

Rules

RULE

Board of Elementary and Secondary Education

Bulletin 111—The Louisiana School, District, and State Accountability System (LAC 28:LXXXIII.1301, 4313, 4903, and 4905)

In accordance with R.S. 49:950 et seq., the Administrative Procedure Act, the Board of Elementary and Secondary Education has amended *Bulletin 111—The Louisiana School, District, and State Accountability System* (LAC Part Number LXXXIII). Act 478 of the 1997 Regular Legislative Session called for the development of an Accountability System for the purpose of implementing fundamental changes in classroom teaching by helping schools and communities focus on improved student achievement. The State's Accountability System is an evolving system with different components. The proposed changes occur within the following Sections of Bulletin 111:

- §1301 Reward Eligibility—changes one requirement for Exemplary Academic Growth to 2.0 points improvement in a Subgroup Assessment Index rather than growth in a Subgroup Performance Score;
- §4313 Corrective Actions—adds detail for how school districts that have been identified for District Improvement can exit Corrective Actions; and
- §4903 Local Superintendent and Board Responsibilities and §4905 Contracting and Employing a District Superintendent—both of these items concern District Academically in Crisis and together reflect the legislature's repeal of C and D only of R.S. 17:10.6, Act 687, Reg. Session 2006.

Title 28

EDUCATION

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

Chapter 13. Rewards/Recognition

§1301. Reward Eligibility

A. Beginning in 2004, a school shall receive recognition and monetary awards (as appropriated by the Legislature) when it achieves a growth label of Exemplary or Recognized Academic growth. Exemplary Academic Growth (EAG) shall require, in addition to achieving the school's Growth Target, at least 2.0 points growth in every subgroup's GPS (African American, American Indian/Alaskan Native, Asian, Hispanic, White, Economically Disadvantaged, Limited English Proficient, Students with Disabilities, and All Students), and the school cannot be in any level of school improvement. Recognized Academic Growth (RAG) is earned by any school that meets its growth target, regardless of subgroup growth or school improvement status. Beginning in 2007, the Subgroup Performance Score (GPS) shall be replaced with an adjusted Subgroup Assessment Index (SAI). The SAI shall be calculated for two subgroups, the Economically Disadvantaged and the Students with Disabilities. For combination schools, the K-8 and 9-12 SAI

(Subgroup Assessment Indices) will be combined using a weighted average of eligible test takers.

NOTE: As with the GPS, a minimum of 2.0 points of growth is required in each SAI for a school to qualify for Exemplary Academic Growth. Identification for School Improvement prevents consideration for EAG.

B. ...

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:2744 (December 2003), amended LR 30:1446 (July 2004), LR 31:1513 (July 2005), LR 33:1334 (July 2007).

Chapter 43. District Accountability

§4313. Corrective Actions

A. - E. ...

F. Districts shall exit District Improvement if they pass Subgroup AYP in the same subject for which they entered District Improvement in the same cluster for 2 consecutive years.

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:2757 (December 2003), amended LR 30:1449 (July 2004), LR 31:424 (February 2005), LR 31:635 (March 2005), LR 31:1256 (July 2005), LR 33:1334 (July 2007).

Chapter 49. School District Academically in Crisis

§4903. Local Superintendent and Board Responsibilities

Repealed.

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 32:543 (April 2006), repealed LR 33:1334 (July 2007).

§4905. Contracting and Employing a District Superintendent

Repealed.

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 32:545 (April 2006), repealed LR 33:1334 (July 2007).

Weegie Peabody
Executive Director

0707#005

RULE

Board of Elementary and Secondary Education

Bulletin 125—Standards for Educational Leaders in Louisiana (LAC 28:CXXXVII.Chapters 1-5)

In accordance with R.S. 49:950 et seq., the Administrative Procedure Act, the Board of Elementary and Secondary Education adopted *Bulletin 125—Standards for Educational Leaders in Louisiana*. Bulletin 125 will be printed in

codified format as Part CXXXVII of the Louisiana Administrative Code. The Standards for Educational Leaders in Louisiana were created to assist local education agencies in achieving the goals of the state's School and District Accountability System to place effective administrators at every school. Educational leaders are strongly encouraged to use the standards to examine organizational structures, examine their enacted roles, and examine day-to-day operations to ensure they are leading the way for school success by keeping the focus on enhanced student achievement. In order to ensure that the goals of the state's accountability system are supported and achieved the Educational Leader Standards were created to guide and identify the knowledge, skills, performances, and dispositions of effective educational leaders. Based on current research the need for effective leadership at the school and district level has become increasingly important. Research has proven that effective leaders are an essential component in overall school improvement efforts.

Title 28

EDUCATION

Part CXXXVII. Bulletin 125—Standards for Educational Leaders in Louisiana

Chapter 1. Purpose

§101. Introduction

A. A critical component to ensuring that the goals of the state's School and District Accountability System are achieved is the placement of effective administrators at every school. In order for this to be attained, attention must be focused on building leadership capacity at both the school and district levels. Utilizing the Standards for Educational Leaders, educational leaders are strongly encouraged to examine organizational structures, their enacted roles, and day-to-day operations to ensure they are leading the way for school success by keeping the focus on enhanced student achievement.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17 and R.S.17:6(A)(10).

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 33:1335 (July 2007).

Chapter 3. Standards

§301. Standard #1 Vision

A. The educational leader engages the district/school community in developing and maintaining a student-centered vision for education which forms the basis for district/school goals and guides the preparation of students as effective, lifelong learners in a pluralistic society.

1. Knowledge and Skills

a. The educational leader has knowledge, skills, and understanding of a "preferred" future regarding the success of all students:

i. group process strategies for melding the diverse values and expectations of the district/school community into a shared understanding of desired student outcomes;

ii. theories of child and human development, the teaching-learning, and models of and best practices for on-going district/school improvement; and

iii. relevant research findings and strategies for using data to develop and maintain the district/school vision.

2. Disposition

a. The educational leader believes in, values, and commits to:

i. a focused mission/vision to improve student achievement and a vision of the elements of school, curriculum, and instructional practices that make higher achievement possible;

ii. the centrality of students to the district/school vision and goals;

iii. involving the community in establishing the district/school vision and goals;

iv. respecting the existing community cultures while working for changes that improve outcomes for all students;

v. stewardship of the district/school vision, and sponsorship of district/school goals; and

vi. enabling students to think critically about complex issues.

3. Performances

a. The educational leader demonstrates the ability to:

i. work collaboratively with the school community to establish clear goals and to keep those goals in the forefront of the school's attention;

ii. bring the district/school vision to life by using it to guide decision making about students and the instructional programs;

iii. maintain focus on developing learning experiences that will enable students to prosper in subsequent grades and as adults;

iv. maintain open communication with the community, and effectively convey high expectations for student learning to the community;

v. inspire and lead new and challenging innovations by providing opportunities and support for collaboration, the exchange of ideas, experimentation with innovative teaching strategies, and ongoing district/ school improvement;

vi. monitor, assess, and revise the district/school vision and goals as needed; and

vii. foster the integration of students into mainstream society while valuing diversity.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17 and R.S.17:6(A)(10).

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 33:1335 (July 2007).

§303. Standard #2 Teaching and Learning

A. The educational leader uses a knowledge of teaching and learning in working collaboratively with the district/school faculty and staff to implement effective and innovative teaching practices which engage students in meaningful and challenging learning experiences.

1. Knowledge and Skills

a. The educational leader has knowledge, skills, and understanding of:

i. research and theories related to teaching, learning, curriculum development and integration, and motivation;

ii. methods for effectively communicating high expectations for all students to learn high-level content;

iii. effective instructional practices that motivate and increase student achievement;

iv. supervisory and observational techniques that promote effective teaching and learning in a growth-oriented environment;

v. authentic, psychometrically sound methods for assessing student learning; and

vi. emerging technologies and their use in enhancing student learning.

2. Dispositions

a. The educational leader believes in, values, and commits to:

i. all children's learning at high levels;

ii. excellence and life-long learning;

iii. collaborative development of teaching strategies and curricular modifications that ground student learning in real-world situations and promote critical thinking; and

iv. developing a caring environment that nurtures teaching and learning.

3. Performances

a. The educational leader demonstrates the ability to:

i. design, model, and implement effective curriculum, instruction, and assessment practices;

ii. encourage and support the use of both innovative, research-based teaching strategies to engage students actively in solving complex problems and methods of student assessment which will enhance learning for all students;

iii. conduct frequent classroom/school visits and periodic observations, provide constructive feedback to faculty and staff, and suggest models of effective teaching techniques when needed;

iv. foster a caring, growth-oriented environment for faculty and students, one in which high expectations and high standards for student achievement are emphasized; and

v. promote collaboration and team building among faculty.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17 and R.S.17:6(A)(10).

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 33:1335 (July 2007).

§305. Standard #3 School Management

A. The educational leader promotes the success of all students by ensuring management of the organization, operations, and resources for a safe and orderly learning environment.

1. Knowledge and Skills

a. The educational leader has knowledge, skills, and understanding of:

i. organizational theory and principles of organizational development;

ii. human resources management and development, including related/support/ancillary services;

iii. local, state, and federal laws, policies, regulations, and procedures;

iv. sound fiscal procedures and practices;

v. time management to maximize the effectiveness of the organization; and

vi. current technologies that support management functions.

2. Dispositions

a. The educational leader believes in, values, and commits to:

i. creating a learning community who believes that every student counts and has the support of a caring adult;

ii. building a safe, orderly environment;

iii. upholding local, state, and federal laws, policies, regulations, and procedures, including being fiscally responsible and ensuring quality support services;

iv. upholding high standards in the day-to-day operations of the school and using current technology;

v. making management decisions to enhance teaching and learning; and

vi. involving members of the school community in shared decision-making processes.

3. Performances

a. The educational leader demonstrates the ability to:

i. establish and implement a set of standard operating procedures and routines;

ii. understand the change process and have the leadership and facilitation skills to manage it effectively;

iii. organize and use time in innovative ways to meet the goals and objectives of school improvement;

iv. maintain safe, secure, clean, and aesthetically pleasing physical school plants;

v. maintain a positive learning environment where proper student discipline is the norm;

vi. manage fiscal resources responsibly, efficiently, and effectively and monitor whether others do so as well;

vii. manage human resources responsibly by selecting and inducting new personnel appropriately, assigning and evaluating all staff effectively, and taking other appropriate steps to build an effective faculty/staff;

viii. monitor support services such as transportation, food, health, and extended care responsibly;

ix. provide and coordinate appropriate co-curricular and extra-curricular activities;

x. use shared decision making effectively in the management of district/school operations;

xi. manage time and delegate appropriate administrative tasks to maximize attainment of the district/school goals;

xii. use available technology effectively to manage operations; and

xiii. monitor and evaluate operations and use feedback appropriately to enhance effectiveness.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17 and R.S.17:6(A)(10).

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 33:1336 (July 2007).

§307. Standard #4 School Improvement

A. The educational leader works with the district/school community to review data from multiple sources to establish challenging standards, monitor progress, and foster the continuous growth of all students.

1. Knowledge and Skills

a. The educational leader has knowledge, skills, and understanding of:

i. methods by which information from various data sources can be used to establish challenging standards for self, faculty, students, and the district/school community;

ii. strategies for monitoring progress toward reaching the standards established;

iii. research-based literature related to teaching, learning, curriculum, organizational and staff development, and change processes;

iv. the district/school culture, community expectations, and the strengths and weaknesses of self, faculty, students, and community; and

v. methods of data collection, analysis, interpretation, and program evaluation.

2. Dispositions

a. The educational leader believes in, values, and commits to:

i. empowering others by engaging in collaborative problem solving and decision making, building capacity through staff development, and encouraging divergent perspectives from the district/school community;

ii. working toward consensus and compromise among members of the district/school community, guided by the district/school vision and goals;

iii. examining one's own assumptions, practices, and beliefs in the light of new knowledge;

iv. accepting limitations and mistakes from self and others while maintaining commitment to the standards established;

v. encouraging faculty experimentation in order to maximize opportunities for all students to learn;

vi. promoting a district/school culture that values and promotes individual and collaborative reflection and learning; and

vii. recognizing and celebrating school accomplishments and acknowledging failures.

3. Performances

a. The educational leader demonstrates the ability to:

i. keep everyone informed and focused on student achievement;

ii. use data to initiate and continue improvement in student achievement;

iii. provide ongoing opportunities for staff to reflect on their roles and practices in light of student standards and district/school goals;

iv. grow professionally by engaging in professional development activities and making such activities available to others;

v. use research findings to plan district/school improvement initiatives, monitor the implementation of these changes, and evaluate their effectiveness on teaching and learning;

vi. foster the genuine continuous involvement and commitment of the district/school community in promoting the progress of all students toward attaining high standards;

vii. enhance school effectiveness through the coordination of teacher selection, induction, evaluation, and professional development.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17 and R.S.17:6(A)(10).

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 33:1336 (July 2007).

§309. Standard #5 Professional Development

A. The educational leader works collaboratively with the district/school faculty and staff to plan and implement professional development activities that promote both individual and organizational growth and lead to improved teaching and learning.

1. Knowledge and Skills

a. The educational leader has knowledge, skills, and understanding of:

i. theories related to motivation, adult learning, and staff development;

ii. sound pedagogical practices and emerging technologies;

iii. current trends in terms of social, political and cultural influences on education;

iv. research, measurement, and assessment strategies;

v. organizational learning for district/school cultures, goal setting, change processes, and group dynamics; and

vi. resource management.

2. Dispositions

a. The educational leader believes in, values, and commits to:

i. lifelong learning for self and others;

ii. ongoing change processes;

iii. faculty expertise and collaborative work strategies; and

iv. fostering creativity and establishing high expectations in self and others.

3. Performances

a. The educational leader demonstrates the ability to:

i. communicate a focused vision for both district/school and individual professional growth;

ii. use research and data from multiple sources to design and implement professional development activities;

iii. secure the necessary resources for meaningful professional growth, including the time for planning and the use of emerging technologies;

iv. ensure that faculty and staff are aware of the most current theories and practices and makes the discussion of these a regular aspect of the district's/school's culture;

v. provide opportunities for individual and collaborative professional development;

vi. provide incentives for learning and growth and encourage participation in professional development activities at the national, state, and parish levels; and

vii. assess the overall impact of professional development activities on the improvement of teaching and student learning.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17 and R.S.17:6(A)(10).

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 33:1337 (July 2007).

§311. Standard #6 School-Community Relations

A. The educational leader uses an understanding of the culture of the community to create and sustain mutually supportive school-community relations.

1. Knowledge and Skills

a. The educational leader has knowledge, skills, and understanding of:

i. the composition of the district/school community including relevant demographic statistics and trends, competing issues and values, and available resources;

ii. successful strategies for establishing positive district/school community relations and fostering parental and community participation;

iii. techniques for promoting the positive aspects of the district/school and communicating with the media effectively; and

iv. effective interpersonal communication skills.

2. Dispositions
 - a. The educational leader believes in, values, and commits to:
 - i. establishing a partnership with the community for mutually supportive relationships;
 - ii. promoting the school/school system as an integral part of the community;
 - iii. diversity as a strength; and
 - iv. promoting the positive aspects of the district/school, celebrating successes, acknowledging the district's/school's shortcomings, and involving the community in overcoming problems within the district/school.

3. Performances
 - a. The educational leader demonstrates the ability to:
 - i. foster shared beliefs and an sense of community and cooperation;
 - ii. be visible and involved in the community and treat members of the district/school community equitably;
 - iii. involve the school(s) in the community while keeping all stakeholders informed;
 - iv. use district-/school-community resources to enhance the quality of instructional programs, including those resources available through business and industry;
 - v. recognize and celebrate educational successes publicly; and
 - vi. communicate effectively, both interpersonally and through the media.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17 and R.S.17:6(A)(10).

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 33:1337 (July 2007).

§313. Standard #7 Professional Ethics

A. The educational leader demonstrates honesty, integrity, and fairness to guide district/school programs in an ethical manner.

1. Knowledge and Skills
 - a. The educational leader has knowledge, skills, and understanding of:
 - i. various perspectives on ethics;
 - ii. his/her own principled convictions about what is best for students and the ethical implications of those convictions;
 - iii. relevant laws, policies, regulations, procedures and the relationship of these to protecting the rights of individuals; and
 - iv. ethical means for improving district/school programs.

2. Dispositions
 - a. The educational leader believes in, values, and commits to:
 - i. being accurate in providing information while respecting the rights of others;
 - ii. caring for the feelings of others;
 - iii. principled action in upholding the substance of laws, policies, regulations, and procedures; and

- iv. using the influence of his/her leadership constructively and productively in the service of all students.

3. Performances
 - a. The educational leader demonstrates the ability to:
 - i. model ethical behavior at both the school and community levels;
 - ii. communicate to others expectations of ethical behavior;
 - iii. respect the rights and dignity of others;
 - iv. provide accurate information without distortion and without violating the rights of others;
 - v. develop a caring school environment in collaboration with the faculty and staff;
 - vi. apply laws, policies, regulations, and procedures fairly, consistently, wisely, and compassionately;
 - vii. minimize bias in self and others and accept responsibility for his own decisions and actions; and
 - viii. address unethical behavior in self and others.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17 and R.S.17:6(A)(10).

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 33:1338 (July 2007).

Chapter 5. Glossary

§501. Definitions

Preferred Future—an understanding and conviction conveyed to teachers and students that opportunities available to students are not limited.

Psychometrically Sound—data that are valid and reliable; refers to data from tests and other forms of assessment.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17: and R.S.17: 6(A)(10) .

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 33:1338 (July 2007).

Weegie Peabody
Executive Director

0707#006

RULE

Board of Elementary and Secondary Education

Bulletin 746—Louisiana Standards for State Certification of School Personnel (LAC 28:CXXXI.314)

In accordance with R.S. 49:950 et seq., the Administrative Procedure Act, the Board of Elementary and Secondary Education has amended *Bulletin 746—Louisiana Standards for State Certification of School Personnel*: §314. Extended Endorsement License (EEL). This policy allows for the issuance of an Extended Endorsement License (EEL) to individuals who hold standard Louisiana teaching certificates (Level 1, Level 2, Level 3, Type C, Type B, Type A, or Out-of-State), pass the current PRAXIS content exam(s) required for the area in which the EEL is requested, and present detailed prescriptions that identify any additional

coursework and/or exams needed to complete requirements for the area/level certification endorsement. The EEL could be renewed annually, upon completion of renewal requirements, for a maximum of three years. This license will ensure that individuals teaching in core content areas have fulfilled highly qualified requirements by passing content area examination(s) of PRAXIS.

**Title 28
EDUCATION**

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

§314. Extended Endorsement License (EEL)

A. Extended Endorsement License (EEL)—issued for one school year, renewable annually, and may be held a maximum of three years while the holder pursues certification in the content area of the license.

B. Eligibility Requirements—issued to an individual who meets the following requirements:

1. the individual holds a valid Louisiana teaching certificate of one of the following types: Level 1, Level 2, Level 3, Type A, Type B, Type C, OS; and

2. the individual has passed the current content area exam(s) appropriate for the content area in which the Extended Endorsement License is being requested; and,

3. the individual provides a detailed prescription that identifies any additional coursework or exams needed to complete the area/level certification endorsement and that is signed by the superintendent and the human resources director of the employing local education agency.

C. Renewal Requirements. Teacher must successfully complete a minimum of nine credit hours of coursework per year, applicable toward certification in the content area of the license.

1. If fewer than nine hours are required to complete the certification, then all of the remaining hours must be taken.

2. If no credit hours remain to be taken, then the individual must provide evidence of taking the required exams, a minimum of once per year.

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 33:1339 (July 2007).

Weegie Peabody
Executive Director

0707#007

RULE

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

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

The Louisiana Student Financial Assistance Commission (LASFAC) has amended its bylaws (R.S. 17:3021-3025 and R.S. 17:3048.1). (SG0783R)

**Title 28
EDUCATION**

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

**Chapter 2. Bylaws of the Advisory Committee to the
Student Financial Assistance Commission
Subchapter C. Membership and Officers of the
Committee**

§221. Membership

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

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

HISTORICAL NOTE: Promulgated by the Student Financial Assistance Commission, Office of Student Financial Assistance, LR 24:435 (March 1998), amended LR 33:1339 (July 2007).

George Badge Eldredge
General Counsel

0707#020

RULE

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

Scholarship/Grant Programs—Definitions and
Post Secondary Institutions Responsibilities
(LAC 28:IV:301 and 1903)

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). (SG0782R)

**Title 28
EDUCATION**

**Part IV. Student Financial Assistance—Higher
Education Scholarship and Grant Programs
Chapter 3. Definitions**

§301. Definitions

A. ...

* * *

First-Time Freshman—a student who is awarded TOPS opportunity, performance, or honors and enrolls for the first-time as a full-time freshman in an academic program in a post-secondary school subsequent to high school graduation, and is enrolled full-time at the end of the 14th class day or later (9th class day or later for Louisiana Tech) or enrolls for the first time, full-time in a Louisiana public community or technical college that offers a Vocational or Technical Education Certificate or Diploma Program or a non-academic undergraduate degree to pursue a skill, occupational training, or technical training subsequent to high school graduation, and is enrolled full-time at the end of the 14th class day or later (9th class day or later for term and quarter institutions). A student who is awarded TOPS opportunity, performance, or honors and begins in an academic program in a post-secondary college or university in a summer session will be considered a first-time freshman for the immediately succeeding fall term. A student who is awarded TOPS opportunity, performance, or honors and begins in a non-academic program in a post-secondary school in a summer term will be considered a first-time freshman at the time of such enrollment. The fact that a student enrolls in a post-secondary school prior to graduation from high school and/or enrolls less than full time in a post-secondary school prior to the required date for full time enrollment shall not preclude the student from being a first-time freshman.

* * *

Full-Time Student—

a. a student enrolled in an institution of higher education who is carrying a full-time academic workload as determined by the school under the standards applicable to all students enrolled;

b. for continuation purposes, a student must be enrolled full-time at the end of the 14th class day or later at a semester school or the 9th class day or later at a quarter or term school;

c. for continuation purposes, a student is considered to have met the full-time requirement if by the completion of the academic year he has earned at least 24 hours of total credit as reported by the institution for the fall and spring semesters at institutions defining 12 semester hours as the minimum for standing as a full-time undergraduate or as reported by the institution for the fall, winter and spring quarters at institutions defining eight quarter hours as the minimum for standing as a full-time undergraduate. For purposes of TOPS and except where specified otherwise within these rules, a student shall be credited for hours earned as reported by the institution which the student attends in accordance with that institution's published policies. Students should be aware that these policies may differ depending on the school the student attends (see §§705.A, 705.D, 805.A, and 907.A for more expanded TOPS requirements);

d. for programs which permit graduate study, a graduate student must have earned at least 18 hours of total credit during the fall, winter and spring terms;

e. a student enrolled in two or more institutions of higher education when such multiple enrollment is necessary for the student to gain access to the courses required for completion of the degree in the chosen discipline and where the total number of hours earned at all institutions during the

academic year is the equivalent of carrying a full-time academic workload as determined by the institution which will award the degree;

f. correspondence courses may not be used to establish full time status.

* * *

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 and 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), LR 33:1339 (July 2007).

Chapter 19. Eligibility and Responsibilities of Post-Secondary Institutions

§1903. Responsibilities of Post-Secondary Institutions

A. - B.1. ...

2. institutions will bill LASFAC based on their certification that the recipient of a TOPS Award or a GO-Youth ChalleNGe Program Grant is enrolled full-time, as defined in §301, at the end of the 14th class day or later for semester schools and the 9th class day or later for quarter and term schools, and for any qualifying summer sessions at the end of the last day to drop and receive a full refund for the full summer session. Institutions shall not bill for students who are enrolled less than full-time at the end of the 14th class day for semester schools or the 9th class day for quarter and term schools, and for any qualifying summer sessions at the end of the last day to drop and receive a full refund for the summer session, unless the student qualifies for payment for less than full-time enrollment as defined in §2103.C. Students failing to meet the full-time enrollment requirement are responsible for reimbursing the institution for any awards received. Refunds of awards to students who are not receiving federal Title IV aid, for less than full-time enrollment after the 14th or 9th class day, as applicable, shall be returned to the state. Refunds to students who are receiving federal Title IV aid shall be refunded to the state in accordance with the institution's federal Title IV aid refund procedures;

B.3. - G. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:3021-3036, R.S. 17:3042.1, 17:3041.10-3041.15, 17:3041.21-3041.26 and 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), repromulgated LR 24:645 (April 1998), amended LR 24:1914 (October 1998), LR 25:1459 (August 1999), LR 26:1998 and 2002 (September 2000), repromulgated LR 27:1864 (November 2001), amended LR 28:448 (March 2002), LR 28:775 (April 2002), LR 28:1760 (August 2002), LR 28:2333 (November 2002), LR 30:784 (April 2004), LR 30:1166 (June

George Badge Eldredge
General Counsel

0707#034

RULE

Department of Environmental Quality Office of the Secretary Legal Affairs Division

Permit Application Review Timeline (LAC 33:I.1501, 1503, and 1505)(OS075)

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 Office of the Secretary regulations, LAC 33:I.1501, 1503, and 1505 (Log #OS075).

This Rule reduces the time frame for environmental permit application administrative completeness reviews from 110 days to 60 days. This Rule also reduces the time for making a final decision on permit applications from 410 days to 300 days. Definitions have been added to provide the applicant with more detail regarding the application review process, and provisions have been added to correct incompleteness in permit applications and for suspension of applications pending such supplemental information. This Rule implements Act 117 of the 2006 Regular Session of the Louisiana Legislature, which revised these time frames. The basis and rationale for this Rule are to incorporate into the regulations the statutory revisions enacted by Act 117.

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 15. Permit Application Review

§1501. Applicability

A. This Chapter applies to permit applications for new facilities and to applications for substantial permit modifications submitted to the department after the rule's effective date (date of publication in the *Louisiana Register*).

B. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2022(B).

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Legal Affairs and Enforcement, Enforcement and Regulatory Compliance Division, LR 19:487 (April 1993), amended by the Office of the Secretary, Legal Affairs Division, LR 33:1341 (July 2007).

§1503. Definitions

A. For all purposes of this regulation, the terms defined in this Chapter shall have the following meanings, unless the context of use clearly indicates otherwise.

Administratively Complete—in reference to an application for a permit, that the application contains all of

the information necessary for the administrative processing of the application. Designating an application administratively complete for purposes of permit processing does not preclude the administrative authority from requesting or accepting any additional information. Required application information submitted under separate cover or separately from the application shall cause the administrative completeness determination to be delayed until such information is received, processed, and verified along with the other application information.

Complete—repealed.

* * *

Extraordinary Public Response—that situation that exists where the quality and/or quantity of comments that are relevant and material to the permit are such as to necessitate additional time for department review.

Final Decision—action taken by the administrative authority to issue, deny, modify, revoke and reissue, or terminate a permit.

New Facility—a pollution source (including all emission points and units of the source located within a contiguous area and under common control) or any public or private property where an activity required to be permitted by the department has not yet commenced.

Processing Day—except as otherwise provided herein, a day during which an application is available to the department for review and decision in the permit decision development process. Non-processing days include, but are not limited to, any day the department:

- a. awaits from the applicant requested information that revises or supplements administrative or technical information or deficiencies in the application; or
- b. reviews the following information from the applicant, not to exceed 60 days per submittal:
 - i. department-requested information; or
 - ii. application revisions or additional information unsolicited by the department.

Substantial Permit Modification—a change that substantially alters the permitted facility or its operation as follows:

- a. for a hazardous waste permit, any Class 3 modification listed in LAC 33:V.322 or otherwise described in LAC 33:V.321.C.4;
- b. for a solid waste permit, any modification listed in LAC 33:VII.517.A.2.a, or otherwise determined by the administrative authority to warrant public notice;
- c. for a Louisiana Pollutant Discharge Elimination System (LPDES) permit, any modification not processed as a minor modification under LAC 33:IX.2905; and
- d. for an air quality permit, any modification that results in a significant increase in the amount of any regulated pollutant or results in the significant emission of any air pollutant not previously emitted.

Suspended Application—a permit application that is not eligible to be processed for a permit decision because administrative or technical information requested by the department has not been submitted by the applicant within the time period specified by the department. An application deemed suspended, if not denied, may be reinstated if the requested information is submitted to, and found to be adequate by, the department within six months from date of

application suspension. In addition, the department may require the applicant to submit an updated application.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2022(B).

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Legal Affairs and Enforcement, Enforcement and Regulatory Compliance Division, LR 19:487 (April 1993), amended by the Office of the Secretary, Legal Affairs Division, LR 33:1341 (July 2007).

§1505. Review of Permit Applications for New Facilities and Substantial Permit Modifications

A. Administrative Completeness Review

1. After receipt of a permit application for a new facility or an application for a substantial permit modification, the department shall perform an administrative completeness review and, if applicable, submit written notification to the applicant that lists the application's specific administrative deficiencies or additional information needed for application processing. Permit application forms and checklists of required information in the permit application review process shall be provided to the applicant upon request.

2. The applicant shall respond to the notice of deficiency or the request for additional information within the amount of time specified in the notice or request. This response shall contain all of the information required by the department to proceed with processing the application, unless otherwise provided for in Subsection E of this Section.

3. Within 60 processing days from the date a permit application is submitted, the department shall:

- a. issue a letter of administrative completeness; or
- b. notify the applicant that the application has been suspended because the required administrative information has not been received within the amount of time specified by the department.

4. The applicant's failure to address an application deemed suspended may result in a permit denial, based on an incomplete application.

5. Within 30 days after receipt of a letter of administrative completeness, the applicant shall publish a notice, provided by the department, of the administrative completeness determination in a major local newspaper of general circulation and submit proof of publication to the Office of Environmental Services, Air Permits Division, Water Permits Division, or Waste Permits Division.

6. The requirement for publication of a notice of administrative completeness may be waived for applications for air quality permits for sources not defined as major in LAC 33:III.502 or 5103.

7. The requirement for publication of a notice of administrative completeness may be waived for applications for water quality permits for sources defined as minor by the administrative authority.

B. Technical Review

1. If at any time during the application review process the application is found to contain technical deficiencies, or if additional information is needed to correct or clarify the application, the department shall provide a written notice or request to the applicant and require a response within a specified time.

2. The applicant shall respond to the notice of technical deficiency or request for additional information

within the time specified in the notice or request. This response shall be deemed adequate only if it contains all of the information specified in the notice of technical deficiency or request for additional information as required by the department to complete the review of the application.

3. If the applicant does not supply the required information within the time period specified in the notice of technical deficiency or request for additional information, the department may notify the applicant that the application has been suspended because the required information has not been received within the amount of time specified by the department.

4. The applicant's failure to address an application deemed suspended may result in a permit denial, based on an incomplete application.

5. Applications undergoing technical review shall not be subject to rule changes that occur during the technical review unless such changes are made in accordance with R.S. 49:953(B)(1) or are required by federal law or regulation to be incorporated prior to permit issuance. However, such a rule change made prior to the issuance of the permit may constitute grounds for a modification of the final permit.

C. Final Decision

1. The secretary or his designee shall issue a final decision within 300 processing days from the submission date of the application.

2. The 300-processing-day deadline shall be extended where additional time is required:

a. for the applicant to revise or supplement the application to address technical information or deficiencies in the application;

b. for adjudicatory or judicial proceedings under R.S. 30:2024;

c. for required review by the United States Environmental Protection Agency; or

d. for consideration of comments received at a public hearing in the case of an extraordinary public response, however in no case shall the extension for consideration of comments exceed 45 days.

D. Exceptions. Notwithstanding any other provisions of this Chapter to the contrary, the following requirements shall pertain to all applications for permits relating to oil and gas wells and pipelines.

1. Within 14 workdays after submittal of a permit application, the department shall perform an administrative completeness review and make a determination as follows.

a. If the application is deemed administratively complete, the department shall issue notification of the administrative completeness determination to the applicant.

b. If the application is not deemed administratively complete, the department shall notify the applicant in writing and provide a list of the application's specific administrative deficiencies. This notice shall specify the date by which the administrative information is to be submitted.

2. If, during the technical review, additional information is needed, the department shall notify the applicant in writing and shall specify the date by which the information is to be submitted.

3. If the applicant does not submit the required administrative or technical information within the specified time period as requested by the department, the department

may notify the applicant that the application has been suspended because the required information has not been received within the amount of time specified by the department.

4. The applicant's failure to address an application deemed suspended may result in a permit denial, based on an incomplete application.

5. Within 60 processing days after a permit application has been submitted to the department, the secretary or his designee shall issue a final decision to grant or to deny the permit.

6. In the event of a permit denial, the secretary or his designee shall provide written reasons for the decision to all parties.

7. If the secretary or his designee does not grant or deny the permit within the time period provided for herein, the applicant may file a rule as provided for in R.S. 49:962.1.

E. Extensions. Any deadline established by this Section may be extended. A request for an extension of any deadline shall be submitted in writing by the permit applicant or by the secretary or his designee. The request shall specify the reasons and any special conditions that support a deadline extension. Written responses to all extension requests shall be submitted to the requestor within 10 days of receipt of the request.

F. Withdrawal of Permit Application

1. An applicant may voluntarily withdraw an application during the review process, without prejudice, provided notice of withdrawal is submitted to the Office of Environmental Services, Air Permits Division, Water Permits Division, or Waste Permits Division, in writing with the appropriate signatory authority, and:

a. the applicant has voluntarily submitted an application for a new facility and such an application is not required other than to gain permission to operate; or

b. the applicant has voluntarily submitted an application to modify an existing permit and such a permit modification would not be required other than to operate in a different manner.

2. Following withdrawal, any subsequent submission will be considered a new application.

3. Following withdrawal, the requirements of this Chapter will be reinitiated upon the submittal of a new application.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2022(B).

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Legal Affairs and Enforcement, Enforcement and Regulatory Compliance Division, LR 19:487 (April 1993), repromulgated LR 19:742 (June 1993), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2441 (November 2000), amended by the Office of the Secretary, Legal Affairs Division, LR 31:2433 (October 2005), LR 33:1342 (July 2007).

Herman Robinson, CPM
Executive Counsel

0707#015

RULE

**Firefighters' Pension and Relief Fund
for the City of New Orleans and Vicinity**

Annual Leave (LAC 58:V.1305)

The Board of Trustees of the Firefighters' Pension and Relief Fund for the City of New Orleans ("Fund"), pursuant to R.S. 11:3363(F), has amended LAC 58:V.1305. The amended Rule expands the basis upon which a member of the fund can opt to convert annual leave to obtain additional pension credits.

All currently stated rules of the board, unless amended herein, shall remain in full force and effect.

Title 58

RETIREMENT

**Part V. Firefighters' Pension and Relief Fund for the
City of New Orleans and Vicinity**

Chapter 13. Service Credit

§1305. Sick and Annual Leave

A. A member may elect to utilize any sick and annual leave he has accrued for purposes of obtaining additional pension credits.

B. A member may also elect at any time prior to retirement to utilize annual leave in excess of the "use it or lose it" leave limitations established by rules of the New Orleans City Civil Service Commission during any period of time allowed by City Civil Service Commission action for the "rolling over" of such excess annual leave to avoid forfeiture. Such excess leave may be used to obtain additional pension credits.

AUTHORITY NOTE: Promulgated in accordance with R.S. 11:3363 and 3385.1.

HISTORICAL NOTE: Promulgated by the Board of Trustees of the Firefighters' Pension and Relief Fund for the City of New Orleans and Vicinity, LR 26:293 (February 2000), amended LR 33:1343 (July 2007).

Louis L. Robein, Jr.
Fund Counsel

0707#026

RULE

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

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

In accordance with the provisions of the Louisiana Administrative Procedure Act, R.S. 49:950 et seq., the Louisiana State Board of Medical Examiners (board), pursuant to the authority vested in the board by the Louisiana Medical Practice Act, R.S. 37:1261-1292 has amended its rules governing the licensure of physicians LAC 46:XLV, Subpart 2, Chapter 3, §§402, 403 and 405. The amendments will facilitate the processing of restricted

provisional temporary permits by eliminating delays, costs, and other administrative burdens attendant to the processing and issuance of restricted provisional temporary permits for: visiting physicians, who are invited by Louisiana licensed physicians to assist in the evaluation, diagnosis and/or treatment of specific patients in this state who require their expertise; for visiting professors who are invited by a medical school or other accredited medical institution to provide graduate medical education or instruction to Louisiana physicians and graduate medical students who will benefit from their training in this state; and for physicians serving in a preceptorship or enrolled in short-term post-graduate medical residency training program in a medical school or other accredited institution in this state, by allowing the board to forgo collecting and processing criminal history record information, eliminating the need for a personal appearance, and facilitating the board's use of electronic technology for processing forms, applications, and verifications of licensure status in other states. With respect to visiting physicians and visiting professors, who provide a valuable service to the citizens of this state by attending to Louisiana patients and educating Louisiana physicians, the amendments also allow the board to waive the fee for the approximate 20-30 anticipated number of annual applicants for these categories of restricted temporary permits.

Title 46

PROFESSIONAL AND OCCUPATIONAL STANDARDS

Part XLV. Medical Professions

Subpart 2. Licensure and Certification

Chapter 3. Physicians

Subchapter H. Restricted Licensure, Permits

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

A. - C. ...

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

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

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Medical Examiners, LR 27:843 (June 2001), amended LR 33:1344 (July 2007).

§403. Visiting Physician Permits

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

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

3. Repealed.

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

1. - 2.a. ...

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

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

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

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

3. Repealed.

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

1. - 2.b. ...

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

d. ...

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

3. Repealed.

D. - F. ...

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

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

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

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Board of Medical Examiners, LR 10:913 (November 1984), amended by the Department of Health and Hospitals, Board of Medical Examiners, LR 16:520 (June 1990), LR 27:843 (June 2001), LR 33:1344 (July 2007).

