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# Executive Orders

## EXECUTIVE ORDER JBE 23-8

### Bond Allocation 2023 Ceiling

WHEREAS, Section 146 of the Internal Revenue Code of 1986 (hereafter the “Act”), as amended (hereafter the “Code”), restricts the total principal amount of certain private activity bonds (hereafter the “Bonds”) that exclude interest from gross income for federal income tax purposes under Section 103 of the Code;

WHEREAS, Act No. 51 of the 1986 Regular Session of the Louisiana Legislature (hereafter “Act No. 51 of 1986”) authorizes the Governor to allocate the volume limit applicable to the Bonds (hereafter the “ceiling”) among the State and its political subdivisions in such a manner as the Governor deems to be in the best interest of the State of Louisiana;

WHEREAS, pursuant to the Act and Act No. 51 of 1986, Executive Order Number JBE 2016-35 was issued to establish:

- (a) the manner in which the ceiling shall be determined,
- (b) the method to be used in allocating the ceiling,
- (c) the application procedure for obtaining an allocation of Bonds subject to such ceiling, and
- (d) a system of record keeping for such allocations;

WHEREAS, the Louisiana Housing Corporation (hereafter, “the Corporation”) has \$50,000,000 of 2022 carryforward authority for its Single Family Mortgage Revenue Bonds (Homeownership Program) Series 2023 (“Series 2023 Bonds”) pursuant to Executive Order JBE 2023-4 (the “Series 2022 Carryforward”); and

WHEREAS, the Corporation has authorized and approved \$60,000,000 of Series 2023 Bonds, including \$50,000,000 of tax-exempt Series 2023A Bonds and has applied for an allocation of \$5,000,000 volume cap from the 2023 ceiling to be used along with the Series 2022 Carryforward for the premium on its tax-exempt Series 2023A Bonds.

NOW THEREFORE, I, JOHN BEL EDWARDS, Governor of the State of Louisiana, by virtue of the authority vested by the Constitution and laws of the State of Louisiana, do hereby order and direct as follows:

SECTION 1: The bond issue, as described in this Section, shall be and is hereby granted an allocation from the 2023 ceiling in the amount shown:

Amount of Allocation	Name of Issuer	Name of Project
\$5,000,000	Louisiana Housing Corporation	Single Family Mortgage Revenue Bonds (Home Ownership Program) Series 2023A (Non-AMT)

SECTION 2: The allocation granted herein shall be used only for the bond issue described in Section 1 and for the general purpose set forth in the “Application for Allocation of a Portion of the State of Louisiana’s Private

Activity Volume Cap” submitted in connection with the bond issue described in Section 1.

SECTION 3: The allocation granted herein shall be valid and in full force and effect until September 30, 2023; therefore, any unused amount of the 2023 ceiling allocation shall be deemed returned as of October 1, 2023.

SECTION 4: This Order is effective upon signature and shall remain in effect until amended, modified, terminated, or rescinded by the Governor, or terminated by operation of law.

IN WITNESS WHEREOF, I have set my hand officially and caused to be affixed the Great Seal of the State of Louisiana in the City of Baton Rouge, on this 18<sup>th</sup> day of May, 2023.

John Bel Edwards  
Governor

ATTEST BY  
THE GOVERNOR  
R. Kyle Ardoin  
Secretary of State  
2306#060

## EXECUTIVE ORDER JBE 23-9

### Flags at Half-Staff—Jimmy N. Dimos

WHEREAS, Judge Jimmy N. Dimos, a distinguished former member of the Louisiana Legislature and eminent jurist of the Louisiana judiciary, died on Thursday, May 18, 2023, at the age of 84;

WHEREAS, he is survived by his loving wife of fifty-eight years, Dale Guilkey Dimos; his son, John Nicholas Dimos; daughters, Laura, Myra, and Christy; grandchildren, George, Elena, Eliza, Mary Laura, Paul, Adele, Casey, and Nicholas; cousin, Tommy Crazovich; sister-in-law, Cindy Ridgway; as well as countless friends;

WHEREAS, born Dimitrije Dimitrijevski in Communist Yugoslavia on October 18, 1938, he immigrated to the United States with his mother Fanita to join his father Nick in Monroe, Louisiana, when he was twelve years old, setting out on a journey in which he truly achieved the American Dream;

WHEREAS, Dimos graduated from Northeast Louisiana State College, now the University of Louisiana at Monroe, and earned his juris doctorate from Tulane University;

WHEREAS, following law school, he served his adopted state and nation honorably in the Army National Guard; upon completion of his military service to our nation, he embarked on a long and storied career in law, politics, and public service;

WHEREAS, he served the people of Monroe and the State of Louisiana in the House of Representatives for 24 years, first taking office in 1976;

WHEREAS, from 1988 to 1992, Dimos served as Speaker of the Louisiana House of Representatives; in that capacity, he successfully led the state’s legislature through a

tremendous fiscal crisis, stabilizing Louisiana's budget during the throes of a national recession;

WHEREAS, in 1999, Dimos won election to serve as a judge in Louisiana's 4<sup>th</sup> Judicial District, serving on that bench until his retirement from public service in 2007;

WHEREAS, he served his community of Monroe in myriad ways, as President of the Monroe Jaycees, President of the NLU Alumni Association, and a member of numerous other religious, civic, and charitable organizations;

WHEREAS, in 2017, he was inducted into the Louisiana Political Hall of Fame and the Louisiana Justice Hall of Fame;

WHEREAS, Jimmy N. Dimos lived a life of tremendous faith, integrity, and honor, a life which sets an inspirational example for all the citizens of Louisiana and the United States, and his service as a public servant, lawmaker, and jurist to the State of Louisiana will long be remembered.

NOW THEREFORE, I, JOHN BEL EDWARDS, Governor of the State of Louisiana, by virtue of the authority

vested by the Constitution and laws of the State of Louisiana, do hereby order and direct as follows:

SECTION 1: As an expression of respect and to honor Jimmy N. Dimos, the flags of the United States and the State of Louisiana shall be flown at half-staff over the State Capitol and all state buildings from sunrise until sunset on Tuesday, May 23, 2023.

SECTION 2: This Order is effective upon signature and shall remain in effect until sunset on Tuesday, May 23, 2023.

IN WITNESS WHEREOF, I have set my hand officially and caused to be affixed the Great Seal of Louisiana on this 22nd day of May, 2023.

John Bel Edwards  
Governor

ATTEST BY  
THE GOVERNOR  
R. Kyle Ardoin  
Secretary of State  
2306#061

# Policy and Procedure Memoranda

## POLICY AND PROCEDURE MEMORANDA

### Office of the Governor Division of Administration

PPM 49—General Travel Regulations  
(LAC 4:V.Chapter 15)

#### Title 4

#### ADMINISTRATION

#### Part V. Policy and Procedure Memoranda

#### Chapter 15. General Travel Regulations—PPM Number 49

#### §1501. Authorization and Legal Basis

A. In accordance with the authority vested in the Commissioner of Administration by R.S. 39:231 and in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950-968. Notice is hereby given of the revisions to Policy and Procedures Memorandum No. 49 (PPM 49), the state's general travel regulations, effective October 1, 2022. These amendments are both technical and substantive in nature and are intended to clarify certain portions of the previous regulations or provide for more efficient administration of travel policies. These regulations apply to all state departments, higher education, boards and commissions created by the legislature or executive order and operating from funds appropriated, dedicated, self-generated, federally funded, or funds generated from any other source.

B. R.S. 28:231(A) states: "The Commissioner of Administration, with the approval of the Governor, shall, by rule or regulation, prescribe the conditions under which each of various forms of transportation may be used by state officers and employees in the discharge of the duties of their respective offices and positions in the state service and the conditions under which allowances will be granted for traveling expenses."

AUTHORITY NOTE: Published in accordance with R.S. 39:231.

HISTORICAL NOTE: Written by the Office of the Governor, Division of Administration, November 1, 1972, published LR 1:179 (April 1975), amended LR 1:338 (August 1975), LR 2:312 (October 1976), LR 5:93 (May 1979), LR 6:405 (August 1980), LR 7:7 (January 1981), LR 8:406 (August 1982), LR 15:820 (October 1989), LR 16:965 (November 1990), LR 26:1252 (June 2000), LR 27:802 (June 2001), LR 28:1125 (June 2002), LR 29:822 (June 2003), LR 30:1111 (June 2004), LR 31:1183 (June 2005), LR 32:938 (June 2006), LR 33:966 (June 2007), republished LR 33:1314 (July 2007), amended LR 34:1299 (July 2008), LR 35:1192 (July 2009), LR 36:1647 (July 2010), LR 42:981 (July 2016), LR 43:1110 (June 2017), LR 45:811 (June 2019), LR 46:840 (June 2020), LR 47:814 (June 2021), LR 48:1446 (June 2022), LR 48:2515 (October 2022), LR 49:1012 (June 2023).

#### §1502. Definitions

A. For the purpose of PPM 49, the following words have the meaning indicated.

*Agency*—any board, commission, department, division, agency, office, or other entity within the executive, judicial, and legislative branches of state government.

*Allowance*—maximum amount allowed for travel expenses while traveling on official state business.

*Authorized Persons*—

a. advisors, consultants, contractors, and other persons who are called upon to contribute time and service to the state who are not otherwise required to be reimbursed through a contract for professional, personal, or consulting services. (Contractors are not exempted from paying state sales taxes; therefore, if a contractor is working on behalf of an agency, the agency may reimburse them for the state sales taxes.);

b. members of boards, commissions, and advisory councils required by federal or state legislation or regulation;

c. persons authorized to travel for official state business as deemed by the department head or his/her designee;

d. college/university students must be deemed authorized travelers by the higher education entity head or his/her designee to be reimbursed for state business purposes;

*Common Carrier*—a business or agency that is available to the public for transportation of persons, goods, or messages.

*Conference/Convention*—a non-routine event for a specific purpose or objective such as a seminar, conference, convention, or training.

*Controlled Billed Account (CBA)*—a credit account issued in an agency's name (no plastic card is issued). These accounts are paid by each agency and are a direct liability of the State. CBA accounts are controlled through an authorized approver to provide a means to purchase airfare, registration, lodging, rental vehicles, pre-paid shuttle service, and any other allowable charges outlined in the State of Louisiana Travel and CBA Policy. Each department head determines the extent of the account's use.

*Corporate Travel Card*—credit cards issued in a state of Louisiana employee's name used for specific, high cost travel expenses. Corporate Travel Cards are State liability cards paid by each agency.

*Extended Stays*—any assignment made for a period of 30 or more consecutive days at a place other than the traveler's official domicile.

*GSA per Diem Rates*—U.S. General Services Administration per diem rates: <https://www.gsa.gov/travel/plan-book/per-diem-rates>

*High Cost Travel*—airfare, lodging, vehicle rental, and conference registrations.

*Higher Education Entities*—entities listed under Schedule 19 Higher Education of the general appropriations bill.

*In-State Travel*—all travel within the borders of Louisiana or travel through adjacent states between points within Louisiana when it is the most efficient route.

*International Travel*—all travel to destinations outside of the 50 United States, District of Columbia, Puerto Rico, the US Virgin Islands, American Samoa, Guam, and Saipan.

*Lowest Logical Airfare*—the lowest logical airfare is the cheapest available flight at the time of booking without causing undue inconvenience. These types of airfare are typically non-refundable.

*Official Domicile*—

a. except where fixed by law, official domicile of a state officer or employee assigned to an office shall be the parish in which the office is located. The department head or his/her designee should determine the extent of any surrounding area to be included, such as a region. As a guideline, a radius of at least 30 miles is recommended;

b. the official domicile of a person that works in the field shall be the parish where most work is performed. The department head may designate this area or region. In all cases, the designation must be in the agency's best interest and not for the person's convenience.

*Out-of-State Travel*—travel to any other 49 states plus District of Columbia, Puerto Rico, the US Virgin Islands, American Samoa, Guam, and Saipan.

*Passport*—an official document issued by a government, certifying the holder's identity and citizenship and entitling them to travel under its protection to and from foreign countries.

*Per Diem*—daily allowance to cover meals and incidentals while on official state business.

*Routine Travel*—travel required in the course of performing his/her regular job duties. This does not include non-routine meetings, conferences, and out-of-state travel.

*Sub Recipient*—a non-federal entity that receives a sub award from a pass-through entity to carry out part of a Federal program.

*Temporary Assignment*—any assignment made for a period of less than 30 consecutive days at a place other than the official domicile.

*Travel Period*—the period between the time of departure and the time of return.

*Visa*—an endorsement on a passport indicating that the holder is allowed to enter, leave, or stay for a specified period of time in a country.

AUTHORITY NOTE: Published in accordance with R.S. 39:231.

HISTORICAL NOTE: Written by the Office of the Governor, Division of Administration, November 1, 1972, published LR 1:179 (April 1975), amended LR 1:338 (August 1975), LR 2:312 (October 1976), LR 5:93 (May 1979), LR 6:405 (August 1980), LR 7:7 (January 1981), LR 8:406 (August 1982), LR 15:820 (October 1989), LR 16:965 (November 1990), LR 26:1252 (June 2000), LR 27:802 (June 2001), LR 28:1125 (June 2002), LR 29:822 (June 2003), LR 30:1111 (June 2004), LR 31:1183 (June 2005), LR 32:938 (June 2006), LR 33:966 (June 2007), republished LR 33:1314 (July 2007), amended LR 34:1299 (July 2008), LR 35:1192 (July 2009), LR 36:1647 (July 2010), LR 43:1110 (June 2017), LR 45:811 (June 2019), LR 46:840 (June 2020), LR 47:814 (June 2021), LR 48:1446 (June 2022), repromulgated LR 48:2515 (October 2022), amended LR 49:1012 (June 2023).

## **§1503. General Specifications**

### **A. General Travel Policies**

1. Department heads may establish travel regulations within their respective agencies, but agency regulations shall not exceed the maximum limitations set by the Commissioner of Administration. A final draft and a draft highlighting any deviations from PPM 49 must be submitted via email to StateTravel@LA.Gov for prior review and approval by the Commissioner of Administration.

2. Department heads will take actions necessary to minimize all travel in order to carry on the department's mission.

3. Agencies must place all high-cost expenditures on the LaCarte Purchasing Card, Travel Card, or agency CBA account unless prior approval is granted by the Commissioner of Administration.

4. Department heads or their designee must submit fiscal year exemption requests annually. No exemption requests are granted on a permanent basis.

5. Grant Funds- Any agency that receives grant funds must follow PPM 49 rules and regulations and any travel regulations contained in the grant. Sub recipients that are not classified as a state agency are not subject to PPM49.

EXAMPLE: DOTD receives a federal grant and the City of New Orleans is a sub recipient of that grant, the City of New Orleans is not required to follow PPM49 but must follow their established policies and any regulations contained in the grant.

6. Travel Scholarships. If any scholarship for travel is received by a state traveler, it is the agency's and employee's responsibility to comply with all ethics laws and requirements.

7. Contracted Travel Services. The state has a mandatory travel agency contract to book airfare unless prior exemptions have been granted by the Office of State Travel before the airfare purchase. The contracted travel agency has an online booking system which should be used by all travelers to book airfare. Use of the online booking systems can drastically reduce the State's agent fee paid per transaction for airfare purchases.

8. Contracted Hotel Services. The state has a contract for hotel booking services with HotelPlanner. Travelers are encouraged to use HotelPlanner. Travelers are responsible for adhering to the hotel's cancellation policy when booking through HotelPlanner. If a traveler does not cancel a hotel stay within the cancellation period set by the hotel, the traveler will be responsible for payment or reimbursing the agency. Any exceptions for hotel rates or cancellation reimbursements must be approved by the Commissioner of Administration. Use of HotelPlanner does not exempt a traveler from adhering to U.S. General Services Administration (GSA) lodging rates, U.S. Department of State rates, or rates within PPM49 for the applicable travel location.

9. Contracted Vehicles Rentals. The state has mandatory contracts for all in-state and out-of-state business travel through Enterprise, National, and Hertz. These contracts are applicable to all authorized travelers and contractors.

10. When a state agency enters into a contract with an out-of-state government entity, the out-of-state government entity may have the authority to conduct any related travel in accordance with their published travel regulations.

### **11. Authorization to Travel**

a. All non-routine travel must be authorized with prior approvals, in writing, by the department head or his/her designee, from whose funds the traveler is paid. Agencies must maintain a file on all approved travel authorizations. Electronic files and approvals are acceptable using certified electronic signatures.

b. Annual travel authorizations for routine travel are allowed if determined to be in your agency's best interest. If

annual travel authorizations are used, prior approved travel authorizations are still required for non-routine meetings, conferences, and out-of-state travel. Annual travel authorizations cannot be used for non-routine meetings, conferences, and out-of-state travel.

c. The Commissioner of Administration must sign all authorizations for travel and expenses for the Governor of Louisiana.

12. A department head or his/her designee may approve a traveler's reimbursement request for a communicable disease test if the employee will be traveling on official state business. Receipts are required to be reimbursed. Hotel, meals, and internet expenses are allowed to be reimbursed per the published rates when quarantine is required for a certain period.

#### B. Funds for Travel Expenses

1. State Issued Credit Cards and CBA Accounts. All high cost travel expenditures must be placed on the LaCarte Purchasing Card, Travel Card, or agency CBA account unless prior approval is granted from the Commissioner of Administration. The State Travel Office maintains the contract for the State's corporate card program to establish one source of payment for travel expenditures. If a supervisor recommends an employee be issued a state travel card, the employee should make the request through their agency travel program administrator.

a. The employee's corporate travel card is for official state business travel only. Personal use on the travel card shall result in disciplinary action.

b. If a vendor does not accept credit card payment for registration or lodging expenses, the department head may approve for payment(s) to be made by other means. Travelers must submit supporting documentation from the vendor stating they do not accept credit card payments. The supporting documentation must be kept with the travel expense form.

2. Persons traveling on official state business will provide themselves with sufficient funds for all travel expenses that are not covered by the Corporate Travel Card, LaCarte Purchasing Card, and/or agency's CBA account.

3. For agencies participating in the LaCarte, Travel, and/or CBA card programs, group/athletic travel must be placed on one of the card programs. This does not eliminate any approvals that must be granted from the Commissioner of Administration and/or the Office of State Travel.

4. Advance of funds for travel shall only be made in extraordinary circumstances and any excess funds should be promptly repaid upon return. Cash advances meeting the exception requirement(s) listed below must have an original and itemized receipt to support all expenditures in which a cash advance was given, including meals. At the Agency's discretion, cash advances may be allowed for:

a. state traveler whose salary is less than \$30,000/year;

b. state travelers who accompany and/or are responsible for students or athletes for group travel. For group travel advancements, a roster with signatures of each group member along with the amount of funds received by each group member may be substituted for individual receipts;

c. state travelers who accompany and/or are responsible for client travel;

d. new employee who has not had time to apply for and receive the state's corporate travel card;

e. employees traveling for extended periods, defined as a period exceeding 30 or more consecutive days;

f. employees traveling to remote destinations in foreign countries;

g. lodging costs if the hotel(s) will not allow direct bill or charges to agency's CBA and the traveler's salary is less than \$30,000/year;

h. registration for seminars, conferences, and conventions.

5. Sponsored or Scholarship Travel- Travel expenses paid by a sponsor or scholarship are considered a gift per R.S. 42:1115 and requires completion of Ethics Disclosure Form 413. It is the traveler's responsibility to properly complete and submit to the Board of Ethics in the time required. The form can be downloaded at: <http://ethics.la.gov/pub/CampFinan/Forms/Form413f.pdf?20190402>

a. Reimbursements are not allowed when the traveler does not incur any expense. This includes, but is not limited to, reimbursements for any lodging or meals provided at a state institution or agency or provided by any other party at no cost to the traveler.

6. Travel expenses shall be limited to the necessary expenses incurred by a traveler and must be within the limitations set by PPM 49.

#### C. Requests for Reimbursement

1. Official domicile/temporary assignment. Travelers are eligible to receive reimbursement for travel only when they are away from their "official domicile" or on a temporary assignment unless exemption is granted in accordance with these regulations. Temporary assignments will end after a period of thirty consecutive calendar days. After thirty days, the place of assignment shall be deemed his/her official domicile. The traveler shall not be allowed travel and subsistence reimbursement unless permission to extend the 30-day period has been previously approved by the Commissioner of Administration.

a. Travelers cannot be reimbursed while traveling within their official domicile.

b. Travelers cannot be reimbursed when traveling to/from their residence when their residence location is different from their official domicile.

c. At the discretion of the department head or his/her designee, an exception may be allowed for mileage to/from airports as stated in §1504.E.3.

d. The department head or his/her designee may approve an authorization for routine travel for an employee who must travel to perform his/her regular job duties. This may include traveling within the employee's official domicile if it is a regular and necessary part of the employee's duties. Attending infrequent/irregular meetings and conferences within their official domicile are not reimbursable.

2. All claims for travel reimbursement shall be submitted on the State's Travel Expense Form, BA-12, or in your agency's travel expense management system. Travel Expense Forms must include all travel details and be signed by the person claiming reimbursement and approved by his/her immediate supervisor. In all cases, the date and hour of departure and return to domicile must be shown along



with each final destination throughout the trip clearly defined on the form. Agencies must get an exemption from the Commissioner of Administration to use a Travel Expense form other than the BA-12. For every travel authorization request, the purpose of the trip for travel must be stated in the space provided on the front of the form. The second page of the BA-12 must be completed with the breakdown of the travel expenses. This is required for every trip. Form BA-12 can be found at: <https://www.doa.la.gov/media/aprolq2x/travelexpense.docx>

3. Air transportation, registration, lodging, rental vehicles, shuttle service, and all other allowable charges outlined in section II(F)(4) of the State of Louisiana State Liability Travel and CBA policy should be invoiced directly to the agency, or charged to a state liability card. The traveler must provide receipts for all items charged or billed directly to the agency.

4. Cost of meals shall be paid by the traveler and claimed on the travel expense form for reimbursement.

5. Travel Expense Forms must include all expenses related to the trip, which includes expenses paid by the agency and reimbursable expenses paid by the traveler. Expenses paid by the agency must be noted on the Travel Expense Form or marked "prepaid" on the LaGov expense statement and these expenses must be excluded from the traveler's reimbursable costs.

6. Travelers should submit claims within 30 days of the travelers' return date. If a travel reimbursement is less than \$25, it is recommended that the traveler wait until a minimum of \$25 is reimbursable to submit the request unless there is no travel scheduled for the traveler in the future. Department heads may make the 30-day submittal mandatory on a department wide basis.

7. Any person who submits a claim pursuant to these regulations and who willfully makes any claim which he/she does not believe to be true and correct or who willfully aids, procures, counsels, or advises the preparation of a false or fraudulent claim, shall be guilty of official misconduct. If a traveler receives an allowance or reimbursement by means of a false or fraudulent claim, the traveler(s) involved shall be subject to disciplinary actions as well as being criminally and civilly liable within the provisions of state law.

8. Agencies shall review travel reimbursements to verify the documentation and complete processing within 30 days of receiving the final reimbursement submission.

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#### **§1504. Methods of Transportation**

The most cost-effective method of transportation that will accomplish the purpose of the travel shall be selected.

Official state travelers must use the most direct travel route. Among the factors to be considered are the length of travel time, vehicle operation cost, and cost/availability of common carrier services. Common carriers shall be used for out-of-state travel unless it is documented that utilization of another method of travel is more cost efficient or practical and approved in accordance with these regulations.

##### **A. Air Travel**

1. Privately Owned or Charter Planes. Prior approval is required by the department head when traveling by privately-owned or chartered aircraft. The traveler must certify:

1. at least two hours of working time will be saved by such travel; and

2. no other form of transportation such as commercial air travel or a state plane will serve the same purpose.

a. Chartering a privately owned aircraft must be in accordance with the Procurement Code.

b. Reimbursement for using a chartered or un-chartered privately owned aircraft under the above guidelines will be made per the published GSA rate or the cost of coach economy airfare, whichever is the lesser. GSA Airplane mileage rate: <https://www.gsa.gov/travel/plan-book/transportation-airfare-pov-etc/privately-owned-vehicle-pov-mileage-reimbursement-rates>

c. If there are extenuating circumstances requiring reimbursement not listed above, approval must be granted by the Commissioner of Administration.

d. When common carrier services are unavailable and time is at a premium, travel via state aircraft shall be requested and if a state aircraft is not available, the file shall be documented to show non-availability of a common carrier and state aircraft. The documentation shall be readily available in the department's travel reimbursement files.

##### **2. Commercial Airlines**

a. All state travelers are to purchase commercial airline tickets through the state contracted travel agency. This requirement is mandatory unless approval is granted from the Office of State Travel. In the event travelers seek approval to book without using the state's travel agency, the traveler shall submit their request through their agency's travel program administrator, who will determine if the request should be submitted to the Office of State Travel.

b. State contractors are not required to use the state's contracted travel agency when purchasing airfare, but it is the agency's responsibility to monitor costs to ensure the contractors are purchasing the lowest, most logical airfare.

c. The State supports purchasing the lowest logical ticket. Once all rates are received, the traveler must compare costs and options to determine which fare will be the best value ticket for their trip. To make this determination, the traveler must consider whether or not there is a likelihood the itinerary will change or be cancelled. Depending on this assessment, the traveler must determine if the additional costs associated with changing a non-refundable ticket alters the determination of the lowest logical ticket.

d. Travelers should advise the agent of their flexibility with dates and/or time of travel to ensure the most cost-effective rate.

e. Travelers are to seek airfare allowing a sufficient amount of lead-time prior to departure date. The lead-time

should be no less than 10 to 14 days in advance of travel dates to ensure the lowest fares are available.

f. Commercial air travel will not be reimbursed in excess of the lowest logical airfare. Receipts are required for reimbursement for commercial air travel. Upgrades above economy at the expense of the State are not permitted without prior approval from the Commissioner of Administration or in accordance with Subparagraph h of this Subsection. If an upgrade is not approved prior to the travel date and the traveler chooses to upgrade, the cost associated with the upgrade must be paid separately by the traveler. If space is not available in economy in enough time to carry out the purpose of the travel, the traveler must obtain a statement from the airline or contracted travel agency with this information. The certification is required for travel reimbursement.

g. The state will pay for the airfare and/or penalty incurred for a change in plans or cancellation when the change or cancellation is required by the State or there are unavoidable circumstances approved by the agency's department head. Justification for the change or cancellation by the traveler's department head is required on the travel expense form.

h. When an international flight segment is more than 10 hours in duration, the state will allow the business class rate provided it does not exceed the economy rate by more than 10 percent. The traveler's itinerary, provided by the travel agency, must document the flight segment as more than 10 hours and must be attached to the travel expense form.

i. Travelers may retain frequent flyer miles earned on official state travel unless an agency deems the points as property of the state. If a traveler makes travel arrangements that favor a preferred airline/supplier to receive these reward points and this circumvents purchasing the lowest logical airfare, they are in violation of this travel policy. Any costs in excess of the lowest logical airfare resulting from this violation are not reimbursable.

#### B. Unused Tickets

1. A lost or unused airline ticket is the responsibility of the person to whom the ticket was issued. Unused tickets should always be monitored by the traveler and the agency. Travelers should ensure that any unused ticket is considered when planning future travel arrangements. Some airlines have a policy that will allow for a name change to another traveler within the agency. A view of the latest airline policies regarding unused tickets are available at the Office of State Travel's website: <https://www.doa.la.gov/doa/ost/transportation/airfare-airport/>

2. Upon initial notification, it is the traveler's responsibility to determine if the ticket will be used in the future. Unused tickets are to be monitored every 30 days. If it is determined that the ticket will not be used prior to expiration and there is a possibility to transfer the ticket, the traveler must immediately advise the agency's travel administrator that the ticket is available for use by another traveler, section, or agency. The travel administrator should attempt to use the ticket for another traveler within the agency.

3. Department heads must review all unused airfare and the traveler's justification to determine if reimbursement

from the traveler must be made to the agency for the cost of the unused ticket. All files must be properly documented.

4. Monitoring unused tickets can be accomplished with the unused ticket report sent to the agency's program administrator each month from the contracted travel agency. This report, in conjunction with traveler notifications while booking other flights and traveler email notifications every 120, 90, 60, 30 and 14 days prior to ticket expiration should be sufficient to reduce the loss of unused airfare.

#### C. Motor Vehicle

1. No vehicle may be operated in violation of state or local laws. No traveler may operate a vehicle without having a valid U.S. driver's license in his/her possession. All occupants must use safety restraints. Accidents, major or minor, shall be reported first to the local police department or appropriate law enforcement agency. An accident report form, available from the Division of Administration's Office of Risk Management (ORM), should be completed as soon as possible and must be returned to ORM with names, addresses, and phone numbers of principals and witnesses. Contact ORM with questions regarding this report.

2. Operating a state-owned, non-state owned, state-rented, or state leased vehicle for business while intoxicated, as set forth in R.S. 14:98 and 14:98.1, is strictly prohibited, unauthorized, and expressly violates the terms and conditions of use. In the event such operation results in the traveler being convicted of, pleading nolo contendere to, or pleading guilty to driving while intoxicated under R.S. 14:98 or 14:98.1, would constitute evidence of the traveler:

a. violating the terms and conditions of use of the vehicle

b. violating the direction of his/her employer, and

c. acting beyond the course and scope of his/her employment with the State of Louisiana.

3. A person should not be authorized to operate or travel in a state-owned or state-rented vehicle unless the person is an employee of the State of Louisiana or deemed an authorized traveler. All authorized traveler approvals must be kept on file at the agency.

4. Students and non-state employees are not authorized to drive state-owned or state-rented vehicle unless deemed an "authorized traveler" on behalf of the State by the department head or his/her designee. Authorized travelers can be reimbursed for their travel expenses. Anyone who is not an employee of the State of Louisiana must sign the Acknowledgement of Non-State Employees Utilizing State Vehicles form, located on the Office of State Travel's website, <https://www.doa.la.gov/media/jcfji2il/nse-acknowledgement.pdf>, prior to riding in or driving a state-owned or state-rented vehicle. Each agency is responsible for ensuring that this form and any other necessary requirements are completed and made part of the travel file prior to travel dates.

5. Persons operating a state-owned, state-rented, or personal vehicle on official state business are responsible for all traffic, driving, and parking violations. This does not include vehicle violations for registration or inspection sticker for state-owned or state-rented-vehicles, as the State and/or rental company would be liable for any cost associated with these types of violations.

6. For official in-state business, travelers must use the options below in sequential order:

a. first: a traveler should utilize a state vehicle when available;

b. second: a traveler should rent a vehicle from the State's in-state contracts with Enterprise, National, or Hertz for travel over 99 miles;

c. third: a traveler must receive prior approval from their department head to use his/her personal vehicle and be reimbursed more than 99 miles. Reimbursements must be based on the GSA rate for mileage rounded down to the penny. The current GSA mileage rate can be found here: <https://www.gsa.gov/travel/plan-book/transportation-airfare-pov-etc/privately-owned-vehicle-pov-mileage-reimbursement-rates>

7. Motorcycles/bicycles/mopeds/motorized scooters (including e-scooters) shall not be used for official State travel. No passengers may be transported, at any time on official State Travel, on motorcycles/bicycles/mopeds/motorized scooters (including e-scooters).

#### D. State-Owned Vehicles

1. Travelers in state-owned automobiles who purchase fuel, repairs, and equipment needed while in travel status shall make use of the Statewide Fleet Fuel and Repair/Maintenance and bulk fuel contracts, when applicable. Purchases require receipts and only the lowest manufacturer recommended fuel should be reimbursed.

2. Department heads must give prior approval for State-owned vehicles to be used for out-of-state travel. If a state-owned vehicle is used to travel to a destination more than 500 miles from its usual location, documentation that this is the most cost-effective means of travel must be kept in the department's travel reimbursement files. When the use of a state-owned vehicle has been approved by the department head for out-of-state travel for the traveler's convenience, the traveler is personally responsible for any other expense en route to and from their destination, which includes meals and lodging.

3. If a state vehicle is needed or requested to be kept at the home of a state traveler overnight, the agency and traveler should ensure it is in accordance with requirements outlined in R.S. 39:361-364.

#### E. Personally Owned Vehicles

1. Personal vehicle mileage is reimbursed at the published GSA rate for mileage rounded down to the penny. Personal vehicle mileage reimbursements should be based on actual physical addresses and require an odometer reading or website mileage calculator. The current GSA mileage rate can be found here: <https://www.gsa.gov/travel/plan-book/transportation-airfare-pov-etc/privately-owned-vehicle-pov-mileage-reimbursement-rates>.

2. When two or more persons travel in the same personally owned vehicle, only one reimbursement is allowed for the expense of the vehicle. The person claiming reimbursement shall report the names of the other passengers on the travel expense form.

3. At the discretion of the department head or his/her designee, mileage to and from airport(s) may be allowed while on official state business. This approval may include reimbursement for a traveler who is being dropped off and/or picked up from the airport.

4. Mileage reimbursements must not exceed the cost of the lowest logical airfare for the same trip. Travelers are

personally responsible for any other expenses en route to and from the destination, which includes meals and lodging.

5. If a traveler is requested to take his/her personally owned vehicle out-of-state for a purpose that will benefit the agency, then the department head may, on a case-by-case basis, determine to pay a traveler for all or part of en route travel expenses (for example – lodging, meals, and mileage). Documentation must be kept on file to show cost savings or justification as to why personal vehicle mileage, lodging, and meals while in transit were approved for out-of-state travel exceeding 99 miles.

6. A traveler shall never receive any benefits or reimbursements because his/her residence is different from his/her official domicile. A traveler may be reimbursed mileage when starting travel from his/her residence if the mileage is less than starting travel in the traveler's official domicile. If a traveler is leaving on a non-work day or leaving before or after work hours, the department head may determine to pay the actual mileage from the traveler's residence.

7. When a traveler is required to regularly use his/her personally owned vehicle for agency activities, the agency head may request prior authorization from the Commissioner of Administration for a vehicle allowance. Requests for vehicle allowances must contain a detailed account of routine travel listing exact mileage for each route and justification as to why a rental vehicle is not feasible. Justifications should include a three-month travel history with a complete mileage log for all travel incurred, showing all points traveled to/from and the exact mileage. Requests for vehicle allowances are granted for one fiscal year and must be requested again each fiscal year if there is still a need. A centralized file must be kept containing all approvals.

a. If an employee is granted a vehicle allowance then mileage, fuel, and rental vehicle reimbursements or charges are not allowed for that employee. Rental vehicles are allowed for these employees when traveling out-of-state.

8. Travelers are required to pay all operating expenses for his/her personal vehicle including fuel, repairs, and insurance.

#### F. State-Rented Vehicles

1. The state has mandatory contracts for in-state and out-of-state vehicle rentals for business travel with Enterprise, National, and Hertz. These contracts also apply to all authorized travelers and contractors. The state does not have international vehicle rental contracts.

2. Employees receiving a vehicle allowance are only allowed to rent a vehicle when traveling out-of-state.

##### 3. In-State and Out-of-State Vehicle Rentals

a. A rental vehicle should be used if a state owned vehicle is not available for all travel over 99 miles. In the event that an agency or traveler chooses to use a personal vehicle, refer to §150.E, of this policy, Personally Owned Vehicles.

b. All state contractors who have entered into a contract with the State of Louisiana on or after March 1, 2013, and whose contracts are required to follow PPM 49 for travel reimbursements, must use the state's mandatory contracts while conducting business on behalf of the State.

c. In-state rental vehicle reservations shall not be made at an airport location for daily routine travel unless

prior approval is granted by the department head. Airport rental locations charge extra fees that will add unnecessary costs to your rental charges.

d. Charges added to the vehicle rental price must be in accordance with the mandatory rental vehicle contracts.

4. Payments. Rentals through the vehicle rental contracts shall be made using the “LaCarte” purchasing card, an agency’s CBA account, an employee’s state corporate travel card, or through direct bill to the agency. Agencies may decide which of these forms of payment to be used.

5. Approvals. Travel authorization forms must be approved by the department head or his/her designee prior to renting a vehicle. Agencies are allowed to approve rental vehicles on an annual basis if the travel is routine and a regular part of an employee’s job duties.

#### 6. Vehicle Rental Size

a. Only the cost of an economy, compact, intermediate, or standard vehicle is reimbursable, unless:

- i. non-availability is documented; or
- ii. the vehicle will be used to transport more than two persons.

iii. if a larger vehicle is necessary to carry equipment or multiple passengers, the vehicle shall be upgraded only to the next smallest size and lowest price necessary to accommodate the need. The file must include a justification approved by the department head or his/her designee.

b. A department head or his/her designee may authorize a larger vehicle on a case-by-case basis and provide detailed justification in the file. Justification could include, but is not limited to, specific medical requirements when supported by a doctor’s recommendation or traveling with equipment.

7. Personal use of a State-rented vehicle is not allowed.

#### 8. Fuel

a. Fuel should be placed on an agency’s fuel card for rental vehicles. If your agency does not have a fuel card, reimbursements require an original receipt. If you are not able to obtain a receipt from the pump or cashier, a time stamped photo of the pump showing the number of gallons purchased and total price will suffice.

b. A traveler must purchase fuel with the State’s Fuel Card, other approved credit card, or with personal funds at reasonable cost from a fuel station prior to returning the rental. Pre-paid fuel options or replacement of gasoline from the rental company is not allowed. If a traveler purchases any fuel options or programs allowing the rental vehicle company to replace gasoline without justification and prior approval from the department head, the traveler must reimburse the agency. Each agency shall familiarize itself with the Statewide Fleet Fuel and Repair/Maintenance and bulk fuel contracts. Agencies and travelers should review the terms, conditions, and locations of vendors for each contract.

9. Insurance for Vehicle Rentals within the United States

a. State rental contracts include Collision and Damage Waiver (CDW) insurance and \$1,000,000 Liability Protection Coverage. Additional insurance billed by car rental companies is not reimbursable and must not be billed to an agency.

b. Should a collision occur while on official state business, the accident should immediately be reported to the Office of Risk Management and the rental company. Any damage involving a third party must be reported to the appropriate law enforcement agency to obtain a police report.

c. Lost keys and unlocking services for rental vehicles are not covered under the damage waiver policy and can be costly. Agencies should establish an internal procedure regarding the liability of these costs.

10. Insurance for Vehicle Rentals Outside of the United States

a. The Office of Risk Management (ORM) recommends the appropriate insurance (liability and physical damage) provided through the car rental companies be purchased when the traveler is renting a vehicle outside of the United States. With the approval of the department head or his/her designee, required insurance costs must have receipts and may be reimbursed for travel outside of the United States only.

b. The following insurance packages are available by rental vehicle companies which are reimbursable:

i. collision damage waiver (CDW), should a collision occur while on official state business, the cost of the deductible should be paid by the traveler and submit a reimbursement claim on a travel expense form. The accident must also be reported to the Office of Risk Management;

ii. loss damage waiver (LDW);

iii. auto tow protection (ATP);

iv. supplementary liability insurance (SLI);

v. theft and/or super theft protection (coverage of contents lost during a theft or fire);

vi. vehicle coverage for attempted theft or partial damage due to fire by the car rental company.

c. The following are examples of insurance packages available by rental vehicle companies that are not reimbursable:

i. personal accident coverage insurance (PAC);

ii. emergency sickness protection (ESP).

d. Insurance is only allowed to be charged or reimbursed when renting outside of the United States.

11. Navigation Equipment (GPS System). Must be rented, not purchased, from a rental car company and may only be reimbursed if the traveler justifies the need for such equipment. Prior approval from the department head or his/her designee must be obtained and included with the travel file.

#### G. Ground Transportation

1. The cost of public ground transportation such as buses, subways, airport shuttles/limousines, ferries, tolls, and taxis are reimbursable when the expenses are incurred as part of approved State travel. Credit card fees charged by these services are reimbursable.

2. Public transportation to and from the airport may be reimbursed with a receipt while on official state business.

3. If utilizing Uber or Lyft type services, only a standard size vehicle is reimbursable with an itemized receipt. Premium or larger vehicles are not reimbursable. Agencies may reimburse tolls, surcharges, and fees (excluding wait time fees) when it is determined that these services are the most cost effective option. Wait time fees are not a reimbursable expense. Travelers should try to utilize

the most economic ground transportation without incurring additional fees or surge pricing.

a. Uber Black, Uber Black XL, and Uber Premier are not reimbursable

b. Lyft Lux, Lyft Lux Black, and Lyft Lux Black XL are not reimbursable

4. When travelers utilize a free shuttle service, a \$5 tip may be allowed (no receipt is required).

5. Airport shuttles, taxis, and all other public transportation require a receipt for reimbursement. A driver's tip may be given and the tip must not exceed 20 percent of the total charge. The tip amount must be included on the receipt received from the driver/company.

6. All other forms of public ground transportation other than those listed above are limited to \$10 per day when a receipt is not possible. Claims in excess of \$10 per day require a receipt. At an agency's discretion, the department head may implement an agency policy requiring receipts for all public transportation requests less than \$10 per day.

7. To assist agencies with verification of taxi fares, you may contact the taxi company for an estimate or visit an online taxi fare estimator. A traveler should obtain prior approval if multiple taxis will be used during a trip (not just to and from an airport). It may be in the agency's best interest to rent a vehicle rather than reimbursing multiple taxi expenses.

#### H. Parking and Related Parking Expenses

1. Baton Rouge Airport. The State has contracted rates for parking in the indoor parking garage and the outside fenced parking lot at the Baton Rouge Airport. The airport parking certificate and State Employee ID must be presented to receive the contract price. If the agency does not issue a State ID, the traveler will need a business card and a driver's license along with the certificate to be eligible for the state contracted rate. Receipts are required for reimbursement of the contracted rates listed in the resource section. The airport certificate may be found on the State Travel Office's website at: <https://www.doa.la.gov/doa/ost/parking/>

2. New Orleans Airport Parking. Travelers have the option to park at New Orleans Airport in the Surface Lot or the Airline Economy Garage. Receipts are required for reimbursement for the allowable rates listed in the resource section.

3. Travelers using motor vehicles on official state business may be reimbursed for all other parking, including airport parking except as listed in A and B above, ferry fares, and road/bridge tolls. For each transaction over \$5, a receipt is required.

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## §1505. Lodging (Formerly §1506)

### A. General Lodging Information

1. Lodging rates for the 48 contiguous states are based on the GSA lodging rates for the applicable location. The GSA lodging rates can be found at <https://www.gsa.gov/travel/plan-book/per-diem-rates>.

2. Alaska, Hawaii, and U.S. Territories shall follow the rate below:

a. Lodging Rate- \$175 per night

3. The State has contracted with HotelPlanner for hotel booking (use is not mandatory). Lodging rate, plus tax (other than Louisiana Sales Tax) and any mandatory surcharges are allowed.

4. When traveling in-state on official state business and expenses are being charged to an employee's State Corporate Travel Card, State's LaCarte Card, or the agency's CBA account, it is the employee's responsibility to ensure state sales taxes are not charged.

5. When two or more employees, on official state business, share a lodging room, the State will allow the actual cost of the room; subject to a maximum amount allowed for an individual traveler multiplied by the number of employees per room.

### B. Conference Lodging Allowance

1. Travelers may be allowed the conference lodging rates, plus tax (other than Louisiana Sales Tax) and any mandatory surcharge. Receipts are required along with documentation showing the actual conference rate. Department heads or his/her designee have the authority to approve the actual cost of conference lodging for a single occupancy or standard room when the traveler is staying at the designated conference hotel. If there are multiple designated conference hotels, the lower cost conference hotel should be booked, if available. In the event the designated conference hotel(s) have no room availability, a department head or his/her designee may approve to pay the actual hotel cost not to exceed the conference lodging rates for other hotels in the immediate vicinity of the conference hotel. Rates exceeding the Conference Lodging Rate must be approved by the Commissioner of Administration. This allowance does not include Agency Hosted Conference Lodging Allowances. Documentation required is a formal agenda, program, letter of invitation, or registration fee. Participation as an exhibiting vendor in an exhibit /trade show also qualifies as a conference. For a hotel to qualify for conference rate lodging, it requires that the hotel is hosting or is in conjunction with hosting the meeting.

2. Training courses held over several consecutive days and have a designated hotel and rate, could be considered a "conference hotel."

3. If staying at a designated conference hotel or an overflow hotel(s), you may not rent a vehicle unless prior approval is granted from the department head. Rental vehicles must be for official state business needs and supporting documentation must be maintained in the file.

4. No reimbursements are allowed for functions not related to a conference. Examples include tours, dances, and golf tournaments.

### C. Extended Stays

1. For travel assignments approved by the Commissioner of Administration involving duty for

extended periods (30 or more consecutive days) at a fixed location, the reimbursement rates indicated should be adjusted downward whenever possible. Claims for meals and lodging may be reimbursed on a per diem basis supported by a lodging receipt.

2. The only exemptions which do not require the Commissioner of Administration's approval when traveling 30 days or more are students, professors, or other state travelers which are traveling on a grant, scholarship, studying aboard or any other occasion where funds utilized are not state funds. Department head approval is required for these travelers.

#### D. Lodging Fees

1. Non-Conference Related Fees. Many hotels charge mandatory fees variously termed *resort fees*, *amenity fees*, *urban destination fees*, *facilities fees* and *daily destination fees*, among others. Agencies should review these fees and see what they include before authorizing reimbursement, as they can vary from simply covering internet access to including items that may be considered gifts, like tours or tickets. If the fees do not include an item that can be considered a gift, these fees are reimbursable but should not exceed the applicable lodging rate when combined with the daily room rate. These fees require department head approval if the additional cost is less than a 50 percent increase of the daily lodging rate. Increases above 50 percent require prior approval from the Commissioner of Administration.

2. Added value charges which include, but are not limited to, early check-in fees, additional person fees, mini-bar/snack fees, gym fees, and spa fees are not reimbursable.

3. Tax recovery charges are not allowed when booking through companies other than the State of Louisiana's travel agency or its affiliated company.

#### E. Louisiana Sales Tax

1. Travelers are responsible for reimbursing the agency for any Louisiana sales taxes when the agency's tax exemption form is not presented at time of check-in at hotel. Contractors are subject to Louisiana sales tax and can be reimbursed for this expense.

2. Travelers should use the tax-exempt form located on the State Travel Office website for all in-state lodging: <https://www.doa.la.gov/media/er0b2lwj/travelexemption-travelexpense.pdf>

#### F. Lodging with Relative or Friends

1. May not be reimbursed unless the host can substantiate costs for accommodating the traveler. The reimbursement will be at the actual cost of lodging but must not exceed the lodging rate for the applicable area. The host must show proof of the added costs for water, electricity, and other expenses.

#### G. Hotel Reward Points

1. Travelers may retain hotel reward points earned on official state travel unless an agency deems the points as property of the state.

#### H. Lodging Exceptions

1. Non-Conference Lodging Overage Allowances. Department head or his/her designee has the authority to approve actual costs for routine lodging on a case by case basis, but shall not exceed 50 percent over the lodging rate for the applicable travel location. (This authority is for routine lodging only and not for conference lodging or any

other area of PPM 49). Receipts, justification, and approval must be maintained in the file to show that attempts were made with hotels in the area to receive the best rate.

a. Travelers are responsible for reimbursing the agency for lodging rates that exceed the published lodging rates for the travel location unless prior approval is granted by the Commissioner of Administration.

2. In areas where the Governor has declared an emergency, a department head or his/her designee has the authority to approve actual routine lodging provisions on a case-by-case basis, but shall not exceed 75 percent over the lodging rate for the applicable travel location. Each case must be documented to justify necessity (e.g. proximity to meeting place) and cost effectiveness. Documentation, including receipts, must be readily available in the agency's travel reimbursement files and kept in accordance with record retention policies.

3. Lodging overages in excess of 1 and 2 of this Section require approval from the Commissioner of Administration prior to being paid or reimbursed by the agency. Requests for approval must contain justification and estimated costs. If prior approval is not obtained, overages must be repaid to the agency by the traveler.

4. Actual expenses for Elected Officials, Board Members (if allowed by the Board), State Officers, persons authorized by statute, or any individual with a preapproved exception will be reimbursed on an actual expense basis, for meals and lodging only, while in travel status, except in cases where other provisions for reimbursement have been made by statute. Itemized receipts are required for reimbursement. Requests must be reasonable in relation to the purpose of travel. Travelers entitled to actual expense reimbursement are only exempt from meals and lodging rates; they are subject to all other requirements as listed in these travel regulations.

AUTHORITY NOTE: Published in accordance with R.S. 39:231.

HISTORICAL NOTE: Written by the Office of the Governor, Division of Administration, November 1, 1972, published LR 1:179 (April 1975), amended LR 1:338 (August 1975), LR 2:312 (October 1976), LR 5:93 (May 1979), LR 6:405 (August 1980), LR 7:7 (January 1981), LR 8:406 (August 1982), LR 15:820 (October 1989), LR 16:965 (November 1990), LR 26:1256 (June 2000), LR 27:807 (June 2001), republished LR 27:1495 (September 2001), LR 28:1130 (June 2002), LR 30:1116 (June 2004) LR 31:1189 (June 2005), LR 32:939 (June 2006), LR 33:967 (June 2007), republished LR 33:1320 (July 2007), amended LR 34:1305 (July 2008), LR 35:1198 (July 2009), LR 36:1654 (July 2010), LR 42:990 (July 2016), LR 43:1119 (June 2017), LR 45:821 (June 2019), LR 46:849 (June 2020), LR 46:1484 (October 2020), LR 47:823 (June 2021), LR 48:1453 (June 2022), LR 48:2522 (October 2022), LR 49:1019 (June 2023).

### **§1506. Meals and Incidentals (M and IE)**

#### A. Meals and Incidentals While In Travel Status

1. Meal and incidental rates based on the GSA meal rates for the 48 contiguous states. The GSA meal and incidental rates can be found at <https://www.gsa.gov/travel/plan-book/per-diem-rates>

2. Alaska, Hawaii, and U.S. Territories shall follow the rates below.

a. Meals—Breakfast \$17, Lunch \$18, Dinner \$34.

b. Incidentals—\$5 per day.

c. First and Last day meal and incidental reimbursements shall not exceed \$55.50.

3. Meal rates include taxes and tips, travelers cannot be reimbursed separately for those items. Receipts are not required for meals within these rates unless a cash advance was received.

4. Meal and Incidental Reimbursement for Single Day Travel. Meals are not eligible for reimbursement on single day travel. When an authorized traveler of the State is in travel status where no overnight stay is required, meals are not eligible for reimbursement. However, the department head is allowed to authorize single day meal reimbursements on a case-by-case basis or by types(s) of single day travel when it is determined to be in the best interest of the agency. In those cases, the agency must keep the approvals in the travel file and agencies are responsible for reporting the reimbursement as taxable wages to the traveler. Each department head or his/her designee is to determine whether the travel is best suited for single day or overnight.

a. If a department head or his/her designee determines that single day meals will be reimbursed, they must adhere to the following allowances: To receive meal reimbursements on single day travel, a traveler must be in travel status for more than 12 but less than 24 hours. Reimbursements for single day travel must not exceed 75 percent of the total M and IE rate for the applicable travel location meal rates. This rate is listed as the first and last day of travel on the M and IE rates page of the applicable location.

5. Meal and Incidental Reimbursement for Travel with Over Night Stay

a. On the first and last travel day, employees are only eligible for 75 percent of the total M and IE rate for the applicable travel location. The Meals and Incidental Expense breakdown page has a table showing the calculated amount for the "First and Last Day of Travel."

b. Student group trips (including athletic travel) are eligible for the full M and IE rate on the first and last day of travel for the applicable travel location when travel begins prior to 8:00am and ends beyond 8:00pm.

c. Incidental expenses are limited to \$5 per day for domestic travel. Domestic incidental expenses include tips for valet, porters, baggage carriers, and hotel staff.

6. Reimbursement for alcohol is prohibited.

7. If meals are included in a conference schedule and are part of the registration fee, the traveler cannot request/receive additional reimbursement for that meal. If a traveler has dietary restrictions, agencies may allow the traveler to claim reimbursements for any meals provided at a conference, meeting, or other work function that may pose a health risk to the traveler if consumed.

8. Meals provided by relatives and/or friends may not be reimbursed unless the host can substantiate costs for providing meals to the traveler. The reimbursement amount for the traveler's portion of the meal must be reimbursed at the actual cost but shall not exceed the published meal rate for the applicable travel location. The traveler must provide documentation and obtain approval from the department head.

#### B. Special Meals

1. Special meal needs are infrequent, extraordinary, and/or emergency situations when state employees are required by their supervisor to work more than a twelve-hour weekday or six-hours on a weekend. Special meals also

includes meals provided during working meetings of department staff. Special meals do not include normal visits, meetings, or reviews.

2. Special meals must have prior approval from the Commissioner of Administration for all state agencies other than higher education. The entity head of higher education institutions or his/her designee may approve special meals prior to the meal date. Special meals should be placed on a state issued credit card.

3. All special meals must have a sign-in sheet.

4. Requests for one-time special meals must be signed by the department head and require prior approval by the Commissioner of Administration. These requests must include:

- a. date of event;
- b. name of each recipient;
- c. total number of attendees;
- d. estimated cost of meal;
- e. estimated cost per person;
- f. justification for special meal.

5. The Commissioner of Administration may delegate approval to a department head on a fiscal year basis. Requests must be submitted every fiscal year the delegation is needed. Once approval is received, the department head may authorize a special meal within the published meal rate of the meeting location. A reasonable delivery fee and tip may be allowed if ordered from an outside vendor. Tips should never exceed 20 percent of the meal cost.

a. Requests to the Commissioner of Administration for special meal delegations must:

- i. be submitted on agency letterhead and signed by the department head
- ii. include clear justification of the necessity and appropriateness of the request
- iii. include a statement that rates for meal reimbursements will be in accordance with ppm49
- iv. unless specific approval is received from the Commissioner of Administration to exceed meal rates.

6. Agencies with a special meals delegation must report all special meals on a quarterly basis to StateTravel@LA.Gov. Higher education institutions must send the special meals report to the entity's management board. The Special Meals Report template can be found here: <https://www.doa.la.gov/media/s43etwyx/special-meals-report-template.xlsx> The special meals report must include:

- a. year and quarter being reported;
- b. agency name;
- c. name of report preparer;
- d. phone number and email address of report preparer;
- e. date of event;
- f. event title;
- g. name and title of person(s) receiving reimbursement, if applicable;
- h. if a state credit card was used, the name and title of the cardholder must be reported;
- i. name and title of each recipient;
- j. total number of attendees;
- k. total cost of meal;
- l. cost per person;
- m. justification for special meal.

7. In order for an agency's special meals delegation renewal to be considered for approval, the special meals quarterly reports must be submitted.

8. Special meals also apply to visiting dignitaries or executive-level persons from other governmental units.

9. Special meal documentation must be kept on file and must include:

a. a detailed breakdown of all expenses incurred, with appropriate receipts(s);

b. subtraction of any alcoholic beverage costs.

c. copy of prior written approval from the Commissioner of Administration or for higher education, the entity head or his/her designee.

AUTHORITY NOTE: Published in accordance with R.S. 39:231.

HISTORICAL NOTE: Written by the Office of the Governor, Division of Administration, November 1, 1972, published LR 1:179 (April 1975), amended LR 1:338 (August 1975), LR 2:312 (October 1976), LR 5:93 (May 1979), LR 6:405 (August 1980), LR 7:7 (January 1981), LR 8:406 (August 1982), LR 15:820 (October 1989), LR 16:965 (November 1990), LR 26:1256 (June 2000), LR 27:807 (June 2001), republished LR 27:1495 (September 2001), LR 28:1130 (June 2002), LR 30:1116 (June 2004 LR 31:1189 (June 2005), LR 32:939 (June 2006), LR 33:967 (June 2007), republished LR 33:1320 (July 2007), amended LR 34:1305 (July 2008), LR 35:1198 (July 2009), LR 36:1654 (July 2010), LR 42:990 (July 2016), LR 43:1119 (June 2017), LR 45:821 (June 2019), LR 46:849 (June 2020), LR 46:1484 (October 2020), LR 47:823 (June 2021), LR 48:1454 (June 2022), LR 48:2523 (October 2022), LR 49:0000 (June 2023), LR 48:2523 (October 2022), LR 49:1020 (June 2023).

#### **§1507. Reimbursement for Other Expenses while in Travel Status (Formerly §1508)**

##### **A. Communication and Internet Expenses**

1. Travelers with a state issued phone or receiving a monthly stipend are not allowed communication reimbursements.

2. State business communication costs may be reimbursed with receipts.

3. For international travel: up to \$10 for personal calls upon arrival at each destination and up to \$10 for personal calls every second night after the first night, if the travel extends several days.

4. Internet access charges for official state business from hotels or other travel locations are reimbursable with receipts.

##### **B. Storage and Handling Charges**

1. Storage and handling charges for state equipment/materials are allowed to be placed on the agency's CBA account. Receipts are required for these transactions.

##### **C. Luggage Allowances**

1. Department head or his/her designee may approve reimbursement to a traveler for airline charges for one checked bag for a business trip of five days or less and for two checked bags for business trips exceeding five days. Additional luggage or equipment required for the business travel may be reimbursed with justification and receipts.

2. Travelers will be reimbursed for excess baggage charges (overweight baggage) only in the following circumstances:

a. when traveling with heavy or bulky materials or equipment necessary for business.

b. the excess baggage contains agency records or property.

3. The traveler should always consider shipping material to the final destination or splitting material into additional pieces of luggage to determine the most cost-effective method for the State.

4. Laundry Services (Domestic Travel Only). If traveling for more than seven days, laundry services may be reimbursed with the department head or his/her designee's prior approval. Receipts are required and may be reimbursed up to the actual cost.

AUTHORITY NOTE: Published in accordance with R.S. 39:231.

HISTORICAL NOTE: Written by the Office of the Governor, Division of Administration, November 1, 1972, published LR 1:179 (April 1975), amended LR 1:338 (August 1975), LR 2:312 (October 1976), LR 5:93 (May 1979), LR 6:405 (August 1980), LR 7:7 (January 1981), LR 8:406 (August 1982), LR 15:820 (October 1989), LR 16:965 (November 1990), LR 26:1258 (June 2000), LR 27:808 (June 2001), LR 28:1131 (June 2002), LR 30:1118 (June 2004), LR 31:1190 (June 2005), LR 32:941 (June 2006), republished LR 33:1322 (July 2007), amended LR 34:1307 (July 2008), LR 35:1200 (July 2009), LR 36:1656 (July 2010), LR 42:992 (July 2016), LR 43:1121 (June 2017), LR 45:823 (June 2019), LR 46:852 (June 2020), LR 47:826 (June 2021), LR 48:1456 (June 2022), LR 48:2525 (October 2022), LR 49:1022 (June 2023).

#### **§1508. Agency-Hosted Conferences (Formerly §1510)**

A. Applies to both in-state and out-of-state. State Sponsored Conferences: agencies must solicit three bona fide competitive quotes in accordance with the current Governor's Small Purchase Executive Order.

1. Attendee Verification. All state sponsored conferences must have a sign-in sheet or some type of attendee acknowledgment to justify the number of meals charged.

2. Conference Lunch Allowance. Lunch directly billed to an agency in conjunction with a state sponsored conference shall not exceed the combined breakfast and lunch rates of the conference location. Any gratuity not required by the caterer must not exceed 20 percent of the total meal cost.

EXAMPLE: If the GSA meal rates for New Orleans are \$17 for breakfast and \$18 for lunch, the conference lunch allowance will be \$35.

3. Breakfast and dinner require approval from the Commissioner of Administration. Approvals for higher education entities can be made by the entity head or his/her designee.

4. Conference Refreshment Allowance. Cost for break allowances for meetings, conferences, or conventions are not to exceed \$5.50 per person. Refreshments are allowed twice per day, morning and afternoon. Gratuity may be added if refreshments are being catered.

5. Conference Lodging Allowances. Conference lodging rates should be within the published PPM 49 lodging rates for the conference location but cannot exceed 50 percent over the published rate without prior approval from the Commissioner of Administration.

AUTHORITY NOTE: Published in accordance with R.S. 39:231.



HISTORICAL NOTE: Written by the Office of the Governor, Division of Administration, November 1, 1972, published LR 1:179 (April 1975), amended LR 1:338 (August 1975), LR 2:312 (October 1976), LR 5:93 (May 1979), LR 6:405 (August 1980), LR 7:7 (January 1981), LR 8:406 (August 1982), LR 15:820 (October 1989), LR 16:965 (November 1990), LR 26:1256 (June 2000), LR 27:807 (June 2001), republished LR 27:1495 (September 2001), LR 28:1130 (June 2002), LR 30:1116 (June 2004), LR 31:1191 (June 2005), LR 32:941 (June 2006), republished LR 33:1323 (July 2007), amended LR 34:1308 (July 2008), LR 35:1201 (July 2009), LR 36:1657 (July 2010), LR 42:993 (July 2016), LR 43:1122 (June 2017), LR 45:824 (June 2019), LR 46:853 (June 2020), LR 47:827 (June 2021), LR 48:1456 (June 2022), LR 48:2525 (October 2022), LR 49:1022 (June 2023).

**§1509. International Travel  
(Formerly §1511)**

A. International travel must be approved by the Commissioner of Administration for all state agencies other than higher education.

B. The entity head of higher education institutions or his/her designee may approve international travel prior to the departure date.

C. All requests for approval must be accompanied by a detailed account of expected expenditures including airfare, room rates, dates, meals, local transportation, and any other known travel costs.

D. International travelers will be reimbursed based on the U.S. Department of State per diem rates for meals and lodging.

U.S. Department of State Per Diem Rates - [https://aoprals.state.gov/web920/per\\_diem.asp](https://aoprals.state.gov/web920/per_diem.asp)

U.S. Department of State Meal Per Diem Breakdown - [https://aoprals.state.gov/content.asp?content\\_id=114](https://aoprals.state.gov/content.asp?content_id=114) and menu\_id=75

E. Agencies may decide to allow state travelers to be reimbursed for a Visa and/or immunizations when the traveler is traveling on behalf of the agency/university on official state business and must keep justification with the travel file. Passport reimbursements must be submitted to the department head for approval along with detailed justification as to why this reimbursement is being requested/approved.

F. Incidentals for international travel cannot exceed the listed allowance issued by the U.S. Department of State.

1. Incidentals for international travel are reimbursable at \$5 per day without receipts.

2. Incidentals exceeding \$5 require receipts and/or supporting documentation. (Not to exceed U.S. Department of State Allowance)

3. Incidental expenses for international travel are fees for laundry services and tips given to valets, porters, baggage carriers, and hotel staff.

AUTHORITY NOTE: Published in accordance with R.S. 39:231.

HISTORICAL NOTE: Written by the Office of the Governor, Division of Administration, November 1, 1972, published LR 1:179 (April 1975), amended LR 1:338 (August 1975), LR 2:312 (October 1976), LR 5:93 (May 1979), LR 8:405 (August 1980), LR 7:7 (January 1981), LR 8:406 (August 1982), LR 15:820 (October 1989), LR 16:965 (November 1990), LR 26:1258 (June 2000), LR 27:809 (June 2001), LR 28:1132 (June 2002), LR 30:1119 (June 2004), LR 31:1192 (June 2005), republished LR 33:1323 (July 2007), amended LR 34:1308 (July 2008), LR 35:1201 (July 2009), LR 36:1657 (July 2010), LR 42:994 (July 2016), LR 43:1123 (June 2017), LR 45:824 (June 2019), LR 46:853 (June 2020), LR 47:827 (June 2021), LR 48:1457 (June 2022), LR 48:2526 (October 2022), LR 49:1023 (June 2023).

**§1510. Waivers  
(Formerly §1512)**

A. The Commissioner of Administration may waive, in writing, any provision in these regulations when the State's best interest will be served. All waivers of PPM 49 must receive prior approval from the Commissioner of Administration, except in declared emergencies.

AUTHORITY NOTE: Published in accordance with R.S. 39:231.

HISTORICAL NOTE: Written by the Office of the Governor, Division of Administration, November 1, 1972, published LR 1:179 (April 1975), amended LR 1:338 (August 1975), LR 2:312 (October 1976), LR 5:93 (May 1979), LR 6:405 (August 1980), LR 7:7 (January 1981), LR 8:406 (August 1982), LR 15:820 (October 1989), LR 16:965 (November 1990), LR 26:1258 (June 2000), LR 27:809 (June 2001), LR 28:1132 (June 2002), LR 30:1118 (June 2004), LR 31:1191 (June 2005), republished LR 1322 (July 2007), amended LR 34:1307 (July 2008), LR 35:1200 (July 2009), LR 36:1656 (July 2010), LR 42:993 (July 2016), LR 43:1122 (June 2017), LR 45:825 (June 2019), LR 46:854 (June 2020), LR 47:829 (June 2021), LR 48:1457 (June 2022), LR 48:2526 (October 2022), LR 49:1023 (June 2023).

Garret DeBase, Director  
Office of State Travel

2306#025

# Emergency Rules

## DECLARATION OF EMERGENCY

### Department of Health Bureau of Health Services Financing

#### Facility Need Review Exception Criteria for Bed Approvals (LAC 48:I.12533)

The Department of Health, Bureau of Health Services Financing amends LAC 48:I.12533 as authorized by R.S. 36:254 and 40:2116. This Emergency Rule is promulgated in accordance with the provisions of the Administrative Procedure Act, R.S. 49:962, and shall be in effect for the maximum period allowed under the Act or until adoption of the final Rule, whichever occurs first.

The Department of Health, Bureau of Health Services Financing hereby amends the provisions governing facility need review approvals of licensed and Medicaid certified facility beds in order to prevent the expiration of approvals for nursing facilities, intermediate care facilities for persons with developmental disabilities, and adult residential care providers with inactivated licenses as a result of an executive order or proclamation of emergency or disaster issued in accordance with R.S. 29:724 or 29:766.

This action is being taken to prevent imminent peril to the health, safety, and welfare of the public by ensuring that certain licensed and Medicaid facilities with inactivated licenses as a result of executive orders or proclamations of emergency or disaster, which have not resumed operational status within the two year inactivation period due to continued healthcare staffing shortages and supply chain issues, retain facility need review approvals for licensed and Medicaid certified beds. It is anticipated that implementation of this Emergency Rule will have no fiscal impact for state fiscal year 2022-2023.

Effective June 9, 2023, the Department of Health, Bureau of Health Services Financing amends the provisions governing facility need review approvals of licensed and Medicaid certified facility beds in order to prevent the expiration of approvals for nursing facilities, intermediate care facilities for persons with developmental disabilities, and adult residential care providers with inactivated licenses as a result of an executive order or proclamation of emergency or disaster issued in accordance with R.S. 29:724 or 29:766.

#### Title 48

#### PUBLIC HEALTH—GENERAL

#### Part I. General Administration

#### Subpart 5. Health Planning

#### Chapter 125. Facility Need Review

#### Subchapter F. Exception Criteria for Bed Approvals

#### §12533. Declared Disasters and Emergency Events

A. The facility need review bed approvals for a licensed and Medicaid certified nursing facility, ICF/DD, or for a licensed adult residential care provider (ARCP) located in an area or areas which have been affected by an executive order

or proclamation of emergency or disaster issued in accordance with R.S. 29:724 or R.S. 29:766 shall remain in effect and shall not be terminated, revoked or considered to have expired for a period not to exceed two years for a nursing facility or ARCP, and one year for an ICF/DD, following the original date of such executive order or proclamation, provided that the following conditions are met:

1. the nursing facility, ICF/DD, or ARCP shall submit written notification to the Health Standards Section within 60 days of the date of the executive order or proclamation of emergency or disaster that:

a. the nursing facility, ICF/DD, or ARCP has experienced an interruption in the provision of services as a result of events that are the subject of such executive order or proclamation of emergency or disaster issued in accordance with R.S. 29:724 or R.S. 29:766;

b. - c. ...

\* \* \*

2. A nursing facility, ICF/DD, or ARCP resumes operating as a nursing facility, ICF/DD, or ARCP in the same service area, within two years for a nursing facility or ARCP and within one year for an ICF/DD, of the original executive order or proclamation of emergency or disaster issued in accordance with R.S. 29:724 or R.S. 29:766; and

3. ...

B. For good cause shown, the department may, in its sole discretion, grant two extensions of six months each, for a total of 12 additional months, to a facility described in Subsection A of this Section, during which time the facility need review approvals shall remain in effect and not be terminated, revoked, or considered to have expired, provided that the following conditions are met:

1. A nursing facility, ICF/DD, or ARCP submits a written extension request to the department 30 days prior to the expiration of the original time period established in Subsection A or the expiration of the first extension granted under these provisions.

a. The written extension request shall include evidence of progress in re-opening, including construction and expenditures on the repairs to or replacement of the facility.

b. The written extension request shall include an estimated re-opening date for the facility.

2. The facility resumes operating as a nursing facility, ICF/DD, ARCP in the same service area, within the time period of the extension(s).

3. The facility continues to submit the required documentation and information to the department.

C. The provisions of this Section shall not apply to:

1. a nursing facility, ICF/DD, or ARCP which has voluntarily surrendered its facility need review bed approval; or

2. a nursing facility, ICF/DD, or ARCP which fails to resume operations as a nursing facility, ICF/DD, or ARCP in the same service area, within two years for a nursing facility or ARCP and within one year for an ICF/DD, or within the

deadlines of any extensions granted thereto, of the original executive order or proclamation of emergency or disaster issued in accordance with R.S. 29:724 or R.S. 29:766.

D. Failure to comply with any of the provisions of this Section shall be deemed a voluntary surrender of the facility need review bed approvals.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and 40:2116.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, LR 21:812 (August 1995), amended by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 34:2621 (December 2008), amended LR 35:2439 (November 2009), LR 39:1469 (June 2013), amended by the Department of Health, Bureau of Health Services Financing, LR 49:

Tasheka Dukes, RN, Health Standards Section, is responsible for responding to inquiries regarding this Emergency Rule. A copy of this Emergency Rule is available for review by interested parties at parish Medicaid offices.

Stephen R. Russo, JD  
Secretary

2306#035

## DECLARATION OF EMERGENCY

### Department of Health Bureau of Health Services Financing and Office of Aging and Adult Services

Home and Community-Based Services Waivers  
Community Choices Waiver  
Self-Direction Initiative  
(LAC 50:XXI.8501)

The Department of Health, Bureau of Health Services Financing and the Office of Aging and Adult Services amend LAC 50:XXI.8501 in the Medical Assistance Program as authorized by R.S. 36:254 and pursuant to Title XIX of the Social Security Act. This Emergency Rule is promulgated in accordance with the provisions of the Administrative Procedure Act, R.S. 49:962, and shall be in effect for the maximum period allowed under the Act or until adoption of the final Rule, whichever comes first.

The Community Choices Waiver (CCW) self-direction initiative allows participants to coordinate the delivery of personal assistance services through an individual direct support professional rather than through a licensed, enrolled provider. The Department of Health, Bureau of Health Services Financing and the Office of Aging and Adult Services amend the provisions governing the CCW self-direction initiative in order to remove the specific age requirement for employees under the self-direction service option and stipulate that these providers must meet the minimum age requirement per LAC 48:I.Chapter 92.

This action is being taken to promote the health and welfare of CCW participants by increasing provider participation in the Medicaid Program. It is estimated that implementation of this Emergency Rule will have no fiscal impact for state fiscal year 2022-2023.

Effective June 9, 2023, the Department of Health, Bureau of Health Services Financing and the Office of Aging and Adult Services (OAAS) amend the provisions governing the

CCW self-direction initiative in order to remove the specific age requirement for employees under the self-direction service option and stipulate that these providers must meet the minimum age requirement per LAC 48:I.Chapter 92.

## Title 50

### PUBLIC HEALTH—MEDICAL ASSISTANCE Part XXI. Home and Community-Based Services Waivers

#### Subpart 7. Community Choices Waiver

#### Chapter 85. Self-Direction Initiative

#### §8501. Self-Direction Service Option

A. - C.2.d.vi. ...

D. Employee Qualifications. All employees under the self-direction option must:

1. meet the minimum age requirement per LAC 48:I.Chapter 92;

2. - 3. ...

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, Bureau of Health Services Financing and the Office of Aging and Adult Services, LR 37:3523 (December 2011), amended LR 39:321 (February 2013), LR 39:1779 (July 2013), amended by the Department of Health, Bureau of Health Services Financing and the Office of Aging and Adult Services, LR 44:1900 (October 2018), LR:49:

Implementation of the provisions of this Rule may be contingent upon the approval of the U.S. Department of Health and Human Services, Centers for Medicare and Medicaid Services (CMS), if it is determined that submission to CMS for review and approval is required.

Tara A. LeBlanc, Bureau of Health Services Financing, is responsible for responding to inquiries regarding this Emergency Rule. A copy of this Emergency Rule is available for review by interested parties at parish Medicaid offices.

Stephen R. Russo, JD  
Secretary

2306#036

## DECLARATION OF EMERGENCY

### Department of Health Bureau of Health Services Financing and Office for Citizens with Developmental Disabilities

Home and Community-Based Services Waivers  
Residential Options Waiver  
Self-Direction Initiative  
(LAC 50:XXI.16501)

The Department of Health, Bureau of Health Services Financing and the Office for Citizens with Developmental Disabilities amend LAC 50:XXI.16501 as authorized by R.S. 36:254 and Title XIX of the Social Security Act. This Emergency Rule is promulgated in accordance with the provisions of the Administrative Procedure Act, R.S. 49.962, and shall be in effect for the maximum period allowed under the Act or until adoption of the final Rule, whichever occurs first.

The Residential Options Waiver (ROW) self-direction initiative allows beneficiaries to exercise employer authority in the delivery of authorized community living supports

under the self-direction service option. The Department of Health, Bureau of Health Services Financing and the Office for Citizens with Developmental Disabilities amend the provisions governing the ROW self-direction initiative in order to remove specific requirements for employees of beneficiaries in the self-direction service option and stipulate that these providers must meet the qualifications for furnishing personal care services as set forth in LAC 48:I.Chapter 92.

This action is being taken to promote the health and welfare of ROW beneficiaries by increasing provider participation in the Medicaid Program. It is anticipated that implementation of this Emergency Rule will have no fiscal impact for state fiscal year 2022-2023.

Effective June 9, 2023, the Department of Health, Bureau of Health Services Financing and the Office for Citizens with Developmental Disabilities amend the provisions governing the ROW self-direction initiative in order to remove specific requirements for employees of beneficiaries in the self-direction service option and stipulate that these providers must meet the qualifications for furnishing personal care services as set forth in LAC 48:I.Chapter 92.

**Title 50**

**PUBLIC HEALTH—MEDICAL ASSISTANCE  
Part XXI. Home and Community-Based Services  
Waivers**

**Subpart 13. Residential Options Waiver**

**Chapter 165. Self-Direction Initiative**

**§16501. Self-Direction Service Option**

A. - D.3....

E. Employees of beneficiaries in the self-direction service option are not employees of the fiscal agent or the department.

1. Employee Qualifications. All employees under the self-direction option must meet the qualifications for furnishing personal care services as set forth in LAC 48:I.Chapter 92.

a - c. Repealed.

F. ...

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 for Citizens with Developmental Disabilities, LR 33:2455 (November 2007), amended by the Department of Health and Hospitals, Bureau of Health Services Financing and the Office for Citizens with Developmental Disabilities, LR 41:2167 (October 2015), amended by the Department of Health, Bureau of Health Services Financing and the Office for Citizens with Developmental Disabilities, LR 47:1525 (October 2021), LR 48:1572 (June 2022), LR 49:

Tara A. LeBlanc, Bureau of Health Services Financing, is responsible for responding to inquiries regarding this Emergency Rule. A copy of this Emergency Rule is available for review by interested parties at parish Medicaid offices.

Stephen R. Russo, JD  
Secretary

2306#037

**DECLARATION OF EMERGENCY**

**Department of Health  
Bureau of Health Services Financing**

Managed Care for Physical and Behavioral Health  
Hospital Directed Payments (LAC 50:I.3113)

The Department of Health, Bureau of Health Services Financing amends LAC 50:I.3113 in the Medical Assistance Program as authorized by R.S. 36:254 and pursuant to Title XIX of the Social Security Act. This Emergency Rule is promulgated in accordance with the provisions of the Administrative Procedure Act, R.S. 49:962, and shall be in effect for the maximum period allowed under the Act or until adoption of the final Rule, whichever occurs first.

The Department of Health, Bureau of Health Services Financing adopted provisions governing directed payments to qualifying hospitals that participate in the Healthy Louisiana Program and contract with the Medicaid managed care organizations (MCOs) to provide inpatient and outpatient services to MCO enrollees (*Louisiana Register*, Volume 49, Number 2). The department now amends the provisions governing directed payments in order to reserve the right to discontinue interim directed payments to any hospital whose projected recoupment is greater than 50 percent or who discontinues operations during or prior to the directed payment contract period.

This action is being taken to prevent imminent peril to the public health, safety, or welfare. It is anticipated that implementation of this Emergency Rule will have no fiscal impact for state fiscal year 2022-2023.

Effective May 15, 2023, the Department of Health, Bureau of Health Services Financing amends the provisions governing directed payments in order to reserve the right to discontinue interim directed payments to any hospital whose projected recoupment is greater than 50 percent or who discontinues operations during or prior to the directed payment contract period.

**Title 50**

**PUBLIC HEALTH—MEDICAL ASSISTANCE  
Part I. Administration**

**Subpart 3. Managed Care for Physical  
and Behavioral Health**

**Chapter 31. General Provisions**

**§3113. Directed Payments**

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

b. The department reserves the right to discontinue the interim directed payments to any hospital whose projected recoupment due to shifts in utilization is greater than 50 percent of their estimated interim directed payments or any hospital who discontinues operations during or prior to the directed payment contract period.

5. - 7.a. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:245 and Title XIX of the Social Security Act

HISTORICAL NOTE: Promulgated by the Department of Health, Bureau of Health Services Financing, LR 49:264 (February 2023), amended LR 49:

Implementation of the provisions of this Rule may be contingent upon the approval of the U.S. Department of Health and Human Services, Centers for Medicare and Medicaid Services (CMS), if it is determined that submission to CMS for review and approval is required.

Tara A. LeBlanc, Bureau of Health Services Financing, is responsible for responding to inquiries regarding this Emergency Rule. A copy of this Emergency Rule is available for review by interested parties at parish Medicaid offices.

Dr. Courtney N. Phillips  
Secretary

2306#004

**DECLARATION OF EMERGENCY**  
**Department of Wildlife and Fisheries**  
**Wildlife and Fisheries Commission**

2023 Recreational Gag Grouper Season Modification

Louisiana's recreational gag grouper season was previously scheduled to open on June 1, 2023. The regional administrator of NOAA Fisheries has informed the secretary that the 2023 recreational season for the harvest of gag grouper in the federal waters of the Gulf of Mexico will remain closed from June 1, 2023 through August 31, 2023 and will open from September 1, 2023 through November 9, 2023. Action by the Gulf of Mexico Fisheries Management Council requested these emergency measures in order to prevent overfishing of gag grouper while a rebuilding plan for the stock is established. Compatible season regulations in

state waters are preferable to provide effective rules and efficient enforcement for the fishery, and to prevent overfishing of the species in the long term.

In accordance with the emergency provisions of R.S. 49:962, which allows the Department of Wildlife and Fisheries and the Wildlife and Fisheries Commission to use emergency rules to set finfish seasons, R.S. 56:326.3 which provides that the Wildlife and Fisheries Commission may set seasons for saltwater finfish, and the authority given to the secretary by the commission in LAC 76:VII.335.G.5 to modify opening and closing dates of any commercial or recreational reef fish seasons in Louisiana state waters when he is informed by the regional administrator of NOAA Fisheries that the seasons have been modified in adjacent federal waters, the secretary hereby declares:

The season for the recreational harvest of gag grouper in Louisiana state waters, previously scheduled to open on June 1, 2023, shall remain closed until 12:01 a.m. on September 1, 2023, at which time it will open and remain open until 11:59 p.m. on November 9, 2023 at which time it will close. The season for the recreational harvest of gag grouper will then remain closed until the regularly scheduled opening of the 2024 season, currently scheduled for June 1, 2024. Effective with this closure, no person shall recreationally harvest or possess gag grouper whether within or without Louisiana waters.

Robert E. Shadoin  
Secretary

2306#001

# Rules

## RULE

### Department of Children and Family Services Division of Child Welfare

State Central Registry  
(LAC 67.V.1103)

In accordance with the provisions of the Administrative Procedure Act R.S. 49:953 (A), the Department of Children and Family Services (DCFS) has amended LAC 67:V, Subpart 3, Chapter 11, Section 1103 State Central Registry.

Section 1103 has been amended to allow DCFS to disclose information regarding perpetrators of child abuse and/or neglect listed on the SCR for any current or prospective employee or volunteer of a service provider who is obligated by contract with DCFS to conduct SCR checks prior to performing contracted duties in the Child Protective Services, Family Services or Foster Care programs within the Department. Section 1103 has also been amended to allow DCFS to disclose information on the SCR for any current or prospective employee or volunteer of a service provider who contracts with DCFS to provide Human Trafficking Advocacy services and the current or prospective employees or volunteers' duties will require them to be alone with children. This Rule is hereby adopted on the day of promulgation.

#### Title 67

#### SOCIAL SERVICES

#### Part V. Child Welfare

#### Subpart 3. Child Protective Services

#### Chapter 11. Administration and Authority

#### §1103. State Central Registry

A. - F.2. ...

G. DCFS is authorized to release information maintained on the SCR in limited circumstances. This information will be released according to the following provisions.

1. - 13. ...

14. DCFS will disclose information regarding perpetrators of child abuse and/or neglect listed on the SCR for any current or prospective employee or volunteer of a service provider who is obligated by contract with DCFS to conduct SCR checks prior to performing contracted duties in the Child Protective Services, Family Services or Foster Care programs within the Department.

15. DCFS will disclose information regarding perpetrators of child abuse and/or neglect listed on the SCR for any current or prospective employee or volunteer of a service provider who contracts with DCFS to provide Human Trafficking Advocacy services. The SCR checks shall be limited to those current or prospective employees or volunteers whose duties will require them to be alone with children.

AUTHORITY NOTE: Promulgated in accordance with the Children's Code, title VI, articles 615 and 616 and title XII, article 1173, R.S. 14:403(H), R.S. 46:51.2(A), R.S. 46:56, R.S. 46:1414.1, 42 USC 15601 et seq., 28 CFR 115.6., 42 USC 9858f and R.S. 40:2008.10.

HISTORICAL NOTE: Promulgated by the Department of Social Services, Office of Community Services, LR 18:79 (January 1992), amended LR 20:198 (February 1994), LR 21:583 (June 1995), LR 23:590 (May 1997), LR 26:790 (April 2000), LR 31:1609 (July 2005), LR 36:838 (April 2010), amended by the Department of Children and Family Services, Division of Programs, Child Welfare Section, LR 42:862 (June 2016), amended by the Department of Children and Family Services, Division of Child Welfare, LR 44:998 (June 2018), effective July 1, 2018, amended LR 45:217 (February 2019), amended LR 45:1053 (August 2019), LR 46:14 (January 2020), effective February 1, 2020, LR 49:1028 (June 2023).

Terri Porche Ricks  
Secretary

2306#028

## RULE

### Department of Civil Service Board of Ethics

Exemption Disclosure Statement (LAC 52:I.Chapter 20)

In accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., the Department of Civil Service, Board of Ethics, has amended its rules regarding the exemption disclosure statement pursuant to R.S. 42:1123(34). This Rule is hereby adopted on the day of promulgation.

#### Title 52

#### ETHICS

#### Part I. Board of Ethics

#### Chapter 20. Exemption Pursuant to the Provisions of Section 1123(34)

#### §2001. Application

A. A member of a municipal or parish governing authority, an appointed member of a planning or zoning or appeals board or commission of a parish or municipality, or a member of such public official's immediate family or a legal entity they have an interest may make an application which is under the supervision or jurisdiction of his agency for the approval of the subdivision or resubdivision of property, and for the zoning of such property or for a building permit and any inspections performed pursuant thereto, provided the public servant recuses himself from acting in his official governmental capacity in matters concerning such application, and provides the written notice as required in §2003 is filed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 42:1134(A).

HISTORICAL NOTE: Promulgated by the Department of Civil Service, Board of Ethics, LR 30:2686 (December 2004), LR 49:1028 (June 2023).

#### §2003. Reporting Requirements

A. Written notices filed pursuant to R.S. 42:1123(34) of the Code shall:

1. be filed with the board and with the public servant's governing authority or board or commission no later than 10

days prior to any hearing pertaining to such application or if no hearing is held at least 10 days prior to final action on such application; and

2. be in writing, on a form provided by the board or a form which is substantially similar to the form provided by the board, and shall contain the following;

a. name, address, and the office held by the public servant;

b. name and address, and relation to public servant, if the applicant is a member of the public servant's immediate family;

c. name and business address of the legal entity, if applicable;

d. name of municipality or parish;

e. description of the application being made;

f. date of hearing or final action regarding such application;

g. statement that:

i. the zoning of such subdivided property will not be less restrictive than the zoning of the original parcel;

ii. the property will be used for residential purposes only;

iii. application for the subdivision, resubdivision, or zoning of no more than 12 lots per calendar year and the construction of no more than 12 residential units per calendar year by the elected official, his immediate family members and any legal entity in which they own a controlling interest has been submitted; and

iv. no public funds will be used to construct any infrastructure for the use or benefit of such property;

h. signed certificate of accuracy that the information in the form is true and correct to the best of the public servant's knowledge, information, and belief and that no information required by R.S. 42:1123(34) has been deliberately omitted.

AUTHORITY NOTE: Promulgated in accordance with R.S. 42:1134(A).

HISTORICAL NOTE: Promulgated by the Department of Civil Service, Board of Ethics, LR 30:2686 (December 2004), LR 49:1028 (June 2023).

Kathleen M. Allen  
Ethics Administrator

2306#030

#### **RULE**

#### **Department of Civil Service Board of Ethics**

#### **Late Filings (LAC 52:I.1211)**

In accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., the Department of Civil Service, Board of Ethics, has adopted a Rule regarding the suspension of late filing fees. This Rule is hereby adopted on the day of promulgation.

## **Title 52 ETHICS**

### **Part I. Board of Ethics**

#### **Chapter 12. Late Filings**

#### **§1211. Late Filing; Suspension**

A. When the board suspends a late fee based on one or more conditions and the late filer does not comply with the condition, the failure to comply with the condition is called the "triggering event".

B. When a triggering event occurs, the portion of the late that was suspended shall be immediately due and owing. At that time, the staff shall send a demand letter to the late filer advising the late filer of the "triggering event" and that the suspended portion of the late fee is now due and owing, and failure to pay will result in collection procedures being pursued.

C. If a triggering event does not occur within eight years after the board suspended the late fee, the suspended portion of the late fee is waived in full.

AUTHORITY NOTE: Promulgated in accordance with R.S. 42:1134(A).

HISTORICAL NOTE: Promulgated by the Department of Civil Service, Board of Ethics, LR 49:1029 (June 2023).

Kathleen M. Allen  
Ethics Administrator

2306#031

#### **RULE**

#### **Department of Civil Service Board of Ethics**

#### **Spousal Income Disclosure Statement (LAC 52:I.1319)**

In accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., the Department of Civil Service, Board of Ethics, has adopted a Rule regarding disclosure forms filed pursuant to R.S. 42:1111(C)(5). This Rule is hereby adopted on the day of promulgation.

## **Title 52 ETHICS**

### **Part I. Board of Ethics**

#### **Chapter 13. Records and Reports**

#### **§1319. Disclosures Filed Pursuant to R.S. 42:1111(C)(5)**

A. Disclosures filed pursuant to R.S. 42:1111(C)(5) shall:

1. be in writing and on a form provided by the board or a form which is substantially similar to the form provided by the board;

2. contain the following:

a. name and mailing address of public servant and their spouse;

b. position held by the public servant and the name of the public servant's agency;

c. name and mailing address of public servant's spouse's employer;

d. date of public servant's spouse's employment;

- e. date public servant began public service;
- f. brief description of the nature of the contractual, business, or financial relationship between the public servant’s spouse’s employer and with the public servant’s agency;
- g. start date of relationship between public servant’s spouse’s employer and public servant’s agency; and,
- h. certification that:
  - i. the public servant’s spouse is a salaried or wage earning employee;
  - ii. the public servant’s spouse’s compensation is substantially unaffected by a contractual or other business or financial relationship with the public servant’s agency;
  - iii. neither the public servant nor the public servant’s spouse are an owner, officer, director, trustee, or partner in the legal entity that has or is seeking to have the relationship with the public servant’s agency;
  - iv. the public servant will recuse or disqualify themselves from participating in the transaction in accordance with R.S. 42:1112; and,
  - v. the public servant’s spouse will comply with the disclosure requirements in La. R.S. 42:1114.
- i. signature by the public servant and the public servant’s spouse certifying that the information contained in the form is true and correct to the best of their knowledge, information and belief.
- j. date of signature.

AUTHORITY NOTE: Promulgated in accordance with R.S. 42:1134(A).

HISTORICAL NOTE: Promulgated by the Department of Civil Service, Board of Ethics, LR 49:1029 (June 2023).

Kathleen M. Allen  
Ethics Administrator

2306#032

## RULE

### Department of Economic Development Office of Business Development

Louisiana Competes Regional Economic Development  
Program “Louisiana Competes Program”  
(LAC 19:III.Chapter 25)

The Department of Economic Development published a Notice of Intent in the December 2022, Volume 48, No. 12 issue of the *Louisiana Register*. Upon further review of comments received and discussion with various stakeholders, the department has amended §2503 and §2507.B.2 relative to the provisions regarding the permissibility of using funds to develop other property. This Rule is adopted on the day of promulgation.

#### Title 19

#### CORPORATION AND BUSINESS

#### Part III. Financial Assistance Programs

#### Chapter 25. Louisiana Competes Regional Economic Development Program—“Louisiana Competes Program”

##### §2501. Preamble and Purpose

A. The legislature recognizes the strong competition among states to attract new business and industry and to grow existing business and industry.

B. It is further recognized that different regions have different characteristics and attributes which are advantageous to specific sectors of the economy.

C. The legislature believes that local citizens working through regional economic development organizations (“REDO’s”) are uniquely positioned to support the state’s overall economic development efforts by identifying and directing how certain resources are best utilized to take advantage of a region’s distinctive economic potential.

D. The purpose of this program is therefore for the Department of Economic Development, (“LED”) to provide grants to REDO’s to provide locally developed and tailored services directly relating to attracting new business and industry and growing existing business and industry.

AUTHORITY NOTE: Promulgated in accordance with R.S. 39:1481 et seq.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Office of Business Development, LR 49:1030 (June 2023).

##### §2503. Definitions

*Cooperative Endeavor Agreement*—that agreement between a regional economic development organization and LED, through which the parties set forth the amount of the grant, the terms, conditions and compliance requirements. Abbreviated as CEA.

*Grant*—an award from the Louisiana Competes Economic Development Program to a regional economic development organization.

*LED*—the Louisiana Department of Economic Development.

*Louisiana Competes Program*—this program, the Louisiana Competes Regional Economic Development Program.

*Other Property*—property that is not publicly owned, to the extent allowable under Article VII, Section 14 of the Louisiana Constitution or other applicable state law, as approved by LED and subject to §2507.B.2.

*Public Site*—a site which a public entity owns.

*Qualified Expenditure*—in accordance with R.S. 39:1484, #2107 of these program rules, and as confirmed and approved by LED.

*Regional Economic Development Organization*—any of the following eight organizations: the Baton Rouge Area Chamber; the Central Louisiana Economic Development Alliance; Greater New Orleans, Inc.; the Northeast Louisiana Economic Alliance; the North Louisiana Economic Partnership; One Acadiana; the South Central Planning and Development Commission; the Southwest Louisiana Economic Development Alliance, or any of their successors. Abbreviated and also known as “REDO”,

*Secretary*—the Secretary of the Department of Economic Development

*Site*—immovable property, with or without improvements thereon, located in the state.

AUTHORITY NOTE: Promulgated in accordance with R.S. 39:1481 et seq.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Office of Business Development, LR 49:1030 (June 2023).

##### §2505. Award Process

A. The secretary shall promulgate administrative rules for the program, in accordance with the Administrative Procedure Act and in consultation with the 8 enumerated



REDO's and the Louisiana Chamber of Commerce Foundation.

B. Within thirty calendar days after adoption of program rules, the REDO's and the state, through LED, shall enter into an initial cooperative endeavor agreement ("CEA"), which will specify the objectives and intent of the REDO's, the amount of the award, the terms and conditions of the award and the compliance requirements to be confirmed by LED. REDO obligations shall be limited under the CEA to the following:

1. identifying high-priority sites for the purpose of attracting economic development projects;
2. developing high-priority sites for the purpose of attracting economic development projects;
3. developing and subsequently providing an annual report of all activities related to the objectives of the CEA undertaken in any previous year;
4. maintaining records and an accurate accounting of all expenditures;
5. adhering to state and federal non-discrimination laws;
6. adhering to the provisions of R.S. 39:1602.1;
7. applying a ten percent local match;
  - a. a REDO shall not expend any grant funds without simultaneously applying local matching funds equaling 10 percent of the cost being paid.
  - b. local matching funds cannot come from the LED provided Regional Awards and Matching Grant Program Tier 1 funds;
  - c. funds originating from any lawful source other than the state shall constitute local matching funds.

C. The initial CEA with each REDO shall have a term of two years, which shall automatically renew for successive one-year periods until such times as all initial funds provided for in the CEA have been expended, as verified and confirmed in writing by LED.

D. Funds may be disbursed by LED to REDO's after execution of a CEA on a cost reimbursement basis, or may be direct vendor pay by LED on behalf of REDO, after submission of all required compliance documentation to LED.

E. Each REDO shall receive a grant in the amount of up to one-eighth of the funds appropriated;

1. An initial grant in the amount of up to \$1million shall be allocated to each REDO, in accordance with a total program allocation of \$8 million incorporated in Act 170 of the 2022 Regular Session of the Louisiana Legislature;

2. Thereafter, each REDO shall receive a subsequent grant in the amount of up to one-eighth of any annual funds specifically appropriated to LED for the Louisiana Competes Program.

AUTHORITY NOTE: Promulgated in accordance with R.S. 39:1481 et seq.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Office of Business Development, LR 49:1030 (June 2023).

## §2507. Qualified Expenditures

A. REDO's shall only use grant funds to pay for qualified expenditures related to the furtherance of economic development within the region it represents.

B. Qualified expenditures are limited to site development costs for publicly owned property or other property to the extent allowable under Article VII, Section 14 of the Constitution of Louisiana and other applicable state law, as approved in writing by LED.

1. Grant awards for development of other property, in proportion to awards for development of publicly owned property, may be limited by the secretary if determined to be in the best interests of the state.

2. Reimbursement of funds expended on other property is contingent upon written evidence being provided to LED that such development costs are allowable under Article VII, Section 14 of the Constitution and any other applicable state law. Such evidence may include but not be limited to a final judicial determination from a court of competent jurisdiction.

C. Eligible site development costs may include but not be limited to the following:

1. studies;
2. surveys;
3. development of plans and specifications;
4. real estate services and transactions, such as option agreements, rights of first refusal and infrastructure improvements may be considered qualified expenditures if they further attributes of the site as a developable property and adequate supporting documentation is submitted to LED. LED will evaluate submissions on a case by case basis, but would consider the following to be examples of improvements:

a. the construction of water, sewer or rail lines, roads or the development of rights of way.

- b. the removal of an existing structure;
5. due diligence;
6. remediation;
7. wetland delineation;
8. professional services for architectural, engineering, legal, construction, and financial services related to site development.

D. Ineligible site development costs may include but not be limited to the following:

1. salaries, wages or benefits;
2. travel expenses incurred by REDO officers, employees or contractors;
3. alcohol;
4. land, building, offices, equipment, or vehicles used primarily for the administrative operations of the REDO.

AUTHORITY NOTE: Promulgated in accordance with R.S. 39:1481 et seq.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Office of Business Development, LR 49:1031 (June 2023).

Anne G. Villa  
Undersecretary

2306#024

## RULE

### Department of Economic Development Office of the Secretary

#### Small Business Innovation Recruitment Fund Program (LAC 13:I.Chapter 51)

Under the authority of R.S. 51:2402 and R.S. 36:104, and in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., the Department of Economic Development hereby has amended rules for the Small Business Innovation Recruitment Fund Program. This Rule is hereby adopted on the day of promulgation.

#### Title 13

#### ECONOMIC DEVELOPMENT

#### Part I. Financial Incentive Programs

#### Chapter 51. Small Business Innovation Recruitment Fund Program

##### §5101. Purpose

A. The purpose of this Chapter is to implement the Small Business Innovation Recruitment Fund Program as established by R.S. 51:2402.

B. This Chapter shall be administered to achieve the following purposes:

1. to recruit out of state small businesses that have received Phase II Small Business Innovation Research (SBIR) or Phase II Small Business Technology Transfer (STTR) federal grant funds to move to Louisiana.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:104 and 51:2402.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Office of the Secretary, LR 49:1032 (June 2023).

##### §5103. Definitions.

A. Terms not otherwise defined in this Chapter shall have the same meaning given to them in R.S. 51:2402, unless the context clearly requires otherwise.

B. In this Chapter, the following terms shall have the meanings provided herein, unless the context clearly indicates otherwise.

*Applicant*—a person requesting a grant award from LED under this program.

*Business Operations*—the location where significant administrative or managerial activities of a business are conducted and research and development work is performed.

*Department*—Louisiana Department of Economic Development.

*Federal Notice of Award*—a document issued by a federal agency evidencing approval of a Phase II SBIR or Phase II STTR application, including but not limited to amount of funding awarded, agreement number and topic number.

*LED*—Louisiana Department of Economic Development.

*LED Grant Letter*—a letter issued by LED to a person for a particular calendar year, setting forth the amount, terms and conditions of the grant.

*Out of State Small Business*—a business domiciled outside of Louisiana that qualifies as a small business according to the United States Small Business Administration's size standards.

*Person*—any natural person or legal entity including an individual, corporation, partnership, or limited liability company.

*REAL*—Regional Economic Alliance of Louisiana.

*Recruitment Fund*—Small Business Innovation Recruitment Fund.

*Relocate*—relocate business operations from an out of state location to Louisiana. The company shall be required to maintain a physical location in this state, be licensed to conduct business in this state and shall be required to file a Louisiana income tax return.

*Secretary*—Secretary of the Louisiana Department of Economic Development.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:104 and 51:2402.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Office of the Secretary, LR 49:1032 (June 2023).

##### §5105. General Principles

A. The following general principles will direct the administration of the program.

1. Awards are not to be considered as an entitlement for companies, and the secretary has the final authority to determine whether or not each particular applicant is eligible and meets the criteria of the award, and in all such circumstances, the exercise of that discretion shall be deemed to be a final determination of the applicant's award status.

2. Applications shall be accepted on a year round basis, subject to availability of funding in any given year, or as otherwise determined by LED.

3. Applicants may apply for more than one program administered by LED, provided that:

a. separate applications are submitted per program; and

b. to the extent allowable under federal and state laws and regulations.

##### B. Program Issuance Cap

1. LED may issue no more than \$500,000 (five hundred thousand dollars) per fiscal year from the Recruitment Fund;

2. Unexpended and unencumbered monies in the fund at the end of the fiscal year shall remain in the fund.

##### C. Applicant issuance cap.

1. LED may issue no more than \$100,000 (one hundred thousand dollars) total per applicant.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:104 and 51:2402.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Office of the Secretary, LR 49:1032 (June 2023).

##### §5107. Eligibility Criteria

A. Applicants for the benefits of this program shall meet the following criteria:

1. the applicant shall be an out of state small business that has received a Phase II SBIR or Phase II STTR Federal Notice of Award within the two years immediately preceding submission of an application to this program;

2. the applicant shall have generated sales and revenue and shall provide documentation proving such;

3. the applicant shall have produced commercial products or conducted commercial services, and shall provide documentation proving such.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:104 and 51:2402.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Office of the Secretary, LR 49:1032 (June 2023).

#### §5109. Application Procedure

A. LED will provide a standard application form which applicants will be required to use to apply for assistance under this program. The application form will contain, but not be limited to, the following:

1. out of state small business name;
2. contact person and their title;
3. out of state business physical address;
4. business phone number and email address;
5. brief description of the nature of the business;
6. number of existing employees and estimated jobs to be created or relocated in Louisiana;
7. out of state evidence of business registration;
8. information evidencing Phase II SBIR or Phase II STTR award, including name of issuing federal agency;
9. proposed Louisiana business location;
10. proposed relocation timeframe;
11. any additional information requested by LED.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:104 and 51:2402.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Office of the Secretary, LR 49:1033 (June 2023).

