## Contents July 2001

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EXECUTIVE ORDER MJF 01-26
Executive Department
Expenditure Reduction Order

WHEREAS, the Casino Gaming Proceeds Fund (hereafter "Fund") is a dedicated fund established by LSA-R.S. 27:270(B)(1);

WHEREAS, Act No. 21 of the 2000 Regular Session of the Louisiana Legislature appropriates sums from the Fund for capital outlay;

WHEREAS, the governor has been notified by the commissioner of administration that the total appropriations from the Fund will exceed the official revenue forecast for the Fund due to the enactment of Act 1 of the 2001 1st Extraordinary Session of the Louisiana Legislature, and an expenditure reduction is necessary to prevent the occurrence of a cash deficit;

WHEREAS, pursuant to the provisions of Article IV, Section 5 of the Louisiana Constitution of 1974, Act No. 21 of the 2000 Regular Session of the Louisiana Legislature, and other provisions of law, the governor may issue executive orders which limit the expenditure of funds by the various agencies in the executive branch of state government upon notification that a projected deficit exists in a dedicated fund; and

WHEREAS, the interests of the citizens of the state of Louisiana are best served by the implementation of prudent money management practices in the form of an expenditure reduction of certain appropriations derived directly or indirectly from the Fund;

NOW THEREFORE I, M. J. "MIKE" FOSTER, JR., Governor of the state of Louisiana, by virtue of the authority vested by the Constitution and laws of this state, do hereby order and direct as follows:

SECTION 1: The following departments, agencies, and/or budget units of the executive branch of the state of Louisiana, as described in and/or funded by appropriations derived directly or indirectly from the Casino Gaming Proceeds Fund, through Act No. 21 of the 2000 Regular Session of the Louisiana Legislature, shall reduce their expenditures, in the amounts shown below:

1) Budget Unit 01-107
   Division of Administration
   a) Capitol Complex Acquisitions, Demolition, Sitework, Construction and Renovation of Facilities $ 3,818,156.59
   b) Louisiana Technology Innovation Fund $ 3,000,000.00

2) Budget Unit 08-419
   Office of State Police
   Automated Fingerprint Identification System Acquisition $ 1,185,705.00

3) Budget Unit 19-600
   Louisiana State University Board of Supervisors
   Major Repairs and Reroofing and Life Safety Code Citation Corrections to Campus Buildings, Planning and Construction $ 889,594.02

4) Budget Unit 19-615
   Southern University Board of Supervisors
   Major Repairs and Reroofing, and Life Safety Code Citation Corrections to Campus Buildings, Planning and Construction $ 212,960.00

5) Budget Unit 19-620
   University of Louisiana Board of Trustees
   Major Repairs and Reroofing and Life Safety Code Citation Corrections to Campus Buildings, Planning and Construction $ 739,652.00

6) Budget Unit 19-671
   Board of Regents for Higher Education Library, Instructional and Scientific Equipment Acquisition $ 3,999,220.30

7) Budget Unit 19-681
   Subgrantee Assistance
   K-12 Classroom-based Technology $ 2,500,000.00

8) Budget Unit 19-649
   Community and Technical Colleges Board of Supervisors
   Campus Master Planning $ 254,400.00

Total Expenditure Reduction $16,599,687.91

SECTION 2: This Order is effective upon signature and shall continue in effect through June 30, 2001, unless amended, modified, terminated, or rescinded by the governor, or terminated by operation of law.

IN WITNESS WHEREOF, I have set my hand officially and caused to be affixed the Great Seal of Louisiana, at the Capitol, in the city of Baton Rouge, on this 20th day of June, 2001.

M.J. "Mike" Foster, Jr.
Governor

ATTEST BY
THE GOVERNOR
Fox McKeithen
Secretary of State
0107#001

EXECUTIVE ORDER MJF 01-27
Bond Allocation
Louisiana Local Government
Environmental Facilities and Community Development Authority

WHEREAS, pursuant to the Tax Reform Act of 1986 and Act 51 of the 1986 Regular Session of the Louisiana Legislature, Executive Order No. MJF 96-25, as amended by Executive Order No. MJF 2000-15, was issued to establish:

(1) a method for allocating bonds subject to private activity bond volume limits, including the method of allocating bonds subject to the private activity bond volume limits for the calendar year of 2001 (hereafter "the 2001 Ceiling");

(2) the procedure for obtaining an allocation of bonds under the 2001 Ceiling; and
(3) a system of central record keeping for such allocations; and

WHEREAS, the Louisiana Local Government Environmental Facilities and Community Development Authority has requested an allocation from the 2001 Ceiling to be used to finance the acquisition and rehabilitation of a twenty-six (26) unit multifamily apartment complex located at 618 Independence Street, New Orleans, parish of Orleans, state of Louisiana, in accordance with the provisions of Section 146 of the Internal Revenue Code of 1986, as amended;

NOW THEREFORE, I, M.J. "MIKE" FOSTER, JR., Governor of the state of Louisiana, by virtue of the authority vested by the Constitution and the laws of the state of Louisiana, do hereby order and direct as follows:

SECTION 1: The bond issue, as described in this Section, shall be and is hereby granted an allocation from the private activity bond volume limits for the calendar year of 2001 as follows:

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<th>Name of Issuer</th>
<th>Name of Project</th>
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<td>Louisiana Local Government Environmental Facilities and Community Development Authority</td>
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SECTION 2: The granted allocation shall be used only for the bond issue described in Section 1 and for the general purpose set forth in the "Application for Allocation of a Portion of the State of Louisiana Private Activity Bond Ceiling" submitted in connection with the bond issue described in Section 1.

SECTION 3: The granted allocation shall be valid and in full force and effect through the end of 2001, provided that such bonds are delivered to the initial purchasers thereof on or before September 24, 2001.

SECTION 4: All references in this Order to the singular shall include the plural, and all plural references shall include the singular.

SECTION 5: The undersigned certifies, under penalty of perjury, that the granted allocation was not made in consideration of any bribe, gift, or gratuity, or any direct or indirect contribution to any political campaign. The undersigned also certifies that the granted allocation meets the requirements of Section 146 of the Internal Revenue Code of 1986, as amended.

SECTION 6: This Order is effective upon signature and shall remain in effect until amended, modified, terminated, or rescinded by the governor, or terminated by operation of law.

IN WITNESS WHEREOF, I have set my hand officially and caused to be affixed the Great Seal of Louisiana, at the Capitol, in the city of Baton Rouge, on this 26th day of June, 2001.

M.J. "Mike" Foster, Jr.
Governor

ATTEST BY
THE GOVERNOR
Fox McKeithen
Secretary of State
0107#002
Emergency Rules

DECLARATION OF EMERGENCY

Department of Agriculture and Environmental Sciences
Office of Agriculture and Environmental Sciences

Aerial Pesticide Applications - Malathion Insecticide
(LAC 7:XXIII.145)

In accordance with the emergency provisions of the Administrative Procedure Act R.S. 49:953 (B), and under the authority of R.S. 3:3203, the Commissioner of Agriculture and Forestry declares an emergency to exist and adopts by emergency process the attached rules and regulations for the application of an ultra low volume insecticide to be applied to cotton fields infested with plant bugs.

The application of insecticides in accordance with the current concentration regulations has not been sufficient to control plant bugs. Failure to allow the concentrations in ultra low volume (ULV) malathion applications will allow the plant bugs the opportunity to destroy the cotton during the growing season. The destruction of the cotton crop or a substantial portion of the cotton crop will cause irreparable harm to the economy of Northern Louisiana and to Louisiana Agricultural producers thereby creating an imminent peril to the health and safety of Louisiana citizens.

This Emergency Rule becomes effective upon the signature of the Commissioner and shall remain in effect for 30 days.

Title 7
AGRICULTURE AND ANIMALS
Part XXIII. Pesticide
Chapter 1. Advisory Commission on Pesticides
§145. Fixed Wing Aircraft; Standards for Commercial Aerial Pesticide Applications
A. - A.5.b.xxxvi. ...
c. malathion insecticide applied with the following conditions to control plant bugs in cotton.
   i. The Commissioner hereby declares that prior to making any aerial application of ULV malathion to cotton, the aerial owner/operator must first register such intent by notifying the Division of Pesticides and Environmental Programs ("DPEP") in writing. Upon notification, LDAF shall inspect the aircraft prior to any ULV applications.
   ii. Spray shall be applied, handled, and stored in accordance with all conditions specified by State or Federal regulations, including the strict observance of any buffer zones that may be implied.
   iii. Aerial applicators shall strictly comply with any and all restrictions or mitigative factors, in regard to sensitive areas, including occupied buildings (churches, schools, hospitals, and homes), lakes, reservoirs, farm ponds, parks, and recreation areas that may be identified by Commissioner, and such restriction and mitigation are to be strictly complied with and observed by said aerial applicators.
   iv. Aerial applicators will adjust flight patterns, to the degree possible, to avoid or minimize flying over sensitive areas. This restriction does not apply to overflight between take-off and the commencement of spray operations, or overflight between termination of spray operations and landing.
   v. Aerial applicators shall be alert to all conditions that could cause spray deposit outside field boundaries and use their good faith efforts, including adjustment or termination of operations, to avoid spray deposit outside field boundaries.
   vi. There shall be no aerial spraying when wind velocity exceeds 10 m.p.h.
   vii. Aerial applicators will terminate application if rainfall is imminent.
   viii. Insecticide spray will not be applied in fields where people or animals are present. It is the applicator’s responsibility to determine if people are present prior to initiating treatment.
   ix. Spraying will not be conducted in fields where other aircraft are working.
   x. All mixing, loading, and unloading will be in an area where an accidental spill can be contained and will not contaminate a stream or other body of water.
   xi. All aerial applications of insecticide shall be at an altitude not to exceed five feet above the cotton canopy. However, in fields that are not near sensitive areas, if in-field obstructions make the five foot aerial application height not feasible, then the aerial height may be extended to such height above the cotton canopy as is necessary to clear the obstruction safely.
   xii. The aircraft tank and dispersal system must be completely drained and cleaned before loading. All hoses shall be in good condition and shall be of a chemical resistant type.
   xiii. Insecticide tank(s) shall be leak-proof and spray booms of corrosion resistant materials, such as stainless steel, aluminum, or fiberglass. Sealants will be tested before use.
   xiv. The tank(s) in each aircraft shall be installed so the tank(s) will empty in flight. Sight gauges or other means shall be provided to determine the quantity contained in each tank before reloading.
   xv. A drain valve shall be provided at the lowest point of the spray system to facilitate the complete draining of the tanks and system while the aircraft is parked so any unused insecticide can be recovered.
   xvi. A pump that will provide the required flow rate at not less than 40 pounds per square inch (psi) during spraying operation to assure uniform flow and proper functioning of the nozzles. Gear, centrifugal or other rotary types, will be acceptable on aircraft with a working speed above 150 miles per hour.
   xvii. ULV spraying systems with a pumping capacity that exceeds the discharge calibration rate shall have the bypass flow return to the tank bottom in a manner...
that prevents aeration and/or foaming of the spray formulation. Pumps utilizing hydraulic drive or other variable speed drives are not required to have this bypass, provided the pump speed is set to provide only the required pressure and the system three-way valve is used for on/off control at full throw position. Any bypass normally used to circulate materials other than the ULV will be closed for ULV spraying.

xxviii. Spray booms will be equipped with the quantity and type of spray nozzles specified by the Boll Weevil Eradication Program. The outermost nozzles (left and right sides) shall be equal distance from the aircraft centerline and the distance between the two must not exceed three-fourths of the overall wing span measurement. For helicopters, the outermost nozzles must not exceed three-fourths of the rotorspan. For both fixed wing and helicopters, the program will accept the outermost nozzles between 60 percent and 75 percent of the wingspan/rotorspan. Longer spray booms are acceptable provided modifications are made to prevent the entrapment of air in the portion beyond the outermost nozzle. Fixed wing aircraft not equipped with a drop type spray boom may require drop nozzles in the center section that will position the spray tips into smoother air to deliver the desired droplet size and prevent spray from contacting the tail wheel assembly and horizontal stabilizer. Most helicopters will be required to position the center nozzles behind the fuselage and dropped into smooth air in order to achieve the desired droplet size.

xxix. A course deviation indicator (CDI) or a course deviation light bar (also CDI) must be installed on the aircraft and in a location that will allow the pilot to view the indicator with direct or peripheral vision without looking down. The CDI must be capable of pilot selected adjustments for course deviation indication with the first indication three feet or less.

xxx. The DGPS must display to the pilot a warning when differential correction is lost, the current swath number, and cross-track error. The swath advance may be set manually or automatically. If automatic is selected, the pilot must be able to override the advance mode to allow respraying of single or multiple swaths.

xxxii. The software must be compatible with DOS compatible PC computers, dot matrix, laser, or ink jet printers and plotters. The system shall be compatible with the DGPS and error, spray on/off, aircraft number, pilot, job name or position, time, date, altitude, speed in M.P.H., cross-track error, spray on/off, aircraft number, pilot, job name or number, and differential correction status. The flight data log software shall be compatible with DOS compatible PC computers, dot matrix, laser, or ink jet printers and plotters. The system must compensate for the lag in logging spray on/off. The system will display spray on/off at the field boundary without a sawtooth effect. Must be capable to end log files, rename, and start a new log in flight.

xxxiii. The software must generate the map of the entire flight within a reasonable time. Systems that require five minutes or more to generate the map for a three-hour flight on a PC (minimum a 386 microprocessor with 4 MB of memory) will not be accepted. When viewed on the monitor or the printed hard copy, the flight path will clearly differentiate between spray on and off. The software must be capable of replaying the entire flight in slow motion and stop and restart the replay at any point during the flight. Must be able to zoom to any portion of the flight for viewing in greater detail and print the entire flight or the zoomed-in portion. Must have a measure feature that will measure distance in feet between swaths or any portion of the screen. Must be able to determine the exact latitude/longitude at any point on the monitor.

xxxiv. Aircraft shall have an operational Differentialy Corrected Global Positioning System (DGPS) and flight data logging software that will log and display the date and time of the entire flight from take-off to landing and differentiate between spray-on and spray-off.
xxxiv. Application of ULV malathion shall be at an application rate of 12 oz. per acre with no dilutions or tank mixes.

xxxv. Applications of ULV malathion shall not be made prior to sunrise on June 29, 2001 and shall not be made after sunset on July 28, 2001.

xxxvi. Applications of ULV malathion shall be restricted to seven day intervals.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:3202.


Signed and attested to this third day of July 2000.

Bob Odom
Commissioner

0107#006

DECLARATION OF EMERGENCY

Department of Agriculture and Environmental Sciences
Office of Agriculture and Environmental Sciences

Restrictions on Application of Certain Pesticides

(LAC 7:XXIII.143)

In accordance with the Administrative Procedure Act R.S. 49:95(B) and R.S. 3:3202(A), the Commissioner of Agriculture and Forestry is exercising the emergency provisions of the Administrative Procedure Act in amending the following Rule for the implementation of regulations governing the use of the pesticide 2, 4-D and products containing 2, 4-D.

The applications of 2, 4-D in certain parishes, in accordance with the current regulations and labels have not been sufficient to control drift onto non-target areas. Failure to prevent the drift onto non-target areas will adversely affect other crops particularly cotton. The adverse effects to the cotton crop and other non-target crops will cause irreparable harm to the economy of Central Louisiana and to Louisiana Agricultural producers.

The Department has, therefore, determined that these emergency rules implementing further restrictions on the application of 2, 4-D and products containing 2, 4-D during the current crop year, are necessary in order to alleviate these perils. Information will be gathered to determine the effectiveness of these restrictions on preventing 2, 4-D drift onto non-target areas.

These rules become effective upon signature and will remain in effect 120 days. Signed and attested to this 22nd day of June 2001.

Title 7

AGRICULTURE AND ANIMALS
Part XXIII. Pesticide
Chapter 1. Advisory Commission on Pesticides
Subchapter I. Regulations Governing Application of Pesticides

§143. Restrictions on Application of Certain Pesticides
A. - P.2 ...

3. 2. 4-D or Products Containing 2, 4-D Application Restrictions

The Louisiana Student Financial Assistance Commission (LASFAC) is exercising the emergency provisions of the Administrative Procedure Act [R.S. 49:953(B)] to amend rules of the Scholarship/Grant programs (R.S. 17:3021-3026, R.S. 3041.10-3041.15, and R.S. 17:3042.1, R.S. 17:3048.1).

This Emergency Rule is necessary to implement changes to the Scholarship/Grant programs to allow the Louisiana Office of Student Financial Assistance and state educational institutions to effectively administer these programs. A delay in promulgating rules would have an adverse impact on the financial welfare of the eligible students and the financial condition of their families. The commission has, therefore, determined that these emergency rules are necessary in order to prevent imminent financial peril to the welfare of the affected students.

This declaration of emergency is effective June 7, 2001, and shall remain in effect for the maximum period allowed under the Administrative Procedure Act.
Chapter 3. Definitions
§301. Definitions

* * *

First-Time Freshman A student who is awarded TOPS Opportunity, Performance, or Honors and enrolls for the first-time as a full-time freshman in an academic program in a postsecondary school subsequent to high school graduation, and continues to be enrolled full-time at the end of the fourteenth class day (ninth class day for Louisiana Tech) or enrolls for the first time, full-time in a Louisiana public community or technical college that offers a vocational or technical education certificate or diploma program or a non-academic undergraduate degree to pursue a skill, occupational training, or technical training subsequent to high school graduation. A student who is awarded TOPS Opportunity, Performance, or Honors and begins in an academic program in a postsecondary college or university in a summer session will be considered a first-time freshman for the immediately succeeding fall term. A student who is awarded TOPS Opportunity, Performance, or Honors and begins in a non-academic program in a postsecondary school in a summer term will be considered a first-time freshman at the time of such enrollment. The fact that a student enrolls in a postsecondary school prior to graduation from high school and/or enrolls less than full time in a postsecondary school prior to the required date for full time enrollment shall not preclude the student from being a first-time freshman.  

* * *

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

b. for continuation purposes, a student must be enrolled full-time at the end of the fourteenth class day (ninth class day for Louisiana Tech or Louisiana Technical College);

c. for continuation purposes, a student is considered to have met the full-time requirement if by the completion of the academic year he has earned at least 24 hours of total credit as reported by the institution for the fall and spring semesters at institutions defining 12 semester hours as the minimum for standing as a full-time undergraduate or as reported by the institution for the fall, winter and spring quarters at institutions defining 8 quarter hours as the minimum for standing as a full-time undergraduate. For purposes of TOPS and except where specified otherwise within these rules, a student shall be credited for hours earned as reported by the institution that the student attends in accordance with that institution's published policies. Students should be aware that these policies may differ depending on the school the student attends. (see §§705.A.7, 705.D, 805.A.7, and 907.A.2 for more expanded TOPS requirements);

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

e. a workload of at least 30 clock hours per week is the full-time equivalent at a technical college;

f. a student enrolled in two or more institutions of higher education when such multiple enrollment is necessary for the student to gain access to the courses required for completion of the degree in the chosen discipline and where the total number of hours earned at all institutions during the academic year is the equivalent of carrying a full-time academic workload as determined by the institution which will award the degree.  

* * *

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


Chapter 21. Miscellaneous Provisions and Exceptions
§2103. Circumstances Warranting Exception to the Initial and Continuous Enrollment Requirements
A. - E.11.a.i( - (i). ...  

(j). an involuntary drop, suspension, or withdrawal from enrollment because of academics, scholastics, or failure to attend classes or to comply with institutional regulations;  

(k). a suspension or expulsion for misconduct;  

(l). an inability to register because of failure to satisfy financial obligations.  

E.11.a.ii - E.11.c. ...  

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


Mark S. Riley  
Assistant Executive Director

0107#010

DECLARATION OF EMERGENCY
Office of the Governor
Commission on Law Enforcement and Administration of Criminal Justice

Peace Officers Standards and Training  
(LAC 22:II.4703)

The following amendment is published in accordance with the emergency provision of R.S. 49:953(B), the Administrative Procedure Act, and R.S.40:2401 et seq., the Peace Officer Standards and Training Act, which allows the Council on Peace Officer Standards and Training (POST) to promulgate rules necessary to carry out its business or the provision of Chapter 47. This rule will replace the current rule and includes the following change: Correctional peace officers must meet certain firearms requirements for annual requalification.
### Title 22
CORRECTIONS, CRIMINAL JUSTICE AND LAW ENFORCEMENT

Part III. Commission on Law Enforcement and Administration of Criminal Justice

Subpart 4. Peace Officers

Chapter 47. Standards and Training

§4703. Basic Certification

A. All full-time peace officers, as defined in R.S. 40:2402, shall complete a basic training course as prescribed and certified by the Council on Peace Officers Standards and Training (POST Council). Reserve or part-time officers or military police officers stationed in Louisiana may be eligible for certification if they successfully complete a basic training course prescribed for full-time peace officers and pass the POST statewide examination. There are three levels of POST certification.

1. ... 

2. Level 2 Certification for Basic Correctional Peace Officer

   a. The student will complete a training course with a minimum of 218 hours and is limited to those peace officers whose duties are the care, custody, and control of inmates. The training course consists of the ACA core curriculum plus a sufficient number of hours to obtain POST certification. POST Firearm certification for Level 2 students is required (effective 3/26/01).

   b. Correctional peace officers with Level 2 certification must meet the POST firearms requirements for annual requalification as outlined in §4721.B and §4721.C.

A.3. - E. ... 


Michael A. Ranatza
Executive Director

0107#015

DECLARATION OF EMERGENCY

Office of the Governor
Division of Administration
Board of the Trustees of the State Employees Group Benefits Program

EPO Plan of Benefits Prescription Drug Benefits
(LAC 32:V.325 and 701)

Pursuant to the authority granted by R.S. 42:871(C) and 874(B)(2), vesting the Board of Trustees with the responsibility for administration of the State Employees Group Benefits Program and granting the power to adopt and promulgate rules with respect thereto, the Board of Trustees, hereby invokes the Emergency Rule provisions of R.S. 49:953(B).

The Board finds that it is necessary to revise and amend provisions of the EPO Plan Document relative to prescription drug benefits. Failure to adopt this rule on an emergency basis may result in disruption of prescription drug therapy for covered employees, retirees, and their dependents, adversely affecting the health and welfare of the public workforce responsible for delivery of vital services to the citizens of the state.

Accordingly, the following Emergency Rule, revising and amending the EPO Plan of Benefits relative to prescription drug benefits, is effective July 1, 2001, and shall remain in effect for a maximum of 120 days, or until the final rule is promulgated, which ever occurs first.

**Title 32**

EMPLOYEE BENEFITS

Part V. Exclusive Provider (EPO) Plan of Benefits

Chapter 3. Medical Benefits

§325. Prescription Drug Benefits

A. This Plan allows benefits for drugs and medicines approved by the Food and Drug Administration or its successor, requiring a prescription, and dispensed by a licensed pharmacist or pharmaceutical company, but which are not administered to a Covered Person by a Covered Person as an inpatient Hospital patient or an outpatient Hospital patient, including insulin, Retin-A dispensed for Covered Persons under the age of 26, Vitamin B12 injections, prescription Potassium Chloride, and over-the-counter diabetic supplies including, but not limited to, strips, lancets and swabs.

B. The following drugs, medicines, and related services are not covered:

1. ... 

11. drugs for Treatment of impotence, except following surgical removal of the prostate gland; and

12. glucometers.

C. ... 

1. Upon presentation of the Group Benefits Program health benefits identification card at a network pharmacy, the plan member will be responsible for payment of 50 percent of the cost of the drug, up to a maximum of $40 per prescription dispensed. The plan will pay the balance of the eligible expense for prescription drugs dispensed at a network pharmacy. There is a $1000 per person per calendar year out-of-pocket threshold for eligible prescription drug expenses. Once this threshold is reached, that is, the plan member has paid $1000 of co-insurance/co-payments for eligible prescription drug expenses, the Plan Member will be responsible for a $15 co-pay for brand name drugs, with no co-pay for generic drugs. The plan will pay the balance of the eligible expense for prescription drugs dispensed at a network pharmacy.

   Note: For the period July 1, 2001 through December 31, 2001, the out-of-pocket threshold will be $500 per person. On January 1, the threshold will be re-set to $1000 for calendar year 2002 and each subsequent year.

2. ... 

3. If the plan member obtains a prescription drug from a non-network pharmacy in state, reimbursement will be limited to 50 percent of the amount that would have been paid if the drug had been dispensed at a network pharmacy. If the plan member obtains a prescription drug from a non-network pharmacy out of state, benefits will be limited to 80 percent of the amount that would have been paid if the drug had been dispensed at a network pharmacy.

4. Regardless of where the prescription drug is obtained, eligible expenses for brand name drugs will be limited to the prescription benefits manager’s maximum allowable charge for the drug dispensed.
5. Prescription drug dispensing and refills will be limited in accordance with protocols established by the prescription benefits manager, including the following limitations:
   a. up to a 34-day supply of drugs may be dispensed at one time; and
   b. refills will be available only after 75 percent of drugs previously dispensed should have been consumed.
   c. brand drug\textsuperscript{2} the trademark name of a drug approved by the U. S. Food and Drug Administration.
   d. generic drug\textsuperscript{2} a chemically equivalent copy of a brand drug.

AUTHORITY NOTE: Promulgated in accordance with R.S. 42:871(C) and 874(B)(2).

HISTORICAL NOTE: Promulgated by the Office of the Governor, Board of Trustees of the State Employees Group Benefits Program, LR 25:1823 (October 1999), LR 26:487 (March 2001), LR 27:

Chapter 7. Schedule of Benefits – EPO
§701. Comprehensive Medical Benefits
A. …
1. - 3. …
4. Prescription Drugs (Not subject to deductible)

<table>
<thead>
<tr>
<th>Network Pharmacy</th>
<th>Member pays 50 percent of drug costs at point of purchase</th>
</tr>
</thead>
<tbody>
<tr>
<td>Maximum co-payment</td>
<td>$40 per prescription dispensed</td>
</tr>
<tr>
<td>Out-of-pocket threshold</td>
<td>$1000 per person, per calendar year</td>
</tr>
</tbody>
</table>

Co-pay after threshold is reached:
- Brand $15
- Generic No co-pay

Plan pays balance of Eligible Expense

Note: Out-of-pocket threshold - $500 per person, for the period July 1 – December 31, 2001

<table>
<thead>
<tr>
<th>Non-network pharmacy</th>
<th>Member pays full drug costs at point of purchase</th>
</tr>
</thead>
<tbody>
<tr>
<td>In-state</td>
<td>Reimbursement limited to 50% of amount payable by Plan at Network Pharmacy</td>
</tr>
<tr>
<td>Out-of-state</td>
<td>Reimbursement limited to 80% of amount payable by Plan at Network Pharmacy</td>
</tr>
</tbody>
</table>

B. – G …

AUTHORITY NOTE: Promulgated in accordance with R.S. 42:871(C) and 874(B)(2).

HISTORICAL NOTE: Promulgated by the Office of the Governor, Board of Trustees of the State Employees Group Benefits Program, LR 25:1823 (October 1999), LR 26:487 (March 2000), LR 27:719 (May 2001), LR 27:

A. Kip Wall
Chief Executive Officer

0107#013

DECLARATION OF EMERGENCY
Office of the Governor
Division of Administration
Board of the Trustees of the
State Employees Group Benefits Program

PPO Plan of Benefits\textsuperscript{C} Prescription Drug Benefits
(LAC 32:III.325 and 701)

Pursuant to the authority granted by R.S. 42:871(C) and 874(B)(2), vesting the Board of Trustees with the responsibility for administration of the State Employees Group Benefits Program and granting the power to adopt and promulgate rules with respect thereto, the Board of Trustees, hereby invokes the Emergency Rule provisions of R. S. 49:953(B).

The Board finds that it is necessary to revise and amend provisions of the PPO Plan Document relative to prescription drug benefits. Failure to adopt this rule on an emergency basis may result in disruption of prescription drug therapy for covered employees, retirees, and their dependents, adversely affecting the health and welfare of the public workforce responsible for delivery of vital services to the citizens of the state.

Accordingly, the following Emergency Rule, revising and amending the PPO Plan of Benefits relative to prescription drug benefits, is effective July 1, 2001, and shall remain in effect for a maximum of 120 days, or until the final rule is promulgated, which ever occurs first.

Title 32
EMPLOYEE BENEFITS
Part III. Preferred Provider (PPO) Plan of Benefits
Chapter 3. Medical Benefits
§323. Prescription Drug Benefits
A. This Plan allows benefits for drugs and medicines approved by the Food and Drug Administration or its successor, requiring a prescription, and dispensed by a licensed pharmacist or pharmaceutical company, but which are not administered to a Covered Person as an inpatient Hospital patient or an outpatient Hospital patient, including insulin, Retin-A dispensed for Covered Persons under the age of 26, Vitamin B12 injections, prescription Potassium Chloride, and over-the-counter diabetic supplies including, but not limited to, strips, lancets and swabs.

B. The following drugs, medicines, and related services are not covered:
   1. - 10. …
   11. drugs for Treatment of impotence, except following surgical removal of the prostate gland; and
   12. glucometers.

C. …
   1. Upon presentation of the Group Benefits Program health benefits identification card at a network pharmacy, the plan member will be responsible for payment of 50 percent of the cost of the drug, up to a maximum of $40 per prescription dispensed. The plan will pay the balance of the eligible expense for prescription drugs dispensed at a network pharmacy. There is a $1000 per person per calendar year out-of-pocket threshold for eligible prescription drug expenses. Once this threshold is reached, that is, the plan member has paid $1000 of co-insurance/co-payments for eligible prescription drug expenses, the plan member will be responsible for a $15 co-pay for brand name drugs, with no co-pay for generic drugs. The plan will pay the balance of the eligible expense for prescription drugs dispensed at a network pharmacy.
   Note: For the period July 1, 2001 through December 31, 2001, the out-of-pocket threshold will be $500 per person. On January 1, the threshold will be re-set to $1000 for calendar year 2002 and each subsequent year.
   2. …
   3. If the plan member obtains a prescription drug from a non-network pharmacy in state, reimbursement will be limited to 50 percent of the amount that would have been
paid if the drug had been dispensed at a network pharmacy. If the plan member obtains a prescription drug from a non-network pharmacy out of state, benefits will be limited to 80 percent of the amount that would have been paid if the drug had been dispensed at a network pharmacy.

4. Regardless of where the prescription drug is obtained, eligible expenses for brand name drugs will be limited to the prescription benefits manager’s maximum allowable charge for the drug dispensed.

5. Prescription drug dispensing and refills will be limited in accordance with protocols established by the prescription benefits manager, including the following limitations:

a. up to a 34-day supply of drugs may be dispensed at one time; and

b. refills will be available only after 75 percent of drugs previously dispensed should have been consumed.

c. brand drug: the trademark name of a drug approved by the U. S. Food and Drug Administration.

d. generic drug: a chemically equivalent copy of a brand drug.

AUTHORITY NOTE: Promulgated in accordance with R.S. 42:871(C) and 874(B)(2).

HISTORICAL NOTE: Promulgated by the Office of the Governor, Board of Trustees of the State Employees Group Benefits Program, LR 25:1815 (October 1999), LR 27:720 (May 2001), LR 27:

Chapter 7. Schedule of Benefits – PPO

§701 Comprehensive Medical Benefits

1. - 3. ...

4. Prescription Drugs (Not subject to deductible)

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<td>Plan pays balance of Eligible Expense</td>
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</tr>
<tr>
<td>Note: Out-of-pocket threshold - $500 per person, for the period July 1 - December 31, 2001</td>
<td></td>
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B. - G ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 42:871(C) and 874(B)(2).

HISTORICAL NOTE: Promulgated by the Office of the Governor, Board of Trustees of the State Employees Group Benefits Program, LR 25:1823 (October 1999), LR 26:487 (March 2000), LR 27:722 (May 2001), LR 27:

A. Kip Wall
Chief Executive Officer

0107#012

DECLARATION OF EMERGENCY

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

Disproportionate Share Hospital Payment Methodologies
Provider Based Rural Health Clinics

The Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing adopts the following emergency rule in the Medical Assistance Program as authorized by R.S. 46:153 and pursuant to Title XIX of the Social Security Act. This Emergency Rule is adopted in accordance with the Administrative Procedure Act, R.S. 49:953(B)(1) et seq. and shall be in effect for the maximum period allowed under the Act or until adoption of the rule, whichever occurs first.

The Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing adopted a rule to establish the provisions governing the disproportionate share payment methodologies for hospitals (Louisiana Register, Volume 24, Number 3). This March 20, 1998 rule was subsequently amended to include the definition of a teaching hospital as required by Act 19 of the 1998 Regular Session of the Louisiana Legislature (Louisiana Register, volume 25, number 5).

The Department then adopted an emergency rule with an effective date of June 21, 1999 to establish an additional disproportionate share hospital group for state fiscal year 1999 only, for large public non state rural hospitals that had at least 25 percent Medicaid inpatient days utilization (Louisiana Register, volume 25, number 6). The May 20, 1999 rule was later amended to revise the qualifying criteria for small rural hospitals as required by Senate Concurrent Resolution Number 48 and Act 1068 of the 1999 Regular Session of the Louisiana Legislature (Louisiana Register, volume 26, number 3). The Department later adopted an emergency rule with an effective date of October 21, 2000 to establish an additional disproportionate share hospital group for state fiscal year 2001 only, for public non state hospitals with no more than 60 licensed beds as of July 1, 2000 (Louisiana Register, volume 26, number 10).

The Bureau provides coverage for rural health clinic services under the Medicaid Program. Currently, the uncompensated costs of rendering health care services in a provider based rural health clinic are not considered in the calculation of the hospital’s uncompensated costs. The Bureau has now determined that it is necessary to include the uncompensated costs of a provider based rural health clinic in the calculation of the rural hospital’s uncompensated costs. This Emergency Rule is being adopted to continue the provisions contained in the April 10, 2001 rule.

Emergency rule

Effective August 9, 2001, the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing increases the disproportionate share payments to small rural hospitals by including the uncompensated costs...
of health care services provided in a rural health clinic that is licensed as part of the small rural hospital in the calculation of the hospital uncompensated costs. Qualifying hospitals must meet the qualifying criteria contained in section II. E and either section II. A, B, or C of the May 20, 1999 rule. In addition, qualifying hospitals must meet the definition for a small rural hospital contained in III. B.1. of the March 20, 2000 rule. Qualifying hospitals must maintain a log documenting the provision of uninsured care in the rural health clinic as directed by the Department. All other provisions contained in the May 20, 1999 rule shall remain in effect as previously promulgated.

The disproportionate share payments to each qualifying rural hospital shall continue to be equal to that hospital’s pro rata share of uncompensated costs for uninsured patients only for all hospitals meeting these criteria for the cost reporting period ended during the period April 1, 2000 through March 31, 2001, multiplied by the amount set for this pool. Payment will not exceed each qualifying hospital’s actual uncompensated costs for uninsured patients or the amount appropriated. If the cost reporting period is not a full period (twelve months), actual uncompensated cost data for the previous cost reporting period may be used on a pro rata basis to equate to a full year.

Implementation of this rule shall be subject to the approval of the Health Care Financing Administration.

Interested persons may submit written comments to Ben A. Bearden, Bureau of Health Services Financing, Box 91030, Baton Rouge, LA 70821-9030. He is responsible for responding to all inquiries regarding this emergency rule. A copy of this Emergency Rule is available for review by interested parties at parish Medicaid offices.

David W. Hood
Secretary

0107#055

DECLARATION OF EMERGENCY

Department of Health and Hospitals
Office of the Secretary
Bureau of Health Services Financing
Durable Medical Equipment Costomy Supplies Reimbursement Increase

The Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing adopts the following emergency rule in the Medical Assistance Program as authorized by R.S. 46:153 and pursuant to Title XIX of the Social Security Act. This Emergency Rule is adopted in accordance with the Administrative Procedure Act, R.S. 49:953(B)(1) et seq. and shall be in effect for the maximum period allowed under the Act or until adoption of the rule, whichever occurs first.

The Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing previously reimbursed certain durable medical equipment items identified by specific Health Care Financing Administration Common Procedure Codes (HCPC) at either 80 percent of the Medicare Fee Schedule, 80 percent of the Manufacturer Suggested Retail Price (MSRP) or billed charges, whichever was the lesser amount. As a result of a budgetary shortfall, the reimbursement for these durable medical equipment items was reduced to 70 percent of the Medicare Fee Schedule, 70 percent of the MSRP or billed charges, whichever was the lesser amount (Louisiana Register, volume 27, number 1). The bureau now proposes to increase the reimbursement for ostomy supplies identified by specific HCPC codes to either 80 percent of the Medicare fee schedule, 80 percent of the MSRP or billed charges, whichever is the lesser amount.

If an item is not available at 80 percent of the Medicare fee schedule amount or 80 percent of the MSRP amount, the flat fee that will be utilized is the lowest cost at which the item has been determined to be widely available by analyzing usual and customary fees charged in the community. This Emergency Rule is being adopted to continue the provisions contained in the April 6, 2001 rule.

Emergency Rule

Effective for dates of service August 5, 2001 and after, the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing increases the reimbursement for ostomy supplies identified by specific Health Care Financing Administration Common Procedure Codes. The reimbursement is increased to 80 percent of the Medicare Fee Schedule, 80 percent of the Manufacturer Suggested Retail Price (MSRP) or billed charges, whichever is the lesser amount, for the following HCPC codes:

Ostomy Supplies
A4360-A4421
A5051-A5149
K0137-K0139
K0278-K0280
K0421-K0437

If an item is not available at 80 percent of the Medicare Fee Schedule amount or 80 percent of the MSRP amount, the flat fee that will be utilized is the lowest cost at which the item has been determined to be widely available by analyzing usual and customary fees charged in the community.

Interested persons may submit written comments to Ben A. Bearden, Bureau of Health Services Financing, Box 91030, Baton Rouge, LA 70821-9030. He is responsible for responding to all inquiries regarding this emergency rule. A copy of this Emergency Rule is available for review by interested parties at parish Medicaid offices.

David W. Hood
Secretary

0107#056

DECLARATION OF EMERGENCY

Department of Health and Hospitals
Office of the Secretary
Bureau of Health Services Financing
Emergency Ambulance Transportation Services Reimbursement Increase

The Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing adopts the following emergency rule in the Medical Assistance Program as authorized by R.S. 46:153 and pursuant to Title
emergency rule. A copy of this Emergency Rule is available
responsible for responding to all inquiries regarding this
91030, Baton Rouge, LA 70821 -9030. He is the person
Medicaid Services.
Health and Human Services, Centers for Medicare and
contingent upon the approval of the U.S. Department of

percent:
reimbursement for the following designated procedure codes
Bureau of Health Services Financing increases the
approximate $596,111 for the state fiscal year 2001 -2002.
Emergency Rule
Effective for dates of service July 1, 2001 and after, the
Department of Health and Hospitals, Office of the Secretary,
Bureau of Health Services Financing increases the
reimbursement for the following designated procedure codes
for emergency ambulance transportation services by 1.4
percent:

   A0368  Emergency transport, no specialized ALS services
   A0380  Emergency loaded miles, BLS
   A0382  Routine disposable supplies, BLS
   A0390  Non-Emergency loaded miles, ALS
   A0394  Disposable supplies, ALS
   A0398  Oxygen & oxygen supplies, ALS or BLS
   A0422  Ambulance 02 life sustaining
   A0427  ALS-Emergency
   A0429  BLS-Emergency transport
   A0433  ALS2
   A0434  Speciality care transport

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

Interested persons may submit written comments to Ben
A. Bearden, Bureau of Health Services Financing, P.O. Box
91030, Baton Rouge, LA 70821-9030. He is the person
responsible for responding to all inquiries regarding this
emergency rule. A copy of this Emergency Rule is available
for review by interested parties at parish Medicaid offices.

David W. Hood
Secretary

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DECLARATION OF EMERGENCY

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

Inpatient Hospital Services Reimbursement
Methodology C Well Baby Care

The Department of Health and Hospitals, Office of the
Secretary, Bureau of Health Services Financing adopts the
following Emergency Rule in the Medical Assistance
Program as authorized by R.S. 46:153 and pursuant to Title
XIX of the Social Security Act. This Emergency Rule is
adopted in accordance with the Administrative Procedure
Act, R.S. 49:953(B)(1) et seq. and shall be in effect for the
maximum period allowed under the Act or until adoption of
the rule, whichever occurs first.

The Department of Health and Hospitals, Office of the
Secretary, Bureau of Health Services Financing adopted a
rule in June of 1994 which established the prospective
reimbursement methodology for inpatient services provided
in private (non-state) acute care general hospitals (Louisiana
Register, volume 20, number 6). Under the prospective
reimbursement methodology, five general peer groups for
hospitals and three peer groups for specialty hospital
services were established for the reimbursement of inpatient
hospital services. In addition, peer groups were established
for the reimbursement of the following high intensity
inpatient services: neonatal intensive care, pediatric
intensive care, burn care and transplants.

Four levels of neonatal intensive care based on severity of
illness and intensity of service are recognized under the
current reimbursement methodology. Level 1 (nursery
boarder) is a separate prospective per diem rate developed
for infants who remain in the hospital nursery after the
mother is discharged. The principal cost of the birth is
included with the payment for the mother's stay at the
general peer group per diem rate. The nursery boarder rate is
intended to cover incidental costs associated with an infant's
short-term stay in the nursery following the mother's

discharge.

The Bureau has now determined that it is necessary to
establish a separate prospective per diem rate for services
rendered to infants who are discharged at the same time that
the mother is discharged. This emergency rule is being
adopted to continue the provisions contained in the April 10,
2001 rule.

Emergency Rule
Effective for dates of service on or after August 9, 2001,
the Department of Health and Hospitals, Office of the
Secretary, Bureau of Health Services Financing establishes a
separate prospective per diem rate for well baby care
rendered to infants who are discharged at the same time that
the mother is discharged. The separate per diem rate for well
baby care shall be available to private hospitals that perform
more than 1500 Medicaid deliveries per year. The per diem
rate for well baby care shall be the lesser of actual costs as
documented on the last finalized cost report or the rate for a
nursery boarder.
Interested persons may submit written comments to Ben A. Bearden, Bureau of Health Services Financing, P.O. Box 91030, Baton Rouge, LA 70821-9030. He is the person responsible for responding to all inquiries regarding this emergency rule. A copy of this Emergency Rule is available for review by interested parties at parish Medicaid offices.

David W. Hood
Secretary

**DECLARATION OF EMERGENCY**

**Department of Health and Hospitals**

**Office of the Secretary**

**Bureau of Health Services Financing**

**Mental Health Rehabilitation Services**

**Reimbursement Increase**

The Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing adopts the following emergency rule in the Medical Assistance Program as authorized by R.S. 46:153 and pursuant to Title XIX of the Social Security Act. This Emergency Rule is adopted in accordance with the Administrative Procedure Act, R.S. 49:953(B)(1) et seq. and shall be in effect for the maximum period allowed under the Act or until adoption of the rule, whichever occurs first.

The Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing provides reimbursement for mental health rehabilitation services under the Medicaid Program. Reimbursement for these services is a prospective, negotiated and non-capitated rate based on the delivery of services as specified in the service agreement and the service package required for the adult and child/youth populations. As a result of the allocation of additional funds by the Legislature during the 2000 Second Special Session, the Bureau adopted a rule in July of 2000 to restore the seven percent reduction made to the reimbursement rates in the Mental Health Rehabilitation Program for high need services for adults and children as well as moderate need services for children (Louisiana Register, volume 26, number 7).

As a result of the allocation of additional funds by the Legislature during the 2001 Regular Session, the Bureau now proposes to increase the reimbursement rates for designated procedure codes in the Mental Health Rehabilitation Program for high need, medium need and low need services for adults and children. This action is being taken to promote the health and welfare of recipients by ensuring the continued participation of providers in the Medicaid Program. It is estimated that implementation of this emergency rule will increase expenditures for mental health rehabilitation services by approximately $2,142,720 for the state fiscal year 2001-2002.

**Emergency Rule**

Effective for dates of service July 1, 2001 and after, the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing increases the reimbursement rates in the Mental Health Rehabilitation Program for designated procedure codes for high need, medium need and low need services for adults and children to the following rates.

<table>
<thead>
<tr>
<th>Procedure code</th>
<th>Procedure Name</th>
<th>New Rate</th>
</tr>
</thead>
<tbody>
<tr>
<td>X0132</td>
<td>Adult - Low Need</td>
<td>$350.00</td>
</tr>
<tr>
<td>X0133</td>
<td>Adult - Medium Need</td>
<td>$750.00</td>
</tr>
<tr>
<td>X0135</td>
<td>Child - Low Need</td>
<td>$400.00</td>
</tr>
<tr>
<td>X0136</td>
<td>Child - Medium Need</td>
<td>$840.00</td>
</tr>
<tr>
<td>X0137</td>
<td>Child - High Need</td>
<td>$1415.00</td>
</tr>
</tbody>
</table>

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

Interested persons may submit written comments to Ben A. Bearden, Bureau of Health Services Financing, P.O. Box 91030, Baton Rouge, LA 70821-9030. He is the person responsible for responding to all inquiries regarding this emergency rule. A copy of this Emergency Rule is available for review by interested parties at parish Medicaid offices.

David W. Hood
Secretary

**DECLARATION OF EMERGENCY**

**Department of Health and Hospitals**

**Office of the Secretary**

**Bureau of Health Services Financing**

**Mentally Retarded/Developmentally Disabled Waiver Reimbursement Increase**

The Department of Health and Hospitals, Office of the Secretary, Bureau of Community Supports and Services adopts the following Emergency Rule under the Administrative Procedure Act, R.S. 49:950 et seq. The Emergency Rule shall be in effect for the maximum period allowed under the Administrative Procedure Act or until adoption of the rule, whichever occurs first.

The Department of Health and Hospitals, Office of the Secretary, Bureau of Community Supports and Services provides reimbursement for personal care attendant (PCA), supervised independent living (SIL) and respite services provided to recipients in the Mentally Retarded/Developmentally Disabled (MR/DD) Waiver Program. The Bureau adopted emergency rules in July 1995 to reduce the reimbursement rates paid for PCA, SIL and respite services provided to MR/DD waiver recipients (Louisiana Register, volume 21, number 7). The provisions contained in the July 20, 1995 emergency rules were subsequently repealed by an emergency rule adopted in October 1995 (Louisiana Register, volume 21, number 10).

As a result of the allocation of additional funds by the Legislature during the 2001 Regular Session, the Bureau now proposes to increase the reimbursement rates for certain designated procedure codes for personal care attendant, respite and supervised independent living services. This action is being taken to promote the health and welfare of recipients by ensuring the continued participation of
providers in the Medicaid Program. It is estimated that implementation of this emergency rule will increase expenditures for MR/DD waiver services by approximately $2,223,345 for the state fiscal year 2001-2002.

Emergency Rule

Effective July 1, 2001, the Department of Health and Hospitals, Office of the Secretary, Bureau of Community Supports and Services increases the reimbursement rates in the Medically Retarded/Developmentally Disabled Waiver for certain designated procedure codes for personal care attendant, respite and supervised independent living services as follows:

<table>
<thead>
<tr>
<th>Procedure Code</th>
<th>Description</th>
<th>Rate</th>
</tr>
</thead>
<tbody>
<tr>
<td>Z0002</td>
<td>PCA</td>
<td>$10.30</td>
</tr>
<tr>
<td>Z0011</td>
<td>PCA - High Need</td>
<td>$11.64</td>
</tr>
<tr>
<td>Z0003</td>
<td>Respite</td>
<td>$10.30</td>
</tr>
<tr>
<td>Z0013</td>
<td>Respite - High Need</td>
<td>$11.64</td>
</tr>
<tr>
<td>Z0004</td>
<td>Respite - Center</td>
<td>$6.66</td>
</tr>
<tr>
<td>Z0014</td>
<td>Respite - Center - High Need</td>
<td>$11.64</td>
</tr>
<tr>
<td>Z0053</td>
<td>SIL Day Companion</td>
<td>$7.38</td>
</tr>
<tr>
<td>Z0055</td>
<td>SIL Night Companion</td>
<td>$6.35</td>
</tr>
</tbody>
</table>

Interested persons may submit written comments to Barbara Dodge, Bureau of Community Supports and Services, P.O. Box 91030, Baton Rouge, Louisiana 70821-9030. She is the person responsible for responding to all inquiries regarding this emergency rule. A copy of this Emergency Rule is available for review by interested parties at parish Medicaid offices.

David W. Hood
Secretary

0107#053

DECLARATION OF EMERGENCY

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

Non-Emergency Ambulance Services
Reimbursement Increase

The Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing adopts the following emergency rule in the Medical Assistance Program as authorized by R.S. 46:153 and pursuant to Title XIX of the Social Security Act. This Emergency Rule is adopted in accordance with the Administrative Procedure Act, R.S. 49:953(B)(1) et seq. and shall be in effect for the maximum period allowed under the Act or until adoption of the rule, whichever occurs first.

The Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing provides reimbursement for non-emergency ambulance transportation services. Reimbursement for these services is the base rate established by the Bureau minus the amount which any third party coverage would pay. As a result of the allocation of additional funds by the Legislature during the 2000 Second Special Session, the Bureau adopted a rule in February 2001 to restore the base rate for non-emergency ambulance transportation services to the rate that was in effect July 1, 1999 and increase the reimbursement fees for certain designated procedure codes (Louisiana Register, volume 27, number 2).

As a result of the allocation of additional funds by the Legislature during the 2001 Regular Session, the Bureau now proposes to increase reimbursement for certain designated procedure codes for non-emergency ambulance transportation services. This action is being taken to promote the health and welfare of recipients by ensuring the continued participation of providers in the Medicaid Program. It is estimated that implementation of this emergency rule will increase expenditures for non-emergency ambulance transportation services by approximately $1,349,031 for the state fiscal year 2001-2002.

Emergency Rule

Effective for dates of service July 1, 2001 and after, the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing increases the reimbursement for certain designated procedure codes for non-emergency ambulance transportation services to the following rates:

<table>
<thead>
<tr>
<th>Procedure Code</th>
<th>Description</th>
<th>Rate</th>
</tr>
</thead>
<tbody>
<tr>
<td>A0366</td>
<td>Base rate, Specialized ALS services, 1st trip</td>
<td>$152.75</td>
</tr>
<tr>
<td>A0426</td>
<td>ALS non-emergency transport</td>
<td>$152.75</td>
</tr>
<tr>
<td>A0428</td>
<td>BLS non-emergency transport</td>
<td>$152.75</td>
</tr>
<tr>
<td>Z5100</td>
<td>Transfer, loaded miles, BLS, 1st trip</td>
<td>$152.75</td>
</tr>
<tr>
<td>Z5101</td>
<td>Transfer, loaded miles, ALS, 1st trip</td>
<td>$152.75</td>
</tr>
<tr>
<td>Z9497</td>
<td>Base rate, ALS or BLS, 2nd trip</td>
<td>$152.75</td>
</tr>
</tbody>
</table>

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

Interested persons may submit written comments to Ben A. Bearden, Bureau of Health Services Financing, P.O. Box 91030, Baton Rouge, LA 70821-9030. He is the person responsible for responding to all inquiries regarding this emergency rule. A copy of this Emergency Rule is available for review by interested parties at parish Medicaid offices.

David W. Hood
Secretary

0107#054

DECLARATION OF EMERGENCY

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

Public Hospitals CR reimbursement Methodology

The Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing adopts the following emergency rule in the Medical Assistance Program as authorized by R.S. 46:153 and pursuant to Title XIX of the Social Security Act. This Emergency Rule is adopted in accordance with the Administrative Procedure Act, R.S. 49:953(B)(1) et seq. and shall be in effect for the maximum period allowed under the Act or until adoption of the rule, whichever occurs first.

The Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing adopted a rule in June of 1994 which established the prospective
for review by interested parties at parish Medicaid offices. The emergency rule is being adopted to continue provisions contained in the December 21, 2000 rule.

Emergency Rule

Effective August 20, 2001, the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing may recognize unreimbursed Medicaid costs incurred by non-state public hospitals, which are not recognized by the Department as a small rural hospital, in providing care to Medicaid recipients. Recognition shall be contingent upon the certification of matching funds by non-state public hospitals (except small rural hospitals as defined in R.S. 40:1300.143).

These costs shall be calculated from each hospital’s latest audited Medicaid cost report. The amount shall be determined by subtracting the actual Medicaid reimbursements from the total Medicaid costs as calculated from the audited cost report. The Medicaid reimbursements and Medicaid costs shall include inpatient (acute and psychiatric services) hospital services and outpatient hospital services. This amount shall then be inflated forward to State Fiscal Year 2001 using the annual Medicare PPS Marketbasket Index. There will be no adjustment to this amount if additional costs are identified subsequent to the completion of the audit process.

Interested persons may submit written comments to Ben A. Bearden, Bureau of Health Services Financing, P.O. Box 91030, Baton Rouge, LA 70821-9030. He is the person responsible for responding to all inquiries regarding this emergency rule. A copy of this Emergency Rule is available for review by interested parties at parish Medicaid offices.

David W. Hood
Secretary

DECLARATION OF EMERGENCY
Department of Health and Hospitals
Office of the Secretary
Bureau of Health Services Financing

Public Hospitals
Reimbursement Methodology
Upper Payment Limit

The Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing adopts the following emergency rule in the Medical Assistance Program as authorized by R.S. 46:153 and pursuant to Title XIX of the Social Security Act. This Emergency Rule is adopted in accordance with the Administrative Procedure Act, R.S. 49:953(B)(1) et seq. and shall be in effect for the maximum period allowed under the act or until adoption of the rule, whichever occurs first.

The Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing adopted a rule in June of 1994 which established a prospective reimbursement methodology for inpatient services provided in non-state operated acute care hospitals (Louisiana Register, volume 20, number 6). The reimbursement methodology was subsequently amended in a rule adopted in January of 1996 which established a weighted average per diem for each hospital peer group (Louisiana Register, volume 22, number 1). The January 1996 rule was later amended to discontinue the practice of automatically applying an inflation adjustment to the reimbursement rates in those years when the rates are not rebased (Louisiana Register, volume 25, number 5).

In compliance with Act 11 of the 2000 Second Extraordinary Session of the Louisiana Legislature, an emergency rule was adopted to establish supplemental payments to non-state public hospitals, which are not recognized by the Department as small rural hospitals, for unreimbursed Medicaid costs incurred in providing care to Medicaid recipients (Louisiana Register, volume 26, number 12). Issuance of the supplemental payment is contingent on the public hospital entering into a cooperative endeavor agreement with the department to certify public funds as representing expenditures eligible for federal financial participation (FFP).

The rule now proposes to utilize the revised upper payment limit for non-state government-owned or operated hospitals as set forth in the 42 CFR §447.272(c) and §447.321(c). 42 CFR §447.272(c) and §447.321(c) states as follows: "Exceptions C (1) Non-State government-operated hospitals. The aggregate Medicaid payments may not exceed 150 percent (150%) of a reasonable estimate of the amount that would be paid for the services furnished by these hospitals under Medicare payment principles in subchapter B of this chapter. This Emergency Rule is being adopted to continue the provisions contained in the April 1, 2001 rule.