§405. Short-Term Residency Permit

A. - A.5. ...

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

1. - 2.a. ...
 - b. satisfactory documentation that the applicant possesses the qualifications required by this Section; and
 - c. a letter from the physician under whom he will be serving in the preceptorship or short-term residency, describing the capacity in which the applicant will be serving and the inclusive dates of such service.

3. Repealed.

C. - D. ...

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

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Board of Medical Examiners, LR 10:913 (November 1984), amended by the Department of Health and Hospitals, Board of Medical Examiners, LR 16:521 (June 1990), LR 27:845 (June 2001), LR 33:1344 (July 2007).

Robert L. Marier, M.D.
Executive Director

0707#025

RULE

**Department of Health and Hospitals
Board of Pharmacy**

**Prescription Monitoring Program
(LAC 46:LIII.Chapters 29 and 33)**

In accordance with the provisions of the Administrative Procedure Act (R.S. 49:950 et seq.) and the Louisiana Pharmacy Practice Act (R.S. 37:1161 et seq.), the Louisiana Board of Pharmacy has adopted a new chapter of regulations relative to the Prescription Monitoring Program. This program was authorized by Act 676 of the 2006 Louisiana Legislature. Further, the board has re-designated the current Chapter 29, Severability as Chapter 33, Severability, with no changes to the contents of that Chapter.

Title 46

**PROFESSIONAL AND OCCUPATIONAL
STANDARDS**

Part LIII. Pharmacists

Chapter 29. Prescription Monitoring Program

Subchapter A. General Operations

§2901. Definitions

A. As used in this Chapter, the following terms shall have the meaning ascribed to them unless the context clearly indicates otherwise.

Administer or *Administration*—the direct application of a drug to the body of a patient by injection, inhalation, ingestion, or any other means.

Advisory Council—the entity established in R.S. 40:1005.

Board—the Louisiana Board of Pharmacy.

Controlled Substance—any substance or drug defined, enumerated, or included in federal or state statute or rules, 21 CFR 1308.11-15 or R.S. 40:964, or any substance which may hereafter be designated as a controlled substance by amendment or supplementation of such regulations or statute. *Controlled substance* shall not include distilled spirits, wine, malt beverages, or tobacco.

Dispense or *Dispensing*—the interpretation, evaluation, and implementation of a prescription drug order, including

the preparation and delivery of a drug or device to a patient or patient's agent in a suitable container appropriately labeled for subsequent administration to, or use by, a patient.

Dispenser—a person authorized by this state to dispense or distribute to the ultimate user any controlled substance or drug monitored by the program, but shall not include any of the following:

a. a pharmacy permitted by the board as a hospital pharmacy that dispenses or distributes any controlled substance or drug monitored by the program for the purposes of inpatient health care;

b. a practitioner who dispenses or distributes no more than a single 48 hour supply of such controlled substance or drug to a patient prior to, or subsequent to, performing an actual procedure on that patient;

c. practitioner or other authorized person who administers such controlled substance or drug upon the lawful order of a practitioner;

d. a wholesale distributor of such controlled substance or drug that is credentialed by the Louisiana State Board of Wholesale Drug Distributors.

Distribute or *Distribution*—the delivery of a drug or device other than by administering or dispensing.

Drug—any of the following:

a. any substance recognized as a drug in the official compendium, or supplement thereto, designated by the board for use in the diagnosis, cure, mitigation, treatment, or prevention of disease in humans or animals;

b. any substance intended for use in the diagnosis, cure, mitigation, treatment, or prevention of disease in humans or other animals;

c. any substance other than food intended to affect the structure or any function of the body of humans or other animals.

Drugs of Concern—drugs other than controlled substances as defined by rule which demonstrate a potential for abuse.

Patient—the person or animal who is the ultimate user of a controlled substance or drug monitored by the program for whom a prescription is issued and for whom a controlled substance or drug is dispensed.

Prescriber—a licensed health care professional with prescriptive authority.

Prescription Monitoring Information—data submitted to and maintained by the prescription monitoring program.

Prescription Monitoring Program or *PMP*—the program established in R.S. 40:1004.

Procedure—any dental or medical practice or process described in the current year's version of the American Dental Association's *Current Dental Terminology* or the American Medical Association's *Code of Procedural Terminology*.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1011.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Pharmacy, LR 33:1345 (July 2007).

§2903. Authority for Program Operation

A. The board shall establish and maintain, in consultation with and upon the recommendation of the advisory council, an electronic system for the monitoring of controlled substances and drugs of concern dispensed in the state or dispensed to an address in the state.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1004.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Pharmacy, LR 33:1345 (July 2007).

§2905. Authority to Engage Staff

A. The board shall have the authority to engage a program director and sufficient number of other personnel as may be necessary to accomplish the mission of the program.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1179.F.(6).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Pharmacy, LR 33:1346 (July 2007).

§2907. Authority to Contract with Vendors

A. The board shall have the authority to engage vendors to facilitate the collection of the prescription monitoring program data and to facilitate access to the program data by authorized users.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1012.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Pharmacy, LR 33:1346 (July 2007).

§2909. Advisory Council

A. The advisory council shall consist of the following members, each of whom may appoint a designee:

1. the President of the Louisiana State Board of Medical Examiners;
2. the President of the Louisiana State Board of Dentistry;
3. the President of the Louisiana State Board of Nursing;
4. the President of the Louisiana State Board of Optometry Examiners;
5. the President of the Louisiana State Board of Examiners of Psychologists;
6. the President of the Louisiana Academy of Physician Assistants;
7. the President of the Louisiana Board of Pharmacy;
8. the Superintendent of the Louisiana State Police;
9. the Administrator of the United States Drug Enforcement Administration;
10. the Speaker of the Louisiana House of Representatives;
11. the President of the Louisiana Senate;
12. the Chairman of the House Committee on Health and Welfare;
13. the Chairman of the Senate Committee on Health and Welfare;
14. the Secretary of the Department of Health and Hospitals;
15. the President of the Louisiana State Medical Society;
16. the President of the Louisiana Dental Association;
17. the President of the Louisiana Association of Nurse Practitioners;
18. the President of the Optometry Association of Louisiana;
19. the President of the Louisiana Pharmacists Association;
20. the President of the Louisiana Independent Pharmacies Association;
21. the President of the National Association of Chain Drug Stores;
22. the President of the Louisiana Sheriffs' Association;

23. the President of the Louisiana District Attorneys Association;

24. the President of the Pharmaceutical Research and Manufacturers of America;

25. the President of the Louisiana Academy of Medical Psychologists.

B. The members of the advisory council shall serve at the pleasure of their respective appointing authorities, 11 of whom shall constitute a quorum for the transaction of business. The members shall elect a chairman and vice chairman whose duties shall be established by the advisory council. The board shall fix a time and place for regular meetings of the advisory council, which shall meet at least quarterly. The advisory council shall establish policies and procedures necessary to carry out its duties.

C. The board shall seek, and the advisory council shall provide, information and advice regarding the development and operation of the electronic monitoring system, including but not limited to the following:

1. which controlled substances should be monitored;
2. which drugs of concern demonstrate a potential for abuse and should be monitored;
3. design and implementation of educational courses identified in R.S. 40:1008;
4. the methodology to be used for analysis and interpretation of prescription monitoring information;
5. design and implementation of a program evaluation component;
6. identification of potential additional members to the advisory council.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1005.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Pharmacy, LR 33:1346 (July 2007).

Subchapter B. Data Collection

§2911. Reporting of Prescription Monitoring Information

A. Each dispenser shall submit to the board information regarding each prescription dispensed for a controlled substance.

B. Each dispenser shall submit the required information by electronic means on a frequency set by the board, which shall be no less than every 14 days and no more than every seven days.

C. If the dispenser is unable to submit prescription information by electronic means, he may apply to the board for a waiver. The board may grant a waiver to that requirement; if so, the waiver shall state the format and frequency with which the dispenser shall submit the required information. The waiver shall expire one year after the date of issue, unless terminated sooner by the board.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1011.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Pharmacy, LR 33:1346 (July 2007).

§2913. Required Data Elements

A. The information submitted for each prescription shall include data relative to the identification of the following elements of the transaction, or alternate data as identified in the board's program user manual. To the extent possible, the data shall be transmitted in the format established by the American Society for Automation in Pharmacy (ASAP)

Telecommunications Format for Controlled Substances in May 1995.

1. Prescriber Information:
 - a. name of prescriber;
 - b. address of prescriber;
 - c. telephone number of prescriber;
 - d. United States Drug Enforcement Administration (DEA) registration number.
2. Patient information:
 - a. name of patient;
 - b. address of patient;
 - c. date of birth of patient;
 - d. identification number of patient.
3. Prescription information:
 - a. identification number of prescription;
 - b. date of issuance;
 - c. date of fulfillment;
 - d. number of refills authorized on original prescription;
 - e. method of payment for prescription (cash, insurance, or government subsidy).
4. Drug information:
 - a. National Drug Code (NDC) number;
 - b. name of drug;
 - c. dosage form of drug;
 - d. strength of drug;
 - e. quantity dispensed.
5. Dispenser information:
 - a. name of pharmacy or dispensing practitioner;
 - b. address of dispenser;
 - c. telephone number of dispenser;
 - d. DEA registration number;
 - e. national practitioner identification number.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1011.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Pharmacy, LR 33:1346 (July 2007).

§2915. Failure to Report Prescription Information

A. A dispenser who fails to submit prescription monitoring information to the board as required shall be referred to the appropriate professional licensing, certification, or regulatory agency for administrative sanctions as deemed appropriate by that agency.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1011.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Pharmacy, LR 33:1347 (July 2007).

Subchapter C. Access to Prescription Monitoring Information

§2917. Authorized Direct Access Users of Prescription Monitoring Information

A. The following persons may access prescription monitoring information in the same or similar manner, and for the same or similar purposes, as those persons are authorized to access similar protected health information under federal and state law and regulation:

1. persons authorized to prescribe or dispense controlled substances or drugs of concern, for the purpose of providing medical or pharmaceutical care for their patients;
2. designated representatives from the professional licensing, certification, or regulatory agencies charged with administrative oversight of those professionals engaged in

the prescribing or dispensing of controlled substances or other drugs of concern;

3. designated representatives from the Louisiana Medicaid program regarding Medicaid program recipients;

4. designated representatives of the board or any vendor or contractor establishing or maintaining the prescription monitoring program.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1011.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Pharmacy, LR 33:1347 (July 2007).

§2919. Registration Procedures for Authorized Direct Access Users

A. Authorized users of prescription monitoring information shall comply with the following requirements to register with the board, in order to receive the appropriate credentials to access prescription monitoring information.

1. The applicant shall successfully complete the program's orientation course, and attach evidence of same to his application to the program.

2. The applicant shall file an application with the program, using the form supplied by the program for that purpose.

3. The board shall verify the practitioner applicant is in possession of a valid license to prescribe or dispense controlled substances, or in the case of an agency applicant, the board shall verify agency representation.

4. Upon verification of all requirements, the board shall issue the appropriate credential necessary to access prescription monitoring information.

5. Upon receipt of information that an authorized user no longer possesses authority to prescribe or dispense controlled substances, the program shall terminate the user's credentials to access prescription monitoring information. If or when the user's authority to prescribe or dispense controlled substances is reinstated, the program may reinstate the user's credentials to access prescription monitoring information.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1011.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Pharmacy, LR 33:1347 (July 2007).

§2921. Methods of Access to Prescription Monitoring Information

A. Prescribers and dispensers, once properly registered, may solicit prescription monitoring information from the program concerning their patients. The program may require such users to certify the legitimacy of their inquiry prior to furnishing the requested information.

B. Designated representatives from agencies charged with administrative oversight of prescribers and dispensers of controlled substances may solicit prescription monitoring information from the program concerning specific investigations of prescribers or dispensers. The program may require such users to certify the legitimacy of their inquiry prior to furnishing the requested information.

C. Designated representatives of the Louisiana Medicaid program, once properly registered, may solicit prescription monitoring information from the program concerning specific recipients. The program may require such users to certify the legitimacy of their inquiry prior to furnishing the requested information.

D. Designated representatives of the board, or any vendor or contractor establishing or maintaining the program, once properly registered, may solicit prescription monitoring information from the program for the purpose of establishing or maintaining the program's database.

E. Upon receipt of one of the following methods of application by local, state, or federal law enforcement or prosecutorial officials, the program may provide prescription monitoring information:

1. a court order or court-ordered warrant, or a subpoena or summons issued by a judicial officer;

2. a grand jury subpoena; or

3. an administrative request, including an administrative subpoena or summons, a civil or an authorized investigative demand, or similar process authorized under law, provided by law enforcement to the board, and further, provided all of the following:

a. the information sought is relevant and material to a legitimate law enforcement inquiry;

b. the request is specific and limited in scope to the extent reasonably practicable in light of the purpose for which the information is sought;

c. de-identified information, or limited information that does not identify or could not reasonably lead to the identification of an individual patient, could not reasonably be used.

F. Individuals may solicit their own prescription monitoring information from the program. To prevent inappropriate access to such information, the requestor shall personally appear at the program office and produce positive photo identification at the time of their request. The program shall furnish a single copy of the report responding to such request at no charge to the individual.

G. Program personnel, once properly registered, may solicit prescription monitoring information from the program's database for the purpose of responding to legitimate inquiries from authorized users or other individuals.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1011.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Pharmacy, LR 33:1347 (July 2007).

§2923. Unlawful Use or Disclosure of Prescription Monitoring Information

A. If the program receives evidence of inappropriate or unlawful use or disclosure of prescription monitoring information by an authorized user, the program shall refer that user to the appropriate professional licensing, certification, or regulatory agency for administrative sanctions as deemed appropriate by that agency.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1011.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Pharmacy, LR 33:1348 (July 2007).

Subchapter D. Reports

§2925. Release of Prescription Monitoring Information to Other Entities

A. The program shall provide prescription monitoring information to public or private entities, whether located in or outside of the state, for public research, policy, or educational purposes, but only after removing information

that identifies or could reasonably be used to identify individual patients or persons who received prescriptions from prescribers.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1011.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Pharmacy, LR 33:1348 (July 2007).

§2927. Legislative Oversight

A. The board shall report to the appropriate legislative oversight committee on a periodic basis, but in no case less than annually, the cost benefits and other information relevant to policy, research, and education involving controlled substances and other drugs of concern monitored by the program.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1011.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Pharmacy, LR 33:1348 (July 2007).

§2929. Program Evaluation

A. The board shall, in consultation with and upon recommendation of the advisory council, design and implement an evaluation component to identify cost benefits of the prescription monitoring program and other information relevant to policy, research, and education involving controlled substances and drug monitored by the prescription monitoring program.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1011.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Pharmacy, LR 33:1348 (July 2007).

Subchapter E. Exemptions

§2931. Exemptions

A. A veterinarian licensed by the Louisiana Board of Veterinary Medicine who dispenses, administers, and/or prescribes a controlled substance or drug to a client/patient within the scope of his practice is exempt from the provisions of the prescription monitoring program as defined in these rules.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1011.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Pharmacy, LR 33:1348 (July 2007).

Chapter 33. Severability

§3301. Severability

A. In the event any rule, sentence, clause, or phrase or any of these rules and regulations may be construed by any court of competent jurisdiction to be invalid, illegal, unconstitutional, or otherwise unenforceable, such determination or adjudication shall in no manner affect the remaining rules or portions thereof, and such remaining rules or portions thereof shall remain of full force and effect, as if such rule or portions thereof so determined, declared, or adjudged invalid or unconstitutional were not originally a part hereof. It is the intent of the Louisiana Board of Pharmacy to establish rules and regulations that are constitutional and enforceable so as to safeguard the health, safety, and welfare of the people of the state.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1182.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Pharmacy, LR 29:2114 (October

Malcolm J. Broussard
Executive Director

0707#033

RULE

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

Nursing Facilities—Reimbursement Methodology Fair Rental Value, Property Tax and Property Insurance Payments (LAC 50:VII.1312)

The Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing adopts §1312 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 VII. Long Term Care Services

Subpart 1. Nursing Facilities

Chapter 13. Reimbursement Methodology

§1312. Additional Fair Rental Value, Property Tax and Property Insurance Payments

A. On or after July 20, 2007, a Louisiana Medicaid participating nursing facility [buyer(s)] that purchases and closes an existing Louisiana Medicaid participating nursing facility (seller) will be eligible to receive additional fair rental value, property tax and property insurance payments for five years after the legal transfer of ownership and closure of the seller's nursing facility.

B. Qualifying Buyer(s). In order for the buying facility to qualify for the additional payments in §1312.C, the following conditions must be met.

1. The buyer(s) must close the purchased nursing facility (seller) within 90 days after the legal transfer of ownership.

2. After closing the facility, all buyers must permanently surrender their interest in the seller's bed license and the Facility Need Review bed approvals to the state.

3. The buyer(s) must be a certified nursing facility at the time of purchase and continue their Medicaid participation throughout the entire five year payment period.

a. A change in ownership of a buyer facility will not be considered a break in Medicaid participation provided that the new owner of the nursing facility continues to participate in the Medicaid Program as a certified nursing facility.

4. The buyer(s) must provide the following information in writing to the department within 30 days after the legal transfer of ownership:

- a. a list of all buyers;
- b. a list of all sellers;
- c. the date of the legal transfer of ownership; and

d. each buyer's percentage share of the purchased facility.

5. The buyer(s) must provide the following information in writing to the department within 110 days after the legal transfer of ownership:

a. a list of the nursing facility residents that transferred from the seller facility and were residents of the buyer facility as of 90 days after the legal transfer of ownership date; and

b. the date that the seller's facility was officially closed and no longer operating as a nursing facility.

C. The buyer's Medicaid payment determinations will be as follows.

1. Buyer's Additional Fair Rental Value Payments. Each buyer's additional fair rental value payment will be calculated as the seller's annual Medicaid fair rental value payment multiplied by each buyer's reported percentage share in the purchase of the seller. The seller's annual Medicaid fair rental value payment will be calculated as the seller's most recent fair rental value per diem as determined under §1305.D.3.b.iii multiplied by the total Medicaid days reported on the seller's most recent base year cost report as determined in §1305.B.

2. Buyer's Additional Property Tax and Insurance Payments. Each buyer's additional property tax and insurance payment will be calculated as the seller's annual Medicaid property tax and insurance payment multiplied by each buyer's reported percentage share in the purchase of the seller. The seller's annual Medicaid property tax and insurance pass-through payment will be calculated as the seller's most recent property tax and insurance per diem as determined under §1305.D.4.a multiplied by the total Medicaid days reported on the seller's most recent base year cost report as determined in §1305.B.

3. Re-Base of Buyers' Fair Rental Value, Property Tax, and Property Insurance per Diems. All buyers will have their fair rental value, property tax, and property insurance per diems re-based using the number of residents reported by each buyer under §1312.B.5.a. The calculation will be as follows.

a. The number of total resident days used in the calculation of each buyer's current fair rental value per diem under §1305.D.3.b.iii will be increased by the number of residents the buyer reported under §1312.B.5.a multiplied by the number of current calendar year days.

b. The number of total resident days used in the calculation of each buyer's current pass through property tax and insurance per diem under §1305.D.4.a will be increased by the number of residents the buyer reported under §1312.B.5.a multiplied by the number of calendar days included in the buyer's most recent base-year cost report.

c. The resident day adjustment to each buyer's fair rental value, property tax, and property insurance per diem will continue until the buyer's base-year cost report, as defined under §1305.B, includes a full 12 months of resident day data following the closure of the acquired facility (seller). If a buyer's base year cost report overlaps the closure date of the acquired facility, a proportional adjustment to that buyer's resident days will be made for use in the fair rental value, property tax, and property insurance per diem calculations.

D. Payments. The additional fair rental value, property tax, and property insurance payments will be paid to the buyer(s) in equal quarterly installments for five years (20 quarters) effective the calendar quarter that the seller's facility is closed and the seller's licensed beds are surrendered to the department.

1. The revised fair rental value per diem and revised property tax and insurance per diem for the buyer(s) will be effective the first day of the month following the closure of the acquired facility (seller).

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254, R.S. 46:2742, 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 33:1349 (July 2007).

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

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

0707#054

RULE

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

Nursing Facilities—Resident Personal Fund Accounts
(LAC 48:I.9734)

The Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing adopts LAC 48:I.9734 in the Medical Assistance Program as authorized by R.S. 36:254 and pursuant to Title XIX of the Social Security Act. This Rule is promulgated in accordance with the Administrative Procedure Act, R.S. 49:950 et seq.

Title 48

PUBLIC HEALTH—GENERAL

Part I. General Administration

Subpart 3. Licensing

Chapter 97. Nursing Homes

Subchapter C. Resident Rights

§9734. Resident Personal Fund Account

A. A nursing facility resident, with a personal fund account managed by the nursing facility, may sign an account agreement acknowledging that any funds deposited into the personal fund account by, or on the resident's behalf, are jointly owned by the resident and his legal representative or next of kin. The account agreement must state that the:

1. funds in the account shall be jointly owned with the right of survivorship;

2. funds in the account shall be used by, for, or on behalf of the resident;

3. resident or the joint owner may deposit funds into the account; and

4. resident or joint owner may endorse any check, draft or other instrument to the order of any joint owner, for deposit into the account.

B. If a valid account agreement has been executed by the resident, upon the resident's death, the nursing facility shall

transfer the funds in the resident's personal fund account to the joint owner within 30 days of the resident's death. This provision only applies to personal fund accounts not in excess of \$2,000.

C. If a valid account agreement has not been executed, upon the resident's death, the nursing facility shall comply with the federal and state laws and regulations regarding the disbursement of funds in the account and the properties of the deceased.

D. The provisions of §105 shall have no effect on federal or state tax obligations or liabilities of the deceased resident's estate. If there are other laws or regulations which conflict with these provisions, those laws or regulations will govern over and supersede the conflicting provisions.

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 33:1350 (July 2007).

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

0707#053

RULE

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

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

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

Title 55

PUBLIC SAFETY

Part V. Fire Protection

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

Subchapter A. General Provisions

§5001. Preface

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

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

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

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

B. It is intended that these rules and regulations will effect reasonable and adequate regulations governing the construction, maintenance, inspection and use of boilers, and provide for the inspection during fabrication, repair or

alteration of those pressure vessels that are required by the owner or user to:

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

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

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

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

HISTORICAL NOTE: Promulgated by the Department of Public Safety, Office of the State Fire Marshal, LR 33:1350 (July 2007).

§5002. Application

A.1. The rules and regulations herein promulgated apply to all boilers subject to the provisions of the Louisiana Revised Statutes of 1950, Title 23, Chapter 5, Part III, Sections 531 through 545, (Except boilers exempted by R.S. 23:540), and to those pressure vessels that are required by the owner or user to:

- a. meet ASME and NBIC requirements; and
- b. be stamped as meeting those rules, as provided for by R.S. 23:531.

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

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

C. The rules providing for inspection of new and existing installations shall apply to all boilers subject to the provisions of Act 264 of the Regular Session of 1938, as continued or substituted for by Title 23, Chapter 5, Part III, of the Louisiana Revised Statutes of 1950, regardless of

whether inspected by an inspector employed by the Department of Public Safety or by an insurance company inspector, and shall apply to all boilers whether stationary or portable, insofar as is practical.

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

HISTORICAL NOTE: Promulgated by the Department of Public Safety, Office of the State Fire Marshal, LR 33:1351 (July 2007).

§5003. Definitions

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

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

ASME—the American Society of Mechanical Engineers.

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

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

Authorized Inspection Agency—one of the following:

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

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

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

Boiler—a vessel in which water is heated, steam is generated, steam is superheated, or any combination thereof, under pressure or vacuum for use external to itself, by the direct application of heat, that is heat resulting from the combustion of fuel, electrical elements, nuclear fuel, or

waste gases. (Vessels known as evaporators or heat exchangers and vessels in which steam and other vapor is generated by the use of heat resulting from operation of a processing system containing a number of pressure vessels such as used in the manufacture of chemical and petroleum products, would be exempted from jurisdictional inspection requirements.) The term *boiler* shall include the following.

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

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

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

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

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

- a. 16 inch inside diameter of shell;
- b. 20 square feet heating surface (not applicable to electric boilers);
- c. 5 cubic feet gross volume exclusive of casing and insulation;
- d. 100 psig maximum allowable working pressure.

6. *Steam Heating Boiler*—a steam boiler for operation at pressures not exceeding 15 psig, used for heating purposes.

7. *Hot Water Heating Boiler*—a boiler in which no steam is generated, from which hot water is circulated for heating purposes and then returned to the boiler, and which operates at a pressure not exceeding 160 psig and/or a temperature of 250° F at or near the boiler outlet.

8. *Hot Water Supply Boiler*—a boiler completely filled with water that furnishes hot water to be used externally to itself at pressures not exceeding 160 psig or a temperature not exceeding 250° F at or near the boiler outlet.

9. *Potable Water Boiler*—a vessel in which water is heated and withdrawn for use external to itself at pressures not exceeding 160 psig and temperatures not exceeding 210° F. This shall include hot water heaters (fired and electric), supplying potable hot water, 50 gallons and over in capacity; coil water heaters and fired jacketed kettles.

10. *Portable Boiler*—a boiler which is primarily intended for temporary location and the construction and usage permits it to be readily moved from one location to another.

11. *Heat Recovery Boiler*—a vessel or system of vessels comprised of one or more heat exchanger surfaces used for the recovery of waste heat (Vessels known as evaporators or heat exchangers and vessels in which steam and other vapor is generated by the use of heat resulting from the operation of a processing system containing a number of pressure vessels such as used in the manufacture of chemical and petroleum products, are to be exempted from jurisdictional inspection requirements).

12. *Unfired Steam Boiler*—an unfired vessel intended for operation at a pressure in excess of 15 psig steam for the purpose of producing and controlling an output of thermal

energy. (Vessels known as evaporators or heat exchangers and vessels in which steam and other vapor is generated by the use of heat resulting from the operation of a processing system containing a number of pressure vessels such as used in the manufacture of chemical and petroleum products, are to be exempted from jurisdictional inspection requirements).

13. *Waste Heat Boiler*—an unfired vessel or system of unfired vessels intended for operation in excess of 15 psig steam for the purpose of producing and controlling an output of thermal energy. (Vessels known as evaporators or heat exchangers and vessels in which steam and other vapor is generated by the use of heat resulting from the operation of a processing system containing a number of pressure vessels such as used in the manufacture of chemical and petroleum products, are exempted from jurisdictional inspection requirements.)

Certificate Inspection—an inspection, the report of which is used by the chief inspector as justification for issuing, withholding or revoking the inspection certificate. This certificate inspection shall be an internal inspection when required; otherwise, it shall be as complete an inspection as possible.

1. *Internal Inspection*—as complete an examination as can be made of the internal and external surface of a boiler or pressure vessel while it is shut down and manhole plates, hand hole plates or other inspection opening closures are removed as required by the inspector.

2. *External Inspection*—an inspection made when a boiler or pressure vessel is in operation, if possible.

Certificate of Competency—a certificate issued to a person who has passed the examination prescribed by the assistant secretary.

Certificate of Inspection—a certificate issued by the chief inspector for the operation of a boiler or pressure vessel as required by the Act.

Commission-National Board—the commission issued by the National Board of Boiler and Pressure Vessel Inspectors to a holder of a certificate of competency who desires to make shop inspections or field inspections in accordance with the National Board Bylaws and whose employer submits the inspector application to the national board for such commission.

Condemned Boiler or Pressure Vessel—a boiler or pressure vessel that has been inspected and declared unsafe, or disqualified by legal requirements, by an inspector and a stamping or marking designating its condemnation has been applied by the chief inspector, deputy or special inspector.

Existing Installation—includes any boiler constructed, installed, placed in operation, or contracted for before July 7, 1938 and any pressure vessel (when required by the Act) before July 16, 1975.

Inspector—the chief inspector, any deputy inspector or special inspector.

1. *Chief Inspector*—the chief boiler and pressure vessel inspector, appointed under the Act.

2. *Deputy Inspector*—any inspector, employed by this state and appointed by the assistant secretary under the provisions of the Act.

3. *Special Inspector*—an inspector holding a Certificate of Competency, and who is regularly employed by an insurance company authorized to insure against loss from explosion of boilers or pressure vessels in this state.

Jurisdiction—a state, commonwealth, county or municipality of the United States or a province of Canada, which has adopted one or more sections of the ASME Code, or other codes and standards accepted by the National Board of Boiler and Pressure Vessel Inspectors, and maintains a duly constituted department, bureau or division for the purpose of enforcement of such Code.

National Board—the National Board of Boiler and Pressure Vessel Inspectors, 1055 Crupper Avenue, Columbus, Ohio 43229, whose membership is composed of the chief inspectors of jurisdictions, who are charged with the enforcement of the provisions of the ASME Code.

National Board Inspection Code—the manual for boiler and Pressure vessel inspectors published by the National Board of Boiler and Pressure Vessel Inspectors, from which copies may be obtained.

New Boiler or Pressure Vessel—includes all boilers constructed, installed, placed in operation or contracted for after July 7, 1938, or pressure vessels (when requested) after July 16, 1975.

Non-Standard Boiler or Pressure Vessel—a boiler or pressure vessel that does not bear the ASME stamp, the API-ASME stamp, or the stamp of any jurisdiction which has adopted a standard of construction equivalent to that required by these rules.

Owner or User—any person, firm or corporation legally responsible for the safe installation, operation and maintenance of any boiler or pressure vessel within this jurisdiction.

Pressure Vessel—a vessel in which the pressure is obtained from an external source, or by the application of heat from an indirect source, or from a direct source other than those boilers defined herein, and shall be those vessels within the scope of Section VIII of the ASME Code.

PSIG—pounds per square inch gauge.

Reinstalled Boiler or Pressure Vessel—a boiler or pressure vessel removed from its original setting and reinstalled at the same location or at a new location without change of ownership.

Repair—the work necessary to restore a boiler or pressure vessel to a safe and satisfactory operating condition, provided there is no deviation from the original design.

Repair/Pressure Relief Valve—the replacement, re-machining or cleaning of any critical part, lapping of seat and disk or any other operation which may affect the flow passage, capacity function or pressure retaining ability of the valve. Disassembly, reassembly and/or adjustments which affect the pressure relief valve function are also considered repair

Second Hand Boiler or Pressure Vessel—a boiler or pressure vessel that has changed both locations and ownership since its primary use.

Standard Boiler or Pressure Vessel—a boiler or pressure vessel which bears the stamp of the state, the ASME stamp, the API-ASME stamp, both the ASME and National Board stamp, or the stamp of another jurisdiction which has adopted a standard of construction equivalent to that required by this state.

Water Heater—a vessel in which water is heated by combustion of fuel or electricity, for use external to the system at pressures not exceeding 160 psig and shall include all controls and devices necessary to prevent water

temperatures from exceeding 210° F as well as storage vessels connected to the water heater (also defined as a potable water boiler).

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

HISTORICAL NOTE: Promulgated by the Department of Public Safety, Office of the State Fire Marshal, LR 33:1351 (July 2007).

Subchapter B. Administration

§5006. Boilers to Comply with Code Requirements

A. No boiler shall be installed in this state unless it has been constructed, inspected and stamped in conformity with the ASME Code and registered with the National Board except:

1. those exempt by the Act;
2. those existing installations (see §5003. Definitions);
3. those potable water heaters exempted by Part HLW-101, Section IV of the ASME Code, that are required by the Act, to comply with these rules and regulations. (Those heaters must be designed and constructed according to Underwriters Laboratories or other Nationally Recognized Standards, and shall bear their label on the completed unit);
4. those approved as "Louisiana Special."

B. Louisiana Special. If, due to a valid impediment to compliance with the original code of construction, a boiler cannot bear the required construction code and national board stamping, details in the English language and United States customary units of the proposed construction, material specifications and calculations, approved by a registered professional engineer experienced in boiler systems design, shall be submitted to the chief inspector by the owner or user and approval as "Louisiana Special" obtained before construction is started.

C. A boiler having a standard or special stamping of another state that has adopted a standard of construction equivalent to that required for Louisiana, may be accepted by the assistant secretary. The owner/user desiring to install such a boiler shall make application for the installation of same and shall file with the application of a manufacturers data report covering the construction of the boiler in question and a copy of the approval for construction from the state in which the boiler was fabricated.

D. The stamping, ASME, NB, or Standard Label, shall not be concealed by lagging or paint and shall be exposed at all times unless a suitable cover is provided and identifies the stamping as beneath the cover, or a suitable record is kept of the location of the stamping so that it may be readily uncovered.

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

HISTORICAL NOTE: Promulgated by the Department of Public Safety, Office of the State Fire Marshal, LR 33:1353 (July 2007).

§5007. Inspections

A. Upon completion of installation, all boilers shall be inspected by an inspector commissioned to inspect boilers in this state, and shall be inspected thereafter as follows.

1. Power boilers shall receive an internal certificate inspection annually, with the exception of those covered by R.S. 23:536.A, and may receive an external inspection while under pressure at approximately six months following the internal inspection.

2. High temperature and high pressure water boilers shall receive an external inspection annually, with an internal inspection done every six years based on the date of manufacture.

3. Low Pressure Boilers and Potable Water Boilers shall receive a certificate inspection biennial as follows.

a. Steam heating boilers shall receive an internal inspection every two years where construction permits, otherwise, a thorough external inspection shall be performed.

b. Hot water heating and hot water supply boilers shall receive an external inspection every two years and where construction permits an internal inspection every six years based on the date of manufacture.

c. All potable water boilers/water heaters shall receive an external inspection, including the functions of all controls and devises, at the initial installation; except those located in privately owned residences. Those potable water boilers/water heaters 50 gallons in capacity and larger (including any attached storage vessels) and/or 100,000 BTU/HR heat input, shall be issued a state jurisdiction number and a certificate to operate. Those heaters issued an operating certificate will require an external inspection every two years thereafter.

B. In addition to a certificate inspection being conducted in accordance with R.S. 23:536 in a commercial laundromat, as defined by R.S. 47:305.17 the Deputy State Fire Marshal inspector shall verify that hot water is being supplied to each machine at a minimum temperature of 120° F or a sign shall be placed on the machine indicating that hot water is not available.

C. Upon application from the owner or user with the recommendation of a deputy inspector or special inspector, the chief inspector may authorize an extension of the internal inspection period, as provided for by the Act.

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

HISTORICAL NOTE: Promulgated by the Department of Public Safety, Office of the State Fire Marshal, LR 33:1353 (July 2007).

§5008. Second-Hand Installations to Comply with New Installation Requirements

A. In any case where a second-hand boiler is installed, that is, both the ownership and location of which is changed, all fittings and appliances must comply with the applicable ASME Code section for new installations.

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

HISTORICAL NOTE: Promulgated by the Department of Public Safety, Office of the State Fire Marshal, LR 33:1354 (July 2007).

§5009. Application of State Serial Numbers

A. Upon completion of the installation of a boiler, or at the time of the initial certificate inspection of an already installed boiler that has not been inspected and decaled according to these rules. A decal with the state serial number shall be placed in a conspicuous location on the boiler/water heater for identification.

B. Pressure vessels when requested to be inspected by the owner or user shall have securely attached one of the decals provided by the boiler inspection section containing the state serial number, and shall be decaled under the same

pressure and temperature guidelines provided for boilers by these rules and regulations.

C. State serial numbers that have been decaled or otherwise attached to a boiler shall not be defaced or removed except as provided for by these rules and regulations, and shall not be covered by insulation or other material.

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

HISTORICAL NOTE: Promulgated by the Department of Public Safety, Office of the State Fire Marshal, LR 33:1354 (July 2007).

§5010. Examination for an Inspectors Certificate of Competency

A. Examination for an inspectors certificate of competency shall be held at the Office of the State Fire Marshal or any other location to be selected by the chief inspector, four times each year, namely the first Wednesday and 1/2 day Thursday in the months of March, June, September and December. An applicant for an examination shall have education and experience equal to at least one of the following:

1. from an accredited school, a degree in engineering plus one year of experience in design, construction, operation or inspection of high-pressure boilers and pressure vessels;

2. an associate degree in mechanical technology plus two years of experience in design, construction, operation or inspection of high-pressure boilers and pressure vessels;

3. a high school education or the equivalent plus three years of experience:

a. in high-pressure boiler and pressure vessel construction or repair; or

b. in charge of high-pressure boiler operation; or

c. in the inspection of high-pressure boilers and pressure vessels.

B. Applications for examination shall be in writing on a form to be furnished by the chief inspector stating the education of the applicant, a list of the applicant's employers, the applicant's period of employment and position held with each employer. Applications containing willful falsifications or untruthful statements shall be cause for rejection. Applications shall be submitted to the chief inspector at least 45 days prior to the date of examination. If the applicants education and experience are acceptable to the chief inspector, the applicant shall be given a written examination prepared by the National Board of Boiler and Pressure Vessel Inspectors or the American Petroleum Institute, as applicable, dealing with the construction, maintenance and repair of boilers and pressure vessels and appurtenances, and the applicant shall be accepted or rejected on the merits of this examination. If the applicant is successful in meeting the requirements, a certificate of competency will be issued by the chief inspector, when the applicant is employed on a full-time basis by an authorized inspection organization (see §5003.Definitions). Upon the expiration of 90 days, an applicant who failed to pass the examination will be permitted to take another written examination and applicant's acceptance or rejection will be determined on the basis of this examination.

C. An NDE Level II examiner of ASME code boilers and pressure vessels may be credited one year towards the

experience requirements above provided the applicant has five years of documented experience in that position and meets all other requirements.