#### §5111. Selection Criteria

A. LED will consider various factors when determining which applications will be funded. Among the factors which may be taken into consideration are the following:

1. nominations of eligible small businesses recommended by REAL;
2. disbursing of funding statewide;
3. number of employees to be relocated to Louisiana;
4. nature of industry;
5. nature of business entity created in Louisiana, i.e. whether original out of state entity is dissolved, or reorganized and merged into a new Louisiana entity, or whether registering as a foreign entity authorized to do business in Louisiana.
6. availability of funding; and
7. best interests of the state.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:104 and 51:2402.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Office of the Secretary, LR 49:1033 (June 2023).

#### §5113. LED Action—Grant Approval or Denial Provisions

A. In the event LED determines that an applicant is eligible, funding is available and a grant would be appropriate, a grant letter will be issued, specifying the amount, the terms and conditions of the grant.

B. Each grant awarded shall be divided into three equal amounts and disbursed over a period of three consecutive years as follows:

1. year one funding may be awarded based upon the application information provided but will not be disbursed until documentation has been provided that the applicant business has relocated to Louisiana. If the selected applicant fails to relocate or to provide evidence of such, the grant

shall be forfeited, and the money shall be disbursed to another applicant;

2. year two funding shall be awarded contingent upon evidence of continued business operation;

3. year three funding shall be awarded contingent upon evidence of continued business operation;

4. if an applicant fails to continue business operations in the state in any given year, it may retain funding already disbursed, but the department reserves the right to withhold previously reserved, but not yet disbursed funding.

C. In the event LED determines that an applicant is not selected for an award, a denial letter will be issued by the secretary, specifying the basis for denial.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:104 and 51:2402.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Office of the Secretary, LR 49:1033 (June 2023).

Brenda C. Guess  
Assistant Secretary

2306#023

#### RULE

#### Office of the Governor Board of Architectural Examiners

Individuals Registered in Other States and  
Dependents of Healthcare Professionals  
(LAC 46:I.1103 and 1111)

The Board of Architectural Examiners, in accordance with the provisions of R.S. 49:950 et seq., and through the authority granted in R.S. 37:144(C), has amended LAC 46:I.1103(A) pertaining to individuals registered in other states and adopted LAC 46:I.1111 pertaining to dependents of healthcare professionals.

Act No. 279 of 2021, codified as R.S. 37:1751, pertains to licensure for dependents of healthcare professionals. The board has complied with this Act by amending LAC 46:I.1103(A) and adopting LAC 46:I.1111. The amendment to LAC 46:I.1103(A) will recognize that dependents of healthcare professionals may be exempted from the requirement of submitting an NCARB (blue cover) certificate to the board. The adoption of LAC 46:I.1111 requires the board to issue a license, permit pending normal license, or registration to an applicant who is a dependent of a healthcare professional who has relocated to and established his legal residence in Louisiana, holds a valid license to provide healthcare services in Louisiana, and is providing healthcare services in Louisiana, who satisfies the requirements of Act 279 of 2021. This Rule is hereby adopted on the day of promulgation.

#### Title 46

#### PROFESSIONAL AND OCCUPATIONAL STANDARDS

#### Part I. Architects

#### Chapter 11. Licenses

#### §1103. Individuals Registered in Other States

A. The exclusive means for an individual registered in another state(s) seeking to be registered in Louisiana is the

submission to the board of an NCARB (blue cover) certificate, except in the cases of:

1. military-trained architect applicants or architect spouses of military personnel who shall satisfy the requirements of R.S. 37:3651 and Rule §1109 below, and
2. dependents of healthcare professionals who shall satisfy the requirements of R.S. 37:1751 and Rule §1111 below.

B. ...

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

HISTORICAL NOTE: Promulgated by the Office of the Governor, Board of Architectural Examiners, LR 29:563 (April 2003), amended LR 39:2737 (October 2013), LR 49:1033 (June 2023).

### **§1111. Dependents of Healthcare Professionals**

A. Pursuant to R.S. 37:1751, the board shall issue a license, permit pending normal license, or registration to an applicant who is a dependent of a healthcare professional who has relocated to and established his legal residence in Louisiana, holds a valid license to provide healthcare services in Louisiana, and is providing healthcare services in Louisiana in accordance with the following provisions:

1. If the applicant holds an out-of-state license in architecture from another state and licensure by endorsement or reciprocity is provided for by law, the applicant shall submit to the board an NCARB (blue cover) certificate as described in Rule §1103(A) *supra*. Upon finding the NCARB (blue cover) certificate in order and upon payment of a registration fee of \$300, the board shall register and issue a license to said individual to practice architecture in this state.

2. If the applicant holds an out-of-state license in architecture from another state but licensure by endorsement or reciprocity is not provided for by law, licensure to practice architecture in Louisiana shall be granted by the submission to the board of proof of all of the following:

- a. the applicant holds a current and valid occupational license in architecture;
- b. the applicant has held the occupational license in the other state for at least one year;
- c. the applicant has passed any examinations, or met any education, training, or experience standards as required by the licensing board in the other state;
- d. the applicant is held in good standing by the licensing board in the other state;
- e. the applicant does not have a disqualifying criminal record as determined by the board;
- f. the applicant has not had an occupational license revoked by a licensing board in another state because of negligence or intentional misconduct related to the applicant's work in architecture;
- g. the applicant did not surrender an occupational license because of negligence or intentional misconduct related to the person's work in architecture in another state;

- h. the applicant does not have a complaint, allegation, or investigation pending before a board in another state which relates to unprofessional conduct or an alleged crime; if the applicant has a complaint, allegation, or investigation pending, the board shall not issue or deny a license to the applicant until the complaint, allegation, or investigation is resolved, or the applicant otherwise satisfies

the criteria for licensure in Louisiana to the satisfaction of the board;

- i. the applicant pays all applicable fees in this state, and
- j. the applicant simultaneously applies for a permanent license; if the applicant fails to qualify for a permanent license once the permanent application is vetted, any temporary permit shall automatically terminate.

3. If the applicant worked in a state that does not use an occupational license or government certification to regulate the practice of architecture, licensure to practice architecture in Louisiana shall be granted by the submission to the board of proof of all of the following:

- a. the applicant worked at least three (3) years in architecture, and
- b. the applicant satisfies the requirements of paragraphs (A)(2)(e) through (j) of this Section.

4. For purposes of this Rule, "dependent" and "healthcare professional" shall have the meanings set forth in R.S. 37:1751(A), such meanings incorporated herein by reference.

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

HISTORICAL NOTE: Promulgated by the Office of the Governor, Board of Architectural Examiners, LR 49:1034 (June 2023).

Tyson J. Ducote  
Executive Director

2306#009

## **RULE**

### **Office of the Governor Division of Administration Tax Commission**

Ad Valorem Taxation  
(LAC 61:V. 103, 203, 211, 213, 303, 304, 307, 703, 705, 901, 903, 905, 907, 1001, 1003, 1005, 1007, 1103, 1307, 1503, 2501, 2503, 3101, 3103, and 3507)

The Louisiana Tax Commission exercised the provisions of the Administrative Procedure Act, R.S. 49:961 and pursuant to its authority under R.S. 47:1837, adopted the following additions, deletions and amendments to the Real/Personal Property Rules and Regulations. This Rule change amended sections of the real/personal property rules for use in the 2023 (2024 Orleans Parish) tax year. This Rule is hereby adopted on the day of promulgation.

#### **Title 61**

#### **REVENUE AND TAXATION**

#### **Part V. Ad Valorem Taxation**

#### **Chapter 1. Constitutional and Statutory Guides to Property Taxation**

#### **§103. Exempt Property**

A. In addition to the homestead exemption provided for in Section 20 of Article VII of the constitution, the following property and no other shall be exempt from ad valorem taxation:

1. public lands; other public property used for public purposes;

2. property of a nonprofit corporation or association organized and operated exclusively for religious, dedicated places of burial, charitable, health, welfare, fraternal, or educational purposes, no part of the net earnings of which inure to the benefit of any private shareholder or member and which is declared to be exempt from federal or state income tax:

a. medical equipment leased for a term exceeding five years to such a nonprofit corporation or association which owns or operates a small, rural hospital and which uses the equipment solely for health care purposes at the hospital, provided that the property shall be exempt only during the term of the lease to such corporation or association, and further provided that "small, rural hospital" shall mean a hospital which meets all of the following criteria:

- i. it has less than 50 Medicare-licensed acute care beds; and
- ii. it is located in a municipality with a population of less than 10,000 which has been classified as an area with a shortage of health manpower by the United States Health Service;

3. property of a bona fide labor organization representing its members or affiliates in collective bargaining efforts; and

4. property of an organization such as a lodge or club organized for charitable and fraternal purposes and practicing the same, and property of a nonprofit corporation devoted to promoting trade, travel, and commerce, and also property of a trade, business, industry or professional society or association, if that property is owned by a nonprofit corporation or association.

a. The exemption should be allowed only if it is determined that the requesting organization has met all of the constitutional requirements for exemption. Assessors may request the following information from the taxpayer in order to make a determination of exemption:

- i. completed LTC Form TC-80, Application for Exemption—Real Estate Taxes;
- ii. certified copy of the articles of incorporation of the organization;
- iii. certified copy of the by-laws of the organization;
- iv. copy of the Internal Revenue Service letter granting the organization tax-exempt status;
- v. audited financial statements for the preceding three years, along with an affidavit from the organization's CPA and/or treasurer that the financial statements are true and correct;
- vi. federal tax returns filed for the preceding three years; and
- vii. affidavit from the president or other duly appointed officer stating:

(a). the price paid for each share of stock issued by the organization for the past five years;

(b). whether or not over the previous five years any dividends have been paid or interest accrued on the value of the stock of the organization; and

(c). whether or not any part of the net earnings of the organization inure to the benefit of any member of the organization;

NOTE: See Louisiana Constitution of 1974, Article VII, Section 21.B, for specific conditions of authorization.

b. none of the property listed in §103.A.2, 3, and 4 shall be exempt if owned, operated, leased or used for commercial purposes unrelated to the exempt purposes of the corporation or association;

5. cash on hand or deposit;

6. stocks and bonds, except bank stocks, the tax on which shall be paid by the banking institution;

7. obligations secured by mortgage on property located in Louisiana and the notes or other evidence thereof;

8. loans by life insurance companies to policyholders, if secured solely by their policies;

9. the legal reserve of domestic life insurance companies;

10. loans by a homestead or building and loan association to its members, if secured solely by stock of the association;

11. debts due for merchandise or other articles of commerce or for services rendered;

12. obligations of the state or its political subdivisions;

13. personal property used in the home or on loan in a public place;

14. irrevocably dedicated places of burial held by individuals for purposes of burial of themselves or members of their families;

15. agricultural products while owned by the producer, agricultural machinery and other implements used exclusively for agricultural purposes (including crop dusting aircraft), animals on the farm, and property belonging to an agricultural fair association (also see R.S. 47:1707);

16. property used for cultural, Mardi Gras carnival, or civic activities and not operated for profit to the owners;

17. rights-of-way granted to the state Department of Highways (DOTD);

18. boats using gasoline as motor fuel;

19. commercial vessels used for gathering seafood for human consumption;

20. ships and oceangoing tugs, towboats and barges engaged in international trade and domiciled in Louisiana ports: a. however, this exemption shall not apply to harbor, wharf, shed, and other port dues or to any vessel operated in the coastal trade of the states of the United States;

21. materials, boiler fuels, and energy sources used by public utilities to fuel the generation of electricity;

22. all incorporeal movables of any kind or nature whatsoever, except public service properties, bank stocks, and credit assessments on premiums written in Louisiana by insurance companies and loan and finance companies. (See Louisiana Civil Code of 1870, as amended, and R.S. 47:1709);

23. raw materials, goods, commodities, articles and personal property imported into this state from outside the states of the United States or, held in storage while in transit through this state which are moving in interstate commerce;

NOTE: See Louisiana Constitution, Article VII, Section 21.D; and, R.S. 47:1951.1, R.S. 47:1951.2 and R.S. 47:1951.3 for specific conditions of authorization. Property described in §103.A.23, whether or not entitled to exemption, shall be reported to the proper taxing authorities on the forms required by law.

24. motor vehicles used on the public highways of this state, from state, parish, municipal, and special ad valorem taxes;

25. new manufacturing establishments and additions to existing manufacturing establishments to the extent tax

exempt by virtue of an approved contract with the State Board of Commerce and Industry, as authorized by Article VII, Section 21.F of the Louisiana Constitution of 1974. Parish tax assessors shall give retroactive effect to a fully approved ITEP contract or renewal, consistent with the terms of the ITEP contract and the rules and regulations of the State Board of Commerce and Industry, and parish tax assessors shall process change order requests and/or approve refund request applications in order to give retroactive effect to such an ITEP contract or refund;

26. coal or lignite stockpiled in Louisiana for use in Louisiana for industrial or manufacturing purposes or for boiler fuel, gasification, feedstock, or process purposes;

27. value of enhancements to certain structures located in downtown, historic, or economic development districts to be granted a limited exemption by the State Board of Commerce and Industry, if approved by the governor and the local governing authority, as authorized by Article VII, Section 21.H of the Louisiana Constitution of 1974;

28. goods held in inventory by distribution centers, to be granted tax exemptions by the parish economic development or governing authority, with the approval of each affected tax recipient body in the parish, as authorized by Article VII, Section 21.I of the Louisiana Constitution of 1974.

AUTHORITY NOTE: Promulgated in accordance with the Louisiana Constitution of 1974, Article VII, §21.

HISTORICAL NOTE: Promulgated by the Department of Revenue and Taxation, Tax Commission, LR 8:102 (February 1982), amended LR 12:36 (January 1986), LR 15:1097 (December 1989), LR 17:1213 (December 1991), amended by the Department of Revenue, Tax Commission, LR 24:478 (March 1998), LR 32:426 (March 2006), LR 34:675 (April 2008), LR 49:1034 (June 2023).

## **Chapter 2. Policies and Procedures for Assessment and Change Order Practices**

### **§203. Change Order Requests**

#### **A. General Provision**

1. A change order request may be made to correct an error in assessment if the change does not increase the taxpayer's tax liability or the taxpayer expressly consents to the change. A change to an assessment that increases the taxpayer's tax liability is governed by R.S. 47:1966.

2. Change order requests shall be submitted via the LTC website ([www.latax.state.la.us](http://www.latax.state.la.us)).

3. All change order requests shall comply with Louisiana Law and the Real/Personal Property Rules and Regulations of the LTC.

4. All change order requests shall require that the actual physical address of the property be identified. In the event that there is no actual physical street address, the assessor's office shall furnish the street/highway location and a brief location description.

5. Change order batches should not exceed a total of 50 change order requests, in order to facilitate speedy transmission.

6. Change order requests are subject to audit by the LTC.

7. All change order requests should be submitted to the LTC no later than noon on Thursday of each week in order to be considered on the next public meeting docket of the LTC.

8. All change order requests are subject to review by LTC staff for approval or denial by the commission at their regularly scheduled Open Meetings.

9. The assessor shall certify that the affected taxpayer(s) have been notified of the change order request that has been submitted to the LTC.

B. - F. ...

AUTHORITY NOTE: Promulgated in accordance with the Louisiana Constitution of 1974, Article VII, Section 20. (A)(1); R.S. 47:1703, R.S. 47:1703A., R.S. 47:1703.1.B., R.S. 47:1835, R.S. 47:1837, R.S. 47:1952, R.S. 47:1966, R.S. 47:1990, and R.S. 47:1991.

HISTORICAL NOTE: Promulgated by the Department of Revenue, Tax Commission, LR 31:700 (March 2005), LR 32:426 (March 2006), amended by the Division of Administration, Tax Commission, LR 48:1518 (June 2022), LR 49:1036 (June 2023).

### **§211. Industrial Exemption Properties**

A. All property of manufacturing establishments with contracts for the exemption from ad valorem taxes with the State Board of Commerce and Industry, or its successor, with the approval of the governor and administered by the Department of Economic Development (DED), shall be listed as exempt at the appropriate exempt percentage, until such time as the contract has expired or is terminated.

B. Any property of manufacturing establishments subject to a contract for the exemption from ad valorem taxes with the State Board of Commerce and Industry, or its successor, shall be assessed under a separate/unique assessment number.

C. Property of manufacturing establishments subject to a contract for the exemption from ad valorem taxes with the State Board of Commerce and Industry, or its successor, shall be reported on the applicable reporting forms, and must include the following information:

1. contract number;
2. start and end dates of the contract;
3. penalty years (if applicable);
4. percent of exemption;
5. original contract amount;
6. revised contract amount (if applicable);
7. millages subject to exemption.

D. Assessors' offices shall review all Industrial Exemption applications and DED contracts issued to determine proper exempt status for ad valorem taxation purposes.

1. If an assessor determines that any portion of an Industrial Exemption is not eligible for ad valorem tax exemption, pursuant to Article VII, Section 21(F) of the Louisiana Constitution of 1974 and rules of the Industrial Tax Exemption Program, the assessor shall informally address concerns to the DED Manager of the Industrial Tax Exemption Program. If informal communication does not satisfactorily answer the assessor's concerns, formal notice

shall immediately be submitted to DED, with written ineligibility reasons given.

2. All contract status reports submitted to the assessors' offices by DED and the taxpayer's annual LAT 5-A reports shall be reviewed for accuracy. Any inaccuracies noted shall be reported, in writing, to DED immediately upon discovery.

3. Assessors' offices shall review and confirm contract expiration dates and immediately notify DED, in writing, of any disparity identified. If any exempted manufacturing business is determined to have ceased its operations (business closed) during a contracted exemption period, the assessors' office should provide notice to DED of such cessation.

4. Assessors are urged to obtain rules for the Industrial Tax Exemption Program available at [www.lded.state.la.us/come-to-louisiana/business-resources/state-business-incentives/industrial-tax-exemption-program.aspx](http://www.lded.state.la.us/come-to-louisiana/business-resources/state-business-incentives/industrial-tax-exemption-program.aspx) or by contacting DED's Business Incentives Division.

5. The filing of an advance notice or application for an Industrial Exemption does not exempt property from ad valorem taxes, however, parish tax assessors shall give retroactive effect to a fully approved ITEP contract or renewal, consistent with the terms of the ITEP contract and the rules and regulations of the State Board of Commerce and Industry, and parish tax assessors shall process change order requests and/or approve refund request applications in order to give retroactive effect to such an ITEP contract or refund.

**AUTHORITY NOTE:** Promulgated in accordance with the Louisiana Constitution of 1974, Article VII, Section 21(F), R.S. 47:1837, R.S. 47:4301, et seq.

**HISTORICAL NOTE:** Promulgated by the Department of Revenue, Tax Commission, LR 31:702 (March 2005), LR 32:427 (March 2006), LR 34:677 (April 2008), LR 49:1036 (June 2023).

### **§213. Assessment Policies and Procedures**

A. - D. ...

E. The assessors shall submit applicable reporting forms to all taxpayers located within their parish, whether taxable or exempt, to ensure equity and uniformity in the assessment and valuation of all properties utilizing proper reporting data. Reporting forms should include the items outlined in Section 211.C. for property subject to an ITEP contract. If a taxpayer fails to report or files a false report, the assessors should apply those penalties provided for in state law.

F. - I. ...

NOTE: Also see, Chapter 1, §111.D. thru D.3. and Chapter 3, §303.C.4. thru C.4.c.

**AUTHORITY NOTE:** Promulgated in accordance with the Louisiana Constitution of 1974, Article VII, Section 18, et seq., R.S. 47:1703, R.S. 47:1703.1, R.S.47:1703.C., R.S. 47:1837, R.S. 47:1951, et seq., R.S. 47:1952, R.S. 47:1953, R.S. 47:1955, R.S. 47:1956, R.S. 47:1957, R.S. 47:1959, R.S. 47:1961, R.S. 47:1971, R.S. 47:1972, R.S. 47:2306, R.S. 47:2323, R.S. 47:2324, R.S. 47:2325, R.S. 47:2329, R.S. 47:2330, and R.S. 47:2331.

**HISTORICAL NOTE:** Promulgated by the Department of Revenue, Tax Commission, LR 31:703 (March 2005), LR 34:678 (March 2008), amended by the Office of the Governor, Division of Administration, Tax Commission, LR 43:649 (April 2017), LR 46:560 (April 2020), LR 48:1519 (June 2022), LR 49:1037 (June 2023).

## **Chapter 3. Real and Personal Property**

### **§303. Real Property**

A. In making appraisals of any real property, including but not limited to residential, commercial and industrial land and improvements, the assessors shall follow the criteria and requirements in Section 111 of the Tax Commission's Rules and Regulations.

B. The following procedure shall be used for assessing, listing and placing transferred property and property upon which improvements have been made after the date of the reappraisal as set by the Tax Commission:

1. Improvements shall be added to the rolls based upon the condition of things existing on January 1 of each year. The value of the improvements shall be in accordance with the uniform valuation date and quadrennial reappraisal cycle as determined by the Tax Commission.

C. - E. ...

**AUTHORITY NOTE:** Promulgated in accordance with R.S. 47:1837 and R.S. 47:2323.

**HISTORICAL NOTE:** Promulgated by the Louisiana Tax Commission, LR 7:44 (February 1981), amended by the Department of Revenue and Taxation, Tax Commission, LR 9:69 (February 1983), LR 12:36 (January 1986), LR 13:764 (December 1987), LR 16:1063 (December 1990), LR 17:611 (June 1991), LR 21:186 (February 1995), amended by the Department of Revenue, Tax Commission, LR 25:312 (February 1999), LR 26:506 (March 2000), LR 29:367 (March 2003), LR 30:487 (March 2004), LR 34:678 (April 2008), LR 35:492 (March 2009), LR 36:765 (April 2010), amended by the Division of Administration, Tax Commission, LR 38:799 (March 2012), LR 39:487 (March 2013), LR 42:745 (May 2016), LR 43:650 (April 2017), LR 44:577 (March 2018), LR 45:532 (April 2019), LR 46:560 (April 2020), LR 48:1521 (June 2022), LR 49:1037 (June 2023).

### **§304. Electronic Change Order Specifications, Property Classification Standards and Electronic Tax Roll Export Specifications**

A. - B. ...

\* \* \*

C. Electronic Tax Roll Export Specifications

Assessment Information (Assmt.txt) (Required)				
Field Name	Field Type	Field Length	Required	Comments
tax_year	Numeric	4	Yes	Tax year submitting (ex. 1999, 2000) * * *
assessment_status	Character	2	Yes	“AC” = Active (effective 2024, includes assessments with partial exemptions), “AJ” = Adjudicated, “EX” = Exempt/Tax Free (effective 2024, only to be used for 100% tax exempt assessments), “IE” = Industrial Exemption, “RS” = Restoration and “OT” = Other [IE, RS, and OT codes to be eliminated effective 2024]
homestead_exempt	Numeric	1	Yes	0 = None (default), 1 = Yes (homestead exemption, of any type, at any percentage, is applicable to assessment), 2 = 100% Disabled Veteran Homestead and 3 = 100% Unmarried Surviving Spouse of Active Duty Homestead [Codes 2 and 3 to be eliminated effective 2024]
homestead_percent	Numeric	6.2	No	Homestead Exemption percentage to be applied to assessment (Format: 100.00 (Default) [field to be abandoned effective 2024] * * *
restoration_tax_exempt	Character	1	No	Restoration Tax Abatements on historical property, N = No (Default), Y = Yes [field to be abandoned effective 2024]
tax_acct	Numeric	6	No	Tax account number is required for grouping tax assessments together * * *
usufruct	Character	1	Yes	“N” = No (default) and “Y” = Yes
other_exempt	Numeric	1	No	0 = None (default), 1 = Yes (any other exemption, other than homestead and disabled veteran, of any type, at any percentage, is applicable to assessment) [to be a required field effective 2024]
veteran_exempt	Numeric	1	Yes	0 = None (default), 1 = disabled veteran exemption, at any level, is applicable to assessment, when claimed by disabled veteran, 2 = disabled veteran exemption, at any level, is applicable to assessment, when claimed by surviving spouse of disabled veteran

\* \* \*

Assessment Value Information (Avalue.txt) (Required)				
Field Name	Field Type	Field Length	Required	Comments
tax_year	Numeric	4	Yes	Tax year submitting (ex. 1999, 2000) * * *
market_value	Numeric	12	Yes	Fair Market Value of item
total_value	Numeric	10	Yes	Total assessed value of item. (total of taxpayer’s share and the homestead credit, other exemption and non-taxable assessed value added together of item.)
homestead_credit	Numeric	6	Yes	Assessed value of item to be credited by Homestead Exemption
homestead_type	Numeric	1	No	0 = None (default), 1 = Default Homestead Exemption (\$7,500 of total assessed value), 2 = 100% Unmarried Surviving Spouse of Active Duty Homestead [to be a required field effective 2024]
homestead_percent	Numeric	6.2	No	Homestead Exemption percentage to be applied to assessment of item (Format: 100.00 (Default) [to be a required field effective 2024]
veteran_exempt_type	Numeric	1	Yes	0 = None (default), 1 = Disability between 50% and 69%, 2 = Disability between 70% and 99%, 3 = 100% disabled
veteran_credit	Numeric	10	Yes	Assessed value of item to be credited by disabled veteran exemption (e.g. \$2,500 for a disability between 50% and 69%, \$4,500 for a disability between 70% and 99%, or the remaining assessed value of item after homestead credit applied for 100% disability)
other_exempt_value	Numeric	10	No	Assessed value of item to be credited by other exemptions (e.g. Industrial, Restoration, Agricultural, Institutional, Religious, Non-profit); [to be a required field effective 2024]
taxpayer_value	Numeric	10	Yes	Assessed value of item to be paid by Taxpayer.
quantity	Numeric	9.2	Yes	Quantity units of item in the number of Front Feet, Square Feet, Lot(s), Acre(s), Improvement(s) or Year(s) for Personal Property
units	Character	1	Yes	Unit of Measure of item (Format: “F” = Front Feet, “S” = Square Feet, “L” = Lots, “A” = Acres, “I” = Improvements and “Y” = Years)
ltc_sub-class_code	Character	4	Yes	LTC Property Sub-Class Code of item
other_exempt	Numeric	1	Yes	0 = None (default), 1 = Commerce/Industry (Ten Year Exemption), 2 = Agricultural, 3 = Institutional, 4 = Timber and 5 = Marshland [effective 2024, codes to be revised as follows: 0 = None (default), 1 = Industrial, 2 = Restoration, 3 = Agricultural Buildings, 4 = Institutional (School & Government), 5 = Religious, 6 = Non-Profit

Assessment Millage Information (Amillage.txt) (Required)				
Field Name	Field Type	Field Length	Required	Comments
tax_year	Numeric	4	Yes	Tax year submitting (ex. 1999, 2000) * * *
percent	Numeric	6.2	Yes	Percent of assessed value applicable to the millage. (Applies to split district millages, use 100.00 as default value if percent is not applied.)
taxing_body_approval	Numeric	1	No	Indicates if local taxing body related to the millage approved an exemption (or did not vote). 0 = voted to approve exemption/NA (default), 1 = voted to deny exemption [to be a required field effective 2024]



Assessment Millage Information (Amillage.txt) (Required)				
Field Name	Field Type	Field Length	Required	Comments
total_tax	Numeric	11.2	Yes	Total taxes assessed to the property. (Format:99999999.99)
homestead_credit	Numeric	11.2	Yes	Homestead exemption share of taxes credited. (Format: 99999999.99)
other_exempt_taxes	Numeric	11.2	No	Amount of taxes credited due to other exemption(s) (other than homestead). (Format: 99999999.99) [to be a required field effective 2024]
taxpayer_tax	Numeric	11.2	Yes	Tax payer's taxes owed. (Format: 99999999.99)

\* \* \*

Tax Exemption Program Information (TEP.txt)				
Field Name	Field Type	Field Length	Required	Comments
tax_year	Numeric	4	Yes	Tax year submitting (ex. 2017, 2018)
* * *				
contract_start_date	Character	10	No	Date original contract started (Format: 01/01/1999)
contract_end_date	Character	10	No	Date original contract ends (Format 01/01/1999)
penalty_years	Numeric	12	No	Specifies the number of penalty years assessed by the Board of Commerce and Industry, if applicable. (Default: 0) [to be a required field effective 2024]
contract_status_type	Character	2	No	"IE" = Industrial Exemption, "RS" = Restoration [field to be abandoned effective 2024]
industrial_exemption_type	Numeric	1	No	1 = Industrial Exemption subject to 80% cap, 2 = Industrial Exemption megaproject subject to 93% cap, 3 = Industrial Exemption at 100% [to be a required field effective 2024]
original_contract_amt	Numeric	12	Yes	Value of the original contract
* * *				
exempt_taxes	Numeric	12	Yes	Total tax amount subject to exemption/abatement
renewed_contract_start_date	Character	10	No	Renewed date contract started (Format: 01/01/1999)
renewed_contract_end_date	Character	10	No	Renewed date contract ends (Format: 01/01/1999)

AUTHORITY NOTE: Promulgated in accordance with the Louisiana Constitution of 1974, Article VII, §18 and R.S. 47:1837.

HISTORICAL NOTE: Promulgated by the Department of Revenue, Tax Commission, LR 31:703 (March 2005), LR 32:427 (March 2006), LR 36:765 (April 2010), amended by the Division of Administration, Tax Commission, LR 38:799 (March 2012), LR 39:487 (March 2013), LR 40:529 (March 2014), LR 41:672 (April 2015), LR 42:745 (May 2016), LR 43:651 (April 2017), LR 44:578 (March 2018), LR 45:532 (April 2019), LR 48:1522 (June 2022), LR 49:1037 (June 2023).

**§307. Personal Property Report Forms**

A. The appropriate self-reporting Personal Property Report Form, is to be forwarded each year, on or before February 15 in the year in which the property is to be appraised, to each person in whose name the property is assessed. Upon completion, the property owner shall return the form to the assessor by the first day of April of that year or 45 days after receipt, whichever is later. Prior to the deadline for filing a complaint with the Board of Review provided for in R.S. 47:1992, the property owner shall also submit to the assessor, or the designee contracted by the assessor, any and all additional documentation and information the property owner believes is relevant to the determination of fair market value of the reported property. Nothing in these Rules prohibits a taxpayer/property owner from arguing that the tables fail to achieve fair market value in a particular appeal or that another approach to value is appropriate to achieve fair market value in a particular appeal. It is the party seeking a deviation from the tables or for a reduction for its property based on obsolescence who has the burden of producing sufficient data and information to substantiate its claim. The assessor shall legitimately consider all evidence and information submitted or publicly available to the assessor, including the consideration of functional and/or economic obsolescence. The assessor shall

request additional documentation from the taxpayer if the assessor determines that the documentation submitted by the taxpayer is insufficient. The assessor shall promptly respond to a taxpayer's request for a reduction in value and/or obsolescence. Both the assessors and taxpayers are expected and ordered to act in good faith on issues concerning personal property renditions and requests for a fair market value reduction based on obsolescence. On appeal to the Tax Commission, the assessor shall be prepared to offer an articulated analysis for the assessor's determination of value, including the consideration of functional and/or economic obsolescence, and shall be prepared to offer an articulated analysis for the assessor's evaluation of the sufficiency of the taxpayer's documentation.

1. - 5. ...

6. LAT Form 10, Brine Operations Property Form, should be furnished to all brine operation companies doing business in the parish or taxing district.

7. LAT Form 11, Watercraft, should be sent to owners of watercraft domiciled in the parish and to all owners operating watercraft out of the parish on the assessment date. This form should be used as a supplement to LAT 5 for companies that own such property but are not interstate towing or barge line companies, whose watercraft are assessed by the Tax Commission as public service properties.

A.7.a. - B.3. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:1837, R.S. 47:2324 and R.S. 47:2326.

HISTORICAL NOTE: Promulgated by the Tax Commission, LR 2:358 (November 1976), amended by the Department of Revenue and Taxation, Tax Commission, LR 8:102 (February 1982), LR 13:764 (December 1987), LR 16:1063 (December 1990), LR 21:186 (February 1995), amended by the Department of Revenue, Tax Commission, LR 33:489 (March 2007), amended by

the Office of the Governor, Division of Administration, Tax Commission, LR 45:533 (April 2019), LR 48:1522 (June 2022), LR 49:1039 (June 2023).

**Chapter 7. Watercraft**

**§703. Tables—Watercraft**

**A. Motorized Floating Equipment**

**1. Floating Equipment—Motor Vessels**

Table 703.A.1 Floating Equipment—Motor Vessels				
Cost Index (Average)		Average Economic Life 12 Years		
Year	Index	Effective Age	Percent Good	Composite Multiplier
2022	0.956	1	94	.90
2021	1.123	2	87	.98

Table 703.A.1 Floating Equipment—Motor Vessels				
Cost Index (Average)		Average Economic Life 12 Years		
2020	1.222	3	80	.98
2019	1.228	4	73	.90
2018	1.272	5	66	.84
2017	1.316	6	58	.76
2016	1.342	7	50	.67
2015	1.331	8	43	.57
2014	1.343	9	36	.48
2013	1.361	10	29	.39
2012	1.372	11	24	.33
2011	1.411	12	22	.31
2010	1.455	13	20	.29

**2. Floating Equipment—Motor Vessels**

Table 703.A.2 Floating Equipment—Motor Vessels						
Vessel Type/Size	Day Rate	Base Cost	2021 - 2017	2016 - 2012	2011 - 2007	2006 and Earlier
Cost Index			0.92349	0.68481	0.32732	0.3125
Research Vessel						
110'-139'	4000	\$3,000,000	\$2,770,470	\$2,054,430	\$981,960	\$865,771.88
140'-179'	4500	\$2,500,000	\$2,308,725	\$1,712,025	\$818,300	\$781,250
180'-199'	6800	\$4,000,000	\$3,693,960	\$2,739,240	\$1,309,280	\$1,250,000
200'-219'	8500	\$6,000,000	\$5,540,940	\$4,108,860	\$1,963,920	\$1,875,000
220'-279'	10000	\$9,500,000	\$8,773,155	\$6,505,695	\$3,109,540	\$2,968,750
280'-299'	12000	\$12,000,000	\$11,081,880	\$8,217,720	\$3,927,840	\$3,750,000
300'-319'	16000	\$18,000,000	\$16,622,820	\$12,326,580	\$5,891,760	\$5,625,000
320'+	18000	\$20,000,000	\$18,469,800	\$13,696,200	\$6,546,400	\$6,250,000
Dive Vessel						
110'-139'	4000	\$3,000,000	\$2,770,470	\$2,054,430	\$981,960	\$937,500
140'-179'	4500	\$3,000,000	\$2,770,470	\$2,054,430	\$981,960	\$937,500
180'-199'	5000	\$4,000,000	\$3,693,960	\$2,739,240	\$1,309,280	\$1,250,000
200'-219'	6500	\$6,000,000	\$5,540,940	\$4,108,860	\$1,963,920	\$1,875,000
220'-279'	7500	\$9,500,000	\$8,773,155	\$6,505,695	\$3,109,540	\$2,968,750
280'-299'	8500	\$6,500,000	\$6,002,685	\$4,451,265	\$2,127,580	\$2,031,250
300'-319'	9000	\$8,000,000	\$7,387,920	\$5,478,480	\$2,618,560	\$2,500,000
320'+	10000	\$9,500,000	\$8,773,155	\$6,505,695	\$3,109,540	\$2,968,750
Pollution Control Vessel						
110'-139'	4000	\$2,400,000	\$2,216,376	\$1,643,544	\$785,568	\$750,000
140'-179'	4500	\$2,400,000	\$2,216,376	\$1,643,544	\$785,568	\$750,000
180'-199'	6800	\$3,200,000	\$2,955,168	\$2,191,392	\$1,047,424	\$1,000,000
200'-219'	8500	\$4,800,000	\$4,432,752	\$3,287,088	\$1,571,136	\$1,500,000
220'-279'	10000	\$7,600,000	\$7,018,524	\$5,204,556	\$2,487,632	\$2,375,000
280'-299'	12000	\$9,600,000	\$8,865,504	\$6,574,176	\$3,142,272	\$3,000,000
300'-319'	16000	\$14,400,000	\$13,298,256	\$9,861,264	\$4,713,408	\$4,500,000
320'+	18000	\$16,000,000	\$14,775,840	\$10,956,960	\$5,237,120	\$5,000,000
Platform Supply Vessel						
110'-139'	4000	\$3,000,000	\$2,770,470	\$2,054,430	\$981,960	\$937,500
140'-179'	4500	\$3,000,000	\$2,770,470	\$2,054,430	\$981,960	\$937,500
180'-199'	6800	\$4,000,000	\$3,693,960	\$2,739,240	\$1,309,280	\$1,250,000
200'-219'	8500	\$6,000,000	\$5,540,940	\$4,108,860	\$1,963,920	\$1,875,000
220'-279'	10000	\$9,500,000	\$8,773,155	\$6,505,695	\$3,109,540	\$2,968,750
280'-299'	12000	\$12,000,000	\$11,081,880	\$8,217,720	\$3,927,840	\$3,750,000
300'-319'	16000	\$18,000,000	\$16,622,820	\$12,326,580	\$5,891,760	\$5,625,000
320'+	18000	\$20,000,000	\$18,469,800	\$13,696,200	\$6,546,400	\$6,250,000

Table 703.A.2 Floating Equipment—Motor Vessels						
Vessel Type/Size	Day Rate	Base Cost	2021 - 2017	2016 - 2012	2011 - 2007	2006 and Earlier
Cost Index			0.92349	0.68481	0.32732	0.3125
Jack Up Vessel						
60'-89'	N/A	\$3,500,000	\$3,232,215	\$2,396,835	\$1,145,620	\$1,093,750
90'-109'	N/A	\$3,800,000	\$3,509,262	\$2,602,278	\$1,243,816	\$1,187,500
110'-139'	N/A	\$4,500,000	\$4,155,705	\$3,081,645	\$1,472,940	\$1,406,250
140'-174'	N/A	\$5,200,000	\$4,802,148	\$3,561,012	\$1,702,064	\$1,625,000
175'-219'	N/A	\$6,500,000	\$6,002,685	\$4,451,265	\$2,127,580	\$2,031,250
220'-239'	N/A	\$8,400,000	\$7,757,316	\$5,752,404	\$2,749,488	\$2,625,000
240'+	N/A	\$9,500,000	\$8,773,155	\$6,505,695	\$3,109,540	\$2,968,750
Inland Tugs						
50-60'X25-35' 600 HP	2000	\$1,000,000	\$923,490	\$684,810	\$327,320	\$312,500
50-60'X25-45' 900 HP	2400	\$1,200,000	\$1,108,188	\$821,772	\$392,784	\$375,000
60-70'X30-45' 1200 HP	2600	\$1,400,000	\$1,292,886	\$958,734	\$458,248	\$437,500
60-70'X30-55' 1500 HP	2850	\$1,500,000	\$1,385,235	\$1,027,215	\$490,980	\$468,750
70-80'X30-55' 1800 HP	3000	\$1,800,000	\$1,662,282	\$1,232,658	\$589,176	\$562,500
80-100'X30-50' 2400 HP	4000	\$2,800,000	\$2,585,772	\$1,917,468	\$916,496	\$875,000
80-100'X30-60' 3000 HP	4200	\$3,500,000	\$3,232,215	\$2,396,835	\$1,145,620	\$1,093,750
100-120'X45-55' 4200 HP	4300	\$3,800,000	\$3,509,262	\$2,602,278	\$1,243,816	\$1,187,500
110-150'X30-75' 6000 HP	4800	\$5,000,000	\$4,617,450	\$3,424,050	\$1,636,600	\$1,562,500
Offshore Tugs						
60-80'X25-35' 1800 HP	3500	\$3,200,000	\$2,955,168	\$2,191,392	\$1,047,424	\$1,000,000
75-90'X25-35' 2400 HP	3800	\$3,500,000	\$3,232,215	\$2,396,835	\$1,145,620	\$1,093,750
95-105'X30-40' 3000 HP	4000	\$3,800,000	\$3,509,262	\$2,602,278	\$1,243,816	\$1,187,500
100-120'X35-50' 4200 HP	4250	\$4,500,000	\$4,155,705	\$3,081,645	\$1,472,940	\$1,406,250
120-140'X40-60' 6000 HP	4500	\$4,800,000	\$4,432,752	\$3,287,088	\$1,571,136	\$1,500,000
140-160'X35-60' 10,000 HP	5000	\$5,000,000	\$4,617,450	\$3,424,050	\$1,636,600	\$1,562,500
Push Boats						
50-60'X25-35' 600 HP	2000	\$1,000,000	\$923,490	\$684,810	\$327,320	\$312,500
50-60'X25-45' 900 HP	2400	\$1,200,000	\$1,108,188	\$821,772	\$392,784	\$375,000
60-70'X30-45' 1200 HP	2600	\$1,400,000	\$1,292,886	\$958,734	\$458,248	\$437,500
60-70'X30-55' 1500 HP	2850	\$1,500,000	\$1,385,235	\$1,027,215	\$490,980	\$468,750
70-80'X30-55' 1800 HP	3000	\$1,800,000	\$1,662,282	\$1,232,658	\$589,176	\$562,500
80-100'X30-50' 2400 HP	4000	\$2,800,000	\$2,585,772	\$1,917,468	\$916,496	\$875,000
80-100'X30-60' 3000 HP	4200	\$3,500,000	\$3,232,215	\$2,396,835	\$1,145,620	\$1,093,750
100-120'X45-55' 4200 HP	4300	\$3,800,000	\$3,509,262	\$2,602,278	\$1,243,816	\$1,187,500
110-150'X30-75' 6000 HP	4800	\$5,000,000	\$4,617,450	\$3,424,050	\$1,636,600	\$1,562,500
Model Bow Boats						
50-60'X25-35' 600 HP	N/A	\$2,200,000	\$2,031,678	\$1,506,582	\$720,104	\$687,500
50-60'X25-45' 900 HP	N/A	\$2,800,000	\$2,585,772	\$1,917,468	\$916,496	\$875,000
60-70'X30-45' 1200 HP	N/A	\$3,200,000	\$2,955,168	\$2,191,392	\$1,047,424	\$1,000,000
75-90'X25-35' 2400 HP	N/A	\$6,500,000	\$6,002,685	\$4,451,265	\$2,127,580	\$2,031,250
95-105'X30-40' 3000 HP	N/A	\$8,200,000	\$7,572,618	\$5,615,442	\$2,684,024	\$2,562,500
100-120'X35-50' 4200 HP	N/A	\$10,500,000	\$9,696,645	\$7,190,505	\$3,436,860	\$3,281,250
120-140'X40-60' 6000 HP	N/A	\$13,500,000	\$12,467,115	\$9,244,935	\$4,418,820	\$4,218,750
140-160'X35-60' 10,000 HP	N/A	\$20,000,000	\$18,469,800	\$13,696,200	\$6,546,400	\$6,250,000
Skiff						
Under 20'	50	\$90,000	\$83,114.10	\$61,632.90	\$29,458.80	\$25,973.16
20'-40'	150	\$180,000	\$166,228.20	\$123,265.80	\$58,917.60	\$56,250
40'-60'	200	\$220,000	\$203,167.80	\$150,658.20	\$72,010.40	\$68,750
Steamboat						
120X30	200	\$250,000	\$230,872.50	\$171,202.50	\$81,830	\$78,125
140X40	400	\$450,000	\$415,570.50	\$308,164.50	\$147,294	\$140,625
180X54	600	\$900,000	\$831,141	\$616,329	\$294,588	\$281,250
250X72 Non Class	400	\$1,800,000	\$1,662,282	\$1,232,658	\$589,176	\$562,500
250X72 Class	600	\$2,900,000	\$2,678,121	\$1,985,949	\$949,228	\$906,250
260X72 Non Class	400	\$1,900,000	\$1,754,631	\$1,301,139	\$621,908	\$593,750

Table 703.A.2 Floating Equipment—Motor Vessels						
Vessel Type/Size	Day Rate	Base Cost	2021 - 2017	2016 - 2012	2011 - 2007	2006 and Earlier
<b>Cost Index</b>			<b>0.92349</b>	<b>0.68481</b>	<b>0.32732</b>	<b>0.3125</b>
260X72 Class	800	\$3,000,000	\$2,770,470	\$1,301,139	\$981,960	\$937,500
300X100 Non Class	1200	\$3,200,000	\$2,955,168	\$2,191,392	\$1,047,424	\$1,000,000
300X100 Class	2400	\$6,400,000	\$5,910,336	\$4,382,784	\$2,094,848	\$2,000,000
400X100 Non Class	3000	\$6,000,000	\$5,540,940	\$4,108,860	\$1,963,920	\$1,875,000
400X100 Class	6000	\$12,000,000	\$11,081,880	\$8,217,720	\$3,927,840	\$3,750,000
Riverboat Casino						
120X30	200	\$250,000	\$230,872.50	\$171,202.50	\$81,830	\$78,125
140X40	400	\$450,000	\$415,570.50	\$308,164.50	\$147,294	\$140,625
180X54	600	\$900,000	\$831,141	\$616,329	\$294,588	\$281,250
250X72 Non Class	400	\$1,800,000	\$1,662,282	\$1,232,658	\$589,176	\$562,500
250X72 Class	600	\$2,900,000	\$2,678,121	\$1,985,949	\$949,228	\$906,250
260X72 Non Class	400	\$1,900,000	\$1,754,631	\$1,301,139	\$621,908	\$593,750
260X72 Class	800	\$3,000,000	\$2,770,470	\$2,054,430	\$981,960	\$937,500
300X100 Non Class	1200	\$3,200,000	\$2,955,168	\$2,191,392	\$1,047,424	\$1,000,000
300X100 Class	2400	\$6,400,000	\$5,910,336	\$4,382,784	\$2,094,848	\$2,000,000
400X100 Non Class	3000	\$6,000,000	\$5,540,940	\$4,108,860	\$1,963,920	\$1,875,000
400X100 Class	6000	\$12,000,000	\$11,081,880	\$8,217,720	\$3,927,840	\$3,750,000

B. Non-Motorized Floating Equipment

1. Floating Equipment—Barges (Non-Motorized)  
Cost Index

Table 703.B.1 Floating Equipment—Barges (Non-Motorized)				
Cost Index Average		Average Economic Life 20 Years		
Year	Index	Effective Age	Percent Good	Composite Multiplier
2022	0.956	1	97	.93
2021	1.123	2	93	1.04
2020	1.222	3	90	1.10
2019	1.228	4	86	1.06
2018	1.272	5	82	1.04
2017	1.316	6	78	1.03
2016	1.342	7	74	.99
2015	1.331	8	70	.93

Table 703.B.1 Floating Equipment—Barges (Non-Motorized)				
Cost Index Average		Average Economic Life 20 Years		
Year	Index	Effective Age	Percent Good	Composite Multiplier
2014	1.343	9	65	.87
2013	1.361	10	60	.82
2012	1.372	11	55	.75
2011	1.411	12	50	.71
2010	1.455	13	45	.65
2009	1.444	14	40	.58
2008	1.486	15	35	.52
2007	1.545	16	31	.48
2006	1.629	17	27	.44
2005	1.704	18	24	.41
2004	1.833	19	22	.40
2003	1.896	20	21	.40
2002	1.928	21	20	.39

2. Floating Equipment—Barges (Non-Motorized)

Table 703.B.2 Floating Equipment—Barges (Non-Motorized)								
Barge Type/Size	Day Rate	Base Cost	2021-2017	2016-2012	2011-2007	2006-2002	2001-1997	1996 and Earlier
<b>Cost Index</b>			<b>0.95328</b>	<b>0.92395</b>	<b>0.74816</b>	<b>0.68218</b>	<b>0.51552</b>	<b>0.51552</b>
Deck								
120x30	100	\$250,000	\$238,320	\$230,987.50	\$187,040	\$170,545	\$128,880	\$128,880
140X40	250	\$450,000	\$428,976	\$415,777.50	\$336,672	\$306,981	\$231,984	\$231,984
180X54	350	\$900,000	\$857,952	\$831,555	\$673,344	\$613,962	\$463,968	\$463,968
250X72 Non Class	400	\$1,800,000	\$1,715,904	\$1,663,110	\$1,346,688	\$1,227,924	\$927,936	\$927,936
250X72 Class	600	\$2,900,000	\$2,764,512	\$2,679,455	\$2,169,664	\$1,978,322	\$1,495,008	\$1,495,008
260X72 Non Class	400	\$1,900,000	\$1,811,232	\$1,755,505	\$1,421,504	\$1,296,142	\$979,488	\$979,488
260X72 Class	700	\$3,000,000	\$2,859,840	\$2,771,850	\$2,244,480	\$2,046,540	\$1,546,560	\$1,546,560
300X100 Non Class	1200	\$3,200,000	\$3,050,496	\$2,956,640	\$2,394,112	\$2,182,976	\$1,649,664	\$1,649,664
300X100 Class	1800	\$6,400,000	\$6,100,992	\$5,913,280	\$4,788,224	\$4,365,952	\$3,299,328	\$3,299,328
400X100 Non Class	2500	\$6,000,000	\$5,719,680	\$5,543,700	\$4,488,960	\$4,093,080	\$3,093,120	\$3,093,120
400X100 Class	6000	\$12,000,000	\$11,439,360	\$11,087,400	\$8,977,920	\$8,186,160	\$6,186,240	\$6,186,240

**Table 703.B.2  
Floating Equipment—Barges (Non-Motorized)**

Barge Type/Size	Day Rate	Base Cost	2021-2017	2016-2012	2011-2007	2006-2002	2001-1997	1996 and Earlier
Cost Index			0.95328	0.92395	0.74816	0.68218	0.51552	0.51552
Dredge								
8" Cutter	N/A	\$425,000	\$405,144	\$392,678.75	\$317,968	\$289,926.50	\$219,096	\$219,096
10" Cutter	N/A	\$650,000	\$619,632	\$600,567.50	\$486,304	\$443,417	\$335,088	\$335,088
14" Cutter	N/A	\$950,000	\$905,616	\$877,752.50	\$710,752	\$648,071	\$489,744	\$489,744
16" Cutter	N/A	\$1,100,000	\$1,048,608	\$1,016,345	\$822,976	\$750,398	\$567,072	\$567,072
20" Cutter	N/A	\$3,600,000	\$3,431,808	\$3,326,220	\$2,693,376	\$2,455,848	\$1,855,872	\$1,855,872
24" Cutter	N/A	\$4,500,000	\$4,289,760	\$4,157,775	\$3,366,720	\$3,069,810	\$2,319,840	\$2,319,840
Transport								
120X30	200	\$250,000	\$238,320	\$230,987.50	\$187,040	\$170,545	\$128,880	\$128,880
140X40	400	\$450,000	\$428,976	\$415,777.50	\$336,672	\$306,981	\$231,984	\$231,984
180X54	600	\$900,000	\$857,952	\$831,555	\$673,344	\$613,962	\$463,968	\$463,968
250X72 Non Class	400	\$1,800,000	\$1,715,904	\$1,663,110	\$1,346,688	\$1,227,924	\$927,936	\$927,936
250X72 Class	600	\$2,900,000	\$2,764,512	\$2,679,455	\$2,169,664	\$1,978,322	\$1,495,008	\$1,495,008
260X72 Non Class	400	\$1,900,000	\$1,811,232	\$1,755,505	\$1,421,504	\$1,296,142	\$979,488	\$979,488
260X72 Class	800	\$3,000,000	\$2,859,840	\$2,771,850	\$2,244,480	\$2,046,540	\$1,546,560	\$1,546,560
300X72 Non Class	1200	\$3,200,000	\$3,050,496	\$2,956,640	\$2,394,112	\$2,182,976	\$1,649,664	\$1,649,664
300X72 Class	2400	\$6,400,000	\$6,100,992	\$5,913,280	\$4,788,224	\$4,365,952	\$3,299,328	\$3,299,328
400X100 Non Class	3000	\$6,000,000	\$5,719,680	\$5,543,700	\$4,488,960	\$4,093,080	\$3,093,120	\$3,093,120
400X100 Class	6000	\$12,000,000	\$11,439,360	\$11,087,400	\$8,977,920	\$8,186,160	\$6,186,240	\$6,186,240
Crane								
120X30	250	\$1,800,000	\$1,715,904	\$1,663,110	\$1,346,688	\$1,227,924	\$927,936	\$927,936
150X50	400	\$2,200,000	\$2,097,216	\$2,032,690	\$1,645,952	\$1,500,796	\$1,134,144	\$1,134,144
180X60	450	\$2,600,000	\$2,478,528	\$2,402,270	\$1,945,216	\$1,773,668	\$1,340,352	\$1,340,352
250X72	600	\$3,000,000	\$2,859,840	\$2,771,850	\$2,244,480	\$2,046,540	\$1,546,560	\$1,546,560
300X100	750	\$4,000,000	\$3,813,120	\$3,695,800	\$2,992,640	\$2,728,720	\$2,062,080	\$2,062,080
Oil								
10K	300	\$2,000,000	\$1,906,560	\$1,847,900	\$1,496,320	\$1,364,360	\$1,031,040	\$1,031,040
30K	800	\$4,000,000	\$3,813,120	\$3,695,800	\$2,992,640	\$2,728,720	\$2,062,080	\$2,062,080
80K	2000	\$6,500,000	\$6,196,320	\$6,005,675	\$4,863,040	\$4,434,170	\$3,350,880	\$3,350,880
120K	3000	\$12,000,000	\$11,439,360	\$11,087,400	\$8,977,920	\$8,186,160	\$6,186,240	\$6,186,240
Spar (Holds)								
175X26 (1000 Tons)	200	\$2,000,000	\$1,906,560	\$1,847,900	\$1,496,320	\$1,364,360	\$1,031,040	\$1,031,040
195X35 (2200 Tons)	250	\$2,200,000	\$2,097,216	\$2,032,690	\$1,645,952	\$1,500,796	\$1,134,144	\$1,134,144
290X35 (3000 Tons)	400	\$4,500,000	\$4,289,760	\$4,157,775	\$3,366,720	\$3,069,810	\$2,319,840	\$2,319,840
Shugart								
10X5X2	50	\$50,000	\$47,664	\$46,197.50	\$37,408	\$34,109	\$25,776	\$25,776
20X10X4	50	\$50,000	\$47,664	\$46,197.50	\$37,408	\$34,109	\$25,776	\$25,776
40X12X5	100	\$60,000	\$57,196.80	\$55,437	\$44,889.60	\$40,930.80	\$30,931.20	\$30,931.20
Spud								
110x30	250	\$300,000	\$285,984	\$277,185	\$224,448	\$204,654	\$154,656	\$154,656
120X30	250	\$1,400,000	\$1,334,592	\$1,293,530	\$1,047,424	\$955,052	\$721,728	\$721,728
140X40	400	\$1,600,000	\$1,525,248	\$1,478,320	\$1,197,056	\$1,091,488	\$824,832	\$824,832
140X45	400	\$1,600,000	\$1,525,248	\$1,478,320	\$1,197,056	\$1,091,488	\$824,832	\$824,832
180X54	500	\$2,000,000	\$1,906,560	\$1,847,900	\$1,496,320	\$1,364,360	\$1,031,040	\$1,031,040
200x60	800	\$3,500,000	\$3,336,480	\$3,233,825	\$2,618,560	\$2,387,630	\$1,804,320	\$1,804,320
250X72	900	\$3,800,000	\$3,622,464	\$3,511,010	\$2,843,008	\$2,592,284	\$1,958,976	\$1,958,976
Pile Driver								
120X30	150	\$1,800,000	\$1,715,904	\$1,663,110	\$1,346,688	\$1,227,924	\$927,936	\$927,936
150X50	250	\$2,200,000	\$2,097,216	\$2,032,690	\$1,645,952	\$1,500,796	\$1,134,144	\$1,134,144
180X60	375	\$2,600,000	\$2,478,528	\$2,402,270	\$1,945,216	\$1,773,668	\$1,340,352	\$1,340,352
250X72	450	\$3,000,000	\$2,859,840	\$2,771,850	\$2,244,480	\$2,046,540	\$1,546,560	\$1,546,560
300X100	575	\$4,000,000	\$3,813,120	\$3,695,800	\$2,992,640	\$2,728,720	\$2,062,080	\$2,062,080

**Table 703.B.2  
Floating Equipment—Barges (Non-Motorized)**

Barge Type/Size	Day Rate	Base Cost	2021-2017	2016-2012	2011-2007	2006-2002	2001-1997	1996 and Earlier
Cost Index			0.95328	0.92395	0.74816	0.68218	0.51552	0.51552
Hopper (Holds)								
175X26 (1000 Tons)	200	\$2,000,000	\$1,906,560	\$1,847,900	\$1,496,320	\$1,364,360	\$1,031,040	\$1,031,040
195X35 (2200 Tons)	250	\$2,200,000	\$2,097,216	\$2,032,690	\$1,645,952	\$1,500,796	\$1,134,144	\$1,134,144
290X35	400	\$4,500,000	\$4,289,760	\$4,157,775	\$3,366,720	\$3,069,810	\$2,319,840	\$2,319,840
Tank								
10K	400	\$1,600,000	\$1,525,248	\$1,478,320	\$1,197,056	\$1,091,488	\$824,832	\$824,832
30K	800	\$3,200,000	\$3,050,496	\$2,956,640	\$2,394,112	\$2,182,976	\$1,649,664	\$1,649,664
80K	1700	\$5,200,000	\$4,957,056	\$4,804,540	\$3,890,432	\$3,547,336	\$2,680,704	\$2,680,704
120K	3500	\$9,600,000	\$9,151,488	\$8,869,920	\$7,182,336	\$6,548,928	\$4,948,992	\$4,948,992
Pressure								
250X50 (16,000 Barrels)	1500	\$3,200,000	\$3,050,496	\$2,956,640	\$2,394,112	\$2,182,976	\$1,649,664	\$1,649,664
Keyway								
120X30	200	\$200,000	\$190,656	\$184,790	\$149,632	\$136,436	\$103,104	\$103,104
140X40	400	\$360,000	\$343,180.80	\$332,622	\$269,337.60	\$245,584.80	\$185,587.20	\$185,587.20
180X54	500	\$720,000	\$686,361.60	\$665,244	\$538,675.20	\$491,169.60	\$371,174.40	\$371,174.40
250X72 Non Class	400	\$1,440,000	\$1,372,723.20	\$1,330,488	\$1,077,350.40	\$982,339.20	\$742,348.80	\$742,348.80
250X72 Class	600	\$2,320,000	\$2,211,609.60	\$2,143,564	\$1,735,731.20	\$1,582,657.60	\$1,196,006.40	\$1,196,006.40
260X72 Non Class	400	\$1,520,000	\$1,448,985.60	\$1,404,404	\$1,137,203.20	\$1,036,913.60	\$783,590.40	\$783,590.40
260X72 Class	800	\$2,560,000	\$2,440,396.80	\$2,365,312	\$1,915,289.60	\$1,746,380.80	\$1,319,731.20	\$1,319,731.20
300X72 Non Class	1200	\$2,560,000	\$2,440,396.80	\$2,365,312	\$1,915,289.60	\$1,746,380.80	\$1,319,731.20	\$1,319,731.20
300X72 Class	2400	\$5,120,000	\$4,880,793.60	\$4,730,624	\$3,830,579.20	\$3,492,761.60	\$2,639,462.40	\$2,639,462.40
400X100 Non Class	3000	\$4,800,000	\$4,575,744	\$4,434,960	\$3,591,168	\$3,274,464	\$2,474,496	\$2,474,496
400X100 Class	6000	\$9,600,000	\$9,151,488	\$8,869,920	\$7,182,336	\$6,548,928	\$4,948,992	\$4,948,992
Industrial								
120X30	200	\$250,000	\$238,320	\$230,987.50	\$187,040	\$170,545	\$128,880	\$128,880
140X40	400	\$450,000	\$428,976	\$415,777.50	\$336,672	\$306,981	\$231,984	\$231,984
180X54	600	\$900,000	\$857,952	\$831,555	\$673,344	\$613,962	\$463,968	\$463,968
250X72 Non Class	400	\$1,800,000	\$1,715,904	\$1,663,110	\$1,346,688	\$1,227,924	\$927,936	\$927,936
250X72 Class	600	\$2,900,000	\$2,764,512	\$2,679,455	\$2,169,664	\$1,978,322	\$1,495,008	\$1,495,008
260X72 Non Class	400	\$1,900,000	\$1,811,232	\$1,755,505	\$1,421,504	\$1,296,142	\$979,488	\$979,488
260X72 Class	800	\$3,000,000	\$2,859,840	\$2,771,850	\$2,244,480	\$2,046,540	\$1,546,560	\$1,546,560
300X72 Non Class	1200	\$3,200,000	\$3,050,496	\$2,956,640	\$2,394,112	\$2,182,976	\$1,649,664	\$1,649,664
300X72 Class	2400	\$6,400,000	\$6,100,992	\$5,913,280	\$4,788,224	\$4,365,952	\$3,299,328	\$3,299,328
400X100 Non Class	3000	\$6,000,000	\$5,719,680	\$5,543,700	\$4,488,960	\$4,093,080	\$3,093,120	\$3,093,120
400X100 Class	6000	\$12,000,000	\$11,439,360	\$11,087,400	\$8,977,920	\$8,186,160	\$6,186,240	\$6,186,240
Pontoon								
30X11X2	50	\$7,000	\$6,672.96	\$6,467.65	\$5,237.12	\$4,775.26	\$3,608.64	\$3,608.64
60X15X3	100	\$15,000	\$14,299.20	\$13,859.25	\$11,222.40	\$10,232.70	\$7,732.80	\$7,732.80
40X12X3	100	\$12,000	\$11,439.36	\$11,087.40	\$8,977.92	\$8,186.16	\$6,186.24	\$6,186.24
Dry Dock								
100'	N/A	\$1,800,000	\$1,715,904	\$1,663,110	\$1,346,688	\$1,227,924	\$927,936	\$927,936
200'	N/A	\$2,500,000	\$2,383,200	\$2,309,875	\$1,870,400	\$1,705,450	\$1,288,800	\$1,288,800
300'	N/A	\$4,000,000	\$3,813,120	\$3,695,800	\$2,992,640	\$2,728,720	\$2,062,080	\$2,062,080
500'	N/A	\$6,500,000	\$6,196,320	\$6,005,675	\$4,863,040	\$4,434,170	\$3,350,880	\$3,350,880
Quarter								
10 Person	100	\$40,000	\$38,131.20	\$36,958	\$29,926.40	\$27,287.20	\$20,620.80	\$20,620.80
25 Person	250	\$50,000	\$47,664	\$46,197.50	\$37,408	\$34,109	\$25,776	\$25,776
50 Person	300	\$100,000	\$95,328	\$92,395	\$74,816	\$68,218	\$51,552	\$51,552
300 Person	1000	\$2,000,000	\$1,906,560	\$1,847,900	\$1,496,320	\$1,364,360	\$1,031,040	\$1,031,040
500 Person	2000	\$4,000,000	\$3,813,120	\$3,695,800	\$2,992,640	\$2,728,720	\$2,062,080	\$2,062,080
Utility								
30X11X2	50	\$7,000	\$6,672.96	\$6,467.65	\$5,237.12	\$4,775.26	\$3,608.64	\$3,608.64
40X12X3	100	\$12,000	\$11,439.36	\$11,087.40	\$8,977.92	\$8,186.16	\$6,186.24	\$6,186.24

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:1837 and R.S. 47:2323.

HISTORICAL NOTE: Promulgated by the Department of Revenue and Taxation, Tax Commission, LR 8:102 (February 1982), amended LR 10:924 (November 1984), LR 12:36 (January 1986), LR 13:188 (March 1987), LR 13:764 (December 1987), LR 14:872 (December 1988), LR 15:1097 (December 1989), LR 16:1063 (December 1990), LR 17:1213 (December 1991), LR 19:212 (February 1993), LR 20:198 (February 1994), LR 21:186 (February 1995), LR 22:117 (February 1996), LR 23:204 (February 1997), amended by the Department of Revenue, Tax Commission, LR 24:479 (March 1998), LR 25:312 (February 1999), LR 26:506

(March 2000), LR 27:425 (March 2001), LR 28:518 (March 2002), LR 29:368 (March 2003), LR 30:487 (March 2004), LR 31:715 (March 2005), LR 32:430 (March 2006), LR 33:490 (March 2007), LR 34:678 (April 2008), LR 35:492 (March 2009), LR 36:772 (April 2010), amended by the Division of Administration, Tax Commission, LR 37:1394 (May 2011), LR 38:802 (March 2012), LR 39:490 (March 2013), LR 40:530 (March 2014), LR 41:673 (April 2015), LR 42:746 (May 2016), LR 43:652 (April 2017), LR 44:579 (March 2018), LR 45:533 (April 2019), LR 46:560 (April 2020), LR 47:460 (April 2021), LR 48:1522 (June 2022), LR 49:1040 (June 2023).

**§705. Tables—Vessels**

Table 705.A Vessels								
Vessel Type/Size	Base Cost	Day Rate	Multiplier	2021 - 2017	2016 - 2012	2011 - 2007	2006 - 2002	2001 and Earlier
Cost Index				0.86	0.72	0.58	0.44	0.3
Crew								
60'-70'	\$1,450,000	1800	1.1	\$1,371,700	\$1,148,400	\$925,100	\$701,800	\$478,500
71'-99'	\$1,750,000	2000	1.13	\$1,700,650	\$1,423,800	\$1,146,950	\$870,100	\$593,250
100'-119'	\$2,000,000	2200	1.33	\$2,287,600	\$1,915,200	\$1,542,800	\$1,170,400	\$798,000
120'-140'	\$2,500,000	2400	1.23	\$2,644,500	\$2,214,000	\$1,783,500	\$1,353,000	\$922,500
141'-165'	\$3,250,000	2800	1.17	\$3,270,150	\$2,737,800	\$2,205,450	\$1,673,100	\$1,140,750
165'+	\$3,500,000	3000	1.17	\$3,521,700	\$2,948,400	\$2,375,100	\$1,801,800	\$1,228,500
Supply								
140'-159'	\$2,500,000	2500	1.43	\$3,074,500	\$2,574,000	\$2,073,500	\$1,573,000	\$1,072,500
160'-179'	\$2,800,000	3200	1.43	\$3,443,440	\$2,882,880	\$2,322,320	\$1,761,760	\$1,201,200
180'-199'	\$3,300,000	4000	1.43	\$4,058,340	\$3,397,680	\$2,737,020	\$2,076,360	\$1,415,700
200'-219'	\$4,500,000	4800	1.64	\$6,346,800	\$5,313,600	\$4,280,400	\$3,247,200	\$2,214,000
220'-230'	\$6,000,000	5000	2.5	\$12,900,000	\$10,800,000	\$8,700,000	\$6,600,000	\$4,500,000
231'+	\$6,000,000	5000	2.83	\$14,602,800	\$12,225,600	\$9,848,400	\$7,471,200	\$5,094,000
OSV								
110'-139'	\$2,000,000	3000	1.14	\$1,960,800	\$1,641,600	\$1,322,400	\$1,003,200	\$684,000
140'-159'	\$2,200,000	3500	1.14	\$2,156,880	\$1,805,760	\$1,454,640	\$1,103,520	\$752,400
160'-179'	\$2,200,000	3500	1.21	\$2,289,320	\$1,916,640	\$1,543,960	\$1,171,280	\$798,600
180'-199'	\$2,800,000	4000	1.43	\$3,443,440	\$2,882,880	\$2,322,320	\$1,761,760	\$1,201,200
200'-219'	\$3,500,000	5200	1.71	\$5,147,100	\$4,309,200	\$3,471,300	\$2,633,400	\$1,795,500
220'-230'	\$5,000,000	5700	1.93	\$8,299,000	\$6,948,000	\$5,597,000	\$4,246,000	\$2,895,000
231'-279'	\$5,000,000	5700	2.11	\$9,073,000	\$7,596,000	\$6,119,000	\$4,642,000	\$3,165,000
280'-299'	\$6,000,000	9000	2.11	\$10,887,600	\$9,115,200	\$7,342,800	\$5,570,400	\$3,798,000
300'-319'	\$8,000,000	10500	2.11	\$14,516,800	\$12,153,600	\$9,790,400	\$7,427,200	\$5,064,000
320'+	\$9,000,000	10800	2.11	\$16,331,400	\$13,672,800	\$11,014,200	\$8,355,600	\$5,697,000
Utility								
100'-119'	\$2,200,000	2500	1.27	\$2,402,840	\$2,011,680	\$1,620,520	\$1,229,360	\$838,200
120'-139'	\$2,500,000	2800	1.13	\$2,429,500	\$2,034,000	\$1,638,500	\$1,243,000	\$847,500
140'-165'	\$2,800,000	3200	1.17	\$2,817,360	\$2,358,720	\$1,900,080	\$1,441,440	\$982,800
165'+	\$4,000,000	3600	1.17	\$4,024,800	\$3,369,600	\$2,714,400	\$2,059,200	\$1,404,000

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:1837 and R.S. 47:2323.

HISTORICAL NOTE: Promulgated by the Department of Revenue, Tax Commission, LR 33:490 (March 2007), LR 35:493

(March 2009), amended by the Office of the Governor, Division of Administration, Tax Commission, LR 47:465 (April 2021), LR 49:1045 (June 2023).

## Chapter 9. Oil and Gas Properties

### §901. Guidelines for Ascertaining the Fair Market Value of Oil and Gas Properties

A. The assessment of oil and gas properties shall be made in accordance with the Louisiana Constitution of 1974, Article VII, Section 18; Louisiana Constitutional Amendment 2 concerning Article VII, Section 4(B), approved November 3, 2020; and in accordance with guidelines adopted by the Tax Commission and applied uniformly throughout the state.

#### B. The Well

1. The well includes all of the equipment and any other taxable property located below the wellhead, as well as the casinghead, wellhead and/or xmas tree.

2. For assessment purposes, the well shall also be construed to include surface equipment items more or less permanently attached to the well necessary for the oil and gas and related hydrocarbons to be produced and reach the point of custody transfer or first point of sale or gathering operation (i.e. leasehold equipment or “production train”, see Explanations below).

3. Each well/lease/field is assessed in accordance with guidelines establishing “fair market value”.

#### C. Explanations

*Ad Valorem Tax Allowance*—the estimated tax rate levied by local taxing bodies on the taxable value of property, expressed as a percentage deduction from the DCF.

*Additional Equipment*—equipment on a well site not typical for production of similar wells.

*Annualized*—the conversion of a short-term figure or calculation into an annual or yearly rate.

*Average Depth*—the simple average of the depth of the wells included in the LAT-12 filing.

*Capital Expense (Capex)*—the major investments a company incurs to either maintain, restore, or increase production or efficiency (see Workover). Capex is generally considered non-recurring in nature because it is not a direct operating expense that affects net operating income. Instead, capital expenditures are capitalized into a depreciable asset for accounting purposes. However, capex, or some portion thereof, can be included in a DCF appraisal to the extent deemed necessary for the operator to achieve a forecasted production amount. Otherwise, capex is solely a past expense that shouldn’t be explicitly recognized in a forecast of future net income. See discussion of expense forecast in §907.B.3 below.

*Custody Transfer*—in the oil and gas industry, refers to the passing of oil or gas from one entity to another for the other’s immediate charge or control, accomplished for example by a custody transfer meter for gas and a lease automatic custody transfer (LACT) unit for oil or other liquids, installed downstream of the wellhead or central gathering location such as a tank battery.

*Decline Curve Analysis*—a common means of predicting future oil well or gas well production based on past production history utilizing empirical reservoir engineering equations which assume production decline is proportional to reservoir pressure decline. When used in conjunction with DCF appraisal methodology which considers the economics of this potential future production, a well’s expected ultimate recovery (EUR) and remaining reserves can be reliably estimated.

*Discounted Cash Flow (DCF) Analysis*—discounted cash flow (DCF) is a valuation method used to analyze the economics and current or potential value of an investment based on its expected future cash flows. Although technically different from an accounting perspective, net operating income can be used as a proxy for cash flow. As a widely accepted technique of the income approach to value, DCF analysis is most useful when past and expected future cash flows will vary over time, either up or down, as opposed to the direct capitalization technique which assumes a stabilized income is available or can be estimated. A DCF appraisal involves the interaction of four basic parameters: production, price, expense, and discount rate. The first three parameters combine to create a forecasted net income stream, whereas the fourth parameter converts this future net income to a present worth equal to estimated fair market value. Cash flow projection in a DCF can proceed along any chosen time increments; yearly (“year-by-year”) projections are mathematically convenient and widely used for long-lived assets related to oil and gas production.

*Discount Rate*—the discount rate refers to the rate of interest used in a discounted cash flow (DCF) analysis to determine the present value of predicted future cash flows. Because these cash flows are non-guaranteed, the rate should include not only the time cost of money but also all components of risk that relate to the valuation in the marketplace for oil and gas assets. The discount rate typically exceeds the weighted average cost of capital (WACC) which is the minimum rate needed to justify the cost of a new venture, because future cash flows from a project or investment must meet or exceed the capital outlay needed to fund the project or investment in the present. See discussion of discount rate in §907.B.4 below.

*Disposal Well*—well used for injection of waste fluids or solids into an underground formation for more or less permanent storage.

*Economic Limit*—in a year-by-year DCF appraisal, describes the future point in time in which forecasted net income becomes negative due to allowed direct costs of operation (not counting capital expense, if any) exceeding forecasted revenues. Economic limit can vary between properties and is most often considered a result of each property’s DCF appraisal, not a known input parameter itself.

*Field*—the general geographic region situated over one or more subsurface oil and gas reservoirs or “pools.” Fields can abut or even overlay each other if two or more vertically aligned reservoirs are assigned separate field names by the state’s regulatory body.

*Flowing Well*—a well that produces oil and/or gas to the surface by its own reservoir pressure instead of utilizing mechanical inducement such as a downhole pump, pumping unit, compressor or gas lift.

*Gathering Line/System*—small to medium diameter pipelines that transport oil or gas from a central point of receipt to a transmission line or mainline. A gathering system can include compression and treatment facilities.

*Inactive Wells*—wells that are non-producing or “shut-in.” Shut-in status becomes effective on the date the application for shut-in status is filed, consistent with the Louisiana Office of Conservation requirements.



*Injection Wells*—wells completed as single or wells reclassified by the Louisiana Office of Conservation after a conversion of another well. Injection wells are used for gas and water injection for oil and gas formation production purposes, as well as, disposal wells.

*Lease*—a legal instrument or agreement between the operator (lessee) and a landowner (lessor) which gives the operator the right to explore for and produce mineral resources such as oil and gas. Also, the term often used interchangeable with property.

*Lease/Flow Lines*—typically smaller diameter pipelines that directly connect one or more wells to a central accumulation point, manifold, or process equipment including all check, safety, and allocation meters up to the point of custody transfer such as a LACT unit or sales meter.

*Lease Operating Expense (LOE)*—the costs incurred after drilling and completion activities have ended and production activities have begun. In a DCF appraisal, LOE represents all costs deemed necessary and reasonably prudent for a property to produce oil and/or gas in the amounts desired. Allowed LOE includes direct recurring costs for items such as labor, contract services, equipment, materials and supplies, treatment and processing of gases and fluids to the point of custody transfer, and overhead. LOE can also include capital expenditures when appropriate. See discussion of expense forecast in §907.B.3 below.

*LUW Code*—an identification code assigned to a well by the Louisiana Office of Conservation located on a particular lease, unit, or a gas lease well.

*Multiple Completions*—wells consisting of more than one producing zone. Deepest or primary completion may or may not be the base well number depending upon the Louisiana Office of Conservation permits and classification.

*Number of Wells*—the total well count included in the DCF appraisal.

*Price Adjustment Factor*—the factor derived to adjust the prior year average price to a more current market price, as of the assessment date.

*Primary Product*—the permitted majority product (oil or gas) produced from a well.

*Production*—the yield or amount of hydrocarbons of an oil or gas well as reported to the Louisiana Office of Conservation. In a DCF appraisal, production is the manufactured product that is projected to be sold and create a future revenue stream. See *Decline Curve Analysis*.

*Production Depth*—is the depth from the surface to the active lower perforation in each producing zone in which the well is completed. As an example: a well completed in three separate zones is a triple completion and will have three different production depths as determined by the depth of the active lower perforation for each completion.

*Production Rate Decline*—the rate at which the production level of oil and gas assets change (typically reduce) over time. See *Decline Curve Analysis*.

*Production Train*—the production train includes all the leasehold equipment on site, including the oil and gas wells themselves, required for the production of oil, gas, and related water assets, subject to ad valorem taxation. Simply identified, it is all the tangible equipment from the lowest active completion through the first sales meter before gathering or pipeline entry. The production train includes, but is not limited to, water supply wells, disposal wells,

platforms, pad sites, tanks, process facilities such as separators, heater treaters, amine units, etc., injection wells for oil and gas production purposes, and all improvements directly related to production activities. The production train can include inactive equipment but not ancillary equipment not directly related to production of the oil and gas wells being appraised.

*Pumping Well*—a well which is not a flowing well and from which oil is produced by use of any type of artificial lifting method such as a pump. Pumps are required when the formation pressure is not sufficient to allow fluids to flow to the surface.

*Recompletion*—any downhole operation to an existing oil or gas well that is conducted to establish production of oil or gas from any geological interval not currently completed or producing in said existing oil or gas well.

*Royalty Interest*—royalty interest in the oil and gas industry refers to ownership of a portion of a resource or the revenue it produces. A company or person that owns a royalty interest does not bear any operational costs needed to produce the resource, yet they still own a portion of the resource or revenue it produces.

*Sales Meter*—sales meter is a meter at which custody transfer takes place.

*Salvage Leasehold Equipment Value*—the estimated net cash value of the equipment included in the production train either when production ceases or becomes uneconomic to produce commercially.

*Severance Tax Allowance*—the estimated tax rate levied by the state on removal (severance) of oil and gas from the ground, expressed as a percentage deduction from the DCF.

*Single Completions*—

a. well originally completed as a single;

b. well reclassified by the Louisiana Office of Conservation after a conversion of multiple completed well to a single producing zone.

*Start Rate*—the daily average production level of oil or gas at the beginning of the appraisal. The start rate can be the average of a brief period of time surrounding the assessment date (January 1 of the current tax year) or the actual daily production rate as of January 1. The rate should be based on all information known and related to the actual expected production as of the assessment date. See discussion of production forecast in §907.B.1 below.

*Starting Price*—the actual average price received by the well/LUW/field in the immediately prior year or available 12 months. See discussion of price forecast in §907.B.2 below.

*Tax Year*—the year of assessment as of January 1 of any annual period.

*Typical Equipment*—See *Production Train*.

*Water Wells*—wells used for production purposes only, both fresh and salt water supply.

*Well Serial Number*—in Louisiana, the permanent identification number assigned to a well by Department of Natural Resources upon approval of the Application for (or to Renew) Permit to Drill for Minerals (MD-10R).

*Working Interest (WI)*—the estate or rights created from a lease agreement that grants oil and gas companies the right to explore for, drill, and produce natural resources such as oil and gas from a designated area of land. The owners of a lease's working interest (typically, the operator and

contractually related parties) incur all expenses of a well's physical creation and operation and therefore own the well, as opposed to royalty interest owners who do not own any portion of the well. For DCF purposes described in this chapter, WI is the sum of all working interest net revenue interest decimals included in the LAT-12 reporting, well/LUW/field. It will be a number less than 1.0 in most cases.

*Workovers*—major repairs or modifications which restore or enhance production from a well. An example of a typical workover is cleaning out a well that has sanded up whereas the tubing is pulled and the casing and bottom of the hole is washed out with mud. Workovers can also involve more complex recompletion procedures such as redrilling or hydraulic fracturing (fracking) of the oil or gas formation. Workovers often involve an operator incurring capital expenditures (capex) which may or may not be applicable to a forecast of future net income. See discussion of expense forecast in §907.B.3 below.

D. Well Fair Market Value Classifications. LUW (Lease, Unit, or Well) code is a six-digit code assigned by the Office of Conservation for the purpose of recording production. Each individual well must be listed separately by ward, field name and Louisiana Office of Conservation field code number, location (Sec.-Twp.-Range), lease name, well serial number, lease well number, well type and production depth (active lower perforation of each zone), in accordance with guidelines established by the Tax Commission.

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:1837 and R.S. 47:2323.

HISTORICAL NOTE: Promulgated by the Louisiana Tax Commission, LR 2:359 (November 1976), amended by the Department of Revenue and Taxation, Tax Commission, LR 8:102 (February 1982), LR 9:69 (February 1983), LR 17:1213 (December 1991), LR 19:212 (February 1993), LR 31:717 (March 2005), LR 33:492 (March 2007), LR 35:495 (March 2009), LR 36:773 (April 2010), amended by the Office of the Governor, Division of Administration, Tax Commission, LR 43:652 (April 2017), LR 49:1046 (June 2023).

### **§903. Instructions for Reporting Oil and Gas Properties**

A. A separate LAT-12 form is used for each well lease or facility represented by a LUW (Lease, Unit, or Well) code, a six-digit code assigned by the Office of Conservation for the purpose of recording production. An attachment in lieu of the form is permitted only if information is in the same sequence. The LAT-12 form may be reproduced and used as an attachment; however, all attachments must be properly identified and attached to the original.

1. Wells under the same assessment number are required to be listed in serial number order.

2. All additional supporting documentation is recommended to be attached to the LAT-12 in an order that allows for ease of review by the assessor.

B. The following data is useful in performing the DCF appraisal of the well(s) and leasehold equipment (production train) and is recommended to be provided with the LAT-12. The detail level will be based on the reporting level of the LAT-12 (well, lease, LUW, field, facility).

1. Primary product (oil or gas), total working interest (WI) decimal, total number of wells included, average depth, prior year average price for oil and gas received, operating expense for prior year, capital expense used to enhance

production, decline rate, production rate, and any data to support limits or inhibitors to the asset.

2. Decline curves for field averages over time (“type curves”) are a useful tool in forecasting future production levels for individual wells/leases/LUW codes.

3. Any additional information that provides the anticipated performance of the assets included in the production train or the associated production should be considered.

C. Operators shall furnish a statement of lease operating expenses for the previous calendar year. This statement should correspond as closely as possible with the LAT 12 form(s) for each lease or facility (as stated above) and be in sufficient enough detail to indicate the extent and monthly timing of incurrence of various major categories of expense such as labor, power and fuel, salt water disposal, chemicals, materials and supplies, repair and maintenance, workovers, and district overhead.

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:1837 and R.S. 47:2326.

HISTORICAL NOTE: Promulgated by the Department of Revenue and Taxation, Tax Commission, LR 8:102 (February 1982), amended LR 16:1063 (December 1990), LR 19:212 (February 1993), LR 22:117 (February 1996), amended by the Office of the Governor, Division of Administration, Tax Commission, LR 48:1523 (June 2022), LR 49:1048 (June 2023).

### **§905. Reporting Procedures**

A. Oil, Gas, Associated Wells, and Related Production Equipment (Production Train), see guidelines adopted by the Louisiana Tax Commission and report in accordance with form requirements or as otherwise outlined in this chapter.

1. A data template corresponding to a DCF model as adopted by the Louisiana Tax Commission shall be completed by the operator with the following information:

a. level of detail being provided (well/lease/LUW, etc.) and appropriate identifying name(s), number(s), LUW codes, etc;

b. primary product being produced (oil or gas);

c. total decimal ownership of the working interest (WI) in the assets to be assessed (typically +/- 0.75000);

d. total number of wells to be represented in the DCF;

e. average total depth of the wells represented in the DCF;

f. previous year average price (dollars per barrel for oil or dollars per mcf for gas);

g. severance tax rate(s) being assessed against the well(s) by the Louisiana Department of Revenue;

h. recurring direct operating expense commensurate to the level of detail (well/lease/LUW) represented in the DCF;

i. amount of capital expenditures (capex) anticipated to be incurred as of the assessment date (January 1) and cause and timing thereof;

j. salvage value of specialized leasehold equipment, if any, not considered part of a typical production train.

#### **B. Surface Equipment**

1. See guidelines adopted by the Louisiana Tax Commission regarding the use of Table 907.E-7 regarding depreciable life and Table 907.D-4 regarding depreciation rate. The detail of typical equipment included in the production train need not be listed on or with the LAT-12. For additional or ancillary equipment not considered as part

of the production train, various sizes, items, etc. may not be commingled into one category or value. Property must be grouped, totaled and included in summary according to the following property classes:

2. Property Class #1—Oil and Gas Equipment - major items of oil and gas equipment not included and assessed as part of the well are shown as a schedule item. For other equipment (not included as a schedule item), year of construction or purchase, original cost and composite multiplier must be shown and used to determine fair market value. Refer to composite multipliers in the general business section (Chapter 25) of these guidelines.

3. Property Class #2—Tanks—see schedule for type, size, unit cost, etc.

4. Property Class #3—Inventories

a. may be reported as a total accumulated cost in the fair market value column - with property description and on appropriate LAT form;

b. Material AND Supplies:

i. located on lease or facility—use LAT-12 form;

ii. located at a public or private storage—use LAT-5 form (Sec. 1).

c. Pipe Stock—report footage or tonnage in unit column (indicating measurement) cost per unit measurement in unit value column and extend total fair market value.

i. located on lease or facility - use LAT-12 form.

ii. located at a public or private storage - use LAT-5 form (Sec. 1).

d. Pipe Stock—exempt under La. Const., Art. VII, §21(D-3)—use LAT-5 form (Sec. 1).

5. Property Class #4—Field Improvements— docks, lease buildings, equipment sheds and buildings, warehouses, land and leasehold improvements, etc.—furnish year constructed and cost. Use composite multiplier from appropriate table on original cost, and extend fair market value for each.

6. Property Class #5—Other Property—on lease or producing facilities, but not included in the above classes viz:

a. Barges—used as work, utility, submerged platforms, etc.—report type, size, year of purchase, cost and use composite multiplier from the appropriate table;

b. Furniture and Fixtures—may be reported as a total cost with the composite multiplier from the appropriate table on original cost. Report such property on LAT-12 form (Oil and Gas Property).

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:1837 and R.S. 47:2323.

HISTORICAL NOTE: Promulgated by the Department of Revenue and Taxation, Tax Commission, LR 8:102 (February 1982), amended LR 19:212 (February 1993), amended by the Department of Revenue, Tax Commission, LR 24:480 (March 1998), LR 49:1048 (June 2023).

### §907. Valuation of Oil, Gas, and Other Wells

A. The valuation procedure below, which provides that the presence of oil or gas or the production thereof may be included in the methodology to determine the fair market value of an oil or gas well for ad valorem taxes, covers only that portion of the well, including the well's associated leasehold equipment or "production train" subject to ad valorem taxation. Further, the valuation procedure below

provides that no further or additional tax or license shall be levied or imposed on oil, gas or sulphur leases or rights and no additional value shall be added to the assessment of land due to the presence of oil, gas or sulphur or their production therefrom.

B. The presence of oil or gas, or the production thereof, is to be included in the year-by-year discounted cash flow (DCF) model described below and as adopted by the Louisiana Tax Commission to determine the fair market value of an oil or gas well and its associated leasehold equipment for ad valorem tax purposes in Louisiana.

1. Production Forecast—oil and gas or other hydrocarbon production history for the well, lease or facility represented by the LUW (Lease, Unit, or Well) code is to be analyzed by the assessor for relevant trends and patterns established as of January 1 of the current tax year, using Decline Curve Analysis or other accepted empirical method. A commensurate forecast of future production, or production potential, attributable to only the working interest owner(s), is to be made by the assessor as of January 1 of the current tax year. This production forecast will consist of a Start Rate as of January 1 (daily average barrels or mcf) and up to three exponential percentage decline rates for designated periods of time in the DCF.

2. Price Forecast—the forecasted oil and gas or other hydrocarbon production amounts for the well, lease or facility represented by the LUW code, attributable to the working interest owner(s), are to be factored by an oil or gas or other hydrocarbon price forecast as of January 1 of the current tax year as annually determined by the Tax Commission to result in a forecasted gross revenue stream attributable to the working interest owner(s). This price forecast is based on the following guidelines:

a. the forecasted oil and gas or other hydrocarbon price forecast shall begin with the immediately previous calendar year's monthly average price (starting price) received by the working interest owner(s) for the oil and gas or other hydrocarbons produced and sold from the lease or facility represented by the LEW code on the open market to an unaffiliated third party or otherwise at a market-oriented rate. The source of this starting price shall correspond to severance tax data as reported by the operator to the Louisiana Department of Revenue;

i. this previous year average price may vary by property;

ii. if oil and gas or other hydrocarbons were either not produced or not sold for one or more months of the previous calendar year, the average price for which similar oil and gas from comparable interests was selling during that month is to be used;

b. the previous year average price is to be increased or decreased, whichever is appropriate, for year 1 of the discounted cashflow analysis with a Price Adjustment Factor which will be commensurate with the percentage increase or decrease, respectively, as indicated by the forecasted price in the Energy Information Administration (EIA) January STEO (Short-Term Energy Outlook) report for the current tax year, relative to the actual price shown for the immediately previous calendar year in the same publication. These two prices can be referenced in the report's Table 2. Energy Prices:

i. for oil, reference “West Texas Intermediate Spot Average” (dollars per barrel);

ii. for natural gas, reference “Henry Hub Spot” (dollars per million Btu);

iii. this price adjustment factor is to be used in the appraisal of each property, to the extent the property’s forecasted cash flow extends to year 1;

c. the year 1 price used in the DCF appraisal is to be either increased or decreased, whichever is appropriate, in four more or less equal percentage increments to a year 5 price considered to be representative to a long-term average price available for the sale of oil and gas from the property as calculated with reference to the last 20 years of historical oil and gas price data from the Energy Information Administration (EIA);

i. the long-term average price is to be calculated after removal of outlier prices, if any, within the 20-year range, defined as any historical price outside of one standard deviation from the simple average.

ii. these percentages are to be used in the appraisal of each property, to the extent the property’s forecasted cash flow extends to either years 2, 3, 4, or 5.

d. the year 5 price used in the DCF appraisal is to be held flat for all years thereafter in the DCF, to the extent the property’s forecasted cash flow extends past year 5;

e. the five oil and gas price forecast percentages discussed above, along with the zero percent escalation for any years in the DCF past year 5, together constitute the “price forecast scenario” as established by the Tax Commission and are to be used in the DCF appraisal of each property. This oil and gas price forecast scenario is shown in Table 907.D-1.

3. Expense Forecast—in the DCF appraisal of the property, the forecasted gross revenues attributable to the working interest owner(s) are to be reduced for the allowance of reasonable and defensible direct costs of operation, as well as, all applicable state and local tax burden, to result in a forecasted net income stream attributable to the working interest owner(s) of the specific property being appraised. This cost allowance should represent the amount and timing of recurring expense, including overhead, along with any applicable non-recurring (capital) expense(s), typical to the area and similar operations and not necessarily the exact expenses incurred in any previous year, deemed reasonable and necessary for the property to achieve the forecasted oil and gas production amounts:

a. an assessor should make effort to obtain and consider actual historical expenses being incurred by the operator as documented on expense statements required to be provided to the assessor pursuant to §903.C. Absent this information, an assessor may assume a minimal amount and/or otherwise rely on their own judgement using best information available;

b. the increase or decrease of direct operating expense allowance in the cash flow appraisal will correspond to the increase or decrease in forecasted price, as established by the Tax Commission;

c. the percentage increase or decrease for each forecasted year of the cash flow appraisal will be calculated at 1/3 of the percentage increase or decrease in price for that

year relative to the previous year price, referencing the price of the property’s primary hydrocarbon being produced;

d. the provision for increase or decrease of the direct operating expense allowance does not pertain to separate allowance, if any, of capital expense(s) in the property’s cash flow appraisal.

4. Discount Rate—the forecasted net income amounts in the property’s DCF appraisal are to be discounted (reduced) to present day worth by application of a discount factor for each year of the forecasted cash flow commensurate with an appropriate discount rate:

a. the discount rate may vary by property;

b. base discount rates to account for the time cost of money and general industry risk are to be established by the Tax Commission. These discount rates separately extend to oil wells vs. gas wells and are shown in Table 907.D-2. This is a minimum rate whereas the assessor may use a higher rate to account for additional property-specific risks and/or other considerations as appropriate for the determination of each property’s market value;

c. these discount rates applies only to the forecasted net income of the DCF appraisal. A separate discount rate is established by the Louisiana Tax Commission to be applicable to valuation of the oil and gas wells’ associated leasehold equipment (production train) and is shown in Table 907.D-2.

C. In the event the DCF appraisal results in a zero economic life and/or zero or negative discounted net income, a minimum amount of value will be established for the leasehold equipment (production train) associated with the oil and gas well(s) represented by the DCF, applying the appropriate schedule value in Table 907.D-3 to the average production depth of the wells represented by the DCF.

1. In the event the DCF appraisal results in a positive value but less than the minimum equipment value as derived using Table 907.D-3, the assessed value will be based on the minimum equipment value as established by Table 907.D-3.

D. For the 2023 tax year, the assessed value of the oil and gas wells on an individual property basis is to be limited to a range of 50 percent to 150 percent of the assessed value of the same oil and gas wells in the previous tax year. This limitation is inclusive of only the wells and leasehold equipment (production train) assessed in both years.

1. Oil and Gas Price Forecast Scenario

Table 907.D-1 Oil and Gas Price Forecast Scenario		
Year of Discounted Cash Flow	Oil Price (%)	Gas Price (%)
1	-18.68%	-23.68%
2	-4.71%	-3.98%
3	-4.95%	-4.14%
4	-5.20%	-4.32%
5	-5.49%	-4.52%
Thereafter	0	0

2. Oil and Gas Well Discount Rates

Table 907.D-2 Oil and Gas Well Discount Rates	
Primary Product	Discount Rate (%)
Oil Well	15%
Gas Well	15%
Leasehold Equipment	6%

3. Minimum Leasehold Equipment Value

Onshore/Offshore	Average Production Depth (feet)	Value Per Foot (\$)
Onshore	1 – 1,499	0.50
Onshore	1,500 – 2,499	0.75
Onshore	2,500 – 9,999	1.00
Onshore	10,000 or greater	1.50
Offshore *	All Depths	2.00

\* Includes production platforms/barges.

4. Serial Number to Percent Good Conversion Chart

Year	Beginning Serial Number	Ending Serial Number	20 Year Life Percent Good
2022	253176	Higher	97
2021	252613	253175	93
2020	252171	252612	90
2019	251497	252170	86
2018	250707	251496	82
2017	249951	250706	78
2016	249476	249950	74
2015	248832	249475	70
2014	247423	248831	65
2013	245849	247422	60
2012	244268	245848	55
2011	242592	244267	50
2010	240636	242591	45
2009	239277	240635	40
2008	236927	239276	35
2007	234780	236926	31
2006	232639	234779	27
2005	230643	232638	24
2004	229010	230642	22
2003	227742	229009	21
2002	Lower	227741	20 *
VAR.	900000	Higher	50

\* Reflects residual or floor rate.

NOTE: For any serial number categories not listed above, use year well completed to determine appropriate percent good. If spud date is later than year indicated by serial number; or, if serial number is unknown, use spud date to determine appropriate percent good.

E. Surface Equipment

1. Listed below is the cost-new of major items used in the production, storage, transmission and sale of oil and gas. Any equipment not shown shall be assessed on an individual basis.

2. All surface equipment, including other property associated or used in connection with the oil and gas industry in the field of operation, must be rendered in accordance with guidelines established by the Tax Commission and in accordance with requirements set forth on LAT Form 12- Personal Property Tax Report - Oil and Gas Property.

3. Surface equipment will be assessed in 5 major categories, as follows:

a. oil and gas equipment (surface equipment not considered leasehold equipment);

b. tanks (surface equipment not considered leasehold equipment);

c. inventories (material and supplies);

d. field improvements (docks, buildings, etc.);

e. other property (not included above).

4. The cost-new values listed below are to be adjusted to allow depreciation by use of the appropriate percent good listed in Table 907.D-4. When determining the value of equipment associated with a single well, use the age of that well to determine the appropriate percent good. When determining the value of equipment used on multiple wells, the average age of the wells within the lease/field will determine the appropriate year to be used for this purpose.

a. January 1, 2016 the allowance of depreciation by use of the appropriate percent good will be based on the actual age of the equipment, if known or available, and will apply only to surface equipment with an original purchase cost of \$2,500 or more.

5. Functional and/or economic obsolescence shall be considered in the analysis of fair market value as substantiated by the taxpayer in writing. Consistent with Louisiana R.S. 47:1957, the assessor may request additional documentation.

6. Sales, properly documented, should be considered by the assessor as fair market value, provided the sale meets all tests relative to it being a valid sale.

7. Surface Equipment—Property Description

Property Description	\$ Cost New
Actuators—(see Metering Equipment)	
Automatic Control Equipment—(see Safety Systems)	
Automatic Tank Switch Unit—(see Metering Equipment)	
Barges - Concrete—(assessed on an individual basis)	
Barges - Storage—(assessed on an individual basis)	
Barges - Utility—(assessed on an individual basis)	
Barges - Work—(assessed on an individual basis)	
Communication Equipment—(see Telecommunications)	
Dampeners—(see Metering Equipment—"Recorders")	
Desorbers—(no metering equipment included):	
125#	114,320
300#	126,050
500#	143,440
Destroilets—(see Metering Equipment—"Regulators")	
Desurgers—(see Metering Equipment—"Regulators")	
Desilters—(see Metering Equipment—"Regulators")	
Diatrollers—(see Metering Equipment—"Regulators")	
Docks, Platforms, Buildings—(assessed on an individual basis)	
Dry Dehydrators (Driers)—(see Scrubbers)	
Engines-Unattached—(only includes engine and skids):	
Per Horsepower	360
Evaporators—(assessed on an individual basis)	
Expander Unit—(no metering equipment included):	
Per Unit	41,940
Flow Splitters—(no metering equipment included):	
48 In. Diameter Vessel	20,420
72 In. Diameter Vessel	27,050
96 In. Diameter Vessel	41,450
120 In. Diameter Vessel	58,890
Fire Control System—(assessed on an individual basis)	
Furniture and Fixtures—(assessed on an individual basis) (Field operations only, according to location.)	