Emergency Rule

Effective July 31, 2001, the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing will utilize the revised upper payment limit for non-state government-owned or operated hospitals as set
forth in the 42 CFR §447.272(c) and §447.321(c). The hospital payment differential for any year shall be the difference between 150 percent (150%) of the upper limit of aggregate payments to non-state government-owned or operated hospitals, as defined in the 42 CFR §447.272(c) and §447.321(c), and the aggregate Medicaid per diem reimbursement paid to these hospitals for the year.

Interested persons may submit written comments to Ben A. Bearden, Bureau of Health Services Financing, P.O. Box 91030, Baton Rouge, LA 70821-9030. He is responsible for responding to all inquiries regarding this emergency rule. A copy of this Emergency Rule is available for review by interested parties at parish Medicaid offices.

David W. Hood
Secretary

DECLARATION OF EMERGENCY
Department of Social Services  
Office of Community Services

Percentage of Title IV-E Foster Children in Care over 24 Months
(LAC 67:V.3510)

The Department of Social Services, Office of Community Services, adopts the following Emergency Rule in the Foster Care Program as required by 42 USC Sec. 671(A)(14) of the Social Security Act. This emergency rule shall be in effect for 120 days effective June 26, 2001.

The Department of Social Services, Office of Community Services, is required by 42 USC Sec. 671(A)(14) of the Social Security Act to incorporate into State administrative regulations a goal as to the maximum absolute or percentage of children in foster care for over 24 continuous months. Without this immediate and emergency rule, the agency plan for Title IV-E funding would be out of compliance with Federal requirements. This would potentially cause the state to be at risk of immediate sanctions that could result in penalties such as loss of Title IV-E Program funding. The Department has selected a percentage of all children in foster care receiving assistance under a State Title IV-E program.

The Department of Social Services, Office of Community Services, Office of Family Support, has exercised the emergency provision of the Administrative Procedure Act, R.S. 49:953(B) to adopt changes to LAC 67:III, Subpart 3, effective July 1, 2001. This rule shall remain in effect for a period of 120 days.

A final rule published in the June 20, 2001 issue of the Louisiana Register amended Subsections A of §§1949, 1983, and 1987. By failing to show that there were no revisions to what followed each subsection, the regulations contained in the subsequent paragraphs and subsections have been effectively removed from LAC 67:III beginning July 1. (Rules promulgated by the Office of Family Support are effective the first of the month following the publication of the final rule, unless otherwise stated within the rule.)

Removal, or omission, of these regulations could result in the imposition of sanctions or penalties by the USDA, Food and Nutrition Service, the governing authority of the Food Stamp Program in Louisiana. Therefore, an emergency rule is necessary to repromulgate these regulations.

Title 67
SOCIAL SERVICES
Part III. Office of Family Support
Subpart 3. Food Stamps

Chapter 19. Certification of Eligible Households
Subchapter H. Resource Eligibility Standards

§1949. Exclusions from Resources
A.1. - 4. ... B. All of the resources of recipients of FITAP, SSI, and aid to the aged, blind, or disabled under Titles I, II, X, XIV, or XVI of the Social Security Act are excluded.


Subchapter I. Income and Deductions

§1983. Income Deductions and Resource Limits
A.1. - 2. ... 3. The maximum dependent care deduction is $200 per month for each child under two years of age and $175 for each other dependent.
a. A child care expense that is paid for or reimbursed by the FIND Work Program or the Child Care Assistance Program is not deductible except for that portion of the cost which exceeds the payment or reimbursement.

B. The resource limit for a household is $2,000, and the resource limit for a household which includes at least one elderly member is $3,000.

AUTHORITY NOTE: Promulgated in accordance with 7 CFR 273.9 (d)(2) and (d)(6), P.L. 104-193, P.L. 106-387.


Subchapter J. Determining Household Eligibility and Benefit Levels

§1987. Categorical Eligibility for Certain Recipients

A.1. - 10. ...

B. Application Processing

1. Households in which all members are applying for public assistance shall continue to be processed according to joint processing procedures. Until a determination is made on the public assistance application, the household's food stamp eligibility and benefit level shall be based on food stamp eligibility criteria. However, the local office shall postpone denying a potentially categorically-eligible household until the 30th day in case the household is determined eligible to receive public assistance benefits.

2. The household shall be informed on the notice of denial that it is required to notify the local office if its FITAP or SSI benefits are approved.

3. If the household is later determined eligible to receive public assistance benefits after the 30th day and is otherwise categorically eligible, benefits shall be provided using the original application along with other pertinent information occurring subsequent to the application.

4. The local office shall not reinterview the household but shall use any available information to update the application and/or make mail or phone contact with the household or authorized representative to determine any changes in circumstances. Any changes shall be initialed and the updated application resigned by the authorized representative or authorized household member. If eligibility for public assistance is determined within the 30-day food stamp processing time, benefits shall be provided back to the date of application. If eligibility for public assistance is determined after the food stamp application is denied, benefits for the initial month shall be prorated from the effective date of the public assistance certification or the date of the food stamp application, whichever is later.

C. Certified households that become categorically eligible due to receipt of SSI benefits shall be eligible for the medical and uncapped shelter deductions from the beginning of the period for which the SSI benefits are authorized or the date of the food stamp application, whichever is later. These additional benefits shall be provided through restoration.

D. For food stamp purposes, Refugee Cash Assistance (RCA) benefits are not considered public assistance and, therefore, an RCA household is not categorically eligible.


J. Renea Austin-Duffin
Secretary

0107#008

DECLARATION OF EMERGENCY

Department of Wildlife and Fisheries
Wildlife and Fisheries Commission

Commercial Red Snapper Closure

In accordance with the emergency provisions of R.S. 49:953(B), the Administrative Procedure Act, R.S. 49:967 which allows the Department of Wildlife and Fisheries and the Wildlife and Fisheries Commission to use emergency procedures to set finfish seasons, R.S. 56:326.3 which provides that the Wildlife and Fisheries Commission may set seasons for saltwater finfish, and the authority given to the Secretary of the Department by the Commission in its resolution of January 4, 2001 to close the 2001 spring commercial red snapper season in Louisiana state waters when he is informed that the designated portion of the commercial red snapper quota for the Gulf of Mexico has been filled, or projected to be filled, the Secretary hereby declares:

Effective 12:00 noon, July 6, 2001, the commercial fishery for red snapper in Louisiana waters will close and remain closed until 12:00 noon, October 1, 2001. Nothing herein shall preclude the legal harvest of red snapper by legally licensed recreational fishermen once the recreational season opens. Effective with this closure, no person shall commercially harvest, purchase, barter, trade, sell or attempt to purchase, barter, trade or sell red snapper. Effective with closure, no person shall possess red snapper in excess of a daily bag limit, which may only be in possession during the open recreational season as described above. Nothing shall prohibit the possession or sale of fish legally taken prior to the closure providing that all commercial dealers possessing red snapper taken legally prior to the closure shall maintain appropriate records in accordance with R.S. 56:306.5.

The secretary has been notified by National Marine Fisheries Service that the commercial red snapper season in
federal waters of the Gulf of Mexico will close at 12:00 noon, July 6, 2001. Closing the season in state waters is necessary to provide effective rules and efficient enforcement for the fishery, to prevent overfishing of this species in the long term.

James H. Jenkins, Jr.
Secretary

DEPARTMENT OF WILDLIFE AND FISHERIES
Wildlife and Fisheries Commission

2001-2002 Recreational Nutria Harvest Season

In accordance with the provisions of Act 226 of the 2001 Regular Session of the Louisiana Legislature which authorizes the Wildlife and Fisheries Commission to adopt regulations for a recreational harvest of nutria and in accordance with emergency provisions of R.S. 49:953(B) and R.S. 49:967(D) of the Administrative Procedure Act, which allows the Wildlife and Fisheries Commission to use emergency provisions to set seasons, the Wildlife and Fisheries Commission does hereby set the 2001-2002 recreational nutria harvest season statewide from September 1, 2001, one-half hour before sunrise through February 28, 2002, one-half hour after sunset, with no daily bag limit, by any legal method for small game during legal shooting hours and no pelting or sale of meat, except by persons possessing a valid trapping license during the trapping season only.

Dr. H. Jerry Stone
Chairman

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

2001 Spring Inshore Shrimp Season Closure

In accordance with the emergency provisions of R.S. 49:953(B) and R.S. 49:967 of the Administrative Procedure Act which allows the Wildlife and Fisheries Commission to use emergency procedures to set shrimp seasons, R.S. 56:497 which provides that the Wildlife and Fisheries Commission shall fix no less than two open seasons each year for all inside waters and a resolution adopted by the Wildlife and Fisheries Commission on May 3, 2001 which authorized the Secretary of the Department of Wildlife and Fisheries to close the 2001 Spring Inshore Shrimp Season in any area or zone when biological and technical data indicates the need to do so, the Secretary hereby declares: The 2001 spring inshore shrimp season will close in inshore waters in the remaining portion of Zone 2 and all of Zone 3, on Sunday, July 1, at 6 a.m. This closure includes that part of Zone 2 from the eastern shore of Bayou Lafourche to the eastern shore of South Pass of the Mississippi River, and all of Zone 3. Zone 3 is that portion of Louisiana inshore waters from the western shore of Vermilion Bay and Southwest Pass at Marsh Island, westward to the Louisiana-Texas state line. With this closure, all inshore waters from the eastern shore of South Pass of the Mississippi River westward to the Louisiana-Texas state line are closed to shrimping.

The number of small white shrimp in these areas has increased substantially in the last week and these regions are being closed to protect these immigrating shrimp.

Zone 1, which extends from the Mississippi-Louisiana state line to the eastern shore of South Pass of the Mississippi River and all State Territorial waters south of the Inside/Outside Shrimp Line, as described in R.S. 56: 495, shall remain open until further notice.

James H. Jenkins Jr.
Secretary

1003 Louisiana Register Vol. 27, No. 07 July 20, 2001
DECLARATION OF EMERGENCY
Department of Wildlife and Fisheries
Wildlife and Fisheries Commission

2001 Wild Alligator Harvest Season

In accordance with the emergency provisions of R.S. 49:953(B) and R.S. 49:967(D) of the Administrative Procedure Act, which allows the Wildlife and Fisheries Commission to use emergency procedures to set seasons, the Wildlife and Fisheries Commission does hereby set the 2001 wild alligator harvest season.

The 2001 wild alligator harvest season shall be from official sunrise August 29, 2001 through official sunset September 30, 2001. Alligators taken from the wild may be removed from hook and line and taken with other legal capture devices only during daylight hours between official sunrise and official sunset.

Emergency procedures are necessary to allow Department biologists adequate time to gather the biological data required to recommend season dates and harvest quotas.

The Wildlife and Fisheries Commission does hereby also authorize the Secretary of the Department of Wildlife and Fisheries to delay, extend, close or reopen this season based on technical data or if enforcement problems develop.

Dr. H. Jerry Stone
Chairman
0107#018
Rules

RULE
Department of Agriculture and Forestry
Office of Forestry

Timber Harvesting and Receiving Records
(LAC 7:XXXIX.1501, 1503, and 1507)

In accordance with provisions of the Administrative Procedure Act, R.S. 49:950 et seq., the Department of Agriculture and Forestry, Office of Forestry, has amended rules and regulations regarding procedures and information relating to the harvesting and transportation of forest products.

This regulation was established as a Rule in the January 20, 2001 issue of the Louisiana Register. However, due to some editing errors that were not corrected previously, this Rule is being resubmitted to correct those errors.

These Rules comply with and are enabled by R.S. 3:4303.

Title 7
AGRICULTURE AND ANIMALS
Part XXXIX. Forestry
Chapter 15. Timber Harvesting and Receiving Records
§1501. Loaders Log: Required Information, Distribution, and Maintenance of Records
A. A loaders log must be kept on all timber harvesting sites. On any per unit sale, upon completion of the harvest, the purchaser must provide the timber owner a copy of the loaders log. Loaders log must be maintained for a period not less than four years.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:4278.


§1503. Scale/Load Tickets: Required Information, Distribution, and Maintenance of Records
A. Scale tickets must be maintained for a period of not less than four years. Information required by the scale ticket regulations may be kept on a load ticket provided that the scale ticket can be cross-referenced to the load ticket. When both are used the load ticket and scale ticket must be maintained for a period of not less than four years.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:4278.


§1507. Penalty for Violations
A. …
B. The commissioner shall make the final determination on the matter. If the determination of the commissioner differs from the commission, the commissioner shall issue a written opinion based on the record of the hearing.
C. …

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:4278.


Bob Odom
Commissioner

0107#033

RULE
Board of Elementary and Secondary Education

Bulletin 741Louisiana Handbook for School Administrators C The Louisiana School and District Accountability System (LAC 28:I.901)

In accordance with R.S. 49:950 et seq., the Administrative Procedure Act, the Board of Elementary and Secondary Education amended Bulletin 741, referenced in LAC 28:I.901.A, promulgated by the Board of Elementary and Secondary Education in LR 1:483 (November 1975). Act 478 of the 1997 Regular Legislative Session called for the development of an accountability system for the purpose of implementing fundamental changes in classroom teaching by helping schools and communities focus on improved student achievement. The State's accountability system is an evolving system with different components. The changes more clearly explain and refine existing policy as follows: 1) clarification in the assignment and calculation of School Performance Scores; and 2) change in the growth formula for Limited English Proficiency (LEP) students.

Title 28
EDUCATION
Part I. Board of Elementary and Secondary Education
Chapter 9. Bulletins, Regulations, and State Plans
Subchapter A. Bulletins and Regulations
§901. School Approval Standards and Regulations
A. Bulletin 741

**

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A) (10), (11), (15); R.S. 17:7(5), (7), (11); R.S. 17:10, 11; R.S. 17:22(2), (6).


The Louisiana School and District Accountability System C Indicators for School Performance Scores 2.006.01 A school's School Performance Score shall be determined using a weighted composite index derived from three or four indicators: criterion-referenced tests (CRT), norm-referenced tests (NRT), student attendance for grades K-12, dropout rates for grades 7-12.

Each school shall receive one School Performance Score under one sitecode regardless of its grade structure.
• K-9 schools (excluding grades 10 and 11) shall follow K-8 Accountability Policy
• Schools with grades 10 and/or 11 shall follow 9-12 SPS calculation policy

Growth Targets
Each school shall receive a Growth Target that represents the amount of progress it must make every two years to reach the state 10- and 20-Year Goals.

In establishing each school’s Growth Target, the SPS inclusive of students with disabilities shall be used as the baseline. However, the percentage of students with disabilities varies significantly across schools and the rate of growth for such students, when compared to regular education students, may be different. Therefore, the proportion of students with disabilities eligible to participate in the CRT or NRT in each school will be a factor in determining the Growth Target for each school.

Growth Targets
During the first ten years, the formula is the following:

\[
\text{Growth Target} = \left[\text{PropRE} \times \frac{100 - \text{SPS}}{\text{N}}\right] + \left[\text{PropSE} \times \frac{100 - \text{SPS}}{\text{N} + 5}\right], \text{ or 5 points, whichever is greater}
\]

where

- PropSE = the number of special education students in the school who are eligible to participate in the NRT or CRT, divided by the total number of students in the school who are eligible to participate in the NRT or CRT. For purposes of this calculation, gifted, talented, speech or language impaired, and 504 students shall not be counted as special education students, but shall be included in the calculations as regular education students.
- PropRE = 1 - PropSE. PropRE is the proportion of students not in special education.
- SPS = School Performance Score
- N = Number of remaining accountability cycles in the 10-Year Goal period

During the second ten years, the formula is the following:

\[
\text{Growth Target} = \left[\text{PropRE} \times \frac{150 - \text{SPS}}{\text{N}}\right] + \left[\text{PropSE} \times \frac{150 - \text{SPS}}{\text{N} + 5}\right], \text{ or 5 points, whichever is greater}
\]

Growth Targets for Reconstituted Schools
Until 2009 (for K-8 schools) and 2011 (for 9-12 schools), the reconstituted school’s Growth Target shall be equal to 100 minus the SPS divided by 5 minus the number of cycles since reconstitution.

For example, suppose a school is reconstituted in 2005 and has an SPS of 50 (based on previous years’ data), the school’s Growth Target for the first cycle after reconstitution shall be 10 points \([(100-50)/5]\).

Weegie Peabody
Executive Director

0107#019

RULE

Board of Elementary and Secondary Education

Bulletin 1566C Guidelines for Pupil Progression
Regular Placement and LEAP High Stakes Testing Policy
(LAC 28:XXXIX.503 and 1301)

In accordance with the Administrative Procedure Act, R.S. 49:950 et seq., the State Board of Elementary and Secondary Education amended Bulletin 1566, Guidelines for Pupil Progression, referenced in LAC 28:1907.A. The Guidelines for Pupil Progression incorporate the High Stakes Testing Policy that was approved by the Board of Elementary and Secondary Education in January 1999 and revised in January 2001 as well as other policies related to the promotion and retention of students. The revisions changed current policy by extending the waiver for students with disabilities under IDEA for one additional year, adding an exemption for Limited English Proficient (LEP) students, adding a section on state-granted waivers, adding a section regarding extenuating circumstances, revising wording on the policy for students with disabilities to allow the School Building Level Committee (SBLC) to make promotion decisions for the 2000-2001 school year, revising the fourth grade retention limit policy, adding an eighth grade retention limit, and the creation of a Pre-GED/Skills Program (Option 3).

Title 28
EDUCATION
Part XXXIX. Bulletin 1566C Guidelines for Pupil Progression

Chapter 5. Place Policies; State Requirements
§503. Regular Placement

A. - A.1b.ii.(a). ... (ii). Retention Limit (Fourth Grade). The decision to retain a student in the fourth grade more than once as a result of failure to score at or above the Approaching Basis achievement level in English Language Arts and/or Mathematics on the LEAP 21 shall be made by the LEA in accordance with the local Pupil Progression Plan. These students may be either retained again in the fourth grade or promoted to the fifth grade. Students retained in the fourth grade shall retake all four components of the LEAP 21. For promotional purposes, a student must score at or above the Approaching Basic achievement level on the
English language arts and mathematics components of the LEAP 21 only one time.

(iii). Retention Limit (Eighth Grade). The decision to retain an eighth grade student more than once as a result of his/her failure to score at or above the Approaching Basic achievement level in English Language Arts and/or Mathematics on LEAP 21 shall be made by the LEA in accordance with the local Pupil Progression Plan which shall include the following: Beginning with the 2001-2002 school year, an eighth grade student who has repeated the entire grade (Option 1) may be either retained again in the eighth grade; promoted to the ninth grade provided that the student has passed either the English Language Arts or Mathematics component of LEAP 21, and will enroll in a remedial high school course (English or Mathematics) in which an Unsatisfactory achievement level was attained; or placed in a Pre-GED/Skills Program (Option 3). An eighth grade student attending class on a high school campus and earning some Carnegie credit(s) (Option 2) may be either promoted or retained in accordance with the local Pupil Progression Plan, or placed in a Pre-GED/Skills Program (Option 3). Pre-GED/Skills Program (Option 3) shall be available to students who meet criteria as outlined in Bulletin 74/CLouisiana Handbook for School Administrators, standard 1.151.05.

(iv). Waiver for students with disabilities eligible under the Individuals with Disabilities Education Act (IDEA). For the 2000-2001 school year only if a student with disabilities (excluding students with only a Speech or Language Impairment) participates in on-level testing, the SBLC may consider a waiver only if the student has participated in the summer remediation program and retest offered by the LEA. If a student with disabilities (excluding students with only a Speech or Language Impairment) participates in out-of-level testing, promotion decisions shall be determined by the SBLC. If a student with disabilities participates in an alternative assessment, promotion decisions shall be determined by the SBLC for the 2001 school year and beyond. Students with disabilities will be promoted in grades four and eight in accordance with SBESE adopted policies.

(v). Exemption for Limited English Proficient (LEP) Student. LEP Students shall begin participation in statewide assessment upon completion of one academic year in an English-speaking school. However, once a LEP student participates in the statewide assessment, the SBLC shall be granted the authority to waive the state grade promotion policy for a LEP student. A LEP student who was granted a waiver at the fourth grade level is ineligible for a waiver at the Eighth grade level. (Refer to Appendix B.)

(vi). Appeals Process. A school system, through its superintendent, may grant an appeal on behalf of individual fourth and eighth grade students who have not scored above the "Unsatisfactory" level on the English Language Arts and/or Mathematics after retesting provided that certain criteria are met. (Refer to Appendix B.)

(vii) Waiver for Extenuating Circumstances. A school system through its superintendent may grant a waiver on behalf of individual students who are unable to participate in LEAP 21 testing or unable to attend LEAP 21 summer remediation because of one or more of the following extenuating circumstances as verified through appropriate documentation: a physical illness or injury that is acute or catastrophic in nature, a chronic physical condition that is in an acute phase or court ordered custody issues. (Refer to Appendix.)

(viii). State Granted Exceptions. A local school superintendent, a parent or guardian, or the State Department of Education may initiate a request for a state-granted waiver from the State Superintendent of Education on behalf of individual students who are not eligible for promotion because of LEA error or other unique situations not covered under extenuating circumstances. The Department of Education will provide to the State Board of Elementary and Secondary Education detailing state-granted waivers. (Refer to Appendix B.)

iv. Summer remediation programs and end-of-summer retests must be offered by school systems at no costs to students who did not take the Spring LEAP 21 tests or who score at the Unsatisfactory level on LEAP 21.

(b). Option 2 Students. Students in Option 2 will participate in a transitional program on the high school campus. Students in Option 2 will retake the eighth grade components of the LEAP 21 previously failed (English and/or Mathematics) and all parts of the Iowa Tests at the ninth grade level. For promotional purposes, a student must score at or above the Approaching Basic achievement level on the English Language Arts and Mathematics components of LEAP 21 only one time. In order to be considered for placement in to Option 2, a student must:

(i). pass at the Approaching Basic or above achievement level either the English Language Arts or Mathematics components of LEAP 21; and

(ii). participate in both the summer remediation program offered by the LEA and the summer testing. (All Option 2 Students:

[a]. shall take remedial courses in the component (English language arts and/or mathematics) of the Grade 8 LEAP 21 in which an Unsatisfactory achievement level was attained.

[b]. may earn a maximum of one Carnegie unit of remedial elective credit toward graduation provided the student passes a specially designed remediation elective and scores at or above the Basic achievement level on the component of the eighth grade LEAP 21 that is retaken. For these specially designed remediation courses, the LEA shall record a grade of Pass or Fail (P/F) on the students transcript.)
[c.] shall not enroll in or earn Carnegie credit in content areas (English language arts and/or mathematics) in which the student has scored at the Unsatisfactory achievement level on the Grade Eight LEAP 21.

d. may earn Carnegie credit in other content areas.

vi. Exceptional students participating in LEAP 21 must be provided with significant accommodations as noted in the students IEP.

vii. The aforementioned policies will be in effect from spring 2000 through spring 2003. Beginning in spring 2004, the policies will also apply to students scoring at the Approaching Basic level.

viii. Other Requirements

(a). Each plan shall include the function of the school building level committee/student assistance team as it relates to student promotion. Refer to Appendix B for complete text of the High Stakes Testing Policy.

A.1.c. - D.1. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17.7.


Chapter 13. Appendix B

§1301. LEAP for the 21st Century, High Stakes Testing Policy

A. Grade 4

1. A parent/student/school compact that outlines the responsibilities of each party will be required for students in grade 3 and grade 4 who have been determined to be at risk of scoring at the Unsatisfactory level in English language arts and/or mathematics on the fourth grade LEAP for the 21st Century (LEAP 21), as well as for students who were retained in grade 4.

2. A student may not be promoted to the fifth grade until he or she has scored at or above the Approaching Basic level on the English Language Arts and Mathematics components of the fourth grade LEAP 21. For promotional purposes, however, a student shall score at or above the Approaching Basic achievement level on the English Language Arts and Mathematics components of LEAP 21 only one time.

3. LEAs shall offer summer remediation and retest opportunities in English language arts and mathematics at no cost to students who did not take the spring LEAP 21 tests or who score at the Unsatisfactory level on the spring tests.

a. A student who scores at the Unsatisfactory achievement level is not required to attend the LEA-offered LEAP 21 summer remediation program in order to be eligible for the summer retest.

b. All students with disabilities who participate in on-level testing should receive services along with regular education students in summer remediation programs, with special supports provided as needed.

c. Students with disabilities who participate in out-of-level testing and alternate assessment are not eligible to attend the LEAP 21 summer remediation programs.

d. LEAs are encouraged to offer remediation services to students who score at the Approaching Basic level.

4. In order to move students toward grade level performance, LEAs shall design and implement additional instructional program options for those fourth grade students being retained. The purpose of the additional instructional options is to move the students to grade level proficiency by providing the following focused instruction in the subject area(s) on which they scored at the Unsatisfactory level on LEAP 21, and ongoing instruction using locally-developed curricula based on state-level content standards for the core subject areas. Examples of instructional options may include alternative learning settings, individual tutoring, transitional classes, or other instructional options appropriate to the students’ needs. LEAs are also encouraged to design and implement additional instructional options for students in grades 3 and 4 who have been determined to be at risk of scoring at the Unsatisfactory level on LEAP 21.

5. Retention Limit

a. The decision to retain a student in the fourth grade for more than once as a result of his/her failure to score at or above the Approaching Basic achievement level in English Language Arts and/or Mathematics on LEAP 21 shall be made by the LEA in accordance with the local Pupil Progression Plan. These students may be either retained again in the fourth grade or promoted to the fifth grade.

i. Students retained in the fourth grade shall retake all four components of LEAP 21.

ii. For promotional purposes, however, a student shall score at or above the Approaching Basic achievement level on the English Language Arts and Mathematics components of LEAP 21 only one time.

6. Exceptions to the High Stakes Testing policy may include:

a. Policy Override

i. The local school system (LEA) may override the state policy for students scoring at the Unsatisfactory level in English language arts or mathematics if the student scores at the Proficient or Advanced level in the other provided that:

(a). The decision is made in accordance with the local Pupil Progression Plan, which may include a referral to the School Building Level Committee (SBLC);

(b). The student has participated in both the spring and summer administrations of LEAP 21 and has attended the remediation program offered by the LEA (The student shall participate in the summer retest only on the subject area(s) that he/she scored at the Unsatisfactory achievement level during the spring test administration; and

(c). Parental consent is granted.

b. Waiver for Students with Disabilities Eligible under the Individuals with Disabilities Education Act (IDEA)

i. For the 2000-2001 school year only, the SBLC shall be granted the authority to waive the state grade promotion policy for students with disabilities (excluding students with only a speech or language impairment).

(a). Students Participating in On-Level Testing

(i). A student with a disability must participate in both the summer remediation program offered by the LEA and the summer retesting to be considered for a waiver.

(b). Students Participating in Out-of-Level Testing
(i). Students with disabilities who participate in out-of-level testing shall have promotion decisions determined by the SBLC.

(c). Students Participating in Alternate Assessment

(i). Students with disabilities who participate in the alternate assessment shall have promotion decisions determined by the SBLC.

c. Exemption for Limited English Proficient (LEP) Students

i. LEP students shall begin participation in statewide assessment upon completion of one academic year in an English-speaking school. However, once a LEP student participates in the statewide assessment, the SBLC shall be granted the authority to waive the state grade promotion policy for a LEP student. A LEP student who was granted a waiver at the fourth grade level is ineligible for a waiver at the eighth grade level.

ii. Preliterate LEP students and LEP students who have had no formal schooling or who have had an extended interruption in schooling may request a state-granted waiver for approval from the State Department of Education. Exemption from participation in statewide assessment will be decided on a case by case basis. Once a LEP student participates in statewide assessment, the SBLC shall be granted the authority to waive the state grade promotion policy for a LEP student. A LEP student who was granted waiver at the fourth grade level is ineligible for a waiver at the eighth grade level.

d. Appeals Process

i. A school system, through its superintendent, may grant an appeal on behalf of individual students provided that all of the following criteria have been met.

(a). The student's highest score in English language arts and/or mathematics on either the spring or summer LEAP 21 must fall within 20 scaled score points of the cutoff score for Approaching Basic.

(b). The student shall have a 3.0 grade point average on a 4.0 scale in the subject(s) on which he/she scored Unsatisfactory on LEAP 21.

(c). The student must have attended the LEAP 21 summer remediation program.

(d). The student must have taken the LEAP 21 retest given after the LEAP 21 summer remediation program has been concluded.

(e). The student must have met state-mandated attendance regulations during the regular school year and any locally mandated regulations during the summer remediation program.

(f). The principal and the School Building Level Committee (SBLC) must review student work samples and attest that the student exhibits the ability of performing at or above the Approaching Basic achievement level in English Language Arts and/or Mathematics.

e. Waiver for Extenuating Circumstances

i. A school system through its superintendent may grant a waiver on behalf of individual students who are unable to participate in LEAP 21 testing or unable to attend LEAP 21 summer remediation because of one or more of the following extenuating circumstances as verified through appropriate documentation:

(a). a physical illness or injury that is acute or catastrophic in nature;

(b). a chronic physical condition that is in an acute phase; or

(c). court ordered custody issues.

(i). Documentation: Physical Illness. Appropriate documentation must include verification that the student is under the medical care of a licensed physician for illness, injury, or a chronic physical condition that is acute or catastrophic in nature. Documentation must include a statement verifying that the illness, injury, or chronic physical condition exists to the extent that the student is unable to participate in testing and/or remediation. Custody Issues: Certified copies of the court ordered custody agreements must be submitted to the LEA at least 10 school days prior to summer remediation or retesting.

ii. Student Eligibility/Retest Requirements

(a). Students who meet the criteria for extenuating circumstances under the physical illness, chronic physical condition, or court ordered custody category related to LEAP 21; and

(i). who are unable to participate in both the spring and the summer administration of LEAP 21, or who score at the Unsatisfactory achievement level on the spring administration of LEAP 21 mathematics and/or English language arts tests and are unable to participate in LEAP 21 summer retest, shall take the Iowa Tests for grade placement within 10 school days of returning to school, which may include hospital/homebound instruction, in order to ensure the appropriate level of instruction; must score at or above the cutoff score on the selected form of The Iowa Tests for grade placement to be promoted to the fifth grade; and are not eligible for a retest. These students may be eligible for the policy override, appeals process, or waiver (for students with disabilities under IDEA) in accordance with the local Pupil Progression Plan.

iii. Students who meet the criteria for extenuating circumstances under the physical illness, chronic physical condition, or court ordered custody category related to LEAP 21; and

(a). who are unable to participate in the spring testing and/or summer remediation including the provision of remediation through hospital/homebound instruction;

(b). are required to take the LEAP 21 summer retest. These students may be eligible for the policy override, appeals process or waiver (for students with disabilities under IDEA) in accordance with the local Pupil Progression Plan.

f. State-Granted Exceptions

i. A local school superintendent, a parent or guardian, or the State Department of Education may initiate a request for a state-granted waiver from the State Superintendent of Education on behalf of individual students who are not eligible for promotion because of LEA error or other unique situations not covered under extenuating circumstances.

(a). The Department of Education will provide a report to the State Board of Elementary and Secondary Education detailing state-granted waivers.

(i). Documentation: LEA Error. The LEA superintendent or parent must provide the State Superintendent of Education with school and student level documentation including verification of the extenuating circumstances and the nature of the LEA error.
students, classes, or other instructional options appropriate to the curricula based on state-level content standards for the core providing the following: focused instruction in the subject options is to move the students to grade level proficiency by being retained. The purpose of the additional instructional instructional program options for those eighth grade students performance, LEAs shall design and implement additional level.

services to students who score at the Approaching Basic level on the LEAP 21 summer remediation programs. Attend the LEAP 21 summer remediation programs, with special supports provided as needed.

a. A student who scores at the Unsatisfactory achievement level is not required to attend the LEA-offered LEAP 21 summer remediation program in order to be eligible for the summer retest. All students with disabilities who participate in on-level testing should receive services along with regular education students in summer remediation programs, with special supports provided as needed.

b. Students with disabilities who participate in out-of-level testing and alternate assessment are not eligible to attend the LEAP 21 summer remediation programs.

c. LEAs are encouraged to offer remediation services to students who score at the Approaching Basic level.

4. In order to move students toward grade level performance, LEAs shall design and implement additional instructional program options for those eighth grade students being retained. The purpose of the additional instructional options is to move the students to grade level proficiency by providing the following: focused instruction in the subject area(s) on which they scored at the Unsatisfactory level on LEAP 21, and ongoing instruction using locally-developed curricula based on state-level content standards for the core subject areas. Examples of instructional options may include alternative learning settings, individual tutoring, transitional classes, or other instructional options appropriate to the students’ needs. LEAs are also encouraged to design and implement additional instructional options for students in grades 7 and 8 who have been determined to be at risk of scoring at the Unsatisfactory level on the LEAP 21.

a. School systems shall develop non-discriminatory criteria for the placement of those eighth grade students who score at the Unsatisfactory achievement level on the English Language Arts and/or the Mathematics component(s) of the LEAP 21 in either Option I or Option 2.

i. In order to be considered for placement into Option 2, a student must:

   i. pass at the Approaching Basic or above achievement level either the English Language Arts or Mathematics component of LEAP 21; and
   
   ii. participate in both the summer remediation program offered by the LEA and the summer testing.

5. In accordance with the local Pupil Progression Plan, Option I students:

a. may earn Carnegie units in accordance with the policy regarding high school credit for elementary students as found in Bulletin 741/Louisiana Handbook for School Administration;

b. may earn a maximum of one Carnegie unit of remedial elective credit toward graduation provided the students pass a specially designed remediation elective and score at or above the Basic achievement level on the component of the eighth grade LEAP 21 that is retaken. The LEAP 21 shall be in lieu of a required credit examination. For these specially designed remediation courses, the LEA shall record a grade of Pass or Fail (P/F) on the student’s transcript;

c. shall not enroll in or earn Carnegie credit in content areas (English language arts and/or mathematics) in which the student has scored at the Unsatisfactory achievement level on the Grade 8 LEAP 21.

6. All Option 2 students:

a. shall take remedial courses in the component (English language arts and/or mathematics) of the Grade 8 LEAP 21 in which an Unsatisfactory achievement level was attained;

b. may earn a maximum of one Carnegie unit of remedial elective credit toward graduation provided the students pass a specially designed remediation elective and score at or above the Basic achievement level on the component of the eighth grade LEAP 21 that is retaken. For these specially designed remediation courses, the LEA shall record a grade of Pass or Fail (P/F) on the student’s transcript;

c. shall not enroll in or earn Carnegie credit in content areas (English language arts and/or mathematics) in which the student has scored at the Unsatisfactory achievement level on the Grade 8 LEAP 21.
d. may earn Carnegie credit in other content areas.

7. Retention Limit
   a. The decision to retain an eighth grade student more than once as a result of his/her failure to score at or above the Approaching Basic achievement level in English Language Arts and/or Mathematics on LEAP 21 shall be determined by the SBLC. Students participating in out-of-level testing shall have promotion decisions determined by the SBLC.

   i. Beginning with the 2001-2002 school year, an eighth grade student who has repeated the entire grade (Option 1) may be either retained again in the eighth grade; promoted to the ninth grade provided that the student has passed either the English Language Arts or Mathematics component of LEAP 21, has attended at least one LEAP 21 summer remediation program and taken the summer retest, and will enroll in a remedial high school course (English or mathematics) in which an Unsatisfactory achievement level was attained; or placed in a Pre-GED/Skills Program (Option 3).

   ii. An eighth grade student attending class on a high school campus and earning some Carnegie credit(s) (Option 2) may be either promoted or retained in accordance with the local Pupil Progression Plan, or placed in a Pre-GED/Skills Program (Option 3).

   b. Pre-GED/Skills Program (Option 3) shall be available to students who meet criteria as outlined in Bulletin 74/1C Louisiana Handbook for School Administrators, standard 1.151.05.

8. Exceptions to the High Stakes Testing policy may include:
   a. Policy Override
      i. The local school system (LEA) may override the state policy for students scoring at the Unsatisfactory level in English or mathematics if the student scores at the Proficient or Advanced level in the other provided that
         the decision is made in accordance with the local Pupil Progression Plan, which may include a referral to the School Building Level Committee (SBLC);
         iii. the student has participated in both the spring and summer administrations of the LEAP 21 and has attended the summer remediation program offered by the LEA (The student shall participate in the summer retest only on the subject that he/she scored at the Unsatisfactory achievement level during the spring test administration); and
         iv. parental consent is granted.

   b. Waiver for Students with Disabilities Eligible under the Individuals with Disabilities Education Act (IDEA)
      i. For the 2000-2001 school year only, the SBLC shall be granted the authority to waive the state grade promotion policy for students with disabilities (excluding students with only a speech or language impairment).

      (a). Students Participating in On-Level Testing
         (i). A student with a disability must participate in both the summer remediation program offered by the LEA and the summer retesting in order to be considered for a waiver.

         (b). Students Participating in Out-of-Level Testing

      (i). Students with disabilities who participate in out-of-level testing shall have promotion decisions determined by the SBLC.

      (ii). Students with disabilities who participate in the alternate assessment shall have promotion decisions determined by the SBLC.

      (i). Students with disabilities who participate in the alternate assessment shall have promotion decisions determined by the SBLC.

   c. Exemption for Limited English Proficient (LEP) Students
      i. LEP students shall begin participation in statewide assessment upon completion of one academic year in an English-speaking school. However, once a LEP student participates in the statewide assessment, the SBLC shall be granted the authority to waive the state grade promotion policy for a LEP student. A LEP student who was granted a waiver at the fourth grade level is ineligible for a waiver at the eighth grade level.

      ii. Preliterate LEP students and LEP students who have had no formal schooling or who have had an extended interruption in schooling may request a state-granted waiver for approval from the State Department of Education. Exemption from participation in statewide assessment will be decided on a case by case basis. Once a LEP student participates in statewide assessment, the SBLC shall be granted the authority to waive the state grade promotion policy for a LEP student. A LEP student who was granted a waiver at the fourth grade level is ineligible for a waiver at the eighth grade level.

   d. Appeals Process
      i. A school system, through its superintendent, may grant an appeal on behalf of individual students provided that all of the following criteria have been met.

      (a). The student’s highest score in English language arts and/or mathematics on either the spring or summer LEAP 21 must fall within 20 scaled score points of the cutoff score for Approaching Basic.

      (b). The student must have a 3.0 grade point average on a 4.0 scale in the subject(s) on which he/she scored Unsatisfactory on LEAP 21.

      (c) The student must have attended the LEAP 21 summer remediation program.

      (d). The student must have taken the LEAP 21 retest given after the LEAP 21 summer remediation program has been concluded.

      (e). The student must have met state-mandated attendance regulations during the regular school year and any locally mandated regulations during the summer remediation program.

      (f). The principal and the School Building Level Committee (SBLC) must review student work samples and attest that the student exhibits the ability of performing at or above the Approaching Basic achievement level in English Language Arts and/or Mathematics.

   e. Waiver for Extenuating Circumstances
      i. A school system through its superintendent may grant a waiver on behalf of individual students who are unable to participate in LEAP 21 testing or unable to attend LEAP 21 summer remediation because of one or more of the following extenuating circumstances as verified through appropriate documentation:

      (a). a physical illness or injury that is acute or catastrophic in nature;

      (b). a chronic physical condition that is in an acute phase; or
State Superintendent of Education detailing the unique situation and justifying why a waiver should be granted;

(ii). Testing/Promotion Decisions. The Department of Education will communicate to the LEAs the means for establishing promotional decisions for those students who have received a state-granted waiver.

9. The promotion policies outlined above are in effect from spring 2000 through spring 2003; beginning in spring 2004, these policies will also apply to students scoring at the Approaching Basic level.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17.7.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 27:1008 (July 2001).

Weegie Peabody
Executive Director

0107#020

RULE

Board of Elementary and Secondary Education

Rules Governing Discussion

(LAC 28:1.307)

In accordance with R.S. 49:950 et seq., the Administrative Procedure Act, the Board of Elementary and Secondary Education amended its Rules to Order. The amendment to LAC 28:1.307.J, Rules Governing Discussion, will allow the board to conduct business in an orderly and efficient manner.

Title 28

EDUCATION

Part I. Board of Elementary and Secondary Education

Chapter 3. Rules of Procedure

§307. Rules of Order

A. - I. ...  

J. Rules Governing Discussion

1. Board members and staff should be on time for meetings, especially the first meeting each day. It is difficult to make up lost time with such a heavy schedule of committee meetings.

2. There will be no discussion on a motion until it is seconded. The discussion shall be limited to the merits of the pending question. The order of discussion shall be left solely to the discretion of the chair. No board member will speak without first receiving recognition of the chairman.

3. Each member of the board shall be allowed to speak no more than twice on the same motion, unless he requests permission of the chair to be allowed to answer something of a personal nature or to correct a gross mistake. This shall in no way be interpreted to supersede the personal privilege prerogative of each member of the board.

4. Committee chairpersons should be cognizant of time allotted for committee work and attempt to conduct business within the time allotted. The chair shall have the right to limit, in time, the length of discussion on each motion, if time is of a critical nature.

5. The maker of the motion will be given the first opportunity to speak and to close on the motion if they so desire. It is recommended that each member, in discussing an issue before the board, attempt to:
a. confine his remarks to the merits of the pending question;
b. refrain from attacking a member’s motives;
c. address all remarks through the chair;
d. refrain from speaking on a prior action unless it is reconsidered by the board or committee;
read reports, quotations, etc., only without objection;
f. refrain from disturbing the board meeting, if possible; and

g. limit response so everyone who wishes to comment on a motion can do so.

6. It is the responsibility of the president or chairperson of a committee to direct the orderly discussion. The chair, as an individual member of the board, has the same right to discussion as any other member, but the impartiality required of the chair in a discussion precludes his exercising these rights while he is presiding. If the chairperson wishes to make lengthy discussion comments they should relinquish the chair to the vice-chair, secure recognition, and participate as a normal member. It is requested that any remarks which the chair wishes to make concerning an issue should be made after all other members have been recognized.

7. There will be no more than two amendments to a motion that is before the body. If one of these two is removed, another may be added.

8. A motion to close debate requires a 2/3 vote of those present and voting.

9. Only those motions which are included in the agenda and are germane will be considered.

10. State department personnel should condense all presentations as much as possible and only in special instances should these presentations exceed 30 minutes.

11. An individual board member may request from the Department any public document which has already been prepared or is in readily available form.

12. A board member may not request new research, records or reports not available and which requires compilation or research without a motion adopted by a majority of the board.

13. Only the board executive secretary, staff person assigned to the committee or the Deputy Superintendents are allowed to come up on the dais while business is being conducted.

14. The chairperson should ask all presenters to identify themselves for the record.

15. A quorum is required at full board meetings to conduct business and six votes are required to pass a motion. Two board members present and voting are required to conduct business at a committee meeting.

16. If a board member or the superintendent want to have a lengthy private discussion with another board member or members, they should not do this in front of the audience (i.e. Go to one of the side rooms.) Audience is asked to go outside the meeting room for their personal discussions.

17. It is suggested that ceremontal acknowledgments on Thursday board meetings should be made by the president and the local board member only. (In behalf of all board members.)

18. Board members are asked to remain seated when local school personnel are making presentations to the board as it is always an honor to be recognized by state-level officials.

19. Cell phones and beepers should be turned off or taken to the side rooms for conversations when activated.

20. At the full board meeting when approving Committee minutes, any board member can request that a motion be addressed without being on the prevailing side.

21. All other rules and procedures not modified by these guidelines shall be governed by Robert’s Rules of Order, revised edition.

22. In order to carry on its business in an orderly and efficient manner, the board utilizes 10 standing Committees of the whole. Full discussion of board business usually occurs at the committee level, and public comment should ideally be at that time and not after a recommendation is forwarded to the board. Opportunity to comment publicly on a Committee or board agenda item may be provided to a representative number of proponents and opponents according to the following procedures.

   a. Persons desiring to address the Committee/board should notify the chair prior to the beginning of the meeting and identify the issue or item to be addressed. Other members of the public may be recognized at the discretion of the chair.

   b. All speakers will conduct themselves in a decorous manner.

   c. The chair shall have the right to limit, in time, the length of discussion on each motion, if time is of a critical matter.

   d. The order of discussion shall be left solely to the discretion of the chair.

   e. Persons addressing the Committee/board shall confine remarks to the merits a specific agenda item before the board/Committee; refrain from attacking a board member’s motives; address all remarks through the chair; refrain from speaking adversely on a prior action not pending; read reports only without objection; and refrain from disturbing the meeting.

   f. Public comments should be limited to three minutes per person.

   g. Persons making a public comment shall identify themselves and the group they represent, if any.

   h. Groups and/or organizations should designate one spokesperson.

   i. The chair shall have discretion to manage situations not addressed in these procedures.

   COMMENT: It should be noted that BESE meetings while open to the public are not public hearing forums and therefore public comments allowed will be at board/Committee discretion.

K. - O. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:3(A-E).


Weegie Peabody
Executive Director

0107#021
RULE
Department of Environmental Quality
Office of Environmental Assessment
Environmental Planning Division

RCRA X C Accumulation Time
(LAC 33:V.1109 and 2231)(HW077*)

Under the authority of the Environmental Quality Act, R.S. 30:2001 et seq., and in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., the secretary has amended the Hazardous Waste regulations, LAC 33:V.1109 and 2231 (Log #HW077*).

This Rule is identical to federal regulations found in 40 Code of Federal Regulations 261.30(d)(1) and 261.40(b). The Rule covers the adoption of Rules in the RCRA X package for authorization for portions of the RCRA C program. The specific topic includes the following title: 180-day Accumulation Time for Waste Water Treatment Sludges from Metal Finishing. The Rule also includes changes to reflect the applicable requirements of LAC 33:V.Chapter 43.Subchapters H, Q, R, and V; and/or

The Rule covers the adoption of Rules in the RCRA X package for authorization for portions of the RCRA C program. The specific topic includes the following title: 180-day Accumulation Time for Waste Water Treatment Sludges from Metal Finishing. The Rule also includes changes to reflect the applicable requirements of LAC 33:V.Chapter 43.Subchapters H, Q, R, and V; and/or

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

Title 33
ENVIRONMENTAL QUALITY
Part V. Hazardous Waste and Hazardous Materials
Subpart 1. Department of Environmental Quality—Hazardous Waste

Chapter 11. Generators
Subchapter A. General
§1109. Pre-Transport Requirements
* * *
[See Prior Text in A - E.9]

10. A generator who generates 1,000 kilograms or greater of hazardous waste per calendar month who also generates wastewater treatment sludges from electroplating operations that meet the listing description for the RCRA hazardous waste code F006, may accumulate F006 waste on-site for more than 90 days, but not more than 180 days without a permit or without having interim status provided that:

a. the generator has implemented pollution prevention practices that reduce the amount of any hazardous substances, pollutants or contaminants entering F006 wastestream or otherwise released to the environment prior to its recycling;

b. the F006 waste is legitimately recycled through metals recovery;

c. no more than 20,000 kilograms of F006 waste are accumulated on-site at any one time; and

d. the F006 waste is managed in accordance with the following:

i. the F006 waste is placed:

(a). in containers and the generator complies with the applicable requirements of LAC 33:V.Chapter 43.Subchapters H, Q, R, and V; and/or

(b). in tanks and the generator complies with the applicable requirements of LAC 33:V.Chapter 43. Subchapters H, Q, R, and V, except LAC 33:V.4442 and 4445; and/or

(c). in containment buildings and the generator complies with LAC 33:V.Chapter 43.Subchapter T, and has placed its professional engineer certification that the building complies with the design standards specified in LAC 33:V.4703 in the facility's operating record prior to operation of the unit. The owner or operator must maintain the following records at the facility:

(i). a written description of procedures to ensure that the F006 waste remains in the unit for no more than 180 days, a written description of the waste generation and management practices for the facility showing that they are consistent with the 180-day limit, and documentation that the generator is complying with the procedures; or

(ii). documentation that the unit is emptied at least once every 180 days;

ii. in addition, such a generator is exempt from all the requirements in LAC 33:V.Chapter 43.Subchapters F and G, except for LAC 33:V.4379 and 4385;

iii. the date upon which each period of accumulation begins is clearly marked and visible for inspection on each container;

iv. while being accumulated on-site, each container and tank is labeled or marked clearly with the words, "Hazardous Waste", and

v. the generator complies with the requirements for owners or operators in LAC 33:V.Chapter 43.Subchapters B and C, with LAC 33:V.4319, and 2245.E.

11. A generator who generates 1,000 kilograms or greater of hazardous waste per calendar month who also generates wastewater treatment sludges from electroplating operations that meet the listing description for the RCRA hazardous waste code F006, and who must transport this waste, or offer this waste for transportation, over a distance of 200 miles or more for off-site metals recovery, may accumulate F006 waste on-site for more than 90 days, but not more than 270 days without a permit or without having interim status if the generator complies with the requirements of Subsection E.10.a - d of this Section.

12. A generator accumulating F006 waste in accordance with Subsection E.10 and 11 of this Section who accumulates F006 waste on-site for more than 180 days (or for more than 270 days if the generator must transport this waste, or offer this waste for transportation, over a distance of 200 miles or more), or who accumulates more than 20,000 kilograms of F006 waste on-site is an operator of a storage facility and is subject to the requirements of LAC.
PART V. HAZARDOUS WASTE AND HAZARDOUS MATERIALS

Chapter 22. Prohibitions on Land Disposal

Subchapter A. Land Disposal Restrictions

§2231. Variance from a Treatment Standard

C. After receiving a petition for a variance from a treatment standard, the administrative authority may request any additional information or samples that he or she may require to evaluate the petition. Additional copies of the complete petition may be requested as needed to send to affected states and regional offices.

D. The EPA administrator and/or the Office of Environmental Services, Permits Division will give public notice of the intent to approve or deny a petition and will provide the person requesting the variance and the public, through a newspaper notice in the official state journal and the local newspaper in the affected area, the cost of which will be charged to the person requesting the variance, the opportunity to submit written comments on the request and the conditions of the variance, allowing a 30-day comment period. The notices referred to in this Section will be provided in the local newspaper in three separate issues; however, the 30-day comment or notice period shall begin with the notice in the official state journal. The administrative authority will also, in response to a request or at his or her own discretion, hold a public hearing whenever such a hearing might clarify one or more issues concerning the variance request. The administrative authority will give public notice of the hearing at least 30 days before it occurs. (Public notice of the hearing may be given at the same time as notice of the opportunity for the public to submit written comments.) The final decision on a variance from a treatment standard will also be published.

G. Based on a petition filed by a generator or treater of hazardous waste, the administrative authority may approve a site-specific variance from an applicable treatment standard if:

The Department of Health and Hospitals, Office of the Secretary, Bureau of Community Supports and Services has adopted the following regulations regarding crisis provisions for children who participate in Children’s Choice. The following procedure has been developed to address these situations.

1015 Louisiana Register Vol. 27, No. 07 July 20, 2001
Crisis Designation Criteria
In order to be considered a crisis, one of the following circumstances must exist:
1. death of the caregiver with no other supports (i.e., other family) available; or
2. the caregiver is incapacitated with no other supports (i.e., other family) available; or
3. the child is committed to the custody of DHH by the court; or
4. other family crisis with no caregiver support available, such as abuse/neglect, or a second person in the household becomes disabled and must be cared for by same caregiver, causing inability of the natural caregiver to continue necessary supports to assure health and safety.

Provisions of a Crisis Designation
Additional services (crisis support) outside of the waiver cap amount may be approved by the Bureau of Community Supports and Services (BCSS) State Office. Crisis designation is time limited, depending on the anticipated duration of the causative event. Each request for crisis designation may be approved for a maximum of three months initially, and for subsequent periods of up to three months.

When the crisis designation is extended at the end of the initial duration (or at any time thereafter), the family may request the option of returning the child's name to the original application date on the MR/DD Waiver request for services registry when it is determined that the loss of the caregiver and lack of natural or community supports will be long-term or permanent. This final determination will be made by BCSS. Eligibility and services through Children's Choice shall continue as long as the child meets eligibility criteria.

David W. Hood
Secretary
0107#030

RULE
Department of Public Safety and Corrections
Board of Private Investigator Examiners
Apprentice Licensing
(LAC 46:LVII.512)

In accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., and under the authority of R.S. 37:3505B(1), the Louisiana Department of Public Safety and Corrections, Louisiana State Board of Private Investigator Examiners, has amended Part LVII of Title 46, Chapter 5, Section 512.A to require that a licensed agency sponsoring an unlicensed individual for licensing as an apprentice must have its principal place of business in the State of Louisiana; and that the unlicensed individual being sponsored for apprentice licensing must be domiciled and reside in the State of Louisiana.

This Rule is an amendment to the initial Rules promulgated by the Louisiana State Board of Private Investigator Examiners.

Title 46
PROFESSIONAL AND OCCUPATIONAL STANDARDS
Part LVII. Private Investigator Examiners
Chapter 5. Application, Licensing, Training, Registration and Fees

'512. Licensing of Apprentices.
A. A licensed agency with its principal place of business in the State of Louisiana and a previously unlicensed individual domiciled and residing in the State of Louisiana may apply for the licensing of the previously unlicensed individual as an apprentice as follows:

A.1. - D.3. …

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3505(A)(3) and (B)(1); and R.S. 37:3514(A)(4)(a).


Charlene Mora
Chairman
0107#024

RULE
Department of Public Safety and Corrections
Board of Private Investigator Examiners
Continuing Education (LAC 46:LVII.518)

In accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., and under the authority of R.S. 37:350B(1), the Department of Public Safety and Corrections, Board of Private Investigator Examiners, has amended Part LVII of Title 46, Chapter 5, Section 518, to require licensees to attend eight hours of continuing education every two years (not each year as the current law requires) and to further only require renewal applications for even numbered years to show compliance with this continuing education requirement.

This Rule is an amendment to the initial Rules promulgated by the Board of Private Investigator Examiners.

Title 46
PROFESSIONAL AND OCCUPATIONAL STANDARDS
Part LVII. Private Investigator Examiners
Chapter 5. Application; Licensing; Training; Registration and Fees
§518. Continuing Education
A. Each licensed private investigator is required to complete a minimum of eight hours of approved investigative educational instruction within the two-year period immediately prior to renewal in order to qualify for a renewal license in even numbered years.

B. Each licensed private investigator is required to complete and return the LSBPIE continuing education compliance form with the request for license renewals in even numbered years. The form shall be signed under penalty of perjury and shall include documentation of each hour of approved investigation educational instruction completed.
C. Any licensee who wishes to apply for an extension of time to complete educational instruction requirements must submit a letter request setting forth reasons for the extension request to the Executive Director of the LSBPIE 30 days prior to license renewal. The training committee shall rule on such request. If an extension is granted, the investigator shall be granted 30 days to complete the required hours. Hours completed during a 30-day extension shall only apply to the previous two years.

D. These requirements become effective on January 1, 2002.

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:1520.


Charlene Mora
Chairman

0107#025

RULE
Department of Revenue
Office of the Secretary

Signature Alternatives; Electronic Filings
(LAC 61:I.4905)

Under the authority of R.S. 47:1520 and in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., the Department of Revenue, Office of the Secretary, has amended LAC 61:I.4905 pertaining to tax return signature alternatives.

The department administers several electronic filing programs for the purpose of reducing the number of paper return filings. As the number of electronic filing programs continues to increase, it is the secretary’s intention to have the alternative signature requirements apply to any tax.