D. A quality control inspector of ASME code boilers and pressure vessels, applying under Subsection C above, may be credited with four months of experience under the experience requirements of such section for each year of documented, diversified experience he/she possesses in the implementation of an ASME accepted written quality control/assurance system, up to a maximum of 24 months of such credit, provided that the applicant meets all other applicable requirements and provided that he/she has the balance of experience required under Paragraph 3 above in actual work described in Subparagraphs a, b, or c.

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

HISTORICAL NOTE: Promulgated by the Department of Public Safety, Office of the State Fire Marshal, LR 33:1354 (July 2007).

§5011. Examination Fees

A. A fee of \$50 will be charged for each applicant taking the examination for a certificate of competency.

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

HISTORICAL NOTE: Promulgated by the Department of Public Safety, Office of the State Fire Marshal, LR 33:1355 (July 2007).

§5012. Certificate of Competency and Identification Card

A. Upon request of an employer, a certificate of competency and an identification card may be issued by the chief inspector to:

1. an inspector employed by the jurisdiction;
2. an inspector who is employed full-time by an insurance company which is authorized to insure and does insure against loss from explosions of boilers and pressure vessels in this jurisdiction;
3. an inspector employed as described in either Paragraph 1 or 2 above who conducts shop or field inspections of new boilers, pressure vessels, or nuclear components in accordance with the applicable ASME code requirements.

B. The request for the certificate of competency and identification card shall be completed on forms to be provided by the chief inspector and shall be accompanied by, when applicable, a facsimile of the applicant's commission and commission card, certificate of competency and identification card as named above, and a fee of \$40.

C. The certificate of competency and valid identification card shall be returned to the chief inspector when the inspector to whom they were issued is no longer employed by the organization employing that inspector at the time that the certificate was issued. Each person holding a valid certificate of competency and who conducts inspections as provided by the Act shall apply to the chief inspector on forms provided and obtain a renewal identification card annually, not later than March 31 of each year. A fee of \$20 for each card shall accompany each applicant.

D. An inspectors certificate of competency may be suspended by the chief inspector after due investigation for neglect of duty, in competency, untrustworthiness or conflict of interest of the holder thereof, or for willful falsification of any matter or statement contained in his/her application, or

in a report of any inspection made by him/her. Written notice of any such suspension shall be given to the inspector and his/her employer by the chief inspector within not more than 10 days after the effective date of such suspension. Persons whose certificates of competency have been suspended shall be entitled to an appeal to the assistant secretary and to be present in person and represented by counsel at the hearing of the appeal.

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

HISTORICAL NOTE: Promulgated by the Department of Public Safety, Office of the State Fire Marshal, LR 33:1355 (July 2007).

§5013. Conflict of Interest

A. An inspector shall not engage in the sale of any services, article or device relating to boilers, pressure vessels, or their appurtenances.

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

HISTORICAL NOTE: Promulgated by the Department of Public Safety, Office of the State Fire Marshal, LR 33:1355 (July 2007).

§5014. Inspection Reports to be submitted by Inspectors

A. Reports shall be submitted on approved forms or format within 30 days from the date of the inspection. The copy of the report filed with the assistant secretary shall be filled out in ink or type-written, and shall be signed by the inspector.

B. External inspection reports are required when they are used to support a request for an extension of internal inspection, when the design of a vessel does not provide for an internal inspection an annual external certificate inspection shall be completed, and to report unsafe conditions or code violations which would affect the safety of the boiler.

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

HISTORICAL NOTE: Promulgated by the Department of Public Safety, Office of the State Fire Marshal, LR 33:1355 (July 2007).

§5015. Insurance Companies to Notify Chief Inspector of New, Canceled or Suspended Insurance on Boilers, Pressure Vessels, or Nuclear Systems

A. All insurance companies shall notify the chief inspector, within 30 days, of all boilers, pressure vessels, or nuclear systems, on which insurance is written, canceled, not renewed or suspended because of unsafe conditions.

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

HISTORICAL NOTE: Promulgated by the Department of Public Safety, Office of the State Fire Marshal, LR 33:1355 (July 2007).

§5016. Special Inspectors to Notify Chief Inspector of Unsafe Boilers

A. If a special inspector, upon first inspection of a new risk, finds that a boiler or any appurtenance thereof, is in such condition that the special inspectors company would refuse insurance, the company shall immediately notify the chief inspector and submit a report on the defects. if, upon inspection, a special inspector finds a boiler to be unsafe for further operation, the special inspector shall promptly notify the owner or user, stating what repairs or other corrective measures is required to bring the object into compliance with

these rules and regulations. If the owner or user fails to make such repairs or adopt such other corrective measures promptly, the special inspector shall immediately notify the chief inspector. Until such corrections have been made, no further operation of the boiler involved shall be permitted. If an inspection certificate for the object is required and is in force, it shall be suspended by the chief inspector. When reinspection establishes that the necessary repairs have been made or corrective actions have been taken and that the boiler is safe to operate, the chief Inspector shall be notified. At that time an inspection certificate, where applicable will be issued.

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

HISTORICAL NOTE: Promulgated by the Department of Public Safety, Office of the State Fire Marshal, LR 33:1355 (July 2007).

§5017. Defective Conditions Disclosed at Time of External Inspection

A. If, upon an external inspection, there is evidence of a leak or crack, sufficient covering of the boiler shall be removed to permit the inspector to satisfactorily determine the safety of the boiler. If the covering cannot be removed at that time, he/she may order the operation of the boiler stopped until such time as the covering can be removed and proper examination made.

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

HISTORICAL NOTE: Promulgated by the Department of Public Safety, Office of the State Fire Marshal, LR 33:1356 (July 2007).

Subchapter C. Existing Installations—Power Boilers

§5020. Age Limits of Existing Boilers

A. The age limit of any boiler of nonstandard construction, installed prior to the date the Act became effective, shall be 30 years except that, a boiler having other than a lap-riveted longitudinal joint, after a thorough internal and external inspection, and when required by the inspector, a hydrostatic test of 1-1/2 times the allowable working pressure held for a period of at least 30 minutes during which no distress or leakage develops, may be continued in operation at the working pressure determined by calculation. The age limit on any non-standard boiler having lap-riveted longitudinal joints and operating at a pressure in excess of 50 psig shall be 20 years. This type of boiler, when removed from an existing setting shall not be reinstalled for a pressure in excess of 15 psig. A reasonable time for replacement, not to exceed one year, may be given at the discretion of the assistant secretary.

B. The age limit of boilers of standard construction installed prior to the date this law, Title 23, Chapter 5, Page III, of the Louisiana Revised Statutes of 1950, became effective shall be dependent on thorough internal and external inspection and where required by the inspector, a hydrostatic pressure test not exceeding one and 1/2 times the allowable working pressure, if the boiler, under these test conditions, exhibits no distress or leakage, it may be continued in operation at the working pressure determined by calculation.

C. The shell or drum of a boiler in which a lap seam crack develops along a longitudinal lap-riveted joint shall be condemned. A lap seam crack is a crack found in lap seams

extending parallel to the longitudinal joint and located either between or adjacent to rivet holes.

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

HISTORICAL NOTE: Promulgated by the Department of Public Safety, Office of the State Fire Marshal, LR 33:1356 (July 2007).

§5021. Maximum Allowable Working Pressure for Standard Boilers

A. The maximum allowable working pressure for standard boilers shall be determined in accordance with the applicable provisions of the edition of the ASME Code under which they were constructed and stamped.

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

HISTORICAL NOTE: Promulgated by the Department of Public Safety, Office of the State Fire Marshal, LR 33:1356 (July 2007).

§5022. Maximum Allowable Working Pressure for Nonstandard Boilers

A. The maximum allowable working pressure for boilers fabricated by riveting shall be determined by the applicable rules of the 1971 Edition of Section I of the ASME Code.

B. The lowest factor of safety permissible on existing installations shall be 5, except for horizontal-return-tubular boilers having continuous longitudinal lap seams more than 12 feet in length, the factor of safety shall be 8. When this latter type of boiler is removed from its existing setting, it shall not be reinstalled for pressure in excess of 15 psig.

C. The maximum allowable working pressure for boilers of welded construction in service may not exceed that allowable in Section I of the ASME Code for new boilers of the same construction.

D. The maximum allowable working pressure on the shell of a boiler or drum shall be determined by the strength of the weakest course computed from the thickness of the plate, the tensile strength of the plate, the efficiency of the longitudinal joint, the inside diameter of the course, and the factor of safety allowed by these rules and regulations in accordance with the following formula.

$TStE =$ maximum allowable working pressure, psig
RFS

where:

TS = specified minimum tensile strength of shell plate material, psi. When the tensile strength of steel or wrought-iron shell plate is not known, it shall be taken as 55,000 psi for steel and 45,000 psi for wrought iron.

t = minimum thickness of shell plate, in weakest course, inches.

E = efficiency of longitudinal joint, method of determining which is given in Paragraph PG-27 of Section I of the ASME Code.

R = inside radius of the weakest course of the shell of drum, inches.

FS = factor of safety which shall be at least 5.

E. The inspector may increase the factor of safety, if the condition and safety of the boiler warrant it.

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

HISTORICAL NOTE: Promulgated by the Department of Public Safety, Office of the State Fire Marshal, LR 33:1356 (July 2007).

§5023. Cast-Iron Headers and Mud Drums

A. The maximum allowable working pressure on a water tube boiler, the tubes of which are secured to cast-iron or malleable-iron headers or which have cast-iron mud drums, shall not exceed 160 psig.

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

HISTORICAL NOTE: Promulgated by the Department of Public Safety, Office of the State Fire Marshal, LR 33:1357 (July 2007).

§5024. Pressure on Cast-Iron Boilers

A. The maximum allowable working pressure for any cast-iron boiler, except hot water boilers, shall be 15 psig.

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

HISTORICAL NOTE: Promulgated by the Department of Public Safety, Office of the State Fire Marshal, LR 33:1357 (July 2007).

§5025. Safety Valves

A. The use of weighted-lever safety valves or safety valves having either the seat or disk of cast-iron are prohibited; valves of this type of construction shall be replaced by direct, spring-loaded, pop-type valves that conform to the requirements of ASME Code, Section I.

B. Each boiler shall have at least one ASME/NB stamped and certified safety valve, and if it has more than 500 square feet of water-heating surface, or an electric power input of more than 1100 KW, it shall have two or more safety valves of the same type.

C. The valve or valves shall be connected to the boiler, independent of any other steam connection and attached as close as possible to the boiler without unnecessary intervening pipe or fittings. Where alteration is required to conform to this requirement, owner or user shall be allowed reasonable time in which to complete the work as permitted by the chief inspector.

D. No valves of any description shall be placed between the safety valve and the boiler nor on the escape pipe, if used. When an escape pipe is used, it shall be at least the full size of the safety valve discharge and fitted with an open drain to prevent water lodging in the upper part of the safety valve or in the escape pipe. When an elbow is placed on a safety valve escape pipe, it shall be located close to the safety valve outlet or the escape pipe shall be anchored and supported securely. All safety discharges shall be so located or piped as to be carried clear from walkways or platforms.

E. The safety valve capacity of each boiler shall be such that the safety valve or valves will discharge all the steam that can be generated by the boiler without allowing the pressure to rise more than 6 percent above the highest pressure to which any valve is set, and in no case to more than 6 percent above the maximum allowable working pressure.

F. One or more safety valves on every boiler shall be set at or below the maximum allowable working pressure. The remaining valves may be set within a range of 3 percent above the maximum allowable working pressure, but the range of setting of all the safety valves on a boiler shall not exceed 10 percent of the highest pressure to which any valve is set.

G. When boilers of different maximum allowable working pressures with minimum safety valve settings varying more than 6 percent are so connected that steam can flow toward the lower pressure units, the latter shall be protected by additional safety valve capacity, if necessary, on the lower pressure side of the system. The additional safety valve capacity shall be based upon the maximum amount of steam which can flow into the lower pressure system.

H. In those cases where the boiler is supplied with feed water directly from water mains without the use of feeding apparatus (not to include return traps), no safety valve shall be set at a pressure greater than 94 percent of the lowest pressure obtained in the supply main feeding the boiler.

I. The relieving capacity of the safety valves on any boiler shall be done by one of the three following methods and, if found to be insufficient, additional valves shall be provided:

1. by making an accumulation test, which consists of shutting off all other steam discharge outlets from the boiler and forcing the fires to the maximum. The safety valve capacity shall be sufficient to prevent a rise of pressure in excess of 6 percent of the maximum allowable working pressure. This method should not be used on a boiler with a super heater or reheater;

2. by measuring the maximum amount of fuel that can be burned and computing the corresponding evaporative capacity (steam generating capacity) upon the basis of the heating value of this fuel. These computations shall be made as outlined in the Appendix of the ASME Code, Section I;

3. by measuring the maximum amount of feed water that can be evaporated. When either of the methods outlined in two or three is employed, the sum of the safety valve capacities shall be equal to or greater than the maximum evaporative capacity (maximum steam generating capacity) of the boiler.

J. Repairs to safety and safety-relief valves shall be conducted only by holders of the National Board VR Certificate of Authorization, or by owner/users that have obtained the state certificate of authorization to repair safety and safety-relief valves.

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

HISTORICAL NOTE: Promulgated by the Department of Public Safety, Office of the State Fire Marshal, LR 33:1357 (July 2007).

§5026. Boiler Feeding

A. Each boiler shall have a feed supply which will permit it to be fed at any time while under pressure.

B. A boiler having more than 500 square feet of water heating surface shall have at least two suitable means of feeding, at least one of which shall be a feed pump. A source of feed at a pressure 6 percent greater than the set pressure of the safety valve with the highest setting maybe considered one of the means. Boilers fired by gaseous, liquid, or solid fuel in suspension may be equipped with a single means of feeding water provided means are furnished for the shutoff of heat input prior to the water level reaching the lowest safe level.

C. The feed water shall be introduced into a boiler in such a manner that the water will not be discharged directly against surfaces exposed to gases of high temperature to direct radiation from the fire. For pressures of 400 psig over,

the feed water inlet through the drum shall be fitted with shields, sleeves, or other suitable means to reduce the effects of temperature differentials in the shell or head.

D. The feed piping to the boiler shall be provided with a check valve near the boiler and a valve or cock between the check valve and the boiler. When two or more boilers are fed from a common source, there shall also be a valve on the branch to each boiler between the check valve and the source of supply. Whenever a globe valve is used on feed piping, the inlet shall be under the disk of the valve.

E. In all cases where returns are fed back to the boiler by gravity, there shall be a check valve and stop valve in each return line, the stop valve to be placed between the boiler and the check valve, and both shall be located as close to the boiler as practicable. It is recommended that no stop valves be placed in the supply and return pipe connections of a single boiler installation.

F. Where deaerating heaters are not employed, it is recommended that the temperature of the feed water be not less than 120° F to avoid the possibility of setting up localized stress. Where deaerating heaters are employed, it is recommended that the minimum feed water temperature be not less than 215° F so that dissolved gases may be thoroughly released.

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

HISTORICAL NOTE: Promulgated by the Department of Public Safety, Office of the State Fire Marshal, LR 33:1357 (July 2007).

§5027. Water Level Indicators

A. Each boiler, except forced-flow steam generators with no fixed steam and waterline, and high-temperature water boiler of the forced circulation type that have no steam and waterline, shall have at least one water gage glass. Boilers operated at pressures over 400 psig shall be provided with two water gage glasses which may be connected to a single water column or connected directly to the drum.

B. Two independent remote level indicators may be provided instead of one of the two required gage glasses for boiler drum water level indication in the case of power boilers with all drum safety valves set at or above 400 psig. When both remote level indicators are in reliable operation, the remaining gage glass may be shut off, but shall be maintained in serviceable condition.

C. When the direct reading of gage glass water level is not readily visible to the operator in his/her working area, two dependable indirect indications shall be provided, either by transmission of the gage glass image or by remote level indicators.

D. The lowest visible part of the water gage glass shall be at least two inches above the lowest permissible water level, at which level there will be no danger of overheating any part of the boiler when in operation at that level. When remote level indication is provided for the operator in lieu of the gage glass, the same minimum level reference shall be clearly marked.

E. Connections from the boiler to the remote level indicator shall be at least 3/4 inch pipe size to and including the isolation valve and from there to the remote level indicator at least 1/2 inch O.D. tubing. These connections shall be completely independent of other connections for any function other than water level indication. For pressures of 400 psig or over, lower connections to drums shall be

provided with shields, sleeves, or other suitable means to reduce temperature differentials in the shells or heads.

F. Boilers of the horizontal fire tube types shall be so set that when the water is at the lowest reading in the water gage glass there shall be at least 3 inches of water over the highest point of the tubes, flues, or crown sheets.

G. Boilers of locomotives shall have at least one water glass provided with top and bottom shutoff cocks and lamp, and two gage cocks for boilers 36 inches in diameter and under, and three gage cocks for boilers over 36 inches in diameter.

H. The lowest gage cock and the lowest reading of water glass shall not be less than 2 inches above the highest point of crown sheet on boilers 36 inches in diameter and under, nor less than 3 inches for boilers over 36 inches in diameter. These are minimum dimensions, and on larger locomotives and those operating on steep grades, the height should be increased, if necessary, to compensate for change of water level on descending grades.

I. The bottom mounting for water glass and for water column if used must extend not less than 1 1/2 inches inside the boiler and beyond any obstacle immediately above it, and the passage therein must be straight and horizontal.

J. Tubular water glasses must be equipped with a protecting shield.

K. All connections on the gage glass shall be not less than 1/2 inch pipe size. Each water gage glass shall be fitted with a drain cock or valve having an unrestricted drain opening of not less than 1/4 inch diameter to facilitate cleaning. When the boiler operating pressure exceeds 100 psig the glass shall be furnished with a connection to install a valved drain to the ash pit or other safe discharge point.

L. Each water gage glass shall be equipped with a top and bottom shutoff valve of such through-flow construction as to prevent stoppage by deposits of sediments. If the lowest valve is more than 7 feet above the floor or platform from which it is operated, the operating mechanism shall indicate by its position whether the valve is open or closed. The pressure-temperature rating shall be at least equal to that of the lowest set pressure of any safety valve on the boiler drum and the corresponding saturated-steam temperature.

M. Straight-run globe valves shall not be used on such connections.

N. Automatic shutoff valves, if permitted to be used, shall conform to the requirements of Section I of the ASME Code.

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

HISTORICAL NOTE: Promulgated by the Department of Public Safety, Office of the State Fire Marshal, LR 33:1358 (July 2007).

§5028. Water Columns

A. The water column shall be so mounted that it will maintain its correct position relative to the normal waterline under operating conditions.

B. The minimum size of pipes connecting the water column to a boiler shall be 1 inch. For pressures of 400 psig or over, lower water column connections to drums shall be provided with shields, sleeves or other suitable means to reduce the effect of temperature differentials in the shells or heads. Water glass fittings or gage cocks may be connected directly to the boiler.

C. The steam and water connections to a water column or a water gage glass shall be such that they are readily accessible for internal inspection and cleaning. Some acceptable methods of meeting this requirement are by providing a cross or fitting with a back outlet at each right-angle turn to permit inspection and cleaning in both directions, or by using pipe bends or fittings of a type which does not leave an internal shoulder or pocket in the pipe connection and with a radius of curvature which will permit the passage of a rotary cleaner. Screwed plug closures using threaded connections as allowed by Section I of the ASME Code are acceptable means of access for this inspection and cleaning. For boilers with all drum safety valves set at or above 400 psig, socket-welded plugs may be used for this purpose in lieu of screwed plugs. The water column shall be fitted with a connection for a drain cock or drain valve to install a pipe of at least 3/4 inch pipe size to the ash pit or other safe point of discharge. If the water connection to the water column has a rising bend or pocket which cannot be drained by means of the water column drain, an additional drain shall be placed on this connection in order that it may be blown off to clear any sediment from the pipe.

D. The design and material of a water column shall comply with the requirements of Section I of the ASME Code. Water columns made of cast-iron in accordance with SA-278 may be used for maximum boiler pressures not exceeding 250 psig. Water columns made of ductile iron in accordance with SA-395 may be used for maximum boiler pressures not exceeding 350 psig. For higher pressures, steel construction shall be used.

E. Shutoff valves shall not be used in the pipe connections between a boiler and a water column or between a boiler and the shutoff valves required for the gage glass, unless they are either outside-screw-and-yoke or lever-lifting type gate valves or stopcocks with lever permanently fastened thereto and marked in line with their passage, or of such other through-flow construction as to prevent stoppage by deposits of sediment, and to indicate by the position of the operating mechanisms whether they are in open or closed position; and such valves or cocks shall be locked or sealed open. Where stopcocks are used, they shall be of a type with the plug held in place by a guard or gland.

F. No outlet connections, except for control devices (such as damper regulators and feed water regulators), drains, steam gages, or apparatus of such form as does not permit the escape of an appreciable amount of steam or water there from shall be placed on the pipes connecting a water column or gage glass to a boiler.

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

HISTORICAL NOTE: Promulgated by the Department of Public Safety, Office of the State Fire Marshal, LR 33:1358 (July 2007).

§5029. Gage Glass Connections

A. Gage glasses and/or gage cocks that are not connected directly to a shell or drum of the boiler shall be connected by one or the following methods.

1. The water gage glass or glasses and gage cocks shall be connected to an intervening water column.

2. When only water gage glasses are used, they may be mounted away from the shell or drum and the water column omitted, provided the following requirements are met:

a. the top and bottom gage glass fittings are aligned, supported, and secured so as to maintain the alignment of the gage glass; and

b. the steam and water connections are not less than 1 inch pipe size and each water glass is provided with a valved drain; and

c. the steam and water connections comply with the requirements of the following:

i. the lower edge of the steam connection to a water column or gage glass in the boiler shall not be below the highest visible water level in the water gage glass. There shall be no sag or offset in the piping which will permit the accumulation of water; and

ii. the upper edge of the water connection to a water column or gage glass and the boiler shall not be above the lowest visible water level in the gage glass. No part of this pipe connection shall be above the point of connection at the water column.

B. Each boiler (except those not requiring water level indicators) shall have three or more gage cocks located within the visible length of the water glass, except when the boiler has two water glasses located on the same horizontal lines.

C. Boilers not over 36 inches in diameter in which the heating surface does not exceed 100 square feet need have but two gage cocks.

D. The gage cock connections shall be not less than 1/2 inch pipe size.

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

HISTORICAL NOTE: Promulgated by the Department of Public Safety, Office of the State Fire Marshal, LR 33:1359 (July 2007).

§5030. Pressure Gages

A. Each boiler shall have a pressure gage so located that it is easily readable. The pressure gage shall be installed so that it shall at all times indicate the pressure in the boiler. Each steam boiler shall have the pressure gage connected to the steam space or to the water column or its steam connection a valve or cock may be located near the boiler providing it is locked or sealed in the open position. No other shutoff valves shall be located between the gage and the boiler. The pipe connection shall be of ample size and arranged so that it maybe cleared by blowing out. For a steam boiler the gage or connection shall contain a siphon or equivalent device which will develop and maintain a water seal that will prevent steam from entering the gage tube. Pressure gage connections shall be suitable for the maximum allowable working pressure and temperature but, if the temperature exceeds 406° F, brass or copper pipe or tubing shall not be used. The connections to the boiler, except the siphon if used, shall not be less than 1/4 inch inside the diameter standard pipe size but where steel or wrought iron pipe or tubing is used they shall not be less than 1/2 inch. The minimum size of a siphon, if used, shall be 1/4 inch inside diameter. The dial of the pressure gage shall be graduated to approximately double the pressure at which the safety valve is set, but in no case to less than 1 1/2 times this pressure.

B. Each force-flow steam generator with no fixed steam and water line shall be equipped with pressure gages or other pressure measuring devices located as follows:

1. at the boiler or super heater outlet (following the last section which involves absorption of heat); and

2. at the boiler or economizer inlet (preceding any section which involves absorption of heat); and

3. upstream of any shutoff valve which may be used between any two sections of the heat absorbing surface.

C. Each high-temperature water boiler shall have a temperature gage so located and connected that it shall be easily readable. The temperature gage shall be installed so that it at all times indicates the temperature in degrees Fahrenheit of the water in the boiler, at or near the outlet connection.

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

HISTORICAL NOTE: Promulgated by the Department of Public Safety, Office of the State Fire Marshal, LR 33:1359 (July 2007).

§5031. Stop Valves

A. Each steam outlet from a boiler (except safety valve and water column connections) shall be fitted with a stop valve located as close as practicable to the boiler.

B. When a stop valve is so located that water can accumulate, ample drains shall be provided. The drainage shall be piped to a safe location and shall not be discharged on the top of the boiler or its settings.

C. When boilers provided with manholes are connected to a common steam main, the steam piping connected from each boiler shall be fitted with two stop valves having an ample free blow drain between them. The discharge of the drain shall be visible to the operator while manipulating the valves and shall be piped clear of the boiler setting. The stop valves shall consist preferably of one automatic non-return valve (set next to the boiler) and a second valve of the outside-screw-and-yoke type.

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

HISTORICAL NOTE: Promulgated by the Department of Public Safety, Office of the State Fire Marshal, LR 33:1360 (July 2007).

§5032. Blow Off Piping

A. A blow off as required herein is defined as a pipe connection provided with valves located in the external piping through which the water in the boiler may be blown out under pressure, excepting drains such as are used on water columns, gage glasses, or piping to feed water regulators, etc., used for the purpose of determining the operating conditions of such equipment. Piping connections used primarily for continuous operation, such as deconcentrators or continuous blow down systems, are not classed as blow offs but the pipe connections and all fittings up to and including the first shutoff valve shall be equal at least to the pressure requirements for the lowest set pressure of any safety valve on the boiler drum and with the corresponding saturated-steam temperature.

B. A surface blow off shall not exceed 2 1/2 inch pipe size, and the internal pipe and the terminal connection for the external pipe, when used, shall form a continuous passage, but with clearance between their ends and arranged so that the removal of either will not disturb the other. A properly designed steel bushing, similar to or the equivalent of those shown in Fig. PG-59.1 of Section I of the ASME Code or a flanged connection shall be used.

C. Each boiler except forced-flow steam generators with no fixed steam and waterline and high-temperature water boilers shall have a bottom blow off outlet in direct connection with the lowest water space practicable for external piping conforming to PG-58.3.6 of Section I of the ASME Code.

D. All water walls and water screens which do not drain back into the boiler and all integral economizers, shall be equipped with outlet connections for a blow off or drain line and conform to the requirements of PG-58.3.6 or PG-58.3.7 of the ASME Code.

E. Except as permitted for miniature boilers, the minimum size of piping and fittings shall be 1 inch, and the maximum size shall be 2-1/2 inches, except that for boilers with 100 sq. ft. of heating surface or less, the minimum size of pipe and fittings may be 3/4 inch.

F. Condensate return connections of the same size or larger than the size herein specified may be used, and the blow off may be connected to them. In such case, the blow off shall be so located that the connection may be completely drained.

G. A bottom blow off pipe when exposed to direct furnace heat shall be protected by firebrick or other heat resisting material which is so arranged that the pipe may be inspected.

H. An opening in the boiler setting for a blow off pipe shall be arranged to provide free expansion and contraction.

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

HISTORICAL NOTE: Promulgated by the Department of Public Safety, Office of the State Fire Marshal, LR 33:1360 (July 2007).

§5033. Repairs and Renewals of Boiler Fittings and Appliances

A. Whenever repairs are made to fittings or appliances or it becomes necessary to replace them, the work shall comply with the requirements for new installations.

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

HISTORICAL NOTE: Promulgated by the Department of Public Safety, Office of the State Fire Marshal, LR 33:1360 (July 2007).

§5034. Repairs and Alterations to Boilers and Pressure Vessels

A. Repairs and alterations to boilers and pressure vessels shall be made, in accordance with the currently adopted version of the National Board Inspection Code (NBIC), only by, or on behalf of, an owner/user, a repair organization, or an individual having a valid certificate of authorization for use of the R Symbol stamp issued by the National Board of Boiler and Pressure Vessel Inspectors.

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

HISTORICAL NOTE: Promulgated by the Department of Public Safety, Office of the State Fire Marshal, LR 33:1360 (July 2007).

§5035. Conditions Not Covered by these Requirements

A. All cases not specifically covered by these requirements shall be treated as new installations or may be referred to the chief inspector for instructions concerning the requirements.

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

HISTORICAL NOTE: Promulgated by the Department of Public Safety, Office of the State Fire Marshal, LR 33:1360 (July 2007).

§5036. Standard Boilers

A. The maximum allowable working pressure of standard boilers shall in no case exceed the pressure indicated by the manufacturers identification stamped or cast on the boiler or on a plate secured to it.

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

HISTORICAL NOTE: Promulgated by the Department of Public Safety, Office of the State Fire Marshal, LR 33:1361 (July 2007).

§5037. Nonstandard Riveted Boilers

A. The maximum allowable working pressure on the shell of a nonstandard riveted heating boiler shall be determined in accordance with applicable rules of the 1971 Edition of Section I of the ASME code. Power boilers, except that in no case shall the maximum allowable working pressure of a steam heating boiler exceed 15 psig, or a hot water boiler exceed 160 psig or 250° F temperatures.

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

HISTORICAL NOTE: Promulgated by the Department of Public Safety, Office of the State Fire Marshal, LR 33:1361 (July 2007).

§5038. Nonstandard Welded Boilers

A. The maximum allowable working pressure of a nonstandard steel or wrought iron heating boiler of welded construction shall not exceed 15 psig for steam. For other than steam service, the maximum allowable working pressure shall be calculated in accordance with Section IV of the ASME Code, but in no case shall it exceed 30 psig.

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

HISTORICAL NOTE: Promulgated by the Department of Public Safety, Office of the State Fire Marshal, LR 33:1361 (July 2007).

§5039. Nonstandard Cast Iron Boilers

A. The maximum allowable working pressure of a nonstandard boiler composed principally of cast iron shall not exceed 15 psig for steam service or 30 psig for hot water service.

B. The maximum allowable working pressure of a nonstandard boiler having cast iron shell or heads and steel or wrought iron tubes shall not exceed 15 psig for steam service or 30 psig for hot water service.

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

HISTORICAL NOTE: Promulgated by the Department of Public Safety, Office of the State Fire Marshal, LR 33:1361 (July 2007).

§5040. Potable Water Heaters

A. A potable water heater shall not be installed or used at pressures exceeding 160 psig or water temperatures exceeding 210° F. Water heaters may be used to simultaneously provide potable hot water and space heat in combination, except in places of public assembly.

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

HISTORICAL NOTE: Promulgated by the Department of Public Safety, Office of the State Fire Marshal, LR 33:1361 (July 2007).

§5041. Safety Valves

A. Each steam boiler shall have one or more ASME/National Board stamped and certified safety valves of the spring pop-type adjusted and sealed to discharge at a pressure not to exceed 15 psig. Seals shall be attached in a manner to prevent the valve from being taken apart without breaking the seal. The safety valves shall be arranged so that they cannot be reset to relieve at a higher pressure than the maximum allowable working pressure on the boiler. A body drain connection below seat level shall be provided by the manufacturer and this drain shall not be plugged during or after field inspection. For valves exceeding 2 inches pipe size, the drain hole or holes shall be tapped not less than 3/8 inch pipe size. For valves less than 2 inches, the drain hole shall not be less than 1/4 inch in diameter.

B. No safety valve for a steam boiler shall be smaller than 1/2 inch. No safety valve shall be larger than 4 1/2 inches. The inlet opening shall have an inside diameter equal to, or greater than, the seat diameter.

C. The minimum relieving capacity of the valve or valves shall be governed by the capacity marking on the boiler. The minimum valve capacity in pounds per hour shall be the greater of that determined by dividing the maximum BTU output at the boiler nozzle obtained by the firing of any fuel for which the unit is installed by 1,000, or shall be determined on the basis of the pounds of steam generated per hour per square foot of boiler heating surface as given in Table EHB-6. In many cases a greater relieving capacity of valves than the minimum specified by these rules will have to be provided.

Table EHB-6. Minimum Pounds of Steam per Hour per Square Foot of Heating Surface		
	Fire Tube Boilers	Water Tube Boilers
Boiler Heating Surface:		
Hand fired	5	6
Stoker fired	7	8
Oil, gas, or pulverized fuel fired	8	10
Water Wall Heating Surface:		
Hand fired	8	8
Stoker fired	10	12
Oil, gas, or pulverized fuel fired	14	16

1. When a boiler is fired only by a gas giving a heat value not in excess of 200 BTU per cu. ft., the minimum safety valve or safety relief valve relieving capacity may be based on the value given for hand fired boilers above.

2. The minimum safety valve or safety relief valve relieving capacity for electric boilers shall be 3-1/2 pounds per hour per kilowatt input.

3. For heating surface determination see ASME Code Section IV, Paragraph HG-403.

D. The safety valve capacity for each steam boiler shall be such that with the fuel burning equipment installed and operating at maximum capacity, the pressure cannot rise more than 5 psig above the maximum allowable working pressure.

E. When operating conditions are changed, or additional boiler heating surface is installed, the valve capacity shall be increased, if necessary, to meet the new conditions. When additional valves are required, they may be installed on the outlet piping provided there is no intervening valve.

F. If there is any doubt as to the capacity of the safety valve, an accumulation test shall be run (see ASME Code, Section VI, Recommended Rules for Care and Operation of Heating Boilers).

G. No valve of any description shall be placed between the safety valve and the boiler, nor on the discharge pipe between the safety valve and the atmosphere. The discharge pipe shall be at least full size and be fitted with an open drain to prevent water lodging in the upper part of the safety valve or in the discharge pipe. When an elbow is placed on the safety valve discharge pipe, it shall be located close to the safety valve outlet or the discharge pipe shall be securely anchored and supported. All safety valve discharges shall be so located or piped as not to endanger persons working in the area.

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

HISTORICAL NOTE: Promulgated by the Department of Public Safety, Office of the State Fire Marshal, LR 33:1361 (July 2007).

§5042. Safety Relief Valve Requirements for Hot Water Heating and Hot Water Supply Boilers

A. Each hot water heating and hot water supply boiler shall have at least one ASME/National Board stamped and certified safety relief valve set to relieve at or below the maximum allowable working pressure of the boiler. Each hot water supply boiler shall have at least one ASME/National Board stamped and certified safety relief valve of the automatic reseating type set to relieve at or below maximum allowable working pressure of the boiler. Safety relief valves ASME/National Board stamped and certified as to capacity shall have pop action when tested by steam. When more than one safety relief valve is used on either a hot water heating or hot water supply boiler, the additional valve or valves shall be ASME/National Board stamped and certified and may be set within a range not to exceed 6 psig above the maximum allowable working pressure of the boiler up to and including 60 psig and 5 percent for those having a maximum allowable working pressure exceeding 60 psig. Safety relief valves shall be spring loaded. Safety relief valves shall be so arranged that they cannot be reset at a higher pressure than the maximum indicated in this Paragraph.

B. No materials liable to fail due to deterioration or vulcanization when subject to saturated steam temperature corresponding to capacity test pressure shall be used for any part.

C. No safety relief valve shall be smaller than 3/4 inch nor larger than 4-1/2 inch standard pipe size, except that boilers having a heat input not greater than 15,000 BTU per hour may be equipped with a safety relief valve of 2 inch standard pipe size. The inlet opening shall have an inside diameter approximately equal to, or greater than, the seat diameter. In no case shall the minimum opening through any part of the valve be less than 1/4 inch in diameter or its equivalent area.

D. The required steam relieving capacity, in pounds per hour, of the pressure relieving device or devices on a boiler shall be the greater of that determined by dividing the maximum output in BTU at the boiler nozzle obtained by the firing of any fuel for which the unit is installed by 1,000 or shall be determined on the basis of pounds of steam generated per hour per square foot of boiler heating surface as given in Table EHB-6. In many cases, a greater relieving

capacity of valves will have to be provided than the minimum specified by these rules.

E. When operating conditions are changed, or additional boiler heating surface is installed the valve capacity shall be increased, if necessary, to meet the new conditions. The additional valves required because of changed conditions may be installed on the outlet piping provided there is no intervening valve.

F. Safety relief valve capacity for each boiler shall be such that, with the fuel burning equipment installed and operated at maximum capacity, the pressure cannot rise more than 10 percent above the maximum allowable working pressure. When more than one safety relief valve is used, the over pressure shall be limited to 10 percent above the set pressure of the highest set value allowed.

G. If there is any doubt as to the capacity of the safety relief valve, an accumulation test shall be run (see ASME Code, Section VI, Recommended Rules for Care and Operation of Heating Boilers).

H. No valve of any description shall be placed between the safety relief valve and the boiler, nor on the discharge pipe between the safety relief valve and the atmosphere. The discharge pipe shall be not less than the diameter of the safety relief valve outlet and fitted with an open drain to prevent water lodging in the upper part of the safety relief valve or in the discharge pipe. When an elbow is placed on the safety relief valve discharge pipe, it shall be located close to the safety relief valve outlet or the discharge pipe shall be securely anchored and supported. All safety relief valve discharges shall be so located or piped as not to endanger persons working in the area.

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

HISTORICAL NOTE: Promulgated by the Department of Public Safety, Office of the State Fire Marshal, LR 33:1362 (July 2007).

§5043. Steam Gages

A. Each steam boiler shall have a steam gage or compound steam gage connected to its steam space or to its water column or to its steam connection. The gage or connection shall contain a siphon or equivalent device which will develop and maintain a water seal that will prevent steam from entering the gage tube. The connection shall be so arranged that the gage cannot be shut off from the boiler except by a cock placed in the pipe at the gage and provided with a tee or lever handle arranged to be parallel to the pipe in which it is located when the cock is open. The connections to the boiler shall be not less than 1/4 inch standard pipe size, but where steel or wrought iron pipe or tubing is used, they shall not be less than 2 inch standard pipe size. The minimum size of a siphon, if used, shall be 1/4 inch inside diameter. Ferrous and nonferrous tubing having inside diameters at least equal to that of standard pipe sizes listed above may be substituted for pipe.

