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Title 25
CULTURAL RESOURCES
Part I. Office of Cultural Development

Chapter 1. Division of Archaeology

Subchapter A. Regulations

§101. Definitions

Burial Furniture—movable property or artifacts found in association with interments at Indian burial sites. Examples of burial furniture include but are not limited to clothing, beads, pottery, knives, muskets, weapons, plates, bowls, and other containers, utensils, and ornaments made of ceramic materials, glass, copper, iron, brass, or shell.

Commission—the Louisiana Archaeological Survey and Antiquities Commission created by and acting pursuant to the provisions of R.S. 41:1601-1613 inclusive and amended by R.S. 41:1601-1614 inclusive.

Contract or *Contract for Survey and Salvage*—a written agreement entered into by the secretary under the authority of R.S. 41:1607 for the study, conservation, and salvage of historic and prehistoric resources within a designated state archaeological landmark or on state-owned lands.

Contractor—a party that has entered into a contract for survey and salvage with the secretary under the provisions of the regulations.

Division—the Division of Archaeology created by and acting pursuant to the provisions of R.S. 41:1601-1614 inclusive.

Excluded Public Lands—public lands title to which is vested in or under the control and management of the public entities described in *state-owned lands* or *lands belonging to the state of Louisiana* below.

Historical and Prehistoric Resources—the entire range of archaeological sites and remains and includes but is not limited to:

1. prehistoric Native American or American Indian campsites, dwelling, habitation sites, burial grounds, mounds, and all sites of every character;

2. historical sites of all ethnic groups and in both rural and urban areas of the state including house sites, plantations, camps, and industrial sites, as well as the buildings and the objects from these sites;

3. all sunken or abandoned ships and wrecks of the sea or rivers, or any part of the content thereof;

4. all archaeological material such as artifacts embedded in the earth or underwater; and

5. all maps, records, documents, books, artifacts, and implements of culture which relate to such archaeological remains.

Indian Burial Site—any location used by historical or prehistoric Indians for the interment of deceased Indians as determined by archaeological research. Burial sites include cemeteries, graveyards, burial grounds, and other configurations.

Investigation—the study of a state archaeological landmark through testing, excavation, removal of artifacts and material, or any other process which alters the landmark or its associated physical remains and characteristics.

Private Lands—lands which are not public lands nor owned by the United States of America, the state of Louisiana, or any department, agency, or instrumentality thereof.

Professional Archaeologist—a person who meets the minimum qualifications listed in §102 below.

Reference Series—publications which are basic source material needed in the study, management, or presentation of archaeological information. Publications in the reference series include but are not limited to *Louisiana's Comprehensive Archaeological Plan* and the *Annotated Bibliography of Cultural Resource Survey Reports*.

Regulations—the rules and regulations provided for in hereof, and as this instrument may be amended hereafter.

Secretary—the Secretary of the Department of Culture, Recreation and Tourism.

State Archaeological Landmark or *Landmark*—a geographic area situated on state-owned lands, excluded public lands, private lands, or a combination thereof, which is accepted and approved for inclusion by the commission in the *Registry of State Archaeological Landmarks*.

State-Owned Lands or *Lands Belonging to the State of Louisiana*—all public lands within the limits of the state, including tidelands, submerged lands, and the bed of the sea within the jurisdiction of the state of Louisiana, other than lands title to which is vested in:

1. the United States of America or any of its agencies, departments, or instrumentalities;

2. local political subdivisions of the state of Louisiana including, but not limited to, municipalities, parishes, and special taxing districts; and

3. the three management boards for higher education created pursuant to Article VIII, Sections 6 and 7 of the 1974 Constitution.

AUTHORITY NOTE: Promulgated in accordance with R.S. 41:1601-1614.

HISTORICAL NOTE: Promulgated by the Louisiana Archaeological Survey and Antiquities Commission, LR 1:375

(September 1975), amended by the Department of Culture, Recreation and Tourism, Division of Archaeology, LR 20:409 (April 1994).

§102. Minimum Qualifications for Professional Archaeologists

A. The following information outlines the basic educational and training requirements that a person must have to direct archaeological investigations on state property. In addition to basic educational requirements, the person must demonstrate expertise in historic archaeology if the project is mainly historical in nature or in prehistoric archaeology if the resources are primarily prehistoric. If the resources are underwater, the person must demonstrate expertise in underwater archaeology. These minimal qualifications parallel in large part those included in the "Archeology and Historic Preservation: Secretary of the Interior's Standards and Guidelines" (*Federal Register*, Vol. 48, Number 190 September 29, 1983) and in the *Guide to the Society of Professional Archaeologists*, "Requirements for Membership and Certification" (1993). A person who wishes to conduct archaeological investigations on state property must document that s/he has the education, training, and appropriate expertise listed below.

1. Basic Educational Requirements. To meet the basic educational requirements, a person must have designed and executed an archaeological study as evidenced by a thesis or dissertation, and must have been awarded an advanced degree, such as an M.A., M.S., Ph.D., or D.Sc., from an accredited institution in archaeology, historical archaeology, anthropology with a specialization in archaeology, or history with a specialization in archaeology. If the thesis or dissertation is not based primarily on field research in archaeology, the person must have designed and executed an archaeological study or report based on field research equivalent in scope and quality to an M.A. or M.S. thesis or Ph.D. or DSC. dissertation.

2. Basic Training Requirements for Each Area of Expertise

a. Historical Archaeology. Historical archaeology is defined as the application of archaeological techniques to sites relating either directly or indirectly to a literate tradition. Historical archaeology is most often devoted to the study of sites that date to the expansion of literate populations since the fifteenth century. To qualify as a historical archaeologist, a person must:

i. document a minimum of one year of field and laboratory experience with sites and artifacts of the historic period, including 24 weeks of fieldwork, of which no more than 12 can be survey, and eight weeks of laboratory work under the supervision of a professional archaeologist, and an additional 20 weeks in a supervisory or equally responsible capacity;

ii. document a historical archaeological report on field research, prepared wholly or in the majority by the person requesting recognition as a professional historical archaeologist;

iii. demonstrate experience or training in primary archival research under the supervision of a competent specialist as documented by a report, a course transcript, or a letter of reference;

iv. show the design and execution of a historical archaeological study as evidenced by an M.A. or M.S. thesis, Ph.D. or D.Sc. dissertation, or a report equivalent in scope and quality; and

v. be knowledgeable about the recovery and interpretation of both archaeological and archival data, and be familiar with the material remains including artifactual components and with their conservation and preservation.

b. Prehistoric Archaeology. Prehistoric archaeology is defined as the application of archaeological techniques to sites relating to preliterate or nonliterate Native American traditions. Prehistoric archaeology is most often devoted to the study of Native American sites of the time before Europeans arrived, but it may also relate to Native American archaeology of the contact period. To qualify as a prehistoric archaeologist, a person must:

i. document a minimum of one year of field and laboratory experience with sites and artifacts of the prehistoric period including 24 weeks of fieldwork, of which no more than 12 can be survey, and eight weeks of laboratory work under the supervision of a professional archaeologist, and an additional 20 weeks in a supervisory or equally responsible capacity;

ii. document a prehistoric archaeological report on field research, prepared wholly or in the majority by the person requesting recognition as a professional prehistoric archaeologist;

iii. show the design and execution of a prehistoric archaeological study as evidenced by an M.A. or M.S. thesis, Ph.D. or D.Sc. dissertation, or a report equivalent in scope and quality; and

iv. be knowledgeable about the recovery and interpretation of archaeological data and be familiar with the material remains including artifactual components and with their conservation and preservation.

c. Underwater Archaeology. The term underwater archaeology is used to mean archaeological investigations in situations where scuba or surface supplied air equipment is required. Generally, this will apply to sites that are totally submerged in the Gulf of Mexico or in lakes, rivers, or bayous. Underwater archaeology can be divided into prehistoric sites, historical sites, and nautical sites (ships and their related harbor structures). To qualify as an underwater archaeologist, a person must:

i. document a minimum of one year of field and laboratory experience with underwater sites and related artifacts, including two weeks of field experience and training in underwater survey techniques and demonstrate familiarity with the general theory and application of varied remote-sensing technology;

ii. document both 24 weeks of supervised underwater fieldwork and 20 weeks of supervisory underwater archaeological fieldwork;

iii. show experience or training in the recovery and interpretation of both archaeological and archival data and, for nautical archaeology, familiarity with the history and technology of navigation and shipbuilding;

iv. document the design and execution of an underwater archaeological study as evidenced by an M.A. or M.S. thesis, or Ph.D. or D.Sc. dissertation, or a report equivalent in scope and quality; and

v. be knowledgeable in dealing with water-saturated artifacts and preservation and conservation methods;

vi. for persons specializing in underwater prehistoric sites, experience and training comparable to that specified in the Section entitled "Prehistoric Archaeology" should be documented. For persons specializing in underwater historical sites, experience and training comparable to that specified in the Section entitled "Historical Archaeology" should be documented. Persons specializing in nautical archaeology must be knowledgeable about both archaeological and archival data pertaining to ships.

AUTHORITY NOTE: Promulgated in accordance with R.S. 41:1601-1614.
HISTORICAL NOTE: Promulgated by the Department of Culture, Recreation and Tourism, Division of Archaeology, LR 20:410 (April 1994).

§103. State-Owned Lands—Contract Required

A. No person shall excavate, dig into, remove from, take, or alter a state archaeological landmark or any other archaeological site on state-owned lands except pursuant to and in accordance with the terms and provisions of a contract for survey and salvage.

AUTHORITY NOTE: Promulgated in accordance with R.S. 41:1601-1613.
HISTORICAL NOTE: Promulgated by the Louisiana Archaeological Survey and Antiquities Commission, LR 1:376 (September 1975).

§105. Purposes of Contracts

A. A contract for survey and salvage shall be executed by the state archaeologist or his authorized representative, acting pursuant to the authority of a resolution of the commission approving such contract. Contracts will be granted by the commission for the following purposes:

1. investigations oriented toward the solution of a particular research problem;

2. preparation of a site for public interpretation;

3. restoration and preservation of a site as a nonrenewable cultural resource;

4. salvaging information and specimens threatened with immediate partial or total destruction;

5. investigations undertaken by the commission acting through a contractor for any of the commission purposes under the Act.

AUTHORITY NOTE: Promulgated in accordance with R.S. 41:1601-1613.
HISTORICAL NOTE: Promulgated by the Louisiana Archaeological Survey and Antiquities Commission, LR 1:376 (September 1975).

§107. Manner of Investigation—Minimum Standard

A. Investigations undertaken on state archaeological landmarks must be carried out in such a manner that the maximum amount of historic, scientific, archaeological, and educational information will be recovered and preserved. Such investigations must involve the exclusive use of standard and accepted scientific techniques of excavation, recovery, recording, preservation, and analysis. New or unusual techniques, and the use of earth moving machinery, must be approved in the contract. All measurements will be recorded using the metric system.

AUTHORITY NOTE: Promulgated in accordance with R.S. 41:1601-1613.
HISTORICAL NOTE: Promulgated by the Louisiana Archaeological Survey and Antiquities Commission, LR 1:376 (September 1975).

§109. Contractors

A. The award of contracts by the commission will be limited to those persons and groups who can demonstrate an ability to carry out proper archaeological investigations.

B. Subject to the requirements of §109.C which establish a standard of archaeological competency, contracts may be applied for by:

1. scientific and higher educational institutions;

2. nonprofit corporations and organizations;

3. governmental agencies, departments, or other instrumentalities;

4. established museums which have met the standards of accreditation set by the American Association of Museums or are judged by the commission to be of equal status;

5. archaeological societies whose projects are sponsored by an entity described in §109.B.1-4;

6. qualified graduate students or other individuals who demonstrate the qualifications to undertake and complete a specific project of limited scope under the close on-site supervision of a professional archaeologist;

7. other entities, including private research consultants, whose projects are directed to any of the purposes defined in §105.

C. Contractors must furnish proof satisfactory to the commission that adequate funds, equipment, facilities, and personnel are available to conduct the investigation professionally and as approved in the contract, to restore the site to its original condition, and to report the results. Additionally, contractors must show that they have retained

a professional archaeologist, to supervise directly and to be responsible for the overall execution of the project from field investigation through preservation of collections and analysis of data to reporting of the results.

AUTHORITY NOTE: Promulgated in accordance with R.S. 41:1601-1613.

HISTORICAL NOTE: Promulgated by the Louisiana Archaeological Survey and Antiquities Commission, LR 1:376 (September 1975).

§111. Contract Requirements

A. All contracts approved by the commission for investigation of a state archaeological landmark shall contain the following requirements.

1. Title to all specimens, artifacts, materials, and samples resulting from investigations on state archaeological landmarks on state-owned lands shall be vested in the state of Louisiana. Title to all specimens, artifacts, materials, and samples resulting from investigations on state archaeological landmarks on excluded public lands and private lands shall be clearly specified in the landmark agreement papers.

2. All specimens, artifacts, materials, and samples will be deposited with the commission upon completion of analysis. Normally, analysis will be completed within one year after the end of field operations. If it can be shown that additional time is necessary to complete legitimate study already in progress, extensions of six months duration may be granted, upon petition, at the discretion of the commission.

3. Original or duplicate copies of all field notes, maps, drawings, and photographs will be deposited with the Louisiana Archaeological Survey and Antiquities Commission within 90 days after the end of field operations. Duplication of such records will be done at the contractor's expense. To protect the publication rights of the archaeologist in charge, such primary field data will not be released by the commission in any form for a period of one year.

4. The Louisiana Archaeological Survey and Antiquities Commission will determine, in accordance with the title arrangements of landmark agreements, the final disposition of all artifacts, specimens, materials, and data recovered by investigations on state archaeological landmarks. In determining final disposition, the commission will take into consideration the advantages of making comparative type collections and specimens for public display available to the educational institutions and accredited museums throughout the state. In exceptional instances, as determined by the commission, collections and other data may be deposited in scientific and educational institutions and museums located outside the state. In all cases, the entire range of physical evidence recovered from a state archaeological landmark on state-owned land remains the property of the state of Louisiana. A complete record of all artifacts, specimens, material, and data distributed by the commission will be incorporated into the central state archaeological survey files.

5. The commission shall have the right to duplicate any outstanding item recovered from a landmark regardless of who retains title to the original specimen. Duplicates made for or by the commission will be clearly and permanently marked as such. The copied specimens will be used to promote increased public exposure to the state's outstanding antiquities without danger of loss to the original artifacts.

6. Contractors shall be responsible for cleaning, cataloging, and preserving all collections, specimens, samples, and records. The cataloging shall be accomplished in a manner consistent with the uniform catalog system established by the commission.

7. No contract will be granted for a period of more than one year, but if the work has been diligently prosecuted under the contract, the time may be extended upon application showing good cause.

8. The contract shall contain all special regulations governing the particular investigation to be undertaken.

9. Contracts to become executory shall be signed by the state archaeologist or his authorized representative, the contractor, and the professional archaeologist who assumes responsibility for the project.

10. The contractor will have a copy of the contract available at the site of the investigation during all working hours. Any authorized member or agent of the commission, any landowner of a landmark on private lands, and any representative of a governmental agency having jurisdiction over a landmark on excluded public lands may at any time visit the area or site being investigated under the contract. Such a representative may examine the contract as well as the field records, materials, and specimens being recovered.

11. If the contractor fails to comply with the contract, or fails to conduct properly or to complete the project, the commission may terminate the contract upon the giving of notice and hearing to the contractor. Upon cancellation, the contractor shall cease work immediately and vacate the area or site within 24 hours, including removal of all personnel and equipment. Through cancellation of a contract, the contractor forfeits all rights as herein provided to the specimens and data recovered. A contract which has been canceled can be reinstated by the commission if good cause is shown within 30 days of the cancellation.

12. Institutions, museums, organizations, corporations, and persons receiving contracts for investigation of state archaeological landmarks shall, after completion of the work, restore the lands on which they have worked to their former condition, to the satisfaction of the commission and, in the case of landmarks on private lands, to the satisfaction of the landowner.

13. Contractors shall be responsible for preparation of a written report describing in full the results of the investigation. The report should be suitable for publication, follow the style and format of *American Antiquity*, and be of high professional quality. The contractor shall furnish the commission with an original and 25 copies of the report

which have been reproduced by superior duplicating processes such as multilith or Xerox. All photographs must be legible, and an original set of photographic prints should accompany the report. The reports will be treated as central state archaeological survey files, and no duplication will be allowed without the permission of the author and the commission.

14. No contract issued by the commission may be transferred in whole or in part to any other institution, museum, corporation, organization, or individual without the expressed written approval of the commission.

AUTHORITY NOTE: Promulgated in accordance with R.S. 41:1601-1613.

HISTORICAL NOTE: Promulgated by the Louisiana Archaeological Survey and Antiquities Commission, LR 1:377 (September 1975).

§113. Types of Contracts

A. Three categories of contracts, oriented toward specific types of investigation, will be recognized by the commission. When a state archaeological landmark on private lands or excluded public lands is involved, each type of contract must be endorsed by the landowner or by an appropriate governmental official respectively. The three categories of contracts that will be authorized to be executed by the commission under the act and regulations are as follows.

1. *Survey and Reconnaissance*—a contract for the purpose of searching a specific area for sites by visual examinations of the surface or by use of specialized equipment such as magnetometers and metal detectors. Under this type of contract, investigation is limited to recording site locations, mapping, photographing, controlled surface collecting, soil augering to determine depths of midden deposits, and aerial reconnaissance.

2. *Testing*—a contract allowing detailed examination of a particular site by systematic test excavations of limited scope.

3. *Excavation*—a contract providing for full investigation and extensive excavation of a particular locality.

AUTHORITY NOTE: Promulgated in accordance with R.S. 41:1601-1613.

HISTORICAL NOTE: Promulgated by the Louisiana Archaeological Survey and Antiquities Commission, LR 1:378 (September 1975).

§115. Applications for Contracts

A. Applicants qualified in compliance with §109 foregoing and desiring a contract for investigation of a state archaeological landmark shall file an application with the commission at least three months prior to the proposed beginning date of field operations.

B. Applications for contracts shall be prepared on standard forms available from the commission. The applications must include:

1. a statement of the purpose of the investigation;

2. an outline of the proposed work;

3. an accurate sketch plan of the particular site or area to be investigated and a map showing the latitude and longitude;

4. a proposed beginning date for the field work and an estimated length of time which will be devoted to field work;

5. the name, address, and telephone number of the professional archaeologist who will be in immediate charge of the project;

6. the location where the specimens, material, and data will be kept during the analysis of the results of investigation;

7. the proposed date of submission of a final report describing the results of the investigation;

8. evidence of adequate funds, personnel, equipment, and facilities to complete the proposed investigation properly and to restore the landmark to its original condition.

C. Special circumstances may require that a contract be executed on short notice, especially when a site is threatened with immediate destruction. In such cases, application procedures are the same except that the three months lead time is waived. The chairman will poll commission members for immediate approval or disapproval of such emergency applications.

AUTHORITY NOTE: Promulgated in accordance with R.S. 41:1601-1613.

HISTORICAL NOTE: Promulgated by the Louisiana Archaeological Survey and Antiquities Commission, LR 1:378 (September 1975).

§117. Intergovernmental Contract Review

A. On receipt of an application for a contract to carry out investigations on state lands, the commission will refer such application routinely to the agency or political subdivision having administrative control of the land upon which the site is located. Such original review will be accomplished prior to final approval by the commission.

AUTHORITY NOTE: Promulgated in accordance with R.S. 41:1601-1613.

HISTORICAL NOTE: Promulgated by the Louisiana Archaeological Survey and Antiquities Commission, LR 1:379 (September 1975).

§119. Due Process Provisions

A. Any applicant whose application has been denied, or any other interested party who in any manner has been aggrieved by any provision of the regulations, may file a petition for hearing and review of such denial of application or other grievance by the commission. Such a petition shall be reviewed by the commission, or a committee thereof, and if it appears that the petitioner has sufficient cause, the hearing requested shall be conducted. If after conducting the hearing it appears that the petitioner is entitled to the relief sought, the commission shall adopt appropriate action. If the commission declines to adopt action granting the release

sought by the petitioner, the petitioner shall be entitled to seek relief as may be provided for by law.

AUTHORITY NOTE: Promulgated in accordance with R.S. 41:1601-1613.

HISTORICAL NOTE: Promulgated by the Louisiana Archaeological Survey and Antiquities Commission, LR 1:379 (September 1975).

§121. Regulations Severable

A. Provisions of these regulations are declared to be severable, and should any part hereof be declared by a court of competent jurisdiction to be illegal, invalid, or unenforceable, the remaining parts of the regulations shall remain in full force and effect. All actions of the commission in conflict herewith are repealed to the extent of such conflict.

AUTHORITY NOTE: Promulgated in accordance with R.S. 41:1601-1613.

HISTORICAL NOTE: Promulgated by the Louisiana Archaeological Survey and Antiquities Commission, LR 1:379 (September 1975).

§122. Fees

A. Printed Material. A fee shall be charged for each publication in the reference series and for posters developed by the division. Fees shall be computed based on the estimated cost of developing, printing, mailing, and handling of each publication or poster.

B. Photocopying. A fee of $0.10 per copy shall be charged for photocopying information including site forms and reports maintained by the division.

C. Curation of Archaeological Collections. A one-time fee of $400 shall be charged for processing and long-term curation of a standard box of artifacts deposited with the division. A standard box measures 12 x 10 x 15 inches and the contents can weigh no more than 30 pounds (13.6 kg). Oversize artifacts shall be assessed at the rate of $400 per square foot of shelf space occupied.

D.1. The division shall charge an annual, non-refundable fee for online access to the division's geographic information system (GIS). The fee will be $1,300 per state fiscal year for each public or private entity with one or more professional archaeologists on staff or an individual professional archaeologist who will use the online access.

2. Professional archaeologists at academic institutions and graduate students studying to become a professional archaeologist will not be charged the access fee.

E. Fee Adjustments. Fees may be adjusted in accordance with the division's *Archaeological Code of Louisiana*.

AUTHORITY NOTE: Promulgated in accordance with R.S. 41:1601-1615.

HISTORICAL NOTE: Promulgated by the Department of Culture, Recreation and Tourism, Division of Archaeology, LR 20:411 (April 1994), by the Department of Culture, Recreation and Tourism, Office of Cultural Development, Division of Archaeology, LR 43:46 (January 2017).

Subchapter B. Louisiana Archaeological Survey and Antiquities Commission

§123. Purpose

A. The purpose of the Louisiana Archaeological Survey and Antiquities Commission is to promote the goals and objectives of the Department of Culture, Recreation and Tourism and to act in an advisory capacity to that department and its secretary in their administration of the Archaeological Resources Act (R.S. 41:1602).

AUTHORITY NOTE: Promulgated in accordance with R.S. 41:1601-1614.

HISTORICAL NOTE: Promulgated by the Louisiana Archaeological Survey and Antiquities Commission, LR 1:380 (September 1975), amended by the Department of Culture, Recreation and Tourism, Division of Archaeology, LR 20:411 (April 1994).

§124. Bylaws

A. The bylaws govern the conduct of business by the Louisiana Archaeological Survey and Antiquities Commission.

1. A chairperson shall be selected annually at the fall meeting of the commission and shall preside over meetings of the commission.

2. The commission shall meet at least four times a year and on other occasions, if necessary, at the discretion of the chairperson. Notice of all meetings shall be mailed to each member prior to the meeting. All meetings shall be open to the public and shall be held in accordance with all appropriate state laws. *Robert's Rules of Order* shall be the final authority on matters of parliamentary procedure. Minutes of the meetings shall be reduced to writing and retained by the Division of Archaeology.

3. Action of the commission shall be by the affirmative vote of a majority of the members of the commission attending a meeting, provided that a quorum of six or more such members is present. Proxy votes authorized by the written consent of an absent commission member are permissible.

4. There shall be an executive committee composed of the chairperson, vice-chairperson, and state archaeologist. The executive committee is authorized to exercise the powers of the commission when the calling of an emergency meeting of the commission is impossible or not warranted. All actions adopted by the executive committee shall be submitted to the commission members for their consideration and ratification at the next regular meeting of the commission.

5. Commission members shall be paid a per diem and reasonable and necessary expenses incurred according to the authorization established in R.S. 41:1602, if funding permits.

6. Members shall comply with all state laws relating to ethics and conflicts of interest.

AUTHORITY NOTE: Promulgated in accordance with R.S. 41:1601-1614.

HISTORICAL NOTE: Promulgated by the Department of Culture, Recreation and Tourism, Division of Archaeology, LR 20:411 (April 1994).

Subchapter C. Registry

§141. Creation and Maintenance of Registry

A. The provisions of Subchapter C define and create a registry of state archaeological landmarks, hereafter referred to as "registry." The registry will consist of an inventory of landmarks that are approved by the commission. The inventory shall be maintained by the secretary of the commission in a special book of record marked *Louisiana Registry of State Archaeological Landmarks*. The registry shall be placed in the permanent archives and records of the commission under the official custody of the state archaeologist.

AUTHORITY NOTE: Promulgated in accordance with R.S. 41:1601-1613.

HISTORICAL NOTE: Promulgated by the Louisiana Archaeological Survey and Antiquities Commission, LR 1:380 (September 1975).

§143. Purpose of Landmarks

A. Prehistoric and historic sites will be registered as state archaeological landmarks by the commission in order to insure that such sites will be preserved and protected to the maximum extent possible.

AUTHORITY NOTE: Promulgated in accordance with R.S. 41:1601-1613.

HISTORICAL NOTE: Promulgated by the Louisiana Archaeological Survey and Antiquities Commission, LR 1:380 (September 1975).

§145. Landmarks—State-Owned Lands

A. Any prehistoric or historic site defined by R.S. 41:1607(1) and located in, under, or on lands belonging to the state of Louisiana may be included in the registry at the discretion of the commission.

AUTHORITY NOTE: Promulgated in accordance with R.S. 41:1601-1613.

HISTORICAL NOTE: Promulgated by the Louisiana Archaeological Survey and Antiquities Commission, LR 1:380 (September 1975).

§147. Landmarks—Excluded Public Lands

A. Any prehistoric or historic site defined by R.S. 41:1607(1) and located on excluded public lands may be designated a state archaeological landmark provided that prior to entering such designation in the registry the commission first secures permission to do so by the following actions.

1. Give notice in writing to the appropriate agency, political subdivision, or other entity, defined in LAC 25:I.101.*State-Owned Lands or Lands Belonging to the State of Louisiana*. The notice shall state that the commission intends to include a designated geographic area of land in the registry as a state archaeological landmark. The notice shall include a reasonable description of the limits of the proposed landmark, set out the reasons for the intended designation, describe all responsibilities pertaining to the preservation and upkeep of the landmark, and specify that the notified party may within a period of 30 days apply to the commission for the holding of a hearing prior to action on the proposed landmark designation.

2. Hold a hearing on the proposed landmark designation should one be requested within a period of 30 days after mailing of the notice. Upon receipt of a request for a hearing, the chairman of the commission shall set a time not less than 30 nor more than 90 days from the date of receipt of such request. The interested party shall be advised promptly of the decided date, time, and place of such hearing and of the right to be represented by counsel and to present witnesses and any other evidence and testimony relevant to the determination of suitability for the site as a state archaeological landmark.

3. Obtain a written agreement from the agency, political subdivision or other entity holding title to the land upon which the landmark is located. The agreement shall state that the proposed landmark will be protected as a cultural resource and that, subject to the outcome of intergovernmental contract review, the commission shall have the sole jurisdiction to award contracts for survey and salvage at the site. Such agreement of consent will stipulate that all subsequent investigation or alteration of the landmark will be done in strict compliance with the requirements of the regulations adopted by the commission. The agreement of consent will specify which agency or political subdivision shall retain title to all artifacts and other physical remains recovered from the landmark under the provisions of a contract for survey and salvage.

AUTHORITY NOTE: Promulgated in accordance with R.S. 41:1601-1613.

HISTORICAL NOTE: Promulgated by the Louisiana Archaeological Survey and Antiquities Commission, LR 1:380 (September 1975).

§149. Landmarks—Private Lands

A. Any prehistoric or historic site defined by R.S. 41:1607(1) and located upon private lands may be designated a state archaeological landmark provided that prior to entering such designation in the registry, the commission first secures the voluntary written permission of the landowner or landowners to do so. The agreement of consent will vary according to specific circumstances, but in general it will contain the provisions suggested in the following outline.

1. The geographic limits of the proposed landmark will be described in a manner sufficient to locate the site upon the ground.

2. There will be a statement to clarify that landowner consent for a site to become a landmark does not constitute a forfeiture of all control over the land upon which the site is located.

3. There will be a statement to acknowledge that landowner consent for a site to become a landmark does

represent a pledge on the part of the landowner or landowners to preserve and protect the site as a nonrenewable cultural resource.

4. There will be a statement specifying the precise degree of jurisdiction transferred to the commission with respect to determining who shall be allowed to enter upon the landmark for the purpose of removing artifacts and specimens of all types or for the purpose of violating the site by any form of excavation for whatever reason.

5. There will be language encouraging the landowner to remove the landmark from cultivation or stipulating those plaza or village areas that may be subjected to continued normal cultivation under the agreement.

6. There will be a statement of recognition that all contractors authorized by the commission must respect the rights of the landowner and will be held liable for damage to all access routes, property, and lands adjacent to the landmark.

7. There will be a clear statement stipulating who shall retain title to all artifacts and other physical remains recovered from the landmark under the provisions of a contract for survey and salvage.

8. There will be a statement setting out the exact limits and degree of public access to the landmark, if any, that are acceptable to the landowner and to the commission once the landmark has been investigated, properly restored, and stabilized.

9. All special conditions and restrictions will be described fully in a manner acceptable to both the commission and the landowner or landowners.

AUTHORITY NOTE: Promulgated in accordance with R.S. 41:1601-1613.
HISTORICAL NOTE: Promulgated by the Louisiana Archaeological Survey and Antiquities Commission, LR 1:381 (September 1975).

§151. National Register

A. State archaeological landmarks determined by the commission to be of major scientific and educational value will be nominated through prescribed channels for inclusion in the National Register of Historic Places.

AUTHORITY NOTE: Promulgated in accordance with R.S. 41:1601-1613.
HISTORICAL NOTE: Promulgated by the Louisiana Archaeological Survey and Antiquities Commission, LR 1:381 (September 1975).

§153. Landmark Declassification

A. Any state archaeological landmark may be determined by resolution of the commission to be of insufficient historical, archaeological, or scientific interest to warrant its further classification as such. Upon such determination the site may be removed from the registry.

AUTHORITY NOTE: Promulgated in accordance with R.S. 41:1601-1613.
HISTORICAL NOTE: Promulgated by the Louisiana Archaeological Survey and Antiquities Commission, LR 1:381 (September 1975).

Subchapter D. Files and Custodianship

§155. Central State Archaeological Survey Files

A. The provisions of this Subchapter establish the central state archaeological survey files as authorized by R.S. 41:1607(5). The files shall be maintained in the office of the state archaeologist under his care, custody, and responsibility, acting for and on behalf of the commission. Also contained in this Subchapter are provisions which clarify the custodianship and use of state-owned antiquities.

AUTHORITY NOTE: Promulgated in accordance with R.S. 41:1601-1613.
HISTORICAL NOTE: Promulgated by the Louisiana Archaeological Survey and Antiquities Commission, LR 1:382 (September 1975).

§157. Contents of Files

A. The central state archaeological survey files shall include all available information on known historic and prehistoric sites located within the state of Louisiana. Such information may include geographical references, site descriptions, field notes, maps, drawings, photographs, and related documents of every description. The files will contain a complete catalog record of all antiquities and objects recovered from state lands or donated from other lands that are in the control and possession of the commission.

AUTHORITY NOTE: Promulgated in accordance with R.S. 41:1601-1613.
HISTORICAL NOTE: Promulgated by the Louisiana Archaeological Survey and Antiquities Commission, LR 1:382 (September 1975).

§159. Supplementary Files

A. The central state archaeological survey files additionally consist of files and records in the following locations and under the care and custody of the following designated institutions.

1. Museum of Natural Science
   Louisiana State University
   Baton Rouge, LA 70803

2. Department of Social Sciences
   Northwestern State University of Louisiana.
   Natchitoches, LA 71497

3. Department of Geosciences
   Northeast Louisiana University
   Monroe, LA 71209

4. Department of Anthropology
   University of New Orleans
   New Orleans, LA 70148

5. Department of Sociology and Anthropology
   University of Southwestern Louisiana
   Lafayette, LA 70504

6. Archives and Records Division
   Louisiana Secretary of State's Office
   Baton Rouge, LA 70804

7. Environmental Unit
Louisiana Department of Transportation and Development
Baton Rouge, LA 70804

AUTHORITY NOTE: Promulgated in accordance with R.S. 41:1601-1613.

HISTORICAL NOTE: Promulgated by the Louisiana Archaeological Survey and Antiquities Commission, LR 1:382 (September 1975).

§161. Deputy Custodians

A. The appropriate officers of the entities listed in §159 are appointed and designated as deputy custodians of the central state archaeological survey files. The deputy custodians shall be responsible for the files and objects presently in their possession and as hereafter may come into their official possession pursuant to the regulations. Deputy custodians of the central state archaeological survey files shall maintain an up-to-date inventory of all antiquities and objects in their possession and file the same with the state archaeologist. A duplicate copy of all files in the possession of each deputy custodian shall be made available to the commission upon request.

AUTHORITY NOTE: Promulgated in accordance with R.S. 41:1601-1613.

HISTORICAL NOTE: Promulgated by the Louisiana Archaeological Survey and Antiquities Commission, LR 1:382 (September 1975).

§163. Private Custodianship Contracts

A. Private universities or colleges and museums which are accredited or approved by the commission may participate in the supplementary files system by entering into a custodianship contract with the commission. The custodianship contract shall designate the contracting institution as a deputy custodian and provide for full participation in the central state archaeological survey files system. Deputy custodians appointed through custodianship contracts shall be subject to all requirements and responsibilities contained herein.

AUTHORITY NOTE: Promulgated in accordance with R.S. 41:1601-1613.

HISTORICAL NOTE: Promulgated by the Louisiana Archaeological Survey and Antiquities Commission, LR 1:382 (September 1975).

§165. Access to Files

A. Access to the central state archaeological survey files will be restricted to those agencies and persons who, in the opinion of the state archaeologist or appropriate deputy custodian, have a legitimate need for the information contained therein. Easy access to the files will be provided to all scientific and educational institutions, professional archaeologists, students, government agencies, archaeological societies, and other individuals who are pursuing valid research needs. Access will not be provided automatically, however, to those groups or persons lacking specific purpose or requirements unless a clear scientific or educational intent can be demonstrated. The central state archaeological survey files will be maintained to protect archaeological resources and to contribute to scholarship and scientific advancement; the files will not be maintained to facilitate the location of archaeological sites for activities specifically prohibited by R.S. 41:1609.

AUTHORITY NOTE: Promulgated in accordance with R.S. 41:1601-1613.

HISTORICAL NOTE: Promulgated by the Louisiana Archaeological Survey and Antiquities Commission, LR 1:382 (September 1975).

§167. Custodianship of State-Owned Antiquities

A. All antiquities and objects recovered from state lands or donated to the state from private lands or excluded public lands shall become the legal responsibility of the commission. Such antiquities shall be deposited with the commission and recorded in the central state archaeological survey files. The final repository of state-owned antiquities will be decided by the commission on the basis of maximum public exhibit consistent with the full protection and preservation of such antiquities as nonrenewable cultural resources. State antiquities deposited with deputy custodians may be recalled by the commission at any time should such action be warranted in the opinion of a majority of commission members.

AUTHORITY NOTE: Promulgated in accordance with R.S. 41:1601-1613.

HISTORICAL NOTE: Promulgated by the Louisiana Archaeological Survey and Antiquities Commission, LR 1:382 (September 1975).

§169. Burial Furniture and Physical Remains

A. Burial furniture and physical remains removed from an Indian burial site and unclaimed by a legal heir shall be recorded in the central state archaeological survey files and shall be afforded the same protection as other state-owned antiquities that are in the control and possession of the commission. Such items may be deposited in educational institutions and accredited museums under the care of a deputy custodian designated by the commission.

AUTHORITY NOTE: Promulgated in accordance with R.S. 41:1601-1613.

HISTORICAL NOTE: Promulgated by the Louisiana Archaeological Survey and Antiquities Commission, LR 1:382 (September 1975).

§171. Use of Antiquities

A. No object or antiquity recorded in the central state archaeological survey files shall be sold, loaned, or otherwise lost or disposed of except pursuant to the authority of the commission. However, nothing herein contained shall be construed as preventing a deputy custodian from providing for such use of objects and antiquities as is necessary and incidental to the educational programs of the institution at which such objects and antiquities are stored and maintained, or for any other use as a cultural and educational resource.