Title 61
REVENUE AND TAXATION
Part I. Taxes Collected and Administered by the Secretary of Revenue
Chapter 49. Tax Collection
§4905. Signature Alternatives; Electronic Filings
A. …
B. The following alternatives are allowed in lieu of submitting a written signature/declaration for tax returns transmitted electronically via any computer, telephone, or internet by the taxpayer or the taxpayer’s agent:
1. the taxpayer’s signature document maintained by the electronic filer on file and secured for a period of three years from December 31 of the year in which the tax was due;
2. the taxpayer’s signature on a trading partner agreement with the department;
3. a Personal Identification Number (PIN); or
4. an electronic signature as specified in a filing agreement.

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:1520.

HISTORICAL NOTE: Promulgated by the Department of Revenue and Taxation, Office of the Secretary, LR 22:35 (January 1996), amended by the Department of Revenue, Office of the Secretary, LR 23:1167 (September 1997), LR 25:3443 (December 1999), LR 27:1017 (July 2001).

Cynthia Bridges
Secretary

0107#029

RULE
Department of Social Services
Office of Family Support

Food Stamps Certification of Eligible Households
(LAC 67:III.2005 and 2007)

The Department of Social Services, Office of Family Support, has amended the Louisiana Administrative Code, Title 67, Part III, Subpart 3, Food Stamps.

Pursuant to changes in 7 CFR Parts 272 and 273, Department of Agriculture, Food and Nutrition Service, the agency will collect claims for trafficking, in addition to other types of overissuances and increases the amount of the household’s monthly allotment reduction from $10 to $20 for intentional program violation.

The agency has also taken this opportunity to reorganize regulations on the recovery of overissuance food stamp benefits into one, more coherent subchapter.

Title 67
SOCIAL SERVICES
Part III. Office of Family Support
Subpart 3. Food Stamps
Chapter 19. Certification of Eligible Households
Subchapter P. Claims and Recovery of Overissued Food Stamp Benefits

§2005. Claims Against Households
A. All adult household members are jointly and severally liable for the value of any overissuance of benefits to the household. This is true regardless of whether the overissuance resulted from inadvertent error, an administrative error or an intentional program violation.
B. Action will not be taken to recover claims which are less than:
1. $35 for inadvertent household error for participating households;
2. $100 for administrative error for participating households; and
3. $250 for non-participating households.

These thresholds do not apply to claims which are determined to be the result of intentional program violation or errors which are discovered in a quality control review.


§2007. Penalties
A. The Food Stamp Program shall maintain provisions relating to the disqualification penalties for intentional
program violations. These provisions are aimed at deterring Food Stamp Program abuse and improving recovery of overpayments.

B. The basis for disqualification includes the intentional making of false or misleading statements, misrepresentations, or the concealment or withholding of facts, as well as the commission of any act that constitutes a violation of any state food stamp statute, and the use of food stamps in certain illegal purchases. The program will not increase the benefits to the household of a disqualified person because of the disqualification.

1. Mandatory disqualification periods of one year for the first offense, two years for the second offense, and permanently for the third offense will be imposed against any individual found to have committed an intentional program violation, regardless of whether the determination was arrived at administratively or through a court of law.

2. Individuals will be disqualified for two years for a first finding by a court that the individual used or received food stamps in a transaction involving the sale of a controlled substance, and permanently for a second such finding. Permanent disqualification will also result for the first finding by a court that an individual used or received food stamps in a transaction involving the sale of firearms, ammunition or explosives with food stamps.

3. An individual convicted of trafficking food stamp benefits of $500 or more shall be permanently disqualified.

4. An individual shall be ineligible to participate for ten years if found to have made a fraudulent statement or representation with respect to identity or residence in order to receive multiple benefits simultaneously.

C. A loss of benefits penalty shall be imposed on those food stamp recipients who fail to report earned income in a timely manner. When determining the amount of benefits the household should have received, the Office of Family Support shall not apply the 20 percent earned income deduction to the income of the household which did not timely report. By doing this, the household that benefited from the failure to timely report is penalized since the amount it has to repay in overissuance will be increased. This provision shall be applied to allotments issued for October 1996 and all allotments issued for subsequent months.


Subchapter Q. Reserved
Subchapter R. Reserved

J. Renea Austin-Duffin
Secretary
0107#032

RULE

Department of Social Services
Office of Family Support

Teen Pregnancy Prevention Program
(LAC 67:III.Chapter 54)

In accordance with R.S. 49:950 et seq., the Administrative Procedure Act, and pursuant to a directive of Public Law 104-193, the Personal Responsibility and Work Opportunity Reconciliation Act, the Department of Social Services, Office of Family Support, has established the Teen Pregnancy Prevention Program.

The purpose of the program is to reduce the number of unwed teenage pregnancies through effective community, faith-based, and school-based programs and to promote public awareness of the problem.

Title 67
SOCIAL SERVICES
Part III. Office of Family Support
Subpart 14. Teen Pregnancy Prevention
Chapter 54. Teen Pregnancy Prevention Program

§5401. Authority
A. The Teen Pregnancy Prevention Program shall be administered under the authority of state and federal laws. In Louisiana, the program operates under the name Keeping It Real Education About Life (R.E.A.L.).


§5403. Strategy
A. As lead agency, the Office of Family Support (OFS) will reduce the number of unwed pregnant and parenting teens through the implementation of comprehensive and effective community, faith-based, and school-based programs, and public awareness efforts. The following strategies will be used to accomplish this mission:
1. selecting programs developed around criteria that reflect success in curbing teen pregnancy as demonstrated in current research;
2. involving and embracing all segments of the community in the development of those programs, including teens, parents, neighborhoods, educators, and businesses; and
3. ensuring that the programs are goal oriented and able to document success through a strong independent research and evaluation component as outlined below.
B. Success measures in curbing the teen birth rate include:
1. delaying sexual experience (debut);
2. reducing the incidents of pregnancy, number of repeat pregnancies, and the number of out-of-wedlock births; and
3. increasing the number of parenting teens who complete high school and the employability of parenting teens and/or at-risk youth.
C. There are three target groups involved in reducing teen pregnancy:
1. 11-19 year old students and non-students;
2. teen parents; and
3. the adult parents/caretakers of the teens.
D. Research shows that a holistic approach, involving all aspects of the community working together, may lead to a reduction in the teen pregnancy rate.

§5405. Goals and Objectives
A. The program objective is to create community, faith- and school-based programs which will present age-appropriate educational material to a targeted population ranging in age from 11-19 years. This includes middle, high school, and college students and others in this age group who are no longer in school. All services are provided by contracted providers.
B. To reduce the number of births, intermediate goals are established according to age groups.
1. For the adolescents aged 11-13 (middle school grades 6-8), the following intermediate goals have been set:
   a. postpone sexual debut;
   b. reduce school suspension/expulsion rate;
   c. increase school attendance;
   d. increase parental involvement; and
   e. increase the number of males involved in positive male mentoring/manhood development programs.
2. For teenagers aged 14-16 (early high school), the following intermediate goals have been set:
   a. postpone sexual debut;
   b. reduce unprotected sex;
   c. increase high school/GED graduation rates;
   d. reduce STD (sexually-transmitted disease) and HIV rates;
e. reduce school suspension/expulsion rate;
f. increase parental involvement; and
g. increase the number of males involved in positive male mentoring/manhood development programs.
3. For teenagers aged 17-19 (upper high school, college, non-students, current teen parents), the same goals in §5405.B.2 will apply with the addition of the following:
   a. increase job training and employment;
   b. increase parenting skills training; and
   c. increase the number of males involved in positive male mentoring/manhood development programs with an emphasis on responsible fatherhood.
AUTHORITY NOTE: Promulgated in accordance with R.S.36:474.

§5407. Program Activities
A. The following program activities shall be used to coordinate the teen-oriented programs in Louisiana. These activities allow for expanding, redeveloping, and refining of these programs to ensure that the goals and objectives will be met:
1. Youth Development;
2. Comprehensive Health/Family Life;
3. Parental Involvement;
4. Counseling;
5. Male Involvement;
6. Media;
AUTHORITY NOTE: Promulgated in accordance with R.S. 36:474.

J. Renea Austin-Duffin
Secretary
0107#031

RULE
Department of Transportation and Development
Professional Engineering and Land Surveying Board

Board Revisions (LAC 46:LXI.101-3301)

Under the authority of the Louisiana Professional Engineering and Land Surveying Licensure Law, R.S. 37:681 et seq., and in accordance with the Louisiana Administrative Procedure Act, R.S. 49:950 et seq., the Louisiana Professional Engineering and Land Surveying Board amends its rules contained in LAC 46:LXI.Chapters 1-33.

The amendments are primarily housekeeping revisions of existing board rules and were necessitated by the passage of Acts 1999, Nos. 329, 396 and 397, which were housekeeping revisions of the Louisiana Professional Engineering and Land Surveying Licensure Law, R.S. 37:681 et seq. The amendments restructure and renumber many sections of the existing board rules, while repealing other sections. By virtue of these amendments, the following sections of the existing board rules are being repealed: §§301-311; §§501-509; §902; §911; §§2001-2021; §§2105-2109; and §§2703-2729.
Title 46
PROFESSIONAL AND OCCUPATIONAL STANDARDS

Part LXI. Professional Engineers and Land Surveyors
Chapter 1. General Provisions
§101. Evidence of Qualification; Licensure
A. In order to safeguard life, health and property, and to promote the public welfare, any person in either public or private capacity, or foreign or domestic corporation, practicing or offering to practice professional engineering or professional land surveying, shall be required to submit evidence that he/she is qualified to so practice and shall be licensed with the board. Unless specifically exempted by law, it shall be unlawful for any person to practice or to offer to practice in this state, engineering or land surveying, as defined in the licensure law and the rules of the board, or to use in connection with his/her name or otherwise assume, use or advertise any title or description tending to convey the impression that he/she is a professional engineer or a professional land surveyor, unless such person has been duly licensed under the provisions of the licensure law and the rules of the board.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:688.
HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Board of Registration for Professional Engineers and Land Surveyors, LR 7:643 (December 1981), amended LR 27:1019 (July 2001).

§103. Rulemaking
A. Under the provisions of R.S. 37:688 the board has the authority to make, adopt, alter, amend, and promulgate rules consistent with the constitution and laws of this state. This is necessary for the proper performance of the duties of the board and the regulations of the proceedings before it.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:688.
HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Board of Registration for Professional Engineers and Land Surveyors, LR 7:643 (December 1981), amended LR 27:1020 (July 2001).

§105. Definitions
A. The words and phrases defined in R.S. 37:682 shall apply to these rules. In addition, the following words and phrases shall have the following meanings, unless the content of the rules clearly states otherwise:

Act or Licensure Law: R.S. 37:681-37:703, including any amendments thereto. This law empowers the board to regulate the practice of engineering and land surveying in the state of Louisiana.

Benefits of Any Substantial Nature or Significant Gratuity: As used in the rules of professional conduct, shall mean any acts, articles, money or other material possessions which are of such value or proportion that their acceptance could reasonably be expected to create an obligation on the part of the receivers, or otherwise compromise their ability to exercise their own judgement, without regard to such benefit or gratuity.

Bona Fide Employee: As person in the service of a licensee under a contract of hire, expressed or implied, oral or written, where the employer has the power or right to control and direct the employee in the material details of how the work is to be performed and the employer pays wages or a salary directly to the employee, pays a share of social security and federal unemployment tax, withholds federal income tax and the employee's share of social security payments, provides training, furnishes tools and materials, and sets hours of work. Generally such employees work full time for the employer, perform work at a location assigned by the employer and do not offer their services to the general public.

Bona Fide Established Commercial Marketing Agency: A business which is specifically devoted to public relations, advertising and promoting the services of a client, and which may be appropriately licensed as required by state statutes.

EAC/ABET: The Engineering Accreditation Commission of the Accreditation Board for Engineering and Technology.

Employee: For purposes of R.S. 37:701(C) only, shall mean:

a. any and all persons to or for whom a person, firm or corporation engaged in industrial operations pays salary or other compensation, withholds taxes, provides benefits or pays workers' compensation and/or liability insurance, including without limitation all persons covered by the definition of bona fide employee as set forth in the rules of the board; or
b. any and all persons whose conduct a person, firm or corporation engaged in industrial operations has the right to control, including the right to hire, fire or directly supervise, the right to set the person's work schedule and job duties, or the right to set the terms and conditions of employment, including without limitation individuals supplied through an employment agency or consultant firm.

Fraud, Deceit or Misrepresentation: Intentional deception to secure gain, through attempts to deliberately conceal, mislead, or misrepresent the truth with the intent to have others take some action relying thereupon, or any act which provides incorrect, false, or misleading information, upon which others might rely.

Incompetency: The practice of engineering or land surveying by a licensee who is either incapable of exercising ordinary care and diligence or who lacks the ability and skill necessary to properly perform the duty he/she undertakes. (The practice of engineering in an area other than that in which the licensee has been issued a certificate will not be considered as evidence of incompetency, provided the licensee is otherwise qualified by education or experience.) Examples of practice which the board may consider to constitute incompetency include but are not limited to:

a. the undertaking of assignments other than those for which the licensee is qualified by education or experience in the specific technical fields involved; and
b. the affixing of the licensee's signature or seal to any engineering or land surveying plan or document dealing with the subject matter in which the licensee lacks competence by virtue of education or experience.

Misconduct: As used in R.S. 37:698(A)(2), shall mean the practice of engineering or land surveying by a licensee who performs any acts, causes omissions or makes any assertions or representations which are fraudulent, deceitful, or misleading, or which in any manner whatsoever discredits or tends to discredit the professions of engineering or land surveying. Misconduct as used herein shall also include any act or practice in violation of the board's rules of professional conduct or use of seals.
NCEES Model Law Engineer Ca person who meets the minimum requirements of licensure law and:
   a. is a graduate of an engineering curriculum accredited by EAC/ABET, or the equivalent;
   b. has passed the fundamentals of engineering examination using the NCEES cut score;
   c. has a specific record of an additional four years of progressive experience on engineering projects following graduation;
   d. has passed the principles and practice of engineering examination using the NCEES cut score; and
   e. has a current NCEES Record on file.

NCEES Model Law Surveyor Ca person who meets the minimum requirements of this act and is a graduate of an EAC/ABET engineering curriculum, RAC/ABET curriculum, or the equivalent.

Negligence The practice of engineering or land surveying by a licensee characterized by his/her lack of reasonable care, precaution, or attention to the right, safety, or welfare of others, which could result in injury or damage to life or property or financial loss. Examples of practice which the board may considered to constitute negligence include, but are not limited to:
   a. The preparation of an incomplete or inaccurate engineering or land surveying plan or document that is below acceptable standards, which is released for construction or other lawful purposes, and which could result in financial loss or injury.
   b. Failure of the licensee to exercise reasonable diligence and care in providing professional services, which could result in financial loss or damage or injury.

Practice of Engineering
   a. Practice of engineering is defined in R.S. 37:682.

The board recognizes in the design of buildings and similar structures that there is overlap between the work of architects and engineers. It is recognized that an architect who has complied with all of the current laws of Louisiana relating to the practice of architecture has a right to engage in some activities properly classifiable as professional engineering insofar as it is necessarily incidental to his/her work as an architect. Likewise, it is recognized that the professional engineer who has complied with all of the current laws of Louisiana and is properly licensed has the right to engage in some activities properly classifiable as architecture insofar as it is necessarily incidental to his/her work as an engineer. Furthermore, the architect or the professional engineer, as the case may be, shall assume all responsibility for compliance with all the laws or ordinances relating to the designs or projects in which he/she may be engaged.

b. Teaching of engineering design and the responsible charge of the teaching of engineering design shall be considered as the practice of engineering. Associate professors and those of higher rank teaching engineering design courses who were employed by a college or university in the state of Louisiana on January 1, 1991, or thereafter, shall be professional engineers licensed in the state of Louisiana board. Such professors who become employed on or after January 1, 1991 shall have a period of two years in which to become licensed. The associate professors and those of higher rank teaching engineering design courses in the employ of a college or university in the state of Louisiana prior to January 1, 1991 are exempt from professional engineering licensure as long as they remain in continuous employment by a College or School of Engineering in the state of Louisiana. Those persons who are exempt from professional engineering licensure are exempt only for the purpose of the teaching of engineering design and may not present themselves to the public as engineers or professional engineers or provide or offer to provide engineering services as defined by R.S. 37:682.

Practice of Land Surveying Defined in R.S. 37:682.

The board recognizes that there exists a close relationship between land surveying and some areas of engineering, with some activities common to both professions; however, survey work related to property boundaries must be performed under the responsible charge of a professional land surveyor. Presented below are guidelines which shall be used as an aid in determining the types of surveying services which may be rendered by professional land surveyors or professional engineers.

   a. Surveying and mapping functions which require the establishment of relationships to property ownership boundaries are unique to land surveying and must be performed by or under the responsible charge of a professional land surveyor. These functions include:
      i. boundary surveys;
      ii. subdivision surveys and plats;
      iii. public land surveys.
   b. Surveying and mapping functions not unique to land surveying must be performed by or under the responsible charge of a professional land surveyor whenever they require the establishment of the relationship of property ownership boundaries. Those functions include:
      i. surveys of servitudes (easements) and rights of way;
      ii. surveys of leases;
      iii. topographical surveys;
      iv. surveys for record;
      v. layout surveys for construction;
      vi. hydrographic surveys;
      vii. mine surveys;
      viii. mapping.
   c. Surveying and mapping functions which do not require the establishment of the relationship of property ownership boundaries may be performed by or under the responsible charge of either a professional engineer or a professional land surveyor. Such surveying and mapping functions include:
      i. surveys of servitudes (easements) and rights of way;
      ii. surveys of leases;
      iii. topographical surveys;
      iv. surveys for record drawing;
      v. layout surveys for construction;
      vi. hydrographic surveys;
      vii. mine surveys;
      viii. mapping;
      ix. geodetic surveys;
      x. cartographic surveys;
      xi. horizontal and vertical control surveys;
      xii. quantity and measurement surveys;
      xiii. profiles and cross sections;
      xiv. site grading plans.
All of the above type surveys (c.i.-xiv), regardless of the method by which they are performed, including photogrammetric methods, must be performed by or under the responsible charge of a professional land surveyor or a professional engineer.

d. Professional services which require the application of engineering principles and the interpretation of engineering data must be performed by or under the responsible charge of a professional engineer.

**Responsible Charge**

defined in R.S. 37:682. It shall mean the direct control and personal supervision of engineering work or land surveying, as the case may be.

**Seal**

A symbol, image, or list of information that may be found in the form of a rubber stamp, computer generated data, or other form found acceptable to the board this is applied or attached to the document in a manner consistent with the board rules on use of seals.

**Signature**

Chandwritten or digital as follows:

- a. a handwritten message identification containing the name of the person who applied it; or
- b. a digital signature which is an electronic authentication process attached to or logically associated with an electronic document. The digital signature must be:
  - i. unique to the person using it;
  - ii. capable of verification;
  - iii. under the sole control of the person using it; and
  - iv. linked to a document in such a manner that the digital signature is invalidated if any data in the document is changed.
- c. a digital signature that uses a process approved by the board will be presumed to meet the criteria set forth in Subsection b. of this definition.

**Under the Supervision and Charge of a Professional Engineer**

As it applies in R.S. 37:701(C) only, shall mean:

- a. the work performed by a professional engineer, duly licensed under the provisions of this Chapter; or
- b. the work reviewed and approved by a professional engineer, duly licensed under the provisions of this Chapter, who is authorized to direct changes to the engineering work; or
- c. the work performed in accordance with a system of engineering practices approved by a professional engineer, duly licensed under the provisions of this Chapter.

**AUTHORITY NOTE:** Promulgated in accordance with R.S. 37:688.


**Chapter 3. Organization of the Board**

**§301. Engineer-in-Training Certification**

Repealed.

**AUTHORITY NOTE:** Promulgated in accordance with R.S. 37:688.


**§303. Land Surveyor-in-Training Certification**

Repealed.

**AUTHORITY NOTE:** Promulgated in accordance with R.S. 37:688.


**§305. Professional Engineer Registration**

Repealed.

**AUTHORITY NOTE:** Promulgated in accordance with R.S. 37:688.


**§307. Reciprocity**

Repealed.

**AUTHORITY NOTE:** Promulgated in accordance with R.S. 37:688.


**§309. Temporary Permit to Practice Engineering**

Repealed.

**AUTHORITY NOTE:** Promulgated in accordance with R.S. 37:688.


**§311. Land Surveyor Registration**

Repealed.

**AUTHORITY NOTE:** Promulgated in accordance with R.S. 37:688.


**Chapter 5. Administration**

**§501. General**

Repealed.

**AUTHORITY NOTE:** Promulgated in accordance with R.S. 37:689.


**§505. Supervising Professional**

Repealed.

**AUTHORITY NOTE:** Promulgated in accordance with R.S. 37:689.

§507. Professional Identification
Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:689.


§509. Enforcement
Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:689.


Chapter 7. Bylaws

§701. Board Nominations
A. The following guidelines and procedures will be observed in order that timely and prudent advice can be given to the Louisiana Engineering Society and the Louisiana Society of Professional Surveyors with regard to nominees for vacancies on the board.

B. The division of engineering practice classification of each board member shall remain unchanged during each administrative year.

1. Professional engineer board members shall continue to represent the practice area of engineering for which appointed, unless formal advice has been received from the Louisiana Engineering Society that the practice area of engineering classification of a member has been changed.

2. Board members who retire from active practice shall continue to represent the practice area of engineering for which appointed and currently serving at the time of retirement.

3. If a board member is not a member of the Louisiana Engineering Society or the Louisiana Society of Professional Surveyors, it shall be his duty to notify the executive secretary of any significant change in his regular employment; the executive secretary shall so advise the Louisiana Engineering Society or the Louisiana Society of Professional Surveyors for its action.

C. An examination will be made of the anticipated vacancies scheduled to occur during each new administrative year because of expiration of terms of appointment, as published in the roster, and the appropriate nominating organization shall be soon notified, along with the official interpretation of the practice areas of engineering represented, as well as a priority listing of the desired practice areas requested to be considered.

D. In the event of death or resignation of a board member, the executive secretary shall immediately notify the appropriate nominating organization.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:688.


§703. Compensation and Expenses
A. Authority to Incur Traveling Expenses

1. The board shall allow its members actual traveling expenses plus per diem to attend regular, special and committee meetings of the board. Per diem for the time spent traveling and for time spent at the meeting shall be allowed. The per diem allowance for time spent traveling shall not exceed two days for these meetings.

2. The board may, by resolution at one of its meetings, authorize any of its members or representatives to travel at the expense of the board to attend meetings and conventions such as those of the National Council of Examiners for Engineering and Surveying (NCEES), the Accreditation Board for Engineering and Technology (ABET), or other allied organizations. Per diem for time spent traveling and for time spent at the meeting will be allowed.

B. Reimbursement of Transportation Expenses

1. Expenses for transportation by personally owned vehicles shall be reimbursed at the mileage rate specified by the board at a regular meeting. Reimbursement shall be on the basis of the most direct route. The traveler shall be required to pay all of the operating expenses of the vehicle.

2. Air travel will be by coach or economy class rates when available. Travel by state plane is also permitted. Reimbursement will be limited to comparable coach or economy class rates. Receipts or other verification of travel shall be attached to the expense report. Reimbursement will be on the basis of the most direct route available. Air travel by private aircraft may be approved by the board. When so approved, reimbursement will be on the basis of coach airfare.

C. Lodging and Meals. The board shall allow its members to be reimbursed actual expenses for meals (including tips) and for lodging at a single occupancy rate. Receipts for lodging shall be submitted and attached to the travel voucher.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:688.


§705. Meetings
A. Regular Meetings. The board shall hold at least four regular meetings each year.

B. Annual Meetings. The first regular meeting of the fiscal year is to be held in July, and shall be designated as the annual meeting.

C. Special Meetings. The chairman or the secretary may call special meetings when considered necessary. Upon written request of six board members, the chairman is required to call a special meeting.

D. Open Meetings. Every meeting of the board shall be open to the public, unless closed as an executive session.

E. Meeting Dates. Written public notice of the dates, times, and places of all regular meetings shall be given at the beginning of each fiscal year.

F. Separate Notice of all Meetings. In addition, separate written public notice of any regular, special, or rescheduled meeting shall be given no later than 24 hours before the holding of the meeting. This separate notice shall include the agenda, date, time and place of the meeting.
§705. Board Organization

A. Number of Board Members. The board shall be comprised of 11 members, each of whom shall be appointed by the governor in accordance with the requirements established by law.

B. Board Officers. The board shall elect annually from its membership the following officers: a chairman, a vice chairman, a secretary, and a treasurer.

C. Date of Elections. The election of board officers shall take place not later than at the board's May meeting. In the event that an officer cannot complete his/her term, an election in order to fill the unexpired term shall be scheduled at the earliest practical regular or special meeting.

D. Duties

1. Chairman. The chairman shall preside at all meetings, appoint all committees, except as otherwise provided, and shall, together with the secretary, sign all certificates issued by the board. The chairman shall compile certificates issued by the board. The chairman shall compile the agenda for each regular and special meeting.

2. Vice Chairman. The vice chairman shall, in the absence of the chairman, perform the duties of and possess all of the powers of the chairman. Should the chairman's membership on the board be terminated prior to the election of his/her successor, the vice chairman shall automatically assume the duties of chairman until the board is reorganized.

3. Secretary. The secretary shall:
   a. be the official custodian of the records of the board and of the seal of the board and see that the seal of the board is affixed to all appropriate documents;
   b. sign, with the chairman, certificates of licensure, the issuance of which shall have been authorized by resolution of the board;
   c. assume all responsibilities of the executive secretary, in the event of the absence or incapacity of the executive secretary;
   d. sign the minutes of the board meetings after approval of the minutes by the board.

4. Treasurer. The treasurer shall be responsible for the annual budget and the annual audit of the board. He/she shall send copies of the annual audit and the financial statement to the governor after the report of the audit has been reviewed by the board. The treasurer, with the approval of the chairman, shall be empowered to authorize expenditures of funds, in the beneficial interest of the board and without its prior approval, up to an aggregated amount of $5,000 (within the current budget), and any expenditures made under this authorization shall be reported to and ratified by the board at its next regular meeting.

E. Committees. The board may establish the following committees: Executive Committee, Civil Engineering Committee, Other Disciplines Engineering Committee, Land Surveying Committee, Engineer Intern Committee, Liaison and Law Review Committee, Engineering Curricula Committee, Finance Committee, Nominations Committee, and Complaint Review Committee.

1. Power to Appoint. Unless otherwise provided below, the chairman of the board shall have the power to make all committee appointments. All committee appointments shall be effective from date of appointment until the next annual meeting of the board.

2. Executive Committee. The chairman, vice chairman, secretary, and treasurer shall constitute the Executive Committee. The chairman of the board shall serve as chairman of the Executive Committee. The Executive Committee shall oversee the operations of the office of the board and shall advise the executive secretary as to the conduct of the business of the board between meetings. The Executive Committee shall make recommendations to the board with respect to personnel, policies and procedures.

3. Engineering Committees
   a. The chairman of the board may appoint one or more engineering committees, with not less than two members on each committee.
   b. Each of these committees shall:
      i. review applications for licensure in each respective discipline of professional engineering;
      ii. recommend approval or disapproval of applications; and
      iii. supervise the selection of examinations on principles and practice of engineering for the respective disciplines.

4. Land Surveying Committee. The chairman of the board may appoint not less than two members to the Land Surveying Committee. All members of the Land Surveying Committee shall be professional land surveyors. The Land Surveying Committee shall:
   a. review applications for licensure as a professional land surveyor;
   b. review applications for certification of persons as a land surveyor intern;
   c. conduct oral examinations or interviews;
   d. supervise the selection of examinations on the fundamentals of land surveying, on principles and practice of land surveying, and on the Louisiana laws of land surveying;
   e. recommend passing scores for their respective written examinations; and

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:688.


§707. Board Organization

A. Number of Board Members. The board shall be comprised of 11 members, each of whom shall be appointed by the governor in accordance with the requirements established by law.

B. Board Officers. The board shall elect annually from its membership the following officers: a chairman, a vice chairman, a secretary, and a treasurer.

C. Date of Elections. The election of board officers shall take place not later than at the board's May meeting. In the event that an officer cannot complete his/her term, an election in order to fill the unexpired term shall be scheduled at the earliest practical regular or special meeting.

D. Duties

1. Chairman. The chairman shall preside at all meetings, appoint all committees, except as otherwise provided, and shall, together with the secretary, sign all certificates issued by the board. The chairman shall compile certificates issued by the board. The chairman shall compile the agenda for each regular and special meeting.

2. Vice Chairman. The vice chairman shall, in the absence of the chairman, perform the duties of and possess all of the powers of the chairman. Should the chairman's membership on the board be terminated prior to the election of his/her successor, the vice chairman shall automatically assume the duties of chairman until the board is reorganized.

3. Secretary. The secretary shall:
   a. be the official custodian of the records of the board and of the seal of the board and see that the seal of the board is affixed to all appropriate documents;
   b. sign, with the chairman, certificates of licensure, the issuance of which shall have been authorized by resolution of the board;
   c. assume all responsibilities of the executive secretary, in the event of the absence or incapacity of the executive secretary;
   d. sign the minutes of the board meetings after approval of the minutes by the board.

4. Treasurer. The treasurer shall be responsible for the annual budget and the annual audit of the board. He/she shall send copies of the annual audit and the financial statement to the governor after the report of the audit has been reviewed by the board. The treasurer, with the approval of the chairman, shall be empowered to authorize expenditures of funds, in the beneficial interest of the board and without its prior approval, up to an aggregated amount of $5,000 (within the current budget), and any expenditures made under this authorization shall be reported to and ratified by the board at its next regular meeting.

E. Committees. The board may establish the following committees: Executive Committee, Civil Engineering Committee, Other Disciplines Engineering Committee, Land Surveying Committee, Engineer Intern Committee, Liaison and Law Review Committee, Engineering Curricula Committee, Finance Committee, Nominations Committee, and Complaint Review Committee.

1. Power to Appoint. Unless otherwise provided below, the chairman of the board shall have the power to make all committee appointments. All committee appointments shall be effective from date of appointment until the next annual meeting of the board.

2. Executive Committee. The chairman, vice chairman, secretary, and treasurer shall constitute the Executive Committee. The chairman of the board shall serve as chairman of the Executive Committee. The Executive Committee shall oversee the operations of the office of the board and shall advise the executive secretary as to the conduct of the business of the board between meetings. The Executive Committee shall make recommendations to the board with respect to personnel, policies and procedures.

3. Engineering Committees
   a. The chairman of the board may appoint one or more engineering committees, with not less than two members on each committee.
   b. Each of these committees shall:
      i. review applications for licensure in each respective discipline of professional engineering;
      ii. recommend approval or disapproval of applications; and
      iii. supervise the selection of examinations on principles and practice of engineering for the respective disciplines.

4. Land Surveying Committee. The chairman of the board may appoint not less than two members to the Land Surveying Committee. All members of the Land Surveying Committee shall be professional land surveyors. The Land Surveying Committee shall:
   a. review applications for licensure as a professional land surveyor;
   b. review applications for certification of persons as a land surveyor intern;
   c. conduct oral examinations or interviews;
   d. supervise the selection of examinations on the fundamentals of land surveying, on principles and practice of land surveying, and on the Louisiana laws of land surveying;
   e. recommend passing scores for their respective written examinations; and
§709. The Executive Secretary

A. Appointment. The board shall appoint an executive secretary, who shall assist the board members in the performance of their duties.

B. Ex-Officio Committee Member. Although not a member of the board, the executive secretary shall be an ex-officio member of all committees.

C. Duties of the Executive Secretary. The executive secretary shall:

1. conduct and care for all correspondence in the name of the board;
2. record and file all applications, examinations, licensure, suspensions and revocations;
3. send members of the board notices of all regular meetings at least 10 days in advance thereof;
4. keep correct minutes of all meetings of the board, including a record of all certificates of licensure issued;
5. examine all applications for licensure and bring about the necessary correction or supplying of missing or essential data in connection with such applications prior to consideration thereof by the board;
6. address inquiries to references to verify the qualifications, experience and character of applicants as directed by the board;
7. make arrangements as required by the board for all written or oral examinations and interviews of applicants;
8. supervise the administration of the written examinations;
9. present to the board the results of examinations and other evidence of qualification;
10. have certificates of licensure prepared for those applicants who have been approved for licensure or certification by the board;
11. notify by letter to the last known address, every person and entity licensed or certified under the licensure laws of the date of the expiration of the certificate and the amount of the fee that shall be required for its renewal;
12. develop procedures and internal policies for all administrative functions;
13. employ and supervise the work of all investigators and secretarial, stenographic, clerical, and technical assistants essential to the work of the board, but only on approval of the Executive Committee and in accordance with the provisions of the licensure law;
14. investigate and dispose of allegations and apparent violations of the licensure law when possible and refer any such matters requiring formal action to the board;
15. assist the board in the adoption and amendment of rules and bylaws in accordance with the statutes;
16. represent the board at meetings of technical and professional societies and appear before student groups and legislative committee meetings;
17. write articles for publication to inform licensees and the public of activities and actions of the board;
18. be an associate member of the National Council of Examiners for Engineering and Surveying (NCEES);
19. assist the Finance Committee in the preparation of the budget;
20. assist in ensuring that expenditures are within the budget;
21. receive and account for all monies derived from the operation of the board;
22. comply with R.S. 37:690 in all matters relating to receipts and disbursements;
23. audit all bills and accounts covering expenditures and prepare all vouchers and checks for payment of approved bills;
24. keep a register of receipts and expenditures, maintaining such financial books, and show the financial condition of the board and the validity of the licenses and of the certificates which have been issued; and
§711. Domicile
A. Domicile. The domicile of the board shall be the City of Baton Rouge, Louisiana.
B. Change of Domicile. The board may vote to change its domicile.

§713. Amendments to Bylaws
A. The bylaws of the board may be amended at any regular or special meeting, provided, however, that such proposed amendments have been submitted in writing to the members of the board at least 30 days prior to the meeting. The board may waive this 30-day provision at a regular meeting.

§715. Rulemaking Process
A. Power to Promulgate Rules. Under the provision of the licensure law, the board is given the power to make and promulgate rules and regulations necessary for the proper performance of its duties.
B. Proposal of Rule Change. Any board member may propose the adoption of a new rule or regulation, or the amendment or revocation of an existing rule or regulation.
C. Requirements of Proposal. Such proposal shall:
1. be in writing;
2. include a draft of the requested change or changes; and
3. be sent to the chairman and the executive secretary at least 30 days before the next regular meeting of the board.
D. Copies of Proposal. The executive secretary shall send copies of the proposal to all board members at least 10 days before the next regular meeting of the board.
E. Notice of Proposal. The chairman shall place the proposed change, amendment, or revocation on the agenda for the next regular meeting scheduled after receipt of the proposal.

§717. Disbursements
A. Check Requirement. All disbursements over the amount of $50 shall be made by check.
B. Line Item Restrictions. Annual disbursements shall not exceed current budget line items.
C. Required Signatures on Checks. All checks must be signed by any two of the following individuals:
1. chairman;
2. vice chairman;
3. secretary;
4. treasurer;
5. executive secretary;
6. deputy executive secretary; or
7. any board member.

§719. Minutes
A. Requirement of Keeping Minutes. The board shall keep written minutes of all of its open meetings.
B. Required Items for Inclusion. The minutes shall include, but need not be limited to:
1. the date, time, and place of the meeting;
2. the members of the board recorded as either present or absent; and
3. the substance of all matters decided, and, at the request of any board member, a record, by individual member, of any votes taken.
C. Optional Items for Inclusion. Any board member may request that a matter discussed during a meeting be placed in the written minutes of that meeting.

§721. Publications of the Board
A. Roster. A roster showing the names and addresses of all professional engineers, the discipline of engineering in which professional engineers are licensed, and the names and addresses of all licensed land surveyors may be published by the board. Upon request, a copy of this roster may be mailed without charge to each person so licensed. Extra copies to licensees and copies to others may be furnished upon payment of a fee established by the board. The roster shall be made available through the board’s website.
B. Official Journal. The official journal of the board shall be selected by the board.

§723. Filing of Records
A. The board shall keep and file the following records:
1. bylaws, as amended;
2. all minutes of meetings, written as required by the bylaws; and
3. all rules and regulations adopted by the board.

B. Copies of records shall be furnished upon payment of a fee established by the board.
C. All records shall be open for public inspection during regular office hours.

D. The records of the board shall be closed with the board at the close of each fiscal year (June 30) by a certified public accountant.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:688.
§723. Voting
A. General Provisions. Unless otherwise specified in the following subsections, a simple majority of a quorum of the board at a meeting properly noticed and convened is necessary in order to elect an officer or approve a measure before the board.
B. Change of Domicile. In order to change the domicile of the board, approval of two-thirds of the entire board at a regular meeting properly noticed and convened is necessary.
C. Executive Session and Agenda Additions. Approval of two-thirds of a quorum of the board at a meeting properly noticed and convened is necessary in order to:
1. decide to hold an executive session; or
2. consider a matter not on the original agenda of the meeting.
D. Approval of Items Added to Agenda. If two or more board members present at a regular or special meeting are agreed to defer action of a matter not on the original agenda of the meeting that matter shall not be approved, and shall be placed on the original agenda of the next scheduled meeting.
E. Disciplinary Proceedings. Approval of a majority of the entire board membership authorized to participate in a proceeding is necessary in order to:
1. suspend, refuse to renew, or revoke the license or certificate, reprimand, place on probation, or fine any licensee or certificate holder;
2. prefer charges of violation of any provision of the licensure law or any rules or regulations issued by the board; or
3. reinstate an application, license, or certification.
F. Amend Bylaws. A majority vote of the entire board is necessary in order to amend the bylaws.
G. Waiver of Bylaw Amendment Requirements. By a unanimous vote of the board members present at a regular or special meeting, the 30-day provision for submission of proposed bylaw amendments may be waived.
H. Manner of Voting. Voting shall be conducted in the following manner:
1. no proxy voting or secret balloting shall be permitted;
2. all votes shall be viva voce; and
3. votes on motions to hold an executive session (along with the reason for holding the session) shall be recorded and entered into the minutes of the meeting.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:688.

§725. Executive Session
A. Reasons for Calling Executive Sessions. Executive sessions may be held for the following purposes:
1. discussion of the character, professional competence, or physical or mental health of a person, provided that such person may require that such discussion be held at an open meeting;
2. strategy sessions or negotiations with respect to collective bargaining, prospective litigation after formal written demand, or litigation when an open meeting would have a detrimental effect on the bargaining or litigating position of the board;
3. discussion regarding the report, development or course of action regarding security personnel, plans or devices;
4. investigative proceedings regarding allegations of misconduct; or
5. cases of extraordinary emergency, which shall be limited to natural disaster, threat of epidemic, civil disturbances, suppression of insurrections, the repelling of invasions, or other matters of similar magnitude.
B. Limitations on Executive Sessions. No final or binding action shall be taken during an executive session; nor may a session be called for discussion of the appointment of a person to a public body.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:688.


Chapter 9. Requirements for Certification and Licensure of Individuals and Temporary Permit to Practice Engineering
§901. Engineer Intern Certification
A. The requirements for certification as an engineer intern under the several alternatives provided in the licensure law are as follows.
1. Graduates of an EAC/ABET Accredited Engineering Curricula. The applicant shall be a graduate of an EAC/ABET accredited engineering curriculum of four years or more approved by the board as being of satisfactory standing, who is of good character and reputation, who has passed the written examination in the fundamentals of engineering, who was recommended for certification by a professional engineer holding a valid license to engage in the practice of engineering issued to him/her by proper authority of a state, territory, or possession of the United States, or the District of Columbia, who has submitted an application for certification in accordance with the requirements of R.S. 37:694, and who was duly certified as an engineer intern by the board at a regular meeting.
2. Graduates with Advanced Engineering Degree. The applicant shall be a graduate of a non-EAC/ABET accredited engineering or related science or engineering technology curriculum of four years or more approved by the board as being of satisfactory standing, who has obtained an engineering graduate degree from a university having an EAC/ABET accredited undergraduate engineering curriculum in the same discipline, approved by the board as being of satisfactory standing, who is of good character and reputation, who has passed the written examination in the fundamentals of engineering, who was recommended for certification by a professional engineer holding a valid license to engage in the practice of engineering issued to him/her by proper authority of a state, territory, or possession of the United States, or the District of Columbia, who has submitted an application for certification in accordance with the requirements of R.S. 37:694, and who was duly certified as an engineer intern by the board at a regular meeting.
3. Other Engineering Graduates. The applicant shall be a graduate of a non-EAC/ABET accredited engineering curriculum of four years or more approved by the board as
being of satisfactory standing, who has a specific record of
four years or more of verifiable progressive experience
obtained subsequent to graduation, on engineering projects
of a level and scope satisfactory to the board, who is of good
character and reputation, who has passed the written
examination in the fundamentals of engineering, who was
recommended for certification by a professional engineer
holding a valid license to engage in the practice of
engineering when such practice does not exceed 120
consecutive days in any calendar year, provided such person
is licensed to practice engineering in his/her own state,
territory, or possession of the United States, or the District of
Columbia, in which the requirements and the qualifications
for obtaining a license are not lower than those specified in
this Chapter, and provided further that before beginning such
temporary practice in this state, the person shall have applied
to the board, paid the prescribed fee, and received a
temporary permit, and upon the conclusion of such work,
he/she shall advise the board as to the period of time that
he/she has practiced in the state under such temporary
permit.

B. The authority for the executive secretary to issue a
temporary permit can only be granted by the board.

C. The fee for a temporary permit shall be equal to the
fee paid by an applicant applying for licensure as a
professional engineer.

AUTHORITY NOTE: Promulgated in accordance with R.S.
37:688.

HISTORICAL NOTE: Promulgated by the Department of
Transportation and Development, Board of Registration for
Professional Engineers and Land Surveyors, LR 2:350, 352
(November 1976), amended LR 5:114 (May 1979), LR 5:365
(November 1979), LR 6:735 (December 1980), LR 7:644-45
(December 1981), LR 10:804 (October 1984), LR 11:362 (April

§905. Temporary Permit to Practice Engineering
A. A person who is not a resident of and has no
established place of business in Louisiana, may be granted a
written temporary permit to practice professional
engineering when such practice does not exceed 120
consecutive days in any calendar year, provided such person
is licensed to practice engineering in his/her own state,
territory, or possession of the United States, or the District of
Columbia, in which the requirements and the qualifications
for obtaining a license are not lower than those specified in
this Chapter, and provided further that before beginning such
temporary practice in this state, the person shall have applied
to the board, paid the prescribed fee, and received a
temporary permit, and upon the conclusion of such work,
he/she shall advise the board as to the period of time that
he/she has practiced in the state under such temporary
permit.

B. The authority for the executive secretary to issue a
temporary permit can only be granted by the board.

C. The fee for a temporary permit shall be equal to the
fee paid by an applicant applying for licensure as a
professional engineer.

AUTHORITY NOTE: Promulgated in accordance with R.S.
37:688.

HISTORICAL NOTE: Promulgated by the Department of
Transportation and Development, Board of Registration for
Professional Engineers and Land Surveyors, LR 8:112 (April
1982), amended LR 12:692 (October 1986), LR 16:774 (September

§907. Land Surveyor Intern Certification
A. A certified land surveyor intern shall be a graduate
holding a baccalaureate degree from a curriculum of four
years or more who has completed at least 30 semester credit
hours, or the equivalent, in land surveying, mapping, and
real property courses approved by the board, who is of good
ger Son and reputation, who has passed the written
examination in the fundamentals of land surveying, who was
recommended for certification by a professional land
surveyor holding a valid license to engage in the practice of
land surveying issued to him/her by proper authority of the
state, territory, or possession of the United States, or the
District of Columbia, in which he/she is licensed will
accept the licenses issued by the board on a comity basis,
and who was duly licensed as a professional engineer by the
board at a regular meeting.

AUTHORITY NOTE: Promulgated in accordance with R.S.
37:688.

HISTORICAL NOTE: Promulgated by the Department of
Transportation and Development, Board of Registration for
Professional Engineers and Land Surveyors, LR 2:352 (November
1976), amended LR 5:114 (May 1979), LR 5:365 (November
1979), LR 6:735 (December 1980), LR 7:644-45 (December 1981),
§909. Land Surveyor Licensure

A. The requirements for licensure as a professional land surveyor under the two alternatives provided in the licensure law are as follows:

1. an applicant for licensure as a professional land surveyor shall be a certified land surveyor intern, or an individual who meets the qualifications to be a certified land surveyor intern, who is of good character and reputation, who has a verifiable record of four years or more of combined office and field experience in land surveying including two years or more experience in responsible charge of land surveying projects under the supervision of a professional land surveyor registered or licensed by appropriate authority, who has passed the oral examination, who has passed the written examination in the principals and practices of land surveying and Louisiana laws of land surveying, and who was recommended for licensure by five personal references (at least three of whom must be professional land surveyors who have personal knowledge of the applicant), who has submitted an application for licensure in accordance with R.S. 37:694, and who was duly licensed as a professional land surveyor by the board at a regular meeting; or

2. the applicant shall be a person who holds a valid license to engage in the practice of land surveying issued to him/her by the proper authority of a state, territory, or possession of the United States, or the District of Columbia, based on requirements that do not conflict with the provisions of the licensure law, who is of good character and reputation, who has passed a written examination on the fundamentals of land surveying, principles and practice of land surveying and Louisiana laws of land surveying, who has submitted an application for licensure in accordance with the requirements of R.S. 37:694, and if the state, territory, or possession, or the District of Columbia in which he/she is licensed will accept the licenses issued by the board on a comity basis, and who was duly licensed as a professional land surveyor by the board at a regular meeting.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:688.


§911. Limitations

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:688.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Board of Registration for Professional Engineers and Land Surveyors, LR 7:646 (December 1981), repealed LR 27:1029 (July 2001).

Chapter 11. Curricula

§1101. Approved Curricula

A. The board shall determine which curricula are to be recognized under the provisions of the licensure law as approved curricula for the licensure of persons as engineer interns, professional engineers, land surveyor interns, and professional land surveyors.

B. In general, the board will recognize as approved all engineering curricula of four years or more accredited by EAC/ABET. The board may recognize as approved an engineering curriculum that was not accredited at the time of the applicant’s graduation, but which became accredited within the following two years.

C. Based on an investigation by a committee of the board, the board may, by a majority vote at a regular meeting, recognize as an approved curriculum a non-accredited engineering curriculum of four years or more from a school of satisfactory standing that does not meet the specifications of §1101.B. The board shall keep a record of the engineering curricula thus approved.

D. The board, by a majority vote at a regular meeting, may approve curricula that contain at least 30 semester credit hours, or the equivalent, of satisfactory land surveying, mapping, and real property courses.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:688.


§1103. Other Curricula

A. To qualify for certification as an engineer intern, graduates of non-accredited engineering or related science curricula, must present evidence of experience of such quality and extent that the board believes that the applicant has obtained engineering knowledge and skills at least equivalent to that obtained by education in an accredited four-year engineering curriculum. Curricula must be of four years or more from a college or university having an approved curricula.

B. Non-accredited engineering curricula shall be those curricula of four years or more which are found by the board to be equivalent in content to accredited engineering curricula, including a minimum of 46 semester credit hours of recognized engineering courses, 36 of which shall be advanced level courses usually offered in the junior and senior years.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:688.


§1105. Engineering Graduate Programs

A. Acceptable engineering graduate programs are those offered by engineering departments which maintain accreditation from EAC/ABET at the basic or advanced level and which require the removal of deficiencies in science, mathematics, engineering science, and engineering design as a prerequisite to the graduate courses; or are those found by the board to be equivalent to such programs.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:688.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Board of Registration for Professional Engineers and Land Surveyors, LR 5:113 (May 1979),
Chapter 13. Examinations

§1301. General

A. Only persons of good character and reputation who have received permission from the board will be allowed to take any examination offered by the board. For all examinations, applications must be timely filed with the board.

B. The applicant must present appropriate documents to establish his/her eligibility and identification prior to being admitted to any examination.

C. Timely filing of an application with the board does not assure that an applicant will be permitted to take an examination, or be scheduled for examination on a particular date. To be considered for a specific examination date, the application should be received at the board office no later than the following number of days prior to a particular examination scheduled by the board: fundamentals of engineering, 90 days; fundamentals of land surveying, 180 days; principles and practice of engineering, 90 days; principles and practice of land surveying and the Louisiana laws of land surveying, 180 days.

D. Examinations in the fundamentals of engineering, fundamentals of land surveying, the principles and practice of engineering, the principles and practice of land surveying and the Louisiana laws of land surveying will be offered at least once a year at times and places designated by the board. Descriptions of typical content of the examinations will be made available to applicants by the board through its office or through the office of the National Council of Examiners for Engineering and Surveying (NCEES).

E. Examinees will be notified in writing what material will be permitted in the examination room when scheduled for an examination.

F. Any applicant found to have engaged in conduct which subverts or attempts to subvert the engineering or land surveying examination process may, at the discretion of the board, have his or her scores on the examination withheld and/or declared invalid, have disciplinary action taken as described in R.S. 37:698-700 and/or be subject to the imposition of other appropriate sanctions.

G. The board may require applicants to demonstrate their knowledge of the law, rules of the board, and the English language by requiring either oral or written examinations.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:688.


§1305. Approval to Take the Examination in the Principles and Practice of Engineering

A. An applicant who meets the other requirements for licensure as a professional engineer may be permitted to take the examination in the principles and practice of engineering in the discipline in which he/she seeks licensure.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:688.


§1307. Approval to Take the Fundamentals of Land Surveying Examination

A. A student in the final two semesters or final three quarters of the bachelor’s degree may be permitted to take the fundamentals of land surveying examination.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:688.


§1309. Approval to Take the Examination in the Principles and Practice of Land Surveying and in the Louisiana Laws of Land Surveying

A. An applicant who meets the other requirements for licensure as a professional land surveyor may be permitted to take the examinations in the principles and practice of land surveying and in the Louisiana laws of land surveying.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:688.


§1311. Examination for Record Purposes

A. The National Council of Examiners for Engineering and Surveying (NCEES) prepares examinations in the principles and practice of engineering. The board provides

who have obtained a graduate degree in an engineering curricula from a college or university having an undergraduate curriculum accredited by EAC/ABET approved by the board may be permitted to take the examination in the fundamentals of engineering.

C. A graduate student enrolled in a program, approved by the board, leading to a graduate degree in engineering or the equivalent, may be permitted to take the fundamentals of engineering examination.

D. The board may allow the substitution of a qualifying examination for the fundamentals of engineering examination for any applicant who has an earned doctoral degree in engineering from a college or university having an undergraduate curriculum accredited by EAC/ABET, or the equivalent exam approved by the board.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:688.

the opportunity for engineers who were previously licensed in Louisiana to take the National Council’s examination in the discipline of their license without affecting their current licensure status with this board. These examinations are offered at times and places designated by the board. Each applicant will be charged a fee for this service.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:688.


§1313. Examination Results
A. The board will specify the minimum passing score for all examinations for certification or licensure of applicants.
B. Applicants will be informed by mail only as to whether they passed or failed an examination. Numerical grades will not be released by the board. This information or other information pertaining to the status of an application will not be released by telephone to anyone, including the applicant.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:688.


§1315. Re-examinations
A. A person who fails an examination is eligible to apply to retake the examination. A request for re-examination must be submitted in writing prior to the deadline for scheduling of the examination.
B. Before an applicant is given approval to retake an examination, he/she may be required to appear before the board, or a committee of the board, for an oral interview/oral examination.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:688.


Chapter 15. Experience

§1501. Recognition of Experience
A. The board will not recognize experience acquired by an applicant in violation of the licensure law of any state.
B. In considering applications for licensure by comity, the board may recognize examinations passed before the applicant had accrued sufficient qualifying experience according to Louisiana experience requirements in effect at the time, if:
   1. the applicant had been a resident of the state in which he was examined for at least one year prior to the date of the examination; and
   2. the examination was passed in accordance with that state's laws and regulations in effect at the time; and
   3. the experience deficiency according to Louisiana experience requirements has been satisfied as of the date of the application to the Louisiana board.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:688.


§1503. Graduate-Level Experience
A. Beginning on January 1, 2005, successful completion of graduate study leading to a master's degree in engineering which has followed a baccalaureate degree in engineering may be used for credit for one year's experience. If the Ph.D. in engineering is completed under the same conditions, two years' total experience may be credited. The two-years' credit includes the one year for the master's degree. If the Ph.D. is obtained without the master's degree, the credit for experience may be two years.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:688.


§1505. Work Experience
A. No applicant will be allowed more than one year of experience for work and education during any consecutive 12-month period.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:688.


§1507. Experience Subsequent to Degree
A. Only experience obtained subsequent to completion of a degree specified in the requirements for qualifying as an engineer intern will be considered as engineering experience.
B. Up to one year of an engineering nature may be creditable prior to graduation, if obtained through a college or university-sponsored co-op program as part of a four-year engineering program approved by the board, and only after completion of the first half of the program. If the co-op work is full-time work, the amount of credit given is equal to the time worked.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:688.


§1509. Experience should not be Anticipated
A. Experience should not be anticipated. The experience should be gained by the time of the application.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:688.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Board of Registration for Professional Engineers and Land Surveyors, LR 27:1031 (July 2001).

§1511. Experience from Engineering Research
A. Experience gained in engineering research and design projects by members of an engineering faculty where the curriculum if approved by the board is creditable.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:688.
§1513. Teaching Experience
A. Engineering. Teaching experience, to be creditable, must be in engineering or engineering-related courses at an advanced level in a college or university offering an engineering curriculum of four years or more that is approved by the board.

 §1515. Progressive Experience
A. Engineering. Experience must be progressive on engineering projects to indicate that it is of increasing quality and requiring greater responsibility.
B. Land Surveying. Experience must be progressive on land surveying projects to indicate that it is of increasing quality and requiring greater responsibility.

 §1517. Knowledge Required
A. Experience should include a knowledge of engineering mathematics, physical and applied science, properties of materials, and the fundamental principles of engineering design.

 §1519. Applied Experience
A. Experience should include application of engineering principles in the practical solution of engineering problems.
B. Professional land surveyor applicants must demonstrate a substantial portion of their experience was spent in charge of work related to property conveyance and/or boundary line determination.
C. Professional land surveyor applicants must demonstrate adequate experience in the technical field aspects of the profession.

 §1521. Experience Acquired in the Armed Services
A. Experience gained in the armed services, to be creditable, must be of a character equivalent to that which would have been gained in the civilian sector doing similar work. Normally, it would be expected that the applicant while in the armed services served in an engineering or engineering-related group.
B. Experience gained in the armed services, to be creditable, must be of a character equivalent to that which would have been gained in the civilian sector doing similar work. Normally, it would be expected that the applicant while in the armed services served in a land surveying group.

 §1523. Sales Experience
A. For sales experience to be creditable, it must be demonstrated that engineering principles were required and used in gaining experience.

 §1525. Experience in Construction
A. Experience in construction, to be creditable, must demonstrate the application of engineering principles.

 §1527. Supervision by Licensed Professional
A. Engineering. Experience should be gained under the supervision of a professional engineer holding a valid license to engage in the practice of engineering issued to him/her by proper authority of a state, territory, or possession of the United States, or the District of Columbia, or, if not, an explanation should be made showing why the experience should be considered acceptable.

B. Land Surveying. Experience should be gained under the supervision of a professional land surveyor holding a valid license to engage in the practice of engineering issued to him/her by proper authority of a state, territory, or possession of the United States, or the District of Columbia, or, if not, an explanation should be made showing why the experience should be considered acceptable.