B. The scale on the dial of a steam boiler gage shall be graduated to not less than 30 psig nor more than 60 psig. The travel of the pointer from 0 to 30 psig pressure shall be at least 3 inches.

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

HISTORICAL NOTE: Promulgated by the Department of Public Safety, Office of the State Fire Marshal, LR 33:1632 (July 2007).

§5044. Pressure or Altitude Gages and Thermometers

A. Each hot water boiler shall have a pressure or altitude gage connected to it or to its flow connection in such a manner that it cannot be shut off from the boiler except by a cock with tee or lever handle, placed on the pipe near the gage. The handle of the cock shall be parallel to the pipe in which it is located when the cock is open.

B. The scale on the dial of the pressure or altitude gage shall be graduated approximately to not less than 1-1/2 nor more than 3 times the pressure at which the safety relief valve is set.

C. Piping or tubing for pressure or altitude-gage connections shall be of nonferrous metal when smaller than 1 inch pipe size.

D. Each hot water boiler shall have a thermometer so located and connected that it shall be easily readable when observing the water pressure or altitude. The thermometer shall be so located that it shall at all times indicate the temperature in degrees Fahrenheit of the water in the boiler at or near the outlet.

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

HISTORICAL NOTE: Promulgated by the Department of Public Safety, Office of the State Fire Marshal, LR 33:1362 (2007).

§5045. Water Gage Glasses

A. Each steam boiler shall have one or more water gage glasses attached to the water column or boiler by means of valved fittings not less than 2 inch pipe size, with the lower fitting provided with a drain valve of a type having an unrestricted drain opening not less than 1/4 inch in diameter to facilitate cleaning. Gage glass replacement shall be possible under pressure. Water glass fittings may be attached directly to a boiler.

B. Boilers having an internal vertical height of less than 10 inches may be equipped with a water level indicator of the glass bulls-eye type provided the indicator is of sufficient size to show the water at both normal operating and low water cutoff levels.

C. The lowest visible part of the water gage glass shall be at least 1 inch above the lowest permissible water level recommended by the boiler manufacturer. With the boiler operating at this lowest permissible water level, there shall be no danger of overheating any part of the boiler.

D. Each boiler shall be provided at the time of manufacture with a permanent marker indicating the lowest permissible water level. The marker shall be stamped, etched, or cast in metal; or it shall be a metallic plate attached by rivets, screws, or welding; or it shall consist of material with documented tests showing its suitability as permanent marking for the application. This marker shall be visible at all times. Where the boiler is shipped with a jacket, this marker may be located on the jacket.

E. In electric boilers of the submerged electrode type, the water gage glass shall be so located to indicate the water levels both at startup and under maximum steam load conditions as established by the manufacturer.

F. In electric boilers of the resistance heating element type the lowest visible part of the water gage glass shall not be below the top of the electric resistance heating element. Each boiler of this type shall also be equipped with an automatic low-water electrical power cutoff so located as to automatically cut off the power supply before the surface of

the water falls below the top of the electrical resistance heating elements.

G. Tubular water glasses on electric boilers having a normal water content not exceeding 100 gallons shall be equipped with a protective shield.

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

HISTORICAL NOTE: Promulgated by the Department of Public Safety, Office of the State Fire Marshal, LR 33:1363 (July 2007).

§5046. Stop Valves

A. When a stop valve is used in the supply pipe connection of a single steam boiler, there shall be one used in the return pipe connection.

B. Stop valves in single hot water heating boilers shall be located at an accessible point in the supply and return pipe connections, as near the boiler nozzle as is convenient and practicable, to permit draining the boiler without emptying the system.

C. When the boiler is located above the system and can be drained without draining the system, stop valves may be eliminated.

D. A stop valve shall be used in each supply and return pipe connection of two or more boilers connected to a common system.

E. All valves or cocks shall conform to the applicable portions of HF-203 of Section IV of the ASME Code and may be ferrous or nonferrous.

F. The minimum pressure rating of all valves or cocks shall be at least equal to the pressure stamped upon the boiler, and the temperature rating of such valves or cocks, including all internal components, shall be not less than 250° F.

G. Valves or cocks shall be flanged, threaded or have ends suitable for welding or brazing.

H. All valves or cocks with stems or spindles shall have adjustable pressure type packing glands and, in addition, all plug type cocks shall be equipped with a guard or gland. The plug or other operating mechanism shall be distinctly marked in line with the passage to indicate whether it is opened or closed.

I. All valves or cocks shall have tight closure when under boiler pressure test.

J. When stop valves are used, they shall be properly designated substantially by tags of metal or other durable material fastened to them.

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

HISTORICAL NOTE: Promulgated by the Department of Public Safety, Office of the State Fire Marshal, LR 33:1363 (July 2007).

§5047. Feed Water Connections

A. Feed water, makeup water, or water treatment shall be introduced into a boiler through the return piping system. Alternatively, makeup water or water treatment may be introduced through an independent connection. The water flow from the independent connection shall not discharge directly against parts of the boiler exposed to direct radiant heat from the fire. Makeup water or water treatment shall not be introduced through openings or connections provided inspection or cleaning, safety valve, safety relief valve, blow off, water column, water gage glass, pressure gage, or temperature.

B. The makeup water pipe shall be provided with a check valve near the boiler and a stop valve or cock between the check valve and the boiler or between the check valve and the return pipe system.

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

HISTORICAL NOTE: Promulgated by the Department of Public Safety, Office of the State Fire Marshal, LR 33:1363 (July 2007).

§5048. Water Column and Water Level Control Pipes

A. The minimum size of ferrous or nonferrous pipes connecting a water column to a steam boiler shall be 1 inch. No outlet connections, except for damper regulator, feed water regulator, steam gages, or apparatus which does not permit the escape of any steam or water except for manually operated blow downs, shall be attached to a water column or the piping connecting a water column to a boiler (see HG-705 of Section IV of the ASME Code for introduction of feed water into a boiler). If the water column, gage glass, low-water fuel cutoff, or other water level control device is connected to the boiler by pipe and fittings, no shutoff valves of any type shall be placed in such pipe, and a cross or equivalent fitting to which a drain valve and piping may be attached shall be placed in the water piping connection at every right angle turn to facilitate cleaning.

B. The steam connections to the water column of a horizontal fire tube wrought iron boiler shall be taken from the top of the shell or the upper part of the head, and the water connection shall be taken from a point not above the center line of the shell. For a cast iron boiler, the steam connection to the water column shall be taken from the top of an end section or the top of the steam header, and the water connection shall be made on an end section not less than 6 inches below the bottom connection to the water gage glass.

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

HISTORICAL NOTE: Promulgated by the Department of Public Safety, Office of the State Fire Marshal, LR 33:1364 (July 2007).

§5049. Return Pump

A. Each boiler equipped with a condensate return pump shall be provided with a water level control arranged to automatically maintain the water level in the boiler within the range of the gage glass.

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

HISTORICAL NOTE: Promulgated by the Department of Public Safety, Office of the State Fire Marshal, LR 33:1364 (July 2007).

Subchapter D. Potable Water Heaters (Hot Water Heaters Other than Hot Water Supply Boilers)

§5052. Service Restrictions and Exceptions

A. Potable water heaters supplying potable hot water for commercial purposes that exceed a heat input of 200,000 BTU per hour or a nominal water-containing capacity of 120 gallons, shall be designed, constructed, inspected and stamped in conformity with Part HLW of the ASME Code, Section IV.

B. Potable water heaters supplying potable hot water for commercial purposes that do not exceed a heat input of 200,000 BTU per hour or a nominal water-containing capacity of 120 gallons, but has a nominal water-containing

capacity of 50 gallons, shall be designed and constructed to underwriters laboratories or other nationally recognized standard and shall bear their label on the completed unit.

C. All other potable water heaters not otherwise exempted by the Act, shall be designed and constructed to underwriters laboratories or other nationally recognized standard and shall bear their label on the completed unit.

D. The maximum allowable working pressure of a potable water heater shall in no case exceed the pressure indicated by the manufacturer's identification stamped or cast on the heater or a plate or label secured to it. In no case shall the maximum allowable working pressure of a potable water heater exceed 160 psi or a water temperature of 210° F.

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

HISTORICAL NOTE: Promulgated by the Department of Public Safety, Office of the State Fire Marshal, LR 33:1364 (July 2007).

§5053. Safety Relief Valves

A. Each potable water heater shall have at least one ASME certified pressure temperature relief valve of the automatic reseating type set to relieve at or below the maximum allowable working pressure of the potable water heater and/or no greater than 210° F. Safety relief valves officially rated as to capacity shall have pop action when tested by steam. When more than one safety relief valve is used on a potable water heater, the additional valve or valves shall be ASME rated and may be set within a range not to exceed 10 percent of the set pressure of the first valve. Safety relief valves shall be spring-loaded. Safety relief valves shall be so arranged that they cannot be reset at a higher pressure.

B. When water supply to a potable water heater exceeds 75 percent of the design pressure of the water heater, a pressure reducing valve is required.

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

HISTORICAL NOTE: Promulgated by the Department of Public Safety, Office of the State Fire Marshal, LR 33:1364 (July 2007).

§5054. Controls

A. Each individual automatically-fired potable water heater, in addition to the operating control used for normal water heater operation shall have a separate high limit temperature actuated combustion control that will automatically cut off the fuel supply. The temperature range of the high limit temperature actuated control shall not allow a setting over 210° F.

1. On gas-fired water heaters, the high limit temperature control when actuated shall shut off the fuel supply with a shut off means other than the operating control valve. Separate valves may have a common body.

2. On electrically-heated potable water heaters, the high limit temperature control when actuated shall cut off all power to the operating controls.

3. On oil-fired potable water heaters, the limit temperature control when actuated shall cut off all current flow to the burner mechanism.

B. All potable water heaters shall be equipped with suitable primary (flame safeguards) safety controls, safety limit switches, and burners, or electrical elements as

required by one of the following nationally recognized standards:

1. ANSI/UL 732 Standard for Safety Oil-Fired Water Heaters (UL 732);

2. ANSI Z 21.10.3 American National Standards for Gas Water Heaters, Volume III, Circulating Rank, Instantaneous and Large Automatic Storage Type water Heaters;

3. Underwriters Laboratories Inc. UL 795. Standards for Safety, Commercial-Industrial Gas-Heating Equipment;

4. Underwriters Laboratories Inc. UL 1453, Standards for Safety, Electric Booster and Commercial Storage Tank Water Heaters.

C. The symbol of the certifying organization which has investigated such as having complied with a nationally recognized standard shall be affixed to the equipment and shall be considered as evidence that controls and heat generating apparatus were manufactured in accordance with that standard. (A certifying organization is one that provides uniform testing, examination, and listing procedures under established, nationally recognized standards and that is acceptable to the jurisdiction.)

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

HISTORICAL NOTE: Promulgated by the Department of Public Safety, Office of the State Fire Marshal, LR 33:1364 (July 2007).

§5055. Repairs

A. Whenever repairs are made to fittings or appliances, or it becomes necessary to replace them, the repairs must comply with Section IV of the ASME Code for new construction. Welded repairs must meet the additional requirements.

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

HISTORICAL NOTE: Promulgated by the Department of Public Safety, Office of the State Fire Marshal, LR 33:1365 (July 2007).

Subchapter E. General Requirements

§5058. Notice of Internal Inspection of Boilers

A. The owner or user of a boiler or boilers not exempted by the Act or by rules and regulations promulgated under the Act shall be provided 14 days notice of impending internal inspection requirements, by the inspector responsible for inspections of subject boiler(s). No such notice shall be required for external inspections. No inspection shall be made on Sunday or other legal holiday by an inspector employed by the Department of Public Safety except in case of accident or other emergency.

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

HISTORICAL NOTE: Promulgated by the Department of Public Safety, Office of the State Fire Marshal, LR 33:1365 (July 2007).

§5059. Preparation for Internal Inspection

A. The owner or user shall prepare each boiler for internal inspection, and shall prepare for and apply a hydrostatic pressure test, whenever necessary, on the date arranged by the inspector. The boiler shall be prepared for internal inspection as follows.

1. Water shall be drawn off and the boiler washed thoroughly.

2. Manhole and hand hole plates, washout plugs and inspection plugs in water column connections shall be

removed as required by the inspector. The furnace and combustion chambers shall be cooled and thoroughly cleaned.

3. All grates of internally fired boilers shall be removed.

4. Insulation or brickwork shall be removed as required by the inspector in order to determine the condition of the boiler, headers, furnace, supports or other parts.

5. The pressure gauge shall be removed for testing, as required by the inspector.

6. Any leakage of steam or hot water into the boiler shall be prevented by disconnecting the pipe or valve(s) at the most convenient point or any appropriate means approved by the inspector.

7. Before opening the manhole or hand hole covers and entering any parts of the steam generating unit connected to a common header with other boilers, the non-return and steam stop valves must be closed, tagged and padlocked, and drain valves or cocks between the two valves opened. The feed valves must be closed, tagged and padlocked, and drain valves or cocks located between the two valves opened. After draining the boiler, the blow off valves shall be closed, tagged and padlocked. Blow off lines, where practicable, shall be disconnected between pressure parts and valves. All drain and vent lines shall be opened.

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

HISTORICAL NOTE: Promulgated by the Department of Public Safety, Office of the State Fire Marshal, LR 33:1365 (July 2007).

§5060. Boilers Improperly Prepared for Inspection

A. If a boiler has not been properly prepared for an internal inspection, or if the owner or user fails to comply with the requirements for a pressure test as set forth in these rules, the inspector may decline to make the inspection or test and the inspection certificate shall be withheld or the right to operate revoked, until the owner or user complies with the requirement. The owner or user shall be charged the applicable inspection fees as set by law for this missed inspection.

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

HISTORICAL NOTE: Promulgated by the Department of Public Safety, Office of the State Fire Marshal, LR 33:1365 (July 2007).

§5061. Removal of Covering to Permit Inspection

A. If the boiler is jacketed so that the longitudinal seams of shells, drums or domes cannot be seen, sufficient jacketing, setting wall, or other form of casing or housing shall be removed to permit reasonable inspection of the seams and other areas necessary to determine the condition and safety of the boiler, provided such information cannot be determined by other means.

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

HISTORICAL NOTE: Promulgated by the Department of Public Safety, Office of the State Fire Marshal, LR 33:1365 (July 2007).

§5062. Lap Seam Crack

A. The shell or drum of a boiler, in which a lap seam crack is discovered along a longitudinal riveted joint, shall be immediately condemned. Patching is prohibited.

B. *Lap Seam Crack*—a crack found in lap seams, extending parallel to the longitudinal joint and located either between or adjacent to rivet holes.

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

HISTORICAL NOTE: Promulgated by the Department of Public Safety, Office of the State Fire Marshal, LR 33:1365 (July 2007).

§5063. Pressure Test

A. A pressure test, when applied to boilers or pressure vessels, need not exceed the maximum allowable working pressure or the setting of the lowest set safety valves. The pressure shall be under proper control so that in no case shall the required test pressure be exceeded.

B. During a pressure test, the safety valve or valves shall be removed or each valve disk shall be held to its seat by means of a testing clamp and not by screwing down the compression screw upon the spring. A plug device designed for this purpose may be used.

C. The temperature of the water used to apply a hydrostatic test shall be no less than ambient temperature, but in no case less than 70° F. The maximum temperature of the water during inspection shall not exceed 120° F.

D. When a hydrostatic test is applied to determine tightness, the pressure shall be equal to the normal operating pressure but need not exceed the release pressure of the safety valve having the lowest release pressure setting.

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

HISTORICAL NOTE: Promulgated by the Department of Public Safety, Office of the State Fire Marshal, LR 33:1366 (July 2007).

§5064. Inspection of Power Boilers

A. The internal and external inspections of power boilers shall meet the guidelines of Subsection C6 of the ASME Code, Section VII, Recommended Rules for Care of Power Boilers; and the National Board Inspection Code.

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

HISTORICAL NOTE: Promulgated by the Department of Public Safety, Office of the State Fire Marshal, LR 33:1366 (July 2007).

§5065. Inspection of Heating, Supply and Potable Water Boilers

A. The internal (when required), and the external inspections of steam and hot water heating, hot water supply and potable water boilers (hot water heaters), shall meet the guidelines of 7.09 and 8.09 of the ASME Code, Section VI, Recommended Rules for Care of Heating Boilers; and the National Board Inspection Code.

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

HISTORICAL NOTE: Promulgated by the Department of Public Safety, Office of the State Fire Marshal, LR 33:1366 (July 2007).

§5066. Changes from Louisiana Boiler Law/Rules and Regulations

A. On each inspection of a boiler, the inspector shall determine if changes or departures from the Louisiana Boiler Law/Rules and Regulations have taken place since the previous inspection was made.

B. If repairs have been made to a boiler, the owner or user shall provide documentation to the inspector determining if the repairs meet the requirements of these

rules and regulations. In all cases where repairs and/or replacements are made or new fittings or appurtenances are installed, the material and workmanship must comply with the Louisiana Boiler Law/Rules and Regulations for new installations.

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

HISTORICAL NOTE: Promulgated by the Department of Public Safety, Office of the State Fire Marshal, LR 33:1366 (July 2007).

§5067. Defective Conditions Disclosed at Time of External Inspection

A. If, upon an external inspection, there is evidence of a leak or crack, sufficient covering of the boiler shall be removed to permit the inspector to satisfactorily determine the safety of the boiler. If the covering cannot be removed at that time, the inspector may order the boiler taken out of service until such time as the covering can be removed and proper examination made.

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

HISTORICAL NOTE: Promulgated by the Department of Public Safety, Office of the State Fire Marshal, LR 33:1366 (July 2007).

§5068. Unsafe Boilers

A. Whenever the chief inspector, a deputy inspector or special inspector finds a boiler in operation or about to be placed in operation, the continued use of which constitutes an imminent hazard to life or limb, he shall order such boiler to be instantly taken out of service and/or not placed in service until proper repairs or changes have been made. He shall at that time serve a preliminary order on the owner or user ordering the use of such boiler discontinued. He shall have the owner or user sign the preliminary order, and submit the original copy to the chief inspector. He shall notify the chief inspector by telephone when a preliminary order is issued.

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

HISTORICAL NOTE: Promulgated by the Department of Public Safety, Office of the State Fire Marshal, LR 33:1366 (July 2007).

§5069. Condemned Boilers

A. A deputy inspector or special inspector, after having inspected a boiler and declared such boiler unfit for further service, shall notify the chief boiler inspector and submit a written report within seven calendar days of the inspection.

B. Any person, firm, partnership, or corporation using a condemned boiler shall be subject to the penalties provided by the Act.

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

HISTORICAL NOTE: Promulgated by the Department of Public Safety, Office of the State Fire Marshal, LR 33:1366 (July 2007).

§5070. Owner or User to Notify Chief Inspector of Accident

A. When an accident occurs to a boiler, the owner or user shall, within 7 calendar days, notify the chief inspector by submitting a detailed report of the accident. In the event of a personal injury or any explosion, notice shall be given within 12 hours by telephone, telegraph or messenger, and neither the boiler, nor any parts thereof, shall be removed or disturbed before permission has been given by the chief

inspector, except for the purpose of saving human life and limiting consequential damage.

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

HISTORICAL NOTE: Promulgated by the Department of Public Safety, Office of the State Fire Marshal, LR 33:1366 (July 2007).

§5071. Automatic Low Water Fuel Cutoff and/or Water Feeding Device

A. Each automatically fired steam boiler shall have an automatic low-water fuel cutoff so located as to automatically cut off the fuel supply when the surface of the water falls to the lowest visible part of the water gauge glass. If a water feeding device is installed, it shall be so constructed that the water inlet valve cannot feed water into the boiler through the float chamber and so located as to supply requisite feed water. Such a fuel cutoff or water feeding device shall comply with HG-606 of the ASME Code, Section IV.

B. Each automatically fired hot water heating boiler with heat input greater than 400,000 BTU/hr shall have an automatic low-water fuel cutoff which has been designed for hot water service, and it shall be located as to automatically cut off the fuel supply when the surface of the water falls to the lowest safe water level established by the boiler manufacturer. Such low-water fuel cutoff shall comply with HG-614 of the ASME Code, Section IV.

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

HISTORICAL NOTE: Promulgated by the Department of Public Safety, Office of the State Fire Marshal, LR 33:1367 (July 2007).

§5072. Pressure Reducing Valves

A. Where pressure reducing valves are used, one or more safety relief valves shall be provided on the low pressure side of the reducing valve when the piping or equipment on the low pressure side does not meet the requirements for the full initial pressure. The safety or safety relief valves shall be located adjoining or as close as possible to the reducing valve. Proper protection shall be provided to prevent injury or damage caused by the escaping fluid from the discharge of the safety relief valves if vented to the atmosphere. The combined discharge capacity of the safety or safety relief valves shall be such that the pressure rating shall not be exceeded in case the reducing valve fails in the open position.

B. The use of hand controlled bypasses around the reducing valves are permissible. If a bypass is used around the reducing valve, the safety valve required on the low pressure side shall be of sufficient capacity to relieve all the fluid that can pass through the bypass without overpressuring the low pressure side.

C. A pressure gauge shall be installed on the low pressure side of the reducing valve.

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

HISTORICAL NOTE: Promulgated by the Department of Public Safety, Office of the State Fire Marshal, LR 33:1367 (July 2007).

§5073. Boiler Blow Off Equipment

A. The blow down from a boiler that enters a sanitary sewer system or blow down which is considered a hazard to life or property shall pass through some form of blow off equipment that will reduce the pressure leaving the blow

down equipment to not more than 5 psi, and the temperature to no more than 150° F.

B. All blow off equipment shall be fitted with openings to facilitate cleaning and inspection and shall conform to the recommended rules for National Board Boiler Blow off Equipment.

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

HISTORICAL NOTE: Promulgated by the Department of Public Safety, Office of the State Fire Marshal, LR 33:1367 (July 2007).

§5074. Location of Discharge Piping Outlets

A. The discharge of safety valves, blow off pipes and other outlets shall be located and supported so as to prevent injury to personnel.

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

HISTORICAL NOTE: Promulgated by the Department of Public Safety, Office of the State Fire Marshal, LR 33:1367 (July 2007).

§5075. Repairs or Alterations

A. Where repairs or alterations to a boiler are necessary, an authorized inspector shall be called for consultation and advice as to the best method of making such repairs or alterations. After such repairs or alterations are made, they shall be reviewed by and found acceptable to an authorized inspector. Organizations making repairs or alterations shall be qualified in accordance with the rules and regulations.

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

HISTORICAL NOTE: Promulgated by the Department of Public Safety, Office of the State Fire Marshal, LR 33:1367 (July 2007).

§5076. Supports

A. Each boiler shall be supported by masonry or structural supports of sufficient strength and rigidity to safely support the boiler and its contents. There shall be no excessive vibration in either the boiler or its connecting piping.

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

HISTORICAL NOTE: Promulgated by the Department of Public Safety, Office of the State Fire Marshal, LR 33:1367 (July 2007).

§5077. Boiler Door Latches

A. A water tube boiler shall have the firing doors of the inward opening type, unless such doors are provided with substantial and effective latching or fastening devices or otherwise so constructed as to prevent them, when closed, from being blown open by pressure on the furnace side.

B. These latches or fastenings shall be of the positive self-locking type. Friction contacts, latches, or bolts actuated by springs shall not be used. The foregoing requirements for latches or fastening shall not apply to coal openings of downdraft or similar furnaces.

C. All other doors, except explosion doors, not used in the firing of the boiler, may be provided with bolts or fastenings in lieu of self-latching devices.

D. Explosion doors, if used and if located in the setting walls within 7 feet of the firing floor or operating platform, shall be provided with substantial deflectors to divert the blast.

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

HISTORICAL NOTE: Promulgated by the Department of Public Safety, Office of the State Fire Marshal, LR 33:1367 (July 2007).

§5078. Clearance

A. When boilers are replaced or new boilers are installed in either existing or new buildings, they shall be so located that adequate space will be provided for the proper operation of the boilers and their appurtenances, for the inspection of all surfaces, tubes, water walls economizers, piping, valves and other equipment, and for their necessary maintenance and repair and replacement tubes.

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

HISTORICAL NOTE: Promulgated by the Department of Public Safety, Office of the State Fire Marshal, LR 33:1368 (July 2007).

§5079. Ladders and Runways

A. When necessary for safety, there shall be a steel runway or platform of standard construction installed across the tops of adjacent boilers or at some other convenient level for the purpose of affording safe access. All walkways shall have at least two means of exit, each to be remotely located from the other.

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

HISTORICAL NOTE: Promulgated by the Department of Public Safety, Office of the State Fire Marshal, LR 33:1368 (July 2007).

§5080. Exit from Boiler Room

A. All boiler rooms exceeding 500 square feet floor area and containing one or more boilers having a fuel burning capacity 1,000,000 BTU/hr., or equivalent electrical heat input, shall have at least two means of exit. Each shall be remotely located from the other. Each elevation in such boiler room shall have two means of exit, each remotely located from the other.

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

HISTORICAL NOTE: Promulgated by the Department of Public Safety, Office of the State Fire Marshal, LR 33:1368 (July 2007).

§5081. Air and Ventilation Requirements-Combustion Air Supply and Ventilation of Boiler Room

A. A permanent source of outside air shall be provided for each boiler room to permit satisfactory combustion of the fuel as well as proper ventilation of the boiler room under normal operating conditions.

B. The total requirements of the burners for all fired pressure vessels in the boiler room must be used to determine the louver sizes whether fired by coal, oil or gas; however, the minimum net free louvered area must not be less than 1 square foot. The following table or formula shall be used to determine the net louvered area in square feet.

Input (Btu/Hour)	Required Air (Cu/Ft/Min)	Minimum Net Louvered Area (Sq. Ft.)
500,000	125	1.0
1,000,000	250	1.0
2,000,000	500	1.6
3,000,000	750	2.5
4,000,000	1,000	3.3
5,000,000	1,250	4.1
6,000,000	1,500	5.0
7,000,000	1,750	5.8

Input (Btu/Hour)	Required Air (Cu/Ft/Min)	Minimum Net Louvered Area (Sq. Ft.)
8,000,000	2,000	6.6
9,000,000	2,250	7.5
10,000,000	2,500	8.3

(BTUH) 10,000) X 2.5 = CFM - 300 /dfm per sq. ft. of net required area.

C. When mechanical ventilation is used in lieu of Subsection A above, the supply of combustion and ventilation air to the boiler room and the firing device shall be interlocked with the fan so the firing device will not operate with the fan off. The velocity of the air through the ventilating fan shall not exceed 500 feet per minute and the total air delivered shall be equal to or greater than shown in Subsection B above.

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

HISTORICAL NOTE: Promulgated by the Department of Public Safety, Office of the State Fire Marshal, LR 33:1368 (July 2007).

§5082. Gas Burners

A. For installations which are gas fired, the burners used shall conform to the applicable requirements of the American Gas Association or other nationally recognized standards.

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

HISTORICAL NOTE: Promulgated by the Department of Public Safety, Office of the State Fire Marshal, LR 33:1368 (July 2007).

§5083. Attendance on Power Boilers

A. No power boiler while in active service, i.e., that portion of time when the main stop valves are open and the fires are burning, shall be left unattended longer than it will take the water level to drop from the normal operating level in the water gauge glass, or by indicating devices or recorders, when the feed water is shut off and the boiler is forced to its maximum capacity unless the following are complied with:

1. the boiler is equipped with an audible alarm that will operate when the water reaches the highest and/or the lowest permissible operating level, or, for boilers having no fixed steam or water line, when the highest permissible operating temperature is reached. The audible alarm shall be sufficiently loud that it can be plainly heard at the most remote point from the boiler that the attendant is required to work; and

2. the boiler is equipped with two independently connected low water safety devices that will shut off the fuel to the burner or burners when the water reaches the lowest permissible operating level, or, for boilers having no fixed steam or water line, when the highest permissible operating temperature is reached. These devices shall require manual resetting; or

3. the attendant shall personally check the operation of the boiler, the necessary auxiliaries, and the water level in the boiler at such intervals as are necessary to insure safe operation of the boiler, and in no case shall this exceed 120 minutes.

B. The operation of the automatic controls shall be checked at the beginning of each shift.

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

HISTORICAL NOTE: Promulgated by the Department of Public Safety, Office of the State Fire Marshal, LR 33:1368 (July 2007).

§5084. Restamping of Boilers

A. When the stamping on a boiler becomes indistinct, the inspector shall instruct the owner or user to have it restamped. Request for permission to restamp the boiler shall be made to the chief inspector and proof of the original stamping shall accompany the request. The chief inspector may grant such authorization. Restamping authorized by the chief inspector shall be done only in the presence of an authorized inspector, and shall be identical with the original stamping. If the ASME Code symbol is to be restamped, it may only be done by the original manufacturer of the boiler in the presence of the inspector who signed the manufacturers data report. Notice of completion of such restamping shall be filed with the chief inspector by the inspector who witnessed the stamping on the boiler, together with a facsimile of the stamping applied.

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

HISTORICAL NOTE: Promulgated by the Department of Public Safety, Office of the State Fire Marshal, LR 33:1369 (July 2007).

§5085. Moving of Boilers

A. When a boiler is moved from one setting to another setting, the owner or user thereof shall furnish the chief inspector with a notice of change in location, and shall have the boiler inspected by an authorized inspector prior to firing of the boiler at the new location.

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

HISTORICAL NOTE: Promulgated by the Department of Public Safety, Office of the State Fire Marshal, LR 33:1369 (July 2007)

§5086. Safety Appliances

A. No person shall attempt to remove or do any work on any safety appliance prescribed by these rules and regulations while the appliance is subject to pressure.

B. Should any of these appliances be removed for repair during an outage of the boiler, they must be reinstalled and in proper working order before the boiler is again placed in service.

C. No person shall alter any safety or safety relief valves or pressure relief devices in any manner to maintain a working pressure in excess of that stated on the boiler inspection certificate.

D. Repairs to safety or safety relief valves shall be made only by organizations qualified.

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

HISTORICAL NOTE: Promulgated by the Department of Public Safety, Office of the State Fire Marshal, LR 33:1369 (July 2007).

§5087. Variations

A. Any person who believes the rules and regulations promulgated by the assistant secretary are unreasonable or impose an undue burden upon the owner or user, may request a variation from such rule or regulation. The request shall be in writing and shall specify how equivalent safety is to be maintained. The assistant secretary, after investigation

and such hearing as he may direct, may grant such variation from the terms of any rule or regulation provided such special conditions as may be specified are maintained in order to provide equivalent safety.

B. When there is a reason to believe, or upon receipt of a complaint that a variation does not provide freedom from danger equivalent to the published rule or regulation, the assistant secretary, after notice to the owner or user and complainant after such hearing and investigation as he may direct, may continue to in force, suspend, revoke or modify the conditions specified in any variation. No declaration, act or omission of the assistant secretary, or the chief inspector, deputy inspector or special inspectors other than a written order authorizing a variation as permitted above, shall be deemed to exempt, either wholly or in part, expressly or implied, any owner or user from full compliance with the terms of any rule or regulation.

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

HISTORICAL NOTE: Promulgated by the Department of Public Safety, Office of the State Fire Marshal, LR 33:1369 (July 2007).

§5088. Conditions not Covered by these Rules and Regulations

A. For any condition not covered by these rules and regulations, the applicable provisions of the ASME Code or the National Board Inspection Code shall apply.

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

HISTORICAL NOTE: Promulgated by the Department of Public Safety, Office of the State Fire Marshal, LR 33:1369 (July 2007).

§5089. Suggestions for Operations

A. It is suggested that the Recommended Rules for Care of Power Boilers, Section VII, and the Recommended Rules for Care and Operation of Heating Boilers, Section VI of the ASME Code, be used as a guide for proper and safe operating practices.

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

HISTORICAL NOTE: Promulgated by the Department of Public Safety, Office of the State Fire Marshal, LR 33:1369 (July 2007)

Jill P. Boudreaux
Undersecretary

0707022

RULE

Department of Public Safety and Corrections State Uniform Construction Code Council

Third Party Providers (LAC 55:VI.905)

In accordance with the provisions of Act 12 of the 2005 First Extraordinary Session, R.S. 40:1730:22(C) and (D) and R.S. 40:1730.26(1) relative to the authority of the Louisiana State Uniform Construction Code Council to promulgate and enforce rules, the Louisiana State Uniform Construction Code Council hereby adopts the following Rule which will establish Title 55:VI.905 of the Louisiana Administrative Code.

**Title 55
PUBLIC SAFETY**

Part VI. Uniform Construction Code

Chapter 9. Temporary Exemption to Certification Requirement

§905. Third Party Providers

A. Third party providers who are Louisiana licensed architects or engineers and who obtain a certificate of registration after January 1, 2007, shall be granted a provisional certificate for registration without certification by a recognized code organization. This provisional certificate shall expire on December 31, 2007. Thereafter, any third party provider renewing this certification of registration shall satisfy the certification requirement(s) as set forth in §703.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1730.22(C) and (D).

HISTORICAL NOTE: Promulgated by the Department of Public Safety, State Uniform Construction Code Council, LR 33:1370 (July 2007).

Jill P. Boudreaux
Undersecretary

0707#013

RULE

**Department of Transportation and Development
Office of Real Estate**

Appraisal Handbook for Fee Appraisers
(LAC 70:XVII.Chapter 5)

In accordance with the applicable provisions of the Administrative Procedure Act, R.S. 49:950 et seq., the Department of Transportation and Development has amended a Section entitled "Appraisal Handbook for Fee Appraisers", in accordance with the provisions of R.S. 48:441 et seq.

**Title 70
TRANSPORTATION
Part XVII. Real Estate**

Chapter 5. Appraisal Handbook for Fee Appraisers

§501. Purpose

A. A vital and very basic requirement of a right-of-way operation is the procurement of real estate appraisals, prepared by a competent and knowledgeable appraiser, which are complete and well documented.

B. Of no less importance is the need for appraisal reviews by a skilled and knowledgeable reviewer who is thorough, practical and complete.

C. The purpose of this rule is to provide fee appraisers and fee review appraisers with a handy reference for information on procedures, available materials and department requirements for real estate appraisal reports with the intention of standardizing procedures to insure uniform practices.

AUTHORITY NOTE: Promulgated in accordance with R.S. 48:443.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Office of Real Estate, LR 33:1370 (July 2007).

§503. Overview of the Purpose of the Appraisal and Appraisal Requirements

A. The laws of Louisiana provide that compensation must be paid for the value of real property or rights taken. The value of the real property or rights taken must be based on the premise of the highest and best use or the most profitable, legal and likely use for which a property may be utilized. The opinion of such use may be based on the highest and most profitable continuous use for which the property is adapted or likely to be used for a reasonable future time. However, elements affecting value which depend upon events or a combination of events which, while possible, are not reasonably probable, should be excluded from consideration. Also, if the intended use is dependent upon an uncertain act of another person, the intention cannot be considered.

B. The appraiser should perform an analysis of the market demand giving consideration to the highest and best use. Where a property is composed of more than a single highest and best use, the appraiser must type, value and support each portion separately, i.e., front land/rear land highest and best uses. Where different uses and values of property are being acquired, each use and corresponding value must be stated separately thereby complying with the state laws and compensating for the full value of the partial acquisitions. Based on the highest and best use, the appraiser must set forth a reasonable and factual explanation indicating his/her support, reasoning and documented conclusions.

C. All market data, comparable sales, forms, etc., which are referred to within the report and are pertinent to the fair market value of the property being appraised, shall be collected and cited for the project and ownership for which the appraisals are being written. Simply referring to data used for other projects or appraisals is not acceptable.

D. All recognized appraisal procedures and approaches to value: the cost approach, the market approach and the income approach, which apply to the property under appraisal, are to be considered by the appraiser and utilized if found to be applicable. If an approach is found not applicable to the property being appraised, there shall be included a concise and detailed reasoning as to its shortcomings. The appraiser shall explain the reason(s) in the correlation of value as to why one or more approaches are more applicable to his/her estimate of market value and/or why the other approach or approaches are less applicable to the property being appraised.

AUTHORITY NOTE: Promulgated in accordance with R.S. 48:443.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Office of Real Estate, LR 25:894 (May 1999), amended LR 29:2857 (December 2003), LR 33:1370 (July 2007)

§505. Scope of Work

A. The LDOTD, acquiring real property, has a legitimate role in contributing to the appraisal process, especially in developing the scope of work and defining the appraisal problem.

B. The scope of work and development of an appraisal under these requirements depends on the complexity of the appraisal problem.

C. The LDOTD has the responsibility to assure that the appraisals it obtains are:

1. relevant to its program needs;
2. reflect established and commonly accepted Federal and federally assisted program appraisal practice, and
3. as a minimum, complies with the definitions of "appraisal" in 49 CFR §24.2(a)(3).

D. They must also meet the five following requirements:

1. an adequate description of the physical characteristics of the property being appraised (and, in the case of a partial acquisition, an adequate description of the remaining property), including:
 - a. items identified as personal property;
 - b. a statement of the known and observed encumbrances, if any;
 - c. title information;
 - d. location;
 - e. zoning;
 - f. present use;
 - g. analysis of highest and best use; and
 - h. at least a five-year sales history of the property;
2. all relevant and reliable approaches to value consistent with established federal and federally assisted program appraisal practices. If the appraiser uses more than one approach, there shall be an analysis and reconciliation of approaches to value used that is sufficient to support the appraiser's opinion of value;
3. a description of comparable sales, including a description of all relevant physical, legal, and economic factors such as parties to the transaction, source and method of financing, and verification by a party involved in the transaction;
4. a statement of the value of the real property to be acquired and, for a partial acquisition, a statement of the value of the damages and benefits, if any, to the remaining real property, where appropriate;
5. the effective date of valuation;
6. date of appraisal;
7. signature; and
8. certification of the appraiser.