AUTHORITY NOTE: Promulgated in accordance with R.S. 41:1601-1613.

HISTORICAL NOTE: Promulgated by the Louisiana Archaeological Survey and Antiquities Commission, LR 1:383 (September 1975).

Subchapter E. Program

§173. Purpose

A. The provisions of Subchapter E initiate and adopt a program of archaeology for the state of Louisiana as authorized and directed by R.S. 41:1607.

AUTHORITY NOTE: Promulgated in accordance with R.S. 41:1601-1613.

HISTORICAL NOTE: Promulgated by the Louisiana Archaeological Survey and Antiquities Commission, LR 1:383 (September 1975).

§175. Archaeological Program

A. The commission, acting through its officers, staff, employees, committees and contractors, in order to implement and supplement the directives of R.S. 41:1607, shall inaugurate a program of activities in archaeology which will include, but not be limited to, the following endeavors:

1. revise, extend, improve, and promote the *Registry of State Archaeological Landmarks*;

2. contribute to the public awareness and understanding of the state's historic and prehistoric resources by:

a. designing and maintaining a system of exhibits and interpretive displays;

b. issuing regular news releases to the public media;

c. providing a series of accurate and informative publications directed to the nonprofessional audience;

d. cooperating with state archaeological societies;

e. making commission records, files, and expertise available to students from all institutions of higher education;

f. developing a lecture program and audio-visual aids suitable for use by civic and school groups within the state;

3. encourage participation by private landowners in the process of conservation, preservation, and investigation of prehistoric and historic resources;

4. undertake a comprehensive survey of the entire state and its offshore waters to determine the full extent of existing nonrenewable cultural resources;

5. prepare and keep up-to-date a priority list of specific investigations that must be conducted in order to satisfy the objectives of the commission's long-range research strategy. Except in the case of sites threatened with immediate destruction, contracts should be assigned partially on the basis of what the proposed project can contribute to the solution of such overall research problems. Budget requests as well should reflect the priority of investigations;

6. undertake a legislative study exercise to determine the need, if any, for changes in state law to achieve the goals of the commission's program as stated herein;

7. investigate the need for additional regulations to implement Public Law 93-291, adopted May 24, 1974, by the Congress of the United States;

8. standardize the state's archaeological data base by and after interaction and cooperation with all agencies and institutions of higher education actively investigating the history and prehistory of Louisiana. Through standardization of forms used in recording archaeological data and through development of a computer program to process such data, the results of all archaeology conducted within the state shall be made available to and be in a form utilizable by all other archaeologists participating in the system;

9. inform state agencies, departments, and other instrumentalities including subdivisions, special districts, law enforcement officers, and other units of local government of all registered state archaeological landmarks and the regulations pertaining thereto;

10. publish both popular and professional articles of scientific, historic, and prehistoric merit;

11. inform all state agencies, departments, and other instrumentalities of the commission's program, the benefits to be derived from such work, the law pertaining thereto, and the regulations adopted to execute such program;

12. nominate through prescribed channels all state archaeological landmarks determined by the commission to be of major scientific and educational value for inclusion on the National Register of Historic Places. The National Register program will be explained to landowners at the same time sites on private lands are being registered as landmarks;

13. establish and maintain liaisons with archaeological organizations in both the professional and amateur categories for the purpose of:

a. determining the need for action by the commission;

b. identifying new items to include in the program;

c. assessing the need for amendment, repeal or rewriting of the regulations;

d. obtaining input of ideas for better carrying out the purposes, goals, and objectives of the commission;

e. facilitating the preservation, conservation, and proper utilization of the archaeological resources of the state;

14. support federal, state, and private agencies, political subdivisions, and firms in determining the impact of proposed construction projects on all historic and prehistoric resources. The commission may, at its discretion, accept an existing archaeological resources statement, provided that a recent ground survey has been conducted by a professional archaeologist in support of the statement. The commission may also contract with another agency, political subdivision, or firm whose staff includes a professional archaeologist to survey the construction area and to prepare an archaeological resource statement;

15. seek to establish and solicit private support for the Louisiana Archaeological Council. Membership in the council will be open to all professional archaeologists located or working in the state of Louisiana. The council will meet quarterly, whenever possible in conjunction with any other archaeological meeting. The council will serve as an advisory body to the Louisiana Archaeological Survey and Antiquities Commission. It will contribute to a coordinated state archaeological program by providing a medium through which the fruition of on-going investigations can be shared and research assignments can be allocated on a voluntary basis;

16. design, sponsor, and maintain a permanent storage and research facility to be called the "Louisiana Center for the Study of Man". Such a building will:

a. serve as permanent headquarters for the commission;

b. provide safe, atmospherically controlled, and perpetual storage for the state's historic and prehistoric resources;

c. house the central state archaeological survey files;

d. contain efficient and adequate facilities for the treatment, preservation, and processing of recovered remains of all types;

e. be the center for uniform, up-to-date type collections of the state's historic and prehistoric artifacts;

f. supply exhibit space for outstanding archaeological specimens deserving of public viewing;

g. provide safe and accessible storage for photographs, books, records, maps, and documents pertaining to Louisiana history and prehistory;

h. facilitate the utilization of collections and field data in the custody of the commission in a manner which encourages maximum analysis and interpretation;

i. serve as a primary research facility for all professional archaeologists, scientists, and students who are interested in and actively studying the history and prehistory of human settlement in the state of Louisiana.

AUTHORITY NOTE: Promulgated in accordance with R.S. 41:1601-1613.

HISTORICAL NOTE: Promulgated by the Louisiana Archaeological Survey and Antiquities Commission, LR 1:383 (September 1975).

Subchapter F. Underwater Investigations

§177. Purpose

A. The provisions of Subchapter F constitute a supplement to the regulations pertaining to the special conditions for location and recovery of sunken treasure.

AUTHORITY NOTE: Promulgated in accordance with R.S. 41:1601-1613.

HISTORICAL NOTE: Promulgated by the Louisiana Archaeological Survey and Antiquities Commission, LR 1:384 (September 1975).

§179. Contract Requirements

A. Contracts for underwater investigations of all types will be issued by the commission in strict compliance with the procedures set forth in the regulations. Due to the potentially high monetary value of the objects that conceivably will be recovered by underwater exploration, the following additional conditions must be satisfied before a contract will be initiated.

1. An applicant must be bonded and financially responsible.

2. Contracts for the recovery of sunken treasure will be issued for only one specific underwater site at a time.

3. The contractor must have suitable seaworthy motor vessels, diving apparatus, and related equipment to conduct the search and recovery in a proper and safe manner.

4. The professional underwater archaeologist in charge and all personnel involved in the underwater search and recovery operation must be covered by acceptable liability insurance which is procured at the expense of the contractor.

5. The contractor must bear the expense of having a minimum of one representative of the commission on board the motor vessel at all times.

6. Objects retrieved from underwater sites will be inventoried immediately by a representative of the commission and thereafter deposited in a place of safekeeping which has a degree of security commensurate with their value.

7. The contractor must demonstrate the capability for immediate stabilization, treatment, and preservation of the recovered underwater remains, many of which are highly perishable upon exposure to the atmosphere.

AUTHORITY NOTE: Promulgated in accordance with R.S. 41:1601-1613.

HISTORICAL NOTE: Promulgated by the Louisiana Archaeological Survey and Antiquities Commission, LR 1:384 (September 1975).

§181. Title to Remains and Compensation

A. Superior title to all objects recovered from underwater sites located within the river systems, tidelands, submerged lands, or offshore waters falling under the jurisdiction of the state of Louisiana shall be retained by the state. Under certain conditions allowed by R.S. 41:1606 and as approved in advance by the commission, a reasonable percentage of the recovered remains may be allocated to the contractor as fair compensation for their salvage.

AUTHORITY NOTE: Promulgated in accordance with R.S. 41:1601-1613.

HISTORICAL NOTE: Promulgated by the Louisiana Archaeological Survey and Antiquities Commission, LR 1:385 (September 1975).

Subchapter G. Indian Burial Sites

§183. Purpose

A. The provisions of Subchapter G recognize the special nature of Indian burial sites as archaeological landmarks in accordance with the public policy of the state as enunciated in R.S. 8:651 et seq., R.S. 14:101, and laws supplemental thereto declaring that the site of interment of human remains is to be protected from disturbance. Subchapter G further recognizes the need to contribute to the knowledge, understanding, and appreciation of the cultural heritage of historic and prehistoric ethnic American Indian groups and to expand and document the history of such Indian groups by recovery of sufficient archaeological and anthropological evidence from Indian burial sites in proper cases.

AUTHORITY NOTE: Promulgated in accordance with R.S. 41:1601-1613.

HISTORICAL NOTE: Promulgated by the Louisiana Archaeological Survey and Antiquities Commission, LR 1:385 (September 1975).

§185. Indian Burial Sites—Contract Required

A. No person shall excavate, dig into, remove from, take, or alter an Indian burial site on state-owned lands, excluded public lands, or private lands except pursuant to and in accordance with the terms and provisions of a contract for survey and salvage as set out in Subchapter A, §§107-119 inclusive. In addition to the requirements of §§107-119 inclusive, a contract for survey and salvage pertaining to an Indian burial site shall be found by the commission to have the following special goals:

1. to achieve the purposes set out in §183 of this Subchapter;

2. to restrict excavation to that which is archaeologically necessary so as to not wantonly desecrate the Indian burial site.

AUTHORITY NOTE: Promulgated in accordance with R.S. 41:1601-1613.

HISTORICAL NOTE: Promulgated by the Louisiana Archaeological Survey and Antiquities Commission, LR 1:385 (September 1975).

§187. Use of Indian Burial Sites

A. The provisions of this Subchapter shall not be construed as preventing a landowner from utilizing an Indian burial site for purposes of farming, cattle raising, timber growing, and other similar surface uses that will not result in the disturbance of human remains through excavation or other activities.

AUTHORITY NOTE: Promulgated in accordance with R.S. 41:1601-1613.

HISTORICAL NOTE: Promulgated by the Louisiana Archaeological Survey and Antiquities Commission, LR 1:385 (September 1975).

§189. Burial Furniture and Physical Remains

A. All burial furniture and physical remains removed from an Indian burial site are the property of the state of Louisiana in the event that no person appears who is a legal heir entitled to inherit the property of the Indian who is interred. Such burial furniture and remains that become property of the state shall be placed in the care and custody of the commission or a deputy custodian designated by the commission.

AUTHORITY NOTE: Promulgated in accordance with R.S. 41:1601-1613.

HISTORICAL NOTE: Promulgated by the Louisiana Archaeological Survey and Antiquities Commission, LR 1:385 (September 1975).

§191. Indian Burial Sites as Landmarks

A. Indian burial sites and other cemeteries as defined in R.S. 8:1 et seq. may be declared to be and registered as state archaeological landmarks in accordance with the provisions of Subchapter C, §§143-149 inclusive. Failure of the commission or the state archaeologist to identify an Indian burial site or to designate an Indian burial site as a state archaeological landmark shall not alter the status of such site as a cemetery or burial ground within the meaning of R.S. 8:1 et seq., and other laws pertaining to places of interment of human remains.

AUTHORITY NOTE: Promulgated in accordance with R.S. 41:1601-1613.

HISTORICAL NOTE: Promulgated by the Louisiana Archaeological Survey and Antiquities Commission in LR 1:385 (September 1975).

§193. Emergency Landmark Designation

A. When it appears that an Indian burial site having extraordinary archaeological value has been excavated or is in imminent danger of being desecrated in violation of Louisiana law (particularly R.S. 8:653), the commission may make an emergency designation of such Indian burial site as a state archaeological landmark.

B. Emergency designations affecting private lands or excluded public lands shall be adopted by resolution of the commission or by order of the state archaeologist. Such resolution or order shall set out and include:

1. a map or description identifying the limits of the geographic area found hereunder to constitute an Indian burial site;

2. a statement specifying the archaeological evidence supporting such finding and declaration;

3. a description of the excavation or threatened desecration in violation of law on which the emergency action of the commission or the state archaeologist is predicated.

C. The commission may take such additional legal action in the conservation and preservation of an Indian burial site as is authorized by law, including the action authorized by R.S. 41:1612.

D. Notice of the designation of an Indian burial site on private lands or excluded public lands as a state archaeological landmark shall be communicated promptly to the landowner or appropriate agency head. Notice shall be

executed by mailing or delivering a copy of the resolution or order making such designation.

E. Any landowner on whose property an Indian burial site has been designated a state archaeological landmark and who objects to such designation is entitled to a hearing and review as provided for under Subchapter A, §119. Similarly, the head of any agency involved in such designation on excluded public lands is entitled to the due process procedures of Subchapter A, §119.

F. Should no protest or application for a hearing be made by a private owner or an agency head within 120 days of the posting of a written notice designating an Indian burial site as a state archaeological landmark under this Subchapter, such designation shall be final and conclusive.

AUTHORITY NOTE: Promulgated in accordance with R.S. 41:1601-1613.

HISTORICAL NOTE: Promulgated by the Louisiana Archaeological Survey and Antiquities Commission, LR 1:385 (September 1975).

§195. Accidental Disturbance

A. Where construction, acquisition, or operation of a building, road, dam, pipeline, or similar improvement project unexpectedly uncovers human remains that appear to fall within the purview of these regulations, the owner, his agents, or other representatives shall delay temporarily, within the specific area where human remains are encountered, all construction or maintenance activity until the following conditions are satisfied.

1. The commission is notified immediately.

2. The human remains and any vestments or other articles interred therewith are preserved and delivered to the commission or a designated deputy custodian of the commission.

3. The owner or person in charge of the construction or maintenance project cooperates with any designated representative of the commission assigned to the site to recover archaeological evidence.

AUTHORITY NOTE: Promulgated in accordance with R.S. 41:1601-1613.

HISTORICAL NOTE: Promulgated by the Louisiana Archaeological Survey and Antiquities Commission, LR 1:386 (September 1975).

§197. Prior Archaeological Investigation

A. Excavation of Indian burial sites by predecessors of the commission, its deputy custodians, the Lower Mississippi Survey, or any other professional archaeologists made prior to the effective date of these regulations for the goals and purposes set forth in §183 of this Subchapter are hereby approved and ratified under the law. Nothing herein shall be construed as approving excavations of Indian burial sites made in violation of Louisiana law prior to the effective date of these regulations.

AUTHORITY NOTE: Promulgated in accordance with R.S. 41:1601-1613.

HISTORICAL NOTE: Promulgated by the Louisiana Archaeological Survey and Antiquities Commission, LR 1:386 (September 1975).

§199. Unlawful Removal of Burial Furniture

A. Whoever without authority of law knowingly excavates an Indian burial site with the intention and for the purpose of taking and removing burial furniture shall be subject to punishment as provided for in R.S. 8:653, R.S. 41:1611, and other applicable law.

AUTHORITY NOTE: Promulgated in accordance with R.S. 41:1601-1613.

HISTORICAL NOTE: Promulgated by the Louisiana Archaeological Survey and Antiquities Commission, LR 1:386 (September 1975).

Chapter 3. Division of the Arts

§301. Introduction: Arts Programs in Louisiana

A. Believing that public support for the arts is in the public interest, the Louisiana Legislature has created the Louisiana State Arts Council (the council) and the Louisiana Division of the Arts (the division) to administer state arts programs.

B. The Louisiana State Arts Council, composed of 22 members appointed by the governor, is an advisory body to the division regarding matters relating to support of the arts in Louisiana. The council is responsible for making recommendations on cultural policy, for preparing an annual state plan for the arts, for initiating and coordinating statewide arts programs, for providing technical assistance to community and state arts organizations, and for promoting other artistic activities in the state. Further, the council is responsible for the allocation of arts grant funds.

C. The Division of the Arts, the official state arts agency, is in the Office of Cultural Development, Department of Culture, Recreation and Tourism. The division administers state and federal funds appropriated for arts grants in Louisiana.

D. Philosophy of Assistance. The Louisiana State Arts Council has formally adopted the following policy statement: The arts are an essential part of life in Louisiana. Each citizen has the right to the arts. The Louisiana State Arts Council is a catalyst for participation, education, development, and promotion of excellence in the arts. It is our responsibility to support established arts organizations, nurture emerging organizations, and assist individual artists.

1. The council and division, aware that funds are not sufficient to address all the needs of the arts in Louisiana, agree that their resources are best used to:

a. support organizations which have demonstrated their ability to present or to sponsor programs of demonstrable quality and professionalism with significant impact on the community and the state;

b. support quality arts activities which are the result of community-based effort and planning;

c. support individual artists in their creative work;

d. promote consideration for the aesthetic quality of the physical environment;

e. initiate arts activities which are statewide in scope and impact;

f. further, the division and council believe that their role is to supplement the resources of existing arts organizations. Grants are not to serve as the primary source of funds for an organization.

2. Goals. The council and division have adopted the following goals as appropriate means of achieving the ends set forth in their philosophy of assistance:

a. provide access to quality arts experiences to the people of Louisiana;

b. promote a variety of artistic activities within the state and make the arts available to every segment of the population;

c. assure the equitable distribution of grants to all of the arts and to all areas of the state;

d. encourage private-sector support of arts activities so as to enable the arts and artists to flourish;

e. develop partnerships between state and local arts agencies as these bodies determine arts policy and implement projects;

f. emphasize the importance of the arts as an integral part of basic education;

g. aid in the identification, conservation, and presentation of Louisiana folk culture;

h. promote professionalism in the arts.

3. Each of the goals established by the council and division is important to the state and its citizens.

E. Advisory Panels

1. The council and division have established advisory panels to assist in administering arts grant programs. Panelists are experienced artists, arts administrators, and other professionals knowledgeable in the arts, and are recommended by individuals, organizations, and division staff. The council approves panelists selected by the division to represent all geographic areas and differing aesthetic and cultural perspectives. Appointments are for one year and may be extended to no more than three consecutive years. Contact the division for instructions on nominating panelists.

2. The specific functions of advisory panels are:

a. to advise the council and division concerning the appropriateness of levels of support requested in grant applications;

b. to provide ratings relative to the artistic and administrative merit of proposed projects; and

c. to evaluate the work of applicants for fellowships.

3. Panels review proposals in the following areas: dance, design arts, folklife, literature, media, interdiscipline, music, theatre, visual arts and crafts, arts in education, local arts agencies, and major arts institutions.

AUTHORITY NOTE: Promulgated in accordance with R.S. 25:894 and 25:896.

HISTORICAL NOTE: Promulgated by the Department of Culture, Recreation and Tourism, Office of Cultural Development, Division of the Arts, LR 7:625 (December 1981), amended LR 8:510 (October 1982), LR 9:684 (October 1983), LR 11:341 (April 1985), LR 11:1137 (December 1985), LR 13:740 (December 1987), LR 14:845 (December 1988), LR 15:720 (September 1989), LR 17:1202 (December 1991), LR 18:1115 (October 1992), LR 19:1536 (December 1993).

§305. Guidelines for Applications

A.1. All applications must be postmarked by March 1. The division will not assume responsibility for lost or misdirected mail. Late applications will be ineligible.

2. Applications will be accepted only for arts activities scheduled to begin no earlier than July 1 and end no later than June 30 of the fiscal year for which the application is submitted.

3. Requests for grants must be submitted on current grant application forms, which may not be altered in any way.

4. Application forms are available from your local arts agency or the Division of the Arts from December 1 to March 1.

5. The guidelines on how grants are to be applied for and awarded will be reviewed yearly. The public is encouraged to provide input during the month of June to be considered for the next year's guidelines.

AUTHORITY NOTE: Promulgated in accordance with R.S. 25:894 and 25:896.

HISTORICAL NOTE: Promulgated by the Department of Culture, Recreation and Tourism, Office of Cultural Development, Division of the Arts, LR 7:625 (December 1981), amended LR 8:510 (October 1982), LR 9:684 (October 1983), LR 11:341 (April 1985), LR 11:1137 (December 1985), LR 13:740 (December 1987), LR 14:845 (December 1988), LR 15:723 (September 1989), LR 17:1202 (December 1991), LR 18:1115 (October 1992), LR 19:1536 (December 1993).

Chapter 5. Bylaws for the Louisiana National Register Review Committee

§501. Statement of Purpose

A. The National Historic Preservation Act of 1966 (P.L. 89-665, amended) requires that all nominations to the National Register of Historic Places must first be reviewed and approved by a professional review committee. The members of the committee advise the state historic preservation officer in accordance with National Park Service regulations for the implementation of the National Historic Preservation Act of 1966 (36 CFR Part 60, published in *Federal Register*, Volume 46, Number 220, November 16, 1981, pp. 56183-56213; 36 CFR Part 60.6, Subsection M, and 36 CFR Parts 60.11 and 60.12, published

in *Federal Register*, Volume 48, Number 198, October 12, 1983, pp. 46306-46308; and 36 CFR Part 61, published in *Federal Register*, Volume 49, Number 73, April 13, 1984, pp. 14900-14901). Additional duties and functions of the committee are defined in R.S. 25:901-902 of the Louisiana Revised Statutes of 1950 (Act Number 661 of 1979 and Act 288 of 1980). These bylaws supersede any other rules for the operation of the committee which may previously have been in effect.

AUTHORITY NOTE: Promulgated in accordance with R.S. 25:902.

HISTORICAL NOTE: Promulgated by the Department of Culture, Recreation and Tourism, Office of Cultural Development, Division of Historic Preservation LR 11:683 (July 1985).

§503. Bylaws for the Committee

A. The committee members shall be appointed and shall serve as provided in 36 CFR Part 61 (published in *Federal Register*, Volume 49, Number 73, April 13, 1984, pp. 14900-14901) and R.S. 25:901-902, as amended.

B. The chairman shall be selected annually at the fall meeting by the committee members.

C. The committee members shall also select a vice-chairman annually at the fall meeting. The vice-chairman shall serve as temporary chairman in the chairman's absence. The chairman, or in his absence, the temporary chairman, shall preside over all meetings of the committee.

D. The committee shall meet at least four times a year as provided by R.S. 25:901-902 and at such other times as the chairman or majority of the members deems necessary.

E. The state historic preservation officer and deputy state historic preservation officer shall be nonvoting members of the committee with all other privileges, and the deputy shall serve as secretary to the committee.

F. Committee members shall be reimbursed according to the authorization established in R.S. 25:901-902, if funding permits.

G. All meetings of the committee shall be open to the public and shall be in accordance with all appropriate state and federal laws. *Robert's Rules of Order* will be the final authority on matters of parliamentary procedure.

H. Any six members shall constitute a quorum, and a quorum shall be necessary to conduct committee business. The chairman or temporary chairman shall be included in establishing a quorum.

I. Members must vote in person at scheduled committee meetings.

J. All committee recommendations to the state historic preservation officer shall be viva voce. All motions shall carry by a majority of those present ignoring abstentions or blanks.

K. A member shall recuse himself from voting on any property in which he has a vested interest or an interest from which he or his family could derive economic benefits.

L. Members shall comply with all federal and state laws on ethics, conflicts or interest and dual office holding.

M. The committee may consider a citizen sponsored nomination which has not received staff review by two-thirds vote provided notification requirements have been observed.

N. In cases where the state historic preservation officer and the committee disagree on the National Register eligibility of a particular property, the state historic preservation officer may send nomination papers to the keeper of the National Register for a final ruling, as per 36 CFR Part 60.6 (published in *Federal Register*, Volume 46, Number 220, November 16, 1981, pp. 56189-56192), and 36 CFR Part 60.6, Subsection M, and Part 60.11 and 60.12 (published in *Federal Register*, Volume 48, Number 198, October 12, 1983, pp. 46306-46308).

O. There shall be a sunset limit of three committee hearings for each nomination. This provision may be waived by a two-thirds vote of the members.

P. In instances where the state has refused to nominate a particular property to the National Register, the applicant may appeal to the keeper of the National Register in accordance with 36 CFR Part 60.6, Subsection M and Part 60.11 and 60.12 (published in *Federal Register*, Volume 48, Number 198, October 12, 1983, pp. 46306-46308).

AUTHORITY NOTE: Promulgated in accordance with R.S. 25:902.

HISTORICAL NOTE: Promulgated by the Department of Culture, Recreation and Tourism, Office of Cultural Development, Division of Historic Preservation, LR 11:683 (July 1985).

Chapter 7. Division of Black Culture

§701. Purpose

A. This program is designed to provide financial, referral and/or technical assistance to Louisiana residents for the promotion and development of Louisiana black culture in accordance with Act 769 of 1954.

AUTHORITY NOTE: Promulgated in accordance with R.S. 25:831-838 and R.S. 36:209.

HISTORICAL NOTE: Promulgated by the Department of Culture, Recreation and Tourism, Office of Cultural Development, LR 12:88 (February 1986).

§703. Funding Amount

A. Generally, the maximum amount of a grant award is $5,000; however, the commission reserves the right to fund proposals in excess of that amount.

AUTHORITY NOTE: Promulgated in accordance with R.S. 25:831-838 and R.S. 36:209.

HISTORICAL NOTE: Promulgated by the Department of Culture, Recreation and Tourism, Office of Cultural Development, LR 12:88 (February 1986).

§705. Eligibility

A. Organizations requesting funding to conduct a black culture program or project must be certified as tax-exempt under 501(c)(3) of the IRS Code; sponsored by a 501(c)(3)

tax-exempt organization; or be certified by the state of Louisiana as a Chapter II nonprofit organization and have the representation of a practicing attorney for the completion of expenses form. A copy of IRS determination letter of nonprofit status certificate from the Louisiana Secretary of State must accompany your application.

AUTHORITY NOTE: Promulgated in accordance with R.S. 25:831-838 and R.S. 36:209.
HISTORICAL NOTE: Promulgated by the Department of Culture, Recreation and Tourism, Office of Cultural Development, LR 12:88 (February 1986).

§707. Matching Requirements

A. All grants must be matched dollar-for-dollar in cash and/or in-kind donations.

AUTHORITY NOTE: Promulgated in accordance with R.S. 25:831-838 and R.S. 36:209.
HISTORICAL NOTE: Promulgated by the Department of Culture, Recreation and Tourism, Office of Cultural Development, LR 12:88 (February 1986).

§709. Limitations

A. Only one program/project per organization per state fiscal year may be funded. All programs/projects must be implemented and completed no later than June 30, 1986. Grant funds may not be used for costs related to hospitality (i.e., food, beverages, banquets, receptions, etc.).

AUTHORITY NOTE: Promulgated in accordance with R.S. 25:831-838 and R.S. 36:209.
HISTORICAL NOTE: Promulgated by the Department of Culture, Recreation and Tourism, Office of Cultural Development, LR 12:88 (February 1986).

§711. How to Apply

A. Request application in writing from the Division of Black Culture, Post Office Box 44247, Baton Rouge, LA 70804. Due Date: All applications due in the office of the division by 4:30 p.m. on October 30, annually.

AUTHORITY NOTE: Promulgated in accordance with R.S. 25:831-838 and R.S. 36:209.
HISTORICAL NOTE: Promulgated by the Department of Culture, Recreation and Tourism, Office of Cultural Development, LR 12:88 (February 1986).

§713. Evaluation Criteria

A. The program/project should fulfill some specific, identified community need and should be justified in the description of the proposed project.

B. The program project should be designed to have its primary focus on the cultural development of blacks. Programs developed on various themes regarding Louisiana blacks are preferred.

C. The program/project must be accessible to the general public.

D. Applications will be reviewed in the following areas: program/project need, community involvement and plans/implementation of program/project.

E. Completeness of application and appropriateness of proposed budget.

AUTHORITY NOTE: Promulgated in accordance with R.S. 25:831-838 and R.S. 36:209.
HISTORICAL NOTE: Promulgated by the Department of Culture, Recreation and Tourism, Office of Cultural Development, LR 12:88 (February 1986).

§715. Grant Award Notification

A. The Louisiana Black Culture Commission will determine recipients at its first meeting following the deadline. Recipients will be notified no later than 90 days after deadline.

AUTHORITY NOTE: Promulgated in accordance with R.S. 25:831-838 and R.S. 36:209.
HISTORICAL NOTE: Promulgated by the Department of Culture, Recreation and Tourism, Office of Cultural Development, LR 12:88 (February 1986).

§717. Reporting Requirements

A. Grantee must submit a final report which includes a complete financial statement reflecting actual income and expenditures of the program/project.

B. Grantee must submit a written statement evaluating the project.

C. Grantee must submit a copy of printed program which includes credit as follows: This program/project funded (or funded in part) by the Louisiana Black Culture Commission/Division of Black Culture, Office of Cultural Development, Department of Culture, Recreation and Tourism.

D. Copies of promotional material, media announcements/articles, programs and black and white photographs of program/project must be included in the final report.

E. The final report must be prepared by the recipient and submitted to the Division of Black Culture, no later than 30 days following completion of the funded project.

F. Members of the Louisiana Black Culture Commission and the staff of the Division of Black Culture shall be permitted to attend programs funded through the Division of Black Culture, free of charge, for review purposes.

G. Grantee must submit black culture survey forms.

AUTHORITY NOTE: Promulgated in accordance with R.S. 25:831-838 and R.S. 36:209.
HISTORICAL NOTE: Promulgated by the Department of Culture, Recreation and Tourism, Office of Cultural Development, LR 12:88 (February 1986).

Chapter 9. Divisions of Archaeology and of Historic Preservation

§901. Generally

A. The following rules governing the State Capitol Historic District, pursuant to Act Number 650 of the 1979 Louisiana Legislature, are hereby adopted.

AUTHORITY NOTE: Promulgated in accordance with R.S. 25:781-85 and R.S. 36:208(E).

HISTORICAL NOTE: Promulgated by the Department of Culture, Recreation and Tourism, Office of Program Development, LR 6:107 (March 1980).

§903. Interpretation of Provisions of Act Number 650 of the 1979 Louisiana Legislature

A. Existing Structures within the State Capitol Historic District. All alterations, additions or renovations, both interior and exterior, shall be determined in the professional judgment of the Divisions of Archaeology and Historic Preservation to be in conformance with the recommendations published in *The Secretary of the Interior's Standards for Historic Preservation Projects with Guidelines for Applying the Standards* before a certificate of appropriateness can be issued.

B. New Structures or New Construction within the State Capitol Historic District. All plans for the exterior of new structures or for the exterior of new construction of any type must be determined, in the professional judgment of the Division of Historic Preservation, to be compatible with and sympathetic to the historic and cultural character of the district, before a certificate of appropriateness can be issued.

C. Landscaping within the District. All and any alteration to the existing grounds of the district must be found in the professional judgment of the Divisions of Archaeology and Historic Preservation, to be compatible with, and sympathetic to the historic and cultural character of the district, before a certificate of appropriateness can be issued.

D. Furnishings, Furniture and Art Objects of Historic Significance located within the District. All interior furnishings, furniture and art objects of historic significance must be found, in the professional judgment of the Division of Historic Preservation, to be used, repaired, restored, or altered in sympathy to each item's artistic, historic, or cultural integrity and value. Standard and current professional reference works will be used by the Division of Historic Preservation to make recommendations and decisions before a certificate of appropriateness can be issued.

E. Archaeology within the District. All or any excavation or moving of earth, rock or subsoil or rearrangement of the grounds within the district shall be done in a manner which, in the professional judgment of the Division of Archaeology, is compatible with and sympathetic to a policy of preservation of historical and archaeological cultural resources before a certificate of appropriateness can be issued.

AUTHORITY NOTE: Promulgated in accordance with R.S. 25:781-85 and R.S. 36:208(E).

HISTORICAL NOTE: Promulgated by the Department of Culture, Recreation and Tourism, Office of Program Development, LR 6:107 (March 1980).

§905. Procedure

A. All applications for a certificate of appropriateness shall be due in the Office of Cultural Development, P.O. Box 44247, Baton Rouge, LA 70804, (225) 342-8200, on or before the tenth day of each month, or the preceding working day if the tenth falls on a weekend or holiday.

B. Notices of public hearings as required by R.S. 25:785(C) shall appear in the official journal of the state of Louisiana on the last Wednesday of every month.

C. The public hearings required by R.S. 25:785(C) shall be held on the first Wednesday of every month.

D. The decisions on the applications submitted to the Office of Cultural Development shall be rendered within 14 days of the date of the hearing at which the application has been reviewed, as required by R.S. 25:785(D).

AUTHORITY NOTE: Promulgated in accordance with R.S. 25:781-85 and R.S. 36:208(E).

HISTORICAL NOTE: Promulgated by the Department of Culture, Recreation and Tourism, Office of Program Development, LR 6:107 (March 1980).

§907. Applications and Requirements

A. The following items shall be provided to the Divisions of Archaeology and Historic Preservation as part of the application:

1.a. building exteriors and landscaping:

i. blue-line drawings;

ii. elevations;

iii. plans and specifications;

iv. complete, written description of the project;

v. location within the district.

b. This provision applies to existing historic structures and sites within the district and in addition to any new construction in the district.

2. building interiors of historic structures and furnishings, furniture and art objects of historic significance within the district:

a. blue-line drawings of alterations if available;

b. complete, written description of project to be undertaken with the area or the furnishings, furniture or art objects to be redesigned, renovated or altered clearly stated;

c. current photographs of affected features.

AUTHORITY NOTE: Promulgated in accordance with R.S. 25:781-85 and R.S. 36:208(E).

HISTORICAL NOTE: Promulgated by the Department of Culture, Recreation and Tourism, Office of Program Development, LR 6:107 (March 1980).

Chapter 11. Cultural Districts

§1101. Purpose and Authority

A. This Chapter sets forth the standards and procedures for the creation and management of cultural products districts, also called cultural districts, which may be used by local governing authorities as a mechanism for community revitalization through the creation of hubs of cultural activity.

B. These regulations are adopted pursuant to Act 298 of the 2007 Regular Session of the Louisiana Legislature

AUTHORITY NOTE: Promulgated in accordance with Act 298 of the 2007 Regular Session of the Louisiana Legislature.
HISTORICAL NOTE: Promulgated by the Department of Culture, Recreation and Tourism, Office of Cultural Development, LR 34:599 (April 2008).

§1103. Definitions

A. The following definitions shall apply for purposes of this Chapter, unless specifically defined otherwise.

Assistant Secretary—the Assistant Secretary of the Office of Cultural Development, Department of Culture, Recreation and Tourism.

Cultural Products District or C*ultural District*—an area designated by a local governing authority and certified by the Department of Culture, Recreation and Tourism in accordance with the statutory and regulatory procedures, standards, and criteria pertaining to such districts, which district shall be created for the purpose of revitalizing a community by creating a hub of cultural activity.

Department—the Department of Culture, Recreation and Tourism.

Local Governing Authority—the governing authority of the parish in which the Cultural District is located unless the district is located within a municipality, in which case "local governing authority" shall mean the governing authority of the municipality. If the district is located partly in a municipality, "local governing authority" shall mean the governing authority of the parish and the governing authority of the municipality.

Secretary—the Secretary of the Department of Culture, Recreation and Tourism.

AUTHORITY NOTE: Promulgated in accordance with Act 298 of the 2007 Regular Session of the Louisiana Legislature.
HISTORICAL NOTE: Promulgated by the Department of Culture, Recreation and Tourism, Office of Cultural Development, LR 34:599 (April 2008), amended LR 36:469 (March 2010).

§1105. Application

A. A local governing authority may submit to the department an application to designate and certify a specified geographic area as a cultural district.

B. Applications shall be submitted in accordance with the timetable and in the format provided by department policy.

C. If the department, acting through the assistant secretary, deems the application incomplete or requires additional information, the department shall notify the local governing authority through its designated contact, and in such notice, the department shall specify the deficiencies and/or information required to complete the application.

1. If the local governing authority is notified of a deficiency in the application or additional information is requested, the local governing authority shall remedy the deficiency or provide the requested information by the date specified in the notice of deficiency.

2. If the local governing authority does not remedy the deficiency or provide the requested information by the date specified in the notice of deficiency, the application will be deemed incomplete and will not be reviewed further.

AUTHORITY NOTE: Promulgated in accordance with Act 298 of the 2007 Regular Session of the Louisiana Legislature.
HISTORICAL NOTE: Promulgated by the Department of Culture, Recreation and Tourism, Office of Cultural Development, LR 34:599 (April 2008), amended LR 36:469 (March 2010).

§1107. Criteria

A. The assistant secretary shall evaluate the proposed cultural district to determine whether it meets the mandatory criteria set forth in R.S. 47:305.57.