Chapter 17. Applications and Fees
§1701. Applications
A. Applications for certification as an engineer intern or land surveyor intern and licensure as a professional engineer or professional land surveyor shall be completed on forms developed by the board, shall contain statements made under oath showing the applicant’s qualifications, and the names and addresses of persons who can verify such statements, and in addition, the names and addresses of five personal references. Three or more of the five personal references furnished by an applicant for licensure as a professional
engineer shall be professional engineers. Three or more of the five personal references furnished by an applicant for licensure as a professional land surveyor shall be professional land surveyors.

B. Applicants who have attended college shall have certified transcripts of all college work forwarded by the registrar of each college directly to the office of the board.

C. For college credits and/or college degrees earned outside of the United States, applicants may be required to submit a course-by-course analysis and equivalency in terms of United States courses and credits from an organization approved by the board. The applicant will be responsible for fees connected with this service.

D. Requests for licensure in more than one discipline must be submitted on separate application forms.

E. An application for licensure may be considered incomplete by the board. The applicant may be denied admission to written examinations until the information submitted in the application has been investigated and replies have been received from references. The board may require additional information and documents it considers necessary for the proper evaluation of an application.

F. An application requiring an examination for certification or licensure must be timely filed with the board office (§1301).

G. Applicant files may be destroyed at the discretion of the executive secretary no earlier than five years after original submission of the application.

H. Applications for licensure of an engineering firm and/or land surveying firm must be typed on the form provided by the board, must be completed in their entirety, and must contain the name, license number, and signature of all Louisiana professional engineers and/or land surveyors designated as supervising professionals in accordance with Chapter 23 (Corporations and Firms). The name and signature of an officer of the firm duly authorized to make certifications on behalf of the firm must appear in the specified location of the form. If the applicant is a corporation, a copy of the corporation's Louisiana Certificate of Incorporation (domestic) or Certificate of Authority (foreign) must accompany the application. The board will license firms that are corporations using only the name as reflected on the corporation's Certificate of Authority or the Certificate of Incorporation. Designated supervising professionals for the firm must also successfully complete a Louisiana Laws and Rules Examination prior to licensure of the firm.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:688.


Chapter 19. Disciplines of Engineering

§1901. Disciplines

A. The licensure law provides that professional engineers will be issued licenses by the board as a professional engineer and that the board may designate a professional engineer as being licensed in one or more of the disciplines approved by the NCEES. The board recognizes all disciplines examined by the NCEES, including:

1. agricultural;
2. chemical;
3. civil;
4. control systems;
5. electrical;
6. environmental;
7. fire protection;
8. industrial;
9. manufacturing;
10. mechanical;
11. metallurgical;
12. mining/mineral;
13. naval architecture and marine;
14. nuclear;
15. petroleum;
16. structural.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:688.


§1903. Accredited Specialties (EAC/ABET)

A. These disciplines reflect important engineering specialties which are taught in a substantial number of engineering programs in the United States accredited by EAC/ABET and which have been determined by the board to be of importance in Louisiana.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:688.


§1905. Additional Disciplines

A. The board may recognize additional disciplines which are approved by the NCEES, as needed to safeguard life, health, and property, to promote the public welfare, and to establish and maintain high standards of integrity and practice.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:688.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Board of Registration for Professional Engineers and Land Surveyors, LR 7:646 (December 1981), amended LR 27:1033 (July 2001).

§1907. Disciplines Criteria

A. The board may add disciplines in accordance with the following criteria.
1. There must be a probable need in the state of Louisiana for specialized engineering expertise in the new discipline.
2. Examinations in the principles and practice of the discipline of engineering must be offered on a regular basis by the National Council of Examiners for Engineering and Surveying (NCEES), or by at least 15 state boards.

**A.** The board will not add disciplines to correspond to job titles or job functions, such as corrosion engineer, air conditioning engineer, construction engineer, automotive engineer, safety engineer, sales engineer, traffic engineer, or planning engineer.

**HISTORICAL NOTE:** Promulgated by the Department of Transportation and Development, Board of Registration for Professional Engineers and Land Surveyors, LR 7:646 (December 1981), amended LR 10:805 (October 1984), LR 27:1033 (July 2001).

### §1911. Limitations

A. The board will not add disciplines to correspond to job titles or job functions, such as corrosion engineer, air conditioning engineer, construction engineer, automotive engineer, safety engineer, sales engineer, traffic engineer, or planning engineer.

**HISTORICAL NOTE:** Promulgated by the Department of Transportation and Development, Board of Registration for Professional Engineers and Land Surveyors, LR 7:646 (December 1981), amended LR 27:1034 (July 2001).

### Chapter 20. Continuing Professional Development (CPD)

#### §2001. Introduction

Repealed.

**AUTHORITY NOTE:** Promulgated in accordance with R.S. 37:697.1.

**HISTORICAL NOTE:** Promulgated by the Department of Transportation and Development, Board of Registration for Professional Engineers and Land Surveyors, LR 24:2152 (November 1998), repealed LR 27:1034 (July 2001).

#### §2003. Definitions

Repealed.

**AUTHORITY NOTE:** Promulgated in accordance with R.S. 37:697.1.

**HISTORICAL NOTE:** Promulgated by the Department of Transportation and Development, Board of Registration for Professional Engineers and Land Surveyors, LR 24:2152 (November 1998), repealed LR 27:1034 (July 2001).

#### §2005. Requirements

Repealed.

**AUTHORITY NOTE:** Promulgated in accordance with R.S. 37:697.1.

**HISTORICAL NOTE:** Promulgated by the Department of Transportation and Development, Board of Registration for Professional Engineers and Land Surveyors, LR 24:2152 (November 1998), repealed LR 27:1034 (July 2001).

**§2007. Reciprocity/Out-of-Jurisdiction Resident**

Repealed.

**AUTHORITY NOTE:** Promulgated in accordance with R.S. 37:697.1.

**HISTORICAL NOTE:** Promulgated by the Department of Transportation and Development, Board of Registration for Professional Engineers and Land Surveyors, LR 24:2153 (November 1998), repealed LR 27:1034 (July 2001).

**§2009. Exemptions**

Repealed.

**AUTHORITY NOTE:** Promulgated in accordance with R.S. 37:697.1.

**HISTORICAL NOTE:** Promulgated by the Department of Transportation and Development, Board of Registration for Professional Engineers and Land Surveyors, LR 24:2153 (November 1998), repealed LR 27:1034 (July 2001).

**§2011. Determination of Credit**

Repealed.

**AUTHORITY NOTE:** Promulgated in accordance with R.S. 37:697.1.

**HISTORICAL NOTE:** Promulgated by the Department of Transportation and Development, Board of Registration for Professional Engineers and Land Surveyors, LR 24:2153 (November 1998), repealed LR 27:1034 (July 2001).

**§2013. Units**

Repealed.

**AUTHORITY NOTE:** Promulgated in accordance with R.S. 37:697.1.

**HISTORICAL NOTE:** Promulgated by the Department of Transportation and Development, Board of Registration for Professional Engineers and Land Surveyors, LR 24:2154 (November 1998), repealed LR 27:1034 (July 2001).

**§2015. Record Keeping**

Repealed.

**AUTHORITY NOTE:** Promulgated in accordance with R.S. 37:697.1.

**HISTORICAL NOTE:** Promulgated by the Department of Transportation and Development, Board of Registration for Professional Engineers and Land Surveyors, LR 24:2154 (November 1998), repealed LR 27:1034 (July 2001).

**§2017. Audit and Review of Records**

Repealed.

**AUTHORITY NOTE:** Promulgated in accordance with R.S. 37:697.1.

**HISTORICAL NOTE:** Promulgated by the Department of Transportation and Development, Board of Registration for Professional Engineers and Land Surveyors, LR 24:2154 (November 1998), repealed LR 27:1034 (July 2001).

**§2019. Failure to Comply**

Repealed.

**AUTHORITY NOTE:** Promulgated in accordance with R.S. 37:697.1.

**HISTORICAL NOTE:** Promulgated by the Department of Transportation and Development, Board of Registration for Professional Engineers and Land Surveyors, LR 24:2154 (November 1998), repealed LR 27:1034 (July 2001).

**§2021. CPD Reinstatement**

Repealed.

**AUTHORITY NOTE:** Promulgated in accordance with R.S. 37:697.1.

**HISTORICAL NOTE:** Promulgated by the Department of Transportation and Development, Board of Registration for Professional Engineers and Land Surveyors, LR 24:2154 (November 1998), repealed LR 27:1034 (July 2001).
Chapter 21. Certificates of Licensure and Certification of Individuals or Corporations

§2101. Expiration and Renewals

A. Licenses and certificates of individuals or corporations shall expire on the date specified on the renewal certificate and/or as shown on the board's records and shall become invalid after that date unless renewed within 120 days. After that period, the former licensee or certificate holder may apply to the board to reactivate his/her former license or certificate.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:688.


§2103. Licensure Status

Active Status The licensure status which exists for a licensee of the board who has complied with all the licensure and licensure renewal requirements of the board.

Expired Status The licensure status which exists for a licensee of the board who has failed to properly renew licensure as required in R.S. 37:697. A licensee in an expired status can no longer practice or offer to practice professional engineering or professional land surveying in Louisiana.

Inactive Status The licensure status which exists for a licensee of the board who has chosen not to practice or offer to practice professional engineering and/or professional land surveying in Louisiana.

Retired Status The licensure status which exists for a licensee of the board who has chosen not to practice or offer to practice professional engineering and/or professional land surveying in Louisiana.

Retired Status

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:688.


§2105. Services

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:688

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Board of Registration for Professional Engineers and Land Surveyors, LR 7:648 (December 1981), repealed LR 27:1035 (July 2001).

§2107. Conflicts of Interest

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:688.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Board of Registration for Professional Engineers and Land Surveyors, LR 7:648 (December 1981), repealed LR 27:1035 (July 2001).

§2109. Improper Solicitation

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:688.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Board of Registration for Professional Engineers and Land Surveyors, LR 7:648 (December 1981), repealed LR 27:1035 (July 2001).

Chapter 23. Corporations and Firms

§2301. General

A. The following rules with regard to firms providing or offering to provide professional services shall apply equally to corporations, partnerships, and individual proprietorships, unless otherwise provided:

1. use of the term professional services in this Chapter will refer to either professional engineering services or professional land surveying services; and

2. use of the term licensed professional in this Chapter will refer to either a professional engineer or a professional land surveyor.

B. A firm must be licensed with the board before it may provide or offer to provide either professional engineering or professional land surveying services.

1. A firm which has in its title the word "engineering" or "surveying" or any derivative thereof shall be construed to be offering to provide engineering or land surveying services and therefore must be licensed with the board before doing business in the state of Louisiana, unless it has in its title modifying or explanatory words which would, in their ordinary meaning, negate the inference of the professional practice of engineering or land surveying.

2. A firm may provide or offer to provide both professional engineering and professional land surveying services; provided, however, that the firm must qualify separately as an engineering firm and as a land surveying firm, and the requirements of this Chapter will apply separately to providing or offering to provide professional engineering services and professional land surveying services.

3. A firm may provide or offer to provide both professional services and related licensed professional services, such as architecture and landscape architecture; provided, however, the firm must be licensed under and comply with the provisions of this Chapter.

C. Unless otherwise provided, unincorporated individual proprietorships which bear the full name of the owner who is a Louisiana licensed professional are exempt from the application of this Chapter. Such firms are not required to be licensed as engineering or surveying firms with the board. Unincorporated individual proprietorships that do not bear the full name of the owner who is a Louisiana licensed professional must be licensed with the board as an engineering or surveying firm and must comply with all the provisions of this Chapter.
D. Joint ventures that provide or offer to provide professional services will not be required to be licensed as separate entities. Nevertheless, any firm (including those individual proprietorships otherwise excluded under §2301.C) that provides or offers to provide professional services in conjunction with its participation in a joint venture can do so only if it complies with the provisions of these rules. In addition, any supervising professional who participates in a joint venture shall be responsible for assuring that all professional services performed by the joint venture are rendered in conformity with the provisions of these rules.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:689.


§2305. Supervising Professional
A. In the case of firms providing or offering to provide professional services in the state of Louisiana, all such professional services shall be executed under the responsible charge of a licensed professional duly licensed in this state, and designated by the firm as a supervising professional. Such licensed professional shall be an active employee:
1. whose primary occupation or employment is with the firm on a full-time basis; or
2. whose secondary occupation or employment is with the firm, provided the firm is totally owned by one or more of the professionals whose license is used to qualify the firm, as an active employee of the firm.

B. Nothing in these rules shall be construed to give a professional engineer the power to practice professional land surveying, unless that professional engineer has independently met the requirements for licensure as a professional land surveyor.

C. Nothing in these rules shall be construed to give a professional land surveyor the power to practice professional engineering, unless that professional land surveyor has independently met the requirements for licensure as a professional engineer.

D. It is the intent of these rules to guarantee that all professional work performed by a licensed firm is performed under the supervision of or by a licensed professional. To this end, the board may also require a licensed firm to identify those licensed professionals who will be providing professional services. In addition, the board may require the individual licensee identified by the licensed firm as the responsible professional to acknowledge this responsibility, and assume the responsibility of informing the board in the event of a change of employment. No licensed professional shall be designated as a supervising professional by more than one firm, except in the case of secondary occupation or employment by a firm which is totally owned by one or more of the professionals whose license is used to qualify the firm for licensure. A failure to comply with any of the provisions of this regulation may subject both the licensed firm and the licensed professional to disciplinary action by the board.

E. Compliance with the above rules will not be met by a contractual relation between the firm and a licensed professional or a firm of licensed professionals in which such licensed professional or firm of licensed professionals is available on a consultative basis. Nor will it be considered compliance if a licensed professional is related to the firm solely in a nominal or inactive capacity.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:689.


§2307. Professional Identification
A. Letterheads, business cards, advertisements and other similar identifying items issued by firms providing or offering to provide professional services in the state of Louisiana shall reflect the name of the professional engineer or land surveyor in responsible charge and/or the license number of the firm.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:689.


§2309. Enforcement
A. In the event that a firm providing or offering to provide professional services within the state of Louisiana shall fail to comply with these rules, the board, after investigation of the facts, may take whatever action is necessary against such firm to require compliance or to enjoin further practice or offers to practice professional engineering or professional land surveying.

B. Any firm that is licensed by the board is subject to all disciplinary provisions provided for in the licensure law.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:689.


Chapter 25. Professional Conduct
§2501. Scope; Knowledge; Definition of Licensee
A. In order to safeguard life, health and property, to promote the public welfare, and to establish and maintain a high standard of integrity and practice, the following rules of professional conduct shall be binding on all licensees. These rules of professional conduct deal primarily with the relationship between licensees and the public, and should not be construed as a substitute for codes of ethics of the various professional and technical societies.

B. All licensees under the licensure law are charged with having knowledge of the existence of these rules of professional conduct, and shall be deemed to be familiar with their provisions and to understand them.

C. In these rules of professional conduct, the term "licensee" shall mean any professional engineer, professional land surveyor, engineer intern, land surveyor intern, or...
D. A licensee possessing personal knowledge of a violation of the licensure law or the board rules found in this Chapter shall report such knowledge to the board in writing and shall cooperate with the board in furnishing such further information or assistance as it may require. The licensee shall timely respond to all inquiries and correspondence from the board and shall timely claim correspondence from the U.S. Postal Service, or other delivery service, sent to the licensee, from the board.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:688.


§2503. Licensees

A. Licensees shall hold paramount the safety, health, property and welfare of the public in the performance of their professional duties.

B. Licensees shall at all times recognize that their primary obligation is to protect the safety, health, property, and welfare of the public. If their professional judgment is overruled by nontechnical authority, they will clearly point out the consequences, notifying the proper authority of any observed conditions which endanger public safety, health, property and welfare.

C. Licensees shall approve and seal only those design documents and surveys which are safe for public health, property, and welfare, which are complete and accurate, which are in conformity with accepted engineering and land-surveying standards or practice, and which conform to applicable laws and ordinances.

1. Licensees shall comply fully with Chapter 27 (Use of Seals).

2. Except as permitted by §2701.A.3.b.ii.(a), licensees shall not seal the work of or take the professional responsibility for any documents related to engineering or land surveying not performed by the licensee or under the licensee’s responsible charge.

3. Licensees may not accept the responsibility for, nor review, revise, sign, or seal drawings when such plans are begun by persons not properly licensed and qualified; or do any other act to enable either such licensees or the project owners, directly or indirectly, to evade the requirements of the licensure law.

D. Licensees shall submit to a client only that work (plans, specifications, reports, and other documents) prepared by the licensee or by an employee (or subordinate) of the licensee (which is under the licensee’s responsible charge); however, licensees, as a third party, may complete, correct, revise, or add to the work of another licensee or other related design professional, if allowed by Louisiana statutes, when engaged to do so by a client, provided:

1. the client furnishes the documentation of all such work submitted to him by the previous licensee(s), or their related design professional(s);

2. the previous licensees or other related design professionals are notified in writing by the licensee of the engagement referred to herein immediately upon acceptance of the engagement; and

3. all work completed, corrected, revised, or added to shall contain a notation describing the work done by the licensee now in responsible charge, shall have the seal and signature of the licensee affixed thereto, the date of execution, and shall become the responsibility of the licensee.

E. Licensees shall be objective and truthful in all professional reports, statements or testimony. The licensee shall include all relevant and pertinent information in such reports, statements or testimony.

F. When serving as an expert or technical witness before any court, commission, or other tribunal, licensees shall express an opinion only when it is founded upon adequate knowledge of the facts in issue, upon a background of technical competence in the subject matter, and upon honest conviction of the accuracy and propriety of the licensee's testimony.

G. Licensees shall issue no statement, criticisms, or arguments on engineering or land surveying matters connected with public policy which are inspired or paid for by an interested party, or parties, unless the licensee has prefaced the comment by explicitly identifying the licensee's name, by disclosing the identities of any party or parties on whose behalf the licensee is speaking, and by revealing the existence of any pecuniary interest the licensee may have in the instant matters.

H. Licensees shall not attempt to injure, maliciously or falsely, directly or indirectly, the professional reputation, prospects, practice or employment of another engineer or land surveyor, nor indiscriminately criticize another engineer or land surveyor's work in public. If the licensee believes that another engineer or land surveyor is guilty of misconduct or illegal practice, such information shall be presented to the board in a manner consistent with the requirement of those rules for reporting personal knowledge of rule or statute violations.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:688.


§2505. Services

A. Licensees shall perform services only in the area of their competence.

B. Licensees shall undertake assignments only when qualified by education or experience in the specific technical fields of engineering or land surveying involved.

C. Licensees shall not affix their signatures or seals to any plans or documents dealing with subject matters in which they lack competence, nor to any such plan or document not prepared under their responsible charge. Responsible charge requires a licensee or employee to carry out all client contacts, provide internal and external financial control, oversee employee training, and exercise control and supervision over all job requirements to include research, planning, design, field supervision and work product review. A licensee shall not contract with a non-licensed individual to provide these professional services. Research, such as title searches and soil testing, may be contracted to a non-licensed individual, provided the licensee reviews the work. The professional engineer and professional land surveyor
may affix their seal and signature to drawings and documents depicting the work of two or more professionals provided that a note under the seal designates the specific subject matter for which each is responsible.

D. Licensees may accept an assignment outside of their areas of competence to the extent that their services are restricted to those phases of the project in which they are qualified, and to the extent that they are satisfied that all other phases of such project will be performed or supervised by licensed, qualified associates, consultants, or employees, in which case they may then sign and seal the documents for the total project.

E. In the event a question arises as to the competence of a licensee in a specific technical field which cannot be otherwise resolved to the board's satisfaction, the board, either upon request of the licensee or on its own volition, shall admit the licensee to an appropriate examination.

F. Engineers and construction (design-build) entities that meet all statutory requirements in this jurisdiction may offer a combination of engineering and construction services, provided that:

1. the entity obtains an authorization certificate from the board by filing, on a form approved by the board, a written disclosure on which it shall designate an engineer licensed in this jurisdiction to be in responsible charge of all engineering services offered and/or provided by the entity;

2. an engineer licensed in this jurisdiction and associated with such entity participates in the material aspects of the offering of engineering services with respect to any project;

3. one or more of the officers, partners, or members of the entity, and all personnel of such entity who act on its behalf as engineers, are licensed as engineers in this jurisdiction; and

4. the engineer(s) competent in the required specific areas of practice and licensed in this jurisdiction shall be in responsible charge of all engineering design and be directly involved during the construction of the project;

5. in the event such engineer's services are terminated with respect to the project, the entity and the engineer shall, within five business days, notify the board of such termination.

A. Licensees shall not make exaggerated, misleading, deceptive or false statements or claims about professional

D. Licensees shall not solicit or accept, directly or indirectly, benefits of any substantial nature or significant gratuity, from any supplier of materials or equipment, or from contractors, their agents, servants or employees or from any other party dealing with the client or employer of the licensee in connection with any project on which the licensee is performing or has contracted to perform engineering or land surveying services.

E. When in public service as a member, advisor or employee of a governmental body or agency, or under contract to provide consultation, advice, technical reviews and recommendations to a governmental body or agency, licensees shall not participate in considerations or actions with respect to professional services provided by them or their organization to that governmental body or agency.

F. Licensees shall not solicit nor accept an engineering and/or land surveying contract from a governmental body of which a principal or officer of the licensee's firm serves as a member, except upon public disclosure of all pertinent facts and circumstances and consent of appropriate public authority.

G. Licensees shall not attempt to supplant another engineer or land surveyor in a particular engagement after becoming aware that the other has been selected for the engagement.

A. Licensees shall not participate in considerations or actions with respect to professional services provided by them or their organization to that governmental body or agency.

B. Licensees shall not falsify or permit:

1. misrepresentation of the licensee or any associate's academic or professional qualifications;

2. misrepresentation or exaggeration of the licensees' degree of responsibility in or for the subject matter of prior assignments; or

3. misrepresentation of pertinent facts concerning employers, employees, associates or joint ventures, of the licensees' or their firm's past accomplishments, with the intent and purpose of enhancing their qualifications and their work.

C. Licensees shall not pay nor offer to pay, directly or indirectly, any commission, or gift, or other valuable consideration in order to secure work, except under the following circumstances:

1. securing salaried positions through employment agencies; or

2. as a bona fide employee, or a bona fide established commercial marketing agency retained by them.

A. Licensees shall not make exaggerated, misleading, deceptive or false statements or claims about professional
qualifications, experience or performance in brochures, correspondence, listings, or other public communications.

B. The prohibitions listed in Paragraph A include, but are not limited to the use of statements containing a material misrepresentation of fact or omitting a material fact necessary to keep the statement from being misleading; statements intended or likely to create an unjustified expectation; and statements containing a prediction of future success.

C. Consistent with the foregoing, licensees may advertise for recruitment of personnel.

D. Consistent with the foregoing, licensees may prepare articles for the lay or technical press. Such articles shall not imply credit to the author for work performed by others.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:688.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Board of Registration for Professional Engineers and Land Surveyors, LR 27:1038 (July 2001).

Chapter 27. Use of Seals

§2701. Seal and Signature

A. The following rules for the use of seals to identify work performed by a professional engineer or professional land surveyor shall be binding on every licensee.

1. Seal Possession
   a. Each professional engineer or professional land surveyor, upon licensure, shall obtain an official seal.
      i. Firms are not authorized to possess seals.
      ii. In the case of a temporary permit issued to a licensee of another state, the licensee shall affix the seal of his/her state of licensure, his/her signature, the date of execution, and his/her Louisiana temporary permit number to all of his/her work.

2. Seal Design and Signature Requirements
   a. The design of the seal shall have the following minimum information:
      i. State of Louisiana;
      ii. licensee’s name;
      iii. license number;
      iv. contain the words "Professional Engineer" or "Professional Engineer in _________ Engineering;" or
      v. "Professional Land Surveyor."

      Seals issued prior to promulgation of these rules may use the word "registered" in lieu of "license". If a seal is replaced, the new seal shall use the word "license" in lieu of "registered".
   b. Indicated below is a sample of the seal design authorized by the board.
   c. Seals of two sizes are acceptable:
      i. 1-5/8 inch seal commonly used in pocket seals; and
      ii. 2-inch seal commonly used in desk seals.
   d. Rubber seals of the same design and size are acceptable for use.
   e. Computer generated seals of the same design and size may be used on final original drawings, provided that a handwritten signature is placed adjacent to or across the seal and the date is written below the seal.
   f. A seal must be accompanied by the licensee’s signature and date. Electronic signatures are not authorized except for electronic transmission of work as stated herein below.

3. Seal Responsibility
   a. The application of the licensee’s seal, signature, and date shall constitute certification that the work thereon was done by the licensee or under his/her responsible charge. The licensee shall be personally and professionally responsible and accountable for the care, custody, control and use of his/her seal, professional signature and identification. A seal which has been lost, misplaced or stolen shall, upon discovery of its loss, be reported immediately to the board by the licensee. The board may invalidate the licensure number of said licensee, if it deems this necessary, and issue another licensure number to the licensee.
   b. Responsible Charge
      i. Plans, specifications, drawings, reports or other documents will be deemed to have been prepared under the responsible charge of a licensee only when:
         (a). the client or any public or governmental agency requesting preparation of such plans, specifications, drawings, reports or other documents makes the request directly to the licensee or the licensee's employee as long as the employee works in the licensee's place(s) of business;
         (b). the licensee supervises the initial preparation of the plans, specifications, drawings, reports or other documents and has continued input into their preparation prior to their completion;
(c). the licensee reviews the final plans, specifications, drawings, reports or other documents; and

(d). the licensee has the authority to, and does make any necessary and appropriate changes to the final plans, specifications, drawings, reports or other documents.

(i). If the plans, specifications, drawings, reports, or other such documents are prepared outside the licensee's office, the licensee shall maintain all evidence of the licensee's responsible charge including correspondence, time records, check prints, telephone logs, site visit logs, research done for project, calculations, changes, and all written agreements with any persons preparing the documents outside of the licensee's office accepting professional responsibility for such work.

(ii). A licensee failing to maintain written documentation of the items set forth above, when such are applicable, shall be considered to be in violation of R.S. 37:698(A)(6), and the licensee shall be subject to the disciplinary action procedure as set forth in the licensure law.

ii. No licensee shall affix his/her seal or signature to reports, plats, sketches, working drawings, specifications, design calculations, or other engineering and land surveying documents developed by others not under his/her responsible charge and not subject to the authority of that licensee, except:

(a). In the case of an individual licensee checking the work of and taking the professional responsibility for an out-of-state individual licensee, the Louisiana licensee shall completely check and have responsible charge of the design. Such responsible charge shall include possession of the sealed and signed reproducible construction drawings, with complete signed and sealed design calculations indicating all changes in design.

(b). Certification of standard design plans which are initially prepared and sealed by a professional engineer properly licensed in the state of origin of such plans. Standard design plans may then be reviewed by a Louisiana resident professional engineer for code conformance, design adequacy, and site adaptation for the specific application within Louisiana. The professional engineer licensed in Louisiana assumes responsibility for such standard designs. Standard plans, which bear the seal of a professional engineer licensed in another state, shall be sealed by the Louisiana resident professional engineer who is assuming responsibility. In addition to the seal, a statement shall be included as follows: “These plans have been properly examined by me. I have determined that they comply with existing local Louisiana codes, and have been properly site adapted to use in this area.”

iii. Specifications, reports, design calculations and information

(a). In the case of specifications or reports of multiple pages, the first sheet or title page shall be sealed and signed by the licensee or licensees involved. Subsequent revisions shall be dated and initialed by the licensee in responsible charge whose seal and signature appears on the first sheet or title page.

(b). In the case of a firm, partnership or corporation, each sheet shall be sealed and signed by the licensee or licensees responsible for that sheet and the licensee(s) in responsible charge shall sign and seal the title page or first sheet.

b. Preliminary Work

i. All preliminary documents, so marked in large bold letters, shall contain a statement that the documents are not to be used for construction, bidding, recordation, conveyance, sales, or as the basis for the issuance of a permit. Preliminary documents are not required to have the licensee’s seal and signature affixed, but must bear the name and licensure number of the licensee, and the firm’s name, if applicable.

c. Exempt Work

i. No seal, signature nor date shall be required in any of the following situations:

(a). on any sewage facility project in which the estimated project cost of the sewage facility, plus installation but not including cost of fencing, does not exceed $5,000, as calculated by agency engineers reviewing the project;

(b). on any water facility project in which the estimated project cost of the facility, including lines, pumps, water treatment work and installation, does not exceed $5,000, as calculated by agency engineers reviewing the project; provided that such project does not cause a change in treatment, chemical addition, or any other process affecting either the quality or quantity of water being produced;

(c). on any project for the construction of individual/private water wells;

(d). on any project involving both water and sewage facilities, provided that the estimated project cost of each facility does not exceed $5,000, as calculated by agency engineers reviewing the project; or
(e) in-kind replacement of water or sewage facilities in which the estimated project cost of the replacement does not exceed $5,000 as calculated by agency engineers reviewing the project.

5. Electronic Transmission

a. Drawings, specifications, plans, reports or other documents which require a seal may be transmitted electronically provided the seal and signature of the licensee is transmitted in a secure mode that precludes the seal and signature being produced or modified. Drawings, reports or documents which are signed using a digital signature as defined in the rules shall contain the authentication procedure and a list of the hardware, software, and parameters used to prepare the document(s).

b. Drawings, specifications, plans, reports or other documents which do not require a seal may be transmitted electronically but shall have the generated seal, if any, removed before transmitting and shall have the following inserted in lieu of the signature and date. "This document originally issued and sealed by (name of licensee number and "date of sealing"). This document should not be considered a certified document."

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:696.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Board of Registration for Professional Engineers and Land Surveyors, LR 8:112 (April 1982), amended LR 12:692 (October 1986), LR 16:774 (September 1999), LR 37:688.

§ 2703. Board Members

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:688.


§ 2705. Standing Committees

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:688.


§ 2707. The Executive Secretary

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:688.


§ 2709. Meetings

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:688.


§ 2711. Minutes

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:688.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Board of Registration for Professional Engineers and Land Surveyors, LR 11:1181 (December 1985), repealed LR 27:1041 (July 2001).

§ 2713. Executive Session

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:688.


§ 2715. Voting

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:688.


§ 2717. Rulemaking Process

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:688.


§ 2719. Publications of the Board

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:688.


§ 2721. Bonding

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:688.


§ 2723. Disbursements

Repealed.
§2901. General
A. The following minimum standards of practice for land surveying in the state of Louisiana have been adopted to help ensure that surveys are performed in accordance with acceptable procedures.
B. These standards are set forth to solely provide a means by which professional performance can be assessed by the board and to enable the surveying profession as a whole to better protect the safety, health, and welfare of the public. It should be recognized that surveying practices now in place may vary from one region of the state to another, and these practices should be evaluated when at variance with these standards.
C. It is intended that these be recognized as minimum standards of practice and that they not be relied upon by the professional land surveyor as a substitute for the exercise of proper individual skill, professional discretion, and good judgment in fulfilling the legal and/or contractual requirements of any property boundary survey.
D. When in the professional land surveyor’s opinion, special conditions exist that effectively prevent the survey from meeting these minimum standards, the special conditions and any necessary deviation from the standards shall be noted upon the drawing. It shall be a violation of this rule to use special conditions to circumvent the intent and purpose of these minimum standards.

E. A property boundary survey shall only be performed by persons qualified to practice land surveying and licensed in accordance with the provisions of the licensure law.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:688.


§2725. Compensation and Expenses
Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:688.


§2727. Board Nominations
Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:688.


§2729. Amendments to Bylaws
Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:688.


Chapter 29. Minimum Standards for Property Boundary Surveys

§2903. Definitions
A. Any terms not specifically defined herein shall be as defined in the most current publication of Definitions of Surveying and Associated Terms as published by the American Congress on Surveying and Mapping. For the purpose of this Chapter, all the definitions listed that differ from any other source are to be interpreted as written herein.

Client C the person with whom the contract for work is made. This may, or may not be the owner.

Corner C a point on a land boundary, at which two or more boundary lines meet. Not the same as monument, which refers to the physical evidence of the corner's location on the ground.

Deed C an instrument in writing which, when executed and delivered, conveys an estate in real property or interest therein.

Description, Legal C a written description usually contained in an act of conveyance, judgment of possession, or recognized by law which definitely locates property by metes and bounds or by reference to government surveys, coordinate systems or recorded maps; a description which is sufficient to locate the property without oral testimony.

Description, Metes and Bounds C a description of a parcel of land by reference to course and distances around the tract, or by reference to natural or record monuments.

Encroachment C any structure or obstruction which intrudes upon, invades or trespasses upon the property of another.

May C when used means that a choice on the part of the land surveyor is allowed.

Monument C a physical structure which marks the location of a corner or other survey point. In public land surveys, the term corner is employed to denote a point determined by the surveying process, whereas the monument is the physical structure erected to mark the corner point upon the earth's surface. Monument and corner are not synonymous, though the two terms are often used in the same sense.

Positional Accuracy C the difference between the actual position of a monument and the position as reported on the plat.

Positional Tolerance C the distance that any monument may be mislocated in relation to any other monument cited in the survey.

Prescription C title obtained in law by long possession. Occupancy for the period prescribed by the Louisiana Civil Code, as sufficient to bar an action for the recovery of the property, gives title by prescription.

Right of Way C any strip or area of land, including surface, overhead, or underground granted by deed or easement for construction and maintenance according to the designated use.
Servitude

A nonpossessing interest held by one person in land of another whereby the first person is accorded partial use of such land for a specific purpose. A servitude restricts but does not abridge the rights of the fee owner to the use and enjoyment of his land. The term easement is often used interchangeably with servitude and means the same thing.

shall

The subject is imperative or mandatory and must be done by the land surveyor.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:688.


§2905. Classification of Surveys

A. Presented below are categories which define the degree of accuracy which should be attained for surveys performed in Louisiana. These classifications are based upon the purposes for which the property is being used at the time the survey is performed and any proposed developments which are disclosed by the client. Refer to this Chapter for accuracy standards for each of the following classes of surveys.

1. Class A Surveys. Surveys which require maximum surveying accuracy. This includes, but is not limited to, surveys of urban business district properties and highly developed commercial properties.

2. Class B Surveys. Surveys of properties which justify a high degree of surveying accuracy. This includes, but is not limited to, surveys of commercial properties and higher priced residential properties located outside urban business districts and highly developed commercial areas.

3. Class C Surveys. Surveys of residential and suburban areas. This includes, but is not limited to, surveys of residential areas which cannot be classified as Class A or Class B surveys.

4. Class D Surveys. Surveys of all remaining properties which cannot be classified as Class A, B or C surveys. This includes, but is not limited to, surveys of farm lands and rural areas.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:688.


§2907. Property Boundary Survey

A. Definition

Mineral Unit Survey (or Unit Plat)

A plan showing subsurface mineral boundaries prepared for the specific purpose of allocating mineral rights. A mineral unit survey should not be viewed as a property boundary survey subject to the requirements of the Minimum Standards for Property Boundary Surveys. This does not obviate the professional land surveyor from his/her obligation to use due diligence in the practice of and from complying with all applicable rules and laws pertaining to the practice of land surveying.

Property Boundary Survey

A survey which, after careful study, investigation, and evaluation of major factors influencing the location of boundaries, results in the deliberate location or relocation on the ground of one or more boundaries. When all the boundaries of a parcel of land are surveyed, an area determination may be included if requested by the client.

B. Purpose. The primary purpose of the property boundary survey is to locate or relocate the physical position and extent of the boundaries of real property, and the discovery of visible evidence of prescriptive rights relating thereto. A property boundary survey may also include the location or relocation of the physical position and extent of political boundaries which define the perimeters of public or private ownership. In addition, the property boundary survey is a means of marking boundaries for sufficient definition and identification to uniquely locate each lot, parcel, or tract in relation to other well recognized and established points of reference, adjoining properties and rights-of-way.

C. Product. A property boundary survey will result in the establishment of monumented corners; point of curvature and tangency; and reference points (see Subsection E, Monuments). In event that no plat of survey is required, the professional land surveyor must maintain adequate records to substantiate his professional opinion in reestablishing boundary lines and corners on a survey. If requested by the client, a boundary survey may also include the following:

1. a signed and sealed metes and bounds written description depicting the surveyed boundary (see Subsection H, Descriptions);
2. a certified map or plat depicting the survey as made on the ground; and
3. a signed and sealed written report of the surveyor's findings and determinations.

D. Research and Investigation. A land surveyor shall be provided the legal description or plats describing the property to be surveyed. The land surveyor shall then evaluate the necessity to obtain the following data based on the specific purpose of the survey:

1. the most recent recorded legal descriptions and plats of the tract to be surveyed and tracts adjoining or in proximity to the property to be surveyed;
2. the recorded legal descriptions of adjoining, severing, or otherwise encumbering servitudes or rights-of-way, including but not limited to, highways, roadways, pipelines, utility corridors, and waterways used for drainage, navigation or flood control. Where the purpose of a survey neither requires nor includes research and investigation of servitudes, a note to that effect shall be placed upon the plat of survey; and
3. grants, patents, subdivision plats or other recorded data that will reference or influence the position of boundary lines.

E. Monuments. Monuments set or called for, whether artificial or natural, represent the footsteps of the land surveyor and his/her professional opinion as to the proper location of the points or corners of a property boundary survey. The following guidelines for monumentation of property boundary surveys shall be observed.

1. Natural monuments are objects which are the works of nature, such as streams, rivers, ponds, lakes, bays, trees, rock outcrops, and other definitive topographic features.
2. Artificial monuments are relatively permanent objects used to identify the location of a corner. Artificial monuments must retain a stable and distinctive location and
must be of sufficient size and composition to resist the deteriorating forces of nature.

3. The following guidelines apply to artificial monuments to be set.
   a. Monuments of a ferrous material must have at least 1/2 inch outside diameter, and must be at least 18 inches in length (longer in soft or unstable soil).
   b. Concrete monuments must be at least three inches in width or diameter by 24 inches in length, reinforced with an iron rod at least 1/4 inch in diameter, and may contain a precise mark on top indicating the exact location of the corner.
   c. Marks on existing concrete, stone, or steel surface must consist of drill holes, chisel marks or punch marks and must be of sufficient size, diameter or depth to be definitive, stable and readily identifiable as a survey monument. Marks on asphalt roads may consist of railroad spikes, large nails, "PK nails", or other permanent ferrous spikes or nail-like objects.
   d. It is unacceptable to set wooden stakes as permanent boundary monuments.
   e. Monuments must be set vertically whenever possible and the top may be reasonably flush with the ground when practical. Monuments subject to damage from earthwork, construction or traffic should be buried at a sufficient depth to offer protection.
   f. When physically impossible to set a monument at the corner, witness monuments shall be set when possible, preferably on each converging line at measured distances from the corner and identified as such in the description and on the plat of the property.

F. Field Procedures. All field work shall be performed in accordance with accepted modern surveying theory, practice and procedures. Any person in charge of a field party shall be well-trained in the technical aspects of surveying. Every professional land surveyor under whose responsible charge a survey is conducted is also required to adhere to the following.

1. All field measurements of angles and distance shall satisfy the closures and tolerances expressed in this Chapter.
2. In performing resurveys of tracts having boundaries defined by lines established in public lands surveys, the land surveyor shall, as nearly as possible, reestablish the original lines of any prior survey made under United States or state authority. In all townships or portions of townships where no survey has been made, the land surveyor, in surveying or platting the township or portion thereof, shall make it conform as nearly as practicable to the lots and section indicated upon the plat of the property. This description shall include the physical characteristics of the monument and its relevance to the corner. This description shall include the physical characteristics of the monument and its relevance to the corner. Any reasonably stable and durable drawing paper linen or film of reproducible quality will be considered suitable material for boundary survey plats and maps.
3. All maps or plats shall have dimensions less than 8 inches by 10½ inches.
4. All maps or plats must show a north arrow and it is recommended that the drawings be oriented so that north is toward the top of the sheet.
5. When the purpose of the survey dictates, all pertinent natural or man-made features located during the course of the field survey (water courses, streets, visible utilities, etc.) shall be labeled or represented by an appropriate symbol on the plat in its proper location. When appropriate, the feature should be dimensioned and referenced to the nearest property line.
6. All maps or plats must show a north arrow and it is recommended that the drawings be oriented so that north is toward the top of the sheet.

G. Plats, Maps, and Drawings. Every original plat or map of a boundary survey should be a reproducible drawing at a suitable scale which clearly shows the results of the field work, computations, research and record information as compiled and checked. The plat or drawing shall be prepared in conformity with the following guidelines.

1. Any reasonably stable and durable drawing paper linen or film of reproducible quality will be considered suitable material for boundary survey plats and maps.
2. No plats or maps shall have dimensions less than 8 inches by 10½ inches.
3. All dimensions, bearings or angles, including sufficient data to define the curve shall be neatly and legibly shown with respect to each property or boundary line. When possible, all bearings shall read in a clockwise direction around the property. All lines and curves shall show sufficient data on the map to calculate a map closure.
4. Monuments shall be labeled as "found" or "set" with a brief definitive description of the monument and relevant reference markers, if any, along with their position in relation to the corner. This description shall include the physical characteristics of the monument and its relevance to the survey.
5. When the purpose of the survey dictates, all pertinent natural or man-made features located during the course of the field survey (water courses, streets, visible utilities, etc.) shall be labeled or represented by an appropriate symbol on the plat in its proper location. When appropriate, the feature should be dimensioned and referenced to the nearest property line.
6. All maps or plats must show a north arrow and it is recommended that the drawings be oriented so that north is toward the top of the sheet.
7. A statement indicating the origin of angles or bearings shall be shown on each plat, map, or drawing. If bearings are used, the basis of the bearing shall include one or more of the following:
   a. reference to true north as computed by astronomical observation within one mile of the surveyed site;
   b. reference to the Louisiana State Coordinate System with the proper zone and controlling station(s) noted;
c. reference to the record bearing of a well-established line found monumented on the ground as called for in a relevant deed, or survey plat;
   d. when none of the above alternatives are practical, a magnetic bearing (corrected for declination) may be used.

8. If a coordinate system other than the Louisiana State Coordinate System is used on a map, that system must be identified. If that system is the Louisiana State Coordinate System, the appropriate zone must be shown on the map.

9. Where the new survey results differ from the prior deed information in regard to course, distance, location or quantity, the plat shall indicate such differences or discrepancies.

10. Where separate intricate details, blowups or inserts are required for clarity, they shall be properly referenced to the portion of the map where they apply. This applies particularly to areas where lines of occupation do not conform to deed lines and to areas where a comparison of adjoining deeds indicates the existence of a gap or an overlap.

11. Cemeteries and burial grounds known by the surveyor to be located within the premises being surveyed shall be indicated on the plat. However, a detailed survey of the limits of the cemetery shall not be required unless directed by the client.

12. When the purpose of the survey dictates, properties, water courses and rights-of-way surrounding, adjoining, or severing the surveyed site shall be identified. Private lands or servitudes should be labeled with the name of the owner or with a reference to the deed under which ownership is held, provided that such information is furnished by the client.

13. Original section, grant, subdivision or survey lines, when an integral part of the deed, shall be shown in proper location with pertinent labeling. A measurement of course and distance must be shown to a parent tract corner, block corner, section corner, subdivision or grant corner, and existing monuments shall be indicated.

14. Differing line weights or delineating letters or numbers (A, B, C, etc. or 1, 2, 3, etc.) shall be used to clearly show the limits of what is being surveyed.

15. Each plat, map or drawing shall show the following:
   a. caption or title;
   b. client and/or purpose;
   c. general location of the property (or vicinity map);
   d. the date of the survey;
   e. the name, location and license number of the professional land surveyor; and
   f. signature and impression seal of the professional land surveyor under whose direction the survey was done.

16. Final plats or maps issued to the client must contain a certificate signed and sealed by the professional land surveyor certifying its authenticity (that it represents his/her survey) and stating that the survey is in accordance with the applicable standards of practice as stipulated in this publication based on the current survey "classification" (see §2905 on Classification of Surveys).

H. Descriptions. A written legal description of the surveyed tract of land must provide information to properly locate the property on the ground and distinctly set it apart from all other lands. The following guidelines apply.

1. When the surveyed property's dimensions, boundaries and area are in agreement with the existing recorded deed or platted calls, the existing recorded description may be used if it approximates the standards contained herein.

2. When the property is an aliquot part of a rectangular section or a lot in a platted subdivision, the aliquot method or the lot, block and subdivision method (including recordation data) of describing the property can be used. Metes and bounds descriptions of this type of property are optional.

3. Every aliquot description must contain the following basic information: aliquot part of section, township, range, parish, land district and meridian (if applicable), parish and state.

4. Every subdivision lot description must also contain the following basic information: lot, block, unit (if applicable), name of subdivision, city (if applicable), parish and state.

5. Every metes and bounds description may be written in at least two parts. The first part, called the "General Description," should indicate the general location of the property by naming the particular lot or block, within which it is located if in a subdivision or by naming the grant or aliquot part of a rectangular section within which it is located, along with the township, range, land district and meridian (if applicable), city (if applicable), parish and state. The second part called the "Particular Description," shall logically compile and incorporate calls for the following:
   a. courses and distances of the new survey, preferably in a clockwise direction;
   b. adjoining apparent rights-of-way or servitudes;
   c. monuments (when controlling), including descriptions of type, size, material, reference monuments (if applicable), and whether found, set or replaced;
   d. parenthetical deed calls where the deed calls differ from the new survey; and
   e. the area, if stated, shall be in square feet or acres or hectares within the tolerances specified in this Chapter.

6. The "Point of Beginning" should be the property corner that is most accessible and most easily identifiable by interested parties. This point shall be carefully chosen and described in a manner which will distinguish it indisputably from any other point. The "Commencing Point" shall be any identifiable point used to locate the "Point of Beginning."

7. The courses in the written description shall be as brief and yet as explanatory as the land surveyor can construct. Brevity should not cause important locative information to be omitted, and explanatory phrases should not enlarge the description to the extent of confusion.

8. Curved boundaries shall be identified as tangent or non-tangent curves, and sufficient data to define the curve shall be presented.

9. Each metes and bounds description must return to the Point of Beginning and close mathematically within the tolerances stated in this Chapter.

10. Where an integral part of the deed, shall be shown in proper location with pertinent labeling. A measurement of course and distance must be shown to a parent tract corner, block corner, section corner, subdivision or grant corner, and existing monuments shall be indicated.

11. Cemeteries and burial grounds known by the surveyor to be located within the premises being surveyed shall be indicated on the plat. However, a detailed survey of the limits of the cemetery shall not be required unless directed by the client.

12. When the purpose of the survey dictates, properties, water courses and rights-of-way surrounding, adjoining, or severing the surveyed site shall be identified. Private lands or servitudes should be labeled with the name of the owner or with a reference to the deed under which ownership is held, provided that such information is furnished by the client.

13. Original section, grant, subdivision or survey lines, when an integral part of the deed, shall be shown in proper location with pertinent labeling. A measurement of course and distance must be shown to a parent tract corner, block corner, section corner, subdivision or grant corner, and existing monuments shall be indicated.

14. Differing line weights or delineating letters or numbers (A, B, C, etc. or 1, 2, 3, etc.) shall be used to clearly show the limits of what is being surveyed.

15. Each plat, map or drawing shall show the following:
   a. caption or title;
   b. client and/or purpose;
   c. general location of the property (or vicinity map);
   d. the date of the survey;
   e. the name, location and license number of the professional land surveyor; and
   f. signature and impression seal of the professional land surveyor under whose direction the survey was done.

16. Final plats or maps issued to the client must contain a certificate signed and sealed by the professional land surveyor certifying its authenticity (that it represents his/her survey) and stating that the survey is in accordance with the applicable standards of practice as stipulated in this publication based on the current survey "classification" (see §2905 on Classification of Surveys).
10. A statement at the end of the description should connect the description to the specific survey on which it is based and to the map or plat which depicts the survey. Such a statement may be phrased:

"This description is based on the boundary survey and plat made by ___________(name)__________ Professional Land Surveyor, dated __________.", or "This description is based on plat recorded” ____________ (give recordation data).

11. The metes and bounds description shall then be signed and sealed by the land surveyor.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:688.


§2909. Accuracy Specification and Positional Tolerances

<table>
<thead>
<tr>
<th>Condition</th>
<th>A</th>
<th>B</th>
<th>C</th>
<th>D</th>
</tr>
</thead>
<tbody>
<tr>
<td>Unadjusted Closure</td>
<td>1:15,000</td>
<td>1:10,000</td>
<td>1:7,500</td>
<td>1:5,000</td>
</tr>
<tr>
<td>Angular Closure</td>
<td>10° V N</td>
<td>15° V N</td>
<td>25° V N</td>
<td>30° V N</td>
</tr>
<tr>
<td>Accuracy of Bearing</td>
<td>± 15 Sec.</td>
<td>± 20 Sec.</td>
<td>± 30 Sec.</td>
<td>± 40 Sec.</td>
</tr>
<tr>
<td>Linear Distances</td>
<td>0.05 ft ± 0.05 ft per 1,000 ft</td>
<td>0.05 ft ± 0.1 ft per 1,000 ft</td>
<td>0.07 ft ± 0.15 ft per 1,000 ft</td>
<td>0.1 ft ± 0.2 ft per 1,000 ft</td>
</tr>
<tr>
<td>Positional Tolerance and Positional Accuracy of any Monument</td>
<td>0.1’ + AC/15,000</td>
<td>0.1’ + AC/10,000</td>
<td>0.1’ + AC/7,500</td>
<td>0.2’ + AC/5,000</td>
</tr>
<tr>
<td>Calculation of area - Accurate and carried to nearest number of an acre</td>
<td>0.001’</td>
<td>0.001’</td>
<td>0.001’</td>
<td>0.001’</td>
</tr>
<tr>
<td>Elevations for Boundaries Controlled by Tides, Contours, Rivers, etc. Accurate to:</td>
<td>0.2 ft.</td>
<td>0.3 ft.</td>
<td>0.4 ft.</td>
<td>0.5 ft.</td>
</tr>
<tr>
<td>Location of Improvements, Structures, Paving etc. (Tie Measurements) Adjusted Mathematical Closure to Survey (Minimum)</td>
<td>± 0.1 ft.</td>
<td>± 0.2 ft.</td>
<td>± 0.5 ft.</td>
<td>± 1 ft.</td>
</tr>
<tr>
<td>Remarks And Formula</td>
<td>Traverse Loop or between Control Monuments</td>
<td>N = Number of Angles in Traverse</td>
<td>In Relation to Source</td>
<td>Applies when the Distance is not part of a Closed Traverse</td>
</tr>
</tbody>
</table>

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:688.


Chapter 31. Continuing Professional Development (CPD)

§3101. Introduction

A. This Chapter provides for a continuing professional development (CPD) program to insure that all professional engineers practicing engineering and professional land surveyors practicing land surveying be informed of those technical and professional subjects necessary to safeguard life, health and property and promote the public welfare.

Beginning on January 1, 1999, every licensee shall meet the continuing professional development requirements of this Chapter as a condition for license renewal.

B. The primary purpose of licensing for professional engineers and professional land surveyors is to protect the public from unqualified or unethical practitioners. The requirement for continuing professional development is also intended to protect the public by reinforcing the need for lifelong learning in order to stay more current with changing technology, equipment, procedures, processes, tools, and established standards. This Chapter provides flexibility in selecting among a broad range of activities that are intended to strengthen or maintain competency in technical, managerial (business) or ethical endeavors. Licensees are
encouraged to select meaningful CPD activities which will be of benefit in the pursuit of their chosen fields.

**A. Terms used in this Chapter are defined as follows.**

**Acceptable Activity**
Subject matter which is technical in nature or addresses business management practices, professional ethics, quality assurance, codes or other similar topics which facilitate the licensee’s professional development as a professional engineer or professional land surveyor, and/or serves to safeguard life, health and property and promote the public welfare. Any Course/Activity offered or approved by a Board-Approved Sponsor/Provider will qualify as an Acceptable Activity (see definition of Board Approved Sponsor/Provider). It will be the responsibility of the licensee to determine if a Course/Activity offered by an unapproved sponsor/provider is an Acceptable Activity.

**Board-Approved Sponsor/Provider**
The Louisiana Engineering Society; the Louisiana Society of Professional Surveyors; professional and technical engineering or land surveying societies; federal, state or local governmental agencies; colleges or universities; and any individual, firm, corporation or educational institution approved by the board on a case-by-case basis. All sponsors/providers must conduct courses which will enhance and improve a licensee’s professional development as a professional engineer or a professional land surveyor, and/or serve to safeguard life, health and property and promote the public welfare. Failure to do so will be grounds for the board to revoke its sponsorship/provider approval.

**Continuing Education Unit (CEU)**
A unit of credit customarily used for continuing education courses. One continuing education unit equals 10 hours of in-class time in approved continuing education courses.

**Continuing Professional Development (CPD)**
The educational process whereby a professional engineer or professional land surveyor licensee engages in a continuing program to maintain, improve or expand skills and knowledge.

**Course/Activity**
Any program with a clear purpose and objective which will maintain, improve or expand the skills and knowledge relevant to the licensee's field of practice.

**Dual Licensee**
A person who is licensed in both land surveying and one or more disciplines of engineering.

**License Status**

a. **Active Status**
A licensee of the board as defined in §2103.

b. **Expired Status**
A licensee of the board as defined in §2103.

c. **Inactive Status**
A licensee of the board as defined in §2103.

d. **Retired Status**
A licensee of the board as defined in §2103.

**Professional Development Hour (PDH)**
A nominal contact hour of instruction, presentation, or activity.

**§3105. Requirements**

A. During each biennial licensure renewal period, every professional engineer licensee, including those licensed in two or more disciplines, is required to obtain 30 PDHs in engineering related activities.

1. At least one PDH shall be in professional ethics. Professional ethics concerns the standard of professional conduct and responsibility required of a professional engineer.

2. A minimum of eight PDHs shall be earned in Life Safety Code, building codes and/or Americans with Disabilities Act Accessibility Guidelines by every professional engineer licensee who designs buildings and/or building systems.

B. During each biennial licensure renewal period, every professional land surveyor licensee is required to obtain 15 PDHs in land surveying related activities.

1. At least one PDH shall be in professional ethics. Professional ethics concerns the standard of professional conduct and responsibility required of a professional land surveyor.

2. A minimum of four PDHs shall be earned in the Minimum Standards for Property Boundary Surveys in Louisiana during any two consecutive biennial periods.


C. During each biennial licensure renewal period, each dual licensee shall obtain 30 PDHs; however, at least one-third of the PDHs shall be obtained separately for each profession.

1. At least one PDH shall be in professional ethics. Professional ethics concerns the standard of professional conduct and responsibility required of a professional land surveyor.

2. A minimum of two PDHs shall be earned in the Minimum Standards for Property Boundary Surveys in Louisiana.

3. A minimum of eight PDHs shall be earned in Life Safety Code, building codes and/or Americans with Disabilities Act Accessibility Guidelines by every professional engineer licensee who designs buildings and/or building systems.

D. Excess PDHs

1. If a licensee exceeds the biennial licensure renewal period requirements, a maximum of 15 PDHs may be carried forward into the subsequent biennial licensure renewal period.

2. Excess PDHs may include, without limitation, those obtained in professional ethics, Minimum Standards for Property Boundary Surveys in Louisiana, Life Safety Code, building codes and/or Americans with Disabilities Act Accessibility Guidelines.