E. The scope of work statement should include the purpose and/or function of the appraisal, a definition of the estate being appraised (if it is fair market value, include its applicable definition), and the assumptions and limiting conditions affecting the appraisal. The term *scope of work* defines the general parameters of the appraisal. It reflects the needs of the LDOTD and the requirements of federal and federally-assisted program appraisal practice. It should be developed cooperatively by the assigned appraiser and an LDOTD official who is competent to both represent the department's needs and respect valid appraisal practice. The scope of work statement should include the purpose and/or function of the appraisal, a definition of the estate being appraised, and if it is market value, its applicable definition, and the assumptions and limiting conditions affecting the appraisal. It may include parameters for the data search and identification of the technology, including approaches to value, to be used to analyze the data. The scope of work should consider the specific requirements in 49 CFR 24.103(a) (1) through (5) and address them as appropriate. Section 24.103(a)(1). The appraisal report should identify the items considered in the appraisal to be real property as well as those identified as personal property. Section

24.103(a)(2). All relevant and reliable approaches to value are to be used. However, where a department determines that the sales comparison approach will be adequate by itself and yield credible appraisal results because of the type of property being appraised and the availability of sales data, it may limit the appraisal assignment to the sales comparison approach. This should be reflected in the scope of work.

AUTHORITY NOTE: Promulgated in accordance with R.S. 48:443.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Office of Real Estate, LR 33:1370 (July 2007).

§507. Application for Approval as Fee Appraiser

A. Application must be submitted to the Real Estate Administrator prior to inclusion of said appraiser on the LDOTD Approved Panel of Fee Appraisers. The form asks several general questions concerning the appraiser's personal and appraisal background in order to gain insight into the appraiser's experience, qualifications and training. If qualified, the appraiser may complete that section of the application for inclusion within said application. Upon completion of the application and acceptance by the Appraisal Office, the Assistant Real Estate Administrator will recommend to the Real Estate Administrator that the appraiser be placed on the Approved Panel of Fee Appraisers. Upon approval, the Assistant Real Estate Administrator will notify the appraiser of his/her approval and request that the appraiser read and sign one of two copies of the Agreement for Appraisal Services and return a single copy to the Appraisal Office for processing.

AUTHORITY NOTE: Promulgated in accordance with R.S. 48:443.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Office of Real Estate, LR 25:894 (May 1999), amended LR 33:1371 (July 2007).

§509. Qualifications of Fee Appraisers

A. Upon the appraiser's initial request for a Fee Appraiser Application Packet, the Assistant Real Estate Administrator will notify the appraiser of the receipt of the request and provide the necessary forms to be completed. Those forms will include a letter stating the minimum requirements to be considered for employment by the LDOTD Appraisal Office. If the appraiser meets the qualification requirements of the LDOTD and is approved for employment, he/she will be included on the Approved Panel of Fee Appraisers. The minimum requirements for acceptance of Fee Appraisers on the LDOTD's Approved Panel of Fee Appraisers are as follows.

1. The appraiser must be a Certified Appraiser pursuant to the Louisiana Certified Real Estate Appraiser Law.
2. The appraiser must follow the appraisal standards as set forth by the Uniform Standard of Professional Appraisal Practice (USPAP).
3. The appraiser must follow the appraisal standards as set forth by the Uniform Appraisal Standards for Federal Land Acquisitions (UASFLA).

B. Many of the fee appraisal work required by the department involve properties required for projects in which federal funds are utilized. Therefore, all reports must meet LDOTD and FHWA requirements for each project assigned.

AUTHORITY NOTE: Promulgated in accordance with R.S. 48:443.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Office of Real Estate, LR 25:894 (May 1999), amended LR 33:1371 (July 2007).

§511. Conduct of Appraiser

A. Each fee appraiser is a representative of the Louisiana Department of Transportation and Development. It is important that he/she be courteous and considerate in dealing with the property owners or their representatives. This is particularly important since the appraiser may be the first LDOTD representative to make contact with the owners.

B. The appraiser shall include documentation to indicate the date and extent of his contact with the property owners. Should the appraiser fail to contact the owners, he/she shall document the efforts to locate the owners. It is recommended that contact be made initially by certified letter as a method of documentation. The appraiser should not express to the owners, owner's representatives or any occupants an opinion relating to the value he/she might establish for this or any other properties upon the project.

AUTHORITY NOTE: Promulgated in accordance with R.S. 48:443.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Office of Real Estate, LR 25:894 (May 1999), amended LR 33:1372 (July 2007).

§513. Fee Review Appraiser Qualifications

A. Only those individuals on the Approved Panel of Fee Appraisers can be considered for fee review appraisal assignments. The minimum requirements for a fee review appraiser are as follows:

1. the appraiser must be Certified General Appraiser pursuant to the Louisiana Certified Real Estate Appraiser Law;

2. must have a minimum of four years full time experience in appraising real property for a condemning authority;

3. must have experience in appraising the types of properties within the scope of work for the project under consideration and/or any other requirements deemed relevant for the project under consideration;

4. the appraiser must follow the appraisal standards as set forth by the Uniform Standards of Professional Appraisal Practice (USPAP);

5. the appraiser must follow the appraisal standards as set forth by the Uniform Appraisal Standards for Federal Land Acquisitions.

B. Many of the fee appraisal work required by the department involve properties required for projects in which federal funds are utilized. Therefore, all reports must meet LDOTD and FHWA requirements for each project assigned.

AUTHORITY NOTE: Promulgated in accordance with R.S. 48:443.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Office of Real Estate, LR 33:1372 (July 2007).

§515. Agreement for Appraisal Services

A. The Agreement for Appraisal Services is a document which every fee appraiser employed by the LDOTD is required to sign. The agreement sets out the parameters within which the department and the appraiser will co-operate as well as sets forth the details and requirements that must be met within the appraisal report. The appraiser should be very familiar with all of the requirements

contained within this agreement. The signed form, after its execution, will be placed in the appraiser's file and need not be re-signed with each contract.

AUTHORITY NOTE: Promulgated in accordance with R.S. 48:443.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Office of Real Estate, LR 25:894 (May 1999), amended LR 33:1372 (July 2007).

§517. Contract for Appraisal Services

A. The Contract for Appraisal Services is the form utilized by LDOTD in obtaining the services of fee appraisers on a given project. The contract sets forth the requirements for each appraisal requested and sets a completion date by which the assignment must be submitted. The contract binds LDOTD and the fee appraiser until such time as the assignment is complete or the contract has been terminated. However, work on a contract should not begin until a "Letter of Authorization" is received instructing the appraiser to begin.

B. The appraiser should examine the agreement in detail and should be particularly aware of the time element set up within the contract. The LDOTD operates its construction program through a schedule of contract letting and the appraiser's failure to meet the time requirement of the contract can have damaging effects upon the overall completion of a project.

AUTHORITY NOTE: Promulgated in accordance with R.S. 48:443.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Office of Real Estate, LR 25:894 (May 1999), amended LR 33:1372 (July 2007).

§519. Contract Extensions

A. It is the policy of LDOTD that contract completion dates shall not be extended past the original due date. However, while all due diligence should be taken to meet the contract requirements, it is sometimes necessary to extend a contract. Just cause must be documented by the appraiser and a letter of request presented to the LDOTD Appraisal Office with adequate lead time to process the request through the appropriate channels prior to the contract completion date. In the event a completion date is not met and an extension has not been granted, the contract will be considered voided. Payment cannot be made for outstanding appraisals. At the discretion of the Appraisal Office, it may become necessary to contract another appraiser to complete the project assignment.

AUTHORITY NOTE: Promulgated in accordance with R.S. 48:443.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Office of Real Estate, LR 25:894 (May 1999), amended LR 33:1372 (July 2007).

§521. Appraisal Formats

A. Appraisals are to be reported, in most cases, on Forms A, B or C. Please refer to the format illustrations included within the body of this handbook.

B. All formats will include, but are not limited to, the applicable pages listed within the individual formats; a Certificate of the Appraiser, comparable sales and maps, improvements, floor plans and/or plot plans, flood maps, zoning maps, provided right of way maps, statement of limiting conditions, any references made during the report, a copy of the owner's notification letter, property inspection documentation and the Estimate of Compensation.

AUTHORITY NOTE: Promulgated in accordance with R.S. 48:443.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Office of Real Estate, LR 25:894 (May 1999), amended LR 33:1372 (July 2007).

§523. Interest Being Appraised

A. The interest being appraised is full ownership, less mineral rights. Each appraisal will show an estimated value of the total interest held. No breakdown of individual interests, other than lease fee/leasehold interests, held in the ownership should be made except as specifically instructed by the LDOTD. However, servitude and/or similar encumbrances on properties being appraised should be investigated and reported within the appraisal report.

AUTHORITY NOTE: Promulgated in accordance with R.S. 48:443.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Office of Real Estate, LR 25:894 (May 1999), amended LR 33:1373 (July 2007).

§525. Highest and Best Use

A. In an assignment, it is required that the appraiser fully analyze the highest and best use of a parcel and include that analysis within the appraisal report as a detailed and concise narrative. There are locations where the highest and best use is obvious. At other locations, evaluation for highest and best use renders limited possibilities. If that is the case and a detailed analysis is not warranted, a less detailed written analysis is acceptable.

B. In cases where it is necessary to estimate the highest and best use of an improved parcel, the focus is on the existing use as well as all potential alternate uses. To correctly accomplish the goal, the appraiser must analyze the highest and best use as improved and as vacant.

C. Often, the existing use will be the highest and best use and that conclusion may be clearly obvious to the appraiser. The discussion within the report need not be as detailed as with a different or changing highest and best use.

D. The support of the appraiser's opinion is most critical in the not so obvious situations when the appraiser may need to respond to inquiries by the reviewer appraiser or an attorney. Because the highest and best use determinations affect the value conclusion, an unsupported estimate of the highest and best use may lead to unnecessary and costly litigation for both the LDOTD and the property owners.

E. When the highest and best use is estimated to be different from the existing use, the appraiser is essentially concluding that the present improvements no longer provide an acceptable return of the investment for that purpose. This generally occurs when the value of land in an area, due to changing conditions, increases to such a degree that it approaches or exceeds the value as improved. In cases such as this, a detailed analysis and discussion will be required utilizing accepted appraisal techniques.

F. The appraiser must substantiate the existence of demand for the proposed use; that the physical features of the property would accommodate that use; that the use is compatible with zoning requirements or a reasonable probability exists for re-zoning and there are no restrictions that would preclude that use.

G. Another item for consideration within the highest and best use evaluation is the recognition and adherence to the "Consistent Use Theory". Basically, a property in transition to another use cannot be valued on the basis of one use for

the land and another for the improvements. This may introduce the possibility of an interim use. Sometimes an improvement is not the proper improvement to maximize the value of the whole property. There may be some type of interim use of that improvement which may be utilized until such time as the land can be put to its highest and best use. This improvement may be valued by ascertaining the amount of temporary income derived during the interim period or a value based upon the use of the interim improvement for another highest and best use until a proper improvement can be justified.

AUTHORITY NOTE: Promulgated in accordance with R.S. 48:443.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Office of Real Estate, LR 33:1373 (July 2007).

§527. Land Valuation

A. For the determination of land values, a careful and thorough investigation of sales of nearby comparable lands is to be made. The report is to include sufficient information to show that the appraised values of land are adequate, reasonable and well supported by actual comparable sales. Any adjustments made to a comparable sale will be fully supported and soundly reasoned based upon facts gathered within the local real estate market of the project assignment. In the case of a special use property or a limited local market, the appraiser may search for comparable data and utilize any data located outside of the actual market area of the subject project. These requirements apply to an after value appraisal as well.

B. When an appraiser is assigned to a project, he/she will be required to compile and submit all comparable sales data to the LDOTD Appraisal Office. This is generally referred to as the Master Binder. This Master Binder will be submitted by a prearranged date as set out in the Contract for Appraisal Services or verbally agreed upon between the Review Appraiser and the Fee Appraiser.

C. The LDOTD Appraisal Office may furnish market data forms to the appraiser upon request. These forms are to be used in all cases to report the market data information developed by the appraiser. The appraisers may develop their own forms but must include the information required within the LDOTD form.

D. It is not considered improper for an appraiser to obtain information about a sale from another appraiser provided the information is limited to factual information such as vendor, vendee, consideration, recordation, date of sale and legal description. The comparable information received from another appraiser should not include any analysis of the comparable sales, i.e., breakdown of land and improvements, analysis of a time factor or any other adjustment. The appraiser of record through verification or their own judgment must determine those items. This verification must be made with a party to the sale, i.e., seller, buyer, the closing agency, the broker handling the transaction and the verification of recordation which is the only avenue of verification not based upon statements of persons other than the appraiser (UASFLA Section B-4, page 38)(49CFR, Part 24, Subpart B, 24.103).

AUTHORITY NOTE: Promulgated in accordance with R.S. 48:443.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Office of Real Estate, LR 33:1373 (July 2007).

§529. Valuation of the Entire Tract

A. The value determined for an entire tract is to be the value before the acquisition of the required right-of-way absent of any influence of the proposed project construction. The estimated value shall be as of the date of the appraisal study unless the appraiser is otherwise instructed by the project review appraiser or within the Contract for Appraisal Services.

B. Any decrease or increase in the fair market value of real property prior to the date of valuation caused by the public improvement for which such property is acquired or by the likelihood that the property would be acquired for such improvement, other than that due to physical deterioration within the reasonable control of the owner, is to be disregarded in determining the compensation for the required property.

C. Under most circumstances, the value estimate is to include the entire tract, based upon the highest and best use, and is to include all items of real property unless instructed otherwise within the Contract for Appraisal Services. The appraiser may include only a portion of a whole property if, in the highest and best use determination, he/she finds that the portion of the ownership affected by the acquisition is a separate "Economic Use Tract"; the determination is supported and clearly understandable; and the review appraiser concurs in the determination.

AUTHORITY NOTE: Promulgated in accordance with R.S. 48:443.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Office of Real Estate, LR 33:1374 (July 2007).

§531. Valuation of the Remainder

A. The value estimate attributed to the remainder is a separate and singular appraisal problem. The appraiser is required to perform a complete appraisal of the remainder.

B. Reference may be made to factual data contained within the "before" appraisal as it pertains to the after appraisal. However, the Appraiser is to separately analyze and document the data to form his/her conclusions within the "after" appraisal.

C. The estimated value of the remainder is to be a realistic appraisal of value. It is required that the appraiser employ all three approaches when they are applicable to the appraisal problem. If and when an approach is not considered applicable, justification shall be provided.

D. The remainder value is not simply a value representing the difference between the value of an entire tract or use tract less the value of the required right-of-way, but is a well-supported and carefully analyzed value estimate.

AUTHORITY NOTE: Promulgated in accordance with R.S. 48:443.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Office of Real Estate, LR 33:1374 (July 2007).

§533. Valuation of the Improvements

A. When buildings or other improvements are located partially or wholly within the proposed right-of-way, the appraisal is to be made on the basis that the LDOTD will purchase the improvements. In only a few rare situations

will an appraisal be made on the basis of the purchase of a portion of a major improvement or the cost to relocate a major improvement on-site. In such situations, the appraisal report is to fully explain the justification for not buying the entire building. In assigning appraisals, the project Review appraiser will specify whether an improvement will be purchased or a cost-to-cure will be provided for the appraiser's use.

B. In the case of a severed building that is not specified as a whole acquisition, the appraiser shall include within the report the cost to restore the remaining improvement to its former utility and usefulness. A cost-to-cure does not necessarily alleviate other damages to an improvement or a remainder. Other damages may include a loss of utility or a change in access.

C. In some instances, an improvement is located substantially outside of the right-of-way with only a minor portion projecting into the required area and removal of the portion within the right-of-way would leave the major portion of the building reasonably suitable for use on the remaining site. When estimating damages under this scenario, the appraiser will be required to consider the more feasible of the two following possibilities:

1. the remainder of the improvements may possibly remain adjacent to the right-of-way line with a possible loss of value due to its position relative to the new right of way coupled with other possible damages as discussed above; or

2. the entire improvement may be moved to a more advantageous location on the remaining site. In this case, the damage estimate would be based on the cost of moving the improvement and restoring it to a new location. These costs will not exceed the damages which would occur if the basis of the estimate were a cost to re-face a portion of the improvement located within the right-of-way nor will they exceed the cost to purchase the improvement as a whole.

D. The appraiser is to fully analyze each scenario and follow the path that is the most cost-effective in order to restore the owner to a position equal to that "before" the acquisition. However, it will rarely be requested that a "cut and re-face" or "move back" cure be used. These types of cures will be utilized in only very special cases where other, better accepted methods could not be utilized.

E. There may be within the proposed taking items that would be classified as part of the realty. These items may include machinery, fixtures, pumps, underground tanks, and water or air lines, pump islands, etc. These items may be the property of a lessor or a lessee. If the appraiser's assignment is to include these types of items, the items shall be valued based upon their contributory value to the whole property. If these items are determined to be a liability, then the value estimate should reflect that determination as well. The determination as to which items will be included within the report will be made by the project review appraiser with the input of the appraiser.

F. It is expected that appraisers employed by LDOTD will be qualified to estimate the cost of improvements generally encountered such as residences and appurtenant improvements. The issuance of a contract by LDOTD is sufficient evidence of the department's approval of the appraiser's expertise in such circumstances. However, in certain instances where high value improvements are to be acquired or affected, the LDOTD may obtain and furnish to

the appraiser reproduction and/or replacement costs and/or cost-to-cure estimates by special agreement with a building contractor, professional engineer, registered surveyor, cost estimator or other specialist. In such cases, the use of special consultants will be provided for in a separate employment agreement in which the consultant is identified and provisions made for the consultant to be available for testimony in the event of condemnation proceedings. All required materials will be provided to the appraiser for use within the appraisal report, if the appraiser so chooses.

G. Unless specifically provided for in the Contract for Appraisal Services, the LDOTD will not pay additional amounts above the fee per parcel established for services to compensate for quotes or services of contractors or other specialists obtained by the appraiser. The fee of the appraiser is to compensate for providing a complete appraisal satisfactory to the purpose of the LDOTD. The appraisal report shall comply with the Agreement for Appraisal Services and the Contract for Appraisal Services as stated. Any findings of a consultant employed to aid in making an appraisal must be included and clearly identified within the appraisal report if accepted by the appraiser. If the findings of the consultant are not acceptable to the appraiser, he/she will include their own supported estimate or the justification for providing items which are not utilized.

H. A partial acquisition may result in damages to a remainder property that may be reduced or eliminated by construction of access roads, relocation of driveways or some other design modification. When the appraiser feels justified in requesting a study to determine the feasibility of such modification, he/she may make a request to the Project Review Appraiser for such modification. When merited, the LDOTD will provide the appraiser with the engineering and construction costs to be weighed against damage items as they may be mitigated. This procedure is intended to assure a realistic estimate of damage based upon cost to cure estimates which may or may not be practical from an engineering standpoint.

AUTHORITY NOTE: Promulgated in accordance with R.S. 48:443.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Office of Real Estate, LR 33:1374 (July 2007).

§535. Completeness of Appraisal and Appraisal Reports

A. The investigation is to be thorough and the appraisal report is to furnish adequate and reasonable information that fully explains and justifies determinations contained within the appraisal report.

B. The appraiser must complete all applicable appraisal criteria in accordance with the LDOTD requirements and USPAP and UASFLA as set forth in the Agreement for Appraisal Services. Any departure shall require full justification.

C. The fee appraisal work required by the LDOTD involves properties required for projects in which federal or state funds are utilized. Therefore, all reports must meet FHWA requirements for each project assigned.

AUTHORITY NOTE: Promulgated in accordance with R.S. 48:443.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Office of Real Estate, LR 25:894 (May 1999), amended LR 33:1375 (July 2007).

§537. Role of the Cost Consultant

A. Quite often it becomes necessary for the Appraisal Office to contract the services of individuals other than appraisal experts. More often than not those persons are cost consultants. These consultants are those who are trained and/or experienced in the construction industry with knowledge of and access to construction costs and related areas of expertise. The consultant may be asked to provide such items as reproduction and replacement costs, cost to cure items damaged by the required acquisition or costs for comparison purposes which would not be included within an appraisal report. The cost consultant is there to provide a service to the appraiser and LDOTD and should provide costs as requested and in conjunction with all other consultants that will utilize the estimate. The cost consultant is responsible to the project review appraiser as well as the appraiser(s) of record.

B. The cost consultant is to work hand in hand with the appraiser and review appraiser. Although he is the most qualified to judge construction costs, the appraiser is the person responsible for all values used within the appraisal report.

C. Just like the appraiser, the cost consultant is required to contact all property owners and allow them the opportunity to accompany the consultant during the property inspection. In the case of the cost consultant, it is absolutely necessary to inspect all improvements due to the nature of the assignment. Only in very rare situations would it be possible to complete a consultant assignment without, at least, a rudimentary inspection of improvements. This would only be acceptable when an owner refuses entrance upon the subject site or within the subject improvements.

D. As mentioned earlier, the responsibility for the use of a cost estimate, whether replacement cost, reproduction cost, cost to cure or other cost assignment belongs to the appraiser. Therefore, it is absolutely necessary that the appraiser and the cost consultant work together. The cost consultant is responsible for the estimated costs where reproduction and replacement is concerned.

E. However, he and the appraiser must agree on the factual data such as the size of the improvement, location upon the site, minor improvements, etc. When a cost to cure is required, the cost consultant must provide a method of cure that is agreeable to both the appraiser and review appraiser in order for the assignment to be considered as acceptable and payment made. Therefore, the cost consultant and the appraiser(s) should inspect the subject property together, if possible, and at the least confer and compare factual data and proposed cures prior to submission of the contracted estimate for review. The provided reports shall contain a breakdown of the components required in a reproduction, replacement or cost to cure estimate and will quote a source of justification for said costs. Utilization of Marshall and Swift only is not acceptable. Therefore, when the costs provided are utilized by the appraiser, it is required that the cost consultant's report be included within the appraisal report.

F. The appraiser, as the one ultimately responsible for the costs quoted within his/her report will contact the review appraiser should a provided cost estimate not be suitable for inclusion within an appraisal report. However, the review appraiser should have made a determination prior to receipt

of said report by the appraiser. The review appraiser will then contact the consultant and discuss the situation and the appraiser's concerns. Should it be found that revision is warranted, the cost consultant will be responsible for that revision. Payment for services rendered will be withheld until such time as acceptable revisions or corrections are submitted.

AUTHORITY NOTE: Promulgated in accordance with R.S. 48:443.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Office of Real Estate, LR 25:894 (May 1999), amended LR 33:1375 (July 2007).

§539. The Role of the Review Appraiser

A. The review appraiser, whether staff or consultant, has an important function and duty to his employer and is an essential element in the overall valuation procedure. The duties involved in the acceptable performance of his job include but are not limited to the following:

1. determines the scope of work for all fee consultants and/or staff utilized in the appraisal process. This includes appraisers, cost consultants, foresters, hydrologists, geologists, accountants, etc.;

2. provides contracts for all consultants based upon the determination of the scope of work;

3. supervises the appraisers and all other fee consultants employed for the duration of appraisal process;

4. insure that all reports utilized meet all applicable standards, policies, laws and regulations at both the state and federal levels;

5. verifies all data used in the appraisal reports with the appraisers providing the reports. This is to include inspecting subject properties and comparable sales;

6. substantiates that all factual data submitted by the appraisers is consistent. If not, the reviewer is to determine the correct data and have the discrepancies revised;

7. appraisal reports and/or other reports required for the appraisal process are approved only when it is determined the reports meet all laws, regulations, policies, procedures, etc. The review appraiser shall have all discrepancies or problems rectified prior to approving appraisal reports for negotiation. Reports that do not meet the qualifications shall not be approved and payment will not be forthcoming;

8. the review appraiser insures that value determinations are consistent based upon the criteria set forth to determine the market value of the properties being appraised. Inconsistencies shall always be corrected;

9. documentation of the review process shall be maintained within the project files;

10. the reviewer recommends the compensation due the property owner based upon the conforming reports provided. In the event the department utilizes a contract review appraiser, it will be understood the department shall approve the Estimate of Compensation;

11. review appraisers are also responsible for the inspection and approval of review assignments contracted to consultant review appraisers. This duty involves assuring the review is conducted in the manner stated above.

B. A qualified review appraiser shall examine the presentation and analysis of market information in all appraisals to assure that they meet the definition of appraisal found in 49 CFR 24.2(a)(3), appraisal requirements found in 49 CFR 24.103 and other applicable requirements,

including, to the extent appropriate, the UASFLA and support the appraiser's opinion of value. The level of review analysis depends on the complexity of the appraisal problem. As needed, the review appraiser shall, prior to acceptance, seek necessary corrections or revisions. The review appraiser shall identify each appraisal report as recommended (as the basis for the establishment of the amount believed to be compensation), accepted (meets all requirements, but not selected as recommended or approved), or not accepted. If authorized by the LDOTD to do so, the staff review appraiser shall also approve the appraisal (as the basis for the establishment of the amount believed to be compensation), and, if also authorized to do so, develop and report the amount believed to be compensation.

C. If the review appraiser is unable to recommend (or approve) an appraisal as an adequate basis for the establishment of the offer of compensation, and it is determined by the acquiring LDOTD that it is not practical to obtain an additional appraisal, the review appraiser may, as part of the review, present and analyze market information in conformance with §24.103 to support a recommended (or approved) value.

D. The review appraiser shall prepare a written report that identifies the appraisal reports reviewed and documents the findings and conclusions arrived at during the review of the appraisal(s). Any damages or benefits to any remaining property shall be identified in the review appraiser's report. The review appraiser shall also prepare a signed certification that states the parameters of the review. The certification shall state the approved value, and, if the review appraiser is authorized to do so the amount believed to be compensation for the acquisition.

E. In short, the review appraiser recommends compensation, clarifies and corrects appraisal deficiencies, corroborates the appraiser's conclusions, performs professional technical assistance to his employer, secures proper performance from the appraiser, documents the review performance, gives final organization approval regarding appraisal and valuation matters, operates in an autonomous position not subject to directed reviews, confers with management on valuation matters and is fully knowledgeable as to the requirements, problems and objectives of the organization he represents.

AUTHORITY NOTE: Promulgated in accordance with R.S. 48:443.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Office of Real Estate, LR 33:1376 (July 2007).

§541. Establishment and Payment of Fees

A. Appraisal fees shall be established by the project review appraiser based upon a fee estimate compiled during on-site inspection of the subject project. Concurrence will be obtained from the appraiser prior to submission of a Contract for Appraisal Services. The fee schedule will be contained within the Contract for Appraisal Services and will delineate between the fee for individual reports and the total contract fee established for the subject project.

B. Invoices submitted by the appraiser shall consist of three copies or one if submitted electronically (e-mail). Each shall include the date, state project number, federal aid project number (if applicable), project title, route number and parish. Please note that the invoice must delineate between projects and parcels assigned to that particularly

project. Also required within the invoice will be the contracted fee for each report submitted for disposition, a statement that payment has not been received for the submitted invoice and the appraiser's signature. A digital signature may be used for all forms submitted.

C. The LDOTD Appraisal Office will not process any invoice submitted by an appraiser for personal services rendered the LDOTD unless the fee has been previously established by written contract, approved by all necessary parties and authorization to proceed has been forwarded to the consultant. Invoices may not be dated or forwarded to LDOTD prior to the authorization date established within the Authorization to Proceed form letter forwarded to the appraiser by the LDOTD Real Estate Administrator.

D. In addition, no invoice will be paid prior to the project review appraiser's approval of the individual reports submitted, having found them to be satisfactory to the requirements of LDOTD as stated within the Contract for Appraisal Services and the Agreement for Appraisal Services. Any individual report found not to meet the necessary requirements as set forth shall be corrected by the appraiser to the satisfaction of the project review appraiser prior to payment of the agreed upon fee for that particular ownership. No payment will be made for reports submitted following the contracted assignment completion date. At that point, the contract is voided and a new contract must be approved and authorization received through the established channels prior to payment.

AUTHORITY NOTE: Promulgated in accordance with R.S. 48:443.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Office of Real Estate, LR 25:894 (May 1999), amended LR 33:1376 (July 2007).

§543. Types of Appraisal Formats

A. Upon the receipt of approved right of way plans, the assigned project review appraiser will make an on-site inspection and examination of each parcel on the project. Based upon that inspection, the review appraiser will determine which appraisal format shall be necessary for each parcel or parcels based upon the complexity of the appraisal problem. That determination will include:

1. the number of appraisals;
2. the format of appraisals;
3. the estimated fees;
4. the estimated appraisal contract completion date.

B. The Contract for Appraisal Services will set out the parcel number, fee and the format for each appraisal to be made.

AUTHORITY NOTE: Promulgated in accordance with R.S. 48:443.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Office of Real Estate, LR 25:894 (May 1999), amended LR 33:1377 (July 2007).

§545. Form A

A. The form is designed as a complete, detailed appraisal of an ownership, including all land and improvements, using all applicable approaches. In effect, this is two separate appraisals, "before" the acquisition and "after" the acquisition, pertaining to partial acquisitions only. Each segment, before and after, is to be completed in detail and separate from the other. All approaches to value are to be utilized in detail when applicable. Any feasibility study shall be included within the report.

B. This form will include the following pages or reasonable facsimiles of them within the report. All pages from the title page to the required exhibits shall be included. At the discretion of the appraiser, additional pages may be included. The following pages required are:

1. Before Acquisition Analysis:
 - a. Title Page;
 - b. Table of Contents;
 - c. Letter of Transmittal;
 - d. Summary of Salient Facts and Conclusions;
 - e. Basis for Summary of Fair Market Value;
 - f. Title Data;
 - g. Discussion of the Appraisal Problem;
 - h. Photos of the Subject Property;
 - i. Neighborhood Data;
 - j. Site Data;
 - k. Statement of Highest and Best Use;
 - l. Comparable Land Sales and Listings Analysis;
 - m. Correlation and Indication of Land Value;
 - n. Improvements;
 - o. Floor Plan;
 - p. Cost Data Approach to Value;
 - q. Source and Justification of the Cost Approach;
 - r. Market Data Approach to Value;
 - s. Income Data Approach to Value;
 - t. Correlation of the Whole Property Value and Allocation of Value;
 - u. Required Right of Way;
2. After Acquisition Analysis:
 - a. Site Data;
 - b. Statement of Highest and Best Use;
 - c. Comparable Land Sales and Listings Analysis;
 - d. Correlation and Indication of Land Value;
 - e. Improvements;
 - f. Floor Plan;
 - g. Cost Data Approach;
 - h. Source and Justification of the Cost Approach;
 - i. Market Data Approach to Value;
 - j. Income Data Approach;
 - k. Correlation of the After Value and Allocation of Value;
 - l. Analysis of Other Considerations (Additional Compensation);
 - m. Final Estimate of Value;
 - n. Certificate of the Appraiser;
 - o. Addenda:
 - i. Assumptions and Limiting Conditions;
 - ii. Vicinity, Strip and Remainder Maps;
 - iii. Property Inspection Report;
 - iv. Owner Notification Letter;
 - v. FIRM Maps;
 - vi. Comparable Sales and Maps
 - vii. Zoning Maps (if applicable);
 - viii. Estimate of Compensation;
 - ix. Others at the discretion of the Appraiser and/or Review Appraiser.

AUTHORITY NOTE: Promulgated in accordance with R.S. 48:443.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Office of Real Estate, LR 25:894 (May 1999), amended LR 29:2858 (December 2003), LR 33:1377 (July 2007).

§547. Form B

A. The form is designed as a complete, detailed appraisal of an entire ownership, including all land and improvements using all applicable approaches unless instructed to do otherwise by the project review appraiser. This format is utilized most often to value an ownership that will be totally within a required area.

B. The following pages shall be required within the form. Other pages may be included at the discretion of the appraiser:

1. Title Page;
2. Table of Contents;
3. Letter of Transmittal;
4. Summary of Salient Facts and Conclusions;
5. Basis for Summary of Fair Market Value;
6. Title Data;
7. Discussion of the Appraisal Problem;
8. Photos of the Subject Property;
9. Neighborhood Data;
10. Site Data;
11. Statement of Highest and Best Use;
12. Comparable Land Sales and Listings Analysis;
13. Correlation and Indication of Land Value;
14. Improvements;
15. Floor Plan;
16. Market Data Approach to Value;
17. Income Data Approach to Value;
18. Cost Data Approach to Value;
19. Source and Justification of the Cost Approach;
20. Correlation of the Whole Property Value and Allocation of Value;
21. Required Right of Way;
22. Analysis of Other Considerations (Additional Compensation);
23. Final Estimate of Value;
24. Certificate of the Appraiser;
25. Addenda:
 - a. Assumptions and Limiting Conditions;
 - b. Vicinity, Strip and Remainder Maps;
 - c. Property Inspection Report;
 - d. Owner Notification Letter;
 - e. FIRM Maps;
 - f. Comparable Sales and Maps;
 - g. Zoning Maps (if applicable);
 - h. Estimate of Compensation;
 - i. Others at the discretion of the Appraiser and/or Review Appraiser.

AUTHORITY NOTE: Promulgated in accordance with R.S. 48:443.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Office of Real Estate, LR 25:894 (May 1999), amended LR 29:2858 (December 2003), LR 33:1378 (July 2007).

§549. Form C

A. The form is designed to be used only on simple acquisitions. The form does not require detailed discussions of the items listed, but the determinations made by the appraiser must be conclusive and based upon market support.

B. If during the appraisal assignment the appraiser finds that there are damages or benefits to the ownership by reason of the project, the appraiser is not to proceed with

Form C but is to notify the project review appraiser. The review appraiser will then decide which form to utilize and will amend the appraisal contract to reflect those changes by format and fee schedule. Furthermore, when utilizing this form, it will be necessary for the appraiser to include the following statement within the body of the certificate:

"No damages or loss to the remainder of the Owner's property resulted from this partial acquisition, therefore, pursuant to LA. R.S. 48:453 B, no after appraisal is required."

C. The following pages are to be included within the report and may include others upon the discretion of the Appraiser:

1. Title Page;
2. Table of Contents;
3. Letter of Transmittal;
4. Summary of Salient Facts and Conclusions;
5. Basis for Summary of Fair Market Value;
6. Title Data;
7. Photos of the Subject Property;
8. Neighborhood Data;
9. Site Data;
10. Statement of Highest and Best Use;
11. Comparable Land Sales and Analysis;
12. Correlation of Land Value;
13. Required Right of Way;
14. Certificate of the Appraiser;
15. Addenda:
 - a. Assumptions and Limiting Conditions;
 - b. Vicinity, Strip and Remainder Maps;
 - c. Property Inspection Report;
 - d. Owner Notification Letter;
 - e. FIRM Maps;
 - f. Comparable Sales and Maps;
 - g. Zoning Maps (if applicable);
 - h. Estimate of Compensation;
 - i. Others at the discretion of the Appraiser and/or Review Appraiser.

Review Appraiser.

D. All of the above-described forms are guides for submittal of acceptable reports. The appraiser may develop his/her own form, within reason. However, the form developed must include the information and detail required above and should be of the same basic format.

AUTHORITY NOTE: Promulgated in accordance with R.S. 48:443.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Office of Real Estate, LR 25:894 (May 1999), amended LR 29:2858 (December 2003), LR 33:1378 (July 2007).

§551. Estimate of Compensation

A. The appraiser is to submit a Certificate of Estimate of Compensation as denoted by LDOTD. The certificate will state the estimated compensation due the owner for a particular acquisition. This form will be included within the addenda of the appraisal report for the use of LDOTD's Legal Division when filing suit, when necessary. Other copies of this form may be forwarded to the project review appraiser to be placed in the project file for later use.

AUTHORITY NOTE: Promulgated in accordance with R.S. 48:443.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Office of Real Estate, LR 33:1378 (July 2007).

§553. Personal Property

A. The appraisal report should identify the items considered in the appraisal to be real property, as well as those identified as personal property.

AUTHORITY NOTE: Promulgated in accordance with R.S. 48:443.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Office of Real Estate, LR 33:1379 (July 2007).

§555. Signs

A. When estimating the market value of on-site advertising signs for businesses, whether owner occupied or not, the market value of the sign will be determined by the Appraiser (ex.: RCN – DEPR. = MV).

B. Off-site advertising signs (billboard) values are determined by the appraiser based upon the market value (ex.: RCN – DEPR. = MV). The review appraiser will then provide, with the help of a construction cost consultant, the replacement cost new of this type of sign to be included within the recommended offer as per LDOTD policy. If the sign can not be replaced; then, other means of valuation may be utilized.

AUTHORITY NOTE: Promulgated in accordance with R.S. 48:443.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Office of Real Estate, LR 33:1379 (July 2007).

§557. Items Excluded from Appraisals

A. Typically, moving expenses of owners and tenants rightfully in possession of real estate are reimbursable in accordance with the Louisiana Relocation Assistance Law which provides for the reasonable expenses of moving personal property. The actual cost of moving expenses is provided by the relocation assistance officer for use of the property owners or tenants, and is not determined by the appraiser. Therefore, no moving expenses for personal property should be included within the appraisal report under normal circumstances.

B. The following items should be excluded from the appraisal report:

- 1. moving expenses for personal property;
- 2. estimated costs of relocations; or
- 3. adjustments or repairs of such items as public utilities, service connections for water, sewer, mobile homes, additions, etc., which will be caused by the required acquisition unless those costs are included within the Contract for Appraisal Services as "cost-to-cure" items.