Table 907.E-7 Surface Equipment	
Property Description	\$ Cost New
Gas Compressors—Package Unit—(Skids, scrubbers, cooling system, and power controls. No metering or regulating equipment.):	
1 - 49 HP	750
50 - 99 HP	1,510
100 - 999 HP	1,230
1,000 - 1,499 HP	940
1,500 HP and Up	830
Gas Coolers—(no metering equipment):	
5,000 MCF/D	32,210
10,000 MCF/D	36,280
20,000 MCF/D	112,860
50,000 MCF/D	256,060
100,000 MCF/D	419,370
Generators—Package Unit only -(no special installation) Per K.W.	240
Glycol Dehydration—Package Unit—(Including pressure gauge, relief valve and regulator. No other metering equipment.):	
Up to 4.0 MMCF/D	22,610
4.1 to 5.0 MMCF/D	25,220
5.1 to 10.0 MMCF/D	48,620
10.1 to 15.0 MMCF/D	67,650
15.1 to 20.0 MMCF/D	92,080
20.1 to 25.0 MMCF/D	119,730
25.1 to 30.0 MMCF/D	227,430
30.1 to 50.0 MMCF/D	254,050
50.1 to 75.0 MMCF/D	316,050
75.1 and Up MMCF/D	364,670
Heaters—(Includes unit, safety valves, regulators and automatic shut-down. No metering equipment.):	
Steam Bath—Direct Heater:	
24 In. Diameter Vessel - 250,000 BTU/HR Rate	7,840
30 In. Diameter Vessel - 500,000 BTU/HR Rate	9,850
36 In. Diameter Vessel - 750,000 BTU/HR Rate	11,910
48 In. Diameter Vessel - 1,000,000 BTU/HR Rate	17,630
60 In. Diameter Vessel - 1,500,000 BTU/HR Rate	21,760
Water Bath—Indirect Heater:	
24 In. Diameter Vessel - 250,000 BTU/HR Rate	6,690
30 In. Diameter Vessel - 500,000 BTU/HR Rate	9,180
36 In. Diameter Vessel - 750,000 BTU/HR Rate	11,970
48 In. Diameter Vessel - 1,000,000 BTU/HR Rate	16,960
60 In. Diameter Vessel - 1,500,000 BTU/HR Rate	21,700
Steam—(Steam Generators):	
24 In. Diameter Vessel - 250,000 BTU/HR Rate	8,570
30 In. Diameter Vessel - 450,000 BTU/HR Rate	10,700
36 In. Diameter Vessel - 500 to 750,000 BTU/HR Rate	16,050
48 In. Diameter Vessel - 1 to 2,000,000 BTU/HR Rate	18,420
60 In. Diameter Vessel - 2 to 3,000,000 BTU/HR Rate	20,850
72 In. Diameter Vessel - 3 to 6,000,000 BTU/HR Rate	32,940
96 In. Diameter Vessel - 6 to 8,000,000 BTU/HR Rate	39,570
Heat Exchange Units—Skid Mounted—(see Production Units)	
Heater Treaters—(Necessary controls, gauges, valves and piping. No metering equipment included.):	
Heater - Treaters - (non-metering):	
4 x 20 ft.	17,140
4 x 27 ft.	22,060
6 x 20 ft.	23,100
6 x 27 ft.	29,050
8 x 20 ft.	37,010
8 x 27 ft.	43,330
10 x 20 ft.	48,930
10 x 27 ft.	57,560
L.A.C.T. (Lease Automatic Custody Transfer)—see Metering Equipment)	
JT Skid (Low Temperature Extraction)—(includes safety valves, temperature controllers, chokes, regulators, metering equipment, etc.—complete unit.):	
Up to 2 MMCF/D	42,540
Up to 5 MMCF/D	60,780
Up to 10 MMCF/D	145,870
Up to 20 MMCF/D	243,110

Table 907.E-7 Surface Equipment	
Property Description	\$ Cost New
Liqua Meter Units—(see Metering Equipment)	
Manifolds—(see Metering Equipment)	
Material and Supplies—Inventories—(assessed on an individual basis)	
Meter Calibrating Vessels—(see Metering Equipment)	
Meter Prover Tanks—(see Metering Equipment)	
Meter Runs—(see Metering Equipment)	
Meter Control Stations—(not considered Communication Equipment) - (assessed on an individual basis)	
Metering Equipment	
Actuators—hydraulic, pneumatic and electric valves	6,620
Controllers—time cycle valve - valve controlling device (also known as Intermitter)	2,070
Fluid Meters:	
1 Level Control	
24 In. Diameter Vessel - 1/2 bbl. Dump	5,040
30 In. Diameter Vessel - 1 bbl. Dump	6,500
36 In. Diameter Vessel - 2 bbl. Dump	9,000
2 Level Control	
20 In. Diameter Vessel - 1/2 bbl. Dump	4,740
24 In. Diameter Vessel - 1/2 bbl. Dump	5,710
30 In. Diameter Vessel - 1 bbl. Dump	7,170
36 In. Diameter Vessel - 2 bbl. Dump	9,660
L.A.C.T. and A.T.S. Units:	
30 lb. Discharge	31,850
60 lb. Discharge	36,280
Manifolds—Manual Operated:	
High Pressure	
per well	24,980
per valve	8,450
Low Pressure	
per well	12,090
per valve	4,010
Manifolds—Automatic Operated:	
High Pressure	
per well	45,160
per valve	14,890
Low Pressure	
per well	32,210
per valve	10,880
NOTE: Automatic Operated System includes gas hydraulic and pneumatic valve actuators, (or motorized valves), block valves, flow monitors-in addition to normal equipment found on manual operated system. No Metering Equipment Included.	
Meter Runs—piping, valves and supports—no meters:	
2 In. piping and valve	6,810
3 In. piping and valve	7,660
4 In. piping and valve	9,240
6 In. piping and valve	12,880
8 In. piping and valve	19,350
10 In. piping and valve	25,770
12 In. piping and valve	32,210
14 In. piping and valve	43,880
16 In. piping and valve	57,310
18 In. piping and valve	70,990
20 In. piping and valve	92,260
22 In. piping and valve	116,270
24 In. piping and valve	142,340
Metering Vessels (Accumulators):	
1 bbl. calibration plate (20 x 9)	3,950
5 bbl. calibration plate (24 x 10)	4,250
7.5 bbl. calibration plate (30 x 10)	5,960
10 bbl. calibration plate (36 x 10)	7,410
Recorders (Meters)—Includes both static element and tube drive pulsation dampener-also one and two pen operations.	
per meter	2,740
Solar Panel (also see Telecommunications)	
per unit (10' x 10')	360

Table 907.E-7 Surface Equipment	
Property Description	\$ Cost New
Pipe Lines—Lease Lines	
Steel	
2 In. nominal size - per mile	19,810
2 1/2 In. nominal size - per mile	26,680
3 and 3 1/2 In. nominal size - per mile	34,040
4, 4 1/2 and 5 In. nominal size - per mile	58,530
6 In. nominal size - per mile	85,940
Poly Pipe	
2 In. nominal size - per mile	10,880
2 1/2 In. nominal size - per mile	14,650
3 In. nominal size - per mile	18,720
4 In. nominal size - per mile	32,150
6 In. nominal size - per mile	47,220
Plastic-Fiberglass	
2 In. nominal size - per mile	16,900
3 In. nominal size - per mile	28,930
4 In. nominal size - per mile	49,720
6 In. nominal size - per mile	72,990
NOTE: Allow 90 percent obsolescence credit for lines that are inactive, idle, open on both ends and dormant, which are being carried on corporate records solely for the purpose of retaining right of ways on the land and/or due to excessive capital outlay to refurbish or remove the lines.	
Pipe Stock—(assessed on an individual basis)	
Pipe Stock - Exempt—Under La. Const., Art. X, §4 (19-C)	
Production Units:	
Class I - per unit—separator and 1 heater—500 MCF/D	21,390
Class II - per unit—separator and 1 heater—750 MCF/D	28,500
Production Process Units—These units are by specific design and not in the same category as gas compressors, liquid and gas production units or pump-motor units. (Assessed on an individual basis.)	
Pumps—In Line	
per horsepower rating of motor	300
Pump-Motor Unit—pump and motor only	
Class I - (water flood, s/w disposal, p/l, etc.)	
Up to 300 HP - per HP of motor	360
Class II - (high pressure injection, etc.)	
301 HP and up per HP of motor	430
Pumping Units-Conventional and Beam Balance—(unit value includes motor) - assessed according to API designation.	
16 D	6,990
25 D	13,130
40 D	16,410
57 D	21,880
80 D	36,530
114 D	37,990
160 D	51,110
228 D	55,490
320 D	70,140
456 D	83,270
640 D	100,830
912 D	106,670
NOTE: For "Air Balance" and "Heavy Duty" units, multiply the above values by 1.30.	
Regenerators (Accumulator)—(see Metering Equipment)	
Regulators:	
per unit	2,800

Table 907.E-7 Surface Equipment	
Property Description	\$ Cost New
Safety Systems	
Onshore And Marsh Area	
Basic Case:	
well only	5,590
well and production equipment	6,440
with surface op. ssv, add	9,660
Offshore 0 - 3 Miles	
Wellhead safety system (excludes wellhead actuators)	
per well	16,110
production train	40,300
glycol dehydration system	24,190
P/L pumps and LACT	56,400
Compressors	35,430
Wellhead Actuators (does not include price of the valve)	
5,000 psi	4,010
10,000 psi and over	6,020
NOTE: For installation costs - add 25 percent	
Sampler—(see Metering Equipment—"Fluid Meters")	
Scrubbers—Two Classes	
Class I - Manufactured for use with other major equipment and, at times, included with such equipment as part of a package unit.	
8 In. Diameter Vessel	3,400
10 In. Diameter Vessel	4,860
12 In. Diameter Vessel	5,530
Class II - Small "in-line" scrubber used in flow system usually direct from gas well. Much of this type is "shop-made" and not considered as major scrubbing equipment.	
8 In. Diameter Vessel	1,580
12 In. Diameter Vessel	2,070
NOTE: No metering or regulating equipment included in the above.	
Separators—(no metering equipment included)	
Horizontal—Filter /1,440 psi (High Pressure)	
6-5/8" OD x 5'-6"	4,980
8-5/8" OD x 7'-6"	5,410
10-3/4" OD x 8'-0"	7,600
12-3/4" OD x 8'-0"	10,210
16" OD x 8'-6"	16,410
20" OD x 8'-6"	24,250
20" OD x 12'-0"	25,530
24" OD x 12'-6"	34,400
30" OD x 12'-6"	50,200
36" OD x 12'-6"	59,680
Separators—(no metering equipment included)	
Vertical 2—Phase /125 psi (Low Pressure)	
24" OD x 7'-6"	5,650
30" OD x 10'-0"	6,080
36" OD x 10'-0"	12,700
Vertical 3—Phase /125 psi (Low Pressure)	
24" OD x 7'-6"	5,960
24" OD x 10'-0"	6,750
30" OD x 10'-0"	9,360
36" OD x 10'-0"	13,310
42" OD x 10'-0"	15,440
Horizontal 3—Phase /125 psi (Low Pressure)	
24" OD x 10'-0"	8,810
30" OD x 10'-0"	11,300
36" OD x 10'-0"	12,340
42" OD x 10'-0"	19,690

Table 907.E-7 Surface Equipment	
Property Description	\$ Cost New
Vertical 2—Phase /1440 psi (High Pressure)	
12-3/4" OD x 5'-0"	3,340
16" OD x 5'-6"	4,980
20" OD x 7'-6"	9,480
24" OD x 7'-6"	11,490
30" OD x 10'-0"	17,500
36" OD x 10'-0"	22,670
42" OD x 10'-0"	36,280
48" OD x 10'-0"	42,790
54" OD x 10'-0"	64,790
60" OD x 10'-0"	81,020
Vertical 3 - Phase /1440 psi (High Pressure)	
16" OD x 7'-6"	5,830
20" OD x 7'-6"	10,210
24" OD x 7'-6"	11,850
30" OD x 10'-0"	18,290
36" OD x 10'-0"	23,400
42" OD x 10'-0"	38,170
48" OD x 10'-0"	44,250
Horizontal 2—Phase /1440 psi (High Pressure)	
16" OD x 7'-6"	5,710
20" OD x 7'-6"	9,180
24" OD x 10'-0"	12,520
30" OD x 10'-0"	19,270
36" OD x 10'-0"	24,430
42" OD x 15'-0"	49,590
48" OD x 15'-0"	57,190
Horizontal 3—Phase /1440 psi (High Pressure)	
16" OD x 7'-6"	8,810
20" OD x 7'-6"	9,850
24" OD x 10'-0"	14,340
30" OD x 10'-0"	20,420
36" OD x 10'-0"	29,420
36" OD x 15'-0"	32,880
Offshore Horizontal 3—Phase /1440 psi (High Pressure)	
30" OD x 10'-0"	42,360
36" OD x 10'-0"	40,420
36" OD x 12'-0"	58,650
36" OD x 15'-0"	61,200
42" OD x 15'-0"	95,000
Skimmer Tanks—(see Flow Tanks in Tanks section)	
Stabilizers—per unit	6,260
Sump/Dump Tanks—(See Metering Equipment - "Fluid Tanks")	
Tanks—no metering equipment	Per Barrel*
Flow Tanks (receiver or gunbarrel)	
50 to 548 bbl. Range (average tank size - 250 bbl.)	39.10
Stock Tanks (lease tanks)	
100 to 750 bbl. Range (average tank size - 300 bbl.)	30.40
Storage Tanks (Closed Top)	
1,000 barrel	25.90
1,500 barrel	22.90
2,000 barrel	22.20
2,001 - 5,000 barrel	20.40
5,001 - 10,000 barrel	19.20
10,001 - 15,000 barrel	18.00
15,001 - 55,000 barrel	12.60
55,001 - 150,000 barrel	9.50
Internal Floating Roof	
10,000 barrel	37.00
20,000 barrel	25.00
30,000 barrel	18.60
50,000 barrel	16.50
55,000 barrel	15.90
80,000 barrel	14.10
100,000 barrel	12.30
*I.E.: (tanks size bbls.) X (no. of bbls.) X (cost-new factor.)	

Table 907.E-7 Surface Equipment	
Property Description	\$ Cost New
Telecommunications Equipment	
Microwave System	
Telephone and data transmission	48,620
Radio telephone	3,650
Supervisory controls:	
remote terminal unit, well	10,390
master station	23,700
towers (installed):	
heavy duty, guyed, per foot	610
light duty, guyed, per foot	50
heavy duty, self supporting, per foot	620
light duty, self supporting, per foot	130
equipment building, per sq. ft.	180
solar panels, per sq. ft.	60
Utility Compressors	
per horsepower - rated on motor	800
Vapor Recovery Unit—no Metering Equipment	
60 MCF/D or less	21,270
105 MCF/D max	30,390
250 MCF/D max	40,110
Waterknockouts—Includes unit, backpressure valve and regulator, but, no metering equipment.	
2' diam. x 16'	5,770
3' diam. x 10'	8,630
4' diam. x 10'	11,910
6' diam. x 10'	19,510
6' diam. x 15'	22,550
8' diam. x 10'	28,260
8' diam. x 15'	32,460
8' diam. x 20'	35,980
8' diam. x 25'	40,050
10' diam. x 20'	47,100

## 8. Service Stations

Table 907.E-8 Service Stations Marketing Personal Property *Alternative Procedure	
Property Description	\$ Cost New
Air and Water Units:	
Above ground	1,360
Below ground	580
Air Compressors:	
1/3 to 1 H.P.	1,820
1/2 to 5 H.P.	3,080
Car Wash Equipment:	
In Bay (roll over brushes)	48,930
In Bay (pull through)	75,950
Tunnel (40 to 50 ft.)	165,320
Tunnel (60 to 75 ft.)	221,230
Drive On Lifts:	
Single Post	8,930
Dual Post	10,060
Lights:	
Light Poles (each)	910
Lights - per pole unit	1,010
Pumps:	
Non-Electronic - self contained and/or remote controlled computer	
Single	3,870
Dual	5,750
Computerized - non-self service, post pay, pre/post pay. self contained and/or remote controlled dispensers	
Single	6,540
Dual	8,810



<b>Table 907.E-8 Service Stations Marketing Personal Property *Alternative Procedure</b>	
<b>Property Description</b>	<b>\$ Cost New</b>
Read-Out Equipment (at operator of self service) Per Hose Outlet	1,430
Signs:	
Station Signs	
6 ft. lighted - installed on 12 ft. pole	4,320
10 ft. lighted - installed on 16 ft. pole	7,900
Attachment Signs (for station signs)	
Lighted "self-serve" (4 x 11 ft.)	3,600
Lighted "pricing" (5 x 9 ft.)	3,680
High Rise Signs - 16 ft. lighted - installed on:	
1 pole	13,080
2 poles	17,120
3 poles	19,150
Attachment Signs (for high rise signs)	
Lighted "self-serve" (5 x 17 ft.)	6,950
Lighted "pricing" (5 x 9 ft.)	3,680
Submerged Pumps—(used with remote control equipment, according to number used - per unit)	3,860
Tanks—(average for all tank sizes)	
Underground - per gallon	2.20

NOTE: The above represents the cost-new value of modern stations and self-service marketing equipment. Other costs associated with such equipment are included in improvements. Old style stations and equipment should be assessed on an individual basis, at the discretion of the tax assessor, when evidence is furnished to substantiate such action.

\*This alternative assessment procedure should be used only when acquisition cost and age are unknown or unavailable. Otherwise, see general business section (Chapter 25) for normal assessment procedure.

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:1837 and R.S. 47:2326.

HISTORICAL NOTE: Promulgated by the Department of Revenue and Taxation, Tax Commission, LR 8:102 (February 1982), amended LR 12:36 (January 1986), LR 13:188 (March 1987), LR 13:764 (December 1987), LR 14:872 (December 1988), LR 15:1097 (December 1989), LR 16:1063 (December 1990), LR 17:1213 (December 1991), LR 19:212 (February 1993), LR 20:198 (February 1994), LR 21:186 (February 1995), LR 22:117 (February 1996), LR 23:205 (February 1997), amended by the Department of Revenue, Tax Commission, LR 24:480 (March 1998), LR 25:313 (February 1999), LR 26:507 (March 2000), LR 27:425 (March 2001), LR 28:518 (March 2002), LR 29:368 (March 2003), LR 30:488 (March 2004), LR 31:717 (March 2005), LR 32:431 (March 2006), LR 33:492 (March 2007), LR 34:679 (April 2008), LR 35:495 (March 2009), LR 36:773 (April 2010), amended by the Division of Administration, Tax Commission, LR 37:1395 (May 2011), LR 38:803 (March 2012), LR 39:490 (March 2013), LR 40:531 (March 2014), LR 41:673 (April 2015), LR 42:746 (May 2016), LR 43:653 (April 2017), LR 44:580 (March 2018), repromulgated LR 44:917 (May 2018), LR 45:534 (April 2019), LR 46:561 (April 2020), LR 47:465 (April 2021), LR 48:1523 (June 2022), LR 49:1049 (June 2023).

## **Chapter 10. Brine Operation Properties**

### **§1001. Guidelines for Ascertaining the Fair Market Value of Brine Operation Properties**

A. The assessment of brine operation properties shall be made in accordance with the Louisiana Constitution of 1974, Article VII, Section 18, and in accordance with guidelines adopted by the Tax Commission and applied uniformly throughout the state.

#### **B. The Well**

1. The well includes all the equipment and any other taxable property located below the wellhead, as well as the casinghead, wellhead and/or xmas tree.

2. Each string of casing runs from the surface down. There will always be at least two sizes of casing; the surface pipe which seals off freshwater zones, and the production string. The larger surface pipe usually extends only a few feet, depending on the depth of usable underground water, while the small production string extends to the depth of the brine operation formations. However, in some wells, and, in particular the deeper wells, it may be necessary to set more than two strings of casing, each of which extends to a specific depth.

3. Each well is assessed in accordance with guidelines establishing "fair market value".

#### **C. Explanations**

*Inactive Wells*—wells that are shut-in. Shut-in status becomes effective on the date the application for shut-in status is filed, consistent with the Louisiana Office of Conservation requirements.

*Injection Wells*—wells completed as single, or wells reclassified by the Louisiana Office of Conservation after a conversion of another well. Wells are used for water injection or for disposal wells.

*Production Depth*—the depth from the surface to the active lower perforation in each producing zone in which the well is completed.

*Brine Operation Wells*—wells used for brine operations.

D. Well Fair Market Value Classifications. Each individual well must be listed separately by ward, field name and Louisiana Office of Conservation field code number, location (Sec.-Twp.-Range), lease name, well serial number, lease well number, well type and production depth (active lower perforation of each zone), in accordance with guidelines established by the Tax Commission.

E. Permanently Abandoned Wells. Must be reported only the first tax year after abandonment, however, no assessment shall be made on such well. A PandA permit number, issued by the Louisiana Office of Conservation, must be provided. A copy of the PandA report (Conservation Form # PandA) may be requested of the taxpayer, if necessary. A work permit or well history report is not acceptable.

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:1837 and R.S. 47:2323.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Tax Commission, LR 49:1055 (June 2023).

### **§1003. Instructions for Reporting Brine Operation Properties**

A. A separate LAT-10 form is used for each lease or facility. An attachment in lieu of the form is permitted only if information is in the same sequence. The LAT-10 form may be reproduced and used as an attachment; however, all attachments must be properly identified and attached to the original.

1. Wells under the same assessment number are required to be listed in serial number order.

2. All additional supporting documentation is recommended to be listed in serial number order.

B. For operations with more than one lease or facility in any one field (by ward), the following will be permitted:

1. furnish an original LAT-10 showing parish, ward, and field with notation that attachments are made. Only this form needs date and signature;
2. furnish separate attachment(s) (as stated above) for each lease or facility;
3. total each attachment, by property classes and summarize;
4. summary of all attachments, by property classes, may be on an attachment or in the space provided on the original.

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:1837 and R.S. 47:2326.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Tax Commission, LR 49:1055 (June 2023).

**§1005. Reporting Procedures**

A. Brine Operation Wells—Property Class #1—see guidelines adopted by the Louisiana Tax Commission and report in accordance with form requirements or as outlined above.

B. Surface Equipment

1. See guidelines adopted by the Louisiana Tax Commission. Various sizes, items, etc. may not be commingled into one category or value. Property must be grouped, totaled, and included in summary according to the following property classes:

2. Property Class #2—Process Equipment—major items of equipment are shown as a schedule item. For other equipment (not included as a schedule item), year of construction or purchase, original cost and composite multiplier must be shown and used to determine fair market value. Refer to composite multipliers in the general business section (Chapter 25) of these guidelines.

3. Property Class #3—Tanks—see schedule for type, size, unit cost, etc.

4. Property Class #4—Lease Lines

a. Steel: Up through 6" in diameter—see schedule. For larger sizes—see schedule in pipelines section (Chapter 13) and use LAT—14 form.

b. Plastic: Up through 6" in diameter—see schedule.

5. Property Class #5—Inventories

a. may be reported as a total accumulated cost in the fair market value column—with property description and on appropriate LAT form.

b. Material and Supplies:

i. located on lease or facility—use LAT—10 form;

ii. located at a public or private storage—use LAT—5 form (Sec. 1).

c. Pipe Stock—report footage or tonnage in unit column (indicating measurement) cost per unit measurement in unit value column and extend total fair market value.

i. located on lease or facility—use LAT—10 form;

ii. located at a public or private storage—use LAT—5 form (Sec. 1).

d. Pipe Stock—exempt under La. Const., Art. VII, §21(D—3)—use LAT—5 form (Sec. 1).

6. Property Class #6—Field Improvements—docks, lease buildings, equipment sheds and buildings, warehouses,

land, and leasehold improvements, etc.—furnish year constructed and cost. Use composite multiplier from appropriate table on original cost and extend fair market value for each.

7. Property Class #7—Other Property—on lease or producing facilities, but not included in the above classes viz:

a. furniture and fixtures—may be reported as a total cost with the composite multiplier from the appropriate table on original cost. Report such property on LAT-10 form (Brine Operation Property).

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:1837 and R.S. 47:2323.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Tax Commission, LR 49:1056 (June 2023).

**§1007. Valuation of Brine Operation Wells**

A. The Cost-New schedules below cover only that portion of the well subject to ad valorem taxation. Functional and/or economic obsolescence shall be considered in the analysis of fair market value as substantiated by the taxpayer in writing. Consistent with Louisiana R.S. 47:1957, the assessor may request additional documentation.

B. Instructions for Use of Table 1007.B and Procedure for Arriving at Assessed Value

1. Multiply the appropriate percent good factor based on age of the well as found in Table 1007.C.

2. Use cost-new to assess all active wells.

3. For wells recompleted, use new perforation depth to determine fair market value.

4. Adjustments for Allowance of Economic Obsolescence

a. All active service wells (i.e. LDNR Class III solution mining, injection, salt water disposal, water source, etc.) shall be allowed a 40 percent reduction.

b. All inactive (shut-in) wells shall be allowed a 90 percent reduction.

c. Deduct any additional obsolescence that has been appropriately documented by the taxpayer, as warranted, to reflect fair market value.

d. Sales, properly documented, should be considered by the assessor as fair market value, provided the sale meets all tests relative to it being a valid sale.

5. Multiply depth of well by appropriate 15 percent of Cost-New amount as indicated in Table 1007.B.

6. Brine Operation Wells: All Regions—Louisiana

Table 1007.B Brine Operation Wells All Regions—Louisiana		
Producing Depths	Cost—New by depth, per foot for Brine Operation Wells	
	Cost @ 100%	15% Assessed
0 – 1,249 ft.	\$ 163.31	\$ 24.50
1,250 – 2,499 ft.	\$ 120.98	\$ 18.15
2,500 – 3,749 ft.	\$ 118.13	\$ 17.72
3,750 – 4,999 ft.	\$ 104.13	\$ 15.62
5,000 – 7,499 ft.	\$ 142.25	\$ 21.34
7,500 – 9,999 ft.	\$ 194.06	\$ 29.11
10,000 – 12,499 ft.	\$ 264.61	\$ 39.69
12,500 – 14,999 ft.	\$ 347.13	\$ 52.07
15,000 – 17,499 ft.	\$ 562.28	\$ 84.34
17,500 – 19,999 ft.	\$ 686.51	\$ 102.98
20,000 Deeper ft.	\$ 366.58	\$ 54.99

C. Serial Number to Percent Good Conversion

Table 1007.C Serial Number to Percent Good Conversion Chart			
Year	Beginning Serial Number	Ending Serial Number	20 Year Life Percent Good
2022	253176	Higher	97
2021	252613	253175	93
2020	252171	252612	90
2019	251497	252170	86
2018	250707	251496	82
2017	249951	250706	78
2016	249476	249950	74
2015	248832	249475	70
2014	247423	248831	65
2013	245849	247422	60
2012	244268	245848	55
2011	242592	244267	50
2010	240636	242591	45
2009	239277	240635	40
2008	236927	239276	35
2007	234780	236926	31
2006	232639	234779	27
2005	230643	232638	24
2004	229010	230642	22
2003	227742	229009	21
2002	Lower	227741	20 *
VAR.	900000	Higher	50

\* Reflects residual or floor rate.

NOTE: For any serial number categories not listed above, use year well completed to determine appropriate percent good. If spud date is later than year indicated by serial number; or, if serial number is unknown, use spud date to determine appropriate percent good.

D. Surface Equipment

1. Listed below is the cost-new of major items potentially used in the brine operation process. Any equipment not shown shall be assessed on an individual basis.

2. All surface equipment, including other property associated or used in connection with brine operations, must be rendered in accordance with guidelines established by the Tax Commission and in accordance with requirements set forth on LAT Form 10—Personal Property Tax Report—Brine Operation Property.

3. Brine operation personal property will be assessed in 7 major categories, as follows:

- a. wells;
- b. operation equipment (surface equipment);
- c. tanks (surface equipment);
- d. lines;
- e. inventories (material and supplies);
- f. field improvements (docks, buildings, etc.);
- g. other property (not included above).

4. The cost-new values listed below are to be adjusted to allow depreciation by use of the appropriate percent good listed in Table 1007.C. When determining the value of equipment associated with a single well, use the age of that well to determine the appropriate percent good. When determining the value of equipment used on multiple wells, the average age of the wells will determine the appropriate year to be used for this purpose.

5. Functional and/or economic obsolescence shall be considered in the analysis of fair market value as substantiated by the taxpayer in writing. Consistent with

Louisiana R.S. 47:1957, the assessor may request additional documentation.

6. Sales, properly documented, should be considered by the assessor as fair market value, provided the sale meets all tests relative to it being a valid sale.

Table 1007.D Surface Equipment	
Property Description	\$ Cost New
Actuators—(See Metering Equipment)	
Automatic Control Equipment—(See Safety Systems)	
Automatic Tank Switch Unit—(See Metering Equipment)	
Communication Equipment—(See Telecommunications)	
Dampeners—(See Metering Equipment—"Recorders")	
Engines - Unattached—(Only includes engine and skids): Per Horsepower	360
Fire Control System—(Assessed on an individual basis)	
Furniture and Fixtures—(Assessed on an individual basis) (Field operations only, according to location.)	
Generators—Package Unit only—(No special installation) Per K.W.	240
Manifolds—(See Metering Equipment)	
Material and Supplies—Inventories—(Assessed on an individual basis)	
Meter Calibrating Vessels—(See Metering Equipment)	
Meter Prover Tanks—(See Metering Equipment)	
Meter Runs—(See Metering Equipment)	
Meter Control Stations—(not considered Communication Equipment)—(Assessed on an individual basis)	
Metering Equipment Manifolds—Automatic Operated: High Pressure per well per valve Low Pressure per well per valve	  45,160 14,890  32,210 10,880
NOTE: Automatic Operated System includes gas hydraulic and pneumatic valve actuators, (or motorized valves), block valves, flow monitors—in addition to normal equipment found on manual operated system. NO METERING EQUIPMENT INCLUDED.	
Meter Runs - piping, valves and supports—no meters: 2 In. piping and valve 3 In. piping and valve 4 In. piping and valve 6 In. piping and valve 8 In. piping and valve 10 In. piping and valve 12 In. piping and valve 14 In. piping and valve 16 In. piping and valve 18 In. piping and valve 20 In. piping and valve 22 In. piping and valve 24 In. piping and valve Metering Vessels (Accumulators): 1 bbl. calibration plate (20 x 9) 5 bbl. calibration plate (24 x 10) 7.5 bbl. calibration plate (30 x 10)	  6,810 7,660 9,240 12,880 19,350 25,770 32,210 43,880 57,310 70,990 92,260 116,270 142,340   3,950 4,250 5,960

Table 1007.D Surface Equipment	
Property Description	\$ Cost New
10 bbl. calibration plate (36 x 10) Recorders (Meters)—Includes both static element and tube drive pulsation dampener—also one and two pen operations. per meter	7,410 2,740
SOLAR PANEL (also see Telecommunications) per unit (10' x 10')	360
Pipe Lines - Lease Lines Steel	
2 In. nominal size—per mile	19,810
2 ½ In. nominal size—per mile	26,680
3 and 3 ½ In. nominal size—per mile	34,040
4, 4 ½ and 5 In. nominal size—per mile	58,530
6 In. nominal size—per mile	85,940
Poly Pipe	
2 In. nominal size—per mile	10,880
2 ½ In. nominal size—per mile	14,650
3 In. nominal size—per mile	18,720
4 In. nominal size—per mile	32,150
6 In. nominal size—per mile	47,220
Pipe Lines—Lease Lines (Cont'd) Plastic—Fiberglass	
2 In. nominal size—per mile	16,900
3 In. nominal size—per mile	28,930
4 In. nominal size—per mile	49,720
6 In. nominal size—per mile	72,990
NOTE: Allow 90% obsolescence credit for lines that are inactive, idle, open on both ends and dormant, which are being carried on corporate records solely for the purpose of retaining right of ways on the land and/or due to excessive capital outlay to refurbish or remove the lines.	
Pipe Stock—(Assessed on an individual basis)	
Pipe Stock—Exempt—Under La. Const., Art. X, §4 (19-C)	
Pumps—In Line per horsepower rating of motor	300
Pump—Motor Unit—pump and motor only Class I—(water flood, s/w disposal, p/l, etc.) Up to 300 HP—per HP of motor Class II—(high pressure injection, etc.) 301 HP and up—per HP of motor	360 430
Regenerators (Accumulator)—(See Metering Equipment)	
Regulators per unit	2,800
Skimmer Tanks—(See Flow Tanks in Tanks section)	
Sump/Dump Tanks—(See Metering Equipment - "Fluid Tanks")	
Tanks—No metering equipment Flow Tanks (receiver or gunbarrel) 50 to 548 bbl. Range average tank size—250 bbl. Stock Tanks (lease tanks) 100 to 750 bbl. Range average tank size—300 bbl. Storage Tanks (Closed Top)	Per Barrel*
1,000 barrels	25.90
1,500 barrels	22.90
2,000 barrels	22.20
2,001—5,000 barrels	20.40
5,001—10,000 barrels	19.20
10,001—15,000 barrels	18.00
15,001—55,000 barrels	12.60
55,001—150,000 barrels	9.50
Internal Floating Roof	
10,000 barrels	37.00
20,000 barrels	25.00
30,000 barrels	18.60
50,000 barrels	16.50
55,000 barrels	15.90
80,000 barrels	14.10
100,000 barrels	12.30

Table 1007.D Surface Equipment	
Property Description	\$ Cost New
* I.E.: (tanks size bbls.) x (no. of bbls.) x (cost-new factor)	
Telecommunications Equipment Microwave System Telephone and data transmission	48,620
Radio telephone	3,650
Supervisory controls remote terminal unit, well master station	10,390 23,700
towers (installed): heavy duty, guyed, per foot light duty, guyed, per foot heavy duty, self supporting, per foot light duty, self supporting, per foot equipment building, per sq. ft. solar panels, per sq. ft.	610 50 620 130 180 60
Utility Compressors per horsepower—rated on motor	800

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:1837 and R.S. 47:2326.

HISTORICAL NOTE: Promulgated by the Division of Administration, Tax Commission, LR 49:1056 (June 2023).

**Chapter 11. Drilling Rigs and Related Equipment**  
**§1103. Drilling Rigs and Related Equipment Tables**  
A. Land Rigs

Table 1103.A Land Rigs		
Depth "0" to 7,000 Feet		
Depth (Ft.)	Fair Market Value	Assessment
	\$	\$
3,000	148,200	22,200
4,000	235,400	35,300
5,000	237,500	35,600
6,000	243,400	36,500
7,000	310,300	46,500
th 8,000 to 10,000 Feet		
Depth (Ft.)	Fair Market Value	Assessment
	\$	\$
8,000	468,300	70,200
9,000	725,000	108,800
10,000	1,070,100	160,500
Depth 11,000 to 15,000 Feet		
Depth (Ft.)	Fair Market Value	Assessment
	\$	\$
11,000	1,479,800	222,000
12,000	1,921,700	288,300
13,000	2,359,300	353,900
14,000	2,756,300	413,400
15,000	3,081,500	462,200
Depth 16,000 to 20,000 Feet		
Depth (Ft.)	Fair Market Value	Assessment
	\$	\$
16,000	3,313,500	497,000
17,000	3,444,800	516,700
18,000	3,486,800	523,000
19,000	3,474,300	521,100
20,000	3,469,900	520,500
Depth 21,000 + Feet		
Depth (Ft.)	Fair Market Value	Assessment
	\$	\$
21,000	3,568,800	535,300
25,000 +	3,708,300	556,200

1. - 2. ...

B. Jack-Ups

Table 1103.B Jack-Ups			
Type	Water Depth Rating	Fair Market Value	Assessment
IC	0-199 FT.	\$ 66,900,000	\$ 10,035,000
	200-299 FT.	133,600,000	20,040,000
	300 FT. and Deeper	266,800,000	40,020,000
IS	0-199 FT.	20,100,000	3,015,000
	200-299 FT.	33,400,000	5,010,000
	300 FT. and Deeper	40,100,000	6,015,000
MC	0-199 FT.	6,700,000	1,005,000
	200-299 FT.	13,400,000	2,010,000
	300 FT. and Deeper	53,400,000	8,010,000
MS	0-249 FT.	14,000,000	2,100,000
	250 FT. and Deeper	27,600,000	4,140,000

IC - Independent Leg Cantilever  
 IS - Independent Leg Slot  
 MC - Mat Cantilever  
 MS - Mat Slot

C. Semisubmersible Rigs

Table 1103.C Semisubmersible Rigs		
Water Depth Rating	Fair Market Value	Assessment
	\$	\$
0- 800 FT.	61,100,000	9,165,000
801-1,800 FT.	109,400,000	16,410,000
1,801-2,500 FT.	200,400,000	30,060,000
2,501 FT. and Deeper	628,800,000	94,320,000

NOTE: The fair market values and assessed values indicated by these tables are based on the current market (sales) appraisal approach and not the cost approach.

1. - 3.b.i. ...

D. Well Service Rigs Land Only

Table 1103.D Well Service Rigs Land Only				
Class	Mast	Engine	Fair Market Value (RCNLD)	Assessment
I	71' X 125M#	C-7 50 SERIES 6V71	95,000	14,300
	71' X 150M#			
	72' X 125M#			
	72' X 150M#			
	75' X 150M#			
II	96' X 150M#	C-11 50 SERIES 8V71	135,000	20,300
	96' X 180M#			
	96' X 185M#			
	96' X 200M#			
	96' X 205M#			
	96' X 210M#			
	96' X 212M#			
96' X 215M#				
III	96' X 240M#	C-11 50 SERIES 8V92	170,000	25,500
	96' X 250M#			
	96' X 260M#			
	102' X 215M#			
IV	102' X 224M#	C-15/C-13 60 SERIES 12V71	200,000	30,000
	102' X 250M#			
	103' X 225M#			
	103' X 250M#			
	104' X 250M#			
	105' X 225M#			
105' X 250M#				

Table 1103.D Well Service Rigs Land Only				
Class	Mast	Engine	Fair Market Value (RCNLD)	Assessment
V	105' X 280M#	C-15/C-13 60 SERIES 12V71 12V92	230,000	34,500
	106' X 250M#			
	108' X 250M#			
	108' X 260M#			
	108' X 268M#			
	108' X 270M#			
108' X 300M#				
VI	110' X 250M#	C-15 60 SERIES 12V71 (2) 8V92	265,000	39,800
	110' X 275M#			
	112' X 300M#			
	112' X 350M#			
VII	117' X 350M#	(2) C-18 (2) 60 SERIES (2) 8V92 (2) 12V71	310,000	46,500

D.1. - E.1. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:1837 and R.S. 47:2323.

HISTORICAL NOTE: Promulgated by the Department of Revenue and Taxation, Tax Commission, LR 8:102 (February 1982), amended LR 10:939 (November 1984), LR 12:36 (January 1986), LR 13:188 (March 1987), LR 16:1063 (December 1990), LR 17:1213 (December 1991), LR 22:117 (February 1996), LR 23:205 (February 1997), amended by the Department of Revenue, Tax Commission, LR 24:487 (March 1998), LR 25:315 (February 1999), LR 26:508 (March 2000), LR 27:426 (March 2001), LR 28:519 (March 2002), LR 30:488 (March 2004), LR 31:718 (March 2005), LR 32:431 (March 2006), LR 33:493 (March 2007), LR 34:683 (April 2008), LR 35:497 (March 2009), LR 36:778 (April 2010), amended by the Division of Administration, Tax Commission, LR 37:1399 (May 2011), LR 38:808 (March 2012), LR 39:495 (March 2013), LR 40:536 (March 2014), LR 41:678 (April 2015), LR 42:748 (May 2016), LR 43:654 (April 2017), LR 44:581 (March 2018), LR 45:535 (April 2019), LR 46:562 (April 2020), LR 47:467 (April 2021), LR 48:1525 (June 2022), LR 49:1058 (June 2023).

Chapter 13. Pipelines

§1307. Pipeline Transportation Tables

A. Current Costs for Other Pipelines (Onshore)

Table 1307.A Current Costs for Other Pipelines (Onshore)		
Diameter (inches)	Cost per Mile	15% of Cost per Mile
2	\$ 218,710	\$ 32,810
4	258,180	38,730
6	304,770	45,720
8	359,760	53,960
10	424,680	63,700
12	501,320	75,200
14	591,790	88,770
16	698,580	104,790
18	824,640	123,700
20	973,450	146,020
22	1,149,110	172,370
24	1,356,480	203,470
26	1,601,260	240,190
28	1,890,220	283,530
30	2,231,320	334,700
32	2,633,970	395,100
34	3,109,280	466,390

Table 1307.A Current Costs for Other Pipelines (Onshore)		
Diameter (inches)	Cost per Mile	15% of Cost per Mile
36	3,670,370	550,560
38	4,332,700	649,910
40	5,114,560	767,180
42	6,037,510	905,630
44	7,055,740	1,058,360
46	8,118,650	1,217,800
48	9,434,730	1,415,210

NOTE: Excludes river and canal crossings. For river and canal crossings, apply a factor of 2.0 to Cost Per Mile figures in table above.

**B. Current Costs for Other Pipelines (Offshore)**

Table 1307.B Current Costs for Other Pipelines (Offshore)		
Diameter (inches)	Cost per Mile	15% of Cost per Mile
2	\$ 1,265,240	\$ 189,790
4	1,270,380	190,560
6	1,283,280	192,490
8	1,303,230	195,480
10	1,327,960	199,190
12	1,364,170	204,630
14	1,405,020	210,750
16	1,457,180	218,580
18	1,520,650	228,100
20	1,595,420	239,310
22	1,681,500	252,230
24	1,778,890	266,830
26	1,887,590	283,140
28	2,007,590	301,140
30	2,138,900	320,840
32	2,281,520	342,230
34	2,435,450	365,320
36	2,600,680	390,100
38	2,777,230	416,580
40	2,965,080	444,760
42	3,156,320	473,450
44	3,357,830	503,670
46	3,560,510	534,080
48	3,772,110	565,820

**C. Pipeline Transportation Allowance for Physical Deterioration (Depreciation)**

Table 1307.C Pipeline Transportation Allowance for Physical Deterioration (Depreciation)	
Actual Age (Yrs)	26.5 Year Life Percent Good
1	98
2	96
3	94
4	91
5	88
6	86
7	83
8	80
9	77
10	73
11	70
12	67
13	63
14	60
15	56
16	52

Table 1307.C Pipeline Transportation Allowance for Physical Deterioration (Depreciation)	
Actual Age (Yrs)	26.5 Year Life Percent Good
17	48
18	44
19	39
20	35
21	33
22	30
23	28
24	26
25	25
26	23
27 and older	20 *

\* Reflects residual or floor rate.

NOTE: See §1305.G (page PL-3) for method of recognizing economic obsolescence.

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:1837 and R.S. 47:2323.

HISTORICAL NOTE: Promulgated by the Department of Revenue and Taxation, Tax Commission, LR 8:102 (February 1982), amended LR 10:941 (November 1984), LR 12:36 (January 1986), LR 16:1063 (December 1990), amended by the Department of Revenue, Tax Commission, LR 24:489 (March 1998), LR 25:316 (February 1999), LR 26:509 (March 2000), LR 27:426 (March 2001), LR 31:719 (March 2005), LR 32:432 (March 2006), LR 33:494 (March 2007), LR 34:684 (April 2008), LR 35:499 (March 2009), LR 36:778 (April 2010), amended by the Division of Administration, Tax Commission, LR 37:1401 (May 2011), LR 38:809 (March 2012), LR 39:496 (March 2013), LR 40:537 (March 2014), LR 41:680 (April 2015), LR 42:748 (May 2016), LR 43:655 (April 2017), LR 44:582 (March 2018), LR 45:535 (April 2019), LR 46:563 (April 2020), LR 47:468 (April 2021), LR 48:1526 (June 2022), LR 49:1059 (June 2023).

**Chapter 15. Aircraft**

**§1503. Aircraft (Including Helicopters) Table**

**A. Aircraft (Including Helicopters)**

Table 1503 Aircraft (Including Helicopters)				
Cost Index (Average)		Average Economic Life (20 Years)		
Year	Index	Effective Age	Percent Good	Composite Multiplier
2022	0.956	1	97	.93
2021	1.123	2	93	1.04
2020	1.222	3	90	1.10
2019	1.228	4	86	1.06
2018	1.272	5	82	1.04
2017	1.316	6	78	1.03
2016	1.342	7	74	.99
2015	1.331	8	70	.93
2014	1.343	9	65	.87
2013	1.361	10	60	.82
2012	1.372	11	55	.75
2011	1.411	12	50	.71
2010	1.455	13	45	.65
2009	1.444	14	40	.58
2008	1.486	15	35	.52
2007	1.545	16	31	.48
2006	1.629	17	27	.44
2005	1.704	18	24	.41
2004	1.833	19	22	.40
2003	1.896	20	21	.40
2002	1.928	21	20	.39

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:1837 and R.S. 47:2323.

HISTORICAL NOTE: Promulgated by the Department of Revenue and Taxation, Tax Commission, LR 8:102 (February 1982), amended LR 10:943 (November 1984), LR 12:36 (January 1986), LR 13:188 (March 1987), LR 13:764 (December 1987), LR 14:872 (December 1988), LR 15:1097 (December 1989), LR 16:1063 (December 1990), LR 17:1213 (December 1991), LR 19:212 (February 1993), LR 20:198 (February 1994), LR 21:186 (February 1995), LR 22:117 (February 1996), LR 23:206 (February 1997), amended by the Department of Revenue, Tax Commission, LR 24:490 (March 1998), LR 25:316 (February 1999), LR 26:509 (March 2000), LR 27:427 (March 2001), LR 28:520 (March 2002), LR 29:370 (March 2003), LR 30:489 (March 2004), LR 31:719 (March 2005), LR 32:433 (March 2006), LR 33:495 (March 2007), LR 34:685 (April 2008), LR 35:499 (March 2009), LR 36:779 (April 2010), amended by the Division of Administration, Tax Commission, LR 37:1401 (May 2011), LR 38:809 (March 2012), LR 39:497 (March 2013), LR 40:538 (March 2014), LR 41:680 (April 2015), LR 42:749 (May 2016), LR 43:656 (April 2017), LR 44:584 (March 2018), LR 45:537 (April 2019), LR 46:564 (April 2020), LR 47:469 (April 2021), LR 48:1527 (June 2022), LR 49:1060 (June 2023).

**Chapter 25. General Business Assets**

**§2501. Guidelines for Ascertaining the Fair Market Value of Office Furniture and Equipment, Machinery and Equipment and Other Assets Used In General Business Activity**

A. - C. ...

D. The procedure for establishing the fair market value of business and industrial personal property with the cost approach to value (excluding oil and gas properties, drilling rigs, inventories and leased equipment), includes these steps:

1. classify the personal property according to the classifications listed in Table 2503.A, or a different economic life supported by reliable evidence;

2. the classification table will refer the assessor to the correct composite multiplier column in Table 2503.D. The composite multiplier is a composite of the cost index and the percent good, which shall be updated annually by the LTC in order to comply with uniform assessment of personal property in this chapter;

3. select the correct composite multiplier from this table, based on the actual age of the equipment. For example, the age 1 composite multiplier applies to personal property purchased the year prior to the year it is being assessed (two years back for Orleans) and so on for the other ages;

4. multiply the composite multiplier times the acquisition cost by year of the equipment. The result is the reproduction cost new less physical depreciation (RCNLPD) of the equipment;

5. in the year in which the personal property has reached its minimum percent good, the applicable composite multiplier in use at that time is “frozen”. For the assessment years that follow, the RCNLD value does not change until the personal property is permanently taken out of service. An exception to this rule applies when the property has been reconditioned to extend its remaining economic life.

6. determine the amount of other forms of depreciation, when present:

- a. functional obsolescence as defined in §301;
- b. onomic (external) obsolescence as defined in §301;

§301;

7. deduct functional and/or economic (external) obsolescence from RCNLPD. The result is the fair market value of the equipment.

E. Nothing in this Section prohibits a taxpayer/property owner from arguing and submitting evidence that the tables contained in this Chapter fail to achieve fair market value in a particular appeal. A taxpayer/property owner has the burden to prove that a deviation from the tables contained in this Chapter is necessary to achieve fair market value.

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:2323.

HISTORICAL NOTE: Promulgated by the Department of Revenue and Taxation, Tax Commission, LR 8:102 (February 1982), amended LR 10:943 (November 1984), LR 12:36 (January 1986), LR 15:1097 (December 1989), LR 16:1063 (December 1990), LR 17:1213 (December 1991), LR 19:212 (February 1993), amended by the Department of Revenue, Tax Commission, LR 31:719 (March 2005), LR 33:495 (March 2007), LR 34:685 (April 2008), LR 35:500 (March 2009), amended by the Office of the Governor, Division of Administration, Tax Commission, LR 42:749 (May 2016), LR 47:469 (April 2021), LR 48:1527 (June 2022), LR 49:1061 (June 2023).

**§2503. Tables Ascertaining Economic Lives, Percent Good and Composite Multipliers of Business and Industrial Personal Property**

A. ...

1. Suggested Guidelines for Ascertaining Economic Lives of Business and Industrial Personal Property

Table 2503.A Business Activity/Type of Equipment		Average Economic Life in Years
Agricultural Machinery and Equipment		10
Feed Mill Equipment (Production Line)		20
***		***
Soft Drink Mfg. M and E (Batch)		20
Solar Farm		
Panels		25
Racking		20
Controls/Electronics		5
Tracking/Motors		10
Inverters		10
Feeder Lines		20
OandM Facility		25
Fencing		15
Storage Buildings (portable)		10
***		***
*If acquisition cost and age of service station equipment are not available, see Chapter 9, Table 907.D-4 for alternative assessment procedure.		

B. Cost Indices

Table 2503.B Cost Indices			
Year	Age	National Average 1926 = 100	January 1, 2022 = 100*
2022	1	2218.3	0.956
2021	2	1888.1	1.123
2020	3	1736.4	1.222
2019	4	1727.8	1.228
2018	5	1667.7	1.272
2017	6	1612.2	1.316
2016	7	1580.9	1.342
2015	8	1593.7	1.331
2014	9	1578.8	1.343

Table 2503.B Cost Indices			
Year	Age	National Average 1926 = 100	January 1, 2022 = 100*
2013	10	1558.7	1.361
2012	11	1545.9	1.372
2011	12	1503.2	1.411
2010	13	1457.4	1.455
2009	14	1468.6	1.444
2008	15	1427.3	1.486
2007	16	1373.3	1.545
2006	17	1302.3	1.629
2005	18	1244.5	1.704
2004	19	1157.3	1.833
2003	20	1118.6	1.896
2002	21	1100.0	1.928
2001	22	1093.4	1.940
2000	23	1084.3	1.956
1999	24	1065.0	1.992
1998	25	1061.8	1.998
1997	26	1052.7	2.015
1996	27	1036.0	2.047
1995	28	1020.4	2.079
1994	29	985.0	2.153
1993	30	958.0	2.214
1992	31	939.8	2.257

\*Reappraisal Date: January 1, 2022 – 2121.1 (Base Year)

C. ...

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D. Composite Multipliers 2023 (2024 Orleans Parish)

Table 2503.D Composite Multipliers 2023 (2024 Orleans Parish)										
Age	3 Yr	5 Yr	6 Yr	8 Yr	10 Yr	12 Yr	15 Yr	20 Yr	25 Yr	30 Yr
1	.67	.81	.83	.86	.88	.90	.91	.93	.94	.94
2	.55	.77	.82	.89	.94	.98	1.01	1.04	1.07	1.09
3	.42	.64	.70	.82	.93	.98	1.04	1.10	1.14	1.16
4	.20	.42	.50	.66	.82	.90	.97	1.06	1.11	1.14
5		.29	.38	.55	.74	.84	.93	1.04	1.11	1.16
6		.24	.25	.43	.64	.76	.89	1.03	1.11	1.17
7			.24	.35	.52	.67	.83	.99	1.09	1.15
8				.29	.40	.57	.73	.93	1.04	1.12
9				.27	.32	.48	.66	.87	1.01	1.10
10					.29	.39	.59	.82	.97	1.08
11					.27	.33	.51	.75	.93	1.04
12						.31	.44	.71	.90	1.04
13						.29	.38	.65	.87	1.03
14							.33	.58	.81	.98
15							.31	.52	.77	.97
16							.31	.48	.74	.94
17								.44	.72	.94
18								.41	.66	.92
19								.40	.62	.93
20								.40	.57	.89
21								.39	.54	.85
22									.50	.78
23									.47	.72
24									.40	.68
25									.40	.62
26									.40	.56
27										.53
28										.48
29										.45
30										.44
31										.45

1. Data sources for tables are:

- a. Cost Index—Marshall and Swift Publication Co.;
- b. Percent Good—Marshall and Swift Publication Co.;
- c. Average Economic Life—various.

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:1837 and R.S. 47:2323.

HISTORICAL NOTE: Promulgated by the Department of Revenue and Taxation, Tax Commission, LR 8:102 (February 1982), amended LR 9:69 (February 1983), LR 10:944 (November 1984), LR 12:36 (January 1986), LR 13:188 (March 1987), LR 13:764 (December 1987), LR 14:872 (December 1988), LR 15:1097 (December 1989), LR 16:1063 (December 1990), LR 17:1213 (December 1991), LR 19:212 (February 1993), LR 20:198 (February 1994), LR 21:186 (February 1995), LR 22:117 (February 1996), LR 23:207 (February 1997), amended by the Department of Revenue, Tax Commission, LR 24:490 (March 1998), LR 25:317 (February 1999), LR 26:509 (March 2000), LR 27:427 (March 2001), LR 28:520 (March 2002), LR 29:370 (March 2003), LR 30:489 (March 2004), LR 31:719 (March 2005), LR 32:433 (March 2006), LR 33:496 (March 2007), LR 34:686 (April 2008), LR 35:500 (March 2009), LR 36:780 (April 2010), amended by the Division of Administration, Tax Commission, LR 37:1402 (May 2011), LR 38:810 (March 2012), LR 39:497 (March 2013), LR 40:538 (March 2014), LR 41:681 (April 2015), LR 42:750 (May 2016), LR 43:656 (April 2017), LR 44:584 (March 2018), LR 45:538 (April 2019), LR 46:564 (April 2020), LR 47:470 (April 2021), LR 48:1528 (June 2022), LR 49:1061 (June 2023).

**Chapter 31 Public Exposure of Assessments; Appeals §3101. Public Exposure of Assessments, Appeals to the Board of Review and Board of Review Hearings**

A. - K.2. ...

**Form 3101  
Exhibit A**

Appeal to Board of Review  
by Property Owner/Taxpayer  
For Real and Personal Property  
Name: \_\_\_\_\_ Parish/District: \_\_\_\_\_  
Taxpayer  
Address: \_\_\_\_\_ City, State, Zip: \_\_\_\_\_  
Ward: \_\_\_ Assessment/Tax Bill Number: \_\_\_ Appeal No. \_\_\_

Board of Review  
(Attach copy of complete appeal submitted to the Board of Review)

Address or Legal Description of Property Being Appealed (Also, please identify building by place of business for convenience of appraisal)

I hereby request the review of the assessment of the above described property pursuant to L.R.S. 47:1992.

The assessor has determined Fair Market Value of this property at:

Land \$ \_\_\_\_\_ Improvement \$ \_\_\_\_\_ \* Personal Property \$ \_\_\_\_\_  
Total \$ \_\_\_\_\_

I am requesting that the Fair Market Value of this property be fixed at:

Land \$ \_\_\_\_\_ Improvement \$ \_\_\_\_\_ \* Personal Property \$ \_\_\_\_\_  
Total \$ \_\_\_\_\_

\* If you are not appealing personal property, leave this section blank. Please notify me of the date, place and time of my appeal at the address shown below.



NOTE: The Board of Review's decision, may be appealed to the La. Tax Commission by completing and submitting Appeal Form 3102/3103.A to the LTC within 30 calendar days of the Board of Review's decision. For further information, call the LTC at (225) 219-0339.

Property Owner/Taxpayer \_\_\_\_\_  
 Address: \_\_\_\_\_  
 Telephone No. \_\_\_\_\_  
 Email Address: \_\_\_\_\_

The Fair Market Value should be:  
 Land \$ \_\_\_\_\_ Improvement \$ \_\_\_\_\_  
 Personal Property \$ \_\_\_\_\_ Total \$ \_\_\_\_\_

\* If you are not appealing personal property leave this section blank.

NOTE: If you disagree with the Board of Review's determination, you must file an appeal. The appeal of the decision of the Board of Review by one party is not an appeal of that decision from the other party. To protect your rights, if you disagree with the determination of the Board of Review, you should file an appeal to the Louisiana Tax Commission challenging the Board of Review's determination regardless of whether or not the other party has appealed that decision.

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:1992, R.S. 47:2301 and R.S. 47:2321.

HISTORICAL NOTE: Promulgated by the Louisiana Tax Commission, LR 4:339 (September 1978), amended by the Department of Revenue and Taxation, Tax Commission, LR 13:188 (March 1987), LR 13:764 (December 1987), LR 15:1097 (December 1989), LR 16:1063 (December 1990), LR 20:198 (February 1994), LR 21:186 (February 1995), LR 23:208 (February 1997), amended by the Department of Revenue, Tax Commission, LR 24:492 (March 1998), LR 25:319 (February 1999), LR 26:512 (March 2000), LR 32:435 (March 2006), LR 33:498 (March 2007), LR 34:688 (April 2008), LR 35:501 (March 2009), LR 36:781 (April 2010), amended by the Division of Administration, Tax Commission, LR 37:1403 (May 2011), LR 38:811 (March 2012), LR 40:539 (March 2014), LR 41:682 (April 2015), LR 42:751 (May 2016), LR 43:657 (April 2017), LR 45:538 (April 2019), LR 48:1529 (June 2022), LR 49:1062 (June 2023).

**§3103. Appeals to the Louisiana Tax Commission (for appeals filed on or after January 1, 2022)**

NOTE: The following procedure and rules shall apply and govern all appeals filed with the Louisiana Tax Commission on or after January 1, 2022.

A. - P. ...

**Form 3102/3103.A** L.a. Tax Commission  
**Exhibit A** P.O. Box 66788  
**Appeal to Louisiana Tax Commission** Baton Rouge, LA 70896  
**by Property Owner/Taxpayer or Assessor** (225) 219-0339  
**for Real and Personal Property**

Name: \_\_\_\_\_ Parish/District: \_\_\_\_\_

Property Owner/Taxpayer/Assessor

Address: \_\_\_\_\_ City, State, Zip: \_\_\_\_\_

Ward: \_\_\_\_\_ Assessment Tax Bill No.: \_\_\_\_\_ Appeal No.: \_\_\_\_\_

Address or Legal Description of Property Being Appealed. Also, please identify building by place of business for convenience of appraisal. \_\_\_\_\_

I hereby appeal the decision of the Board of Review on the assessment of the above described property pursuant to La..R.S. 47:1992, La. R.S. 47:1989 and the rules of the Louisiana Tax Commission. I timely filed my appeal as required by law.

Date of the Board of Review Determination: \_\_\_\_\_

“You are required to include a copy of the Board of Review Determination with this Appeal Form.”

The Fair Market Value by the assessor was:  
 Land \$ \_\_\_\_\_ Improvement \$ \_\_\_\_\_  
 Personal Property \$ \_\_\_\_\_ Total \$ \_\_\_\_\_

The Fair Market Value determined by the Board of Review was:  
 Land \$ \_\_\_\_\_ Improvement \$ \_\_\_\_\_  
 Personal Property \$ \_\_\_\_\_ Total \$ \_\_\_\_\_

Applicant: (Property Owner/Taxpayer/Assessor) \_\_\_\_\_

Address: \_\_\_\_\_

Telephone No.: \_\_\_\_\_

Email Address: \_\_\_\_\_

Date of Appeal: \_\_\_\_\_

Today's Date: \_\_\_\_\_

This form must be completed in its entirety. The failure to complete the form, in its entirety, or failure to attach a copy of the Board of Review Determination may result in summary dismissal at the discretion of the Tax Commission.

PLEASE NOTE: Any documents or other evidence submitted to the assessor and/or the Board of Review must be refiled/resubmitted to the Louisiana Tax Commission.

Form 3102/3103.B

Exhibit B

Power of Attorney

PLEASE TYPE OR PRINT

Taxpayer(s) must sign and date this form on Page 2.

**I. Taxpayer:**

Your Name or Name of Entity: \_\_\_\_\_

Street Address, City, State, ZIP: \_\_\_\_\_

I/we appoint the following representative as my/our true and lawful agent and attorney-in-fact to represent me/us before the Louisiana Tax Commission. The representative is authorized to receive and inspect confidential information concerning me/our tax matters, and to perform any and all acts that I/we can perform with respect to my/our tax matters, unless noted below. Modes of communication for requesting and receiving information may include telephone, e-mail, or fax. The authority does not include the power to receive refund checks, the power to substitute another representative, the power to add additional representatives, or the power to execute a request for disclosure of tax information to a third party.

Representatives must sign and date this form on Page 3.

**II. Authorized Representative:**

Name: \_\_\_\_\_

Firm: \_\_\_\_\_

Street Address \_\_\_\_\_

City, State, ZIP: \_\_\_\_\_

Telephone Number: ( ) \_\_\_\_\_

Fax Number: ( ) \_\_\_\_\_

Email Address: \_\_\_\_\_

**III. Scope of Authorized Appointment:**

Acts Authorized. Mark only the boxes that apply. By marking the boxes, you authorize the representative to perform any and all acts on your behalf, including the authority to sign tax returns, with respect only to the indicated tax matters:

A. Duration: \_\_\_\_\_ Tax Year \_\_\_\_\_ (Days, Months, etc.) \_\_\_\_\_ Until Revoked.

**B. Agent Authority:**

1. \_\_\_\_\_ General powers granted to represent taxpayer in all matters.

2. \_\_\_\_\_ Specified powers as listed.

(a.) \_\_\_\_\_ File notices of protest and present protests before the Louisiana Tax Commission.

(b.) \_\_\_\_\_ Receive confidential information filed by taxpayer.

(c.) \_\_\_\_\_ Negotiate and resolve disputed tax matters without further authorization.

(d.) \_\_\_\_\_ Represent taxpayer during appeal process.

**C. Properties Authorized to Represent:**

1. \_\_\_\_\_ All property.

2. \_\_\_\_\_ The following property only (give assessment number and municipal address or legal description).

\_\_\_\_\_  
\_\_\_\_\_

Additional properties should be contained on separate page

NOTICES AND COMMUNICATIONS: Original notices and other written communication will be sent only to you, the taxpayer. Your representative may request and receive information by telephone, e-mail, or fax. Upon request, the representative may be provided with a copy of a notice or communication sent to you. If you want the representative to request or receive a copy of notices and communications sent to you, check this box.

REVOCATION OF PRIOR POWER(S) OF ATTORNEY: Except for Power(s) of Attorney and Declaration of Representative(s) filed on this Form, the filing of this Power of Attorney automatically revokes all earlier Power(s) of Attorney on file with the Louisiana Tax Commission for the same tax matters and years or periods covered by this document.

SIGNATURE OF TAXPAYER(S): If a tax matter concerns jointly owned property, all owners must sign if joint representation is requested. If signed by a corporate officer, partner, guardian, tax matters partner, executor, receiver, administrator, or trustee on behalf of the taxpayer. I certify that I have the authority to execute this form on behalf of the taxpayer.

IF THIS POWER OF ATTORNEY IS NOT SIGNED AND DATED, IT WILL BE RETURNED.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date (mm/dd/yyyy)

\_\_\_\_\_  
Spouse/Other Owner Signature

\_\_\_\_\_  
Date (mm/dd/yyyy)

\_\_\_\_\_  
Signature of Duly Authorized Representative, if the taxpayer title is a corporation, partnership, executor, or administrator

\_\_\_\_\_  
Date (mm/dd/yyyy)

**IV. Declaration of Representative:**

Under penalties of perjury, I declare that:

I am authorized to represent the taxpayer identified above and to represent that taxpayer as set forth in Part III specified herein;

I have read and am familiar with all the rules and regulations promulgated by the commission;

I have fully complied with all rules adopted by the commission regarding professional conduct and ethical considerations.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date (mm/dd/yyyy)

IF THIS DECLARATION OF REPRESENTATIVE IS NOT SIGNED AND DATED, THE POWER OF ATTORNEY WILL BE RETURNED.

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:1837, R.S. 47:1989 and R.S. 47:1992.

HISTORICAL NOTE: Promulgated by the Louisiana Tax Commission, LR 4:339 (September 1978), amended by the Department of Revenue and Taxation, Tax Commission, LR 10:947 (November 1984), LR 15:1097 (December 1989), LR 20:198 (February 1994), LR 21:186 (February 1995), LR 22:117 (February 1996), amended by the Department of Revenue, Tax Commission, LR 24:492 (March 1998), LR 25:319 (February 1999), LR 26:512 (March 2000), LR 28:521 (March 2002), LR 31:721 (March 2005), LR 32:436 (March 2006), LR 33:498 (March 2007), LR 34:688 (April 2008), LR 36:782 (April 2010), amended by the Office of the Governor, Division of Administration, Tax Commission, LR 38:811 (March 2012), LR 41:682 (April 2015), LR 42:752 (May 2016), LR 43:658 (April 2017), LR 45:539 (April 2019), LR 46:567 (April 2020), LR 47:471 (April 2021), LR 48:1533 (June 2022), LR 49:1063 (June 2023).

**Chapter 35 Miscellaneous**

**§3507. Claim for Taxes Paid in Error**

A. Any taxpayer/owner who has a claim against a political subdivision for ad valorem taxes erroneously paid, may present such claim to the Louisiana Tax Commission. The claim may be presented on the form in this section and shall be presented as follows:

1. The claim shall be presented to the Tax Commission in writing within three years of the erroneous payment.

2. The presentation of the claim shall include:

- a. the name of the parish in which the property is located and, in Orleans Parish, the number of the district;
- b. the name and address of the property owner;
- c. the amount of tax paid in error;
- d. the assessment number, tax bill number, account number, or any other numerical designation of the property on the assessment rolls.

3. The person who presents the claim shall:

a. present proof of an erroneous payment by evidence such as a receipt to the claimant, or a canceled check issued in payment; and

b. present proof that he or she:

i. is the person who made the erroneous payment by evidence such as a receipt to the claimant, or a canceled check issued in payment; or

ii. is a bona fide representative of the person who made the erroneous payment by evidence such as proof of status of responsible employee or officer, or affidavit or contract of employment as attorney, accountant, or other representative; or, by proof of status as custodian, trustee, executor, or other legal capacity, or other showing of capacity of representative of the claimant; or

iii. has succeeded to or otherwise possesses the right to present the claim.

**Form 3507.A**  
**Claim for Refund or Credit**  
**of Taxes Paid in Error**

4. The claim shall show the nature of the error. Payment of taxes on property which was eligible for homestead exemption, or was exempt from taxation by Article VII, Section 21 of the Constitution of 1974, or other provision of law is erroneous payment. Dual payment, or payment on dual or multiple assessments of the same property is erroneous payment.

a. In the case of dual payment or dual assessment, the claim shall particularly identify the property on which dual payment was made.

b. In the case of a claim of exemption, the claimant shall provide proof of the basis of the exemption.

c. There is no erroneous payment when the taxpayer questions the accuracy of an assessment, but has not appealed the assessment by regular administrative process.

5. If it is reasonably available to the claimant, the presentation shall include:

a. except in Orleans Parish, the number of the ward in which the property is located; or, in the case of business personal or movable property, the number of the ward in which the property was taxed;

b. the property classification, such as land, improvement, machinery and equipment, furniture and fixtures, inventory, or similar classification.

6. The claim must be presented to the Tax Commission within three years of the erroneous payment. The date of payment shall be shown by a dated receipt from the tax collector; or, by a date marked by the collector on the check on the date of payment or processing; or, if neither is available, the date of processing, or cancellation marked by the bank in which the check was deposited.

a. The claim should be sent with return receipt requested to provide proof of receipt by the Tax Commission. If it is not sent in this manner, the postmark date indicated on the envelope shall be the date on which the claim is made to the Tax Commission for determination of a timely filed claim.

7. A copy of the claim shall be forwarded to the assessor and the assessor shall, within 30 calendar days after receipt thereof, advise the Tax Commission whether a refund is due to claimant using Form 3507.B. If the assessor advises the Tax Commission that a refund is due the claimant, the Tax Commission shall duly examine the merits and correctness of each such claim, and shall make a determination thereon within 30 calendar days of receipt of the assessor's response. If the assessor advises the Tax Commission that the refund is not due, then the Tax Commission shall deny the claim within 30 calendar days of receipt of the assessor's response. If the assessor fails to respond within 30 calendar days, then the request will be deemed to be approved by the assessor and the Tax Commission shall duly examine the merits and correctness of each such claim, and shall make a determination thereon within 30 calendar days.

8. There will be refund of taxes paid in error only in the limited circumstances allowed by R.S. 47:2132. In all other cases, a credit against future taxes owed shall be the remedy.

**I. Claimant:**

Name \_\_\_\_\_

Mailing Address \_\_\_\_\_

City State Zip \_\_\_\_\_

**II. Property:**

Parish \_\_\_\_\_ District (If Orleans Parish) \_\_\_\_\_ Ward \_\_\_\_\_

Assessment No. \_\_\_\_\_ Tax Bill No. \_\_\_\_\_

Amount of Tax Paid in Error \_\_\_\_\_ Description of property: \_\_\_\_\_

**III. Basis of Claim:**

Dual or multiple payment \_\_\_\_\_

Payment on non-existent property \_\_\_\_\_

Payment on property in which taxpayer no longer has an interest \_\_\_\_\_

Property is eligible for homestead exemption \_\_\_\_\_

Clerical error in assessment rolls \_\_\_\_\_

Other \_\_\_\_\_

The following documents are attached to this form as proof of the basis for this claim:

\_\_\_\_\_  
\_\_\_\_\_

**IV. Proof of Payment:**

\_\_\_\_\_ Copy of canceled check(s) (both sides)

\_\_\_\_\_ Receipt to the Claimant

**V. Date of Erroneous Payment:**

The following proof of payment is attached:

\_\_\_\_\_ Copy of canceled check(s) (both sides)

\_\_\_\_\_ Receipt to the Claimant

\_\_\_\_\_ Other

**VI. Standing**

The following proof that the claimant is the person who made the erroneous payment, is a bona fide representative of the person who made the erroneous payment or has succeeded to or otherwise possesses the right to present the claim is attached:

\_\_\_\_\_ Receipt to Claimant or canceled check

\_\_\_\_\_ Proof of status as responsible employee or officer

\_\_\_\_\_ Affidavit or Contract of Employment as attorney, accountant or other representative, or

\_\_\_\_\_ Other proof of status as legal representative of Claimant

**VII. Signature:** \_\_\_\_\_

Property Owner/Authorized Agent

Be Completed at Office of Louisiana Tax Commission

Claim received, Date Assessor consulted, Date \_\_\_\_\_

Assessor's Response: Approve Disapprove Date \_\_\_\_\_

Other \_\_\_\_\_

Initial Response to Taxpayer  
 Documentation requested \_\_\_\_\_ Date \_\_\_\_\_  
 Received Date \_\_\_\_\_  
 Decision  
 Approved \_\_\_\_\_ Denied \_\_\_\_\_ Date \_\_\_\_\_  
 Reason for Denial \_\_\_\_\_  
 Reason \_\_\_\_\_  
 Refund or Credit  
 Property is eligible for homestead Yes No \_\_\_\_\_  
 Parish has alternative procedure Yes No \_\_\_\_\_

**Form 3507.B**  
**Assessor Notification of**  
**Possible Claim for Refund or Credit**  
**for Taxes Paid in Error**  
**(To Be Completed by Assessor)**

Claimant:  
 Name \_\_\_\_\_  
 Mailing Address \_\_\_\_\_  
 City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_  
 Property:  
 Parish \_\_\_\_\_ District (If Orleans Parish) \_\_\_\_\_  
 Ward \_\_\_\_\_ Assessment No. \_\_\_\_\_ Tax Bill No. \_\_\_\_\_

I have received and reviewed the Claim for Refund or Credit of Taxes Paid in Error (Form 3507.A) for the above referenced claimant and property. Based upon my review, I have determined that:

The claimant is due a refund or credit for taxes erroneously paid in the amount of \$ \_\_\_\_\_ due to (describe reason(s) for refund or credit) \_\_\_\_\_.

This property is \_\_\_\_\_ is not \_\_\_\_\_ eligible for the homestead exemption.

My parish does \_\_\_\_\_ does not \_\_\_\_\_ have an alternative procedure for providing for refunds of ad valorem taxes erroneously paid.

\_\_\_\_\_ No refund or credit for taxes erroneously paid is due. (Reason(s) for denial)

\_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_ Assessor

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:1837 and R.S. 47:2108.1.

HISTORICAL NOTE: Promulgated by the Department of Revenue and Taxation, Tax Commission, LR 16:1063 (December 1990), amended LR 19:212 (February 1993), LR 20:198 (February 1994), LR 22:117 (February 1996), LR 23:209 (February 1997), amended by the Department of Revenue, Tax Commission, LR 24:494 (March 1998), LR 32:441 (March 2006), LR 49:1064 (June 2023).

Lawrence E. Chehardy  
 Chairman

2306#016

**RULE**  
**Department of Health**  
**Bureau of Health Services Financing**

Dental Benefits Prepaid Ambulatory Health Plan  
 Participation Requirements  
 (LAC 50:I.2103)

The Department of Health, Bureau of Health Services Financing has amended LAC 50:I.2103 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. This Rule is hereby adopted on the day of promulgation.

**Title 50**  
**PUBLIC HEALTH—MEDICAL ASSISTANCE**  
**Part I. Administration**  
**Subpart 3. Managed Care for Physical and Behavioral Health**

**Chapter 21. Dental Benefits Prepaid Ambulatory Health Plan**

**§2103. Participation Requirements**

A. - G. ...  
 H. In the event of noncompliance with the contract and the department's guidelines, a DBPM shall be subject to the sanctions specified in the terms of the contract including, but not limited to:

1. corrective action plans;
2. monetary penalties; or
3. suspension and/or termination of the DBPM's contract.

I. - I.3. Repealed.  
 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, Bureau of Health Services Financing, LR 40:784 (April 2014), amended by the Department of Health, Bureau of Health Services Financing, LR 46:1228 (September 2020), LR 49:1066 (June 2023).

Implementation of the provisions of this Rule may be contingent upon the approval of the U.S. Department of Health and Human Services, Centers for Medicare and Medicaid Services (CMS), if it is determined that submission to CMS for review and approval is required.

Stephen R. Russo, JD  
 Secretary

2306#045

**RULE**

**Department of Health  
Bureau of Health Services Financing  
and**

**Office for Citizens with Developmental Disabilities**

Home and Community-Based Services Waivers  
Children's Choice Waiver  
Direct Service Worker Wages and Bonus Payments  
(LAC 50:XXI.12101)

The Department of Health, Bureau of Health Services Financing and the Office for Citizens with Developmental Disabilities have amended LAC 50:XXI.12101 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. This Rule is hereby adopted on the day of promulgation.

**Title 50**

**PUBLIC HEALTH—MEDICAL ASSISTANCE  
Part XXI. Home and Community-Based Services  
Waivers**

**Subpart 9. Children's Choice Waiver**

**Chapter 121. Reimbursement Methodology  
§12101. Unit of Reimbursement**

A. ...

1. Establishment of Support Coordination Workforce Bonus Payments

a. Support coordination providers who provided services from April 1, 2021 to October 31, 2022 shall receive bonus payments of \$300 per month for each support coordination worker that worked with participants for those months.

b. The support coordination worker who provided services to participants from April 1, 2021 to October 31, 2022 must receive at least \$250 of this \$300 bonus payment paid to the provider. This bonus payment is effective for all eligible support coordination workers of any working status, whether full-time or part-time.

c. Repealed.

2. Audit Procedures for Support Coordination Workforce Bonus Payments

a. The bonus payments reimbursed to support coordination providers shall be subject to audit by LDH.

b. Support coordination providers shall provide to LDH or its representative all requested documentation to verify that they are in compliance with the support coordination bonus payments.

c. This documentation may include, but is not limited to, payroll records, wage and salary sheets, check stubs, etc.

d. Support coordination providers shall produce the requested documentation upon request and within the time frame provided by LDH.

e. Noncompliance or failure to demonstrate that the bonus payments were paid directly to support coordination workers may result in the following:

- i. sanctions; or
- ii. disenrollment from the Medicaid Program.

3. Sanctions for Support Coordination Workforce Bonus Payments

a. The support coordination provider will be subject to sanctions or penalties for failure to comply with this Rule or with requests issued by LDH pursuant to this Rule. The severity of such action will depend upon the following factors:

- i. failure to pay support coordination workers the \$250 monthly workforce payments;
- ii. the number of employees identified as having been paid less than the \$250 monthly workforce retention bonus payments;
- iii. the persistent failure to pay the \$250 monthly workforce bonus payments; or
- iv. failure to provide LDH with any requested documentation or information related to or for the purpose of verifying compliance with this Rule.

B. - B.3. ...

4. Direct Service Worker Wages and Workforce Bonus Payments

a. Establishment of Direct Service Worker Wage Floor for Medicaid Home and Community-Based Services for Intellectual and Developmental Disabilities

i. Effective October 1, 2021, providers of Medicaid home and community-based waiver services operated through the Office for Citizens with Developmental Disabilities employing direct service workers will receive the equivalent of a \$2.50 per hour rate increase.

ii. Effective October 1, 2021, this increase or its equivalent will be applied to all service units provided by direct service workers with an effective date of service for the identified home and community-based waiver services provided beginning October 1, 2021.

iii. The minimum hourly wage floor paid to direct service workers shall be \$9 per hour.

iv. All providers of services affected by this rate increase shall be subject to a direct service worker wage floor of \$9 per hour. This wage floor is effective for all affected direct service workers of any work status, whether full-time or part-time.

v. The Department of Health reserves the right to adjust the direct service worker wage floor as needed through appropriate rulemaking promulgation consistent with the Administrative Procedure Act.

b. Establishment of Direct Service Worker Workforce Bonus Payments.

i. Providers who provided services from April 1, 2021 to October 31, 2022 shall receive bonus payments of \$300 per month for each direct service worker that worked with participants for those months.

ii. Direct service workers who provided services from April 1, 2021 to October 31, 2022 that worked with participants must receive at least \$250 of this \$300 bonus payment paid to providers. This bonus payment is effective for all eligible direct service workers of any working status, whether full-time or part-time.

iii. Bonus payments will end October 31, 2022.

iv. LDH reserves the right to adjust the amount of the bonus payments paid to the direct service worker as needed through appropriate rulemaking promulgation consistent with the Administrative Procedure Act.

v. - v.(b). Repealed.

c. Audit Procedures for Direct Service Worker Wage Floor and Workforce Bonus Payments

i. The wage enhancement and bonus payments reimbursed to providers shall be subject to audit by LDH.

(a) – (d). Repealed.

ii. Providers shall provide to the LDH or its representative all requested documentation to verify that they are in compliance with the direct service wage floor and bonus payments.

iii. This documentation may include, but is not limited to, payroll records, wage and salary sheets, check stubs, etc.

iv. Providers shall produce the requested documentation upon request and within the timeframe provided by the LDH.

v. Non-compliance or failure to demonstrate that the wage enhancement and/or bonus payments were paid directly to the direct service workers may result in the following:

(a). sanctions;

(b). disenrollment from the Medicaid Program.

d. Sanctions for Direct Service Worker Wage Floor and Workforce Bonus Payments

i. The provider will be subject to sanctions or penalties for failure to comply with this Rule or with requests issued by LDH pursuant to this Rule. The severity of such action will depend upon the following factors:

(a). Direct Service Worker Wage Floor;

(i). the failure to pay I/DD HCBS direct service workers the wage floor minimum of \$9 per hour;

(ii). the number of I/DD HCBS direct service workers identified as having been paid less than the wage floor minimum of \$9 per hour; or

(iii). the persistent failure to pay I/DD HCBS direct service workers the wage floor minimum of \$9 per hour;

(b). Direct Service Worker Workforce Bonus Payments;

(i). the failure to pay eligible I/DD HCBS direct service workers the \$250 monthly workforce bonus payments;

(ii). the number of eligible I/DD HCBS direct service workers who are identified as having been not been paid the \$250 monthly workforce bonus payments; or

(iii). the persistent failure to pay eligible I/DD HCBS direct service workers the monthly \$250 monthly workforce bonus payments; or

(c). failure to provide LDH with any requested documentation or information related to or for the purpose of verifying compliance with this Rule.

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 28:1987 (September 2002), LR 33:1872 (September 2007), amended by the Department of Health and Hospitals, Office for Citizens with Developmental Disabilities, LR 34:250 (February 2008), amended by the Department of Health and Hospitals, Bureau of Health Services Financing and the Office for Citizens with Developmental Disabilities, LR 36:324 (February 2010), LR 36:2280 (October 2010), LR 37:2157 (July 2011), LR 39:2504 (September 2013), LR 40:68 (January 2014), LR 41:128 (January 2015), LR 42:896 (June 2016), amended by the Department of Health, Bureau of Health Services Financing and the Office for Citizens with Developmental Disabilities, LR 48:40 (January 2022), LR 48:1544 (June 2022), LR 49:1067 (June 2023).

Implementation of the provisions of this Rule may be contingent upon the approval of the U.S. Department of Health and Human Services, Centers for Medicare and Medicaid Services (CMS), if it is determined that submission to CMS for review and approval is required.

Stephen R. Russo, JD  
Secretary

2306#046

## RULE

### Department of Health Bureau of Health Services Financing and Office of Aging and Adult Services

Home and Community-Based Services Waivers  
Community Choices Waiver  
Resource Assessment and Allocation Process  
(LAC 50:XXI.8107)

The Department of Health, Bureau of Health Services Financing and the Office of Aging and Adult Services have amended LAC 50:XXI.8107 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. This Rule is hereby adopted on the day of promulgation.

#### Title 50

### PUBLIC HEALTH—MEDICAL ASSISTANCE Part XXI. Home and Community-Based Services Waivers

#### Subpart 7. Community Choices Waiver

#### Chapter 81. General Provisions

#### §8107. Resource Assessment and Allocation Process

A. Each Community Choices Waiver applicant/participant shall be assessed using the uniform international resident assessment instrument (interRAI). This assessment provides researched and validated measures of an individual's functional status. The assessment is used to verify if an individual meets nursing facility level of care and generates a resource utilization group (RUG) score. This score is used to establish an individual's services and supports budget.

B. The RUG score assigns an individual to one of 23 distinct groups in seven major groupings. Individuals are assigned to a group based on a hierarchy and are assigned to the highest group for which they qualify. The following seven major groupings will be utilized to determine the waiver assistance needed to complete various activities of daily living (ADLs) and instrumental activities of daily living (IADLs).

1. Special Rehabilitation. Individuals in this group had at least 120 minutes of rehabilitation therapy (physical, occupational and/or speech) within the seven days prior to the interRAI assessment.

2. Extensive Services. Individuals in this group received one or more of the following services and have an ADL index of 7 or more:

- a. tracheostomy;
- b. ventilator or respirator;

- c. suctioning;
- d. parenteral/IV feeding only;
- e. combined oral and parenteral/tube feeding; or
- f. IV medications.

3. Special Care. Individuals in this group must meet one of the following criteria:

- a. have one of the following conditions or treatments and have an ADL index of 7 or greater:
  - i. stage 3 or 4 pressure ulcers and turning/positioning program;
  - ii. combined oral and parenteral/tube feeding or nasogastric feeding only and aphasia;
  - iii. fever with either vomiting, weight loss, dehydration, nasogastric tube or parenteral feeding, or pneumonia; or
  - iv. radiation therapy; or
- b. have one of the following conditions and have an ADL index of 10 or greater:
  - i. cerebral palsy;
  - ii. multiple sclerosis;
  - iii. quadriplegia; or
- c. are receiving one of the extensive care services (as listed in B.2 above) and have an ADL index of 6 or less.
- d. - h.iv. Repealed.

4. Clinically Complex. Individuals in this group have one of the following conditions or treatments:

- a. septicemia;
- b. dehydration;
- c. hemiplegia and an ADL index of 10 or greater;
- d. pneumonia;
- e. end-stage disease;
- f. comatose (confirmed by totally dependent in the four ADLs used in the ADL index);
- g. foot problems that limit/prevent walking;
- h. gastrointestinal (GI) or genitourinary (GU) bleeding;
- i. diabetes;
- j. combined oral and parenteral/tube feeding or nasogastric tube feeding only;
- k. chemotherapy;
- l. dialysis;
- m. transfusions;
- n. oxygen therapy; or
- o. one of the special care conditions or treatments listed in 3.a above and an ADL index of 6 or less.

5. Impaired Cognition. Individuals in this group have a cognitive performance scale of 3 or more and an ADL index of 10 or less.

6. Behavior Problems. Individuals in this group have one or more of the following behavior problems and an ADL index of 10 or less:

- a. wandering;
- b. verbally abusive;
- c. physically abusive;
- d. socially inappropriate/disruptive;
- e. resists care;
- f. sexually inappropriate;
- g. hallucinations; or
- h. delusions.

7. Physical Function. Individuals who did not meet the criteria for any of the previous categories.

C. Based on the RUG score, the applicant/participant is assigned to one of the distinct groups and is eligible for a set annual services budget associated with that group.

1. If the applicant/participant disagrees with their annual services budget, they or their responsible representative may request a fair hearing to appeal the decision.

2. The applicant/participant may qualify for an increase in the annual services budget amount upon showing that:

- a. one or more responses on the assessment are recorded incorrectly (except for the responses in the identification information, personal intake and initial history, assessment date and reason, and/or signature sections); or
- b. they need an increase in the annual services budget to avoid entering into a nursing facility.

D. Each Community Choices Waiver participant shall be re-assessed at least annually.

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, Bureau of Health Services Financing and the Office of Aging and Adult Services, LR 37:3518 (December 2011), amended by the Department of Health, Bureau of Health Services Financing and the Office of Aging and Adult Services, LR 44:1896 (October 2018), LR 49:1068 (June 2023).

Implementation of the provisions of this Rule may be contingent upon the approval of the U.S. Department of Health and Human Services, Centers for Medicare and Medicaid Services (CMS), if it is determined that submission to CMS for review and approval is required.

Stephen J. Russo, JD  
Secretary

2306#047

**RULE**

**Department of Health  
Bureau of Health Services Financing  
and  
Office for Citizens with Developmental Disabilities**

Home and Community-Based Services Waivers  
New Opportunities Waiver  
Direct Service Worker Wages and Bonus Payments  
(LAC 50:XXI.14301)

The Department of Health, Bureau of Health Services Financing and the Office for Citizens with Developmental Disabilities have amended LAC 50:XXI.14301 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. This Rule is hereby adopted on the day of promulgation.

**Title 50**  
**PUBLIC HEALTH—MEDICAL ASSISTANCE**  
**Part XXI. Home and Community-Based**  
**Services Waivers**

**Subpart 11. New Opportunities Waiver**

**Chapter 143. Reimbursement**

**§14301. Unit of Reimbursement**

A. - E. ...

**F. Direct Service Worker Wages and Workforce Bonus Payments**

1. Establishment of Direct Service Worker Wage Floor for Medicaid Home and Community-Based Services for Intellectual and Developmental Disabilities

a. Effective October 1, 2021, providers of Medicaid home and community-based waiver services operated through the Office for Citizens with Developmental Disabilities employing direct service workers will receive the equivalent of a \$2.50 per hour rate increase.

b. Effective October 1, 2021, this increase or its equivalent will be applied to all service units provided by direct service workers with an effective date of service for the identified home and community based waiver services provided beginning October 1, 2021.

c. The minimum hourly wage floor paid to direct service workers shall be \$9 per hour.

d. All providers of services affected by this rate increase shall be subject to a direct service worker wage floor of \$9 per hour. This wage floor is effective for all affected direct service workers of any work status, whether full-time, or part-time etc.

e. The Department of Health reserves the right to adjust the direct service worker wage floor as needed through appropriate rulemaking promulgation consistent with the Administrative Procedure Act.

**2. Establishment of Direct Service Worker Workforce Bonus Payments**

a. Providers who provided services from April 1, 2021 to October 31, 2022 shall receive bonus payments of \$300 per month for each direct service worker that worked with participants for those months.

b. The direct service worker who provided services to participants from April 1, 2021 to October 31, 2022 must receive at least \$250 of this \$300 bonus payment paid to the provider. This bonus payment is effective for all eligible direct service workers of any working status, whether full-time or part-time.

c. Bonus payments will end October 31, 2022.

d. LDH reserves the right to adjust the amount of the bonus payments paid to the direct service worker as needed through appropriate rulemaking promulgation consistent with the Administrative Procedure Act.

e. – e.ii. Repealed.

**3. Audit Procedures for Direct Service Worker Wage Floor and Workforce Bonus Payments**

a. The wage enhancement and bonus payments reimbursed to providers shall be subject to audit by LDH

i. – iv. Repealed.

b. Providers shall provide to the LDH or its representative all requested documentation to verify that they are in compliance with the direct service worker wage floor and bonus payments.

c. This documentation may include, but is not limited to, payroll records, wage and salary sheets, check stubs, etc.

d. Providers shall produce the requested documentation upon request and within the timeframe provided by LDH.

e. Non-compliance or failure to demonstrate that the wage enhancement and/or bonus payments were paid directly to direct service workers may result in:

i. sanctions; or

ii. disenrollment from the Medicaid Program.

**4. Sanctions for Direct Service Worker Wage Floor and Workforce Bonus Payments**

a. The provider will be subject to sanctions or penalties for failure to comply with this Rule or with requests issued by LDH pursuant to this Rule. The severity of such action will depend upon the following factors:

i. Direct Service Worker Wage Floor

(a). failure to pay I/DD HCBS direct service workers the wage floor minimum of \$9 per hour;

(b). the number of I/DD HCBS direct service workers identified as having been paid less than the wage floor minimum of \$9 per hour; or

(c). the persistent failure to pay I/DD HCBS direct service workers the wage floor minimum of \$9 per hour;

ii. Direct Service Worker Workforce Bonus Payments

(a). failure to pay eligible I/DD HCBS direct service workers the \$250 monthly workforce bonus payments;

(b). the number of I/DD HCBS direct service workers identified as having not been paid the \$250 monthly workforce bonus payments; or

(c). the persistent failure to pay eligible I/DD HCBS direct service workers the \$250 monthly workforce bonus payments; or

iii. failure to provide LDH with any requested documentation or information related to or for the purpose of verifying compliance with this Rule.

G. ...

**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 Community Supports and Services, LR 30:1209 (June 2004), amended by the Department of Health and Hospitals, Office for Citizens with Developmental Disabilities, LR 34:252 (February 2008), amended by the Department of Health and Hospitals, Bureau of Health Services Financing and the Office for Citizens with Developmental Disabilities, LR 35:1851 (September 2009), LR 36:1247 (June 2010), LR 37:2158 (July 2011), LR 39:1049 (April 2013), LR 40:80 (January 2014), LR 42:898 (June 2016), amended by the Department of Health, Bureau of Health Services Financing and the Office for Citizens with Developmental



Disabilities, LR 44:58 (January 2018), LR 45:44 (January 2019), LR 46:1682 (December 2020), LR 48:41 (January 2022), LR 48:1558 (June 2022), LR 49:1070 (June 2023).

Implementation of the provisions of this Rule may be contingent upon the approval of the U.S. Department of Health and Human Services, Centers for Medicare and Medicaid Services (CMS), if it is determined that submission to CMS for review and approval is required.

Stephen R. Russo, JD  
Secretary

2306#048

## RULE

### Department of Health Bureau of Health Services Financing and Office for Citizens with Developmental Disabilities

Home and Community-Based Services Waivers  
Residential Options Waiver  
Direct Service Worker Wages and Bonus Payments  
(LAC 50:XXI.16903 and 16905)

The Department of Health, Bureau of Health Services Financing and the Office for Citizens with Developmental Disabilities have amended LAC 50:XXI.16903 and adopted §16905 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. This Rule is hereby adopted on the day of promulgation.

#### Title 50

#### PUBLIC HEALTH—MEDICAL ASSISTANCE Part XXI. Home and Community-Based Services Waivers

#### Subpart 13. Residential Options Waiver

#### Chapter 169. Reimbursement

#### §16903. Direct Service Worker Wages and Bonus Payments

A. Establishment of Direct Service Worker Wage Floor for Medicaid Home and Community-Based Services for Intellectual and Developmental Disabilities

1. Effective October 1, 2021, providers of Medicaid home and community-based waiver services operated through the Office for Citizens with Developmental Disabilities employing direct service workers will receive the equivalent of a \$2.50 per hour rate increase.

2. Effective October 1, 2021, this increase or its equivalent will be applied to all service units provided by direct service workers with an effective date of service for the identified home and community based waiver services provided beginning October 1, 2021.

3. The minimum hourly wage floor paid to direct service workers shall be \$9 per hour.

4. All providers of services affected by this rate increase shall be subject to a direct service worker wage floor of \$9 per hour. This wage floor is effective for all affected direct service workers of any work status, whether full-time or part-time.

5. The Department of Health reserves the right to adjust the direct service worker wage floor as needed through appropriate rulemaking promulgation consistent with the Louisiana Administrative Procedure Act.

B. Establishment of Direct Service Worker Workforce Bonus Payments

1. Providers who provided services from April 1, 2021 to October 31, 2022 shall receive bonus payments of \$300 per month for each direct service worker that worked with participants for those months.

2. The direct service worker who provided services to participants from April 1, 2021 to October 31, 2022 must receive at least \$250 of this \$300 bonus payment paid to the provider. This bonus payment is effective for all eligible direct service workers of any working status, whether full-time or part-time.

3. Bonus payments will end October 31, 2022.

4. LDH reserves the right to adjust the amount of the bonus payments paid to the direct service worker as needed through appropriate rulemaking promulgation consistent with the Administrative Procedure Act.

5. - 5.b. Repealed.

C. Audit Procedures for Direct Service Worker Wage Floor and Workforce Bonus Payments

1. The wage enhancement and bonus payments reimbursed to providers shall be subject to audit by LDH.

a. - d. Repealed.

2. Providers shall provide to LDH or its representative all requested documentation to verify that they are in compliance with the direct service worker wage floor and bonus payments.

3. This documentation may include, but is not limited to, payroll records, wage and salary sheets, check stubs, etc.

4. Providers shall produce the requested documentation upon request and within the timeframe provided by LDH.

5. Non-compliance or failure to demonstrate that the wage enhancement and/or bonus payments were paid directly to direct service workers may result in the following:

a. sanctions; or

b. disenrollment from the Medicaid Program.

D. Sanctions for Direct Service Worker Wage Floor and Workforce Bonus Payments

1. The provider will be subject to sanctions or penalties for failure to comply with this Rule or with requests issued by LDH pursuant to this Rule. The severity of such action will depend upon the following factors:

a. Direct Service Worker Wage Floor

i. failure to pay I/DD HCBS direct service workers the wage floor minimum of \$9 per hour;

ii. the number of I/DD HCBS direct service workers identified as having been paid less than the wage floor minimum of \$9 per hour; or

iii. the persistent failure to pay I/DD HCBS direct service workers the wage floor minimum of \$9 per hour;

b. Direct Service Worker Workforce Bonus Payments

i. failure to pay eligible I/DD HCBS direct service workers the \$250 monthly workforce bonus payments;

- ii. the number of eligible I/DD HCBS direct service workers who are identified as having not been paid the \$250 monthly workforce bonus payments; or
- iii. the persistent failure to pay wage eligible I/DD HCBS direct service workers the \$250 monthly workforce bonus payments; or
- c. failure to provide LDH with any requested documentation or information related to or for the purpose of verifying compliance with this Rule.

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 for Citizens with Developmental Disabilities, LR 33:2456 (November 2007), amended by the Department of Health and Hospitals, Bureau of Health Services Financing and the Office for Citizens with Developmental Disabilities, LR 41:2169 (October 2015), LR 42:900 (June 2016), amended by the Department of Health, Bureau of Health Services Financing and the Office for Citizens with Developmental Disabilities, LR 48:42 (January 2022), LR 49:1071 (June 2023).

**§16905. Support Coordination**

**A. Establishment of Support Coordination Workforce Bonus Payments**

1. Support coordination providers who provided services from April 1, 2021 to October 31, 2022 shall receive bonus payments of \$300 per month for those months for each support coordination worker that worked with participants for those months.

2. The support coordination worker that worked with participants from April 1, 2021 to October 31, 2022 must receive at least \$250 of this \$300 bonus payment paid to the provider. This bonus payment is effective for all eligible support coordination workers of any working status, whether full-time or part-time.

**B. Audit Procedures for Support Coordination Workforce Bonus Payments**

1. The bonus payments reimbursed to support coordination providers shall be subject to audit by LDH.

2. Support coordination providers shall provide to LDH or its representative all requested documentation to verify that they are in compliance with the support coordination bonus payments.

3. This documentation may include, but is not limited to, payroll records, wage and salary sheets, check stubs, etc.

4. Support coordination providers shall produce the requested documentation upon request and within the timeframe provided by the LDH.

5. Noncompliance or failure to demonstrate that the bonus payments were paid directly to support coordination workers may result in the following:

- a. sanctions; or
- b. disenrollment from the Medicaid Program.

**C. Sanctions for Support Coordination Workforce Bonus Payments**

1. The support coordination provider will be subject to sanctions or penalties for failure to comply with this Rule or with requests issued by LDH pursuant to this Rule. The severity of such action will depend upon the following factors:

- a. failure to pay support coordination workers the \$250 monthly workforce bonus payments;

- b. the number of employees identified as having been paid less than the \$250 monthly workforce bonus payments;
- c. the persistent failure to pay the \$250 monthly workforce bonus payments; or
- d. failure to provide LDH with any requested documentation or information related to or for the purpose of verifying compliance with this Rule.

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, Bureau of Health Services Financing and the Office for Citizens with Developmental Disabilities, LR 49:1072 (June 2023).

Implementation of the provisions of this Rule may be contingent upon the approval of the U.S. Department of Health and Human Services, Centers for Medicare and Medicaid Services (CMS), if it is determined that submission to CMS for review and approval is required.

Stephen R. Russo, JD  
Secretary

2306#049

**RULE**

**Department of Health  
Bureau of Health Services Financing  
and  
Office for Citizens with Developmental Disabilities**

Home and Community-Based Services Waivers  
Supports Waiver  
Direct Service Worker Wages and Bonus Payments  
(LAC 50:XXI.6101)

The Department of Health, Bureau of Health Services Financing and the Office for Citizens with Developmental Disabilities have amended LAC 50:XXI.6101 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. This Rule is hereby adopted on the day of promulgation.

**Title 50**

**PUBLIC HEALTH-MEDICAL ASSISTANCE  
Part XXI. Home and Community-Based Services  
Waivers**

**Subpart 5. Supports Waiver**

**Chapter 61. Reimbursement  
§6101. Unit of Reimbursement**

- A. - G. ...
- H. Direct Service Worker Wages and Bonus Payments

1. Establishment of Direct Service Worker Wage Floor for Medicaid Home and Community-Based Services for Intellectual and Developmental Disabilities

- a. Effective October 1, 2021, providers of Medicaid home and community-based waiver services operated through the Office for Citizens with Developmental Disabilities employing direct service workers will receive the equivalent of a \$2.50 per hour rate increase.

b. Effective October 1, 2021, this increase or its equivalent will be applied to all service units provided by direct service workers with an effective date of service for the identified home and community-based waiver services provided beginning October 1, 2021.

c. The minimum hourly wage floor paid to direct service workers shall be \$9 per hour.

d. All providers of services affected by this rate increase shall be subject to a direct service worker wage floor of \$9 per hour. This wage floor is effective for all affected direct service workers of any work status whether full-time or part-time.

e. The Department of Health (LDH) reserves the right to adjust the direct service worker wage floor as needed through appropriate rulemaking promulgation consistent with the Administrative Procedure Act.

#### 2. Establishment of Direct Service Worker Workforce Bonus Payments

a. Providers who provided services from April 1, 2021 to October 31, 2022 shall receive bonus payments of \$300 per month for each direct service worker that worked with participants for those months.

b. The direct service worker who provided services to participants from April 1, 2021 to October 31, 2022 must receive at least \$250 of this \$300 bonus payment paid to the provider. This bonus payment is effective for all eligible direct service workers of any working status, whether full-time or part-time.

c. Bonus payments will end October 31, 2022.

d. LDH reserves the right to adjust the amount of the bonus payments paid to the direct service worker as needed through appropriate rulemaking promulgation consistent with the Administrative Procedure Act.

e. – e.ii. Repealed.

#### 3. Audit Procedures for Direct Service Worker Wage Floor and Workforce Bonus Payments

a. The wage enhancement and bonus payments reimbursed to providers shall be subject to audit by LDH.

i. – iv. Repealed.

b. Providers shall provide to LDH or its representative all requested documentation to verify that they are in compliance with the direct service worker wage floor and bonus payments.

c. This documentation may include, but is not limited to, payroll records, wage and salary sheets, check stubs, etc.

d. Providers shall produce the requested documentation upon request and within the timeframe provided by LDH.

e. Non-compliance or failure to demonstrate that the wage enhancement and/or bonus payment were paid directly to direct service workers may result in the following:

- i. sanctions; or
- ii. disenrollment from the Medicaid program.

#### 4. Sanctions for Direct Service Worker Wage Floor and Workforce Bonus Payments

a. The provider will be subject to sanctions or penalties for failure to comply with this Rule or with requests issued by LDH pursuant to this Rule. The severity of such an action will depend upon the following factors:

#### i. Direct Service Worker Wage Floor

(a). failure to pay I/DD HCBS direct service workers the wage floor minimum of \$9 per hour;

(b). the number of I/DD HCBS direct service workers identified as having been paid less than the wage floor minimum of \$9 per hour; or

(c). the persistent failure to pay I/DD HCBS direct service workers the wage floor minimum of \$9 per hour;

#### ii. Direct Service Worker Workforce Bonus Payments

(a). failure to pay eligible I/DD HCBS direct service workers the \$250 monthly workforce bonus payments;

(b). the number of eligible I/DD HCBS direct service workers identified as having not been paid the \$250 monthly workforce bonus payments; or

(c). the persistent failure to pay eligible I/DD HCBS direct service workers the \$250 monthly workforce bonus payments; or

iii. failure to provide LDH with any requested documentation or information related to or for the purpose of verifying compliance with this Rule.

#### I. ...

#### 1. Establishment of Support Coordination Workforce Bonus Payments

a. Support coordination providers who provided services from April 1, 2021 to October 31, 2022 shall receive bonus payments of \$300 per month for each support coordination worker that worked with participants for those months.

b. The support coordination worker who provided services to participants from April 1, 2021 to October 31, 2022 must receive at least \$250 of this \$300 bonus payment paid to the provider. This bonus payment is effective for all eligible support coordination workers of any working status, whether full-time or part-time.