E. Licensees will be required to verify compliance with these CPD requirements at the end of their first full biennial licensure renewal period which begins after the effective date of these rules and at the end of each subsequent biennial licensure renewal period.

**AUTHORITY NOTE:** Promulgated in accordance with R.S. 37:697.1.

§3107. Reciprocity/Out-of-Jurisdiction Resident
A. The continuing professional development requirements for Louisiana will be deemed as satisfied when a non-resident engineer or land surveyor provides evidence of having met the requirements of the licensee’s resident jurisdiction; provided, however, that as part of satisfying these requirements, non-residents practicing engineering in Louisiana who design buildings and/or building systems in Louisiana must meet the requirements of §3105.C.3, as applicable, and non-residents practicing land surveying in Louisiana must meet the requirements of §3105.B.2.

B. If the non-resident engineer or land surveyor resides in a jurisdiction that has no continuing professional development requirements applicable to that licensee, the licensee must meet all requirements of Louisiana as set forth in this Chapter.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:697.1.


§3109. Exemptions
A. A licensee may be exempt from the continuing professional development requirements for any one or more of the following reasons.
1. New licensees shall be exempt at their first renewal. Compliance with the CPD requirements must be certified upon the licensee’s second renewal and thereafter.
2. Licensees serving on active duty in the armed forces of the United States for a period of time exceeding 120 consecutive days in a biennial licensure renewal period shall be exempt from obtaining the PDHs required during that biennial licensure renewal period.
3. Licensees experiencing physical disability, illness, or other extenuating circumstances as reviewed and approved by the board may be exempt. Supporting documentation must be furnished to the board.
4. Licensees who certify their status as Inactive on the board-approved renewal form and who further certify that they are no longer offering or practicing professional engineering and/or professional land surveying in Louisiana shall be exempt. In the event such a person elects to return to Active Status, the licensee must meet the requirements set forth in §3121.
5. Licensees who certify their status as Retired on the board-approved renewal form and who further certify that they are no longer offering or practicing professional engineering and/or professional land surveying in Louisiana shall be exempt. In the event such a person elects to return to Active Status, the licensee must meet the requirements set forth in §3121.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:697.1.


§3111. Determination of Credit
A. PDHs may be earned as indicated in §3113 for the following Acceptable Activities:
1. successful completion of college courses, correspondence courses, continuing education courses, seminars, tutorials, short courses and/or by teaching/instructing these items;
2. attending or presenting qualifying seminars; in-house courses sponsored by corporations, governmental agencies or other organizations; workshops; or professional/technical presentations made at meetings, conventions, or conferences;
3. obtaining teaching credit for teaching/instructing or presenting. To obtain credit for teaching/instructing or presenting, licensees must be able to document that research and preparation were necessary, such as in the case of first-time teaching;
4. membership in engineering and land surveying professional associations or technical societies;
5. authoring and publishing articles in engineering or land surveying journals;
6. obtaining patents; and
7. formal, documented problem preparation for NCEES or state professional exams.

B. PDHs may not be earned through informal, non-structured activities such as reading technical journals.

C. The board has final authority with respect to the acceptability of courses, PDH credit, PDH value for courses, and other methods of earning credit. PDH credit for acceptable college or correspondence courses may be based upon course credit established by the college or school.

D. Selection of activities is the responsibility of the licensee; however, guidance is available from the board (see §3103, Acceptable Activity, and §3111.)

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:697.1.


§3113. Units
A. The conversion of other units of credit to PDHs is as follows.
1. One college or unit semester hour = 45 PDHs.
2. One college or unit quarter hour = 30 PDHs.
3. One Continuing Education Unit = 10 PDHs.

B. PDH credit will be awarded as follows.
1. Fifty contact minutes of instruction or verified attendance at an activity, or problem preparation for a NCEES or state professional exam = one PDH. A maximum of 10 PDHs will be allowed per biennial licensure renewal period for problem preparation.
2. Membership in engineering and land surveying professional associations or technical societies = one PDH per biennial licensure renewal period for each professional or technical association or society. A maximum of three PDHs will be allowed per biennial licensure renewal period for all such memberships.
3. In accordance with §3111.A.1-3, credit for teaching or making presentations may be earned at twice the PDHs allowed for attending a course, but shall not exceed 30 PDHs in any biennial licensure renewal period.
4. Authoring and publishing peer reviewed (refereed) articles/papers in engineering or land surveying journals = 10 PDHs.
5. Authoring and publishing non-peer reviewed (nonrefereed) articles/papers in engineering or land surveying journals = 5 PDHs.
6. Each patent = 10 PDHs.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:697.1.


§3115. Record Keeping
A. All licensure renewal applications will require the completion of a board-approved renewal form. This form will contain an affirmation of eligibility certifying that the licensee has met all requirements for licensure renewal, including CPD requirements.
B. In addition, the licensee will be required to maintain and document a worksheet form specified by the board outlining PDHs claimed. The licensee must:
1. supply sufficient detail on the form to permit audit verification;
2. certify and sign the form; and
3. submit the form to the board upon request.
C. Maintaining records to be used to support PDHs claimed is the responsibility of the licensee. These records must be maintained for at least three consecutive biennial licensure renewal periods (six years) and copies may be requested by the board at any time.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:697.1.


§3117. Audit and Review of Records
A. The board may request, at any time, that a licensee provide proof of compliance with all CPD requirements.
B. Additionally, the board will conduct random audits of biennial renewals of up to 30 percent of all board licensees.
C. Additionally, the board will require that all licensees against whom formal disciplinary charges are pending in Louisiana provide proof of compliance with all CPD requirements.
D. Should the licensee fail to provide proof of compliance, or if discrepancies or deficiencies are discovered as the result of any of the reviews provided for in §3117.A.-C, the licensee will be deemed not in compliance.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:697.1.


§3119. Failure to Comply
A. When a licensee is deemed not in compliance with the CPD requirements of the board, the licensee will be so notified and will be given 120 days to satisfy the board requirements. The licensee must provide documented evidence of compliance accompanied by the licensee’s affidavit attesting to such compliance and payment of an administrative fee of $200. Failure to comply will subject the licensee to disciplinary action as provided in the licensure law.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:697.1.


§3121. CPD Reinstatement
A. To become reinstated, an Expired, Inactive, or Retired licensee must show proof of having obtained all delinquent PDHs; however, the maximum number required will be the number of PDHs required for one biennial licensure renewal period as provided in §3105.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:697.1.


Chapter 33. Disciplinary Actions
§3301. Disciplinary Actions
A. Any disciplinary actions initiated by the board will be governed by the substantive and procedural provisions of the licensure law and by the provisions of the Louisiana Administrative Procedure Act (R.S. 49:950 et seq.)

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:688.


H. Glen Kent, Jr., P.L.S.
Executive Secretary
0107#023

RULE

Department of Wildlife and Fisheries

Wildlife and Fisheries Commission

General and WMA Hunting (LAC 76:XIX.111)

Title 76

WILDLIFE AND FISHERIES

Part XIX. Hunting and WMA Regulations

Chapter 1. Resident Game Hunting Season

§111. General and Wildlife Management Area Hunting Rules and Regulations
A. Hunting Seasons and Wildlife Management Area Regulations

1. The rules and regulations contained within this digest have been officially approved and adopted by the Wildlife and Fisheries Commission under authority vested by Sections 115 and 116 of Title 56 of the Louisiana Revised Statutes of 1950 and are in full force and effect in conjunction with all applicable statutory laws. The secretary of the Department of Wildlife and Fisheries has the authority to close or alter seasons in emergency situations in order to protect fish and wildlife resources.
2. Pursuant to Section 40.1 of Title 56 of the Louisiana Revised Statutes of 1950, the Wildlife and Fisheries Commission has adopted monetary values which are assigned to all illegally taken, possessed, injured or destroyed fish, wild birds, wild quadrupeds and other wildlife and aquatic life. Anyone taking, possessing, injuring or destroying fish, wild birds, wild quadrupeds and other wildlife and aquatic life shall be required to reimburse the Department of Wildlife and Fisheries a sum of money equal to the value of the wildlife illegally taken, possessed, injured or destroyed. This monetary reimbursement shall be in addition to any and all criminal penalties imposed for the illegal act.

B. Resident Game Birds and Animals
1. Shooting hours: one-half hour before sunrise to one-half hour after sunset.
2. Raccoon and Opossum. No closed season. Raccoon and opossum can be taken at night by one or more licensed hunters with one or more dogs and one .22 rimfire firearm. A licensed hunter may take raccoon or opossum with .22 rimfire rifle, .36 caliber or smaller muzzlesloader rifle, or shotgun during daylight hours during the open rabbit season. Hunting from boats or motor vehicles is prohibited. No bag limit for nighttime or daytime raccoon or opossum hunting during the open trapping season except on certain WMAs as listed. The remainder of the year, the raccoon and opossum bag limit for daytime or nighttime is one per person per day or night. No one who hunts raccoons or opossums as prescribed above shall pelt during the closed trapping season nor sell skins or carcasses of raccoons and opossums taken during the open trapping season unless he is the holder of a valid trapping license which shall be required in addition to his basic hunting license. Pelting or selling carcasses is illegal during closed trapping season.
3. Nutria. Nutria may be taken recreationally September 1 through February 28 during legal shooting hours by any legal method with no limit, including WMAs. Pelting or selling of carcasses is illegal EXCEPT when taken by a licensed trapper during the trapping season.
4. Blackbirds and crows. All blackbirds, cowbirds, grackles and crows are considered crop depredators in Louisiana and may therefore be taken year round during legal shooting hours with no limit. Shooting hours are 30 minutes before sunrise to sunset.
6. Falconry. Special permit required. Resident and migratory game species except turkeys may be taken. Seasons and bag limits are the same as for statewide and WMA regulations except squirrels may be taken by licensed falconers until the last day of February. Refer to LAC 76:V.301 for specific Falconry Rules.
8. Deer Management Assistance Program (DMAP). Land enrolled in the voluntary program will be assessed a $25 registration fee and 54/acre fee. Deer management assistance tags must be in the possession of the hunter and attached and locked to antlerless deer (including those taken on either-sex days and those taken with bow or muzzleloader) through the hock in a manner that it cannot be removed before the deer is moved from the site of the kill. Failure to do so is a violation of R.S. 56:115. Failing to follow DMAP rules and regulations may result in suspension and cancellation of the program on those lands involved. Refer to LAC 76:V.111 for specific DMAP Rules.
9. Farm Raised White-tailed Deer and Exotics on Licensed Supplemented Shooting Preserves
a. Definitions
Exotics for purposes of this rule means any animal of the family Bovidae (except the Tribe Bovini [cattle]) or Cervidae which is not indigenous to Louisiana and which is confined on a Supplemented Hunting Preserve. Exotics shall include, but are not limited to, fallow deer, red deer, elk, sika deer, axis deer, and black buck antelope.
Hunting in its different tenses and for purposes of this rule means to take or attempt to take, in accordance with R.S. 56:8.
Same as Outside for purposes of this rule means hunting on a Supplemented Hunting Preserve must conform to applicable statutes and rules governing hunting and deer hunting, as provided for in Title 56 of the Louisiana Revised Statutes and as established annually by the Wildlife and Fisheries Commission (LWFC).
Supplemented Hunting Preserve for purposes of this rule means any enclosure for which a current Farm-Raising License has been issued by the Department of Agriculture and Forestry (LDAF) with concurrence of the Department of Wildlife and Fisheries (LDWF) and is authorized in writing by the LDAF and LDWF to permit hunting.
White-Tailed Deer for purposes of this rule means any animal of the species Odocoileus virginianus which is confined on a Supplemented Hunting Preserve.
b. Seasons
i. Farm-Raised White-tailed Deer: Consult the regulations pamphlet.
    ii. Exotics: year round.
c. Methods of Take
i. White-tailed Deer: Same as outside.
    ii. Exotics: Exotics may be taken with bow (including compound bow) and arrow; shotguns not larger than 10 gauge, loaded with buckshot or rifled slug; handguns and rifles no smaller than .22 caliber centerfire; or muzzlesloading rifles or pistols, .44 caliber minimum, or shotguns 10 gauge or smaller, all of which must load exclusively from the muzzle or cap and ball cylinder, using black powder or an approved substitute only, and using ball or bullet projectile, including saboted bullets only.
d. Shooting Hours
i. White-tailed Deer: Same as outside.
    ii. Exotics: one-half hour before sunrise to one-half hour after sunset.
e. Bag Limit
i. Farm-Raised White-tailed Deer: Same as outside.
    ii. Exotics: No limit.
D. Hunting-General Provisions

1. A basic resident or non-resident hunting license is required of all persons to hunt, take, possess or cause to be transported by any other person any wild bird or quadruped. See information below for exceptions.

2. No person born on or after September 1, 1969 shall hunt with a firearm unless that person has first been issued a certificate of satisfactory completion of a firearm and hunter education course taught or approved by the Department of Wildlife and Fisheries. However, a person younger than 16 years of age may hunt without such certificate if he is accompanied by and is under the direct and immediate supervision of a person 18 years of age or older.

3. A big game license is required in addition to the basic hunting license to hunt, take, possess or cause to be transported any deer or turkey. A separate wild turkey stamp is required in addition to the basic hunting license and the big game license to hunt, take, possess or cause to be transported any turkey.

4. Taking game quadrupeds or birds from aircraft or participating in the taking of deer with the aid of aircraft or from automobiles or other moving land vehicles is prohibited.

5. Methods of Taking Resident Game Birds and Quadrupeds

a. Use of a longbow (including compound bow) and arrow or a shotgun not larger than a 10 gauge fired from the shoulder without a rest shall be legal for taking all resident game birds and quadrupeds. Also, the use of a handgun, rifle and falconry (special permit required) shall be legal for taking all game species except turkey and migratory game birds. It shall be illegal to hunt or take squirrels or rabbits at any time with a breech-loaded rifle or handgun larger than a .22 caliber rimfire or a muzzleloader rifle larger than .36 caliber. During closed deer gun season, it shall be illegal to possess shotgun shells loaded with slugs or shot larger than BB lead or F steel shot while small game hunting.

b. Still hunting is defined as walking or stationary stand hunting without the use of dog(s). Pursuing, driving or hunting deer with dogs is prohibited when or where a still hunting season or area is designated, and will be strictly enforced. Shotguns larger than 10 gauge or capable of holding more than three shells shall be prohibited. Plugs used in shotguns must be incapable of being removed without disassembly. Refer to game schedules contained within these regulations for specific restrictions on the use of firearms and other devices.

6. Nuisance Animals. Landowners or their designees may remove beaver and nutria causing damage to their property without a special permit. Water set traps and firearms may be used to remove beaver; nutria may be removed by any means except that nutria cannot be taken by the use of headlight and gun between the hours of sunset and sunrise. With a special permit issued by the department, beavers may be taken between one-half hour after official sunset to one-half hour before official sunrise for a period of three consecutive calendar evenings from the effective date of the permit. For specific details contact a regional office near you. Any nuisance beaver or nutria trapped or shot outside open trapping season cannot be pelted or sold. A trapping license is required to possess, sell or pelt nuisance beavers or nutria taken during open trapping season. Squirrels found destroying commercial crops of pecans may be taken year-round by permit issued by the department. This permit shall be valid for 30 days from the date of issuance. Contact the local regional office for details.

7. Threatened and Endangered Species. Louisiana black bear, Louisiana pearl shell (mussel), sea turtles, gopher tortoise, ringed sawback turtle, brown pelican, bald eagle, peregrine falcon, whooping crane, Eskimo curlew, piping plover, interior least tern, ivory-billed woodpecker, red-cockaded woodpecker, Bachman's warbler, West Indian manatee, Florida panther, pallid sturgeon, Gulf sturgeon, Attwater® greater prairie chicken, whales and red wolf. Taking or harassment of any of these species is a violation of state and federal laws.

8. Unregulated Quadrupeds. Holders of a legal hunting license may take coyotes, unmarked hogs where legal, and armadillos year round during legal daylight shooting hours. The running of coyotes with dogs is prohibited in all turkey hunting areas during the open turkey season. Coyote hunting is restricted to A phase only during still hunting segments of the firearm and archery only season for deer. Foxes and bobcats are protected quadrupeds and may be taken only with traps by licensed trappers during the trapping season. Remainder of the year "chase only" allowed by licensed hunters.

9. Hunting and/or Discharging Firearms on Public Roads. Hunting, standing, loitering or shooting game quadrupeds or game birds with a gun during open season while on a public highway or public road right-of-way is prohibited. Hunting or the discharge of firearms on roads or highways located on public levees or within 100 feet from the centerline of such levee roads or highways is prohibited. Spot lighting or shining from public roads is prohibited by state law. Hunting from all public roads and rights-of-way is prohibited and these provisions will be strictly enforced.

10. Tags. Any part of the deer or wild turkey divided shall have affixed thereto the name, date, address and big game license number of the person killing the deer or wild turkey and the sex of that animal. This information shall be legibly written in pen or pencil, on any piece of paper or cardboard or any material, which is attached or secured to or enclosing the part or parts. On lands enrolled in DMAP, deer management assistance tags must be attached and locked through the hock of antlerless deer, (including those taken with bow, muzzleloader and those antlerless deer taken on either-sex days) in a manner that it cannot be removed, before the deer is moved from the site of the kill.

11. Sex Identification. Positive evidence of sex identification, including the head, shall remain on any deer taken or killed within the State of Louisiana, or on all turkeys taken or killed during any special gobbler season when killing of turkey hens is prohibited, so long as such deer or turkey is kept in camp or field, or is en route to the domicile of its possessor, or until such deer or turkey has been stored at the domicile of its possessor or divided at a cold storage facility and has become identifiable as food rather than as wild game.
E. General Deer Hunting Regulations
1. One antlered and one antlerless (when legal on private lands) deer per day except on Wildlife Management Areas, Federal Refuges and National Forest Lands where the daily limit shall be one deer per day. Six per season (all segments included) by all methods of take.

2. A legal buck is a deer with visible antler of hardened bony material, broken naturally through the skin. Killing bucks without at least one visible antler as described above and killing does is prohibited except where specifically allowed.

3. Deer hunting restricted to legal bucks only, except where otherwise allowed.

4. Either-sex deer is defined as male or female deer. Taking or possessing spotted fawns is prohibited.

5. It is illegal to hunt or shoot deer with firearms smaller than .22 caliber centerfire or a shotgun loaded with anything other than buckshot or rifled slug. Handguns may be used for hunting.

6. Taking game quadrupeds or birds from aircraft, participating in the taking of deer with the aid of aircraft or from automobiles or other moving land vehicles is prohibited.

7. Still hunting is defined as stalking or stationary stand hunting without the use of dog(s). Pursuing, driving or hunting deer with dogs or moving vehicles, including ATVs, when or where a still hunting season or area is designated, is prohibited and will be strictly enforced. The training of deer dogs is prohibited in all still hunting areas during the gun still hunting and archery only season. Deer hunting with dogs is allowed in all other areas having open deer seasons that are not specifically designated as still hunting only. Except in wildlife management areas, a leashed dog may be used to trail and retrieve wounded or unrecovered deer during legal hunting hours. Any dog used to trail or retrieve wounded or unrecovered deer shall have on a collar with owner’s name, address, and phone number. In addition, a dog may be used to trail and retrieve unrecovered deer after legal hunting hours; however, no person accompanying a dog after legal hunting hours may carry a firearm of any sort.

8. Areas not specifically designated as open are closed.

9. Muzzleloader Segment: (Special license and muzzleloader firearms specifications apply only to the special state, WMA, National Forest and Preserves, and Federal Refuge seasons.) Still hunt only. Specific WMAs will also be open, check WMA schedule for specific details. Muzzleloader license required for resident hunters between the ages of 16 and 59 inclusive and non-resident 16 years of age and older. Either sex deer may be taken in all deer hunting areas except Area 5 and as specified on Public Areas. It is unlawful to carry a gun, other than a muzzleloader, including those powered by air or other means, while hunting during the special muzzleloader segment. Except, it is lawful to carry a .22 caliber rimfire pistol loaded with #12 shot (ratshot only).

a. Legal Muzzleloader Firearms For Special Season: Rifles or pistols, .44 caliber minimum, or shotguns 10 gauge or smaller, all of which must load exclusively from the muzzle or cap and ball cylinder, use black powder or approved substitute only, take ball or bullet projectile only, including sabot bullets and may be fitted with magnified scopes. This includes muzzleloaders known as “inline” muzzleloaders.

10. Archery Segment. Consult regulations pamphlet. WMA seasons are the same as outside except as noted below. Archery license required for resident bow hunters between the ages of 16 and 59 inclusive and non-residents 16 years of age and older. Residents 60 years of age and older may use a crossbow without a special permit or license. Either sex deer may be taken in all areas open for deer hunting except when a bucks only season is in progress for gun hunting, archer’s must conform to the bucks only regulations. Either sex deer may be taken on WMAs at anytime during archery season except when bucks only seasons are in progress on the respective WMA. Also, archery season restricted on Atchafalaya Delta, Salvador, Pass-a-Loutre and Pointe-aux-Chenes WMAs (see schedule).

a. Bow and arrow regulations: Hunting arrows for deer must have well sharpened metal broadhead blades not less than 7/8 inch in width. Bow and arrow fishermen must have a sport fishing license and not carry any arrows with broadhead points unless a big game season is in progress.

i. It is unlawful:

(a). to carry a gun, including those powered by air or other means, while hunting with bow and arrow during the special bow and arrow deer season except it is lawful to carry a .22 caliber rimfire pistol loaded with #12 shot (ratshot) only.

(b). to have in possession or use any poisoned or drugged arrow, arrows with explosive tips, or any bow drawn, held or released by mechanical means except that hand held releases are lawful.

(c). to hunt deer with a bow having a pull less than 30 pounds.

(d). to hunt with a bow or crossbow fitted with an infrared or laser sight.

11. Hunter Orange. Any person hunting deer shall display on his head, chest and/or back a total of not less than 400 square inches of “hunter orange” during the open deer gun season including muzzleloader season. Persons hunting on privately owned, legally posted land may wear a hunter orange cap or hat in lieu of the 400 square inches. These provisions shall not apply to persons hunting deer from elevated stands on property that is privately owned and legally posted or to archery deer hunters hunting on legally posted lands where firearm hunting is not allowed by agreement of the landowner or lessee. Warning: deer hunters are cautioned to watch for persons hunting other game or engaged in activities not requiring “hunter orange”.


13. Special Youth Deer Hunt. See regulations pamphlet for dates.

F. Description of Areas
1. Area 1

a. All of the following parishes are open: East Feliciana, St. Helena, Concordia, Franklin, Tensas, East Baton Rouge, Madison, Washington.

b. Portions of the following parishes are also open:

i. Avoyelles North of La. 1.
ii. Catahoula County except that portion lying west of Boeuf River from Caldwell parish line to Ouachita River, north and east of Ouachita River to La. 559 at Duty Ferry, west of La. 559 to La. 124. North and west of La. 124 northwestward to LaSalle parish line.

iii. Grant County. East of U.S. 165 and south of La. 8.

iv. LaSalle County. Portion south of La. 8 from Little River eastward to La. 127 in Jena, east of La. 127 from Jena northward to U.S. 165, east of U.S. 165 from La. 127 northward to La. 124. South of La. 124 eastward to Catahoula Parish line.

v. Livingston County. North of I-12.


vii. St. Tammany County except that portion south of I-12, west of Hwy. 1077 to La. 22, south of La. 22 to Tchefuncte River, west of Tchefuncte River southwestward to Lake Pontchartrain.

viii. Tangipahoa County. North of I-12.

ix. West Feliciana County except that portion known as Raccoon and Turnbull Island.

c. Still hunting only in all or portions of the following parishes:

i. Avoyelles County. That portion surrounding Pomme de Terre WMA, bounded on the north, east, and south by La. 451 and on the west by the Big Bend Levee from its junction at the Bayou des Glaise structure east of Bordel onville, southwestward to its junction with La. 451.

ii. Catahoula County. South of Deer Creek to Boeuf River, east of Boeuf and Ouachita Rivers to La. 8 at Harrisonburg, west of La. 8 to La. 913, west of La. 913 and La. 15 to Deer Creek.

iii. East Feliciana and East Baton Rouge County. East of Thompson Creek from the Mississippi state line to La. 10. North of La. 10 from Thompson Creek to La. 67 at Clinton, west of La. 67 from Clinton to Mississippi state line. South of Mississippi state line from La. 67 to Thompson Creek. Also that portion of East Baton Rouge Parish east of La. 67 from La. 64 north to Parish line, south of Parish line from La. 64 eastward to Amite River. West of Amite River southwestward to La. 64, north of La. 64 to La. 37 at Magnolia, east of La. 37 northward to La. 64 at Indian Mound, north of La. 64 from Indian Mound to La. 67. Also, that portion of East Feliciana Parish east of La. 67 from parish line north to La. 959, south of La. 959 east to La. 63, west of La. 63 to Amite River, west of Amite River, southwestward to parish line, north of parish line westward to La. 67.

iv. Franklin County.

v. St. Helena County. North of La. 16 from Tickfaw River at Montpelier westward to La. 449, east and south of La. 449 from La. 16 at Pine Grove northward to La. 1045, south of La. 1045 from its junction with La. 449 eastward to the Tickfaw River, west of the Tickfaw River from La. 1045 southward to La. 16 at Montpelier.

vi. Tangipahoa County. That portion of Tangipahoa Parish north of La. 10 from the Tchefuncte River to La. 1061 at Wilmer, east of La. 1061 to La. 440 at Bolivar, south of La. 440 to the Tchefuncte River, west of the Tchefuncte River from La. 440 southward to La. 10.

vii. Washington and St. Tammany County. East of La. 21 from the Mississippi state line southward to the Bogue Chitto River, north of the Bogue Chitto River from La. 21 eastward to the Pearl River Navigation Canal, east of the Pearl River Navigation Canal southward to the West Pearl River, north of the West Pearl River from the Pearl River Navigation Canal to Holmes Bayou, west of Holmes Bayou from the West Pearl River northward to the Pearl River, west of the Pearl River from Holmes Bayou northward to the Mississippi state line, south of the Mississippi state line from the Pearl River westward to La. 21. Also, that portion of Washington Parish west of La. 25 from the Mississippi state line southward to the Bogue Chitto River, then west of the Bogue Chitto River to its junction with the St. Tammany Parish line, north of the St. Tammany parish line to the Tangipahoa parish line, east of the Tangipahoa parish line to the Mississippi state line, south of the Mississippi state line to its junction with La. 25.

viii. West Feliciana County. West of Thompson Creek to Illinois-Central Railroad, north of Illinois-Central Railroad to Parish Road #7, east of Parish Road #7 to the junction of U.S. 61 and La. 966, east of La. 966 from U.S. 61 to Chaney Creek, south of Chaney Creek to Thompson Creek.

2. Area 2

a. All of the following parishes are open:

i. Bienville, Jackson, Union, Bossier, Lincoln, Webster, Caddo, Natchitoches, Winn, Claiborne, Red River, DeSoto, Sabine, Caldwell.

ii. except: Kisatchie National Forest which has special regulations. Caney, Corney, Middlefork tracts of Kisatchie have the same regulations as Area 2, except still hunting only for deer and except National Forest Land within the Evangeline Unit, Calcasieu Ranger District described in Area 2 description shall be still hunting only.

b. Portions of the following parishes are also open:

i. Allen County. North of U.S. 10 from the parish line to U.S. 165, east of U.S. 165 from the intersection of La. 10 to the intersection of U.S. 190 at Kinder and north of U.S. 190 from Kinder east to the parish line.

ii. Avoyelles County. That portion west of I-49.

iii. Catahoula County. That portion lying west of Bueuf River from Caldwell parish line to Ouachita River, north and east of Ouachita River to La. 559 at Duty Ferry. West of La. 559 to La. 124. North and west of La. 124 westward to LaSalle parish line.

iv. Evangeline County. All except the following portions: east of I-49 to junction of La. 29, east of La. 29 south of I-49 to Ville Platte, and north of U.S. 167 east of Ville Platte.

v. Grant County. Except that portion south of La. 8 and east of U.S. 165.


vii. LaSalle County. Except south of La. 8 from Little River eastward to La. 127 in Jena, east of La. 127 from Jena northward to U.S. 165, east of U.S. 165 from La. 127 northward to La. 124. South of La. 124 eastward to Catahoula parish line.

viii. Morehouse County. West of U.S. 165 (from Arkansas state line) to Bonita, north and west of La. 140 to junction of La. 830-4 (Cooper Lake Road), west of La. 830-4 to Bastrop, west of La. 139 to junction of La. 593, west and south of La. 593 to Collinston, west of La. 138 to junction of La. 134 and north of La. 134 to Ouachita line at Wham Brake.
ix. Ouachita: All except south of U.S. 80 and east of Ouachita River, east of La. 139 from Sicard to junction of La. 134, south of La. 134 to Morehouse line at Wham Brake.

x. Rapides: All except north of Red River and east of U.S. 165. South of La. 465 to junction of La. 121, west of La. 121 and La. 112 to Union Hill, and north of La. 113 from Union Hill to Vernon Parish line, and that portion south of Alexandria between Red River and U.S. 167 to junction of U.S. 167 with I-49 at Turkey Creek exit, east of I-49 southward to parish line.

xi. Vernon: North of La. 10 from the parish line to the intersection of La. 113, south and east of La. 113 eastward to the parish line. North and east of La. 465, west of La. 117 from Kurtherwood to Leesville, and north of La. 8 from Leesville to Texas state line.

c. Still hunting only in all or portions of the following parishes.
   i. Claiborne and Webster: Caney, Corney and Middlefork tracts of Kisatchie National Forest. (See Kisatchie National Forest Regulations).
   ii. Ouachita: East of Ouachita River.
   iii. Rapides: West of U.S. 167 from Alexandria southward to I-49 at Turkey Creek Exit, west of I-49 southward to Parish line, north of Parish line westward to U.S. 165, east of U.S. 165 northward to U.S. 167 at Alexandria. North of La. 465 from Vernon Parish line to La. 121, west of La. 121 to I-49, west of I-49 to La. 8, south and east of La. 8 to La. 118 (Mora Road), south and west of La. 118 to Natchitoches Parish line.
   iv. Vernon: East of Mora-Hutton Road from Natchitoches Parish line to Hillman Loop Road, south and east of Hillman Loop Road to Comrade Road, south of Comrade Road to La. 465, east and north of La. 465 to Rapides Parish line.

3. Area 3
   a. All of Acadia, Cameron and Vermilion Parishes are closed.
   b. Portions of the following parishes are also open:
      i. Allen: South of U.S. 190 and west of La. 113.
      ii. Beauregard: West of La. 113. ALSO east of La. 27 north to DeRidder and north and west of U.S. 190 west of DeRidder to Texas state line.
      iii. Calcasieu: East of La. 27 and south of U.S. 90.
      vii. Rapides: South of La. 465 to junction of La. 121, west of La. 121 and La. 112 to Union Hill and north of La. 113 from Union Hill to Vernon Parish line.
   
   ix. Vernon: West and north of La. 113, south of La. 465, east of La. 117 from Kurtherwood to Leesville, and south of La. 8 from Leesville to Texas state line.

4. Area 4
   a. All of East Carroll and Richland parishes are open.
   b. Portions of the following parishes are open:
      i. Morehouse: East of U.S. 165 (from Arkansas state line) to Bonita, south and east of La. 140 to junction of La. 830-4 (Cooper Lake Road), east of La. 830-4 to Bastrop, east of La. 139 at Bastrop to junction of La. 593, east and north of La. 593 to Collinston, east of La. 138 to junction of La. 134 and south of La. 134 to Ouachita line at Wham Brake.
      ii. Ouachita: South of U.S. 80 and east of Ouachita River, east of La. 139 from Sicard to junction of La. 134, south of La. 134 to Morehouse line at Wham Bake.

   5. Area 5
      a. All of West Carroll Parish is open.
      i. All deer hunting is for bucks only including muzzeloader season.

   6. Area 6
      a. All of Orleans Parish is closed to all forms of deer hunting.
      b. All of the following parishes are open: Ascension, Plaquemines, St. John, Assumption, Pointe Coupee, St. Martin, Iberville, St. Bernard, Jefferson, St. Charles, Lafourche, St. James, West Baton Rouge.
      c. Portions of the following parishes are also open.
         i. Avoyelles: South of La. 1 and also that portion east of I-49.
         ii. Evangeline: That portion east of I-49 to junction of La. 29, east of La. 29 south of I-49 to Ville Platte and north of U.S. 167 east of Ville Platte.
         iii. Iberia: East of U.S. 90.
         v. Livingston: South of I-12.
         vi. Rapides: South of Alexandria between Red River and U.S. 167 to the junction of U.S. 167 with I-49 at Turkey Creek Exit, east of I-49 southward to parish line.

   ix. St. Tammany: That portion south of I-12, west of Hwy. 1077 to La. 22, south of La. 22 to Tchefuncte River, west of Tchefuncte River southward to Lake Pontchartrain.
   x. Tangipahoa: South of I-12.
   xi. West Feliciana: West of Mississippi River, known as Raccourci and Turnbull Islands.

d. Still hunting only in all or portions of the following parishes.
   i. Plaquemines: East of the Mississippi River.
   ii. Rapides: South of Alexandria between Red River and U.S. 167 to the junction of U.S. 167 with I-49 at Turkey Creek Exit, east of I-49 southward to parish line.
      iii. St. Bernard: All of the parish shall be still hunting only except that portion of St. Bernard known as the spoil area between the MRGO on the east and Access Canal on the west, south of Bayou Bienvenue and north of Bayou la Loutre.

   v. St. Landry: Those lands surrounding Thistledewaite WMA bounded north and east by La. 359, west by La. 10, and south by La. 103.

   7. Area 7
      a. The following parish is open: Terrebonne.
      b. Portions of the following parishes are open: Iberia and St. Mary Parishes - South of La. 14 and west U.S. 90.

   8. Area 8
      a. Portions of the following parishes are open:
i. Allen - That portion lying south of La. 10 from
the parish line near Elizabeth to the intersection of U.S. 165,
west of U.S. 165 from the intersection of La. 10 to the
intersection of U.S. 190 at Kinder, and east of La. 113 from
the intersection of U.S. 190 to the parish line;
ii. Vernon - That portion lying south and east of
La. 113 from the parish line to Pitkin, and south of La. 10
from Pitkin to the parish line;
iii. Beauregard - That portion lying east of La.
113. Also that portion lying south and east of La. 190 from
the Texas state line to DeRidder, and west of La. 27 from
DeRidder to the parish line;
iv. Calcasieu - That portion lying west of La. 27
from the parish line near DeQuincy to Sulphur and north of
U.S. 90 from Sulphur to the Texas state line.
G Wildlife Management Area Regulations
1. General
a. The following rules and regulations concerning
the management, protection and harvest of wildlife have
been officially approved and adopted by the Wildlife and
Fisheries Commission in accordance with the authority
provided in Louisiana Revised Statutes of 1950, Section 109
of Title 56. Failure to comply with these regulations will
subject individual to citation and/or expulsion from the
management area.
b. Citizens are cautioned that by entering a WMA
managed by the LDWF they may be subjecting themselves
and/or their vehicles to game and/or license checks,
inspections and searches.
c. Wildlife management area seasons may be
altered or closed anytime by the department secretary in
emergency situations (floods, fire or other critical
circumstances).
d. Hunters may enter the WMA no earlier than 3
a.m. unless otherwise specified. On days when Daily permits
are required, permit stations will open two hours before legal
shooting hours. Hunters must check out and exit the WMA
no later than two hours after sunset, except for Lake Boeuf,
Salvador/Timken and Pointe-aux-Chenes or as otherwise
specified.
e. Lands within WMA boundaries will have the
same seasons and regulations pertaining to baiting and use of
dogs as the WMA within which the lands are enclosed;
however, with respect to private lands enclosed within a
WMA, the owner or lessee may elect to hunt according to
the regular season dates applicable to the geographic area in
which the lands are located, provided that the lands are first
enrolled in DMAP. Interested parties should contact the
nearest LDWF regional office for additional information.
f. Dumping garbage or trash on WMAs except in
designated locations is prohibited.
g. Disorderly conduct or hunting under influence of
alcoholic beverages, chemicals and other similar substances
is prohibited.
h. Commercial activities prohibited without prior
approval or unless otherwise specified.
i. Damage to or removal of trees, shrubs, hard mast
(acorn, pecans, etc.) and wild plants is prohibited without
prior approval. Gathering and/or removal of soft fruits,
mushrooms and berries shall be limited to five gallons per
person per day. Persons engaged in commercial activities
must obtain a permit from the region office.
j. Burning of marshes is prohibited except by
permit. Permits may be obtained from the Fur and Refuge
Division.
k. Nature Trails. Access to trails shall be limited to
pedestrians only. No vehicles, ATVs, horses, mules, bicycles,
etc. allowed. Removal of vegetation (standing or down) or
other natural material prohibited.
l. Deer seasons are for legal buck deer unless
otherwise specified.
m. Small game, when listed under the WMA
regulations may include both resident game animals and
game birds as well as migratory species of birds.
n. Oysters may not be harvested from any WMA,
except that oysters may be harvested from private oyster
leases and state seed grounds located within a WMA, when
authorized by the Wildlife and Fisheries Commission and
upon approval by the Department of Health and Hospitals.
2. Permits
a. Daily. Daily permits when required shall be
obtained at permit stations on or near each WMA. Hunters
must retain permit in possession while hunting. Hunters may
enter the area no earlier than two hours before legal shooting
time unless otherwise specified. Hunters must checkout
daily and exit the area not later than two hours after sunset
unless otherwise specified.
b. Self Clearing Permits. A Self-Clearing Permit is
required for all activities (hunting, fishing, hiking, bird-
watching, sightseeing, etc.) On WMAs unless otherwise
specified. The Self-Clearing Permit will consist of three
portions: check in, check out and a Vehicle Tag. On WMAs
where Self-Clearing Permits are required, all persons must
obtain a WMA Self-Clearing Permit from an Information
Station. The check in portion must be completed and put in a
permit box before each day's activity on the day of the
activity. The check out portion must be carried by each
person while on the WMA and MUST be completed and put
in a permit box after each day's activity on the day of the
activity. Each person must leave the Vehicle Tag portion of
his permit on the dashboard of the vehicle used to enter into
the WMA in such a way that it can be easily read from
outside of the vehicle. This must be done only when the
vehicle is parked and left unattended on the WMA. In an
ATV, boat or other type vehicle was used to enter the WMA,
then the vehicle tag must be attached to that vehicle in such
a manner that it can be readily seen and read. When
mandatory deer checks are specified on WMAs, hunters
must check deer at a check station. Call the appropriate
region office for the location of the deer check station on
these WMAs. (Self-Clearing Permits are not required for
persons only traveling through the WMA provided that the
most direct route is taken and no activities or stops take
place.)
c. Wild Louisiana Stamp. Persons using WMAs or
other department administered lands for purposes other than
hunting and fishing, such as camping, shooting on rifle
ranges, berry picking, hiking, photography, bird-watching
and the like, must possess one of the following: a valid Wild
Louisiana stamp, a valid Louisiana fishing license, or a valid
Louisiana hunting license. Persons younger than 16 or older
than 60 years of age are exempt from this requirement.
3. Special Seasons  
a. Youth Deer Hunt. Only youths younger than 16 years of age may hunt. All other seasons are closed except handicapped seasons. Youths must possess a hunter safety certification or proof of successful completion of a hunter safety course. Each youth must be accompanied by one adult 18 years of age or older. Adults may not possess a firearm. Youths may possess only one firearm while hunting. Legal firearms are the same as described for deer hunting. The supervising adult shall maintain visual and voice contact with the youth at all times. An adult may supervise only one youth during this special hunt. Contact the appropriate region office for special check station locations when daily permits are required and maps of specific hunting areas. Either-sex deer may be taken on WMAs with youth hunts. Consult the regulations pamphlet for WMAs offering youth hunts.
b. Handicapped Season. For hunters possessing a Physically Challenged Hunter Permit only. Participants must possess a Physically Challenged Hunter Permit. Contact region office for permit application and map of specific hunting area. Consult the regulations pamphlet for WMAs offering Handicapped Seasons. Pointe-aux-Chenes will have an experimental Lottery Handicapped waterfowl hunt. Contact the New Iberia Office, Fur and Refuge Division for details.
c. Deer Lottery Hunts. Hunts restricted to those persons selected as a result of the pre-application lottery. Consult the regulations pamphlet for deadlines. A non-refundable application fee must be sent with application. Contact region offices for applications. Consult regulations pamphlet for WMAs offering lottery hunts.
d. Turkey Lottery Hunts. Hunts restricted to those persons selected by lottery. Consult the regulations pamphlet for deadlines. All turkeys must be reported at Self Clearing station. Contact Region Offices for more details. Consult separate Turkey Hunting Regulations pamphlet for WMAs offering lottery hunts.
e. Trapping. Permits to take fur bearers from WMAs may be obtained at appropriate offices when required. Consult Annual Trapping Regulations for specific dates. All traps must be run daily. Traps with teeth are illegal. On WMAs where permits are required, each trapper must submit an annual trapping report to the Region Office where his permit was obtained. Non-compliance will result in forfeiture of trapping privileges on the WMAs. Permits may be obtained only between hours of 8 a.m. to 4:30 p.m. on normal working days. Non-compliance will result in forfeiture of trapping privileges on the WMAs. Permits may be obtained at region offices only between hours of 8 a.m. to 4:30 p.m. on normal working days.

4. Firearms  
a. Firearms having live ammunition in the chamber, magazine, cylinder or clip when attached to firearms are not allowed in or on vehicles, boats under power, motorcycles, ATVs, ATCs or in camping areas on WMAs. Firearms may not be carried on any area before or after permitted hours except in authorized camping areas.
b. Firearms and bows and arrows are not allowed on WMAs during closed seasons except on designated shooting ranges or as permitted for trapping. Bows and broadhead arrows are not allowed on WMAs except during deer archery season, turkey season or as permitted for bowfishing.
c. Encased or broken down firearms and any game harvested may be transported through the areas by the most direct route provided that no other route exists except as specified under Wildlife Management Area listing.
d. Loaded firearms are not allowed near WMA check stations.
e. Centerfire rifles and handguns larger than .22 caliber rimfire, shotgun slugs or shot larger than BB lead or F steel shot cannot be carried onto any WMA except during modern firearm deer season.
f. Target shooting and other forms of practice shooting are prohibited on WMAs except as otherwise specified.
g. Discharging of firearms on or hunting from designated roads, ATV trails or their rights-of-way is
prohibited during the modern firearm and muzzleloader deer season.

5. Methods of Taking Game
   a. Moving deer or hogs on a WMA with organized drivers and standers, drivers or making use of noises or noise-making devices is prohibited.
   b. On Wildlife Management Areas, Federal Refuges and National Forest Lands where the daily limit shall be one deer per day, six per season (all segments included) by all methods of take.
   c. Baiting or hunting over bait is prohibited on all WMAs (hogs included). Unmarked hogs may be taken on some WMAs by properly licensed hunters from the beginning of archery season on the area until February 28 and only with guns/ammunition or bow and arrow legal for specified seasons in progress. Consult the specific WMA for additional information. Proper licenses and permits are required for hunting.
   d. Hunters who kill deer on WMAs that require daily permits must have deer checked at the check station on same day of kill.
   e. Deer hunting on WMAs is restricted to still hunting only. No WMA will be open for deer during early still hunt season unless specified in the regulation pamphlet.
   f. Construction of and/or hunting from permanent tree stands or permanent blinds on WMAs is prohibited. Any permanent stand or permanent blind will be removed and destroyed.
   g. On Wildlife Management Areas and Refuges, all deer stands must be removed from the area no later than two hours after the end of legal shooting hours each day. Hunting from utility poles, high tension power lines, oil and gas exploration facilities or platforms is prohibited.
   h. A permanent blind is any blind using non-natural materials or having a frame which is not dismantled within two hours after the end of legal shooting time each day. Blinds with frames of wood, plastic, metal, poles, wire, mesh, webbing or other materials may be used but must be removed from the WMA within two hours after the end of legal shooting time each day. Blinds made solely of natural vegetation and not held together by nails or other metallic fasteners may be left in place but cannot be used to reserve hunting locations. All decoys must be removed from the WMA daily.
   i. It is illegal to save or reserve hunting locations using permanent stands or blinds. Stands or blinds attached to trees with screws, nails, spikes, etc. are illegal.
   j. Tree climbing spurs, spikes or screw-in steps are prohibited.
   k. Unattended decoys will be confiscated and forfeited to the Department of Wildlife and Fisheries and disposed of by the department. This action is necessary to prevent preemption of hunting space.
   l. Hunters shall not hunt, take or pursue birds or animals from moving vehicles on any WMA. No person shall take birds or animals from or by any motor boat or sail boat unless the motor has been completely shut off and/or the sail furled and its progress therefrom has ceased.
   m. Spot lighting (shining) from vehicles is prohibited on all WMAs.
   n. Horses and mules may be ridden on Wildlife Managements Areas except where prohibited and except during gun seasons for deer and turkey. Riding is restricted to designated roads and trails. Hunting and trapping from horses and mules is prohibited except for quail hunting or as otherwise specified.
   o. All hunters except waterfowl hunters and dove hunters (including archers and small game hunters) on WMAs must display 400 square inches of "hunter orange" and wear a "hunter orange" cap during open gun season for deer. Quail hunters, woodcock hunters and archers (while on the ground) as well as hunters participating in special dog seasons for rabbit and squirrel are required to wear a minimum of a "hunter orange" cap. Also all persons afield during hunting seasons are encouraged to display "hunter orange".
   p. Archery Season for Deer. The archery season on WMAs is the same as outside and is open for either sex deer except as otherwise specified on individual WMAs. Archery season restricted on Atchafalaya Delta and closed on certain WMAs when special seasons for youth or handicapped hunters are in progress. Consult regulations pamphlet for specific seasons.
   q. Either sex deer may be taken on WMAs at any time during archery season except when bucks only seasons are in progress on the respective WMAs. Archers must abide by bucks only regulations and other restrictions when such seasons are in progress.
   r. Muzzleloader Season for Deer. See WMA deer schedule.

6. Camping
   a. Camping on WMAs, including trailers, houseboats, recreational vehicles and tents, is allowed only in designated areas and for a period not to exceed 16 consecutive days, regardless if the camp is attended or unattended. Houseboats shall not impede navigation. At the end of the 16 day period, camps must be removed from the area for at least 48 hours. Camping area use limited exclusively to outdoor recreational activities.
   b. Houseboats are prohibited from overnight mooring within WMAs except on stream banks adjacent to Department-owned designated camping areas. Overnight mooring of vessels that provide lodging for hire are prohibited on WMAs. On Atchafalaya Delta WMA and Pass-a-Loutre, houseboats may be moored in specially designated areas throughout the hunting season. At all other times of the year, mooring is limited to a period not to exceed 16 consecutive days. Permits are required for camping and overnight mooring of houseboats on Pass-a-Loutre and can be obtained from the WMA headquarters. Houseboat mooring permits are required for Atchafalaya Delta Wildlife Management Area. Permits may be obtained from the New Iberia office.
   c. Discharge of human waste onto lands or waters of any WMA is strictly prohibited by State and Federal law. In the event public restroom facilities are not available at a WMA, the following is required. Anyone camping on a WMA in a camper, trailer, or other unit (other than a houseboat or tent) shall have and shall utilize an operational disposal system attached to the unit. Tent campers shall have and shall utilize portable waste disposal units and shall remove all human waste from the WMA upon leaving. Houseboats moored on a WMA shall have a permit or letter of certification from the health unit (Department of Health
and Hospitals) of the parish within which the WMA occurs verifying that it has an approved sewerage disposal system on board. Further, that system shall be utilized by occupants of the houseboats when on the WMA.

d. No refuse or garbage may be dumped from these boats.

e. Firearms may not be kept loaded or discharged in a camping area.

f. Campsites must be cleaned by occupants prior to leaving and all refuse placed in designated locations when provided or carried off by campers.

g. Non-compliance with camping regulations will subject occupant to immediate expulsion and/or citation, including restitution for damages.

h. Swimming is prohibited within 100 yards of boat launching ramps.

7. Restricted Areas

a. All oil and gas production facilities (wells, pumping stations and storage facilities) are off limits.

b. No unauthorized entry or hunting in restricted areas or refuges.

c. Tractor or implement tires with farm tread designs R1, R2 and R4 known commonly as spade or lug grip types are prohibited on all vehicles. ATV tires are restricted to those with a maximum one inch lug height and a maximum allowable tire pressure of 7 psi, as indicated on the tire by the manufacturer.

d. Airboats, aircraft, personal water craft and hover craft are prohibited on all WMAs and refuges. Personal water craft are defined as a vessel which uses an inboard motor powering a water jet pump as its primary source of propulsion and is designed to be operated by a person sitting, standing or kneeling on the vessel rather than in the conventional manner of sitting or standing inside the vessel. Personal water craft allowed on designated areas of Alexander State Forest WMA.

e. No internal combustion engines allowed in certain Greentree reservoirs.

f. Driving or parking vehicles on food or cover plots and strips is prohibited.

g. Blocking the entrance to roads and trails is prohibited.

h. Motorized vehicles, including ATVs, ATCs and motorcycles, are restricted entirely to designated roads and ATV trails as indicated on WMA maps. WMA maps available at all region offices. This restriction does not apply to bicycles.

i. Use of special ATV trails for handicapped persons is restricted to special ATV handicapped permittees. Handicapped ATV permittees are restricted to handicapped ATV trails or other ATV trails only as indicated on WMA maps. Persons 60 years of age and older, with proof of age, are also allowed to use special handicapped trails and need not obtain a permit. However, these persons must abide by all rules in place for these trails. Handicapped persons should make application for a Physically Challenged Hunter Program Permit with the department.

j. Entrances to ATV trails will be marked with peach colored paint. Entrances to handicapped-only ATV trails will be marked with blue colored paint. Routes of all trails are as indicated on WMA maps. Deviation from the trails indicated on the map constitutes a violation of WMA rules and regulations.

k. Roads and trails may be closed due to poor condition, construction or wet weather.

l. ATVs, ATCs and motorcycles cannot be left overnight on WMAs except on designated camping areas. ATVs are prohibited from two hours after sunset to 3:00 AM. Trails and roads designated as ATV only shall be closed to ATVs from March 1 through August 31 unless otherwise specified. Certain trails may be open during this time period to provide access for fishing or other purpose. These trails will be marked by signs at the entrance of the trail.

m. Caution: Many department-maintained roadways on WMAs are unimproved and substandard. A maximum 20 mph speed limit is recommended for all land vehicles using these roads.

10. Wildlife Management Areas Basic Season Structure. For season dates, bag limits, shooting hours, special seasons and other information consult the annual regulations pamphlet for specific details.