AUTHORITY NOTE: Promulgated in accordance with R.S. 48:443.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Office of Real Estate, LR 25:894 (May 1999), amended LR 29:2857 (December 2003), LR 33:1379 (July 2007).

§559. Control of Access

A. Within the Contract for Appraisal Services, the project review appraiser will instruct the appraiser which appraisal format to use in the valuation of ownership's affected by control of access. The appraiser, in most circumstances will analyze the effects of control of access after the acquisition in much the same way as any "before and after" appraisal problem. A full analysis with all due documentation as to findings shall be included within the report.

B. All due diligence will be taken in consideration of the possible or probable use of a remainder that is influenced by control of access. The Appraiser should acquaint himself fully with LDOTD's and the owner's rights concerning access control and the legal determination as to the compensability or non-compensability for instances where LDOTD exercises this control. The appraiser should consult with LDOTD through the review appraiser, project engineers, district managers, the legal division, etc.

AUTHORITY NOTE: Promulgated in accordance with R.S. 48:443.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Office of Real Estate, LR 25:894 (May 1999), amended LR 33:1379 (July 2007).

§561. Mineral Rights

A. The LDOTD and the state of Louisiana do not generally acquire mineral rights. The property owner will retain the mineral rights beneath the area conveyed to the state. While the owner will be prohibited from exploring or drilling for or mining for oil, gas or other minerals of any kind within the area acquired, the owner may employ directional drilling from adjacent lands to extract such minerals, if possible. In cases where solid minerals are affected, i.e., those other than oil and gas, the appraiser, with the concurrence of the review appraiser, is to provide values for the affected minerals.

B. In some situations or markets, it may be typical to transfer mineral rights. If that occurs, the appraiser is to analyze the value of the rights transferred through the use of market sales and make adjustments, if warranted.

AUTHORITY NOTE: Promulgated in accordance with R.S. 48:443.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Office of Real Estate, LR 33:1379 (July 2007).

§563. Timber Value

A. For assignments in which timber-producing lands are involved, particularly in areas where timber is grown for commercial purposes, it will generally be necessary to value the land and the timber separately. In some instances, it may become the responsibility of the appraiser to abstract the timber and land value from market sales of whole property timberland tracts. However, due to the specialized nature of timber appraisal, the LDOTD will most often secure the services of a registered forester to supply the value of timber upon a project or particular site. In those instances, the appraiser will provide the value of the raw land and include the value of the timber, as provided by the forester, within the report.

B. In situations where the appraiser determines that the highest and best use of a tract is a greater use than timberland, the value of the timber will nevertheless be included within the report as an improvement item. However, at the appraiser's and review appraiser's discretion, the contributory value to the "highest and best use" may be zero.

AUTHORITY NOTE: Promulgated in accordance with R.S. 48:443.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Office of Real Estate, LR 33:1379 (July 2007).

§565. Crop Value

A. Prior to appraisal assignments, a determination shall be made by LDOTD Real Estate Titles and Acquisition personnel stating whether there is sufficient time prior to the right-of-way acquisition to allow harvesting of crops planted within the required area. If there is adequate time, the Real Estate Titles and Acquisition personnel will not be required to consider the compensation for crops. If time is limited, the Real Estate Titles and Acquisition personnel will estimate the value of the crop, and that sum will be included in the approved offer. Typically, the appraiser will not be involved in estimating the value of crops unless specifically requested to do so by the project review appraiser.

AUTHORITY NOTE: Promulgated in accordance with R.S. 48:443.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Office of Real Estate, LR 33:1380 (July 2007).

§567. Lease Interests

A. The appraiser is to inquire into the leases of subject properties whenever that possibility exists. That inquiry most particularly applies to improvements owned by a lessee. A review of a lease will be made by the appraiser so as to familiarize himself/herself with the terms and conditions of the lease. Any findings or conclusions shall be included within the appraisal report.

B. The appraiser is to value the whole property and is to establish the value to be assigned to each interest in that ownership. The appraiser is to value all lease fee and leasehold interests and is to provide a breakdown of those values within the appraisal report to include the portion acquired and estimated damages, should they apply.

C. In situations where a lease is recorded, that information will be supplied the appraiser within the provided Title Research Report. Discovery of unrecorded leases are the responsibility of the appraiser. The appraiser shall inquire as to the existence of such leases and shall provide an opportunity for such disclosure to the property owner within the required Owner Notification Letter.

AUTHORITY NOTE: Promulgated in accordance with R.S. 48:443.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Office of Real Estate, LR 25:894 (May 1999), amended LR 33:1380 (July 2007).

§569. Fencing Value

A. Front fencing owned by the property owner is to be bought or replaced if it is of contributory value to the land. Front farm/ranch fencing will normally be replaced or rebuilt by the project construction contractor on the owner's property in order to restore the enclosure.

B. Side (cross) fencing will be removed and will not be replaced. Compensation will be paid for said fencing. All fencing, whether front or side, is to be valued within the report and delineated by parcel and orientation.

C. Special purpose/ornamental fencing is to be compensated at cost new or replacement cost when it is feasible to replace. However, if the fence will not be replaced by the owner or cannot be replaced due to the acquisition, the depreciated cost or market value is to be utilized within the compensation estimate. This shall always apply to side fencing which, by its nature, cannot be replaced. If the right of way is acquired by expropriation, the value is deposited in the registry of the court. In either

instance, the existing fence will be removed by the project construction contractor.

D. All fences constructed on controlled access highways for the purpose of controlling access will be built and maintained by LDOTD. Fences built along frontage roads or cross roads on controlled access facilities for the benefit of the property owner will be built off the highway right of way and will be maintained by the property owner.

AUTHORITY NOTE: Promulgated in accordance with R.S. 48:443.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Office of Real Estate, LR 25:894 (May 1999), amended LR 33:1380 (July 2007).

§571. Construction and Drainage Servitudes

A. There are two types of servitudes commonly encountered by the appraiser that must be included in the valuation process of the appraisal. They are the "construction" servitude and the "drainage" servitude.

B. The construction servitude is a temporary servitude providing access for construction purposes to areas outside the required right of way. The compensation for this servitude is based upon the estimated unit land value multiplied by a rate set by the appraiser. That figure is then multiplied by the area within the servitude. The rate utilized is a rate of return that is consistent with investment return rates commonly accepted within the current local market. The appraiser is to apply the calculated estimate for a four year term based upon a yearly rental. That total rental is to be included within the estimate of the compensation.

C. The drainage servitude is a permanent servitude acquiring a number of rights. The acquisition partially includes right of entry and subsurface rights other than mineral rights. The ownership is greatly limited by the nature of the usage and compensation will be greater than that estimated for the construction servitude. The process of calculation is identical to that of the construction servitude, however, the rate utilized will be based on the permanent loss of rights. Generally, 80 percent to 90 percent rates will be used. Ultimately, the appraiser will decide upon the value of the rights taken and to what extent they will be permanently lost. This value will be included within the estimate of the compensation. In circumstances where a remaining area of an ownership is damaged due to a partial acquisition, estimated damages to any permanent servitude will apply only to that portion of the Bundle of Rights that remain after the acquisition of the rights required of the servitude.

AUTHORITY NOTE: Promulgated in accordance with R.S. 48:443.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Office of Real Estate, LR 25:894 (May 1999), amended LR 33:1380 (July 2007).

§573. Railroad Parcel Acquisition

A. LDOTD will pay the appraised market value of interest acquired from railroad companies for any additional right of way required from their right of way property.

B. Railroad parcels will be divided into two categories. One will be designated an RR parcel at railroad crossings. Any other takings from railroad properties will have a normal parcel identification of which we will offer the estimated market value for interest acquired. LDOTD will acquire the RR parcels as a right of way servitude with the railroad company retaining their rights for railroad passage

at our proposed joint crossings. Designation and appraisal of the railroad acquisition at crossings as servitudes is to allow the compensation for only those rights acquired. Only those rights acquired should be compensated for within the appraisal.

C. The LDOTD Appraisal Office is responsible for establishing the value of the various types of railroad acquisitions. The appraisal of railroad properties is based on market value and the interest acquired from the railroad companies. The appraiser should take into consideration the following:

1. size and shape of the railroad ownership;
2. topography;
3. location;
4. adjoining usage;
5. value of the required area before construction versus value after construction; and
6. any adverse effect that the acquisition will have on the utility of the property.

D. These types of acquisitions from railroad properties will be appraised as follows.

1. At crossings, the LDOTD will obtain a bundle of rights similar to the rights which the railroad company will be retaining. In most cases, the appraisal of a right of way crossing should reflect a value range of zero to a maximum of 50 percent of fair market value. However, the actual percentage of value will be estimated by the appraiser. The type of construction at crossings could have a varying effect upon the percentage utilized. The different types of construction at crossings are as follows.

a. Grade crossings are those where railroad tracks and proposed roadways are at the same level. This type of construction could have the greatest effect upon the utility of the property.

b. Above grade construction or an overpass should have little effect on the utility. However, consideration should be given to pier placement and its adverse effects, if any, on the railroad property.

c. Below grade construction or an underpass is the third type of possible construction at crossings.

2. All other acquisitions from railroad right of way in excess of crossings shall be appraised and the estimated market value will be offered in relation to the interest that the LDOTD acquires. In most cases, the LDOTD will appraise and offer 100 percent of market value. However, in the case of servitude acquisition, the LDOTD will offer compensation in accordance with the interest estimated to be acquired by the appraiser.

AUTHORITY NOTE: Promulgated in accordance with R.S. 48:443.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Office of Real Estate, LR 25:894 (May 1999), amended LR 33:1380 (July 2007).

§575. Property Inspection with the Owner(s)

A. A reasonable effort shall be made to contact and meet with the owners or their designated representatives in order to afford them the opportunity to accompany the appraiser on inspection of the property being appraised. The appraiser is not obligated to meet the owner at any place other than the property being appraised or the nearest point of public access to the property being appraised.

B. Tasks for the Appraiser to Perform in Making Contact with the Owner(s)

1. Mail a form letter along with a stamped, addressed return envelope. All owners listed on provided title research reports are to be afforded an opportunity to meet. A copy will be forwarded to the District Real Estate Manager, the project review appraiser and included within the appraisal report. It is recommended that the letter to the owners be transmitted by certified mail.

2. Telephone contact is acceptable if it is followed by a detailed written report of owner contact including the name of the person(s) contacted, time of meeting and date. Copies must be sent to the District Real Estate Manager, project review appraiser, and included within the appraisal report.

C. The site inspection shall not be made until the following criteria are met:

1. a meeting is scheduled with the owner(s); or
2. the owner(s) replies that he/she/they do not wish to accompany the appraiser on the site inspection; or
3. three weeks have passed since the date of the notification letter mailing to the owner(s), there is no reply and the letter is not returned "undeliverable".

AUTHORITY NOTE: Promulgated in accordance with R.S. 48:443.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Office of Real Estate, LR 25:894 (May 1999), amended LR 33:1381 (July 2007).

§577. Owners Refusal to Permit Entry

A. There may be times when a property owner refuses to permit appraisers employed by LDOTD to enter the property for an on-site inspection, measurement, photography or interview. There is a standard procedure to follow if this should happen.

B. The appraiser should stay off of the property but shall make every effort to examine the property from as many vantage points as possible. The appraiser shall make a careful inspection of all available records including ASCS maps and aerial photographs, U.S. Geodetic Survey contour maps, tax records, building inspector records, etc. As many and varied photos should be taken as deemed prudent.

C. As a matter of procedure, the appraiser will notify the project review appraiser of the situation and clearly set forth that he/she was not permitted to enter upon the property and that the report is predicated upon certain assumptions. Those assumptions shall be noted. Also to be listed will be the sources of information used as a basis for those assumptions.

D. When the appraisal report is forwarded to the Appraisal Office for review, a determination will be made by the project review appraiser whether or not to pursue legal action to obtain access to the property. The project review appraiser will make every effort to inspect the property from any vantage point possible prior to forwarding a recommendation of action.

E. When the appraisal is approved and the recommended offer is furnished for processing, negotiation will be initiated on that basis. The Real Estate Titles and Acquisition Agent conducting the negotiations will make every reasonable effort to observe the property in question for the purpose of further verification of the appraiser's assumptions. If radical variation appears to exist, the Appraisal Office will be advised before continuing the negotiations. If the recommended offer is not accepted, eminent domain proceedings will be resorted to and entry by court order will be obtained at that time.

AUTHORITY NOTE: Promulgated in accordance with R.S. 48:443.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Office of Real Estate, LR 25:894 (May 1999), amended LR 33:1381 (July 2007).

§579. Update of Appraisals

A. Occasionally, it may become necessary for the appraiser to update appraisals from the original date of valuation to the current date or to a specified date of acquisition. If this should become necessary, the project review appraiser will initiate a contract specifying the required date of valuation, the fee schedule and the completion date for the assignment. All contracts to update shall be as per a specific completion date so as to give ample time for the appraisals to be reviewed by the project review appraiser prior to negotiations.

B. All updated appraisals, where there are value changes by reason of time lapse, shall be supported by updated comparable sales data gathered within the project neighborhood. If sufficient sales data is not available within the subject neighborhood, the appraiser should investigate similar type properties in more removed areas as support for updated values.

C. Updated appraisals shall be submitted to the Appraisal Office for review and if warranted, a revised Estimate of Value will be issued by LDOTD for the purpose of negotiation and acquisition. When the appraiser is required to revise, supplement or otherwise update the appraisal report, no matter the format employed, a revised or updated "Certificate of Appraiser" and "Estimate of Compensation" shall be submitted with the revisions or updates.

AUTHORITY NOTE: Promulgated in accordance with R.S. 48:443.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Office of Real Estate, LR 25:894 (May 1999), amended LR 33:1382 (July 2007).

Johnny B. Bradberry
Secretary

0707#041

RULE

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

**General and Wildlife Management Area Hunting
(LAC 76:XIX.111)**

The Wildlife and Fisheries Commission does hereby promulgate rules and regulations governing the hunting of resident game birds and game quadrupeds.

Title 76

WILDLIFE AND FISHERIES

Part XIX. Hunting and WMA Regulations

Chapter 1. Resident Game Hunting Season

**§111. General and Wildlife Management Area
Hunting Rules and Regulations**

A. Hunting Seasons and Wildlife Management Area Regulations

1. The rules and regulations contained within this digest have been officially approved and adopted by the Wildlife and Fisheries Commission under authority vested

by Sections 115 and 116 of Title 56 of the Louisiana Revised Statutes of 1950 and are in full force and effect in conjunction with all applicable statutory laws. The Secretary of the Department of Wildlife and Fisheries has the authority to close or alter seasons in emergency situations in order to protect fish and wildlife resources.

2. Pursuant to Section 40.1 of Title 56 of the Louisiana Revised Statutes of 1950, the Wildlife and Fisheries Commission has adopted monetary values which are assigned to all illegally taken, possessed, injured or destroyed fish, wild birds, wild quadrupeds and other wildlife and aquatic life. Anyone taking, possessing, injuring or destroying fish, wild birds, wild quadrupeds and other wildlife and aquatic life shall be required to reimburse the Department of Wildlife and Fisheries a sum of money equal to the value of the wildlife illegally taken, possessed, injured or destroyed. This monetary reimbursement shall be in addition to any and all criminal penalties imposed for the illegal act.

B. Resident Game Birds and Animals

1. Shooting Hours—one-half hour before sunrise to one-half hour after sunset.

C. Other Season Dates

1. Turkey—please refer to separate pamphlet.

2. Raccoon and Opossum—no closed season.

Raccoon and opossum can be taken at night by one or more licensed hunters with one or more dogs and one .22 rimfire firearm. A licensed hunter may take raccoon or opossum with .22 rimfire rifle, .36 caliber or smaller muzzleloader rifle or shotgun during daylight hours during the open rabbit season. Hunting from boats or motor vehicles is prohibited. No bag limit for nighttime or daytime raccoon or opossum hunting during the open trapping season except on certain WMAs as listed. The remainder of the year, the raccoon and opossum bag limit for daytime or nighttime is one per person per day or night. No one who hunts raccoons or opossums as prescribed above shall pelt during the closed trapping season nor sell skins or carcasses of raccoons and opossums taken during the open trapping season unless he is the holder of a valid trapping license which shall be required in addition to his basic hunting license. Pelting or selling carcasses is illegal during closed trapping season.

3. Nutria—on WMAs and private property nutria may be taken recreationally by licensed hunters from September 1 through the last day of February, during legal shooting hours by any legal hunting method with a daily limit of five. When taken with a shotgun, steel shot must be used. On WMAs during waterfowl seasons, nutria may be taken only with the use of shotguns with shot no larger than F steel, and during gun deer seasons, anyone taking nutria must display 400 square inches of "Hunter Orange" and wear a "Hunter Orange" cap or hat. Recreational nutria hunters must remove each nutria carcass in whole condition from the hunting area, except that nutria may be gutted. Possession of detached nutria parts, including nutria tails, by recreational hunters is illegal. Nutria harvested recreationally may not be pelted nor may such nutria or any nutria parts from recreationally taken nutria be sold, including the tail. Trespassing upon private property for the purpose of taking nutria or other furbearing animals is punishable by fines and possible jail time (R.S. 56:265). The Coastwide Nutria Control Program is a separate program and is in no way related to the nutria

recreational season. For questions on the Coastwide Nutria Control Program, call the New Iberia office (337) 373-0032.

4. Blackbirds and Crows—the season for crows shall be September 1 through January 1 with no limit; however crows, blackbirds, cowbirds and grackles may be taken year round during legal shooting hours if they are depredate or about to depredate upon ornamentals or shade trees, agricultural crops, livestock, wildlife, or when concentrated in such numbers as to cause a health hazard. Louisiana has determined that the birds listed above are crop depredate and that crows have been implicated in the spread of the West Nile virus in humans.

5. Falconry. Special permit required—resident and migratory game species except turkeys may be taken. Seasons and bag limits are the same as for statewide and WMA regulations. Refer to LAC 76:V.301 for specific Falconry Rules.

6. Licensed Hunting Preserve—October 1-April 30—pen-raised birds only. No limit entire season. Refer to LAC 76:V.305 for specific Hunting Preserve Rules.

7. Deer Management Assistance Program (DMAP)—land enrolled in the voluntary program will be assessed a \$25 registration fee and \$0.05/acre fee. Deer management assistance tags must be in the possession of the hunter in order to harvest an antlerless deer. The tag shall be attached through the hock in such a manner that it cannot be removed before the deer is transported (including those taken on either-sex days and those taken with bow or muzzleloader). Antlerless deer harvested on property enrolled in DMAP does not count in the season bag limit for hunters. Failure to do so is a violation of R.S. 56:115. Failing to follow DMAP rules and regulations may result in suspension and cancellation of the program on those lands involved. Refer to LAC 76:V.111 for specific DMAP Rules.

8. Landowner Assistance Deer Tag (LADT)

a. Eligibility for LADT is limited to the following landowners or lessees:

- i. license deer farmers;
- ii. landowners or lessees with less than 500 acres who have verified deer depredate problems;
- iii. landowners with 40 acres or more enrolled in the Louisiana Forest Stewardship Program; and
- iv. landowners or lessees with 40 or more contiguous acres of forested or marsh land.

b. Each applicant will be assessed a \$25 administrative processing fee. Each hunter must have the Landowner Antlerless Deer Tag in his possession while hunting on the property for which the tag was issued and immediately upon kill of an antlerless deer, the hunter must tag the animal through the hock. The deer must be tagged before it is transported from the site of kill and the tag will remain with the deer while the hunter is in route to his domicile. Antlerless deer harvested on property enrolled in LADT does not count in the season bag limit for hunters. For more information, contact any Wildlife Division Regional Office.

9. Farm Raised White-tailed Deer and Exotics on Licensed Supplemented Shooting Preserves

a. Definitions

Exotics—for purposes of this rule means any animal of the family Bovidae [except the Tribe Bovini (cattle)] or Cervidae which is not indigenous to Louisiana

and which is confined on a Supplemented Hunting Preserve. Exotics shall include, but are not limited to, fallow deer, red deer, elk, sika deer, axis deer, and black buck antelope.

Hunting—in its different tenses and for purposes of this rule means to take or attempt to take, in accordance with R.S. 56:8.

Same as Outside—for purposes of this rule means hunting on a Supplemented Hunting Preserve must conform to applicable statutes and rules governing hunting and deer hunting, as provided for in Title 56 of the Louisiana Revised Statutes and as established annually by the Wildlife and Fisheries Commission (LWFC).

Supplemented Hunting Preserve—for purposes of this rule means any enclosure for which a current Farm-Raising License has been issued by the Department of Agriculture and Forestry (LDAF) with concurrence of the Department of Wildlife and Fisheries (LDWF) and is authorized in writing by the LDAF and LDWF to permit hunting.

White-Tailed Deer—for purposes of this rule means any animal of the species *Odocoileus virginianus* which is confined on a Supplemented Hunting Preserve.

b. Seasons:

i. farm-raised white-tailed deer—consult the regulations pamphlet;

ii. exotics—year round.

c. Methods of Take:

i. white-tailed deer—same as outside;

ii. exotics—exotics may be taken with longbow (including compound bow) and arrow; shotguns not larger than 10 gauge, loaded with buckshot or rifled slug; handguns and rifles no smaller than .22 caliber centerfire; or muzzleloading rifles or pistols, .44 caliber minimum, or shotguns 10 gauge or smaller, all of which must load exclusively from the muzzle or cap and ball cylinder, using black powder or an approved substitute only, and using ball or bullet projectile, including sabot bullets only.

d. Shooting Hours:

i. white-tailed deer—same as outside;

ii. exotics: one-half hour before sunrise to one-half hour after sunset.

e. Bag Limit:

i. farm-raised white-tailed deer—same as outside;

ii. exotics—no limit.

f. Hunting Licenses:

i. white-tailed deer—same as outside;

ii. exotics—no person shall hunt any exotic without possessing a valid basic and big game hunting license.

g. Tagging—white-tailed deer and exotics—each animal shall be tagged in the left ear or left antler immediately upon being killed and before being moved from the site of the kill with a tag provided by the LDAF. The tag shall remain with the carcass at all times.

10. Bobcat—no person other than the holder of a valid big game license may take or possess bobcat, except licensed trappers who may take or possess bobcat during the open trapping season. A big game licensee shall only take bobcat during the time period from one-half hour before sunrise to one-half hour after sunset with a bow and arrow, shotgun, muzzleloader or centerfire firearm. A big game

licensee shall not take more than one bobcat per calendar year. This regulation applies only to property that is privately owned and does not apply to state wildlife management areas and refuges, the Kisatchie National Forest, federally owned refuges and lands owned by the Corps of Engineers.

D. Hunting-General Provisions

1. A basic resident or non-resident hunting license is required of all persons to hunt, take, possess or cause to be transported by any other person any wild bird or quadruped. See information below for exceptions.

2. All persons born on or after September 1, 1969 must show proof of satisfactorily completing a Hunter Safety course approved by LDWF to purchase a Basic Hunting License, EXCEPT any active or veteran member of the United States armed services or any POST-certified law enforcement officer. Application for the exemption shall be filed in person at the Department of Wildlife and Fisheries main office building in the city of Baton Rouge. A person younger than 16 years of age may hunt without such certificate if he is accompanied by, and is under the direct supervision of a person 18 years of age or older, EXCEPT during a statewide youth deer hunt.

3. A big game license is required in addition to the basic hunting license to hunt, take, possess or cause to be transported any deer. A separate wild turkey license is required in addition to the basic hunting license and the big game license to hunt, take, possess or cause to be transported any turkey.

4. Taking game quadrupeds or birds from aircraft or participating in the taking of deer with the aid of aircraft or from automobiles or other moving land vehicles is prohibited.

5. Methods of Taking Resident Game Birds and Quadrupeds

a. It is illegal to intentionally feed, deposit, place, distribute, expose, scatter, or cause to be fed, deposited, placed, distributed, exposed, or scattered raw sweet potatoes to wild game quadrupeds.

b. Use of a longbow (including compound bow) and arrow or a shotgun not larger than a 10 gauge fired from the shoulder without a rest shall be legal for taking all resident game birds and quadrupeds. Also, the use of a handgun, rifle and falconry (special permit required) shall be legal for taking all game species except turkey. It shall be illegal to hunt or take squirrels or rabbits at any time with a breech-loaded rifle or handgun larger than a .22 caliber rimfire or a muzzleloader rifle larger than .36 caliber. During closed deer gun season, it shall be illegal to possess shotgun shells loaded with slugs or shot larger than BB lead or F steel shot while small game hunting.

c. Still hunting is defined as stalking or stationary stand hunting without the use of dog(s). Pursuing, driving or hunting deer with dogs is prohibited when or where a still hunting season or area is designated, and will be strictly enforced. Shotguns larger than 10 gauge or capable of holding more than three shells shall be prohibited. Plugs used in shotguns must be incapable of being removed without disassembly. Refer to game schedules contained within these regulations for specific restrictions on the use of firearms and other devices.

6. Nuisance Animals—landowners or their designees may remove beaver and nutria causing damage to their

property without a special permit. Water set traps and firearms may be used to remove beaver; nutria may be removed by any means except that nutria cannot be taken by the use of headlight and gun between the hours of sunset and sunrise. With a special permit issued by the department, beavers may be taken between one-half hour after official sunset to one-half hour before official sunrise for a period of three consecutive calendar evenings from the effective date of the permit. For specific details contact a regional office near you. Any nuisance beaver or nutria trapped or shot outside open trapping season cannot be pelted or sold. A trapping license is required to sell or pelt nuisance beavers or nutria taken during open trapping season. Squirrels found destroying commercial crops of pecans may be taken year-round by permit issued by the department. This permit shall be valid for 30 days from the date of issuance. Contact the local regional office for details.

7. Threatened and Endangered Species—Louisiana black bear, Louisiana pearl shell (mussel), sea turtles, gopher tortoise, ringed sawback turtle, brown pelican, bald eagle, peregrine falcon, whooping crane, Eskimo curlew, piping plover, interior least tern, ivory-billed woodpecker, red-cockaded woodpecker, Bachman's warbler, West Indian manatee, Florida panther, pallid sturgeon, Gulf sturgeon, Attwater's greater prairie chicken, whales and red wolf. Taking or harassment of any of these species is a violation of state and federal laws.

8. Unregulated Quadrupeds—holders of a legal hunting license may take coyotes, unmarked hogs where legal, and armadillos year round during legal daylight shooting hours. The running of coyotes with dogs is prohibited in all turkey hunting areas during the open turkey season. Coyote hunting is restricted to chase only when using dogs during still hunting segments of the firearm and archery only season for deer. Foxes are protected quadrupeds and may be taken only with traps by licensed trappers during the trapping season. Remainder of the year "chase only" allowed by licensed hunters.

9. Hunting and/or Discharging Firearms on Public Roads. Hunting, standing, loitering or shooting game quadrupeds or game birds with a gun during open season while on a public highway or public road right-of-way is prohibited. Hunting or the discharge of firearms on roads or highways located on public levees or within 100 feet from the centerline of such levee roads or highways is prohibited. Spot lighting or shining from public roads is prohibited by state law. Hunting from all public roads and rights-of-way is prohibited and these provisions will be strictly enforced.

10. Tags. Any part of the deer or wild turkey divided shall have affixed thereto the name, date, address and big game license number of the person killing the deer or wild turkey and the sex of that animal. This information shall be legibly written in pen or pencil, on any piece of paper or cardboard or any material, which is attached or secured to or enclosing the part or parts. On lands enrolled in DMAP, deer management assistance tags must be attached and locked through the hock of antlerless deer, (including those taken with bow, muzzleloader and those antlerless deer taken on either-sex days) in a manner that it cannot be removed, before the deer is moved from the site of the kill.

11. Sex Identification. Positive evidence of sex identification, including the head, shall remain on any deer

taken or killed within the state of Louisiana, or on all turkeys taken or killed during any special gobbler season when killing of turkey hens is prohibited, so long as such deer or turkey is kept in camp or field, or is in route to the domicile of its possessor, or until such deer or turkey has been stored at the domicile of its possessor or divided at a cold storage facility and has become identifiable as food rather than as wild game.

12. Promotional Hunting Days

a. The following dates are established as promotional hunting days—the first three days after Thanksgiving Day.

b. Persons availing themselves of promotional hunting days shall be entitled to hunt resident game birds and game quadrupeds (excluding bears), as well as coyotes, bobcats and feral hogs on designated days without the payment of fees and without obtaining any license other than the below referenced letter of permit. Persons wishing to avail themselves of promotional hunting days shall be subject to the following requirements and restrictions.

i. All applicants must be at least 16 years of age, and not currently under a suspension or revocation of hunting privileges.

ii. All applicants must submit, on a form and in a manner prescribed by the department, such personal information as may be required by the department including, but not limited to, name, address, date of birth, drivers' license number, and social security number.

iii. No person shall be entitled to apply for or receive more than one letter of permit for promotional hunting days in his or her lifetime.

iv. Any eligible person who applies for the promotional hunting days shall receive a letter of permit from the secretary.

v. Any person hunting under the promotional hunting days letter of permit must be accompanied by a validly licensed hunter.

vi. Any person hunting under the promotional hunting days letter of permit shall meet all other legal requirements for obtaining a hunting license, including but not limited to, successful completion of a hunter education course.

vii. Any person hunting under the promotional hunting days letter of permit must have in his possession while hunting, a valid hunter education card or certificate.

viii. Any person hunting under the promotional hunting days letter of permit may hunt during all legal hunting hours on the dates recited in the permit, but only during legal hunting hours.

ix. Any person hunting under a letter of permit shall be subject to all of the limitations, restrictions, conditions, laws, and rules and regulations applicable to the holder of a hunting license.

x. Any person hunting under the promotional hunting days letter of permit may hunt any species of resident game birds or game quadrupeds (excluding bears), as well as coyotes, bobcats and feral hogs for which the season is open at the time of the above stated weekends, but only those species for which the season is open at the time of the above stated weekends.

xi. Any person hunting under the promotional hunting days letter of permit may use any gear or method of take which is legal on the above designated weekends.

xii. Any person hunting under the promotional hunting days letter of permit may hunt only resident game birds and game quadrupeds (excluding bears), as well as coyotes, bobcats and feral hogs. All other species are excluded including, but not limited to, migratory game birds.

E. General Deer Hunting Regulations

1. Prior to hunting deer, all deer hunters, regardless of age or license status, must obtain deer tags and have in possession when hunting deer. Immediately upon harvesting a deer, the hunter must tag the deer with the appropriate carcass tag and document the kill on the deer tag license. Within 72 hours the hunter must validate the kill and record the validation number on the license. Hunters harvesting deer on DMAP and LADT lands can validate deer per instructions by LDWF using the DMAP and LADT harvest data sheets. Hunters on wildlife management areas can validate deer during mandatory deer check hunts, when deer check stations are in operation. Hunters may validate deer by calling the validation toll free number or using the validation web site.

2. One antlered and one antlerless deer per day (when legal) except on National Forest Lands and some Federal Refuges (check refuge regulations) where the daily limit shall be one deer per day. Season limit is six, three antlered bucks and three antlerless deer (all segments included) by all methods of take, except antlerless harvest on property enrolled in DMAP and LADT does not count in the season bag limit for hunters. Antlerless deer may be harvested during entire deer season on private lands (all segments included) except in the following parishes: West Carroll and portions of East Carroll. Consult regulations pamphlet, modern firearms table for either-sex days for these parishes. This does not apply to public lands (wildlife management areas, National Forest Lands, and Federal Refuges) which will have specified either-sex days.

3. A legal buck is a deer with visible antler of hardened bony material, broken naturally through the skin. Killing bucks without at least one visible antler as described above and killing does is prohibited except where specifically allowed and except in Thistlethwaite Wildlife Management Area where a legal buck shall be defined as deer with at least 4 points on one side or a deer with unbranched antlers commonly referred to as spikes (no minimum length). To be counted as a point, a projection must be at least 1 inch long and its length must exceed the length of its base. The beam tip is counted as a point but not measured as a point.

4. Deer hunting restricted to legal bucks only, except where otherwise allowed.

5. Either-sex deer is defined as male or female deer. Taking or possessing spotted fawns is prohibited.

6. It is illegal to hunt or shoot deer with firearms smaller than .22 caliber centerfire or a shotgun loaded with anything other than buckshot or rifled slug. Handguns may be used for hunting.

7. Taking game quadrupeds or birds from aircraft, participating in the taking of deer with the aid of aircraft or from automobiles or other moving land vehicles is prohibited.

8. Still hunting is defined as stalking or stationary stand hunting without the use of dog(s). Pursuing, driving or hunting deer with dogs or moving vehicles, including ATVs, when or where a still hunting season or area is designated, is prohibited and will be strictly enforced. The training of deer dogs is prohibited in all still hunting areas during the gun still hunting and archery only season. Deer hunting with dogs is allowed in all other areas having open deer seasons that are not specifically designated as still hunting only. Except in wildlife management areas, a leashed dog may be used to trail and retrieve wounded or unrecovered deer during legal hunting hours. Any dog used to trail or retrieve wounded or unrecovered deer shall have on a collar with owner's name, address, and phone number. In addition, a dog may be used to trail and retrieve unrecovered deer after legal hunting hours; however, no person accompanying a dog after legal hunting hours may carry a firearm of any sort.

9. It is unlawful to take deer while deer are swimming or while the hunter is in a boat with motor attached in operating position; however the restriction in this paragraph shall not apply to any person who has lost one or more limbs.

10. Areas not specifically designated as open are closed.

11. Muzzleloader Segment. (Special license and muzzleloader firearms specifications apply only to the special state, WMA, National Forest and Preserves, and Federal Refuge seasons.)—still hunt only. Specific WMAs will also be open, check WMA schedule for specific details. Muzzleloader license required for resident hunters between the ages of 16 and 59 inclusive and non-residents 16 years of age and older. Either-sex deer may be taken in all deer hunting areas except Area 5 and as specified on Public Areas. It is unlawful to carry a gun, other than a muzzleloader, including those powered by air or other means, while hunting during the special muzzleloader segment. Except, it is lawful to carry a .22 caliber rimfire pistol loaded with #12 shot (ratshot) only).

a. Legal Muzzleloader Firearms for Special Season—rifles or pistols, .44 caliber minimum, or shotguns 10 gauge or smaller, all of which must load exclusively from the muzzle or cap and ball cylinder, use black powder or approved substitute only, take ball or bullet projectile only, including sabot bullets and may be fitted with magnified scopes. This includes muzzleloaders known as "inline" muzzleloaders.

12. Archery Segment—consult regulations pamphlet. WMA seasons are the same as outside except as noted below. Archery license required for resident bow hunters between the ages of 16 and 59 inclusive and non-residents 16 years of age and older. Residents 60 years of age and older may use a crossbow without a special permit or license. Either-sex deer may be taken in all areas open for deer hunting except when a bucks only season is in progress for gun hunting, and except in Area 6 from October 1-15. Archer's must conform to the bucks only regulations. Either-sex deer may be taken on WMAs at anytime during archery season except when bucks only seasons are in progress on the respective WMA. Also, archery season restricted on Atchafalaya Delta, Salvador, Lake Boeuf, and Pointe-aux-Chenes WMAs (see schedule).

a. Bow and arrow regulations—hunting arrows for deer must have well-sharpened metal broadhead blades not less than 7/8 inch in width. Bow and arrow fishermen must have a sport fishing license and not carry any arrows with broadhead points unless a big game season is in progress.

i. It is unlawful:

(a). to carry a gun, including those powered by air or other means, while hunting with bow and arrow during the special bow and arrow deer season except it is lawful to carry a .22 caliber rimfire pistol loaded with #12 shot (ratshot) only;

(b). to have in possession or use any poisoned or drugged arrow, arrows with explosive tips, or any bow drawn, held or released by mechanical means except that hand held releases are lawful and except disabled persons with a crossbow permit and individuals who are 60 years of age or older may use a bow drawn, held or released by mechanical means;

(c). to hunt deer with a bow having a pull less than 30 pounds;

(d). to hunt with a bow or crossbow fitted with an infrared or laser sight.

13. Hunter Orange—any person hunting deer shall display on his head, chest and/or back a total of not less than 400 square inches of "hunter orange" during the open deer gun season including muzzleloader season. Persons hunting on privately owned, legally posted land may wear a hunter orange cap or hat in lieu of the 400 square inches. These provisions shall not apply to persons hunting deer from elevated stands on property that is privately owned and legally posted or to archery deer hunters hunting on legally posted lands where firearm hunting is not allowed by agreement of the landowner or lessee. However, anyone hunting deer on such lands where hunting with firearms is allowed shall be required to display the 400 square inches or a hunter orange cap or hat while walking to and from elevated stands. While a person is hunting from an elevated stand, the 400 square inches or cap or hat may be concealed. Warning: deer hunters are cautioned to watch for persons hunting other game or engaged in activities not requiring "hunter orange".

14. Special handicapped either-sex deer season on private land—first Saturday of October for 2 days. Restricted to individuals with Physically Challenged Hunter Permit.

15. Special Youth Deer Hunt on Private Lands (Either-Sex)—areas 1, 4, 5 and 6 - last Saturday of October for 2 days; Area 2 - 2nd Saturday of October for 2 days; and Areas 3, 7 and 8 - 4th Saturday of September for 2 days. Youths under the age of 16 only. Youths must possess a hunter safety certification or proof of successful completion of a hunter safety course. Each youth must be accompanied by one adult 18 years of age or older. If the accompanying adult is in possession of hunter safety certification, a valid hunting license or proof of successful completion of a hunter safety course, this requirement is waived for the youth. Adults may not possess a firearm. Youths may possess only one firearm while hunting. Legal firearms are the same as described for deer hunting. The supervising adult shall maintain visual and voice contact with the youth at all times. An adult may supervise only one youth during this special hunt.