#### 2. Audit Procedures for Support Coordination Workforce Bonus Payments

a. The bonus payments reimbursed to support coordination providers shall be subject to audit by LDH.

b. Support coordination providers shall provide to LDH or its representative all requested documentation to verify that they are in compliance with the support coordination bonus payments.

c. This documentation may include, but is not limited to, payroll records, wage and salary sheets, check stubs, etc.

d. Support coordination providers shall produce the requested documentation upon request and within the timeframe provided by LDH.

e. Noncompliance or failure to demonstrate that the bonus payments were paid directly to support coordination workers may result in the following:

- i. sanctions; or
- ii. disenrollment from the Medicaid Program.

#### 3. Sanctions for Support Coordination Workforce Bonus Payments

a. The support coordination provider will be subject to sanctions or penalties for failure to comply with this Rule or with requests issued by LDH pursuant to this Rule. The

severity of such action will depend upon the following factors:

- i. failure to pay support coordination workers the \$250 monthly workforce bonus payments;
- ii. the number of employees identified as having been paid less than the \$250 monthly workforce bonus payments;
- iii. the persistent failure to pay the \$250 monthly workforce bonus payments; or
- iv. failure to provide LDH with any requested documentation or information related to or for the purpose of verifying compliance with this Rule.

J. ...

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, Office for Citizens with Developmental Disabilities, LR 32:1607 (September 2006), amended LR 34:662 (April 2008), amended by the Department of Health and Hospitals, Bureau of Health Services Financing and the Office for Citizens with Developmental Disabilities, LR 36:2281(October 2010), LR 37:2158 (July 2011), LR 39:1050 (April 2013), LR 40:82 (January 2014), LR 40:2587 (December 2014), LR 42:900 (June 2016), amended by the Department of Health, Bureau of Health Services Financing and the Office for Citizens with Developmental Disabilities, LR 48:43 (January 2022), amended by the Department of Health, Bureau of Health Services Financing and the Office for Citizens with Developmental Disabilities, LR 48:43(January 2022), LR 48:1579 (June 2022), LR 49:1072 (June 2023).

Implementation of the provisions of this Rule may be contingent upon the approval of the U.S. Department of Health and Human Services, Centers for Medicare and Medicaid Services (CMS), if it is determined that submission to CMS for review and approval is required.

Stephen R. Russo, JD  
Secretary

2306#050

## RULE

### Department of Health Bureau of Health Services Financing

#### Hospital Licensing Standards (LAC 48:I.9305)

The Department of Health, Bureau of Health Services Financing has amended LAC 48:I.9305 as authorized by R.S. 36:254 and 40:2100-2115. This Rule is promulgated in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq. This Rule is hereby adopted on the day of promulgation.

#### Title 48

#### PUBLIC HEALTH—GENERAL

#### Part I. General Administration

#### Subpart 3. Licensing and Certification

#### Chapter 93. Hospitals

#### Subchapter A. General Provisions

#### §9305. Licensing Process

A. - M.2. ...

N. Plan Review. A letter to the Department of Health, Division of Engineering and Architectural Services, shall accompany the floor plans with a request for a review of the

hospital plans. The letter shall include the types of services offered, number of licensed beds and licensed patient rooms, geographical location, and whether it is a relocation, renovation, and/or new construction. A copy of this letter is to be sent to the Hospital Program Manager.

1. - 2.b....

#### 3. Waivers

a. The secretary of the department may, within his/her sole discretion, grant waivers to building and construction guidelines or requirements and to provisions of the licensing rules involving the clinical operation of the hospital. The facility shall submit a waiver request in writing to the licensing section of the department on forms prescribed by the department.

b. In the waiver request, the facility shall demonstrate the following:

i. how patient health, safety, and welfare will not be compromised if such waiver is granted;

ii. how the quality of care offered will not be compromised if such waiver is granted; and

iii. the ability of the facility to completely fulfill all other requirements of the service, condition, or regulation.

c. The licensing section of the department shall have each waiver request reviewed by an internal waiver review committee. In conducting such internal waiver review, the following shall apply:

i. the waiver review committee may consult subject matter experts as necessary, including the Office of State Fire Marshal; and

ii. the waiver review committee may require the facility to submit risk assessments or other documentation to the department.

d. The director of the licensing section of the department shall submit the waiver review committee's recommendation on each waiver to the secretary, or the secretary's designee, for final determination.

e. The department shall issue a written decision of the waiver request to the facility. The granting of any waiver may be for a specific length of time.

f. The written decision of the waiver request is final. There is no right to an appeal of the decision of the waiver request.

g. If any waiver is granted, it is not transferrable in an ownership change or change of location.

h. Waivers are subject to review and revocation upon any change of circumstance related to the waiver or upon a finding that the health, safety, or welfare of a patient may be compromised.

i. Any waivers granted by the department prior to January 15, 2023, shall remain in place, subject to any time limitations on such waivers; further, such waivers shall be subject to the following:

i. such waivers are subject to review or revocation upon any change in circumstance related to the waiver or upon a finding that the health, safety, or welfare of a patient may be compromised; and

ii. such waivers are not transferrable in an ownership change or change of location.

O. - P. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:2100-2115.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Office of the Secretary, LR 13:246 (April 1987), amended by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 16:971 (November 1990), LR 21:177 (February 1995), LR 29:2401 (November 2003), amended by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 38:1413 (June 2012), amended by the Department of Health, Bureau of Health Services Financing, LR 49:1074 (June 2023).

Stephen R. Russo, JD  
Secretary

2306#051

## RULE

### Department of Health Bureau of Health Services Financing

Nursing Facilities—Licensing Standards  
(LAC 48:I.Chapter 97 and 9911)

The Department of Health, Bureau of Health Services Financing has amended LAC 48:I.Chapter 97 and §9911 as authorized by R.S. 36:254 and 40:2009.1-2009.44. This Rule is promulgated in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq. This Rule is hereby adopted on the day of promulgation.

#### Title 48

#### PUBLIC HEALTH—GENERAL

#### Part I. General Administration

#### Subpart 3. Licensing and Certification

#### Chapter 97. Nursing Facilities

#### Subchapter A. General Provisions

#### §9701. Definitions

\* \* \*

*Local Office of Emergency Preparedness (OEP)*—a parish office of homeland security and emergency preparedness established pursuant to R.S. 29:727.

\* \* \*

*Nursing Facility*—Repealed.

*Nursing Home and/or Nursing Facility*—a nursing home or nursing facility as defined in R.S. 40:2009.2 that is licensed by the Department of Health (LDH) in accordance with the requirements of R.S. 40:2009.3.

\* \* \*

*Unlicensed Sheltering Site*—any location within or outside the state of Louisiana that is not licensed as a nursing facility by the LDH in accordance with the R.S. 40:2009.3, or not licensed as a nursing facility by another state, when such location is used for evacuation purposes.

\* \* \*

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and 40:2009.1-2009.44.

HISTORICAL NOTE: Promulgated by the Department of Health, Bureau of Health Services Financing, LR 42:1891 (November 2016), amended LR 46:1393 (October 2020), LR 49:1075 (June 2023).

#### §9727. Incident Reporting Requirements

A. A nursing facility shall have written procedures for the reporting and documentation of actual and suspected incidents of abuse, neglect, misappropriation of property/funds, and suspicious death. Major injuries of unknown origin (e.g., fractures, burns, suspicious

contusions, head injuries, etc.) for which the nursing facility is unable to determine the cause and could possibly be the result of abuse or neglect shall also be reported. Such procedures shall ensure that:

1. ...

2. all alleged violations involving abuse, neglect, exploitation, or mistreatment, including injuries of unknown origin and misappropriation of resident property, are reported immediately, but not later than two hours after the allegation is made or discovered, to the administrator of the facility and to other officials (including Health Standards Section (HSS) and law enforcement) where state law provides jurisdiction, if the events that caused the allegation involve abuse or result in a serious bodily injury; or not later than 24 hours after the events that caused an allegation which does not involve abuse or result in serious bodily injury, to the administrator of the facility and to other officials;

3. allegations of an event that do not involve abuse or result in serious bodily injury shall be reported to the administrator of the facility and HSS not later than 24 hours after the occurrence of or discovery of the incident. The nursing facility shall utilize the current department reporting database system to provide notification;

NOTE: Repealed.

4. - 5. ...

6. immediate attempts are made to notify other involved agencies and parties as appropriate;

7. immediate notification is made to the appropriate law enforcement authority whenever warranted; and

8. the nursing facility is required to maintain internet access and to keep the department informed of its active and monitored electronic mail address at all times.

B. - C. ...

D. A final report with the results of all investigations shall be reported to HSS within five working days of the incident through use of the current department reporting database system. The report shall include:

D.1. - F.8. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and 40:2009.1-2009.44.

HISTORICAL NOTE: Promulgated by the Department of Health, Bureau of Health Services Financing, LR 42:1900 (November 2016), amended LR 49:1075 (June 2023).

#### Subchapter B. Organization and General Services

#### §9761. Policies and Procedures

A. There shall be written policies and procedures that:

1. are available to staff, residents and legal representatives governing all areas of care and services provided by the nursing facility;

2. ensure that each resident receives the necessary care and services to promote the highest level of physical, medical, psychosocial functioning, and well-being of each resident;

3. are developed with the advice of a group of professional personnel consisting of at least a currently licensed physician, the administrator, and the director of nursing services;

4. are revised as necessary, but reviewed by the professional personnel group referenced in Paragraph A.3 of this Section at least annually;

5. are available to admitting physicians;

6. reflect an awareness of, and provisions for, meeting the total physical, medical, and psychosocial needs of residents, including admission, transfer and discharge planning, and the range of services available to residents, including frequency of physician visits by each type of similarly diagnosed resident admitted; and

7. are approved by the governing body.

B. The nursing facility shall develop and implement written policies and procedures that prohibit mistreatment, neglect, and abuse of residents and misappropriation of resident property.

1. The nursing facility's personnel, visitors, and residents shall not use verbal, mental, sexual or physical abuse, corporal punishment, or involuntary seclusion.

2. The nursing facility shall develop and implement policies and procedures for screening and training employees, for protection of the residents, and for the preventing, identifying, investigating, and reporting of abuse.

C. The nursing facility shall develop and implement policies and procedures to prevent, respond to, report, and mitigate instances of healthcare workplace violence.

D. The nursing facility is not required to admit registered sex offenders; however, if the nursing facility admits a registered sex offender, then the nursing facility shall develop policies and procedures to ensure that residents, their family members, and/or their responsible parties or guardians are notified upon admission of sex offenders living in the facilities. Such policies and procedures must include provisions for addressing the safety and well-being of other residents, staff, and visitors. The requirement of notification shall continue for as long as the information is considered a public record.

E. The administrator or his designee is responsible, in writing, for the execution of such policies.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and 40:2009.1-2009.44.

HISTORICAL NOTE: Promulgated by the Department of Health, Bureau of Health Services Financing, LR 42:1903 (November 2016), amended LR 49:1075 (June 2023).

### **§9767. Emergency Preparedness**

#### **A. General Provisions**

1. The nursing facility shall have an emergency preparedness plan that conforms to the format and specifications and the licensing regulations promulgated herein (see the Louisiana Model Nursing Home Emergency Plan). The plan shall be designed to manage the consequences of all hazards, declared disasters, or other emergencies that either have the potential to disrupt and/or actually disrupt the nursing facility's ability to provide care and treatment, or threatens the health, safety, and welfare of the residents. The nursing facility shall follow and execute its emergency preparedness plan in the event of a declared disaster or other emergency.

2. All nursing facilities shall submit their full, updated emergency preparedness plan to the department for approval on its current emergency preparedness webpage or electronic database. The emergency preparedness plan shall be signed by the nursing home's owner or owners, or any designee of such parties, and its administrator.

a. - d. Repealed.

3. The nursing facility's emergency preparedness plan shall include a shelter in place plan and an evacuation plan,

both of which shall be activated at least once annually, either in response to an emergency or in a planned drill.

4. The nursing facility's emergency preparedness plan shall be individualized, site specific, current, and correct, and it shall comport with all requirements in Subsections C and D of this Section below.

5. The nursing facility's plan shall follow all applicable laws, standards, rules, or regulations, including R.S. 40:2009.25.

#### **B. Emergency Preparedness Plan Approval Process**

1. The review and approval of nursing home emergency preparedness plans by the department and each entity listed in Paragraph 3.a of this Subsection below shall be performed pursuant to each reviewing entities' respective areas of knowledge, expertise, or jurisdiction.

a. - d.iii. Repealed.

2. The departmental review and approval process required by this Subsection may include transmittal to any other local, parish, regional, or other state agencies or entities for consultation as the department deems appropriate. Each such agency or entity shall cooperate and contribute to the department's review and approval process, as required by state statute.

3. Departmental Review, Transmittal, and Approval of Emergency Preparedness Plan

a. The department shall conduct a review and, if appropriate, approval of each nursing home's emergency preparedness plan submitted to it via the current department emergency preparedness webpage or other electronic database. The departmental review and approval process required by this Subsection shall include transmittal of each nursing home's emergency preparedness plan to all of the following entities for review by those entities:

i. the Office of State Fire Marshal(OSFM);

ii. the Governor's Office of Homeland Security and Emergency Preparedness;

iii. the Department of Transportation and Development;

iv. the Louisiana Emergency Response Network;

v. the local office of emergency preparedness (OEP) of the parish in which the nursing home is located; and

vi. the local OEP of any parish in which an evacuation site, including any unlicensed sheltering site, as identified in the nursing home's emergency preparedness plan, is located.

b. After review of a nursing home emergency preparedness plan by the entities listed above, the department shall either issue final approval of the emergency preparedness plan or require changes, amendments, or other revisions to the emergency preparedness plan. The department shall notify the nursing home that submitted the plan of the department's decision.

i. - vi. Repealed.

NOTE: Repealed.

4. Emergency Preparedness Plan Review by Other Entities

a. Each entity listed in Paragraph 3.a above of this Subsection shall review each nursing home emergency preparedness plan submitted to it, and shall submit one of the following documents to the department within 90 days of receipt of the emergency preparedness plan from the department:

i. a letter of preliminary approval of the nursing home's emergency preparedness plan; or

ii. a letter detailing what changes, amendments, or revisions to the emergency preparedness plan are necessary.

b. any entity listed in Paragraph 3.a of this Subsection that does not respond to the department concerning a nursing home emergency preparedness plan within 90 days of receipt of the plan shall be deemed to have been granted preliminary approval to the plan.

#### 5. Revision and Resubmission of Emergency Preparedness Plan

a. Within 15 days of receipt by the nursing home of an electronic notification from the department that the nursing home's emergency preparedness plan requires changes, amendments, or revisions, the nursing home shall update and revise its emergency preparedness plan to incorporate the required changes, amendments, or revisions, and shall return a copy of the updated and revised emergency preparedness plan to the department.

b. After receipt of the nursing home's updated and revised emergency preparedness plan within the 15 day time period, the department may, at its discretion, schedule a conference call with the nursing home to get clarification, information, or edits from the nursing home; such conference call may result in the nursing home submitting an additional updated or revised emergency preparedness plan.

c. The department shall review the nursing home's updated and revised emergency preparedness plan to confirm that all required changes, amendments, or revisions have been incorporated into the plan, and it shall approve the emergency preparedness plan and issue an approval letter to the nursing home. If the required changes, amendments, or revisions have not been incorporated, the department shall reject the emergency preparedness plan and issue a letter of rejection to the nursing home. The department shall not issue a license to or renew a license of a nursing home that has received a letter of rejection of its emergency preparedness plan.

6. Each nursing home shall transmit, if available, a copy of its final, approved emergency preparedness plan and a copy of the approval letter from the department to the OSFM and the applicable local office or OEP. If the nursing home received a letter of rejection from the department, the nursing home shall transmit a copy of that letter to the OSFM and the applicable local office or OEP.

#### 7. Emergency Preparedness Plan Submission Deadlines for Nursing Facilities Located in Coastal Parishes

a. The following deadlines shall apply to each nursing home located in the parishes of Acadia, Ascension, Assumption, Calcasieu, Cameron, Iberia, Jefferson, Jefferson Davis, Lafayette, Lafourche, Orleans, Plaquemines, Saint Bernard, Saint Charles, Saint James, Saint John the Baptist, Saint Martin, Saint Mary, Saint Tammany, Tangipahoa, Terrebonne, and Vermilion.

b. Each nursing home located in a parish listed in this Paragraph shall develop its emergency preparedness plan on or before August 30, 2022, pursuant to Act 522 of the 2022 Regular Session of the Louisiana Legislature.

c. Each nursing home located in a parish listed in this Paragraph shall submit copies of its emergency preparedness plan to the department on or before September

1, 2022, pursuant to Act 522 of the 2022 Regular Session of the Louisiana Legislature.

d. The department shall transmit its notification letter approving or rejecting the emergency preparedness plan to all nursing homes located in a parish listed in this Paragraph on or before March 1, 2023.

e. The department shall either approve or reject all resubmitted emergency preparedness plans and transmit to the nursing homes located in a parish listed in this Paragraph an approval or rejection letter on or before May 15, 2023.

f. Each nursing home located in a parish listed in this Paragraph shall transmit a copy of its final, approved emergency preparedness plan and the approval letter from the department, or alternatively it shall transmit the rejection letter it received from the department, to the OSFM and the applicable local office or OEP on or before May 31, 2023.

#### 8. Emergency Preparedness Plan Submission Deadlines for Nursing Facilities Located in Non-Coastal Parishes

a. The following deadlines shall apply to each nursing home located in the parishes of Allen, Avoyelles, Beauregard, Bienville, Bossier, Caddo, Caldwell, Catahoula, Claiborne, Concordia, DeSoto, East Baton Rouge, East Carroll, East Feliciana, Evangeline, Franklin, Grant, Iberville, Jackson, LaSalle, Lincoln, Livingston, Madison, Morehouse, Natchitoches, Ouachita, Pointe Coupee, Rapides, Red River, Richland, Sabine, Saint Helena, Saint Landry, Tensas, Union, Vernon, Washington, Webster, West Baton Rouge, West Carroll, West Feliciana, and Winn.

b. Each nursing home located in a parish listed in this Paragraph shall develop its emergency preparedness plan on or before August 30, 2023.

c. Each nursing home located in a parish listed in this Paragraph shall submit copies of its emergency preparedness plan to the department on or before September 1, 2023.

d. The department shall transmit its notification letter approving or rejecting the emergency preparedness plan to all nursing homes located in a parish listed in this Paragraph on or before March 1, 2024.

e. The department shall either approve or reject all resubmitted emergency preparedness plans and transmit to nursing homes located in a parish listed in this Paragraph an approval or rejection letter on or before May 15, 2024.

f. Each nursing home located in a parish listed in this Paragraph shall transmit a copy of its final, approved emergency preparedness plan and the approval letter from the department, or alternatively it shall transmit the rejection letter it received from the department, to the OSFM and the applicable local office or OEP on or before May 31, 2024.

#### 9. Annual Review of Emergency Preparedness Plan

a. On or before October 31, 2023, and annually thereafter each nursing home located in the parishes listed in Subsection B.7 above shall review its emergency preparedness plan.

b. On or before October 31, 2024, and annually thereafter, each nursing home located in the parishes listed in Subsection B.8 above shall review its emergency preparedness plan.

c. In conducting the annual review required by this Paragraph, a nursing home shall review any changes in the

state licensing rules and regulations and any changes in federal rules and regulations for nursing homes that have been adopted since the date of its last review of its emergency preparedness plan.

d. If a nursing home conducts a review and determines that no changes, modifications, or amendments to its emergency preparedness plan are necessary, then the nursing home shall notify all of the following entities of this determination on or before November 1 of the current review period:

i. the local OEP of the parish in which the nursing home is located;

ii. the local OEP of any parish in which a sheltering site, alternative sheltering site, or evacuation site, as identified in the nursing home's emergency preparedness plan, is located;

iii. the OSFM; and

iv. the department.

e. Each notification required by Subparagraph 9.d above shall be in the form of a written attestation signed by the owner or owners, or any designee of such parties, and the administrator of the nursing home submitting the notification. A nursing home may submit an attestation provided for in this Subparagraph for no more than four consecutive years.

f. If the nursing home conducting the annual review determines that any changes, modifications, or amendments are necessary, or if the nursing home has previously submitted an attestation, as provided for in Subparagraph 9.e above, for four consecutive years, then the nursing home shall furnish a full emergency preparedness plan, prepared in accordance with the requirements and procedures provided in Subsections A through D of Section 9767, to the department on or before November 1 of the current review period.

i. Following review of the full emergency preparedness plan submitted in accordance with Subparagraph 9.f above, the department shall notify the nursing home of its decision to either approve the plan or to require changes, amendments, or revisions to the plan on or before March 1 of the current review period.

ii. In the event that the department requires changes, amendments, or revisions to the nursing home's emergency preparedness plan, the nursing home shall update and revise the plan to incorporate the required changes, amendments, or revisions, and it shall resubmit the plan to the department within 15 days of its receipt of the electronic notification from the department that changes, amendments, or revisions are required.

iii. After receipt of the nursing home's amended plan within the 15 day time period, the department may, at its discretion, schedule a conference call with the nursing home to get clarification, information, or edits from the nursing home; such conference call may result in the nursing home submitting an additional updated or revised emergency preparedness plan.

iv. The department shall review the nursing home's updated and revised emergency preparedness plan to confirm that the required changes have been incorporated into the updated plan and it shall issue an approval or rejection letter to the nursing home on or before May 15 of the current review period.

(a). The department shall not issue a license to or renew a license of a nursing home that has received a letter of rejection of its emergency preparedness plan.

v. The nursing home shall transmit a copy of its final, approved emergency preparedness plan and a copy of the approval letter, or in the alternative, a copy of the rejection letter it received from the department, to the OSFM and the applicable local office or OEP on or before May 31 of the current review period.

(a). The nursing home shall submit the final, approved emergency preparedness plan to the above recipients in electronic format, if available.

#### C. Contents of Emergency Preparedness Plan

1. Each nursing home's written emergency preparedness plan shall identify, at a minimum, a primary evacuation site location and a secondary evacuation site location for emergencies or disasters. Such evacuation site locations may include the premises of other nursing homes, unlicensed sheltering sites, or both. Each such plan shall include and identify, at a minimum, all of the following:

a. the procedures and criteria used for determining when the nursing facility will evacuate, including a listing of specific evacuation determinations for those procedures and criteria;

b. the procedures and criteria used for determining when the nursing facility will shelter in place, including a listing of specific sheltering in place determinations for those procedures and criteria;

c. a primary evacuation site and a secondary evacuation site, as well as any other alternative evacuation sites that the nursing home may have;

i. these evacuation sites shall be evidenced by written agreements or contracts that have been signed and dated by all parties; and

ii. a nursing facility shall accept only the number of residents for which it is licensed unless prior written approval has been secured from the department or if the nursing facility is acting as an evacuation site during a declared or non-declared emergency;

d. the policies and procedures for mandatory evacuations, which shall provide that if the state, parish, or local office of emergency preparedness (OEP) orders a mandatory evacuation of the parish or area in which the nursing facility is located, the nursing facility shall evacuate unless the nursing facility receives a written exemption from the ordering authority prior to the mandated evacuation;

e. a plan for monitoring emergency alerts or notifications, including weather warnings and watches, as well as evacuation orders from local and state emergency preparedness officials;

i. this monitoring plan shall identify the staff position who will perform the monitoring, what equipment will be used for monitoring, and who should be contacted if needed; and

ii. the nursing facility shall have plans for monitoring during normal daily operations and when sheltering in place or during evacuations;

f. the policies and procedures for the delivery of essential care and services to residents, whether the residents are housed in the nursing facility, at an off-site location, or when additional residents are housed in the nursing facility during an emergency;



g. the policies and procedures for inspection by the nursing facility, for any damage to its entire facility during and post-event;

h. the provisions for the management of staff, including sufficient and competent staffing, and the distribution and assignment of staff responsibilities and functions, either within the nursing facility or at another location;

i. an executable plan for coordinating transportation services that are sufficient to accommodate the resident census and staff. The vehicles required for evacuating residents to another location shall be equipped with temperature controls. The plan shall include the following information:

i. a system to identify residents who require specialized transportation and medical needs, including the number of residents who will be classified as:

(a). red—high risk residents who will need to be transported by advanced life support ambulance due to dependency on mechanical or electrical life sustaining devices or very critical medical condition;

(b). yellow—residents who are not dependent on mechanical or electrical life sustaining devices, but cannot be transported using normal means (buses, vans, cars), and may need to be transported by a BLS ambulance. However, in the event of inaccessibility of medical transport, buses, vans, or cars may be used as a last resort; or

(c). green—residents who need no specialized transportation and may be transported by car, van, bus, or wheelchair accessible transportation;

j. a copy of the primary and secondary written transportation agreements for the evacuation of residents and staff that is signed and dated by all parties. Vehicles that are owned by, or are at the disposal of the nursing facility, shall have written usage agreements that are signed, dated and shall include verification of ownership, which shall include a copy of the vehicle's title or registration and the following information:

i. the number and type of vehicles;

ii. the capacity of each vehicle;

iii. a statement that each vehicle is equipped with temperature controls; and

iv. a statement that each vehicle is in good working condition;

k. policies and procedures outlining how the facility will prevent and treat heat-related medical illnesses due to the failure of temperature controls or due to other circumstances during transport;

l. the nursing facility's procedures for notifying the evacuation host site(s) local OEP, and the resident's family, legal representative or designated contact, and the department when the facility initiates its evacuation plan. The nursing facility shall have a staff position designated who is responsible for generating and documenting all attempts of notifications to the local OEPs, resident's family or responsible representative, and the department.

m. policies and procedures to ensure that an identification is directly attached to the nursing facility resident. The nursing facility shall designate a staff position to be responsible for this procedure and documentation. This identification shall remain directly attached to the resident

during all phases of an evacuation and shall include, but not be limited to, the following information:

i. current and active diagnosis;

ii. medications, including dosage and times administered;

iii. allergies;

iv. special dietary needs or restrictions;

v. advanced directive, if applicable; and

vi. next of kin or responsible party, including contact information and relationship to resident;

n. policies and procedures, as well as a designated staff position who is responsible for ensuring, documenting, and certifying that a sufficient supply of the following items accompanies residents on buses or other transportation during all phases of an evacuation:

i. water;

ii. food;

iii. nutritional supplies and supplements;

iv. medication(s); and

v. other necessary supplies;

o. staffing patterns for evacuation and the procedures for ensuring that all residents have access to licensed nursing staff and that appropriate nursing services are being provided during all phases of the evacuation, including transport of residents. For buses or vehicles transporting 15 or more residents, licensed nursing staff shall accompany the residents on the bus or vehicle. A licensed therapist who is BLS certified, or paramedic, may substitute for licensed nursing staff;

p. a plan for sheltering in place if the nursing facility determines that sheltering in place is appropriate, which shall include:

i. policies and procedures to ensure that seven days of necessary supplies are on hand for the duration of the shelter in place, or including any written agreements, with timelines, for how supplies will be delivered prior to the emergency event. The plan shall include a staff position responsible for ensuring and documenting that the necessary supplies are available. Supplies shall include, but are not limited to:

(a). drinking water or fluids, a minimum of one gallon per day, per person;

(b). water for sanitation, a minimum of three gallons per day, per person;

(c). non-perishable food, including special diets;

(d). medications;

(e). medical supplies;

(f). personal hygiene supplies; and

(g). sanitary supplies;

ii. policies and procedures for maintaining and posting a communications plan for contacting emergency services. The nursing facility shall designate a staff position to be responsible for documenting and contacting emergency services. The communication plan shall include:

(a). the type of equipment to be used;

(b). back-up equipment to be used if available;

(c). the equipment's testing schedule; and

(d). the power supply for the equipment being used;

iii. policies and procedures addressing the supply of emergency electrical power, including but not limited to a

generator, in instances when primary electrical power in the nursing home is lost, but evacuation from the nursing home is not required. The plan shall include the type(s), size(s) and location(s) of the generator(s), if applicable. Such plan shall also include a statement indicating whether the nursing facility has a generator for sheltering in place. If the nursing facility has such a generator, the plan shall provide for fuel, either on hand or delivered prior to the emergency event. Such nursing facilities shall have fuel delivery agreements in place that will extend the uninterrupted operation of the generator or alternative electrical power source under full load to a total period of 168 hours for a single emergent event. Nursing facilities may interrupt operation of the generator or alternative electrical power source to conduct routine maintenance as recommended by manufacturer's specifications. If the nursing facility has such a generator, the plan shall also provide a list of the generator's capabilities including:

- (a). its ability to provide cooling or heating for all or designated areas in the nursing facility;
  - (b). its ability to power an Office of Public Health (OPH)-approved sewerage system;
  - (c). its ability to power an OPH-approved water system;
  - (d). its ability to power medical equipment;
  - (e). its ability to power refrigeration;
  - (f). its ability to power lights; and
  - (g). its ability to power communications;
- iv. an assessment of the nursing facility's building to include, but not be limited to:
- (a). wind load or ability to withstand wind;
  - (b). flood zone and flood plain information;
  - (c). possible causes and probability of power failure;
  - (d). age of building and type of construction; and
  - (e). determinations of, and locations of interior safe zones;
- v. policies and procedures for preventing and treating heat related medical illnesses due to the failure of or the lack of air conditioning, or due to other circumstances, while sheltering in place;
- vi. staffing patterns for sheltering in place and for evacuation;
- q. the nursing facility's location, physical street address with longitude and latitude, and current nursing facility contact information;
- r. a risk assessment to determine the nursing facility's physical integrity. The physical integrity of the nursing facility and all relevant and available information shall be used in determining whether sheltering in place is appropriate. All elevations shall be given in reference to sea level or adjacent grade, as appropriate. If the facility has an unlicensed sheltering site(s) as an evacuation location, it shall also perform a risk assessment of each unlicensed sheltering site. The assessment(s) shall be reviewed annually and updated as necessary. The risk assessment shall include the nursing facility's determinations and the following information:
- i. the nursing facility's latitude and longitude as well as the latitude and longitude for any unlicensed sheltering site;

ii. the flood zone determination for the nursing facility and any unlicensed sheltering site and base flood elevation for each, and the nursing facility shall evaluate how these factors will affect the building(s);

iii. the elevations of the building(s), heating ventilation and air conditioning (HVAC) system(s), generator(s), fuel storage, electrical service, water system and sewer motor. If applicable, the nursing facility shall evaluate how these factors will affect the viability of a site considering projected flood and surge water depths;

iv. an evaluation of the building to determine its ability to withstand wind and flood hazards to include:

- (a). the construction type and age;
- (b). the roof type and wind load;
- (c). the windows, shutters, and wind load;
- (d). the wind load of shelter building; and
- (e). the location of interior safe zones;

v. an evaluation of each generator's fuel source(s), including refueling plans, fuel consumption rate and a statement that the output of the generator(s) will meet the electrical load or demand of the required (or designated) emergency equipment;

vi. the determinations based upon an evaluation of surroundings, including lay-down hazards or objects that could fall on the building and hazardous materials, such as:

- (a). trees;
- (b). towers;
- (c). storage tanks;
- (d). other buildings;
- (e). pipe lines;
- (f). chemical and biological hazards; and
- (g). fuels;

vii. the sea, lake and overland surge from hurricanes (SLOSH) modeling using the maximum's of the maximum envelope of waters (MOM) for the nursing facility's specific location and the findings for all categories of hurricanes. The nursing facility's plan shall include an evaluation of how this will or will not affect the nursing facility;

s. the nursing facility's plan shall provide for an evaluation of security risks and corresponding security precautions that will be taken for protecting residents, staff and supplies during and after an emergency event;

t. the nursing facility's plan shall include clearly labeled and legible floor plan(s) of the nursing facility's building(s). The nursing facility's plan shall include the following:

- i. the areas being used as shelter or safe zones;
- ii. the supply and emergency supply storage areas;
- iii. the emergency power outlets;
- iv. the communications center;
- v. the location of the posted emergency floor plan, which shall be easily accessible to staff; and
- vi. a pre-designated command post.

2. - 17.f. Repealed.

#### D. Unlicensed Sheltering Sites

1. Additional plan requirements for unlicensed sheltering sites shall include documentation of the following for review and approval:

a. a detailed floor plan of the sheltering site, which shall include the bed layout of the sleeping area, and copies of any contracts or documentation related to the unlicensed shelters;

b. required approvals from the OSFM and the OPH as a shelter site;

c. a covered area at the entrance of the building to afford protection from the weather;

d. adequate parking area for transportation needs;

e. adequate driveway(s) to allow for easy ingress and egress of transportation;

f. that building and equipment are maintained in good repair and free of hazards;

g. the accessibility for all occupants, including those in wheelchairs or on crutches in accordance with the Americans with Disabilities Act;

h. the installment of, or a contract to provide, an alternate power source onsite which shall be sufficient to power HVAC, lighting, refrigeration, and adequate power outlets with a minimum fuel supply for 72 hours;

i. contract(s) for fuel supply deliveries;

j. a designated area for isolation;

k. an operational HVAC that maintains a comfortable temperature;

l. adequate ventilation, i.e., facility well ventilated and free of air hazards (e.g., smoke, fumes, etc.);

m. adequate space per person in sleeping area, a minimum of 60 square feet per person;

n. a kitchen area that meets OPH requirements for meal preparation or a food service contract to provide at least three meals daily per person onsite;

o. contract(s) for waste removal, including but not limited to bio-hazard;

p. adequate onsite or contracted laundry services that shall have separate areas for soiled and clean laundry;

q. adequate onsite or contracted number of working hand-washing stations, minimum one per 15 persons;

r. adequate onsite or contracted number of permanently fixed and/or portable working toilets, minimum one per 20 persons;

s. adequate onsite or contracted number of permanently fixed and/or portable working showers/bathing facilities, minimum one per 15 persons.

2. For the requirements in D.1.q, r, and s in this Subsection, an environmental waiver for the unlicensed shelter site may be granted, at the discretion of the department, if the department determines that the waiver does not jeopardize the health, safety, and welfare of the evacuated facility's residents. The facility must submit a request in writing which must include the following:

i. which specific environmental requirement waiver is being requested and why;

ii. how the facility plans to mitigate their inability to meet the requirement; and

iii. an explanation as to why the environmental requirement waiver would not endanger the health, safety, and welfare of the evacuated facility's residents.

3. On an annual basis, the department, in conjunction with the OSFM and other entities, shall inspect and survey unlicensed sheltering sites identified in nursing home emergency preparedness plans. Any refusal by an unlicensed

sheltering site to allow an inspection or survey of the site by the department may result in rejection of the unlicensed sheltering site, and the emergency preparedness plan as a whole. If such a refusal to allow an inspection or survey occurs when nursing home residents are being sheltered at the site, the facility shall cooperate with the department for orderly evacuation of residents and staff. The department may revoke the license of the nursing home that refuses to allow an inspection or survey.

4. If any unlicensed sheltering site is located outside of Louisiana, including nursing homes, the department shall coordinate with their state agency counterparts in the state in which the site is located for inspection, review, approval, and surveys of the site.

5. The local OEP of the parish in which an unlicensed sheltering site is located shall inspect the site prior to October 15, 2022, and annually thereafter. The office shall inspect any new unlicensed sheltering site identified after May 31, 2023, in a nursing home emergency preparedness plan within 30 days of receiving the plan and annually thereafter, as required by statute. The local OEP may inspect the unlicensed sheltering site at such other times as the director of the local OEP deems necessary or appropriate.

#### E. Emergency Preparedness Notifications and Reports

1. A nursing facility shall enter current nursing facility information into the current department emergency preparedness webpage or electronic database for reporting.

a. The following information shall be entered or updated into the current department emergency preparedness webpage or electronic database for reporting before the fifteenth day of each month:

i. operational status;

ii. current census and number of licensed beds;

iii. emergency contact and evacuation location(s);

iv. emergency evacuation transportation needs categorized by the following types:

(a). number of red—high risk residents who will need to be transported by advanced life support ambulance due to dependency on mechanical or electrical life sustaining devices or very critical medical condition;

(b). number of yellow—residents who are not dependent on mechanical or electrical life sustaining devices, but cannot be transported using normal means (buses, vans, cars), may need to be transported by a basic life support (BLS) ambulance. However, in the event of inaccessibility of medical transport, buses, vans, or cars may be used as a last resort; or

(c). number of green—residents who need no specialized transportation and can be transported by car, van, bus, or wheelchair accessible transportation.

b. A nursing facility shall also enter or update the nursing facility's information upon request, or as required following notification of an emergency declared by the secretary. Emergency events include, but are not limited to hurricanes, floods, fires, chemical or biological hazards, power outages, tornados, tropical storms, freezing temperatures, and other severe weather.

c. Upon notification of a declared emergency, and as required by the department, nursing facilities shall file an electronic report on the current department emergency preparedness webpage or electronic database for reporting.

i. the electronic report shall be filed as required by the department, but at least daily, throughout the duration of the emergency declaration.

ii. the electronic report shall include, but not be limited to, the following:

- (a). status of operation;
- (b). availability of beds;
- (c). generator status;
- (d). evacuation status;
- (e). shelter in place status;
- (f). utility status; and
- (g). other information requested by the

department.

iii. the electronic report shall not be used to request resources.

#### F. Emergency Plan Activation

##### 1. Shelter in Place

a. A shelter in place notification shall be sent within one hour of the facility's decision to shelter in place to the local OEP where the provider is located and to the department.

b. A shelter in place notification shall be sent to the resident's family, or responsible representative as far in advance as possible, but at least within 12 hours of the determination.

##### 2. Evacuation and Temporary Relocation

a. The following applies to any nursing facility that evacuates, temporarily relocates or temporarily ceases operation at its licensed location due to an emergency:

i. the nursing facility shall immediately give written notice to HSS by hand delivery, facsimile or electronically of the following information:

(a). the date and approximate time of the evacuation;

(b). the sheltering evacuation site(s) to which the nursing facility is evacuating; and

(c). a list of residents being evacuated, which shall indicate the evacuation site for each resident;

ii. the evacuation sites' local OEP shall be provided the following within one hour of the decision to evacuate:

(a). the contact name and the telephone number that the evacuation sites' local OEP can call for information regarding the nursing facility's evacuation;

(b). the number of residents being evacuated to that location(s);

(c). the date and approximate time that the nursing facility is evacuating, and date and approximate time of arrival to the location(s);

(d). the site place or location to which the nursing facility is evacuating, including the:

(i). name of the site(s);

(ii). address(es); and

(iii). telephone number(s).

iii. an evacuation notification shall also be sent to the resident's family, or responsible representative, and made as far in advance as possible, but at least within 12 hours of the determination to evacuate or after evacuation when communication is available. The notifications shall include:

(a). a telephone number that the family, or responsible representative, can call for information regarding the nursing facility's evacuation;

(b). name of the site(s); and

(c). address(es).

iv. the nursing facility shall notify the department within one hour of its decision regarding whether the nursing facility's residents will return to its licensed location from an unlicensed sheltering site, be placed in alternate licensed nursing facility beds, or request an extension to remain at the unlicensed sheltering site;

v. the nursing facility shall notify the current HSS emergency preparedness manager, or designee, as well as, the local OEP of the parish(es) in which nursing facility residents will be relocated to. Included in this notice, the nursing facility shall provide HSS with a list of all residents' names, dates of birth, and their locations within 48 hours of the decision to relocate from the unlicensed sheltering site.

vi. upon receipt of a nursing facility evacuation notification that includes unlicensed sheltering site(s), HSS and the OPH shall immediately conduct a site visit at the unlicensed sheltering site unless time, weather conditions, or other factors do not allow for such visit. The department may conduct onsite inspections of the unlicensed shelter site at any time deemed necessary or appropriate by the secretary of the department. If deemed to be necessary, HSS will conduct daily on-site visits while the unlicensed shelter site is occupied. The department's authority to conduct such visits will be in accordance with its authority to conduct onsite surveys of the nursing home, regardless of location.

3. In the event that a nursing facility evacuates, temporarily relocates or temporarily ceases operations at its licensed location due to an emergency event, the nursing facility shall be allowed to remain at an unlicensed sheltering site for a maximum of five days. A nursing facility may request one 15 day extension, not to exceed a total of 20 days to remain at the unlicensed sheltering site.

a. By noon on the fifth day of evacuation, the nursing facility shall submit a written request for extension to HSS if it desires to remain at the unlicensed sheltering site. The request shall include the reasons that the facility is unable to return to their facility and why their residents cannot be placed in an alternate nursing facility(ies). The request shall also include a written plan with timeline to either return residents to the licensed location or be placed in an alternate nursing facility(ies) within the extension period requested, if such is granted.

b. The extension shall only be granted for good cause shown and for circumstances beyond the control of the nursing facility. If extension is not granted, the facility must cooperate with the department for an orderly evacuation of residents and staff to the alternate location.

c. This extension shall be granted only if essential care and services to residents are ensured to continue at the current sheltering facility.

d. Upon expiration of the five days or upon expiration of the written extension granted to the nursing facility, all residents shall be relocated to a nursing facility and HSS, and the local OEP shall be informed of the residents' new location(s).

#### G. Reopening of Nursing Facility and Repatriation of Residents

1. The evacuated nursing facility shall conduct and document an inspection of their entire facility for damages

prior to submitting a written request to HSS to reopen at the licensed location. That request shall include:

- a. damage report;
- b. extent and duration of any power outages;
- c. re-entry census;
- d. staffing availability; and
- e. information regarding access to the community service infrastructure, such as hospitals, transportation, physicians, professional services, and necessary supplies, such as food, water, medical supplies, and medications.

2. Upon receipt of a reopening request, the department shall review and determine if reopening will be appropriate. The department may request additional information from the nursing facility as necessary to make determinations regarding reopening.

3. After review of all documentation, the department shall issue a notice of one of the following determinations:

- a. approval of reopening without survey;
- b. surveys required before approval to reopen will be granted. This may include surveys by the OPH, OSFM, and HSS; or
- c. denial of reopening.

#### H. After Action Written Summary

1. Upon request by the department, the nursing facility shall submit a written summary attesting how the nursing facility's emergency preparedness plan was followed and executed. The initial summary shall contain, at a minimum:

- a. pertinent plan provisions and how the plan was followed and executed;
  - i. - iii. Repealed.
- b. plan provisions that were not followed;
- c. reasons and mitigating circumstances for failure to follow and execute certain plan provisions;
- d. contingency arrangements made for those plan provisions not followed; and
  - i. - vi. Repealed.
- e. a list of all injuries and deaths of residents that occurred during execution of the plan, evacuation and temporary relocation including the date, time, causes, and circumstances of the injuries and deaths.

#### 2. - 5.e.Repealed.

#### I. Inactivation of License Due to Declared Disaster or Emergency

1. A nursing facility in an area or areas that has been affected by a declared disaster or emergency and included in an executive order or proclamation of emergency or disaster issued in accordance with R.S. 29:724 or R.S. 29:766 may seek to inactivate its license for a period not to exceed two years, provided that the following conditions are met:

a. the nursing facility shall submit written notification to HSS within 60 days of the date of the executive order or proclamation of emergency or disaster that:

- i. the nursing facility has experienced an interruption in the delivery of services at its licensed facility as a result of events that are the subject of such executive order or proclamation of emergency or disaster issued in accordance with R.S. 29:724 or R.S. 29:766;

ii. the nursing facility intends to resume operation as a nursing facility in the same service area;

iii. includes an attestation that the emergency or disaster is the sole causal factor in the interruption of the provision of services; and

iv. pursuant to these provisions, an extension of the 60-day deadline may be granted at the discretion of the department;

b. the nursing facility resumes operating as a nursing facility in the same service area within two years of issuance of an executive order or proclamation of emergency or disaster in accordance with R.S. 29:724 or R.S. 29:766, unless an extension has been granted;

i. a nursing facility may request one extension, not to exceed an additional one year for good cause shown by the facility. This request for an extension may be granted at the sole discretion of the department;

c. the nursing facility continues to pay all fees and costs due and owed to the department including, but not limited to , annual licensing fees and outstanding civil monetary penalties and/or civil fines; and

d. the nursing facility continues to submit required documentation and information to the department, including but not limited to cost reports.

e. Repealed.

2. Upon receiving a completed written request to inactivate a nursing facility license, if the department determines that all of the requirements have been met, the department shall issue a notice of inactivation of license to the nursing facility.

3. Upon completion of repairs, renovations, rebuilding or replacement of the facility, a nursing facility, which has received a notice of inactivation of its license from the department, shall be allowed to reinstate its license upon the following conditions being met:

a. the nursing facility shall submit a written license reinstatement request to HSS within two years of the executive order or proclamation of emergency or disaster issued in accordance with R.S. 29:724 or R.S. 29:766, unless an extension has been granted;

b. the license reinstatement request shall inform the department of the anticipated date of opening and shall request the scheduling of a licensing survey; and

c. the license reinstatement request shall include a completed licensing application with appropriate licensing fees.

4. Upon receiving a completed written request to reinstate a nursing facility license, the department shall conduct a licensing survey. If the nursing facility meets the requirements for licensure and the requirements provided for in Paragraph I.3 above, the department shall issue a notice of reinstatement of the nursing facility license. The licensed bed capacity of the reinstated license shall not exceed the licensed bed capacity of the nursing facility at the time of the request to inactivate the license.

5. No change of ownership in the nursing facility shall occur until such nursing facility has completed repairs, renovations, rebuilding, or replacement construction and has resumed operations as a nursing facility.

6. The provisions of this Subsection shall not apply to a nursing facility that has voluntarily surrendered its license and ceased operation.

7. Failure to comply with any of the provisions of this Subsection shall be deemed a voluntary surrender of the nursing facility license.

#### J. Inactivation of License Due to Non-Declared Emergency or Disaster

1. A nursing facility in an area or areas that have been affected by a non-declared emergency or disaster may seek to inactivate its license, provided that the following conditions are met:

a. the nursing facility shall submit written notification to the HSS within 30 days of the date of the non-declared emergency or disaster stating that:

i. the nursing facility has experienced an interruption in the provisions of services as a result of events that are due to a non-declared emergency or disaster;

ii. the nursing facility intends to resume operation as a nursing facility in the same service area;

iii. the nursing facility attests that the emergency or disaster is the sole causal factor in the interruption of the provision of services;

iv. the nursing facility's initial request to inactivate does not exceed two years from the date of the non-declared emergency or disaster for the completion of repairs, renovations, rebuilding, or replacement of the facility; and

v. pursuant to these provisions, an extension of the 30 day deadline for initiation of request may be granted at the discretion of the department.

b. the nursing facility continues to pay all fees and costs due and owed to the department including, but not limited to, annual licensing fees and outstanding civil monetary penalties and/or civil fines;

c. the nursing facility continues to submit required documentation and information to the department, including but not limited to cost reports, and;

d. if major alterations are to be completed in areas where beds have been placed in alternate use, those beds shall be removed from alternate use and relicensed and re-enrolled as nursing facility beds at the time of request.

2. Upon receiving a completed written request to temporarily inactivate a nursing facility license, the department shall issue a notice of inactivation of license to the nursing facility.

3. Upon the facility's receipt of the department's approval of request to inactivate the facility's license, the facility shall have 90 days to submit plans for the repairs, renovations, rebuilding, or replacement of the facility to the OSFM and the OPH, as required.

4. The nursing facility shall resume operating as a nursing facility in the same service area within two years from the non-declared emergency or disaster, unless an extension has been granted.

5. A nursing facility may request one extension, not to exceed an additional six months for good cause shown by the facility. This request for an extension may be granted at the sole discretion of the department.

6. Upon completion of repairs, renovations, rebuilding, or replacement of the facility, a nursing facility that has received a notice of inactivation of its license from

the department shall be allowed to reinstate its license upon the following conditions being met:

a. the nursing facility shall submit a written license reinstatement request to HSS;

b. the license reinstatement request shall inform the department of the anticipated date of opening and shall request scheduling of a licensing survey; and

c. the license reinstatement request shall include a completed licensing application with appropriate licensing fees.

7. Upon receiving a completed written request to reinstate a nursing facility license, the department may conduct a licensing survey. The department may issue a notice of reinstatement if the facility has met the requirements for licensure including the requirements of this Subsection. The licensed bed capacity of the reinstated license shall not exceed the licensed bed capacity of the nursing facility at the time of the request to temporarily inactivate the license.

8. No change of ownership in the nursing facility shall occur until such nursing facility has completed repairs, renovations, rebuilding or replacement construction and has resumed operations as a nursing facility.

9. The provisions of this Subsection shall not apply to a nursing facility that has voluntarily surrendered its license and ceased operation.

10. Failure to comply with any of the provisions of this Subsection shall be deemed a voluntary surrender of the nursing facility license.

#### K. Temporary Inactivation of Licensed Nursing Facility Beds Due to Major Alterations

1. A nursing facility, which is undergoing major alterations to its physical plant, may request a temporary inactivation of a certain number of licensed beds provided that:

a. the nursing facility submits a written request to HSS seeking temporary inactivation of a certain number of its licensed bed capacity. Such written request shall include the following:

i. that the nursing facility has experienced or will experience a temporary interruption in the provision of services to its licensed bed capacity as a result of major alterations;

ii. an attestation that the renovations are the sole causal factor in the request for temporary inactivation of a certain number of its licensed beds;

iii. the anticipated start date of the temporary inactivation of a certain number of licensed beds;

NOTE: Repealed.

iv. the anticipated end date of the temporary inactivation of a certain number of licensed beds; and

v. the number of licensed beds requested to be inactivated temporarily;

b. the nursing facility ensures the health, safety, and welfare of each resident during the major alterations;

i. Repealed.

c. the nursing facility continues to provide, and each resident continues to receive, the necessary care and services to attain or maintain the resident's highest practicable physical, medical and psychosocial well-being, in accordance with each resident's comprehensive assessment and plan of care; and

d. if major alterations are to be completed in areas where beds have been placed in alternate use, those beds shall be removed from alternate use and relicensed and re-enrolled as nursing facility beds at the time of request.

2. Upon receiving a completed written request for temporary inactivation of a certain number of the licensed bed capacity of a nursing facility, if appropriate the department shall issue a notice of temporary inactivation of a certain number of the nursing facility's licensed beds.

3. No change of ownership in the nursing facility shall occur until such nursing facility has completed the major alterations and has resumed operating at prior approved licensed bed capacity.

a. - c. Repealed.

4. Upon completion of the major alterations and receiving a completed written request to reinstate the number of licensed beds of a nursing facility, the department may conduct a licensing survey. If the nursing facility meets the requirements for licensure and the requirements under this Subsection, the department may issue a notice of reinstatement of the nursing facility licensed bed capacity.

5. The licensed bed capacity after major alterations are completed shall not exceed the licensed bed capacity of the nursing facility at the time of the request to temporarily inactivate a certain number of its licensed bed capacity prior to renovations.

6. The provisions of this Subsection shall not apply to a nursing facility that has voluntarily surrendered its license and ceased operation.

K.7. - M.5. Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and 40:2009.1-2009.44.

HISTORICAL NOTE: Promulgated by the Department of Health, Bureau of Health Services Financing, LR 42:1905 (November 2016), amended LR 48:1290 (May 2022), LR 49:1076 (June 2023).

## **Chapter 99. Nursing Facilities**

### **Subchapter B. Physical Environment**

#### **§9911. General Provisions**

A. - D. ...

E. No later than June 30, 2023, nursing facilities shall have a generator or other department approved alternate electrical power source in the event of the loss of primary electrical power. The department may grant a one-time extension, not to exceed six months, upon written application by a nursing facility that compliance has been delayed due to extraordinary and unforeseen circumstances. No extension shall be granted if the nursing facility fails to provide sufficient evidence of substantial compliance or good faith efforts to comply with the requirement deadline.

1. The generator or alternate electrical power source shall have a simultaneous capability of providing sufficient electrical power for all of the following:

- a. life safety systems;
- b. lighting in patient care areas;
- c. medical equipment in patient care areas;
- d. electrical components of the approved potable water system;
- e. electrical components of the approved sewer systems;

f. operation of the nursing facility's medication dispensing and medication refrigeration systems;

g. operation of the nursing facility's dietary services and related refrigeration; and

h. operation of the nursing facility's laundry services.

2. For nursing facilities built or whose construction plans have been approved by the department:

a. prior to August 1, 2022, HVAC systems or portions of systems are required to maintain a safe indoor temperature and to be powered at a minimum 50 percent of the air conditioning systems and 50 percent of the heating systems in the facility.

b. on or after August 1, 2022, HVAC systems or portions of systems are required to maintain a safe indoor temperature and to be powered at a minimum 90 percent of the air conditioning systems and 90 percent of the heating systems in the facility.

3. The generator or alternate electrical power source shall be permanently installed onsite at the nursing facility and shall have fuel stored onsite at the nursing facility or delivered prior to an emergency event, in the following quantities:

a. for nursing facilities built or whose construction plans have been approved by the department prior to August 1, 2022, in an amount sufficient to operate the generator or alternative electrical power source under full load for 48 hours.

b. for nursing facilities approved for construction and built on or after August 1, 2022, in an amount sufficient to operate the generator or alternative electrical power source under full load for 72 hours.

4. Natural gas is an allowable fuel source and meets the onsite fuel requirement as long as there is an onsite propane tank sufficient in size to meet the fuel requirements, in the event a natural gas disruption occurs.

5. For nursing facilities built or whose construction plans have been approved by the department prior to August 1, 2022, the department may provide a waiver for the permanently installed generator or alternative electrical power source required by this Subsection if it is determined by the department that there is not sufficient physical space available or a governmental ordinance exists that makes it impossible to place a generator or alternative electrical power source and the fuel required by this Subsection on the premises of the nursing facility. Each nursing facility that receives a waiver pursuant to this Paragraph shall annually submit to the department for review and approval a plan to provide for the health and safety of the facility's residents in the event of power loss. The annual plan may incorporate, but is not limited to mobile generators, chillers, or evacuation.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and 40:2009.1-2009.44.

HISTORICAL NOTE: Promulgated by the Department of Health, Bureau of Health Services Financing, LR 42:1926 (November 2016), amended LR 49:1082 (June 2023).

Stephen R. Russo, JD  
Secretary

2306#052

**RULE**

**Department of Health  
Bureau of Health Services Financing**

Professional Services Program  
Tobacco Cessation Counseling  
(LAC 50:IX.Chapter 11 and 15106)

The Department of Health, Bureau of Health Services Financing has adopted LAC 50:IX.Chapter 11 and §15106 in the Medical Assistance Program as authorized by R.S. 36:254 and pursuant to Title XIX of the Social Security Act. This proposed Rule is promulgated in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq. This Rule is hereby adopted on the day of promulgation.

**Title 50**

**PUBLIC HEALTH—MEDICAL ASSISTANCE**

**Part IX. Professional Services Program**

**Subpart 1. General Provisions**

**Chapter 11. Tobacco Cessation Counseling Services**

**§1101. General Provisions**

A. Effective for dates of service on or after June 20, 2023, the Medicaid Program provides coverage for tobacco cessation counseling services to beneficiaries who use tobacco products or who are being treated for tobacco use.

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, Bureau of Health Services Financing, LR 49:1086 (June 2023).

**§1103. Scope of Services**

A. Tobacco cessation counseling services shall be reimbursed by the Medicaid Program when rendered by the beneficiary’s primary care provider (PCP) or other appropriate healthcare professionals. Beneficiaries may receive up to four tobacco cessation counseling sessions per quit attempt, up to two quit attempts per calendar year, for a maximum of eight counseling sessions per calendar year. These limits may be exceeded, if deemed medically necessary.

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, Bureau of Health Services Financing, LR 49:1086 (June 2023).

**§1105. Provider Participation**

A. The entity seeking reimbursement for tobacco cessation counseling services must be an enrolled Medicaid provider.

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, Bureau of Health Services Financing, LR 49:1086 (June 2023).

**Subpart 15. Reimbursement**

**Chapter 151. Reimbursement Methodology**

**Subchapter A. General Provisions**

**§15106. Tobacco Cessation Counseling Services**

A. Effective for dates of service on or after June 20, 2023, the Medicaid Program shall provide reimbursement for tobacco cessation counseling services rendered by qualified health care professionals.

B. Reimbursement for tobacco cessation counseling services shall be a flat fee based on the appropriate HCPCS code.

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, Bureau of Health Services Financing, LR 49:1086 (June 2023).

Implementation of the provisions of this Rule may be contingent upon the approval of the U.S. Department of Health and Human Services, Centers for Medicare and Medicaid Services (CMS), if it is determined that submission to CMS for review and approval is required.

Stephen R. Russo, JD  
Secretary

2306#053

**RULE**

**Department of Health**

**Licensed Professional Counselors Board of Examiners**

Academic Requirements for MFT Licensure or  
Provisional Licensure  
(LAC:46:LX.3309 and 3311)

In accordance with the applicable provisions of the Louisiana Administrative Procedures Act (R.S.49:950 et seq.) and through the authority of the Mental Health Counselor Licensing Act (R.S. 37:1101 et seq.), the Licensed Professional Counselors Board of Examiners has amended the academic requirements for LMFT to align with the graduate practicum/internship requirements established by the Commission on Accreditation for Marriage and Family Therapy Education (COAMFTE). This Rule is hereby adopted on the day of promulgation.

**Title 46**

**PROFESSIONAL AND OCCUPATIONAL  
STANDARDS REVISED**

**Part LX. Licensed Professional Counselors Board of  
Examiners**

**Subpart 2. Professional Standards for Licensed  
Marriage and Family Therapists and Provisional  
Licensed Marriage and Family Therapists**

**Chapter 33. Requirements for Licensure and  
Provisional Licensure**

**§3309. Academic Requirements for MFT Licensure or  
Provisional Licensure [Formerly §3311]**

A. ...

1. a master’s or doctoral degree in marriage and family therapy from a program accredited by the Commission on Accreditation for Marriage and Family Therapy Education (COAMFTE) in a regionally accredited educational institution or a certificate in marriage and family therapy from a post-graduate training institute accredited by COAMFTE

2. a master’s or doctoral degree in marriage and family therapy or marriage and family counseling or a related clinical mental health field from a program accredited by the Council for Accreditation of Counseling and Related Educational Programs (CACREP) in a regionally-accredited educational institution with a



minimum of six courses in marriage and family therapy, including coursework on the AAMFT code of ethics.

3. a master's or doctoral degree in marriage and family therapy or a related clinical mental health field from a regionally accredited institution of higher education or a certificate from a postgraduate training institute in marriage and family therapy. Applicants with a school counseling degree would need to meet the requirements in §3311. The qualifying degree or certificate program must include coursework, practicum, and internship in marriage and family therapy that is determined by the advisory committee to be substantially equivalent to a graduate degree or post-graduate certificate in marriage and family therapy from a program accredited by COAMFTE.

4. a master's degree or a doctoral degree in marriage and family therapy from a regionally accredited institution of higher education whose program and curriculum was approved by the board through the advisory committee at any time prior to July 1, 2010.

B. The qualifying degree must include a minimum of 60 graduate semester hours of coursework. Furthermore, the applicant must have completed a practicum and/or internship during the completion of the qualifying degree program or postgraduate training institute that is equivalent to the standards established by COAMFTE.

C. Pursuant to Act 736 of the 2014 Regular Legislative Session and effective January 1, 2018, all applicants whose academic background has not been previously approved by the board as of January 1, 2018, must have completed a minimum of six credit hours in diagnostic psychopathology. Courses in this area shall provide academic instruction from a systemic/relational perspective in psychopharmacology, physical health and illness, traditional psycho-diagnostic categories including the *Diagnostic and Statistical Manual of Mental Disorders*, Fifth Edition (DSM-5) as published by the American Psychiatric Association on May 18, 2013 and/or the *International Statistical Classification of Diseases and Related Health Problems*, Tenth Edition, published in 1992 (ICD-10) as published by World Health Organization, and the assessment and treatment planning for the treatment of mental, intellectual, emotional, or behavioral disorders within the context of marriage and family systems.

D. Required coursework in marriage and family therapy for academic options 1, 2, 3 and 4 may be completed during the qualifying master's or doctoral degree programs or may be taken as post-graduate work at a regionally-accredited college, university, or qualifying postgraduate marriage and family therapy training institute as determined by the advisory committee.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1101-1123.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Licensed Professional Counselors Board of Examiners, LR 29:156 (February 2003), amended LR 29:2785 (December 2003), LR 35:1113 (June 2009), LR 37:1602 (June 2011), repromulgated LR 37:2163 (July 2011), amended LR 38:1965 (August 2012), repromulgated LR 41:741 (April 2015), amended by the Department of Health, Licensed Professional Counselors Board of Examiners, LR 43:1982 (October 2017), amended LR 45:1204 (September 2019), LR 49:1086 (June 2023).

### §3311. Coursework and Academic Supervision Requirements, for Options 2, 3, and 4

A. - A.9. ...

B. Specific Coursework Requirements—Option 3

1. - 1.g....

2. Academic Supervision. As part of their degree program, an applicant must have completed the minimum number of direct clinical contact hours and supervision hours as set forth by COAMFTE. If a student is simultaneously being supervised and having direct client contact, the time may be counted as both supervision time and direct client contact time.

AUTHORITY NOTE: Promulgated in accordance with R. S. 37:1101-1123.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Licensed Professional Counselors Board of Examiners, LR 37:1602 (June 2011), repromulgated LR 37:2163 (July 2011), amended LR 38:1966 (August 2012), LR 41:742 (April 2015), amended by the Department of Health, Licensed Professional Counselors Board of Examiners, LR 43:1983 (October 2017), LR 49:1087 (June 2023).

Jamie S. Doming  
Executive Director

2306#033

#### RULE

#### Department of Health Licensed Professional Counselors Board of Examiners

#### Name Change Fee Removal (LAC 46:LX.901)

In accordance with the applicable provisions of the Louisiana Administrative Procedures Act (R.S.49:950 et seq.) and through the authority of the Mental Health Counselor Licensing Act (R.S. 37:1101 et seq.), the Licensed Professional Counselors Board of Examiners removes name change fees. This Rule is hereby adopted on the day of promulgation.

#### Title 46

#### PROFESSIONAL AND OCCUPATIONAL STANDARDS REVISED

#### Part LX. Licensed Professional Counselors Board of Examiners

#### Subpart 1. Licensed Professional Counselors

#### Chapter 9. Fees

#### §901. General

A. The board shall collect the following fees:

1. licensure application, license and seal—\$200;
2. out of state licensure application, license, and seal—\$300;
3. provisional licensure application and license—\$100;
4. out of state provisional licensure application and license—\$150;
5. application for appraisal, board-approved supervisor, and other specialty areas—\$100;
6. application for change/additional board-approved supervisor—\$50;

7. application for expedited review—\$55;
8. renewal of license—\$170;
9. renewal of provisional license—\$85;
10. renewal of appraisal, board-approved supervisor, and other specialty areas—\$50;
11. late fee for renewal of license—\$55;
12. late fee for renewal of provisional license—\$55;
13. late fee for renewal of appraisal, board-approved supervisor, and other specialty areas—\$25;
14. reissue of license duplicate—\$25;
15. copy of file—\$25;
16. copy of any documents—cost incurred.

B. - E. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1101-1123.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Licensed Professional Counselors Board of Examiners, LR 29:136 (February 2003), amended LR 29:2783 (December 2003), LR 39:1790 (July 2013), LR 41:723 (April 2015), amended by the Department of Health, Licensed Professional Counselors Board of Examiners LR 45:437 (March 2019), LR 49:1087 (June 2023).

Jamie S. Doming  
Executive Director

2306#034

## RULE

### Department of Insurance Office of the Commissioner

#### Regulation 125—Insure Louisiana Incentive Program (LAC 37:XIII.Chapter 189)

The Department of Insurance, pursuant to the authority of the Louisiana Insurance Code, R.S. 22:1 et seq., and in accordance with the Administrative Procedure Act, R.S. 49:950 et seq., has amended Regulation 125 regarding the Insure Louisiana Incentive Program.

Louisiana is currently experiencing a crisis in the availability and affordability of insurance for residential and commercial properties. Louisiana property owners and their insurers sustained catastrophic losses in 2020 and 2021 from hurricanes Laura, Delta, Zeta, and Ida. As the result of their losses and their assessment of the risk of loss from future storms, many property insurers have substantially reduced their participation in the voluntary market for residential and commercial property insurance. With fewer property insurers in the voluntary market, competitive pressure on premium rates is reduced. Current underwriting practices have resulted in a substantial increase in the number of Louisiana property owners forced to obtain their property insurance coverage or their coverage for wind peril from Louisiana Citizens Property Insurance Corporation, the state insurer of last resort.

The Insure Louisiana Incentive Program was enacted through the passage of Act 754 of the 2022 Regular Session of the Louisiana Legislature and Act No. 1 and Act No. 2 of the 2023 Extraordinary Session of the Louisiana Legislature for the purpose of cooperative economic development and stability in Louisiana by encouraging additional property insurers to participate in the voluntary property insurance

market to increase the availability of property insurance, increase competitive pressure on insurance rates, and reduce the volume of business written by the Louisiana Citizens Property Insurance Corporation.

Regulation 125 sets forth standards and procedures relative to a property insurer's participation in the Insure Louisiana Incentive Program. Through cooperative endeavor agreements, property insurers participating in the program may be awarded matching grant funds in order to achieve the requirements of Act 754 of the 2022 Regular Session of the Louisiana Legislature and Act No. 1 and Act No. 2 of the 2023 Extraordinary Session of the Louisiana Legislature. Regulation 125 further specifies these requirements and conditions thereof for qualified property insurers. This Rule is hereby adopted on the day of promulgation.

## Title 37

### INSURANCE

#### Part XIII. Regulations

#### Chapter 189. Regulation Number 125—Insure Louisiana Incentive Program

##### §18903. Authority

A. Regulation 125 is promulgated pursuant to the authority and responsibility delegated to the commissioner under R.S. 22:2361 through 2371, Act No. 1 and Act No. 2 of the 2023 Extraordinary Session of the Louisiana Legislature, and pursuant to the general powers granted by law to the commissioner and the department.

AUTHORITY NOTE: Promulgated in accordance with Act No. 1 of the 2023 Extraordinary Session and Act No. 2 of the 2023 Extraordinary Session, R.S. 22:11, 22:2361 et seq., and the Administrative Procedure Act, R.S. 49:950 et seq.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 49:270 (February 2023), amended LR 49:1088 (June 2023).

##### §18905. Applicability and Scope

A. Regulation 125 shall apply to all authorized insurers as defined in R.S. 22:46(3) operating and writing insurance for residential and commercial properties in the state, and to any approved unauthorized insurer as defined in R.S. 22:46(2) operating and writing insurance for residential and commercial properties in the state, eligible unauthorized insurer as defined in R.S. 22:46(10) operating and writing insurance for residential and commercial properties in the state, or domestic surplus lines insurer as provided for in R.S. 22:436.1 operating and writing insurance for residential and commercial properties in the state and collectively referred to as a surplus lines insurer as defined in R.S. 22:46(27).

B. ...

AUTHORITY NOTE: Promulgated in accordance with Act No. 1 of the 2023 Extraordinary Session and Act No. 2 of the 2023 Extraordinary Session, R.S. 22:11, 22:2361 et seq., and the Administrative Procedure Act, R.S. 49:950 et seq.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 49:270 (February 2023), amended LR 49:1088 (June 2023).

##### §18915. Qualifications for Applying for Grant Funds

A. - A.1. ...

2. a property insurer with a financial strength rating that meets the following requirements:

- a. AM Best Company "B+" or better; or
- b. Demotech, Inc. "A" or better; or
- c. AM Best Company "A" or better for licensed surplus lines insurers.

NOTE: Property insurers rated by more than one rating company need only meet one of the rating requirements.

A.3. - D.5. ...

E. Notwithstanding any provision of law, regulation or rule to the contrary, the following are ineligible to receive any portion of funds from the Incentive Program Fund:

1. Any insurance company or property insurer with an officer, director, or controlling shareholder who was an officer, director, or controlling shareholder of an insurance company or property insurer licensed in Louisiana that filed for bankruptcy or was declared insolvent.

2. Any insurance company or property insurer whose parent company controlled all or part of an insurance company or property insurer licensed in Louisiana that filed for bankruptcy or was declared insolvent.

AUTHORITY NOTE: Promulgated in accordance with Act No. 1 of the 2023 Extraordinary Session and Act No. 2 of the 2023 Extraordinary Session, R.S. 22:11, 22:2361 et seq., and the Administrative Procedure Act, R.S. 49:950 et seq.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 49:270 (February 2023), amended LR 49:1088 (June 2023).

**§18927. Reporting Requirements**

A. - B.4. ...

C. Grantee shall report quarterly May 15, August 15, and November 15 and annually by June 1, detail on the catastrophe reinsurance program maintained, including premium to surplus ratio, net of reinsurance, gross premium to surplus ratio, detail on the catastrophe reinsurance program maintained by grantee, including retentions, limits, reinstatements, as well as the current ratings of each reinsurer. In addition, the report shall contain the modeled Probable Maximum Loss for a 1 in 50, 1 in 100, 1 in 150, 1 in 200 and 1 in 250 event, including the models and versions utilized.

1. Within 30 days of the end of each reporting period, the Department shall aggregate all responses and submit them as a report to the legislature.

D. ...

AUTHORITY NOTE: Promulgated in accordance with Act No. 1 of the 2023 Extraordinary Session and Act No. 2 of the 2023 Extraordinary Session, R.S. 22:11, 22:2361 et seq., and the Administrative Procedure Act, R.S. 49:950 et seq.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 49:270 (February 2023), amended LR 49:1089 (June 2023).

**§18929. Compliance**

A. ...

B. The commissioner shall submit annual and quarterly reports on the Incentive Program to the House Committee on Appropriations, the Senate Committee on Finance, and the House and Senate Committees on Insurance containing information for the preceding year and quarter, respectively, detailing the following:

1. the amount of premium written by parish and by grantee under the Incentive Program;

2. the amount of premium by parish and by grantee associated with the property located in the parishes listed in §18917.B.3;

3. the amount of premium by parish and by grantee taken-out from the Louisiana Citizens Property Insurance Corporation; and

4. the total amount of premium for each grantee by parish, including the premium written under the Incentive Program.

C. If the commissioner determines that a grantee has complied with the terms of the grant, the commissioner shall notify the grantee in writing that the grantee has earned the 20 percent portion of the grant pursuant to R.S. 22:2370.

D. If the commissioner determines that the grantee shows promise of future compliance, the commissioner may grant an extension of not more than one year to a grantee who has failed to satisfy all requirements of the grant.

AUTHORITY NOTE: Promulgated in accordance with Act No. 1 of the 2023 Extraordinary Session and Act No. 2 of the 2023 Extraordinary Session, R.S. 22:11, 22:2361 et seq., and the Administrative Procedure Act, R.S. 49:950 et seq.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 49:270 (February 2023), amended LR 49:1089 (June 2023).

**§18930. Monitoring**

A. The commissioner shall expedite the approval of certificates of authority, rate filings, form filings, and other necessary regulatory approvals of qualified insurers to facilitate the underwriting of new policies pursuant to the Incentive Program.

B. The commissioner shall monitor the financial solvency of grantees by evaluating the adequacy of insurer reinsurance programs using catastrophe model stress tests of the grantee's book of business.

C. The commissioner shall take any action necessary to ensure that grantees remain financially solvent.

AUTHORITY NOTE: Promulgated in accordance with Act No. 1 of the 2023 Extraordinary Session and Act No. 2 of the 2023 Extraordinary Session, R.S. 22:11, 22:2361 et seq., and the Administrative Procedure Act, R.S. 49:950 et seq.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 49:1089 (June 2023).

James J. Donelon  
Commissioner

2306#010

**RULE**

**Department of Natural Resources  
Office of Conservation**

Pipeline Safety  
(LAC 33:V.Chapter 301-304, LAC 43:XI.Chapters 1-43,  
and LAC 43:XIII.Chapters 3-35)

The Department of Natural Resources, Office of Conservation has amended LAC 43:XI, 43:XIII and LAC 33:V in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., and pursuant to the power delegated under the laws of the state of Louisiana.

The Rule changes include minor changes to LAC XI and the changes for LAC 43:XIII and LAC 33:V are required as a part of the Department of Natural Resources certification agreement with the US Department of Transportation and are intended to adopt existing federal regulations as state regulations. This Rule is hereby adopted on the day of promulgation.

**Title 33**  
**ENVIRONMENTAL QUALITY**  
**Part V. Hazardous Wastes and Hazardous Materials**  
**Subpart 3. Natural Resources**  
**Chapter 301. Transportation of Hazardous Liquids by Pipeline**  
**[49 CFR Part 195]**

**Subchapter A. General [49 CFR Part 195 Subpart A]**  
**§30105. Definitions [49 CFR 195.2]**

A. As used in this Subpart:

\* \* \*

*Entirely Replaced Onshore Hazardous Liquid or Carbon Dioxide Pipeline Segments*—for the purposes of §§30258, 30260, and 30418, where two or more miles of pipe, in the aggregate, have been replaced within any 5 contiguous miles within any 24-month period.

\* \* \*

*Notification of Potential Rupture*—the notification to, or observation by, an operator of indicia identified in §30417 of a potential unintentional or uncontrolled release of a large volume of commodity from a pipeline.

\* \* \*

*Rupture-Mitigation Valve (RMV)*—an automatic shut-off valve (ASV) or a remote-control valve (RCV) that a pipeline operator uses to minimize the volume of hazardous liquid or carbon dioxide released from the pipeline and to mitigate the consequences of a rupture.

\* \* \*

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:703.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, Pipeline Division, LR 15:629 (August 1989), amended LR 18:861 (August 1992), LR 21:815 (August 1995), LR 27:1523 (September 2001), LR 28:83 (January 2002), LR 29:2805 (December 2003), LR 31:675 (March 2005), LR 33:467 (March 2007), LR 38:99 (January 2012), LR 44:1021 (June 2018), LR 46:1604 (November 2020), LR 49:1090 (June 2023).

**§30117. What is a Regulated Rural Gathering Line and What Requirements Apply? [49 CFR 195.11]**

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

b. For steel pipelines constructed, replaced, relocated, or otherwise changed after July 3, 2009., [49 CFR 195.11(b)(2)]

i. Design, install, construct, initially inspect, and initially test the pipeline in compliance with this part, unless the pipeline is converted under §30111. [49 CFR 195.11(b)(2)(i)]

ii. Except for pipelines subject to §30260.E, such pipelines are not subject to the rupture-mitigation valve (RMV) and alternative equivalent technology requirements in §§30258.C and D, 30418, and 30419. [49 CFR 195.11(b)(2)(ii)]

2.c. - 4.d. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:753.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, Pipeline Division, LR 35:2793 (December 2009), amended LR 49:1090 (June 2023).

**Subchapter B. Reporting Accidents and Safety Related Conditions [Subpart B]**

**§30122. How to Notify PHMSA [49 CFR 195.18]**

A. An operator must provide any notification required by this part by: [49 CFR 195.18(a)]

1. sending the notification by electronic mail to InformationResourcesManager@dot.gov; or [49 CFR 195.18(a)(1)]

2. sending the notification by mail to ATTN: Information Resources Manager, DOT/PHMSA/OPS, East Building, 2nd Floor, E22-321, 1200 New Jersey Ave. SE., Washington, DC 20590. [49 CFR 195.18(a)(2)]

B. An operator must also notify the appropriate State or local pipeline safety authority when an applicable pipeline segment is located in a State where OPS has an interstate agent agreement, or an intrastate pipeline segment is regulated by that State. [49 CFR 195.18(b)]

C. Unless otherwise specified, if an operator submits, pursuant to §§30258, 30260, 30418, 30419, 30420 or 30452 a notification requesting use of a different integrity assessment method, analytical method, sampling approach, compliance timeline, or technique (e.g., “other technology” or “alternative equivalent technology”) than otherwise prescribed in those sections, that notification must be submitted to PHMSA for review at least 90 days in advance of using that other method, approach, compliance timeline, or technique. An operator may proceed to use the other method, approach, compliance timeline, or technique 91 days after submittal of the notification unless it receives a letter from the Associate Administrator of Pipeline Safety informing the operator that PHMSA objects to the proposal, or that PHMSA requires additional time and/or information to conduct its review. [49 CFR 195.18(c)]

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:501 et seq.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, LR 49:1090 (June 2023).

**Chapter 302. Transportation of Hazardous Liquids by Pipeline—Construction**  
**[49 CFR Part 195 Subpart D]**

**§30258. Valves: General**  
**[49 CFR 195.258]**

A. - B. ...

C. For all onshore hazardous liquid or carbon dioxide pipeline segments with diameters greater than or equal to 6 inches that are constructed after April 10, 2023, the operator must install rupture-mitigation valves (RMV) or an alternative equivalent technology whenever a valve must be installed to meet the appropriate valve spacing requirements of this Section and §30260. An operator using alternative equivalent technology must notify PHMSA in accordance with the procedure in Subsection E of this Section. All RMVs and alternative equivalent technology installed as required by this section must meet the requirements of §30419. An operator may request an extension of the installation compliance deadline requirements of this paragraph if it can demonstrate to PHMSA, in accordance with the notification procedures in §30123, that those installation deadline requirements would be economically, technically, or operationally infeasible for a particular new pipeline. [49 CFR 195.258(c)]

D. For all entirely replaced onshore hazardous liquid or carbon dioxide pipeline segments with diameters greater than or equal to 6 inches that have been replaced after April 10, 2023, the operator must install RMVs or an alternative equivalent technology whenever a valve must be installed to meet the appropriate valve spacing requirements of this

section. An operator using alternative equivalent technology must notify PHMSA in accordance with the procedure in paragraph (e) of this section. All valves installed as required by this section must meet the requirements of §30419. The requirements of this paragraph (d) apply when the applicable pipeline replacement project involves a valve, either through addition, replacement, or removal. An operator may request an extension of the installation compliance deadline requirements of this paragraph if it can demonstrate to PHMSA, in accordance with the notification procedures in §30123, that those installation deadline requirements would be economically, technically, or operationally infeasible for a particular pipeline replacement project. [49 CFR 195.258(d)]

E. If an operator elects to use alternative equivalent technology in accordance with Subsection C or D of this Section, the operator must notify PHMSA in accordance with §195.18. The operator must include a technical and safety evaluation in its notice to PHMSA. Valves that are installed as alternative equivalent technology must comply with §§30418, 30419, and 30420. An operator requesting use of manual valves as an alternative equivalent technology must also include within the notification submitted to PHMSA a demonstration that installation of an RMV as otherwise required would be economically, technically, or operationally infeasible. An operator may use a manual compressor station valve at a continuously manned station as an alternative equivalent technology. Such a valve used as an alternative equivalent technology would not require a notification to PHMSA in accordance with §30123, but it must comply with §§30419 and 30420. [49 CFR 195.258(e)]

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:753.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, Pipeline Division, LR 29:2820 (December 2003), LR 49:1090 (June 2023).

**§30260. Valves: Location [49 CFR 195.260]**

A. A valve must be installed at each of the following locations: [49 CFR 195.260]

1. on the suction end and the discharge end of a pump station in a manner that permits isolation of the pump station equipment in the event of an emergency; [49 CFR 195.260(a)]

2. on each pipeline entering or leaving a breakout storage tank area in a manner that permits isolation of the tank area from other facilities; [49 CFR 195.260(b)]

3. on each pipeline at locations along the pipeline system that will minimize or prevent safety risks, property damage, or environmental harm from accidental hazardous liquid or carbon dioxide discharges, as appropriate for onshore areas, offshore areas, and high-consequence areas (HCA). For newly constructed or entirely replaced onshore hazardous liquid or carbon dioxide pipeline segments, as that term is defined at §30105, that are installed after April 10, 2023, valve spacing must not exceed 15 miles for pipeline segments that could affect or are in HCAs, as defined in §30450, and 20 miles for pipeline segments that could not affect HCAs. Valves on pipeline segments that are located in HCAs or which could affect HCAs must be installed at locations as determined by the operator's process for identifying preventive and mitigative measures established pursuant to §195.452(i) and by using the selection process in

Section I.B of Appendix C of Part 195, but with a maximum distance that does not exceed 7 1/2 miles from the endpoints of the HCA segment or the segment that could affect an HCA. An operator may request an exemption from the compliance deadline requirements of this section for valve installation at the specified valve spacing if it can demonstrate to PHMSA, in accordance with the notification procedures in §30123, that those compliance deadline requirements would be economically, technically, or operationally infeasible. [49 CFR 195.260(c)]

4. on each lateral takeoff from a pipeline in a manner that permits shutting off the lateral without interrupting the flow in the trunk line; [49 CFR 195.260(d)]

5. on each side of a water crossing that is more than 100 feet (30 meters) wide from high-water mark to high-water mark as follows: [49 CFR 195.260(e)]

a. Valves must be installed at locations outside of the 100-year flood plain or be equipped with actuators or other control equipment that is installed so as not to be impacted by flood conditions; and [49 CFR 195.260(e)(1)]

b. The maximum spacing interval between valves that protect multiple adjacent water crossings cannot exceed 1 mile in length; [49 CFR 195.260(e)(1)]

6. on each side of a reservoir holding water for human consumption. [49 CFR 195.260(f)]

7. on each highly volatile liquid (HVL) pipeline that is located in a high-population area or other populated area, as defined in §30420, and that is constructed, or where 2 or more miles of pipe have been replaced within any 5 contiguous miles within any 24-month period, after April 10, 2023, with a maximum valve spacing of 7 1/2 miles. The maximum valve spacing intervals may be increased by 1.25 times the distance up to a 9 3/8-mile spacing, provided the operator: [49 CFR 195.260(g)]

a. submits for PHMSA review a notification pursuant to §30123 requesting alternative spacing because installation of a valve at a particular location between a 7-mile to a 7 1/2-mile spacing would be economically, technically, or operationally infeasible, and that an alternative spacing would not adversely impact safety; and [49 CFR 195.260(g)(1)]

b. keeps the records necessary to support that determination for the useful life of the pipeline. [49 CFR 195.260(g)(2)]

B. An operator may submit for PHMSA review, in accordance with §30123, a notification requesting site-specific exemption from the valve installation requirements or valve spacing requirements of Subsections C, E, or F of this Section and demonstrating such exemption would not adversely affect safety. An operator may also submit for PHMSA review, in accordance with §30123, a notification requesting an extension of the compliance deadline requirements for valve installation and spacing of this section because those compliance deadline requirements would be economically, technically, or operationally infeasible for a particular new construction or pipeline replacement project. [49 CFR 195.260(h)]

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:753.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, Pipeline Division, LR 29:2821 (December 2003), amended LR 49:1091 (June 2023).

**Chapter 304. Transportation of Hazardous Liquids by Pipeline—Operation and Maintenance**  
**[49 CFR Part 195 Subpart F]**  
**§30402. Procedural Manual for Operations, Maintenance, and Emergencies**  
**[49 CFR 195.402]**

A. - C.3. ...

4. Determining which pipeline facilities are in areas that would require an immediate response by the operator to prevent hazards to the public, property, or the environment if the facilities failed or malfunctioned, including segments that could affect high-consequence areas (HCA) or are in HCAs, and valves specified in §§30418 or 30452.I.4. [49 CFR 195.402(c)(4)]

5. Investigating and analyzing pipeline accidents and failures, including sending the failed pipe, component, or equipment for laboratory testing or examination where appropriate, to determine the cause(s) and contributing factors of the failure and to minimize the possibility of a recurrence. [49 CFR 195.402(c)(5)]

a. Post-failure and -accident lessons learned. Each operator must develop, implement, and incorporate lessons learned from a post-failure and accident review into its written procedures, including in pertinent operator personnel training and qualifications programs, and in design, construction, testing, maintenance, operations, and emergency procedure manuals and specifications. [49 CFR 195.402(c)(5)(i)]

b. Analysis of rupture and valve shut-offs; preventive and mitigative measures. If a failure or accident on an onshore hazardous liquid or carbon dioxide pipeline involves the closure of a rupture-mitigation valve (RMV), as defined in §30105, or the closure of an alternative equivalent technology, the operator of the pipeline must also conduct a post-failure or accident analysis of all of the factors that may have impacted the release volume and the consequences of the release and identify and implement operations and maintenance measures to minimize the consequences of a future failure or incident. The analysis must include all relevant factors impacting the release volume and consequences, including, but not limited to, the following: [49 CFR 195.402(c)(5)(ii)]

i. Detection, identification, operational response, system shut-off, and emergency-response communications, based on the type and volume of the release or failure event; ( [49 CFR 195.402(c)(5)(ii)(A)]

ii. Appropriateness and effectiveness of procedures and pipeline systems, including supervisory control and data acquisition (SCADA), communications, valve shut-off, and operator personnel; ( [49 CFR 195.402(c)(5)(ii)(B)]

iii. Actual response time from identifying a rupture following a notification of potential rupture, as defined at §30105, to initiation of mitigative actions and isolation of the segment, and the appropriateness and effectiveness of the mitigative actions taken; ( [49 CFR 195.402(c)(5)(ii)(C)]

iv. Location and timeliness of actuation of all RMVs or alternative equivalent technologies; and ( [49 CFR 195.402(c)(5)(ii)(D)]

v. All other factors the operator deems appropriate. ( [49 CFR 195.402(c)(5)(ii)(E)]

c. Rupture post-failure and accident summary. If a failure or accident on an onshore hazardous liquid or carbon dioxide pipeline involves the identification of a rupture following a notification of potential rupture; the closure of an RMV, as those terms are defined in §30105; or the closure of an alternative equivalent technology, the operator must complete a summary of the post-failure or -accident review required by subparagraph C.5.b of this section within 90 days of the failure or accident. While the investigation is pending, the operator must conduct quarterly status reviews until the investigation is completed and a final post-failure or -accident review is prepared. The final post-failure or -accident summary and all other reviews and analyses produced under the requirements of this section must be reviewed, dated, and signed by the operator's appropriate senior executive officer. An operator must keep, for the useful life of the pipeline, the final post-failure or -accident summary, all investigation and analysis documents used to prepare it, and records of lessons learned. [49 CFR 195.402(c)(5)(iii)]

6. - 11. ...

12. Establishing and maintaining adequate means of communication with the appropriate public safety answering point (i.e., 9-1-1 emergency call center), where direct access to a 9-1-1 emergency call center is available from the location of the pipeline, and fire, police, and other public officials. Operators must determine the responsibilities, resources, jurisdictional area(s), and emergency contact telephone numbers for both local and out-of-area calls of each Federal, State, and local government organization that may respond to a pipeline emergency, and inform the officials about the operator's ability to respond to the pipeline emergency and means of communication during emergencies. Operators may establish liaison with the appropriate local emergency coordinating agencies, such as 9-1-1 emergency call centers or county emergency managers, in lieu of communicating individually with each fire, police, or other public entity. [49 CFR 195.402(c)(12)]

C.13. - E. ...

1. Receiving, identifying, and classifying notices of events that need immediate response by the operator or notice to the appropriate public safety answering point (i.e., 9-1-1 emergency call center), where direct access to a 9-1-1 emergency call center is available from the location of the pipeline, and fire, police, and other appropriate public officials, and communicating this information to appropriate operator personnel for prompt corrective action. Operators may establish liaison with the appropriate local emergency coordinating agencies, such as 9-1-1 emergency call centers or county emergency managers, in lieu of communicating individually with each fire, police, or other public entity. [49 CFR 195.402(e)(1)]

2. - 3. ...

4. Taking necessary actions, including but not limited to, emergency shutdown, valve shut-off, or pressure reduction, in any section of the operator's pipeline system, to minimize hazards of released hazardous liquid or carbon dioxide to life, property, or the environment. Each operator must also develop written rupture identification procedures to evaluate and identify whether a notification of potential rupture, as defined in §30105, is an actual rupture event or non-rupture event. These procedures must, at a minimum,

specify the sources of information, operational factors, and other criteria that operator personnel use to evaluate a notification of potential rupture, as defined at §30105. For operators installing valves in accordance with §30258.C, §30258.D, or that are subject to the requirements in §30418, those procedures should provide for rupture identification as soon as practicable. [49 CFR 195.402(e)(4)]

5. - 6. ...

7. Notifying the appropriate public safety answering point (i.e., 9-1-1 emergency call center), where direct access to a 9-1-1 emergency call center is available from the location of the pipeline, and fire, police, and other public officials, of hazardous liquid or carbon dioxide pipeline emergencies to coordinate and share information to determine the location of the release, including both planned responses and actual responses during an emergency, and any additional precautions necessary for an emergency involving a pipeline transporting a highly volatile liquid (HVL). The operator must immediately and directly notify the appropriate public safety answering point or other coordinating agency for the communities and jurisdiction(s) in which the pipeline is located after notification of potential rupture, as defined at §30105, has occurred to coordinate and share information to determine the location of the release, regardless of whether the segment is subject to the requirements of §§30258.C or D, 30418, or 30419. [49 CFR 195.402(e)(7)]

8. - 9. ...

10. Actions required to be taken by a controller during an emergency, in accordance with the operator's emergency plans and §§30418 and 30446. [49 CFR 195.402(e)(10)]

F. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:753.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, Pipeline Division, LR 29:2824 (December 2003), amended LR 38:106 (January 2012), LR 49:1092 (June 2023).

### **§30417. Notification of Potential Rupture** **[49 CFR 195.417]**

A. As used in this part, a notification of potential rupture means refers to the notification to, or observation by, an operator (e.g., by or to its controller(s) in a control room, field personnel, nearby pipeline or utility personnel, the public, local responders, or public authorities) of one or more of the below indicia of a potential unintentional or uncontrolled release of a large volume of hazardous liquids from a pipeline: [49 CFR 195.417(a)]

1. An unanticipated or unexplained pressure loss outside of the pipeline's normal operating pressures, as defined in the operator's written procedures. The operator must establish in its written procedures that an unanticipated or unplanned pressure loss is outside of the pipeline's normal operating pressures when there is a pressure loss greater than 10 percent occurring within a time interval of 15 minutes or less, unless the operator has documented in its written procedures the operational need for a greater pressure-change threshold due to pipeline flow dynamics (including changes in operating pressure, flow rate, or volume), that are caused by fluctuations in product demand, receipts, or deliveries; [49 CFR 195.417(a)(1)]

2. An unanticipated or unexplained flow rate change, pressure change, equipment function, or other pipeline

instrumentation indication at the upstream or downstream station that may be representative of an event meeting Paragraph A.1 of this Section; or [49 CFR 195.417(a)(2)]

3. Any unanticipated or unexplained rapid release of a large volume of hazardous liquid, a fire, or an explosion, in the immediate vicinity of the pipeline. [49 CFR 195.417(a)(3)]

B. A notification of potential rupture occurs when an operator first receives notice of or observes an event specified in Paragraph A of this Section. [49 CFR 195.417(b)]

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:501 et seq.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, LR 49:1093 (June 2023).

### **§30418. Valves: Onshore Valve Shut-Off For Rupture Mitigation** **[49 CFR 195.418]**

A. Applicability. For newly constructed and entirely replaced onshore hazardous liquid or carbon dioxide pipeline segments, as defined at §30105, with diameters of 6 inches or greater that could affect high-consequence areas or are located in high consequence areas (HCA), and that have been installed after April 10, 2023 an operator must install or use existing rupture-mitigation valves (RMV), as defined at §30105, or alternative equivalent technologies according to the requirements of this section and §30419. RMVs and alternative equivalent technologies must be operational within 14 days of placing the new or replaced pipeline segment in service. An operator may request an extension of this 14-day operation requirement if it can demonstrate to PHMSA, in accordance with the notification procedures in §30123, that application of that requirement would be economically, technically, or operationally infeasible. The requirements of this section apply to all applicable pipe replacements, even those that do not otherwise directly involve the addition or replacement of a valve. [49 CFR 195.418(a)]

B. Maximum spacing between valves. RMVs and alternative equivalent technology must be installed in accordance with the following requirements. [49 CFR 195.418(b)]

1. Shut-off Segment. For purposes of this Section, a "shut-off segment" means the segment of pipeline located between the upstream valve closest to the upstream endpoint of the replaced pipeline segment in the HCA or the pipeline segment that could affect an HCA and the downstream valve closest to the downstream endpoint of the replaced pipeline segment of the HCA or the pipeline segment that could affect an HCA so that the entirety of the segment that could affect the HCA or the segment within the HCA is between at least two RMVs or alternative equivalent technologies. If any crossover or lateral pipe for commodity receipts or deliveries connects to the replaced segment between the upstream and downstream valves, the shut-off segment also extends to a valve on the crossover connection(s) or lateral(s), such that, when all valves are closed, there is no flow path for commodity to be transported to the rupture site (except for residual liquids already in the shut-off segment). Multiple segments that could affect HCAs or are in HCAs may be contained within a single shut-off segment. All entirely replaced onshore hazardous liquid or carbon dioxide pipeline segments, as defined in §30105, that could affect or

are in an HCA must include a minimum of one valve that meets the requirements of this section and section 30419. The operator is not required to select the closest valve to the shut-off segment as the RMV or alternative equivalent technology. An operator may use a manual pump station valve at a continuously manned station as an alternative equivalent technology. Such a manual valve used as an alternative equivalent technology would not require a notification to PHMSA in accordance with §30123. [49 CFR 195.418(b)(1)]

2. Shut-Off Segment Valve Spacing. Pipeline segments subject to Subsection A of this Section must be protected on the upstream and downstream side with RMVs or alternative equivalent technologies. The distance between RMVs or alternative equivalent technologies must not exceed: [49 CFR 195.418(b)(2)]

a. for pipeline segments carrying non-highly volatile liquids (HVL): 15 miles, with a maximum distance not to exceed 7 1/2 miles from the endpoints of a shut-off segment: or [49 CFR 195.418(b)(2)(i)]

b. for pipeline segments carrying non-highly volatile liquids (HVL): 15 miles, with a maximum distance not to exceed 7 1/2 miles from the endpoints of a shut-off segment: or [49 CFR 195.418(b)(2)(ii)]

3. Laterals. Laterals extending from shut-off segments that contribute less than 5 percent of the total shut-off segment volume may have RMVs or alternative equivalent technologies that meet the actuation requirements of this section at locations other than mainline receipt/delivery points, as long as all of these laterals contributing hazardous liquid volumes to the shut-off segment do not contribute more than 5 percent of the total shut-off segment volume, based upon maximum flow volume at the operating pressure. A check valve may be used as an alternative equivalent technology where it is positioned to stop flow into the lateral. Check valves used as an alternative equivalent technology in accordance with this paragraph are not subject to §30419 but must be inspected, operated, and remediated in accordance with §30420, including for closure and leakage, to ensure operational reliability. An operator using a such a valve as an alternative equivalent technology must submit a request to PHMSA in accordance with §30123. [49 CFR 195.418(b)(3)]

4. Crossovers. An operator may use a manual valve as an alternative equivalent technology for a crossover connection if, during normal operations, the valve is closed to prevent the flow of hazardous liquid or carbon dioxide with a locking device or other means designed to prevent the opening of the valve by persons other than those authorized by the operator. The operator must document that the valve has been closed and locked in accordance with the operator's lock-out and tag-out procedures to prevent the flow of hazardous liquid or carbon dioxide. An operator using a such a valve as an alternative equivalent technology must submit a request to PHMSA in accordance with §30123. [49 CFR 195.418(b)(4)]

C. Manual operation upon identification of a rupture. Operators using a manual valve as an alternative equivalent technology pursuant to Subsection A of this Section must develop and implement operating procedures and appropriately designate and locate nearby personnel to

ensure valve shut-off in accordance with this section and §30419. Manual operation of valves must include time for the assembly of necessary operating personnel, the acquisition of necessary tools and equipment, driving time under heavy traffic conditions and at the posted speed limit, walking time to access the valve, and time to manually shut off all valves, not to exceed the response time in §30419.B. [49 CFR 195.418(c)]

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:501 et seq.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, LR 49:1093 (June 2023).

### **§30419. Valve Capabilities [49 CFR 195.419]**

A. Scope. The requirements in this section apply to rupture-mitigation valves (RMV), as defined in §30105, or alternative equivalent technology, installed pursuant to §§30258 and 30418. [49 CFR 195.419(a)]

B. Rupture Identification and Valve Shut-Off Time. If an operator observes or is notified of a release of hazardous liquid or carbon dioxide that may be representative of an unintentional or uncontrolled release event meeting a notification of potential rupture (see §§30105 and 30417), including any unexplained flow rate changes, pressure changes, equipment functions, or other pipeline instrumentation indications observed by the operator, the operator must, as soon as practicable but within 30 minutes of rupture identification (see §30402.E.4, identify the rupture and fully close any RMVs or alternative equivalent technologies necessary to minimize the volume of hazardous liquid or carbon dioxide released from a pipeline and mitigate the consequences of a rupture. [49 CFR 195.419(b)]

C. Valve Shut-Off Capability. A valve must have the actuation capability necessary to close an RMV or alternative equivalent technology to mitigate the consequences of a rupture in accordance with the requirements of this section. [49 CFR 195.419(c)]

D. Valve Monitoring and Operational Capabilities. An RMV, as defined in §30105, or alternative equivalent technology, must be capable of being monitored or controlled by either remote or onsite personnel as follows: [49 CFR 195.419(d)]

1. operated during normal, abnormal, and emergency operating conditions; [49 CFR 195.419(d)(1)]

2. monitored for valve status (i.e., open, closed, or partial closed/open), upstream pressure, and downstream pressure. For automatic shut-off valves (ASV), an operator does not need to monitor remotely a valve's status if the operator has the capability to monitor pressures or flow rate within each pipeline segment located between RMVs or alternative equivalent technologies to identify and locate a rupture. Pipeline segments that use an alternative equivalent technology must have the capability to monitor pressures and hazardous liquid or carbon dioxide flow rates on the pipeline in order to identify and locate a rupture; and [49 CFR 195.419(d)(2)]

3. have a back-up power source to maintain supervisory control and data acquisition (SCADA) systems or other remote communications for remote-control valve (RCV) or ASV operational status or be monitored and controlled by on-site personnel. [49 CFR 195.419(d)(3)]



E. Monitoring of Valve Shut-Off Response Status. The position and operational status of an RMV must be appropriately monitored through electronic communication with remote instrumentation or other equivalent means. An operator does not need to monitor remotely an ASV's status if the operator has the capability to monitor pressures or hazardous liquid or carbon dioxide flow rate on the pipeline to identify and locate a rupture. [49 CFR 195.419(e)]

F. Flow Modeling for Automatic Shut-Off Valves. Prior to using an ASV as an RMV, the operator must conduct flow modeling for the shut-off segment and any laterals that feed the shut-off segment, so that the valve will close within 30 minutes or less following rupture identification, consistent with the operator's procedures, and in accordance with §30105 and this section. The flow modeling must include the anticipated maximum, normal, or any other flow volumes, pressures, or other operating conditions that may be encountered during the year, not to exceed a period of 15 months, and it must be modeled for the flow between the RMVs or alternative equivalent technologies, and any looped pipelines or hazardous liquid or carbon dioxide receipt tie-ins. If operating conditions change that could affect the ASV set pressures and the 30-minute valve closure time following a notification of potential rupture, as defined at §30105, an operator must conduct a new flow model and reset the ASV set pressures prior to the next review for ASV set pressures in accordance with §30420. The flow model must include a time/pressure chart for the segment containing the ASV if a rupture event occurs. An operator must conduct this flow modeling prior to making flow condition changes in a manner that could render the 30-minute valve closure time unachievable. [49 CFR 195.419(f)]

G. Pipelines Not Affecting HCAs. For pipeline segments that are not in a high-consequence area (HCA) or that could not affect an HCA, an operator submitting a notification pursuant to §§30123 and 30258 for use of manual valves as an alternative equivalent technology may also request an exemption from the valve operation requirements of §30419.B. [49 CFR 195.419(g)]

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:501 et seq.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, LR 49:1094 (June 2023).