B. If the proposed district meets the mandatory criteria, the assistant secretary shall then evaluate the potential of the proposed cultural district to accomplish the following purposes:

1. revitalize a neighborhood or area;

2. stimulate the economy;

3. engage residents;

4. draw tourists;

5. provide a sense of community;

6. serve as a gathering place;

7. encourage creativity;

8. strengthen community partnerships;

9. promote the arts and support artists;

10. develop a positive image for the area;

11. enhance property values; and

12. capitalize on local cultural, economic and social assets.

AUTHORITY NOTE: Promulgated in accordance with Act 298 of the 2007 Regular Session of the Louisiana Legislature.
HISTORICAL NOTE: Promulgated by the Department of Culture, Recreation and Tourism, Office of Cultural Development, LR 34:599 (April 2008), amended LR 36:469 (March 2010).

§1109. Determination and Appeals

A. The department, through the assistant secretary, will notify the local governing authority in writing whether the proposed cultural district has been certified as proposed, has been certified with amendments, or has been returned with no action.

B. The effective date of the certification shall be the date specified in the final written notice of approval.

C. Within 30 days of the local governing authority's receipt of the decision of the department, the local governing authority may submit a request for administrative review to the secretary. A request for administrative review shall include the following:

1. identification of the decision to which the request pertains;

2. a statement of the decision sought;

3. a statement of the facts and reasons upon which such relief is requested; and

4. the name and address to which the department will send all communications regarding the request.

D. The effective date for determining whether qualifying rehabilitation expenses may be eligible for historic tax credits shall be governed by the federal, state laws, rules and polices of the historic tax credit programs administered by the Division of Historic Preservation.

AUTHORITY NOTE: Promulgated in accordance with Act 298 of the 2007 Regular Session of the Louisiana Legislature.

HISTORICAL NOTE: Promulgated by the Department of Culture, Recreation and Tourism, Office of Cultural Development, LR 34:600 (April 2008), amended LR 36:469 (March 2010).

§1111. Reporting Requirements

A. By January 31 of each year, the local governing authority shall prepare and submit to the department an annual report on the impact of the certified cultural district with regard to the purposes of the creation of a cultural district. This reporting requirement begins at least one full year after certification.

B. The local governing authority shall submit the annual report in the format set forth by the department.

C. The annual report shall reflect the activity of the prior calendar year.

D. The annual report shall also include cumulative data reflecting activity since the date of the creation of the cultural district.

E. The report shall include information that describes the impact of the tax exemption programs, the tax credit programs, and any other factors that describe the impact of the cultural district on the community, which information shall include but is not limited to:

1. the number, value, and type of historic rehabilitation tax credits applied for;

2. the number, value, and type of historic rehabilitation tax credits awarded;

3. the value of investment in the district through rehabilitation projects or other projects;

4. the number of occupied buildings and use of those buildings;

5. the number of vacant buildings;

6. the sales tax revenue generated in the district;

7. the amount of sales tax exemptions claimed for sales of original, one of a kind works of art; and

8. any other evidence of the level of cultural activity in the district, including the number of cultural events and attendance at each.

F. If the local governing authority fails to submit the annual report timely, the department shall report such failure to the House Committee on Ways and Means, the Senate Committee on Revenue and Fiscal Affairs, and the local legislators in whose legislative districts the cultural district is located.

G. If the local governing authority fails to submit the annual report, the department may revoke certification of the cultural district using the procedure set forth in Section 1119. Such revocation shall not become effective less than one year from the date the department issues the notice of failure to the local governing authority.

AUTHORITY NOTE: Promulgated in accordance with Act 298 of the 2007 Regular Session of the Louisiana Legislature.

HISTORICAL NOTE: Promulgated by the Department of Culture, Recreation and Tourism, Office of Cultural Development, LR 34:600 (April 2008), amended LR 36:470 (March 2010).

§1113. Sales Tax Exemption

A. Effective on the first day of the month following certification of the cultural district, sales and use taxes imposed by the state of Louisiana or any of its political subdivisions shall not apply to the sale of original, one-of-a-kind works of art from an established location within the boundaries of a cultural district.

B. An established location shall be any location within the boundaries of the cultural district, and may include, at the discretion of the local governing authority, events and activities authorized by the local governing authority held in temporary locations such as markets, fairs, and festivals.

C. Vendors of original, one-of-a-kind works of art should register with the department in order to receive regular communication from the office of cultural development and the Department of Revenue on rulings, guidelines, and advice regarding the implementation of this provision. If a vendor meets the definition of a dealer as provided in R.S. 47:301(4), then the vendor must register with the Department of Revenue as provided by law.

D. Vendors shall certify and document the tax-exempt sale of original, one-of-a-kind works of art in the format prescribed by the Department of Revenue, and shall include the following:

1. a description of the work of art including its medium and dimensions, the name of the artist, its date of creation, and the name, contact information, and qualifications of the person vouching for this information; and

2. a statement by the vendor certifying that to the best of his knowledge the work of art meets the definition of a tax-exempt work of art.

E. The certificates and documents described above shall be retained by the vendor for purposes of audit. Vendors may provide to the purchaser documentation in the form of an exemption certificate certifying the purchase of an original, one-of-a-kind work of art.

F. Vendors shall retain copies of said certificates and documents for inspection by the Department of Revenue and local taxing authorities, and may submit copies of said certificates and documentation to the local governing authority and the department on an annual basis, by January 1, for the activity of the preceding year.

G. Prior to the sale, vendors may seek advance advisory opinions from the department, acting through the office of cultural development, to determine whether a specific work of art meets the definition of a tax-exempt work of art.

H. After the sale and upon request of any taxing authority, the office of cultural development, may issue rulings on whether a specific work of art meets the definition of a tax-exempt work of art.

I.1. A work of art is tax exempt if it is sold from an established location within a cultural district and it is:

a. original;

b. one-of-kind, except as further defined in Paragraph 2 below;

c. visual art;

d. conceived and made by hand of the artist or under his direction; and

e. not intended for mass production.

2. Examples of eligible media and products include:

a. visual arts and crafts, including but not limited to drawing, painting, sculpture, clay, ceramics, fiber, glass, leather, metal, paper, wood, or mixed media, installation art, light sculpture, digital sculpture, and wearable art; and

b. limited, numbered editions (up to 100) of lithographs, photography, silk screen, intaglios, etchings, and graphic design.

3. Examples of ineligible media and products include:

a. performing art;

b. food products;

c. live plants, such as bonsai trees, floral arrangements, wreaths, and garland;

d. music recordings; and

e. reproductions.

J. If an audit reveals that sales tax was not collected properly on a work of art, the vendor or purchaser shall remit the amount of the uncollected tax to the proper taxing authorities, along with any penalties or fees. This provision does not affect the assessment and collection procedures undertaken by the Department of Revenue.

AUTHORITY NOTE: Promulgated in accordance with Act 298 of the 2007 Regular Session of the Louisiana Legislature.

HISTORICAL NOTE: Promulgated by the Department of Culture, Recreation and Tourism, Office of Cultural Development, LR 34:600 (April 2008), amended LR 36:470 (March 2010).

§1115. Boundaries

A. Following adequate public notice and a period for public comment, a local governing authority may submit to the department an application to amend the boundaries of an established cultural district.

B. Applications shall be submitted in accordance with the timetable and in the format provided by the department, and shall include:

1. identification of the changes from the current to proposed boundaries;

2. a description of the zoning and/or use of the property that would be included or excluded under the proposed boundary change;

3. the reasons for the proposed change;

4. documentation that the public was notified of the proposed boundary change and had an opportunity to respond in writing to support or oppose the change;

5. all letters, statements, surveys or other indicia of support for the boundary change, including a resolution of support by the local governing entity;

6. all letters, statements, surveys or other indicia of opposition to the proposed boundary change, to the extent such are known or should be known to the local governing authority.

C. If the department deems the application incomplete or requires additional information, the department shall notify the local governing authority through its designated contact, and in such notice, the department shall specify the deficiencies and/or information required to complete the application. The local governing authority shall remedy the deficiency as set forth in §1105.

D. The department shall inform the local governing authority whether the proposed boundary change has been approved as proposed or has been returned with no action.

E. Within 30 days of the local governing authority's receipt of the decision of the department, acting through the assistant secretary, the local governing authority may submit a request for administrative review to the secretary by following the procedure outlined in §1109.B.

F. The effective date of the approved boundary change shall be the date specified in the final approval from the department.

AUTHORITY NOTE: Promulgated in accordance with Act 298 of the 2007 Regular Session of the Louisiana Legislature.

HISTORICAL NOTE: Promulgated by the Department of Culture, Recreation and Tourism, Office of Cultural Development, LR 34:601 (April 2008), amended LR 36:470 (March 2010).

§1117. Termination by Local Governing Authority

A. Following adequate public notification and a period for public comment, a local governing authority may terminate the existence of an established cultural district by resolution or ordinance.

B. At a minimum, the local governing authority shall publish notice of its intent to terminate the cultural district in the local newspaper and shall take all necessary and reasonable steps to contact by mail all property owners, tenants, the department, and any other organization or individual who has requested to receive such notices.

C. The notice shall include:

1. identification of the cultural district to be terminated;

2. the reasons for the proposed termination;

3. the name and contact information for the individual to whom the public may submit comments to support or oppose the termination;

4. the date, time, and location of a public hearing, if any;

5. the deadline to receive public comment.

D. The effective date of the termination shall be the date specified in the written notice.

AUTHORITY NOTE: Promulgated in accordance with Act 298 of the 2007 Regular Session of the Louisiana Legislature.

HISTORICAL NOTE: Promulgated by the Department of Culture, Recreation and Tourism, Office of Cultural Development, LR 34:601 (April 2008), amended LR 36:470 (March 2010).

§1119. Termination by the State

A. The department may initiate procedures to revoke certification of a cultural district under the following circumstances:

1. the local governing authority fails to submit the required reports and documentation set forth in this Chapter;

2. the local governing authority fails to submit the required reports and documentation timely, accurately, or completely;

3. the mandatory criteria, goals, or objectives are no longer met;

4. a cost-benefit analysis conducted or approved by the department reveals that the cultural district is no longer in the public interest.

5. the local governing authority fails to implement the tax incentives as prescribed in applicable laws and administrative rules.

B. Following adequate public notification and a period for public comment, the department may proceed with the revocation of certification of a cultural district as follows.

1. The department shall provide the public notice of its intent to revoke certification of the cultural district through advertisement in the local journal and through written notice by mail to the local governing authority through its designated contact.

2. The notice shall set forth the facts that warrant termination, the proposed date of termination, and the procedure by which a member of the public may submit comment, feedback, or opposition.

3. Any person who would be aggrieved by the proposed revocation shall have 60 days to request reconsideration of the revocation, which request shall include documentation or other evidence that revocation is not warranted.

4. The department shall issue its final decision no less than ninety days following its initial notice of intent to revoke certification.

5. The effective date of the revocation shall be the date specified in the written notice of intent.

AUTHORITY NOTE: Promulgated in accordance with Act 298 of the 2007 Regular Session of the Louisiana Legislature.

HISTORICAL NOTE: Promulgated by the Department of Culture, Recreation and Tourism, Office of Cultural Development, LR 34:601 (April 2008), amended LR 36:470 (March 2010).

Chapter 13. State Commercial Tax Credit for Historic Buildings

§1301. Definitions

A. The following definitions shall apply for purposes of this Chapter, unless specifically defined otherwise.

Amendment—any modification to the project, as described in an approved application including, but not limited to, changes in applicant, scope of the project, timeline for completion, changes in financing, the rehabilitation activities or end use.

Annual Credit Reservation Cap—the maximum aggregate total of tax credits that may be reserved in any one calendar year is $125 million. The reservation cap shall apply to projects with Part 2 applications received by the Department of Culture, Recreation and Tourism on or after January 1, 2021.

Applicant—the owner or qualified lessee of a historic building.

Application—the three-part state commercial tax credit for historic buildings application, which consists of: part 1—certification of contributing status; part 2—proposed work description; and, part 3—request for project certification.

Credit Amount—the dollar amount of credit earned.

Division—the Louisiana Division of Historic Preservation.

Eligible Costs and Expenses—the qualified rehabilitation expenditures (QREs) as defined in Section 47c(2)(A) of the Internal Revenue Code of 1986, as amended.

Project—the activities to be undertaken and costs identified as part of an application submitted for a historic preservation tax credit. A project may include more than one building, such as an industrial or agricultural complex, provided there is historical evidence that the buildings functioned together to serve an overall purpose, and all are at

least 50 years old unless also listed individually in the National Register of Historic Places.

Rehabilitation—the process of returning a property to a state of utility, through repair or alteration, which makes possible an efficient contemporary use while preserving those aspects of the building, its site, and environment that are significant to its historic, architectural, and cultural values, as determined by the division.

SHPO—State Historic Preservation Office, comprised of the Divisions of Archaeology and Historic Preservation, within the Department of Culture, Recreation and Tourism.

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:6019.

HISTORICAL NOTE: Promulgated by the Department of Culture, Recreation, and Tourism, Office of Cultural Development, Division of Historic Preservation, LR 40:1679 (September 2014), amended LR 47:1103 (August 2021).

§1303. Fees

A. The Division of Historic Preservation shall charge an application fee for each rehabilitation project that is submitted. Application fees for a single rehabilitation project are as indicated.

Qualified Rehabilitation Expenditures (QREs)	Part 2 Fee, based on estimated QREs	Part 3 Fee, based on actual QREs
Up to $100,000	$250	None
$100,001 - $500,000	$250	1.5% of credit amount, minus Part 2 fee
$500,001 - $1 million	$500	1.5% of credit amount, minus Part 2 fee
$1,000,001 - $3 million	$1000	1.5% of credit amount, minus Part 2 fee
$3,000,001 - $6 million	$2000	1.5% of credit amount, minus Part 2 fee ($15,000 cap)
$6,000,001 - $15 million	$3500	1.5% of credit amount, minus Part 2 fee ($15,000 cap)
$15,000,001 +	$5,000	1.5% of credit amount, minus Part 2 fee ($15,000 cap)

B. A decision will not be issued on an application until the appropriate remittance is received, in a method determined by the division.

C. Fees are nonrefundable.

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:6019.

HISTORICAL NOTE: Promulgated by the Department of Culture, Recreation, and Tourism, Office of Cultural Development, Division of Historic Preservation, LR 40:1679 (September 2014).

§1305. Tax Credit Reservations

A. General Provisions

1. For all projects with Part 2 applications received by the SHPO on or after January 1, 2021, the maximum amount of credits available to be reserved shall not exceed one hundred twenty-five million dollars per calendar year. If the amount of tax credit reservations issued in a calendar year is less than one hundred twenty-five million dollars, the excess reservation amount shall be available for issuance in any subsequent calendar year. If a tax credit reservation is forfeited or rescinded, the forfeited or rescinded reservation amount shall be available for issuance.

2. Reservations of credits shall be first-come first-served based upon the date of approval of a completed reservation application.

3. If the total amount of credit reservations applied for in any calendar year exceeds the amount of tax credits available for reservation that year, the excess shall be treated as having been applied for on the first day of the subsequent calendar year.

4. All reservation applications received on the same business day shall be treated as received at the same time, and if the aggregate amount of the requests received on a single business day exceeds the total amount of available tax credit reservations, tax credits shall be reserved on a pro rata basis.

5. Any rescinded tax credit reservation shall be reallocated and made available to other applicants.

6. The SHPO shall track the cumulative amount of approved tax credit reservations. Applicants may review the amount of tax credit reservations available per any given calendar year on the SHPO's website.

7. Applicants must comply with all other program requirements set forth by the Division. Claims for the credit must also comply with any rules and regulations set forth by the Louisiana Department of Revenue within Title 61 of the Louisiana Administrative Code.

B. Reservation Process

1. Tax credit reservation requests will be accepted beginning July 1, 2021 for the 2021 calendar year, and on the second Monday in January each subsequent year for that year's reservations.

2. Tax credit reservation requests will not be approved prior to the state Part 2 application approval.

a. Projects that are going to be completed in phases may file a tax credit reservation application for the entire project in conjunction with a Part 2 application or may file separate tax credit reservation applications, one for each phase, prior to the project or a particular separate phase being placed in service.

3. A tax credit reservation form required by the SHPO shall contain, at minimum the following:

a. state issued project number;

b. project address;

c. part 2 application approval date;

d. estimated eligible costs and expenses

e. amount of tax credit reservation requested

f. affirmation that project will demonstrate reviewable progress within 24 months of the reservation approval

g. project owner information

h. project owner's signature and the date the form was signed

i. project contact information (if different than the owner)

4. Applications for all projects shall include a reasonably substantiated estimate of the amount of eligible costs and expenses the project expects to incur.

a. For projects which expect to incur at least $500,000 of eligible costs and expenses, such estimate shall be prepared by a Certified Public Accountant.

5.a.The SHPO shall issue reservations of tax credits generally no later than 30 days from the later of:

i. the date properly completed reservation applications were received, or

ii. the date the state Part 2 application is approved.

b. The reservation shall include the amount of credits reserved and the applicable deadlines.

6. Tax credit reservation requests that have been approved by the SHPO will be transmitted to the Louisiana Department of Revenue in a manner that is agreed upon by both agencies.

C. Forfeiture or Rescission of Tax Credit Reservation

1. Tax credit reservations issued pursuant to this Subsection shall be rescinded if the applicant fails to provide to the SHPO sufficient evidence that the project is progressing within 24 months of the date the credit reservation is issued. This evidence may include, but is not limited, an executed tax credit investor letter of intent, final construction drawings, approved building permits, or other evidence that construction has commenced; such examples of evidence are illustrative but are not exclusive. Failure to submit evidence that a project is progressing may result in the rescission of the credit reservation.

2. If, at any time, the SHPO has reason to believe that a project has become inactive or that it is not likely to be able to meet the requirements of the program, SHPO shall contact the applicant by registered or certified mail to request a status report that includes evidence showing the project is progressing. Status reports shall not be requested more than twice during a calendar year and SHPO may waive such status reports at its discretion for extenuating circumstance including, but not limited to, force majeure events.

3. Projects that are denied during the application process by the SHPO shall have the credit reservation rescinded after all appeals have been exhausted.

4. Applicants may forfeit a tax credit reservation by submitting to the SHPO a statement that includes the information contained within the reservation form with a request to rescind the tax credit reservation.

5. The SHPO shall notify the applicant in writing that the tax credit reservation has been forfeited or rescinded.

6. Tax credit reservation requests that have been forfeited or rescinded by the SHPO will be transmitted to the Louisiana Department of Revenue in a manner that is agreed upon by both agencies.

7. Nothing in this section prohibits an applicant whose tax credit reservation has been forfeited or rescinded from submitting a new tax credit reservation.

D. Amendments

1. An applicant may amend an existing application, and amendments will be submitted in accordance with the provisions of this Subsection. Any amendment that does not request an increased or decreased reservation amount shall not modify a previous reservation. Any amendment that decreases a reservation amount shall cause the decreased amount of tax credits to be available for issuance to other applicants. Any amendment requesting an additional reservation amount shall be treated as a new application but shall not modify any previous reservation with respect to such historic structure.

2. Any applications filed on or after January 1, 2021, to amend a Part 2 application that was submitted prior to January 1, 2021, is exempt from credit reservation process.

E. Appeals

1. Applicants may appeal any decisions related to the tax credit reservation process contained within this section to the State Historic Preservation Officer.

2. Appeals must be received by the SHPO no later than 30 calendar days from the date of the decision being appealed. Appeals must detail specific reasons the denial should be partially or completely reconsidered or overturned.

3. The State Historic Preservation Officer shall determine if a hearing if necessary, and if so, the appeal will be scheduled within thirty days of the request.

4. The State Historic Preservation Officer, at his discretion, may hold a hearing in connection with the appeal.

5. Upon review of the appeal and consideration of the hearing, if applicable, the State Historic Preservation Officer shall take one of the following actions:

a. sustain, in full or in part, the denial;

b. overturn, in full or in part, the denial.

6. The State Historic Preservation Officer's final written decision to any appeal must be issued no later than 90 days after receiving the full appeal.

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:6019.

HISTORICAL NOTE: Promulgated by the Department of Culture, Recreation, and Tourism, Office of Cultural Development, LR 47:1103 (August 2021).

Title 25
CULTURAL RESOURCES
Part III. Office of State Museums

Chapter 1. Public Access

§101. Definitions

A. As used in this Part, unless the content clearly provides otherwise, the following terms shall be defined as follows.

Assistant Secretary—the assistant secretary of the Office of the State Museum.

Board—the Board of Directors of the Louisiana State Museum.

DCRT or *Department*—the Department of Culture, Recreation and Tourism.

Demonstration Collection—objects are considered to be expendable and may be used by staff and patrons in the interpretive programs of the OSM.

Louisiana State Museum—a statewide complex of facilities under the management and supervision of the office of the state museum, an agency in the Department of Culture, Recreation and Tourism.

Museum—a single building that is open to the general public within the Louisiana State Museum.

OSM or *Agency*—Office of the State Museum.

Permanent Collection—objects relate directly to the mission of OSM and support its primary goals. These objects are subject to the highest levels of documentation and care.

Study Collection—objects supplement the permanent collection and are maintained in order to support the research and educational functions of the OSM. Included is material that is duplicative or of lesser quality, significance, interest or use than the permanent collection.

AUTHORITY NOTE: Promulgated in accordance with R.S. 25:341 et seq., and R.S. 36:204(A)(3).
HISTORICAL NOTE: Promulgated by the Department of Culture, Recreation, and Tourism, Office of the State Museum, LR 43:1520 (August 2017).

§103. Hours of Operation [Formerly §101]

A. Each museum will be open to the public in accordance with a published schedule established by the agency.

B. The agency is authorized to close museums or sections of museums as necessary.

C. As designated by the agency, there are buildings and sections of buildings under the jurisdiction of the agency that are not open to the general public due to the nature of the building or the nature of the use (e.g., security, collections management and storage, residential use, utilities, office, commercial tenants, etc.).

D. The agency is authorized to open museums on official state holidays provided that affected employees are compensated in accordance with applicable laws and Civil Service rules.

E. Due to staffing and other operational concerns, the agency may turn away a group that has not reserved its visit in advance.

AUTHORITY NOTE: Promulgated in accordance with R.S. 25:342-348.
HISTORICAL NOTE: Promulgated by the Department of Culture, Recreation, and Tourism, Office of the State Museum, LR 11:684 (July 1985), amended LR 43:1520 (August 2017).

§105. Admission Fees

A. Minimum Admission Fees

Building	Location	Standard	Student (7-17), Senior (62+), Active Military	6 Years of Age and Under
Cabildo with Arsenal	New Orleans	$6	$5	Free
Presbytere	New Orleans	$6	$5	Free
Old U.S. Mint	New Orleans	$6	$5	Free
Capitol Park Museum	Baton Rouge	$6	$5	Free
1850 House	New Orleans	$3	$2	Free
Madame John's Legacy	New Orleans	$3	$2	Free
Wedell-Williams Aviation and Cypress Sawmill Museum	Patterson	$3	$2	Free
Louisiana Sports Hall of Fame and Northwest Louisiana History Museum	Natchitoches	$3	$2	Free
E.D. White Historic House	Thibodaux	Free	Free	Free

B. Minimum admission fees do not include applicable taxes, processing fees, and charges for special exhibitions, programs, guided tours, and events.

C. Discounts and Promotional Rates

1. Groups. A 20 percent discount is available for groups of 15 or more visitors who are old enough to require an admission fee and who purchase the admission or arrange the visit with agency in advance.

2. Student Groups. Student groups are admitted to museums free of charge, if:

a. the student group has reserved its visit at least 48 hours in advance of its arrival;

b. the student group is affiliated with a recognized public or private school system or recognized home school organization; and

c. the student group includes at least 1 chaperone per every 10 students as a minimum. Chaperones will be admitted free, up to 1 per every 5 students. Additional chaperones may be required to pay the admission fee.

3. Annual Pass

a. An annual pass, which entitles the bearer to admission to all museums that are open to the public, is $40 per year.

b. The annual pass is valid for one year from the date of issuance.

c. The annual pass is not transferable.

4. Special Promotions

a. The OSM may, through the assistant secretary, enter into an agreement or promotion that discounts or waives admission fees on a defined basis for the purpose of promoting visitation, public support and mission-related activities of the department.

b. A special promotion may include, but is not limited to:

i. free admission for museum support organizations;

ii. promotional coupons such as buy-one-get-one free;

iii. discounts for recurring group visits;

iv. free admission with other museum activity attendance;

v. promotional free days in conjunction with special events, anniversaries, festivals and the like.

c. A special promotion must promote the mission of the OSM or an affiliated entity and must not conflict with any applicable law or regulation.

d. Special promotions will be tracked and evaluated for achievement of the intended purpose. Special promotions will be reviewed and reauthorized annually.

5. Combination Admission. The OSM may agree to participate in programs that entitle a visitor to discounted admission to multiple museums or other attractions, including those that are not a part of the Louisiana State Museum.

D. All fees provided in this section may be adjusted to provide a single, tax and fee-inclusive price for the visitor.

AUTHORITY NOTE: Promulgated in accordance with R.S. 25:341 et seq., and R.S. 36:204(A)(3).

HISTORICAL NOTE: Promulgated by the Department of Culture, Recreation and Tourism, Office of the State Museum, LR 12:89 (February 1986), amended LR 13:82 (February 1987), LR 20:784 (July 1994), LR 24:2235 (December 1998), LR 30:1057 (May 2005), LR 43:1520 (August 2017).

§107. Building Use Policy for Events [Formerly §103]

A. The Louisiana State Museum is an historical, cultural, and educational institution whose primary purpose shall be to collect, preserve, and present, as an educational resource, objects of art, documents, artifacts, and the like that reflect the history, art, and culture of Louisiana.

B. Use of the Louisiana State Museum facilities for functions and events may be permitted only insofar as such use does not compromise or put at risk the mission, accreditation, or integrity of the Louisiana State Museum and its collections and such use comports with applicable law and the regulations set forth herein.

C. Certain buildings and spaces within buildings in the Louisiana State Museum may be designated as being unavailable for functions and events.

D. The agency is authorized to determine whether the proposed use, user, and museum or space within a museum meet the eligibility criteria for the agency's building rental policy for events and whether the request complies with the procedures and requirements set forth in this chapter and applicable laws.

E. Procedure

1. Eligible Users. Requests for the use of a Louisiana State Museum building or space thereof for an event or function will be considered from:

a. nonprofit organizations with purposes similar to the educational and historical museum purposes of the agency;

b. governmental agencies for governmental purposes or events;

c. groups, persons, or companies whose proposed use is, in the opinion of the assistant secretary, not in conflict with the purposes of the agency.

2. Eligible Use. Requests will be considered from eligible organizations, agencies, groups, persons, and companies only for use that does not compromise or put at risk the mission, accreditation, or integrity of the Louisiana State Museum and its collections. Such use generally falls into one of two types of events or functions:

a. receptions and sit-down meals, which must occur when the museum is closed to the public; or

b. business meetings and lectures, which may occur when the museum is open to the public.

3. Capacity. Requests shall state the reasonably anticipated attendance at the event, which attendance shall not exceed the maximum building capacity of the museum as established by the fire marshal.

4. All requests must be submitted in writing (at least 30 days prior to the date of the event is preferred) to allow for proper planning, coordination, and completion of all required paperwork, including but not limited to the required written event agreement.

5. The agency may deny an application if:

a. the applicant does not meet the eligibility criteria;

b. the applicant has requested to use a museum or space within a museum that is unavailable for use as a venue for an event or function;

c. the proposed use exceeds the capacity of the museum or space within the museum;

d. the proposed use may put the museum, its collections, or accreditation at risk;

e. the agency does not have sufficient staff or resources to support the proposed use;

f. the application is incomplete or is not submitted timely;

g. the proposed use will interfere with the exhibitions or other programs or activities of the museum;

h. the event agreement is not executed timely; or

i. the applicant fails to remit the deposit or other amounts when due and payable, fails to present certificates of insurance if required, or otherwise fails to comply with the terms of the event agreement.

F. Terms of Use—Event Agreement

1. The terms of use for the event will be established fully in a written agreement between the agency and the host or a legally authorized representative of the host. The event agreement should be completed and executed by both parties at least 30 days prior to the date of the use.

2. The event agreement is specific to the building and the approved use. Terms shall include, but are not limited to:

a. the agency will not remove collections or exhibition items to accommodate the event;

b. smoking and open flames are prohibited;

c. the host is responsible for choosing and making its own arrangements with caterers and vendors. However, the agency reserves the right to reject caterers and vendors that do not comply with the agency's instructions;

d. the host is responsible for its own parking arrangements staff, contractors, or guests;

e. the host is responsible for arrangements for tables, chairs, audio-visual and other equipment, which must be approved in advance by the agency. At some museums, such equipment may be available at an additional charge;

f. the host shall designate an authorized representative to be present for the entire duration of the use. The representative must have decision-making authority to act on behalf of the host. The representative will be responsible for all coordination with the agency.

AUTHORITY NOTE: Promulgated in accordance with R.S. 25:341 et seq., and R.S. 36:204(A)(3).

HISTORICAL NOTE: Promulgated by the Department of Culture, Recreation and Tourism, Office of State Museums, LR 11:683 (July 1985), amended LR 13:83 (February 1987), LR 16:295 (April 1990), LR 20:783 (July 1994), LR 24:2233 (December 1998), LR 31:1055 (May 2005), LR 43:1521 (August 2017).

§109. Building Use Agreement and Charges for Events [Formerly §103]

A. Event Rental Fees and Costs. The written event agreement will designate the authorized museum space and time for the approved use and shall specify applicable costs and fees. The event fees include:

1. a base service charge, which is established based on the agency's cost of standard security, custodial, utilities, and administrative support required to service previous functions of a similar size and type;

2. a donation, which is a gift to a designated fund in the Louisiana Museum Foundation or another OSM-designated nonprofit organization whose primary purpose is to support the mission of the OSM, which fund is designated for OSM use for endowment, education, exhibits, acquisition, publications, conservation and building function support purposes;

3. additional charges based on the nature of the requested use and/or additional requirements as agreed upon. Such additional charges will be included in the written event agreement and may relate to fees and/or required donations;

4. additional charges for use that requires the closing of any portion of the museum prior to its normal closing time in the amount of $250 per hour plus applicable fees and donation for the period closed during public hours;

5. additional charges imposed if, after the completion of the event, actual use exceeded the authorized use; e.g., the actual number of persons in attendance exceeded the planned number or the time and space used were greater than planned;

6. additional charges imposed if, after the completion of the event, there are any repairs necessary to the museum building, grounds, collections, property, or exhibitions that are the result of the use;

7. additional charges will be in addition to all other charges and fees and will be payable by the host to the OSM immediately upon notification.

B. A deposit of not less than 50 percent of the total indicated in the written agreement will be paid by the host to the OSM at least 30 days prior to the date of the use. The balance and any additional charges required will be payable upon billing by the OSM, at the time of or following the use.

AUTHORITY NOTE: Promulgated in accordance with R.S. 25:341 et seq., and R.S. 36:204(A)(3).

HISTORICAL NOTE: Promulgated by the Department of Culture, Recreation and Tourism, Office of the State Museums, LR 11:683 (July 1985), amended LR 13:83 (February 1987), LR 16:295 (April 1990), LR 20:783 (July 1994), LR 24:2233 (December 1998), LR 31:1055 (May 2005), LR 43:1522 (August 2017).

§111. Building Use Fee Schedule for Events [Formerly §103]

A. Base Service Charge Fees—All Buildings

1. Business meetings and lectures

a. In New Orleans and Baton Rouge, maximum 200 persons.

Guests	First Hour	Each Additional Hour
1-100	$500	$150
101-200	$750	$200

b. In Natchitoches, Patterson and Thibodaux, maximum 200 persons.

Guests	First Hour	Each Additional Hour
1-100	$200	$100
101-200	$250	$150

c. An additional cleaning and repair fee of $200 during public hours and $300 during non-public hours will be charged for costs involved in preparation and post-function requirements.

2. Receptions and Similar Functions. Minimum requirement will be one hour plus set-up and cleaning.

a. In New Orleans and Baton Rouge

Guests	First Hour	Each Additional Hour
1-200	$700	$200
201-300	$800	$250
301-500	$900	$300
501+	$1,000	$350

b. In Natchitoches, Patterson and Thibodaux

Guests	First Hour	Each Additional Hour
1-200	$200	$150
201-300	$250	$200
301+	$300	$250

c. An additional cleaning repair fee of $300 will be charged for costs involved in preparation and post-function responsibilities.

3. Sit-Down Meals. Seated meals with wait staff will be charged an additional $200 per hour.

a. An additional cleaning repair fee of $500 will be charged for costs involved in preparation and post-function requirements.

b. All sit-down dinners must be catered to include waiters serving dinners to each table. The ratio of waiters to diners must be at least 1 to 10.

B. The agency may only waive the base service charge fees for use by the agency, department, or use by an entity that is cooperating with the agency on an endeavor that fulfills a public purpose that comports with the agency's purposes.

C. Donation. Donations will be in accordance with the following schedule.

Location	Building	Rate (per hr.)
Baton Rouge	Museum	$1,000
New Orleans	Cabildo	$1,000
New Orleans	Presbytere	$1,000
New Orleans	Old U.S. Mint	$1,000
New Orleans	Arsenal	$500
New Orleans	Mme. John's Legacy	$500
Patterson	Museum	$200
Natchitoches	Museum	$350
Thibodaux	Historical Site with Grounds	$200

NOTE: Time will be rounded to the next quarter hour for determination of donation requirements.

D. The agency may only waive all or part of the donation portion when he determines that to do so would be in the best interest of the OSM.

AUTHORITY NOTE: Promulgated in accordance with R.S. 25:341 et seq., and R.S. 36:204(A)(3).

HISTORICAL NOTE: Promulgated by the Department of Culture, Recreation and Tourism, Office of the State Museums, LR 11:683 (July 1985), amended LR 13:83 (February 1987), LR 16:295 (April 1990), LR 20:783 (July 1994), LR 24:2233 (December 1998), LR 31:1055 (May 2005), LR 43:1522 (August 2017).

Chapter 5. Small Museum Matching Grant Program in the State Museum

§501. Policy for Administration of the Program

A. A small museum matching grant program was established within the Louisiana State Museum by Section 15 of Act 19, the General Appropriations Act of 1998, Regular Session.

B. This program is limited annually to only those funds appropriated by the legislature within the state museum budget which are specifically included for this grant program and are so designated for that purpose.

AUTHORITY NOTE: Promulgated in accordance with R.S. 25:342.

HISTORICAL NOTE: Promulgated by the Department of Culture, Recreation and Tourism, Office of State Museum, LR 25:236 (February 1999).

§503. Eligibility Requirements

A. Small museums throughout the state of Louisiana may apply for a grant based on a one-to-one match in accordance with the guidelines below.

1. Eligibility is restricted to museums with documented total annual operating budgets of less than $100,000 from all sources of income.

2. Eligible museums must be open to the public a minimum of 20 hours per week, have a permanent staff operating the museum, and have collections and/or offer exhibitions that pertain to Louisiana culture, heritage and history.

3. Grants will be limited to not more than $40,000 per museum per year.

4. Each recipient must match the grant from the state on a one-to-one basis, although documented and measurable in-kind services may be substituted for cash.

5. Such grants may not be used for operating support but are limited to care of collections, educational programs, or exhibits.

6. No museum may be eligible for an additional grant until all reporting/accounting and other requirements for a previous state grant have been successfully completed and submitted.

7. Only one grant per parish may be awarded annually through this program.

8. State-operated museums are not eligible for this program.

AUTHORITY NOTE: Promulgated in accordance with R.S. 25:342.

HISTORICAL NOTE: Promulgated by the Department of Culture, Recreation and Tourism, Office of State Museum, LR 25:236 (February 1999).

§505. General Guidelines

A. The program year will be the state's fiscal year for the purposes of appropriations by the legislature for the program.

B. Small museums receiving grants will have one year from the date of the award to complete their program and submit a final report.

C. Grant recipients must comply with all state laws, rules and requirements for expenditure of state-provided funds.

D. The initial application will fully describe the program, its objectives, performance indicators to measure the success of the program, and a complete breakdown of the funds required, how they are to be used, and the one-to-one match in cash or in-kind services. The application must show how the program relates to care of collections, educational programs, and/or exhibitions, and explain the benefits to the people of Louisiana.

E. Each grant recipient will submit quarterly reports which outline their compliance with the program as submitted and to applicable state laws, rules and requirements regarding accountability of state funds.

F. Each program must be completed within one year of the date of the grant award. A final report will be submitted to the Department of Culture, Recreation and Tourism, Office of Management and Finance, citing program success as measured against the initial performance indicator projections. A copy of all reports must be provided to the state museum.