16. Special Youth Deer Shotgun Season on Private Land (either-sex): Youths under the age of 16 may hunt deer with 20 gauge shotguns using slugs only during the Muzzleloader Season in each deer hunting area.

F. Description of Areas

1. Area 1

a. All of the following parishes are open: Concordia, East Baton Rouge, East Feliciana, Franklin, Madison, St. Helena, Tensas, Washington.

b. Portions of the following parishes are also open:

i. Catahoula—East of Boeuf River to Ouachita River, east of Ouachita River from its confluence with Boeuf River to La. Hwy. 8, south and east of La. Hwy. 8 southwesterly to parish line.

ii. East Carroll—beginning September 2008, East of mainline Mississippi River Levee and south and east of La. 877 from West Carroll Parish line to La. 580, south of La. 580 to U.S. 65, west of U.S. 65 to Madison Parish line.

iii. Grant—East of U.S. 165 and south of La. 8.

iv. LaSalle—South of a line beginning where Little River enters Catahoula Lake following the center of the lake eastward to Old River then to U.S. Highway 84, east of U.S. Highway 84 northward to La. Highway 8, south of La. Highway 8 eastward to parish line.

v. Livingston—North of I-12.

vi. Rapides—East of U.S. 165 and north of Red River.

vii. St. Tammany—all except that portion south of I-12, west of Hwy. 1077 to La. 22, south of La. 22 to Tchefuncte River, west of Tchefuncte River southward to Lake Pontchartrain.

viii. Tangipahoa—North of I-12.

ix. West Feliciana—all except that portion known as Raccourci and Turnbull Island.

c. Still hunting only in all or portions of the following parishes:

i. Catahoula—South of Deer Creek to Boeuf River, east of Boeuf and Ouachita Rivers to La. 8 at Harrisonburg, west of La. 8 to La. 913, west of La. 913 and La. 15 to Deer Creek.

ii. East Carroll—beginning September 2008, East of mainline Mississippi River Levee and south and east of La. 877 from West Carroll Parish line to La. 580, south of La. 580 to U.S. 65, west of U.S. 65 to Madison Parish line.

iii. East Feliciana and East Baton Rouge—East of Thompson Creek from the Mississippi state line to La. 10, north of La. 10 from Thompson Creek to La. 67 at Clinton, west of La. 67 from Clinton to Mississippi state line, south of Mississippi state line from La. 67 to Thompson Creek. Also that portion of East Baton Rouge Parish east of La. 67 from La. 64 north to Parish Line, south of Parish Line from La. 64 eastward to Amite River, west of Amite River southward to La. 64, north of La. 64 to La. 37 at Magnolia, east of La. 37 northward to La. 64 at Indian Mound, north of La. 64 from Indian Mound to La. 67. Also, that portion of East Feliciana Parish east of La. 67 from parish line north to La. 959, south of La. 959 east to La. 63, west of La. 63 to Amite River, west of Amite River southward to parish line, north of parish line westward to La. 67.

iv. Franklin—all.

v. St. Helena—North of La. 16 from Tickfaw River at Montpelier westward to La. 449, east and south of

La. 449 from La. 16 at Pine Grove northward to La. 1045, south of La. 1045 from its junction with La. 449 eastward to the Tickfaw River, west of the Tickfaw River from La. 1045 southward to La. 16 at Montpelier.

vi. Tangipahoa—that portion of Tangipahoa Parish north of La. 10 from the Tchefuncte River to La. 1061 at Wilmer, east of La. 1061 to La. 440 at Bolivar, south of La. 440 to the Tchefuncte River, west of the Tchefuncte River from La. 440 southward to La. 10.

vii. Washington and St. Tammany—East of La. 21 from the Mississippi state line southward to the Bogue Chitto River, north of the Bogue Chitto River from La. 21 eastward to the Pearl River Navigation Canal, east of the Pearl River Navigation Canal southward to the West Pearl River, north of the West Pearl River from the Pearl River Navigation Canal to Holmes Bayou, west of Holmes Bayou from the West Pearl River northward to the Pearl River, west of the Pearl River from Holmes Bayou northward to the Mississippi state line, south of the Mississippi state line from the Pearl River westward to La. 21. Also, that portion of Washington Parish west of La. 25 from the Mississippi state line southward to the Bogue Chitto River, then west of the Bogue Chitto River to its junction with the St. Tammany Parish line, north of the St. Tammany Parish line to the Tangipahoa Parish line, east of the Tangipahoa Parish line to the Mississippi state line, south of the Mississippi state line to its junction with La. 25.

viii. West Feliciana—West of Thompson Creek to Illinois-Central Railroad, north of Illinois-Central Railroad to Parish Road #7, east of Parish Road #7 to the junction of U.S. 61 and La. 966, east of La. 966 from U.S. 61 to Chaney Creek, south of Chaney Creek to Thompson Creek.

2. Area 2

a. All of the following parishes are open:

i. Bienville, Bossier, Caddo, Caldwell, Claiborne, DeSoto, Jackson, Lincoln, Natchitoches, Red River, Sabine, Union, Webster, Winn;

ii. except: Kisatchie National Forest which has special regulations. Caney, Corney, Middlefork tracts of Kisatchie have the same regulations as Area 2, EXCEPT still hunting only for deer and except National Forest Land within the Evangeline Unit, Calcasieu Ranger District described in Area 2 description shall be still hunting only.

b. Portions of the following parishes are also open:

i. Allen—North of U.S. 190 from parish line westward to Kinder, east of U.S. 165 from Kinder northward to La. 10 at Oakdale, north of La. 10 from Oakdale westward to the parish line.

ii. Avoyelles—that portion west of I-49.

iii. Catahoula—West of Boeuf River to Ouachita River, west of Ouachita River from its confluence with Boeuf River to La. Highway 8, north and west of La. Highway 8 southwesterly to parish line.

iv. Evangeline—all except the following portions: east of I-49 to junction of La. 29, east of La. 29 south of I-49 to Ville Platte, and north of U.S. 167 east of Ville Platte.

v. Grant—all except that portion south of La. 8 and east of U.S. 165.

vi. Jefferson Davis—North of U.S. 190.

vii. LaSalle—North of a line beginning where Little River enters Catahoula Lake, following the center of the lake eastward to Old River then to U.S. Highway 84,

west of U.S. Highway 84 northward to La. Highway 8, north of La. Highway 8 eastward to parish line.

viii. Morehouse—West of U.S. 165 (from Arkansas state line) to Bonita, north and west of La. 140 to junction of La. 830-4 (Cooper Lake Road), west of La. 830-4 to Bastrop, west of La. 139 to junction of La. 593, west and south of La. 593 to Collinston, west of La. 138 to junction of La. 134 and north of La. 134 to Ouachita Parish line at Wham Brake.

ix. Ouachita—all except south of U.S. 80 and east of Ouachita River, east of La. 139 from Sicard to junction of La. 134, south of La. 134 to Morehouse Parish line at Wham Brake.

x. Rapides—all except north of Red River and east of U.S. 165, south of La. 465 to junction of La. 121, west of La. 121 and La. 112 to Union Hill, and north of La. 113 from Union Hill to Vernon Parish line, and that portion south of Alexandria between Red River and U.S. 167 to junction of U.S. 167 with I-49 at Turkey Creek exit, east of I-49 southward to parish line.

xi. Vernon—North of La. Highway 10 from the parish line westward to La. 113, south of La. 113 eastward to parish line. Also the portion north of La. 465 west of La. 117 from Kurthwood to Leesville and north of La. 8 from Leesville to Texas state line.

c. Still hunting only in all or portions of the following parishes:

i. Claiborne and Webster—Caney, Corney and Middlefork tracts of Kisatchie National Forest. (See Kisatchie National Forest Regulations).

ii. Ouachita—East of Ouachita River.

iii. Rapides—West of U.S. 167 from Alexandria southward to I-49 at Turkey Creek Exit, west of I-49 southward to Parish Line, north of Parish Line westward to U.S. 165, east of U.S. 165 northward to U.S. 167 at Alexandria. North of La. 465 from Vernon Parish line to La. 121, west of La. 121 to I-49, west of I-49 to La. 8, south and east of La. 8 to La. 118 (Mora Road), south and west of La. 118 to Natchitoches Parish line.

iv. Vernon—East of Mora-Hutton Road from Natchitoches Parish line to Hillman Loop Road, south and east of Hillman Loop Road to Comrade Road, south of Comrade Road to La. 465, east and north of La. 465 to Rapides Parish line.

3. Area 3

a. All of Acadia, Cameron and Vermilion Parishes are open.

b. Portions of the following parishes are also open:

i. Allen—South of U.S. 190 and west of La. 113.

ii. Beauregard—West of La. 113 and east of La. 27 from the parish line northward to DeRidder and north of U.S. 190 westward from DeRidder to Texas state line.

iii. Calcasieu—South of U.S. 90 from Sulphur to Texas state line. Also east of La. 27 from Sulphur northward to the parish line.

iv. Iberia—West of U.S. 90 and north of La. 14.

v. Jefferson Davis—all EXCEPT north of U.S. 190.

vi. Lafayette—West of I-49 and U.S. 90.

vii. Rapides—South of La. 465 to junction of La. 121, west of La. 121 and La. 112 to Union Hill and north of La. 113 from Union Hill to Vernon Parish line.

viii. St. Landry—West of U.S. 167.

ix. Vernon—West and north of La. 113, south of La. 465, east of La. 117 from Kurthwood to Leesville, and south of La. 8 from Leesville to Texas state line.

4. Area 4

a. All of Richland parish is open.

b. Portions of the following parishes are open:

i. East Carroll—all of East Carroll Parish is open for the 2007-2008 season. Beginning with the 2008-2009 season, that portion of East Carroll Parish east of mainline Mississippi River Levee and south and east of La. 877 from West Carroll Parish line to La. 580, south of La. 580 to U.S. 65, west of U.S. 65 to Madison Parish line will move to Area 1. The remainder of the parish will remain in Area 4.

ii. Morehouse—East of U.S. 165 (from Arkansas state line) to Bonita, south and east of La. 140 to junction of La. 830-4 (Cooper Lake Road), east of La. 830-4 to Bastrop, east of La. 139 at Bastrop to junction of La. 593, east and north of La. 593 to Collinston, east of La. 138 to junction of La. 134 and south of La. 134 to Ouachita line at Wham Brake.

iii. Ouachita—South of U.S. 80 and east of Ouachita River, east of La. 139 from Sicard to junction of La. 134, south of La. 134 to Morehouse line at Wham Bake.

5. Area 5

a. All of West Carroll Parish is open.

6. Area 6

a. All of the following parishes are open: Ascension, Assumption, Iberville, Jefferson, Lafourche, Orleans, Plaquemines, Pointe Coupee, St. Bernard, St. Charles, St. James, St. John, St. Martin, Terrebonne, West Baton Rouge.

b. Portions of the following parishes are also open:

i. Avoyelles—all except that portion west of I-49.

ii. Evangeline—that portion east of I-49 to junction of La. 29, east of La. 29 south of I-49 to Ville Platte and north of U.S. 167 east of Ville Platte.

iii. Iberia—East of U.S. 90.

iv. Lafayette—East of I-49 and U.S. 90.

v. Livingston—South of I-12.

vi. Rapides—South of Alexandria between Red River and U.S. 167 to the junction of U.S. 167 with I-49 at Turkey Creek Exit, east of I-49 southward to parish line.

vii. St. Landry—East of U.S. 167.

viii. St. Mary—North of U.S. 90 from Iberia Parish line eastward to Wax Lake Outlet, east of Wax Lake Outlet southward to Intracoastal Waterway, north of Intracoastal Waterway eastward to the Atchafalaya River, east of the Atchafalaya River southward to Bayou Shaffer, north of Bayou Shaffer to Bateman Lake, north and west of Bayou Chene from Bateman Lake to Lake Palourde.

ix. St. Tammany—that portion south of I-12, west of Hwy. 1077 to La. 22, south of La. 22 to Tchefuncte River, west of Tchefuncte River southward to Lake Pontchartrain.

x. Tangipahoa—South of I-12.

xi. West Feliciana—West of Mississippi River, known as Raccourci and Turnbull Islands.

c. Still hunting only in all or portions of the following parishes:

i. Avoyelles—North of La. 1 from Simmesport westward to La. 115 at Marksville, east of La. 115 from

Marksville northward to the Red River near Moncla, south and west of the Red River to La. 1 at Simmesport.

ii. Plaquemines—East of the Mississippi River.
iii. Rapides—South of Alexandria between Red River and U.S. 167 to the junction of U.S. 167 with I-49 at Turkey Creek Exit, east of I-49 southward to parish line.

iv. St. Bernard—all of the parish shall be still hunting only except that portion of St. Bernard known as the spoil area between the MRGO on the east and Access Canal on the west, south of Bayou Bienvenue and north of Bayou la Loutre.

v. St. John—South of Pass Manchac from Lake Pontchartrain to U.S. 51, east of U.S. 51 from Pass Manchac to La. 638 (Frenier Beach Road). North of La. 638 from U.S. 51 to Lake Pontchartrain, west of Lake Pontchartrain from La. 638 to Pass Manchac.

vi. St. Landry—those lands surrounding Thistlethwaite WMA bounded north and east by La. 359, west by La. 10, and south by La. 103.

vii. High Water Benchmark Closure—Deer hunting in those portions of Iberia, Iberville, St. Martin, and St. Mary parishes south of Interstate 10, west of the East Guide Levee, east of the West Guide Levee, and north of U.S. Highway 90 will be closed when the river stage of the Atchafalaya River reaches 18 feet at Butte LaRose.

7. Area 7

a. Portions of the following parishes are open:

i. Iberia—South of La. 14 and west of U.S. Hwy. 90.

ii. St. Mary—all except that portion north of U.S. 90 from Iberia Parish line eastward to Wax Lake Outlet, east of Wax Lake Outlet southward to Intracoastal Waterway, north of Intracoastal Waterway eastward to the Atchafalaya River, east of the Atchafalaya River southward to Bayou Shaffer, north of Bayou Shaffer to Bateman Lake, north and west of Bayou Chene from Bateman Lake to Lake Palourde.

8. Area 8

a. Portions of the following parishes are open:

i. Allen—that portion east of La. 113 from the parish line to U.S. 190, north of U.S. 190 eastward to Kinder, west of U.S. 165 northward to La. 10 at Oakdale and south of La. 10 from Oakdale westward to parish line.

ii. Beauregard—that portion east of La. 113. Also that portion west of La. 27 from parish line northward to DeRidder, south of U.S. 190 from DeRidder to Texas state line.

iii. Calcasieu—that portion east of La. 27 from the parish line southward to Sulphur and north of U.S. 90 from Sulphur to the Texas state line.

iv. Vernon—that portion east of La. 113 from the parish line northward to Pitkin and south of La. 10 from Pitkin southward to the parish line.

G. Wildlife Management Area Regulations

1. General

a. The following rules and regulations concerning the management, protection and harvest of wildlife have been officially approved and adopted by the Wildlife and Fisheries Commission in accordance with the authority provided in Louisiana Revised Statutes of 1950, Section 109 of Title 56. Failure to comply with these regulations will subject individual to citation and/or expulsion from the management area.

b. Citizens are cautioned that by entering a WMA managed by the LDWF they may be subjecting themselves and/or their vehicles to game and/or license checks, inspections and searches.

c. Wildlife management area seasons may be altered or closed anytime by the Department Secretary in emergency situations (floods, fire or other critical circumstances).

d. Hunters may enter the WMA no earlier than 4 a.m. unless otherwise specified. On days when daily permits are required, permit stations will open two hours before legal shooting hours. Hunters must check out and exit the WMA no later than two hours after sunset, or as otherwise specified.

e. Lands within WMA boundaries will have the same seasons and regulations pertaining to baiting and use of dogs as the WMA within which the lands are enclosed; however, with respect to private lands enclosed within a WMA, the owner or lessee may elect to hunt according to the regular season dates and hunting regulations applicable to the geographic area in which the lands are located, provided that the lands are first enrolled in DMAP or LADT. Interested parties should contact the nearest LDWF regional office for additional information.

f. Dumping garbage or trash on WMAs is prohibited. Garbage and trash may be properly disposed of in designated locations if provided.

g. Disorderly conduct or hunting under influence of alcoholic beverages, chemicals and other similar substances is prohibited.

h. Damage to or removal of trees, shrubs, hard mast (acorn, pecans, etc.), wild plants and non-game wildlife (including reptiles and amphibians) is prohibited without prior approval from the Baton Rouge Office. Gathering and/or removal of soft fruits, mushrooms and berries shall be limited to five gallons per person per day.

i. Burning of marshes is prohibited. Hunting actively burning marsh prohibited.

j. Nature trails. Trails shall be limited to pedestrians only. No vehicles, ATVs, horses, mules, bicycles, etc. allowed. Removal of vegetation (standing or down) or other natural material prohibited.

k. Deer seasons are for legal buck deer unless otherwise specified.

l. Small game, when listed under the WMA regulations may include both resident game animals and game birds as well as migratory species of birds.

m. Oysters may not be harvested from any WMA, except that oysters may be harvested from private oyster leases and State Seed Grounds located within a WMA, when authorized by the Wildlife and Fisheries Commission and upon approval by the Department of Health and Hospitals.

n. Free ranging livestock prohibited.

2. Permits

a. A WMA Hunting Permit is required for persons aged 18 through 59 to hunt on WMAs.

b. Daily. Daily permits when required shall be obtained at permit stations on or near each WMA after first presenting a valid hunting license to a department employee. Hunters must retain permit in possession while hunting. Hunters may enter the area no earlier than two hours before legal shooting time unless otherwise specified. Hunters must

checkout daily and exit the area not later than two hours after sunset unless otherwise specified.

c. **Self-Clearing Permits.** A Self-Clearing Permit is required for all activities (hunting, fishing, hiking, birdwatching, sightseeing, etc.) on WMAs unless otherwise specified. The Self-Clearing Permit will consist of three portions: Check In, Check Out and a Vehicle Tag. On WMAs where Self-Clearing Permits are required, all persons must obtain a WMA Self-Clearing Permit from an Information Station. The Check In portion must be completed and put in a permit box before each day's activity on the day of the activity (except if hunting from a private camp adjacent to the WMA being hunted or if camping on the WMA, users need only to check in once during any 72 hour period). Users may check-in one day in advance of use. The Check Out portion must be carried by each person while on the WMA and must be completed and put in a permit box immediately upon exiting the WMA or within 72 hours after checking in if hunting from a private camp adjacent to the WMA being hunted or if camping on the WMA. Each person must leave the Vehicle Tag portion of his permit on the dashboard of the vehicle used to enter into the WMA in such a way that it can be easily read from outside of the vehicle. This must be done only when the vehicle is parked and left unattended on the WMA. If an ATV, boat or other type vehicle was used to enter the WMA, then the vehicle tag must be attached to that vehicle in such a manner that it can be readily seen and read. No permit is required of fishers and boaters who do not travel on a WMA road and/or launch on the WMA as long as they do not get out of the boat and onto the WMA. When Mandatory Deer Checks are specified on WMAs, hunters must check deer at a check station. Call the appropriate Region office for the location of the deer check station on these WMAs. (Self-Clearing Permits are not required for persons only traveling through the WMA provided that the most direct route is taken and no activities or stops take place.)

d. Persons using WMAs or other department administered lands for any purpose must possess one of the following: a valid Wild Louisiana stamp, a valid Louisiana fishing license, or a valid Louisiana hunting license. Persons younger than 16 or older than 60 years of age are exempt from this requirement. Also a Self-Clearing WMA permit, detailed above, may be required (available at most entrances to each WMA). Check individual WMA listings for exceptions.

3. Special Seasons

a. **Youth Deer Hunt.** Only youths younger than 16 years of age may hunt. All other seasons are closed except Handicapped Seasons. Youths must possess a hunter safety certification or proof of successful completion of a hunter safety course. Each youth must be accompanied by one adult 18 years of age or older. If the accompanying adult is in possession of a hunter safety certification, a valid Louisiana hunting license or proof of successful completion of a hunter safety course, this requirement is waived for the youth. Adults may not possess a firearm. Youths may possess only one firearm while hunting. Legal firearms are the same as described for deer hunting. The supervising adult shall maintain visual and voice contact with the youth at all times. An adult may supervise only one youth during this special hunt. Contact the appropriate region office for

special check station locations when daily permits are required and maps of specific hunting areas. Either-sex deer may be taken on WMAs with youth hunts. Consult the regulations pamphlet for WMAs offering youth hunts. Note: some hunts may be by pre-application lottery.

b. **Youth Squirrel Hunt** (on selected WMAs only). Only youths younger than 16 years of age may hunt. Squirrel, rabbit, raccoon and opossum may be taken. Hogs may not be taken. No dogs allowed. All other seasons will remain open to other hunters. Youths must possess a hunter safety certification or proof of successful completion of a hunter safety course. Each youth must be accompanied by one adult 18 years of age or older. If the accompanying adult is in possession of hunter safety certification, a valid hunting license or proof of successful completion of a hunter safety course, this requirement is waived for the youth. Adults may not possess a firearm. Youths may possess only one firearm while hunting. The supervising adult shall maintain visual and voice contact with the youth at all times. Self-clearing permits are required. Consult the regulations pamphlet for WMAs offering youth squirrel hunts.

c. **Youth Mourning Dove Hunt.** A youth mourning dove hunt will be conducted on specific WMAs and will follow the same regulations provided for youth deer hunts on the second weekend of the mourning dove season (Saturday and Sunday only). Consult the regulations pamphlet for WMAs offering youth mourning dove hunts.

d. **Handicapped Season.** An either-sex deer season will be held for hunters possessing a Physically Challenged Hunter Permit on WMAs during the dates specified under the individual WMA. Participants must possess a Physically Challenged Hunter Permit. Contact region office for permit application and map of specific hunting area. Consult the regulations pamphlet for WMAs offering Handicapped Seasons. Pointe-aux-Chenes will have an experimental Lottery Handicapped waterfowl hunt. Contact New Iberia Office, Fur and Refuge Division for details.

e. **Turkey Lottery Hunts.** Hunts restricted to those persons selected by lottery. Consult the regulations pamphlet for deadlines. All turkeys must be reported at self-clearing station. Contact Region Offices for more details. Consult separate turkey hunting regulations pamphlet for more details.

f. **Waterfowl Lottery Hunts.** Hunts restricted to those persons selected by lottery. Consult the regulations pamphlet for deadline. Consult regulations pamphlet for individual WMA schedules or contact any Wildlife Division Office for more details.

g. **Mourning Dove Lottery Hunts.** Consult regulations pamphlet for individual WMA schedules or contact any Wildlife Division Office for more details.

h. **Trapping.** Consult Annual Trapping Regulations for specific dates. All traps must be run daily. Traps with teeth are illegal. Hunter orange required when a deer gun season is in progress. A permit is required to carry a firearm outside of the normal hunting season and is available at the Region Office.

i. **Raccoon Hunting.** A licensed hunter may take raccoon or opossum, one per person per day, during daylight hours only, during the open rabbit season on WMAs. Nighttime Experimental—all nighttime raccoon hunting where allowed is with dogs only. There is no bag limit.

Raccoon hunters with dogs must submit an annual report of their kill to the region office for WMAs where permits are required. Non-compliance will result in forfeiture of raccoon or all hunting privileges on WMAs. Permits, when required, may be obtained at region offices only between hours of 8 a.m. to 4:30 p.m. on normal working days.

j. Sport Fishing. Sport fishing, crawfishing and frogging are allowed on WMAs when in compliance with current laws and regulations except as otherwise specified under individual WMA listings.

k. Additional Department Lands. The department manages additional lands that are included in the WMA system and available for public recreation. Small tracts are located in Vernon, Evangeline, St. Helena and other parishes. These small tracts have been acquired from the Farmers Home Administration or other sources for conservation purposes. Contact the appropriate Wildlife and Fisheries Region Office for specific information and any additional season dates.

4. Firearms

a. Firearms having live ammunition in the chamber, magazine, cylinder or clip when attached to firearms are not allowed in or on vehicles, boats under power, motorcycles, ATVs, ATCs or in camping areas on WMAs. Firearms may not be carried on any area before or after permitted hours except in authorized camping areas and except as may be permitted for authorized trappers.

b. Firearms and bows and arrows are not allowed on WMAs during closed seasons except on designated shooting ranges or as permitted for trapping. Bows and broadhead arrows are not allowed on WMAs except during deer archery season, turkey season or as permitted for bowfishing.

c. Encased or broken down firearms and any game harvested may be transported through the areas by the most direct route provided that no other route exists except as specified under Wildlife Management Area listing.

d. Loaded firearms are not allowed near WMA check stations.

e. Centerfire rifles and handguns larger than .22 caliber rimfire, shotgun slugs or shot larger than BB lead or F steel shot cannot be carried onto any WMA except during modern firearm deer season.

f. Target shooting and other forms of practice shooting are prohibited on WMAs except as otherwise specified.

g. Discharging of firearms on or hunting from designated roads, ATV trails and their rights-of-way is prohibited during the modern firearm and muzzleloader deer season.

5. Methods of Taking Game

a. Moving deer or hogs on a WMA with organized drivers and standers, drivers or making use of noises or noise-making devices is prohibited.

b. On Wildlife Management Areas the daily limit shall be one antlered deer and one antlerless deer (when legal) per day. Three antlered and three antlerless per season (all segments included) by all methods of take.

c. Baiting or hunting over bait is prohibited on all WMAs (hogs included).

d. Hunters who kill deer on WMAs that require daily permits must have deer checked at the check station on

same day of kill. Deer may not be skinned or have any external body parts removed including but not limited to feet, legs, tail, head or ears before being checked out.

e. Deer hunting on WMAs is restricted to still hunting only. No WMA will be open for deer during early still hunt season unless specified in the regulation pamphlet.

f. Construction of and/or hunting from permanent tree stands or permanent blinds on WMAs is prohibited. Any permanent stand or permanent blind will be removed and destroyed. A permanent blind is any blind using non-natural materials or having a frame which is not dismantled within two hours after the end of legal shooting time each day. Blinds with frames of wood, plastic, metal poles, wire, mesh, webbing or other materials may be used but must be removed from the WMA within two hours after the end of legal shooting time each day. Blinds made solely of natural vegetation and not held together by nails or other metallic fasteners may be left in place but cannot be used to reserve hunting locations. All decoys must be removed from the WMA daily. Permanent tree stands are any stands that use nails, screws, spikes, etc., to attach to trees and are strictly prohibited. Portable deer stands (those that are designed to be routinely carried by one person) may not be left on WMAs unless the stands are removed from trees and left in a non-hunting position (a non-hunting position is one in which a hunter could not hunt from the stand in its present position). Also, all stands left must be legibly tagged with the user's name, address, phone number and Big Game Hunting License number (or Lifetime License Number). No stand may be left on any WMA prior to the day before deer season opens on that WMA and all stands must be removed from the WMA within one day after the close of deer hunting on that WMA. Free standing blinds must be disassembled when not in use. Stands left will not reserve hunting sites for the owner or user. All portable stands, blinds, tripods, etc. found unattended in a hunting position or untagged will be confiscated and disposed of by the Department of Wildlife and Fisheries. LDWF not responsible for unattended stands left on an area.

g. Hunting from utility poles, high tension power lines, oil and gas exploration facilities or platforms is prohibited.

h. It is illegal to save or reserve hunting locations using permanent stands or blinds. Stands or blinds attached to trees with screws, nails, spikes, etc. are illegal.

i. Tree climbing spurs, spikes or screw-in steps are prohibited.

j. Unattended decoys will be confiscated and forfeited to the Department of Wildlife and Fisheries and disposed of by the department. This action is necessary to prevent preemption of hunting space.

k. Spot lighting (shining) from vehicles is prohibited on all WMAs.

l. Horses and mules may be ridden on Wildlife Management Areas except where prohibited and except during gun seasons for deer and turkey. Riding is restricted to designated roads and trails. Hunting and trapping from horses and mules is prohibited except for quail hunting or as otherwise specified.

m. All hunters (including archers and small game hunters) except waterfowl hunters and mourning dove hunters on WMAs must display 400 square inches of

"Hunter Orange" and wear a "Hunter Orange" cap during open gun season for deer. Hunters participating in special dog seasons for rabbit and squirrel are required to wear a minimum of a "Hunter Orange" cap. All other hunters and archers (while on the ground) except waterfowl hunters also must wear a minimum of a "Hunter Orange" cap during special dog seasons for rabbit and squirrel. Also all persons afield during hunting seasons are encouraged to display "Hunter Orange".

n. Deer hunters hunting from concealed ground blinds must display a minimum of 400 square inches of "Hunter Orange" above or around their blinds which is visible from 360 feet.

o. Archery season for deer. The archery season on WMAs is the same as outside and is open for either-sex deer except as otherwise specified on individual WMAs. Archery season restricted on Atchafalaya Delta and closed on certain WMAs when special seasons for youth or handicapped hunts are in progress. Consult regulations pamphlet for specific seasons.

p. Either-sex deer may be taken on WMAs at any time during archery season except when bucks only seasons are in progress on the respective WMAs. Archers must abide by bucks only regulations and other restrictions when such seasons are in progress.

q. Muzzleloader season for deer. Either-sex unless otherwise specified. See WMA deer schedule.

6. Camping

a. Camping on WMAs, including trailers, houseboats, recreational vehicles and tents, is allowed only in designated areas and for a period not to exceed 16 consecutive days, regardless if the camp is attended or unattended. Houseboats shall not impede navigation. At the end of the 16 day period, camps must be removed from the area for at least 48 hours. Camping area use limited exclusively to outdoor recreational activities.

b. Houseboats are prohibited from overnight mooring within WMAs except on stream banks adjacent to department-owned designated camping areas. Overnight mooring of vessels that provide lodging for hire are prohibited on WMAs. On Atchafalaya Delta WMA and Pass-a-Loutre, houseboats may be moored in specially designated areas throughout the hunting season. At all other times of the year, mooring is limited to a period not to exceed 16 consecutive days. Permits are required for the mooring of houseboats on Pass-a-Loutre and Atchafalaya Delta WMAs. Permits must be obtained from the New Iberia office.

c. Discharge of human waste onto lands or waters of any WMA is strictly prohibited by State and Federal law. In the event public restroom facilities are not available at a WMA, the following is required. Anyone camping on a WMA in a camper, trailer, or other unit (other than a houseboat or tent) shall have and shall utilize an operational disposal system attached to the unit. Tent campers shall have and shall utilize portable waste disposal units and shall remove all human waste from the WMA upon leaving. Houseboats moored on a WMA shall have a permit or letter of certification from the Health Unit (Department of Health and Hospitals) of the parish within which the WMA occurs verifying that it has an approved sewerage disposal system

on board. Further, that system shall be utilized by occupants of the houseboats when on the WMA.

d. No refuse or garbage may be dumped from these boats.

e. Firearms may not be kept loaded or discharged in a camping area.

f. Campsites must be cleaned by occupants prior to leaving and all refuse placed in designated locations when provided or carried off by campers.

g. Non-compliance with camping regulations will subject occupant to immediate expulsion and/or citation, including restitution for damages.

h. Swimming is prohibited within 100 yards of boat launching ramps.

7. Restricted Areas

a. For your safety, ALL oil and gas production facilities (wells, pumping stations and storage facilities) are off limits.

b. No unauthorized entry or unauthorized hunting in restricted areas or refuges.

8. Dogs. All use of dogs on WMAs, except for bird hunting and duck hunting, is experimental as required by law. Having or using dogs on any WMA is prohibited except for nighttime experimental raccoon hunting, squirrel hunting, rabbit hunting, bird hunting, duck hunting, hog hunting and bird dog training when allowed; see individual WMA season listings for WMAs that allow dogs. Dogs running at large are prohibited on WMAs. The owner or handler of said dogs shall be liable. Only recognizable breeds of bird dogs and retrievers are allowed for quail and migratory bird hunting. Only beagle hounds which do not exceed 15 inches at the front shoulders and which have recognizable characteristics of the breed may be used on WMAs having experimental rabbit seasons.

9. Vehicles

a. An all-terrain vehicle is an off-road vehicle (not legal for highway use) with factory specifications not to exceed the following: weight-750 pounds, length-85", and width-48". ATV tires are restricted to those no larger than 25 x 12 with a maximum 1" lug height and a maximum allowable tire pressure of 7 psi. as indicated on the tire by the manufacturer. Use of all other ATVs or ATV tires are prohibited on a WMA.

b. Vehicles having wheels with a wheel-tire combination having a radius of 17 inches or more from the center of the hub (measured horizontal to ground) are prohibited.

c. The testing, racing, speeding or unusual maneuvering of any type of vehicle is prohibited within wildlife management areas due to property damages resulting in high maintenance costs, disturbance of wildlife and destruction of forest reproduction.

d. Tractor or implement tires with farm tread designs R1, R2 and R4 known commonly as spade or lug grip types are prohibited on all vehicles.

e. Airboats, aircraft, personal water craft "mud crawling vessels" (commonly referred to as crawfish combines which use paddle wheels for locomotion) and hover craft are prohibited on all WMAs and Refuges. Personal water craft are defined as a vessel which uses an inboard motor powering a water jet pump as its primary source of propulsion and is designed to be operated by a

person sitting, standing or kneeling on the vessel rather than in the conventional manner of sitting or standing inside the vessel. Personal water craft allowed on designated areas of Alexander State Forest WMA.

f. Driving or parking vehicles on food or cover plots and strips is prohibited.

g. Blocking the entrance to roads and trails is prohibited.

h. Licensed motorized vehicles (LMVs) legal for highway use, including motorcycles, are restricted entirely to designated roads as indicated on WMA maps. ATVs are restricted to marked ATV trails only, except when WMA roads are closed to LMVs. ATVs may then use those roads until they are reopened for LMV traffic. WMA maps available at all region offices. This restriction does not apply to bicycles. Note: All ATV trails are marked with signs and/or paint, but not all ATV trails appear on WMA maps.

i. Use of special ATV trails for handicapped persons is restricted to special ATV handicapped permittees. Handicapped ATV permittees are restricted to handicapped ATV trails or other ATV trails only as indicated on WMA maps or as marked by sign and/or paint. Persons 60 years of age and older, with proof of age, are also allowed to use special handicapped trails and need not obtain a permit. However, these persons must abide by all rules in place for these trails. Handicapped persons under the age of 60 must apply for and obtain a Physically Challenged Hunter Program Permit from the department.

j. Entrances to ATV trails will be marked with peach colored paint. Entrances to handicapped-only ATV trails will be marked with blue colored paint. Entrances to ATV trails that are open all year long will be marked with purple paint. The end of all ATV trails will be marked by red paint. WMA maps serve only as a general guide to the route of most ATV trails, therefore all signage and paint marking as previously described will be used to determine compliance. Deviation from this will constitute a violation of WMA rules and regulations.

k. Roads and trails may be closed due to poor condition, construction or wet weather.

l. ATVs, and motorcycles cannot be left overnight on WMAs except on designated camping areas. ATVs are prohibited from two hours after sunset to 4 am, except raccoon hunters may use ATVs during nighttime raccoon take seasons only. ATVs are prohibited from March 1 through August 31 except ATV trails are open on WMAs with a Spring Squirrel Season and except certain trails may be open during this time period to provide access for fishing or other purposes and some ATV trails will be open all year long on certain WMAs.

m. Caution: Many department-maintained roadways on WMAs are unimproved and substandard. A maximum 20 mph speed limit is recommended for all land vehicles using these roads.

n. Hunters are allowed to retrieve their own downed deer and hogs with the aid of an ATV except on Thistlethwaite and Sherburne WMAs under the following conditions.

i. No firearms or archery equipment is in possession of the retrieval party or on the ATV.

ii. The retrieval party may consist of no more than one ATV and one helper.

iii. ATVs may not be used to locate or search for wounded game or for any other purpose than retrieval of deer and hogs once they have been legally harvested and located.

10. Commercial Activities.

a. Hunting Guides/Outfitters. No person or group may act as a hunting guide, outfitter or in any other capacity for which they are paid or promised to be paid directly or indirectly by any other individual or individuals for services rendered to any other person or persons hunting on any Wildlife Management Area, regardless of whether such payment is for guiding, outfitting, lodging or club memberships.

b. Commercial activities prohibited without prior approval from Baton Rouge office or unless otherwise specified.

c. Commercial fishing. Permits are required of all commercial fishermen using Grassy Lake, Pomme de Terre and Spring Bayou WMAs. Drag seines (except minnow and bait seines) are prohibited except experimental bait seines allowed on Dewey Wills WMA north of La. 28 in Diversion Canal. Commercial fishing is prohibited during regular waterfowl seasons on Grand Bay, Silver Lake and Lower Sunk Lake on Three Rivers WMA. Commercial fishing is prohibited on Salvador/Timken, Ouachita and Pointe-aux-Chenes WMAs except commercial fishing on Pointe-aux-Chenes is allowed in Cut Off Canal and Wonder Lake. No commercial fishing activity shall impede navigation and no unattended vessels or barges will be allowed. Non-compliance with permit regulations will result in revocation of commercial fishing privileges for the period the license is issued and one year thereafter. Commercial fishing is allowed on Pass-a-Loutre and Atchafalaya Delta WMAs. See Pass-a-Loutre for additional commercial fishing regulations on mullet.

11. Wildlife Management Areas Basic Season Structure. For season dates, bag limits, shooting hours, special seasons and other information consult the annual regulations pamphlet for specific details.