### **§30420. Valve Maintenance** **[49 CFR 195.420]**

A. ...

B. Each operator must, at least twice each calendar year, but at intervals not exceeding 7½ months, inspect each valve to determine that it is functioning properly. Each rupture-mitigation valve (RMV), as defined in §30105, or alternative equivalent technology that is installed under §§30258.C or 30418, must also be partially operated. Operators are not required to close the valve fully during the drill; a minimum 25 percent valve closure is sufficient to demonstrate compliance, unless the operator has operational information that requires an additional closure percentage for maintaining reliability. [49 CFR 195.420(b)]

C. ...

D. For each remote-control valve (RCV) installed in accordance with §§30258.C or 30418, an operator must

conduct a point-to-point verification between SCADA system displays and the installed valves, sensors, and communications equipment, in accordance with §195.446(c) and (e). [49 CFR 195.420(d)]

E. For each alternative equivalent technology installed under §§30258.C, 30258.D, or 30418.A that is manually or locally operated (i.e., not an RMV, as that term is defined in §30105: [49 CFR 195.420(e)]

1. operators must achieve a response time of 30 minutes or less, as required by §30419.B, through an initial drill and through periodic validation as required by Subsection E.2 of this Section. An operator must review each phase of the drill response and document the results to validate the total response time, including the identification of a rupture, and valve shut-off time as being less than or equal to 30 minutes after rupture identification; [49 CFR 195.420(e)(1)]

2. within each pipeline system, and within each operating or maintenance field work unit, operators must randomly select an authorized rupture-mitigation alternative equivalent technology for an annual 30-minute-total response time validation drill simulating worst-case conditions for that location to ensure compliance with §30419. Operators are not required to close the alternative equivalent technology fully during the drill; a minimum 25 percent valve closure is sufficient to demonstrate compliance with the drill requirements unless the operator has operational information that requires an additional closure percentage for maintaining reliability. The response drill must occur at least once each calendar year, at intervals not to exceed 15 months. Operators must include in their written procedures the method they use to randomly select which alternative equivalent technology is tested in accordance with this Paragraph; [49 CFR 195.420(e)(2)]

3. if the 30-minute-maximum response time cannot be achieved in the drill, the operator must revise response efforts to achieve compliance with §30419 no later than 12 months after the drill. Alternative valve shut-off measures must be in accordance with Subsection F of this Section within seven days of the drill; [49 CFR 195.420(e)(3)]

4. based on the results of the response-time drills, the operator must include lessons learned in: [49 CFR 195.420(e)(4)]

a. training and qualifications programs; [49 CFR 195.420(e)(4)(i)]

b. design, construction, testing, maintenance, operating, and emergency procedures manuals; and [49 CFR 195.402(e)(4)(ii)]

c. any other areas identified by the operator as needing improvement. [49 CFR 195.402(e)(4)(ii)]

F. Each operator must implement remedial measures as follows to correct any valve installed on an onshore pipeline in accordance with §30258.C, or an RMV or alternative equivalent technology installed in accordance with §30418, that is indicated to be inoperable or unable to maintain effective shut-off: [49 CFR 195.420(f)]

1. repair or replace the valve as soon as practicable but no later than 12 months after finding that the valve is inoperable or unable to maintain shut-off. An operator may request an extension of the compliance deadline requirements of this section if it can demonstrate to PHMSA, in accordance with the notification procedures in

§30123, that repairing or replacing a valve within 12 months would be economically, technically, or operationally infeasible; and [49 CFR 195.420(f)(1)]

2. designate an alternative compliant valve within 7 calendar days of the finding while repairs are being made and document an interim response plan to maintain safety. Alternative compliant valves are not required to comply with valve spacing requirements of this part. [49 CFR 195.420(f)(2)]

G. An operator using an ASV as an RMV, in accordance with §§30105, 30260, 30418, and 30419, must document, in accordance with §30419.F, and confirm the ASV shut-in pressures on a calendar year basis not to exceed 15 months. ASV shut-in set pressures must be proven and reset individually at each ASV, as required by §30419.F, at least each calendar year, but at intervals not to exceed 15 months. [49 CFR 195.420(g)]

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:753.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, Pipeline Division, LR 29:2828 (December 2003), amended LR 49:1095 (June 2023).

### **§30452. Pipeline Integrity Management in High Consequence Areas [49 CFR 195.452]**

A. - I.3. ...

4. Emergency Flow Restricting Devices (EFRD). If an operator determines that an EFRD is needed on a pipeline segment that is located in, or which could affect, a high-consequence area (HCA) in the event of a hazardous liquid pipeline release, an operator must install the EFRD. In making this determination, an operator must, at least, evaluate the following factors – the swiftness of leak detection and pipeline shutdown capabilities, the type of commodity carried, the rate of potential leakage, the volume that can be released, topography or pipeline profile, the potential for ignition, proximity to power sources, location of nearest response personnel, specific terrain within the HCA or between the pipeline segment and the HCA it could affect, and benefits expected by reducing the spill size. An RMV installed under this paragraph must meet all of the other applicable requirements in this part. [49 CFR 195.452(i)(4)]

a. Where EFRDs are installed on pipeline segments in HCAs and that could affect HCAs with diameters of 6 inches or greater and that are placed into service or that have had 2 or more miles of pipe replaced within 5 contiguous miles within a 24-month period after April 10, 2023, the location, installation, actuation, operation, and maintenance of such EFRDs (including valve actuators, personnel response, operational control centers, supervisory control and data acquisition (SCADA), communications, and procedures) must meet the design, operation, testing, maintenance, and rupture-mitigation requirements of §§30258, 30260, 30402, 30418, 30419, and 30420. [49 CFR 195.452(i)(4)(i)]

b. The EFRD analysis and assessments specified in Paragraph I.4 of this Section must be completed prior to placing into service all onshore pipelines with diameters of 6 inches or greater and that are constructed or that have had 2 or more miles of pipe within any 5 contiguous miles within any 24-month period replaced after April 10, 2023. Implementation of EFRD findings for RMVs must meet §301418. [49 CFR 195.452(i)(4)(ii)]

c. An operator may request an exemption from the compliance deadline requirements of this section if it can demonstrate to PHMSA, in accordance with the notification procedures in §30418, that installing an EFRD by that compliance deadline would be economically, technically, or operationally infeasible. [49 CFR 195.452(i)(4)(ii)]

J. - N.5. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:753.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, Pipeline Division, LR 29:2830 (December 2003), amended LR 30:1216 (June 2004), LR 33:471 (March 2007), LR 35:2797 (December 2009), LR 38:108 (January 2012), LR 44:1029 (June 2018), LR 46:1608 (November 2020), LR 49:1096 (June 2023).

## **Title 43**

### **NATURAL RESOURCES**

#### **Part XI. Office of Conservation—Pipeline Division**

##### **Subpart 1. Natural Gas and Coal**

#### **Chapter 1. Natural Gas and Coal**

##### **§101. Definitions**

A. ...

\* \* \*

*Intrastate Natural Gas*—gas produced, transported, and utilized wholly within the State of Louisiana, through the use of intrastate pipelines or of interstate pipelines where such use of interstate pipelines is or may hereafter be exempt from the control of the Federal Energy Regulatory Commission under the Natural Gas Act or rules and regulations promulgated by the Federal Energy Regulatory Commission thereunder, and gas, wherever produced, which is or may be transported into this state and delivered to an intrastate pipeline in this state to be used or consumed wholly within this state.

\* \* \*

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:501-599, 601-606.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, LR 4:76 (March 1978), amended LR 7:80 (March 1981), LR 8:15 (January 1982), repromulgated LR 38:1414 (June 2012), amended LR 49:1096 (June 2023).

##### **Subpart 4. Carbon Dioxide**

#### **Chapter 35. Requirements**

##### **§3501. Operation, Construction, Extension, Acquisition, Interconnection or Abandonment of Carbon Dioxide Transmission Facilities (Formerly §703)**

A. - G.4. ...

H. Certificate of public convenience and necessity shall be issued on the application of any qualified person upon the above findings. The commissioner may attach to any such certificate, and to the exercise of the rights granted thereunder, such reasonable terms and conditions as the public interest may require. Any facility to which a certificate of public convenience and necessity is issued by the commissioner under these rules and regulations and R.S. 30:4(C)(17), R.S. 30:1104(A)(1), and/or R.S. 30:1107 shall possess the right of expropriation with authority to expropriate private property under the general expropriation laws of the state, including R.S. 19:2(10).

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:4(C)(17), R.S. 30:1104(A), and R.S. 30:1107.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, LR 12:115 (February 1986), repromulgated LR 49:303 (February 2023), amended LR 49:1096 (June 2023).

**Chapter 39. Transportation of Carbon Dioxide**  
**§3907. Matter Incorporated by Reference**  
**(Formerly §907)**

A. There are incorporated by reference in this regulation all materials referred to herein. Those materials are hereby made a part of this regulation and have the full force of law.

1. All of the materials incorporated by reference are available for inspection from several sources, including the following:

a. the Office of Pipeline Safety, Pipeline and Hazardous Materials Safety Administration, 1200 New Jersey Avenue SE., Washington DC 20590. For more information contact 202-366-4046 or go to the PHMSA Web site at: <http://www.phmsa.dot.gov/pipeline/regs>;

b. the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call 202-741-6030 or go to the NARA Web site at: [http://www.archives.gov/federal\\_register/code\\_of\\_federal\\_regulations/ibr\\_locations.html](http://www.archives.gov/federal_register/code_of_federal_regulations/ibr_locations.html) ;

c. copies of standards incorporated by reference in this part can also be purchased from the respective standards-developing organization at the addresses provided in the Subsections below.

B. American Petroleum Institute (API), 1220 L Street NW., Washington, DC 20005, phone: 202-682-8000, <http://api.org/>.

1. API Specification 5L, “Specification for Line Pipe,” 45th edition, effective July 1, 2013, (ANSI/API Spec 5L).

2. ANSI/API Specification 6D, “Specification for Pipeline Valves,” 23rd edition, effective October 1, 2008, (including Errata 1 (June 2008), Errata 2 (November 2008), Errata 3 (February 2009), Errata 4 (April 2010), Errata 5 (November 2010), and Errata 6 (August 2011); Addendum 1 (October 2009), Addendum 2 (August 2011), and Addendum 3 (October 2012)); (ANSI/API Spec 6D).

3. API Standard 1104, “Welding of Pipelines and Related Facilities,” 20th edition, October 2005, [including errata/addendum (July 2007) and errata 2 (2008), (API Std 1104)].

C. ASME International (ASME), Two Park Avenue, New York, NY 10016, 800-843-2763 (U.S./Canada), Web site: <http://www.asme.org/>.

1. ASME/ANSI B16.9-2007, “Factory-Made Wrought Butt-welding Fittings,” December 7, 2007, (ASME/ANSI B16.9).

D. American Society for Testing and Materials (ASTM), 100 Barr Harbor Drive, P.O. Box C700, West Conshohocken, PA 119428, phone: 610-832- 9585, Web site: <http://www.astm.org/>.

1. ASTM A53/A53M-10, “Standard Specification for Pipe, Steel, Black and Hot-Dipped, Zinc-Coated, Welded and Seamless,” approved October 1, 2010, (ASTM A53/A53M).

2. ASTM A106/A106M-10, “Standard Specification for Seamless Carbon Steel Pipe for High-Temperature Service,” approved April 1, 2010, (ASTM A106/A106M).

3. ASTM A381-96 (Reapproved 2005), “Standard Specification for Metal-Arc Welded Steel Pipe for Use with High-Pressure Transmission Systems,” approved October 1, 2005, (ASTM A381).

4. ASTM A671/A671M-10, “Standard Specification for Electric-Fusion-Welded Steel Pipe for Atmospheric and Lower Temperatures,” approved April 1, 2010, (ASTM A671/A671M)

5. ASTM A672/A672M-09, “Standard Specification for Electric-Fusion-Welded Steel Pipe for High-Pressure Service at Moderate Temperatures,” approved October 1, 2009, (ASTM A672/A672M).

6. ASTM A691/A691M-09, “Standard Specification for Carbon and Alloy Steel Pipe, Electric-Fusion-Welded for High-Pressure Service at High Temperatures,” approved October 1, 2009, (ASTM A691).

7. ASTM A333/A333M-11, “Standard Specification for Seamless and Welded Steel Pipe for Low-Temperature Service,” approved April 1, 2011, (ASTM A333/A333M)

8. ASME Boiler and Pressure Vessel Code, Section IX, Qualification Standard for Welding and Brazing Procedures, Welders, Brazers, and Welding and Brazing Operators,” 2007 edition, July 1, 2007, (ASME BPVC, Section IX)

E. Manufacturers Standardization Society of the Valve and Fittings Industry, Inc. (MSS), 127 Park St. NE., Vienna, VA 22180, phone: 703-281-6613, Web site: <http://www.mss-hq.org/>.

1. MSS SP-75-2008 Standard Practice, “Specification for High-Test, Wrought, Butt-Welding Fittings,” 2008 edition, (MSS SP 75), IBR approved for §195.118(a).

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:4(C)(17).

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, LR 12:115 (February 1986), repromulgated LR 49:306 (February 2023), amended LR 49:1097 (June 2023)

**Chapter 43. Design Requirements for Carbon Dioxide Pipelines**

**§4309. Internal Design Pressure**  
**(Formerly §1309)**

A. - D. ...

E. The seam joint factor used in Subsection A of this Section is determined in accordance with the following table.

Specifications	Pipe Class	Seam Joint Factor
ASTM A53	Seamless	1.00
	Electric resistance welded	1.00
	Furnace lap welded	0.80
	Furnace butt welded	0.60
ASTM A106	Seamless	1.00
ASTM A333	Seamless	1.00
	Welded	1.00
ASTM A381	Double submerged arc welded	1.00
ASTM A671	Electric-fusion-welded	1.00
ASTM A672	Electric-fusion-welded	1.00
ASTM A691	Electric-fusion-welded	1.00
API 5L	Seamless	1.00
	Electric resistance welded	1.00
	Electric flash welded	1.00
	Submerged arc welded	1.00
	Furnace lap welded	0.80
	Furnace butt welded	0.60

E.1. - F. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:4(C)(17).

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, LR 12:115 (February 1986), repromulgated LR 49:309 (February 2023), amended LR 49:1097 (June 2023).

**Part XIII. Office of Conservation—Pipeline Safety**

**Subpart 2. Transportation of Natural Gas and Other Gas by Pipeline; Annual Incident and Other Reporting**

[49 CFR Part 191]

**Chapter 3. Annual Reports, Incident Reports and Safety Related Condition Reports [49 CFR Part 191]**

**§301. Scope [49 CFR 191.1]**

A. This Chapter prescribes requirements for the reporting of incidents, safety-related conditions, annual pipeline summary data, National Registry of Operators information, and other miscellaneous conditions by operators of underground natural gas storage facilities and natural gas pipeline facilities located in Louisiana, including underground natural gas storage facilities and pipelines within the limits of the Outer Continental Shelf, as that term is defined in the Outer Continental Shelf Lands Act (43 U.S.C. 1331). This part applies to offshore gathering lines (except as provided in Subsection B of this section) and to onshore gathering lines, including Type R gathering lines as determined in §508 of this Part. [49 CFR 191.1(a)]

B. - B.1. ...

2. pipelines on the Outer Continental Shelf (OCS) that are producer operated and cross into state waters without first connecting to a transporting operator's facility on the OCS, upstream (generally seaward) of the last valve on the last production facility on the OCS. Safety equipment protecting PHMSA-regulated pipeline segments is not excluded. Producing operators for those pipeline segments upstream of the last valve of the last production facility on the OCS may petition the administrator, or designee, for approval to operate under PHMSA regulations governing pipeline design, construction, operation, and maintenance under 49 CFR 190.9; or [49 CFR 191.1(b)(2)]

3. pipelines on the Outer Continental Shelf upstream of the point at which operating responsibility transfers from a producing operator to a transporting operator. [49 CFR 191.1(b)(3)]

4. - 4.b. Repealed.

C. Sections 322.B and C and 323 do not apply to the onshore gathering of gas: [49 CFR 191.1(c)]

1. through a pipeline that operates at less than 0 psig (0 kPa); [49 CFR 191.1(c)(1)]

2. through a pipeline that is not a regulated onshore gathering line; or [49 CFR 191.1(c)(2)]

3. within inlets of the Gulf of Mexico, except for the requirements in §2712 of this Part. [49 CFR 191.1(c)(3)]

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:501 et seq.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, LR 9:218 (April 1983), amended LR 10:510 (July 1984), LR 11:255 (March 1985), LR 18:854 (August 1992), LR 27:1536 (September 2001), LR 30:1220 (June 2004), LR 33:473 (March 2007), LR 38:110 (January 2012), LR 45:66 (January 2019), LR 49:1098 (June 2023).

**§303. Definitions [49 CFR 191.3]**

A. ...

\* \* \*

*Regulated Onshore Gathering*—a Type A, Type B, or Type C gas gathering pipeline system as determined in §508 of this Part.

*Reporting-Regulated Gathering*—a Type R gathering line as determined in §508 of this Part. A Type R gathering line is subject only to this Subpart.

\* \* \*

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:501 et seq.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, LR 11:255 (March 1985), amended LR 18:854 (August 1992), LR 20:442 (April 1994), LR 27:1536 (September 2001), LR 30:1221 (June 2004), LR 33:473 (March 2007), LR 38:110 (January 2012), LR 44:1032 (June 2018), LR 45:66 (January 2019), LR 46:1575 (November 2020), LR 47:1140 (August 2021), LR 49:1098 (June 2023).

**§307. Report Submission Requirements [49 CFR 191.7]**

A. - A.1. ...

a. Repealed.

B. - E. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:501 et seq.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, LR 9:219 (April 1983), amended LR 10:510 (July 1984), LR 11:255 (March 1985), LR 20:442 (April 1994), LR 27:1536 (September 2001), LR 30:1221 (June 2004), LR 31:679 (March 2005), LR 33:473 (March 2007), LR 35:2800 (December 2009), LR 38:110 (January 2012), LR 44:1032 (June 2018), LR 45:66 (January 2019), LR 49:1098 (June 2023).

**§315. Transmission Systems; Gathering Systems; and Liquefied Natural Gas Facilities: Incident Report [49 CFR 191.15]**

A. Pipeline Systems [49 CFR 191.15(a)]

1. Transmission, offshore gathering, or regulated onshore gathering. Each operator of a transmission, offshore gathering, or a regulated onshore gathering pipeline system must submit Department of Transportation (DOT) Form PHMSA F 7100.2 as soon as practicable but not more than 30 days after detection of an incident required to be reported under §305. [49 CFR 191.15(a)(1)]

2. Reporting-regulated gathering. Each operator of a reporting-regulated gathering pipeline system must submit DOT Form PHMSA F 7100.2-2 as soon as practicable but not more than 30 days after detection of an incident required to be reported under §305 that occurs after May 16, 2022. [49 CFR 191.15(a)(2)]

B. - D. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:501 et seq.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, LR 9:219 (April 1983), amended LR 10:511 (July 1984), LR 11:255 (March 1985), LR 30:1222 (June 2004), LR 38:111 (January 2012), LR 45:67 (January 2019), LR 46:1575 (November 2020), LR 49:1098 (June 2023).

**§317. Transmission Systems; Gathering Systems; and Liquefied Natural Gas Facilities: Annual Report [49 CFR 191.17]**

A. Pipeline Systems [49 CFR 191.17(a)]

1. Transmission or regulated onshore gathering. Each operator of a transmission or a regulated onshore gathering pipeline system must submit an annual report for that system on DOT Form PHMSA F 7100.2-1. This report must be submitted each year, not later than March 15, for the preceding calendar year. [49 CFR 191.17(a)(1)]

2. Type R gathering. Beginning with an initial annual report submitted in March 2023 for the 2022 calendar year, each operator of a reporting-regulated gas gathering pipeline system must submit an annual report for that system on DOT Form PHMSA F 7100.2-3. This report must be submitted each year, not later than March 15, for the preceding calendar year. [49 CFR 191.17(a)(2)]

B. - C. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:501 et seq.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, LR 9:219 (April 1983), amended LR 10:511 (July 1984), LR 11:256 (March 1985), LR 30:1222 (June 2004), LR 38:111 (January 2012), LR 45:67 (January 2019), LR 46:1575 (November 2020), LR 49:1099 (June 2023).

**§323. Reporting Safety-Related Conditions [49 CFR 191.23]**

A. - B. ...

1. exists on a master meter system, a reporting-regulated gathering pipeline a Type C gas gathering pipeline with an outside diameter of 12.75 inches or less, a Type C gas gathering pipeline covered by the exception in §509F.1 of this subchapter and therefore not required to comply with §509.E.2.b, or a customer-owned service line; [49 CFR 191.23(b)(1)]

2. - 5. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:501 et seq.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, amended LR 30:1223 (June 2004), LR 45:68 (January 2019), LR 46:1576 (November 2020), LR 49:1099 (June 2023).

**§329. National Pipeline Mapping System [49 CFR 191.29]**

A. - B. ...

C. This section does not apply to gathering pipelines. [49 CFR 191.29(c)]

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:501 et seq.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, LR 44:1033 (June 2018), LR 49:1099 (June 2023).

**Subpart 3. Transportation of Natural Gas or Other Gas by Pipeline: Minimum Safety Standards [49 CFR Part 192]**

**Chapter 5. General [49 CFR Part 192 Subpart A]**

**§503. Definitions [49 CFR 192.3]**

A. ...

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*Composite Materials*—materials used to make pipe or components manufactured with a combination of either steel and/or plastic and with a reinforcing material to maintain its circumferential or longitudinal strength.

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*Entirely Replaced Onshore Transmission Pipeline Segments L*—for the purposes of §§1139 and 2734, where 2 or more miles, in the aggregate, of onshore transmission pipeline have been replaced within any 5 contiguous miles of pipeline within any 24-month period.

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*Notification of Potential Rupture*—the notification to, or observation by, an operator of indicia identified in §2735 of a potential unintentional or uncontrolled release of a large volume of gas from a pipeline.

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*Rupture-Mitigation Valve (RMV)*—an automatic shut-off valve (ASV) or a remote-control valve (RCV) that a pipeline operator uses to minimize the volume of gas released from the pipeline and to mitigate the consequences of a rupture.

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AUTHORITY NOTE: Promulgated in accordance with R.S. 30:501 et seq.

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**§508. How are Onshore Gathering Lines and Regulated Onshore Gathering Lines Determined? [49 CFR 192.8]**

A. - A.4. ...

5. For new, replaced, relocated, or otherwise changed gas gathering pipelines installed after May 16, 2022, the endpoint of gathering under sections 2.2(a)(1)(E) and 2.2.1.2.6 of API RP 80 (incorporated by reference, see §507), also known as “incidental gathering,” may not be used if the pipeline terminates 10 or more miles downstream from the furthestmost downstream endpoint as defined in paragraphs 2.2(a)(1)(A) through (a)(1)(D) of API RP 80 (incorporated by reference, see §507) and this section. If an “incidental gathering” pipeline is 10 miles or more in length, the entire portion of the pipeline that is designated as an

incidental gathering line under 2.2(a)(1)(E) and 2.2.1.2.6 of API RP 80 shall be classified as a transmission pipeline subject to all applicable regulations in this chapter for transmission pipelines. [49 CFR 192.8(a)(5)]

B. Each operator must determine and maintain for the life of the pipeline records documenting the methodology by which it calculated the beginning and end points of each onshore gathering pipeline it operates, as described in the second column of the table to Paragraph C.2 of this Section, by: [49 CFR 192.8(b)]

1. November 16, 2022, or before the pipeline is placed into operation, whichever is later; [49 CFR 192.8(b)(1)]

2. An alternative deadline approved by the Pipeline and Hazardous Materials Safety Administration (PHMSA). The operator must notify PHMSA and State or local pipeline safety authorities, as applicable, no later than 90 days in advance of the deadline in Subsection B.1 of this section. The notification must be made in accordance with §518 and must include the following information: [49 CFR 192.8(b)(2)]

a. description of the affected facilities and operating environment; [49 CFR 192.8(b)(2)(i)]

b. justification for an alternative compliance deadline; and [192.(b)(2)(ii)]

c. proposed alternative deadline. [192.(b)(2)(iii)]

C. For purposes of part 191 of this chapter and Sec. 192.9, the term *regulated onshore gathering pipeline* means: [49 CFR 192.8(c)]

1. each Type A, Type B, or Type C onshore gathering pipeline (or segment of onshore gathering pipeline) with a feature described in the second column of the table to Paragraph C.2 of this Section that lies in an area described in the third column; and [49 CFR 192.8(c)(1)]

2. as applicable, additional lengths of pipeline described in the fourth column to provide a safety buffer: [49 CFR 192.8(c)(2)]

3. a Type R gathering line is subject to reporting requirements under part 191 of this chapter but is not a regulated onshore gathering line under this part. [49 CFR 192.8(c)(3)]

4. for the purpose of identifying Type C lines in table 1 to Paragraph C.2 of this Section, if an operator has not calculated MAOP consistent with the methods at §§2719.A or C.1, the operator must either: [49 CFR 192.8(c)(4)]

a. calculate MAOP consistent with the methods at §2719.A or C.1; or [49 CFR 192.8(c)(4)(i)]

b. use as a substitute for MAOP the highest operating pressure to which the segment was subjected during the preceding five operating years. [192.8(c)(4)(ii)]

Type	Feature	Area	Safety Buffer
A	—Metallic and the MAOP produces a hoop stress of 20 percent or more of SMYS. If the stress level is unknown, an operator must determine the stress level according to the applicable provisions in Chapter 9 of this Subpart. —Non-metallic and the MAOP is more than 125 psig (862 kPa).	Class 2, 3, or 4 location (see §505).	None.
B	—Metallic and the MAOP produces a hoop stress of less than 20 percent of SMYS. If the stress level is unknown, an operator must determine the stress level according to the applicable provisions in Chapter 9 of this Subpart. —Non-metallic and the MAOP is 125 psig (862 kPa) or less.	Area 1. Class 3 or 4 location. Area 2. An area within a Class 2 location the operator determines by using any of the following three methods: (a) A Class 2 location. (b) An area extending 150 feet (45.7 m) on each side of the centerline of any continuous 1 mile (1.6 km) of pipeline and including more than 10 but fewer than 46 dwellings. (c) An area extending 150 feet (45.7 m) on each side of the centerline of any continuous 1000 feet (305 m) of pipeline and including 5 or more dwellings.	If the gathering line is in Area 2(b) or 2(c), the additional lengths of line extend upstream and downstream from the area to a point where the line is at least 150 feet (45.7 m) from the nearest dwelling in the area. However, if a cluster of dwellings in Area 2 (b) or 2(c) qualifies a line as Type B, the Type B classification ends 150 feet (45.7 m) from the nearest dwelling in the cluster.
C	Outside diameter greater than or equal to 8.625 inches and any of the following: —Metallic and the MAOP produces a hoop stress of 20 percent or more of SMYS; —If the stress level is unknown, segment is metallic and the MAOP is more than 125 psig (862 kPa); or —Non-metallic and the MAOP is more than 125 psig (862 kPa)	Class 1 location	None.
R	—Metallic and the MAOP produces a hoop stress of less than 20 percent of SMYS. If the stress level is unknown, an operator must determine the stress level according to the applicable provisions in Chapter 9 of this Subpart. —Non-metallic and the MAOP is 125 psig (862 kPa) or less.	Class 1 and Class 2 locations	None.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:501 et seq.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, LR 33:476 (March 2007), amended LR 49:1099 (June 2023).

**§509. What Requirements Apply to Gathering Lines?**  
**[49 CFR 192.9]**

A. - D. ...

1. if a line is new, replaced, relocated, or otherwise changed, the design, installation, construction, initial inspection, and initial testing must be in accordance with requirements of this Part applicable to transmission lines except the requirements in §§717, 927, 1139.E, 1139.F, 1165, 1307.C, 1515.E, 2305, 2734, and 2735. [49 CFR 192.9(d)(1)]

2. - 8. ...

E. Type C Lines. The requirements for Type C gathering lines are as follows. [49 CFR 192.9(e)].

1. An operator of a Type C onshore gathering line with an outside diameter greater than or equal to 8.625 inches must comply with the following requirements: [49 CFR 192.9(e)(1)]

a. except as provided in Subsection H of this Section for pipe and components made with composite materials, the design, installation, construction, initial inspection, and initial testing of a new, replaced, relocated, or otherwise changed Type C gathering line, must be done in accordance with the requirements in Chapter 7 through 17 and Chapter 23 of this Part applicable to transmission lines. Compliance with §§717, 927, 1139.E, 1139.F, 1165, 1307.C, 1515.E, 2305, 2734, and 2736 is not required; [49 CFR 192.9(e)(1)(i)]

b. if the pipeline is metallic, control corrosion according to requirements of Chapter 21 of this Subpart applicable to transmission lines except for §2145; [192.9(e)(1)(ii)]

c. carry out a damage prevention program under §2714; [192.9(e)(1)(iii)]

d. develop and implement procedures for emergency plans in accordance with §2715; [192.9(e)(1)(iv)]

e. develop and implement a written public awareness program in accordance with §2716; [192.9(e)(1)(v)]

f. install and maintain line markers according to the requirements for transmission lines in §2907; and [192.9(e)(1)(vi)]

g. conduct leakage surveys in accordance with the requirements for transmission lines in §2906 using leak-detection equipment, and promptly repair hazardous leaks in accordance with §2903.C. [192.9(e)(1)(vii)]

2. An operator of a Type C onshore gathering line with an outside diameter greater than 12.75 inches must comply with the requirements in Paragraph E.1 of this Section and the following: [49 CFR 192.9(e)(2)]

a. if the pipeline contains plastic pipe, the operator must comply with all applicable requirements of this part for plastic pipe or components. This does not include pipe and components made of composite materials that incorporate plastic in the design; and [49 CFR 192.9(e)(2)(i)]

b. establish the MAOP of the pipeline under Subsections 2719.A or C and maintain records used to establish the MAOP for the life of the pipeline. [192.9(e)(2)(ii)]

F. Exceptions. [49 CFR 192.9(f)]

1. Compliance with Subparagraphs E.1.b, e, f, and g and E.2.a and b of this Section is not required for pipeline

segments that are 16 inches or less in outside diameter if one of the following criteria are met. [49 CFR 192.9(f)(1)]

a. Method 1. The segment is not located within a potential impact circle containing a building intended for human occupancy or other impacted site. The potential impact circle must be calculated as specified in Section 3303, except that a factor of 0.73 must be used instead of 0.69. The MAOP used in this calculation must be determined and documented in accordance with Clause E.2.b of this Section. [49 CFR 192.9(f)(1)(i)]

b. Method 2. The segment is not located within a class location unit (see §505) containing a building intended for human occupancy or other impacted site. [49 CFR 192.9(f)(1)(ii)]

2. Clause E.1.a of this Section is not applicable to pipeline segments 40 feet or shorter in length that are replaced, relocated, or changed on a pipeline existing on or before May 16, 2022. [49 CFR 192.9(f)(2)]

3. For purposes of this section, the term “building intended for human occupancy or other impacted site” means any of the following: [49 CFR 192.9(f)(3)].

a. any building that may be occupied by humans, including homes, office buildings factories, outside recreation areas, plant facilities, etc.; [49 CFR 192.9(f)(3)(i)]

b. a small, well-defined outside area (such as a playground, recreation area, outdoor theater, or other place of public assembly) that is occupied by 20 or more persons on at least 5 days a week for 10 weeks in any 12-month period (the days and weeks need not be consecutive); or [49 CFR 192.9(f)(3)(ii)]

c. any portion of the paved surface, including shoulders, of a designated interstate, other freeway, or expressway, as well as any other principal arterial roadway with 4 or more lanes. [49 CFR 192.9(f)(3)(iii)]

G. Compliance deadlines. An operator of a regulated onshore gathering line must comply with the following deadlines, as applicable. [49 CFR 192.9(g)]

1. An operator of a new, replaced, relocated, or otherwise changed line must be in compliance with the applicable requirements of this section by the date the line goes into service, unless an exception in §513 applies. [49 CFR 192.9(g)(1)]

2. If a Type A or Type B regulated onshore gathering pipeline existing on April 14, 2006, was not previously subject to this part, an operator has until the date stated in the second column to comply with the applicable requirement for the pipeline listed in the first column, unless the Administrator finds a later deadline is justified in a particular case. [49 CFR 192.9(g)(2)]

Requirement	Compliance Deadline
Control corrosion according to Chapter 21 requirements for transmission lines.	April 15, 2009
Carry out a damage prevention program under §2714.	October 15, 2007
Establish MAOP under §2719	October 15, 2007
Install and maintain line markers under §2907.	April 15, 2008
Establish a public education program under §2716.	April 15, 2008
Other provisions of this Part as required by Subsection C of this Section for Type A lines.	April 15, 2009

3. If, after April 14, 2006, a change in class location or increase in dwelling density causes an onshore gathering pipeline to become a Type A or Type B regulated onshore gathering line, the operator has 1 year for Type B lines and 2 years for Type A lines after the pipeline becomes a regulated onshore gathering pipeline to comply with this section. [49 CFR 192.9(g)(3)]

4. If a Type C gathering pipeline existing on or before May 16, 2022, was not previously subject to this Subpart, an operator must comply with the applicable requirements of this Section, except for Subsection H of this Section, on or before: [49 CFR 192.9(g)(4)]

- a. May 16, 2023; or [49 CFR 192.9(g)(4)(i)]
- b. an alternative deadline approved by PHMSA.

The operator must notify PHMSA and State or local pipeline safety authorities, as applicable, no later than 90 days in advance of the deadline in paragraph (b)(1) of this section. The notification must be made in accordance with §518 and must include a description of the affected facilities and operating environment, the proposed alternative deadline for each affected requirement, the justification for each alternative compliance deadline, and actions the operator will take to ensure the safety of affected facilities. [49 CFR 192.9(g)(4)(ii)]

5. If, after May 16, 2022, a change in class location, an increase in dwelling density, or an increase in MAOP causes a pipeline to become a Type C gathering pipeline, or causes a Type C gathering pipeline to become subject to additional Type C requirements (see Subsection F of this Section), the operator has 1 year after the pipeline becomes subject to the additional requirements to comply with this section. [49 CFR 192.9(g)(5)]

H. Composite Materials. Pipe and components made with composite materials not otherwise authorized for use under this part may be used on Type C gathering pipelines if the following requirements are met: [49 CFR 192.9(h)]

1. Steel and plastic pipe and components must meet the installation, construction, initial inspection, and initial testing requirements in Chapters 7 through 17 and 23 of this Subpart applicable to transmission lines. [49 CFR 192.9(h)(1)]

2. Operators must notify PHMSA in accordance with §518 at least 90 days prior to installing new or replacement pipe or components made of composite materials otherwise not authorized for use under this part in a Type C gathering pipeline. The notifications required by this section must include a detailed description of the pipeline facilities in which pipe or components made of composite materials would be used, including: [49 CFR 192.9(h)(2)]

a. the beginning and end points (stationing by footage and mileage with latitude and longitude coordinates) of the pipeline segment containing composite pipeline material and the counties and States in which it is located; [49 CFR 192.9(h)(2)(i)]

b. a general description of the right-of-way including high consequence areas, as defined in §3305; [49 CFR 192.9(h)(2)(ii)]

c. relevant pipeline design and construction information including the year of installation, the specific composite material, diameter, wall thickness, and any manufacturing and construction specifications for the pipeline; [49 CFR 192.9(h)(2)(iii)]

d. relevant operating information, including MAOP, leak and failure history, and the most recent pressure test (identification of the actual pipe tested, minimum and maximum test pressure, duration of test, any leaks and any test logs and charts) or assessment results; [49 CFR 192.9(h)(2)(iv)]

e. an explanation of the circumstances that the operator believes make the use of composite pipeline material appropriate and how the design, construction, operations, and maintenance will mitigate safety and environmental risks; [49 CFR 192.9(h)(2)(v)]

f. an explanation of procedures and tests that will be conducted periodically over the life of the composite pipeline material to document that its strength is being maintained; [49 CFR 192.9(h)(2)(vi)]

g. operations and maintenance procedures that will be applied to the alternative materials. These include procedures that will be used to evaluate and remediate anomalies and how the operator will determine safe operating pressures for composite pipe when defects are found; [49 CFR 192.9(h)(2)(vii)]

h. an explanation of how the use of composite pipeline material would be in the public interest; and [49 CFR 192.9(h)(2)(viii)]

i. a certification signed by a vice president (or equivalent or higher officer) of the operator's company that operation of the applicant's pipeline using composite pipeline material would be consistent with pipeline safety. [49 CFR 192.9(h)(2)(iv)]

3. Repairs or replacements using materials authorized under this part do not require notification under this Section. [49 CFR 192.9(h)(3)]

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:501 et seq.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, LR 9:220 (April 1983), amended LR 10:511 (July 1984), LR 20:443 (April 1994), LR 21:821 (August 1995), LR 24:1307 (July 1998), LR 30:1227 (June 2004), LR 31:681 (March 2005), LR 33:477 (March 2007), LR 44:1035 (June 2018), LR 46:1579 (November 2020), LR 49:1101 (June 2023).

**§513. What General Requirements Apply to Pipelines Regulated Under this Subpart? [49 CFR 192.13]**

A. No person may operate a segment of pipeline listed in the first column of Paragraph A.3 of this Section that is readied for service after the date in the second column, unless: [49 CFR 192.13(a)]

1. - 2. ...

3. The compliance deadlines are as follows: [49 CFR 192.13(a)(3)]

Pipeline	Date
Offshore gathering line.	July 31, 1977
Regulated onshore gathering line to which this Subpart did not apply until April 14, 2006	March 15 2007
Regulated onshore gathering pipeline to which this part did not apply until May 16, 2022	May 16, 2023..
All other pipelines.	March 12, 1971

B. No person may operate a segment of pipeline listed in the first column that is replaced, relocated, or otherwise



changed after the date in the second column, unless the replacement, relocation, or change has been made according to the requirements in this Subpart [49 CFR 192.13(b)]

Pipeline	Date
Offshore gathering line.	July 31, 1977
Regulated onshore gathering line to which this Subpart did not apply until April 14, 2006.	March 15 2007
Regulated onshore gathering pipeline to which this part did not apply until May 16, 2022	May 16, 2023
All other pipelines.	November 12, 1970

C. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:501 et seq.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, LR 9:220 (April 1983), amended LR 10:511 (July 1984), LR 30:1227 (June 2004), LR 33:477 (March 2007), LR 49:1102 (June 2023).

**§518. How to Notify PHMSA [49 CFR 192.18]**

A. - B. ...

C. Unless otherwise specified, if an operator submits, pursuant to §§508, 509, 1139, 2306, 2707, 2719, 2724, 2732, 2734, 2736, 2910, 2912, 2945, 3321, or 3337, a notification for use of a different integrity assessment method, analytical method, sampling approach, or technique (e.g., “other technology” or “alternative equivalent technology”) than otherwise prescribed in those sections, that notification must be submitted to PHMSA for review at least 90 days in advance of using the other method, approach, compliance timeline, or technique. An operator may proceed to use the other method, approach, compliance timeline, or technique 91 days after submitting the notification unless it receives a letter from the Associate Administrator for Pipeline Safety informing the operator that PHMSA objects to the proposal, or that PHMSA requires additional time and/or more information to conduct its review. [49 CFR 192.18(c)]

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:501 et seq.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, LR 46:1581 (November 2020), amended LR 49:1103 (June 2023).

**Chapter 9. Pipe Design [49 CFR Part 192 Subpart C]**

**§921. Design of Plastic Pipe [49 CFR 192.121]**

A. - C.2.d. ...

Table 1 to Subparagraph C.2.d PE Pipe: Minimum Wall Thickness and SDR Values		
Pipe Size (inches)	Minimum Wall Thickness	Corresponding SDR (values)
1/2" CTS	0.090	7
1/2" IPS	0.090	9.3
3/4" CTS	0.090	9.7
3/4" IPS	0.095	11
1" CTS	.099	11
1" IPS	0.119	11
1 1/4" IPS	0.151	11
1 1/2" IPS	0.173	11
2"	0.216	11
3"	0.259	13.5
4"	0.265	17
6"	0.315	21

Table 1 to Subparagraph C.2.d PE Pipe: Minimum Wall Thickness and SDR Values		
Pipe Size (inches)	Minimum Wall Thickness	Corresponding SDR (values)
8"	0.411	21
10"	0.512	21
12"	0.607	21
16	.762	21
18	.857	21
20	.952	21
22	1.048	21
24	1.143	21

D. - F.2. ...

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AUTHORITY NOTE: Promulgated in accordance with R.S. 30:501 et seq.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, LR 9:222 (April 1983), amended LR 10:515 (July 1984), LR 24:1308 (July 1998), LR 27:1538 (September 2001), LR 30:1231 (June 2004), LR 31:682 (March 2005), LR 33:478 (March 2007), LR 35:2804 (December 2009), LR 38:115 (January 2012), repromulgated LR 38:828 (March 2012), amended LR 44:1037 (June 2018), LR 46:1582 (November 2020), LR. 47:1141 (August 2021), LR 49:1103 (June 2023).

**Chapter 11. Design of Pipeline Components [49 CFR Part 192 Subpart D]**

**§1110. Passage of Internal Inspection Devices [49 CFR 192.150]**

A. - B.7.a. ...

b. if the design includes taps for lateral connections, the operator can demonstrate, based on investigation or experience, that there is no reasonably practical alternative under the design circumstances to the use of a tap that will obstruct the passage of instrumented internal inspection devices; [49 CFR 192.150(b)(7)(ii)]

8. Gathering lines; and [49 CFR 192.150(b)(8)]

9. Other piping that, under 49 CFR Part 190.9 and LAC 43:XI.Subpart 3 the commissioner/administrator finds in a particular case would be impracticable to design and construct to accommodate the passage of instrumented internal inspection devices. [49 CFR 192.150(b)(9)]

C. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:501 et seq.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, LR 21:821 (August 1995), amended LR 27:1539 (September 2001), LR 30:1233 (June 2004), LR 31:682 (March 2005), LR 33:479 (March 2007), LR 46:1584 (November 2020), LR 49:1103 (June 2023).

**§1113. Components Fabricated by Welding [49 CFR 192.153]**

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

b. A prefabricated unit or pressure vessel installed on or after October 1, 2021 must be tested for the duration specified in either §2305.C or D, 2307.C, or §2309.A, whichever is applicable for the pipeline in which the component is being installed. [49 CFR 192.153(e)(2)(ii)]

E.3. - E.6.b. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:501 et seq.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, LR 9:223 (April 1983), amended LR 10:516 (July 1984), LR 20:444 (April 1994), LR 27:1539 (September 2001), LR 30:1234 (June 2004), LR 44:1037

(June 2018), LR 47:1142 (August 2021) repromulgated LR 47:1331 (September 2021), LR 49:1103 (June 2023).

### **§1139. Transmission Line Valves**

#### **[49 CFR 192.179]**

A. - D. ...

E. For onshore transmission pipeline segments with diameters greater than or equal to 6 inches that are constructed after April 10, 2023, the operator must install rupture-mitigation valves (RMV) or an alternative equivalent technology whenever a valve must be installed to meet the appropriate valve spacing requirements of this section. An operator seeking to use alternative equivalent technology must notify PHMSA in accordance with the procedures set forth in Subsection G. All RMVs and alternative equivalent technologies installed pursuant to this Subsection must meet the requirements of §§2734 and 2736. Exempted from this Subsection's installation requirements are pipeline segments in Class 1, or Class 2 locations that have a potential impact radius (PIR), as defined in §3303, of 150 feet or less. An operator may request an extension of the installation compliance deadline requirements of this Subsection if it can demonstrate to PHMSA, in accordance with the notification procedures in §318, that those installation compliance deadlines would be economically, technically, or operationally infeasible for a particular new pipeline.. [49 CFR 192.179(e)]

F. For entirely replaced onshore transmission pipeline segments, as defined in §503, with diameters greater than or equal to 6 inches and that are installed after April 10, 2023, the operator must install RMVs or an alternative equivalent technology whenever a valve must be installed to meet the appropriate valve spacing requirements of this section. An operator seeking to use alternative equivalent technology must notify PHMSA in accordance with the procedures set forth in Subsection G of this Section. All RMVs and alternative equivalent technologies installed pursuant to this Subsection must meet the requirements of §§2734 and 2736. The requirements of this Subsection apply when the applicable pipeline replacement project involves a valve, either through addition, replacement, or removal. This Subsection's installation requirements do not apply to pipe segments in Class 1 or Class 2 locations that have a PIR, as defined in §3303, that is less than or equal to 150 feet. An operator may request an extension of the installation compliance deadline requirements of this paragraph if it can demonstrate to PHMSA, in accordance with the notification procedures in §192.18, that those installation compliance deadlines would be economically, technically, or operationally infeasible for a particular pipeline replacement project. [49 CFR 192.179(f)]

G. If an operator elects to use alternative equivalent technology in accordance with paragraphs (e) or (f) of this section, the operator must notify PHMSA in accordance with the procedures in §192.18. The operator must include a technical and safety evaluation in its notice to PHMSA. Valves that are installed as alternative equivalent technology must comply with §§2734 and 2736. An operator requesting use of manual valves as an alternative equivalent technology must also include within the notification submitted to PHMSA a demonstration that installation of an RMV as otherwise required would be economically, technically, or operationally infeasible. An operator may use a manual

compressor station valve at a continuously manned station as an alternative equivalent technology, and use of such valve would not require a notification to PHMSA in accordance with §518, but it must comply with §2736. [49 CFR 192.179(g)]

H. The valve spacing requirements of Subsection A of this section do not apply to pipe replacements on a pipeline if the distance between each point on the pipeline and the nearest valve does not exceed: [49 CFR 192.179(h)]

1. 4 miles in Class 4 locations, with a total spacing between valves no greater than 8 miles; [49 CFR 192.179(h)(1)]

2. 7 1/2 miles in Class 3 locations, with a total spacing between valves no greater than 15 miles; or [49 CFR 192.179(h)(2)]

3. 10 miles in Class 1 or 2 locations, with a total spacing between valves no greater than 20 miles. [49 CFR 192.179(h)(3)]

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:501 et seq.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, LR 9:225 (April 1983), amended LR 10:518 (July 1984), LR 24:1308 (July 1998), LR 27:1540 (September 2001), LR 30:1237 (June 2004), LR 49:1104 (June 2023).

### **Chapter 15. Joining of Materials Other Than by Welding**

#### **[49 CFR Part 192 Subpart F]**

### **§1511. Plastic Pipe [49 CFR 192.281]**

A. - B.3. ...

C. Heat-Fusion Joints. Each heat-fusion joint on a PE pipe or component, except for electrofusion joints, must comply with ASTM F2620 (incorporated by reference in §507), or an alternative written procedure that has been demonstrated to provide an equivalent or superior level of safety and has been proven by test or experience to produce strong gastight joints, and the following. [49 CFR 192.281(c)]

C.1. - E.4. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:501 et seq.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, LR 9:231 (April 1983), amended LR 10:523 (July 1984), LR 20:445 (April 1994), LR 24:1309 (July 1998), LR 30:1243 (June 2004), LR 38:116 (January 2012), LR 44:1039 (June 2018), LR 46:1585 (November 2020), LR. 47:1144 (August 2021), LR 49:1104 (June 2023).

### **Chapter 21. Requirements for Corrosion Control**

#### **[49 CFR Part 192 Subpart I]**

### **§2103. How Does this Chapter Apply to Converted Pipelines and Regulated Onshore Gathering Lines? [49 CFR 192.452]**

A. ...

B. Type A and B onshore gathering lines. For any Type A or Type B regulated onshore gathering line under §509 existing on April 14, 2006, that was not previously subject to this Subpart, and for any onshore gathering line that becomes a regulated onshore gathering line under §509 after April 14, 2006, because of a change in class location or increase in dwelling density. [49 CFR 192.452(b)]

C. Type C onshore regulated gathering lines. For any Type C onshore regulated gathering pipeline under §509 existing on May 16, 2022, that was not previously

subject to this Subpart, and for any Type C onshore gas gathering pipeline that becomes subject to this subpart after May 16, 2022, because of an increase in MAOP, change in class location, or presence of a building intended for human occupancy or other impacted site: [49 CFR 192.452(c)]

1. the requirements of this subpart specifically applicable to pipelines installed before August 1, 1971, apply to the gathering line regardless of the date the pipeline was actually installed; and [49 CFR 192.452(c)(1)]

2. the requirements of this subpart specifically applicable to pipelines installed after July 31, 1971, apply only if the pipeline substantially meets those requirements. [49 CFR 192.452(c)(2)]

D. Regulated onshore gathering lines generally. Any gathering line that is subject to this subpart per §509 at the time of construction must meet the requirements of this subpart applicable to pipelines installed after July 31, 1971. [49 CFR 192.452(d)]

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:501 et seq.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, LR 9:235 (April 1983), amended LR 10:527 (July 1984), LR 30:1252 (June 2004), LR 33:480 (March 2007), LR 49:1104 (June 2023).

## Chapter 27. Operations

### [49 CFR Part 192 Subpart L]

#### §2710. Change in class location: Change in valve spacing. [49 CFR 192.610]

A. If a class location change on a transmission pipeline occurs after October 5, 2022 and results in pipe replacement, of 2 or more miles, in the aggregate, within any 5 contiguous miles within a 24-month period, to meet the maximum allowable operating pressure (MAOP) requirements in §§2711, 2719, or 2720, then the requirements in §§1139, 2734, 2736, as applicable, apply to the new class location, and the operator must install valves, including rupture-mitigation valves (RMV) or alternative equivalent technologies, as necessary, to comply with those sections. Such valves must be installed within 24 months of the class location change in accordance with the timing requirement in §2711.D for compliance after a class location change. [49 CFR 192.610(a)]

B. If a class location change occurs after October 5, 2022 and results in pipe replacement of less than 2 miles within 5 contiguous miles during a 24-month period, to meet the MAOP requirements in §§2711, 2719, or 2720, then within 24 months of the class location change, in accordance with §2711.D, the operator must either: [49 CFR 192.610(b)]

1. Comply with the valve spacing requirements of §192.179(a) for the replaced pipeline segment; or [49 CFR 192.610(b)(1)]

2. Install or use existing RMVs or alternative equivalent technologies so that the entirety of the replaced pipeline segments are between at least two RMVs or alternative equivalent technologies. The distance between RMVs and alternative equivalent technologies for the replaced segment must not exceed 20 miles. The RMVs and alternative equivalent technologies must comply with the applicable requirements of §2736. [49 CFR 192.610(B)(2)]

C. The provisions of Subsection B of this Section do not apply to pipeline replacements that amount to less than 1,000 feet within any 1 contiguous mile during any 24-month period. [49 CFR 192.610(c)]

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:501 et seq.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, LR 49:1105 (June 2023).

## §2715. Emergency Plans

### [49 CFR 192.615]

A. - A.1. ...

2. establishing and maintaining adequate means of communication with appropriate public safety answering point (i.e., 9-1-1 emergency call center), where direct access to a 9-1-1 emergency call center is available from the location of the pipeline, and fire, police, and other public officials. Operators may establish liaison with the appropriate local emergency coordinating agencies, such as 9-1-1 emergency call centers or county emergency managers, in lieu of communicating individually with each fire, police, or other public entity. An operator must determine the responsibilities, resources, jurisdictional area(s), and emergency contact telephone number(s) for both local and out-of-area calls of each Federal, State, and local government organization that may respond to a pipeline emergency, and inform such officials about the operator's ability to respond to a pipeline emergency and the means of communication during emergencies. [49 CFR 192.615(a)(2)]

3. - 5. ...

6. Taking necessary actions, including but not limited to, emergency shutdown, valve shut-off, or pressure reduction, in any section of the operator's pipeline system, to minimize hazards of released gas to life, property, or the environment. [49 CFR 192.615(a)(6)]

7. ...

8. notifying the appropriate public safety answering point (i.e., 9-1-1 emergency call center) where direct access to a 9-1-1 emergency call center is available from the location of the pipeline, and fire, police, and other public officials, of gas pipeline emergencies to coordinate and share information to determine the location of the emergency, including both planned responses and actual responses during an emergency. The operator must immediately and directly notify the appropriate public safety answering point or other coordinating agency for the communities and jurisdictions in which the pipeline is located after receiving a notification of potential rupture, as defined in §503, to coordinate and share information to determine the location of any release, regardless of whether the segment is subject to the requirements of §§1139, 2734, or 2736. [49 CFR 192.615(a)(8)]

9. - 10. ...

11. actions required to be taken by a controller during an emergency in accordance with the operator's emergency plans and requirements set forth in §§2731, 2734, and 2736. [49 CFR 192.615(a)(11)]

12. Each operator must develop written rupture identification procedures to evaluate and identify whether a notification of potential rupture, as defined in §503, is an actual rupture event or a non-rupture event. These procedures must, at a minimum, specify the sources of information, operational factors, and other criteria that operator personnel use to evaluate a notification of potential rupture and identify an actual rupture. For operators installing valves in accordance with §1139.E, §1139.F, or that are subject to the requirements in §2734, those

procedures must provide for rupture identification as soon as practicable. [49 CFR 192.615(a)(12)]

B. - B.3. ...

C. Each operator must establish and maintain liaison with the appropriate public safety answering point (*i.e.*, 9-1-1 emergency call center) where direct access to a 9-1-1 emergency call center is available from the location of the pipeline, as well as fire, police, and other public officials, to: [49 CFR 192.615(c)]

1. - 4. ....

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:501 et seq.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, LR 9:241 (April 1983), amended LR 10:534 (July 1984), LR 21:822 (August 1995), LR 30:1263 (June 2004), LR 38:117 (January 2012), LR 49:1105 (June 2023).

**§2717. Investigation of Failures**  
**[49 CFR 192.617]**

A. Post-failure and incident procedures. Each operator must establish and follow procedures for investigating and analyzing failures and incidents as defined in §303, including sending the failed pipe, component, or equipment for laboratory testing or examination, where appropriate, for the purpose of determining the causes and contributing factor(s) of the failure or incident and minimizing the possibility of a recurrence. [49 CFR 192.617(a)]

B. Post-failure and incident lessons learned. Each operator must develop, implement, and incorporate lessons learned from a post-failure or incident review into its written procedures, including personnel training and qualification programs, and design, construction, testing, maintenance, operations, and emergency procedure manuals and specifications. [49 CFR 192.617(b)]

C. Analysis of rupture and valve shut-offs. If an incident on an onshore gas transmission pipeline or a Type A gathering pipeline involves the closure of a rupture-mitigation valve (RMV), as defined in §503, or the closure of alternative equivalent technology, the operator of the pipeline must also conduct a post-incident analysis of all of the factors that may have impacted the release volume and the consequences of the incident and identify and implement operations and maintenance measures to prevent or minimize the consequences of a future incident. The requirements of this Subsection B are not applicable to distribution pipelines or Types B and C gas gathering pipelines. The analysis must include all relevant factors impacting the release volume and consequences, including, but not limited to, the following: [49 CFR 192.617(c)]

1. detection, identification, operational response, system shut-off, and emergency response communications, based on the type and volume of the incident; [49 CFR 192.617(c)(1)]

2. appropriateness and effectiveness of procedures and pipeline systems, including supervisory control and data acquisition (SCADA), communications, valve shut-off, and operator personnel; [49 CFR 192.617(c)(2)]

3. actual response time from identifying a rupture following a notification of potential rupture, as defined at §503, to initiation of mitigative actions and isolation of the pipeline segment, and the appropriateness and effectiveness of the mitigative actions taken; [49 CFR 192.617(c)(3)]

4. location and timeliness of actuation of RMVs or alternative equivalent technologies; and [49 CFR 192.617(c)(4)]

5. all other factors the operator deems appropriate. [49 CFR 192.617(c)(5)]

D. Rupture Post-Failure and Incident Summary. If a failure or incident on an onshore gas transmission pipeline or a Type A gathering pipeline involves the identification of a rupture following a notification of potential rupture, or the closure of an RMV (as those terms are defined in §503), or the closure of an alternative equivalent technology, the operator of the pipeline must complete a summary of the post-failure or incident review required by Subsection C of this section within 90 days of the incident, and while the investigation is pending, conduct quarterly status reviews until the investigation is complete and a final post-incident summary is prepared. The final post-failure or incident summary, and all other reviews and analyses produced under the requirements of this section, must be reviewed, dated, and signed by the operator’s appropriate senior executive officer. The final post-failure or incident summary, all investigation and analysis documents used to prepare it, and records of lessons learned must be kept for the useful life of the pipeline. The requirements of this Subsection D are not applicable to distribution pipelines or Types B and C gas gathering pipelines. [49 CFR 192.617(d)]

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:501 et seq.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, LR 9:242 (April 1983), amended LR 10:534 (July 1984), LR 30:1264 (June 2004), LR 49:1106 (June 2023).

**§2719. What is the Maximum Allowable Operating Pressure for Steel or Plastic Pipelines?**  
**[49 CFR 192.619]**

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

\* \* \*

3. the highest actual operating pressure to which the segment was subjected during the five years preceding the applicable date in the second column. This pressure restriction applies unless the segment was tested according to the requirements in Paragraph A.2 of this Section after the applicable date in the third column or the segment was updated according to the requirements in Chapter 25 of this Subpart. [49 CFR 192.619(a)(3)]

Pipeline Segment	Pressure Date	Test Date
—Onshore gathering line that first became subject to this Subpart (other than §2712) after April 13, 2006.	March 15, 2006, or date line becomes subject to this Subpart, whichever is later.	5 years preceding applicable date in second column.
Onshore regulated gathering pipeline (Type C under §509.D that first became subject to this part (other than §2712) on or after May 16, 2022	May 16, 2023, or date pipeline becomes subject to this Subpart, whichever is later	5 years preceding applicable date in second column.
—Onshore transmission line that was a gathering line not subject to this Subpart before March 15, 2006.	March 15, 2006, or date line becomes subject to this Subpart, whichever is later.	5 years preceding applicable date in second column
Offshore gathering lines.	July 1, 1976	July 1, 1971
All other pipelines.	July 1, 1970	July 1, 1965

A.4. - B. ...

C. The requirements on pressure restrictions in this Section do not apply in the following instance: [49 CFR 192.619(c)]

1. An operator may operate a segment of pipeline found to be in satisfactory condition, considering its operating and maintenance history, at the highest actual operating pressure to which the segment was subjected during the five years preceding the applicable date in the second column of the table in Paragraph A.3 of this Section. An operator must still comply with §2711. [49 CFR 192.619(c)(1)]

2. For any Type C gas gathering pipeline under §509 existing on or before May 16, 2022, that was not previously subject to this part and the operator cannot determine the actual operating pressure of the pipeline for the 5 years preceding May 16, 2023, the operator may establish MAOP using other criteria based on a combination of operating conditions, other tests, and design with approval from PHMSA. The operator must notify PHMSA in accordance with §518. The notification must include the following information: [49 CFR 192.19(c)(2)]

a. the proposed MAOP of the pipeline; [49 CFR 192.619(c)(2)(i)]

b. description of pipeline segment for which alternate methods are used to establish MAOP, including diameter, wall thickness, pipe grade, seam type, location, endpoints, other pertinent material properties, and age; [49 CFR 192.619(c)(2)(ii)]

c. pipeline operating data, including operating history and maintenance history; [49 CFR 192.619(c)(2)(iii)]

d. description of methods being used to establish MAOP; [49 CFR 192.619(c)(2)(iv)]

e. technical justification for use of the methods chosen to establish MAOP; and [49 CFR 192.619(c)(2)(v)]

f. evidence of review and acceptance of the justification by a qualified technical subject matter expert. [49 CFR 192.619(c)(2)(vi)]

D. - F. ...

1. operators of pipelines in operation as of [July 1, 2020 must retain any existing records establishing MAOP for the life of the pipeline; [49 CFR 192.619(f)(1)]

2. operators of pipelines in operation as of July 1, 2020 that do not have records establishing MAOP and are required to reconfirm MAOP in accordance with §2724, must retain the records reconfirming MAOP for the life of the pipeline; and [49 CFR 192.619(f)(2)]

3. operators of pipelines placed in operation after July 1, 2020 must make and retain records establishing MAOP for the life of the pipeline. [49 CFR 192.619(f)(3)]

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:501 et seq.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, LR 9:242 (April 1983), amended LR 10:534 (July 1984), LR 24:1312 (July 1998), LR 27:1547 (September 2001), LR 30:1264 (June 2004), LR 33:481 (March 2007), LR 35:2807 (December 2009), LR 46:1590 (November 2020), LR 47:1145 (August 2021), LR 49:1106 (June 2023).

#### **§2734. Transmission Lines: Onshore Valve Shut-Off For Rupture Mitigation [49 CFR 192.634]**

A. For new or entirely replaced onshore transmission pipeline segments with diameters of 6 inches or greater that are located in high-consequence areas (HCA) or Class 3 or Class 4 locations and that are installed after April 10, 2023, an operator must install or use existing rupture-mitigation valves (RMV), or an alternative equivalent technology, according to the requirements of this Section and §§1139 and 2736. RMVs and alternative equivalent technologies must be operational within 14 days of placing the new or replaced pipeline segment into service. An operator may request an extension of this 14-day operation requirement if it can demonstrate to PHMSA, in accordance with the notification procedures in §518, that application of that requirement would be economically, technically, or operationally infeasible. The requirements of this section apply to all applicable pipe replacement projects, even those that do not otherwise involve the addition or replacement of a valve. This section does not apply to pipe segments in Class 1 or Class 2 locations that have a potential impact radius (PIR), as defined in §3303, that is less than or equal to 150 feet. 49 CFR 192.634(a)]

B. Maximum Spacing between Valves. RMVs, or alternative equivalent technology, must be installed in accordance with the following requirements. 49 CFR 192.634(b)]

1. Shut-off Segment. For purposes of this section, a “shut-off segment” means the segment of pipe located between the upstream valve closest to the upstream endpoint of the new or replaced Class 3 or Class 4 or HCA pipeline segment and the downstream valve closest to the downstream endpoint of the new or replaced Class 3 or Class 4 or HCA pipeline segment so that the entirety of the segment that is within the HCA or the Class 3 or Class 4 location is between at least two RMVs or alternative equivalent technologies. If any crossover or lateral pipe for gas receipts or deliveries connects to the shut-off segment between the upstream and downstream valves, the shut-off segment also must extend to a valve on the crossover connection(s) or lateral(s), such that, when all valves are closed, there is no flow path for gas to be transported to the rupture site (except for residual gas already in the shut-off segment). Multiple Class 3 or Class 4 locations or HCA segments may be contained within a single shut-off segment. The operator is not required to select the closest valve to the shut-off segment as the RMV, as that term is defined in §503, or the alternative equivalent technology. An operator may use a manual compressor station valve at a continuously manned station as an alternative equivalent technology, but it must be able to be closed within 30 minutes following rupture identification, as that term is defined at §503. Such a valve used as an alternative equivalent technology would not require a notification to PHMSA in accordance with §518. [49 CFR 192.634(b)(1)]

2. Shut-Off Segment Valve Spacing. A pipeline subject to Subsection A of this Section must have RMVs or alternative equivalent technology on the upstream and

downstream side of the pipeline segment. The distance between RMVs or alternative equivalent technologies must not exceed: [49 CFR 192.634(b)(2)]

a. 8 miles for any Class 4 location; [49 CFR 192.634(b)(2)(i)]

b. 15 miles for any Class 3 location; or [49 CFR 192.634(b)(2)(ii)]

c. 20 miles for all other locations. [49 CFR 192.634(b)(2)(iii)]

3. Laterals. Laterals extending from shut-off segments that contribute less than 5 percent of the total shut-off segment volume may have RMVs or alternative equivalent technologies that meet the actuation requirements of this section at locations other than mainline receipt/delivery points, as long as all of the laterals contributing gas volumes to the shut-off segment do not contribute more than 5 percent of the total shut-off segment gas volume based upon maximum flow volume at the operating pressure. For laterals that are 12 inches in diameter or less, a check valve that allows gas to flow freely in one direction and contains a mechanism to automatically prevent flow in the other direction may be used as an alternative equivalent technology where it is positioned to stop flow into the shut-off segment. Such check valves that are used as an alternative equivalent technology in accordance with this paragraph are not subject to §2736, but they must be inspected, operated, and remediated in accordance with §2945, including for closure and leakage to ensure operational reliability. An operator using such a check valve as an alternative equivalent technology must notify PHMSA in accordance with §§518 and 1139 develop and implement maintenance procedures for such equipment that meet §2945. [49 CFR 192.634(b)(3)]

4. Crossovers. An operator may use a manual valve as an alternative equivalent technology in lieu of an RMV for a crossover connection if, during normal operations, the valve is closed to prevent the flow of gas by the use of a locking device or other means designed to prevent the opening of the valve by persons other than those authorized by the operator. The operator must develop and implement operating procedures and document that the valve has been closed and locked in accordance with the operator's lock-out and tag-out procedures to prevent the flow of gas. An operator using such a manual valve as an alternative equivalent technology must notify PHMSA in accordance with §§518 and 1139. [49 CFR 192.634(b)(4)]

C. Manual Operation upon Identification of a Rupture. Operators using a manual valve as an alternative equivalent technology as authorized pursuant to §§518 and 1139 must develop and implement operating procedures that appropriately designate and locate nearby personnel to ensure valve shut-off in accordance with this section and §2736. Manual operation of valves must include time for the assembly of necessary operating personnel, the acquisition of necessary tools and equipment, driving time under heavy traffic conditions and at the posted speed limit, walking time to access the valve, and time to shut off all valves manually, not to exceed the maximum response time allowed under §2736.B. [49 CFR 192.634(c)]

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:501 et seq.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, LR 49:1107 (June 2023).

### **§2735. Notification of Potential Rupture [49 CFR 192.635]**

A. As used in this part, a “notification of potential rupture” refers to the notification of, or observation by, an operator (e.g., by or to its controller(s) in a control room, field personnel, nearby pipeline or utility personnel, the public, local responders, or public authorities) of one or more of the below indicia of a potential unintentional or uncontrolled release of a large volume of gas from a pipeline: [49 CFR 192.635(a)]

1. an unanticipated or unexplained pressure loss outside of the pipeline's normal operating pressures, as defined in the operator's written procedures. The operator must establish in its written procedures that an unanticipated or unplanned pressure loss is outside of the pipeline's normal operating pressures when there is a pressure loss greater than 10 percent occurring within a time interval of 15 minutes or less, unless the operator has documented in its written procedures the operational need for a greater pressure-change threshold due to pipeline flow dynamics (including changes in operating pressure, flow rate, or volume), that are caused by fluctuations in gas demand, gas receipts, or gas deliveries; or [49 CFR 192.635(a)(1)]

2. an unanticipated or unexplained flow rate change, pressure change, equipment function, or other pipeline instrumentation indication at the upstream or downstream station that may be representative of an event meeting paragraph (a)(1) of this section; or [49 CFR 192.635(a)(2)]

3. any unanticipated or unexplained rapid release of a large volume of gas, a fire, or an explosion in the immediate vicinity of the pipeline. [49 CFR 192.635(a)(3)]

B. A notification of potential rupture occurs when an operator first receives notice of or observes an event specified in Subsection A of this Section. [49 CFR 192.635(b)]

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:501 et seq.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, LR 49:1108 (June 2023).

### **§2736. Transmission Lines: Response to a Rupture; Capabilities of Rupture-Mitigation Valves (RMVs) or Alternative Equivalent Technologies [49 CFR 192.636]**

A. Scope. The requirements in this section apply to rupture-mitigation valves (RMVs), as defined in §503, or alternative equivalent technologies, installed pursuant to §§1139.E, F, G, and 2734. [49 CFR 192.636(a)]

B. Rupture identification and valve shut-off time. An operator must, as soon as practicable but within 30 minutes of rupture identification (see §2715.A.12, fully close any RMVs or alternative equivalent technologies necessary to minimize the volume of gas released from a pipeline and mitigate the consequences of a rupture. [49 CFR 192.636(b)]

C. Open Valves. An operator may leave an RMV or alternative equivalent technology open for more than 30 minutes, as required by Subsection B of this Section, if the operator has previously established in its operating

procedures and demonstrated within a notice submitted under §518 for PHMSA review, that closing the RMV or alternative equivalent technology would be detrimental to public safety. The request must have been coordinated with appropriate local emergency responders, and the operator and emergency responders must determine that it is safe to leave the valve open. Operators must have written procedures for determining whether to leave an RMV or alternative equivalent technology open, including plans to communicate with local emergency responders and minimize environmental impacts, which must be submitted as part of its notification to PHMSA. [49 CFR 192.636(c)]

D. Valve monitoring and operation capabilities. An RMV, as defined in §503, or alternative equivalent technology, must be capable of being monitored or controlled either remotely or by on-site personnel as follows: [49 CFR 192.636(d)]

1. operated during normal, abnormal, and emergency operating conditions; [49 CFR 192.636(d)(1)]

2. monitored for valve status (i.e., open, closed, or partial closed/open), upstream pressure, and downstream pressure. For automatic shut-off valves (ASV), an operator does not need to monitor remotely a valve's status if the operator has the capability to monitor pressures or gas flow rate within each pipeline segment located between RMVs or alternative equivalent technologies to identify and locate a rupture. Pipeline segments that use manual valves or other alternative equivalent technologies must have the capability to monitor pressures or gas flow rates on the pipeline to identify and locate a rupture; and [49 CFR 192.636(d)(2)]

3. have a back-up power source to maintain SCADA systems or other remote communications for remote-control valve (RCV) or automatic shut-off valve (ASV) operational status, or be monitored and controlled by on-site personnel. [49 CFR 192.636(d)(3)]

E. Monitoring of valve shut-off response status. The position and operational status of an RMV must be appropriately monitored through electronic communication with remote instrumentation or other equivalent means. An operator does not need to monitor remotely an ASV's status if the operator has the capability to monitor pressures or gas flow rate on the pipeline to identify and locate a rupture. [49 CFR 192.636(e)]

F. Flow Modeling for Automatic Shut-Off Valves. Prior to using an ASV as an RMV, an operator must conduct flow modeling for the shut-off segment and any laterals that feed the shut-off segment, so that the valve will close within 30 minutes or less following rupture identification, consistent with the operator's procedures, and in accordance with §503 and this section. The flow modeling must include the anticipated maximum, normal, or any other flow volumes, pressures, or other operating conditions that may be encountered during the year, not exceeding a period of 15 months, and it must be modeled for the flow between the RMVs or alternative equivalent technologies, and any looped pipelines or gas receipt tie-ins. If operating conditions change that could affect the ASV set pressures and the 30-minute valve closure time after notification of potential rupture, as defined at §503, an operator must conduct a new flow model and reset the ASV set pressures prior to the next review for ASV set pressures in accordance with §2945. The flow model must include a time/pressure

chart for the segment containing the ASV if a rupture occurs. An operator must conduct this flow modeling prior to making flow condition changes in a manner that could render the 30-minute valve closure time unachievable. [49 CFR 192.636(f)]

G. Manual Valves in Non-HCA, Class 1 Locations. For pipeline segments in a Class 1 location that do not meet the definition of a high consequence area (HCA), an operator submitting a notification pursuant to §§518 and 1139 for use of manual valves as an alternative equivalent technology may also request an exemption from the requirements of §2736.B. [49 CFR 192.636(g)]

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:501 et seq.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, LR 49:1108 (June 2023).

#### **§2945. Valve Maintenance: Transmission Lines** **[49 CFR 192.745]**

A. - B. ...

C. For each remote-control valve (RCV) installed in accordance with §§1139 or 2734, an operator must conduct a point-to-point verification between SCADA system displays and the installed valves, sensors, and communications equipment, in accordance with §2731.C and E. [49 CFR 192.745(c)]

D. For each alternative equivalent technology installed on an onshore pipeline under §§1139.E, 1139.F, or 2734 that is manually or locally operated (i.e., not a rupture-mitigation valve (RMV), as that term is defined in §503). [49 CFR 192.745(d)]

1. Operators must achieve a valve closure time of 30 minutes or less, pursuant to §2736.B, through an initial drill and through periodic validation as required in Paragraph D.2 of this Section. An operator must review and document the results of each phase of the drill response to validate the total response time, including confirming the rupture, and valve shut-off time as being less than or equal to 30 minutes after rupture identification. [49 CFR 192.745(d)(1)]

2. Operators must achieve a valve closure time of 30 minutes or less, pursuant to §2736.B, through an initial drill and through periodic validation as required in Paragraph D.2 of this Section. An operator must review and document the results of each phase of the drill response to validate the total response time, including confirming the rupture, and valve shut-off time as being less than or equal to 30 minutes after rupture identification. [49 CFR 192.745(d)(2)]

3. If the 30-minute-maximum response time cannot be achieved during the drill, the operator must revise response efforts to achieve compliance with §2736 as soon as practicable, but no later than 12 months after the drill. Alternative valve shut-off measures must be in place in accordance with Subsection E of this Section within 7 days of a failed drill. [49 CFR 192.745(d)(3)]

4. Based on the results of response-time drills, the operator must include lessons learned in: [49 CFR 192.745(d)(4)]

a. training and qualifications programs; [49 CFR 192.745(d)(4)(i)]

b. design, construction, testing, maintenance, operating, and emergency procedures manuals; and [49 CFR 192.745(d)(4)(ii)]

c. any other areas identified by the operator as needing improvement. [49 CFR 192.745(d)(4)(iii)]

5. The requirements of this Subsection D do not apply to manual valves who, pursuant to §2736.G, have been exempted from the requirements of §2736.B. [49 CFR 192.745(d)(5)]

E. Each operator must develop and implement remedial measures to correct any valve installed on an onshore pipeline under §§1139.E, 1139.F, or 2734 that is indicated to be inoperable or unable to maintain effective shut-off as follows: [49 CFR 192.745(e)]

1. Repair or replace the valve as soon as practicable but no later than 12 months after finding that the valve is inoperable or unable to maintain effective shut-off. An operator must request an extension from PHMSA in accordance with §518 if repair or replacement of a valve within 12 months would be economically, technically, or operationally infeasible; and [49 CFR 192.745(e)(1)]

2. Designate an alternative valve acting as an RMV within 7 calendar days of the finding while repairs are being made and document an interim response plan to maintain safety. Such valves are not required to comply with the valve spacing requirements of this part. [49 CFR 192.745(e)(2)]

F. An operator using an ASV as an RMV, in accordance with §§503, 1139, 2734, and 2736, must document and confirm the ASV shut-in pressures, in accordance with 2736.F, on a calendar year basis not to exceed 15 months. ASV shut-in set pressures must be proven and reset individually at each ASV, as required, on a calendar year basis not to exceed 15 months. [49 CFR 192.745(e)]

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:501 et seq.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, LR 9:246 (April 1983), amended LR 10:539 (July 1984), LR 30:1271 (June 2004), LR 49:1109 (June 2023).

**Chapter 33. Gas Transmission Pipeline Integrity Management**  
**[49 CFR Part 192 Subpart O]**

**§3335. What Additional Preventive and Mitigative Measures Must an Operator Take?**  
**[49 CFR 192.935]**

A. - B.2. ...

C. Risk Analysis for Gas Releases And Protection Against Ruptures. If an operator determines, based on a risk analysis, that a rupture-mitigation valve (RMV) or alternative equivalent technology would be an efficient means of adding protection to a high-consequence area (HCA) in the event of a gas release, an operator must install the RMV or alternative equivalent technology. In making that determination, an operator must, at least, evaluate the following factors – timing of leak detection and pipe shutdown capabilities, the type of gas being transported, operating pressure, the rate of potential release, pipeline profile, the potential for ignition, and location of nearest response personnel. An RMV or alternative equivalent technology installed under this paragraph must meet all of the other applicable requirements in this Part. [49 CFR 192.935(c)]

D. - E. ...

F. Periodic evaluations. Risk analyses and assessments conducted under Subsection C of this Section must be reviewed by the operator and certified by a senior executive of the company, for operational matters that could affect rupture-mitigation processes and procedures. Review and certification must occur once per calendar year, with the period between reviews not to exceed 15 months, and must also occur within 3 months of an incident or safety-related condition, as those terms are defined at §§303 and 323, respectively. [49 CFR 192.935(f)]

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:501 et seq.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, Pipeline Division, LR 30:1282 (June 2004), amended LR 31:688 (March 2005), LR 33:485 (March 2007), amended by the Department of Natural Resources, Office of Conservation, LR 38:122 (January 2012), LR 44:1044 (June 2018), LR 46:1600 (November 2020), LR 49:1110 (June 2023).

**Chapter 35. Gas Distribution Pipeline Integrity Management (IM)**  
**[49 CFR Part 192 Subpart P]**

**§3515. What must a Small LPG Operator do to Implement this Chapter? [49 CFR 192.1015]**

A. - B.1. ...

2. Identify Threats. The operator must consider, at minimum, the following categories of threats (existing and potential): corrosion(including atmospheric corrosion), natural forces, excavation damage, other outside force damage, material or weld failure, equipment failure, and incorrect operation. [49 CFR 192.1015(b)(2)]

B.3 – C.3. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:501 et seq.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, LR 38:124 (January 2012), amended LR 47:1147 (August 2021), LR 49:1110 (June 2023).

Richard P. Ieyoub  
Commissioner

2306#015

**RULE**

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

**Offender Visitation (LAC 22:I.316)**

In accordance with the provisions of the Administrative Procedure Act (R.S. 49:950), the Department of Public Safety and Corrections, Corrections Services, has amended the contents of Section 316, Offender Visitation.

The Department of Public Safety and Corrections, Corrections Services, has revised disciplinary sanctions regarding visitation, the length of time of suspension of visitation privileges, revise prohibitions against visitation by individuals with criminal convictions, add as an option for prospective visitors to email their visiting request and that the facility is responsible for notifying prospective visitors



of their approval or denial of visiting privileges. Require children chairs and toys be available where space allows and that proper sanitation and inspection of all toys occur at the beginning and end of each visiting day. Remove a requirement that visits during hospitalization require over 10 days being hospitalized. Reemphasize staff treatment of visitors. Revise terminology regarding how many convictions a person can have before being potentially ineligible to visit and add language to avoid such a person being retroactively removed from a visiting list. Clarify that being on supervision does not automatically disqualify from visitation and that an approval letter from the ex-offender's/parolee's/probationer's supervising officer shall create a presumption that the ex-offender/parolee/probationer should be eligible for visitation. Revise the employee restriction on visitation once a former employee has been separated from their employment for 10 years. This Rule is hereby adopted on the day of promulgation.

## Title 22

### CORRECTIONS, CRIMINAL JUSTICE AND LAW ENFORCEMENT

#### Part I. Corrections

#### Chapter 3. Adult Services

#### §316. Offender Visitation

A. Purpose—to establish the protocol through which offenders may receive visits from persons outside the department in order to preserve family ties and relationships in the community while maintaining safe, secure and orderly management and operation of the institution.

B. Applicability—deputy secretary, chief of operations, communications director, regional wardens and wardens. Each warden shall be responsible for ensuring that appropriate unit written policy and procedures are in place to comply with the provisions of this regulation and for conveying its content to all offenders, affected employees and visitors.

C. Policy. It is the secretary's policy that authorized visitation be permitted at each institution and that each institution conducts the visiting process in accordance with this regulation and with as much uniformity and consistency as possible while considering the institution's physical limitations and security needs. Thus, the visiting process shall not overly tax the institution's resources or its ability to maintain adequate supervision and security. In this matter, as in all others affecting institutional operations, safety and security are primary considerations. Additionally, maintaining offenders' ties with the community, including their family and loved ones, is vital to the carrying out of the department's mission to successfully reintegrate offenders into society. Any restrictions placed on visiting privileges pursuant to this regulation shall be rationally related to legitimate penological interests.

NOTE: The department understands the importance of visitation in maintaining an offender's relationships; visitation is an integral component of institutional management. The department recognizes that the majority of offenders will be released into the community and that the offender's eventual reintegration may be more successful if a visitation program permits the maintenance of social relationships. Visiting may improve public safety and encourage offender accountability.

#### D. Definitions

*Attorney Visit*—visit by an attorney or authorized representative, such as a paralegal, legal assistant, law clerk and investigator whose credentials have been verified.

*Contact Visit*—visitation in an area free of obstacles or barriers that prohibit physical contact between offender and visitors.

*Contraband*—

a. For the purpose of this regulation, and pursuant to R.S. 14:402, *contraband* means:

i. any controlled dangerous substance as defined in R.S. 40:961 et seq. or any other drug or substance that, if taken internally, whether separately or in combination with another drug or substance, produces or may produce a hypnotic or intoxicating effect. This shall not apply to a drug or substance that has been prescribed by a physician, if:

(a) the drug or substance is in a container issued by the pharmacy or other place of dispensation;

(b) the container identifies the prescription number, prescribing physician, and issuing pharmacist or other person; and

(c) the container is not concealed upon the body of the person;

NOTE: Only prescribed medication that is lifesaving or life sustaining shall be permitted and medication shall be limited in quantity to no more than that required for the duration of the visit. Visitors must advise institutional staff at the visiting desk that he/she is in possession of medication. See Section H. Visiting Guidelines for more information on medication allowed during visitation.

ii. a dangerous weapon or other instrumentality customarily used or intended for probable use as a dangerous weapon or to aid in an escape;

iii. explosives or combustibles;

iv. plans for the making or manufacturing of a dangerous weapon or other instrumentality customarily use or intended for probable use as a dangerous weapon or to aid in an escape, or for the making or manufacturing of explosives or combustibles, or for an escape from an institution;

v. an alcoholic beverage or other beverage that produces or may produce an intoxicating effect;

vi. stolen property;

vii. any currency or coin over the amount allowed at the institution; (see section h. visiting guidelines for more information on cash money allowed during visitation)

viii. any article of food, toiletries, or clothing;

ix. any telecommunications equipment or component hardware, including but not limited to:

(a) cellular phones;

(b) pagers;

(c) beepers;

(d) global satellite system equipment;

(e) subscriber identity module (sim) cards;

(f) portable memory chips;

(g) batteries;

(h) chargers; and

(i) cameras or recording devices.

x. Any sketch, painting, drawing or other pictorial rendering produced in whole or in part by a capital offender.

NOTE: Exceptions may be authorized by the warden. See Section H. Visiting Guidelines for more information.

*Emergency*—any significant disruption of normal facility or agency procedure, policy, or activity caused by riot, escape, fire, natural disaster, employee action, or other serious incident.

*Employee*—any person employed full-time, part-time or on temporary appointment by the department.

*Excessive Contact*—prolonged or frequent physical contact between a visitor and an offender that exceeds the brief embrace and kiss upon meeting and leaving and handholding. Excessive is not casual contact, but rather a pattern of contact beyond rule limits.

*Immediate Family Member*—includes the offender’s father, mother, siblings, legal spouse, children, grandparents, grandchildren, aunts, uncles, and legal guardians including those with a “step,” “half” or adoptive relationship and those persons with the same relationship of the offender’s legal spouse and any others indicated on the offender’s master record as having raised the offender. Verification of an offender’s immediate family member may be required.

*Intake Status*—the status applicable to an offender within the 30-day period of time following his placement into the custody of the department. During this time, staff conducts intake processing of the offender including, but not limited to, medical and mental health assessments, custody classification and identification of programming needs and assignments.

*Minor Child*—anyone under the legal age of majority (18 years).

*Non-Contact Visiting*—visitation in an area that restricts offenders from having physical contact with visitors. Physical barriers usually separate the offender from the visitors with screens and/or glass. Voice communications between the parties are typically accomplished with phones or speakers. Non-contact visiting may also include video visitation.

*Serious Bodily Injury*—for the purpose of this regulation, bodily injury that involves unconsciousness, extreme physical pain or protracted and obvious disfigurement, or protracted loss or impairment of the function of a bodily member, organ, or mental faculty, or a substantial risk of death.

*Sex Crime Involving a Minor Child*—any conviction of a sex offense as defined in R.S. 15:541 that was committed, attempted or conspired in which a minor child was involved, victimized or the intended victim.

*Suspension of Visiting*—the discontinuation of an offender’s visiting privileges for a determinate period of time excluding approved clergy visits, attorney visits and special visits.

*Terminally Ill Offender*—for the purpose of this regulation, any offender who is diagnosed with a terminal illness and death is expected within one year. The medical condition of a terminally ill offender is usually permanent in nature, and carries a poor prognosis.

*Video Visitation*—a method of visitation that allows offenders to visit through electronic media. Video visitation is considered a special visit.

## E. Visitation Eligibility

### 1. Offenders Eligibility

a. All offenders, except those offenders in intake status or as specifically provided herein, shall be eligible to apply for visitation while housed in a departmental facility.

#### b. Offenders in Intake Status

i. Visitation shall not be allowed for offenders in intake status. If the intake process exceeds 30 days, the offender may request a special visit with immediate family members in accordance with the reception center’s visiting procedures. Once an offender is removed from intake status, visitation with immediate family members may be authorized by the receiving facilities warden or designee, who shall be an assistant warden or higher specified by facility policy, at the request of an offender until the offender’s visitation application process is complete.

#### c. Offenders Transferred to Another Facility

i. Offenders transferring to another institution may be authorized to visit with their approved visitors at the receiving institution at the discretion of the receiving facility’s warden or designee, who shall be an assistant warden or higher specified by facility policy.

#### d. Offenders With No Established Visiting Record

i. Offenders entering an institution with no established visiting record may be granted tentative approval to visit immediate family members upon the request of the offender and at the discretion of the warden or designee, who shall be an assistant warden or higher specified by facility policy. Disapproval of such requests shall be based upon legitimate security considerations. These immediate family members must be claimed on their master record; verification may be required.

### 2. Prospective Visitor Eligibility

a. Any persons may apply to visit an offender housed in a departmental facility upon the offender’s request.

b. A prospective visitor’s prior criminal conviction alone shall not disqualify them from visiting an offender. However, an individual may be deemed ineligible to visit an offender where the nature of the crime reasonably suggests that their presence on facility grounds may impair or threaten the security or stability of the facility. This determination shall be made with written justification by the warden or designee, who shall be an assistant warden or higher.

#### i. Victims

(a). Visits from the offender’s direct victim(s) shall be prohibited except in accordance with established procedures.

#### ii. Ex-Offenders/Parolees/Probationers

(a). A prospective visitor’s status as an ex-offender, parolee, or probationer shall not disqualify them from visiting an offender. An approval letter completed by the applicant’s supervising officer shall create a presumption that the applicant should be eligible for visitation. A person who has been convicted of a felony in any state or federal jurisdiction who has not been finally discharged from an

institution or from probation or parole supervision for more than two years without an intervening criminal record may only be denied approval for visitation at the discretion of the unit head or designee, who shall be an assistant warden or higher specified by facility policy, with approval of the chief of operations. This determination shall be made with written justification of the unit head or designee's determination that the prospective visitor's presence on facility grounds may impair or threaten the security or stability of the facility.

(b). A person who in the previous five years had three or more felony convictions may be considered ineligible to be on an offender's visiting list or, if already on an offender's visiting list, may be removed at the discretion of the unit head or designee, who shall be an assistant warden or higher specified by facility policy, upon receiving the requisite number of convictions and approval by the chief of operations.

iii. Employees/Former Employees

(a). Visitation by current employees, or former employees of the department who have been separated from their employment within the past 10 years, may be permitted for immediate family members only. Employees or former employees who separated within the designated time frame and who worked primarily in the prison-setting shall submit requests to visit an incarcerated family member to the warden or designee of the applicable facility, who shall be an assistant warden or higher specified by facility policy. Employees or former employees who did not work primarily in the prison setting (e.g. headquarters) shall submit requests to visit an incarcerated family member to the chief of operations.

c. Exceptions to the provisions of this section, including approving a visit by a person who is otherwise not eligible to visit offenders, may be specifically authorized by the warden or designee, who shall be an assistant warden or higher specified by facility policy, on a case-by-case visit and in accordance with Paragraph F.11 of this Section.

F. Procedures

1. The unit head or designee shall ensure the procedures governing visitation as outlined in this regulation and visiting guidelines (Section H.) be made available to the offender within 24 hours after arrival at the facility to include, but not limited to:

- a. facility address/phone number, directions to facility, and information about local transportation;
- b. days and hours of visitation;
- c. approved dress code and identification requirements for visitors;
- d. items authorized in visitation room;
- e. special rules for children;
- f. authorized items that visitors may bring to give to the offender (e.g. photos); and
- g. special visits.

2. Visitation Application Process

a. Application for Visiting Privileges

i. The communications director shall ensure the application for visiting privileges is posted on the department's website.

ii. Offenders may send prospective visitors an application for visiting privileges. Alternatively, offenders may submit a request for an application for visiting privileges to be emailed to a prospective visitor to the facility's visitation department. The visitation department shall process the form, attempt to email the application to the prospective visitor, complete the bottom portion of the form, and return a copy of the form to the offender advising him of the status of the request. The forms shall be made available to the offender as part of the intake process and upon request thereafter.

iii. All prospective visitors must complete the application for visiting privileges and submit the completed document via mail or email. The document shall be submitted directly to the facility housing the offender the visitor wishes to visit. The mailing and email addresses for submission of the visitor application shall be made available via the department's website and shall be provided on the written visitation application. Upon receipt of an emailed application, the visitation department shall notify the sender that the application has been received. Faxes of the application are not acceptable. The application shall be completed fully and honestly. Failure to provide all requested information may result in a delay in the processing of the application or a denial of visiting privileges.

iv. Parents/legal guardians shall be required to complete the application for visiting privileges for a minor child wishing to visit and shall sign the application on behalf of the minor child.

v. The warden shall designate by facility policy the section/staff assigned to receive, review and process the application for visiting privileges in accordance with this regulation.

vi. In accordance with established procedures, all visitors and offenders shall be provided equal opportunities to participate in the visitation process in accordance with the offender's security classification and housing assignment.

b. Criminal History Screening

i. The warden, or designated section/staff as specified by facility policy, shall ensure that each adult applying to visit an offender undergoes a criminal history screening through one of the following methods:

- (a). criminal history background questionnaire completed by local law enforcement;
- (b). CAJUN 2 inquiry;
- (c). National Crime Information Center (NCIC);

or

(d). Louisiana Computerized Criminal History (LACCH).

ii. In addition, approved adult visitors shall be re-screened for criminal history every two years in accordance with the provisions of this Section.

iii. When an active criminal warrant is found, the application shall be reviewed and local law enforcement shall be notified of the information provided. The information on the applicant's criminal history is treated as confidential and shall not be released to the offender.

c. Notification of Approval/Denial

i. The warden, or designated section/staff as specified by facility policy, shall be responsible for rendering a decision regarding the approval or denial of each application for visiting privileges, as well as notifying the offender and the applicant in writing of such decision. Notifying the applicant of the facility's decision shall be the responsibility of the facility, and not the responsibility of the offender.

ii. Notification by the facility shall be accomplished in the same method used by the applicant to submit their application (email or mail).

iii. The warden, or designated section/staff specified by facility policy, shall ensure that each approved application for visiting privileges is in the respective offenders' file prior to visiting.

3. Establishing and Maintaining Visiting Lists

a. Visiting List

i. Offenders shall be responsible for completing the initial request for visitors to request visitors, including providing the correct name, address, date of birth, race and sex of all prospective visitors.

ii. The initial request for visitors shall serve as the offender's visiting list.

b. Approved Visitors

i. Each offender shall be permitted up to 10 approved visitors on his or her visiting list.

NOTE: At the discretion of the warden or designee, who shall be an assistant warden or higher specified by facility policy, an offender participating in a special recognition program (i.e. PRIDE Program) may be allowed to have up to 15 approved visitors placed on his visiting list.

ii. Legal advisors, one approved religious advisor of the offender's faith and minor children shall not be counted toward the maximum number of approved visitors; however, the names of the legal advisors, one approved religious advisor, and minor children shall still appear on the offender's visiting list.

iii. Minor children may visit on any of the regular visiting days when accompanied by an adult visitor on the offender's approved visiting list. Both the minor child and the adult visitor accompanying the minor child must be visiting the same offender at the same time. Exceptions to being accompanied by an adult may be specifically authorized by the warden or designee, who shall be an assistant warden or higher specified by facility policy, and include, but are not limited to, the following:

(a). minor spouse;

(b). emancipated minors (judgment of emancipation required as proof); or

(c). minors visiting as part of approved institutional programs such as school groups, church groups, parenting groups, etc.

c. Visitors May Only be on One Offender's Visiting List

i. A visitor shall be allowed on only one offender's visiting list per institution, unless that visitor is an immediate family member of more than one offender. If a visitor is the immediate family member of more than one offender and wishes to be on multiple family members' visiting lists, the burden of proof and documentation shall be the responsibility of the offender and his family. Visitors may request that they be removed from one offender's

visitor's list and placed on another offender's list in accordance with this regulation.

d. Offender Request to Change the Visiting List

i. Each offender shall be allowed to request changes (additions and/or deletions) to his approved visiting list upon arrival at the receiving institution and every four months by completing request for changes to approved visiting list.

ii. A request for changes to approved visiting list shall be made available to offenders to request changes to their approved visiting list.

e. Visitor Request to be Removed from the Visiting List

i. A person may be removed from the offender's approved visiting list at his or her own request to the institution's warden or designated section/staff as specified by facility policy. If a visitor requests such removal, the visitor must wait six months before applying to visit the same or another offender. Exceptions shall be made for the offender's parents and the adult/minor children of the offender. Other exceptions may be granted by the warden or designee, who shall be an assistant warden or higher as specified by facility policy.

f. Offender Refusal to See an Approved Visitor

i. An offender may refuse to see a visitor; however, the offender shall be required to sign a statement to that effect and the statement shall be filed in the offender's master record. Should the offender refuse to sign a statement, documentation of the refusal shall be placed in the offender's master record.

4. Treatment of Visitors

a. Employees shall be professional in their interaction with visitors at all times and shall ensure their conduct is in accordance with established policies and procedures. Failure to display professional and courteous conduct with visitors throughout the visitation process may result in disciplinary action up to and including dismissal.

b. Employees shall not subject visitors to unnecessary delay or inconvenience in accomplishing a visit.

c. Staff shall not make unnecessary or inappropriate comments regarding visitors' belongings or clothing that might cause embarrassment and shall be respectful toward visitors and their belongings at all times.

d. Reasonable Accommodations

i. Reasonable accommodation shall be made to ensure that all parts of the facility that are accessible to the public are accessible and usable by visitors with disabilities. Visitors requesting accommodations shall submit advance notice of the accommodation requested to the facility's warden or facility ADA coordinator.

e. Service Dogs

i. Visitors with a disability may be accompanied by a service dog that is specially trained to aid them. No person with a disability shall be denied the use of a service dog.

ii. Employees shall not ask a visitor with a disability the nature or extent of their disability or require documentation for proof that the dog has been certified, trained, or licensed as a service dog.

iii. In order to determine whether a dog qualifies as a service dog, employees may ask the following questions:

(a). Is the service dog required because of a disability?

(b). What work or task has the service dog been trained to perform?

iv. At the discretion of the warden or designee, who shall be an assistant warden or higher specified by facility policy, employees may ask a visitor with a service dog to remove the service dog from the premises in the following circumstances:

(a). the service dog is out of control and the visitor with the service dog does not take effective action to control the dog; or

(b). the service dog is not housebroken.

v. If a visitor with a service dog is asked to remove the service dog from the premises, the warden or designee, who shall be an assistant warden or higher specified by facility policy, shall ensure the following:

(a). the visitor is offered the opportunity to visit without the service dog; and

(b). an unusual occurrence report (miscellaneous) is completed to document the request to remove the service dog, the offer to visit without the service dog, and the visitor's decision regarding the offer.

vi. Visitors with service dogs shall be liable for any damage done to the premises, facility, operators, or occupants by the service dog.

vii. Vaccination requirement.

#### 5. Number and Duration of Visits

a. The unit head or designee may limit the number of visitors an offender may receive, the length of visits, and the days and hours on which visits may occur based on the institution's schedule, space, and personnel resources, or when there are substantial reasons to justify such limitations (e.g. visitation may jeopardize the safety and security of the institution or visitors).

#### 6. Designated Visiting Areas

##### a. Contact or Noncontact Visiting Areas

i. Designated visiting areas shall permit informal communication including the opportunity for physical contact. Noncontact visiting shall be used only in instances of substantiated security risk.

ii. Unit specific operational procedures shall designate the location(s) for offender visitation and whether the areas shall permit contact visiting or noncontact visiting.

iii. Family visiting and contact visiting shall be permitted to the extent possible. Minor children may be prohibited from participating in noncontact visiting at the discretion of the unit head or designee.

##### b. Visiting Room

i. Each facility, except reception centers, shall designate at least one location that shall be used for offender visitation. These areas shall be locations that ensure the safety and security of the facility and the persons involved. Visiting rooms shall be accessible to offenders with disabilities.

##### c. Visiting Area for Minor Children

i. The warden or designee, who shall be an assistant warden or higher specified by facility policy, shall take into consideration the impact that visits with parents or grandparents in a correctional setting may have on young

children, especially pre-school age children. When possible and taking into consideration the physical environment and space capabilities, the visiting area(s) shall make special accommodations to entertain and occupy the minds of these children. These accommodations may include a separate room adjoining the main visiting area that is bright, inviting, and comfortable or a similar space within the main visiting room. Appropriate age books, games and toys shall be available in these areas. At all times, children must be supervised by the adult visitor who is accompanying the minor child on the visit. The use of this type of area shall be accomplished without the need for additional staff to supervise the area.

ii. No less than two child size chairs, crayons, and coloring books shall be available for pre-school age children at all facilities where space allows. Proper sanitation and a safety inspection of all toys shall occur at the beginning and end of each visiting day.

#### d. Visiting Area for Offenders in Segregated Housing

i. Offenders who are housed in segregated housing shall have opportunities for visitation unless there are substantial reasons for withholding such privileges at the discretion of the warden or designee, who shall be an assistant warden or higher specified by facility policy.

#### 7. Supervision of Visiting Areas

a. The warden or designee, who shall be an assistant warden or higher specified by facility policy, shall ensure that staff provides direct visual supervision of the entire visitation area at all times. While mirrors and cameras can compensate for blind spots, staff shall position themselves throughout the visitation area to maintain a direct line of sight on interactions between offenders and visitors.

b. Staff shall immediately intervene on inappropriate behavior, including, but not limited to any behavior involving a violation of visiting guidelines.

c. Notices shall be posted informing visitors of the potential for monitoring anywhere in the visiting area. Staff of the same gender as the visitor shall monitor the restrooms during visits if there is reasonable suspicion that a visitor or offender may engage or be engaging in some form of inappropriate behavior.

#### 8. Visitor Searches

a. There shall be adequately designed space to permit screening and searching of visitors.

b. In order to prevent the introduction of contraband or other prohibited items, visitors shall be subject to a search of their vehicles, possessions, and/or person in accordance with established policies and procedures.

c. Visitors and permitted service dogs as outlined in Subparagraph F.4.e may be subject to body scanning and/or the use of a metal detection system to identify external and/or internal contraband or other prohibited items that are in possession of a visitor. A visitor's refusal of the use of body scanning and/or a metal detection system may result in the denial of the visitation.

d. The following individuals may, upon request, elect not to undergo body scanning, but instead shall undergo other search techniques outlined in established policies and procedures that are deemed appropriate by the

warden or designee, who shall be an assistant warden or higher specified by facility policy:

- i. pregnant women;
- ii. persons receiving radiation treatment for medical conditions; and
- iii. infants and children 12 years and younger.

NOTE: Pregnant women and persons receiving radiation treatment must produce a doctor's note on a prescription pad verifying their health condition.

e. Signs shall be posted in the area(s) where visitors are initially processed and in the visiting rooms/areas notifying visitors that drug detection canines may be in use at the facility and visitors shall be subject to search by these canines.

#### 9. Visiting Guidelines

a. Visiting guidelines shall serve as the department's visiting rules and shall apply to all types of visitation outlined in this regulation.

b. The unit head or designee shall ensure visiting guidelines are posted in visiting areas and visitors are informed in writing of visiting guidelines.

c. Visitation is a privilege and not a right. Violation of visiting guidelines may result in any of the following:

- i. termination of the visit;
- ii. restriction of the offender's visiting privileges (either noncontact visiting or suspension of visitation privileges) (See section F.18. of this regulation for more information);
- iii. suspension of the visitor's privileges (See section H. of this regulation for more information);
- iv. banning of the visitor from entering the institution or its grounds; and/or
- v. criminal charges as circumstances warrant.

#### 10. Unit-Specific Visiting Procedures

a. The communications director shall ensure the following unit-specific visiting information be posted on the department's website:

- i. each institution's address and phone number;
- ii. directions to each institution;
- iii. information regarding local transportation to each institution; and
- iv. visiting days and hours of each institution.

#### 11. Special Visits

a. Special visits may be granted on a case-by-case basis with the prior approval of the warden or designee, who shall be an assistant warden or higher specified by facility policy. Unit operational procedures shall specify the parameters for such approval, with consideration given to sources of transportation, accessibility to the facility by visitors, the distance a visitor must travel, and any other special circumstances.

b. The following visits shall be considered special visits:

- i. a visit that is permitted at a time and/or place at which visits are not normally permitted;
- ii. a visit with a visitor on the offender's approved visiting list that is beyond the limits of the number and length of visits established by the institution's policy;
- iii. a visit with a visitor who is not on the offender's approved visiting list (i.e. out-of-state family members or friends);

iv. a visit with a visitor who is otherwise not eligible to visit offenders;

v. a visit with a visitor on the offender's visiting list when the offender is subject to suspension of visiting as outlined below in Paragraph F.18 of this Section;

vi. video visitation as outlined below in Paragraph F.12 of this Section;

vii. a visit with a visitor on the offender's visiting list when the offender is hospitalized in an off-site hospital, in accordance with the hospital's visiting rules, guidelines and designated visiting hours. (it shall be the responsibility of the chaplain or other designee to coordinate the visits with security staff); and

viii. a visit with an immediate family member when the offender is admitted to an intensive care unit (ICU) or trauma center due to a serious bodily injury or due to being a terminally ill offender for the duration of the offender's admission to the ICU or trauma center, unless the warden or designee, who shall be an assistant warden or higher specified by facility policy, provides written (fax, email, or hand delivered letter) notice within six hours of the offender's admission to the ICU or trauma center to the specific immediate family member or members seeking visitation why such visitation cannot be granted, pursuant to R.S. 15:833(A).

