 2006-2007 Season.

Title 76

WILDLIFE AND FISHERIES

Part III. State Game and Fish Preserves and Sanctuaries

**Chapter 3. Particular Game and Fish Preserves,
Wildlife Management Areas, Refuges and
Conservation Areas**

§335. White Lake Wetlands Conservation Area

A. The general framework for public use of consumptive resources of the White Lake Wetlands Conservation Area Management Plan for the 2006-2007 season is as follows.

White Lake Wetlands Conservation Area Management Plan General Framework for Public Use of Consumptive Resources 2006-2007 Season			
Specific Activities	Season	Number/ Quantity	Cost (\$), each
Alligators			
Wild Alligator Harvest	Sept. 6-Oct. 5	375 alligators	40% of sale price
Alligator Egg Collection	June and July	10,000 eggs	Bid \$20.10
Waterfowl			
Teal Lottery Hunts	LDWF Season	108 hunters	\$100 per gun
Youth/Physically Challenged Hunts	First Weekend	14 hunters	no cost
Marsh Lottery Hunts	LDWF Season	120 hunters	\$150 per gun
Rice Lottery Hunts	LDWF Season	207 hunters	\$150 per hunt (up to 3 per hunted area)
Group Hunts	LDWF Season	12 groups	\$25,000 per

White Lake Wetlands Conservation Area Management Plan General Framework for Public Use of Consumptive Resources 2006-2007 Season			
Specific Activities	Season	Number/ Quantity	Cost (\$), each
			group
Fishing	March 15-August 1	75 permits	\$30 per group
Negotiated —Natural or Facilities (i.e. services involving personnel, equipment, and/or structures)			

AUTHORITY NOTE: Promulgated in accordance with Act 613 of the 2004 Regular Legislative Session.

HISTORICAL NOTE: Promulgated by the Department of Wildlife and Fisheries, Wildlife and Fisheries Commission, LR 33:538 (March 2007).

Bryant O. Hammett, Jr.
Secretary

0703#030