15. Outlaw Quadrupeds and Birds. Consult regulations pamphlet.

16. Wildlife Management Areas Hunting Schedule and Regulations:

a. Alexander State Forest. Vehicles restricted to paved and graveled roads. No parking on or fishing or swimming from bridges. No open fires except in recreation areas.

b. Atchafalaya Delta. Water control structures are not to be tampered with or altered by anyone other than employees of the Department of Wildlife and Fisheries at any time. ATVs, ATCs and motorcycles prohibited.
d. Bayou Macon. All night activities prohibited except as otherwise provided. Mules are allowed for nighttime raccoon hunting.
e. Bayou Pierre
f. Bens Creek
g. Big Colewa Bayou. All nighttime activities prohibited.
h. Big Lake. Free-ranging livestock prohibited.
i. Biloxi
j. Bodcau
l. Boise-Vernon
m. Buckhorn. Free-ranging livestock prohibited.

n. Camp Beauregard. Daily military clearance required for all recreational users. Registration for use of Self Clearing Permit required once per year. Free-ranging livestock prohibited. All game harvested must be reported. Retriever training allowed on selected portions of the WMA. Contact the Region office for specific details.
o. Dewey W. Wills. Crawfish: 100 pounds per person per day.
p. Elm Hall. No ATVs allowed.
q. Fort Polk. Daily military clearance required to hunt or trap. Registration for use of Self Clearing Permit required once per year. Special regulations apply to ATV users.
r. Georgia-Pacific. except as otherwise provided, all nighttime activities prohibited.
s. Grassy Lake. Commercial Fishing: Permitted except on Smith Bay, Red River Bay and Grassy Lake proper on Saturday and Sunday and during waterfowl season. Permits available from area supervisor at Spring Bayou headquarters or Opelousas Region Office. Free-ranging livestock prohibited. No hunting in restricted area.
t. Jackson-Bienville. ATVs are allowed on non-public maintained gravel roads and timber management woods, roads and trails.
u. Joyce. Swamp Walk: Adhere to all WMA rules and regulations. No firearms or hunting allowed within 100 yards of walkways. Check hunting schedule and use walkway at your own risk.
v. Lake Boeuf
w. Lake Ramsay. Foot traffic only - all vehicles restricted to Parish Roads.
x. Little River
y. Loggy Bayou
z. Manchac. Crabs: No crab traps allowed. Attended lift nets are allowed.

aa. Ouachita. Waterfowl Refuge: North of 1a. Hwy. 15 closed to all hunting, fishing and trapping during duck season including early teal season. Crawfish: 100 pounds per person per day limit. Night crawfishing prohibited. No traps or nets left overnight. Commercial Fishing: Closed. All nighttime activities prohibited except as otherwise provided.


ac. Pearl River. All roads closed 8 p.m. to 4:30 a.m. to all vehicles. Old Hwy. 11 will be closed when river gauge at Pearl River, Louisiana, reaches 16.5 feet. All hunting will be closed when the river stage at Pearl River reaches 16.5 feet except waterfowl hunting south of Hwy. 90. No hunting in the vicinity of Nature Trail. Observe "No Hunting" signs. Rifle range open noon until 4 p.m. Friday, and 8 a.m. to 4:30 p.m. Saturday and Sunday with a fee.

ad. Peason Ridge. Daily military clearance required to hunt or trap. Registration for use of Self Clearing Permit required once per year. Special federal regulations apply to ATV users.

ae. Pointe-aux-Chenes. Hunting until 12 noon on all game, except for dove hunting and experimental youth deer hunt, as specified in regulation pamphlet. Point Farm: Gate will be open during each Saturday of the second split of dove season and all weekends during month of February. No motorized vessels allowed in the drainage ditches. Recreational Fishing: Shrimp may be taken by the use of cast nets only. During the inside open shrimp season, 25 pounds per boat per day (heads on) shall be allowed. Size count to conform with open season requirements. During the inside closed season, 10 pounds per boat per day (heads on) may be taken for bait. Oyster harvesting is prohibited. Fish may be taken by rod and reel or hand lines for recreational purposes only. Crabs may be taken through the use of hand lines or nets; however, none are to remain set overnight. Twelve dozen crabs are allowed per boat or vehicle per day. Crawfish may be harvested in unrestricted portions of the wildlife management area and shall be limited to 100 pounds per boat or group. Fishing gear used to catch crawfish shall not remain set overnight. The harvest of all fish, shrimp, crabs and crawfish are for recreational purposes only and any commercial use is prohibited. Mudboats or vessels with engines larger than 25 hp prohibited in the Montegut and Grand Bayou marsh management units. Public is permitted to travel anytime through the WMA for access purposes only, in the waterways known as Grand Bayou, Humble Canal, Little Bayou Blue and Grand Bayou Blue. Vehicles prohibited on Point Farm properties unless authorized by the department. ATVs, ATCs and motorcycles prohibited on this area.

af. Pomme de Terre. Commercial Fishing: permitted Monday through Friday, except closed during duck season. Commercial Fishing permits available from area supervisor, Opelousas Region Office or Spring Bayou headquarters. Sport Fishing: Same as outside except allowed after 2 p.m. only during waterfowl season. Crawfish: April 1 - July 31, recreational only, 100 lbs, per boat or group daily. Free-ranging livestock prohibited.


ah. Russell Sage. Transporting trash or garbage on WMA roads is prohibited. All nighttime activities prohibited except as otherwise provided. NOTE: All season dates on Chauvin Tract (U.S. 165 North) same as outside, except still hunt only and except deer hunting restricted to archery only. Waterfowl hunting after 2 p.m. prohibited. All vehicles including ATVs prohibited.
ai. Sabine 
aj. Sabine Island. Sabine Island boundaries are Sabine River on the west, Cut-Off Bayou on the north, and Old River and Big Bayou on the south and east.

ak. Salvador/Timken. Hunting until 12 noon only for all game. All nighttime activities prohibited, including frogging. Recreational Fishing: Shrimp may be taken by the use of cast nets only. During the inside open shrimp season, 25 pounds per boat per day (heads on) shall be permitted. Size count to conform with open season requirements. During the inside closed season, 10 pounds per boat per day (heads on) may be taken for bait. Fish may be taken by rod and reel or hand lines for recreational purposes only. Crabs may be taken through the use of hand lines or nets; however, none of the lines are to remain set overnight. Twelve dozen crabs maximum are allowed per boat or vehicle per day. Crawfish may be harvested in unrestricted portions of the wildlife management area and shall be limited to 100 pounds per boat or group. Fishing gear used to catch crawfish shall not remain set overnight. The harvest of all fish, shrimp, crabs and crawfish are for recreational purposes only and any commercial use is prohibited. Boats powered by internal combustion engines having horsepower ratings above 25 hp are permitted only in oil company access canals. Louis iana Cypress Canal, the Netherlands Pond including the West Canal, Lakes - "Baie Des Chactas" and Baie du Cabanage" and the Rathborne Access ditch. Operation of the above described internal combustion engines in interior ditches is prohibited except by experimental permit to be obtained from the New Orleans Office, Fur and Refuge Division, Room 217. Pulling boats over levees, dams or water control structures or any other activities which cause detriment to the integrity of levees, dams and water control structures is prohibited. Special Use Permits may be issued for persons interested in clearing existing ditches (trenasses). Permits will be considered on a case-by-case basis. Contact Pointe-aux-Chenes. ATVs, ATCs and motorcycles prohibited on this area.

al. Sandy Hollow. Bird Dog Training: Consult regulation pamphlet. Wild birds only (use of pen-raised birds prohibited). Bird Dog Field Trials: Permit required from Baton Rouge Region Office. Horseback Riding: Organized trail rides prohibited. Horses and mules are specifically prohibited during turkey and gun season for deer except as otherwise provided. Crayfish harvest limited to 100 pounds per vehicle or boat per day. No traps or nets left overnight. No motorized watercraft allowed on farm complex. Commercial crawfishing allowed on the remainder of the area. Permit is required. Free-ranging livestock prohibited. Retriever training allowed on selected portions of the WMA. Contact the Region office for specific details. Vehicular traffic prohibited on east Atchafalaya River levee within Sherburne WMA boundaries. Rifle and Pistol Range open daily. Skeet ranges open by appointment only, contact Hunter Education Office. No trespassing in restricted area behind ranges. Note: Atchafalaya National Wildlife Refuge, and U.S. Army Corps of Engineers land holdings adjacent to the Sherburne Wildlife Management Area will have the same rules and regulations as Sherburne WMA. No hunting or trapping in restricted area.

an. Sicily Island Hills. Firearms and any game harvested cannot be transported through the area except during the corresponding open season on area. Free-ranging livestock prohibited.

ao. Soda Lake. No motorized vehicles allowed. All trapping and hunting prohibited except archery hunting for deer.

ap. Spring Bayou. Commercial Fishing: permitted Monday through Friday except slat traps and hoop nets permitted any day. Permits available from area supervisor or Opelousas Region Office. Closed until after 2 p.m. during waterfowl season. Sport Fishing: Same as outside except allowed only after 2 p.m. during waterfowl season. Crawfish: recreational only. No hunting allowed in headquarters area. Only overnight campers allowed in the improved Boggy Bayou Camping area. Rules and regulations posted at camp site. A fee is assessed for use of this camp site. Water skiing allowed only in Old River and Grand Lac.

aq. Thistlethwaite. No hunting or trapping in restricted area (See WMA Map). All motorized vehicles restricted to improved roads only. All users must enter and leave through main gate only. No entry into restricted areas.

ar. Three Rivers. Free-ranging livestock prohibited in area.

as. Tunica Hills. All vehicles restricted to Parish roads. ATVs restricted to designated trails. Driving on food plots prohibited. Access to restricted areas is unauthorized. Refer to WMA map. Camping prohibited on area. North of Hwy. 66 (Angola Tract) closed to the general public March 1-September 30 except spring turkey hunting access allowed for those individuals drawn for special lottery hunt.

at. Union. All nighttime activities prohibited except as otherwise provided.

au. West Bay. Road Travel and Hunting Restrictions: All motorized vehicles restricted to designated roads. Refer to WMA map for location of designated roads. Hunting prohibited on roads designated for motorized vehicular travel.

av. Wisner


James L. Patton
Undersecretary
RULE
Department of Wildlife and Fisheries
Wildlife and Fisheries Commission

Resident Game Hunting Season 2001-2002
(LAC 76:XIX.101 and 103)

The Wildlife and Fisheries Commission does hereby promulgate rules and regulations governing the hunting of resident game birds and game quadrupeds.

Title 76
WILDLIFE AND FISHERIES
Part XIX. Hunting And Wma Regulations

Chapter 1. Resident Game Hunting Season

§101. General
A. The Resident Game Hunting Season, 2001-2002 regulations are hereby adopted by the Wildlife and Fisheries Commission. A complete copy of the Regulation Pamphlet may be obtained by the department.

AUTHORITY NOTE: Promulgated in accordance with R.S. 56:115.


§103. Resident Game Birds and Animals 2001-2002
A. Shooting hours. One-half hour before sunrise to one-half hour after sunset.
B. Consult Regulation Pamphlet for seasons or specific regulations on Wildlife Management Areas or specific localities.

C. Deer Hunting Schedule

<table>
<thead>
<tr>
<th>Area</th>
<th>Archery (All Either Sex)</th>
<th>Muzzleloader</th>
<th>Still Hunt (No Dogs Allowed)</th>
<th>With or Without Dogs</th>
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<tr>
<td>1</td>
<td>Oct. 1-31</td>
<td>Nov. 10-Nov. 16, Jan. 21-Jan. 27</td>
<td>Nov. 17-Dec. 2, Jan. 7-20</td>
<td>Dec. 8-Jan. 6</td>
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<td>6</td>
<td>Oct. 1-31</td>
<td>Nov. 10-Nov. 16, Jan. 21-Jan. 27</td>
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<td>Dec. 8-Jan. 20</td>
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D. Modern Firearm Schedule (Either Sex Seasons)

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<th>Modern Firearm Either-Sex Days</th>
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<td>Area 8: Oct. 13-14, 20-21, 27-28, Nov. 3-4, 10-11, 17-25</td>
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<td>Ascension</td>
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<td>Nov. 17-18, 23-25, Dec. 1-2, 8-9, 15-16</td>
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<td>Area 2: Nov. 3-4, 10-11, 17-25, Dec. 1-2, 8-9</td>
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<td>Area 3: Oct. 13-14, 20-21, 27-28, Nov. 3-4, 10-11, 17-25</td>
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Note: Seasons and areas may vary due to various factors such as wildlife population and habitat conditions.
E. Farm Raised White-tailed Deer on Supplemented Shooting Preserves

<table>
<thead>
<tr>
<th>Archery</th>
<th>Modern Firearm</th>
<th>Either Sex</th>
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</thead>
</table>

F. Exotics on Supplemented Shooting Preserves: Either Sex, no closed season.

AUTHORITY NOTE: Promulgated in accordance with R.S. 56:115.


Dr. H. Jerry Stone
Chairman

0107#027

RULE

Department of Wildlife and Fisheries
Wildlife and Fisheries Commission

Waterfowl Hunting Zones (LAC 76:V.319)

The Wildlife and Fisheries Commission has established rules and regulations governing waterfowl hunting zones.

Title 76

WILDLIFE AND FISHERIES
Part V. Wild Quadrupeds and Wild Birds
Chapter 3. Wild Birds
§319. Waterfowl Hunting Zones

The state shall be divided into East and West Waterfowl Hunting Zones by the following boundary: Beginning at the Arkansas-Louisiana border on La. 3; thence south along La. 3 to Bossier City; thence east along I-20 to Minden; thence south along La. 7 to Ringgold; thence east along La. 4 to Jonesboro; thence south along U.S. 167 to Lafayette; thence southeast along U.S. 90 to the Mississippi state line.

AUTHORITY NOTE: Promulgated in accordance with R.S. 56:115.


Dr. H. Jerry Stone
Chairman

0107#026
NOTICE OF INTENT
Department of Agriculture and Forestry
Horticulture Commission

Revised Standards of Practice
(LAC 7:XXIX.117)

In accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., the Department of Agriculture and Forestry, Horticulture Commission, hereby proposes to amend regulations allowing retail florists to rent ornamental plants for special events such as weddings, conventions, trade shows, etc. This Rule is enabled by R.S. 3:3808 and 3:3801.

Title 7
AGRICULTURE AND ANIMALS
Part XXIX. Horticulture Commission

Chapter 1. Horticulture
§117. Required Standards of Practice
A. General Requirements for Retail Florist
1. - 4. …
5. Retail florists may rent potted ornamental plants for special events such as weddings, conventions, trade shows, etc., if such plants are normally and customarily sold by florists and such plants do not require maintenance, other than normal watering. Plants rented by retail florists for a special event shall be rented only for the duration of that special event.
B. - I.5. …


Family Impact Statement
The proposed amendments to rules LAC XXIX. Chapter 1 regarding the Horticulture Commission regulations should not have any known or foreseeable impact on any family as defined by R.S. 49:972 D or on family formation, stability and autonomy. Specifically there should be no known or foreseeable effect on:
1. the stability of the family;
2. the authority and rights of parents regarding the education and supervision of their children;
3. the functioning of the family;
4. family earnings and family budget;
5. the behavior and personal responsibility of children;
6. the ability of the family or a local government to perform the function as contained in the proposed rule.

All interested persons may submit written comments on the proposed rules through, August 27, 2001, to Craig Roussel, Department of Agriculture and Forestry, 5825 Florida Blvd., Baton Rouge, LA 70806. No preamble concerning the proposed rules is available.

Bob Odom
Commissioner

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES

RULE TITLE: Revised Standards of Practice

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)
There will be no increase in costs or savings to state or local governmental units. This rule change will allow retail florists to rent ornamental plants for special events such as weddings, conventions, trade shows, etc.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
There will be no effect on revenue collections of state and local government units.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS (Summary)
There will be no costs or economic benefits to the retail florist industry. This rule is putting into place what is already in effect.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)
There will be no impact on competition and employment in the public and private sectors.

Skip Rhorer
H. Gordon Monk
Assistant Commissioner
Staff Director
0107#036
Legislative Fiscal Office

NOTICE OF INTENT
Department of Education
Board of Elementary and Secondary Education


In accordance with R.S. 49:950 et seq., the Administrative Procedure Act, notice is hereby given that the Board of Elementary and Secondary Education approved for advertisement an amendment to Bulletin 741, referenced in LAC 28:1.901.A, promulgated by the Board of Elementary and Secondary Education in L.R. 1:483 (November 1975). The proposed changes require students who pass to the 9th or 10th grade without having passed either the mathematics or English language arts component of the 8th grade LEAP 21 to pass a high school remedial course in the subject area that they failed before taking a course for Carnegie credit in that subject area. These changes reflect changes made to the High Stakes Testing policy.
The mathematics course offerings shall be as follows:

<table>
<thead>
<tr>
<th>Course Title</th>
<th>Unit</th>
</tr>
</thead>
<tbody>
<tr>
<td>Advanced Mathematics</td>
<td>1 each</td>
</tr>
<tr>
<td>Advanced Mathematics II</td>
<td>1</td>
</tr>
<tr>
<td>Algebra I</td>
<td>1</td>
</tr>
<tr>
<td>Algebra I-Part I</td>
<td>1</td>
</tr>
<tr>
<td>Algebra II</td>
<td>1</td>
</tr>
<tr>
<td>Applied Mathematics I</td>
<td>1</td>
</tr>
<tr>
<td>Applied Mathematics II</td>
<td>1</td>
</tr>
<tr>
<td>Applied Mathematics III</td>
<td>1</td>
</tr>
<tr>
<td>Calculus</td>
<td>1</td>
</tr>
<tr>
<td>Discrete Mathematics</td>
<td>1</td>
</tr>
<tr>
<td>Financial Mathematics</td>
<td>1</td>
</tr>
<tr>
<td>Geometry</td>
<td>1</td>
</tr>
<tr>
<td>Introductory Algebra/Geometry</td>
<td>1</td>
</tr>
<tr>
<td>Integrated Mathematics I</td>
<td>1</td>
</tr>
<tr>
<td>Integrated Mathematics II</td>
<td>1</td>
</tr>
<tr>
<td>Integrated Mathematics III</td>
<td>1</td>
</tr>
<tr>
<td>Pre-Calculus</td>
<td>1</td>
</tr>
<tr>
<td>Probability and Statistics</td>
<td>1</td>
</tr>
</tbody>
</table>

For the 2001-2002 school year, Introductory Algebra/Geometry may serve as the required high school remediation course for students promoted to 9th or 10th grade without passing the mathematics component of LEAP 21. When used as a remediation course, credit for this course may not be used to meet the mathematics graduation requirements.

Students who score at the Unsatisfactory achievement level on the mathematics component of Grade 8 LEAP 21 shall pass a high school remedial course in mathematics before enrolling in any course in the Secondary Program of Studies for Mathematics.

The English course offerings shall be as follows:

<table>
<thead>
<tr>
<th>Course Title</th>
<th>Unit</th>
</tr>
</thead>
<tbody>
<tr>
<td>English I, II, III, IV</td>
<td>1 each</td>
</tr>
<tr>
<td>Business English</td>
<td>1</td>
</tr>
<tr>
<td>Reading I</td>
<td>1</td>
</tr>
<tr>
<td>Reading II</td>
<td>1</td>
</tr>
<tr>
<td>English as a Second Language (ESL) I, II, III, IV</td>
<td>1 each</td>
</tr>
</tbody>
</table>

For the 2001-2002 school year, Reading I or Reading II may serve as the required high school remediation course for students promoted to 9th or 10th grade without passing the English Language Arts component of Grade 8 LEAP 21.

The science and social studies components of the graduation test shall first be administered to students in the 11th grade.

Remediation and retake opportunities will be provided for students that do not pass the test.

Effective for incoming freshman 2000-2001, a student may apply a maximum of two Carnegie units of elective credit toward high school graduation by successfully completing specially designed courses for remediation.

In addition to completing a minimum of 23 Carnegie units of credit, the student shall also be required to pass the Graduation Exit Examination, beginning with the 1991 graduating class. This requirement shall first apply to students classified as sophomores in 1988-89 and thereafter.

The English language arts, writing, and mathematics components of the Graduation Exit Examination (GEE 21) shall first be administered to students in the 10th grade.

For the 2001-2002 school year and thereafter, a maximum of one Carnegie unit of elective credit may be applied toward meeting high school graduation requirements by an 8th grade student who has scored at the Unsatisfactory achievement level on either the English Language Arts and/or the Mathematics component of the 8th grade LEAP 21 provided the student:

- successfully completed specially designed elective(s) for LEAP 21 remediation;
- scored at or above the Basic achievement level on those component(s) of the 8th grade LEAP 21 for which the student previously scored at the Unsatisfactory achievement level.
Evolving system with different components. The proposed student achievement. The State's accountability system is an by helping schools and communities focus on improved implementing fundamental changes in classroom teaching development of an accountability system for the purpose of 478 of the 1997 Regular Legislative Session called for the and Secondary Education in LR l:483 (November 1975). Act advertisement an amendment to Bulletin 741, referenced in Procedure Act, notice is hereby given that the Board of Elementary and Secondary Education, Box 94064, Capitol Station, Baton Rouge, LA 70804-9064.

Weegie Peabody
Executive Director

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES
RULE TITLE: Bulletin 741C Louisiana Handbook For School AdministratorsC Curriculum Standards

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)
The implementation of changes requires no cost or savings to state or local governmental units.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
There is no effect on revenue collections of state or local governmental units.

III. ESTIMATED COSTS AND OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS (Summary)
There are no effects on costs or economic benefits to directly affected persons or non-governmental groups.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)
There are no effects on competition and employment.

Marilyn Langley
Deputy Superintendent
Management and Finance
0107#004

NOTICE OF INTENT
Department of Education
Board of Elementary and Secondary Education


In accordance with R.S. 49:950 et seq., the Administrative Procedure Act, notice is hereby given that the Board of Elementary and Secondary Education approved for advertisement an amendment to Bulletin 741, referenced in LAC 28:1.901.A, promulgated by the Board of Elementary and Secondary Education in LR 1:483 (November 1975). Act 478 of the 1997 Regular Legislative Session called for the development of an accountability system for the purpose of implementing fundamental changes in classroom teaching by helping schools and communities focus on improved student achievement. The State’s accountability system is an evolving system with different components. The proposed change more clearly explains and refines existing policy as follows: 1) School Performance Scores for K-8 schools for Cycle 1; 2) Clarification of the calculation of the NRT Index; 3) The addition of the word “Adjusted” to the Achievement Index for grades 9-12; 4) the change in the Standard Scores for the 9th grade NRT; 5) the change in the number of bonus points for Option II students; 6) the change in the calculation of the Adjusted Achievement Index; 7) the addition of a new growth label and adjustment to the “School in Decline” label; 8) clarification of the transfer/school choice policy; 9) clarification concerning student participation in only one testing program; 10) clarification of special education students participating in out-of-level and alternate assessments.

Title 28
EDUCATION
Part I. Board of Elementary and Secondary Education
Chapter 9. Bulletins, Regulations, and State Plans
Subchapter A. Bulletins and Regulations
§901. School Approval Standards and Regulations
A. Bulletin 741

** *

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A) (10), (11), (15); R.S. 17:7 (5), (7), (11); R.S. 17:10, 11; R.S. 17:22 (2), (6).

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education LR 1:483 (November 1975), amended by the Board of Elementary and Secondary Education LR 26:635 (April, 2000); LR 26:1260 (June, 2000), LR 26:1260-1261 (June, 2000), LR 27:

Bulletin 741C Louisiana Handbook for School AdministratorsC The Louisiana School and District Accountability System
School Performance Scores

2.006.03 A School Performance Score (SPS) shall be calculated for each school. This score shall range from 0-100 and beyond, with a score of 100 indicating a school has reached the 10-Year Goal and a score of 150 indicating a school has reached the 20-Year Goal. The lowest score that a given school can receive for each individual indicator index and/or for the SPS as a whole is “0.”

For the first accountability cycle, the baseline SPS shall be calculated using CRT and NRT scores from spring 1999 and the prior year’s attendance and dropout data. The Growth SPS shall be calculated using CRT and NRT scores from spring 2001 and the prior year’s attendance and dropout data.

During the fall of 2001 for K-8 schools, each school shall receive two School Performance Scores as follows:
- a Growth SPS will be calculated using 2001 English language arts/Math LEAP 21 test scores, 2001 Iowa test scores, and 2000 attendance and dropout data.

The Growth SPS shall be used to determine Growth Labels and to calculate rewards. The new Baseline shall be used to determine Performance Labels and to calculate the next cycle’s Growth Target. The higher SPS (Growth or Baseline) shall be used to determine movement in Corrective Actions.

* * *
Beginning the second cycle, every year of student data shall be used as part of a school’s SPS. Calculations of the SPS shall use the following:

- an average of the most recent two year’s test data, and
- attendance and dropout rates from the two years prior to the last year of test data used.

For schools entering accountability after 1999, one year's data shall be used for schools formed in mid-cycle years and two year's data for other schools. Only spring administration test data shall be used in the School Performance Score.

A baseline School Performance Score shall be calculated in Spring 1999 for Grades K-8.

During the summer of 1999 for K-8 schools, each school shall receive two School Performance Scores as follows:

- a score for regular education students, including gifted, talented, speech or language impaired, and Section 504 students.
- a score including regular education students AND students with disabilities eligible to participate in the CRT and/or NRT tests.

For the purpose of determining Academically Unacceptable Schools, during the summer of 1999 for K-8 schools, the School Performance Score that includes only regular education students shall be used.

Formula for Calculating an SPS [K-8]

The SPS for a sample school is calculated by dividing the total scores by the number of students eligible to be tested.

SPS = \[ \frac{\text{Total Scores}}{\text{Number of Students Eligible}} \]

Criterion-Referenced Tests (CRT) Index Calculations [K-8]

A school’s CRT Index score equals the sum of the student totals divided by the number of students eligible to participate in state assessments. For the CRT Index, each student who scores within one of the following five levels shall receive the number of points indicated:

- Advanced = 200 points
- Proficient = 150 points
- Basic = 100 points
- Approaching Basic = 50 points
- Unsatisfactory = 0 points

Formula for Calculating a CRT Index for a School [K-8]

1. Calculate the total number of points by multiplying the number of students at each Performance level times the points for those respective performance levels, for all content areas.
2. Divide by the total number of students eligible to be tested times the number of content area tests.
3. Zero shall be the lowest CRT Index score reported for accountability calculations.

Option 1 students: those students failing the 8th grade LEAP 21 that have been
- retained on the 8th grade campus
- must retake all parts of the 8th Grade LEAP 21

If, during spring testing, a repeating fourth grade student or Option I 8th grade student receives a score of Approaching Basic or above on a LEAP 21 test of mathematics, English language arts, science or social studies for which he/she received a score of Unsatisfactory the previous spring, the retaining school shall receive 50 bonus points per subject in its accountability index. A student may earn a maximum of 200 bonus points for his/her school. (No bonus points will be awarded for passing parts of tests in the summer school of the year they first failed in spring testing.)

Transition Years [K-8]

To accommodate the phase-in of the Social Studies and Science components of the CRT for Elementary and Secondary Accountability Cycles, the State Department of Education shall use the following LEAP Test components when calculating the School Performance Scores (SPS) for K-8:

NRT Goals and Equivalent Standard Scores

For the NRT Index, standard scores shall be used for computing the SPS. Index scores for each student shall be calculated, scores totaled, and then averaged together to get a school’s NRT Index score.

Norm-Referenced Tests (NRT) Index Calculations [K-8]

For the NRT Index, standard scores shall be used for computing the SPS. Index scores for each student shall be calculated, scores totaled, and then averaged together to get a school’s NRT Index score.
Accountability Calculations

1. Calculate the index for each student, using the grade-appropriate formula relating the Standard Score to NRT Index.
   (NOTE: For accountability purposes, a student not taking the test and not exempted will be assigned a zero NRT index.)
2. Sum the total number of NRT Index points for all grades in the school.
3. Divide the sum of the NRT Index points by the total number of students eligible to be tested plus the number of students not exempted.
4. Zero shall be the lowest NRT Index score reported for School Performance Score calculations.

Attendance Index Calculations [K-8]

An Attendance Index score for each school shall be calculated. The initial year’s index shall be calculated from the prior year’s attendance rates. Subsequent years’ indexes shall be calculated using the prior two years’ average attendance rates as compared to the State’s goals.

Attendance Goals

<table>
<thead>
<tr>
<th>Grades K-8</th>
<th>10-Year Goal</th>
<th>20-Year Goal</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>95%</td>
<td>98%</td>
</tr>
</tbody>
</table>

Attendance Index Formula

Grades K-8

Indicator (ATT K-8) = (16.667 * ATT) - 1483.4

Where ATT is the attendance percentage, the Index Formula uses the definition of attendance established by the Louisiana Department of Education.

Lowest Attendance Index Score

Zero shall be the lowest Attendance Index score reported for accountability calculations.

Dropout Index Calculations

A Dropout Index score for each school shall be calculated. The initial year’s index shall be calculated from the prior year’s dropout rates. Subsequent years’ indices shall be calculated using the prior two years’ average dropout rates as compared to the State’s goals.

Dropout Goals

<table>
<thead>
<tr>
<th>Grades 7 &amp; 8</th>
<th>10-Year Goal</th>
<th>20-Year Goal</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>4%</td>
<td>2%</td>
</tr>
</tbody>
</table>

The national definition of dropout shall be adhered to, but in certain instances the Louisiana Department of Education shall calculate an “Adjusted Dropout Rate” for accountability purposes.

Dropout Index Formulas

Non-Dropout Rate (NDO) = 100 - Dropout Rate (DO) (expressed as a percentage)

Grades 7 & 8

Dropout Index (7-8) = Indicator (DO Gr 7-8) = (25 * NDO) - 2300.0

NDO = (Indicator DO Gr 7-8 + 2300.0) / 25

Lowest Dropout Index Score

Zero shall be the lowest Dropout Index score reported for accountability calculations.

School Performance Scores for 9-12

A School Performance Score (SPS) shall be calculated for each high school. This score shall range from 0 - 100 and beyond, with a score of 100 indicating that a school has reached the 10-Year Goal and a score of 150 indicating that a school has reached the 20-Year Goal. The lowest score that a given high school can receive for each individual indicator index and/or for the SPS as a whole is “0.”

Every year of student data shall be used as part of a high school’s SPS. The school’s initial SPS shall be calculated using the most recent year’s NRT and CRT test data and the prior year’s attendance and dropout rates. Subsequent calculations of the SPS shall use the most recent two years’ test data, attendance and dropout rates from the two years prior to the last year of test data used.

Transition Years [9-12]

To accommodate the phase-in of the grades 10 and 11 GEE 21 criterion-referenced tests and the graduation requirement, the Department shall use the following indicators:

<table>
<thead>
<tr>
<th>Timelines/School Years</th>
<th>Indicators Included</th>
</tr>
</thead>
<tbody>
<tr>
<td>Cycle</td>
<td>Baseline Data</td>
</tr>
<tr>
<td>1</td>
<td>2000-01</td>
</tr>
<tr>
<td>2</td>
<td>2001-02 &amp; 2002-03</td>
</tr>
<tr>
<td>3</td>
<td>2003-04 &amp; 2004-05</td>
</tr>
</tbody>
</table>

*Indicates use of prior year data for these indexes.

Transition Years [Combination Schools]

Combination Schools are schools that contain a 10th and/or 11th grade and that also contain a 4th and/or 8th grade.

To accommodate the phase-in of Social Studies and Science components of the CRT tests for Secondary Accountability Cycles, the Department shall use the following LEAP Test components when calculating the SPS for combination schools.

<table>
<thead>
<tr>
<th>Growth SPS Data</th>
<th>CRT Index Components</th>
</tr>
</thead>
<tbody>
<tr>
<td>2001</td>
<td>All CRT (without 11th grade) (Cycle 1)</td>
</tr>
<tr>
<td>2002</td>
<td>All CRT (without 11th grade) (Cycle 1) All CRT (Cycle 2)</td>
</tr>
<tr>
<td>2003</td>
<td>All CRT (without 11th grade) (Cycle 1) All CRT (Cycle 2)</td>
</tr>
</tbody>
</table>

Formula for Calculating an SPS - Accountability Cycle 1 [9-12]

During the first accountability cycle, the SPS for a sample school shall be calculated by multiplying the index values for each indicator by the weight given to the indicator and adding the total scores. The formula is:

SPS = (.60 * Grade 10 CRT Adjusted Achievement Index) + (.30 * NRT Adjusted Achievement Index) + (.05 * Dropout Index) + (.05 Attendance Index)

All intermediate results and the final result shall be rounded to the nearest tenth.

The following is an example of how this calculation shall be made:

<table>
<thead>
<tr>
<th>Indicator</th>
<th>Value</th>
<th>Weight</th>
<th>Indicator Score</th>
</tr>
</thead>
<tbody>
<tr>
<td>CRT-Grade 10</td>
<td>66.0</td>
<td>60%</td>
<td>39.6</td>
</tr>
<tr>
<td>NRT</td>
<td>75.0</td>
<td>30%</td>
<td>22.5</td>
</tr>
<tr>
<td>Attendance</td>
<td>50.0</td>
<td>5%</td>
<td>2.5</td>
</tr>
<tr>
<td>Dropout</td>
<td>87.5</td>
<td>5%</td>
<td>4.4</td>
</tr>
<tr>
<td>SPS</td>
<td></td>
<td></td>
<td>69.0</td>
</tr>
</tbody>
</table>
Formula for Calculating an SPS – Accountability Cycle 2 [9-12]
During the second accountability cycle, the SPS for a sample school shall be calculated by multiplying the index values for each indicator by the weight given to the indicator and adding the total scores. The formula is:

\[ \text{SPS} = \left( \sum \text{Indicators} \times \text{Weights} \right) \]

SPS = (.30 * Grade 10 CRT Adjusted Achievement Index) + (.30 * Grade 11 CRT Adjusted Achievement Index) + (.25 * NRT Index) + (.05 * Dropout Index) + (.05 * Attendance Index)

In this example:

\[ [(0.25 \times 66.0) + (0.30 \times 60.0) + (0.30 \times 75.0) + (0.05 \times 50.0) + (0.05 \times 87.5)] = 67.2 \]

<table>
<thead>
<tr>
<th>Indicator</th>
<th>Index Value</th>
<th>Weight</th>
<th>Indicator Score</th>
</tr>
</thead>
<tbody>
<tr>
<td>CRT—Grade 10</td>
<td>66.0</td>
<td>30%</td>
<td>19.8</td>
</tr>
<tr>
<td>CRT—Grade 11</td>
<td>60.0</td>
<td>30%</td>
<td>18.0</td>
</tr>
<tr>
<td>NRT</td>
<td>75.0</td>
<td>30%</td>
<td>22.5</td>
</tr>
<tr>
<td>Attendance Index</td>
<td>50.0</td>
<td>5%</td>
<td>2.5</td>
</tr>
<tr>
<td>Dropout Index</td>
<td>87.5</td>
<td>5%</td>
<td>4.4</td>
</tr>
<tr>
<td>SPS</td>
<td></td>
<td></td>
<td>67.2</td>
</tr>
</tbody>
</table>

Norm-Referenced Tests (NRT) Index Calculations [9-12]
For the NRT Index, standard scores shall be used for computing the SPS. Index scores for each student shall be calculated, scores totaled, and then averaged together to get a high school's NRT Index score.

<table>
<thead>
<tr>
<th>NRT Goals and Equivalent Standard Scores for Grade 9</th>
</tr>
</thead>
<tbody>
<tr>
<td>Goal</td>
</tr>
<tr>
<td>-------------</td>
</tr>
<tr>
<td>10-Year Goal</td>
</tr>
<tr>
<td>20-Year Goal</td>
</tr>
</tbody>
</table>

NRT Formulas Relating Student Standard Scores to NRT Index [9-12]
If the 10-Year and 20-Year Goals are the 55th and 75th percentile ranks respectively and if the SS = a student's standard score, the index for a Grade 9 student is calculated as follows:

\[ \text{Index 9th grade} = (\frac{2.083 \times \text{SS}}{447.8}) - 2.083 \]

Option II students: those students failing the 8th grade LEAP 21 that have been:
- retained and placed on the high school campus
- must take the 9th grade NRT and
- must retake only the parts of the 8th grade LEAP 21 they originally failed (English language arts or mathematics).

If, during spring testing, a student receives a score of Approaching Basic or above on a LEAP 21 test of mathematics or English language arts for which he/she received a score of Unsatisfactory the previous spring, the high school shall receive bonus points in its accountability index. For the 2000-2001 school year, a student may earn a maximum of 100 bonus points in his/her school’s accountability index. Beginning cycle 2 (2001-2002), a student may earn a maximum of 50 bonus points for his/her school.

Only with the exception of grade 8 Option II students, all Louisiana students in grades three through eleven will participate in only one of the following programs:
- LEAP 21 or,
- GEE 21 or,
- Iowa On-Level or,
- Iowa Out-of-Level or,
- Louisiana Alternate Assessment

Only the exception of grade 8 Option II students, all Louisiana students in grades three through eleven will participate in only one of the following programs:
- LEAP 21 or,
- GEE 21 or,
- Iowa On-Level or,
- Iowa Out-of-Level or,
- Louisiana Alternate Assessment

Criterion-Referenced Tests (CRT) Index Calculations [9-12]
A high school's CRT Index score at each grade equals the sum of the eligible student totals divided by the number of eligible students participating in state assessments. For the CRT Index, each student who scores within one of the following five levels shall receive the number of points indicated.

<table>
<thead>
<tr>
<th>Level</th>
<th>Points</th>
</tr>
</thead>
<tbody>
<tr>
<td>Advanced</td>
<td>200</td>
</tr>
<tr>
<td>Proficient</td>
<td>150</td>
</tr>
<tr>
<td>Basic</td>
<td>100</td>
</tr>
<tr>
<td>Approaching Basic</td>
<td>50</td>
</tr>
<tr>
<td>Unsatisfactory</td>
<td>0</td>
</tr>
</tbody>
</table>

Dropout Index Calculations for Grades 9-12
A Dropout Index score for each high school shall be calculated. The initial year's index shall be calculated from the prior year's dropout rates. Subsequent years' indexes shall be calculated using the prior two years' average dropout rates as compared to the State's goals.

Attendance Index Calculations for Grades 9-12
An Attendance Index score for each high school shall be calculated. The initial year's index shall be calculated from the prior year's attendance rates. Subsequent years' indexes shall be calculated using the prior two years' average attendance rates as compared to the State's goals.

Dropout Index Formula for Grades 9-12
If the 10-Year and 20-Year Goals are 93% and 96% average attendance respectively and if the: ATT = attendance percentage using the definition of attendance established by the Department of Education, the attendance index is calculated as follows:

\[ \text{Indicator (ATT 9-12)} = (16.667 \times \text{ATT}) – 1450.0 \]

Example:
- If the average attendance percentage is 94.3%, the Attendance Index would be:
  \[ (16.667 \times 94.3) – 1450.0 = 121.7 \]
- Zero shall be the lowest Attendance Index score reported for accountability calculations.
Data Collection

2.006.04 A test score shall be entered for all eligible students within a given school. For any eligible student who does not take the test, including those who are absent, a score of "0" on the CRT and NRT shall be calculated in the school’s SPS. (See Standard 2.006.18.) However, the percentage of students with disabilities varies significantly across schools and the rate of growth for such students, when compared to regular education students, may be different. Therefore, the proportion of students with disabilities eligible to participate in the CRT or NRT in each school will be a factor in determining the Growth Target for each school.

Growth Targets

2.006.05 Each school shall receive a Growth Target that represents the amount of progress it must make every two years to reach the State’s 10- and 20-Year Goals.

In establishing each school’s Growth Target, the SPS inclusive of students with disabilities shall be used as the baseline. (See Standard 2.006.18.) However, the percentage of students with disabilities varies significantly across schools and the rate of growth for such students, when compared to regular education students, may be different. Therefore, the proportion of students with disabilities eligible to participate in the CRT or NRT in each school will be a factor in determining the Growth Target for each school.

Growth Targets

During the first ten years, the formula is the following:

\[
\text{Growth Target} = \left( \frac{100 - \text{SPS}}{N} \right) + \left( \frac{\text{PropSE} \times (150 - \text{SPS})}{(N + 5)} \right)
\]

where

- PropSE = the number of special education students in the school who are eligible to participate in the NRT or CRT, divided by the total number of students in the school who are eligible to participate in the NRT or CRT. For purposes of this calculation, gifted, talented, speech or language impaired, and 504 students shall not be counted as special education students, but shall be included in the calculations as regular education students.
- PropRE = 1 - PropSE. PropRE is the proportion of students not in special education.
- SPS = School Performance Score
- N = Number of remaining accountability cycles in the 10-Year Goal period

During the second ten years, the formula is the following:

\[
\text{Growth Target} = \left( \frac{100 - \text{SPS}}{N} \right) + \left( \frac{\text{PropSE} \times (150 - \text{SPS})}{(N + 5)} \right) + \text{PropLEP} \times \left( \frac{100 - \text{SPS}}{N + 5} \right)
\]

where

- PropLEP = the number of limited English proficient students in the school who are eligible to participate in the NRT or CRT, divided by the total number of students in the school who are eligible to participate in the NRT or CRT. For purposes of this calculation, gifted, talented, speech or language impaired, and 504 students shall not be counted as limited English proficient students, but shall be included in the calculations as regular education students.

Growth Targets for Reconstituted Schools

Until 2009 (for K-8 schools) and 2011 (for 9-12 schools), the reconstituted school’s Growth Target shall be equal to 100 minus the SPS divided by 5 minus the number of cycles since reconstitution.

For example, suppose a school is reconstituted in 2005 and has a SPS of 50 (based on previous year’s data). The school’s Growth Target for the first cycle after reconstitution shall be 10 points if \((100-50)/5\).

Growth Labels

2.006.06 A school shall receive a label based on its success in attaining its Growth Target.

A school exceeding its Growth Target by 5 points or more shall receive a label of Exemplary Academic Growth.

A school exceeding its Growth Target by fewer than 5 points shall receive a label of Recognized Academic Growth.

A school showing a change in its SPS of 0 to -5.0 points, shall receive a label of No Growth

A school with a declining SPS (more than -5.0 points) shall receive a label of School in Decline.

When a school’s SPS is greater than or equal to the State’s goal, “Minimal Academic Growth,” “No Growth” and “School in Decline” labels shall no longer apply.

Performance Labels

2.006.07 A Performance Label shall be given to a school that qualifies, in addition to the Growth Label.

A school with a SPS of 30 or below shall be identified as an Academically Unacceptable School. This school immediately enters Corrective Actions.

For purpose of determining Academically Unacceptable Schools, during the summer of 1999 for K-8 schools and during the summer of 2001 for 9-12 schools, the SPS that includes only regular education students shall be used. Any school with an SPS of 30 or less, based on the test scores of regular education students only, shall be deemed an Academically Unacceptable School.

*A school with a SPS of 30.1 - state average* shall be labeled Academically Below the State Average.

*A school with a SPS of state average* - 99.9 shall be labeled Academically Above the State Average.

*The state average is recalculated every growth cycle.

**A school with a SPS of 100.0 - 124.9 shall be labeled a School of Academic Achievement.

**A school with a SPS of 125.0 - 149.9 shall be labeled a School of Academic Achievement.
A school with a SPS of 150.0 or above shall be labeled a School of Academic Excellence.

A school with these labels shall no longer be subject to Corrective Actions and shall not receive “negative” growth labels: i.e., School in Decline, No Growth, and Minimal Academic Growth. This school shall continue to meet or exceed Growth Targets to obtain “positive” growth labels, recognition, and possible rewards.

Transfer Policy

2.006.11 Parents shall have the right to transfer their child to another public school when an Academically Unacceptable School begins Corrective Actions Level II or any other school begins Corrective Actions Level III.

Transfers shall not be made to Academically Unacceptable Schools or any school undergoing Corrective Actions Level II or Level III.

Upon parental request, districts shall transfer the child to the nearest acceptable school prior to the October 1 student membership count.

If no academically acceptable school in the district is available, the student may transfer to a neighboring district. Parents shall provide the transportation to the school. State dollars shall follow the child when such a transfer occurs.

Schools and districts may refuse to accept a student if there is insufficient space, if a desegregation order prevents such a transfer, or if the student has been subjected to disciplinary actions for behavioral problems.

An LEA must develop a policy for student transfers (School Choice Policy) for Academically Unacceptable schools in Corrective Actions II and III. An LEA shall state its capacity for offering student transfers. The SBESE shall approve or disapprove an LEA’s School Choice Policy.

An LEA declaring Lack or Limited Capacity shall request a waiver from the SBESE and shall submit the following with its waiver request:

- a description of the general transfer policy or desegregation order (See State’s Guidance on LEAs’ Development of School Choice Policies for Public Schools in Louisiana.) Transfer policies must include:
  1) a method for determining transfer capacity or evidence of lack of capacity to transfer;
  2) transfer options for as many eligible students as possible in the Academically Unacceptable schools in Corrective Actions II or III to other Academically Acceptable schools;
  3) equal educational opportunities for all students eligible to transfer, including students with disabilities and Limited English Proficiency (LEP) and in compliance with all civil rights laws pertaining to eligible students;
  4) a method for selecting transfer students from the entire eligible student population in cases of Limited Capacity (i.e., lottery);
  5) a method for communicating to parents the option and wherewithal of School Choice;
  6) a method for maintaining a file for all communication involving all interested parties in School Choice;
  7) a method for providing transportation for transfer students; and
  8) A method for transferring student records, including assessment results and their interpretations.

If the SBESE determines that an LEA has demonstrated sufficient evidence of lack of or limited capacity to transfer, then the requesting LEA must submit the following information for the SBESE’s approval:

- a description of the School/District Plan for those schools having to offer School Choice that addresses the following:
  1) Educator Quality
     • Principal Certification/Qualifications
     • Principal Leadership and Effectiveness
     • Teacher Qualifications/Certification
  2) Professional Development
     • To address teacher professional learning based on student data
     • To address uncertified/inexperienced teacher professional learning if certified/experienced teachers are unavailable for placement in the school
  3) Alignment of Curriculum, Instruction and Assessment with State Content Standards;
  4) Teacher/Pupil Ratio;
  5) Early Intervention/Remediation Programs;
  6) Time on Task/Extended Learning Opportunities;
  7) Parental Involvement; and
  8) Discipline/Safety/Health Issues;
  9) Renovation/Capital Improvement.
If the SBESE approves an LEA’s School Choice Policy, the LEA must comply with the following conditions:

1) The LEA must submit a quarterly status report to the SBESE regarding the implementation and progress of the district’s School Choice policy.

2) The LEA’s School Choice Policy will be reviewed, re-evaluated, and subject to amendment or revision annually, all at the discretion of the SBESE.

3) The LEA must formally approve (and provide to the SBESE written proof thereof) the following:
   a. the implementation of the School Choice Policy submitted to the SBESE; and
   b. the assurance that as a part of its approval of the School Choice Policy the Superintendent (or interim Superintendent), or his/her designee, shall be the sole decision maker with regard to the assignment, removal, or replacement of all personnel involved, directly or indirectly, in the administration and implementation of the School Choice policy including personnel in the central office and relevant schools covered by the plan.

4) In the event that the LEA uses preliminary data supplied by the LDE or testing contractor and determines in good faith that a school is not required by state or federal law to provide choice to students, but final School Performance Scores (as determined by the LDE) would require the school provide choice, the LEA shall provide choice (in accordance with the provisions of the approved SPS are determined by the LDE).

If the SBESE fails to approve an LEA’s School Choice Plan, the implicated schools will lose their School Approval status.

Inclusion of Students with Disabilities

2006.18 All students, including those with disabilities, shall participate in Louisiana's new testing program. The scores of all students who are eligible to take the CRT and the NRT shall be included in the calculation of the SPS. Most students with disabilities shall take the CRT and the NRT with accommodations, if required by their Individualized Education Program (IEP). A small percentage of students with very significant disabilities, limited to 1.5 percent per grade level per school district, shall participate in an alternate assessment, as required by their IEP.

Local Education Agencies (LEAs) have the option to allow or disallow out-of-level testing. The LEA shall determine the percentage of students who can test out-of-level, not to exceed a total of 4 percent of students at any grade level per school district. This 4 percent includes those students participating in alternate assessment. The parent must agree with out-of-level assessment through written parental approval, via the IEP. There shall be an appeals method in place to make decisions on exceptions when the district’s 4 percent cap has been exceeded.

A student participating in out-of-level testing must test three or more grade levels below in either English/Language Arts or Mathematics. If a student does not test three or more grade levels below in at least one of these subject areas, he/she will receive a “0” for growth.

For students with disabilities who test out-of-level, Iowa (ITBS) standard scores from two consecutive years shall be compared in the following manner to determine student performance in calculating the SPS:

<table>
<thead>
<tr>
<th>Loss of Progress in Grade Level</th>
<th>Points Assigned</th>
</tr>
</thead>
<tbody>
<tr>
<td>Less than 5 standard score points of progress</td>
<td>0 points (Unsatisfactory)</td>
</tr>
<tr>
<td>5-9 standard score points of progress</td>
<td>50 points (Approaching Basic)</td>
</tr>
<tr>
<td>10-14 standard score points of progress</td>
<td>100 points (Basic)</td>
</tr>
<tr>
<td>15-19 standard score points of progress</td>
<td>150 points (Proficient)</td>
</tr>
<tr>
<td>20+ standard score points of progress</td>
<td>200 points (Advanced)</td>
</tr>
</tbody>
</table>

The scores of Special Education students participating in out-of-level testing shall be excluded from the School Performance Score for the year 1999-2000.

Appeals Process for Exceeding the Established Caps for Out-of-Level Alternate Assessment of Students with Disabilities

I. School districts that either
   A) exceed a total of 4 percent but less than 5 percent of the total district population at any grade level participating in out-of-level testing and alternate assessment, AND/OR
   B) exceed a total of 1.5 percent but less than 2 percent of the total district population at any grade level participating in alternate assessment must submit the following to the Department of Education (DOE) for review and approval:
      1) a justification documenting the reasons for exceeding the cap(s), and
      2) a corrective action plan to
         • increase participation in on-level assessment of the total district population at the grade level(s) where the cap was exceeded, and when applicable;
         • decrease participation in alternate assessment to a maximum of 1.5 percent of the total district population at the grade level(s) where the cap was exceeded.

II. School districts that either
   C) exceed a total of 5 percent or more of the total district population at any grade level participating in out-of-level testing and alternate assessment, AND/OR
   D) exceed a total of 2 percent of the total district population at any grade level participating in alternate assessment must submit the following to the Department of Education for review and approval:
      3) a justification documenting the reasons for exceeding the cap(s), and
      4) a corrective action plan to
         • increase participation in on-level assessment of the total district population at the grade level(s) where the cap was exceeded, and when applicable;
         • decrease participation in alternate assessment to a maximum of 1.5 percent of the total district population at the grade level(s) where the cap was exceeded.

The school district will receive an onsite investigation by a Department of Education team; and following the investigation, the DOE team will meet with the school district’s superintendent and appropriate staff to address the findings and revise, if necessary, the submitted corrective action plan.

III. The DOE will report to the SBESE on each appeal.

Interested persons may submit written comments until 4:30 p.m., September 9, 2001, to Nina A. Ford, Board of Elementary and Secondary Education, Box 94064, Capitol Station, Baton Rouge, LA 70804-9064.

Weegie Peabody
Executive Director
FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES

RULE TITLE: Bulletin 741C Louisiana Handbook For School AdministratorsC Policy for Louisiana’s Public Education Accountability System

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

There are no estimated implementation costs to state governmental units. The proposed changes more clearly explain and refine the existing policy as it pertains to School Performance Scores for K-8 schools for Cycle 1, clarification of the calculation of the NRT Index, the addition of the word “Adjusted” to the Achievement Index for grades 9-12, the change in the Standard Scores for the 9th grade NRT, the change in the number of bonus points for Option II students, the change in the calculation of the Adjusted Achievement Index, the addition of a new growth label and adjustment to the “School in Decline” label, clarification of the transfer/school choice policy, clarification concerning student participation in only one testing program, and clarification of special education students participating in out-of-level and alternate assessments.

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

There will be no effect on revenue collections by state or local governmental units.

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

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

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

There will be no effect on competition and employment.

Marlyn Langley
Deputy Superintendent
Management & Finance
0107#005

NOTICE OF INTENT

Department of Education
Board of Elementary and Secondary Education


In accordance with R.S. 49:950 et seq., the Administrative Procedure Act, notice is hereby given that the Board of Elementary and Secondary Education approved for advertisement an amendment to Bulletin 741, referenced in LAC 28:1.901.A, promulgated by the Board of Elementary and Secondary Education in L.R. 1:483 (November 1975). The proposed rule amends an existing policy in Bulletin 741 regarding required written policies of local school districts. The rule would add a requirement that LEAs have a systemwide policy regarding participation in graduation ceremonies.

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES

RULE TITLE: Bulletin 741C Louisiana Handbook For School AdministratorsC Written Policies Required of Local School Systems

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

There will be an expenditure of approximately $75 of State General Funds for printing and dissemination of the rule change to the Local Education Agencies (LEAs). It is anticipated that the costs of publication to the LEAs will be nominal, as the new rule will likely be included within existing, regularly printed materials.

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

There is no projected impact on revenue collections at the state or local level.

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

There is no projected costs or economic benefit to directly affected persons. The policy merely requires the LEA to have a written policy regarding graduation ceremonies.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

There is no projected impact on competition or employment as a result of this rule.

Marlyn Langley
Deputy Superintendent
Management & Finance
0107#003

H. Gordon Monk
Staff Director
Legislative Fiscal Office

NOTICE OF INTENT
Student Financial Assistance Commission
Office of Student Financial Assistance

Tuition Opportunity Program for Students
(TOPS) Definitions and Exceptional Circumstances
(LAC 28:IV.301 and 2103)

The Louisiana Student Financial Assistance Commission (LASFAC) announces its intention to amend its Scholarship/Grant rules (R.S. 17:3021-3026, R.S. 3041.10-3041.15, and R.S. 17:3042.1, R.S. 17:3048.1).

The full text of these proposed rules may be viewed in the Emergency Rule section of this issue of the Louisiana Register.

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

Interested persons may submit written comments on the proposed changes until 4:30 p.m., August 20, 2001, to Jack L. Guinn, Executive Director, Office of the Student Financial Assistance, Box 91202, Baton Rouge, LA 70821-9202.

Mark S. Riley
Assistant Executive Director

FISCAL AND ECONOMIC IMPACT STATEMENT
FOR ADMINISTRATIVE RULES

RULE TITLE: Tuition Opportunity Program for Students (TOPS) Definitions and Exceptional Circumstances

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)
   No change in cost to the program is anticipated to result from these revisions.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
   No impact on revenue collections is anticipated to result from these rule changes.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS (Summary)
   These rule changes clarify the definitions of the first-time freshmen and full-time student and exceptional circumstances warranting exception to initial and continuous enrollment requirements. The clarifications are consistent with the agency's interpretation and enforcement of the TOPS rules since the inception of the program.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)
   No impact on competition and employment is anticipated to result from this rule.

Mark S. Riley
Assistant Executive Director
H. Gordon Monk
Staff Director

NOTICE OF INTENT
Department of Environmental Quality
Office of Environmental Assessment
Environmental Planning Division

Emission Control of Organic Compounds
Calcasieu Parish Area
(LAC 33:III.Chapter 21)(AQ219)

Under the authority of the Environmental Quality Act, R.S. 30:2001 et seq., and in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., the secretary gives notice that rulemaking procedures have been initiated to amend the Air Quality regulations, LAC 33:III.2103, 2104, 2109, 2115, 2122, 2143, 2147, 2149, 2151, & 2153 (Log #AQ219).

Calcasieu experienced six ozone exceedance days during the years 1998, 1999, and 2000. Four or more exceedances during any consecutive 3-year period constitute a violation of the ozone National Ambient Air Quality Standard (NAAQS). In accordance with activated contingency measures established in the approved air quality Maintenance Plan for Calcasieu Parish, a control strategy must be developed and appropriate control measures implemented in an effort to maintain Calcasieu's current attainment designation and to protect air quality in the area. This proposed rule revision affects the four parishes of Calcasieu, Jefferson Davis, Beauregard, and Cameron by lowering applicability thresholds of four sections in LAC 33:III. Chapter 21 that regulate fugitive emissions, crude oil and condensate, waste gas disposal, and graphic arts facilities. Additionally, other sections in Chapter 21 that regulate internal/external floating roof tanks, oil/water separation, SOCMI (Synthetic Organic Chemical Manufacturing Industry) reactor processes and distillation operations, batch processing, cleanup solvent processing, and industrial wastewater are revised to include the same stringency that currently exists for affected facilities in the Baton Rouge nonattainment area and Calcasieu Parish. The proposed revision to the fugitive rule for the four parishes lowers the applicability threshold from 100 tons per year (TPY) to 50 TPY and increases the frequency of monitoring of the affected facilities. The basis and rationale for this proposed rule are to continue achieving compliance with the NAAQS for ozone in Calcasieu and adjoining parishes to protect the air quality of the state of Louisiana.

This proposed rule meets an exception listed in R.S. 30:2019(D)(3) and R.S.49:955(G)(3); therefore, no report regarding environmental/health benefits and social/economic costs is required. This proposed rule has no known impact on family formation, stability, and autonomy as described in R.S. 49:972.
Title 33  
ENVIRONMENTAL QUALITY
Part III. Air
Chapter 21. Control of Emission of Organic Compounds
Subchapter A. General
§2103. Storage of Volatile Organic Compounds

* * *
[See Prior Text in A - B]

C. Internal Floating Roof. An internal floating roof consists of a pontoon type roof, double deck type roof, or internal floating cover which will rest or float on the surface of the liquid contents and is equipped with a closure seal to close the space between the roof edge and tank wall. All tank gauging and sampling devices shall be gas tight except when gauging or sampling is taking place. If the organic compounds have a vapor pressure of 11.0 psia or greater under actual storage conditions, the requirements of Subsection F of this Section shall supersede the requirements of this Subsection. In the parishes of Ascension, Beauregard, Calcasieu, Cameron, East Baton Rouge, Iberville, Jefferson Davis, Livingston, Pointe Coupee, and West Baton Rouge, the following additional requirements apply:

* * *
[See Prior Text in C.1 - 3]

D. External Floating Roof. An external floating roof consists of a pontoon type roof, double deck type roof, or external floating cover which will rest or float on the surface of the liquid contents and is equipped with a primary closure seal to close the space between the roof edge and tank wall and a continuous secondary seal (a rim mounted secondary) extending from the floating roof to the tank wall. In the parishes of Ascension, Beauregard, Calcasieu, Cameron, East Baton Rouge, Iberville, Jefferson Davis, Livingston, Pointe Coupee, and West Baton Rouge, the primary closure seal shall consist of a liquid mounted seal or a mechanical shoe seal, as defined in Subsection C.1.a and b of this Section. Installation of the primary and secondary seals in these parishes shall be within the same time requirements as stipulated in Subsection C.3 of this Section.

* * *
[See Prior Text in D.1 - 2.c]

3. Requirements for Covering Openings. All openings in the external floating roof, except for automatic bleeder vents, rim space vent, and leg sleeves, are to provide a projection below the liquid surface. Except for automatic bleeder vents, rim space vents, roof drains, and leg sleeves, each opening in the roof is to be equipped with a cover, seal, or lid that is to be maintained in a closed position at all times (i.e., no visible gap) except when the device is in actual use. Automatic bleeder vents must be closed at all times except when the roof is floated off or landed on the roof leg supports. Rim vents must be set to open when the roof is being floated off the roof leg supports or at the manufacturer's recommended setting. Any emergency roof drain must be equipped with a slotted membrane fabric cover or equivalent cover that covers at least 90 percent of the opening. In the parishes of Ascension, Beauregard, Calcasieu, Cameron, East Baton Rouge, Iberville, Jefferson Davis, Livingston, Pointe Coupee, and West Baton Rouge, all covers, seals, lids, automatic bleeder vents, and rim space vents are to be gasketed.