(a). If the offender's admission to the ICU or trauma center occurs between 8:00 p.m. and 4:00 a.m., the warden or designee shall provide the required written notification within 24 hours of the time the serious bodily injury occurred.

(b). Pursuant to R.S. 15:833(A), the warden or designee shall attempt to notify the offender's immediate family within eight hours of the medical decision to transport the offender to the ICU or trauma center.

(c). Based on extenuating circumstances, the warden or designee may extend the definition of an offender's immediate family member.

#### 12. Video Visitation

a. Video visitation involves open internet capability requiring on-site supervision at both locations when in use and shall not involve or allow connection to the department's network.

b. The warden or designee, who shall be an assistant warden or higher specified by facility policy, shall ensure that all laptops, laptop connection cards or wireless internet connection cards are maintained in a secure location when not in use that is not accessible by offenders or other unauthorized persons.

c. The warden or designee, who shall be an assistant warden or higher specified by facility policy, may approve the set-up and use of video visitation and shall ensure that a staff member or approved volunteer is assigned to monitor the visit at an appropriate, conducive visitation area.

d. The warden or designee, who shall be an assistant warden or higher specified by facility policy, shall be responsible for ensuring that staff and/or volunteers are present at the remote location of the video visitation. Staff and/or volunteers at the remote location shall document that

they and the approved visitor(s) are the only individuals present for the video visitation.

e. Any other person present is required to have written permission from the warden or designee, who shall be an assistant warden or higher specified by facility policy, to participate in the video visitation.

### 13. Picnic Visits

a. When the institution's schedule, space, and personnel resources permit, picnic visits may be authorized by the warden or designee, who shall be an assistant warden or higher specified by facility policy. The warden or designee shall be responsible for designating the area of the institution for the picnic visit and authorizing any foods or other items that may be permitted during picnic visits.

### 14. Court Ordered Visitation with an Incarcerated Parent

a. Pursuant to the provisions of R.S. 9:364.1, a court may authorize visitation with an incarcerated parent. As part of such visitation order, the court shall include restrictions, conditions and safeguards as are necessary to protect the mental and physical health of the child and minimize the risk of harm to the child. In considering the supervised visitation of a minor child with an incarcerated parent, the court shall consider the best interests of the child. In cases of court ordered visitation, the department cannot deny the visit. However, such visitation shall be in conformance with all other rules and regulations that pertain to visiting.

NOTE: For the purpose of this section, "court" means any district court, juvenile court, or family court having jurisdiction over the parents and/or child at issue.

### 15. Visitation at Functions Events Held By Offender Organizations

a. The warden or designee, who shall be an assistant warden or higher specified by facility policy, may authorize offender organizations to hold special functions or events when the institution's schedule, space, and personnel resources permit.

b. Visitors attending the function or event shall be subject to the same security processing that applies to traditional visitation. Special guests (speakers/presenters) attending the function or event shall be processed at the direction of the warden or designee, who shall be an assistant warden or higher specified by facility policy.

### 16. Visitation with Sex Offenders

a. Visitation between incarcerated sex offenders and visitors requires the following exceptions to visitation eligibility and procedures outlined in Paragraph E., F.3., and F.6 of this Section.

#### i. Visitation Eligibility between Incarcerated Sex Offenders and Minors

(a). The following sex offenders shall be ineligible to visit with any minor child, including their own biological minor child or minor stepchild:

(i). offenders who have a current or prior conviction for a sex crime involving a minor child family member, or

(ii). offenders who have a documented history of sex abuse with a minor child family member.

(b). The following sex offenders may be authorized to visit with their own biological minor child or minor stepchild at the discretion of the warden:

(i). offenders who have a current or prior conviction for a sex crime involving a minor child when the minor child is not a family member.

(c). The following sex offenders may be authorized to visit with any minor child at the discretion of the warden or his designee:

(i). Offenders who have successfully completed or are participating satisfactorily in sex offender treatment. (Treatment staff who teach the sex offender treatment class shall be involved in the decision-making process for this type of visit.)

#### ii. Establishing and Maintaining Visiting Lists between Incarcerated Sex Offenders and Minors

(a). The legal guardian shall submit a written request to the warden and shall accompany the minor child during the visit. The legal guardian may be permitted to name another individual (other than the legal guardian) who is on the offender's visiting list to accompany the minor child for a visit. The legal guardian shall provide a written, notarized statement authorizing a specific individual to accompany the minor child.

### 17. Emergency Situations during Visitation

a. If the warden determines an emergency exists or is likely to develop, the warden may suspend visitation. If visitation is suspended, all visits and visiting activities shall be immediately terminated and visitors escorted from the facility.

### 18. Restriction of an Offender's Visiting Privileges

#### a. Noncontact Visiting

i. Offenders who are housed in segregated housing shall be limited to noncontact visiting when the institution's space and personnel resources permit.

ii. Any offender who pleads guilty or has been found guilty at a disciplinary board hearing of any of the following for the first time shall be subject to noncontact visiting for up to six months, to be determined by the warden or designee who shall be an assistant warden or higher specified by facility policy:

(a). violation of disciplinary rule number 21, sex offenses, aggravated;

(b). assault on staff; or

(c). any Schedule B disciplinary rule violation that occurs in the visitation area.

iii. Any offender who pleads guilty or has been found guilty at a disciplinary board hearing of any of the following for the second or more time within the past five years shall be subject to noncontact visiting for up to one year, to be determined by the warden or designee who shall be an assistant warden or higher specified by facility policy:

(a). violation of disciplinary rule no. 21, sex offenses, aggravated;

(b). assault on staff; or

(c). any Schedule B disciplinary rule violation that occurs in the visitation area.

#### b. Suspension of Visiting

i. Any offender who pleads guilty or has been found guilty at a disciplinary board hearing of a rule violation directly related to visitation may be subject to suspension of visiting in accordance with established policies and procedures. Offenders shall not be subject to suspension of visitation as a sanction for a rule violation unrelated to visitation.

ii. No offender shall be subject to suspension of visiting for six consecutive months without the approval of the chief of operations. In no event shall an offender be subject to suspension of visiting for 12 consecutive months.

iii. An offender who is currently subject to suspension of visiting may be granted a special visit, as outlined above in Paragraph F.11 of this Section.

c. The warden or designee, who shall be an assistant warden or higher specified by facility policy, shall ensure that at the conclusion of an offender's restriction of visiting privileges (noncontact visiting or suspension of visiting), the offender's visiting privileges are reinstated.

#### 19. Restriction of a Visitor's Visiting Privileges

##### a. Suspension of Visiting

i. Any visitor who introduces contraband into or upon the grounds of an institution, including inside personal vehicles, or commits any illegal activity on the grounds of an institution shall be subject to suspension of visiting at the discretion of the warden or designee. The suspension of visiting may be temporary (removal from visiting list for a fixed period of time) or indefinite (removal from a visiting list for an undetermined amount of time), depending upon the severity of the offense and at the discretion of the warden or designee.

(a). For the purposes of this regulation, the warden's designee shall be an assistant warden or higher specified by facility policy.

ii. Suspension of a visitor's visiting privileges at a particular institution shall include suspension of a visitor's visiting privileges at all department facilities.

iii. Procedures for Suspension of Visiting for a Visitor

(a). The warden or designee shall review the visitor's offense(s) and determine if the visitor's suspension of visiting privileges is temporary or indefinite;

(b). The warden or designee shall notify the visitor in writing that he has been removed from all applicable visiting lists, the reason why, whether the removal is temporary or indefinite, and that he may appeal the suspension of visiting in writing to the secretary within 15 calendar days of the warden's notification;

(c). If the visitor exercises this appeal right, the secretary or designee shall review the appeal and investigate, as appropriate, within 30 days of the appeal letter. The warden or designee may submit a report to the secretary setting forth any information that he feels may assist in making the decision. The secretary or designee shall render a written decision granting or denying the appeal and shall notify the visitor and the warden of the decision in a timely manner.

iv. Procedures for Reinstatement of a Visitor's Visiting Privileges

(a). Reinstatement of visiting privileges for visitors who have been removed from visiting lists shall only be considered upon written request from the offender and in accordance with this regulation.

(b). Reinstatement of visiting privileges for visitors who have been removed on a temporary basis shall only be considered after the fixed period of time for the

removal has elapsed or in accordance with the secretary's decision upon appeal.

(c). Reinstatement of visiting privileges for visitors who have been removed on an indefinite basis shall only be considered after 12 months have elapsed since the visitor was removed from the visitor list and only once every 12 months thereafter or in accordance with the secretary's decision upon appeal.

(d). Should reinstatement be denied, the offender shall be notified in writing of the denial and that reconsideration shall only be available at the next opportunity for changes to the offender's visiting list.

##### G. Monitoring Requirements/Reports

1. Each facility shall maintain a record for each offender documenting all of the offender's visits. All visiting records/information obtained on an offender by institutional staff shall be transferred with the offender when the offender is reassigned to another institution within the department. This includes transfers to local jails and transitional work programs. The offender's current visiting information shall be utilized by the transitional work program to allow for visitation.

2. Each visit with a minor child shall be documented in the offender's visiting record.

3. The chief of operations shall ensure that data relative to offender visitation shall be submitted in accordance with established policies and procedures.

4. The warden or designee, who shall be an assistant warden or higher specified by facility policy, shall ensure data relative to offender visitation shall be submitted in the department's offender management system as appropriate.

##### H. Visiting Guidelines

1. The department understands the importance of visitation in maintaining an inmate's relationships; visitation is an integral component of institutional management. The department recognizes that the majority of inmates will be released into the community and that the inmate's eventual reintegration may be more successful if a visitation program permits the maintenance of social relationships. Visiting may improve public safety and encourage inmate accountability.

2. The visiting guidelines outlined in this document shall serve as the department's visiting rules and shall apply to all types of visitation.

3. Please see the department's website [www.doc.la.gov](http://www.doc.la.gov) for unit-specific visiting information, such as:

- a. each institution's address and phone number;
- b. directions to each institution;
- c. information regarding local transportation to each institution; and
- d. visiting days and hours of each institution.

4. Visitation is a privilege and not a right. Violation of the guidelines outlined in this document may result in any of the following:

- a. termination of the visit;
- b. restriction of the inmate's visiting privileges (either noncontact visiting or suspension visiting);
- c. suspension of the visitor's visiting privileges;
- d. banning of the visitor from entering the institution or its grounds; and/or



e. criminal charges as circumstances warrant.

#### 5. Visitation Application Process

a. Each inmate is responsible for initiating the visitation application process by sending the application for visiting privileges to persons they wish to visit.

b. Each prospective visitor must complete the visitation application. The completed form may be mailed or emailed to the facility housing the inmate the visitor wishes to visit. Both the mailing and email address of each institution may be found on the department's website [www.doc.la.gov](http://www.doc.la.gov).

i. Parents/legal guardians shall be required to complete the application for a minor child wishing to visit and shall sign the application on behalf of the minor child. Faxes of the application are not acceptable. The application must be completed fully and honestly. Failure to provide all requested information may result in a delay in the processing of the application or a denial of visiting privileges.

c. All prospective visitors must undergo a criminal history screening. Persons with convictions or pending criminal charges may be considered ineligible to visit.

d. Each inmate is responsible for completing his or her visiting list. The inmate shall be given information on the process for deleting and adding visitors to his or her visiting list and staff are available to help when needed.

#### 6. Visiting Lists

a. Each inmate shall be permitted up to 10 approved visitors on his or her visiting list.

NOTE: At the discretion of the warden or designee, an inmate participating in a special recognition program (i.e. PRIDE Program) may be allowed to have up to 15 approved visitors placed on his visiting list.

i. Legal advisors, one approved religious advisor of the inmate's faith and minor children will not be counted toward the maximum number of approved visitors; however, the names of the legal advisors, one approved religious advisor, and minor children will still appear on the inmate's visiting list.

b. A visitor will be allowed on only one inmate's visiting list per institution, unless that visitor is an immediate family member of more than one inmate. Visitors may request that they be removed from one inmate's visiting list and placed on another inmate's visiting list.

c. If a visitor is the immediate family member of more than one inmate and wishes to be on multiple family members' visiting lists, the burden of proof and documentation is the responsibility of the inmate and his family. Examples of documentation may include marriage certificates, birth certificates, obituaries, court documents, or other documentation that clearly shows familial relationship.

d. An inmate may refuse to see a visitor.

#### 7. Visitor Identification and Registration upon Entry to Institution

a. All visitors shall register upon entry into the institution. Each visitor shall register his or her name, address, and relation to inmate.

b. All visitors age 18 years and older shall be required to produce valid picture identification before entering the visiting area each time they visit. The only forms of identification accepted by the department are:

i. a valid driver's license from the state of residence;

ii. a valid state photo identification card from the state of residence;

iii. a valid military photo identification card (active duty only); or

iv. a valid passport.

#### 8. Dress Code for Visitors

a. Visiting areas are designed to cultivate a family atmosphere for family and friends of all ages. Visitors shall dress and act accordingly. Visitors shall wear clothing that poses no threat to the safety, security, good order and administrative manageability of the facility.

b. The following are considered improper dress for visitation and are prohibited:

i. clothing that is similar to clothing worn by inmates, for example:

(a). blue chambray shirts;

(b). gray or white sweatshirts;

(c). gray or white sweatpants;

(d). solid white or solid gray t-shirts;

EXCEPTION: babies and toddlers

ii. clothing that is similar to clothing worn by correctional officers, for example:

(a). camouflage;

(b). blue battle dress uniforms;

EXCEPTION: babies and toddlers

iii. clothing that exposes the bare shoulders, for example:

(a). spaghetti straps;

(b). strapless;

(c). tube tops;

(d). halter tops;

(e). tank tops;

(f). strapless dresses;

iv. tops that expose the midriff;

v. sheer or transparent clothing;

vi. clothing with revealing holes or tears higher than one inch above the kneecap;

vii. mini-skirts, skirts, shorts, skorts, culottes, dresses or any "bottom" that is shorter than one inch above the kneecap while standing or that have deep/revealing slits;

EXCEPTION: babies and toddlers

viii. swim suits;

ix. tights or pants fitting like tights (e.g. yoga pants, leggings, jeggings, leotards, stirrups, spandex, lycra or spandex-like pants, aerobic/exercise tights);

EXCEPTION: babies and toddlers

x. exposed undergarments;

xi. tops with no undergarments underneath;

EXCEPTION: babies and toddlers

xii. clothing or accessories with obscene or profane writing, images or pictures;

xiii. gang or club-related clothing or insignia indicative of gang affiliation;

xiv. no shoes;

EXCEPTION: Babies who are carried.

xv. house slippers or shower shoes;

xvi. hats or other head coverings;

EXCEPTION: Babies and toddlers, or those required by religious beliefs

xvii. any other dress that the warden or designee deems improper dress for visitation.

c. Visitors wearing improper clothing for visitation as outlined above in Paragraph F.2 should be given the opportunity to change into appropriate clothing and return to the visiting area to participate in visitation. Visitors wearing improper clothing for visitation shall not be prohibited from returning to participate in visitation once they have corrected the clothing issue.

i. A visitor without appropriate clothing shall be offered department-approved alternative clothing items to borrow from the facility at no cost. Borrowed clothing shall be screened with "VISITOR." Visitors shall return borrowed clothing to facility staff when exiting the facility.

#### 9. Visitor Searches

a. Visitors shall be subject to a search of their vehicles, possessions and persons. This is necessary to preclude the introduction of contraband or other prohibited items into the institution.

b. Visitors may also be subject to body scanning and/or the use of a metal detection system to identify external and/or internal contraband or other prohibited items that are on or in a visitor. A visitor's refusal of the use of body scanning and/or a metal detection system may result in the denial of the visitation. The following individuals will not be subject to body scanning, but instead will undergo other search techniques that are deemed appropriate by the warden or designee:

i. pregnant women;

ii. persons receiving radiation treatment for medical conditions; and

iii. infants and children 12 years and younger.

NOTE: Pregnant women and persons receiving radiation treatment must produce a doctor's note verifying their health condition.

c. Drug detection canines may be in use at the facility and visitors shall be subject to search by these canines.

#### 10. Personal Vehicles

a. All personal vehicles must be parked in the designated parking area and, when unattended, must be locked with the windows up and the keys removed. Loitering in the designated parking area or anywhere on the institutional grounds is prohibited.

b. Visitors must adhere to posted speed limits on the institutional grounds.

11. Intoxication. Visitors are prohibited from entering institutional grounds while under the influence of drugs, alcohol, or any other intoxicating substance.

#### 12. Contraband (Pursuant to R.S. 14:402)

a. The introduction of contraband is a felony and punishable by a fine up to \$2,000 and imprisonment up to five years with or without hard labor.

b. No person shall introduce contraband into or upon the grounds of any state correctional institution.

c. No person shall possess contraband upon the grounds of any state correctional institution. (This includes parked, locked personal vehicles.)

d. No person shall send contraband from any state correctional institution.

e. Contraband is prohibited from being brought into the institution or stored anywhere on institutional grounds.

f. Contraband includes:

i. any controlled dangerous substance (as defined in R.S. 40:961 et seq.) or any other drug or substance that if taken internally, whether separately or in combination with another drug or substance, produces or may produce a hypnotic or intoxicating effect; (This does not apply to a drug or substance that has been prescribed by a physician. See Section H.13. "Medication" for more information on exceptions.)

NOTE: The introduction of any controlled dangerous substance (as defined in R.S. 40:961 et seq.) upon the grounds of any state correctional institution is considered distribution of a controlled dangerous substance and is subject to the penalties in R.S. 40:961 et seq.

ii. a dangerous weapon, or other instrumentality customarily used or intended for probable use as a dangerous weapon or to aid in an escape;

iii. explosives or combustibles;

iv. plans for the making or manufacturing a dangerous weapon or other instrumentality customarily used or intended for probable use as a dangerous weapon or to aid in an escape, or for the making or manufacturing of explosives or combustibles, or for an escape from an institution;

v. an alcoholic beverage or other beverage, which produces or may produce an intoxicating effect;

vi. stolen property;

vii. any currency or coin over the amount allowed at the institution; (See Section H.14. "Money" for more information.)

viii. any article of food, toiletries, or clothing, unless authorized by the warden; (See Section H.17. "Visitation with Minor Children" for information on exceptions.)

ix. any telecommunications equipment or component hardware, including but not limited to:

(a). cell phones;

(b). pagers;

(c). beepers;

(d). global satellite system equipment;

(e). sim cards;

(f). portable memory chips;

(g). batteries;

(h). chargers;

(i). cameras or recording devices;

x. any sketch, painting, drawing or other pictorial rendering produced in whole or in part by a capital inmate, unless authorized by the warden.

#### 13. Medication

a. A drug or substance is not considered contraband if:

i. the drug or substance is in a container issued by the pharmacy or other place of dispensation;

ii. the container identifies the prescription number, prescribing physician, and issuing pharmacist or other person; and

iii. the container is not concealed upon the body of the person.

b. Only prescribed medication that is life-saving or life-sustaining (e.g. nitroglycerine pills, inhalers, oxygen, etc.) shall be permitted.

c. Medication shall be limited in quantity to no more than that required for the duration of the visit.

d. Visitors must advise institutional staff at the visiting desk that he/she is in possession of medication.

#### 14. Money

a. Vending Machines/Concessions. Visitors are allowed to bring only enough cash money for vending machines and/or concessions in the institution's visiting area.

b. Kiosk Machines for Inmate Accounts. Financial transactions for inmate accounts shall be in the form of cash and/or credit/debit card payments and shall be made at the kiosk machines in the institution's visiting area. (Contractor fees may apply to this transaction.)

c. All other money from permissible sources may be accepted and processed in accordance with established policies and procedures.

#### 15. Supervision of Visiting Areas

a. Staff will provide direct visual supervision of entire visitation area at all times.

b. Monitoring may also be in use in the visitation area and visitors shall be subject to this monitoring.

#### 16. Contact during Visiting

a. Inmates who have contact visiting are permitted to visit in an area free of obstacles or barriers that prohibit physical contact.

b. During contact visiting, inmates and visitors may exchange a brief embrace and kiss upon meeting and leaving and may hold hands. Contact that exceeds these parameters is prohibited.

c. Inmates who have noncontact visiting are restricted from having physical contact with visitors by a physical barrier (e.g. screen or glass). Voice communication is typically accomplished through phones or speakers.

#### 17. Visitation with Minor Children

a. Minor children may visit on any of the regular visiting days when accompanied by an adult visitor on the inmate's approved visiting list. Both the minor child and the adult visitor accompanying the minor child must be visiting the same inmate at the same time.

b. At all times, children must be supervised by the adult visitor who is accompanying the minor child on the visit.

c. If an infant is visiting, the following items shall be permitted:

- i. four diapers;
- ii. one clear plastic bag of baby wipes;
- iii. two jars of vacuum-sealed baby food;
- iv. one plastic baby spoon;
- v. two plastic bottles of milk, juice, or water;
- vi. one change of clothes;
- vii. one baby blanket, width and length not to exceed 48 inches.

d. The infant's items (except the baby blanket) must be stored in a single clear plastic container and are subject to search. The infant may keep his/her baby blanket on his/her person.

e. Infants and small children may be permitted to sit on the lap of the visitor and/or inmate that he/she is visiting.

#### 18. Visitation between Sex Offenders and Minor Children

a. The following inmates are ineligible to visit with any minor child, including their own biological minor child or minor stepchild:

- i. inmates who have a current or prior conviction for a sex crime involving a minor child family member; or
- ii. inmates who have a documented history of sex abuse with a minor child family member.

b. The following sex offenders may be authorized to visit with their own biological minor child or minor stepchild at the discretion of the warden:

i. sex offenders who have a current or prior conviction for a sex crime involving a minor child when the minor child is not a family member.

c. The following sex offenders may be authorized to visit with any minor child at the discretion of the warden:

i. sex offenders who have successfully completed or are participating satisfactorily in sex offender treatment. (Treatment staff who teach the sex offender treatment class shall be involved in the decision-making process for this type of visit.)

19. Court Ordered Visitation between Parent and Minor Children (Pursuant to R.S. 9:364.1, a court may authorize visitation with an incarcerated parent. As part of such visitation order, the court shall include restrictions, conditions and safeguards as necessary to protect the mental and physical health of the child and minimize the risk of harm to the child. In considering the supervised visitation of a minor child with an incarcerated parent, the court shall consider the best interests of the child.

##### I. Definitions for Visiting Guidelines

1. *Contact Visiting*—visitation in an area free of obstacles or barriers that prohibit physical contact between inmate and visitors.

2. *Immediate Family Member*—includes the inmate's father, mother, siblings, legal spouse, children, grandparents, grandchildren, aunts, uncles, and legal guardians including those with a "step," "half" or adoptive relationship and those persons with the same relationship of the inmate's legal spouse and any others indicated on the inmate's master record as having raised the inmate. Verification of an inmate's immediate family member may be required.

3. *Minor Child*—anyone under the legal age of majority (18 years).

4. *Noncontact Visiting*—visitation in an area that restricts inmates from having physical contact with visitors. Physical barriers usually separate the inmate from the visitors with screens and/or glass. Voice communications between the parties are typically accomplished with phones or speakers. Noncontact visiting may also include video visitation.

5. *Sex Crime Involving a Minor Child*—any conviction of a sex offense as defined in R.S. 15:541 that was committed, attempted or conspired in which a minor child was involved, victimized or the intended victim.

6. *Suspension of Visiting*—the discontinuation of an inmate's visiting privileges for a determinate period of time, excluding approved clergy visits, attorney visits and special visits.

AUTHORITY NOTE: Promulgated in accordance with R.S. 15:833(A).

HISTORICAL NOTE: Promulgated by the Department of Corrections, Office of Adult Services, LR 5:2 (January 1979), amended LR 11:1096 (November 1985), repromulgated LR 29:2851 (December 2003), amended by the Department of Public Safety and Corrections, Corrections Services, LR 32:406 (March 2006), LR 35:1248 (July 2009), LR 37:2177 (July 2011), LR 38:835 (March 2012), LR 41:1764 (September 2015), LR 49:1111 (June 2023).

James M. Le Blanc  
Secretary

2306#055

## RULE

### Department of Public Safety and Corrections Office of Motor Vehicles

#### Designation or Restrictions on Driver's Licenses and Identification Cards (LAC 55:III.108)

Under the authority of R.S. 37:3270 et seq., and in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., the Office of Motor Vehicles has amended Section 108 under Chapter 1 to implement Act 210 of the 2022 Regular Session which required the creation of an autism spectrum disorder designation on a special identification card; the criteria for obtaining an autism spectrum disorder designation for new applicants or renewals. This legislation became effective August 1, 2022. This Rule is hereby adopted on the day of promulgation.

#### Title 55

#### PUBLIC SAFETY

#### Part III. Motor Vehicles

#### Chapter 1. Driver's License

#### Subchapter A. General Requirements

#### §108. Designations or Restrictions on Driver's Licenses and Identification Cards

A. - A.6. ...

B. Autism

1. A special Louisiana driver's license or identification card shall be issued to any applicant upon request who has been diagnosed as having autism spectrum disorder. The designation shall be issued by the department and exhibited on the driver's license or identification card.

2. An autism designation shall be exhibited on a driver's license, including a temporary instructional permit, or identification card.

3. Only applicants with autism spectrum disorder documented as required in Paragraph B.4. of this Section are eligible for the designation autism.

4. All applications for an autism designation shall be accompanied by one of the following to obtain the designation authorized in this Section:

a. a statement, on a form provided by the department, from a qualified medical professional licensed in Louisiana or another state or territory of the United States, stating the medical information which establishes the individual as having autism spectrum disorder; or

b. a statement from a qualified medical or mental health professional verifying the applicant's diagnosis; or

c. a statement from a qualified mental health professional licensed in Louisiana or any other state or territory of the United States verifying the applicant's disability.

5. If the holder of a driver's license or identification card with an autism designation no longer wishes to have the designation displayed on the driver's license or identification card, the holder shall return the credential to have the designation removed.

6. No additional fee shall be charged to include such a designation. The charge for an autism driver's license or identification card shall be the same as for regular driver's license or identification card.

C. - C.5. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 32:412(O), and R.S 32:412(P) and R.S. 32:403.3.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of Motor Vehicles, LR 44:2020 (November 2018), LR 48:503 (March 2022), LR 49:1122 (June 2023).

Karen St. Germain  
Commissioner

2306#019

## RULE

### Department of Public Safety and Corrections Office of Motor Vehicles

#### Public Tag Agents (LAC 55:III.Chapter 16)

Under the authority of R.S. 47:532.1, and in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., the Office of Motor Vehicles hereby amends and repromulgates sections in Chapter 16, and adopts new Sections in Chapter 16 regarding public tag agents. The new and amended sections address the qualifications of applicants, the application process including background checks, office locations, performance audits, grounds to suspend or revoke a contract, advertising, surety bonds, driver's license issuance, dishonored or denied payments, and administrative actions for failing to comply with all requirements in statute, this Rule, and the contract. This Rule shall become effective upon the promulgation of the Rule in the *Louisiana Register*. This Rule is hereby adopted on the day of promulgation.

#### Title 55

#### PUBLIC SAFETY

#### Part III. Motor Vehicles

#### Chapter 16. Public Tag Agents

#### §1601. Definitions

(Formerly §1551)

A. As used in Chapter 16, the following terms have the meanings described below.

*Commissioner*—Deputy Secretary of the Department of Public Safety and Corrections, Public Safety Services.

*Department*—Department of Public Safety and Corrections, Office of Motor Vehicles.

*Driver Privacy Protection Act*—the federal Driver Privacy Protection Act of 1994 (DPPA) (Title XXX of P.L. 103-322), 18 U.S.C. §2721 et seq., as implemented by the

department in the *Louisiana Administrative Code*, Title 55, Part III, Chapter 5, Subchapter B.

*Personal Information*—information which includes the full name, complete physical address, and date of birth, driver's license number, and Social Security number.

*Public Tag Agent (PTA)*—a person, firm, association, or corporation contracted with the Office of Motor Vehicles which is, by contract, engaged primarily in the collection of registration license taxes and sales and use tax and the issuance of registration certificates, certificate of title and license plates.

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:532.1.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of Motor Vehicles, LR 25:2415 (December 1999), repromulgated LR 49:330 (February 2023), amended LR 49:1122 (June 2023).

### **§1603. Authority; Businesses and Governmental Entities (Formerly §1553)**

A. R.S. 47:532.1 authorizes the commissioner to establish a system of public tag agents authorized to collect the registration license taxes, as well as applicable sales and use taxes, and issue registration certificates and license plates to motor vehicles. An agent may be either a municipal or parish governing authority, a new motor vehicle dealer or his agent, or an auto title company. Public tag agents shall also be authorized to receive and process applications filed for certificates of title, duplicate certificates of titles, corrected certificates of title, recordation of liens, mortgages, or security interests against motor vehicles, conversions of plates, transfers of plates, replacements of lost or stolen plates and/or stickers, renewals of registration, duplicate registrations, and additional applications or transactions authorized by the commissioner.

B. The commissioner and a public tag agent, shall enter into a contract which shall state the required procedures for the implementation of authorized activities. See §1569 for a copy of the contract.

C. With the exception of the requirements for a surety bond, all rules and regulations as well as all contractual provisions shall apply to municipal and parish governing authorities acting as public tag agents.

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:532.1.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of Motor Vehicles, LR 25:2415 (December 1999), repromulgated LR 49:330 (February 2023), amended LR 49:1123 (June 2023).

### **§1605. Convenience Fee (Formerly §1555)**

A. Public tag agents may collect a convenience in addition to any other fee or tax collected when processing a transaction for the department. The convenience fee shall not exceed the amount authorized in R.S. 47:532.1(C) and shall be retained by the public tag agent.

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:532.1.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of Motor Vehicles, LR 25:2415 (December 1999), amended LR 27:1927 (November 2001), repromulgated LR 49:330 (February 2023), amended LR 49:1123 (June 2023).

### **§1607. Administrative Actions (Formerly §1557)**

A.1. The assistant secretary or his designee may suspend, revoke, cancel, or terminate the public tag agent's contract upon a violation by the agent or any agent's officers, directors, employees, owners, or other representatives of any responsibility or requirement established pursuant to the contractual agreement. LAC 55:III.Chapter 16 R.S. 47:532.1 or R.S. 47:532.2. In lieu of any of the previously listed actions, the deputy secretary may take other administrative action for such a violation including but not limited to the imposition of a fine or other sanction.

2. Additionally, the assistant secretary or his designee may suspend, revoke, cancel, or terminate the status of any person who is an employee, officer, director, or other representative of the public tag agent upon a violation of any responsibility or requirement established pursuant to the contractual agreement. LAC 55:III. 16, R.S. 47:532.1 or R.S. 47:532.2. It shall be the responsibility of the public tag agent to ensure that all employees, officers, directors, or other representatives of the public tag agent are familiar with these responsibilities and requirements.

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:532.1.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of Motor Vehicles, LR 25:2415 (December 1999), amended LR 27:1927 (November 2001), repromulgated LR 49:330 (February 2023), amended LR 49:1123 (June 2023).

### **§1608. Qualifications for Public Tag Agent Owners and Employees**

A. Qualifications for a Public Tag Agent Owner. To contract with the department as a public tag agent, the owner/applicant shall:

1. be a citizen of the United States or be lawfully present in the United States;
2. have earned at least a high school diploma, GED or its equivalent;
3. have a business location within the state of Louisiana where the public tag agent office will operate;
4. provide proof of registration with the secretary of state to do business in the state of Louisiana;
5. possess any required business license;
6. the department may deny an application and refuse to grant the applicant authority to act as a public tag agent or revoke a public tag agents status as a result of any of the following actions by the applicant, or by any of the applicant's employees, officer's, directors, managers, representatives, or owners:

a. operating as an auto title company or public tag agent without a license or authorization for each location, with an expired license or authorization, or without a valid surety bond on file with the Office of Motor Vehicles;

b. being a principal or accessory to the alteration of documents relevant to a registration or titling transaction that results in material injury to the public records or a short fall in the collection of taxes owed;

c. the forwarding to the Office of Motor Vehicles by a public tag agent of a document relevant to a registration or titling transaction that results in a material injury to the public records, or a short fall in the collection of taxes owed when the public tag agent had knowledge of facts causing

such injury or shortfall, and failed to disclose the same to the Office of Motor Vehicles;

d. conviction of, or an entry plea of guilty or nolo contendere to, any felony or conviction of, or an entry plea of guilty or nolo contendere to, any criminal charge, an element of which is fraud or theft;

e. fraud, deceit, or perjury in obtaining any license issued under this Chapter;

f. any material misstatement of fact or omission of fact in any application for the issuance of an authorization for a public tag agent;

g. current or previous owner, employee, officer, director, manager or representative of a public tag agent or any other business regulated by DPS whose license or contract has been revoked;

h. conviction of a crime involving violence, dishonesty, deceit, or an offense involving moral turpitude.

i. there is current prosecution or pending charge against for any offense listed in this section.

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:532.1.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of Motor Vehicles, LR 49:1123 (June 2023).

### **§1609. Applications (Formerly §1559)**

A. Those persons interested in becoming a public tag agent may inquire at the following address.

Attention: PTA Administration  
Office of Motor Vehicles  
Post Office Box 64886  
Baton Rouge, LA 70896  
Or by email at PTAAdmin@la.gov

B. Initial Application Process for a public tag agent. The application process is a two-step approval process.

1. The following must be submitted for the initial public tag agent application:

a. completed initial application;

i. an application packet will be provided to the applicant upon receipt of an inquiry as stated above;

b. letter of reference from three individuals or businesses. Reference letter must include contact information;

c. a background check form completed by each applicant, any of the applicant's employees, officers, directors, managers, representatives, owners, or anyone that will have access to data or documents collected by the PTA which will be governed by 18 U.S.C. 2721;

i. the completed background check form must be surrendered to Louisiana State Police, along with the required fee;

d. non-refundable application fee of \$200 payable by certified check or money order made payable to DPS;

e. If the Office of Motor Vehicles is unable to determine if the applicant is authorized to conduct business in Louisiana, additional documents may be required.

2. Following approval of the initial stage of the public tag agent application, a second stage application packet will be sent to the applicant. The following must be submitted for the second stage approval:

a. if the PTA is listed as a corporation or LLC, articles of incorporation must be submitted;

b. PTA bond form;

c. contract will be provided by OMV and must be executed by the PTA;

d. network connectivity questionnaire;

e. EFT authorization agreement completed by the PTA's financial instruction;

f. photographs of PTA office location including all public and private areas of the building.

C. Any person making application for the purpose of processing vehicle title and registration transactions for the department must be contracted with the department as an auto title company or make application simultaneously with the public tag agent application unless the applicant provides sufficient documentation indicating why it will not be issuing temporary registration markers.

D. No person shall act as a public tag agent until after submitting an application to the department on the approved form, and after the application has been approved by the department.

E. No person shall act as an employee, officer, director, or other representative of a public tag agent until after the person submits an application to the department on the approved form, and after the application has been approved by the department.

F. Every person engaged in the operation of a public tag agent shall apply for and procure a contract with DPS. No public tag agent shall advertise without having first obtained a contract with DPS. No person shall for remuneration hold himself as a qualified or licensed public tag agent without obtaining a contract from DPS.

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:532.1.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of Motor Vehicles, LR 25:2416 (December 1999), repromulgated LR 49:330 (February 2023), LR 49:1124 (June 2023).

### **§1611. Eligibility, Suspension, Revocation, or Cancellation of Public Tag Agent's Authority (Formerly §1561)**

A. Contracts shall be issued for two years and be renewable on a biennial basis. The initial contract will be valid from the date of issuance until May 31st of the year closest to but not to exceed two years.

B. Contracts shall be nontransferable. In the event of a change of ownership, application for a new contract shall be made and the old contract and certificate shall be surrendered to DPS before a new contract can be executed with the new owner.

C. If the public tag agent certificate is lost or destroyed, a duplicate shall be issued for a \$25 application fee upon receipt of a statement of fact or, in the case of mutilation, upon surrender of such license.

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:532.1.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of Motor Vehicles, LR 25:2416 (December 1999), repromulgated LR 49:331 (February 2023), LR 49:1124 (June 2023).

### **§1613. Applications**

A. Every initial application or renewal for a public tag agent shall be accompanied by an application fee of \$100 per year, collected biennially, per location.

B. An \$8 fee shall be assessed when a public tag agent relocates and a new certificate is issued or if a duplicate certificate is required.

C. Every application for renewal of a public tag agent shall be accompanied by an application fee of \$200, collected biennially, per location.

D. Application fees shall not be prorated or refunded. Applications not completed within 90 days shall be voided.

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:532.1.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of Motor Vehicles, LR 49:1125 (June 2023).

### **§1615. Background Checks**

A. Every owner, employee, officer, directors, managers, or representative who will have access to restricted areas of the contracted location, information or data regulated by the Driver Privacy Protection Act, or paperwork or documents submitted to the public tag agent as a result of their public tag agent contract shall have a background check performed by Louisiana State Police.

B. Applicants shall submit electronic fingerprints for the purpose of conducting a background check.

C. Fingerprint cards will not be accepted for the purpose of completing a background check unless prior approval is granted by the department.

D. Cleaning crews or janitorial services that require regular access to secure areas of the building must pass a background check prior to gaining access to the building.

E. Exceptions

1. Maintenance or trade persons that would need infrequent access to the contracted location or access is limited to an isolated incident may be permitted to restricted areas of the building if all of the following conditions are met:

a. all documents protected by the Driver Privacy Protection Act has been secured in a locked cabinet or area that is inaccessible to the maintenance or trade person;

b. all inventory has been locked in a cabinet or area that cannot be accessed;

c. all computers are either turned off or locked so protected information cannot be viewed;

d. an authorized person remains with the unauthorized person at all times.

2. Computer Technician

a. Computer technicians that do not have a computer signon must be accompanied by the authorized person with a signon at all times. The authorized person shall be responsible for any potential data breach or misuse of information.

b. Computer technicians that work for the PTA and will need unaccompanied access to restricted data must submit a background check and be issued a user signon.

c. PTA must provide the name and contact information for any computer technicians that handles the PTAs IT needs to PTA Administration. PTA must make notification when they no longer do business with the computer technician.

3. A runner that has not submitted a background check and has been approved by PTA Administration may:

a. may pick up inventory items such as license plates, temporary registration markers, vehicle title stock, etc.;

b. may not pick up or drop off paperwork that contains information restricted under DPPA;

c. may not access any restricted area of the OMV/PTA office where DPPA restricted information may be viewed;

d. the PTA must notify PTA Administration of any runners that will be picking up inventoried items prior to the date of pick up;

e. runner must provide identification which will be verified prior to inventory being released.

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:532.1.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of Motor Vehicles, LR 49:1125 (June 2023).

### **§1617. Office Location**

A. The business location of a PTA must be approved prior to being contracted to do business at that location.

B. The PTA office cannot be co-located with other business such as insurance companies, driving schools, tow facilities, etc. unless the PTA office is separated by a permanent wall and locking door.

C. The PTA office shall not transact additional business from the PTA location that is a conflict of interest or that will reflect negatively on the department.

D. Computers configured for or used by the PTA cannot be used to aid in other co-located businesses.

E. All doors including entrance, back and side doors must have dead bolt locks.

F. All windows must remain secure.

G. Security System. Building alarm system must be installed and monitored.

H. Security cameras are mandatory for all PTA's that provide driver's license services.

I. Security cameras cannot be facing a processing monitor where it may be possible to view restricted information from a remote location or by an unauthorized person.

J. There must be a counter separating customers from the restricted areas of the building. All computer screens, paperwork and registration documents must be behind the counter and out of view of customers.

K. All inventoried items such as license plates, titles and unprocessed paperwork must be secured in a locked storage room, cabinet or file cabinet.

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:532.1.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of Motor Vehicles, LR 49:1125 (June 2023).

### **§1619. Audit**

A. A public tag agent will be audited on a biennial basis.

B. PTA may also be audited on an as needed basis or when additional services are requested by the PTA prior to a biennial audit being conducted.

C. A final audit with an error rate greater than or equal to 20 percent will disqualify a PTA from opening additional

locations or making application for additional services. The Commissioner or their designee may, after review or the audit findings provisionally authorize additional locations or services until the next audit.

D. A PTA final audit with an error rate equal to or greater than 30 percent or who through audit have been determine to have made substantial errors resulting in incorrect taxes being collected, improper issuance of title or registration or unauthorized modification to vehicle or drivers records may be required to attend re-training. PTA shall have ninety days following receipt of the final audit report to correct all audit findings.

E. PTA is responsible for payment of taxes and fees due to the State for any underpayments identified in the audit.

F. Failure to remit payment within 90 days will result in a claim being filed against the PTA bond.

G. The department may suspend PTAs connectivity to the department, non-renew or terminate a PTA's contract based on audit performance or failure to comply with audit findings or fail to complete re-training if required to do so by the department.

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:532.1.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of Motor Vehicles, LR 49:1125 (June 2023).

#### **§1621. Eligibility, Suspension, Revocation, or Cancellation of Public Tag Agent's Authority (Formerly §1611)**

A. The following actions by a public tag agent, or by any of the public tag agent's employees, officers, directors, managers, representatives, or owners, may subject the public tag agent to suspension, revocation, or cancellation of the public tag agent's authority by the department. In the alternative, the department may impose restriction on the public tag agent's authority as a result of any of the following actions by the public tag agent or applicant, or by any of the public tag agent's employees, officers, directors, managers, representatives, or owners. The department may also deny an application and refuse to grant the applicant authority to act as a public tag agent as a result of any of the following actions by the applicant, or by any of the applicant's employees, officers, directors, managers, representatives, or owners:

1. failure to remit taxes and fees collected from applicants for title transfers;
2. repeated late filings;
3. operating as an auto title company or public tag agent without a license or authorization for each location, with an expired license or authorization, or without a valid surety bond on file with the Office of Motor Vehicles;
- 4.a. the issuance of more than one temporary registration (T-marker) to a title applicant; or  
b. the issuance of a T-marker without first collecting all taxes and fees and requiring the title applicant to show proof of compliance with the compulsory insurance law;
5. operating from an unlicensed or unauthorized location;
6. changing the ownership of the public tag agent and not reporting in writing to the Office of Motor Vehicles within 30 days from the date of such change;

7. changing the officers or directors of the public tag agent and not reporting in writing to the Office of Motor Vehicles within 30 days from the date of such change;

8. being a principal or accessory to the alteration of documents relevant to a registration or titling transaction that results in material injury to the public records or a short fall in the collection of taxes owed;

9. the forwarding to the Office of Motor Vehicles by a public tag agent of a document relevant to a registration or titling transaction that results in a material injury to the public records, or a short fall in the collection of taxes owed when the public tag agent had knowledge of facts causing such injury or shortfall, and failed to disclose the same to the Office of Motor Vehicles;

10. conviction of, or an entry plea of guilty or nolo contendere to, any felony or conviction of, or an entry plea of guilty or nolo contendere to, any criminal charge, an element of which is fraud;

11. fraud, deceit, or perjury in obtaining any license issued under this Chapter;

12. failure to maintain at all times during the existence of the authorization, all qualifications required for issuance or renewal of the authorization;

13. any material misstatement of fact or omission of fact in any application for the issuance or renewal of an authorization for a public tag agent;

14. the repeated submission of checks which have been dishonored by the bank on which the check was drawn.

15. Allow unauthorized persons access to restricted information or areas without successfully passing a background check

16. Any item identified in the application section

17. poor performance on multiple audits of work performed by the public tag agent.

B. The department may revoke, suspend, or cancel any approval, license or permit of any employee, officer, director, manager, representative, or owner of a public tag agent who violates any provision of Subsection A of §1561. Any person subject to an order as provided in this Paragraph shall not work for, or be associated with, the public tag agent in any manner unless approved by the department in writing.

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:532.1.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of Motor Vehicles, LR 25:2416 (December 1999), repromulgated LR 49:331 (February 2023), amended LR 49:1126 (June 2023).

#### **§1623. Name, Trade Name, Advertisements, and Other Signage of Public Tag Agents (Formerly §1613)**

A. No public tag agent shall display any sign, logo, business name, or trade name, or cause to be advertised any sign, logo, business name, or trade name which includes the words "office of motor vehicles," "motor vehicle office," or "motor vehicles office," or any similar phrases, unless the sign, logo, business name, trade name, or advertisement clearly and prominently includes a statement indicating the business's status as a public tag agent.

1. The business's status as a public tag agent must be in font larger than or equal to the font in which the "office or motor vehicles" or "motor vehicle office" is printed.



2. Advertisements must use restraint and be in good taste. Advertisements will be reviewed and approved by OMV upon request. Advertisements shall not include negative remarks about the department, Office of Motor Vehicles, or its employees or services.

3. PTA's are prohibited from advertising at an office of motor vehicle location including the exterior of the building, parking lot or an area between the parking lot and the roadway.

4. Social media posts which allude to or name the department or Office of Motor Vehicles specifically must be in good taste.

5. PTA shall not publish any communication which would, under any circumstance, undermine or tarnish the name or image of the department.

6. PTA shall not relate themselves with other information, opinions, or positions that would bring adverse criticism or embarrassment upon the department.

B. Advertisements or signage deemed unacceptable shall be removed by the PTA immediately.

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:532.1.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of Motor Vehicles, LR 25:2416 (December 1999), repromulgated LR 49:331 (February 2023), amended LR 49:1126 (June 2023).

#### **§1625. Driver Privacy Protection Act (Formerly §1615)**

A. Every applicant for a driver's license, certificate of title, or for a new or renewed vehicle registration at a public tag agent's place of business shall be given the opportunity to prohibit the disclosure of personal information as defined in LAC 55, Part III, Chapter 5, §553, Subchapter B, by completing the department's approved form, and submitting the form to the public tag agent. The public tag agent shall forward the properly completed form to the department. The public tag agent shall advise the person submitting the form that any form which is incomplete or which is illegible shall not be processed and shall not be returned.

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:532.1.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of Motor Vehicles, LR25:2416 (December 1999), repromulgated LR 49:331 (February 2023), amended LR 49:1127 (June 2023).

#### **§1627. Bond Requirement (Formerly §1617)**

A. All public tag agents other than municipal and parish governing authorities shall furnish security for the faithful performance of their duties as follows.

1. Each public tag agent other than a municipal governing authority shall execute a good and sufficient surety bond with a surety company qualified to do business in Louisiana as surety, in a sum of not less than \$100,000 which bond shall name the Department of Public Safety and Corrections, Office of Motor Vehicles as obligee and shall be subject to the condition that, if such public tag agent shall, throughout the entire term of the bond, timely file with the office of motor vehicles all applications delivered to such public tag agent for filing, and all fees and taxes collected by such public tag agent, the obligation shall be void. If the company does not do so, the obligation of the surety shall remain in full force and effect. A public tag agent having

multiple locations need furnish only a single \$125,000 surety bond in addition to any other bonds required by law.

2. Surety bond must be valid for the duration of the public tag agent contract.

3. The surety bond furnished pursuant to §1625 shall be delivered to and filed with the Department of Public Safety and Corrections, Office of Motor Vehicles.

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:532.1.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of Motor Vehicles, LR 25:2417 (December 1999), repromulgated LR 49:332 (February 2023), amended LR 49:1127 (June 2023).

#### **§1629. Contracts (Formerly §1619)**

A. The commissioner and public tag agents other than municipal and parish governing authorities may enter into contracts which shall state the required procedures for the implementation of LAC 55, Part III, Chapter 16. Such contracts may terminate upon violation of R.S. 47:532.1, LAC 55, Part III, Chapter 15, Subchapter B, or the provisions of the contract between the department and the public tag agent foregoing provisions.

B. The contract between the department and the public tag agent shall be on the form approved by the assistant secretary. The department may require that a public tag agent sign separate contracts to perform the following functions:

1. processing title work and issuing of registration certificates and permanent license plates;
2. conducting testing for, and in the issuance of, class "D" and "E" driver's licenses;
3. processing the filing of electronic liens;
4. processing the reinstatement of driver's licenses and providing status information;
5. processing expedited title transactions;
6. sale of miscellaneous items sold by the department such as motor vehicle inspections stickers, secure power of attorney forms, etc.

C. The contract between the department and the public tag agent shall have a term of two years provided the expiration is consistent with the expiration of the auto title company contract. The department may provide for automatic renewals.

D. Failure to perform the duties outlined in the contracts specified above properly or perform the duties outlined in the contract improperly may result in termination of that contract or suspension of the ability to perform the processes authorized by that contract.

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:532.1.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of Motor Vehicles, LR 25:2417 (December 1999), amended LR 27:1927 (November 2001), repromulgated LR 49:332 (February 2023), amended LR 49:1127 (June 2023).

#### **§1631. Declaratory Orders and Rulings (Formerly §1621)**

A. Any person desiring a ruling on the applicability of any statute, or the applicability or validity of any rule in LAC 55, Part III, Chapter 15, Subchapter B, regarding public tag agents, shall submit a written petition to the deputy secretary. The written petition shall cite all constitutional provisions, statutes, ordinances, cases, and

rules which are relevant to the issue presented or which the person wishes the deputy secretary to consider prior to rendering an order or ruling in connection with the petition. The petition shall be typed, printed or written legibly, and signed by the person seeking the ruling or order. The petition shall also contain the person's full printed name, the complete physical and mailing address of the person, and a daytime telephone number.

B. If the petition includes reference to a specific transaction handled by the department or a public tag agent, or if the petition relates to the issuance, revocation, cancellation, or denial of any license, permit or authorization, then the person submitting the petition shall also submit proof that he has notified all of the persons involved in the transaction or issuance, revocation, cancellation, or denial of the license, permit or authorization by certified mail, return receipt requested. If the person is unable to notify the involved person or persons after otherwise complying with the notice requirement, he shall so state in his petition.

C. The deputy secretary may request the submission of legal memoranda to be considered in rendering any order or ruling. The deputy secretary or his designee shall base the order or ruling on the documents submitted including the petition and legal memoranda. If the deputy secretary or his designee determines that the submission of evidence is necessary for a ruling, the matter may be referred to a hearing officer prior to the rendering of the order or ruling for the taking of such evidence.

D. Notice of the order or ruling shall be sent to the person submitting the petition as well as the security provider receiving notice of the petition at the mailing addresses provided in connection with the petition.

E. The deputy secretary may decline to render an order or ruling if the person submitting the petition has failed to comply with any requirement in this Section.

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:532.1 and R.S. 49:962.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of Motor Vehicles, LR 25:2418 (December 1999), repromulgated LR 49:332 (February 2023), amended LR 49:1127 (June 2023).

### **§1633 Confidentiality (Formerly §1623)**

A. The public tag agent, its employees, representatives, and agents shall maintain the confidentiality of all records and information received or processed in connection with any function performed pursuant to a contract with the department.

B. The public tag agent shall forward all request for information commonly referred to as public records request to the department for a response.

C. The public tag agent shall be responsible for the disclosure of any information in connection with the processing of any transaction on behalf of the department. The public tag agent shall comply with all applicable federal and state laws regarding the disclosure of information, including but not limited to 18 U.S.C. §2721 et seq., and 42 U.S.C. §405(c)(2)(C).

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:532.1.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of Motor Vehicles, LR 27:1927 (November 2001), repromulgated LR 49:332 (February 2023), amended LR 49:1128 (June 2023).

### **§1635. Driver's License Issuance (Formerly §1625)**

A. A public tag agent may contract with the department to administer the necessary tests and issue, or renew identification cards, handicap hang tag identification cards, and driver's licenses transactions deemed acceptable by the department. The written knowledge test and the driving or skills test shall be administered in accordance with the provisions of LAC 55:III.Chapter 1.Subchapter C.

B. The public tag agent's third party examiner shall utilize only department approved visual screening equipment. In lieu thereof, each examiner may opt to utilize the standard Snellen wall-chart for visual acuity. The visual acuity testing shall be administered in a manner approved by the department.

C. A public tag agent shall develop controls to secure the materials and equipment necessary to issue driver's licenses. Such controls shall be submitted in writing to the department. A public tag agent shall not issue any driver's licenses until the controls required by this Section have been approved by the department in writing. Once approved, the controls shall be implemented as written. Any changes to the control approved by the department shall be approved in writing prior to implementation.

D. The department shall designate the types of driver's license and identification card transactions a public tag agent may perform, such as renewals and duplicates. Such designation shall be at the sole discretion of the department. Identification cards include the photographic identification issued with a handicap hangtag.

E. Qualifications for Issuance of Driver's Licenses and Identification Cards. In addition to the qualification requirements contained in statute and this Chapter, a public tag agent shall meet these additional requirements in order to be approved to perform driver's license and identification card transaction designated by the department.

1. Insurance. The insurance policy shall provide coverage and a defense for the state of Louisiana and the Department of Public Safety and Corrections, as well as the employees of the state and the department:

a. a policy for professional liability/errors and omissions with minimum coverage of \$1,000,000;

b. a policy for general liability with minimum coverage of \$1,000,000.

2. A security system installed by a company licensed and approved by the Office of State Fire Marshal. This system shall be monitored 24 hours a day by a monitoring company.

3. A video surveillance system which at a minimum monitors all entrances, the driver's license camera station, and the secure supply room. Such system shall be installed by a company licensed and approved by the Office of State Fire Marshal. The video images shall be retained by the

system for a minimum of 30 days with the ability to save the video indefinitely if so requested by the department.

**F. Camera Station**

1. The public tag agent shall purchase the camera station from the current vendor providing the credential issuance solution for the department. The public tag agent shall receive prior approval from the department before purchasing the camera station.

2. A public tag agent may only dispose of a camera station in a manner approved by the department.

3. PTA must obtain written approval from the department prior to disposing of driver's license camera equipment.

**AUTHORITY NOTE:** Promulgated in accordance with R.S. 47:532.1.

**HISTORICAL NOTE:** Promulgated by the Department of Public Safety and Corrections, Office of Motor Vehicles, LR 27:1927 (November 2001), amended LR 40:370 (February 2014), repromulgated LR 49:333 (February 2023), amended LR 49:1128 (June 2023).

**§1637. Other Transactions  
(Formerly §1627)**

A. The department may contract with public tag agents to perform other transactions authorized in R.S. 47:532.1. In such case, the public tag agent shall use the equipment and procedures required by the department to process these transactions. The public tag agent shall use an approved written control plan to secure any materials or equipment as directed by the department.

**AUTHORITY NOTE:** Promulgated in accordance with R.S. 47:532.1.

**HISTORICAL NOTE:** Promulgated by the Department of Public Safety and Corrections, Office of Motor Vehicles, LR 27:1928 (November 2001), repromulgated LR 49:333 (February 2023), amended LR 49:1129 (June 2023).

**§1639. Dishonored or Denied Payments**

A. The department may immediately suspend, revoke, or cancel this contract upon written notice to the public tag agent if the public tag agent that has more than one payment (whether in the form of an electronic ACH debit or paper draft) dishonored or returned to the department as unpaid by the bank or financial institution of the public tag agent.

**AUTHORITY NOTE:** Promulgated in accordance with R.S. 47:532.1.

**HISTORICAL NOTE:** Promulgated by the Department of Public Safety and Corrections, Office of Motor Vehicles, LR 49:1129 (June 2023).

**§1641. Suspension, Revocation and Penalty Assessment**

A. All regulations outlined in this Chapter or in any contract between the public tag agent and the department shall be adhered to by the public tag agent and its employees. DPS may suspend or revoke any public tag agent contract issued under these rules and regulations upon discovery of satisfactory evidence of violations.

1. Any PTA owner or employee who has been arrested for any of the aforementioned violations, shall be immediately suspended and shall remain suspended until a final disposition of the charges are received by DPS.

2. The owner or employee of a public tag agent who is arrested, suspended or denied for any violation of this chapter shall not have access to or be involved in the administrative duties of the public tag agent.

**B. Appeal Rights**

**1. Notice of Suspension, or Revocation**

a. A PTA whose contract is revoked or suspended shall be notified in writing by DPS either by mail.

**2. General Provisions**

a. Except as otherwise provided by these rules, any notice shall be served by certified mail, return receipt requested, or hand delivered to the permanent address that is provided in the application or latest amendment thereto, on file with DPS. Notice shall be presumed to have been given in the event an incorrect or incomplete address is supplied to DPS by the applicant or if the applicant fails to accept properly addressed certified mail.

b. In cases of serious violations of the law or these rules, or in situations in which the law calls for prompt suspension or revocation, or violations which present injury to the public, DPS may provide notice. Such notice shall be promptly documented and confirmation in writing shall be provided to the applicant.

c. Any request for an administrative hearing for a fine, suspension or revocation of a license or third-party tester agreement shall be made in writing and sent to DPS (Public Tag Agent Administration, P.O. Box 64886, Baton Rouge, LA 70896) within 30 calendar days. The action and/or penalty shall become final if the request for an administrative hearing is not submitted timely.

**AUTHORITY NOTE:** Promulgated in accordance with R.S. 47:532.1.

**HISTORICAL NOTE:** Promulgated by the Department of Public Safety and Corrections, Office of Motor Vehicles, LR 49:1129 (June 2023).

Karen St. Germain  
Commissioner

2306#020

**RULE**

**Department of Public Safety and Corrections  
Uniform Construction Code Council**

Uniform Construction Code—Energy Codes  
(LAC 17:I.107, 115 and 117)

In accordance with the provisions of R.S. 40:1730.26 and R.S. 40:1730.28, relative to the authority of the Louisiana State Uniform Construction Code Council (LSUCCC) to promulgate and enforce rules and in accordance with R.S. 49:953(B), the Administrative Procedure Act, the Department of Public Safety and Corrections, Office of the State Fire Marshal, Louisiana State Uniform Construction Code Council (LSUCCC) has amended and adopted the following Rule. The purpose of adopting and amending the currently adopted construction codes is to replace them with more recent technology, methods and materials for the 2021 editions of the *International Residential Code and International Energy Conservation Code*. It is also to satisfy the legislative requirements of ACT 635 of the 2022 Regular Session. This Rule is hereby adopted on the day of promulgation.

**Title 17  
CONSTRUCTION**

**Part I. Uniform Construction Code**

**Chapter 1. Adoption of the *Louisiana State Uniform Construction Code***

**(Formerly LAC 55:VI.Chapter 3)**

**§107. *International Residential Code*  
(Formerly LAC 55:VI.301.A.3.a)**

A.1. ...

* * *		
Amend	Section R 1006.1, Exterior Air.	Factory-built or masonry fireplaces covered in this chapter shall be equipped with an exterior air supply to assure proper fuel combustion
Amend	Section 1101.4 Above Codes Programs	The code official serving as the authority having jurisdiction for building codes, shall be permitted to deem a national or state energy-efficiency program to exceed the energy efficiency required by this code. Buildings approved in writing by such an energy-efficiency program shall be considered to be in compliance with this code. The requirements identified in Table N1105.2, as applicable, shall be met and the building thermal envelope is greater than or equal to levels of efficiency and solar heat gain coefficients (SHGC) in Tables 402.1.1 and 402.1.3 of the 2009 International Energy Conservation Code.
Adopt	Section 1101.4.1 National Green Building Standard	Buildings complying with ICC 700-2020 National Green Building Standard and achieving an equivalent energy performance as demonstrated by a third-party certification organization shall be deemed to exceed the energy efficiency required by this code.
Adopt	Section 1101.4.2 Energy Star Certification	Buildings receiving Energy Star Certification shall be deemed to exceed the energy efficiency required by this code.
Repeal	Section 1101.5 Information on Construction Documents	
Amend	Section N1101.7 Climate Zones	Climate zones from Figure N1101.7 or Table N1101.7 shall be used for determining the applicable requirements in Sections N1101 through N1113. Locations not indicated in Table N1101.7 shall be assigned a climate zone in accordance with Section N1101.7.2. However, for energy purposes only, all of Louisiana shall be a climate zone 2A. East and West Carroll parishes shall be assigned a warm humid climate zone.
Adopt	Section N1101.9.1, Louisiana Insulation Certificate requirement.	. A State of Louisiana Insulation Certificate shall be permanently posted in a utility area.
Adopt	Section N1101.9.2, Louisiana Insulation Certificate Template.	

**State of Louisiana Insulation Certificate**

(Permanently attach this certificate in a utility area near the Energy Efficiency Certificate)

Date Installed \_\_\_\_\_

Permit Number \_\_\_\_\_

Area Insulated	Total R-value		Installed Thickness (3.5, 5.5, etc.)	Spray Foam Density (lbs./ft. <sup>3</sup> )	Ignition Barrier Provided (Y/N)	Thermal Barrier (Y/N)
Attic roofline (under sheathing)		at	inches			
Attic floor (above ceilings)		at	inches			
Cathedral ceiling		at	inches			
Exterior Walls		at	inches			
Knee walls		at	inches			
Band joist (between levels)		at	inches			
Under first floor (in crawl space)		at	inches			
Basement/crawl space walls		at	inches			

<b>Jobsite Address</b>	
<b>General Contractor License No.</b>	
<b>Insulation Contractor (firm)</b>	
<b>Installer/Applicator Name</b>	
<b>Product Manufacturer(s)</b>	
<b>Product Name(s) &amp; batch no.</b>	

Supplemental Packet Contents:	Uploaded to permitting office (X)	Copy to General Contractor (X)	Copy to Homeowner (X or No Owner)
Insulation Certificate (copy)			
Insulation MSDS or Finished Foam Safety Data Sheets (SDS)			
Product Technical Data Sheets			
Spray Foam Applicator's Training Certificate (from manufacturer or SPFA)			
Performance Testing Report (blower door) with name of 3 <sup>rd</sup> party provider			

Amend	Section N1101.13 Application	Residential buildings shall comply with Section N1101.13.1, N1101.13.2, N1101.13.3 or N1101.13.4.
Repeal	Section N1101.13.5	
Amend	Table N1102.1.2	

**Table N1102.1.2 (R402.1.2)**

**Maximum Assembly U-Factors<sup>a</sup> and Fenestration Requirements**

Climate Zone	Fenestration U-Factor <sup>f</sup>	Skylight U-Factor	Glazed Fenestration SHGC <sup>d,e</sup>	Ceiling U-Factor	Frame Wall U-Factor	Mass Wall U-Factor <sup>b</sup>	Floor U-Factor	Basement Wall U-Factor	Crawl Space Wall U-Factor
0	0.50	0.75	0.25	0.035	0.084	0.197	0.064	0.360	0.477
1	0.50	0.75	0.25	0.035	0.084	0.197	0.064	0.360	0.477
2	0.40	0.65	0.25	0.030	0.084	0.165	0.064	0.360	0.477
3	0.30	0.55	0.25	0.030	0.060	0.098	0.047	0.091 <sup>c</sup>	0.136
4 except Marine	0.30	0.55	0.40	0.024	0.045	0.098	0.047	0.059	0.065
5 and Marine 4	0.30	0.55	NR	0.024	0.045	0.082	0.033	0.050	0.055
6	0.30	0.55	NR	0.024	0.045	0.060	0.033	0.050	0.055
7 and 8	0.30	0.55	NR	0.024	0.045	0.057	0.028	0.050	0.055

For SI: 1 foot = 304.8 mm.

a. Nonfenestration U-factors shall be obtained from measurement, calculation or an approved source.

b. Mass walls shall be in accordance with Section R402.2.5. Where more than half the insulation is on the interior, the mass wall U-factors shall not exceed 0.17 in Climate Zones 0 and 1, 0.14 in Climate Zone 2, 0.12 in Climate Zone 3, 0.087 in Climate Zone 4 except Marine, 0.065 in Climate Zone 5 and Marine 4, and 0.057 in Climate Zones 6 through 8.

c. In Warm Humid locations as defined by Figure R301.1 and Table R301.1, the basement wall U-factor shall not exceed 0.360.

d. The SHGC column applies to all glazed fenestration.

Exception: In Climate Zones 0 through 3, skylights shall be permitted to be excluded from glazed fenestration SHGC requirements provided that the SHGC for such skylights does not exceed 0.30.

e. There are no SHGC requirements in the Marine Zone.

f. A maximum U-factor of 0.32 shall apply in Marine Climate Zone 4 and Climate Zones 5 through 8 to vertical fenestration products in-stalled in buildings located either:

1. Above 4,000 feet in elevation above sea level, or
2. In windborne debris regions where protection of openings is required by Section R301.2.1.2.

Amend Table 1102.1.3

**Table N1102.1.3 (R402.1.3)**

**Insulation Minimum R-Values and Fenestration Requirements By Component<sup>a</sup>**

Climate Zone	Fenestration U-Factor <sup>b,1</sup>	Skylight <sup>b</sup> U-Factor	Glazed Fenestration SHGC <sup>b,e</sup>	Ceiling R-Value	Wood Frame Wall R-Value <sup>g</sup>	Mass Wall R-Value <sup>h</sup>	Floor R-Value	Basement <sup>c,g</sup> Wall R-Value	Slab <sup>d</sup> R-Value & Depth	Crawl Space <sup>c,g</sup> Wall R-Value
0	NR	0.75	0.25	30	13 or 0 & 10ci	3/4	13	0	0	0
1	NR	0.75	0.25	30	13 or 0 & 10ci	3/4	13	0	0	0
2	0.40	0.65	0.25	38	13 or 0 & 10ci	4/6	13	0	0	0
3	0.30	0.55	0.25	38	13 or 0 & 10ci	8/13	19	5ci or 13 <sup>f</sup>	0	5ci or 13 <sup>f</sup>
4 except Marine	0.30	0.55	0.40	60	30 or 20 & 5ci <sup>h</sup> or 13 & 10ci or 0 & 20ci <sup>h</sup>	8/13	19	10ci or 13	10ci, 4 ft	10ci or 13
5 and Marine 4	0.30	0.55	0.40	60	30 or 20 & 5ci <sup>h</sup> or 13 & 10ci or 0 & 20ci <sup>h</sup>	13/17	30	15ci or 19 or 13 & 5ci	10ci, 4 ft	15ci or 19 or 13 & 5ci
6	0.30	0.55	NR	60	30 or 20 & 5ci <sup>h</sup> or 13 & 10ci or 0 & 20ci <sup>h</sup>	15/20	30	15ci or 19 or 13 & 5ci	10ci, 4 ft	15ci or 19 or 13 & 5ci

7 and 8	0.30	0.55	NR	60	30 or 20 & 5ci <sup>h</sup> or 13 & 10ci or 0 & 20ci <sup>h</sup>	19/21	38	15ci or 19 or 13 & 5ci	10ci, 4 ft	15ci or 1 9 or 13 & 5ci
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For SI: 1 foot = 304.8 mm.

NR = Not Required.

ci = continuous insulation.

a. *R*-values are minimums. *U*-factors and SHGC are maximums. Where insulation is installed in a cavity that is less than the label or design thickness of the insulation, the installed *R*-value of the insulation shall be not less than the *R*-value specified in the table.

b. The fenestration *U*-factor column excludes skylights. The SHGC column applies to all glazed fenestration.

**Exception:** In Climate Zones 0 through 3, skylights shall be permitted to be excluded from glazed fenestration SHGC requirements provided that the SHGC for such skylights does not exceed 0.30.

c. "5ci or 13" means R-5 continuous insulation (ci) on the interior or exterior surface of the wall or R-13 cavity insulation on the interior side of the wall. "10ci or 13" means R-10 continuous insulation (ci) on the interior or exterior surface of the wall or R-13 cavity insulation on the interior side of the wall. "15ci or 19 or 13 + 5ci" means R-15 continuous insulation (ci) on the interior or exterior surface of the wall; or R-19 cavity insulation on the interior side of the wall; or R-13 cavity insulation on the interior of the wall in addition to R-5 continuous insulation on the interior or exterior surface of the wall.

d. R-5 insulation shall be provided under the full slab area of a heated slab in addition to the required slab edge insulation *R*-value for slabs, as indicated in the table. The slab-edge insulation for heated slabs shall not be required to extend below the slab.

e. There are no SHGC requirements in the Marine Zone.

f. Basement wall insulation shall not be required in Warm Humid locations as defined by Figure N1101.7 and Table N1101.7.

g. The first value is cavity insulation; the second value is continuous insulation. Therefore, as an example, "13 + 5" means R-13 cavity insulation plus R-5 continuous insulation.

h. Mass walls shall be in accordance with Section N1102.2.5. The second *R*-value applies where more than half of the insulation is on the interior of the mass wall.

i. A maximum *U*-factor of 0.32 shall apply in Climate Zones 3 through 8 to vertical fenestration products installed in buildings located either:

1. Above 4,000 feet in elevation, or
2. In windborne debris regions where protection of openings is required by Section R301.2.1.2.

Amend	Section N1102.2.1, Ceilings with attics.	
Adopt	Exception	
	Item (1.)	(1.) When the thermal covering at the roof line creates an unvented attic: (a.) Proper sizing or modification of the HVAC system to the current code is required. (b.) Any insulation between the sealed, conditioned attic space and the living space must be removed.
Adopt	Item (2.)	(2.)(a) The space under appliances located in a sealed, conditioned attic may remain in place if sealed from the attic space, it is less than 10% of the total conditioned attic floor, and the appliances are approved for use in a sealed attic. (b) There shall be no outside attic ventilation and all openings must be blocked with rigid material and are sealed, in accordance with the ICC IRC Chapter 8 "Roof-Ceiling Construction"
Amend	Section N1102.2.3 Eave Baffle	For air-permeable insulation in vented attics, a baffle shall be installed adjacent to soffit and eave vents.-Baffles shall maintain an opening equal to or greater than the size of the vent. The baffle shall extend over the top of the attic insulation. The baffle shall be permitted to be any solid material.
Amend	Section N1102.2.7, Floors.	
Repeal		Subfloor insulation shall provide or be installed in permanent contact with a rigid air barrier material. If the building is cooled with air conditioning subfloors in any vented crawl space shall be insulated with an airtight, class II vapor retarder insulation system (perm < 1.0).
Adopt	Exception	
Adopt	Item (1.)	(1.) Plastic Spray Foam cannot be applied to finish flooring where no subfloor exists.
Repeal	Section N1102.4.1.1 Installation.	

Amend	Section N1102.4.1.2 Testing	The building or dwelling unit shall be tested for air leakage. The maximum air leakage rate for any building or dwelling unit under any compliance path shall not exceed <del>5.0</del> 7.0 air changes per hour or 0.28 cubic feet per minute (CFM) per square foot [0.0079 m <sup>3</sup> /(s × m <sup>2</sup> )] of dwelling unit enclosure area. Testing shall be conducted in accordance with ANSI/RESNET/ICC 380, ASTM E779 or ASTM E1827 and reported at a pressure of 0.2 inch w.g. (50 Pascals). Effective July 1, 2024, blower door testing shall be performed by individuals certified to perform blower door tests by a nationally recognized organization that trains and provides certification exams for the proper procedures to perform such tests. The responsible BCEO shall accept written blower door test reports from these certified individuals to verify the minimum requirements of Section N1102.4.1.2. A written report of the results of the test shall be signed by the party conducting the test and provided to the code official. Testing shall be performed at any time after creation of all penetrations of the building thermal envelope have been sealed. Where multiple dwelling units or other occupiable conditioned spaces are contained within one building thermal envelope, each unit shall be considered an individual testing unit, and the building air leakage shall be the weighted average of all testing unit results, weighted by each testing unit's enclosure area. Units shall be tested separately with an unguarded blower door test as follows:
Adopt	Item (1.)	(1).Where buildings have fewer than eight testing units, each testing unit shall be tested.
Adopt	Item (2.)	(2) For buildings with eight or more testing units, the greater of seven units or 20 percent of the testing units in the building shall be tested, including a top floor unit, a ground floor unit and a unit with the largest testing unit enclosure area. For each tested unit that exceeds the maximum air leakage rate, an additional two units shall be tested, including a mixture of testing unit types and locations.
Amend	Exception	When testing individual dwelling units, an air leakage rate not exceeding 0.30 cubic feet per minute per square foot [0.008 m <sup>3</sup> /(s × m <sup>2</sup> )] of the dwelling unit enclosure area, tested in accordance with ANSI/RESNET/ICC 380, ASTM E779 or ASTM E1827 and reported at a pressure of 0.2 inch water gauge (50 Pa), shall be permitted in all climate zones for: 1. Attached single- and multiple-family building dwelling units. 2. Buildings or dwelling units that are 1,500 square feet (139.4 m <sup>2</sup> ) or smaller. Effective July 1, 2024, when a blower door test is performed, and the air infiltration rate of a dwelling unit is less than 3 air changes per hour when tested in accordance with Section N1102.4.1.2, the dwelling unit shall be provided with whole-house mechanical ventilation in accordance with Section M1507.3
Amend	Section N1102.4.1.3 Leakage Rate	Where complying with Section N1101.13.1, the building or dwelling unit shall have an air leakage rate not exceeding 7.0air changes per hour in Climate Zones 0, 1 and 2, and 7.0 air changes per hour in Climate Zones 3 through 8, when tested in accordance with Section N1102.4.1.2.
Amend	Section N1102.4.4 Rooms containing fuel-burning appliances.	In Climate Zones 2 through 8, where open combustion air ducts provide combustion air to open combustion fuel-burning appliances, the appliances and combustion air opening shall be located outside the building thermal envelope or enclosed in a room that is isolated from inside the thermal envelope. Such rooms shall be sealed and insulated in accordance with the envelope requirements of Table N1102.1.3, where the walls, floors and ceilings shall meet a minimum of the basement wall R-value requirement. The door into the room shall be fully gasketed and any water lines and ducts in the room insulated in accordance with Section N1103. The combustion air duct shall be insulated where it passes through conditioned space to an R-value of not less than R-8.
Repeal	Section N1102.4.6 Electrical and communication outlet boxes (air-sealed boxes)	



Amend	Section N1103.3.1 Ducts located outside conditioned space	Supply and return ducts located outside conditioned space shall be insulated to an R-value of not less than R-8.
Amend	Section 1103.3.2 Ducts located in conditioned space.	
Amend	Item 3.3	A minimum R-10 insulation installed in the cavity width separating the duct from unconditioned space
Amend	Section N1103.3.3 Ducts buried within ceiling insulation.	In Climate zone 2A Supply and Return ductwork shall not be buried in insulation
Amend	Section N1103.3.5 Duct Testing	Duct leakage testing shall be performed by individuals certified to perform duct leakage tests by a nationally recognized organization that trains and provides certification exams for the proper procedures to perform such tests. The responsible BCEO shall accept written duct leakage test reports from these certified individuals to verify the minimum sealing requirements of Section N1103.3.4. Ducts shall be pressure tested in accordance with ANSI/RESNET/ICC 380 or ASTM E1554 to determine air leakage by one of the following methods:
Amend	Exceptions	
Adopt	Item (1.)	(1.) A duct air-leakage test shall not be required where the ducts and air handlers are located entirely within the building thermal envelope.
Adopt	Item (2.)	(2.) HVAC contractors, who are not certified to perform duct leakage tests, may perform the test with the responsible BCEO visually verifying test procedures and results on site.
Amend	Section N1103.3.6 Duct Leakage	
Amend	Item (1.)	(1.) Rough-in test: The total leakage shall be less than or equal to 6.0 cubic feet per minute (113.3 L/min) per 100 square feet (9.29 m <sup>2</sup> ) of conditioned floor area where the air handler is installed at the time of the test. Where the air handler is not installed at the time of the test, the total leakage shall be less than or equal to 4.0 cubic feet per minute (85 L/min) per 100 square feet (9.29 m <sup>2</sup> ) of conditioned floor area.
Amend	Item (2.)	(2.) Post construction test: Total leakage shall be less than or equal to 8.0 cubic feet per minute (113.3 L/min) per 100 square feet (9.29 m <sup>2</sup> ) of conditioned floor area or leakage to outside shall be less than or equal to 4 cfm per 100 sq feet of conditioned floor area.
Repeal	Item (3.)	
Amend	Section N1103.3.7 Building Cavities	Building framing cavities directly adjacent to and within shall not be used as ducts or plenums.
Amend	Section N1103.6 Mechanical Ventilation	The buildings complying with Section N1102.4.1 providing mechanical ventilation shall comply with the requirements of Section M1505 or with other approved means of ventilation. Outdoor air intakes and exhausts shall have automatic or gravity dampers that close when the ventilation system is not operating.
Amend	Section N1104.1 Lighting equipment	All permanently installed lighting fixtures, excluding kitchen appliance lighting fixtures, shall contain only high-efficacy lighting sources not less than 90 percent of the permanently installed lighting fixture.
Repeal	Section N1104.1.1 Exterior Lighting	
Repeal	Section N1104.2 Interior lighting controls	
Repeal	Section N1104.3 Exterior Lighting controls	
Amend	Section N1106.2 ERI Compliance	
Repeal	Item (1.)	(1.) The requirements of the sections indicated within Table N1106.2
Amend	Section N1106.3.2 On-site renewables are included	Where on-site renewable energy is included for compliance using the ERI analysis of Section N1106.4, the building thermal envelope shall be greater than or equal to the levels of efficiency and SHGC in Table R402.1.1 or R402.1.3 of the 2009 International Energy Conservation Code.
Amend	Section N1106.4 Energy Rating Index	The Energy Rating Index (ERI) shall be determined in accordance with RESNET/ICC 301 Energy used to recharge or refuel a vehicle used for transportation on roads that are not on the building site shall not be included in the ERI reference design or the rated design.
Amend	Section N1106.5 HERS-based compliance	Compliance based on an HERS analysis requires that the rated proposed design and confirmed built dwelling be shown to have an HERS less than or equal to the value of 58.

Adopt	Exceptions	
Adopt	Item (1.)	(1.)HERS calculation method shall be an equivalent to the ERI analysis in calculating compliance
Adopt	Item (2.)	(2.)Other alternate means of home energy rating as approved by the building official
Amend	Section M1307.3.1, Protection from Impact.	Appliances shall not be installed in a location subject to automobile or truck damage except where protected by approved barriers.
* * *		

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1730.22(C) and (D) and 40:1730.26(1).

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, State Uniform Construction Code Council, LR 33:291 (February 2007), amended LR 34:93 (January 2008), LR 34:883 (May 2008), LR 34:2205 (October 2008), LR 35:1904 (September 2009), LR 36:2574 (November 2010), effective January 1, 2011, LR 37:601 (February 2011), LR 37:913 (March 2011), repromulgated LR 37:2187 (July 2011), repromulgated LR 37:2726 (September 2011), LR 37:3065 (October 2011), LR 38:1994 (August 2012), amended by the

Department of Public Safety and Corrections, Uniform Construction Code Council, LR 39:1825 (July 2013), LR 39:2512 (September 2013), LR 40:2609 (December 2014), amended by the Department of Public Safety and Corrections, Office of State Fire Marshal, LR 41:2383 (November 2015), amended LR 42:1672 (October 2016), amended by the Department of Public Safety and Corrections, Office of the State Fire Marshal, Uniform Construction Code Council, LR 44:79 (January 2018), amended LR 44:2218 (December 2018), repromulgated LR 45:916 (July 2019), amended LR 45:1789 (December 2019), amended LR 48:2582 (October 2022), LR 49:1130 (June 2023).

**§115. National Electric Code  
(Formerly LAC 55:VI.301.A.7)**

A. ...

* * *		
Adopt	Article 702.2(D) Permanent mounted residential generators.	When a permanently mounted residential generator is installed it shall meet the manufacturer's installation instructions. Carbon Monoxide alarms shall be added and installed as per the International Residential Code Section R 315 amendment found in the Louisiana State Uniform Construction Code.
* * *		

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1730.22(C) and (D) and 40:1730.26(1).

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, State Uniform Construction Code Council, LR 33:291 (February 2007), amended LR 34:93 (January 2008), LR 34:883 (May 2008), LR 34:2205 (October 2008), LR 35:1904 (September 2009), LR 36:2574 (November 2010), effective January 1, 2011, LR 37:601 (February 2011), LR 37:913 (March 2011), repromulgated LR 37:2187 (July 2011), repromulgated LR 37:2726 (September 2011), LR 37:3065 (October 2011), LR 38:1994 (August 2012), amended by the Department of Public Safety and Corrections, Uniform Construction Code Council, LR 39:1825 (July 2013), LR 39:2512

(September 2013), LR 40:2609 (December 2014), amended by the Department of Public Safety and Corrections, Office of State Fire Marshal, LR 41:2387 (November 2015), amended by the Department of Public Safety and Corrections, Office of the State Fire Marshal, Uniform Construction Code Council, LR 44:95 (January 2018), repromulgated LR 45:932 (July 2019), amended LR 49:1136 (June 2023).

**§117 International Energy Conservation Code  
(Formerly LAC 55:VI.301.A.7)**

A. International Energy Conservation Code (IECC) 2021 Edition and standards referenced in that code for regulation of construction in this state.

Amend	Section C301.2 Warm Humid counties	In Table C301.1, Warm Humid counties are identified by an asterisk but East Carroll and West Carroll shall be listed as Climate Zone 2A Hot Humid Climate
Amend	Section C402.1.3 Insulation component R-value-based method	
Amend	Table C402.1.3 Opaque Thermal Envelope Insulation Component Minimum Requirements, R-Value Method <sup>a</sup>	
Adopt	Exception	For those following a prescriptive path the requirement for slab insulation for unheated slabs Group R, Climate Zone 3, shall not be required and the table shall be listed as NR under that column.
Amend	Section C402.5.9 Vestibules	
Amend	Exceptions	
Amend	Item 1	Buildings in <i>Climate Zones</i> 0 through 1.

Amend	Section C403.4.1	The supply of heating and cooling energy to each zone shall be controlled by individual thermostatic controls capable of responding to temperature within the zone. Where humidification or dehumidification or both is provided, not fewer than one humidity control device shall be provided for each humidity control system. Where cooling is provided, the system shall be capable of limiting relative humidity levels to 60% relative humidity. Supplemental dehumidification equipment may be used to meet this requirement.”
Amend	Section C403.5 Economizers	
Amend	Item 2	Individual fan systems with cooling capacity greater than or equal to 65,000 Btu/h (15.8 kW) in buildings having other than a <i>Group R</i> occupancy,
Amend	Exception	
Amend	Item 1	Individual fan systems not served by chilled water for buildings located in Climate Zones 0A, 0B, 1A,1B,2A and 3A
Amend	Item 6	Systems that include a heat recovery system in accordance with Section C403.10.5 and Section C403.10.6
Amend	Section C403.5.3.3 High-limit shutoff	
Amend	Table C403.5.3.3 High-Limit Shutoff Control Setting For Air Economizers <sup>b</sup>	Remove Climate Zones 2A and 3A from the Fixed Dry Bulb Device Type
Amend	Section C403.7.4.2 Spaces other than nontransient dwelling units	
Amend	Exception	
Amend	Item 8	Where the total air exhausted from spaces served by an outdoor air system is less than 60% of the design outdoor air flow rate.
Amend	Section C403.7.6.1 Temperature setpoint controls	
Amend	Item 2	When the guestroom is unrented and unoccupied, the controls shall automatically raise the cooling setpoint to not lower than 78°F (27°C) and lower the heating setpoint to not higher than 60°F (16°C). Unrented and unoccupied guestroom mode shall be initiated within 16 hours of the guestroom being continuously occupied or where a networked guestroom control system indicates that the guestroom is unrented and the guestroom is unoccupied for more than 20 minutes. A networked guestroom control system that is capable of returning the thermostat setpoints to default occupied setpoints 60 minutes prior to the time a guestroom is scheduled to be occupied is not precluded by this section. Cooling that is capable of limiting relative humidity with a setpoint not lower than 65-percent relative humidity during unoccupied periods is not precluded by this section.
Repeal	Section C405.5.3 Gas Lighting	
Adopt	Residential Provisions	
Amend	Section R102.1.1 Above code programs	The code official serving as the authority having jurisdiction for building codes, shall be permitted to deem a national or state energy-efficiency program to exceed the energy efficiency required by this code. Buildings approved in writing by such an energy-efficiency program shall be considered to be in compliance with this code. The requirements identified in Table N1105.2, as applicable, shall be met and the building thermal envelope is greater than or equal to levels of efficiency and solar heat gain coefficients (SHGC) in Tables 402.1.1 and 402.1.3 of the 2009 International Energy Conservation Code.
Adopt	Section R102.1.2 National Green Building Standard	Buildings complying with ICC 700-2020 National Green Building Standard and achieving an equivalent energy performance as demonstrated by a third-party certification organization shall be deemed to exceed the energy efficiency required by this code.
Adopt	Section R102.1.3 Energy Star Certification	Buildings receiving Energy Star Certification shall be deemed to exceed the energy efficiency required by this code.
Repeal	Section R103.2 Information on Construction Documents	
Amend	Section R301.1 Climate Zones	Climate zones from Figure N1101.7 or Table N1101.7 shall be used for determining the applicable requirements in Sections N1101 through N1113. Locations not indicated in Table N1101.7 shall be assigned a climate zone in accordance with Section N1101.7.2. However, for energy purposes only, all of Louisiana shall be a climate zone 2A. East and West Carroll parishes shall be assigned a warm humid climate zone.
Adopt	Section R401.3 Louisiana Insulation Certificate requirement.	A State of Louisiana Insulation Certificate shall be permanently posted in a utility area.
Adopt	Section R401.3.1 Louisiana Insulation Certificate Template.	

**State of Louisiana Insulation Certificate**  
(Permanently attach this certificate in a utility area near the Energy Efficiency Certificate)

Date Installed \_\_\_\_\_  
Permit Number \_\_\_\_\_

Area Insulated	Total R-value		Installed Thickness (3.5, 5.5, etc.)	Spray Foam Density (lbs./ft. <sup>3</sup> )	Ignition Barrier Provided (Y/N)	Thermal Barrier (Y/N)
Attic roofline (under sheathing)		at	inches			
Attic floor (above ceilings)		at	inches			
Cathedral ceiling		at	inches			
Exterior Walls		at	inches			
Knee walls		at	inches			
Band joist (between levels)		at	inches			
Under first floor (in crawl space)		at	inches			
Basement/crawl space walls		at	inches			

<b>Jobsite Address</b>	
<b>General Contractor License No.</b>	
<b>Insulation Contractor (firm)</b>	
<b>Installer/Applicator Name</b>	
<b>Product Manufacturer(s)</b>	
<b>Product Name(s) &amp; batch no.</b>	

Supplemental Packet Contents:	Uploaded to permitting office (X)	Copy to General Contractor (X)	Copy to Homeowner (X or No Owner)
Insulation Certificate (copy)			
Insulation MSDS or Finished Foam Safety Data Sheets (SDS)			
Product Technical Data Sheets			
Spray Foam Applicator's Training Certificate (from manufacturer or SPFA)			
Performance Testing Report (blower door) with name of 3 <sup>rd</sup> party provider			

Amend	Section R401.2 Application	Residential buildings shall comply with Section N1101.13.1, N1101.13.2, N1101.13.3 or N1101.13.4.
Repeal	Section R401.2.5	
Amend	Table R402.1.2	

**Table R402.1.2**  
**Maximum Assembly U-Factor<sup>a</sup> and Fenestration Requirements**

Climate Zone	Fenestration U-Factor <sup>f</sup>	Sky-Light U-Factor	Glazed Fenestration SHGC <sup>d,e</sup>	Ceiling U-Factor	Wood Frame Wall U-Factor	Mass Wall U-Factor <sup>b</sup>	Floor U-Factor	Basement Wall U-Factor	Crawl Space Wall U-Factor
0	0.50	0.75	0.25	0.035	0.084	0.197	0.064	0.360	0.477
1	0.50	0.75	0.25	0.035	0.084	0.197	0.064	0.360	0.477
2	0.40	0.65	0.25	0.030	0.084	0.165	0.064	0.360	0.477
3	0.30	0.55	0.25	0.030	0.060	0.098	0.047	0.091 <sup>c</sup>	0.136
4 except Marine	0.30	0.55	0.40	0.024	0.045	0.098	0.047	0.059	0.065
5 and Marine 4	0.30	0.55	NR	0.024	0.045	0.082	0.033	0.050	0.055
6	0.30	0.55	NR	0.024	0.045	0.060	0.033	0.050	0.055
7 and 8	0.30	0.55	NR	0.024	0.045	0.057	0.028	0.050	0.055

For SI: 1 foot = 304.8 mm.

a. Nonfenestration U-factors shall be obtained from measurement, calculation or an approved source.

b. Mass walls shall be in accordance with Section R402.2.5. Where more than half the insulation is on the interior, the mass wall U-factors shall not exceed 0.17 in Climate Zones 0 and 1, 0.14 in Climate Zone 2, 0.12 in Climate Zone 3, 0.087 in Climate Zone 4 except Marine, 0.065 in Climate Zone 5 and Marine 4, and 0.057 in Climate Zones 6 through 8.

- c. In Warm Humid locations as defined by Figure R301.1 and Table R301.1, the basement wall U-factor shall not exceed 0.360.
- d. The SHGC column applies to all glazed fenestration.  
Exception: In Climate Zones 0 through 3, skylights shall be permitted to be excluded from glazed fenestration SHGC requirements provided that the SHGC for such skylights does not exceed 0.30.
- e. There are no SHGC requirements in the Marine Zone.
- f. A maximum U-factor of 0.32 shall apply in Marine Climate Zone 4 and Climate Zones 5 through 8 to vertical fenestration products installed in buildings located either:
  1. Above 4,000 feet in elevation above sea level, or
  2. In windborne debris regions where protection of openings is required by Section R301.2.1.2 of the *International Residential Code*.

Amend Table R402.1.3

Climate Zone	Fenestration U-Factor <sup>h,1</sup>	Skylight <sup>b</sup> U-Factor	Glazed Fenestration SHGC <sup>h,e</sup>	Ceiling R-Value	Wood Frame Wall R-Value <sup>g</sup>	Mass Wall R-Value <sup>h</sup>	Floor R-Value	Base-Ment <sup>e,g</sup> Wall R-Value	Slab <sup>d</sup> R-Value & Depth	Crawl Space <sup>e,g</sup> Wall R-Value
0	NR	0.75	0.25	30	13 or 0 & 10ci	3/4	13	0	0	0
1	NR	0.75	0.25	30	13 or 0 & 10ci	3/4	13	0	0	0
2	0.40	0.65	0.25	38	13 or 0 & 10ci	4/6	13	0	0	0
3	.30	0.55	0.25	38	13 or 0 & 10ci	8/13	19	5ci or 13 <sup>f</sup>	0	5ci or 13 <sup>f</sup>
4 except Marine	.30	0.55	0.40	60	30 or 20 & 5ci <sup>h</sup> or 13 & 10ci or 0 & 20ci <sup>h</sup>	8/13	19	10ci or 13	10ci, 4 ft	10ci or 13
5 and Marine 4	0.30 <sup>i</sup>	0.55	0.40	60	30 or 20 & 5ci <sup>h</sup> or 13 & 10ci or 0 & 20ci <sup>h</sup>	13/17	30	15ci or 19 or 13 & 5ci	10ci, 4 ft	15ci or 19 or 13 & 5ci
6	0.30 <sup>i</sup>	0.55	NR	60	30 or 20 & 5ci <sup>h</sup> or 13 & 10ci or 0 & 20ci <sup>h</sup>	15/20	30	15ci or 19 or 13 & 5ci	10ci, 4 ft	15ci or 19 or 13 & 5ci
7 and 8	0.30 <sup>i</sup>	0.55	NR	60	30 or 20 & 5ci <sup>h</sup> or 13 & 10ci or 0 & 20ci <sup>h</sup>	19/21	38	15ci or 19 or 13 & 5ci	10ci, 4 ft	15ci or 19 or 13 & 5ci

**Table R402.1.3  
Insulation Minimum R-Values and Fenestration Requirements By Component<sup>d</sup>**

For SI: 1 foot = 304.8 mm. NR = Not Required.  
ci = continuous insulation.

- a. R-values are minimums. U-factors and SHGC are maximums. Where insulation is installed in a cavity that is less than the label or design thickness of the insulation, the installed R-value of the insulation shall be not less than the R-value specified in the table.
- b. The fenestration U-factor column excludes skylights. The SHGC column applies to all glazed fenestration.  
Exception: In Climate Zones 0 through 3, skylights shall be permitted to be excluded from glazed fenestration SHGC requirements provided that the SHGC for such skylights does not exceed 0.30.
- c. "5ci or 13" means R-5 continuous insulation (ci) on the interior or exterior surface of the wall or R-13 cavity insulation on the interior side of the wall. "10ci or 13" means R-10 continuous insulation (ci) on the interior or exterior surface of the wall or R-13 cavity insulation on the interior side of the wall. "15ci or 19 or 13 + 5ci" means R-15 continuous insulation (ci) on the interior or exterior surface of the wall; or R-19 cavity insulation on the interior side of the wall; or R-13 cavity insulation on the interior of the wall in addition to R-5 continuous insulation on the interior or exterior surface of the wall.
- d. R-5 insulation shall be provided under the full slab area of a heated slab in addition to the required slab edge insulation R-value for slabs, as indicated in the table. The slab-edge insulation for heated slabs shall not be required to extend below the slab.
- e. There are no SHGC requirements in the Marine Zone.
- f. Basement wall insulation is not required in Warm Humid locations as defined by Figure R301.1 and Table R301.1.
- g. The first value is cavity insulation; the second value is continuous insulation. Therefore, as an example, "13 + 5" means R-13 cavity insulation plus R-5 continuous insulation.
- h. Mass walls shall be in accordance with Section R402.2.5. The second R-value applies where more than half of the insulation is on the interior of the mass wall.
- i. A maximum U-factor of 0.32 shall apply in Climate Zones 3 through 8 to vertical fenestration products installed in buildings located either:
  1. Above 4,000 feet in elevation, or
  2. In windborne debris regions where protection of openings is required by Section R301.2.1.2 of the *International Residential Code*.

Amend Section R402.2.1, Ceilings with attics

Adopt Exception

	Item (1.)	(1.) When the thermal covering at the roof line creates an unvented attic: (a.) Proper sizing or modification of the HVAC system to the current code is required. (b.) Any insulation between the sealed, conditioned attic space and the living space must be removed.
Adopt	Item (2.)	(2.)(a) The space under appliances located in a sealed, conditioned attic may remain in place if sealed from the attic space, it is less than 10% of the total conditioned attic floor, and the appliances are approved for use in a sealed attic. (b.) There shall be no outside attic ventilation and all openings must be blocked with rigid material and are sealed, in accordance with the ICC IRC Chapter 8 "Roof-Ceiling Construction"

Amend	Section R402.2.3 Eave Baffle	For air-permeable insulation in vented attics, a baffle shall be installed adjacent to soffit and eave vents.-Baffles shall maintain-an opening equal-to or greater than the size of the vent. The baffle shall extend over the top of the attic insulation. The baffle shall be permitted to be any solid material.
Amend	Section R402.2.7 Floors	
Repeal		Subfloor insulation shall provide or be installed in permanent contact with a rigid air barrier material. If the building is cooled with air conditioning subfloors in any vented crawl space shall be insulated with an airtight, class II vapor retarder insulation system (perm < 1.0).
Adopt	Exception	
Adopt	Item (1.)	(1.) Plastic Spray Foam cannot be applied to finish flooring where no subfloor exists.
Repeal	Section R402.4.1.1 Installation.	
Amend	Section R402.4.1.2 Testing	The building or dwelling unit shall be tested for air leakage. The maximum air leakage rate for any building or dwelling unit under any compliance path shall not exceed 7.0 air changes per hour or 0.28 cubic feet per minute (CFM) per square foot [0.0079 m <sup>3</sup> /(s × m <sup>2</sup> )] of dwelling unit enclosure area. Testing shall be conducted in accordance with ANSI/RESNET/ICC 380, ASTM E779 or ASTM E1827 and reported at a pressure of 0.2 inch w.g. (50 Pascals).Effective July 1, 2024, blower door testing shall be performed by individuals certified to perform blower door tests by a nationally recognized organization that trains and provides certification exams for the proper procedures to perform such tests. The responsible BCEO shall accept written blower door test reports from these certified individuals to verify the minimum requirements of Section N1102.4.1.2. A written report of the results of the test shall be signed by the party conducting the test and provided to the code official. Testing shall be performed at any time after creation of all penetrations of the building thermal envelope have been sealed. Where multiple dwelling units or other occupiable conditioned spaces are contained within one building thermal envelope, each unit shall be considered an individual testing unit, and the building air leakage shall be the weighted average of all testing unit results, weighted by each testing unit's enclosure area. Units shall be tested separately with an unguarded blower door test as follows:
Adopt	Item (1.)	(1).Where buildings have fewer than eight testing units, each testing unit shall be tested.
Adopt	Item (2.)	(2) For buildings with eight or more testing units, the greater of seven units or 20 percent of the testing units in the building shall be tested, including a top floor unit, a ground floor unit and a unit with the largest testing unit enclosure area. For each tested unit that exceeds the maximum air leakage rate, an additional two units shall be tested, including a mixture of testing unit types and locations.
Amend	Exception	When testing individual dwelling units, an air leakage rate not exceeding 0.30 cubic feet per minute per square foot [0.008 m <sup>3</sup> /(s × m <sup>2</sup> )] of the dwelling unit enclosure area, tested in accordance with ANSI/RESNET/ICC 380, ASTM E779 or ASTM E1827 and reported at a pressure of 0.2 inch water gauge (50 Pa), shall be permitted in all climate zones for: 1. Attached single- and multiple-family building dwelling units. 2. Buildings or dwelling units that are 1,500 square feet (139.4 m <sup>2</sup> ) or smaller. Effective July 1, 2024, when a blower door test is performed, and the air infiltration rate of a dwelling unit is less than 3 air changes per hour when tested in accordance with Section N1102.4.1.2, the dwelling unit shall be provided with whole- house mechanical ventilation in accordance with Section M1507.3
Amend	Section R402.4.1.3 Leakage Rate	Where complying with Section N1101.13.1, the building or dwelling unit shall have an air leakage rate not exceeding 7.0 air changes per hour in Climate Zones 0, 1 and 2, and 7.0 air changes per hour in Climate Zones 3 through 8, when tested in accordance with Section N1102.4.1.2.
Amend	Section R402.4.4 Rooms containing fuel-burning appliances.	In Climate Zones 2 through 8, where open combustion air ducts provide combustion air to open combustion fuel-burning appliances, the appliances and combustion air opening shall be located outside the building thermal envelope or enclosed in a room that is isolated from inside the thermal envelope. Such rooms shall be sealed and insulated in accordance with the envelope requirements of Table N1102.1.3, where the walls, floors and ceilings shall meet a minimum of the basement wall R-value requirement. The door into the room shall be fully gasketed and any water lines and ducts in the room insulated in accordance with Section N1103. The combustion air duct shall be insulated where it passes through conditioned space to an R-value of not less than R-8.
Repeal	Section R402.4.6 Electrical and communication outlet boxes (air-sealed boxes)	
Amend	Section R403.3.1 Ducts located outside conditioned space	Supply and return ducts located outside conditioned space shall be insulated to an R-value of not less than R-8.
Amend	Section 403.3.2 Ducts located in conditioned space.	
Amend	Item 3.3	A minimum 10 insulation installed in the cavity width separating the duct from unconditioned space
Amend	Section R403.3.3 Ducts buried within ceiling insulation.	In Climate zone 2A Supply and Return ductwork shall not be buried in insulation
Repeal	Item 1	
Repeal	Item 2	
Repeal	Item 3	
Amend	Section R403.3.5 Duct Testing	Duct leakage testing shall be performed by individuals certified to perform duct leakage tests by a nationally recognized organization that trains and provides certification exams for the proper procedures to perform such tests. The responsible BCEO shall accept written duct leakage test reports from these certified individuals to verify the minimum sealing requirements of Section N1103.3.4. Ducts shall be pressure tested in accordance with ANSI/RESNET/ICC 380 or ASTM E1554 to determine air leakage by one of the following methods:

Amend	Exceptions	
Repeal		A duct air-leakage test shall not be required for ducts serving heating, cooling or ventilation systems that are not integrated with ducts serving heating or cooling systems.
Adopt	Item (1.)	(1.) A duct air-leakage test shall not be required where the ducts and air handlers are located entirely within the building thermal envelope.
Adopt	Item (2.)	(2.) HVAC contractors, who are not certified to perform duct leakage tests, may perform the test with the responsible BCEO visually verifying test procedures and results on site.
Amend	Section R403.3.6 Duct Leakage	
Amend	Item (1.)	(1.) Rough-in test: The total leakage shall be less than or equal to 6.0 cubic feet per minute (113.3 L/min) per 100 square feet (9.29 m <sup>2</sup> ) of conditioned floor area where the air handler is installed at the time of the test. Where the air handler is not installed at the time of the test, the total leakage shall be less than or equal to 4.0 cubic feet per minute (85 L/min) per 100 square feet (9.29 m <sup>2</sup> ) of conditioned floor area.
Amend	Item (2.)	(2.) Post construction test: Total leakage shall be less than or equal to 8.0 cubic feet per minute (113.3 L/min) per 100 square feet (9.29 m <sup>2</sup> ) of conditioned floor area or leakage to outside shall be less than or equal to 4 cfm per 100 sq feet of conditioned floor area.
Repeal	Item (3.)	
Amend	Section R403.3.7 Building Cavities	Building framing cavities directly adjacent to and within shall not be used as ducts or plenums.
Amend	Section R403.6 Mechanical Ventilation	The buildings complying with Section N1102.4.1 providing mechanical ventilation shall comply with the requirements of Section M1505 or with other approved means of ventilation. Outdoor air intakes and exhausts shall have automatic or gravity dampers that close when the ventilation system is not operating.
Amend	Section R404.1 Lighting equipment	All permanently installed lighting fixtures, excluding kitchen appliance lighting fixtures, shall contain only high-efficacy lighting sources not less than 90 percent of the permanently installed lighting fixture.
Repeal	Section R404.1.1 Exterior Lighting	
Repeal	Section R404.2 Interior lighting controls	
Repeal	Section R404.3 Exterior Lighting controls	
Amend	Section R406.2 ERI Compliance	
Repeal	Item (1.)	(1.) The requirements of the sections indicated within Table N1106.2
Amend	Section R406.3.2 On-site renewables are included	Where on-site renewable energy is included for compliance using the ERI analysis of Section N1106.4, the building thermal envelope shall be greater than or equal to the levels of efficiency and SHGC in Table R402.1.1 or R402.1.3 of the 2009 International Energy Conservation Code.
Amend	Section R406.4 Energy Rating Index	The Energy Rating Index (ERI) shall be determined in accordance with RESNET/ICC 301 Energy used to recharge or refuel a vehicle used for transportation on roads that are not on the building site shall not be included in the ERI reference design or the rated design.
Amend	Section R406.5 HERS-based compliance	Compliance based on an HERS analysis requires that the rated proposed design and confirmed built dwelling be shown to have an HERS less than or equal to the value of 58.
Adopt	Exceptions	
Adopt	Item (1.)	(1.)HERS calculation method shall be an equivalent to the ERI analysis in calculating compliance
Adopt	Item (2.)	(2.)Other alternate means of home energy rating as approved by the building official

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1730.22(C) and (D) and 40:1730.26(1).