G. Museums failing to comply with these grant guidelines will be ineligible for additional grants.

H. The State Museum Statewide Curator will visit with and assist each grant recipient during their grant cycle.

I. The Department of Culture, Recreation and Tourism, Office of Management and Finance shall have oversight responsibility to ensure fiscal reliability and that all guidelines and state requirements are met.

AUTHORITY NOTE: Promulgated in accordance with R.S. 25:342.

HISTORICAL NOTE: Promulgated by the Department of Culture, Recreation and Tourism, Office of State Museum, LR 25:237 (February 1999).

Title 25
CULTURAL RESOURCES
Part V. Office of Tourism

Chapter 1. Guidelines for Act 455 Matching Funds Program

§101. Purpose

A. The Act 455 Matching Funds Program is designed to support and enhance the advertising and promotional endeavors of the Louisiana Tourism Industry.

AUTHORITY NOTE: Promulgated in accordance with R.S. 51:1252-1276.
HISTORICAL NOTE: Promulgated by the Department of Culture, Recreation and Tourism, Office of Tourism, LR 12:13 (January 1986).

§103. Eligibility

A. Organization Eligibility. Any organization that is legally domiciled in Louisiana and qualifies because:

1. it is a nonprofit organization in possession of a determination letter from the Internal Revenue Service (IRS) declaring the organization exempt from federal income tax under Section 501(c) of the Internal Revenue Code. Applicant organizations are required to submit a copy of their IRS determination letter with their application if not filed with the Office of Tourism since July 1, 1985;

2. it is an agency of local, parish or state government, such as municipal governmental units and parish police juries;

3. it is an applicant that can show proof of having matching funds dedicated. Such documentation shall be attached to the application.

B. Project Eligibility. An organization's project is eligible if:

1. the project's purpose is to advertise and promote tourism in Louisiana;

2. the tourism project takes place between July 1 of the year the application is submitted and June 30 of the next calendar year.

AUTHORITY NOTE: Promulgated in accordance with R.S. 51:1252-1276.
HISTORICAL NOTE: Promulgated by the Department of Culture, Recreation and Tourism, Office of Tourism, LR 12:13 (January 1986).

§105. Matching Requirements

A. All grants are to be matched on a dollar-for-dollar cash basis. No in-kind services may be used for matching purposes.

AUTHORITY NOTE: Promulgated in accordance with R.S. 51:1252-1276.
HISTORICAL NOTE: Promulgated by the Department of Culture, Recreation and Tourism, Office of Tourism, LR 12:13 (January 1986).

§107. Evaluation Criteria

A. All applications submitted under this program will be evaluated by the criteria listed here:

1. extent to which the project meets the objectives and strategies of the master plan developed by the Louisiana Office of Tourism;

2. extent to which there is a defined tourism development;

3. degree of outreach to expand public awareness and involvement in tourism;

4. the degree of planning reflecting broad-based participation by the members of the organization and the community in the development and design of the proposed project as evidenced in the application;

5. the extent to which the project is designed to attract visitors to the area or attraction;

6. potential benefits to the Louisiana tourism industry;

7. potential benefits to the applicant organization;

8. clarity of what is to be accomplished;

9. effectiveness of proposed plan for implementing project;

10. means of evaluating effectiveness in terms of stated objectives;

11. extent to which there is a defined need for financial support;

12. appropriateness of proposed budget;

13. ability of applicant organization to administer potential grant based on quality and completeness of application;

14. past record of administrative cooperation and compliance with requirements and guidelines of the Act 455 Matching Funds Program;

15. the degree to which the project combines attractions, regions, and organizations;

16. the extent to which unique marketing approaches are applied.

AUTHORITY NOTE: Promulgated in accordance with R.S. 51:1252-1276.
HISTORICAL NOTE: Promulgated by the Department of Culture, Recreation and Tourism, Office of Tourism, LR 12:13 (January 1986).

§109. How to Apply

A. Applications (original plus six copies), together with a copy of the IRS determination letter and document showing proof of matching funds must be submitted to:

1. Economic Development Districts (EDD's) in which the project is located; or

2. Office of Tourism (Box 94291, Baton Rouge, LA 70804-9291, Attention: Act 455 Program) if the project overlaps EDD boundaries (i.e., statewide organizations or regional groups crossing EDD boundaries, commonly referred to as "non-EDD's").

AUTHORITY NOTE: Promulgated in accordance with R.S. 51:1252-1276.
HISTORICAL NOTE: Promulgated by the Department of Culture, Recreation and Tourism, Office of Tourism, LR 12:13 (January 1986).

§111. Application Deadline

A. All applications submitted under this program must be received by the close of business of February 15 of each year. Should February 15 fall on a weekend or legal holiday, applications must be received by the close of business on the following workday. Late applications will be ineligible and returned to the applicant.

AUTHORITY NOTE: Promulgated in accordance with R.S. 51:1252-1276.
HISTORICAL NOTE: Promulgated by the Department of Culture, Recreation and Tourism, Office of Tourism, LR 12:13 (January 1986).

§113. Grant Award Notification

A. Notification of grant awards will be made no later than July 15 of each year. Grants will take effect upon receipt of the fully executed grant agreement by the Office of Tourism.

AUTHORITY NOTE: Promulgated in accordance with R.S. 51:1252-1276.
HISTORICAL NOTE: Promulgated by the Department of Culture, Recreation and Tourism, Office of Tourism, LR 12:13 (January 1986).

§115. Payment Process

A. Grants will be reimbursed on a 50 percent basis in accordance with the payment procedure outlined in the grant agreement.

AUTHORITY NOTE: Promulgated in accordance with R.S. 51:1252-1276.
HISTORICAL NOTE: Promulgated by the Department of Culture, Recreation and Tourism, Office of Tourism, LR 12:13 (January 1986).

§117. Reporting Requirements

A. During the duration of grant projects, grant recipients must submit quarterly progress reports to the Office of Tourism on October 1, January 1, and April 1 of the fiscal year. One final report must be submitted to the Office of Tourism no later than 30 days after the project is completed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 51:1252-1276.
HISTORICAL NOTE: Promulgated by the Department of Culture, Recreation and Tourism, Office of Tourism, LR 12:13 (January 1986).

§119. Review Process

A. Applications for financial assistance under the Act 455 Matching Funds Program go through an extensive review process. Applications are submitted to either the economic development district (EDD) office in which the proposed project will take place, or directly to the Office of Tourism if the project will overlap EDD boundaries. Applications received by EDD's are reviewed by the EDD's before they are forwarded to the Office of Tourism. All applications are screened for eligibility by the Office of Tourism. Eligible applications are then reviewed by the Act 455 Matching Funds Committee of the Louisiana Tourism Development Commission. The Act 455 Matching Funds Committee may entertain oral presentations by EDD's and non-EDD applicants as part of their review process. Upon completion of their review, the Act 455 Matching Funds Committee submits its funding recommendations to the Louisiana Tourism Development Commission. The full commission then convenes in one of its full public meetings to review and make recommendations to the secretary of the Department of Culture, Recreation and Tourism on the administration and award of Act 455 matching funds in accordance with Act 688 of 1983 [R.S.51:1257(B)(1)]. All applicants are then notified in writing of the final grant awards.

AUTHORITY NOTE: Promulgated in accordance with R.S. 51:1252-1276.
HISTORICAL NOTE: Promulgated by the Department of Culture, Recreation and Tourism, Office of Tourism, LR 12:13 (January 1986).

Chapter 3. Placement of Litter Receptacles

§301. Purpose

A. By provision of Act 936, the Louisiana Litter Control and Recycling Commission has been delegated authority to conduct a permanent and continuous program to control and remove litter from the state to the maximum extent possible. The purpose of these rules is to provide minimum standards for litter receptacles throughout the state, pursuant to the authority set forth in R.S. 25:1110 et seq., as amended by Act 936 of the 1987 regular session.

AUTHORITY NOTE: Promulgated in accordance with R.S. 25:1110.
HISTORICAL NOTE: Promulgated by the Department of Culture, Recreation and Tourism, Litter Control and Recycling Commission, LR 14:143 (March 1988).

§303. Definitions

A. The following words and phrases as used herein have the following meanings unless context clearly dictates otherwise.

Anti-Litter Symbol—the standard symbol adopted by this commission.

Department—the Louisiana State Department of Culture, Recreation and Tourism.

Litter—waste materials including, but not limited to, disposable packages or containers susceptible to being dropped, deposited, discarded, or otherwise disposed of upon any property in the state, but not including wastes of primary processes of manufacturing, farming, sawmilling, logging, mining, etc.

Litter Receptacle—a container of not less than 15 gallons constructed, appropriately marked, and placed for use as a temporary depository for litter. Any containers, commonly referred to as "dumpsters," and any garbage receptacle for deposit of litter for single or multi-family residences may be used and shall in no way be governed by these rules.

Person—any industry, public or private corporation, partnership, association, firm, individual, or other entity whatsoever.

Public Place—any area that is used or held out for the use of the public whether owned and operated by public or private interests, but not including indoor areas. Any indoor area shall be construed to mean any enclosed area covered with a roof and protected from moisture and wind.

The Commission—the Louisiana Litter Control and Recycling Commission.

AUTHORITY NOTE: Promulgated in accordance with R.S. 25:1110.

HISTORICAL NOTE: Promulgated by the Department of Culture, Recreation and Tourism, Litter Control and Recycling Commission, LR 14:143 (March 1988).

§305. Responsibility to Procure and Place Litter Receptacles

A. It shall be the responsibility of any person owning or operating any establishment or public place in which litter receptacles are required by these rules and regulations to procure, place and maintain such receptacles at their own expense on the premises in accordance with the provisions of these rules and regulations.

AUTHORITY NOTE: Promulgated in accordance with R.S. 25:1110.

HISTORICAL NOTE: Promulgated by the Department of Culture, Recreation and Tourism, Litter Control and Recycling Commission, LR 14:144 (March 1988).

§307. Litter Receptacles: Where Required and Number Required

A. Litter receptacles meeting the standards established by these rules shall be placed in the following public places in the state. No variance from the provisions of these rules and regulations shall be allowed except upon the express permission of the Louisiana Litter Control and Recycling Commission. Notwithstanding the minimum requirements of these rules and regulations, any public place in which litter receptacles meeting the standards of these rules are required, that is found to have an accumulation of uncontained litter under circumstances that the person responsible for placing receptacles could have reasonably anticipated the amount of litter shall be deemed to have an insufficient number of receptacles and to be in noncompliance with these rules.

1. At public rest areas located along highways outside the limits of incorporated cities and towns—one receptacle for every 20 parking spaces.

2. Each new home, commercial and industrial construction site shall have a minimum of one receptacle per site plus additional receptacles as necessary to contain litter generated by workers. The need for additional receptacles shall be determined by the general contractor.

3. Parks, campgrounds, and trailer facilities for transient habitation (excluding facilities operated by the Office of State Parks)—one receptacle at each public restroom facility, one at each trailhead giving access by foot, motorcycle, bicycle allowing excursion out of the central activity area. One for each facility or area at which food or drink is sold; plus one receptacle as necessary to accommodate the need for a litter depository as determined by the operator of the facility.

4. Drive-in and fast food restaurants, tavern parking areas, and convenience "quick stop" parking areas—one receptacle per establishment plus additional receptacles as necessary to contain litter generated by the facility. The need shall be determined by the operator of the facility.

5. Shopping centers, theaters, merchandise stores, grocery and drug store parking areas having a minimum of 15 parking spaces shall provide one receptacle, and, thereafter there shall be an additional receptacle for every 150 spaces in excess of 50.

6. Gasoline service stations—one receptacle placed at each gasoline service island, with a minimum of one receptacle for each side of station on which gasoline pumps are located.

7. Marinas, boat launching areas, boat moorage and fueling stations, and public and commercially operated private piers—one receptacle at each such place; or one receptacle for every 15 slips; or one receptacle for every 100 linear feet of dock space.

8. Ferry landings—one receptacle on each side of dock areas, plus one receptacle for every 50 automobile spaces in parking areas adjacent to ferry dock.

9. Beaches and swimming areas—one receptacle at each public restroom facility and one at each access point officially designated as such by the primary jurisdictional authority.

10. Hunting, fishing, and other sports areas having unmarked automobile, boat trailer, or travel trailer spaces for parking shall have a minimum of one receptacle and thereafter there shall be an additional receptacle for 20 parking spaces.

11. Outdoor parking lots, temporary or otherwise, other than those specified above having a capacity of more than 50 automobile or vehicle parking spaces—one receptacle for every 150 parking spaces.

12. Fairground and festival areas, circuses, and other short-term events to which the public is invited—one receptacle for every 200 feet of foot path or sidewalk and one receptacle for every 15 parking spaces, thereafter there shall be an additional receptacle for every 150 automobile parking spaces and one receptacle for every public restroom facility.

13. Racetrack and other sporting event site—one receptacle for every 15 automobile parking spaces and one additional receptacle for every 150 automobile parking spaces: one receptacle for each entrance and exit; one receptacle at each public restroom facility.

14. Business district sidewalks of incorporated cities and towns—one receptacle on each side of the street per block.

AUTHORITY NOTE: Promulgated in accordance with R.S. 25:1110.

HISTORICAL NOTE: Promulgated by the Department of Culture, Recreation and Tourism, Litter Control and Recycling Commission, LR 14:144 (March 1988).

§309. Minimum Standards

A. Litter receptacles procured and placed in public places as required by these rules and regulations shall meet the following minimum standards.

1. General Specifications

a. The body of each litter receptacle shall be constructed of a minimum of 24-gauge galvanized metal or other material of equivalent strength, that will withstand normal wear and tear, reasonably resist corrosion and acts of vandalism.

b. Receptacles should be constructed, covered, or used in such a manner as to prevent, or preclude, the blowing of litter from the receptacle.

c. Openings in covered litter receptacles shall be readily identifiable and readily accessible for the deposit of litter.

d. Construction and general configuration of litter receptacles shall be in conformance with all pertinent laws, ordinances, resolutions or regulations pertaining to fire, safety, public health or welfare.

2. Color and Marking

a. The entire outer surface of each litter receptacle shall be white, navy blue, dark brown, or tan, if painted, however, if construction consists of aggregate concrete or wood, the natural color is acceptable.

b. Each litter receptacle shall bear the official antilitter symbol as adopted herein. The symbol shall be colored medium blue, bright gold and white. The symbol shall not be distorted as to proportion and shall not be incorporated into a commercial advertisement on the receptacle. The symbol shall be a uniform size of 10 inches in width and 12 inches for side mounting or 4 inches in width and 5 inches in height for top side mounting constructed from heat-activated materials designed for outside use.

c. Underground receptacles installed with foot pedal lids are exempt from logo requirements.

d. No commercial advertisement shall be placed on any litter receptacle within 8 inches of the official logo. However, the person owning any receptacle may place a single line on the receptacle identifying his ownership, and a single credit line designating any donor of the litter receptacle other than the owner himself. That lettering may not exceed 1/2 inch in height and may not interfere with or distract from the prominence of the antilitter symbol.

3. Maintenance

a. Compliance with these minimum standards shall include proper upkeep, maintenance and repair of litter receptacles sufficient to permit such receptacles to serve the functions for which they were designed and to prevent the appearance of such receptacles from becoming unsightly. Inadequately maintained or unsightly litter receptacles shall be in violation of these minimum standards.

b. Whenever litter receptacles are placed in any public place other than where required by these rules and regulations, such receptacles shall conform to the provisions of these rules and regulations.

AUTHORITY NOTE: Promulgated in accordance with R.S. 25:1110.

HISTORICAL NOTE: Promulgated by the Department of Culture, Recreation and Tourism, Litter Control and Recycling Commission, LR 14:144 (March 1988).

§311. Antilitter Symbol

A. The official state anti-litter symbol shall be the symbol depicted in these rules conforming to that same symbol in present use on Adopt-a-Road highway litter watch signs erected on Louisiana highways. A limited number of these decals will be available from the Louisiana Litter Control and Recycling Commission. After that number is depleted decals may be purchased from any on a list of suppliers available from the office of the commission.

AUTHORITY NOTE: Promulgated in accordance with R.S. 25:1110.

HISTORICAL NOTE: Promulgated by the Department of Culture, Recreation and Tourism, Litter Control and Recycling Commission, LR 14:145 (March 1988).

§313. Prohibited Acts

A. No person shall damage, deface, abuse or misuse any litter receptacle not owned by him so as to interfere with its proper function or to deface from its proper appearance.

B. No person shall deposit leaves, clippings, prunings, garden refuse, or any other yard waste in any public litter receptacle.

C. No person shall deposit household garbage in any litter receptacle: provided, that this Subsection shall not be construed to mean that wastes of food consumed on the premises or in an automobile or other vehicle at any public place may not be deposited in litter receptacles.

AUTHORITY NOTE: Promulgated in accordance with R.S. 25:1110.

HISTORICAL NOTE: Promulgated by the Department of Culture, Recreation and Tourism, Litter Control and Recycling Commission, LR 14:145 (March 1988).

§315. Penalties

A. Penalties for violation of this Chapter shall be in accordance with R.S. 25:1111.

AUTHORITY NOTE: Promulgated in accordance with R.S. 25:1110.

HISTORICAL NOTE: Promulgated by the Department of Culture, Recreation and Tourism, Litter Control and Recycling Commission, LR 14:145 (March 1988).

§317. Effective Date and Compliance

A. These rules become effective on final publication in the *Louisiana Register*.

B. All litter receptacles in any public place designated in these rules and regulations which are placed after the effective date hereof shall conform to the provisions of these rules and regulations.

C. Litter receptacles in any public place designated in these rules and regulations which were in place prior to the effective date hereof shall be modified to conform with marking, placement and color requirements of these rules and regulations no later than six months from the effective date specified above.

D. All litter receptacles in any public place designated by these rules and regulations shall be modified or replaced so as to fully conform with all requirements of these rules and regulations no later than one year from effective date of these rules and regulations.

AUTHORITY NOTE: Promulgated in accordance with R.S. 25:1110.

HISTORICAL NOTE: Promulgated by the Department of Culture, Recreation and Tourism, Litter Control and Recycling Commission, LR 14:145 (March 1988).

Chapter 5. Welcome Centers

§501. Welcome Centers

A. The Louisiana Office of Tourism operates a system of welcome centers whose primary mission is to provide a safe, friendly environment to welcome visitors, provide visitors information about tourist attractions and resources, and to encourage visitors to spend more time in the state.

B. Welcome center facilities are available for reserved exclusive use by the public to the extent such use does not conflict with the primary mission of the welcome center and such use is consistent with these rules as well as all other laws, regulations, and policies applicable to such use.

AUTHORITY NOTE: Promulgated in accordance with R.S. 51:1255.

HISTORICAL NOTE: Promulgated by the Department of Culture, Recreation and Tourism, Office of Tourism, LR 36:50 (January 2010).

§503. Reservations

A. Requests to reserve a room or an area within a welcome center may be submitted for approval to the supervisor of that welcome center.

B. Requests to reserve a welcome center facility for exclusive use must:

1. be in writing on the form provided by the Louisiana Office of Tourism. The request form will include the Louisiana Office of Tourism's Usage Policies, the terms of which will be incorporated into the final written agreement for use;

2. provide the name, age, and contact information of the individual responsible for all obligations related to the use. That person shall serve as the liaison for all communications and shall be responsible for ensuring compliance with all terms of use and payment, if the request is approved; and

3. describe the nature of the event, dates and hours of the event including time required for set-up and take-down, the number of anticipated attendees, the space requested, any special requirements or requests.

C. Approval of the Request

1. A request for reserved exclusive use is considered approved only when the individual receives the written agreement which has been signed and approved in accordance with the policies and procedures of the Louisiana Office of Tourism. The written, signed agreement will specify all terms of the use, the effective date of the approval, all costs and fees, arrangement requirements, and the specific space authorized for use.

2. A request for reserved exclusive use is subject to availability and will only be approved if the proposed use will not, in the opinion of the Office of Tourism, negatively impact the buildings, patios, facilities, furnishings, exhibits, or grounds within or associated with the welcome center, and will not materially interfere with the fulfillment of the welcome center's primary mission.

AUTHORITY NOTE: Promulgated in accordance with R.S. 51:1255.

HISTORICAL NOTE: Promulgated by the Department of Culture, Recreation and Tourism, Office of Tourism, LR 36:50 (January 2010).

§505. Standard Fees

A. Standard fees for reserved exclusive use of the Capitol Park Welcome Center shall be assessed as follows.

Space	Capacity	Full Day Rate (3 hours or more)	Half Day Rate (less than 3 hours)	Evening (after 5:00 pm) and Weekend Rate
Entire Building and Patio	350 seated; 600 reception	$1000	$600	$1900.00 (3 hour minimum) $500.00/ additional hour
Margaret Taylor Theater includes Audio/Visual Capabilities	100 seated (lecture) 80 seated (classroom) 200 reception	$500	$300	Unavailable separately for evening or weekend use.
Fishbowl "Glass Room" (no audio/visual)	65 seated (lecture)	$300	$200	Unavailable separately for evening or weekend use.

B. Additional Fees

1. Additional charges may be assessed based the nature of the requested function and/or additional requirements as agreed upon. Any additional charges will be included in the written agreement.

2. Additional charges will be assessed for damages incurred and clean-up. These charges are in addition to all other fees and charges and are payable upon notification.

AUTHORITY NOTE: Promulgated in accordance with R.S. 51:1255.

HISTORICAL NOTE: Promulgated by the Department of Culture, Recreation and Tourism, Office of Tourism, LR 36:50 (January 2010), amended LR 42:35 (January 2016).

§507. Discounts; Fee Waivers

A. No fees shall be assessed for reserved exclusive use of welcome center facilities by agencies of the Office of the Lieutenant Governor, the Department of Culture, Recreation and Tourism, or any entity hosting a program in cooperation with the agencies of the Office of the Lieutenant Governor or the Department of Culture, Recreation and Tourism.

B. The Assistant Secretary of the Office of Tourism or his designee may grant other state agencies a $25 discount off of the standard fees.

C. From time to time, as the Assistant Secretary of the Office of Tourism or his designee deems necessary or appropriate, variations in occupancy requirements, fees, and discounts may be allowed to encourage use of the welcome center facilities.

D. No fees will be charged to the general public whether they enter as tour group participants or individuals during regular operating hours at any Louisiana welcome center. However, adult and school age groups should advise the welcome center supervisor if a welcome center visit is planned, to ensure adequate preparation and attention as well as a quality experience and a proper visitor count.

E. At this time, only the Capitol Park Welcome Center in Baton Rouge has an established fee schedule for reserved exclusive use of its facilities. All other welcome center facilities may be reserved for exclusive use by the public at the cost, if any, incurred by the Louisiana Office of Tourism to accommodate said use.

AUTHORITY NOTE: Promulgated in accordance with R.S. 51:1255.

HISTORICAL NOTE: Promulgated by the Department of Culture, Recreation and Tourism, Office of Tourism, LR 36:50 (January 2010).

Title 25
CULTURAL RESOURCES
Part VII. State Library
Subpart 1. Readers' Services

Chapter 1. Eligible Public

§101. Use of Library

A. Any citizen or any public, school, academic, special, or state institutional library is eligible to use without charge the library materials and services of the State Library of Louisiana, as provided in these rules.

AUTHORITY NOTE: Adopted in accordance with R.S. 25:9 and R.S. 25:16.
HISTORICAL NOTE: Filed by the Louisiana State Library at the Office of the State Register, December 11, 1974, amended by the Department of Culture, Recreation and Tourism, State Library, LR 36:2537 (November 2010).

§103. Information and Loan

A. Any citizen may use library materials and receive information and reference service at the State Library.

B. Any citizen registered for library service with his local public library shall borrow State Library materials through his local library unless the State Library receives telephone or written authorization from a patron's parish library including facsimile or electronic mail, in which case he may borrow directly with the materials being charged to the parish library.

C. Students and faculty in institutions of higher learning, and residents and staff of other state institutions may, within the library regulations of such institutions, borrow State Library materials through those libraries.

D. Elementary and secondary school libraries may borrow State Library materials through their local public libraries.

E. Information, reference, and loan services of the State Library are available directly to:

1. state elected and appointed officials and state employees including those who are retired;

2. accredited members of the Louisiana public information media;

3. officers and employees of agencies listed in the *Louisiana State Government Telephone Directory*;

4. students and faculty members of the Louisiana State University Graduate School of Library and Information Science;

5. all public, academic, special, and state institutional libraries whether in or outside of the state;

6. State Library of Louisiana Board of Commissioners.

AUTHORITY NOTE: Adopted in accordance with R.S. 25:9 and R.S. 25:16.
HISTORICAL NOTE: Filed by the Louisiana State Library at the Office of the State Register, December 11, 1974, amended by the Department of Culture, Recreation and Tourism, State Library, LR 36:2538 (November 2010), LR 39:68 (January 2013).

§107. Blind and Physically Handicapped

A. Any Louisiana resident who cannot use standard printed materials because of temporary or permanent visual impairment or physical handicap may use directly the special library materials and services of the State Library's Talking Books and Braille Library. Eligibility based on this qualification required by the federal government must be certified by a professional in the medical, social work, or educational field.

B. This service is also extended to schools, hospitals, nursing homes and other agencies having one or more eligible persons with disabilities in their care.

C. Eligible Louisiana residents temporarily out of state (for not longer than three months) may continue to be served at their destination point. For longer periods, it is recommended that temporary service be applied for from the library for the blind and physically handicapped regularly serving the area of their temporary residence. United States citizens who move either temporarily or permanently overseas (including Puerto Rico, Guam and the Canal Zone) will be referred to the Library of Congress, Division for the Blind and Physically Handicapped, for service.

AUTHORITY NOTE: Adopted in accordance with R.S. 25:9 and R.S. 25:16.
HISTORICAL NOTE: Filed by the Louisiana State Library at the Office of the State Register, December 11, 1974, amended by the Department of Culture, Recreation and Tourism, State Library, LR 36:2538 (November 2010), LR 39:68 (January 2013).

Chapter 3. Library Materials

§301. Information and Loan of Materials

A. Library materials available for use in the State Library or on loan and the conditions for use are:

1. books, pamphlets, documents, audio-visual materials;

a. all may be used in the State Library;

b. all are available for loan except volumes of expensive reference sets, the current editions of heavily used reference books, certain other reference books when needed

pages can be photocopied, genealogy books, rare books, and books in fragile condition;

c. the normal loan period for materials is 28 days. Materials may be renewed twice for a total loan period of 84 days. Renewals will not be made on materials with reserves;

2. magazines:

a. all may be used in the State Library and all may circulate except the current issue and those in fragile condition in which case a photocopy of the desired article may be made;

b. loan periods and extensions are the same as for books above;

3. newspapers. Newspapers in print may be used in the library. Although newspapers do not circulate, photocopies can be provided at $0.10 per exposure;

4. microfilm. All microfilm, including Louisiana newspapers, Louisiana census records, some parish records such as marriage, succession, and probate, may be used in the State Library. Microfilm reader-printers are available for patrons' use. Rolls that are in duplicate circulate for 28 days with a limitation of five rolls to patron per loan;

5. maps. All maps may be used in the State Library. Maps that are in duplicate circulate for 28 days;

6. photographs and art works. All photographic art works may be used in the State Library, but do not circulate;

7. slides. All slides may be used in the State Library;

8. vertical file material. All vertical file materials (clipped and mounted newspapers and magazine articles, current and retrospective) may be used in the library;

B. Fines and fees for library materials are outlined below.

Fines and Fees	
Fine for Overdue Materials	$0.10 per day per item up to a maximum of $10.00 per item
Replacement Cost for Lost Materials	Replacement cost plus $25.00 processing fee per item

NOTE: The state librarian may make exceptions to fees as deemed necessary.

1. The State Library offers a 3-day grace period on overdue items. On the fourth day, the fine is charged for every day the item is late, including the grace period, weekends and holidays. The State Library offers an after-hours deposit box for returning items when the library is closed. Items retrieved from this box will be assumed to have been returned on the last day the library was open.

2. If an item has been published in the past five years, the retail price of the item will be considered replacement cost and charged to the user when it is three months overdue. If an item was published six or more years ago, then the current replacement cost will be charged. If an item is out-of-print, the average out-of-print cost will be considered replacement cost and charged. A processing fee is assessed to each item in addition to the replacement cost.

3. If an item is returned within the same fiscal year in which it was lost and paid, then the user is entitled to a full refund of the replacement charges but not the processing fee. No refund is available after the end of the fiscal year.

C. Meeting Rooms. The primary purpose of the meeting rooms within the State Library is for library programs and training. When not in use, meeting rooms may be available to other entities. Fees are outlined below:

Room	Maximum Seating	CRT Use	Other Governmental Agency Use	Private Use
Seminar Center (1st Floor)	100	$0	$200 per day $125 per half day	$500 per day $300 per half day
Capitol View Room (5th floor)	15 tables; 30 classroom style	$0	$200 per day $125 per half day	$500 per day $300 per half day
Room 221 (2nd Floor)	15	$0	$100 per day $65 per half day	$200 per day $125 per half day
Rooms 128, 132 (1st Floor)	8	$0	$75 per day $40 per half day	$125 per day $75 per half day

1. Additional charges:

a. $200 cleaning deposit for any event at which food is served (may be waived for governmental agency use) (refundable);

b. $25 per instance for use of library laptop;

c. $25 for use of library LCD projector and screen;

d. $25 for use of flip chart (includes one pad of paper) and markers.

2. Users of the meeting room must abide by the State Library meeting room policy (i.e., user cannot charge admission, cannot sell anything, etc.). Meeting rooms are only available during the normal business hours of the State Library.

3. Priority for use of library meeting facilities is:

a. State Library activities;

b. other library-related activities and organizations;

c. CRT agencies;

d. other governmental agencies;

e. non-governmental agencies or individuals (may only reserve 30 days in advance).

AUTHORITY NOTE: Adopted in accordance with R.S. 25:9.

HISTORICAL NOTE: Filed by the Louisiana State Library at the Office of the State Register, December 11, 1974, amended by the Department of Culture, Recreation and Tourism, State Library of Louisiana, LR 36:2538 (November 2010), LR 39:68 (January 2013).

§305. Blind and Physically Handicapped Materials

A. Library materials available include books and magazines recorded on discs, open-reel magnetic tapes, cassettes, digital cartridges, and books and magazines printed in large type and embossed in Braille. Most of these materials are provided by the Library of Congress through its national books for the blind and handicapped program.

B. Library materials are delivered to borrowers' homes and agencies by parcel post, and must be returned to the State Library by parcel post. All postage service is free. Users may borrow direct from the State Library if they wish.

C. The loan period is one month for individuals, the school year for schools. Renewals are granted depending on the demand for specific titles.

D. The number of books per loan is determined by the patrons themselves, the speed with which they read and return books, their needs, and their storage facilities. Agencies may arrange for deposit collections.

E. Especially designed talking book machines cassette and digital players are provided on loan from the State Library or Talking Book and Braille Library. Patrons must provide their own open-reel tape playing equipment.

F. Repair and maintenance of equipment is arranged by the official equipment lending agency which is the Talking Books and Braille Library.

G. Application forms for use and information about the service are available from the State Library, any Louisiana public library, and the Talking Books and Braille Library, or any of its area offices. Applications may be filed with any of the above.

AUTHORITY NOTE: Adopted in accordance with R.S. 25:9.
HISTORICAL NOTE: Filed by the Louisiana State Library at the Office of the State Register, December 11, 1974, amended by the Department of Culture, Recreation and Tourism, State Library, LR 36:2539 (November 2010), LR 39:69 (January 2013).

Chapter 5. Services

§501. Information and Loan Services

A. Information and loan services include:

1. filling requests for information; for specific titles, by specific authors, and for material on a particular subject;

2. verifying and locating books and/or other materials not in the State Library collection for direct borrowing by the requesting library;

3. making referrals to other sources;

4. selecting books, periodicals, and other materials for purchase to meet demand, and to develop the collection;

5. making or ordering photo copies, or microform prints, for all authorized users and borrowers;

6. compiling bibliographies;

7. instructing patrons in the use of the State Library.

B. Limitations on services include:

1. not performing genealogical research;

2. assisting but not providing extensive research for students;

3. assisting, but not searching indexes where available to patrons;

4. not borrowing books on genealogy, juvenile books, popular fiction, best-selling nonfiction likely to be in current demand, medical or legal texts (except for a member of the medical or legal professions);

5. not borrowing from an academic institution for a student of that institution.

C. Charges for Service. Services are free except for photocopying and microform prints. The charge for this service is $0.25 per exposure; a minimum of $1 is charged for mail orders.

D. Use of Gumbo Digital Images are subject to fees as listed below:

Entity	Use	Price per Image
Individual	Personal/Educational	$10
Non-profit	Editorial Film/video/advertising	$20 $50
Commercial	Editorial Film/video/advertising	$50 $100

NOTE: Rates and fees will be less than local commercial pricing and may be adjusted as needed to keep up with general business practices. In addition, the state librarian may make exceptions to fees as deemed necessary. The existing price structure as well as the Request for Permission to use is on our website.

AUTHORITY NOTE: Adopted in accordance with R.S. 25:9.
HISTORICAL NOTE: Filed by the Louisiana State Library at the Office of the State Register, December 11, 1974, amended by the Department of Culture, Recreation and Tourism, State Library, LR 36:2539 (November 2010), LR 39:69 (January 2013).

§505. Blind and Physically Handicapped Services

A. Services include:

1. lending library materials from the Talking Books and Braille Library collection;

2. making every effort to locate outside the state any title the patron may request;

3. making selections from lists of requests submitted by the patron. Catalogs of the collection are sent to the patron upon registration, and periodically thereafter;

4. making selections for patron on request based on his personal interests and on information provided in his online profile;

5. purchasing, or producing by volunteers, after evaluation of the request, materials for college or vocational use and titles of Louisiana or regional interest;

6. sending names of patrons to the American Foundation for the Blind to assure patrons' receipt of official publications;

7. sending on request for addition to mailing lists names of patrons to publishers of magazines available without charge.

AUTHORITY NOTE: Adopted in accordance with R.S. 25:9.
HISTORICAL NOTE: Filed by the Louisiana State Library at the Office of the State Register December 11, 1974, amended by

the Department of Culture, Recreation and Tourism, State Library, LR 36:2540 (November 2010).

§507. Patrons' Right to Privacy

A. State Library employees shall not divulge information regarding the materials used by any patron nor shall they identify the users of particular library materials without the consent of the individuals concerned. Such privileged client information will only be made available by the State Library on order from a court of competent jurisdiction.

AUTHORITY NOTE: Adopted in accordance with R.S. 25:9.

HISTORICAL NOTE: Filed by the Louisiana State Library at the Office of the State Register, December 11, 1974, repromulgated by Department of Culture, Recreation and Tourism, Office of the State Library, LR 28:1576 (July 2002), amended by the Department of Culture, Recreation and Tourism, State Library, LR 36:2540 (November 2010).

Title 25
CULTURAL RESOURCES
Part VII. State Library
Subpart 2. Library Technical Services

Chapter 13. Louisiana Union Catalog

§1301. Louisiana Union Catalog Program Functions

A. The Louisiana Union Catalog Program provides a continually updated electronic file listing and description of all library materials by publicly funded public and academic libraries.

AUTHORITY NOTE: Adopted in accordance with R.S. 25:451 and R.S. 25:453.

HISTORICAL NOTE: Filed by the Louisiana State Library at the Office of the State Register, December 11, 1974, amended by the Department of Culture, Recreation and Tourism, State Library, LR 36:2540 (November 2010).

§1303. Incorporation of Titles Submitted by Libraries

A. Responsibility for the currency and accuracy of holdings information in the electronic databases is charged to each individual library.

AUTHORITY NOTE: Adopted in accordance with R.S. 25:451 and R.S. 25:453.

HISTORICAL NOTE: Filed by the Louisiana State Library at the Office of the State Register December 11, 1974, amended by the Department of Culture, Recreation and Tourism, State Library, LR 36:2540 (November 2010).

§1305. Bibliographic and Location Information

A. Bibliographic and location information contained in the central electronic file is available to anyone on request.

AUTHORITY NOTE: Adopted in accordance with R.S. 25:451 and R.S. 25:453.

HISTORICAL NOTE: Filed by the Louisiana State Library at the Office of the State Register December 11, 1974, amended by the Department of Culture, Recreation and Tourism, State Library, LR 36:2540 (November 2010).

Title 25
CULTURAL RESOURCES
Part VII. State Library
Subpart 3. Library Development

Chapter 23. Regional Library Systems

§2301. Long-Range Plan

A. In Louisiana's long-range plan for library development one of the chief objectives is the establishment of seven library systems. To date, three systems have been organized and are demonstrating that coordinated services benefit all residents of the area and help to avoid unnecessary duplication of materials and staff.