12. Resident Small Game (squirrel, rabbit, quail, mourning dove, woodcock, snipe, rail and gallinule). Same as outside except closed during modern firearm either-sex deer seasons and except non-toxic shot must be used for snipe, rail and gallinule. Consult regulations pamphlet. Unless otherwise specified under a specific WMA hunting schedule, the use of dogs for rabbit and squirrel hunting is prohibited. New spring squirrel season with or without dogs: 1st Saturday of May for 9 days. Consult regulations pamphlet for specific WMAs.

13. Waterfowl (ducks, geese and coots). Consult regulations pamphlet. Hunting after 2 p.m. prohibited on all WMAs except for Atchafalaya Delta, Biloxi, Lake Boeuf, Pass-a-Loutre, Pointe-aux-Chenes, Salvador/Timken and Wisner WMAs. Consult specific WMA regulations for shooting hours on these WMAs.

14. Archery. Consult regulations pamphlet.

15. Hogs. Consult regulations pamphlet for specific WMA regulations. Unmarked hogs may be taken during any legal hunting season, except during the spring squirrel season, on designated WMAs by properly licensed hunters using only guns or bow and arrow legal for specified seasons in progress. Hunters may harvest hogs during the month of

March on Pass-a-Loutre WMA only by using shotguns with shot no larger than BB lead or F steel, or .22 caliber rimfire firearms. Hogs may not be taken with the aid of dogs, except unmarked hogs may be taken with the aid of dogs on Pearl River, Red River and Three Rivers WMAs (consult Pearl River, Red River and Three Rivers WMAs regulations) by permit from either the Baton Rouge or Ferriday Offices and all hogs must be killed immediately and may not be transported live under any conditions and hunters may use centerfire pistols in addition to using guns allowed for season in progress.

16. Outlaw Quadrupeds and Birds. Consult regulations pamphlet. During hunting seasons specified on WMAs, incidental take of outlaw quadrupeds and birds is allowed by properly licensed hunters and only with guns or bows and arrows legal for season in progress on WMA. However, crows, blackbirds, grackles and cowbirds may not be taken before September 1 or after January 1.

17. Wildlife Management Areas Hunting Schedule and Regulations

- a. Acadiana Conservation Corridor;
- b. Alexander State Forest. From December through February all hunters must check daily with the Office of Forestry for scheduled burning activity. No hunting or other activity will be permitted in burn units the day of the burning. Call 318-487-5172 or 318-487-5058 for information on burning schedules. Vehicles restricted to paved and graveled roads. No parking on or fishing or swimming from bridges. No open fires except in recreation areas;
- c. Atchafalaya Delta. Water control structures are not to be tampered with or altered by anyone other than employees of the Department of Wildlife and Fisheries at any time. ATVs, ATCs and motorcycles prohibited except as permitted for authorized WMA trappers;
- d. Attakapas;
- e. Bayou Macon. All night activities prohibited except as otherwise provided;
- f. Bayou Pierre;
- g. Bens Creek;
- h. Big Colewa Bayou. All nighttime activities prohibited;
- i. Big Lake;
- j. Biloxi;
- k. Bodcau;
- l. Boeuf;
- m. Buckhorn;
- n. Camp Beauregard. Daily military clearance required for all recreational users. Registration for use of Self-Clearing Permit required once per year. All game harvested must be reported on self-clearing checkout permit. Retriever training allowed on selected portions of the WMA. Contact the Region office for specific details;
- o. Clear Creek (formerly Boise-Vernon);
- p. Dewey W. Wills. Crawfish: 100 pounds per person per day;
- q. Elbow Slough. Steel shot only for all hunting;
- r. Elm Hall. No ATVs allowed;
- s. Floy Ward McElroy;
- t. Fort Polk. Daily military clearance required to hunt or trap. Registration for use of Self-Clearing Permit

required once per year. New special regulations apply to ATV users;

u. Grassy Lake. Commercial Fishing: Permitted except on Smith Bay, Red River Bay and Grassy Lake proper on Saturday and Sunday and during waterfowl season. Permits available from area supervisor at Spring Bayou headquarters or Opelousas Region Office. No hunting in restricted area;

v. Jackson-Bienville. Beginning September 1, 2004, ATVs are allowed only on non-public maintained gravel roads and marked ATV trails;

w. Joyce. Swamp Walk: Adhere to all WMA rules and regulations. No firearms or hunting allowed within 100 yards of walkways. Check hunting schedule and use walkway at your own risk;

x. Lake Boeuf. Hunting allowed until 12 noon on all game except during Youth Lottery Hunt. All nighttime activities prohibited;

y. Lake Ramsay. Foot traffic only, all vehicles restricted to Parish Roads;

z. Little River;

aa. Loggy Bayou;

bb. Manchac. Crabs: No crab traps allowed. Attended lift nets are allowed;

cc. Maurepas Swamp. No loaded firearms or hunting allowed within 100 yards of Nature Trail;

dd. Ouachita. Waterfowl Refuge: North of La. Hwy. 15 closed to all hunting, fishing and trapping and ATV use during duck season including early teal season. Crawfish: 100 pounds per person per day limit. Night crawfishing prohibited. No traps or nets left overnight. Commercial Fishing: Closed. All nighttime activities prohibited except as otherwise provided;

ee. Pass-a-Loutre. Commercial Fishing: Same as outside. Commercial mullet fishing open only in: South Pass, Pass-a-Loutre, North Pass, Southeast Pass, Northeast Pass, Dennis Pass, Johnson Pass, Loomis Pass, Cadro Pass, Wright Pass, Viveats Pass, Cognevich Pass, Blind Bay, Redfish Bay, Garden Island Bay, Northshore Bay, East Bay (west of barrier islands) and oil and gas canals as described on the Department Pass-a-Loutre WMA map. ATVs, ATCs and motorcycles prohibited on this area. Oyster harvesting is prohibited;

ff. Pearl River. All roads closed 8 p.m. to 4:30 a.m. to all vehicles. Old Hwy. 11 will be closed when river gauge at Pearl River, Louisiana, reaches 16.5 feet. All hunting will be closed when the river stage at Pearl River reaches 16.5 feet except waterfowl hunting south of Hwy. 90. No hunting in the vicinity of Nature Trail. Observe "No Hunting" signs. Rifle range open noon until 4 p.m. Friday, and 8 a.m. to 4:30 p.m. Saturday and Sunday with a fee;

gg. Peason Ridge. Daily military clearance required to hunt or trap. Registration for use of Self-Clearing Permit required once per year. Special federal regulations apply to ATV users;

hh. Pointe-aux-Chenes. Hunting until 12 noon on all game, except for mourning dove hunting and youth lottery deer hunt as specified in regulation pamphlet. Point Farm: Gate will be open all weekends during month of February. No motorized vessels allowed in the drainage ditches. Recreational Fishing: Shrimp may be taken by the use of cast nets only. During the inside open shrimp season, 25

pounds per boat per day (heads on) maximum shall be allowed. Size count to conform with open season requirements. During the inside closed season, 10 pounds per boat per day (heads on) may be taken for bait. Oyster harvesting is prohibited. Fish may be taken only by rod and reel or hand lines for recreational purposes only. Crabs may be taken only through the use of hand lines or nets; however, none are to remain set overnight. Twelve dozen crabs maximum are allowed per boat or vehicle per day. Crawfish may be harvested in unrestricted portions of the wildlife management area and shall be limited to 100 pounds per boat or group. Fishing gear used to catch crawfish shall not remain set overnight. The harvest of all fish, shrimp, crabs and crawfish are for recreational purposes only and any commercial use is prohibited. All boats powered by engines having horsepower ratings above 25 h.p. are not allowed in the Grand Bayou, Montegut and Pointe-aux-Chenes water management units. Public is permitted to travel anytime through the WMA for access purposes only, in the waterways known as Grand Bayou, Humble Canal, Little Bayou Blue and Grand Bayou Blue unless authorized by the Department. All other motorized vehicles, horses and mules are prohibited unless authorized by the Department;

ii. Pomme de Terre. Commercial Fishing: permitted Monday through Friday, except closed during duck season. Commercial fishing permits available from area supervisor, Opelousas Region Office or Spring Bayou headquarters. Sport Fishing: Same as outside except allowed only after 2 p.m. only during waterfowl season. Crawfish: April 1-July 31, recreational only, 100 lbs. per boat or group daily;

jj. Red River. Recreational crawfishing allowed on Yakey Farms wetland restoration projects February 1 to the last day of February, 100 pounds per person per day, maximum of five wire traps per person. No traps or nets left overnight. No motorized watercraft allowed;

kk. Russell Sage. Transporting trash or garbage on WMA roads is prohibited. All nighttime activities prohibited except as otherwise provided. Internal combustion engines and craft limited to 10 h.p. rating or less in the Greentree Reservoirs.

NOTE: All season dates on Chauvin Tract (U.S. 165 North) same as outside, except still hunt only and EXCEPT deer hunting restricted to archery only. All vehicles including ATVs prohibited;

ll. Sabine;

mm. Sabine Island. Sabine Island boundaries are Sabine River on the west, Cut-Off Bayou on the north, and Old River and Big Bayou on the south and east;

nn. Salvador/Timken. Hunting until 12 noon only for all game. All nighttime activities prohibited, including frogging. Recreational Fishing: Shrimp may be taken by the use of cast nets only. During the inside open shrimp season, 25 pounds per boat per day (heads on) maximum shall be permitted. Size count to conform with open season requirements. During the inside closed season, 10 pounds per boat per day (heads on) maximum may be taken for bait. Fish may be taken only by rod and reel or hand lines for recreational purposes only. Crabs may be taken only through the use of hand lines or nets; however, none of the lines are to remain set overnight. Twelve dozen crabs maximum are allowed per boat or vehicle per day. Crawfish may be harvested in unrestricted portions of the wildlife management area and shall be limited to 100 pounds per

boat or group. Fishing gear used to catch crawfish shall not remain set overnight. The harvest of all fish, shrimp, crabs and crawfish are for recreational purposes only and any commercial use is prohibited. Boats powered by internal combustion engines having horsepower ratings above 25 H.P. are permitted only in oil company access canals, Louisiana Cypress Canal, the Netherlands Pond including the West Canal, Lakes, "Baie Des Chactas" and "Baie du Cabanage," and the Rathborne Access ditch. Use of mudboats powered by internal combustion engines with four cylinders or less is permitted in interior ditches from first Saturday in September through January and may be further permitted. Pulling boats over levees, dams or water control structures or any other activities which cause detriment to the integrity of levees, dams and water control structures is prohibited. ATVs, ATCs and motorcycles prohibited on this area;

oo. Sandy Hollow. Bird Dog Training: Consult regulation pamphlet. Wild birds only (use of pen-raised birds prohibited). Bird Dog Field Trials: Permit required from Baton Rouge Region Office. Horseback Riding: Organized trail rides prohibited. Riding allowed only on designated roads and trails. Horses and mules are specifically prohibited during turkey and gun season for deer except as allowed for bird dog field trials. No horses and mules on green planted areas;

pp. Sherburne. Crawfishing: Recreational crawfishing only on the South Farm Complexes. Crawfish harvest limited to 100 pounds per vehicle or boat per day. No traps or nets left overnight. No motorized watercraft allowed on farm complex. Commercial crawfishing not allowed. Retriever training allowed on selected portions of the WMA. Contact the Region office for specific details. Vehicular traffic prohibited on east Atchafalaya River levee within Sherburne WMA boundaries. Rifle and Pistol Range open daily. Skeet ranges open by appointment only, contact Hunter Education Office. No trespassing in restricted area behind ranges. Note: Atchafalaya National Wildlife Refuge, and U.S. Army Corps of Engineers land holdings adjacent to the Sherburne Wildlife Management Area will have the same rules and regulations as Sherburne WMA. No hunting or trapping in restricted area;

qq. Sicily Island Hills;

rr. Soda Lake. No motorized vehicles allowed. Bicycles allowed. All trapping and hunting prohibited except archery hunting for deer and falconry;

ss. Spring Bayou. Commercial Fishing: permitted Monday through Friday except slat traps and hoop nets permitted any day. Permits available from area supervisor or Opelousas Region Office. Closed until after 2 p.m. during waterfowl season. Sport Fishing: Same as outside except allowed only after 2 p.m. during waterfowl season. Crawfish: recreational only. No hunting allowed in headquarters area. Only overnight campers allowed in the improved Boggy Bayou Camping area. Rules and regulations posted at camp site. A fee is assessed for use of this campsite. Water skiing allowed only in Old River and Grand Lac;

tt. Tangipahoa Parish School Board. No horseback riding during gun season for deer or turkey. ATVs are not allowed;

uu. Thistlethwaite. No hunting or trapping in restricted area (See WMA Map). All motorized vehicles restricted to improved roads only. All users must enter and leave through main gate only. No entry into restricted areas;

vv. Three Rivers;

ww. Tunica Hills. All vehicles restricted to Parish roads. Access to restricted areas is unauthorized. Refer to WMA map. Camping prohibited on area. North of Hwy. 66 (North Tract) closed to all users the day after turkey season closes to August 31;

xx. Union. All nighttime activities prohibited except as otherwise provided;

yy. West Bay;

zz. Wisner.

AUTHORITY NOTE: Promulgated in accordance with R.S. 56:115 and R.S. 56:116.

HISTORICAL NOTE: Promulgated by the Department of Wildlife and Fisheries, Wildlife and Fisheries Commission, LR 25:1279 (July 1999), amended LR 26:1494 (July 2000), LR 27:1049 (July 2001), LR 28:1603 (July 2002), LR 29:1124 (July 2003), repromulgated LR 29:1522 (August 2003), amended LR 30:1495 (July 2004), LR 31:1611 (July 2005), LR 32:1251 (July 2006), LR 33:1382 (July 2007).

Bryant O. Hammett, Jr.
Secretary

0707#029

RULE

Department of Wildlife and Fisheries Wildlife and Fisheries Commission

Hunter Education Certification (LAC 76:I.312)

The Wildlife and Fisheries Commission does hereby establish regulations for mandatory hunter education certification.

Title 76

WILDLIFE AND FISHERIES

Part I. Wildlife and Fisheries Commission and Agencies Thereunder

Chapter 3. Special Powers and Duties

Subchapter C. Hunter Education Program

§312. Hunter Education Program Certification Policy

A. The Wildlife and Fisheries Commission shall be the sole authority for establishing minimum requirements for certification of student and volunteer instructors and for the overall administration of the Louisiana Hunter Education Program. The Louisiana Hunter Education Program shall meet the minimum performance guidelines for the basic hunter education course as set forth by the International Hunter Education Association Hunter Education Standards.

B. The Department of Wildlife and Fisheries shall maintain an electronic database of all students and active instructors who have successfully met the requirements for certification.

C. Requirements for hunter education student certification shall be as follows:

1. For the standard taught hunter education course:
 - a. attend a minimum of 10 hours of required instruction;

b. complete a written exam prepared by the Louisiana Hunter Education Program exhibiting the required proficiency;

c. demonstrate the ability to safely handle hunting firearms; and

d. upon successful completion of the requirements, students shall receive credentials that validate such;

e. provide the required information necessary to complete a student application form.

2. For the home study program:

a. complete the required computer course as set forth by the Louisiana Hunter Education Program;

b. attend a field day scheduled through the Louisiana Hunter Education Program;

c. complete a written exam prepared by the Louisiana Hunter Education Program;

d. demonstrate the ability to safely handle hunting firearms; and

e. upon successful completion of the requirements, students shall receive credentials that validate such;

f. provide the required information necessary to complete a student application form.

D. Requirements for bowhunter education certification shall be as follows:

1. successfully complete the required bowhunter education course as set forth by the Louisiana Hunter Education Program in accordance with the National Bowhunter Education Foundation;

2. provide the required information necessary to complete a student application form.

E. Minimum age for certification in all courses within the Louisiana Hunter Education Program shall be 10 years of age.

F. All persons ages 10 and 11 who are hunter education certified, while hunting in the state of Louisiana, are to be accompanied by and under the direct supervision of a person who is 18 years of age or older and has a valid hunting license or proof of successful completion of a hunter education course approved by the department in order for that certification to be valid. Direct supervision means that the person being supervised shall be within normal audible voice proximity and in direct line of sight of the supervising adult at all times.

G. Requirements for volunteer instructor certification shall be as follows:

1. complete a minimum of 12 hours of classroom and field instructions;

2. pass a written exam prepared by the Louisiana Hunter Education Program;

3. demonstrate the ability to lead students through exercises that exhibit the safe handling of hunting firearms; and

4. upon successful completion of instructor training, candidates shall be certified for an initial two year period. Recertification shall be contingent on continued participation in the Louisiana Hunter Education Program.

AUTHORITY NOTE: Promulgated in accordance with R.S. 56:699.3

HISTORICAL NOTE: Promulgated by the Department of Wildlife and Fisheries, Wildlife and Fisheries Commission, LR 33:1396 (July 2007).

Bryant O. Hammett, Jr.
Secretary

0707#030

RULE

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

Oyster Lease Moratorium (LAC 76:VII.505)

The Wildlife and Fisheries Commission does hereby amend LAC 76:VII.505, which provides for a moratorium on the issuance of oyster leases. Said Rule is attached and made a part of this Notice of Intent.

Title 76

WILDLIFE AND FISHERIES

Part VII. Fish and Other Aquatic Life

Chapter 5. Oysters

§505. Oyster Lease Moratorium

A. A moratorium on the issuance of oyster leases for waterbottoms not presently under lease is established. This includes a moratorium on the taking of oyster lease applications for waterbottoms not presently under lease. Applications pending at the time of the March 7, 2002 moratorium may be processed. This includes all pending applications that have been held, along with all fees paid, unless the applicant requested cancellation of the application and refund of fees. In the event of the death of an applicant, the applicant's heirs or legatees should so notify the department; and any lease ultimately issued shall only issue to persons placed in possession of the application by Judgment of Possession or to a court-appointed administrator or executor on behalf of a deceased applicant's estate.

B. - D.3. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 56:6(10), R.S. 56:422, R.S. 56:425, R.S. 56:429, and R.S. 56:432.1.

HISTORICAL NOTE: Promulgated by the Department of Wildlife and Fisheries, Wildlife and Fisheries Commission, LR 10:948 (November 1984), amended LR 29:374 (March 2003), LR 33:1397 (July 2007).

Bryant O. Hammett, Jr.
Secretary

0707#031

RULE

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

Reef Fish (LAC 76:VII.335)

Editor's Note: This Section is being repromulgated to correct a typographical error. The original Rule may be viewed on pages 1156-1157 of the June 20, 2007 edition of the *Louisiana Register*.

The Wildlife and Fisheries Commission has amended LAC 76:VII.335, modifying the recreational take and possession limit for red grouper, establishing a closed season for recreational harvest of gag, black and red grouper, prohibiting captain and crew from for-hire vessels from retaining bag limits of any grouper species while under

charter, modifying rules for commercial harvest of red snapper and establishing a permanent trip limit for commercial harvest of groupers, which are parts of the existing rule for daily take, possession, and size limits for reef fishes set by the commission. Authority for adoption of this Rule is included in R.S. 56:6(25)(a), 56:320.2, 56:326.1 and 56:326.3.

Title 76

WILDLIFE AND FISHERIES

Part VII. Fish and Other Aquatic Life

Chapter 3. Saltwater Sport and Commercial Fishery

§335. Reef Fish—Harvest Regulations

A. Recreational bag limits regarding the harvest of reef fish—triggerfishes, amberjacks, grunts, wrasses, snappers, groupers, sea basses, tilefishes, and porgies, within and without Louisiana's territorial waters.

1. - 3. ...

4. Red hind, rock hind, speckled hind, black grouper, misty grouper, red grouper, snowy grouper, yellowedge grouper, yellowfin grouper, yellowmouth grouper, warsaw grouper, gag grouper, scamp	5 fish per person per day (in aggregate) with not more than 1 speckled hind and 1 warsaw grouper per vessel and with not more than 1 red grouper per person included in the bag limit
---	---

A.5. - B.5. ...

C. Charter Vessels and Headboats

1. - 2. ...

3. Captain and crew members shall not harvest or possess grouper of any species while operating as charter vessels and headboats as defined in Federal Regulations 50 CFR Part 622.2—their bag limit is zero for all of these species.

D. Red Snapper

1. All persons aboard a vessel for which no commercial vessel permit for Gulf reef fish has been issued by the National Marine Fisheries Service under the Federal Fishery Management Plan for the Gulf of Mexico Reef Fish resources are limited to the recreational bag limit for red snapper which may not be bartered or sold. No person aboard any vessel shall commercially possess, sell, barter, trade, exchange or attempt to sell, barter trade or exchange red snapper unless possessing a federal permit for the harvest of Gulf of Mexico Reef Fish and a federal red snapper Individual Fishing Quota (IFQ) vessel endorsement.

2. Requirement for IFQ Vessel Endorsement and Allocation: In addition to the federal commercial vessel permit for Gulf reef fish, in order to fish for, possess, or land Gulf red snapper, regardless of where harvested or possessed, a federal Gulf red snapper IFQ vessel endorsement must have been issued to the vessel and be on board. No person shall commercially harvest or land red snapper without holding or being assigned federal IFQ allocation at least equal to the pounds of red snapper landed/docked at a shore side location or off loaded. On the last fishing trip of the year a vessel may exceed by 10 percent the remaining IFQ allocation.

3. No person shall purchase, sell, exchange, barter or attempt to purchase, sell, exchange, or barter any red snapper in excess of any possession limit for which federal commercial license, permit and appropriate allocation were issued.

4. Requirement for IFQ dealer endorsement: In addition to the requirement for a federal dealer permit for Gulf reef fish, for a dealer to receive Gulf red snapper from a commercial fishing vessel he must have a federal Gulf red snapper IFQ dealer endorsement. For a person aboard a vessel with a federal Gulf red snapper IFQ vessel endorsement to sell to anyone other than a permitted dealer, such person must also have a federal Gulf red snapper IFQ dealer endorsement.

5. Requirement for Transaction Approval Code: The owner or operator of a vessel landing red snapper is responsible for calling National Marine Fisheries Service (NMFS) Office of Law Enforcement at least three hours, but no more than 12 hours, in advance of landing to report the time and location of landing and the name of the IFQ dealer where the red snapper are to be received. Failure to comply with this advance notice of landing requirement will preclude authorization to complete the required NMFS landing transaction report and, thus, will preclude issuance of the required NMFS-issued transaction approval code. Possession of commercial red snapper from the time of transfer from a vessel through possession by a dealer is prohibited unless the red snapper are accompanied by a transaction approval code verifying a legal transaction of the amount of red snapper in possession.

6. Offloading and Transfer: No person shall offload from a vessel or receive from a vessel commercially harvested red snapper during the hours from 6 p.m. until 6 a.m., local time. No person who is in charge of a commercial red snapper fishing vessel shall offload red snapper from the vessel prior to three hours after proper notification is made to NOAA Fisheries. At-sea or dockside transfer of commercial red snapper from one vessel to another vessel is prohibited.

7. VMS requirement: No person shall commercially harvest red snapper from a vessel unless that vessel is equipped with a fully operational and federally approved Vessel Monitoring System (VMS) device. Approved devices are those devices approved by National Oceanographic and Atmospheric Administration (NOAA) Fisheries and operating under the requirements mandated by NOAA Fisheries.

E. - E.13. ...

F. Definitions: Federal regulations 50 CFR Part 622.2 defines charter vessels and headboats as follows.

1. *Charter Vessel*—a vessel less than 100 gross tons that meets the requirements of the U.S. Coast Guard to carry six or fewer passengers for hire and that carries a passenger for hire at any time during the calendar year. A charter vessel with a commercial permit is considered to be operating as a charter vessel when it carries a passenger who pays a fee or when there are more than three persons aboard, including operator and crew.

2. *Headboat*—a vessel that holds a valid Certificate of Inspection issued by the U.S. Coast Guard to carry passengers for hire. A headboat with a commercial vessel permit is considered to be operating as a headboat when it carries a passenger who pays a fee or, in the case of persons aboard fishing for or possessing coastal migratory fish or Gulf reef fish, when there are more than three persons aboard, including operator and crew.

G. Seasons

1. Seasons for the commercial harvest of reef fish species or groups shall be closed within and without Louisiana's territorial waters during the periods listed below. Possession of reef fish in excess of the daily bag limit while on the water is prohibited during the specified closed season. Any reef fish harvested during the closed season shall not be purchased, sold, traded, bartered or exchanged or attempted to be purchased, sold, traded, bartered or exchanged. This prohibition on sale/purchase does not apply to reef fish that were harvested, landed ashore, sold and purchased prior to the closed season. Nothing shall prohibit the possession or sale of fish legally taken prior to the closure providing that all commercial dealers possessing reef fish taken legally prior to the closure shall maintain appropriate records in accordance with R.S. 56:306.5 and R.S. 56:306.6.

Species or Group	Closed Season
a. greater amberjack	March 1 through May 31
b. gag, black and red grouper	February 15 through March 14
c. vermilion snapper	April 22 through May 31

2. Seasons for the recreational harvest of reef fish species or groups listed below shall be closed during the periods listed below.

Species or Group	Closed Season
a. gag, black and red grouper	February 15 through March 14

3. Persons aboard a vessel for which the permits indicate both charter vessel/headboat for Gulf reef fish and commercial Gulf reef fish may continue to retain reef fish under the recreational take and possession limits specified in §335.A and §335.C, recreational seasons specified in §335.G.2 and size limits specified in §335.E, provided the vessel is operating as a validly licensed charter vessel or headboat with prepaid recreational charter fishermen aboard the vessel.

4. The provisions of §335.G apply to fish taken within or without Louisiana's territorial waters.

H. Commercial Grouper Trip Limits

1. Those persons possessing a federal commercial vessel permit issued by the National Marine Fisheries Service under the Federal Fishery Management Plan for the Gulf of Mexico Reef Fish resources are limited to a commercial trip limit of 6,000 pounds gutted weight of deep-water and shallow-water grouper per vessel combined, during the open seasons for each of those species groups.

2. When the commercial season for each species or species groups is closed, the commercial trip limit for that species or species group is zero. Effective with any commercial trip or possession limit under this Rule, no person shall commercially harvest, possess, purchase, exchange, barter, trade, sell, or attempt to purchase, exchange, barter, trade or sell the affected species or species group, whether taken from within or without Louisiana territorial waters in excess of such established commercial trip or possession limit.

1. Wholesale dealers are required to comply with the provisions of R.S. 56:306.5 and R.S. 56:306.6 when acquiring, purchasing, possessing and selling reef fish. Wholesale dealers shall maintain approval codes issued by

NOAA Fisheries associated with all transactions of red snapper on purchases and sales on records.

J. No person who, pursuant to state or federal law, is subject to the jurisdiction of this state shall violate any federal law, rule or regulation particularly those rules and regulations enacted pursuant to the Magnuson-Stevens Fishery Conservation Act and published in the Code of Federal Regulations as amended Title 50 and 15, for reef fishes while fishing in the EEZ, or possess, purchase, sell, barter, trade, or exchange reef fishes within or without the territorial boundaries of Louisiana in violation of any state or federal law, rule or regulation particularly those rules and regulations enacted pursuant to the Magnuson-Stevens Fishery Conservation Act and published in the Code of Federal Regulations as amended Title 50 and 15 law.

AUTHORITY NOTE: Promulgated in accordance with R.S. 56:6(25)(a), 56:320.2(C), 56:326.1, and 56:326.3.

HISTORICAL NOTE: Promulgated by the Department of Wildlife and Fisheries, Wildlife and Fisheries Commission, LR 16:539 (June 1990), amended LR 19:1442 (November 1993), LR 20:797 (July 1994), LR 21:1267 (November 1995), LR 22:860 (September 1996), LR 24:1138, 1139 (June 1998), LR 24:1972 (October 1998), LR 26:793 (April 2000), LR 26:1505 (July 2000), LR 26:2833 (December 2000), LR 31:3166 (December 2005), LR 33:1156 (June 2007), repromulgated LR 33:1397 (July 2007).

Bryant O. Hammett, Jr.
Secretary

0707#009

RULE

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

Resident Hunting Season Dates (LAC 76:XIX.101 and 103)

The Wildlife and Fisheries Commission does hereby promulgate rules and regulations governing the hunting of resident game birds and game quadrupeds.

Title 76

WILDLIFE AND FISHERIES

Part XIX. Hunting and WMA Regulations

Chapter 1. Resident Game Hunting Season

§101. General

A. The Resident Game Hunting Season regulations are hereby adopted by the Wildlife and Fisheries Commission. A

C. Deer Hunting Schedule

Area	Archery	Muzzleloader (All Either Sex Except as Noted)	Still Hunt (No Dogs Allowed)	With or Without Dogs
1	OPENS: First day of Oct. CLOSES: Last day of Jan.	OPENS: Second Sat. of Nov. CLOSES: Fri. after Second Sat. of Nov. OPENS: Mon. after the next to last Sun. of Jan. CLOSES: Last Sun. of Jan.	OPENS: Sat. before Thanksgiving Day EXCEPT when there are 5 Sats. in Nov., then it will open on the Third Sat. of Nov. CLOSES: Fri. before Second Sat. of Dec. EXCEPT when there are 5 Sats. in Nov. and then it will close on the Fri. before the First Sat. of Dec. OPENS: Mon. after First Sat. of Jan. CLOSES: Next to last Sun. of Jan.	OPENS: Second Sat. of Dec. EXCEPT when there are 5 Sats. in Nov., then it will open on the First Sat. of Dec. CLOSES: Sun. after first Sat. of Jan.

complete copy of the Regulation Pamphlet may be obtained from the department.

AUTHORITY NOTE: Promulgated in accordance with R.S. 56:115.

HISTORICAL NOTE: Promulgated by the Department of Wildlife and Fisheries, Wildlife and Fisheries Commission, LR 21:707 (July 1995), amended LR 22:585 (July 1996), LR 23:871 (July 1997), LR 24:1324 (July 1998), LR 25:1290 (July 1999), LR 26:1506 (July 2000), LR 27:1061 (July 2001), LR 28:1615 (July 2002), LR 29:1122 (July 2003), LR 30:1493 (July 2004), LR 31:1627 (July 2005), LR 32:1253 (July 2006), LR 33:1399 (July 2007).

§103. Resident Game Birds and Animals

A. Shooting Hours. One-half hour before sunrise to one-half hour after sunset.

B. Consult Regulation Pamphlet for seasons or specific regulations on Wildlife Management Areas or specific localities.

Species	Season Dates	Daily Bag Limit	Possession Limit
Quail	OPENS: Third Saturday of November CLOSES: Last Day of February	10	20
Rabbit and Squirrel	OPENS: First Saturday of October CLOSES: Last Day of February	8	16
Squirrel*	OPENS: First Saturday of May for 23 days	3	6
Deer	See Schedule	1 antlered and 1 antlerless (when legal)	6/season (3 antlered deer and 3 antlerless deer)

*NOTE: Spring squirrel season is closed on the Kisatchie National Forest, National Wildlife Refuges, U.S. Army Corps of Engineers property. Some State Wildlife Management Areas will be open, check WMA season schedule.

Area	Archery	Muzzleloader (All Either Sex Except as Noted)	Still Hunt (No Dogs Allowed)	With or Without Dogs
2	OPENS: First day of Oct. CLOSES: Last day of Jan.	OPENS: Next to last Sat. of Oct. CLOSES: Fri. before last Sat. of Oct. OPENS: Mon. after Second Sat. of Jan. CLOSES: Sun. after Third Sat. of Jan.	OPENS: Last Sat. of Oct. CLOSES: Tues. before Second Sat of Dec. in odd numbered years and on Wed. during even numbered years EXCEPT when there are 5 Sats. in Nov. and then it will close on the Tues. in odd numbered years or Wed. during even numbered years before the First Sat. of Dec.	OPENS: Wed. before the Second Sat. of Dec. in odd numbered years and on Thurs. during even numbered years EXCEPT when there are 5 Sats. in Nov., then it will open on the Wed. before the First Sat. of Dec on odd years and Thurs. during even numbered years. CLOSES: Sun. after Second Sat. of Jan.
3	OPENS: Third Sat. of Sept. CLOSES: Jan. 15	OPENS: Second Sat. of Oct. CLOSES: Fri. before Third Sat. of Oct. OPENS: Mon. after Thanksgiving Day CLOSES: Fri. before First Sat. of Dec.	OPENS: Third Sat. of Oct. CLOSES: Sun. after Thanksgiving Day OPENS: First Sat. of Dec. CLOSES: After 37 days	
4	OPENS: First day of Oct. CLOSES: Last day of Jan.	OPENS: First Sat. of Nov. CLOSES: Fri. before Second Sat. of Nov. OPENS: Mon. after First Sat. of Jan. CLOSES: Mon. after Second Sat. of Jan.	OPENS: Second Sat. of Nov. CLOSES: Sun. after First Sat. of Jan.	
5	OPENS: First day of Oct. CLOSES: Last day of Jan.	OPENS: Second Sat. of Nov. CLOSES: Fri. before Third Sat. of Nov. (BUCKS ONLY) OPENS: Day after Christmas Day CLOSES: Jan. 1 (BUCKS ONLY)	OPENS: Day after Thanksgiving Day CLOSES: Sun. after Second Sat. of Dec.	
6	OPENS: First day of Oct. CLOSES: Feb. 15 (First 15 days are BUCKS ONLY)	OPENS: Second Sat. of Nov. CLOSES: Fri. before Third Sat. of Nov. OPENS: Mon. after the next to last Sun. of Jan. CLOSES: Last Sun. of Jan.	OPENS: Sat. before Thanksgiving Day EXCEPT when there are 5 Sats. in Nov., then it will open on the Third Sat. of Nov. CLOSES: Fri. before Second Sat. of Dec. EXCEPT when there are 5 Sats. in Nov. And then it will close on the Fri. before the First Sat. of Dec.	OPENS: Second Sat. of Dec. EXCEPT when there are 5 Sats. in Nov., then it will open on the First Sat. of Dec. CLOSES: Next to last Sun. of Jan.
7	OPENS: First day of Oct. CLOSES: Last day of Jan.	OPENS: Second Sat. of Oct. CLOSES: Fri. before Third Sat. of Oct. OPENS: First Sat. of Nov. CLOSES: Fri. before Second Sat. of Nov.	OPENS: Third Sat. of Oct. CLOSES: Fri. before First Sat. of Nov. OPENS: Second Sat. of Nov. CLOSES: Sun. after Thanksgiving Day	OPENS: Mon. after Thanksgiving Day CLOSES: After 35 days
8	OPENS: Third Sat. of Sept. CLOSES: Jan. 15	OPENS: Second Sat. of Oct. CLOSES: Fri. before Third Sat. of Oct. OPENS: Mon. after Thanksgiving Day CLOSES: Fri. before First Sat. of Dec.	OPENS: Third Sat. of Oct. CLOSES: Sun. after Thanksgiving Day	OPENS: First Sat. of Dec. CLOSES: After 37 days.

D. Modern Firearm Schedule (Either Sex Seasons)

Parish	Area	Modern Firearm Either-Sex Days
East Carroll	Area 4 portion 2007-2008	Antlerless deer may be harvested during entire deer season on private lands (all segments included), east of mainline Mississippi River Levee and south and east of La. 877 from West Carroll Parish line to La. 580, south of La. 580 to U.S. 65, west of U.S. 65 to Madison Parish line.
East Carroll	Area 1 New for 2008-2009	Antlerless deer may be harvested during entire deer season on private lands (all segments included), east of mainline Mississippi River Levee and south and east of La. 877 from West Carroll Parish line to La. 580, south of La. 580 to U.S. 65, west of U.S. 65 to Madison Parish line.

Parish	Area	Modern Firearm Either-Sex Days
East Carroll	Area 4 portion	Nov. 10-11, 23-25, 2007 and Nov. 8-9, 28-30, 2008, west of mainline Mississippi River Levee and north and west of La. 877 from West Carroll Parish line to La. 580, north of La. 580 to U.S. 65, east of U.S. 65 to Madison Parish line.
West Carroll	Area 5	Nov. 23-25, 2007 and Nov. 28-30, 2008

E. Farm Raised White-tailed Deer on Supplemented Shooting Preserves: Archery, Firearm, Muzzleloader: October 1-January 31 (Either Sex)

F. Exotics on Supplemented Shooting Preserves: Either sex, no closed season.

G. Promotional Hunting Days

1. The following dates are established as promotional hunting days: the first three days after Thanksgiving Day.

H. Spring Squirrel Hunting

1. Season Dates: Opens first Saturday of May for 23 days.
2. Closed Areas: Kisatchie National Forest, National Wildlife Refuges, and U.S. Army Corps of Engineers property and all WMAs except as provided in Paragraph 3 below.
3. Wildlife Management Area Schedule: Opens first Saturday of May for 9 days on Bodcau, Boeuf, Clear Creek, Little River, Maurepas Swamp (East Tract), Russell Sage, and Sherburne WMAs only. Dogs are allowed during this season for squirrel hunting. Feral hogs may not be taken on Wildlife Management Areas during this season.

4. Limits: Daily bag limit is three and possession limit is six.

AUTHORITY NOTE: Promulgated in accordance with R.S. 56:115, R.S. 56:109(B) and R.S. 56:141(C).

HISTORICAL NOTE: Promulgated by the Department of Wildlife and Fisheries, Wildlife and Fisheries Commission, LR 21:707 (July 1995), amended LR 22:585 (July 1996), LR 23:871 (July 1997), LR 24:1324 (July 1998), LR 25:1290 (July 1999), repromulgated LR 25:1526 (August 1999), LR 26:1506 (July 2000), LR 27:1061 (July 2001), LR 28:1615 (July 2002), LR 29:1122 (July 2003), repromulgated LR 29:1521 (August 2003), amended LR 30:1494 (July 2004), LR 31:1627 (July 2005), LR 32:1254 (July 2006), LR 33:115 (January 2007), LR 33:1399 (July 2007).

Bryant O. Hammett, Jr.
Secretary

0707#028