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, State Uniform Construction Code Council, LR 49:1136 (June 2023).

Chief Daniel H. Wallace  
State Fire Marshal

2306#018

**RULE**

**Department of Public Safety and Corrections  
Uniform Construction Code Council**

**Uniform Construction Code—Freeboard Requirements  
(LAC 17:I.103 and 107)**

In accordance with the provisions of R.S. 40:1730.26 and R.S. 40:1730.28, relative to the authority of the Louisiana State Uniform Construction Code Council (LSUCCC) to promulgate and enforce rules and in accordance with R.S. 49:953(B), the Administrative Procedure Act, the Department of Public Safety and Corrections, Office of the State Fire Marshal, Louisiana State Uniform Construction

Code Council (LSUCCC) has amended and adopted the following Rule. The purpose of adopting and amending the currently adopted construction codes is to replace them with more recent technology, methods and materials for the 2021 editions of the *International Residential Code and International Building Code* and to also comply with more current FEMA regulations. This Rule is hereby adopted on the day of promulgation.

**Title 17  
CONSTRUCTION**

**Part I. Uniform Construction Code**

**Chapter 1. Adoption of the Louisiana State Uniform Construction Code**

**(Formerly LAC 55:VI.Chapter 3)**

**§103. International Building Code  
(Formerly LAC 55:VI.301.A.1)**

A. *International Building Code* (IBC), 2021 Edition, not including Chapter 1, Administration, Chapter 11, Accessibility, Chapter 27, Electrical. The applicable standards referenced in that code are included for regulation of construction within this state. Furthermore, IBC shall be amended as follows and shall only apply to the *International Building Code*.

* * *		
Amend	Item (3.)	(3.) Glazing in Risk Category II, III or IV buildings located over 60 feet (18 288 mm) above the ground and over 30 feet (9144 mm) above aggregate surface roofs located within 1,500 feet (458 m) of the building shall be permitted to be unprotected.
Amend	Section 1612.42, Design and Construction.	The design and construction of buildings and structures located in flood hazard areas, including coastal high hazard areas and coastal A zones, shall be in accordance with Chapter 5 of ASCE 7 and ASCE 24. The local jurisdictions, utilizing flood plain manager, shall have the authority to adopt higher freeboard amounts as needed (CRS, etc.) but shall not have the authority to adopt freeboard amounts less than those required in ASCE-24.
Amend	Section 1613.1, Scope.	Every structure, and portion thereof, including nonstructural components that are permanently attached to structures and their supports and attachments, shall be designed and constructed to resist the effects of earthquake motions in accordance with ASCE 7, excluding Chapter 14 and Appendix 11A. The seismic design category for a structure is permitted to be determined in accordance with Section 1613 or ASCE 7-10. Figure 1613.5(1) shall be replaced with ASCE 7-10 Figure 22-1. Figure 1613.5(2) shall be replaced with ASCE 7-10 Figure 22-2.
* * *		

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1730.22(C) and (D) and 40:1730.26(1).

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, State Uniform Construction Code Council, LR 33:291 (February 2007), amended LR 34:93 (January 2008), LR 34:883 (May 2008), LR 34:2205 (October 2008), LR 35:1904 (September 2009), LR 36:2574 (November 2010), effective January 1, 2011, LR 37:601 (February 2011), LR 37:913 (March 2011), repromulgated LR 37:2187 (July 2011), repromulgated LR 37:2726 (September 2011), LR 37:3065 (October 2011), LR 38:1994 (August 2012), amended by the

Department of Public Safety and Corrections, Uniform Construction Code Council, LR 39:1825 (July 2013), LR 39:2512 (September 2013), LR 40:2609 (December 2014), amended by the Department of Public Safety and Corrections, Office of State Fire Marshal, LR 41:2380 (November 2015), amended by the Department of Public Safety and Corrections, Office of the State Fire Marshal, Uniform Construction Code Council, LR 44:75 (January 2018), repromulgated LR 45:912 (July 2019), amended LR 45:1786 (December 2019), LR 48:2578 (October 2022), LR 49:1141 (June 2023).

**§107. International Residential Code  
(Formerly LAC 55:VI.301.A.3.a)**

A.1. ...

* * *		
Amend	Section R322.2.1, General	Buildings and structures constructed in whole or in part in flood hazard areas, including A or V Zones and Coastal A Zones, as established in Table R301.2, and substantial improvement and repair of substantial damage of buildings and structures in flood hazard areas, shall be designed and constructed in accordance with the provisions contained in this section. Buildings and structures that are located in more than one flood hazard area shall comply with the provisions associated with the most restrictive flood hazard area. Buildings and structures located in whole or in part in identified floodways shall be designed and constructed in accordance with ASCE 24. The local jurisdictions, utilizing flood plain managers, shall have the authority to adopt higher freeboard amounts as needed (CRS, etc.) but shall not have the authority to adopt freeboard amounts less than those required in ASCE-24
Amend	Section R506.2.3	A minimum 6 mil (0.006 inch) vapor retarder conforming to ASTM E1745 Class A requirements with joints lapped not less than 6 inches (152 mm) shall be placed between the concrete floor slab and the base course or the prepared subgrade where a base course does not exist.
* * *		

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1730.22(C) and (D) and 40:1730.26(1).

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, State Uniform Construction Code Council, LR 33:291 (February 2007), amended LR 34:93 (January 2008), LR 34:883 (May 2008), LR 34:2205 (October 2008), LR 35:1904 (September 2009), LR 36:2574 (November 2010), effective January 1, 2011, LR 37:601 (February 2011), LR 37:913 (March 2011), repromulgated LR 37:2187 (July 2011), repromulgated LR 37:2726 (September 2011), LR 37:3065 (October 2011), LR 38:1994 (August 2012), amended by the Department of Public Safety and Corrections, Uniform Construction Code Council, LR 39:1825 (July 2013), LR 39:2512 (September 2013), LR 40:2609 (December 2014), amended by the Department of Public Safety and Corrections, Office of State Fire Marshall, LR 41:2383 (November 2015), amended LR 42:1672 (October 2016), amended by the Department of Public Safety and Corrections, Office of the State Fire Marshal, Uniform Construction Code Council, LR 44:79 (January 2018), amended LR 44:2218 (December 2018), repromulgated LR 45:916 (July 2019),

amended LR 45:1789 (December 2019), amended LR 48:2582 (October 2022), LR 49:1142 (June 2023).

Chief Daniel H. Wallace  
State Fire Marshal

2306#022

**RULE**

**Department of Wildlife and Fisheries  
Wildlife and Fisheries Commission**

Assignment of Hull Identification Numbers to  
Undocumented Vessels Manufactured in Louisiana  
(LAC 76:XI.309)

The Wildlife and Fisheries Commission does hereby modify its rules by amending existing regulations that provide for assignment of hull identification numbers to undocumented vessels manufactured for resale in Louisiana



that do not qualify for the assignment of such numbers by the United States Coast Guard.

Federal regulations require recreational boats sold in the United States to have a Hull Identification Number (HIN) affixed by the manufacturer. Further, manufacturers of recreational vessels for sale in the United States are required to apply for a manufacturer identification code from the U.S. Coast Guard and to meet certain manufacturer specifications. However, there is an exemption from the federal flotation requirement applications for vessels used in shallow water/ marsh conditions. This exemption expires on July 31, 2024.

Louisiana law mandates the Department of Wildlife and Fisheries to develop regulations that allow for assignment of HINs to boat manufacturers in Louisiana for undocumented vessels manufactured in the state that do not qualify for the assignment of such number by the U.S. Coast Guard. As a result, the current regulations are in conflict with federal law and regulation and provide boat manufacturers an opportunity to circumvent certain federal regulatory requirements by applying for and purchasing blocks of ten HINs from the department that start with the "LAZ" manufacturer identification code. The state's "LAZ" designation is intended to be used to register and title homemade vessels built for personal use, or vessels with a missing, removed or obliterated HIN numbers, not for recreational boat manufacturers to avoid US Coast Guard regulatory requirements.

This Rule will amend current regulations that are in conflict with federal law and regulations governing boat manufacturing to mirror the federal regulatory framework. This Rule is hereby adopted on the day of promulgation.

#### **Title 76**

### **WILDLIFE AND FISHERIES**

#### **Part XI. Boating**

#### **Chapter 3. Boating Safety**

#### **§309. Assignment of Hull Identification Numbers to Vessels Manufactured in Louisiana**

A. All vessels manufactured for sale in Louisiana shall conform to federal standards established in 46 USC 4301, et seq. or any federal regulation prescribed thereunder. Each vessel manufactured for sale in Louisiana shall have a hull identification number (HIN) assigned by the United States Coast Guard (USCG).

B. Notwithstanding the provisions of Subsection A, the following regulations shall provide for the assignment of hull identification numbers (HIN) to certain undocumented vessels manufactured in this state that do not qualify for the assignment of such numbers by the USCG.

1. Airboat and mudboat vessels that do not meet USCG level flotation regulations, but are manufactured principally to be used in shallow water/marsh conditions and do not travel far from shore are eligible for consideration for assignment of a Louisiana HIN, assuming the vessel meets the following criteria:

- a. the vessel model is designed for shallow water use;
- b. the vessel is only marketed and sold in typical shallow water and marsh areas;
- c. the vessel meets all other federal safety standards for recreational boats manufactured in the United States;

d. the manufacturer strictly adheres to all requirements of the grant of exemption;

e. the vessel must be powered by a mud motor or fan blade.

2. The manufacturer(s) of such vessels shall submit an application for eligibility requesting approval from the department. The application of eligibility shall be submitted on company letterhead describing in detail the model(s) an exemption is sought for, photographs of the model(s), where the boats are typically sold including dealer network, marketing method for the model(s), and any flotation utilized on the model. The application for eligibility should include the following information for each model:

- a. model name;
- b. overall length;
- c. vessel type;
- d. hull material;
- e. propulsion type;
- f. engine drive type;
- g. fuel.

3. The manufacturer must be capable of producing a minimum of 10 vessels annually and must provide proof of security in one of the following forms to be eligible to receive the HIN's:

- a. pre-payment of a minimum of one block of 10 HIN numbers, or
- b. bond, letter of credit, or other security, in an amount and form acceptable to the secretary, determined on a case-by-case basis.

4. Upon receipt of an application for eligibility from a manufacturer, an agent from the enforcement division shall conduct an initial inspection of the manufacturer's vessel fabrication location.

5. Upon favorable inspection, the manufacturer(s) shall be approved to receive HIN's issued in blocks of 10 individual HINs upon the manufacturer's request. The department shall charge a fee of \$25 per issued HIN.

6. Manufacturer(s) receiving department-issued HIN, as described in this Section, shall comply with the following procedures.

a. The HIN must be stamped on the vessel before it leaves the manufacturer's facility.

b. The manufacturer(s) must produce a manufacturer statement of origin (MSO) as described in R.S. 34:852.11. The manufacturer shall provide the purchaser and/or transferee with the original MSO.

c. Manufacturer(s) must maintain records of all vessels stamped with HIN from the block of numbers issued to the manufacturer by the department. These records must include the date the vessel was stamped, vessel make, principle vessel hull material, vessel length, vessel type, HIN stamped on vessel, date vessel was sold or ownership transferred, and name and address of the transferee. These records shall be kept in the form of a log book issued by the department. The log book shall be returned to the department upon completion. Manufacturers must maintain a copy of the log book for three years.

C. Agents from the enforcement division may inspect the manufacturer(s)' facility, records, and/or vessels to verify that the manufacturer is maintaining compliance with the stated procedures.

D. Violation of this Section shall be fined not less than \$500, but no more than \$1000, or imprisoned for not more than 30 days, or both, for each violation as provided in R.S. 34:852.22.

AUTHORITY NOTE: Promulgated in accordance with R.S. 34:852.13.B.

HISTORICAL NOTE: Promulgated by Department of Wildlife and Fisheries, Wildlife and Fisheries Commission, LR 37:922 (March 2011), amended LR 49:1143 (June 2023).

Robert E. Shadoin  
Secretary

2306#006

#### **RULE**

#### **Department of Wildlife and Fisheries Wildlife and Fisheries Commission**

#### **Marking System for Gill Nets, Trammel Nets, Hoop Nets, Slat Traps, and Wire Nets (LAC 76:VII.114)**

The Department of Wildlife and Fisheries and the Wildlife and Fisheries Commission have revised a Rule (LAC 76:VII.114) by removing the requirement of buoys on gill nets due to industry concerns of theft of fish and gear. This Rule is hereby adopted on the day of promulgation.

#### **Title 76**

#### **WILDLIFE AND FISHERIES**

#### **Part VII. Fish and Other Aquatic life**

#### **Chapter 1. Freshwater Sports and Commercial Fishing**

#### **§114. Marking System for Gill Nets, Trammel Nets, Hoop Nets, Slat Traps, and Wire Nets**

A. Each gill net or trammel net shall be marked with a waterproof tag attached to the corkline at each end of the net, no more than three feet from the edge of the webbing or on an attached buoy in indelible ink. Each hoop net, slat trap, or wire nets shall be marked with a waterproof tag attached directly to the device or written on an attached buoy in indelible ink. Said tags shall be supplied by fisherman and to be completely waterproof. Each tag or buoy shall have the fisherman's full name (no initials), and the appropriate commercial or recreational fisherman's license number (not the net license number) printed thereon in the English language, so as to be clearly legible.

AUTHORITY NOTE: Promulgated in accordance with R.S. 56:6, R.S. 56:320(F), and R.S. 56:326.3.

HISTORICAL NOTE: Promulgated by the Department of Wildlife and Fisheries, Wildlife and Fisheries Commission, LR 48:2372 (September 2022), LR 49:1144 (June 2023).

Robert E. Shadoin  
Secretary

2306#007

# Notices of Intent

## NOTICE OF INTENT

### Department of Agriculture and Forestry Board of Veterinary Medicine

Licensing Procedures  
(LAC 46:LXXXV.301, 801, and 1201)

In accordance with the Administrative Procedure Act, R.S. 49:953 et seq., the Louisiana Board (“Board”) of Veterinary Medicine has amended LAC 46:LXXXV. Sections 301, 801, and 1201 in Chapters 3, 8 and 12, respectively, to remove the letters of recommendation licensure requirement for DVM, RVT, and CAET applicants. The board determined that there is no empirical data to indicate that a letter of recommendation has ever been used to deny licensure. With numerous veterinary boards across the country taking similar steps to streamline the application for licensure process, removing this requirement allows the board to remove additional barriers to the timely processing of applications and the issuance of licenses. This Rule is adopted for applications submitted on or after July 1, 2024.

#### Title 46

### PROFESSIONAL AND OCCUPATIONAL STANDARDS

#### Part LXXXV. Veterinarians

#### Chapter 3. Licensure Procedures

##### §301. Applications for Licensure

A. - B.6. ...

7. Repealed.

B.8. - F. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1518 et seq.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Board of Veterinary Medicine, LR 8:66 (February 1982), amended LR 10:464 (June 1984), amended by the Department of Health and Hospitals, Board of Veterinary Medicine, LR 16:223 (March 1990), LR 19:343 (March 1993); LR 23:964 (August 1997), LR 25:2231 (November 1999), LR 28:1982 (September 2002), LR 40:308 (February 2014), LR 49:

#### Chapter 8. Registered Veterinary Technicians

##### §801. Applications for Certificate of Approval

A. - B.8. ...

9. Repealed.

B.10. - F. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1549.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Veterinary Medicine, LR 16:226 (March 1990), amended LR 40:309 (February 2014), LR 49:

#### Chapter 12. Certified Animal Euthanasia Technicians

##### §1201. Applications for Certificate of Approval

A. - A.8. ...

9. Repealed.

A.10. - D....

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1558.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Veterinary Medicine, LR 19:1424 (November 1993), amended LR 26:317 (February 2000), LR 29:1479 (August 2003), LR 38:357 (February 2012), LR 40:310 (February 2014), LR 49:

#### Family Impact Statement

The proposed Rule should not have any known or foreseeable impact on family formation, stability, and autonomy. In particular, the proposed Rule has no known or foreseeable impact on:

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

#### Poverty Impact Statement

The proposed Rule should not have any known or foreseeable impact on any child, individual or family as defined by R.S. 49:973(B). In particular, there should be no known or foreseeable effect on:

1. the effect on household income, assets, and financial security;
2. the effect on early childhood development and preschool through postsecondary education development;
3. the effect on employment and workforce development;
4. the effect on taxes and tax credits;
5. the effect on child and dependent care, housing, health care, nutrition, transportation, and utilities assistance.

#### Small Business Analysis

The proposed Rule should have no adverse impact on small businesses as defined in the Regulatory Flexibility Act.

#### Provider Impact Statement

The proposed Rule should not have any known or foreseeable impact on providers as defined by HCR 170 of the 2014 Regular Legislative Session. In particular, there should be no known or foreseeable effect on:

1. the effect on the staffing level requirements or qualifications required to provide the same level of service;
2. the total direct and indirect effect on the cost to the providers to provide the same level of service; or
3. the overall effect on the ability of the provider to provide the same level of service.

#### Public Comments

Interested parties may submit written comments to the Louisiana Board of Veterinary Medicine, Attention: Jared B. Granier, Executive Director, via U.S Mail at 5825 Florida Blvd, Baton Rouge, LA 70806 or via e-mail attachment to [director@lsbvm.org](mailto:director@lsbvm.org) or via hand delivery. Comments will be accepted until 3 p.m. on Tuesday, July 11, 2023. All written comments must be dated and must include the first and last

name, email address, mailing address, phone number, and the original signature of the person submitting the comments.

### Public Hearing

Interested parties may submit a written request to conduct a public hearing to the Louisiana Board of Veterinary Medicine, Attention: Jared B. Granier, Executive Director, via U.S Mail at 5825 Florida Blvd, Baton Rouge, LA 70806 or via e-mail attachment to [director@lsbvm.org](mailto:director@lsbvm.org) or via hand delivery; however, such request must be received by no later than 3 p.m. on Tuesday, July 11, 2023. If the criteria set forth in R.S. 49:953(A)(2)(a) are satisfied, a public hearing will be conducted at 1 p.m. on Wednesday, July 26, 2023 at 5825 Florida Blvd, Baton Rouge, LA 70806. To confirm whether or not a public hearing will be held, interested parties should visit [www.lsbvm.org/rulemaking-projects](http://www.lsbvm.org/rulemaking-projects) after Tuesday, July 11, 2023. If a public hearing is to be held, all interested parties are invited to attend and present data, views, comments, or arguments, orally or in writing. In the event of a hearing, parking is available to the public in front of the Department of Agriculture and Forestry Building at 5825 Florida Blvd, Baton Rouge, LA 70806.

Jared B. Granier  
Executive Director

## FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES RULE TITLE: Licensing Procedures

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

There will be no costs or savings to state or local governmental units, except for the cost associated with publishing the proposed rule amendment, which is normally included in the annual operating budget of the Board of Veterinary Medicine (Board), which is estimated at \$750 in FY 2023.

The proposed rule change is to remove the letters of recommendation requirement for Doctor of Veterinary Medicine (DVM), Registered Veterinary Technician (RVT), and Certified Animal Euthanasia Technician (CAET) applicants for licensure in the state of Louisiana.

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

The proposed rule change will not affect revenue collections of state or local governmental units.

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

The proposed rule change will help streamline the application process and decrease the time it takes applicants to be issued a license in the state of Louisiana.

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

The proposed rule change will have no effect on competition or employment.

Jared B. Granier, MBA  
Executive Director  
2306#002

Evan Brasseaux  
Interim Deputy Fiscal Officer  
Legislative Fiscal Office

## NOTICE OF INTENT

### Tuition Trust Authority Office of Student Financial Assistance

START Saving Program  
(LAC 28:VI.311, 315, and 507)

The Tuition Trust Authority announces its intention to amend its START Saving Program rules (R.S. 17:3091 et seq.).

This rulemaking implements the SECURE 2.0 Act of 2022 and codifies the interest rates to be applied to the Principal Protection investment option and Earnings Enhancements. (ST23209NI)

### Title 28 EDUCATION

#### Part VI. Student Financial Assistance—Higher Education Savings

#### Chapter 3. Education Savings Account

#### §311. Termination, Refund, and Rollovers of an Education Savings Account

A. - G. ...

H. Rollovers

1. Rollovers among ESAs of the Same Account Owner

a. Beginning October 1, 2009, an account owner may rollover any part or all of the value of an ESA to another ESA if the beneficiary of the account receiving the funds is a member of the family of the beneficiary of the original account.

b. If the current value of an ESA is transferred, all EEs and earnings thereon shall be included in the transfer.

2. Rollover to another Qualified Tuition Program

a. An account owner may request a rollover of the current value of the account less EEs and earnings thereon to another qualified tuition program.

b. EEs and the earnings thereon allocated to an ESA that is rolled over to another qualified tuition program are forfeited.

3. Rollover to a Qualified ABLE Program Account

a. Beginning May 1, 2018, an account owner may rollover any part or all of the value of an ESA to a qualified ABLE program account if the beneficiary of the account receiving the funds is a member of the family of the beneficiary of the ESA.

b. EEs and the earnings thereon allocated to an ESA that is transferred to a qualified ABLE program are forfeited.

c. A rollover by a Louisiana resident to any Qualified Able Program Account will be subject to Louisiana Tax Table Income in accordance with state law.

4. An account owner may not rollover any part or all of the value of an ESA to a START K12 account.

5. Beginning August 1, 2022, an account owner may rollover any or all of the value of an ESA to a START K12 account. Earnings enhancements may not be transferred to a START K12 account and will remain in the ESA for use by the beneficiary for qualified higher education expenses.

6. Beginning with distributions made on or after January 1, 2024, an account owner may rollover any or all of the value of an ESA to a Roth Individual Retirement Account (IRA), subject to the following restrictions:

a. the account must have been maintained for at least 15 years prior to the date of the requested rollover; and  
b. the rollover must be comprised of funds that were deposited at least five years prior to the date of the requested rollover; and

c. the rollover must be made directly to the administrator of the Roth IRA; and

d. the total amount of the rollover, together with all other contributions during the year of the rollover, may not exceed the annual contribution limit for a Roth IRA as published annually by the Internal Revenue Service (IRS); and

e. the maximum aggregate dollar amount of rollovers from one or more ESAs to a Roth IRA for a single beneficiary in that beneficiary's lifetime shall not exceed \$35,000.

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

HISTORICAL NOTE: Promulgated by the Tuition Trust Authority, Office of Student Financial Assistance, LR 23:717 (June 1997), amended LR 24:1273 (July 1998), repromulgated LR 26:2265 (October 2000), amended LR 27:38 (January 2001), LR 27:1882 (November 2001), LR 28:779 (April 2002), LR 30:790 (April 2004), LR 31:639 (March 2005), LR 32:1434 (August 2006), LR 32:2240 (December 2006), LR 33:444 (March 2007), LR 35:236 (February 2009), LR 36:492 (March 2010), LR 36:2551 (November 2010), LR 39:2238 (August 2013), LR 42:1080 (July 2016), LR 44:1877, 1887 (October 2018), LR 47:42 (January 2021), LR 49:58 (January 2023), LR 49:

### **§315. Miscellaneous Provisions**

A. - B.46. ...

47. For the year ending December 31, 2022, the Louisiana Education Tuition and Savings Fund earned an interest rate of 0.97 percent.

48. For the year ending December 31, 2022, the Savings Enhancement Fund earned an interest rate of 1.32 percent.

C. - S.2.

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

HISTORICAL NOTE: Promulgated by the Tuition Trust Authority, Office of Student Financial Assistance, LR 23:718 (June 1997), amended LR 24:1274 (July 1998), LR 26:1263 (June 2000), repromulgated LR 26:2267 (October 2000), amended LR 27:1221 (August 2001), LR 27:1884 (November 2001), LR 28:1761 (August 2002), LR 28:2335 (November 2002), LR 29:2038 (October 2003), repromulgated LR 29:2374 (November 2003), amended LR 30:791 (April 2004), LR 30:1472 (July 2004), LR 31:2216 (September 2005), LR 32:1434 (August 2006), LR 32:2240 (December 2006), LR 33:2359 (November 2007), LR 34:1886 (September 2008), LR 35:1492 (August 2009), LR 36:492 (March 2010), LR 36:2030 (September 2010), LR 38:1954 (August 2012), LR 39:2238 (August 2013), LR 40:1926 (October 2014), LR 41:1487 (August 2015), LR 42:1082 (July 2016), LR 42:1658 (October 2016), LR 43:1731 (September 2017), LR 44:1888 (October 2018), LR 45:1177 (September 2019), LR 46:1223

(September 2020), LR 47:1495 (October 2021), LR 48:2561 (October 2022), LR 49:

## **Chapter 5. Achieving a Better Life Experience (ABLE)**

### **§507. Applicable Definitions**

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

\* \* \*

*Eligible Individual*—an individual is an eligible individual for a given tax year if one of the following is met:

a.i. through December 31, 2025, the individual is entitled to benefits based on blindness or disability under title II or XVI of the Social Security Act, and such blindness or disability occurred before the date on which the individual attained age 26; or

ii. a disability certification with respect to such individual is filed with the secretary for such taxable year.

b.i. beginning January 1, 2026, the individual is entitled to benefits based on blindness or disability under title II or XVI of the Social Security Act, and such blindness or disability occurred before the date on which the individual attained age 46; or

ii. a disability certification with respect to such individual is filed with the secretary for such taxable year.

\* \* \*

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:3081-3089.

HISTORICAL NOTE: Promulgated by the Tuition Trust Authority, Office of Student Financial Assistance, LR 43:639 (April 2017), amended LR 44:1888 (October 2018), LR 47:575 (May 2021), LR 49:

### **Family Impact Statement**

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

### **Poverty Impact Statement**

The proposed rulemaking will have no impact on poverty as described in R.S. 49:973.

### **Small Business Analysis**

The proposed Rule will have no adverse impact on small businesses as described in LSA-R.S. 49:965.2 *et seq.*

### **Provider Impact Statement**

The proposed Rule will have no adverse impact on providers of services for individuals with developmental disabilities as described in HCR 170 of 2014.

### **Public Comments**

Interested persons may submit written comments on the proposed changes (SG23206NI) until 4:30 p.m., June 9, 2023, by email to [LOSFA.Comments@la.gov](mailto:LOSFA.Comments@la.gov) or to Sujuan Williams Boutté, Ed. D., Executive Director, Office of Student Financial Assistance, P. O. Box 91202, Baton Rouge, LA 70821-9202.

Robyn Rhea Lively  
Senior Attorney

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

**RULE TITLE: START Saving Program**

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

The proposed rule changes will not result in any costs or savings to state or local governmental units. The changes codify the actual earnings realized on Student Tuition Assistance and Revenue Trust (START) Saving Program accounts that are invested in the Louisiana Principal Protection investment option and the actual earnings realized on the investment of Earnings Enhancements for the 2022 calendar year as required by R.S. 17:3093.D(1)(f). The changes also allow transfer of funds from an account owner's Education Savings Account (ESA) funds to a Roth IRA and increases eligibility for an individual to qualify for the Achieving a Better Life Experience (ABLE) Program.

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

There is no impact on state or local governmental revenues.

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

The proposed rule changes adopt actual interest rates for deposits and earnings enhancements for the year ending December 31, 2022. As determined by the State Treasurer, the interest rate earned for the 2022 calendar year by the Louisiana Education Tuition and Savings Fund was 0.97%, and by the Savings Enhancements Fund was 1.84%. These interest rates are less than the actual rates realized in the previous year and are the property of the account owners. Additional individuals may qualify to participate in the ABLE Program and account owners will gain additional flexibility in managing their funds by allowing rollovers of ESA funds to a Roth IRA.

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

The proposed rule will not affect competition and employment.

Robyn Lively  
Senior Attorney  
2306#026

Evan Brasseaux  
Interim Deputy Fiscal Officer  
Legislative Fiscal Officer

**NOTICE OF INTENT**

**Department of Environmental Quality  
Office of the Secretary  
Legal Affairs and Criminal Investigations Division**

**Voluntary Environmental Self-Audit  
(LAC 33:I.Chapter 70)**

Under the authority of the Environmental Quality Act, R.S. 30:2001 et seq., and in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., the secretary gives notice that rulemaking procedures have been initiated to amend the Office of the Secretary regulations, LAC 33:I.Chapter 70 (OS101).

The proposed Rule will establish regulations for the voluntary environmental self-audit program in accordance with R.S. 30:2044. On August 1, 2021, R.S. 30:2044 became effective mandating the department to promulgate regulations establishing a program for voluntary environmental self-audits. The regulations shall provide procedures for the establishment of the program,

identification of violations not eligible for relief under the program, a fee for reviewing the environmental self-audits and corrective actions submitted to the department, and suspension of prescription upon participation in the program. The basis and rationale for the proposed Rule are to establish an environmental self-audit program as required by R.S. 30:2044. The Rule is based upon the United States Environmental Protection Agency's audit policy. The voluntary environmental self-audit program has the potential to increase environmental compliance at facilities and enhance the protection of human health and the environment. This Rule meets an exception listed in R.S. 30:2019(D)(2) and R.S. 49:963.(B)(3); therefore, no report regarding environmental/health benefits and social/economic costs is required.

**Title 33**

**ENVIRONMENTAL QUALITY**

**Part I. Office of the Secretary**

**Subpart 5. Voluntary Environmental  
Self-Audit Program**

**Chapter 70. Voluntary Environmental Self-Audit  
Regulations**

**§7001. Authority**

A. Regulations for establishing a program for voluntary environmental self-audits are hereby established by the Louisiana Department of Environmental Quality by order of the administrative authority and in accordance with R.S. 30:2025(J), 30:2060(H), 30:2076(D), 30:2183(I), and 30:2044(A).

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2044(A).

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, the Office of the Secretary, Legal Affairs and Criminal Investigations Division, LR 49:

**§7003. Purpose**

A. The purpose of this Chapter is to establish regulations for the voluntary environmental self-audit program. This Chapter:

1. identifies violations that are not eligible for relief under this program;
2. establishes procedures for conducting voluntary environmental self-audits;
3. establishes fees associated with this program; and
4. addresses prescription for violation(s) subject to this program.

B. The regulations established in this Chapter shall apply to environmental self-audits conducted on or after {promulgation date}.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2044(A).

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, the Office of the Secretary, Legal Affairs and Criminal Investigations Division, LR 49:

**§7005. Definitions**

A. The following terms used in this Chapter shall have the meanings listed below, unless the context otherwise requires, or unless specifically redefined in a particular Section.

*Audit or Environmental Audit*—a systematic voluntary evaluation, review, or assessment of compliance with environmental statutes, regulations, permits, and/or permit requirements.

*Audit Report or Environmental Audit Report*—the documented analyses, conclusions, and recommendations resulting from an environmental audit.

*Department*—the Louisiana Department of Environmental Quality.

*EPA*—the United States Environmental Protection Agency.

*Owner or Operator*—any person(s) who owns, leases, operates, controls, or supervises a facility, building, structure, or installation.

*Person*—any individual, municipality, public or private corporation, partnership, firm, the United States government and any agent or subdivision thereof, or any other juridical person, which shall include, but not be limited to, trusts, joint stock companies, associations, the state of Louisiana, political subdivisions of the state of Louisiana, commissions, and interstate bodies.

*Regulated Entity*—any entity, including a federal, state, or municipal agency or facility, regulated under federal and/or state environmental laws.

*Subtitle*—the Louisiana Environmental Quality Act.

*Violation*—noncompliance with a requirement of a statute, regulation, permit, judicial or administrative order, or consent agreement.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2044(A).

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, the Office of the Secretary, Legal Affairs and Criminal Investigations Division, LR 49:

#### **§7007. Exclusions**

A. Violations that are not eligible for relief under this program shall include, but not limited to violations:

1. that result in serious actual harm to the environment;
2. that may present an imminent or substantial endangerment to the environment or public health;
3. discovered by the department or EPA prior to written disclosure of the violation to the department;
4. detected through monitoring, sampling, or auditing procedures that are required by statute, regulation, permit, judicial or administrative order, or consent agreement;
5. subject to the chemical accident prevention provisions of 40 CFR Part 68 and LAC 33:III.5901;
6. that are deliberate or intentional; or
7. that are the same or closely related at the same facility within the past three years.

B. An employee of the department shall not request, review, or otherwise use an environmental audit report during a department inspection of a facility.

C. The department reserves the right to take enforcement action with respect to a violation that:

1. is excluded under LAC 33:I.7007.A; or
2. is not properly or adequately disclosed and/or corrected in accordance with this Chapter.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2044(B).

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, the Office of the Secretary, Legal Affairs and Criminal Investigations Division, LR 49:

#### **§7009. Program Scope**

A. Procedures for Conducting Voluntary Environmental Self-Audits

##### 1. Notice of Audit

a. The owner or operator shall notify the department prior to initiating a voluntary environmental audit in order to qualify for penalty mitigation.

b. The owner or operator shall use the department's most current version of the approved notice of audit form located on the department's public website.

c. A notice of audit shall be submitted in writing by certified mail or other means approved by the department.

d. The department shall acknowledge receipt of the notice of audit in writing.

##### 2. Disclosure of Violation(s)

a. Disclosure of violation(s) shall be made by the owner or operator upon discovery of a violation as a result of the voluntary environmental audit. The violation(s) shall be properly disclosed and reported to the department by certified mail, or other means approved by the department, in order to qualify for penalty mitigation.

b. The owner or operator shall use the department's most current version of the approved disclosure of violation(s) form located on the department's public website.

c. The disclosure of violation shall include corrective actions, if applicable.

d. The department shall acknowledge receipt of the disclosure of violation in writing. The acknowledgement shall include a concurrence or rejection of the proposed corrective actions.

3. An environmental audit shall be completed within a reasonable time, not to exceed six months after the date the audit was initiated, unless the department grants an extension of time.

##### B. Requests for Extension of Time

##### 1. Requirements for Requests for Extension of Time

a. If an audit cannot be completed within six months after the date of initiation, a request for extension of time shall be submitted in writing at least 30 calendar days prior to the expiration of the audit period with sufficient information to justify an extension. Justification for an extension of time shall be limited to factors beyond the control of the owner or operator. A request without sufficient information shall result in a denial.

##### C. Corrective Actions

1. Corrective actions must be completed within 90 calendar days from the date of discovery of the violation unless a specific period is required by statute, regulation, or permit requirement.

a. Corrective actions must include detailed actions implemented, or to be implemented, to prevent recurrence of the violation and a scheduled date of completion.

b. Corrective actions that will take longer than 90 calendar days to complete must be submitted in writing and receive written approval from the department.

c. After completion of all corrective actions, a final written report shall be submitted to the department. The final written report shall include:

- i. notice of audit;
- ii. disclosure of violation(s); and
- iii. certification of completion of all corrective actions.

d. Failure to notify, implement, and/or complete all proposed corrective actions shall be considered a violation and subject to the appropriate enforcement action.

**D. Environmental Audit Report**

1. The full environmental audit report should not be submitted to the department unless specifically requested by the department in writing.

**E. Penalty Mitigation**

1. The following nine conditions shall be met to be eligible for a 100 percent reduction in penalties.

a. The violation was systematically discovered through an environmental audit.

b. The violation was voluntarily disclosed. The violation was not discovered through a federal, state, or local requirement prescribed by statute, regulation, permit, judicial or administrative order, or a consent agreement.

c. The violation was disclosed in writing within 45 calendar days after discovery, unless an existing law or regulation required disclosure in fewer than 45 calendar days.

d. The violation was independently discovered and identified before the department would have identified the problem either through its investigation or through information from a third party. Discovery and disclosure will not be considered independent if:

- i. prompted by the initiation of a department or EPA investigation, or information request;
- ii. a notice of a citizen suit filed under federal or state law prior to the notice of an environmental audit;
- iii. a third party complaint has been filed;
- iv. or a whistleblower has reported the potential violation to the department.

e. The violation was corrected as expeditiously as possible, but no later than 90 calendar days from the date of discovery, unless an extension of time or compliance schedule was approved by the department.

f. The appropriate measure(s) to prevent a recurrence of the violation was implemented after the violation was disclosed.

g. The same or closely related violation has not occurred at the same facility within the past three years.

h. The violation is not excluded as listed in LAC 33:I.7007.A.

i. The owner or operator has cooperated by providing information as required by the department to determine eligibility.

2. If all of the conditions in LAC 33:I.7009.E.1 are met except systematic discovery, there will be a 75 percent reduction.

3. Failure to meet the required conditions will result in ineligibility for penalty reduction.

4. The department reserves the right to collect any monetary benefits realized through noncompliance.

**F. Confidentiality**

1. Disclosure of violation(s) or other documentation containing the results of a voluntary environmental self-audit authorized by R.S. 30:2044 shall be held confidential by the department, and be withheld from public disclosure until a

final decision is made, or a period not to exceed two years from the receipt of the initial disclosure of violation, whichever occurs first. Any final decision made by the department shall be public and published on the department's website. However, nothing in this Paragraph shall prohibit a request for confidentiality pursuant to R.S. 30:2030(1)(b). Information that is required to be reported to a state or federal agency by statute, regulation, or permit, including but not limited to, notifications required by R.S. 30:2025(J), 30:2060(H), 30:2076(D), 30:2183(I), and 30:2204(A) shall not be held confidential.

2. All requests for confidentiality shall be submitted in accordance with LAC 33:I.Chapter 5.

**AUTHORITY NOTE:** Promulgated in accordance with R.S. 30:2044(C).

**HISTORICAL NOTE:** Promulgated by the Department of Environmental Quality, the Office of the Secretary, Legal Affairs and Criminal Investigations Division, LR 49:

**§7011. New Owner**

**A. Definitions**

1. The following terms used in this Chapter shall have the meanings listed below, unless the context otherwise requires, or unless specifically redefined in a particular Section.

*Acquisition Closing Date*—the date on which ownership of, or a direct or indirect majority interest in the ownership of a regulated facility or operation is acquired in an asset purchase, equity purchase, merger, or similar transaction.

*New Owner*—any person not responsible for environmental compliance at the facility that is the subject of the environmental audit, did not cause the violation being disclosed, and could not have prevented the occurrence.

**B.** The new owner shall comply with all requirements listed in LAC 33:I.7009 except as listed below.

1. The new owner shall notify the department in writing of the intention to continue an audit that was initiated by the previous owner.

2. An audit must be completed within six months after the acquisition closing date, if the new owner continues the audit.

3. Failure to request and receive written approval from the department for an extension of time to complete an audit may forfeit any penalty mitigation.

4. The new owner making the disclosure must certify in the disclosure that all of the following conditions were true before the acquisition closing date.

a. The new owner was not responsible for the environmental compliance at the facility or the operation that is subject to the audit.

b. The new owner did not have the largest ownership share of the seller.

c. The seller did not have the largest ownership share of the new owner.

d. The new owner and seller did not have a common corporate parent or a common majority interest owner.

5. A new owner is eligible for penalty mitigation if the following are met within nine months of the acquisition closing date:

- a. prompt disclosure of the violations to the department; and



b. the conditions outlined in LAC 33:I.7011.B.4 are met.

6. The following nine conditions shall be met to be eligible for a 100 percent reduction in penalties.

a. The violation was systematically discovered through an environmental audit.

b. The violation was voluntarily disclosed. The violation was not discovered through a federal, state, or local requirement prescribed by statute, regulation, permit, judicial or administrative order, or a consent agreement.

c. The violation was disclosed to the department in writing within 45 calendar days after discovery, unless an existing law or regulation required disclosure in fewer than 45 calendar days.

d. The violation was independently discovered and identified before the department would have identified the problem either through its investigation or through information from a third party. Discovery and disclosure will not be considered independent if:

i. prompted by the initiation of a department or EPA investigation or request for information;

ii. a notice of a citizen suit filed under federal or state law prior to the notice of an environmental audit;

iii. a third party complaint has been filed; or

iv. a whistleblower has reported the potential violation to the department.

e. The violation was corrected as expeditiously as possible, but no later than 90 calendar days from the date of discovery, unless an extension of time or compliance schedule was approved by the department.

f. The appropriate measures to prevent a recurrence of the violation were implemented after the violation was disclosed to the department.

g. The same or closely related violation has not occurred at the same facility within the past three years.

h. The violation is not excluded as listed in LAC 33:I.7007.A.

i. The owner or operator has cooperated by providing information as necessary and required by the department to determine eligibility.

7. Penalty mitigation will not apply if any of the following are met.

a. The new owner who made the disclosure willingly or knowingly committed the violation or was responsible for the commission of the violation.

b. The new owner who made the disclosure recklessly committed the violation or was responsible for the commission of the disclosed violation and the violation resulted in substantial injury or harm to one or more persons, property, or the environment on-site or off-site.

c. The violation was committed willfully or knowingly by a member of the new owner's management, or an agent of the new owner, and the new owner's policies or lack of prevention systems contributed materially to the occurrence of the violation.

d. The violation was recklessly committed by a member of the new owner's management, by an agent of the new owner, or if the new owner's policies or lack of prevention systems contributed materially to the occurrence of the violation resulting in substantial injury or harm to one or more persons, property, or the environment on-site or off-site.

e. The violation has resulted in a substantial economic benefit that gives the new owner a clear advantage over its business competitors.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2044(C).

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, the Office of the Secretary, Legal Affairs and Criminal Investigations Division, LR 49:

### §7013. Fees

#### A. Determination of Fee

1. All requests for reviewing environmental self-audits and corrective actions by the department shall be accompanied by an initial \$1,500 minimum fee.

2. The administrative authority shall keep an account of time spent by the department's civil service employee processing the review request. Every hour, or portion thereof, that the department's civil service employee works processing the request shall be multiplied by the maximum per-hour overtime salary of the department's civil service employee who performed the work, plus reasonable indirect costs calculated as a percentage of the hourly fee. Such percentage shall be determined annually by agreement between the department and the United States Environmental Protection Agency for use on grants and contracts. If this amount exceeds the initial minimum fee charge pursuant to R.S. 30:2044, an additional fee shall be charged for the amount exceeding the initial minimum fee.

3. Invoices for any additional fee amount may be issued periodically while the audit and corrective actions are being conducted and/or implemented and a final invoice shall be issued once the review is complete.

#### B. Refunds

1. The fees in this Section are nontransferable and nonrefundable.

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

#### D. Methods of Payment

1. All payments made by check, draft, or money order shall be made payable to the Louisiana Department of Environmental Quality, and mailed to the department with a copy of the notice of audit. The original notice of audit shall be submitted as directed on the form.

#### 2. Electronic Methods of Payment

a. Persons wishing to make payments using electronic pay method should access the department's website and follow the instructions provided on the website.

b. Persons wishing to make payments using the electronic funds transfer (EFT) method shall contact the Office of Management and Finance for further instructions.

#### E. Late Payment

1. Payments not received within 15 days of the due date will be charged a late fee.

2. Any late payment fee shall be calculated from the due date indicated on the invoice.

3. Payments not received by the department within:

a. fifteen days from the due date will be assessed a five percent late payment fee on the original assessed fee;

b. thirty days from the due date will be assessed an additional five percent late payment fee on the original assessed fee; and

c. sixty days from the due date will be assessed an additional five percent late payment fee on the original assessed fee.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2044(C).

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, the Office of the Secretary, Legal Affairs and Criminal Investigations Division, LR 49:

#### **§7015. Prescription**

A. Prescription shall be suspended for all claims with violations under the subtitle or the regulations promulgated pursuant to this subtitle upon participation in the voluntary self-audit program. Suspension of prescription commences upon the department's receipt of the owner or operator's disclosure of violation(s) in accordance with LAC 33:I.7009.A.2. The suspension of prescription shall terminate upon a final decision under R.S. 30:2030(A)(2) or after a period of two years, whichever occurs first.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2030(A) and 30:2044(D).

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, the Office of the Secretary, Legal Affairs and Criminal Investigations Division, LR 49:

#### **Family Impact Statement**

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

#### **Poverty Impact Statement**

This Rule has no known impact on poverty as described in R.S. 49:973.

#### **Small Business Analysis**

This Rule has no known impact on small business as described in R.S. 49:974.1 - 974.8.

#### **Provider Impact Statement**

This Rule has no known impact on providers as described in HCR 170 of 2014.

#### **Public Comments**

All interested persons are invited to submit written comments on the proposed regulation. Persons commenting should reference this proposed regulation by OS101. Such comments must be received no later than August 3, 2023, at 4:30 p.m., and should be sent to William Little, Attorney Supervisor, Office of the Secretary, Legal Affairs Division, P.O. Box 4302, Baton Rouge, LA 70821-4302, by fax (225) 219-4068, or by E-mail to DEQ.Reg.Dev.Comments@la.gov. Copies of this proposed regulation can be purchased by contacting the LDEQ Public Records Center at (225) 219-3168. Check or money order is required in advance for each copy of OS101. This proposed regulation is available on the Internet at [www.deq.louisiana.gov/portal/tabid/1669/default.aspx](http://www.deq.louisiana.gov/portal/tabid/1669/default.aspx).

#### **Public Hearing**

A public hearing will be held via Zoom on July 27, 2023, at 1:30 p.m. Interested persons are invited to attend and submit oral comments via PC, Mac, Linux, iOS, or Android at <https://deqlouisiana.zoom.us/j/81527125613?pwd=TGGrVH0wGdJZFN2L0F1WG9CbTIBUT09>, password 985711, or by telephone at (636) 651-3182 using the conference code 725573. Should individuals with a disability need an accommodation in order to participate, contact William Little at the address given below or at (225) 219-3985.

This proposed regulation is available for inspection at the following LDEQ office locations from 8 a.m. until 4:30 p.m.: 602 N. Fifth Street, Baton Rouge, LA 70802; 1823 Highway 546, West Monroe, LA 71292; State Office Building, 1525 Fairfield Avenue, Shreveport, LA 71101; 1301 Gadwall Street, Lake Charles, LA 70615; 111 New Center Drive, Lafayette, LA 70508; 110 Barataria Street, Lockport, LA 70374; 201 Evans Road, Bldg. 4, Suite 420, New Orleans, LA 70123.

Courtney J. Burdette  
Executive Counsel

### **FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES RULE TITLE: Voluntary Environmental Self-Audit**

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

The proposed rule changes establish regulations for the voluntary environmental self-audit program in accordance with R.S. 30:2044. The Department of Environmental Quality (DEQ) anticipates an increase in costs to implement the self-audit program. Annual costs are estimated to be \$610,008 during the first year and \$1,256,616 during the second year of the program. The department plans to charge a fee to recoup any costs associated with the program. The costs will ultimately be determined by the number of facilities that participate in the program, along with the scope and scale of the audits performed and submitted for DEQ's oversight and review.

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

This proposed rule allows the department to charge a fee for reviewing environmental self-audits. All revenue generated will be used to compensate the employee for the services performed plus reasonable indirect costs. There will be no net increase in revenues in excess of expenditures associated with the proposed action. Annual costs are estimated to be \$610,008 in FY 24 and increase to \$1,256,616 in FY 25.

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

Participation in the environmental self-audit program is voluntary. The applicant must complete a request and pay a minimum fee of \$1,500. The total fee will be based on the actual costs necessary to review the self-audit, which will be highly dependent on the size and complexity of the audit.

The environmental self-audit program allows the regulated community to identify and correct compliance issues. This type of program offers incentives such as mitigated penalties for eligible participants.

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

There may be impacts in employment in public or private sectors to the extent changes in employment are necessary to absorb the costs associated with participation in this program. However, these fees have been discussed with industry participants and the department does not anticipate any significant impact on public or private sector employment.

Courtney J. Burdette  
Executive Counsel  
2306#014

Evan Brasseaux  
Interim Deputy Fiscal Officer  
Legislative Fiscal Office

## NOTICE OF INTENT

### Office of the Governor Board of Cosmetology

Cosmetology  
(LAC 46:XXXI.101, 309, 310, 311, 315, 317,  
505, 509,717, 901, 1101, 1103, and 1715)

The Board of Cosmetology, under the authority of the Louisiana Cosmetology Act, R.S. 37:561-607, and in accordance with the Administrative Procedure Act, R.S. 49:950 et seq., hereby gives notice of its intent to adopt certain rules relative to definitions, reciprocity and transfer of licenses, prohibited services, and criminal backgrounds; and to amend certain rules relative to examination of applicants, requirements for high school cosmetology courses, reporting student hours, responsibilities of schools, equipment required in cosmetology schools, cosmetology instructors, access of inspectors, and special and temporary permits; and to make technical revisions.

#### Title 46

### PROFESSIONAL AND OCCUPATIONAL STANDARDS

#### Part XXXI. Cosmetologists

#### Chapter 1. General Provisions

#### §101. Definitions

A. ...

\*\*\*

*Dermaplaning*—a technique to exfoliate the epidermis and remove the vellus hair with a bladed tool.

\*\*\*

*Esthetic Services*—as defined in R.S. 37:563(8), includes but is not limited to make-up application, facials, superficial chemical peels, dermaplaning, microdermabrasion, nano-needling and other similar services performed on the epidermis.

\*\*\*

*Nano-Needling*—a non-invasive technique for transdermal serum delivery performed using a skin needling device which does not penetrate beyond the epidermis of more than .25 mm of the outmost layer of skin.

\*\*\*

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:562(B) and R.S. 37:575(A)(2)(6).

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Board of Cosmetology, LR 29:325 (March 2003), amended by the Office of the Governor, Board of Cosmetology, LR 49:

#### Chapter 3. Schools and Students

#### §309. Examinations of Applicants

A. ...

1. cosmetology students who have completed 1400 hours of the cosmetology curriculum may take the practical exam and cosmetology students who have completed 1000 hours of the cosmetology curriculum may take the written examination;

A.2. - E. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:575(A)(4) and R.S. 37:586.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Board of Cosmetology, LR 29:327 (March 2003), amended LR 32:834 (May 2006), amended by the Office of the Governor, Board of Cosmetology, LR 44:909 (May 2018), LR 45:542 (April 2019), LR 49:

#### §310. Requirements for High School Cosmetology Courses

A. Curriculum. High schools approved by the Louisiana Department of Education may be approved by the board to offer up to 500 hours of cosmetology theory instruction transferable to a cosmetology school approved by the board. Every registered high school approved by the board shall comply with the requirements of chapter 6A of title 37 of the Louisiana Revised Statutes and all rules promulgated by the board applicable to registered post-secondary cosmetology schools unless otherwise provided.

B. - B.3. ...

C. Faculty. Each faculty member who teaches cosmetology theory must have an active Louisiana cosmetology instructor license. A licensed instructor shall be present during every scheduled class period if one or more students is in attendance. At least one active Louisiana cosmetology instructor must be available for substitution in the event the regular instructor is unavailable.

D. Classrooms. A detailed floor plan of the proposed classroom, drawn to scale, shall be submitted to the board for approval. Each cosmetology theory classroom shall be at least 400 square feet, have equipment necessary for demonstration and have adequate ventilation. No cosmetology instructor shall teach more than 20 students at any class period. No clinic shall be operated in a high school. No services shall be performed for the public or on paying clients at a high school.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:575(A)(7) and R.S. 37:595.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Board of Cosmetology, LR 45:542 (April 2019), amended LR 49:

#### §311. Reporting Student Hours

A. ...

\*\*\*

B. Hours. Schools must electronically register each student's hours with the board no later than on the tenth of the month for hours earned by each enrolled student in the prior month. Schools may correct hours submitted to the board within the preceding 60 days. Corrections to hours submitted more than 60 days prior may be corrected by the staff upon payment of a fine of \$50 per month for each student record corrected if the school waives its right to a hearing before the board.

C. ...

D. Reports. Schools shall submit a roster of students quarterly and a roster of current instructors on the forms required by the board.

E. - F. ...

AUTHORITY NOTE: Promulgated in accordance with R.S.37:575(A)(7) and R.S. 37:595.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Board of Cosmetology, LR 29:327 (March 2003), amended LR 32:835 (May 2006), LR

33:1628 (August 2007), amended by the Office of the Governor, Board of Cosmetology, LR 44:909 (May 2018), LR 45:543 (April 2019), LR 49:

### **§315. Responsibilities of Schools**

A. - A.7. ...

B. Reports. Schools must maintain hour reports for a minimum of three years. Schools shall submit a completed notice of termination and contractual fee form to the board for any student whose leave of absence extends beyond 179 calendar days or 6 consecutive months of zero clocked hours and shall submit a re-registration application upon the student's return.

C. - Q. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:575(A)(9) and R.S. 37:595.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Board of Cosmetology, LR 29:327 (March 2003), amended by the Office of the Governor, Board of Cosmetology, LR 44:910 (May 2018), LR 45:543 (April 2019), LR 49:

### **§317. Equipment Required in Cosmetology Schools**

A. - A.10. ...

B. Classroom. Every cosmetology school must have a minimum of 3,500 square feet. There shall be a minimum of one theory classroom per approved curriculum. Every classroom must be a minimum of 400 square feet, entirely separate from the practical work room, equipped with the following:

B.1. - C. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:575(A)(9) and R.S. 37:595.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Board of Cosmetology, LR 29:328 (March 2003), amended LR 45:544 (April 2019), amended by the Office of the Governor, Board of Cosmetology, LR 49:

## **Chapter 5. Licensees**

### **§505. Cosmetology Instructors**

A. - C. ...

1. Instructors. Only instructors who have completed the required continuing education hours within the 24-month period preceding the application for reinstatement or renewal will receive an active instructor's license. Instructors who have not attended the seminar within the preceding 24-months shall receive an inactive license.

C.2. - D. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:575(A)(7) and R.S. 37:583.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Board of Cosmetology, LR 29:329 (March 2003), amended LR 45:544 (April 2019), amended by the Office of the Governor, Board of Cosmetology, LR 49:

### **§509. Licensure by Reciprocity**

A. Any person who has an active license as a cosmetologist, an esthetician, a manicurist, or an instructor under the laws of another state or territory of the United States, shall be eligible for licensure in Louisiana by reciprocity. A completed reciprocity application, all supporting documents, applicable fees, and evidence of successful passage of all required examinations shall be submitted. Upon passage of the state examination and any other required examination, a license by reciprocity shall be issued.

B. Any person who has an active license as a cosmetologist, esthetician, manicurist, or an instructor under the laws of country or territory outside the United States, shall be eligible for licensure in Louisiana by reciprocity. A completed reciprocity application, all supporting documents, applicable fees, and evidence of successful passage of all required examinations shall be submitted. Upon passage of the state examination and any other required examination, a license by reciprocity shall be issued.

C. If the reciprocity applicant has not taken and received a passing score on the national examination administered by the board or on a practical examination administered by the transferring state, country, or territory, the applicant shall be issued a license by reciprocity upon passage of the national examination and/or practical examination administered by the board.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:575(A)(5) and R.S. 37:575(B)(1).

HISTORICAL NOTE: Promulgated by the Office of the Governor, Board of Cosmetology, LR 49:

## **Chapter 7. Safety and Sanitation Requirements**

### **§717. Prohibited Services**

A. No license or permit issued by the board authorizes the performance of any of the following services in a salon licensed by the board:

1. diagnosis, treatment, or therapy of any dermatological condition, or the process of removing hair know as "electrolysis".

2. use of lasers

3. micro-needling

4. micro-blading

5. services or procedures which penetrate or invade the live tissue or dermis by any means including but not limited to the use of instruments or product insertion, puncturing, cutting, needling or chemical exfoliation.

6. chemical peels containing alpha hydroxy acide (AHA) in a concentration greater than 14 percent, phenol or trichloroacetic acid (TCA) in a concentration greater than 15 percent.

7. the use of any acid or acid solution to exfoliate the skin below the epidermis.

8. commercial body art commercial body art or the practice of physical body adornment by registered establishments and operators utilizing, but not limited to, the following techniques; tattooing, cosmetic tattooing, body piercing, microblading, branding, and scarification as defined by LAC 51:XXVIII.

9. The use of any mechanical or electrical apparatus classified as a medical devise by the U.S. Food and Drug Administration.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:575(A)(6).

HISTORICAL NOTE: Promulgated by the Office of the Governor, Board of Cosmetology, LR 49:

## **Chapter 9. Inspections**

### **§901. Access of Inspectors**

A. Access. Inspectors and employees of the board are entitled to enter any salon or school licensed by the board, to interview any person present at the facility and to examine all work records pertaining to the cosmetology profession

during the regular business hours of the facility. Inspectors and employees of the board are authorized to enter any premises where cosmetology services are advertised or being offered, to enforce the provisions of the Louisiana Cosmetology Act.

B. ...

AUTHORITY NOTE: Promulgated in accordance with R.S.37:575(A)(10), R.S. 37:577, and R.S. 37:606(A).

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Board of Cosmetology, LR 29:331 (March 2003), amended by the Office of the Governor, Board of Cosmetology, LR 44:911 (May 2018), LR 49:

## **Chapter 11. Special and Temporary Permits**

### **§1101. Special Permits**

A. - A.1. ...

2. shampoo assistants; and
3. threading.

B. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:575(B)(2).

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Board of Cosmetology, LR 29:331 (March 2003), amended by the Office of the Governor, Board of Cosmetology, LR 44:911 (May 2018), LR 49:

### **§1103. Special Permit for Microdermabrasion**

A. Microdermabrasion. Any special permit authorizing the performance of microdermabrasion using a nonprescriptive device issued to an electrologist prior to March 1, 2023 may be renewed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:575(B)(2).

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Board of Cosmetology, LR 29:331 (March 2003), amended LR 29:2781 (December 2003), amended by the Office of the Governor, Board of Cosmetology, LR 49:

## **Chapter 17. Miscellaneous Provisions**

### **§1715. Criminal Background**

A. Criminal Background. Applicants shall not be disqualified from or denied issuance of a certificate of registration solely or partly based on a prior criminal conviction, except in cases authorized by R.S. 37:2950.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:575(A)(5) and R.S. 37:600(A)(8).

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Board of Cosmetology, LR 29:334 (March 2003), amended by the Office of the Governor, Board of Cosmetology, LR 49:

#### **Family Impact Statement**

The proposed Rules should not have any known or foreseeable impacts on family formation, stability, and autonomy. In particular, the proposed Rules have no known or foreseeable impacts on:

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

#### **Poverty Impact Statement**

The proposed Rules do not have any known or foreseeable impact on child, individual or family poverty, as defined by R.S. 49:973(B), in relation to individual or community asset development. In particular there should be no known or foreseeable effect on:

1. household income, assets, and financial security;
2. early childhood development and preschool through postsecondary education development;
3. employment and workforce development;
4. taxes and tax credits; or
5. child and dependent care, housing, health care, nutrition, transportation, and utilities assistance.

#### **Small Business Analysis**

The proposed Rules should have no adverse impacts on small businesses as defined in the Regulatory Flexibility Act.

#### **Provider Impact Statement**

The proposed Rules do not have any known or foreseeable impact on providers as defined by HCR 170 of the 2014 Regular Legislative Session. In particular, there should be no known or foreseeable effect on:

1. the staffing level requirements or qualifications required to provide the same level of service;
2. the total direct and indirect effect on the cost to the providers to provide the same level of service; or
3. the overall effect on the ability of the provider to provide the same level of service.

#### **Public Comments**

Interested persons may submit written comments, data, opinions, and arguments regarding the proposed Rules. No preamble has been prepared. Written submissions shall be directed to Steve Young, 11622 Sunbelt Court, Baton Rouge, Louisiana 70809 and must be received no later than noon on July 7, 2023.

Steve Young  
Executive Director

### **FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES RULE TITLE: Cosmetology**

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)  
The proposed rule change will have no anticipated effect on expenses of state or local governmental units.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)  
The proposed rule change will have no anticipated effects on revenue collections of state or local governmental units.
- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS, SMALL BUSINESSES, OR NONGOVERNMENTAL GROUPS (Summary)  
The proposed rule change will have no anticipated costs to directly affected persons, small businesses, or non-governmental groups. The estimated economic benefits to directly affected persons, small businesses, or non-governmental groups is anticipated to be positive by:
  1. not requiring estheticians to obtain a separate permit to perform microdermabrasion;

2. allowing cosmetology students to apply for and take the cosmetology practical examination prior to completion of the 1,500 hour course to begin work sooner;

3. clarifying the process for licensure by reciprocity so licensed cosmetologists, estheticians, manicurists, and instructors may more easily provide services in the state; and

4. prohibiting the disqualification of persons from licensure solely based upon prior criminal conviction, except in cases authorized by R.S. 37:2950, so such persons may become employed.

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

The proposed rule change will positively affect competition and employment by:

1. not requiring estheticians to obtain a separate permit to perform microdermabrasion; and

2. allowing cosmetology students to apply for and take the cosmetology practical examination prior to completion of the 1,500 hour course to begin work sooner;

3. clarifying the process for licensure by reciprocity so licensed cosmetologists, estheticians, manicurists, and instructors may more easily provide services in the state; and

4. prohibiting the disqualification of persons from licensure solely based upon prior criminal conviction, except in cases authorized by R.S. 37:2950, so such persons may become employed.

Robyn Lively  
Senior Attorney  
2306#054

Evan Brasseaux  
Interim Deputy Fiscal Officer  
Legislative Fiscal Officer

### NOTICE OF INTENT

#### Office of the Governor Office of Homeland Security and Emergency Preparedness

#### Disbursement of Public Resources (LAC 55:XXI.Chapter 7)

The Office of the Governor, Office of Homeland Security and Emergency Preparedness proposes to adopt LAC 55:XXI.Chapter 7 as authorized by R.S. 29:726(E)(30). This proposed Rule is promulgated in accordance with the provisions of the Administrative Procedure Act, R.S. 49:953.1 et seq.

The Office of the Governor, Office of Homeland Security and Emergency Preparedness enacted emergency rules to establish procedures and processes for political subdivisions to request and receive public resources during a state of emergency or disaster. The office now proposes to adopt permanent rules to establish these procedures.

#### Title 55

#### PUBLIC SAFETY

#### Part XXI. Homeland Security and Emergency Preparedness

#### Chapter 7. Disbursement of Public Resources

#### §701. Definitions

A. As used in this Chapter:

*EOC*—the Emergency Operations Center.

*GOHSEP*—the Governor’s Office of Homeland Security and Emergency Preparedness, the state agency responsible for coordinating resources in preparation of and response to emergencies and disasters in the state of Louisiana.

*Governing Authority*—the body that exercises the legislative functions of the political subdivision. This includes a parish police jury, a parish council, or a municipal council.

*Intergovernmental Agreement*—a contractual agreement between a local jurisdiction and the federal government, a state government, or another local jurisdiction.

*Local Jurisdiction*—a political subdivision such as a parish, municipality, or special district.

*Local Resources*—the assets that a local jurisdiction possesses through ownership, lease, or intergovernmental agreement.

*Parish OHSEP*—a parish’s Office of Homeland Security and Emergency Preparedness, the parish agency responsible for coordinating resources in preparation of and response to emergencies and disasters in that parish.

*Public Resources*—assets belonging to the federal government, state government, or other local jurisdictions.

AUTHORITY NOTE: Promulgated in accordance with R.S. 29:726(E)(30).

HISTORICAL NOTE: Promulgated by the Office of the Governor, Office of Homeland Security and Emergency Preparedness, LR 49:

#### §703. Eligibility and Process for Request of Public Resources

A. In the event of an emergency or disaster, a local jurisdiction must first utilize its own local resources in response to the event. Once a local jurisdiction exhausts all local resources for a particular need, the local jurisdiction may request public resources from GOHSEP.

B. Public resource requests must be submitted through a parish’s OHSEP, which is responsible for establishing its own procedures for receipt and disbursement of those resources throughout the parish. Any municipality or special district within a parish must coordinate with the parish OHSEP to request public resources.

C. A parish OHSEP must submit public resource requests through GOHSEP’s web-based emergency management software. A public resource request must include all of the following:

1. a copy of the local parish or municipal declaration of emergency, unless previously submitted to GOHSEP;

2. a detailed description of the public resource that is being requested;

3. a point of contact with a valid telephone number and email address. This point of contact must be a person with knowledge of the individual resource request who can answer questions about the request. If GOHSEP is unable to communicate with the point of contact listed in the public resource request in order to obtain additional information, that request will be placed on hold until communication can be established;

4. a valid address to which the public resource may be delivered; and

5. if the parish OHSEP needs to change the address or point of contact information, that change must be made through a comment within the original public resource request. Once a change is made, the parish OHSEP must check the “significant comment” box to notify GOHSEP of the change.

D. If the public resource requested by the parish OHSEP is a consumable that does not need to be returned, the

request will be closed once the consumable is delivered. If the public resource is an asset that must be returned, the public resource request will remain open until the parish OHSEP notifies GOHSEP that the asset is no longer needed and it is returned. The parish OHSEP is responsible for updating GOHSEP on the continued need of the public resource.

AUTHORITY NOTE: Promulgated in accordance with R.S. 29:726(E)(30).

HISTORICAL NOTE: Promulgated by the Office of the Governor, Office of Homeland Security and Emergency Preparedness, LR 49:

#### **§705. Emergency Alternative Process for Request of Public Resources**

A. If the emergency or disaster disrupts internet connectivity within the parish OHSEP, the following methods of submitting public resource requests will be allowed during that period of disruption:

1. via telephone call to the state EOC;
2. via fax to the state EOC;
3. via radio call to the state EOC through the Louisiana Wireless Information Network (LWIN) on the GOHSEP hailing channel or utilizing amateur radio operators; or
4. via the regional coordinator or area manager serving that parish.

B. After receiving public resource requests through one of these methods, GOHSEP will enter the request into the web-based emergency management software on the parish OHSEP's behalf. Once internet connectivity at the parish OHSEP is restored, the parish OHSEP must notify GOHSEP. At that point, the parish OHSEP will be responsible for monitoring and updating its public resource requests.

AUTHORITY NOTE: Promulgated in accordance with R.S. 29:726(E)(30).

HISTORICAL NOTE: Promulgated by the Office of the Governor, Office of Homeland Security and Emergency Preparedness, LR 49:

Implementation of the provisions of this Rule may be contingent upon the approval of the U.S. Department of Health and Human Services, Centers for Medicare and Medicaid Services (CMS), if it is determined that submission to CMS for review and approval is required.

#### **Family Impact Statement**

In compliance with Act 1183 of the 1999 Regular Session of the Louisiana Legislature, the impact of this proposed rule on the family has been considered. This proposed rule has a positive impact on family functioning, stability, or autonomy as described in R.S. 49:972 by allowing political subdivisions to perform their function of requesting disbursement of public resources as contained in the proposed Rule.

#### **Poverty Impact Statement**

The proposed Rule should not have any known or foreseeable impact on any child, individual or family as defined by R.S. 49:973.B. therefore, a Poverty Impact Statement has not been prepared.

#### **Small Business Analysis**

Pursuant to R.S. 49:965.6, methods for reduction of the impact on small business, as defined in the Regulatory Flexibility Act, have been considered when creating this proposed Rule.

This proposed Rule is not anticipated to have an adverse impact on small businesses; therefore, a Small Business Economic Impact Statement has not been prepared.

#### **Provider Impact Statement**

The proposed Rule should not have any known or foreseeable impact on providers as defined by HCR 170 of 2014 Regular Legislative Session; therefore, a Provider Impact Statement has not been prepared.

#### **Public Comments**

Interested persons may submit written comments to Christina Dayries, Governor's Office of Homeland Security and Emergency Preparedness, 7667 Independence Blvd, Baton Rouge, LA 70806. He is responsible for responding to inquiries regarding this proposed Rule.

Casey Tingle  
Director

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

#### **RULE TITLE: Disbursement of Public Resources**

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

It is anticipated that implementation of this proposed rule will have no programmatic fiscal impact to the state other than the cost of promulgation for FY 23-24. It is anticipated that \$ (\$ SGF and \$ FED) will be expended in FY 23-24 for the state's administrative expense for promulgation of this proposed rule and the final rule.

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

It is anticipated that the implementation of this proposed rule will not affect revenue collections other than the federal share of the promulgation costs for FY 23-24. It is anticipated that \$ will be collected in FY 23-24 for the federal share of the expense for promulgation of this proposed rule and the final rule.

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

This proposed rule sets forth the process governing the distribution of public resources by GOHSEP to local jurisdictions in the event of an emergency or disaster. It is anticipated that implementation of this proposed rule will not have economic cost or benefits to directly affected persons or non-governmental groups for FY 23-24, FY 24-25, and FY 25-26.

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

This rule has no known effect on competition and employment.

Casey Tingle  
Director  
2306#003

Evan Brasseaux  
Interim Deputy Fiscal Officer  
Legislative Fiscal Office

## NOTICE OF INTENT

### Department of Health Bureau of Health Services Financing

Direct Service Worker Registry  
(LAC 48:I.9231)

The Department of Health, Bureau of Health Services Financing proposes to amend LAC 48:I.9231 as authorized by R.S. 36:254 and R.S. 40:2179-2179.1. This proposed Rule is promulgated in accordance with the provisions of the Administrative Procedure Act, 49:950 et seq.

The Department of Health, Bureau of Health Services Financing proposes to amend the provisions governing the Direct Service Worker (DSW) Registry to ensure that prior to hiring a DSW or trainee, the licensed and/or certified health care provider ensures that the individuals are at least 18 years of age or that the individuals are at least 16 years of age and have received an age restriction exception from the Office for Citizens with Developmental Disabilities or the Office of Aging and Adult Services.

#### Title 48

#### PUBLIC HEALTH—GENERAL

#### Part I. General Administration

#### Subpart 3. Licensing and Certification

#### Chapter 92. Direct Service Worker Registry

#### Subchapter C. Provider Participation

#### §9231. Health Care Provider Responsibilities

A. Prior to hiring any DSW or trainee, the licensed and/or certified health care provider shall:

1. ensure that the individual is at least 18 years of age or that the individual is at least 16 years of age and has received an age restriction exception from the Office for Citizens with Developmental Disabilities or the Office of Aging and Adult Services;

A.2. - B.2. ...

\* \* \*

C. Criminal History. In accordance with R.S. 40:1203.1-5 et seq., the provider shall have a written policy and process to request in writing a security check and the criminal history of an employee, either contracted or directly employed, conducted by the Louisiana State Police or authorized agency, upon offer of employment or contract.

1. An employer may make an offer of temporary employment to a non-licensed person pending the results of the criminal history and security check on the person. In such instances, the employer shall provide to the Louisiana State Police, or authorized agency, the name and relevant information relating to the person within 72 hours after the date the person accepts temporary employment.

2. The security check shall consist of the use of personal identifiers, such as name, social security number, date of birth, and driver's license number, to search the national sex offender public registry. The provider shall obtain from the Louisiana State Police or the authorized agency the results of the security check to verify if an applicant is listed in the national sex offender public registry.

D - D.2. Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:2179-2179.1.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 32:2061 (November 2006), amended LR 33:97 (January 2007), amended by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 38:3176 (December 2012), LR 42:894 (June 2016), amended by the Department of Health, Bureau of Health Services Financing, LR 45:663 (May 2019), LR 49:

#### Family Impact Statement

In compliance with Act 1183 of the 1999 Regular Session of the Louisiana Legislature, the impact of this proposed Rule on the family has been considered. It is anticipated that this proposed Rule will have no impact on family functioning, stability and autonomy as described in R.S. 49:972.

#### Poverty Impact Statement

In compliance with Act 854 of the 2012 Regular Session of the Louisiana Legislature, the poverty impact of this proposed Rule has been considered. It is anticipated that this proposed Rule will have no impact on child, individual, or family poverty in relation to individual or community asset development as described in R.S. 49:973.

#### Small Business Analysis

In compliance with the Small Business Protection Act, the economic impact of this proposed Rule on small businesses has been considered. It is anticipated that this proposed Rule will have no impact on small businesses.

#### Provider Impact Statement

In compliance with House Concurrent Resolution (HCR) 170 of the 2014 Regular Session of the Louisiana Legislature, the provider impact of this proposed Rule has been considered. It is anticipated that this proposed Rule will have no impact on the staffing level requirements or qualifications required to provide the same level of service, no direct or indirect cost to the provider to provide the same level of service, and will have no impact on the provider's ability to provide the same level of service as described in HCR 170.

#### Public Comments

Interested persons may submit written comments to Tasheka Dukes, RN, Health Standards Section, P.O. Box 3767, Baton Rouge, LA 70821. Ms. Dukes is responsible for responding to inquiries regarding this proposed Rule. The deadline for submitting written comments is at 4:30 p.m. on July 31, 2023.

#### Public Hearing

Interested persons may submit a written request to conduct a public hearing by U.S. mail to the Office of the Secretary ATTN: LDH Rulemaking Coordinator, Post Office Box 629, Baton Rouge, LA 70821-0629; however, such request must be received no later than 4:30 p.m. on July 10, 2023. If the criteria set forth in R.S. 49:961(B)(1) are satisfied, LDH will conduct a public hearing at 9:30 a.m. on July 27, 2023 in Room 118 of the Bienville Building, which is located at 628 North Fourth Street, Baton Rouge, LA. To confirm whether or not a public hearing will be held, interested persons should first call Allen Enger at (225) 342-1342 after July 10, 2023. If a public hearing is to be held, all interested persons are invited to attend and present data, views, comments, or arguments, orally or in writing.

Stephen R. Russo, JD  
Secretary



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

**RULE TITLE: Direct Service Worker Registry**

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

It is anticipated that implementation of this proposed rule will have no programmatic fiscal impact to the state other than the cost of promulgation for FY 22-23. It is anticipated that \$540 will be expended in FY 22-23 for the state's administrative expense for promulgation of this proposed rule and the final rule.

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

It is anticipated that the implementation of this proposed rule will not affect federal revenue collections as this measure has no impact on licensing fees.

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

This proposed rule amends the provisions governing the Direct Service Worker (DSW) Registry to ensure that prior to hiring a DSW or trainee, the licensed and/or certified provider ensures that the individuals are at least 18 years of age or that the individuals are at least 16 years of age and have received an Age Restriction Exception from the Office for Citizens with Developmental Disabilities or the Office of Aging and Adult Services. It is anticipated that implementation of this proposed rule will not result in costs to DSWs or small businesses in FY 22-23, FY 23-24, and FY 24-25, but may increase recruitment opportunities.

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

This rule has no known effect on competition, but may increase recruitment opportunities.

Tasheka Dukes, RN  
Deputy Assistant Secretary  
2306#038

Evan Brasseaux  
Interim Deputy Fiscal Officer  
Legislative Fiscal Office

**NOTICE OF INTENT**

**Department of Health  
Bureau of Health Services Financing**

**Healthcare Services Provider Fees  
Emergency Ground Ambulance Service Providers  
(LAC 48:I.4001)**

The Department of Health, Bureau of Health Services Financing proposes to amend LAC 48:I.4001 as authorized by R.S. 36:254 and pursuant to Title XIX of the Social Security Act. This proposed Rule is promulgated in accordance with the provisions of the Administrative Procedure Act, R.S. 49.950 et seq.

The U.S. Department of Health and Human Services, Centers for Medicare and Medicaid Services (CMS) requires that reimbursement for emergency ambulance services transition from the Full Medicaid Pricing program to an approved federal supplemental payment program by July 1, 2023. The Department of Health, Bureau of Health Services Financing amended the provisions governing provider fees for emergency ground ambulance services in order to ensure that the language in the administrative Rule reflects current

CMS requirements (*Louisiana Register*, Volume 49, Number 5). This proposed rule is being promulgated to continue the provisions of the July 1, 2023 Emergency Rule.

**Title 48**

**PUBLIC HEALTH—GENERAL**

**Part I. General Administration**

**Subpart 1. General**

**Chapter 40. Provider Fees**

**§4001. Specific Fees**

**A. Definitions**

*Emergency Ground Ambulance Service Provider*—a non-public, non-federal provider of emergency ground ambulance services.

\* \* \*

**B. - D. ...**

**E. Emergency Ground Ambulance Services.** A fee shall be imposed on emergency ground ambulance services in accordance with R.S. 46:2626.

1. The assessment shall be a percentage fee, determined at the discretion of the secretary with the express and written mutual agreement of the emergency ground ambulance service providers subject to the assessment and which make up a minimum of 65 percent of all emergency ground ambulance services in the state of Louisiana.

a. the maximum fee allowable in any year shall not exceed the percentage of net patient service revenues permitted by federal regulation pursuant to 42 CFR 433.68 as determined by the department, as reported by the provider and subject to audit for the previous fiscal year of the provider. The department will arrive at net patient services revenue by using net operating revenue as defined in R.S. 46:2626.

1.b. - 3.a. Repealed.

**F. - F.3. ...**

**AUTHORITY NOTE:** Promulgated in accordance with Chapter 45 of Title 46 as enacted in 1992, 46:2601-2605, redesignated as Chapter 47 of Title 46, containing R.S. 46:2621 to 46:2625 and P.L. 102-234, R.S. 36:254, and Article VII, Section 10.13 of the Constitution of Louisiana.

**HISTORICAL NOTE:** Promulgated by the Department of Health and Hospitals, Office of Management and Finance, LR 19:347 (March 1993), amended LR 20:51 (January 1994), LR 26:1478 (July 2000), amended by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 33:100 (January 2007), amended by the Department of Health, Bureau of Health Services Financing, LR 42:1887, 1888 (November 2016), LR 43:73 (January 2017), repromulgated LR 43:323 (February 2017), amended LR 44:1015 (June 2018), LR 44:1894 (October 2018), LR 45:1597 (November 2019), LR 49:263 (February 2023), LR 49:

Implementation of the provisions of this Rule may be contingent upon the approval of the U.S. Department of Health and Human Services, Centers for Medicare and Medicaid Services (CMS), if it is determined that submission to CMS for review and approval is required.

**Family Impact Statement**

In compliance with Act 1183 of the 1999 Regular Session of the Louisiana Legislature, the impact of this proposed Rule on the family has been considered. It is anticipated that this proposed Rule will have no impact on family functioning, stability and autonomy as described in R.S. 49:972.

### Poverty Impact Statement

In compliance with Act 854 of the 2012 Regular Session of the Louisiana Legislature, the poverty impact of this proposed Rule has been considered. It is anticipated that this proposed Rule will have no impact on child, individual, or family poverty in relation to individual or community asset development as described in R.S. 49:973.

### Small Business Analysis

In compliance with the Small Business Protection Act, the economic impact of this proposed Rule on small businesses has been considered. It is anticipated that this proposed Rule will have no impact on small businesses.

### Provider Impact Statement

In compliance with House Concurrent Resolution (HCR) 170 of the 2014 Regular Session of the Louisiana Legislature, the provider impact of this proposed Rule has been considered. It is anticipated that this proposed Rule will have no impact on the staffing level requirements or qualifications required to provide the same level of service, no direct or indirect cost to the provider to provide the same level of service, and will have no impact on the provider's ability to provide the same level of service as described in HCR 170.

### Public Comments

Interested persons may submit written comments to Tara A. LeBlanc, Bureau of Health Services Financing, P.O. Box 91030, Baton Rouge, LA 70821-9030. Ms. LeBlanc is responsible for responding to inquiries regarding this proposed Rule. The deadline for submitting written comments is at 4:30 p.m. on July 31, 2023.

### Public Hearing

Interested persons may submit a written request to conduct a public hearing by U.S. mail to the Office of the Secretary ATTN: LDH Rulemaking Coordinator, Post Office Box 629, Baton Rouge, LA 70821-0629; however, such request must be received no later than 4:30 p.m. on July 10, 2023. If the criteria set forth in R.S. 49:961(B)(1) are satisfied, LDH will conduct a public hearing at 9:30 a.m. on July 27, 2023 in Room 118 of the Bienville Building, which is located at 628 North Fourth Street, Baton Rouge, LA. To confirm whether or not a public hearing will be held, interested persons should first call Allen Enger at (225) 342-1342 after July 10, 2023. If a public hearing is to be held, all interested persons are invited to attend and present data, views, comments, or arguments, orally or in writing.

Stephen R. Russo, JD  
Secretary

## FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES

### RULE TITLE: **Healthcare Services Provider Fees Emergency Ground Ambulance Service Providers**

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

It is anticipated that implementation of this proposed rule will have no programmatic fiscal impact to the state other than the cost of promulgation for FY 22-23. It is anticipated that \$648 (\$324 SGF and \$324 FED) will be expended in FY 22-23 for the state's administrative expense for promulgation of this proposed rule and the final rule.

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

It is anticipated that implementation of this proposed rule will increase statutory dedicated revenue collections by approximately \$6,596,856 for FY 23-24 and \$6,596,856 for FY 24-25, and will reduce a like amount of intergovernmental transfer revenues in those fiscal years. In addition, it is anticipated that federal revenue collections will increase by approximately \$324 for FY 22-23 and \$0 for FY 23-24 and FY 24-25. It is anticipated that \$324 will be collected in FY 22-23 for the federal share of the expense for promulgation of this proposed rule and the final rule.

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

This proposed rule continues the provisions of the July 1, 2023 Emergency Rule, which amended the provisions governing provider fees for emergency ground ambulance services in order to ensure that the administrative rule reflects the U.S. Department of Health and Human Services, Centers for Medicare and Medicaid Services requirement that reimbursement for these services transition from the Full Medicaid Pricing program to an approved federal supplemental payment program. This proposed rule also revises the language in the Louisiana Administrative Code to be more generic so that an amendment is not required each year to match legislation. It is anticipated that implementation of this proposed rule will result in an increase in statutory dedicated revenue collections of approximately \$6,596,856 for FY 23-24 and \$6,596,856 for FY 24-25.

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

This rule has no known effect on competition and employment.

Tara A. LeBlanc  
Medicaid Executive Director  
2306#039

Evan Brasseaux  
Interim Deputy Fiscal Officer  
Legislative Fiscal Office

## NOTICE OF INTENT

**Department of Health  
Bureau of Health Services Financing  
and  
Office of Aging and Adult Services  
and  
Office for Citizens with Developmental Disabilities**

Home and Community-Based Services Waivers  
Fiscal Employer Agent Standards for Participation  
(LAC 50:XXI.Chapter 11)

The Department of Health, Bureau of Health Services Financing, the Office of Aging and Adult Services, and the Office for Citizens with Developmental Disabilities propose to adopt LAC 50:XXI.Chapter 11 in the Medical Assistance Program as authorized by R.S. 36:254 and pursuant to Title XIX of the Social Security Act. This proposed Rule is promulgated in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq.

The Department of Health currently provides financial management services (FMS) for self-directed home and community-based waiver services administered by the Office of Aging and Adult Services and the Office for Citizens with Developmental Disabilities through an

administrative contract with a fiscal employer agent. The department has determined that eliminating the administrative contract and establishing FMS as a waiver service in order to allow fiscal employer agents to enroll in Medicaid will ensure greater stability among providers that support the self-direction program.

The Department of Health, Bureau of Health Services Financing, the Office of Aging and Adult Services, and the Office for Citizens with Developmental Disabilities propose to adopt provisions establishing the standards for participation for fiscal employer agents in home and community-based services waiver programs.

#### **Title 50**

### **PUBLIC HEALTH—MEDICAL ASSISTANCE**

## **Part XXI. Home and Community-Based Services Waivers**

### **Subpart 1. General Provisions**

## **Chapter 11. Fiscal Employer Agent Standards for Participation in Home and Community-Based Services Waiver Programs**

### **Subchapter A. General Provisions**

#### **§1101. Introduction**

A. The Department of Health (LDH) establishes these minimum standards for participation as a fiscal employer agent (F/EA). These standards provide the core requirements for financial management services provided under home and community-based services waiver programs administered by the Office of Aging and Adult Services (OAAS), the Office for Citizens with Developmental Disabilities (OCDD), and the Bureau of Health Services Financing (BHSF).

B. LDH is responsible for setting the standards for F/EAs, monitoring the provisions of this Rule, and applying administrative sanctions for failures to meet the minimum standards for participation in serving employers/participants of the OAAS and OCDD-administered waiver programs.

C. The F/EA provides financial management services for participants who are eligible for self-directed waiver services. Under this service model, the F/EA assists individuals with management of fiscal employment and/or budget responsibilities and will provide the employer/participant with current utilization information to ensure self-directed services are not exceeded beyond the prior authorization cap; processes employer-related payroll and necessary taxes on behalf of self-direction participants. The F/EA also verifies qualifications (e.g., background checks, exclusion checks, etc.) for employees hired by the employers.

D. Medicaid-enrolled F/EAs providing financial management services at the time of OCDD and OAAS-administered waiver programs shall be required to meet the requirements of this Chapter.

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, Bureau of Health Services Financing, the Office of Aging and Adult Services, and the Office for Citizens with Developmental Disabilities, LR 49:

#### **§1103. Certification Requirements**

A. All F/EAs that provide financial management services must be certified through completion of a readiness review by LDH. It shall be unlawful to operate as an F/EA without being certified by LDH.

B. In order to provide financial management services, the F/EA must:

1. be certified through completion of a readiness review and meet the standards for participation requirements as set forth in this Rule;

2. sign a performance agreement with LDH;

3. enroll as an F/EA with the Louisiana Medicaid program to provide services for OCDD and OAAS-administered home and community-based services; and

4. comply with all policies and procedures set forth by LDH.

AUTHORITY NOTE: Promulgated in accordance with R.S.

HISTORICAL NOTE: Promulgated by the Department of Health, Bureau of Health Services Financing, the Office of Aging and Adult Services, and the Office for Citizens with Developmental Disabilities, LR 49:

#### **§1105. Certification Issuance**

A. A certification shall:

1. be issued only to the F/EA named in the certification application;

2. be valid only for the F/EA to which it is issued after all applicable requirements are met;

3. enable the F/EA to provide financial management services for OCDD and OAAS-administered home and community-based services waivers statewide;

4. be valid indefinitely, unless revoked, suspended, modified, or terminated; and

5. be issued by LDH.

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, Bureau of Health Services Financing, the Office of Aging and Adult Services, and the Office for Citizens with Developmental Disabilities, LR 49:

#### **§1107. Certification Refusal or Revocation and Fair Hearing**

A. A certification may be revoked or refused if applicable certification requirements, as determined by LDH, have not been met. Certification decisions are subject to appeal and fair hearing, in accordance with R.S. 46:107(A)(3).

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, Bureau of Health Services Financing, the Office of Aging and Adult Services, and the Office for Citizens with Developmental Disabilities, LR 49:

#### **§1109. Certification Review**

A. Compliance with certification requirements is determined by LDH through its F/EA monitoring processes. Monitors must be given access to data upon request by LDH to ensure the F/EA continues to meet certification requirements.

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, Bureau of Health Services Financing, the Office of Aging and Adult Services, and the Office for Citizens with Developmental Disabilities, LR 49:

### **Subchapter B. Administration and Organization**

#### **§1115. Governing Body**

A. The F/EA shall have an identifiable governing body with responsibility for and authority over its policies and activities.

B. The F/EA shall have documents identifying all members of the governing body, their addresses, their terms of membership, and officers of the governing body.

C. The governing body of the F/EA shall:

1. ensure continual compliance and conformity with all relevant federal, state, local, and municipal laws and regulations;

2. ensure the F/EA is adequately funded and fiscally sound;

3. review and approve the F/EA's annual budget; and

4. designate a person to act as administrator and delegate sufficient authority to this person to manage the F/EA.

D. The F/EA shall maintain an administrative file that includes:

1. documents identifying the governing body;

2. a list of members and officers of the governing body, along with their addresses and terms of membership;

3. minutes of formal meetings and by-laws of the governing body, if applicable;

4. documentation of the F/EA's authority to operate under state law;

5. an organizational chart of the F/EA which clearly delineates the line of authority;

6. all leases, contracts and purchases-of-service agreements to which the F/EA is a party;

7. insurance policies;

8. annual budgets and, if performed, audit reports;

9. the F/EA's policies and procedures; and

10. documentation of any corrective action taken as a result of external or internal reviews.

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, Bureau of Health Services Financing, the Office of Aging and Adult Services, and the Office for Citizens with Developmental Disabilities, LR 49:

#### **§1117. Business Location and Operations**

A. The F/EA shall have a business location which shall not be in an occupied personal residence. The F/EA must maintain the following at the business location:

1. staff to perform administrative functions;

2. direct service worker/employee personnel records; and

3. participant service records.

B. The F/EA shall have the following for the business location:

1. a published nationwide toll-free telephone number that is available during business hours and capable of receiving messages 24 hours a day, seven days a week, including holidays;

2. a published business telephone number answered by staff during business hours;

3. a business fax number that is operational 24 hours a day, seven days a week, including holidays;

4. internet access;

5. a designated e-mail mailbox to receive inquiries from Medicaid beneficiaries and LDH; and

6. business hours shall be at least 8 a.m. to 5 p.m. CT, Monday through Friday, excluding official state holidays.

C. Records and other confidential information shall be secure and protected from unauthorized access.

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, Bureau of Health Services Financing, the Office of Aging and Adult Services, and the Office for Citizens with Developmental Disabilities, LR 49:

#### **§1119. Financial Management**

A. The F/EA must establish a system of financial management and staffing to assure maintenance of complete and accurate accounts, books, and records in keeping with generally accepted accounting principles.

B. The F/EA must not permit public funds to be paid, or committed to be paid, to any person who is a member of the governing board or administrative personnel who may have any direct or indirect financial interest, or in which any of these persons serve as an officer or employee, unless the services or goods involved are provided at a competitive cost or under terms favorable to the F/EA.

1. The F/EA shall have a written disclosure of any financial transaction with the F/EA in which a member of the governing board, administrative personnel, or his/her immediate family is involved.

C. To ensure the F/EA's ability to pay direct service workers for waiver services delivered, the F/EA shall have and maintain documented evidence of an available line of credit of at least \$1,000,000 or a cash reserve sufficient to cover the cost of two payroll cycles.

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, Bureau of Health Services Financing, the Office of Aging and Adult Services, and the Office for Citizens with Developmental Disabilities, LR 49:

#### **§1121. Policy and Procedures**

A. The F/EA shall have written policies and procedures approved by the owner or governing body which must be implemented and followed that address at a minimum the following:

1. confidentiality and confidentiality agreements;

2. security of files;

3. publicity and marketing, including the prohibition of illegal or coercive inducement, solicitation, and kickbacks;

4. personnel;

5. grievance procedures;

6. emergency preparedness;

7. procedures for reporting suspected abuse, neglect, exploitation, and extortion;

8. procedures for reporting suspected fraud;

9. documentation; and

10. enrollment/disenrollment procedures.

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, Bureau of Health Services Financing, the Office of Aging and Adult Services, and the Office for Citizens with Developmental Disabilities, LR 49:

#### **§1123. Organizational Communication**

A. The F/EA must establish procedures to assure adequate communication among staff to provide continuity of services to the participant and to facilitate feedback from staff, participants, families, and when appropriate, the community.

B. The F/EA must have brochures and make them available to LDH or its designee. The brochures must include the following information:

1. a toll-free number and email address to direct customer service questions or to receive assistance;
2. information on how to make a complaint if they are dissatisfied with F/EA services; and
3. a description of the F/EA, services provided, current mailing and physical addresses, website information, and the F/EA's toll-free number.

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, Bureau of Health Services Financing, the Office of Aging and Adult Services, and the Office for Citizens with Developmental Disabilities, LR 49:

### **Subchapter C. Provider Responsibilities**

#### **§1129. General Provisions**

A. Any entity wishing to provide F/EA services shall meet all of the standards for participation contained in this Rule, unless otherwise specifically noted within these provisions.

B. The F/EA shall also abide by and adhere to any federal and state law, Rule, policy, procedure, performance agreement, or other state or federal requirements pertaining to the provision of F/EA services.

C. Failure to comply with the requirements of these standards for participation may result in the following actions including, but not limited to:

1. recoupment of funds;
2. sanctions for violations/non-performance as outlined in the performance agreement;
3. citation of deficient practice and plan of correction submission;
4. removal from the F/EA freedom of choice list; or
5. decertification as an F/EA and termination of the F/EA's Medicaid provider enrollment.

D. The F/EA shall make any required information or records, and any information reasonably related to assessment of compliance with these requirements, available to LDH.

E. The F/EA shall, upon request by LDH, make available the legal ownership documents of the F/EA.

F. The F/EA must comply with all of LDH's systems/software requirements, including the following:

1. The F/EA is required to transmit all non-proprietary data which is relevant for analytical purposes to LDH on a regular schedule in XML format.
  - a. Final determination of relevant data will be made by LDH based on collaboration between all parties;
  - b. The schedule for transmission of the data will be established by LDH and dependent on the needs of LDH related to the data being transmitted;
  - c. XML files for this purpose will be transmitted via secure file transfer protocol (SFTP) to LDH; and
  - d. Any other data or method of transmission used for this purpose must be approved via written agreement by all parties.
2. The F/EA is responsible for procuring and maintaining hardware and software resources which are sufficient for it to successfully perform the services detailed in this Rule.

3. The F/EA shall adhere to state and federal regulations and guidelines as well as industry standards and best practices for systems or functions required to support the requirements of this Rule.

4. Unless explicitly stated to the contrary, the F/EA is responsible for all expenses required to obtain access to LDH systems or resources which are relevant to successful completion of the requirements of this agreement. The F/EA is also responsible for expenses required for LDH to obtain access to the F/EA's systems or resources which are relevant to the successful completion of the requirements of this agreement. Such expenses are inclusive of hardware, software, network infrastructure, and any licensing costs.

5. The F/EA, for all confidential or protected health information, must be encrypted to federal information processing standards (FIPS) 140-2 standards when at rest or in transit.

6. The F/EA shall ensure appropriate protections of shared personally identifiable information (PII), in accordance with 45 CFR §155.260.

7. The F/EA shall ensure that its system is operated in compliance with the Centers for Medicare and Medicaid Services' (CMS) latest version of the minimum acceptable risk standards for exchanges (MARS-E) document suite.

8. Multi-factor authentication is a CMS requirement for all remote users, privileged accounts, and non-privileged accounts. In this context, remote user refers to staff accessing the network from offsite, normally with a client virtual private network (VPN) with the ability to access Medicaid and PII data.

9. A site-to-site tunnel is an extension of LDH's network. If the agent utilizes a VPN site-to-site tunnel and also has remote users who access CMS data, the agent is responsible for providing and enforcing multi-factor authentication.

10. The F/EA owned resources must be compliant with industry standard physical and procedural safeguards (NIST SP 800-114, NIST SP 800-66, NIST 800-53A, ISO 17788, etc.) for confidential information (i.e., health information technology for economic and clinical health (HITECH), health insurance portability and accountability act (HIPAA) part 164).

11. Any F/EA use of flash drives or external hard drives for storage of LDH data must first receive written approval from LDH and upon such approval shall adhere to FIPS 140-2 hardware level encryption standards.

12. All F/EA utilized computers and devices must:
- a. be protected by industry standard virus protection software that is automatically updated on a regular schedule;
  - b. have installed all security patches which are relevant to the applicable operating system and any other system software; and
  - c. have encryption protection enabled at the operating system level.

G. F/EAs shall, at a minimum:

1. demonstrate administrative capacity and the financial resources to provide all core elements of financial management services and ensure effective service delivery in accordance with state and federal requirements;

2. have appropriate F/EA staff attend trainings, as mandated by LDH;

3. document and maintain records in accordance with federal and state regulations governing confidentiality and program requirements; and

4. assure that the F/EA will not provide both financial management services and support coordination or personal care services in Louisiana.

H. Abuse and Neglect. Fiscal employer agencies shall establish policies and procedures relative to the reporting of abuse, neglect, exploitation, and extortion of participants, pursuant to the provisions of R.S. 15:1504-1505, R.S. 40:2009.20 and any subsequently enacted laws. The F/EA shall ensure that staff complies with these regulations.

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, Bureau of Health Services Financing, the Office of Aging and Adult Services, and the Office for Citizens with Developmental Disabilities, LR 49:

### **§1131. Fiscal Employer Agent Requirements**

A. The F/EA must comply with requirements for financial management services in self-direction including, but not limited to:

1. verifying qualifications of employers and support workers;

2. processing payroll, including applying applicable withholdings and filing/paying all required state and federal income taxes;

3. disbursing payment to direct support workers;

4. setting up accounting records to track expenses;

5. setting up procedures for processing payroll and non-labor items;

6. maintaining all records related to the direct support worker's payroll, taxes, and benefits;

7. producing and sending required reports to LDH;

8. providing support to self-direction employers;

9. billing the LDH fiscal intermediary for Medicaid service claims and making refunds to LDH as appropriate;

10. resolving all billing discrepancies timely;

11. utilizing an LDH approved payroll calendar that addresses tax obligations; and

12. utilizing a system capable of capturing, recording, and tracking service, payroll, and tax information.

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, Bureau of Health Services Financing, the Office of Aging and Adult Services, and the Office for Citizens with Developmental Disabilities, LR 49:

### **§1133. Transfers and Discharges**

A. Participant has the right to choose among the F/EAs certified by LDH and enrolled in the Louisiana Medicaid Program. This includes the right to transition to another F/EA.

B. Upon notice by the participant or his/her authorized representative that the participant has selected another F/EA or the participant has decided to discontinue participation in the self-direction program, the F/EA is responsible for planning and facilitating the participant's transfer or discharge.

C. The F/EA shall facilitate transfer to another F/EA when it ceases to operate or its Medicaid enrollment is terminated.

D. The transfer or transition responsibilities of the F/EA shall include:

1. working with the F/EA selected by the participant to transition by ensuring the following documents/information are submitted to the new provider: participant/employer wages, federal employment identification number (FEIN), and state unemployment tax act (SUTA) account information including username and password;

2. ensuring that there is only one F/EA for a given employer at any time;

3. adhering to specific processes and procedures when transitioning a participant to a new F/EA in accordance with all federal, state, and local laws; and

4. documenting the activities that are required to transition the participant to the receiving F/EA.

E. The F/EA shall not coerce or attempt to influence the participant's choice of F/EA. Failure to cooperate with the participant's decision to transfer to another F/EA will result in adverse action by LDH.

F. If the F/EA ceases to operate, the F/EA must give LDH at least 60 days written notice of its intent to close.

1. The transition plan for all participants served by the F/EA shall be completed within 10 working days of the notice to LDH of the F/EA's intent to close to minimize disruption of payroll services provided for employers.