AUTHORITY NOTE: Adopted in accordance with R.S. 25:9, R.S. 25:14 and R.S. 25:15.

HISTORICAL NOTE: Filed by the Louisiana State Library at the Office of the State Register, December 11, 1974.

§2303. Qualifying Conditions

A. Conditions (see §2305 for definitions) for qualifying for a two-year pilot library system grant and for a continuing library system grant are listed below.

1. Membership

a. Public Libraries in the Geographical Area Designated as a System

i. Membership shall be authorized by direct action of each public library board of control and each governing authority.

ii. Parish public libraries as well as municipal public libraries may become members of the system. If the library system continues after the pilot program, the municipal public library, in order to qualify for system membership, must become a part of the parish public library.

iii. At least 75 percent of the public libraries in the designated geographical area shall be members of the system. The population to be served by the system shall be at least 200,000.

b. Academic Library (or Libraries) in the Geographical Areas Designated as a System

i. Membership shall be authorized by the appropriate official of the academic institution.

ii. At least one academic library in the designated geographical area shall be a member of the system.

c. Special and Institutional Libraries in the Geographical Area Designated as a System. Membership shall be authorized by the appropriate official of management or of the institution.

d. No member library shall withdraw from the system during the two-year pilot period.

2. Organization

a. That public library which has a collection of at least 80,000 volumes and which serves the largest population in the system shall be designated the library center of the system.

b. During the two-year pilot period the director of the system shall be appointed by the state librarian with the endorsement of the administrative librarian of the library center; thereafter, said director of the system shall be appointed by the system board of commissioners with the endorsement of the administrative librarian of the library center and the state librarian. Also acceptable as a condition after the pilot period is the appointment of the director of the system by the system board of commissioners upon the recommendation of the executive council and with the endorsement of the administrative librarian of the library center and the state librarian.

c. The director of the system shall be the chief administrative officer of the system services. He shall serve as a member and presiding officer of the executive council and secretary of the system board of commissioners. He shall submit monthly and annual narrative, statistical, and financial reports to the state library.

d. The director of the system shall appoint and employ assistant librarians and other employees of the system and fix their salaries and compensation with the endorsement of the board of commissioners and the administrative librarian of library center.

e. The director of the system shall approve expenditures for payment, shall disburse grant funds, and shall maintain all necessary records in accordance with parish, municipal, or parish-municipal financial regulations.

f. The director of the system shall furnish surety bond with good and solvent surety in favor of the library system board of commissioners for such amount as said board may determine and conditioned as required by law.

g. The director of the system shall have authority to execute contracts for member academic, institutional, and special libraries for inter-library loan services.

h. The director of the system must be certified by the Louisiana State Board of Library Examiners.

i. A separate account shall be maintained for funds allotted to the system by the Louisiana State Library.

j. Executive Council

i. Each system shall have an executive council composed of the administrative librarians of the participating academic, public, institutional, and special libraries.

ii. The executive council shall develop a plan of service for the system and shall be responsible for its implementation. The executive council shall review the plan periodically and at the completion of the pilot program and annually thereafter shall submit a written evaluation of the project to the Louisiana State Library.

iii. The executive council shall meet at least bimonthly.

iv. At least quarterly, the executive council shall invite to its regular meeting designated school librarians (to assure representation from each parish), school library supervisors, directors of media centers at the parish level, and representatives of library education within the designated geographical area.

k. System Board of Commissioners

i. There shall be a system board of commissioners with one representative from the board of control of each member public library who shall be appointed by the governing body upon recommendation of the board of control. In addition, there shall be a lay member representing each member academic, institutional, and special library who shall be appointed by the appropriate official of the university, the institution, or of management.

ii. The system board of commissioners shall meet and organize immediately after their appointment and elect a president and vice-president. The director of the system shall serve as secretary of the system board of commissioners.

iii. The system board of commissioners shall act in an advisory capacity during the pilot period. It shall appear before governing bodies and other bodies whenever desirable, shall interpret the system concept to the public, and shall promote the services of the system.

3. Services

a. Access. The resources of the library center and all member libraries shall be available for use throughout the system by all other member libraries as well as by individual residents. In the case of use of the resources of the academic, institutional, and special library by other member libraries as well as by individual residents, the executive council shall adopt a policy recommended by the librarian of the academic, institutional, and special library and/or the authorized official of the university, the institution, and of management.

b. Hours of Opening. The library center must be open for service at least 66 hours per week.

4. Resources. The public library in which the library center is located shall have a collection of at least 80,000 volumes.

5. Maintenance of Public Library Fiscal Support

a. There shall be available for expenditures for service in each public library from local sources during the fiscal year for which the grant is made to the system not less than the total amount expended for services in each public library from such sources in the preceding fiscal year except when tax collections are less because of decreased assessed valuations.

b. There shall be available for expenditures for service in the public library in which the library center is located at least $2 per capita from local sources during the fiscal year for which the grant is made.

6. Reports

a. Monthly and annual narrative, statistical, and financial reports shall be submitted to the Louisiana State Library by the director of the system.

b. A written report and evaluation prepared by the executive council shall be submitted to the Louisiana State Library upon completion of the pilot program and annually thereafter.

7. Application for Grant

a. An application for an initial system grant with budget shall be developed by the executive council of the system and submitted by the administrative librarian of the library center to the state librarian. This application must be approved by the board of control and governing body of each participating public library and by the appropriate official of each participating academic, institutional, and special library.

b. The application with budget shall be approved by the state librarian with the consent of the State Library Board of Commissioners.

8. Contract. Upon approval of the application with budget the administrative librarian of the library center shall execute a contract with the state librarian, specifying the services to be rendered. The contract shall be renewed annually.

9. Accounting. Post audits, as required by law, will be made.

10. Assurance of Compliance

a. In compliance with Title VI of the Civil Rights Act of 1964 (Public Law 88-352) no person shall on the ground of race, color, or national origin, be denied service of the library system or any of its member libraries.

b. Any member library of the system which has not filed with the state library an assurance of Compliance with the Federal Civil Rights Act of 1964, shall do so and such assurance shall be attached to the application.

11. Books, Furniture, and Equipment. At the conclusion of the pilot period all books, furniture, and equipment purchased with system funds shall remain in the system on indefinite loan.

12. Continuing Fiscal Support of System

a. Should the system program accomplish the objectives stated and result in improved library service for the citizens of the region every effort will be made to secure state and federal funds for the continuing support of the system, the level of support to be determined after the evaluation of the two-year pilot program.

b. The state library will require the maintenance of effort described in Paragraph 6 above, and, in addition, will require that there be available for expenditures for service in each member public library at least $2 per capita from local sources.

13. Priorities in Grant Allotments. Preference will be given to the application for a system grant:

a. Which includes all academic, public, and special libraries in the designated geographical area.

b. From an area in which the public libraries most nearly reach the standards established in the "Standards Statement for Louisiana Public Libraries."

AUTHORITY NOTE: Adopted in accordance with R.S. 25:9, R.S. 25:14 and R.S. 25:15.

HISTORICAL NOTE: Filed by the Louisiana State Library at the Office of the State Register, December 11, 1974, amended by the Department of Culture, Recreation and Tourism, State Library, LR 39:69 (January 2013).

§2305. Definitions of Conditions for Qualifying for a Library System Grant

Designated as a System—parishes grouped geographically in natural trade areas for library cooperation.

Director of the System—the chief administrative officer.

Expenditures for Service—expenditures for personnel, library materials, binding and supplies, purchase, repair or replacement of furnishings and equipment, and costs necessary for the maintenance of the plant. It does not include capital expenditures which result in the acquisition of or addition to fixed assets, e.g., building sites, new buildings and building additions, equipment (including initial book stock), furnishings for new or expanded buildings. It excludes income in kind (free rent and utilities, staff members paid by another agency, the value of volunteer staff time, gift books and gift subscriptions to periodicals). If funds are saved over a period of years for replacement of equipment (or for the purchase of new equipment), the amount saved during the year under consideration may be counted in the expenditures for service for that year; however, when the total amount is spent during one year (example: for purchase of a bookmobile) only the amount budgeted for that year may be counted in expenditures for service.

Library Center—the administrative unit to house the staff required to administer the system, to accommodate the services performed, and to provide an in-depth collection of library materials to permit ready access by the total citizenry of the system.

Library System—a group of libraries within a defined geographical area working together for the improvement of library service for all residents of the area.

Membership in the System—participation in the plan of service developed by the executive council which is made up of the administrative librarians of the member libraries of the system.

Resources—all types of library materials including books, periodicals, films, recordings, microfilm, etc.

AUTHORITY NOTE: Adopted in accordance with R.S. 25:9, R.S. 25:14 and R.S. 25:15.

HISTORICAL NOTE: Filed by the Louisiana State Library at the Office of the State Register, December 11, 1974, amended by the Department of Culture, Recreation and Tourism, State Library, LR 36:2540 (November 2010).

Title 25
CULTURAL RESOURCES
Part VII. State Library
Subpart 4. State Aid to Public Libraries Grant

Chapter 31. Disbursement of State Aid Grants

§3101. Definitions

A. The following terms have the respective meanings ascribed to them, except in those instances where the context clearly indicates a different meaning.

Consolidated Library System—a library system, established by the governing bodies or authorities of two or more parishes as provided in R.S. 25:211, which crosses parish lines and is governed by a single board of trustees, administered by a single head librarian, and within which all of the service outlets are branches of a single institution.

District Library—a library established by state law, for a defined district within a parish, to serve residents of the district.

Free Basic Library Service—standard library service including the use of the principal circulating collection of the library, public access computers, standard reference and information services and electronic materials without charge.

Municipal Library—a library, established by one or more municipal governing authorities as provided by law to serve all residents of the municipality or municipalities and which may or may not serve additional persons.

Nonconsolidated Library System—a library system which is composed of two or more autonomous member libraries, each having its own board of trustees, controlled by representatives of member libraries, and operated from a designated library center under the supervision of a system director, and which receives special financial support from local, regional or state appropriations to provide more comprehensive library service in the geographical area served by the system.

Parish Library—a library, established by a parish governing authority, as provided by law to serve all residents of the parish.

AUTHORITY NOTE: Promulgated in accordance with R.S. 25:14.

HISTORICAL NOTE: Promulgated by the Department of Culture, Recreation and Tourism, Office of the State Library, LR 6:107 (March 1980), amended LR 13:392 (July 1987), LR 24:2232 (December 1998), amended by the Department of Culture, Recreation and Tourism, State Library, LR 36:2541 (November 2010), LR 39:69 (January 2013).

§3103. Submission of Applications

A. The state librarian shall establish a program of supplemental grants to libraries for the purchase of technology enhancement, electronic resources, books, audiovisual materials, newspapers, and periodicals in accordance with the provisions of this Part. The state librarian may establish rules and regulations for implementation of this program in accordance with the Administrative Procedure Act. Grants may be made from funds appropriated to the State Library for allocation to libraries as provided herein.

B. Any parish library which serves all residents of the parish, any municipal library which serves all residents of a parish which does not have a parish library, any consolidated library system, and any district library shall be entitled to apply annually to the state librarian to receive supplemental grants in accordance with the provisions of this Part.

C. Applications to receive supplemental grants shall be submitted with the written approval of the Library Board of Control.

D. Grants shall be made by the state librarian on the basis of annual applications for grants submitted to the state librarian. Applications for state fiscal year must be made by November 1 of the same state fiscal year. Exceptions for extending expenditures to the next fiscal year may be granted by the state librarian.

E. Applications shall contain such information as may be requested by the state librarian to establish the eligibility of the library under the provisions of this Part and rules and regulations promulgated by the state librarian. Applications shall also contain a proposal for expenditure of funds for which application is made.

F. Funds granted under the provisions of this Part shall be expended only for the purchase of technology enhancement, technological information resources, books, audiovisual materials, newspapers, and periodicals. Exceptions for expenditures on items other than those listed above may be granted by the state librarian.

AUTHORITY NOTE: Promulgated in accordance with R.S. 25:14.

HISTORICAL NOTE: Promulgated by the Department of Culture, Recreation and Tourism, Office of the State Library, LR 6:108 (March 1980), amended LR 24:2232 (December 1998), amended by the Department of Culture, Recreation and Tourism, State Library, LR 36:2541 (November 2010), LR 39:70 (January 2013).

§3105. Eligibility

A. Each library or consolidated library system represented by the applicant must be legally established according to Louisiana Revised Statutes Title 25, Section 211, except for the New Orleans Public Library which was established prior to the enactment of Title 25.

B. Each library or consolidated library system must agree to serve all patrons with free basic library service with no denial of service by reason of race, color, national origin, religion, sex, age, marital status, or political affiliation.

C. Each library or consolidated library system shall show evidence of working toward the standards for public library service in Louisiana as adopted by the Louisiana Library Association.

D. Each library or consolidated library system participating in the program of supplemental grants shall endorse and comply with the interlibrary loan code adopted by the Louisiana Library Association to assure the interlibrary availability of materials purchased from funds granted herein.

E. A parish library which serves all residents of the parish, a municipal library which serves all residents of a parish which does not have a parish library, and a consolidated library system shall be eligible to apply to receive supplemental grants if other conditions of eligibility are met.

F. If eligibility to receive state grants under the rules is lost for any reason, the following conditions must be met to re-establish eligibility.

1. The state librarian will be notified that the library or consolidated library system will be ineligible to participate in the program of supplemental grants by submission of the annual report which when filed by July 1 will indicate the inability to "maintain effort". Said library or consolidated library system shall not be declared ineligible until after the receipt of their annual report.

2. The library or consolidated library system which has been declared ineligible in writing by the state librarian shall not receive state aid funds for the succeeding state fiscal year (July 1-June 30).

3. The ineligible library or consolidated library system shall continue to make annual application to the State Library to be filed for the next succeeding year so when circumstances permit participation in the supplemental grants program the library or consolidated system will have an application on file and will be eligible.

4. When an ineligible library or consolidated library system submits evidence in the form of the annual report of a return to the required level of maintenance of effort for the expenditure on library materials and total income received from local sources for the stipulated period of time, that library or consolidated library system will be declared eligible for participation in this program. Payments will begin with the state's next fiscal year.

AUTHORITY NOTE: Promulgated in accordance with R.S. 25:14.

HISTORICAL NOTE: Promulgated by the Department of Culture, Recreation and Tourism, Office of the State Library, LR 6:108 (March 1980), amended LR 13:392 (July 1987), amended by the Department of Culture, Recreation and Tourism, State Library, LR 36:2541 (November 2010)

§3107. Maintenance of Local Effort

A. Grant funds cannot be used for personnel or regularly budgeted items. Nothing in these rules and regulations shall be construed to effect a substitution of state funds for library service.

AUTHORITY NOTE: Promulgated in accordance with R.S. 25:14.

HISTORICAL NOTE: Promulgated by the Department of Culture, Recreation and Tourism, Office of the State Library, LR 6:108 (March 1980), amended LR 7:407 (August 1981), LR 8:591 (November 1982), LR 13:392 (July 1987), LR 24:2232 (December 1998).

§3109. Distribution of Supplemental Grants

A. The state library shall grant funds under the provisions of this Part to any library, consolidated library system, or district library which makes application and which is eligible for such funds as provided herein. Grants shall be made on an annual basis.

AUTHORITY NOTE: Promulgated in accordance with R.S. 25:14.

HISTORICAL NOTE: Promulgated by the Department of Culture, Recreation and Tourism, Office of the State Library, LR 6:109 (March 1980), amended LR 7:407 (August 1981), LR 13:392 (July 1987), LR 24:2232 (December 1998), amended by the Department of Culture, Recreation and Tourism, State Library, LR 39:70 (January 2013).

§3111. Annual Reports to the State Library

A. Each library, consolidated library system, or district library applying annually to the state librarian for and receiving supplemental funding grants shall furnish to the state librarian, an annual report of such information concerning library technology and/or materials purchased as the state librarian may require, specifically including a description and financial accounting of all library technology and/or materials purchased from funds received under the provisions of this Part. The legislative auditor for the state of Louisiana shall have the option of auditing all accounts pertaining to grants made to public libraries, or consolidated library systems.

AUTHORITY NOTE: Promulgated in accordance with R.S. 25:14.

HISTORICAL NOTE: Promulgated by the Department of Culture, Recreation and Tourism, Office of the State Library, LR 6:109 (March 1980), amended LR 24:2232 (December 1998).

§3113. Appeal Process

A. If a public library, consolidated library system, or district library is denied the grant for technology materials and/or library materials, the avenue to appeal this decision will be first the state librarian, next, to the secretary of the Department of Culture, Recreation and Tourism, and finally, to the lieutenant governor of the state of Louisiana.

AUTHORITY NOTE: Promulgated in accordance with R.S. 25:14.

HISTORICAL NOTE: Promulgated by the Department of Culture, Recreation and Tourism, Office of the State Library, LR 6:109 (March 1980), amended LR 13:392 (July 1987), LR 24:2232 (December 1998), amended by the Department of Culture, Recreation and Tourism, State Library, LR 36:2542 (November 2010).

Title 25
CULTURAL RESOURCES
Part VII. State Library
Subpart 5. Public Document Depository System

Chapter 41. General Rules

§4101. Authority

A. These rules are promulgated by the state librarian who serves as the assistant secretary of Culture, Recreation and Tourism, Office of the State Library, as authorized by R.S. 25:122(B) and as required by the Administrative Procedure Act (R.S. 49:953).

AUTHORITY NOTE: Promulgated in accordance with R.S. 25:122(B).
HISTORICAL NOTE: Promulgated by the Department of Culture, Recreation and Tourism, Office of the State Library, LR 8:187 (April 1982).

§4103. Organization

A. The Louisiana State Public Documents Depository Program is created as a unit of the state library under the direction of the state librarian.

AUTHORITY NOTE: Promulgated in accordance with R.S. 25:122(B).
HISTORICAL NOTE: Promulgated by the Department of Culture, Recreation and Tourism, Office of the State Library, LR 8:187 (April 1982), amended by the Department of Culture, Recreation and Tourism, State Library, LR 39:70 (January 2013).

§4105. Purpose

A. The state librarian has the duty to establish a depository system to facilitate the preservation and accessibility of state documents for public use.

AUTHORITY NOTE: Promulgated in accordance with R.S. 25:122(B).
HISTORICAL NOTE: Promulgated by the Department of Culture, Recreation and Tourism, Office of the State Library, LR 8:187 (April 1982), amended by the Department of Culture, Recreation and Tourism, State Library, LR 39:70 (January 2013).

§4107. Advisory Council

A. In pursuing the mission to provide citizens of the state access to state government publications, the recorder of documents will seek the advice of an advisory council. Members will be appointed by the state librarian, and will include representatives of state agencies, state depositories, and other interested persons. Functions of the council shall be to advise on the selection, organization, distribution, and bibliographic control of publications; to recommend policy and procedures for the effective and efficient operation of the office of the recorder of documents and to provide a forum for the exchange of information and ideas.

AUTHORITY NOTE: Promulgated in accordance with R.S. 25:122(B).
HISTORICAL NOTE: Promulgated by the Department of Culture, Recreation and Tourism, Office of the State Library, LR 8:187 (April 1982).

Chapter 43. Deposit of Publications

§4301. Agency Responsibility

A. State agencies, as defined in R.S. 25:121.1, are required to deposit copies of their public documents with the recorder of documents immediately upon publication.

1. "Deposit" shall include providing a copy of digital-only publications via PDF file.

B. Academic institutions are required to deposit copies of their public documents with the recorder of documents for distribution to each historical depository only. They are also required to archive and provide public access to their own publications.

C. At the recorder's request, any state agency shall provide to the recorder of documents a complete list of its public documents.

AUTHORITY NOTE: Promulgated in accordance with R.S. 25:122(B).
HISTORICAL NOTE: Promulgated by the Department of Culture, Recreation and Tourism, Office of the State Library, LR 8:187 (April 1982), amended by the Department of Culture, Recreation and Tourism, State Library, LR 39:70 (January 2013).

§4303. Public Documents Required to be Deposited

A. The public documents required to be deposited are those defined in R.S. 25:121.1.

2. *Public Document*—informational matter for public distribution, regardless of format, method of reproduction, source, or copyright, originating in or produced with the imprint of, by the authority of, or at the total or partial expense of, any state agency, including material published with federal funds or by sub-state planning districts.

a. This definition incorporates publications released by private bodies such as research and consultant firms under a contract with and/or under the supervision of any state agency.

b. This definition also incorporates electronic documents, which include any discrete public document published in a static digital format.

AUTHORITY NOTE: Promulgated in accordance with R.S. 25:122(B).
HISTORICAL NOTE: Promulgated by the Department of Culture, Recreation and Tourism, Office of the State Library, LR 8:187 (April 1982), amended LR 28:1577 (July 2002), amended by

the Department of Culture, Recreation and Tourism, State Library, LR 36:2542 (November 2010), LR 39:70 (January 2013).

§4305. Public Documents not Required to be Deposited

A. The recorder and state librarian have exempted certain kinds of state publications from deposit requirements. A state agency is not required to deposit the following state publications:

1. advertisements;

2. agendas;

3. alumni materials;

4. announcements, bookmarks, postcards;

5. applications;

6. articles/reports published in commercial/professional literature, e.g. JAMA;

7. artwork (graphical representations without textual information);

8. bids, responses to bids, requests for bids;

9. calendars;

10. complex relational databases;

11. contracts;

12. correspondence;

13. course schedules;

14. curriculum catalogs (program-specific only);

15. drafts of plans, reports (unless historically significant or only version available);

16. event invitations, announcements, registration forms;

17. fiction, literary criticism, or poetry, except as may be included in literary journals;

18. forms and instruction manuals for their completion;

19. fundraising materials;

20. grant proposals, bids;

21. greeting cards;

22. job listings;

23. memorabilia/realia;

24. memoranda (including email);

25. minutes of internal departmental meetings (except public meeting minutes of boards/commissions/task forces and executive meeting minutes);

26. minutes of boards/commissions/task forces and executive meetings containing confidential information (unless redacted);

27. minutes of committee meetings of boards/commissions/task forces, even if public;

28. news/press releases, public service announcements;

29. newsletters and subscriber lists meant only for employee, faculty, or student use;

30. notices of sale;

31. opinions and orders issued by state courts;

32. daily or weekly periodicals (that are summarized in monthly or quarterly publications);

33. personnel manuals;

34. photographs;

35. policy handbooks intended only for internal use;

36. presentations/speeches given at conferences, meetings;

37. programs (announcements of events, training sessions);

38. recruitment materials;

39. reprints (reissued without change);

40. stationery;

41. student publications (produced by students), except for those published by the university or college;

42. telephone directories meant only for employee, faculty, or student use;

43. unedited compilations of data or information submitted via forms or other means from individuals or entities under the regulation of a state agency;

44. volunteer newsletters; and

45. websites in their entirety.

AUTHORITY NOTE: Promulgated in accordance with R.S. 25:122(B).

HISTORICAL NOTE: Promulgated by the Department of Culture, Recreation and Tourism, Office of the State Library, LR 8:187 (April 1982), amended LR 28:1577 (July 2002), amended by the Department of Culture, Recreation and Tourism, State Library, LR 39:70 (January 2013).

§4307. Core Collection

A. Core collection refers to those basic public documents which all depositories shall receive.

B. The needs of the public will be served best by distributing to all depositories those public documents which are the most useful and essential. Fewer copies of other state agency publications may be needed to meet the needs of the depository system. Therefore, in the interest of economy and efficiency, the recorder of documents with the aid of the advisory council will identify a core collection to be made available by all participating libraries.

AUTHORITY NOTE: Promulgated in accordance with R.S. 25:122(B).

HISTORICAL NOTE: Promulgated by the Department of Culture, Recreation and Tourism, Office of the State Library, LR 8:187 (April 1982), amended by the Department of Culture, Recreation and Tourism, State Library, LR 39:71 (January 2013).

§4309. Number of Copies to be Deposited

A. The recorder of documents, with the aid of the advisory council, will determine the appropriate number of copies of each public document not included in the core collection which will be required to be deposited to meet the needs of the depository program in accordance with the contract between the depository and the state librarian.

AUTHORITY NOTE: Promulgated in accordance with R.S. 25:122(B).

HISTORICAL NOTE: Promulgated by the Department of Culture, Recreation and Tourism, Office of the State Library, LR 8:187 (April 1982), amended by the Department of Culture, Recreation and Tourism, State Library, LR 39:71 (January 2013).

§4311. Liaison Officer of Agencies

A. The head of every state agency shall designate one of its staff members as the liaison officer for the agency and shall notify the recorder of documents on or before the first day of July of the identity of the liaison officer, and shall immediately notify the recorder of documents of any new liaison officer should a change occur. If a liaison officer is not appointed, the head of the agency serves as liaison by default. The liaison officer of each state agency shall have the duty to provide the recorder of documents with required copies of publications in whatever format they were originally published.

AUTHORITY NOTE: Promulgated in accordance with R.S. 25:122(B).

HISTORICAL NOTE: Promulgated by the Department of Culture, Recreation and Tourism, Office of the State Library, LR 8:187 (April 1982), amended LR 28:1577 (July 2002), amended by the Department of Culture, Recreation and Tourism, State Library, LR 39:71 (January 2013).

§4313. Application of Rules

A. If the liaison officer is in doubt whether a specific publication is required to be deposited as set forth in the above rules, or if the number of copies to be deposited is burdensome because of cost or numbers published, or if the number of copies to be deposited is uncertain, the liaison officer of the agency shall consult with the recorder of documents for assistance in interpreting the regulations. If the agency is not satisfied with the determination of the recorder of documents, a written request should be submitted to the state librarian, who shall make the final ruling.

AUTHORITY NOTE: Promulgated in accordance with R.S. 25:122(B).

HISTORICAL NOTE: Promulgated by the Department of Culture, Recreation and Tourism, Office of the State Library, LR 8:188 (April 1982), amended LR 28:1577 (July 2002).

§4315. Noncompliance by Agency

A. Noncompliance of an agency will result in a written notice of the noncompliance from the state librarian to the chief administrative officer of the agency. This notice shall state the alleged noncompliance, a specific date on which such noncompliance must be remedied, and that further noncompliance will result in a report to the attorney general and the governor.

AUTHORITY NOTE: Promulgated in accordance with R.S. 25:122(B).

HISTORICAL NOTE: Promulgated by the Department of Culture, Recreation and Tourism, Office of the State Library, LR 8:188 (April 1982).

Chapter 45. Depository Library System

§4501. Statutory Depositories

A. The State Library of Louisiana, Middleton Library at Louisiana State University in Baton Rouge, and Prescott Memorial Library at Louisiana Tech University are legally designated complete historical depository libraries. They shall receive and permanently retain at least one copy of all paper public documents received by the recorder for distribution. The State Library of Louisiana is responsible for archiving and providing permanent public access to received documents that are issued solely in digital formats.

AUTHORITY NOTE: Promulgated in accordance with R.S. 25:122(B).

HISTORICAL NOTE: Promulgated by the Department of Culture, Recreation and Tourism, Office of the State Library, LR 8:188 (April 1982), amended LR 28:1577 (July 2002), amended by the Department of Culture, Recreation and Tourism, State Library, LR 36:2542 (November 2010), LR 39:71 (January 2013).

§4503. Other Depositories

A. Any Louisiana library wishing to receive public documents through the depository system shall submit a written application to the state librarian requesting designation as either a complete depository~~,~~ or a selective depository. Special depository status is limited to the David R. Poynter Legislative Research Library.

1. Complete depositories shall receive one copy of all public documents received by the recorder of documents for distribution and shall retain one copy for a minimum of five years.

2. Selective depositories shall receive one copy of the core collection and all public documents received by the recorder for distribution in the predetermined categories they select and shall retain one copy for a minimum of five years. Those libraries selecting only the core collection shall retain the latest edition of each superseding document received.

3. The special depository shall follow standard selection procedures and shall comply with the contract made with the state librarian.

4. Complete and selective depositories may withdraw superseded materials based on the superseded list.

AUTHORITY NOTE: Promulgated in accordance with R.S. 25:122(B).

HISTORICAL NOTE: Promulgated by the Department of Culture, Recreation and Tourism, Office of the State Library, LR 8:188 (April 1982), amended LR 28:1578 (July 2002), amended by the Department of Culture, Recreation and Tourism, State Library, LR 39:71 (January 2013).

§4505. Designation of Depositories and Contracts

A. The state librarian shall review the applications submitted, and shall grant depository status to applicants, taking into consideration user needs, geographic coverage, and level of service to be provided.

B. The state librarian and the administrator of the library/institution receiving depository status shall execute a contract which shall designate the depository status of the library/institution, the date depository status shall become effective, and shall include a statement of agreement to abide by the depository law, and the rules and regulations promulgated and adopted by the state librarian.

AUTHORITY NOTE: Promulgated in accordance with R.S. 25:122(B).

HISTORICAL NOTE: Promulgated by the Department of Culture, Recreation and Tourism, Office of the State Library, LR 8:188 (April 1982).

§4507. Termination of Depository Contract

A. Termination of the contract between the State Library of Louisiana and the depository shall be by written notice six months in advance of the proposed date of termination by either party. The state documents received shall be retained by the depository until the normal retention date, unless otherwise advised by the recorder of documents.

B. Failure of a depository to abide by the depository law, rules and regulations, and guidelines shall result in termination of the depository contract by the state librarian upon six months' written notice.

AUTHORITY NOTE: Promulgated in accordance with R.S. 25:122(B).

HISTORICAL NOTE: Promulgated by the Department of Culture, Recreation and Tourism, Office of the State Library, LR 8:188 (April 1982), amended by the Department of Culture, Recreation and Tourism, State Library, LR 36:2542 (November 2010), LR 39:72 (January 2013).

§4509. Guidelines

A. The recorder of documents shall issue guidelines:

1. to aid state agencies in complying with the Louisiana Public Documents Law and the rules and regulations of the state librarian;

2. for the proper maintenance, housing, and servicing of public documents and which describe other responsibilities of the depositories; and

3. which delineate the functions and responsibilities of the recorder of documents.

AUTHORITY NOTE: Promulgated in accordance with R.S. 25:122(B).

HISTORICAL NOTE: Promulgated by the Department of Culture, Recreation and Tourism, Office of the State Library, LR 8:188 (April 1982).

Title 25
CULTURAL RESOURCES
Part VII. State Library
Subpart 6. Board of Library Examiners

Chapter 51. Certification

§5101. Types of Certification

A. The State Board of Library Examiners issues three types of certification:

1. executive;

2. temporary; and

3. provisional.

AUTHORITY NOTE: Promulgated in accordance with R.S. 25:222-223.

HISTORICAL NOTE: Promulgated by the Department of Culture, Recreation and Tourism, Office of the State Library, LR 11:250 (March 1985), amended by the Department of Culture, Recreation and Tourism, State Library, LR 39:72 (January 2013).

§5103. Executive Certification

A. The State Board of Library Examiners will issue executive certification to individuals who have:

1. a master's degree in library and information science granted by a library school accredited by the American Library Association;

2. three years executive experience in a public library after receiving the library science degree; and

3. attained a grade of at least 75 on the examination.

AUTHORITY NOTE: Promulgated in accordance with R.S. 25:222-223.

HISTORICAL NOTE: Promulgated by the Department of Culture, Recreation and Tourism, Office of the State Library, LR 11:250 (March 1985), amended by the Department of Culture, Recreation and Tourism, State Library, LR 36:2543 (November 2010), LR 39:72 (January 2013).

§5105. Temporary Certification [Formerly §5317]

A. The State Board of Library Examiners will issue temporary certification to individuals who:

1. have a master's degree in library and information science granted by a library school accredited by the American Library Association;

2. pass the examination; but

3. do not have the three years of executive experience.

B. Individuals who have temporary certification must qualify for executive certification within three years of passing the examination.

C. Individuals must notify the State Board of Library Examiners when they complete their three years of experience to obtain their executive certification.

AUTHORITY NOTE: Promulgated in accordance with R.S. 25:222-223.

HISTORICAL NOTE: Promulgated by the Department of Culture, Recreation and Tourism, Office of the State Library, LR 11:250 (March 1985), amended by the Department of Culture, Recreation and Tourism, State Library, LR 39:72 (January 2013).

§5107. Provisional Certification

A. The State Board of Library Examiners will issue provisional certification upon request to individuals who:

1. hold a master's degree in library and information science granted by a library school accredited by the American Library Association;

2. have at least five years of executive experience in a public library; but

3. have not passed the examination.

B. Individuals who have provisional certification must pass the examination within six months or the first time the examination is given after they are hired, whichever is later.

C. Individuals who do not pass the examination within the required timeframe will have provisional certification revoked.

AUTHORITY NOTE: Promulgated in accordance with R.S. 25:222-223.

HISTORICAL NOTE: Promulgated by the Department of Culture, Recreation and Tourism, State Library, LR 39:72 (January 2013).

§5109. Duration of Certification [Formerly §5315]

A. Executive certification is issued for five years, and is renewable if the holder completes the continuing education requirements.

AUTHORITY NOTE: Promulgated in accordance with R.S. 25:222-223.

HISTORICAL NOTE: Promulgated by the Department of Culture, Recreation and Tourism, Office of the State Library, LR 11:250 (March 1985), amended by the Department of Culture, Recreation and Tourism, State Library, LR 39:72 (January 2013).

§5111. Revocation [Formerly §5313]

A. Any certificate may be revoked for cause.

AUTHORITY NOTE: Promulgated in accordance with R.S. 25:222-223.

HISTORICAL NOTE: Promulgated by the Department of Culture, Recreation and Tourism, Office of the State Library, LR 11:250 (March 1985), amended by the Department of Culture, Recreation and Tourism, State Library, LR 39:72 (January 2013).

§5113. Renewal of Executive Certification

A. In order to renew executive certification, the individual must:

1. make a written request to the State Board of Library Examiners stating professional experience since the certification was last issued or last renewed; and

2. show evidence of completing continuing education requirements as provided in LAC 25:VII.5115.

AUTHORITY NOTE: Promulgated in accordance with R.S. 25:222-223.
HISTORICAL NOTE: Promulgated by the Department of Culture, Recreation and Tourism, State Library, LR 39:73 (January 2013).

§5115. Continuing Education

A. Fifteen continuing education points are required in the five year period between issuance or renewal of executive certification.

B. Continuing Education Events—

1. academic or professional development courses, workshops, conferences, or institutes on topics related to public library management offered by universities, associations, vendors, or consortia;

2. developing and/or presenting a full-day course, workshop, or institute on a topic related to public library management (first presentation only);

3. professional publications; that is, journal articles or books on topics related to public library management; and

4. speeches or presentations before professional library groups, not including in-house presentations that are a normal part of the candidate's job responsibilities.

AUTHORITY NOTE: Promulgated in accordance with R.S. 25:222-223.
HISTORICAL NOTE: Promulgated by the Department of Culture, Recreation and Tourism, State Library, LR 39:73 (January 2013).

Chapter 53. Examination

§5301. Examination Criteria

A. The examination covers the following aspects of public library service:

1. library organization and administration;

2. library budgets and financial operation;

3. standards for library service;

4. Louisiana laws pertaining to libraries and library administration;

5. current status of library development in Louisiana.

AUTHORITY NOTE: Promulgated in accordance with R.S. 25:222-223.
HISTORICAL NOTE: Promulgated by the Department of Culture, Recreation and Tourism, Office of the State Library, LR 11:250 (March 1985), amended by the Department of Culture, Recreation and Tourism, State Library, LR 36:2543 (November 2010).

§5303. Oral and Written Examinations

A. The examination is given both orally and written. The oral examination includes an interview with the candidate, and may be given on the same day as the written examination.

AUTHORITY NOTE: Promulgated in accordance with R.S. 25:222-223.
HISTORICAL NOTE: Promulgated by the Department of Culture, Recreation and Tourism, Office of the State Library, LR 11:250 (March 1985), amended by the Department of Culture, Recreation and Tourism, State Library, LR 39:73 (January 2013).

§5305. Date of Examination [Formerly §5309]

A. The examination is given quarterly. Announcement of examinations is made at least two months before each examination is given, and all applications for that examination must be on file with the State Library not later than a month before the date of the examination. With permission of the board, a candidate may be permitted to take the examination, if the individual's application is received after the announced date.

AUTHORITY NOTE: Promulgated in accordance with R.S. 25:222-223.
HISTORICAL NOTE: Promulgated by the Department of Culture, Recreation and Tourism, Office of the State Library, LR 11:250 (March 1985), amended by the Department of Culture, Recreation and Tourism, State Library, LR 39:73 (January 2013).