4. Requirements for Guide Poles and Stilling Well Systems. Emissions from guide pole systems must be controlled for external floating roof storage tanks with a capacity greater than 40,000 gallons (approximately 151 m³) and which store a liquid having a total vapor pressure of 1.5 psia or greater. The requirements of this Paragraph shall only apply in the parishes of Ascension, Beauregard, Calcasieu, Cameron, East Baton Rouge, Iberville, Jefferson Davis, Livingston, Pointe Coupee, and West Baton Rouge.

* * *
[See Prior Text in D.4.a - b]

c. For any tank located in the parishes of Ascension, Calcasieu, East Baton Rouge, Iberville, Livingston, Pointe Coupee, and West Baton Rouge, installation of controls required by Subsection D.4 of this Section shall be required by November 15, 1996. Requests for extension of the November 15, 1996, compliance date will be considered on a case-by-case basis for situations that require the tank to be removed from service to install the controls and must be approved by the administrative authority.* For any tank located in the parishes of Beauregard, Cameron, or Jefferson Davis, installation of controls required by Subsection D.4 of this Section shall be required by January 1, 2003. Requests for extension of the January 1, 2003, compliance date will be considered on a case-by-case basis for situations that require the tank to be removed from service to install the controls and must be approved by the administrative authority.*

* * *
[See Prior Text in D.4.d - F]

G. Exemptions. The provisions of this Section (e.g., LAC 33:III.2103) do not apply to:

1. existing and new storage tanks, located in any parish other than the parishes of Ascension, Beauregard, Calcasieu, Cameron, East Baton Rouge, Iberville, Jefferson Davis, Livingston, Pointe Coupee, and West Baton Rouge, used for crude oil or condensate and having a nominal storage capacity of less than 420,000 gallons (1,589,900 liters) unless such new tanks are subject to New Source Performance Standards;

2. tanks 420,000 gallons (1,589,900 liters) or greater, located in any parish other than the parishes of Ascension, Beauregard, Calcasieu, Cameron, East Baton Rouge, Iberville, Jefferson Davis, Livingston, Pointe Coupee, and West Baton Rouge, used to store produced crude oil or condensate prior to lease custody transfer unless such tanks are subject to New Source Performance Standards;

3. existing and new storage tanks in the parishes of Ascension, Beauregard, Calcasieu, Cameron, East Baton Rouge, Iberville, Jefferson Davis, Livingston, Pointe Coupee, and West Baton Rouge that are used for crude oil or condensate prior to lease custody transfer and that have a nominal storage capacity of less than 420,000 gallons (1,589,900 liters) unless such new tanks are subject to New Source Performance Standards;

* * *
[See Prior Text in G.4 - I.6]

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

§2104. Crude Oil and Condensate

A. Applicability. This Section applies to any oil and gas production facility (SIC Code 1311), natural gas processing plant (SIC Code 1321), or natural gas transmission facility (SIC Code 4922) that has a potential to emit more than 50 Tons Per Year (TPY) of flash gas to the atmosphere in the parishes of Ascension, Beauregard, Calcasieu, Cameron, East Baton Rouge, Iberville, Jefferson Davis, Livingston, and West Baton Rouge or more than 100 TPY of flash gas to the atmosphere in any other parish.

2. For facilities in the parishes of Ascension, Beauregard, Calcasieu, Cameron, East Baton Rouge, Iberville, Jefferson Davis, Livingston, and West Baton Rouge with a potential to emit less than 250 tons per year of flash gas, aggregated facility flash gas emissions shall be reduced by a minimum of 95 percent or reduced to a potential to emit of less than 50 TPY.

3. For facilities in parishes other than Ascension, Beauregard, Calcasieu, Cameron, East Baton Rouge, Iberville, Jefferson Davis, Livingston, and West Baton Rouge with a potential to emit less than 250 tons per year of flash gas, aggregated facility flash gas emissions shall be reduced by a minimum of 95 percent, or reduced to a potential to emit of less than 100 TPY.

E. Compliance Schedule. For equipment located in the parishes of Ascension, East Baton Rouge, Iberville, Livingston, and West Baton Rouge, compliance shall be achieved as soon as practicable, but no later than September 1, 1998. For equipment located in the parishes of Beauregard, Calcasieu, Cameron, and Jefferson Davis, with a potential to emit less than 100 TPY, compliance shall be achieved as soon as practicable, but no later than September 1, 2002. For all other facilities compliance shall be achieved as soon as practicable, but no later than May 1, 1999.

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

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Radiation Protection, Air Quality Division, LR 23:1497 (November 1997), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 27:

§2109. Oil/Water—Separation

4. Except for the parishes of Ascension, Beauregard, Calcasieu, Cameron, East Baton Rouge, Iberville, Jefferson Davis, Livingston, Pointe Coupee, and West Baton Rouge, any single- or multiple-compartment volatile organic compound water separator emitting 100 tons per year or less of regulated hydrocarbons (uncontrolled) is exempt from the provisions of LAC 33:III.2109.A.

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

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Nuclear Energy, Air Quality Division, LR 13:741 (December 1987), amended by the Office of Air Quality and Radiation Protection, Air Quality Division, LR 17:361 (April 1991), LR 18:1121 (October 1992), LR 22:1212 (December 1996), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 27:

§2115. Waste Gas Disposal

Any waste gas stream containing volatile organic compounds (VOC) from any emission source shall be controlled by one or more of the applicable methods set forth in Subsections A-G of this Section. This Section shall apply to all waste gas streams located at facilities that have the potential to emit 50 TPY or more of VOC in the parishes of Ascension, Beauregard, Calcasieu, Cameron, East Baton Rouge, Iberville, Jefferson Davis, Livingston, Pointe Coupee, and West Baton Rouge, or 100 TPY or more of VOC in any other parish. This Section does not apply to waste gas streams that must comply with a control requirement, meet an exemption, or are below an applicability threshold specified in another section of this Chapter. This Section does not apply to waste gas streams that are required by another federal or state regulation to implement controls that reduce VOC to a more stringent standard than would be required by this Section.

E. Compliance Schedule. For equipment located in the parishes of Ascension, East Baton Rouge, Iberville, Livingston, and West Baton Rouge, compliance shall be achieved as soon as practicable, but no later than September 1, 1998. For equipment located in the parishes of Beauregard, Calcasieu, Cameron, and Jefferson Davis, with a potential to emit less than 100 TPY, compliance shall be achieved as soon as practicable, but no later than September 1, 2002. For all other facilities compliance shall be achieved as soon as practicable, but no later than May 1, 1999.

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

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Radiation Protection, Air Quality Division, LR 23:1497 (November 1997), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 27:
§2122. Fugitive Emission Control for Ozone Nonattainment Areas and Specified Parishes

A. Applicability

   [See Prior Text in A.1]

2. This Section is applicable to sources in the parishes of Ascension, Beauregard, Calcasieu, Cameron, East Baton Rouge, Iberville, Jefferson Davis, Livingston, Pointe Coupee, and West Baton Rouge.

3. The requirements of this Section shall be effective for sources located in the parishes of Ascension, East Baton Rouge, Iberville, Livingston, Pointe Coupee, and West Baton Rouge starting January 1, 1996.

4. The requirements of this Section shall be effective for sources located in the parishes of Beauregard, Calcasieu, Cameron, and Jefferson Davis starting January 1, 2003.

5. Where the provisions of this Section are effective, process units to which this Section applies that are also subject to the provisions of LAC 33:III.2121 will not be required to comply with the provisions of LAC 33:III.2121.

   [See Prior Text in A.6 - G.6]

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


Subchapter H. Graphic Arts

§2143. Graphic Arts (Printing) by Rotogravure and Flexographic Processes

A. Control Requirements. No person shall operate or allow the operation of a packaging rotogravure, publication rotogravure, or flexographic printing facility having a potential to emit 50 TPY or more of VOC in the parishes of Ascension, Beauregard, Calcasieu, Cameron, East Baton Rouge, Iberville, Jefferson Davis, Livingston, Pointe Coupee, and West Baton Rouge, or having a potential to emit 100 TPY or more of VOC in any other parish, unless VOC emissions are controlled by one of the methods in Subsection A.1-5 of this Section. Once a facility is subject to the provisions of this Section, it remains so regardless of future variations in production.

   [See Prior Text in A.1 - 5]

B. Applicability Exemption. A rotogravure or flexographic printing facility that has the potential to emit at full production (8760 hours per year basis) a combined weight of VOC of less than 50 TPY (in the parishes of Ascension, Beauregard, Calcasieu, Cameron, East Baton Rouge, Iberville, Jefferson Davis, Livingston, Pointe Coupee, and West Baton Rouge) or 100 TPY (in any other parish), calculated from historical records of actual consumption of ink, is exempt from the provisions of Subsections A and C of this Section and need only comply with Subsection D of this Section.

   [See Prior Text in C - D.3]

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


§2147. Limiting VOC Emissions from SOCMI Reactor Processes and Distillation Operations

A. Applicability

1. The provisions of this Subchapter apply to any vent stream discharging to the atmosphere and originating from a process unit in which a reactor process or distillation operation is located. This Subchapter shall apply to all vents located at facilities that emit, or have the potential to emit, 50 TPY or more of VOC, plantwide, in the affected parishes of Ascension, Beauregard, Calcasieu, Cameron, East Baton Rouge, Iberville, Jefferson Davis, Livingston, Pointe Coupee, and West Baton Rouge. Once an operation is considered to be covered by this Subchapter, it shall be so considered ad infinitum. A decision tree is provided (Figure 1) to facilitate determination of applicability to this Subchapter on a per vent basis. The total resource effectiveness (TRE) index value may be applied on an individual process vent stream basis for a given process unit. Sources in Ascension, Calcasieu, East Baton Rouge, Iberville, Livingston, Pointe Coupee and West Baton Rouge parishes shall attain compliance with these regulations no later than April 20, 1997. Sources in Beauregard, Cameron, and Jefferson Davis parishes shall attain compliance no later than [date to be inserted two years from promulgation]. Any emission source that is subject to these regulations and to the Waste Gas Disposal Rule (LAC 33:III.2115) shall comply with this rule only. These regulations shall apply only to Standard Industrial Major Code 28.

   [See Prior Text in A.2 - F.4:Figure 1]

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


Subchapter K. Limiting Volatile Organic Compounds (VOC) Emissions from Batch Processing

§2149. Limiting VOC Emissions from Batch Processing

A. Applicability
1. The provisions of this Subchapter apply to process vents associated with batch processing operations. This Subchapter shall apply to the stationary sources that emit, or have the potential to emit, 50 TPY or more of VOC in the affected parishes of Ascension, Beauregard, Calcasieu, Cameron, East Baton Rouge, Iberville, Jefferson Davis, Livingston, Pointe Coupee, and West Baton Rouge. Once an operation is considered to be covered by this Subchapter, it shall be so considered ad infinitum. The scope of affected industries is limited to those industries in the following standard industrial classification (SIC) codes: 2821, 2833, 2834, 2861, 2865, 2869, 2879. Sources in Ascension, Calcasieu, East Baton Rouge, Iberville, Livingston, Pointe Coupee, and West Baton Rouge parishes shall attain compliance with these regulations no later than April 20, 1997. Sources in Beauregard, Cameron, and Jefferson Davis parishes shall attain compliance no later than [date to be inserted two years from promulgation]. Any emission source that is subject to these regulations and to the Waste Gas Disposal Rule (LAC 33:III.2115) shall comply with this rule only.

**A. Applicability.** The provisions of this Subchapter apply to stationary sources that emit, or have the potential to emit, 50 TPY or more of VOC and conduct one or more of the affected cleaning operations in the parishes of Ascension, Beauregard, Calcasieu, Cameron, East Baton Rouge, Iberville, Jefferson Davis, Livingston, Pointe Coupee, and West Baton Rouge. Once a source is subject to this Subchapter, it shall be so considered ad infinitum. Affected cleaning operations are ones that use solvents in the following operations:

* * *

**I. Parishes and Compliance Schedules**

1. For the affected facilities in Ascension, Calcasieu, East Baton Rouge, Iberville, Livingston, Pointe Coupee, and West Baton Rouge parishes, any person who is the owner or operator of an affected source category within a plant shall be in compliance with these regulations no later than November 15, 1996. If an additional affected VOC wastewater stream is generated as a result of a process change, the wastewater shall be in compliance with this Section upon initial startup or by November 15, 1998, whichever is later, unless the owner or operator demonstrates to the administrative authority* that achieving compliance will take longer. If this demonstration is satisfactory to the administrative authority,* compliance shall be achieved as expeditiously as practicable, but in no event later than three years after the process change. An existing wastewater stream that becomes an affected VOC wastewater stream due to a process change must be in compliance with this Section as expeditiously as practicable, but in no event later than three years after the process change.

2. For the affected facilities in Beauregard, Cameron, and Jefferson Davis parishes, any person who is the owner or operator of an affected source category within a plant shall be in compliance with these regulations no later than November 15, 2002. If an additional affected VOC wastewater stream is generated as a result of a process change, the wastewater shall be in compliance with this Section upon initial startup, or by November 15, 2004, whichever is later, unless the owner or operator demonstrates to the administrative authority* that achieving compliance will take longer. If this demonstration is satisfactory to the administrative authority,* compliance shall be achieved as expeditiously as practicable, but in no event later than three years after the process change. An existing wastewater stream that becomes an affected VOC wastewater stream due to a process change must be in compliance with this
Section as expeditiously as practicable, but in no event later than three years after the process change.

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


A public hearing will be held on August 28, 2001, at 1:30 p.m. in the Maynard Ketcham Building, Room 326, 7290 Bluebonnet Boulevard, Baton Rouge, LA 70810. Interested persons are invited to attend and submit oral comments on the proposed amendments. Should individuals with a disability need an accommodation in order to participate, contact Patsy Deaville at the address given below or at (225) 765-0399.

All interested persons are invited to submit written comments on the proposed regulations. Persons commenting should reference this proposed regulation by AQ219. Such comments must be received no later than September 4, 2001, at 4:30 p.m., and should be sent to Patsy Deaville, Regulation Development Section, Box 82178, Baton Rouge, LA 70884-2178 or to fax (225) 765-0389. Copies of this proposed regulation can be purchased at the above referenced address. Contact the Regulation Development Section at (225) 765-0399 for pricing information. Check or money order is required in advance for each copy of AQ219.

This proposed regulation is available for inspection at the following DEQ office locations from 8 a.m. until 4:30 p.m.: 7290 Bluebonnet Boulevard, Fourth Floor, Baton Rouge, LA 70810; 804 Thirty-first Street, Monroe, LA 71203; State Office Building, 1525 Fairfield Avenue, Shreveport, LA 71101; 3519 Patrick Street, Lake Charles, LA 70605; 201 Evans Road, Building 4, Suite 420, New Orleans, LA 70123; 100 Asma Boulevard, Suite 151, Lafayette, LA 70508; 104 Lococo Drive, Raceland, LA 70394 or on the Internet at http://www.deq.state.la.us/planning/regs/index.htm.

James H. Brent, Ph.D.
Assistant Secretary

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES

RULE TITLE: Emission Control of Organic Compounds C Calciasieu Parish Area

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

There will be no costs or savings to state or local governmental units as a result of this rule.

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

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

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

This proposed rule revision affects four parishes (Calciasieu, Jefferson Davis, Beauregard, and Cameron) by lowering applicability thresholds of four sections in Chapter 21 that regulate fugitive emissions, crude oil and condensate, waste gas disposal, and graphic arts facilities. Additionally, other sections in Chapter 21 that regulate internal/external floating roof tanks, oil/water separation, SOCM (Synthetic Organic Chemical Manufacturing Industry) reactor processes and distillation operations, batch processing, cleanup solvent processing, and industrial wastewater are revised to include the same stringency that currently exists for affected facilities in the Baton Rouge nonattainment area and Calciasieu Parish.

The proposed revision to the fugitive rule for the four parishes lowers the applicability threshold from 100 tons per year (TPY) to 50 TPY and increases the frequency of monitoring of the affected facilities. The exact effect this rule will have on a facility will vary. Many of these facilities are already regulated by the federal SOCM regulations or by federal or state MACT (Maximum Achievable Control Technology) regulations so the proposed rule will have no effect at all. Those facilities that would be affected by the proposed rule are already required to perform regular monitoring. So the primary effect is to increase the frequency of the required monitoring, which will increase costs somewhat. Most of the increased cost comes from conducting monitoring inspections with the smaller part of the increase a result of implementing corrective measures when deficiencies are discovered.

The applicability threshold of the rule regulating crude oil and condensate facilities, waste gas venting, and graphic arts printing facilities will be lowered from 100 TPY to 50 TPY for the four parishes.

The regulation of internal and external floating roof tanks in Beauregard, Jefferson Davis, and Cameron parishes will be revised to include the more stringent requirements existing for the Baton Rouge nonattainment area and Calciasieu Parish.

Oil/water separation, SOCM reactor processes and distillation operations, batch processing, cleanup solvent processing, and industrial wastewater are currently not regulated in Beauregard, Cameron, and Jefferson Davis parishes. This proposed rule will extend to these parishes the same regulation of these operations that currently exist in the Baton Rouge nonattainment area and Calciasieu Parish.

The exact compliance cost associated with implementation of this proposed rule is difficult to assess since many regulated facilities are subject to other more stringent federal or state rules. Failure to implement emission controls in accordance with the EPA approved maintenance plan for air quality will potentially result in the redesignation of the area to nonattainment and the requirement for more stringent and costly controls.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

There is no effect on competition since all facilities must follow the same rules. There is no estimated effect on employment.

James H. Brent, Ph.D.
Assistant Secretary

Robert E. Hosse
General Government Section Director

0107#046
Legislative Fiscal Office
NOTICE OF INTENT
Department of Environmental Quality
Office of Environmental Assessment
Environmental Planning Division

Emission Reduction Credits Banking
(LAC 33:III.Chapter 6/(AQ211))

Under the authority of the Environmental Quality Act, R.S. 30:2001 et seq., and in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., the secretary gives notice that rulemaking procedures have been initiated to amend the Air Quality regulations, LAC 33:III.Chapter 6 (Log #AQ211).

This proposed rule revises LAC 33:III.Chapter 6, adopted in August 1994 and amended in December 1998 and September 1999. This revision involves four actions. First, language requiring that emission reduction credits (ERCs) must be "surplus when used" will be added. This revision is required in order to comply with EPA's interpretation of the Clean Air Act and current policy/guidance regarding Nonattainment New Source Review (NNSR) procedures. Second, all references to the ERC bank being a contingency measure for Louisiana's 15 percent VOC Reasonable Further Progress (RFP) Plan will be removed. Next, stipulations that mandate emissions reductions be banked as ERCs in order to use them to "net out" in a nonattainment area will be eliminated. Finally, the mobile emission reduction credits (MERCs) provisions under LAC 33:III.611 will be deleted, since this program was never implemented. The basis and rationale for this proposed rule are to comply with federal guidelines so that the regulations do not lead to DEQ actions that do not conform with EPA's "surplus when used" policy.

Any permits previously issued in accordance with state and EPA-approved rules in effect at the time of issuance remain valid. Thus, the department has no intention to reopen any permits for cause due to changes in applied policies.

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

Title 33
ENVIRONMENTAL QUALITY
PART III. Air
Chapter 6. Regulations on Control of Emissions Through the Use of Emission Reduction Credits Banking

§601. Purpose
A. This rule establishes the means of enabling sources to identify and preserve or acquire emission reductions for New Source Review (NSR) offsets. The pollutants to which this rule applies are nitrogen oxides (NOx) and volatile organic compounds (VOC).

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

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Radiation Protection, Air Quality Division, LR 20:874 (August 1994), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 27:

§603. Applicability
A. The following sources must participate in the emissions banking program in order to utilize emission reductions as offsets: sources located in EPA-designated ozone nonattainment areas, and sources located in EPA-designated ozone attainment areas potentially subject to offset requirements under LAC 33:III.Chapter 5. Other sources located in EPA-designated ozone attainment areas may not participate in the emissions banking program. Any stationary point source at an affected facility is eligible to participate in the emissions banking program.

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

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Radiation Protection, Air Quality Division, LR 20:874 (August 1994), amended LR 24:2239 (December 1998), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 25:1622 (September 1999), LR 27:

§605. Definitions
A. The terms used in this Chapter are defined in LAC 33:III.111 with the exception of those terms specifically defined as follows:

Actual Emissions: The actual rate of emissions of an air pollutant from a source operation, equipment, or control apparatus. Actual emissions shall be calculated using the actual operating hours, production rates, and types of materials used, processed, stored, or combusted during the baseline period. Acceptable methods for estimating the actual emissions may include, but are not limited to, any one or a combination of the following:
   a. emission factors based on EPA's Compilation of Air Pollutant Emission Factors (AP-42) or other emission factors approved by the department, if better source specific data is not available;
   b. fuel usage records, production records, purchase records, material balances, engineering calculations (approved by the department), source tests, waste disposal records, emission reports such as emission inventory reports, SARA Title III, or MACT compliance certifications, and other methods specifically approved by the department.

Adjusted Total Point-Source Emissions Inventory: The aggregate emissions inventory from each of the modeled parishes, which includes 1997 actual emissions from point sources; allowable emissions from proposed power generating plants; banked ERC and pending ERC applications where the emission reduction occurred between January 1, 1990, and December 31, 1997; and adjustments for growth.

Allowable Emissions: The emissions rate of a stationary source calculated using the maximum rated capacity of the source (unless the source is subject to federally enforceable limits that restrict the operating rate, hours of operations, or both) and the most stringent of the following:
   a. an applicable standard set forth in 40 CFR part 60, 61, or 63;
   b. any applicable state implementation plan (SIP) emissions limitation, including those with a future compliance date;
   c. applicable emission limitations specified as a federally enforceable permit condition, including best
available control technology (BACT) and lowest achievable emission rate (LAER) requirements, including those with a future compliance date; or
d. applicable acid rain SO₂ and NOₓ control requirements as defined under Title IV of the 1990 Clean Air Act Amendments and subsequent regulations.

Bank the repository for ERCs and includes the ERC banking database.

Bankable Emission Reductions emission reductions of pollutants and their precursors for which ambient air quality standards exist and that meet the provisions of these regulations. Such reductions may be deposited in the ERC bank. Once banked and certified, the emission reductions become ERCs.

* * *

[See Prior Text]

Banking Database the document/database that records all ERC deposits, withdrawals, transfers, and transactions.

Baseline Emissions emissions of a source during the baseline period as calculated in accordance with LAC 33:III.607.D.2, that occur prior to an emission reduction, considering all limitations required by applicable federally enforceable regulations, below which any additional reductions may be credited.

Baseline Period the period of time over which the historical emissions of a source are averaged. In general, this period shall be a two consecutive calendar year period within the five years immediately preceding the date the emission reduction occurred. A different period within the stated time frame of not less than one calendar year may be allowed if the department determines it is more representative of normal stationary source operation. The calendar year(s) selected must follow or include the emissions inventory reporting year used in the most recent SIP attainment demonstration model.

Emission Offset an legally enforceable reduction, approved by the department, in the rate of actual emissions from an existing facility, which is used to offset the increase in emissions of air pollutants from a new or modified facility in accordance with the requirements of LAC 33:III.504.

* * *

[See Prior Text]

Emission Reduction Credit (ERC) an emission reduction approved by the department in accordance with the requirements of this Chapter that represents a voluntary decrease, or a decrease in excess of that required by an applicable regulation, order, etc., in the quantity of a pollutant discharged from a source. To be valid, emission reduction credits must be surplus, enforceable, permanent, and quantifiable.

Emission Reduction Credit Certificate (ERC Certificate) a document indicating ownership to a defined quantity and type of ERCs and issued by the department to the owner(s) identified on the certificate.

Enforceable applied to emission reductions, all limitations and conditions that are enforceable by the administrator or the department, including the following:

a. requirements contained in 40 CFR parts 60, 61, and 63 (New Source Performance Standards, National Emission Standards for Hazardous Air Pollutants, and National Emission Standards for Hazardous Air Pollutants for Source Categories);
b. requirements within any applicable SIP;
c. any requirements contained in permits issued in accordance with 40 CFR 52.21 (Prevention of Significant Deterioration) or comparable state regulation (LAC 33:III.509);
d. any requirements contained in permits issued in accordance with 40 CFR 52.24 (Nonattainment New Source Review) or comparable state regulation (LAC 33:III.504);
e. requirements contained in operating permits issued in accordance with Louisiana permitting programs approved by EPA as meeting the requirements of Title V of the 1990 Clean Air Act Amendments; and
f. requirements contained in a Louisiana regulation, a Louisiana operating permit, or a Louisiana-issued enforcement instrument that is submitted to EPA and approved as a source-specific SIP revision.

Modeled Emissions for a given point source, the emissions reported in the emissions inventory used in the most recent SIP attainment demonstration model.

Modeled Parishes the parishes in which emissions were modeled as part of the most recent SIP attainment demonstration. These parishes include Ascension, East Baton Rouge, East Feliciana, Iberville, Livingston, Pointe Coupee, St. Charles, St. James, St. Helena, St. John the Baptist, West Baton Rouge, and West Feliciana.

Netting used of an ERC created at an existing facility to compensate for emission increases associated with a proposed modification at the same facility and to, thus, avoid the requirements of new source review. ERCs used for netting are always internal to the source seeking credit.

Permanent a reduction shall be guaranteed through an enforceable permit limitation confirming the amount and duration of the decrease or other enforceable mechanism including, but not limited to, permanently dismantling the emissions unit or surrendering the permit. The department may consider an emission reduction whose quantity varies with time to be permanent by converting it to an annual equivalent emission reduction. Only permanent reductions in emissions can qualify for credit.

Quantifiable in reference to emission reductions, the amount, rate, and characteristics of the emission reduction can be estimated through a reliable method. Quantification may be based on emission factors, stack tests, monitored values, operating rates and averaging times, process parameters, production inputs, modeling, or other reasonable measurement practices. The same method of calculating emissions should generally be used to quantify emission levels both before and after the reduction.

Shutdown the permanent cessation of operations or emissions. The date of the emission reduction created by the shutdown is the date of the last actual emissions from the source.

Shutdown Credits credits resulting from the shutdown of a source.

Surplus emission reductions that are voluntarily created for an emissions unit and have not been required by any federally enforceable law, regulation, order, or requirement and are in excess of reductions used to demonstrate attainment of federal and state ambient air quality standards at the time a permit is issued that relies upon the reductions as offsets.

Transfer the conveyance of an ERC from one entity to another. All "banking" transactions shall be recorded in the
ERC banking database and shown as debits and credits for the appropriate entity(ies).

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

**HISTORICAL NOTE:** Promulgated by the Department of Environmental Quality, Office of Air Quality and Radiation Protection, Air Quality Division, LR 20:874 (August 1994), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 25:1622 (September 1999), LR 26:2448 (November 2000), LR 27:

### §607. Stationary Point Source Emission Reductions

**A. Pollutants.**

1. Reductions in the following types of air emissions are eligible for banking in accordance with these regulations:
   a. volatile organic compounds (VOCs); and
   b. nitrogen oxides (NOₓ).

2. To the extent possible, the applicant shall speciate VOC according to individual compounds when applying to bank VOC ERCs.

**B. Acceptable Methods of Creation.** Methods of reducing emissions to receive credit under these regulations include, but are not limited to, the following:

1. installation of add-on control equipment (an actual emission reduction resulting from the installation of a level of control greater than that which is required by regulation, permit, or SIP provision if the applicant accepts a permit provision specifying a lower level of emissions);
2. change in process(es);
3. change in process inputs, formulations, products or product mix, or raw materials (an actual emission reduction resulting from more effective operation and maintenance of abatement and process equipment if the applicant accepts a permit provision specifying a lower level of emission);
4. reduction in actual emission rate(s);
5. permanent shutdown of emitting units or facilities;
6. production curtailment(s);
7. reductions in operating hours; and
8. other methods that might be applicable to eligible source types.

**C. Criteria for ERC Approval.** Emission reductions shall be recognized as ERCs only after the approval of the department has been obtained. The department shall approve emission reductions as ERCs that are determined to be surplus, permanent, quantifiable, and enforceable, as defined in LAC 33:III.605.

**D. Procedures for Calculating the Emission Reduction.** The following procedures shall be used in calculating the quantity of creditable air emission reductions:

1. define the baseline period. The applicant shall first determine the baseline period, as defined in LAC 33:III.605, over which the emission reductions are to be calculated;
2. quantify baseline emissions. The baseline emissions shall be determined by first calculating the actual emissions during the baseline period. Unless the department determines the baseline period to be one calendar year, the actual emissions for each year of the baseline period shall be averaged as follows:
   a. if the source is located in a nonattainment area, the department must compare the current total point-source emissions inventory for the modeled parishes to the adjusted total point-source emissions inventory, as defined in LAC 33:III.605, used in the most recent SIP attainment demonstration model.

i. If the current total point-source inventory for the modeled parishes exceeds that used in the most recent SIP attainment demonstration model, baseline emissions may not exceed the quantity of emissions attributed to the point source(s) in question in that model. In this case, baseline emissions shall be the lower of actual, allowable, or modeled emissions, as defined in LAC 33:III.605.

ii. If the current total point-source inventory for the modeled parishes does not exceed that used in the most recent SIP attainment demonstration model, baseline emissions shall be the lower of actual or allowable emissions as defined in LAC 33:III.605.

b. for sources located in attainment areas identified in LAC 33:III.603, baseline emissions shall be the lower of actual or allowable emissions as defined in LAC 33:III.605;
3. calculate allowable future (potential) emissions. The applicant shall calculate the allowable future emissions for the source. The allowable emissions shall be based on the maximum emissions capacity of the source except that physical and operational limitations, including air pollution control equipment, restrictions on hours of operation or the type of material combusted, stored, or processed, or other emission restrictions that will be included in a federally enforceable air permit or applicable rules and regulations shall be considered in calculating the allowable future emissions;
4. calculate the difference in baseline emissions and future allowable emissions by subtracting the allowable future emissions from the baseline emission level; and
5. adjust for new emission reduction requirements and netting in accordance with LAC 33:III.621.B.

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

**HISTORICAL NOTE:** Promulgated by the Department of Environmental Quality, Office of Air Quality and Radiation Protection, Air Quality Division, LR 20:877 (August 1994), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 25:1622 (September 1999), LR 27:

### §611. Mobile Sources Emission Reductions

Repealed.

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

**HISTORICAL NOTE:** Promulgated by the Department of Environmental Quality, Office of Air Quality and Radiation Protection, Air Quality Division, LR 20:881 (August 1994), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2448 (November 2000), repealed LR 27:

### §613. ERC Bank Recordkeeping and Reporting Requirements

**A. Recordkeeping Requirements.** All records shall be maintained for the life of the ERC and shall be available, upon request, for inspection by the department.

1. For each applicable pollutant (VOC and NOₓ), each owner or operator shall maintain ERC records of the following:
   a. a complete description of all projects that generated or required use of ERCs;
   b. ERC deposits applied for, but not yet approved;
   c. approved ERC deposits;
   d. ERCs used as offsets;
   e. ERCs that have expired or were sold to another source;
§615. Schedule for Submitting Applications
A. All applications for banking emission reductions shall be submitted by March 31 following the year in which the reductions occurred. ERC applications can be submitted in the form of an ERC bank application or as part of a permit application for construction or modification. Failure to apply for ERCs by March 31 will invalidate the emission reductions as offsets.
B. First-time applications for banking ERCs for attainment parishes identified in LAC 33:III.603 may be submitted at any time. If a parish is redesignated as ozone nonattainment by the EPA, application for banking ERCs for those parishes must be submitted within six months after the effective date of the EPA designation.
C. Applications for banking emission reductions that are to be made as part of a project that includes an increase in emissions for which the reduction will serve to offset the increase may be submitted as part of the permit application for the proposed increase. Such reductions will be reviewed for applicability as ERCs concurrently with the review of the permit application.

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

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Radiation Protection, Air Quality Division, LR 20:878 (August 1994), amended LR 21:681 (July 1995), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 25:1623 (September 1999), LR 26:486 (March 2000), LR 27:

§617. Review and Approval of ERCs
A. The department’s review and approval of an application for ERCs generally shall be conducted when a request is submitted to use the reductions as offsets. The review shall be conducted in accordance with LAC 33:III.607.
B. Preliminary Decision to Approve the ERC. Upon making a preliminary decision to approve any ERC, the department shall provide public notice of its decision. The public notice shall include the name and address of the applicant, the proposed quantity and type of emission reductions to be approved, an explanation of the department's initial assessment, the opportunity and time periods to submit written public comments concerning the application, and the name and address of the person to whom public comments and requests for public hearings should be sent. A period of 30 days after the date of publication will be allowed for public comment. The notice of preliminary approval may be incorporated with a notice of preliminary approval of an air permit for which the ERC will be used as offsets. If the notice of preliminary approval is not associated with an air permit, the department’s preliminary decision relates only to the banking of the emission reductions and not to the use of the ERCs.
C. Issuance of ERC Certificate. Upon conclusion of the 30 day comment period provided in Subsection B of this Section, the department shall render a decision as to whether the department approves or disapproves the application. If the department decides to approve the ERC, the department shall issue an ERC certificate to the owner(s) or operator(s). A copy of the ERC certificate shall be retained by the department, and the original shall be delivered to the owner(s) or operator(s). The issued ERC certificate shall be recorded in the banking database.
D. Appeals. The owner(s) or operator(s) may appeal the department’s decision following provisions specified in R.S. 30:2024.

E. Request for Recalculation of ERCs. Anytime after the original ERC application is submitted, the applicant may request the recalculation of the ERCs for the purpose of using alternative baseline emissions, an alternative baseline period, or availability of more accurate emissions data (i.e., performance test data, etc.). The review and approval of this recalculation request shall follow the same schedule as set forth in this Section.

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

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Radiation Protection, Air Quality Division, LR 20:878 (August 1994), amended by Office of Environmental Assessment, Environmental Planning Division, LR 27:

§619. Emission Reduction Credit Bank

A. The department shall maintain a banking database that shall consist of a record of all information concerning deposits, withdrawals, and transactions, as well as pertinent data concerning such information. All data in the banking database shall be available to the public upon request.

B. ERC Certificates. Certificates shall be issued for approved ERCs. A record of each ERC certificate issued shall be retained by the department. Each ERC certificate shall, at minimum:

1. bear the date of issuance;
2. be signed by the department;
3. include the owner(s)’ name(s) and address(es);
4. state the name of the facility where the emission reduction occurred;
5. indicate the method of ERC creation;
6. show the quantity of the ERC and type of pollutant; and
7. show when the emission reduction occurred.

C. Multiple ERC Certificates and Multiple Ownership. Single or multiple ERC certificates may be issued for a particular emission reduction project. At the owner(s)’ or operator(s)’ request, multiple ERC certificates shall be issued for each owner’s proportional share.

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

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Radiation Protection, Air Quality Division, LR 20:879 (August 1994), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2449 (November 2000), LR 27:

§621. Life and Adjustment of Approved ERCs

A. ERCs are valid for use as offsets for 10 years from the date of their actual emission reduction to the atmosphere, except as specified in Subsection B of this Section. An ERC is considered to be used upon issuance of a permit that relies upon the ERC as offsets.

B. ERCs may be used by the ERC certificate owner(s) or operator(s) or by any entity to whom the ERC certificate has been transferred, except that the department may reduce the quantity of ERCs under the following circumstances:

1. Adjustments for New Emission Reduction Requirements. If a new or revised federally enforceable regulation is adopted that will require, or would have required, all or a portion of the emission reductions that comprise the ERC, that portion of the emission reduction required by the new regulation shall not be considered surplus. The quantity of ERCs shall be adjusted accordingly to account for new and revised emission reduction requirements in effect at the time of use of the ERCs. ERCs generated from the permanent shutdown of an emissions unit or facility shall not be adjusted.

2. Adjustments for Netting. Emission reductions used in a netting analysis (i.e., to determine the net emissions increase) as provided in LAC 33:III.504 that prevented the increase from being considered "significant" are not eligible for use as offsets. The quantity of ERCs used for this purpose shall be adjusted accordingly.

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

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Radiation Protection, Air Quality Division, LR 20:879 (August 1994), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 25:1623 (September 1999), LR 27:

§623. Withdrawal and Transfer of Emission Reduction Credits

A. Withdrawal of ERCs. An ERC certificate may be withdrawn in whole or in part. The ERC owner must submit a written request to withdraw and use the ERCs. This request may be submitted in the form of an ERC bank application or as part of a permit application for construction or modification. Upon such request to withdraw ERCs from the bank, the department shall be responsible for recalculating the quantity of available ERCs for that entity and for providing that entity with an adjusted ERC certificate. In the case of a partial withdrawal, the department shall issue a new certificate reflecting the available credits remaining.

B. Transfer of ERCs. An ERC certificate may be transferred in whole or in part. The role of the department in the transfer of an ERC certificate shall be limited to providing information to the public, documenting ERC transfers, and registering ERC certificates. The department shall be notified within 30 days of any transfer of an ERC to another party. The department shall then issue a certificate within 30 days indicating the new owner. In the case of a partial transfer, the department shall issue a new certificate to the new owner as well as a revised certificate within 30 days to the current owner reflecting the available credits to each owner. The banking database shall indicate the transfer to the new owner (and reduction of credits when a partial transfer takes place).

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

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Radiation Protection, Air Quality Division, LR 20:880 (August 1994), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2449 (November 2000), LR 27:

625. Application and Processing Fees

Repealed.

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

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Radiation Protection, Air Quality Division, LR 20:880 (August 1994),
repealed by the Office of Environmental Assessment, Environmental Planning Division, LR 27:

A public hearing will be held on August 28, 2001, at 1:30 p.m. in the Maynard Ketcham Building, Room 326, 7290 Bluebonnet Boulevard, Baton Rouge, LA 70810. Interested persons are invited to attend and submit oral comments on the proposed amendments. Should individuals with a disability need an accommodation in order to participate, contact Patsy Deaville at the address given below or at (225) 765-0399.

All interested persons are invited to submit written comments on the proposed regulations. Persons commenting should reference this proposed regulation by AQ211. Such comments must be received no later than September 4, 2001, at 4:30 p.m., and should be sent to Patsy Deaville, Regulation Development Section, Box 82178, Baton Rouge, LA 70884-2178 or to fax (225) 765-0389. Copies of this proposed regulation can be purchased at the above referenced address. Contact the Regulation Development Section at (225) 765-0399 for pricing information. Check or money order is required in advance for each copy of AQ211.

This proposed regulation is available for inspection at the following DEQ office locations from 8 a.m. until 4:30 p.m.: 7290 Bluebonnet Boulevard, Fourth Floor, Baton Rouge, LA 70810; 804 Thirty-first Street, Monroe, LA 71203; State Office Building, 1525 Fairfield Avenue, Shreveport, LA 71101; 3519 Patrick Street, Lake Charles, LA 70605; 201 Evans Road, Building 4, Suite 420, New Orleans, LA 70123; 100 Asma Boulevard, Suite 151, Lafayette, LA 70508; 104 Lococo Drive, Raceland, LA 70394 or on the Internet at http://www.deq.state.la.us/planning/regs/index.htm.

James H. Brent, Ph.D.
Assistant Secretary

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES

RULE TITLE:  Emission Reduction Credits Banking

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)
There will be no costs or savings to state or local governmental units as a result of this rule.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
There is no estimated effect on revenue collections of state or local governmental units.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS (Summary)
First, language requiring that Emission Reduction Credits (ERC) must be "surplus when used" will be added. This revision is required in order to comply with EPA’s interpretation of the Clean Air Act and current policy/guidance regarding Nonattainment New Source Review (NNSR) procedures. The regulated community is already required to comply with federal policy so this change will not impose any additional burden on them. This change is required to bring the state into compliance with federal policy. The rule revision will have the effect of nullifying some ERC currently approved and in the bank. The exact amount cannot be determined without a comprehensive review of all banked credits. Informal discussions with industry environmental personnel have indicated that the one ERC (1 ton per year) has a market value of approximately $5,000. LDEQ maintains a database of banked credits, but the financial transactions associated with buying and selling ERC are strictly between companies involved.

Second, all references to the ERC bank being a contingency measure for Louisiana’s 15% VOC Reasonable Further Progress (RFP) Plan will be removed. The regulated community will benefit because ERCs will no longer be subject to confiscation, and sources will be able to withdraw ERCs in excess of the amount claimed by LDEQ in its 3% contingency measure, 5.7 TPD (see §601.A.3).

Next, the stipulations that mandate emissions reductions be banked as ERCs in order to use them to "net out" in a nonattainment area will be eliminated. The benefit to permittees comes in the form of increased flexibility.

Finally, LDEQ intends to delete the mobile emission reduction credits (MERCs) provisions under LAC 33:III.611. This program was never implemented; hence, there will be no costs or benefits associated with its removal.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)
There is no estimated effect on competition and employment.

James H. Brent, Ph.D. Robert E. Hosse
Assistant Secretary General Government Section Director
0107#045 Legislative Fiscal Office

NOTICE OF INTENT

Department of Health and Hospitals
Board of Dentistry

Restricted Licenses; Adverse Sanctions; Temporary Licenses; Licensure by Credentials; Dental Assistant Duties; Curriculum Development for Expanded Duty Dental Assistants; Local Anesthesia; Air Abrasion Units; Exemptions; and Violations

Title 46
PROFESSIONAL AND OCCUPATIONAL STANDARDS
Part XXXIII. Dental Health Professions
Chapter 1. General Provisions
§105. Restricted Licensees
A. All applicants for a restricted license must successfully complete the Louisiana State Board of Dentistry examination in jurisprudence within 60 days of receiving said license, except those licenses issued for less than one year.

B. - F. ...

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


§116. Reconsideration of Adverse Sanctions
A. - C. ...

D. If the committee decides that the application is without substantial merit, it shall so inform the officers of the board and, thereafter, one officer shall be appointed to notify the applicant, in writing, of said unfavorable action. The applicant is not thereafter entitled to appear before the full board relative to this application; only applications which have been found to have substantial merit by the committee are to be submitted to the full board.

E. The full board, at its next meeting, may consider those applicants found by the committee to have substantial merit in open meeting if requested to do so by the applicant. In the absence of such request, the board shall entertain the matter in executive session. In the course of the board’s review, if it deems necessary, it may require the applicant and all supporting references to appear in person before the board for the purpose of affording the board an opportunity to interview each person first hand. All expenses for the attendance of the applicant and his/her personal references shall be borne by the applicant. Moreover, the board shall prescribe time limitations for all speakers appearing before it and order such other considerations as will promote a fair and orderly meeting.

F. - H. ...

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

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Dentistry, LR 24:1114 (June 1998), amended LR 27:

§120. Temporary Licenses
A. Under R.S. 37:760(6), the board is authorized to issue licenses in conformity with the Louisiana Dental Practice Act. However, under R.S. 37:752(8), dentists and dental hygienists may obtain a temporary license without satisfying all licensing requirements of the Louisiana Dental Practice Act provided the applicant applies for a full license by taking an examination at the next time the clinical licensure examination is given by the board or by applying for licensure by credentials for the nearest scheduled board meeting. In order to protect the public and to avoid abuses of this exemption, the board shall not award a temporary license to any dentist under the provisions of R.S. 37:752(8), and will not award a temporary license to any dental hygienist within 60 days before or 60 days after the clinical licensing examination is given. Under no circumstances shall a temporary license awarded to a dental hygienist be in effect for any period longer than 7 months. This Section does not prohibit the awarding of temporary licenses to dentists who are seeking exemptions under R.S. 37:752(4).

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

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Dentistry, LR 24:1114 (June 1998), amended LR 27:

Chapter 3. Dentists
§306 Requirements of Applicants for Licensure by Credentials
A. Before any applicant is awarded a license according to his/her credentials in lieu of an examination administered by the board, said applicant shall provide to the board satisfactory documentation evidencing:

1. - 15. ...

16. has furnished three current letters of recommendation from professional associates, i.e. associations, boards, or prior employers listed on application for licensure on letterhead stationery from said organization;

A.17. - E. ...

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


Chapter 5. Dental Assistants
§502 Authorized Duties of Expanded Duty Dental Assistants
A. A person licensed to practice dentistry in the State of Louisiana may delegate to any expanded duty dental assistant any chairside dental act that said dentist deems reasonable, using sound professional judgment. Such act must be performed properly and safely on the patient and must be reversible in nature. Furthermore, the act must be under the direct supervision of the treating dentist. However, a dentist may not delegate to an expanded duty dental assistant:

1. - 15. ...


B. - C. ...

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


§503 Guide to Curriculum Development for Expanded Duty Dental Assistants
A. ...

B. The following is a model outline for the expanded duty dental assistant course. The hours are to be allocated by the instructor in accordance with current law:

1. - 15. ...

16. clinical and written exams;

17. lecture on the placement of pit and fissure sealants;

18. lab on placement of pit and fissure sealants; performance evaluation lab shall be practicing on typodonts;
Chapter 7. Dental Hygienists

§706 Requirements of Applicants for Licensure by Credentials

A. Before any applicant is awarded a license according to his/her credentials in lieu of an examination administered by the board, said applicant shall provide to the board satisfactory documentation evidencing that he/she:

1. - 14...

15. has furnished three current letters of recommendation from professional associates, i.e., associations, boards, or prior employers listed on application for licensure on letterhead stationery from said organization;

A.16. - E...

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


§710 Administration of Local Anesthesia for Dental Purposes

A. - E...

F. Deleted.

G. - I...

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

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Dentistry, LR 24:1292 (July 1998), amended LR 27:

Chapter 13. Dental Laser and Air Abrasion Utilization

§1305 Air Abrasion Units

A. Utilization of air abrasion units by licensed dental hygienists and dental auxiliaries is prohibited. However, this does not prevent the utilization of air polishing units by licensed dental hygienists.

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

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Dentistry, LR 19:334 (March 1993), amended LR 24:1117 (June 1998), LR 27:

Chapter 16. Continuing Education Requirements

§1607 Exemptions

A. - B...

C. Due to the fact that dental and dental hygiene licenses are issued on a biennial basis, dentists and dental hygienists must accumulate one-half of the continuing education hours required under LAC 46:XXXIII.1611 and 1613 during the second year of the biennial period in which they received their initial licensure. For example, if a dentist receives his license immediately after graduation in June 1999, and he/she does not have to renew their license until the year 2001, that licensee need only accumulate 20 hours of continuing education, one-half of which must be clinical.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:760(8), (13).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals; Board of Dentistry, LR 20:661 (June 1994), amended LR 24:1117 (June 1998), LR 27:

§1619. Violations

A. Violation Table

<table>
<thead>
<tr>
<th>Minimum</th>
<th>Maximum</th>
</tr>
</thead>
<tbody>
<tr>
<td>$500.00</td>
<td>$2,000.00</td>
</tr>
</tbody>
</table>

1. First violation of continuing education
   a. For completion of 3/4th or more of the requirement $500.00 $2,000.00
   b. For completion of 1/2 to 3/4th of the requirement $1,000.00
   c. For completion of 1/4th to 1/2 of the requirement $1,500.00
   d. For completion of 0 to 1/4th of the requirement $2,000.00

2. Second violation $1,000.00 $4,000.00

3. All continuing education not completed on time shall be completed no later than August of the following calendar year and shall not count toward the continuing education requirements of the subsequent renewal period.

4. A second violation of the continuing education requirements shall be reported to the National Practitioner Data Bank, whereas the first violation will not.

5. After a second violation of continuing education requirements, the licensee shall be placed on a minimum of a two-year period of probation, depending upon the number of hours not completed.

6. A third violation of continuing education requirements will result in the suspension of a dental or dental hygiene license for a period of not less than six months.

7. Any subsequent violation of continuing education requirements will result in the revocation of a dental or dental hygiene license.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:760(8) and (13).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Dentistry, LR 27:

Family Impact Statement

The Louisiana State Board of Dentistry hereby issues this Family Impact Statement: The proposed rule for the Board of Dentistry will have no known impact on family formation, stability, and autonomy, as set forth in R.S. 49:972.

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

C. Barry Ogden
Executive Director
FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES

RULE TITLE: Issuance and Renewal of Licensure

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)
   A cost of $500 is estimated to implement these rule changes. Notification of these rule changes will be included in a mass mailing to all licensees, which has already been budgeted for previous rule making changes. It is anticipated that these rule changes will be sent to licensees during the summer of 2000.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
   There will be no effect on revenue collections by the Louisiana State Board of Dentistry. There will be no effect on any other state or local governmental units.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS (Summary)
   There will be no estimated costs and/or economic benefits to directly affected persons or non-governmental groups.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)
   There will be no effect on competition and employment.

NOTICE OF INTENT

Department of Health and Hospitals
Board of Examiners in Dietetics and Nutrition

Issuance and Renewal of Licensure (LAC 46:LXX.111)

In accordance with the Administrative Procedure Act, R.S. 49:950 et seq., notice is given that the Louisiana Board of Examiners in Dietetics and Nutrition pursuant to the authority vested in the Board by R.S. 37:3085(4), intends to adopt rules editing the Board's Rules and Regulations to comply with the Dietetic/Nutrition Practice Act. All other rules dealing with registered dietitians except the Rules and Regulations promulgated in 1988 and amended in June 1999 are hereby repealed.

The proposed rules correct a typographical error in Rule 111.1, and clarify the terms for renewal of the Licensed Dietitian/Nutritionist in accordance with changes to the Practice Act in 1999. The proposed amendments to the Rules and Regulations are set forth below.

Title 46
PROFESSIONAL AND OCCUPATIONAL STANDARDS
Part LXX. Registered Dietitians
Chapter 1. Dietitians/Nutritionists
§111. Issuance and Renewal of Licensure
A. - E.8. …
F. Abandonment of Application. An applicant shall be deemed to have abandoned the application if the requirements for licensure are not completed within one year of the date on which the application was received. An application submitted subsequently to an abandoned application shall be treated as a new application.

G. - H.3. …
4. Licensed Dietitian/Nutritionist
   a. Licenses will expire on June 30, of each year.
   b. Applicants receiving an initial license in the last quarter of the fiscal year (April, May, June) are not required to renew that fiscal year.

5. Provisional License
   a. …
   b. Applicants receiving an initial license in the last quarter or the fiscal year (April, May, June) will not be required to renew that fiscal year.

6. Continuing Education Requirement for Renewing License
   a. For renewal of licensed dietitian/nutritionist license, licensees must submit proof of holding current CDR registration or of having completed fifteen hours of continuing education per license year. The hours may be certified by the Commission on Dietetic Registration or the Board.

H.6.b. - H.9. …

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3081-3093; R.S. 36:259(Q).

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Office of the Secretary, LR 10:12 (January 1984); amended by the Department of Health and Hospitals, Board of Examiners in Dietetics and Nutrition, LR 14:435. (July 1988), LR 27:

Interested persons may submit written comments to Suzanne L. Pevey, Administrator, Louisiana Board of Examiners in Dietetics and Nutrition, 18550 Highland Road, Suite B, Baton Rouge, LA 70809 on or before August 9, 2001. She is the person responsible for responding to inquiries regarding the proposed rules.

Jacinda Bonvillain, Ph.D., LDN, RD
Chairperson

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES

RULE TITLE: Issuance and Renewal of Licensure

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
   The Louisiana State Board of Examiners in Dietetics and Nutrition estimates that it will cost approximately $1,115.00 to implement the proposed amendments to the Board's Rules and Regulations in the fiscal year 2001.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
   The implementation of the proposed rules will not have an effect on revenue collections of state or local governmental units. The proposed rule changes are for clarification and do not make any changes to the existing rules.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS (Summary)
   There will be no cost to directly affected persons based on the proposed amendments.
IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT
(Summary)

There will be no effect on competition and employment related to the proposed rules.

Suzanne L. Pevey
Administrator
0107#047

Virginia G. Benoist
Executive Director

NOTICE OF INTENT
Department of Health and Hospitals
Board of Medical Examiners

Subpoenas for Hearing
(LAC 46:XLV.9917)

Notice is hereby given, in accordance with R.S. 49:953, that the Louisiana State Board of Medical Examiners (Board), pursuant to the authority vested in the Board by the Louisiana Medical Practice Act, R.S. 37:1261-1292, and particularly R.S. 37:1270(B), intends to amend its procedural rules of adjudication governing the issuance of subpoenas in connection with adjudication hearings, LAC 46:XLV.9917.A. Currently such rules provide that subpoenas may be issued only upon the signature of the Executive Director. The proposed amendment provides for the issuance of subpoenas upon the signature of either the Executive Director or such other individual as may be designated by the Board. It is anticipated that the amendment will facilitate the processing of subpoenas in the absence of the Executive Director or at such times as she may be attending to other affairs of the Board.

The proposed rule amendment has no known impact on family, formation, stability or autonomy as described in R.S. 49:972.

Title 46
PROFESSIONAL AND OCCUPATIONAL STANDARDS
Part XLV. Medical Professions
Subpart 5. Rules of Procedure
Chapter 99. Adjudication
§9917. Subpoenas for Hearing
A. Upon request of the respondent or complaint counsel and compliance with the requirements of this section, the Executive Director, or such other individuals as may be designated by the Board, shall sign and issue subpoenas in the name of the Board requiring the attendance and giving of testimony by witnesses and the production of books, papers, and other documentary evidence at an adjudication hearing.
B. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1270(B).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Medical Examiners, LR 16:507 (June 1990), amended by the Department of Health and Hospitals, Board of Medical Examiners, LR 27:

Interested persons may submit written data, views, arguments, information or comments on the proposed rule amendment until 4:00 p.m., July 20, 2001, to Virginia G. Benoist, Executive Director, Louisiana State Board of Medical Examiners, at Post Office Box 30250, New Orleans, LA 70190-0250 (630 Camp Street, New Orleans, LA 70130).

Virginia G. Benoist
Executive Director

FISCAL AND ECONOMIC IMPACT STATEMENT
FOR ADMINISTRATIVE RULES
RULE TITLE: Subpoenas for Hearing

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

Other than the rule publication costs, which are estimated to be $40.00 in FY2001, the proposed rule amendment will not result in costs or savings to the Board of Medical Examiners or any state or local governmental unit.

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

It is anticipated that the proposed rule amendment will have no effect on the revenue collections of the Board of Medical Examiners or of any state or local governmental unit.

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

The proposed rule amendment will result in no costs and/or economic benefits to directly affected persons, including applicants for medical licensure, licensed physicians or governmental groups.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

The proposed rule amendment will have no impact on competition and employment.

Virgina G. Benoist
Executive Director
0107#039

NOTICE OF INTENT
Department of Health and Hospitals
Office of Public Health

Sanitary Code General Provisions (LAC 51:I.Chapter 1)

In accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., the Department of Health and Hospitals, Office of Public Health, pursuant to the authority in R.S. 40:5, proposes to repeal Chapter I and promulgate Part I of the Louisiana State Sanitary Code to be codified in accordance with the Administrative Procedures Act as follows.

Title 51
PUBLIC HEALTH SANITARY CODE
Part I. General Provisions
Chapter 1. General
§101. Definitions [formerly paragraph 1:001]

A. Unless otherwise specifically provided in the Code, the following words and terms are defined as follows:


Emergency Situation. Refers to any situation or condition which warrants immediate enforcement measures more expedient than normal administrative violation control and abatement procedures due to its perceived imminent or potential danger to the public health.