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, Bureau of Health Services Financing, the Office of Aging and Adult Services, and the Office for Citizens with Developmental Disabilities, LR 49:

### **§1135. Staffing Requirements**

A. F/EAs must maintain sufficient staff to comply with LDH regulations and policies for the self-direction program. The F/EA shall:

1. employ at least one staff member with a bachelor's degree in accounting and five years of applicable experience, or a master's degree in accounting and two years of applicable experience, or a master's degree in accounting and two years of applicable experience;

2. must have on staff a database administrator and sufficient programmers to ensure that systems comply with program requirements and are flexible enough to accommodate changes to those requirements; and

3. must designate a project director who will have day-to-day authority to manage the overall operations.

a. The project director will be available to LDH by telephone, e-mail, and video conferencing during regular business hours.

B. In the event LDH determines that the F/EA staffing levels do not conform to the above requirements, LDH shall advise the F/EA in writing and the F/EA shall submit a corrective action plan within five business days. This plan shall describe how the deficiency(ies) will be remedied and is subject to LDH approval.

C. The F/EA shall ensure all staff supporting the self-direction program are not excluded from participating in the Medicaid program by confirming each staff's name and social security number are not included on the Louisiana adverse actions list and Office of Inspector General (OIG) exclusions list.

D. Each F/EA shall ensure that staff is available at times which are convenient and responsive to the needs of participants and their families.

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, Bureau of Health Services Financing, the Office of Aging and Adult Services, and the Office for Citizens with Developmental Disabilities, LR 49:

#### **§1137. Employer Rights**

A. Each F/EA's written policies and procedures, at a minimum, shall ensure the employer's right to:

1. confidentiality;
2. privacy;
3. impartial access to F/EA services regardless of race, religion, sex, ethnicity, or disability;
4. access to the interpretive services, translated material and similar accommodations as appropriate;
5. access to his/her records upon the participant's written consent for release of information;
6. an explanation of the nature of services to be received;
7. file a complaint or grievance without retribution, retaliation, or discharge;
8. have access to information related to tracking their budget and service balance; and
9. discontinue services with their F/EA and choose another F/EA.

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, Bureau of Health Services Financing, the Office of Aging and Adult Services, and the Office for Citizens with Developmental Disabilities, LR 49:

#### **§1139. Grievances**

A. The F/EA shall establish and follow a written grievance procedure to be used to process complaints by employers, their family member(s), or a legal representative that is designed to allow employers to make complaints without fear of retaliation. The written grievance procedure shall be provided to the employer.

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, Bureau of Health Services Financing, the Office of Aging and Adult Services, and the Office for Citizens with Developmental Disabilities, LR 49:

#### **§1141. Electronic Visit Verification (EVV) Requirements**

A. The F/EA must have an electronic visit verification (EVV) system in place that complies with the 21st Century Cures Act. The F/EA's EVV system must verify the type of service provided, the individual receiving the service, the individual providing the service, date of service, location of the service (geolocation), and time the service begins and ends.

B. Services may be verified via smart phone, telephony (landline from participant's home), or a fixed visit verification device in the participant's home. Other methods of verification may be submitted to LDH for consideration and approval.

C. The F/EA is responsible for ensuring the system used meets the requirements specified in the LDH attestation for third party EVV systems.

1. The system shall have the capability to interface with LDH's EVV system.

2. The F/EA's system and its interface shall pass testing required by the data integration process prior to go-live.

3. The F/EA will be required to collect electronic check in/check out information including geolocation data in accordance with state requirements.

D. The F/EA must provide a user-friendly EVV system, including an alternate method of collecting time should the EVV system becomes unavailable.

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, Bureau of Health Services Financing, the Office of Aging and Adult Services, and the Office for Citizens with Developmental Disabilities, LR 49:

#### **§1143. Employer Records**

A. The F/EA shall store employer/employee records securely and protected in accordance with HIPAA requirements at the F/EA's place of business.

B. F/EAs shall maintain employer and employee records for at least six years or longer when required by state or federal law.

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, Bureau of Health Services Financing, the Office of Aging and Adult Services, and the Office for Citizens with Developmental Disabilities, LR 49:

#### **§1145. Emergency Preparedness**

A. The F/EA, regardless of the architecture of its systems, shall develop and be continually ready to invoke an all hazards plan to protect the availability, integrity, and security of data during unexpected failures or disasters (either natural or man-made) to continue essential application or system functions during or immediately following failures or disasters.

B. The all hazards plan shall include a disaster recovery plan (DRP) and a business continuity plan (BCP). A DRP is designed to recover systems, networks, workstations, applications, etc., in the event of a disaster. A BCP shall focus on restoring the operational function of the organization in the event of a disaster and includes items related to information technology (IT), as well as operational items such as employee notification processes and the procurement of office supplies needed to do business in the emergency mode operation environment. The practice of including both the DRP and the BCP in the all hazards planning process is a best practice. At a minimum, the all hazards plan shall address the following scenarios:

1. the central computer installation and resident software are destroyed or damaged;
2. the system interruption or failure resulting from network, operating hardware, software, or operations errors that compromise the integrity of transaction that are active in a live system at the time of the outage; and
3. system interruption or failure resulting from network, operating hardware, software or operations errors that compromise the integrity of data maintained in a live or archival system.

C. The all hazards plan shall specify projected recovery times and data loss for mission-critical systems in the event

of a declared disaster. The following minimum criteria are required:

1. system restoration within 24 hours;
2. two physical locations for maintaining data; and
3. backups of all system data every 24 hours.

D. The F/EA shall annually test its plan through simulated disasters and lower level failures in order to demonstrate to LDH that it can restore system functions. In the event the F/EA fails to demonstrate through these tests that it can restore system functions, the F/EA shall be required to submit a corrective action plan to LDH describing how the failure shall be resolved within 10 business days of the conclusion of the test.

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, Bureau of Health Services Financing, the Office of Aging and Adult Services, and the Office for Citizens with Developmental Disabilities, LR 49:

#### **§1147. Fiscal Employer Agent Monitoring**

A. F/EAs shall be monitored on an on-going basis as outlined in the performance agreement.

B. F/EAs shall offer full cooperation with LDH during the monitoring process.

C. Responsibilities of the F/EA in the monitoring process include, but are not limited to, providing policy and procedure manuals, employer/employee records, and other documentation as requested.

D. F/EAs shall cooperate with any audit requests from state or federal agencies.

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, Bureau of Health Services Financing, the Office of Aging and Adult Services, and the Office for Citizens with Developmental Disabilities, LR 49:

Implementation of the provisions of this Rule may be contingent upon the approval of the U.S. Department of Health and Human Services, Centers for Medicare and Medicaid Services (CMS), if it is determined that submission to CMS for review and approval is required.

#### **Family Impact Statement**

In compliance with Act 1183 of the 1999 Regular Session of the Louisiana Legislature, the impact of this proposed Rule on the family has been considered. It is anticipated that this proposed Rule will have no impact on family functioning, stability and autonomy as described in R.S. 49:972.

#### **Poverty Impact Statement**

In compliance with Act 854 of the 2012 Regular Session of the Louisiana Legislature, the poverty impact of this proposed Rule has been considered. It is anticipated that this proposed Rule will have no impact on child, individual, or family poverty in relation to individual or community asset development as described in R.S. 49:973.

#### **Small Business Analysis**

In compliance with the Small Business Protection Act, the economic impact of this proposed Rule on small businesses has been considered. It is anticipated that this proposed Rule will have no impact on small businesses.

#### **Provider Impact Statement**

In compliance with House Concurrent Resolution (HCR) 170 of the 2014 Regular Session of the Louisiana

Legislature, the provider impact of this proposed Rule has been considered. It is anticipated that this proposed Rule will have no impact on the staffing level requirements or qualifications required to provide the same level of service, no direct or indirect cost to the provider to provide the same level of service, and will have no impact on the provider's ability to provide the same level of service as described in HCR 170.

#### **Public Comments**

Interested persons may submit written comments to Tara A. LeBlanc, Bureau of Health Services Financing, P.O. Box 91030, Baton Rouge, LA 70821-9030. Ms. LeBlanc is responsible for responding to inquiries regarding this proposed Rule. The deadline for submitting written comments is at 4:30 p.m. on July 31, 2023.

#### **Public Hearing**

Interested persons may submit a written request to conduct a public hearing by U.S. mail to the Office of the Secretary ATTN: LDH Rulemaking Coordinator, Post Office Box 629, Baton Rouge, LA 70821-0629; however, such request must be received no later than 4:30 p.m. on July 10, 2023. If the criteria set forth in R.S. 49:961(B)(1) are satisfied, LDH will conduct a public hearing at 9:30 a.m. on July 27, 2023 in Room 118 of the Bienville Building, which is located at 628 North Fourth Street, Baton Rouge, LA. To confirm whether or not a public hearing will be held, interested persons should first call Allen Enger at (225) 342-1342 after July 10, 2023. If a public hearing is to be held, all interested persons are invited to attend and present data, views, comments, or arguments, orally or in writing.

Stephen R. Russo, JD  
Secretary

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

#### **RULE TITLE: Home and Community-Based Services Waivers—Fiscal Employer Agent Standards for Participation**

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

It is anticipated that implementation of this proposed rule will result in programmatic fiscal costs to the state of approximately \$1,620 for FY 22-23, \$727,021 for FY 23-24, and \$1,092,091 for FY 24-25. It is anticipated that \$3,240 (\$1,620 SGF and \$1,620 FED) will be expended in FY 22-23 for the state's administrative expense for promulgation of this proposed rule and the final rule.

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

It is anticipated that the implementation of this proposed rule will increase revenue collections by approximately \$1,620 for FY 22-23, \$1,586,123 for FY 23-24, and \$2,313,243 for FY 24-25. It is anticipated that \$1,620 will be collected in FY 22-23 for the federal share of the expense for promulgation of this proposed rule and the final rule.

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

This proposed rule adopts provisions establishing the standards for participation for fiscal employer agents (F/EAs) in home and community-based services waiver programs. F/EAs currently provide financial management services (FMS) for self-directed home and community-based waiver services



administered by the Office of Aging and Adult Services and the Office for Citizens with Developmental Disabilities through an administrative contract with the department. Under the current arrangement, providers may change every three years due to the state's contracting requirements; however, Medicaid enrolled providers may continue providing services as long as they meet program requirements, resulting in more stability and familiarity with families that participate in self-direction. This proposed rule eliminates the administrative contracting process, establishes FMS as a waiver service, and allows F/EAs to enroll in Medicaid to ensure greater stability among providers that support the self-direction program. Implementation of this proposed rule is anticipated to increase expenditures in the Medicaid program by approximately \$3,240 for FY 22-23, \$2,313,144 for FY 23-24, and \$3,405,334 for FY 24-25.

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

This rule has no known effect on competition and employment.

Tara A. LeBlanc  
Medicaid Executive Director  
2306#040

Evan Brasseaux  
Interim Deputy Fiscal Officer  
Legislative Fiscal Office

### NOTICE OF INTENT

#### Department of Health Bureau of Health Services Financing

Inpatient Hospital Services  
Out-of-State Hospitals  
(LAC 50:V.2401 and 2403)

The Department of Health, Bureau of Health Services Financing proposes to adopt LAC 50:V.Chapter 24 in the Medical Assistance Program as authorized by R.S. 36:254 and pursuant to Title XIX of the Social Security Act. This proposed Rule is promulgated in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq.

The Department of Health, Bureau of Health Services Financing is required under 42 CFR §431.52 to pay for services furnished in another state to the same extent that it would pay for in-state services for Medicaid beneficiaries that reside in Louisiana. The department has determined that the current reimbursement rates for inpatient services furnished by out-of-state hospitals are not in alignment with those of in-state hospitals.

In compliance with 42 CFR §431.52, the Department of Health, Bureau of Health Services Financing proposes to adopt provisions governing medically necessary inpatient services furnished to Louisiana Medicaid beneficiaries by out-of-state hospitals in order to align the reimbursement rates for those services with current in-state inpatient per diem rates for like hospitals/services.

#### Title 50

#### PUBLIC HEALTH—MEDICAL ASSISTANCE

#### Part V. Hospital Services

#### Subpart 1. Inpatient Hospitals Services

#### Chapter 24. Out-of-State Hospitals

#### §2401. General Provisions

A. Effective for dates of service on or after September 20, 2023, payment will be made to out-of-state hospitals for provision of inpatient services which meet at least one of the following conditions:

1. medical services are needed because of a medical emergency;

2. medical services are needed and the beneficiaries' health would be endangered if they were required to travel to their state of residence;

3. the state determines, on the basis of medical advice, that the needed medical services, or necessary supplementary resources, are more readily available in the other state; or

4. it is general practice for beneficiaries in a particular locality to use medical resources in another state.

B. Hospitals located in counties in Mississippi, Arkansas, and Texas that border the state of Louisiana are referred to as trade area hospitals.

C. Trade area hospitals that are unable to fully treat presenting Louisiana beneficiaries shall transfer patients to the Louisiana hospital within the closest proximity with available services.

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

HISTORICAL NOTE: Promulgated by the Department of Health, Bureau of Health Services Financing, LR 49:

#### §2403. Reimbursement Methodology

A. Effective for dates of service on or after September 20, 2023, payment for all out-of-state inpatient services, other than organ transplants, shall be made at the Louisiana in-state prospective peer group rate in effect for the corresponding type of non-teaching hospital or specialty carve out service.

1. Separate prospective per diem rates will be paid for out-of-state inpatient services provided in acute care general hospitals, psychiatric hospitals and services, rehabilitation hospitals, long term acute care hospitals, children's hospitals, nursery services, neonatal intensive care services, pediatric intensive care services, and burn unit intensive care services.

B. Effective for dates of service on or after September 20, 2023, payment for inpatient organ transplant service provided by out-of-state hospitals shall be paid as follows:

1. 40 percent of allowable covered billed charges for beneficiaries ages 21 and above; or

2. 60 percent of allowable covered billed charges for beneficiaries under age 21.

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, Bureau of Health Services Financing, LR 49:

Implementation of the provisions of this Rule may be contingent upon the approval of the U.S. Department of Health and Human Services, Centers for Medicare and Medicaid Services (CMS), if it is determined that submission to CMS for review and approval is required.

#### Family Impact Statement

In compliance with Act 1183 of the 1999 Regular Session of the Louisiana Legislature, the impact of this proposed Rule on the family has been considered. It is anticipated that this proposed Rule will have no impact on family functioning, stability and autonomy as described in R.S. 49:972.

#### Poverty Impact Statement

In compliance with Act 854 of the 2012 Regular Session of the Louisiana Legislature, the poverty impact of this

proposed Rule has been considered. It is anticipated that this proposed Rule will have no impact on child, individual, or family poverty in relation to individual or community asset development as described in R.S. 49:973.

#### **Small Business Analysis**

In compliance with the Small Business Protection Act, the economic impact of this proposed Rule on small businesses has been considered. It is anticipated that this proposed Rule will have no impact on small businesses.

#### **Provider Impact Statement**

In compliance with House Concurrent Resolution (HCR) 170 of the 2014 Regular Session of the Louisiana Legislature, the provider impact of this proposed Rule has been considered. It is anticipated that this proposed Rule will have no impact on the staffing level requirements or qualifications required to provide the same level of service, or on the direct or indirect cost to the provider, but may negatively impact on the provider's ability to provide the same level of service as described in HCR 170, if the reimbursement rate change results in decreased payments to the provider.

#### **Public Comments**

Interested persons may submit written comments to Tara A. LeBlanc, Bureau of Health Services Financing, P.O. Box 91030, Baton Rouge, LA 70821-9030. Ms. LeBlanc is responsible for responding to inquiries regarding this proposed Rule. The deadline for submitting written comments is at 4:30 p.m. on July 31, 2023.

#### **Public Hearing**

Interested persons may submit a written request to conduct a public hearing by U.S. mail to the Office of the Secretary ATTN: LDH Rulemaking Coordinator, Post Office Box 629, Baton Rouge, LA 70821-0629; however, such request must be received no later than 4:30 p.m. on July 10, 2023. If the criteria set forth in R.S. 49:961(B)(1) are satisfied, LDH will conduct a public hearing at 9:30 a.m. on July 27, 2023 in Room 118 of the Bienville Building, which is located at 628 North Fourth Street, Baton Rouge, LA. To confirm whether or not a public hearing will be held, interested persons should first call Allen Enger at (225) 342-1342 after July 10, 2023. If a public hearing is to be held, all interested persons are invited to attend and present data, views, comments, or arguments, orally or in writing.

Stephen R. Russo, JD  
Secretary

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

#### **RULE TITLE: Inpatient Hospital Services Out-of-State Hospitals**

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

It is anticipated that implementation of this proposed rule will increase state costs by approximately \$324 for FY 22-23 and reduce state costs by approximately \$9,708,338 for FY 23-24, and \$14,274,036 for FY 24-25. It is anticipated that \$648 (\$324 SGF and \$324 FED) will be expended in FY 22-23 for the state's administrative expense for promulgation of this proposed rule and the final rule.

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

It is anticipated that this proposed rule will increase federal revenue collections by approximately \$324 for FY 22-23 and reduce federal revenue collections by approximately \$21,180,422 for FY 23-24 and \$30,234,964 FY 24-25. It is anticipated that \$324 will be collected in FY 22-23 for the federal share of the expense for promulgation of this proposed rule and the final rule.

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

This proposed rule adopts provisions governing medically necessary inpatient services furnished to Louisiana Medicaid beneficiaries by out-of-state hospitals in order to align the reimbursement rates for those services with current in-state inpatient per diem rates for like hospitals/services. The proposed rule complies with 42 CFR §431.52, which requires the state to pay for services furnished in another state to the same extent that it would pay for in-state services for Medicaid beneficiaries that reside in Louisiana. This will allow the beneficiaries to maintain access to medically necessary out-of-state inpatient hospital services. Implementation of this proposed rule is anticipated to decrease expenditures for inpatient out-of-state hospital services by approximately \$30,888,760 for FY 23-24 and \$44,509,000 for FY 24-25, which may negatively impact providers if the reimbursement rate change results in decreased payments.

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

This rule has no known effect on competition and employment.

Tara A. LeBlanc  
Medicaid Executive Director  
2306#041

Evan Brasseaux  
Interim Deputy Fiscal Officer  
Legislative Fiscal Office

### **NOTICE OF INTENT**

#### **Department of Health Bureau of Health Services Financing**

Managed Care for Physical and Behavioral Health  
Hospital Directed Payments  
(LAC 50:I.3113)

The Department of Health, Bureau of Health Services Financing proposes to amend LAC 50:I.3113 in the Medical Assistance Program as authorized by R.S. 36:254 and pursuant to Title XIX of the Social Security Act. This proposed Rule is promulgated in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq.

The Department of Health, Bureau of Health Services Financing adopted provisions governing directed payments to qualifying hospitals that participate in the Healthy Louisiana program and contract with the Medicaid managed care organizations (MCOs) to provide inpatient and outpatient services to MCO enrollees (*Louisiana Register*, Volume 49, Number 2). The department promulgated an Emergency Rule to amend the provisions governing directed payments in order to reserve the right to discontinue interim directed payments to any hospital whose projected recoupment is greater than 50 percent or who discontinues

operations during or prior to the directed payment contract period (*Louisiana Register*, Volume 49, Number 6). This proposed Rule continues the provisions of the May 15, 2023 Emergency Rule.

## **Title 50**

### **PUBLIC HEALTH—MEDICAL ASSISTANCE**

#### **Part I. Administration**

#### **Subpart 3. Managed Care for Physical and Behavioral Health**

#### **Chapter 31. General Provisions**

#### **§3113. Directed Payments**

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

b. The department reserves the right to discontinue the interim directed payments to any hospital whose projected recoupment due to shifts in utilization is greater than 50 percent of their estimated interim directed payments or any hospital who discontinues operations during or prior to the directed payment contract period.

5. - 7.a. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:245 and Title XIX of the Social Security Act

HISTORICAL NOTE: Promulgated by the Department of Health, Bureau of Health Services Financing, LR 49:264 (February 2023), amended LR 49:

Implementation of the provisions of this Rule may be contingent upon the approval of the U.S. Department of Health and Human Services, Centers for Medicare and Medicaid Services (CMS), if it is determined that submission to CMS for review and approval is required.

#### **Family Impact Statement**

In compliance with Act 1183 of the 1999 Regular Session of the Louisiana Legislature, the impact of this proposed Rule on the family has been considered. It is anticipated that this proposed Rule will have no impact on family functioning, stability and autonomy as described in R.S. 49:972.

#### **Poverty Impact Statement**

In compliance with Act 854 of the 2012 Regular Session of the Louisiana Legislature, the poverty impact of this proposed Rule has been considered. It is anticipated that this proposed Rule will have no impact on child, individual, or family poverty in relation to individual or community asset development as described in R.S. 49:973.

#### **Small Business Analysis**

In compliance with the Small Business Protection Act, the economic impact of this proposed Rule on small businesses has been considered. It is anticipated that this proposed Rule will have no impact on small businesses.

#### **Provider Impact Statement**

In compliance with House Concurrent Resolution (HCR) 170 of the 2014 Regular Session of the Louisiana Legislature, the provider impact of this proposed Rule has been considered. It is anticipated that this proposed Rule will have no impact on the staffing level requirements or qualifications required to provide the same level of service, no direct or indirect cost to the provider to provide the same level of service, and will have no impact on the provider's ability to provide the same level of service as described in HCR 170.

#### **Public Comments**

Interested persons may submit written comments to Tara A. LeBlanc, Bureau of Health Services Financing, P.O. Box 91030, Baton Rouge, LA 70821-9030. Ms. LeBlanc is responsible for responding to inquiries regarding this proposed Rule. The deadline for submitting written comments is at 4:30 p.m. on July 31, 2023.

#### **Public Hearing**

Interested persons may submit a written request to conduct a public hearing by U.S. mail to the Office of the Secretary ATTN: LDH Rulemaking Coordinator, Post Office Box 629, Baton Rouge, LA 70821-0629; however, such request must be received no later than 4:30 p.m. on July 10, 2023. If the criteria set forth in R.S. 49:961(B)(1) are satisfied, LDH will conduct a public hearing at 9:30 a.m. on July 27, 2023 in Room 118 of the Bienville Building, which is located at 628 North Fourth Street, Baton Rouge, LA. To confirm whether or not a public hearing will be held, interested persons should first call Allen Enger at (225) 342-1342 after July 10, 2023. If a public hearing is to be held, all interested persons are invited to attend and present data, views, comments, or arguments, orally or in writing.

Stephen R. Russo, JD  
Secretary

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

#### **RULE TITLE: Managed Care for Physical and Behavioral Health—Hospital Directed Payments**

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

It is anticipated that implementation of this proposed rule will have no programmatic fiscal impact to the state other than the cost of promulgation for FY 22-23. It is anticipated that \$540 (\$270 SGF and \$270 FED) will be expended in FY 22-23 for the state's administrative expense for promulgation of this proposed rule and the final rule.

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

It is anticipated that the implementation of this proposed rule will have no effect on revenue collections other than the federal share of the promulgation costs for FY 22-23. It is anticipated that \$270 will be collected in FY 22-23 for the federal share of the expense for promulgation of this proposed rule and the final rule.

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

This proposed rule continues the provisions of the May 15, 2023 Emergency Rule, which amended the provisions governing directed payments to qualifying hospitals that participate in the Healthy Louisiana program and contract with the Medicaid managed care organizations in order to reserve the right to discontinue interim directed payments to any hospital whose projected recoupment is greater than 50 percent or which discontinues operations during or prior to the directed payment contract period. It is anticipated that implementation of this proposed rule will not result in costs to hospitals in FY 22-23, FY 23-24, and FY 24-25, because the hospitals are receiving payments. However, the proposed rule ensures that

payments are not made to hospitals that are no longer operating and that others are not overpaid based on actual utilization.

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

This rule has no known effect on competition and employment.

Tara A. LeBlanc  
Medicaid Executive Director  
2306#042

Evan Brasseaux  
Interim Deputy Fiscal Officer  
Legislative Fiscal Office

### NOTICE OF INTENT

#### Department of Health Bureau of Health Services Financing

Medical Transportation Program  
Emergency Medical Transportation  
(LAC 50:XXVII.Chapter 3)

The Department of Health, Bureau of Health Services Financing proposes to amend LAC 50: XXVII.Chapter 3 in the Medical Assistance Program as authorized by R.S. 36:254 and pursuant to Title XIX of the Social Security Act. This proposed Rule is promulgated in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq.

The U.S. Department of Health and Human Services, Centers for Medicare and Medicaid Services (CMS) requires reimbursement for emergency ambulance services to transition from the Full Medicaid Pricing program to an approved federal supplemental payment program by July 1, 2023. In compliance with CMS requirements, the Department of Health, Bureau of Health Services Financing promulgated an Emergency Rule which amended the provisions governing reimbursement in the Medical Transportation Program in order to align the reimbursement rates established for emergency ambulance services and providers with current practice for Medicaid managed care and fee-for-service (*Louisiana Register*, Volume 49, Number 5). This proposed Rule is being promulgated to continue the provisions of the July 1, 2023 Emergency Rule.

#### Title 50

#### PUBLIC HEALTH—MEDICAL ASSISTANCE

#### Part XXVII. Medical Transportation Program

#### Chapter 3. Emergency Medical Transportation

#### Subchapter A. Reserved.

#### Subchapter B. Ground Transportation

#### §325. Reimbursement

A. The Medicaid reimbursement for ground ambulance services is the rate established in the state fee schedule for emergency ambulance transport, basic life support, advanced life support and mileage, oxygen, intravenous fluids, and disposable supplies administered during the emergency ambulance transport minus the amount paid by any liable third party coverage.

B. - J. ...

K. Effective for dates of service on or after July 1, 2023, the reimbursement rates for emergency ground ambulance transportation services shall be reimbursed based on the Louisiana Medicaid fee schedule.

EXCEPTION: Except as otherwise noted in the plan, state-developed fee schedule rates are established separately for governmental, New Orleans-based governmental, and private providers of ambulance transportation services to account for

cost variability across these provider types and to maintain access to care through alignment with historic payment levels.

1. The agency's fee schedule rate, set as of July 1, 2023, is effective for services provided on or after that date. All rates are published on the agency's website at: <https://www.lamedicaid.com>.

2. The fee schedule was established as a function of historical rates in effect as of January 1, 2023 plus an enhancement which was calculated to achieve total fee schedule reimbursement as a percentage of average commercial rates (ACR), with the clarifications listed within Subparagraph a through c below:

a. governmental ambulance providers include those ambulance providers who are owned or operated by a public organization such as state, federal, parish, or city entities;

b. New Orleans-based governmental ambulance providers include ambulance providers located within the city of New Orleans; and

c. private ambulance transportation providers include corporations, limited liability companies, partnerships, or sole proprietors. Private providers must comply with all state laws and the regulations of any governing state agency, commission, or local entity to which they are subject as a condition of enrollment and continued participation in the Medicaid program.

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 34:878 (May 2008), amended by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 36:1248 (June 2010), LR 36:2564 (November 2010), LR 37:3029 (October 2011), LR 39:1285 (May 2013), LR 40:1379 (July 2014), amended by the Department of Health, Bureau of Health Services Financing, LR 49:

#### §327. Supplemental Payments for Ambulance Providers

A. Effective for dates of service on or after September 20, 2011, quarterly supplemental payments may be issued to qualifying ambulance providers for emergency medical transportation services rendered during the quarter.

B. - E.7. ...

8. The department may reimburse providers based on the following criteria.

a. ...

b. For all other ambulance service providers identified in Paragraph E.1, reimbursement may be up to 80 percent of the provider's average commercial rate calculated in Paragraph E.7.

F. - F.2. ...

G. The supplemental payment may be made effective for emergency medical transportation provided on or after September 20, 2011. This payment is based on the average amount that would have been paid at the equivalent community rate. After the initial calculation for fiscal year 2011-2012, the department will rebase the equivalent community rate using adjudicated claims data for services from the most recently completed fiscal year. This calculation may be made annually, but shall be made no less than every three years.

H. ...

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, Bureau of Health Services Financing, LR 40:1530 (August 2014), amended by the Department of Health, Bureau of Health Services Financing, LR 49:

**§331. Enhanced Reimbursements for Qualifying Emergency Ground Ambulance Service Providers**

**A. Emergency Medical Transportation**

1. Qualifying emergency ambulance service providers assessed a fee as outlined in LAC 48:I.4001.E.1.a-b may receive enhanced reimbursement for emergency ground ambulance transportation services rendered during the quarter through the Supplemental Payment Program described in the Medicaid State Plan.

2. Effective for dates of service on or after July 1, 2019, qualifying emergency ambulance service providers assessed a fee as outlined in LAC 48:I.4001.E.1.a-d may receive enhanced reimbursement for non-emergency ground ambulance transportation services rendered during the quarter through the Supplemental Payment Program described in the Medicaid State Plan.

**B. - B.4. ...**

**C. Payment Methodology**

1. Payment may include non-emergency ground ambulance services after July 1, 2019. The enhanced reimbursement to each qualifying emergency ground ambulance service provider shall not exceed the sum of the difference between the Medicaid payments otherwise made to these providers for the provision of emergency and non-emergency ground ambulance transportation services and the average amount that would have been paid at the equivalent community rate.

**2. - 3.h....**

**D. Effective Date of Payment**

1. The enhanced reimbursement payment may be made effective for emergency ground ambulance transportation services provided on or after August 1, 2016, and for non-emergency ground transportation services provided after July 1, 2019. This payment is based on the average amount that would have been paid at the equivalent community rate.

**D.2. - E.1. ...**

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, Bureau of Health Services Financing, LR 42:1890 (November 2016), amended LR 45:1598 (November 2019), LR 49:

**Subchapter C. Aircraft Transportation**

**§351. Standards for Participation**

A. Rotor winged (helicopters) and fixed winged emergency aircraft must be certified by the Department of Health, Bureau of Health Services Financing in order to receive Medicaid reimbursement. All air ambulance services must be provided in accordance with state laws and regulations governing the administration of these services.

**B. ...**

C. Prior Approval. Prior approval shall not be required for emergency air ambulance transportation services, including mileage. Approval shall be done during post payment review and shall not be completed prior to service delivery. Claims for payment of emergency air ambulance transportation services are received and reviewed retrospectively. The clinical documentation for each

emergency air ambulance transportation service shall not be required for submission concurrent with the claim. If required, clinical documentation shall be required post claim submission.

1. Air ambulance claims will be reviewed and a determination will be made based on the following requirements. Air ambulance services are covered only if:

a. speedy admission of the beneficiary is essential and the point of pick-up of the beneficiary is inaccessible by a land vehicle; or

b. great distance or other obstacles are involved in getting the beneficiary to the nearest hospital with appropriate services.

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

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 35:70 (January 2009), amended by the Department of Health, Bureau of Health Services Financing, LR 49:

**§353. Reimbursement**

**A. - B. ...**

C. If a ground ambulance must be used for part of the transport, the ground ambulance provider will be reimbursed separately according to the provisions governing emergency ground transportation.

**D. - I.2. ...**

J. The reimbursement rates for emergency and non-emergency, rotor winged and fixed winged air ambulance transportation services shall be reimbursed based on the Louisiana Medicaid fee schedule. These rates include both in state and out-of-state air ambulance transportation. The agency's fee schedule rate was set as of January 1, 2022 and is effective for services provided on or after that date. All rates are published on the agency's website at: <https://www.lamedicaid.com>.

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 35:70 (January 2009), amended by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 36:2564 (November 2010), amended LR 37:3029 (October 2011), LR 39:1285 (May 2013), LR 40:1379 (July 2014), LR 42:277 (February 2016), amended by the Department of Health, Bureau of Health Service Financing, LR 49:

**§355. Supplemental Payments for Ambulance Providers**

A. Effective for dates of service on or after September 20, 2011, quarterly supplemental payments may be issued to qualifying ambulance providers for emergency medical air transportation services rendered during the quarter.

**B. - E.7. ...**

8. The department may reimburse providers based on the following criteria.

**a. ...**

b. For all other ambulance service providers identified in E.1, reimbursement may be up to 80 percent of the provider's average commercial rate calculated in Paragraph E.7.

**F. - F.2. ...**

G. The supplemental payment may be made effective for air ambulance services provided on or after September 20, 2011. This payment is based on the average amount that

would have been paid at the equivalent community rate. After the initial calculation for fiscal year 2011-2012, the department will rebase the equivalent community rate using adjudicated claims data for services from the most recently completed fiscal year. This calculation may be made annually, but shall not be made less often than every three years.

H. ...

**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, Bureau of Health Services Financing, LR 40:1531 (August 2014), amended by the Department of Health, Bureau of Health Services Financing, LR 49:

Implementation of the provisions of this Rule may be contingent upon the approval of the U.S. Department of Health and Human Services, Centers for Medicare and Medicaid Services (CMS), if it is determined that submission to CMS for review and approval is required.

#### **Family Impact Statement**

In compliance with Act 1183 of the 1999 Regular Session of the Louisiana Legislature, the impact of this proposed Rule on the family has been considered. It is anticipated that this proposed Rule will have no impact on family functioning, stability and autonomy as described in R.S. 49:972.

#### **Poverty Impact Statement**

In compliance with Act 854 of the 2012 Regular Session of the Louisiana Legislature, the poverty impact of this proposed Rule has been considered. It is anticipated that this proposed Rule will have no impact on child, individual, or family poverty in relation to individual or community asset development as described in R.S. 49:973.

#### **Small Business Analysis**

In compliance with the Small Business Protection Act, the economic impact of this proposed Rule on small businesses has been considered. It is anticipated that this proposed Rule will have no impact on small businesses.

#### **Provider Impact Statement**

In compliance with House Concurrent Resolution (HCR) 170 of the 2014 Regular Session of the Louisiana Legislature, the provider impact of this proposed Rule has been considered. It is anticipated that this proposed Rule will have no impact on the staffing level requirements or qualifications required to provide the same level of service, no direct or indirect cost to the provider to provide the same level of service, and will have no impact on the provider's ability to provide the same level of service as described in HCR 170.

#### **Public Comments**

Interested persons may submit written comments to Tara A. LeBlanc, Bureau of Health Services Financing, P.O. Box 91030, Baton Rouge, LA 70821-9030. Ms. LeBlanc is responsible for responding to inquiries regarding this proposed Rule. The deadline for submitting written comments is at 4:30 p.m. on July 31, 2023.

#### **Public Hearing**

Interested persons may submit a written request to conduct a public hearing by U.S. mail to the Office of the Secretary ATTN: LDH Rulemaking Coordinator, Post Office

Box 629, Baton Rouge, LA 70821-0629; however, such request must be received no later than 4:30 p.m. on July 10, 2023. If the criteria set forth in R.S. 49:961(B)(1) are satisfied, LDH will conduct a public hearing at 9:30 a.m. on July 27, 2023 in Room 173 of the Bienville Building, which is located at 628 North Fourth Street, Baton Rouge, LA. To confirm whether or not a public hearing will be held, interested persons should first call Allen Enger at (225) 342-1342 after July 10, 2023. If a public hearing is to be held, all interested persons are invited to attend and present data, views, comments, or arguments, orally or in writing.

Stephen R. Russo, JD  
Secretary

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

#### **RULE TITLE: Medical Transportation Program Emergency Medical Transportation**

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

It is anticipated that implementation of this proposed rule will have no programmatic fiscal impact to the state other than the cost of promulgation for FY 22-23. It is anticipated that \$1,404 (\$702 SGF and \$702 FED) will be expended in FY 22-23 for the state's administrative expense for promulgation of this proposed rule and the final rule.

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

It is anticipated that the implementation of this proposed rule will have no effect on revenue collections other than the federal share of the promulgation costs for FY 22-23. It is anticipated that \$702 will be collected in FY 22-23 for the federal share of the expense for promulgation of this proposed rule and the final rule.

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

This proposed rule continues the provisions of the July 1, 2023 Emergency Rule, which amended the provisions governing reimbursement in the Medical Transportation Program in order to align the reimbursement rates established for emergency ambulance services and providers with current practice for Medicaid managed care and fee-for-service. This complies with the U.S. Department of Health and Human Services, Centers for Medicare and Medicaid Services (CMS) requirement that reimbursement for these services transition from the Full Medicaid Pricing program to an approved federal supplemental payment program. Implementation of this proposed rule is not anticipated to result in costs or benefits to emergency medical transportation providers or small businesses and will not result in a fiscal impact in FY 22-23, FY 23-24, and FY 24-25.

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

This rule has no known effect on competition and employment.

Tara A. LeBlanc  
Medicaid Executive Director  
2306#043

Evan Brasseaux  
Interim Deputy Fiscal Officer  
Legislative Fiscal Office

## NOTICE OF INTENT

### Department of Health Bureau of Health Services Financing

#### Professional Services Program Physician Directed Treatment-in-Place Ambulance Services (LAC 50:IX.1301, 1303, and 1305)

The Department of Health, Bureau of Health Services Financing proposes to adopt LAC 50:IX.Chapter 13 in the Medical Assistance Program as authorized by R.S. 36:254 and pursuant to Title XIX of the Social Security Act. This proposed Rule is promulgated in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq.

The Department of Health, Bureau of Health Services Financing promulgated Emergency Rules which allowed reimbursement, to qualified ambulance providers, throughout the duration of the Coronavirus Disease 2019 (COVID-19) public health emergency for initiation and facilitation of physician directed treatment-in-place services via telehealth. The services are provided on site without transport, within established treatment protocols, and under the direct supervision of a qualified provider (*Louisiana Register*, Volume 46, Number 7 and Volume 47, Number 11). The U.S. Department of Health and Human Services, Centers for Medicare and Medicaid Services (CMS) waived requirements in order to expand the types of health care professionals eligible to bill for telehealth services provided from a distant site.

As a result of the CMS waiver, the department promulgated an Emergency Rule which adopted provisions in the Professional Services Program to continue to provide reimbursement for physician directed treatment-in-place ambulance services after the COVID-19 public health emergency ended on May 11, 2023 (*Louisiana Register*, Volume 49, Number 5). This proposed Rule is being promulgated in order to continue the provisions of the May 12, 2023 Emergency Rule.

#### Title 50

#### PUBLIC HEALTH—MEDICAL ASSISTANCE

#### Part IX. Professional Services Program

#### Subpart 1. General Provisions

#### Chapter 13. Physician Directed Treatment-In-Place Ambulance Services

#### §1301. General Provisions

A. Effective for dates of service on or after May 12, 2023, the Louisiana Medicaid Program provides coverage for initiation and facilitation of telehealth services by qualified Louisiana Medicaid enrolled ambulance providers.

B. Ambulance providers interested in offering physician directed treatment-in-place telehealth services must complete the following:

1. enroll as a CMS ET3 model participant;
2. enter into a partnership with a qualified, Louisiana Medicaid enrolled healthcare provider to furnish treatment-in-place telehealth services to Louisiana Medicaid beneficiaries; and
3. notify the Department of Health of its partnerships with each telehealth provider.

C. Reimbursement for initiation and facilitation of telehealth services shall be made according to the established physician directed treatment-in-place telehealth service fee schedule or billed charges, whichever is the lesser amount.

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

HISTORICAL NOTE: Promulgated by the Department of Health, Bureau of Health Services Financing, LR 49:

#### §1303. Scope of Services

A. Initiation and facilitation of physician directed treatment-in-place telehealth services are performed by Louisiana Medicaid enrolled ambulance providers on site, with no transport, using audio and video telecommunications systems that permit real-time communication between a qualified, Medicaid enrolled, licensed medical practitioner and the beneficiary.

B. All services provided by ambulance providers during the initiation and facilitation of the physician directed treatment-in-place intervention are covered by the associated BLS-E, emergency base rate, or the ALS1-E, Level 1 emergency base rate.

C. Ambulance providers are not eligible to submit a claim for reimbursement or receive payment for other services (except for supplies) at the scene.

D. If a beneficiary must be transported to an emergency department (ED) due to poor internet connection, which resulted in a failed physician directed treatment-in-place encounter, or the beneficiary's condition deteriorates, the ambulance provider may submit a claim for reimbursement and receive compensation for the transport to the ED, but not for initiation and facilitation of the telehealth service.

E. The entity seeking reimbursement for the corresponding physician directed treatment-in-place telehealth service must be an enrolled Louisiana Medicaid provider.

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, Bureau of Health Services Financing, LR 49:

#### §1305. Reimbursement

A. Reimbursement to the ambulance providers for initiation and facilitation of the physician directed treatment-in-place telehealth service requires a corresponding treatment-in-place telehealth service. The corresponding treatment-in-place telehealth service is demonstrated via a Louisiana Medicaid paid treatment-in-place telehealth service claim.

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, Bureau of Health Services Financing, LR 49:

Implementation of the provisions of this Rule may be contingent upon the approval of the U.S. Department of Health and Human Services, Centers for Medicare and Medicaid Services (CMS), if it is determined that submission to CMS for review and approval is required.

#### Family Impact Statement

In compliance with Act 1183 of the 1999 Regular Session of the Louisiana Legislature, the impact of this proposed Rule on the family has been considered. It is anticipated that

this proposed Rule will have no impact on family functioning, stability and autonomy as described in R.S. 49:972.

#### **Poverty Impact Statement**

In compliance with Act 854 of the 2012 Regular Session of the Louisiana Legislature, the poverty impact of this proposed Rule has been considered. It is anticipated that this proposed Rule will have no impact on child, individual, or family poverty in relation to individual or community asset development as described in R.S. 49:973.

#### **Small Business Analysis**

In compliance with the Small Business Protection Act, the economic impact of this proposed Rule on small businesses has been considered. It is anticipated that this proposed Rule will have no impact on small businesses.

#### **Provider Impact Statement**

In compliance with House Concurrent Resolution (HCR) 170 of the 2014 Regular Session of the Louisiana Legislature, the provider impact of this proposed Rule has been considered. It is anticipated that this proposed Rule will have no impact on the staffing level requirements or qualifications required to provide the same level of service, no direct or indirect cost to the provider to provide the same level of service, and will have no impact on the provider's ability to provide the same level of service as described in HCR 170.

#### **Public Comments**

Interested persons may submit written comments to Tara A. LeBlanc, Bureau of Health Services Financing, P.O. Box 91030, Baton Rouge, LA 70821-9030. Ms. LeBlanc is responsible for responding to inquiries regarding this proposed Rule. The deadline for submitting written comments is at 4:30 p.m. on July 31, 2023.

#### **Public Hearing**

Interested persons may submit a written request to conduct a public hearing by U.S. mail to the Office of the Secretary ATTN: LDH Rulemaking Coordinator, Post Office Box 629, Baton Rouge, LA 70821-0629; however, such request must be received no later than 4:30 p.m. on July 10, 2023. If the criteria set forth in R.S. 49:961(B)(1) are satisfied, LDH will conduct a public hearing at 9:30 a.m. on July 27, 2023 in Room 118 of the Bienville Building, which is located at 628 North Fourth Street, Baton Rouge, LA. To confirm whether or not a public hearing will be held, interested persons should first call Allen Enger at (225) 342-1342 after July 10, 2023. If a public hearing is to be held, all interested persons are invited to attend and present data, views, comments, or arguments, orally or in writing

Stephen R. Russo, JD  
Secretary

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

#### **RULE TITLE: Professional Services Program Physician Directed Treatment-in-Place Ambulance Services**

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

It is anticipated that implementation of this proposed rule will have no programmatic fiscal impact to the state other than the cost of promulgation for FY 22-23. It is anticipated that

\$756 (\$378 SGF and \$378 FED) will be expended in FY 22-23 for the state's administrative expense for promulgation of this proposed rule and the final rule.

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

It is anticipated that the implementation of this proposed rule will have no effect on revenue collections other than the federal share of the promulgation costs for FY 22-23. It is anticipated that \$378 will be collected in FY 22-23 for the federal share of the expense for promulgation of this proposed rule and the final rule.

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

The proposed rule continues the provisions of the May 12, 2023 Emergency Rule, which adopted provisions in the Professional Services Program to continue to provide reimbursement for physician directed treatment-in-place ambulance services after the Coronavirus Disease 2019 (COVID-19) public health emergency (PHE) ended on May 11, 2023. Reimbursement to qualified ambulance providers was allowed throughout the duration of the COVID-19 PHE for initiation and facilitation of physician directed treatment-in-place services via telehealth. The services are provided on site without transport, within established treatment protocols, and under the direct supervision of a qualified provider. The U.S. Department of Health and Human Services, Centers for Medicare and Medicaid Services (CMS) has now waived requirements to expand the types of healthcare professionals eligible to bill for telehealth services from a distant site. As a result of the CMS waiver, the department is adding this provision to the administrative rule. This proposed rule will allow Medicaid beneficiaries that require ambulance services to continue to receive treatment on site. It is anticipated that implementation of this proposed rule will not result in costs to ambulance service providers or small businesses in FY 22-23, FY 23-24, and FY 24-25.

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

This rule has no known effect on competition and employment.

Tara A. LeBlanc  
Medicaid Executive Director  
2306#044

Evan Brasseaux  
Interim Deputy Fiscal Officer  
Legislative Fiscal Office

### **NOTICE OF INTENT**

#### **Department of the State Office of the Secretary of State**

#### **Department Non-Statutory Fees (LAC 4:I.401)**

Pursuant to the provisions of the Administrative Procedure Act (R.S. 49:950 et seq.) and under the authority of R.S. 3:1447, R.S. 9:2782, R.S. 18:1293, R.S. 24:172, R.S. 24:173.1, R.S. 25:1282, R.S. 25:1284, R.S. 36:742, R.S. 40:1151.2, R.S. 43:19, R.S. 44.1 et seq., R.S. 44:402, R.S. 44:405, R.S. 44:406, R.S. 44:408, R.S. 44:415, R.S. 44:420, R.S. 44:421, R.S. 49:222(A), R.S. 49:227, R.S. 49:228, Hague Convention of 5 October 1961 Abolishing the Requirement of Legalization for Foreign Public Documents, and Hague Convention of 29 May 1993 on Protection of Children and Co-operation in Respect of Intercountry Adoption (22 CFR Part 96), the Department of State is proposing to adopt a non-statutory fee schedule for the Department of State. In addition, the Department of State is



proposing to adopt rules and fees for the Louisiana State Archives Facilities.

**Title 4  
ADMINISTRATION  
Part I. General Provisions**

**Chapter 4. Department of State**

**§401. Department of State Non-Statutory Fee Schedule**

A. The Department of State has established non-statutory fee schedules for various filings, services, and publications. If a product referred to in the schedules shown below has to be mailed, the cost for mailing said product would be added to the fee charged.

1. Department of State General Fees

Item	Fee
Express Delivery (Cost Per Package)	Actual Cost
Non-Sufficient Funds Charge	\$25.00
Photocopies (Per Page)	\$0.25
Postage (Per Package)	Actual Cost
Public Records Request Fee (Certify Public Records) (Cost Per Certification Form)	\$20.00
Public Records Request Fee (Cost Per Page up to 8 1/2" X 14") (Two-sided copy is charged as two pages) (Including Facsimile)	\$0.25
Public Records Request Fee (Cost Per Page for Printed Copy Greater Than 8 1/2" X 14") (Two-sided copy is charged as two pages)	Actual Cost
Public Records Request Fee (Cost Per Page for CD-ROM or USB Drive)	\$0.25
Public Records Request Fee (Cost Per Page for Electronic File Emailed)	\$0.25

2. Business Services Division—Commercial

Item	Fee
Corporations –	
Complete Corporation Information	
Computer Data Transfer	
Weekly, Per Initial Load	\$2,500.00
50 Files at \$200 Per Week	\$10,000.00
Total	\$12,500.00
Monthly, Per Initial Load	\$2,500.00
11 Monthly Files at \$400	\$4,400.00
Total	\$6,900.00
Monthly Trade Names Only, 12 Monthly Files	
Total	\$1,725.00
Customized Computer List (Per Page)	\$25 for 1 <sup>st</sup> 40 Records Plus \$0.01 Per Each Additional Record
Miscellaneous Corporations Fees --	
Agent for Service of Process	\$15.00
Certificate for Service of Process	\$20.00
Political Subdivision	\$10.00
Power of Attorney	\$25.00
Uniform Commercial Code –	
Direct Access Fee, Annual Subscription, Unlimited Usage	\$400.00
Monthly Updates Information Computer Data Transfer, Annual Fee, Monthly Updates Subscription	\$6,900.00

3. Legal Division—Commissions

Item	Fee
Adoptions (Apostilles or Authentication Certificates) (Cost Per Certificate)	\$10.00
Apostille Certificate (Cost Per Certificate)	\$20.00
Certificate of Authentication (Cost Per Certificate)	\$20.00

Item	Fee
Certificate of a Pardon (Cost Per Certificate)	\$20.00
Certified Document (Executive Orders or Proclamations) (Per Document)	\$20.00
Replacement Commission Certificate	\$20.00
Replacement Identification Card	\$5.00

4. Election Services—Publications

Item	Fee
Bond Registration Certificate (Municipal Bonds) (Optional)	\$10.00
Certified Copy (In Addition to Per Page Fee)	\$20.00
Certified Copy of "Living Will" Declaration Registration	\$20.00
"Living Will" Replacement of Identification Card	\$5.00
Proces Verbal	
Recordation	\$10.00
Proces Verbal (Cost Per Page)	\$2.00
Public Officials Signature Registration Certificate	\$10.00
Publications	
Ballot Box	\$5.00
Buckram Bound Acts of Legislature	
2010/I, II and III (2010 Regular Session)	\$172.00
2011/I and II (2011 Regular and 1st Extraordinary Sessions)	\$120.00
2012/I, II and III (2012 Regular Session)	\$174.00
2013/I and II (2013 Regular Session)	\$120.00
2014/I and II (2014 Regular Session)	\$170.00
2015/I and II (2015 Regular Session)	\$205.00
2016/I and II (2016 Regular Session)	\$340.00
2017/I and II (2017 Regular Session and 1st and 2nd Extraordinary Sessions)	\$250.00
Future Issues (Printed Annually) *	Varies
Code of Governmental Ethics	\$5.00
Corporation Law	\$25.00
Election Code	\$20.00
Lawrason Act	\$5.00
Legislative Calendar of the Legislature	\$25.00
Official Journal of the Proceedings of the House of Representatives	\$25.00
Official Journal of the Proceedings of the Senate	\$25.00
Report of Secretary of State CY 2009 and CY 2010	\$63.00
Report of Secretary of State CY 2011 and CY 2012	\$60.00
Report of Secretary of State CY 2013 and CY 2014	\$70.00
Report of Secretary of State CY 2015 and CY 2016	\$40.00
Report of Secretary of State (Future Issues) (Printed Bi-Annually) *	Varies
Roster of Officials 2012	\$25.00
Roster of Officials 2016	\$30.00
Roster of Officials (Future Issues) (Printed Every 4 Years)**	Varies

The department shall publish the cost in *The Advocate* annually for these publications and will post the costs on the department's website after the cost for each publication is determined.

\*Pursuant to R.S. 43:22, the formula for the cost for publishing the Buckram Bound Acts of Legislature is as follows: Printing Estimate + 10 percent of the Printing Cost + Postage/Quantity of Books Ordered.

\*\*The cost for these publications may vary and is based upon the following: Printing Estimate + Department Staff Costs + Postage/Quantity of Books Ordered.

5. State Archives Division—Archives Reproduction and Research Section <sup>1</sup>

Item	Fee
Digital Imaging -	
600 Pixels Per Inch .TIFF Digital Image (Not for Commercial Use) (For Existing Original Photograph Collections Only) (See Reproduction Rights Fee) 2	\$10.00

Item	Fee
Reproduction Rights Fee (Commercial Use Only) (Per Image) <sup>3</sup>	\$100.00
Oversized Digital Image Capture	\$20.00
Legislative Committee Hearing/Meeting	
For Public (Cost Per Digital Audio File)	\$20.00
For State Agency (Cost Per Digital Audio File)	\$10.00
Photocopy Reproduction --	
Confederate Pension Records Applications (Per Individual) (Cost Per One Application)	\$20.00
Military Service Records (Confederate Soldiers Military Records From Louisiana and World War I Discharge Records) (Cost Per Individual)	\$15.00
Other Historical Documents (Per Act 602 of the 2006 Regular Legislative Session) (Louisiana Governmental Agencies Only) (Cost Per Set)	\$10.00
Proces Verbal	
Certification	\$20.00
Proces Verbal (Cost Per Page)	\$2.00
Self-Service Charges	
Book Scanner (Cost Per Page or Digital Image)	\$0.25
Computer Printouts (Cost Per Page)	\$0.25
Microfilm (Cost Per Page or Digital Image)	\$0.50
Photocopies (Cost Per Page or Digital Image)	\$0.25
Staff Reproduction of Archival Material	
Document Certification (Cost Per Record)	\$20.00
Public Vital Records (Certified) (Cost Per Record)	\$10.00
Public Vital Records (Certified Letter of "No Record After Reasonable Search") (Per Individual, Per Spelling Variation)	\$20.00
Public Vital Records, Photocopy/Digital Image (Non-certified) (Cost Per Record)	\$5.00
Flash Drive—2GB (with State Seal) (Includes first 10 Digital Images)	\$15.00
Microfilm Duplication of Existing Roll (Cost Per Roll)	
16mm Reel	\$30.00
35mm Reel	\$45.00

<sup>1</sup> Fees are for research and must be collected for both successful and unsuccessful searches. No research will be conducted until payment is approved or received.

<sup>2</sup> Refer to the Louisiana State Archives Policy on the Reproduction of Archival Images (Form LH10).

<sup>3</sup> Refer to the Louisiana State Archives Policy on the Reproduction of Archival Images (Form LH10) and Request for Permission to Publicly Display Images for Commercial Use (Form LF12).

a. The following forms will be used when requesting reproduction of archival images and requesting permission to publicly display images for commercial use:

i. Policy on the reproduction of Archival Images (Form LH10); and/or

ii. Request for Permission to Publicly Display Images for Commercial Use (Form LFP12).

6. State Archives Division—Audiovisual Archives

Item	Fee
Audio and Video Fees -	
Low Resolution video preview files provided in MP4 format	No cost
Materials Charge (Cost per storage media)	\$15.00
Multimedia Archives License Fee Schedule -	
Feature Film (per second)	
United State Only	\$80.00
Worldwide	\$90.00
Film Festival Only (per second)	
Within State of Louisiana Only	\$15.00
United States	\$20.00

Item	Fee
Worldwide	\$25.00
Television Broadcast (per second)	
Within State of Louisiana Only	\$30.00
United States	\$40.00
Worldwide	\$50.00
Television Broadcast Non-Commercial PBS Station (per second)	
Within State of Louisiana only	\$15.00
United States only	\$20.00
Worldwide	\$25.00
Premium Streaming Service (Netflix, Hulu, etc.) (per second)	
United States only	\$40.00
Worldwide	\$50.00
Educational, Non-commercial Distribution Only (per second)	
Within State of Louisiana only	\$15.00
United States only	\$20.00
Worldwide	\$25.00
Television Commercial (per second)	
Within State of Louisiana only (single market)	\$30.00
United States only	\$40.00
Worldwide	\$50.00
Corporate Presentation (per second)	
Located Within State of Louisiana only	\$15.00
Located United States only	\$20.00
Located Worldwide	\$25.00
Live Event (per second)	
Located Within State of Louisiana only	\$15.00
Located United States only	\$20.00
Located Worldwide	\$25.00
Live Event Non-Profit (per second)	
Located Within State of Louisiana only	\$10.00
Located United States only	\$15.00
Located Worldwide	\$20.00
Concert (per second)	
Located Within State of Louisiana only	\$20.00
Located United States only	\$25.00
Located Worldwide	\$30.00
Concert Non-Profit (per second)	
Located Within State of Louisiana only	\$15.00
Located United States only	\$20.00
Located Worldwide	\$25.00
Museum Exhibit (per second)	
Located Within State of Louisiana only	\$10.00
Located United States only	\$15.00
Located Worldwide	\$20.00
Music Video (per second)	
Within State of Louisiana only	\$10.00
United States only	\$15.00
Worldwide	\$20.00
Industrial Communication (non-broadcast) (per second)	
Within State of Louisiana only	\$20.00
United States only	\$25.00
Worldwide	\$30.00
Web Player—Commercial (web hosted and protected from download) (per second).—Term limits apply	
Worldwide	\$30.00
Webplayer—Non-Commercial (web hosted and protected from download) (per second)—Term limits apply	
Worldwide	\$15.00
Radio Transmission (per second)	
Within State of Louisiana only	\$15.00
United States only	\$20.00
Worldwide	\$25.00
All media, Not known, Worldwide	\$100.00

7. State Archives Division—Imaging and Preservation Services (For Agencies Only)<sup>1</sup>

Item	Fee
Paper Record Conversion Services	
Paper to Microfilm or Digital (per image)*	\$0.10
Paper to Microfilm and Digital (per image)*	\$0.15
Microfilm Conversion Services	
Microfilm to Digital (per image, TIF or PDF)*	\$0.07
Microfilm to Digital (per image, TIF and PDF)*	\$0.08
Additional indexing (per field, per series)	\$0.05
Image Capture	
Digital to Microfilm (TIF or PDF, per image)*	\$0.07
Additional Services/Add-ons	
2 <sup>nd</sup> Diazo Duplicate Reel (16 mm)	\$15.00
2 <sup>nd</sup> Diazo Duplicate Reel (35 mm)	\$20.00
2 <sup>nd</sup> Silver Original Reel 16mm (Dual Reels 100')	\$18.00
2 <sup>nd</sup> Silver Original Reel 16mm (Dual Reels 215')	\$20.00
Add-on Image to Microfiche Jacket	\$0.30
Load Reel onto Cartridge	\$12.00
Microfiche Jacket	\$0.60
Microfilm Duplication of Existing Roll (Cost Per Roll)	
16 mm Reel	\$25.00
35 mm Reel	\$40.00
Delivery of Digital Media Storage Type	
External Hard Drive (per drive)	At Cost
Media by Data Exchange (FTP, per gigabyte)	No Charge
Archival Supplies utilized for original materials returned to agency post-digitization (boxes, folders, etc.)	At Cost

<sup>1</sup>Above pricing may include the following services as applicable: pickup, document preparation, filming, processing, storage of original reel at the Louisiana State Archives Facility, duplicate reel sent to agency, disposal of original documents, and/or return of documents per agency instruction or approval. For more details or job price quotes, please contact the imaging and preservation services program at (225) 922-1000.

\*Conversion services for digital media includes basic editing, quality control, and the first two fields of indexing.

8. State Archives Division—Records Center (For State Agencies Only)

Item	Fee
Package of Cubic Foot Boxes (25 Boxes in Package)	At Cost
Intake and Disposal Fee	At Cost

Due to the fluctuation in the department's procurement cost of the storage boxes, and destruction by outside vendors, the actual cost for storage boxes and destruction will be assessed and will be posted on the department's website.

B. Method of Payment

1. The acceptable methods of payment for fees specified in Subsection A above are credit card (see bankcard convenience fee below), check, money order, or cash. Checks and money orders should be made to the Department of State.

2. There is a service charge for using a bankcard for transactions conducted via internet, postal mail, email, FAX, and telephone requests. If using a credit or debit card for an in-person transaction, there is no service charge. Since the bankcard convenience fee has to be approved by the State Treasurer, the fee will be posted on the department's website. This amount may vary.

3. Payments from state entities are to be processed through authorized state accounting systems.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:1447, R.S. 9:2782, R.S. 18:1293, R.S. 24:172, R.S. 24:173.1, R.S. 25:1282, R.S. 25:1284, R.S. 36:742, R.S. 40:1151.2, R.S.

43:19, R.S. 43:22, R.S. 44:1 et seq., R.S. 44:402, R.S. 44:405, R.S. 44:406, R.S. 44:408, R.S. 44:415, R.S. 44:420, R.S. 44:421, R.S. 49:222(A), R.S. 49:227, R.S. 49:228, Hague Convention of 5 October 1961 Abolishing the Requirement of Legalisation for Foreign Public Documents, and Hague Convention of 29 May 1993 on Protection of Children and Co-operation in Respect of Intercountry Adoption (22 CFR 96).

HISTORICAL NOTE: Promulgated by the Department of State, Office of the Secretary of State, LR 43:2537 (December 2017), amended LR 44:2222 (December 2018), LR 49:

**§403. Department of State Public Records Request**

A. The Department of State processes public records requests during regular business hours (Monday through Friday from 8 a.m. to 4:30 p.m.) each business day. The department does not process requests on Saturdays, Sundays, or state holidays.

B. All requests shall be made in writing and may be made by completing a form that will be provided on the department's website. If the copies are to be certified, the person making the request should notify the department when making his request. Certified copies are not available when transmitting records via email, except for commercial records.

C. When submitting a request in writing or in-person, the requestor should use the following address: Department of State, Attention: Legal Division (Public Records Request), 8585 Archives Blvd., P. O. Box 94125, Baton Rouge, LA 70804-9125. Requests may also be made online by answering all of the questions provided on the form and submitting the request to the following email address: [PublicRecordsRequest@sos.la.gov](mailto:PublicRecordsRequest@sos.la.gov).

D. Every public records request shall provide a detailed description of the documents being requested. In addition, the requestor shall inform the department as to the format (i.e., hard copy, electronic copy, USB drive, CD, tape, etc.) to use when submitting the documents to the requestor. In addition, he must stipulate the delivery method (U.S postal service, express mail, electronic delivery, in-person, or fax) that will be used to submit documents to requestor.

E. After the department processes the request, an estimate of the costs will be submitted to the requestor utilizing the costs specified in §401 above plus the cost of delivery. All payments can be made utilizing a credit card (see §401.B.2 above for convenience fee), check, or money order. Once the department receives the funds from the requestor, the department will release the documents to the requestor.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:742, R.S. 44:1 et seq., and R.S. 49:222(A).

HISTORICAL NOTE: Promulgated by the Department of State, Office of the Secretary of State, LR 43:2539 (December 2017), amended LR 49:

**§405. Louisiana State Archives Facilities**

A. All organizations wishing to rent facilities at the Louisiana State Archives building should review the Rental Policy and Damage Assessment Checklist, found on the department's website, and will be required to complete a Louisiana State Archives Event Registration Request Form. On the form, the organization will be required to acknowledge agreement with the indemnification provision specified on the form. The completed form should be mailed to the Louisiana Department of State, Archives Division, P.O. Box 94125, Baton Rouge, LA 70804-9125. The form

may also be mailed to the Archives Division. If there are any questions, call the state archives facility at (225) 922-1000.

Item	Fee
Non-Profit Government Agency	
After hours rental	\$150.00
For Profit/Commercial	
1/2 day rental	\$125.00
Full day rental	\$200.00
After hours rental	\$400.00
Damage Assessment	\$500.00

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:742, R.S. 44:408, and R.S. 49:222(A).

HISTORICAL NOTE: Promulgated by the Department of State, Office of the Secretary of State, LR 43:2540 (December 2017), amended LR 49:

#### Family Impact Statement

The proposed Rule regarding remote online notarization should not have any known or foreseeable impact on any family as defined by R.S. 49:927 or on family formation, stability and autonomy. Specifically, there should be no known of foreseeable effect on:

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

#### Poverty Impact Statement

The proposed Rule should not have any known or foreseeable impact on poverty as defined by R.S. 49:973. Specifically, there should be no known of foreseeable effect on:

1. the household income, assets and financial security;
2. early childhood development and preschool through postsecondary education development;
3. employment and workforce development;
4. taxes and tax credits; and
5. child and dependent care, housing, health care, nutrition, transportation, and utilities assistance.

#### Small Business Analysis

The impact of the proposed Rule on small business has been considered and it is estimated that the proposed action is not expected to have a significant adverse impact on small business as defined in the Regulatory Flexibility Act. The agency, consistent with health, safety, environmental and economic welfare factors has considered and, where possible, utilized regulatory methods in the drafting of the proposed Rule that will accomplish the objectives of applicable statutes while minimizing the adverse impact of the proposed Rule on small business.

#### Provider Impact Statement

The proposed Rule should not have any known or foreseeable impact on providers as defined by HRC 170 of the 2014 Regular Session of the Louisiana Legislature. In

particular, there should be no known of foreseeable effect on:

1. the effect of the staffing level requirement or qualifications required to provide the same level of service;
2. the total direct and indirect effect on the cost to the providers to provide the same level of service; or
3. the overall effect on the ability of the provider to provide the same level of service.

#### Public Comments

Interested persons may submit written comments relative to the proposed Rule or request a public hearing on the proposed rule until 4:30 p.m., July 15, 2023, by U.S. mail to the Louisiana Department of State, Attn: Steve Hawkland, 8585 Archives Ave., Baton Rouge, LA 70809.

#### Public Hearing

To confirm whether or not a public hearing will be held, interested persons should first call Steve Hawkland at (225) 287-7475 after July 15, 2023. If a public hearing is to be held, all interested persons are invited to attend and present data, views, comments, or arguments, orally or in writing.

R. Kyle Ardoin  
Secretary of State

### FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES

#### RULE TITLE: Department Non-Statutory Fees

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

The proposed rule amendment will not result in any costs to the Department of State. There will be the ability to now recoup the costs of microfilming/imaging projects which have been passed on to the agency's contracted vendor for overflow work, as the vendor's fees have increased over what the Department of State is allowed to charge. Other state agencies as well as local government entities may be impacted to the extent they are subject to the fee increases. Potential increases are not anticipated to be significant.

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

Overall, the estimated revenue collections for the Department of State are generally expected to increase minimally. Fees for the audiovisual archives have been substantially restructured to become more competitive with industry standards, but revenue collections cannot be projected due to the nature of the requests for this material, and the primary customer is not governmental agencies at any level but instead private individuals and businesses.

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

The estimated costs to persons, small businesses or non-governmental groups may increase to the extent they are subject to the fee increases.

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

The proposed rule amendment will have no estimated effect on competition and employment.

Shanda R. Jones  
Undersecretary  
2306#005

Evan Brasseaux  
Interim Deputy Fiscal Officer  
Legislative Fiscal Office

## NOTICE OF INTENT

### Department of Transportation and Development Office of Operations

#### Toll Exemptions—Grand Isle School System Employees (LAC 70:XI.101)

Editor's Note: This Notice of Intent is being reprinted due to an error upon submission. The original Notice of Intent can be viewed in its entirety on page 805-806 of the April 20, 2023 *Louisiana Register*.

Notice is hereby given in accordance with the provisions of the Administrative Procedure Act, R.S. 49:961 et seq., and through the authority granted in Title 17:426 of the Revised Statutes that the Department of Transportation and Development, Office of Operations, Tolling Section, proposes to amend §101 of Part XI of Title 70 entitled "Exempt Entities" for the purpose of allowing and including the free and unhampered passage on the Louisiana Highway 1 Bridge to Grand Isle School System Employees when traveling to and from their workplace.

#### Title 70

### TRANSPORTATION AND DEVELOPMENT

#### Part XI. Louisiana Transportation Authority

#### Chapter 1. Toll Exemptions—LA 1

#### §101. Exempt Entities

##### A. - A.9.d. ...

#### 10. Grand Isle School System Employees

a. The right of free passage for school employees employed by Grand Isle School System under the jurisdiction of the Jefferson Parish School Board shall be exercised only by means of automatic vehicular identification toll tags.

b. For each employee that will be utilizing an automatic vehicular identification toll tag, the appropriate school district shall submit a valid driver's license, vehicle registration certificate, and employment verification documentation.

c. Upon the submission of the requested documentation by the appropriate school district and payment of a deposit for a GeauxPass account, the department or its agents when so designated or authorized by the secretary of the department, shall issue the requested number of automatic vehicular identification toll tags for use in connection with the exemption from tolls.

d. The use of the automatic vehicular identification toll tags provided shall be limited to crossings made by school employees when traveling to and from their workplace on a scheduled work day, as prescribed by the school board, not to exceed two toll-free crossings in one day.

e. The appropriate school district shall be responsible for any crossing made using the automatic vehicular identification toll tag outside the scope of the exemption from tolls.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:426, et seq.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Transportation Authority, LR 38:2380 (September 2012), amended by the Department of Transportation and Development, Office of Operations, LR 41:560 (March 2015), LR 44:347 (February 2018), LR 49:

### Family Impact Statement

Adoption of this proposed Rule should not have any known or foreseeable adverse impact on any family as defined by R.S. 49:972(D) or on family formation, stability, and autonomy. Specifically:

1. The adoption of this proposed Rule will have no known or foreseeable effect on the stability of the family.

2. The adoption of this proposed Rule will have no known or foreseeable effect on the authority and rights of parents regarding the education and supervision of their children.

3. The adoption of this proposed Rule will have no known or foreseeable effect on the functioning of the family.

4. The adoption of this proposed Rule will have no known or foreseeable adverse effect on the family earnings and family budget.

5. The adoption of this proposed Rule will have no known or foreseeable effect on the behavior and personal responsibility of children.

6. The adoption of this proposed Rule will have no known or foreseeable effect on the ability of the family or local government to perform this function.

### Poverty Impact Statement

The adoption of this proposed Rule should not have any known or foreseeable adverse impact on child, individual, or family poverty in relation to individual or community asset development as defined by R.S. 49:973. Specifically,

1. The adoption of this proposed Rule will have no known or foreseeable adverse effect on household income, assets, and financial security.

2. The adoption of this proposed Rule will have no known or foreseeable adverse effect on early childhood development and preschool through postsecondary education development.

3. The adoption of this proposed Rule will have no known or foreseeable adverse effect on employment and workforce development.

4. The adoption of this proposed Rule will have no known or foreseeable effect on taxes and tax credits.

5. The adoption of this proposed Rule will have no known or foreseeable effect on child and dependent care, housing, health care, nutrition, transportation, and utilities assistance.

### Small Business Analysis

The impact of the adoption of this proposed Rule on small businesses, as defined in the Regulatory Flexibility Act, has been considered. The proposed Rule is not expected to have a significant adverse impact on small businesses. The department, consistent with health, safety, environmental, and economic welfare factors, has considered and, where possible, utilized regulatory methods in the drafting of the proposed Rule that will accomplish the objectives of the proposed statutes while minimizing the adverse impact of the Rule on small businesses.

### Provider Impact Statement

The adoption of this proposed rule change does not have any known or foreseeable impact on a provider as defined by House Concurrent Resolution No. 170 of the 2014 Regular Session of the Louisiana State Legislature. Specifically:

1. The adoption of this proposed Rule change does not have any known or foreseeable impact on the staffing level

requirements or qualifications required to provide the same level of service.

2. The adoption of this proposed Rule change does not have any known or foreseeable impact on the total direct and indirect effect on the cost to a provider to provide the same levels of service.

3. The adoption of this proposed Rule change does not have any known or foreseeable impact on the overall effect on the ability of a provider to provide the same level of service.

**Public Comments**

All interested persons so desiring shall submit oral or written data, views, comments, or arguments no later than 20 days from the date of publication of this Notice of Intent to Scott Rundell, DOTD Program Director for the Tolling Section, Department of Transportation and Development, P.O. Box 94245, Baton Rouge, LA 70804-9245.

Eric Kalivoda  
Secretary

**FISCAL AND ECONOMIC IMPACT STATEMENT  
FOR ADMINISTRATIVE RULES  
RULE TITLE: Toll Exemptions LA 1**

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

The only estimated costs for implementation are the costs to publish the Notice of Intent and the Rules in the State Register.

The proposed rule change provides for the free and unhampered passage of every teacher, school bus operator, and other school employee employed by Grand Isle School System under the jurisdiction of the Jefferson Parish School Board when crossing Louisiana Highway 1 Bridge (also known as Tomey J. Doucet Bridge), when traveling to and from their workplace on a scheduled workday, as prescribed by the school board, not to exceed two toll-free crossings in one day.

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

The estimated effect on revenue collections is anticipated to be a decrease of \$6,750 in FYs 2023-2027 and \$7,500 starting in FY 2028.

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

The estimated economic benefit for employees of the Grand Isle School System is anticipated to be \$225 in FYs 2023-2027 and \$250 starting in FY 2028.

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

There should be no direct material effect on competition and employment as a result of the proposed rule change.

Eric Kalivoda  
Secretary  
2306#011

Evan Brasseaux  
Interim Deputy Fiscal Officer  
Legislative Fiscal Office

**NOTICE OF INTENT**

**Department of Transportation and Development  
Professional Engineering and Land Surveying Board**

Property Boundary Survey Plats, Maps and  
Legal Descriptions  
(LAC 46:LXI.729 and 2907)

Under the authority of the Louisiana professional engineering and land surveying licensure law, R.S. 37:681 et seq., and in accordance with the Louisiana Administrative Procedure Act, R.S. 49:950 et seq., notice is hereby given that the Professional Engineering and Land Surveying Board has initiated procedures to adopt LAC 46:LXI.729 and to amend its rules contained in LAC 46:LXI.2907.

This is an adoption of a new Rule, as well as a revision of existing rules under which LAPELS operates. The new Rule memorializes the procedure for interested persons to request the adoption, amendment or repeal of a Rule. The revision clarifies the requirements for property boundary survey plats, maps and legal descriptions. The anticipated effective date of this proposed new Rule and these proposed Rule amendments is the date of promulgation.

**Title 46**

**PROFESSIONAL AND OCCUPATIONAL  
STANDARDS**

**Part LXI. Professional Engineers and Land Surveyors  
Chapter 7. Bylaws**

**§729. Petition for Adoption, Amendment or Repeal  
of Rule**

A. An interested person may petition the board requesting the adoption, amendment, or repeal of a rule. The petition shall be made on a form provided by the board.

B. In its consideration of a petition, the board may request further information from the person who submitted the petition.

C. The board shall decide whether to grant or deny a petition within 90 days of its receipt of the petition. In making its decision, the board shall consider any information submitted with the petition and any other relevant information.

D. If the board denies a petition, it shall send written notice of its denial to the person who submitted the petition. The notice shall state in writing the reasons for the denial.

E. If the board grants a petition, it shall initiate rulemaking proceedings within 90 days of its receipt of the petition, and it shall send written notice that rulemaking proceedings have been initiated to the person who submitted the petition.

AUTHORITY NOTE: Promulgated in accordance with R.S. 49:964.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Professional Engineering and Land Surveying Board, LR 49:

## Chapter 29. Standards of Practice for Boundary Surveys

### §2907. Property Boundary Survey

A. - F.7. ...

G. Plats and Maps. Every original plat or map of a property boundary survey should be a reproducible drawing at a suitable scale which clearly shows the results of the field work, computations, research and record information as compiled and checked. The plat or map shall be prepared in conformity with the following guidelines.

1. - 13. ...

14. Each plat or map shall show the following:

a. - b. ...

c. section, township, range, land district, incorporated area or community, parish and state (as applicable);

d. vicinity map. A vicinity map will not be required if there are sufficient features and landmarks (officially named streets and street intersections, lots and blocks within a subdivision, adjoining subdivisions, Township-Range-Section lines, etc.) on the plat or map that would sufficiently enable a person to identify the location of the survey site;

e. date of the survey;

f. name, telephone number, mailing address and license number of the professional land surveyor and, if applicable, the firm who employs the professional land surveyor;

g. signature and seal of the professional land surveyor under whose responsible charge the survey was done;

h. scale, written and/or graphic;

i. north arrow, and it is recommended that the drawings be oriented so that north is toward the top of the sheet; and

j. legend for symbols and abbreviations used on the plat or map.

15. ...

H. Descriptions. A written legal description of the surveyed tract of land shall provide information to properly locate the property on the ground and distinctly set it apart from all other lands. The following guidelines apply.

1. - 2. ...

3. Every aliquot description shall contain the following basic information: aliquot part of section, township, range, land district, parish and state.

4. Every subdivision lot description shall also contain the following basic information: lot, block, unit (if applicable), name of subdivision, incorporated area or community (if applicable), parish and state.

5. Every metes and bounds description may be written in at least two parts. The first part, called the "general description," shall indicate the general location of the property by naming the particular lot or block within which it is located if in a subdivision or by naming the grant or aliquot part of a rectangular section within which it is located, along with the section, township, range, land district, incorporated area or community (if applicable),

parish and state. The second part, called the "particular description," shall logically compile and incorporate calls for the following:

5.a. - 11. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:688.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Board of Registration for Professional Engineers and Land Surveyors, LR 16:1065 (December 1990), amended LR 19:58 (January 1993), LR 22:714 (August 1996), amended by the Department of Transportation and Development, Professional Engineering and Land Surveying Board, LR 27:1043 (July 2001), LR 30:1726 (August 2004), LR 33:2790 (December 2007), LR 37:2415 (August 2011), LR 44:627 (March 2018), LR 49:

#### Family Impact Statement

In accordance with R.S. 49:961(A)(2)(h)(i) and 972, the following Family Impact Statement is submitted with the Notice of Intent for publication in the *Louisiana Register*: The proposed Rule has no known impact on family formation, stability or autonomy.

#### Poverty Impact Statement

In accordance with R.S. 49:961(A)(2)(h)(ii) and 973, the following Poverty Impact Statement is submitted with the Notice of Intent for publication in the *Louisiana Register*: The proposed Rule has no known impact on child, individual or family poverty in relation to individual or community asset development.

#### Small Business Analysis

In accordance with R.S. 49:961(A)(2)(h)(iv) and 974.5, the following Small Business Regulatory Flexibility Analysis is submitted with the Notice of Intent for publication in the *Louisiana Register*: The impact of the proposed Rule on small businesses has been considered. LAPELS has, consistent with health, safety, environmental and economic welfare, considered utilizing regulatory methods that will accomplish the objectives of applicable statutes while minimizing adverse impact on small businesses. The proposed Rule is not anticipated to have an adverse impact on small businesses.

#### Provider Impact Statement

In accordance with HCR No. 170 of the 2014 Regular Session, the following Provider Impact Statement is submitted with the Notice of Intent for publication in the *Louisiana Register*: The proposed Rule has no known effect on the staffing level requirements or qualifications required to provide the same level of service, the cost to the provider to provide the same level of service or the ability of the provider to provide the same level of service.

#### Public Comments

Interested parties are invited to submit written comments on the proposed Rule through July 10, 2023 at 4:30 p.m., to Donna D. Sentell, Executive Director, Louisiana Professional Engineering and Land Surveying Board, 9643 Brookline Avenue, Suite 121, Baton Rouge, LA 70809-1433.

Donna D. Sentell  
Executive Director

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

**RULE TITLE: Property Boundary Survey Plats,  
Maps and Legal Descriptions**

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

There are no estimated implementation costs or savings to state or local governmental units resulting from this proposed rule change. The proposed rule change does the following: (a) memorializes the procedure for interested persons to request the adoption, amendment or repeal of a Board rule and (b) clarifies the requirements for property boundary survey plats, maps and legal descriptions.

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

There is no estimated effect on revenue collections of state or local governmental units as a result of this proposed rule change.

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

The proposed rule change has no estimated impact on costs and/or economic benefits to directly affected persons, small businesses or non-governmental groups.

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

There is no estimated effect on competition and employment in the public and private sectors as a result of the proposed rule change.

Donna D. Sentell  
Executive Director  
2306#029

Evan Brasseaux  
Interim Deputy Fiscal Officer  
Legislative Fiscal Office



# Concurrent Resolutions

## CONCURRENT RESOLUTION

### House of Representatives House Concurrent Resolution No. 3

#### Self-Clearing Permits (LAC 76:III.111)

A CONCURRENT RESOLUTION to amend the Louisiana Wildlife and Fisheries Commission rule, LAC 76:III.111.B, which provides that a self-clearing permit is required for all activities on department-administered land, including wildlife refuges.

WHEREAS, the Louisiana Wildlife and Fisheries Commission has historically required all persons utilizing Wildlife Management Areas (WMAs) to complete a self-clearing permit providing information about their activities on the property; and

WHEREAS, self-clearing permits are a valuable tool used by the Department of Wildlife and Fisheries to manage WMAs, leverage federal grants, and to provide the best services and opportunities for the WMA users; and

WHEREAS, the Louisiana Department of Wildlife and Fisheries, office of wildlife has recently undergone a reorganization to place management of all department managed properties including WMAs, refuges, and conservation areas under the same section for the purpose of establishing a more uniform and cohesive management of the department's properties; and

WHEREAS, as a result of the reorganization, in June of 2022 the Louisiana Wildlife and Fisheries Commission promulgated a final rule to extend the requirement for self-clearing permits to users of all department-administered lands, including wildlife refuges and wildlife conservation areas in addition to WMAs; and

WHEREAS, wildlife refuges provide critical habitat designed for the preservation and protection of wildlife and aquatic life and recreational activities are generally limited to fishing, and non-consumptive uses; and

WHEREAS, the self-clearing permit requirement on the department-administered lands of the Rockefeller Wildlife Refuge and the Marsh Island Refuge is found to place a burden on recreational users of the land that exceeds the data

collection and management benefits that the permits provide to the department.

THEREFORE, BE IT RESOLVED by the Legislature of Louisiana that LAC 76:III.111.B is hereby amended to read as follows:

#### §111. Access and Permits

\* \* \*

B. Self-Clearing Permits. A self-clearing permit is required for all activities (hunting, fishing, hiking, bird watching, sightseeing, etc.) on department-administered lands including wildlife refuges, except for the Rockefeller Wildlife Refuge and the Marsh Island Wildlife Refuge, and wildlife management and habitat conservation areas. The self-clearing permit will consist of two portions: check in, check out. All persons must either check in/check out electronically through the department WMA/public land self-clearing permit app/Internet Web Portal or obtain a self-clearing permit from an information station. Users may check in one day in advance of use. Users that check in by electronic means are required to possess proof of check in and must check out within 24 hours. If utilizing paper self-clearing permits from an information station, check in portion must be completed and put in a permit box before each day's activity. The check-out portion must be carried by each person while on the properties and must be completed and put in a permit box immediately upon exiting the properties.

BE IT FURTHER RESOLVED that a copy of this Resolution be transmitted to the office of the state register and to the secretary of the Louisiana Department of Wildlife and Fisheries.

BE IT FURTHER RESOLVED that the office of the state register is hereby directed to have the amendments to LAC 76:III:111.B printed and incorporated into the *Louisiana Administrative Code*.

Clay Schexnayder  
Speaker of the House of Representatives  
and  
Patrick Page Cortez  
President of the Senate

2306#027

# Potpourri

## POTPOURRI

### Department of Agriculture and Forestry Office of the Commissioner

#### Farm-Raised White-Tailed Deer Harvesting Authorization

Commissioner of Agriculture and Forestry, Mike G. Strain, authorizes 2 Brother's Whitetails, LLC located at 56099 Dohm Rd., Loranger, LA 70446 to open their hunting grounds for the purpose of harvesting white-tailed deer from September 1, 2023, to September 30, 2023, when regular season begins.

In accordance with LAC 7:XXI.1719, the commissioner of agricultural and forestry has the authority to grant early hunt during the indicated hunting period for the killing of farm-raised white-tailed deer.

Mike G. Strain, DVM  
Commissioner

2306#056

## POTPOURRI

### Department of Environmental Quality Office of the Secretary Legal Affairs and Criminal Investigations Division

Public Hearing—Substantive Changes to Proposed Rule: Water Quality Standards Triennial Revision (LAC 33:IX.1109)(WQ111)

Under the authority of the Environmental Quality Act, R.S. 30:2001 et seq., and in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., the secretary gives notice that the department is seeking to incorporate substantive changes to proposed regulation (LAC 33:IX.1109) (Log number WQ111S), which was originally noticed as WQ111 in the January 20, 2023, issue of the *Louisiana Register*. (2306Pot1)

The department has proposed substantive changes to address comments received during the public comment period of proposed Rule WQ111. The changes clarify the proposed rule language. In the interest of clarity and transparency, the department is providing public notice and opportunity to comment on the proposed changes to the amendments of the regulation in question. The department is also providing an interim response to comments received on the initial regulation proposal.

A strikeout/underline/shaded version of the proposed Rule that distinguishes original proposed language from language changed by this proposal and the interim response to comments are available on the department's website under Rules and Regulations at <https://www.deq.louisiana.gov/page/rules-regulations>

The following changes are to be incorporated into the Notice of Intent:

### Title 33

### ENVIRONMENTAL QUALITY

### Part IX. Water Quality

### Subpart 1. Water Pollution Control

### Chapter 11. Surface Water Quality Standards

### §1109. Policy

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

A. - K.4.e.i. ...

ii. Poydras-Verret Marsh Wetland - Designated Naturally Dystrophic Waters Segment. The following criteria are applicable:

(a). - (b). ...

iii. Breaux Bridge Swamp and Thibodaux Swamp- Designated Naturally Dystrophic Waters Segment. The following criteria are applicable:

(a). - (c). ...

iv. Bayou Ramos Swamp Wetland-Designated Naturally Dystrophic Waters Segment. The following criteria are applicable:

4.e.iv.(a). - 6. ...

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

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Water Resources, LR 10:745 (October 1984), amended LR 15:738 (September 1989), LR 17:264 (March 1991), LR 17:966 (October 1991), LR 20:883 (August 1994), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2546 (November 2000), LR 29:557 (April 2003), amended by the Office of the Secretary, Legal Affairs Division, LR 33:457 (March 2007), LR 33:828 (May 2007), amended by the Office of the Secretary, Legal Division, LR 40:2243 (November 2014), amended by the Office of the Secretary, Legal Affairs and Criminal Investigations Division, LR 46:1546 (November 2020), amended by the Office of the Secretary, Legal Affairs Division, LR 49:

### Public Hearing

A public hearing on the substantive changes will be held via Zoom on July 27, 2023, at 1:30 p.m. Interested persons are invited to attend and submit oral comments on the substantive changes via PC, Mac, Linux, iOS, or Android at <https://deqlouisiana.zoom.us/j/81527125613?pwd=TGGrVH owcGdJZFN2L0F1WG9CbTIBUT09>, password 985711, or by telephone at (636) 651-3182 using the conference code 725573. Should individuals with a disability need an accommodation in order to participate, contact William Little at the address given below, or at (225) 219-3985.

**Public Comments**

All interested persons are also invited to submit written comments on the substantive changes. Persons commenting should reference this proposed regulation as WQ111S. Such comments must be received no later than July 27, 2023, at 4:30 p.m., and should be sent to William Little, Attorney Supervisor, Office of the Secretary, Legal Affairs and Criminal Investigations Division, P.O. Box 4302, Baton Rouge, LA 70821-4302, by fax (225) 219-4068, or emailed to DEQ.Reg.Dev.Comments@la.gov. The comment period for the substantive changes ends on the same date as the public hearing. Copies of these substantive changes can be purchased by contacting the LDEQ Public Records Center at (225) 219-3168. Check or money order is required in advance for each copy of WQ111S. This proposed regulation is available on the Internet at <https://www.deq.louisiana.gov/page/rules-regulations>.

These substantive changes to WQ111 are available for inspection at the following LDEQ office locations from 8:00 a.m. until 4:30 p.m.: 602 N. Fifth Street, Baton Rouge, LA 70802; 1823 Highway 546, West Monroe, LA 71292; State Office Building, 1525 Fairfield Avenue, Shreveport, LA 71101; 1301 Gadwall Street, Lake Charles, LA 70615; 111 New Center Drive, Lafayette, LA 70508; 110 Barataria Street, Lockport, LA 70374; and 201 Evans Road, Bldg. 4, Suite 420, New Orleans, LA 70123.

Courtney J. Burdette  
Executive Counsel

2306#012

**POTPOURRI**

**Department of Environmental Quality  
Office of the Secretary  
Legal Affairs and Criminal Investigations Division**

Water Quality Management Plan  
Basin and Subsegment Boundaries

Under the authority of the Environmental Quality Act, R.S. 30:2071 et seq., the secretary gives notice that procedures have been initiated to amend Volume 4 of the Louisiana Water Quality Management Plan (WQMP). (2306Pot2)

The Louisiana Department of Environmental Quality (LDEQ) reports on water quality in the state by basin subsegment. Volume 4 is a component of the Water Quality Management Plan required by Sections 303 and 208 of the Clean Water Act. Federal regulations require LDEQ to periodically review and update the Water Quality Management Plan. The purpose of Volume 4 is to describe the subsegment delineations, hydrology, and geography. Table 3 in LAC 33:IX.1123 of the Water Quality regulations also includes the subsegment descriptions. Subsegment delineations and descriptions are reviewed periodically to ensure that subsegments are distinct and consistent representations of the state’s hydrology.

Volume 4, Appendix A provides a complete listing of all subsegment descriptions by basin. The removal of subsegment descriptions related to wetland assimilation projects were previously on public notice in Rule WQ111. The purpose of this revision to Volume 4, Appendix A is to

update the subsegment descriptions to be consistent with LAC 33:IX.Chapter 11.

You may access the LDEQ web page for the Water Quality Management Plan at (<https://www.deq.louisiana.gov/page/water-quality-management>) to read the complete draft revision of Volume 4 and Appendix A. Written comments regarding the proposed revision must be received no later than July 20, 2023, at 4:30 p.m., and should be sent to Jamie Phillippe, Office of the Environmental Assessment, Water Quality Planning and Assessment Division, Box 4314, Baton Rouge, LA 70821-4314 or by e-mail to [WQ.Standards@la.gov](mailto:WQ.Standards@la.gov).

Courtney J. Burdette  
Executive Counsel

2306#013

**POTPOURRI**

**Department of Insurance  
Office of Health, Life and Annuity Insurance**

Annual HIPAA Assessment Rate

Pursuant to Louisiana Revised Statute 22:1071(D)(2), the annual HIPAA assessment rate has been determined by the Department of Insurance to be .000227 percent.

Frank Opelka  
Deputy Commissioner

2306#008

**POTPOURRI**

**Department of Natural Resources  
Office of Conservation**

Orphaned Oilfield Sites

Office of Conservation records indicate that the Oilfield Sites listed in the table below have met the requirements as set forth by Section 91 of Act 404, R.S. 30:80 et seq., and as such are being declared Orphaned Oilfield Sites.

Operator	Field	District	Well Name	Well Number	Serial Number
Bay Coquille, Inc.	South Pass Block 24	L	D 1 RB sua; Arlitt	001-ALT	66020
Bay Coquille, Inc.	South Pass Block 24	L	VUA; Arlitt-SL 3382	002	67036
Bay Coquille, Inc.	South Pass Block 24	L	Arlitt SL 3382	001-D	67431
Bay Coquille, Inc.	South Pass Block 24	L	VUA; Arlitt SL 3382	004	73450
Bay Coquille, Inc.	South Pass Block 24	L	VUB; DelesdernieR SL 3382	004	73539
Bay Coquille, Inc.	South Pass Block 24	L	VUA;Arlitt SL 3382	005	73660

Operator	Field	District	Well Name	Well Number	Serial Number
Bay Coquille, Inc.	South Pass Block 24	L	E 1 RA SUG;A H Arlitt et al	004-D	73954
Bay Coquille, Inc.	South Pass Block 24	L	VUA; Arlitt SL 3382	005-D	74087
Bay Coquille, Inc.	South Pass Block 24	L	VUB; Delesdernier SL 3382	005	77224
Bay Coquille, Inc.	South Pass Block 24	L	VUA;Arlitt SL 3382	006	79268
Bay Coquille, Inc.	South Pass Block 24	L	VUA;Arlitt SL 3382	007	144551
Bay Coquille, Inc.	South Pass Block 24	L	Delesdernier SL 3382	004-D	145622
Bay Coquille, Inc.	South Pass Block 24	L	VUB; Delesdernier SL 3382	006	146797
Bay Coquille, Inc.	South Pass Block 24	L	VUB; DelesdernierR SL 3382	006-D	147108
Bay Coquille, Inc.	South Pass Block 24	L	Delesdernier swd	007	219952
Bay Coquille, Inc.	South Pass Block 24	L	VUB; Delesdernier	009	226821
BCF Resources, LLC	Fausse Pointe	L	SL 293 Lake Fausse Pointe	009	25314
BCF Resources, LLC	Fausse Pointe	L	SL 293 Lake Fausse Pointe	010	26421
BCF Resources, LLC	Fausse Pointe	L	SL 293 Lake Fausse Pointe	014	28308
BCF Resources, LLC	Fausse Pointe	L	SL 293 Lake Fausse Pointe	016	29383
BCF Resources, LLC	Fausse Pointe	L	SL 293 Lake Fausse Pointe	032	51399
BCF Resources, LLC	Fausse Pointe	L	FP 9 RF SU;SL 293	035	54215
BCF Resources, LLC	Fausse Pointe	L	SL 293 Lake Fausse Pointe	033	56592
BCF Resources, LLC	Fausse Pointe	L	SL 293 Lake Fausse Pointe	042	61941
BCF Resources, LLC	Fausse Pointe	L	SL 293 Lake Fausse Pointe swd	044	62266
BCF Resources, LLC	Fausse Pointe	L	SL 293 Lake Fausse Pointe	042D	62365

Operator	Field	District	Well Name	Well Number	Serial Number
BCF Resources, LLC	Fausse Pointe	L	SL 293 Lake Fausse Pointe	047	65011
BCF Resources, LLC	Fausse Pointe	L	SL 293 Lake Fausse Pointe	048	65324
BCF Resources, LLC	Fausse Pointe	L	SL 293 Lake Fausse Pointe	048D	65768
BCF Resources, LLC	Fausse Pointe	L	SL 293 Lake Fausse Pointe	047-D	66671
BCF Resources, LLC	Fausse Pointe	L	FP 9 RF su; SL 293	050	67057
BCF Resources, LLC	Fausse Pointe	L	SL 293 Lake Fausse Pointe	050D	67470
BCF Resources, LLC	Fausse Pointe	L	SL 293 Lake Fausse Pointe	052	71902
BCF Resources, LLC	Fausse Pointe	L	SL 293 Lake Fausse Pointe	052-D	72731
BCF Resources, LLC	Fausse Pointe	L	SL 293 Lake Fausse Pointe swd	053	87241
BCF Resources, LLC	Fausse Pointe	L	SL 293 Lake Fausse Pointe A	063	94079
BCF Resources, LLC	Fausse Pointe	L	SL 293 Lake Fausse Pointe A	067	95749
BCF Resources, LLC	Fausse Pointe	L	SL 293 Lake Fausse Pointe	068	100631
BCF Resources, LLC	Fausse Pointe	L	SL 293 Lake Fausse Pointe	070	105040
BCF Resources, LLC	Fausse Pointe	L	SL 293 Lake Fausse Pointe	073	119502
BCF Resources, LLC	Fausse Pointe	L	SL 293 Lake Fausse Pointe	074	121040
BCF Resources, LLC	Fausse Pointe	L	SL 293 Lake Fausse Pointe	074D	121941
BCF Resources, LLC	Fausse Pointe	L	FP 5000 RA SU; SL 293	081	131945
BCF Resources, LLC	Fausse Pointe	L	SL 293 Lake Fausse Pointe	085	132400

Operator	Field	District	Well Name	Well Number	Serial Number
BCF Resources, LLC	Fausse Pointe	L	FP 5000 RA SU; SL 293	085D	133541
BCF Resources, LLC	Fausse Pointe	L	FP3700 RA VU; SL 293	099	136200
BCF Resources, LLC	Fausse Pointe	L	SL 293 Lake Fausse Pointe	083	136262
BCF Resources, LLC	Fausse Pointe	L	SL 293 Lake Fausse Pointe	077	140593
BCF Resources, LLC	Fausse Pointe	L	SL 293 Lake Fausse Pointe	107	142289
BCF Resources, LLC	Fausse Pointe	L	SL 293 Lake Fausse Pointe	111	143978
BCF Resources, LLC	Fausse Pointe	L	SL 293 Lake Fausse Pointe	116	146069
BCF Resources, LLC	Fausse Pointe	L	SL 293 Lake Fausse Pointe	127	147211
BCF Resources, LLC	Fausse Pointe	L	SL 293 Lake Fausse Pointe	030	147712
BCF Resources, LLC	Fausse Pointe	L	FP 32A RB SU; SL 293	112	154907
BCF Resources, LLC	Fausse Pointe	L	SL 293 Lake Fausse Pointe	113	158372
BCF Resources, LLC	Fausse Pointe	L	32B R200 sua; Cities SVC et al	001	163537
BCF Resources, LLC	Fausse Pointe	L	32B R250 sua; SL 293	146	177658
BCF Resources, LLC	Fausse Pointe	L	SL 293 Lake Fausse Pointe	151	186110
BCF Resources, LLC	Fausse Pointe	L	FP 73 RA SU; SL 293	153	192635
BCF Resources, LLC	Fausse Pointe	L	FP 5000 RA SU; SL 293	161	210292
BCF Resources, LLC	Fausse Pointe	L	SL 293 Lake Fausse Pointe	163	224541
BCF Resources, LLC	Fausse Pointe	L	SL 293 Lake Fausse Pointe A	164	225429

Operator	Field	District	Well Name	Well Number	Serial Number
BCF Resources, LLC	Fausse Pointe	L	SL 293 Lake Fausse Pointe	165	246241
BCF Resources, LLC	Fausse Pointe	L	SL 293 Lake Fausse Pointe	167	247836
BCF Resources, LLC	Fausse Pointe	L	SL 293 Lake Fausse Pointe A	168	251832
BCF Resources, LLC	Fausse Pointe	L	SL 293 Lake Fausse Pointe	169	252327
Bog Energy, LLC	Zwolle	S	J O Kimbrell 2	001	244169
Bog Energy, LLC	Zwolle	S	Kimbrell 3	002	244170
Bog Energy, LLC	Zwolle	S	Kimbrell 4	001	244430
Bog Energy, LLC	Zwolle	S	Kimbrell 13	001	249153
Bog Energy, LLC	Zwolle	S	Kimbrell 10	001	249531
Bog Energy, LLC	Zwolle	S	Kimbrell 2	001	249786
Bog Energy, LLC	Zwolle	S	Kimbrell 35	001	250142
Bog Energy, LLC	Zwolle	S	Kimbrell 2	002	250143
Bog Energy, LLC	Zwolle	S	Kimbrell 13	002	250558
Bog Energy, LLC	Zwolle	S	Kimbrell 3	001	250999
Brumar, Inc	Caddo Pine Island	S	Roy Parker	001	205686(30)
Caddo Oil Co., Inc.	Caddo Pine Island	S	Muslow F	039	44151(30)
Caddo Oil Co., Inc.	Caddo Pine Island	S	Muslow F	038	44117(30)
Cenco, Inc.	Thornwell, South	L	Lacassane Co D	001	218452
Cenco, Inc.	Thornwell, South	L	Lacassane 6	001	237356
Cenco, Inc.	Thornwell, South	L	Lacassane Co D	002	244105
Custer Oil Co., Inc	Rodessa	S	Wemple	001	19426(30)
Energyquest Operating, LLC	Gross Isle	L	VUA; Huntsberry et al	003	210491

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Energyquest Operating, LLC	Gross Isle	L	All 1 RD sua; R J Leblanc et al	001	225245
Energyquest Operating, LLC	Gross Isle	L	Boud RI sua; Webster et al	001	001
Energyquest Operating, LLC	Gross Isle	L	Huntsberry-Guidry swd	001	973961
Eylers Oil & Gas Co.	Wildcat-No La Shreveport Dist	S	Chaffraix	004	12966(30)
Frueharf & Rinehart	Caddo Pine Island	S	Thigpen-Herold Unit	001	41096(29)
G R Goodwill	Caddo Pine Island	S	Jeems Bayou Hnt & Fsh Club swd	006	6721(30)
G R Goodwill	Caddo Pine Island	S	Caddo Levee Board	007	175377
G R Goodwill	Dixie	S	Adger B	001	191468
G R Goodwill	Caddo Pine Island	S	Sims	001	192888
Galoob & Balter	Caddo Pine Island	S	Logan C	001	56539(30)
Harold Clark	Caddo Pine Island	S	Newt Smith	001	58370(29)

Operator	Field	District	Well Name	Well Number	Serial Number
Hughes Supplies, Inc.	Greenwood-Waskom	S	State Line Hunt & Fish Club	001	203868(30)
Inactive Operator	Red River-Bull Bayou	S	Palmer	005	990494
Jones Oil Company	Caddo Pine Island	S	Curtis	002	40683
L. G. Howell Et Al	Caddo Pine Island	S	F E Wemple	001	37614(29)
Noel & Harrell	Wildcat-No La Shreveport Dist	S	Huckabay	001	6532(30)
Robert E. Medowell & F. A.	Caddo Pine Island	S	Humble A	012	107330(30)
Savage Oil Company	Caddo Pine Island	S	Comegys	001	109782(30)
Star Falcon Oil Co.	Caddo Pine Island	S	Herdon	005	57019(30)
Uni Production Company, Inc.	Caddo Pine Island	S	Gamm	020	134153(29)

Monique M. Edwards  
Commissioner

2306#021

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