§5307. Rights of Board [Formerly §5311]

A. The board reserves the right to cancel any announced examination if fewer than three candidates signify their desire to appear.

AUTHORITY NOTE: Promulgated in accordance with R.S. 25:222-223.
HISTORICAL NOTE: Promulgated by the Department of Culture, Recreation and Tourism, Office of the State Library, LR 11:250 (March 1985), amended by the Department of Culture, Recreation and Tourism, State Library, LR 39:73 (January 2013).

Title 25
CULTURAL RESOURCES
Part IX. Office of State Parks

Chapter 1. Definitions

§101. Definitions

A. As used by the Office of State Parks (OSP) in association with the operation of its holdings and public facilities:

Assistant Secretary—the assistant secretary of the office of state parks is executive head of the office and is appointed by the lieutenant governor with consent of the Senate. This officer is subject to the overall direction and control of the secretary of the Department of Culture, Recreation and Tourism (DCRT) while having direct responsibility for the policies of the OSP, and for the administration, control and operation of the functions, programs and affairs of the office.

Classification System—the method of categorizing OSP sites based on purpose, selection, development and management criteria. The categories established by this system are state park, state historic site, and state preservation area. Use of these classification terms, in any official name or public or private lands or holdings is prohibited except when approved by the secretary of DCRT, and when such areas meet the classification criteria as identified in R.S. 56:1684.

Department of Culture, Recreation and Tourism (DCRT)—a governmental agency duly created by the Louisiana State Constitution of 1974. This department is responsible for planning, developing and implementing improved opportunities for the enjoyment of cultural and recreational activities by the people of Louisiana and for greater development of their cultural and physical potential. This department is responsible for the development, maintenance and operation of state libraries, parks, recreational facilities, museums and other cultural facilities. This department is also responsible for statewide development and implementation of cultural, recreational and tourism programs as well as planning for the future leisure needs of the people.

Office of State Parks (OSP)—the office within the DCRT responsible for planning, designing, constructing, operating, interpreting and maintaining a system of parks, natural areas, historic sites and recreational facilities.

Secretary—the Secretary of the Department of Culture, Recreation and Tourism, who serves as the executive head and chief administrative officer of the department and is appointed by the lieutenant governor with consent of the Senate. This officer has responsibility for the policies of the department and for the administration, control and operation of the functions, programs and affairs of the department.

Site—any holding of the OSP including, but not limited to state historic sites, state parks, state preservation areas, and special holdings.

State Historic Site (SHS)—an official designation within the classification system of the OSP. State historic sites are areas with statewide historical, cultural or memorial significance.

State Park (SP)—an official designation within the classification system of the OSP. State parks are natural areas which when evaluated on a statewide basis, possess outstanding scenic and natural qualities, as well as outstanding potential for recreation utilization.

State Preservation Area (SPA)—an official designation within the classification system of the OSP. State preservation areas are unique natural sites preserved for future generations because of their exceptional scenic, ecological and biological values. Natural history education is the purpose of such areas and is accomplished through active interpretive programs, visitor centers, museums and trail systems.

AUTHORITY NOTE: Promulgated in accordance with R.S. 56:1681-1690, R.S. 56:1801-1809 and R.S. 36:204.

HISTORICAL NOTE: Promulgated by the Department of Culture, Recreation and Tourism, Office of State Parks, LR 12:90 (February 1986), amended LR 19:308 (March 1993), LR 31:1979 (August 2005), LR 36:1225 (June 2010), LR 43:290 (February 2017).

Chapter 3. General Provisions

§301. General Authority and Purpose

A. The following rules and regulations, procedures and fees replace, supersede and cancel all rules and regulations, procedures and fees adopted by the OSP prior to the effective date of these rules.

B. These rules and regulations are enacted by the OSP. Unless otherwise stated, the rules govern any and all sites under OSP jurisdiction pursuant to the authority given in Title 56, Chapter 6 of the Revised Statutes of 1950.

C. These rules and regulations are designed to provide the proper atmosphere for the enjoyment and protection of facilities and the safety of visitors.

D. The programs and activities of the OSP are open to all qualified persons regardless of race, color, national origin, religion, age or disability. If anyone believes he or she has been discriminated against in any OSP program, activity or facility, he or she may file a complaint alleging discrimination with either the OSP or the Office for Equal Opportunity, U.S. Department of the Interior, Washington, D.C. 20240.

AUTHORITY NOTE: Promulgated in accordance with R.S. 56:1681-1690 and R.S. 36:204.

HISTORICAL NOTE: Promulgated by the Department of Culture, Recreation and Tourism, Office of State Parks, LR 8:633 (December 1982), amended LR 12:89 (February 1986), LR 16:1051 (December 1990), LR 31:1980 (August 2005), LR 36:1225 (June 2010), LR 43:290 (February 2017).

§303. Park Property and Environment

A. The provisions of the Louisiana Criminal Code (R.S. 14:1 et seq.) shall be enforced on all OSP sites.

B. No person shall intentionally remove, damage, disturb, or destroy any OSP property or the property of another person, without the consent of the owner. "Property" shall include but is not limited to structures, watercraft, movables, signs, markers, natural features, cultural features wildlife, and plants.

C. No person shall cut, destroy, or damage timber on any site, except as necessary to meet established management criteria, including insect control, public safety, and approved park construction. No timber cutting or removal may occur without the written permission of the assistant secretary or his designee.

D. No building, structure, or other feature of any site may be altered, erected, or constructed without written consent of the assistant secretary or his designee.

E. Once a carrying capacity for an OSP site has been reached, or when additional visitors would adversely impact the site, the site manager is authorized to close the site to incoming visitors.

F. Food and beverages are prohibited in structures or areas containing historical furnishings or displays except in designated meeting rooms and assembly locations, or in conjunction with park programs. Smoking is prohibited in all enclosed structures.

G. No person shall excavate, remove, damage, or otherwise alter or deface any cultural or archaeological resource located on any site.

H. The display, possession, and/or use of metal detectors or similar devices is prohibited. It is strictly forbidden to dig for or otherwise remove any historical feature, relic or artifact. Persons wishing to excavate and remove historical features by professional archaeological means for research purposes must request a permit from the Louisiana Archaeological Survey and Antiquities Commission. Applications for such permits must be made through the assistant secretary.

I. No person shall plant material or otherwise introduce plant material on any site without the written approval of the assistant secretary or his designee.

J. Visitors to state historic sites are prohibited from leaving designated historic trails and may not walk on historic earthworks, fortifications, mounds or like features without specific permission of the site manager.

AUTHORITY NOTE: Promulgated in accordance with R.S. 56:1681-1690 and R.S. 36:204.

HISTORICAL NOTE: Promulgated by the Department of Culture, Recreation and Tourism, Office of State Parks, LR 8:634 (December 1982), amended LR 12:89 (February 1986), LR 16:1052 (December 1990), LR 19:308 (March 1993), LR 26:25 (January 2000), LR 27:1673 (October 2001), LR 31:1980 (August 2005), LR 36:1226 (June 2010), LR 43:290 (February 2017).

§305. Vehicle Use

A. The provisions of the Louisiana Highway Regulatory Act (R.S. 32:1 et seq.) and any rules and regulations promulgated thereunder shall be enforced on all OSP sites.

B. Automobiles, trucks, motorcycles, bicycles, recreation vehicles, or any other wheeled vehicles must be operated only on those roads, lanes, or byways designated for vehicular traffic unless otherwise authorized by the site manager.

C. Vehicles, including recreational vehicles, motorcycles, and boat trailers, shall be parked only in designated parking areas unless otherwise authorized by the site manager.

D. No person shall operate a vehicle in excess of 15 miles per hour on any OSP sites unless otherwise posted.

E. No motor vehicle shall be operated on OSP sites without being properly licensed by the appropriate regulatory agencies.

1. However, persons with mobility disabilities may use single-passenger, wheeled devices powered by electric motors wherever pedestrians are allowed. Multiple-passenger wheeled devices powered by electric or gas motors (e.g., golf carts) are permitted to transport persons with mobility disabilities within the campgrounds. The disabled visitor must be a passenger in the vehicle.

2. Golf carts may be driven by licensed and insured drivers on the roadways at OSP sites where such use is specifically authorized by law or by the assistant secretary.

3. Low-speed electric bicycles (electric motor of less than 750 watts, 1 hp) are treated like bicycles.

4. As new wheeled devices powered by electric motors are developed, exceptions to this provision may be granted in advance on a case-by-case basis.

F. No person shall clean, service and/or repair any vehicle on OSP property except in emergency situations and in designated areas.

G. Vehicles will be considered abandoned if left unattended for more than seven consecutive days unless the proper permit or advanced written approval is granted by the site manager.

H. No person shall move or remove any barrier to gain access to a restricted area.

I. Off-highway vehicles (OHV) are prohibited on OSP sites, including back country trails, except as set forth in this Section.

1. OHVs are permitted on established OHV trails at South Toledo Bend State Park, subject to compliance with

the following rules by OHV riders (i.e., both operators and passengers).

a. OHV riders must possess on person a valid OHV permit issued by the OSP.

i. Single use OHV permits may be obtained from the South Toledo Bend entrance station.

ii. Annual OHV permits may be obtained from the South Toledo Bend entrance station or the OSP administrative office in Baton Rouge.

b. OHV riders shall wear a U.S. Department of Transportation and/or Snell-approved helmet.

c. OHV riders should wear appropriate personal protective clothing such as eye protection, gloves, boots, long-sleeve shirt, and long pants.

d. OHV riders shall stay on established OHV trails. Cross-country riding is prohibited.

e. OHV riders shall ensure the OHV has a properly functioning spark arrestor and a muffler that does not exceed 90dB.

f. OHV riders shall not possess, consume, or be under the influence of alcoholic beverages.

g. OHV riders shall only use OHV trails while the OHV trails are open.

i. OHV trails are open from 8 a.m. to 5 p.m. from October 1 through March 31.

ii. OHV trails are open from 8 a.m. to 7 p.m. from April 1 through September 30.

iii. OHV trails may be closed by the OSP for management reasons.

h. OHV riders must be 7 years of age or older.

i. OHV riders between the ages of 7-17 must be under the continuous and direct supervision of an adult age 18 or older.

2. OHVs use is permitted on other OSP sites only by OSP staff, contractors, and agents or with prior written consent of the assistant secretary or his designee.

AUTHORITY NOTE: Promulgated in accordance with R.S. 56:1681-1690 and R.S. 36:204.

HISTORICAL NOTE: Promulgated by the Department of Culture, Recreation and Tourism, Office of State Parks, LR 8:634 (December 1982), amended LR 12:89 (February 1986), LR 14:772 (November 1988), LR 26:25 (January 2000), LR 31:1980 (August 2005), LR 39:1264 (May 2013), LR 43:290 (February 2017).

§307. Water Craft

A. Federal, state, and local laws, rules and ordinances related to the use of watercraft shall be enforced. All watercraft located on or adjacent to any site must be operated in a careful and reasonable manner, and such operation is subject to the rules of safety imposed by the laws of Louisiana and by the United States Coast Guard. Boaters must abide by posted park operational hours.

B. Every owner and operator of a motor boat, vessel or other water craft shall comply with all flotation device requirements prescribed by state and federal law.

C. Watercraft shall be launched only from designated boat ramps or launching areas within a site.

D. A person renting a watercraft must return the watercraft to the original docking location after use, and secure the boat from unauthorized use.

E. No watercraft may be operated in a designated swimming area or in any other area designated as a non-boating area by signs or any area otherwise restricted from boat operation or docking.

F. Watercraft left docked and unattended must be properly secured in designated areas only. The OSP will not be responsible for any loss, theft or damage to watercraft, equipment, personal property or supplies left unattended.

G. Watercraft will be considered abandoned if left unattended for more than seven consecutive days unless the proper permit or advanced written approval is granted by the site manager.

H. Commercial boats (defined as any watercraft capable of carrying five or more persons for hire; any watercraft having a water displacement of five tons or more, whatever the length; or any watercraft from which commercial activities are conducted, e.g., shrimping, crabbing, fishing, etc.) are prohibited from using any OSP facility without the written consent of the assistant secretary. Prohibited uses include, but are not limited to, loading or unloading of materials, boarding of persons, operating power equipment and non-emergency repair work.

I. Water bodies or portions thereof adjacent to boat ramps, docks, swimming areas, boathouses, cabins, picnic pavilions, or other facilities shall be designated "no wake areas." Signs and/or buoys will mark the areas so designated. Violations of "no wake areas" shall be subject to citations.

J. Water skiing and related activities such as wake boarding, knee boarding, tubing, and banana rides are permitted only in designated areas, and at the participants' own risk.

K. Personal watercrafts (defined as any one or more person jet propelled craft such as a Jet Ski or Sea-Doo) are prohibited at Poverty Point Reservoir, Chicot Lake, Hodges Gardens Lake and in any portion of any site posted as a "no ski zone."

AUTHORITY NOTE: Promulgated in accordance with R.S. 56:1681-1690 and R.S. 36:204.

HISTORICAL NOTE: Promulgated by the Department of Culture, Recreation and Tourism, Office of State Parks, LR 8:634 (December 1982), amended LR 12:89 (February 1986), LR 16:1052 (December 1990), LR 26:26 (January 2000), LR 31:1981 (August 2005), LR 36:1226 (June 2010), LR 39:1265 (May 2013), LR 43:291 (February 2017).

§308. Poverty Point Reservoir State Park

A. All of the restrictions on and requirements for operating watercraft in Poverty Point Reservoir State Park

listed in this Section are in addition to those restrictions and requirements found elsewhere in these OSP rules and regulations. These Section rules apply only to Poverty Point Reservoir State Park's visitors. No part of this Section however, shall be construed so as to nullify, in whole or in part, any other Section of the OSP rules and regulations as they exist.

B. Watercraft owners and their invitees must enter the marina from designated entry points.

C. Operation of Watercraft. Individuals are prohibited from all of the following:

1. operating a watercraft at a speed greater than headway speed (i.e., the minimum speed required to maintain steering) within 50 feet of a shoreline, structures or swimmers;

2. operating a watercraft at a speed greater than 20 mph or minimum planing speed (whichever is less) between sunset and sunrise;

3. operating a watercraft where the idle volume is greater than 85 decibels. Further, if a watercraft is equipped with an optional exhaust noise suppression device, the device must be engaged while the watercraft is within a no-wake zone;

4. operating a watercraft without a current day use receipt or "resident boat permit."

D. No person shall moor any watercraft to any buoy or other man-made structure not specifically intended for mooring.

E. Skiing and/or towing of persons behind a watercraft is prohibited outside of designated skiing areas.

F. Skiing and/or towing of persons behind a watercraft is prohibited in all areas between sunset and sunrise.

G. Use of the Marina Complex. All visitors to the marina, whether watercraft owners or their invitees, are prohibited from:

1. storing hazardous or flammable materials in the slip area (with the exception of normal fuel storage in moored watercraft);

2. performing or allowing to be performed any major repairs or maintenance to a watercraft moored in the marina. Major repairs or maintenance include any activities that pose a safety hazard or nuisance or infringe on the enjoyment of the marina by others;

3. using any cooking appliances including, but not limited to, BBQ pits, fish fryers, meat smokers, seafood boilers, etc., in the marina;

4. creating an open flame within the marina;

5. painting or removing paint in the marina;

6. fueling, or allowing to be fueled any watercraft outside designated fueling areas;

7. playing or allowing to be played any video or audio equipment which can be seen or heard outside of the individual slip;

8. placing or allowing to be placed any antenna or other audio/video reception device which can be seen outside of the individual slip;

9. bringing pets into the marina;

10. using the sewerage pump-out facilities without the assistance of OSP personnel.

H. All watercraft owners must complete and submit a signed "marina slip rental agreement" along with any required payments and/or deposits due prior to using a rental slip.

I. Watercraft owners and their invitees shall be responsible for maintaining the marina facilities available for their use. To that end, every watercraft owner and invitee shall:

1. remove all refuse from the watercraft and slip and place in the designated receptacles;

2. store hoses, shorelines, and other gear only in approved storage lockers;

3. place all storage lockers only on the end of dock fingers so as not to interfere with the view or access of other watercraft owners;

4. provide the park office with keys to both the storage locker and the watercraft to be used for emergency purposes only;

5. keep the bathroom and shower area clean;

6. report all maintenance and repair needs immediately to park personnel.

J. Personal watercraft are prohibited at Poverty Point Reservoir.

AUTHORITY NOTE: Promulgated in accordance with R.S. 56:1681-1690 and R.S. 36:204.

HISTORICAL NOTE: Promulgated by the Department of Culture, Recreation and Tourism, Office of State Parks, LR 31:1981 (August 2005), amended LR 36:1226 (June 2010), LR 43:291 (February 2017).

§309. Horseback Riding, Livestock, Animals and Pets

A. Horseback riding is allowed only in specially designated areas and/or as part of special program events approved in advance by the assistant secretary.

B. Any pet brought on OSP property must be leashed, caged or crated. Leashes shall not exceed 6 feet in length. With the exception of service animals, pets are not permitted within buildings or other enclosed structures on site, nor are they allowed near designated swimming areas and in overnight facilities. Owners of pets shall be fully responsible for any injury and/or damage caused by their pet.

C. No person shall allow livestock to run or graze on any OSP site, except in specially designated areas and/or as part

of special programs or events approved in advance by the assistant secretary.

D. No pets are allowed on state preservation areas.

AUTHORITY NOTE: Promulgated in accordance with R.S. 56:1681-1690 and R.S. 36:204.

HISTORICAL NOTE: Promulgated by the Department of Culture, Recreation and Tourism, Office of State Parks in LR 8:635 (December 1982), amended LR 12:89 (February 1986), LR 14:773 (November 1988), LR 26:26 (January 2000), LR 31:1982 (August 2005), LR 36:1226 (June 2010), LR 43:292 (February 2017).

§310. Litter, Sanitation and Health

A. All litter disposed of on site, shall be placed into a proper litter receptacle in such a manner that the litter is prevented from being carried away or deposited by the elements upon OSP property or water bodies. Disposal means to throw, discard, place, deposit, discharge, burn, dump, drop, eject, or allow the escape of a substance.

B. No person shall drain or dump refuse waste including grey water from any trailer or other vehicle except in places or receptacles provided for such uses.

C. No person shall clean fish or other food, or wash clothing or articles of household use except in designated areas. No person shall clean, field dress, or have in open view on OSP property any harvested animal or animals, except in association with an OSP-approved management hunt or event.

D. No person shall discharge or allow to be discharged into any waters of the state any waste or substance of any kind that will tend to cause pollution of water used for human consumption or swimming.

E. All deposits of bodily wastes into or on any portion of a comfort station or other public structure, must be made in receptacles provided for that purpose. No person shall deposit any bottles, cans, cloth, rags, metal, wood, stone, or any other non-approved substance into any of the fixtures in such stations or structures.

F. No person shall use refuse containers or other refuse facilities for dumping household or commercial garbage or trash brought to a site.

G. No person shall bury or burn garbage, litter or dead animals on OSP property.

H. A person may enter an OSP site for the sole purpose of using the dump station facilities. General admission fees plus a $5 dump station use fee apply to such use.

AUTHORITY NOTE: Promulgated in accordance with R.S. 56:1681-1690 and R.S. 36:204.

HISTORICAL NOTE: Promulgated by the Department of Culture, Recreation and Tourism, Office of State Parks, LR 8:635 (December 1982), amended LR 12:89 (February 1986), LR 14:774 (November 1988), LR 26:26 (January 2000), LR 31:1982 (August 2005), LR 36:1227 (June 2010), LR 43:292 (February 2017).

§312. Fires

A. Fires shall be built only in places specifically designated for that purpose by site managers.

B. Burn bans declared by a local governing authority shall be observed at the parks within the jurisdiction of the local governing authority.

AUTHORITY NOTE: Promulgated in accordance with R.S. 56:1681-1690 and R.S. 36:204.

HISTORICAL NOTE: Promulgated by the Department of Culture, Recreation and Tourism, Office of State Parks, LR 8:633 (December 1982), amended LR 12:89 (February 1986), LR 26:27 (January 2000), repromulgated LR 31:1982 (August 2005), amended LR 36:1227 (June 2010).

§313. Fishing, Hunting, Trapping, and the Use of Firearms or Fireworks

A. All wildlife in OSP sites, including reptiles and amphibians, is under strict protection and must not be hunted, molested, disturbed, trapped, destroyed, fed or removed, except for scientific or management purposes when approved by the assistant secretary.

B. Bringing or keeping any hunting dogs on OSP property for the purpose of hunting inside or adjacent to a site is prohibited unless approved in advance and in writing by the assistant secretary.

C. A person who lawfully possesses a firearm may possess or transport such firearm within the boundaries of a state park, state historic site or state preservation area.

D. No person shall possess, shoot, discharge or explode nor cause to be shot, discharged, or exploded any fireworks or other explosives on any OSP property without prior written consent of the assistant secretary or his designee.

E. A person fishing on OSP property must adhere to all state and federal laws and criteria regarding fresh and/or salt water fishing. The taking of fish by nets, traps or any means other than hook or line is prohibited at any and all sites, except for management purposes as authorized by special permit. Notwithstanding the previous provision to the contrary, the taking of flounder by gigs, crabbing at Grand Isle SP and the taking of fish by means of a yo-yo or trigger device (as defined in R.S. 56:8) in Chicot Lake at Chicot State Park, are permitted subject to the following restrictions.

1. No more than 50 yo-yos or trigger devices allowed per person.

2. Each yo-yo or trigger device must be clearly tagged with the name, address and telephone number of the owner/user.

3. All fish or any wildlife caught or hooked must be immediately removed from the device.

4. Each yo-yo or trigger device must be re-baited at least once every 24 hours.

5. The placement of any artificial object to anchor a yo-yo or trigger device is prohibited.

6. Except for an object used strictly in the construction of a pier, boathouse, seawall, or dock, no object which is driven into the lake bottom, a stump, tree, or shoreline shall be used to anchor a yo-yo or trigger device.

Object means rebar or other metal material, cane, PVC tubing, construction material, or any other type of material.

F. Weapon-like toys (paintball maker, airsoft, etc.) that use compressed air or gases from any cartridge, canister or bottle and/or battery power to fire a projectile are prohibited from use at all OSP sites properties without prior written approval of the assistant secretary or his designee.

AUTHORITY NOTE: Promulgated in accordance with R.S. 56:1681-1690 and R.S. 36:204.

HISTORICAL NOTE: Promulgated by the Department of Culture, Recreation and Tourism, Office of State Parks, LR 8:633 (December 1982), amended LR 12:89 (February 1986), LR 14:773 (November 1988), LR 16:1052 (December 1990), LR 19:308 (March 1993), LR 31:1982 (August 2005), LR 36:1227 (June 2010), LR 39:1265 (May 2013), LR 43:292 (February 2017).

§314. Swimming

A. Swimming is permitted only in designated areas, and at the swimmer's own risk.

B. All children under 12 years of age must be accompanied by an adult at any swimming area or water playground.

C. The capacity of all pools, water playgrounds and beach areas is determined, regulated and enforced by the site manager.

D. Glass containers of any kind are prohibited within any perimeter boundaries of pools, enclosed swimming areas, enclosed beach areas, water playgrounds and beach parks.

E. No food or drinks are allowed within enclosed pool and enclosed beach areas with the exception of concessions sold at the Bayou Segnette State Park wave pool.

F. Only Coast Guard approved Type I or Type II Personal Flotation Devices are allowed in swimming areas with the exception of flotation devices provided by the OSP at the Bayou Segnette State Park wave pool. Site managers or their designees may make site specific exceptions.

G. Swimming is prohibited at all beach parks between sunset and sunrise.

H. Proper swimming attire, as determined by the site manager or his designee, is required for those entering the water at all swimming areas and water playgrounds.

AUTHORITY NOTE: Promulgated in accordance with R.S. 56:1681-1690 and R.S. 36:204.

HISTORICAL NOTE: Promulgated by the Department of Culture, Recreation and Tourism, Office of State Parks, LR 8:635 (December 1982), amended LR 12:89 (February 1986), LR 16:1052 (December 1990), LR 26:27 (January 2000), amended LR 31:1983 (August 2005), LR 36:1227 (June 2010), LR 39:1265 (May 2013), LR 43:293 (February 2017).

§315. Amplified Sound Equipment

A. No person shall play amplified musical instruments except when approved by the assistant secretary or his designee.

B. No person shall play non-amplified musical instruments, radios, televisions, tape players and similar equipment in a manner that disturbs other visitors.

C. No person shall use any public address system, whether fixed, portable, or vehicle-mounted, without prior approval of the assistant secretary or his designee.

D. Remote public broadcast activities must be approved by the assistant secretary or his designee.

AUTHORITY NOTE: Promulgated in accordance with R.S. 56:1681-1690 and R.S. 36:204.

HISTORICAL NOTE: Promulgated by the Department of Culture, Recreation and Tourism, Office of State Parks, LR 8:636 (December 1982), amended LR 12:89 (February 1986), LR 26:27 (January 2000), LR 31:1983 (August 2005), LR 39:1265 (May 2013).

§317. Disorderly Conduct

A. Disorderly or boisterous conduct is prohibited.

B. The site manager and his designees are authorized to control the use and consumption of alcoholic beverages at a site. This includes the authority to prohibit the consumption of alcohol in designated areas within an OSP site. The lawful consumption of alcoholic beverages may be allowed to the extent that such activity does not adversely affect the use and enjoyment of the site by other OSP site users.

C. No person shall publicly display on his vehicle, campsite, clothing, person or otherwise:

1. any word or words, image, graphic or depiction that is obscene;

2. denigrates any ethnic, racial, religious or minority group; or

3. promotes violence or illegal activity.

Obscene—obscenity as contained in R.S. 14:106.

AUTHORITY NOTE: Promulgated in accordance with R.S. 56:1681-1690 and R.S. 36:204.

HISTORICAL NOTE: Promulgated by the Department of Culture, Recreation and Tourism, Office of State Parks, LR 8:636 (December 1982), amended LR 12:89 (February 1986), LR 26:27 (January 2000), LR 31:1983 (August 2005), LR 39:1265 (May 2013), LR 43:293 (February 2017).

§319. Business Activities

A. No person may sell or offer for sale any merchandise or service without the written consent of the assistant secretary or his designee.

B. No person may distribute, post, place, or erect any advertising device without the written consent of the assistant secretary or his designee.

AUTHORITY NOTE: Promulgated in accordance with R.S. 56:1681-1690 and R.S. 36:204.

HISTORICAL NOTE: Promulgated by the Department of Culture, Recreation and Tourism, Office of State Parks, LR 8:636 (December 1982), amended LR 12:89 (February 1986), LR 26:27 (January 2000), LR 31:1983 (August 2005), LR 39:1265 (May 2013).

§321. Fines and Enforcement

A. In addition to any other penalty provided by law, persons violating these rules and regulations are subject to administrative fines for each violation of not less than $15 nor more than $250 (R.S. 56:1689), eviction from the site, and/or restitution to the state for damages incurred. If a person is delinquent in paying for damage incurred, the agency reserves the right to refuse privileges to that person pending receipt of such restitution.

B. Site managers and their agents, including rangers, watchmen, and guards, may be certified as "State Park Wardens." State Park Wardens, in addition to the authority otherwise conferred by law upon such officers, are vested with the same authority and powers conferred by law upon regular law enforcement officers of this state. State Park Wardens have specific authority and responsibility to enforce all rules, regulations, and laws within the limits of their jurisdiction.

C. Site visitors may be required to furnish specific information upon admission or registration, including but not limited to, vehicle license plate number and a driver's license number.

AUTHORITY NOTE: Promulgated in accordance with R.S. 56:1681-1690 and R.S. 36:204.

HISTORICAL NOTE: Promulgated by the Department of Culture, Recreation and Tourism, Office of State Parks, LR 8:636 December 1982), amended LR 12:89 (February 1986), LR 26:27 (January 2000), LR 27:1673 (October 2001), LR 31:1983 (August 2005), LR 36:1227 (June 2010), LR 39:1266 (May 2013), LR 43:293 (February 2017).

§329. Closures

A. The assistant secretary or his designee may direct the closing of a site or a facility to public use when or if any natural or man-made occurrence has affected, or is expected to affect, the operation and management of the site to a degree that normal public use and enjoyment are altered, or when such use may impair the health, safety, and well-being of the public or employees of the agency.

AUTHORITY NOTE: Promulgated in accordance with R.S. 56:1681-1690 and R.S. 36:204.

HISTORICAL NOTE: Promulgated by the Department of Culture, Recreation and Tourism, Office of State Parks, LR 43:293 (February 2017).

§330. Day-Use Facilities

A. Day-use facilities such as barbecue pits, tables, etc., which do not require prior reservations shall not be reserved by placing personal articles at these facilities prior to their immediate use. This includes firewood, ice chests, or any other personal property. The use of all such facilities is on a first come, first served basis.

B. The use of any facility in a site is subject to certain conditions or policies set down on an individual facility basis by the site manager. These conditions or policies must be approved in writing by the assistant secretary.

C. Permittees waive and release all claims against the state of Louisiana for any damage to person or property arising from the privileges granted by any use permit.

AUTHORITY NOTE: Promulgated in accordance with R.S. 56:1681-1690 and R.S. 36:204.

HISTORICAL NOTE: Promulgated by the Department of Culture, Recreation and Tourism, Office of State Parks, LR 8:634 (December 1982), amended LR 12:89 (February 1986), LR 19:308 (March 1993), LR 26:28 (January 2000), LR 31:1984 (August 2005), LR 43:293 (February 2017).

§331. Overnight-Use Facilities

A. General Provisions

1. Any overnight use of a site requires a written permit or payment receipt. Overnight facilities are reserved for the exclusive use of persons properly permitted for the use of overnight facilities and their guests. An exception to this rule will be made for volunteers camping at a state historic site as part of an approved overnight encampment program.

2. Permittee may not transfer or assign any use permit nor sublet any facility or part thereof.

3. The site manager has the authority to require the registration of every person occupying a campsite or overnight facility.

4. Any permit may be terminated by the assistant secretary or by the site manager upon the violation of any established rule, regulation, or any condition of the permit.

5. Lock combinations on entrance gates are issued for the personal use of the permittee, who is prohibited from allowing others to use the lock combination, or otherwise making the facilities open so that others not covered by the permit may enter or leave the facility or area.

6. Established time schedules (check-in and check-out) are strictly enforced. Failure to comply without advanced approval of the park manager may result in additional charges and denial of future use of OSP facilities.

7. Overnight users must observe quiet hours between the hours of 9 p.m. and 6 a.m. Playing music or other loud activities that adversely affect the use and enjoyment of the site by other site users is a violation of quiet hours.

8. Overnight users shall not erect or display unsightly, obscene, or inappropriate structures or features which, in the opinion of the site manager, may create a disturbing or otherwise unpleasant condition detrimental to the general site use

9. No permittee may repair or install any site equipment or furnishings unless authorized and supervised by the site manager.

10. No person shall be permitted to reside at any OSP site, except for assigned OSP staff and their immediate family.

11. Parking for boat trailers and additional vehicles may be allowed at the discretion of the site manager or his

designee, subject to individual site suitability for such purposes.

12. Permittees waive and release all claims against the state of Louisiana for any damage to person or property arising from the privileges granted by any use permit.

13. Upon departure, the user must ensure that the facility is vacated in good repair and in the same condition in which it was occupied. Trash must be disposed of and all fires extinguished. Permittees will be responsible for any and all damages resulting from their use of the facility. Failure to comply may result in denial of future use of OSP facilities.

B. Camping

1. With the exception of a campground host and long term stay campsites, overnight camping and group camp, lodge and cabin use are limited to 15 consecutive days. After 15 consecutive days of occupancy at an OSP site, the visitor must vacate the site for seven consecutive days before occupancy may be resumed. No person shall occupy a campsite for more than 23 days in any 30-day period. However, at the site manager's discretion, and subject to availability, overnight camping may be extended on a weekly basis. No campsite may be vacated for longer than a 24-hour continuous period under any permit agreement.

2. OSP campgrounds are intended for tents and recreational vehicles only.

3. Campsite occupancy is limited to six persons. Day use guests may visit overnight campers at their campsites between the hours of 8 a.m. and 9 p.m.

4. At designated group camping areas occupancy limits are set by the site manager or his designee.

5. Campsite configurations within the system vary in size, length, and surfacing materials. Camping spurs are designed to accommodate one camper/pop-up trailer with tow vehicle or one motorized camper and additional vehicle. Additionally, many sites will have designated tent pads adjacent to the spur. The site manager or his designee will have the authority to evaluate additional possible combinations for on site approval. Due to the numerous possible potential combinations, the following are to be used as general guidelines to define a camping unit by the site manager or his designee:

a. one camper trailer with tow vehicle (may include pickup camper), one large tent or two small tents;

b. one motorized camper with additional vehicle (may include pickup camper), one large tent or two small tents;

c. one pop-up camper with two vehicles (may include pickup camper), one large tent or two small tents;

d. one pickup camper with additional vehicle, one large tent or two small tents;

e. two vehicles and tent combinations not to exceed three tents.

6. Upon termination of any use permit, the facility must be vacated in good repair and in the same condition in which it was occupied. Where applicable, all water taps shut, and all fires extinguished. Permittees will be responsible for any and all damages resulting from their use of the facility. Failure to comply may result in denial of future use of OSP facilities.

C. Cabins, Lodges, Other Overnight Facilities

1. A written inventory of movable equipment and furnishings is posted in each overnight structure or will be furnished to the visitor. It is the visitor's responsibility to check the inventory immediately upon occupancy. The visitor must report to the site manager or his designee any discrepancy between the actual inventory and the printed inventory. The visitor may be assessed the cost of items which, if not reported as missing or damaged upon occupancy, are missing or damaged when the structure is vacated. Failure to reimburse the OSP for any missing property or damage to property may result in denial of future use of OSP facilities.

2. Facility furnishings shall not be moved without the permission of the site manager.

3. Upon termination of any use permit, the facility must be vacated in good repair and in the same condition in which it was occupied. Where applicable, all doors and windows will be closed, all water taps shut, and all fires extinguished. Permittees will be responsible for any and all damages resulting from their use of the facility. Failure to comply may result in denial of future use of OSP facilities.

4. The maximum overnight (9 p.m. to 8 a.m.) capacity for cabins and lodges is the listed bedding accommodations. A $15 fee per person will be charged to the permittee for additional persons up to the listed maximum sleeping capacity of the facility.

5. The maximum overnight (9 p.m. to 8 a.m.) capacity for a group camp is the maximum sleeping capacity of the group camp facility.

6. The maximum daytime (8 a.m. to 9 p.m.) capacity for cabins, lodges and group camps is double the sleeping capacity or posted fire marshal occupancy of the facilities. Exceptions may be granted by the assistant secretary or his designee.

AUTHORITY NOTE: Promulgated in accordance with R.S. 56:1681-1690 and R.S. 36:204.

HISTORICAL NOTE: Promulgated by the Department of Culture, Recreation and Tourism, Office of State Parks, LR 8:634 (December 1982), amended LR 12:89 (February 1986), LR 14:772 (November 1988), LR 16:1053 (December 1990), LR 19:308 (March 1993), LR 26:28 (January 2000), LR 27:1673 (October 2001), LR 31:1984 (August 2005), LR 36:1227 (June 2010), LR 39:1266 (May 2013), LR 43:293 (February 2017).

§333. Boundary Designation/Property Posting

A. The boundaries of all lands under the jurisdiction of the Office of State Parks shall be posted, except where posting is deemed unnecessary. Posting may be deemed unnecessary where any of the following conditions are met:

1. where OSP properties are bounded by public roadways;

2. where OSP property boundary is defined by a waterway;

3. where fencing or other fixtures that clearly delineate the property line are already present;

4. where the visual aesthetics would be destroyed or impeded.

B. For the purpose of establishing proper posting requirements for the different types of OSP properties, the following definitions are adopted:

Developed Property—areas administered by Office of State Parks which are operated in whole or part for public use and benefit.

Undeveloped Property—areas administered by the Office of State Parks which are not operated for public use and benefit. Such areas are usually acquired for future use and development by the agency.

C. Criteria for Posting and Establishing Boundaries

1. Except where posting is deemed unnecessary, boundaries of developed and undeveloped property shall be posted in accordance with OSP policies and procedures approved by the assistant secretary.

D. Penalties

1. Any person entering any OSP site except at designated public access points or unless possessing written permits or permission from authorized agents of state parks shall be cited for criminal trespass violations and shall be subject to administrative fines for each such violation of not less than $15, nor more than $250 (R.S. 56:1689).