Suzanne L. Pevey
Administrator
0107#047

H. Gordon Monk
Staff Director

 Legislative Fiscal Office
§107. Notice of Violation [formerly paragraph 1:007-2]
A. The Notice of Violation form or letter listing the violation(s) and urging correction thereof may:
   1. be left with the operator, owner, manager, lessee or their agent, or person in charge of the establishment, facility, or property at the time of such inspection or monitoring; or
   2. be delivered to the person in charge of the establishment, facility, or property as soon as a determination is made that there is/are violation(s).
   
   AUTHORITY NOTE: Promulgated in accordance with R.S. 40:4.
   
   HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of Public Health, LR 27:

§109. Violation Notice [formerly paragraph 1:007-4]
A. In those cases in which the State Health Officer or his/her representative determines that a violation has occurred and a decision is made to issue a notice of violation, the notice of violation shall be either sent to the owner, manager, lessee or their agent, of the establishment, facility or property involved by regular mail with a U.S. postal service certificate of mailing, or hand delivered to the owner, manager, lessee or their agent of the establishment.
   
   AUTHORITY NOTE: Promulgated in accordance with R.S. 40:4.
   
   HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of Public Health, LR 27:

§111. Reinspection [formerly paragraph 1:007-5]
A. If reinspection discloses that the violation(s) have not been remedied the State Health Officer or his/her representative, may issue a Compliance Order or take whatever action is authorized by law to remedy the violation(s). Any Compliance Order issued pursuant to this section shall inform the aggrieved party of his right to an administrative appeal to the Division of Administrative Law.
   
   AUTHORITY NOTE: Promulgated in accordance with R.S. 40:4.
   
   HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of Public Health, LR 27:

§113. Suspension/Revocation [formerly paragraph 1:007-21]
A. Pursuant to the provisions of LSA R.S. 40:4, R.S. 40:5 and LSA R.S. 40:6, the State Health Officer acting through the Office of Public Health:
   1. may suspend or revoke an existing license or permit;
   2. may seek injunctive relief as provided for in LSA R.S. 40:4;
   3. may impose a fine for violations of Compliance Orders issued by the State Health Officer with the approval of the Secretary of the Department of Health and Hospitals (R.S. 40:6);
   4. may (in cases involving pollution of streams, rivers, lakes, bayous, or ditches which are located in public rights of way outside Lake Pontchartrain, Toledo Bend Reservoir or the Sabine River, their drainage basins or associated waterways):
      a. suspend or revoke the existing license or permit; and/or
      b. issue a civil compliance order and impose a fine of $100 per day up to a maximum of $10,000 in cases where establishments operate without a license or permit or continue to operate after revocation or suspension of their license or permit;
§119. Plans and Permits
A. [formerly paragraph 1:009-1] Certain activities require submission of plans to the State Health Officer, who must approve the plans and issue a permit prior to the initiation of the activity. This includes but is not limited to the operation, construction or renovation of facilities. For details, see the appropriate Chapter (Part) of this Code.

B. [formerly paragraph 1:009-2] In those instances in which such activities, for which submission of plans prior to initiation of the activity is required, are found to exist, and no such submittal of plans has been made, the State Health officer shall, upon submittal of the required plans and determination of compliance of such activity with this Code, offer no objection to the existence of such activity. This shall not be construed to limit in any way the State Health Officer's authority to revoke or rescind such position of no objection, just as with any other approval or permit, as per §119.C of this Code. The burden of proof of compliance shall be on the applicant.

C. [formerly paragraph 1:009-3] The State Health Officer can revoke, and reissue permits, or issue new permits as provided in this Code. The addresses to which requests shall be submitted are set forth in the appropriate Chapters (Parts) of this Code.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:4.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of Public Health, LR 27:

$121. Effective Date of Code [formerly paragraph 1:011]
A. The provisions of this Code shall have effect from the date of publication hereof as a Rule in the Louisiana Register, except as hereinafter otherwise specifically provided.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:4.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of Public Health, LR 27:

$123. Exemptions from Code [formerly paragraph 1:011]
A. When the construction of buildings and facilities was approved by the State Health Officer pursuant to Sanitary Code requirements then in effect, upgrading of such buildings and facilities shall not be required except where:
1. substantial renovation of such buildings or facilities is undertaken; or
2. where the ownership thereof or the business located therein changes subsequent to the effective date of the Sanitary Code; or
3. where a serious health threat exists, unless otherwise specifically provided hereinafter.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:4.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of Public Health, LR 27:

The following Table of Contents and Cross Reference listings (Item A. and Item B. respectively) are included as tools to assist staff and/or the public in locating provisions included in the preceding proposed rule which would repeal and replace Chapter 1 of the Sanitary Code as previously
promulgated on November 20, 1992. The referenced listings are as follows:

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**Family Impact Statement**

In compliance with the provisions of R.S. 49:972 as legislated by Act 1183 of the 1999 Regular Session of the Louisiana Legislature, the impact of this above proposed rule on the family has been considered. The proposed rule has no known impact on the family functioning, stability nor autonomy as described in R.S. 49:972.

A public hearing on the adoption of this proposed rule change will be held on Tuesday, August 28, 2001 at 1:30 p.m. at 6867 Bluebonnet Blvd., Room 230, Baton Rouge, LA. All interested persons will be afforded an opportunity to submit data, views or arguments, orally or in writing, at said hearing.

Interested persons may also submit written comments to James Antoon Chief Sanitarian, 6867 Bluebonnet Blvd., Baton Rouge, LA 70810. He is responsible for responding to inquiries regarding this adoption. The deadline for the receipt of all written comments is 4:30 p.m. on the next day following the public hearing as scheduled.

David W. Hood
Secretary
incurred by the decedent’s heirs to maintain the homestead of the decedent.

In compliance with Act 1183 of the 1999 Regular Session of the Louisiana Legislature, the impact of this proposed rule on the family has been considered. This proposed rule has no known impact on family functioning, stability, or autonomy as described in R.S. 49:972.

**Proposed Rule**

The Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing amends the May 20, 1996 rule to provide for cost effectiveness guidelines and to add regulations addressing privilege on the succession estate and reductions in recovery in consideration of reasonable and necessary expenses incurred by the decedent’s heirs to maintain the homestead of the decedent. The Bureau shall seek recovery of Medicaid payments for nursing facility services, home and community-based services, and related hospital and prescription drug services from the estate of an individual who was 55 years of age or older when such services were received.

**A. Definitions**

**Assessed Value** Assessed value shall mean the value of the homestead as assessed by the Tax Assessor in the Parish in which the homestead is located.

**Cost-Effectiveness** The process whereby the Medicaid agency balances and weighs that which it may reasonably expect to recover, against the time and expense of recovery. Application of the provision will be deemed to be cost-effective when the amount reasonably expected to be recovered exceeds the cost of recovery and the amount reasonably expected to be recovered is greater than $500.

**Dependent** A dependent is defined as one who was reliant on the decedent due to a medical condition or age which rendered him/her unable to provide for his/her own support and for whom the decedent provided more than one half of his/her support during the immediate 12 months prior to the death of the decedent and is the decedent’s:

1. son, daughter, step-son, step-daughter or a descendent thereof;
2. brother or sister, whether by blood or marriage, or a descendent thereof;
3. father, mother, step-father, step-mother, or sibling of ancestor thereof;

**Estate** The estate shall be understood to be the gross estate of the deceased as determined by Louisiana succession law.

**Homestead** A homestead shall be defined as a tract of land or two or more tracts of land with a residence on one tract and a field, pasture, or garden on the other tract or tracts, not exceeding 160 acres, buildings and appurtenances, whether rural or urban, owned and occupied by the decedent or a residence, including a mobile home, owned and occupied by the decedent, regardless of whether the homeowner owns the land upon which the home or mobile home is sited. This same homestead shall be the primary residence which served as a bona fide home and which was occupied by the recipient immediately prior to the recipient’s admission to a nursing facility or when the recipient began receiving home and community-based services.

**Undue Hardship** An undue hardship exists when application of the provision would result in placing an unreasonable burden on a dependent. An undue hardship may exist when:

1. the estate is the sole income producing asset of a dependent, and income from the estate is limited;
2. recovery would result in a dependent becoming eligible to receive public assistance, including but not limited to Medicaid;
3. any other compelling circumstances that would result in placing an unreasonable financial burden on a dependent.

An undue hardship does not exist if the circumstances giving rise to the hardship were created by or are the result of estate planning methods under which assets were sheltered or divested in order to avoid estate recovery.

**B. General Provisions**

1. Medicaid estate recovery is not a condition of eligibility. The applicant/recipient shall be informed at the time of application/redetermination that federal law and regulations mandate estate recovery action by the states and that medical assistance claims paid by the Bureau of Health Services Financing may be subject to estate recovery.

2. **Recovery Limitations**

   a. Recovery can only be made after the death of the individual’s surviving spouse, if any, and only at the time when the individual has no surviving child under age 21, or a child blind or disabled as defined in Section 1614 of the Social Security Act.

   b. Recovery from the homestead as defined in Section I.E., can only be made when there is no dependent of the individual as defined in Section I.D., residing in the home, who resided there for at least two years immediately before the date of the individual’s admission to the institution (or the beginning of home and community-based services), and has resided there on a continuous basis since that time.

   c. Recovery from the homestead as defined in Section I.E., can only be made when there is no sibling of the individual residing in the home, who has resided there for at least one year immediately before the date of the individual’s admission to the institution (or the beginning of home and community-based services), and has resided there on a continuous basis since that time.

3. **Recovery Adjustments**

   a. Recovery may be waived in cases in which it is not cost-effective for the state to recover from the individual’s estate.

   b. Recovery from the homestead shall be determined as not cost-effective when the recipient’s interest in an otherwise seizible homestead is less than one half of the assessed value of property exempt from ad valorem taxes under Article VII, Section 20 of the Constitution of Louisiana.

   c. The Department’s percentage of recovery will be as follows.

      i. If the Medicaid recipient’s interest in the homestead is $37,500 or less the Department will not seek recovery of its Estate Recovery lien from the homestead.

      ii. If the Medicaid recipient’s interest in the homestead is $37,501 to $50,000, the Department will recover 25 percent of its Estate Recovery lien from the homestead.
iii. If the Medicaid recipient’s interest in the homestead is $50,001 to $75,000, the Department will recover 50 percent of its Estate Recovery lien from the homestead.

iv. If the Medicaid recipient’s interest in the homestead is $75,001 to $100,000, the Department will recover 75 percent of its Estate Recovery lien from the homestead.

v. If the Medicaid recipient’s interest in the homestead is $100,001 or greater, the Department will recover 100 percent of its Estate Recovery lien from the homestead.

d. Recovery may be reduced in consideration of reasonable and necessary documented expenses incurred and documented by the decedent’s heirs, to maintain the homestead of the decedent during the recipient’s period of an institution while receiving Medicaid benefits, if the homestead is part of the succession estate;

4. Recovery Notice. The Bureau will seek recovery for medical assistance from the decedent’s estate. The family or the heirs will be given advance notice of the proposed application and the time frame in which they have the opportunity to apply for an undue hardship waiver.

The notice will be served on the executor, legally authorized representative or succession attorney of the individual’s estate. If there is no executor, legally authorized representative or succession attorney, the notice will be sent to the family or the heirs. The notice shall also specify the following information:

a. the affected recipient’s name, Social Security Number and recipient Medicaid number;
b. the action the state intends to take;
c. the reason for the action;
d. the dates of service associated with the recovery action and the amount of the Department’s claim, i.e. amount to be recovered against the recipient’s estate;
e. the right to and procedure for applying for a hardship waiver;
f. the individual’s right to a hearing;
g. the method by which the individual may obtain such a hearing;
h. the time periods involved in requesting a hearing or in exercising any procedural requirements under the Medicaid Estate Recovery Program.

i. The notice will request that the following information be provided to the Bureau:

   i. Copies of all state and federal estate tax returns prepared and/or filed in connection with the succession of the decedent;
   ii. Copies of all succession pleadings filed in connection with the succession of the decedent, including any judgement or judgements of possession;

   iii. Original document or verification from the Assessor in the Parish in which the homestead is situated as to the assessed value of the homestead at the time of the decedent’s death.

   iv. In the event that no state or federal estate tax return has been filed or prepared and no succession has been judicially opened, the Bureau is to be advised as to when such documents will be available and/or when the succession is expected to be opened.

5. Recovery Privilege. The claim of the Department of Health and Hospitals shall be considered a privilege on the succession and shall have a priority equivalent to an expense of last illness as prescribed in Civil Code Article 3252 et seq.

C. Administrative Review of Agency Decisions. Any aggrieved party may request that the agency review and reconsider any or all aspects of the particular recovery matter in which they are involved. This request must be made within 20 days of the receipt of the certified notice of the agency’s claim for recovery. If such a request is timely made, the agency shall review the matter and shall review and consider any facts or documentation presented or forwarded in connection with the matter. In addition to this informal reconsideration, any aggrieved party shall have the administrative appeal rights available pursuant to the Louisiana Administrative Procedure Act.

Interested persons may submit written comments to Ben A. Bearden, Bureau of Health Services Financing, P.O. Box 91030, Baton Rouge, Louisiana 70821-9030. He is the person responsible for responding to inquiries regarding this proposed rule. A public hearing on this proposed rule is scheduled for Tuesday, August 28, 2001 at 9:30 a.m. in the Department of Transportation and Development Auditorium, First Floor, 1201 Capitol Access Road, Baton Rouge, Louisiana. At that time all interested persons will be afforded an opportunity to submit data, views or arguments either orally or in writing. The deadline for the receipt of all written comments is 4:30 p.m. on the next business day following the public hearing.

David W. Hood
Secretary

FISCAL AND ECONOMIC IMPACT STATEMENT
FOR ADMINISTRATIVE RULES

RULE TITLE: Medicaid Estate Recovery Program

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

It is not feasible to estimate the fiscal impact of this proposed rule due to the lack of essential data to make accurate fiscal projections. Required data would include the amount of the Medicaid expenditures that will be made for recipients who will be subject to this proposed rule and the value of their estates which may be recoverable under this proposed rule. It is anticipated that $400 ($200 SGF and $200 FED) will be expended in SFY 2000-01 for the state’s administrative expense for promulgation of this proposed rule and the final rule.

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

It is not feasible to estimate the fiscal impact of this proposed rule due to the lack of essential data to make accurate fiscal projections. Required data would include the amount of the Medicaid expenditures that will be made for recipients who will be subject to this proposed rule and the value of their estates which may be recoverable under this proposed rule.

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

Implementation of this proposed rule would affect heirs to the estates of Medicaid recipients who received nursing facility services, home and community based services and related hospital and prescription drug services at age fifty-five (55) or older. If Medicaid eligibility is expanded, more heirs could be
affected by the recovery of Medicaid payments from these estates. The hardship exceptions should limit the number of heirs that would be subject to estate recovery.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT
(Summary)
There is no known effect on competition and employment.

Ben A. Bearden
Director
0107#049

H. Gordon Monk
Staff Director
Legislative Fiscal Office

NOTICE OF INTENT

Department of Insurance
Office of the Commissioner

Rule No. 9C Pre-Licensing Requirements;
Education Advisory Council
(LAC 37:XI.Chapter 5)

Under the authority of the Louisiana Insurance Code, R.S. 22:1 et seq., and in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., the Department of Insurance gives notice that it intends to amend and re-enact its existing Rule 9. This intended action complies with the statutory law administered by the Department of Insurance.

The proposed amendments are needed to make certain changes and to clarify current language. The proposed amendments affect the following sections of LAC 37:XI. 505, 507, 509, 511, 517, 527, and 529. In the past, the Rule, as published in the Register, showed the text of two forms labeled and referenced as Section 527, Appendix 1, and Section 529, Appendix 2, respectively. These forms were not originally intended to be part of the Rule proper and although repealed from the Rule’s text, they will continue to be readily available to pre-licensing education providers through the Department of Insurance.

Title 37
INSURANCE
Part XI. Rules
Chapter 5. Rule Number 9 - Pre-Licensing Requirements; Education Advisory Council

§505. Effective Date
A. The original effective date of this Rule was July 1, 1989. The re-promulgated Rule shall become effective upon final publication in the Louisiana Register.

AUTHORITY NOTE: Promulgated in accordance with R.S. 22:1191.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Commissioner of Insurance, LR 15:548 (July 1989), amended LR 20:1388 (December 1994), LR 27:

§507. Course Requirements
A. Life, Health, and Accident
1. All applicants for life, health, and accident licenses as an agent are hereby required to complete a course of instruction with a minimum of 16 hours of supervised instruction in a structured setting. If applying for a combination life, health and accident license all applicants must complete the full 32 hours of life, health and accident instruction.

2. The curricula for the life instruction shall include the following:
   a. insurance regulation;
   b. general insurance;
   c. life insurance basics;
   d. life insurance policies;
   e. life insurance policy provisions, options and riders;
   f. annuities;
   g. federal tax considerations for life insurance and annuities;
   h. qualified plans.

3. The curricula for the Health and Accident instruction shall include the following:
   a. insurance regulation;
   b. general insurance;
   c. health insurance basics;
   d. individual health insurance policy provisions;
   e. disability income and related insurance;
   f. medical expense plans;
   g. group health insurance;
   h. dental insurance;
   i. insurance for senior citizens and special needs individuals;
   j. federal tax considerations.

B. Property and Casualty
1. All applicants for property and casualty licenses as agent, broker, or solicitor are hereby required to complete a course of instruction with a minimum of 32 hours of supervised instruction in a structured setting.

2. The curricula shall include the following:
   a. insurance regulation;
   b. general insurance;
   c. property and casualty insurance basics;
   d. dwelling policy (Louisiana specific);
   e. homeowners (’91) policy;
   f. auto insurance;
   g. commercial package policy;
   h. business owners (’89) policy;
   i. workers’ compensation insurance;
   j. other coverage and options.

C. Satisfactory Completion of the Instructional Program. Upon completion of the prescribed course of instruction, the applicant shall be tested by the provider of the program.

D. Exemptions. The requirement for the completion of the instructional course does not apply to any applicant who is exempt from the requirement of an examination under R.S. 22:1167 or any applicant seeking authorization to write industrial fire insurance business only.

E. Concurrent Instructional Courses. When concurrent instructional courses for both life, accident, and health and property and casualty are conducted, the repetition of ethical practices and other topics which are redundant shall be waived. However, this does not reduce the minimum required hours of instructional training set forth by the statute.

AUTHORITY NOTE: Promulgated in accordance with R.S. 22:1191.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Commissioner of Insurance, LR 15:548 (July 1989), amended LR 20:1388 (December 1994), LR 27:
§509. Provider Requirements
A. - A.2. …
3. Completion of the Department’s pre-licensing provider application, for the initial certification of director/supervising instructor to be used in accordance with the requirements and qualifications of instructors set forth herein.

A.4. - C. …

AUTHORITY NOTE: Promulgated in accordance with R.S. 22:1191.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Commissioner of Insurance, LR 15:548 (July 1989), amended LR 20:1388 (December 1994), LR 27:

§511. Instructor Qualifications
A. - A.4. …

5. All instructors must possess the necessary qualifications to enable them to teach the program and to present the instructional material. Special consideration may be granted by the Commissioner or the Council with Commissioner's approval, where it is felt that the specific background of the instructor warrants such consideration. The qualifications for instructors shall include, as a minimum, the following:
   a. for supervising instructors, five years of insurance and/or educational experience satisfactory to the commissioner and council;
   5.b. …
   c. The Commissioner shall have the authority to waive this requirement after a public hearing to determine the applicant's qualifications has been held and findings of such hearing warrant such a waiver.

6. For all instructors, except those specified in §511.A.2, the supervising instructor shall obtain and submit a Pre-Licensing Instructor Application form for each instructor who will participate in the instructional course.

AUTHORITY NOTE: Promulgated in accordance with R.S. 22:1191.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Commissioner of Insurance, LR 15:548 (July 1989), amended LR 20:1388 (December 1994), LR 27:

§517. Course Completion
A. - B. …

C. The provider must maintain computer records of course completion in a format compatible with Insurance Department specifications to facilitate the electronic reporting and transfer of attendance information from the provider to the department.

AUTHORITY NOTE: Promulgated in accordance with R.S. 22:1191.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Commissioner of Insurance, LR 15:548 (July 1989), amended LR 20:1388 (December 1994), LR 27:

§527. Appendix 1

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 22:1191.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Commissioner of Insurance, LR 15:548 (July 1989), amended LR 20:1388 (December 1994), LR 27:

§529. Appendix 2

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 22:1191.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Commissioner of Insurance, LR 15:548 (July 1989), amended LR 20:1388 (December 1994), LR 27:

Family Impact Statement

The proposed amendments to Rule 9 should have no measurable impact upon the stability of the family. The proposed amendments to Rule 9 should have no impact upon the rights and authority of parents regarding the education and supervision of their children. The proposed amendments to Rule 9 should have no direct impact upon the functioning of the family. The proposed amendments to Rule 9 should have no direct impact upon family earnings and budget. The proposed amendments to Rule 9 should have no impact upon the ability of the family or a local governmental unit to perform the function as contained in the Rule.

Persons interested in obtaining copies of the Rule or in making comments relative to these proposals may do so at the public hearing or by writing to Barry E. Ward, Department of Insurance, P.O. Box 94214, Baton Rouge, LA 70804-9214. Comments will be accepted through the close of business at 4:30 p.m. August 29, 2001.

On August 28, 2001, at 10 a.m., the Department of Insurance will hold a public hearing in the Plaza Hearing Room of the Insurance Building located at 950 N. 5th Street, Baton Rouge, Louisiana, 70804 to discuss the proposed amendments as set forth.

J. Robert Wooley
Acting Commissioner of Insurance

FISCAL AND ECONOMIC IMPACT STATEMENT

FOR ADMINISTRATIVE RULES

RULE TITLE: Rule No. 9C Pre-Licensing Requirements; Education Advisory Council

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

It is not anticipated that the amendments to Rule 9 would result in any implementation costs or savings to local or state governmental units.

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

The proposed amendments to Rule 9 should have no effect on revenue collections of local or state governmental units.

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

There may be some savings to persons seeking a life only license or an accident and health only license; they would be required to take only sixteen (16) hours of pre-licensing education as opposed to 32 hours required for a life, accident and health license or a property and casualty license. It is impossible to state how many persons would elect to have this more limited license, or what the cost of the pre-licensing courses would be; Course providers set their own prices for courses. DOI has no involvement in setting the prices for the pre-licensing courses.
IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

The proposed amendments to Rule 9 should have no impact on competition and employment.

Chad Brown
Deputy Commissioner of Management and Finance
0107#043

H. Gordon Monk
Staff Director
Legislative Fiscal Office

NOTICE OF INTENT
Department of Revenue
Policy Services Division

Application of the Louisiana Individual Income Tax to Native Americans (LAC 61:I.1303)

Under the authority of R.S. 47:293(6)(a)(iii) and R.S. 47:295 and in accordance with the provisions of the Administrative Procedure Act, R.S. 47:950 et seq., the Department of Revenue, Policy Services Division, proposes to adopt LAC 61:I.1303 relative to the taxation of the income of Native Americans.

Louisiana Revised Statute 47:293(6)(a)(iii) excludes from "tax table income" income which is "exempt from taxation under the laws of Louisiana or which Louisiana is prohibited from taxing by the constitution or laws of the United States." This Rule will clarify the application of the Louisiana individual income tax to Native Americans.

Title 61
REVENUE AND TAXATION
Part I. Taxes Collected and Administered by the Secretary of Revenue
Chapter 13. Income: Personal
§ 1303. Application of the Louisiana Individual Income Tax to Native Americans

A. The income of an enrolled member of a federally recognized Indian tribe residing on that tribe’s reservation that is derived from sources on that reservation shall be exempted from Louisiana individual income tax. The determination of the sources of gross allocable income shall be consistent with R.S. 47:243.

B. The income of an enrolled member of a federally recognized Indian tribe residing on that tribe’s reservation that is derived from sources outside of that reservation is taxable for Louisiana individual income tax purposes. This includes income derived from sources outside of the state.

C. The income of an enrolled member of a federally recognized Indian tribe residing in Louisiana off of that tribe’s reservation is taxable for Louisiana individual income tax purposes regardless of source.

D. If an enrolled member of a federally recognized Indian tribe resides on that tribe’s reservation for a portion of the year and resides off of that tribe’s reservation for a portion of the year such enrolled member shall be taxed based upon where such enrolled member resided when the income in question was earned.

E. Compensation from military sources paid to an enrolled member of a federally recognized Indian tribe shall be exempted from Louisiana individual income tax if:

1. such enrolled member was residing on that tribe’s reservation at the time of entering the armed forces of the United States; and
2. such enrolled member has not elected to abandon his or her residence on that tribe’s reservation.

AUTHORITY NOTE: Adopted in accordance with R.S. 47:293(6)(a)(iii) and R.S. 47:295.

HISTORICAL NOTE: Promulgated by the Department of Revenue, Policy Services Division, LR 27:

Family Impact Statement
The proposed adoption of LAC 61:I.1303, regarding the application of the Louisiana individual income tax to Native Americans should not have any known or foreseeable impact on any family as defined by R.S. 49:972(D) or on family formation, stability and autonomy. Specifically:

1. The implementation of this proposed rule will have no known or foreseeable effect on the stability of the family.
2. The implementation of this proposed rule will have no known or foreseeable effect on the authority and rights of parents regarding the education and supervision of their children.
3. The implementation of this proposed rule will have no known or foreseeable effect on the functioning of the family.
4. The implementation of this proposed rule will have a minimal effect on family earnings and family budgets. Implementation of this proposed rule would allow enrolled members of federally recognized Indian tribes to receive an exemption from Louisiana individual income tax for such income. Conversely, the income of an enrolled member of a federally recognized Indian tribe residing on that tribe’s reservation that is derived from sources outside of that reservation would be taxable for Louisiana individual income tax purposes.
5. The implementation of this proposed rule will have no known or foreseeable effect on the behavior and personal responsibility of children.
6. The implementation of this proposed rule will have no known or foreseeable effect on the ability of the family or a local government to perform this function.

Any interested person may submit written data, views, arguments or comments regarding this proposed rule to Susan L. Dunham, Assistant Secretary, Office of Legal Affairs, in person to 330 North Ardenwood Drive, Baton Rouge, LA 70806, or by mail to P.O. Box 15409, Baton Rouge, LA 70895-5409. All comments must be submitted no later than 4:30 p.m., August 28, 2001. A public hearing will be held on August 29, 2001, at 2:30 p.m. in the Secretary’s Conference room on the second floor of 330 North Ardenwood Drive, Baton Rouge, LA.

Cynthia Bridges
Secretary

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES

RULE TITLE: Application of the Louisiana Individual Income Tax to Native Americans

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

The implementation of this proposed regulation, which clarifies the application of the Louisiana individual income tax...
to Native Americans, would have an indeterminable, but negligible impact on the agency's costs. The agency does not receive a significant number of Native American individual income tax returns. As such, the estimated implementation costs associated with this proposed regulation would be negligible.

The implementation of this proposed regulation will have no impact upon any local governmental units.

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

There would be an indeterminable effect on revenue collections for the state as a result of this proposed regulation. The exemption from Louisiana individual income tax of compensation from military sources paid to an enrolled member of a federally recognized Indian tribe would have a negative effect on revenue collections. However, the taxation of income derived from sources outside of the state would have a positive effect on revenue collections. The net result upon the revenue collections of the state should be negligible.

There should be no effect on revenue collections of local governmental units as a result of this proposed regulation.

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

Enrolled members of federally recognized Indian tribes who receive compensation from military sources would receive an exemption from Louisiana individual income tax for such income. This could be seen as an economic benefit for the individual Native American and his/her family. The income of an enrolled member of a federally recognized Indian tribe residing on that tribe's reservation that is derived from sources outside of that reservation would be taxable for Louisiana individual income tax purposes. This could be seen as an economic cost for the individual Native American and his/her family.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

This proposed regulation should have no effect on competition or employment.

Cynthia Bridges                  H. Gordon Monk
Secretary                      Staff Director
0107#041                      Legislative Fiscal Office

NOTICE OF INTENT

Department of Revenue
Policy Services Division

Definition of Sales Price (LAC 61:I.4301)

Under the authority of R.S. 47:301 and in accordance with the provisions of the Administrative Procedure Act, R.S. 47:950 et seq., the Department of Revenue, Policy Services Division, proposes to amend LAC 61:I.4301 relative to the definition of sales price for sales tax purposes.

These amendments provide guidance concerning the definition of sales price in R.S. 47:301(13). They contain descriptions of items included and excluded from that definition. Some items included in the price of a transaction and subject to sales tax are material, labor and overhead costs. Some items excluded from the taxable base are costs for shipping the product to the customer and federal retailers’ excise tax that must be collected from the customer.

These amendments also provide guidance on items specifically excluded from the taxable sales price by R.S. 47:301(13). Charges excluded by definition are trade-ins, interest charges, service charges, cash discounts, installation charges, etc. Exclusions are also provided for manufacturer buy downs, the first $50,000 paid for farm equipment used in poultry production, and funeral directing services. An explanation is also provided on the alternative valuation method of refinery gas and other petroleum products.

Title 61

DEPARTMENT OF REVENUE

Part I. Taxes Collected and Administered by the Secretary of Revenue

Chapter 43. Sales and Use Tax

§4301. Definitions

A. - C. …

**Sales Price**

a. R.S. 47:301(13)(a) defines sales price as the economic value, including cash, credit, property, or services, that is received or paid for the sale of tangible personal property. Any part of the sales price that is related to costs incurred by the vendor to bring the product to market or make the product available to customers becomes part of the tax base and is subject to sales tax even if a separate charge is made on the invoice.

i. Costs included in the sales price are:

   (a). materials used;
   (b). resale inventory;
   (c). freight or shipping costs from the supplier to the vendor, or from the vendor to the customer where the transportation by the vendor is an essential or necessary element of the agreement of sale, as would normally be true in transactions for the sale and delivery of ready-mixed concrete or similar products:
       (i). these transportation expenses are incurred by a seller in acquiring tangible personal property for sale or in transporting tangible personal property to the place of sale and form part of the seller’s overhead, and
       (ii). cannot be excluded from the taxable sales price even when separately stated to the purchaser;
   (d). utilities;
   (e). insurance;
   (f). financing for business operations;
   (g). labor;
   (h). overhead;
   (i). service costs:
       (i). handling charges are considered service costs; and
       (ii). are distinguishable from charges for transportation under the definition of sales price and related court decisions;
   (j). separately stated costs incurred by a vendor that are charged for the procurement, or purchasing, of tangible personal property on behalf of the customer; and
   (k). excise taxes imposed on the producer, processor, manufacturer or importer, as these taxes become a part of the dealer’s cost.

ii. The following are examples of charges not considered part of the sales price because they are not related to costs incurred by the vendor to bring the product to market:

   (a). freight, shipping, or delivery charges from the vendor or the vendor’s agent directly to the customer
after the sale has taken place when the following two conditions are met.

(i). The seller of the tangible personal property separately states the charges for the actual delivery or transportation of the sold property from the place of the sale to the destination designated by the purchaser.

(ii). On the invoices for the sale and transportation of tangible personal property, the place of the sale of the property, and the fact that the transportation is rendered subsequent to the sale and purchase and for the buyer's account, must be clearly determinable.

(b). federal retailers' excise tax that must be collected from the consumer or user.

(i). If these taxes are billed to the user or customer separately, they should be excluded from the tax base.

(ii). However, if the retailers' excise tax is not billed separately, the total selling price, including the excise tax, is taxable.

(iii). R.S. 47:301(13)(a) specifically excludes the following charges from the definition of sales price:

(a). the market value of an item traded in on the sale, as specified in R.S. 47:301(13)(a):

(i). the trade-in item must be one the vendor would normally accept in the course of business and must be similar to the item being purchased. An example of this is trading in a motorcycle on the purchase of a pickup truck;

(ii). exchanging an item that is not similar to the item being purchased will be treated as a barter or exchange agreement as described in R.S. 47:301(12). An example of this would be the owner of a clothing store providing suits to the owner of an appliance store in return for a dishwasher. In this instance, each selling party must report the transaction on his sales tax return;

(iii). the transfer of ownership of the trade-in must occur simultaneously with the sales transaction;

(iv). the trade-in value must be established prior to the sale;

(b). interest charges not exceeding the legal interest rate to finance the sale;

(c). service charges for financing, up to six percent of the amount financed;

(d). cash discounts allowed by the vendor if the customer takes advantage of the discount;

(e). labor to install the tangible personal property;

(f). separately stated charges by a seller for installing property that he has sold;

(i). installing includes the charge by the seller of movable property for setting up that property on or the attachment of that property to other movable or immovable property that is already owned or possessed by the purchaser;

(ii). examples of the types of installation charges that are excludable from sales price under this provision are the charges for setting up an appliance in a home or business, or the first-time attachment of a new mobile telephone, new radio, or new speakers to a customer-owned vehicle that previously was without such property;

(iii). exclusion is not intended, however, for the charges for removal and replacement of worn or malfunctioning components of movables, such as the removal and replacement of tires and batteries in vehicles. These types of services constitute repairs to movables that are defined in R.S. 47:301(14)(g) as taxable "sales of services;"

(g). charges to set up the property on the taxpayer's premises;

(h). charges for remodeling or repairing the property sold if:

(i). these services are provided prior to the sale;

(ii). the vendor sends the property to another dealer or service provider for remodeling or repair and pays sales taxes on these taxable services; and

(iii). the services are separately itemized and identified in the billing to the customer.

(iv). If the remodeling or repairing is performed by the vendor either:

[a]. prior to the sale; or

[b]. after the sale but before the customer takes possession of the item;

[c]. then these would be costs of the vendor incurred to bring the product to market or make a product available to customers and would become part of the tax base.

(v). any services performed after the property is in the possession of the customer are taxable under R.S. 47:301(14).

iv. In all instances where an expense is required to be separately stated, the effect of combining the charge with another taxable item included in the sales price will subject the entire amount to sales tax.

v. R.S. 47:301(13)(b) provides an exclusion from sales price for the amounts of cash discounts and rebates that manufacturers and vendors of new vehicles offer to purchasers of vehicles.

(a). The exclusion will apply both to the discounts and rebates that are based on vehicle make and model, as well as to the discounts and rebates that are based on customer usage of manufacturer-issued credit cards.

(b). In order for this exclusion to apply, the customer must assign the discount or rebate to the selling dealer of the vehicle, so that the discount or rebate results directly in a reduction of the price to be paid for the vehicle.

(c). In cases where a customer accepts a rebate or discount in cash, and does not assign the amount to the selling dealer as a deduction from the listed retail price of the vehicle, the exclusion from sales price will not apply.

vi. R.S. 47:301(13)(c) excludes from taxable sales price the first $50,000 paid for new farm equipment used in poultry production.

(a). This exclusion applies only to the price of property that is identifiable at the time of sale as being for use in poultry production.

(b). The exemption is available only to commercial producers who sell poultry or the products of poultry in commercial quantities.

(c). The portion of the sales price of any item of commercial farm equipment in excess of $50,000 will be included in the taxable sales price.

vii. R.S. 47:301(13)(e) excludes the value of payments made directly to retail dealers by manufacturers
seeking a reduction in the price retail dealers charge for the manufacturers' products. These payments, often called buy downs, are applied by the retail dealer to the selling prices of the manufacturer's products. Retail dealers must collect the tax on the discounted sales price after applying the manufacturers' payments.

vii. In cases where all or a part of the purchase price of tangible personal property is paid to the selling dealer by the presentation of a coupon, the determination of the taxable sales price will depend on the type of coupon that is presented.

(a) Manufacturer's coupons that the selling dealer accepts from the customer and can be redeemed through a manufacturer or coupon agent are not allowed as a reduction of the sales price. Because the retailer's total compensation includes the amount paid by the customer after presenting the coupon and the amount reimbursed by the manufacturer for the coupon's face value, the tax is based on the actual selling price of the item before the discount for the coupon.

(b) The retailer's own coupons, which the selling dealer is unable to redeem through another party, provides a cash discount that can be excluded from the sales price. The sales tax on a sale involving this type of coupon will be computed on the price paid after an allowance for the selling dealer's coupon discount.

d. R.S. 47:301(13)(d) provides that, in the case of the sale by a manufacturer of refinery gas or other petroleum byproducts that are to be used by the purchasers as other than feedstock, the taxable sales price shall be the greater of:
   i. the actual sales price of the byproducts, or
   ii. the average monthly spot market price per thousand cubic feet of natural gas delivered into pipelines in Louisiana, as reported by the Natural Gas Clearing House at the time of such sale.

* * *

AUTHORITY NOTE: Promulgated in Accordance with R.S. 47:301.

HISTORICAL NOTE: Promulgated by the Department of Revenue and Taxation, Sales Tax Section, LR 13:107 (February 1987), amended by the Department of Revenue and Taxation, Sales Tax Division, LR 21:957 (September 1995), LR 22:855 (September 1996), amended by the Department of Revenue, Policy Services Division, LR 27:

Family Impact Statement

As required by Act 1183 of the 1999 Regular Session of the Louisiana Legislature the following Family Impact Statement is submitted to be published with the notice of intent in the Louisiana Register. A copy of this statement will also be provided to our legislative oversight committees.

1. The effect on the stability of the family. Implementation of this proposed rule will have no effect on the stability of the family.

2. The effect on the authority and rights of parents regarding the education and supervision of their children. Implementation of this proposed rule will have no effect on the authority and rights of parents regarding the education and supervision of their children.

3. The effect on the functioning of the family. Implementation of this proposed rule will have no effect on the functioning of the family.

4. The effect on family earnings and family budget. Implementation of this proposed rule will have no effect on family earnings and family budget.

5. The effect on the behavior and personal responsibility of children. Implementation of this proposed rule will have no effect on the behavior and personal responsibility of children.

6. The ability of the family or a local government to perform the function as contained in the proposed rule. Implementation of this proposed rule will have no effect on the ability of the family or a local government to perform this function.

Interested persons may submit data, views, or arguments, in writing to Raymond E. Tangney, Senior Policy Consultant, Policy Services Division, P.O. Box 15409, Baton Rouge, LA 70895-5409 or by fax to (225) 925-3855. All comments must be submitted by 4:30 p.m., Friday, August 24, 2001. A public hearing will be held on Tuesday, August 28, 2001, at 1:00 p.m. in the Department of Revenue Secretary’s conference room, 330 North Ardenwood Drive, Baton Rouge, LA.

Raymond E. Tangney
Senior Policy Consultant

FISCAL AND ECONOMIC IMPACT STATEMENT
FOR ADMINISTRATIVE RULES

RULE TITLE: Definition of Sales Price

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

Implementation of this proposed regulation, which clarifies the definition of sales price for state sales tax purposes, will have no impact on the agency’s costs.

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

There should be no effect on revenue collections of state or local governmental units as a result of this proposed regulation. The proposed rule reflects and incorporates statutes, departmental policies and court decisions consistent with current sales tax collections.

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

This proposed regulation would have no effect on the costs or economic benefits to vendors, manufacturers, or purchasers of tangible personal property in Louisiana.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

This proposed regulation should have no effect on competition or employment.
NOTICE OF INTENT

Department of Treasury
Bond Commission

Fee Schedule and Fee Rebate
(LAC 71:III.301, 1301, and 1901)

In accordance with the applicable provisions of the Administrative Procedure Act, R.S. 49:950 et seq., and R.S. 39:1405.1, notice is hereby given that the Bond Commission intends to amend LAC Title 71, Part III in accordance with R.S. 39:1405.1(B) as amended by Act 431 of the 2001 Regular Session of the Legislature. This Act, in effect, removes the rebate of excess fees attributable to private purpose bonds.

Title 71
TREASURY

Part III. Bond Commission

Chapter 3. Non-Traditional Tax-Exempt Projects

§301. General
A. - A.13.k. …

AUTHORITY NOTE: Promulgated in accordance with R.S. 49:950 et seq.

Chapter 13. Disclosure

§1301. Disclosure of Agreements between Financial Professionals for Negotiated Transactions
A. - B. …

C. In order to insure the integrity of the structure of the financing team which the commission is charged with the responsibility of choosing and/or approving for handling bond issues, the commission hereby amends the following rule regarding agreements by and between such financial professionals as to the sale of such bonds.

C.1. - C.4.b. …

AUTHORITY NOTE: Promulgated in accordance with R.S. 49:950 et seq.
HISTORICAL NOTE: Promulgated by the Department of the Treasury, Bond Commission, LR 20:320 (March 1994), amended LR 27:

Chapter 19. Fee Schedule

§1901. Fee Schedule
A. Pursuant to R.S. 30:1405.1(B), the treasurer is authorized after such appropriation, to rebate, on a pro rata basis, the amount of such excess fees attributable to general government agencies, as defined in the State Bond Commission’s fee schedule, and otherwise in its rules and regulations, to the issuers of such general government issues paying closing fees for such issues in the fiscal year during which the fees were imposed. In no event, however, shall this rebate provision apply to application fees. The provisions of this rule apply to the Bond Commission fee schedule listed herein.

B. General Government Issues*

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* To be levied on debt instruments with maturities in excess of 12 months excluding budgetary loans made under the provisions of La. R.S. 39:745, 17:89, 33:9901.

**Application fee will be credited toward the closing fee when bonds are issued, sold or delivered.

*** Private purpose bonds are defined as bonds the proceeds of which are used primarily for the benefit of a private company or enterprise or the payment on such bonds, are paid from revenues derived from private enterprise or concern, regardless of the issuer or the tax exempt status of the debt.

AUTHORITY NOTE: Promulgated in accordance with R.S. 39:1405.1.
HISTORICAL NOTE: Promulgated by the Department of Treasury, Bond Commission, LR 27:

In compliance with Act 1183 of the 1999 Regular Session of the Legislature, the impact of this proposed Rule on the family has been considered. This proposed Rule has no known impact on family functioning, stability, or autonomy as described in R.S. 49:372.

Interested parties may submit written comments to Sharon Perez, Director of the State Bond Commission, Department of the Treasury, P.O. Box 44154, Baton Rouge, LA 70804, or by facsimile to (225) 342-0064. All comments must be submitted by 4:30 p.m., August 24, 2001.

Ron J. Henson
First Assistant State Treasurer

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES
RULE TITLE: Fee Schedule and Fee Rebate

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)
These rules implement provisions of Act 431 of the 2001 Regular Session of the Legislature which removed the Bond Commission’s authorization to rebate any excess collected fees back to non-governmental applicants. The fees are collected as self-generated revenues by the Bond Commission for its
operations and the excess over operating costs are rebated to the private purpose issuers as an Other Charges line item expenditure. The five (5) year average of excess private bond issue closing fees that have been rebated to private issuers is approximately $262,000.

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

There is no effect on revenue collections of the state or local government units to implement the adoption of this proposed rule.

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

This proposed rule will reduce the rebate of excess fees to issuers of private purpose bonds. The estimated impact for all issuers is approximately $262,000 annually. The impact to each individual private issuer is estimated to be nominal as this represents and is considered a part of the cost of issuance and is funded at the time of the bond issuance.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

There is no estimated effect on competition or employment by the adoption of this proposed rule.

Ron J. Henson  
First Assistant State Treasurer  
0107#040  

H. Gordon Monk  
Staff Director  
Legislative Fiscal Office  

NOTICE OF INTENT

Department of Wildlife and Fisheries  
Wildlife and Fisheries Commission  

Wild Quadrupeds (LAC 76:V.119)

The Wildlife and Fisheries Commission does hereby give notice of its intent to amend the Rule pertaining to participation in the Landowner Antlerless Deer Tag Program.

Title 76  
WILDLIFE AND FISHERIES  
Part V. Wild Quadrupeds and Wild Birds  
Chapter 1. Wild Quadrupeds  

§119. Rules and Regulations for Participation in the Landowner Antlerless Deer Tag Program

A. -A.1.c. …

A. 1.d. Small landowners in Iberville, Pointe Coupee and West Baton Rouge Parishes who do not qualify for the Deer Management Assistance Program but do have more than 20 acres but less than 500 acres of forested land may be allowed to participate in the Landowner Antlerless Deer Tag Program provided that the land shall be posted with signs erected at the same intervals as specified in the Deer Management Assistance Program.

A.2. -A.5.a. …

AUTHORITY NOTE: Promulgated in accordance with R.S. 56:115.

HISTORICAL NOTE: Promulgated by the Department of Wildlife and Fisheries, Wildlife and Fisheries Commission, LR 26:2011 (September 2000), amended LR 27:

The Secretary of the Department of Wildlife and Fisheries is authorized to take any and all necessary steps on behalf of the Commission to promulgate and effectuate this notice of intent and the final rule, including but not limited to, the filing of the fiscal and economic impact statements, the filing of the notice of intent and final rule and the preparation of reports and correspondence to other agencies of government.

Interested persons may submit comments relative to the proposed rule to Mr. Tommy Prickett, Wildlife Division, Department of Wildlife and Fisheries, Box 98000, Baton Rouge, LA 70898-9000, prior to Thursday, September 6, 2001.

In accordance with Act#1183 of 1999, the Department of Wildlife and Fisheries/Wildlife and Fisheries Commission hereby issues its Family Impact Statement in connection with the preceding Notice of Intent: This Notice of Intent will have no impact on the six criteria set out at R.S. 49:972(B).

Dr. H. Jerry Stone  
Chairman  

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES

RULE TITLE: Wild Quadrupeds  

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

The implementation costs of the proposed rule to state government is estimated to be $6,250. Local government units will not be affected.

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

The state will charge a $25 administrative processing fee to landowners in Iberville, Pointe Coupee and West Baton Rouge Parishes that choose to participate in the Landowner Antlerless Deer Tag Program. It is anticipated that 250 landowners will enroll in this program during fiscal year 2001/2002. This will result in an estimated increase in state revenue collections of $6,250. Local government unit revenues will not be affected.

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

Landowners in Iberville, Pointe Coupee and West Baton Rouge Parishes enrolling in the Antlerless Deer Tag Program will be required to pay a $25 administrative processing fee to receive deer tags associated with the program as determined by Deer Management Program personnel. They will also be required to maintain deer harvest and tag utilization records. Benefits will occur to landowners and recreational deer hunters from increased recreational hunting opportunities and the quality of deer harvested over time on these lands.

The Department does not anticipate any significant impacts on receipts or income as a result of the proposed rule amendment.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

There will be no effect on competition and employment.

James L. Patton  
Undersecretary  
0107#048  

H. Gordon Monk  
Staff Director  
Legislative Fiscal Office
Legislation

LEGISLATION
State Legislature
House of Representatives

House Concurrent Resolution Number 135
of the 2001 Regular Session
by Representative Bowler

Insurance Severability Provisions

A CONCURRENT RESOLUTION to amend the severability provisions of certain regulations adopted by the Department of Insurance.

WHEREAS, R.S. 49:969 authorizes the legislature to suspend, amend, or repeal any rule adopted by a state department agency, board, or commission; and

WHEREAS, within certain regulations adopted by the Department of Insurance, there are severability provisions which are contrary to the standard severability language provided by law for statutes; and

WHEREAS, such severability clauses may result in the unfair application of the regulations.

THEREFORE, BE IT RESOLVED that the Legislature of Louisiana does hereby amend, in their entirety, the following severability provisions in the rules adopted by the Department of Insurance, to wit: Section 23 of Regulation No. 33, Article XII of Regulation No. 35, Section 12 of Regulation No. 55, Section 3 of Regulation No. 56, and Section 64 of Regulation No. 64, all to read as follows: "If any provision of item of this regulation, or the application thereof, is held invalid, such invalidity shall not affect other provisions, items, or applications of the regulation which can be given effect without the invalid provisions, item, or application."

BE IT FURTHER RESOLVED THAT A COPY OF THIS resolution shall be immediately transmitted to the Louisiana Register, which is authorized and requested to publish a summary of this Resolution within forty-five days of its signing by the presiding officers of the legislature.

Charles Dewitt                  John J. Hainkel, Jr.
Speaker of the House of
Representatives

President of the Senate

0107#050
## Administrative Code Update

**CUMULATIVE: JANUARY – JUNE 2001**

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<td>61</td>
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<td>Feb. 207</td>
<td>71</td>
<td>I.Chapter 9</td>
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<td>III.5101</td>
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<td>June 866</td>
<td>76</td>
<td>III.333</td>
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<td>June 868</td>
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<td>III.5383</td>
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<td>V.101</td>
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<td>V.501</td>
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</table>
POTPOURRI

Department of Health and Hospitals
Board of Embalmers and Funeral Directors

Embalmer/Funeral Director Examiners

The Board of Embalmers and Funeral Directors will give the National Board /Funeral Director and Embalmer/Funeral Director exams on Saturday, Sept. 8, 2001 at Delgado Community College, 615 City Park Ave., New Orleans, LA.

Interested persons may obtain further information from the Board of Embalmers and Funeral Directors, Box 8757, Metairie, LA 70011, (504) 838-5109.

Dawn Scardino
Executive Director

POTPOURRI

Department of Health and Hospitals
Board of Veterinary Medicine

Fall and Winter Exam Dates

The Louisiana Board of Veterinary Medicine (Board) will accept applications to take the North American Veterinary Licensing Examination (NAVLE) which will be administered through the National Board Examination Committee (NBEC) as follows:

<table>
<thead>
<tr>
<th>Test Window Dates</th>
<th>Deadline to Apply</th>
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</thead>
<tbody>
<tr>
<td>November 19 through December 15, 2001</td>
<td>Tuesday, September 18, 2001</td>
</tr>
</tbody>
</table>

The Board will administer the state examination for licensure to practice veterinary medicine on the first Tuesday of every month. Deadline to apply for the State Board Examination (SBE) is the third Friday prior to exam date desired. SBE dates are subject to change due to office closure (i.e. holiday, weather).

Applications for all examinations must be received on or before the deadline. Late applications will not be accepted. Application forms and information may be obtained from the board office at 263 Third Street, Suite 104, Baton Rouge, LA 70801 and by visiting the website at www.lsbtm.org or may be requested by calling (225) 342-2176 or by email at lbvm@eatel.net.

Kimberly B. Barbier
Administrative Director

POTPOURRI

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

Private Intermediate Care Facilities for the Mentally Retarded
New Reimbursement Rates

Effective for dates of service July 1, 2001 and thereafter, the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing establishes the following reimbursement rates for private intermediate care facility services for the mentally retarded:

<table>
<thead>
<tr>
<th>Level</th>
<th>1-8 Beds Per Diem Rate</th>
<th>1-8 Beds Monthly Rate</th>
<th>9-32 Beds Per Diem Rate</th>
<th>9-32 Beds Monthly Rate</th>
<th>33+ Beds Per Diem Rate</th>
<th>33+ Beds Monthly Rate</th>
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</thead>
<tbody>
<tr>
<td>1</td>
<td>$120.51</td>
<td>$3,665.51</td>
<td>$105.60</td>
<td>$3,212.00</td>
<td>$98.03</td>
<td>$2,981.75</td>
</tr>
<tr>
<td>2</td>
<td>$130.04</td>
<td>$3,955.38</td>
<td>$113.83</td>
<td>$3,462.33</td>
<td>$100.94</td>
<td>$3,734.56</td>
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<tr>
<td>3</td>
<td>$141.66</td>
<td>$4,308.83</td>
<td>$122.78</td>
<td>$3,734.56</td>
<td>$126.85</td>
<td>$4,030.51</td>
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<td>4</td>
<td>$145.08</td>
<td>$4,412.85</td>
<td>$132.51</td>
<td>$4,030.51</td>
<td>$136.12</td>
<td>$4,140.32</td>
</tr>
</tbody>
</table>

It should be noted that these rates include a provider fee of $10.93.

Inquiries regarding these rates may be directed to the Director of Institutional Reimbursement, Bureau of Health Services Financing, P.O. Box 91030, Baton Rouge, LA 70821-9030.

David W. Hood
Secretary

POTPOURRI

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

Private Nursing Facilities
New Reimbursement Rates

Effective for dates of service July 1, 2001 and thereafter, the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing establishes the following rates for private nursing facility services:

<table>
<thead>
<tr>
<th>Level Of Care</th>
<th>Daily</th>
<th>Monthly</th>
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<tbody>
<tr>
<td>Skilled Nursing</td>
<td>$83.82</td>
<td>$2,549.53</td>
</tr>
<tr>
<td>Intermediate Care I</td>
<td>$80.41</td>
<td>$2,445.80</td>
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<tr>
<td>Intermediate Care II</td>
<td>$80.41</td>
<td>$2,445.80</td>
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</table>
It should be noted that the above rates include a provider fee of $5.56.

Please note that these rates will be revised upward upon approval of the Centers for Medicare and Medicaid Services (CMS) of an amendment to the Medicaid State Plan. The amendment will require basing nursing facility rates at the 62nd percentile for each cost category rather than the 60th percentile currently in effect. Upon approval, the revised rates will be implemented retroactive to July 1, 2001.

Inquiries regarding these rates may be directed to the Director of Institutional Reimbursement, Bureau of Health Services Financing, P.O. Box 91030, Baton Rouge, LA 70821-9030.

David W. Hood
Secretary

0107#064

POTPOURRI
Department of Insurance
Office of the Commissioner

Viatical Settlements and License Requirements

The number of viatical related complaints is increasing here and in other states. As such, additional measures will be taken in an effort to educate the general public about the risks and potential problems associated with viatical settlements. It has come to our attention that some licensed life insurance agents may be participating in the sale/negotiation of life insurance policies by soliciting funds on behalf of viatical settlement providers.

This Bulletin is to advise that all Louisiana licensed life insurance agents must meet certain requirements before they can solicit funds on behalf of a Viatical Settlement Provider or negotiate in any manner, the sale of life insurance policies.

Regulation 58 and sections 201 through 210.1 of the Louisiana Insurance Code, R.S. 22:1 et seq., require that:

1) you be currently licensed as a life insurance agent;
2) you complete and submit the “Application To Act as a Viatical Settlement Broker in the State of Louisiana;”
3) the application be approved by this Department; and
4) you must be appointed by a licensed Viatical Settlement Provider. Failure to abide by these requirements will result in administrative action against you.

J. Robert Wooley
Acting Commissioner of Insurance

0107#060

<table>
<thead>
<tr>
<th>Operator</th>
<th>Field</th>
<th>District</th>
<th>Well Name</th>
<th>Well Number</th>
<th>Serial Number</th>
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In accordance with the provisions of R.S. 56:700.1 et seq., notice is given that 2 claims in the amount of $3,871.39 were received for payment during the period June 1, 2001 - June 30, 2001. There were 2 claims paid and 0 claims denied.

Loran Coordinates of reported underwater obstructions are:

2947  8949  Plaquemine  Cameron
2951  9319

A list of claimants and amounts paid can be obtained from Verlie Wims, Administrator, Fishermen's Gear Compensation Fund, P.O. Box 94396, Baton Rouge, LA 70804 or you can call (225)342-0122.

Jack C. Caldwell
Secretary

0107#066

POTPOURRI

Department of Natural Resources
Office of the Secretary

Loran Coordinates

Philip N. Asprodites
Commissioner

0107#065

Department of Natural Resources
Office of the Secretary

Loran Coordinates

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Jack C. Caldwell
Secretary

0107#066
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<td>672-794 ................................ May</td>
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PPM Policy and Procedure Memoranda
ERCEmergency Rule
RCRule
NCNotice of Intent
CCCommittee Report
LCLegislation
PCPotpourri

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