2. Any person who removes, destroys or willfully damages any posted signs as herein described or relocates such signs from its original location shall be subject to fines for each such violation of not less than $15 nor more than $250 (R.S. 56:1689).

3. No person shall enter an OSP site when the OSP site is closed.

4. No person shall enter an OSP site without proper registration.

AUTHORITY NOTE: Promulgated in accordance with R.S. 56:1681-1690 and R.S. 36:204.

HISTORICAL NOTE: Promulgated by the Department of Culture, Recreation and Tourism, Office of State Parks, LR 11:100 (February 1985), amended LR 12:89 (February 1986), LR 31:1985 (August 2005), LR 43:294 (February 2017).

Chapter 5. Procedures and Fees

§500. Admission Fees and Exemptions

A. State Parks—General Admission Fees

1. Except as otherwise provided in this Chapter, a general admission fee is charged at all state parks as follows.

	State Parks	Hodges Gardens SP
Visitors (age 4-61) in non-commercial vehicles, walk-in visitors, visitors on bicycles	$3 per person, per day	$7 per person, per day
Children 3 and under	Free	Free
Seniors 62 and older	Free	Free
Persons, regardless of age, arriving by bus	$75 per bus, per day	$75 per bus, per day

Bus—a bus used as a public conveyance, whether privately or commercially owned and operated, that is capable of transporting 20 or more persons.

2. St. Bernard State Park General Admission Fees

a. The general admission fee at St. Bernard State Park is $2 per person 16 years of age and older and $1 per person under 16 years of age with a maximum of $5 per vehicle for all passengers in that vehicle.

b. Except there shall be no admission fee for St. Bernard and Plaquemines Parish residents on Sundays.

c. An annual vehicle permit may be obtained from the park office by St. Bernard and Plaquemines Parish residents only. The annual vehicle permit fee is $25. The annual vehicle permit will be in the form of a windshield decal. There will be no admission charge at any time for anyone entering the park as a passenger or driver of a vehicle with a decal.

d. OSP will replace the annual permit decal, free of charge, when presented with a current year decal if a windshield or vehicle has been replaced

B. State Historic Sites General Admission Fees

1. General Admission Fees for State Historic Sites

a. Except as otherwise provided in this Chapter, a general admission fee of $4 per person is charged at all state historic sites.

b. Children age 3 and under are free.

c. Seniors age 62 and older are free.

2. Locust Grove SHS and Los Adaes SHS have no general admission fee.

3. Rosedown Plantation State Historic Site

a. Charges for Admission to the plantation house and the gardens surrounding the house at the following rates:

i. $12 per adult (ages 18 to 61);

ii. $10 per senior citizen (ages 62 and over);

iii. $6 per child (ages 4 to 17);

iv. free for children (ages 3 and under).

b. Charges for admission to the gardens only at the following rates:

i. $7 per adult (ages 18 to 61);

ii. $7 per senior citizen (ages 62 and over);

iii. $5 per student (ages 4 to 17);

iv. free for children (ages 3 and under).

c. Organized groups of 20 or more are requested to notify the site manager in advance of their arrival. Special entry rates may apply to organized groups, set by the assistant secretary or his designee.

4. Audubon State Historic Site

a. Charges for admission to the visitor center, plantation house and grounds are at the following rates:

i. $10 per adult (ages 18 to 61);

ii. $8 per senior citizen (ages 62 and over);

iii. $5 per student (ages 4 to 17);

iv. free for children (ages 3 and under).

b. Charges for admission to the grounds only are at the following rates:

i. $5 per person (ages 4 and over);

ii. free for children (ages 3 and under).

5. Organized groups of 10 or more are requested to notify the site manager in advance of their arrival. Except as otherwise provided in this Chapter, there is no additional fee for SHS visitors arriving by bus.

6. Admission entitles visitors to all facilities and regular programs that may be offered at the historic site. Special programs and events may include special admission rates.

C. State Preservation Areas General Admission Fees. An admission fee is not currently charged at the state preservation areas in operation.

D. All admission fees include applicable state and local taxes.

E. Admission fees may be subject to a discount or surcharge in association with special events and uses, if approved by the assistant secretary.

F. A self-service fee system may be used to collect user fees on areas not normally served by an entrance control station.

AUTHORITY NOTE: Promulgated in accordance with R.S. 56:1681-1690 and R.S. 36:204.

HISTORICAL NOTE: Promulgated by the Department of Culture, Recreation and Tourism, Office of State Parks, LR 8:636 (December 1982), amended LR 12:89 (February 1986), LR 14:774 (November 1988), LR 16:1053 (December 1990), LR 19:309 (March 1993), LR 26:29 (January 2000), LR 27:1673 (October 2001), LR 31:1986 (August 2005), LR 36:1228 (June 2010), LR 39:1266 (May 2013), LR 43:294 (February 2017), LR 48:28 (January 2022).

§501. Day-Use Fees; Miscellaneous Services, Privileges, and Facility Fees

A. Boating

1. Boat Launch Fees

a. In addition to the general admission fee and all other applicable user fees, a boat launch fee of $5 is charged to all vehicles entering the park with motorized watercraft.

b. An annual boat launch permit can be purchased at a cost of $75 from the OSP administrative office in Baton Rouge. The permit includes admission for one person; all others pay the general admission fee.

2. OSP Rental Boats. Rental boats, including flat bottom, motor, canoes, and kayaks, are available at most parks. The use of motors on these boats is limited to the manufacturer's recommended horsepower capacity. Boats may be rented from OSP at the following rates.

a. Flat bottom boats with three life jackets and two paddles may be rented for $20 per boat, per day.

b. Canoes with two life jackets and two paddles may be rented for $7 per hour or $25 per vessel, per day.

c. Kayaks with life jacket(s) and paddle(s) and paddle boats with life jacket(s) may be rented for $7 per hour or $35 per vessel, per day. Number of included life jackets and paddles equals watercraft seating capacity.

d. A guided canoe float trip is charged $30 per canoe, per trip. All fees include paddles and life jackets.

e. All fees include indicated number of life jackets and paddles. Additional paddles and life jackets are available at a rental fee of $2 each per day.

3. At some sites rental boats, kayaks, canoes and other watercraft may be available through a concessionaire. Visitors should contact the site to check availability and rates. Visitors utilizing these services are subject to general admission fees.

B. Swimming Pools

1. In addition to the general admission fee and all other applicable user fees, the fees to enter the Bayou Segnette SP wave pool are:

a. visitors 48” in height or taller—$13 per person, per day;

b. visitors under 48” in height—$10 per person, per day.

i. The price includes one flotation device per person.

ii. Discount coupons are available when purchased in quantity lots.

2. In addition to the general admission fee and all other applicable user fees, the fee to enter any other OSP swimming pool complex is $3 per person, per day.

C. Golf Carts

1. A golf cart usage fee of $10 a day is charged for all approved golf carts.

2. An annual golf cart pass can be purchased at a cost of $100 by contacting the OSP administrative office in Baton Rouge.

D. Marina Boat Slips

1. Boat slips in the Poverty Point Reservoir State Park marina are available for $15 per night or, under an annual contract, for $625 per year.

E. Trail Riding

1. Equestrian. Designated trails are available for equestrian use, subject to the following fees.

a. In addition to the general admission fee and all other applicable user fees, an equestrian trail use fee of $3 is charged per horse. Visitors are required to produce documents for each animal as proof the animal is reasonably free of contagious pathogens (e.g. equine infectious anemia laboratory test showing proof of negative Coggins test).

b. At some OSP sites horseback riding may be available through a concessionaire. Visitors should contact the site to check availability and rates. Visitors utilizing these services are subject to general admission fees.

2. Off-Highway Vehicle (OHV). OHVs are permitted on designated trails at South Toledo Bend State Park.

a. A single-use OHV permit fee of $15 per OHV may be purchased at South Toledo Bend SP entrance station.

b. An annual OHV permit fee of $100 per OHV may be purchased by contacting the OSP administrative office in Baton Rouge and the entrance station of South Toledo Bend SP. Permits are valid for permit holder and one OHV only. These are the only annual permits valid for OHV trail use.

3. Bicycles. Where available, bicycles may be rented for $7 per hour or $25 per day.

F. Group Rental Pavilions

1. Group rental pavilions are available at most state parks and state historic sites.

2. Exclusive use of a group pavilion can only be made by a rental permit and payment of a rental fee. These group pavilions can be reserved in advance with payment of the rental fee.

3. Reserved pavilions will be posted, indicating the name of the party and date of use. When such pavilions are not so posted or reserved, they are available to the site visitors on a first-come, first-served basis.

4. In addition to the rental fee, users of the reserved group pavilions will also be charged the general admission fee to the OSP site.

5. The carrying capacity of a group rental pavilion is based on its size, facilities and available parking, and may not be exceeded as determined by the site manager.

6. There are three types of rental pavilions, as follows.

a. Type I Pavilion. These pavilions, usually located in the day-use area, accommodate a standard of 40 people.

b. Type II Pavilion. These pavilions, usually located in the day-use area, accommodate 60 people.

c. Type III Pavilion. These pavilions are usually separated from the day-use area, affording more group privacy than the other pavilion types. They may accommodate 100 people.

7. Fees for group rental pavilions:

a. type I pavilion—$50 per day;

b. type II pavilion—$70 per day;

c. type II pavilion—$120 per day.

G. Meeting Rooms. Meeting rooms used to accommodate meetings and functions of private groups, clubs and other organizations are available during normal park operating hours. Kitchen facilities may be used, if available. Meeting room rates are as follows:

1. type I (e.g., North Toledo Bend, Palmetto Island, Arboretum, Poverty Point Reservoir, Lake Claiborne, Chemin-à-Haut)—$100;

2. type II (e.g., Chicot, South Toledo Bend, Fontainebleau, Lake D'Arbonne)—$160;

3. type III (e.g., Lake Fausse Pointe, Bogue Chitto)—$220.

H. Fees for pavilion and meeting room rentals are subject to applicable state and local taxes. Fees for general admission and miscellaneous day use services, permits, and privileges include applicable state and local sales taxes

AUTHORITY NOTE: Promulgated in accordance with R.S. 56:1681-1690 and R.S. 36:204.

HISTORICAL NOTE: Promulgated by the Department of Culture, Recreation and Tourism, Office of State Parks, LR 8:637 (December 1982), amended LR 12:89 (February 1986), LR 14:774 (November 1988), LR 16:1052 (December 1990), LR 26:29 (January 2000), LR 27:1673 (October 2001), LR 31:1986 (August 2005), LR 36:1228 (June 2010), LR 39:1266 (May 2013), LR 43:295 (February 2017).

§502. Fees and Exemptions; Exemptions/Discounts

A. Disabled Veterans. A special veteran entrance permit allows any disabled Louisiana resident who is a veteran of the armed forces of the United States and any person(s) accompanying him in a single, private, non-commercial vehicle exemption from the day-use entrance fees to any Louisiana state park. Applications for a veteran permit may be made to the Louisiana Department of Veterans' Affairs service office serving the parish in which the applicant resides. After certification of eligibility has been established by the Department of Veterans' Affairs, the assistant secretary of the Office of State Parks will issue a permit directly to the applicant.

B. Active Duty Military. Active duty military personnel and one immediate family member shall receive a 50 percent discount for general admission to a state park or state historic site by presenting a current, valid military photo ID.

C. School Groups. Any child who is on a field trip conducted as part of the curriculum of the school and any classroom teacher, parent, bus driver and any other person accompanying a school child on such a field trip are exempt from paying the general admission charge to any OSP site.

D. National Parks and Federal Recreation Lands Passes. Any citizen of the United States who possesses a national parks and federal recreation lands senior pass (formerly the golden age passport) or access pass (formerly the golden access passport) issued by any agency of the United States, pursuant to 16 U.S.C. section 460 L-65, upon presentation of the pass and proper identification to any OSP authorities, shall be exempt from the general admission fee to any OSP site and/or receive a 50 percent discount on camp site rental fees provided that the state park system of the citizen's domicile as reflected on his presented identification also recognizes such passes for discounted access and services.

E. Non-Profit Community Home-Based Organization. Any child age 18 or under who is retained in the legal custody of the state through a bona fide contractual service agreement with a public, non-profit community home-based organization or provider shall be exempt from paying the general admission fees or any other day-use fee at any site. Such use must be in conjunction with an organized group outing or event sponsored and supervised by the public, non-profit organization or provider.

1. Permits are available at a cost of $80 per year. This permit, in the form of a wallet I.D. card, allows the holder individually or as a passenger in a single, private non-commercial vehicle entry to all sites in lieu of the normal day-use fee. All people accompanying a permit holder as occupants in a single, private non-commercial vehicle in which the permit holder is a passenger or driver are also admitted without charge.

a. The wallet permit may be exchanged for a vehicle decal which shall be permanently affixed to a vehicle, if this is a more convenient permit arrangement.

b. The annual day-use permits are valid for a period of one year from the date of purchase. Permits may be obtained at any site.

2. The Annual Day-Use Permits are valid for exemption of the general admission day-use charge only.

F. Annual Day-Use Permits

1. Permits are available at a cost of $80 per year. This permit, in the form of a wallet I.D. card, allows the holder individually or as a passenger in a single, private non-commercial vehicle entry to all sites in lieu of the normal admission fee. All people accompanying a permit holder as occupants in a single, private non-commercial vehicle in which the permit holder is a passenger or driver are also admitted without charge

a. The wallet permit may be exchanged for a vehicle decal which shall be permanently affixed to a vehicle, if this is a more convenient permit arrangement.

b. The annual day-use permits are valid for a period of one year from the date of purchase. Permits may be obtained at any site.

c. Price does not include applicable state and local taxes.

2. The annual day-use permits are valid for exemption of the general admission day-use charge only.

G. Pursuant to R.S. 56:1692, any person accompanying a citizen of the state of Louisiana who is 62 years of age or older, as the driver of a single, private, noncommercial vehicle, or alternatively, the exempted person's spouse and children accompanying him or her where entry to the area is by any means other than private, noncommercial vehicle, shall be exempt from paying the general admission charge to any state park in Louisiana.

H. Discounts and Fee Waivers. The assistant secretary or his designee may grant written approval for a waiver or discount of entrance fees and facility use fees in accordance with guidelines adopted by the Louisiana State Parks and Recreation Commission.

AUTHORITY NOTE: Promulgated in accordance with R.S. 56:1681-1690 and R.S. 36:204.

HISTORICAL NOTE: Promulgated by the Department of Culture, Recreation and Tourism, Office of State Parks, LR 8:637 (December 1982), amended LR 12:89 (February 1986), LR 14:774 (November 1988), LR 16:1053 (December 1990), LR 19:309 (March 1993), LR 26:29 (January 2000), LR 27:1673 (October 2001), LR 31:1987 (August 2005), LR 36:1229 (June 2010), LR 39:1267 (May 2013), LR 43:296 (February 2017).

§503. Fees and Exemptions; Special Promotions

A. From time to time, as deemed appropriate by the assistant secretary, special programs, promotions, occupancy regulations, discounts or waivers on user fees may be offered in order to encourage visitation. These special promotional offers must be reviewed and reauthorized annually.

B. As approved by the assistant secretary and subject to the limits set forth herein, overnight use rates may be subject to a surcharge based on demand. In no event shall campsite rental fees exceed $40 per night, cabin rental fees exceed $350 per night, lodge rental fees exceed $400 per night, nor group camp rental fees exceed $1000 per night.

AUTHORITY NOTE: Promulgated in accordance with R.S. 56:1681-1690 and R.S. 36:204.

HISTORICAL NOTE: Promulgated by the Department of Culture, Recreation and Tourism, Office of State Parks, LR 8:637 (December 1982), amended LR 12:89 (February 1986), LR 14:774 (November 1988), LR 16:1053 (December 1990), LR 26:29 (January 2000), LR 27:1673 (October 2001), LR 31:1988 (August 2005), LR 43:296 (February 2017).

§504. Fees and Exemptions; Overnight Accommodations

A. Camping Fees and Exemptions

1. Campsites

a. A premium campsite is an improved campsite with sewer or is pull-through or is in a prime location.

b. An improved campsite has water and electrical hookup available.

c. An unimproved campsite does not have utility hook-ups. These are typically located in campgrounds where utilities or bathhouses are nearby.

d. Backcountry campsites typically only have a tent pad and fire ring and are located in undeveloped areas of an OSP site, where no facilities are provided. These sites are accessed by backpacking or by non-motorized watercraft.

i. A permit is required for all overnight backcountry camping or backpacking use and may be obtained at the park entrance station.

ii. A copy of the backcountry camping or backpacking regulations can be obtained at the park entrance station.

e. For information regarding campsite reservation fees, see §505, Reservation Policy.

f. Each campsite is restricted to use by one camping unit as defined in §331.B.5.

g. The winter season is October 1-March 31 and the summer season is April 1-September 30.

	Summer Weekend	Summer Weekday	Winter Weekend	Winter Weekday
Premium Campsite	$33	$30	$33	$25
Improved Campsite	$28	$25	$28	$20
Unimproved Campsite	$18	$18	$18	$18
Backcountry Campsite	$9	$9	$9	$9

2. Primitive Group Camping Areas. Designated primitive areas accommodating organized groups (Boy Scouts, Girl Scouts, etc.) are available for camping at $35 to $60 per night based on capacity. Capacity will be set by the site manager.

3. Rally camping areas are those designated and reserved for use by organized groups of overnight campers. These areas differ from the normal state park campgrounds since they are available for group-use only.

a. Fees

i. A fee of $60 per night is assessed to the group for the exclusive use of the area, and each individual camper rig is also charged the improved campsite rate.

ii. The day-use fee for a rally campground is $60 per day for the group, in addition to the standard general admission fees per person.

b. Carrying Capacity. A maximum carrying capacity for rally areas is established by individual site managers, and information concerning these capacities is available through the individual site offices.

4. Long-Term Stays. No fee exemption or discount provided for by rule may be applied to a long-term stay.

B. Cabins, Lodges, Group Camps—Fees and Exemptions

1. Cabins

a. Except as otherwise set forth in this Chapter, cabins may be rented in accordance with the following rates.

Classification	Standard Weekday Rate	Standard Weekend Rate	Bedding Accommodations	Maximum Capacity
Deluxe	$150	$175	6-8	8
Standard	$85	$95	4-6	6-8

b. The rental fee for all cabins at Hodges Gardens S.P. and modular cabins at Sam Houston Jones S.P. will be the standard weekday rate year-round.

2. Park Lodges. Lodges are large overnight structures equipped with kitchen, bath and sleeping facilities and can accommodate a large family or several family groups. Except as otherwise set forth in this Chapter, lodges may be rented at the following rates.

Classification	Standard Weekday Rate	Standard Weekend Rate	Bedding Accommodations	Maximum Capacity
Standard	$155	$210	varies	varies
Deluxe	$175	$225	14	16

3. Group Camps. Group camps are available at certain parks for organized group use, for day- or overnight-use. The capacity, type of facility, and rates are as follows.

Classification	Overnight Rate	Maximum Capacity
Class III	$600	100+
Class II	$300	99
Class I	$240	49

4. Special Research Dormitory Facilities at Poverty Point SHS

a. Purpose. The primary purpose of the research dormitory is to provide living space and sleeping accommodations for professional researchers and students who are actively conducting on-site research. The dormitory can be used on a first-come, first-served basis by other individuals who meet the requirements as set forth in this policy statement.

b. Eligible Users. The dormitory is available to college students, professional archaeologists and other scientists and professionals who are studying the site and/or actively conducting research which relates to or directly involves the site or nearby sites of significance.

i. Requests for use of the dormitory by individuals or groups not meeting the above criteria will be reviewed to determine merit and appropriateness.

c. Application Process. Requests for use of the dormitory must be made by letter addressed to the site

manager. The site manager and the assistant secretary will review the request and respond in writing to the applicant.

d. Facility Use Agreement

i. All parties granted permission to use the dormitory must execute a "facility use agreement."

ii. The user must execute the agreement and return it to the site manager before occupying the dormitory.

e. Research Dormitory Fees. All user groups, unless otherwise authorized by the assistant secretary, will be required to pay a $125 per night fee for overnight-use. The rental fee must be received within 10 days after the user receives written approval to use the dormitory.

f. Research Dormitory Occupancy Requirements

i. Registration with the site manager is required of all boarders before occupying the dormitory. This information will include name, organization, address, and home or business phone numbers.

ii. Keys to the dormitory can be obtained from the site manager. One group leader will assume responsibility for the keys and return them to the manager before leaving.

iii. General cleanup of this facility will be the responsibility of the user. The user will follow established cleanup and housekeeping procedures distributed by the manager.

iv. Research dormitory checkout time is 2 p.m.

g. Special Conditions. All programs and activities conducted by groups or individuals using the dormitory must be approved in writing by the site manager.

h. The site manager has the administrative responsibility for all matters relating to the daily operation of the dormitory building and site facilities.

5. Prices for the facilities listed in this Section do not include applicable state and local taxes.

6. Prices are subject to discounts, waivers, or surcharges due to special events, demand, occupancy, use that exceeds capacity, or use that is deemed to fall outside of the type of use for which the facility is designed, managed, and staffed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 56:1681-1690 and R.S. 36:204.

HISTORICAL NOTE: Promulgated by the Department of Culture, Recreation and Tourism, Office of State Parks, LR 8:638 (December 1982), amended LR 12:89 (February 1986), LR 12:828 (December 1986), LR 26:30 (January 2000), LR 27:1674 (October 2001), LR 31:1988 (August 2005), LR 36:1229 (June 2010), LR 39:1267 (May 2013), LR 43:297 (February 2017).

§505. Reservation Policy

A. General Provisions

1. Reservations may be made for all OSP facilities that are subject to reservation by calling (877) 226-7652. Overnight and day-use facilities, including cabins, lodges, group camps, camping sites, rally shelters, meeting rooms and pavilions may be reserved 11 months in advance. For example, if a park user wants to use a facility on July 2, he may make the reservation no earlier than August 2, or the first business day after August 2, of the prior year. Reservations may also be made online 24 hours a day by accessing the OSP web site, www.lastateparks.com. A non-refundable service fee is charged for all reservations.

2. The call center will operate 7:30 a.m. to 6 p.m. (Central Standard Time), Monday-Friday. Inbound telephone reservation services will be closed on the following holidays: New Year's Day, Good Friday, Independence Day, Labor Day, Veteran's Day, Thanksgiving Day, and Christmas Day. Based upon demand, the center's hours may be extended by the assistant secretary or his designee.

3. Reservations are accepted only from persons 21 years of age or older. All persons under 21 years of age must be accompanied by adults when using reserved facilities. Exceptions may be approved by the assistant secretary or his designee.

4. Deposit in full deposit amount must be received within 10 days of the date the reservation is made; otherwise, the reservation is canceled. Payment may be made by credit card, in-state personal check or money order. A $35 NSF fee will be charged for checks written on accounts with insufficient funds. If the reservation is made within 14 days or fewer of the usage date, payment shall be by credit card only.

5. Cancellation of a reservation initiated by the site user is subject to a surcharge. The cancellation fee is a minimum of $10 per facility. If the reservation is canceled within 14 days of the first day of intended use, the cancellation fee is the cost of one day's stay or $10 per facility, whichever is more. Transfer of reservation dates will be treated as a cancellation as well as a new reservation; therefore subject to the cancellation surcharge. There is no charge to transfer a reservation from a facility to the same type of facility located within the same site. Requests for waivers of the cancellation fee must be made in writing to the assistant secretary or his designee and will be granted only for extreme situations.

6. Reservations made 10 months or more in advance for cabins, lodges and group camps are subject to the following cancellation policy.

a. No change can be made to the reservation until the deposit is paid and 18 days have elapsed from the date the reservation was made.

b. A deposit of one-night stay is due 10 days after the reservation is made and the balance must be paid in full within 30 days after the reservation is made or the reservation will be cancelled.

c. A change fee of one day's rental per facility will be charged for changes to reservations (e.g., dropped days).

d. A cancellation fee of one day's rental per facility will be charged.

7. In the event reservations must be canceled by OSP staff (e.g., for maintenance or emergency reasons) the rental fee will be refunded in full.

8. For cabins, lodges, group camps, rally shelters and campsites a two-night minimum reservation is required for weekends and a three-night minimum reservation is required for weekdays. Weekday nights are considered Sunday through Thursday and weekends are Friday through Saturday. The weekend minimum applies to any reservation containing a weekend night consecutive with other nights. The weekday minimum applies to any reservation not containing a weekend night. If facilities are not reserved in advance, they may be rented on weekends or weekdays for one night to walk-up users using the facilities that day. Exceptions may be granted by the assistant secretary or his designee. Minimum night reservation terms may be adjusted site-by-site or periodically by the assistant secretary or his designee in order to encourage visitation or to correlate with special events.

9. Up to five campsites in a park may be designated for long-term stays during the winter season, October 1 through March 31, with assistant secretary approval. A long-term stay shall not exceed 60 consecutive nights.

AUTHORITY NOTE: Promulgated in accordance with R.S. 56:1681-1693 and R.S. 36:204.

HISTORICAL NOTE: Promulgated by the Department of Culture, Recreation and Tourism, Office of State Parks, LR 8:640 (December 1982), amended LR 12:89 (February 1986), LR 14:777 (November 1988), LR 16:1051 (December 1990), LR 26:32 (January 2000), LR 27:1674 (October 2001), LR 31:1989 (August 2005), LR 36:1230 (June 2010), LR 39:1267 (May 2013), LR 43:298 (February 2017).

§506. Refunds

A. Refunds will not be issued to visitors evicted for enforcement or disciplinary reasons.

B. Facility rental fees paid on-site may be refunded on-site upon approval of the site manager or his designee for the following reasons:

1. in emergency situations where the site must be closed due to natural or man-made emergencies (water shortage, fire, weather, and equipment failure);

2. when a user chooses to leave a site before use of any facilities;

3. when the user chooses to leave a site before utilizing rental facilities for the total reservation period, the unused reservation period amount will be refunded minus the cancellation fee detailed in §505.A.5. This rule however, does not provide for refunds during weekends which require a minimum reservation period.

C. All site-issued refunds will require that the visitor present a valid paid receipt for the amount of the requested refund.

D. All advance reservation refunds must be issued through the administrative office in accordance with §505.A.5.

E. Temporary visitors passes are available for the purpose of inspecting the site facilities prior to an anticipated visit.

F. Refunds of day use fees are not granted when a visitor, by his own choosing, leaves the site due to inclement weather.

AUTHORITY NOTE: Promulgated in accordance with R.S. 56:1681-1690 and R.S. 36:204.

HISTORICAL NOTE: Promulgated by the Department of Culture, Recreation and Tourism, Office of State Parks, LR 8:633 (December 1982), amended LR 12:89 (February 1986), LR 12:828 (December 1986), LR 26:32 (January 2000), LR 31:1989 (August 2005), LR 36:1230 (June 2010).

§507. Special Uses and Restrictions

A. Special Use. Any function requiring special or restricted use of any facility or area within an OSP site must be approved by the assistant secretary and the fee for such will be computed on a negotiated rate unless otherwise established. Special use for an organized group event (e.g. weddings, tournaments, fundraiser, runs/walks, etc.) will typically require a facility use agreement (FUA). The determination for the requirement of a FUA will be made by the assistant secretary. Written request for special use of a facility must be received at the Office of State Parks, P.O. Box 44426, Baton Rouge, LA 70804-4426 at least 30 days prior to the scheduled event. No telephone requests are accepted.

B. Use Restrictions

1. Activities and uses of state historic sites are limited to those appropriate to the significance of each site as defined by the master plan and interpretive prospectus of the unit.

2. It is necessary that development on a state historic site be limited to that which is essential for visitor accommodation and enjoyment of the area's theme or feature. Day-use facilities will be limited to activities that do not conflict with the historical theme of the site, and confined to section(s) set aside for such purposes. Historic zones will be established to protect the resource and insure appropriate use of each state historic site. Space outside of the historic zone(s) and maintenance area(s) may be set aside for recreational use at the discretion of the site manager.

3. The atmosphere created on the historic site is as important as the artifactual evidence. In order that the greater interest and primary function of the area be served, it is necessary to restrict certain incompatible activities from the sites. Any sport or recreational activity that does not contribute to a greater understanding of the theme of the area is prohibited within all historical zones of any state historic site. Recreation zones appropriate for such use may be designated by the site manager if space permits.

4. It has also been determined that the use of state historic sites for such activities and events as fairs, circuses, carnivals, amusement rides, and other promoter sponsored, commercial activities and events is not deemed in the best interest of the state historic sites. Such uses fail to achieve

the intent outlined in the preservation purpose and may increase the potential for serious damage to the quality and character of the area, adversely affecting the experience of the visitor. However, at Rebel State Historic Site, musical events sponsored by promoters will be permitted with the approval of the assistant secretary or his designee. In addition, PowWows will be allowed, where appropriate, with the approval of the assistant secretary or his designee.

5. Organizations, such as historical societies, friends groups or service groups, offering support to any OSP site, may be permitted to conduct special functions at a site if a written request is made and written permission is obtained from the assistant secretary. Such functions may not be specifically for the benefit of an individual, but must be held to benefit the site, either directly or indirectly, by generating greater public awareness of the site or of the area's history, or to assist the agency in the fulfillment of its mission and purposes.

C. Passenger Bus Restrictions

1. In an effort to facilitate control of the day-use carrying capacity for OSP sites, no buses nor occupants thereof shall be admitted to OSP sites for any day-use activities on weekends or holidays during the period Memorial Day weekend through Labor Day, except by special permit. This restriction shall not apply to state historic sites.

2. Special Bus Use Permits. Any access to OSP sites (excluding state historic sites), by bus transportation on weekends or holidays during the period between Memorial Day and Labor Day will require a special bus use permit. The application for the permit must be submitted to the site manager at least three days prior to the proposed use date along with the group's proof of $1,000,000 liability insurance and proof of $500,000 automobile or bus liability insurance. Children traveling to OSP sites must be chaperoned by adults. The permit, if approved, does not cover other special day-use charges (rental pavilions, etc.).

D. Use of OSP sites for commercial film-making, videography, or commercial still photography including but not limited to the production of motion picture, television programs, video or print advertising commercials, or commercial video tapings, any of which involves the exclusive use and occupancy of OSP property and/or facilities must be arranged and negotiated with the Office of State Parks' administrative office, public information officer for location agreement.

1. Such use shall only be permitted in accordance with a signed location agreement. Each location agreement is unique depending on the site, the proposed use, and other relevant factors and is negotiated accordingly. Contact the Office of State Parks' administrative office, public information officer for location agreement.

2. Exempt from this rule and policy are photographers and videographers who enter OSP property at the request of the DCRT, in response to a press release, or otherwise; to cover an event, conduct interviews, capture footage of the OSP site or program, or else to gather information for a news or feature story or DCRT project.

AUTHORITY NOTE: Promulgated in accordance with R.S. 56:1681-1690 and R.S. 36:204.

HISTORICAL NOTE: Promulgated by the Department of Culture, Recreation and Tourism, Office of State Parks, LR 8:633 (December 1982), amended LR 12:89 (February 1986), LR 14:779 (November 1988), LR 19:313 (March 1993), LR 26:32 (January 2000), LR 27:1674 (October 2001), LR 31:1989 (August 2005), LR 36:1230 (June 2010), LR 43:298 (February 2017).

Chapter 9. Division of Outdoor Recreation Administration

§900. Definitions

A. As used by the Division of Outdoor Recreation:

Assistant Secretary of the Office of State Parks—designated as the authorized representative of the State of Louisiana under the Land and Water Conservation Fund Act (16 U.S.C. §§4601-4 to 4601-11), which position is referred to as "state liaison officer" and which federal act is hereinafter called "Act", and is directed to utilize the Statewide Comprehensive Outdoor Recreation Plan (SCORP) in carrying out the authority vested in said office, it being the intention that any action taken by the state liaison officer be pursuant to and in compliance with the plan. Acts 1980, Number 827, §2. Amended Acts 1982, Number 329, §2, eff. July 18, 1982.

Department—the Department of Culture, Recreation and Tourism (DCRT).

Division of Outdoor Recreation (*DOR*)—the functional subunit of the Office of State Parks responsible for development, promotion and implementation of the Land and Water Conservation Fund and Recreational Trails Program.

Land and Water Conservation Fund (*LandWCF*) *Grants*—50 percent matching grants made by the U.S. Department of the Interior under the Land and Water Conservation Act of 1965, as amended (16 U.S.C. §4601 et seq.) to the state of Louisiana and through the state to political subdivisions for the purpose of acquiring and developing outdoor recreation areas and facilities.

Land and Water Conservation Fund (*LandWCF*) *Grants Manual*—sets forth the administrative policies, procedures and guidelines for LandWCF grants awarded to the states by the Department of the Interior, National Park Service.

Louisiana Recreational Trails Advisory Committee—the committee whose purpose is to advise the Office of State Parks in matters pertaining to the Recreational Trails Program. The committee meets a minimum of once every fiscal year and represents varied interest related to recreational trails management and development.

Office of State Parks (*OSP*)—that office in the Department of Culture, Recreation and Tourism which administers the U.S. Department of the Interior's Land and

Water Conservation Fund Act of 1965 and Recreational Trails Program (23 U.S.C. §206).

Park—includes land and water parks owned or operated or proposed for ownership, development and operation by the political subdivision which are set aside by a public entity for public recreational use.

Political Subdivision—a parish, city or other governmental entity with the legal authority to establish and/or operate parks and recreation areas.

Recreational Trails Program (*RTP*)—matching fund grants made by the Federal Highway Administration for the development of and/or maintenance of outdoor recreational trails in accordance with and pursuant to Title 23 U.S.C. §206.

State Application—the information and documents that must be provided by the applicant in sufficient detail to allow the DOR staff to prepare the federal application forms for a LandWCF grant or Recreational Trails Program grant.

State Liaison Officer (*SLO*)—the assistant secretary of the Office of State Parks who represents the state in matters dealing with the U.S. Department of the Interior's Land and Water Conservation Fund.

State Parks and Recreation Commission (*SPARC*)—the commission whose purpose is to promote the goals and objectives of the Office of State Parks and to act in an advisory capacity to that office, the assistant secretary of that office, and the secretary of Culture, Recreation and Tourism on matters relating to parks. The commission shall also cooperate with political subdivisions of the state when officially requested.

Statewide Comprehensive Outdoor Recreation Plan (*SCORP*)—a prerequisite for eligibility for LandWCF assistance for acquisition or development grants, identifies capital investment priorities for acquiring, developing and protecting all types of outdoor recreation resources within a state, assures continuing opportunity for local units of government and private citizens to take part in their state's outdoor recreation and environmental planning programs, and provides a practical tool for coordinating all state outdoor recreation and environmental conservation programs.

AUTHORITY NOTE: Promulgated in accordance with R.S. 56:1681-1690, R.S. 56:1801-1809 and R.S. 36:204.

HISTORICAL NOTE: Promulgated by the Department of Culture, Recreation and Tourism, Office of State Parks, LR 12:90 (February 1986), amended LR 19:308 (March 1993), LR 31:1990 (August 2005), LR 36:1230 (June 2010).

§901. Land and Water Conservation Fund Program Summarized[1]

A. Purpose. The Land and Water Conservation Fund (LandWCF) Act of 1965 (Public Law 88-576, 78 Stat 897) was enacted "... to assist in preserving, developing and assuring accessibility to all citizens of the United States of America of present and future generations ... such quality and quantity of outdoor recreation resources as may be available and are necessary and desirable for individual active participation ...". The LandWCF program provides matching grants to states, and through the states to local governments, for the acquisition and development of public outdoor recreation areas and facilities. Planning grants are also available to the states to help develop Statewide Comprehensive Outdoor Recreation Plans (SCORP).

B. Delegation of Authority. The LandWCF Act authorizes the secretary of the interior to provide financial assistance to states for outdoor recreation purposes. Except for the apportionment of funds among states and the approval of contingency reserve projects, this authority has been delegated to the director of the National Park Service (NPS). The regional directors are authorized to exercise the full program and administrative authority of the director within the geographic area comprising the region for which they have responsibility. Limitations to this delegation include the director's authority to act on all recommendations to the secretary involving the apportionment of LandWCF monies and the allocation of Contingency Reserve Fund assistance; and to approve or disapprove formal arrangements whereby the state agrees to assume certain responsibilities in the administration of the LandWCF program.

C. Designation of State Liaison Officer. To be eligible for assistance under the LandWCF Act, each state must designate a state liaison officer (SLO) who shall represent the state in dealing with the director of the NPS for purposes of the LandWCF program. The SLO shall have the authority and responsibility to accept and to administer funds paid for approved projects. The SLO is designated as the Department of Culture, Recreation and Tourism assistant secretary for the Office of State Parks. An alternate state liaison officer (ASLO) shall support actions of the SLO as appropriate when necessary in accordance to all provisions of the LandWCF Act. The ASLO is designated as the Office of State Parks director of outdoor recreation.

D. Selection Requirements. DOR establishes application requirements, annual application submission dates and develops an Open Project Selection Process in accordance with the LandWCF Grants Manual to provide an objective standard for selection of projects explicitly based on Louisiana’s priority needs for acquisition and development of outdoor recreation resources as identified in the SCORP.

[1]Department of the Interior, LandWCF Grants Manual, 69, effective October 1, 2008.

AUTHORITY NOTE: Promulgated in accordance with R.S. 56:1681-1690 and R.S. 36:204.

HISTORICAL NOTE: Promulgated by the Department of Culture, Recreation and Tourism, Office of State Parks, LR 12:89 (February 1986), amended LR 12:829 (December 1986), repromulgated LR 31:1991 (August 2005), amended LR 36:1231 (June 2010), LR 39:1268 (May 2013).

§903. Land and Water Conservation Fund (LandWCF) Grants Manual[2]

A. The Land and Water Conservation Fund (LandWCF) grants manual sets forth the administrative policies, procedures and guidelines for LandWCF grants awarded to

the states by the Department of Interior, National Park Service. It is intended to serve as a basic reference for those who are engaged in the administrative, financial management and stewardship responsibilities of the LandWCF State Assistance Program.

B. Participation in the LandWCF State Assistance Program is deemed to constitute a public trust. As such, participants are responsible for the efficient and effective management of funds in accordance with the approved budgets, for promptly completing reporting performance. The procedures and requirements contained in the LandWCF grants manual are subject to applicable federal laws and regulations, and any changes made to these laws and regulations subsequent to the publication of the LandWCF manual. In the event procedures and requirements conflict with applicable federal laws, regulations, and policies, the following order of precedence will prevail:

1. federal law;
2. government-wide administrative regulations;
3. terms and conditions of grant award;
4. Land and Water Conservation Fund Manual.

[2]Department of the Interior, LandWCF Grants Manual, Volume 69, effective October 1, 2008.

AUTHORITY NOTE: Promulgated in accordance with R.S. 56:1681-1690 and R.S. 36:204.

HISTORICAL NOTE: Promulgated by the Department of Culture, Recreation and Tourism, Office of State Parks, LR 12:89 (February 1986), repromulgated LR 31:1992 (August 2005), amended LR 36:1231 (June 2010).

§921. LandWCF Application Preparation, Review and Selection Process

A. Applications for LandWCF funds must be submitted to the DOR through an online application available on the Louisiana State Parks website. Applications must be submitted by April 1 (annually). Receipt of an application initiates an extensive and highly competitive process involving DOR preparation of the federal application package, securing clearinghouse approval, evaluation and rating. Project applications will be ranked by score from the open project selection process (OPSP) and forwarded to the National Park Service for federal approval. Assistance is available from the DOR staff for completion of the online application at any time throughout the year.

1. Initial Evaluation. DOR staff initially review all application submittals on the first business day following April 1 annually. Identification of all required documents is completed. Applications with substantial missing required documentation are not eligible for further consideration. Sponsors of projects found to have existing compliance issues are also ineligible to apply until actions are completed to meet National Park Service standards. Sponsors of existing active projects are also not eligible to apply until formal federal closeout procedures by the National Park Service are finalized upon completion of the scope of work for the active project. All project sponsors of applications deemed ineligible are notified in writing in regards to the eligibility to participate. Proposed project sites are visited for initial inspection and evaluation by DOR staff.

2. Review and Preparation of Application. Eligible applicants with complete documentation are evaluated through the OPSP and ranked in priority order. The OPSP is developed in accordance with the most recent publication of the Statewide Comprehensive Outdoor Recreation Plan and approved by the National Park Service (NPS). This determination of suitability results in a priority order of projects for consideration. Projects are presented to the State Parks and Recreation Commission (SPARC) for review. Upon determination of eligible federal LandWCF monies, all eligible projects are forwarded to the NPS regional office within the limits of funding.

3. Development projects must be a single scope of work. Initial applications for projects that require additional phases should indicate the master plan for the entire development. Supporting documents submitted for the first of a series of phases should indicate the entire master development plan for the facility. To receive funding assistance for subsequent phases of development, the active project must be completed and a new application submitted identifying the elements that will be addressed in the current phase. Supporting documents from the original application can be used to minimize duplication. Approval of the initial project does not imply guarantee of assistance in subsequent phases.

4. Subsequent phases to achieve elements of a master plan in an existing LandWCF project are prioritized in accordance with the open project selection process. This objective scoring system prioritizes all applications in accordance with LandWCF regulations, which are then funded to the full extent of available federal funds. The prioritization is validated by the SPARC prior to submission to the National Park Service for federal review and approval.

5. Submission. The approved application is placed in final form and officially submitted as an application of the state of Louisiana to the NPS Southeast Regional Office. At this point, the application is dependent on federal action for its further progress.

6. Recommendation. As funds become available, priority projects are recommended in their established order through the SPARC to the SLO. If all LandWCF monies have been obligated at the time, the project will be held in a standby basis pending release of additional monies. As funds do become available, the application (already qualified) is then recommended in its turn to NPS for obligation of funds. Applications will be recommended for obligation only in an appropriate number to utilize efficiently those funds available at that specific time.

7. Once the desired amount of funds is "obligated" to the subject project by NPS, a project agreement will be executed for this purpose between the NPS and the state, and a state agreement will be executed between the state and the local government sponsor. If found not acceptable for some reason, the application will be rejected by NPS and returned to the applicant, via the state, with reasons for such rejection.

8. Termination. The qualified application, with funds obligated to its subject project, is ready for funding and implementation. This is the final step in the preprocessing procedure, and the application will then be terminated in one of two ways: by successful completion of the project or by deactivating, if for some reason the project cannot be successfully completed. Post processing of applications for successfully completed projects will include progress reports and billings for work performed and accounting for funds expended. The process is concluded with formal notification by NPS of final settlement.

AUTHORITY NOTE: Promulgated in accordance with R.S. 56:1681-1704, R.S. 56:1801-1809 and R.S. 36:201-209.HISTORICAL NOTE: Promulgated by the Department of Culture, Recreation and Tourism, Office of State Parks, LR 36:1232 (June 2010), amended LR 39:1268 (May 2013), LR 43:299 (February 2017).

§923. Recreational Trail Program Summarized[3]

A. Purpose. The Recreational Trail Program (RTP) provides funds to the states to develop and maintain recreational trails and trail-related facilities for both non-motorized and motorized recreational trail uses. The RTP is an assistance program of the Department of Transportation's Federal Highway Administration (FHWA). Federal transportation funds benefit recreation including hiking, bicycling, in-line skating, equestrian use, cross-country skiing, snowmobiling, off-road motorcycling, all-terrain vehicle riding, four-wheel driving, or using other off-road motorized vehicles.

B. Delegation of Authority. The RTP is an assistance program of the U.S. Department of Transportation’s Federal Highway Administration (FHWA). Each state administers its own program. By virtue of Governor Bobby Jindal’s Executive Order 2008-5, the Recreational Trails Program now resides in the Department of Culture, Recreation and Tourism.

C. Program Funding. The RTP funds come from the Federal Highway Trust Fund, and represent a portion of the motor fuel excise tax collected from non-highway recreational fuel use: fuel used for off-highway recreation by snowmobiles, all-terrain vehicles, off-highway motorcycles, and off-highway light trucks. The RTP funds are distributed to the states by legislative formula: half of the funds are distributed equally among all states, and half are distributed in proportion to the estimated amount of non-highway recreational fuel use in each state.

[3] Title 23, *United States Code*, §206, Recreational Trails Program

AUTHORITY NOTE: Promulgated in accordance with R.S. 56:1681-1704, R.S. 56:1801-1809 and R.S. 36:201-209.

HISTORICAL NOTE: Promulgated by the Department of Culture, Recreation and Tourism, Office of State Parks, LR 36:1233 (June 2010), amended LR 43:299 (February 2017).

§925. RTP Project Eligibility

A. RTP funds may be used for:

1. maintenance and restoration of existing trails;

2. development and rehabilitation of trailside and trailhead facilities and trail linkages;

3. purchase and lease of trail construction and maintenance equipment;

4. construction of new trails (with restrictions for new trails on federal lands);

5. acquisition of easements or property for trails;

6. assessment of trail conditions for accessibility and maintenance;

7. development and dissemination of publications and operation of educational programs to promote safety and environmental protection related to trails (including supporting non-law enforcement trail safety and trail use monitoring patrol programs, and providing trail-related training) (limited to five percent of a state's funds);

8. state administrative costs related to this program (limited to seven percent of a state's funds).

B. States must use 30 percent of their funds for motorized trail uses, 30 percent for non-motorized trail uses, and 40 percent for diverse trail uses. Diverse motorized projects (such as snowmobile and motorcycle) or diverse non-motorized projects (such as pedestrian and equestrian) may satisfy two of these categories at the same time.

C. RTP funds may not be used for:

1. property condemnation (eminent domain);

2. constructing new trails for motorized use on National Forest or Bureau of Land Management lands unless the project is consistent with resource management plans; or

3. facilitating motorized access on otherwise non-motorized trails.

D. Fund Intention. RTP funds are intended for recreational trails. RTP funds may not be used to improve roads for general passenger vehicle use. RTP funds should not be used to provide shoulders or sidewalks along roads unless the shoulders or sidewalks are necessary to complete a trail link. A project proposal solely for trail planning would not be eligible (except a state may use its administrative funds for statewide trail planning). However, some project development costs may be allowable if they are a relatively small part of a particular trail maintenance, facility development, or construction project. States may allow some project development costs to be credited toward the non-federal share.

E. Eligible Sponsorship. RTP grants may be made to private organizations, or to municipal, county, State, Tribal, Federal government agencies or private organizations. Projects may be on public or private land, but projects on private land must provide written assurances of public access.

AUTHORITY NOTE: Promulgated in accordance with R.S. 56:1681-1704, R.S. 56:1801-1809 and R.S. 36:201-209.

HISTORICAL NOTE: Promulgated by the Department of Culture, Recreation and Tourism, Office of State Parks, LR 36:1233 (June 2010).

§927. RTP Project Funding

A. The maximum federal share for each project from RTP funds is 80 percent.

B. The non-federal match must come from project sponsors or other fund sources. Funds from any other federal program may be used for the non-federal match if the project also is eligible under the other program. RTP funds also may be used toward the non-federal share for some other federal programs.

C. Project payments takes place on a reimbursement basis. The project sponsor must incur costs for work actually completed, and then submit vouchers and supporting documentation to the state for payment. Reimbursement is not permitted for work that takes place prior to project approval.

AUTHORITY NOTE: Promulgated in accordance with R.S. 56:1681-1704, R.S. 56:1801-1809 and R.S. 36:201-209.

HISTORICAL NOTE: Promulgated by the Department of Culture, Recreation and Tourism, Office of State Parks, LR 36:1234 (June 2010).

§929. RTP Application Preparation, Review and Selection Process

A. RTP applications are due not less than once every fiscal year. Due dates for application submittal are published not less than 60 days prior to deadline.

B. Current applications are available online through the Louisiana Office of State Parks web site.

C. Technical assistance for completion of the application is available at any time from the Division of Outdoor Recreation staff.

D. Within one business day of the application deadline, Division of Outdoor Recreation staff will begin an initial review of all applications for completeness. Applications lacking all necessary documentation will be considered ineligible and will be returned to the project sponsor. Applications providing satisfactory documentation will be evaluated in accordance with Federal Highway Administration standards and ranked in priority order. The Louisiana Recreational Trails Advisory Committee will endorse projects gaining initial approval, ranking results. This committee will advise the Division of Outdoor Recreation staff on project priority. Applications will be forwarded for environmental clearance by the Department of Transportation and Development. With environmental clearance, projects will be forwarded to the Federal Highway Administration for federal approval.

E. Upon receipt of federal approval, a state agreement must be signed by the Division of Outdoor Recreation and the project sponsor before the project can begin. This state agreement details the project goals and timelines for completion.

F. Division of Outdoor Recreation staff will monitor the construction phase and complete a site inspection at the completion of the project. Project sites are subject to periodic inspection after completion by Division of Outdoor Recreation staff and federal partners.

AUTHORITY NOTE: Promulgated in accordance with R.S. 56:1681-1704, R.S. 56:1801-1809 and R.S. 36:201-209.

HISTORICAL NOTE: Promulgated by the Department of Culture, Recreation and Tourism, Office of State Parks, LR 36:1234 (June 2010), amended 39:1268 (May 2013), LR 43:299 (February 2017).

§931. Louisiana Recreational Trails Advisory Committee

A. The Louisiana Recreational Trails Advisory Committee is composed of selected individuals to represent a cross-section of trail users and trail providers. The committee meets at a minimum of once per the federal fiscal year.

B. The Louisiana Recreational Trails Advisory Committee, in an advisory capacity, may recommend rules to the Division of Outdoor Recreation in regards to the RTP and may provide input on pending RTP applications.

AUTHORITY NOTE: Promulgated in accordance with R.S. 56:1681-1704, R.S. 56:1801-1809 and R.S. 36:201-209.

HISTORICAL NOTE: Promulgated by the Department of Culture, Recreation and Tourism, Office of State Parks, LR 36:1234 (June 2010), amended LR 43:299 (February 2017).

Chapter 11. Black Bear Golf Course

Editor' Note: This Chapter 11 (§§1101-1131) has been moved from LAC 25:XI.Chapter 5 (§§501-531).

§1101. Definitions [Formerly LAC 25:XI.501]

A. As used within this Part, the following terms have the meanings provided herein.

Black Bear Golf Course (course)—a public, 18-hole championship golf course and its associated property and facilities. Located adjacent to Poverty Point Reservoir in Richland Parish, Louisiana, the *course* is operated by the Louisiana Department of Culture, Recreation and Tourism, Office of State Parks.

Director of Golf (Director)—under the direction of the manager of Poverty Point Reservoir State Park, the director is the top supervisor directly in charge of day-to-day management of the course. The *director* is responsible for enforcing all rules set forth in this Part and for enforcing all course policies and procedures.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:204.

HISTORICAL NOTE: Promulgated by the Department of Culture, Recreation, and Tourism, Office of the Secretary, LR 33:249 (February 2007), amended by the Department of Culture, Recreation, and Tourism, Office of State Parks, LR 39:1268 (May 2013), LR 43:300 (February 2017).

§1103. General Authority and Purpose [Formerly LAC 25:XI.503]

A. Course rules are designed to provide the proper atmosphere for the enjoyment and protection of course facilities and for the safety of visitors. Visitors are expected to familiarize themselves with these rules.

B. Course is open to all persons regardless of race, color, national origin, age, sexual orientation, or disability.

C. All applicable rules governing the Office of State Parks shall apply to Black Bear Golf Course.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:204.

HISTORICAL NOTE: Promulgated by the Department of Culture, Recreation, and Tourism, Office of the Secretary, LR 33:250 (February 2007), amended by the Department of Culture, Recreation, and Tourism, Office of State Parks, LR 39:1269 (May 2013).

§1105. Course Property [Formerly LAC 25:XI.505]

A. No person shall intentionally remove, damage, destroy, or disturb course property or the property of another course visitor, without the consent of the owner. Such "property" shall include but is not limited to structures, signs, movables, markers, natural features, holes, grass or other plants or landscaping, or wildlife.

B. Smoking is prohibited except in designated areas. No outside alcoholic beverages are allowed on course property.

C. No person shall throw, drop, deposit, discard, permit the intentional or accidental ejection, emission, or escape of, or otherwise dispose of litter upon course property.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:204.

HISTORICAL NOTE: Promulgated by the Department of Culture, Recreation, and Tourism, Office of the Secretary, LR 33:250 (February 2007), amended by the Department of Culture, Recreation, and Tourism, Office of State Parks, LR 39:1269 (May 2013).

§1107. Golfing Etiquette [Formerly LAC 25:XI.507]

A. All golfers must use proper golfing etiquette at all times. This includes but is not limited to maintaining the proper pace of play and allowing incoming groups to play through if necessary. Golfers should repair divots in the fairway and ball marks on greens.

B. Proper attire, including shirt and shoes, must be worn by all golfers at all times. Proper attire for men includes sleeved and collared or semi-collared shirts; hemmed non-denim pants or shorts April 1-October 31 (denim acceptable November 1-March 31 at the discretion of the pro shop staff); and soft-spike shoes. Proper attire for women includes collared or semi-collared shirts; hemmed non-denim pants, shorts, or skirts; and soft-spike shoes.

C. Groups of more than five golfers will only be allowed to play in a group together on the course with special permission from the director. Single golfers will only be allowed if the course is clear or with special permission from the director.

D. Children under 6 years old are not allowed on the course without special permission from the director. When on a golf cart, children between and including age 6 to age 16 must be accompanied by an adult.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:204.

HISTORICAL NOTE: Promulgated by the Department of Culture, Recreation, and Tourism, Office of the Secretary, LR 33:250 (February 2007), amended by the Department of Culture, Recreation, and Tourism, Office of State Parks, LR 39:1269 (May 2013).

§1109. Disorderly Conduct [Formerly LAC 25:XI.509]

A. Disorderly or boisterous conduct is forbidden.

B. The director is authorized to control the use and consumption of alcoholic beverages on the course. The consumption of alcoholic beverages may be allowed to the extent that such activity does not adversely affect the use and enjoyment of the course by others.

C. No loud or otherwise disruptive pets will be allowed at the course. The director or other authorized course employees will have discretion to determine which pets are not allowed. Owners will be responsible for their pets, including keeping the pets under control, cleaning up after the pets, and the payment of restitution for any damage caused by the pets.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:204.

HISTORICAL NOTE: Promulgated by the Department of Culture, Recreation, and Tourism, Office of the Secretary, LR 33:250 (February 2007), amended by the Department of Culture, Recreation, and Tourism, Office of State Parks, LR 39:1269 (May 2013).

§1111. Business Solicitation [Formerly LAC 25:XI.511]

A. No person may sell or offer for sale any merchandise or service at the course without the written consent of the assistant secretary, subject to applicable laws, rules, and policies of the state.

B. No person may distribute, post, place, or erect any advertising device at the course without the written consent of the assistant secretary, subject to applicable laws, rules, and policies of the state.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:204.

HISTORICAL NOTE: Promulgated by the Department of Culture, Recreation, and Tourism, Office of the Secretary, LR 33:250 (February 2007), amended by the Department of Culture, Recreation, and Tourism, Office of State Parks, LR 39:1269 (May 2013), LR 43:300 (February 2017).

§1113. Trespass
[Formerly LAC 25:XI.513]

A. No person shall enter course property except at designated public access points or unless possessing permission from authorized agents of the course.

B. No person shall enter the course when the course is closed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:204.
HISTORICAL NOTE: Promulgated by the Department of Culture, Recreation, and Tourism, Office of the Secretary, LR 33:250 (February 2007), amended by the Department of Culture, Recreation, and Tourism, Office of State Parks, LR 39:1269 (May 2013).

§1115. Vehicle Use
[Formerly LAC 25:XI.515]

A. The provisions of the Louisiana Highway Regulatory Act (R.S. 32:1 et seq.) and any rules and regulations promulgated thereunder shall be enforced on course property.

B. Automobiles, trucks, motorcycles, bicycles, recreation vehicles, or any other wheeled vehicles, excluding golf carts, must be operated only on those roads, lanes, or byways designated for vehicular traffic unless otherwise specifically authorized by the director.

C. Golf carts must be driven only on the cart paths at tees and greens. Golf carts may not be driven in the heavy rough areas.

D. Vehicles, including recreational vehicles, motorcycles, and trailers, shall be parked only in designated parking areas unless otherwise specifically authorized by the director or his designees.

E. No person shall operate a vehicle in excess of the posted speed limit.

F. No unauthorized person may remove any barrier to gain access to a restricted area.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:204.
HISTORICAL NOTE: Promulgated by the Department of Culture, Recreation, and Tourism, Office of the Secretary, LR 33:251 (February 2007), amended by the Department of Culture, Recreation, and Tourism, Office of State Parks, LR 39:1270 (May 2013).

§1117. Fines and Enforcement
[Formerly LAC 25:XI.517]

A. In addition to any other penalty provided by law, persons violating these rules and regulations are subject to administrative fines for each violation, eviction from the course, and/or restitution to the DCRT for damages incurred.

B. At the director's discretion, any person who is evicted from the course for disciplinary reasons may be banned from the course for one year.

C. If a person is delinquent in paying for damage incurred, the DCRT reserves the right to refuse privileges to that person pending receipt of such restitution.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:204.
HISTORICAL NOTE: Promulgated by the Department of Culture, Recreation, and Tourism, Office of the Secretary, LR 33:251 (February 2007), amended by the Department of Culture, Recreation, and Tourism, Office of State Parks, LR 39:1270 (May 2013).

§1119. Operating Schedule
[Formerly LAC 25:XI.519]

A. The course operating schedule will be set at the discretion of the director based on user demand, course conditions, budgetary reductions, legislative mandates, construction and maintenance, availability of staff and other resources, and other relevant factors. The hours of operation will be posted at the course.

B. The director may direct the closing of the course to public use when or if any natural or man-made occurrence has affected, or is expected to affect, the operation and management of the course to a degree normal public use and enjoyment are altered, or when such use might impair the health, safety, and well-being of the public or the course employees.

C. The director may also close portions of the course for reasons provided in Subsections A or B or for any other relevant factor.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:204.
HISTORICAL NOTE: Promulgated by the Department of Culture, Recreation, and Tourism, Office of the Secretary, LR 33:251 (February 2007), amended by the Department of Culture, Recreation, and Tourism, Office of State Parks, LR 39:1270 (May 2013).

§1121. Course Fees
[Formerly LAC 25:XI.521]

A. Fees

The maximum fees that may be charged for reservations or use of the course and its services and facilities are as follows, taxes not included:	**Maximum Fee**
Greens fee per golfer, including shared cart and range balls	$75
Second tee time	$40/per golfer
Annual pass	$2800
Driving range	$15/hour
Cart rental, 18 holes	$18/rider
Cart rental, 9 holes	$10/rider

B. From time to time, as deemed appropriate by the assistant secretary or his designee, special programs, rates, discounts on course fees, or package deals may be offered in order to promote the course or encourage visitation, e.g., on weekdays or during off-peak golfing months.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:204.
HISTORICAL NOTE: Promulgated by the Department of Culture, Recreation, and Tourism, Office of the Secretary, LR

33:251 (February 2007), amended by the Department of Culture, Recreation, and Tourism, Office of State Parks, LR 39:1270 (May 2013).

§1123. Reservation Policy
[Formerly LAC 25:XI.523]

A. Tee time reservations will be taken one month in advance. A credit card or other form of deposit will be required to secure a time. Reservations will be accepted only from persons 18 years of age or older.

B. Groups will be allowed to book two, three, four, or five players per time slot. On weekends and holidays, groups will only be allowed to book fivesomes after 10 a.m.

C. Cancellation of reservations must be made at least 24 hours in advance. Cancellations made within 24 hours of the scheduled tee time might be subject to a 50 percent surcharge. A change of reservation date or time will be considered a cancellation and treated accordingly.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:204.

HISTORICAL NOTE: Promulgated by the Department of Culture, Recreation, and Tourism, Office of the Secretary, LR 33:251 (February 2007), amended by the Department of Culture, Recreation, and Tourism, Office of State Parks, LR 39:1270 (May 2013).

§1125. Refunds
[Formerly LAC 25:XI.525]

A. Rain checks will be issued at the discretion of the director for unfavorable changes in weather conditions, so long as the conditions stay unfavorable for golfing for more than 30 minutes. Credit will be given only for the percentage of holes not completed.

B. Refunds will not be issued to persons evicted for violations of these rules.

C. Refunds will not be issued to persons who choose to leave the course as a result of inclement weather before the director has decided that the change in weather will persist for more than 30 minutes.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:204.

HISTORICAL NOTE: Promulgated by the Department of Culture, Recreation, and Tourism, Office of the Secretary, LR 33:251 (February 2007), amended by the Department of Culture, Recreation, and Tourism, Office of State Parks, LR 39:1270 (May 2013).

§1127. Tournament Procedure
[Formerly LAC 25:XI.527]

A. Fees

The maximum deposit fees that may be charged for tournament reservations are as follows:	Maximum Fee
Under 20 Players	$100
21-50 Players	$200
Over 51 Players	$300

1. Deposit fees may be waived at the director's discretion for a group that previously hosted a successful tournament.

B. Groups of 12 or more players will be booked as a tournament. Any group with three or more requested tee times will be allowed to contract a tournament.

C. Only the director or his designee may book a tournament. The tournament may be booked as far in advance as needed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:204.

HISTORICAL NOTE: Promulgated by the Department of Culture, Recreation, and Tourism, Office of the Secretary, LR 33:252 (February 2007), amended by the Department of Culture, Recreation, and Tourism, Office of State Parks, LR 39:1271 (May 2013).

§1129. Golf Cart Rental
[Formerly LAC 25:XI.529]

A. A valid driver's license is required to rent a golf cart. The renter must be able to safely use the cart while it is under his control.

B. Carts must be returned immediately after completion of play, in as good condition as originally rented. Any person who damages a golf cart under his or her rental control agrees to pay for necessary repairs.

C. Any person who rents a golf cart agrees to hold the course harmless for any damage caused to any person or the cart by its operation.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:204.

HISTORICAL NOTE: Promulgated by the Department of Culture, Recreation, and Tourism, Office of the Secretary, LR 33:252 (February 2007), amended by the Department of Culture, Recreation, and Tourism, Office of State Parks, LR 39:1271 (May 2013).

§1131. Golfer Safety
[Formerly LAC 25:XI.531]

A. At the first sign of lightning in the immediate area, a course representative will drive course to communicate suspension of play. Those who remain on the course after the lightning warning is given will be playing at their own risk.

B. All persons must exercise reasonable care while using course facilities and follow safety rules at all times. Each person assumes liability for his or her own safety, and the DCRT will not be responsible for accident or injury to any person or to others caused by that person's own recklessness.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:204.

HISTORICAL NOTE: Promulgated by the Department of Culture, Recreation, and Tourism, Office of the Secretary, LR 33:252 (February 2007), amended by the Department of Culture, Recreation, and Tourism, Office of State Parks, LR 39:1271 (May 2013).

Title 25
CULTURAL RESOURCES
Part XI. Office of the Secretary

Chapter 1. Byways

§101. Segmentation of Louisiana Byways

A. Byway designations do not have to be contiguous. A specific segment of an existing or proposed Louisiana byway may be excluded from the Louisiana byway system upon the recommendation to, and determination by, the secretary of the Department of Culture, Recreation and Tourism (secretary) as provided by R.S. 56:1948.7. The local byway authority, commission or entity (commission) of each respective byway may recommend to the secretary a de-designation or exclusion of a byway segment if said portion does not contain the intrinsic values of natural, recreational, archaeological, scenic, cultural or historical features as described in R.S. 56:1948.2 and 56:1948.3. The beginning and ending of any excluded segment will be at those points of visible change in the appearance of the adjacent features along the byway.

B. Local agencies, organizations or interested residents of the parish in which a segment of a proposed or existing byway area exists may petition, in writing, the local commission for a hearing on the exclusion of a segment of the local byway. This hearing shall be held within 30 days of the commission's receipt of the petition from the applicant, and reasonable notice of the time and date of the hearing shall be given to the applicant.

C. Within 10 days of the hearing, the commission shall submit to the secretary a resolution stating the commission's recommendation to either concur with or deny the applicant's request for exclusion. The recommendation of the commission is not a final decision on the issue of exclusion. All commission recommendations are forwarded to the secretary for his consideration and final decision. The commission's resolution must provide written reasons for its recommendation and shall include the following:

1. identification of the byway at issue and as designate in accordance with R.S. 56:1948 et seq.;

2. identification of the entity that proposed the byway in accordance with R.S. 56:1948.4;

3. identification of the beginning and ending of the segment recommended to be excluded, measured in relation to permanent public features of the byway such as intersecting highways, municipal and parish boundaries and public buildings;

4. a description of the zoning on the adjacent land, including the name of the zoning authority, if zoned; or if unzoned, a description of the commercial or industrial activities located on the adjacent land, including the name of any businesses and the boundaries of the regularly used areas of such businesses;

5. a report of the differences between the segment to be excluded and the criteria for Louisiana byway designation in R.S. 56:1948.2 and R.S. 56:1948.3.

D. Within 10 days of the receipt of the resolution from the local commission, the secretary shall send a copy of the commission's resolution and accompanying documents to the Department of Transportation and Development with a request for written concurrence or nonconcurrence within 30 days on the suitability of the recommended segment for exclusion.

E. Within 45 days after the receipt of the resolution and accompanying documents from the local byway commission, the secretary will determine whether to exclude the segment of the Louisiana byway. The secretary shall provide the applicant and the local commission written reasons for his decision, which shall consider the petition of the applicant, the recommendation and accompanying documents received from the local byway commission, the recommendation of the Department of Transportation and Development, the statutory guidelines for the selection and establishment of byways as found at R.S. 56:1948 et seq., and any other evidence brought before him.

F. Incorporated communities and municipalities that are located on scenic byways may follow the procedure described above to petition the local commission to exclude segments found within the municipality if such segment does not possess the natural, recreational, archaeological, scenic, cultural or historic features described in R.S. 56:1948 et seq.

G. An excluded segment may nevertheless be included in the byway system by the Department of Culture, Recreation and Tourism, the Department of Transportation and Development, the local commission and other local authorities in official signage and mapping of the byway and other purposes solely to preserve system continuity.

AUTHORITY NOTE: Promulgated in accordance with R.S. 56:1948.7.

HISTORICAL NOTE: Promulgated by the Department of Culture, Recreation and Tourism, Office of the Secretary, LR 23:35 (January 1997).

Chapter 3. Atchafalaya Trace Heritage Development Zone

§301. Statement of Policy

A. In accordance with Act 112 of the First Extraordinary Session of 2002 enacting the Atchafalaya Trace Heritage Area Development Zone and pursuant to the Administrative

Procedure Act, R.S. 49:950 et seq., the Atchafalaya Trace Commission adopted these rules to provide for the application, review and recommendation process for heritage-based cottage industries in the Atchafalaya Trace Heritage Area to obtain tax credits.

AUTHORITY NOTE: Promulgated in accordance with R.S. 25:1224.

HISTORICAL NOTE: Promulgated by the Department of Culture, Recreation and Tourism, Atchafalaya Trace Commission, LR 29:2009 (October 2003).

§303. Purpose

A. The purpose and intent of this Chapter are:

1. to provide specific tax incentives for heritage-based cottage industries in the geographical area known as the Atchafalaya Trace Heritage Area; and

2. to assist individuals and businesses engaged in heritage-based commercial activities in obtaining capital and tax incentives through existing programs administered by federal, state, and local agencies.

AUTHORITY NOTE: Promulgated in accordance with R.S. 25:1224.

HISTORICAL NOTE: Promulgated by the Department of Culture, Recreation and Tourism, Atchafalaya Trace Commission, LR 29:2009 (October 2003).

§305. Definitions

Board—the Atchafalaya Trace Heritage Area Development Zone Review Board.

Commission—the Atchafalaya Trace Commission.

Cultural Heritage—those qualities that capture the traditions, customs, beliefs, history, folklore, ways of life, and material culture of the Atchafalaya Trace Heritage Area.

Department—the Department of Economic Development.

Development Zone—the Atchafalaya Trace Heritage Area Development Zone, which encompasses the territory of the following parishes in their entirety: St. Mary, Iberia, St. Martin, St. Landry, Avoyelles, Pointe Coupee, Iberville, Assumption, Terrebonne, Lafayette, West Baton Rouge, Concordia, and East Baton Rouge.

Full-Time Employee—a person employed at the business for at least 32 hours per week.

Heritage-Based Cottage Industry—a small business with no more than 20 full or part-time employees or an individual that is sustainably harnessing the Atchafalaya Trace Heritage Area's cultural heritage and natural heritage resources for purposes which include interpreting, accessing, developing, promoting, or reinforcing the unique character and characteristics of the heritage area. *Heritage-based cottage industries* shall include lodging, including bed and breakfasts, camping, houseboats and recreational vehicle facilities; museums, including living museums and interpretive facilities; artists and craftsmakers of authentic or locally made products; authentic food packaging, production, and harvesting; music production and instrument making; historic homes, house museums, and historic sites; boat, canoe, kayak, and bicycle rentals; wild and scenic sites; hunting, fishing, and birding guide services; tour planning and cultural guide services; swamp tours, airboat tours, helicopter tours, plane tours, and balloon tours; retail facilities of authentic products, and agricultural tours. *Heritage-based cottage industry* shall not include hotels, motels, restaurants, gaming facilities, churches, and housing. A heritage-based cottage industry may be a new, existing, or expanding business. In order to qualify as a heritage-based cottage industry for purposes of this Part, the owner of the business must be a resident of the Heritage Area Development Zone.

Natural Heritage—one of those qualities that capture the environmental features of the Atchafalaya Trace Heritage Area, including man-made and natural resources and wildlife.

Part-Time Employee—a person employed at the business for at least 20 hours per week.

Qualifying Employee—a full-time or part-time employee whose job duties are either:

1. primarily related directly to sustainably harnessing the cultural heritage or natural heritage resources of the Atchafalaya Heritage Area; or

2. secondarily related by virtue of performing a support function regarding the business activities related to sustainably harvesting the cultural heritage or natural heritage resources of the Atchafalaya Heritage Area.

Review Board—the Atchafalaya Trace Heritage Area Development Zone Review Board.

Small Business—any person or legal entity engaged in any trade, occupation, profession, commercial, mercantile, or industrial activity with no more than 20 full-time or part-time employees.

Sustainably Harnessing—utilizing a resource so as to not permanently deplete or damage that resource or permanently alter or damage the environment in which it occurs or grows.

AUTHORITY NOTE: Promulgated in accordance with R.S. 25:1224.

HISTORICAL NOTE: Promulgated by the Department of Culture, Recreation and Tourism, Atchafalaya Trace Commission, LR 29:2009 (October 2003).

§307. Application for Tax Credit or Exemption

A. An applicant for tax credits or exemptions under R.S. 25:1226.4 shall provide the following:

1. name of business—this shall be the complete legal name of the business;

2. parent company, if applicable;

3. physical address:

a. principal place of business;

b. each location where significant operations of the business occur;

4. ownership information—this shall include all owners, either direct or through ownership of stock or partnership shares;

5. parish of residence for all owners listed in §307.A.4;

6. parish in which the principal place of business is located;

7. parish in which any significant operations of the business occur;

8. type of business entity;

9. contact information;

10. tax information:

a. federal tax identification number or social security number for all persons or entities listed in §307.A.4;

b. Louisiana Department of Revenue tax identification number;

c. Louisiana Unemployment Insurance identification number;

11. current employment information:

a. total number of employees:

i. full-time;

ii. part-time;

b. number of employees at each location listed in §307.A.3;

c. list of the names, job titles, and Social Security numbers of all employees;

12. description of business, including the business's use or access to cultural and natural heritage of the Atchafalaya Heritage Area;

13. gaming activities, if any, conducted by the business.

B. For each qualifying employee for which the new employee tax credit is claimed, provide the following:

1. name;

2. residence address;

3. parish of residence;

4. Social Security number;

5. hours worked per week at the business;

6. length of residence at address listed:

a. if length of residence is less than 30 days, provide previous residence address;

b. evidence of residence at listed address(es); examples include:

i. utility bills in employee's name at that address;

ii. voter registration card;

iii. driver's license;

iv. homestead exemption or property tax notice.

AUTHORITY NOTE: Promulgated in accordance with R.S. 25:1224.

HISTORICAL NOTE: Promulgated by the Department of Culture, Recreation and Tourism, Atchafalaya Trace Commission, LR 29:2010 (October 2003).

§309. Criteria for Reviewing Applications

A. The review board shall review the applications for tax credits and exemptions using the following criteria:

1. the specific cultural heritage resource or natural heritage resource being utilized;

2. the purpose for which the resource is utilized;

3. the relationship of that purpose or final product to the cultural heritage or natural heritage of the Atchafalaya Heritage Area;

4. the degree to which the purpose or final product relates to or expresses the unique character and characteristics of the Atchafalaya Heritage Area;

5. the location and ownership of the business;

6. the residence of the owner and each qualifying employee.

AUTHORITY NOTE: Promulgated in accordance with R.S. 25:1224.

HISTORICAL NOTE: Promulgated by the Department of Culture, Recreation and Tourism, Atchafalaya Trace Commission, LR 29:2010 (October 2003).